



TOWN OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

21 DECEMBER 2010

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Minutes of the Ordinary Meeting of Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 21 December 2010, commencing at 6.00pm.

1. DECLARATION OF OPENING

The Presiding Member, Mayor Nick Catania, declared the meeting open at 6.05pm.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Nil.

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward
Cr Steed Farrell	North Ward
Cr Taryn Harvey	North Ward
Cr Sally Lake (<i>Deputy Mayor</i>)	South Ward
Cr Warren McGrath	South Ward
Cr Dudley Maier	North Ward
Cr Joshua Topelberg	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary) (until approximately 9.05pm)
Lauren Peden	Journalist – “ <i>The Guardian Express</i> ” (until approximately 9.58pm)

Approximately 55 Members of the Public

(c) Members on Approved Leave of Absence:

Nil.

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

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

1. Leah O’Donohue of 94 Harold Street, Mt Lawley – Item 9.1.2. Stated the following:
 - she was speaking on behalf of 200 objectors of the proposed redevelopment;
 - she would like to emphasis that they are not opposed to redevelopment of the Site;
 - the residents feel that in terms of the density, height, setbacks privacy, over shadowing and general amenity, the proposed development, as it stands, is “*sadly lacking*”;
 - in terms of density, believes it’s proposed that there will be in an increase of 67% and this is contrary to the R80 coding of the land and in terms of the Forrest Precinct policy;

- the Site is not located on Beaufort Street - it is clearly east of Beaufort Street and located within a low density, low rise Residential area;
- the density increase will result in a level of “over-development” and associated problems of noise, disturbance and loss of privacy;
- the development proposes 3 and 5 storey development, which is also contrary to the Forrest Precinct policy where it’s stipulated that a maximum of 2 storeys for multiple dwellings is permitted;
- under the newly amended R80 Codes, believes this can be developed to 4 storeys;
- the Pacific Motel Site has recently been approved to 4 storeys (not 5) and they can see no justification for the proposed increase of storeys;
- in terms of setbacks, the site area is 8000sqm and of a considerable size and it seems fairly poorly designed;
- in terms of the density, the setbacks and the height, believes that surrounding residents will be disadvantaged, especially those to the immediate South.

Concluded by saying they are not opposed to redevelopment and feel that what has been proposed is not of a high standard and is not reflective of Council’s policies and will be detrimental to the area. Asked the Council defer or refuse this application.

2. Petra Zothner of 367 Stirling Street, Highgate – Item 9.1.2. Stated the following:
- she felt very disturbed by the bulk and scale of the design, that would change her quality of life for the worst;
 - she was not against a development of the site, but requested some choices of her lifestyle;
 - her block is a 4m wide narrow strip of 197sqm. According to the Chang Architect’s shadow diagram, 97sqm of this area would be overshadowed by a 5 storey building close to her boundary line;
 - considers this is 49.29% of the whole block and includes all of her outdoor living space;
 - there will be less light in the house and higher energy bills in the winter;
 - she has a basic need for a good nights sleep-believes there will be noise from *"visitors slamming car doors, shouting out loud and car horns at 2am in the morning"*;
 - according to the proposed design, the entry to the lower ground car park-holding 110 cars including an electronic gate-would be directly within metres of her bedroom wall, which would cause an undue impact caused by the car lights, as well as security lights at the entry point and the noise;

Concluded by stating she was not opposed to the development of the site however, asked the Council to give more consideration to the design and allow reasonable consultation with the residents.

3. Anna Chin of 108 Harold Street, Mt Lawley -- Item 9.1.2 Stated the following:
- she lives directly across the road from the Pacific Motel site;
 - she is an architect and regards Mr Chen Sing Chan as an excellent designer who she also went to university with and worked with him several times over the last 25 years;
 - she has also seen many of Finbar Developments and has felt up until now that they are capable of producing top quality developments;
 - she did not think that Finbar have paid much attention or consideration to this particular site;
 - Finbar are claiming a 67% plot ratio bonus for retaining a heritage listed building and they are not giving it proper consideration;
 - the community are not happy with the scale, height and bulk of the development which they believe should only be 2 storey;
 - they are not happy with the removal of all the Eucalypt trees that exist on the site that contribute considerably to the character and amenity of the Forrest precinct;

- she believed overlooking, overshadowing and privacy to adjoining properties have been completely ignored;
 - asked the Council to refer to the streetscape diagrams that were placed in their pigeon holes last Friday;
 - believed the proposal replicates blocks of flats built in the “60s and 70s” in Wellington Street, Mosman Park, Bentley and Lockridge, where huge social problems have occurred;
 - believed they can all work together to produce an acceptable development for a high quality living environment which will not affect the residents adjoining or around the property while producing a “win win” situation;
 - considers the overall development will affect everyone if it does not comply with the Town's planning scheme and the design guidelines for the Forrest Precinct.
- Believed the development application should be refused or deferred.

Cr Buckels departed the Chamber at 6.14pm.

4. Helena Forsyth of 365 Stirling Street, Highgate – Item 9.1.2. Stated the following:
- she bought her single storey single fronted cottage in 2005, knowing the area building codes and knowing that eventually the block next door would be developed;
 - she believed it would be viewed by the Council in the same light as everything else.
- Asked the Council to oppose or defer the item.

Cr Buckels returned to the Chamber at 6.15pm.

5. Sandra Bransby of 4 Edison Way, Dianella – Item 9.1.4. Stated the following:
- She is in support of the application of the "alternative recommendation" (for approval);
 - the proposer of the lodging house, which is desired to be named “*Witch’s Sister*”, will be affiliated with the award winning “*Witch’s Hat*” located at 148 Palmerston Street, Perth;
 - the Witch’s Hat was approved by the Town of Vincent for short term accommodation with a capacity of 50 beds, in early 1997;
 - the Witch’s Hat has procedures and policies in place which exemplified a business well known for its best practise in Australia, as rewarded by the Achievement of National Awards in 2009, and has become a significant icon for Palmerston Street and for the Town of Vincent;
 - the proposer has agreed, after viewing staff remarks, to reduce the number of beds to 30 from the proposed 40 beds, which are likely to accommodate mostly female inbound tourists from Europe, which are typically aged over 25;
 - that 7 letters of support were received by residents along Palmerston Street who have first hand experience living near the Witch’s Hat for many years and they were enthusiastic for a similar proposal at 99 Palmerston Street;
 - Management of the establishment have ensured that minimal disturbance has occurred to nearby properties;
 - with regards to insufficient parking- the parking demands of a lodging house of this nature are significantly less than a traditional short term accommodation;
 - no parking issues have ever been encountered at the Witch’s Hat, where only 5 parking bays are provided for a total number of 50 beds;
 - the total number of car parking bays provide them with exactly the same number of car parking bays should the Site be redeveloped with 3 group dwellings or even less if multiple dwellings were constructed on the site;
 - the generation of traffic or noise is considered to have no additional adverse effect on the neighbouring properties over and above its standard residential use and with reduction in beds there is only a current shortfall of 2.5 car bays, which is insignificant compared to the nature of the use;

- that 99 Palmerston Street adequately provides for all bathroom, kitchen, laundry storage, indoor and outdoor living areas to more than adequately service the 30 beds proposed;
- all the guests at the Witch's Hat are advised that neighbour disturbance and excessive noise is strictly not tolerated at all;
- she had driven past the Witch's Hat and admired how it presented to the street and little did she know many years ago it was actually a Lodging house.

Believes that if the owner is given the opportunity to do the same at 99 Palmerston Street, that the town of Vincent would be very proud of this development as well.

6. Peter Simpson of TPG, Level 2, 182 St George's Terrace, Perth – Item 9.1.2. Stated the following:

- he was speaking of support of the Officer Recommendation.
- he would like to provide the Council with a bit of a background of the process they have gone through. Advised originally they met with the Officers in March and presented a concept plan of about R120. Stated the officers suggested because of the nature of the site being a strategic site that they should increase the density. Advised on that basis they came back with another design which had 7 storeys and a density of about R154. Advised it went to advertising it got submissions, they changed the design and lowered it down by 2 storeys and reduced the plot ratio and the dwelling density, therefore they have gone through the due process. Advised they have discussed it with the officers and have lodged the application, it has been advertised and they have responded to the objections. It was then advertised again and the objections were responded to again;
- the Officer's report is written based on the old R Codes- under the new R Codes, the density would be about R95 which is about an 18-20% increase in the existing density;
- the Site is zoned R80. R80 is high density under the residential design code;
- the development responds well to its location and they have kept the streetscape scale down to 3 storeys with the larger building behind to protect that environment;
- they have retained a Heritage building and under the clause of the scheme, grants the ability to exercise the Council's discretion of a variation;
- they have provided adequate setbacks and under the new R Codes their setbacks would be greater than required;
- they also provide car parking which exceeds requirements, which are under the current R Codes.

Requested the Council's approval of this application, based on the due process that they have actually gone through, the location and qualities of this Site and its contribution to the Beaufort street activity corridor and the retention of the Heritage building.

7. Dalia Shank of Allering & Associates, 125 Hamersley Road, Subiaco – Item 9.1.1. Stated the following:

- advised she was acting on behalf of Lincoln Towers residents, who are the owners of the adjoining property on the North;
- she has reviewed the revised plans and acknowledged that the applicant has attempted to address some areas of concern, however believes the most significant concerns are not addressed;
- the application still proposes over 35 development variations- previously it was 36- involving height and Northern setbacks which still directly, and adversely impact on the amenity used in enjoyment of the Lincoln Towers Residents;
- acknowledges that time to time variations can be justified, however, in this particular case the variations remain so significant in relation to height especially, that it is her view that the Council must reject this application;

- the Council should be aware of the explanatory guidelines of the R Codes and clause 7.6.1 of the Code which recognises that the protection of the views of significance ,where Council is required to exercise discretion;
 - stated the protection of access to views of significance is also implicitly recognised in the Council's planning frame work that provides for a height limit of two storeys plus loft, compared to what is proposed at 7 storeys;
 - the applicant has made changes to their design but it has not addressed the issue of access to views of significance- leaving the development significantly non compliant for residents in the adjoining Lincoln Towers;
 - whilst it is recognised that clause 40 provides the ability to vary standards, it is not a infinite power and it is conditional upon satisfying the criteria in a reasoned and objective way, that development will be consistent with orderly and proper planning the conservation of the amenities of the locality and the statement of the intent of the area does not effect the amenity of locality or the future development of locality. Believed the proposal does not meet any of the criteria and will simply leave a former development that remains taller and unsympathetic with Lincoln Towers.
8. Phillip Goldswain of 14 Mary Street, Highgate – Item 9.1.1. Stated the following:
- he is speaking on behalf of the Highgate Primary School Board;
 - that they have met with the Architect to discuss the proposal and they acknowledge the Council Officers have taken into account their suggestions in the submission made, but they still have serious concerns about the height of the development;
 - the proposal has a 3 storey podium on Beaufort Street and a 7 storey part that abutts the school;
 - this 7 storey element -25m high is only 4.5m from the school boundary;
 - requested the Council to modify the height of the proposal so it is reduced and the impact is reduced on the school property;
 - he believed the Architect's strategy of moving bulk from the tower element to the podium is a good strategy that would further drop the height of the tower element and place those floors on Beaufort Street which is proposed to be 3 storeys and could easily accommodate 1 or 2 storeys. Believed this would overall reduce the impact on the school and reduce the impact on the amenity of the pupils at the school.
- Thanked the Council.
9. Mark Pitman of 43, 133 Lincoln Street, Perth – Item 9.1.1. Stated the following:
- he would like to bring to the Council's attention that although the developer has nearly had one year since the original proposal to contact and consult them as neighbours, they were only notified through a 3rd party that the developer might be willing to meet with them less than 48 hours prior to the closing of the community consultation period;
 - he believed this demonstrates the level of general interest that the people behind this proposal have in developing and working with the local community;
 - believed the developers have made very little effort to consult local residents, including neighbours;
 - believed the developers have clearly focused attention on the local business community and the financial benefits of the Town, however he would put to the Council that a development of this nature could be a significant turning point for the culture of the Beaufort Street area;
 - that all applications must be judged against on their own merits and not compared to any previous submission;

