



CITY OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

20 DECEMBER 2011

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Minutes of the Ordinary Meeting of Council of the City of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 20 December 2011, commencing at 6.00pm.

1. (a) DECLARATION OF OPENING

The Presiding Member, Mayor Hon. Alannah MacTiernan, declared the meeting open at 6.00pm 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:

Cr Joshua Topelberg – apology due to personal commitments.

(b) 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 (until 10.30pm)
Rick Lotznicker	Director Technical Services (until 10.30pm)
Mike Rootsey	Director Corporate Services (until 10.30pm)
Helen Smith	Manager Planning and Building Services (until 10.30pm)
Tory Woodhouse	Manager Strategic Planning, Sustainability and Heritage Services (until 10.30pm)
Anita Radici	Executive Assistant (Minutes Secretary) (until 10.30pm)
Lauren Peden	Journalist – <i>"The Guardian Express"</i> (until approximately 9.45pm)
David Bell	Journalist – <i>"The Perth Voice"</i> (from 7.04pm, until approximately 8.10pm)

Approximately 34 Members of the Public.

(c) Members on Approved Leave of Absence:

Nil.

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

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

1. Adam Bury of 55 Kingston Avenue, West Perth – Item 9.1.2. Representing Nos. 55 – Bury's, 59 – Newnham's, 53 – Spartalis', 61 – Kotic's and 63 – New's who are all single level dwellings that adjoin the proposal. Stated the following:
 - At the 22 November meeting a clear message was sent to Planning that the plans would need to be changed to stagger the rear of the building to reduce the impact on the adjoining rear properties. They feel what has been done is simply a token gesture – an absolute minimum.
 - They were lead to believe that the Council wanted the development tiered/stepped which has not happened. The north-east sections of levels 4 and 5 have been moved back to 2.95m however, the terrace have now been built out and protrude approx. 1.5m from the building. The original terraces were flush with the building thus negating any benefit of the setback. Does not believe this is in the spirit of the message sent loud and clear at the 22 November meeting.
 - The top 2 storey's have been decreased by approx. 5% and the overall bulk of the building has been decreased by less than 2%. When this was put to the Planning Department, he was told that they did not look at it that way.
 - The setback in the north-east corner has a marginal impact on 53 and 55 Kingston Avenue but has no benefit to the other properties.
 - The changes that have been made are merely cosmetic.
 - Convened their frustration with the process as these changes once again have been made without any consultation with the existing residents of Kingston Avenue, which was suggested by the Council at the last meeting.
 - Acknowledges and appreciates the gesture of planting mature trees along the border and stated there are no privacy issues as the developer has been compliant with the required setback. Asked the Council to find any real changes in the design, bulk and rear staggering of the building.
 - Stated that they are happy to enter into correspondence with Planning or the developer to find a compromise.
 - Their position is clear – the initial plans were deferred to address the issue with the staggering of the rear of the building, they are not fighting a privacy issue, they are looking to the Council to insist that the rear of the development is further staggered to minimise the impact on their properties.
 - The developer has already been given some leeway with the height issue as the Policy has always stated 4 storey's on Newcastle and this is 5 storey's. Believes this is where the flexibility must stop. Also believes level 5 needs to go and level 4 needs to be setback on level 3 as this is what the Multiple Dwellings Policy refers to when it says "*an overall reduction in the height*" (not just one corner) "*and scale*" he would suggest more than just 2% and through the staggering of the entire building envelop.
2. Connie Cozzolli of Director of CGM Properties – Item 9.1.4. Stated the following:
 - There have been issues with squatters in this building and they have caused considerable damage to the property as it was a perfectly sound building when they purchased it, however, now it is not.
 - It is not economically viable for them to restore the building to its original state which they were asked to do by the Council therefore, they believe the logical solution to this ongoing problem is to demolish the site.
 - They have applied for demolition which was approved subject to the provision of landscaping and lighting – she believes this is an unrealistic expectation on the owners of the property to provide this as, this is not a public space for the enjoyment of the community it is private property and their goal is to have vacant land.
 - The problem is the squatters and the residents are obviously complaining about what they are doing there. They believe demolition is the only logical solution as then there will not be anyone coming onto the property.
 - Urged the Council to reconsider the condition of them having to provide landscaping and lighting and that would be much appreciated.

3. Steve Demol owner of the Beaufort/Barlee Street Development – Item 9.1.7. Spoke in support of the application and stated the following:
 - Apologies to the Councillors, residents and particularly Lyndon Rogers the adjoining neighbour. The regrettable turn of events that could not reasonably have been foreseen conspired to derail the project.
 - Sub-ground conditions were not expected to be as they found them, despite several thousands of dollars worth of testing.
 - In the world of property development experts are paid to assist you and, sometimes those experts get it wrong. In this instance it has cost him. He has ongoing legal litigation with the builder that will take sometime to resolve, a hole in the ground that has cost \$6.3 million to date and the project has now stalled for 16 months.
 - He can see now see the builder was not up to the task that he tendered for despite his claims to the contrary but, he cannot rewrite history with this, he can simply learn the lessons and ensure that his new builder will have the ability and professionalism to complete the development in a matter that does not give rise to the disturbance that has been endured initially by residents.
 - With a scaled back design and no further sheet piling he is able to guarantee that this will be the case – the worst is behind them.
 - Like all, he hopes to ensure the long term vitality of the precinct is assured. He and his wife expected to Beaufort Street residents at this point enjoying the vibrancy of Mt Lawley.
 - His vision was and still is to add to the mix that is Beaufort Street with an attractive mixed use development that frames the Street and provides architectural offering that adds to the diverse building fabric of the precinct.
 - Urged the Council to support the development and, in so doing, putting faith in him and the new team he has assembled whose objectives will be to leave nothing to chance with respect to the management of the building so as to minimise the offside impacts.
 - He thanked the Council and looks forward to completion of the building and becoming a Beaufort Street resident.

4. Elizabeth O'Reilly of 16/595 Beaufort Street – Item 9.1.7. Stated the following:
 - They are average Australians who have worked hard for what they have and, with this in mind they ask that you consider them and their fellow residents in the close vicinity to the building site.
 - They did have a beautiful unit only 6 years hold until the day that the Demol property started building. They now have a unit full of cracks and every stair rail in the building has movement cracks in them and it is so depressing to see although, some fellow residents have far worse problems than them and it is very heartbreaking to see and hear about it. To make it worse, no one seems to care about the damage that has been done and no one has attended to reassess the damage which SAT said had to be done.
 - They and their neighbours have suffered damaged and would like their homes repairs before further building is allowed on the Demol site.
 - She is very frightened of what is to come and how much more damage will be done to their homes which are their worlds. They want them to look and feel like they used to before this happened.
 - They do not have the money to hire someone to protect their homes but they beg the Council to protect them. Requested the developer fix the damage that has already been caused and then they would be able to trust his word that he cares about their home and the community and will honour any repairs to damage that is done in the future.

5. Cameron Brooke, President of the North Perth Primary School P&C expressly authorised to speak by the P&C Executive A. Colgan, A. Moran, K. Saunders, M. Brown and C. Look all of North Perth – Item 9.1.9. Stated the following:
- Is aware that some parents also submitted objections to the proposal however, many are unaware that it will be discussed this evening.
 - The P&C objects primarily on the basis of size, bulk, scale, the height of the parapet wall on the School boundary and the potential overshadowing of the new Library.
 - Planning Guidelines allow for 2 storey's, 3 where appropriately determined by the City however, this proposal is 4 storey's plus a basement.
 - The revised plans of 29 November have slightly lowered the height of the parapet wall and set the 3rd floor back from the boundary however, the proposed wall is still over 8m high at the front of the property and approx. 8.5m above the footpath level. In addition, the 3rd floor eaves reach out to the boundary approx. 1.8m above that which increase the perceived bulk. If the upper balconies are required to be screened to 1.6m, this will further add to the height of the wall.
 - Yesterday he was shown a rendering of the proposed development as seen from Albert Street previously, he had only seen a cruder image at one of their meetings with Ben Doyle from Planning Solutions.
 - The P&C is not making any judgement on the architectural merit of the proposal, their concerns are with the bulk and scale of the building and the impact it would have on the School, particularly as the substantial parapet wall is right on the boundary.
 - While the rendering shows the street view the greater impact on the School will be seen from the south-west corner as that overlooks the main quadrangle. At ground level, at least 6 lineal metres of parapet wall will be seen from the covered assembly area and front gate and substantially more will be seen over the gable of the Library roof.
 - The right of way elevation in the enclosed plans gives a better indication of the relative scale of the development compared to the School Library. At their second meeting, Mr Doyle said he would provide a rendering from this perspective however, as this has not happened they are surprised to see it on the Agenda this evening.
 - The P&C is not opposed to a suitable development but this is not reasonable or suitable for the reasons outlined by the Planning Staff and as contained in the submission by the Education Department dated 14 September. It is his firm belief that not just the P&C but the entire School community with families of more than 380 children would be surprised and very disappointed if the Council decided to ignore the advice of Planning in this matter.
 - Urged the Council to follow the recommendation to refuse the application.
6. Nick Oud on behalf of his son Justin Oud of 8 Haynes Street, North Perth – Item 9.1.1. Stated the following:
- Referred to 8 November meeting where it was proposed to increase the childcare numbers from 33 to 80 which, after some debate the matter was deferred and there were 7 reasons stated of why the proposal could not go ahead. Their main concern was the increase of traffic and parking.
 - The numbers in the current proposal have decreased by 10 however, none of the 7 previous objections have not been considered and he is concerned as to why they have neglected to address those. The circumstances and objections have not changed.
 - Concerned that the property is owned by the City and he asked if the Council benefits by increasing the numbers by an increase in the lease value or is more value added to the property so the Council can receive higher rate payments? If so, could this reflect a conflict of interest?
 - Asked that due consideration be given to their concerns and the concerns raised previously as none have changed and they already have parking issues and this will only aggravate a very serious problem even more.

7. Andrew Greenfield of 67 Barlee Street, Mt Lawley – Item 9.1.7. Stated the following:
- Life in this area is not an easy one on which he has heard being called the “Bronx of Mt Lawley” and in many ways this is true.
 - They have lived there for almost 10 years and, during this time have had many long and protracted issues to deal with including non conforming use of the property next door to them which is being used to host a public performance, training centre for an acrobatic troop, martial arts classes and a golf swing machine display centre. Their issues have included:
 - parking on the verge and across their driveways;
 - months of excessive noise from a car detailer that visited the former car yard across from the road early in the morning before they opened for business;
 - rubbish bins being emptied at 4am by a commercial contractor from some nearby restaurants; and
 - the disaster of sheet piling on the site not 50m from their home.
 - First enquired to Council about the activities on the site when demolition was taking place in February 2010 when he wrote to the Council a couple of months before they knew sheet piling was going to happen, it stated: *“our home is less than 50m from the site and the vibration from the operation of the heavy equipment and trucks involved in the demolition rattles the windows of our home, the jarrah floor boards vibrate and there is the occasional thud that resonates through the entire house. Our home was constructed in the 1920’s and we are concerned about the potential impact the vibration may have on the structure of our home”* – and this was just from the demolition.
 - Some questions asked included:
 - What measures will be taken to minimise the impact of this large development and its associated vibrations on their residential amenity?
 - How will they manage heavy vehicle traffic?
 - Was there a construction, dust or noise management plan for the development and would they be able to view a copy of such documents?
 - Most answers received were somewhat wanting and if he only knew then what he knows now he would have been much more persistent.
 - Through all this they have had to battle bureaucracy to retain their residential amenity and to defend their precious home in most cases, to no avail.
 - The time and emotion they have spent over these last 18 to 24 months has been draining but they have to do all they can to protect their castle, their home. Who can give them back the quality of life they once had? Believes it is the Council.
 - Understands that the development is inevitable but given all that they have been and continue to go through to get some natural justice, he asked that approval be deferred until all outstanding matters with all of the property owners affected by the sheet piling is addressed.
8. Graham Hensley of 8A Albert Street, North Perth – Item 9.1.9. Stated the following:
- Understands that the Councillors have been sent a photomontage of the proposed development. One Councillor stated *“a picture is worth a thousand words”* however, those are only true words if it is a true picture. Urged the Councillors to attend the development to see the difference from the picture to reality.
 - He is concerned about some large trees out the front of the property as he believes that is the only way access can be for the big development.

9. Damien Newham of 59 Kingston Avenue, West Perth – Item 9.1.2. Stated the following:
- At the last meeting Cr McGrath mentioned that there was some models previously done when the Cleaver Precinct Policy 3.1.5 was put into play and it suggested that the rear of buildings facing residential properties needed to be staggered but, the models were onerous and have been removed from the Policy and Councillors would then use their discretion to interpret those.
 - Given there are many new faces on the Council, believes it is important that when the matter is debated this evening, that some of that intellectual property from those previous meetings is passed around and everyone can make an appropriate decision.
 - Referred to Policy 3.4.8, Section 4.3(a) – showing and overall reduction in height and scale for the rear of the property through staggering of the entire building envelopment. The amendments that the developer has made to the site from the previous plans has pushed back the north-eastern corner 2.95m and, as the first speaker pointed out, the balconies are now protruding 1.5m. Believes this needs to be considered and the staggering needs to be applied to the whole building envelop as per the Policy.
 - Believes it is important to consider that the building height is allowed to be 5 storey's and the variation applied for is a 5th storey. If this is going to be authorised, it is not unreasonable for the Council to ask the developer to comply with the models previously developed and the staggering across the whole building envelop.
10. Kirsten Estcourt of 26A Cleaver St, West Perth – Item 9.1.6. Stated the following:
- Has emailed a submission however, has attended due to the impact on their lives and property.
 - At the 22 November meeting this is lost 1-8 and 3 reasons were given. These have not been addressed in the new proposal the scale, setback, impacts upon 26 and 26A Cleaver Street and the parapet wall of 9m are still there. The PV cells on their roof have not been removed therefore the overshadowing is still going to dramatically impact upon them.
 - Objects to the current design but not against development as when they purchased their property over 4 years ago they understood development would occur and they welcome it however, it should be a sustainable design which does not impact upon the residents as this design does.
 - They have spent years renovating their property up to a very high environmental standard to future proof their home against increasing energy costs and, the northern aspect against which this parapet wall will stand will actually put their whole north side into shadow during not only winter but, months either side of it.
 - Believes the developers are wrong in assuming that all rooms against the north side of the property are service rooms as stated in their submission last month. Objects to this as their main living area and main bedroom face north and they live outside on the north side of their property in the winter to gain the sunlight and worth – all of this will be taken away by the development.
 - They live in a neighbourhood that care for them as they brought to their attention that the meeting was on this evening as they do work away however, they love coming home to their place.
 - They want to ensure that their property maintains its appeal.
 - Consultation has never been addressed to them personally and the greatest impact is upon them and the No. 26 however, not once have the developers gone to them, they have good to their neighbour assuming he works on their behalf. They are always available and their phone was available.
 - Urged the Council to consider this in depth as the re-amendments have not addressed any of the criteria that was set against the development by the Council last month.

11. Denim Boulger of 38A Sydney St, North Perth – Item 9.1.1. Stated the following:
- No reference has been made to the play centre on Haynes Street which is in connection with the day care centre proposal. This facility has not specific parking or set down and take in bays and believes these must come from existing parking bays in Haynes Street, compounding the problem of parking for the day care centre. Does not understand why reference has not been made to that facility as it demands parking space.
 - The Agenda states the possibility of negotiating with the City for the use of the City's car park along Sydney Street however, he is not aware of a City of Vincent parking spot in Sydney Street.
 - Asked if that City of Vincent parking as that is not defined in the Agenda?

The Presiding Member, Mayor Hon. Alannah MacTiernan stated that is correct.

Mr Boulger continued:

- The ratepayers in the vicinity of Sydney, Haynes and Sydney Streets have good reason to be concerned about the availability of parking in close proximity to their own residences with all the demands of day centre parking being imposed on these Streets.
 - The initial application for increased childcare at the site in question was reject at the 8 November meeting on the basis of the criteria as listed in points 1 to 7 however, this criteria has not changed therefore urged the Council to reject this application as covered by pages 1-4 of the Agenda.
12. Ken Bird representing Kidz Galore Childcare Centres and Kyilla Kindy of 15 Haynes Street, North Perth – Item 9.1.1. Stated the following:
- Kidz Galore would like to take the opportunity to thank the City and neighbours for their constructive comments over the past several months and, particularly since their original application on 8 November was deferred for further consideration.
 - Believes that the resultant modified application with a lower capacity building and redistributed parking from the original proposal rightly and correctly addresses neighbourhood concerns.
 - Commends the revised proposal as a practical solution which will benefit the whole comment.
13. Norelle O'Neill, Chair of the Mt Hawthorn Precinct Group (MHPG) of 1 Matlock Street, Mt Hawthorn – Item 9.2.5. Stated the following:
- Referred to an incorrect figure on page 4 of the report, Officer Comments, where it refers to "*the significant majority of residents*" which is 230 however, if you refer to Attachment 4 (Summary of Comments) because 230 is made up of 88 support emails which says many are from residents, also a petition of 101 however, of those 52 are sighted in the Attachment as residents therefore that decreases that figure considerably.
 - MHPG support the Leederville Cricket Club and the installation of the nets however, not on the proposed location.
 - MHPG provided a 2 page submission which was reduced to 4 dot points in the staff report and would therefore like to reiterate some points:
 - Safety is paramount, not only to the Cricket Club but also to the general public using the Reserve. People who are not aware of Cricket have to walk through that area or around the car park to get to the toilets and change rooms.
 - The area in question is not confined to the specific dimensions of the physical nets, it also intrudes to the out of bounds area that the ball travelling at enormous speed goes to.
 - This is prime open space of high public value and it could potentially be turned into a number of things include an extremely family friendly area as almost everything it needs is there i.e. toilets, BBQs, playground can be relocated, there could be a gazebo, nature play trees permanent table tennis, chess tables and quite sitting area. However none of that will be possible if the area is to be interrupted by the nets.

- How is the City encouraging higher density? With the Leederville plan and 59 units proposed for Brentham Street however, at the same time it is diminishing open space. Would appreciate consideration of this.
 - Asked what is the point of having a masterplan if any group be it sporting or other has sufficient funds to simply virtually by some public space and concrete it over.
 - Ironically it is families who have support this that will ultimately be denied access to potentially much great activities.
 - MHPG fully support the Cricket Club and installation of nets however, would appreciate them looking at an alternative site which is what has been requested from the beginning. They would appreciate it be on the western side rather than the eastern side.
14. Denae Watkins of 9 Barlee Street, Mt Lawley – Item 9.1.7. Stated the following:
- Residents have experienced much distress from this development to date with it causing severe damage to their homes and they have live and look at this damage every day and, it is therefore affecting their health and wellbeing living with such distress.
 - Asked the Council to request final dilapidation reports to be completed on the homes and for them to be repaired and restored to how they were prior to the street piling and prior to continuing development.
 - Nor the Council builder or development is taking any responsibility for this damage to date and that is what they are requesting.
 - Asked for the following to be answered prior to approval and for much more community consultation to be carried out in the future. Asked the following regarding the Traffic Management Plan:
 - What are the access and exit points minimising heavy machinery down residential streets?
 - What are the site working hours (weekend and weekday)?
 - When Barlee, Gerald and Roy Streets will be blocked? Considering major concrete pours etc. are going to be happening on residential streets.
 - What is the notice going to be for the residents?
 - What will the actually process be in terms of getting information because to date, the developer has shown poor communication to residents?
 - On the current plans, the footpath down Barlee Street is going to be removed and moved to be where there is going to be where there is currently parallel parking bays. However, there is already a significant parking shortfall in the precinct at the moment let alone loosing an entire level of the building that was going to be for parking bays therefore, they want more street parking bays to be lost to their build and they would like them reinstated in the plan to address the significant parking shortfall even if it is a minimal amount (she believes it is approx. 3 bays). Loosing the entire lower level parking bay area as well as street parking to build needs to be addressed prior to approval.
15. Chris Dwyer of Donald Jones Architects. Stated the following:
Item 9.1.6
- Following the 22 November meeting, they have amended and resolved their plans to address the concerns regarding overshadowing and building bulk.
 - In can be seen in the amended plans that they have pulled the 2 apartments at the rear of the site away from the south boundary and increased the setbacks from 1.5m to 5.6m. These have also been pulled back from the eastern boundary to closely align with the setbacks at 32 Cleaver Street, which has resulted increased setbacks on this boundary from 2m to 5.1m.
 - Resultant bulk and overshadowing has now been significantly reduced with no shade on the solar panels and the upper floor windows of 26A Cleaver at noon mid winter and, this is clearly demonstrated on the amended plans.
 - The realignment of the rear portion of the building has increased light and ventilation to both the new development and neighbouring residences.

- They forwarded drawings and endeavoured to contact the concerned residents firstly by email through Mark Armstrong and secondly by telephone. Although unsuccessful, they hoped the amendments would elevate concerns.
- Referred to a reply email from Mark which at the bottom stated “*return comments and queries will be submitted in due course*” which did not occur.
- Their proposal is to refurbish and upgrade the existing 15 flats which will lift the amenity of the site and in due course, the amenity of the area. They envisaged the project as a catalyse for rejuvenation of similar aged multiple dwelling buildings within the area.

Item 9.1.8

- The proposal sees a new level added to the existing original building on the corner of Lake and Newcastle Streets, Northbridge. The proposal is a sympathetic alteration which sits harmoniously with the existing.
- The additions will contain 17 new private en-suite loft rooms within a European style mansard roof echoing the existing roof profile. The alteration will be such that it is only visible at a distance so as to preserve the heritage value of the existing façade. A passenger lift will be constructed in conjunction with the proposed works to improve the accessibility to all floors.
- The project aims to satisfy the need for budget en-suite rooms in Northbridge and the City area with the majority of guests relying on public transport thus, having little impact on the tightly metered Newcastle/Lake Street parking.
- The new rooms will be on the south eastern areas of the site adjoining Newcastle Street therefore, no unduly adding any excess noise to the area.

Urged the Council to see the benefits of both projects and how they will improve the amenity and options for both residents and visitors within the City.

16. Stuart Estcourt of 26A Cleaver St, West Perth – Item 9.1.6. Stated the following:
- Further to the 22 November meeting, they still maintain that there will be significant overshadowing, as per the amended diagrams being considered.
 - The shading colour of the proposed overshadowing may look light on the amended plans however, real shadow will be just as dark as the existing shadow when it does encroach over them. Believes there is also some missing shadow angle line coming from the proposed building coming towards the 1.5m mark.
 - He will object to anything that reduces the setback from about 4m to 1.5m especially on behalf of the residents and owner of No. 26 who is over east in that they have been significantly overshadowed at the moment and, to have that brought to within 1.5m of the fence will be like living in a “*canon*” for the winter months. It is possibly the reason the previous owners built No. 26A to escape the cold patch to build the house they purchased at the rear which is not overshadowed and, have faced large windows on the north face.
 - Their main bathroom window in their en-suite allows energy to enter into their bedroom because they have a very large opening between the en-suite and there is almost no wall between the bathroom and bedroom to allow warmth to intrude into their bedroom in the winter months.
 - They have gone to a great deal of expense to put shading up for the summer months however, in an energy efficient way they wish to not have that intrusion. They may need confirmation of whether the solar cells are going to be covered in the winter as previous winter solstice diagrams that they have seen on a proposal sometime ago, showed the shadow at 2pm at the winter solstice however, he is unsure whether there is a standard that must be applied but the 12noon shade is not going to be as significant as at 2pm. They will then lose many hours of good sunshine on their solar cells.
 - Thanked the Council for consideration of the diagrams and hoped they would not have the “*wool pulled over their eyes*” about the lighter shading for the proposed overshadowing and have a close look at that line from the building being brought forward to within 1.5m of their fence.
 - Urged the Council to consider Mark Armstrong’s submission as well as theirs and the rear neighbours as all neighbours in the area are concerned. They would like a nice development that will improve the lifestyle for the residents.

17. Ben Doyle of Planning Solutions, 296 Fitzgerald Street, Perth – Item 9.1.9. Stated the following:
- There have been a number of objections received with a few speakers this evening raising a number of concerns about this proposed development. Believes it is important to keep things in perspective – this is a commercial zoned site in the North Perth Town Centre between a service station which is going to be redeveloped in the near future and a School with a laneway at the rear.
 - They are proposing a 4 storey building with the 3rd storey set back from the front and side boundaries with the 4th storey being barely visible from street level. It will have a 2 storey parapet wall with modifications proposed by the Councillors which is the standard for commercial buildings everywhere. There are building that must be close to 100 years old in the surrounding nearby area that have 2 storey parapet walls.
 - They have provided an undertaking to provide light tubes to the School Library which will elevate almost entire the effects of overshadowing from the building which, at any rate would only be slight during the day.
 - Regarding the issue of the view from the rear of the Library building from the quadrangle addressed by the previous speaker – points out that simply being able to see a building is not in itself offence. This is not an overly bulky building, it is appropriate to the site and its locality. Do you want to limit commercial and mixed used buildings to 2 maybe 3 storey's in inner suburban Town Centres. These are heights you get in Landsdale, Baldivis etc. Believes this area can cope with these sorts of heights and scale of buildings.
 - It has been suggested that the building will obstruct views to the heritage buildings which is incorrect as there are several large trees at the front of the site which was referred to earlier. Gave assurance that there is no intention of touching the City's trees however they do obstruct the views to the School. There building is not going to obstruct those views in any meaningful way.
 - There have also been suggestions that the balconies facing the School will intrude on the School's privacy and require screening. The balconies at the front overlook an area that you can see from standing on the street, the balconies in the middle overlook the Library roof and the balconies at the rear they believe will be inhabited mostly on weekends and outside of school hours. They will provide passive surveillance preventing problems associated with vandalism and criminal behaviour in the School and laneway to the rear.
 - He is also a Vincent resident who lives and works in the area and he sincerely believes that this is a good development bringing quality infill to an area that is going to be serviced by the first Perth light rail line and this site could be critical to the light rail project.
18. Elizabeth Vlok of 67 Barlee Street, Mt Lawley – Item 9.1.7. Stated the following:
- Purchased their home 10 years ago and have since spent considerable effort and money restoring and renovating their 90 year old home.
 - The sheet piling which the developer undertook and the City approved has now caused significant structural damage to our home and enormous distress in having to watch their home crack up before their eyes. To date it has cost several thousands in dilapidation surveys, structural engineers reports and legal advice. It will now cost in the order of over \$40,000 to undertake the structural remediation work and repairs to the cosmetic damage that has occurred throughout their home.
 - They are now in urgent need to repair their home with water seeping through the wall cavity as a result of expanding cracks to the base of our shower.
 - Whilst the developer insisted on sheet piling regardless of the damage that this was causes, she believes the City is responsible for cause the damage.

- The builder highlighted the damage to surrounding buildings from sheet piling was a likelihood in the construction management plan however, Staff paid no attention to this and issued a building licence anyway. Had Staff *“not been asleep on the job”* and acted on the information, the damage from the sheet piling could have been avoided and the developer could have been instructed to use another less intrusive method.
 - When the sheet piling first commenced, she spoke with building departments of the City of Perth, City of Subiaco and Town of Cambridge all knowing what sheet piling was and were acutely aware of the potential for damage from excessive vibrations and would expect all their Staff to know that. She was also advised that sheet piling on any building application in a built up residential area with predominately old homes would have sounded alarm bells immediately in all of these LGA’s – very unfortunately not in Vincent.
 - Believes Vincent has failed in their duty of care and responsibility to represent the interests and rights of residents and, to make matters worse, their request for answers and a transparent account of how this monumental *“stuff up”* occurred and why the City defence of the stop work order collapsed at SAT have been ignored.
 - Believes Staff have *“washed their hands”* of this and it is outrageous that residents are now expected to take on what will be a long and expensive legal battle with a developer who has significant financial means and, a builder who has now been sacked to get their homes repaired and this will amount to another huge injustice to residents.
 - The pursuit of cheap building methods and maximum developer profits has already resulted in this development being built at the back of residences where, residents and their homes have been treated as nothing more than collateral damage in the pursuit of maximum development profits. Believes this is wrong and reprehensible at every level, accordingly she urged the Council to defer this application until damage to their homes can be repaired.
19. Jeremy Matthews of 179 Anzac Road, Mt Hawthorn, on behalf of the Leederville Cricket Club – Item 9.2.5. Stated the following:
- Their current facility was built in 1991 when they had 4 teams, they currently have 16 and within 3 years, expect to have 21 or 22 therefore no one is denying the fact that they need new nets.
 - They currently have 4 teams training on the 4 pitches that are not within nets but open pitches which is really a waste of their time as you cannot teach kids how to play cricket on an open net and 9 of the 11 kids are basically standing in the field. They therefore need the nets desperately.
 - The consultation to the stated the nets would be used for the senior players however, that is incorrect and it was never meant that way, they will be used on a rotating basis so that seniors and juniors will use the net equally.
 - The currently have seniors training with juniors in the net structure which is totally unsafe and they cannot go on with that.
 - 2 years ago they had recognised the fact that they needed nets and they would be more than willing to pay for them given what the City had paid for the refurbishment of the clubrooms 3-4 years ago, which is a brilliant facility. They have raised money over 2 years to cover the cost of the nets.
 - The biggest issue is the position of the nets which they have examined and anything on the west side of the clubrooms is totally unsafe and impractical as it is basically in shade from the time from 4pm onwards when they train as is their current one. They examined the position with rugby and soccer in mind given where their grounds are and it was the one area that would not infringe on their grounds during the winter season.
 - Apart from building to Australian Standards, they would look at putting a loose net roofing on which means that the net is as safe as it can possibly be so balls can only go out in a line directly behind the nets and will not be able to fly out of either side.

- The area used is approx. 384m² represents 0.2% of the Reserve which is minimal and the majority of the nets are see through.
 - The project has overwhelming local support.
 - Thanked the Council for their time and the Director Technical Services and Manager Parks and Property Services for their assistance.
20. Nathan Daniel, Leederville Cricket Club Inc. Secretary – Item 9.2.5. Stated the following:
- This is his 7th season at the Club and in his 2nd, 3rd and 4th seasons he was fortunate enough to be the Juniors Coordinator where he trained kids from the age of 4-9 and, has been able to see them grow up and now play in graded cricket. They have 9 graded sides as well as approx. 64 inter-cricket kids.
 - Believes this is the Club's opportunity to build their Club to make sure older players can be replaced in coming years.
 - The main issue for the nets is the safety where there are currently so many junior teams and to get them the best training possible, they need to share some of the nets with the seniors which is not viable. Therefore, this is their main raise for their proposal for the nets.
 - With regards to the positioning of the nets on the east side of the clubrooms, the great thing is that the clubrooms do not give as much shade as the trees therefore if there is any rain then the nets will be dried out quicker and there will be more light available for the nets to be played in.
 - Understands the concerns of the local residents as it could be said that a ball could go out into the middle of the ground although, the same thing occurs in the existing nets already the ball will still go out from the nets and, he has seen people walking dogs in those areas however, common sense comes into play and he has never seen someone with a dog walk in front of the cricket nets as they can see as it is clear and it is nice and easy to avoid the area for their own safety.
 - The proposal for the east side is not only encumbering on the Council for the cost of removing the playground recently built, but the main concern is the shade that is thrown by the trees for the nets to be in full light when they are in training.
 - The thought of the seniors taking over the nets is unwarranted, as this would cause uproar. The juniors have factored in a fair amount of money towards the new nets and for them it is a great community get together where they can sit in front of the porch, see their inter-cricket kids, their 4-9 year olds training at the front then the graded kids training on the nets to the side.
21. Fynn Petersen, parent and architect of 20 years – Item 9.1.9. Stated the following:
- Believes the Councillors at the Staff's assessment of this development as being over scaled for the area is appropriate.
 - Some perspectives generated for this project show it as being very big and over scaled for the area and the change in scale between the School and the development is quite large and significant.
 - The parapet wall along the side of the project adjacent to the School is quite dramatic, very large and very long which he believes will negatively impact on the School and the children's use of the School from a visual perspective.
 - The privacy issue is very significant and should not be put aside. Believes the developer is playing that down but certainly the parents and teachers he has spoken to are strongly resisting this project and, as a professional looking at the project and drawings that have been presented to him both in their original and amended form it will have significant impact on the School and is over scaled for area in the immediate precinct around the School.

There being no further speakers, Public Question Time closed at approx. 7.04pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

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

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

Cr Carey	Items 9.2.1, 9.2.4, 9.4.1 and 9.5.2.
Cr Buckels	Nil.
Cr McGrath	Nil.
Cr Wilcox	Nil.
Cr Pintabona	Nil.
Cr Harley	Nil.
Cr Maier	Items 9.1.3, 9.1.5, 9.2.2 and 9.5.4.
Mayor Hon. MacTiernan	Nil.

Cr Carey departed the Chamber at 7.07pm.

4. APPLICATIONS FOR LEAVE OF ABSENCE

4.1 Mayor Hon. Alannah MacTiernan requested leave of absence on 15 January 2012 to 25 January 2012 (inclusive), due to personal commitments.

4.2 Cr Ros Harley requested leave of absence on 24 December 2011 to 10 January 2012 (inclusive), due to personal commitments.

Moved Cr Wilcox, Seconded Cr Maier

That Mayor Hon. Alannah MacTiernan and Cr Ros Harley's requests for leave of absence be approved.

CARRIED UNANIMOUSLY (7-0)

(Cr Carey was absent from the Chamber and did not vote. Cr Topelberg was an apology for the meeting.)

Cr Carey returned to the Chamber at 7.08pm.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

5.1 Petition received from Mr J. Matthews of Anzac Road, Mount Hawthorn along with 125 signatures, supporting the Leederville Cricket Club and Leederville Mount Hawthorn Junior Cricket Club' proposal to erect a new 4 net block so that junior and senior cricketers can train separately.

The Chief Executive Officer advised that this petition related to Item 9.2.5 on this Agenda, and recommended that the petition be considered during debate on the Item.

Moved Cr Pintabona, Seconded Cr Harley

That the petition be received as recommended.

CARRIED UNANIMOUSLY (8-0)

(Cr Topelberg was an apology for the meeting.)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Meeting of Council held on 6 December 2011.

Moved Cr Maier, Seconded Cr Pintabona

That the Minutes of the Ordinary Meeting of Council held 6 December 2011 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY (8-0)

(Cr Topelberg was an apology for the meeting.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Congratulations

I am pleased to advise that the City's Councillor Joshua Topelberg (who is an apology for this Council Meeting – for a very good reason) and his wife Brooke, have welcomed into the world their first child.

On behalf of the Council, Chief Executive Officer and staff of the City of Vincent, I would like to wish Joshua and Brooke our congratulations on the birth of their new baby son.

Received with Acclamation!

7.2 Late Reports

As you are aware, tonight is the last Council Meeting prior to going into recess until mid-February 2012. As such, I have approved to be included in tonight's Agenda, as Late Items and Urgent Business, the following items:

9.1.7: Nos. 602-610 (Lot 89; D/P: 692 and Lots 404 and 405; D/P: 32639) Beaufort Street, corner of Barlee Street, Mount Lawley

9.2.4: Tender No. 439/11 - Provision of Services for Hyde Park Water Playground 'Design and Construct'.

This is to Award the tender as the City's Chief Executive Officer does not have Delegated Authority to approve of the tender amount.

9.2.5: Consideration of Submissions – Britannia Road Reserve – Proposed Installation of Cricket Practice Nets

Consultation closed on 14 December 2011, which was after the finalisation of the Agenda, however, it is important that the Council considers the submissions received.

9.5.4: Metropolitan Local Government Review – Issues Paper

The closing date for the Issues Paper is 23 December 2011.

9.5.6: Withdrawal of the City of Stirling from the Mindarie Regional Council (MRC) – Consideration of the City of Stirling's Decision – Progress Report No. 8.

The City received the City of Stirling's decision after the closing of the Agenda and the Chief Executive Officer considered it is important that the Council be advised of this matter due to the legal and financial implications which may follow.

12.1 WALGA Nominations - Local Government Standards Panel; Alliance for the Prevention of Elder Abuse; WA Planning Commission (WAPC); WAPC Sustainable Transport Committee

Nominations close on 9 January 2012.

12.2 Appointment of Council Member to the Local Government Association - Central Metropolitan Zone

I have resigned and it is important for the Council to appoint another Member.

- 13.1 Appointment of an Alternative (Deputy Member) for Mindarie Regional Council - Special Meeting

This matter is the subject of a Special Meeting in late January 2012. As such the Council is required to appoint a Deputy due to an anomaly in the Local Government Act.

- 13.2 Leederville Hotel, No. 742 (Lot 30) Newcastle Street, Leederville – Refusal of Outdoor Eating Area Structure – Review (Appeal) to the State Administrative Tribunal

This matter was determined at the SAT Mediation this morning and it appears that a mediated outcome, which may be acceptable for the Council to consider has been reached. It is important for the Council to determine the matter so that it can be progressed over the summer period.

8. DECLARATIONS OF INTERESTS

- 8.1 Cr Buckels declared an Impartiality interest in Item 9.1.1 – Further Report – No. 15 (Lot 9; D/P: 167) Haynes Street, corner Eton Street, North Perth – Temporary Demountable Buildings Additions to Existing Child Care Centre, including an Increase in Child Care Numbers (from 33 to 70 children) and the provision of Verge Car Parking along Eton Street and 9.3.6 – No. 13 (Lot 9) Haynes Street, North Perth – Kidz Galore Request for Lease Extension. The extent of his interest being that his son attends this facility.
- 8.2 Cr Carey declared an Impartiality interest in Item 9.2.1 – Beaufort Street Enhancement Working Group – Progress Report No. 4. The extent of his interest being that he is a member of the Beaufort Street Network Executive – general member.
- 8.3 Mayor Hon. Alannah MacTiernan declared a proximity interest in the Item 9.1.3 – No. 103 (Lot 10; D/P: 56012) Harold Street, corner of Stirling Street, Highgate – Demolition of Existing Motel and Associated Office and Storage Facilities – Reconsideration of Condition. The extent of her interest being that she resides in Harold Street. Mayor Hon. Alannah MacTiernan requested approval to participate in debate and vote on this matter.

The Presiding Member, Mayor Hon. Alannah MacTiernan departed the Chamber at 7.13pm whilst her declaration of interest was being considered and Deputy Mayor, Cr Warren McGrath assumed the Chair at 7.13pm.

The Acting Presiding Member, Deputy Mayor Cr Warren McGrath requested a motion concerning the Mayor's request.

PROCEDURAL MOTION

Moved Cr Maier, Seconded Cr Pintabona

That Mayor Hon. Alannah MacTiernan's request to participate in debate and vote on Item 9.1.3, be approved.

CARRIED UNANIMOUSLY (7-0)

(Mayor MacTiernan was absent from the Chamber and did not vote on this matter. Cr Topelberg was an apology for the meeting.)

The Presiding Member, Mayor MacTiernan returned to the Chamber at 7.14pm and assumed the Chair. The Chief Executive Officer advised the Mayor that her request was carried unanimously.

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 9.1.2, 9.1.4, 9.1.7, 9.1.9, 9.1.1, 9.1.6, 9.2.5 and 9.1.8.

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

Item 9.2.4, 10.1, 10.2, 10.3, 12.2, 13.1 and 14.1.

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

Item 9.1.3.

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

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

Items 9.1.10, 9.1.11, 9.2.3, 9.3.1, 9.3.2, 9.3.3, 9.3.4, 9.3.5, 9.3.6, 9.4.2, 9.4.3, 9.4.4, 9.5.1, 9.5.5 and 9.5.6.

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

Item 14.1 and 14.2.

New Order of Business:

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

(a) Unopposed items moved *En Bloc*;

Items 9.1.10, 9.1.11, 9.2.3, 9.3.1, 9.3.2, 9.3.3, 9.3.4, 9.3.5, 9.3.6, 9.4.2, 9.4.3, 9.4.4, 9.5.1, 9.5.5 and 9.5.6.

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

Items 9.1.1, 9.1.2, 9.1.4, 9.1.6, 9.1.7, 9.1.8, 9.1.9 and 9.2.5.

(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.

ITEMS APPROVED "EN BLOC":

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

Moved Cr Maier, Seconded Cr Harley

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

Items 9.1.10, 9.1.11, 9.2.3, 9.3.1, 9.3.2, 9.3.3, 9.3.4, 9.3.5, 9.3.6, 9.4.2, 9.4.3, 9.4.4, 9.5.1, 9.5.5 and 9.5.6.

CARRIED UNANIMOUSLY (8-0)

(Cr Topelberg was an apology for the meeting.)

9.1.10 No. 462 (Lot 2; D/P: 3824) Beaufort Street, corner of Broome Street, Highgate – Proposed Signage and Paid Car Park to Existing Shop (Pharmacy) – State Administrative Tribunal (SAT) Review Matter No. DR 357 of 2011

Ward:	South	Date:	8 December 2011
Precinct:	Mount Lawley Centre Precinct; P11	File Ref:	PRO2339; 5.2011.235.1
Attachments:	001 – Development Plan 002 – Applicants Submission received 5 December 2011, Legal Advice and Parking Management Plan		
Tabled Items:	Nil		
Reporting Officer:	R Rasiah, Coordinator Statutory Planning		
Responsible Officer:	H Smith, Manager Planning and Building 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 Greg Rowe & Associates on behalf of the owner M R Hopkins & Braxton Pty Ltd for Proposed Signage and Paid Car Park to Existing Shop (Pharmacy) at No. 462 (Lot 2; D/P: 3824) Beaufort Street, corner of Broome Street, Highgate, and as shown on plans stamp-dated 6 July 2011, subject to the following conditions:

1. **Building**

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

2. **Car Parking**

2.1 Six (6) car parking bays shall be solely dedicated for the existing shop (Pharmacy) and are not to be subject to parking fees. The six (6) car parking bays shall be used only by employees, tenants, and visitors directly associated with the existing shop (Pharmacy);

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

2.3 All car parking bays shall comply with the minimum specifications and dimensions specified in the City's Policy No. 3.7.1 relating to Parking and Access and Australian Standards AS2890.1 - "Off Street Parking"; and

2.4 The provision of a 7th car bay offered by the applicant as per the SAT mediation process shall be solely dedicated for the existing shop (Pharmacy) and is not to be subject to parking fees. The 7th car parking bay shall be used only by employees, tenants, and visitors directly associated with the existing shop (Pharmacy);

3. Paid Parking

- 3.1** The approval for the fee paying car park is valid for a period of five (5) years only, following which, the use shall revert back to a non-fee paying car park;
- 3.2** The desired outcome for the site is for mixed use development. If a planning application is submitted, approved and consequently implemented for a mixed use development, this shall take precedence over the paid car parking approval;
- 3.3** The paid parking is subject to the operation of the existing pharmacy. Should the pharmacy use cease, or the property be sold, the paid parking situation shall also cease operation and all associated signage and pay machines shall be removed within twenty-eight (28) days; and
- 3.4** The operating hours of the eighteen (18) paid car parking bays are 7.00am to 10.00pm Monday to Thursday as well as Sunday, and 7.00am to 12.00pm Friday and Saturday;

4. Signage

- 4.1** All signage that does not comply with the City's Policy No. 3.5.2 relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;
- 4.2** The signage shall not have flashing or intermittent lighting; and
- 4.3** All signage shall be kept in a good state of repair, safe, non-climbable, and free from graffiti for the duration of its display on-site;

5. PRIOR TO THE COMMENCEMENT OF THE FEE PAYING CAR PARK, the following shall be completed to the satisfaction of the City:

5.1 Car Parking Layout Plan

A Car Parking Layout Plan and a fully comprehensive Car Parking Management Plan prepared by a duly qualified consultant shall be submitted and approved by the City. The car parking layout shall show dimensioned car parking bays proposed for the paid-parking and those designated to the shop (pharmacy) being in accordance with Australian Standards AS2890 and the City's Parking and Access Policy. The Car Parking Management Plan shall detail the full operation of the fee paying car park, addressing matters relating to signage, location of the pay terminal for the ticket entry, internal circulation of motor vehicle traffic within the fee paying car park and the pharmacy, ensuring that there is no spill of cars being banked up along Beaufort and Broome Streets, awaiting entry into the fee paying car park, signage indicating car park being full, signage and number of car bays allocated for pharmacy car parking; and

5.2 Shade Trees

The provision of three (3) shade trees (equivalent to one (1) tree per eight (8) car parking spaces) shall be provided in the open car parking area. For the purpose of this condition, a plan detailing the tree species and proposed watering system shall be submitted to and approved by the City's Parks Services;

ADVISORY NOTE:

ADVISES the applicant that the City of Vincent;

1. is not responsible for the issuing of illegal parking infringements. This on-site consideration will be implemented by the landowner and their relevant car parking agency; and
2. does not support "wheel clamping" as an enforcement method and recommends that an alternative method be used to control the car park.

COUNCIL DECISION ITEM 9.1.10

Moved Cr Maier, Seconded Cr Harley

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

(Cr Topelberg was an apology for the meeting.)

Landowner:	M R Hopkins & Braxton Pty Ltd
Applicant:	Greg Rowe & Associates
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial
Existing Land Use:	Pharmacy (Shop)
Use Class:	Signage and Paid Car Park
Use Classification:	"P" and "AA"
Lot Area:	1083 square metres
Right of Way:	N/A

PURPOSE OF REPORT:

To update the Council on the above review application and to comply with the requirements of the City's Policy/Procedure for the State Administrative Tribunal (SAT).

To allow the Council to reconsider an application for a revised development under Section 31 of the State Administrative Tribunal Act.

In re-considering the proposal the Council may:

- (a) affirm its decision;
- (b) vary its decision; or
- (c) set aside the decision and substitute a new decision.

In accordance with Section 31 of the State Administrative Tribunal Act, the reconsideration of conditions, including the amended condition are presented to the Council for reconsideration by consent. Should Council resolve to refuse the application, or vary its decision to approve the application subject to conditions not acceptable to the applicant, the applicant may proceed to a Final Hearing based on the reconsideration of conditions the subject of this report.

It is noted that SAT Mediation sessions are "*without prejudice*", confidential and are not admissible in a Final Hearing.

BACKGROUND:

The Council considered the subject application at its Ordinary Meeting held on 26 July 2011, and resolved as follows:

“That the item be DEFERRED to engage with the Applicant on possible solutions for either City Management of the car park facility or possible introduction of a paid parking facility”.

27 September 2011 The Council at its Ordinary Meeting conditionally approved the Proposed Signage and Paid Car Park to Existing Shop (Pharmacy) at No. 462 (Lot 2; D/P: 3824) Beaufort Street, corner of Broome Street, Highgate.

3 November 2011 Direction Hearing held at the SAT. The applicant is represented by Planning Consultants Greg Rowe and Associates.

2 December 2011 Mediation held at the SAT

The City was represented at the SAT Mediation Session by:

- Cr Topelberg;
- Manager Planning and Building Services; and
- Co-ordinator Statutory Planning.

12 January 2012 Further mediation scheduled to be held at the SAT. This date would be vacated should the matters of review be resolved at the Council meeting of 20 December 2011.

DETAILS:

The re-consideration of conditions to be considered as part of review (appeal) process

Applicant’s submission-Condition 3.2

“It is our understanding that at an Officer level the proposed wording of this condition is acceptable. In this regard we provide the proposed wording of this condition for your inclusion to your report: Given the agreements made in the abovementioned Mediation Conference we believe this covers all considerations in this regard.”

*“The desired outcome for the site is for mixed use development. If a planning application is submitted, approved **and consequently implemented** for a mixed use development, this shall take precedence over the paid car parking approval”.*

Officer response

The current condition 3.2 imposed at the Ordinary Meeting of Council held on 27 September 2011 reads as follows:

*“The desired outcome for the site is for mixed use development. If a planning application is submitted, approved **and consequently implemented** for a mixed use development, this shall take precedence over the paid car parking approval;”*

The City’s Officers do not have any objection to the re-wording of condition 3.3 as proposed above by the applicant, subject to the word “consequently” being deleted as agreed at the SAT mediation.

Applicant's submission-Condition 3.5

"It is proposed that this Condition be removed. In support for this, and consistent with the comments made in last week's Mediation Conference, we provide the following bullet points for your consideration and use within your report:

- *This is not a valid and legal planning condition (this sentiment was supported by the Mediator) and could not be supported by the SAT should this be considered in a hearing.*
- *Council does not have discretion to 'set a price' for a valid and APPROVED planning use.*
- *The ultimate purpose of the paid parking is to stop the current 'illegal parking' that occurs on site. Given the sites strategic location within the Beaufort High Street, the prevalence of illegal parking on the site to service other uses within the vicinity was creating a car parking issue for the existing pharmacy. It can be confirmed that the majority of this illegal parking was occurring over a period of 1-2 hours (short term trips). The provision of the first hour free would create a situation where the illegal parking would still occur.*
- *We again attach the car parking management plan for your consideration which outlines the terms and conditions associated with the use and management of the car park."*

Officer response

The current condition 3.5 imposed at the Ordinary Meeting of Council held on 27 September 2011 reads as follows:

"All car parking bays shall be operated with the first hour free, with an hourly fee of \$2.10 per hour thereafter applying."

The Council Member was of the view that the condition was imposed to be consistent with the City's paid on-street car parking in the surrounding area, and with the City's car parking strategy, and hence should be retained.

The City's Officers are of the view that this is not a valid planning condition to impose on land that is privately owned, whereby an owner is allowed to charge the appropriate fee and also deal with the issue of unauthorised car parking. The Officers are of the view that this condition if retained, would be difficult to defend, if the matter went to a full hearing. On the above basis, the above condition 3.5 is recommended to be deleted.

Applicant's submission-Condition 4.3

"This condition was a double up and was simply added to the review (SAT) to tidy up the Approval. It is our understanding the removal of this condition is not contested by your Administration. Should this opinion change we can provide further justification in support of the removal of the condition."

Officer response

The current condition 4.3 imposed at the Ordinary Meeting of Council held on 27 September 2011 reads as follows:

"All signage shall be subject to a separate Sign Licence application being submitted to and approved by the City prior to the erection of the signage; and"

The City's Officers agree that condition 4.3 can be deleted, as the sign requirements are adequately covered by condition 4.1.

Applicant's submission-Condition 6

"As agreed in the first Mediation Conference for this project, a legal opinion to clarify the necessity of this condition was obtained by Hardy Bowen Lawyers (attached). We confirm in last week's Mediation Conference that your administration did not contest the removal of this Condition. In support for the removal of the condition (given it is unnecessary) We attached the legal opinion for your review."

Miscellaneous Matters

Councillor Topelberg requested some clarification on 2 matters, these being confirmation on the land owner not requiring the involvement of the City for any illegal parking, as well as confirmation on the number of bays required for the Pharmacy and a 'token gesture' for a 7th car bay should the calculation currently result in a 'rounding down' of the car parking requirements to 6 bays. In this regard we can confirm that the landowner/tenant and our Client do not require the assistance of the Local Authority for illegal parking. This matter will be dealt with directly by the car park manager for the site (entity to be confirmed). In this regard we propose the following advice note be added to the Approval. We suggest this consideration be finalised via an appropriate advice note and not a condition as it is our understanding that this could not be included as a condition of planning approval as it doesn't relate specifically to the Application and involves a second party (not a legal valid planning approval).

Notwithstanding, we provide the following wording for an advise note as it is our understanding that Councillor Topelberg would like this consideration referenced on the Approval:

"The City of Vincent is not responsible for the issuing of illegal parking infringements. This on-site consideration will be implemented by the landowner and their relevant car parking agency".

We have reviewed our files in relation to the relevant car parking calculation for the floor space associated for the pharmacy. In this regard we can confirm we obtained this information from your Mr Troy Cappellucci in his email of 7 April 2011. We provide an extract of this email below.

"...However, in order to help your case, one of the issues is with car parking for the pharmacy. In the approval last year for the pharmacy it was approved with 6 car bays. Therefore, as part of this application, if you had 6 car bays just solely for the use of the pharmacy, so where free 24/7, and the rest as paid car parking, it would ensure the pharmacy complies with the car parking it requires as part of its Approval and will help the chances of the proposal being approved."

In any event I have sought clarification from my Client in this regard and we are happy to offer the City the provision of a 7th car bay for free parking associated with the existing pharmacy. This bay will be car bay No. 20 (immediately east of the existing bays) we trust this will appease the Elected Members.

In regards to the management of the car parking, we are still confirming who will be undertaking this and will confirm as soon as we are able. Notwithstanding we do not believe this is a consideration which affects the intent and outcomes of the Mediation Conference and the above."

The applicant has confirmed via email received on 6 December 2011 that Wilson Car Parking would be managing the car park.

Officer response

The Officers are of the view that Condition 6 can be deleted, as conditions 3.1 and 3.3 are considered sufficient. Should the use continue after this period, there are planning provisions under the Planning and Development Act 2005 to remedy non-compliance with planning conditions. Furthermore, anyone leasing or buying the property would undertake due diligence investigations as to the conditions of planning approval affecting the subject site.

There is also no objection to the following "ADVISORY NOTE" being imposed to replace Condition No. 6 imposed by Council at its Ordinary Meeting held on 27 September 2011.

“The City of Vincent is not responsible for the issuing of illegal parking infringements. This on-site consideration will be implemented by the landowner and their relevant car parking agency”.

The additional 7th car bay offered by the applicant is supported by Officers, and has been imposed as a new Condition 2.4.

Condition 3.4 imposed at the Ordinary Meeting of Council held on 27 September 2011 is amended as follows, as an additional 7th car bay has been allocated for the pharmacy use, resulting in a reduction in one (1) car bay available as paid car parking.

