



CITY OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

10 APRIL 2012

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

INDEX (10 APRIL 2012)

ITEM	REPORT DESCRIPTION	PAGE
9.1 PLANNING SERVICES		
9.1.1	No. 1/162 (Lot 4; D/P: 62324) Oxford Street, Leederville – Proposed Change of Use from Shop and Office Building to Shop, Office Building and Small Bar (Unlisted Use) (PRO0784; 5.2011.638.1)	46
9.1.2	State Administrative Tribunal Decision relating to Concrete Batching Plants at No. 71 (Lot 200; D/P: 92012) Edward Street, Perth (Hanson Batching Plant DR 264 of 2011) and No. 120 (Lot 1010; D/P: 1149) Claisebrook Road, corner Caversham Road, Perth (Holcim Batching Plant DR 225 of 2011) and Scheme Amendment No. 29 to the City's Town Planning Scheme No. 1 (PRO4024; 5.2011.243.1; PRO0733; 5.2011.173.1 PLA0224)	54
9.1.3	Further Report – No. 11 (Lot 55; D/P: 6049) Anderson Street, Mount Hawthorn – Demolition of Existing Single House and Construction of Six (6) Multiple Dwellings (PRO4854; 5.2011.628.1)	22
9.1.4	Further Report – No. 102 (Lot 106; D/P: 29881) Angove Street, North Perth – Proposed Demolition of Existing Single House and Construction of a Two Storey Building comprising of One (1) Single Bedroom Multiple Dwelling, Six (6) Multiple Dwellings and Associated Car Parking (PRO5544; 5.2011.427.2)	32
9.2 TECHNICAL SERVICES		
9.2.1	Hyde Park Lakes Restoration Project – Progress Report No. 13 (RES0042)	60
9.2.2	Proposed Western Power/Public Transport Authority 132 kV Transmission Cable Project – Progress Report No. 1 (TES0313)	66
9.3 CORPORATE SERVICES		
9.3.1	Beatty Park Redevelopment, 220 Vincent Street, North Perth – Progress Report No. 6 (CMS0003)	6
9.3.2	No. 20 (Lot 100) Brentham Street, Leederville – Proposed Extension of Lease area for Aranmore Catholic Primary School (PRO1459)	44
9.4 COMMUNITY SERVICES		
9.4.1	Toy Library Grants 2011/2012 and New Highgate Toy Library (FIN0198)	16
9.4.2	Beaufort Street Festival 2012 (CMS0110) [Absolute Majority Decision Required]	70
9.5 CHIEF EXECUTIVE OFFICER		
9.5.1	Use of the Council's Common Seal (ADM0042)	19
9.5.2	Information Bulletin	75
10. COUNCIL MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN		
10.1	Cr Dudley Maier – Request to Amend the City's Community Consultation Letter	77

11.	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN (Without Discussion)	
	Nil	79
12.	REPRESENTATION ON COMMITTEES AND PUBLIC BODIES	
12.1	WALGA Nominations: Geographical Names Committee	79
13.	URGENT BUSINESS	
	Nil	80
14.	CONFIDENTIAL ITEMS / MATTERS FOR WHICH THE MEETING MAY BE CLOSED (<i>“Behind Closed Doors”</i>)	
	Nil	80
15.	CLOSURE	80

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 10 April 2012, commencing at 6.00pm.

1. (a) DECLARATION OF OPENING

The Presiding Member, Mayor Hon. Alannah MacTiernan, declared the meeting open at 6.03pm and read the following Acknowledgement of Country Statement:

(b) ACKNOWLEDGEMENT OF COUNTRY STATEMENT

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

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Nil.

(b) Members on Approved Leave of Absence:

Nil.

(c) Present:

Mayor Hon. Alannah MacTiernan	Presiding Member
Cr Warren McGrath (<i>Deputy Mayor</i>)	South Ward (from 6.06pm)
Cr Matt Buckels	North Ward
Cr John Carey	South Ward
Cr Roslyn Harley	North Ward
Cr Dudley Maier	North Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward (until 7.55pm)
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
Anita Radici	Executive Assistant (Minutes Secretary)
Lauren Peden	Journalist – <i>"The Guardian Express"</i> (until approximately 8.25pm)

Approximately 8 Members of the Public

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

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

- Michelle Dewell of 9B Anderson Street, Mt Hawthorn – Item 9.1.3. Stated the following:
 - Requested that the Council not approve the application in its current form.
 - The proposal significantly exceeds the maximum plot ration of 0.6m permitted for an R50 zoned site as, at 0.653m, it is closer to the maximum 0.7m permitted under R60. Believes it is far more than should be allowable as a discretionary matter.
 - Believes, if this is approved it would set a dangerous precedent for further development in the area. Asked what would prevent other developers putting forward plot ratios of 0.66m or great, justifying it by being similar to this development.

- Considers that if the Council had a vision of the area being developed to this density, surely it should have zoned the area as R60 permitting this level of discretion is tantamount to rezoning by stealth.
- The over building of 40m² is not a minor violation of the maximum plat ratio as it represents the entire ground floor area of one of the 6 units which causes further issues. The Designer has found it difficult to squeeze in the bare minimum of parking required under the code, cramming a parking bay in on the side of the driveway and pushing the buildings within 2.6m of the eastern boundary which, was originally deemed to be a non compliance setback.
- The plans have been amended and the setbacks are now deemed compliant however, she believes this has been achieved in a cynical way. A section of the wall over 5m away from her property has been reduced by only 30cm in height which makes no difference to the design.
- Understands the parking, safety and noise issues are not deemed to be planning issues however, if approved there will be all the elements in place for extensive social amenity issues, conflict between neighbours and other users of the Street. Presently there are no restrictions or parking permits in use however, if this application is approved they will undoubtedly be needed. There is a high likelihood of noise complaints due to the sighting of courtyards directly outside her bedroom and the building being so close to the boundary.
- Believes the Developer has made no effort to consult the neighbours and, had they done so, many issues could have been avoided by having them mirror the plans which would cost very little to achieve however, would shift the building and courtyards away from the shared boundary and vastly reduce the negative impact the development would have on her life. The personal cost to her of not doing so would be extensive – her financial costs would exceed \$50,000 in stamp duty and selling/moving costs when she is forced to move out of her home.
- Thanked the Council for their consideration and the personal attention of some Councillors.

Cr Warren McGrath entered the Chamber at 6.06pm.

2. Lee Rodder Senior Planner of RPS – Item 9.3.2, on behalf of their client Rosewood Care Group. Stated the following:
 - The area of land proposed to be leased is located immediately south of Rosewood's existing Aged Care Facility which was approved for redevelopment by the City in 2011.
 - Rosewood only became aware of the proposal last Thursday and has requested RPS to review the details of the proposal and table photographs of the area subject to the lease extension [tabled photographs to the Council].
 - Rosewood's queries including whether public consultation was required were answered today by the Director Corporate Services.
 - However, Rosewood believe that the information included with the proposal to extend the lease area is insufficient for the Council to make a fully informed decision.
 - Understands that additional information maybe available to the City Staff which clarifies the extent of the lease area however, this has not been made available for their review.
 - Rosewood query whether the lease area extends to the boundary of their site or, whether as shown on the photographs, there will be a gap of approximately 2m between the lease area and their boundary?
3. Steve Miotti of 110 Edinboro Street, Mt Hawthorn – Item 9.1.4, on behalf of his mother of 100 Angove Street, North Perth. Stated the following:
 - He has not had much time to review the figures attached to the additional information included by the Development in the Agenda as they were not actually included in the Agenda – they were forward to him by Planning.

- Regarding the additional information, he disagrees with the fact that the statement is that what has been presented shows that the development complies with the acceptable development criteria. Figure 1 refers to the wrong tables in the R-Codes, it does not refer to the tables for multiple dwellings of R30 or greater. Figure 1 also refers to the setback of 2.6m in part which, therefore means that walls inside can be considered independently – the minimum setback however should be 3m or more. He hopes that should go through the R-Codes as he has not had the opportunity to do so.
- Believes this ignores the fact that they have 1.6m high screens on the edge of the balcony. The development refers to the fact that there is 4.6m buildings however, the wall which is 4.6m cannot be seen as there is a 1.6m high screen for privacy which keeps getting ignored in the assessments.
- The Planning Officer states that it does not comply with the acceptable development criteria and refers to the performance criteria however, in the Neighbourhood Context Report the developer states that it does not meet all of the performance criteria it meets 3 of the 4 points. Yet they are expected to believe that it meets all of the requirements again ignoring the 1.6m high screen which is considered through the assessment as not part of the wall but part of the screen. Therefore they have a wall that is more than 4m high and 30m long which minimum setback.
- Referred to the City's Residential Policy No. 3.2.1 states that *"if there is a variation to the side setback the wall must be vertically articulated and at least 70% of the wall must have vertically staggered setbacks to the ground floor"*. The Policy clarifies that this mandatory yet the proposal only provides 55% even ignoring the screens.
- Asked the Council to reconsider this matter.

The Presiding Member, Mayor Alannah MacTiernan asked whether Mr Miotti has seen the newest shading maps prepared?

Mr Miotti advised that he had and the last one just looks at the kitchen window in isolation and ignores the rest of the property.

The Presiding Member, Mayor Alannah MacTiernan advised that she believes that is because the kitchen window was raised.

There being no further speakers, Public Question Time closed at approx. 6.15pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

Nil.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Meeting of Council held on 27 March 2012.

Moved Cr Maier, Seconded Cr Harley

That the Minutes of the Ordinary Meeting of Council held 27 March 2012 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY (9-0)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Nil.

8. DECLARATIONS OF INTERESTS

8.1 Cr Pintabona declared an Impartiality interest in Item 9.3.2 – No. 20 (Lot 100) Brentham Street, Leederville – Proposed Extension of Lease area for Aranmore Catholic Primary School. The extent of his interest being that he is a Member of the School Board and his children attend the Aranmore Primary School.

8.2 Cr Carey declared an Impartiality interest in Item 9.4.2 – Beaufort Street Festival 2012. The extent of his interest being that he is involved in the Beaufort Street Festival Committee.

8.3 Cr Harley declared an Impartiality interest in Item 9.4.2 – Beaufort Street Festival 2012. The extent of her interest being that she is a Member of the Beaufort Street Network.

All Councillors stated that as a consequence, there may be a perception that their impartiality on the matters may be affected. They declared that they would consider the matter on its merits and vote accordingly.

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

Nil.

10. REPORTS

The Presiding Member, Mayor 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 9.1.3, 9.3.2 and 9.1.4.

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

Items 9.4.2 and 10.1.

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

Nil.

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

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

Cr Carey	Nil.
Cr Topelberg	Item 9.1.1.
Cr Buckels	Nil.
Cr McGrath	Item 9.2.1.
Cr Wilcox	Nil.
Cr Pintabona	Item 9.1.2.
Cr Harley	Nil.
Cr Maier	Items 9.2.2 and 9.5.2.
Mayor Hon. MacTiernan	Nil.

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

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

Items 9.3.1, 9.4.1 and 9.5.1.

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

Nil.

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 9.3.1, 9.4.1 and 9.5.1.

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

Items 9.1.3, 9.3.2 and 9.1.4.

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

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

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

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

ITEMS APPROVED “*EN BLOC*”:

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

Moved Cr Pintabona, Seconded Cr Wilcox

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

Items 9.3.1, 9.4.1 and 9.5.1.

CARRIED UNANIMOUSLY (9-0)

9.3.1 Beatty Park Redevelopment, 220 Vincent Street, North Perth – Progress Report No. 6

Ward:	South	Date:	30 March 2012
Precinct:	Smiths Lake	File Ref:	CMS0003
Attachments:	001 – Progress Photos		
Tabled Items:	Nil		
Reporting Officers:	D Morrissy; Manager Beatty Park Leisure Centre; K Bilyk; Property Officer; J Fondacaro; Coordinator Aquatic & Operations; J van den Bok; Manager Parks & Property Services; M Rootsey, Director Corporate Services		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council RECEIVES Progress Report No. 6 as at 30 March 2012, relating to the Beatty Park Leisure Centre Redevelopment Project, 220 Vincent Street, North Perth.

COUNCIL DECISION ITEM 9.3.1

Moved Cr Pintabona, Seconded Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

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

BACKGROUND:

Progress Reports

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

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

“That the Council;

2. **APPROVES:**

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

<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; and
- Removal of indoor pool marble sheen layer and rendering.

Geothermal

- Additional 100m drilling to obtain adequate temperature;
- Additional time required to develop production bore; and
- Variations to design of injection bore, based on production bore geophysical data.

1.4 **Cost Variations**

Construction

Provisional Sums:

Description	Provisional Sum	Amount Agreed	Variation
Temporary Entrance Works	20,000	\$27,154	(\$7,154)
Safemaster roof safety system	\$7,000	(\$6,055)	\$945
Door hardware	\$85,000	(\$59,170)	\$25,830
Western Power charges	\$5,000	(\$1,363)	\$3,637
Kitchen equipment	\$200,000	(\$143,887)	\$56,113
Internal bollards and retractable belts	\$5,000	(\$3,680)	\$1,320
Hoist to family accessible change 4	\$6,000	(\$4,037)	\$1,963
Total	\$328,000	(\$245,346)	\$82,654

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 five pool windows and make good concrete structure	\$9,735
Anchor points to beginners pool	\$3,344
Total	\$84,084

Latent Conditions:

Description	Amount
Removal of original pool concourse	\$29,920
Replacement of indoor pool valves	\$1,595
Total	\$31,515

Summary of Variations

Total Variation Savings	(\$82,654)
Total Variation Additions	\$115,599
Total Savings	\$32,945

Geothermal

Provisional Sum	Description	Variation Amount	Adjustments
Nil	Additional 100m drilling	\$61,000	-\$61,000
Nil	Additional time for bore development	TBA	TBA
Nil.	Variations to design of injection bore, based on production bore geophysical data.	TBA	TBA

Total Variation Savings	Nil
Total Variation Additions	\$61,000
Total Additions	\$61,000

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**

The injection bore pilot hole is now complete.

Widening of the hole to allow for installation of casing is now underway.

2.3 **Commissioning**

Not applicable at this time.

2.4 **Pipe works**

Not applicable at this time.

3. BUILDING WORKS/EXISTING BUILDING

3.1 **Temporary works**

No changes to previous report.

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

No changes to previous report.

3.3 **Earthworks**

Not applicable at this time.

3.4 **Structural and Civil Engineering**

Block work walls to main change rooms, crèche and new staff areas are now rendered.

3.5 **Hydraulic services**

Plumbing rough in to existing main change rooms, crèche and new staff areas is complete.

3.6 **Electrical Services**

Preliminary electrical works in the change rooms, crèche and new staff areas is complete.

3.7 **Mechanical services**

Ventilation systems are being installed throughout existing change rooms, crèche and new staff areas.

3.8 **Environmental services**

Not applicable at this time.

4. BUILDING WORKS-NEW

4.1 **Temporary works**

Not applicable at this time.

4.2 **Earthworks/Demolition**

Completed.

4.3 **Structural and Civil Engineering**

Footings and some columns have been poured.

Block walls installed in new male change rooms.

4.4 **Hydraulic services**

Plumbing rough in complete for new male change room and accessible change area.

4.5 **Electrical Services**

Installation of new main switchboard completed.

4.6 **Mechanical Services**

Not applicable at this time.

4.7 **Environmental Services**

No changes to previous report.

4.8 **Building External and Internal Colour Finishes**

Details have been provided to the builder for ordering, as approved by the Council.

5. POOLS AND PLANT ROOM

5.1 **Outdoor Main Pool**

Pouring of concrete for 50m pool floors and walls now completed.

5.2 **Dive Pool**

Observation windows removed due to rust around bolts.

Walls have been cleaned in preparation for render and tiles.

5.3 **New Learn to swim pool**

Excavation of pool has commenced.

5.4 **Indoor pool/Leisure area**

Tiling has commenced. Approximately 5% completed.

5.5 **Plant Room**

New outdoor pool filters being connected.

The Balance tank has minor structural issues (possible "concrete cancer") that are currently being repaired by the builder.

6. INDICATIVE TIMELINE

6.1 **Progress**

Pool work is on schedule. Good progress is being made.

Geothermal work is on schedule. Good progress is being made.

6.2 **Days Claimed**

One (1) wet weather day (disputed).

7. COMMUNICATION PLAN

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

- Frequently asked questions (FAQ's) posted on the City's website and displayed within the facility (updated 3 February 2012);
- A number of mailouts to members, clubs and stakeholders;
- City of Vincent quarterly newsletter;
- A letter drop to surrounding residents;
- Fencing signage around geothermal compound;
- Internal signage;
- Website updates, including a photo diary, plans and a detailed project overview;
- Twitter account @BeattyPark in operation to provide regular updates on the redevelopment and other related information. (64 followers as at 27 March 2012).