- they have carried out their own assessment of this development and its impact with their own independent professional planners at a significant cost to ourselves, and the findings of this assessment conclude that this development falls far outside of the planning frame work and will have a significant adverse impact on existing residents, which the Council is obligated to consider through clause 40;
 - in the Officer's report, any reference to Civic Theatre Site redevelopment and Lincoln Towers is insufficient, as it does not address significant and very specific concerns of the impact that this development will have on existing residents.
10. Mitchell Newman of 24, 133 Lincoln Street, Highgate - Item 9.1.1 Stated the following:
- under clause 40, the non compliance should not have any adverse impact on the property or the inhabitants of the locality. Believed this development will do so;
 - believed there will be loss of quality of life, loss of "blue sky", loss of privacy, loss of amenity and increase in noise;
 - they have a wonderful entrance in terms of the Park, Brisbane Hotel and heritage buildings with a green setback. Believed if this development was to go ahead facing "East-West" it would put a blemish on that landscape because there is no setback from the street;
 - there will be loss of the green setback at the front of the building and the pine trees and the gums which obscure the Lincoln Towers.
- Thanked the Council.
11. Roger Smith, 33/133 Lincoln Street, Highgate, - Item 9.1.1 Stated the following:
- the number of permanent residents living in Lincoln Towers is 137, 35 is the number of non resident owners -a total of 162 people that contribute financially and socially to the Town of Vincent;
 - a number of these residents study within the Council boundaries of this work and all add to the financial well- being of the retail sector and are part of the rich social fabric that makes the Town of Vincent a good place to live in;
 - the same interests and wellbeing of the 162 residents have not been addressed by the hotel plans;
 - that the owners and residents of Lincoln Towers are not opposed to hotel development, however, they object to the size of the footprint and the refusal of the developers to use all of the site to build the hotel;
 - believed the reluctance of the Officers to insist that the developers expand the footprint is perplexing.
- Asked the Council for fairness and balance in any planning decisions that are made.
12. Karen Wright of Taylor Burrell Barnett, 187 Roberts Road, Subiaco – Item 9.1.1. Stated the following:
- she has been working with the Town's Officers over the last few months regarding the revised hotel development;
 - essentially these revisions have come out of a process of reviewing the submissions that have been received through consultation with the school site;
 - they have recognised the issues and where possible within the site have made modifications;
 - spoke in support of the officer's recommendation and believed the reduction in the height is more consistent with the vision and the philosophy of Beaufort Street and the surrounding locality.
- Thanked the Council.

13. Nick Ranger of 367 Stirling Street, Perth – Item 9.1.2. Stated the following:
- that he has spoken to 200 people involved in signing the petition, who are opposed to the site being developed, as proposed;
 - they appreciate that it is a vacant site and everybody that has bought houses over a long period of time always expected it would be developed;
 - the main concern of people is the bulk and scale of the site;
 - over-shadowing is not a difficult thing to address;
 - they are requesting a Special Meeting of Electors to discuss the development.
- Thanked the Council.
14. Peter Hayes of the Oxford Hotel, Oxford Street, Leederville – Item 9.1.3. Stated the following:
- there were two items he would like to emphasise;
 - firstly, is there is no application for an increase in numbers;
 - secondly, he considers the track record of his hotel, since it was redeveloped, has been fairly exemplary;
 - there has only been one objection to this application and he believes this is a testament to the performance over the years.
- Thanked the Council.

There being no further speakers, Public Question Time closed at approx. 6.42pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

- 5.1 Further petition received from Mr R.W. Smith of Lincoln Towers Strata Council, Lincoln Street, Highgate along with 102 signatures, objecting to the current proposed development at No. 381 Beaufort Street, Perth.

The Chief Executive Officer recommended that this petition be received and considered during consideration of Item 9.1.1 on this Agenda.

- 5.2 Petition received from Ms A. Chin of Harold Street, Mt Lawley supported by 105 electors. Stated that although there were a number of people that signed the petition, in this particular case, under the Local Government Act 1995, the people must be electors. The petition was requesting a Special Meeting of Electors to be held to consider the proposed development at Nos. 369-375 Stirling Street, Highgate.

The Chief Executive Officer advised that this petition be received and referred to the Chief Executive Officer for consideration and action.

- 5.3 Petition received from D & M Italiano of Ellesmere Street, Mt Hawthorn along with 45 signatures and a letter of support from Mr John Hyde, MLA, requesting that the Council approves the street/front wall, fence and gate within the setback area at 56 Ellesmere Street, Mt Hawthorn as the work does not compromise the safety of pedestrians/road users, or cause undue impact on the streetscapes, the amenity of the neighboring properties and the local area in general and urging the Council to withdraw its request to modify or remove the new works.

The Chief Executive Officer recommended that this petition be received and referred to the Director Development Services for investigation and report.

Moved Cr Farrell, Seconded Cr Topelberg

That the petitions be received as recommended.

CARRIED (9-0)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Meeting of Council held on 7 December 2010.

Moved Cr Buckels, Seconded Cr Burns

That the Minutes of the Ordinary Meeting of Council held 7 December 2010 be confirmed as a true and correct record.

CARRIED (9-0)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Special Meeting of Electors

A Petition with the required number of Elector Names has been received requesting a Special Meeting of Electors to discuss the following matter:

Proposed Development at No. 369-375 (Lots 33, 35 and 123) Stirling Street, corner of Harold Street, Highgate.

In accordance with the requirements of the Local Government Act, it is advised that this meeting will be held at the Town of Vincent Administration & Civic Centre at 7.00pm on Monday 17 January 2011.

7.2 nib Stadium

Late on Friday 17 December 2010, the Minister for Sport and Recreation issued a media statement about the redevelopment of nib Stadium, which would involve constructing an eastern stand, with a budget of \$88 million. The eastern stand will not contain any change-rooms or corporate facilities. Construction will start in "2012" and will take about 16 months.

For your information,

1. The Town has NOT had any discussions or input into the Masterplan.
2. The Town has NOT been formally advised of the redevelopment.
3. The Masterplan shows a possible building (Sports House) on the former Caretaker's Cottage site and various paths on Loton Park - these are outside the proposed lease area and none of this has been discussed with the Town.

The Town has also been informally advised (via Allia) that, following a meeting held on 6 December 2010 between the Premier and Allia, Allia will continue as the Stadium Managers until further notice, however there are no further details.

There have been no further formal discussions concerning the Draft Lease between the Town and the State, since the matter was last considered at the Special Council Meeting held on 6 September 2010.

I will keep you informed once further details are received.

7.3 Christmas Message

I wish to extend a very Merry Christmas to Council Members, CEO and all Staff and a Safe and Happy New Year.

8. DECLARATIONS OF INTERESTS

- 8.1 Mayor Catania declared a Financial interest in Item 9.3.1 – Investment Report. The extent of his interest being that he is the Chairperson of the North Perth Community Bank in which the Town has investment shares
- 8.2 Cr Burns declared a Financial interest in Item 9.3.1 – Investment Report. The extent of her interest being that she is a shareholder and her father is a director in the North Perth Community Bank in which the Town has investment shares.
- 8.3 Cr Buckels declared an Proximity interest in Item 9.2.4 – Traffic Management Matter – Bourke Street, Between Oxford and Loftus Street, Leederville. The extent of his interest being that he lives on Bourke Street.
- 8.4 Cr Burns declared an Impartiality interest in Item 9.2.5 – Right of Way Bounded by Vincent Street, Fitzgerald Street, Glendower Street and Thossell Streets, Perth – Proposed Naming. The extent of her interest being that her parents own two properties on Throssell Street.
- 8.5 Cr Lake declared an Impartiality interest in Item 9.1.1 – 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. The extent of her interest being that she is the Chair of the Highgate School Board and the School is adjacent to the subject site.
- 8.6 The Chief Executive Officer declared an Impartiality interest in Item 14.1 - Confidential Report: Premier's Australia Day Active Citizenship Awards – Nomination for 2011. The extent of his interest being that his neighbour is distantly related to one of the award recipients.

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

Nil.

10. REPORTS

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

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

Items 9.1.2, 9.1.4, 9.1.1 and 9.1.3.

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

Items 9.1.1 ,9.1.2, 9.2.1, 9.2.2 and 9.4.1.

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

Items 9.2.4 and 9.3.1.

Presiding Member, Mayor Nick Catania, requested Council Members to indicate:

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

Cr Farrell	Item 9.1.7.
Cr Topelberg	Items 9.1.9 and 9.3.7.
Cr Buckels	Item 9.2.7.
Cr McGrath	Nil.
Cr Harvey	Nil.
Cr Lake	Nil.
Cr Burns	Item 9.3.4.
Cr Maier	Items 9.2.6, 9.3.5 and 9.3.6.
Mayor Catania	Nil.

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

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

Items 9.1.5, 9.1.6, 9.1.8, 9.1.10, 9.1.11, 9.1.12, 9.2.3, 9.2.5, 9.2.8, 9.3.2, 9.3.3, 9.4.3, 9.4.4 and 9.4.5.

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

Item 14.1.

Cr Farrell departed the Chamber at 6.52pm.

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

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

Items 9.1.5, 9.1.6, 9.1.8, 9.1.10, 9.1.11, 9.1.12, 9.2.3, 9.2.5, 9.2.8, 9.3.2, 9.3.3, 9.4.3, 9.4.4 and 9.4.5.

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

Items 9.1.2, 9.1.4, 9.1.1 and 9.1.3.

The Chief Executive Officer advised that Item 9.4.2 would also have to be debated as it calls for a nomination.

Cr Farrell returned to the Chamber at 6.54pm.

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

Moved Cr Maier, Seconded Cr Burns

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

Items 9.1.5, 9.1.6, 9.1.8, 9.1.10, 9.1.11, 9.1.12, 9.2.3, 9.2.5, 9.2.8, 9.3.2, 9.3.3, 9.4.3, 9.4.4 and 9.4.5.