“The operating hours of the eighteen (18) paid car parking bays are 7.00am to 10.00pm Monday to Thursday as well as Sunday, and 7.00am to 12.00pm Friday and Saturday;

Other Implications	
Legal/Policy	TPS No. 1 and associated Policies
Strategic	The City’s <i>Strategic Plan 2011-2016</i> – Objective 1 states: <i>“Natural and Built Environment</i> <i>1.1 Improve and maintain the natural and built environment and infrastructure</i> <i>1.1.2 Enhance and maintain the character and heritage of the City”</i>
Financial/Budget	Nil, as the City is represented by its Planning Officers and a Councillor

COMMENTS:

On the above basis, the following Officer comments are proposed for Council’s consideration and endorsement, as reflected in the Officer Recommendation:

- New Condition 2.4 is included;
- Previous Condition 3.2 is reworded;
- Previous Condition 3.4 is amended;
- Previous Condition 3.5 is deleted;
- Previous Condition 4.3; is deleted, and previous condition 4.4 is renumbered as 4.3; and
- Previous Condition 6 is deleted; and a new condition 6 is included as an “ADVISORY NOTE” only.

9.1.11 Report Concerning the Investigation into the Lodgement of Electronic Plans with Major Development Applications

Ward:	Both	Date:	9 December 2011
Precinct:	All Precincts	File Ref:	PLA0230
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	R Rasiah, Coordinator Statutory Planning		
Responsible Officer:	H Smith, Manager Planning and Building Services		

OFFICER RECOMMENDATION:

That the Council **AUTHORISES** the implementation, effective from 1 January 2012 of the following:

1. Development Application(s) in excess of \$500,000 in value (increased annually by CPI) will be required to be accompanied by plans and supporting documents in electronic pdf form or on a compact disc, together with the required hard copies of documents and plans;
2. Electronic plans will be included in all development applications that are advertised on the City's website, and also included in all applications that are referred to the Council for determination;
3. The street elevation plans of at least two adjoining buildings on either side of the development site will be required to be submitted for all Development Applications that are equal to, or above three storeys in height; and
4. Applicants for Development Application(s) less than \$500,000 in value will be encouraged to lodge plans in electronic pdf form or on a compact disc, together with the required hard copies of documents and plans.

COUNCIL DECISION ITEM 9.1.11

Moved Cr Maier, Seconded Cr Harley

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

(Cr Topelberg was an apology for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to investigate the possibility of requiring the submission and inclusion of electronic plans for the City's website and agenda and to consider the lodgement of plans showing adjoining property heights in relation to new development.

BACKGROUND:

13 September 2011 A Notice of Motion was proposed, requesting the following;

"That the Council REQUESTS the Chief Executive Officer to investigate and provide a report on the possibility of imposing a requirement on significant development applications(e.g. in excess of \$250,000) to submit electronic plans (in pdf format) as well as the required hard copy plans. These plans would be made available on the City's website, as well as the electronic copy of the agenda (in colour where provided)."

28/11/2011 Consideration of a CMR from Council Member Topelberg to the investigation for applicants to submit plans showing adjoining property heights in relationship to their development.

DETAILS:

A Notice of Motion was proposed on 13 September 2011 to investigate the possibility of imposing a requirement on significant development applications (for example, in excess of \$250,000) to submit electronic plans (in pdf format) as well as the required hard copy plans.

Other Local Governments

Research of other Local Government Authorities has been undertaken to establish whether similar practices have been implemented to require the submission of electronic plans with planning applications. The following responses were noted:

Local Government	Comments
City of Perth	Have just commenced lodgement of electronic plans.
City of Melville	Commenced the lodgement of planning application on-line.
Town of Cambridge	No
Town of Vic Park	No
City of Joondalup	No
City of Nedlands	No
City of Cockburn	No

Current Provisions and Practices

Currently, only hard copies of plans are submitted for planning applications. Only a small number of large scale developments tend to submit plans and supporting documentation on a compact disc. All Development Assessment Panel applications are to be submitted in pdf format. If the information is greater than 2MB, then the information is to be submitted on a compact disc or other storage devices.

Officer Recommendation: It is recommended electronic plans in pdf format or on compact disc are required to be submitted with development planning applications with a value of \$500,000 and above. As many residential extensions/alterations now cost in the range of \$200,000 to \$300,000, it is considered that the dollar amount should be \$500,000 (increased annually by CPI). It is not the intention of this requirement to include these types of residential applications. (The lower amount considered an unnecessary cost burden on the applicant).

Submission of adjoining building heights

Currently, the Residential Design Codes (R Codes) state that it is desirable that the street elevations on adjoining sites showing height, roof and wall materials, windows and roof pitch, should be submitted with planning applications, as part of the site analysis.

The City's Policy No. 3.4.8 relating to Multiple Dwellings in Residential Zones requires the submission of a *Neighbourhood Context Report* where developments are equal to, or above three storeys in height.

Officer Recommendation: It is recommended that the plans of at least two adjoining buildings on either side of the development site are submitted for all development applications that are equal to, or above three storeys.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

- Town Planning Scheme No. 1 and associated Policies; and
- Residential Design Codes of Western Australia.

RISK MANAGEMENT IMPLICATIONS:

Not Applicable.

STRATEGIC IMPLICATIONS:

In keeping with the City's *Strategic Plan 2011-2016* – Objective 1.1.1 states:

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil

COMMENTS:

Information Technology Services

The Federal Government has provided grant funding for the development of a streamlined/centralised portal system which will allow the electronic lodgement of building and development applications. In Western Australia, the Western Australia Local Government Association (WALGA) has been tasked with this project. They have commissioned a local company *Diversus*, to develop the system, and to work with the various corporate system vendors (including *Civica*, the system used at the City of Vincent), to create the necessary back-end integration.

Diversus have built the portal, however the integration with several Local Government back-end systems (including *Civica*), is still being negotiated. As a result, set timelines or delivery dates are not yet available.

As no timeframes or delivery dates are able to be specified, a decision has been made at the City of Vincent to implement the *Civica* on-line BA/DA module. A Project Manager at *Civica* has been assigned to our implementation, and the timeframes for this project will be finalised in the near future.

Eventually with the introduction of the above on-line system of lodgement of development applications, all development, irrespective size or cost, will be required to be electronically lodged.

In light of the above, it is recommended that the Council adopt the Officer Recommendation.

9.2.3 Proposed Installation of a Loading Zone – No. 446-448 William Street, Perth, Further Report

Ward:	South	Date:	9 December 2011
Precinct:	Beaufort (P13)	File Ref:	PKG0028, TES0121
Attachments:	001 – Plan Proposed Loading Zone Location		
Tabled Items:	-		
Reporting Officer:	C Wilson, Manager Asset & Design Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council **APPROVES** the installation of Loading Zone at No. 446 – 448 William Street, Perth to operate between the hours of 8.00am and 6.00pm Monday to Friday and 8.00am to 12noon Saturday, as shown on attached Plan No. 2903-CP-01.

COUNCIL DECISION ITEM 9.2.3

Moved Cr Maier, Seconded Cr Harley

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Topelberg was an apology for the meeting.)

FURTHER REPORT:

At its Ordinary Meeting held 6 December 2011 the Council considered a report on the Proposed Installation of a Loading Zone – No. 446-448 William Street, Perth and duly resolved '*That the item be DEFERRED for further consultation with local business proprietors*'.

Public Consultation

In accordance with Council's decision, the Manager Asset and Design Services canvassed the businesses in William Street, between Brisbane Street and Robinson Avenue on Thursday afternoon 8 December 2011.

The various proprietors, managers, and in respect of Perth Mosque, the Imam, were asked the following questions:

Do you support a Loading Zone outside 446-448 William Street YES or NO?

If YES, which option do you prefer?

Monday to Friday A: 8 am to 12 noon
 B: 8.00 am to 3.00 pm; or
 C: 8.00 am to 6.00pm

Note: With a standard Saturday morning restriction between 8.00am and 12 noon. To verify the consultation process the business details were noted and the person who provided a response asked to initial the consultation sheet.

A total of eighteen (18) premises were 'door knocked' of which four (4) were not open at the time, two (2) were late night venues (Ginger's and Dreamland Karaoke), a restaurant (Manise Café) and a speciality service provider 'Network Educare'. Further 434A William Street, below Ginger's nightclub, was closed for renovations.

Off the thirteen (13) premises that were open, the following responses were provided:

- Nine (9) supported Option C, 8.00 am to 6.00pm Monday to Friday and 8.00am to 12 noon Saturday (as per the existing restrictions)
- One (1) preferred Option A, 8.00 am to 12 noon Monday to Saturday.
- Three (3) supported a loading zone but had no preference or offered no opinion as to which they thought was the more appropriate restriction, primarily because they did not have a need for loading zone.

The following is a full the copy of the Minutes for the deferred item:

“OFFICER RECOMMENDATION:

That the Council APPROVES the installation of Loading Zone at No. 446 - 448 William Street, Perth to operate between the hours of 8.00am and 6.00pm Monday to Friday and 8.00am to 12noon Saturday, as shown on attached Plan No. 2903-CP-01.

COUNCIL DECISION ITEM 9.2.3

Moved Cr Maier, Seconded Cr McGrath

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Pintabona

That the recommendation be amended to read as follows:

“That the Council APPROVES the installation of Loading Zone at No. 446 - 448 William Street, Perth to operate between the hours of 8.00am and 12noon ~~6.00pm~~ Monday to Friday and 8.00am to 12noon Saturday, as shown on attached Plan No. 2903-CP-01.”

Debate ensued.

PROCEDURAL MOTION

Moved Cr Carey, Seconded Cr Buckels

That the item be DEFERRED for further consultation with local business proprietors.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

PURPOSE OF REPORT:

The purpose of this report is to inform the Council of a request received by City for the installation of a Loading Zone in William Street, Perth between Brisbane Street and Robinson Avenue.

BACKGROUND:

The City has received a request for a Loading Zone in William Street, Perth between Brisbane Street and Robinson Avenue. Currently there are no Loading Zones at the ‘top end’ of William Street to service the various commercial and retail premises and as a consequence many businesses are finding it difficult to arrange deliveries and couriers. Currently there is only one Loading Zone in the William Street commercial precinct located near Washing Lane, a distance of approximately 350m from Brisbane Street. As a consequence it is impractical and highly unlikely that delivery/courier drivers will use it to service the ‘top end’ of William Street.

Further, the on-road parking is often fully occupied so that they (the drivers) resort to either blocking driveways or double parking.

DETAILS:

The City's officers have investigated the matter and support the installation of a Loading Zone, with the standard restrictions, 'Commercial Vehicles Only' for fifteen (15) minutes maximum, fee free outside 446-448 William Street. The proposed operations times would mirror that of the existing restrictions being 8.00am to 6.00pm Monday to Friday and 8.00am to 12noon Saturday's, then unrestricted and free at all other times.

The proposed Loading Zone is located directly outside the Hon. John Hyde, MLA electoral office. The City has sort the Hon. Members comments and advise that he had no objections.

This location was considered the most appropriate as it is approximately midway between Brisbane Street and Robinson Avenue. Further, it is adjacent to a 'No Stopping' zone protecting the dual crossovers to 446-448 and 452-460 William Street, thereby providing easy accessibility for vehicles to enter and exit the Loading Zone.

The City will place a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs.

CONSULTATION/ADVERTISING:

Affected businesses will be informed of the Council's decision in accordance with the City's consultation policy.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Implementing the new restrictions will require the supply and installation of two (2) new signs and poles, which will cost approximately \$250.

COMMENTS:

Loading Zones are generally provided in commercial precincts within the City to cater to the specific needs of the adjacent businesses. In this instance the nearest Loading Zone in William Street is an impractical distance to the businesses at the northern end of the William Street commercial precinct and therefore it is recommended for approval.'

9.3.1 Investment Report as at 30 November 2011

Ward:	Both	Date:	9 December 2011
Precinct:	All	File Ref:	FIN0033
Attachments:	001 – Investment Report		
Tabled Items:	Nil		
Reporting Officers:	B C Tan, Manager Financial Services; N Makwana, Accounting Officer		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council **NOTES** the Investment Report for the month ended 30 November 2011 as detailed in Appendix 9.3.1.

COUNCIL DECISION ITEM 9.3.1

Moved Cr Maier, Seconded Cr Harley

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Topelberg was an apology for the meeting.)

PURPOSE OF REPORT:

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

BACKGROUND:

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

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

DETAILS:

Total Investments for the period ended 30 November 2011 were \$21,011,000 compared with \$21,511,000 at 31 October 2011. At 30 November 2010, \$21,086,506 was invested.

Investment comparison table:

	2010-2011	2011-2012
July	\$11,109,646	\$13,511,000
August	\$22,184,829	\$24,011,000
September	\$20,084,829	\$22,011,000
October	\$20,084,829	\$21,511,000
November	\$21,086,506	\$21,011,000

Total accrued interest earned on Investments as at 30 November 2011:

	Annual Budget	Budget Year to Date	Actual Year to Date	%
Municipal	\$567,000	\$222,000	\$265,054	46.75
Reserve	\$433,000	\$175,000	\$229,591	53.02

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

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

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

COMMENT:

As the City performs only a custodial role in respect of monies held in Trust Fund Investments these monies cannot be used for Council purposes. As at 27 June 2011, key deposits, hall deposits, works bonds, planning bonds and unclaimed money were transferred into Trust Bank account as required by Local Government (Financial Management) Regulations 1996, Section 8 (1b).

The funds invested have reduced from previous period due to payments to creditors.

The report comprises of:

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

9.3.2 Authorisation of Expenditure for the Period 1 – 30 November 2011

Ward:	Both	Date:	9 December 2011
Precinct:	All	File Ref:	FIN0032
Attachments:	001 – Creditors Report		
Tabled Items:	-		
Reporting Officers:	O Wojcik, Accounts Payable Officer; B Tan, Manager Financial Services		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council **CONFIRMS** the;

1. **Schedule of Accounts for the period 1 November – 30 November 2011 and the list of payments;**
2. **direct lodgement of payroll payments to the personal bank account of employees;**
3. **direct lodgement of PAYG taxes to the Australian Taxation Office;**
4. **direct lodgement of Child Support to the Australian Taxation Office;**
5. **direct lodgement of creditors payments to the individual bank accounts of creditors; and**
6. **direct lodgement of Superannuation to Local Government and City of Perth superannuation plans;**

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

COUNCIL DECISION ITEM 9.3.2

Moved Cr Maier, Seconded Cr Harley

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Topelberg was an apology for the meeting.)

DECLARATION OF INTEREST

Members/Officers	Voucher	Extent of Interest
Nil.		

PURPOSE OF REPORT:

To present to the Council the expenditure and list of accounts approved by the Chief Executive Officer under Delegated Authority for the period 1 November – 30 November 2011.

BACKGROUND:

The Council has delegated to the Chief Executive Officer (Delegation No. 3.1 the exercise of its power to make payments from the Town's Municipal and Trust funds. In accordance with Regulation 13 of the Local Government (Financial Management) Regulations 1996 a list of accounts paid by the Chief Executive Officer is to be provided to the Council, where such delegation is made.

The Local Government Act provides for all payments to be approved by the Council. In addition the attached Schedules are submitted in accordance with Regulation 13 of the Local Government (Finance Management) Regulations 1996.

DETAILS:

The Schedule of Accounts to be passed for payment, cover the following:

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Automatic Cheques	070986 - 071367	\$444,549.06
Transfer of Creditors by EFT Batch	1305-1307, 1309-1314, 1317	\$3,097,832.01
Transfer of PAYG Tax by EFT	November 2011	\$231,185.35
Transfer of GST by EFT	November 2011	
Transfer of Child Support by EFT	November 2011	\$702.86
Transfer of Superannuation by EFT:		
• City of Perth	November 2011	\$28,141.50
• Local Government	November 2011	\$107,400.17
Total		\$3,909,810.95
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$9,352.41
Lease Fees		\$5,396.88
Corporate Master Cards		\$11,646.43
Loan Repayment		\$112,512.45
Total Bank Charges & Other Direct Debits		\$138,908.17
Less GST effect on Advance Account		0.00
Total Payments		\$4,048,719.12

LEGAL POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2011-2016:

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

*4.1.2 Manage the organisation in a responsible, efficient and accountable manner;
(a) Continue to adopt best practice to ensure the financial resources and assets of the Town are responsibly managed and the quality of services, performance procedures and processes is improved and enhanced.”*

SUSTAINABILITY IMPLICATIONS:

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

ADVERTISING/CONSULTATION:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENT:

All municipal fund expenditure included in the list of payments is in accordance with the Council's adopted Annual Budget or has been authorised in advance by the Council where applicable.

Vouchers, supporting invoices and other relevant documentation are available for inspection at any time following the date of payment and are tabled.

9.3.3 Financial Statements as at 30 November 2011

Ward:	Both	Date:	9 December 2011
Precinct:	All	File Ref:	FIN0026
Attachments:	001 – Financial Reports		
Tabled Items:	002 – Significant Accounting Policies		
Reporting Officers:	B C Tan, Manager Financial Services; N Makwana, Accounting Officer		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council **RECEIVES** the Financial Statements for the month ended 30 November 2011 as shown in Appendix 9.3.3.

COUNCIL DECISION ITEM 9.3.3

Moved Cr Maier, Seconded Cr Harley

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Topelberg was an apology for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to present the Financial Statements for the period ended 30 November 2011.

BACKGROUND:

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

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

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

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

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

DETAILS:

The following documents represent the Statement of Financial Activity for the period ending 30 November 2011:

Note	Description	Page
1.	Summary of Programmes/Activities	1-17
2.	Statement of Financial Activity by Programme Report	18
3.	Statement of Financial Activity by Nature or Type Report	19
4.	Statement of Financial Position	20
5.	Statement of Changes in Equity	21
6.	Notes to the Net Current Funding Position	22-23
7.	Capital Works Schedule	24-30
8.	Restricted Cash Reserves	31
9.	Sundry Debtors Report	32
10.	Rate Debtors Report	33
11.	Beatty Park Leisure Centre Report – Financial Position	34
12.	Variance Comment Report	35-40
13.	Monthly Financial Positions Graph	41-43

1. SIGNIFICANT ACCOUNTING POLICIES AND NOTES

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

Comments on the financial performance are set out below:

2. As per Appendix 9.3.3.

3. Statement of Financial Activity by Programme Report

Operating Revenue excluding Rates

YTD Actual	\$7,695,772
YTD Revised Budget	\$8,216,319
YTD Variance	(\$520,547)
Full Year Budget	\$19,174,015

Summary Comments:

The total operating revenue is currently 94% of the year to date Budget estimate.

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

Governance – 231% over budget;
 Law Order and Public Safety – 135% over budget;
 Health – 3% under budget;
 Education and Welfare – 71% over budget
 Community Amenities – 38% over budget;
 Recreation and Culture – 25% under budget;
 Transport – 9% under budget;
 Economic Services – 16% under budget; and
 Other Property and Services – 37% over budget.

Note: Detailed variance comments are included on page 35 – 40 of Appendix 9.3.3.

Operating Expenditure

YTD Actual	\$17,389,689
YTD Revised Budget	\$17,697,763
YTD Variance	(\$308,074)
Full Year Budget	\$42,263,978

Summary Comments:

The total operating expenditure is currently 98% of the year to date Budget estimate

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

Governance – 4% over budget;
 Community Amenities – 2% under budget;
 Recreation and Culture – 3% under budget;
 Transport – 8% under budget;
 Economic Services – 32% over budget; and
 Other Property & Services – 24% over budget.

Note: Detailed variance comments are included on page 35 – 40 of Appendix 9.3.3.

Net Operating and Capital Excluding Rates

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

YTD Actual	\$7,852,916
YTD Revised Budget	\$13,168,625
Variance	(\$5,315,708)
Full Year Budget	\$23,333,918

Summary Comments:

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

Note: Detailed variance comments are included on page 35 – 40 of Appendix 9.3.3.

4. Statement of Financial Activity by Nature and Type Report

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

**5. Statement of Financial Position and
6. Statement of Changes in Equity**

The statement shows the current assets of \$28,119,734 and non-current assets of \$188,262,886 for total assets of \$216,382,620.

The current liabilities amount to \$10,566,820 and non-current liabilities of \$11,100,336 for the total liabilities of \$21,667,156.

The net asset of the City or Equity is \$194,715,464.

7. Net Current Funding Position

	Note	30 Nov 2011 YTD Actual \$
Current Assets		
Cash Unrestricted	1	10,596,308
Cash Restricted	2	8,903,553
Receivables – Rubbish and Waste	3	5,788,581
Receivables – Others	4	3,325,665
Inventories	5	192,587
		28,806,694
Less: Current Liabilities		
Trade and Other Payables	6	(5,176,212)
Provisions	7	(2,433,906)
Accrued Interest (included in Borrowings)	8	(134,004)
		(7,744,121)
Less: Restricted Cash Reserves		(8,903,553)
Net Current Funding Position		12,159,019

The net current asset position as at 30 November 2011 is \$21,062,572.

Note: Detailed analyses are included on page 22-23 of Appendix 9.3.3.

8. Capital Expenditure Summary

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

	Budget	Year to date Revised Budget	Actual to Date	%
Furniture & Equipment	\$183,000	\$200,557	\$32,739	16%
Plant & Equipment	\$1,126,500	\$289,400	\$179,594	62%
Land & Building	\$15,154,425	\$4,772,750	\$783,564	16%
Infrastructure	\$12,082,448	\$2,690,783	\$1,334,578	50%
Total	\$28,546,373	\$7,953,490	\$2,330,475	29%

Note: Detailed analyses are included on page 24-30 of Appendix 9.3.3.

9. Restricted Cash Reserves

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

The balance as at 30 November 2011 is \$8.9m. The balance as at 30 November 2010 was \$9.1m.

10. Sundry Debtors

Other Sundry Debtors are raised from time to time as services are provided or debts incurred. Late payment interest of 11% per annum may be charged on overdue accounts. Sundry Debtors of \$599,171 is outstanding at the end of November 2011.

Out of the total debt, \$199,676 (33.3%) relates to debts outstanding for over 60 days, which is related to Cash in Lieu Parking.

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

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

11. Rate Debtors

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

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

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

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

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

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

Rates outstanding as at 30 November 2011 including deferred rates was \$5,627,934 which represents 24.57% of the outstanding collectable income compared to 24.76% at the same time last year.

12. Beatty Park Leisure Centre – Financial Position Report

As at 30 November 2011 the operating deficit for the Centre was \$885,998 in comparison to the year to date budgeted deficit of \$398,618.

The cash position showed a current cash deficit of \$650,000 in comparison year to date budget estimate of a cash deficit of \$218,393. The cash position is calculated by adding back depreciation to the operating position.

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

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

As a result a revised budget for Beatty Park to reflect these changes of the operations in the centre is currently being prepared.

13. Variance Comment Report

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

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2011-2016:

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

*4.1.2 Manage the organisation in a responsible, efficient and accountable manner;
(a) Continue to adopt best practice to ensure the financial resources and assets of the City are responsibly managed and the quality of services, performance procedures and processes is improved and enhanced."*

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENT:

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

9.3.4 Beatty Park Redevelopment, 220 Vincent Street, North Perth – Progress Report No. 3

Ward:	South	Date:	9 December 2011
Precinct:	Smiths Lake	File Ref:	CMS0003
Attachments:	001 – Progress Photographs		
Tabled Items:	-		
Reporting Officers:	D Morrissy; Manager Beatty Park Leisure Centre; M Rootsey, Director Corporate Services		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **RECEIVES** Progress Report No. 3 as at 9 December 2011, relating to the Beatty Park Leisure Centre Redevelopment Project, 220 Vincent Street, North Perth.

COUNCIL DECISION ITEM 9.3.4

Moved Cr Maier, Seconded Cr Harley

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Topelberg was an apology for the meeting.)

PURPOSE OF REPORT:

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

BACKGROUND:

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 the following:

“That the Council;

1. **RECEIVES:**
 - 1.1 *the report as at the 18 August 2011 concerning the Beatty Park Leisure Centre Redevelopment, 220 Vincent Street, North Perth; and*
 - 1.2 *the Consultant's Independent Review Report 2011 by Macri Partners (Certified Practising Accountants) external review of the Business Cases, as shown in Appendix 9.4.6(A);*
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>

- (b) *The Chief Executive Officer to review the Project Funding, in event that Federal Funding Grants are received.*

- 2.2 of a loan of \$8,065,000 for the Beatty Park Leisure Centre Redevelopment Stage 1;
- 2.3 the Indicative Project Budget for the Beatty Park Leisure Centre Redevelopment Stage 1, as outlined in this report;
- 2.4 the Project Timeline Gantt Chart, as outlined in this report and as shown in Appendix 9.4.6(B);
- 2.5 of \$630,000 for an essential Fire Hydrant System and Tanks, Fire Detection and Alarm System and Perimeter Vehicle Access to ensure compliance with the Building Code of Australia and AUTHORISES the Chief Executive Officer to advertise the necessary tenders for the required works; and
- 2.6 of \$120,000 for the Percent for Art contribution, in accordance with the City's Percent for Art Policy No. 3.5.13;
- 2.7 the allocation of \$5,000,000 of the State Government's Lease payment (when received) as follows;

Project	Amount
Beatty Park Leisure Centre Redevelopment	\$3,000,000
Hyde Park Lakes Reserve Fund	\$2,000,000

- 2.8 the purchase of the non technical user manuals at a cost of \$15,000 and the Project Budget be adjusted accordingly;
 - 2.9 the deletion of the Rainwater reuse and the Provisional Sum of \$200,000 from the Project Cost - Optional Extras and the budget be adjusted accordingly;
3. ACCEPTS the following Tenders:
- 3.1 Construction:

No. 429/11 by Perkins Builders, as being the most acceptable to the City for the construction of the Beatty Park Leisure Centre Redevelopment Stage 1, 220 Vincent Street, North Perth, for a price of \$11,987,000 (exclusive of Goods and Services Tax); and
 - 3.2 Geothermal Energy System:

No. 430/11 by Drilling Contractors of Australia - Option 2 35L/S, as being the most acceptable to the City for the Geothermal Energy System for the Beatty Park Leisure Centre Redevelopment, 220 Vincent Street, North Perth, for a price of \$2,930,541 (exclusive of Goods and Services Tax);
4. AUTHORIZES the:
- 4.1 Mayor and Chief Executive Officer to sign the approved tender Contracts and affix the Council's Common Seal;
 - 4.2 Chief Executive Officer to make minor changes to the Beatty Park Leisure Centre Project during construction, as required, subject to the cost not exceeding the Project Budget of \$17,065,000; and
 - 4.3 Chief Executive Officer to negotiate and approve the most acceptable loan for the City; and

5. *NOTES:*

- 5.1 *that a Communication Strategy has been prepared to inform the community and Centre users/patrons of the redevelopment project; and*
- 5.2 *the Centre Manager is authorised and will be responsible for the dealing of patron memberships, including;*
- (a) allowing for a temporary suspension during construction;*
 - (b) providing a full or part refund;*
 - (c) providing an extension on membership; and*
 - (d) or any combination of the above."*

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 tender will 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;
- Roof Safety Fall Arrest System;
- Door Hardware;
- 12 Additional Pool Anchor Points;
- Kitchen Equipment; and
- Temporary Entrance Work.

Geothermal

Additional 100m drilling to obtain adequate temperature.

1.4 **Cost Variations**

Construction

Variation	Description	Variation Amount	Adjustments	Comment/Reason for Variation
\$7,000 PS	Roof Safety Fall Arrest System	\$6,055	\$945	Cost saving as the actual cost is less than the provisional sum.
\$85,000 PS	Door Hardware	\$59,170	\$25,830	Cost saving as the actual cost is less than the provisional sum.
Nil	12 Additional Pool Anchor Points	\$5,016	-\$5,016	These anchor points were omitted when the pool design was finalised
\$200,000 PS	Kitchen Equipment	\$143,887	\$56,113	Cost saving as the actual cost is less than the provisional sum.
\$20,000 PS	Temporary Entrance Work	\$27,153	-\$7,153	Additional cost as the actual cost of the works is higher than the provisional sum.
Nil	Removal of existing concrete pool concourse	\$29,920	-\$29,920	Additional cost as the original concrete was required to be removed to allow for correct heights of the new pool

* Provisional Sum (PS)

Total Variation Savings	\$82,888
Total Variation Additions	\$42,089
Total Adjustment	\$40,798 (savings)

Geothermal

Variation	Description	Variation Amount	Adjustments	Comment/Reason for Variation
Nil	Additional 100m drilling	\$61,000	-\$61,000	The bore was required to be 100m deeper to achieve the correct temperature.

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

1.5 **Claims**

None at this point in time.

1.6 **Insurance**

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

2. GEOTHERMAL WORKS

2.1 **Groundworks**

Completed.

2.2 **Bores**

Drilling of production bore pilot hole completed on the 25 November 2011.

Geophysical logging showed temperature slightly lower than expected so drilling was approved to go a further 100m to obtain adequate results. This was achieved and the reaming of the production bore commenced on the 5 December 2011 with completion of the bore expected before Christmas.

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**

Dust protection barriers setup in existing area to minimise dust from pool construction entering facility in operation.

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**

Not applicable at this time.

3.5 **Hydraulic services**

Not applicable at this time.

3.6 **Electrical Services**

Not applicable at this time.

3.7 **Mechanical services**

Not applicable at this time.

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**

Clearing of area for new building footings has commenced.

4.3 **Structural and Civil Engineering**

Not applicable at this time.

4.4 **Hydraulic services**

Not applicable at this time.

4.5 **Electrical Services**

Main site switchboard and distribution board shop drawings have been submitted and approved.

4.6 **Mechanical services**

Not applicable at this time.

4.7 **Environmental services**

Photovoltaic Cell array has been designed and the cost is being determined.

5. POOLS AND PLANT ROOM

5.1 **Outdoor Main Pool**

Demolition completed.

Original pool concourse removal is complete.

Preparation of area for the pool floor and the drainage installation is underway.

5.2 **Dive Pool**

Dive pool depth reduced to 2m with clean sandfill and compacted.

Tiles removed from pool floor and walls in preparation for retiling.

5.3 **New Learn to swim pool**

No work has commenced to date.

5.4 **Indoor pool/Leisure area**

Pool closed and drained on 28 November 2011.

Demolition commenced 29 November 2011.

5.5 **Plant Room**

Pool plant decommissioned 28 November 2011.

Removal of outdoor pool filtration equipment commenced on 5 December 2011.

6. INDICATIVE TIMELINE

6.1 **Progress**

Building and pool work on schedule.

Geothermal work is slightly ahead of schedule.

6.2 **Days Claimed**

One (1) wet weather day (disputed by the City as indoor work still continued).

7. COMMUNICATION PLAN

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

- Frequently asked questions (FAQ's) posted on the City's website and displayed within the facility;
- A number of mailouts to members, clubs and stakeholders;
- 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. (25 followers as at 6 December 2011).

There has been a positive reaction to the redevelopment and the communication provided.

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 150.

Refunds have been provided to those members who requested this option. As at the 24 November 2011 a total of \$23,019.24 has been refunded.

A revised membership fee structure has been 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 1338.

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.

This has also enabled the City to offer continuing employment to a number of employees in this area and also maintain a revenue source.

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.

10. HISTORY

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

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

A large amount of material was received by the Library and Local History Centre during the recent local history awards which will assist in the compilation of the book.

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

CONSULTATION/ADVERTISING:

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

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

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

LEGAL/POLICY:

Not Applicable.

RISK MANAGEMENT IMPLICATIONS:

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

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

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

Objective 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

Two (2) progress claim has been received to date.

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		
No. 3				
No. 4				
No. 5				
No. 6				
No. 7				
No. 8				
No. 9				
No. 10				
Total Paid			\$168,597.91	

Geothermal Tender Progress Claim Payments – Drilling Contractors Australia

One (1) progress claim has been received to date.

Progress Payment Number	Date Received	Amount Requested (excl GST)	Amount Paid (excl GST)	Date Paid
No. 1	18/11/2011	\$482,899.18		
No. 2				
No. 3				
No. 4				
No. 5				
No. 6				
No. 7				
No. 8				
No. 9				
No. 10				
Total Paid			Nil.	

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

Loan

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

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

CSRFF Funding

The City of Vincent will claim funds from this grant for the Pool, Geothermal and Changeroom works.

Additional Funds

The Administration is following grant enquiries from the following organisations:

- Lotterywest;
- Heritage Council; and
- Healthways.

COMMENTS:

The Beatty Park Redevelopment Project has commenced and the work is currently on schedule and good progress is being made. The requirement to drill an extra 100 metres to obtain the recommended temperature has been the only major variation to the scope of work.

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

9.3.5 Sponsorship of Tennis Seniors Australian Championships Event – Robertson Park Tennis Complex

Ward:	South	Date:	9 December 2011
Precinct:	Hyde Park (12)	File Ref:	FIN0008
Attachments:	001 – Correspondence from Tennis Seniors WA		
Tabled Items:	Nil		
Reporting Officer:	M Rootsey, Director Corporate Services		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council **APPROVES** the request from Tennis Seniors West Australia Inc for sponsorship of \$4,500 for the Tennis Seniors Australian Championships Event.

COUNCIL DECISION ITEM 9.3.5

Moved Cr Maier, Seconded Cr Harley

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Topelberg was an apology for the meeting.)

PURPOSE OF REPORT:

To seek approval of the request from Tennis Seniors West Australia Inc. for sponsorship to assist with the Tennis Seniors Australian Championships Event being held from the 9 - 20 January 2012 at the Robertson Park Tennis complex.

BACKGROUND:

Tennis Seniors West Australia Inc will be hosting the Tennis Seniors Australian Championships Event at Robertson Park Tennis complex from 9 – 20 January 2012.

The Championships are an annual event that is rotated between the Australian States, which attracts national and international competitors along with their family and friends. At present, player participation numbers are estimated at six hundred (600).

DETAILS:

Tennis Seniors are managing the tournament expenses from their own limited resources and financial estimates surrounding the event total \$140,000.

Due to unsuccessful attempts to obtain funding from Department of Sport and Recreation, Events Corporation, Healthways and Lotterywest, Tennis Seniors has approached the City to provide sponsorship of \$8,000 to assist with the following essential equipment and services required:

- Hire of public address system for the Opening Ceremony, \$500;
- Hire of audio visual equipment for use at the Presentation dinner, \$1,000;
- Bus hire for transportation of competitors, officials and visitors, \$4,000; and
- Printing and production costs associated with the official event programme, \$3,000.

As part of the sponsorship the Mayor and City representatives would be invited to attend the Opening Ceremony, Presentation Dinner and would be acknowledged in the official event programme.

The Tennis Seniors is requesting sponsorship of \$8,000 which is a significant figure from the City for any event.

It is recommended that the City provide sponsorship of \$4,500 for the hire of public address system, audio visual equipment and the printing and production costs associated with the event programme.

CONSULTATION/ADVERTISING:

The City's support will be acknowledged in all advertising of the event.

LEGAL/POLICY:

Not Applicable.

RISK MANAGEMENT IMPLICATIONS:

Low: Tennis Seniors West Australia Inc. will be responsible for undertaking all risk management implications.

STRATEGIC IMPLICATIONS:

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

"2.1: Progress economic development with adequate financial resources:

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

(e) Promote tourist activity with the City and review the City's facilities in terms of attracting regional events and programs.

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

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

Budget Amount:	\$22,000
Spent to Date:	\$2,131.63
Balance:	\$19,868.37

COMMENTS:

Hosting the event at the Robertson Park Tennis complex is an excellent opportunity for both Tennis Seniors West Australia Inc. and the City to showcase this community facility.

The event will bring tangible benefits to the City through increased economic activity as a result of significant number of visitors participating in the event and intangible benefits through increasing its reputation of its excellent sporting and community facilities.

The City is in support of providing Tennis Seniors with the \$4,500 sponsorship as it will ensure that the tournament is able to run at maximum efficiency along with enhancing the reputation of Robertson Park and the City of Vincent.

9.3.6 No. 13 (Lot 9) Haynes Street, North Perth – Kidz Galore Request for Lease Extension

Ward:	North	Date:	9 December 2011
Precinct:	North Perth (8)	File Ref:	PRO4280
Attachments:	001 -Leased Premises, Carpark Area Map & letter from Kidz Galore		
Tabled Items:	Nil		
Reporting Officer:	T Lumbis, Executive Secretary Technical Services		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That subject to the Development Application stamp dated 6 December 2012, for proposed temporary demountable additions to the Child Care Centre and an increase in numbers from 33 to 70 children (as listed in Item 9.1.1 on this Agenda) being approved, the Council APPROVES:

1. a five (5) year Lease extension from 1 April 2015 to 31 December 2020, for Kidz Galore at the premises located at 13 Haynes Street, North Perth as shown in Appendix 9.3.6A; and
2. the lease of seven (7) car bays for the period to 31 December 2020 in the carpark adjacent to the Dental Health Clinic, Lot No. 93 as shown in Appendix 9.3.6B being granted to Kidz Galore subject to final satisfactory negotiations being carried out by the Chief Executive Officer.

COUNCIL DECISION ITEM 9.3.6

Moved Cr Maier, Seconded Cr Harley

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Topelberg was an apology for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to provide Council with details regarding the Kidz Galore lease and their request for a new Lease extension.

BACKGROUND:

Kidz Galore have leased this property at 13 Haynes Street North Perth since the year 2000.

The latest lease was for the five (5) year period from 1 April 2005 to 31 March 2010, with a further five (5) year option. This option was exercised in March 2010 and is due to expire on 31 March 2015.

DETAILS:

Kidz Galore has submitted a development application for an increase to the current child care facility with the installation of a demountable building to provide an additional thirty seven (37) child care spaces. This is included at Item 9.1.1 on this Agenda.

The Development Application as deferred for further consideration. The Kidz Galore Directors subsequently met with Mayor Hon. Alannah MacTiernan and the Chief Executive Officer and, thereafter with the City's Officers to progress the matter.

This is a significant investment for this organisation and the financial feasibility of this project calculates a minimum payback period of four (4) years and six (6) months.

Kidz Galore are therefore seeking a lease extension at this point of time to be given security of tenure for their investment.

They have requested a further five (5) years from the end of the current option period. It has been suggested that this is extended to the end of December 2020 to coincide with the end of the school year.

In addition to accommodate the shortfall in parking for this development it is proposed to lease seven (7) car bays to Kidz Galore at the Council owned car park, Lot 93 next to the Dental Health Clinic in Sydney Street.

This carpark is currently not utilised and is vacant since the Dental Health Clinic closed to be replaced by the Special Service Dental Clinic. Clients for the Clinic attend the premises in specialised transport and park out of the front of the unit.

The Applicant will pay for the construction of 11 perpendicular car parking bays in Eton Street, at an estimated cost of \$45,000, as shown in Appendix 9.3.6C.

A copy of the Applicant's request is shown at Appendix 9.3.6D.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

City of Vincent Policy 1.2.1 – Policy Statement:

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

RISK MANAGEMENT IMPLICATIONS:

Low: Kidz Galore have been excellent tenants during their lease periods.

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:

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

Budget Amount:	\$24,390
Spent to Date:	\$10,161.45
Balance:	\$14,228.55

COMMENTS:

Kidz Galore have been good tenants for the duration of their lease periods and the Administration supports a further five (5) year extension to the lease period.

This extension will provide security of tenure for the organisation and support the expansion of the child care services at these premises, together with providing an increased capacity of this service for the community.

9.4.2 Community and Welfare Grants and Donations Scheme 2011/2012

Ward:	Both	Date:	8 December 2011
Precinct:	All	File Ref:	FIN0198
Attachments:	Nil		
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 grants and donations as part of the funding for donations as approved in the 2011/2012 Annual Budget:

Organisation	Amount
Association of Relatives and Friends of the Mentally Ill (ARAFMI)	\$5,830
Salvation Army	\$5,830
Carers WA	\$5,000
Multicultural Services Centre of WA	\$5,000
Women's Health and Family Service	\$5,826
Total	\$27,486

2. a Memorandum of Understanding (MOU) to provide the maximum amount of funding for a period of three (3) years to the following organisations: ARAFMI, Carers WA and Salvation Army.

COUNCIL DECISION ITEM 9.4.2

Moved Cr Maier, Seconded Cr Harley

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

(Cr Topelberg was an apology for the meeting.)

PURPOSE OF REPORT:

To obtain the Council's approval for the first round of Community and Welfare Grants and Donations Scheme for the 2011/2012 financial year, and a Memorandum of Understanding to provide the maximum amount of funding for a period of three (3) years to ARAFMI, Carers WA and Salvation Army.

BACKGROUND:

The City of Vincent established the Community and Welfare Grants and Donations Scheme 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 of Vincent 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. All applications are thoroughly assessed in accordance with determined criteria and guidelines.

Each application has been rated against the set criteria. The ratings are shown below:

Criteria	Weighting
Adherence to City of Vincent policy and guidelines	30%
Benefit to City of Vincent residents	20%
Financial viability of the project or programme	10%
Previous grants acquitted satisfactorily	10%
Targets vulnerable and disadvantaged groups in the community	10%
A unique service that meets the needs of the community	10%
Demonstrated experience in delivering the service or programme	10%
	100%

DETAILS:

A summary of the applications and their ratings is shown below:

Organisation	Association of Relatives and Friends of the Mentally Ill (ARAFMI)
Purpose of Funding	<p>The funding will provide specific activities in the Mental Health Respite and Recreation Programme that will target City of Vincent residents. These programmes include:</p> <p>Massage Days for Carers. Massage is extremely useful in helping to reduce stress felt by carers. These days would be for City of Vincent residents and each day would provide massage for eight (8) City of Vincent Carers. The massage days would be advertised in the ARAFMI weekly newsletter as a City of Vincent sponsored event. Total Cost \$960</p> <p>Youth Camps, January and April 2012 at Ern Halliday Recreation Camp. ARAFMI currently sends young carers to these camps during the school holidays. The camps provide respite for these young carers, which is quite often the highlight of their year. ARAFMI requests City of Vincent sponsor two (2) children aged nine (9) to eleven (11) years, at each camp and two (2) children aged twelve (12) to fourteen (14) years at each camp. Camp sponsorship will be open to four (4) young carers residing in the City of Vincent. Total Cost \$1,840</p> <p>Recreation Day for Adults with Mental Illness. This programme currently operates at Beatty Park every Friday. The group is made up of adults with Mental Illness and is a great way for these individuals to connect with society. Approximately eight (8) adults attend each session providing an opportunity for 368 people to access this programme. ARAFMI currently uses a volunteer to supervise these sessions. The request is for the City of Vincent to fund the cost of the volunteer which is at a rate of \$45 per day for forty six (46) weeks throughout the year. Total Cost \$2,070</p> <p>School Holiday Programme. ARAFMI coordinates a variety of excursions for aged eight (8) to eighteen (18) years, including bowling, movies, trips to adventure world and trips to Rottnest Island. Transport and meals are also provided. The request is for the City of Vincent to sponsor three (3) residents for two (2) days of each holiday programme in January, April, October and December 2012; for a total of twenty four (24) City of Vincent residents. Average cost per child is \$40. Total Cost \$960</p>

Organisation	Association of Relatives and Friends of the Mentally Ill (ARAFMI)
Target Group	Youth aged eight (8) to eighteen (18) years, people with disabilities (mental illness), seniors, indigenous carers, carers for people with mental illness, people from culturally and linguistically diverse (CaLD) backgrounds and volunteers.
Services Provided	ARAFMI provides support services for anyone who is affected by mental illness. This includes counselling services for adults and children aged eight (8) to eighteen (18) years, respite for carers is also offered. This includes youth camps for young carers age nine (9) to fourteen (14) years; school holiday programmes for young carers age eight (8) to eighteen (18) years; massage treatments; holiday home in Yanchep which is available for carers use free of charge. ARAFMI also provides advocacy for carers. There is also a recreation programme which is for adults with mental illness. ARAFMI also goes into schools to educate young people on mental illness.
Incorporated	Yes
Residents Served	ARAFMI currently has 126 people on record who reside within the City of Vincent. The funding requested aims to specifically target and service City of Vincent residents.
Comments	ARAFMI is a unique service that provides support for both people with mental illness and their carers. Funding is requested to assist in the provision of the Mental Health Respite and Recreation Programme. The funding requested is specifically for City of Vincent residents. This aims to support residents and improve the lives of residents that are not currently accessing the service.
Amount Requested	\$5,830
Officer Recommendation	\$5,830 for provision of the ARAFMI Mental Health Respite and Recreation Programme.

ARAFMI	Raw Score	Weighted Score
Adherence to City of Vincent policy and guidelines	90	27%
Benefit to City of Vincent residents	85	17%
Financial viability of project or programme	90	9%
Previous grants acquitted satisfactorily	100	10%
Targets vulnerable and disadvantaged groups in the community	90	9%
A unique service the meets the needs of the community	90	9%
Demonstrated experience in delivering the service or programme	90	9%
	635	90%

Organisation	Salvation Army
Purpose of Funding	The Perth Community Support Service Programme: To provide emergency relief to marginalised individuals and families. Clients access this service at 333 William Street, Northbridge. After a brief interview, appropriate support is provided. This service operates five (5) days per week in the morning and afternoon. The Salvation Army accepts clients without a prior arranged interview. Trained professional staff, supported by committed competent volunteers deliver the service.
Target Group	The Perth Community Support Service assists families and individuals who are experiencing economic hardship. Assistance is offered without discrimination to anyone in need regardless of his or her age, race or religion.
Services Provided	The Perth Community Support Service provides emergency relief to families and individuals, including City of Vincent residents. This service includes the provision of food parcels, clothing, and assistance with expenses, counselling and training in life skills.
Incorporated	Yes

Organisation	Salvation Army
Residents Served	In the 2010/2011 financial year, 1352 City of Vincent residents were provided with this service, which represents 21% of the programme clientele. These clients access the services two (2) to three (3) times per year. Due to the funding provided last year, Financial Counsellors and Emergency Relief Officers were able to work more closely with each client spending on average forty five (45) minutes with each client.
Comments	The Salvation Army's Perth Community Support Service provides emergency relief services to residents all over the Perth area, including City of Vincent residents.
Amount Requested	\$7,500
Officer Recommendation	\$5,830 for the provision of the Perth Community Support Service. Amount requested is not recommended as it exceeds the maximum amount.

Salvation Army	Raw Score	Weighted Score
Adherence to City of Vincent policy and guidelines	90	27%
Benefit to City of Vincent residents	80	16%
Financial viability of project or programme	90	9%
Previous grants acquitted satisfactorily	100	10%
Targets vulnerable and disadvantaged groups in the community	95	9.5%
A unique service that meets the needs of the community	85	8.5%
Demonstrated experience in delivering the service or programme	95	9.5%
	635	89.5%

Organisation	Carers WA
Purpose of Funding	<p>The funding will provide specific activities in the Social Support Programme that will target City of Vincent residents. These programmes include:</p> <p>Short Break with Carers WA (CAWA). The CAWA Short Break programme is a proven and very effective tool in enabling carers to re-energise and re-focus away from their caring environment, reduce isolation and develop social networks. During the three (3) day and two (2) night break, the carers are encouraged to relax, offered pampers, walks, group activities and all meals and soft drinks are provided. Two (2) staff members are available for social support and counselling and to coordinate all activities and ten (10) City of Vincent carers at \$200 per person. Total Cost \$2,000</p> <p>Movie Events. Each quarter CAWA offer a free movie event for up to 200 carers. This event is moved to a different cinema each quarter to allow all carers in the Metro area a chance to attend. CAWA is seeking a 20% contribution to four (4) movies, in which approximately 160 City of Vincent carers will attend. Total Cost \$1,000</p> <p>Day Trips. The day trips would be looking to support thirty (30) carers from the City of Vincent with an annual day trip. Day trip for thirty (30) City of Vincent carers. Total Cost \$1,500</p>

Organisation	Carers WA
	<p>Linking Together. The Linking Together programme hosts monthly events in Metro areas to encourage new and old carers to become more involved within their local community and take a break from their caring role, whilst also allowing them time to gain and share information. The Linking Together Programme also encourages friendships and local support networks and helps capacity build the groups to go on and establish their own networks. Support for holding twelve (12) linking together lunches for a total of 180 carers. Total Cost \$250</p> <p>Multicultural Group. A new group was developed by CAWA in 2010 to encompass all ethnic groups. This group meets each month in Kings Park for a walk, chat, fun, and morning tea. Carers within this group are from all over the world. On average around twenty (20) to thirty (30) carers attend each month and always welcome new members. Total Cost \$250</p>
Target Group	In the City of Vincent area alone, CAWA have 300 carers registered as members. The target group is family carers from the City of Vincent area; however, if successful in this application, Carers WA will put forward a marketing plan to create more interest and target new carers in the City.
Services Provided	<p>CAWA are a not for profit community based organisation and registered charity, dedicated to improving the lives of over 250,000 West Australian family carers, who provide the majority of care within the community.</p> <p>As the peak body recognized by the State and Federal Governments, Carers WA is the voice of the family carers, representing their interests in Western Australia. Their purpose is to actively enhance the quality of life of carers: the role of CAWA is to work in active partnership with carers, persons with care and support needs, health professionals, service providers, government and community to achieve an improved quality of life for carers. Their services include the provision of specialist information and advice, resources, carer support through better start, counselling, education and training, carer advocacy and representation and social support activities.</p>
Incorporated	Yes
Residents Serviced	<p>Carers WA have 300 registered carers from the City of Vincent. Eighty four (84) of those carers accessed the Social Support programme on a regular basis throughout the last financial year. CAWA has increased community participation and involvement in City of Vincent and also increased volunteering opportunities by hosting a number of regular events in the City of Vincent, including the monthly Linking Together Lunches and Morning Tea which are usually attended by around ten (10) to fifteen (15) carers each month.</p> <p>In addition, Carers WA hosted a number of movie events in the Metro area which regularly has City of Vincent carers attending. These events are usually attended by 200 carers. Twenty (20) City of Vincent carers have also recently accessed funds through the Short Break programme, which funds groups of family carers take a short break away allowing them respite from their caring role.</p>

Organisation	Carers WA
Comments	<p>Carers WA are looking to achieve respite for family carers in the City of Vincent. All these activities aim to reduce carer isolation and increase social interaction through structured events and activities, and is a vital role making contact with and introducing carers to other support networks and maintaining a healthy lifestyle, both physically and mentally.</p> <p>Carers should be a priority group to support in Vincent as:</p> <ul style="list-style-type: none"> • Carers generally put their own wellbeing last due to their caring role. • Carers do not know what is available, or how to get help organizing a break. • A lack of respite services available in the local area. • The costs of some types of respite activities are not accessible due to the low incomes of carers. • The demands on carers by other family members and responsibilities.
Amount Requested	\$5,000
Officer Recommendation	\$5,000 for the provision of Social Support Programme for City of Vincent Carers.

Carers WA	Raw Score	Weighted Score
Adherence to City of Vincent policy and guidelines	95	28.5
Benefit to City of Vincent residents	80	16%
Financial viability of project or programme	90	9%
Previous grants acquitted satisfactorily	100	10%
Targets vulnerable and disadvantaged groups in the community	90	9%
A unique service that meets the needs of the community	90	9%
Demonstrated experience in delivering the service or programme	95	9.5%
	640	91%

Organisation	Multicultural Services Centre of WA (MCSWA)
Purpose of Funding	<p>The grant will be for the provision of English classes to senior City of Vincent residents, as well as to any other migrants in need of informal English speaking classes. Classes will run twice a week for two (2) hours each. One (1) class covers conversational English; the other is a more advanced class that includes reading and writing. New students can access these classes at any time during the year and will be placed according to their level of proficiency.</p> <p>Due to the informal nature of these classes and the fact that new students keep joining, there is no linear curriculum. The content of the classes adapt to the needs of the students present; generally they work to get people comfortable speaking English in any environment; i.e. at the shops, doctors, pharmacists, post office, public transport, etc. These classes teach the necessary vocabulary and more importantly, help encourage migrants develop the confidence to speak English in public.</p>

Organisation	Multicultural Services Centre of WA (MCSWA)
	<p>MCSWA would like to incorporate into these sessions a series of workshops called "<i>The Aussie Way</i>". The workshops would help migrants adapt to the life in Australia, focusing on the cultural differences between their country of origin and Australia. These workshops will work towards combating the alienation that many new migrants face and promote interaction, tolerance and peaceful co-existence. The sessions will cover the following material:</p> <ul style="list-style-type: none"> • Australian traditions, habits and manners. • Body language, as it is surprisingly different across cultures. • Socializing "<i>The Aussie Way</i>". • Gender equality. • Dress codes and attitudes towards dress. • Australian sports culture. • Australian slang. • Freedom of speech. • Respect for others encouraging peaceful coexistence.
Target Group	<p>MSCWA caters to the needs of culturally and linguistically diverse (CaLD) Western Australians. The target clientele is new migrants and CaLD people of all ages, genders, ethnicities and socio-economic groups.</p>
Services Provided	<p>The main purpose of the Centre is to meet the settlement, welfare, education and training, cultural, legal and related needs of CaLD Western Australians.</p> <p>The main objectives are to:</p> <ul style="list-style-type: none"> • Alleviate poverty within migrant and refugee families through the provision of emergency relief and other available support services and initiatives. • Provide appropriate cultural and linguistic services to address the needs of the diverse populace of WA with special emphasis on matters affecting their general settlement, welfare and education, training and employment, legal and health (including mental health). • Provide culturally and linguistically appropriate services targeting specific needs of women, elderly, youth and people with disabilities. • Build the capacity of new and emerging ethnic groups and empower them to address issues that are of concern to them and the community. • Collaborate and assist ethnic groups whose aims and objects are compatible with those of the Association. • Promote greater awareness of the needs and concerns of culturally and linguistically diverse Western Australians among all levels of the government and non-government sector and general public. • Provide facilities for cultural activities. • Advocate for and promote a united Australia which respects this land of ours, values Aboriginal and Torres Strait Islander and our multicultural heritage and provides justice and equity for all. • Advocate for and promote a racism free society and provide support services for victims of racial discrimination, abuse and harassment. • Undertake initiatives to better assist the Association to respond to natural and other disasters and humanitarian causes overseas.