8. MEMBERSHIP

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

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

Refunds have been provided to those members who requested this option. As at the 28 March 2012 a total of \$25,241 has been refunded. (\$267.80 since the 30 January 2012)

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

The current number of members is 1172.

9. EMPLOYEE MATTERS

The swimschool relocation to Aqualife in Town of Victoria Park has allowed the City to maintain its high level of customer service through the continuity of the program.

Swimschool will relocate to Lords Subiaco in Term 2 and run a small angelfish plus siblings program on Tuesday's and Saturday's.

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

During the facility closure in March 2012 staff have been requested to take leave.

10. HISTORY

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

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

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

CONSULTATION/ADVERTISING:

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

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

A list of frequently asked questions and project plans are also located on the website. The site will be updated on a regular basis. The site was last updated on the 3 February 2012.

LEGAL/POLICY:

Not Applicable.

RISK MANAGEMENT IMPLICATIONS:

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

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

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

- 1.1: *Improve and maintain the natural and built environment and infrastructure.*
 1.1.4: *Enhance and maintain the City's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment.*
 (e) *Implement the Redevelopment of Beatty Park Leisure Centre."*

SUSTAINABILITY IMPLICATIONS:

The redevelopment is committed to a number of sustainability initiatives.

FINANCIAL/BUDGET IMPLICATIONS:

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

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

Building Construction Tender Progress Claim Payments – Perkins Builders

Five (5) 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		
No. 6				
No. 7				
No. 8				
No. 9				
No. 10				

Total Paid \$1,187,829.34

Geothermal Tender Progress Claim Payments – Drilling Contractors Australia

Three (3) 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				
No. 5				

Progress Payment Number	Date Received	Amount Requested (excl GST)	Amount Paid (excl GST)	Date Paid
No. 6				
No. 7				
No. 8				
No. 9				
No. 10				

Total Paid \$1,622,728.75

Fire Detection and Water Tanks Tender Progress Claim Payments

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

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

Total Paid Nil.

Funding

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

Loan

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

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

CSRFF Funding

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

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	06/01/2012
No. 2	31/01/2012	\$191,614.00	\$191,614	06/02/2012
No. 3				
No. 4				
No. 5				

Total Received \$408,779

Additional Funds

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

- Lotterywest;
- Heritage Council;
- Healthways; and
- Community Energy Efficiency Program (CEEP).

COMMENTS:

The Beatty Park Redevelopment Project is on schedule and continuing to make good progress. Major earthworks and foundations are now completed and an acceleration of the project is expected.

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

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

9.4.1 Toy Library Grants 2011/2012 and New Highgate Toy Library

Ward:	Both	Date:	30 March 2012
Precinct:	All	File Ref:	FIN0198
Attachments:	001 – Plan of Storeroom Lease Area		
Tabled Items:	Nil		
Reporting Officers:	E Everitt, Community Development Officer; J Anthony, Manager Community Development		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council APPROVES;

1. payment of the following donations as part of the Community and Welfare Grants as approved in the 2011/2012 Annual Budget:

Organisations	Amount
Mount Hawthorn Toy Library	\$1,000
Highgate Toy Library	\$1,000
Leederville Toy Library	\$1,000
Total	\$3,000

2. of an amendment to the Perth Junior Soccer Club at Forrest Park to transfer the storeroom to the Highgate Toy Library, as shown in Plan A04 in Appendix 9.4.1;
3. of a Lease to the Highgate Toy Library of the storeroom shown in Appendix 9.4.1, subject to the following Terms and Conditions:
 - 3.1 the Highgate Toy Library becoming incorporated in accordance with the Association Incorporations Act;
 - 3.2 five (5) year term at \$1 per annum “peppercorn rent”; and
 - 3.3 the financial negotiations being carried out to the satisfaction of the Chief Executive Officer; and
4. LISTING an amount of \$15,000 for consideration in the Draft 2012/2013 Budget to undertake refurbishment of the storeroom at Forrest Park for the purposes of setting up the Highgate Toy Library.

COUNCIL DECISION ITEM 9.4.1

Moved Cr Pintabona, Seconded Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

To obtain Council approval to fund the three (3) Toy Libraries in the City of Vincent under the Community and Welfare Grants and Donations Scheme for the 2011/2012 financial year, and support the formation of the Highgate Toy Library.

BACKGROUND:

The City established the Community and Welfare Grants programme to provide financial assistance to individuals who are disadvantaged and/or in crisis, and to not for profit community service providers that provide assistance to City residents.

Not for profit organisations are entitled to apply for grants of up to \$5,837 per financial year to assist with providing community services and programmes.

Sundry Donations are also allocated to enable the City to provide small donations to not for profit community service providers, not in receipt of an annual grant.

DETAILS:

In the 2011/2012 financial year, each Toy Library located in the City has been invited to apply for \$1,000 funding to assist with the costs of advertising, promotion and the purchase of toys.

At present, there are two (2) Toy Libraries in the City, the Leederville Toy Library and the Mount Hawthorn Toy Library. Both these toy libraries are operating to capacity and have a waiting list of potential members.

Proposed Highgate Toy Library

The Mayor and City Officers have been liaising with a group of residents who have raised concerns regarding the need to create a third toy library in the City in the eastern sector of the City. The group are currently called the Highgate Toy Library and have formed a Steering Committee working towards the process of becoming incorporated.

The group has worked with Perth Junior Soccer Club who has kindly agreed to assist by giving up one of their storerooms at Forrest Park as a base for the toy library. The storeroom requires minor refurbishment works to extend the roofing to ensure appropriate insulation, upgraded doorways to ensure security, installation of a window, plus shelving and additional fit outs to make the place conducive to storing toys and games with easy access for members. The President of the Perth Junior Soccer Club has offered to provide some in-kind assistance towards the roofing and other associated works given his knowledge and contacts in the industry.

It is recommended that the Highgate Toy Library is assisted with \$1,000 in seed funding for incorporation and set up costs.

CONSULTATION/ADVERTISING:

A media release (to be issued by the Mayor) has been prepared to promote the new Toy Library inviting new members and toy donations. Membership forms are being developed by the Officers in consultation with the group to assist with promoting the new group.

LEGAL/POLICY:

Policy No. 1.1.6 – Community and Welfare Grants.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

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

"3.1.2 Provide and develop a range of community programmes and community safety initiatives.

3.1.3 Determine the requirements of the community and focus on needs, value, engagement and involvement."

SUSTAINABILITY IMPLICATIONS:

The provision of the recommended grants will create a positive standard of sustainability and accessibility in the community. These monies will allow community organisations to increase initiatives that benefit the community as a whole, allowing residents who are marginalised and vulnerable to participate in the community. The recommended grants are for the provision of programmes that provide accessibility and enhance the quality of life of all residents in the community.

FINANCIAL/BUDGET IMPLICATIONS:

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

Budget Amount:	\$45,000 Donations
Spent to Date:	\$30,130
Funds for this Project:	\$3,000
Balance:	\$14,870

Since the 2007/2008 financial year, the City has provided regular Annual Grants of \$1000 per financial year to Toy Libraries located in the City of Vincent. The groups will be requested to acquit the funds within twelve months of receipt.

COMMENTS:

Toy Libraries are a financially viable way to provide parents and carers in the City with a chance to give their children the opportunity to learn new skills and games through play whilst being part of the community and are recommended for funding.

9.5.1 Use of the Council's Common Seal

Ward:	-	Date:	30 March 2012
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 March 2012.

COUNCIL DECISION ITEM 9.5.1

Moved Cr Pintabona, Seconded Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (9-0)

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
02/03/2012	Deed of Licence	1	City of Vincent, Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Centrecare Corporate Meeting - 6 and 7 March 2012 (Gareth Naven Room)
08/03/2012	Contact Documents	2	City of Vincent and Leederville Gardens Inc of 37 Britannia Road, Leederville WA 6007 and Mrs M K Lukey of Unit 20, Leederville Gardens (Inc) Retirement Estate
12/03/2012	Deed of Licence	1	City of Vincent, Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Trinity College Meeting - 14 March 2012 (Gareth Naven Room)

Date	Document	No of copies	Details
13/03/2012	Lease	6	City of Vincent and State of Western Australia acting through the Minister administering the Western Australian Sports Centre Trust Act 1986 for the time being of c/o the Department of Sport and Recreation, 246 Vincent Street, Leederville re: Lease for Perth Oval (nib Stadium) to the State Government for 25 years with a 25 year option*
13/03/2012	Deed of Surrender	4	City of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta and North East Equity Pty Ltd (as Trustee of the Nicola Family Trust No. 20) of Unit 25, 257 Balcatta Road, Balcatta re: Surrender of Heads of Agreement for Perth Oval (nib Stadium)*
13/03/2012	Deed of Acknowledgement	4	City of Vincent and Allia Venue Management Pty Ltd of First Floor, Unit 25, 257 Balcatta Road, Balcatta and State of Western Australia acting through the Minister administering the Western Australian Sports Centre Trust Act 1986 for the time being of c/o the Department of Sport and Recreation, 246 Vincent Street, Leederville and Western Australian Rugby Union (Inc) of Meagher Drive, Floreat, Western Australia re: Perth Oval (nib Stadium)*
13/03/2012	Deed of Acknowledgement	4	City of Vincent and Allia Venue Management Pty Ltd of First Floor, Unit 25, 257 Balcatta Road, Balcatta and State of Western Australia acting through the Minister administering the Western Australian Sports Centre Trust Act 1986 for the time being of c/o the Department of Sport and Recreation, 246 Vincent Street, Leederville and Western Australian Rugby League Ltd of 310 Pier Street, Perth re: Perth Oval (nib Stadium)*
13/03/2012	Deed of Acknowledgement	4	City of Vincent and Allia Venue Management Pty Ltd of First Floor, Unit 25, 257 Balcatta Road, Balcatta and State of Western Australia acting through the Minister administering the Western Australian Sports Centre Trust Act 1986 for the time being of c/o the Department of Sport and Recreation, 246 Vincent Street, Leederville and South Sydney District Rugby League Football Club of 104 George Street, Redfern, NSW re: Perth Oval (nib Stadium)*
13/03/2012	Deed of Acknowledgement	4	City of Vincent and Allia Venue Management Pty Ltd of First Floor, Unit 25, 257 Balcatta Road, Balcatta and State of Western Australia acting through the Minister administering the Western Australian Sports Centre Trust Act 1986 for the time being of c/o the Department of Sport and Recreation, 246 Vincent Street, Leederville and Football West Limited of Gibney Reserve, Ferguson Street, Maylands re: Perth Oval (nib Stadium)*
13/03/2012	Deed of Acknowledgement	4	City of Vincent and Allia Venue Management Pty Ltd of First Floor, Unit 25, 257 Balcatta Road, Balcatta and State of Western Australia acting through the Minister administering the Western Australian Sports Centre Trust Act 1986 for the time being of c/o the Department of Sport and Recreation, 246 Vincent Street, Leederville and Okewood Pty Ltd of 18 Oxford Close, Leederville re: Perth Oval (nib Stadium)*
16/03/2012	Licence	3	City of Vincent and Kidz Galore Pty Ltd of 13 Haynes Street, North Perth re: Licence to use seven (7) Car Bays at 31 Sydney Street, North Perth - <i>As per decision of the Ordinary Meeting of Council held on 20 December 2011 (Items 9.1.1 and 9.3.6)</i>

Date	Document	No of copies	Details
16/03/2012	Deed of Variation of Lease	3	City of Vincent and Kidz Galore Pty Ltd of 13 Haynes Street, North Perth re: Licence to use seven (7) Car Bays at 31 Sydney Street, North Perth - <i>As per decision of the Ordinary Meeting of Council held on 20 December 2011 (Items 9.1.1 and 9.3.6)</i>
22/03/2012	Scheme Amendment Documents	4	City of Vincent Scheme Amendment Documents - Amendment No. 31 relating to deletion of Clauses 20(4)(c)(ii) and 20(4)(h)(i) from the City of Vincent Town Planning Scheme No. 1 - <i>As per Council Resolution of Ordinary Meeting of Council held on 13 March 2012 - Item 9.1.4</i>
22/03/2012	Reciprocal Easement	6	City of Vincent and H Katsamakakis and V R Traganopulos of 59 Clieveden Street, North Perth re: Nos. 13A (Strata Lot 2 on Strata Plan 26712 and Lot 2; D/P 9815) Barnet Street, North Peth - Proposed Demolition of Existing Toilet Block and Construction of Two (2), Two-Storey Grouped Dwellings to Existing Single House and Grouped Dwelling - <i>To satisfy Clause (vi) of conditional approval granted at the Ordinary Meeting of Council held on 16 December 2009 and 9 November 2010 (Item Nos. 9.1.9 and 9.1.2 respectively)</i>
22/03/2012	Restrictive Covenant	2	City of Vincent and Cities of Perth, Stirling, Joondalup and Wanneroo and Towns of Cambridge and Victoria Park relating to Tamala Park Regional Council "Catalina Subdivision" - on Deposited Plan 73462 and 73463
22/03/2012	Section 70A Notification	2	City of Vincent and Cities of Perth, Stirling, Joondalup and Wanneroo and Towns of Cambridge and Victoria Park relating to Tamala Park Regional Council "Catalina Subdivision" - on Deposited Plan 73462 and 73463
22/03/2012	Application for a New Title	2	City of Vincent and Cities of Perth, Stirling, Joondalup and Wanneroo and Towns of Cambridge and Victoria Park relating to Tamala Park Regional Council "Catalina Subdivision" - the subject of Deposited Plan 73462 and 73463

* *As per decision of the Ordinary Meeting of Council held on 11 October 2011 (Item 9.4.10).*

9.1.3 Further Report – No. 11 (Lot 55; D/P: 6049) Anderson Street, Mount Hawthorn – Demolition of Existing Single House and Construction of Six (6) Multiple Dwellings

Ward:	North	Date:	30 March 2012
Precinct:	COS; P16	File Ref:	PRO4854; 5.2011.628.1
Attachments:	001 – Property Information Report and Development Application Plans		
Tabled Items:	Nil		
Reporting Officer:	S Radosevich, Planning Officer (Statutory)		
Responsible Officer:	C Eldridge, Director Planning Services		

FURTHER OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions and powers of both the Local Government (Change of Districts Boundaries) Order 2007 and the Local Government (Constitution) Regulations 1998, allowing the City of Vincent to, in effect, administer the City of Stirling District Planning Scheme No. 2 as if it were its own Scheme, and the Metropolitan Region Scheme, the Council APPROVES the application submitted by A Gauci for Demolition of Existing Single House and Construction of Six (6) Multiple Dwellings at No. 11 (Lot 55; D/P: 6049) Anderson Street, Mount Hawthorn, and as shown on plans stamp-dated 19 December 2011 and amended plans stamp-dated 2 April 2012, subject to the following conditions:

1. all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Anderson Street;
2. any new street/front wall, fence and gate within the Anderson Street setback area, including along the side boundaries within this street setback area, shall comply with the Residential Design Codes provisions relating to Street Walls and Fences;
3. 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;
4. first obtaining the consent of the owners of Nos. 56A and 56B Milton Street and Nos. 9, 9A and 9B Anderson Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 56A and 56B Milton Street and No. 9 Anderson Street in a good and clean condition. The finish of the wall is to be fully rendered or face brickwork;
5. PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the City:

5.1 Construction Management Plan

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

5.2 Screening

The bedroom of Apartment 5 facing the eastern boundary, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the City receives written consent from the owners of No. 9 Anderson Street stating no objection to the respective proposed privacy encroachments;

5.3 Schedule of External Finishes

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

5.4 Section 70 A Notification under the Transfer of Land Act

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

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

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

5.5 Landscape and Reticulation Plan

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

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

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

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

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

~~5.6 Acoustic Report~~

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

~~5.6-7 Refuse and Recycling Management Plan~~

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

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

6.1 **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;

6.2 **Clothes Dryer**

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

6.3 **Residential Car Bays**

A minimum of six (6) car bays and two (2) car bays shall be provided for the residents and visitors respectively. The eight (8) car parking spaces provided for the residential component and visitors of the development shall be clearly marked and signposted for the exclusive use of the residents and visitors of the development; and

6.4 **Visitor Bays**

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

7. **All mechanical devices/installations (i.e. roller doors, air conditioners, exhaust outlets, pool pumps, compressors etc), to be located in a position that will not result in the emission of unreasonable noise, in accordance with the Environmental Protection Act 1986 and Environmental Protection (Noise) Regulations 1997. Should you be uncertain as to whether compliance will be achieved, it is highly recommended that you contract the services of an Acoustic Consultant, as the City's Environmental Health Officers cannot provide technical advice in this regard. Section 80 of the Environmental Protection Act 1986 places onus on the installer to ensure that noisy equipment is installed so as not to create unreasonable noise and it is important that you inform mechanical equipment installers of this requirement.**

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

COUNCIL DECISION ITEM 9.1.3

Moved Cr Topelberg, Seconded Cr McGrath

That the recommendation be adopted.

