



CITY OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

12 MARCH 2013

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INDEX (12 MARCH 2013)

ITEM	REPORT DESCRIPTION	PAGE
9.1 PLANNING SERVICES		
9.1.1	No. 25 (Lot 3; D/P 11538) Green Street, Corner of Dunedin Street, Mount Hawthorn – Proposed Change of Use from Shop to Eating House and Unlisted Use (Small Bar) and Associated Additions and Alterations (PRO0604; 5.2012.545.1)	74
9.1.2	No. 69 (Lot: 101 D/P: 67440) Brewer Street, Perth - Proposed Change of Use from Office to Unlisted Use (Bed and Breakfast) (PRO5702; 5.2012.548.1)	114
9.1.3	Nos. 372-376 (Lot 1; D/P 931) Fitzgerald Street, corner Raglan Road, North Perth – Proposed Signage Addition to Existing Shop (Pharmacy) (Application for Retrospective Approval) (PRO1690; 5.2012.557.1)	60
9.1.4	FURTHER REPORT: Draft Heritage Strategic Plan 2013-2017 – Advertising for Public Comment (PLA0088)	124
9.1.5	No. 4 (Lot 103; D/P 2848) Matlock Street, Mount Hawthorn – Proposed Demolition of Existing Single House (PRO4243; 5.2013.17.1)	91
9.1.6	Proposed Scheme Amendment No. 35 to Town Planning Scheme No. 1, relating to No. 101 (Lot 16) Scarborough Beach Road, Mount Hawthorn being rezoned from 'Residential R60' to 'Commercial' (PLA0245/PRO0637)	10
9.1.7	Amendment No. 103 to Planning and Building Policies – Amendment to Policy No. 3.5.22 and 3.5.3 and Rescission of Policy No. 3.5.4 and 3.5.9 (PLA0249)	15
9.1.8	Review of the City's Significant Tree Inventory and Amendment No. 110 to Planning and Building Policy Manual – Policy No. 3.6.3 relating to the Trees of Significance Inventory (PRO0092)	127
9.1.9	Local Government Energy Efficiency Program (LGEEP) Grant Application (FIN0204)	19
9.1.10	State Planning Strategy (Draft) – Submission to Western Australian Planning Commission (ORG0027)	23
9.2 TECHNICAL SERVICES		
9.2.1	Auckland/Hobart Street Reserve – Mount Hawthorn Proposed Installation of Unisex Toilet Facility and Improved Parking— Progress Report No. 2 (RES0037)	139
9.2.2	FURTHER REPORT: Brisbane Terrace, Perth - Proposed Changes to 'On Road' Parking Restrictions – Consideration of Submissions (PKG0055)	144
9.2.3	FURTHER REPORT: Purslowe Street, Mount Hawthorn - Proposed Traffic Management - Consideration of Submissions (TES0320)	27
9.2.4	Muriel Place, Leederville - Proposed Introduction of Two (2) Hour Parking Restrictions (TES0527)	30
9.2.5	Forrest Park, Mt Lawley – Approval of a Concept Option – Progress Report No. 4 (RES0003)	97
9.2.6	Proposed Reintroduction of Two-way Traffic on Beaufort and William Streets, Perth – Progress Report No. 8 (TES0473)	147

9.3 CORPORATE SERVICES

- 9.3.1 Beatty Park Redevelopment, 220 Vincent Street, North Perth - Progress Report No. 16 (CMS0003) 33 & 152

9.4 COMMUNITY SERVICES

- 9.4.1 Draft Mobile Food Vendor Policy – Approval (ENS0133) **[Absolute Majority Decision Required]** 69
- 9.4.2 Multicultural Plan 2013 – 2017 – Adoption in Principle (CMS0076) **[Absolute Majority Decision Required]** 168
- 9.4.3 3on3 Basketball Competitions – At Weld Square (CMS0084) 46
- 9.4.4 Perth International Jazz Festival 2013 at Weld Square – Approval (CMS0057) 49
- 9.4.5 Cultural Development Seeding Grant – Perth International Comedy Festival (FIN0155) 52
- 9.4.6 No. 742 (Lot 30; D/P 42555) Newcastle Street, Leederville – Approval of Application for Additional Outdoor Eating Area for Leederville Hotel, (PRO0630) 106

9.5 CHIEF EXECUTIVE OFFICER

- 9.5.1 Use of the Council's Common Seal (ADM0042) 54
- 9.5.2 Tamala Park Land Transfer Act 2001 – Response to Minister for Local Government (56
- 9.5.3 Information Bulletin 58

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

- 10.1 Cr John Carey - Request to Investigate Fees and/ Penalties as a Mechanism to Deter Long Term Vacant Properties in the City of Vincent. 174

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

- Nil 176

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

- Nil 176

13. URGENT BUSINESS

- Nil 176

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

- 14.1 Nos. 193-195 Scarborough Beach Road, Mount Hawthorn – Application to Keep Peafowls 177

15. CLOSURE

- 184

Minutes of the Ordinary Meeting of Council of the City of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 12 March 2013, commencing at 6.14pm.

1. (a) DECLARATION OF OPENING

The Presiding Member, Mayor Hon. Alannah MacTiernan, declared the meeting open at 6.14pm, apologised for the late start to the meeting and read the following Acknowledgement of Country Statement:

(b) ACKNOWLEDGEMENT OF COUNTRY STATEMENT

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

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

2.1 Cr Roslyn Harley – due to personal reasons.

(b) Members on Approved Leave of Absence:

Nil.

(c) Present:

Mayor Hon. Alannah MacTiernan Presiding Member

Cr Warren McGrath (*Deputy Mayor*) South Ward

Cr Matt Buckels North Ward

Cr John Carey South Ward

Cr Dudley Maier North Ward

Cr John Pintabona South Ward

Cr Joshua Topelberg South Ward

Cr Julia Wilcox North Ward

John Giorgi, JP Chief Executive Officer

Rob Boardman Director Community Services

Carlie Eldridge Director Planning Services

Rick Lotznicker Director Technical Services

Mike Rootsey Director Corporate Services

Jerilee Highfield Executive Assistant (Minutes Secretary until 9.50pm)

Employee of the Month Recipient

Larah Di Nella, Prue Reddingius and Cristina D'Agostina Health Services
(until approximately 6.47pm)

Media

Lauren Stringer Journalist – "*The Guardian Express*" (until approximately 9.31pm)

David Bell Journalist – "*The Perth Voice*" (from 7.30pm until approximately 9.50pm)

Approximately 21 Members of the Public.

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

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

1. Bill McNerney of 2 Matlock Street, Mount Hawthorn – Item 9.1.5 Stated the following:
 - He thanked the Council for the signage and street scaping of the City of Vincent, he appreciated the enhancement and beautification of the City.
 - That all street owners have maintained their structures towards a Federation style, beautifying homes but also building on what their family needs are by extending the homes to the rear.
 - He asked that the Council reject the demolition of 4 Matlock Street, Mount Hawthorn as it would destroy the urban landscape and what attracts people to Mount Hawthorn and over the years.
2. Norelle O'Neill of 1 Matlock Street, Mount Hawthorn – Item 9.1.5 Stated the following:
 - I am in full agreement with the previous speaker, Mr McNerney and stated i am disappointed that there is no Streetscape Policy in place.
 - That the Council please consider what is before you and that is under 9.1.5 points 2 and points 6- in particular Clause 6 – which; “related to any redevelopment to the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the City of Vincent Town Planning Scheme and associated Policies.”
 - I have a major concern with this Clause, in that the demolition has deep community significance and if it is passed with the current Officer Recommendation, it sets a really dangerous precedent. - that anything can simply be demolished in our City without any justification or any plan for what is going to replace it in size, design or impact on our community and that is really disturbing.
 - So I think it is a really opportune time that we address not only the rejection of the demolition but also we look at the streetscape Policy being put in place so that we are not at the mercy of anyone who chooses to destroy our history.
3. Paul Mavor of 25 Green Street, Mount Hawthorn – Item 9.1.1 Stated the following:
 - That he planned to establish a small bar with modern decor, catering to a sophisticated and corporate clientele, they would offer Tapas style food, featuring a large portion of local produce as well as low level music. He had received a broad community support for the proposal which included a two hundred and seventy five (275) page petition in favour and thirteen (13) letter in favour and the City’s Planning Officer recommended for this Item to be approved.
 - He asked that the Council to approve his venue and the restrictions on trade be removed as per Clauses 2.3 &4 within the Officer Recommendation. He felt that there were enough other venues operating under the trading hours required under the *Liquor Control Act* and asked if he could be give the same opportunity.
4. Phil Rawlinson of 46 Grosvenor Road, Mount Lawley – Item 10.1 Stated the following:
 - That he had four main points regarding this matter. He had attended the Council meeting with his neighbour at 151-155 Brisbane Street, Perth adjoining a vacant lot at 157 Brisbane Street, Perth.
 - His first main concern related to the Current vacant lot next door to them had no fencing, is littered with building debris, rubble, general rubbish, weeds and high grass. The boundary wall is covered with graffiti and constantly sweeping up rubbish that blows out from the block. Bonfires had been lit in the winter season.
 - His second main concern related to the pedestrians that come through the area and the vacant block and during last year’s verge collection building and general rubble were left on the vacant block including rusty metal were left blocking the footpath for over a month.

- His third main concern related to the Council who he had been communicating with for over one (1) year relating to the vacant block, he sympathised with the difficulties that the Council faced with Notices being served and are ignored by the owner.
 - He advised that they would offer support to the Council for cleaning up the site and installing a cyclone fence and then to charge the owners for the costings.
 - His final concern was for all vacant block owners have guidelines for fencing and maintenance.
5. Craig Whiteley of 9 Barlee Street, Mount Lawley – Item 9.2.5 Stated the following:
- He thanked the Council for listening to the local residents and voting for a barrier.
 - He asked the Council to vote for a permanent barrier/hedge. If a semi permanent/temporary fence is chosen - who would be responsible for placing it up and then removing it. The barrier has to be significant enough to allow for active sport on one side and passive on the other side without interruptions to each activity.
 - The fencing and planting at Jack Marks Reserve had really worked well.
6. Donelle Phillips of 16 Barlee Street, Mount Lawley – Item 9.2.5 Stated the following:
- That the list of options that were presented were a very good range, however Options 1B and 2A are both very reasonable.
 - That this park is paid for by the ratepayers and at the previous meetings the Council advised they would consider Options 1 and 2 and if this decision is to be reserved.
 - She asked for the Council to approve Options 1B and 2A.
7. Danae Watkins of 9 Barlee Street, Mount Lawley – Item 9.2.5 Stated the following:
- That she had been dealing with the Forrest Park issue since the original Public Open Forum about six (6) years ago, which they had to achieve one hundred (100) signatures.
 - That the Mayor had recently being reported in an article in The West Australian regarding that there is a lack of public open space in the City of Vincent, where there are a lot of young families living.
8. Debbie Saunders of 150 Oxford Street, Leederville – Item 9.4.6 Stated the following:

She asked the Chief Executive Officer if he had received her petition as she had handed it into the City's Customer Service Section and emailed copies to the Councillors. The Chief Executive Officer advised that he had not received any petition she stated:

- That together with the One Hundred and Twenty Nine (129) signature petition provided to the Council today and expressed her main concerns after reading the Agenda Item and seeing the application from the Hotel and the Officers Recommendation to approve the application.
- That the Council should not approve the Officer Recommendation, according to City of Vincent Local Trading Law in Public Places, "2.1.7 matters to be considered in determining the application is whether or not the outdoor eating area would impede pedestrian access".
- That this application would impede the pedestrian access as it did not leave a wide enough footpath for pedestrians to get back.
- That she believed that there were more important Strategic Planning Objectives which included the promoting and fostering of communities, Safety and Security and promoting health and wellbeing in the Community.

9. Deanna Hosmany of 7 Brady Street, Mount Hawthorn – Item 9.2.5 Stated the following:
 - She asked if the Council could consider that a Notice of proposed changes to Forrest Park be erected at the park, to allow regular users of the park an opportunity to comment on the proposed changes.
10. Stewart Lofthouse of 123 Oxford Street, Leederville – Item 9.4.6 Stated the following:
 - He asked the Council with regarding the Agenda Item what would happen as the petition had now been presented.

The Presiding Member Mayor Hon. Alannah MacTiernan advised that the petition will be read out.
 - He stated that the Hotel had already been advertising the use of the outdoor area to start on Sunday 17 March 2013.
11. Mary Rodgers of 32A Raglan Road, Mount Lawley – Item 9.2.5 Stated the following:
 - As an owner/occupier of the current location that the Council support Option 2B.
12. Brendan Pearse of 129 Dunedin Street, Mount Hawthorn – Item 9.1.1 Stated the following:
 - That the street is a very family orientated location, where there are kids that play outdoors and would be disappointed if there is unrestricted use of the small bar with any parking issues and anti-social behaviour that the bar may bring.
13. Michelle Cross of 45 Harold Street, Mount Lawley – Item 9.2.5 Stated the following:
 - She asked for the Council to vote for Option 2A or 2B and would like the current streetscape to stay the same and to please listen to the Community and bring a change into the Park.

There being no further speakers, Public Question Time closed at approx. 6.41pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

- 4.1 Mayor Hon. Alannah MacTiernan requested leave of absence from 18 March 2013 to 19 March 2013 (inclusive), due to personal commitments.
- 4.2 Cr McGrath requested leave of absence from 13 March 2013 to 15 March 2013 (inclusive), due to work commitments.
- 4.3 Cr McGrath requested leave of absence from 23 March 2013 to 25 March 2013 (inclusive), due to personal commitments.

Moved Cr Pintabona, Seconded Cr Topelberg

That the Mayor Hon. Alannah MacTiernan and Cr Warren McGrath request for leave of absence be approved.

CARRIED UNANIMOUSLY (8-0)

(Cr Harley was an apology for the Meeting.)

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

- 5.1 Petition received from Deborah Saunders of 150 Oxford Street, Leederville along with 129 signatures requesting the refusal of the Leederville Hotel's application for an additional outdoor eating area as it contravenes numerous Vincent Local Laws in relation to Trading in Public Places and Outdoor Eating Policy No. 3.8.1 Also the consumption of alcohol is something we believe does not need promoting by creating more space into public domain to do so.

The Chief Executive Officer advised that the petition before him only had 9 signatures and will need more time to ascertain the full extent.

Moved Cr Pintabona, Seconded Cr Buckels

That the petition be received as recommended and be considered during debate on the Item.

CARRIED UNANIMOUSLY (8-0)

(Cr Harley was an apology for the Meeting.)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

- 6.1 Minutes of the Ordinary Meeting of Council held on 26 February 2013

Moved Cr Pintabona, Seconded Cr Buckels

That the Minutes of the Ordinary Meeting of Council held 26 February 2013 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY (8-0)

(Cr Harley was an apology for the Meeting.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

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

7.1 **Employee Of The Month Award For The City Of Vincent For February 2013**

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

The Employee of the Month Award for February 2013 is awarded jointly to the City's Environmental Health Officers:

- Larah Di Nella, Acting Manager Health Services;
- Prue Reddingius, Senior Environmental Health Officer; and
- Cristina D'Agostino and Catherine Feeney, Environmental Health Officers.

The Chief Executive Officer, John Giorgi, has nominated the Section for this Award as a result of an email received from Paul Fletcher and Aaron Rutter of Jump climb thanking the City's for all their efforts in assisting a very successful Fringe World 2013 Festival.

Mr Fletcher and Mr Rutter conducted a Fringe World Event called the Noodle Palace and Bok Choy ballroom at a premises in Beaufort Street, Highgate. Unfortunately at the time the necessary approvals had not been obtained by the City, however the premises were widely advertised.

JumpClimb thanked the City for all the great efforts and team work in assisting them to run a very successful event; and stated as follows:

"... thank you for all the time, effort, and running around you all have done for us over the past month for Fringe World Beaufort Street. Given the time constraints and pressure your team was under to allow us to execute this venue, City of Vincent excelled in all areas, and for that we are extremely grateful."

The City's Environmental Health Officers worked above and beyond the call of duty to ensure the necessary approvals were obtained and conditions were frequently monitored during the month of February to ensure that noise and other complaints to nearby residents were kept to an absolute minimum.

The Fringe World Event at the Premises was most successful and contributed to the ambience of the City for Beaufort Street.

The Noodle Palace and the Bok Choy ballroom were announced in late February as the overall winner of the best venue at Fringe World 2013 for the whole of the metropolitan area.

It is always pleasing to receive correspondence such as this, where positive actions of the City and the City's employees are brought to notice.

Congratulations to all the team - and well done!

Received with Acclamation!

7.2 **Elections**

Today I had written to out going member for Perth John Hyde and thanking him for his great contribution to the community in his twelve years as our local member and this time before that as Mayor and Councillor in Vincent.

I expressed the hope he stayed involved in our community. I also wrote to Eleni Evangel congratulating her on her victory and letting her know we would look forward to working together for the benefit of our community.

7.3 **Agenda Item 9.4.1 – Draft mobile vendor policy**

The Chief Executive Officer requests that this item be deferred to allow for further investigations to be carried out.

7.4 **Agenda Item 9.1.3 – 372-376 Fitzgerald street, proposed signing to existing pharmacy (retrospective)**

A request has been received from the Applicant to defer this item to allow for further investigations to be carried out concerning the signage.

7.5 **St Patricks Day Festivities**

The St Patrick's Day festivities will be held in Leederville on Sunday 17 March. As you are aware the City is a major sponsor for this year's festivities and the City's Mayor will be the Grand Marshal.

A parade in Oxford Street will commence at 10.00am with the opening ceremony for festivities on Leederville Oval being held at 11.30am.

A special Citizenship Ceremony will also be conducted for about 36 recipients mainly Irish descent.

May I take this opportunity to thank the City's Administration for their hard work, together with the St Patrick's Day committee to arrange for this inaugural festivity in the City of Vincent.

8. DECLARATIONS OF INTERESTS

- 8.1 Cr McGrath declared an Impartiality interest in Item 9.5.3 – Information Bulletin, particularly IB06 - Minutes of the Tamala Park Regional Council Ordinary Meeting held on 21 February 2013. The extent of his interest being that his company is working on the Federal approvals of the Catalina Land Development being proposed by the Tamala Park Regional Council. Cr McGrath stated that as a consequence, there may be a perception that his impartiality on the matter may be affected. He declared that he would consider the matter on its merits and vote accordingly.

- 8.2 Cr Buckels declared an Impartiality interest in Item 9.1.10 – State Planning Strategy (Draft) – Submission to Western Australian Planning Commission. The extent of his interest being that he is employed by the Department of Planning and has been indirectly involved in the preparation of the State Planning Strategy.
- 8.3 Cr Topelberg declared an Impartiality interest in Item 9.1.3 – Nos. 372-376 (Lot 1; D/P 931) Fitzgerald Street, corner Raglan Road, North Perth – Proposed Signage Addition to Existing Shop (Pharmacy) (Application for Retrospective Approval). The extent of his interest being that the applicant is a personal acquaintance and in 2009 he assisted him on the understanding of the City's requirements prior to the submission of his application. He stated that he has not had any correspondence with the applicant since that time and no discussion relating to the current application.
- 8.4 Chief Executive Officer, John Giorgi declared an Impartiality Interest in Item 9.2.5- Forrest Park, Mt Lawley – Approval of a Concept Option – Progress Report No. 4. The extent of his interest being that he is an accredited Soccer referee with Football Federation Australia and as such he may be allocated to referee some junior games at Forrest Park in the future. He further disclosed that he did not have any involvement in the preparation of the Agenda Report, other than his normal review of the items as part of the compilation of the Agenda for the meeting.
- 8.5 Mayor Hon. Alannah MacTiernan declared an Proximity interest in Item 9.2.5 – Forrest Park, Mt Lawley – Approval of a Concept Option – Progress Report No. 4. The extent of her interest being that she owns property and resides in Harold Street opposite Forrest Park.

The Presiding Member Mayor Hon. Alannah MacTiernan departed the Chamber at 6.54 pm – to allow the Council to consider her request to participate in the debate and vote on Item 9.2.5.

Deputy Mayor Cr Warren McGrath assumed the chair.

PROCEDURAL MOTION:

Moved Cr Buckels, Seconded Cr Maier

That Mayor Hon. Alannah MacTiernan's request to participate in the debate and vote on item 9.2.5, be approved as requested.

CARRIED UNANIMOUSLY (7-0)

(Mayor Hon. Alannah MacTiernan was out of the Council Chamber and did not vote.)
(Cr Harley was an apology for the meeting.)

Mayor Hon. Alannah MacTiernan returned to the Chamber at 6.55pm and assumed the Chair.

The Chief Executive Officer informed Mayor Hon. Alannah MacTiernan that her request had been approved, with Deputy Mayor Cr Warren McGrath to preside for the Item.

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

Nil.

10. REPORTS

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

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

Items 9.1.1, 9.1.5, 9.2.5, 9.4.6 and 10.1

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 and 9.4.2.

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

Item 9.2.4

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

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

COUNCIL MEMBER	ITEMS TO BE DISCUSSED
Mayor Hon. MacTiernan	9.2.2
Cr Buckels	9.1.2, 9.1.4, 9.1.8, & 9.4.6
Cr Carey	9.2.6
Cr Harley	Apology for the Meeting.
Cr Maier	9.3.1
Cr McGrath	Nil
Cr Pintabona	Nil
Cr Topelberg	9.2.1 & 9.4.2
Cr Wilcox	Nil

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

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

Items 9.1.6, 9.1.7, 9.1.9, 9.1.10, 9.2.3, 9.2.4, 9.3.1*, 9.4.3, 9.4.4, 9.4.5, 9.5.1, 9.5.2 and 9.5.3

*Item Recommitted during the Meeting.

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

Item 14.1.

New Order of Business:

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

(a) Unopposed items moved *En Bloc*;

Items 9.1.6, 9.1.7, 9.1.9, 9.1.10, 9.2.3, 9.2.4, 9.3.1*, 9.4.3, 9.4.4, 9.4.5, 9.5.1, 9.5.2 and 9.5.3

*Item Recommitted during the Meeting.

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

Items 9.1.1, 9.1.5, 9.2.5, 9.4.6 and 10.1

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

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

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

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

ITEMS APPROVED “EN BLOC”:

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

Moved Cr Maier, Seconded Cr McGrath

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

Items 9.1.6, 9.1.7, 9.1.9, 9.1.10, 9.2.3, 9.2.4, 9.3.1*, 9.4.3, 9.4.4, 9.4.5, 9.5.1, 9.5.2 and 9.5.3

***Item Recommitted during the Meeting.**

CARRIED UNANIMOUSLY (8-0)

(Cr Harley was an apology for the Meeting.)

9.1.6 Proposed Scheme Amendment No. 35 to Town Planning Scheme No. 1, relating to No. 101 (Lot 16) Scarborough Beach Road, Mount Hawthorn being rezoned from 'Residential R60' to 'Commercial'

Ward:	North Ward	Date:	1 March 2013
Precinct:	Leederville (P3)	File Ref:	PLA0245/PRO0637
Attachments:	001 – Scheme Amendment Report		
Tabled Items:	Nil		
Reporting Officer:	T Young, Manager Strategic Planning, Sustainability and Heritage Services		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

1. Pursuant to section 75 of the Planning and Development Act 2005, **RESOLVES** to **INITIATE** Scheme Amendment No. 35 to the City's Town Planning Scheme No. 1 to amend Scheme Map 3 relating to the Leederville Precinct to rezone No. 101 (Lot 16) Scarborough Beach Road, Mount Hawthorn from 'Residential R60' to 'Commercial';
2. **ENDORSES** the Scheme Amendment No. 35 Report as shown in Appendix 9.1.6;
3. **REQUESTS** the Western Australian Planning Commission to grant a reduced advertising period of 21 days under Regulation 25(2)(j)(v) of the Town Planning Regulations 1967 for the following reasons:
 - 3.1 The low degree of complexity of the amendment relating to only one property; and
 - 3.2 A 21 day advertising is adequate time for any affected land owners/residents/stakeholders to provide comment on the proposal; and
4. **FORWARDS** the City's decision to the Western Australian Planning Commission for their consideration.

COUNCIL DECISION ITEM 9.1.6

Moved Cr Maier, Seconded Cr McGrath

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

(Cr Harley was an apology for the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to seek consent from the Council to initiate amend Scheme Map 3 relating to the Leederville Precinct to rezone the property at No. 101 (Lot 16) Scarborough Beach Road, Mount Hawthorn from 'Residential R60' to 'Commercial' under the City's Town Planning Scheme No. 1.

BACKGROUND:

This Scheme Amendment No. 35 has originated from a request from the owner of the subject property at No. 101 (Lot 16) Scarborough Beach Road, Mount Hawthorn, as a result of a recent revelation by the owner that the zoning of the property under the City's Town Planning Scheme No. 1 (Residential R60) differed to that in the City of Perth City Planning Scheme (Commercial) which preceded the City of Vincent Town Planning Scheme No. 1. The latter of which was gazetted on 4 December 1998. Initially the owner was advised by the City's Administration that this anomaly could be addressed as part of the review of the City's Town Planning Scheme No. 2, however given the prolonged time frame associated with the review of the City's entire Scheme, the City's Administration has since reviewed this original advice and agreed to commence this minor Scheme Amendment separately given the zoning error occurred during transfer from the City of Perth. A detailed history pertaining to this matter is outlined in the table below.

History:

Date	Comment
21 September 1984	Approval of No. 101 (Lot 16) and No. 103 (Lot 17) to be rezoned from Zone 16 (Group Practices) to Zone 7A (Offices, Show Rooms and Warehouses) under City of Perth By-Law No. 64.
20 December 1985	City of Perth City Planning Scheme gazetted, showing No. 101 (Lot 16) and No. 103 (Lot 17) Scarborough Beach Road, Mount Hawthorn as zoned 'Commercial C1'.
24 August 1993	Planning Approval issued to No. 101 (Lot 16) Scarborough Beach Road, Mount Hawthorn for Alterations and Additions to Existing Office pursuant to the City of Perth City Planning Scheme.
6 August 1996	Planning Approval issued to No. 101 (Lot 16) Scarborough Beach Road, Mount Hawthorn for Five Bay Car Port Addition to Existing Office pursuant to the City of Perth City Planning Scheme.
4 December 1998	City of Vincent Town Planning Scheme gazetted, showing No. 101 (Lot 16) Scarborough Beach Road, Mount Hawthorn as being zoned 'Residential R60' and the adjacent property at No. 103 (Lot 170) Scarborough Beach Road, Mount Hawthorn to remain zoned 'Commercial'.
6 July 2010	Planning Approval issued for Signage Additions to Existing Office Building pursuant to the City of Vincent Town Planning Scheme No. 1. This Approval resulted in drawing attention to the owner that the subject property at No. 101 (Lot 16) Scarborough Beach Road, Mount Hawthorn, was in fact zoned 'Residential R60' under the City's Town Planning Scheme No. 1 and not 'Commercial', as it was under the City of Perth City Planning Scheme.
4 November 2011	The owner of No. 101 (Lot 16) Scarborough Beach Road, Mount Hawthorn submits information detailing evidence that the subject property was zoned 'Commercial' under the City of Perth City Planning Scheme prior to the gazettal of the City's Town Planning Scheme No. 1 in 1998, which resulted in the property being zoned as 'Residential R60'.
25 November 2011	The City advises the owner of receipt of the documentation received on 4 November 2011 and recommends that the preferred way forward to progress this matter is that the re-zoning of the subject property back to 'Commercial' be considered as part of the review of the City's Town Planning Scheme No. 1. The City also advises that the current Residential R60 zoning on the property does not affect the approved use of 'office' on the site.
20 December 2011	The Council approves the City's Draft Town Planning Scheme No. 2 to be forwarded to the Western Australian Planning Commission to seek consent to advertise. The City currently awaits this consent, anticipated to be conditionally granted by mid 2013.
3 January 2013	The City received an email from the owner of No. 101 (Lot 16)

Date	Comment
	Scarborough Beach Road, Mount Hawthorn formally requesting the City initiate a Scheme Amendment to the City's Town Planning Scheme No. 1, to change the zoning of No. 101 (Lot 16) Scarborough Beach Road, Mount Hawthorn from 'Residential R60' to 'Commercial'.
4 January 2013	The City responds to the owner of the subject property in a letter dated 4 January 2013 supporting the consideration of initiating a Scheme Amendment to change the zoning of No. 101 (Lot 16) Scarborough Beach Road, Mount Hawthorn from 'Residential R60' to 'Commercial' and that the fees be waived.

Previous Reports to Council:

There are no previous reports to Council that relate specifically to this matter.

DETAILS:

This Amendment has been prepared at the written request from the owner of No. 101 (Lot 15) Scarborough Beach Road, Mount Hawthorn to seek Council consideration to amend the City's Town Planning Scheme No. 1 to rezone No. 101 (Lot 16), Scarborough Beach Road, Mount Hawthorn from 'Residential R60 to 'Commercial', to be consistent with the zoning of the property under the City of Perth City Planning Scheme which preceded the City's Town Planning Scheme No. 1.

The City responded to the owner's request in a letter dated 4 January 2013, advising that the City's Administration would seek consent from the Council to initiate the Scheme Amendment and would waiver the fees for the Scheme Amendment, on the basis of the supporting documentation that was submitted to the City on 4 November 2011, summarised in the 'Background' section of this report.

Town Planning Scheme Review

The Council at its Ordinary Meeting on 20 December 2011 approved the City's Town Planning Scheme No. 2 to be forwarded to the Western Australian Planning Commission to seek consent to advertise. To date, this consent has yet to been provided. The most recent advice from the Department of Planning is that the Scheme Report is currently being prepared for the Western Australian Planning Commission Statutory Planning Committee and that conditional consent to advertise the City's Town Planning Scheme No. 2 will not be granted to the City from the Minister until following the State election scheduled for 9 March 2013. An actual date has not yet been confirmed.

Whilst the version of the draft Town Planning Scheme No. 2 approved by the Council at its Ordinary Meeting on 20 December 2011, proposed to rezone the subject property from 'Residential R60' to 'Commercial', given the circumstances surrounding this situation and the uncertainty of the timing of the gazettal of the new Town Planning Scheme No. 2, it is the view of the City's Officers that this is a special case that warrants a dedicated separate Scheme Amendment.

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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Scheme Amendments are to be advertised for a period of 42 days in accordance with the *Town Planning Regulations 1967*, following endorsement from the WAPC (where required).

The City is requesting a reduced advertising period of 21 days given the low degree of complexity associated with this proposed amendment.

LEGAL/POLICY:

- Planning and Development Act 2005; and
- Town Planning Regulations 1967.

The Minister for Planning is the determining authority on Scheme Amendments.

RISK MANAGEMENT IMPLICATIONS:

Medium: The City is following due process to address concerns from the owner about the process in which the subject property was rezoned from 'Commercial' to 'Residential R60' during the gazettal of the City's Town Planning Scheme No. 1.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

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

SUSTAINABILITY IMPLICATIONS:

The following tables outline the applicable sustainability issues for this Scheme Amendment:

ENVIRONMENTAL	
Issue	Comment
Nil.	

SOCIAL	
Issue	Comment
Nil.	

ECONOMIC	
Issue	Comment
The proposed Commercial zoning allows for a broader range of uses to be permitted on the site to contribute to the economic sustainability of Scarborough Beach Road, which has been identified as an Activity Corridor by the State Government, through the strategic planning document – <i>Scarborough Beach Road Activity Corridor Framework – A Land Use and Transport Vision</i> .	

FINANCIAL/BUDGET IMPLICATIONS:

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

Town Planning Scheme Amendments and Policies

Budget Amount: \$80,000
Spent to Date: \$ 4,684
Balance: \$74,556

Note: Scheme Amendments requested on an individual basis are generally required to pay a fee to cover the costs associated with a scheme amendment. Given the circumstances of this amendment, the City will not require a fee payment.

COMMENTS & CONCLUSION:

Given the circumstances surrounding this situation evidenced by the documentation submitted to the City by the owner and research undertaken by the City's Officers revealing that the subject property at No. 101 (Lot 16) Scarborough Beach Road, Mount Hawthorn was zoned 'Commercial' under the City of Perth City Planning Scheme and re-zoned to Residential R60 under the City of Vincent Town Planning Scheme No. 1, without proper consultation with the owners, the City's Officers consider that a separate Scheme Amendment for this property is warranted.

Coupled with the uncertainty as to the timing of the gazettal of the City's Town Planning Scheme No. 2 it is considered appropriate that the Council give due regard to this request for the rezoning of this property, and to seek consent from the Western Australian Planning Commission that the period of advertising be reduced to 21 days.

In light of the above, it is requested that the Council support the Officer Recommendation to proceed to initiate Scheme Amendment No 35 to the City's Town Planning Scheme No. 1 to change the zoning of the subject property at No. 101 (Lot 16) Scarborough Beach Road, Mount Hawthorn from 'Residential R60' to 'Commercial'.

9.1.7 Amendment No. 103 to Planning and Building Policies – Amendment to Policy No. 3.5.22 and 3.5.3 and Rescission of Policy No. 3.5.4 and 3.5.9

Ward:	Both	Date:	1 March 2013
Precinct:	All	File Ref:	PLA0249
Attachments:	001 – Policy No. 3.5.22 002 – Policy No. 3.5.3 003 – Policy No. 3.5.4 004 – Policy No. 3.5.9 005 – Summary of Submissions		
Tabled Items:	Nil		
Reporting Officer:	T Elliott, Planning Officer (Strategic)		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** the final amended version of the following Policies resulting from the advertised version being reviewed having regard to five (5) written submissions received during the formal advertising as shown in Appendix 9.1.7 (Attachment 001 and 002 respectively):
 - 1.1 **No. 3.5.22** relating to Consulting Rooms; and
 - 1.2 **No. 3.5.3** relating to Education and Care Services;
2. **RESCINDS** the following Policies as shown in Appendix 9.1.7 (Attachment 003 and 004 respectively):
 - 2.1 **No. 3.5.4** relating to Amusement Centres; and
 - 2.2 **No. 3.5.9** relating to Stormwater Disposal from Premises; and
3. **AUTHORISES** the Chief Executive Officer to advertise the final amended version of Policy Nos. 3.5.22 and 3.5.3 and the rescinded Policy Nos. 3.5.4 and 3.5.9, in accordance with Clause 47(6) of the City's Town Planning Scheme No. 1.

COUNCIL DECISION ITEM 9.1.7

Moved Cr Maier, Seconded Cr McGrath

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Harley was an apology for the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with an overview of the outcomes of the formal advertising period for amendments to:

- Policy No. 3.5.22 relating to Consulting Rooms; and
- Policy No. 3.5.3 relating to Education and Care Services;

and the rescission of:

- Policy No. 3.5.4 relating to Amusement Centres; and
- Policy No. 3.5.9 relating to Stormwater Disposal from Premises.

BACKGROUND:

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

As part of the aforementioned review the subject Amendment No. 103 evaluates the policies relating to Consulting Rooms, Education and Care Services, Amusement Centres, and Stormwater Disposal from Premises. The proposed amendments and rescissions are to consolidate the existing policies for more efficient approval process.

History:

Policy No. 3.5.22 – Consulting Rooms

Date	Comment
12 September 2006	The Council at its Ordinary Meeting resolved to amend and advertise the draft Policy No. 3.5.22 relating to Consulting Rooms.
21 November 2006	The Council at its Ordinary Meeting resolved to adopt the Policy No. 3.5.22 relating to Consulting Rooms.
23 October 2012	The Council at its Ordinary Meeting resolved to defer the item to the Ordinary Meeting of Council on 6 November 2012 for further consideration.
6 November 2012	The Council at its Ordinary Meeting resolved to amend and advertise the draft Policy No. 3.5.22 relating to Consulting Rooms.

Policy No. 3.5.3 – Education and Care Services (Day Nursery/Child Care Centres);
Policy No. 3.5.4 – Amusement Centres; and
Policy No. 3.5.9 – Stormwater Disposal from Premises,

Date	Comment
27 March 2001	The Council at its Ordinary Meeting adopted the Planning and Building Policy Manual, which included the adoption of Policy No. 3.5.3, 3.5.4 and 3.5.9.
23 October 2012	The Council at its Ordinary Meeting resolved to defer the item to the Ordinary Meeting of Council on 6 November 2012 for further consideration.
6 November 2012	The Council at its Ordinary Meeting resolved to amend and advertise the draft Policy No. 3.5.3 and rescind Policy No. 3.5.4 and Policy No. 3.5.9.

Previous Reports to Council:

This matter was previously reported to the Council on 6 November 2012.

The Minutes of Item 9.1.2 from the Ordinary Meeting of Council held on 6 November 2012 relating to this report is available on the City's website at the following link:
http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes

DETAILS:

Following the advertising period endorsed at the Ordinary Meeting of Council on 6 November 2012 no further amendments to the Draft amended Polices have been proposed.

CONSULTATION/ADVERTISING:

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

Consultation Period: 28 days

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

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

Government Authority Submissions

Position	Number Received	Percentage
Support	2	50%
Object	-	-
Not Stated	2	50%
Total		100%

Community Submissions

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

Total Submissions Received

Position	Number Received	Percentage
Support	2	40%
Object	1	20%
Not Stated	2	40%
Total	5	100%

The 1 objection received stipulated that there is no need for Policy No. 3.5.3 relating to Education and Care Services as *The Education and Care Services National Regulations* are sufficient. Policy No. 3.5.3 is seen as necessary as the State Government Regulations, a 345 page document, is an inefficient tool for the City's Statutory Planning Officers to use when assessing development applications.

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

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

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

SUSTAINABILITY IMPLICATIONS:

ENVIRONMENTAL

The rescission of Policy No. 3.5.9 relating to Stormwater Disposal from Premises will not have detrimental effects on the environment as the City's existing Policy No. 2.2.10 relating to Stormwater Drainage Connections will appropriately address the issue of stormwater management.

SOCIAL

The amendments to Policy No. 3.5.22 relating to Consulting Rooms will ensure that Medical and Non-Medical consulting rooms are clearly defined in the City. This will ensure Medical consulting rooms are not subject to controls to prevent the appearance of prostitution, brothel business, or an agency business associated with prostitution, escort agency business, and the like within the City of Vincent.

The amendments to Policy No. 3.5.3 relating to Education and Care Services ensure the appropriate establishment of education and care facilities with specific requirements which ensure the proper operation and facilities are provided for patrons.

ECONOMIC

There are no economic impacts of the proposed amendments and rescissions.

FINANCIAL/BUDGET IMPLICATIONS:

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

Budget Amount: \$80,000
Spent to Date: \$ 4,684
Balance: \$74,556

COMMENTS & CONCLUSION:

It is considered that the amendments contained within the advertised version of Policy No. 3.5.22 relating to Consulting Rooms and Policy No. 3.5.3 relating to Education and Care Services, are appropriate to facilitate the provision of Consulting Rooms and Education and Care services within the City.

Policy No. 3.5.4 relating to Amusement Centres and Policy No. 3.5.9 relating to Stormwater Disposal from Premises are seen to be unnecessary and consolidated within other policies in the City.

In light of this, it is recommended that the Council adopts the final draft amended Policy No. 3.5.22 relating to Consulting Rooms and draft amended Policy No. 3.5.3 relating to Education and Care Services and the rescission of Policy No. 3.5.4 relating to Amusement Centres and Policy No. 3.5.9 relating to Stormwater Disposal from Premises in accordance with the Officer Recommendation and advertise the final Policies in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1 and the City's Policy No. 4.1.5 relating to Community Consultation.

9.1.9 Local Government Energy Efficiency Program (LGEEP) Grant Application

Ward:	Both	Date:	1 March 2013
Precinct:	All	File Ref:	FIN0204
Attachments:	001 – Local Government Energy Efficiency Program Guidelines		
Tabled Items:	Nil		
Reporting Officer:	A Marriott, Sustainability Officer		
Responsible Officers:	C Eldridge, Director Planning Services – Grant Application; R Lotznicker, Director Technical Services – Project Implementation; M Rootsey, Director Financial Services – Project Funding		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES** of an application for a Local Government Energy Efficiency Program (LGEEP) Grant to be submitted by 29 April 2013; and
2. **LISTS FOR CONSIDERATION** an amount of \$40,000 in the Draft Budget 2013/2014 as the City's co-contribution to the cost of hot water system retrofits under the Local Government Energy Efficiency Program should the City's application be successful.

COUNCIL DECISION ITEM 9.1.9

Moved Cr Maier, Seconded Cr McGrath

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

(Cr Harley was an apology for the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council about the Australian Federal Government's Local Government Energy Efficiency Program (LGEEP) and to seek approval to submit a grant application.

BACKGROUND:

On 22 November 2012 the Australian Government announced the opening of a new energy efficiency program, LGEEP targeted specifically at local governing authorities to complement the existing Community Energy Efficiency Program (CEEP), for which the City of Vincent has submitted an application. LGEEP is a one-off, non-competitive capped grant program specifically for the installation of solar and heat pump hot water systems. Grant applications for this program close on 29 April 2013 and will be assessed independently of any concurrent CEEP applications.