Organisation	Multicultural Services Centre of WA (MCSWA)
	In order to assist our communities, MCSWA undertakes the following programmes: <ul style="list-style-type: none"> • CaLD Workforce Development Centre Program • Emergency Relief Program • Home and Community Care Programme (HACC) • IHSS On Arrival Accommodation Program • Multicultural Children Services Program • Multicultural Health Services (including MAITRI Mental Health) • Multicultural Housing Services • Settlement Grants Program
Incorporated	Yes
Residents Served	As recorded in the acquittal for MCSWA previous grant in the 2008-2009 financial year, seventy (70) people utilized the programme and sixty five (65) were City of Vincent residents. However, the exact number of residents utilizing the service in the 2010-2011 financial year was not recorded. It is estimated to be approximately seventy (70).
Comments	MCSWA provides a unique service to new immigrants and CaLD West Australians. Many of the persons utilising the Centre are from the City of Vincent and surrounding areas. The Community Development Officer is recommending that as a condition of receiving a grant, MCSWA must record the amount of City of Vincent residents accessing the service in the 2011-2012 financial year.
Amount Requested	\$5,000
Officer Recommendation	\$5,000 for the provision of provisional English classes and "The Aussie Way" classes.

Multicultural Services Centre of WA (MCSWA)	Raw Score	Weighted Score
Adherence to City of Vincent policy and guidelines	90	27%
Benefit to City of Vincent residents	80	16%
Financial viability of project or programme	90	9%
Previous grants acquitted satisfactorily	100	10%
Targets vulnerable and disadvantaged groups in the community	90	9%
A unique service that meets the needs of the community	90	9%
Demonstrated experience in delivering the service or programme	95	9.5%
	635	89.5%

Organisation	Women's Health and Family Service (WHFS)
Purpose of Funding	<p>Come and Try Days. WHFS would like to implement several "Come and Try" days in the beginning of 2012. The days would focus on exercise and nutrition and offer those who participate the opportunity to try the fitness classes on offer at WHFS. Participants will also have the opportunity to access information on other types of low cost and free activities that promote healthy lifestyles. The "Come and Try" days will also incorporate nutritional cooking demonstrations which clients can participate in and have the opportunity to discuss practical tips on how to achieve a healthy weight.</p> <p>The grant requested will allow for four (4) "Come and Try" days with an opportunity for forty (40) clients to participate in each. 160 clients may access the "Come and Try" days.</p> <p>Total Cost \$4,556</p>

Organisation	Women's Health and Family Service (WHFS)
	<p>Beatty Park Brokerage Program. WHFS has a brokerage partnership with Beatty Park Recreation Centre. WHFS clients can sign in for pool entry as well as for gym, fitness and crèche. These entry fees are then charged to the WHFS brokerage system.</p> <p>The Beatty Park Brokerage Program will provide opportunity for approximately 300 people. Although this program is open to all WHFS clients, the majority of the clients that access this program are mental health consumers. Total Cost \$800</p> <p>Social Bike Program. WHFS runs a social bike riding program. This program is available to all clients of WHFS free of charge and bikes are provided for women who do not own their own. For this program to continue and grow, it is necessary for WHFS to train and recruit new volunteers to help supervise and assist on the rides. WHFS would like to send volunteers on a Cycle Skills Coach Course. The course is specifically targeted at coaches who desire to assist novice cyclists in the areas of bicycle skills, road worthiness, the correct choice and fitting of cycling equipment and optimising bicycle set up using existing equipment.</p> <p>Many of the planned bike rides utilise City of Vincent parks and trails. The grant requested would allow for four (4) bike riding sessions with ten (10) attendees in each session, and also allow for three (3) to five (5) volunteers to be trained as cycling guides. Total Cost: \$1,020</p> <p>Advertising and information. WHFS will produce a handout for all participants on how to access the brokerage that WHFS has in place as well as how WHFS clients can use Rec Link activities. WHFS will also produce promotional material to help advertise the "Come and Try" days and the Social Cycling classes. WHFS will also promote the above programs within the City of Vincent to get maximum participation from City of Vincent residents. Total Cost: \$450</p>
Target Group	<p>Programs and services at WHFS are open to all West Australian women including Aboriginal, migrant and refugee women, and their families. Services particularly target those from low socio economic groups, women with problematic alcohol and drug use, and women with chronic mental health issues who are parenting.</p>
Services Provided	<p>Services areas at WHFS include health & medical, mental health, drug and alcohol support and advocacy, domestic violence support and advocacy, community development, and Aboriginal family support. Services are open to West Australian women, their families and their communities. In January 2011 WHFS commenced delivering counselling and support services to thirty (30) rural and remote communities in Western Australia as a part of a new Rural in Reach program.</p>
Incorporated	<p>Yes.</p>
Residents Served	<p>In the past year, WHFS had client contacts with 55,000 women and their families across sixty (60) nationalities. WHFS is currently implementing an access service database to provide them with detailed demographic statistics; the 2011/2012 statistics will accurately reflect the number of residents served. However, due to the close proximity WHFS has to the City of Vincent, they do see a large number of City of Vincent residents in each of the program areas.</p>

Organisation	Women's Health and Family Service (WHFS)
Comments	WHFS provide a number of services focussing on the holistic health and well being of the community. Many of these services are meeting the basic medical and social needs of people who would not otherwise have these needs met. WHFS aims to work in partnership with the City of Vincent Community Development team to specifically target City of Vincent residents for the programs that funding is being requested for. The Community Development Officer is recommending that as a condition of receiving a grant, WHFS must record the amount of City of Vincent residents accessing the service in the 2011-2012 financial year.
Amount Requested	\$6,826
Officer Recommendation	\$6,826 for the provision of Come and Try days, Social Cycling Program, Recreation Brokerage programme, and promotion and advertising material.

Women's Health Service (WHFS)	Raw Score	Weighted Score
Adherence to City of Vincent policy and guidelines	90	27%
Benefit to City of Vincent residents	75	15%
Financial viability of project or programme	85	8.5%
Previous grants acquitted satisfactorily	100	10%
Targets vulnerable and disadvantaged groups in the community	95	9.5%
A unique service that meets the needs of the community	90	9%
Demonstrated experience in delivering the service or programme	90	9%
	625	88%

CONSULTATION/ADVERTISING:

As recommended at the Ordinary Meeting of Council held on 7 December 2010, the following organisations were invited to apply for the November 2011 round of funding:

- Women's Health Services;
- Passages Resource Centre;
- Western Australian AIDS Council;
- The Salvation Army;
- Carers WA;
- Multicultural Services Centre of WA;
- St Vincent De Paul; and
- Epilepsy Association.

Further to these recommendations the Community Development Officer also contacted the following organisations to invite them to apply for funding:

- ARAFMI; and
- Mission Church.

The Community Development Officer successfully contacted and met with the following organisations:

- Women's Health Services;
- The Salvation Army;
- Carers WA;
- Multicultural Services Centre of WA;
- ARAFMI;
- Mission Church;
- Epilepsy Association; and
- St Vincent De Paul.

Of the above organisations, the Salvation Army, Carers WA, Multicultural Services Centre of WA, ARAFMI and Women's Health and Family Services have been successful in submitting completed applications. The Reporting Officers have made recommendations in this report based on those applications.

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 these programmes are low risk.

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. This funding 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 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: \$454
Balance: \$44,546

Since the introduction of the Community and Welfare Grants and Donations, the total amount of funding requested is detailed in the table below:

FINANCIAL YEAR	AMOUNT REQUESTED	AMOUNT GRANTED
1996/1997	\$43,000	\$40,110
1997/1998	\$72,500	\$45,300
1998/1999	\$129,000	\$51,740
1999/2000	\$95,940	\$55,500
2000/2001	\$139,507	\$55,000
2001/2002	\$128,133.20	\$59,368
2002/2003	\$167,172	\$63,700
2003/2004	\$120,786	\$63,300
2004/2005	\$137,065	\$67,585
2005/2006	\$90,555*	\$49,000*
2006/2007	\$69,750*	\$54,450*
2007/2008	\$55,750*	\$46,800*
2008/2009	\$53,975*	\$47,975
2009/2010	\$30,000* - First Round	\$30,000* - First Round
2009/2010	\$10,000* - Second Round	\$8,000* - Second Round
2010/2011	41,234	38,234
2011/2012	42,307	40,644

* These figures do not include funding for the Loftus Community Centre, Rosewood Care Group (meals on wheels provider until December 2008) and City of Stirling (Meals on Wheels provider since January 2009).

COMMENTS:

All of above organisations provide a range of unique financially viable services that support and enhance the quality of the City of Vincent and are recommended for funding.

9.4.3 Review of Policy No. 3.8.1 Relating to Outdoor Eating Areas – Progress Report No. 1

Ward:	Both	Date:	8 December 2011
Precinct:	All	File Ref:	LEG0025
Attachments:	Nil		
Tabled Items:	Photographs and Inspection Report Alfresco Dining Areas within City of Vincent		
Reporting Officer:	J MacLean, Manager Ranger and Community Safety Services		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** the report relating to the Review of Policy No. 3.8.1 relating to Outdoor Eating Areas – Progress Report No. 1; and
2. **NOTES** that:
 - 2.1 **Policy No. 3.8.1 relating to Outdoor Eating Areas is currently being reviewed in accordance with the Council Resolution at the Ordinary Meeting of Council held on 11 October 2011;**
 - 2.2 **the refusal to renew the Leederville Hotel Outdoor Eating Area Permit, made at the Ordinary Meeting of Council held on 11 October 2011, has been appealed by the Leederville Hotel to the State Administrative Tribunal (Matter No. DR 365 of 2011);**
 - 2.3 **it is appropriate to await a determination by the State Administrative Tribunal, before finalising amendments to the current Policy No. 3.8.1 relating to Outdoor Eating Areas; and**
 - 2.4 **a further report will be submitted to the Council in March 2012 for its consideration.**

COUNCIL DECISION ITEM 9.4.3

Moved Cr Maier, Seconded Cr Harley

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Topelberg was an apology for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with an update on the request for a review to be undertaken of Policy No. 3.8.1 relating to Outdoor Eating Areas, as required by the Council decision of 11 October 2011.

BACKGROUND:

Policy No. 3.8.1 was developed by Health Services in 1997, as a way to manage the increasing number of cafés and restaurants that wanted to provide an alfresco type facility for their patrons. The Policy has been amended on a number of occasions, to take into account changing community expectations and alterations to the various pieces of legislation, governing food and beverage premises.

In 2008, it was decided that all Approvals and Permits should be dealt with by one Service Area and this was allocated to the Ranger and Community Safety Services. Since then, while the assessment is undertaken by three (3) Sections – Ranger and Community Safety, Health, and Assets and Design Services - all approved Outdoor Eating Area Permits are issued by the Ranger and Community Safety Services. Rangers also maintain on-going checks of the approved outdoor eating areas, to ensure compliance with the conditions specified on the Approval Permit.

The current review of Policy No. 3.8.1 relating to Outdoor Eating Areas has resulted from a problem surrounding an outdoor eating area that was constructed at the Leederville Hotel and which did not comply with the approval conditions. In the Leederville Hotel application, which was received in September 2010, the proposal was assessed by the Ranger and Community Safety, Health, and Assets and Design Services and the application was approved. The Permit was issued in December 2010, but the actual construction of the enclosed area was not completed until May 2011. All Outdoor Eating Area Permits expire on 30 June each year, so the Leederville Hotel submitted an application for renewal of their Outdoor Eating Area Permit in June 2011.

A subsequent check on the Leederville Hotel Outdoor Eating Area revealed that the Leederville Hotel had not complied with the conditions of the approval. At the Ordinary Meeting of Council held on 11 October 2011, the Council resolved to refuse the application for renewal of the Permit and, as a result, the Hotel has lodged an appeal against the decision with the State Administrative Tribunal (SAT). No determination has as yet been made by SAT, in relation to this matter. As well as the resolution to refuse the application, in the Council decision, the following was resolved:

“...3. REQUESTS the Chief Executive Officer to review the City’s current Policy No. 3.8.1 – Outdoor Eating Areas, with a view to clarifying the current guidelines including permanent fixtures/structures and that the Chief Executive Officer report back to the Council, before December 2011, with a proposed amended Policy No. 3.8.1;...”

DETAILS:

As a result of the problems that emerged from the Leederville Hotel issue, Policy No. 3.8.1 has been again reviewed and it has been found to be fundamentally sound, with only a few minor amendments being deemed necessary. However, it was established that, while the Policy was generally adequate for the management of Outdoor Eating Areas, the Assessment Tools were found to be less comprehensive that would be deemed appropriate. As a result, the Assessment Report is currently being reviewed and a number of changes are likely to be recommended. In this way, the Application, Assessment and Approval processes should be made more efficient and more clearly defined.

The areas, which are considered to require clarification and amendment, are as follows:

- Permanent fixtures and structures;
- Curtains and blinds;
- Type and style of barriers;
- Decking and flooring; and
- Other items, such as lighting, gas heaters, planters, etc.

It is also considered appropriate to review the current Fees and Charges, as approved as part of the 2011/2012 Annual Budget, to ensure that they are adequate, appropriate and commercially based. Any suggested changes will be reported to the Council at the same time as the report on the amendments to Policy No. 3.8.1 relating to Outdoor Eating Areas is finalised.

However, since the matter which spurred the request for a review of the Policy is still before the State Administrative Tribunal (SAT) DR 365 of 2011, it is considered appropriate to defer the finalisation of any proposed amendments, until a determination has been made and the implications have been analysed.

At the mediation on held on 6 December 2011 at the SAT offices , which was attended by the Mayor, Director Community Services and Director Technical Services, it was agreed that revised plans for the constructed alfresco dining area at the Leederville Hotel will be lodged by the applicant and forwarded to the City by 15 December 2011 for consideration. A further mediation has been scheduled for 20 December 2011 on this matter.

Ranger and Community Services staff, along with Health Services staff, recently undertook a comprehensive check of all current Outdoor Eating Area premises to confirm compliance with approval conditions. It was established that 86% of the approved properties were fully compliant with their permit conditions, 2.5% had minor non-compliance issues, 2.5% had a number of non-compliance issues and 9% were not using their Outdoor Eating Area Permit. All non-compliance issues were dealt with by issuing a "Notice Requiring Compliance with Permit Conditions" and subsequent checks after a few days have confirmed that the minor discrepancies have been rectified and these premises are now fully compliant with their conditions.

A copy of this report is 'Tabled'.

As a result, only two (2) premises, from the total of eighty four (84) approved properties remain non-compliant and both have taken steps to rectify the problems.

CONSULTATION/ADVERTISING:

There is no need for advertising, or consultation at this time. However, this will be required if an amended Policy 3.8.1 is adopted.

LEGAL/POLICY:

- City of Vincent Local Government Property Local Law 2008; and
- Council Policy No. 3.8.1 – "Outdoor Eating Areas".

RISK MANAGEMENT IMPLICATIONS:

There are no risk management issues associated with the above proposal.

STRATEGIC IMPLICATIONS:

In keeping with the City's *Strategic Plan 2011-2016*, Objective 1.1.4(b) states:

"Continue to implement both minor and major improvements in public open spaces".

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

As a result of problems that occurred when an enclosed outdoor eating area was approved for the Leederville Hotel, but was subsequently found to be inappropriate, the Council identified a need to review the current Policy No. 3.8.1 relating to Outdoor Eating Areas. It has been found that, while minor changes to the Policy may be appropriate, the assessment report, which has been used for a number of years, may not provide for an accurate assessment.

Minor changes are likely to be made to the Policy and the Assessment Report will need to be re-written to make it much clearer on what is being checked and assessed. The above report is therefore recommended for approval.

9.4.4 WALGA Public Libraries Funding Allocation Model 2012/2013

Ward:	Both	Date:	8 December 2011
Precinct:	All	File Ref:	CMS0002
Attachments:			
Tabled Items:	001 – WALGA Fax-Back document		
Reporting Officer:	E Scott, Manager Library and Local History Services		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** the report relating to the Public Libraries Funding Allocation Model 2012/2013 for the provision of funding to Local Governments to support the public library network; and
2. **ADVISES** the Western Australian Local Government Association of the feedback requested in the Questionnaire and as detailed in this report.

COUNCIL DECISION ITEM 9.4.4

Moved Cr Maier, Seconded Cr Harley

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Topelberg was an apology for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to submit feedback to the Western Australian Local Government Association (WALGA) with regard to the Public Libraries Funding Allocation Model for the 2012/2013 financial year.

BACKGROUND:

The State Library of Western Australia (SLWA), Department of the Culture and the Arts, Government of Western Australia is a statutory authority which works in partnership with Local Government to provide stock and services to Western Australia's Public Libraries. This is enacted under the *Library Board of Western Australia Act 1951* and is underpinned by a Framework Agreement between State Government and each Local Government for the provision of Public Library Services in Western Australia.

The Western Australian Government provides funds to Local Government via SLWA for the purchase of library stock. The basis for allocation of funds was changed in 2010, and has been reviewed.

DETAILS:

A partnership arrangement between State and Local Governments, as outlined in the Framework Agreement between State and Local Government for the Provision of Public Library Services in Western Australia, underpins public library service delivery across the State. The Western Australian Government provides funds via the State Library to support the public library network. These funds are used to purchase library materials. Following a consultative review process, the Library Board of Western Australia and the Western Australian Local Government Association State Council approved a new model for allocating State Government funding for library materials between Local Governments in August 2010. The new funding allocation model was implemented from October 2010.

It should be noted that the allocated funds are not paid to Local Government. Stock to the value of the allocated amount may be ordered from SLWA throughout the allocation period/financial year; all items acquired this way remain the property of the State Government.

The key differences between the new and previous funding allocation models include:

- Funding allocated on the basis of the population in each Local Government providing public library services, rather than to each library;
- Minimum grants established for Local Governments with small populations;
- Hierarchy of regional centres identified and additional funding provided on the basis that libraries in these locations serve people outside of their resident population; and
- Additional funding provided where there are multiple, discrete, larger population centres to service within a single Local Government area, and where secondary libraries have been established in small communities.

In April 2011, the Strategic Library Partnership Agreement Steering Committee (SLPASC) requested that the Public Library Funding Working Group be re-convened to conduct an appraisal of the funding allocation model.

This appraisal was conducted as a desktop exercise based on feedback received from Local Governments and the State Library during 2010 and 2011, along with an analysis of the funding outcomes of the model.

The following issues were identified and WALGA is requesting feedback on questions that relate to each issue.

Population

The primary driver of the allocation of State Government funding for public library materials is the resident population in each Local Government area. The model uses the projected population at the end of the funding year provided in the WA Planning Commission report, WA Tomorrow. This approach was recommended because:

- It avoids the need to separately consider relative population growth rates;
- It identifies areas anticipated to grow more quickly or more slowly into the future; and
- It is used by a range of State Government agencies for planning and resource allocation.

At the time that the recommendation was finalised, it was anticipated that a new edition, based on the 2006 Census data and subsequent information would be published in mid-2010. This did not occur, and it remains uncertain as to when a new edition will be published.

The Working Group re-considered alternative population data sources. Currently, 19 Local Governments in Western Australia subscribe to the *Forecast.id* product (id Insight Group) which provides population estimates and forecasts for the local area; however, this does not provide sufficient coverage to utilise this data for a state-wide allocation model.

The Australian Bureau of Statistics (ABS) continues to provide population estimates for Local Government areas and advice from the Bureau confirms their intention to continue to do this, following changes to statistical areas for the 2011 Census. Preliminary estimates of the population at 30 June each year are normally published in the following April. Revised estimates are provided twelve months later. Rebased, final estimates are provided after the following census. Thus, the most recent population estimate is two years behind the population estimate for which library services are being provided (Estimates for June 2010 are published in April 2011. This data needs to be used to forecast the population in each Local Government areas (LGA) in June 2012). The ABS also publishes population growth rates for each LGA over the previous five years. Population growth rate estimates are regarded as unreliable for small populations (less than around 2000 people). However, given that these Local Governments will receive the Minimum Grant under the library funding model, errors in forecasting their population are unlikely to be material to the funding allocation.

Changing the population data source will have a material impact on the share of library funding allocated to individual Local Governments. The ABS population estimate in June 2012 (assuming continuation of the five year average growth rate to June 2010) is 7.9% higher than the Western Australian Planning Commission (WAPC) forecast population for Western Australia at the same point in time. Individual Local Governments with an ABS population estimate more than 7.9% higher than their WAPC forecast population will benefit from a change to use ABS population estimates.

The largest changes are of the order of \$20,000 per annum. For most Local Governments the resulting change in share of total population is minor, or their funding allocation is based on the Minimum Grant calculations. However, for some Local Governments, an alternative population data source will have a material impact on funding received. These are listed in Table 1.

Table 1: Local Governments with significantly different share of the Western Australian population at June 2012 projected from the Australian Bureau of Statistics estimates for June 2010 and the *WA Tomorrow* Report (WA Planning Commission, 2005).

Higher Share of Population	Lower Share of Population
Wanneroo	Mandurah
Stirling	Derby – West Kimberley
Harvey	Melville
Perth	Broome
Vincent	Armadale
Canning	Wyndham-East Kimberley
Gosnells	Cockburn
Geraldton	Nedlands
Joondalup	Augusta-Margaret River
Roebourne	Carnarvon
South Perth	Rockingham
Subiaco	Kalgoorlie-Boulder
Murray	Esperance
Swan	Manjimup
Cambridge	
Busselton	
Serpentine-Jarrahdale	

(Note: Vincent's allocation for the current financial year is \$70,227, which equates to \$2.25 per head based on the ABS Estimate of March 2011)

The Working Group recommends that in the absence of a contemporary and broadly accepted residential population forecast or estimate for each Local Authority area that the residential population estimate be based on the most recent population estimate for each Local Government area provided by the Australian Bureau of Statistics adjusted to the end of the funding period using the average annual population growth rate over the preceding five years.

Minimum Grant

In 2010/2011, Minimum Grants were received by 77 Local Governments (and 2 private towns). The 2010/2011 library funding model if fully implemented would have delivered between \$2.81 and \$114.11 per capita to Local Governments receiving the minimum grant (For comparison purposes, suburban Perth Local Governments should have received a notional allocation of \$2.80 per capita). This range of per capita allocation lends considerable weight to the argument that minimum grants should be scaled to recognize the population ranges within the Local Governments receiving minimum grants.

The concept of a minimum funding allocation to each Local Government providing a library service is based on the understanding that there is a minimum size of collection required in order for a library to be viable and that there are significant economies of scale in providing library services.

The funding allocation does not determine the collection size, but rather the number of newly purchased items that will replace existing items in the collection in any year. Based on the collection size, the Minimum Grant in the 2010/2011 model would potentially allow over 50% of the stock to be replaced on an annual basis with newly purchased resources. While a high rate of stock refreshment is required in small collection libraries to ensure that they are not "read out", a significant part of this refreshment can be efficiently delivered via the exchange service based on resources previously held in other libraries.

The Australian Library and Information Association (ALIA) identifies a base performance target that 50% of the collection should have been purchased in the past five years and an enhanced target of 58% in the past five years. For a library with a collection of 1200 works, this equates to adding 140 newly purchased items (12% of the total collection) per annum at a total cost of around \$4,000. For small collections, the acquisition rate needs to be higher, but given the inclusion of "used" resources via the exchange service, a new stock rate of up to 50% is not necessary in order to achieve industry standards in library collection age profile.

That Working Group recommends that the Minimum Grant for smaller Local Governments be allocated between them using a combination of fixed and population based component:

Fixed component (2011/12)	\$12,500
Variable component (2011/12)	\$2.10 per capita above 1500 people.

The quantum of funding provided to Minimum Grant Local Governments and populations within them will vary each year. The fixed component should be adjusted in accordance with the change in funding available to Minimum Grant Local Governments and the variable component determined by dividing the population above 1500 per Local Government Area into the remaining funds available for allocation.

Service Population

Library membership data indicates that a significant proportion of the members of some libraries reside outside the Local Government boundary. This is particularly noted for inner metropolitan libraries. However, it is not currently possible to map the flow of library membership (or usage) across Local Government boundaries. Consequently while some residents from outside of the area are being serviced, it is possible that a similar (larger or smaller) number of local residents access library services in a different local authority area. The Working Group determined that this issue is addressed to some degree by provision of additional resources to libraries in Regional Centres (see below). More detailed and auditable data on library membership and usage is required before funding allocations can consider client movement across Local Government boundaries to access library services.

Outside of the Perth metropolitan area, a number of centres serve significant transient populations of workers or tourists. While some estimates of this non-resident population are available, no basis was identified to assess the comparative utilisation of library services by these groups, relative to residents. Within the timeframe and resources for this appraisal, a satisfactory proposal to equitably address this demand was not identified.

The Working Group recommends that more detailed research be considered in future reviews of library funding allocation processes to ensure that resource allocation is aligned to service demand.

Regional Centres

It is generally accepted that libraries located in regional centres meet the needs of a wider service population by virtue of the fact that transport options to those centres are more available and other services such as shops, educational institutes and employment attract people to those locations. However, defining a regional centre hierarchy covering the metropolitan and country regions has proven problematic.

The final report by the Department of Planning, *Directions 2031 and Beyond* modified the Activity Centre Hierarchy for the Perth and Peel regions, compared with the draft version used in devising the funding model in 2010. The final report identifies four levels in the Activity Centre Hierarchy:

- Capital city
- Primary centres
- Strategic metropolitan centres
- Secondary centres

However, while Primary Centres are identified as critical to achieving long-term sub-regional employment objectives and retained as aspirational targets, the final report determines that there are currently no centres within the Perth-Peel region that perform the functions of a Primary Centre. In the draft report previously used, Rockingham and Joondalup were defined as Primary Centres. Consequently, there is now no metropolitan planning basis to separate these centres from the Strategic metropolitan centres.

The Working Group proposes that the Regional Centre Hierarchy be amended as set out in Table 2. The 2010/2011 hierarchy is set out in Table 3 for comparison.

Table 2: Proposed new hierarchy of regional centres

Level 1	Level 2	Level 3	Level 4
Perth	Albany	Broome	Carnarvon
	Bunbury	Esperance	Derby
	Busselton	Port Hedland	Exmouth
	Geraldton	Armadale	Katanning
	Kalgoorlie	Fremantle	Kununurra
	Karratha	Joondalup	Manjimup
		Mandurah	Merredin
		Midland	Moora
		Morley	Narrogin
		Rockingham	Northam

Table 3: Previous hierarchy of regional centres

Level 1	Level 2	Level 3
Albany	Broome	Armadale
Bunbury	Busselton	Derby
Geraldton	Carnarvon	Exmouth
Kalgoorlie	Esperance	Fremantle
Karratha	Kununurra	Katanning
Perth	Northam	Mandurah
Port Hedland	Joondalup	Manjimup
	Rockingham	Merredin
		Midland
		Moora
		Morley
		Narrogin

A review by the Working Group identified several weaknesses within the model. The proximity of the library relative to the regional centre is not clearly defined, and the additional funding provided is proportional to the residential population of the Local Government rather than the additional population attracted to that centre. Furthermore, for some Local Governments the regional centre library is the only library within their jurisdiction, while for others this may be one of up to six libraries. Consequently, rather than a percentage adjustment based on the entire Local Government resident population, a dollar adjustment based on the Activity Centre/Regional Centre hierarchy is proposed as set out in Table 4.

Table 4: Proposed additional funding provided for the provision of library services in a regional centre.

Regional Centre Hierarchy Level	Additional Library Materials Funding
Level 1	\$15,000
Level 2	\$12,000
Level 3	\$7,000
Level 4	\$2,000

The Working Group recommends that funding provided for Regional Centres be adjusted each year in line with the increase (or decrease) in funding available to be allocated between Local Government public libraries.

It is estimated that \$177,000 of additional funding will be provided to Local Governments offering libraries in Regional Centres if allocated on this basis. This compares with \$152,000 notionally funded under the 2010/2011 model.

Compared with the current model, the proposed arrangement protects against the risk of a significant funding distortion brought about by the development of a new library in a regional centre by a large Local Government.

Remote Population Centres

The Western Australian Local Government Grants Commission recognises that there are increased expenditure needs that result from a widely dispersed population, including (amongst other things) the potential need to duplicate library services. Where a separate community/town is of sufficient size to demand a library service, this means that there will be a duplicated need to provide and maintain the minimum stock of materials to develop a viable library.

Stakeholders have raised concerns regarding:

- consideration of the surrounding population within the potential catchment of each township;
- the distance threshold between libraries that should be used to define a remote township;
- whether a lower (or higher) population threshold should be used; and
- the validity and currency of Census population data.

In its review, the Working Group reconfirmed the validity of considering the need to provide library services to remote population centres in determining the allocation of library materials funding. Three key parameters were considered:

- Minimum population of a community/town that would justify a viable library;
- Minimum distance between towns/communities that would support operation of a separate library; and
- Funding that should be provided for each additional remote population centre.

Minimum Population and Population Data

The 2010/2011 model established a minimum population of 500 persons (based on 2006 ABS Census data for the population of each centre), as the criteria for providing additional library materials to support the delivery of a library service in a population centre remote from the main centre of the Local Government Area.

No reliable data has been identified to confirm the population catchment for any particular library service, which makes it impossible to define the service population for a particular centre outside of the centre itself.

For the 2011 Census, the Australian Bureau of Statistics has advised that the minimum population for which it will publish data is 200–300 people. Where a township (except an aboriginal community) has a lower population than this threshold, the population will be combined with the surrounding area for reporting purposes.

While acknowledging the subjective nature of the decision, the Working Group re-affirmed the recommendation that a remote population centre requiring specific consideration remain at 500 people.

Distance between Remote Centres

In reviewing the criteria for the distance between remote centres, the Working Group gave consideration to the typical travel times that might be incurred in accessing library services across Western Australia and the level of access afforded, particularly to those without private car transport.

In line with the judgement of the WA Local Government Grants Commission, the Working Group recommends that the minimum distance for recognition of this factor be reduced from 50 kilometres to 25 kilometres. This broadly equates to a 15-minute travel time in country areas, which is no more travel time than can be experienced within some of the larger municipalities in metropolitan Perth.

Level of Funding Provided

In the 2010/2011 allocation model, the funding allowance for remote population centres was set at 70% of the minimum grant for a Local Government. As indicated, the information relating to "Minimum Grant" above, it is proposed that from 2011/2012 the minimum grant for a Local Government be proportional to population above a threshold of 1,500 and the minimum grant for Local Governments with a population of less than 1,500 people be lowered in order to fund this within the 20% of total funding allocated to small (minimum grant) Local Governments.

Given that the same minimum collection size/renewal issues that apply to libraries in the main centre of small Local Governments also apply to libraries in remote population centres, whose libraries are required to operate in effective isolation from the library in the main centre, it is proposed that the additional funding for a remote population centre be equal to the minimum grant for a Local Government with less than 1,500 people.

The population of the remote centre should be subtracted from the total population of the Local Government when determining the per capita component of the resource allocation for the main centre to avoid double counting the remote centre population.

Secondary Libraries

The allocation of limited State Government resources for library materials is intended to be independent of decisions made by Local Governments regarding whether to duplicate library services in particular locations.

However, consultation during 2010 identified that many Local Governments are currently providing library services from more than one location despite these libraries serving town populations of less than 500, because historically library materials have been provided in response to a Local Government decision to provide a library. These Local Governments may find it difficult to maintain high quality, contemporary collections across these multiple libraries with a population-based funding model.

It was agreed to provide an additional library materials allocation to minimum grant Local Governments on the basis of the existence of a secondary library providing community access for at least 12 hours per week.

It is the view of the review team that it is too early to determine whether further changes are required to the library materials resource allocation model in order to deliver more effective library services across the State and, consequently, the principle of funding for secondary libraries should be retained for 2011/2012.

In order to maintain approximate dollar equivalents to the 2010/2011 allocation model, it is recommended that funding for secondary libraries be set at 70% of the base minimum grant.

Disadvantage

The literature and anecdotal advice from library practitioners confirms the view that seniors and young families generally utilise library services more heavily than other demographic groups. Analysis of the 2006 Population Census results undertaken during 2010 identified that, relative to the overall Western Australian population, Local Governments had either a disproportionate population of seniors, or a disproportionate population of young families. However, in almost all cases these offset one another. There are almost no situations where a Local Government has a comparatively high or low population of seniors and young families. Therefore, it is the recommendation of the Working Group that age patterns not be considered when determining library funding allocations.

The Working Group found the argument for adjusting funding to reflect the household income of residents, based on the Socio-Economic Indexes for Areas (SEIFA) index, difficult to sustain. There is a large variation in SEIFA indices between Local Governments, but also large variations within many Local Governments. However, there is no clear data to indicate how these variations affect the cost of providing library services. The recognised cost of providing services is the basis for making provision for minimum grants, and for additional funding for regional centres, remote centres and secondary libraries. Without data to demonstrate an additional cost in providing service in areas of household economic disadvantage, the Working Group cannot recommend including this as a component in the funding model.

Linking funding to Library Materials Acquisition

There has been significant discussion regarding allowing local libraries the opportunity to apply a proportion of the State Government funding to library related services or materials other than resources provided via the State Library. The position adopted as an outcome of the original Structural Reform review process was that up to 20% of State Government funding could be applied to library related services, if a Local Government so chose. However, in order for this to be implemented the State Government would need to allocate recurrent public library funding, rather than a capital allocation. The 2011/2012 State Budget confirms that the allocation of funding for public library resources continues to be regarded by the Government as capital funding, and so at least for 2010/2011 can only be used for the purchase of library materials via the State Library.

Working Group Recommendations

The Working Group recommends that the Strategic Library Partnership Agreement Steering Committee recommend to the State Library that for 2011/2012 funding be allocated amongst Local Governments providing library services on the same structural basis as the model used in 2010/2011, with the following changes:

1. Australian Bureau of Statistics population estimates for June 2010, escalated for two years to June 2012 using average population growth rates for each Local Government Area (LGA) for the five years to June 2010 be used to provide a resident population estimate for each LGA.
2. For Local Governments with a resident population of less than 10,000 people, a minimum grant is provided on the basis of \$12,500 plus \$2.10 per person for the estimated resident population in excess of 1,500 people. Where a Local Government receives additional Remote Population Centre funding (as per recommendation 5 below), the population of the remote centre be subtracted from the resident population of the Local Government when determining the resident population in excess of 1,500 for minimum grant Local Governments or the per capita grant for other Local Governments.
3. The classification of regional centres be modified to be consistent with the most recent version of Directions 2031 (WA Planning Commission, 2010). Classification of non-metropolitan regional centres be modified as shown in Table 2, which reflects a consideration of population in classifying centres.
4. Additional library materials funding for regional centres be set on the basis of a dollar amount (Table 4) and adjusted in line with total State Government funding allocated between Local Governments for public library resources.
5. That the distance criteria for remote population centres be reduced from 50 kilometres to 25 kilometres and funding provided on the basis of 100% of the minimum grant.
6. Funding for Secondary Libraries be continued and increase from 50% to 70% of the minimum grant, to approximately maintain the dollar value of this additional resource allocation.

Public Library Funding Allocation Model

Table 5: Proposed allocation of funding to Local Governments in 2011/12 based on provision of \$6.939 million for the year.

Local Government	No of Libraries	Pop Forecast Jun 2012	Regional Centre	Remote Population Centres	Minimum Grant	Secondary Library	ALLOCATION (\$)	Local Government	No of Libraries	Pop Forecast Jun 2012	Regional Centre	Remote Population Centres	Minimum Grant	Secondary Library	ALLOCATION (\$)
Albany	2	37,351	Y				99,080	Leinster (Corporate)	1	100			Y		12,500
Armadale	3	64,948	Y				158,419	Leonora	1	1,997			Y		13,544
Ashburton	4	6,838		Y	Y		55,192	Mandurah	2	76,599	Y				185,582
Augusta-Margaret River	2	13,168		Y			40,710	Manjimup	4	10,261	Y	Y			36,658
Bassendean	1	15,117					35,244	Meekatharra	1	1,191			Y		12,500
Bayswater	3	63,861	Y				155,885	Melville	5	104,493					243,614
Belmont	1	36,786					85,763	Menzies	1	235			Y		12,500
Beverley	1	1,801			Y		13,132	Merredin	1	3,388	Y		Y		18,465
Boddington	1	1,799			Y		13,128	Mingenew	1	423			Y		12,500
Boyup Brook	1	1,642			Y		12,798	Moora	1	2,508	Y		Y		16,617
Bridgetown-Greenbushes	1	4,726			Y		19,276	Morawa	1	877			Y		12,500
Brookton	1	990			Y		12,500	Mount Magnet	1	599			Y		12,500
Broome	1	17,291	Y				47,312	Mount Marshall	2	652			Y	Y	21,250
Broomehill - Tambellup	2	1,276			Y	Y	21,250	Mukinbudin	1	515			Y		12,500
Bruce Rock	1	1,027			Y		12,500	Mundaring	2	39,928					93,088
Bunbury	2	36,092	Y				96,145	Murchison	1	101			Y		12,500
Busselton	2	34,359	Y	Y			96,745	Murray	1	16,818					39,209
Cambridge	1	27,829					64,880	Nannup	1	1,359			Y		12,500
Canning	4	91,645					213,660	Narembeen	1	791			Y		12,500
Capel	3	15,136					35,288	Narrogin	1	6,617	Y		Y		25,247
Carnamah	2	750			Y	Y	12,500	Nedlands	2	22,870					53,319
Carnarvon	1	6,560	Y		Y		25,128	Northam	2	11,644	Y	Y			39,446
Chapman Valley	2	1,117			Y		12,500	Northampton	2	3,690		Y	Y		27,892
Chittering	1	4,973			Y		19,794	Nungarin	1	219			Y		12,500
Claremont	1	10,090					23,524	Perenjori	2	513			Y		12,500
Cockburn	3	98,195					228,931	Perth	1	21,647	Y				65,468
Collie	1	9,603			Y		29,519	Pingelly	1	1,311			Y		12,500
Coolgardie	2	3,931		Y	Y		28,419	Plantagenet	2	5,245			Y		20,366
Coorow	3	1,135			Y	Y	21,250	Port Hedland	2	15,454	Y				43,029
Corrigin	1	1,311			Y		12,500	Quairading	1	1,129			Y		12,500
Cottesloe	1	19,947					46,504	Ravensthorpe	2	2,654		Y	Y		26,193
Cranbrook	2	1,150			Y	Y	21,250	Rockingham	3	113,713	Y				272,110
Cue	1	252			Y		12,500	Roebourne	4	20,112	Y				58,889
Cunderdin	1	1,240			Y		12,500	Sandstone	1	148			Y		12,500
Dalwallinu	1	1,306			Y		12,500	Serpentine-Jarrahdale	1	19,266					44,917
Dandaragan	4	3,455		Y	Y	Y	36,800	Shark Bay	1	862			Y		12,500
Dardanup	2	14,470					33,735	South Perth	2	45,414					105,878
Denmark	1	5,618			Y		21,149	Stirling	6	210,175					490,000
Derby/West Kimberley	2	8,435	Y	Y	Y		39,617	Subiaco	1	19,624					45,751
Donnybrook	2	5,784			Y	Y	30,248	Swan	6	121,474	Y				290,203
Dowling	1	741			Y		12,500	Tammin	1	485			Y		12,500
Dumbleyung	2	631			Y	Y	12,500	Three Springs	1	704			Y		12,500
Dundas	1	1,157			Y		12,500	Toodyay	1	4,878					19,595
East Pilbara	3	8,809		Y	Y		27,851	Trayning	1	385			Y		12,500
Esperance	2	14,892	Y				41,719	Useless Loop (Corporate)	1	150			Y		12,500
Exmouth	1	2,593	Y		Y		16,796	Victoria Park	1	34,694					80,885
Fremantle	1	37,370	Y				94,124	Victoria Plains	3	930			Y		12,500
Geraldton	2	41,178	Y				118,639	Vincent	1	32,152					74,959
Gingin	2	5,258		Y	Y		31,778	Wagin	1	1,889			Y		13,317
Gnowangerup	2	1,337			Y	Y	12,500	Wandering	1	468			Y		12,500
Goomalling	1	1,109			Y		12,500	Wanneroo	4	171,535					399,915
Gosnells	4	112,784					262,944	Waroona	1	3,943			Y		17,631
Halls Creek	1	3,392			Y		16,474	West Arthur	1	888			Y		12,500
Harvey	3	26,222		Y			71,419	Westonia	1	185			Y		12,500
Irwin	1	3,887			Y		17,513	Wickepin	1	781			Y		12,500
Jerramungup	2	1,134			Y	Y	21,250	Williams	1	1,024			Y		12,500
Joondalup	4	167,418	Y				397,317	Wiluna	1	731			Y		12,500
Kalamunda	4	57,728					134,587	Wongan-Ballidu	1	1,495			Y		12,500
Kalgoorlie-Boulder	1	33,739	Y				90,659	Woodanilling	1	488			Y		12,500
Katanning	1	4,836	Y		Y		21,507	Wyalkatchem	1	486			Y		12,500
Kellerberrin	1	1,390			Y		12,500	Wynham-East Kimberley	2	8,277	Y	Y	Y		39,829
Kent	2	572			Y	Y	21,250	Yalgoo	1	261			Y		12,500
Kojonup	1	2,224			Y		14,021	Yilgarn	1	1,549			Y		12,603
Kondinin	2	1,021			Y	Y	21,250	York	1	3,815			Y		17,362
Koorda	1	469			Y		12,500								
Kulin	1	916			Y		12,500	Sub-Total							6,939,000
Kwinana	1	31,761					74,047	LOTE, electronic resources & shelf ready							2,573,000
Lake Grace	3	1,404			Y	Y	21,250								
Laverton	1	705			Y		12,500	TOTAL WESTERN AUSTRALIA							9,512,000

Figure 1: Library funding allocation for Local Governments with populations of more than 10,000.

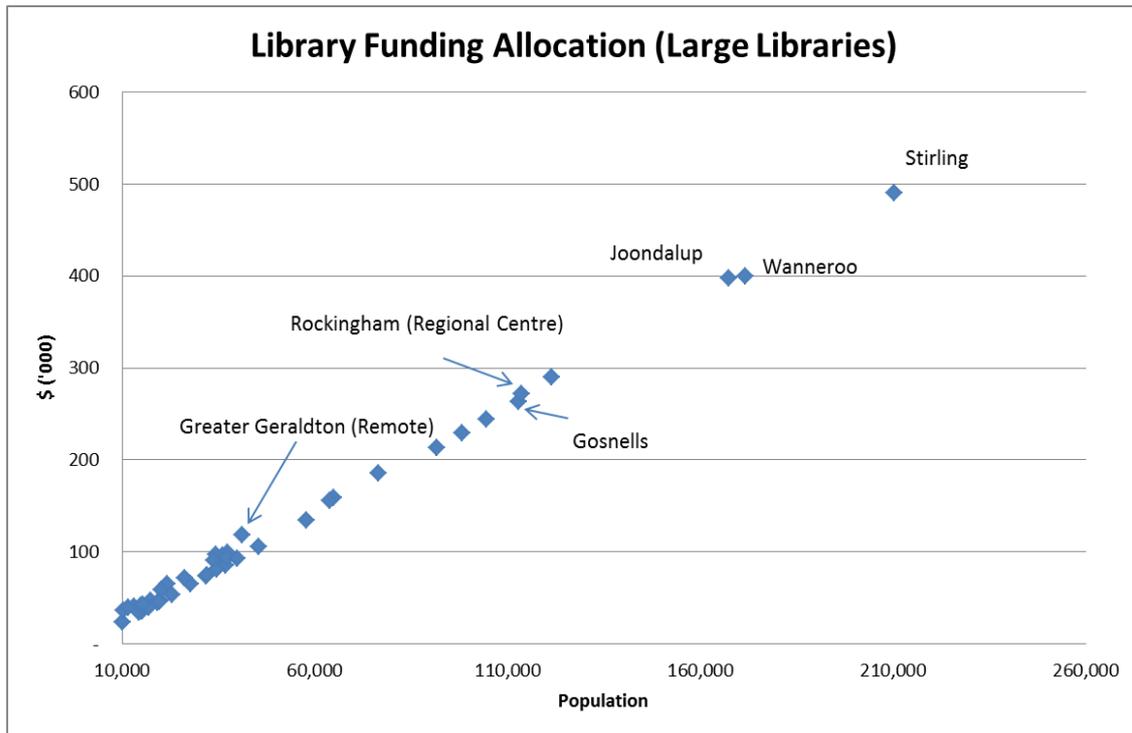
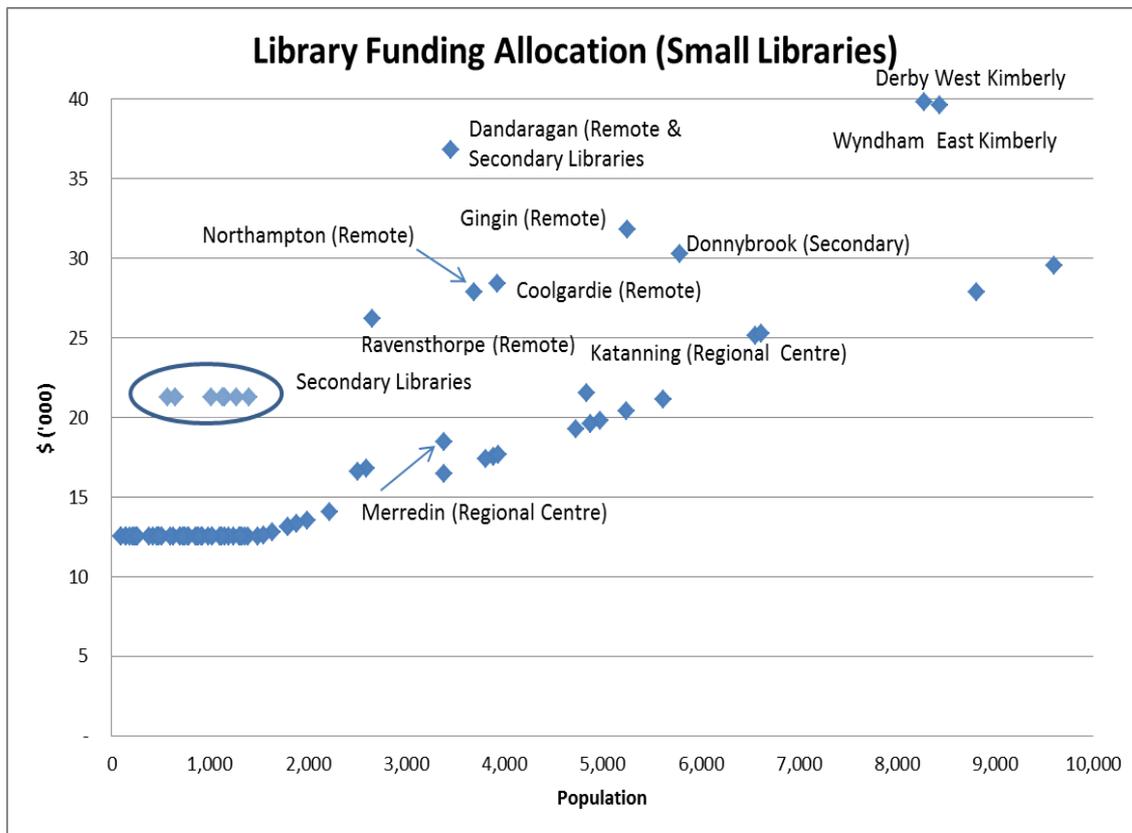


Figure 2: Library funding allocation for Local Governments with populations of less than 10,000.



Impact of Proposed Changes

Any change to the funding allocation model has the potential to result in a significantly different funding outcome. Less clear is the identification of a base case to use to compare outcomes for individual Local Governments.

In order to compare the outcome from retaining the current model with the proposed changes, the 2010/2011 model was run retaining all of its parameters except total funding available, which was adjusted to be consistent with the anticipated 2011/12 funding (\$6.939 million).

Local Governments that will receive a significant dollar increase in funding relative to the 2010/2011 model, should the above recommendations be adopted are set out in Table 6, along with the primary reason for this increase.

Table 6: Local Governments that will receive a significant increase in funding as a result of implementation of the proposed changes compared with retaining the 2010/2011 allocation model.

Local Government	Primary reason for increase
Wanneroo	Population data
Busselton	Remote population centre
Harvey	Population data and remote population centre
Stirling	Population data

Local Governments that will receive a significant dollar decrease in funding relative to the 2010/2011 model, should the above recommendations be adopted are set out in Table 7, along with the primary reason for this decrease.

Table 7: Local Governments that will receive a significant decrease in funding as a result of implementation of the proposed changes compared with retaining the 2010/2011 allocation model.

Local Government	Primary reason for decrease
Joondalup	Regional centre structure
Mandurah	Population data
Rockingham	Regional centre structure
Broome	Population data

The marginal reduction in funding for Local Governments with a single library and a population of less than 2000 means that 75 LGAs (and company towns) will receive less funding with the proposed model, while 58 will receive increased funding. For most, the reduction is \$3,700 or 23% of the modelled funding in 2010/2011.

However, the 2010/2011 model was implemented from 1 October 2010, but only applied to around one third of the total funding allocated for 2010/2011 (as the majority of funding was allocated in the first quarter).

CONSULTATION/ADVERTISING:

WALGA has promoted this information to all LGAs and stakeholders using a wide variety of media. Public Librarians have met and discussed at professional meetings, in particular Public Libraries Australia, Western Australian Branch (PLWA).

LEGAL/POLICY:

- Library Board of Western Australia Act 1951; and
- Framework Agreement between State and Local Government for the Provision of Public Library Services in Western Australia.

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

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

- "2.1.2(a) Establish public/private/government alliances and partnerships to attract external funding and investment to enhance the strategic direction of the City.*
- 2.1.3(a) Identify and develop opportunities to, pursue other income streams to increase the overall revenue of the City to reduce the City's reliance on rates income.*
- 4.1.2(a) Continue to adopt best practise to ensure the financial resources and assets of the City are responsibly managed and the quality of services, performance procedures and processes is improved and enhanced."*

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

There will be no expenditure incurred by the City under the reviewed Public Libraries Funding Allocation Model; however, the 2011/2012 Budget allocates \$18,000 for the purchase of new stock, which remains the City's property.

COMMENTS:

It is noted that the City of Vincent is unlikely to face a negative change to funding levels as a result of the recommended changes.

9.5.1 Minutes of the Annual General Meeting of Electors held on 28 November 2011

Ward:	Both	Date:	9 December 2011
Precinct:	All	File Ref:	ADM0009
Attachments:	001 – Minutes of Annual General Meeting		
Tabled Items:	-		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **RECEIVES** and **CONFIRMS** the Minutes of the Annual General Meeting of Electors (AGM) held at 6.00pm on Monday 28 November 2011, attached at Appendix 9.5.1.

COUNCIL DECISION ITEM 9.5.1

Moved Cr Maier, Seconded Cr Harley

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Topelberg was an apology for the meeting.)

PURPOSE OF REPORT:

The purpose of the report is for the Council to receive and confirm the Minutes of the Annual General Meeting of Electors 2011, held on 28 November 2011 and consider any decisions made at that meeting.

BACKGROUND:

The Annual General Meeting of Electors of the City of Vincent was held on Monday 28 November 2011 at 6.00pm. It was attended by the Mayor Hon. Alannah MacTiernan, five (5) Councillors, the Chief Executive Officer – John Giorgi, Directors – Rob Boardman, Mike Rootsey and Rick Lotznicker, three (3) Electors, one (1) observer and one (1) journalist, as shown in the Minutes.

DETAILS:

It is standard practice for the Minutes of the Meeting of Electors to be presented to the Council for information. In accordance with the Local Government Act 1995, Section 5.33, all decisions made at Electors Meetings are required to be considered at the next Ordinary Meeting of the Council.

The Minutes are attached for the information of the Council. No decisions were made at that meeting, however several questions were asked as detailed in the Minutes.

CONSULTATION/ADVERTISING:

Notice of the Annual General Meeting of Electors was advertised in the local newspapers and “The West Australian” Newspaper. Notices were displayed on all notice boards. It was also displayed on the City’s website.

LEGAL/POLICY:

The Local Government Act 1995 states:

- "5.27 (1) *A general meeting of the electors of a district is to be held once every financial year.*
- (2) *A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year."*
- "5.33 (1) *All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable -*
- (a) *at the first ordinary meeting after that meeting; or*
(b) *at a special meeting called for that purpose,*
- whichever happens first.*
- (2) *If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting."*

RISK MANAGEMENT IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

Nil.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

It is recommended that the Council receive the report concerning the Annual General Meeting, as required by the Local Government Act 1995.

9.5.5 Information Bulletin

Ward:	-	Date:	9 December 2011
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 20 December 2011, as distributed with the Agenda.

COUNCIL DECISION ITEM 9.5.5

Moved Cr Maier, Seconded Cr Harley

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Topelberg was an apology for the meeting.)

DETAILS:

The items included in the Information Bulletin dated 20 December 2011 are as follows:

ITEM	DESCRIPTION
IB01	The 12 th International Cities, Town Centres and Communities (ICTC) Society 2011 Conference “Cities with People in Mind” – Conference Report
IB02	Carers Appreciation – Evaluation Report
IB03	Unconfirmed Minutes from the Local History and Heritage Advisory Group Meeting held on 6 October 2011
IB04	Unconfirmed Minutes from the Beaufort Street Enhancement Working Group Meeting held on 5 December 2011
IB05	Unconfirmed Minutes from Design Advisory Committee (DAC) Meeting held on 7 December 2011
IB06	Summary Minutes of the State Council Meeting held on 7 December 2011
IB07	Card of Appreciation to the City’s Building Surveyor from a Building Licence Applicant
IB08	Card of Appreciation to the Library and Local History Services from a Participant of a ‘Seniors Week’ Excursion for House Bound Members
IB09	Circular from the Minister of Local Government regarding the Cat Act 2011

9.5.6 LATE ITEM: Withdrawal of the City of Stirling from the Mindarie Regional Council (MRC) – Consideration of the City of Stirling’s Decision – Progress Report No. 8

Ward:	-	Date:	16 December 2011
Precinct:	-	File Ref:	ORG0087
Attachments:	001 – City of Stirling letter dated 14 December 2011 002 – City of Joondalup letter dated 14 December 2011		
Tabled Items:	-		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **NOTES** the decision of the City of Stirling made at their Council Meeting held on 13 December 2011 (as shown in Attachment 001) whereby, in part it resolved as follows:

- “...5. That the City of Stirling will not participate in the MRC Working Group “to consider options for the membership, structure and the operation” of the MRC...*
- ...6. That, for the purposes of expediting this matter in the interests of all parties, the City of Stirling is prepared –*
 - (a) to accept a payout based on a discount of 25% on the PWC averaged valuation; and*
 - (b) to withdraw its requirement that any agreement must be accompanied by the City of Stirling ceasing to be a guarantor under the Deed of Guarantee with BioVision made on 21 November 2007.*
- 7. That, if the 2 agreements required to effect the City of Stirling’s withdrawal from the MRC are not executed by 31 March 2012, the City will instruct its lawyers immediately to recommence the Supreme Court proceedings against the MRC and each of the other participants.”*

COUNCIL DECISION ITEM 9.5.6

Moved Cr Maier, Seconded Cr Harley

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Topelberg was an apology for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the latest decision by the City of Stirling concerning the City of Stirling’s intention to exit from the MRC.

