



CITY OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

SPECIAL COUNCIL MEETING

5 JULY 2011

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Minutes of the Special Meeting of Council of the City of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 5 July 2011, commencing at 6.00pm.

1. (a) DECLARATION OF OPENING

The Presiding Member, Mayor Nick Catania, declared the meeting open at 6.04pm.

(b) ACKNOWLEDGEMENT OF COUNTRY STATEMENT

"We acknowledge that this land that we meet on today is part of the traditional land of the Nyoongar people. We acknowledge them as the traditional custodians of this land and pay our respects to the Elders; past, present and future".

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Cr Anka Burns – apology – arriving late due to work commitments.
The City's Planning Consultant Mr Ben Doyle, Planning Solutions.

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward (from 6.18pm)
Cr Steed Farrell	North Ward
Cr Taryn Harvey	North Ward
Cr Sally Lake (<i>Deputy Mayor</i>)	South Ward
Cr Warren McGrath	South Ward
Cr Dudley Maier	North Ward
Cr Joshua Topelberg	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Paul Kotsoglo	Director, Planning Solutions (for Item 7.2)
Lauren Peden	Journalist – <i>"The Guardian Express"</i>
David Bell	Journalist – <i>"The Perth Voice"</i>

12 members of the Public were present.

(c) Members on 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. Philip Goldswain of 14 Mary Street, Highgate and member of the Highgate Primary School Board – Item 7.2. Stated the following:
 - They made a submission to Council in December 2010 which highlighted their concerns about the proposal being the developments height, overlooking of the Primary School, size/height/distance of the boundary walls on the School Boundary and the articulation of the 7 storey tower.

- Appreciates the Developers and Architects having acknowledged and addressed their concerns in the revised proposal as the School prides itself on its good relationships with neighbours and would extend this to the owners and operators of the hotel. However, there are still concerns.
- The height of the western boundary walls especially the southern end where it reaches 3m. To ameliorate the scale of this wall they would like the words (after the word "materials") "and design" inserted in Clause 1.10.8 as, this will allow the School the opportunity to integrate this wall with the rest of the grounds in the heritage listed buildings rather than remaining as a back house of the hotel.
- They believe that drawing 230611/3, section through the western boundary – misrepresents the relationship between the School buildings and the proposed development. The hip Roof building on the proposed boundary is the School Library and should be labelled as such. Therefore there is a School building utilised by students adjacent to the proposed development, not 35m away as the drawing suggests. The mature tree shown in the car park did not exist and should be labelled as such. The landscaping is only listed as a consideration as one of the issues discussed at the 2nd mediation. However, the School Board feels the mature landscaping will ameliorate the impact of the height and bulk of the hotel tower and wonder if it should be included as a condition in a similar manner to the green wall or the Council's verge planting requirements.
- The School Board realises Highgate's unique position as an inner city School and the opportunities as well as compromises that entails. They appreciate the endeavours of the developer to address the concerns and they look forward to collaborating further in the future should the project proceed to achieve an outcome satisfactory to all parties.

The Presiding Member, Mayor Nick Catania advised that the Chief Executive Officer has advised that the amendment has been included as a replacement page.

2. Roger Smith of Chairman of Lincoln Towers Strata Council, 23/133 Lincoln Street, Perth – Item 7. Stated the following:
 - Expressed their outrage and disappointment that a planning process that has taken the best part of 20 months, numerous meetings and consultation should yield so little to the 160 residents of Lincoln Towers.
 - Believed their concerns of loss of amenity, excessive height and insufficient setback have never been address on any plans presented to the public.
 - There are 4 interested parties in this planning process: developers, the Council, Highgate Primary School and Lincoln Towers.
 - It seems the developers and the Council are very satisfied with the revised plans, whilst Highgate Primary School have had many of their concerns addressed. However, concerns and objections of the Lincoln Towers have gone unheeded.
 - Asked what a community of 160 people has to do to be listened to and receive fairness when planning decisions are made? They have followed the process throughout i.e. presented petitions, sent letters, engaged their own Town Planning Consultant which cost them \$12,000 and invited all Councillors to discuss their concerns and to see firsthand the impact the development would have on the residents and the end result is the same plans with a few minor modifications.
 - The proposal will have a detrimental impact on their residents but more significantly the adverse effect on the 37 residents that live in the southern block (ranging in age from toddlers to pensioners and have a range of occupations). They ensure the sample of demographic mix that make up the City of Vincent.
 - Asked if the Council would treat a similar cohort with such total disregard?

- Out the residents, including 4 owner residents, are 12 owners – ordinary Australians, not wealthy people who will be substantially financially disadvantaged when their unit becomes the back view of the hotel.
 - Stated this is the price of progress, there are “winners” and “losers” in life and Lincoln Towers is a loser. The hotel will do great things for the City of Vincent’s imagine and this golden opportunity is not going to be stopped by them.
 - Believes they have entitlements as ratepayers and residents and also have a right for respect and consideration as developers.
 - It is not too late for the Council to insist that the needs of Lincoln Towers should be addressed in any hotel development.
 - Pleaded for consideration and fairness.
3. Mark Pitman of Lincoln Towers, 133 Lincoln Street, Perth – Item 7.2. Stated the following:
- There has been no change in the overall height, scale, bulk and plot ratio which were the grounds for the original rejection.
 - Believed the situation has been made slightly worse with the extension of the parapet wall from 3 to 4 storey’s which is a very significant intrusion on Lincoln Towers and its extension to 4 storey’s is insensitive to them as neighbours.
 - They oppose the design in its current form and asked that the Council reject it.
 - However, the proposal does (for the very first time in 2 years) acknowledge the presence of them as neighbours through the inclusion of green wall and green roof amenity albeit currently proposed in a very token and completely inadequate manner.
 - Urged the Council to demand amendments to the design that will at least replace some loss of amenity of the area i.e. setback of the 4th level parapet wall, full enclosure of the service lane and coverage with a fully accessible green roof and an upgrade of green wall to a properly designed proprietary system not a token creeper and a not coloured etched concrete.
 - They are negative residents, if the proposal were to go ahead, they can see the opportunity to at least turn some of the outstanding negatives to possible design positives such as the parapet wall and back of house area of the hotel i.e. a property designed green wall system is a great opportunity to create an iconic design piece for Beaufort Street, the City of Vincent and Perth as a whole. However, these changes must be demanded from the developer as it is not in their business interest to volunteer such features.
 - When a developer says “it cannot be done” it means “they do not want to spend the money”.
 - If the plans for great densification and activation of the Perth inner city is to be realised, then it is time that the amenity of existing residents be taken seriously.
 - They are a collective group of residents with one thing in common, they chose to live where they live – it is a lifestyle choice and they are not impoverished minority who cannot afford a better place to live, they do not talk about densification and then run off to their safe suburban houses.
 - When talking about activation, he asked that you please consider that it is them who will be affecting this activation.
 - A vote for this proposal in its current form, is a vote for decreasing the amenity of 16 residences in the City and making them a more undesirable choice for future residence forever.

4. Mitchell Newman of 24/133 Lincoln Street, Perth – Item 7.2. Stated the following:
- He only recently saw the design and with no disrespect to the architects involved, the design leaves something to be desired in terms of being sympathetic to the area for a start.
 - Believed if the entire plot was used, there is the opportunity to be able to create something magnificent.
 - It is a major eastern artery out of Perth, coming from the GPO you can walk 8 minutes, past the maintained Brisbane Hotel, opposite the park to walk through green vegetation through what is becoming one of the “hottest” stripes in Perth and will continue to grow.
 - Asked which and where is there a residential hotel from Brisbane Street to Central Avenue – this will be the first one and there is an opportunity for it to be magnificent.
 - They are not opposed to development.
 - In its current form, he bitterly objects to this proposal. Changes can be made to the façade/internal, looking around Perth at some heritage buildings where behind them has been developed. He works in commercial pest management and looks after a great number of these places in Perth and the integration of neighbours can be witnessed with Bishop C, Forrest Place or Lamont’s where there is an integration of green public space, integration of neighbours, a reminder of old as well as the development of new which is sympathetic and empathetic. If this development is looked at very carefully, it could be something that could very proudly be iconic. People will be walking and looking from all over the world at this development.
 - The government is calling on additional rooms which should by all means be provided however, it is to be done well.
 - The opportunity for it to be magnificent is there and you only need to look at the heritage buildings across the road, Astor theatre which is becoming one of the places to see live entertainment and is part of Vincent. Vincent has done very well but would request serious consideration of what is being presented in the current form.

Cr Burns entered the Chamber at 6.18pm.

5. Andrew Del Marco of 25 Hutt Street, Mt Lawley – Item 7.4. Stated the following:
- Congratulated the Council on getting to this point with the Lakes.
 - Follow the Petition he has been ask many times what the progress is.
 - Supports the recommendation and is pleased to have been shown by the Director Technical Services that there is an amendment to the resolution to include some public information provision which is great and much needed for a big project like this.
 - Encouraged the consideration of making water quality is part of the awareness raising and part of the project, he is aware the budget it tight but to make sure that the water quality aspects are not given second consideration and slip off the agenda as it is not as much in the public’s eye i.e. including a swale in the design and looking at what can be done with the Lake itself.
 - Well done again and it is great to see that there will be a natural wetland maintained.

There being no further speakers, Public Question Time closed at approx. 6.21pm.

4. APPLICATIONS FOR LEAVE OF ABSENCE

- 4.1 Mayor Nick Catania requested leave of absence from 11 July 2011 and 22 July 2011 inclusive, due to personal commitments.

Moved Cr Burns, Seconded Cr McGrath

That Mayor Nick Catania’s request for leave of absence be approved.

CARRIED UNANIMOUSLY (9-0)

5. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

5.1 Welcome to First City of Vincent Council Meeting

As you are all aware, on Friday 1 July 2011, the Town of Vincent formally became a City.

May I welcome you all to the first City of Vincent Council Meeting.

As I have said before it is a demonstration that more people have come to live in the City since it started some 16 years ago there has been an increase in population from about 22,000 to about 32,000. Please have chosen to live in the City of Vincent because it is a great place to live, work and play.

5.2 NAIDOC Week – 3 to 10 July 2011

As you may be aware, National Aboriginal and Islanders' Day Observance Committee (NAIDOC) Week is being celebrated this year from 3 to 10 July inclusive.

NAIDOC Week is held every year as a way of promoting a greater understanding of Aboriginal and Torres Strait Islander peoples and culture, celebrating the survival of Indigenous culture and the Indigenous contribution to modern Australia.

The theme for NAIDOC Week 2011 is "*Change - the next step is ours*".

The City of Vincent supports NAIDOC Week by continuing to fly the Aboriginal flag outside its Administration and Civic Centre and display it within the Council Chamber and are involved in any matters that can promote the cause and of course, promote this week, NAIDOC Week.

5.3 Meeting with the Minister for Environment; Water

I wish to advise the Council that myself, the Chief Executive Officer, Cr Warren McGrath and the Director Technical Services met with the Minister for Environment; Water, The Hon Bill Marmion, MLA during the week.

We were well received and he was genuinely interested in our suggestions to him and the history of Hyde Park Lakes and gave us some encouragement with respect to some possible funding. He did not state that we would get money however, we were encouraged to perhaps make an application and receive some assistance from his Department.

The meeting was encouraging and was certainly a better meeting this time than we had with the previous Minister whose Chief of Staff simply wanted to send us out the door, because there was no money and he was not going to supply any money at all. This however, was a very good meeting and I hold some hope that the Minister will see the fact that Hyde Park Lakes is a heritage listed site, it is a compensating basin, it is a State facility and they need to contribute apart from the Federal Government contribution they need to contribute to assist us in restoring the Lakes and for the enjoyment of the whole metropolitan area.

The Minister did promise to and assist us with all the approvals that we require.

6. DECLARATION OF INTERESTS

- 6.1 Cr Burns declared an Impartiality interest in Item 7.1 – Adoption of City of Vincent 2011/2012 Annual Budget. The extent of her interest being that she lives on that part of Wasley Street that is Scheduled to receive Capital Works as part of the Roads to Recovery Program.
- 6.2 Cr McGrath declared an Impartiality interest in Item 7.1 – Adoption of City of Vincent 2011/2012 Annual Budget. The extent of his interest being that he lives on Palmerston Street. The Draft Budget contains two items:
- Palmerston Street to Randall Street Bicycle Network; and
 - Robertson Park Proposed Drainage Basin.
- 6.3 Cr Lake declared an Impartiality interest in Item 7.2 – No. 381 (Lots 4, 5 and 50) Beaufort Street, Perth - Proposed Demolition of Existing Buildings and Construction of a Seven (7) Storey Hotel and Associated Basement Car Park - State Administrative Tribunal (SAT) Review Matter No. DR 26 of 2011. Cr Lake stated that she is a member of the Highgate School Board.
- 6.4 Mayor Catania declared an Impartiality interest in Item 7.3 – City of Vincent Car Parking Strategy 2010 Consideration of Submissions – City of Vincent Parking and Parking Facilities Local Law 2007 – Adoption of Amendments (2011), Adoption of New Time Restrictions Areas and Adoption of Parking Permit Policy No. 3.9.8 and Advertising of Additional Ticket Machine Zones. The extent of his interest being that he is the Chairman of the North Perth Community Bank who are situated on Fitzgerald Street, which is indicated to receive parking meters.
- 6.5 Cr Burns declared an Impartiality interest in Item 7.3 – City of Vincent Car Parking Strategy 2010 Consideration of Submissions – City of Vincent Parking and Parking Facilities Local Law 2007 – Adoption of Amendments (2011), Adoption of New Time Restrictions Areas and Adoption of Parking Permit Policy No. 3.9.8 and Advertising of Additional Ticket Machine Zones. Cr Burns stated that she lives in Wasley Street however, not near where the parking ticket machines are proposed to be installed in Wasley Street to render her interest a proximity interest. Cr Burns stated that she also has an interest in common with others and she and her family in various capacities are directors and shareholders of a company which leases a property on Beaufort Street, Mt Lawley that is scheduled to have commercial permits upgrade.
- 6.6 Cr Lake declared an Impartiality interest in Item 7.3 – City of Vincent Car Parking Strategy 2010 Consideration of Submissions – City of Vincent Parking and Parking Facilities Local Law 2007 – Adoption of Amendments (2011), Adoption of New Time Restrictions Areas and Adoption of Parking Permit Policy No. 3.9.8 and Advertising of Additional Ticket Machine Zones, in particular Policy No. 3.9.8. Cr Lake stated that she owns a residential property in a street with the area impacted by the proposed Commercial Parking Permits.
- 6.7 Cr Maier declared an Impartiality interest in Item 7.3 – City of Vincent Car Parking Strategy 2010 Consideration of Submissions – City of Vincent Parking and Parking Facilities Local Law 2007 – Adoption of Amendments (2011), Adoption of New Time Restrictions Areas and Adoption of Parking Permit Policy No. 3.9.8 and Advertising of Additional Ticket Machine Zones, in particular Policy No. 3.9.8. Cr Maier stated that he lives in an area that is identified to receive access to Commercial Parking Permits. Cr Maier stated that he does not have a business and will not be able to apply for a Permit. Cr Maier also stated that he has an interest in common in respect to other parking issues.

- 6.8 Cr Topelberg declared an Impartiality interest in Item 7.3 – City of Vincent Car Parking Strategy 2010 Consideration of Submissions – City of Vincent Parking and Parking Facilities Local Law 2007 – Adoption of Amendments (2011), Adoption of New Time Restrictions Areas and Adoption of Parking Permit Policy No. 3.9.8 and Advertising of Additional Ticket Machine Zones. Cr Topelberg stated that his family owns a property on William Street in an area recommended for increases in parking fees.

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

- 6.9 Cr Lake declared a Proximity interest in Item 7.3 – City of Vincent Car Parking Strategy 2010 Consideration of Submissions – City of Vincent Parking and Parking Facilities Local Law 2007 – Adoption of Amendments (2011), Adoption of New Time Restrictions Areas and Adoption of Parking Permit Policy No. 3.9.8 and Advertising of Additional Ticket Machine Zones. The extent of her interest being that she owns a property on a street which is proposed for time restrictions. Cr Lake requested approval to participate in the debate on this matter and vote on the Item excluding clauses 7.1 and 7.6, relating to Chatsworth Road, Highgate where she resides.

- 6.10 Cr Maier declared a Proximity interest in Item 9.4.8 – 7.3 – City of Vincent Car Parking Strategy 2010 Consideration of Submissions – City of Vincent Parking and Parking Facilities Local Law 2007 – Adoption of Amendments (2011), Adoption of New Time Restrictions Areas and Adoption of Parking Permit Policy No. 3.9.8 and Advertising of Additional Ticket Machine Zones. The extent of his interest being that he owns a property in a street which has been identified for restrictions. Cr Maier requested approval to participate in the debate on this matter and vote on the Item excluding clauses 7.1 and 7.6, relating to Chatsworth Road, Highgate where he resides.

At 6.31pm Cr Lake and Cr Maier departed the Chamber whilst their declaration of interest was being considered.

Moved Cr Farrell, Seconded Cr Topelberg

That Cr Lake's and Cr Maier's request to participate in debate and vote on Item 7.3 – City of Vincent Car Parking Strategy 2010 Consideration of Submissions – City of Vincent Parking and Parking Facilities Local Law 2007 – Adoption of Amendments (2011), Adoption of New Time Restrictions Areas and Adoption of Parking Permit Policy No. 3.9.8 and Advertising of Additional Ticket Machine Zones, excluding clauses 7.1 and 7.6 relating to Chatsworth Road, Highgate.

CARRIED UNANIMOUSLY (7-0)

(Cr Lake and Cr Maier were absent from the Chamber and did not vote.)

Cr Lake and Cr Maier returned to the Chamber at 6.32pm. The Presiding Member, Mayor Nick Catania advised them that their request was approved (7-0).

7.2 No. 381 (Lots 4, 5 and 50) Beaufort Street, Perth - Proposed Demolition of Existing Buildings and Construction of a Seven (7) Storey Hotel and Associated Basement Car Park - State Administrative Tribunal (SAT) Review Matter No. DR 26 of 2011

Ward:	South	Date:	1 July 2011
Precinct:	Forrest; P14	File Ref:	PRO0411; 5.2009.498.4
Attachments:	001 – Aerial Photograph Depicting Area Consulted; 002 – Development Application Plans		
Tabled Items:	Applicant's original submission; revised letter dated 24 June 2011		
Reporting Officer:	B Doyle, Director Planning Solutions (nominated consultant)		
Responsible Officer:	R Boardman, Director Development Services		

In accordance with the Council's Policy No. 4.1.23 State Administrative Tribunal, this report has been prepared by Planning Solutions – Urban and Regional Planning – Consultants for the Council, in respect to reconsideration of this matter currently at the State Administrative Tribunal.

CONSULTANT RECOMMENDATION:

That the Council **APPROVES BY AN ABSOLUTE MAJORITY:**

1. the application submitted by Taylor Burrell Barnett on behalf of the owner Skypoint Nominees Pty Ltd for proposed Demolition of Existing Buildings and Construction of a Seven (7) Storey Hotel and Associated Basement Car Park, at No. 381 (Lots 4, 5 and 50) Beaufort Street, Perth, and as shown on revised plans stamp-dated 24 June 2011 (Attachment (002)) subject to the following conditions:

1.1 Building

- 1.1.1 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, Bulwer and Lincoln Streets and the Highgate Primary School;
- 1.1.2 The doors, windows and adjacent floor areas fronting Beaufort Street shall maintain an active and interactive relationship with this street;
- 1.1.3 First obtaining the consent of the owners of Nos. 133 and 147 Lincoln Street, Nos. 8 and 10 Grant Street and No. 381 (Lot 51) Beaufort 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. 133 and 147 Lincoln Street, Nos. 8 and 10 Grant Street and No. 381 (Lot 51) Beaufort Street in a good and clean condition;
- 1.1.4 A detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted to and approved by the City prior to the issue of a Building Licence; and
- 1.1.5 A Demolition Licence shall be obtained from the City prior to commencement of any demolition works on the site;

1.2 Car Parking

- 1.2.1 All on-site parking shall comply with AS2890 Parking Facilities Set. (1-6);**
- 1.2.2 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;**
- 1.2.3 Bollards shall be installed where the foyer paving intersects with internal driveway;**
- 1.2.4 All access to site from Beaufort Street shall match into the current pavement levels (no modification of the verge paving levels will be permitted); and**
- 1.2.5 The car park shall be used only by employees, tenants, and visitors directly associated with the development, and not be leased to any external parties;**

1.3 Signage

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;

1.4 Fencing

Any new street/front wall, fence and gate within the Beaufort 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;

1.5 Verge Trees

- 1.5.1 No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning; and**
- 1.5.2 Entry awning on Beaufort Street shall be modified as required to ensure it does not impact on the growth of verge trees;**

1.6 Footpath

In keeping with the City's practice for multiple dwellings, commercial, retail and similar developments, the footpaths and Metropolitan Region Scheme road widening area adjacent to the subject land shall be upgraded, by the applicant, to a brick paved standard to the City's specification. A bond for these works will be calculated and applied prior to the issue of a Building Licence 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 Director Technical Services. An application to the City for the refund of the upgrading bond must be made in writing;

1.7 Delivery Times

The delivery and collection times, including but not limited to food, beverages, laundry, material, rubbish/waste, to the hotel shall be restricted to between 7am and 7pm, inclusive, daily, unless in cases of an emergency;

1.8 Cash-in-lieu

Within twenty-eight (28) days of the issue date of this 'Approval to Commence Development', the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:

1.8.1 pay a cash-in-lieu contribution of \$230,020 for the equivalent value of 74.2 car parking spaces, based on the cost of \$3,100 per bay as set out in the City's 2011/2012 Budget; OR

1.8.2 lodge an appropriate assurance bond/bank guarantee of a value of \$230,020 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;

1.9 Public Art

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:

1.9.1 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 \$450,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$45,000,000); and

1.9.2 in conjunction with the above chosen option;

- (a) 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

- (b) **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;

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

1.10.1 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;

1.10.2 Landscape and Reticulation Plan

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

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

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

The City 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);

1.10.3 Refuse and Recycling Management

A comprehensive Refuse and Recycling Management Plan shall be prepared and submitted by a duly qualified consultant, detailing such matters as number of bins (general waste and recycling), bin store size, wash down facility, frequency and manner of collection, size of collection vehicle etc, to ensure that the proposal is compatible with the City's Waste Management Policy;

1.10.4 Screening

- (a) The shade hoods on the northern elevation shall be oriented to prevent overlooking into the adjacent Highgate Primary School;
- (b) The bedroom windows on 1st, 2nd and 3rd floors on the north-west elevation shall comply with the privacy setback of 4.5 metres of the Residential Design Codes requirements. These openings shall be screened with permanent obscure materials and be non-openable to a minimum of 1.6 metres above the respective finished floor levels; OR alternatively, the provision of on-site effective permanent horizontal screening or equivalent preventing direct sight within the cone of vision to adjoining property to the north (Lincoln Towers). A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees. 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 affected properties to the north and west of the subject site respectively, stating no objections to the proposed privacy encroachments;
- (c) The roof decks on the 4th floor shall comply with the privacy setback of 7.5 metres of the Residential Design Codes requirements, or screened with permanent obscure materials to a minimum of 1.6 metres above the respective finished floor levels; OR alternatively, the provision of on-site effective permanent horizontal screening or equivalent preventing direct sight within the cone of vision to adjoining properties to the north, south and west. 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 affected properties to the north, south and west of the subject site respectively, stating no objections to the proposed privacy encroachments.

1.10.5 Amalgamation of the 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);

1.10.6 Acoustic Report

An Acoustic Report in accordance with the City's Policy No. 3.5.21 relating to Sound Attenuation shall be prepared and submitted. 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;

1.10.7 Design Features

- (a) Design features using colour and/or relief shall be incorporated in or on the large portions of the west facing walls to the satisfaction of the City's Chief Executive Officer;
- (b) A 'vegetated living green wall' with dense foliage shall be incorporated on the northern boundary wall, with substantial design and artwork features covering the wall and maintained in good condition at all times by the applicant to the satisfaction of the City's Chief Executive Officer;
- (c) A 'vegetated green roof' shall be provided over the northern service lane and service area, and maintained in good condition at all times by the applicant to the satisfaction of the City's Chief Executive Officer; and
- (d) Windows on the western elevation closest to the adjacent Highgate Primary School shall be non-openable and fully glazed/obscured;

1.10.8 Boundary Walls

The applicant shall liaise with the Highgate Primary School regarding the materials, design and detailing of the western boundary wall to ensure a satisfactory outcome for all parties to the satisfaction of the City;

1.10.9 Motor Vehicle and Service Vehicle Access Management

A comprehensive motor vehicle (private cars, taxis, tour buses, motorcycles and scooters) and service vehicle Traffic and Access Management Plan shall be prepared by a duly qualified consultant and submitted to, and approved by the City, detailing how vehicles access the site, and addressing the following issues:

- (a) to minimise the impact on surrounding streets, when car bays at grade level are fully occupied;
- (b) to minimise noise from service vehicles;
- (c) contact details of essential hotel personnel;
- (d) parking arrangements for contractors and sub-contractors;
- (e) City Business District access route; and
- (f) any other matters deemed appropriate by the City; and

1.10.10 End of Trip Facilities

- (a) A minimum of one male shower and one female shower being provided, together with separate change rooms;
- (b) The change room facilities being secure and capable of being locked; and
- (c) A minimum of one locker being provided for every bicycle parking bay provided.