DETAILS:

LGEEP was created to support local governing authorities to undertake small-scale energy efficient retrofits specifically for hot water systems, which in their own right would not be large enough to qualify for funding under CEEP.

Similar to CEEP, local governing authorities located in low-socio economic areas are eligible to apply for additional funding and lower co-funding amounts. However unlike CEEP, LGEEP is a non-competitive grant program with a total funding pool based on one hundred percent local government take-up. For this reason, LGEEP grant applications will be assessed as they are received and submission of applications is encouraged as soon as they are complete.

Funding:

The table below sets out the LGEEP funding limits and requirements that apply to the City of Vincent, based on the City's geographic location and its classification under the Index of Relative Socio-economic Disadvantage used by the Australian Government.

Local governing authority size	Grant amount minimum-maximum	Minimum co-funding % (Net of STCs)*	Co-funding required (at maximum grant)	Total project value maximum	Systems installed at maximum grant (approx)
Metropolitan and large regional local governing authorities	\$36,500-\$61,000	10%	\$40,667	\$101,667	13-22

*The minimum co-contribution percentages as contained in the funding table are net of Small-scale Technology Certificates (STCs). This is to ensure all local governing authorities contribute funds towards the installation from their own resources and do not profit from projects.

Grant application process:

The LGEEP grant application process can be completed in-house by the City's Officers and involves the following steps:

- Identifying local government buildings and community facilities that have existing water heating systems, which are not solar or heat pump systems;
- Obtaining three or more quotations from local suppliers for the proposed retrofits;
- Selecting and justifying the selection of the preferred local supplier;
- Providing an estimate of the total cost of the proposed project; and
- Nominating the co-funding amount to be provided by the City and the amount of grant funding sought from the Australian Government.

A copy of the LGEEP guidelines is attached for the Council's reference at Appendix 9.1.9.

Relevant work completed to date:

Stage One of the City's Energy Management Plan (energy audit and opportunity analysis) identified the retrofitting of solar hot water systems as an appropriate energy saving measure for the following facilities:

- Administration and Civic Centre;
- Loftus Recreation Centre;
- Library and Local History Centre;
- Loftus Community Centre;
- Works Depot; and
- Robertson Park Tennis Centre.

The business case for retrofitting each of the above facilities is being developed as part of Stage Two of the City's Energy Management Plan, now close to completion. The estimated total cost of retrofitting these six facilities (net of STCs) is between \$85,000 and \$100,000.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

Low: The proposed works will create minimal risk during installation. Only proven technologies will be installed and contractors will need to demonstrate sufficient skills and experience. All products will be required to carry a satisfactory warranty.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

- 1.1 *Improve and maintain the natural and built environment and infrastructure*
 - 1.1.3 *Take action to reduce the City's environmental impacts and provide leadership on environmental matters.*
 - 1.1.4 *Enhance and maintain the City's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment."*

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

"General Actions

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

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

Air and Emissions

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

- Action 1.8 *Monitor developments in renewable energy technology, and use renewable energy sources in City-owned facilities where possible and practical."*

SUSTAINABILITY IMPLICATIONS:

The following tables outline the sustainability implications of the hot water system retrofits proposed under LGEEP.

ENVIRONMENTAL	
Issue	Comment
The installation of solar hot water systems in the City's facilities will assist in reducing the City's greenhouse gas emissions and move the City closer to meeting its commitments under the Local Government Declaration on Climate Change – signed on 15 May 2012.	

SOCIAL	
Issue	Comment
The installation of solar hot water systems will demonstrate leadership in the adoption of clean energy technologies and provide opportunities for the City to engage with and educate its community around energy efficiency and greenhouse gas reduction.	

ECONOMIC	
Issue	Comment
By taking advantage of LGEEP funding, the City will save up to 60% on the cost of retrofitting solar hot water systems at its facilities. It will also bring forward the implementation of a proven clean energy technology that will produce increasing cost savings as the price of energy continues to rise over coming years.	

FINANCIAL/BUDGET IMPLICATIONS:

A successful LGEEP grant application to cover the City's six priority facilities will require a written commitment from the City to meet co-funding requirements of up to \$40,000.

COMMENTS:

LGEEP provides a one-off opportunity to obtain up to sixty (60) per cent Commonwealth funding for a proven energy saving measure that has already been identified as a desirable action within the City's Energy Management Plan. It is expected that the funding offered under LGEEP will accommodate the six facilities prioritised for retrofit in the City's Energy Management Plan.

Given the generosity of this grant program and the unlikely recurrence of a similar offer in the future, the City's Officers recommend that the Council takes full advantage of this opportunity by listing the maximum LGEEP co-funding amount of \$40,000 for consideration in the 2013/2014 Draft Budget.

9.1.10 State Planning Strategy (Draft) – Submission to Western Australian Planning Commission

Ward:	Both	Date:	1 March 2013
Precinct:	All Precincts	File Ref:	ORG0027
Attachments:	Nil		
Tabled Items:	001 – Draft State Planning Strategy		
Reporting Officer:	R Marie, Planning Officer (Strategic)		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

1. **SUPPORTS IN PRINCIPLE** the Draft State Planning Strategy as ‘Table’ and shown in electronic Attachment 001; and
2. **AUTHORISES** the Chief Executive Officer to forward the following comments to the Western Australian Planning Commission for their consideration and the Western Australian Local Government Association to be included in their submission:
 - 2.1 **Recommend** that a new section relating to ‘how to use this document’ be included, clearly outlining how the document can be used by various parties;
 - 2.2 **Recommend** that the document’s structure be reviewed to include the ‘visions’ and ‘spatial dimensions’ at the start to provide better context to the document; and
 - 2.3 **Recommend** that Actions be included in the ‘strategic directions’ to clearly outline how the ‘2050 outcomes’ will be achieved.

COUNCIL DECISION ITEM 9.1.10

Moved Cr Maier, Seconded Cr McGrath

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Harley was an apology for the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council that the Western Australian Planning Commission (WAPC) is advertising the Draft State Planning Strategy (SPS) for public comment and for the Council to endorse the City’s comments to be forwarded to the WAPC and the Western Australian Local Government Association (WALGA) to be included in the WALGA submission.

BACKGROUND:

The purpose of the SPS, as stated in the document is to ‘Provide a sound basis for the integration and coordination of strategic planning across state, regional and local jurisdictions.’

The SPS was published by the WAPC. The first SPS published in 1997 focussed on landuse planning. This Draft looks at what is known about the future to set a vision for the future.

History:

Date	Comment
December 1997	The current State Planning Strategy is dated December 1997.

DETAILS:

The SPS begins by providing the State context, examining the drivers for change into the future, including population, workforce, the global economy, diversification, urbanisation and regional expansion, technology and climate change.

The document can be used by Local Governments *'to inform strategic community plans and guide integrated planning and reporting frameworks.'* This is stated in 'The Legacy' section of the SPS, following the 'Context' and 'Principles'. By having this in the body of the SPS, the information gets lost amongst the high level strategic information. It would be more beneficial for this information to be included at the start of the document in the 'Introduction' as it would clearly outline how the document is to be used by all parties. It is recommended that a 'how to use this document' section be included in the 'Introduction' as this would clearly outline how this document should be applied to specific areas.

There are six principles that underpin and inform the SPS, as outlined below:

- Community: Enable diverse, affordable, accessible and safe communities.
- Economy: Facilitate trade, investment, innovation, employment and community betterment.
- Environment: Conserve the State's natural assets through sustainable development.
- Infrastructure: Ensure infrastructure supports development.
- Regional development: Build the competitive and collaborative advantages of the regions.
- Governance: Build community confidence in development and processes and practices.

There are five strategic goals that have been identified:

- Global competitiveness;
- Strong and resilient regions;
- Sustainable communities;
- Infrastructure planning and coordination; and
- Conservation.

There are 10 strategic directions identified for Western Australia's sustained growth, as listed below:

- Economic development;
- Education, training and knowledge transfer;
- Tourism;
- Environment;
- Agriculture and food;
- Physical Infrastructure (Movement of people, resources and information, water, energy, waste and telecommunications);
- Social infrastructure (Spaces and places, affordable living, health and wellbeing);
- Land availability;
- Remote settlements; and
- Security.

For each of the strategic directions, an objective, overview, key facts, state challenges and an approach is provided.

The principles, strategic goals and strategic directions contain high level information however there is little detail on how these things will be achieved. It is recommended that for each of the strategic directions, an Action be included to outline how the '2050 Outcomes' could be achieved and who will be responsible to achieve the outcome. By including actions, it enables local governments and other agencies to better implement mechanisms to assist in achieving the goal.

CONSULTATION/ADVERTISING:

Consultation is being undertaken by the Department of Planning, for a period of approximately three (3) months.

LEGAL/POLICY:

The WAPC are required to prepare and keep under review, a planning strategy for the State under Section 14 of the Planning and Development Act 2005.

RISK MANAGEMENT IMPLICATIONS:

Not Applicable.

STRATEGIC IMPLICATIONS:

The SPS was prepared by the State Government however the principles are generally in line with the overarching Strategic Objectives outlined in the City's Strategic Plan 2011-2016.

The City's Strategic Plan 2011-2016 states:

- '1.1 *Improve and maintain the natural and built environment and infrastructure.*'
- '2.1 *Progress economic development with adequate financial resources.*'
- '3.1 *Enhance and promote community development and wellbeing.*'
- '4.1 *Provide good strategic decision-making, governance, leadership and professional management.*'
- '4.2 *Provide a safe, positive and desirable workplace.*'
- '4.3 *Promote and Implement Knowledge Management and Technology.*'

The key actions in the City's Sustainable Environment Strategy 2011 – 2016 are generally in line with the principles of the SPS.

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

ENVIRONMENTAL	
Issue	Comment
One of the strategic directions of the SPS relates specifically to the environment, with the objective being, <i>'To conserve biodiversity and manage the state's natural resources in a sustainable manner.'</i>	

SOCIAL	
Issue	Comment
One of the strategic directions of the SPS relates specifically to social infrastructure, with the objective being, <i>'To enable liveable, inclusive and diverse communities.'</i>	

ECONOMIC	
Issue	Comment
One of the strategic directions of the SPS relates specifically to the economic development, with the objective being <i>'To facilitate coordinated and sustainable economic development.'</i>	

FINANCIAL/BUDGET IMPLICATIONS:

Not Applicable.

COMMENTS & CONCLUSION:

Overall the SPS looks at ensuring a sustainable Western Australia for the future. The City of Vincent currently applies many of these principles into its current practices. This SPS will reinforce the importance of sustainability which will enable local governments to further promote these principles in strategic planning documentation and strategic community plans and actions.

It is recommended that the structure of the document be reviewed to include a section relating to 'how to use this document' which will enable the various parties to clearly understand how the SPS can be applied to their area for example, local government. It is also recommended that the 'vision' and the 'spatial context' be provided at the start of the document to provide a clear introduction to the document.

In relation to the strategic directions, it is recommended that Actions be included in the 'approach' section to clearly outline how the '2050 Outcomes' will be achieved.

In light of the above, it is recommended that the Council adopt the Officer Recommendation to support in principle the Draft SPS and forward their comments to the WAPC and WALGA to be considered as part of WALGA's submission to the WAPC.

9.2.3 FURTHER REPORT: Purslowe Street, Mount Hawthorn - Proposed Traffic Management – Consideration of Submissions

Ward:	North	Date:	1 March 2013
Precinct:	Mount Hawthorn (1)	File Ref:	TES0320
Attachments:	001 – Proposed Plan No. 3014-CP-01 002 - Summary of Comments		
Tabled Items:	Nil		
Reporting Officer:	A Brown, Engineering Technical Officer		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **CONSIDERS** the forty-two (42) submissions received and due to the number of submissions against the proposal, **DOES NOT** proceed with the Traffic Safety Improvement at the intersection of Purslowe and Brady Streets as shown on the attached Plan No. 3014-CP-01;
2. **REQUESTS** the Director Technical Services to **INVESTIGATE** alternative Traffic Safety Improvement options at the intersection of Purslowe and Brady Streets, as well as surrounding streets; and
3. **REFERS** the matter to the City’s Integrated Transport Advisory Group (ITAG), once options have been developed; and

COUNCIL DECISION ITEM 9.2.3

Moved Cr Maier, Seconded Cr McGrath

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Harley was an apology for the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the outcome of the community consultation regarding proposed traffic safety improvement at the intersection of Purslowe and Brady Streets.

BACKGROUND:

Ordinary Meeting of Council – 18 December 2012:

The Council received a report for a traffic safety improvement at the intersection of Brady and Purslowe Streets, Mount Hawthorn. Following consideration of the report the Council made the following decision:

“That the Council;

1. *SUPPORTS undertaking a Traffic Safety Improvement trial at the intersection of Purslowe and Brady Streets as shown on the attached Plan No. 3014-CP-01 subject to;*
 - 1.1 *all affected residents being consulted regarding the proposal, seeking their views; and*
 - 1.2 *the matter being further determined by the Council at the conclusion of the community consultation;”*

DETAILS:

Community Consultation:

On 25 January 2013 residents in Purslowe and the surrounding Streets were consulted regarding the traffic safety improvement proposal.

A total of two hundred and twenty (220) letters were distributed and at the close of consultation on 11 February 2013, forty two (42) responses were received representing a 19% response. A summary of the comments received are attached.

The following information was distributed as part of the consultation pack.

As a result of requests for traffic safety improvements at the intersection of Purslowe and Brady Streets the Council allocated funds in the 2012/2013 budget to undertake safety improvements.

The issues mainly relate to driver behaviour and traffic management during the peak periods with vehicles turning into and out of Purslowe Street from Brady Street.

The main issue is the number of accidents caused by right turn vehicle movements from both entering and exiting Purslowe Street onto Brady Street. To investigate the claim a Crash Factor Matrix was obtained from Main Roads WA.

Over the past five (5) years there have been eighteen (18) accidents reported on the intersection, out of these, seven (7) required hospital and medical treatment and all resulted in major property damage. The majority of accidents occurred from motorists performing right hand turn movements entering and exiting Purslowe Street east of Brady Street.

As the majority of vehicle collisions occur from right hand turn movements entering and exiting Purslowe Street east of Brady Street, installing a seagull island on the eastern side of the intersection of Brady and Purslowe Streets will restrict movements to 'Left In' and 'Left Out' only.

This treatment will restrict the possibility of right turn movements and will reduce the potential conflict points for accidents to occur within the intersection.

As with any access traffic restriction there is always implications, they are as follows:

- *Persons who reside east of the intersection of Brady and Purslowe Streets would still be able to make the left turn out onto Brady to gain access to the Freeway 'On Ramp'.*
- *Access to the Signalised Intersection of Brady Street, Main Street and Scarborough Beach Road can be achieved by travelling along Federation or Egina Streets and by using Scarborough Beach Road.*
- *Residents wishing to access Purslowe and surrounding streets from Powis Street would be able to turn right at the signalised intersection of Brady and Powis Streets and use either Sasse Avenue or Lynton Street to their property. The proposal is shown in Plan No. 3014-CP-01 (as attached).*

Consultation Outcomes:

As mentioned above, at the close of consultation forty two (42) responses were received as follows:

In favour (13)

- In Favour No further Comment: (3)
- In Favour with further comments (10)

Against (25)

- Against No further Comment (2)
- Against with further comment (23)

Other (4)

- With further comment (4)

Discussion:

As can be seen the majority of the respondents are against the treatment. The majority of comments against the proposal were as a result of concerns traffic would be shifted into other streets with a view that a different treatment be implemented at the intersection with the inclusion of traffic calming measures on surrounding streets

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Medium: Not implementing any treatment to the intersection of Brady and Purslowe Street will not have an effect on the amount of accidents already occurring.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The Council has budgeted for the 2012/2013 financial year \$20,000

COMMENTS:

With the majority of respondents against the proposal it is recommended that the Council does not implement the traffic safety treatment, investigates further treatments at the intersection of Brady and Purslowe Streets as well as surrounding streets and refers the matter to the iTAG.

9.2.4 Muriel Place, Leederville - Proposed Introduction of Two (2) Hour Parking Restrictions

Ward:	North	Date:	1 March 2013
Precinct:	Leederville (3)	File Ref:	TES0527
Attachments:	001 – Proposed Parking Restriction Plan No. 3029-PP-01		
Tabled Items:	Nil		
Reporting Officer:	R Ostle, Technical Officer – Assets and Fleet		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES** the introduction of a 2P restriction, 8.00am to 5.30pm Monday to Friday, in Muriel Place, Leederville, as shown on Plan No. 3029-PP-01; and
2. **INFORMS** the residents of Muriel Place of its decision.

COUNCIL DECISION ITEM 9.2.4

Moved Cr Maier, Seconded Cr McGrath

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Harley was an apology for the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to inform the Council of the outcome of the consultation undertaken with the residents of Muriel Place, Leederville in response to a request for parking restrictions to be installed and approve of the introduction of a two (2) hour time restriction.

BACKGROUND:

The City has recently received a number of complaints from the residents of Muriel Place, Leederville contending that CBD commuters are using Muriel Place as free all day parking and catching the bus into the City.

Random site visits tends to support this claim as every available on-road parking space is generally occupied Monday to Friday between 8.00am and 5.30pm, while after hours and weekends, when only residents or their visitors are likely to be in present, the demand drops significantly.

In February 2013, residents in the street were canvassed to determine if they would support timed parking restrictions on the understanding that the normal exemption permit conditions would apply.

DETAILS:

Community Consultation:

On 11 February 2013 twenty seven (27) letters were distributed to residents of Muriel Place, Leederville. At the close of the consultation on 26 February 2013, ten (10) responses were received with nine (9) in favour of the proposal and one (1) against the proposal. A summary of the comments received are below;

Related Comments *In Favour* of the Proposal:

- 6 in favour with no further comment.
- I request two residential parking permits which I am entitled to. I like to thank the department for placing the signs outside my car entrance which has made a huge improvement.
- I think it is a great idea for Muriel Place. I only have reservations about what will happen to the rest of the area. We live in Galwey Street and we have problems with parking on our street. My suggestion is that Galwey Street should have parking on one side of the street with a yellow line painted down the other side.
- We would prefer the restriction to be increased to 4 hour maximum. This would still have the effect of removing the option of 'commuters' parking in the street all day and catching a bus into the city. It would however advantage people who may be visiting friends or relatives during the day, enjoying the park at the bottom of the street, or engaging in other short-ish term pursuits.....problem in the street has been brought about by the Council deciding to crack down on residents parking their cars partly on the footpath....One option to remedy this issue and to also assist in ensuring ready access for pedestrians may be to have 'but-ins' for vehicles alternating on either side of the street. It is understood that this would be somewhat more costly than merely imposing time restrictions, however we believe that this would be an option worth considering.

Related Comments *Against* the Proposal:

- 1 against the proposal with no further comment.

Related *Other* Comments:

- Nil

Officers Comments:

The majority of respondents are in favour of the introduction of a 2P time restriction, 8.00am to 5.30pm, Monday to Friday.

It is therefore considered that the restrictions should be implemented.

CONSULTATION/ADVERTISING:

Residents will be informed of the Council's decision.

LEGAL/POLICY:

There is no legal consequence of the recommendation. Generally the City's Rangers would place a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of new parking restriction signs.

RISK MANAGEMENT IMPLICATIONS:

Low: Mainly related to amenity improvements for residents.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Manufacture and installation of signs would be approximately \$550.

COMMENTS:

The amenity of the residents in Muriel Place has been compromised by the demand on weekday parking, and it is felt that the introduction of parking restrictions would result in a freeing up of parking spaces and allow for a greater opportunity for residents, their guests, and visiting trades to find parking space in the street during the working week.

It is therefore recommended that the restriction be approved.

9.3.1 Beatty Park Redevelopment, 220 Vincent Street, North Perth - Progress Report No. 16

Ward:	South	Date:	5 March 2013
Precinct:	Smiths Lake	File Ref:	CMS0003
Attachments:	001 – Progress Photos 002 – Landscape Plan – Beatty Park Leisure Centre.		
Tabled Items:	Nil		
Reporting Officers:	D Morrissy; Manager Beatty Park Leisure Centre; and M Rootsey, Director Corporate Services		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** Progress Report No. 16, as at 12 March 2013, relating to the Beatty Park Leisure Centre Redevelopment Project, 220 Vincent Street, North Perth; and
2. **APPROVES** the Beatty Park Leisure Centre and Carpark Landscape Plan, as shown in Plan No. 2620-SO-01L.

ITEM RECOMMITTED PLEASE REFER TO PAGE 152.

COUNCIL DECISION ITEM 9.3.1

Moved Cr Maier, Seconded Cr McGrath

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Harley was an apology for the Meeting.)

PURPOSE OF REPORT:

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

BACKGROUND:

Progress Reports

Progress reports have been submitted to the Council on 7 December 2010, 22 November 2011, 20 December 2011, 14 February 2012, 13 March 2012, 10 April 2012, 8 May 2012, 12 June 2012, 10 July 2012, 14 August 2012, 11 September 2012, 9 October 2012, 6 November 2012, 18 December 2012 and 12 February 2013.

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

“That the Council;

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

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

DETAILS:

1. CONTRACT DOCUMENTATION

1.1 **Tender**

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

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

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

1.2 **Contracts**

Construction contract signed on 7 October 2011.

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

Geothermal contract signed on 6 September 2011.

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

Construction

- Removal of existing concrete pool concourse;
- Removal of Water Tanks and Water Tank Screens;
- Roof Safety Fall Arrest System;
- Door Hardware;
- Additional Anchor Points to Indoor Pool, Dive Pool and Beginners Pool;
- Removal of Dive Pool windows;
- Kitchen Equipment;
- Temporary Entrance Work;
- Removal of indoor pool marble sheen layer and rendering;
- Signage;
- Removal of building rubble, discovered after excavation;
- Remove and dispose of 50mm screed to existing slab;
- New water supply to slides;
- Replacement of water filter return line;
- Existing pool dive board modifications;
- Rubber floor tiles in gym;
- Removal of trees; (as recommended by the Builder)
- Additional 150mm Stormwater drain;
- Remove and dispose of existing footing;
- Mechanical dilapidation works in plant room;
- Removal of existing render in female change rooms;
- Additional floor waste to change room;
- Replaced 3 way valve to mechanical plant;
- Replaced main entry roof and box gutter;
- Earthing to leisure pool;

- Asbestos pipe investigation and removal;
- Landscaping to raised grassed area;
- Spa upgrade works;
- Tiling to front face of outdoor pool seating;
- Hot water supply to ground floor;
- Remove timber props from void; and
- Additional demolition work for fire services.

Geothermal

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

1.4 **Cost Variations**

Construction

Provisional Sums:

Description	Provisional Sum	Amount Agreed	Variation
Removal of water tank screens	\$10,000	-	\$10,000
Removal water tanks	\$160,000	-	\$160,000
Removal of screens to mechanical system	\$3,000	-	\$3,000
Concrete seats	\$4,000	-	\$4,000
Temporary Entrance Works	20,000	(\$27,154)	(\$7,154)
Safemaster roof safety system	\$7,000	(\$6,055)	\$945
Door hardware	\$85,000	(\$59,170)	\$25,830
Western Power charges	\$5,000	(\$1,363)	\$3,637
Kitchen equipment	\$200,000	(\$143,887)	\$56,113
Internal bollards and retractable belts	\$5,000	(\$3,680)	\$1,320
Hoist to family accessible change 4	\$6,000	(\$4,037)	\$1,963
Signage – additional Crèche	\$8,000	(\$4,390)	\$3,610
Rubber floor tiles to gym	\$10,000	(\$11,349)	(\$1,349)
Entry Turn styles and gates	\$90,000	(\$88,930)	\$1,070
Pool furniture for 50m pool	\$50,000	(\$40,065)	\$9,935
Landscaping to raised grassed area	\$5,000	(\$1,640)	\$3,360
Total	\$668,000	(\$391,720)	\$276,280

Client Requests:

Description	Amount
Anchor points to indoor pool	\$5,016
Additional Pool features/furniture	\$19,789
Removal of marble sheen to indoor pool	\$46,200
Removal of dive pool windows and make good concrete structure	\$9,735
Anchor points to beginners pool	\$3,344
Tree removal (as recommended by Builder)	\$8,250
Paint indoor concrete columns	\$335
Spa upgrade works	\$153,500
Tiling to front face of outdoor pool seating	\$11,550
Additional Conduits & Electrical supply to gym	\$30,538
Sauna & Steam room works	\$16,082
Total	\$304,339

Latent Conditions:

Description	Amount
Removal of original pool concourse	\$29,920
Replacement of indoor pool valves	\$1,595
Removal of building rubble, discovered after excavation	\$2,850
Remove and dispose of 50mm screed to existing slab	\$2,904
Relocation of 300mm stormwater drainage pipe	\$3,434
New water supply to slides	\$7,549
Replacement of water filter return line	\$10,798
Existing pool dive board modifications	\$2,845
Additional 150mm Stormwater drain	\$1,898
Remove and dispose of existing footing	\$501
Mechanical dilapidation works in plant room	\$24,266
Removal of existing render in female change rooms	\$484
Additional floor waste to change room	\$1,019
Replaced 3 way valve to mechanical plant	\$2,739
Replaced main entry roof and box gutter	\$6,338
Earthing to leisure pool	\$10,780
Asbestos pipe investigation and removal	\$1,820
Hot water supply to ground floor	\$8,527
Remove timber props from void	\$5,500
Additional demolition work for fire services	\$2,967
Total	\$128,734

Standard Variations

Various – extensive list of small items	(\$45,332)
Total Variation	(\$45,332)

Summary of Variations

Total Variation Savings	(\$321,611)
Total Variation Additions	\$433,073
Total Variation	\$111,462

Geothermal

Provisional Sum	Description	Variation Amount	Adjustments
Nil	Additional 100m drilling	\$61,000	-\$61,000
Nil	Additional time for production bore development	\$46,500	-\$46,500
Nil	Loss of cement during grouting	\$968	-\$968
Nil	Test pumping of production bore delayed- rescheduled to coincide with injection bore pumping	-\$15,500	\$15,500
Nil	Headworks removed from scope	-\$18,800	\$18,800
Nil.	Variations to design of injection bore, based on production bore geophysical data.	\$3,672	-\$3,672
Nil.	Dorot valve and flanges removed from scope	-\$2,405	\$2,405
Nil.	Bore head meters as required by Department of Water under new Licence conditions	\$10,150	-\$10,150
Nil.	Cooling shroud	\$2,120	-\$2,120
Nil.	Sub Mains	\$8,995	-\$8,995
Total Variation Savings			\$36,705
Total Variation Additions			\$133,405
Total Additional cost			\$96,700

1.5 **Claims** - Not applicable at this time.

1.6 **Insurance**

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

2. GEOTHERMAL WORKS

2.1 **Groundworks** - Completed.

2.2 **Bores** - Completed.

2.3 **Commissioning** - Commencing week starting 5 March 2013.

2.4 **Pipe works** - Completed.

3. BUILDING WORKS/EXISTING BUILDING

3.1 **Temporary works** - No changes to previous report.

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

The City's Technical Service outside workforce commenced Car park work's on 25 February 2013. Good progress has been made whereby a temporary overlay of asphalt has been laid near the new works. Removal of some trees has commenced. Works will be progressively carried out over forthcoming weeks.

3.3 **Earthworks** - Completed.

- 3.4 **Structural and Civil Engineering** - Completed.
- 3.5 **Hydraulic services** - Completed.
- 3.6 **Electrical Services** - Completed. Certificates provided.
- 3.7 **Mechanical services** - Commissioned. Certificates provided.
- 3.8 **Environmental services** - Completed.
- 3.9 **Interior finishing**

Minor defects identified by Architect are still being rectified by builder. A significant delay occurred as the polished concrete floor was not of an acceptable standard and repolishing and resealing has been carried out. This has delayed the opening of the new building. Unfortunately this remedial Work has failed to rectify the defects to a standard acceptable to the City. A decision has now been made to tile the foyer (at the Builders cost). This will take approximately one (1) week.

4. BUILDING WORKS-NEW

- 4.1 **Temporary works** - Not applicable at this time.

- 4.2 **Earthworks/Demolition**

The area around new building is being cleaned up and prepared for landscaping by City of Vincent. Minor removal of excess fill is required, outside the main entrance. The earthworks outside the temporary entrance are being finalised. Delayed due to fire services value needing to be replaced.

- 4.3 **Structural and Civil Engineering**

Completed.

An additional steel beam support has been required in existing foyer roof to cope with load of extra mechanical services units. This was not identified until 26 February – Installed 28 February 2013.

- 4.4 **Hydraulic services**

Fire hydrant installation completed.

Fire booster box currently being installed on Vincent Street.

Testing and commissioning of system to commence in week 5- 8 March 2013.

- 4.5 **Electrical Services**

Lighting installation completed.

Public address system and emergency exit equipment installed.

Group Fitness sound system being installed.

- 4.6 **Mechanical Services** - Commissioning completed.

- 4.7 **Environmental Services** - Louvre sections removed on gym level to allow for more aesthetic outlook. Photovoltaic cells installed on roof.

4.8 **Building External and Internal Colour Finishes**

Painting well advanced. Touch up painting been carried out as a result of defects list.

5. POOLS AND PLANT ROOM

5.1 **Outdoor Main Pool**

Minor defects being rectified include cracks in concourse, chipped tiles and missing expansion gaps. In progress

5.2 **Dive Pool** - Minor defects are being rectified.

5.3 **New Learn to swim pool** - Minor defects are being rectified.

5.4 **Indoor pool/Leisure area**

Defects list still being worked through with builder by the Architect. Indoor water feature issues rectified. In progress.

5.5 **Plant Room**

Geothermal switchboard change over from old heating system being completed on 6 March 2013.

Training held for staff on the operation of new plant equipment.

5.6 **Spa, Steam Room and Sauna**

Spa, Steam Room and Sauna works completed and facilities, reopened on the long weekend of March 2013.

5.7 **Pool Concourse**

Completed, however minor areas of cracking will require rectification as per defects list.

5.8 **Kitchen/Cafe areas**

Completed. Cool rooms and fridges commissioned over long weekend. Programmed for reopening in first week of March 2013.

5.9 **New Entry/Foyer**

Electronic turn styles currently being installed – to be completed in first week of March 2013.

6. INDICATIVE TIMELINE

6.1 **Progress**

Re-opening of the Cafe and kitchen are programmed for the beginning of the second week in March. The refurbished Spa, Steam Room and Sauna opened over the long weekend. Opening of new entry, gymnasium, aerobics rooms, changerooms, toilets and new offices to be confirmed towards the end of the first week of March, after a further meeting with builder and architect. An indicative date is the week commencing 18 March 2013, however this will be confirmed at a later date.

The building completion date and handover due on the 1 February 2013 is now well overdue. Delays have occurred due;

- Installation of mechanical services switchboard;
- Delay on major structural curved window frame;
- Late delivery of fire tanks; and
- Commissioning of fire services;
- Issues with the foyer polished aggregate flooring.

7. COMMUNICATION PLAN

Various communication methods have been utilised to advise patrons, stakeholders and employees of the redevelopment.

8. MEMBERSHIP

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

A number of members opted to suspend their membership throughout the redevelopment period. The number of members still on suspension is 73.

A revised membership fee structure was implemented from the 1 December 2011 due to the closure of the indoor pool, spa, sauna and steam room. This structure was well received but reverted back to the normal fee structure once the new change rooms opened on the indoor pool on the 20 August 2012.

The current number of members is 1935 as at 27 February 2013. This has increased from 1724 as at 24 January 2013.

9. EMPLOYEE MATTERS

The permanent part time staff that had their hours reduced during the redevelopment have started to recommence to meet the increased workload.

Six (6) Customer Service Officers – Café, one (1) Fitness Instructor and four (4) Swimming Instructors have been employed. Additional staff will be progressively recruited over the forthcoming months, as required.

10. HISTORY AND ANNIVERSARY BOOK

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

The Library and Local History Centre launched the book to celebrate the history of the facility at the opening of the 50m pool on the 22 November 2012. Sales to date have been lower than initially estimated.

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

11. OTHER COUNCIL APPROVED ITEMS

At the Ordinary Meeting of Council held 10 July 2012, the Council approved the following:

"That the Council;

1. *RECEIVES Progress Report No. 9 as at 10 July 2012, relating to the Beatty Park Leisure Centre Redevelopment Project, 220 Vincent Street, North Perth; and*
2. *AUTHORISES the Chief Executive Officer to:*
 - 2.1 *Review the branding of the Beatty Park Leisure Centre including engaging suitably qualified persons/organisation, if required;*
 - 2.2 *Investigate suitable uses for the vacated areas in the Centre as a result of the redevelopment and engage suitable qualified*

professionals to provide information of rental valuations and leasing options;

2.3 *Organise the appropriate events to celebrate the opening of the redeveloped Centre and the fiftieth (50th) Anniversary/Birthday of the Centre;*

2.4 *Prepare a Design Brief for the Percent for Art component of the redevelopment project, in accordance with the City's Policy 3.10.7; and*

3. *NOTES that a further report will be submitted to the Council no later than October 2012."*

Listed below is the progress made to date on these matters.

12. MARKET BRANDING

The working group has received a number of concepts which are currently being reviewed and will be presented to Council for a decision in due course.

13. LEASING OF SPACE

Meetings have been held to discern the available space and valuations. Plans are being prepared of the areas and a decision will be made on whether to outsource the leasing depending on the value and complexity of any lease arrangement required.

Quotes for professional assistance have been obtained, however exceeded budget expectation. The matter is currently being further reviewed, likely to be undertaken in house with minimal professional assistance, except where required by legislation.

Further meetings have been held with real estate professionals during January and awaiting further information. Collier International has been appointed to provide valuations and lease considerations. Their report should be received in the first week of March 2013.

14. CELEBRATION OF OPENING

50m pool and 50th Birthday Completed. A smaller event is currently being planned, with an Indicative date of 20 March 2013. A "cocktail type" function is envisaged.

15. PERCENT FOR ART

The artwork for the facility is now being focused on locations closer to the main entry and a Request for Quote has been prepared and submitted to the Architect for comment.

16. CENTRE AND CARPARK LANDSCAPE PLAN

Car park work is now underway, works to date are of a temporary nature. The landscaping will occur, once the plan is approved by the Council.

In discussions with the Beatty Park Leisure Centre management it has been requested that the proposed landscaping within the carpark consist of low shrubs and groundcovers to allow visual access to the centre from the Vincent Street and most importantly to allow clear unobstructed vision throughout the carpark for pedestrian access and safe vehicular movement.

Trees

Several London Plane trees and a Camphor Laurel tree were removed to make way for the new buildings and the Farr Avenue residents were advised at this time that upon completion of the redevelopment that replacement semi-mature London Plane trees would be re-planted where appropriate.

Therefore, it is proposed to replant London Plane trees at a suitable distance away from the new buildings, as shown on the concept plan.

Within the carpark itself there is very little structure with remnant transplantings of several palm species from the previous redevelopment (1994) and other projects undertaken around the City. It is proposed to remove all the Cocos palms, leaving only the mature Cotton palms and replant with Royal Poinciana's at regular spacing's.

This tree species has a relatively low spreading habit and is suitable for planting within a carpark situation.

Shrubbery and understory plantings

Shrubbery and understory plantings will consist of native/waterwise species and will be planted in larger blocks throughout the carpark in a simplistic design for ease of maintenance and general effect.

Plant species to be used are as follows and in accordance with the planting guide shown on the concept plan, these include:

PLANT	DESCRIPTION
Dianella 'Casa Blue'	Grey/Blue foliated Dianella species
Dianella tasmanica 'varigata'	Yellow/Green foliated Dianella species
Dianella 'Revelation'	Green foliated Dianella species
Lomandra longifolia 'Tanika'	Native grass
Liriope muscari	Giant Mondo grass
Festuca glauca	Blue Festuca grass
Hibbertia scandens	Snake vine
Grevillea preisii	Local native grevillea
Hedera canariensis	Large leaved ivy

Lionel Steenbohm Garden (cnr. Vincent & Morriston Street)

This garden was designed and constructed under the guidance of the former Director Parks and Gardens (City of Perth - 1959-62), Lionel Steenbohm. It originally had a distinct South African and Australian planting theme and whilst over the years there have been other species incorporated into the landscape, it is proposed to return this to its original palette of plants.

This work cannot be finalised until this section of the carpark is reinstated and redesigned around the two (2) geothermal bore heads that are located in this area. This is envisaged by the 8 March 2013.

Morriston Street Frontage

This frontage will be landscaped. The new brick walls around the new fire tanks will be treated with anti-graffiti coating. New perimeter fencing is also proposed, to prevent unauthorised access to the fire tanks and equipment. Two large sea barriers (relocated from NIB Stadium) will be located in this part of the complex. They will be placed so as not to be visible from the street.

Farr Avenue and Swimming Lane

This frontage of the Centre will be landscaped as per the plan. This will significantly improve the aesthetics and amenity. A Fire Service Access Road is required to be

installed off Farr Avenue – to comply with FESA requirements. This will also be used as an alternative delivery access road. Retractable bollards will be installed to prevent vehicles using this as an exit from the main carpark.

Area in front of Original Building

Due to the placement of the geothermal cages and placement of additional fire hydrants, a redesign has been necessary to the original plan.

Area in front of New Building

Significant changes have already been made to this area. The former brick wall and excess soil have been removed – thereby significantly improving access for patrons. The path will be re-installed (shown in red) for quicker access from the northern part of the carpark.

Universal access for wheelchairs/prams etc will be provided adjacent to the new stairs. This area is proposed to be exposed aggregate to match the existing new path and entrance.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Low: The redevelopment project is significant in terms of magnitude, complexity and financial implications. It has required close management to ensure that costs are strictly controlled, particularly as it involves a Heritage listed building which is 50 years old. As the bulk of the work has now been completed and practicable completion is almost ready, the risk has been further downgraded from “medium” to “low”.

STRATEGIC IMPLICATIONS:

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

“Natural and Built Environment

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

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

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

SUSTAINABILITY IMPLICATIONS:

The redevelopment is committed to a number of sustainability initiatives.

FINANCIAL/BUDGET IMPLICATIONS:

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

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

The project has to date been completed within the approved budget. A number of variations and claims are yet to be processed.

Building Construction Tender Progress Claim Payments – Perkins Builders

Fifteen (15) progress claims have been received to date, as follows:

Progress Payment Number	Date Received	Amount Requested (excl GST)	Amount Paid (excl GST)	Date Paid
No. 1	14/11/2011	\$168,597.91	\$168,597.91	30/11/2011
No. 2	09/12/2011	\$330,358.48	\$330,358.48	11/01/2012
No. 3	09/01/2012	\$426,642.09	\$426,642.09	08/02/2012
No. 4	09/02/2012	\$262,230.86	\$262,230.86	07/03/2012
No. 5	08/03/2012	\$999,561.79	\$999,361.79	04/04/2012
No. 6	10/04/2012	\$641,879.57	\$641,879.57	02/05/2012
No. 7	15/05/2012	\$1,094,498.76	\$1,094,498.76	18/06/2012
No. 8	11/06/2012	\$1,207,966.69	\$1,207,966.69	09/07/2012
No. 9	13/07/2012	\$991,244.57	\$991,244.57	08/08/2012
No. 10	09/08/2012	\$803,418.12	\$803,418.12	14/09/2012
No. 11	12/09/2012	\$913,043.61	\$913,043.61	09/10/2012
No. 12	08/10/2012	\$549,297.17	\$549,297.17	02/11/2012
No. 13	09/11/2012	\$864,651.44	\$864,651.44	29/11/2012
No. 14	14/12/2012	\$904,339.85	\$904,339.85	31/12/2012
No. 15	11/01/2013	\$1,084,589.59	\$1,084,589.59	12/02/2013
No. 16	13/02/2013	\$738,002.93		

Total Paid **\$11,242,120.50**

Geothermal Tender Progress Claim Payments – Drilling Contractors Australia

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

Progress Payment Number	Date Received	Amount Requested (excl GST)	Amount Paid (excl GST)	Date Paid
No. 1	18/11/2011	\$482,899.18	\$482,899.18	20/12/2011
No. 2	16/12/2011	\$638,710.00	\$638,710.00	25/01/2012
No. 3	31/12/2011	\$501,120.57	\$501,120.57	08/02/2012
No. 4	12/04/2012	\$214,355.86	\$214,355.86	02/05/2012
No. 5	21/05/2012	\$604,149.38	\$604,149.38	18/06/2012
No. 6	17/07/2012	\$781,726.70	\$781,726.70	03/10/2012

Total Paid **\$3,222,960.69**

Fire Detection and Water Tanks Tender Progress Claim Payments

No progress claims have been received to date. Works are almost completed.