BACKGROUND:

City of Stirling Supreme Court Action

As previously reported to the Council, as a result of the Supreme Court action initiated by the City of Stirling in mid 2010 and mediation in August 2010, the City of Stirling applied to exit the MRC, as it did not accept a new single fee for tipping costs, imposed by the MRC. Prior to formalising the exit, the MRC is required to determine the assets and liabilities of the MRC. PwC were engaged by MRC to provide a report.

Previous Reports to Council

This matter was previously reported to the Council on 22 November 2011, 19 April 2011, 24 August 2010, 10 August 2010, 22 June 2010, 8 June 2010 and 11 May 2010.

At the Ordinary Meeting of Council held on 22 November 2011 the Council resolved as follows:

“That the Council;

1. *RECEIVES the Confidential Report No. 2 of the Price Waterhouse Coopers (PwC) dated 3 August 2011, as ‘Tabled’;*
2. *AUTHORISES the Mayor and the Chief Executive Officer to negotiate the matter, subject to:*
 - 2.1 *the MRC and all Member Councils jointly continuing to participate in the negotiations in good faith;*
 - 2.2 *the City of Stirling giving an undertaking that it will not recommence legal action in the Supreme Court during the negotiations; and*
 - 2.3 *the Council being advised as soon as practicable after the conclusion of the negotiations;*
3. *ADVISES the MRC and Member Councils of the Council’s decision; and*
4. *NOTES:*
 - 4.1 *that a further report will be presented to the Council at the conclusion of the negotiations; and*
 - 4.2 *the progress of the new Draft Establishment Agreement, as detailed in this report.”*

DETAILS:

At the Ordinary Meeting of Council held on 22 November 2011, the Council approved of parameters to provide guidance to the Mayor and Chief Executive Officer for the purposes of negotiations. The following is a summation of the Council’s parameters:

City of Stirling Requirements

5. **That the City of Stirling will not participate in the MRC Working Group “to consider options for the membership, structure and the operation” of the MRC.**

Chief Executive Officer’s Comments:

It is disappointing that the City of Stirling has resolved not to participate in the Working Group. Accordingly, negotiations will now need to proceed “in good faith”

6. **That, for the purposes of expediting this matter in the interests of all parties, the City of Stirling is prepared –**

- (a) **to accept a payout based on a discount of 25% on the PWC averaged valuation; and**

Chief Executive Officer's Comments:

Whilst the City of Stirling have changed their position from 10% to 25% discount on the PWC averaged valuation, this is significantly lower than the discount range suggested by the City of Perth and a number of other Member Councils that the discount factor be in the range of 35% to 50%.

- (b) **to withdraw its requirement that any agreement must be accompanied by the City of Stirling ceasing to be a guarantor under the Deed of Guarantee with BioVision made on 21 November 2007.**

Chief Executive Officer's Comments:

The City of Vincent does not accept any increase in financial exposure that is an increase in its share of the BioVision Guarantee, than currently exists under the present Guarantee Agreement. This position has also been adopted by a number of other Member Councils.

7. **That, if the 2 agreements required to effect the City of Stirling's withdrawal from the MRC are not executed by 31 March 2012, the City will instruct its lawyers immediately to recommence the Supreme Court proceedings against the MRC and each of the other participants."**

Chief Executive Officer's Comments:

The timeframe for the agreements to allow the City of Stirling to exit the MRC to be completed by 31 March 2011 is ambitious – considering that the negotiations for the various conditions significantly differ. Unless agreement can be reached, it is inevitable that Supreme Court litigation will follow.

Action Taken Since 22 November 2011

1. The Supreme Court proceedings have been adjourned as per the Heads of Agreement, pending the outcome of finalising the exit Agreement for City of Stirling.
2. The Chief Executive Officer's of the MRC and Member Councils have not formally met concerning this matter as a number of Member Councils are yet to determine their position. It is the intention of the Member Council Chief Executive Officer's to meet as soon as practicable to progress the Implementation Plan to facilitate the withdrawal of the City of Stirling from the MRC.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

The procedure for a Member to exit a Regional Council is to follow the process outlined in Section 699 of the Local Government Act 1960 prescribed. It is for each Member of the Regional Council to accept or reject the procedure.

Supreme Court Action – Heads of Agreement

At the Ordinary Meeting of Council held on 10 August 2010 the Council considered this matter and noted the Heads of Agreement reached in the Supreme Court Proceedings as follows:

“That Council:

1. *agree to settle Supreme Court action CIV 1620 of 2010 commenced by the City of Stirling (**Proceedings**) on the basis that each party pay its own costs of the Proceedings and otherwise on the basis set out in the Heads of Agreement dated 3 August 2010 signed by [name of signing] and others;*
2. *consent to the proposed withdrawal of the City of Stirling from the Mindarie Regional Council subject to and conditional upon compliance with, and agreement on those matters required by, the Mindarie Regional Council Establishment Agreement (as amended) and s699(3) of the Local Government Act 1960;*
3. *during the period until 30 April 2011, negotiate in good faith with the City of Stirling, the Mindarie Regional Council and the other participants in the Mindarie Regional Council as to the adjustment of assets and liabilities of the Mindarie Regional Council between consequent upon City of Stirling withdrawing from the Mindarie Regional Council;*
4. *note that this resolution is not intended to and does not take effect unless the Mindarie Regional Council and each Participant in the Mindarie Regional Council pass the resolutions required by the Heads of Agreement on or before 12 August 2010.”*

City of Vincent Exemption from MRC

On 30 October 2007, the MRC wrote to the City (Town at the time) to advise as follows:

“This is to advise that the Mindarie Regional Council, at its Ordinary Council Meeting on 11 October 2007 resolved as follows:

That Council:

- (i) *Approve the request from the Town of Vincent for exemption from disposal of all or part of its waste at Mindarie Regional Council facilities, should the Town of Vincent identify an alternative option for disposal of its waste;*
- (ii) *Expresses disappointment at this request from the Town of Vincent at this late stage of the project.”*

Withdrawing from the MRC – Legal Matters

The matter is summarised as follows;

1. The first step for a Participant wishing to withdraw is for that Participant to give a request to the Minister and to the other Participants and to the MRC.
2. In the 12 month period following the giving of the request, the Minister can only make a recommendation to the Governor for a withdrawal Order if:
 - (a) the MRC and the Participant (which wishes to withdraw) have entered into an agreement about the adjustment of assets and liabilities (in the event that withdrawal is ordered); and
 - (b) the continuing Participants have entered into an agreement to vary the establishment agreement with respect to financial contributions and the number of regional councillors (in the event that withdrawal is ordered); and
 - (c) the two agreements are considered satisfactory by the Minister and are approved by the Minister.

3. The adjustment of assets and liabilities is a matter for agreement between the participant and the MRC. There is no "formula" for the adjustment, rather it is a matter for agreement.
4. In the event that, after the 12 month period, either or both of the required agreements is not entered into or either agreement is not considered satisfactory by the Minister, then the Minister can take one of the alternative courses of action referred to above.

RISK MANAGEMENT IMPLICATIONS:

Very High: The formal agreement to allow the City of Stirling to exit the MRC requires all six Member Councils to agree upon the adjustment of the assets and liabilities of the MRC. The matter is complex and there is little precedent, which can be used as a guide. It is doubtful that agreement will be reached and the risk of the recommencement of the Supreme Court Action remains a reality.

STRATEGIC IMPLICATIONS:

The proposal is in accordance with the following objective of the City's Strategic Plan 2011 - 2016 Key Result Area 1.1.3: *"Take action to reduce the City's environmental impacts and provide leadership on environmental matters"*; (g): *"Create, promote and facilitate more efficient management of waste"*.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The financial implications relate to the impact of the potential change in ownership of the MRC. The **valuation of the MRC** net assets have different values, depending upon the **calculation** method used (as detailed in this report).

If the City of Stirling is to withdraw from the MRC, they will be entitled to receive its proportional share of the assessed value of the Regional Council. The PWC Report (which is yet to be accepted) indicated a buyout figure of \$12.38 million. The City of Stirling originally offered a 10% discount, which reduced the buyout to \$11,140,000. The City of Stirling has now amended their discount from 10% to a discount factor of 25%. This has reduced the buyout to \$9,285,000. The City's 1/12 share would equate to approximately \$773,750.

Legal Costs to Date

The City's legal costs to date are as follows:

YEAR	COST
2010 – 2011	\$50,931
2011 – 2012	\$6,315

COMMENTS:

Now that the City of Stirling has determined its position, it is incumbent on all of the Member Councils, including the City of Stirling to negotiate in good faith. In the event that a negotiated outcome cannot be achieved, it is inevitable that Supreme Court litigation will occur.

In view of the above, the Council's approval of the Officer Recommendation is requested.

9.1.1 Further Report – No. 15 (Lot 9; D/P: 167) Haynes Street, corner Eton Street, North Perth – Temporary Demountable Buildings Additions to Existing Child Care Centre, including an Increase in Child Care Numbers (from 33 to 70 children) and the provision of Verge Car Parking along Eton Street

Ward:	North	Date:	7 December 2011
Precinct:	North Perth; P08	File Ref:	PRO4280; 5.2011.371.1
Attachments:	001 – Aerial photograph, Revised Development Plans; 002 – Applicant’s response to concerns raised during the Community Consultation; and 003 – Additional details submitted by applicant dated 6 December 2011		
Tabled Items:	Applicant’s original submission		
Reporting Officer:	R Rasiah, Coordinator Statutory Planning		
Responsible Officer:	H Smith, Manager Planning and Building 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 Kidz Galore Pty Ltd on Land and Building leased from the City of Vincent for proposed Temporary Demountable Additions to Existing Child Care Centre, including an Increase in Child Care Numbers (from 33 to 70 children) and the provision of Verge Car Parking along Eton Street, North Perth at No. 15 (Lot 9; D/P: 167) Haynes Street, corner Eton Street, North Perth, and as shown on revised plans stamp-dated 6 December 2011, subject to the following conditions:

1. **Approval period**

This planning approval is valid until 31 December 2020, and any further extension of the use shall require Planning Approval to be applied for and obtained from the City prior to the continuation of the use;

2. **Child care numbers**

The maximum number of children for the child care centre shall be limited to seventy (70) children;

3. **Building**

3.1 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 Haynes and Eton Streets; and

3.2 The colour of the demountable to be compatible with the colour of the childcare building, and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the City;

4. **Car Parking**

4.1 The Eton Street verge car parking area shall be available for use by the general public (and is not for the exclusive use of the Child Care Centre);

- 4.2 The Eton Street verge car parking area shall be sealed, drained, paved and line marked in accordance with the approved plans, at the applicants (Kidz Galore Pty Ltd) full cost, prior to the first occupation of the demountable, and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the City;
- 4.3 Four (4) of the eleven (11) proposed Eton Street verge car parking bays are to be sign posted as 15 minutes car bays; and
- 4.4 One (1) car bay of the proposed Eton Street verge car parking bays or along the on street car parking bays on Haynes Street shall be for persons with a disability;

5. **Signage**

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;

6. **Verge Trees**

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

7. **Fencing**

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

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

8.1 **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; and

8.2 **Car parking cost**

A sum of \$45,000 shall be paid to the City by the applicant (Kidz Galore Pty Ltd) to enable the City to construct a number of perpendicular car parking bays, including one car bay for persons with a disability, and associated works, in the road verge adjacent to the subject site in Eton Street.

Moved Cr Harley, Seconded Cr Pintabona

That the recommendation be adopted.

Debated ensued.

AMENDMENT NO 1

Moved Cr Maier, Seconded Cr Buckels

That clauses 4.2, 4.3 and 8.2 be amended to read as follows:

“4.2 The Eton Street verge car parking area shall be sealed, drained, paved and line marked in accordance with the approved plans, ~~at the applicants (Kidz Galore Pty Ltd) full cost,~~ prior to the first occupation of the demountable, and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the City;

4.3 A total of 6 perpendicular car bays (car bays 6 to 11) to be provided on the Eton Street verge. Four (4) of the eleven (11) ~~six (6)~~ proposed Eton Street verge car parking bays are to be sign posted as 15 minutes car bays; and...

8.2 Car parking cost

~~A sum of \$45,000 shall be paid to the City by the applicant (Kidz Galore Pty Ltd) to enable the City to construct a number of perpendicular car parking bays, including one car bay for persons with a disability, and associated works, in the road verge adjacent to the subject site in Eton Street.~~

8.2.1 pay a car parking contribution of \$18,445 for the equivalent value of 5.95 car parking spaces to construct a number of perpendicular car parking bays along the Eton Street verge, based on the cost of \$3,100 per bay as set out in the City’s 2011/2012 Budget; OR

8.2.2 lodge an appropriate assurance bond/bank guarantee of a value of \$18,445 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.”

Debate ensued.

AMENDMENT NO 1 PUT AND LOST (3-5)

For: Cr Buckels, Cr Maier, Cr Pintabona

Against: Mayor Hon. MacTiernan, Cr Carey, Cr Harley, Cr McGrath, Cr Wilcox

(Cr Topelberg was an apology for the meeting.)

Debate ensued.

AMENDMENT NO 2

Moved Cr Maier, Seconded Cr Harley

That clause 4.2 be amended to read as follows:

“4.2 The Eton Street verge car parking area shall be sealed, drained, paved and line marked in accordance with the approved plans, at the applicants (Kidz Galore Pty Ltd) full cost, prior to the first occupation of the demountable, and ~~maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the City;~~”

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

(Cr Topelberg was an apology for the meeting.)

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

(Cr Topelberg was an apology for the meeting.)

COUNCIL DECISION ITEM 9.1.1

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Kidz Galore Pty Ltd on Land and Building leased from the City of Vincent for proposed Temporary Demountable Additions to Existing Child Care Centre, including an Increase in Child Care Numbers (from 33 to 70 children) and the provision of Verge Car Parking along Eton Street, North Perth at No. 15 (Lot 9; D/P: 167) Haynes Street, corner Eton Street, North Perth, and as shown on revised plans stamp-dated 6 December 2011, subject to the following conditions:

1. Approval period

This planning approval is valid until 31 December 2020, and any further extension of the use shall require Planning Approval to be applied for and obtained from the City prior to the continuation of the use;

2. Child care numbers

The maximum number of children for the child care centre shall be limited to seventy (70) children;

3. Building

3.1 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 Haynes and Eton Streets; and

3.2 The colour of the demountable to be compatible with the colour of the childcare building, and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the City;

4. Car Parking

4.1 The Eton Street verge car parking area shall be available for use by the general public (and is not for the exclusive use of the Child Care Centre);

- 4.2 The Eton Street verge car parking area shall be sealed, drained, paved and line marked in accordance with the approved plans, at the applicants (Kidz Galore Pty Ltd) full cost, prior to the first occupation of the demountable;
- 4.3 Four (4) of the eleven (11) proposed Eton Street verge car parking bays are to be sign posted as 15 minutes car bays; and
- 4.4 One (1) car bay of the proposed Eton Street verge car parking bays or along the on street car parking bays on Haynes Street shall be for persons with a disability;

5. Signage

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;

6. Verge Trees

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

7. Fencing

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

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

8.1 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; and

8.2 Car parking cost

A sum of \$45,000 shall be paid to the City by the applicant (Kidz Galore Pty Ltd) to enable the City to construct a number of perpendicular car parking bays, including one car bay for persons with a disability, and associated works, in the road verge adjacent to the subject site in Eton Street.

Landowner:	City of Vincent
Applicant:	Kidz Galore Pty Ltd
Zoning:	Metropolitan Region Scheme: (MRS) Urban Town Planning Scheme No. 1 (TPS 1): Residential R20
Existing Land Use:	Child Care Centre
Use Class:	Child Care Centre
Use Classification:	"AA"
Lot Area:	2026 square metres
Access to Right of Way	Not applicable

FURTHER REPORT:

The Council considered the subject application at its Ordinary Meeting held on 8 November 2011 and resolved as follows:

“That the item be DEFERRED at the request of the Applicant, for further information and consideration.”

The applicant has had further discussion with Mayor Hon. Alannah MacTiernan and the Chief Executive Officer and also the City’s Officers in regard to the community and Officer concerns as stated in the Officers report, Item 9.1.4, that was considered at the Ordinary Meeting of Council held on 8 November 2011. The applicant advised the following:

- The original application was for an increase of an additional 47 children to the existing 33 children (total 80). The revised increase is for an additional 37 children, resulting in a total of 70 children overall. The break even number of children for the viability of the project would be to increase the number of children by another 37 child care places.
- Require the current lease to be further extended. This is considered in a separate report on the agenda for this Meeting.
- The preference for angle style car parking, rather than 90 degree car parking along Eton Street verge.
- The possibility to negotiate with the City, the use of the City’s car park along Sydney Street.

A further submission by the applicant dated 6 December 2011 is shown as per Appendix 9.1.1.

Up-dated Commercial Car Parking Table, based on a reduction in the number of children:

Car Parking	
Car parking requirement (nearest whole number): • Child Care – 1 space per 5 children (70 children proposed) = 14 car bays Total = 14 car bays	14 car bays (nearest whole number)
Apply the parking adjustment factors: • 0.85 (within 400 metres of a bus stop)	(0.85) 11.9 car bays
Minus the car parking provided on-site	Nil car bays
Minus the approved on-site car parking shortfall, based on existing 33 children, at 1 car bay per 5 children = 7 car bays to the nearest whole number. With adjustment factor of 0.85, a total of 5.95 car bay is required. There are no car bays provided on-site for the current child care facility. Hence the current shortfall applying to the site is 5.95 car bays.	5.95 car bays
Resultant shortfall	5.95 car bays
The above shortfall in car bays is proposed to be met by the provision of eleven (11) car bays on the verge along the Eton Street frontage of the site at the expense of the applicant, resulting in a surplus of 5.05 car bays	

Technical Services

Technical Services have provided the following comments in respect of this development proposal:

- Angle car parking as proposed by the applicant is not supported. 90 degree parking is preferred.
- The proposed Eton Street verge car parking will not be exclusively for the use of the child care centre.
- Any development of the verge on Eton Street for parking must be paid for by the applicant, and is estimated to be in the vicinity of \$45,000.
- The 4 short term car bays along the east side of the Eton Street frontage adjacent to the child care centre are to be replaced directly opposite on the western side of Eton Street.

Building Services

The building remains as a Class 9b building; a building license will be required for the proposed works. A Certificate of Building Classification is also required to be obtained, prior to the occupation of the transportable. Disability access will also be required to be complied with.

Planning Services

It is recommended that at least four (4) of the proposed car bays along the Eton Street verge be subject to 15 minute time restriction, to allow for drop off/pick up purposes of the child care centre.

The current lease to use the premises as a child care centre expires in March 2015. A report relating to the extension of the current lease has been included on the agenda for the Council's consideration, which proposes the current lease being extended until 31 December 2020. Matters relating to the use of the Council owned car park along Sydney Street should be negotiated as part of the proposed lease agreement.

On the above basis, it is recommended that the current approval for the child care centre to continue to operate on the site coincide with the proposed extension of the current lease until 31 December 2020. The applicant has the ability to negotiate with the City, and lodge a new planning application, should they wish to continue operating as a child care centre beyond the above recommended date.

The Minutes from the Ordinary Meeting of Council held on 8 November 2011 for Item 9.1.4 relating to this Report can be viewed on the City's website available at the following link: http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes.

Request for an Extension to the Lease

The Applicant has requested an extension to their lease, in order to amortise the high capital cost of the proposed works. The lease will also allow for the applicant to lease seven (7) car bays for the Centre's employees on the nearby City of Vincent car park.

Refer to Item 9.3.6 on this Agenda.

9.1.2 Further Report – No. 590 (Lots 12 & 118) Newcastle Street, West Perth – Proposed Demolition of Existing Building and Construction of a Five Storey Mixed-Use Development Comprising of Eight (8), Two Bedroom Multiple Dwellings, Six (6), Single Bedroom Multiple Dwellings, Twelve (12) Offices and Associated Basement Car Parking

Ward:	South	Date:	9 December 2011
Precinct:	Cleaver P5	File Ref:	PRO4506; 5.2011.336.1
Attachments:	001 - Property Information Report and Development Application Plan		
Tabled Items	Neighbourhood Context Report		
Reporting Officers:	R Narroo, Senior Statutory Planning Officer; A Dyson, Acting Senior Statutory Planning Officer; H Au, Heritage Officer		
Responsible Officer:	H Smith, Manager Planning and Building 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 Building Workshop Pty Ltd on behalf of the owner, 590 Newcastle Street Pty Ltd for proposed Demolition of Existing Building and Construction of Five Storey Mixed-Use Development Consisting of Eight (8), Two Bedroom Multiple Dwellings, Six (6) Single Bedroom Multiple Dwellings, Twelve (12) Offices and Associated Basement Car Parking, at No. 590 (Lot 12; D/P: 27710) Newcastle Street, West Perth, and as shown on plans stamp-dated 13 July 2011 and amended plans stamp-dated 2 and 6 December 2011, 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 Newcastle Street and Loftus Street;
- 1.2 First obtaining the consent of the owners of No. 588 and Nos. 596-598 Newcastle Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 588 and Nos. 596-598 Newcastle Street in a good and clean condition;
- 1.3 Doors, windows and adjacent floor areas facing Newcastle Street shall maintain active and interactive relationships with this street; and
- 1.4 The maximum gross floor area of the office building shall be limited to 1393 square metres. Any increase in floor space or change of use of the offices shall require Planning Approval to be applied for and obtained from the City. Any change of use shall be assessed in accordance with the relevant Planning Policy including the City's Parking and Access Policy No. 3.7.1;

2. Car Parking and Accessways

- 2.1 The on-site car parking area for the non-residential component shall be available for the occupiers and visitors of the residential component outside normal business hours;

- 2.2 The car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the City;
- 2.3 The car parking area shown for the non-residential component and the visitors bays for the residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;
- 2.4 The car park shall be used only by employees, tenants, and visitors directly associated with the development; and
- 2.5 A minimum of sixteen (16) car parking bays shall be allocated for the office building;

3. Public Art

The owner(s), or the applicant on behalf of the owner(s), shall comply with the City's Policy No. 3.5.13 relating to Percent for Public Art and the Percent for Public Art Guidelines for Developers, including:

- 3.1 within twenty – eight (28) days of the issue date of this 'Approval to Commence Development', elect to either obtain approval from the City for an Artist to undertake a Public Art Project (Option 1) or pay the Cash-in-Lieu Percent for Public Art Contribution, of \$65,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$6,500,000); and

in conjunction with the above chosen option;

Option 1 –

prior to the approval and subsequent issue of a Building Licence for the development, obtain approval for the Public Art Project and associated Artist; and

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

OR

Option 2 –

prior to the approval and subsequent issue of a Building Licence for the development or prior to the due date specified in the invoice issued by the City for the payment (whichever occurs first), pay the above cash-in-lieu contribution amount;

4. Signage

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 to and approved by the City prior to the erection of the signage;

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 demolition and 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 commercial and non-residential activities; and

5.2.3 the City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/or office. The on-site car parking was in accordance with the requirements of the Residential Design Codes, 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 verges 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 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. The applicant/owners shall submit a further report from an Acoustic Consultant six (6) months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject Acoustic Report;

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 Newcastle 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;

5.8 Privacy

Revised plans shall be submitted to and approved by the City demonstrating the following the:

- 5.8.1 terraces of offices C10 and C11 on the northern and southern elevations respectively;
- 5.8.2 bedroom 1 to units 5, 6, 7, 12, 13 and 14 on the eastern elevation;
- 5.8.3 terrace to units 6 and 13 on the northern elevation; and
- 5.8.4 bed 2 terrace to units 7 and 14 on the southern elevation;

being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material that is easily removed; OR prior to the issue of a Building Licence, revised plans shall be submitted demonstrating the above major openings being provided with permanent vertical screening or equivalent, preventing direct line of sight within the cone of vision to ground level of the adjoining properties in accordance with the Residential Design Codes. 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. 588 Newcastle Street, stating no objection to the respective proposed privacy encroachment;

5.9 Footpath upgrading bond

In keeping with the City's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land are to be upgraded, by the applicant, to a brick paved standard to the City's specification a refundable footpath upgrading bond of \$4,000 shall be lodged and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the City's Technical Services Division. An application to the City for the refund of the upgrading bond must be made in writing;

5.10 Amalgamation

The subject Lots 12 and 118 shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the City, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the City's solicitors or other solicitors agreed upon by the City, undertaking to amalgamate and subdivide the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s); and

5.11 Heritage

A form of interpretation, which incorporates explicit recognition of the identified heritage values of the place to be demolished, as identified in the Heritage Assessment for the place, shall be installed prior to the first occupation of the approved development on site. The design and wording of the interpretative medium shall be undertaken in accordance with the City's Policy No. 3.6.4 relating to Heritage Management - Interpretive Signage and be submitted to and approved by the City prior to the issue of a Building Licence; 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

Thirteen (13) car bays and four (4) car bays shall be provided for the residents and visitors respectively. The seventeen (17) 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

Five (5) and One (1) bicycle bays for the residents and visitors of the residential component plus seven (7) class one or two for the office building component 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;

6.3 Management Plan-Vehicular Entry Gates

Any proposed vehicular entry gates to the car parking area shall have a minimum 50 per cent visual permeability and shall be either open at all times or a plan detailing management measures for the operation of the vehicular entry gates, to ensure access is readily available for residents/visitors to the residential and commercial units at all times, shall be submitted to and approved by the City; and

6.4 Mature Trees

The applicant/owner is to plant and maintain mature trees along the northern boundary of the property adjacent to Lots 202 and 203 for the express purpose of providing a privacy screen between the subject lot and residential properties to the rear to the satisfaction of the City's Parks and Property Services. The trees are to be planted prior to the first occupation of the development; and

6.5 Clothes Drying Facility

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

7. AUTHORISE the Chief Executive Officer to:

- 7.1 advertise the deletion of No. 590 Newcastle Street, West Perth from the City's Municipal Heritage Inventory (MHI) for a 21 days public comment period, in accordance with the "SA"(special application) procedure of the City of Vincent's Policy No. 4.1.5 relating to Community Consultation, and on completion of the advertising period, consideration to remove the property at No. 590 Newcastle Street, West Perth from the City's Municipal Heritage Inventory (MHI), will be reported back to the Council for determination; and**
- 7.2 review clause 4 of the City's Policy No. 3.6.5 relating to Heritage Management-Amendments to the Municipal Heritage Inventory (MHI), to enable the City's Heritage Officers to consider a place for deletion from the MHI as a result of Development Approval for demolition.**

COUNCIL DECISION ITEM 9.1.2

Moved Cr McGrath, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (6-2)

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

(Cr Topelberg was an apology for the meeting.)

FURTHER REPORT:

The Council at its Ordinary Meeting held on 22 November 2011 resolved as follows:

"That the item be DEFERRED to deal with the application concerning the staggering of the rear of the building to reduce the impact on the adjoining rear properties and interface of the frontage to Newcastle Street, with reference to the Multiple Dwellings Policy."

In light of the Council decision, the applicant has sought to address concerns regarding the previous rear setback proposed to the north eastern corner of the building and concerns regarding the lack of interaction between the building and Newcastle Street. Accordingly, the applicant has amended the plans as follows:

- Revised Levels 4 and 5 in the North East quadrant of the building by deleting two (2), two bedroom units and replacing them with three single bedroom units, thereby providing an additional 2.95 metres to the original 8.050 metres rear setback, resulting in a rear setback of 11.00 metres. This has also resulted in the applicant satisfying the provisions of the Multiple Dwellings Policy in respect of the rear and east side building interface represented by a staggering of the building's eastern elevation and an overall improvement in the building's bulk and impact; and
- Improvement to the interactivity along Newcastle Street, by the inclusion of an office tenancy in the south western corner of the building as well as the addition of an accessible landscaped area with seating and a display panel, east of the access driveway, dedicated to the original use of the site. The required public art is proposed to be located in this area.

AMENDED COMPLIANCE TABLE:

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Plot Ratio:	1= 1,727 square metres.	1.09= 1,887 square metres.
Officer Comments:		
Supported. It is noted the proposed plot ratio and building height contribute to the building scale and in this instance, the subject proposal is not considered to have an unreasonable impact on the amenity of the area.		
Street Setbacks:	Level 1= 7.9 metres.	Nil to 4 metres (Previously only stairs at Nil)
Officer Comments:		
Supported. The existing buildings on the other side of Newcastle Street have nil setbacks consistent with the commercial zoning of that land. As per the R-Codes for a Residential R80 zoning, the requirement for the street setback is 2 metres whereas for this proposal the main building is setback 4 metres; only the stairs and the proposed new office tenancy will be located along the street boundary. However it is considered the location of the proposed office will aid the interactivity of the building with the Newcastle Street streetscape and provide some articulation to the building. This is in contrast to the previously submitted design which provided minimal interaction to the street. Accordingly, it is considered the reduced setback variation is warranted. In respect of the subject site, the front façade of the proposed building is articulated with openings, construction materials and along with the roof design, will contribute to the emerging streetscape along Newcastle Street.		

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

Amended Car Parking

The car parking required is calculated as per the R-Codes 2010.

Residential Car Parking	
Small Multiple Dwelling based on size (Less than 75 square metres) – 1 bay per dwelling (6 dwellings proposed)= 4.5 car bays – 5 car bays	
Medium Multiple Dwelling based on size (75-110 square metres)-1 bay per dwelling (8 dwellings proposed)= 8 car bays	
Visitors= 0.25 per dwelling (14 dwellings proposed)= 3.5 car bays – 4 car bays	
Total= 17 car bays	17 car bays
Total car bays provided	39 car bays
Surplus	22 car bays

In total seventeen (17) car bays will be required for the residential component. Overall, the number of car parking bays provided for the development is thirty nine (39). Therefore, for the commercial component, twenty two (22) car bays will be available.

Commercial Car Parking	
Car parking requirement (nearest whole number). • Office (1 car bay per 50 square metres gross office floor area) Proposed 1393 square metres = 27.86 car bays	
Total car bays required = 27.86 car bays	28 car bay
Apply the parking adjustment factors. • 0.85 (within 400 metres of a bus stop) • 0.8 (45 percent of the gross floor area is residential) • 0.85 (within 800 metres of a rail station)	(0.578)
Minus the car parking provided on-site	16.184 car bays
Minus the most recently approved on-site car parking shortfall	22 car bay
Surplus	5.816 car bays

Bicycle Parking		
Bicycle Parking	<p><u>Office</u></p> <p>1 space per 200 square metres gross floor area (proposed 1393 square metres) = 6.965= 7 (Class 1 or 2)</p> <p>1 space per 750 square metres over 1000 square metres (proposed 1393 square metres) = 0.524 = Nil Class 3 required</p> <p><u>Residential Component</u></p> <p>1 bicycle space to each 3 dwellings (total 14 dwellings) for residents (4.66) and 1 bicycle space to each 10 dwellings for visitors (1.4):</p> <p>5 bicycle bays for the residents</p> <p>1 bicycle bay for the visitors</p>	<p>14 bicycle bays are provided</p>

COMMENTS:

It is considered that the amendments made to the previous plans, including the increased rear setback, the staggering of the building to the eastern elevation, the inclusion of an office component to the ground floor fronting Newcastle Street, along with the addition of an accessible landscaped area with seating and a display panel, significantly improves the proposal's suitability to the site and its impact on the adjoining residential properties.

Furthermore, the amendments made to increase the rear setbacks to the residential floors (floors 4 and 5) of the development in the north east corner of the development, along with the requirement in the conditions of approval for the provision of mature trees to line the rear of the existing site, further aids the separation of the proposed development to the adjoining residential properties at the rear of the development. It also allows for further privacy to be facilitated for the northern properties in addition to the already compliant rear (northern) privacy cone of vision setback.

Therefore in light of the proposed amendments to the design of the development, it is considered that the applicant has sought to address the concerns of Council and the community and accordingly, the application is supported, with amended conditions in relation to updated parking requirements, the inclusion of a requirement to plant mature trees to the rear of the property to aid privacy and the noting of the updated total commercial floor area.

The Item 9.1.5 placed before the Council at its Ordinary Meeting held on 22 November 2011 relating to this item is available on the City's website at the following link: [http://www.vincent.wa.gov.au/Your Council/Agenda Minutes](http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes).

9.1.4 Nos. 27-29 (Lot 107; D/P: 99354) Carr Street, West Perth – Demolition of Existing Factory/Warehouse – Reconsideration of Condition

Ward:	South	Date:	9 December 2011
Precinct:	Beaufort; P13	File Ref:	PRO1386; 5.2011.601.1
Attachment:	Confidential – Legal Advice		
Tabled Items	Nil		
Reporting Officer:	N Wellington, Development Compliance Officer		
Responsible Officer:	H Smith, Manager Planning and Building 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 Connie Cazzolli on behalf of the owner CGM Properties Pty Ltd for proposed Demolition of Existing Factory/Warehouse, at Nos. 27-29 (Lot 107; D/P: 99354) Carr Street, West Perth, and as shown on plans stamp-dated 1 December 2011, subject to the following conditions:

1. A Demolition Licence shall be obtained from the City prior to commencement of any demolition work on the site;
2. No street verge tree(s) shall be removed. The street verge tree/s shall be retained and protected from any damage including unauthorised pruning; and
3. PRIOR TO THE ISSUE OF A DEMOLITION LICENCE, the following shall be submitted to and approved by the City:

3.1 Demolition Management Plan

A Demolition Management Plan, detailing how the demolition of the development will be managed to minimise the impact on the surrounding area, addressing the following issues:

- 3.1.1 public safety, amenity and site security;
- 3.1.2 contact details of essential site personnel;
- 3.1.3 construction/demolition operating hours;
- 3.1.4 noise control and vibration management;
- 3.1.5 Dilapidation Reports of nearby properties;
- 3.1.6 air and dust management;
- 3.1.7 stormwater and sediment control;
- 3.1.8 soil excavation method and de-watering (if applicable);
- 3.1.9 waste management and materials re-use;
- 3.1.10 traffic, access management, including heavy vehicle access;
- 3.1.11 parking arrangements for contractors and subcontractors;
- 3.1.12 Notification Plan of nearby properties; and
- 3.1.13 any other matters deemed appropriate by the City, including photographs of the precondition of existing City infrastructure such as footpaths, verge and street trees; and

3.2 Vacant Lot Management Plan

A detailed Vacant Lot Management Plan, prepared in consultation with the City's Health, Technical Services and Planning Services for the site at Nos. 27-29 (Lot 107; D/P: 99354) Carr Street, West Perth. The City encourages property owners to appropriately maintain vacant land in a safe, secure and tidy manner in the interest of the community. The management plan shall include details of the proposed treatment of the vacant site which covers fencing, maintenance, rubbish collection, weed control, and the like. The vacant lot shall be maintained in accordance with the management plan at the landowners full cost, until redevelopment works are carried out on site.

Advisory Notes:

1. Support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property.
2. Any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the City of Vincent Town Planning Scheme No. 1 and associated Policies.

Moved Cr Maier, Seconded Cr McGrath

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

“That new clauses 4 and 5 be inserted as follows:

4. Prior to issue of a Demolition Licence, a bond of \$5,000 shall be paid by the owners, to ensure the Vacant Lot Management Plan is implemented and thereafter maintained to the satisfaction of the Chief Executive Officer; and
5. In the event of non-compliance with the Vacant Lot Management Plan, the City may draw on the bond, as required, to carry out the requirements of the Vacant Lot Management Plan to the satisfaction of the Chief Executive Officer.”

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Topelberg was an apology for the meeting.)

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 Connie Cazzolli on behalf of the owner CGM Properties Pty Ltd for proposed Demolition of Existing Factory/Warehouse, at Nos. 27-29 (Lot 107; D/P: 99354) Carr Street, West Perth, and as shown on plans stamp-dated 1 December 2011, subject to the following conditions:

1. A Demolition Licence shall be obtained from the City prior to commencement of any demolition work on the site;
2. No street verge tree(s) shall be removed. The street verge tree/s shall be retained and protected from any damage including unauthorised pruning;

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

3.1 Demolition Management Plan

A Demolition Management Plan, detailing how the demolition of the development will be managed to minimise the impact on the surrounding area, addressing the following issues:

- 3.1.1 public safety, amenity and site security;
- 3.1.2 contact details of essential site personnel;
- 3.1.3 construction/demolition operating hours;
- 3.1.4 noise control and vibration management;
- 3.1.5 Dilapidation Reports of nearby properties;
- 3.1.6 air and dust management;
- 3.1.7 stormwater and sediment control;
- 3.1.8 soil excavation method and de-watering (if applicable);
- 3.1.9 waste management and materials re-use;
- 3.1.10 traffic, access management, including heavy vehicle access;
- 3.1.11 parking arrangements for contractors and subcontractors;
- 3.1.12 Notification Plan of nearby properties; and
- 3.1.13 any other matters deemed appropriate by the City, including photographs of the precondition of existing City infrastructure such as footpaths, verge and street trees; and

3.2 Vacant Lot Management Plan

A detailed Vacant Lot Management Plan, prepared in consultation with the City's Health, Technical Services and Planning Services for the site at Nos. 27-29 (Lot 107; D/P: 99354) Carr Street, West Perth. The City encourages property owners to appropriately maintain vacant land in a safe, secure and tidy manner in the interest of the community. The management plan shall include details of the proposed treatment of the vacant site which covers fencing, maintenance, rubbish collection, weed control, and the like. The vacant lot shall be maintained in accordance with the management plan at the landowners full cost, until redevelopment works are carried out on site; and

- 4. Prior to issue of a Demolition Licence, a bond of \$5,000 shall be paid by the owners, to ensure the Vacant Lot Management Plan is implemented and thereafter maintained to the satisfaction of the Chief Executive Officer; and
- 5. In the event of non-compliance with the Vacant Lot Management Plan, the City may draw on the bond, as required, to carry out the requirements of the Vacant Lot Management Plan to the satisfaction of the Chief Executive Officer.

Advisory Notes:

- 1. Support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property.
- 2. Any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the City of Vincent Town Planning Scheme No. 1 and associated Policies.

Landowner:	CGM Properties Pty Ltd
Applicant:	Connie Cazzolli
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1: Residential Commercial R80
Existing Land Use:	Factory/Warehouse
Use Class:	Not applicable
Use Classification:	Not applicable
Lot Area:	2864 square metres
Right of Way:	Not applicable

PURPOSE OF REPORT:

The applicant is seeking a review of condition '6.2' imposed on the planning application approved by the Council at its Ordinary Meeting held on 11 October 2011. The condition is as follows:

"6.2 The owner shall enter into a Legal Agreement with the City (prepared by the City at the owner's expense):

6.2.1 a detailed Landscaping and Lighting Plan shall be provided, prepared in consultation with the City's Parks Services and Technical Services for the site at Nos. 27-29 (Lot 107; D/P: 99354) Carr Street, West Perth. The approved Landscaping and Lighting Plan works shall be undertaken and completed within three (3) months from the issue of the Demolition Licence and maintained thereafter by the owner(s)/occupier(s);

6.2.2 a bond of \$8,500 shall be paid by the owners to ensure the Landscape Plan is implemented within the time period and thereafter maintained to the satisfaction of the Chief Executive Officer. In the event that the bond is drawn upon, such bond shall be maintained at a level of \$8,500 dollars until the redevelopment works are commenced;

6.2.3 a bond of up to \$10,000 being negotiated and paid by the owners to ensure the Lighting Plan is implemented within the time period and thereafter maintained to the satisfaction of the Chief Executive Officer;

6.2.4 the City being able to carry out the Landscape Plan works and thereafter maintain it to an appropriate appearance and standard, and draw on the bond as required in the absolute discretion of the City's Chief Executive Officer, in the event of non-compliance by the owners;

6.2.5 such Legal Agreement shall remain in effect until redevelopment works commence; and

6.2.6 the City shall be indemnified against any claims whatsoever that may arise as a result of this matter."

BACKGROUND:

11 October 2011 The Council at its Ordinary Meeting conditionally approved the demolition of the Existing Factory/Warehouse.

The Item No. 9.1.3 from the Ordinary Meeting of Council held on 11 October 2011 is available on the City's website at the following link:
http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes.

DETAILS:

In support of the request for re-consideration of condition 6.2, the applicant has provided the following justification:

"I refer to the notice issued by the City on 29 June 2011 which advised that we either put the abovementioned building into a state of repair which would satisfy the City or take the building down. (Copy attached).

This notice was issued as a consequence of various complaints about squatters in the building and the dumping of rubbish etc. We have always endeavoured to act promptly to the demands made by the City to clean up the site and secure the building and Christine Ng, an Environmental Health Officer from the City will attest to that.

However, it has become clear that despite all our efforts the incidence of break and enter and dumping of rubbish continues. We believed that the best course of action for a permanent solution to the problem was to demolish the building. Therefore, in response to the notice we applied for a demolition licence through an Approval to Commence Development Serial No. 5.2011.337.1, dated 8 July 2011, received on the 15 July 2011 by the City. (Copy attached).

The council, at its Ordinary Meeting held on 11 October 2011, resolved to grant conditional approval subject to certain conditions. We would like you to reconsider condition 6.2 of that Approval to Commence Development which requests a detailed Landscaping and Lighting Plan. We do not believe that this condition is achievable or realistic as this is not a public open space, it is private property. (Copy attached).

Our aim is to have a clean vacant block of land ready for a successful development when market conditions will allow. We have been actively marketing this site for the last 2 years and did in fact accept an offer on this property last year to a group of investors, unfortunately, they defaulted on settlement in January 2011. Despite that disappointment we have continued to market the property with two agents. This downturn in the real estate market has placed enormous financial stress on our company as holding costs continue to accrue.

We respectfully request that you consider this application favourably and allow us to demolish the problem building so that we eliminate any future anti-social behaviour from undesirables in the community.

Thanking you in anticipation."

Copies of the above letter and relevant attachments have been provided by the applicant, for Council Members, which will be circulated accordingly.

COMMENTS:

Vacant Lot Management Plan

The condition relating to the landscaping and lighting was recommended, so as to be consistent with the decision made at the Ordinary Meeting of Council on 27 September 2011, relating to No. 103 Harold Street, Highgate. The City's Officers however consider that the following condition relating to a Vacant Lot Management Plan, appropriately addresses the requirements of the City:

"6.2 A detailed Vacant Lot Management Plan, prepared in consultation with the City's Health, Technical Services and Planning Services for the site at Nos. 27-29 (Lot 107; D/P: 99354) Carr Street, West Perth. The City encourages property owners to appropriately maintain vacant land in a safe, secure and tidy manner in the interest of the community. The management plan shall include details of the proposed treatment of the vacant site which covers fencing, maintenance, rubbish collection, weed control, and the like. The vacant lot shall be maintained in accordance with the management plan at the landowners full cost until redevelopment works are carried out on site."

The Vacant Lot Management Plan will address matters such as fencing, maintenance, rubbish collection, weed control, dust control and any other matters relevant to the site. The Plan will need to be submitted and approved by the City, prior to the issue of a Demolition Licence, and can thereafter be enforced by way as a condition of Planning Approval. Should compliance with a condition of Planning Approval not be achieved, the City may take further action to ensure compliance with its requirements, in accordance with the City's Prosecution and Enforcement Policy.

It is to be noted that should the owner/applicant decide not to proceed with the Planning Approval for the proposed demolition (the City cannot enforce the commencement of a Planning Approval, which is valid for 2 years), the City could take action in accordance with S408 of the Local Government (Miscellaneous Provisions) Act 1960, that is to make good, or take the building down. Should enforcement of a S408 Notice be taken through the Magistrates Court, the owner may be required to demolish the building, without the need to obtain Planning Approval from the City.

Affect on Local Community

The buildings on the property have been extensively vandalised with graffiti internally and externally. There are numerous disused items and debris scattered throughout the property. Internally, several internal walls have been broken up and require replacement. A number of internal fixtures have been damaged beyond repair, including door, ventilation and electrical outlets and controls. Whilst all buildings on the subject property are in serviceable condition structurally, they have been left unsecured, suffering vandalism and being left ruinous.

The subject property has been the subject of complaints from local residents over a number of years and the demolition of the building is therefore likely to be well received by the local residents.

Legal Advice

The City has obtained legal advice in respect to condition 6.2 of the planning application approved by the Council at its Ordinary Meeting held on 11 October 2011. **A copy of the legal advice is circulated to Council Members on a confidential basis.** In summary, the City's solicitors recommend that the condition "Vacant Lot Management Plan", be used as the standard clause, for the reasons detailed in their advice.

In light of the above, it is considered that the subject buildings be approved for demolition, subject to conditions, as per the Officer Recommendation.

9.1.6 No. 30 (Lots 48 & 49; D/P: 2931) Cleaver Street, West Perth – Proposed Alterations and Additions to Fifteen (15) Multiple Dwellings and Two (2) New Multiple Dwellings

Ward:	South	Date:	7 December 2011
Precinct:	Cleaver; P5	File Ref:	PRO2092; 5.2011.612.1
Attachments:	001 - Property Information Report and Development Application Plans		
Tabled Items:	Nil		
Reporting Officer:	S Radosevich, Planning Officer (Statutory)		
Responsible Officer:	H Smith, Manager Planning and Building 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 McDonald Jones Architects on behalf of the owner, Divine Luck Pty Ltd for Alterations and Additions to Fifteen (15) Multiple Dwellings and Two (2) New Multiple Dwellings at No. 30 (Lots 48 and 49) Cleaver Street, West Perth, as shown on plans stamp-dated 5 December 2011, 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 Cleaver Street;
2. any new street/front wall, fence and gate within the Cleaver Street setback area, including along the side boundaries within this street setback area, shall comply with the City's Policy provisions relating to Street Walls and Fences;
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. 26 & 26A Cleaver 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. 26 & 26A Cleaver Street, West Perth, in a good and clean condition. The finish of the walls 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 shall be submitted to and approved by the City, addressing the following issues:

- 5.1.1 public safety, amenity and site security;
- 5.1.2 contact details of essential site personnel;
- 5.1.3 construction operating hours;
- 5.1.4 noise control and vibration management;
- 5.1.5 Dilapidation Reports of nearby properties;
- 5.1.6 air and dust management;
- 5.1.7 stormwater and sediment control;
- 5.1.8 soil excavation method (if applicable);
- 5.1.9 waste management and materials re-use;
- 5.1.10 parking arrangements for contractors and subcontractors;
- 5.1.11 Consultation Plan with nearby properties;
- 5.1.12 any other matters deemed appropriate by the City.

5.2 Schedule of External Finishes

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

5.3 Vehicular Access

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

5.4 Amalgamation of Lots

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

5.5 Privacy Screening

The eastern and southern sides of the balconies to apartments 1.6 and 2.6, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finish first 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 Nos. 26 & 26A Cleaver Street, West Perth, stating no objection to the respective proposed privacy encroachments;

5.6 Landscaping and Reticulation Plan

A detailed landscape and irrigation 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:

- 5.6.1 the location and type of existing and proposed trees and plants;
- 5.6.2 all vegetation including lawns;
- 5.6.3 areas to be irrigated or reticulated and such method;
- 5.6.4 proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- 5.6.5. separate soft and hard landscaping plants (indicating details of materials to be used).

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

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

The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the City's Policies; 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 Vehicular Entry Gates

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

6.3 Clothes Dryer

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

6.4 Bicycle Parking Facilities

Eight (8) class three bicycle facilities shall be provided at a location convenient to the entrances and within the approved development, comprising six (6) facilities for residents and two (2) for visitors. Details of the design and layout of the bicycle parking facilities shall be submitted to and approved by the City prior to installation of such facilities.

COUNCIL DECISION ITEM 9.1.6

Moved Cr Maier, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Maier, Seconded Cr Buckels

That the item be DEFERRED to allow the Applicant to refer the matter to the City's Design Advisory Committee.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Topelberg was an apology for the meeting.)

Landowner:	Divine Luck Pty Ltd
Applicant:	McDonald Jones Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R 80
Existing Land Use:	Multiple Dwellings
Use Class:	Multiple Dwelling
Use Classification:	"P"
Lot Area:	1,097 square metres
Right of Way:	South-eastern side, 5 metres wide, Council owned

PURPOSE OF REPORT:

This proposal requires referral to the Council for determination given seven (7) objections to the proposal have been received.

BACKGROUND:

26 July 2002 A development approval for the entrance canopy and front fence addition to existing multiple dwellings at No. 30 (Lots 48 & 49) Cleaver Street, West Perth was issued.

5 May 2009 Development application received for partial demolition of and alterations and additions to existing multiple dwelling. A Scheme Amendment to Town Planning Scheme No. 1 was progressing at this time to remove the "No Multiple Dwellings" clause from Town Planning Scheme No. 1. On 25 November 2009, the application was deemed cancelled as it had exceeded the 60 days statutory requirement and the Scheme Amendment had not been finalised, therefore multiple dwellings were not permitted in the Cleaver Precinct at that point in time.

28 July 2011 A development application was lodged for additions and alterations to fifteen multiple dwelling and two new multiple dwellings. The development application was presented to Council at its Ordinary Meeting held on 22 November 2011, where Council resolved to refuse the development application for the following reasons:

1. *The Council is not prepared to exercise discretion to allow the scale and bulk of the building and the setback;*
2. *Excessive bulk as a result of excessive height and reduced setback.*
3. *Issues of performance criteria for overshadowing living spaces."*

DETAILS:

There are currently fifteen (15) multiple dwellings and a separate building for communal laundry facilities on the subject site. The application is for alterations and additions to the existing multiple dwellings and for two (2) new multiple dwellings. The existing multiple dwellings are currently designed as studios, with the proposal comprising one (1) and two (2) bedroom additions to them. The application also proposes to remove the communal laundry facilities from the rear of the site with all washing facilities being relocated within a combined laundry/bathroom within each multiple dwelling.

The applicant's justification submitted in conjunction with the plans is as follows:

"...we have revised the planning and rearranged the rear portion of the building on levels one and two away from the rear neighbour at 26A Cleaver Street. The perceived bulk has been reduced on the relevant south boundary with setbacks increased. Overshadowing has reduced so more light now falls on the property of 26A at 12:00pm on the 21st of June."

To illustrate the changes between the original development application and the current development application, an overshadowing diagram has been provided which outlines the extent of overshadowing from the existing building, the overshadowing of the proposal that was previously presented to Council and the proposed overshadowing in relation to the current application.

COMPLIANCE:

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Building Setbacks:	<u>Northern boundary</u> Ground, First and Second Floors= 4 metres.	Ground Floor = Nil. First and Second Floors = 1.5 metres to 4 metres.
	<u>Southern boundary</u> Ground, First and Second Floors = 4 metres	Ground Floor = Nil to 1.5 metres First and Second Floors = 1.5 metres to 5.5 metres.
	<u>Eastern boundary</u> Ground, First and Second Floors = 4 metres.	Ground Floor =1.2 metres. First and Second Floors = 2.5 metres to 5.1 metres.
	Officer Comments:	
Supported. It is considered there is a reduced impact in terms of visual impact and ventilation created by the proposed setback variations from the previous application. The current proposal has setback the two additional multiple dwellings to be in line with the existing building, therefore reducing the proposed impact on the southern property. The extent of overshadowing will not be significantly increased from what is currently overshadowed, with the increased shadow predominantly falling on the roof of each of the southern properties, and clear of the outdoor living areas. Screening to the balconies on the southern side (up to 1650 millimetres) is proposed which protects the privacy between the subject site and adjoining properties. Neighbours have raised issues with the setbacks and this has been addressed (in the consultation table below).		
Building Height:	Maximum height of 7 metres permitted for a concealed roof.	Maximum proposed height of 8.8 metres.
Officer Comments:		
Supported. The proposed additions match the building height of the existing building. The building height is unlikely to cause the building to have a greater impact on the streetscape than it already does, with the proposed additions maintaining the existing streetscape. The extent of overshadowing to the adjoining property will not be significantly increased as the shadow will predominantly fall on the roof of the adjoining dwellings and over their rear setbacks, as it did previously. There will not be any overshadowing to the courtyards or other private space of the adjoining properties as they are located to the southern side of their respective subject sites.		
Number of Storeys:	Two storeys.	Three storeys.
Officer Comments:		
Supported. The proposal comprises additions to the existing multiple dwellings, and two (2) new multiple dwellings. The existing number of storeys to the building is three (3), with this being maintained as part of the proposal. The human scale of the proposal will also remain the same for pedestrians.		
Essential Facilities:	Storage area with a minimum dimension of 1.5 metres with an internal area of at least 4 square metres for each multiple dwelling.	Multiple dwellings 3 and 4 have a storage area of 3.5 square metres.
Officer Comments:		
Supported. Multiple dwellings 3 and 4 have stores which are 3.5 square metres, however as they are single bedroom dwellings, the stores are adequate for the need of the residents without being detrimental to the amenity of the locality.		