1.10.11 Boundary Fence

- (a) Fencing to the southern boundary is to be modified to comply with the requirements of the City's Visual Truncation Policy;
- (b) Landscaping adjacent to crossovers to comply with the requirements of the City's Visual Truncation Policy;

The revised plans shall not result in any greater variation to the City's Polices; and

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

1.11.1 Underground Power

The power lines adjacent to the subject lots shall be placed underground for the complete length of the Beaufort Street frontage of the development, at the full expense of the developer/Applicant;

1.11.2 Bicycle Parking Facilities

A minimum of eleven (11) class one or two bicycle parking facilities and eleven (11) class 3 bicycle parking facilities, shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facilities shall be submitted to and approved by the City prior to the installation of such facilities;

1.11.3 Entry Gates

Any new entry gates to the basement car park and the proposed vehicular entry gate to the service area shall have a minimum 50 per cent visual permeability 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 to and approved by the City prior to the first occupation of the development;

1.11.4 Median Island

- (a) A raised central median island shall be provided in Beaufort Street to exclude the right hand turn from the car park exits/entry of this development, at the developer's full cost, subject to approval from the Department of Planning and the City, Director of Technical Services; and
- (b) The work is to be carried out by the City or alternatively a bond of \$5,000 is to be paid to ensure that the works are satisfactorily completed to the City's satisfaction; and

1.11.5 Department of Planning (DoP)/Western Australian Planning Commission (WAPC) Requirements

- (a) The applicant/owner shall comply with the comments and conditions of the DoP/WAPC at the applicant(s)/owner(s) full expense;
- (b) The Other Regional Road Reservation shall be set aside as a separate lot. No permanent development is permitted within this area, with the exception of awnings at street level;
- (c) Roof projections shall not encroach into the MRS widening area, or existing road reserve; and
- (d) Access shall be restricted to left in and left out only.

FOOTNOTE: The applicant/owner has agreed to provide landscaping on the Highgate Primary School site and shall be carried out in liaison with the Highgate Primary School to the satisfaction of the City's Chief Executive Officer.

Moved Cr Buckels, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

AMENDMENT NO 1

Moved Cr Buckels, Seconded Cr McGrath

1. *That clause 1.10.7 (b) be amended to read as follows:*

"1.10.7 Design Features

- ...(b) A 'vegetated living green wall' shall be incorporated on the northern boundary wall, covering the wall and maintained in good condition at all times by the applicant to the satisfaction of the City's Chief Executive Officer. Subject to approval of the City's Chief Executive Officer, the 'vegetated living green wall' can be considered as a Public Art Project for the purposes of compliance with clause 1.9;"

2. *That new clauses 1.10.12 and 1.10.13 be inserted as follows:*

"1.10.12 Side Setback

The fourth storey on the northern elevation adjacent to Lincoln Towers shall be setback 4 metres from the northern lot boundary; and"

"1.10.13 Service Lane Enclosure

The entire length of the service lane, including the turntable area, shall be fully enclosed, and the proposed green roof shall be fully extended to cover this area;"

The Presiding Member, Mayor Nick Catania ruled that the amendment would be considered and voted upon in three parts.

Debate ensued.

AMENDMENT NO 1 (CLAUSE 1.10.7(b)) PUT AND CARRIED (8-1)

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

AMENDMENT NO 2

Moved Cr Maier, Seconded Cr Burns

1. *That a new clause 1.10.7(c) be inserted to read as follows and the remaining clauses be renumbered:*

"1.10.7 Design Features

...(c) **That the amount in clause 1.10.7(b) be limited to \$200,000 of the total Percent for Art contribution (of \$450,000 as specified in clause 1.9.1);"**

Debate ensued.

AMENDMENT NO 2 PUT AND CARRIED (8-1)

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

Debate ensued.

"1.10.12 Side Setback

The fourth storey on the northern elevation adjacent to Lincoln Towers shall be setback 4 metres from the northern lot boundary; and"

AMENDMENT NO 1 (CLAUSE 1.10.12) PUT AND CARRIED (5-4)

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

Debate ensued.

"1.10.13 Service Lane Enclosure

The entire length of the service lane, including the turntable area, shall be fully enclosed, and the proposed green roof shall be fully extended to cover this area;"

AMENDMENT NO 1 (CLAUSE 1.10.13) PUT AND LOST (1-8)

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

Debate ensued.

AMENDMENT NO 3

Moved Cr Lake, Seconded Cr Topelberg

1. *That a new clause 1.10.13 be inserted as follows:*

“1.10.13 Service Lane Enclosure

The entire length of the service lane, including the turntable area, shall be fully enclosed;”

Debate ensued.

AMENDMENT NO 3 PUT AND CARRIED (6-3)

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

Against: Mayor Catania, Cr Burns, Cr Harvey

AMENDMENT NO 4

Moved Cr Lake, Seconded Cr Topelberg

1. *That clause 1.10.4(a) and (b) be amended to read as follows:*

“1.10.4 Screening

(a) The shade hoods on the northern and southern elevations shall be oriented to prevent overlooking into the adjacent Highgate Primary School;

(b) The bedroom windows on 1st, 2nd and 3rd floors on the north-west elevation and the southern portion of the podium shall comply with the privacy setback of 4.5 metres of the Residential Design Codes requirements. These openings shall be screened with permanent obscure materials and be non-openable to a minimum of 1.6 metres above the respective finished floor levels; OR alternatively, the provision of on-site effective permanent horizontal screening or equivalent preventing direct sight within the cone of vision to adjoining property to the north (Lincoln Towers). A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees. 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 affected properties to the north and west of the subject site respectively, stating no objections to the proposed privacy encroachments;”

2. *That a FOOTNOTE be inserted at the end of the ‘Officer Recommendation’ as follows:*

“FOOTNOTE: In respect to clause 1.10.7(b), an alternative solution is the provision of landscaping within the property to the north, to soften the effect of the boundary wall, in liaison and agreement with the neighbouring property owners at Lincoln Towers;”

The Presiding Member, Mayor Nick Catania ruled that the amendment would be considered and voted upon in two parts.

Debate ensued.

AMENDMENT NO 4 CLAUSE 1.10.4(a) and (b) PUT AND CARRIED (7-2)

For: Cr Buckels, Cr Burns, Cr Farrell, Cr Harvey, Cr Lake, Cr McGrath, Cr Topelberg

Against: Mayor Catania, Cr Maier

The Mover of the amendment, Cr Lake advised that she wished to withdraw clause 2 – “Footnote” of her amendment. The Seconder, Cr Topelberg agreed. Cr Lake withdrew her amendment.

Debate ensued.

AMENDMENT NO 5

Moved Cr Maier, Seconded Cr Topelberg

That a clause be inserted as follows:

“That the cash-in-lieu calculation referred to in clause 1.8 be recalculated based on an unadjusted requirement for the Hotel room component of the development of 57 car bays.”

That clause 1.8 be amended to read as follows:

“1.8 Cash-in-lieu

Within twenty-eight (28) days of the issue date of this ‘Approval to Commence Development’, the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:

- 1.8.1 pay a cash-in-lieu contribution of ~~\$230,020~~ \$64,790 for the equivalent value of ~~74.2~~ 20.9 car parking spaces, based on the cost of \$3,100 per bay as set out in the City’s 2011/2012 Budget; OR
- 1.8.2 lodge an appropriate assurance bond/bank guarantee of a value of ~~\$230,020~~ \$64,790 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;

Note: The cash-in-lieu calculation in clause 1.8 has been recalculated based on an unadjusted requirement for the Hotel room component of 57 car bays, and on the car parking demand for the use and having cognisance of the provisions of adjoining Local Government Town Planning Schemes.”

Debate ensued.

AMENDMENT NO 5 PUT AND CARRIED UNANIMOUSLY (9-0)

Debate ensued.

AMENDMENT NO 6

Moved Cr Topelberg, Seconded Cr McGrath

That clause 1.10.4(c) be deleted and replaced as follows:

"1.10.4 Screening

...(c) ~~The roof decks on the 4th floor shall comply with the privacy setback of 7.5 metres of the Residential Design Codes requirements, or screened with permanent obscure materials to a minimum of 1.6 metres above the respective finished floor levels; OR alternatively, the provision of on-site effective permanent horizontal screening or equivalent preventing direct sight within the cone of vision to adjoining properties to the north, south and west. 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 affected properties to the north, south and west of the subject site respectively, stating no objections to the proposed privacy encroachments. Access to the southern roof deck shall be limited to guests in the two (2) immediate adjacent rooms with the screening set back a minimum of 7.5 metres from the Southern boundary. Access to the western and northern facing roof decks, as well as the remaining areas of the southern roof deck, not be permitted other than for maintenance and servicing purposes;~~

Debate ensued.

AMENDMENT NO 6 PUT AND CARRIED UNANIMOUSLY (9-0)

Debate ensued.

AMENDMENT NO 7

Moved Cr McGrath, Seconded Cr Burns

That a new clause 1.1.6 be inserted as follows:

"1.1.6 That revised plans be submitted showing the required setback of the parapet wall on the north eastern boundary for establishment of the 'living green wall' on site;"

Debate ensued.

AMENDMENT NO 7 PUT AND CARRIED (8-1)

For: Cr Buckels, Cr Burns, Cr Farrell, Cr Harvey, Cr Lake, Cr McGrath, Cr Maier, Cr Topelberg

Against: Mayor Catania

**MOTION AS AMENDED PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (7-2)**

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

Against: Cr Lake, Cr Maier

The Chief Executive Officer requested that pursuant to Standing Orders Clause 5.18, the Council is required to provide reasons for the amendments which significantly change the Officer Recommendation. In addition, in the event that the matter goes to the State Administrative Tribunal, they have some reasons for the amendments.

REASONS FOR AMENDMENTS:

1. To ameliorate the impact of the northern boundary wall on the northern neighbour.
2. To address concerns relating to overlooking.
3. To address potential noise impacts from the proposed open pergola over the service corridor.
4. The amended cash-in-lieu payment for car parking is considered a more realistic expectation of the parking requirements for the Hotel room use.
5. The development is considered more consistent with the scale, nature and intended use of the site.
6. The Council considers that a "living green wall" is a significant component of the Percent for Art and therefore grants a concession for a portion of the Cash-in-Lieu of the Public Art Contribution to be utilised for this project.
7. The Council considers that the "living green wall" is a significant installation and revised plans are to be submitted showing the required setback of the northern boundary wall to be sufficiently setback for a project of this type to be established.

Cr Burns departed the Chamber at 7.42pm.

Discussion ensued.

Cr Burns returned to the Chamber at 7.44pm.

COUNCIL DECISION ITEM 7.2

That the Council APPROVES BY AN ABSOLUTE MAJORITY:

1. the application submitted by Taylor Burrell Barnett on behalf of the owner Skypoint Nominees Pty Ltd for proposed Demolition of Existing Buildings and Construction of a Seven (7) Storey Hotel and Associated Basement Car Park, at No. 381 (Lots 4, 5 and 50) Beaufort Street, Perth, and as shown on revised plans stamp-dated 24 June 2011 (Attachment (002)) subject to the following conditions:
 - 1.1 **Building**
 - 1.1.1 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, Bulwer and Lincoln Streets and the Highgate Primary School;
 - 1.1.2 The doors, windows and adjacent floor areas fronting Beaufort Street shall maintain an active and interactive relationship with this street;

- 1.1.3 First obtaining the consent of the owners of Nos. 133 and 147 Lincoln Street, Nos. 8 and 10 Grant Street and No. 381 (Lot 51) Beaufort 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. 133 and 147 Lincoln Street, Nos. 8 and 10 Grant Street and No. 381 (Lot 51) Beaufort Street in a good and clean condition;
- 1.1.4 A detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted to and approved by the City prior to the issue of a Building Licence;
- 1.1.5 A Demolition Licence shall be obtained from the City prior to commencement of any demolition works on the site; and
- 1.1.6 That revised plans be submitted showing the required setback of the parapet wall on the north eastern boundary for establishment of the 'living green wall' on site;

1.2 Car Parking

- 1.2.1 All on-site parking shall comply with AS2890 Parking Facilities Set. (1-6);
- 1.2.2 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;
- 1.2.3 Bollards shall be installed where the foyer paving intersects with internal driveway;
- 1.2.4 All access to site from Beaufort Street shall match into the current pavement levels (no modification of the verge paving levels will be permitted); and
- 1.2.5 The car park shall be used only by employees, tenants, and visitors directly associated with the development, and not be leased to any external parties;

1.3 Signage

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;

1.4 Fencing

Any new street/front wall, fence and gate within the Beaufort 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;

1.5 Verge Trees

- 1.5.1 No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning; and**
- 1.5.2 Entry awning on Beaufort Street shall be modified as required to ensure it does not impact on the growth of verge trees;**

1.6 Footpath

In keeping with the City's practice for multiple dwellings, commercial, retail and similar developments, the footpaths and Metropolitan Region Scheme road widening area adjacent to the subject land shall be upgraded, by the applicant, to a brick paved standard to the City's specification. A bond for these works will be calculated and applied prior to the issue of a Building Licence 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 Director Technical Services. An application to the City for the refund of the upgrading bond must be made in writing;

1.7 Delivery Times

The delivery and collection times, including but not limited to food, beverages, laundry, material, rubbish/waste, to the hotel shall be restricted to between 7am and 7pm, inclusive, daily, unless in cases of an emergency;

1.8 Cash-in-lieu

Within twenty-eight (28) days of the issue date of this 'Approval to Commence Development', the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:

- 1.8.1 pay a cash-in-lieu contribution of \$64,790 for the equivalent value of 20.9 car parking spaces, based on the cost of \$3,100 per bay as set out in the City's 2011/2012 Budget; OR**
- 1.8.2 lodge an appropriate assurance bond/bank guarantee of a value of \$64,790 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;

Note: The cash-in-lieu calculation in clause 1.8 has been recalculated based on an unadjusted requirement for the Hotel room component of 57 car bays, and on the car parking demand for the use and having cognisance of the provisions of adjoining Local Government Town Planning Schemes.

1.9 Public Art

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:

1.9.1 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 \$450,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$45,000,000); and

1.9.2 in conjunction with the above chosen option;

(a) 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

(b) 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;

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

1.10.1 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;

1.10.2 Landscape and Reticulation Plan

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

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

- (a) the location and type of existing and proposed trees and plants;
- (b) all vegetation including lawns;

- (c) areas to be irrigated or reticulated;
- (d) proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- (e) separate soft and hard landscaping plans (indicating details of plant species and materials to be used).

The City 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);

1.10.3 Refuse and Recycling Management

A comprehensive Refuse and Recycling Management Plan shall be prepared and submitted by a duly qualified consultant, detailing such matters as number of bins (general waste and recycling), bin store size, wash down facility, frequency and manner of collection, size of collection vehicle etc, to ensure that the proposal is compatible with the City's Waste Management Policy;

1.10.4 Screening

- (a) The shade hoods on the northern and southern elevations shall be oriented to prevent overlooking into the adjacent Highgate Primary School;
- (b) The bedroom windows on 1st, 2nd and 3rd floors on the north-west elevation and the southern portion of the podium shall comply with the privacy setback of 4.5 metres of the Residential Design Codes requirements. These openings shall be screened with permanent obscure materials and be non-openable to a minimum of 1.6 metres above the respective finished floor levels; OR alternatively, the provision of on-site effective permanent horizontal screening or equivalent preventing direct sight within the cone of vision to adjoining property to the north (Lincoln Towers). A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees. 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 affected properties to the north and west of the subject site respectively, stating no objections to the proposed privacy encroachments;
- (c) Access to the southern roof deck shall be limited to guests in the two (2) immediate adjacent rooms with the screening set back a minimum of 7.5 metres from the Southern boundary. Access to the western and northern facing roof decks, as well as the remaining areas of the southern roof deck, not be permitted other than for maintenance and servicing purposes;

1.10.5 Amalgamation of the 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);

1.10.6 Acoustic Report

An Acoustic Report in accordance with the City's Policy No. 3.5.21 relating to Sound Attenuation shall be prepared and submitted. 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;

1.10.7 Design Features

- (a) Design features using colour and/or relief shall be incorporated in or on the large portions of the west facing walls to the satisfaction of the City's Chief Executive Officer;
- (b) A 'vegetated living green wall' shall be incorporated on the northern boundary wall, covering the wall and maintained in good condition at all times by the applicant to the satisfaction of the City's Chief Executive Officer. Subject to approval of the City's Chief Executive Officer, the 'vegetated living green wall' can be considered as a Public Art Project for the purposes of compliance with clause 1.9;
- (c) That the amount in clause 1.10.7(b) be limited to \$200,000 of the total Percent for Art contribution (of \$450,000 as specified in clause 1.9.1);
- (d) A 'vegetated living green roof' shall be provided over the northern service lane and service area, and maintained in good condition at all times by the applicant to the satisfaction of the City's Chief Executive Officer; and
- (e) Windows on the western elevation closest to the adjacent Highgate Primary School shall be non-openable and fully glazed/obscured;

1.10.8 Boundary Walls

The applicant shall liaise with the Highgate Primary School regarding the materials, design and detailing of the western boundary wall to ensure a satisfactory outcome for all parties to the satisfaction of the City;

1.10.9 Motor Vehicle and Service Vehicle Access Management

A comprehensive motor vehicle (private cars, taxis, tour buses, motorcycles and scooters) and service vehicle Traffic and Access Management Plan shall be prepared by a duly qualified consultant and submitted to, and approved by the City, detailing how vehicles access the site, and addressing the following issues:

- (a) to minimise the impact on surrounding streets, when car bays at grade level are fully occupied;
- (b) to minimise noise from service vehicles;
- (c) contact details of essential hotel personnel;
- (d) parking arrangements for contractors and sub-contractors;
- (e) City Business District access route; and
- (f) any other matters deemed appropriate by the City; and

1.10.10 End of Trip Facilities

- (a) A minimum of one male shower and one female shower being provided, together with separate change rooms;
- (b) The change room facilities being secure and capable of being locked; and
- (c) A minimum of one locker being provided for every bicycle parking bay provided.

1.10.11 Boundary Fence

- (a) Fencing to the southern boundary is to be modified to comply with the requirements of the City's Visual Truncation Policy;
- (b) Landscaping adjacent to crossovers to comply with the requirements of the City's Visual Truncation Policy;

The revised plans shall not result in any greater variation to the City's Policies; and

1.10.12 Side Setback

The fourth storey on the northern elevation adjacent to Lincoln Towers shall be setback 4 metres from the northern lot boundary; and

1.10.13 Service Lane Enclosure

The entire length of the service lane, including the turntable area, shall be fully enclosed;

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

1.11.1 Underground Power

The power lines adjacent to the subject lots shall be placed underground for the complete length of the Beaufort Street frontage of the development, at the full expense of the developer/Applicant;

1.11.2 Bicycle Parking Facilities

A minimum of eleven (11) class one or two bicycle parking facilities and eleven (11) class 3 bicycle parking facilities, shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facilities shall be submitted to and approved by the City prior to the installation of such facilities;

1.11.3 Entry Gates

Any new entry gates to the basement car park and the proposed vehicular entry gate to the service area shall have a minimum 50 per cent visual permeability 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 to and approved by the City prior to the first occupation of the development;

1.11.4 Median Island

- (a) A raised central median island shall be provided in Beaufort Street to exclude the right hand turn from the car park exits/entry of this development, at the developer's full cost, subject to approval from the Department of Planning and the City, Director of Technical Services; and
- (b) The work is to be carried out by the City or alternatively a bond of \$5,000 is to be paid to ensure that the works are satisfactorily completed to the City's satisfaction; and

1.11.5 Department of Planning (DoP)/Western Australian Planning Commission (WAPC) Requirements

- (a) The applicant/owner shall comply with the comments and conditions of the DoP/WAPC at the applicant(s)/owner(s)' full expense;
- (b) The Other Regional Road Reservation shall be set aside as a separate lot. No permanent development is permitted within this area, with the exception of awnings at street level;
- (c) Roof projections shall not encroach into the MRS widening area, or existing road reserve; and
- (d) Access shall be restricted to left in and left out only.

FOOTNOTE: The applicant/owner has agreed to provide landscaping on the Highgate Primary School site and this shall be carried out in liaison with the Highgate Primary School, to the satisfaction of the City's Chief Executive Officer.

Landowner:	Skypoint Nominees Pty Ltd
Applicant:	Taylor Burrell Barnett
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R 80
Existing Land Use:	Backpackers (Billabong Backpackers Resort)
Use Class:	Hotel
Use Classification:	"SA"
Lot Area:	2849 square metres
Access to Right of Way	Not applicable

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.

Note – in accordance with Section 31 of the State Administrative Tribunal Act, the amended plans are presented to 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 amended plans the (subject of this report).

BACKGROUND:

21 December 2010 The Council at its Ordinary Meeting refused the application for proposed Demolition of Existing Buildings and Construction of a Seven (7) Storey Hotel and Associated Basement Car Park for the following reasons:

- “1. The development is not consistent with the orderly and proper planning and preservation of amenities of the locality;*
- 2. The height, bulk, scale and plot ratio is considered too excessive;*
- 3. Non-compliance with setbacks;*
- 4. Non-compliance with the Town's car parking requirements; and*
- 5. Consideration of objections received.”*

4 February 2011 Directions hearing held at SAT.

15 February 2011 Proposed development discussed at Council Forum, attended by Ben Doyle of Planning Solutions (Council's nominated consultant)

16 May 2011 **Appointed Consultant for the SAT Mediation Process**

As prescribed by the City's SAT Policy, the City appointed a consultant to mediate the matter on its behalf. Accordingly, Planning Solutions – Urban and Regional Planners were appointed. Mr Ben Doyle, an Associate Director of the practice (located within the City of Vincent) is a highly qualified Town Planner, with extensive experience with the City's planning requirements, complex developments and SAT matters, has been responsible for the matter on behalf of the City.

No City of Vincent Planning Officers have been involved in the preparation of the consultant's report.

The City was represented at the SAT Mediation Sessions by:

- Mr Ben Doyle – Associate Director – Appointed Consultant;
- Mayor Nick Catania and Cr Sally Lake;
- Chief Executive Officer, John Giorgi;
- Director Development Services, Rob Boardman (advisory capacity only); and
- The Applicant, Architect, hotel consultants and Planning consultants were also present.

15 June 2011 Mediation held at the City of Vincent Administration and Civic Centre. Present at this mediation session were:

- Mr Ben Doyle – Associate Director – Appointed Consultant;
- Mayor Nick Catania, Councillors Buckels, Lake, McGrath, Maier and Topelberg;
- Chief Executive Officer, John Giorgi; and
- Director Development Services, Rob Boardman (advisory capacity only); and
- The Applicant, Architect, hotel consultants and Planning consultants were also present.

14 June 2011 Further mediation/directions scheduled to be held at SAT (if required).

24 June 2011 Revised plans received by the City were placed on the City's website, and displayed in the Administration and Civic Centre and Library for public viewing from 28 June 2011 till 5 July 2011. Letters were sent to all residents and occupiers of properties who were previously consulted, including those who made submissions on the proposal, about the revised plans, their availability for viewing and the Special Council Meeting to be held on 5 July 2011, where the revised plans will be determined, as part of the State Administrative Tribunal process.

Confidential Report or Not?

The City's consultant has advised that it is his preference for the report to be submitted to the Council on a confidential basis. He advises that his capacity to act as an expert witness to the SAT may be compromised, if the matter proceeds to a Final Hearing. In addition, the discussions from the SAT Mediation Sessions are "without prejudice" and are not admissible in a Final Hearing.

Notwithstanding the above, given the considerable community interest in the development, the Chief Executive Officer has determined that the report not be confidential. Furthermore, the revised plans will be made available for reviewing to the public from 28 June 2011. This decision is in accordance of an undertaking given by the Chief Executive Officer to the SAT on 16 May 2011.

DETAILS:

Comparison of Plans

The changes to the new plans submitted (Attachment 002) as compared to the plans refused by Council at its Ordinary Meeting held on 21 December 2010 are as follows:

- Reduction of 10 rooms (total) from the fourth, fifth and sixth floors at the western edge (facing Highgate Primary School);
- Reduction of 3 rooms (total one per floor) from the fourth, fifth and sixth floors (facing Beaufort Street);
- Addition of 11 rooms along the Beaufort Street podium (essentially adding another floor along Beaufort Street);
- Inclusion of a 'green roof' above the service lane on the northern portion of the site;

- Changes to the alfresco floor level to reduce overall height of wall and balustrade;
- Changes to alfresco wall materials to timber screen and concrete/glass balustrade; and
- Inclusion of a 'creeper' green treatment to the northern boundary wall.

The applicant's letter dated 24 June 2011 is "*Laid on the Table*".

COMPLIANCE:

Notwithstanding the proposed development is not a permanent residential development, the application is assessed with reference to the provisions of the Residential Design Codes.