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

Total Paid **Nil.**

Progress Payment Number	Date Requested	Amount Requested (excl GST)	Amount Received (excl GST)	Date Received
No. 1	03/01/2012	\$217,165.69	\$217,165.00	06/01/2012
No. 2	31/01/2012	\$191,614.00	\$191,614.00	06/02/2012
No. 3	17/04/2012	\$839,971.00	\$839,971.00	24/05/2012
No. 4	19/06/2012	\$650,254.00	\$650,254.00	30/06/2012
No. 5	4/10/2012	\$600,996.00	\$600,996.00	29/11/2012
Total Received			<u>\$2,500,000.00</u>	

COMMENTS:

The Beatty Park Redevelopment Project is nearing completion. And practicable completion is now expected in the first week of March 2013.

The Indoor Pool and refurbished change rooms continue to be well received, while the additional family/accessible and unisex change cubicles have surpassed expectations in their popularity.

Swim School numbers continue to grow as term one (1) commences and people return from their holidays. Membership numbers have risen by over 200 in the past month with the impending opening of the new gym and group fitness facilities.

Positive feedback has been received from facility users in regards to how the project is progressing.

It is disappointing that last minute delays have occurred, thereby delaying practical completion and handover to the City. Notwithstanding, the finished progress is of a very high standard and will provide a world class facility, which everyone can be proud of.

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

9.4.3 3on3 Basketball Competitions at Weld Square

Ward:	South	Date:	1 March 2013
Precinct:	Beaufort; P13	File Ref:	CMS0084
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officers:	A Birch, Acting Senior Community Development Officer J Anthony, Manager Community Development		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council APPROVES;

1. the monthly "3on3" basketball competitions at Weld Square as an ongoing programme that fits in with the City's Physical Activity Plan; and
2. of the competition budget and fee, as detailed in the report.

COUNCIL DECISION ITEM 9.4.3

Moved Cr Maier, Seconded Cr McGrath

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

(Cr Harley was an apology for the Meeting.)

PURPOSE OF REPORT:

To seek approval for monthly 3on3 basketball competitions at Weld Square.

BACKGROUND:

The second event in the Summer Concert Series for 2013 was held on Saturday, 19 January 2013 at Weld Square from 4:00pm to 8:00pm. This event featured a 3on3 basketball competition, with sixteen (16) teams competing for a \$500 cash prize. Advertised on the Vincent Facebook page, registrations quickly filled with numerous teams having to be waitlisted.

A second trial 3on3 basketball competition was held on Sunday, 24 February 2013 from 2pm to 6:00pm, again with 16 teams registering and several teams, again, having to be waitlisted.

DETAILS:

Following the success of the 3on3 basketball competition on 19 January 2013 and the subsequent second 3on3 basketball competition on 24 February 2013, City Officers began exploring the feasibility of holding once monthly 3on3 basketball competitions at Weld Square, Perth. It is proposed these competitions be held at Weld Square on the last Sunday of each month between 2pm and 6pm.

Holding these monthly competitions will be an excellent opportunity to promote the new mini basketball court and draw those living outside of Vincent, into the City to experience our facilities, culture and businesses.

The first two (2) competitions that have been held have been open to all, with no restrictions. It is planned that for several of the future competitions, different categories will be held such as underage competitions, female only competitions and mixed competitions. Suggestions for alternate categories will be taken on board. These competitions can also be the base for future physical activity opportunities such as skills development trainings and the promotion of local basketball teams.

For these events to be a success, the following actions will be required:

- Promotional material;
- Entertainment, such as a DJ;
- Power source for DJ;
- Referee;
- Coordination of promotion, registrations, event day etc.; and
- Prizes for the winning team and runners up.

A budget outline for the implementation of these competitions is as follows:

Income	Budget
Registration Fee	\$320
Expenditure	Budget (excl. GST)
Graphic design	\$150
Printing	\$50
Event coordination	\$350
Prize	\$250
DJ + PA	\$400
Generator Hire	\$100
Referee	\$100
Total Expenditure	\$1,400
Nett Cost:	\$1,080 per event

Partnerships will be sought for the ongoing implementation of these competitions, mainly for prizes. Cash prizes may not always be offered and these will be determined as partnerships are developed with local businesses and organisations.

To date, registering a team has been free of charge. A small fee, of \$20, to register a team is recommended. With 16 teams in each competition, this could be a potential \$320 in revenue, lowering the overall cost of running each event. The total cost to implement these four (4) events for the remainder of the 2012/2013 financial year is estimated at \$4,320.

This project is in line with the Physical Activity Plan and the success of the first two (2) competitions highlight it as an unique avenue to promote physical activity in the City.

CONSULTATION/ADVERTISING:

Advertising through Facebook and promotional materials in recreation centres throughout Perth Metropolitan will assist in drawing a diverse crowd into the boundaries of Vincent.

LEGAL/POLICY:

- Policy No. 2.1.7 – Parks and Property Services; and
- Policy No. 3.10.8 – Community Development.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

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

"Economic Development

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

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

(a) *Build the capacity of individuals and groups within the community to initiate and manage programs and activities that benefit the broader community, such as the establishment of "men's sheds", community gardens, toy libraries and the like.*

Community Development and Wellbeing

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

3.1.2 *Promote and foster community safety and security.*

3.1.3 *Promote health and wellbeing in the community*

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

3.1.6 *Build capacity within the community for individuals and groups to meet their needs and the needs of the broader community."*

SUSTAINABILITY IMPLICATIONS:

This project has the ability to become self sufficient in the future if the participation numbers and businesses and organisations come on board to sponsor its coordination.

FINANCIAL/BUDGET IMPLICATIONS:

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

Budget Amount:	\$17,000
Spent to Date:	\$ 4,476
Balance:	\$12,524

COMMENTS:

This 3on3 basketball competition is a great initiative to promote the City's infrastructure as well as promoting physical activity and healthy living. It is in line with the City's Physical Activity Plan.

9.4.4 Perth International Jazz Festival 2013 at Weld Square - Approval

Ward:	South	Date:	1 March 2013
Precinct:	Beaufort; p13	File Ref:	CMS0057
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officers:	Y Coyne, Coordinator Arts and Creativity J Anthony, Manager Community Development		
Responsible Officer:	R Boardman, Director Community Services		

REVISED OFFICER RECOMMENDATION:

That the Council APPROVES;

1. the proposal by the Perth International Jazz Festival to use Weld Square to stage free community concerts on 25 May and 26 May 2013, subject to:
 - 1.1 Event application fees for the event at Weld Square being waived;
 - 1.2 A bond of \$2,000 being lodged by the applicant as security for any damage to or clean-up of the reserve;
 - 1.3 Full compliance with conditions of use being imposed, including Environmental Health and other conditions;
 - 1.4 Acknowledgement of the City of Vincent as a major sponsor of the events on all publications and advertising materials subject to the conditions listed in the report and as stipulated in the City's Policy No. 1.1.5 relating to Donations Sponsorship and Waiving of Fees and Charges; and
 - 1.5 Further conditions relating to safety and risk management in reference to the event as stipulated in the City's Policy No. 3.8.3 relating to Concerts and Events;

to the satisfaction of the Chief Executive Officer; and
2. the City's sponsorship contribution of \$10,000 funding to assist with the costs of the event as listed in the 2012/2013 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 9.4.4

Moved Cr Maier, Seconded Cr McGrath

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

(Cr Harley was an apology for the Meeting.)

PURPOSE OF REPORT:

To update the Council on the previously approved request to support the Perth International Jazz Festival Inc. and its use of Weld Square to stage free community concerts on 25 May and 26 May 2013.

BACKGROUND:

At the Ordinary Meeting of Council held on 26 June 2012, \$10,000 sponsorship was approved for the International Jazz Festival to take place in the City of Vincent.

The Perth International Jazz Festival Inc. proposed to deliver a financially sustainable event through the assistance of business and government organisations.

DETAILS:

The goal of the organisation was stated *“to create a world class International Jazz Festival that will help Perth become a more vibrant city and establish itself as a leader in Jazz performance and education”*.

The Festival promises to be a unique source of culture and arts for members of the community who are looking for a musical and artistic experience that is not currently available to them. Through arts and culture it is intended to engender a stronger sense of ownership and pride throughout the community of Perth and Western Australia, embracing all cultural groups and adding to the liveability and amenity of the inner city of Perth.

The Perth International Jazz Festival Inc will encourage a process of critical and creative thinking. The Festival will provide West Australians access to the best of international, interstate and local Jazz musicians with a view to fostering critical and creative thinking. It will also add to the strong traditions of West Australians who can develop their unique identity within a global context. The events presented and commissioned by Perth International Jazz Festival Inc will celebrate our multicultural identity, our history and our future.

The proposed schedule to be held within Weld Square on 25 and 26 May 2013 is:

Saturday, 25 May	Performance
12:00PM	West Australian Youth Jazz Orchestra
1:00PM	Libby Hammer Quintet
2:00PM	Jamie Oehlers Quartet
3:00PM	Troy Roberts (NYC)
4:00PM	Empire with Danny Martin
5:00PM	ENDS

Sunday, 26 May	Performance
12:00PM	Tal Cohen quartet
1:00PM	Victoria Newton Latin Jazz
2:00PM	Lewis Moody Ensemble
3:00PM	Sam Anning (NYC) Quintet
4:00PM	Solomon Pitt and Cristal Phillips
5:00PM	ENDS

CONSULTATION/ADVERTISING:

A letter box drop will be undertaken for the streets around Weld Square notifying residents and businesses. A full promotional/advertising campaign will be in effect also.

LEGAL/POLICY:

- Policy No. 1.1.5 – Donations, Sponsorship and Waiving of Fees and Charges; and
- Policy No. 3.8.3 – Concerts and Events.

RISK MANAGEMENT IMPLICATIONS:

Low: An afternoon event ending by 5pm sees this event as low risk for any antisocial behaviour.

STRATEGIC IMPLICATIONS:

The City of Vincent's 'Plan for the Future'; *Strategic Plan 2011 – 2016*, Objective 3 states:

“Community Development and Wellbeing

3.1: *Enhance and Promote Community Development and Wellbeing:*

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

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

SUSTAINABILITY IMPLICATIONS:

The event will be an excellent opportunity to promote environmental/sustainability initiatives provided by the City.

The City will work with the event organisers to ensure our message of sustainability is strong at the event with recycle sulo bins at the very least.

FINANCIAL/BUDGET IMPLICATIONS:

The allocation of funding for Festivals listed in the 2012/2013 Budget is as follows:

Festival	Allocated Funding	Date of Festival
Angove Street Festival	\$40,000	7 April 2013
Beaufort Street Festival	\$40,000	17 November 2012
WA Youth Jazz Orchestra	\$6,000	25 November 2012
Light Up Leederville Festival	\$50,000	8 December 2012
Hyde Park Rotary Fair	\$25,000	2-3 March 2013
Perth International Jazz Festival	\$10,000	24-26 May 2013
Pride event	\$7,000	Oct/Nov 2012
Harmony Week event	\$15,000	15 March 2013
William Street Festival	\$40,000	Under Consideration
St Patrick's Day	\$15,000	17 March 2013
Revelation Film Festival	\$5,000	4-10 July 2013

COMMENTS:

The City's Officers will continue to assist representatives from the Perth International Jazz Festival Inc to ensure success of the outdoor community event.

9.4.5 Cultural Development Seeding Grant – Perth International Comedy Festival

Ward:	Both	Date:	1 March 2013
Precinct:	All	File Ref:	FIN0155
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officers:	A Birch, Acting Senior Community Development Officer J Anthony, Manager Community Development		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council **APPROVES** the application from Comedy Creatives Inc for a Cultural Development Seeding Grant of \$1,000 to partially fund the Perth International Comedy Festival.

COUNCIL DECISION ITEM 9.4.5

Moved Cr Maier, Seconded Cr McGrath

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Harley was an apology for the Meeting.)

PURPOSE OF REPORT:

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

BACKGROUND:

Comedy Creatives Inc. submitted a CDSG application to the City seeking financial support for an upcoming event, 'Perth International Comedy Festival'.

The event runs over a two and a half (2.5) week period, from 1 May 2013 to 19 May 2013.

DETAILS:

The Perth International Comedy Festival (PICF) is a 19-day world-class festival that features local, national and international artists of a high calibre performing at various locations around Perth; one (1) of these locations being 'The Velvet Lounge', located within the City.

The Velvet Lounge will host eight (8) different acts over a two (2) week period; including local, national and international artists. With 52 acts planned for the Festival, 15% will be held within the City.

The acts to be hosted at Velvet Lounge include the free community event 'International Comedy Bowls', a comedy competition exclusive amateur West Australian artists called 'Next Gen Comedy', a showcase of Western Australia's local talent at its finest and handpicked by the festival management in 'Comedy Allsorts', and a mentor program consisting of workshops with a well established local artist.

The event aims to increase the insight and awareness of the cultural and musical activity within the City's multicultural community.

CONSULTATION/ADVERTISING:

A variety of promotional avenues will be used including programme distribution, social media, website and newsletter updates.

Throughout this advertising period, the City's logo will be used on all non-printed promotional material, as well as acknowledgement as a sponsor on the event days at 'The Velvet Lounge'.

LEGAL/POLICY:

The application meets the requirements for a CDSG. City funding will go directly towards costs of supporting the project.

The allocation of CDSGs aligns with the City's Policy No. 3.10.5 – Donations, Sponsorship and Waiving of Fees and Charges.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

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

"Community Development and Wellbeing

3.1 *Enhance and promote Community Development and Wellbeing.*

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

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

Budget Amount:	\$6,000
Spent to Date:	<u>\$4,965</u>
Balance:	\$1,035

COMMENTS:

The application submitted by Comedy Creatives meets the CDSG criteria and contributes to the City by supporting existing cultural activity within Vincent and encouraging people to interact with each other and other residents and visitors in the City.

As a whole, the event is an exciting event opportunity to complement the City's rich cultural heritage and community.

9.5.1 Use of the Council's Common Seal

Ward:	-	Date:	1 March 2013
Precinct:	-	File Ref:	ADM0042
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	M McKahey, Personal Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

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

COUNCIL DECISION ITEM 9.5.1

Moved Cr Maier, Seconded Cr McGrath

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

(Cr Harley was an apology for the Meeting.)

BACKGROUND:

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

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

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

Date	Document	No of copies	Details
01/02/2013	Withdrawal of Caveat	1	City of Vincent and Downings Legal of Level 11, 167 St Georges Terrace, Perth WA 6000 re: No. 45 Clieveden Street, North Perth - <i>As per Clause (vi) of Conditional Planning Approval Serial No. 5.2009.100.1 - Ordinary Meeting of Council held on 23 June 2009</i>
01/02/2013	Deed for Conservation of Existing Dwelling	3	City of Vincent and R N White and A L Lohman of PO Box 596, Rockingham, WA re: No. 45 Clieveden Street, North Perth - <i>As per Clause (vi) of Conditional Planning Approval Serial No. 5.2009.100.1 - Ordinary Meeting of Council held on 23 June 2009</i>

Date	Document	No of copies	Details
08/02/2013	Lease	3	City of Vincent and Milto Pty Ltd C/o Coronada Investments Pty Ltd, Suite 1/185 Main Street, Osborne Park WA 6017 re: Portion of 295 (Lot 6) Vincent Street, Leederville WA 6007 (Vacant Land) - Term of Lease: 1 January 2013 to 31 December 2013 with two (2) periods of three (3) months each - from 1 January 2014 to 30 June 2013 - <i>As per Council decision of the Ordinary Meeting of Council held on 27 March 2012, Item 9.3.4</i>
26/02/2013	Licence	3	City of Vincent and Mount Hawthorn Out of School Care Inc, C/o Mount Hawthorn Primary School, 1 Killarney Street, Mount Hawthorn WA 6016 re: Use of Mount Hawthorn Centre Main Hall - <i>Monday to Friday 76am to 9am and 2.30pm to 6.00pm</i> - As per Council decision of the Ordinary Meeting of Council held on 4 December 2012, Item 9.3.1
28/02/2013	Scheme Amendment Document	3	City of Vincent and Minister for Planning re: Town Planning Scheme No. 1 District Zoning Scheme, Amendment No. 34 Scheme Amendment Documents - <i>As per Council decision of the Ordinary Meeting of Council held on 12 February 2013 - Item 9.1.11</i>

9.5.2 Tamala Park Land Transfer Act 2001 – Response to Minister for Local Government

Ward:	Both	Date:	1 March 2013
Precinct:	All	File Ref:	ADM0078
Attachments:	001 - Letter from Minister for Local Government 002 – Tamala Park Land Transfer Act 2001		
Tabled Items:	Nil		
Reporting Officer:	John, Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **ADVISES** the Minister for Local Government that it has no objection to the repeal of the Tamala Park Land Transfer Act 2001.

COUNCIL DECISION ITEM 9.5.2

Moved Cr Maier, Seconded Cr McGrath

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Harley was an apology for the Meeting.)

PURPOSE OF REPORT:

To inform the Council of a letter from the Minister for Local Government advising of his intention to repeal the Tamala Park Land Transfer Act 2001, as it is no longer considered relevant and to provide a response to the Minister.

BACKGROUND:

Recently the Minister for Local Government wrote to the City advising that he is conducting a review of old pieces of Legislation for their relevance and continued application. He proposes to repeal all legislation which is no longer relevant.

The Tamala Park Land Transfer Act 2001 –transferred ownership in land (as tenants in common), from the City of Perth, to the Towns of Cambridge, Victoria Park and Vincent, as these Local Governments were originally excluded from ownership of the land, when the former City of Perth was restructured.

A copy of the Tamala Park Land Transfer Act 2001 is attached. A review of this Legislation reveals that the Local Governments of Cambridge, Victoria Park and Vincent are now part owners of Tamala Park – therefore the Legislation is no longer relevant.

DETAILS:

Not Applicable.

CONSULTATION/ADVERTISING:

Not Applicable.

LEGAL/POLICY:

Not Applicable.

RISK MANAGEMENT IMPLICATIONS:

Low: As the effect of the Act has been implemented, the Act is no longer relevant.

STRATEGIC IMPLICATIONS:

Not Applicable.

SUSTAINABILITY IMPLICATIONS:

Not Applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

As the Act has now been implemented and the Local Governments of Victoria Park, Cambridge and Vincent are now included as part owners, the Act is no longer relevant.

9.5.3 Information Bulletin

Ward:	-	Date:	1 March 2013
Precinct:	-	File Ref:	-
Attachments:	001 – Information Bulletin		
Tabled Items:	Nil		
Reporting Officer:	J Highfield, Executive Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **RECEIVES** the Information Bulletin dated 1 March 2013, as distributed with the Agenda.

COUNCIL DECISION ITEM 9.5.3

Moved Cr Maier, Seconded Cr McGrath

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Harley was an apology for the Meeting.)

DETAILS:

The items included in the Information Bulletin dated 1 March 2013 are as follows:

ITEM	DESCRIPTION	PAGE
IB01	One Life Suicide Prevention Strategy – Stage 1 Community Action Plan – Progress Report No. 2	
IB02	Minutes from the Loftus Recreation Centre Management Committee held on 20 February 2013	
IB03	Minutes from the Cheriton Street Property Advisory Group Meeting held on 1 November 2012	
IB04	Minutes from the Vincent Accord (<i>Socialise with Safety</i>) Meeting held on 20 February 2013	
IB05	Unconfirmed Minutes of the Design Advisory Committee Meeting held on 6 February 2013	
IB06	Minutes of the Tamala Park Regional Council Ordinary Meeting held on 21 February 2013	
IB07	Register of Petitions – Progress Report – March 2013	
IB08	Register of Notices of Motion – Progress Report – March 2013	
IB09	Register of Reports to be Actioned – Progress Report – March 2013	
IB10	Register of Legal Action (Confidential – Council Members Only) – Monthly Report (March 2013)	
IB11	Register of State Administrative Tribunal Appeals – Progress Report – March 2013	

ITEM	DESCRIPTION	PAGE
IB12	Register of Applications Referred to the Design Advisory Committee – March 2013	
IB13	Register of Applications Referred to the MetroWest Development Assessment Panel – 24 January 2013 - Current	
IB14	Forum Notes - 19 February 2013	
IB15	Notice of Forum – 19 March 2013	

9.1.3 Nos. 372-376 (Lot 1; D/P 931) Fitzgerald Street, corner Raglan Road, North Perth – Proposed Signage Addition to Existing Shop (Pharmacy) (Application for Retrospective Approval)

Ward:	South	Date:	1 March 2013
Precinct:	North Perth Centre; P09	File Ref:	PRO1690; 5.2012.557.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Applicant Submission		
Tabled Items:	Nil		
Reporting Officer:	G O'Brien, Planning Officer (Statutory)		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by Realmark Commercial on behalf of the owners, J & H Bell for Proposed Signage Addition to Existing Shop (Pharmacy) (Application for Retrospective Approval) at No. 372-376 (Lot 1; D/P 931) Fitzgerald Street, North Perth, and as shown on plans date-stamped 20 December 2012, for the following reasons:

1. The development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;
2. The non-compliance with the City's Signs and Advertising Policy 3.5.2; specifically;
 - 2.1 Clause (3) (xix) Wall Signs (a) [a hoarding sign shall have a maximum of 20 Square metres]; and
 - 2.2 Clause (3) (xix) Wall Signs (b) [a hoarding sign is to be limited to a maximum of one sign per street frontage of the lot]; and
3. The proposed development does not comply with the following objective of the City's Policy No. 3.5.2 relating to Signs and Advertising, to ensure:
 - 3.1 That the display of advertisements on properties does not adversely impact upon the amenity of the surrounding areas while providing appropriate exposure of activities or services.

ADVICE NOTES:

1. Within twenty-eight (28) days from the date of the refusal:
 - 1.1 The non-compliant signage noted in 2.1 & 2.2 above shall be removed or amended to comply with the approved signage plan, issued 18 July 2001, Serial Number 00/33/0494, determined at the Ordinary Meeting of Council held 10 July 2001.

PROCEDURAL MOTION

Moved Cr Pintabona, Seconded Cr Maier

That the item be DEFERRED at the request of the Applicant to allow for further investigations to be carried out concerning the signage.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Harley was an apology for the meeting.)

PURPOSE OF REPORT:

The application is referred to Council for determination given the proposal involves retrospective signage that is not of a minor nature. Accordingly, the City's administration does not have delegated authority to deal with the subject application.

BACKGROUND:

History:

Date	Comment
10 July 2001	The Council at its Ordinary Meeting conditionally approved an application for retrospective approval for signage at the subject property.
6 May 2004	The council under Delegated authority approved a canvas blind addition.
29 December 2008	The Town received a letter of complaint regarding the excessive signage at the subject property. The complainant requested advice as to whether the signage complied with the Town's Policy No. 3.5.2 relating to Signage and Advertising and/or had been approved by the Town. Further to this, a site inspection by the Town's Officers, and a search of the Town's records, revealed that some signage had been installed without the prior approval of the Town.
9 January 2009	The Town wrote to the owner of the subject place to advise that, as neither Planning Approval nor a Sign Licence had been granted for the signage, the signage was considered to be unauthorised. The owner was requested to remove the unauthorised signage and reinstate the property to its original state within fourteen (14) days of the date of the letter.
30 April 2009	A site visit undertaken by the Town's Officer revealed that a large proportion of the unauthorised signage from the property had been removed. However, the following unauthorised signs had not been removed: <ul style="list-style-type: none"> • One (1) under awning sign ("lotterywest"); • One (1) wall sign on the western elevation ("Fitzgerald St. Lottery Centre & Newsagency"); • Two (2) window signs on the western elevation (northern most windows) ("We Won't Be Beaten By Price" and "National Diabetes Services Scheme"); • One (1) intermittent/flashing light; and • One (1) projecting sign (awning) ("Open 7 Days").
8 May 2009	The Town's Officers wrote to the owner and requested that the remaining unauthorised signage and solid screening to the shop front windows be removed, or to apply to the Town for retrospective Planning Approval, within fourteen (14) days of the date of the letter.
11 August 2009	The Council at its Ordinary Meeting resolved to support a retrospective application for Signage Addition to Existing Shop (Pharmacy), subject to the following conditions: <p>"(i) within 28 days of the issue of the 'Approval to Commence Development', the following signage shall be permanently removed and the window made visually permeable:</p> <p>(a) the "National Diabetes Services Scheme" window sign on the western elevation.....</p> <p>(ii) within 28 days of the issue of the 'Approval to Commence Development', the two central windows, which have been blocked in, shall be made 100 per cent visually permeable;</p> <p>(vii) the doors, windows and adjacent floor areas on the ground floor fronting Fitzgerald Street shall maintain an active and interactive relationship with this street."</p>

Date	Comment
15 January 2010 to 4 February 2011	Multiple correspondences between Mr. Bell and the Town had taken place regarding the erection of the proposed window signs, with the Town reiterating the need for Planning Approval prior to erecting the signs as well as the Town's position of non-support of the proposed signage
30 July 2012	Email correspondence received from the tenant of the subject property requesting clarification with respect to the replacement of existing signage. Tenant advised that planning approval not required for the replacement of existing, approved signage, on a 'like for like' basis.
12 October 2012	The City received a letter of complaint regarding the excessive signage at the subject property. The complainant requested advice as to whether the signage complied with the Town's Policy No. 3.5.2 relating to Signage and Advertising and/or had been approved by the City. Further to this, a site inspection by the City's Officers, and a search of the City's records, revealed that new signage had been installed that was contrary to the previous approval that had been issued for the subject site.
8 November 2012	The City wrote to the owner and requested the signage to be modified to comply with the City's Signs and Advertising Policy, or apply for and obtain retrospective Planning Approval.
20 December 2012	Application for Retrospective Planning Approval for unauthorised signage was received 20 December 2012

Previous Reports to Council:

Council at its Ordinary Meeting held 10 July 2001 conditionally approved an application for retrospective approval for signage to existing building. At the Ordinary meeting of council held 11 August 2009 Council approved a retrospective application for additional signage that had been installed and subsequently at the Ordinary Meeting of Council held 22 March 2001, approval was granted for a subsequent retrospective signage addition that had been installed.

DETAILS:

Landowner:	J & H Bell
Applicant:	Realmark Commercial
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): District Centre
Existing Land Use:	Shop
Use Class:	Shop
Use Classification:	'P'
Lot Area:	498 square metres
Right of Way:	Eastern side, 3 metres wide, sealed, City owned

The proposal involves an application for Retrospective Approval of a signage replacement that has been undertaken involving the installation of two walls signs with an area in excess of that previously approved by Council.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed	Officer Comments
Wall Signs	<u>Raglan Road Elevation</u> Be limited to a maximum number of two such signs on any one wall for each tenancy within a building other than a building within a residential zone; and	<u>Raglan Road Elevation</u> Four (4) wall signs (Sign Nos. 1. Lower side wall, 2. Top building lightbox faces, 12. Top side wall & 13. Lower side wall).	Not supported. The number of signs on the subject wall is considered to be excessive in appearance and detrimental to the amenity of the locality.
	Not exceed 10% (percent) in area in total on any one wall.	The above mentioned four (4) wall signs comprising 37.5 % of the wall area.	Not supported. The proposed variation is not considered to be supportable given the scale of departure from the prescribed standards of the City's Signs and Advertising Policy No. 3.5.2. It is considered that the proposed variations constitute an adverse and undue impact on the amenity of the locality
	<u>Fitzgerald Street Elevation</u> Not exceed 10% (percent) in area in total on any one wall.	<u>Fitzgerald Street Elevation</u> Wall sign comprising 34.2% of wall area (Sign No. 11. Top front wall).	Not supported. The proposed variation is considered to be a significant variation to the prescribed standards of the above mentioned policy, that which is considered to pose an adverse an undue impact on the amenity of the locality.

Non-Compliant Requirements			
Requirements	Required	Proposed	Officer Comments
	<p>Rear Elevation (Raglan Road Carpark)</p> <p>Be limited to a maximum number of two such signs on any one wall for each tenancy within a building other than a building within a residential zone</p>	<p>Eight (8) wall signs</p>	<p>Supported. Whilst it is considered the number of wall signs on the rear elevation is significant, it is noted that seven (7) of the eight (8) signs installed are for the purpose of indicating customer parking. Further to which, the combined area of the eight (8) wall signs still falls within the prescribed standards at 6.25% of the wall area.</p>

The applicant has provided the following justification with respect to the proposed variation to the city's Policy No. 3.5.2 relating to Signs and Advertising:

By addressing the following points, i'd like to make the case that the new signage at 372-376 Fitzgerald Street is respectful to the area as well as surrounding buildings. In fact the signage and subsequent paint work on the building, is an improvement on the previous signage onsite and an improvement on other examples of signage on that stretch of Fitzgerald Street:

1. *The installed signage respects the amenity of the area;*
The signage installed by Mr Mcelwee was a long considered process, due to the size of the building and subsequent cost. We feel the signage is respectful and in fact an improvement to the local commercial area.
2. *The installed signage does not compete with existing signage within the site;*
The signage across the building is consistent and not added on an ad hoc basis.
3. *The size and impact of the installed signage responds to the size of the premises on which signage is to be displayed and the scale of the surrounding buildings;*
The building size is large, so although some of the signage is in itself considered of a large nature, it should be placed in the context of the building size. On a scale basis the signage number and dimensions are appropriate and in fact are one less than the number of signs previously installed on the building.
4. *The installed signage does not negatively impact on the appearance and efficiency of a road or other public way in terms of colour, brightness and location;*
In no way does the signage impact on any roads or public access points physically or visually in a negative manner.
5. *The pattern and theme of the installed signage matches that of existing signage in the area;*
The installed signage is an improvement on the building and by extension on the local commercial area. The signage in style and theme is not out of step with the local area. Although looking at the Fitzgerald Street commercial precinct there is still variability in signage between different sites mainly as a result of age and upkeep, on this basis we believe our signage adds to the area.

6. *The proposed signage responds to any objects of scenic, historic, architectural, scientific or cultural interest;*

372 Fitzgerald Street is a relatively old building; as such none of signage has been of a structural nature requiring any adjustment to the building or surrounds. The installed signage has been a cosmetic exercise that has addressed the poor state of the surface of the building and the poor state of the previous signage and paintwork (see images).

The signage does not additionally impact on anyone's views and has not made changes to any historic, cultural, architectural or scientific aspects of the building.

7. *The proposed signage does not dominate the streetscape;*

372-376 Fitzgerald Street itself, being an elevated site with the approach from either side of Fitzgerald Street coming from a lower elevation, make the building itself dominate on the streetscape. Mr Mcelwee remarked when he purchased the business that many people knew the pharmacy because of its prominence along Fitzgerald Street and had asked him if he was going to do something about the tired exterior of the building.

372-376 Fitzgerald Street is the only 2 storey building within 200m.

So we believe the building not the signage is dominant on the streetscape and as such is better for the rejuvenation.

8. *Where the installed signage does not comply with the City of Vincent's Signage Standards, why should a variation of standards be applied*

The logo for "Greys Discount Chemist" is of a horizontal nature and due to the height and therefore distance from the ground, for the signage to be "readable" or "appropriate" as a sign, the scale of the sign dictated that a higher and wider sign was required. This is the case for signage on the Fitzgerald Street (above the awning) and Raglan Road side of the building (the signage pointed out as being suspected to be non-standard in the letter dated 8 November 2012).

The signage on Fitzgerald Street (above the awning) and Raglan Road are in part of the same colour as the background colour of the building, so when determining the actual "visual dimensions" of the signage, this reduces the area (m²) greatly versus the actual area of the sign as indicated in the table of itemised signage. This should be of consideration.

The signage on Raglan Road is coated with anti-graffiti film and so has the advantage over painted brick, as offering less surface for graffiti to be applied, therefore detracting from the look south after in the area. Graffiti is an issue on many buildings in the area.

Overall there has been a net reduction in the number of signs installed on the building.

The signage has offered an opportunity for the prominent building to be rejuvenated using a new brand of paint that itself remains stable for longer and also stabilise the surface it is applied to (Supplier: Webbcoco). It was important for us to invest in signage that held longevity as building is large and as such reflects on the business as well as the local area.

Existing signage on the windows has been removed (in favour of the City's signage policy relating to window signage) which also compares favourably with the brightly coloured pharmacy about 200m north of 372 Fitzgerald Street, which has wire mesh in their windows.

All the signage is of a uniform nature and not inconsistent as the previous signage was (see images).

The above comments are duly acknowledged however the following comments are noted.

Whilst the size of the building is relatively large in comparison to those adjoining, the requirements of the City's Policy No. 3.5.2 are applied uniformly and in a consistent manner irrespective of the size of the building or wall area in question.

It is considered that the installed signage has been applied in a consistent and coordinated manner, however, the fact remains that the non-compliant signage has been installed in direct conflict with the prescribed standards of the City's Signs and Advertising Policy No. 3.5.2.

The comment regarding the varying nature and scale of signage within the direct vicinity is also given due consideration, however, it is noted that each application must be assessed on individual merits. Further to which, it is not considered that the context of the surroundings warrant the case for variations to the above mentioned policy at the scale of departure from prescribed standards as is currently being proposed.

With respect to the comments regarding the orientation of the signage with particular reference made to legibility, that which the applicant has indicated as a contributing factor in opting to install signage in conflict the City's Signs and Advertising Policy, it is noted that the standards of the above mentioned policy are applied uniformly and consistently regardless of the way in which signage is orientated. It is considered that legible signage can be achieved without the scale of variation to prescribed standards that is currently being proposed.

It is acknowledged that similar background colour has been used to that of the exterior of the building, however, it is considered that the signage remains to be clearly distinguishable from the remainder of the building and as such does not warrant suitable grounds for the use of discretion is supporting such a significant variation the above mentioned policy.

With regards to the comment noted with respect to the newly installed signage comprising one less sign than that which previously existed, attention is drawn to the fact that this claim does not take into consideration the newly installed signage to the rear of the building adjacent the car park (accessed from Raglan Road), that which was not previously approved.

Further to the above, particular reference is drawn to the extent of the proposed variations that the installed signage represents. With respect to the installed signage to the Raglan Road elevation, it is noted that the previous approval, that which supported a variation to the requirements of the City's Signs and Advertising Policy No. 3.5.2, was in the context of proposed signage (retrospective) representing 14.5 percent of the wall area, at 20.92 square metres of signage, that which was approved in 2001. The current proposal seeks retrospective approval for installed signage (Sign Nos. 1. Lower side wall, 2. Top building lightbox faces, 12. Top side wall & 13. Lower side wall) that utilises 37.5 percent of the wall area, at 54.06 square metres of signage, that which is not considered to be an appropriate or warranted variation from the prescribed standards.

With respect to the non-compliant signage to the Fitzgerald Street elevation, it is noted that the subject sign in question was approved in 2001 at an area of 11.88 square metres and is now currently proposed (Sign No. 11. Top front wall) at 24.55 square metres in area, representing 34.2 percent of the wall area. Whilst it is noted that there has been a reduction in the size of the sign located under the awning (Sign No. 5. Above front entry sign), that which was approved at 4.74 square metres in areas and is now currently proposed at 2.32 metres in area. This reduction is not considered to substantiate the increase in size of Sign No. 11 Top front wall at the scale that is currently proposed.

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

The applicant has provided the following justification with regards to the proposed variation to

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	No
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Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

Nil.

RISK MANAGEMENT IMPLICATIONS:

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

Should the Council approve the application for development approval; the proposal will be in conflict with the City's Policy No. 3.5.2 relating to Signs and Advertising.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"Natural and Built Environment

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

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

Economic Development

2.1 *Progress economic development with adequate financial resources*

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

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

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

ENVIRONMENTAL	
Issue	Comment
There are not considered to be any significant environmental implications associated with this retrospective application for signage.	

SOCIAL	
Issue	Comment
There are not considered to be any significant social implications associated with this retrospective application for signage.	

ECONOMIC	
Issue	Comment
There are not considered to be any significant economic implications associated with this retrospective application for signage.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS & CONCLUSION:

The objective of the City's Policy No. 3.5.2 relating to Signs and Advertising is to ensure that the display of advertisements on properties does not adversely impact upon the amenity of the surrounding areas while providing appropriate exposure of activities or services.

Whilst the applicant submission is noted and given due consideration for the logic that has framed the installation of the signage in question, it is considered that the scale of departure from the prescribed standards outlined in the above mentioned policy is of a significant nature to the extent that the installed signage represents what is considered to be an undue an adverse impact on the amenity of the locality.

The history of the subject site presents numerous instances where signage has been installed in the absence of any application being made to Council, and in direct conflict with the underlying objective and sign specific standards that have been outlined in the non-complaint aspects of this application.

It is further considered that whilst given the current tenant has made considerable effort in revitalising the appearance of the building with the application of new exterior paint, the increase in the size the existing signage is significant to what was previously approved when also given that the existing signage already represented variations to the above mentioned signs and advertising standards.

On the basis of ensuring consistency and giving effect to the objective of the City's Signs and Advertising Policy No. 3.5.2 in ensuring that an undesirable precedent for variations of this nature is not established, refusal is recommended.

9.4.1 Draft Mobile Food Vendor Policy - Approval

Ward:	Both	Date:	1 March 2013
Precinct:	All	File Ref:	ENS0133
Attachments:	001 – Draft Mobile Food Vendor Policy 002 – Evaluation Criteria 003 – Hyde Park Approved Trading Zones 004 – Weld Square Approved Trading Zones 005 – Banks Reserve Approved Trading Zones		
Tabled Items:	Nil		
Reporting Officer:	L Di Nella, Acting Manager Health Services		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** the report relating to the Draft ‘Mobile Food Vendor Policy’;
2. **APPROVES BY AN ABSOLUTE MAJORITY** the Draft Policy No. 3.8.12 – Mobile Food Vendor Policy as shown in Appendix 9.4.1A; and
3. **AUTHORISES** the Chief Executive Officer to:
 - 3.1 **advertise** the Draft Policy No. 3.8.12 – Mobile Food Vendor Policy, for a period of twenty-one (21) days, seeking public comment;
 - 3.2 **report back to Council** with any public submissions received; and
 - 3.3 **include the Policy** in the City’s Policy Manual if no public submissions are received; and
4. **APPROVES BY AN ABSOLUTE MAJORITY** pursuant to Section 5.42 of the Local Government Act 1995, the delegation of the exercise of its powers and duties to the Chief Executive Officer, as detailed below:

No: 5.16A Food Act 2008 – Mobile Food Vendor Permits

Function to be performed	A local government may, in writing, approve of Mobile Food Vendor Permits.
Legislative power or duty delegated	<i>Local Government Act 1995</i> , Section 9.10(1). City of Vincent Local Government Property Local Law.
Delegation to	Chief Executive Officer
Delegation	<p>The Chief Executive Officer is delegated the power to:</p> <ol style="list-style-type: none"> 1. Approve (or refuse) Mobile Vendor Permits 2. Approve of variations to the City’s Mobile Food Vendor, Permits and Policy in respect to: <ol style="list-style-type: none"> 2.1. Locations of Trading areas; 2.2 Terms and Conditions 2.3 The number of Mobile Food Vendors for each park, reserve or location. 3. Cancel or vary a Mobile Food Vendor Permit. 4. Advertise for EOI’s for Mobile Food Vendor Permits.

Chief Executive Officer delegates to	Manager Health Services the authority to sign and issue renewal of a Mobile Food Vendor Permit..
Conditions and Reporting Requirements	1. All actions taken must be recorded in writing in the appropriate file or record. 2. All Mobile Food Vendor Permits shall be in accordance with the Council's Policy and City of Vincent Local Government Property Local Law.

PROCEDURAL MOTION

Moved Cr Pintabona, Seconded Cr Maier

That the item be DEFERRED to allow for further investigations to be carried out by the Chief Executive Officer.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Harley was an apology for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to inform the Council of the basis for developing the Draft Mobile Food Vendor Policy as shown in Appendix 9.4.1A, and to obtain approval from the Council to seek comment from the local community in relation to the proposed Policy.

BACKGROUND:

Acting Manager Health Services presented at the Council Forum on 30 October 2012 regarding the potential model for Mobile Food Vendors within the City. It was raised that the City's Food Act Policy 2008 states that the City currently does not support Itinerant Vendors and the Policy requires an amendment if itinerant (roaming) vendors are to be permitted.

It was discussed during the Forum that a model be developed by Health Services to continue the approach of prohibiting itinerant vendors; however, to allow Mobile Food Vending at a number of suitable parks and reserves within the City with an annual tender proposed for the locations. It was also agreed that Health Services would report to Council once a model had been drafted.