CARRIED (9-0)

9.1.5 No. 272 (Lot: 50; D/P: 64020) Stirling Street, corner Bulwer Street, Perth - Proposed Change of Use from Recreational Facility to Warehouse and Office (Retrospective Application)

Ward:	South	Date:	8 December 2010
Precinct:	Beaufort Precinct; P13	File Ref:	PRO0699; 5.2010.433.2
Attachments:	001		
Reporting Officer:	T Cappellucci, Planning Officer (Statutory)		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by RPS on behalf of the owner Newtop Holdings Pty Ltd for proposed Change of Use from Recreational Facility to Warehouse and Office (Retrospective Application), at No. 272 (Lot: 50; D/P: 64020) Stirling Street, corner of Bulwer Street, Perth, and as shown on plans stamp-dated 21 September 2010, subject to the following conditions:

(i) **Building**

- (a) *all new external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Stirling and Bulwer Streets; and*
- (b) *the maximum gross floor area for the office component shall be limited to 50 square metres and the maximum gross floor area for the warehouse component shall be limited to 1260 square metres. Any increase in gross floor areas or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town and shall be assessed in accordance with the relevant Planning Policy including the Town's Parking and Access Policy 3.7.1;*

(ii) **Car Parking and Accessways**

- (a) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (b) *the car park shall be used only by employees, tenants, and visitors directly associated with the development;*
- (c) *a road, verge security bond or bank guarantee of \$385 payable by the builder shall be lodged with the Town prior to the issue of a Building Licence and be held until all building/development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired/reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing. This bond is non-transferable;*

- (d) *all car-parking bays shall be dimensioned on the Building Licence application working drawings and all car parking facilities shall comply with the minimum specifications and dimensions specified in the Town's Parking and Access Policy and Australian Standards AS2890.1 – "Off Street Parking";*
- (e) *the car parking area shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (f) *the ACROD bay is to comply with AS2890.6 with the dimensions to be 4.8 metres (wide) x 5.4 metres (length); and*
- (g) *the provision of a minimum 17 car bays on- site;*

(iii) **Signage**

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

(iv) **Fencing**

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

- (v) ***PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the Town:***

(a) **Refuse and Recycling Management**

Bin numbers and collection shall meet with the Town's minimum service provision.

COUNCIL DECISION ITEM 9.1.5

Moved Cr Maier, Seconded Cr Burns

That the recommendation be adopted.

CARRIED "EN BLOC" (9-0)

Landowner:	Newtop Holdings Pty Ltd
Applicant:	RPS
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): RC80
Existing Land Use:	Recreational Facility
Use Class:	Office Building and Warehouse
Use Classification:	"AA" and "SA"
Lot Area:	1590 square metres
Access to Right of Way	Not applicable

PURPOSE OF REPORT:

The proposal requires referral to the Council for determination, as per new Delegation No. 6.19 – Retrospective Applications, as the proposal is a retrospective application for a Change of Use from Recreational Facility to Office and Warehouse, with the Warehouse being an “SA” use within the Residential/Commercial zone and written objections were received by the Town during the consultation period.

TABLED ITEM:

Applicant’s submission and response to objections.

BACKGROUND:

- | | |
|------------------|---|
| May 1982 | The Perth City Council approved the existing warehouse on the site. Eight car bays were required for the proposal, 7 bays were proposed. Approximately 17 car bays existed on-site. |
| 14 February 1995 | The Commissioners on behalf of the Town of Vincent approved an application for a change of use from showroom/warehouse on the subject land. This proposal complied with all requirements of the Town Planning Scheme with the exception of car parking (21 bays required, 17 existing bays provided). |
| 9 September 1996 | The Council refused an application for a recreational facility due to the non-compliance with car parking requirements and the orderly and proper planning of the locality. |
| 14 November 1996 | Feilman Planning Consultants on behalf of the landowner lodged an appeal against the Council’s decision of refusal. |
| 16 December 1996 | The Council considered the appeal to be submitted to the Minister for Planning. |
| 27 March 1997 | Minister for Planning resolved to uphold the appeal application against the Council’s decision of refusal. |
| 12 May 1997 | Council at its Ordinary Meeting resolved to issue a conditional approval for a Recreational Facility in accordance with the terms and conditions as set out on the attached MRS Form 2. |
| 18 July 1997 | A site inspection undertaken by the Town’s Officers identified that conditions (h), (i) and (j) of the “Approval to Commence Development” MRS Form 2 issued on 20 May 1997 had not been fully complied with. |
| 28 July 1997 | Council at its Ordinary Meeting approved the recommendation that the owners/occupiers should be requested to comply immediately with the above conditions. |

DETAILS:

The proposal involves the retrospective change of use from recreational facility to an office and warehouse. The warehouse is currently used for the purposes of office furniture storage with an office component now required as part of this application. No heavy equipment is proposed to be used on-site and no structural changes are proposed to be made to the existing building.

The operating hours will be 8.30am to 5.00pm Monday to Friday with a maximum of three (3) employees and two (2) clients present at any one time.

COMPLIANCE:

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Land Use:	“P” Permitted.	Office = “AA” and Warehouse = “SA”.
<i>Officer Comments:</i>		
Supported – Proposal complies with car parking requirements; therefore, adequate car parking is provided which ensures that there is no unreasonable commercial parking spilling into adjacent residential streets.		
In addition, the proposed use of the site as an office and warehouse complies with the intention of properties located within the Residential/Commercial Area of the Beaufort Precinct Policy where a variety of compatible commercial uses is to be encouraged.		

Consultation	
In Support:	One (1)
Comments Received	Officer Comments
Nil.	Noted.
Objections:	Three (3)
Comments Received	Officer Comments
<p><u>Neighbourhood/Amenity</u> The neighbourhood is a mix of residential and small businesses. A warehouse facility seems at odds with these improvements.</p> <p>Warehouse use not in keeping with character of neighbourhood which is residential.</p> <p>Warehouse/office does not provide any amenity or benefit to residents of the area.</p> <p>Operation of site as a warehouse has to date adversely impacted the residents.</p> <p><u>Noise</u> Constant delivery and removal of large shipping containers is noisy and unattractive.</p> <p><u>Maintenance</u> Tenants make little attempt to maintain the facility.</p> <p>Shipping containers have damaged newly laid concrete footpaths on Stirling Street.</p> <p><u>Office Use</u> Seems unlikely that the building is used as an office.</p>	<p>Not Supported – It is noted that the adjoining area is a mix of residential and commercial development. However, within the Beaufort Precinct Residential/Commercial area, a variety of compatible commercial uses are to be encouraged. Therefore, it is deemed that given adequate car parking is provided on-site, this will ensure that no unreasonable commercial parking does spill into adjacent residential streets and as a result, avoid conflict between the proposed commercial use and the nearby residential properties.</p> <p>Noted – The Town’s Health Services is able to action complaints under the Environmental Protection (Noise) Regulations 1997, as deliveries should only occur between 7am-7pm Monday to Saturday and 9am-7pm on Sundays/Public Holidays.</p> <p>Noted – As part of this application, the tenants will be required to maintain the premises.</p> <p>Not Supported – Not a relevant planning consideration.</p> <p>Not Supported – As part of this application, the upper floor office component is proposed to be ancillary to the warehouse use in order to provide for administrative duties.</p>

Consultation	
<p><u>Prostitution</u> Having a warehouse/office encourages the continuation of street prostitution problem as the warehouse is unattended outside of office hours and not well lit.</p> <p><u>Layout</u> Road layout and access to site are not suitable for the additional parking bays for the site.</p> <p><u>Location</u> Difficult to see why a warehouse needs to be located at this site given the numerous light-industrial/warehousing areas that exist in the wider Perth region.</p>	<p>Not Supported – Prostitution is illegal within the Town of Vincent and is not a relevant planning consideration.</p> <p>Not Supported – Given the on-site car parking bays have been existing on-site for a substantial period of time and as part of this application, the applicants are going to provide the required car bay for disabled persons, the access to the car parking on-site from Stirling and Bulwer Streets is deemed not to visually detract from the public environment or character of the area.</p> <p>Not Supported – Given the site is to be used for the purpose of storing office furniture, it is in line with the intention of the Beaufort Precinct Residential/Commercial area where a variety of compatible commercial uses is to be encouraged. In addition, the office furniture stored on-site can serve the city centre and the research and development, education and community services of the adjacent East Perth Redevelopment Area.</p>
Advertising	Advertising for a period of 21 days was carried out as per the Town’s Policy No. 4.1.5 – relating to Community Consultation.

Car Parking	
<p>Car parking requirement (nearest whole number)</p> <p>Proposed warehouse and office.</p> <p><i>Warehouse = 3 spaces for the first 200 square metres of gross floor area and thereafter 1 space per 100 square metres of gross floor area or part thereof.</i></p> <ul style="list-style-type: none"> • Warehouse – Gross Floor Area = 1260 square metres (requires 13.6 car bays) <p><i>Office = 1 space per 50 square metres of gross floor area.</i></p> <ul style="list-style-type: none"> • Office – Gross Floor Area = 50 square metres (requires 1 car bay) <p>Total car bays required = 14.6 car bays</p>	<p>= 15 car bays (nearest whole number)</p>
<p>Apply the adjustment factors.</p> <ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop) • 0.85 (within 400 metres of a public car parking place with in excess of 75 car parking spaces) 	<p>(0.7225)</p> <p>= 10.83 car bays</p>
<p>Minus the car parking provided on-site</p>	<p>17</p>
<p>Minus the most recently approved on-site car parking shortfall, including adjustment factors</p>	<p>2.89 car bays</p>
<p>Resultant surplus</p>	<p>9.06 car bays</p>

The above most recently approved on-site car parking shortfall was part of an application the Commissioners on behalf of the Town of Vincent approved for a change of use from showroom/warehouse to office/showroom on the subject land on 14 February 1995. This proposal complied with all requirements of the Town Planning Scheme with the exception of car parking (21 bays required, 17 existing bays provided).

Bicycle Parking
Warehouse = N/A
Office
<ul style="list-style-type: none"> • 1 space per 200 square metres of gross floor area (class 1 or 2) = 0.25 spaces • 1 space per 750 square metres of gross floor area over 1000 square metres (class 3) = 0 spaces
Total class one or two bicycle spaces = 0.25 spaces = Nil
Total class three bicycle spaces = 0 spaces

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

COMMENTS:

The subject site is zoned Residential/Commercial and is surrounded by a range of commercial uses as well as residential properties. The proposed retrospective use of the site as a warehouse with an ancillary office component is considered appropriate and supportable. As part of this application, the structure of the existing building is not to be altered.

The subject application has a surplus of 9.06 car bays, mainly as a result of the existing car parking bays on-site that were approved by the Commissioners on behalf of the Town of Vincent, on 14 February 1995. The proposal complied with all requirements of the Town Planning Scheme with the exception of car parking (21 bays required, 17 existing bays provided).

The property is located within the Beaufort Precinct. The protection and enhancement of the amenity and general environmental standards of existing and future residential development in and around the Precinct is important. Given the building has been existing for a substantial period of time and there is adequate car parking on-site, it is considered that the proposed use is consistent with the range of uses in the Residential/Commercial Area of the Beaufort Precinct and accordingly, it is recommended that the Council approve the application, subject to standard and appropriate conditions to address the above matters.