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Plot Ratio:	1.0 or 2849 square metres	2.1 or 5986 square metres
Officer Comments:		
Supported - It is not considered the increase in plot ratio would result in an unreasonable undue impact on the amenity of the street or the immediate area. The 'podium and tower' design of the development is considered to mitigate the impacts of building bulk, and the four storey podium to Beaufort Street is considered to be an appropriate scale for the location.		
Height of building in an R 80 density area.	2 storeys plus loft, up to three storeys. Adjoining Lincoln Towers is 8 storeys in height.	7 storeys plus basement car park
Officer Comments:		
Supported - The height and overall design of the proposal is not considered to result in unacceptable bulk and scale, particularly when compared to the adjoining 8 storey Lincoln Towers, and the approved 6 storey development under construction on the opposite former " <i>Civic Theatre</i> " site at No. 378 Beaufort Street. As a result, it is considered the existing character, and importantly the desired future character of the immediate vicinity, includes some taller development on strategic development sites. Moreover, the bulk and scale of the building has been designed not to unduly impose on Beaufort Street rather, the 'podium and tower' building includes vertical and horizontal elements, which mitigate the effect of height and bulk.		
Non-Residential adjacent to residential area	2 storeys plus loft-can go higher	7 storeys
Officer Comments:		
Supported- The height and overall design of the proposal is not considered to result in unacceptable bulk and scale. The residential interface for the proposed development consists of the 8 storey Lincoln Towers building to the north, and 6 storey 'Civic Theatre' development to the east (on the opposite side of Beaufort Street). The Highgate Primary School abuts to the west, and the site to the south is owned by the applicant and contains a language school.		
Car parking-	148 car bays	74 car bays
Officer Comments:		
Supported - Consistent with most hotel operations, the majority of clients will either be arriving/departing by taxis, charter vehicles or buses. The site is also well serviced by other public transport modes, and within walking distance to the Perth CBD and train station. Accordingly, the car parking shortfall is supported in this particular instance and a condition is recommended for the applicant to provide a management plan addressing visitor parking, and details on how visitors are advised of the limited amount of car bays available on-site, etc. A cash-in lieu contribution has also been recommended.		
Bicycle facilities 1 space per 25 square metres of bar area plus 1 space per 100 square metres of lounge, beer garden, for both class 1 or 2 and class 3.	3.4 bicycle facilities of class 1 or 2 and class 3.	Location shown, but details not shown. Applicant has advised in their submission that these facilities will be provided.
Officer Comments:		
A condition has been proposed addressing the provision of bike facilities		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Overshadowing	50%	6.5% and 65 % of adjoining properties to the south
Officer Comments:		
Supported - The modifications to the development proposal have reduced the overshadowing from the plans previously considered by Council. The adjoining property to the south is considered likely to also be developed for a mixed use development in the foreseeable future. It is noted that the applicants are also the owners of the adjoining property to the south. It is acknowledged that a hotel development of this height and scale would exceed the overshadowing requirements of the R-Codes.		
Walls on boundary	<p>Only one wall, to be 2/3 of length of lot boundary (that is, 39.41 metres) with a maximum height of 7 metres, and average height of 6 metres.</p> <p>Only one wall, to be 2/3 of length of lot boundary (that is, 38.79 metres), with a maximum height of 7.0 metres, and average height of 6.0 metres.</p> <p>Only one wall, to be 2/3 of length of lot boundary (that is, 31.32 metres), with a maximum height of 7.0 metres, and average height of 6.0 metres.</p>	<p>North wall, length of 59.125 metres, maximum height of 14.73 metres, and average height of greater than 6.0 metres.</p> <p>South wall, length of 18.5 metres, maximum height of 17.0 metres, and average height of greater than 6.0 metres.</p> <p>West wall, length of 30.2 metres, maximum height of 3.0 metres, and average height of approximately 2.7 metres.</p>
Officer Comments:		
Supported - The variations are not considered likely to unduly impact on the amenity of the adjoining Lincoln Towers site on the northern side and the school on the western side. The lot to the south is owned by the applicants. In light of the importance placed on the potential impacts of boundary walls in the course of the SAT mediation, further detailed discussion of the proposed boundary walls is provided in the conclusion section, below.		
Boundary fence-west side	1.8 metres in height	3.0 metres in height
Officer Comments:		
Supported - as the variations will not unduly impact on the amenity of the adjoining school site. In this regard, it is understood the applicant is amenable to a request from the Highgate Primary School to provide landscaping on the school site adjacent to the wall, and to make the wall available for a mural. However, it is not considered appropriate to seek to impose conditions to such effect on any planning approval, given the works would be on land not the subject of the application for planning approval. Accordingly, it is recommended appropriate conditions be placed on any approval requiring the boundary wall to be finished to the satisfaction of the adjoining landowner.		
Building Setbacks:		
Ground floor-North	4 metres	Nil
Ground floor-South	4 metres	Nil
Ground floor-east-Beaufort street	5.8 metres	1.5 to 2.4 metres
Ground floor-west	4 metres	Nil
Officer Comments:		
Supported - The variation is not considered to result in an undue impact on the amenity of the area or the streetscape.		
1st floor-north	4 metres	Nil
1st floor- south	4 metres	Nil
1st floor-east	7.8 metres	3.5 metres
1st floor-west	4 metres	1.5 to 4.5 metres
Officer Comments:		
Supported - The variation would not result in an undue impact on the amenity of the area or the streetscape.		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
2nd floor-north	4 metres	Nil
2nd floor-south	4 metres	Nil
2nd floor-east	7.8 metres	3.5 metres
2nd floor-west	4 metres	1.5 to 4.5 metres
Officer Comments:		
Supported - The variation would not result in an undue impact on the amenity of the area or the streetscape.		
3rd floor north	4 metres	Nil
3rd floor-east	7.8 metres	3.5 metres
3rd floor-west	4 metres	1.5 to 4.5 metres
Officer Comments:		
Supported - The variation would not result in an undue impact on the amenity of the adjoining properties or the streetscape.		
4th floor-east	7.8 metres	2.5 metres (balcony) to 4.2 metres (building)
4th floor-west	4 metres	1.5 to 10.0 metres
Officer Comments:		
Supported - The variation would not result in an undue impact on the amenity of the adjoining properties or the streetscape.		
5th floor-east	7.8 metres	2.5 metres (balcony) to 4.2 metres (building)
Officer Comments:		
Supported - The variation would not result in an undue impact on the streetscape.		
6th floor-east	7.8 metres	2.5 metres (balcony) to 4.2 metres (building)
Officer Comments:		
Supported - The variation would not result in an undue impact on the streetscape.		

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

Consultation Submissions
Not applicable.

Car Parking	
Car parking requirement (nearest whole number) Hotel: 1 space per bedroom or 1 space per 3 beds provided, whichever is the greater (proposed 138 rooms), plus: 1 space per 3.8 square metres of public floor area or 1 space per 4.5 persons of maximum number of persons approved for the site, whichever is the greater: Proposed 138 rooms = 138 car bays. Hotel Room component = 57 bays Proposed alfresco 140 square metres = 36.8 car bays. Proposed restaurant 200 square metres = 52.6 car bays Total= 227.4 146.4 car bays	228 146 car bays
Apply the parking adjustment factors. • 0.85 (within 400 metres of a bus stop) • 0.85 (within 400 metres of one or more public car parks in excess of 75 spaces) • 0.9 (provision of "end of trip" facilities for bicycle users)	(0.6502) 448.2 94.9 car bays
Minus the car parking provided on-site	74 car bays
Minus the most recently approved on-site car parking shortfall	Nil
Deficit	74.2 20.9 car bays

Bicycle Parking		
Hotel	<ul style="list-style-type: none"> • 1 space per 25 square metres of bar gross floor area (proposed 236 square metres) and 1 space per 100 square metres of lounge and beer garden (proposed 140 square metres) gross floor area (class 1 or 2) = 10.84 spaces. • 1 space per 25 square metres of bar gross floor area (proposed 236 square metres) and 1 space per 100 square metres of lounge and beer garden (proposed 140 square metres) (class 3) = 10.84 spaces. 	End of trip facilities and bicycle bays stated on plans, but not specifically detailed.

Other Implications	
Legal/Policy	<p>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.</p> <p>Section 31 of the State Administrative Tribunal 2004 states as follows:</p> <p><i>"31. Tribunal may invite decision-maker to reconsider</i></p> <p>(1) <i>At any stage of a proceeding for the review of a reviewable decision, the Tribunal may invite the decision-maker to reconsider the decision.</i></p> <p>(2) <i>Upon being invited by the Tribunal to reconsider the reviewable decision, the decision-maker may –</i></p> <p style="padding-left: 20px;">(a) <i>affirm the decision;</i></p> <p style="padding-left: 20px;">(b) <i>vary the decision; or</i></p> <p style="padding-left: 20px;">(c) <i>set aside the decision and substitute its new decision.</i></p> <p>(3) <i>If the decision-maker varies the decision or sets it aside and substitutes a new decision, unless the proceeding for a review is withdrawn it is taken to be for the review of the decision as varied or the substituted decision."</i></p> <p>Under Section 31 of the SAT Act 2004, the City has been invited to determine the subject application; that is, to (a) affirm the decision; (b) vary the decision; or (c) set aside the decision and substitute its new decision.</p> <p>Absolute Majority</p> <p>Given the proposed building height, as per Clause (40) (3) (b) of the Town Planning Scheme No. 1, the Council in the event of an approval, is required to do so by an absolute majority decision.</p>
Strategic	The Local Planning Strategy proposes to increase the density and zoning of the subject place from Residential R80 to Residential/Commercial R100 to be in-line with the principles of an Urban Corridor.
Sustainability	Nil.
Financial/Budget	Cost of employing a private consultant to represent the City in State Administrative Tribunal review matter

COMMENTS:

The following matters are considered to be key items for the Council's consideration of the matter:

Western setback – Impact on Highgate Primary School

The design of the development has been modified to increase the western boundary setback for the 4th, 5th and 6th floors, to between 1.5 metres (lower storeys stairwell) and 10.0 metres (upper storeys stairwell). It is considered the modification reduces the adverse impact on the adjoining properties to the west of building height and bulk, and the building will not have a significant impact on amenity. Due to the orientation of the site, the building will not have an overshadowing effect on the Highgate Primary School site.

Beaufort Street – Impact of 4 storey podium

The modified proposal has essentially replaced the rooms removed from the western elevation of the tower, with additional rooms in the podium fronting Beaufort Street.

In light of the 6 storey development currently under construction on the former 'Civic Theatre' site on the opposite side of Beaufort Street, and other existing and approved development along the Beaufort Street Activity Corridor, it is considered the podium is of an appropriate height and scale. The subject site is prominently located, and the development will be clearly visible when approached along Beaufort Street from the north and south. It is considered the built form fronting Beaufort Street is bold and not insubstantial, but appropriate in the site context. Accordingly, the 4 storey podium to Beaufort Street is supported.

Northern setback – Impact of 4 storey podium

It is acknowledged the 4 storey boundary wall to the northern boundary will be clearly visible to residents of Lincoln Towers, and the bulk and height of the wall is not insubstantial. However, in considering the impact of the boundary wall, the following factors are relevant:

- the applicant proposes to incorporate a 'creeper' vegetated feature on the wall, which is considered likely to soften the appearance of the wall, and provide an attractive point of interest. The proposed 'green roof' is also considered to complement the 'green wall', further enhancing the appearance of the development when viewed from Lincoln Towers;
- the portion of the building adjacent to the northern boundary substantially screens the proposed service lane, mitigating the impact of the service lane on the adjoining property to the north, and the Beaufort Street streetscape;
- the location of the proposed boundary wall at the front of the site approximately corresponds with the kitchen, laundry and bathroom windows on the southern elevation for the easternmost dwellings in Lincoln Towers. Accordingly, the impact of the boundary wall is considered to be less significant than if the nearest openings on Lincoln Towers were major openings to living areas and bedrooms. Notwithstanding, it is noted the boundary wall is opposite the balconies to the easternmost dwellings, with the living areas beyond, and the wall will impact on the outlook from these areas;
- the City's Multiple Dwellings Policy and R-Codes provide for a multiple dwelling development on the subject site constructed to a height of 5 storeys, with an 'as of right' setback of 4.0 metres. Given the orientation of the balconies facing the side boundary of the Lincoln Towers site, it is highly likely any development of the subject site will result in those balconies facing the side of a long, multi-storey building. The western portion of the tower is set back 12.5 metres from the northern boundary, which is a significantly greater setback than would be required under the R-Codes; and

- The R-Codes would also 'deem to comply' development incorporating balconies facing Lincoln Towers with a setback of 7.5 metres to the northern boundary, and bedrooms with major openings setback 4.5 metres from the northern boundary. It is considered the proposed boundary wall enhances the privacy of residents of Lincoln Towers, in comparison with development which would otherwise be acceptable on the site, and also the privacy of hotel guests. Given the 'green wall' and 'green roof' will mitigate the adverse impacts on the outlook from Lincoln Towers, it is considered the protection of privacy is a preferable outcome.

Accordingly, while consideration of potential developments with greater impacts which could be proposed on the subject site should not be determinative of the application, Council should be mindful of the form of development which may reasonably be undertaken on the subject site, in considering what ought to be the reasonable expectations of the adjoining residents in Lincoln Towers. Given the above, it is considered the boundary wall is appropriate in the site context.

Building height - impact on views

Although it is an established planning principle that views cannot be 'owned', it is reasonable to take into account the potential impacts on views of significance when considering development which proposes variations to the 'deemed to comply' development standards of TPS1 and Council policy. In considering the acceptability of development which is likely to impact on views, the State Administrative Tribunal has previously employed a 'four step' assessment process, being:

1. *The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House ...) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.*

Assessment of the views indicates they may be considered to be of moderate value, given the views are across Highgate and Northbridge to the CBD, and are likely to be affected by some interruptions.

2. *The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.*

The views from Lincoln Towers which will be affected by the proposed development are 'side views' obtained solely through the subject site.

3. *The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.*

The proposed development will completely remove views currently available to residents on the 4th to 7th floors of Lincoln Towers (notwithstanding those views may already be partially interrupted). The impacted views are currently obtained from the bedrooms, kitchens and balcony/living areas of the dwellings along the southern elevation of the southern building of the Lincoln Towers complex. Accordingly, the impact on views would most likely be assessed as 'significant' for the 8 dwellings potentially impacted.

4. *The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.*

The proposed development incorporates variations to the building height provisions of TPS1. Notwithstanding the development is not intended for permanent residential use, the development has been assessed against the provisions of the R-Codes and the City's Multiple Dwellings Policy, to provide guidance as to the compliance of the built form with the development standards commonly applied in the locality.

Is the Development Reasonable?

It is important to note the context of the subject site, in considering whether the proposed development is reasonable. Specifically, the proposed building is only slightly (approximately 1.5 metres) higher than the 8 storey Lincoln Towers building which will be affected. In addition, there is a development currently under construction on the former 'Civic Theatre' site opposite, incorporating buildings with a height of 6 storeys. In the surrounding area, Council has recently approved a number of buildings of 5 and 6 storeys in height. Accordingly, it is considered the proposed building height is appropriate in the context of the subject site, and is consistent with the scale of development in the surrounding area previously approved under the current planning framework.

As detailed above, it is considered the proposal would completely remove access to existing views of moderate value, which may currently be partially interrupted by trees and structures. Importantly, it is noted the views to be impacted are 'side views' currently obtained solely through the subject site and a fully compliant 'as of right' development would most likely completely remove views for all but the top 2 storeys of Lincoln Towers. Further, it is noted the proposed building is of similar height to the building whose views will be impacted. In light of the above, it is considered the proposed development is appropriate in the site context, and it would not be reasonable to unduly constrain development of the subject site in order to protect views which would most likely be severely impacted by any fully compliant development of the site. Accordingly, the proposed building height is supported.

Additional comments

Comments provided by the City's Heritage, Building, Technical and Health Services, and the Department of Planning, Tourism WA and Heritage Council, included in the original report to Council, remain applicable to the proposed development. Appropriate conditions are included in the recommendation to address matters raised in assessment of the proposed development.

In view of the above, it is recommended that the Council approves by an absolute majority decision the subject application.

7.4 Hyde Park Lakes Restoration Project – Progress Report No. 10

Ward:	South	Date:	1 July 2011
Precinct:	Hyde Park – P12	File Ref:	RES0428
Attachments:	001 – City of Vincent Option 2B Plan		
Tabled Items:	Nil		
Reporting Officers:	J van den Bok, Manager Parks & Property Services; R Lotznicker, Director Technical Services; C Chaudhry, Project Officer - Environmental		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** progress report No 10 as at 30 June 2011 in relation to the Hyde Park Lakes Restoration Project;
2. **NOTES** that;
 - 2.1 Hyde Park Lakes Restoration Working Group met on 7 June 2011 and representatives from both the Department of Environment and Conservation (DEC) and the Department of Water (DOW) attended and addressed the Group;
 - 2.2 the Working Group considered that the objectives of improving the aesthetics of the Lakes and maintaining some water in the Lakes during summer can still be achieved without artificial lining and therefore lining of the lakes is no longer the preferred option for the following reasons:
 - 2.2.1 there is no guarantee that water will be available to recharge the lakes in the longer term;
 - 2.2.2 there would be no interface with ground water if the lakes were artificially lined;
 - 2.2.3 the community is now more accepting of Climate Change and the fact that the climate is becoming dryer and water conservation is paramount; and
 - 2.2.4 Option 2A is not a long term sustainable option;
 - 2.3 the Working Group further considered that an alternative restoration City of Vincent Option 2B as shown on attached plan No 2078-CP-01A be prepared which will comprise:
 - 2.3.1 removing the contaminated sediments/treating/reusing/ disposing of site;
 - 2.3.2 re-engineering the lake, and placing clean sand where appropriate, beds to create better aesthetics and interaction with the ground water during the drier months of the year;
 - 2.3.3 the construction of new walls approximately 2.0 metres in from the existing walls;
 - 2.3.4 re-engineering of the drainage inflow structures to divert more stormwater into the lakes during high rainfall events;

- 2.3.5 constructing a treatment swale through the park from Vincent street; and
- 2.3.6 removal of exotic vegetation from the existing islands;
- 2.4 that following the completion of the Detailed Site Investigation it has been determined that the following plans will need to be prepared;
 - 2.4.1 preparation of a Ground Water Model;
 - 2.4.2 preparation of a Remedial Action Plan; and
 - 2.4.3 preparation of an Acid Sulphate Soil Management Plan;
- 2.5 at its Special Meeting held on 13 October 2009 the Council authorised the Chief Executive Officer to;
 - 2.5.1 engage the services of appropriately qualified consultants as necessary to progress and refine the detailed design and documentation of the restoration project and obtain the appropriate statutory approvals to enable the Masterplan (with Addendum) to be implemented; and
 - 2.5.2 prepare the necessary Plans, including but not limited to:
 - (a) Ecological Impact Management Plan;
 - (b) Acid Sulphate Soil Management Plan;
 - (c) Contaminated Site Management Plan; and
 - (d) Environmental Management Plan;
- 3. at its Ordinary Meeting held on 13 October 2009 [Item No. 7.4 Clause (iv)(a)(2)], the Council resolved (in part) as follows;
 - “(iv) APPROVES;
 - (a) *the adoption of the Hyde Park Redevelopment Masterplan (prepared by Syrinx dated 2008) as shown in Appendix 7.4A, subject to:*
 - 2. *the Town of Vincent Option 2A – “Modified ‘Ornamental’ Permanent Water Solution”, estimated to cost \$4 million as its preferred option being an Addendum to the Masterplan, as shown on attached Plan No 2665-DP-01 (Appendix 7.4B), for the reasons outlined in the report;”*
- 4. Cr MOVES a motion to REVOKE part of the decision by;
 - 4.1 deleting;
 - “the Town of Vincent Option 2A – “Modified ‘Ornamental’ Permanent Water Solution”, estimated to cost \$4 million as its preferred option being an Addendum to the Masterplan, as shown on attached Plan No. 2665-DP-01 (Appendix 7.4B), for the reasons outlined in the report;”

- 4.2 and inserting;
- “the City of Vincent Option 2B – “Modified Ornamental unlined lakes’ Water Solution”, estimated to cost \$4 million as its preferred option as shown on attached concept plan No. 2078-CP-01A”;
5. 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, Cr and Cr, being one third of the number of offices of members of the Council, SUPPORT this motion to revoke or change a Council decision;
6. 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 REVOKE and CHANGE part of the resolution adopted by the Council at its Ordinary Meeting held on 13 October 2009 [Item No. 7.4 Clause (iv) (a)], as shown in Clause 4.1 and 4.2 above;
7. ADVISES the Commonwealth Department of the Environment, Water, Heritage and the Arts of the revised proposal “the City of Vincent Option 2B – “Modified Ornamental unlined lakes’ Water Solution”, estimated to cost \$4 million as its preferred option as shown on attached concept plan No. 2078-CP-01A” and of the indicative revised timeline;
8. INFORMS the community of the revised proposal via displays at the City’s Administration and Civic Centre, the Library and Local History Centre, the local media and the Town’s Website; and
9. RECEIVES further progress reports on this matter.

Moved Cr McGrath, Seconded Cr Farrell

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

“That the following clauses be amended as shown:

“2.3.3 the construction of new walls in from and nominally 1.0 metre from the existing walls, with consideration of replacement with ‘softer edges’ (i.e. beaches, planted embankments) for short sections where of aesthetic, ecological and/or functional benefit approximately 2.0m in from the existing walls;”

“2.5.2 prepare the necessary Plans (as amended), including but not limited to:

(a) ‘Ecological Impact Management Plan, that includes management and protection of native flora, including the remnant Paperbark trees on the western island, and fauna, including avifauna, long neck turtles and frogs, during the excavation and construction process’”

That a new clause 2.6 be inserted as follows:

“2.6 future water levels in the lakes, particularly in summer, under Option 2B will be largely dependent on surrounding groundwater levels and as such, the stormwater drainage system surrounding and particularly north of Hyde Park should be modified to increase infiltration of stormwater at source. This will require additional capital expenditure to retrofit infiltration measures such as soakwells, drainage swales and soak gullies into the stormwater system.”

Debate ensued.

Cr Harvey departed the Chamber at 7.45pm.

Debate ensued.

Cr Harvey returned to the Chamber at 7.48pm.

Debate ensued.

Cr Topelberg departed the Chamber at 7.49pm.

Debate ensued.

The Presiding Member, Mayor Nick Catania advised that as Cr McGrath moved the item he would be inserted in clause 4 as follows:

“...4. Cr Warren McGrath MOVES a motion to REVOKE part of the decision by;...”

The Presiding Member, Mayor Nick Catania stated that three Councillors are required to be inserted in clause 5 and the following was agreed:

“...5. 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 Warren McGrath, Cr Steed Farrell and Cr Dudley Maier, being one third of the number of offices of members of the Council, SUPPORT this motion to revoke or change a Council decision;...”

Debate ensued.

Cr Topelberg returned to the Chamber at 7.51pm.

Debate ensued.

**MOTION PUT AND CARRIED UNANIMOUSLY
BY AN ABSOLUTE MAJORITY (9-0)**

COUNCIL DECISION ITEM 7.4

That the Council;

1. RECEIVES progress report No 10 as at 30 June 2011 in relation to the Hyde Park Lakes Restoration Project;
2. NOTES that;
 - 2.1 Hyde Park Lakes Restoration Working Group met on 7 June 2011 and representatives from both the Department of Environment and Conservation (DEC) and the Department of Water (DOW) attended and addressed the Group;
 - 2.2 the Working Group considered that the objectives of improving the aesthetics of the Lakes and maintaining some water in the Lakes during summer can still be achieved without artificial lining and therefore lining of the lakes is no longer the preferred option for the following reasons:
 - 2.2.1 there is no guarantee that water will be available to recharge the lakes in the longer term;
 - 2.2.2 there would be no interface with ground water if the lakes were artificially lined;

- 2.2.3 the community is now more accepting of Climate Change and the fact that the climate is becoming dryer and water conservation is paramount; and
 - 2.2.4 Option 2A is not a long term sustainable option;
 - 2.3 the Working Group further considered that an alternative restoration City of Vincent Option 2B as shown on attached plan No 2078-CP-01A be prepared which will comprise:
 - 2.3.1 removing the contaminated sediments/treating/reusing/disposing of site;
 - 2.3.2 re-engineering the lake, and placing clean sand where appropriate, beds to create better aesthetics and interaction with the ground water during the drier months of the year;
 - 2.3.3 the construction of new walls in from and nominally 1.0 metre from the existing walls, with consideration of replacement with 'softer edges' (i.e. beaches, planted embankments) for short sections where of aesthetic, ecological and/or functional benefit;
 - 2.3.4 re-engineering of the drainage inflow structures to divert more stormwater into the lakes during high rainfall events;
 - 2.3.5 constructing a treatment swale through the park from Vincent street; and
 - 2.3.6 removal of exotic vegetation from the existing islands;
 - 2.4 that following the completion of the Detailed Site Investigation it has been determined that the following plans will need to be prepared;
 - 2.4.1 preparation of a Ground Water Model;
 - 2.4.2 preparation of a Remedial Action Plan; and
 - 2.4.3 preparation of an Acid Sulphate Soil Management Plan;
 - 2.5 at its Special Meeting held on 13 October 2009 the Council authorised the Chief Executive Officer to:
 - 2.5.1 engage the services of appropriately qualified consultants as necessary to progress and refine the detailed design and documentation of the restoration project and obtain the appropriate statutory approvals to enable the Masterplan (with Addendum) to be implemented; and
 - 2.5.2 prepare the necessary Plans (as amended), including but not limited to:
 - (a) Ecological Impact Management Plan, that includes management and protection of native flora, including the remnant Paperbark trees on the western island, and fauna, including avifauna, long neck turtles and frogs, during the excavation and construction process;
 - (b) Acid Sulphate Soil Management Plan;
 - (c) Contaminated Site Management Plan; and
 - (d) Environmental Management Plan;

- 2.6 future water levels in the lakes, particularly in summer, under Option 2B will be largely dependent on surrounding groundwater levels and as such, the stormwater drainage system surrounding and particularly north of Hyde Park should be modified to increase infiltration of stormwater at source. This will require additional capital expenditure to retrofit infiltration measures such as soakwells, drainage swales and soak gullies into the stormwater system.
3. at its Ordinary Meeting held on 13 October 2009 [Item No. 7.4 Clause (iv)(a)(2)], the Council resolved (in part) as follows;
- “(iv) **APPROVES;**
- (a) *the adoption of the Hyde Park Redevelopment Masterplan (prepared by Syrnix dated 2008) as shown in Appendix 7.4A, subject to:*
2. *the Town of Vincent Option 2A – “Modified ‘Ornamental’ Permanent Water Solution”, estimated to cost \$4 million as its preferred option being an Addendum to the Masterplan, as shown on attached Plan No 2665-DP-01 (Appendix 7.4B), for the reasons outlined in the report;”*
4. Cr Warren McGrath MOVES a motion to REVOKE part of the decision by;
- 4.1 deleting;
- “the Town of Vincent Option 2A – “Modified ‘Ornamental’ Permanent Water Solution”, estimated to cost \$4 million as its preferred option being an Addendum to the Masterplan, as shown on attached Plan No. 2665-DP-01 (Appendix 7.4B), for the reasons outlined in the report;”
- 4.2 and inserting;
- “the City of Vincent Option 2B – “Modified Ornamental unlined lakes’ Water Solution”, estimated to cost \$4 million as its preferred option as shown on attached concept plan No. 2078-CP-01A”;
5. 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 Warren McGrath, Cr Steed Farrell and Cr Dudley Maier, being one third of the number of offices of members of the Council, SUPPORT this motion to revoke or change a Council decision;
6. 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 REVOKE and CHANGE part of the resolution adopted by the Council at its Ordinary Meeting held on 13 October 2009 [Item No. 7.4 Clause (iv) (a)], as shown in Clause 4.1 and 4.2 above;
7. ADVISES the Commonwealth Department of the Environment, Water, Heritage and the Arts of the revised proposal “the City of Vincent Option 2B – “Modified Ornamental unlined lakes’ Water Solution”, estimated to cost \$4 million as its preferred option as shown on attached concept plan No. 2078-CP-01A” and of the indicative revised timeline;
8. INFORMS the community of the revised proposal via displays at the City’s Administration and Civic Centre, the Library and Local History Centre, the local media and the Town’s Website; and
9. RECEIVES further progress reports on this matter.