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

Consultation	
In Support (0)	Nil
Comments Received	Officer Comments
Nil	Nil
Objections (0)	Below is a summary of the objections received in relation to the previous development application, which was of a similar nature, refused by Council at its Ordinary Meeting held on 22 November 2011. The plans also address a number of areas of concern expressed in the previous consultation.
Comments Received	Officer Comments
<ul style="list-style-type: none"> • The proposed setback for the three (3) new storeys building on the south boundary is entirely unacceptable. 	<ul style="list-style-type: none"> • The proposed southern setback to the two new multiple dwellings has been increased to 5.5 metres from 1.5 metres.
<ul style="list-style-type: none"> • 4 metre rear setback. 	<ul style="list-style-type: none"> • The proposed carport is setback 1.2 metres from the right-of-way, with the first and second floors being setback 2.5 metres to 5.1 metres from the right-of-way. The proposed setback accommodates for the 0.5 metre future right-of-way widening.
<ul style="list-style-type: none"> • There will be nil visitor car parking bays which will cause opportunistic parking. 	<ul style="list-style-type: none"> • There are currently fifteen (15) multiple dwellings which require 4 (3.75) visitor bays, however there are currently no visitor bays provided on-site. An additional two (2) multiple dwellings does not increase this requirement.
<ul style="list-style-type: none"> • There are no bicycle bays for residents or visitors. 	<ul style="list-style-type: none"> • Eight (8) bicycle parking bays have been provided, as required by Clause 7.3.3 "On-site parking provision" A3.2 of the R-Codes, with a condition of approval recommended stating that there is to be six (6) bicycle bays for residents and two (2) for visitors.
<ul style="list-style-type: none"> • The building height is proposed to go another 1.8 metres higher. 	<ul style="list-style-type: none"> • The proposed building height ranges from 7.8 metres to 8.8 metres above the natural ground level. The maximum height of 8.8 metres is due to the slope of the natural ground level and the proposed additions matching the existing height of the building.
<ul style="list-style-type: none"> • The proposed number of storeys is already exceeding the acceptable standard. 	<ul style="list-style-type: none"> • The existing multiple dwellings building is currently three (3) storeys high. As the two (2) proposed multiple dwellings match the existing building, which extends the length of the building but does not exceed three (3) storeys, it is considered to be consistent with the desired height of buildings in the locality.
<ul style="list-style-type: none"> • There are no laundry or clothes drying areas proposed. 	<ul style="list-style-type: none"> • Each multiple dwelling is provided with washing machines. It is a condition of approval that each multiple dwelling is to be provided with a clothes dryer.
<ul style="list-style-type: none"> • Gross overshadowing of the two (2) southern properties. 	<ul style="list-style-type: none"> • The proposed additions comply with the overshadowing requirements of Clause 7.4.2 "Solar access for adjoining sites" P2 of the R-Codes. • The increased portion of overshadowing will predominantly fall over the roof of each dwelling, being clear of the outdoor living areas and solar collectors.

Consultation	
<ul style="list-style-type: none"> The amenity of the majority of the new bedrooms and revised living spaces on the south will have poor amenity in regard to daylight and aspect. 	<ul style="list-style-type: none"> Noted.
Advertising	No advertising was required to be undertaken in relation to the application as the new application was lodged within twelve (12) months of the previous application, which was of a similar nature. The plans address a number of areas of concern expressed in the previous consultation.

Other Implications	
Legal/Policy	TPS No. 1 and associated Policies.
Strategic	Nil.
Sustainability	Nil.
Financial/Budget	Nil.

Car Parking

The car parking required is calculated as per the R-Codes 2010.

Car Parking	
Medium Multiple Dwelling (75-110 square metres) - 1 space per dwelling (17 dwellings proposed)= 17 car bays	21 car bays
Visitors= 0.25 spaces per dwelling (17 dwellings proposed)= 4.25 visitor bays = 4 car bays	
Total= 21 car bays	
Total car bays provided	17 car bays
Shortfall	4 car bays

A total of twenty one (21) car bays will be required for the multiple dwellings, comprising seventeen (17) for the exclusive use of residents and four (4) for visitors. Seventeen (17) car bays have been provided for the exclusive use of residents, however there is no visitor parking proposed.

There are currently fifteen (15) multiple dwellings which require 4 (3.75) visitor bays; however, there are currently no visitor bays provided on-site. As the proposed additional two (2) multiple dwellings does not increase the requirement of visitor bays, and as the proposed additions to the existing multiple dwellings will improve the amenity of the site and the amenity of low cost housing, whilst providing for a range of housing types within the City; it is considered that the shortfall of four (4) visitor bays is supportable in this instance.

The subject site is located within a close proximity to Newcastle Street (approx. 79 metres) and Vincent Street (approx. 38 metres), which are both high frequency public transport routes providing alternative forms of transport to the subject site.

Bicycle Parking		
Bicycle Parking	1 bicycle space to each 3 dwellings for residents and 1 bicycle space to each 10 dwellings for visitors):	
	6 bicycle bays for the residents.	8 bicycle bays provided.
	2 bicycle bays for the visitors.	

Eight (8) bicycle parking bays have been provided; however a condition of approval is still recommended stating that there is to be six (6) bicycle bays for residents and two (2) for visitors.

COMMENTS:

The building height of the existing building ranges from 7.8 metres to 8.8 metres from the natural ground level. The maximum height of 8.8 metres is due to the slope of the natural ground level and the proposed additions matching the existing height of the building.

The existing multiple dwelling building is currently three (3) storeys high. As the two (2) proposed multiple dwellings match the existing building, which extends the length of the building but does not exceed three (3) storeys, it is considered to be consistent with the desired height of buildings in the locality.

The additions and alteration to the existing fifteen (15) multiple dwellings and new (2) new multiple dwellings proposes to revitalise a dated multiple "flats" building, one of many in the Cleaver Precinct. The refurbishment of the fifteen studios will lift the amenity of the site and in due course the amenity of the area, as it is likely other multiple dwellings developed within a similar era, within the locality, may follow suit.

The current development application pulls the two additional multiple dwellings away from the southern boundary to be in line with the existing building line, from what was originally proposed. This not only reduces the building bulk on the adjoining property, it reduces the impacts of overshadowing on the adjoining southern property.

The reconfiguration of the two additional multiple dwellings demonstrates that the overshadowing from the current development application is now clear of the solar panels and major openings located on the upper floor of the adjoining property, which were of concern on the application previously presented to Council.

In view of the above, the application is supportable as it is considered the development will not result in any undue impact on the amenity of the surrounding area and is consistent with the existing character of Cleaver Street and the surrounding area. Accordingly, it is recommended the application be approved subject to standard and appropriate conditions.

9.1.7 LATE ITEM: Nos. 602-610 (Lot 89; D/P: 692 and Lots 404 and 405; D/P: 32639) Beaufort Street, corner of Barlee Street, Mount Lawley – Proposed Construction of Four Storey Mixed-Use Development comprising Eighteen (18) Multiple Dwellings, Four (4) Shops and Associated Basement Car Parking

Ward:	South	Date:	16 December 2011
Precinct:	Mount Lawley Centre; P11	File Ref:	PRO4329; 5.2011.597.1
Attachments:	001 – Property Information Report and Development Application Plans		
Tabled Items:	-		
Reporting Officer:	S Radosevich, Planning Officer (Statutory)		
Responsible Officer:	H Smith, Manager Planning and Building 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 Bollig Design Group on behalf of the owner, Demol Investments Pty Ltd for the Construction of Four-Storey Mixed Use Development comprising Eighteen (18) Multiple Dwellings, Four (4) Shops and Associated Basement Car Parking at Nos. 602-610 (Lots 89, 404 and 405) Beaufort Street, corner Barlee Street, Mount Lawley, as shown on plans stamp dated 30 November 2011, 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 Beaufort Street and Barlee Street;
2. no street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning;
3. first obtaining the consent of the owners of No. 612 Beaufort Street, Mount Lawley, for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 612 Beaufort Street, Mount Lawley in a good and clean condition. The finish of the walls is to be fully rendered or face brickwork;
4. the owner(s), or the applicant on behalf of the owner(s), shall comply with the City of Vincent Percent for Public Art Policy No. 3.5.13 and the Percent for Public Art Guidelines for Developers, including:
 - 4.1 within twenty – eight (28) days of the issue date of this ‘Approval to Commence Development’, elect to either obtain approval from the City for an Artist to undertake a Public Art Project (Option 1) or pay the Cash in Lieu Percent for Public Art Contribution, of \$65,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$6,500,000); and
 - 4.2 in conjunction with the above chosen option;
 - 4.2.1 Option 1 –

prior to the approval and subsequent issue of a Building Licence for the development, obtain approval for the Public Art Project and associated Artist; and

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

OR

**4.2.2 Option 2 –
prior to the approval and subsequent issue of a Building Licence
for the development or prior to the due date specified in the
invoice issued by the City for the payment (whichever occurs
first), pay the above cash-in-lieu contribution amount;**

5. all signage that does not comply with the City's Policy relating to Signs and Advertising shall be subject to a separate Planning Application and all signage shall be subject to a separate Sign Licence application, being submitted to and approved by the City prior to the erection of the signage;
6. the doors, windows and adjacent floor areas on the ground floor fronting Beaufort Street and Barlee Street shall maintain an active and interactive relationship with this street;
7. the total gross floor area of the shops shall be limited to 414 square metres. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the City;
8. the on-site car parking area for the shops/non-residential component shall be available for the occupiers and visitors of the residential component outside normal business hours;
9. the car parking area shown for the shops/non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;
10. any new street/front wall, fence and gate within the Beaufort Street and Barlee Street setback area, including along the side boundaries within this street setback area, shall comply with the City's Policy provisions relating to Street Walls and Fences;
11. continuous and complementary awnings being provided over the Beaufort Street and Barlee Street footpath in accordance with the City's Local Laws relating to Verandahs and Awnings over Streets, with the awnings being a minimum height of 2.75 metres from the footpath level to the underside of the awning and a minimum of 500 millimetres from the kerb line of Beaufort Street and Barlee Street;
12. the Beaufort Street Metropolitan Region Scheme widening is to be brick paved to match the existing footpath and be completed in consultation and supervised by the City's Technical Services Directorate. A refundable footpath bond and/or bank guarantee for \$5,000 payable by the builder/developer/applicant lodged to the City prior to the issue of the building license and will be held until all works have been completed to the satisfaction of the Director Technical Services. An application to the City for the refund of the bond must be made in writing;
13. **PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the City:**

13.1 Cash-in-lieu

13.1.1 pay a cash-in-lieu contribution of \$26,995 for the equivalent value of 8.70 car parking spaces, based on the cost of \$3,100 per bay as set out in the City's 2011/2012 Budget; OR

13.1.2 lodge an appropriate assurance bond/bank guarantee of a value of \$26,995 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;

13.2 Construction Management Plan

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

- 13.2.1 public safety, amenity and site security;**
- 13.2.2 contact details of essential site personnel;**
- 13.2.3 construction operating hours;**
- 13.2.4 noise control and vibration management;**
- 13.2.5 Dilapidation Reports of nearby properties;**
- 13.2.6 air and dust management;**
- 13.2.7 stormwater and sediment control;**
- 13.2.8 soil excavation method (if applicable);**
- 13.2.9 waste management and materials re-use;**
- 13.2.10 parking arrangements for contractors and subcontractors;**
- 13.2.11 Consultation Plan with nearby properties;**
- 13.2.12 Traffic Management Plan (TMP); and**
- 13.2.13 any other matters deemed appropriate by the City;**

13.3 Acoustic Report

An Acoustic Report in accordance with the City's Policy No. 3.5.21 relating to Sound Attenuation shall be prepared and submitted. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;

13.4 Refuse Management

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

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

Residential:

1 x mobile garbage bin per unit; and
1 x paper recycle bin per unit

Commercial:

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

13.5 Schedule of External Finishes

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

13.6 Amalgamation of Lots

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

13.7 Section 70A Notification

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 dwellings that:

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

13.7.2 the City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential unit/dwellings. This is because at the time the planning application for the development was submitted to the City, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.

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

13.8 Screening

The balconies facing the right of way of all units off the living/dining and master bedroom, 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 Nos. 3, 5 and 7 Roy Street, Mount Lawley stating no objection to the respective proposed privacy encroachments;

13.9 Car Parking

13.9.1 Revised plans shall be submitted showing all car-parking bays dimensioned in compliance with the minimum specifications and dimensions specified in the City's Parking and Access Policy and Australian Standards AS2890.1&6 – 'Off Street Parking';

13.9.2 it is noted that car bay No. 15 as shown on the submitted plans, has restricted head room and therefore cannot be supported;

13.10 Right of Way

13.10.1 Prior to the first occupation of the development, the full length and width of the dedicated right of way from Barlee Street to the northern most boundary abutting the subject land, including the building set back area, shall be sealed, drained and paved to the specifications of and supervision under the City, at the applicant's/owner(s)' full expense; and

13.10.2 A bond of \$15,000 for the upgrade of the right of way shall be lodged prior to the issue of a Building Licence;

13.11 Footpaths

In keeping with the City's practice for multiple dwellings, commercial, retail and similar developments, the footpaths adjacent to the subject land shall be upgraded, by the applicant, to an acceptable standard which matches the existing overall theme along Beaufort Street and Barlee Street to the City's satisfaction. A refundable footpath/verge upgrading bond and/or bank guarantee of \$35,000 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage caused to the existing infrastructure, within the road reserve, has been reinstated/rectified to the satisfaction of the City's Technical Services Division. The upgrade works shall include street trees, as determined by the City's Technical Services Section. At the conclusion of the development works an application to the City for the refund of the upgrading bond shall be made in writing;

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

14.1 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;

14.2 Residential Car Parking

A minimum of 20 car parking spaces for the residential component and 5 car parking spaces for the visitors of the residents of the development, shall be clearly marked and signposted for the exclusive use of the residents of the development;

14.3 Commercial Car Parking

A minimum of 5 car parking spaces for the commercial component shall be clearly marked and signposted;

14.4 Vehicular Entry Gates

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

14.5 Clothes Dryer

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

14.6 Residential Bicycle Parking Facilities

Eight (8) class three bicycle facilities shall be provided at a location convenient to the entrances and within the approved development, comprising six (6) facilities for residents and two (2) for visitors. Details of the design and layout of the bicycle parking facilities shall be submitted to and approved by the City prior to installation of such facilities;

14.7 Commercial Bicycle Parking Facilities

One (1) class one or two bicycle facility and two (2) class three bicycle facilities shall be provided at a location convenient to the entrances and within the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted to and approved by the City prior to installation of such facility; and

14.8 Distribution of Tandem Parking Bays

Each of the two tandem parking bays are to be provided for the use of one residential dwelling or a single commercial business.

Moved Cr Maier, Seconded Cr Buckels

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

“1. That clause 9 be amended to read as follows:

“9. the car parking area shown for the shops/non-residential component and the visitor bays for the residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;”

2. That clause 14.2 be amended to read as follows:

“14.2 Residential Car Parking

A minimum of ~~20~~ 22 car parking spaces for the residential component and ~~5~~ 3 car parking spaces for the visitors of the residents of the development, shall be clearly marked and signposted for the exclusive use of the residents of the development;” and

13. That a new clause 14.9 be inserted to read as follows:

“14.9 The Applicant fully complete their obligations under Order 12 of the State Administrative Tribunal Decision of 15 May 2010 regarding building on the site.”

4. That a new Advisory Note be added as follows:

“Advisory Note

Any proposed work sheds or offices are to be situated on the verge or footpath on gantries to ensure safe access for pedestrians in accordance with the City’s Construction Management Plan Guidelines.” ”

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr McGrath

That clause 14.9 be renumbered clause 13.12.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Topelberg was an apology for the meeting.)

MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (6-2)

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

Against: Cr Carey, Cr Harley

(Cr Topelberg was an apology for the meeting.)

COUNCIL DECISION ITEM 9.1.7

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 Bollig Design Group on behalf of the owner, Demol Investments Pty Ltd for the Construction of Four-Storey Mixed Use Development comprising Eighteen (18) Multiple Dwellings, Four (4) Shops and Associated Basement Car Parking at Nos. 602-610 (Lots 89, 404 and 405) Beaufort Street, corner Barlee Street, Mount Lawley, as shown on plans stamp dated 30 November 2011, 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 Beaufort Street and Barlee Street;
2. no street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning;
3. first obtaining the consent of the owners of No. 612 Beaufort Street, Mount Lawley, for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 612 Beaufort Street, Mount Lawley in a good and clean condition. The finish of the walls is to be fully rendered or face brickwork;
4. the owner(s), or the applicant on behalf of the owner(s), shall comply with the City of Vincent Percent for Public Art Policy No. 3.5.13 and the Percent for Public Art Guidelines for Developers, including:
 - 4.1 within twenty – eight (28) days of the issue date of this ‘Approval to Commence Development’, elect to either obtain approval from the City for an Artist to undertake a Public Art Project (Option 1) or pay the Cash in Lieu Percent for Public Art Contribution, of \$65,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$6,500,000); and

- 4.2 in conjunction with the above chosen option;**
- 4.2.1 Option 1 –**
prior to the approval and subsequent issue of a Building Licence for the development, obtain approval for the Public Art Project and associated Artist; and
- prior to the first occupation of the development, install the approved public art project, and thereafter maintain the art work;
- OR**
- 4.2.2 Option 2 –**
prior to the approval and subsequent issue of a Building Licence for the development or prior to the due date specified in the invoice issued by the City for the payment (whichever occurs first), pay the above cash-in-lieu contribution amount;
- 5. all signage that does not comply with the City's Policy relating to Signs and Advertising shall be subject to a separate Planning Application and all signage shall be subject to a separate Sign Licence application, being submitted to and approved by the City prior to the erection of the signage;**
- 6. the doors, windows and adjacent floor areas on the ground floor fronting Beaufort Street and Barlee Street shall maintain an active and interactive relationship with this street;**
- 7. the total gross floor area of the shops shall be limited to 414 square metres. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the City;**
- 8. the on-site car parking area for the shops/non-residential component shall be available for the occupiers and visitors of the residential component outside normal business hours;**
- 9. the car parking area shown for the shops/non-residential component and the visitor bays for the residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;**
- 10. any new street/front wall, fence and gate within the Beaufort Street and Barlee Street setback area, including along the side boundaries within this street setback area, shall comply with the City's Policy provisions relating to Street Walls and Fences;**
- 11. continuous and complementary awnings being provided over the Beaufort Street and Barlee Street footpath in accordance with the City's Local Laws relating to Verandahs and Awnings over Streets, with the awnings being a minimum height of 2.75 metres from the footpath level to the underside of the awning and a minimum of 500 millimetres from the kerb line of Beaufort Street and Barlee Street;**
- 12. the Beaufort Street Metropolitan Region Scheme widening is to be brick paved to match the existing footpath and be completed in consultation and supervised by the City's Technical Services Directorate. A refundable footpath bond and/or bank guarantee for \$5,000 payable by the builder/developer/applicant lodged to the City prior to the issue of the building license and will be held until all works have been completed to the satisfaction of the Director Technical Services. An application to the City for the refund of the bond must be made in writing;**

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

13.1 Cash-in-lieu

13.1.1 pay a cash-in-lieu contribution of \$26,995 for the equivalent value of 8.70 car parking spaces, based on the cost of \$3,100 per bay as set out in the City's 2011/2012 Budget; OR

13.1.2 lodge an appropriate assurance bond/bank guarantee of a value of \$26,995 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;

13.2 Construction Management Plan

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

- 13.2.1 public safety, amenity and site security;**
- 13.2.2 contact details of essential site personnel;**
- 13.2.3 construction operating hours;**
- 13.2.4 noise control and vibration management;**
- 13.2.5 Dilapidation Reports of nearby properties;**
- 13.2.6 air and dust management;**
- 13.2.7 stormwater and sediment control;**
- 13.2.8 soil excavation method (if applicable);**
- 13.2.9 waste management and materials re-use;**
- 13.2.10 parking arrangements for contractors and subcontractors;**
- 13.2.11 Consultation Plan with nearby properties;**
- 13.2.12 Traffic Management Plan (TMP); and**
- 13.2.13 any other matters deemed appropriate by the City;**

13.3 Acoustic Report

An Acoustic Report in accordance with the City's Policy No. 3.5.21 relating to Sound Attenuation shall be prepared and submitted. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;

13.4 Refuse Management

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

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

Residential:

1 x mobile garbage bin per unit; and
1 x paper recycle bin per unit

Commercial:

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

13.5 Schedule of External Finishes

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

13.6 Amalgamation of Lots

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

13.7 Section 70A Notification

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 dwellings that:

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

13.7.2 the City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential unit/dwellings. This is because at the time the planning application for the development was submitted to the City, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.

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

13.8 Screening

The balconies facing the right of way of all units off the living/dining and master bedroom, 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 Nos. 3, 5 and 7 Roy Street, Mount Lawley stating no objection to the respective proposed privacy encroachments;

13.9 Car Parking

13.9.1 Revised plans shall be submitted showing all car-parking bays dimensioned in compliance with the minimum specifications and dimensions specified in the City's Parking and Access Policy and Australian Standards AS2890.1&6 – 'Off Street Parking';

13.9.2 it is noted that car bay No. 15 as shown on the submitted plans, has restricted head room and therefore cannot be supported;

13.10 Right of Way

13.10.1 Prior to the first occupation of the development, the full length and width of the dedicated right of way from Barlee Street to the northern most boundary abutting the subject land, including the building set back area, shall be sealed, drained and paved to the specifications of and supervision under the City, at the applicant's/owner(s)' full expense; and

13.10.2 A bond of \$15,000 for the upgrade of the right of way shall be lodged prior to the issue of a Building Licence;

13.11 Footpaths

In keeping with the City's practice for multiple dwellings, commercial, retail and similar developments, the footpaths adjacent to the subject land shall be upgraded, by the applicant, to an acceptable standard which matches the existing overall theme along Beaufort Street and Barlee Street to the City's satisfaction. A refundable footpath/verge upgrading bond and/or bank guarantee of \$35,000 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage caused to the existing infrastructure, within the road reserve, has been reinstated/rectified to the satisfaction of the City's Technical Services Division. The upgrade works shall include street trees, as determined by the City's Technical Services Section. At the conclusion of the development works an application to the City for the refund of the upgrading bond shall be made in writing; and

13.12 The Applicant fully complete their obligations under Order 12 of the State Administrative Tribunal Decision of 15 May 2010 regarding building on the site; and

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

14.1 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;

14.2 Residential Car Parking

A minimum of 22 car parking spaces for the residential component and 3 car parking spaces for the visitors of the residents of the development, shall be clearly marked and signposted for the exclusive use of the residents of the development;

14.3 Commercial Car Parking

A minimum of 5 car parking spaces for the commercial component shall be clearly marked and signposted;

14.4 Vehicular Entry Gates

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

14.5 Clothes Dryer

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

14.6 Residential Bicycle Parking Facilities

Eight (8) class three bicycle facilities shall be provided at a location convenient to the entrances and within the approved development, comprising six (6) facilities for residents and two (2) for visitors. Details of the design and layout of the bicycle parking facilities shall be submitted to and approved by the City prior to installation of such facilities;

14.7 Commercial Bicycle Parking Facilities

One (1) class one or two bicycle facility and two (2) class three bicycle facilities shall be provided at a location convenient to the entrances and within the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted to and approved by the City prior to installation of such facility; and

14.8 Distribution of Tandem Parking Bays

Each of the two tandem parking bays are to be provided for the use of one residential dwelling or a single commercial business.

Advisory Note:

Any proposed work sheds or offices are to be situated on the verge or footpath on gantries to ensure safe access for pedestrians in accordance with the City's Construction Management Plan Guidelines.

Landowner:	Demol Investments Pty Ltd
Applicant:	Bollig Design Group
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): District Centre
Existing Land Use:	Vacant
Use Class:	Shop and Multiple Dwellings
Use Classification:	"P" and "AA"
Lot Area:	1,090 square metres
Right of Way:	South-eastern side, 3 metres wide, sealed, Council owned

PURPOSE OF REPORT:

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

BACKGROUND:

5 May 2009 A development application was lodged for the demolition of existing commercial buildings and construction of four-storey mixed use development comprising twenty (20) multiple dwellings, shops and associated basement car parking on 30 December 2008. On 9 June 2009, the application was approved by Council at its Ordinary Meeting.

Between 27 March 2010 and 15 February 2011 The owner commenced excavation and sheet piling to achieve a two (2) level basement. Works were stopped on the site and following a State Administrative Tribunal ruling, work recommenced. The owner has been unable to dewater the site and accordingly further planning approval to amend development on the site has been sought.

DETAILS:

The previous application approved by the Council at its Ordinary Meeting held on 9 June 2009 comprised the construction of a four-storey mixed use development comprising two levels of basement car parking, shops and two multiple dwellings on the ground floor, and eighteen multiple dwellings over the first, second and third floors.

In view of the owner's inability to proceed with the above approval, an amended proposal has been submitted which details the construction of a four-storey mixed use development, comprising one level of basement car parking, four shops on the ground floor, and eighteen multiple dwellings over the first, second and third floors.

COMPLIANCE:

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Plot Ratio:	1.0 or 1090 square metres	2.05 or 2232 square metres
Officer Comments:		
Supported. The proposed plot ratio has been reduced from what was originally approved by the Council at its Ordinary Meeting held on 9 June 2009 from 2.21 (2409 square metres) to 2.05 (2232 square metres). The proposed building bulk and scale is consistent with the desired built form of the locality.		
Building Height:	Maximum height of 13 metres permitted for a concealed roof.	Maximum proposed height of 16.5 metres.
Officer Comments:		
Supported. The proposed building height is consistent with that previously approved by the Council at its Ordinary Meeting held on 9 June 2009, with the building height not having any impact on the overshadowing of adjoining properties, as the shadow will fall over the Barlee Street road reserve.		
Number of Storeys:	3 storeys (4 storeys can be considered)	4 storeys
Officer Comments:		
Supported. The proposed number of storeys is consistent with that previously approved by the Council at its Ordinary Meeting held on 9 June 2009, with the building height not having any impact on the overshadowing of adjoining properties, as the shadow will fall over the Barlee Street road reserve.		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Rear Boundary Setback:	9 metres	3 metres to 3.6 metres
Officer Comments:		
Supported. It is considered there is no undue impact in terms of visual impact and ventilation created by the proposed setback variations. The overshadowing of the development will fall over the Barlee Street road reserve, therefore not impacting on adjoining residential properties.		
Visual Privacy:	7.5 metre cone-of-vision setback	3.4m cone-of-vision setback
Officer Comments:		
Not supported. Balconies facing the south-eastern boundary will be required to be screened to 1600 millimetres to protect privacy between the subject site and adjoining properties.		
Dwelling Size:	Minimum of 40 per cent, two bedroom dwellings.	33.33 per cent, two bedroom dwellings.
Officer Comments:		
Supported. The proposal comprises of six (6), single bedroom dwellings, six (6), two bedroom dwellings and six (6), three bedroom dwellings. This provides for diversity in the dwelling types, ensuring that a range of type and sizes are provided.		
Essential Facilities:	Storage area with a minimum dimension of 1.5 metres with an internal area of at least 4 square metres for each multiple dwelling.	Three multiple dwellings have a storage area of 3.6 square metres and three multiple dwellings with a storage area of 3.8 square metres.
Officer Comments:		
Supported. The six multiple dwellings with stores which are 3.6 square metres and 3.8 square metres, are two bedroom dwellings; the stores are considered adequate for the needs of the residents without being detrimental to the amenity of the locality.		

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

Consultation	
In Support (2)	Two
Comments Received	Officer Comments
Nil	Nil
Neither Support or Object (1)	One
Comments Received	Officer Comments
<ul style="list-style-type: none"> The City is encouraged to impose restrictions and monitoring as much as possible to prevent the disruption and disturbances to the surrounding residents and properties. The footpath to Barlee Street passing the site be maintained at all times as the previous site shed, trucks and vehicles seriously hampered the view of pedestrians walking on the road, from vehicles entering Barlee Street from the laneway. Signs advising pedestrians to use the other side of the street were not adhered to and children in prams, on skateboards and tricycles had been seriously at risk. If approval is granted to install site shed on the road, it will need to be considered in light of pedestrian safety and a footpath between the shed and site to be maintained. 	<p>A construction management plan (CMP) is required prior to the issue of a building licence. The CMP is to address issues relating to:</p> <ul style="list-style-type: none"> public safety, amenity and site security; contact details of essential site personnel; construction operating hours; noise control and vibration management; Dilapidation Reports of nearby properties; air and dust management; stormwater and sediment control; soil excavation method (if applicable); waste management and materials re-use; parking arrangements for contractors and subcontractors; Consultation Plan with nearby properties;

Consultation	
<ul style="list-style-type: none"> • Employment of a safety (Lollypop) officer to be employed on site to control ingress and egress of site because of pedestrian safety. • That immediate installation prior to any works, of equipment to monitor vibration of all building and earthmoving activity until concrete floor of lower basement level car park is complete. (levels of vibration not to exceed as determined as previous orders) • Proper dust control plan to be submitted and approved prior to commencement of earthworks. 	<ul style="list-style-type: none"> • Traffic Management Plan (TMP); and • any other matters deemed appropriate by the City.
<ul style="list-style-type: none"> • A direct phone number to be provided of City of Vincent Ranger Services to all surrounding owners and occupiers to provide contact in the event of any non-compliance. 	<p>If you require the services of a Ranger, contact the Customer Service Centre on 9273 6000 from 8.00am to 5.00pm, emergency after hours enquiries should be directed to 9273 6061.</p>
Objections (4)	Four
Comments Received	Officer Comments
<ul style="list-style-type: none"> • The application for planning approval should not be considered until ALL issues associated with the previous development application for the site are remedied. Homes were damaged as a result of the sheet piling, and no attempt to carry out a dilapidation inspection after the sheet piling finished was made. This is a breach of the previous (SAT amended) approval. 	<p>Noted. The City is unaware of any outstanding matters in relation to the previous approval.</p> <p>It is noted that matters of property damage between the subject site and surrounding properties is a civil matter.</p>
<ul style="list-style-type: none"> • Overlooking into properties on the (residential) east side of the development. Balconies facing the right-of-way should be screened to a MINIMUM height of 1.6m, yet they appear to be 1.4m. 	<p>The windows along the eastern side of the development each have a sill height of 1.6 metres above the floor level.</p> <p>It is a condition of approval that the balconies facing the right-of-way are to be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the floor level</p>
<ul style="list-style-type: none"> • Overshadowing of properties on the (residential) east side of the development. 	<p>Overshadowing is calculated by assessing the extent of the shadow cast by a building at midday 21 June. In this instance, the shadow falls over the Barlee Street road reserve.</p>
<ul style="list-style-type: none"> • Setback on the north east boundary of Nil – 1.4m provides little room for pedestrians to walk, particularly if utilised by a person with a disability. City of Vincent's Vehicle Access to Dwellings via a Right-of-Way (Policy 3.4.4) requires: <ul style="list-style-type: none"> ○ The subject right-of-way to be drained and sealed to conform to the City of Vincent's specifications. There is currently insufficient (1) drainage at the southern end of the right-of-way. 	<p>Details of drainage are to be provided as part of the building licence application.</p> <p>Noted. There are alternative points of access for pedestrians to enter the site from Barlee Street.</p> <p>There is a minimum manoeuvring depth of 6 metres provided from the accessway to the rear of the right-of-way.</p>

Consultation	
<ul style="list-style-type: none"> ○ A separate constructed pedestrian access of a minimum width of 1.5 metres is provided for such dwelling(s) to the street alignment. Proposed setback fails to allow this minimum width to be achieved. ○ The carports, garages or car spaces are to be located in such a manner as to provide a minimum access manoeuvring dimension of 6 metres. The right-of-way where vehicles enter the basement carpark does not appear to allow for this minimum dimension to be achieved. 	
<ul style="list-style-type: none"> ● Pedestrian walkway appears to be too narrow on the east boundary, particularly where the landscape strip is proposed. 	Noted. There are alternative points of access for pedestrians to enter the site from Barlee Street.
<ul style="list-style-type: none"> ● Insufficient number of car park spaces for retail users/customers. 	Noted. Refer to parking comments below.
<ul style="list-style-type: none"> ● Some residential carpark bays do not appear to satisfy car parking space dimensions for developments, as contained in City of Vincent's Parking and Access (Policy 3.7.1). Dimensions appear to fail on minimum length, width, depth and manoeuvring depth, plus where a car parking space abuts a wall or other barrier the minimum width is to be not less than 2.8 metres. 	It is a condition of approval that prior to the issue of a building licence, revised plans are required to be provided with car parking bays being dimensioned, demonstrating compliance with the Australian standard AS2890.1.
<ul style="list-style-type: none"> ● City of Vincent's Percent for Public Art (Policy 3.5.13) states Proposals for commercial, non-residential, and mixed residential/commercial developments over the value of \$1,000,000 are to set aside a minimum of one per cent (1%) of the Total Project Cost for the development of Public Art which reflects the place, locality or community. This does not appear in the planning application. 	It is a condition of approval that the owner(s), or the applicant on behalf of the owner(s), shall comply with the City of Vincent Percent for Public Art Policy No. 3.5.13 and the Percent for Public Art Guidelines for Developers.
Advertising	The advertising was carried out as per the City's Policy No. 4.1.5 relating to Community Consultation.

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

Car Parking

Residential Car Parking	
Medium Multiple Dwelling (75-110 square metres) – 1 space per dwelling (12 dwellings proposed) = 12 car bays	25 car bays
Large Multiple Dwelling (>110 square metres) – 1.25 spaces per dwelling (6 dwellings proposed)= 7.5 car bays = 8 car bays	
Total = 20 car bays	

Residential Car Parking	
Visitors= 0.25 spaces per dwelling (18 dwellings proposed)= 4.5 visitor bays = 5 car bays	
Total= 25 car bays	
Total car bays provided	25 car bays

Residential Bicycle Parking	
Multiple Dwelling – 1 bicycle space to each 3 dwellings= 6 spaces	
Visitors – 1 bicycle space to each 10 dwellings = 1.8 spaces = 2 spaces	
Total required = 8 spaces	
Provided = 10 spaces	

Commercial Car Parking	
Car parking requirement (nearest whole number)	= 28 car bays
<ul style="list-style-type: none"> Shop – 1 space per 15 square metres of gross floor area 414 square metres = 27.6 car bays = 28 car bays	
Apply the adjustment factors.	(0.4896)
<ul style="list-style-type: none"> 0.85 (within 400 metres of a bus stop) 0.80 (contains a mix of uses, where at least 45 per cent of the gross floor area is residential) 0.80 (within 50 metres of a public car park with an excess of 50 car bays) 0.90 (within a District Centre zone) 	= 13.70 car bays
Minus the car parking provided on-site	6 car bays (including 1 non-compliant bay)
Minus the most recently approved on-site car parking shortfall	N/A
Resultant shortfall	8.70 car bays

Commercial Bicycle Parking	
Shop (414 square metres):	
<ul style="list-style-type: none"> 1 space per 300 square metres gross floor area (class 1 or 2) = 1.38 spaces 1 space per 200 square metres (class 3) = 2.07 spaces 	
<u>Required:</u>	
Total class one or two bicycle spaces = 1.38 spaces = 1 space	
Total class three bicycle spaces = 2.07 spaces = 2 spaces	
<u>Provided</u>	
Class three = 10 spaces.	

After applying the relevant adjustment factors, a total of 13.70 car bays will be required for the retail shops. Five (5) compliant car bays have been provided for the shop, resulting in a shortfall of 8.70 car bays.

The subject site is located on Beaufort Street, which is a high frequency public transport route and approximately 1000 metres from a train station; hence, alternative forms of transport provide access to the subject site. The proposal also provides an excess number of bicycle facilities, encouraging other modes of transport.

Within the basement of the development there are four sets of tandem parking bays. It is considered that tandem parking bays can cause a number of issues where they are not allocated appropriately. In this instance it is considered that the arrangement of the tandem parking bays is acceptable, with a condition of approval requiring each of the two bays to be provided for the use of one residential dwelling or a single commercial business.

COMMENTS:

It is considered that the plot ratio and building height of the proposed development does not have an undue impact on the amenity of the locality, but rather is consistent with the type of development desired within a district centre.

The four-storey height is supported given the location of the development along Beaufort Street, along with it being located on a corner site. There are existing four-storey developments located along Beaufort Street, including one directly opposite, on the corner of Beaufort Street and Chelmsford Road, along with three-storey mixed use developments located within the vicinity, including No. 591 Beaufort Street.

Although there is a shortfall in the proposed car parking bays, it is noted that the overall scale of the proposal is now less than what was previously approved by the Council at its Ordinary Meeting held on 9 June 2009. The current proposal only comprises one basement level of car parking whereas the previously approved application comprised two levels of basement car parking, which in turn has impacted on the number of parking bays provided on-site causing the previous surplus, to become a shortfall. Two fewer multiple dwellings is also changed from the previous application however the provision for residential parking is compliant.

The proposal is also in keeping with State Planning Policy 4.2 "Activity Centre for Perth and Peel" which states that:

"5.4 Urban Form

1. *District centres and higher-order centres should incorporate a network of streets and public spaces as principal elements.*
2. *The following should be considered:*
 - *a well-formed structure typically consists of small, walkable blocks that improve accessibility within a centre;*
 - *buildings need to address streets and public spaces to promote vitality and encourage natural surveillance;*
 - *activity centres should contain a mix of uses along street frontages, and arrange key retail and other attractors to maximise pedestrian flows along streets;*
 - *new activity centre development or redevelopment should include 'sleeving' of large-scale retail and car parks, more externally-oriented or "active" building frontages and fewer blank walls; and*
 - *'town squares', public and civic spaces and parks need to be attractive, well located spaces that provide a quality meeting place for the community as an integrated component of the centre."*

The proposed mixed use development address both Beaufort and Barlee Streets, which will create urban vitality through the shops on the ground floor having an active and interactive relationship with both Beaufort and Barlee Streets. The combination of the shops on the ground floor and three storeys of multiple dwellings above, will not only contribute to the pedestrian flow of the locality but also provide natural surveillance to the locality throughout the day and night.

In view of the above and as the current application is of a similar nature to what was previously approved by the Council at its Ordinary Meeting held on 9 June 2009, it is recommended that the Council approve the application subject to standard and appropriate conditions.

9.1.8 No. 268 (Lot 101; D/P: 99005) Newcastle Street, corner of Lake Street, Perth – Proposed Additions and Alterations to Existing Lodging House (Hostel)

Ward:	South	Date:	9 December 2011
Precinct:	Mount Lawley Centre; P11	File Ref:	PRO0028; 5.2011.463.1
Attachments:	001 - Property Information Report and Development Application Plans		
Tabled Items:	Nil		
Reporting Officer:	S Radosevich, Planning Officer (Statutory)		
Responsible Officer:	H Smith, Manager Planning and Building Services		

CORRECTED OFFICER RECOMMENDATION:

1. That Clause 5.1 be amended to read as follows:

5.1 Cash-in-lieu

5.1.1 pay a cash-in-lieu contribution of ~~\$17,577~~ \$26,815 for the equivalent value of ~~5.67~~ 8.65 car parking spaces, based on the cost of \$3,100 per bay as set out in the City's 2011/2012 Budget; OR

5.1.2 lodge an appropriate assurance bond/bank guarantee of a value of ~~\$17,577~~ \$26,815 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

2. That Clause 5.2 be amended to read as follows:

5.2 Construction Management Plan

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

- ~~5.2.1 public safety, amenity and site security;~~**
- ~~5.2.2 contact details of essential site personnel;~~**
- ~~5.2.3 construction operating hours;~~**
- ~~5.2.4 noise control and vibration management;~~**
- ~~5.2.5 Dilapidation Reports of nearby properties;~~**

Landowner:	Jalwest Pty Ltd
Applicant:	McDonald Jones Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R80/Commercial
Existing Land Use:	Lodging House
Use Class:	Lodging House
Use Classification:	"SA"
Lot Area:	972 square metres
Right of Way:	N/A

PURPOSE OF REPORT:

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

BACKGROUND:

13 June 2000 The Council conditionally approved a development application for proposed alterations and three-storey plus ground level parking additions to the existing lodging house (hostel) at its Ordinary Meeting.

22 May 2001 The Council conditionally approved a development application for proposed alterations and three-storey plus ground level parking additions to the existing lodging house (hostel) at its Ordinary Meeting. This application reduced the number of beds previously approved from 224 to 200 and on-site parking from 8 to 7 bays.

DETAILS:

The application is for additions and alterations to the existing lodging house (hostel). There are currently 200 beds, with the additions and alterations proposing to add an additional 29 beds to the lodging house (hostel).

The subject site is listed on the City's Municipal Heritage Inventory as Management Category of B - Conservation Recommended.

A Heritage Impact Statement was undertaken on 2 November 2011, based on the plans dated 13 September 2011, to assess the impact of the proposed development on the cultural heritage value of the subject building. The Heritage Impact Statement indicated that the proposed alterations and additions will not detract from the prominence and character of the existing heritage building and will ensure the continued use of the subject property.

Consultation	
In Support (0)	Nil
Comments Received	Officer Comments
Nil.	Nil.
Objections (7)	Seven
Comments Received	Officer Comments
<ul style="list-style-type: none"> • With an increase in beds/rooms and parking already a premium in the area, an approval of car bay shortfalls is not sustainable over the long term. • Although surrounding units have one car bay per residence, many house more than one occupant who owns a car. As such, parking is at a premium on Lake Street. Parking issues will be exacerbated by this shortfall. • There is currently limited parking on Lake Street, with many backpackers parking cars on the street. 	<ul style="list-style-type: none"> • Noted. Refer to car parking comments below.

Consultation	
<ul style="list-style-type: none"> • There is already limited parking for visitors to residents on Lake Street. • Noise and anti-social behaviour are currently a problem with the adjacent backpackers, which negatively affects the quality of life of the surrounding residents, an increase in the population will make these problems worse. • Surrounding residents experience a high level of noise on Thursday, Friday and weekend evening from the premises. A greater amount of guests and extended drinking hours will make this worse and have a negative impact on the amenity. • The proposed extended liquor licence and proposed additions and alterations should be considered together. 	<ul style="list-style-type: none"> • A condition of approval is recommended requiring an updated management plan that addresses the control of noise, traffic, car parking, litter and anti-social behaviour. • Noted.
Advertising	The advertising was carried out as per the City's Policy No. 4.1.5 relating to Community Consultation.

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

Car Parking

Car Parking	
Car parking requirement (nearest whole number) <ul style="list-style-type: none"> • Lodging House – 1 space per bedroom or 1 space per 3 beds provided, whichever is the greater 229 beds = 76.34 car bays = 76 car bays 	= 76 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> • 0.85 (The proposed development is within 800 metres of a rail station) • 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) 	(0.6141) = 46.67 car bays
Minus the car parking provided on-site	7 car bays
Minus the most recently approved on-site car parking shortfall	34
Resultant shortfall	5.67 car bays

After applying the relevant adjustment factors, minus the most recently approved shortfall, a total of 5.67 car bays will be required. Seven (7) car bays have been provided for the lodging house, resulting in a shortfall of 5.67 car bays.

The site is located on Newcastle Street, a high frequency public transport route and within 800m of two (2) train stations; hence, the site has access to alternative forms of transport.

COMMENTS:

It is considered that the shortfall of car parking bays, created from the additional bed spaces, will not have an undue impact on the locality by virtue of the nature of the use, the availability of alternate forms of transport and the site's proximity to the Central Business District.

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

9.1.9 Nos. 1-1A (Lots 14 & 15; D/P: 1874) Albert Street, North Perth - Proposed Demolition of Existing Single House and Construction of Four Storey Plus Basement Mixed Use Development Consisting of Four (4) Offices, Five (5) Two Bedroom Multiple Dwellings, Eight (8) Single Bedroom Multiple Dwellings and Associated Car Parking

Ward:	North	Date:	9 December 2011
Precinct:	North Perth Centre, P9	File Ref:	PRO3901; 5.2011.321.1
Attachments:	001 - Property Information Report and Development Application Plans		
Tabled Items:	Applicant's Submission		
Reporting Officer:	A Dyson, Planning Officer (Statutory)		
Responsible Officer:	H Smith, Manager Planning and Building Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by Planning Solutions (Aust) Pty Ltd on behalf of the owner Beersheba Investment Pty Ltd for proposed Demolition of Existing Single House and Construction of Four Storey Plus Basement Mixed Use Development Consisting of Four (4) Offices, Five (5) Two Bedroom Multiple Dwellings, Eight (8) Single Bedroom Multiple Dwellings and Associated Car Parking, at Nos. 1-1A (Lots 14 & 15; D/P: 1874) Albert Street, North Perth, and as shown on amended plans stamp-dated 29 November 2011, due to the following reasons:

1. The development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;
2. The impact on the retention of the heritage elements and existing built form of the building on the adjoining North Perth Primary School, given the bulk and scale of the proposed four storey development;
3. The non-compliance with the City's Policies Nos. 3.2.1, 3.1.9 and 3.4.3 relating to Residential Design Elements, the North Perth Centre Precinct and Non-Residential/Residential Development Interface in respect of the:
 - 3.1 proposed fourth storey of the building;
 - 3.2 setbacks proposed to the rear of the commercial portion of the building; and
 - 3.3 residential portion of the development not in compliance with the Residential R40 standards in terms of plot ratio, boundary walls, side setbacks and building height; and
4. Consideration of the twenty five (25) objections and petition containing seventy four (74) signatures received; and
5. Consideration of the comments from the Heritage Council of Western Australia, as detailed in the Officer report.

COUNCIL DECISION ITEM 9.1.9

Moved Cr McGrath, Seconded Cr Maier

That the recommendation be adopted.

PROCEDURAL MOTION

Moved Cr McGrath, Seconded Cr Pintabona

That the item be DEFERRED to allow the Applicant to work with the City's Administration to consider further changes to the proposal, to address items of non-compliance.

PROCEDURAL MOTION PUT AND CARRIED (7-1)

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

(Cr Topelberg was an apology for the meeting.)

Landowner:	Beersheba Investment Pty Ltd
Applicant:	Planning Solutions (Aust) Pty Ltd
Zoning:	Metropolitan Region Scheme: (MRS) Urban Town Planning Scheme No. 1 (TPS 1): Commercial
Existing Land Use:	Residential
Use Class:	Offices and Multiple Dwellings
Use Classification:	"P" and "AA"
Lot Area:	853 square metres
Access to Right-of-Way	Southern side, 4.02 metres wide, sealed, City owned

PURPOSE OF REPORT:

The report is referred to Council as more than five (5) objections have been received and the development is more than two (2) storeys in height.

BACKGROUND:

Nil.

DETAILS:

The proposal involves the demolition of the existing single storey residence and the construction of a four (4) storey mixed use development comprising Offices and Multiple Dwellings in addition to basement car parking. The office component of the development comprises four (4) tenancies over two levels totalling 1033.40 square metres, and thirteen (13) residential units including eight (8) single bedroom dwellings and five (5) two bedroom dwellings.

The subject property abuts the North Perth Primary School to the west, residentially zoned properties to the south and commercial properties to the west.

The applicant's submission is tabled.

COMPLIANCE:

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Plot Ratio:	0.6 (488.9838 square metres)– R40 (North Perth Centre Precinct)	0.9938 or (809.14 square metres)
<i>Officer Comments:</i>		
Not supported. The plot ratio calculation is applicable to the residential component of the development only. It is noted however that it presents a substantial plot ratio variation and the cumulative effect of this is evidenced by the height of the development and the subsequent bulky nature of the building on the surrounding locality.		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Open Space:	45 percent Open Space – 366.7185 square metres applicable for R40 Zoning	1.53 percent or 12.46 square metres.
Officer Comments:		
Noted. Given the predominately large footprint of the ground floor of the development, there is minimal area proposed for open space. The property has a Commercial Zoning hence the requirement for open space is applicable to the residential component only. It is noted the development provides sufficient balconies and open areas to the residential portions of the development.		
Buildings setbacks from the Boundary:	<u>Ground</u> Northern – (Front) – 6.5 metres (Average Front setbacks of Adjacent Properties)	Nil – 0.75 metres
Officer Comments:		
Supported. It is considered the proposed variations to the ground floor setbacks of the development are supportable given the commercial component of the use and the need for separation between land uses, being the existing school and commercially zoned residential property to the east.		
	<u>First Floor</u> Northern (Front) – 6.5 metres	0.65 metres – 0.8 metres
Officer Comments:		
Supported.		
	<u>Second Floor</u> Northern (Front) – 10.5 metres (Average Front Setback plus 4.0 metres)	Nil
Officer Comments:		
Supported.		
	<u>Third Floor</u> Northern (Front) – 12.5 metres (Average Front Setback plus 6.0 metres)	4.464 metres
Officer Comments:		
Supported. It is noted the proposed third floor is stepped in from the floors below to provide separation between the front of the property providing for a lessening in the visible impact and bulk of the storey to the street and is supported accordingly.		
Number of Storeys:	2 Storeys (3 Storeys where appropriate – as determined by the City)	4 Storeys Plus Basement
Officer Comments:		
Not supported. The proposed development proposes a two-storey variation to the maximum allowable height under the North Perth Centre Precinct Policy. It is considered that there are few examples of greater than two (2) storey developments, in what is a transitional area, for residential properties and commercial type developments.		
Essential Facilities	<u>Storerooms (Basement)</u> <u>Stores (Area)</u> 4 square metres	3.5 square metres (Minimum) (Unit 10)
Officer Comments:		
Not supported. The proposed storeroom is required to be increased in size to comply with the minimum area requirements of the Residential Design Codes.		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Building Height	Wall Height – 6.0 metres	13.7 metres (maximum)
	Concealed Roof Height – 7.0 metres	13.8 metres
Officer Comments:		
Not supported. The proposed development is inconsistent with the height requirements of the North Perth Centre Precinct and the Multi Unit Housing Codes. It is also noted that the development neighbours a residential area which essentially consists of single and two (2) storey dwellings.		
Visual Privacy	<u>Second Floor</u>	
	<i>Southern</i>	
	Balconies – 7.5 metres	5.2 metres
	<u>Third Floor</u>	
	<i>Eastern</i>	
	Dining – 6.0 metres Bed 2 – 4.5 metres	3.0 metres 3.0 metres
<i>Southern</i>		
	Rear Balconies – 7.5 metres	7.2 metres
Officer Comments:		
Not supported. It is considered the rear balconies and eastern windows have the propensity for some degree of overlooking to the adjoining properties to the rear of the site and are to be screened in accordance with the Residential Design Codes as per any Council approval.		
Outdoor Living	<u>Balcony</u>	
	Apartment 9 – 10 square metres	9.5 square metres
Officer Comments:		
Not supported. The balcony proposed for Apartment 9 does not provide an adequate area for inhabitants and is not supported.		
Landscaping	10 percent of Site – 81.49 square metres	1 percent or 11.34 square metres
Officer Comments:		
Noted. 10 percent of the site is required to be provided in landscaping, albeit in forms above ground level.		
Non- Residential Development Interface Policy	First and Second Floor Rear Setback – 6.0 metres	1.2 metres + 4.02 metres (Right-of-Way) (5.22 metres)
	Maximum Western Boundary Height – 6.0 metres	11.0 metres (East) 8.2 metres (West)
	2/3 Length of Wall of Boundary	35.61 percent or 96.7 percent
Officer Comments:		
Not supported. The proposed non- residential portion of the development is to be setback at least 6 metres from the adjacent property boundary, including the right-of-way, given the openings proposed to the rear of the commercial floor and its potential impact on the adjoining property to the south.		
Furthermore it is considered the western boundary parapet wall provides for an area of excessive bulk to the adjoining heritage listed North Perth Primary School which reduced light and ventilation to spaces around the school.		

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

Consultation	
In Support	One (1)
Objections	Twenty Five (25) and Petition signed by Seventy Four (74) Persons.
Comments Received	Officer Comments
<ul style="list-style-type: none"> Concerns that the proposal will have a significant impact on the North Perth precinct and given it abuts the North Perth Primary School any development will further exacerbate the existing traffic problems which are present, given the limited nature of Albert Street. In addition the primary access point is the right-of-way at the rear of the property which will see a significant and dangerous increase in the number of vehicles accessing this Right-of-Way. 	Supported. It is considered that the four (4) storey nature of the proposed development is excessive given the surrounding locality.
<ul style="list-style-type: none"> The development should be located more closely on major roads which can service it more effectively 	Supported.
<ul style="list-style-type: none"> Concern that the proposed development exceeds the required standard plot ratio by 300 percent and the bulk, scale and height of the development is inconsistent with the surrounding buildings. Especially along the western façade which includes a three storey high parapet wall for a majority of the extent of the boundary. 	Supported. It is considered the development of four (4) storeys with a significant plot ratio variation is excessive.
<ul style="list-style-type: none"> Object to the proposed insufficient open space which is presented by the development and the minimal amount of landscaping proposed at the front of the property and surrounding the development. 	Supported in part. The open space required by the development, is only applicable to the residential portion of the development, and whilst the two upper floors are provided with adequate open areas for each multiple dwelling through the provision of balconies, the overall development provides minimal other open areas. The commercial ground floor of the development provides for a near complete total footprint for the site and therefore minimal open areas.
<ul style="list-style-type: none"> Object to the proposed development which exceeds the setback requirements on all four sides of the development which will affect the retention of sunlight for the adjoining properties. 	Supported. See Above.
<ul style="list-style-type: none"> Concern that the presence of balconies and number of apartments in close proximity to the primary school is of great concern. 	Supported. In the event of an approval of the application the proposed balconies along the western façade of the development are to be screened to a height of 1.6 metres to eliminate any privacy concerns.
<ul style="list-style-type: none"> Concern that the adjoining property is the North Perth Primary School which includes a Library, which has roof lights, which will likely be adversely affected by means of reduced sunlight. 	Supported. See Above.