Debate ensued.

Cr Carey departed the Chamber at 6.41pm.

Debate ensued.

Cr Carey returned to the Chamber at 6.42pm.

Debate ensued.

MOTION PUT AND CARRIED (7-2)

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

Against: Cr Carey, Cr Pintabona

PURPOSE OF REPORT:

This proposal requires referral to the Council for determination given that the development comprises six (6) multiple dwellings.

BACKGROUND:

History:

Previous Reports to Council

The proposed demolition of an existing single house and construction of six (6) multiple dwellings, was present to Council at its Ordinary Meeting held on 27 March 2012, where Council resolved:

“That the item be DEFERRED for further consideration.”

The Minutes of Item 9.1.8 from the Ordinary Meeting of Council held on 27 March 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.

Amended Plans and Further Information

Following Councils deferral the City has met with the applicant and discussed the need for further consideration of the side setback on the eastern boundary and for further justification for assessment and compliance with the performance requirements. The applicant has since lodged amended plans demonstrating further compliance with the Acceptable Development Provisions of the Residential Design codes (R-Codes) in relation to the side boundary setbacks and visual privacy.

In regards to the eastern boundary the proposal has been amended so that the eastern boundary now complies with the acceptable development criteria. The amended plans dated 2 April 2012 include a reduced wall height to the eastern wall at the northern corner of the building to 3.5 metres. The setback requirement for a wall 3.5 metres or less in height is 1.5 metres and the proposal (setback 1.5 metres to 4.1 metres) now complies and therefore does not need assessment against the performance criteria.

In regards to the visual privacy variation for the second bedroom of Apartment 5 the proposal has been amended to comply with the acceptable development criteria. The amended plans dated 2 April 2012 have been amended to provide visual screening to 1.6 metres demonstrate that the bedroom window of Apartment 5 facing the eastern boundary is glazed in an obscure material and not able to be opened to a height of 1.6 metres above the floor level. In accordance with the major opening definition of the R-Codes, the bedroom window is not longer considered to be a major opening, therefore complying with Clause 7.4.1 “Visual Privacy” A1 of the R-Codes.

DETAILS:

Landowner:	S Bennett, C Bennett & P Ryan
Applicant:	A Gauci
Zoning:	Metropolitan Region Scheme: Urban City of Stirling District Planning Scheme No. 2: Residential R50
Existing Land Use:	Single House
Use Class:	Multiple Dwellings
Use Classification:	“P”
Lot Area:	756 square metres
Right of Way:	N/A

ASSESSMENT:

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

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

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

Issue/Design Element:	Density/Plot Ratio
Requirement:	Plot ratio: 0.6 (453.6 square metres)
Applicants Proposal:	Plot ratio: 0.653 (493.76 square metres)
Performance Criteria:	P1 Development of the building is at a bulk and scale intended in the local planning scheme and is consistent with the existing or future desired built form of the locality.
Applicant justification summary:	<p>The proposed building/development is consistent with the current and desired built form of the locality, as the location of the site is within an R50 coded precinct. The general built form within the precinct are two storey townhouses as grouped dwellings. Directly to the east of the subject site are three (3), two storey townhouses and as you travel towards Brady Street, there are further infill townhouse developments. The precinct has generally been developed to maximise the medium density R Coding. The flexibility of the multiple dwelling requirements will ensure that the future built form will be consistent with our proposal.</p> <p>Our development proposal is two storeys in height and is well articulated to ensure that the bulk and scale has minimal impact to the streetscape, with the building mass being consistent with the neighbouring townhouse developments. The building sits well with the current building scale within the locality and will set a benchmark for the future built form.</p>
Officer technical comment:	The proposed development is considered to comply with the performance criteria in this instance as the increase in plot ratio of 40.16 square metres is consistent with development form of multiple dwellings and with the desired future built form of the locality. As the proposal is a two storey development it reflects the existing scale of the streetscape and minimises its impact on the adjoining properties through its contemporary design and the use of different building materials, which provide articulation to both the adjoining properties and Anderson Street.

Issue/Design Element:	Boundary Wall
Requirement:	Boundary walls to one side boundary
Applicants Proposal:	<p>Boundary walls to two side boundaries</p> <p><u>Eastern wall</u> Length: 11.52 metres</p> <p>The walls on the boundary of those of the proposed stores.</p> <p><u>Southern wall</u> Length: 11.75 metres</p> <p>The wall on the boundary is the rear apartment, Apartment 6.</p>
Performance Criteria:	<p>P4.1 Buildings set back from boundaries or adjacent buildings so as to:</p> <ul style="list-style-type: none"> • ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them; • moderate the visual impact of building bulk on a neighbouring property; • ensure access to daylight and direct sun for adjoining properties; and • assist with the protection of privacy between adjoining properties.
Applicant justification summary:	No justification in relation to the boundary walls received.
Officer technical comment:	<p>The proposed development is considered to comply with the performance criteria in this instance for the following reasons:</p> <ul style="list-style-type: none"> • The proposed side and rear setback to the multiple dwellings complies with the Acceptable Development provisions of Clause 7.1.4 "Side and Rear Setbacks" A4.1 and Tables 2a and 2b "Boundary Setbacks" of the R-Codes, therefore ensuring that the adjoining properties have adequate daylight, direct sun and ventilation; • The southern and eastern boundary walls individually comply with the length and height requirements of Clause 7.1.4 "Side and Rear Setbacks" A4.4, therefore it is considered that boundary walls to two side boundaries does not have an adverse impact on the building bulk to the adjoining properties; • The overshadowing of the development complies with the requirements of Clause 7.4.2 "Solar Access for Adjoining sites" A2 of the Residential Design Codes, as it overshadows 58.41 square metres (7.73 percent) whereas the Acceptable Development provisions allow for 378 square metres (50 percent), therefore not having an adverse impact on the adjoining residential properties access to daylight and direct sun; and • The proposal complies with the Acceptable Development Provisions of Clause 7.4.1 "Visual Privacy" A1 of the R-Codes, demonstrating that the proposal protects privacy between the subject site and adjoining properties.

Issue/Design Element:	Site Works
Requirement:	Filling behind the street setback line and within 1 metre of a common boundary up to 500 millimetres above the natural ground level at the boundary.
Applicants Proposal:	Filling up to 670 millimetres above natural ground level.
Performance Criteria:	P7 Development that retains the visual impression of the natural level of a site, as seen from the street or other public place, or from an adjoining property. Retaining walls designed or set back to minimise the impact on adjoining properties.
Applicant justification summary:	The additional fill is located to a small portion of the North East corner, with there being minimal impact to the neighbouring property as their driveway is adjacent to the proposed development.
Officer technical comment:	The proposed development is considered to comply with the performance criteria in this instance as the development retains the visual impression of the natural level of the site, as seen from both Anderson Street and the adjoining properties. It is due to the sloping nature of the site to the front north-western corner, that the filling of the site exceeds 500 millimetres.

Issue/Design Element:	Essential Facilities
Requirement:	A storage area with a minimum dimension of 1.5 metres with an internal area of at least 4 square metres.
Applicants Proposal:	Four dwellings with a store with an internal area of 3.8 square metres.
Performance Criteria:	P7 Provision made for external storage, rubbish collection/storage areas and clothes-drying areas that are: <ul style="list-style-type: none"> adequate for the needs of residents; and without detriment to the amenity of the locality.
Applicant justification summary:	There has been a focus on providing courtyards in excess of the required 10 square metres to improve the amenity for the future residents.
Officer technical comment:	The proposed development is considered to comply with the performance criteria in this instance for the following reasons: <ul style="list-style-type: none"> It is considered that the stores are adequate for the needs of residents in a two-bedroom unit; The design of the stores do require a large portion of them to be used for access, therefore maximising the area that can be used for storage; and The design of the stores does not adversely affect the amenity of the locality.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
Comments Period:	16 February 2012 to 29 February 2012		
Comments Received:	Neighbour consultation was undertaken in relation to the proposed plot ratio, setback variations, boundary walls, site works and store sizes; with two objections being received. The following is a summary of the comments received:		

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Density</p> <ul style="list-style-type: none"> The proposed plot ratio of 0.653 significantly exceeds the R-Codes Acceptable Development standard by over 40 square metres. This is the equivalent of one of the units. Development to be as per the built form, i.e. three units only. The proposed density of construction is such that the properties are close to the street boundary as well as being a large building bulk, neither of which is consistent with the look and feel of Mount Hawthorn. 	<p>Dismiss. The proposed plot ratio results in a bulk and scale that is consistent with multiple dwelling development form and is consistent with the desired future built form of the locality.</p>
<p>Issue: Side Setbacks</p> <ul style="list-style-type: none"> The proposed eastern boundary setback is far less than the Acceptable Development standard. This results in the properties being built close to the boundary, causing a crowding effect and substantial bulk of the building, and reduced airflow/ventilation. The likelihood of noise and loss of privacy from the proximity of these properties is very high. 	<p>Dismiss. Amended plans have been received demonstrating that the wall height has been reduced to 3.5 metres, therefore resulting in the side setbacks complying with the requirements of Clause 7.1.4 "Side and Rear Boundary Setback" A4.1 of the Residential Design Codes.</p>
<p>Issue: Noise</p> <ul style="list-style-type: none"> The courtyards are adjacent to the eastern boundary, which will undoubtedly cause significant noise and privacy issues. It would be preferable to have the driveway to the eastern boundary and have the courtyards adjacent to the western boundary. 	<p>Dismiss. The Residential Design Codes and the City of Stirling District Planning Scheme No. 2 and associated Policies do not control the location of courtyards.</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.</p>
<p>Issue: Car Parking</p> <ul style="list-style-type: none"> It is evident that there has been insufficient consideration given to parking at this proposed development. The 'shoe-horning' in of a visitor parking bay along the western side of the development is part of the reason why the Acceptable Development standard eastern boundary cannot be achieved. Of even greater concern is the fact that there is only one parking bay per property and only two (2) visitor bays. There is a high probability that these properties would be occupied by at least two people, with an equivalent number of cars. There is significant potential for cars to be parked outside of this property on a regular basis, which will lead to safety issues, by both occupiers and their visitors. Parking on-site to accommodate twelve (12) cars. 	<p>Dismiss. The car parking provided complies with the requirements of Clause 7.3.3 "On-site Parking Provision" A3.1 of the Residential Design Codes.</p>

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Vegetation</p> <ul style="list-style-type: none"> The proposed development results in the loss of virtually all greenery on the site, and in particular a number of mature trees, the latter providing useful shade and cooling during summer afternoons. With the loss of vegetation and grass, there will be a loss in natural habitats for wildlife as well as water run-off. The focus of the proposed design appears to give no consideration to sustainability. Design to keep within the acceptable standard, allowing for landscaping. 	<p>Condition. It is a condition of approval that a detailed landscape and reticulation plan for the development site and adjoining road verge is submitted to the City's Parks and Property Services.</p> <p>As the trees on site are not listed on the City's significant tree inventory, there is no requirement for the retention of any vegetation on-site.</p>
<p>Issue: Construction Management</p> <ul style="list-style-type: none"> I would wish to see a specific plan which will ensure the integrity of my property which sits at the boundary line, whilst any demolition, excavation and construction occur. I would wish to see a specific plan which will address the issues of dust, debris and noise management whilst any development is underway. 	<p>Condition. It is a condition of approval that a Construction Management Plan is submitted. The Construction Management Plan is to detail how the construction of the development will be managed to minimise the impact on the surrounding area.</p>
<p>Issue: Building Material</p> <ul style="list-style-type: none"> Preferred non-reflective roof finish. 	<p>Dismiss. There are no current policies dictating the finishes of roofs, therefore the City has no authority to enforce non-reflective roof finishes.</p>

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

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

City of Stirling District Planning Scheme No. 2 and associated Policies.

RISK MANAGEMENT IMPLICATIONS:

The subject site is located within the former City of Stirling area; therefore the City's Multiple Dwellings Policy No. 3.4.8 is unable to form part of the assessment. Three (3) of the six (6) proposed multiple dwellings have less than fifty (50) percent of the floor area vertically above another dwelling; however the development application is assessed against the Residential Design Codes of Western Australia (R-Codes) with regards to whether the proposal comprises grouped or multiple dwellings. *Appendix 1 – Definitions* of the R-Codes states:

“Grouped Dwelling

A dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above another, except where special conditions of landscape or topography dictates otherwise, and includes a dwelling on a survey strata with common property.

Multiple Dwelling

A dwelling in a group of more than one dwelling on a lot where any part of a dwelling is vertically above part of any other but:

- Does not include a grouped dwelling; and
- Includes any dwelling above the ground floor in a mixed use development.”

As the proposal falls within the definition of a multiple dwelling and cannot be defined as a grouped dwelling, due to the dwellings being partly vertically above another, it has been assessed in accordance with the multiple dwelling provisions of the Residential Design Codes.

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."*

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 design of the dwellings allow for adequate light and ventilation. The dwellings all have eastern light providing light to their living areas and all have cross ventilation given their design. These design elements have the potential to reduce the need or reliance on artificial heating and cooling as well as high levels of artificial lighting.

SOCIAL	
Issue	Comment
	The proposal is for six (6) apartments within Mt Hawthorn. This will increase housing diversity and provide housing for smaller households within the City which are anticipated to grow and become a significant proportion of households.

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil

COMMENTS:

In view of the above, the application is supportable as it is considered that the proposal complies with the Performance Criteria of the Residential Design Codes with respect to the plot ratio, boundary walls, site works and stores. Accordingly, it is recommended the application be approved subject to standard and appropriate conditions.

9.1.4 Further Report – No. 102 (Lot 106; D/P: 29881) Angove Street, North Perth – Proposed Demolition of Existing Single House and Construction of a Two Storey Building comprising of One (1) Single Bedroom Multiple Dwelling, Six (6) Multiple Dwellings and Associated Car Parking

Ward:	North	Date:	30 March 2012
Precinct:	Smith Lake; P6	File Ref:	PRO5544; 5.2011.427.2
Attachments:	001 – Property Information Report and Development Application Plans 002 – Neighbourhood Context Report and Applicant Submission 003 – Additional Information submitted by Applicant 004 – Setback and Overshadowing Clarifications		
Tabled Items:	Nil		
Reporting Officers:	R Narroo, Senior Planning Officer (Statutory); D Mrdja, Senior Strategic and Heritage Officer		
Responsible Officer:	C Eldridge, Director Planning Services		

FURTHER OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by A Sice on behalf of the owner, P and M Della Maddalena, for Demolition of Existing Single House and Construction of a Two-Storey Building Comprising of One (1) Single Bedroom Multiple Dwelling, Six (6) Multiple Dwellings and Associated Car Parking at No. 102 (Lot 106; D/P: 29881) Angove Street, North Perth, as shown on amended plans dated 6 March 2012, subject to the following conditions:

1. Building

- 1.1 all new 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 Angove Street;
- 1.2 first obtaining the consent of the adjoining owners for entry of their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 104 Angove Street, North Perth, in a good and clean condition. The finish of the wall is to be fully rendered or face brickwork; and
- 1.3 the screening to all the balconies shall comply with definition of the Residential Design Codes 2010 and all obscured windows as shown on the plans shall be fixed;

2. Car Parking and Accessways

- 2.1 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
- 2.2 the car parking area shown for the visitors bays shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;

3. Street verge tree

No street verge tree shall be removed. All street verge trees are to be retained and protected from any damage including unauthorised pruning;

4. **Heritage**

A Demolition Licence shall be obtained from the City prior to commencement of any demolition works on the site;

5. **PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the City:**

5.1 **Construction Management Plan**

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

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

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

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

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

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

5.3 **Landscape and Reticulation Plan**

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

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

5.3.1 the location and type of existing and proposed trees and plants;

5.3.2 all vegetation including lawns;

5.3.3 areas to be irrigated or reticulated;

5.3.4 proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and

5.3.5 separate soft and hard landscaping plans (indicating details of plant species and materials to be used).

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

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

5.4 Schedule of External Finishes

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

5.5 Acoustic Report

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

5.6 Refuse and Recycling Management Plan

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

5.7 Fencing

Any new street/front wall, fence and gate within the Angove Street setback area, including along the side boundaries within these street setback areas, shall comply with the City's Policy provisions relating to Street Walls and Fences; and

5.8 Road bond

A Road, Verge security bond of \$1750 payable by the builder shall be lodged with the City and be held until all building/development works have been completed and/or any disturbance of, or damage to, the City's infrastructure, including street verge trees, has been repaired/reinstated to the satisfaction of the City's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing. This bond is non-transferable; and

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

6.1 Residential Car Bays

A minimum of six (6) car bays and two (2) car bays shall be provided for the residents and visitors respectively. The nine (9) car parking spaces provided for the residential component and visitors of the development shall be clearly marked and signposted for the exclusive use of the residents and visitors of the development;

6.2 Bicycle Parking

Two (2) bicycle bays for the residents and visitors of the development shall be provided at a location convenient to the entrance, publicly accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3; and

6.3 Clothes Drying Facility

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

Moved Cr Maier, Seconded Cr Buckels

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

“That a new subclause 5.3.6 be inserted as follows:

5.3 Landscape and Reticulation Plan

5.3.6 the visitors parking shall be landscaped and shall comprise of concrete rings placed cylindrically with grass-seed grown within to the satisfaction of the City’s Manager Parks and Property Services.”