PURPOSE OF REPORT:

The purpose of this report is to provide a further progress report to the Council on the Hyde Park Lakes Restoration Project in light of the information provided from the Department Environment & Conservation (DEC) and the Department of Water (DOW) and following the recent meeting of the Hyde Park Lakes Restoration Working Group (HPLRWG) held on 7 June 2011 and seek Council approval to change its preferred Option.

BACKGROUND:

Special Meeting held on 13 October 2009:

At this meeting the Council adopted Option 2A – “Modified ‘Ornamental’ Permanent Water Solution” The Council also authorised the Chief Executive Officer to;

- engage the services of appropriately qualified consultants as necessary to progress and refine the detailed design and documentation of the restoration project and obtain the appropriate statutory approvals to enable the Masterplan (with Addendum) to be implemented; and
- prepare the necessary plans, including but not limited to:
 - Ecological Impact Plan;
 - Acid Sulphate Soil Plan;
 - Contaminated Site Management Plan; and
 - Environmental Management Plan;

Ordinary Meeting held on 19 April 2011:

The Council considered progress Report No. 9 in relation to the Hyde Park Lakes Project. The report outlined a detailed chronological order of events/delays/frustrations with the project. Following consideration of the report the following decision was made:

“That the Council;

- (i) *RECEIVES progress report No. 9 as at 8 April 2011 on the Hyde Park Lakes Restoration and receives further progress reports as additional relevant information becomes available;*
- (ii) *NOTES:*
 - (a) *the letter received from the Assistant Secretary Urban Water Security Branch of the Australian Government’s Department of Sustainability, Environment, Water, Population and Communities shown in Appendix 9.2.1 and the officers comments regarding the letter contained in the report;*
 - (b) *the Urban Water Security Branch has been advised that as soon as the Town receives a formal response from the Department of Environment and Conservation regarding the Detailed Site Investigation, and a way forward has been determined by the Council, a revised implementation timetable with updated milestones will be forwarded to the Urban Water Security Branch of the Australian Government’s Department of Sustainability, Environment, Water, Population and Communities;*
 - (c) *the progress to date and the issues confronted by the Town in progressing the project, as outlined in the report; and*
 - (d) *that a Hyde Park Lakes Restoration Working Group meeting will be convened followed by a further progress report to the Council as soon as a formal response has been received regarding the Detailed Site Investigation findings/recommendations from the Department of Environment and Conservation (and the Department of Water);*

- (iii) *ADVISES the Assistant Secretary Urban Water Security Branch of the Australian Government's Department of Sustainability, Environment, Water, Population and Communities of its decision;*
- (iv) *REQUESTS the Chief Executive Officer to provide advice in the next progress report in regard to whether the current Option 2A design approved by Council for the lakes restoration project is the most appropriate plan to proceed with on the basis of agency advice and results of the DSI as compared to Option 1 (Integrated Wetland option) originally presented by Syrinx Environmental Pty Ltd and adopted by Council "in principle" in February 2009; and*
- (v) *AUTHORISES the Mayor, Chief Executive Officer, Director Technical Services and interested Councillors to meet with the Minister for Environment and Water."*

DETAILS:

Hyde Park Lakes Restoration Working Group Meeting (HPLRWG) - 7 June 2011:

Representatives from the Department of Environment and Conservation (DEC) and the Department of Water (DOW) were invited to attend this meeting.

Department of Environment and Conservation comments:

DEC advised that following assessment of the Detailed Site Investigation (DSI) it was evident that the sediments if allowed to dry out would oxidise and subsequently may adversely impact the groundwater system; therefore they must remain covered or be removed. High levels of metals were evident in the sediments; particularly lead which was a major issue. Removal of the sediments would decrease the amounts of heavy metals in the lakes.

DEC advised that Monosulfidic Black Oozes (MBO's) were naturally occurring and Potential Acid Sulphate Soils (PASS) were evident within the sediments. Results had shown that there were various "hotspots" identified, however levels varied significantly over the lake beds.

It was suggested that during the first winter rains (initial flush) metals could be mobilised from the oxidised Acid Sulphate Soils (ASS) and remediation is required to reduce the potential for acid generation and minimise the risk of contamination of the groundwater.

DEC advised that an Acid Sulphate Soil Management Plan (ASSMP) needed to be prepared and submitted to them, for sign off, prior to the commencement of any site works.

In summary:

- It was suggested that lining the lakes may not be the most cost effective solution.
- Investigation, including pilot studies, would need to be undertaken to determine the feasibility of treating the sediments prior to DEC approval of the re-use of the sediments on site.
- If the lakes were lined there was also a possibility that ASS sediments beneath the proposed liner may oxidise.
- DEC advised that it is likely that MBOs may re-accumulate in the lakes over time and thus that the lakes may require some ongoing management. The time taken for this re-accumulation is not known and virtually impossible to quantify but is likely to be in the order of decades.
- Lining would create a hydraulic barrier for any interface with the groundwater system which would then reduce the lakes recharge during winter.

Department of Water comments:

DOW advised that lined lakes were generally considered a problem and water compensating basins such as the Hyde Park Lakes should be treated as discharge/recharge basins. Their position is that ornamental lined lakes required significant maintenance, were costly and natural systems were better and worked more efficiently.

A review of the revised plan showed various sedge planted areas and it was advised that the lakes should not be considered as the treatment system but the receiving water body and that the treatment of the stormwater should be carried out prior to reaching the lakes.

It was considered that gully soak wells and other appropriate measures should be installed to the north of Hyde Park within the Hyde Park Branch Drain catchment area, and that the City in discussion with the Water Corporation should look at diverting more stormwater into the lakes during storm events by possibly adjusting/rebuilding the inlet chambers.

The conclusions of the DOW presentation are as follows:

- Disconnect drainage piped systems and install gully soak wells and other infiltration measures in the catchment
- Raise operating levels of lake/inlet chamber
- Excavate sediments
- Re-think edge treatments and investigate the possible inclusion of "beaches" as per the following photo of the Ellenbrook lakes.



Comments and Conclusions:

The HPLRWG preferred position was that lining of the lakes is no longer the preferred option for the following reasons:

- There is no guarantee that water will be available to recharge the lakes in the future;
- There would be no interface with ground water if the lakes were lined.
- Residents are now more accepting of the fact that the climate is drying.
- Not a long term sustainable option
- Sediments may dry out and oxidize beneath the liner, creating further issues

It was agreed that a report should be presented to the Council as soon as possible with a revised plan showing no lining and the lake walls being rebuilt but only moved minimally inside the existing walls. The stagnant corners of both lakes would be redesigned and other features such as the swale and islands retained as originally planned.

Proposed alternative Restoration Option 2B:

As outlined above the HPLRWG members now consider that the objectives of improving the aesthetics of the Lakes and maintaining some water in the Lakes during summer can still be achieved without lining if other measures as suggested are implemented.

Officers have now prepared an alternative Concept Plan No. 2078-CP-01A. The plan indicates no lining of the lake beds and whilst new walls are proposed around the entire perimeter of both lakes the size of the lakes has now only been reduced marginally.

Reducing the size of the lakes by up to 25% (Option 2A) has been somewhat controversial and now with the option not to line the lake bed being considered the existing area will be required to grade to the depth needed to maintain some water by interfacing with the groundwater table.

All other proposals indicated in Option 2A, including the lake island treatments, the swales, removal of the stagnant corners of both western and eastern lakes, plantings, future boardwalks or viewing areas all remain.

It should be noted that this concept has been prepared at officer level based on recent findings and information received and certain aspects maybe subject to change dependent upon practicability, functionality and cost.

Project Delivery Mechanism:

The City's officers have recently met with Golder Associates to discuss how the project could be delivered particularly given the current time restraint and in view that the Council would not want to jeopardise the funding committed by the Federal Government to this project.

Golders have been involved with this project for some time now, having completed the Detailed Site Investigation (DSI) and have attended numerous meetings where they have gained a vast amount of background knowledge of the project. They are therefore ideally placed and have the required experience, knowledge and expertise to project management and preparation of regulatory documentation and plans.

In addition, Golders were requested to provide a timeline and indicative costs of taking the project from where it currently sits to the commencement of the construction stages.

It was indicated by Golders personnel that once the Council had endorsed the alternative non-lining Option 2B, that groundwater modelling was required followed by completion of a Remediation Action Plan (RAP) and Acid Sulphate Soil Management Plan (ASSMP).

Following submission and approval of this regulatory documentation by the DEC, final designs could then be completed in relation to sediment management and lake/swale designs prior to tender documentation being prepared for construction to commence on site.

Project Delivery Timeline:

As requested Golder Associates have provided an indicative timeline and cost estimate to project manage and complete the necessary modelling, regulatory documentation, designs and tender specifications/documentation required up to the construction stage.

The proposal is outlined below

- Groundwater modelling (field work and review): August 2011 – October 2011
- Remedial Action Plan (development, review and DEC approval): August 2011 – November 2011
- Acid Sulphate Soil Mgmt. Plan (development, review and DEC approval): August 2011 – October 2011

- Design of Sediment Management (develop options, review, design & approvals): Nov 2011 – April 2012
- Design of Lake Restoration (objectives & requirements, design, review & approvals): Oct 2011 – March 2012
- Lake Restoration tender (develop, review, tender evaluation, contract negotiation): March 2012 – June 2012
- Sediment Removal tender (develop, review, tender evaluation, contract negotiation): April 2012 – July 2012
- Award Sediment & Lake Restoration contracts & commence construction: May 2012 – June 2012
- Commence construction: July 2012

Officers Comments:

As previously mentioned this project has been progressing 'slowly' since 2009. The report presented to the Council on 19 April 2011 outlined in detail the chronological order of events/delays/frustrations with the project. The initial timeline indicated that the project would be completed by June 2012. As can be seen from the above timeline, now that the DEC and DoW have reached a position regarding a preferred way forward (following consideration of the Detailed Site Investigation), it is envisaged that the actual construction will not be able to commence until July 2012 and therefore any realistic project completion date will not be until at least June 2013.

Commonwealth Funding Deed:

In accordance with the Council's decision at its Special meeting held on 13 October 2009 the Chief Executive Officer was authorised to submit the Town's Masterplan with Addendum showing, Option 2A - "Modified 'Ornamental' Permanent Water Solution", together with the Application for funding to the Commonwealth Department of the Environment, Water, Heritage and the Arts. This was undertaken and the Deed was subsequently signed in July 2010.

The funding deed comprises a set of 'funding milestones' and due to the various delays in this project the City was not able to adhere to the milestones.

On 24 May 2011 the Director Technical Services wrote to the Assistant Secretary Urban Water Security Branch Department for Sustainability, Environment, Water, Population and Communities. An extract of the letter is as follows:

"As you are aware, from the Town's response of 5 May 2011, there have been significant delays in the implementation of the Hyde Park Lakes Restoration Project as reported to the Council at its Ordinary Meeting held on 19 April.

Therefore the Town of Vincent would like to formally request a variation to the Restoration of the Hyde Park Lakes Funding Deed in accordance with Section 26 of the Funding Agreement.

The Restoration of the Hyde Park Lakes Funding Deed, which was signed on 7 July 2010, outlines the milestone achievements to be attained in Stage One. Some elements of milestones 2 to 6 have been achieved as part of the first milestone of the final Detailed Site Investigation.

However it is anticipated that the time lapse, as outlined in the Town's letter of 5 May 2011, has impacted sufficiently on the Town's ability to complete the Hyde Park Lakes Restoration Project on time, particularly as we cannot commence any construction works until the outcomes of the Detailed Site Investigation have been finalized.

Accordingly, the Town would like to seek your agreement to negotiate a Deed to Vary the National Water Security Plan for Cities and Towns Hyde Park Funding Agreement. The variation process will accurately depict the project delivery ability from June 2011 to June 2012 completion date.

For your information a stakeholders meeting has been scheduled for 7 June 2011 following which it is anticipated that a revised time line will be prepared however in the interim I have attached an 'indicative' revised project timetable."

The Director Technical Services has been in verbal/email communication with the department however to date a formal response has not been received.

Officers Comments:

As mentioned above the initial timeline indicated that the project would be completed by June 2012. It is now envisaged that the actual construction will not be able to commence until July 2012 and therefore any realistic project completion date will not be until at least June 2013.

This information was only recently obtained by the officers and this matter has not yet been discussed in detail with officers from the Commonwealth Department of the Environment, Water, Heritage and the Arts.

The City's officers have however informed the department of option 2B (the unlined option) and the department indicated that they were fully supportive of this more sustainable option.

CONSULTATION/ADVERTISING:

Ongoing consultation with the various stake holders is continuing as required.

LEGAL/POLICY:

Hyde Park is included on the Heritage Council of Western Australia's Register of Heritage Places. The place has significant scientific and historic importance as a remnant of the former chain of wetlands that extended north of Perth and is valued as an important source of aesthetic and recreational enjoyment for the community. In accordance with the Heritage of Western Australia Act 1990, any proposed alteration or development to Hyde Park would be required to be referred to and approved by the Heritage Council of Western Australia prior to the commencement of works.

Hyde Park Lakes has been identified and recorded, and will need to be managed and remediated in accordance with the Contaminated Sites Act 2003 and Contaminated Sites Regulations 2006.

In addition, the proposed restoration works will impact registered Department of Indigenous Affairs (DIA) site 3792 and will require a Site Identification Survey. The survey will need to be conducted to Section 18 standards in accordance with the Aboriginal Heritage Act 1972.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 (adopted in principle) states:

"Natural and Built Environment

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

1.1.3 Enhance and maintain the City's parks, landscaping and the natural environment."

SUSTAINABILITY IMPLICATIONS:

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

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

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

FINANCIAL/BUDGET IMPLICATIONS:

As previously advised at the Special Council Meeting held on 13 October 2009 the Council approved of the following:

Project Budget	Amount
Stage 1 – Essential Works	\$4,000,000
Stage 2 – Future possible Staged Works	\$555,000
TOTAL	\$4,555,000

Once a decision is made on the way forward the following matters will need to be actioned as a priority.

- Groundwater modelling
- Remedial Action
- Acid Sulphate Soil management Plan
- Design of Sediment Management
- Design of Lake Restoration
- Lake Restoration tender
- Sediment Removal tender
- Award Sediment & Lake Restoration contracts & commence construction.

The indicative cost of the above works will be in the order of between \$300,000 and \$400,000.

Once the detailed design of the Lake Restoration has been undertaken (we only have an indicative concept plan at this stage) a detailed estimate of the cost will be able to be determined as detailed information of the following will be available e.g. volume of sediments to be removed/treated/reused. Also given that there will be no requirement to line the lakes this will obviously affect the estimated cost.

COMMENTS:

Should the Council adopt the revised option (2B unlined option), it will be absolutely imperative that the matters as outlined above be actioned as soon as possible to have any chance of completing the project by June 2012.

It is therefore commended that the Council approve of the Officer Recommendation.

7.1 Adoption of City of Vincent 2011/2012 Annual Budget

Ward:	Both	Date:	1 July 2011
Precinct:	All	File Ref:	FIN0025
Attachments:	001 – Submission from Mt Hawthorn Precinct Group		
Tabled Items:	Annual Budget- 2011/2012		
Reporting Officer:	M Rootsey, Director Corporate Services		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **APPROVES BY AN ABSOLUTE MAJORITY;**

1. BUDGET:

To **ADOPT** in accordance with Section 6.2(1) of the *Local Government Act 1995* the City of Vincent Annual Budget 2011/2012 for the year ending 30 June 2012, as distributed with this Agenda, “Tabled Item” and incorporating the:

- 1.1 Statutory Budget, Significant Accounting Policies and Schedule Notes, as shown in Section 4 of the Annual Budget;
- 1.2 Reserve Fund Budget, as shown in Section 4 of the Annual Budget;
- 1.3 Capital Works Budget, as shown in Section 5 of the Annual Budget;
- 1.4 Operating Budget, as shown in Section 6 of the Annual Budget; and
- 1.5 Schedule of Fees and Charges, as shown in Section 8 of the Annual Budget;

2. RATES:

To **IMPOSE**, in accordance with Section 6.32(1) and 6.35 of the *Local Government Act 1995*:

- 2.1 a General Rate of 6.415 cents to be applied to all rateable property in the City of Vincent for the year ending 30 June 2012; and
- 2.2 a Minimum Rate of \$624 in respect of any rateable property within the City for the year ending 30 June 2012;

3. RATE PAYMENT OPTIONS:

To **ADOPT**, in accordance with Section 6.45(3) of the *Local Government Act 1995*, the following payment dates for payment of rates by instalments:

	INSTALMENT	DATE
(a)	Due Date/First instalment	22 August 2011
(b)	Second instalment	24 October 2011
(c)	Third instalment	5 January 2012
(d)	Fourth instalment	9 March 2012

4. INSTALMENT AND ARRANGEMENTS ADMINISTRATION FEES AND INTEREST CHARGES:

To **IMPOSE:**

- 4.1 a charge of \$8.00 per instalment for payment of rates by instalments, to apply to the second, third and fourth instalment, in accordance with Section 6.45(3) of the *Local Government Act 1995* and Regulation 67 of the *Local Government (Financial Management) Regulations 1996*; and
- 4.2 an interest rate of 5.5% on instalments, to apply to the second, third and fourth instalment in accordance with Section 6.45(3) of the *Local Government Act 1995* and Regulation 68 of the *Local Government (Financial Management) Regulations 1996*;

5. LATE PAYMENT INTEREST ON OVERDUE RATES AND AMOUNTS:

To **IMPOSE** an interest rate of 11% per annum, calculated daily from the due date and continues until the date of payment on overdue:

5.1 rates in accordance with Section 6.51(1) of the *Local Government Act 1995* and Regulation 70 of the *Local Government (Financial Management) Regulations 1996*; and

5.2 amounts due to the City in accordance with Section 6.13 of the *Local Government Act (1995)*;

Excluded are deferred rates, instalment current amounts not yet due under the four (4) payment options, registered pensioner portions and current government pensioner rebate amounts;

6. RUBBISH CHARGE:

To **ADOPT** pursuant to the provisions of Division 5 of Part IV of the *Health Act 1911, (as amended)* a rubbish charge of \$260 per 240 litre bin per annum for a weekly service for all non rateable properties receiving the service;

7. REPORTING OF BUDGET VARIANCES:

To **ADOPT** the monthly reporting variance for the 2011/2012 financial year of 10% on items more than \$10,000, in accordance with the *Local Government Act* and Regulations No. 34 and 35 of the *Local Government (Financial Management) Regulations 1996*;

8. GROSS RENTAL VALUATIONS:

To **RECORD** the gross rental valuations as supplied by the Valuer General totalling \$352,262,916 in the Rate Book for use in the 2011/2012 financial year;

9. TRANSFER OF BUDGET 2010/2011 SURPLUS:

To:

9.1 **TRANSFER** the Budget 2010/2011 Surplus to the Capital Reserve to fund future capital works;

9.2 **NOTE** that the amount transferred to the Reserve Fund will be adjusted in the finalisation of the 2010/2011 annual accounts; and

9.3 **AUTHORISES** the Chief Executive Officer to make the necessary adjustment after the finalisation of the 2010/2011 annual accounts;

10. DISCONTINUED RESERVE FUNDS:

To **RESCIND** the following discontinued Reserve Funds as they are no longer active:

10.1 Heritage Loan Reserve Fund;

10.2 Len Fletcher Pavilion Reserve Fund;

10.3 Perth Oval Stage 2 Development Reserve Fund; and

10.4 Public Open Space Redevelopment Reserve Fund;

11. RESERVE FUNDS:

To ADOPT the Reserve Funds and their purpose (amended where applicable):

NAME OF RESERVE FUND	PURPOSE
Aged Persons and Senior Citizens Reserve	<p>This Reserve Fund was established in 1997/98 for the following purpose:</p> <ul style="list-style-type: none"> • <i>“For the acquisition, provision, maintenance, management or extension of the existing Leederville Gardens Village; or</i> • <i>the purchase or construction of a similar type of village for senior citizens or provision of aged or senior citizens; or</i> • <i>provision of aged or senior citizen facilities within the City’s boundaries.”</i>
Beatty Park Leisure Centre Reserve	<p>This Reserve Fund was established in 1994/95 for the following purpose: <i>“For the major upgrade/maintenance/repairs and redevelopment of the Beatty Park Leisure Centre including <u>the replacement or purchase of major plant, and equipment, fixtures and fittings.</u>”</i></p>
Cash-in-Lieu of Parking	<p>This Reserve Fund was established in 1996/1997 from payment of cash-in-lieu of car parking from development applicants. At the Special Meeting of Council held on 17 May 2011, the purpose of the Reserve Fund was amended to be as follows: <i>“This Reserve is established from payment of cash-in-lieu of car parking from development applicants and is to be used for the upgrade of existing car parking facilities or the establishment of new car parking facilities and associated infrastructure.”</i></p>
Capital Reserve	<p>This Reserve Fund was established in 1995/96 with an allocation of \$1,000,000 from the Infrastructure Account established under the City of Perth Restructuring Act for the following purpose: <i>“For future major capital works and projects.”</i></p>
City of Vincent Administration and Civic Centre Reserve	<p>This Reserve Fund was established in 1996/97 for the following purpose: <i>“For providing for major <u>upgrade/renovation/ and maintenance/repairs and replacement of the fixtures and fittings associated with the new City’s Administration and Civic Centre.</u>”</i></p>
Electronic Equipment Reserve	<p>This Reserve Fund was established in 1996/1997 for the following purpose: <i>“For the replacement and major upgrade of <u>electronic equipment including, but not limited to computer hardware and software, information technology and communication equipment.</u>” owned by the Town.</i></p>
Hyde Park Lakes Reserve	<p>This Reserve Fund was established in 2005 for the following purpose: <i>“For works associated with the investigation, maintenance, remedial works and the rehabilitation of the Hyde Park Lakes and surrounds.”</i></p>
Land and Buildings Asset Acquisition Reserve	<p>This Reserve Fund was established in 1995/1996 from proceeds of sale of land for the following purpose: <i>“To ensure that proceeds of real <u>estate</u> assets disposed of are restricted to purchase other land and buildings for civic purposes.”</i></p>
Leederville Oval Reserve	<p>This Reserve Fund was established in 1998/99 with an allocation of \$1,000,000 from the Infrastructure Account established under the City of Perth Restructuring Act. At the Special Council meeting of the 30 October 2001 it was resolved to change the purpose of this Reserve Fund to the following: <i>“<u>For the redevelopment of Leederville Oval</u> and for works associated with the maintenance, repairs, upgrade and replacement of Leederville Oval, buildings, fixtures, fittings and associated land.”</i></p>

NAME OF RESERVE FUND	PURPOSE
Light Vehicle Fleet Reserve	This Reserve Fund was established in 2001/2002 for the following purpose: <i>"To fund the replacement of the City's light vehicle fleet.", which is now contracted to occur every three years. An annual transfer will be made to this reserve, which minimises the impact of the capital outlay for the light vehicle fleet in the year of the replacement of the fleet.</i>
Loftus Community Centre Reserve	This Reserve Fund was established in 1994/95 from contributions made by the Lessee of the Loftus Community Centre for the following purpose: <i>"For the redevelopment of the Centre, including upgrade/renovation/maintenance/repairs and replacement of replacing major items of plant, and equipment, fixtures and fittings." or modifications to the Centre.</i>
Loftus Recreation Centre Reserve	This Reserve Fund was established in 1994/95 from contributions made by the Lessee of the Loftus Recreation Centre for the following purpose: <i>"For the upgrade/renovation/maintenance/repairs/renovation of the Centre and the purpose of replacing major items of plant, and equipment, fixtures and fittings." or modifications to the Centre.</i>
Office Building Reserve – 246 Vincent Street	This Reserve Fund was established in 2003, for the following purpose: <i>"For major building upgrade/maintenance/repairs/renovation and replacement of <u>floor covering</u>, fixtures and fittings associated with the new Office Building and Land."</i>
Parking Facility Reserve	This Reserve Fund was established in 2008. At the Special Meeting of Council held on 17 May 2011, the purpose of the Reserve Fund was amended to be as follows: <i>"For the:</i> <ul style="list-style-type: none"> <i>• purchase, maintenance and operations of parking ticket machines;</i> <i>• provision and improvement of parking information systems;</i> <i>• security lighting, improved pathways and associated infrastructure to access parking areas;</i> <i>and associated works."</i>
Parking Funded Sustainable Transport Initiatives Reserve	This Reserve Fund was established in 2011 for the following purpose: <i>"For the provision of sustainable transport initiatives and modes and including, but not limited to, the provision and maintenance of footpaths, cycle ways and other cycling support facilities, bus shelter and other transit facilities."</i>
Parking Funded City Centre and Parking Benefit Districts Upgrade and Promotion Reserve	This Reserve Fund was established in 2011 for the following purpose: <i>"For the provision and upgrade of infrastructure, facilities and services, both parking and non-parking, in the City of Vincent City Centres and the promotion of those City Centres as well as works associated with any Parking Benefit Districts as determined by the Council."</i>
Perth Oval Reserve	This Reserve Fund was established in 2001 for the following purpose: <i>"For works associated with the maintenance, repairs, upgrade and replacement of Perth Oval buildings, fixtures, fittings and associated land, including Loton Park."</i>
Plant and Equipment Reserve	This Reserve Fund was established in April 1995 for the following purpose: <i>"For the purchase of replacement plant and equipment associated with Council's the City's works."</i>

NAME OF RESERVE FUND	PURPOSE
State Gymnastics Centre Reserve	This Reserve Fund was established in 2002 for the following purpose: <i>“For works associated with the maintenance, repairs, alterations, upgrade and replacement of the proposed State Gymnastics Centre building, major plant, equipment, fixtures, fittings and associated land.”</i>
Strategic Waste Management Reserve	This Reserve Fund was established in 2001 for the following purpose: <i>“Investigation and implementation of integrated waste management strategies/programs and initiatives, (including secondary waste treatment and costs associated with the redevelopment of Lot 118 Tamala Park).”</i>
Underground Power Reserve	This Reserve Fund was established in 1998/99, for the following purpose: <i>“For the purpose of funding the Councils the City’s possible contribution to <u>approved</u> underground power projects.” considered by State Government.</i>
Waste Management Plant and Equipment Reserve	This Reserve Fund was established in 2001 for the following purpose: <i>“For the purpose of replacing plant and equipment associated with <u>the City’s Council’s</u> waste management, <u>minimisation and recycling operations.</u>”</i>

COUNCIL DECISION ITEM 7.1

Moved Cr Topelberg, **Seconded** Cr Maier

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, **Seconded** Cr Lake

That the following be deleted out of City of Vincent Annual Budget 2011/2012:

1. (Page 6.18) “Other Welfare – Other Expenditure” delete “Donation Kyilla Primary School Grounds (\$10,000)”;
2. (Page 6.18) “Revenue” delete “Kyilla School Contribution (\$5,000)”;
3. (Page 7.4) Delete “Kyilla Primary School – Improvements (\$10,000)”.