9.1.6 Nos. 257-261 (Lot 600 ; D/P 62618) Oxford Street, corner Bourke Street, Leederville - Proposed Change of Use from Office to Shop (Unit 1)

Ward:	North	Date:	9 December 2010
Precinct:	Leederville;P3	File Ref:	PRO2982; 5.2010.562.1
Attachments:	001		
Reporting Officer:	R Narroo, Senior Planning Officer (Statutory)		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by the owner Aralia Investments Pty Ltd for proposed Change of Use from Office to Shop (Unit 1), at Nos. 257-261(Lot 600 ; D/P 62618) Oxford Street, corner Bourke Street, Leederville and as shown on plans stamp-dated 29 October 2010 , subject to the following conditions:

(i) **Building**

- (a) *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 to Oxford and Bourke Streets;*
- (b) *doors and windows and adjacent floor areas fronting Oxford and Bourke Streets shall maintain an active and interactive relationship with these streets;*

(ii) **Signage**

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

(iii) **Cash-in-lieu-Parking**

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

- (a) *pay a cash-in-lieu contribution of \$15,480 for the equivalent value of 5.16 car parking spaces, based on the cost of \$3,000 per bay as set out in the Town's 2010/2011 Budget; OR*
- (b) *lodge an appropriate assurance bond/bank guarantee of a value of \$15,480 to the satisfaction of the Town. This assurance bond/bank guarantee will only be released in the following circumstances:*
 - (1) *to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*

(2) *to the owner(s)/applicant following receipt by the Town of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or*

(3) *to the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired.*

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

(iv) **PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the following shall be submitted to and approved by the Town:**

(a) **Bicycle Parking Facilities**

One (1) class 1 or 2 and One (1) class 3 bicycle parking facilities shall be provided at a location convenient to the entrances and within the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted to and approved by the Town prior to installation of such facilities.

COUNCIL DECISION ITEM 9.1.6

Moved Cr Maier, Seconded Cr Burns

That the recommendation be adopted.

CARRIED "EN BLOC" (9-0)

Landowner:	Aralia Investments Pty Ltd
Applicant:	Aralia Investments Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R60
Existing Land Use:	Mixed-Use Development (office/multiple dwellings)
Use Class:	Shop
Use Classification:	"SA"
Lot Area:	711 square metres
Access to Right of Way	West side, 2.73 metres wide, unsealed, privately owned

PURPOSE OF REPORT:

The proposal requires referral to the Council for determination as a parking shortfall more than 5 bays is proposed.

TABLED ITEM:

Applicant's submission.

BACKGROUND:

- 14 June 2005 The Council at its Ordinary Meeting conditionally approved an application for the demolition of vehicle sales premises and construction of three (3), two-storey grouped dwellings, at No. 257 Oxford Street, Leederville.
- 22 November 2005 The Council at its Ordinary Meeting conditionally approved an application for the demolition of existing vehicle sales premises and construction of three (3) two-three storey multiple dwellings at No. 257 Oxford Street, Leederville.
- 27 June 2006 The Council at its Ordinary Meeting conditionally approved an application for the construction of three (3) two-storey plus basement, multiple dwellings at No. 257 Oxford Street, Leederville.
- 4 December 2007 The Council at its Ordinary Meeting deferred an application for demolition of existing buildings and construction of three-storey mixed use development comprising office, eight (8) multiple dwellings (including 6 single bedroom dwellings and 2, two-bedroom dwellings) and associated car parking.
- 18 December 2007 The Council at its Ordinary Meeting conditionally approved an application for demolition of existing buildings and construction of three-storey mixed-use development comprising office, eight (8) multiple dwellings (including 6 single bedroom dwellings and 2, two- bedroom dwellings) and associated car parking.
- 8 September 2009 The Council at its Ordinary Meeting refused an application for change of use from office to eating house (restaurant) with associated alterations and additions for the following reasons:
- “(i) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
 - “(ii) *the non-compliance with the Town’s Policy No. 3.7.1 relating to Parking and Access; and*
 - “(iii) *consideration of objections received.*”

DETAILS:

The proposal involves the change use from office to shop.

The applicant's submission is tabled. The applicant claims that for more than one year the existing office use could not be rented and hence, an application has been submitted for a change of use from office to shop (retail).

COMPLIANCE:

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Density:	N/A	N/A
<i>Officer Comments:</i>		
Noted.		
Plot Ratio:	N/A	N/A
<i>Officer Comments:</i>		
Noted.		

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

CONSULTATION/ADVERTISING:

Consultation Submissions		
Item	Comments Received	Officer Comments
Support	Nil	Noted.
Objection	Nil	Noted.
Advertising	Advertising for a period of 21 days was carried out as per the Town's Policy No. 4.1.5 – relating to Community Consultation.	

Car Parking	
Car parking requirement (nearest whole number)	12 car bays
Retail (shop)= 1 space per 15 square metres of gross floor area (proposed 176 square metres)= 11.7= 12	
Apply the adjustment factors:	(0.68)
<ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop) • 0.8 (development contains a mix of uses, where at least 45 cent of the gross floor area is residential) 	8.16 car bays
Minus the car parking provided on-site	3 car bays
Minus the most recently approved on-site car parking shortfall	Not applicable
Resultant shortfall	5.16 car bays

Bicycle Parking		
Bicycle Parking	Retail- 1 space per 300 (proposed 176) square metres (class 1 or 2)= 1 space 1 space per 200 (proposed 176) square metres (class 1 or 2)= 1 space	Bike rack shown on the plan.

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

COMMENTS:

Car Parking

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

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

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

The Council at its Ordinary Meeting held on 8 September 2009 refused an application for change use from office to eating house (restaurant) with associated alterations and additions due to non-compliance with parking, and objections received from the adjoining neighbours.

This new application is for change of use from office to shop. The proposed shop is considered to be less intensive than an eating house and no objections have been received from the adjoining neighbours. In addition, a shop use will complement the existing surrounding residential use and will provide increased opportunities for shopping within a walkable distance for the surrounding residents.

It is considered that the scale and nature of the proposal will not have an undue impact on the amenity of the area given a shop does not generally generate a lot of traffic and it is unlikely there will be car parking spillover to adjacent residential areas.

In light of the above, it is considered that the proposed change of use from an office to shop is supportable. Accordingly, the application is recommended for approval, subject to standard and appropriate conditions.

9.1.8 No. 17 (Lot 48, D/P 6049) Brady Street, corner Anderson Street, Mount Hawthorn - Proposed Four (4), Two-Storey Grouped Dwellings – Amended Planning Approval

Ward:	North	Date:	13 December 2010
Precinct:	-	File Ref:	PRO4076;5.2010.612.1
Attachments:	001		
Reporting Officer:	D Pirone, Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the City of Stirling District Planning Scheme No. 2 and the Metropolitan Region Scheme, APPROVES the application submitted by M Carbone Designs on behalf of the owner Hopkins Properties (WA) Pty Ltd for proposed Four (4), Two-Storey Grouped Dwellings – Amended Planning Approval, at No. 17 (Lot 48; D/P 6049) Brady Street, corner Anderson Street, Mount Hawthorn, and as shown on plans stamp-dated 29 November 2010, subject to the following conditions:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Brady Street and Anderson Street;*
- (ii) *first obtaining the consent of the owners of No. 15 Brady Street and No. 4 Anderson Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 15 Brady Street and No. 4 Anderson Street in a good and clean condition;*
- (iii) *no street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorized pruning; and*
- (iv) **PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the Town:**

(a) Street Walls and Fences

The new street/front wall, fence and gate within the Brady Street setback area and the Anderson Street setback area including along the side boundaries within these street setback areas, complying with City of Stirling Policy N101425 relating to Streetscape (including Fencing);

(b) Landscaping and Reticulation Plan

A detailed landscape and irrigation plan for the development site and adjoining road verge shall be submitted to the Town'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 and such method;*

- 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 plants (indicating details of materials to be used).*

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

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

(c) **Kerb Radius Bond**

The applicant shall lodge a non-refundable bond of \$5,000 for the modification of the kerb radius from Anderson Street into Brady Street, from 12 metres to 8 metres, to ensure compliance with AS 2890.1 – Prohibited Locations of Access Driveways.

COUNCIL DECISION ITEM 9.1.8

Moved Cr Maier, Seconded Cr Burns

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

Landowner:	Hopkins Properties (WA) Pty Ltd
Applicant:	M Carbone Designs
Zoning:	Metropolitan Region Scheme: Urban City of Stirling District Planning Scheme No. 2: Residential R50
Existing Land Use:	Single House
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	749 square metres
Access to Right of Way	Not applicable.

PURPOSE OF REPORT:

The proposal requires referral to the Council as the Town’s Officers do not have the delegation to determine applications for 4 grouped dwellings.

BACKGROUND:

- 30 May 2007 The City of Stirling conditionally approved an application for proposed four (4), two-storey grouped dwellings.
- 27 September 2007 The Town of Vincent issued a Demolition Licence for the existing single house.
- 15 February 2008 The Town of Vincent issued a Building Licence for the construction of the development approved by the City of Stirling on 30 May 2007.
- 1 December 2009 The Council at its Ordinary Meeting conditionally approved an application for proposed four (4), two-storey grouped dwellings.

DETAILS:

The proposal involves minor amendments to the plans approved by the Council at its Ordinary Meeting held on 1 December 2009 for the construction of four (4), two-storey grouped dwellings.

The proposed amendments consist of, but are not limited to the following:

- Increased side setback to unit 1;
- Increased rear setbacks to units 1, 2 and 3;
- The reduction in the length of the upper floor wall of unit 1 on the western elevation;
- The reduction of the length of the boundary wall on the western elevation from 13.4 metres to 7 metres;
- The reduction of the length of the boundary wall on the northern elevation from 8.4 metres to 7.8 metres;
- An increase in the proposed open space;
- Alterations to the internal layout of the dwellings; and
- Alterations to the appearance of the front facades of the dwellings.

The following variations that were previously approved remain the same in the subject proposal:

- Walls proposed on two boundaries;
- The total width of the driveway exceeding 9 metres;
- The garage doors occupying 65.5 percent of the Anderson Street frontage; and
- The outdoor living areas having a dimension of less than 4 metres.

COMPLIANCE:

NON-COMPLIANT REQUIREMENTS
The proposed amendments do not result in any further variation to the Residential Design Codes or the Town's or City of Stirling's Policies.

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

Consultation Submissions
Advertising is not required in this instance as the proposed amendments do not result in any further variation to the Residential Design Codes or City of Stirling Policies.

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

COMMENTS:

The applicant proposes minor changes to the original Planning Approval that do not result in any further variations to the Residential Design Codes and City of Stirling Policies.

In light of the above, it is recommended that the Council approve the application, subject to the same conditions that were placed on the original Planning Approval.

9.1.10 Climate Change Planning – Progress Report No. 1

Ward:	Both	Date:	8 December 2010
Precinct:	All	File Ref:	ENS0129
Attachments:	-		
Reporting Officer:	A Gordon, Temporary Project Officer – Sustainability T Woodhouse, Co-ordinator Strategic Planning		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** Progress Report No. 1 relating to Climate Change Planning; and
- (ii) **APPROVES** the proposed way forward for the Town's Climate Change Planning, being that the:
 - (a) joint Climate Change Risk Assessment which the Town will undertake with the East Perth Redevelopment Authority (EPRA) and others will form the basis of a Climate Change Adaptation Plan for the Town;
 - (b) mitigation aspects of the Town's Climate Change Planning will be addressed through the Town's Sustainable Environment Strategy; and
 - (c) Town's position on climate change will be set out in a Climate Change Policy, a draft of which will be tabled at the next meeting of the Sustainability Advisory Group for feedback and comment prior to it being presented to the Council for consideration.