The City's Health Services liaised with several Local Governments that already had similar systems already in place, in order to develop the proposed model. These Local Governments included the City of Fremantle, City of Adelaide, City of Melbourne and City of Yarra. All policies researched prohibited Itinerant Vendors and only allowed Mobile Food Vendors to trade in fixed locations. The research findings are summarised below:

Considerations	City of Adelaide	City of Melbourne	City of Yarra	City of Fremantle
How many Permits Issued?	50	4	Not limited	<ul style="list-style-type: none"> • 2 only for commercially independent operators • 20 + for market affiliated (MA) operators
Length Valid	12 Months	3 Years (Tender)	12 Months	Decided by applicant
Cost	Nil \$250,000 put forward by COA	Not known	\$2000 PA \$1500 PA (residents) Not Pro-Rata	Daily rate = \$68/day Monthly rate = \$544 Yearly = \$6528 (**\$68/week for MAs)

Considerations	City of Adelaide	City of Melbourne	City of Yarra	City of Fremantle
Trade locations	Not defined – each application on merits	9 specified locations	1 per permit	2 Fixed
Fixed or roaming	Fixed Only	Fixed Only	Fixed Only	Fixed Only
Distance from Businesses	25 metres	Not defined	200 metres	Not defined
Consent from neighbours	Recommended	Nil	Written by adjoining property owner	Nil

The above table demonstrates the varied approaches in managing and licensing mobile food vendors throughout Australia. The City of Yarra is considered to provide an environment similar to that of the City of Vincent and as a result, observations made by the City of Yarra with regard to Mobile Food Vending were taken on board. As demonstrated in the Draft Mobile Food Vendor Policy, the City's Health Services have proposed similar conditions as the City of Yarra with regard to trade locations and the length of time a permit is valid.

The City of Yarra placed further restrictions on Permits as detailed below:

Festivals

During annual festivals, parades or special events, a Mobile Food Vendor permit located within the event precinct will not be valid. Reasonable notice will be given to the operator where possible.

Operation specific

- (a) The operational hours of a Mobile Food Vendor may be limited to those outside existing business hours for surrounding food premises.
- (b) Foods offered for sale from the Mobile Food Vendor may be restricted and described within the permit conditions.

The above restrictions have also been adopted by the City of Vincent in the Draft Mobile Food Vendor Policy.

DETAILS:

The Policy is to permit outdoor food vending activities in a manner that improves the access, usage, quality and image of the City's public realm whilst managing the competing needs and interests of pedestrians, consumers and local business owners. The City will advertise an Expression of Interest for Mobile Food Vendors in April 2013, with the trading period to commence in July 2013.

Vendors are to be selected based on compliance with the *Food Act 2008* and *Australia and New Zealand Food Standards Code*, preferred location, suitability of the food sold, competition against local businesses, public safety and comprehensiveness of information provided in the application as shown in Appendix 9.4.1B.

Mobile Food Vehicles must hold a site specific City of Vincent Mobile Food Vending Permit, also known as a 'Vending Vincent' Permit, as well as *Food Act 2008* Registration from the Local Government Authority where the vehicle is housed. The applicant must not trade as an Itinerant Vendor within the City of Vincent and is restricted only to the site allocated to the Mobile Food Vehicle.

The following potential sites for the Mobile Food Vendors were chosen as these reserves are subject to high pedestrian and community activity. The following reserves are also considered to be located a substantial distance from City centres in order to avoid negatively impacting upon the success of local businesses:

1. Hyde Park;
2. Weld Square; and
3. Banks Reserve.

Initially, a single Mobile Food Vendor Permit will be allocated to each reserve.

Furthermore, Approved Trading Zones were determined at each reserve enabling the approved vendor to select their preferred location on the reserve on a day-to-day basis as shown in Appendices 9.4.1C, 9.4.1D and 9.4.1E.

CONSULTATION/ADVERTISING:

The draft Policy will be advertised for a period of twenty-one (21) days, and will be included in the City's Policy Manual if no public submissions are received. The matter will be reported to Council again for further consideration should comments be received. Subject to Council approval, an expression of interest for Mobile Food Vendors will be advertised in April 2013.

LEGAL/POLICY:

- Food Act 2008;
- Food Regulations 2009;
- Australian and New Zealand Food Standards Code.
- Environmental Protection (Noise) Regulations 1997;
- Environmental Protection (Unauthorised Discharge) Regulations 2004; and
- City of Vincent Health Local Law 2004.

To ensure efficient and effective implementation of the Policy, it is recommended that the Council delegate authority to the Chief Executive officer.

RISK MANAGEMENT IMPLICATIONS:

Mobile Food Vendor Permit Holders must take out and keep current a public and product liability insurance policy noting specifically City of Vincent as an interested party. The policy must insure for the amount of at least ten million dollars (\$10,000,000) and must cover injury, loss or damage to persons or property arising out of the activity carried out under this Permit or the granting of this Permit by the Council. A lesser amount public and product liability insurance might be accepted by the Council but this decision will be subject to a risk assessment process.

Safety measures may be required at Mobile Food Vending locations and will be assessed on a case-by-case basis by the City. If public safety cannot be reasonably addressed, Permits will not be issued.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

Economic Development

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

Community Development and Wellbeing

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

SUSTAINABILITY IMPLICATIONS:

The functions of the *Food Act 2008* are delegated to local government. Food safety education and enforcement is one of the key functions of Health Services, which includes the licensing and approval of Temporary Food Premises, such as Mobile Food Vendors. There are minimal additional sustainability implications by the introduction of the Mobile Food Vendor Policy, as the key functions remain similar to those already in place in Health Services.

FINANCIAL/BUDGET IMPLICATIONS:

Currently, annual Temporary Food Premises Licences are granted to vendors wishing to trade at nib Stadium, Britannia Reserve and other similar reserves within the City only when events are held, subject to the approval of the leasee for the Reserve. For example, several Mobile Food Vendors trade during Rugby WA events at Britannia Reserve, and these events are only usually held on weekends for a period of approximately six months. As a guide, for the 2012/2013 Financial Year, the Temporary Food Premises fees are as follows:

Risk Type

Med-High: \$340 (expected to increase to \$346 in 2013/2014)
Low: \$113 (expected to increase to \$115 in 2013/2014)

However, considering that the approved Mobile Food Vendors will be permitted to trade daily for a period of twelve months, a higher fee is proposed for this activity. The City's Health Services propose that the fees are consistent with the current *Food Act 2008* Temporary Food Van fee, with an additional monthly charge to account for the ongoing trade and need for inspection and monitoring. This is similar to the process currently adopted in the City of Fremantle, whereby a weekly/monthly fee (depending on the nature of the applicant) is charged for the Permit.

The proposed fees for Mobile Food Vending in 2013/2014 are demonstrated below, and are also detailed in the Draft Mobile Food Vendor Policy.

Risk Type

Medium: \$346 plus monthly charge of \$40 = \$826 per annual Permit
Low: \$115 plus monthly charge of \$40 = \$595 per annual Permit

COMMENTS:

It is proposed that Council support the Officer Recommendation to advertise the Mobile Food Vendor Policy for twenty-one (21) days. Should public submissions be received, the Policy will be reported back to Council for consideration.

9.1.1 No. 25 (Lot 3; D/P 11538) Green Street, Corner of Dunedin Street, Mount Hawthorn – Proposed Change of Use from Shop to Eating House and Unlisted Use (Small Bar) and Associated Additions and Alterations

Ward:	North	Date:	1 March 2013
Precinct:	Mt Hawthorn; P1	File Ref:	PRO0604; 5.2012.545.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Applicants Justification dated 12 December 2012 003 – Applicants Response to Objections dated 28 February 2013		
Tabled Items:	Nil		
Reporting Officer:	S Radosevich, Planning Officer (Statutory)		
Responsible Officer:	C Eldridge, Director Planning Services		

REVISED OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by P Mavor on behalf of the owners, New Frontier Pty Ltd, for Proposed Change of Use from Shop to Eating House and Unlisted Use (Small Bar) and Associated Additions and Alterations at No. 25 (Lot 3; D/P 11538) Green Street, Corner of Dunedin Street, Mount Hawthorn, and as shown on plans stamp-dated 12 December 2012 and amended plans stamp-dated 11 February 2013, subject to the following conditions and advice notes:

1. The doors, windows and adjacent floor areas fronting Green Street and Dunedin Street shall maintain an active and interactive relationship with these streets;
- ~~2. The total public floor area of the eating house shall be limited to 110.32 square metres;~~
- ~~3. The total public floor area of the small bar shall be limited to 50.66 square metres;~~
- ~~2. The hours of operation of the small bar shall be limited to:~~

<u>DAY</u>	<u>HOURS OF OPERATION</u>
<u>Monday to Thursday</u>	<u>7:00am to 10:00pm</u>
<u>Friday and Saturday</u>	<u>7:00am to 12:00 midnight</u>
<u>Sunday</u>	<u>7:00am to 10:00pm</u>

- ~~3. The hours of operation of the outdoor courtyard of the small bar shall be limited to:~~

<u>DAY</u>	<u>HOURS OF OPERATION</u>
<u>Monday to Thursday</u>	<u>7:00am to 8:00pm</u>
<u>Friday and Saturday</u>	<u>7:00am to 10:00pm</u>
<u>Sunday</u>	<u>7:00am to 8:00pm</u>

- ~~4. The hours of operation of the small bar where alcohol can be sold and/or served shall be limited to:~~

<u>DAY</u>	<u>HOURS OF OPERATION</u>
<u>Monday to Thursday</u>	<u>11:00am to 10:00pm</u>
<u>Friday and Saturday</u>	<u>11:00am to 12:00 midnight</u>
<u>Sunday</u>	<u>11:00am to 10:00pm</u>

5. The maximum number of patrons to occupy the small bar at any one time shall be one hundred and twenty (120) persons;

6. Packaged liquor shall not be sold at the premises;

4. 7. Continuous and complementary awnings being provided over the Green Street and Dunedin Street footpaths for the full length and width of the lot in accordance with the City's Local Laws relating to Verandahs and Awnings over Streets, with the awnings being a minimum height of 2.75 metres from the footpath level to the underside of the awning and a minimum of 500 millimetres and a maximum of 750 millimetres from the kerb line of Green Street and Dunedin Street with cut outs to accommodate existing and proposed street trees;

5. 8. Windows in the front existing building shown on the proposed plans as porthole style windows shall be a large window the same size and design as the existing adjacent window fronting Dunedin Street;

9. The porthole style windows facing Dunedin Street are to have a sill height of no greater than 1.6 metres above the finished floor level;

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

6 10.1 Amended Plans

Amended plans are required demonstrating that the car parking bays are setback 1 metre from the western boundary, with the disabled bay shared area being reduced to 2.4 metres in width;

6 10.2 Cash-in-lieu

**6 10.2.1 Pay a cash-in-lieu contribution of ~~\$50,365~~ \$30,555 for the equivalent value of ~~14.39~~ 8.73 car parking spaces, based on the cost of \$3,500 per bay as set out in the City's 2012/2013 Budget;
OR**

6 10.2.2 Lodge an appropriate assurance bond/bank guarantee of a value of ~~\$50,365~~ \$30,555 to the satisfaction of the City. This assurance bond/bank guarantee will only be released in the following circumstances:

- (a) To the City at the date of issue of the Building Permit for the development, or first occupation of the development, whichever occurs first; or**
- (b) To the owner(s)/applicant following receipt by the City of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or**
- (c) To the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired.**

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

6 10.3 Acoustic Report

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

6 10.4 Construction Management Plan

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

6 10.5 Landscaping and Reticulation Plan

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

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

6 10.5.1 Provision of increased soft landscaping of 5% percent of the total site with a view to significantly reduce areas of hardstand and paving;

6 10.5.2 The location and type of existing and proposed trees and plants;

6 10.5.3 All vegetation including lawns;

6 10.5.4 Areas to be irrigated or reticulated and such method;

6 10.5.5 Proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and

6 10.5.6 Separate soft and hard landscaping plants (indicating details of materials to be used).

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

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

6 10.6 Refuse Management

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

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

Commercial:

1 x mobile garbage bin per unit; and

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

6 10.7 Schedule of External Finishes

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

6 10.8 Vehicular Access

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

10.9 Management Plan

A detailed Management Plan that addresses the control of noise, patron and anti-social behaviour, traffic, car parking, the collection and disposal of rubbish and litter associated with the development and any other appropriate matters shall be submitted to and approved by the City prior to the first occupation of the development, and thereafter implemented and maintained;

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

7 11.1 Car Parking

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

7 11.2 Bicycle Parking Facilities

One (1) class one or two and three (3) class three bicycle facilities shall be provided at a location convenient to the entrances and within the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted to and approved by the City prior to installation of such facility; and

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

ADVICE NOTES:

1. With regards to conditions 2 and 3, any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the City;
2. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Green Street, Dunedin Street and the southern right-of-way;
3. No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning; and

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

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

Moved Cr Wilcox, Seconded Cr Pintabona

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

- "3. The hours of operation of the outdoor courtyard of the small bar shall be ~~limited to:~~ the same as the operating hours (as outlined in condition 2) for a twelve month trial period, from the date of opening/occupation of the small bar;"

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Harley was an apology for the meeting.)

COUNCIL DECISION ITEM 9.1.1

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by P Mavor on behalf of the owners, New Frontier Pty Ltd, for Proposed Change of Use from Shop to Unlisted Use (Small Bar) and Associated Additions and Alterations at No. 25 (Lot 3; D/P 11538) Green Street, Corner of Dunedin Street, Mount Hawthorn, and as shown on plans stamp-dated 12 December 2012 and amended plans stamp-dated 11 February 2013, subject to the following conditions and advice notes:

1. The doors, windows and adjacent floor areas fronting Green Street and Dunedin Street shall maintain an active and interactive relationship with these streets;
2. The hours of operation of the small bar shall be limited to:

DAY	HOURS OF OPERATION
Monday to Thursday	7:00am to 10:00pm
Friday and Saturday	7:00am to 12:00 midnight
Sunday	7:00am to 10:00pm

3. The hours of operation of the outdoor courtyard of the small bar shall be the same as the operating hours (as outlined in condition 2) for a twelve month trial period, from the date of opening/occupation of the small bar;
4. The hours of operation of the small bar where alcohol can be sold and/or served shall be limited to:

DAY	HOURS OF OPERATION
Monday to Thursday	11:00am to 10:00pm
Friday and Saturday	11:00am to 12:00 midnight
Sunday	11:00am to 10:00pm

5. The maximum number of patrons to occupy the small bar at any one time shall be one hundred and twenty (120) persons;
6. Packaged liquor shall not be sold at the premises;
7. Continuous and complementary awnings being provided over the Green Street and Dunedin Street footpaths for the full length and width of the lot in accordance with the City's Local Laws relating to Verandahs and Awnings over Streets, with the awnings being a minimum height of 2.75 metres from the footpath level to the underside of the awning and a minimum of 500 millimetres and a maximum of 750 millimetres from the kerb line of Green Street and Dunedin Street with cut outs to accommodate existing and proposed street trees;
8. Windows in the front existing building shown on the proposed plans as porthole style windows shall be a large window the same size and design as the existing adjacent window fronting Dunedin Street;
9. The porthole style windows facing Dunedin Street are to have a sill height of no greater than 1.6 metres above the finished floor level;
10. **PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION, the following shall be submitted to and approved by the City:**

10.1 Amended Plans

Amended plans are required demonstrating that the car parking bays are setback 1 metre from the western boundary, with the disabled bay shared area being reduced to 2.4 metres in width;

10.2 Cash-in-lieu

10.2.1 Pay a cash-in-lieu contribution of \$30,555 for the equivalent value of 8.73 car parking spaces, based on the cost of \$3,500 per bay as set out in the City's 2012/2013 Budget; OR

10.2.2 Lodge an appropriate assurance bond/bank guarantee of a value of \$30,555 to the satisfaction of the City. This assurance bond/bank guarantee will only be released in the following circumstances:

- (a) To the City at the date of issue of the Building Permit for the development, or first occupation of the development, whichever occurs first; or
- (b) To the owner(s)/applicant following receipt by the City of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or
- (c) To the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired.

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

10.3 Acoustic Report

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

10.4 Construction Management Plan

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

10.5 Landscaping and Reticulation Plan

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

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

- 10.5.1 Provision of increased soft landscaping of 5% percent of the total site with a view to significantly reduce areas of hardstand and paving;
- 10.5.2 The location and type of existing and proposed trees and plants;
- 10.5.3 All vegetation including lawns;
- 10.5.4 Areas to be irrigated or reticulated and such method;
- 10.5.5 Proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- 10.5.6 Separate soft and hard landscaping plants (indicating details of 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);

10.6 Refuse Management

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

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

Commercial:

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

10.7 Schedule of External Finishes

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

10.8 Vehicular Access

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

10.9 Management Plan

A detailed Management Plan that addresses the control of noise, patron and anti-social behaviour, traffic, car parking, the collection and disposal of rubbish and litter associated with the development and any other appropriate matters shall be submitted to and approved by the City prior to the first occupation of the development, and thereafter implemented and maintained;

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

11.1 Car Parking

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

11.2 Bicycle Parking Facilities

One (1) class one or two and three (3) class three bicycle facilities shall be provided at a location convenient to the entrances and within the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted to and approved by the City prior to installation of such facility; and

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

ADVICE NOTES:

1. **With regards to conditions 2 and 3, any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the City;**
2. **All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Green Street, Dunedin Street and the southern right-of-way;**
3. **No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning; and**

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

ADDITIONAL INFORMATION:

The applicant met with the City's Officers on Friday, 8 March 2013 and provided further clarification regarding the proposed change of use from shop to unlisted use (small bar).

The applicant advised that the subject site is to be used as a small bar, not a separate eating house and small bar. The car parking calculation has been amended, as shown below, to reflect the proposed small bar:

Car Parking	
Car parking requirement (nearest whole number):	= 38 <u>31</u> car bays
<ul style="list-style-type: none"> • Eating House 1 space per 4.5 square metres of public area Public Floor Area: 110.32 square metres = 24.52 car bays • Small Bar 1 space per 4.5 persons of maximum number of persons approved for the site Number of Persons: 120 persons = 26.67 car bays • <u>Hairdresser</u> 1 space per 15 square metres of gross floor area Gross Floor Area: 69.85 square metres = 4.66 	
Total car bays required = 37.63 <u>31.33</u> car bays = 38 <u>31</u> car bays	
Apply the adjustment factors.	(0.8075)
<ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop) • 0.95 (within 400 metres of a public car parking place with in excess of 25 car parking spaces) 	= 30.685 <u>25.0325</u> car bays
Minus the car parking provided on-site	5 car bays
Minus the most recently approved on-site car parking shortfall	
<ul style="list-style-type: none"> • Alterations and Additions to Shop (Pharmacy) and Construction of Consulting Rooms (Naturopath) approved by Council at its Ordinary Meeting held on 28 June 1999 	11.3 car bays
Resultant shortfall	14.385 <u>8.7325</u> car bays

The applicant proposed the following hours of operation:
Monday to Saturday: 6:00am to 12:00 midnight;
Sunday: 10:00am to 10:00pm

The proposed hours are considered to raise two issues relating to the hours of operation and the sale of alcohol times.

The proposed hours has the potential to have an adverse impact with regards to the amenity of the surrounding properties between 6:00am and 7:00am. It is considered opening at 6:00am in the morning will impact on the amenity of the area in terms of noise and traffic (deliveries). Opening at 7:00am can be considered, given the location of the site, being on the corner of Green Street and Dunedin Street, and due to the noise regulations which change at 7:00am to a higher allowable noise limit.

Further to the above, given the location of the sites proximity to residential properties, it is recommend that the hours of operation of the outdoor courtyard also be restricted, where it is required to close at 8:00pm Sunday to Thursday and 10:00pm Friday and Saturday.

It is recommended that the service of alcohol be restricted as it has the potential to significantly affect the amenity of the locality given it is in close proximity to residential dwellings. It is proposed that the business be allowed to operate from 7:00am but alcohol not be allowed to be served until 11:00am, as this allows for alcohol to be served with lunch.

In accordance with the allowable noise emissions under the *Environmental Protection (Noise) Regulations 1997*, it is recommended that conditions of approval restricting the hours of operation be applied as follows:

The hours of operation of the small bar shall be limited to:

DAY	HOURS OF OPERATION
Monday to Thursday	7:00am to 10:00pm
Friday and Saturday	7:00am to 12:00 midnight
Sunday	7:00am to 10:00pm

The hours of operation of the outdoor courtyard of the small bar shall be limited to:

DAY	HOURS OF OPERATION
Monday to Thursday	7:00am to 8:00pm
Friday and Saturday	7:00am to 10:00pm
Sunday	7:00am to 8:00pm

The hours of operation of the small bar where alcohol can be sold and/or served shall be limited to:

DAY	HOURS OF OPERATION
Monday to Thursday	11:00am to 10:00pm
Friday and Saturday	11:00am to 12:00 midnight
Sunday	11:00am to 10:00pm

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

PURPOSE OF REPORT:

The application is referred to Council for determination as it comprises a unlisted use, where three (3) objections were received.

BACKGROUND:

History:

Date	Comment
28 June 1999	The Council at its Ordinary Meeting resolved to approve a development application for alterations and addition to shop (pharmacy) and construction of consulting rooms (naturopath) at No. 25 Green Street, corner of Dunedin Street, Mount Hawthorn.

Previous Reports to Council:

Nil.

DETAILS:

The application proposes a change of use from shop to eating house and unlisted use (small bar) and associated additions and alterations.

The existing portion of the building, which fronts Green Street and Dunedin Street, comprises the proposed small bar. The addition to the rear of the existing building, fronting Dunedin Street, comprises the proposed eating house, including an outdoor courtyard area.

The proposed small bar has a public floor area of 50.66 square metres, with the proposed eating house having a public floor area of 110.32 square metres.

The application also proposes to change the vehicle access to the site. Currently the vehicle access is via Dunedin Street; whereas the proposal provides vehicle access via the southern right-of-way, which bring the proposal further into compliance with the City's Policy No. 3.7.1 relating to Parking and Access.

Landowner:	New Frontier Pty Ltd
Applicant:	P Mavor
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Local Centre
Existing Land Use:	Shop
Use Class:	Eating House and Unlisted Use (Small Bar)
Use Classification:	"AA" and "SA"
Lot Area:	630 square metres
Right of Way:	Southern side, 5 metres wide, sealed.

ASSESSMENT:

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

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

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

Car Parking	
Car parking requirement (nearest whole number) <ul style="list-style-type: none"> • Eating House 1 space per 4.5 square metres of public area Public Floor Area: 110.32 square metres = 24.52 car bays • Small Bar 1 space per 4.5 persons of maximum number of persons approved for the site Number of persons: 59 persons = 13.11 car bays Total car bays required = 37.63 car bays = 38 car bays	= 38 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop) • 0.95 (within 400 metres of a public car parking place with in excess of 25 car parking spaces) 	(0.8075) = 30.685 car bays
Minus the car parking provided on-site	5 car bays
Minus the most recently approved on-site car parking shortfall <ul style="list-style-type: none"> • Alterations and Additions to Shop (Pharmacy) and Construction of Consulting Rooms (Naturopath) approved by Council at its Ordinary Meeting held on 28 June 1999. 	11.3 car bays
Resultant shortfall	14.385 car bays

Bicycle Parking	
Restaurant (Public Floor Area: 110.32 square metres): <ul style="list-style-type: none"> • 1 space per 100 square metres public area (class 1 or 2) = 1.1032 spaces • 2 spaces plus 1 space per 100 square metres of public area (class 3) = 3.1032 spaces 	
<u>Required</u> Class 1 or 2: 1.1032 = 1 space Class 3: 3.1032 = 3 spaces	
<u>Provided</u> Nil	

The applicant has provided justification which states the following:

"The application for proposed building extensions to 25 Green Street will have a maximum capacity of 120 persons.

- 1 car bay per 4.5 people = 26.7 bays
- 15% reduction as site is within 400 metres of several bus stops on London Street and Osborne Street.
- 5% further reduction as site is adjacent to a car park (Dunedin Street) with over 25 bays.
- Requirement of 21.5 bays.
- 5 bays including one disabled are provided on site.
- Propose to pay cash in lieu for the use of Dunedin Street Car Park."

After applying the relevant adjustment factors, a total of 30.66 car bays will be required for the proposed eating house and small bar. A previously approved shortfall of 11.3 car bays combined with five (5) compliant car bays being provided on-site for the proposed building, results in a shortfall of 14.39 car bays.

The City's Policy No. 3.7.1 relating to Parking and Access provides for cash-in-lieu to be considered for the proposed shortfall, to provide and/or upgrade parking bays in a nearby existing or proposed public parking facility, which may include on-street parking. Clause 11 "Cash-in-lieu" of the Policy states:

“This policy provision is not to be seen to be replacing the developer’s responsibility to provide on-site parking, but rather as a mechanism to enable otherwise desirable developments, for which the full amount of parking cannot be provided on site, to proceed.”

It is considered in this instance, that proposed 14.39 car parking shortfall to the eating house and small bar does not replace the developer’s responsibility to provide car parking as there is currently five (5) compliant car parking provided on-site. As stated in Clause 11 (above) cash-in-lieu is to be considered where the full amount of car parking required cannot be provided for a development; as the proposal comprises a portion of the car parking bays it is in keeping with the Clause 11 of the City’s Policy No. 3.7.1 relating to Parking and Access.

Further to the above, Clause 22 “Minimum Parking Requirements” of the City’s Policy No. 3.7.1 relating to Parking and Access, provides a guide when determining whether a development should be supported or refused on car parking grounds. Clause 22 (ii) states:

“If the total requirement (after adjustment factors have been taken into account) is between 11 – 40 bays, a minimum of 15 per cent of the required bays is to be provided.”

The proposal requires 19.39 car bays to be provided; therefore Clause 22 (ii) needs to be considered. A minimum of 3 car bays, being fifteen (15) per cent of the required bays, are required to be provided on-site for the City to consider accepting cash-in-lieu for the remaining 16.39 car bays. As there are five (5) compliant car bays provided on-site (being 25.79 per cent of the required bays), with the shortfall being 14.39 car bays, the proposed variation is able to be supported in this instance subject to the payment of cash-in-lieu.

Further to this, it is also a condition of approval that the proposal also provides one (1) class one or two and three (3) class three bicycle spaces.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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Comments Period:	6 February 2013 to 27 February 2013.
Comments Received:	Thirteen (13) support, three (3) neither support or object and three (3) objections. A petition in favour, together with 275 signatures was received at the Council Meeting held on 26 February 2013.

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Support of Location</p> <ul style="list-style-type: none"> • Perfect location in an area shouting out for some activation and nightlife. More than ample parking in the public car park adjacent so shouldn’t be knocked back for any planning reasons. • Other businesses in the strip would benefit from having a small bar as a draw card to attract new customers to this area, as well as giving them somewhere to send customers whilst they wait for any work to be done. 	<p>Supported. Under the City of Vincent Town Planning Scheme No. 1 an eating house is a permitted use, with a small bar being a use that is not permitted unless Council exercises its discretion; therefore it is a use that can be considered appropriate in a local centre zone.</p> <p>In this instance the proposal is considered to be in an appropriate location as it is in keeping with the objectives of the City of Vincent Town Planning Scheme No. 1 and the City’s Policy No. 3.1.1 relating to the Mount Hawthorn Precinct.</p>

Summary of Comments Received:	Officers Technical Comment:
<ul style="list-style-type: none"> • The proposal gives local residents somewhere close to have a meal and drink, and be able to walk home. • The proposal will result in a great amenity and a venue to socialise and have a meal at. • The area is lacking intimate venues such as the proposed establishment and it will be fantastic for local residents. • The use of a small bar would fit well into the strip shopping centre and would drive business to the surrounding businesses. • This an appropriate use on a higher order traffic route, which is more likely to be sustained by exposure to passing traffic. 	<p>The public carpark adjacent provides additional offstreet parking.</p>
<p>Issue: Parking</p> <ul style="list-style-type: none"> • If the 15 minute parking bays in the street are taken up with patrons of the small bar, this will take up bays utilised by adjoining businesses. These bays should be policed by the rangers, with the patrons for the small bar parking in the Council car park at the rear. • Parking on either side of Dunedin Street should be restricted to 15 minute parking from 8:00am to 9:00pm and that this is enforced by Council. • Although there is parking available in the adjoining car park, there are concerns that this is not adequate for the proposal as the street is already experiencing parking congestion. • There are already problems with street parking and limited vision due to excess cars. 	<p>Dismissed. The proposed eating house and small bar is in keeping with the City's Policy No. 3.7.1 relating to Parking and Access, subject to the payment of cash-in-lieu for the proposed shortfall of 14.39 car bays.</p> <p>Rangers undertake parking compliance across the City.</p>
<p>Issue: Surveillance</p> <ul style="list-style-type: none"> • The Dunedin Street elevation of the development consists primarily of port-hole style windows approximately 2150mm above ground level. This does not promote well lit accessways. This is greater than the acceptable 700mm stipulated in the Assessment Table item A3. 	<p>Dismissed. The proposed windows front Dunedin Street provide for passive surveillance to the street, which is in keeping with the objectives of the City's Policy No. 3.5.15 relating to Shopfronts and Front Facades to Non-Residential Buildings.</p>

Summary of Comments Received:	Officers Technical Comment:
<ul style="list-style-type: none"> • The use of port-hole style windows is not consistent with the local style of residential or commercial buildings nor provides attraction to passer-bys. • The west wall is proposed to re rendered which cannot be classified as rich architectural design and detailing. 	<p>Supported. A condition is proposed to increase the large windows to the Dunedin Street frontage for street activation.</p>
<p>Issue: Noise</p> <ul style="list-style-type: none"> • There is the potential for noise as people walk home past properties late in the evening. • The rear courtyard will increase noise to adjoining properties. 	<p>Dismiss. This is not a planning related objection.</p> <p>Noise levels are governed by the <i>Environmental Protection (Noise) Regulations 1997</i>; for further information regarding noise please contact the City's Health Services on 9273 6533.</p>

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

The following legislation and policies apply to the proposed change of use from shop to eating house and unlisted use (small bar) and associated additions and alterations at No. 25 Green Street, corner of Dunedin Street, Mount Hawthorn:

- Planning and Development Act 2005;
- City of Vincent Town Planning Scheme No. 1;
- Mount Hawthorn Precinct Policy No. 3.1.1;
- Non-Residential/Residential Development Interface Policy No. 3.4.3;
- Signs and Advertising Policy No. 3.5.2;
- Shop Fronts and Front Facades to Non-Residential Buildings Policy No. 3.5.15;
- Sound Attenuation Policy No. 3.5.21;
- Construction Management Plans Policy No. 3.5.23; and
- Parking and Access Policy No. 3.7.1.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"Natural and Built Environment

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

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

Economic Development

2.1 Progress economic development with adequate financial resources

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

SUSTAINABILITY IMPLICATIONS:

The City’s Strategic Plan 2011-2016 states:

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

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

ENVIRONMENTAL	
Issue	Comment
The proposal uses an existing building for the proposed small bar, with the additions comprising the proposed eating house. The adaptive re-use of the existing space has a lower environmental impact compared to constructing a new building for this purpose. It is also noted that the development predominantly consists of a non-permeable surface, with there being a landscaping strip 0.6 metres wide located between the outdoor courtyard of the eating house and the car parking spaces. As the site predominantly comprises a non-permeable surface, stormwater management is important.	

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

ECONOMIC	
Issue	Comment
The construction of the building will assist in creating short term employment opportunities. In addition, the proposed eating house and small bar land use will facilitate business development within the City, as it provides the potential for new businesses to invest, whilst also creating job opportunities within the locality.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS

The proposed eating house and small bar complies with the City’s Policy No. 3.7.1 relating to Parking and Access, subject to the payment of cash-in-lieu, as there is an adequate provision of parking provided for the proposed development in the context of an adjacent public carpark.

The proposed use is considered to be compatible with the provisions of the Mount Hawthorn Precinct policy, within the context of land zoned ‘Local Centre’. It is also considered that the proposal will provide the opportunity for increased street activation through the use of continuous interactive fronts and weather protection, that which is to be ensured by way of recommended conditions of approval that have been imposed.

Whilst it is noted that that three objections and three submissions that neither support or object the proposal were received during the community consultation period, that which have been duly considered and addressed above, it is further noted that a petition of 279 signatures, collected from surrounding businesses on behalf of the applicant and submitted for consideration at the Ordinary Meeting of council held 26 February 2013.

Notwithstanding the above mentioned submissions of objection, there is considered to be a significant level of support from members of the local community, further substantiating the grounds upon which the proposed use is considered to be an appropriate and suitable utilisation of the subject property. The applicant's response to the issues raised in objection to the proposal can be found in Attachment three (003).

CONCLUSION:

In view of the above, the application is supportable as it complies with the City's Policy No. 3.1.1 relating to Mount Hawthorn Precinct, the City's Policy No. 3.4.3 relating to Non-Residential/Residential Development Interface, the City's Policy No. 3.5.15 relating to Shop Fronts and Front Facades to Non-Residential Buildings, the City's Policy No. 3.7.1 relating to Parking and Access and the City of Vincent Town Planning Scheme No. 1.

Accordingly, it is recommended the application be approved subject to standard and appropriate conditions and advice notes.

9.1.5 No. 4 (Lot 103; D/P 2848) Matlock Street, Mount Hawthorn – Proposed Demolition of Existing Single House

Ward:	North	Date:	1 March 2013
Precinct:	Mount Hawthorn; P01	File Ref:	PRO4243; 5.2013.17.1
Attachments:	001 – Heritage Assessment 002 – Applicant Submission		
Tabled Items:	Nil		
Reporting Officer:	H Au, Heritage Officer		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application submitted by the owner Anthony James Blott for proposed Demolition of Existing Single House, at No. 4 (Lot 103; D/P 2848) Matlock Street, Mount Hawthorn, and as shown on plans stamp-dated 17 January 2013, subject to the following conditions:

1. A Demolition Permit shall be obtained from the City prior to commencement of any demolition work on the site;
2. **PRIOR TO THE ISSUE OF A DEMOLITION PERMIT**, a redevelopment proposal for the subject property shall be submitted to and approved by the Council. A building permit for this development must have been issued and the applicant must demonstrate to the satisfaction of the Council that this development will commence;
3. A Demolition Management Plan, detailing how the demolition of the development will be managed to minimise the impact on the surrounding area, including a site plan to indicate all infrastructural features located on the verge and indicate the access and travel path of demolition traffic entering and exiting the site, shall be submitted to and approved by the City, prior to the issue of a Demolition Permit. A Pro-forma can be found on the City's website;
4. Support of the demolition application is not to be construed as support of the Planning Approval/Building Permit application for the redevelopment proposal for the subject property;
5. Demolition of the existing dwelling will make the property ineligible for any development bonuses under the provisions of the City of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing dwellings valued by the community; and
6. Any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the City of Vincent Town Planning Scheme and associated Policies.

ADVICE NOTES:

1. The City **STRONGLY ENCOURAGES** the applicant to retain all or part of the existing building as part of any new development for the site in order to maintain the amenity of the existing Matlock Street streetscape; and
2. No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning.

Moved Cr Topelberg, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Buckels, Seconded Cr Maier

“That the application be DEFERRED until such time plans are provided to the Council in Accordance with Section 41 of the Town Planning Scheme No. 1.”

Debate ensued.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Harley was an apology for the Meeting.)

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

(Cr Harley was an apology for the Meeting.)

COUNCIL DECISION ITEM 9.1.5

That the application be DEFERRED until such time plans are provided to the Council in Accordance with Section 41 of the Town Planning Scheme No. 1.

PURPOSE OF REPORT:

The application requires referral to the Council for determination as more than 5 objections were received.

BACKGROUND:

The previous Planning Approval for Demolition of Existing Single House at No. 4 (Lot 103) Matlock Street, Mount Hawthorn issued on 21 December 2010; was not acted upon, and has since expired on 21 December 2012.

The applicant has submitted the subject Development Application for Demolition of Existing Single House at No. 4 (Lot 103) Matlock Street, Mount Hawthorn on 18 January 2013.

History:

Date	Comment
26 October 2010	The City received a Development Application for Proposed Demolition of Existing Single House at No. 4 (Lot 103) Matlock Street, Mouth Hawthorn.
5 November 2010	A full Heritage Assessment was undertaken by the City's Heritage Services in accordance with the City's Local Planning Policy No. 3.6.2 relating to Heritage Management – Assessment (amended on 22 July 2008), which indicates that the place is not considered to meet the threshold for entry onto the City's Municipal Heritage Inventory.

Date	Comment
7 December 2010	The Council resolved to approve an application for Proposed Demolition of Existing Single House at No. 4 (Lot 103) Matlock Street, Mount Hawthorn, which has since expired on 21 December 2012.
18 January 2013	The City received a Development Application in relation to the proposed demolition at No. 4 (Lot 103) Matlock Street, Mount Hawthorn.
19 February 2013	The previous Heritage Assessment has been updated in accordance with the City's Local Planning Policy No. 3.6.2 relating to Heritage Management – Assessment (amended on 10 July 2012), which indicates that the place is not considered to meet the threshold for entry onto the City's Municipal Heritage Inventory.

Previous Reports to Council:

This matter was previously reported to the Council on 7 December 2010 (Item 9.1.2).

The Minutes for the above Ordinary Meetings of Council relating to this report are available on the City's website at the following link:

http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes/Minutes_2010

DETAILS:

Landowner:	Anthony James Blott
Applicant:	Anthony James Blott
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:	425m ²
Right of Way:	East side, 5 metres wide, sealed, City owned

The proposal involves the demolition of the brick and tile dwelling at No. 4 (Lot 103) Matlock Street, Mount Hawthorn. The application is for demolition only. The applicant advised in a letter received on 14 January 2013 that a redevelopment application will be submitted once the Council's endorsement for the demolition of the place is confirmed. The following comments are provided by the applicant in this respect:

"I will not be demolishing the existing dwelling until such time as I have approved building plans for the new dwelling from the council. I intend to submit my building plans to council as soon as is practicable and after I have chosen a builder and designed plan for the new dwelling. The GFC has held up my plans to date."

To ensure that the property is redeveloped appropriately, conditions have been included requiring the submission of a redevelopment proposal to be considered and determined by the City, prior to the issue of a demolition permit.

As per the City's Policy No. 4.1.5 relating to Community Consultation, the subject application has been included in the Agenda to obtain the Council approval, as more than five objections were received during the community consultation period.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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Consultation Period:	23 January 2013 to 6 February 2013.
Comments Received:	Twelve (12) objections.

Summary of Comments Received:	Officers Comment:
<p><u>Issue: Redevelopment</u></p> <ul style="list-style-type: none"> The proposed design of any new building should be revealed before the existing house is demolished. 	<p>Noted – A condition of planning approval requires a redevelopment proposal for the subject property to be submitted and approved by the City prior to the issue of a Demolition Permit.</p>
<p><u>Issue: Lapsed Planning Approval</u></p> <ul style="list-style-type: none"> The previous planning approval has been lapsed. The owner ignored the previous conditions and resubmitted the application again. 	<p>Noted – The previous Planning Approval has expired and the proposed demolition has not been undertaken. A fresh planning approval must be obtained.</p>
<p><u>Issue: Streetscape</u></p> <ul style="list-style-type: none"> Demolition of the subject place will destroy the streetscape and historical significance of the area. 	<p>Noted – The City does not have any Streetscape Policies in place to refuse the demolition of the subject place.</p>
<p><u>Issue: R Codes</u></p> <ul style="list-style-type: none"> Any demolition is contrary to the legislative intention of the R codes. 	<p>Dismiss – The redevelopment proposal will be assessed in accordance with the Residential Design Codes WA 2010.</p>
<p><u>Issue: Demolition Management</u></p> <ul style="list-style-type: none"> Concern over noise and disruption to vehicle access to the right of way during demolition. 	<p>Noted – A Demolition Management Plan, detailing how the demolition of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the City, prior to the issue of a Demolition Permit.</p>
<p><u>Issue: Property Value</u></p> <ul style="list-style-type: none"> A different character of home being built in the area would result in a decrease in value of our property. 	<p>Dismiss – As per the City's Policy No. 4.1.5 relating to Community Consultation, comments received based on civil or non-planning matters, such as property values, will not be considered.</p>

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

Medium: The community concern appears essentially to be a streetscape issue; however, without a sound streetscape policy/framework, the refusal of the application would be difficult to defend at the State Administrative Tribunal (SAT).

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"Natural and Built Environment"

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

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

SUSTAINABILITY IMPLICATIONS:

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

"1.2 The Environmental Sustainability Context

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

The following tables outline the applicable sustainability issues for this Strategic Plan:

ENVIRONMENTAL	
Issue	Comment
	Whilst the Officers have no objection to the proposed demolition, the Officers encourage the applicant to retain, reuse and integrate element(s) of the existing building into the new development, as per above Advice Note.

SOCIAL	
Issue	Comment
	The retention, reuse and integration of the element(s) of the existing building into the new development enhance the amenity of local areas.

ECONOMIC	
Issue	Comment
	The construction of any future buildings on site and demolition of the existing dwelling will provide short term employment opportunities.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENTS & CONCLUSION:

Demolition

An updated Heritage Assessment, which has been undertaken on 19 February 2013, is included as an attachment to this report.