Debate ensued.

AMENDMENT PUT AND LOST (2-7)

For: Cr Lake, Cr Maier

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

**MOTION PUT AND CARRIED UNANIMOUSLY
BY AN ABSOLUTE MAJORITY (9-0)**

PURPOSE OF REPORT:

To present the Annual Budget 2011/2012 to the Council for adoption.

BACKGROUND:

The City's Administration, in conjunction with the Council Members, have prepared the Budget for 2011/2012. This is in keeping with the Strategic Community Plan (Plan for the Future), the Council's Strategic Plan (2011 – 2016) and adopted Annual Plan – Works Programs 2011/2012.

A Briefing Session for Council Members was held with the City's Senior Officers on the Draft Budget 2010/2011 on Wednesday 27 April 2011.

Two Special Council Meetings have been held to discuss the Draft Budget 2011/2012 on the 3 May and 17 May 2011 respectively.

At the Special Council Meeting held on 17 May 2011 the Draft Budget 2011/2012 was adopted in principle to be advertised for community consultation as follows:

"That the Council;

- (i) APPROVES IN PRINCIPLE the Draft Budget 2011/2012 as Tabled and provided separately to Council Members, subject to the following:*
 - (a) (Page 1.12) That the wording "Second Hand Piano" be changed to read as "Replacement of Piano";*
 - (b) That an amount of \$10,000 be included on the Draft Annual Budget 2011/2012 for the following project:*
 - "Britannia Reserve Masterplan – progression of Draft Masterplan and community consultation"; and*
 - (c) That the proposed amount of \$400,000 allocated in the Draft Budget to the Parking Facility Reserve Fund (\$300,000) and Capital Reserve Fund \$100,000, be changed to the following Reserve Funds:*
 - \$100,000 – Parking Facility.*
 - \$150,000 – Parking Funded Sustainable Transport Initiatives.*
 - \$150,000 – Parking Funded Town Centre Upgrade and Promotion;*
- (ii) subject to clause (i) being approved, ADVERTISES the Draft Budget 2011/2012 for public comment for a period of fourteen (14) days in accordance with Policy No. 4.1.5 – Community Consultation and considers any submissions which may be received;*
- (iii) APPROVES BY AN ABSOLUTE MAJORITY pursuant to Section 6.11 of the Local Government Act 1995 to:*
 - (a) change the name of the "Car Parking Development Reserve" to "Cash-in-Lieu of Parking Reserve", as this better describes the use of the Reserve Fund;*
 - (b) change the purpose of the "Cash-in-Lieu Parking Reserve Fund" to be as follows:*

"This Reserve is established from payment of cash-in-lieu of car parking from development applicants and is to be used for the upgrade of existing car parking facilities or the establishment of new car parking facilities and associated infrastructure."

- (c) *change the purpose of the "Parking Facility Reserve Fund" to be as follows:*
- "This Reserve is for;*
- the purchase, maintenance and operations of parking ticket machines;*
 - provision and improvement of parking information systems;*
 - security lighting, improved pathways and associated infrastructure to access parking areas;*
- and associated works."*
- (d) *create the following new Reserve Funds:*
- "1. Parking Funded Sustainable Transport Initiatives*
- "This Reserve is for the provision of sustainable transport initiatives and modes and including, but not limited to, the provision and maintenance of footpaths, cycle ways and other cycling support facilities, bus shelters and other transit facilities." "*
- "2. Parking Funded Town Centre and Parking Benefit Districts Upgrade and Promotion*
- "This Reserve is for the provision and upgrade of infrastructure, facilities and services, both parking and non-parking, in the Town of Vincent Town Centres and the promotion of those Town Centres as well as works associated with any Parking Benefit Districts as determined by the Council" "; and*
- (iv) *NOTES that a:*
- (a) *review of all the Town's Reserve Funds is being carried out and will be reported to the Special Meeting of Council 5 July 2011; and*
- (b) *Special Meeting of the Council will be held on 5 July 2011 to consider any submissions received and to adopt the Budget 2011/2012."*

At the end of the Community Consultation period on the 7 June 2011, one submission was received from the Mount Hawthorn Precinct Group. The full submission is attached in Appendix 7.1(a).

The responses to the matters raised in the submission are listed below:

- A. "1.6**
EXPENDITURE FOR DEVELOPMENT OF BUDGET FUNDING
INFRASTRUCTURE ASSETS 2011/2012 TOTAL SOURCE PRIORITY
MISCELLANEOUS
City Status Signage and other expenditure \$60,000
Justification for Recommendation of Item
Funds required to implement the proposed change of status of Vincent"

Comments:

At the Ordinary Meeting of Council held on 22 February 2011, the Council approved of the matter. A submission was subsequently sent to the Minister for Local Government for consideration and approval. On 10 June 2011, an order was gazetted approving of the Town being granted City designation, effective from 1 July 2011.

Section 2.4 of the Local Government Act 1995 prescribes the requirements to become a City. In essence, a local government must have more than 30,000 inhabitants. A Business Plan is not required and, therefore, was not prepared.

It is important to note that the changes do not affect services or programs being delivered to the community or increased rates or fees levied.

B. *"DRAFT ANNUAL BUDGET 2011/2012 OVERVIEW*

3. Capital Works

The Town continues to provide ongoing funding for the established Capital Works Programmes:

Parks Furniture

Parks furniture – various locations

Britannia Road Reserve (south) – electric BBQ \$15,000"

Comments:

The Council's Physical Activity Plan was presented to the Council at the Ordinary Meetings held on 7 December 2010 (Item 9.3.2) and 5 April 2011 (Information Bulletin). A Five (5) Year Parks and Reserves Development Plan outlined various improvement works at various Parks and Reserves, including Britannia Road Reserve. The addition of an electric BBQ and park benches was subject to funding availability.

These items were subsequently included in the 2011/2012 Draft Budget.

C. *"Draft Capital Budget 2011/2012*

EXPENDITURE FOR DEVELOPMENT OF BUDGET FUNDING

INFRASTRUCTURE ASSETS 2011/2012 TOTAL SOURCE PRIORITY

Britannia Road Reserve (south) - Installation of Shade Sails \$30,000

Justification for Recommendation of Item

CMR 25912/CEO Request for Shade Sale Installation"

Comments:

A shade sail over the children's playground at the southern end of the reserve has been requested by various community members for some years and due to funding constraints, has not been approved as a budget priority.

On 9 February 2010, the Council adopted Policy No. 3.8.11 - "Sun and Sunsmart". This Policy provides guidance to the Council to reduce community exposure to ultra-violet radiation.

Following a recent assessment of all the City's playgrounds, this playground was identified as one of the few that urgently required a shade sail, as the provision of natural shade was only a long term solution given the recent demise and required removal of several large mature trees located in and around the playground area.

The City's Administration, therefore, support this shade sail, as it is in keeping with the Council Policy and will provide protection to the children using this popular playground.

D. *The draft budget does not appear to show recouped funds for the approximately \$14,000 spent out of last year's budget to provide drawings for Football West's proposed administration block, and other structures, at Litis Stadium. Where is this money?*

Comments:

An amount of \$6,000 is included in the Budget 2010/11 for investigation of Football West Headquarters (HQ) at Litis Stadium - not the \$14,000 as stated by the Mount Hawthorn Precinct Group. To date, \$2,000 has been spent for Quantity Surveyor Fees. The Architect has not submitted any invoices for their architectural work as the project has not proceeded and no further expenditure is expected.

As previously advised, Football West have decided not to pursue this site as their future HQ.

A recoup of funds was not a condition of this project.

DETAILS:

1. Overview

Despite continual global economic uncertainties this year's Annual Budget for 2011/2012 has been prepared in a positive economic climate for Western Australia.

However, there has been significant increases in State Government charges during the last financial year, such as electricity, gas and water and the State Government is expected to impose further increases in the forthcoming year. This again will have an impact on the operating expenditure for 2011/2012.

The Annual Budget 2011/2012 as presented, provides for a wide range of projects and programmes to the Vincent community and the Budget is linked to the goals and objectives to the Council's "*Plan for the Future 2011-2016*".

The Capital Works Programme caters for a number of building projects including one of the most significant and long anticipated projects to be undertaken in the City; the redevelopment of the Beatty Park Leisure Centre. The Centre has been long overdue for an upgrade and an internal working group has been busy getting to the position where the redevelopment works can commence. This project represents a significant financial investment for the City and will be funded by a combination of State Government grant's funding, City's reserve and internal funds and loan funds. The money allocated on this Budget is the amount estimated required to complete the project.

This year's building budget includes further funds allocated to:

- finalising the Mount Hawthorn Community Centre upgrade project;
- improvements to the Banks Reserve Pavilion has received funds for;
- as part of the City's Universal Access Building Programme the installation of a unisex toilet Hyde Park West; and
- the continuation of the initiative to install baby change stations, seats and signage at various City owned properties.

The Loftus Centre has again received funding in this year's Budget to ensure that it is maintained as one of the prime centres in the metropolitan area. With monies being allocated for the upgrade of security, the upgrade of two change rooms and playground fencing at the Crèche.

The Infrastructure Works Programme is designed to provide a wide range of works to meet the community requirements and to ensure that the budgeted funds are allocated to maintain and replace the City's existing infrastructure.

A sizable number of Traffic Management projects that have been allocated funding as a result of resident requests include:

- Lindsay/Monger Street;
- Menzies Park – surrounding streets;
- Intersection Scarborough Beach Road/Dunedin Street;
- Charles Street;
- Coogee/Ashby Streets;
- The Boulevard/Ashby Streets;
- Green Street and Flinders Street and
- Knebworth Avenue.

The City has allocated funds to undertake the following Streetscape Improvements in this year's budget at:

- Claisebrook Road;
- Charles Street – verge paving and
- Brisbane Terrace – street planting.

Additional funds to complete the Little Parry Lane and funds to convert the two-way traffic in Brisbane Street from William to Beaufort Street has been included as part of the Roadwork Improvement Programme.

The City continues to receive grant funding from both the State and Federal Government through Main Roads, Black Spot and Roads to Recovery submissions. This year eleven projects with a value of \$1,373,115 will be undertaken.

This is the thirteenth year of the Footpath Replacement Programme, with the majority of the poor conditioned paths being replaced as the programme nears completion. This budget includes a major capital investment in our Parks and Reserves area.

The Eco-zoning Project (whereby parks will be modified to reduce water use) approved by Council during the year also receives further funds in this budget.

Allocations for the refurbishment of the Hyde Park Water Playground Refurbishment have been made.

The inclusion of the following two projects will ensure that the Water Conservation Plan is implemented and monitoring of water use is undertaken:

- Installation of water meters on bores in passive Parks;
- Central Control Irrigation System – Stage 1.

This is the final year of the Playground Upgrade Programme, and the playground at Charles Veryard Reserve will be upgraded this financial year.

Monies have also been included on this year's budget to continue with the upgrade of the surrounds and equipment in various playgrounds.

There are several significant Park Development projects to be undertaken this financial year with the most prominent being the Restoration of the Hyde Park Lakes. This project has unfortunately been delayed as the City waits for the required approvals to be provided from the various government regulatory bodies on how to proceed with the project.

Additional funds have been added to this Budget, funded from the Hyde Park Lakes Reserve Fund to ensure sufficient funds are available for the project. The works are scheduled to commence this financial year.

Stage 2 of the Weld Square Redevelopment has been listed to be undertaken this financial year.

This year as part of the Wetland Heritage Greenway Trail, a shared usage path from Farr Avenue to Vincent Street in planned for the Beatty Park Reserve. An allowance for further signage and artwork for the Trail has also been included in this Budget.

New barbeques will be installed at the following reserves:

- Banks Reserve;
- Britannia Road Reserve; and
- Smith's Lake Reserve.

An allocation has also been made for park furniture to installed in parks and reserve locations in Vincent.

Other projects in the Parks and Reserves area to be undertaken are:

- fencing at Jack Marks Reserve
- a basketball court at Weld Square and
- the replacement of various synthetic cricket wickets.

As a result of the investigations carried out following the major storm in March 2010, funds have been listed to improve the drainage at various locations that have in the past been susceptible to issues when storms have occurred.

In addition to this, a drainage retention basin is to be constructed in Robertson Park.

As previously mentioned, the economic outlook indicators for the 2011/2012 financial year are positive with Western Australia's economy the strongest in the country and Australia's economy, recognised as being one of the best placed in the developed world.

However, the State Government continues to increase utility charges which will not only have an impact on the City's operating budget but the household budgets of the general community.

The Council has been cognisant of the increasing costs of living for the community as well as ensuring the financial position of the City in setting the rates.

The 2011/2012 Annual Budget has therefore been prepared in conjunction with the objectives outlined in the *Plan for the Future (Strategic Plan 2011-2016)*, which was recently revised, and includes a proposed rate increase which takes into account the current inflation rates and the Local Government Cost Index.

An estimated inflation rate of 3.0% (State Consumer Price Index) together with an estimated Local Government Index between 3.5% and 4.5% for 2011/2012 has been used in the preparation of this Budget.

Salary budgets have been calculated in line with current salaries and increases based on performance and are in accordance with the Local Government Industry Award 2010. Also, a provision for an additional three (3) Ranger positions has been included in this Budget to maintain the additional ticket machines installed as part of the City's Car Parking Strategy. The provision for the transfer of funds to reserves to minimise the financial impact of future significant projects and the replacement of assets has again be included.

2. Key Financial Summary

The key financial features for the 2011/2012 Annual Budget include:

- Increase in the rate revenue of 4.30%;
- Rate Revenue required – \$22,056,960;
- Operating Revenue from other sources – \$19,502,515;
- Operating Expenditure – \$42,263,978;
- Depreciation Charges – \$8,134,940;
- New Capital Works Programme – \$10,948,648; and
- New Operating Costs – \$432,700.

3. Capital Works

The significant items in the Capital Works Programme include:

Road Works – Improvements	
Brisbane Street – William Street to Beaufort Street	\$200,000
Little Parry Lane – William Street to Beaufort Street (additional funds to complete project	\$40,000

Road Works – Rehabilitation	
Newcastle Street – Oxford Street to Loftus Street	\$260,000
Scarborough Beach Road – Charles Street to Loftus Street	\$380,000
Fitzgerald Street – Carr Street to Bulwer Street	\$225,000
Vincent Street – Charles Street to Leake Street	\$235,000
Roads to Recovery Programme	
<u>Federal Government Programme:</u>	
Bulwer Street – Pier Street to Stirling Street	\$26,000
Wasley Street – Norfolk Street to Fitzgerald Street	\$49,000
Bright Street – Broome Street to Lincoln Street	\$70,000
Kingston Street – Cleaver Street to the end	\$28,115
Black Spot Submissions	
Leake Street/Vincent Streets	\$50,000
Lord/Harold Streets	\$50,000
Streetscape Improvements	
Claisebrook Road	\$150,000
Charles Street – verge paving	\$7,500
Brisbane Terrace – southside tree planting	\$15,000
Wider Streets	
Hobart Street – Loftus Street to Edinboro Street	\$30,000
Commercial Precincts Upgrade	
Beaufort Street – Commercial Precinct (Walcott Street to St Albans Avenue)	\$12,000

The City continues to provide ongoing funding for the established Capital Works Programmes:

Landscaping

Eco-Zoning Implementation Plan for parks	\$30,000
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Reticulation

Installation of water meter on bores at passive parks	\$65,000
Central Irrigation System	\$150,000
Hyde Park Water Playground Refurbishment	\$140,000

Playground Upgrade

Charles Veryard Reserve – Playground Upgrade	\$50,000
Upgrade of surrounds/equipment at various playground locations	\$102,500
Robertson Park – Installation of a double swing	\$5,000

Parks Development

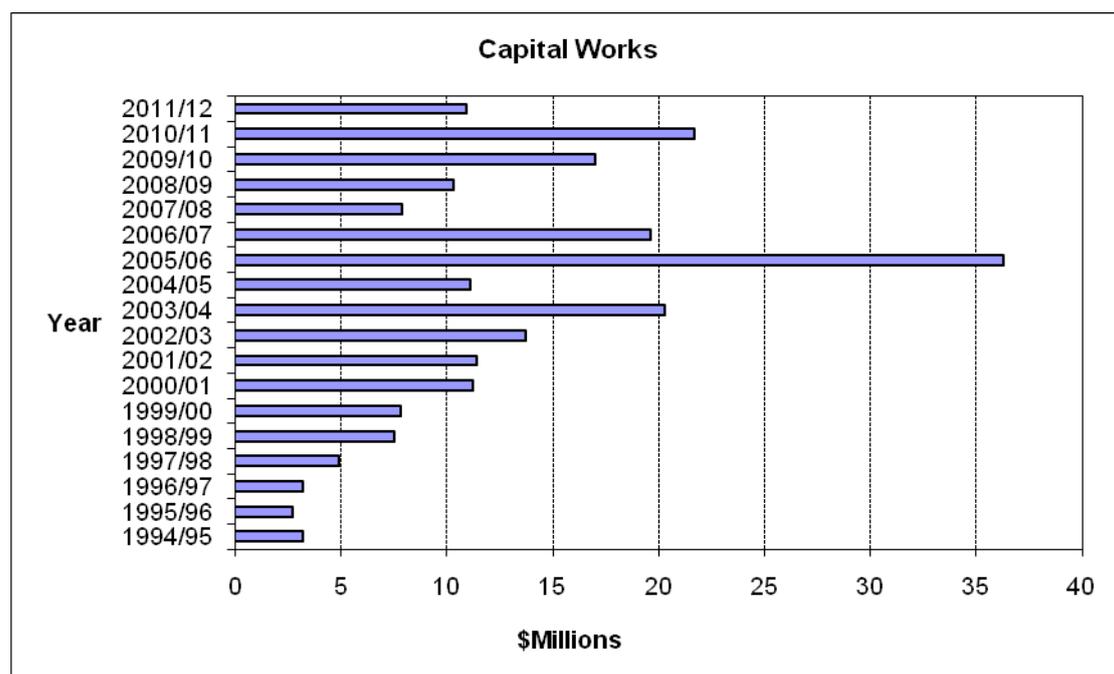
Hyde Park Lakes Restoration (additional funds)	\$220,000
Weld Square Redevelopment (Stage 2)	\$160,000
Les Lillyman Reserve – bitumen driveway access	\$25,000
Jack Marks Reserve fencing	\$15,000
Wetland Heritage Trail	\$100,000

Parks Furniture

Parks furniture – various locations	\$30,000
Banks Reserve – electric BBQ	\$15,000
Britannia Road Reserve (south) – electric BBQ	\$15,000
Smith Lakes – electric BBQ	\$15,000
Weld Square – basketball court	\$25,000

Drainage

Drainage Retention Basin – Robertson Park	\$75,000
Selkirk Street	\$16,000
Victoria Street	\$10,000
Alma Road	\$10,000
Raglan Road	\$10,000
Forrest – Monmouth Street	\$20,000
Norfolk Street	\$15,000
Mabel Street	\$15,000
Federation Street	\$15,000
Elizabeth Street	\$15,000
Ellesmere Street	\$15,000



4. Rates

The Annual Budget as prepared estimates a 4.30% increase in the rate revenue to fund the works as presented.

This year is a revaluation year, which is conducted every three (3) years by the Valuer General's office. The revaluation has resulted in a 20.3% in total Gross Rental Value (GRV) of the rateable properties from the previous revaluation in 2008.

As a result of this, the rate in the dollar has been adjusted to 6.63 cents, with a minimum rate of \$624 for the 2011/2012 financial year.

Rates notices will be scheduled for distribution by 19 July 2011.

The objective of the minimum rate is to ensure that all ratepayers make at least a reasonable contribution towards the cost of services provided by the City. Without the minimum rate there would be wide range in rate relativities, with some properties with lower gross rental values only paying a fraction of the rates paid on higher valued properties while receiving the same level of service.

The objective of the rate in the dollar of gross rental value is to raise the balance of funding necessary to cover the Budget deficit after adjustment for the yield from the minimum rate.

Payment of Rates

The *Local Government Act (1995)* provides for ratepayers to pay rates by four instalments.

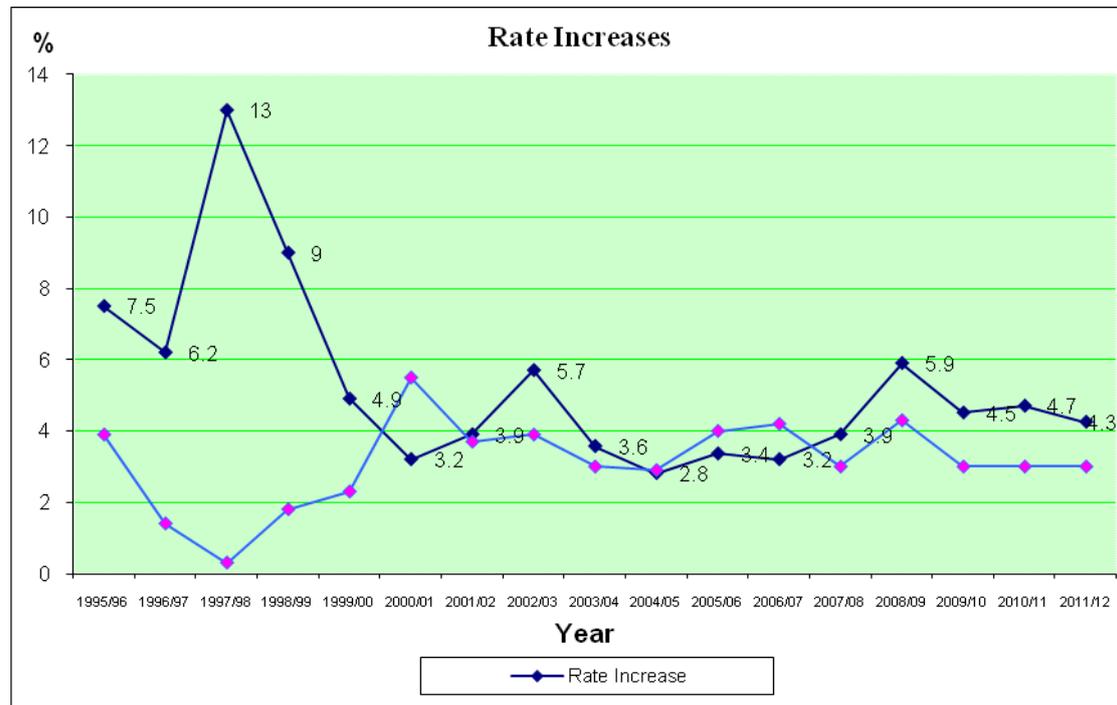
The due dates for each instalment are:

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 charge or interest.



Rates Incentive Prizes

The City will again provide incentive prizes to encourage the payment of rates in full in the 35 day period:

- 8 x \$250 Gift Vouchers for the Mezz Shopping Centre, Mount Hawthorn (if present at time of draw – as indicated on Rates Notice – the value of the voucher can be doubled);
- 1 x Commonwealth Bank cash prize to the value of \$2,000;
- 1 x North Perth Community Bank cash prize to the value of \$500;
- 1 x one night Breakaway Package at the Esplanade River Suites, South Perth plus breakfast for two;
- 1 x one night in a standard family cabin at any Aspen Park in WA;
- 1 x six month Membership package for Beatty Park Leisure Centre;

- 1 x three month Membership package for Loftus Recreation Centre;
- 4 x \$50 vouchers for lunch/dinner for two at Siena's Pizzeria Restorante-Café;
- 1 x \$100 voucher for lunch/dinner at The Oxford Hotel; and
- 5 x \$20 vouchers for Kailis Bros Fish Market and Café Leederville.