COUNCIL DECISION ITEM 9.1.10

Moved Cr Maier, Seconded Cr Burns

That the recommendation be adopted.

CARRIED "EN BLOC" (9-0)

PURPOSE OF REPORT:

To inform the Council of progress to date in the Town's Climate Change Planning.

BACKGROUND:

At its Ordinary Meeting held on 13 July 2010, the Council requested that the Chief Executive Officer, in liaison with the Sustainability Advisory Group (SAG), prepare a Climate Change Strategy and report to the Council no later than December 2010.

DETAILS:

The Town's Officers have conducted a significant amount of research to determine what would be a responsible, effective and thorough approach for the Town to take to climate change planning, the results of which are described below.

Climate Change Planning

The global climate is changing, and will continue to change, in ways that affect the planning and day-to-day operations of local government. The manifestations of climate change include higher temperatures, lower rainfall patterns, a rising sea level, and more frequent or intense weather events such as heatwaves, drought and storms.

Local government has an important role to play in reducing greenhouse gas emissions, and will also be at the forefront of managing the impacts of unavoidable climate change.

It is generally accepted that there are two broad elements to a holistic approach to climate change planning:

1. **Mitigation** – taking steps to reduce the Town’s contribution to climate change by reducing its greenhouse gas emissions; and
2. **Adaptation** – taking action to avoid, manage or reduce the consequences of unavoidable climate change; and recognising and taking advantage of the opportunities that new markets and new skills may present.

The mitigation aspects of climate change planning are dealt with in the Town’s Sustainable Environment Plan 2007-2012, which is currently being reviewed, and is proposed to be replaced by a new Sustainable Environment Strategy. The Sustainable Environment Strategy will detail, amongst other things, actions that the Town will take to reduce, and encourage the community to reduce, greenhouse gas emissions.

Mitigation actions are important, as it is only through reducing carbon emissions that climate change trends can be slowed. However, it is widely recognized that some climate change is unavoidable, and the Town will need the capability to adapt to these changes. Due to the long atmospheric lifetime of major greenhouse gases and time lags in the ocean-atmosphere system, climate change will continue for decades or even centuries to come, even if large scale actions to mitigate greenhouse gas emissions is taken in the near future.

The Town’s Officers propose that the Town should continue to address mitigation measures through the Sustainable Environment Strategy, and should look to prepare a Climate Change Adaptation Plan, which will focus on how the Town proposes to adapt to unavoidable climate change.

Developing a Climate Change Adaptation Plan

There are many resources available to assist in the preparation of a Climate Change Adaptation Plan, including comprehensive Toolkits developed by the Local Government and Shires Association of NSW (LGSA), and the WA Local Government Association (WALGA).

However, there is no simple “template” for a Climate Change Adaptation Plan that can be adopted by the Town. Climate change will impact on places and organisations differently, and any adaptation approach must be tailored to the local circumstances of, and climate change projections for, the area of concern. The direct and indirect effects of climate change on local government vary according to geography, natural environment, demographics, and socioeconomics.

While Local Government has devoted significant time and resources over the past decade to reducing anthropogenic (human-caused) greenhouse gas emissions, they have only recently begun efforts to apply internal risk management systems to prepare for predicted climatic change and variability. Several local governments around Australia have developed a Climate Change Strategy in some form, although the concept of planning for climate change is still relatively new. The common theme across each of the examples is that to prepare to adapt to climate change, it is necessary to identify the likely impacts of climate change on the local government, and use a risk management approach to ascertain and evaluate the main risks that the local government needs to address.

A Risk Management Approach

Effective adaptation requires an awareness of the risks posed by climate change, and, importantly, an understanding of the relative significance of those risks. An effective and thorough approach to climate change planning involves applying a risk management framework to the risks posed by climate change.

All of the available resources, including Toolkits and examples from other local governments, point to the necessity of a thorough risk assessment process being undertaken to enable sound climate change adaptation planning.

“Risk” is generally defined as; “a combination of the *likelihood* of an occurrence and the *consequence* of that occurrence.” In practice, neither likelihoods nor consequences are known with certainty. In the context of climate change risk assessment, uncertainty arises because, although society can be confident that climate change is occurring, it is not known precisely the magnitude of the changes or their associated impacts. Uncertainty may also arise because the community does not know the exact point at which a climate change impact has a particular level of consequence for the Town.

Notwithstanding sources of uncertainty, an initial assessment process should provide a useful means of identifying and prioritising risks of climate change, and will enable the Town to take action to address the most serious risks identified.

Joint Climate Change Risk Assessment

As reported to the Council at its Ordinary Meeting held on 9 November 2010, the Town was recently contacted by the East Perth Redevelopment Authority (EPRA), who proposed that the Town, EPRA, the City of Perth and the WA Department of Planning enter a partnership for the purposes of conducting a joint Climate Change Risk Assessment. The Town’s Officers have written to EPRA, advising that the Council has approved the Town entering into the proposed partnership, noting that financial contributions to the cost of the risk assessment are yet to be determined.

The risk assessment will form the basis of the Town’s Adaptation Plan, as it will identify and assess the risks posed by climate change to development in Perth’s inner city area, and will identify effective adaptation measures to mitigate these risks.

The Town’s Officers have recently been advised that EPRA is awaiting confirmation from the City of Perth and the WA Department of Planning that they wish to participate in the proposed partnership. Once such confirmation has been received, it is anticipated that:

- The partnership details will be finalised, and the arrangement will be formalised in a Memorandum of Understanding;
- A Steering Committee will be formed to manage the project, comprising representation from each partner organisation;
- An Advisory Committee, comprising scientific and government experts, will be established to provide technical advice to inform and guide the project; and
- A qualified consultant will be engaged to facilitate the risk assessment process and manage the associated workshops.

Draft Climate Change Policy

The Town’s Officers consider that it would be worthwhile and appropriate for the Town to formally adopt a policy on climate change, to make it clear that the Town acknowledges that climate change is one of the major threats facing the world and local communities today, and recognising the reality and the potential impacts of climate change and the urgent need to reduce greenhouse gas emissions.

Such a policy would reinforce the seriousness of the issue of climate change to the community and make it clear that the Town is committed to taking action to reduce greenhouse gas emissions, and to adapt to climate change.

In addition, if the State or Federal Governments were to make funding available for local governments to prepare for or address climate change, it would be beneficial for the Town to be able to point to its policy position as evidence of its commitment to take action.

It does not appear that other local governments in WA have a formal policy on climate change as yet, although WALGA recommends that local governments should develop a policy position on climate change.

The Town's Officers have developed a draft Climate Change Policy and intend to consult with the Sustainability Advisory Group on the draft policy in early 2011 before presenting it to the Council for endorsement.

CONSULTATION/ADVERTISING:

Nil at this time.

LEGAL/POLICY:

Significant legal implications could arise if a local government fails to effectively plan for climate change.

The failure to adequately plan for climate change may lead to significant legal liability. Legal advice to the Western Australian Local Government Association (WALGA) notes that planning authorities should take account of climate change risks in their decision-making, based on the willingness of Courts and Planning Tribunals to accept evidence of climate change risk. In addition, future litigation relating to climate change could arise with respect to both compensation claims, and negligence due to breach of duty of care in managing climate change risks.

STRATEGIC IMPLICATIONS:

Effective planning to adapt to climate change will advance several of the objectives in the Town's Strategic Plan 2009-2014:

"Natural and Built Environment

- 1.1 *Improve and maintain environment and infrastructure*
 - 1.1.4 *Minimise negative impacts on the community and environment*
 - 1.1.6 *Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment*

Leadership, Governance and Management

- 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.*
 - 4.1.3 *Plan effectively for the future."*

FINANCIAL/BUDGET IMPLICATIONS:

At this stage, no funding is required for climate change planning; however, the Council resolved at its Ordinary Meeting held on 9 November 2010 to authorise the Chief Executive Officer to source the necessary funds (up to \$30,000) in the 2010/11 mid-year Budget Review for the purposes of contributing to the cost of a joint Climate Change Risk Assessment.

SUSTAINABILITY IMPLICATIONS:

The long-term sustainability of the Town is dependent on effective planning to adapt to climate change, and a comprehensive assessment of the risks arising from climate change is essential to plan effectively. The pooling of resources to achieve this will result in savings for the Town, and a more comprehensive risk assessment than the Town could achieve on its own.

COMMENTS:

One of the major threats, if not the major threat, facing the world and local communities today is climate change. Local Government has an important role to play in reducing greenhouse gas emissions, and will also be at the forefront of managing the impacts of unavoidable climate change. Conducting a joint Risk Assessment will be a significant step in the Town's climate change planning, and will form the basis for an effective Climate Change Adaptation Plan for the Town. Together with the mitigation actions which will be outlined in the Town's Sustainable Environment Strategy, and a Climate Change Policy, this will form a holistic and effective approach to climate change planning.

Progress on a Climate Change Strategy has proven to be a more onerous task than initially anticipated. Progress on the project has been delayed due to the resignation of the Town's Sustainability Officer and the need to recruit a Project Officer to complete the task. The Town's Project Officer has been now engaged and momentum on the project is now on target, with a completion date anticipated in mid 2011.

9.1.11 Sustainable Environment Strategy 2011-2016 – Progress Report No. 1

Ward:	Both Wards	Date:	8 December 2010
Precinct:	All Precincts	File Ref:	PLA0175
Attachments:	-		
Reporting Officers:	A Gordon, Temporary Project Officer – Sustainability T Woodhouse, Co-ordinator Strategic Planning		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** Progress Report No. 1 relating to the Sustainable Environment Strategy 2011-2016; and
- (ii) **NOTES** that the draft Sustainable Environment Strategy 2011-2016 will be presented to the Council for consideration in early 2011.

COUNCIL DECISION ITEM 9.1.11

Moved Cr Maier, Seconded Cr Burns

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

PURPOSE OF REPORT:

To advise the Council of the progress to date in reviewing the Town’s Sustainable Environment Plan 2007-2012 and preparing a new Sustainable Environment Strategy 2011-2016.

BACKGROUND:

At its Ordinary Meeting held on 13 July 2010, the Council requested that the Chief Executive Officer, in liaison with the Sustainability Advisory Group (SAG), review and update the Town’s Sustainable Environment Plan 2007-2012, and report to the Council no later than December 2010.

DETAILS:

The Town adopted its Sustainable Environment Plan 2007-2012 (“SEP”) at its Ordinary Meeting held on 12 June 2007. The SEP is the strategic document setting out the Town’s objectives in its approach to environmental sustainability. The SEP sets out broad objectives in five focus areas (air, water, biodiversity, energy and waste management) and details a set of specific actions to be taken to achieve these objectives, and timeframes in which they should be carried out.

After the adoption of the SEP, the Town’s Officers also developed a Sustainable Environment Plan Implementation Plan (“Implementation Plan”). The Implementation Plan is the supporting document for the SEP, and is a more detailed, working document intended to facilitate carrying out the actions in the SEP and to enable reporting on the progress in achieving actions. It includes details such as the Officer(s) responsible for the action, funding and costs, comments and progress notes. The Implementation Plan was last updated and reviewed by the Council (after review by the SAG) in August 2009.