The existing house at No. 4 (Lot 103) Matlock Street, Mount Hawthorn is an example of the Interwar Bungalow style of architecture constructed circa 1936. The front façade of the dwelling appears to remain substantially unchanged from its date of construction and it remains a modest example of the Interwar Bungalow.

Whilst the place has *some aesthetic value* as it is a good example of the Interwar Bungalow style of architecture which demonstrates the modest style of residence along Matlock Street in the late 1930s, and *some historic value* as it was constructed by the Plunkett Builders in the late 1930s, which played a significant role in the development of Perth's housing construction and design, the place is considered to be below the threshold for entry onto the City's Municipal Heritage Inventory (MHI), in accordance with the City's Local Planning Policy No. 3.6.2 relating to Heritage Management – Assessment (Amended 10 July 2012).

In accordance with Clause 5 "Grading of Heritage Significance for Heritage Places" in the City's Local Planning Policy No. 3.6.2 relating to Heritage Management – Assessment (Amended 10 July 2012), only those properties which have moderate, considerable and exceptional level of significance warrant entry onto the City's Municipal Heritage Inventory.

In light of the above, it is considered reasonable that the proposed demolition be approved.

Streetscape

As stated in the above Consultation Table, community concern regarding the proposed demolition relates to the potential impact that a new development could have on the Matlock Street streetscape. The City's Officers recognise that this section of Matlock Street, which the subject place is located, is dominated by Interwar Bungalows and California Bungalows with comparable traditional setbacks, scale and proportion.

However, the City does not have any Streetscape Policies from which to refuse the demolition of the subject place. The City's Residential Design Elements Policy requests that new buildings reflect the setbacks of existing streetscape.

The City's Officers acknowledge the sensitivities associated with the demolition of the subject place and, in accordance with good sustainability principles and in an attempt to retain the character of the area, it is considered prudent to encourage the applicant to investigate options to retain all or part of the place as part of any new development for the site as per the above Advice Note.

Conclusion

The application is therefore supported, subject to standard and appropriate conditions to address the above matters.

9.2.5 Forrest Park, Mt Lawley – Approval of a Concept Option – Progress Report No. 4

Ward:	South	Date:	1 March 2013
Precinct:	Forrest (14)	File Ref:	RES0003
Attachments:	001 – Proposed Options Plan Nos 3033-CP-01A-C 002 – Proposed Options Plan Nos 3033-CP-02A-C		
Tabled Items:	Nil		
Reporting Officer:	J van den Bok, Manager Parks and Property Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

Mayor Hon. Alannah MacTiernan has declared an Proximity Interest in Item 9.2.5.
Chief Executive Officer John Giorgi has declared an Impartiality interest in Item 9.2.5.

OFFICER RECOMMENDATION:

That the Council;

1. **CONSIDERS** the alternative designs presented for both Option 1 and 2 as supported in principle at its Ordinary Meeting of Council held on 12 February 2013 as outlined below;

No:	Option	Item	Plan No.	Estimated Cost
1.1	Option 1A	Part permanent vegetative barrier/part semi permanent barrier (crowd control type barrier)	Plan No. 3033-CP-01A	\$32,700
1.2	Option 1B	Part permanent vegetative barrier/part semi permanent barrier (pool fence type barrier)	Plan No. 3033-CP-01B	\$40,750
1.3	Option 1C	Part permanent vegetative barrier/part semi permanent barrier (planter boxes)	Plan No. 3033-CP-01C	\$47,200
1.4	Option 2A	Permanent vegetative barrier (one (1) metre wide garden/hedge)	Plan No. 3033-CP-02A	\$31,400
1.5	Option 2B	Permanent vegetative barrier (three (3) metre wide garden with trees/shrubbery)	Plan No. 3033-CP-02B	\$47,400
1.6	Option 2C	Permanent vegetative barrier (five (5) metre wide garden with trees/shrubbery)	Plan No. 3033-CP-02C	\$53,800

2. **APPROVES** Option as being the most appropriate/suitable;
3. **LISTS** funds of \$..... for consideration in the 2013/2014 draft budget to undertake the works, as per the adopted option as shown in Clause 2 above;
4. **ADVISES** the Sporting Clubs affiliated with Forrest Park and the respondents of its decision; and

5. NOTES that;

- 5.1 additional park benches will be installed along the eastern and northern frontages of the park this financial year, in addition to those noted as part the options outlined above; and
- 5.2 Charles Veryard Reserve, North Perth has been identified as a possible alternative ground for existing/new clubs to train up to three (3) nights per week during the 2013/2014 winter season, due to changes in uses at this reserve.

Mayor Hon. Alannah MacTiernan declared a Proximity Interest in the Item and vacated the Chair at 7.20pm and assumed her position in Cr McGrath's seat.

Deputy Mayor Cr Warren McGrath assumed the Chair at 7.20pm and presided for this item.

Moved Cr Maier, Seconded Mayor MacTiernan

That the recommendation be adopted.

Debate ensued.

AMENDMENT 1

Moved Cr Maier, Seconded Cr Topelberg

"That Clauses 2 and 3 be amended to read as follows:

2. APPROVES Option 2B (Permanent vegetative barrier (three (3) metre wide garden with trees/shrubbery) as being the most appropriate/suitable;
3. LISTS funds of \$47,400 for consideration in the 2013/2014 draft budget to undertake the works, as per the adopted option as shown in Clause 2 above;"

Debate ensued.

AMENDMENT 1 PUT AND CARRIED ON THE CASTING VOTE OF THE PRESIDING MEMBER (5-4)

For: Cr McGrath (two votes – deliberative and casting vote), Cr Carey, Cr Maier
Cr Topelberg

Against: Mayor Hon. MacTiernan Cr Buckels, Cr Pintabona and Cr Wilcox

(Cr Harley was an apology for the Meeting.)

Debate ensued.

AMENDMENT 2

Moved Cr Maier, Seconded Cr Topelberg

"That a new Clause 5.3 be inserted to read as follows:

- 5.3 Funds have been listed for consideration in the 2013/2014 Draft Budget to upgrade lighting at Charles Veryard Reserve to enable greater use of the reserve for training purposes."

Debate ensued.

AMENDMENT 2 PUT AND CARRIED (5-3)

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

Against: Cr Buckels, Cr Carey and Cr Pintabona

(Cr Harley was an apology for the Meeting.)

PROCEDURAL MOTION:

Moved Cr Topelberg, Seconded Mayor MacTiernan

That the Item be DEFERRED and reported back to the Ordinary Meeting of Council to be held on 23 April 2013.

PROCEDURAL MOTION PUT AND CARRIED (6-2)

For: Mayor Hon. Alannah MacTiernan, Cr Carey, Cr McGrath, Cr Pintabona,
Cr Topelberg and Cr Wilcox

Against: Cr Buckels and Cr Maier

(Cr Harley was an apology for the Meeting.)

SUBSEQUENT MOTION:

Moved Mayor MacTiernan, Seconded Cr Pintabona

“That the Chief Executive Officer, in liaison with the Mayor be authorised to engage a Landscape Consultant Architect to review and further develop the barrier options (adopted in Principle by the Council) at Forrest Park and to convene a community workshop with local residents and park users to consider such options and this be commenced in the first part of April 2013 with a report to be submitted to the Ordinary Meeting of Council to be held on 23 April 2013.”

SUBSEQUENT MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Harley was an apology for the Meeting.)

COUNCIL DECISION ITEM 9.2.6

That the Item be DEFERRED and reported back to the Ordinary Meeting of Council to be held on 23 April 2013.

SUBSEQUENT MOTION:

That the Chief Executive Officer, in liaison with the Mayor be authorised to engage a Landscape Consultant Architect to review and further develop the barrier options (adopted in Principle by the Council) at Forrest Park and to convene a community workshop with local residents and park users to consider such options and this be commenced in the first part of April 2013 with a report to be submitted to the Ordinary Meeting of Council to be held on 23 April 2013.

PURPOSE OF REPORT:

The purpose of the report is to provide the Council with detailed alternative designs/plans for Option 1 and 2 as approved at the Ordinary Meeting of Council 12 February 2013 and to seek approval for one option/plan and to list funds for consideration in the Draft Budget 2013/2014.

BACKGROUND:

At the Ordinary Meeting of Council held on 12 February 2013 Progress Report No. 3 was presented to Council outlining the results of the recent community consultation where it was resolved as follows:

“That the Council;

1. *CONSIDERS the 338 submissions received in relation to the three (3) concept improvement options for Forrest Park recently advertised for public comment;*

2. *SUPPORTS IN PRINCIPLE the erection of a partial/full barrier in Forrest Park based on Options 1 and Option 2, as shown in Plan No. 3009-CP-01A and Plan No. 3009-CP-01B; and*
3. *RECEIVES a further report at the Ordinary Meeting of Council to be held on 12 March 2013; and*
4. *APPROVES the Director Technical Services to install additional park benches in Forrest Park.”*

DETAILS:

Officers have provided three (3) alternative designs to be considered for both Options 1 and 2 as supported in principle at the Ordinary Meeting of Council held on 12 February 2013.

A description of what is proposed is provided in addition to the advantages and disadvantages of each design and a cost estimate for implementation.

Option 1A – Part permanent vegetative barrier/part semi permanent barrier (crowd control type barrier) as per Plan No. 3033-CP-01A;

Description:

Option 1A consists of a part permanent vegetative barrier approximately three (3) metres wide and 30metres in length, which will run from the dual use path on the Curtis Street side of the park along the Community Recreation Zone alignment to a point which intersects or is near to the cricket pitch boundary line. The vegetative barrier will be planted with approximately six (6) native trees and low shrubs and groundcovers and four (4) park benches will be provided for seating.

A part semi permanent barrier will then be installed from this point across the reserve to the dual use path adjacent the croquet club. This barrier will remain in place for the winter season (April to September) and then be removed after the soccer season so that the cricket pitch can be utilised.

The barrier provided in this option will be a typical crowd control barrier as shown on the attached plan. Two (2) openings will be provided to allow access for patrons between the active area and the community recreation zone.

Advantages:

- Low cost option.
- Easy to install and remove/store.
- No ongoing significant operational costs after initial purchase.
- This option does not require removal of existing cricket pitch.
- Minimal physical changed to the park.

Disadvantages:

- Not necessarily considered aesthetically pleasing.
- Fence is not secure and could be moved around/vandalised.
- Soccer balls may possibly damage panels if kicked hard against fence.

Item:	Cost estimate (\$)
Purchase/install/storing of barriers	\$9,000
Supply/Plant 6 trees & planting of 90 m2 garden area	\$3,750
Removal/Re-use/disposal of turf	\$2,250
Supply/install 4 x park benches (\$1,900 ea)	\$7,600
Alterations to existing reticulation	\$500
Supply/install 3 x picnic tables (\$3,200 ea)	\$9,600
Total cost estimate	\$32,700

Option 1B – Part permanent vegetative barrier/part semi permanent barrier (pool fence type barrier) as per Plan No. 3033-CP-01B;

Description:

Option 1B consists of a part permanent vegetative barrier approximately three (3) metres wide and 30metres in length, which will run from the dual use path on the Curtis Street side of the park along the Community Recreation Zone alignment to a point which intersects or is near to the cricket pitch boundary line. The vegetative barrier will be planted with approximately six (6) native trees and low shrubs and groundcovers and four (4) park benches will be provided for seating.

A part semi permanent barrier will then be installed from this point across the reserve to the dual use path adjacent the croquet club. This barrier will remain in place for the winter season (April to September) and then be removed after the soccer season so that the cricket pitch can be utilised.

The barrier provided in this option will be pool type fencing 900mm in height and of similar design to fencing recently installed at nearby Jack Marks Reserve. Two (2) access gates will be provided to allow access for patrons between the active area and the community recreation zone.

The fencing cannot be permanently installed; therefore it will be designed specifically so that panels are fitted into "in-ground" sleeves and locked into place to prevent vandalism and relocation of the fencing panels.

Advantages:

- Aesthetically pleasing design.
- Easy to install and remove/store.
- No ongoing significant operational costs after initial purchase.
- This option does not require removal of existing cricket pitch.
- Minimal physical changed to the park.

Disadvantages:

- Soccer balls may possibly damage panels if kicked hard against fence.

Item	Cost estimate:
Supply/install pool type fencing (900mm high)	\$17,050
Supply/Plant 6 trees & planting of 90 m2 garden area	\$3,750
Removal/Re-use/disposal of turf	\$2,250
Supply/install 4 x park benches (\$1,900 ea)	\$7,600
Alterations to existing reticulation	\$500
Supply/install 3 x picnic tables (\$3,200 ea)	\$9,600
Total cost estimate	\$40,750

Option 1C – Part permanent vegetative barrier/part semi permanent barrier (Planter Boxes) as per Plan No. 3033-CP-01C;

Description:

Option 1C consists of a part permanent vegetative barrier approximately three (3) metres wide and 30metres in length, which will run from the dual use path on the Curtis Street side of the park along the Community Recreation Zone alignment to a point which intersects or is near to the cricket pitch boundary line. The vegetative barrier will be planted with approximately six (6) native trees and low shrubs and groundcovers and four (4) park benches will be provided for seating.

A part semi permanent barrier will then be installed from this point across the reserve to the dual use path adjacent the croquet club. This barrier will remain in place for the winter season (April to September) and then be removed after the soccer season so that the cricket pitch can be utilised.

The barrier provided in this option will be planter boxes or troughs as shown on the attached plan. The planter boxes or troughs will be planted with native/waterwise exotic shrubs and two (2) openings will be provided to allow access for patrons between the active area and the community recreation zone.

Advantages:

- Aesthetically pleasing.
- This option does not require removal of existing cricket pitch.

Disadvantages:

- High cost of initial purchase of planter boxes.
- High ongoing operational costs for removal/installation & maintenance.

Item	Cost estimate:
Purchase/installation/removal/storing of planter boxes	\$23,500
Supply/Plant 6 trees & planting of 90 m2 garden area	\$3,750
Removal/Re-use/disposal of turf	\$2,250
Supply/install 4 x park benches (\$1,900 ea)	\$7,600
Alterations to existing reticulation	\$500
Supply/install 3 x picnic tables (\$3,200 ea)	\$9,600
Total cost estimate	\$47,200

Option 2A – Permanent vegetative barrier (one (1) metre wide garden/hedge) as per Plan No. 3033-CP-02A

Description:

Option 2A consists of a permanent vegetative barrier approximately one (1) metre wide and one hundred and ten (110) metres in length, which will run from the dual use path on the Curtis Street side of the park along the Community Recreation Zone alignment to the dual use path on the other side of the park adjacent the croquet club.

The vegetative barrier will be planted with a single line/hedge of either a native or waterwise exotic shrub that is known to be hardy and structurally quite resilient. Four (4) “back to back” park benches will be provided for seating along the line of the shrubbery with two (2) gaps in the planting to allow access for patrons between the active area and the community recreation zone.

Advantages:

- Aesthetically pleasing.

Disadvantages:

- Removal of existing cricket pitch is required.
- Ongoing maintenance costs.
- Ongoing damage to hedge from soccer balls and dogs running through barrier.
- Barrier is going to be compromised, planting will be difficult to establish.

Item	Cost estimate:
Removal of cricket pitch & turf reinstatement	\$8,500
Supply & planting of 110 m2 garden area	\$1,650
Removal/Re-use/disposal of turf	\$2,750
Supply/install 4 x park benches (\$1,900 ea)	\$7,600
Alterations to existing reticulation	\$1,300
Supply/install 3 x picnic tables (\$3,200 ea)	\$9,600
Total cost estimate	\$31,400

Option 2B - Permanent vegetative barrier (three (3) metre wide garden with trees/shrubbery) as per Plan No. 3033-CP-02B

Description:

Option 2B consists of a permanent vegetative barrier approximately three (3) metres wide and one hundred and ten (110) metres in length, which will run from the dual use path on the Curtis Street side of the park along the Community Recreation Zone alignment to the dual use path on the other side of the park adjacent the croquet club.

The vegetative barrier will be planted with eighteen (18) small Eucalypt trees and native shrubs/groundcovers. Four (4) park benches will be provided for seating, two (2) on either side of the vegetative barrier to allow for both soccer spectators and community recreational area patrons. Two (2) gaps in the planting will allow access for patrons between the active area and the community recreation zone.

Advantages:

- Aesthetically pleasing.
- Vegetative barrier is wide enough to densely plant and establish an effective barrier.

Disadvantages:

- Removal of existing cricket pitch is required.
- Ongoing maintenance costs.

Item	Cost estimate:
Supply/Plant 18 trees & planting of 330 m2 garden area	\$12,150
Removal of cricket pitch & turf reinstatement	\$8,500
Removal/Re-use/disposal of turf	\$8,250
Supply/install 4 x park benches (\$1,900 ea)	\$7,600
Alterations to existing reticulation	\$1,300
Supply/install 3 x picnic tables (\$3,200 ea)	\$9,600
Total cost estimate	\$47,400

Option 2C Permanent vegetative barrier (five (5) metre wide garden with trees/shrubbery) as per Plan No. 3033-CP-02C

Description:

Option 2C consists of a permanent vegetative barrier approximately five (5) metres wide and one hundred and ten (110) metres in length, which will run from the dual use path on the Curtis Street side of the park along the Community Recreation Zone alignment to the dual use path on the other side of the park adjacent the croquet club.

The vegetative barrier will be planted with twelve (12) larger Eucalypt trees and native shrubs/groundcovers. Four (4) park benches will be provided for seating, two (2) on either side of the vegetative barrier to allow for both soccer spectators and community recreational area patrons. Two (2) gaps in the planting will allow access for patrons between the active area and the community recreation zone.

Advantages:

- Aesthetically pleasing
- Vegetative barrier is wide enough to densely plant and establish an effective barrier

Disadvantages:

- Most expensive option
- Removal of existing cricket pitch is required
- Ongoing maintenance costs
- Creates the most physical change to the park.

Item	Cost estimate:
Supply/Plant 12 trees & planting of 550 m2 garden area	\$13,050
Removal of cricket pitch & turf reinstatement	\$8,500
Removal/Re-use/disposal of turf	\$13,750
Supply/install 4 x park benches (\$1,900 ea)	\$7,600
Alterations to existing reticulation	\$1,300
Supply/install 3 x picnic tables (\$3,200 ea)	\$9,600
Total cost estimate	\$53,800

Park Benches

In addition to any of the above Options implemented, Officers have identified locations for three (3) new park benches along the eastern and northern frontages of the park. Three (3) picnic tables will be installed and locations have been identified in accordance with information received during the consultation period and recent community forums.

Locations are adjacent the clubrooms, near the corner of Walcott/Curtis Street and near to the vegetative barrier included in both Options 1 and 2 adjacent Curtis Street.

Possible Use of Charles Veryard Reserve

Due to changes in the hire of this reserve, Charles Veryard Reserve is now available for a possible alternative ground for existing/new clubs to train up to three (3) nights per week during the winter season.

The City's Administration will consider this Reserve during the allocation of grounds for the 2013/2014 season.

CONSULTATION/ADVERTISING:

All respondents, including sporting clubs affiliated with this reserve will be advised of the Council decision.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Low: A part-permanent physical or vegetative barrier if installed may improve the amenity/safety of all park users.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

As indicated in previous reports, if the Council was to consider the segregation of the dog exercise area from the 'active' sports area by creating a vegetative barrier consisting of native plants this would ultimately result in increased biodiversity, however would not necessarily reduce groundwater use given the design of the existing in-ground reticulation system.

FINANCIAL/BUDGET IMPLICATIONS:

No funding has been allocated within the 2012/13 budget to undertake any of the proposed works, as this matter arose after the adoption of the Budget.

Should the Council wish the works to be implemented prior to the 2013 winter season, which commences in the first weekend in April, a funding source will have to be identified so that arrangements can be made to commence sourcing/ordering materials/plants etc. An absolute majority decision will be required to re-allocate funds.

COMMENTS:

Following the Council resolution at its Ordinary Meeting held on 12 February 2013, the Council now have to choose an Option to implement the erection of a partial/full barrier at Forrest Park.

9.4.6 No. 742 (Lot 30; D/P 42555) Newcastle Street, Leederville – Approval Of Application for Additional Outdoor Eating Area for Leederville Hotel

Ward:	South	Date:	5 March 2013
Precinct:	Oxford Centre; P04	File Ref:	PRO0630
Attachments:	001 – Ground Floor Plan 002 – Aerial Photograph of Leederville Hotel 003 – Proposed Tables, Chairs and Moveable Barriers		
Tabled Items:	Nil		
Reporting Officer:	J MacLean, Manager Ranger and Community Safety Services		
Responsible Officer:	R Boardman, Director Community Services		

REVISED OFFICER RECOMMENDATION:

That the Council:

1. **APPROVES** the application from the Leederville Hotel to introduce a second Outdoor Eating Area in Newcastle Street, Leederville, on a trial basis for a maximum period of twelve (12) months, as shown in Appendix 9.4.6A and B, subject to conditions as follows:
 - 1.1 The new outdoor eating area shall be restricted to a maximum capacity of thirty (30) persons;
 - ~~1.2 Alcohol shall only be served in the outdoor eating area as an accompaniment to a meal;~~
 - 1.32 Leederville Hotel staff and security personnel shall ensure that there is no conflict between patrons of the Hotel and patrons of the Taxi Rank;
 - 1.43 The operating hours shall be restricted to 11:30am to 6:30pm Monday to Sunday;
 - 1.54 The chairs, tables and barriers (as shown in Appendix 9.4.6, Attachment 003) used in the outdoor eating area shall be removed by no later than 7:00pm each night;
 - 1.65 The footpath shall have a clear unobstructed accessway of 1.5 metres, for pedestrians, at all times;
 - 1.76 Payment of the Prescribed fee of \$2821; and
 - 1.87 The City reserving the right to cancel the permit if the conditions are not complied with or conflict on the footpath occurs; and
2. **NOTES** that, if the new outdoor eating area proves to be a successful venture, the Hotel management will consider applying to the City to extend the operating hours from 6:30pm to midnight and will provide a Pedestrian Management Plan to support the application.

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

Mayor Hon. Alannah MacTiernan assumed the Chair at 7.46pm.

Moved Cr Buckels, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

AMENDMENT 1

Moved Cr Buckels, Seconded Cr Wilcox

“That a new Clause 1.8 be inserted to read as follows:

- 1.8 That any bicycle facilities in the proposed outdoor eating area will be relocated by the Leederville Hotel at no cost to the City.”

Debate ensued.

AMENDMENT 1 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Harley was an apology for this Meeting.)

Debate ensued.

AMENDMENT 2

Moved Cr Carey, Seconded Cr Topelberg

“That Clause 1 be amended to read as follows:

1. APPROVES the application from the Leederville Hotel to introduce a second Outdoor Eating Area in Newcastle Street, Leederville, on a trial basis for a maximum period of ~~twelve (12)~~ six (6) months, as shown in Appendix 9.4.6A and B, subject to conditions as follows:”

Debate ensued.

AMENDMENT 2 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Harley was an apology for this Meeting.)

AMENDMENT 3

Moved Cr Carey, Seconded Cr Topelberg

“That Clause 2 be deleted as follows:

2. ~~NOTES that, if the new outdoor eating area proves to be a successful venture, the Hotel management will consider applying to the City to extend the operating hours from 6:30pm to midnight and will provide a Pedestrian Management Plan to support the application.~~

Debate ensued.

AMENDMENT 3 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Harley was an apology for this Meeting.)

AMENDMENT 4

Moved Cr McGrath, Seconded Cr Carey

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

- 2. NOTES that meals shall be available to customers in the new outdoor eating area.”**

Debate ensued.

AMENDMENT 4 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Harley was an apology for this Meeting.)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED ON THE CASTING VOTE OF THE PRESIDING MEMBER (5-4)

For: Mayor Hon. MacTiernan (two votes – deliberative and casting vote), Cr Buckels, Cr McGrath, and Cr Wilcox

Against: Cr Carey, Cr Maier, Cr Pintabona and Cr Topelberg

(Cr Harley was an apology for the Meeting.)

COUNCIL DECISION ITEM 9.4.6

That the Council:

1. **APPROVES** the application from the Leederville Hotel to introduce a second Outdoor Eating Area in Newcastle Street, Leederville, on a trial basis for a maximum period of six (6) months, as shown in Appendix 9.4.6A and B, subject to conditions as follows:
 - 1.1 The new outdoor eating area shall be restricted to a maximum capacity of thirty (30) persons;
 - 1.2 Leederville Hotel staff and security personnel shall ensure that there is no conflict between patrons of the Hotel and patrons of the Taxi Rank;
 - 1.3 The operating hours shall be restricted to 11:30am to 6:30pm Monday to Sunday;
 - 1.4 The chairs, tables and barriers (as shown in Appendix 9.4.6, Attachment 003) used in the outdoor eating area shall be removed by no later than 7:00pm each night;
 - 1.5 The footpath shall have a clear unobstructed accessway of 1.5 metres, for pedestrians, at all times;
 - 1.6 Payment of the Prescribed fee of \$2821;
 - 1.7 The City reserving the right to cancel the permit if the conditions are not complied with or conflict on the footpath occurs;
 - 1.8 That any bicycle facilities in the proposed outdoor eating area will be relocated by the Leederville Hotel at no cost to the City; and
2. **NOTES** that meals shall be available to customers in the new outdoor eating area.

PURPOSE OF REPORT:

To seek Council approval of the application from the Leederville Hotel for an additional outdoor eating area in close proximity to an existing approved outdoor eating area, for a trial period of twelve (12) months.

BACKGROUND:

11 October 2011 The Council at its Ordinary Meeting resolved in part to *refuse* the application from the Leederville Hotel to renew the Outdoor Eating Area Permit for No. 742 Newcastle Street, Leederville, including the current enclosure structure and decking, as constructed on the footpath of Newcastle Street, for the following reasons:

- “1.1 the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- 1.2 the outdoor eating area enclosure and decking is located within the footpath area, and dominates the footpath area in its current form; and*
- 1.3 results in a negative precedent for other similar Outdoor Eating Areas within the City; and*

ADVISES the owners of the Leederville Hotel that the outdoor eating structure and decking shall be removed and the footpath returned to its original state and condition at the full cost of the Leederville Hotel Owners within twenty-eight (28) days from the date of the City’s notification of the Council’s decision, to the satisfaction of the Director Technical Services.”

REQUESTS the Chief Executive Officer to review the City’s current Policy No. 3.8.1 – Outdoor Eating Areas, with a view to clarifying the current guidelines including permanent fixtures/structures and that the Chief Executive Officer report back to the Council, before December 2011, with a proposed amended Policy No. 3.8.1;”

26 October 2011 The Leederville Hotel submitted to the City a copy of its application to appeal the City’s decision to refuse the application at the above site.

8 November 2011 The Council considered a Confidential Report regarding the Leederville Hotel’s review of the Council’s refusal for the Outdoor Eating Area and resolved as follows:

“That the Council;

- 1. RECEIVES the report relating to the Leederville Hotel’s Appeal application to the State Administrative Tribunal (SAT), Review Matter No. DR 365 of 2011 relating to the Council’s Refusal to renew their Outdoor Eating Area Permit, including the current enclosure structure at No. 742 Newcastle Street, Leederville; and*
- 2. INVITES the Mayor Hon. Alannah MacTiernan and Councillors Roslyn Harley and Warren McGrath to attend any future mediation(s) on behalf of the Council, including the SAT Review (appeal).”*

9 November 2011 Directions Hearing was held at the State Administrative Tribunal for the above application.

- 6 December 2011 Further Directions Hearing was held at the State Administrative Tribunal for the above application.
- 20 December 2011 Mediation held at the State Administrative Tribunal for the above application attended by the Mayor, Director Community Services and Director Technical Services. The following Orders were made by the SAT:
- “1. Pursuant to s 31(1) of the State Administrative Tribunal Act 2004 (WA) the respondent is invited to reconsider its decision at its meeting on 20 December 2011 having regard to the amendments to the proposed development.
 2. The matter is adjourned to a further mediation to commence at 2 pm on Friday, 13 January 2012.”
- 20 December 2011 The Council considered an Urgent Confidential Report, regarding the proposed modifications to the outdoor eating area, to accommodate a ramp at both the western and eastern ends where the Council resolved as follows (in part):
- “That the Council APPROVES the application from the Leederville Hotel to renew their Outdoor Eating Area Permit for Newcastle Street, Leederville, including the proposed outdoor eating area structure indicated in Option 3 dated December 2011, on the footpath of Newcastle Street, subject to the following conditions:*
- 2.5 *compliant ‘ramps’ to facilitate universal access, fabricated from an approved material, shall be installed at the western and eastern end of the structure to the satisfaction of the City’s Director Technical Services;”*
- 11 January 2013 A new application was received from the Leederville Hotel, seeking approval for a further Outdoor Eating Area to be established approximately 7 metres west of the area approved at the Ordinary Meeting of Council, held on 20 December 2011. This application was for hours of operation from 11:30am to midnight Monday to Sunday (10:00pm Sunday) as shown in Appendix 9.4.6A.

DETAILS:

The Leederville Hotel Application for an additional Outdoor eating area, was assessed by the various sections of the City’s Administration and comments are as follows:

Technical Services and Ranger Services

Approval would result in approximately half of the public footpath adjacent to the Leederville Hotel being utilised as an extension of the Leederville Hotel premises. The property is approximately 60 metres in length and the combined length of the two outdoor eating areas would be approximately 40 metres. A small portion of the proposed outdoor eating area is located on the Leederville Hotel property.

There is a concern that the footpath at the requested location is fairly congested with queues of people waiting to get into the Hotel, queues of people waiting in the taxi rank and a substantial number of pedestrians walking through the area. The taxi rank operates twenty four (24) hours per day (all year round). However, rarely is there any queuing or taxi’s during the day. The rank gets busy in the late evenings. The area concerned is shown in Appendix 9.4.6A and B. (Attachments 001 and 002).

The current maximum accommodation numbers for the Leederville Hotel is 1,112 patrons, although this number would very rarely be reached. As a result, it is suggested that there should be no need for the Hotel to utilise additional land that is provided for the public to use.

The City modified the road layout a number of years ago, to provide a large taxi rank to cater for predominantly Hotel patrons. It was considered that the depth of the footpath at this location, approximately 3.1 metres, would be adequate to ensure public safety when queuing for a taxi. If this available footpath depth was reduced as per the application, to approximately 1.5 metres, the public safety margin could also be substantially reduced.

Both Technical Services and Ranger Services therefore consider that it is not appropriate to approve of the application, for the above reasons.

Health Services

Health Services assessed the property and confirm that, if approved, there would be adequate toilet facilities on-site, but that the number of patrons that could be accommodated would be limited to thirty (30) and not forty (40) as requested, due to the following reasons:

- Areas around the doorways cannot be included as available floor space;
- The area of available floor space on the footpath, as indicated in the drawing of the proposed outdoor eating area (Appendix 9.4.6A), is approx 30m² with the patron ratio of 1 person per 1m².
- There would also be a requirement for food to be provided in the area, so that it does not become a "drinking area only".

Planning Services

Planning Services advise that the application complies with the existing planning approval for the site.

Plans

It should be noted that the application from the Leederville Hotel included a drawing of the proposed outdoor eating area, but it did not have any dimensions. As a result, Officers made measurements, based on the diagram provided and these figures were used in the assessments. The Leederville Hotel was contacted, the Manager indicated that the proposal was a trial, to assess whether there would be support for the additional alfresco area, so the hours of operation could easily be reduced to ensure that conflict was avoided. As a result, the Leederville Hotel has amended its application for the outdoor eating area to only operate from 11:30am to 6:30pm. However, they have indicated that, if the measure proves to be popular, they are likely to make a formal application to extend the finish time of the permit from 6:30pm to midnight.

Revised Application

The following correspondence was received from the General Manager of the Leederville Hotel on Friday, 1 March 2013:

"The Leederville Hotel would be agreeable to trialling the Alfresco during the hours of 11.30am to 6.30pm Wed to Sat. The Hotel currently does not operate Sunday through Tuesday.

During this trial period, I should be happy to monitor & build information obtained from this trial into a Pedestrian Management Report for Council consideration with a view to the possibility of increasing the Alfresco hours of operation on a permanent basis.

Furthermore, it is the intention of the owners of the Leederville Hotel to renovate the front part of the hotel (incl. fascia, awning etc) in the near future – effectively making the Newcastle St side a small bar layout, varying the hospitality offering vis a vis food, better facilities, superior wines, cocktails etc.

We see the Leederville Hotel becoming an integral part of the future of the Leederville Precinct by offering another food & beverage operation – moving away from the youth market.

In addition, I would ask that together with the above trial, the Leederville Hotel be permitted to operate the Alfresco from 9.30am (alcohol from 10am per our Liquor Licence) on Sunday the 17th March to enable patrons to view & be a part the St Patricks Day parade.

Please advise if you require any further information to facilitate the positive outcome of above.”

If the Hotel makes an application to increase the operating hours, it will also submit a Pedestrian Management Plan, identifying how the issue of footpath congestion will be dealt with. Any future applications will be assessed on their merit, having regard to how the pedestrian congestion and conflict was managed.

The proposed tables, chairs and moveable barriers are shown in Appendix 9.4.6C (Attachment 003).

LEGAL/POLICY:

- City of Vincent Local Government Property Local Law 2007; and
- Policy No. 3.8.1 relating to Outdoor Eating Areas.

RISK MANAGEMENT IMPLICATIONS:

Low: The increase in the use of the footpath, by an additional outdoor eating area, during the day and in the early evening would have little effect on the use of the footpath. The existing taxi rank does not get used until after 8pm and it is very busy for much of the evening night, so it is suggested that the level of resulting risk is minimal and therefore acceptable.

STRATEGIC IMPLICATIONS:

In keeping with the City's *Strategic Plan 2011 – 2016*, Objective 1.1.4(b) states:

“Continue to implement both minor and major improvements in public open spaces”.

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial implications to the City, associated with this report. The outdoor Eating area fee are as follows:

Current approval for Outdoor Eating Area at The Garden

Annual renewal fee - **\$122**

Charge per chair for the first six chairs - \$65 (\$390)

Charge per chair for all chairs over 6 - \$85 (\$2550)

TOTAL = \$3062

New application for additional Outdoor Eating Area adjacent to the Leederville Hotel

Initial application fee - **\$391** (PAID)

Charge per chair for the first six chairs - \$65 (\$390)

Charge per chair for all chairs over 6 – 24 chairs X \$85 (\$2040)

TOTAL = \$2821

COMMENTS:

The Leederville Hotel has made application for approval for an additional outdoor eating area, close to the existing outdoor area and adjacent to the Hotel boundary. The application sought operating hours from 11:30am to midnight. The City's Officers do not believe that it is appropriate to approve the application, especially given the current pedestrian congestion from around 8:00pm each night. However, the Hotel subsequently amended the application and has reduced the operating hours to cease at 6:30pm, which would create a supportable application.

Notwithstanding that there are some concerns expressed by the City's Technical Services Officers and Ranger Services Section about possible congestion of the footpath and conflict with the taxi rank in the evening, the imposed conditions will ensure that there are no (or minimal) problems.

The Chief Executive Officer and Director Community Services are of the view that the placement of outdoor eating areas in the Leederville Town Centre is consistent with the Council's objective to activate footpaths and create a more pleasant ambience. The existing outdoor area works very well and provides an improved amenity for this part of Newcastle Street.

The current approval will be for a trial period twelve (12) months and will be re-assessed prior to renewal of any further permit. The application is therefore recommended for approval.

9.1.2 No. 69 (Lot: 101 D/P: 67440) Brewer Street, Perth - Proposed Change of Use from Office to Unlisted Use (Bed and Breakfast)

Ward:	South	Date:	1 March 2013
Precinct:	Beaufort Precinct – P13	File Ref:	PRO5702; 5.2012.548.1
Attachments:	001 – Property Information Report & Development Assessment Plans 002 – Applicants justification and management plan 003 – Applicants Response to Comments Received During the Consultation Period		
Tabled Items:	Nil		
Reporting Officer:	S De Piazzi, Planning Officer (Statutory)		
Responsible Officer:	C Eldridge, Director Development Services		

CORRECTED OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1, **APPROVES** the application submitted by B Mondello for the proposed Change of Use from Office to Unlisted Use (Bed and Breakfast) at No. 69 (Lot 101; D/P 67440) Brewer Street, Perth as shown on amended plans stamp-dated 15 January 2013, subject to the following conditions:

1. The proposed Bed and Breakfast shall comply with the following;
 - 1.1 there is to be no more than six (6) guests (to a maximum of twelve (12) people inclusive of the family of the keeper) staying at the premise overnight;
 - 1.2 occupants may stay at the subject Bed and Breakfast for a continuous period of no longer than six (6) months within any twelve (12) month period;
 - 1.3 the keeper of the Bed and Breakfast must reside on site at all times while the Bed and Breakfast is in operation;
 - 1.4 breakfast is required to be provided to guests;
 - 1.5 breakfast (and other meals if provided) are provided to Bed and Breakfast guests only; and
 - 1.6 access to a dining area, bathroom and laundry facilities must be provided for Bed and Breakfast guests;
2. **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;
 - 2.1 **Cash-in-Lieu**

pay a cash-in-lieu contribution of \$4,379.37 for the equivalent value of 1.25125 car parking spaces, based on the cost of \$3,500 per bay as set out in the City’s 2012/2013 Budget; OR

lodge an appropriate assurance bond/bank guarantee of a value of \$4,379.37 to the satisfaction of the City. This assurance bond/bank guarantee will only be released in the following circumstances:

- 2.1.1 to the City at the date of issue of the Building Permit for the development, or first occupation of the development, whichever occurs first; or
- 2.1.2 to the owner(s)/applicant following receipt by the City of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or
- 2.1.3 to the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired;

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

- 3. PRIOR TO THE SUBMISSION OF A BUILDING PERMIT, the following shall be completed to the satisfaction of the City;

“3.1 Site Plan

The applicant is to provide an amended site plan indicating the use of all rooms in the dwelling, the allocation of each bathroom, and location of the managers lounge and cooking facilities in the kitchen; and

3.2 Management Plan

3.2.1 details on the agreement arrangements between the owner and tenants including house rules, information provided to guests on arrival/prior to arrival, and management of ensuring that a maximum of six (6) ~~occupants~~ guests will be staying at the premise at any one time; and”

3.2.2 details on the agreement arrangements between the owner and tenants including house rules, information provided to guests on arrival/prior to arrival, and management of ensuring that a maximum of six (6) occupants will be staying at the premise at any one time; and

3.2.3 details on the information that will be advised to tenants relating to car parking (areas they may/may not park, provision of rear bays and preference to disabled bay, acceptable locations for pick up/drop off etc);

- 4. the development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City; and

- 5. this approval for Change of Use from Office to Unlisted Use (Bed and Breakfast) is for a period of one (1) year only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the City prior to continuation of the use.

ADVICE NOTES:

1. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Brewer Street.
2. No verge trees shall be removed. The verge trees shall be retained and protected from any damage including unauthorised pruning.
3. All signage that does not comply with the City's Policy No. 3.5.2 relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Building Permit application, being submitted to and approved by the City prior to the erection of the signage.
4. Residents are to be made aware of the "House Rules" and Code of Conduct. They are to be displayed in a prominent position within the premises at all times.
5. Plans will be required to show the minimum standards for access to sunlight and ventilation at Building Permit stage, current plans lack detail of any openings other than doors.

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 Buckels, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Cr Pintabona departed the Chamber at 8.30pm.
Cr Carey departed the Chamber at 8.30pm.

Debate ensued.

Cr Pintabona returned to the Chamber at 8.32pm.
Cr Carey returned to the Chamber at 8.32pm.

Debate ensued.

CORRECTED MOTION PUT AND CARRIED (7-1)

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

Against: Cr Buckels

(Cr Harley was an apology for the Meeting.)

PURPOSE OF REPORT:

The application is referred to Council for determination as the proposal relates to an 'SA' use, which received three objections.

BACKGROUND:

History:

Date	Comment
20 March 2012	An inspection of the premises revealed an unauthorised massage business operating at the premise. A written direction was issued on 22 March 2012 to immediately stop and not recommence the use at the property.
25 June 2012	An application for a change of use from Office to Lodging House was lodged with the City. This application was cancelled on 2 November 2012 with no determination made due to a lack of information from the applicant.

DETAILS:

Landowner:	Indomain Enterprises Pty Ltd
Applicant:	B Mondello
Zoning:	Residential/Commercial R80
Existing Land Use:	Office Building
Use Class:	Unlisted Use (Bed and Breakfast)
Use Classification:	"SA"
Lot Area:	347 square metres
Right of Way:	3 metres wide, sealed, privately owned

ASSESSMENT:

Town Planning Scheme/R Codes/Residential Design Element's/Temporary Accommodation Policy Assessment

Design Element	Complies 'Acceptable Development' or TPS Clause	OR	'Performance Criteria' Assessment or TPS Discretionary Clause
Use Class			✓
Temporary Accommodation			✓
Access & Parking			✓

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

Issue/Design Element:	Use Class
Requirement:	Town Planning Scheme No. 1 Permitted uses within a Residential/Commercial zone.
Applicants Proposal:	Unlisted Use (Bed and Breakfast) "SA"
Performance Criteria:	"SA" means that the use is not permitted unless the Council has exercised its discretion and has granted planning approval after giving special notice in accordance with Clause 37.
Applicant justification summary:	Currently there is a lack of temporary accommodation in Perth's CBD, and this proposal looks to help address this issue (for full justification see attachment 002).