RATES COMPARISON 2010/2011						
Local Government	Residential Rate (Cents)	General Minimum	Residential Rubbish	Other Charges	Total Account on GRV \$15,000	Variation
<i>Perth</i>	4.6030	530	260		950	-14.7%
<i>Claremont</i>	6.8589	980			1029	-7.7%
<i>Peppermint Grove</i>	6.8914	882			1034	-7.2%
<i>Canning</i>	5.0350	461	315		1070	-4.0%
<i>Cambridge</i>	7.2619	748			1089	-2.3%
Vincent	7.4300	599			1115	0.0%
<i>Nedlands</i>	5.4080	992	312		1123	0.8%
<i>Joondalup</i>	6.0676	659	277		1187	6.5%
<i>South Perth</i>	6.7250	685	210		1219	9.4%
<i>Mosman Park</i>	6.4897	666	250		1223	9.8%
<i>Stirling</i>	6.2200	675	270	25	1228	10.1%
<i>Victoria Park</i>	8.2191	770	0		1233	10.6%
<i>East Fremantle</i>	8.4254	723	0		1264	13.4%
<i>Subiaco</i>	6.3500	593	315		1268	13.7%
<i>Fremantle</i>	8.4480	922			1267	13.7%
<i>Wanneroo</i>	8.6653	1005			1300	16.6%
<i>Bayswater</i>	6.9920	643	275		1323	18.7%
<i>Melville</i>	6.1195	600	360	49	1326	19.0%
<i>Rockingham</i>	6.9256	599	296	37	1335	19.8%
<i>Kalamunda</i>	6.9860	595	312		1360	22.0%
<i>Belmont</i>	7.5175	665	240		1368	22.7%
<i>Gosnells</i>	7.9330	747	223		1413	26.8%
<i>Swan</i>	8.1270	675	277	100	1496	34.2%
<i>Cockburn</i>	6.1330	575	345	21	1534	37.7%
<i>Mundaring</i>	9.5700	750	142		1578	41.5%
<i>Bassendean</i>	9.6040	820	145		1586	42.3%
<i>Armadale</i>	10.5600	829	222		1806	62.0%
<i>Kwinana</i>	10.1165	755	360		1877	68.5%

5. New Operating Items

An amount of \$432,700 has been allocated in the 2011/2012 Annual Budget for new operating items, as follows:

The Building and Planning items include allocations for the promotion of sustainable design and a Section 18 Application to undertake works at Robertson Park.

Library Services have requested the inclusion of system software to improve digital access to the current display of photographs held in the Local History Centre.

Health Services have requested new operating accounts for the continuation of the MenuWise-Kilojoule Labelling Initiative for which the grant funding has expired, funds for a quarterly publication for the City's registered food businesses and monies to be able to obtain title information in the issuing of statutory notices;

Community Development has requested funds for a number of projects including:

- Reconciliation Action Plan;
- Needs Study for residents with Disabilities;
- Seniors Physical Activity Project;
- Artists in Residence Programme and
- Men's Shed implementation.

A number of new environmental initiatives have been listed for inclusion in the Budget including:

- "Switch Your Thinking" Programme;
- "Living Smart" Programme;
- Environmental, Education/Workshop/Initiatives;
- National Tree Day; and
- Cities as Water Supply Catchments Research Programme.

Provision has also been made for a number of requests from Waste Management for items to be included in this year's budget:

- the collection of disposable waste being collected by contractors on various developments;
- Charges for the use of waste and recycling bins for events held in the City, (this will be offset by the revenue generated); and
- Funds for collection of battery/flouro/printer cartridge recycling programme.

The Specified Maintenance budget for City owned properties is \$131,500.

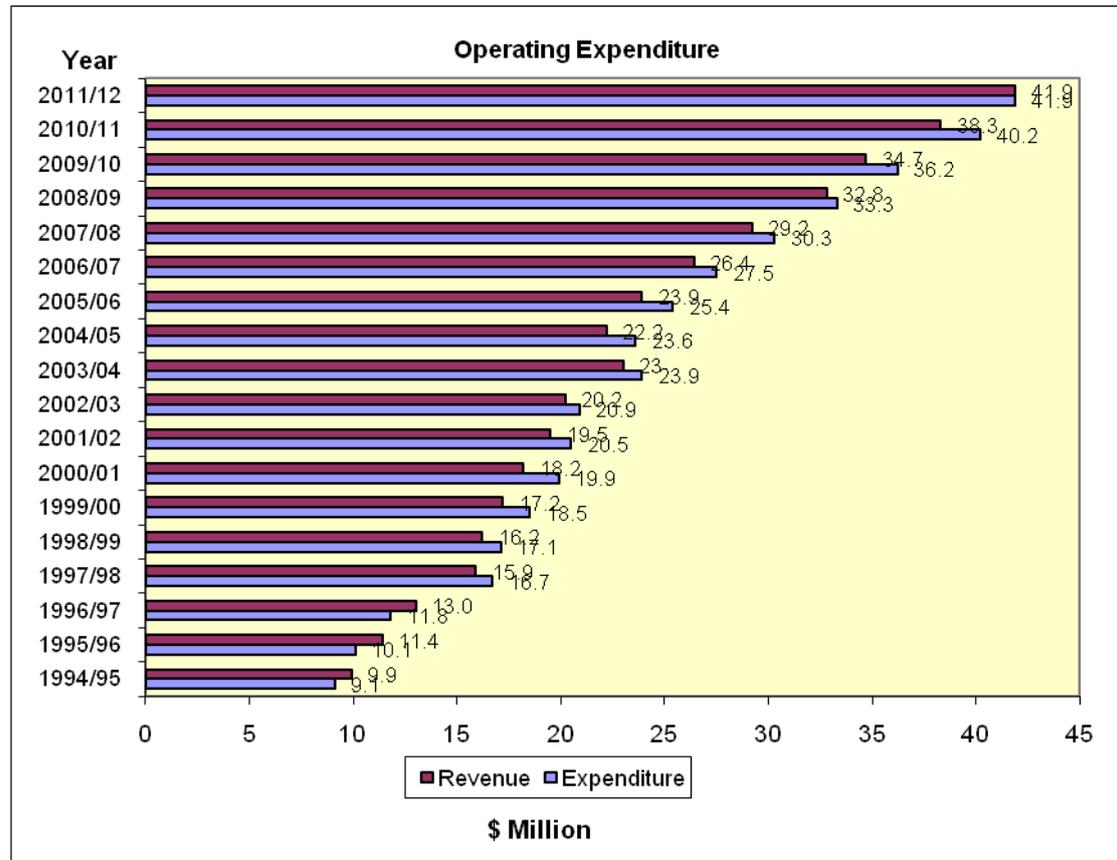
The funds are to be spent at the following locations:

- Highgate Childcare Health Clinic;
- Forrest Park Clubrooms;
- North Perth Playgroup;
- North Perth Town Hall;
- Highgate Pre Primary;
- Leederville Early Childhood Centre;
- Loton Park Tennis Club;
- North Perth Lesser Hall;
- Early Birds Playgroup and
- The Administration and Civic Centre.

An Asbestos Removal Programme is to be undertaken at the following locations:

- 4 View Street
- Avenue Car Park
- Leederville Oval East Toilet Block and
- Assetts (286 Beaufort Street).

Allocations in this budget have been made for the more energy efficient LED lighting to be installed in selected City properties as a replacement for the existing lighting.



6. Operating Budget

The increase in the Operating Expenditure is attributed to:

- Increase in utility costs;
- New operating expenditure items and
- Provision of a salary increase for permanent employees.

The Revenue Budget has been impacted by:

- Increase in development applications and building licence fees;
- Increases in parking fees from ticket machines as a result of increased fees and charges and the new ticket machines installed following the implementation of the Parking Strategy and
- Increases in other fees and charges.

7. Interest on General Debtors

The City of Vincent will impose a late payment penalty of 11% per annum on overdue sundry debtor accounts.

8. Emergency Services Levy

The Fire and Emergency Services Association (FESA) have advised that the rate in the dollar for the 2011/2012 financial year for the Emergency Services Levy (ESL) Category 1 is 0.0114 per GRV. There is a minimum and maximum per property use:

Residential, Farming and Vacant Land:

- Minimum: \$55;
- Maximum: \$280.

Commercial, Industrial and Miscellaneous:

Minimum: \$55;
Maximum: \$160,000

9. Reserve Funds

At the Special Council Meeting held on 17 May 2011 the Council considered the matter of the Reserve Funds and resolved (in part) as follows:

“That the Council:

...(i)(c) That the proposed amount of \$400,000 allocated in the Draft Budget to the Parking Facility Reserve Fund (\$300,000) and Capital Reserve Fund \$100,000, be changed to the following Reserve Funds:

- \$100,000 – Parking Facility.*
- \$150,000 – Parking Funded Sustainable Transport Initiatives.*
- \$150,000 – Parking Funded Town Centre Upgrade and Promotion;...*

...(iii) APPROVES BY AN ABSOLUTE MAJORITY pursuant to Section 6.11 of the Local Government Act 1995 to:

(a) change the name of the “Car Parking Development Reserve” to “Cash-in-Lieu of Parking Reserve”, as this better describes the use of the Reserve Fund;

(b) change the purpose of the “Cash-in-Lieu Parking Reserve Fund” to be as follows:

“This Reserve is established from payment of cash-in-lieu of car parking from development applicants and is to be used for the upgrade of existing car parking facilities or the establishment of new car parking facilities and associated infrastructure.”

(c) change the purpose of the “Parking Facility Reserve Fund” to be as follows:

“This Reserve is for;

- the purchase, maintenance and operations of parking ticket machines;*
- provision and improvement of parking information systems;*
- security lighting, improved pathways and associated infrastructure to access parking areas;*

and associated works.”

(d) create the following new Reserve Funds:

“1. Parking Funded Sustainable Transport Initiatives

“This Reserve is for the provision of sustainable transport initiatives and modes and including, but not limited to, the provision and maintenance of footpaths, cycle ways and other cycling support facilities, bus shelters and other transit facilities.””

“2. Parking Funded Town Centre and Parking Benefit Districts Upgrade and Promotion

“This Reserve is for the provision and upgrade of infrastructure, facilities and services, both parking and non-parking, in the Town of Vincent Town Centres and the promotion of those Town Centres as well as works associated with any Parking Benefit Districts as determined by the Council””; and...”

Review of Reserve Funds

It was also noted at that meeting the Council was advised that the Administration would review the current Reserve Funds and their purpose. A number of minor changes have been made to the wording, to provide clarity and remove ambiguity. Changes are shown by strikethrough and underlining.

Discontinued Reserve Funds

The following Reserve Funds that all have nil balances and are no longer required and will be discontinued. It is recommended that they be rescinded and removed from the current list.

- Len Fletcher Reserve Fund
- Heritage Loan Reserve Fund
- Perth Oval Development Reserve No 2
- Public Open Space Redevelopment Reserve

The current list (as amended) of Reserve Funds is listed in the Annual Budget 2011/2012 document on pages 4.17 to 4.22.

10. Reporting Variance 2011/2012

It is a requirement of the Local Government Act Financial Management Regulations, Regulation 34 and 35, that Local Governments adopt the reporting variance amount to be used in a financial year. This should be adopted at the start of the financial year.

The Local Government Department and auditors in the industry have recommended that the reporting variance be adopted as part of the adoption of the Annual Budget.

Last year the Council approved of a variance of 10% on items over \$10,000. It is recommended that these reporting variances are retained for the forthcoming financial year.

CONSULTATION/ADVERTISING:

The Draft Budget was advertised for fourteen (14) days for public comment in accordance with the City's Community Consultation Policy No. 4.1.5. One submission was received.

LEGAL/POLICY:

The Local Government Act 1995 Section 6.2 requires each local government to prepare and adopt, in the prescribed form and manner, an Annual Budget, prior to 31 August of each year.

STRATEGIC IMPLICATIONS:

The preparation and adoption of the Annual Budget is in keeping with the Council's Plan for the Future - Strategic Plan 2011-2016 - Key Result Area 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 practise 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."

RISK MANAGEMENT IMPLICATIONS:

When setting the Annual Budget, the City is exposed to financial risk over the long term if little regard is given to both revenue and expenditure implications beyond the budget period. The City has a long term Strategic Financial Plan which helps to mitigate the long term risks.

SUSTAINABILITY IMPLICATIONS:

The Budget 2011/2012 contains a number of sustainability initiatives which are linked to the previous strategic documents in this area.

FINANCIAL/BUDGET IMPLICATIONS:

The Annual Budget outlines the funding for works and services in the City for the financial year ending 30 June 2012.

COMMENTS:

The Annual Budget 2011/2012 has been prepared in an improved economic climate. The budget provides a comprehensive programme of works and operations which will allow the City to continue to maintain the existing service levels required. Accordingly, it is recommended that Council adopt the Annual Budget 2011/2012.

7.3 City of Vincent Car Parking Strategy 2010 Consideration of Submissions – City of Vincent Parking and Parking Facilities Local Law 2007 – Adoption of Amendments (2011), Adoption of New Time Restrictions Areas and Adoption of Parking Permit Policy No. 3.9.8 and Advertising of Additional Ticket Machine Zones

Ward:	Both	Date:	1 July 2011
Precinct:	All	File Ref:	LEG0047; PLA0098
Attachments:	001 – Local Law Schedule 2 002 – Local Law Schedule 6 003 – Local Law Schedule 7 004 – Parking Stations Days and Times of Operation 005 – Ticket Machine Zones Days and Times of Operation 006 – Various Plans 007 – Parking Permit Policy No. 3.9.8 008 – Fees and Charges 2011/2012 009 – Summary of Comments-Proposed Introduction of Time Restrictions 010 – Proposed Location of Ticket Machine		
Tabled Items:	Nil		
Reporting Officer:	R Boardman, Director Development Services		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

PARKING AND PARKING FACILITIES LOCAL LAW 2007

1. **CONSIDERS** the three (3) submissions received concerning the proposed amendments to the City of Vincent Parking and Parking Facilities Local Law 2007, as detailed in this report;
2. under the powers conferred by the *Local Government Act 1995* and by all other powers enabling it, resolved on 5 July 2011 by AN ABSOLUTE MAJORITY to **MAKE** the Local Law as follows:

**“LOCAL GOVERNMENT ACT 1995 (as amended)
CITY OF VINCENT PARKING AND PARKING FACILITIES LOCAL LAW
AMENDMENT LOCAL LAW NO. 1, 2011”**

- (a) *The “TABLE OF CONTENTS”, be amended as follows –*
 1. *a new clause heading “6.1 Establishment of metered zones, metered stalls and ticket zones” be inserted;*
 2. *“6.1” be renumbered as “6.2”, “6.2” be renumbered as “6.3”, “6.3” be renumbered as “6.4”, “6.4” be renumbered as “6.5” and “6.5” be renumbered as “6.6”;*
 3. *the heading “PART 7 – RESIDENTIAL PARKING PERMITS” be deleted and substituted with the following “PART 7 –PARKING PERMITS”;*
 4. *the clause heading “7.9 Display of Residential Parking Permit and Visitor’s Parking Permits” be deleted and substituted with the following “7.9 Display of Parking Permit”;*
 5. *the heading “Schedule 6 – Ticket Machine Zones” and “Schedule 7 – Parking Stations under Care, Control and Management of the Town of Vincent” be deleted;*

6. *the heading "Schedule 8 – Residential Parking Permit" be deleted and substituted with the following:*
- "Schedule 6 – Parking Permits"; and*
7. *the heading "Schedule 9 – Notice of Intent to Revoke Permit" be deleted and substituted with the following:*
- "Schedule 7 – Notice of Intent to Revoke a Permit";*
- (b) *Clause 1.5 amended*
- Subclause (4) be deleted and substituted with the following –*
- "(4) Where a parking facility or a parking station is determined to be under the care, control and management of the City, then the facility or station shall be deemed to be a facility or station to which this local law applies and it shall not be necessary to prove that it is the subject of an agreement referred to in subclause (2)."*
- (c) *Clause 4.9 amended*
- Subclause (1)(e) is deleted and substituted with the following –*
- "(e) which is determined by a Council resolution to be a parking station under the care, control and management of the City."*
- (d) *Clause 6 amended*
- A new subclause 6.1 be inserted as follows –*
- "6.1 Establishment of metered zones, metered stalls and ticket zones*
- (1) The local government may, by resolution –*
- (a) establish;*
- (b) indicate by signs; and*
- (c) vary from time to time;*
- metered zones, metered spaces and ticket zones.*
- (2) In relation to metered zones, metered spaces and ticket zones, the local government may prescribe –*
- (a) conditions and permitted times of parking;*
- (b) the manner of parking; and*
- (c) the classes of vehicles permitted to park;*
- but this authority shall not be exercised in a manner which is inconsistent with the provisions of this local law or any other written law."*
- (e) *the existing Clause "6.1" be renumbered as Clause "6.2", the existing Clause "6.2" be renumbered as Clause "6.3", the existing Clause "6.3" be renumbered as Clause "6.4", the existing Clause "6.4" be renumbered as Clause "6.5" and the existing Clause "6.5" be renumbered as Clause "6.6";*

(f) Part 7 amended

The existing heading "PART 7 – RESIDENTIAL PARKING PERMITS" is deleted and substituted with the following –

"PART 7 – PARKING PERMITS"

(g) Clause 7.1 amended

Clause 7.1 be amended to add the following definitions in alphabetical order –

- 1. "commercial parking permit" means a permit issued to a business by the local government pursuant to clause 7.3(3);**
- 2. "grouped dwelling" means a dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partially vertically above another, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata with common property."**
- 3. "multiple dwelling" means a dwelling in a group of more than one dwelling on a lot where 50 percent or greater of floor area of a dwelling is vertically above part of any other but:**
 - does not include a grouped dwelling; and**
 - includes any dwellings above the ground floor in a mixed use development."**

Clause 7.1 be amended to delete the existing definition of "eligible person" and substitute with the following definition –

"eligible person" where used in relation to an application for a–

- (a) "residential parking permit" means an owner or occupier of a single house, grouped dwelling or multiple dwelling;**
- (b) "visitor's parking permit" means –**
 - (i) a single house owner or occupier;**
 - (ii) a strata company;**
 - (iii) a unit owner or occupier of a residential unit which is not a strata lot;**
 - (iv) a grouped dwelling owner or occupier; or**
 - (v) a multiple dwelling owner or occupier;**
- (c) "commercial parking permit" means the proprietor of a commercial business;"**

(h) Clause 7.3 amended

Subclause (1) is deleted and substituted with the following –

"(1) The local government may upon a written application of an eligible person issue a residential parking permit in the form of Item 1 of Schedule 6";

Subclause(2) is deleted and substituted with the following:

“(2) The local government may upon a written application of an eligible person issue for the occasional use of visitors, a visitor’s parking permit in the form of Item 2 of Schedule 6”;

Subclause (3) is inserted as follows –

“(3) The local government may upon a written application of an eligible person issue a commercial parking permit in the form of Item 3 of Schedule 6”;

Subclause “(3)” is renumbered as subclause “(4)”;

Subclause “(4)” is deleted and substituted with the following –

“(5) Notwithstanding any other provision in this local law, the local government may approve the issue of a number of residential, visitor’s or commercial parking permits (as applicable) to any eligible person on such terms and conditions as the local government sees fit.”

(i) Clause 7.5 amended

Clause 7.5 is deleted and substituted with the following –

“7.5 Validity of permit

Every residential, visitor’s or commercial parking permit as the case may be, shall cease to be valid upon –

- (a) the expiry of a period of either 1 or 3 years (depending upon the permit issued) from and including the date on which it is issued;**
- (b) the holder of the permit ceasing to be an eligible person;**
- (c) the revocation of the permit by the local government pursuant to clause 7.6;**
- (d) the replacement of any permit by a new permit issued by the local government pursuant to clause 7.3.”**

(j) Clause 7.7 amended

Subclause 7.7 is deleted and substituted with the following –

“7.7 Removal of permit from vehicle

The holder of a residential, visitor’s or commercial parking permit shall forthwith upon that permit being revoked or ceasing to be valid remove the permit from the vehicle in which it is displayed or to which it is affixed.”

(k) Clause 7.8 amended

Subclause (1) is deleted and substituted with the following –

“(1) The local government may upon a written application of an eligible person and upon payment of the fee referred to in subclause (2), if any, issue a permit to replace a residential, visitor’s or commercial parking permit which is lost, misplaced, destroyed or stolen.”

(l) Clause 7.9 amended

The title of clause 7.9 is deleted and substituted with the following –

“7.9 Display of parking permit”

(m) Schedule 2 amended

The existing Schedule 2 is deleted and substituted with the attached new Schedule 2 as shown in Appendix 7.3(A);

(n) the existing Schedule 6 be deleted;

(o) the existing Schedule 7 be deleted;

(p) Schedule 8 amended

The existing Schedule 8 is deleted and substituted with the attached new Schedule 6 as shown in Appendix 7.3(B); and

(q) Schedule 9

The existing Schedule 9 is deleted and substituted with the attached new Schedule 7 as shown in Appendix 7.3(C);

PARKING STATIONS – DAYS AND TIMES OF OPERATION

3. APPROVES the amended days and times of operation of the Parking Stations Under the Care, Control and Management of the City, as shown in Appendix 7.3(D);

TICKET MACHINE ZONES – DAYS AND HOURS OF OPERATION

4. APPROVES the amended days and times of operation of the Ticket Machine Zones, as shown in Appendix 7.3(E);

PROPOSED TIME RESTRICTED AREAS

5. APPROVES the introduction of new time restrictions prescribed at the following locations:

NORTH PERTH

- 5.1 Alma Road, between Fitzgerald Street and Norfolk Street, two (2) hour parking restriction from 8.00am to 5.30pm Monday to Friday as shown on attached Plan No. 2815-PP-01, Appendix 7.3(F);

MOUNT LAWLEY/HIGHGATE

- 5.2 Harold Street, between Beaufort Street and Vincent Street, two (2) hour restrictions at all times, as shown on attached Plan No. 2818-PP-01, Appendix 7.3(F);

PERTH

- 5.3 William Street, between Bulwer Street and Lincoln Street, two (2) hour parking restriction from 8.00am to 5.30pm as shown on attached Plan No. 2803-PP-01, Appendix 7.3(F);

- 5.4 **Palmerston Street, between Bulwer Street and Glendower Street, two (2) hour parking restriction from 8.00am to 5.30pm Monday to Friday, as shown on attached Plan No. 2801-PP-01, Appendix 7.3(F); and**
- 5.5 **Primrose Street, between Palmerston Street and Lake Street, two (2) hour parking restriction from 8.00am to 5.30pm Monday to Friday, as shown on attached Plan No. 2820-PP-01, Appendix 7.3(F);**
6. **DOES NOT PROCEED with the introduction of new time restrictions at the following locations:**

NORTH PERTH
 - 6.1 **Glebe Street, between Alma Road and View Street, two (2) hour parking restriction from 8.00am to 5.30pm Monday to Friday as shown on attached Plan No. 2806-PP-01, 7.3(F);**
 - 6.2 **View Street, between Glebe Street and Leake Street, two (2) hour parking restriction from 8.00am to 5.30pm Monday to Friday, as shown on attached Plan No. 2806-PP-01, 7.3(F); and**
 - 6.3 **Woodville Street between View Street and Angove Street, two (2) hour parking restriction from 8.00am to 5.30pm Monday to Friday, as shown on attached Plan No. 2805-PP-01, Appendix 7.3(F);**
7. **DEFERS the introduction of new time restrictions within the following streets for a period of six (6) months from the ticket parking machines becoming operational, re-consult with the residents and provide a further report to Council.**
 - 7.1 **Cavendish Street, between Lincoln Street and Chatsworth Road, two (2) hour parking restriction from 8.00am to 5.30pm Monday to Friday as shown on attached Plan No. 2809-PP-01, 7.3(F);**
 - 7.2 **Raglan Road, between William Street and Hutt Street, three (3) hour parking restriction from 8.00am to 5.30pm Monday to Friday, as shown on attached Plan No. 2813-PP-01, Appendix 7.3(F);**
 - 7.3 **Grosvenor Road, between William Street and Hutt Street, three (3) from 8.00am to 5.30pm Monday to Friday, as shown on attached Plan No. 2814-PP-01, Appendix 7.3(F);**
 - 7.4 **Harley Street, between Lincoln Street and Chatsworth Road, two (2) hour parking restriction from 8.00am to 5.30pm Monday to Friday, as shown on attached Plan No. 2810-PP-01, Appendix 7.3(F);**
 - 7.5 **Broome Street, between Beaufort Street and Stirling Street, two (2) hour parking restriction at all times and Broome Street, between Stirling Street and Smith Street from 8.00am to 5.30pm Monday to Friday, as shown on attached Plan No. 2824-PP-01, Appendix 7.3(F);**
 - 7.6 **Chatsworth Road, between William Street and Cavendish Street, two (2) hour parking restriction from 8.00am to 5.30pm Monday to Friday and two (2) hours at all times from Cavendish Street to Beaufort Street, as shown on attached Plan No. 2811-PP-01, Appendix 7.3(F);**
 - 7.7 **Chelmsford Road, between William Street and the ROW abutting the eastern boundary of No. 30 Chelmsford Road, two (2) hour parking restriction from 8.00am to 5.30pm Monday to Friday and two (2) hours at all times from the ROW to the eastern boundary to No. 9 Chelmsford Road (the one-way slow point), as shown on attached Plan No. 2821-PP-01, 7.3(F);**

- 7.8 Clarence Street, between the ROW abutting the western boundary of No. 70 Clarence Street and Curtis Street, two (2) hour parking restriction at all times, as shown on attached Plan No. 2812-PP-01, Appendix 7.3(F);
- 7.9 Harold Street, between Stirling Street and Smith/Curtis Street, two (2) hour restrictions at all times, as shown on attached Plan No. 2807-PP-01, Appendix 7.3(F);
- 7.10 Lincoln Street, between William Street and Cavendish Street, two (2) hour parking restriction from 8.00am to 5.30pm Monday to Friday, as shown on attached Plan No. 2799-PP-01, Appendix 7.3(F);
- 7.11 Lincoln Street, between the eastern boundary of No. 160 Lincoln Street and Beaufort Street, north side only, two (2) hour parking restriction from 8.00am to 5.30pm Monday to Friday, as shown on attached Plan No. 2800-PP-01, Appendix 7.3(F);
- 7.12 St Albans Avenue, between Beaufort Street and Cavendish Street, two (2) hour restrictions, Monday to Friday at all times, as shown on attached Plan No. 2808-PP-01, Appendix 7.3(F);
- 7.13 Stirling Street, between Lincoln Street and Harold Street, two (2) hour restrictions, Monday to Friday 8.00am to 5.30pm, as shown on attached Plan No. 2823-PP-01, Appendix 7.3(F);
- 7.14 Vincent Street, between Beaufort Street and William Street, two (2) hour parking restriction at all times, as shown on attached Plan No. 2817-PP-01, Appendix 7.3(F).