Consultation	
<ul style="list-style-type: none"> Object to the significant number of variations to the City's Policies proposed by the development. 	Supported. It is considered the development proposes a number of variations to both the setbacks and height provisions of the North Perth Centres Policy and the City's Policy relating to Residential Design Elements.
<ul style="list-style-type: none"> Concern that the development, if approved would set a precedent for other similar types of development in the future. 	Supported.
<ul style="list-style-type: none"> Object to the significant impact the proposed development would have on the adjoining heritage listed school and loss of the façade of the development when viewed from Angove Street. 	Supported. See comments Above.
<ul style="list-style-type: none"> Concern of the potential for users of the apartments to hang clothes on the balcony areas of the dwellings and present an undesirable visible aspect. 	Supported. In the event of any approval of the site, the occupants would be required to screen drying areas or have a tumble dryer provided to eliminate any concerns.
<ul style="list-style-type: none"> Believe that the North Perth area has an older city feel and village atmosphere which should be retained and a development of this scale would be out of character with the area. 	Supported. See comments above
<ul style="list-style-type: none"> Concern that given the proposal for a mixed use commercial/residential function is proposed this will impact the available car parking on site and will most likely generate more vehicles than can be accommodated on site i.e. visitors/patrons. 	Supported. The proposed commercial and residential parking complies with the provisions of the City's Policy No. 3.7.1 relating to Parking and Access and the Residential Design Codes.
<ul style="list-style-type: none"> Note that several of the proposed apartments will not have access to natural light and no possibility of solar passive design. 	Noted. Each apartment is provided with an outdoor living area.
Advertising	The advertising was carried out as per the City 'Policy No. 4.1.5 - relating to Community Consultation for a period of fourteen (14) days.

Commercial Car Parking	
Car parking requirement (nearest whole number):- Office (1 bay per 50 square metres) – 1033.40 square metres (car bays)	
Total – 20.668 car bays	21 car bays
Apply the adjustment factors: <ul style="list-style-type: none"> 0.85 (Within 400 metres of a bus stop) 0.95 (The proposed development is within 400 metres of one or more existing public car parking place(s) with in excess of a total of 25 car parking spaces) 	(0.8075) = 16.9575 car bays
Minus the car parking provided on-site.	33 car bays
Minus the most recently approved on-site car parking shortfall	N/A car bays
Surplus	16.04 car bays

Residential Car Parking	
Small Multiple Dwelling (Less than 75 square metres or 1 bedroom) – 0.75 per dwelling (12 Proposed)= 9 car bays Medium Multiple Dwelling (75 - 110 square metres) - 1 bay per dwelling (1 proposed) = 1 car bays Visitors = 0.25 per dwelling (13) = 1.25 car bays = 3.25 car bays or 3.00 car bays Total = 13.25 car bays	13 car bays
Total car bays provided from surplus commercial bays	16.04 car bays
Surplus	3.04 car bays

Bicycle Parking	
Bicycle Facilities Commercial:– Occupants - 1 bicycle space per 200 square metres (Proposal 1033.40 square metres): required – (5.17) bicycle bays required – Class 1 or 2 Required – 5.00 bicycle spaces	
Residents:– 1 bicycle space per 3 dwellings – 13 Dwellings Proposed - 4.33 Bicycle Bays Required) – 4.0 bicycle spaces required	
Visitors:– 1 bicycle space per 10 dwellings – 13 Dwellings Proposed (1.3 Required) – 1.0 bicycle space Residential Requirement – 5.00	
Minus Bicycle Parking Provided on- site	14 bicycle bays
Total Surplus	4 bicycle bays

Other Implications	
Legal/Policy	TPS No. 1 and associated Policies.
Strategic	The City's <i>Strategic Plan 2011-2016</i> - Objective 1 states: <i>“Natural and Built Environment</i> 1.1 <i>Improve and maintain the natural and built environment and infrastructure</i> 1.1.2 <i>Enhance and maintain the character and heritage of the City.”</i>
Sustainability	Nil.
Financial/Budget	Nil.

COMMENTS

Heritage

The subject development at Nos. 1-1A Albert Street, North Perth is adjacent to No. 3 Albert Street (also known as the North Perth Primary School), which is listed on both the City's Municipal Heritage Inventory and the Heritage Council's State Register of Heritage Places.

The subject application was referred to the Heritage Council for comment on 20 July 2011. In a letter dated 16 September 2011, the Heritage Council's response was that:

- “1. *The Statement of Significance for the North Perth Primary School states that the place contributes “to a significant precinct of early twentieth century municipal buildings, with its two substantial, largely intact, school buildings set within an essentially unchanged open landscape of playgrounds near the commercial and former administrative centre of North Perth”. It is considered that the proposed development will potentially impact on these value;*
2. *The bulk and scale of the proposed four storey development is considered to be inconsistent with the existing built form of the North Perth Primary School. We would encourage the revision of the proposal to reduce this impact by providing more articulation to the overall bulk, and in particular its relation to the west boundary;*

3. *The design and materials of the proposed development are also not entirely reflective of the surrounding environment, and we would encourage any revisions to make reference to the rhythm, materials and form of buildings in the immediate vicinity and in particular the registered place; and*
4. *We note that the building proposed for demolition was formerly the North Perth Primary School Teacher's Quarters. Although this structure is not included in the registered cartilage of the North Perth Primary School, its retention is recommended in the Conservation Plan. As such we encourage the preparation of a standard archival record and an Interpretation strategy to inform the development to be included as planning approval conditions."*

Subsequently, the amended plans dated 29 November 2011 were forwarded to the Heritage Council for comment. In an email dated 2 December 2011, the Heritage Council states:

"We have reviewed the amended plans. We feel that the changes are a slight improvement, although we still have concerns about the bulk in relation to the registered place. However, as the proposed development is adjacent to the registered place and not on the actual curtilage, we feel this is more of a local planning issue."

The Heritage Officers concur with the above comments provided by the Heritage Council. It is considered that the proposed development is not supported as it has a negative impact on the cultural heritage value of the adjacent heritage listed property in terms of its bulk and scale, and design and materials.

In light of the above, the Heritage Officers recommend that the following matters be considered, prior to the determination of this application:

1. Revised plans shall be submitted to and approved by the City demonstrating a recess/truncation or a diagonal setback to be provided along the north-west corner of the development to all levels, to reduce the perception of building bulk and to improve sightlines in the transition between the development and the adjacent heritage listed building; and
2. Revised plans shall be submitted to and approved by the City detailing the western boundary of the development is landscaped, to soften and improve the interface of the development and the adjacent heritage building.

In the event that the subject development is supported, the following conditions are to be imposed:

1. An archival documented record of No. 1-1A (Lots 14 & 15; D/P: 1874) Albert Street, North Perth including photographs (internal, external and streetscape elevations), floor plans and elevations for the City's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence; and
2. An interpretative plaque or another appropriate form of interpretation that recognises the heritage significance of the former North Perth Primary School Teacher's Quarters at No. 1-1A (Lots 14 & 15; D/P: 1874) Albert Street, North Perth, shall be installed prior to the first occupation of the approved development on site. The design and wording of the interpretative plaque or other interpretative medium shall be undertaken in accordance with the City's Policy No. 3.6.4 relating to Heritage Management -Interpretive Signage, and be submitted to and approved by the City prior to the issue of a Building Licence. The approved interpretation proposal shall be installed at the owner(s)/occupier(s) expense and thereafter maintained by the owner(s)/occupier(s).

In light of the above non compliances, together with the substantial variations presented by the development in terms of the plot ratio, setbacks, height and the significant number of objections (25 objections and petition containing 74 signatures) from the surrounding community, it is considered the development is not supportable. Furthermore, it is considered the impact of the development on the existing heritage listed North Perth Primary School is excessive. Accordingly it is recommended the development be refused.

9.2.5 LATE ITEM: Britannia Road Reserve – Consideration of Submissions and Proposed Installation of Cricket Practice Nets

Ward:	North	Date:	16 December 2011
Precinct:	Leederville (3)	File Ref:	RES0001
Attachments:	001 – Proposed Practice Net Location 002 – Previously Proposed Net Location 003 – Britannia Road Reserve Masterplan 004 – Comments Summary 005 – Consultation Area		
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. **CONSIDERS** the submissions received concerning the proposal to install cricket nets on Britannia Road Reserve;
2. **APPROVES** the installation of four (4) cricket practice nets at Britannia Road Reserve, as shown on the attached Plan No. 2711-CP-1F, subject to the;
 - 2.1 **Leederville Cricket Club** being responsible for the total cost of the new cricket nets;
 - 2.2 **exact site location** being determined by the Director Technical Services;
 - 2.3 **structure fully complying with Australian Standard 1725.4-2010 Part 4: ‘Cricket Net Fencing Enclosures’;**
 - 2.4 **netting comprising a plastic/polymer coated wire in either black or dark green, in accordance with AS 2700S; and**
 - 2.5 **Leederville Cricket Club** submitting detailed design plans of the proposed cricket practice nets to the City for approval prior to commencing any works; and
3. **APPROVES** of:
 - 3.1 **modifications to the City’s existing Cricket Practice Nets, located in the north west corner of the Reserve, to ensure the roof netting is extended to comply with AS 1725.4-2010 Part 4, at an estimated cost of \$3,000; and**
 - 3.2 **“in-kind” support from the City to remove turf and reticulation pipes in the proposed site, estimated to cost \$1,500.**

COUNCIL DECISION ITEM 9.2.5

Moved Cr Harley, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Topelberg was an apology for the meeting.)

PURPOSE OF REPORT:

The purpose of the report is to advise the Council of the submissions received as a result of the community consultation and to seek approval for the project to proceed.

BACKGROUND:

At the Ordinary Meeting of Council held on 22 November 2011 a progress report of the Britannia Reserve Working Group was presented where it was resolved (in part) as follows:

“That the Council;

- ...3. *APPROVES IN PRINCIPLE the proposal by the Leederville Cricket Club for the construction of additional cricket practice nets at the Britannia Road Reserve as shown in appendix 001 and Plan Nos. 2711-CP-1E, subject to all costs of the project to be met by the Club;*
4. *CONSULTS with the community regarding the proposal as outlined in Clause 3 in accordance with the City’s Community Consultation policy; and*
5. *RECEIVES a further report, on the matter as outlined in Clause 3, at the conclusion of the consultation period.”*

DETAILS:

Community Consultation: (refer attachment 9.2.5 – Comments Summary)

On 29 November 2011 **1,464** consultation packs were distributed around Britannia Road Reserve in accordance with the City’s consultation policy, as shown in Attachment 9.2.5. At the close of consultation **245** responses had been received (as shown below) representing an overall response of **16.7%**.

Consultation Summary

	In favour	Against	Other	Total
Consultation (Comment Summary)	41	10	5	55
LCC Support (Emails)	88	-	-	88
Petition (excluding previous submissions)	101	-	-	101
Total	230 (94%)	10 (4%)	5 (2%)	245

In Favour

- Comments *in favour* of the Proposal: Forty one (41)
- Emails received from Leederville Cricket Club members (*which included many residents of the City*) *in favour* of the proposal: Eighty eight (88)
- Petition received from Leederville Cricket Club *in favour* of the proposal: 124 Signatures.

Note: Of the 124 signatures, of which 52 were residents of the City, 23 had either previously emailed the City or filled out a Comments Sheet. Therefore the additional persons ‘in favour’ were 101.

Against

- Comments *against* the Proposal: Ten (10)

Other

- *Other* comments regarding the Proposal: Five (5)

Discussion:

In responding to some of the relevant comments received *against* the proposal the following is advised:

- The Cricket club will be funding the new cricket nets.
- The City is developing a Masterplan, however the Council resolved that it would consult with the community regarding the cricket practice nets.
- Britannia Reserve is an active sports ground. The comment regarding "too much congestion" is noted, however this only occurs at certain times of the year for a short periods of time and can be minimised by further dialogue with the various users.
- The proposed nets will only comprise an area of 345m², compared with the overall park size of 175,000m².
- Should the proposal be approved, appropriate landscaping will be undertaken around the nets. This will occur at a later date.
- It is proposed that the structure be built approximately 27m to the east of the pavilion (as shown on attached plan No. 2711-CP-1F). This will leave an ample buffer for recreational use, access from the car park onto the reserve. The use of the BBQ and public toilet will not be impeded.
- The proposed location, as shown on Plan No. 2711-CP-1F, is located adjacent to a lighting tower. It would be easy to install an additional light to the tower, should this be required.
- The indicative location of the proposed perimeter footpath proposed in the original Britannia Reserve Masterplan, as shown on Plan No. 2711-CP-1C has been retained, as shown on plan No. 2711-CP-1F.
- There is a potential hazard wherever there is a mix of uses on any park e.g. dog off leash, sport and recreational.

Possible Relocation of the Existing Children's Playground.

The City's Parks and Property Services Section has been requested to provide comments on the possible relocation of the existing children's playground –to where the new cricket nets are proposed and to install the cricket nets on the playground site.

The following comments are provided;

Safety Concerns:

- The possibility of balls exiting from the nets is considered to be minimal, as the proposed nets would need to be constructed in accordance with the latest, updated Australian Standard.
- It is also proposed that the roof netting, albeit made from a more flexible material, will be extended the full length of the nets.
- Any balls that are 'hit out' from the nets will be a risk in either of the two locations.
- The location proposed for the playground would mean that the playground would be closer to the active sports area, thereby creating a potential hazard for children.

Indicative Costing of relocating the existing playground:

Earthworks/returfing/reticulation	\$5,000
Playground equipment-relocate existing	\$10,000
Limestone retaining	\$9,000
Fencing	\$10,000
Softfall-new	\$12,000
Sand-new	\$2,500
Shade sail (possible)	\$25,000
Total estimated cost	\$73,500

- Currently there are no funds allocated in the 2011/2012 Budget to relocate the playground.
- The playground was upgraded/relocated in 2008/2009 at a budget of \$83,000
- When upgraded in 2008/2009, the current playground location was determined in discussion with stakeholders to ensure it was visible from the front of the pavilion (the former playground was previously located further to the north).

Other Matters

- A significant tree would need to be removed from the children playground area.
- It is considered that there are no significant benefits in the proposal to relocate the playground.
- There is little shade in the proposed location therefore it is considered that shade cover would be required to comply with the City's Shade and Sun Smart policy No: 3.8.11, at an additional indicative cost of \$25,000.

Officers Comments:

The Leederville Cricket Club are (as would be expected), fully supportive of the proposal as are the significant majority of residents (230) who responded to the survey. Very few respondents (10) were against the proposal, however the ones that were provided a number of comments which have been discussed above.

The Council is developing a Masterplan for the reserve and while some might suggest that the cricket nets proposal should be deferred until the Masterplan has been prepared/adopted, the club who are one of the major users of the reserve require this facility now to address safety concerns regarding the senior and junior players using the existing nets.

CONSULTATION/ADVERTISING:

Consultation has now been undertaken in accordance with Council's Community Consultation Policy No. 4.1.5. All respondents will be advised of the Council's decision.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Medium: The proposed additional cricket 'nets' will significantly improve the safety of children who belong to the cricket club and other patrons using the cricket practice nets. The proposed nets will be located at least 27m away from the existing pavilion to provide a buffer between them and the pavilion. This buffer will ensure that park users will have uninterrupted access from the car park onto the park (between the pavilion and the proposed cricket nets).

In addition the proposed structure will be required to fully comply with AS 1725.4-2010 Part 4: 'Cricket Net Fencing Enclosures' and the roof netting will be required to be extended to cover the full length of the proposed nets. This will ensure that balls will mainly be contained within the enclosure during cricket practice.

In discussion with players, when practicing in the nets, the majority of balls are contained within the 'nets', with a very small percentage actually leaving the nets area. With the requirement to extend the netting to cover the full length of the 'nets', the potential for balls leaving the 'net' will be further minimised.

The 'nets' will be orientated north/south and be located such that trees do not cast a shadow on the 'nets' wherever possible.

Europe Cricket Board (ECB) Requirements):

Proposed nets shall be orientated in a north/south alignment to avoid batting and bowling into the setting sun. This is particularly relevant in the evening and in the later stages of the season. Also locating pitches in close proximity to trees should be avoided as trees create shadows which in sunny conditions make the ball more difficult to see.

The Leederville Cricket Club has advised that the use of the proposed 'nets' will be split 50/50 between juniors and seniors. This will give parents the opportunity of view their children practicing, which is a positive benefit to both the parents and the children.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The Leederville Cricket Club has indicated that they will pay for the full cost of the installation of the cricket nets and this is a condition of approval. They have requested that the City provide some "in-kind" support by way of removal of the turf and relocation of the reticulation where the new nets are to be located. This request is supported by the City's Administration.

The turf will be reused where appropriate and the total costs associated with the above works are estimated at \$1,500. The modifications to the existing cricket practice nets, located in the north west corner of the Reserve, to ensure the roof netting is extended to cover the full length of the 'nets' is estimated to cost \$3,000. These costs can be sourced from the grounds maintenance budget.

COMMENTS:

It is therefore recommended that the Council approve the installation of an additional block of four (4) cricket practice nets at Britannia Road Reserve, as shown on the attached Plan No. 2711-CP-1F, subject to the conditions listed in the Officer Recommendation.

9.1.3 No. 103 (Lot 10; D/P: 56012) Harold Street, corner of Stirling Street, Highgate – Demolition of Existing Motel and Associated Office and Storage Facilities – Reconsideration of Condition

Ward:	South	Date:	9 December 2011
Precinct:	Forrest; P14	File Ref:	PRO0308; 5.2011.589.1
Attachments:	Confidential – Legal Advice		
Tabled Items	Nil		
Reporting Officer:	N Wellington, Development Compliance Officer		
Responsible Officer:	H Smith, Manager Planning and Building 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 Peter Tyrrell of Milnett Pty Ltd on behalf of the owner Gregory Robert John Pennells and Ross Joseph Begley for Proposed Demolition of Existing Motel and Associated Office and Storage Facilities, at No. 103 (Lot 10; D/P: 56012) Harold Street, corner of Stirling Street, Highgate, and as shown on plans stamp-dated 7 September 2011, subject to the following conditions:

1. A Demolition Licence shall be obtained from the City prior to commencement of any demolition work on the site;
2. No street verge tree(s) shall be removed. The street verge tree/s shall be retained and protected from any damage including unauthorized pruning;
3. Prior to the issue of a Demolition Licence, the following shall be submitted to and approved by the City:

3.1 Demolition Management Plan

A Demolition Management Plan, detailing how the demolition of the development will be managed to minimise the impact on the surrounding area, addressing the following issues:

- 5.1.1 public safety, amenity and site security;
- 5.1.2 contact details of essential site personnel;
- 5.1.3 construction/demolition operating hours;
- 5.1.4 noise control and vibration management;
- 5.1.5 Dilapidation Reports of nearby properties;
- 5.1.6 air and dust management;
- 5.1.7 stormwater and sediment control;
- 5.1.8 soil excavation method and de-watering (if applicable);
- 5.1.9 waste management and materials re-use;
- 5.1.10 traffic, access management, including heavy vehicle access;
- 5.1.11 parking arrangements for contractors and subcontractors;
- 5.1.12 Notification Plan of nearby properties; and
- 5.1.13 any other matters deemed appropriate by the City, including photographs of the precondition of existing City infrastructure such as footpaths, verge and street trees; and

3.2 Vacant Lot Management Plan

A detailed Vacant Lot Management Plan, prepared in consultation with the City's Health, Technical Services and Planning Services for the site at No. 103 (Lot 10; D/P: 56012) Harold Street, corner Stirling Street, Highgate. The City encourages property owners to appropriately maintain vacant land in a safe, secure and tidy manner in the interest of the community. The management plan shall include details of the proposed treatment of the vacant site which covers fencing, maintenance, rubbish collection, weed control, and the like. The vacant lot shall be maintained in accordance with the management plan at the landowners full cost, until redevelopment works are carried out on site.

Advisory Note:

1. Support of the demolition application shall not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property.
2. Any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the City of Vincent Town Planning Scheme No. 1 and associated Policies.

Moved Cr Maier, Seconded Cr McGrath

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

“That new clauses 4 and 5 be inserted as follows:

4. Prior to issue of a Demolition Licence, a bond of \$5,000 shall be paid by the owners, to ensure the Vacant Lot Management Plan is implemented and thereafter maintained to the satisfaction of the Chief Executive Officer; and
5. In the event of non-compliance with the Vacant Lot Management Plan, the City may draw on the bond, as required, to carry out the requirements of the Vacant Lot Management Plan to the satisfaction of the Chief Executive Officer.”

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Topelberg was an apology for the meeting.)

COUNCIL DECISION ITEM 9.1.3

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 Peter Tyrrell of Milnett Pty Ltd on behalf of the owner Gregory Robert John Pennells and Ross Joseph Begley for Proposed Demolition of Existing Motel and Associated Office and Storage Facilities, at No. 103 (Lot 10; D/P: 56012) Harold Street, corner of Stirling Street, Highgate, and as shown on plans stamp-dated 7 September 2011, subject to the following conditions:

1. A Demolition Licence shall be obtained from the City prior to commencement of any demolition work on the site;
2. No street verge tree(s) shall be removed. The street verge tree/s shall be retained and protected from any damage including unauthorized pruning;

3. Prior to the issue of a Demolition Licence, the following shall be submitted to and approved by the City:

3.1 Demolition Management Plan

A Demolition Management Plan, detailing how the demolition of the development will be managed to minimise the impact on the surrounding area, addressing the following issues:

- 5.1.1 public safety, amenity and site security;
- 5.1.2 contact details of essential site personnel;
- 5.1.3 construction/demolition operating hours;
- 5.1.4 noise control and vibration management;
- 5.1.5 Dilapidation Reports of nearby properties;
- 5.1.6 air and dust management;
- 5.1.7 stormwater and sediment control;
- 5.1.8 soil excavation method and de-watering (if applicable);
- 5.1.9 waste management and materials re-use;
- 5.1.10 traffic, access management, including heavy vehicle access;
- 5.1.11 parking arrangements for contractors and subcontractors;
- 5.1.12 Notification Plan of nearby properties; and
- 5.1.13 any other matters deemed appropriate by the City, including photographs of the precondition of existing City infrastructure such as footpaths, verge and street trees; and

3.2 Vacant Lot Management Plan

A detailed Vacant Lot Management Plan, prepared in consultation with the City's Health, Technical Services and Planning Services for the site at No. 103 (Lot 10; D/P: 56012) Harold Street, corner Stirling Street, Highgate. The City encourages property owners to appropriately maintain vacant land in a safe, secure and tidy manner in the interest of the community. The management plan shall include details of the proposed treatment of the vacant site which covers fencing, maintenance, rubbish collection, weed control, and the like. The vacant lot shall be maintained in accordance with the management plan at the landowners full cost, until redevelopment works are carried out on site;

4. Prior to issue of a Demolition Licence, a bond of \$5,000 shall be paid by the owners, to ensure the Vacant Lot Management Plan is implemented and thereafter maintained to the satisfaction of the Chief Executive Officer; and
5. In the event of non-compliance with the Vacant Lot Management Plan, the City may draw on the bond, as required, to carry out the requirements of the Vacant Lot Management Plan to the satisfaction of the Chief Executive Officer.

Advisory Note:

1. Support of the demolition application shall not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property.
2. Any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the City of Vincent Town Planning Scheme No. 1 and associated Policies.

Landowner:	Gregory Robert John Pennells and Ross Joseph Begley
Applicant:	Peter Tyrrell of Milnett Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1: Residential R80
Existing Land Use:	Motel (vacant building)
Use Class:	Not applicable
Use Classification:	Not applicable
Lot Area:	2478 square metres
Right of Way:	Not applicable

PURPOSE OF REPORT:

The applicant is seeking a review of condition '5.2' imposed on the planning application approved by the Council at its Ordinary Meeting held on 27 September 2011. The condition is as follows:

- "5.2 *The owner entering into a Legal Agreement with the City (prepared by the City at the owner's expense), prior to the issue of a Demolition Licence to:*
- 5.2.1 *provide a detailed Landscaping and Lighting Plan, prepared in consultation with the City's Parks Services and Technical Services for the site at No. 103 (Lot 10; D/P: 56012) Harold Street, corner of Stirling Street, Highgate. The approved Landscaping and Lighting Plan works shall be undertaken and completed within three (3) months from the issue of the Demolition Licence and maintained thereafter by the owner(s)/occupier(s);*
 - 5.2.2 *a bond of \$8,500 being paid by the owners, prior to a Demolition Licence being issued, to ensure the Landscape Plan is implemented within the time period and thereafter maintained to the satisfaction of the Chief Executive Officer. In the event that the bond is drawn upon, such bond shall be maintained at a level of \$8,500 dollars until the redevelopment works are commenced;*
 - 5.2.3 *a bond of up to \$10,000 being negotiated and paid by the owners, prior to a Demolition Licence being issued, to ensure the Lighting Plan is implemented within the time period and thereafter maintained to the satisfaction of the Chief Executive Officer;*
 - 5.2.4 *the City being able to carry out the Landscape Plan works and thereafter maintain it to an appropriate appearance and standard, and draw on the bond as required in the absolute discretion of the City's Chief Executive Officer, in the event of non-compliance by the owners;*
 - 5.2.5 *such Legal Agreement to remain in effect until redevelopment works commence; and*
 - 5.2.6 *indemnify the City against any claims whatsoever that may arise as a result of this matter."*

BACKGROUND:

27 September 2011 The Council at its Ordinary Meeting conditionally approved the demolition of the Existing Motel and associated Office and Storage Facilities.

The Item No. 9.1.4 from the Ordinary Meeting of Council held on 27 September 2011 is available on the City's website at the following link:
http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes.

DETAILS:

In support of the request for re-consideration of condition 5.2, the applicant has provided the following justification:

“Our Company, Milnett Pty Ltd, act as Project Managers for the Owners of 103 Harold Street, Highgate. Our Clients have instructed us to submit an MRS Form 1 to the City of Vincent requesting a reconsideration of condition 5.2 of Development Approval (5.2011.445.1) approved 11th October 2011. In support of this request, we comment as follows: -

1. *The provision of landscaping and lighting, together with the associated bonds & cost to implement required in condition 5.2 is estimated to be within the region of \$28,000.*
2. *From past experience, we know that plants will be stolen & reticulation either stolen or vandalised.*
3. *We have had several meetings with City Officers seeking guidance and clarity to condition 5.2 but the Officers are also uncertain about what is required.*
4. *It is impractical for our Clients & the City to enter into a legal agreement that lacks clarity & function.*

Given that our Client's intention is to offer the site for sale as a vacant development site and in order to minimise any impact on residents, we request condition 5.2 be amended to reflect the following: -

- *The requirement to enter into a legal agreement be replaced with a requirement for the Owner to provide a bond of \$5,000 to undertake and complete the following works within 3 months of issue of the Demolition Licence –*
 - *Apply hydro mulch to the site with a seed to promote Lucerne (or similar) growth so the soil is stabilised. This will stop sand being blown onto neighbouring properties and avoids the unnecessary use of water;*
 - *Install pine bollards at 2m centres to the Harold and Stirling Street frontages to stop the site being used as a car park and to minimise the potential for rubbish to be dumped onsite; and*
 - *Maintain the engagement of Wilson Security who have been engaged as the security provider & conduct three random patrols of the site every night between 1800-0600 hours. Wilsons complete an external inspection of the site looking for obvious signs of vagrant activity (in which case we contact the Police) and any indication that security is compromised such as the broken gate. Any findings are reported and details are passed to the nominated client contact no later than the next business day.*

We trust the above comments, together with a pdf of the cover letter requesting a reconsideration, adequately summarises the current position and we look forward to Council support so we can proceed with demolition.”

COMMENTS:

Vacant Lot Management Plan

The City's Officers recommended to the Council that the application be approved, subject to conditions, including the following condition relating to a Vacant Lot Management Plan:

- “6. *A detailed Vacant Lot Management Plan, prepared in consultation with the City's Health, Parks and Planning Services for the site at No. 103 (Lot 10; D/P: 56012) Harold Street, corner Stirling Street, Highgate shall be submitted and approved prior to the issue of a Demolition Licence. The City encourages property owners to appropriately maintain vacant land in a safe, secure and tidy manner in the interest of the community. The management plan shall include details of the proposed treatment of the vacant site which covers fencing, maintenance, rubbish collection, weed control, and the like. The vacant lot shall be maintained in accordance with the management plan, until redevelopment works are carried out on site.”*

The Vacant Lot Management Plan will address matters such as fencing, maintenance, rubbish collection, weed control, dust control and any other matters relevant to the site. The Plan will need to be submitted and approved by the City, prior to the issue of a Demolition Licence, and can thereafter be enforced by way as a condition of Planning Approval. Should compliance with a condition of Planning Approval not be achieved, the City may take further action to ensure compliance with its requirements, in accordance with the City's Prosecution and Enforcement Policy.

It is to be noted that should the owner/applicant decide not to proceed with the Planning Approval for the proposed demolition (the City cannot enforce the commencement of a Planning Approval, which is valid for 2 years), the City could take action in accordance with S408 of the Local Government (Miscellaneous Provisions) Act 1960, that is to make good, or take the building down. Should enforcement of a S408 Notice be taken through the Magistrates Court, the owner may be required to demolish the building, without the need to obtain Planning Approval from the City.

Affect on Local Community

The building is currently vacant, is unkempt and in a poor condition. The exterior doors and windows have been boarded up, as requested by the City, however it is continually reported to have squatters inhabiting the building and extensive anti-social behaviour on the site. The subject place is considered to be unfit for habitation due to the condition of disrepair.

The subject property has been the subject of complaints from local residents over a number of years and the demolition of the building is therefore likely to be well received by the local residents.

Legal Advice

The City has obtained legal advice in respect to condition 5.2 of the planning application approved by the Council at its Ordinary Meeting held on 27 September 2011. **A copy of the legal advice is circulated to Council Members on a confidential basis.** In summary, the City's solicitors recommend that the condition "Vacant Lot Management Plan", be used as the standard clause in the future, for the reasons detailed in their advice.

In light of the above, it is considered that the subject buildings be approved for demolition, subject to conditions, as per the Officer Recommendation.

9.1.5 Nos. 64A and 64B (Strata Lots 1 and 2) Wasley Street, North Perth – Proposed Extension of Temporary Car Park Use and Use of Eastern Grouped Dwelling for Storage and Administration Purposes Associated with the Institutional Building (St Michael’s Nursing Home Nos. 53-65 Wasley Street, North Perth) (Retrospective Application)

Ward:	South	Date:	8 December 2011
Precinct:	Norfolk, P10	File Ref:	PRO3523; 5.2011.556.1
Attachments:	001 – Property Information Report and Development Plan		
Tabled Items	Applicant’s Submission		
Reporting Officer:	G O’Brien, Planning Officer (Statutory)		
Responsible Officer:	H Smith, Manager Planning and Building 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 Edgar Idle Wade Architects on behalf of the owner Mijude Nominees Pty Ltd for proposed Extension of Temporary Car Park Use and Use of Eastern Grouped Dwelling for Storage and Administration Purposes Associated with the Institutional Building (St Michael’s Nursing Home – Nos. 53-65 Wasley Street, North Perth) (Retrospective Application), at Nos. 64A and 64B (Strata Lots 1 and 2) Wasley Street, North Perth, and as shown on plans stamp-dated 4 November 2011, subject to the following conditions:

1. **Land Use**

- 1.1 no administration use, other than storage use, shall occur on the subject property; and
- 1.2 the building shall be reinstated as a dwelling or developed consistent with the City of Vincent Town Planning Scheme residential zoning of the lots to the satisfaction of the City within 120 days of the storage use ceasing on-site;

2. **Car Parking**

- 2.1 the temporary car park and storage uses shall be directly associated with the St Michael Nursing Home at Nos. 53-65 Wasley Street, North Perth
- 2.2 the approval for the car park and storage uses is valid for one (1) year only, and the use should revert back to residential after expiration of the one (1) year period, or upon the first occupation of the ‘stage 3’ basement car park of the development, at Nos. 53-65 Wasley Street, North Perth, whichever occurs first;
- 2.3 the car park area shall be reinstated with landscaping or other development to the satisfaction of the City within 60 days of the car park use ceasing on-site. All such works shall be undertaken at the applicant's cost and maintained thereafter by the owner(s)/occupier(s);
- 2.4 the car parking area(s) on the subject land shall be maintained by the owner(s)/occupier(s) to the satisfaction of the City;

- 2.5 the Operations Management Plan, dated 11 October 2006, for the operation of the temporary car park addressing loading and unloading operations (including delivery and service vehicle times), car park security, staff and visitors car parking, and the control of noise, traffic, litter, lighting or storage uses, shall still be applicable, and thereafter maintained by the owner(s)/occupier(s) for the entire duration of this use;
 - 2.6 the hours of operation of the car park and storage uses shall only be between 7am and 9pm, Monday to Sunday inclusive; and
 - 2.7 car parking is not permitted on the Wasley Street verge adjacent to the subject property
3. **Street Walls and Fences**
- 3.1 any new street wall, fence and gate within the Wasley Street setback area, including along the side boundaries within this street setback area, shall comply with the City's Policy provisions relating to Street Walls and Fences; and
 - 3.2 within 28 days of being notified by the City, the owner/occupier shall do all things reasonably necessary to procure the repair or replacement of any perimeter fence; and
4. **Landscaping**
- Within 28 days of being notified by the City, a detailed landscaping plan, including a list of plants and the landscaping of the Wasley Street verge adjacent to the subject property, shall be submitted by the applicant and approved by the City. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All works shall be undertaken within 40 days of the issue of planning approval and maintained thereafter by the owner(s)/occupier(s).

Advisory Note:

The Council ADVISES the;

1. owners of the St Michael's Nursing Home that the Council will not consider a further planning application at the expiry of the subject planning approval in 2012, for the temporary car park to operate beyond 2012; and
2. applicant that it has no objection to the applicant's request that the previous caveat imposed as Condition (l) by the Council at its Ordinary Meeting held on 1 December 2009, be removed.

Cr McGrath departed the Chamber at 8.35pm.

Moved Cr Maier, Seconded Cr Buckels

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

- "1. That Clause 2.2 be amended to read as follows:
 - "2.2 the approval for the car park and storage uses is valid for ~~one (1) year~~ six (6) months only, and the use should revert back to residential after expiration of the ~~one (1) year~~ six (6) month period, or upon the first occupation of the 'stage 3' basement car park of the development, at Nos. 53-65 Wasley Street, North Perth, whichever occurs first;"

2. That Advisory Note clause 1 be amended to read as follows:

“Advisory Note:

The Council ADVISES the;

1. owners of the St Michael’s Nursing Home that the Council ~~will not consider a further planning application at the expiry of the subject planning approval in 2012, for the temporary car park to operate beyond 2012; is unlikely to approve any further extension for temporary parking beyond December 2012; and~~”

Debate ensued.

The Mover, Cr Maier advised that he wished to correct the Recommendation Advisory Note clause 1 to read “July 2012” rather than “December 2012”. The Seconder, Cr Buckels agreed.

MOTION PUT AND CARRIED UNANIMOUSLY (7-0)

(Cr McGrath was absent from the Chamber and did not vote. Cr Topelberg was an apology for the meeting.)

COUNCIL DECISION ITEM 9.1.5

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 Edgar Idle Wade Architects on behalf of the owner Mijude Nominees Pty Ltd for proposed Extension of Temporary Car Park Use and Use of Eastern Grouped Dwelling for Storage and Administration Purposes Associated with the Institutional Building (St Michael’s Nursing Home – Nos. 53-65 Wasley Street, North Perth) (Retrospective Application), at Nos. 64A and 64B (Strata Lots 1 and 2) Wasley Street, North Perth, and as shown on plans stamp-dated 4 November 2011, subject to the following conditions:

1. **Land Use**

- 1.1 no administration use, other than storage use, shall occur on the subject property; and
- 1.2 the building shall be reinstated as a dwelling or developed consistent with the City of Vincent Town Planning Scheme residential zoning of the lots to the satisfaction of the City within 120 days of the storage use ceasing on-site;

2. **Car Parking**

- 2.1 the temporary car park and storage uses shall be directly associated with the St Michael Nursing Home at Nos. 53-65 Wasley Street, North Perth
- 2.2 the approval for the car park and storage uses is valid for six (6) months only, and the use should revert back to residential after expiration of the six (6) month period, or upon the first occupation of the ‘stage 3’ basement car park of the development, at Nos. 53-65 Wasley Street, North Perth, whichever occurs first;

- 2.3 the car park area shall be reinstated with landscaping or other development to the satisfaction of the City within 60 days of the car park use ceasing on-site. All such works shall be undertaken at the applicant's cost and maintained thereafter by the owner(s)/occupier(s);
- 2.4 the car parking area(s) on the subject land shall be maintained by the owner(s)/occupier(s) to the satisfaction of the City;
- 2.5 the Operations Management Plan, dated 11 October 2006, for the operation of the temporary car park addressing loading and unloading operations (including delivery and service vehicle times), car park security, staff and visitors car parking, and the control of noise, traffic, litter, lighting or storage uses, shall still be applicable, and thereafter maintained by the owner(s)/occupier(s) for the entire duration of this use;
- 2.6 the hours of operation of the car park and storage uses shall only be between 7am and 9pm, Monday to Sunday inclusive; and
- 2.7 car parking is not permitted on the Wasley Street verge adjacent to the subject property

3. Street Walls and Fences

- 3.1 any new street wall, fence and gate within the Wasley Street setback area, including along the side boundaries within this street setback area, shall comply with the City's Policy provisions relating to Street Walls and Fences; and
- 3.2 within 28 days of being notified by the City, the owner/occupier shall do all things reasonably necessary to procure the repair or replacement of any perimeter fence; and

4. Landscaping

Within 28 days of being notified by the City, a detailed landscaping plan, including a list of plants and the landscaping of the Wasley Street verge adjacent to the subject property, shall be submitted by the applicant and approved by the City. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All works shall be undertaken within 40 days of the issue of planning approval and maintained thereafter by the owner(s)/occupier(s).

Advisory Note:

The Council ADVISES the;

1. owners of the St Michael's Nursing Home that the Council is unlikely to approve any further extension for temporary parking beyond July 2012; and
2. applicant that it has no objection to the applicant's request that the previous caveat imposed as Condition (l) by the Council at its Ordinary Meeting held on 1 December 2009, be removed.

Landowner:	Mijude Nominees Pty Ltd
Applicant:	Edgar Idle Wade Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R40
Existing Land Use:	Western Portion (Lot 1) - Temporary Car Park; and Eastern Portion (Lot 2) - Temporary Storage and Administration Purposes
Use Class:	Use Associated with the Institutional Building
Use Classification:	Use Associated with Institutional Building -"SA"
Lot Area:	1011 square metres
Access to Right of Way	Not applicable

PURPOSE OF REPORT:

The report is referred to the Ordinary Meeting of Council given that the submission is a proposed renewal of Planning Approval granted by the Council at its Ordinary Meeting held on 1 December 2009.

BACKGROUND:

25 July 2006 The Council at its Ordinary Meeting granted approval for demolition of the western grouped dwelling and construction of a temporary car park, and change of use of the eastern grouped dwelling to temporary storage associated with the institutional building (St Michael's Nursing Home and Independent Living Units) at Nos. 53-65 Wasley Street, corner Norfolk Street and Forrest Street, North Perth, subject to several conditions. Approval to Commence Development Serial No. 5.2006.143.1 issued 9 August 2006.

1 May 2007 The City received a written complaint alleging non-compliance with a number of conditions of the abovementioned Approval. A site inspection undertaken on the 3 May 2007 by the City's Development Compliance Officer revealed that the western grouped dwelling had been demolished and the temporary car park had been constructed and was being utilised. A search of the City's records revealed that a Demolition Licence for the subject development had not been applied for and obtained from the City.

1 December 2009 The Council at its Ordinary Meeting granted approval for the extension of temporary car park use and use of eastern grouped dwelling for storage and administration purposes associated with the institutional building (St Michael's Nursing Home – Nos. 53-65 Wasley Street, North Perth). The approval was granted for a period of two (2) years, commencing 2 December 2009, with the use to revert back to residential after this time, or upon first occupation of 'stage 3' basement car park of the development at St Michael's nursing Home, whichever occurs first.

DETAILS:

The proposal involves the continued use of the temporary car park of 24 car bays, (including one small car bay), and storage facility, associated with the St Michael's Nursing Home at Nos. 53- 65 Wasley Street, corner Norfolk and Forrest Street, North Perth.

The applicant's justification for the proposed extension of the temporary car park use and storage facility is on the grounds that 'stage 3' of the St Michael's Nursing Home development, including that of the permanent basement car park, is yet to be completed. The applicant has advised verbally and with accompanying written communication that, construction of 'stage 3' will reach practical completion on 25 May 2012, at which time the basement car park will become available and the temporary car park at No. 64A Wasley Street, North Perth, will no longer be required. The applicant has also advised that construction is currently on schedule; however a small time contingency must be allowed for to cover unexpected delays.

ASSESSMENT:

Consultation	
In Support:	One (1)
Comments Received	Officer Comments
Nil.	Noted.
Objections:	Three (3)
Comments Received	Officer Comments
<ul style="list-style-type: none"> The temporary granting of approval has already been extended once and this is another case of the rest of the community being subjected to the wishes of a developer who cannot, and does not, comply with the requirements of a building approval. The occupier has already had the use extended previously at the Council Meeting of 1 December 2009. The Council resolved not to consider any further extension, given that the applicant has had 5 years to build a replacement. The lack of this replacement is entirely of the applicants own making. 	Noted. At the Ordinary Meeting of Council held on 1 December 2009, the applicant was advised that the <i>“Council is unlikely to favourably consider a further planning application at the expiry of the subject planning approval in 2011.”</i> The unfinished state of the ‘stage 3’ basement car park does however support the case for an extension of the use of No. 64A Wasley Street as a temporary car park, as final construction work of the basement car park is being completed.
<ul style="list-style-type: none"> The nursing home now has access to a 60+ car park on the corner of Wasley and Norfolk Streets and the resonance of sound from said basement car park is already adding to the noise disturbance in the area. Request the Approval application be rejected and the applicant uses the facilities which are already on site. 	The car park on the corner of Wasley and Norfolk Streets is that of the basement car park, which is not yet operational.
<ul style="list-style-type: none"> The Council has previously rejected the use of this dwelling for administrative purposes. 	The use of the site for administration purposes is not supported, as per the previous Council decision at its Ordinary Meeting held on 1 December 2009.
<ul style="list-style-type: none"> Car park use is prohibited in a residential zone, which this is 	The construction of St Michael’s Nursing Home – Nos. 53-65 Wasley Street, North Perth, has created extenuating circumstances that warrant the use of No. 64A Wasley Street, North Perth, as an interim solution to car parking requirements whilst construction work of the basement car park is completed.
<ul style="list-style-type: none"> Verge and on-site landscaping has not been maintained. 	This matter is noted and a condition is imposed requiring that a new landscaping plan be submitted by the applicant and approved by the City.
<ul style="list-style-type: none"> The site is an eyesore and needs cleaning up The property at No. 64A Wasley Street is a disgrace and an absolute eyesore for a long period of time. I would withdraw my objection if the owner rectified this as overall it is effecting the presentation of Wasley Street and my property value as a result. 	As above.

Consultation	
<ul style="list-style-type: none"> Any further extension will further erode the amenity of street residents, already overwhelmed by the impact of this massive commercial development in a residential area. 	<p>It is considered acceptable to grant an extension of No. 64A Wasley Street, North Perth, for use as a temporary car park and storage use to service the site while construction work is being completed.</p>
Advertising	Community Consultation was carried out from 23 November 2011 to 7 December 2011.

Other Implications	
Legal/Policy:	TPS No. 1 and associated Policies, and Residential Design Codes (R-Codes).
Strategic:	Nil
Sustainability:	Nil
Financial/Budget:	Nil

COMMENTS:

Given that the temporary car park and use of the eastern grouped dwelling for storage purposes has now been operating for a period of five years at No. 64A Wasley Street, North Perth, it is unfavourable that the subject property continues to operate indefinitely in this manner. However, given that the construction of 'stage 3' of the development at St Michael's Nursing Home is yet to be completed, the proposal is supported for a further period of one (1) year, or upon completion of the 'stage 3' final development of the site, whichever comes first.

The approval is granted on the grounds that the continued use of No. 64A Wasley Street, North Perth for parking and storage purposes will provide an interim solution until such time as the basement car park becomes operational at the completion of 'stage 3' of the development at St Michael's Nursing Home.

Given community concerns regarding the landscaping of the site, a further condition is imposed requiring the applicant to landscape the site to the satisfaction of the City.

9.2.1 Beaufort Street Enhancement Working Group – Progress Report No. 4

Ward:	South	Date:	9 December 2011
Precinct:	Beaufort (13)	File Ref:	TES0067
Attachments:	001 – Designs Tabled 002 – Location of Proposed Artwork Maps		
Tabled Items	-		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES IN PRINCIPLE** the proposed first (1st) stage Enhancement Works in Beaufort Street, estimated to cost \$182,400, as follows:

Item	Description	Quantity	Rate	Amount
1	Bus Shelter			
	Supply and place with Green Wall	2	\$44,000	\$88,000
	LED lighting	2	\$2,500	\$5,000
2	Public Seating 'Twig' Seating			
	Twig @ Hungry Jacks (Illuminated)	4	\$8,500	\$34,000
3	Small Style 'New York' Seating			
	Fabrication of seats	12	\$1,200	\$14,400
	Artwork/design	12	\$500	\$6,000
4	Planter Boxes			
	Installed around trees	5	\$2,500	\$12,500
	LED Solar lighting	5	\$500	\$2,500
5	Landscaping			
	Area on verge Hungry Jack's			\$5,000
6	Street Litter Bins			
	Supply and Install Bins	15	\$1,000	\$10,000
	Install landscaping at base of bins			\$5,000
	Total			\$182,400

2. **ADVERTISES** the proposal in accordance with the requirements of the City's Consultation Policy;
3. **RECEIVES** a further progress report at the conclusion of the consultation period; and
4. **CONSIDERS** listing appropriate funding of \$400,000 for stage two (2) of the project, as outlined in the report, in the 2012/2013 draft Budget.

COUNCIL DECISION ITEM 9.2.1

Moved Cr Carey, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

Cr McGrath returned to the Chamber at 8.38pm.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr McGrath

That a new clause 3 be inserted to read as follows and the remaining clauses be renumbered:

“3. REQUESTS that the Beaufort Street Enhancement Working Group investigates the possibility of, and 'place making' potential of, closing part of Grosvenor Road, Mary Street or any other side street to produce pedestrian based plazas.”

Debate ensued.

AMENDMENT PUT AND LOST (3-5)

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

(Cr Topelberg was an apology for the meeting.)

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Topelberg was an apology for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to provide an update on the progress of the 'new' Beaufort Street Enhancement Working Group.

BACKGROUND:

'Vision for Beaufort Street' – 'How do we see Beaufort Street?'

In March 2011 a 'Vision for Beaufort Street' prepared by several group members was endorsed by the working group. It is considered that the new Council should be aware of the 'Vision' as outlined below:

"Beaufort Street is one of Perth's most vibrant, eclectic and diverse cafe and retail strips. It's a fun and lively mix of old and new architecture, trendy shops immersed with traditional stores – which all adds to a real sense of street culture and community.

The street is home to Perth's independent music radio station RTR FM, alternative film and arts venue The Astor Theatre and a cool collection of independent boutique fashion, homewares and book stores.

It also has a growing and popular bar and restaurant scene, with a number of new small venues adding to the vibrancy of the street, while a diverse range of restaurants and cafes making it a must place for local and tourists to eat.

All these factors make people passionate about Beaufort Street - as a great place to work, live and play.

How should streetscape design reflect this?

Bike racks, rubbish bins, bus shelters, seating and public art – which make the streetscape - should reflect this vibrant and eclectic street culture of Beaufort Street.

The group believes that any additions to the streetscape should not work to enforce a particular historical theme, like for example, art deco or alternatively, work to just to a Town of Vincent brand.

The over arching design guidelines for streetscape improvements and additions should be contemporary and innovative in nature, with the key consideration given to:

- Establishing a pace of intrigue;
- Being design conscious ;
- Collaborative with local business;
- Unique experience;
- Activates urban spaces and creates new place for people to meet; and
- Pedestrian friendly.

Features	What does this mean?
<i>A place of intrigue</i>	<p>We don't want predictability in the urban design and development of Beaufort St. We want the visitor to be able to stumble on surprising features and places, such as:</p> <ul style="list-style-type: none"> • Design features that are up high, or around corners • Shops located up stairwells • Temporary artworks (including street art) • Textured shop fronts, bollards, bike racks, verandas and signs.
<i>Design Conscious</i>	<p>The current 'percent for art' pieces installed in the street to this date have not proved to garner community interest. Design pieces should be:</p> <ul style="list-style-type: none"> • Installed at a range of height levels, (pavement, and eye level, overhead) so pedestrians can interact with them. • Sympathetic to the history of the street, while embracing a contemporary look. • Created by Western Australia's best designers (not just the cheapest bidder for the developer) in order to increase the profile of our distinctive WA designer/makers. • Willing to embrace less-figurative, traditional forms. Alternative art styles such as pop art could be embraced.
<i>Collaboration</i>	<p>We would like to see more collaboration between designers and shopkeepers. Privately-owned wall and spaces present an opportunity to increase the vibrancy of Beaufort.</p> <ul style="list-style-type: none"> • How can we encourage the retailers to embrace the unique aesthetic of Beaufort St? • How can we encourage retailers to make temporary installations on their verandas and frontages, to increase Beaufort St's reputation as a place of change and intrigue?
<i>Unique Experience</i>	<p>In order for Beaufort to be a 'destination street,' we must continue to promote a unique experience in both terms of streetscape design – and wider retail experience.</p> <ul style="list-style-type: none"> • Our bus stops are unimaginative. • Public seating should not follow the visual code for 'the Town of Vincent'. It should have the unique look and feel of Beaufort St. • Beaufort St offers many quirky and eclectic retailers and this diverse mix should continue to be encouraged. • We do not wish to see one type of business predominating over others. Beaufort St should remain a mixed retail, cafe and bar precinct.
<i>An activated urban space</i>	<p>City building expert Fred Kent has offered clues on what an activated urban space looks like. People can gather and relax in activated spaces- and the key indicator if you look at the space is 'people are touching each other.'</p> <ul style="list-style-type: none"> • Beaufort St offers few spaces where people can gather. A worker in a shop doesn't have a place to stop and rest at lunchtime, unless they are a customer at a cafe.

<i>Pedestrian Friendly</i>	<p><i>The most sustainable cities are pedestrian-friendly. Beaufort St has some barren stretches, which reduce the pedestrian experience.</i></p> <ul style="list-style-type: none"> • <i>Continue to work to slow traffic down.</i> • <i>More imaginative use of vegetation could help to provide shade and add visual interest.</i> • <i>Trees that are more sculptural, or trained/pruned to produce an 'arcade' feel will help the look an amenity of Beaufort St. For example, we could do more with the trees along the edge of the Barley St Carpark.</i> • <i>Growing vegetation at height (from balconies or rooftops) should be encouraged, to help soften the street, and make it more pedestrian-friendly.</i>
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The Council at its Ordinary Meeting held on 22 March 2011 considered the Beaufort Street Enhancement Working Group – Progress Report No. 3.

The following Indicative Five (5) Year Improvement Program was presented to Council for consideration:

Year	Proposal	Estimated
2010/2011 - Year 1	- street furniture, seating/shade	Existing \$120,000
	- designer bike racks - street signs - street litter bins	Existing \$40,000 \$160,000
2011/2012 - Year 2	- remove palms/replant with natives (\$12,000)	\$12,000
	- remove deco street lights and replace with western power lighting	\$150,000
	- self cleaning toilet (public toilet strategy)	\$140,000
	- scooter parking (car parking strategy)	\$15,000
		\$317,000
2012/2013 - Year 3	- major artwork piece	\$80,000
	- blank walls	\$15,000
	- additional trees	\$10,000
		\$105,000
2013/2014 - Year 4	- street art with major artworks	\$150,000
2014/2015 - Year 5	- additional street furniture, seating/shade	
	- additional designer bike racks	
	- creating spaces/additional street art	\$150,000
	TOTAL	\$882,000

Following consideration of the matter the Council made the following decision:

“That the Council NOTES:

- (i) *the indicative ‘Draft Five (5) year Improvement Program for Beaufort Street Enhancements’, estimated to cost in the order of \$882,000, to be considered in the context of subsequent annual budget deliberations;*
- (ii) *that a total of \$160,000 has been allocated in the 2010/2011 budget for street litter bin replacement and Beaufort Street enhancement;*
- (iii) *a further report (with examples of street furniture, bike racks and street litter bins, and their proposed locations) will be presented for consideration in April 2011 following further consideration by the Beaufort Street Enhancement Working Group; and*
- (iv) *that prior to the expenditure of any funds in future years, further consultation will be carried out with the business and property owners along Beaufort Street and in the immediate area to ensure there is support for the Town’s Working Group’s recommended resources and enhancements.”*

DETAILS:

Beaufort Street Enhancement Working Group Meeting 5 December 2011:

Bus Shelter Designs:

Artists commissioned by the City tabled two (2) x bus shelter designs with different seating styles and cladding. The group discussed these at length and finally concurred that the preferred option was:

Bus shelter – screen wall option as shown on Plan No SK01 (Refer appendix 9.2.1A)

- The screen design pattern to start higher up the shelter
- The shelter to make allowance for persons with a disability and include a small table seat (maximise the number of seats)
- The seat types to be as shown on Plan No SK01 (Refer appendix 9.2.1A)
- The screen on the shelter to comprise a red street print (final colour to be determined).
- Lighting (LED/Solar) to be further investigated*
- Green wall screen suitable plant type/s to comprise part of the shelter

Note:* The officer's preliminary investigations have revealed that there is a product available. The cost of installing solar lighting to a bus shelter can range from \$800 to \$2,000 and can be grid connected to supply energy during the day when the batteries are fully charged.