Debate ensued.

AMENDMENT NO 1

Moved Cr Maier, Seconded Cr Buckels

That clause 5.5 be deleted, the remaining clauses renumbered and a new clause 7 be inserted as follows:

“7. All mechanical devices/installations (i.e. roller doors, air conditioners, exhaust outlets, pool pumps, compressors etc), to be located in a position that will not result in the emission of unreasonable noise, in accordance with the Environmental Protection Act 1986 and Environmental Protection (Noise) Regulations 1997. Should you be uncertain as to whether compliance will be achieved, it is highly recommended that you contract the services of an Acoustic Consultant, as the City’s Environmental Health Officers cannot provide technical advice in this regard. Section 80 of the Environmental Protection Act 1986 places onus on the installer to ensure that noisy equipment is installed so as not to create unreasonable noise and it is important that you inform mechanical equipment installers of this requirement.”

AMENDMENT NO 1 PUT AND CARRIED UNANIMOUSLY (9-0)

Debate ensued.

AMENDMENT NO 2

Moved Cr McGrath, Seconded Cr Maier

That a new subclause 5.3.6 be amended to read as follows:

“5.3 Landscape and Reticulation Plan

5.3.6 the visitors parking shall be landscaped and shall comprise of concrete rings placed cylindrically with grass-seed grown within or an equivalent alternative treatment to the satisfaction of the City’s Manager Parks and Property Services.”

AMENDMENT NO 2 PUT AND CARRIED UNANIMOUSLY (9-0)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (7-2)

For: Mayor Hon. MacTiernan, Cr Buckels, Cr Harley, Cr McGrath, Cr Maier,
Cr Topelberg, Cr Wilcox
Against: Cr Carey, Cr Pintabona

ADDITIONAL INFORMATION:

Notes for reference from the Applicant’s submission are attached at Appendix 004. These are to be read in conjunction with Appendix 003.

COUNCIL DECISION ITEM 9.1.4

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 A Sice on behalf of the owner, P and M Della Maddalena, for Demolition of Existing Single House and Construction of a Two-Storey Building Comprising of One (1) Single Bedroom Multiple Dwelling, Six (6) Multiple Dwellings and Associated Car Parking at No. 102 (Lot 106; D/P: 29881) Angove Street, North Perth, as shown on amended plans dated 6 March 2012, subject to the following conditions:

1. **Building**

- 1.1 all new 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 Angove Street;
- 1.2 first obtaining the consent of the adjoining owners for entry of their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 104 Angove Street, North Perth, in a good and clean condition. The finish of the wall is to be fully rendered or face brickwork; and
- 1.3 the screening to all the balconies shall comply with definition of the Residential Design Codes 2010 and all obscured windows as shown on the plans shall be fixed;

2. **Car Parking and Accessways**

- 2.1 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
- 2.2 the car parking area shown for the visitors bays shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;

3. **Street verge tree**

No street verge tree shall be removed. All street verge trees are to be retained and protected from any damage including unauthorised pruning;

4. **Heritage**

A Demolition Licence shall be obtained from the City prior to commencement of any demolition works on the site;

5. **PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the City:**

5.1 **Construction Management Plan**

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

5.2 Section 70 A Notification under the Transfer of Land Act

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

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

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

5.3 Landscape and Reticulation Plan

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

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

- 5.3.1 the location and type of existing and proposed trees and plants;
- 5.3.2 all vegetation including lawns;
- 5.3.3 areas to be irrigated or reticulated;
- 5.3.4 proposed watering system to ensure the establishment of species and their survival during the hot and dry months;
- 5.3.5 separate soft and hard landscaping plans (indicating details of plant species and materials to be used); and
- 5.3.6 the visitors parking shall be landscaped and shall comprise of concrete rings placed cylindrically with grass-seed grown within or an equivalent alternative treatment to the satisfaction of the City's Manager Parks and Property Services.

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);

5.4 Schedule of External Finishes

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

5.5 Refuse and Recycling Management Plan

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

5.6 Fencing

Any new street/front wall, fence and gate within the Angove Street setback area, including along the side boundaries within these street setback areas, shall comply with the City's Policy provisions relating to Street Walls and Fences; and

5.7 Road bond

A Road, Verge security bond of \$1750 payable by the builder shall be lodged with the City and be held until all building/development works have been completed and/or any disturbance of, or damage to, the City's infrastructure, including street verge trees, has been repaired/reinstated to the satisfaction of the City's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing. This bond is non-transferable; and

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

6.1 Residential Car Bays

A minimum of six (6) car bays and two (2) car bays shall be provided for the residents and visitors respectively. The nine (9) car parking spaces provided for the residential component and visitors of the development shall be clearly marked and signposted for the exclusive use of the residents and visitors of the development;

6.2 Bicycle Parking

Two (2) bicycle bays for the residents and visitors of the development shall be provided at a location convenient to the entrance, publicly accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3; and

6.3 Clothes Drying Facility

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

7. All mechanical devices/installations (i.e. roller doors, air conditioners, exhaust outlets, pool pumps, compressors etc), to be located in a position that will not result in the emission of unreasonable noise, in accordance with the Environmental Protection Act 1986 and Environmental Protection (Noise) Regulations 1997. Should you be uncertain as to whether compliance will be achieved, it is highly recommended that you contract the services of an Acoustic Consultant, as the City's Environmental Health Officers cannot provide technical advice in this regard. Section 80 of the Environmental Protection Act 1986 places onus on the installer to ensure that noisy equipment is installed so as not to create unreasonable noise and it is important that you inform mechanical equipment installers of this requirement.

PURPOSE OF REPORT:

This proposal requires referral to the Council for determination given the scope and category of development.

BACKGROUND:

History:

Date	Comment
27 March 2012	Council resolved that the application be deferred to request the applicant to re-examine the plans to ensure to be able to demonstrate that there is sufficient ventilation and solar access to adjacent buildings as per the relevant Performance Criteria.

Previous Reports to Council:

This matter was previously reported to the Council 27 March 2012.

The Minutes of Item 9.1.6 from the Ordinary Meeting of Council held on 27 March 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.

Amended Plans and Further Information:

Following Council's deferral the City has met with the applicant and discussed the need for further consideration of the side setback on the eastern boundary particularly in relation to the neighbour issue of their kitchen window being overshadowed and for further justification for assessment and compliance with the performance requirements.

The applicant has submitted additional information to demonstrate that there is sufficient ventilation and solar access to the adjacent building.

DETAILS:

Landowner:	P and M Della Maddalena
Applicant:	Aaron Sice
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R30
Existing Land Use:	Single House
Use Class:	Multiple Dwellings
Use Classification:	"P"
Lot Area:	997 square metres
Right of Way:	Not applicable

ASSESSMENT:

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

Design Element	Complies 'Acceptable Development'	OR	'Performance Criteria' Assessment	Comment
Density	N/A			
Plot Ratio			✓	Discussed in the OMC Report 27 March 2012
Front Setback			✓	Discussed in the OMC Report 27 March 2012
Building Side Setbacks			✓	
Building Height	✓			

Design Element	Complies 'Acceptable Development'	OR	'Performance Criteria' Assessment	Comment
Open Space	✓			
Bicycle Parking	✓			
Car Parking	✓			
Privacy	✓			
Solar Access	✓			
Roof Forms			✓	Discussed in the OMC Report 27 March 2012

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

Issue/Design Element:	Building Side Setbacks
Requirement:	<p>Acceptable Development Criteria:</p> <p><u>Ground Floor</u> Western boundary = 1.5 metres. Eastern boundary = 1.5 metres</p> <p><u>First Floor</u> Western boundary = 3.2 metres Eastern boundary = 3 metres</p>
Applicants Proposal:	<p><u>Ground Floor</u> Western boundary= Nil to 1.5 metres. Eastern boundary= 1.2 metres to 3.6 metres</p> <p><u>First Floor</u> Western boundary= 1.2 metres to 3.9 metres Eastern boundary= 1.2 metres to 5.7 metres</p>
Performance Criteria:	<p>Residential Design Elements SPC 7.</p> <p><i>"(i) Side setbacks are to:</i></p> <ul style="list-style-type: none"> • <i>Allow for significant landscaping between buildings, particularly for two-storey structures to soften the visual appearance when viewed from the street and neighbouring properties;</i> • <i>Ensure adequate daylight, direct sun and ventilation for buildings;</i> • <i>Moderate the visual impact of building bulk and scale on neighbouring properties;</i> • <i>Assist with the protection of reasonable privacy between adjoining properties;</i> • <i>Complement the rhythm of the streetscape; and</i> • <i>Respect the setbacks of dwellings of heritage."</i>
Applicant justification summary:	<p>Refer to Appendix 9.1.4. The applicant submission is as follows:</p> <p>Point 1 – Significant landscaping will aggravate the overshadowing on the eastern property. The owner is agreeable for a low landscape strip and paving to soften the edges of the development when viewed from inside the building and the use of a landscaped parking hardstand, whereby the hardstand comprises of concrete rings placed cylindrically with grass-seed grown between, so that the visitors bays appear as lawn when not in use. At the rear there will be retention of the existing vegetation and additional landscaping.</p>

Issue/Design Element:	Building Side Setbacks
	<p>Point 2 – The proposed development ensures adequate daylight, direct sun and ventilation as can be viewed in Figure 2A. All setbacks meet or exceed the Residential Design Codes, as highlighted in Figure 1, and the neighbouring dwelling has a setback to the window in question of nearly 2 metres. This provides a buffer between dwellings of nearly 4.6 metres which is in excess of the ventilation setback requirements between dwellings (not boundaries) of 3 metres laid down in the Building Code of Australia. Figure 2B highlights that even if a height-compliant development (as proposed) were to be setback a minimum of 3 metres, overshadowing the neighbouring dwelling would be almost identical and does nothing to abate the concerns raised in Point 3.</p> <p>Point 3 – The proposed development has articulated facades to both East and West boundaries with different materials, colours, heights, minor projections, different roof forms and alternating between vertical and horizontal elements. The varying setbacks provide a significant reduction in the bulk of built form and provide a visually appealing and proportionate façade when viewed from a neighbouring property.</p> <p>Point 4 – The proposed development provides privacy protection with the use of highlight windows (sill above 1.6 metres), obscured windows or horizontal screening to articulate the privacy elements required to prevent over-looking into private outdoor areas and all windows.</p> <p>Point 5 – The proposed development compliments the rhythm of the streetscape as highlighted in the Streetscape Study and the Neighbourhood Context Report. Its setback is sympathetic with its neighbours and its height is limited to two (2) storeys, which is in keeping with immediate neighbours and dwellings in the immediate surrounds.</p> <p>Point 6 – The proposed development respects the setbacks of neighbourhood dwellings by providing for a street setback over double the minimum requirements, only building on one boundary wall (as present with the existing dwelling) and providing side and rear setbacks equal to, or greater than, the minimums generally seen in the immediate vicinity.”</p>
<p>Officer technical comment:</p>	<p>The proposed development is considered to comply with these performance criteria.</p> <p>Point 1 – The proposed setback allows for landscaping between the buildings. Given the concern relating to overshadowing raised by adjoining property the proposal does not propose to place landscaping along the fence line as this would not improve the neighbours amenity.</p> <p>Point 2 – The existing buildings on the two adjoining properties are setback a minimum of 1.2 metres from the boundary therefore the minimum distance between the proposed building and the existing will be 2.4 metres and given the building is staggered the distance between the buildings will extrapolate further. With regard to the kitchen window of the adjoining eastern property the kitchen window is setback 2 metres from the boundary. Therefore the distance between kitchen room and the proposed building at this point is in total 4.6 metres (as</p>

Issue/Design Element:	Building Side Setbacks
	<p>shown in Appendix 9.1.4). Furthermore the applicant has demonstrated that even complying with the required setback of 3 metres will not cause a major change in the overshadowing of the kitchen window and the proposed design utilising the performance criteria is assessed to provide an equal outcome in regards to solar access to the adjoining building.</p> <p>Therefore it is considered there will be no unreasonable impact in terms of ventilation and sunlight in comparing the proposed setbacks to a 3 metre acceptable development setback.</p> <p>Point 3 – The proposed building has been designed with the side facade being articulated along the length to moderate the visual bulk of the building and to reflect the character of the area. The design of the upper floor varies between 1.2 metres and 5.7 metres along the eastern boundary and 1.2 metres and 3.9 meters along the western boundary and consists of stepping wall panels with windows and balconies. The articulated wall is assessed to provide an equal or better outcome than would be achieved by a straight 3 metre upper wall setback along the length of the development.</p> <p>Point 4 – The building has been designed to be compliant with the privacy requirements and all balconies along the side setbacks are screened and windows are screened and obscured. The building being designed to have the entire upper floor setback at 3 metres (acceptable development) would not provide any greater privacy for adjoining properties.</p> <p>Point 5 – As discussed the proposed facade treatment provides articulation through the design of the varying wall setbacks, openings and balconies and this complements the rhythms of the street which has dwellings of varying side setbacks.</p>

CONSULTATION/ADVERTISING:

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

Comments Period:	6 October 2011 to 20 October 2011.
Comments Received:	Refer to OMC Report 27 March 2012.

Summary of Comments Received:	Officers Technical Comment:
	Refer to OMC Report 27 March 2012.

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

Town Planning Scheme No. 1, Residential Design Element's and R-Codes.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

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

"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:

"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 location of these dwellings are close to two (2) local commercial areas with cafes and restaurants creates the opportunity for residents to recreate without the need for driving and in addition they are in close proximity to good bus services allowing for residents to also reduce their car usage and dependence.

SOCIAL	
Issue	Comment
	The proposal is for seven (7) apartments in Angove Street North Perth in close proximity to two (2) local commercial areas with cafes and restaurants which provide the opportunity to increase the local vibrancy of the area. This proposal will increase housing diversity and provide housing for smaller households within the City which are anticipated to grow and become a significant proportion of households in a location close to local services.

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

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENTS:

The development meets the performance criteria as the walls are staggered to reduce the visual bulk of the building and compliment the streetscape, the proposal provides no greater shadow and affect on solar access to the adjoining property that a design meeting the acceptable development setback and the proposal complies with the R-Codes overshadowing requirement.

In view of the assessment that the proposal meets the performance criteria and the other design elements comply with the acceptable development criteria, including open space, privacy and overshadowing, the proposal is recommended for approval subject to standard and appropriate conditions.

9.3.2 No. 20 (Lot 100) Brentham Street, Leederville – Proposed Extension of Lease area for Aranmore Catholic Primary School

Ward:	North Ward	Date:	30 March 2012
Precinct:	Leederville (3)	File Ref:	PRO1459
Attachments:	001 – Map of Proposed Extension of Lease Area		
Tabled Items:	Nil		
Reporting Officer:	M Rootsey, Director Corporate Services		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council **APPROVES** the extension of the current leased area of the land located at No. 20 (Lot 100) Brentham Street, Leederville, being granted to Aranmore Catholic Primary School, as shown in Plan No. CDP2011 – Appendix 9.3.2A, subject to final satisfactory negotiations being carried out by the Chief Executive Officer.

COUNCIL DECISION ITEM 9.3.2

Moved Cr Maier, Seconded Cr McGrath

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Topelberg, Seconded Cr Maier

That the item be **DEFERRED** to the Ordinary Meeting of Council to be held on 24 April 2012.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with details regarding Aranmore Catholic Primary School lease and their request for an extension of the leased area.

BACKGROUND:

Aranmore Catholic Primary School has held a lease over a small area of reserve land adjacent to 20 Brentham Street, Leederville for a period of eleven (11) years, consisting of two (2) five (5) year terms and a current ten (10) year term taking the lease through until 30 June 2020. The current leased area is leased to the school for a peppercorn rent of \$1.00 per annum.

The new requested area is primarily used for a pre-primary playground.

DETAILS:

The current school building programme involves an additional kindergarten classroom being built in order that the school meets the extra hours for kindergarten in 2013.

The School has worked with designer Bernhard Kaiser, who came highly recommended by Kidsafe WA. He has designed a beautiful natural play environment for the children, which will enhance the early childhood programme, fit in with the Federal Governments National Quality Standards and also fit in nicely with the surrounding park location of the school. The area is in desperate need of upgrading as it is in extremely poor condition.