PARKING PERMIT POLICY NO. 3.9.8

8. **CONSIDERS** the six (6) submissions that were received during the statutory consultation period concerning Policy No. 3.9.8 – Parking Permits; and
9. **ADOPTS** the amended Policy No. 3.9.8 relating to Parking Permits, as shown in Appendix 7.3(G).

ADVERTISING OF ADDITIONAL TICKET MACHINES IN EAST PERTH

10. **APPROVES** the advertising for proposed paid parking areas to be considered in the following streets;
 - 10.1 Braid Street;
 - 10.2 Caversham Street;
 - 10.3 Chelsea Street;
 - 10.4 Cheriton Street;
 - 10.5 Claisebrook Road;
 - 10.6 Coolgardie Terrace;
 - 10.7 Edward Street;
 - 10.8 Gladstone Street;
 - 10.9 Gregson Street;
 - 10.10 Lord Street;
 - 10.11 Murchison Terrace;
 - 10.12 Parry Street;
 - 10.13 Pier Street;
 - 10.14 Piscoferi Street;
 - 10.15 Roberston Street;
 - 10.16 Sommerville Street;
 - 10.17 Stirling Street;
 - 10.18 Summers Street; and
 - 10.19 Washing Lane;

11. NOTES that a further report will be submitted to the Council after the expiry of the consultation period and that at this time consideration will be given to the purchasing of the additional ticket machines to service the area; and

PARKING FEES

12. APPROVES BY ABSOLUTE MAJORITY the amended Draft Fees and Charges for 2011/2012, as shown in strike-through and underline from the version endorsed at the Ordinary Meeting of Council held on 10 May 2011, to remove reference to 'Night Fees' to correlate with the streamlining of the City's car parks to no longer differentiate between 'day' and 'night' parking, as shown in Appendix 7.3(H).

Moved Cr Topelberg, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

AMENDMENT NO 1

Moved Cr Topelberg, Seconded Cr Burns

That clause 9 be amended to read as follows:

- "9. ADOPTS the amended Policy No. 3.9.8 relating to Parking Permits, as shown in Appendix 7.3(G), subject to the Policy being further amended in Clause 8(b)(i) as follows:

"8. COMMERCIAL PARKING PERMITS

(b) Prohibitions

The City shall not issue a Parking Permit;

- (i) where a commercial business can provide 3 or more car parking bays on-site;..." "

Debate ensued.

AMENDMENT NO 1 PUT AND CARRIED (6-3)

For: Mayor Catania, Farrell, Cr Lake, Cr McGrath, Cr Maier, Cr Topelberg

Against: Cr Buckels, Cr Burns, Cr Harvey

Debate ensued.

AMENDMENT NO 2

Moved Cr Maier, Seconded Cr Topelberg

That a new clause 8 be inserted as follows, and the remaining clauses be renumbered:

- "8. REQUESTS a further report on the implementation of 'Parking Benefit Districts', within the area bounded by Walcott, William, Bulwer and Lord Streets, prior to the further consultation with residents in that area referred to in Clause 7;"

Debate ensued.

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

Debate ensued.

PROPOSED AMENDMENT NO 3

Moved Cr Buckels, Seconded Cr

That clause 9 be amended to read as follows:

- “9. **ADOPTS** the amended Policy No. 3.9.8 relating to Parking Permits, as shown in Appendix 7.3(G), **subject to the Policy being further amended to delete Clause 8(b)(i), (iv) and (v).**

PROPOSED AMENDMENT NO 3 LAPSED FOR WANT OF A SECONDER

AMENDMENT NO 4

Moved Cr Topelberg, Seconded Cr Maier

That a new clause 13 be inserted as follows:

- “13. **That any on-street 5, 10 or 15 minute parking bays on Beaufort, Oxford and View Streets remain fee free.**”

Debate ensued.

AMENDMENT NO 3 PUT AND CARRIED (9-0)

**MOTION EXCLUDING CLAUSES 7.1 AND 7.6
AS AMENDED PUT AND CARRIED UNANIMOUSLY
BY AN ABSOLUTE MAJORITY (9-0)**

The Presiding Member, Mayor Nick Catania advised that Cr Lake and Cr Maier had declared a financial interest in Item 7.3. They departed the Chamber at 8.27pm and did not speak or vote on this matter.

**CLAUSES 7.1 AND 7.6 OF THE MOTION
PUT AND CARRIED UNANIMOUSLY
BY AN ABSOLUTE MAJORITY (7-0)**

(Cr Lake and Cr Maier were absent from the Chamber and did not vote on this matter.)

Cr Lake and Cr Maier returned to the Chamber at 8.28pm. The Presiding Member, Mayor Nick Catania advised that the Clauses were carried unanimously.

COUNCIL DECISION ITEM 7.3

That the Council;

PARKING AND PARKING FACILITIES LOCAL LAW 2007

1. **CONSIDERS** the three (3) submissions received concerning the proposed amendments to the City of Vincent Parking and Parking Facilities Local Law 2007, as detailed in this report;

2. under the powers conferred by the *Local Government Act 1995* and by all other powers enabling it, resolved on 5 July 2011 by AN ABSOLUTE MAJORITY to MAKE the Local Law as follows:

**“LOCAL GOVERNMENT ACT 1995 (as amended)
CITY OF VINCENT PARKING AND PARKING FACILITIES LOCAL LAW
AMENDMENT LOCAL LAW NO. 1, 2011”**

- (a) *The “TABLE OF CONTENTS”, be amended as follows –*
1. *a new clause heading “6.1 Establishment of metered zones, metered stalls and ticket zones” be inserted;*
 2. *“6.1” be renumbered as “6.2”, “6.2” be renumbered as “6.3”, “6.3” be renumbered as “6.4”, “6.4” be renumbered as “6.5” and “6.5” be renumbered as “6.6”;*
 3. *the heading “PART 7 – RESIDENTIAL PARKING PERMITS” be deleted and substituted with the following “PART 7 –PARKING PERMITS”;*
 4. *the clause heading “7.9 Display of Residential Parking Permit and Visitor’s Parking Permits” be deleted and substituted with the following “7.9 Display of Parking Permit”;*
 5. *the heading “Schedule 6 – Ticket Machine Zones” and “Schedule 7 – Parking Stations under Care, Control and Management of the Town of Vincent” be deleted;*
 6. *the heading “Schedule 8 – Residential Parking Permit” be deleted and substituted with the following:*

“Schedule 6 – Parking Permits”; and
 7. *the heading “Schedule 9 – Notice of Intent to Revoke Permit” be deleted and substituted with the following:*

“Schedule 7 – Notice of Intent to Revoke a Permit”;
- (b) *Clause 1.5 amended*
- Subclause (4) be deleted and substituted with the following –*
- “(4) Where a parking facility or a parking station is determined to be under the care, control and management of the City, then the facility or station shall be deemed to be a facility or station to which this local law applies and it shall not be necessary to prove that it is the subject of an agreement referred to in subclause (2).”*
- (c) *Clause 4.9 amended*
- Subclause (1)(e) is deleted and substituted with the following –*
- “(e) which is determined by a Council resolution to be a parking station under the care, control and management of the City.”*

(d) Clause 6 amended

A new subclause 6.1 be inserted as follows –

“6.1 Establishment of metered zones, metered stalls and ticket zones

(1) The local government may, by resolution –

- (a) establish;**
- (b) indicate by signs; and**
- (c) vary from time to time;**

metered zones, metered spaces and ticket zones.

(2) In relation to metered zones, metered spaces and ticket zones, the local government may prescribe –

- (a) conditions and permitted times of parking;**
- (b) the manner of parking; and**
- (c) the classes of vehicles permitted to park;**

but this authority shall not be exercised in a manner which is inconsistent with the provisions of this local law or any other written law.”

(e) the existing Clause “6.1” be renumbered as Clause “6.2”, the existing Clause “6.2” be renumbered as Clause “6.3”, the existing Clause “6.3” be renumbered as Clause “6.4”, the existing Clause “6.4” be renumbered as Clause “6.5” and the existing Clause “6.5” be renumbered as Clause “6.6”;

(f) Part 7 amended

The existing heading “PART 7 – RESIDENTIAL PARKING PERMITS” is deleted and substituted with the following –

“PART 7 – PARKING PERMITS”

(g) Clause 7.1 amended

Clause 7.1 be amended to add the following definitions in alphabetical order –

- 1. ““commercial parking permit” means a permit issued to a business by the local government pursuant to clause 7.3(3);**
- 2. ““grouped dwelling” means a dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partially vertically above another, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata with common property.”**
- 3. ““multiple dwelling” means a dwelling in a group of more than one dwelling on a lot where 50 percent or greater of floor area of a dwelling is vertically above part of any other but:**
 - does not include a grouped dwelling; and**
 - includes any dwellings above the ground floor in a mixed use development.”**

Clause 7.1 be amended to delete the existing definition of “eligible person” and substitute with the following definition –

““eligible person” where used in relation to an application for a–

- (a) “residential parking permit” means an owner or occupier of a single house, grouped dwelling or multiple dwelling;**
- (b) “visitor’s parking permit” means –**
 - (i) a single house owner or occupier;**
 - (ii) a strata company;**
 - (iii) a unit owner or occupier of a residential unit which is not a strata lot;**
 - (iv) a grouped dwelling owner or occupier; or**
 - (v) a multiple dwelling owner or occupier;**
- (c) “commercial parking permit” means the proprietor of a commercial business;”**

(h) Clause 7.3 amended

Subclause (1) is deleted and substituted with the following –

“(1) The local government may upon a written application of an eligible person issue a residential parking permit in the form of Item 1 of Schedule 6”;

Subclause(2) is deleted and substituted with the following:

“(2) The local government may upon a written application of an eligible person issue for the occasional use of visitors, a visitor’s parking permit in the form of Item 2 of Schedule 6”;

Subclause (3) is inserted as follows –

“(3) The local government may upon a written application of an eligible person issue a commercial parking permit in the form of Item 3 of Schedule 6”;

Subclause “(3)” is renumbered as subclause “(4)”;

Subclause “(4)” is deleted and substituted with the following –

“(5) Notwithstanding any other provision in this local law, the local government may approve the issue of a number of residential, visitor’s or commercial parking permits (as applicable) to any eligible person on such terms and conditions as the local government sees fit.”

(i) Clause 7.5 amended

Clause 7.5 is deleted and substituted with the following –

“7.5 Validity of permit

Every residential, visitor’s or commercial parking permit as the case may be, shall cease to be valid upon –

- (a) the expiry of a period of either 1 or 3 years (depending upon the permit issued) from and including the date on which it is issued;**
- (b) the holder of the permit ceasing to be an eligible person;**
- (c) the revocation of the permit by the local government pursuant to clause 7.6;**
- (d) the replacement of any permit by a new permit issued by the local government pursuant to clause 7.3.”**

(j) Clause 7.7 amended

Subclause 7.7 is deleted and substituted with the following –

“7.7 Removal of permit from vehicle

The holder of a residential, visitor’s or commercial parking permit shall forthwith upon that permit being revoked or ceasing to be valid remove the permit from the vehicle in which it is displayed or to which it is affixed.”

(k) Clause 7.8 amended

Subclause (1) is deleted and substituted with the following –

“(1) The local government may upon a written application of an eligible person and upon payment of the fee referred to in subclause (2), if any, issue a permit to replace a residential, visitor’s or commercial parking permit which is lost, misplaced, destroyed or stolen.”

(l) Clause 7.9 amended

The title of clause 7.9 is deleted and substituted with the following –

“7.9 Display of parking permit”

(m) Schedule 2 amended

The existing Schedule 2 is deleted and substituted with the attached new Schedule 2 as shown in Appendix 7.3(A);

(n) the existing Schedule 6 be deleted;

(o) the existing Schedule 7 be deleted;

(p) Schedule 8 amended

The existing Schedule 8 is deleted and substituted with the attached new Schedule 6 as shown in Appendix 7.3(B); and

(q) Schedule 9

The existing Schedule 9 is deleted and substituted with the attached new Schedule 7 as shown in Appendix 7.3(C);

PARKING STATIONS – DAYS AND TIMES OF OPERATION

3. APPROVES the amended days and times of operation of the Parking Stations Under the Care, Control and Management of the City, as shown in Appendix 7.3(D);

TICKET MACHINE ZONES – DAYS AND HOURS OF OPERATION

4. APPROVES the amended days and times of operation of the Ticket Machine Zones, as shown in Appendix 7.3(E);

PROPOSED TIME RESTRICTED AREAS

5. **APPROVES** the introduction of new time restrictions prescribed at the following locations:

NORTH PERTH

- 5.1 **Alma Road, between Fitzgerald Street and Norfolk Street, two (2) hour parking restriction from 8.00am to 5.30pm Monday to Friday as shown on attached Plan No. 2815-PP-01, Appendix 7.3(F);**

MOUNT LAWLEY/HIGHGATE

- 5.2 **Harold Street, between Beaufort Street and Vincent Street, two (2) hour restrictions at all times, as shown on attached Plan No. 2818-PP-01, Appendix 7.3(F);**

PERTH

- 5.3 **William Street, between Bulwer Street and Lincoln Street, two (2) hour parking restriction from 8.00am to 5.30pm as shown on attached Plan No. 2803-PP-01, Appendix 7.3(F);**

- 5.4 **Palmerston Street, between Bulwer Street and Glendower Street, two (2) hour parking restriction from 8.00am to 5.30pm Monday to Friday, as shown on attached Plan No. 2801-PP-01, Appendix 7.3(F); and**

- 5.5 **Primrose Street, between Palmerston Street and Lake Street, two (2) hour parking restriction from 8.00am to 5.30pm Monday to Friday, as shown on attached Plan No. 2820-PP-01, Appendix 7.3(F);**

6. **DOES NOT PROCEED** with the introduction of new time restrictions at the following locations:

NORTH PERTH

- 6.1 **Glebe Street, between Alma Road and View Street, two (2) hour parking restriction from 8.00am to 5.30pm Monday to Friday as shown on attached Plan No. 2806-PP-01, 7.3(F);**

- 6.2 **View Street, between Glebe Street and Leake Street, two (2) hour parking restriction from 8.00am to 5.30pm Monday to Friday, as shown on attached Plan No. 2806-PP-01, 7.3(F); and**

- 6.3 **Woodville Street between View Street and Angove Street, two (2) hour parking restriction from 8.00am to 5.30pm Monday to Friday, as shown on attached Plan No. 2805-PP-01, Appendix 7.3(F);**

7. **DEFERS** the introduction of new time restrictions within the following streets for a period of six (6) months from the ticket parking machines becoming operational, re-consult with the residents and provide a further report to Council.

- 7.1 **Cavendish Street, between Lincoln Street and Chatsworth Road, two (2) hour parking restriction from 8.00am to 5.30pm Monday to Friday as shown on attached Plan No. 2809-PP-01, 7.3(F);**

- 7.2 **Raglan Road, between William Street and Hutt Street, three (3) hour parking restriction from 8.00am to 5.30pm Monday to Friday, as shown on attached Plan No. 2813-PP-01, Appendix 7.3(F);**

- 7.3 Grosvenor Road, between William Street and Hutt Street, three (3) from 8.00am to 5.30pm Monday to Friday, as shown on attached Plan No. 2814-PP-01, Appendix 7.3(F);
 - 7.4 Harley Street, between Lincoln Street and Chatsworth Road, two (2) hour parking restriction from 8.00am to 5.30pm Monday to Friday, as shown on attached Plan No. 2810-PP-01, Appendix 7.3(F);
 - 7.5 Broome Street, between Beaufort Street and Stirling Street, two (2) hour parking restriction at all times and Broome Street, between Stirling Street and Smith Street from 8.00am to 5.30pm Monday to Friday, as shown on attached Plan No. 2824-PP-01, Appendix 7.3(F);
 - 7.6 Chatsworth Road, between William Street and Cavendish Street, two (2) hour parking restriction from 8.00am to 5.30pm Monday to Friday and two (2) hours at all times from Cavendish Street to Beaufort Street, as shown on attached Plan No. 2811-PP-01, Appendix 7.3(F);
 - 7.7 Chelmsford Road, between William Street and the ROW abutting the eastern boundary of No. 30 Chelmsford Road, two (2) hour parking restriction from 8.00am to 5.30pm Monday to Friday and two (2) hours at all times from the ROW to the eastern boundary to No. 9 Chelmsford Road (the one-way slow point), as shown on attached Plan No. 2821-PP-01, 7.3(F);
 - 7.8 Clarence Street, between the ROW abutting the western boundary of No. 70 Clarence Street and Curtis Street, two (2) hour parking restriction at all times, as shown on attached Plan No. 2812-PP-01, Appendix 7.3(F);
 - 7.9 Harold Street, between Stirling Street and Smith/Curtis Street, two (2) hour restrictions at all times, as shown on attached Plan No. 2807-PP-01, Appendix 7.3(F);
 - 7.10 Lincoln Street, between William Street and Cavendish Street, two (2) hour parking restriction from 8.00am to 5.30pm Monday to Friday, as shown on attached Plan No. 2799-PP-01, Appendix 7.3(F);
 - 7.11 Lincoln Street, between the eastern boundary of No. 160 Lincoln Street and Beaufort Street, north side only, two (2) hour parking restriction from 8.00am to 5.30pm Monday to Friday, as shown on attached Plan No. 2800-PP-01, Appendix 7.3(F);
 - 7.12 St Albans Avenue, between Beaufort Street and Cavendish Street, two (2) hour restrictions, Monday to Friday at all times, as shown on attached Plan No. 2808-PP-01, Appendix 7.3(F);
 - 7.13 Stirling Street, between Lincoln Street and Harold Street, two (2) hour restrictions, Monday to Friday 8.00am to 5.30pm, as shown on attached Plan No. 2823-PP-01, Appendix 7.3(F);
 - 7.14 Vincent Street, between Beaufort Street and William Street, two (2) hour parking restriction at all times, as shown on attached Plan No. 2817-PP-01, Appendix 7.3(F).
8. **REQUESTS** a further report on the implementation of 'Parking Benefit Districts', within the area bounded by Walcott, William, Bulwer and Lord Streets, prior to the further consultation with residents in that area referred to in Clause 7;

PARKING PERMIT POLICY NO. 3.9.8

9. **CONSIDERS** the six (6) submissions that were received during the statutory consultation period concerning Policy No. 3.9.8 – Parking Permits; and

10. **ADOPTS** the amended Policy No. 3.9.8 relating to Parking Permits, as shown in Appendix 7.3(G), subject to the Policy being further amended in Clause 8(b)(i) as follows:

“8. COMMERCIAL PARKING PERMITS

(b) Prohibitions

The City shall not issue a Parking Permit;

(i) where a commercial business can provide 3 or more car parking bays on-site;...”

ADVERTISING OF ADDITIONAL TICKET MACHINES IN EAST PERTH

11. **APPROVES** the advertising for proposed paid parking areas to be considered in the following streets;

- 10.1 Braid Street;
- 10.2 Caversham Street;
- 10.3 Chelsea Street;
- 10.4 Cheriton Street;
- 10.5 Claisebrook Road;
- 10.6 Coolgardie Terrace;
- 10.7 Edward Street;
- 10.8 Gladstone Street;
- 10.9 Gregson Street;
- 10.10 Lord Street;
- 10.11 Murchison Terrace;
- 10.12 Parry Street;
- 10.13 Pier Street;
- 10.14 Pisconeri Street;
- 10.15 Roberston Street;
- 10.16 Sommerville Street;
- 10.17 Stirling Street;
- 10.18 Summers Street; and
- 10.19 Washing Lane;

12. **NOTES** that a further report will be submitted to the Council after the expiry of the consultation period and that at this time consideration will be given to the purchasing of the additional ticket machines to service the area;

PARKING FEES

13. **APPROVES BY ABSOLUTE MAJORITY** the amended Draft Fees and Charges for 2011/2012, as shown in strike-through and underline from the version endorsed at the Ordinary Meeting of Council held on 10 May 2011, to remove reference to ‘Night Fees’ to correlate with the streamlining of the City’s car parks to no longer differentiate between ‘day’ and ‘night’ parking, as shown in Appendix 7.3(H); and

14. That any on-street 5, 10 or 15 minute parking bays on Beaufort, Oxford and View Streets remain fee free.

PURPOSE OF REPORT:

The purpose of this report is to:

- consider the submissions received during the consultation of the *Parking and Parking Facilities Local Law (2007)* that was undertaken from 14 May 2011 to 27 June 2011;
- consider the submissions received during the consultation of the City's Policy No. 3.9.8 relating to Parking Permits that was undertaken from 14 May to 27 June 2011;
- consider the submissions received from the advertising of the proposed time restriction areas in various streets, to compliment the new ticket machine zones;
- endorse the *Parking and Parking Facilities Local Law (2007)* for final gazettal;
- adopt the amended version of the Parking Permits Policy No. 3.9.8;
- endorse the proposed changes to the time restrictions in various streets, to compliment the new ticket machine zones;
- seek approval to advertise the proposed installation of ticket machines, in the area bounded by Beaufort, Newcastle, Edward and Lord Street, as shown in the attachment to this report.

BACKGROUND:

- | | |
|------------------|--|
| 10 May 2011 | The Council at its Ordinary Meeting held on 10 May 2011, considered the report relating to Car Parking Strategy – Consideration of Submissions, Amendments to the Parking and Parking Facilities Local Law 2007 and Introduction of Ticket Machine Zones and Time Restrictions. |
| 16 May 2011 | The City's Parking and Parking Facilities Local Law 2007, commenced the statutory advertising period, which closed on 27 June 2011. |
| 19 May 2011 | Individual letters were distributed to all owners/occupiers who provided a submission during the advertising of the proposed paid parking areas undertaken from 16 March 2011 to 8 April 2011 and all owner/occupiers of proposed paid parking areas not previously advertised, detailing the outcomes of the Ordinary Meeting of Council held on 10 May 2011. |
| 30 & 31 May 2011 | The City hosted three (3) x Community Information Sessions, facilitated by the City's Car Parking Consultants, Luxmoore Parking Consultants. |
| 10 June 2011 | The proposed new time restrictions areas commence advertising for public comment and closed on the 27 June 2011. |
| 14 June 2011 | The Council at its Ordinary Meeting, resolved to advertise the proposed installation of ticket machines in the areas bounded by Beaufort, Edward, Newcastle and Lord Streets. |

DETAILS:

Parking and Parking Facilities Local Law

The amendments to the Parking and Parking Facilities Local Law will result in the following key changes:

- The former Schedule 6 – Ticket Machine Zones and Schedule 7 – Parking Stations under the Care, Control and Management of the City of Vincent will be deleted from the Local Law;

- A new clause 6.1 titled Establishment of Metered Zones, Metered Stalls and Ticket Zones will be inserted into the Local Law which will allow the City by resolution to establish, indicate by time, and vary metered zones, metered stalls and ticket zones in the City. The new clause will also allow the City to prescribe the conditions and permitted times of parking, the manner of parking and the classes of vehicles permitted to park;
- Part 7 of the Local Law will be amended to allow for the creation of Commercial Parking Permits, to allow for the administration of the amended version of the City's Parking Permit Policy No. 3.9.8.

The above changes to the Policy will importantly allow the Council to approve the location of ticket machine stations and ticket machine zones from time-to-time, which it is considered will significantly simplify the process in the future.

In addition, the amendments to the Local Law to include reference to 'Commercial Parking Permits' will also allow for the City to administer the amended version of the City's Parking Permit Policy No. 3.9.8, to provide an option for the City's local businesses, who may wish to purpose a commercial parking permit.

New Time Restrictions Areas

In accordance with the Council's decision the City consulted with the residents (and/or proprietors) of nineteen (19) streets either abutting or surrounding the areas in which ticket machines are to be installed. The purpose of the consultation was to offer the residents 'parking restrictions' as a means of ensuring their respective streets were not 'parked out' by those attempting to avoid paying fees.

While very few residents attended the Car Parking Strategy Community Information Sessions, the City has in the past regularly received complaints about two distinctly different issues within the consultation areas. One related to the demand for night parking, particularly in the Highgate/Mt Lawley area, and the other with regards to commuter parking, where the City's streets are used for free parking by workers from the Perth Central Business District (CBD).

For this reason the proposed parking restrictions as suggested to the residents varied depending upon the perception as to the major issue.

Therefore, the streets leading directly off, and in within easy walking distance of, the Beaufort Street entertainment precinct were offered 24 hour - 7 days per week parking restrictions. The streets in which it was thought that the concerns related more to commuter parking the residents were offered an 8.00am to 5.30pm Monday to Friday restriction.

In addition to the streets identified by the Council, the City's Officers included Primrose Street in the consultation in the view that if the restrictions were installed in Palmerston Street, and given the existing restrictions in the surrounding streets, Primrose Street would be the only street in the immediate vicinity without the protection of restrictions.

Given that the City now has a standard public consultation letter format the level of detail provided to the residents was restricted, however links to the relevant sections on the City's web-site were provided, as were contact numbers.

The text box below, as taken from the Vincent Street consultation letter, is a typical example of the information provided:

Proposal:	<p>At its Ordinary Meeting of 10 May 2011 the Council adopted a new Parking Strategy (which can be found on the City's web-site www.vincent.wa.gov.au)</p> <p>In accordance with the strategy it is proposed to introduce a two (2) hours 'At All Times' parking restriction in Vincent Street, between William and Beaufort Streets, as shown on Plan 2817-PP-01 (on the reverse).</p> <p><u>Note:</u> residents may be eligible for restriction exemption permits in accordance with the City's Residential & Visitors Parking Permit Policy (3.9.8).</p>
Consultation Period:	10 June 2011 – 24 June 2011

The proposed time restrictions letters were hand delivered to all nineteen (19) streets on 9 June 2011 with a 14 day public comment period from 10 June to 24 June 2011 inclusive. Eight hundred & sixty seven (867) letters were delivered in total, resulting in one hundred and eighty two (182) submissions being received by midnight 24 June 2011, a response rate of **21%**.