The Artists also tabled Plan No SK03 which outlined proposed planter boxes around trees in the media strip. The group concurred that these should be designed to match the bus shelter screen (Refer appendix 9.2.1B)

Suggestions for 2011/2012 financial year:

The group was advised that the current (2011/2012) budget contains the following:

- | | |
|-----------------------------------|-----------|
| • Street furniture, seating/shade | \$120,000 |
| • Removal of palm trees | \$ 12,000 |
| • Street Litter Bins | \$ 40,000 |
| • Bus Shelter | \$ 30,000 |

There was general discussion and it was indicated that the removal of the palm trees was generally not supported at this stage.

The group then discussed the following proposals:

New Public Seating 'Twig': Extensive discussions ensued. Previously the group contemplated locating this type of seating at a number of locations however after considerable debate it was decided that three (3) or four (4) 'twig' seats would be located in the verge outside Hungry Jacks. It was also decided that the verge area (part of the MRS widening reserve adjacent to Hungry Jacks) be landscaped to incorporate the twig seating. (Refer appendix 9.2.1C).

Small Style 'New York' Seating: Again extensive debate occurred regarding this type of seating and possible locations etc. It was finally decided that seven (7) x seats would be located on the south side of Grosvenor Road, just west of Beaufort Street (against the building) and a further five (5) x seats would be located on the west side of Beaufort Street just south of Grosvenor Road (against the building) to replace the existing bench seat at this location. (Refer appendix 9.2.1C).

Smaller Artwork 'Red Carpet': Debate ensued regarding this piece of artwork and it was finally concluded that this would not be included in the enhancement proposal at this point in time. . (Refer appendix 9.2.1D).

Street Litter Bins: It was decided that smaller bins (120 litre) and more bins should be installed in the street. The bin chosen is shown in appendix 9.2.1E.

Planting Around Litter Bins: It was considered that to add value to the streetscape small garden beds should be installed i.e. 'Chinese star jasmine' at the base of the litter bins.

Suggested Budget for 2012/2013:

It was decided that one of the members speak to designer a well know designer to determine how much he would charge to prepare a concept design for a unique piece of street furniture/artwork and example of which is shown in appendix 9.2.1E.

Bike parking would also be considered in the 2012/2013 financial year (Refer appendix 9.2.1F).

It was considered that to move things along in the street, an indicative budget as shown below could be considered by the Council during the 2012/2013 budget deliberations i.e. the previously suggested years 3, 4, and 5 (as previously reported to the Council in March 2011) incorporated into one financial year.

Item	Amount
Major Artwork	\$250,000
street furniture, seating/shade (additional funds for bus shelter/ - designer bike racks - street signs	\$120,000
Creating spaces/street art	\$15,000
Estimated Funds	\$400,000

Conclusions/Recommendations:

It was therefore suggested that the following be recommended to the Council as a way forward:

1. Bus shelter/s – screen wall option as shown on plan No SK01;
2. Possible LED/Solar lighting to Bus shelters;
3. Green wall on bus shelters with appropriate planting;
3. Installation of 3 or 4 'twig' seats;
4. Installation of 12 x New York Seats;
5. Planter boxes around trees in the media strip, design to match the bus shelter screen;
6. Area on the verge o/s Hungry Jack's in Beaufort Street to be landscaped;
7. Street Litter Bins smaller bins 120 litre capacity;
8. Planting at the base of the litter bins.

CONSULTATION/ADVERTISING:

The proposal will be advertised in accordance with the City's policy.

LEGAL/POLICY:

Beaufort Street is classified as a District Distributor A road under the care, control and management of the City.

RISK MANAGEMENT IMPLICATIONS:

Low: Improvement to aesthetics and amenities.

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

SUSTAINABILITY IMPLICATIONS:

To improve the economic vibrancy of the area and make the area more sustainable for both business activities by the type of infrastructure improvements proposed.

FINANCIAL/BUDGET IMPLICATIONS:

As mentioned above the 2011/2012 budget contains the following:

- Street furniture, seating/shade \$120,000 (Beaufort Street)
- Removal of palm trees \$ 12,000 (Beaufort Street)
- Street Litter Bins \$ 40,000 (Beaufort and other streets)*
- Bus Shelter \$ 30,000 (Beaufort Street)

Note*: \$20,000 allowed for Beaufort Street.

Recommended implementation program:

Item	Description	Quantity	Rate	Amount
1	Bus Shelter			
	Supply and place with Green Wall	2	\$44,000	\$88,000
	LED lighting	2	\$2,500	\$5,000
2	Public Seating 'Twig' Seating			
	Twig @ Hungry Jacks (Illuminated)	4	\$8,500	\$34,000
3	Small Style 'New York' Seating			
	Fabrication of seats	12	\$1,200	\$14,400
	Artwork/design	12	\$500	\$6,000
4	Planter Boxes			
	Installed around trees	5	\$2,500	\$12,500
	LED Solar lighting	5	\$500	\$2,500
5	Landscaping			
	Area on verge Hungry Jack's			\$5,000
6	Street Litter Bins			
	Supply and Install Bins	15	\$1,000	\$10,000
	Install landscaping at base of bins			\$5,000
Total				\$182,400

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

Budget Amount: \$ 182,000 (\$120,000 + \$12,000 + \$20,000 + \$30,000)
Spent to Date: \$ Nil
Balance: \$ 182,000

COMMENTS:

The Beaufort Street Enhancement Working Group has met on a number of occasions and many ideas/proposal have been discussed. Often during the meetings members of the group had differing views on what treatments would suitably enhance the street.

At the group's December 2011 meeting general consensus was reached on a way forward as outlined in the report. It was agreed that further investigation should be undertaken regarding and iconic art/street furniture piece and this will be discussed by the group at its next meeting.

It is therefore recommended that the Council approve of the Officer Recommendation.

9.2.2 Proposed 'on-road' 2.5 ACROD Bay – No. 114 Hobart Street, Mount Hawthorn

Ward:	North	Date:	9 December 2011
Precinct:	Mt Hawthorn Centre (P2)	File Ref:	PKG0028, TES0121
Attachments:	001 – Plan of Proposed ACROD Bay		
Tabled Items:	-		
Reporting Officers:	A Brown, Engineering Technical Officer C Wilson, Manager Asset and Design		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council **APPROVES** the installation of an 'on-road' 2.5 ACROD bay adjacent the Doctor's surgery at No. 114 Hobart Street, Mount Hawthorn, as shown on attached Plan No. 2905-CP-01.

Moved Cr Maier, Seconded Cr Buckels

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

“That the Officer Recommendation be amended to read as follows:

That the Council **APPROVES** the installation of an 'on-road' 2.5 ACROD bay adjacent the Doctor's surgery at No. 114 Hobart Street, Mount Hawthorn, Monday to Friday 9.00am to 8.00pm and Taxi rank at all other times as shown on attached Plan No. 2905-CP-01.”

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Topelberg was an apology for the meeting.)

COUNCIL DECISION ITEM 9.2.2

That the Council **APPROVES** the installation of an 'on-road' 2.5 ACROD bay adjacent the Doctor's surgery at No. 114 Hobart Street, Mount Hawthorn, Monday to Friday 9.00am to 8.00pm and Taxi rank at all other times as shown on attached Plan No. 2905-CP-01.

PURPOSE OF REPORT:

The purpose of this report is to advise Council of a request for the installation of an 'on-road' 2.5 ACROD bay outside the Doctor's surgery at 114 Hobart Street, Mount Hawthorn.

BACKGROUND:

The City has received a request for an 'on-road' 2.5 ACROD bay outside the Doctor's surgery at 114 Hobart Street Mount Hawthorn, approximately mid-way between Scarborough Beach Road and Edinboro Street. The location is currently designated as an exclusive taxi zone.

There is an existing ACROD bay and two (2) 1/4P bays located outside the TAB at 118 Hobart Street, a distance of approximately 50m* from the Doctor's surgery. The existing ACROD bay was installed at the request of the adjacent hair dressing business 'Hair Freedom' located at 120 Hobart Street to provide for their disabled clientele.

Note*: The road/footpath grades down from the existing ACROD bay to the surgery therefore making it difficult for those with a disability to return to their vehicle unassisted.

Further, between the TAB and the Doctor's surgery is a taxi rank to service the patrons of the nearby Paddington Ale House, TAB and the other businesses in the immediate vicinity. The taxi rank can accommodate up to five (5) taxis at any one time.

DETAILS:

The proprietor of *Hair Freedom* was contacted to determine if the existing ACROD bay adjacent 118 Hobart Street was still required and if so discuss the option of relocating a shared ACROD bay nearer the Doctors surgery.

The proprietor advised that they, and other nearby businesses (including the TAB and Commonwealth Bank), had clientele who were dependent upon the ACROD Bay and therefore requested that it remain at its current location.

However the Doctor's surgery, located at 114 Hobart Street, also has call for ACROD parking. While the surgery has limited parking at the rear of the premises it is off a Right of Way (ROW), Axford Lane, and therefore it is neither desirable nor practical for people with disabilities to use the ROW as an access.

As indicated above the kerb side parking directly outside the surgery is an exclusive Taxi zone. However it is generally underutilised and it tends to be used more as a 'lay-by' by drivers between fares. During peak periods, such as the closing time at the Paddington Ale House taxis use the night time taxi zone in Scarborough Beach Road.

Therefore it is recommended that an 'on-road' 2.5 ACROD bay be installed directly outside the Doctor's surgery at 114 Hobart Street and that the Taxi zone be reduced accordingly.

There will be no impact on the existing parking stock in the immediate vicinity, other than reducing the Taxi rank by one (1) bay, while providing an improved amenity for people with specific needs.

CONSULTATION/ADVERTISING:

The applicant and affected businesses will be informed of the Council's decision in accordance with the City's policy.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Implementing the new restrictions will require the supply and installation of two (2) new signs and poles and line marking of the new ACROD 2.5 Bay, which will cost approximately \$550.

COMMENTS:

'On-road' 2.5 ACROD bays are generally provided to residents and businesses when no other easily accessible parking is available on site or in the immediate vicinity. In light of the above information the installation of an 'on-road' 2.5 ACROD bay outside 114 Hobart Street is supported.

9.2.4 LATE ITEM: Tender No. 439/11 – Provision of Services for Hyde Park Water Playground ‘Design and Construct’

Ward:	South	Date:	16 December 2011
Precinct:	Hyde Park (12)	File Ref:	RES0042 & TEN0447
Attachments:	001 – Concept Plan		
Tabled Items:	-		
Reporting Officer:	J van den Bok; Manager Parks & Property Services		
Responsible Officer:	R Lotznicker; Director Technical Services		

OFFICER RECOMMENDATION:

That the Council:

1. **ACCEPTS** the tender submitted by Playrope Pty Ltd as being the most acceptable to the City for the Hyde Park Water Playground Design and Construct project, at a total cost of \$340,722 (excluding GST), in accordance with the specifications as detailed in Tender No. 439/11; and
2. **APPROVES BY AN ABSOLUTE MAJORITY** the additional funding of \$180,722 for the project, to be funded from a source(s) to be determined by the Chief Executive Officer.

COUNCIL DECISION ITEM 9.2.4

Moved Cr Buckels, Seconded Cr Harley

That the recommendation be adopted.

Debate ensued.

Cr Carey departed the Chamber at 8.55pm.

Debate ensued.

**MOTION PUT AND CARRIED UNANIMOUSLY
BY AN ABSOLUTE MAJORITY (7-0)**

(Cr Carey was absent from the Chamber and did not vote. Cr Topelberg was an apology for the meeting.)

Cr Carey returned to the Chamber at 8.56pm.

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council's approval for awarding of the tender for the Hyde Park Water Playground.

BACKGROUND:

Tender No. 439/11 - Provision of Services for Hyde Park Water Playground ‘Design and Construct’ was advertised in *The West Australian* newspaper on Saturday 26 November 2011.

At the close of the tender at 2.00pm on 13 December 2011, two (2) tenders were received.

Present at the tender opening were Purchasing/Contracts Officer, Mary Hopper and the Parks Services Technical Officer, Kim Godfrey.

DETAILS:

The details of all tenders received for Tender No. 439-11 are listed below:

ITEM	DESCRIPTION	Playrope Pty Ltd	Water Features By Design Pty Ltd (WFBD)
Option 1	(a) Remove one (1) existing water play area (western most). (b) Construct a new interactive water playground feature and associated equipment to comply with DOH guidelines. (c) Decommission the remaining two (2) water play areas and retain as mosaic artworks only.	\$340,722	\$345,945 (Price does not include the limestone wall – which is priced at an additional \$13,375).
Option 2	(a) Remove one (1) existing water play area (western most). (b) Construct a new interactive water play area and associated equipment to comply with DOH requirements (as per option 1). (c) Retain and upgrade the remaining two (2) water play areas by removing the exiting mosaics, providing new water features and surfacing with decorative soft fall material.	Not Recommended	No price submitted
Option 3	(a) Retain all three (3) water play area and upgrade by removing the existing mosaics, providing new water features and associated equipment to comply with DOH requirements and surfacing with decorative soft fall material.	Not Recommended	No price submitted
Option 4	(a) Retain all three (3) water play area and upgrade one (1) (western most) by removing the existing mosaics, providing new water features and associated equipment to comply with DOH requirements and surfacing with decorative soft fall material. (b) Decommission the remaining two (2) water play areas and retain as mosaic artworks only.	Not Recommended	No price submitted

Note: Prices exclude GST.

Following an inspection of the existing water features at Hyde Park by both companies, they have provided a costing for Option 1 only. They have both indicated that the existing concrete tiled surfaces are not suitable for renovation and should the City wish to use these areas the concrete must be removed as there is a high probability of further movement/cracking and the associated liability and risk is too high.

Tender Evaluation

Evaluation Criteria

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

Criteria		Weighting
1.	Financial Offer/Fee Proposal	50%
2.	Relevant experience, expertise and project team	20%
3.	History and Viability of Company	15%
4.	Methodology	10%
5.	Quality Assurance	5%
Total		100%

Tender Evaluation Panel

The Tender Evaluation Panel consisted of the Director Technical Services, Rick Lotznicker, Manager Park & Property Services, Jeremy van den Bok, Manager Beatty Park Leisure Centre, Dale Morrissy and the Coordinator Aquatic Services, Jeff Fondacaro.

Each tender was assessed using the above evaluation criteria in accordance with the tender documentation.

Tender Summary

		Weighting	Playrope Pty Ltd	WFBP Pty Ltd
1.	Financial Offer/Fee Proposal	50	50	49.3
2.	Relevant experience, expertise and project team capacity to deliver product	20	18	18
3.	History and Viability of Company	15	13.5	13.5
4.	Methodology	10	7.8	9
5.	Quality Assurance	5	4.9	3.4
Total		100	94.2	93.2
			1	2

The Tender Evaluation Panel met on 14 December 2011 to assess the two (2) tender submissions for the project. The tenders were further independently evaluated by each of the Panel members and the final evaluation scores submitted for collation.

Tender Evaluation Panel comments are shown below:

1. **Playrope Pty Ltd**

Total weighted score:	94.2 (highest)
Fee proposal:	\$340,722 – \$180,722 over budgeted amount.
Relevant experience and expertise:	Privately held self funded company founded in 2005 providing high quality wet & dry playground equipment/features. Company are Australian distributors/installers for Vortex equipment – a world leader in aquatic play components
Project team capacity to deliver Project:	An experienced team of professionals has been provided with representatives based in Western Australia.

History and viability of company:	Established small to middle sized company having built its position in the market place by providing first class quality play solutions that are flexible and customizable.
Credentials:	Financial statements provided detailing significant profits for 2008-2010 Public Liability Insurance of \$20m Professional indemnity Insurance of 10m Workers Compensation Insurance of \$350,000 Extensive Occupational Health & Safety Management plan in place. Quality assurance system
Referees comments:	Extensive list of referees and references provided
Demonstrated capacity to deliver:	Comprehensive - meets criteria - low risk to the City
Capacity to address requirements:	Comprehensive - meets criteria - low risk to the City
Methodology, key issues and risks:	Comprehensive and well documented - exceeds criteria - low risk to the City
Previous projects:	An extensive list of previous projects was provided particularly undertaken within the Eastern States however, the following list is recent or forthcoming WA installations:- <ul style="list-style-type: none"> • City of Wanneroo Playground – 2007 • Beatty Park supply of water play components – 2011 • City of Stirling – Playground - January 2012 • Environmental Industries Mt Tom Price Water Play park -2012

Comment:

The tender received was very well documented, comprehensive and company representatives inspected the site prior to submitting their tender and are aware of the existing infrastructure and requirements/intricacies of this project.

Their proposal allows for a single splash pad of 128m² with water outlets that allow for additional features (Phase 2 valued at \$51,000) to be installed at these points at a later date if desired.

The equipment being supplied is known as Vortex, is used worldwide for these types of applications and is very adaptable to expansion with many innovative quality features. Their total cost includes the addition of a retaining wall, pump/filter housing and associated equipment.

2. Water Features by Design Pty Ltd

Total weighted score:	93.2 (Lowest)
Fee proposal:	\$345,945 - \$185,945 over budgeted amount
Relevant experience and expertise:	WFBD have installed 6 custom made water parks within WA over the past 5 years and have recently completed facilities in the eastern states. Manufacture all features locally and currently endorsed as a WALGA "preferred supplier"

Project team capacity to deliver Project:	All key personnel are based in Perth and the project team consists of highly qualified and experienced employees and contractors with a proven track record.
History and viability of company:	WA owned and operated company that was established 9 years ago. Since their inception they have grown into one of the leading water feature specialists in WA. Company Director Tony Jones personally oversees every project from design to completion and they have been successful to date in every water park tender they have applied for which they put down to their quality and cost effectiveness.
Credentials:	ASIC report included in submission Public Liability Insurance of \$20m Workers Compensation Insurance of \$77,000 Professional indemnity Insurance of 10m
Referees comments:	Extensive list of referees and references provided
Demonstrated capacity to deliver:	Comprehensive - meets criteria - low risk to the City
Capacity to address requirements:	Comprehensive - meets criteria - low risk to the City
Methodology, key issues and risks:	Comprehensive and well documented - meets criteria - low risk to the City
Previous projects:	A list of previous projects was provided which includes the following recent WA installations:- <ul style="list-style-type: none"> • Onslow Western Australia – water park • Cable Beach Club Western Australia – water park – 2011 • Shire of Sandstone – water park - 2011

Comment:

The tender received was very well documented, comprehensive and company representatives inspected the site prior to submitting their tender and are aware of the existing infrastructure and requirements/intricacies of this project.

Their proposal allows for a single splash pad of 161m² with various water outlets and features. This company are a WALGA preferred supplier and have completed various splash pad projects within WA.

Their submission for the splash pad pump/filter housing and associated equipment was slightly more expensive, however did not include the cost of replacing the limestone retaining wall. This was an additional \$13,375.

CONSULTATION/ADVERTISING:

This proposal will have to be submitted to the following organisations/government departments and approvals/comments sought prior to works commencing on site:

- Heritage Council of Western Australia – assessment of proposal and comments;
- Western Australian Planning Commission – development approval;
- Department of Health – design approval.

Further liaison is required with the Department of Indigenous Affairs in relation to the requirement for a Section 18 to undertake these works; however it is possible that the works are covered under the recent Section 18 approval recently received for the Restoration of Hyde Park Lakes.

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

High: The upgrade of this facility to the Department of Health requirements/guidelines will ensure previous water quality issues and risks are addressed and the likelihood of an incident/accident is minimised.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

SUSTAINABILITY IMPLICATIONS:

Whilst the water playground uses scheme water the system recirculates the water similar to a swimming pool operation and therefore only requires the balance tank to be topped up from time to time. Water use will be monitored, however it is envisaged with the new system a water savings will be identified based on the poor structural integrity of infrastructure of the existing system.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$160,000 has been included in the City's 2011/12 capital works budget for this project.

Budget Amount:	\$160,000
Spent to Date:	\$0
Balance:	\$160,000

An additional \$180,722 is required to enable this project to proceed. An absolute majority decision of the Council will be required to reallocate the required additional funds.

COMMENTS:

It is therefore recommended that the tender submitted by Playrope Pty Ltd is accepted as being the most acceptable to the City for the Hyde Park Water Playground Design and Construct project, at a total cost of \$340,722 in accordance with the specifications as detailed in Tender No. 439/11.

9.4.1 Angove Street Festival – Proposed Additional Promotional Assistance

Ward:	North	Date:	9 December 2011
Precinct:	North Perth; P8	File Ref:	CMS0110
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officers:	B Grandoni, Community Development Officer M Hunt, Acting Manager Community Development		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council APPROVES an increase in financial support and assistance provided by the City of Vincent to the North Perth Group Inc. for the promotion and effective delivery of the Angove Street Festival to be held on 1 April 2012, as follows:

1. an additional \$5,000 funding directly towards expanding promotional strategies, to be funded from a source to be determined;
2. a waiver of the fees associated with the use of the City’s banner poles located along Fitzgerald Street, for up to three weeks prior to 1 April 2012; and
3. “in-kind” support from City Officers for logistical items on the day of the Festival and Administrative support in prior planning.

Moved Cr Harley, Seconded Cr McGrath

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

“That the Officer Recommendation be amended to read as follows:

That the Council APPROVES an increase in financial support and assistance provided by the City of Vincent to the North Perth Group Inc. for the promotion and effective delivery of the Angove Street Festival to be held on 1 April 2012, as follows:

1. an additional \$5,000 funding directly towards ~~expanding~~ promotional strategies, to be funded from a source to be determined;
2. a waiver of the fees associated with the use of the City’s banner poles located along Fitzgerald Street and Scarborough Beach Road, for up to ~~three~~ four weeks prior to 1 April 2012; and
3. “in-kind” support from City Officers for logistical items on the day of the Festival, and Administrative support in prior planning and cost of installing and removing banners.”

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Topelberg was an apology for the meeting.)

COUNCIL DECISION ITEM 9.4.1

That the Council APPROVES an increase in financial support and assistance provided by the City of Vincent to the North Perth Group Inc. for the promotion and effective delivery of the Angove Street Festival to be held on 1 April 2012, as follows:

1. an additional \$5,000 funding directly towards promotional strategies, to be funded from a source to be determined;
2. a waiver of the fees associated with the use of the City’s banner poles located along Fitzgerald Street and Scarborough Beach Road, for up to four weeks prior to 1 April 2012; and
3. “in-kind” support from City Officers for logistical items on the day of the Festival, Administrative support in prior planning and cost of installing and removing banners.

PURPOSE OF REPORT:

To seek endorsement from the Council for additional financial and administrative support, for the North Perth Group Inc. to effectively deliver the Angove Street Festival. This report is in response to recent communications relating to date changes concerning both William Street and Angove Street Festivals 2012.

BACKGROUND:

23 August 2011 Council at its Ordinary Meeting approved the following festival events and funding as part of the Festival's Programme for 2011/2012:

Angove Street – April 2012	\$30,000
William Street – March 2012	\$30,000
William Street – March 2012	\$20,000 (Harmony Week)

Angove Street Festival proposal received from North Perth Group Inc. outlined the planned date for the Festival as 1 April 2012.

7 October 2011 William Street Festival date change requested and actioned via a Council Member Request from 18 March 2012 to 29 April 2012.

30 November 2011 Following Executive review, William Street Festival date reverted back to the original date of 18 March 2012.

1 December 2011 Communication received from the North Perth Group Inc. detailing concerns with the implications that the William Street Festival date change could potentially have on sponsorship and attendance at both William Street and Angove Street Festivals.

6 December 2011 Discussions held between the North Perth Group Inc. and City Officers outlining potential promotional and logistical strategies available to ensure both William Street and Angove Street Festivals achieve intended outcomes.

Formal confirmation of request for and potential offer of additional funding to the North Perth Group Inc. from the City received at this time.

DETAILS:

The proposal involves the allocation of additional funds and in-kind support from the City to remediate the expected loss of sponsorship and marketing exposure for the North Perth Group Inc, given the changes to planned Festival date.

The North Perth Group Inc. formally raised that as a result of the Festivals dates, close proximity to each other and similar nature of events, a significant detrimental impact on both Festivals is expected. Precinct identity and Festival ownership from community was also outlined as a potential concern for both Festivals by the City, given the above timing and locations of the Festivals.

Following due consideration of all communications from key stakeholders, it was determined that changing the William Street Festival date again was not a feasible or viable option, unless approved by the Council. This was agreed at the meeting of 6 December 2011 and as such, discussions regarding support and assistance that the City may provide the Angove Street Festival to ensure both Festivals achieve their intended outcomes were confirmed.

In-kind support offered by the City will include waste management items such as on-site street preparation and cleaning prior and post Festival, the provision and management of a negotiated number of standard and recycling bins, and administrative support leading up to the Festival for the North Perth Group Inc. direct from City Officers.

Further, the City will make payment and appoint staff to the North Perth Group Inc. to operate an allocated stall/marquee space at the Angove Street Festival. This stall will provide a cross promotional opportunity for the City to display and promote various initiatives including, but not limited to, Menuwise, Sustainability programs, Library and historical programs, other community Festivals, responsible dog ownership, and children's and youth services within the City. The cost of the stall to the City is quoted at \$300.

Specific to the City banner poles promotional strategy, four (4) banner poles are available on Fitzgerald Street and seven (7) throughout Scarborough Beach Road. The banners are double sided which in effect will require twenty-two (22) median strip banners for full coverage. The total cost to the City to design, print, install and remove the banners, including the traffic management fee of \$520, would equate to approximately \$4,095.

CONSULTATION/ADVERTISING:

The City will conduct extensive community consultation in the North Perth Precinct area to ensure that local residents, businesses and stakeholders are well informed on the progress of the Angove Street Festival.

LEGAL/POLICY:

The following City Policies apply to this project:

- Policy No 4.1.6 Community Precinct Groups;
- Policy No 1.1.5 Donations, Sponsorships and Waiving of Fees and Charges; and
- Policy No 1.1.8 Festivals.

Relevant due diligence will be conducted to ensure the viability of the proposal and success of all future Festivals within the City of Vincent.

RISK MANAGEMENT IMPLICATIONS:

Low: The increase in support from the Council is associated with low risk implications for the City.

STRATEGIC IMPLICATIONS:

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

“Community Development and Wellbeing

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

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

(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 centres and develop an Annual Program of events.*

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

SUSTAINABILITY IMPLICATIONS:

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.

FINANCIAL/BUDGET IMPLICATIONS:

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

Budget Amount:	\$30,000 Angove Street Festival
Spent to Date:	\$Nil
Balance:	\$30,000

An amount of \$130,000 was listed on the Annual Budget 2011/2012 for Community Festivals, which included the above allocation specific to Angove Street Festival. The William Street Festival was allocated \$80,000 and Harmony Week activities \$20,000.

The waiver of fees specific to the planned use the four (4) banner poles on Fitzgerald Street and seven (7) banner poles on Scarborough Beach Road will equate to a total \$4,095 (exc GST).

It is recommended that the additional funding of \$5,000 and fee waiver of \$4,095 be provided to the North Perth Group Inc. for the Angove Street Festival. Specifically, to remediate any loss resulted from the close proximity in location and timing of both the William Street and Angove Street Festivals. This additional expenditure will be funded from a source to be determined.

COMMENTS:

The Festivals implemented in the City of Vincent throughout 2011 have all been very successful with a large number of attendees and positive feedback from both the community and businesses alike. Any logistical and/or promotional changes to Festival dates have been made with best interests of all parties in mind, to ensure the continuation of festival success.

In view of the above information, the additional funds proposed for allocation to the Angove Street Festival will ensure the final confirmed dates of both Festivals do not have a detrimental effect on attendance rates and the achievement of intended outcomes.

PROCEDURAL MOTION

Moved Cr Carey, Seconded Cr McGrath

That Item 9.5.2 be considered “behind closed doors” to discuss potential recipients for the 2012 Premier’s Australia Day Active Citizenship Awards.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Topelberg was an apology for the meeting.)

9.5.3 Green Cities Conference 2012 – 5 – 6 March 2012 – Sydney Convention & Exhibition Centre

Ward:	-	Date:	12 December 2012
Precinct:	-	File Ref:	ADM0031
Attachments:	001 – Conference Program		
Tabled Items:	-		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **AUTHORISES** Councillor and an Officer appointed by the Chief Executive Officer, to attend the Green Cities Conference 2012, 5 - 6 March 2012, to be held at the Sydney Convention and Exhibition Centre, Melbourne, at an estimated cost of \$3,429 each.

Moved Cr McGrath, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

The Presiding Member, Mayor Hon. Alannah MacTiernan called for nominations to attend the Conference. The Presiding Member, Mayor Hon. Alannah MacTiernan and Cr Warren McGrath nominated. No other nominations were received.

PROCEDURAL MOTION

Moved Cr Buckels, Seconded Cr Wilcox

That the recommendation be adopted as follows:

“That the Council **AUTHORISES** Mayor Hon. Alannah MacTiernan, Councillor Warren McGrath and an Officer appointed by the Chief Executive Officer, to attend the Green Cities Conference 2012, 5 – 6 March 2012, to be held at the Sydney Convention and Exhibition Centre, Melbourne, at an estimated cost of \$3,429 each.”

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Topelberg was an apology for the meeting.)

COUNCIL DECISION ITEM 9.5.3

That the Council **AUTHORISES** Mayor Hon. Alannah MacTiernan, Councillor Warren McGrath and an Officer appointed by the Chief Executive Officer, to attend the Green Cities Conference 2012, 5 – 6 March 2012, to be held at the Sydney Convention and Exhibition Centre, Melbourne, at an estimated cost of \$3,429 each.

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council's approval for a Senior Officer (to be appointed by the Chief Executive Officer), and up to one Council Member, to attend the Green Cities Conference 2012, to be held from 5 – 6 March 2012, at the Sydney Convention & Exhibition Centre, Sydney.

BACKGROUND:

The Green Building Council of Australia is holding its annual conference, Green Cities, from 5 – 6 March 2012, in Sydney. The City has become a member of the Green Building Council of Australia, and is seeking to promote more sustainable developments within the City.

Cr Warren McGrath is a Member of the City's Sustainable Advisory Group and has expressed an interest to attend. In accordance with the Council Policy, it is appropriate that a Senior Officer also attend however, at this stage the Chief Executive Officer has not determined the name of the Officer, as the newly created position of Director Planning Services has not been finalised.

DETAILS:

Green Cities is an annual conference run by the Green Building Council of Australia. The Conference has run previously in 2009, 2010 and 2011, and is aimed at promoting knowledge of the essentials needed for green buildings and sustainable communities, and addressing the global challenge posed by climate change. The built environment is where the challenge and the opportunity are the greatest. The built environment is one of the largest sources of greenhouse gas emissions; however, there is a need to create accommodation for an additional 3 billion people globally over the next 20 years.

The proposed conference will run for two (2) days, and will cover a range of key issues relevant to Local Government and sustainable development, and will include:

[Beyond Buildings] takes environmentally sustainable building to the next level, tackling the political, economic and technical issues facing the industry today and in the next ten years.

[Spotlight] focuses on the unique challenges and opportunities facing specific sectors and international markets.

[Think] is the new home of innovation and inspiration which will explore the key and sometimes contentious issues facing the green building industry. This stream will comprise a combination of short 'n' sharp sessions to share big ideas and longer sessions to explore new and innovative solutions to the built environment's most pressing issues.

Monday 5 March 2012

Keynote Thinkers

[Mary Ann Lazarus](#) – Senior Vice President and Firmwide Director of Sustainable Design – HOK and [Niels Kok](#) – Visiting Scholar Haas School of Business, US Berkeley; Assistant Professor at Maastricht University, the Netherlands.

[Beyond Buildings] Community Consultation

Learn how to make community consultation an asset for your project and how to strike the right balance between local and global.

[Think] Yes and Know Carbon Tax

What will carbon pricing mean for you? Get the expert word on surviving the transition to emissions trading.

[Spotlight] Education

Explore the business case for greener schools and see how education providers at home and abroad are 'going green' for healthier, more sustainable learning environments.

[Beyond Buildings] Upwards, Outwards and Inwards

Liveability and sustainability meet in the city. This think tank will debate how we can ensure our cities are big enough for both.

[Think] Outside the Square

This session profiles four engaging speakers who have distilled their visions into 15 minutes of brilliance. It is bite sized pieces of inspiration!

[Think] Research, Results and Returns

Need to brush upon your green building business case? Hear the latest and greatest research from people in the know.

[International] Spotlight China

China and Australia are regional neighbours and face many similar environmental and social challenges. Hear how neighbours can become partners in addressing these issues.

Extreme Green

Extreme Green is a 'New Inventors' style session, profiling innovative green building products and materials from up-and-coming designers and inventors. This is your chance to have your concept showcased to trade leaders and green thinkers. A panel of industry experts will select the finalists whose entries will be displayed in the exhibition hall for all to marvel at. The overall winner will be chosen by you, the audience!

Tuesday 6 March 2012

Keynote Thinkers

[Rachel Botsman](#) – Social Innovator and Author.

[Beyond Buildings] How Green is Your City? Indicators, Indexes & Information

Learn how new sustainability performance indicators and metrics can help us to plan and build sustainable cities for the future.

[Think] The Colour of BIM is Green

Hear from Building Information Modelling (BIM) expert Pontus Bengtson on BIM's potential to inform and drive the green building agenda into the future.

[Spotlight] Industrial

The green business case comes to life through Australian and international case studies. Key sector stakeholders will discuss valuation and decision making processes, delivery and process implementation and performance objectives and results.

[Spotlight] Residential

This session is still under construction - more information coming soon!

[Beyond Buildings] Disaster Resilience: When Civil Infrastructure meets Twitter

Hear from a diverse panel of soft and hard infrastructure experts on how we can create more resilient, adaptable communities that are better equipped to face future environmental challenges.

[Think] Outside the Square

This session profiles four engaging speakers who have distilled their visions into 15 minutes of brilliance. It's bite sized pieces of inspiration!

[Think] Rating Tool [R]evolution

A review of the progress of Australia's sustainability rating tools and your questions answered!

The Conference will be participatory in nature and attendees will have opportunity to engage in interactive discussion with presenters on a variety of topics.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Policy No. 4.1.15 relating to Conferences – Clause 1.1 (i) states:

“(i) When it is considered desirable that the Council be represented at an interstate conference, up to a maximum of one Council Member and one Officer may attend.”

Previous Attendance

2011: Cr Farrell and the Director Development Services, Rob Boardman.

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

In keeping with the City's Strategic Plan 2011-2016 – Objective 4.2 – *“Provide a safe, positive and desirable workplace”*.

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 which are in line with the conference content.

FINANCIAL/BUDGET IMPLICATIONS:

<u>Cost per person</u>	
Conference registration:	\$1,650*
Economy Airfare/transfers (Including taxes)#:	\$ 650
Accommodation (2 nights @ \$299):	\$ 897
Expense Allowance (2 days):	<u>\$ 232</u>
Total:	\$3,429

* This includes a \$300 discount provided to members of the Green Building Council of Australia, and a \$300 “earlybird” discount for registering prior to 16 December 2011.

Approximate cost.

COMMENTS:

It is recommended that approval be granted for up to one Council Member and a Senior Officer appointed by the Chief Executive Officer to attend the Green Cities Conference 2012 to be held at the Sydney Convention & Exhibition Centre, Sydney, from 5 – 6 March 2012.

9.5.4 LATE ITEM: Metropolitan Local Government Review

Ward:	-	Date:	16 December 2011
Precinct:	-	File Ref:	ORG0031
Attachments:	001 – Local Government Review Issues Paper; 002 – Local Government Review Panel Questions; 003 – City of Vincent Structural Reform Submission 2009 (electronic only); 004 – City of Vincent Response to Review Panel Questions		
Tabled Items:	-		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

1. **ADVISES** the Minister that:
 - 1.1 the City of Vincent Council believes the City is sustainable at its current size and amalgamation is not necessary for the proper function of local government in our area;
 - 1.2 given that the State Government has indicated it intends to reduce the number of metropolitan local governments, the City of Vincent will be convening a deliberative democracy exercise with its residents to consider a number of options for reshaping its boundaries; and
 - 1.3 this deliberative democracy exercise will be held in February 2012 and the Council will consider and submit a report to the Panel by the end of that month;
3. **AUTHORISES** the Mayor and Chief Executive Officer to:
 - 3.1 progress deliberative democracy exercise;
 - 3.2 finalise the City's draft submission (including the City's Structural Reform Submission – 2009) to the Review Panel shown in Appendix 9.5.3D and for this to be submitted to the Review Panel by 23 December 2011; and
 - 3.3 provide a deputation to present the City's submission to the Metropolitan Local Government Review Panel; and
4. **NOTES** that a further report will be submitted to the Council after the proposed deliberative democracy exercise has been held.

COUNCIL DECISION ITEM 9.5.4

Moved Cr Buckels, Seconded Cr Pintabona

That the recommendation be adopted.

Debate ensued.

Cr Buckels departed the Chamber at 9.09pm.

Debate ensued.

Cr Buckels returned to the Chamber at 9.11pm.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Topelberg was an apology for the meeting.)

PURPOSE OF REPORT:

To advise the Council of the Minister for Local Government's review of the Metropolitan Local Governments and to consider and approve of a submission by 23 December 2011.

BACKGROUND:

Previous Reports

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

Review of local government boundaries in Perth

On 24 June 2011 the Minister for Local Government made the following announcement:

Local Government Minister John Castrilli today announced the appointment of a high level independent panel to examine the social, economic and environmental challenges facing Perth.

The panel will be responsible for recommending appropriate boundaries and governance models for local governments in the Perth metropolitan area.

The eminent panel will be chaired by Professor Alan Robson, vice chancellor of The University of Western Australia. Other members are Dr Peter Tannock, former vice chancellor of the University of Notre Dame Australia and Dr Sue van Leeuwen, Chief Executive Officer of Leadership WA.

Mr Castrilli said the panel offered a vast amount of knowledge, experience and expertise a leaders in academic and business circles in Western Australia.

"I am delighted they have agreed to assist the State in this momentous review," he said.

"For the first time we will consider the future and identify the challenges and opportunities."

Terms of Reference

The review's terms of reference are to:

- *Identify current and anticipated specific regional, social, environmental and economic issues affecting, or likely to affect, the growth of metropolitan Perth in the next 50 years;*
- *Identify current and anticipated national and international factors likely to impact in the next 50 years;*
- *Research improved local government structures, and governance models and structures for the Perth metropolitan area, drawing on national and international experience and examining key issues relating to community representation, engagement, accountability and State imperatives among other things the panel may identify during the course of the review;*
- *Identify new local government boundaries and a resultant reduction in the overall number of local governments to better meet the needs of the community;*
- *Prepare options to establish the most effective local government structures and governance models that take into account matters identified through the review including, but not limited to, community engagement, patterns of demographic change, regional and State growth and international factors which are likely to impact; and*
- *Present a limited list of achievable options together with a recommendation on the preferred option.*

The Minister said it would be the panel's objective to submit recommendations to him by June 2012 on optimal local government structures or governance, resulting in the drawing of new local government boundaries.

The panel would directly engage with the Perth community, local governments, peak bodies, and government agencies and departments.

Two advisory groups would provide expert advice to the panel. One would consist of the directors general of the departments of Local Government and Planning. The president and vice-president of the Western Australian Local Government Association would also be invited to advise the panel".

The Review Panel

The Review Panel has now met on a number of occasions and produced an Issues Paper which is provided as an attachment at Appendix 9.5.3A. The Issues Paper directs all persons and organisations responding to the paper to address a series of questions as the basis for their submissions.

A number of questions are posed by the Panel and these are shown at Appendix 9.5.3B.

Panel Forum

The Mayor and the CEO attended a forum, organised by the panel for local government Mayors, Councillors and senior officers, on 12 November 2011 at the University of Western Australia.

The forum provided an opportunity for attendees to ask questions of the panel chairman. It was apparent that the forum was not intended as a place where a debate on the process could be held but simply was an opportunity to clarify the panels intentions in asking the questions that they have and to encourage local government to make submissions.

The City has made an appointment to provide feed back directly to the panel at a half hour session with the panel. A date is being determined.

It is important to note that submissions to the Panel **close on 23 December 2011**.

Previous Council Decision

It is important that the Panel be informed that the City made a comprehensive submission to the Minister's 2009 reform process and received a letter advising the City that it had received a Category 1 rating and need not consider amalgamation. The City had at that time carried out a survey of its residents, and received an overwhelming "No" response to amalgamations. The City submitted to the Minister that it wished to remain an independent Local Government but would consider boundary reform as adopted at the Ordinary Meeting of Council held on 22 September 2009, as follows:

"That the Council;

- (i) RECEIVES:*
 - (a) the Progress Report No. 5 as at 16 September 2009 concerning Local Government Structural Reform 2009 and the Town's Submission to the Minister for Local Government; and*
 - (b) the Minutes of the Town of Vincent Structural Reform Project Team Meetings as "Laid on the Table";*
- (ii) APPROVES of the Town of Vincent Submission to the Minister for Local Government as shown in Appendix 14.4 attached to this report;*

- (iii) *NOTES that:*
- (a) *the Town's Local Government Structural Reform Checklist received a Category 1 ranking by the Department of Local Government; and*
 - (b) *the results of the Community Consultation were taken into account in compiling the Town's Final Reform Submission;*
- (iv) *RESOLVES to retain its status as a independently sustainable local government, based on the assessment by the Department of Local Government (noting that the Town is sustainable in its current form), together with the results of the Community Consultation;*
- (v) *RECOMMENDS to the Minister for Local Government, Heritage, Citizenship and Multicultural Interest that:*
- (a) *the Town of Vincent DOES NOT SUPPORT amalgamation with any neighbouring local government authority including the Cities of Stirling, Perth, Bayswater or Town of Cambridge;*
 - (b) *the Town of Vincent REQUESTS THAT ALTERATIONS TO ITS BOUNDARIES be considered in the following order of preference:*
 - 1. *Option 1 – Acquire Mt Lawley (only);*
 - 2. *Option 2 – Acquire Mt Lawley and part of Menora (south of Alexander Drive);*
 - 3. *Option 3 – Acquire Mt Lawley, Menora and Coolbinia;*
 - 4. *Option 4 – Acquire Joondanna; and*
 - 5. *Option 5 – Acquire Mt Lawley, Menora, Coolbinia and Joondanna;*
 - (c) *the number of Elected Members for the Town of Vincent NOT BE REDUCED, as the current number of nine Elected Members is within the prescribed range of between six and nine as recommended by the Minister;*
 - (d) *the present arrangements for the Town's regional groupings of local government is considered appropriate, and NOTES that the Town will continue to work collaboratively with other relevant local governments and Regional Councils; and*
 - (e) *the City of Perth Submission BE REJECTED; and*
- (vi) *AUTHORISES:*
- (a) *the Chief Executive Officer, in liaison with the Mayor, to finalise and submit the Town's Submission to the Minister for Local Government;*
 - (b) *the Mayor and Chief Executive Officer to meet the Minister for Local Government, other local governments and other relevant persons, concerning local government structural reform;*
 - (c) *the Mayor and Chief Executive Officer to formally advise the Cities of Stirling, Bayswater and Perth and the Town of Cambridge of the Council's decision; and*
 - (d) *the Chief Executive Officer to make public the Council Report and Submission after 30 September 2009."*

The new reform process is predicated on the notion that there will be less local governments in the metropolitan area as a result of the review, with new boundaries. Ironically, whilst the proposal is aimed at creating less and therefore larger local governments, it seeks to encourage better engagement by local government with its communities.

The City's Structural Reform Submission prepared in 2009 has not been provided to the Review Panel. This Submission contains considerable important information and it is appropriate that a copy of this Submission be provided to the Review Panel. This submission is shown at electronic attachment 003 (Appendix 9.5.3C).

A copy of the city's draft response to the Review Panel questions is shown at Appendix 9.5.3B.

Local Government – Brief Overview

In Western Australia, there are 139 local governments, of which 85 have a population less than 2,000 and with a ratio of electors to each elected member of less than 1 per 100. These local governments are almost all country councils (the only notable exception in Perth is the Shire of Peppermint Grove). There are 30 local governments in the metropolitan area, all of the varying size. Twelve (12) Local Governments (including City of Perth) have a population of less than 30,000 residents, as follows:

Local Government	Population
Bassendean	14,508
Cambridge	25,942
Claremont	9,605
Cottesloe	7,066
East Fremantle	6,697
Kwinana	30,000 (approx)
Mosman Park	9,392
Nedlands	22,404
Peppermint Grove	1,741
Perth	17,093
Serpentine-Jarrahdale	17,846
Subiaco	18,625

CONSULTATION/ADVERTISING:

A copy of the Panel's Review is shown on the City's Website.

A letter was sent to all Precinct Groups with information about the review process.

There has been considerable media reporting concerning Local Government Structural Reform in Western Australia.

Deliberative Democracy Forum

Deliberative democracy rests on the core notion of citizens and their representatives deliberating about public problems and solutions under conditions that are conducive to reasoned reflection and refined public judgment; a mutual willingness to understand the values, perspectives, and interests of others; and the possibility of reframing their interests and perspectives in light of a joint search for common interests and mutually acceptable solutions.

It is thus often referred to as an open discovery process, rather than a ratification of fixed positions, and as potentially transforming interests, rather than simply taking them as given.

Deliberative democracy introduces a different kind of citizen voice into public affairs than that associated with raw public opinion, simple voting, narrow advocacy, or protest from the outside.

Deliberative democracy can exist in many forms and combinations, and can be complementary to various other mechanisms that ensure democratic representation and efficient administration.

The Mayor suggested that the best way to do the selection for the attendees is via the Electoral Commission.

She has indicated an appropriate sample would be 100 residents and 20 business proprietors. The event would take place over a 4 or 5 hour period – perhaps on a Saturday or Sunday.

LEGAL/POLICY:

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

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

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

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

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

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

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

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

RISK MANAGEMENT IMPLICATIONS:

High: There is a risk that if the City does not provide a response on the Metropolitan Local Government Review Panel Issues Papers, it would have missed an opportunity to comment on the future purpose and role of the Local Government in the metropolitan area and how it could best serve its community. The future of the City of Vincent will be dependent upon the recommendations made by the Panel, particularly should the review result in new Local Government boundaries.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 provides various stated objectives of financial sustainability, sustainable community infrastructure and best management practices.

SUSTAINABILITY IMPLICATIONS:

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

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

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

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

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

It is considered that the Metropolitan Local Government Review Panel's recently released *Metropolitan Local Government Review Panel Issues Paper* provides an opportunity for the City of Vincent, local government and the public in general, to comment on issues that are fundamental to the reform of local government in the metropolitan area.

The City of Vincent is of the view that improvements can be made to local government arrangements in the Perth metropolitan area, however improvements need to take a broader view than the adequacy of the current state of local government and take a more holistic view, examining the intergovernmental relations between the Federal, State and Local Government.

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 Notice of Motion – Cr John Carey and Cr John Pintabona – Rescission Motion relating to City of Vincent New Entry Statements

That;

1. 1.1 at its Ordinary Meeting held on 14 June 2011 (Item No. 9.3.2, Clause (i)), the Council decided that it:

"(i) APPROVES of the design of "The Verticals", as shown in Appendix 9.3.2(a) as the new Town of Vincent Entry statements;..." and

- 1.2 at its Ordinary Meeting held on 13 September 2011 (Item No. 9.3.4, Clause 1.), the Council decided that it:

"1. APPROVES the location of the Vincent entry statements at five (5) major entry points in the City, with the proposed major entry points being:

- Vincent Street (corner of Leederville Parade);*
- Fitzgerald Street (corner of Walcott Street);*
- Scarborough Beach Road (corner of Green Street);*
- Charles Street (corner of Newcastle Street); and*
- Guildford Road (corner of East Parade);..."*

2. Councillor John Carey MOVES a motion to REVOKE the decision by deleting

14 June 2011:

"(i) APPROVES of the design of "The Verticals", as shown in Appendix 9.3.2(a) as the new Town of Vincent Entry statements;..."

13 September 2011:

"1. APPROVES the location of the Vincent entry statements at five (5) major entry points in the City, with the proposed major entry points being:

- Vincent Street (corner of Leederville Parade);*
- Fitzgerald Street (corner of Walcott Street);*
- Scarborough Beach Road (corner of Green Street);*
- Charles Street (corner of Newcastle Street); and*
- Guildford Road (corner of East Parade);..."*

3. in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, three Elected Members, namely Cr Carey, Cr Pintabona and Cr Buckels, being one third of the number of offices of members of the Council, SUPPORT this motion to revoke or change a Council decision; and

4. in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to Section 5.25(e) of the Local Government Act 1995, the Council RESOLVES BY AN ABSOLUTE MAJORITY to CHANGE part of the resolution adopted by the Council at its Ordinary Meetings held on 14 June 2011 and 13 September 2011 (Items 9.3.2 and 9.3.4 respectively), as shown below:

4.1 revoking:

14 June 2011:

"(i) **APPROVES** of the design of "The Verticals", as shown in Appendix 9.3.2(a) as the new Town of Vincent Entry statements;..." and

13 September 2011:

"1. **APPROVES** the location of the Vincent entry statements at five (5) major entry points in the City, with the proposed major entry points being:

- **Vincent Street (corner of Leederville Parade);**
- **Fitzgerald Street (corner of Walcott Street);**
- **Scarborough Beach Road (corner of Green Street);**
- **Charles Street (corner of Newcastle Street); and**
- **Guildford Road (corner of East Parade);...**"

4.2 and inserting:

"1. **APPROVES** the reinstatement of the current City of Vincent Entry Signs (as shown in Appendix 10.1) at the following major entry points:

- **Vincent Street (corner of Leederville Parade);**
- **Fitzgerald Street (corner of Walcott Street);**
- **Scarborough Beach Road (corner of Green Street);**
- **Charles Street (corner of Newcastle Street); and**
- **Guildford Road (corner of East Parade)."**

Moved Cr Carey, Seconded Cr Pintabona

That the motion be adopted.

Debate ensued.

AMENDMENT

Moved Cr McGrath, Seconded Cr Maier

That a new clause 5 be inserted as follows:

"5. **REQUESTS** the Chief Executive Officer to advise the artists of the decision and inform them that it is not a reflection on the quality of the art."

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Topelberg was an apology for the meeting.)

The Mover, Cr Carey advised that he wished to change the recommendation to delete clause 4.2. The Seconder, Cr Pintabona agreed.

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

(Cr Topelberg was an apology for the meeting.)

COUNCIL DECISION ITEM 10.1

That;

1. 1.1 at its Ordinary Meeting held on 14 June 2011 (Item No. 9.3.2, Clause (i)), the Council decided that it:
 - "(i) *APPROVES of the design of "The Verticals", as shown in Appendix 9.3.2(a) as the new Town of Vincent Entry statements;...*" and
 - 1.2 at its Ordinary Meeting held on 13 September 2011 (Item No. 9.3.4, Clause 1.), the Council decided that it:
 - "1. *APPROVES the location of the Vincent entry statements at five (5) major entry points in the City, with the proposed major entry points being:*
 - *Vincent Street (corner of Leederville Parade);*
 - *Fitzgerald Street (corner of Walcott Street);*
 - *Scarborough Beach Road (corner of Green Street);*
 - *Charles Street (corner of Newcastle Street); and*
 - *Guildford Road (corner of East Parade);...*"
2. Councillor John Carey MOVES a motion to REVOKE the decision by deleting 14 June 2011:
 - "(i) *APPROVES of the design of "The Verticals", as shown in Appendix 9.3.2(a) as the new Town of Vincent Entry statements;...*"13 September 2011:
 - "1. *APPROVES the location of the Vincent entry statements at five (5) major entry points in the City, with the proposed major entry points being:*
 - *Vincent Street (corner of Leederville Parade);*
 - *Fitzgerald Street (corner of Walcott Street);*
 - *Scarborough Beach Road (corner of Green Street);*
 - *Charles Street (corner of Newcastle Street); and*
 - *Guildford Road (corner of East Parade);...*"
3. in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, three Elected Members, namely Cr Carey, Cr Pintabona and Cr Buckels, being one third of the number of offices of members of the Council, SUPPORT this motion to revoke or change a Council decision;
4. in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to Section 5.25(e) of the Local Government Act 1995, the Council RESOLVES BY AN ABSOLUTE MAJORITY to CHANGE part of the resolution adopted by the Council at its Ordinary Meetings held on 14 June 2011 and 13 September 2011 (Items 9.3.2 and 9.3.4 respectively), as shown below:
 - 4.1 revoking:
 - 14 June 2011:
 - "(i) *APPROVES of the design of "The Verticals", as shown in Appendix 9.3.2(a) as the new Town of Vincent Entry statements;...*" and

Revoking:

13 September 2011:

"1. **APPROVES** the location of the Vincent entry statements at five (5) major entry points in the City, with the proposed major entry points being:

- **Vincent Street (corner of Leederville Parade);**
- **Fitzgerald Street (corner of Walcott Street);**
- **Scarborough Beach Road (corner of Green Street);**
- **Charles Street (corner of Newcastle Street); and**
- **Guildford Road (corner of East Parade);...**; and

5. **REQUESTS** the Chief Executive Officer to advise the artists of the decision and inform them that it is not a reflection on the quality of the art.

Impact Statement For Notice of Motion 10.1

The City of Vincent Local Law relating to Standing Orders at Clause 11.1(3) states:

"11(3) *The Council or a committee shall not vote on a motion to revoke or change a decision of the Council or committee whether the motion of revocation or change is moved with or without notice, if at the time the motion is moved or notice is given –*

(a) *action has been taken to implement the decision; or*

(b) *where the decision concerns the issue of an approval or the authorisation of a licence, permit or certificate and where that approval or authorisation of a licence, permit or certificate has been put into effect by the Council in writing to the applicant or the applicant's agent by an employee of the Council authorised to do so;*

without having considered a statement of impact prepared by or at the direction of the CEO of the legal and financial consequences of the proposed revocation or change."

LEGAL:

The contractor (Glow WA) has been advised of the Council decision. A contract has been prepared and forwarded to the contractor for their consideration.

To date neither party have signed the contract document. Therefore there are no legal implications in regard to the rescission of the Council decision.

FINANCIAL IMPLICATION:

An amount of \$95,000 is listed on the 2011/12 Annual Budget for new entry statements.

No payments have been made to Glow WA for this budget item.