To be able to accommodate this building and natural play environment the school is requesting an extension of the existing 320m² area of the reserve leased to the school to include a further 135m² as shown in Appendix 9.3.2A.

CONSULTATION/ADVERTISING:

Not Applicable

LEGAL/POLICY:

Policy No. 1.2.1 – Terms of Lease.

RISK MANAGEMENT IMPLICATIONS:

Low: This request for the extension of the lease is a minimal risk for the City as it is for the extension of the area already in use by the school.

STRATEGIC IMPLICATIONS:

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

“1.1.6 Enhance and maintain the City’s infrastructure to provide a safe, healthy, sustainable and functional environment

(a) implement adopted annual infrastructure upgrade programs, including streetscape enhancements, footpaths, rights of way, car parking and roads.”

SUSTAINABILITY IMPLICATIONS:

Not Applicable

FINANCIAL/BUDGET IMPLICATIONS:

The City currently has a lease with Aranmore Catholic Primary School with a peppercorn rent of \$1.00 per annum.

COMMENTS:

The additional area will provide the Aranmore Catholic Primary School with the space to accommodate the new natural environmental play area and the additional kindergarten classroom.

The extension of the lease area is recommended for support.

9.1.1 No. 1/162 (Lot 4; D/P: 62324) Oxford Street, Leederville – Proposed Change of Use from Shop and Office Building to Shop, Office Building and Small Bar (Unlisted Use)

Ward:	South	Date:	30 March 2012
Precinct:	Oxford Centre; P 4 Leederville Town Centre Masterplan	File Ref:	PRO0784; 5.2011.638.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Applicant's submission		
Tabled Items:	Nil		
Reporting Officer:	R Narroo, Senior 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, APPROVES the application submitted by Canford Hospitality Consultants Pty Ltd on behalf of the owner, Tricast Development Pty Ltd and Bayking Holdings Pty Ltd for Proposed Change of Use from Shop and Office Building to Shop, Office Building and Small Bar (Unlisted Use) at No. 1/162 (Lot 4; D/P: 62324) Oxford Street, Leederville, as shown on plans stamp-dated 23 December 2011 and amended plans dated 26 March 2012, subject to the following conditions:

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

DAY	HOURS OF OPERATION
Monday to Thursday	7:00am to 11:00pm
Friday and Saturday	7:00am to 12:00 midnight
Sunday	7:00am to 10:00pm

- 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 10:30pm
Friday and Saturday	11:00am to 12:00 midnight
Sunday	11:00am to 10:00pm

- the maximum number of patrons to occupy the small bar at any one time shall be ninety four (94) persons;
- packaged liquor shall not be sold at the premises;
- the windows, doors and adjacent floor area facing Oxford Street shall maintain an active and interactive frontage to Oxford Street;
- 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. all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Oxford Street;
8. all signage that does not comply with the City's Policy No. 3.5.2 relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;
9. bin numbers and collection shall comply with the City's minimum service provision; and
- ~~10. the Car Parking area shall be available to the patrons of the small bar; and~~
- 14 10. PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the City:

14 10.1 Cash-in-lieu

14 10.1.1 pay a cash-in-lieu contribution of ~~\$5,462~~ \$22,127 for the equivalent value of ~~4,762~~ 7,138 car parking spaces, based on the cost of \$3,100 per bay as set out in the City's 2011/2012 Budget; OR

14 10.1.2 lodge an appropriate assurance bond/bank guarantee of a value of ~~\$5,462~~ \$22,127 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 Licence 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; and

14 10.2 Acoustic Report

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

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

COUNCIL DECISION ITEM 9.1.1

Moved Cr Topelberg, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

Cr Carey departed the Chamber at 7.22pm.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Topelberg, Seconded Cr Maier

That the item be DEFERRED for further consideration.

Cr Carey returned to the Chamber at 7.24pm.

PROCEDURAL MOTION PUT AND LOST (3-6)

For: Cr McGrath, Cr Maier, Cr Topelberg
Against: Mayor Hon. MacTiernan, Cr Buckels, Cr Carey Cr Harley, Cr Pintabona, Cr Wilcox

MOTION PUT AND CARRIED (6-3)

For: Mayor Hon. MacTiernan, Cr Buckels, Cr Carey Cr Harley, Cr McGrath, Cr Wilcox
Against: Cr Maier, Cr Pintabona, Cr Topelberg

ADDITIONAL INFORMATION:

Amended Car Parking Table

Car Parking	
Car parking requirement (nearest whole number): <ul style="list-style-type: none"> • Small Bar – 1 space 4.5 persons of maximum number of persons approved for the site-94 persons = 20.89 car bays • Office – 1 space per 50 square metres of gross floor area- 118 square metres= 2.36 car bays • Shop – 1 space per 15 square metres of gross floor area – 80 square metres= 5.33 car bays Total= 28.58 car bays= 29 car bays	29 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> • 0.85 (The proposed development is within 400 metres of a bus stop/station) • 0.85 (The proposed development is within 400 metres of one or more existing public car parking place(s) with in excess of a total of 75 car parking spaces) • 0.80 (The proposed development is within 400 metres of a rail station) 	(0.578) = 16.762 car bays
Minus the car parking provided on-site	15 car bays
Minus the most recently approved on-site car parking shortfall	N/A
Resultant shortfall	1.762 car bays

The applicant has confirmed that only staff, not visitors to the small bar will be able to access the car parking area. Accordingly, the car parking has been recalculated.

Five bays on site are allocated to the office and shop (as per above table - $8 \times 0.578 = 4.624 = 5$ car bays), the remaining ten bays are allocated to the small bar. Given the parking will only be allocated to staff and not visitors, it is considered only five bays are reasonably allocated to the small bar. This creates a shortfall for visitor bays for which cash-in-lieu is proposed. The new calculation is as follows:

Car Parking	
Car parking requirement (nearest whole number): <ul style="list-style-type: none"> Small Bar – 1 space 4.5 persons of maximum number of persons approved for the site-94 persons = 20.89 car bays <p>Total=20.89 car bays= 21 car bays</p>	21 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> 0.85 (The proposed development is within 400 metres of a bus stop/station) 0.85 (The proposed development is within 400 metres of one or more existing public car parking place(s) with in excess of a total of 75 car parking spaces) 0.80 (The proposed development is within 400 metres of a rail station) 	(0.578) = 12.138 car bays
Minus the car parking provided on-site	5 car bays
Minus the most recently approved on-site car parking shortfall	N/A
Resultant shortfall	7.138 car bays

PURPOSE OF REPORT:

This proposal requires referral to the Council for determination given that the proposal relates to an unlisted use, being a small bar.

BACKGROUND:

The subject site is located within Precinct 1 - Oxford Street North of the Leederville Town Centre Masterplan and Built Form Guidelines. The building was being used as a shop and now it is vacant.

History:

Date	Comment
10 April 2001	The Council at its Ordinary Meeting approved an application for change of use from vacant building to shop and office building and associated alterations and additions.
23 December 2011	Application submitted.
26 March 2012	Amended Plans submitted.

DETAILS:

Landowner:	Tricast Developments Pty Ltd and Bayking Holdings Pty Ltd
Applicant:	Canford Hospitality Consultants Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial
Existing Land Use:	Shop
Use Class:	Small Bar (Unlisted Use)
Use Classification:	"SA"
Lot Area:	778 square metres
Right of Way:	N/A

The application is for change of use from shop and office building to shop, office building and small bar (unlisted use). The small bar will be used as a wine bar and proposes no changes to the building structure.

The proposed operating hours in the application (as shown in Appendix 9.1.1) are:

Monday to Saturday: 6:00am to 12:00 midnight; and
Sunday: 10:00am to 10:00pm.

The operating hours discussed in the detailed proposal (as shown in Appendix 9.1.1) of the small bar are:

Monday to Thursday: 10:00am to 11:00am;
Friday and Saturday: 10:00am to 12:00 midnight; and
Sunday: 10:00am to 10:00pm.

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		N/A
Streetscape	N/A		N/A
Front Fence	N/A		N/A
Front Setback	N/A		N/A
Building Setbacks	N/A		N/A
Building Height	N/A		N/A
Building Storeys	N/A		N/A
Open Space	N/A		N/A
Bicycle Parking	N/A		N/A
Car Parking			✓
Privacy	N/A		N/A
Solar Access	N/A		N/A

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

Issue/Design Element: Parking	
Requirement:	Clause 7(iii) of Parking and Access Policy No. 3.7.1
Applicants Proposal:	The proposal is for a change of use from shop to small bar.
Performance Criteria:	Clause 7 (iii): Where the number of bays proposed for a development is less than the number required, the City of Vincent may approve this parking situation in terms of the provisions in this Policy relating to Reciprocal Parking, Combined Parking, Shortfall Parking and/or Cash-in-lieu.
Applicant justification summary:	Not submitted.
Officer technical comment:	The proposed development is considered to comply with the performance criteria as the calculated shortfall is 1.762 and a condition is proposed for cash in lieu for the shortfall. Refer to "Comments" below for car parking discussion.

CONSULTATION/ADVERTISING:

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

Consultation Type:	Twenty-one days advertising with sign on site and newspaper advertising.
---------------------------	--

Comments Period:	19 January 2012 to 9 February 2012.
-------------------------	-------------------------------------

Comments Received:	Three submissions were received, two supports and one objection.
Support	It is considered that the Leederville Entertainment Precinct is missing a quality wine bar. This proposed small bar/wine bar will bring a new element of sophistication to the Leederville strip.
Objection	The Department of Education provided the following comments: <i>"The Department has a serious objection to the proposal to include a small bar within the development. The school has an accommodation village right next to the proposed development where many students stay throughout the year. There is no objection regarding the proposal for continued use as a shop and office."</i>
Comment	Department of Planning (DOP) - The subject site is affected by the Other Regional Road (ORR) reservation for Vincent Street. Therefore the proposal was referred to DOP for comments. The DOP has no objection to the proposal.

Summary of Comments Received:	Officers Technical Comment:
Issue: Impact on the accommodation village next to the subject site.	Dismiss. The subject site is located within a commercial zone and in the Leederville centre. Therefore uses like small bars are expected to be able to operate in this area.

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

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

RISK MANAGEMENT IMPLICATIONS:

If this application is refused the applicant has a right of appeal to the State Administrative Tribunal.

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 following tables outline the applicable sustainability issues for this proposal:

ENVIRONMENTAL	
Issue: Adaptive Reuse	Comment:
The proposal uses an existing building for the proposed small bar. The adaptive use of this existing space has a lower environmental impact than constructing a new building for this purpose.	

SOCIAL	
Issue: Small Bar – local community facility	Comment:
The small bar has the potential to provide an additional entertainment option within the Leederville Town Centre. The proposal outlines that the venue is designed to cater for the local community in as a "local, community minded venue that aims to give the public more choice in their licensed premises selection and creating environments that are safe, friendly and designed with integrity."	

ECONOMIC	
Issue Small Bar – Active Use	Comment:
<p>The proposed small bar has significant potential to provide a venue for the local community and for tourists that will build upon the existing economic development for example cinemas and restaurants. The proponent also outlines their intention to hire local people “with good local knowledge, who are able to engage with local customers, as well as tourists”. The use provides for additional employment opportunities as an economic benefit.</p>	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Health Services

Following a preliminary assessment of the plans (submitted 17 January 2012) by the City’s Health Services in accordance with the *Health (Public Building) Regulations 1992*, it has been estimated that the proposed toilet facilities, available floor area and aggregate exits widths may accommodate a maximum of ninety four (94) persons. Prior to commencement of trade at the premises, the City will undertake a final assessment of the Public Building, to calculate the Maximum Accommodation Number and it is advised that the final number may vary from the preliminary estimate of ninety four (94) patrons.

Planning Services

Hours of Operation

As described the application is for hours in accordance with the maximum permitted trading hours as stipulated in the Liquor Control Act 1988. The detailed outline of the proposed wine bar for this location shows shorter hours with start times at 10:00am and ending at 11:00pm Monday to Thursday inclusive.

The applicant is requesting the City to consider maximum permitted trading hours as stipulated in the Liquor Control Act 1988 so that functions/events at the proposed small bar may be properly catered for. The maximum permitted trading hours are as follows:

- “(a) on a day other than a Sunday – from 6 a.m. to midnight;
- (b) on a Sunday – from 10 a.m. to 10 p.m.;
- (c) on a Sunday that is New Year’s Eve – from 10 p.m. to 12 midnight;
- (d) on New Year’s Day – from immediately after 12 midnight on New Year’s Eve to 2 a.m.;
- (e) on Good Friday or Christmas Day – from 12 noon to 10 p.m., but only for liquor sold ancillary to a meal supplied by the licensee;
- (f) on ANZAC Day – from 12 noon to 12 midnight.”

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

The first issue relates to the general operation in regards to the impact on amenity 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 site is centrally located, adjacent to a cafe that opens at 7:00am, and the noise regulations change at 7:00am to higher allowable noise limits.

The second issue relates to service of alcohol. The proposal is to serve alcohol within all of the proposed hours from 6:00am in the morning to 12 midnight. This is not supported as it is assessed to have a high potential to affect the amenity of the local area given it is not located within the Entertainment Precinct, is adjacent to an educational establishment and 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. This allows for alcohol to be served with lunch. It is noted that venues like Fibber McGee's and The Garden which serve alcohol open at 11.30am and Kitsch Bar although it has an approval from 8:30am only opens the bar at 5:00pm. In regards to closing times it is recommended that the closing times Monday to Thursday are to be 11.00pm which is earlier than the proposed 12:00 midnight to reflect the location of the proposal in the Leederville North Precinct and that there are residential uses nearby. The other small bar Kitsch bar in this precinct has a closing time of 10:30pm Monday to Thursday and this has not caused an undue amenity impact to date.

The recommended operating hours are:

Monday to Thursday	7:00am to 11:00pm;
Friday and Saturday	7:00am to 12:00 midnight; and
Sunday	7:00am to 10:00pm

With the further proposed control of alcohol only being able to be served from 11:00am.

Parking

The City's Policy No. 3.7.1 relating to Parking and Access suggests that the Council may determine to accept a cash-in-lieu payment where the shortfall is greater than 0.5 car bay to provide and/or upgrade parking in other car parking areas.

Clause 22 (i) of the City's Parking and Access Policy states the following:

"If the total requirement (after adjustment factors have been taken into account) is 10 bays or less, cash in lieu may be provided for any shortfall."

The subject site is located within a commercial zone and therefore reasonable to expect such type of uses such a small bar to be located in this area. The small bar will complement the existing commercial uses in the area and will provide increased activity on the street, which is one of the visions of the Leederville Town Centre Masterplan.

The proposed shortfall in car parking (1.762 car bays) is considered acceptable in this instance, as it is within close proximity of the train station, fee parking public car parks and other forms of public transport (such as buses and taxis). It is also conditioned that the available onsite parking is available for patrons.

In light of the above, given the site is located within a commercial zone and the shortfall in parking will not having any impact on the amenity of the area, the proposal is recommended for approval.

It is considered that the proposed change of use from shop to small bar is supportable with the proposed conditions restricting both operating times and sale of alcohol times to reflect the location of the small bar. Accordingly, the application is recommended for approval, subject to standard and appropriate conditions.

9.1.2 State Administrative Tribunal Decision relating to Concrete Batching Plants at No. 71 (Lot 200; D/P: 92012) Edward Street, Perth (Hanson Batching Plant DR 264 of 2011) and No. 120 (Lot 1010; D/P: 1149) Claisebrook Road, corner Caversham Road, Perth (Holcim Batching Plant DR 225 of 2011) and Scheme Amendment No. 29 to the City's Town Planning Scheme No. 1

Ward:	South	Date:	30 March 2012
Precinct:	Claisebrook Road North-P15	File Ref:	PRO4024; 5.2011.243.1; PRO0733; 5.2011.173.1; PLA0224
Attachments:	<p>001 – Orders, Schedule of recommended conditions, transcripts and letter from the State Administrative Tribunal to the Minister dated 15 March 2012</p> <p>002 – Letter from the Western Australian Planning Commission dated 16 March 2012</p> <p>003 – Map of Proposed Amendment No. 32</p>		
Tabled Items:	Nil		
Reporting Officers:	R Rasiah, Co-ordinator Statutory Planning T Young, Manager Strategic Planning, Sustainability and Heritage Services		
Responsible Officer:	Carlie Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council:

1. be ADVISED that the State Administrative Tribunal (SAT) delivered its decisions on Friday 2 March 2012 on both the Hanson and Holcim Concrete Batching Plants appeals, and has forwarded its recommendations on 15 March 2012 to the Minister for his determination;
2. RESOLVES to advise the Western Australian Planning Commission to not proceed with Scheme Amendment No. 29 to the City's Town Planning Scheme No. 1 pursuant to regulation 25AA 6 (b) of the Town Planning Regulations 1967, for the following reasons:
 - 2.1 the Minister for Planning, in a letter dated 16 March 2012 has refused the Council's request to extend the statutory forty two (42) days to undertake the modifications to the amendment prior to advertising;
 - 2.2 the advertising of Scheme Amendment No. 29 of the City's Town Planning Scheme No. 1 may prejudice the determination of the Minister for Planning on State Administration Matter No. DR 255 of 2011 and State Administration Matter No. DR 264 of 2011;
 - 2.3 to allow for the undertaking of the Community Visioning Workshop for the portion of the area in Scheme Amendment No. 29 bounded by Lord Street, Summers Street and the Graham Farmer Freeway (known as Claisebrook North) scheduled for 14 April 2012;
 - 2.4 to allow for the preparation of a Structure Plan for the area bounded by Lord Street, Summers Street and the Graham Farmer Freeway to be completed, prior to the Council endorsing the statutory planning framework and associated policy provisions to guide development within this area; and
 - 2.5 to allow for a separate Scheme Amendment No. 32 to the City's Town Planning Scheme No. 1; and
3. NOTES that a report will be presented to the Council at its Ordinary Meeting of Council to be held on 24 April 2012, to allow for a separate Scheme Amendment No. 32 to the City's Town Planning Scheme No. 1, to advertise as a minor amendment for the area ceded to the City of Vincent from the City of Stirling in July 2007.