Issue/Design Element:	Use Class
Officer technical comment:	Supported - The location for the proposed accommodation is ideal as it is in close proximity to City and has good access to public transport via the train and bus routes. The applicant has stated how issues encountered by the tenants is to be dealt with, and details to contact management will be available via a sign at the front of the property should adjoining residents have any concerns. Further the approval is recommended for only one year so should issues arise which are not satisfactorily resolved this will reduce the chances of approval should the applicant reapply after the one year period. The City's Town Planning Scheme allows temporary planning approvals.

Issue/Design Element:	Temporary Accommodation
Requirement:	<p><u>Temporary Accommodation Policy 3.4.5</u></p> <p>Applicant providing and complying to all items under section 2.1.3 of the Temporary Accommodation Policy: Applicant is to provide an adequate management plan detailing the following;</p> <ol style="list-style-type: none"> 1. Control of noise and other disturbances; 2. Complaints management procedures, which is to include the provision of the telephone number of the accommodation owner and operator to adjoining neighbours; 3. Security of guests, residents and visitors;
	<ol style="list-style-type: none"> 4. Control of anti-social behaviour and the potential conflict between temporary residents and permanent residents of the area. A Code of Conduct shall be prepared detailing the expected behaviour of guests/residents in order to minimise any impact on adjoining residents; temporary residents must be made aware of the 'House Rules' and Code of Conduct and they must be displayed in a prominent position within the premises at all times. 5. A commitment to advising occupiers of the premise, verbally and in writing, of the negative impact that inappropriate car parking can have on permanent residents. Details are to include any relevant car parking restrictions applicable to the area in relation to parking vehicles on surrounding properties and within the streets, and instructions that parking of vehicles on the verge is not permitted.
Applicants Proposal:	Applicant has provided a management plan covering the above matters (see attachment 002)

Issue/Design Element:	Temporary Accommodation
Performance Criteria:	<p>Temporary Accommodation is to:</p> <ol style="list-style-type: none"> 1. Provide clear policy direction on the requirements for temporary accommodation within the City of Vincent. 2. Ensure a high standard of amenity for long-term residents and the occupants of temporary accommodation through management controls. 3. Provide guidance to the operators of temporary accommodation as to their responsibilities and obligations. 4. Ensure properties used for temporary accommodation purposes do not have an undue impact on the residential amenity of the area.
Applicant justification summary:	See attachments 001 and 002 for full details on the proposed layout and management plan.
Officer technical comment:	Supported - The applicant has addressed the requirements laid out in the Temporary Accommodation Policy and is considered to be adequate to provide the City with enough information about the proposed nature in which the premises will be run. Some additional information will be required to be presented as conditioned in the officer recommendation.

Issue/Design Element:	Access and Parking
Requirement:	Temporary Accommodation Policy 3.4.5 3.25125 car bays. Refer to car bay requirement below.
Applicants Proposal:	Two (2) car bays provided on site.
Performance Criteria:	<p>Temporary Accommodation is to:</p> <ol style="list-style-type: none"> 1. Provide clear policy direction on the requirements for temporary accommodation within the City of Vincent. 2. Ensure a high standard of amenity for long-term residents and the occupants of temporary accommodation through management controls. 3. Provide guidance to the operators of temporary accommodation as to their responsibilities and obligations. 4. Ensure properties used for temporary accommodation purposes do not have an undue impact on the residential amenity of the area.
Applicant justification summary:	There is plenty of street parking available, and the nearby NIB Stadium car park. From experience most guests do not have a car, especially with a city location. Priority will be given to disabled guests and this will be written in the terms and conditions signed by all guests wishing to stay. Bicycles have been allocated an area for storage on the premises (for full justification see attachment 002).

Issue/Design Element:	Access and Parking
Officer technical comment:	Supported - The location for the proposed accommodation gives a range of transport options for the tenants as it is close to the City, has good access to public transport via the train and bus routes, and also provides for storage facilities for bicycles. Furthermore the applicant has stated that the parking bays will be given preference to any disabled persons so where there is a genuine requirement for access to private vehicle access this will be met.

Car Bay Requirement	
Car parking requirement (nearest whole number) <ul style="list-style-type: none"> • Bed and Breakfast –One (1) car bay per bedroom or one (1) car bay per 3 beds provided, whichever is the greater. Total of five bedrooms provided (requires 5 car bays) Total car bays required = 5 car bays	5 car bays
Adjustment factors <ul style="list-style-type: none"> • 0.85 (within 800 metres of a rail station) • 0.85 (within 400 metres of one or more existing public car parking place(s) with in excess of a total of 75 car parking spaces) • 0.90 (The proposed development provides ‘end-of-trip’ facilities for bicycle users, in addition to the facilities specified in the Bicycle Parking Requirements Table) Total adjustment factor = 0.65025	3.25125 car bays
Minus the car parking provided on-site	2 car bays
Minus the previously approved on-site car parking shortfall	Nil
Resultant Shortfall/Surplus	1.25125 car bays

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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Consultation Period: 18 January 2013 – 8 February 2013

Comments received: Three (3) objections were received during the consultation period.

Summary of Comments Received:	Officers Technical Comment:
<u>Issue: Bed and Breakfast “SA” Use</u> <ul style="list-style-type: none"> • Due to the nature of Temporary Accommodation there are security concerns relating to numerous different people constantly moving through the premises and surrounding area. It is considered that due to the Temporary occupancies, the occupiers are less likely to respect the local area, and this could result in both social and environmental issues emerging from the subject premise. 	Noted - The applicant has stated that the majority of the guests staying at the residence are likely to be from the business market as opposed to the backpackers market and therefore are less likely to cause any social issues. Further given that a manager will be on site at all times there will be an avenue for nearby neighbours/residents to contact and resolve any potential issues.

Summary of Comments Received:	Officers Technical Comment:
<p><u>Issue: Car Parking</u></p> <ul style="list-style-type: none"> • Parking is insufficient and should be to requirements. Finding car parking in the area is already difficult for existing premises in the street. 	<p>Dismissed - Given the property's close proximity to the train station and bus stops as well as its inner city location and provisions for bicycle storage guests have access to alternative modes of transport which do not require the use of a private car. Furthermore guests using Temporary Accommodation commonly do not require or have access to private vehicles, and as the site in a location which allows easy access to alternative methods of transport it is considered that the parking provided is likely to satisfy the requirements of the guests.</p>
<ul style="list-style-type: none"> • There is no location provided for taxis or private car transfer for new arrivals and departures. There is concern that adjoining properties driveways will be used for such purposes and this is not acceptable. • Access to public transport from the premise is subjective and dependant on the type of occupants staying (age, mobility, etc). Therefore it is not considered an adequate solution to the shortfall in parking proposed. 	<p>Noted - On street parking bays are available out front of the premises and should these bays be occupied, drop off and pick up can occur from the rear of the dwelling. Any illegal parking will be dealt with by the City's Rangers Services.</p> <p>Dismissed - Given that a disabled car bay has been provided, guests with a physical disability will be able to use the disabled bay provided at the rear of the premise. It has been noted by the applicant that anyone requiring the use of the disabled bay will be given priority to use the rear car bays over the other guests staying at the premise.</p>
<p><u>Issue: Management Plan</u></p> <ul style="list-style-type: none"> • While stated in the applicant's proposal that a manager will be on site at all times, there is concern that due to lack of facilities that this will not be the case. In particular there does not appear to be any cooking facilities in the kitchen, no space for dining, and while stated by the applicant that the manager will have their own bathroom, the plans provided are contradictory to this. All of these points add to the question of commitment to a full time residence being provided for the manager and the commitment to a full time manager. 	<p>Noted – As per the City's recently approved Temporary Accommodation Policy 3.4.5 a manager is required to be on site at all times, and the applicant has stated in the proposed management plan that this will be the case. Should it be found that the dwelling is operating contrary to the management plan provided the matter will be followed up by the City's Development Compliance Section.</p>

Note: Submissions are considered and assessed by issue rather than by individual submitter for clarity. For applicants response to the comments received listed above please see attachment 003.

LEGAL/POLICY:

The following legislation and policies apply to the proposed application for Change of Use from Office to Unlisted Use (Bed and Breakfast):

- Planning and Development Act 2005;
- City of Vincent Town Planning Scheme No. 1;
- Temporary Accommodation Policy 3.4.5; and
- Beaufort Precinct Policy No. 3.1.13.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"Economic Development

2.1 *Progress economic development with adequate financial resources*

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

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

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

ENVIRONMENTAL	
Issue	Comment
	By providing additional accommodation in an inner City location it reduces private car dependency and encourages alternative modes of transport.

SOCIAL	
Issue	Comment
	The proposal will provide a service which is considered under represented in the market and help to reduce the lack of available Temporary Accommodation in the City. By approving the use it will ensure that the premise meets the standards required by the City, and will reduce the need for people to seek unauthorised accommodation which in many cases is well below the required standards.

ECONOMIC	
Issue	Comment
	The Bed and Breakfast will create employment opportunities for the manager of the site while at the same time provide additional accommodation in the City, and also supports local businesses.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The proposal for Change of Use from Office to Bed and Breakfast has, for the most part been in compliance with the City's requirements. Three objections were received during the consultation period, and the areas of main concern were the use itself, and the resultant shortfall in car parking.

The applicant has provided the City with the requested management plan and information requested in relation to the operation of the premises and as such has indicated the methods in which the use, if approved will be run in the future. A detailed explanation of the complaints procedure indicates the applicant's willingness to resolve issues and minimise any negative impacts that the tenants may have on nearby adjoining properties.

The City's Building Section has advised that a Building Permit will be required for the internal works, at which time required additional information will be provided and the building will need to meet the relevant requirements such as access to sunlight and ventilation.

CONCLUSION:

The proposal for a Bed and Breakfast addresses an area which is currently lacking within the City of Vincent. While there are a lot of negative connotations related to Temporary Accommodation, the City requires a management plan from applicants which is to be complied with in order to address these potential concerns of the surrounding community.

Temporary Accommodation is currently under represented in the City of Vincent and this is made apparent by the number of unauthorised Lodging Houses being identified and investigated by the City's Compliance Section. Given this shortage, it is advantageous to approve such uses and ensure that the accommodation which people are staying in is to the required standards as opposed to creating a shortage and forcing people to resort to substandard illegal accommodation.

The car parking shortfall is considered to be the main area of non compliance in this proposal, and given the nature of the site and the existing structures existing, it is not possible to provide any additional car bays short of undergoing a partial demolition which is considered excessive, given a shortfall of only 1.25125 car bays. As the property is in an ideal location, close to the city, with good access both bus and rail transport, while also providing bicycle storage facilities, numerous options for transport other than the private car have been offered to occupants. As stated by the applicant, priority will be given to those who require the provision of private transport (i.e. disabled persons) and therefore the provision of parking will be there for those who genuinely require it.

In light of the above, it is considered that the proposal benefits the community, and if run in accordance with the provided management plan will be unlikely to result in any undue impacts on the surrounding local area. As such it is recommended that the development application be approved subject to the relevant conditions.

9.1.4 FURTHER REPORT: Draft Heritage Strategic Plan 2013-2017 – Advertising for Public Comment

Ward:	Both Wards	Date:	1 March 2013
Precinct:	All Precincts	File Ref:	PLA0088
Attachments:	001 – Draft Heritage Strategic Plan 2013-2017		
Tabled Items:	Nil		
Reporting Officer:	H Au, Heritage Officer		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES IN PRINCIPLE** the Draft Heritage Strategic Plan 2013-2017, as shown in Appendix 9.1.10; and
2. **AUTHORISES** the Chief Executive Officer to:
 - 2.1 advertise the Draft Heritage Strategic Plan 2013-2017, as shown in Appendix 9.1.10, for public comment for a period of twenty-eight (28) days inviting written submissions from the public in accordance with the City’s Policy No. 4.1.5 relating to Community Consultation; and
 - 2.2 report back to Council to adopt the final version of the Heritage Strategic Plan 2013-2017 taking into consideration any submissions received during the advertising period.

Moved Cr Buckels, Seconded Cr McGrath

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

“That Clause 1 be amended to read as follows:

1. **APPROVES IN PRINCIPLE** the Draft Heritage Strategic Plan 2013-2017, as shown in Appendix 9.1.10; subject to the Draft Heritage Strategic Plan being amended as follows: and
 - 1.1 Page 5 be amended to delete the following:
 - ~~The City purchased the State Heritage Listed No. 81 Angove Street, North Perth (formerly North Perth Police Station) in 2009, which is currently leased to a not-for-profit organisation. A business plan for the property is currently being prepared in relation to the use of the site~~
 - 1.2 Page 10 be amended as follows:
 - ~~Contemporary design is valued. and where it is in harmony with traditional character, rather than being discordant.~~
 - 1.3 Page 14 be amended to read as follows:
 - Develop a dedicated Local Planning Policy to guide the process for the adoption of a Heritage Area and to initiate incentives for the property owners within the Heritage Area for the Council to consider and determine.

1.4 Page 16 be amended to read as follows:

- **Conduct open days and/or guided tours for leased and non-leased heritage properties and parks owned by the City, e.g. Lee Hops Cottage Robertson Park and Beatty Park Leisure Centre ~~former North Perth Police Station~~ to increase public access and awareness.”**

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Harley was an apology for the Meeting.)

COUNCIL DECISION ITEM 9.1.4

That the Council;

1. **APPROVES IN PRINCIPLE** the Draft Heritage Strategic Plan 2013-2017, as shown in Appendix 9.1.10; subject to the Draft Heritage Strategic Plan being amended as follows: and
 - 1.1 **Page 5 be amended to delete the following:**
 - ~~The City purchased the State Heritage Listed No. 81 Angove Street, North Perth (formerly North Perth Police Station) in 2009, which is currently leased to a not-for-profit organisation. A business plan for the property is currently being prepared in relation to the use of the site~~
 - 1.2 **Page 10 be amended as follows:**

Contemporary design is valued;
 - 1.3 **Page 14 be amended to read as follows:**

Develop a dedicated Local Planning Policy to guide the process for the adoption of a Heritage Area and to initiate incentives for the property owners within the Heritage Area for the Council to consider and determine;
 - 1.4 **Page 16 be amended to read as follows:**

Conduct open days and/or guided tours for leased and non-leased heritage properties and parks owned by the City, e.g. Lee Hops Cottage Robertson Park and Beatty Park Leisure Centre to increase public access and awareness; and
2. **AUTHORISES** the Chief Executive Officer to:
 - 2.1 **advertise** the Draft Heritage Strategic Plan 2013-2017, as shown in Appendix 9.1.10, for public comment for a period of twenty-eight (28) days inviting written submissions from the public in accordance with the City's Policy No. 4.1.5 relating to Community Consultation; and
 - 2.2 **report back to Council to adopt** the final version of the Heritage Strategic Plan 2013-2017 taking into consideration any submissions received during the advertising period.

FURTHER REPORT:

The Council at its Ordinary Meeting held on 26 February 2013 considered the report to approve in principle the Draft Heritage Strategic Plan 2013-2017, and to authorise the Chief Executive Officer to advertise the Draft Heritage Strategic Plan 2013-2017 and to report back to the Council to adopt the final version of the Plan taking into consideration any submissions received during the advertising period, of which the Council resolved:

“That the item be DEFERRED for further consideration.”

The Minutes of the Ordinary Meeting of Council held on 26 February 2013, can be found at: http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes.

COMMENTS & CONCLUSION:

The City's existing Heritage Strategic Plan 2007-2012 was adopted by the Council in September 2007 and has provided a strong framework to implement heritage management at the City, during this period. The amended 2013-2017 version of the Strategic Heritage Plan is built on the same structure as the existing plan and has been updated with new target dates and some new initiatives.

During the advertising of the Draft Heritage Strategic Plan 2013-2017, the matter will be tabled at the City's Local History and Heritage Advisory Group and publicised widely for community comment. Council Members are welcome to also provide comments or arrange to discuss the matter with the City's Administration during this period if required to inform any comments made.

In light of the above, it is recommended that the Council adopt the Officer Recommendation to advertise the Draft Heritage Strategic Plan 2013-2017.

9.1.8 Review of the City's Significant Tree Inventory and Amendment No. 110 to Planning and Building Policy Manual – Policy No. 3.6.3 relating to the Trees of Significance Inventory

Ward:	Both	Date:	1 March 2013
Precinct:	All	File Ref:	PRO0092
Attachments:	001 – Policy No. 3.6.3 relating to the Trees of Significance Inventory 002 – Review and Recommendation Sheet		
Tabled Items:	Nil		
Reporting Officer:	A Fox, Planning Officer (Strategic)		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

1. **AUTHORISES** the Chief Executive Officer to advertise the proposed amendments to Policy No. 3.6.3 – Trees of Significance, for public comment, in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1 and the City's Policy No. 4.1.5 relating to Community Consultation;
2. After the expiry period for submissions:
 - 2.1 **REVIEWS** the Draft Policy No. 3.6.3 – Trees of Significance having regard to any submissions received;
 - 2.2 **DETERMINES** the Draft Policy No. 3.6.3 – Trees of Significance having regard to any submissions with or without amendments, to or not to proceed with the draft Policy.
3. **APPROVES** that the Hills Weeping Fig (*Ficus macrocarpa* Var. *Hillii*) tree no longer located on the street verge at No. 143 Shakespeare Street, Mount Hawthorn be removed from the Trees of Significance Inventory;
4. **AUTHORISES** the Chief Executive Officer to engage the services of a suitably qualified Arborist to undertake a review of the remaining trees on the City's Trees of Significance Inventory; and
5. **LISTS FOR CONSIDERATION** an amount of \$5,000 in the 2013/2014 budget to fund a Trees of Significance Assistance Fund.

Moved Cr McGrath, Seconded Cr Pintabona

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr McGrath

“That Clauses 1, 3 and 4 be amended to read as follows:

1. **AUTHORISES** the Chief Executive Officer to advertise the proposed amendments to Policy No. 3.6.3 – Trees of Significance, for public comment, in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1 and the City's Policy No. 4.1.5 relating to Community Consultation subject to the policy being amended as follows;

- 1.1 Amend Clause 6 relating to Significant Tree Nominations by including a new clause 6.2 and renumbering the following clauses from clause 6.3 through to clause 6.8 as follows:

“...6.2 Anybody may nominate a tree in the public domain for consideration by the Director of Technical Services and/or the Director Planning Services for inclusion onto the Trees of Significance Inventory.

6.26.3 Nominations are to be made in writing to the City and should include the following:...”

- 1.2 That Clause 6 relating to Incentives for Significant Tree Listing be renumbered to Clause 7 and amended to read as follows:

“7.1 Owners of trees listed on the Trees of Significance Inventory may be eligible for financial assistance for works associated with the listed tree through the City’s Trees of Significance Incentive Assistance Fund;

7.2 Funds can be used for remedial pruning, crown thinning, pest control or the like; or the provision of advice from a qualified arborist;

7.3 Funds will generally be provided on a dollar for dollar basis to a maximum of \$2,000 in any 12 month period although this may be increased at the City’s discretion if significant funds are required to maintain a tree; and

7.4 Where the City pays more than \$1,000 for any tree the owner must enter an agreement to repay the City if the tree is removed within a five year period and in the City’s opinion the tree could have been retained.”

- 1.3 That Clause 7 relating to Conservation of Trees within the City of Vincent be renumbered to Clause 8.

3. APPROVES that the Hills Weeping Fig (*Ficus macrocarpa* Var. *Hillii*) tree no longer located on the street verge at No. 143 Shakespeare Street, Mount Hawthorn and the Norfolk Island Pine no longer located in Hyde Park be removed from the Trees of Significance Inventory;

4. AUTHORISES the Chief Executive Officer to engage the services of a suitably qualified Arborist to undertake a review of the remaining trees on the City’s Trees of Significance Inventory, excluding the street verge trees on Monger and Money Streets;”

Debate ensued.

The Presiding Member Mayor Hon. Alannah MacTiernan asked the Mover, Cr Maier that she wished to *change his* amendment and the Seconder, Cr McGrath agreed as follows:

7.3 Funds will generally be provided on a dollar for dollar basis to a maximum of \$2,000 in any ~~12 month~~ 5 year period although this may be increased at the City’s discretion if significant funds are required to maintain a tree; and

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Harley was an apology for the Meeting.)

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

(Cr Harley was an apology for the Meeting.)

COUNCIL DECISION ITEM 9.1.8

That the Council;

1. **AUTHORISES** the Chief Executive Officer to advertise the proposed amendments to Policy No. 3.6.3 – Trees of Significance, for public comment, in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1 and the City’s Policy No. 4.1.5 relating to Community Consultation subject to the policy being amended as follows;
 - 1.1 Amend Clause 6 relating to Significant Tree Nominations by including a new clause 6.2 and renumbering the following clauses from clause 6.3 through to clause 6.8 as follows:
 - “6.2 Anybody may nominate a tree in the public domain for consideration by the Director of Technical Services and/or the Director Planning Services for inclusion onto the Trees of Significance Inventory;
 - 6.3 Nominations are to be made in writing to the City and should include the following;...”
 - 1.2 That Clause 6 relating to Incentives for Significant Tree Listing be renumbered to Clause 7 and amended to read as follows:
 - “7.1 Owners of trees listed on the Trees of Significance Inventory may be eligible for financial assistance for works associated with the listed tree through the City’s Trees of Significance Assistance Fund;
 - 7.2 Funds can be used for remedial pruning, crown thinning, pest control or the like; or the provision of advice from a qualified arborist;
 - 7.3 Funds will generally be provided on a dollar for dollar basis to a maximum of \$2,000 in any 5 year period although this may be increased at the City’s discretion if significant funds are required to maintain a tree; and
 - 7.4 Where the City pays more than \$1,000 for any tree the owner must enter an agreement to repay the City if the tree is removed within a five year period and in the City’s opinion the tree could have been retained;”
 - 1.3 That Clause 7 relating to Conservation of Trees within the City of Vincent be renumbered to Clause 8; and
2. After the expiry period for submissions:
 - 2.1 **REVIEWS** the Draft Policy No. 3.6.3 – Trees of Significance having regard to any submissions received;
 - 2.2 **DETERMINES** the Draft Policy No. 3.6.3 – Trees of Significance having regard to any submissions with or without amendments, to or not to proceed with the draft Policy; and

3. **APPROVES that the Hills Weeping Fig (*Ficus macrocarpa* Var. *Hillii*) tree no longer located on the street verge at No. 143 Shakespeare Street, Mount Hawthorn and the Norfolk Island Pine no longer located in Hyde Park be removed from the Trees of Significance Inventory;**
4. **AUTHORISES the Chief Executive Officer to engage the services of a suitably qualified Arborist to undertake a review of the remaining trees on the City's Trees of Significance Inventory, excluding the street verge trees on Monger and Money Streets; and**
5. **LISTS FOR CONSIDERATION an amount of \$5,000 in the 2013/2014 budget to fund a Trees of Significance Assistance Fund.**

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with an update in relation to trees listed on the City's Trees of Significance Inventory; to recommend a review of the significant trees within the City; and to present to the Council an amended version of the City's Policy No. 3.6.3 relating to the Trees of Significance. More specifically the purpose of this report is to seek the Council's approval to:

1. authorise the assessment of trees of the City's Trees of Significance Inventory by a qualified arborist;
2. authorise the advertising of amended Policy No. 3.6.3 relating to Trees of Significance for public comment; and
3. list for consideration an amount of \$5,000 in the 2013/2014 budget to fund a Trees of Significance Assistance Fund.

BACKGROUND:

History:

Date	Comment
6 May 1997	The City engaged TP Landscape Architecture to compile the Trees of Significance Inventory.
22 December 1997	The Council at its Ordinary Meeting adopted the Trees of Significance Inventory comprising 26 properties identified as having significant trees located on them.
11 January 1999	The City engaged a number of students to undertake a number of surveys, including a survey of all trees within the City's boundary. Following this, an in-house review of the identified trees resulted in two additional lists being produced, the Interim Trees of Significance Data Base – Possible Inventory Inclusion (299 trees) and the Interim Trees of Significance Data Base – Reference (466 trees).
14 June 1999	The Council at its Ordinary Meeting endorsed both the Interim Trees of Significance Data Base – Possible Inventory Inclusion and the Interim Trees of Significance Data Base – Reference lists.
9 May 2000	The Council at its Ordinary Meeting resolved to include the Camphor Laurel tree at 128 Joel Terrace, Mount Lawley on to the Trees of Significance Inventory.
27 March 2001	The Council adopted the Planning and Building Policy Manual which included Policy No. 3.6.3 – Trees of Significance.
22 May 2001	The Council at its Ordinary Meeting resolved to initiate an amendment to Town Planning Scheme No. 1 to amend Clause 21 relating to the Conservation of Trees.

Date	Comment
26 March 2003	The City secured the services of arborist Charles Aldous-Ball to review the City's Trees of Significance Inventory as well as the two interim tree lists.
24 April 2003	Amendment No 7 relating to Clause 21 of the Town Planning Scheme No. 1 was gazetted.
August 2003	Arborist Charles Aldous-Ball completed the review of the Trees of Significance Inventory and two interim lists.
6 December 2011	The Council at its Ordinary Meeting considered a report relating to a review of the Trees of Significance Inventory – Endorsement of Project Brief recommending the review of the Trees of Significance Inventory and two interim lists. The Council resolved not to proceed with the review of the Significant Tree Inventory and interim lists.

Previous Reports to Council:

This matter was previously reported to the Council on the 6 December 2011.

The Minutes of Item 9.1.10 from the Ordinary Meeting of Council held on 6 December 2011 relating to this report is available on the City's website at the following link:

http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes.

DETAILS:

History of the City's Trees of Significance

By way of background information, the following is provided in relation to the City's Trees of Significance Inventory.

Current significant tree lists:

The City's current Trees of Significance Inventory comprising 27 sites was initially adopted by the Council in December 1997. This inventory resulted from an audit undertaken by TP Landscape Architects. Currently these are the only trees that are protected under Clause 21 provisions within the Town Planning Scheme No. 1.

Following the adoption of the inventory, a review of all trees within the City was undertaken by tertiary students in 1999 which resulted in 775 sites within the City noted to contain trees worthy of significance. This review resulted in three separate lists as follows:

1. Trees of Significance Inventory (List 1)
27 listings (comprising the original trees adopted in 1997) – currently these trees are protected under Clause 21 of Town Planning Scheme No. 1;
2. Interim Significant Tree Data Base - Possible Inventory Inclusion (List 2)
299 listings – this list has been endorsed by Council on 14 June 1999, however they are not afforded protection under Clause 21 of Town Planning Scheme 1; and
3. Interim Significant Tree Database – Reference (List 3)
466 listings - this list has been endorsed by Council on 14 June 1999, however they are not afforded protection under Clause 21 of Town Planning Scheme 1.

2003 Arborist assessment:

The above List 2 and 3 trees were identified as having some significance; however, the tertiary students that compiled the lists were not qualified arborists. As such a formal assessment by a qualified arborist was required so that a recommendation could be made as to the suitability of adding trees onto the Trees of Significance (List 1).

In 2003 arborist Charles Aldous-Ball assessed all the trees currently listed on the Trees of Significance (List 1) and the 765 sites (Lists 2 and 3) identified in the 1999 review. The arborists recommendations are summarised in the following table:

Arborist Assessment and Recommendation	
Existing Inventories	Consultant Recommendation (2003)
Existing Trees of Significance (List 1) 27 Sites	Proposed an amended Trees of Significance Inventory Comprising 124 sites <i>Includes trees from existing List 1 and 2</i>
Existing Interim Significant Tree Data Base – Possible Inventory Inclusion (List 2) 299 Sites	Proposed a new Amenity Trees of Significance Inventory Comprising 161 sites <i>Includes trees from existing List 2</i>
Existing Interim Significant Tree Database – Reference (List 3) 466 Sites	Recommendation - No List 3 <i>Trees on the existing List 3 did not meet the arborists threshold for inclusion onto either of the above lists</i>

It is noted that of the 27 sites currently on the Trees of Significance Inventory, 5 were identified by the arborist as having poor form or in decline and were recommended for removal from the Trees of Significance Inventory. The arborists comments and recommendations in relation to these 5 sites are included in a table shown in Attachment 002 of this report.

Additionally, the trees listed on the current List 3 (Interim Significant Tree Database – Reference) did not meet the arborist's criteria of significance in 2003, and were not recommended for inclusion onto either of the arborist proposed lists.

Despite the thorough review of all three existing lists in 2003, resulting in the above recommendation by the arborist, which was presented at a Council Member Forum in 2004, the arborists proposed new Trees of Significance Inventory and Amenity Trees of Significance Inventory were not adopted by the Council.

2011 Review Recommendation:

On 6 December 2011, the Council considered a report relating to the review of the Trees of Significance Inventory which recommended that a suitably qualified arborist be engaged to undertake a review of the current Significant Trees Inventory (List 1) and the trees identified by the arborist in 2003 and proposed for the amended Trees of Significance Inventory and Amenity Trees of Significance Inventory.

The Council decision in relation to this recommendation is as follows:

- '1. The Council does not support the spending of \$30,000 for a consultant.
2. The Council wants the opportunity to review how the spending of \$30,000 can achieve a better outcome.'

Current Status of Trees of Significance Inventory (List 1)

As considerable time has passed since the initial adoption of the Trees of Significance Inventory in 1997, it is evident that the condition of some trees currently on the inventory has deteriorated. The City's Officers have recently undertaken an in-house review of trees listed on the current inventory to determine their condition.

As a result of the in-house audit, it was noted that there a number of trees in poor condition and may no longer be considered worthy to remain on the inventory. A table has been compiled with comments and recommendations relating to each of the sites on the current Trees of Significance Inventory. This table is shown in Attachment 002.

Given that the Significant Tree Inventory was initially adopted by the Council and is the subject of Town Planning Scheme No. 1 provisions, Council approval is required for the removal of trees from the inventory. To ensure that the Council can make an informed decision in relation to the trees on the current inventory, Officers recommend that the remaining significant trees are assessed by a qualified arborist and this professional recommendation considered prior to the removal of trees from the inventory and subsequent adoption of an amended Trees of Significance Inventory.

143 Shakespeare Street, Mount Hawthorn

A Hills Weeping Fig (*Ficus macrocarpa* Var. *Hillii*) tree currently listed on the Trees of Significance Inventory was previously located on the verge at No. 143 Shakespeare Street, Mount Hawthorn. In 2004 the tree was removed due to substantial limb removal to reduce encroachment onto the adjacent property and footpath damage caused by the trees root system. As the tree no longer exists, it is recommended that the Council authorise the removal of this listing from the Trees of Significance Inventory.

Monger and Money Street Verge Trees

Street verge trees on Monger and Money Streets, Perth are listed on the current Trees of Significance Inventory. At the Ordinary Meeting of Council held on 18 December 2012 a report was presented in relation to the verge trees within these streets which included an arborist report. At the December meeting the Council requested a further arborist assessment be undertaken.

Arborist Jonathan Epps was engaged to undertake a further professional assessment of the verge trees in Monger and Money Streets. This report is pending further consideration from the Council.

In light of the two recent arborist assessments of the verge trees on Monger and Money Street trees it is recommended that these trees do not form part of a further arborist review as adequate assessment has already be undertaken at this time.

Arborists Proposed 2003 Lists

The City's Officers have also undertaken an audit of the Trees of Significance Inventory and Amenity Trees of Significance Inventory proposed by the arborist in 2003 to determine which of these trees still remain. The following table indicates the number of trees still remaining:

Arborists proposed trees (2003)	No. of sites in 2003	No. of sites in 2012	Approximate number of trees removed
Proposed Trees of Significance Inventory	124 sites (some comprising multiple trees)	102 sites	24 trees
Proposed Amenity Trees of Significance	161 sites (some comprising multiple trees)	137 sites	26 trees

Despite the above trees being identified by the arborist as having some level of significance in 2003, the proposed inventories were never formally adopted by the Council. As such they are not afforded protection under the Town Planning Scheme No. 1 provisions.

It is noted that a considerable number of trees on the above lists are located on private property. It was partially for this reason that there was a general reluctance to adopt the lists in 2003. The notion of subjecting private property owners to additional provisions/requirements in relation to trees within their property was not well supported. Additionally, the further recommendation considered by the Council on 6 December 2011 for a full scale review of the proposed lists by an arborist was not supported by the Council for the same reason.

In light of this, the recommendation at this time is for a review of the current Trees of Significance Inventory (of the 27 listed sites only 24 will require reviewing).

Clause 21 Scheme Provisions

On 22 May 2001 the Council resolved to initiate an amendment to the Town Planning Scheme No. 1 relating to the conservation of trees as follows:

"The removal, destruction of and/or interference with any tree(s) listed on the Town of Vincent:

- 1) *Trees of Significance Inventory;*
- 2) *Interim Significant Tree Data Base – Possible Inventory Inclusion; or*
- 3) *Interim Significant Tree Data Base – Reference;*

contravenes this Scheme unless planning approval has first been obtained from the Council."

The final Clause 21 adopted by the Council and gazetted on 24 April 2003 reads as follows:

"The removal, destruction of and/or interference with any tree(s) listed on the Town of Vincent Trees of Significance Inventory contravenes this Scheme unless planning approval has first been obtained from the Council."

Policy No. 3.6.3 relating to Trees of Significance

The Council adopted the Planning and Building Policy Manual on 27 March 2001 which included Policy No. 3.6.3 relating to Trees of Significance.

At the time of adoption of Policy No. 3.6.3 relating to the Trees of Significance Inventory, there were no provisions within the Town Planning Scheme No. 1 to protect significant trees. While Policy No. 3.6.3 makes reference to the current Lists 1, 2 and 3 and strongly encourages retention of these trees, there is no link to current provisions within the Town Planning Scheme No. 1.

Since its initial adoption in March 2001, Policy No. 3.6.3 relating to the Trees of Significance Inventory has never been amended. As such, it is recommended that the Council consider the proposed amendments to Policy No. 3.6.3 which aim to ensure that the policy is consistent with the provisions of Town Planning Scheme No. 1.

The amended policy also aims to clarify when approval is required for work associated with Trees of Significance and provides a framework whereby private property owners can nominate trees to be considered for inclusion onto the Trees of Significance Inventory.

Nomination of Trees of Significance

The City's Officers have reviewed the way other Local Authorities deal with Trees of Significance. In Western Australia, there are limited numbers of Local Authorities that have a Significant Tree Inventory or provisions within their Schemes to protect trees. The Model Scheme Text which is Appendix B of the Town Planning Regulations 1967 does not have specific provisions for conservation of trees.

Of the Western Australian Local Authorities reviewed, the City's of South Perth, Mandurah, Belmont and Victoria Park have Significant Tree Inventories or Scheme provisions to protect trees. Of these examples, only the City's of Mandurah and South Perth have privately owned trees on their inventories. Both Local Authorities have a nomination process in place whereby trees can be nominated by property owners for inclusion onto the inventory.

At present there are at least 75 privately owned trees remaining within the City that met criteria for inclusion onto the Trees of Significance Inventory when assessed by an arborist in 2003, and a further 140 that were identified for inclusion onto an Amenity Tree Inventory. Of the trees identified in 2003 as having significance, approximately 50 trees within private property have been removed to date. Despite these trees having significant value, there has been reluctance from the Council to list privately owned trees.

As a means of recognising the importance of trees and offering more protection to valuable specimens, Policy 3.6.3 has been amended to include a nomination process for property owners to include trees onto the Trees of Significance Inventory.

The City currently receives informal enquiries from time to time for the inclusion of trees onto the Trees of Significance Inventory; however no formal nominations have been called to date. Following the adoption of Policy No. 3.6.3 which includes a framework for nominating trees, the City will advertise for nominations as a means of informing the public about significant trees and gauging the level of interest in tree preservation within the community.

A call for nominations will allow private property owners to take an active role in recommending trees for inclusion onto the inventory rather than this being mandated by the City.

Trees of Significance Assistance Fund

To encourage private owners to nominate significant trees, the City's Officers have considered the possibility of a Trees of Significance Assistance Fund for private tree owners. At present only 5 privately owned sites are listed on the Trees of Significant Inventory; however more sites may be considered for inclusion if the recommendation for significant tree nominations is supported by the Council

It is envisaged that a Trees of Significance Assistance Fund would operate in a similar way as the City's Heritage Assistance Fund, reimbursing owners on a \$1:\$1 basis, up to a certain amount (perhaps capped at \$500 for each owner) for works associated with a tree listed on the Trees of Significance Inventory. Research into the development of an assistance fund has been undertaken by the City's Officers with the financial implications detailed below.

Financial Implications

An initial commitment of \$5,000 for a Trees of Significance Assistance Fund in the 2013/2014 budget is sought from the Council. This figure is based on preliminary research which estimates the possible financial cost of such a fund. Some indicative costs for works have been provided by an arborist, however depending on the size of the tree and the work to be done, the cost per tree will vary. The indicative costs are as follows:

Type of Work	Indicative cost (per tree)
Remedial Pruning	\$200 - \$500
Crown Clearing/thinning	\$500 - \$2000
Pest control	\$200
Arborist report/advice	\$200 - \$500

The request for a commitment of \$5,000 is based on the following scenario:

- 5 privately owned significant trees currently listed whereby owners could assess the fund (if we assume that all 5 owners access the fund in the first year, an estimated sum of \$2,500 would be required);
- A call for tree nominations could potentially see further trees included on the Trees of Significance Inventory, although it is difficult to gauge how many owners would be willing to nominate (approximately 75 privately owned trees still remain that met the criteria for inclusion on the Trees of Significance Inventory in 2003 and a further 140 were identified as having amenity value);
- Each tree requires some form of treatment every 3-5 years (not all trees would require work every year, however we could assume that all 5 currently listed trees may require some work initially); and
- An average expenditure per tree is generally around \$500 - \$1000. (The assistance fund would cover 50% of these costs up to \$500).

An amount of \$5,000 is sought initially given the small number of privately owned significant trees, however more funds may be required in future years should additional trees be included onto the Trees of Significance Inventory through a nomination process.

Operation of the Fund

Administrative documents such as a Nomination Form, Information Sheet and Conditions of Funding Form similar to those used for the Heritage Assistance Fund will be created following the adoption of Policy No. 3.6.3 and made available when tree nominations are advertised.

CONSULTATION/ADVERTISING:

The amendment to the Policy No. 3.6.3 relating to Significant Trees requires the following advertising:

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

After the expiry of the period for submissions, the City's Officers will review all the submissions received in relation to amended Policy No. 3.6.3 and report back to Council with a determination to proceed or not to proceed with the amendments/rescission.

LEGAL/POLICY:

City of Vincent Town Planning Scheme No. 1.

RISK MANAGEMENT IMPLICATIONS:

Medium: The City's Officers have recognised that some of the trees listed on the City's Trees of Significance Inventory (List 1) are in poor condition. As the trees are linked to Clause 21 provisions within the City's Town Planning Scheme No. 1, it is essential that the Trees of Significance Inventory is up to date and reflects the current status of the City's significant trees.

In addition, the review of the Significant Tree Inventory and associated policy is a specific action 3.10 in the City's Sustainable Environment Strategy 2001 – 2016 which states:

'3.10 Update and review the City's Significant Trees Inventory and Policy, and promote the protection of trees during planning and construction phases.'

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

1.1 *Improve and Maintain the Environment and Infrastructure.*

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

SUSTAINABILITY IMPLICATIONS:

All trees, but particularly mature trees omit oxygen, provide shade, reduce the dangers of ultraviolet radiation, cool the air, insulate against cold or hot winds and reduce glare. In addition, mature trees may provide habitats for indigenous wildlife, filter atmospheric impurities, capture carbon emissions, reduce stormwater run-off, reduce erosion and contribute significantly to the general quality of urban living.

Protection of mature tree stock within the City will provide considerable environmental, health, social and aesthetic value to the City.

FINANCIAL/BUDGET IMPLICATIONS:

Review of Trees of Significance Inventory

The provision of \$11,900 has been allocated in the 2012/2013 Budget for the review of the Trees of Significance Inventory, of which \$4,526 currently remains in the account. The remaining funds will be used to cover costs associated with arborist reports of the remaining trees on the current Trees of Significance Inventory (List 1).

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

'Trees of Significance Review'

Budget Amount:	\$11,900
Spent to Date:	<u>\$ 7,374</u>
Balance:	\$ 4,500

Amendment of Policy No. 3.6.3 – relating to the Trees of Significance

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

'Town Planning Scheme Amendment and Policies'

Budget Amount:	\$80,000
Spent to Date:	<u>\$ 4,684</u>
Balance:	\$74,556

COMMENTS & CONCLUSION:

Considerable time has passed since the City's Trees of Significance Inventory was adopted by the Council in 1997. A recent assessment by the City's Officers has noted that there are a number of trees on the current Trees of Significance Inventory that are in poor condition.