The Need for Review

A review of the SEP was thought necessary in light of the changes that have occurred since its adoption in 2007, including:

- The creation of the position of the Project Officer – Sustainability, and the redefinition of the role of the Project Officer – Environment, in light of the employment of a Sustainability Officer;
- Policy changes impacting on the SEP, such as the adoption of the Town’s Strategic Waste Minimisation Plan 2008-2013; and
- The Town’s participation in the ICLEI Water Campaign.

Further consideration of the SEP also revealed that many of the actions listed in the SEP are obsolete or outdated, and some could be consolidated. In addition, links between the SEP and the Town’s Strategic Plan are not clearly evident.

The Review Process

The following steps have been taken to date in reviewing the SEP and creating a new Sustainable Environment Strategy (“the Strategy”) to replace the SEP:

- The Town’s Officers conducted an initial review of the SEP in liaison with relevant Officers, reviewing progress on achieving the actions, and identified actions that should be deleted, amended, merged, and new actions to be added;
- The focus areas (key broad areas of environmental concern) and overall objectives that the Town is intending to achieve through the Strategy were determined in consultation with the SAG;
- A “first cut” list of proposed actions to achieve the objectives across each of the focus areas was prepared;
- The “first cut” list was reviewed with the Town’s internal Sustainability Working Group (SWG) and amended;
- The revised draft list of actions was circulated to the SAG members for comment;
- Relevant federal and state policies and planning documents regarding environmental sustainability issues have been reviewed to ensure that the Strategy will be consistent with these; and
- The draft text of the Strategy, providing the surrounding context for the Strategy objectives and the actions that the Town will commit to undertake, has almost been completed.

Actions and Focus Areas

The actions proposed for inclusion in the Sustainable Environment Strategy are categorised under five headings, comprising a “General Actions” category and four “Focus Areas”:

- (1) General Actions – these are the actions that are broad and do not fit within just one of the specific Focus Areas. They are divided into two sections:
 - The Town’s Sustainable Planning; and
 - Community Environmental Initiatives.
- (2) Air and Emissions – this focus area is the result of merging two focus areas – “Air” and “Energy” – in the current SEP. Actions in this focus area are aimed at reducing non-renewable energy use and reducing greenhouse gas and other emissions.
- (3) Water Quality and Consumption – this focus area is “Water” in the current SEP.
- (4) Greening Vincent – this focus area is “Biodiversity” in the current SEP.
- (5) Reduce, Re-use, Recycle – this focus area is “Waste Management” in the current SEP.

Next Steps

The below table provides an indicative timeline for the steps to be taken to finalise and adopt the Sustainable Environment Strategy 2011-2016:

Proposed timing	Action
Dec 2010	<ul style="list-style-type: none"> • Draft list of actions to be included in the Strategy to be revised in light of the feedback received from SAG members. • Draft text of the Strategy to be finalised.
Jan/Feb 2011	<ul style="list-style-type: none"> • Completed draft Strategy to be reviewed with SWG and SAG.
Feb/March 2011	<ul style="list-style-type: none"> • Completed draft Strategy to be presented to the Council to “Adopt in Principle”.
March/April 2011	<ul style="list-style-type: none"> • Draft Strategy to be advertised for a minimum of six weeks.
May 2011	<ul style="list-style-type: none"> • The Council to consider submissions received and adopt final Sustainable Environment Strategy 2011-2016.
May/June 2011	<ul style="list-style-type: none"> • New Implementation Plan, which will contain more specific detail on how the actions in the Strategy are to be carried out, to be prepared in consultation with the SAG and the SWG.

The indicative timeline has been prepared with consideration given to the proposed timing for the adoption of the Town’s Strategic Plan 2011-2016, which is set out below.

Link to the Town’s Strategic Plan

The Town’s Strategic Plan 2009-2014 is currently being reviewed to ensure that it is relevant and reflects the aims and aspirations of the Council and community. At its Ordinary Meeting held on 26 October 2010, the Council endorsed the proposed process for review of the Strategic Plan 2009-2014, including a timeline that:

Proposed timing	Action
Feb/March 2011	<ul style="list-style-type: none"> • CEO reports to the Council to “Adopt in Principle” the Draft Strategic Plan 2011-2016.
March/April 2011	<ul style="list-style-type: none"> • Draft Strategic Plan 2011-2016 to be advertised for a minimum of six weeks.
May 2011	<ul style="list-style-type: none"> • The Council to consider submissions received and adopt final Strategic Plan 2011-2016.

As the Sustainable Environment Strategy will form an important part of the Town’s strategic planning framework, and is closely tied to the Strategic Plan, it is desirable that the finalisation of the Sustainable Environment Strategy be co-ordinated to coincide with the adoption of the new Strategic Plan. The Sustainable Environment Strategy will identify links with the Strategic Plan, and it is important that it cross-reference and be guided by the current Strategic Plan rather than a superseded version. Alignment of the Sustainable Environment Strategy with the Strategic Plan will also facilitate reporting on the achievement of environmental objectives in the Town’s Strategic Plan Progress Reports and in the Town’s Annual Reports, and will assist in setting the Annual Budgets.

The *Local Government Act* 1995 requires that the Town’s Plan for the Future must be reviewed every two years. It is recommended that ongoing review of Sustainable Environment Strategy be undertaken at the same time as future reviews of the Strategic Plan to ensure currency and consistency.

CONSULTATION/ADVERTISING:

The finalised draft Sustainable Environment Strategy 2011-2016 will require advertising for a minimum of six weeks after endorsement by the Council in 2011.

LEGAL/POLICY:

In accordance with the *Local Government Act* 1995, the Town is required to have in place a Plan for the Future, and to regularly review and update that Plan. As mentioned above, the Sustainable Environment Strategy will form an important part of the Town's strategic planning framework, and will form an important part of the Town's overall Plan for the Future.

STRATEGIC IMPLICATIONS:

Many of the objectives of the Town's Strategic Plan 2009-2014 relate to the Town promoting and implementing the principles of environmental sustainability. In particular, the Strategic Plan 2009-2014 states:

"Natural and Built Environment

Objective 1.1 Improve and maintain the environment and infrastructure

1.1.4 Minimise negative impacts on the community and the environment

(d) Review, and progress, the implementation of the Sustainable Environment Plan 2007-2012."

SUSTAINABILITY IMPLICATIONS:

An up-to-date and relevant Sustainable Environment Strategy is crucial to ensure that the Town is on track in promoting and implementing the principles of environmental sustainability.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The review of the SEP has proven to be a more onerous task than initially anticipated. Progress on the project has been delayed due to the resignation of the Town's Sustainability Officer and the need to recruit a Project Officer to complete the task. The Town's Project Officer has been now engaged and momentum on the project is now on target, with a completion date anticipated in mid 2011.

It is recommended that the Council endorse the Officer Recommendation.

9.1.12 Appointment of a Consultant for the Independent Design Review of the Leederville Town Centre Masterplan and Built Form Guidelines and Appointment of Facilitator for the Peer Review Workshop

Ward:	Both	Date:	9 December 2010
Precinct:	All	File Ref:	PLA0147
Attachments:	-		
Reporting Officer:	E Lebbos, Strategic Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) **APPROVES** the:
 - (a) *quotation submitted by Mackay Urbandesign at a cost of \$16,500 as being the preferred consultant to carry out the Independent Design Review of the Leederville Town Centre Masterplan and Built Form Guidelines;*
 - (b) *quotation submitted by Estill and Associates at a cost of \$3,630 as being the preferred facilitator to undertake the Peer Review Workshop; and*
- (ii) **NOTES** that the Town of Cambridge will be considering a report relating to Part 2 of the West Leederville Planning and Urban Design Study at their Ordinary Meeting of Council to be held on 21 December 2010.

COUNCIL DECISION ITEM 9.1.12

Moved Cr Maier, Seconded Cr Burns

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of the report is to obtain the Council’s approval of the quotation for the Independent Design Review and the facilitator for the Peer Review Workshop.

BACKGROUND:

12 October 2010 At its Ordinary Meeting, the Council resolved in part as follows:

“That the Council;

- (i) **AUTHORISES** the Chief Executive Officer to:
 - (a) *call quotations from suitably qualified consultants to carry out an Independent Design Review of the Leederville Masterplan;*
 - (b) *submit a report with a recommended Consultant to the Council no later than 23 November 2010;... ”*

23 November 2010 At its Ordinary Meeting, an Item was presented to the Council noting that a report with the recommended consultants for the Peer Review Workshop and Independent Design Review will be submitted by no later than 21 December 2010.

DETAILS:

INDEPENDENT DESIGN REVIEW

Scope

The broad objectives of undertaking an Independent Design Review of the Leederville Masterplan Town Centre and Built Form Guidelines would be to:

1. Assess whether the key objectives of the Leederville Town Centre Masterplan and Built Form Guidelines are in keeping with, and continue to facilitate, the Town's vision for the area;
2. Assess how the Objectives of the Leederville Masterplan have been met by the Leederville Town Centre Masterplan and Built Form Design Guidelines, including but not limited to how they address the provisions of affordable housing;
3. Assess how the Objectives of the Leederville Masterplan have been met by the Water Corporation's proposed mixed use development;
4. Assess whether the Town of Cambridge's West Leederville Masterplan is congruous to the Leederville Masterplan;
5. Assess whether the Leederville Station Link identified in the West Leederville Masterplan (as released for public comment on 3 September 2010), will facilitate the better integration of the Leederville Masterplan and West Leederville Masterplan areas;
6. Assess whether the Town of Vincent's West Perth Regeneration Masterplan is congruous to the Leederville Masterplan;
7. Assess how the provisions of the Leederville Masterplan will ensure outstanding contemporary urban design and sustainable built form;
8. Assess how the Leederville Masterplan compares against a review of available literature; planning consultant feedback from Council Members; the Executive Management staff and Peter Hobbs; and
9. Propose recommendations to progress the project to ensure a greater synergy between the Leederville Masterplan and points 1 – 7 above, and any other relevant matters.

Quotations Received

Invitations to quote were sent out on 5 November 2010, to eleven (11) consultants, with the closing date for submissions being 30 November 2010.

In addition, the Town's Officers placed an advertisement on the Town's website and in the Guardian Express newspaper, inviting quotations for the Independent Design Review, with the closing date also being 30 November 2010.