COUNCIL DECISION ITEM 9.1.2

Moved Cr Pintabona, Seconded Cr McGrath

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

PURPOSE OF REPORT:

This proposal requires referral to the Council as per Item 3 below under the Previous Reports to Council section of the Council's resolution at its Ordinary Meeting held on 13 March 2012. The City has since received the SAT transcripts for the Hanson and Holcim Appeals dated 1 March 2012 and 2 March 2012 respectively.

The purpose of this report is also for Council to resolve to not proceed with Scheme Amendment No. 29 to the City's Town Planning Scheme No. 1 and advise the Western Australian Planning Commission according to allow orderly and proper planning to be undertaken in regards to the Claisebrook area.

BACKGROUND:

History:

Date	Comment
28 February 2012 until 2 March 2012	Appeal Hearings held at the State Administrative Tribunal relating to the Hanson and Holcim Concrete Batching Plants.
15 March 2012	The State Administrative Tribunal forwarded its recommendation to the Minister for his consideration and determination, which included both the applications be approved conditionally, for a further period of 5 years.
16 March 2012	Letter received from WAPC advising that the Scheme Amendment could request for an extension had not been granted.

Hanson and Holcim Development Applications

Both the above subject sites are located within Claisebrook Road North-P15, within the East Perth Redevelopment Scheme Area, which came into the City of Vincent local authority boundaries in July 2007. The subject sites are currently operating as concrete batching plants. The use is considered as "General Industry" and an "Unlisted" use within the East Perth Redevelopment Scheme.

The Hanson application was for alterations and additions to the existing concrete batching plant and the lifting of a time limited condition, requiring the concrete batching plant to cease operating by 26 June 2012.

This Holcim application was for alterations and additions to the existing concrete batching plant and the lifting of time limited condition requiring the concrete batching to cease operating by 16 October 2012.

Both the above appeals were heard at the State Administrative Tribunal on 28 February 2012, where the City was successful in convincing the State Administrative Tribunal to restrict the approval to a maximum of five (5) years only and not indefinitely as applied for by both Hanson and Holcim.

Scheme Amendment No. 29

The Western Australian Planning Commission gave the City consent to advertise Scheme Amendment No. 29 to the City's Town Planning Scheme No. 1 on 19 December 2011, with a series of modifications to be effected prior to the advertising. This scheme amendment related to tow areas being the Claisebrook area transferred from EPRA to the City and the Glendalough area transferred from the City of Stirling to the City. Most of the modifications proposed were minor in nature and did not affect the intent of the Scheme Amendment No. 29, with the exception of the Scheme Amendment Map being modified to show No. 71 (Lot 199) Edward Street, East Perth and No. 120 (Lot 1001) Claisebrook Road, Perth as 'Special Use – Concrete Batching Plant'. The City's scheme amendment documents for these 2 lots referred to the WAPC had them zoned as Residential/Commercial R100.

Given the SAT matter and the uncertainty over the outcome relating to the 2 batching plants the City requested an extension of time before the Scheme Amendment was advertised. In a letter dated 16 March 2012, the Western Australian Planning Commission advised that the Minister for Planning has refused to grant approval to Council's request to extend the period of time to undertake the modifications to the amendment prior to advertising pursuant to regulations 14 (4) and 25AA (6) of the Town Planning Regulations 1967 for the following reason;

“(i) It is considered that the City's request for an extension of time in order to defer advertising of the amendment does not accord with the intent of regulation 25AA (6). An extension of time to settle modifications with the Western Australian Planning Commission would generally relate to circumstances where the modifications are numerous or complex in nature, and for the purpose of delaying advertising until a later state as it the reason given by the City of Vincent.”

DETAILS:

Hanson and Holcim Development Applications

The City has received the full Transcript for the Sat matters for the 2 batching plants and provides these as attachments. The matter has now been referee from the SAT to the Minister for Planning for final determination. The determination of this matter will provide clarity on the future use of these 2 lots and allow for future planning to be undertaken for the Claisebrook area.

Scheme Amendment No. 29

- In light of the advice from the WAPC regarding the request for an extension, the only prudent alternative available for the Council under the Town Planning Regulations 1967 is to advise the Western Australian Planning that it does not wish to proceed with Amendment No. 29. By resolving not to continue with Scheme Amendment No. 29 to the City's Town Planning Scheme No. 1 will allow for the following processes to be undertaken:
- It will allow time for a decision to be made by the Minister under its authority under s246(2)(b) of the Planning and Development Act 2005 to determine the State Administrative Tribunal Matters DR 255/2011, Holcim Australian Pty Ltd v City of Vincent and DR 264 Hanson Construction Materials Pty Ltd v City of Vincent;
- It will enable the City to undertake the Community Visioning Workshop on 14 April 2012 to gain community input on the development for this area bounded by Lord Street, Summers Street and the Graham Farmer Freeway, prior to a Scheme Amendment being advertised;
- It will enable for a Structure Plan to be prepared and adopted by Council for the area bounded by Lord Street, Summers Street and the Graham Farmer Freeway, as a precursor to new statutory provisions and associated planning policies being endorsed by the Council for this area; and

- It will provide the opportunity for a separate Scheme Amendment No. 32 to the City's Town Planning Scheme No. 1 to be undertaken for solely the area ceded to the City of Vincent from the City of Stirling in the 2007 boundary changes. It is envisaged that this Amendment will be presented to Council at its Ordinary Meeting on 24 April 2012 to consent to advertise. Being a minor amendment, and consistent with the Metropolitan Region Scheme, State Planning Policy and the objectives of the Scarborough Beach Road Activity Corridor Project, the Department of Planning have advised that the advertising of this amendment will not require consent from the Western Australian Planning Commission.

Previous Reports to Council:

Hanson and Holcim Development Applications

13 March 2012 Council was advised as follows:

"1. the State Administrative Tribunal (SAT) delivered its decision on Friday 2 March 2012 concerning the applications for:

1.1 No. 71 (Lot 200; D/P: 92012) Edward Street, Perth – Alterations and Additions to Existing Concrete Batching Plant and the Lifting of Time Limited Condition and Extended Hours of Operation (Hanson Batching Plant) – State Administrative Tribunal DR 264 of 2011; and

1.2 No. 120 (Lot 1010; D/P: 1149) Claisebrook Road, corner Caversham Road, Perth – Alterations and Additions to Existing Concrete Batching Plant and the Lifting of Time Limited Condition and Extended Hours of Operation (Holcim Batching Plant) – State Administrative Tribunal DR 225 of 2011;

and imposed five (5) year time periods WITH CONDITIONS, for the Hanson Batching Plant from 26 June 2012 and Holcim Batching Plant from 16 October 2012,

2. the SAT will now refer the above 2 review matters to the Minister for Planning for consideration and determination; and

3. the SAT Hearing Transcript has not yet been completed and will be reported to the Council once this is received."

Scheme Amendment No. 29

19 December 2011 The City receives conditional consent to advertise Scheme Amendment No. 29 to the City's Town Planning Scheme No. 1 from the Western Australian Planning Commission.

14 February 2012 The Council at its Ordinary Meeting endorsed a Notice of Motion to request the Western Australian Planning Commission to approve an extension of the 42 day advertising period as stated in regulation 25AA (6) of the Town Planning Regulations 1967, until either the Western Australian Planning Commission consents to advertise Town Planning Scheme No. 2 or April 2012, whichever is the sooner.

16 March 2012 The Minister for Planning refuses the Council's request to extend the period of time to undertake the modifications to the Scheme Amendment No. 29 prior to advertising pursuant to regulations 14 (4) and 25Aa (6) of the Town Planning Regulations 1967.

Design Advisory Committee:

Not applicable.

CONSULTATION/ADVERTISING:

As previously reported to Council at its Ordinary Meeting held on 13 March 2012.

LEGAL/POLICY:

- East Perth Redevelopment Authority Scheme No. 1.
- Planning and Development Act 2005 which provides the ability for the Minister for Planning to call in a review matter that is being lodged with the State Administrative Tribunal for the Minister's final determination. In this instance, the Minister has called in both the above applications that were heard at the State Administrative Tribunal.
- Town Planning Regulations 1967

RISK MANAGEMENT IMPLICATIONS:

High: This matter is the subject of considerable community interest in the local area. The SAT has provided its recommendation to the Minister for Planning for his consideration and determination. The Minister's decision in this matter is final.

The Council is compelled to adhere to the Town Planning Regulations 1967 and is required to make a decision on Scheme Amendment No. 29, of which the prescribed 42 day time period has already lapsed.

STRATEGIC IMPLICATIONS:

The City's *Strategic Plan 2011-2016* - Objective 1 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:

Ni as the matters are procedural considerations.

FINANCIAL/BUDGET IMPLICATIONS:

Holcim and Hanson Development Applications

Due to the two batching plant appeals, significant over-expenditure of the SAT Review Consultant and Planning Legal Expenses budget provisions has resulted. The costs as at 31 March 2012 are as follows:

Legal:	\$136,625
Town Planning Consultant:	<u>\$ 9,526</u>
Total:	\$146,151

A re-allocation of monies will be part of a separate report, as part of a further budget review, to cover the over-expenditure.

COMMENTS/CONCLUSION:

“One of the comments stated in the attached transcript by the SAT was that “In the absence of an unequivocal strategic recognition of the state and regional importance of the concrete batching plants, it could be contended that the plants are incompatible and inappropriate to the amenity of an intensified mixed residential and commercial area. In the opinion of the tribunal, this conflict needs to be resolved at the strategic level before it is orderly, proper and safe to grant irreversible approval for the Hanson concrete batching plant to remain...”.

The above applies to the Holcim plant too, as the SAT had stated in the Holcim transcript that the reasoning applied to the Hanson appeal will also form the reasoning adopted by the SAT for the Holcim appeal. Also taken into account by the SAT was Amendment 29 to the City's Town Planning Scheme and other relevant State related strategy documents. Further information relating to the reasoning behind both the SAT decisions is detailed in the attached transcripts.

In terms of the conditions being recommended by the SAT, one of the conditions is for the 5 years approval to expire on 16 October 2017 for both the concrete batching plans, even though their current expiry dates are different. The City's officers are of the view that the conditions recommended by the SAT would assist in reducing any undue impact of the continued operation of both the concrete batching plants.

Scheme Amendment No. 29

In light of the information provided in this report and the direction provided from the Western Australian Planning Commission, the only prudent alternative available for the Council under the Town Planning Regulations 1967 is to advise the Western Australian Planning that it does not wish to proceed with Amendment No. 29.

It is considered that by resolving not to continue with Scheme Amendment No. 29 to the City's Town Planning Scheme No. 1, is a desirable option for the following two main reasons:

It will enable a more robust and transparent process to be undertaken with respect to determining the appropriate statutory provisions and associated planning policies to be applied to the area of Scheme Amendment No. 29 bounded by Lord Street, Summers Street and the Graham Farmer Freeway; and

It will also allow for the City to progress transferring the area around Glendalough Station where the City of Stirling District Planning Scheme No 2 currently applies, to have new statutory provisions which will enable the realisation of the development of this area in line with the objectives of the Scarborough Beach Road Activity Corridor Project.

For the reasons outlined in the body of the this Agenda Report relating to Scheme Amendment No. 29 and its relationship to the SAT matters DR 264 of 2011 and DR 255 of 2011, it is recommended that the Council support the Officer Recommendation to advise the Western Australian Planning Commission to not proceed with Scheme Amendment No. 29 to the City's Town Planning Scheme No. 1.

9.2.1 Hyde Park Lakes Restoration Project – Progress Report No. 13

Ward:	South	Date:	30 March 2012
Precinct:	Hyde Park (12)	File Ref:	RES0042
Attachments:	001 – Proposed Concept Plan 002 – Proposed Project Timeline 003 – Soldier Piling Photograph		
Tabled Items:			
Reporting Officers:	J van den Bok, Manager Parks & Property Services R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES** the recommendation made by the Hyde Park Lakes Restoration Working Group (HPLRWG) to progress the project to the detailed design stage as shown on the attached plan, Appendix 9.2.1 as follows;
 - 1.1 construct new retaining wall around the perimeter of the lakes using ‘soldier pile walling’ approximately 2.0 metres in from the face of the existing wall;
 - 1.2 the new retaining wall is to have a limestone cap (similar in width to the existing wall);
 - 1.3 the walls along the causeway of both lakes are to remain exposed and ‘made good’ to ensure structural integrity is maintained and finished with a limestone capping as noted in clause 1.2 above; and
 - 1.4 a gentle sand “soft edge” is to be created and planted with appropriate vegetation in the south-east corner of the western lake and the north-west corner of the eastern lake; and
2. **LISTS** an amount of \$25,000 for consideration in the Draft Budget 2012/2013 to progress and undertake a “sewer mining” feasibility study.

Moved Cr McGrath, Seconded Cr Buckels

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

“That new clauses 2 and 3 be inserted as follows and that the remaining clause be renumbered accordingly:

2. **REQUESTS** that where feasible, the detailed design incorporates the following:
 - 2.1 undertake appropriate modifications to the existing stormwater inlet/outlet structures to maximize the quantity of stormwater discharging into the lakes during intense rainfall events and investigate the feasibility of raising the existing weir level in the eastern lakes inlet/outlet chamber to maximise the water level in the lake to increase storage capacity;
 - 2.2 consideration of the provision of access for future sediment removal; and
 - 2.3 the incorporation of stormwater treatment measures for reduction of nutrient and sediment load;

3. **REQUESTS** the Hyde Park Lakes Restoration Working Group (HPLRWG) to further examine:
 - 3.1 provisions for habitat creation for water birds and tortoises (to be addressed in the Flora and Fauna Protection Plan); and
 - 3.2 removal of noxious weeds and plan for gradual replacement of exotic plants on island not compatible with the lake environment and replacement with native flora species (to be addressed in the Flora and Fauna Protection Plan)."

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

COUNCIL DECISION ITEM 9.2.1

That the Council;

1. **APPROVES** the recommendation made by the Hyde Park Lakes Restoration Working Group (HPLRWG) to progress the project to the detailed design stage as shown on the attached plan, Appendix 9.2.1 as follows;
 - 1.1 construct new retaining wall around the perimeter of the lakes using 'soldier pile walling' approximately 2.0 metres in from the face of the existing wall;
 - 1.2 the new retaining wall is to have a limestone cap (similar in width to the existing wall);
 - 1.3 the walls along the causeway of both lakes are to remain exposed and 'made good' to ensure structural integrity is maintained and finished with a limestone capping as noted in clause 1.2 above; and
 - 1.4 a gentle sand "soft edge" is to be created and planted with appropriate vegetation in the south-east corner of the western lake and the north-west corner of the eastern lake;
2. **REQUESTS** that where feasible, the detailed design incorporates the following:
 - 2.1 undertake appropriate modifications to the existing stormwater inlet/outlet structures to maximize the quantity of stormwater discharging into the lakes during intense rainfall events and investigate the feasibility of raising the existing weir level in the eastern lakes inlet/outlet chamber to maximise the water level in the lake to increase storage capacity;
 - 2.2 consideration of the provision of access for future sediment removal; and
 - 2.3 the incorporation of stormwater treatment measures for reduction of nutrient and sediment load;
3. **REQUESTS** the Hyde Park Lakes Restoration Working Group (HPLRWG) to further examine:
 - 3.1 provisions for habitat creation for water birds and tortoises (to be addressed in the Flora and Fauna Protection Plan); and
 - 3.2 removal of noxious weeds and plan for gradual replacement of exotic plants on island not compatible with the lake environment and replacement with native flora species (to be addressed in the Flora and Fauna Protection Plan); and
4. **LISTS** an amount of \$25,000 for consideration in the Draft Budget 2012/2013 to progress and undertake a "sewer mining" feasibility study.