The removal of trees from the inventory requires the approval of the Council. As such, it is recommended the Council authorise the Chief Executive Officer to engage the services of a qualified arborist to review the current Trees of Significance Inventory so that the Council can make an informed decisions as to the appropriateness of currently listed trees remaining on the Trees of Significance Inventory.

In addition, it is noted that there are also a considerable number of trees that may be worthy of inclusion onto the Trees of Significance Inventory that are currently not afforded protection under the Town Planning Scheme No. 1.

As such, it is recommended that the Council approved the following recommendation in relation to the Trees of Significance:

- Authorise the Chief Executive Officer to advertise the proposed amendments to Policy No. 3.6.3 – Trees of Significance for public comment which include provisions for private tree nominations;
- List for consideration an amount of \$5,000 in the 2013/2014 budget to fund a Trees of Significance Assistance Fund.

9.2.1 Auckland/Hobart Street Reserve – Mount Hawthorn Proposed Installation of Unisex Toilet Facility and Improved Parking – Progress Report No. 2

Ward:	North	Date:	1 March 2013
Precinct:	North Perth (8)	File Ref:	RES0037
Attachments:	001 – Revised Plan No. 3000-CP-01 002 – Other Local Parks - Plan No. 3035-LP-01 003 – Plan No. 2901-CP-01A (approved OMC 10 July 2012)		
Tabled Items:	Nil		
Reporting Officers:	J van den Bok, Manager Parks and Property Services R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES IN PRINCIPLE** the revised Plan No. 3000-CP-01 for traffic/safety improvements Auckland/Hobart Street, Mount Hawthorn;
2. **NOTES** that, it has been identified that all other local parks with playgrounds within a 1.5km radius of Auckland/Hobart Street Reserve are either totally enclosed/fenced or have a secure fenced playground as shown on Plan No. 3035-LP-01; with the exception of Redfern/Norham Street Reserve and Braithwaite Park, (partly fenced);
3. **FURTHER CONSULTS** the community, regarding the revised traffic/safety proposal and the proposal of locating a toilet facility on the park and also advising that should a small unisex toilet be located within the park it would be locked in the evenings; and
4. **RECEIVES** a further report at the conclusion of the consultation period.

Moved Cr Topelberg, Seconded Cr Wilcox

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Topelberg, Seconded Cr

“That Clause 3 be amended and a new Clause 4 be inserted and the remaining Clauses be renumbered as follows:

3. **FURTHER CONSULTS** the community, regarding the revised traffic/safety proposal and the proposal; ~~of locating a toilet facility on the park and also advising that should a small unisex toilet be located within the park it would be locked in the evenings; and~~
4. **DEFERS** consideration of locating a toilet facility on the park; and
4. 5. **RECEIVES** a further report at the conclusion of the consultation period.”

PROPOSED AMENDMENT LAPSED FOR WANT OF A SECONDER

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Harley was an apology for the Meeting.)

COUNCIL DECISION ITEM 9.2.1

That the Council;

1. **APPROVES IN PRINCIPLE** the revised Plan No. 3000-CP-01 for traffic/safety improvements Auckland/Hobart Street, Mount Hawthorn;
2. **NOTES** that, it has been identified that all other local parks with playgrounds within a 1.5km radius of Auckland/Hobart Street Reserve are either totally enclosed/fenced or have a secure fenced playground as shown on Plan No. 3035-LP-01; with the exception of Redfern/Norham Street Reserve and Braithwaite Park, (partly fenced);
3. **FURTHER CONSULTS** the community, regarding the revised traffic/safety proposal and the proposal of locating a toilet facility on the park and also advising that should a small unisex toilet be located within the park it would be locked in the evenings; and
4. **RECEIVES** a further report at the conclusion of the consultation period.

PURPOSE OF REPORT:

The purpose of the report is to provide further information to the Council in relation to traffic/parking, the installation of a unisex toilet and alternative local parks that could be fenced in accordance with the Council resolution at its Ordinary Meeting held on 28 August 2013.

BACKGROUND:

Ordinary Meeting of Council held on 10 July 2012:

The Council considered a report in relation to the proposed installation of a Unisex Toilet Facility at Auckland/Hobart Reserve and Improved parking layout around the park where the following decision was made:

“That the Council;

1. *APPROVES IN PRINCIPLE* the proposed improvements in and around the Auckland/Hobart Street Reserve, estimated to cost \$92,000, as shown on attached plan No. 2901-CP-01A;
2. *CONSULTS* with the community in accordance with the City’s Consultation Policy NO: 4.1.5 (Clause 7 – Non-Statutory and General) and holds a public meeting during the consultation process; and
3. *NOTES* that a further report will be submitted to the Council at the conclusion of the consultation process and following the public meeting.”

Community site meeting: Saturday 11 August 2012

The community meeting was attended by approximately thirty five (35) persons. It was also attended by the Mayor, several Councillors and the Director Technical Services.

The main issues raised at the meeting were similar to the comments submitted as part of the formal consultation however the vast majority of the residents who attended *did not support the toilet, nor did they support the proposed 90 degree angle parking in Hobart Street.*

They raised concerns regarding traffic, congestion, pedestrian safety, over use and unauthorised use of the park, illegal parking etc. Other matters raised included (but were not limited to);

- Crossing Hobart Street has become dangerous at these times.
- General Verge Information Signage stating that it is “illegal to park on residents' verges / driveways” and that “people can be fined”, etc, is required.
- Monitoring of Parking and Enforcement of Parking Conditions by Rangers is required.
- Information Signage about other options of local parks that are close by needs to be implemented.
- Consideration of alternative parking options adjacent to the park should be investigated.

Petition:

A petition by local residents against the proposal was collected and handed to the Mayor at the meeting, however, the petition subsequently cannot be located.

Ordinary Meeting of Council held on 28 August 2012:

The Council considered a further report following the consultation and public meeting and made the following decision:

“That the Council;

1. *CONSIDERS the submissions received concerning the proposed works at the Auckland/Hobart Street Reserve;*
2. *DEFERS the proposed works at the Auckland/Hobart Street Reserve as shown on attached plan No 2901-C1-01A and requests the following actions to be undertaken:*
 - 2.1 *develop options and refers the traffic and parking issues raised by the community to the Integrated Transport Advisory Group (ITAG) and invites interested residents to attend the meeting;*
 - 2.2 *investigates/implements measures, as raised by the community, to improve the amenity of the Reserve for ‘local residents’ and other park users;*
 - 2.3 *investigates other local Parks with existing play areas which could be fenced in a similar manner to the Auckland/Hobart Street Reserve, to improve their amenity in order to help spread the load currently being experienced at the Auckland/Hobart Street Reserve; and*
3. *ADVISES all respondents and attendees to the Community Forum of its decision; and*
4. *RECEIVES a further report on the matter in September/October 2012.”*

DETAILS:

Previous Consultation:

As reported to the Council on 28 August 2012, one hundred and seventy six (176) letters were distributed around Auckland/Hobart Reserve Proposed regarding the possible installation of unisex toilet facility and improved parking layout, and at the close of consultation, twenty eight (28) responses were received.

Fourteen (14) supported the unisex toilet with twelve (12) against and eighteen (18) supported the improved parking layout with seven (7) against.

Transport Advisory Group (iTAG) Meeting held on 26 November 2012:

At this meeting the order of priority for future meetings was discussed and the group was advised that further concepts were being developed for Hobart Street, traffic & parking issues related to Auckland Street Reserve. Since then the iTAG has not met.

Proposal:

Initial Plan: (2901-CP-01A):

The initial plan presented included 90 degree angle parking on the Hobart Street verge opposite the Auckland/Hobart Street Reserve. This was not supported by the majority of residents who attended the public meeting however was supported by the majority of respondents to the community consultation.

The plan also showed the proposed toilet.

Revised Plan: (3000-CP-01):

This plan while not increasing the number of on road parking in the street, provides a central median, that can be planted, incorporates a raised plateau between the deli and the park (similar to the raised plateau in Bourke Street between Smith's lake and Charles Veryard Reserve), and the intersection of Auckland/Hobart will be channelized to improve traffic/pedestrian safety.

Measures to improve the amenity of the Reserve for 'local residents' and other park users:

As a result of comments received during the public meeting new park signs have been placed within the park advising the general public of contact details in regard to bookings for parties and functions held at the park. In addition, the signage provides details on nearby public toilet facilities, alternative fenced local parks and what is permitted and not permitted within the park.

Due to the sheer number of patrons, maintenance programs have been stepped up in an effort to maintain the high standards and further minor improvement works have been identified and will be included in the City's 2013/14 draft capital works budget.

Investigation of other local parks with existing areas which could be fenced:

Following investigation it has been identified that all other local parks with playgrounds within a 1.5km radius of Auckland/Hobart Street Reserve are either totally enclosed/fenced or have a secure fenced playground with the exception of Redfern/Norham Street Reserve and Braithwaite Park, which is partly fenced on the Southern and Eastern parts.

Both these parks are partially fenced around the immediate playground area which provides adequate protection for children without enclosing the entire park.

Refer Plan No: 3035-LP-01.

Officer Comments:

As mentioned above during the previous consultation, 14 supported the unisex toilet and 12 did not support while 18 supported the improved parking layout and 7 opposed it.

However at the public meeting the vast majority of the residents who attended *did not support the toilet nor did they support the proposed 90 degree angle parking in Hobart Street.*

They raised concerns regarding traffic, congestion, pedestrian safety, over use and unauthorised use of the park, illegal parking etc.

Plan No. 3000-CP-01 has been prepared as a means of addressing some of these concerns. Given the support for the toilet (consultation) it is suggested that the wider community be re consulted re this. The toilet would be managed, closed at night etc...

CONSULTATION/ADVERTISING:

The local community will be consulted in regards to any improvement works occurring in and around Auckland/Hobart Street Reserve, for a period of twenty one (21) days.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Medium: Issues regarding pedestrian and traffic safety were raised and will be further investigated.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The following funds have been allocated in the 2012/2013 budget:

- \$17,000 for the toilet; and
- \$75,000 for car parking.

COMMENTS:

During the previous consultation, one hundred and seventy six (176) letters were distributed, twenty eight (28) responses were received. The response was 50/50 with regards to the toilet facility and the majority of respondents supported the parking proposal.

However, at the public meeting the majority of the thirty five (35) residents in attendance did not support the toilet or the parking as proposed.

Revised Plan No. 3000-CP-01 has been prepared as a means of addressing some of these concerns. Given the support for the toilet (consultation) it is suggested that the wider community be re consulted regarding the toilet and the revised traffic proposal.

9.2.2 FURTHER REPORT: Brisbane Terrace, Perth - Proposed Changes to 'On Road' Parking Restrictions – Consideration of Submissions

Ward:	South	Date:	1 March 2013
Precinct:	Hyde Park (12)	File Ref:	PKG0055
Attachments:	001 – Parking Restriction Plan No. 2961-PP-01		
Tabled Items:	Nil		
Reporting Officer:	A Brown, Engineering Technical Officer		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **CONSIDERS** the ten (10) submissions received and **APPROVES** the permanent introduction of the parking improvements in Brisbane Terrace, Perth as shown on Plan No. 2961-PP-01 of;
 - 1.1 retention of the no stopping restriction on the south side of the street;
 - 1.2 1P time restrictions, 8.00am to 6.00pm Monday to Friday on the north side of the street; and
 - 1.3 'Resident Only' parking restrictions on the north side of the street at all other times; and
2. **INFORMS** the residents of Brisbane Terrace, Perth of its decision.

Moved Cr Maier, Seconded Cr Topelberg

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

That the Council;

1. **CONSIDERS** the ten (10) submissions received and **APPROVES** the permanent introduction of the parking improvements in Brisbane Terrace, Perth as shown on Plan No. 2961-PP-01 of;
 - 1.1 retention of the no stopping restriction on the south side of the street;
 - 1.2 ~~1P~~ **2P** time restrictions, 8.00am to 6.00pm Monday to Friday on the north side of the street; and
 - 1.3 'Resident Only' parking restrictions on the north side of the street at all other times; and
2. **INFORMS** the residents of Brisbane Terrace, Perth of its decision.

Debate ensued.

Cr McGrath departed the Chamber at 8.55pm.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (7-0)

(Cr McGrath was absent from the Chamber and did not vote.)
(Cr Harley was an apology for the Meeting.)

COUNCIL DECISION ITEM 9.2.2

That the Council;

1. **CONSIDERS the ten (10) submissions received and APPROVES the permanent introduction of the parking improvements in Brisbane Terrace, Perth as shown on Plan No. 2961-PP-01 of;**
 - 1.1 **retention of the no stopping restriction on the south side of the street;**
 - 1.2 **2P time restrictions, 8.00am to 6.00pm Monday to Friday on the north side of the street; and**
 - 1.3 **'Resident Only' parking restrictions on the north side of the street at all other times; and**
2. **INFORMS the residents of Brisbane Terrace, Perth of its decision.**

PURPOSE OF REPORT:

The purpose of this report is to inform the Council of the outcome of the three (3) month trial and subsequent consultation with residents to improve the amenity for residents parking their vehicles in Brisbane Terrace, Perth.

BACKGROUND:

Ordinary Meeting of Council 5 April 2011:

The Council approved the implementation of a 'No Stopping' parking restriction on the south side of Brisbane Terrace and to retain the 1P restriction 'at all times' on the north side of the street.

Note: Following the implementation of the parking ban on one side of the street, a number of residents expressed their dissatisfaction at the resulting lack of street parking and have requested that parking on the southern side be reintroduced.

Ordinary Meeting of Council 24 July 2012:

In line with a similar (successful) trial in Moir Street a report was presented to Council where the following decision was made.

"That the Council;

1. *APPROVES undertaking a three (3) month trial in Brisbane Terrace, Perth as shown on Plan No. 2961-PP-01 of:*
 - 1.1 *retention of the no stopping restriction on the south side of the street;*
 - 1.2 *1P time restrictions, 8.00am to 6.00pm Monday to Friday on the north side of the street; and*
 - 1.3 *'Resident Only' parking restrictions on the north side of the street at all other times;*
2. *CONSULTS with residents in the street;*
 - 2.1 *regarding the proposed 'Tree Planting' as shown on attached Plan No 2951-CP-01 seeking their comments; and*
 - 2.2 *to gauge the effectiveness of the trial, as outlined in clause 1, after a period of three (3) months."*

The trial was subsequently implemented.

DETAILS:

Community Consultation:

On 18 January 2013 residents in Brisbane Terrace were invited to comment on making the trial restrictions permanent.

A total of seventy six (76) letters were distributed and, at the close of consultation on 4 February 2013, ten (10) responses were received representing a 13% response rate, with all respondents in favour. A summary of the comments received are below;

Related Comments *In Favour of the Proposal:*

- 7 in favour with no further comment.
- I can now park in my street when I arrive home from work.... Please retain the current restrictions.
- We feel in general the scheme worked well and has made parking for residents easier, however further policing of parked vehicles is needed, in particular at weekends from 6pm onwards.
- We think this trial has been a great success but it still requires policing on Friday, Saturday and Sunday nights.

Officers Comments:

All of the respondents are in favour of retaining the no stopping restriction on the south side of the street, the 1P time restrictions 8.00am to 6.00pm Monday to Friday and 'Resident Only' parking restrictions on the north side of the street at all other times .

It is therefore considered that the restrictions should be made permanent.

CONSULTATION/ADVERTISING:

Residents will be informed of the Council's decision.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Medium: Brisbane Terrace is too narrow to accommodate parking on both sides.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Signage is already in place so no additional costs will be incurred.

COMMENTS:

The amenity of residents in Brisbane Terrace has been improved by the trial parking regime (as reflected in the feedback received) and at the same time it has continued to provide an amenity to the public.

It is therefore recommended that the trial be made permanent.

9.2.6 Proposed Reintroduction of Two-Way Traffic on Beaufort and William Streets, Perth - Progress Report No. 8

Ward:	South	Date:	1 March 2013
Precinct:	Beaufort (13)	File Ref:	TES0473
Attachments:	Nil.		
Tabled Items:	Nil.		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **NOTES** that the City of Vincent and the Public Transport Authority (PTA) have signed an Memorandum of Understanding (MOU) whereby the PTA will fund the relocation of services, road widening works and the reconfiguration of the Brisbane/Beaufort Street intersection to accommodate buses; and
2. **APPROVES** the minor amendment in the current clearway times on Beaufort Street from 7:00am to 9:00am and 4:15pm to 6:00pm Monday to Friday to 6:30am to 9:00am (southbound) and 4:00pm to 6:30pm (northbound) Monday to Friday to ensure consistence with the adjoining Local Governments.

Moved Cr Carey, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

Cr Warren returned to the Chamber at 8.58pm.

Debate ensued.

AMENDMENT 1

Moved Cr Carey, Seconded Cr Pintabona

“The Clause 2 be amended to read as follows:

2. **DEFERS any approvals to the minor amendment in the current clearway times on Beaufort Street until a full plan is presented by the PTA for the bus lanes proposal; from 7:00am to 9:00am and 4:15pm to 6:00pm Monday to Friday to 6:30am to 9:00am (southbound) and 4:00pm to 6:30pm (northbound) Monday to Friday to ensure consistence with the adjoining Local Governments.**

Debate ensued.

AMENDMENT 1 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Harley was an apology for the Meeting.)

Debate ensued.

AMENDMENT 2

Moved Cr Topelberg, Seconded Cr Carey

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

3. **WRITES** to the City of Perth, City of Stirling and the PTA indicating that it does not support the extension of the evening peak clearway beyond 6.00pm, given its impact on amenity on Beaufort Street;

AMENDMENT 2 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Harley was an apology for the Meeting.)

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

(Cr Harley was an apology for the Meeting.)

COUNCIL DECISION ITEM 9.2.6

That the Council;

1. **NOTES** that the City of Vincent and the Public Transport Authority (PTA) have signed an Memorandum of Understanding (MOU) whereby the PTA will fund the relocation of services, road widening works and the reconfiguration of the Brisbane/Beaufort Street intersection to accommodate buses;
2. **DEFERS** any approvals to amendment in the current clearway times on Beaufort Street until a full plan is presented by the PTA for the bus lanes proposal; and
3. **WRITES** to the City of Perth, City of Stirling and the PTA indicating that it does not support the extension of the evening peak clearway beyond 6.00pm, given its impact on amenity on Beaufort Street.

PURPOSE OF REPORT:

The purpose of this report is to update the Council on the progress of the reintroduction of two-way traffic in the City's of Vincent and Perth streets.

BACKGROUND:

Ordinary Meeting of Council 25 September 2012:

The following decision was made by the Council in part.

“That the Council;

1. *NOTIFIES business proprietors and residents, in the section of Beaufort Street between Brisbane Street and Newcastle Street and the section Brisbane Street between William Street and Beaufort Street, that the works to convert Beaufort Street, south of Brisbane Street and Brisbane Street between William Street and Beaufort Street from one way to two way, as shown on attached Plan No 2740-CP-03E are tentatively scheduled to commence in December 2012 and due to be completed by April 2013;*
2. *NOTES that the Public Transport Authority is preparing a Memorandum of Understanding with the City of Vincent outlining their commitment to funding the relocation of services, road widening works and the reconfiguration of the Brisbane/Beaufort Street intersection to accommodate buses;”*

DETAILS:

Advising the Public:

Previous Consultation – April 2010:

As previously reported to Council currently this section of Beaufort Street has kerbside time restricted all day parking? With the proposed reversion to two-way the kerbside parking will not be available during the peak periods south bound AM and north bound PM as these inner lanes will comprise 'bus lanes'.

Outside of the peak periods, kerbside parking will be permitted for the time being. 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.

Notification of works to business proprietors and residents:

In accordance with the Council's decision letters were distributed to the above street advising that the works to convert Beaufort Street, south of Brisbane Street and Brisbane Street between William Street and Beaufort Street from one-way to two-way, were tentatively scheduled to commence in December 2012 and due to be completed by April 2013.

Public Transport Authority (PTA) – Cost Contribution:

To accommodate the provision of peak period 'bus lanes' the PTA has agreed to the following:

- To fund all works associated with the modifications to the Beaufort/Brisbane Streets intersection and all widening costs including all associated service relocation costs associated with these works;
- To fund investigative works to accommodate widening to accommodate busses; and
- To prepare MOU between Cities and PTA however work to continue.
- PTA previously agreed to the provision of bus priority lanes during peak periods only and no 24/7 bus lanes have been approved at this stage.

Note: The MOU between PTA and the City of Vincent has been prepared/signed by both parties.

Works progress:

City of Perth:

The City of Perth commenced site works on the Beaufort two-way road conversion in *December 2012* with the Beaufort Street two-way opening currently scheduled for *April 2013*. The City of Perth has also scheduled William Street between Roe Street and Newcastle Streets to revert to two-way April 2013. These works are well advanced.

City of Vincent:

With the MOU now signed works have commenced on site, orders have been provided to service authorities. It is intended to run the busses along Beaufort Street (two-way) by late April 2013 all going well.

Request for a minor change in Clearway times:

A meeting was held with PTA on Friday 1 March 2013 regarding the above. The following formal request was received from PTA on 5 March 2013.

"As discussed in our meeting on Friday, PTA requests the City of Vincent consider an extension to the clearway times in the kerbside lane from the current times, to properly align with the clearways the adjacent Cities of Perth and Stirling.

The City of Vincent Clearways are from 7:00am-9:00am and 4:15pm-6:00pm. The PTA request these times be extended to 6:30am-9:00am (southbound) and 4:00-6:30pm (northbound).

As the City have agreed to consider this as part of the agreement to build the bus lanes, I feel it makes sense to consider this ahead of the procurement of signage for the project. Please consider this request to be included on the agenda for this month's Council Meetings."

It is considered that this minor change be approved.

CONSULTATION/ADVERTISING:

Information Bulletins have been distributed regarding the works in progress.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

Providing improved public transport access.

FINANCIAL/BUDGET IMPLICATIONS:

Also all widening costs and associated service relocation costs will be funded by PTA, estimated to cost \$0.98m.

COMMENTS:

The officers are having regular meetings with PTA, City of Perth, MRWA and now with Public Utility providers to progress the project with the Beaufort Street two-way opening currently scheduled for April 2013 all going well.

Progress reports will be submitted to the Council as information becomes available.

Cr Maier asked the Presiding Member Mayor Hon. Alannah MacTiernan if Item 9.3.1 could be recommitted, as he wished to move amendments.

PROCEDURAL MOTION

Moved Cr Topelberg, **Seconded** Cr McGrath

That Item 9.3.1 be recommitted for further consideration.

PROCEDURAL MOTION PUT AND CARRIED (8-0)

(Cr Harley was an apology for the Meeting.)

9.3.1 Beatty Park Redevelopment, 220 Vincent Street, North Perth - Progress Report No. 16

Ward:	South	Date:	5 March 2013
Precinct:	Smiths Lake	File Ref:	CMS0003
Attachments:	001 – Progress Photos 002 – Landscape Plan – Beatty Park Leisure Centre. 003 – Additional Pictures		
Tabled Items:	Nil		
Reporting Officers:	D Morrissy; Manager Beatty Park Leisure Centre; and M Rootsey, Director Corporate Services		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** Progress Report No. 16, as at 12 March 2013, relating to the Beatty Park Leisure Centre Redevelopment Project, 220 Vincent Street, North Perth; and
2. **APPROVES** the Beatty Park Leisure Centre and Carpark Landscape Plan, as shown in Plan No. 2620-SO-01L.

Moved Cr McGrath, **Seconded** Cr Pintabona

That the recommendation be adopted.

Debate ensued.

AMENDMENT 1

Moved Cr McGrath, **Seconded** Cr Maier

“That Clause 2 be amended to read as follows:

2. **APPROVES** the Beatty Park Leisure Centre and Carpark Landscape Plan, as shown in Plan No. 2620-SO-01L (as amended), subject to those portions of the carpark adjacent to the corner of Morrision Street and Vincent Streets and the proposed staff parking area immediately adjacent to Farr Avenue, to have water sensitive urban design features incorporated including flush kerbing and median or kerb planted swales”

AMENDMENT 1 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Harley was an apology for the Meeting.)

Debate ensued.

AMENDMENT 2

Moved Cr Maier, Seconded Cr McGrath

“That clause 2 be amended as follows:

1. RECEIVES Progress Report No. 16, as at 12 March 2013, relating to the Beatty Park Leisure Centre Redevelopment Project, 220 Vincent Street, North Perth; and
2. APPROVES the Beatty Park Leisure Centre and Carpark Landscape Plan, as shown in Plan No. 2620-SO-01L (as amended), subject to the proposed Poincianas (Delonix regia) being replaced with Tuarts (Eucalyptus gomphocephala) and the London Planes (Platanus Acerifolia) being replaced by Marri (Corymbia calophylla); and increased shade trees within the car park to be closer to the requirements of City’s Parking and Access Policy.”

Debate ensued.

**AMENDMENT 2 PUT AND LOST ON THE
CASTING VOTE OF THE PRESIDING MEMBER (4-5)**

For: Cr Buckels, Cr Maier, Cr McGrath and Cr Wilcox

Against: Mayor Hon. MacTiernan (two votes – deliberative and casting vote), Cr Carey, Cr Pintabona and Cr Topelberg

(Cr Harley was an apology for the Meeting.)

Cr Carey departed the Chamber at 9.19pm.

Debate ensued.

Cr Carey returned to the Chamber at 9.21pm.

Debate ensued.

AMENDMENT 3

Moved Cr Topelberg, Seconded Cr Carey

“Five (5) London Plane Trees be planted, three (3) to be planted along Farr Avenue and two (2) on the right hand side (on Beatty Park Reserve).”

**AMENDMENT 3 PUT AND CARRIED ON THE
CASTING VOTE OF THE PRESIDING MEMBER (5-4)**

For: Mayor Hon. MacTiernan (two votes – deliberative and casting vote), Cr Carey, Cr Pintabona and Cr Topelberg

Against: Cr Buckels, Cr Maier, Cr McGrath and Cr Wilcox

(Cr Harley was an apology for the Meeting.)

AMENDMENT 4

Moved Cr Maier, Seconded Cr Topelber

“The remaining trees be a combination of Marri Trees and Tuart Trees.”

AMENDMENT 4 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Harley was an apology for the Meeting.)

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

(Cr Harley was an apology for the Meeting.)

COUNCIL DECISION ITEM 9.3.1

That the Council;

1. **RECEIVES Progress Report No. 16, as at 12 March 2013, relating to the Beatty Park Leisure Centre Redevelopment Project, 220 Vincent Street, North Perth; and**
2. **APPROVES the Beatty Park Leisure Centre and Carpark Landscape Plan, as shown in Plan No. 2620-SO-01L (as amended), subject to;**
 - 2.1 **Those portions of the carpark adjacent to the corner of Morriston Street and Vincent Streets and the proposed staff parking area immediately adjacent to Farr Avenue, to have water sensitive urban design features incorporated including flush kerbing and median or kerb planted swales; and**
 - 2.2. **Five (5) London Plane Trees to be planted, three (3) to be planted along Farr Avenue and two (2) on the right hand side (on Beatty Park Reserve); and**
 - 2.3. **The remaining trees be a combination of Marri Trees and Tuart Trees.**

ADDITIONAL INFORMATION:

Opening Function

The Mayor has approved of a function to be held at 6 pm on Friday 22 March 2013 for the opening of the new building at the centre. Arrangements are currently being made.

Foyer Flooring

On Tuesday 12 March 2013 a decision was made by the project architect and the City to reject the polished grano floor in the foyer, as is was not up to the required standard. The builder will now tile the foyer (at no cost to the City).

Centre Opening

The City's administration have programmed to open the new building at Beatty Park Leisure Centre to the public on Saturday 23 March 2013.

Centre Landscaping

The Centre Landscape plan has been prepared for the consideration and approval of the Council. A request has been received to replace the proposed Poinciana with Tuart trees and the London Plane trees to be replaced by Marri trees.

The City's administration does not support the planting of Tuart and Marri trees in public car parks or reserves, for the following reasons:

1. **Marri trees have a large nut (honkey nut) which creates an increased potential public liability for patrons in carparks or reserves. The numerous fruits/nuts from Marri trees are very hard and can be cause patrons to slip/fall and the nuts can be thrown about by mowers or vehicles when driven over which may cause injury to patrons or damage to adjacent vehicles. Marri trees are more suited in a large mulched area.**

2. Eucalypt species trees and Marri Trees are not available in large containers and are therefore more prone to vandalism and long-term establishment within a well patronized location. (eg Loftus Centre carpark).
3. The Farr Avenue residents have previously indicated a preference for the London Plane to be replaced with 'like' species following the removal of trees prior to site works commencing. The trees selected by the officers are readily available and given availability of larger sizes more resilient in terms of potential vandalism.
4. The use of Tuart and Marri trees in this situation is not in keeping with the landscape around Beatty Park. Whilst several Australian natives have been used within the park and surrounds their habit and form blends in with the landscape. The use of WA native trees such as the Marri and Tuart given their habit, form and leaf structure will look odd and out of place.

PURPOSE OF REPORT:

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

BACKGROUND:

Progress Reports

Progress reports have been submitted to the Council on 7 December 2010, 22 November 2011, 20 December 2011, 14 February 2012, 13 March 2012, 10 April 2012, 8 May 2012, 12 June 2012, 10 July 2012, 14 August 2012, 11 September 2012, 9 October 2012, 6 November 2012, 18 December 2012 and 12 February 2013.

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

"That the Council;

2. **APPROVES:**

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

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

DETAILS:

1. CONTRACT DOCUMENTATION

1.1 **Tender**

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

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

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

1.2 **Contracts**

Construction contract signed on 7 October 2011.

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

Geothermal contract signed on 6 September 2011.

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

Construction

- Removal of existing concrete pool concourse;
- Removal of Water Tanks and Water Tank Screens;
- Roof Safety Fall Arrest System;
- Door Hardware;
- Additional Anchor Points to Indoor Pool, Dive Pool and Beginners Pool;
- Removal of Dive Pool windows;
- Kitchen Equipment;
- Temporary Entrance Work;
- Removal of indoor pool marble sheen layer and rendering;
- Signage;
- Removal of building rubble, discovered after excavation;
- Remove and dispose of 50mm screed to existing slab;
- New water supply to slides;
- Replacement of water filter return line;
- Existing pool dive board modifications;
- Rubber floor tiles in gym;
- Removal of trees; (as recommended by the Builder)
- Additional 150mm Stormwater drain;
- Remove and dispose of existing footing;
- Mechanical dilapidation works in plant room;
- Removal of existing render in female change rooms;
- Additional floor waste to change room;
- Replaced 3 way valve to mechanical plant;
- Replaced main entry roof and box gutter;
- Earthing to leisure pool;

- Asbestos pipe investigation and removal;
- Landscaping to raised grassed area;
- Spa upgrade works;
- Tiling to front face of outdoor pool seating;
- Hot water supply to ground floor;
- Remove timber props from void; and
- Additional demolition work for fire services.

Geothermal

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

1.4 **Cost Variations**

Construction

Provisional Sums:

Description	Provisional Sum	Amount Agreed	Variation
Removal of water tank screens	\$10,000	-	\$10,000
Removal water tanks	\$160,000	-	\$160,000
Removal of screens to mechanical system	\$3,000	-	\$3,000
Concrete seats	\$4,000	-	\$4,000
Temporary Entrance Works	20,000	(\$27,154)	(\$7,154)
Safemaster roof safety system	\$7,000	(\$6,055)	\$945
Door hardware	\$85,000	(\$59,170)	\$25,830
Western Power charges	\$5,000	(\$1,363)	\$3,637
Kitchen equipment	\$200,000	(\$143,887)	\$56,113
Internal bollards and retractable belts	\$5,000	(\$3,680)	\$1,320
Hoist to family accessible change 4	\$6,000	(\$4,037)	\$1,963
Signage – additional Crèche	\$8,000	(\$4,390)	\$3,610
Rubber floor tiles to gym	\$10,000	(\$11,349)	(\$1,349)
Entry Turn styles and gates	\$90,000	(\$88,930)	\$1,070
Pool furniture for 50m pool	\$50,000	(\$40,065)	\$9,935
Landscaping to raised grassed area	\$5,000	(\$1,640)	\$3,360
Total	\$668,000	(\$391,720)	\$276,280

Client Requests:

Description	Amount
Anchor points to indoor pool	\$5,016
Additional Pool features/furniture	\$19,789
Removal of marble sheen to indoor pool	\$46,200
Removal of dive pool windows and make good concrete structure	\$9,735
Anchor points to beginners pool	\$3,344
Tree removal (as recommended by Builder)	\$8,250
Paint indoor concrete columns	\$335
Spa upgrade works	\$153,500
Tiling to front face of outdoor pool seating	\$11,550
Additional Conduits & Electrical supply to gym	\$30,538
Sauna & Steam room works	\$16,082
Total	\$304,339

Latent Conditions:

Description	Amount
Removal of original pool concourse	\$29,920
Replacement of indoor pool valves	\$1,595
Removal of building rubble, discovered after excavation	\$2,850
Remove and dispose of 50mm screed to existing slab	\$2,904
Relocation of 300mm stormwater drainage pipe	\$3,434
New water supply to slides	\$7,549
Replacement of water filter return line	\$10,798
Existing pool dive board modifications	\$2,845
Additional 150mm Stormwater drain	\$1,898
Remove and dispose of existing footing	\$501
Mechanical dilapidation works in plant room	\$24,266
Removal of existing render in female change rooms	\$484
Additional floor waste to change room	\$1,019
Replaced 3 way valve to mechanical plant	\$2,739
Replaced main entry roof and box gutter	\$6,338
Earthing to leisure pool	\$10,780
Asbestos pipe investigation and removal	\$1,820
Hot water supply to ground floor	\$8,527
Remove timber props from void	\$5,500
Additional demolition work for fire services	\$2,967
Total	\$128,734

Standard Variations

Various – extensive list of small items	(\$45,332)
Total Variation	(\$45,332)

Summary of Variations

Total Variation Savings	(\$321,611)
Total Variation Additions	\$433,073
Total Variation	\$111,462

Geothermal

Provisional Sum	Description	Variation Amount	Adjustments
Nil	Additional 100m drilling	\$61,000	-\$61,000
Nil	Additional time for production bore development	\$46,500	-\$46,500
Nil	Loss of cement during grouting	\$968	-\$968
Nil	Test pumping of production bore delayed- rescheduled to coincide with injection bore pumping	-\$15,500	\$15,500
Nil	Headworks removed from scope	-\$18,800	\$18,800
Nil.	Variations to design of injection bore, based on production bore geophysical data.	\$3,672	-\$3,672
Nil.	Dorot valve and flanges removed from scope	-\$2,405	\$2,405
Nil.	Bore head meters as required by Department of Water under new Licence conditions	\$10,150	-\$10,150
Nil.	Cooling shroud	\$2,120	-\$2,120
Nil.	Sub Mains	\$8,995	-\$8,995
Total Variation Savings			\$36,705
Total Variation Additions			\$133,405
Total Additional cost			\$96,700

1.5 **Claims** - Not applicable at this time.

1.6 **Insurance**

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

2. GEOTHERMAL WORKS

2.1 **Groundworks** - Completed.

2.2 **Bores** - Completed.

2.3 **Commissioning** - Commencing week starting 5 March 2013.

2.4 **Pipe works** - Completed.

3. BUILDING WORKS/EXISTING BUILDING

3.1 **Temporary works** - No changes to previous report.

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

The City's Technical Service outside workforce commenced Car park work's on 25 February 2013. Good progress has been made whereby a temporary overlay of asphalt has been laid near the new works. Removal of some trees has commenced. Works will be progressively carried out over forthcoming weeks.

3.3 **Earthworks** - Completed.

- 3.4 **Structural and Civil Engineering** - Completed.
- 3.5 **Hydraulic services** - Completed.
- 3.6 **Electrical Services** - Completed. Certificates provided.
- 3.7 **Mechanical services** - Commissioned. Certificates provided.
- 3.8 **Environmental services** - Completed.
- 3.9 **Interior finishing**

Minor defects identified by Architect are still being rectified by builder. A significant delay occurred as the polished concrete floor was not of an acceptable standard and repolishing and resealing has been carried out. This has delayed the opening of the new building. Unfortunately this remedial Work has failed to rectify the defects to a standard acceptable to the City. A decision has now been made to tile the foyer (at the Builders cost). This will take approximately one (1) week.

4. BUILDING WORKS-NEW

- 4.1 **Temporary works** - Not applicable at this time.
- 4.2 **Earthworks/Demolition**

The area around new building is being cleaned up and prepared for landscaping by City of Vincent. Minor removal of excess fill is required, outside the main entrance. The earthworks outside the temporary entrance are being finalised. Delayed due to fire services value needing to be replaced.

- 4.3 **Structural and Civil Engineering**
Completed.

An additional steel beam support has been required in existing foyer roof to cope with load of extra mechanical services units. This was not identified until 26 February – Installed 28 February 2013.

- 4.4 **Hydraulic services**

Fire hydrant installation completed.

Fire booster box currently being installed on Vincent Street.

Testing and commissioning of system to commence in week 5- 8 March 2013.

- 4.5 **Electrical Services**

Lighting installation completed.

Public address system and emergency exit equipment installed.

Group Fitness sound system being installed.

- 4.6 **Mechanical Services** - Commissioning completed.

- 4.7 **Environmental Services** - Louvre sections removed on gym level to allow for more aesthetic outlook. Photovoltaic cells installed on roof.

4.8 **Building External and Internal Colour Finishes**

Painting well advanced. Touch up painting been carried out as a result of defects list.

5. POOLS AND PLANT ROOM

5.1 **Outdoor Main Pool**

Minor defects being rectified include cracks in concourse, chipped tiles and missing expansion gaps. In progress

5.2 **Dive Pool** - Minor defects are being rectified.

5.3 **New Learn to swim pool** - Minor defects are being rectified.

5.4 **Indoor pool/Leisure area**

Defects list still being worked through with builder by the Architect. Indoor water feature issues rectified. In progress.

5.5 **Plant Room**

Geothermal switchboard change over from old heating system being completed on 6 March 2013.

Training held for staff on the operation of new plant equipment.

5.6 **Spa, Steam Room and Sauna**

Spa, Steam Room and Sauna works completed and facilities, reopened on the long weekend of March 2013.

5.7 **Pool Concourse**

Completed, however minor areas of cracking will require rectification as per defects list.

5.8 **Kitchen/Cafe areas**

Completed. Cool rooms and fridges commissioned over long weekend. Programmed for reopening in first week of March 2013.

5.9 **New Entry/Foyer**

Electronic turn styles currently being installed – to be completed in first week of March 2013.

6. INDICATIVE TIMELINE

6.1 **Progress**

Re-opening of the Cafe and kitchen are programmed for the beginning of the second week in March. The refurbished Spa, Steam Room and Sauna opened over the long weekend. Opening of new entry, gymnasium, aerobics rooms, changerooms, toilets and new offices to be confirmed towards the end of the first week of March, after a further meeting with builder and architect. An indicative date is the week commencing 18 March 2013, however this will be confirmed at a later date.

The building completion date and handover due on the 1 February 2013 is now well overdue. Delays have occurred due;

- Installation of mechanical services switchboard;
- Delay on major structural curved window frame;
- Late delivery of fire tanks; and
- Commissioning of fire services;
- Issues with the foyer polished aggregate flooring.

7. COMMUNICATION PLAN

Various communication methods have been utilised to advise patrons, stakeholders and employees of the redevelopment.

8. MEMBERSHIP

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

A number of members opted to suspend their membership throughout the redevelopment period. The number of members still on suspension is 73.

A revised membership fee structure was implemented from the 1 December 2011 due to the closure of the indoor pool, spa, sauna and steam room. This structure was well received but reverted back to the normal fee structure once the new change rooms opened on the indoor pool on the 20 August 2012.

The current number of members is 1935 as at 27 February 2013. This has increased from 1724 as at 24 January 2013.

9. EMPLOYEE MATTERS

The permanent part time staff that had their hours reduced during the redevelopment have started to recommence to meet the increased workload.

Six (6) Customer Service Officers – Café, one (1) Fitness Instructor and four (4) Swimming Instructors have been employed. Additional staff will be progressively recruited over the forthcoming months, as required.

10. HISTORY AND ANNIVERSARY BOOK

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

The Library and Local History Centre launched the book to celebrate the history of the facility at the opening of the 50m pool on the 22 November 2012. Sales to date have been lower than initially estimated.