While the parking situation in each street is unique, in broad terms of the 182 responses received, **41.0% were in favour** of the proposed restrictions (38% both sides, 3% one side only), while **59.0% thought the proposed restrictions were either not warranted** (left as is) or the 'wrong' restriction for their street.

Table A below outlines statistics on the number of letters sent out (with comments sheet and reply paid envelope) including the number and breakdown of responses received. Appendix 7.3(I) outlines a summary of the actual comments received.

As with most large public consultations some residents took the opportunity to raise unrelated issues, while others made their 'agreement' dependent upon additional parking permits, blocking access to the street or the introduction of resident only parking zones.

Of the residents who rang for further information, or clarification, many expressed the opinion that while they understood the Council's concerns about increased parking in the surrounding streets, it was recommended to 'leave it as is' for a period of six (6) months to assess the impact before considering additional restrictions.

A small number of submissions were received after the consultation period closed, and while not included in this report, the split between *In Favour* and *Leave it as is*, mirrored that of the aforementioned 182 submissions summarised.

Table A:

STATISTICAL SUMMARY OF RESPONSES RECEIVED					
Street	No. letters issued	Total Responses	In Favour Both Sides of the Street	In Favour One (1) Side of Street	Against
Alma Rd	27	8	4	1	3
Glebe & View St	11	4	0	0	4
Woodville St	10	4	0	1	3
Broome St	27	5	2	0	8
Cavendish St	31	9	1	0	8
Chatsworth Rd	60	12	7	0	5
Chelmsford Rd	53	17	7	1	9
Clarence St	44	15	5	0	10
Raglan Rd	36	8	1	0	7
Grosvenor Rd	34	9	1	0	8
Harley St	34	12	4	0	8
Harold St (Vincent – Beaufort)	25	13	8	1	4
Harold St (Stirling to Smith)	17	4	2	0	2
Lincoln St (Cavendish to Beaufort)	115	9	4	1	4
Lincoln St (William to Cavendish)	24	3	2	0	1
St Albans Ave	18	10	3	0	7
Stirling St	153	9	3	0	6
Vincent St	55	15	7	0	8
William St	26	4	1	0	3
Palmerston St	19	3	2	0	1
Primrose St	48	9	5	0	4
Total:	867	182	69 (38%)	5 (3%)	108 (59%)

Discussion:

Perth

Streets such as Palmerston Street (Bulwer Street to Glendower Street) and Primrose Street (Palmerston Street to Lake Street) are unlikely to be directly affected by the installation of ticket parking machines. However, they are directly impacted upon by all day commuter parking as it is an easy walk into Perth and the majority of the surrounding streets already have parking restrictions in place. Therefore restrictions in both Palmerston and Primrose Streets should be viewed differently from those in the Highgate/Mt Lawley area.

William Street is a District Distributor A road that is subject to clearway restrictions, with the residents/proprietors offered a Monday to Friday restriction. Of the four (4) responses received, (from a total of 26 delivered) three (3) wanted the status quo to be maintained. However, because William Street is a District Distributor A it is in keeping with its classification to install parking restrictions thereby ensuring a turnover of vehicles and reducing the likelihood of vehicles over staying the clearway periods.

Officer Recommendation:

Introduce time parking restrictions in Palmerston Street, Primrose Street and William Street.

North Perth

In respect of North Perth the residents of Glebe and Woodville Streets have in the past been consulted about parking restrictions and both occasions have rejected the proposal. For View Street the proposed restrictions primarily affect the Anglican Church whose peak demand is predominately on weekends and therefore mid week restrictions, as offered, have little impact.

For Alma Road, particularly between Ethel and Fitzgerald Streets, there is undoubtedly all day employee parking occurring, however a percentage is likely to be employees of local businesses as well those catching buses into the Perth CBD. Therefore if restrictions are introduced in Alma Road it would be expected that local employees may merely park around the corner in Ethel Street. However, the restrictions would complement those of the adjacent parallel streets, i.e. Raglan Road and Forrest Street, and if Ethel Street were to become a problem the restrictions, on the basis of residents support, could be extended into Ethel Street.

Officer Recommendation:

Do not proceed with time parking restrictions in Glebe Street, View Street (Glebe Street to Leake Street) or Woodville Street (View Street to Angove Street).

Introduce time parking restrictions in Alma Road between Fitzgerald and Norfolk Streets.

Mount Lawley/Highgate:

As previously indicated, the situation in each street is unique and therefore the residents have differing views as to if a problem exists and if so what is the best solution.

Using St Albans Avenue as an example, of all three (3) residents that responded in the positive to installing restrictions two (2) were contingent upon the street being blocked off to separate the commercial from the residential. Given that blocking the street was not an option being canvassed and that seven (7) residents were not in favour of the proposed restrictions the obvious recommendation would be to maintain the status quo and retain the existing 'nib' stadium resident parking restrictions.

However, it is likely that St Albans Avenue will be impacted upon by the installation of ticket parking machines in Beaufort Street and while the majority of residents do not believe there to be a current problem, it may not be the case in the future.

Therefore it will be recommended that in respect of St Albans Avenue the introduction of new time restrictions be deferred for a period of six (6) months from the ticket parking machines becoming operational and then re-consulting with the residents and providing a further report to Council on the outcome.

The same recommendation is proposed for the all the aforementioned streets in the Highgate/Mt Lawley area other than Harold Street between Beaufort and Vincent Streets, which was the only street that had a clear majority for supporting the introduction of timed restrictions.

Further, if the restrictions are approved for Harold Street, it also provides an opportunity to conduct a controlled study of the likely impact of similar restrictions in the other streets.

Officer Comments:

Where there is a clear majority wanting to either install restrictions or 'leave them as is' the recommendation is relatively straight forward. However, for those streets where there was a very small response rate without a clear majority Council has the option of either:

- Assuming that the most residents do not have an issue with the current restrictions and maintain the status quo;
- Decide to install restrictions on the basis that the ticket parking will ultimately have an impact upon the street and it only a matter of time before the residents seek to have restrictions imposed; or
- Defer a decision for a period of six (6) months after the ticket machines have become operational and re-consult with the residents once they have had an opportunity to assess the impact, if any.

Parking Permit Policy No. 3.9.8

The amendments to the City's Parking Permit Policy No. 3.9.8 resulted from two Notices of Motions that were endorsed by Council at the Ordinary Meetings on the 23 November 2010 and the 7 December 2010 respectively.

Investigation into the respective Notice of Motions was undertaken and reported to Council at its Ordinary Meeting held on 5 April 2011, and then considered further at a Council Member Forum on 12 April 2011. The key changes to the Policy were outlined in the 'Details' section of the report that was considered by Council at its Ordinary Meeting held on 10 May 2010.

A total of six (6) submissions were received during the advertising of the proposed changes to the Policy. The key comments raised in the submissions are summarised as follows:

Submissions of Objection

- Parking permits for residents and visitors should not be subject to the availability of on-site parking, except in the case of multiple dwellings;
- Greater flexibility should be given to issue more than two permits per single dwelling, to recognise more than two adults with cars living at the one address;
- Many existing laneways in the City are narrow and difficult for vehicle manoeuvrability, limiting access to parking to the rear of residential properties;
- Many existing garages in the City's residential properties are small and are used for storage space;
- Greater flexibility should be provided than the standard allotted street block section for residential permits, so that any car which has a registered address in a restricted parking zone should be given access to a parking permit;
- The system will be abused through vehicles continuing parking on the verge to avoid parking restriction areas if they do not have a permit;

- Parking Permits Applications should be made available online; and
- Businesses and the City of Vincent should address the issue of the lack of parking for businesses, and provide suitable business parking off residential streets.

Officer Comment:

The current requirement for permits to be issued per dwelling is considered appropriate at this point in time. By increasing the amount of permits issued provides an unrealistic expectation that residential bays will automatically be available out the front of a place of residence, which will generally not be the case. On-street car parking is a public resource that should be available for all users shared throughout different times of the day.

It is noted that some laneways in the City are narrow and some are difficult for manoeuvrability and some garages are small in comparison to today's standard, however this should not be a reason for residents who have off-street car parking to be issued additional permits. However, clause 9 of the Policy relating to Discretionary Authority, does allow the Chief Executive Officer to vary any or all of the requirements for the issuing of a permit, subject to the applicant demonstrating or providing written documentation to justify the variation.

With respect to parking permit applications being available on-line, the permit application forms can be downloaded from the City's website. It is noted however, that prior to the issuing of a permit, site inspections are still required and proof of residency and other documents are required to be submitted to the City, which limits the ability for permits to be automatically generated.

The changes being introduced to include additional paid parking, streamlining the public car parks and providing 'First Hour Free', together with new time restrictions areas is intended to improve the management of spill over of commercial parking into residential streets. It is noted however that following implementation of the key changes, the situation will be closely monitored and changes implemented if required.

Submissions of Support

- Strongly support the initiative to allow for commercial permits being issued, which will assist to progress local businesses;
- Support the amendments to the Policy that allow for greater flexibility in the issuing of additional permits and the extent of use relating to residential and visitor parking permits;
- Support that fees should not be charged for residential or visitor parking permits;

Officer Comment:

The City's Officers endorse the support from the business owners to utilise the Commercial Permits to support local business. It is considered that the Council Policy for Parking Permits addresses all of the issues raised in the above submission.

Conclusion

In light of the above, the comments raised by the community have been noted, it is considered that no further amendments to the Policy are required at this point in time. (The reference to the "Town Centres" in Clause 8 and the Appendices has been changed to "Activity Centres". This will avoid confusion and be consistent with the proposed City Planning Scheme).

As such, the amended Policy to include the ability to apply for a Commercial Car Parking Permit and for some minor changes to the issuing of Visitor and Residential Permits remains consistent with that considered at the Ordinary Meeting of Council on 10 May 2011.

Various administrative requirements will be put into place to manage the changes to the Parking Policy No. 3.9.8.

New Ticket Machine Areas

In line with the City of Vincent Car Parking Strategy 2010, the associated Precinct Parking Management Plans and the Car Parking Strategy Implementation Plan 2010, the Council have approved the installation of ticket issuing machines in various locations, largely relating to the City Centre areas of Leederville, Mount Lawley/Highgate, Perth and North Perth.

At the Ordinary Meeting of Council held on 14 June 2011, in relation to Item 9.1.1 Perth Parking Management Area – Progress Report No. 3 the Council resolved that it:

“(vi) PROCEEDS with the investigations into the introduction of paid parking in the area bounded by—Money Street, Monger Street, Newcastle Street, Graham Farmer Freeway, East Parade, Summers Street, Lord Street, Edward Street and Washing Lane as part of the current implementation of additional paid parking in the Town, as shown in Appendix 9.1.1”

To action the above resolution, in the first instance it is considered appropriate to undertake community consultation with affected landowners and occupants on the proposal to install paid parking in the above areas. It is recommended that information relating to the proposed introduction of paid parking in these areas be communicated through the following mediums:

1. Distribution of approximately letters to owners and occupiers directly abutting an area where it is proposed to install paid parking. These letters will be accompanied by a Submission Form and Site Map illustrating the streets where paid parking is proposed and existing restrictions currently in place;
2. Maps available on the City's website; and
3. Advertisement in the local newspaper.

As per the City's Policy No. 4.1.5 relating Community Consultation advertising of the proposed restriction is to be for a period of 14 days.

As previously reported a desk top review, has revealed that the number of ticket machines required for the above subject area is 107 ticket machines (refer to Appendix 7.3(J) for specific details). It is considered appropriate to wait until the community consultation has been undertaken prior to purchasing the new ticket machines. There are no funds in the Budget 2011/2012 to purchase additional ticket machines, as this matter arose after the Special Council Meetings to finalise the Budget 2011/2012. The matter of funding will be reported to the Council after the consultation period has been completed.

CONSULTATION/ADVERTISING:

Local Law

The proposed amendments were advertised in The West Australian on Saturday 16 May 2011, and in the Guardian Newspaper on Thursday 26 May 2011. Information was placed on the City's website from 26 May 2011 until 27 June 2011. Individual letters were distributed to all owners/occupiers who provided a submission during the general advertising relating to paid parking that was undertaken from 16 March 2011 until 8 April 2011. Additional letters were also distributed to all owners/occupiers of new areas of proposed paid parking that was resolved by Council at its Ordinary Meeting on 10 May 2011.

Section 3.16 of the Local Government Act 1995 states:

“3.16(2) The local government is to give Statewide public notice stating that:

- (a) the local government proposes to review the local law;*
- (b) a copy of the local law may be inspected or obtained at any place specified in the notice; and*
- (c) submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.”*

Submissions:

At the close of the statutory consultation period, three (3) specific written submission were received. These are summarised as follows:

Submission from Mario D'Alonzo of Palmerston Street Perth 6000:

"I welcome these amendments to the initial proposals that went for Community Consultation previously (that were endorsed by the Council on the 10th of May 2011):

- *That Paid Parking will not be introduced along Lake Street*
- *That Parking Ticket Machines are no longer proposed to be installed in North Perth on View, Wasley and Forrest Streets*
- *That Parking Ticket Machines are no longer proposed to be installed on Beaufort Street, between Bulwer Street and Broome Streets.*
- *That Parking Ticket Machines are proposed for smaller sections of Raglan Road, Grosvenor Street and Chelmsford Road in Mount Lawley.*

I also agree with the proposals that in Council off street car parks, that the first hour of Parking should be free.

If Parking Ticket Machines are to be considered to be introduced in any Council off street car parks in the future, it should only occur if there is demonstrated clear and thorough proof that these car parks are (with consistent enforcement of current restrictions) consistently more than 85% occupied.

The same principle should apply for the possible proposals to install further Parking Ticket Machines in any on street parking areas in the Town.

Any parking restrictions and fees, should only be introduced were there is a serious parking situation to be managed and not as an introduction of "User Pays" for parking in areas where there are no significant parking problems.

I do not agree with the proposition that car parking fees become a way of increasing funds for the Council.

I have no objection to paying more Council Rates if they are necessary, rather than the blanket introduction of Parking Ticket Machines.

Finally. I think in future it is very important that the Council carefully considers the opinion of relevant residents and businesses in the Town whenever parking restrictions and parking ticket machines are introduced into any area.

If anyone is aware if there are parking problems in any given area, it is those residents and businesses who see what is actually happening in front of their properties day after day, week after week.

It concerns me a great deal that the proposed changes in Parking Policies has been adopted, given an 85% objection rate in the previous Community Consultations."

Officer Comments:

Matters raised in this submission have been addressed wherever possible e.g. no ticket machines in Lake Street, Beaufort Street between Bulwer and Broome and in the smaller sections of Raglan Road, first hour of car parking free.

The matter of restrictions has been dealt with in other parts of this report.

Submission from Claire Trolio, Ruck Rover General Store of Shop 4/595 Beaufort Street, Mt Lawley WA 6050:

"Thank you for your recent letter advising us of the proposed changes to parking in Mt Lawley (REF: PLA0084), however I am writing to express my particular concerns with these changes and to request that they do not go ahead.

We believe the proposed changes will have a significant negative impact on our business.

Our concern is these changes will directly result in fewer customers coming through our doors. Firstly from a decrease in foot traffic of new customers past our entrance, and secondly through deterring existing customers from visiting the area as it will simply be too difficult for them to park.

Our shop entrance is located on Chelmsford Rd. We rely quite heavily on foot traffic past our door for business. If people are unable to or discouraged from parking along Chelmsford Rd (through fees and decreased time limits) then they will not be walking past our doors through to (and from) the Beaufort St precinct. Changing the parking rules along Chelmsford Rd is certainly going to see fewer people walk in our doors.

We are also convinced that the parking restrictions will discourage patrons from visiting Mt Lawley entirely. It is already very difficult to find free parking for more than an hour or so during our business hours. This is a fact that sees more people heading to the city, Subiaco, Leederville, Harbourside and other areas more easily accessed by public transport and car. There are NO multi level parking lots in Mt Lawley, for instance, and further limitations to our patrons' parking options is very likely to become a deterrent to visiting the area.

Furthermore, we are in a position to observe Chelmsford Rd quite closely. We find it to be a very quiet road and one where it is already quite easy to find parking. This is good for our customers and for residents. We reject the suggestion that the residents require these restrictions to protect their parking abilities: there is currently no difficulty for residents to park at their homes.

Myself and co-owner Isabelle Trolio also live in the area and do not find it difficult to street park close to, or indeed outside, our homes. We fail to see how complicating matters with limits and permits will benefit us. Therefore we are further disinclined to support these parking changes: as residents and as business owners we oppose them.

In closing, we strongly oppose these changes: there will be minimal benefit to residents (we know it is easy for them to park currently, but may be more difficult if time limits are imposed) and we are certain it WILL negatively impact our business when fewer customers are able to discover or access our store."

Officer Comments:

The matter of restrictions has been addressed in other parts of this report. The statement that the proposed changes will have a significant negative impact on their business can be argued on the basis that a turnover of car parking spaces will actually assist in providing more parking for potential customers.

It is acknowledged that the introduction of paid parking is unpopular – but a common fact in many other local governments in Perth and throughout Australia.

Submission from Brian Callaghan of Bourke Street, Leederville WA 6007:

"I would like to object to the proposed paid parking in Richmond Street Leederville.

I note the section of street from Scott Street to Loftus is not relevant for business parking and not within 300 meters of the town centre. I feel it would be prudent to make the 40 bays in that section 2 hour parking in line with the residential restricted parking, rather than paid parking.

There is a cost involved with installing parking meters and maybe this section of road could be considered for paid parking at a later time if the section from Scott St to Oxford St becomes overutilized, rather than making the whole street paid parking and finding the parking bays are largely unused."

Officer Comments:

The matter of paid parking was addressed at the Council Meetings held on 10 and 17 May 2011 whereby the Council gave due consideration to the matters contained with the various submissions received.

Drafting Format and Style

The City has liaised with the Department of Local Government concerning the drafting of the proposed amendments to the Local Law. They have recommended a number of drafting and format changes so as to comply with the Local Law drafting requirements, as prescribed by the Parliamentary Joint Standing Committee on Delegated legislation. These have been incorporated however, they do not change the intent of the amendments.

New Time Restriction Areas

Individual letters and accompanying maps (approximately 867) were distributed to all residents in accordance with streets resolved for new time restrictions by Council at its Ordinary Meeting held on 10 May 2011. Advertising was also included on the City's website. The advertising period was undertaken from 10 June to 27 June 2011, in accordance with the 2 week period prescribed in the City's Community Consultation Policy No. 4.1.5. Information relating to the comments received during the consultation period is outlined in the 'Details' section of this report above.

Officer Comments:

The matters included in the submissions concerning time restrictions has been dealt with in other parts of this report.

Parking Permit Policy No. 3.9.8

The proposed amendments to the Parking Permit Policy No. 3.9.8 were advertised in the Guardian Express Newspaper on Thursday 26 May, and details were placed on the City's website from 26 May 2011 until 27 June 2011.

Submissions:

During this period six (6) submissions were received, which have been previously summarised in the report.

Additional Ticket Machine Areas

Information relating to the advertising of additional ticket machine areas is outlined in the 'Details' section above under 'New Ticket Machine Areas'.

Community Information Sessions

The community consultation sessions, facilitated by the City's Car Parking Consultant, Luxmoore Parking Consultants were held on the 30 and 31 May 2011, respectively. The key issues raised in the community information sessions are summarised below:

- The proposals for new time restriction areas and paid parking do not allow adequate parking for business employees;
- Business operators considered that the issue of commuter parking had not been properly addressed;

- Business operators expressed concern that the proposals presented a safety issue for business employees who will be required to walk a considerable distance from place of employment to their car; and
- Time restrictions in surrounding streets should be more to the tune of 5P, rather than 1P or 2P to cater for local employees and discourage commuters.

LEGAL/POLICY:

- Local Government Act 1995;
- Parking and Parking Facilities Local Law 2007; and
- Parking Permit Policy No. 3.6.8.

RISK MANAGEMENT IMPLICATIONS:

Medium: In March 2010 the Council adopted a Car Parking Strategy for the City. In late 2010 it approved the purchase of 128 ticket machines. It is a well known fact that the introduction of parking fees is generally unpopular wherever it occurs – which often results in negative publicity. The Draft Budget 2011/2012 has been prepared on the basis of ticket machines being operational in mid July 2011. Delays in implementing and commissioning the ticket machines will result in reduced revenue.

STRATEGIC IMPLICATIONS:

The City of Vincent *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 Take action to improve transport and parking in the City and mitigate the effects of traffic.

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

SUSTAINABILITY IMPLICATIONS:

It is considered that the introduction of paid parking through amending the Local Law will better assist in making better use of the existing supply of parking resources in the City for all uses, and encourage other more sustainable forms of transport than the private motor vehicle.

FINANCIAL/BUDGET IMPLICATIONS:

Ticket Machine Installation

The costs associated with the purchase, installation and commissioning of one hundred and twenty eight (128) "Pay and Display" ticket machines has already been approved in the 2010/2011 Budget. If more ticket machines are to be purchased to service the Parry Street and East Perth Precincts there will be further budget implications – this will be reported after the public community consultation period has closed, as more precise information will be known.

Advertising of Local Law

Standard advertising costs were associated with the advertising of the Local Law amendment.

Community Information Sessions and Associated Publicity

The facilitation of the Community Information Sessions by Luxmoore Parking Consultants cost \$4,400.

Fees and Charges

The budgeted revenue from the new ticket machines included in the Draft 2011/12 Budget has been estimated using a parking fee of \$2.20 per hour. It is estimated that this will generate revenue of \$954,000.

If the fee were to remain at the current \$2.00 per hour, it is estimated that revenue would be reduced by \$95,400.

In addition to the above, as a result of the streamlining of the operating hours of the City's Public Car Parking Stations, it is recommended by the City's Parking Consultant and City's Officers that reference to 'Night Parking' is removed from the Fees and Charges Schedule, to reflect the changes to the operating hours of the City's Public Car Parking Stations. It is proposed that the car parks now all generally operate from 7am to Midnight, and therefore no longer differentiate between 'day' and 'night' hours of operation. Instead of distinguishing between an all day fee (\$14.00) and an all night fee (\$11.00), there will just be an all day fee set at (\$14.00).

Reserve Funds

The Council has the following Reserve Funds relating to Parking and Carparks:

Carparking Development Reserve

This reserve was established from payment of cash-in-lieu of carparking from developers and is to be used to upgrade existing car parks or the establishment of new car parks.

As at 30 June 2011, this Reserve Fund contained \$11,025.

Parking Facility Reserve

At the Special Council Meeting held on 2 July 2008, it was agreed to establish a Reserve for works associated with the purchase maintenance and operations of parking ticket machines.

As at 30 June 2011, this Reserve Fund contained \$160,559.

Creation of New Reserve Funds

At the Special Council Meeting held on 17 May 2011, the Council resolved in part as follows:

"...(iii) APPROVES BY AN ABSOLUTE MAJORITY pursuant to Section 6.11 of the Local Government Act 1995 to:

- (a) change the name of the "Car Parking Development Reserve" to "Cash-in-Lieu of Parking Reserve", as this better describes the use of the Reserve Fund;*
- (b) change the purpose of the "Cash-in-Lieu Parking Reserve Fund" to be as follows:*

"This Reserve is established from payment of cash-in-lieu of car parking from development applicants and is to be used for the upgrade of existing car parking facilities or the establishment of new car parking facilities and associated infrastructure."

- (c) change the purpose of the "Parking Facility Reserve Fund" to be as follows:*

"This Reserve is for;

- the purchase, maintenance and operations of parking ticket machines;*
- provision and improvement of parking information systems;*
- security lighting, improved pathways and associated infrastructure to access parking areas;*

and associated works."

(d) create the following new Reserve Funds:

"1. *Parking Funded Sustainable Transport Initiatives*

"This Reserve is for the provision of sustainable transport initiatives and modes and including, but not limited to, the provision and maintenance of footpaths, cycle ways and other cycling support facilities, bus shelters and other transit facilities." "

"2. *Parking Funded Town Centre and Parking Benefit Districts Upgrade and Promotion*

"This Reserve is for the provision and upgrade of infrastructure, facilities and services, both parking and non-parking, in the Town of Vincent Town Centres and the promotion of those Town Centres as well as works associated with any Parking Benefit Districts as determined by the Council" "; and..."

COMMENTS:

The decision to introduce paid parking and time restrictions is always a difficult decision for a Council. The City of Vincent is an inner City local government that experiences all of the usual problems associated with being only 3 kilometres from the Perth Central Business District.

In 2010 the Council adopted its Car Parking Strategy after extensive research by Luxmoore Consultants, who are recognised Australia wide as having extensive expertise in Parking.

It is unsustainable to continue with the status-quo and the Council has rightfully and carefully adopted a Car Parking Strategy to address the problems currently being experienced and to ensure that a proper and orderly implementation program is achieved.

Approval of the Officer Recommendation is therefore requested.

8. CLOSURE

There being no further business, the Presiding Member, Mayor Nick Catania, declared the meeting closed at 8.28pm with the following persons present:

Mayor Nick Catania, JP	Presiding Member
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward
Cr Steed Farrell	North Ward
Cr Taryn Harvey	North Ward
Cr Sally Lake (<i>Deputy Mayor</i>)	South Ward
Cr Warren McGrath	South Ward
Cr Dudley Maier	North Ward
Cr Joshua Topelberg	South ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Paul Kotsoglo	Director, Planning Solutions (for Item 7.2)
Lauren Peden	Journalist – “ <i>The Guardian Express</i> ”
David Bell	Journalist – “ <i>The Perth Voice</i> ”

No members of the Public were present.

These Minutes were confirmed by the Council as a true and accurate record of the Special Meeting of the Council held on 5 July 2011.

Signed:Presiding Member
Deputy Mayor Sally Lake

Dated this day of 2011