PURPOSE OF REPORT:

The purpose of the report is to update the Council on the progress of the Hyde Park Lakes Restoration Project.

BACKGROUND:

Recent Council decisions:

Ordinary Meeting of Council - 13 September 2011:

A report was presented in relation to the engaging of consultants for the Hyde Park Lakes restoration and remediation project and the Council resolved to award this contract to Golder Associates Pty Ltd.

Ordinary Meeting of Council – 27 September 2011:

Progress Report No. 11 was presented whereby the Council resolved to endorse the revised Hyde Park Lakes Draft Implementation Indicative Timeline and receives monthly reports on the progress of the project until completed.

Ordinary Meeting of Council – 10 November 2011:

Progress Report No. 12 was presented whereby the Council was advised on the progress of the Investigation/Design/Documentation for the Restoration of the Hyde Park Lakes being undertaken by Golder Associates. At this point of the project the consultants were on schedule as per the adopted timeline and no significant issues had occurred or been identified.

DETAILS:

Golder Associates - Regulatory Approvals, Management Plans and Final Design:

Golder Associates Pty Ltd commenced their consultancy on 1 October 2011, in accordance with the program submitted for Tender No. 433-11 'Engagement of Consultants for Hyde Park Lakes Restoration & Remediation'.

Whilst the project progressed on schedule up until December 2011, over the Christmas break and into January 2012 the program started to slip behind schedule. Golders advised at this time that there were a number of components of the project that could be run in parallel and were confident of completing their contracted work as first indicated.

Since February 2012 the consultants and the HPLRWG have been meeting on a fortnightly basis to progress the project and address some of the key design elements to enable the consultants to progress with the design and complete tender documentation.

The main design objectives to be considered were as follows;-

Excavate sediments or continue pumping

Option 1: Deepen lakes – maintain lake water level to approx 13.4 AHD
Excavate sediment – 12,000 m³
Construct new wall

Challenges: Disruption, access, truck movements, sediment management.
Advantages: Pump less groundwater, aesthetics.

Option 2: Continue Pumping – maintain lake water level to approx. 13.7 AHD
Pump groundwater
Construct new wall

Challenges: Sustainability, long term DoW licence.
Advantages: More passive, less disturbance Traditional Owners more amenable.

Lake walls

Option 1: Soldier piling (Refer to Attachment 003)

Challenges: Access for piling rig, Locations for rig

Advantages: No disruption of groundwater, Limited excavation, least risk for damage to heritage wall.

Option 2: Limestone gravity wall

Challenges: Support of existing heritage wall, Depth of excavation (temporary works needed), Increased sediment disturbance (contaminated sediments, acid sulphate soils), Volume of sediment to manage, Dewatering, Manual handling of blocks.

Advantages: Aesthetics.

Following much debate and consideration of costs involved the HPLRWG unanimously agreed to proceed with the soldier pile walling/2 metres offset and to continue pumping rather than to excavate the lake sediments.

The purpose of bringing the wall in by approximately 2.0m is to reduce the surface area of the western lake by 20% and the surface area of the eastern lake by 15% to maintain the lakes water level at 13.7 AHD with a annual bore water requirement of approximately 16,400m³.

Project Timeline

With the delays experienced to date Golder Associates were advised that the project completion date will now be 24 May 2012 when it is expected that all designs and tender documentation will be ready to be advertised (refer attached revised program).

Sewer Mining:

The option to be progressed requires that water continue to be pumped into the lakes over the longer term i.e. beyond 2017.

With this in mind discussions regarding sewer mining have been continuing and on 29 March 2012 the Director Technical Services, Manager Parks and Property Services and the City's project Officer Environment met with representatives of the Water Corporation and a consultant who specialises in developing sewer mining projects.

The meeting was very productive and the officers feel they now have a clearer understanding of the sewer mining process.

Mining a sewer for water requires the following infrastructure:

- A pumping station at the sewer;
- Pipe work (pressure mains) from the pumping station to the treatment plant;
- Treatment plant (size and type to suit needs);
- Pipe work to return screenings and sludge back to the sewer.

There are a number of examples of sewer mining in Australia and a number of companies who supply/install the required sewer mining infrastructure.

The treatment of the sewerage to extract the water is a biological process and there is no smell or noise associated with the process. The footprint of the treatment plant is dependent on the volume of water required (size of plant). The plant needs to operate 24/7 to ensure the biological process does not 'break down' i.e. the bugs die etc.

Therefore water will be produced even when it is not required. There are different types of plants that can treat a low flow and a high flow at certain time of year. Other uses for the water would also need to be determined i.e. watering of the immediate parkland or nearby parklands.

Capital costs were discussed and it was indicated that these can range from \$0.5m for a 10 to 15kl/day capacity treatment plant to \$1.2m for a 100kl/day plant. These costs exclude the piping infrastructure and pumping station which could add an extra \$1.5m to the costs mentioned above.

Other factors which can influence the capital costs include the level of nitrogen and phosphorous treatment required.

It was indicated that the approval process could take up to 5 years and it was suggested that if the City was intending to have a plant in place by 2017 that the process should begin in the new financial year.

The volume of water required would firstly need to be determined and the Water Corporation formally approached who would then determine a suitable sewer in close proximity of Hyde Park. This would then be followed up with a preliminary proposal being developed and discussions entered into with Department of Water, Department of Environment and Conservation and Department of Health. It is highly unlikely that any of the treated water would be allowed to flow via the main drain to the Swan River as the level of nitrogen and phosphorus treatment required could be cost prohibitive.

Officers Comments:

Should the Council wish to progress with the Sewer Mining, it is considered that a suitably qualified consultant be engaged in 2012/2013 to progress the matter.

Funding Deed:

Officers recently met with the Assistant Director (Cities & Towns section) of the Commonwealth Department of Sustainability, Environment, Water, Population and Communities. The department is very supportive of the project and is offering assistance to the City's officers in achieving the milestones and objectives on time.

As reported to the Council on 10 November 2011, the Department have again confirmed that as long as the City has entered into a contract for the works and that the works have commenced in some form on site by 30 June 2012, the remaining funding would not be jeopardised.

CONSULTATION/ADVERTISING:

Ongoing consultation with various stakeholders is continuing as required. Further consultation with indigenous families is being undertaken as outlined below.

LEGAL/POLICY:

The City of Vincent were issued with a Section 18 Notice under the Aboriginal Heritage Act 1972 on 8 October 2011, to carry out the restoration works to the Hyde Park Lakes and general ongoing maintenance and associated infrastructure. One of the conditions of the consent to use the land was listed as follows:

"1. *Develop and implement a comprehensive Aboriginal Heritage Management Plan with the Aboriginal People identified in the Notice to the satisfaction of the Register of Aboriginal Sites. The Management Plan will include, but not be limited to the following:*

- *A Monitoring Program whereby the Applicant will, in consultation with relevant Aboriginal Groups ('The Consultants') engage two appropriately qualified people at one time (on a rotational basis) to monitor all and any activity related to the Purpose that involve disturbance to the surface of the Land and any part of the Land in relation to the Purpose;*
- *Contingency and management strategies for the protection and reporting of cultural and skeletal material."*

In accordance with this above condition, the City's consultants Golder and Associates are currently preparing the Aboriginal Heritage Management Plan, in liaison with anthropologists, Big Island.

One of the components of the preparation of the Aboriginal Heritage Management Plan is to consult with the Aboriginal Groups that were previously consulted as part of the Section 18 Notice, to provide an overview of the proposed detailed design and construction to be undertaken as part of the Hyde Parks Lakes Restoration.

This consultation is proposed to be undertaken in mid April 2012 with four (4) different groups over two (2) consecutive days, with the view that the information obtained from the consultation will be incorporated into the Aboriginal Heritage Management Plan.

RISK MANAGEMENT IMPLICATIONS:

High: The Lakes have been listed as contaminated requiring remediation however they do not pose any serious risk to human health. The proposal is more one of improving the aesthetics and amenity of the park and at the same time addressing the contamination issues which if left untreated may cause longer term water quality issues. As the proposed works involve rehabilitation of a contaminated site, there is a high risk that estimated costs may escalate. This will need to be closely managed. The engagement of consultants with expertise in this type of work is strongly recommended.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

*Objective 1.1: Improve and maintain the natural and built environment and infrastructure.
1.1.3: Enhance and maintain the City's parks, landscaping and the natural environment."*

SUSTAINABILITY IMPLICATIONS:

The City is committed to the principles of environmental, social and economic sustainability and is dedicated to achieving and promoting sustainable outcomes throughout its everyday functions and responsibilities.

As part of the City's Sustainable Environment Plan 2007-2012, the City has identified a number of objectives and the Hyde Park Lakes Restoration Project will be required to address most of the objectives listed below on various levels;

- reduce water use (reduce the size of the Lakes – Option 2A);
- use natural systems to improve water quality (construction of swale);
- encourage the planting of native species (Islands to be replanted);
- re-establish native fringing vegetation as bird habitat areas (may be possible in some locations between existing and new walling).

FINANCIAL/BUDGET IMPLICATIONS:

The 2011/2012 budget contains \$4,872,200 (funded from a variety of sources) for the Hyde Park Lakes Restoration project.

To date the City has received \$450,000 (completion of Milestone 2) from the Department of Sustainability, Environment, Water, Population and Communities with a further \$50,000 to be forwarded following completion of a risk management plan that is currently in progress.

Milestone 3 which is scheduled for completion by 31 May 2012 and involves completion of the design/documentation and progressing of the tender process will see the City receive another \$500,000.

COMMENTS:

It is therefore recommended that the Council approve the recommendations of the HPLRWG as noted above to enable the consultants to complete the design and documentation for tender advertising on 24 May 2012 and consider engaging a suitably qualified consultant in 2012/2013 to progress and undertake a sewer mining feasibility study.

**9.2.2 Proposed Western Power/Public Transport Authority 132 kV
Transmission Cable Project – Progress Report No. 1**

Ward:	South	Date:	30 March 2012
Precinct:	Smiths Lake (6), Cleaver (5)	File Ref:	TES0313
Attachments:	001 – Western Power Route Plan		
Tabled Items:	-		
Reporting Officer:	C Wilson; Manager Asset & Design Services		
Responsible Officer:	R Lotznicker; Director Technical Services		

OFFICER RECOMMENDATION:

That the Council:

1. **RECEIVES** the report on Western Power Corporation's proposal to construct a 132 kV underground transmission cable from the North Perth substation in Bourke Street to the Mitchell Freeway at Cleaver Street (as shown on Appendix 9.2.2); and
2. **NOTES:**
 - 2.1 that the works are not scheduled to commence until mid to late 2013;
 - 2.2 that a majority of the works will involve open trenching other than significant road crossings where directional drilling will be used;
 - 2.3 there will be some road closures and disruption for residents during construction; and
 - 2.4 Western Power will be responsible for all cost, reinstatements and public consultation with all queries being handled directly by Western Power.

Moved Cr Maier, Seconded Cr Wilcox

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

“That a new clause 3 be inserted as follows:

3. **REQUESTS** that a meeting be sought with Western Power to discuss possibilities of upgrading power capacity and undergrounding power to take full advantage of the trenching that will occur as part of this project and to report back to Council.”

Debate ensued.

At 7.55pm Cr Topelberg departed the Meeting (due to a prior personal commitment) and did not return.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Topelberg had departed the Meeting.)

COUNCIL DECISION ITEM 9.2.2

That the Council:

1. **RECEIVES** the report on Western Power Corporation's proposal to construct a 132 kV underground transmission cable from the North Perth substation in Bourke Street to the Mitchell Freeway at Cleaver Street (as shown on Appendix 9.2.2);
2. **NOTES:**
 - 2.1 that the works are not scheduled to commence until mid to late 2013;
 - 2.2 that a majority of the works will involve open trenching other than significant road crossings where directional drilling will be used;
 - 2.3 there will be some road closures and disruption for residents during construction; and
 - 2.4 Western Power will be responsible for all cost, reinstatements and public consultation with all queries being handled directly by Western Power; and
3. **REQUESTS** that a meeting be sought with Western Power to discuss possibilities of upgrading power capacity and undergrounding power to take full advantage of the trenching that will occur as part of this project and to report back to Council.

PURPOSE OF REPORT:

The purpose of this report is to advise Council of Western Power's proposal to construct an underground 132 kV transmission cable from the North Perth substation in Bourke Street to the Mitchell Freeway at the southern end of Cleaver Street, West Perth, commencing mid to late 2013.

BACKGROUND

The Public Transport Authority (PTA) has commissioned the construction of electrical substation to service the Joondalup rail line and to be located in freeway reserve near City West within the City of Perth. The intention is ensure continuity of power supply in the event of disruption, similar to what occurred with the partial rail network shutdown in mid March 2012.

The power will be supplied from the North Perth substation in Bourke Street via a 132 kV underground transmission cable.

There will be some preliminary work such as service locations, a detailed survey and some vegetation management undertaken this year (2012).

DETAILS:

In July 2011 Western Power advised the City that they had been commissioned by the PTA to investigate options for providing an alternate power supply for the Joondalup rail line, with the North Perth substation being an obvious choice. However, at the time it was conceptual only and Western Power advised that they would contact the City once the investigation had completed.

Western Power subsequently wrote to the City in March 2012 advising that the North Perth substation had been confirmed as the preferred option and that they (Western Power) had commenced the detailed planning phase.

The cable is required to be in service by mid 2014 and therefore construction is expected to start in mid to late 2013.

The proposed cable route is as follows:

Open trenching:

- From North Perth substation via Bourke Street to Campsie Street; then
- Campsie Street (Bourke Street to Richmond Street)
- Richmond Street (Campsie Street to Morriston Street)
- Morriston Street (Richmond Street to Vincent Street)
- Vincent Street (Morrison Street to Cleaver Street)

Directional drilling:

- The Vincent Street road crossing.

Open trenching:

- Cleaver Street (Vincent Street to Mitchell Freeway).

Directional drilling:

- Mitchell Freeway.

The cable will be laid within the road pavement with trench typically being 1.0m wide by 1.2-1.5m deep.

The same methodically was used elsewhere in the City by Western Power, including the Claisebrook to West Perth 132 Kv transmission line that involved open trenching along Summers, Lord and Pier Streets.

On each occasion Western Power has commissioned a full traffic impact assessment and traffic management planning, as will be undertaken for this project.

Western Power will responsible for:

- Traffic Management.
- Reinstatements (road, verge and footpaths).
- Public consultation.

In respect of the last point Western Power intend commencing public consultation by issuing a preliminary advice notification letter to residents along the proposed route within the next few weeks.

CONSULTATION/ADVERTISING:

To be undertaken by Western Power.

Western Power will be contacting all affected property owners and residents and all queries will be handled directly by Western Power's public liaison officer.

LEGAL/POLICY:

Nil.

RISK MANAGEMENT IMPLICATIONS:

Low: The risks associated with this project are solely Western Power's.

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:

While the project is primarily to ensure continuity of the power supply for the suburban rail network and therefore to the benefit of the wider community the residents of Vincent as users of the rail network are also beneficiary's of reliable rail system.

FINANCIAL/BUDGET IMPLICATIONS:

The project will be fully funded by the Public Transport Authority (PTA) and the works will be undertaken by Western Power and at no cost to the City or any property owners.

COMMENTS:

Upon commencement of the project, the City's Technical Services will monitor its progress to ensure that all reinstatements are undertaken to the City's satisfactions and in accordance with the relevant specifications.

Further progress reports will be presented to Council as works progress and more information becomes available from Western Power.