Although the Town received significant interest from various consultancies that were not directly contacted via a targeted letter, with approximately an additional 20 queries received from various reputable consultancies, at the close of the quotation period (30 November 2010), eleven (11) written submissions were received from the following Consultants:

Consultant	Cost	Score	Ranking
Mackay Urbandesign	\$16,500	96	1
Hames Sharley	\$30,195, with optional of an additional \$5,000 to \$10,000 for 3 model testing and a further \$10,000to \$20,000 for economic assessment by sub consultant.	91.5	2
RPS	\$34,925, with optional of an additional \$10,142 for architectural testing of built form design.	90	3
TPG	\$59,290	83	4
SYRINX	\$31,247.15	76	5
AECOM	\$82,744	72	6
Greg Rowe and Associates	\$41,565	63	7
Hassell	\$99,792	62	8
Syme Marmion & Co	\$32,901	59.5	9
Studio 53/PLACE Laboratory	\$83,391	57	10
David Lock Associates	\$72,600	52.5	11

Evaluation Criteria

The consultants for the Independent Design Review were provided with a Project Brief and the following evaluation criteria:

Criteria	%
<p>1.1 Financial Offer/Fee Proposal</p> <ul style="list-style-type: none"> The contract being offered on a lump sum fee basis. Include in the lump sum fee all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST) Represents the "best value" for money Application of a reasonable fee structure in proportion to the service provided 	30
<p>1.2 Relevant experience, expertise and project team</p> <p>Demonstrate your:</p> <ul style="list-style-type: none"> experience, expertise and project team capacity to address the range of services required role and credentials of the key person(s) in the provision of the service (i.e. formal qualifications and experience) ongoing availability to provide sufficient skilled persons capable of performing the tasks consistent with the required standards understanding of the required service associated with delivering the services to the Town 	40
<p>1.3 History and Viability of Organisation</p> <ul style="list-style-type: none"> Detail your history and viability Include any comments received from referees Demonstrate your capacity to deliver Demonstrate your capacity and depth to effectively address the range of requirements of the Town 	10
<p>1.4 Methodology</p> <ul style="list-style-type: none"> Proposed methodology for this project to be completed on time and within budget Proposed methodology for this project and demonstrated evidence of successful results, particularly in WA Demonstrated experience in projects of a similar nature, particularly in WA 	20
TOTAL	100

Evaluation

The quotations received were of a high calibre, with the key variations between the quotations relating to the proposed methodologies, relevant experience, costs and level of understanding of the Town's needs. A detailed assessment for each of the consultants, based on the above evaluation criteria, was undertaken and is shown in Confidential Appendix 9.1.12.

Furthermore, the Town's Officers have carried out reference checks with the various referees outlined in the quotation documents. Almost all of the consultants received high commendation from their industry referees.

Based on the evaluation criteria, consultants Mackay Urbandesign were selected for the following reasons:

- the quotation submitted by the consultants displayed a clear understanding of the required service associated with undertaking an Independent Design Review of the Leederville Town Centre Masterplan and Built Form Guidelines;
- the project team has an extensive range of expertise in relation to architecture, planning and urban design;
- the consultants have demonstrated a great deal of experience with Local Government Authorities;
- the consultants were involved in the development of The Activity Centres Policy for the Perth and Peel Region, which has been identified in the Project Brief as an important document to be reviewed in evaluating whether the key objectives of the Leederville Town Centre Masterplan and Built Form Guidelines are in line with key State Planning Policies;
- weighing up the proposal in its entirety, it is considered that the methodology proposed is comprehensive and will provide a detailed Independent Design Review of the Leederville Town Centre Masterplan and Built Form Guidelines on time and within budget; and
- overall, the consultants demonstrated the best value for money, as they have provided one of the more appropriate quotation documents in line with the Town's requirements for the Independent Design Review, at a reasonable price.

PEER REVIEW WORKSHOP

Scope

It is envisaged that the Workshop will be held in February 2011, and would involve interested persons/organisations providing comment on the practicality (that is, utility providers, Main Roads, etc.) of the existing Leederville Masterplan Town Centre and Built Form Design Guidelines, as well as a variety of views on the various other provisions.

More specifically, it is envisaged that the following interested persons/organisations would be invited to participate in the Workshop:

- Council Members;
- Town of Vincent Officers;
- Planning Consultancies;
- Development Organisations (such as, City Vision, Future Perth, Urban Design Centre of WA);
- Professional Associations;
- Government Architect;
- Peter Hobbs, Architect;
- Department of Planning and other relevant Government Departments (for example, Public Transport Authority, Main Roads WA; Department of Housing);
- Utility Service Providers, such as Western Power and Water Corporation; and
- Town of Cambridge.

Following the Workshop, it is expected that the Facilitator will prepare a report outlining the points raised during the Workshop, which will be presented to the Council.

Quotations Received

Invitations to quote were sent out on 5 November 2010, to four (4) consultants, with the closing date for submissions being 30 November 2010.

Although the Town also received interest in relation to the facilitation of the Peer Review Workshop from consultancies that were not directly contacted via a targeted letter, the Town has only received one written submission from Estill and Associates in relation to this matter.

Evaluation Criteria

The following criteria was applied when assessing the facilitator:

- Financial Offer/Fee Proposal (30%);
- Relevant Experience and Expertise in Facilitating Workshops (40%); and
- Demonstrated Experience Pertaining to Urban Design, and Master Planning Matters (30%).

Evaluation

The quotation received from Estill and Associates is of a high calibre. Based on the evaluation criteria, the Town's Officers make the following comments:

- the quotation submitted by the consultants displayed a clear understanding of the required service associated with facilitating a Peer Review Workshop of the Leederville Town Centre Masterplan and Built Form Guidelines;
- the consultants demonstrate experience in a variety of urban design and masterplanning matters, including facilitating the Leederville Masterplan Workshop that was undertaken in 2008;
- the consultants have demonstrated a great deal of experience with Local Government Authorities; and
- the consultants demonstrated value for money, as they have provided an appropriate quotation document in line with the Town's requirements for the Peer Review Workshop, at a reasonable price.

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

A report relating to the Town of Cambridge's Part 2 of the West Leederville Planning and Urban Design Study will be considered at the Town of Cambridge Ordinary Meeting of Council to be held on 21 December 2010.

Following the Town of Cambridge Council's endorsement of Part 2 of the Study, the Town of Cambridge will commence implementing the recommendations outlined in the Study, including liaising with the Town of Vincent in relation to undertaking a joint study relating to the Leederville Station Link.

CONSULTATION/ADVERTISING:

Invitations to quote for both the Independent Design Review and the Peer Review Workshop were sent out on 5 November 2010, with the closing date for submissions being 30 November 2010.

In addition, the Town's Officers placed an advertisement on the Town's website and in the *Guardian Express* newspaper, inviting quotations for the Independent Design Review, with the closing date also being 30 November 2010.

LEGAL/POLICY:

Town Planning Scheme No. 1 and Associated Policies.

STRATEGIC IMPLICATIONS:

The matter is in keeping with the Town's Strategic Plan 2009-2014 - Plan for the Future, Objective 2.1 - *"Progress economic development with adequate financial resources"*, in particular, Actions:

- “2.1.1 *Promote the Town as a place for investment, appropriate to the vision for the Town.*
 - (d) *Promote tourist activity with the Town and review the Town's facilities in terms of attracting regional events and programs.*
- 2.1.2(a) *Establish public/private alliances and partnerships to attract external funding and investment to enhance the strategic direction of the Town.*
- 2.1.2(b) *Develop partnerships with government agencies.*
- 2.1.2(c) *Work with State Government to encourage and promote more Government Office accommodation in the Town.*
- 2.1.3 *Promote business development.*
 - (b) *Develop and implement marketing strategy/opportunities to promote the Town (including Commercial centres) as a "Location of Choice".*
- 2.1.7 *Implement the Leederville Masterplan.”*

SUSTAINABILITY IMPLICATIONS:

It is considered that the Leederville Town Centre Masterplan and Built Form Guidelines will direct future development to occur in a manner that meets the community's changing needs through the provision of a range of housing types and employment choices consistent with transit-oriented design principles and green building design. This is considered to be sustainable future development.

FINANCIAL/BUDGET IMPLICATIONS:

The 2010/2011 Budget contains an amount of \$100,000 for the Leederville Masterplan - Consultants Fees.

COMMENTS:

Undertaking an Independent Design Review and Peer Review Workshop of the Leederville Town Centre Masterplan and Built Form Guidelines will aid in determining whether the key objectives of the Guidelines are in keeping with, and will continue to facilitate the Town's vision for the Leederville Masterplan area as an invigorated, robust and vibrant Transit Oriented Town Centre.

Following a detailed analysis of the eleven (11) quotation documents received for the Independent Design Review, it is considered appropriate at this time to secure the services of Mackay Urbandesign to undertake the Independent Design Review of the Leederville Town Centre Masterplan and Built Form Guidelines.

Furthermore, it is considered appropriate for the Town to secure the services of Estill and Associates to facilitate the Peer Review Workshop.

In light of the above, it is recommended that the Council adopt the Officer Recommendation to appoint Mackay Urbandesign as the preferred consultant to undertake the Independent Design Review, and Estill and Associates as the facilitator to undertake the Peer Review Workshop.

9.2.3 Traffic Management Matter – Albert & Kadina Streets, North Perth

Ward:	North	Date:	13 December 2010
Precinct:	Smith's Lake Precinct P6	File Ref:	TES0157/TES0229
Attachments:	001		
Reporting Officer:	C Wilson, Manager Asset & Design Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES the implementation of the proposed Traffic calming for Albert and Kadina Streets estimated to cost \$12,000, as detailed in attached Plan No. 2624-CP-01 as shown in Appendix 9.2.3;*
- (ii) *MONITORS the streets to determine whether the proposal has improved the amenity of the streets in terms of traffic speed and driver behaviour; and*
- (iii) *ADVISES the respondents of its decision.*

COUNCIL DECISION ITEM 9.2.3

Moved Cr Maier, Seconded Cr Burns

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to advise Council of the outcome of community consultation regarding proposed traffic measures in Albert and Kadina Streets between Charles Street and Tay Place.

BACKGROUND:

With the subdivision and redevelopment of the Brownes Dairy site in North Perth, over the past decade, the density of housing in the area bounded by Albert Street, Charles Street, Kadina Street and Tay Place, as well as the blocks on the northern side of Kadina Street, has increased significantly, including several large multiple strata unit complexes. As a consequence of this development the Town has received numerous complaints about speeding traffic and ‘hoon’ drivers.

Traffic data indicates that both streets are used as a ‘rat run’ in the morning (southbound) peak period when Charles Street is congested*.

Note:* Traffic regularly banks back to Albert Street from Vincent Street encouraging motorists to use either Albert or Kadina Street as an alternate route to Loftus Street.

There is lesser ‘rat run’ in the afternoon (northbound) peak as it is harder to rejoin Charles Street when the traffic backs up beyond Albert Street. It has also been suggested that some of the late night ‘hoon’ behaviour can be attributed to patrons of the nearby night club in Charles Street.

DETAILS:

Albert and Kadina Streets are classified as Access Roads in accordance with the Metropolitan Functional Road Hierarchy. Under this classification, the maximum desirable traffic volume is 3,000 vehicles per day with a recommended operating speed of 50kph.

The complaints are generally site specific and the alleged 'hoon' driver behaviour concentrated between Charles Street and Tay Place for both Albert and Kadina Streets. This is in part supported by Police accident reports where in the past year a streetlight has been 'taken out' in Kadina Street and there have been several rear end and side swipe accidents attributed to deliberate and dangerous driving, including several motorists being charged with drink driving offences.

	85% speed	% exceeding 50 kph limit	AWDT	Average AM & PM Peak volumes
Kadina Street	53.6 kph	26.9%	869	90
Albert Street	52.6 kph	22.2%	582	54

Traffic Data summary.