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

11. OTHER COUNCIL APPROVED ITEMS

At the Ordinary Meeting of Council held 10 July 2012, the Council approved the following:

"That the Council;

1. *RECEIVES Progress Report No. 9 as at 10 July 2012, relating to the Beatty Park Leisure Centre Redevelopment Project, 220 Vincent Street, North Perth; and*
2. *AUTHORISES the Chief Executive Officer to:*
 - 2.1 *Review the branding of the Beatty Park Leisure Centre including engaging suitably qualified persons/organisation, if required;*
 - 2.2 *Investigate suitable uses for the vacated areas in the Centre as a result of the redevelopment and engage suitable qualified*

professionals to provide information of rental valuations and leasing options;

2.3 *Organise the appropriate events to celebrate the opening of the redeveloped Centre and the fiftieth (50th) Anniversary/Birthday of the Centre;*

2.4 *Prepare a Design Brief for the Percent for Art component of the redevelopment project, in accordance with the City's Policy 3.10.7; and*

3. *NOTES that a further report will be submitted to the Council no later than October 2012."*

Listed below is the progress made to date on these matters.

12. MARKET BRANDING

The working group has received a number of concepts which are currently being reviewed and will be presented to Council for a decision in due course.

13. LEASING OF SPACE

Meetings have been held to discern the available space and valuations. Plans are being prepared of the areas and a decision will be made on whether to outsource the leasing depending on the value and complexity of any lease arrangement required.

Quotes for professional assistance have been obtained, however exceeded budget expectation. The matter is currently being further reviewed, likely to be undertaken in house with minimal professional assistance, except where required by legislation.

Further meetings have been held with real estate professionals during January and awaiting further information. Collier International has been appointed to provide valuations and lease considerations. Their report should be received in the first week of March 2013.

14. CELEBRATION OF OPENING

50m pool and 50th Birthday Completed. A smaller event is currently being planned, with an Indicative date of 20 March 2013. A "cocktail type" function is envisaged.

15. PERCENT FOR ART

The artwork for the facility is now being focused on locations closer to the main entry and a Request for Quote has been prepared and submitted to the Architect for comment.

16. CENTRE AND CARPARK LANDSCAPE PLAN

Car park work is now underway, works to date are of a temporary nature. The landscaping will occur, once the plan is approved by the Council.

In discussions with the Beatty Park Leisure Centre management it has been requested that the proposed landscaping within the carpark consist of low shrubs and groundcovers to allow visual access to the centre from the Vincent Street and most importantly to allow clear unobstructed vision throughout the carpark for pedestrian access and safe vehicular movement.

Trees

Several London Plane trees and a Camphor Laurel tree were removed to make way for the new buildings and the Farr Avenue residents were advised at this time that upon completion of the redevelopment that replacement semi-mature London Plane trees would be re-planted where appropriate.

Therefore, it is proposed to replant London Plane trees at a suitable distance away from the new buildings, as shown on the concept plan.

Within the carpark itself there is very little structure with remnant transplantings of several palm species from the previous redevelopment (1994) and other projects undertaken around the City. It is proposed to remove all the Cocos palms, leaving only the mature Cotton palms and replant with Royal Poinciana's at regular spacing's.

This tree species has a relatively low spreading habit and is suitable for planting within a carpark situation.

Shrubbery and understory plantings

Shrubbery and understory plantings will consist of native/waterwise species and will be planted in larger blocks throughout the carpark in a simplistic design for ease of maintenance and general effect.

Plant species to be used are as follows and in accordance with the planting guide shown on the concept plan, these include:

PLANT	DESCRIPTION
Dianella 'Casa Blue'	Grey/Blue foliated Dianella species
Dianella tasmanica 'varigata'	Yellow/Green foliated Dianella species
Dianella 'Revelation'	Green foliated Dianella species
Lomandra longifolia 'Tanika'	Native grass
Liriope muscari	Giant Mondo grass
Festuca glauca	Blue Festuca grass
Hibbertia scandens	Snake vine
Grevillea preisii	Local native grevillea
Hedera canariensis	Large leaved ivy

Lionel Steenbohm Garden (cnr. Vincent & Morriston Street)

This garden was designed and constructed under the guidance of the former Director Parks and Gardens (City of Perth - 1959-62), Lionel Steenbohm. It originally had a distinct South African and Australian planting theme and whilst over the years there have been other species incorporated into the landscape, it is proposed to return this to its original palette of plants.

This work cannot be finalised until this section of the carpark is reinstated and redesigned around the two (2) geothermal bore heads that are located in this area. This is envisaged by the 8 March 2013.

Morriston Street Frontage

This frontage will be landscaped. The new brick walls around the new fire tanks will be treated with anti-graffiti coating. New perimeter fencing is also proposed, to prevent unauthorised access to the fire tanks and equipment. Two large sea barriers (relocated from NIB Stadium) will be located in this part of the complex. They will be placed so as not to be visible from the street.

Farr Avenue and Swimming Lane

This frontage of the Centre will be landscaped as per the plan. This will significantly improve the aesthetics and amenity. A Fire Service Access Road is required to be

installed off Farr Avenue – to comply with FESA requirements. This will also be used as an alternative delivery access road. Retractable bollards will be installed to prevent vehicles using this as an exit from the main carpark.

Area in front of Original Building

Due to the placement of the geothermal cages and placement of additional fire hydrants, a redesign has been necessary to the original plan.

Area in front of New Building

Significant changes have already been made to this area. The former brick wall and excess soil have been removed – thereby significantly improving access for patrons. The path will be re-installed (shown in red) for quicker access from the northern part of the carpark.

Universal access for wheelchairs/prams etc will be provided adjacent to the new stairs. This area is proposed to be exposed aggregate to match the existing new path and entrance.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Low: The redevelopment project is significant in terms of magnitude, complexity and financial implications. It has required close management to ensure that costs are strictly controlled, particularly as it involves a Heritage listed building which is 50 years old. As the bulk of the work has now been completed and practicable completion is almost ready, the risk has been further downgraded from “medium” to “low”.

STRATEGIC IMPLICATIONS:

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

“Natural and Built Environment

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

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

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

SUSTAINABILITY IMPLICATIONS:

The redevelopment is committed to a number of sustainability initiatives.

FINANCIAL/BUDGET IMPLICATIONS:

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

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

The project has to date been completed within the approved budget. A number of variations and claims are yet to be processed.

Building Construction Tender Progress Claim Payments – Perkins Builders

Fifteen (15) progress claims have been received to date, as follows:

Progress Payment Number	Date Received	Amount Requested (excl GST)	Amount Paid (excl GST)	Date Paid
No. 1	14/11/2011	\$168,597.91	\$168,597.91	30/11/2011
No. 2	09/12/2011	\$330,358.48	\$330,358.48	11/01/2012
No. 3	09/01/2012	\$426,642.09	\$426,642.09	08/02/2012
No. 4	09/02/2012	\$262,230.86	\$262,230.86	07/03/2012
No. 5	08/03/2012	\$999,561.79	\$999,361.79	04/04/2012
No. 6	10/04/2012	\$641,879.57	\$641,879.57	02/05/2012
No. 7	15/05/2012	\$1,094,498.76	\$1,094,498.76	18/06/2012
No. 8	11/06/2012	\$1,207,966.69	\$1,207,966.69	09/07/2012
No. 9	13/07/2012	\$991,244.57	\$991,244.57	08/08/2012
No. 10	09/08/2012	\$803,418.12	\$803,418.12	14/09/2012
No. 11	12/09/2012	\$913,043.61	\$913,043.61	09/10/2012
No. 12	08/10/2012	\$549,297.17	\$549,297.17	02/11/2012
No. 13	09/11/2012	\$864,651.44	\$864,651.44	29/11/2012
No. 14	14/12/2012	\$904,339.85	\$904,339.85	31/12/2012
No. 15	11/01/2013	\$1,084,589.59	\$1,084,589.59	12/02/2013
No. 16	13/02/2013	\$738,002.93		

Total Paid **\$11,242,120.50**

Geothermal Tender Progress Claim Payments – Drilling Contractors Australia

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

Progress Payment Number	Date Received	Amount Requested (excl GST)	Amount Paid (excl GST)	Date Paid
No. 1	18/11/2011	\$482,899.18	\$482,899.18	20/12/2011
No. 2	16/12/2011	\$638,710.00	\$638,710.00	25/01/2012
No. 3	31/12/2011	\$501,120.57	\$501,120.57	08/02/2012
No. 4	12/04/2012	\$214,355.86	\$214,355.86	02/05/2012
No. 5	21/05/2012	\$604,149.38	\$604,149.38	18/06/2012
No. 6	17/07/2012	\$781,726.70	\$781,726.70	03/10/2012

Total Paid **\$3,222,960.69**

Fire Detection and Water Tanks Tender Progress Claim Payments

No progress claims have been received to date. Works are almost completed.

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

Total Paid **Nil.**

Progress Payment Number	Date Requested	Amount Requested (<i>excl GST</i>)	Amount Received (<i>excl GST</i>)	Date Received
No. 1	03/01/2012	\$217,165.69	\$217,165.00	06/01/2012
No. 2	31/01/2012	\$191,614.00	\$191,614.00	06/02/2012
No. 3	17/04/2012	\$839,971.00	\$839,971.00	24/05/2012
No. 4	19/06/2012	\$650,254.00	\$650,254.00	30/06/2012
No. 5	4/10/2012	\$600,996.00	\$600,996.00	29/11/2012

Total Received \$2,500,000.00

COMMENTS:

The Beatty Park Redevelopment Project is nearing completion. And practicable completion is now expected in the first week of March 2013.

The Indoor Pool and refurbished change rooms continue to be well received, while the additional family/accessible and unisex change cubicles have surpassed expectations in their popularity.

Swim School numbers continue to grow as term one (1) commences and people return from their holidays. Membership numbers have risen by over 200 in the past month with the impending opening of the new gym and group fitness facilities.

Positive feedback has been received from facility users in regards to how the project is progressing.

It is disappointing that last minute delays have occurred, thereby delaying practical completion and handover to the City. Notwithstanding, the finished progress is of a very high standard and will provide a world class facility, which everyone can be proud of.

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

9.4.2 Multicultural Plan 2013 – 2017 – Adoption In Principle

Ward:	Both	Date:	1 March 2013
Precinct:	All	File Ref:	CMS0076
Attachments:	001 – City of Vincent Draft Multicultural Plan 2013 - 2017 002 – Multicultural Plan Survey – Internal 003 – Multicultural Plan Survey – External 004 – Draft Multicultural Stakeholder Advisory Group		
Tabled Items:	Nil		
Reporting Officers:	B Grandoni, Community Development Officer J Anthony, Manager Community Development		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

1. **ADOPTS IN PRINCIPLE** the Draft City of Vincent *Multicultural Plan 2013-2017*, as shown in Appendix 9.4.2A;
2. **AUTHORISES** the Chief Executive Officer to advertise the Draft *Multicultural Plan 2013-2017*, as shown in the Appendix 9.4.2A, for public comment for a period of twenty-eight (28) days inviting written submissions from the public in accordance with the City's Policy No. 4.1.5 relating to Community Consultation;
3. **REVIEWS** the Draft *Multicultural Plan 2013-2017*, having regard to any written submissions received;
4. **APPROVES BY AN ABSOLUTE MAJORITY** the establishment of a Multicultural Stakeholder Advisory Group to assist in the implementation of the *Multicultural Plan 2013-2017*, as detailed in Appendix 9.4.2 (attachment 004);
5. **AUTHORISES** the Chief Executive Officer to advertise for interested persons as Community representatives for the proposed Advisory Group; and
6. **ADVISES** all of the residents, Service Providers and staff who participated in the initial consultation of the finalisation of the Draft *Multicultural Plan 2013-2017*.

Moved Cr Buckels, **Seconded** Cr Maier

That the recommendation be adopted.

Debate ensued.

Cr Carey departed the Chamber at 9.35pm.

Debate ensued.

Cr Carey returned to the Chamber at 9.37pm.

Debate ensued.

AMENDMENT 1

Moved Cr Maier, Seconded Cr Topelberg

“That Clause 1 be amended and the remaining Clauses be deleted as follows:

1. ~~ADOPTS IN PRINCIPLE RECEIVES~~ the Draft City of Vincent *Multicultural Plan 2013-2017*, as shown in Appendix 9.4.2A;
2. ~~AUTHORISES the Chief Executive Officer to advertise the Draft *Multicultural Plan 2013-2017*, as shown in the Appendix 9.4.2A, for public comment for a period of twenty-eight (28) days inviting written submissions from the public in accordance with the City’s Policy No. 4.1.5 relating to Community Consultation;~~
3. ~~REVIEWS the Draft *Multicultural Plan 2013-2017*, having regard to any written submissions received;~~
4. ~~APPROVES BY AN ABSOLUTE MAJORITY the establishment of a Multicultural Stakeholder Advisory Group to assist in the implementation of the *Multicultural Plan 2013-2017*, as detailed in Appendix 9.4.2 (attachment 004);~~
5. ~~AUTHORISES the Chief Executive Officer to advertise for interested persons as Community representatives for the proposed Advisory Group; and~~
6. ~~ADVISES all of the residents, Service Providers and staff who participated in the initial consultation of the finalisation of the Draft *Multicultural Plan 2013-2017*.”~~

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Harley was an apology for the Meeting.)

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

(Cr Harley was an apology for the Meeting.)

COUNCIL DECISION ITEM 9.4.2

That the Council RECEIVES the Draft City of Vincent *Multicultural Plan 2013-2017*, as shown in Appendix 9.4.2A.

PURPOSE OF REPORT:

To present a report to the Council that outlines a Multicultural Plan 2013-2017 for the City of Vincent.

BACKGROUND:

A Draft Multicultural Plan has been developed for use as a strategic framework to guide City Officer’s in working with people from Culturally and Linguistically Diverse (CaLD) backgrounds, including migrants, refugees and the second generation (children born in Australia of migrants/refugees).

The Plan communicates to internal staff and residents the City's approach for improving access, removing barriers and promoting awareness of cultural diversity in the City. It also provides an opportunity to strengthen and maintain partnerships between all tiers of Government, service providers and community organisations to progress multiculturalism, and to promote harmony and social cohesion within the City.

Currently, it is not a requirement for Local Government Authorities to adopt a Multicultural Plan, unlike the statutory requirement to have a Disability Access and Inclusion Plan. A Multicultural Plan was incorporated in the City's *Strategic Plan 2011-2016*.

The City's Census and Department of Immigration & Citizenship (DIAC) data also suggests the importance of considering this significant population group in strategic administration decisions implemented by the City. Some references to the 2011 Vincent Census data are below (total population 31,549 people):

- 13,814 were born overseas;
- 5,432 of overseas born people were born in non-English speaking countries;
- The non-English speaking country of birth with the highest population in Vincent is Italy with 3,280, (7.9%) residents; and
- 5,620 of people speak a language other than English at home.

The predominant CaLD groups in Vincent are the Italians, Vietnamese, Chinese (including Mandarin and Cantonese), Greek and Macedonian.

This Plan is not intended to apply to Aboriginal people in the City of Vincent. Funding has been put aside in the 2012/2013 financial year to develop a Reconciliation Action Plan (RAP).

DETAILS:

The Draft *Multicultural Plan 2013-2017* has three objectives:

1. To implement a strategic planning approach to multiculturalism in the City of Vincent;
2. To encourage community engagement with specific ethnic groups in the development and management of community projects and/ or events; and
3. To foster an awareness of Council's role in supporting the development of a diverse range of quality multicultural facilities, activities and programmes, which contribute to the wellbeing of the community.

The Draft *Multicultural Plan 2013-2017* positions the City to be proactive and respond to the needs in preparing for the impact of future trends and community demands. It will guide the direction of future activities, programmes and strategies. It will also inform the allocation of resources and the identification of revenue and funding opportunities. A defined commitment to people from a CaLD background will also enhance the reputation of the City, as a harmonious community providing a competitive edge.

There are numerous services and initiatives that demonstrate how the City responds to the City's residents, visitors and workers that present with a cultural barrier, such as English as a second language. The following City initiatives have been highlighted as being specifically responsive to cultural and linguistic diversity:

- Budget allocation for use of interpreters to ratepayers;
- List of bilingual staff across the City available at Customer Service to respond to front desk inquiries;
- Budget allocation for Cultural Development Seeding Grants;
- Budget allocation and infrastructure support/advice for multicultural festivals, celebrations and/ or community events;
- Community Centre's providing meeting facilities for CaLD groups at low cost;

- Support for CaLD social groups through the Community Development area;
- Support for several multicultural groups through the provision of low cost lease arrangements for Council owned properties;
- Social work based home visiting service, for example, assisting with breaking down language barriers when making referrals;
- Staff training and development in cultural awareness, including the use of interpreters;
- Library collections in CaLD languages. The Language other than English (LOTE) stock is in 26 different languages and the Library has 475 borrowers listed using 38 languages other than English at home; and
- Specifically targeting CaLD groups for swim classes at Beatty Park Leisure Centre. For example, 40 members of an African community from the Northern Suburbs learnt to swim over a ten (10) week period in 2012.

These outcomes have been proposed to encapsulate a holistic approach to targeting the CaLD community within the City. Some highlights of the strategies proposed in the Draft *Multicultural Plan 2013-2017* are as follows;

1. Ensure that CaLD issues and considerations are an integral part of Council's policy, planning and strategies;
2. Encourage active engagement with key stakeholders to ensure that the CaLD programme is relevant and inclusive to meet diverse needs of the community;
3. Promote an annual programme of activities, festival and events that are inclusive of people from CaLD backgrounds;
4. Provide public spaces for the community to celebrate events and promote various expressions of multiculturalism;
5. Encourage and support engagement and community spirit through community cultural development projects; and
6. Build creative partnerships with local stakeholders to support events and cultural activities.

Multicultural Stakeholder Advisory (MSAG) Group

One of the key planned activities throughout the Plan is the establishment of a Multicultural Stakeholder Group (MSAG). The MSAG will play an important role in encouraging and promoting matters relating to CaLD issues for all services and facilities provided by the City of Vincent to ensure they are compatible with the City's Vision and Strategic Objectives.

The objectives of the MSAG will be to:

1. Assist in the development and implementation of the Multicultural Plan, addressing all services and facilities provided by the City.
2. Provide advice and make recommendations including:
 - Assessing plans for the City's facilities, events, services and programmes to ensure inclusiveness of people who are CaLD.

The membership of the MSG shall comprise of the following persons:

- Three (3) Council Members;
- Three (3) City Officers; and
- Up to four (4) Community Representatives.

The period of membership will sustain for two (2) years and meet when required. At the first meeting after convening, the Group will also determine a Schedule of Meeting dates for the remainder of the year.

The agenda will comprise of issues that are directed to the group either by Council or the Chief Executive Officer.

Through these strategies, the City can be well placed to raise awareness of the needs of the CaLD community and value of cultural experiences for community. It will facilitate investment, support of initiatives, and identify gaps, barriers and opportunities for the City.

Launch of the Plan

After the comments have been adopted throughout the community consultation, the Plan will be distributed to all staff members within the City. Tailored training will be communicated to particularly front-line staff.

CONSULTATION/ADVERTISING:

The Draft *Multicultural Plan 2013-2017* will be advertised for community consultation for a period of twenty eight (28) days in accordance with the Community Consultation Policy No 4.1.5, as follows:

- Advertisement in local newspaper;
- Notice on the City's website;
- Copies displayed at City of Vincent Administration and Civic Centre and Library and Local History Centre; and
- Multicultural agencies, precinct and local groups.

Consultation occurred with residents, agencies and staff in developing the Draft Multicultural Plan, in particular with management and key stakeholders in the City of Vincent. A further online survey will be sent out throughout the community consultation period.

External Stakeholder Consultation

- An external survey was mailed out to all relevant City community organisations;
- Telephone and email contact with over twenty (20) Service Providers in the City of Vincent catchment area; and
- Face to face meetings with ten (10) Service Provider representatives involving an 'External Diversity Questionnaire'.

Internal Stakeholder Consultation

- All staff were informed of the Multicultural Plan and invited to contribute. A reminder will be sent throughout the further consultation period; and
- Two (2) Officers in Community Development met with all twenty-one (21) Directors, Managers and Supervisors of the four (4) Directorates within the City of Vincent throughout mid 2012. Follow-ups with Managers were also carried out in early 2013, including Internal Diversity Questionnaire.

Feedback Analysis

The feedback was assessed to develop emerging themes organised under the Plan's Outcome areas. These themes were developed from the combination of:

- Qualitative data collected in free text responses of the surveys;
- Interviews with Service Providers and their clients; and
- Comments collected from the internal meetings.

LEGAL/POLICY:

The following City Policies apply to this project:

- Policy No. 2.1.5 Community Consultation; and
- Policy No. 4.2.12 Advisory Groups.

RISK MANAGEMENT IMPLICATIONS:

Low: As the document is used largely for internal strategy development, the risk implications are low.

STRATEGIC IMPLICATIONS:

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

“Community Development and Wellbeing

3.1 *Enhance and promote Community Development and Wellbeing:*

- 3.1.1 *Celebrate, acknowledge and promote the City's social and cultural diversity*
(d) *Develop and implement a Multicultural Plan.”*

SUSTAINABILITY IMPLICATIONS:

The Draft *Multicultural Plan 2013 – 2017* aims to contribute to the cultural vitality of the City's community and by promoting the positive aspects of multiculturalism, it improves the livability of the city and strengthens the community.

FINANCIAL/BUDGET IMPLICATIONS:

There is no planned immediate expenditure for this project, including no specific budget account; however, the implementation of the actions in the Multicultural Plan will have budget and resource implications for the City.

Budget Amount: \$0.00
Spent to Date: \$0.00
Balance: \$0.00

The Draft *Multicultural Plan 2013 – 2017*, as proposed in this report, is designed to direct current resources to priority areas rather than to generate new unfunded initiatives. Any projects that may be brought forward over and above those outlined in the proposed Plan and that require additional resources would be considered as part of the City's normal budgeting process.

COMMENTS:

The *2013–2017 Draft Multicultural Plan* will be a working document containing a collection of prioritised, strategic actions for the City. These actions will determine solutions for the elimination of barriers to accessibility and opportunities for residents and visitors with a non-English speaking background. It will also reflect the perspectives and interests of our multicultural community. Ultimately, the Plan formalises the City's contribution by encouraging the development of clear positive actions and realistic targets for people who have a CaLD background.

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 NOTICE OF MOTION: Cr John Carey - Request to Investigate Fees and/ Penalties as a Mechanism to Deter Long Term Vacant Properties in the City of Vincent

That the Council REQUESTS;

1. The Chief Executive Officer to investigate the imposition of fees and/penalties on property owners as a mechanism to deter long term vacant properties in the City of Vincent. The report shall include but not be limited to:
 - 1.1 INVESTIGATING other potential options available (for example special additional fees for vacant blocks, clean up fee);
 - 1.2 ADVISING of;
 - 1.2.1 Improvements to current enforcement options and introduction of new options/mechanisms to ensure vacant blocks or properties are maintained, in a clean and tidy condition;
 - 1.2.2 A time frame for the implementation of any new measures;
 - 1.2.3 Mechanisms being used by other Local Governments to ensure that vacant blocks or properties are properly maintained, (for example City of Fremantle); and
 - 1.2.4 Any other relevant matters; and
2. A report be submitted to the Council no later than May 2013.

Moved Cr Carey, Seconded Cr Pintabona

That the motion be adopted.

Debate ensued.

Mayor vacated the Chair at 9.37pm and Cr McGrath assumed the Chair.

Debate ensued.

Mayor assumed the Chair at 9.38pm.

Debate ensued.

AMENDMENT 1

Moved Cr Carey, Seconded Cr Pintabona

“That Clause 1 be amended to read as follows:

1. The Chief Executive Officer to investigate the imposition of fees and/penalties or incentives on property owners as a mechanism to deter long term vacant properties in the City of Vincent. The report shall include but not be limited to:”

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Harley was an apology for the Meeting.)

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

(Cr Harley was an apology for the Meeting.)

COUNCIL DECISION ITEM 10.1

That the Council REQUESTS;

1. The Chief Executive Officer to investigate the imposition of fees and/penalties or incentives on property owners as a mechanism to deter long term vacant properties in the City of Vincent. The report shall include but not be limited to:
 - 1.1 INVESTIGATING other potential options available (for example special additional fees for vacant blocks, clean up fee);
 - 1.2 ADVISING of;
 - 1.2.1 Improvements to current enforcement options and introduction of new options/mechanisms to ensure vacant blocks or properties are maintained, in a clean and tidy condition;
 - 1.2.2 A time frame for the implementation of any new measures;
 - 1.2.3 Mechanisms being used by other Local Governments to ensure that vacant blocks or properties are properly maintained, (for example City of Fremantle); and
 - 1.2.4 Any other relevant matters; and
 2. A report be submitted to the Council no later than May 2013.
-

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 9.50pm Moved Cr McGrath, Seconded Cr Wilcox

That the Council proceed "behind closed doors" to consider confidential item 14.1, contains legal advice obtained and which will be discussed at the meeting.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Harley was an apology for the Meeting.)

There were no members of the public present.

Journalist David Bell departed the meeting.

Executive Assistant (Minutes Secretary) – Jerilee Highfield departed the meeting.

PRESENT:

Mayor Hon. Alannah MacTiernan	Presiding Member
Cr Warren McGrath (<i>Deputy Mayor</i>)	South Ward
Cr Matt Buckels	North Ward
Cr John Carey	South Ward
Cr Dudley Maier	North Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
Cr Julia Wilcox	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Community Services
Carlie Eldridge	Director Planning Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services

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

14.1 CONFIDENTIAL REPORT: Nos. 193-195 (Lot 267) Scarborough Beach Road, Mount Hawthorn – Application to Keep Peafowls – Casa Bianchi

Ward:	North	Date:	8 March 2013
Precinct:	Mount Hawthorn Centre; P2	File Ref:	PHI0449; PRO3020
Attachments:	001 – Application to keep peafowls 002 – Map of area – Complainants location – to remain Confidential 003 – Zone Map 004 – Information Sheets (2) – Peafowls and Peacocks		
Tabled Items:	Nil		
Reporting Officer:	L DiNella , A/Manager Health Services		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** the report concerning the keeping of peafowls at Nos. 193-195 Scarborough Beach Road, Mount Hawthorn (‘the premises’);
2. **AUTHORISES** the Chief Executive Officer pursuant to Clause 74 of the *City of Vincent Health Local Law 2004*, to **APPROVE** the owner at Nos. 193-195 Scarborough Beach Road, Mount Hawthorn (Casa Bianchi) to keep peafowls at the premises, subject to the following conditions:
 - 2.1 The approval shall be for a period not exceeding six (6) months from the date of issue of the approval;
 - 2.2 No more than two (2) peafowls shall be kept on the premises at any one time;
 - 2.3 The peafowls shall be confined to the premises at all times and not be permitted to wonder or escape into adjoining properties or the public areas;
 - 2.4 The peafowls shall be kept in an approved enclosure, not exceeding 2metres x2metres and 2metres high (with nesting roosts at least 1.2metres off the ground), on the premises between the hours of 10.00pm and 6am. The approved enclosure shall be constructed with adequate sound attenuation measures to minimise the emission of noise created by the peafowls;
 - 2.5 The premises shall be kept in a clean condition and all peafowl faeces to be cleaned on a daily basis;
 - 2.6 The peafowls shall be required to wear a leg tag with the inscribed owners name and the premises address details;
 - 2.7 The peafowls are not permitted to enter any part of the food premises located on the property (including service/dining area);
 - 2.8 The City reserves the right to:
 - 2.8.1 Impose further conditions on the keeping of peafowls, should justifiable complaints be received throughout the six (6) month trial period; and
 - 2.8.2 Revoke the approval at any time during the six (6) month trial period if the owner of the premises fails to reasonably comply with the approved conditions;

3. **NOTES** that the matter will be reviewed at the conclusion of the six (6) month period; and
4. **ADVISES** the complaints and the owners of Nos. 193-195 Scarborough Beach Road, Mount Hawthorn (Casa Bianchi) of the Council decision.

Moved Cr Pintabona, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Topelberg

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

That the Council;

1. **RECEIVES** the report concerning the keeping of peafowls at Nos. 193-195 Scarborough Beach Road, Mount Hawthorn (“the premises”);
2. **ADVISES** the owners of Nos. 193-195 Scarborough Beach Road, Mount Hawthorn (Casa Bianchi) that the Council:
 - 2.1 is not prepared to support the keeping of Peafowls at the premises during the mating/breeding season (that is September to December inclusive); and
 - 2.2 invites the owners to submit a further application to the City within two (2) months with a Management Plan to keep Peafowls at the premises; and”
3. **ADVISES** the complaints and the owners of Nos. 193-195 Scarborough Beach Road, Mount Hawthorn (Casa Bianchi) of the Council decision.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Harley was an apology for the Meeting.)

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

(Cr Harley was an apology for the Meeting.)

COUNCIL DECISION ITEM 14.1

That the Council;

1. **RECEIVES** the report concerning the keeping of peafowls at Nos. 193-195 Scarborough Beach Road, Mount Hawthorn (“the premises”);
2. **ADVISES** the owners of Nos. 193-195 Scarborough Beach Road, Mount Hawthorn (Casa Bianchi) that the Council:
 - 2.1 is not prepared to support the keeping of Peafowls at the premises during the mating/breeding season (that is September to December inclusive); and;
 - 2.2 invites the owners to submit a further application to the City within two (2) months with a Management Plan to keep Peafowls at the premises; and
3. **ADVISES** the complaints and the owners of Nos. 193-195 Scarborough Beach Road, Mount Hawthorn (Casa Bianchi) of the Council decision.

<p>*The Chief Executive Officer has made this report public, other than the Confidential attachment 002 – map of area/location of complainants.</p>
--

PURPOSE OF REPORT:

The purpose of this report is to inform the Council of complaints received from residents regarding the keeping of peafowls at the property, and the written submission made by the owner of Casa Bianchi located at Nos. 193-195 Scarborough Beach Road, Mount Hawthorn, seeking approval to keep two peafowls at the property, on a trial basis not exceeding six (6) months.

BACKGROUND:

The City's Health Services initially received a complaint regarding the keeping of peafowls at Casa Bianchi in October 2012. As a result, written correspondence was sent to the owner of the premises requesting they either cease the keeping of peafowls at the property or provide a written application to the City requesting Council approval to keep the peafowls at the property.

A written application was received from the owner of the premises on 5 November 2012 to obtain approval from the Council. [refer to attachment 001].

DETAILS:

The owner of the premises has provided the following information to the City in the written submission regarding the application for the keeping of peafowls at the property:

- Two (2) male peafowls are kept on the premises;
- Premises made up of Nursery Gift Shop and Food Premises;
- Peafowls are kept in a designated area;
- Area is cleaned on a daily basis;
- Pest Controllers treat the premises once a year;
- The property is large, providing the peafowls enough area to move freely without imposing danger to patrons;
- Patrons come to visit the peafowls;
- The peafowls are allowed to wander freely as it would be unacceptable to keep them caged;
- A designated area is provided for the peafowls at night; and
- The peafowls wings are clipped to limit their flying capabilities to within the property.

The City received five (5) further written complaints in regard to the keeping of peafowls at the property between the period of 29 October 2012 to 17 December 2012. The main concerns expressed in the complaints are;

- Noise;
- alleged damage to property; and
- defecating on neighbouring properties.

Details of the issues are listed in the tabled below.

No	Date	Concerns Raised	Officer comments
1	8 October 2012	The peafowls: <ul style="list-style-type: none"> • roam the street along The Boulevard, Mount Hawthorn; • are not kept in an enclosure; and • make noise at approximately 5.00am in the morning. 	<ul style="list-style-type: none"> • Officer Recommendation 2.3 requires Management to be onsite at all times during the day, to ensure that the peafowls are kept within the premises. • Officer Recommendation 2.4 addresses the installation of an enclosure that will also attenuate noise concerns.

	2 November 2012	<ul style="list-style-type: none"> • Scratches on the complainant's car; • Roaming in the complainant's property; • Loud squawking noises early in the morning; and • Walking along the street. 	<ul style="list-style-type: none"> • Damage to property has not been observed by the City's Officers. • Officer Recommendation 2.3 requires Management to be onsite during the day, to ensure that the peafowls are kept within the premises. • Officer Recommendation 2.4 addresses noise attenuation.
2	29 October 2012	<p>The peafowls:</p> <ul style="list-style-type: none"> • fly over the property fence and roam the streets; • defecate on the complainant's front porch, roof and car; • damage the complainant's garden; and • make calling noises early in the morning (at approximately 5.00am). 	<ul style="list-style-type: none"> • Damage to property has not been observed by the City's Officers. • Officer Recommendation 2.3 requires Management to be onsite at all times during the day, to ensure that the peafowls are kept within the premises. • Officer Recommendation 2.4 addresses noise attenuation.
	15 December 2012	<ul style="list-style-type: none"> • Peafowls calling and making loud noises all day and at early hours of the morning. 	<ul style="list-style-type: none"> • Noise complaints during the day are likely to not be justifiable due to the high ambient noise levels in the area. • Officer Recommendation 2.4 addresses noise attenuation measures from 10.00pm-6.00am.
3	13 November 2012	<ul style="list-style-type: none"> • Noise at night and early hours of the morning. 	<ul style="list-style-type: none"> • Officer Recommendation 2.4 addresses noise attenuation measures from 10.00pm-6.00am.
4	10 December 2012	<ul style="list-style-type: none"> • Noise during the day and night. 	<ul style="list-style-type: none"> • Noise complaints during the day are likely to not be justifiable due to the high ambient noise levels in the area. • Officer Recommendation 2.4 addresses noise attenuation measures from 10.00pm-6.00am.

In relation to the noise created by peafowls, the Department of Environment and Conservation and the Department of Agriculture and Food were contacted; however, information could not be provided by either Authority as peafowls are classed as neither a native animal nor a pest.

About Peafowls – Refer to attachment 004

Further online research provided the following information:

A number of websites indicate that it is only within the breeding season that the peafowl will make frequent calling/crying sounds. During this period, extending from August until January, the noise made by the peafowls is frequent, noisy and can occur during all hours of the day and night. The amount of noise the peafowl makes will vary from bird to bird, species, and the amount of noise around them.

As a means of comparison, it is noted the City does not permit the keeping of Roosters in accordance with the *City of Vincent Health Local Law 2004*, and in that regard the following was found in relation to comparing the two noise sources – *“Roosters make noise more regularly than the Peacock, however peacocks are not recommended in small suburban areas (domestic blocks) as the chances of complaints from neighbours is significantly increased.”* It was mentioned that Zoning is the normal factor used by local councils to determine which areas can or cannot keep a wide variety of animals. A copy of several information sheets is shown at Attachment 004.

CONSULTATION/ADVERTISING:

In accordance with Clause 74 of the *City of Vincent Health Local Law 2004* the Manager of Environmental Health Services is responsible for granting approval for an owner or occupier to keep peafowl in the City, as detailed below:

- “(1) *An owner or occupier of premises shall not –*
- (a) *without the written approval of the Manager of Environmental Health Services;*
or
 - (b) *except in accordance with any conditions imposed by the Manager of Environmental Health Services in connection with the approval under paragraph (a),*
- keep or permit a rooster, goose, turkey or peafowl to be kept on the premises.”*

LEGAL/POLICY:

- *Health Act 1911 (as amended); and*
- *City of Vincent Health Local Law 2004.*

The City’s Health Services have been in liaison with the Director Community Services and the Chief Executive Officer regarding this matter and it has been determined that the keeping of peafowls at the property contravenes a number of Clauses of the *City of Vincent Health Local Law 2004*.

Division 4 – Keeping of Poultry and Pigeons Clause 71 of the *City of Vincent Health Local Law 2004* defines ‘poultry or pigeons’ and the ‘Prohibited Area’ as follows:

“In this Division, unless the context otherwise requires -

"poultry" includes fowls, peafowls, turkeys, geese, ducks and other domestic fowls;

“Miscellaneous Birds” includes all birds other than poultry and registered homing or racing pigeons;

"the Prohibited Area" means -

- (a) *that portion of the district bounded –*
 - (i) *to the east by Richmond Street to Loftus Street, Loftus Street to Vincent Street as far as Beaufort Street, Beaufort Street to Walcott Street and Walcott Street to the railway;*
 - (ii) *to the east by the railway to Summers Street, and then to Lord Street;*
 - (iii) *to the south by Lord Street, to Parry Street, Parry Street to Lindsay Street, Lindsay Street to Newcastle Street, Newcastle Street to Loftus Street and Loftus Street to the Mitchell Freeway; and*
- (b) *all land classified/zoned for commercial and retail use as defined in the District Town Planning Scheme.”*

Clause 72 of the *City of Vincent Health Local Law 2004* states the following in relation to the keeping of poultry or pigeons in the Prohibited Area:

- “(1) *An owner or occupier of premises in the Prohibited Area shall not keep or permit to be kept on the premises any poultry or pigeons.”*

As Casa Bianchi is zoned for commercial use as defined in the District Town Planning Scheme, the property is considered to be a ‘Prohibited Area’ under the *City of Vincent Health Local Law 2004* and the keeping of peafowl on the premises is not permitted, unless approval is granted by the Council.

Legal Advice

Advice has been obtained from Devita and Dixon Lawyers who have advised as follows:

"I refer to our telephone conversation this morning and to your two emails and attachments of 6 March 2013 in respect of the above matter.

I confirm your request for my advice as to whether there is any discretion available not to enforce clause 72 of the City's Health Local Law in relation to the keeping of peafowls at Casa Bianchi situated at 193-195 Scarborough Beach Road, Mt Hawthorn ("the Property").

Clause 72 (1) of the Health Local Law provides that "An owner or occupier of premises in the Prohibited Area shall not keep or permit to be kept on the premises any poultry or pigeons".

Clause 71 of the Health Local Law defines "poultry" to include peafowls.

Clause 71 of the Health Local Law defines "the Prohibited Area" and I note the Property is in the Prohibited Area.

Clause 74 (1) of the Health Local Law provides that an owner or occupier of the premises shall not keep or permit a peafowl to be kept on the premises unless written approval has been obtained from the Manager of Environmental Health Services or except in accordance with any conditions imposed by the Manager of Environmental Health Services in connection with any such written approval.

Clause 74 (2) of the Health Local Law provides that the Manager of Environmental Health Services may upon written application grant approval with conditions to the owner or occupier of premises to keep on the premises a specified number of peafowls for a prescribed period.

I note from your attached briefing note that:

(a) the City sent correspondence to the owner of the Property requesting they either cease the keeping of peafowls at the Property or provide a written application to the City requesting approval to keep the peafowls at the Property; and

(b) a written application to obtain approval from the City was received by the City from the owner of the Property in November 2012.

In view of Clause 74 of the Health Local Law and as a written application has been received by the City from the owner of the Property, the City can consider whether it is appropriate to grant an approval with any conditions, for the peafowls to be kept on the Property.
[underlining added]

I trust that the above is satisfactory to your requirements and should you have any queries please do not hesitate to contact me."

RISK MANAGEMENT IMPLICATIONS:

Medium: In the event that the Council approves of the keeping of peafowls, there is a possibility that complaints may still be received concerning the noise.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

Community Development and Wellbeing

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

It is acknowledged that the keeping of the peafowls at the premises did result in justified complaints. An on-site inspection by the Chief Executive Officer and the Director Community Services was carried out on 7 March 2013. The two peafowls were observed roosting on the cafe rood and no noise was heard.

Discussions were held with one of the owners, who advised that he was aware of the initial complaints and was willing to fully cooperate with the City. He agreed to comply with reasonable conditions imposed and accepted that a six month trial period would be appropriate.

He further stated that peafowls predominantly create noise leading up to the mating season – which starts in Spring, and generally lasts until December. This significantly subsides thereafter. Research has confirmed that peafowls can be noisy birds. One website states the following:

“Although quiet during most of the year, unless startled, spring heralds the beginning of the breeding season and a period of frequent calling by peacocks, even (often) in the middle of the night. The noise is very unusal.”

The peafowls are an attraction to patrons who frequent the premises and many positive comments are received by the owners.

It is considered that the keeping of the peafowls does contribute to the ambience and amenity of the premises and accordingly a six (6) months trial period with conditions can be supported.

It is recommended that the Officer Recommendations be approved by the Council.

PROCEDURAL MOTION

At 10.01pm **Moved Cr McGrath, Seconded Cr Wilcox**

That the Council resume an “open meeting”.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Harley was an apology for the Meeting.)

15. CLOSURE

There being no further business, the Presiding Member, Mayor Hon. Alannah MacTiernan, declared the meeting closed at 10.01pm with the following persons present:

Mayor Hon. Alannah MacTiernan	Presiding Member
Cr Warren McGrath (<i>Deputy Mayor</i>)	South Ward
Cr Matt Buckels	North Ward
Cr John Carey	South Ward
Cr Dudley Maier	North Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
Cr Julia Wilcox	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Community Services
Carlie Eldridge	Director Planning Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services

No members of the Public were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 12 March 2013.

Signed:Presiding Member
Mayor Hon. Alannah MacTiernan

Dated this day of 2013