9.4.2 Beaufort Street Festival 2012

Ward:	Both	Date:	30 March 2012
Precinct:	All	File Ref:	CMS0110
Attachments:	001 – Beaufort Street Network Inc. Letter 002 – Beaufort Street Network Inc. Funding Grant Application		
Tabled Items:	-		
Reporting Officer:	J Anthony, Manager Community Development		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

1. APPROVES:

1.1 the Beaufort Street Festival 2012 to be held between 12noon and 9.00pm on 17 November 2012, subject to terms and conditions to be determined by the Chief Executive Officer once further details have been provided by the Festival Organisers – Beaufort Street Network Inc.;

1.2 in accordance with Clause 6.2 of the City’s Policy No. 1.1.8 – Festivals, the formation of a Beaufort Street Festival Working Group comprising of the following:

- (a) Cr
- (b) Cr
- (c) Director Community Services;
- (d) Director Technical Services;
- (e) Manager Community Development;
- (f) Manager Ranger Community Safety Services;
- (g) Manager Health Services; and
- (h) Festival Organisers/Committee Member (3 persons to be nominated by the Festival Committee);
- (i) other invited participants including City of Stirling, appointed Traffic Management Group, WA Police (Perth Police and Liquor Enforcement), Main Roads WA and Perth Transport Authority; and

the Chair of the Working Group shall be; and

1.3 an amount of \$40,000 to be listed for consideration in the Draft Budget 2012/2013 for a grant to the Beaufort Street Festival;

2. APPROVES BY AN ABSOLUTE MAJORITY to fund an advance amount of \$20,000 in the 2011/12 financial year to enable the Beaufort Street Network Inc. to commence organisation of the 2012 Festival, including the engagement of a new Management Company to conduct the Festival from a source to be determined by the Chief Executive Officer, subject to:

2.1 an Agreement being signed between the City of Vincent and the Festival Organisers; and

2.2 the Festival Organisers refunding the City of Vincent’s grant in the event that the 2012 Festival does not proceed; and

3. AUTHORISES the Mayor and Chief Executive Officer to sign the Agreement and affix the Council’s Common Seal.

Moved Cr McGrath, Seconded Cr Maier

That the recommendation be adopted.

The Presiding Member, Mayor Hon. Alannah MacTiernan called for nominations for subclause 1.2 and the following nominations were received:

Mayor Hon. Alannah MacTiernan – nominated also as Chair;
Cr Warren McGrath; and
Cr Roslyn Harley.

Cr Harley withdrew her nomination as there were two (2) positions available and three (3) nominations received. Mayor MacTiernan and Cr McGrath's nominations were unopposed and therefore approved.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Topelberg had departed the Meeting.)

COUNCIL DECISION ITEM 9.4.2

That the Council;

1. APPROVES:

1.1 the Beaufort Street Festival 2012 to be held between 12noon and 9.00pm on 17 November 2012, subject to terms and conditions to be determined by the Chief Executive Officer once further details have been provided by the Festival Organisers – Beaufort Street Network Inc.;

1.2 in accordance with Clause 6.2 of the City's Policy No. 1.1.8 – Festivals, the formation of a Beaufort Street Festival Working Group comprising of the following:

- (a) Mayor Hon. Alannah MacTiernan;
- (b) Cr Warren McGrath;
- (c) Director Community Services;
- (d) Director Technical Services;
- (e) Manager Community Development;
- (f) Manager Ranger Community Safety Services;
- (g) Manager Health Services; and
- (h) Festival Organisers/Committee Member (3 persons to be nominated by the Festival Committee);
- (i) other invited participants including City of Stirling, appointed Traffic Management Group, WA Police (Perth Police and Liquor Enforcement), Main Roads WA and Perth Transport Authority; and

the Chair of the Working Group shall be Mayor Hon. Alannah MacTiernan; and

1.3 an amount of \$40,000 to be listed for consideration in the Draft Budget 2012/2013 for a grant to the Beaufort Street Festival;

2. **APPROVES BY AN ABSOLUTE MAJORITY to fund an advance amount of \$20,000 in the 2011/12 financial year to enable the Beaufort Street Network Inc. to commence organisation of the 2012 Festival, including the engagement of a new Management Company to conduct the Festival from a source to be determined by the Chief Executive Officer, subject to:**
 - 2.1 **an Agreement being signed between the City of Vincent and the Festival Organisers; and**
 - 2.2 **the Festival Organisers refunding the City of Vincent's grant in the event that the 2012 Festival does not proceed; and**
3. **AUTHORISES the Mayor and Chief Executive Officer to sign the Agreement and affix the Council's Common Seal.**

PURPOSE OF REPORT:

The purpose of the report is to consider a request from the Beaufort Street Network Inc. for an advance in their sponsorship funding to enable organisation of the 2012 Beaufort Street Festival and engagement of a new Management Company.

BACKGROUND:

On 29 March 2012, the Beaufort Street Network Inc. wrote to the City's Mayor seeking an advance in the sponsorship funding to enable organisation of the 2012 Beaufort Street Festival and engagement of a new Management Company.

As the Council may be aware, a dispute occurred between the Beaufort Street Network Inc. and the previous Management Company and the City has been advised that a new Management Company is required. The Beaufort Street Network Inc. has advised as follows:

"The Beaufort Street Festival is seeking early funding support for the Festival, proposed to be held this year on 17th November, 2012 between noon and 9pm.

An estimated 70,000 people attended the Beaufort Street Festival in 2011, according to the City of Vincent ranger estimates. There is no doubt the Festival was an outstanding success, which would not have been possible without the substantial financial and in kind support from the City of Vincent.

In accordance with the City of Vincent Festival call for proposals policy, we have already submitted our submission for funding this year. Based on anticipated increased costs, the Beaufort Street Festival is seeking a \$60,000 funding grant from the City of Vincent as a continuing Foundation partner. Last year, the City gave the Festival \$50,000 in funding. Our proposed funding submission is attached for your review.

However, we are seeking early, to assist with securing a new management company for the Festival. As you may be aware from local press, the Beaufort Street Network and management company Life Is Noise have agreed not to proceed this year as partners for the Festival. Accordingly, a new management company is required.

To assist with securing a new management group, we are requesting for a partial advance on any grant from the City of Vincent. The amount we are seeking is \$20,000. Without this initial funding support, we are unlikely to secure a management group for the Festival and could not proceed to organise the Festival.

The Network is working hard to secure commercial sponsors; however, as has been in the case for the previous two years, often these agreements are not negotiated until the end of the financial year. This leaves the Network in a position of having little funding for the Festival before June to pay any management company for Festival operations.

We hope you can support this proposal, as a faire and reasonable request to ensure we have a successful festival in 2012. Should you require any further information, please do not hesitate to contact Beaufort Street Festival member [information withheld for privacy reasons]."

Previous Reports to the Council

Previous reports to the Council were submitted on 23 August 2011 and 27 September 2011.

DETAILS:

The 2011 Festival was attended by approximately 70,000 attendees throughout the day, with predominantly positive feedback received by the community. It is clear that there is a community demand for this type of Festival. A further report to Council will be prepared on the City's Festivals Programme to include evaluation reports on the Beaufort Street Festival, Angove Street Festival and William Street Festival after the final event is completed on 1 April 2012.

Formation of Working Group:

To facilitate better communication between the Festival Organisers and the City's Administration, it is recommended that a Beaufort Street Festival Working Group be formed in accordance with Clause 6.2 of the City's Policy No. 1.1.8 – Festivals. The Beaufort Street Festival Working Group is to comprise of the following:

- (a) Mayor Hon. Alannah MacTiernan (Chair);
- (b) Cr Warren McGrath;
- (c) Director Community Services;
- (d) Director Technical Services;
- (e) Manager Community Development;
- (f) Manager Ranger Community Safety Services;
- (g) Manager Health Services;
- (h) Festival Organisers/Committee Member (3 persons to be nominated by the Festival Committee);
- (i) other invited participants including City of Stirling, appointed Traffic Management Group, WA Police (Perth Police and Liquor Enforcement), Main Roads WA and Perth Transport Authority; and

Other Officers to attend as required.

CONSULTATION/ADVERTISING:

The City's Festivals Funding Programme as per Policy No. 1.1.8 was advertised in February 2012 to seek submissions for festivals and events for the 2012/13 financial year. A further report on the submissions will be forwarded to the Council on the details of the submissions.

LEGAL/POLICY:

Policy No. 1.1.5 – Donations, Sponsorship, Support for Festivals and Waiving of Fees and Charges and Policy No. 1.1.8 – Festivals.

STRATEGIC IMPLICATIONS:

The City of Vincent's Plan for the Future, Strategic Plan 2011 – 2016:

"Key Result Area Three – Community Development – Objective 3.1: Enhance and Promote Community Development and Wellbeing:

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

- (a) *Organise and promote community events, programs and initiatives that engage the community and celebrate cultural and social diversity of the City, including the development of a program for the holding of an event in each of the City's main commercial centre;*
- (b) *Develop a coordinated Event Plan and issue an Annual Program/Calender of Events to promote celebrate and acknowledge the City's cultural and social diversity, and*
- (c) *Investigate opportunities for an annual "Iconic Event" for the City and implement events.*

SUSTAINABILITY IMPLICATIONS:

The purpose of the Festivals is to provide community events in the City and is an excellent opportunity to promote environmental/sustainability initiatives provided by the City.

RISK MANAGEMENT IMPLICATIONS:

Moderate: The advance of funding does pose some risk as the Festival may not eventuate. However, this risk can be mitigated by a Legal Agreement being entered into between the Beaufort Street Network Inc. and the City of Vincent.

FINANCIAL/BUDGET IMPLICATIONS:

There are no funds in the 2011/2012 Budget for an advance sponsorship of the Beaufort Street Festival, as this matter is a "one off" request due to the need for a new Management Company.

The amount of \$20,000 will be funded from a source to be determined by the Chief Executive Officer.

Currently an amount of \$130,000 has been allocated to the Festivals programme in the 2011/2012 Budget.

COMMENTS:

The 2011 Festival proved extremely popular and an outstanding success. Approximately 70,000 people attended and excellent positive feedback from both the community and businesses was received.

Accordingly, approval for the advance sponsorship funding is supported.

9.5.2 Information Bulletin

Ward:	-	Date:	30 March 2012
Precinct:	-	File Ref:	-
Attachments:	001 – Information Bulletin		
Tabled Items:	Nil		
Reporting Officer:	A Radici, Executive Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council RECEIVES the Information Bulletin dated 10 April 2012, as distributed with the Agenda.

COUNCIL DECISION ITEM 9.5.2

Moved Cr Maier, Seconded Cr Carey

That the recommendation be adopted.

Debate ensued.

Cr McGrath departed the Chamber at 8.07pm.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (7-0)

(Cr McGrath was absent from the Chamber and did not vote. Cr Topelberg had departed the Meeting.)

DETAILS:

The items included in the Information Bulletin dated 10 April 2012 are as follows:

ITEM	DESCRIPTION
IB01	Unconfirmed Minutes of the Design Advisory Committee (DAC) Meeting held on 7 March 2012
IB02	Letter from State Administrative Tribunal (SAT) regarding Matter No. DR/378 of 2011 – Water Corporation v City of Vincent, Planning and Development Act 2005 – Section 252(1)
IB03	Letter from State Administrative Tribunal (SAT) regarding Matter No. DR/351 of 2011 – JNI Developments Pty Ltd & Others v City of Vincent, No. 298 (Lot 888) Lord Street, Highgate
IB04	Email of Appreciation from Lena Kunievski regarding the Over 55's Social Outings run by the City of Vincent
IB05	Letter of Appreciation from Michael Lee & Associates regarding Introduction of 15 Minutes Bays
IB06	Conference Report: Green Cities 2012 Conference
IB07	Trial for Vehicle Charge Station for Electric Vehicles - Progress Report No. 3
IB08	Register of Petitions – Progress Report – April 2012

ITEM	DESCRIPTION
IB09	Register of Notices of Motion – Progress Report – April 2012
IB10	Register of Reports to be Actioned – Progress Report – April 2012
IB11	Register of Legal Action (Confidential – Council Members Only) – Monthly Report (April 2012)
IB12	Register of Orders and Notices Issued Under the Building Act 2011 and Health Act 1911 (Confidential – Council Members Only) – Quarterly Report (Jan – Mar 2012)
IB13	Register of State Administrative Tribunal Appeals – Progress Report – April 2012
IB14	Register of Applications Referred to the Design Advisory Committee – April 2012
IB15	Register of Applications Referred to the MetroWest Development Assessment Panel – April 2012
IB16	Forum Notes – 20 March 2012
IB17	Notice of Forum – 17 April 2012

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 Notice of Motion – Cr Dudley Maier – Request to Amend the City’s Community Consultation Letter

That the Council APPROVES BY AN ABSOLUTE MAJORITY to AMEND the Community Consultation Policy No. 4.1.5 to include sections for ‘Potential Benefits’ and ‘Potential Implications’ after the ‘Reasons for the Proposal’ section of the “Community Consultation Letter & Form – Non Planning Matters” proforma as shown in Appendix 1 of the policy.

Moved Cr Maier, Seconded Cr Pintabona

That the motion be adopted.

Debate ensued.

Cr McGrath returned to the Chamber at 8.09pm.

Debate ensued.

AMENDMENT NO 1

Moved Cr Maier, Seconded Cr Buckels

That the motion be amended to read as follows:

“That the Council APPROVES BY AN ABSOLUTE MAJORITY to AMEND the Community Consultation Policy No. 4.1.5 to include ~~sections for ‘Potential Benefits’ and ‘Potential Implications’ after the ‘Reasons for the Proposal’ section of an Information Sheet with the amended~~ “Community Consultation Letter & Form – Non Planning Matters” proforma as shown in Appendix 1 of the policy.”

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

(Cr Topelberg had departed the Meeting.)

AMENDMENT NO 2

Moved Cr Carey, Seconded Cr Buckels

That the motion be amended to read as follows:

“That the Council:

1. APPROVES BY AN ABSOLUTE MAJORITY to AMEND the Community Consultation Policy No. 4.1.5 to include an Information Sheet with the amended “Community Consultation Letter & Form – Non Planning Matters” proforma as shown in Appendix 1 of the policy; and
2. REQUESTS that this matter be presented to a Forum for review later in 2012 to consider proposals to “revamp” the full “Community Consultation Letter & Form – Non Planning Matters”.”

Debate ensued.

AMENDMENT NO 2 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Topelberg had departed the Meeting.)

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

(Cr Topelberg had departed the Meeting.)

COUNCIL DECISION ITEM 10.1

That the Council:

1. **APPROVES BY AN ABSOLUTE MAJORITY to AMEND the Community Consultation Policy No. 4.1.5 to include an Information Sheet with the amended “Community Consultation Letter & Form – Non Planning Matters” proforma as shown in Appendix 1 of the policy; and**
 2. **REQUESTS that this matter be presented to a Forum for review later in 2012 to consider proposals to “revamp” the full “Community Consultation Letter & Form – Non Planning Matters”.**
-

Chief Executive Officer’s Comment:

This matter was previously considered at the Ordinary Meeting of Council held on 22 March 2011, whereby the City’s current Consultation letter was approved.

The Chief Executive Officer considers that:

- the Consultation Letter and Form should be concise, simple and straight forward as possible and should specify the details/facts relating to the proposal;
- the use of an “Information Fact Sheet” as shown in [Attachment 10.1](#), which outlines all relevant details of the proposal has been used by the City’s Administration, and this has had benefits; and
- if required, an “Information Fact Sheet” could be developed as a simple template for the Policy Appendix 1. This would allow the consultation letter to remain concise and clear and for all the proposal details to be on a separate sheet.

Furthermore, it is considered that the suggestion of adding “potential benefits” and “potential implications” would require a degree of subjectivity and judgement to be made by Officers on a proposal. There is a risk that:

- the initial Officer judgement will be made without the benefit any of the community’s information that will be received from the consultation submissions; and
- the community may feel that the proposal is a “*fait accompli*”, rather than a proposal whereby the Council is genuinely seeking their feedback/submissions.

Accordingly, the introduction of an Information Fact Sheet to accompany the consultation letter is recommended.

11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

12.1 WALGA Nomination - Geographic Names Committee

Ward:	-	Date:	30 March 2012
Precinct:	-	File Ref:	ORG0045
Attachments:	001 – WALGA Nomination Details		
Tabled Items:	Nil		
Reporting Officer:	M McKahey, Personal Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That _____ be nominated as WALGA Member – Geographic Names Committee.

Moved Cr McGrath, Seconded Cr Buckels

That the recommendation be adopted, with Cr Harley being appointed.

No further nominations were received.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Topelberg had departed the Chamber.)

COUNCIL DECISION ITEM 12.1

That Cr Roslyn Harley be nominated as WALGA Member – Geographic Names Committee.

DETAILS:

Please see Appendix 12.1 for further details.

NB:

NOMINATIONS CLOSE 5PM THURSDAY 19 APRIL 2012

13. URGENT BUSINESS

Nil.

14. CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED (“BEHIND CLOSED DOORS”)

Nil.

15. CLOSURE

There being no further business, the Presiding Member, Mayor Hon. Alannah MacTiernan, declared the meeting closed at 8.28pm with the following persons present:

Mayor Hon. Alannah MacTiernan	Presiding Member
Cr Warren McGrath (<i>Deputy Mayor</i>)	South Ward
Cr Matt Buckels	North Ward
Cr John Carey	South Ward
Cr Roslyn Harley	North Ward
Cr Dudley Maier	North Ward
Cr John Pintabona	South Ward
Cr 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
Anita Radici	Executive Assistant (Minutes Secretary)

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 10 April 2012.

Signed:Presiding Member
Mayor Hon. Alannah MacTiernan

Dated this day of 2012