There are therefore no financial implications to the City with the rescission of this Council decision.

10.2 Notice of Motion – Cr John Carey and Cr Joshua Topelberg – Request to investigate the provision of Significant Public Art in each of the City of Vincent Town Centres

That the Council:

1. REQUESTS the Chief Executive Officer to investigate the implementation of a five (5) year program of investment in significant public art by the City of Vincent in each of the five (5) town centres. The investigation should include, but not be limited to:

1.1 allocation of \$100,000 to one town (Activity) centre per annum for 5 years (total project = \$500,000);

1.2 prioritisation of town centres as per the proposed schedule as follows:

Year	Centre
Year 1	Leederville
Year 2	North Perth
Year 3	Perth
Year 4	Mt Hawthorn
Year 5	Mt Lawley/Highgate

1.3 limiting the number of pieces of art per town centre to ensure significant pieces of art are installed;

1.4 referral to the City's Arts Advisory Group for comment;

1.5 financial implications and possible funding sources; and

1.6 a report to be submitted to the Council no later than March 2012; and

2. Subject to Motion 10.1 being carried, APPROVES BY AN ABSOLUTE MAJORITY to reallocate the \$95,000 to fund the Year 1 artwork, for the Leederville Town Centre.

Cr Pintabona departed the Chamber at 9.38pm.

Moved Cr Carey, Seconded Cr Buckels

That the revised motion, be adopted:

Debate ensued.

Cr Pintabona returned to the Chamber at 9.40pm.

Debate ensued.

The Mover, Cr Carey advised that he wished to change the recommendation to delete clause 2. The Seconder, Cr Buckels agreed.

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

(Cr Topelberg was an apology for the meeting.)

COUNCIL DECISION ITEM 10.2

That the Council **REQUESTS** the Chief Executive Officer to investigate the implementation of a five (5) year program of investment in significant public art by the City of Vincent in each of the five (5) town centres. The investigation should include, but not be limited to:

1. allocation of \$100,000 to one town (Activity) centre per annum for 5 years (total project = \$500,000);
2. prioritisation of town centres as per the proposed schedule as follows:

Year	Centre
Year 1	Leederville
Year 2	North Perth
Year 3	Perth
Year 4	Mt Hawthorn
Year 5	Mt Lawley/Highgate

3. limiting the number of pieces of art per town centre to ensure significant pieces of art are installed;
 4. referral to the City's Arts Advisory Group for comment;
 5. financial implications and possible funding sources; and
 6. a report be submitted to the Council no later than March 2012.
-

10.3 Notice of Motion – Cr John Carey – Proposed Amendments to the City’s Festival Policy Non 1.1.8

That the Council APPROVES BY AN ABSOLUTE MAJORITY to amend the Council’s Policy No. 1.1.8 – Festivals – Guidelines, to read as follows:

1. the City will advertise applications for forthcoming festivals at least six (6) months prior to the adoption of the Annual Budget, in accordance with the following:

1.1 Dates and Approval Process Action be amended to read as follows:

“Dates	Action
January – February	Advertise for Festival Applications and send out information to interested persons/groups.
March <u>February</u>	Formal Applications close off on the last Friday in <u>February</u> March .
April <u>March</u>	Applications reviewed by the City’s Administration.
May <u>April</u>	Recommendations presented to the Council for consideration and determination.
July	Budget adopted. Applicants notified in writing of the Council’s decision.”

1.2 A new clause 6 be inserted as follows and the remaining clauses renumbered:

“6. City of Vincent Responsibilities

On Council deciding to providing funding support to an externally organised festivals, the City of Vincent will undertake a cooperative approach with the Festival organisers, including:

6.1 Provide a comprehensive, user friendly checklist, which outlines ALL required City of Vincent approvals and times lines for operational matters, including:

- noise;
- food;
- traffic management; and
- logistic management issues, as well as any other matters which may require Council consideration; and

6.2 Establish a Working Party with Festival organisers (if required), to ensure regular communication between the parties regarding the organisation of the Festival.”

COUNCIL DECISION ITEM 10.3

Moved Cr Carey, Seconded Cr Buckels

That the motion be adopted.

Debate ensued.

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

(Cr Topelberg was an apology for the meeting.)

10.4 Notice of Motion – Cr Warren McGrath – Request for a City of Vincent Greening Plan

That the Council:

1. REQUESTS the:

1.1 Chief Executive Officer to provide a report to the Council on a recommended approach and required resources to develop a plan to increase 'green space' in the City that can provide environmental, social and economic benefits including from:

- the cooling of the built environment from increased trees and tree canopy;
- pollution adsorption;
- carbon sinking;
- stormwater and groundwater water quality improvements;
- an increase in biodiversity;
- cleaner and more attractive streetscapes; and
- a general increase in visual amenity and community well-being;

1.2 Plan to include appropriate targets, key actions, timing, budget, and potential external funding, to achieve the following objectives:

- increase the total % tree canopy cover across the City, through initiatives affecting land in both public and private ownership;
- increase the total area of Public Open Space (POS) in the City with a focus on new POS in areas identified in the *Capital City Planning Framework* and draft Local Planning Strategy as lacking sufficient open space;
- increase the extent of green space in City streets through a program of increasing the density of street tree planting, decreasing the frequency of street tree pruning where possible, encouraging greening of verges, and installing landscaped medians low maintenance gardens/plantings instead of paving where possible;
- increase the diversity and overall height of native and evergreen non-native trees in POS;
- enhance areas of remnant or re-established native habitat in POS through linking with planting of vegetated corridors along selected roads and undertaking new dryland/wetland habitat restoration projects;
- increase community awareness of the environmental and social value of green space; and
- increase community involvement in the care and use of POS and streetscapes;

1.3 Plan to include a description of existing or possible supporting programs and mechanisms that may assist in achieving these objectives, including but not limited to the following:

- Eco-zoning program;
- Underground power program;
- Wetlands Interpretative Project;
- Planning mechanisms for provision of green space in new developments;
- Implementation of selected recommendations of the Vincent Habitat Report (Syrinx Environmental 2004);
- Involvement with community groups;

- Partnerships with other local government authorities, non-government authorities, academic institutions and/or private enterprise for research and development into hybridisation of native tree species for streetscaping; and
 - Provision of advice and support to owners of land with significant trees to ensure long term survival and growth; and
2. NOTES that the Notice of Motion is consistent with 1.1.4(b) of the City of Vincent Strategic Community Plan 2011-2021 and Section 3.3 (Greening Vincent) of the City of Vincent Sustainable Environment Strategy 2011-2016.
-

Cr Carey departed the Chamber 9.45pm.

Moved Cr McGrath, Seconded Cr Buckels

That the motion be adopted.

Debate ensued.

Cr Carey returned to the Chamber at 9.46pm.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Wilcox

That clause 1.3 be amended to read as follows:

“1.3 Plan to include a description of existing or possible supporting programs and mechanisms that may assist in achieving these objectives, including but not limited to the following:

- Eco-zoning program;
- Underground power program;
- Wetlands Interpretative Project;
- Planning mechanisms for provision of green space in new developments;
- Implementation of selected recommendations of the Vincent Habitat Report (Syrinx Environmental 2004);
- Involvement with community groups;
- Partnerships with other local government authorities, non-government authorities, academic institutions and/or private enterprise for research and development into hybridisation of native tree species for streetscaping; and
- Provision of advice and support to owners of land with significant trees to ensure long term survival and growth; and
- The consideration of converting sections of road reserve to public open space similar to the approach adopted in Park Street, Subiaco; and”

Debate ensued.

AMENDMENT PUT AND CARRIED (7-1)

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

Against: Cr Harley

(Cr Topelberg was an apology for the meeting.)

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

(Cr Topelberg was an apology for the meeting.)

COUNCIL DECISION ITEM 10.4

That the Council:

1. REQUESTS the:

1.1 Chief Executive Officer to provide a report to the Council on a recommended approach and required resources to develop a plan to increase 'green space' in the City that can provide environmental, social and economic benefits including from:

- the cooling of the built environment from increased trees and tree canopy;
- pollution adsorption;
- carbon sinking;
- stormwater and groundwater water quality improvements;
- an increase in biodiversity;
- cleaner and more attractive streetscapes; and
- a general increase in visual amenity and community well-being;

1.2 Plan to include appropriate targets, key actions, timing, budget, and potential external funding, to achieve the following objectives:

- increase the total % tree canopy cover across the City, through initiatives affecting land in both public and private ownership;
- increase the total area of Public Open Space (POS) in the City with a focus on new POS in areas identified in the *Capital City Planning Framework* and draft Local Planning Strategy as lacking sufficient open space;
- increase the extent of green space in City streets through a program of increasing the density of street tree planting, decreasing the frequency of street tree pruning where possible, encouraging greening of verges, and installing landscaped medians low maintenance gardens/plantings instead of paving where possible;
- increase the diversity and overall height of native and evergreen non-native trees in POS;
- enhance areas of remnant or re-established native habitat in POS through linking with planting of vegetated corridors along selected roads and undertaking new dryland/wetland habitat restoration projects;
- increase community awareness of the environmental and social value of green space; and
- increase community involvement in the care and use of POS and streetscapes;

1.3 Plan to include a description of existing or possible supporting programs and mechanisms that may assist in achieving these objectives, including but not limited to the following:

- Eco-zoning program;
- Underground power program;
- Wetlands Interpretative Project;

- **Planning mechanisms for provision of green space in new developments;**
 - **Implementation of selected recommendations of the Vincent Habitat Report (Syrinx Environmental 2004);**
 - **Involvement with community groups;**
 - **Partnerships with other local government authorities, non-government authorities, academic institutions and/or private enterprise for research and development into hybridisation of native tree species for streetscaping;**
 - **Provision of advice and support to owners of land with significant trees to ensure long term survival and growth; and**
 - **The consideration of converting sections of road reserve to public open space similar to the approach adopted in Park Street, Subiaco; and**
2. **NOTES that the Notice of Motion is consistent with 1.1.4(b) of the City of Vincent Strategic Community Plan 2011-2021 and Section 3.3 (Greening Vincent) of the City of Vincent Sustainable Environment Strategy 2011-2016.**
-

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

Nil.

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

12.1 LATE ITEM: WALGA Nominations - Local Government Standards Panel; Alliance for the Prevention of Elder Abuse; WA Planning Commission (WAPC); WAPC Sustainable Transport Committee

Ward:	-	Date:	20 December 2011
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:

1. _____ be nominated as WALGA Member - Local Government Standards Panel (Ministerial Appointment - Panel of 9 names requested);
2. _____ be nominated as WALGA Deputy Member - Local Government Standards Panel (Ministerial Appointment - Panel of 9 names requested);
3. _____ be nominated as WALGA Member Alliance for the Prevention of Elder Abuse (*Re-advertised*);
4. _____ be nominated as WALGA Metropolitan Member for the WA Planning Commission (WAPC) (Panel of 3 Names) (Approval by Minister) (*Re-advertised*);
5. _____ be nominated as WALGA Deputy Metropolitan Member for the WA Planning Commission (WAPC) (Panel of 3 Names) (Approval by Minister) (*Re-advertised*); and
6. _____ be nominated as WALGA Member for the WAPC Sustainable Transport Committee (Approval by Minister) (Panel of 3 Names) (*Re-advertised*).

The Presiding Member, Mayor Hon. Alannah MacTiernan called for nominations.

Debate ensued.

No nominations were received.

COUNCIL DECISION ITEM 12.1

Moved Cr Carey, Seconded Cr Harley

That the recommendation be adopted and it be noted that no nominations were received.

DETAILS:

Please see Appendix 12.1 for further details.

Please note that nominations for Members for Clauses No. 4, 5, 6 are being re-advertised to fill additional vacancies on each Committee - so if someone has already nominated in the last round for a position on any of these Committees, they do not need to renominate.

NB:

NOMINATIONS CLOSE OFF EXTENDED TO 5PM MONDAY 9 JANUARY 2012

12.2 LATE ITEM: Appointment of Council Member to the Local Government Association - Central Metropolitan Zone

Ward:	-	Date:	20 December 2011
Precinct:	-	File Ref:	ORG0045
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	M McKahey, Personal Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION

That in accordance with the provisions of the Local Government Act 1995, Sections 2.28, 5.8 and 5.10, Councillor be appointed by an ABSOLUTE MAJORITY to the Local Government Association - Central Metropolitan Zone for the remainder of the term until 12 October 2013 (unless otherwise specified).

Moved Cr Harley, Seconded Cr Pintabona

That the recommendation be adopted.

Debate ensued.

Cr Warren McGrath nominated to be appointed to the Local Government Association - Central Metropolitan Zone for the remainder of the term until 12 October 2013 (unless otherwise specified).

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

(Cr Topelberg was an apology for the meeting.)

COUNCIL DECISION ITEM 12.1

That in accordance with the provisions of the Local Government Act 1995, Sections 2.28, 5.8 and 5.10, Councillor Warren McGrath be appointed to the Local Government Association - Central Metropolitan Zone for the remainder of the term until 12 October 2013 (unless otherwise specified).

DETAILS:

At the Ordinary Meeting of Council held on 25 October 2011, the Council appointed the following persons to the Local Government Association - Central Metropolitan Zone:

Members:

Deputy:

- | | |
|----------------------------------|---------------------------------------|
| 1. Mayor Hon. Alannah MacTiernan | 1. Chief Executive Officer (for both) |
| 2. Cr Roslyn Harley | |

The Mayor Hon. Alannah MacTiernan was appointed as the City's Member to the Central Metropolitan Zone, however, has subsequently accepted to be a Member on the Municipal Waste Advisory Council.

A vacancy has now occurred on the Local Government - Central Metropolitan Zone and needs to be filled for the remainder of the term.

BACKGROUND:

Meeting Occurrence:	Bi-Monthly (or six weekly)
Date of Meeting:	Thursday
Time of Meeting:	6pm
Location of Meeting:	Local Governments in the Central Metropolitan Zone on a rotation basis
Responsible Liaison Officer:	Chief Executive Officer
<i>Purpose of Appointment:</i>	<i>To represent the Council on the Western Australian Local Government Association Central Zone.</i>
Other Membership:	<ul style="list-style-type: none">• Representatives from Central Metropolitan Zone Councils• Chief Executive Officer

13. URGENT BUSINESS

13.1 URGENT BUSINESS: Appointment of an Alternative (Deputy Member) for Mindarie Regional Council - Special Meeting

Ward:	-	Date:	19 December 2011
Precinct:	-	File Ref:	ORG0054
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **APPROVES BY AN ABSOLUTE MAJORITY** the appointment of Councillor to be its alternative (Deputy Member) for the Special Meeting of the Mindarie Regional Council to be held on 24 January 2012, due to the unavailability of the Council's appointed Member, the Mayor Hon. Alannah MacTiernan.

Moved Cr Wilcox, Seconded Cr Pintabona

That the recommendation be adopted.

Debate ensued.

Cr Dudley Maier nominated to be the alternative (Deputy Member) for the Special Meeting of the Mindarie Regional Council to be held on 24 January 2012.

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

(Cr Topelberg was an apology for the meeting.)

COUNCIL DECISION ITEM 12.1

That the Council **APPROVES BY AN ABSOLUTE MAJORITY** the appointment of Councillor Dudley Maier to be its alternative (Deputy Member) for the Special Meeting of the Mindarie Regional Council to be held on 24 January 2012, due to the unavailability of the Council's appointed Member, the Mayor Hon. Alannah MacTiernan.

Note: The Mindarie Regional Council advised on 22 December 2011 that the Special Meeting had been cancelled.

PURPOSE OF REPORT:

The purpose of the report is for the Council to appoint an alternative (Deputy Member) to the Special Meeting of the Mindarie Regional Council, due to the unavailability of its appointed Member, Mayor Hon. Alannah MacTiernan, who is unable to attend the meeting to be held on 24 January 2012, due to being on Leave.

BACKGROUND:

The City has previously received advice that the Local Government Act 1995 does not contain any provision to appoint a Deputy Member to be its Member on a Regional Council. However, it may appoint an alternative Member if the regular Member is unable to attend the meeting. Mayor MacTiernan is unable to attend due to being on leave.

It is important for the City to be represented at the Meeting, where the City of Stirling Withdrawal will be considered.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Section 52(1) and (2) of the Interpretation Act confers power to appoint a person to a position including an Acting Appointment. The Local Government Act is deficient as it does not allow the appointment of a Deputy Member and an urgent amendment is currently being considered.

RISK MANAGEMENT IMPLICATIONS:

High: The non-attendance of a City representative to the Special Council Meeting of the Mindarie Regional Council where the City of Stirling Withdrawal will be considered, will result in the City not having any vote in this important matter.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's Strategic Plan 2011 – 2016, Key Objective 4.1 – *“Provide good strategic decision making, leadership and professional management”*.

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The Local Government Act is being amended, so that Deputy Members can be appointed for prescribed periods, therefore deleting the matter to be determined by a Council for each occasion.

It is important that the City be represented at this Special Meeting.

The Chief Executive Officer advised that it was 10.00pm and in accordance with the Council Meeting Policy, the Council should resolve to extend the meeting, if it wished to continue.

The Presiding Member, Mayor Hon. Alannah MacTiernan requested that a procedural motion be moved to extend the meeting time, as the Council's Policy relating to Council meetings requires meetings to cease by 10.00pm.

PROCEDURAL MOTION

Moved Cr Buckels, Seconded Cr Harley

That the meeting be extended to allow for the conclusion of the remaining items.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Topelberg was an apology for the meeting.)

PROCEDURAL MOTION

At 10.00pm **Moved Cr Buckels, Seconded Cr Harley**

That Council proceed "behind closed doors" to consider confidential items:

- 9.5.2 as this matter relates to the personal affairs of a person;
- 13.2 as this matter contains information concerning legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
- 14.1 as the matter being considered is subject to formal consent to advertise from the Western Australian Planning Commission and contains legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and
- 14.2 as this matter contains information concerning a matter affecting an employee or employees.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Topelberg was an apology for the meeting.)

There were no members of the public or journalists present.

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
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Helen Smith	Manager Planning and Building Services
Tory Woodhouse	Manager Strategic Planning, Sustainability and Heritage Services
Anita Radici	Executive Assistant (Minutes Secretary)

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

9.5.2 Premier’s Australia Day Active Citizenship Awards – Nominations for 2012

Ward:	Both	Date:	9 December 2011
Precinct:	All	File Ref:	CV0036
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	N Greaves, Communications Officer; John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council NOTES that no nominations were received for the 2012 Premier’s Australia Day Active Citizenship Awards in any category.

Moved Cr Carey, Seconded Cr McGrath

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Carey, Seconded Cr McGrath

That the Officer Recommendation be amended to read as follows:

“That the Council:

1. NOTES that no nominations were received for the 2012 Premier’s Australia Day Active Citizenship Awards in any category as at the closing date;
2. EXTENDS the closing date to 23 December 2011 to allow for nominations to be received for the 2012 Premier’s Australia Day Active Citizenship Awards for categories “Person under 25” and “Group or Event”; and
3. DELEGATES authority to the Mayor and Chief Executive Officer to consider and approve of any nominations received.”

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

(Cr Topelberg was an apology for the meeting.)

COUNCIL DECISION ITEM 9.5.2

That the Council:

1. NOTES that no nominations were received for the 2012 Premier’s Australia Day Active Citizenship Awards in any category as at the closing date;
2. EXTENDS the closing date to 23 December 2011 to allow for nominations to be received for the 2012 Premier’s Australia Day Active Citizenship Awards for categories “Person under 25” and “Group or Event”; and
3. DELEGATES authority to the Mayor and Chief Executive Officer to consider and approve of any nominations received.

PURPOSE OF REPORT:

The purpose of the report is to advise Council that no nominations were received for these awards.

DETAILS:

In October 2011 the Australia Day Council of Western Australia wrote to the City advising of the Premier's Australia Day Active Citizenship Awards. The Awards foster, recognise and celebrate significant contributions to community life and active citizenship in all local government areas of Western Australia.

Guidelines and Criteria

Each year two local citizens and one local community group in each local government area are eligible for this Award. Only one nomination in each category can be forwarded to the Australia Day Council for consideration.

The recipients are selected from people and groups who have made a noteworthy contribution during the current year, or given outstanding service to the local community over a number of years through active involvement.

Categories

Awards are presented in the following categories:

- Premier's Australia Day Active Citizenship Award
- Premier's Australia Day Active Citizenship Award for a person under 25 years
- Premier's Australia Day Active Citizenship Award for a community group or event.

Selection Criteria

The winners will have been judged to have shown active citizenship and:

- Significant contribution to the local community.
- Demonstrated leadership on a community issue resulting in the enhancement of community life.
- A significant initiative which has brought about positive change and added value to community life.
- Inspiring qualities as a role model for the community.

Eligibility Criteria

- Nominees should reside or work principally within the local authority.
- Awards will not be granted posthumously.
- Groups of people or couples will not normally be eligible except when meeting the criteria for a community group.
- A person cannot receive the same award twice, but can be considered for another award.
- Unsuccessful nominees may be nominated in future years.
- Sitting members of State, Federal and Local Government are not eligible.

Judging Process

All category winners of the Premier's Australia Day Active Citizenship Awards will be selected from nominations received from the community, local government or its appointed committee.

These prestigious awards are only available to one recipient in each category in each year. Where local government represents more than one district or town, awards may be made to one winner from each category in each centre.

The judge's decision will be final and no correspondence will be entered into by the Australia Day Council of Western Australia.

CONSULTATION/ADVERTISING:

In October and November 2011 a call for nominations was advertised in the local paper, on the website and through letters to precinct groups in the City. At the close of nominations on 25 November 2011, nil (0) nominations were received.

LEGAL/POLICY:

Nil.

RISK MANAGEMENT IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

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

“Community Development and Well-Being

3.1 Enhance and promote community development and well-being

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Previous recipients for the Award:

YEAR	INDIVIDUAL OVER 25 YEARS	INDIVIDUAL UNDER 25 YEARS	GROUP
2003	Sally Lake	Nil nominations	-
2004	Cosi Schirrupa	Nil nominations	-
2005	Despina Kalafatas	Nil nominations	Rotary Club of North Perth
2006	Tan-Kiet Le	Nil nominations	The Palmerston Association
2007	Kay Raymond	Nil nominations	The Honour Avenue Group
2008	Doris Maroochi	Nil nominations	Cardinals Junior Football Club
2009	Vasil Cigulev	Nil Nominations	Association for Services to Torture and Trauma Survivors Inc (ASeTTS)
2010	Barbara Wood	Nil Nominations	Northshore SES Unit
2011	Ron Venables	Nil Nominations	Tennis Seniors WA

Like many other local governments, in recent years the City has had minimal interest in these awards from the Vincent community. Whilst it is disappointing that the community has not embraced the awards and put forward nominees, it is also noted that these are prestigious awards that should be bestowed upon only those truly worthy of the accolade.

13.2 URGENT BUSINESS: CONFIDENTIAL REPORT – Leederville Hotel, No. 742 (Lot 30) Newcastle Street, Leederville – Refusal of Outdoor Eating Area Structure – Review (Appeal) to the State Administrative Tribunal (SAT) DR 365 of 2011

Ward:	South	Date:	20 December 2011
Precinct:	Oxford Centre; P04	File Ref:	PRO0630
Attachments:	001 – Currently constructed Outdoor Eating Area Structure; 002 – Proposed Outdoor Eating Area Structure (Option 3 dated December 2011)		
Tabled Items:	Nil		
Reporting Officer:	R Rasiah, Coordinator Statutory Planning		
Responsible Officers:	R Boardman, Director Community Services; R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council **APPROVES** the application from the Leederville Hotel to renew their Outdoor Eating Area Permit for Newcastle Street, Leederville, including the proposed outdoor eating area structure indicated in Option 3 dated December 2011, on the footpath of Newcastle Street, subject to the following conditions:

1. This approval, including the decking structure, shall be subject to review after 12 months, and any further extension of the use shall require an application for and a further approval from the City prior to the continuation of the use and outdoor eating area structure;
2. **PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT**, the following shall be completed to the satisfaction of the City:
 - 2.1 any steel bar and/or any other elements that remain on the approved modified structure shall be free from any sharp edges;
 - 2.2 all of the existing infill mesh material currently located between the vertical steel posts, including the entire wooden balustrade, shall be removed and replaced by suitable ropes;
 - 2.3 removable planter boxes, as approved by the City, shall be appropriately affixed to the metal/timber vertical posts and shall contain appropriate plants as determined by the City's Technical Services;
 - 2.4 the ropes at the western and eastern ends of the structure shall be removed at close of business each day and maybe reinstated the following morning when the premises opens for business;
 - 2.5 a compliant 'ramp' to facilitate universal access, fabricated from an approved material, shall be installed at the western end of the structure to the satisfaction of the City's Director Technical Services;
 - 2.6 timber edging shall be affixed to the existing vertical posts;
 - 2.7 the City of Vincent shall be fully indemnified from any potential liability issues resulting from the structure being located within the road reserve; and
 - 2.8 a liability insurance agreement indemnifying the City for the outdoor eating area structure, referred to in clause 2.7, shall be prepared by the City, at the full expense of the owners of the Leederville Hotel, and referred to the City's Solicitors for checking prior to being executed;

3. The outdoor eating area structure shall be maintained in a safe and serviceable condition by the owners of the Leederville Hotel, at all times; and
4. If any works are required to be undertaken within the Newcastle Street road reserve the owners of the Leederville Hotel will be required to remove, at their expense, the outdoor eating area structure, within a reasonable time, to allow the works to be undertaken.

Moved Cr McGrath, Seconded Cr Pintabona

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Pintabona, Seconded Cr Maier

That clause 2.5 be amended to read as follows:

“2.5 a compliant ‘ramps’ to facilitate universal access, fabricated from an approved material, shall be installed at the western and eastern end of the structure to the satisfaction of the City’s Director Technical Services;”

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Topelberg was an apology for the meeting.)

MOTION PUT AND CARRIED (5-3)

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

(Cr Topelberg was an apology for the meeting.)

COUNCIL DECISION ITEM 13.2

That the Council APPROVES the application from the Leederville Hotel to renew their Outdoor Eating Area Permit for Newcastle Street, Leederville, including the proposed outdoor eating area structure indicated in Option 3 dated December 2011, on the footpath of Newcastle Street, subject to the following conditions:

1. This approval, including the decking structure, shall be subject to review after 12 months, and any further extension of the use shall require an application for and a further approval from the City prior to the continuation of the use and outdoor eating area structure;
2. PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the following shall be completed to the satisfaction of the City:
 - 2.1 any steel bar and/or any other elements that remain on the approved modified structure shall be free from any sharp edges;
 - 2.2 all of the existing infill mesh material currently located between the vertical steel posts, including the entire wooden balustrade, shall be removed and replaced by suitable ropes;
 - 2.3 removable planter boxes, as approved by the City, shall be appropriately affixed to the metal/timber vertical posts and shall contain appropriate plants as determined by the City’s Technical Services;

- 2.4 the ropes at the western and eastern ends of the structure shall be removed at close of business each day and maybe reinstated the following morning when the premises opens for business;
 - 2.5 compliant 'ramps' to facilitate universal access, fabricated from an approved material, shall be installed at the western and eastern end of the structure to the satisfaction of the City's Director Technical Services;
 - 2.6 timber edging shall be affixed to the existing vertical posts;
 - 2.7 the City of Vincent shall be fully indemnified from any potential liability issues resulting from the structure being located within the road reserve; and
 - 2.8 a liability insurance agreement indemnifying the City for the outdoor eating area structure, referred to in clause 2.7, shall be prepared by the City, at the full expense of the owners of the Leederville Hotel, and referred to the City's Solicitors for checking prior to being executed;
3. The outdoor eating area structure shall be maintained in a safe and serviceable condition by the owners of the Leederville Hotel, at all times; and
 4. If any works are required to be undertaken within the Newcastle Street road reserve the owners of the Leederville Hotel will be required to remove, at their expense, the outdoor eating area structure, within a reasonable time, to allow the works to be undertaken.

Note: The Chief Executive Officer advised that this report is now released to the public as the Council has determined the matter.

PURPOSE OF REPORT:

To update the Council on the above review application and to comply with the requirements of the City's Policy/Procedure for the State Administrative Tribunal (SAT).

To allow the Council to reconsider an application for a revised development under Section 31(1) of the State Administrative Tribunal Act.

In re-considering the proposal the Council may:

- (a) affirm its decision;
- (b) vary its decision; or
- (c) set aside the decision and substitute a new decision.

In accordance with Section 31 of the State Administrative Tribunal Act, the reconsideration of conditions, including the amended conditions are presented to the Council for reconsideration by consent. Should the Council resolve to refuse the application, or vary its decision to approve the application subject to conditions not acceptable to the applicant, the applicant may proceed to a Final Hearing based on the reconsideration of conditions the subject of this report.

It is noted that SAT Mediation sessions are "*without prejudice*", confidential and are not admissible in a Final Hearing.

The above matter was mediated at the SAT at 9 am on 20 December 2011, where the SAT Ordered that the matter be reconsidered by the Council under Section 31(1) of the SAT Act. The matter was also adjourned for further mediation on 13 January 2012, should the matter not be resolved at the Ordinary Meeting of Council to be held on 20 December 2011.

BACKGROUND:

- 11 October 2011 The Council at its Ordinary Meeting resolved in part to refuse the application from the Leederville Hotel to renew the Outdoor Eating Area Permit for No. 742 Newcastle Street, Leederville, including the current enclosure structure and decking, as constructed on the footpath of Newcastle Street, for the following reasons:
- “1.1 *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
 - 1.2 *the outdoor eating area enclosure and decking is located within the footpath area, and dominates the footpath area in its current form; and*
 - 1.3 *results in a negative precedent for other similar Outdoor Eating Areas within the City; and*
- ADVISES the owners of the Leederville Hotel that the outdoor eating structure and decking shall be removed and the footpath returned to its original state and condition at the full cost of the Leederville Hotel Owners within twenty-eight (28) days from the date of the City's notification of the Council's decision, to the satisfaction of the Director Technical Services.”*
- REQUESTS the Chief Executive Officer to review the City's current Policy No. 3.8.1 – Outdoor Eating Areas, with a view to clarifying the current guidelines including permanent fixtures/structures and that the Chief Executive Officer report back to the Council, before December 2011, with a proposed amended Policy No. 3.8.1;”*
- 26 October 2011 The Leederville Hotel submitted to the City a copy of its application to appeal a decision of the City to refuse the alfresco application at the above site.
- 8 November 2011 The Council considered a Confidential Report regarding the Leederville Hotel's review of the Council's refusal for the Outdoor Eating Area and resolved as follows:
- “That the Council;*
1. *RECEIVES the report relating to the Leederville Hotel's Appeal application to the State Administrative Tribunal (SAT), Review Matter No. DR 365 of 2011 relating to the Council's Refusal to renew their Outdoor Eating Area Permit, including the current enclosure structure at No. 742 Newcastle Street, Leederville; and*
 2. *INVITES the Mayor Hon. Alannah MacTiernan and Councillors Roslyn Harley and Warren McGrath to attend any future mediation(s) on behalf of the Council, including the SAT Review (appeal).”*
- 9 November 2011 Directions Hearing to be held at the State Administrative Tribunal for the above application.
- 6 December 2011 Further Directions Hearing held at the State Administrative Tribunal for the above application.

20 December 2011 Mediation held at the State Administrative Tribunal for the above application attended by the Mayor, Director Community Services and Director Technical Services. The following Orders were made by the SAT:

- “1. Pursuant to s 31(1) of the State Administrative Tribunal Act 2004 (WA) the respondent is invited to reconsider its decision at its meeting on 20 December 2011 having regard to the amendments to the proposed development.
2. The matter is adjourned to a further mediation to commence at 2 pm on Friday, 13 January 2012.”

DETAILS:

The Leederville Hotel as part of the mediation considered a few options regarding the redesign of the outdoor eating area structure to what is currently built on-site. Option 3 as shown in Appendix 13.2 (002) was considered as a suitable option to be presented to the Council for consideration. Option 3 proposes the following elements:

- The vertical steel bar structures to remain; however, the infill mesh metal to be removed, and replaced by ropes;
- The ropes at either end to be removed at close of business each day;
- A universal ramp is to be constructed at the western end of the raised outdoor eating area structure;
- Wooden planter boxes are to be placed adjacent to the metal bars;
- The operation of the alfresco area is reviewed after a 12 month period; and'
- Submission of a public liability insurance which is to be referred to the City's solicitors for consideration.

It is considered important that the City negotiate a mutually acceptable position concerning this significant outdoor eating area structure located on the footpath abutting the Leederville Hotel Garden Restaurant, as it is likely to set a precedent to other businesses contemplating such uses.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

- Planning and Development Act 2005 (WA), State Administrative Tribunal Act 2004 (WA) and City's Policy No. 4.1.23-State Administrative Tribunal Policies and Procedures; and
- Policy No. 3.8.1 relating to Outdoor Eating Areas.

RISK MANAGEMENT IMPLICATIONS:

High: Failure to reach a compromised position between the two parties or successfully mediate the matter in the SAT will result in protracted legal action. Furthermore, litigation may be taken against the City, if damages are suffered by the Leederville Hotel.

STRATEGIC IMPLICATIONS:

In keeping with the City's *Strategic Plan 2011 – 2016*, Objective 1.1.4(b) states:

“Continue to implement both minor and major improvements in public open spaces”.

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Cost implications should the City need to be represented by Consultants and/or Lawyers at the State Administrative Tribunal. At the current stage, the City is being represented by the Mayor, the City's Director of Community Services, and Director of Technical Services.

COMMENTS:

On the above basis, the Officer comments are recommended for Council's consideration and endorsement, as reflected in the Officer Recommendation:

The Mayor and City's Officers are of the view that Option 3 is supportable, as it results in a more aesthetically pleasing outdoor eating area structure, which would contribute positively to the streetscape. Accordingly, it is recommended that the Council adopt the Officer Recommendation.

14.1 CONFIDENTIAL REPORT: Proposed Amendments to Endorsed Draft City of Vincent Town Planning Scheme No. 2 (Text and Maps), Draft Local Planning Strategy and draft Precinct Policies

Ward:	Both	Date:	9 December 2011
Precinct:	All Precincts	File Ref:	PLA0140
Attachments:	Confidential – Summary of major changes Confidential – Gantt Chart		
Tabled Items:	Confidential – Draft Town Planning Scheme No. 2 Text Confidential – Draft Town Planning Scheme No. 2 Maps (Scheme Maps 1 – 5) Confidential – Draft Local Planning Strategy Confidential – Draft Precinct Policies		
Reporting Officers:	D Mrdja, Senior Strategic Planning and Heritage Officer		
Responsible Officer:	T Young, Manager Strategic Planning, Sustainability and Heritage Services		

FURTHER OFFICER RECOMMENDATION:

That the Council;

1. at its Ordinary Meeting held on 11 October 2011 (Item No. 14.2, Clause 2, the Council decided that it:

“2. APPROVES the following ‘Tabled’ Items:

2.1 Draft Local Planning Strategy;

2.2 Draft Town Planning Scheme No. 2 text, subject to the following:

2.2.1 A new clause 5.3.9 be added to the draft Town Planning Scheme No. 2 text to read as follows:

“5.3.9 The Council may impose maximum residential car parking requirements as outlined in the relevant Local Planning Policy.”;

2.3 Draft Town Planning Scheme No. 2 maps (Scheme Maps 1 – 5), subject to the following:

2.3.1 Scheme Map No. 5 being amended so the street block bounded by William Street, Brisbane Street, Brisbane Place and Robinson Avenue being rezoned to District; and

2.3.2 Scheme No. 3 being amended so that the street block bounded by Charles Street, Kadina Street, Albert Street and Tay Place, excluding No. 299 (Lot 100) Charles Street, North Perth, being rezoned to Residential R80; and

2.4 Draft Precinct Policies;”

2. Cr Maier MOVES a motion to REVOKE the decision by deleting:

11 October 2011:

“2. APPROVES the following ‘Tabled’ Items:

2.1 Draft Local Planning Strategy;

- 2.2 **Draft Town Planning Scheme No. 2 text, subject to the following:**
 - 2.2.1 **A new clause 5.3.9 be added to the draft Town Planning Scheme No. 2 text to read as follows:**

“5.3.9 The Council may impose maximum residential car parking requirements as outlined in the relevant Local Planning Policy.”;
 - 2.3 **Draft Town Planning Scheme No. 2 maps (Scheme Maps 1 – 5), subject to the following:**
 - 2.3.1 **Scheme Map No. 5 being amended so the street block bounded by William Street, Brisbane Street, Brisbane Place and Robinson Avenue being rezoned to District; and**
 - 2.3.2 **Scheme No. 3 being amended so that the street block bounded by Charles Street, Kadina Street, Albert Street and Tay Place, excluding No. 299 (Lot 100) Charles Street, North Perth, being rezoned to Residential R80; and**
 - 2.4 **Draft Precinct Policies;”**
3. **in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, three Elected Members, namely Mayor Hon. Alannah MacTiernan, Cr Buckels and Cr Maier, being one third of the number of offices of members of the Council, SUPPORT this motion to revoke or change a Council decision; and**
 4. **in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to Section 5.25(e) of the Local Government Act 1995, the Council RESOLVES BY AN ABSOLUTE MAJORITY to CHANGE part of the resolution adopted by the Council at its Ordinary Meeting held on 11 October 2011 (Item 14.2), as shown below:**
 - 4.1 **deleting:**
 - “2. APPROVES the following ‘*Tabled*’ Items:
 - 2.1 **Draft Local Planning Strategy;**
 - 2.2 **Draft Town Planning Scheme No. 2 text, subject to the following:**
 - 2.2.1 **A new clause 5.3.9 be added to the draft Town Planning Scheme No. 2 text to read as follows:**

“5.3.9 The Council may impose maximum residential car parking requirements as outlined in the relevant Local Planning Policy.”;
 - 2.3 **Draft Town Planning Scheme No. 2 maps (Scheme Maps 1 – 5), subject to the following:**
 - 2.3.1 **Scheme Map No. 5 being amended so the street block bounded by William Street, Brisbane Street, Brisbane Place and Robinson Avenue being rezoned to District; and**

- 2.3.2 **Scheme No. 3 being amended so that the street block bounded by Charles Street, Kadina Street, Albert Street and Tay Place, excluding No. 299 (Lot 100) Charles Street, North Perth, being rezoned to Residential R80; and**
- 2.4 **Draft Precinct Policies;”**
- 4.2 **and inserting:**
1. **ENDORSES the amendments to the endorsed Draft City of Vincent Town Planning Scheme No. 2 (Text and Maps), Draft Local Planning Strategy and Draft Precinct Policies dated 11 October 2011, as shown in Appendix 14.1(a) and explained in the details section of this report with the following further amendments:**
- 1.1 **Local Planning Strategy**
- 1.1.1 **The Appendices be amended to remove all specific reference to height for specific sites to ensure that the Strategy remains a long term strategic planning document that can respond to change;**
- 1.2 **Precinct Policies**
- 1.2.1 **Under the clauses of all Precinct Policies relating to Strategic Development Sites be amended to cross – reference to clause 5.5.3 (b) (ii) of the Town Planning Scheme No. 2;**
- 1.3 **Scheme Text**
- 1.3.1 **Clause 5.5.3 be amended to read as follows:**
- 5.5.3 **The Council by absolute majority, may approve a variation to the number of the storeys prescribed as a maximum building height under a local planning policy if the following provisions are satisfied:**
- 1.3.2 **Clause 5.5.3(a) be amended to read as follows:**
- 5.5.3(a) **Where the maximum building height prescribed under the Local Planning Policy is two or three storeys, the Council may vary the maximum height, by one (1) additional storey, which is not to exceed a height of three and a half (3.5) metres subject to being satisfied that:**
- 1.3.3 **Clause 5.5.3(a)(v) be amended to read as follows:**
- 5.5.3(a)(v) **the proposed development incorporates sustainable design features which would qualify the development to receive a rating which significantly exceeds that required under the statutory minimum as assessed by an Organisation recognised by the Council;**

1.3.4 Clause 5.5.3(b) be amended to read as follows:

5.5.3(b) Where the maximum building height prescribed under a Local Planning is four storeys or more, the Council may vary the maximum height, by a maximum of two (2) additional storeys, which is not to exceed a height of seven (7) metres subject to being satisfied that; and

1.3.5 Clause 5.5.3(b)(v) be amended to read as follows:

5.5.3(b)(v) the proposed development incorporates sustainable design features which would qualify the development to receive a rating which significantly exceeds that required under the statutory minimum as assessed by an Organisation recognised by the Council;

1.4 Scheme Maps

1.4.1 Nos. 14 and 16 (Lots 3 and 4) Woodville Street, North Perth, being rezoned from Residential R40 to District Centre; and

1.4.2 Nos. 3, 5, 7 and 9 (Lots 6, 7, 8 and 9) Menzies Street, North Perth, being rezoned from Residential R40 to Residential R60;

1.5 Precinct Policies

1.5.1 The development requirements for the District Centre zone within the North Perth Precinct be amended to include reference to the lots fronting Woodville Street';

1.6 Scheme Text

1.6.1 Clause 5.3.4 be amended as follows:

5.3.4 Sliding R Codings

(a) Within the areas of the Leederville Precinct, R Code provisions for land coded R80-160 is to be determined in accordance with the table below;

Land Area	R Code
Less than 500m ²	R80
500-1500m ²	R120
More than 1500m ²	R160

1.6.2 Clause 5.3.5(a) be amended as follows:

5.5.3(a) For areas coded R80 or greater, that abut an area coded R80 or greater, the 'Visual Privacy' and 'Solar Access for Adjoining Sites' requirements for the R60 standards of the Residential Design Codes, must be considered applied.

1.6.3 Clause 5.3.8 be deleted and replaced with a new clause 5.3.8 as follows:

5.3.8 The Council by an absolute majority may approve the following clauses if the Council is satisfied that the proposed increase or variation would not be detrimental to the amenity of locality and is consistent with the aims and purposes of the Scheme or the overall objectives of the Local Planning Strategy or any relevant Local Planning Policy:

- (a) an increase in density in excess of the maximum density referred to in clauses 5.3.1 and 5.3.3;
- (b) a variation to requirements and standards in clauses 5.3.2 and 5.3.4; and
- (c) a variation to the plot ratios referred to in clause 5.3.6;

1.6.4 Clause 5.3.10 be amended to read as follows:

5.3.10 Definitions

storey means that portion of a building which is situated between the top of any floor and the top of the next floor above it, and if there is no floor above it, that portion between the top of the floor and the ceiling above it, but does not include any portion of a building used solely for car parking and have 50 percent or more of the volume of that level below the natural ground level;

1.6.5 Clause 5.5.4 be amended to read as follows:

6B1.6 If within 90 days of receiving dedicated Design Guidelines under clause 6B.1.1, or such longer period as may be agreed in writing between the owner and the Council, the Council has not made one of the determinations referred to in clause 6B 1.5, the Council is deemed to have refused to approve the Design Guidelines;

1.6.6 Clause 10.3.2 be deleted and replaced with a new clause 10.3.2 as follows:

10.3.2 In determining a planning application for or involving demolition, the Council is to have regard to the matters listed in Clause 10.2 above and -

(a) may approve the application subject to conditions including:

(i) the issue of a planning approval for the subsequent redevelopment of the subject site;

(ii) the retention, maintenance, reinstatement or repositioning of any part of the existing building or structure;

(iii) the provision for a Vacant Lot Management Plan which is to be implemented within a specific timeframe as stated on the Planning Approval.

(b) may refuse the application.

1.6.7 Schedule 1 – General Definitions be amended to delete the definition of ‘basement’;

1.6.8 Schedule 1 – General Definitions be amended to amend the definition of ‘gross leasable area’ to ‘gross lettable area’;

1.6.9 Schedule 1 – General Definitions be amended to amend the definition of ‘height’ to read as follows:

height when used in relation to a building that is used for —

(a) residential purposes, has the same meaning as in the Residential Design Codes; or

(b) purposes other than residential purposes, means the maximum vertical distance between the natural ground level and the finished roof height directly above; and

1.7 Precinct Policies

- 1.7.1 The development requirements for the Residential zone within the Mount Lawley/Highgate Precinct be amended to remove reference to the area zoned R80 along William Street to be a maximum height of three storeys;**
- 1.7.2 Under the clauses relating to Strategic Development Sites in all Precinct Policies, reference to building height and plot ratio variations being able to be considered for amenity reasons as been amended to read in accordance with clause 5.5 of the Scheme; and**
- 2. AUTHORISES the Chief Executive Officer to FORWARD the documents listed in clause 2 above to the Western Australian Planning Commission for consent to advertise, in accordance with Regulation 13 of the Town Planning Regulations 1967; and**
- 3. ENDORSES the revised Gantt Chart as shown in Appendix 14.1(b).**

COUNCIL DECISION ITEM 14.1

Moved Cr Maier, Seconded Cr Pintabona

That the recommendation be adopted.

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

(Cr Topelberg was an apology for the meeting.)

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting and information which cannot be released for public viewing, until such time as the City receives consent to advertise the Town Planning Scheme No. 2 and associated documents, from the Western Australian Planning Commission, in accordance with Regulation 13 of the Town Planning Scheme Regulations 1967. In accordance with Section 5.23 of the Local Government Act, the report is to be kept confidential until determined by the Council to be released for public information.

LEGAL:

The Local Government Act 1995, Section 5.23(2) prescribes that a meeting or any part of a meeting may be closed to the public when it deals with a range of matters.

The City of Vincent Local Law Relating to Standing Orders states the following:

"2.15 Confidential business

- (1) All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007."*

The confidential report is provided separately to Council Members, the Chief Executive Officer and Directors.

At the conclusion of these matters, the Council may wish to make some details available to the public.

The following persons departed the Chamber at 10.30pm:

Rob Boardman	Director Community Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Helen Smith	Manager Planning and Building Services
Tory Woodhouse	Manager Strategic Planning, Sustainability and Heritage Services
Anita Radici	Executive Assistant (Minutes Secretary)

14.2 CONFIDENTIAL REPORT – Director of Planning Services – Appointment

Ward:	-	Date:	20 December 2011
Precinct:	-	File Ref:	ADM0061
Attachments:			
Tabled Items:	Nil		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council, pursuant to section 5.37(2) of the Local Government Act 1995, **ACCEPTS** the recommendation of the Chief Executive Officer, to employ the preferred candidate Ms Carlie Eldridge as the City's Director - Planning Services on a five (5) year Performance Based Contract, subject to the terms and conditions as determined by the Chief Executive Officer.

COUNCIL DECISION ITEM 14.1

Moved Cr Pintabona, Seconded Cr Carey

That the recommendation be adopted.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Topelberg was an apology for the meeting.)

Note: The Chief Executive Officer advised that this report is now released to the public as the Council has determined the matter, except for some details which are deemed confidential.

PURPOSE OF REPORT:

To obtain the Council's acceptance of the Chief Executive Officer's recommendation to employ the preferred candidate to the position of Director - Planning Services.

BACKGROUND:

At the Ordinary Meeting of Council held on 8 November 2011, the Council considered the matter of the Organisational Structure of the City's Administration and resolved in part as follows:

"That the Council:

1.

2. APPROVES BY AN ABSOLUTE MAJORITY to:
- 2.1 AUTHORISE the Chief Executive Officer to:
- 2.1.1 amend the City's Organisational Structure to create a new position of Director of Planning and a Director of Community Services as follows:
- (a) Director of Planning – to be responsible for:
- Planning & Building Services;
 - Strategic Planning, Sustainability and Heritage Services;
 - and
- (b) Director of Community Services – to be responsible for:
- Community Development;
 - Library & Local History Centre;
 - Ranger & Community Safety Services;
 - Health Services;
- as shown in Appendices 14.3A and 14.3B;
- 2.1.2 advertise and fill the new position of Director of Planning Services at a salary of up to \$144,500 and a salary package of up to \$188,000 using the services of an accredited external recruitment agency;...”

DETAILS:

1. Appointment of Local Government Workplace Solutions

The WA Local Government Association's Local Government Workplace Solutions service ('Workplace Solutions'), was appointed by the Chief Executive Officer to provide Recruitment and Selection services to recruit for the newly created position of Director - Planning Services.

2. Contact

Lydia Highfield, Recruitment Manager and John Phillips, Executive Manager attended a meeting with the Mayor and the Chief Executive Officer on Tuesday 15 November 2011 at the City's Administration Centre. At this meeting background information on the requirements of the position was provided to Workplace Solutions.

3. Documentation

The Consultant developed an information package for applicants.

4. Recruitment Process

The City engaged WALGA's Workplace Solutions as the recruitment agency to carry out the recruitment of the new position. The position was advertised twice on a statewide basis and 42 prospective candidates downloaded the position package.

At the close of advertising, 15 applications were received, as follows;

- 7 Local government employees
- 2 Department of Planning
- 2 Private Town Planning consultants
- 1 State government Department
- 1 New Zealand Local government
- 2 Private enterprise

5. Short listing

The Recruitment Manager, Workplace Solutions, having discussed and agreed the shortlist with the Chief Executive Officer, of which a total of eight applicants were considered to be competitive against the competency requirements.

The Recruitment Manager was requested to prepare interview questions and organise interviews at WALGA.

6. Interviews (Phase 1)

All ***** **(information confidential)** interviews were conducted face to face and were held at WALGA on Tuesday 13 and Wednesday 14 December 2011.

The panel consisted of:

***** **information confidential**

The panel were in agreement:

- (a) On the two preferred candidates;
- (b) The two preferred candidates proceed to the second interview; and
- (c) That the second interview be held at WALGA on Thursday 15 December 2011.

The Recruitment Manager was requested to coordinate the above.

7. Interviews (Phase 2)

The two short listed candidates were interviewed by:

- John Giorgi, Chief Executive Officer, City of Vincent
- Lydia Highfield, Recruitment Manager, Workplace Solutions

Following on from the second interviews, the Recruitment Manager conducted reference and other checks (e.g. verification of qualifications).

8. Panel Recommendation

The CEO recommends that:

- (a) Ms Carlie Eldridge, the panel's first preferred candidate for the new Director - Planning Services position at the City of Vincent, be offered the position subject to Council's endorsement, employment contract negotiations and checks conducted by Local Government Workplace Solutions;
- (b) Should Ms Carlie Eldridge decline the position, the panel's second preferred applicant be offered the position; and
- (c) Should the second preferred applicant decline the position, the position be re-advertised in January 2012.

9. Preferred Candidate

The preferred candidate is Ms Carlie Eldridge. Her details are as follows:

Qualifications

**** information of a personal nature

Work History

**** information of a personal nature

Terms and Conditions:

Term: Five (5) year performance Based Contract.

Salary: \$147,500

Salary Package: \$194,275

Indicative Commencement Date: Ms Eldridge has accepted the City's offer and is awaiting the outcome of the Council Meeting. Ms Eldridge is currently employed on a contract which requires a 3 month notice period to be provided. If appointed to the position, she will commence negotiations with her employer to resign as soon as practicable.

CONSULTATION/ADVERTISING:

The position was advertised:

1. In the 'Professional Appointments' section of The West Australian newspaper on Saturday 19 November 2011 and Saturday 3 December 2011;
2. On the Workplace Solutions website and;
3. The City of Vincent's website.

Applicants were able to access the Information Package via:

- the website,
- the automated Email response, set-up by Workplace Solutions
- or by contacting Workplace Solutions

The closing date for applications was Monday 5 December 2011. Applicants were able to Email, fax or post their applications to Workplace Solutions.

In addition, as requested, the Recruitment Manager, Workplace Solutions conducted discrete search phone calls to ensure that appropriate people for this position were alerted and their interest encouraged, in order that they may consider making an application.

LEGAL/POLICY:

Local Government Act 1995 –

- CEO responsible for employees
Section 5.41(e) – the CEO's functions include – be responsible for the employment, management, supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees).

- Senior Employees
Section 5.37(2) – the CEO is to inform the Council of each proposal to employ or dismiss a senior employee, other than an employee referred to in section 5.39(1a), and the Council may accept or reject the CEO's recommendation but if the Council rejects the recommendation it is to inform the CEO of the reasons for its doing so.

Contract of Employment

The Director – Planning Services will be employed on a five (5) year performance based contract.

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

This matter is in keeping with the Strategic Plan 2011 – 2016 Objective 4.1.2 *“Manage the organisation in a responsible, efficient and accountable manner”*.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

There are no funds in the 2011/12 Budget for a new Director and associated costs, as the matter arose after the 2011 Elections as a result of a Notice of Motion by the newly elected Mayor Hon. Alannah MacTiernan.

The following is a revised indicative summary of the costs:

Summary of Costs

Item	Indicative Cost \$	Pro-rata Costs from #1.3.12 until 30.6.12 \$	Funding Sources
Salary	147,500	49,166	To be advised
Salary on costs	20,800	7,000	To be advised
Vehicle purchase	37,000	37,000	Light Fleet Reserve Fund
Vehicle Operating Costs	4,700	2,000	Operating Budget
Office alteration/furniture	22,000	22,000	Admin Centre Reserve Fund
Equipment	10,350	10,350	Electronic Equipment Reserve Fund
Works Depot Alterations	18,000	18,000	To be advised
Recruitment costs	15,000*	15,000*	To be advised
TOTAL	272,350	160,516	

* Lowest quotation received
Indicative date

COMMENTS

It is pleasing that the City received a range of quality applicants. The preferred candidate is enthusiastic, well qualified and experienced with a most pleasing personality and an appropriate management style. The CEO considers she will be an asset to the City of Vincent.

In view of the above it is recommended that the Council accept the CEO's recommendation.

PROCEDURAL MOTION

At 10.45pm **Moved Cr McGrath, Seconded Cr Harley**

That Council resume an "open meeting".

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Topelberg was an apology for the meeting.)

15. CLOSURE

There being no further business, the Presiding Member, Mayor Hon. Alannah MacTiernan, declared the meeting closed at 10.45pm 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

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 20 December 2011.

Signed:Presiding Member
Mayor Hon. Alannah MacTiernan

Dated this day of 2012