Proposal

In an endeavour to control errant driver behaviour and reduce the incidents of speeding, officers proposed to install two (2) low profile speed humps in each street, the first mid block and the second near the intersection of Tay Place. These measures, which are both effective and relatively inexpensive, will compliment the existing islands and speed humps at the respective Charles Street intersections.

In respect to the impact upon the surrounding road network it will either have a minimal impact or will potentially be beneficial. If motorists were to stop using either Kadina or Albert Streets as a result of traffic calming the next logical route is via Bourke Street.

Bourke Street is a Local Distributor Road with existing traffic calming measures in place and assuming that if half the peak hour traffic from Kadina and Albert Street were to use Bourke Street this would equate to about an extra 70 vehicles per hour.

However, given that Bourke Street is classified as a Local Distributor in accordance with the Metropolitan Functional Road Hierarchy and currently carries fewer than 3,000 vehicles per day it is operating at approximately 50% of the capacity of Local Distributor and the potential extra traffic would be negligible.

In respect Emmerson Street it is a more circuitous route with a stop control at the intersection of Morriston Street. Further, entering the morning peak stream at Loftus Street is also difficult so that there is little to be gained in using this street as a 'rat run'.

Greenway Heritage Trail

The proposed location of the speed hump nearest Tay Place in Albert Street would also enhance pedestrian safety for residents accessing the Greenway Heritage Trail extension through Charles Veryard Reserve, as approved at the Ordinary Meeting of Council 7 December 2010.

Community Consultation:

In accordance with the Council's Community Consultation Policy, recently 120 letters were distributed to residents in Kadina Street, Tay Place, Albert Street and Macedonia Place.

At the close of consultation, 24 responses were received, representing a response rate of 20.0% and of the 24 responses received 18 or 75% were in favour of the proposal and 6 or 25% were against.

Of those in favour, some saw the proposal as a 'first stage' and suggested that additional traffic calming measures should be considered for the remainder of both Kadina and Albert Streets in the future.

In respect to those against the following were some representative comments:

- North Perth is the most highly 'speed humped' suburb in Perth.
- Will increase noise, breaking/accelerating and noise of freight/load that will be thrown around the back of trucks and trailers.

Officer Comments:

While the 85% speed for either street is not excessive the perception, real or otherwise, is of 'hoon' driving behaviour and speeding, particularly at night. If, as the complainants contend, a majority of the 'hoon' driving occurs in the vicinity of the entrances to the large blocks of residential units then the proposed speed humps should have the desired affect.

CONSULTATION/ADVERTISING:

The respondents be advised of the Council's decision.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

In accordance with the objective of the Plan for the Future - Strategic Plan 2009-2014 – Key Result Area One: 1.1.6 “(d) Implement Local Area Traffic Management matters ...”.

SUSTAINABILITY IMPLICATIONS:

The Council ensures its road infrastructure is maintained to an acceptable level of service with funds allocated annually to various improvement programs.

FINANCIAL/BUDGET IMPLICATIONS:

The 2010/2011 budget includes \$18,000 for traffic management in Kadina and Albert Streets. The estimated cost to install the proposed treatments in both streets is in the order of \$12,000. However there may be some minor drainage improvements required as a result of the works which would impact upon the final cost.

COMMENTS:

The Town receives many requests for Traffic Management from time to time. Most requests received are addressed by the officers as vehicle classifier results and usually indicate that there is a perceived problem rather than an actual problem. Other matters are referred to the Police Services for enforcement of the legal speed limit.

While the traffic data indicates that the speed in Kadina and Albert Streets is not excessive the residents continue to contact the Town with their concerns. The main issue is 'hoon' drivers which is harder to quantify, but is in part confirmed by several Police accident reports received in the past year. Therefore the proposed low profile speed humps will not only force drivers to slow down but also make them more weary of 'hoon' driving if there is a chance they will damage their vehicle on a speed hump.

9.2.5 Right of Way Bounded By Vincent Street, Fitzgerald Street, Glendower Street and Thossell Streets, Peth – Proposed Naming

Ward:	South	Date:	10 December 2010
Precinct:	Hyde Park (12)	File Ref:	TES0361
Attachments:	001		
Reporting Officer:	G Bellinger, Engineering Technical Officer (Development)		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council

- (i) *APPROVES the application of the name “CIELO LANE” to the right of way Bounded by Vincent Street, Fitzgerald Street, Glendower Street and Thossell Street Perth as outlined on attached Plan No 2764-CP-01, subject to the sum of \$300 for the supply and installation of two street nameplates and poles being paid for by the applicant; and*
- (ii) *ADVISES the applicant and all residents adjoining the right of way of its decision.*

COUNCIL DECISION ITEM 9.2.5

Moved Cr Maier, Seconded Cr Burns

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval for the naming of the Town owned private right of way (ROW) Bounded by Vincent Street, Fitzgerald Street, Glendower Street and Throssell Street, Perth.

BACKGROUND:

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

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

DETAILS:

The Town has received an application for the naming of the ROW bounded by Vincent Street, Fitzgerald Street, Glendower Street and Thossell Street.

The applicant has recently completed construction on a Strata site at the rear of 136 Glendower Street and has experienced difficulty in identifying the location of her residence to friends and service providers.

The applicant has proposed the name "Cielo Lane". "Cielo" means "heaven" or "sky" in both Italian and Spanish and the Geographic Names Committee has advised the name "Cielo" meets with their criteria when they are assessing suitable names and have approved of the use of the name.

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

There are no legal implications to naming the ROWs.

SUSTAINIBILITY IMPLICATIONS:

N/A

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010 – *1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainability and functional environment.*

FINANCIAL/BUDGET IMPLICATIONS:

The cost to erect poles and signs in the ROW will cost approximately \$300 (incl GST). The applicant has given an undertaking to pay the costs of manufacture and installation of the street nameplates.

COMMENTS:

It is recommended that the Council approve the application of the name "Cielo Lane" to the ROW subject to the conditions as outlined in the officer recommendation.

9.2.8 Proposed Introduction of a Two (2) Hour Parking Restriction in Eucla Street Mount Hawthorn

Ward:	North	Date:	13 December 2010
Precinct:	Mount Hawthorn (1)	File Ref:	PKG0179
Attachments:	001		
Reporting Officer:	R Ostle, Technical Officer, Assets & Fleet		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *CONSIDERS the comments received regarding the proposed introduction of a two (2) hour parking restriction in Eucla Street, Mt Hawthorn;*
- (ii) *APPROVES trialling the introduction of a 2 hour restriction between 8am and 5.30pm Monday to Friday on the EAST side of Eucla Street only, for a period of six (6) months as outlined on attached Plan No. 2758-CP-02, as shown in Appendix 9.2.8; and*
- (iii) *ADVISES the respondents of its decision and informs them that there will be a moratorium on issuing infringements for a period of fourteen (14) days after the installation of the parking signage.*

COUNCIL DECISION ITEM 9.2.8

Moved Cr Maier, Seconded Cr Burns

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to inform the Council of the results of the consultation conducted with residents and business proprietors regarding the proposed introduction of a two (2) hour parking restriction in Eucla Street.

BACKGROUND:

Residents of Eucla Street have complained about vehicles parking along both sides of the street during business hours making access to and from their properties difficult and resulting in the street becoming one lane. They also experience difficulty for visitors, delivery vehicles and trades people servicing their dwellings.

DETAILS:

On 26 November 2010, twenty two (22) consultation letters were distributed to residents and business proprietors in Eucla Street. The consultation drew fourteen (14) responses (64% response) with eleven (11) or 78% being in favour of the restriction, and three (3) or 21% being against.

Discussion:

Officers have carried out regular inspections of parking in Eucla Street, to gauge the severity of the parking problem. It has been observed that, during week days, there are almost no parking spaces available during normal working hours. However, it is conceded that the introduction of parking restrictions in Eucla Street will merely distribute the parking to streets further afield.

It is further acknowledged that the introduction of parking restrictions on both sides of Eucla Street is likely to result in very little parking in the street during working hours, and possibly opening it up to an increase in rat running through the street to avoid the traffic lights and/or access businesses on the north east end of Brady Street.

It is therefore considered that a compromise of introducing parking restrictions on one side of Eucla Street would spread the parking over a wider area without leading to congestion in one particular street, while allowing for reasonable access to parking for the properties in Eucla Street, and also allow for vehicles to travel in both directions. It is acknowledged that the unrestricted side of the street is likely to have all available parking places occupied during working days, however this will maintain a degree of traffic calming.

Since it is apparent that the demand for parking in Eucla Street is generated by the business on the North West corner of Eucla Street, it would seem logical to restrict parking on the eastern side of the street.

It is therefore recommended that Council approve a 2 hour parking restriction on the eastern side of Eucla Street, operating from 8am to 5.30pm, Monday to Friday, for a trial period of six months.

CONSULTATION/ADVERTISING:

Consultation with affected residents is detailed within the report.

LEGAL/POLICY:

There are no legal implications to the introduction of the time restrictions, which will be enforced by the Town's Rangers.

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Three (3) poles and signs at approximately \$300 will be required if restrictions are introduced on the eastern side of Eucla Street.

COMMENTS:

The introduction of restrictions has been strongly supported by the majority of the respondents. Limiting the restrictions to one side of the street will provide an improved amenity for residents, while acknowledging that some long term parking is required to meet the needs of businesses in the street. A six (6) month trial is recommended so that the effectiveness of the restrictions, as proposed, can be assessed and amended if required.

9.3.2 Authorisation of Expenditure for the Period 1 – 30 November 2010

Ward:	Both	Date:	10 December 2010
Precinct:	All	File Ref:	FIN0032
Attachments:	001		
Reporting Officers	K Ball, Finance Officer – Accounts Payable; B Tan, Manager Financial Services		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council CONFIRMS the;

- (i) *Schedule of Accounts for the period 1 November – 30 November 2010 and the list of payments;*
- (ii) *direct lodgement of payroll payments to the personal bank account of employees;*
- (iii) *direct lodgement of PAYG taxes to the Australian Taxation Office;*
- (iv) *direct lodgement of Child Support to the Australian Taxation Office;*
- (v) *direct lodgement of creditors payments to the individual bank accounts of creditors; and*
- (vi) *direct lodgement of Superannuation to Local Government and City of Perth superannuation plans.*

as shown in Appendix 9.3.2.

COUNCIL DECISION ITEM 9.3.2

Moved Cr Maier, Seconded Cr Burns

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

DECLARATION OF INTEREST

Members/Officers	Voucher	Extent of Interest
Nil.		

PURPOSE OF REPORT:

To seek authorisation of expenditure for the period 1 November – 30 November 2010.

BACKGROUND:

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

DETAILS:

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

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Automatic Cheques	069107- 069281	\$198,232.18
Transfer of Creditors by EFT Batch	1145, 1146, 1148, 1150-1154, 1156, 1157	\$1,378,647.79
Transfer of PAYG Tax by EFT	November 2010	\$213,105.91
Transfer of GST by EFT	November 2010	
Transfer of Child Support by EFT	November 2010	\$1,205.68
Transfer of Superannuation by EFT:		
• City of Perth	November 2010	\$33,951.91
• Local Government	November 2010	\$208,352.55
Total		\$2,033,458.27
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$9,447.82
Lease Fees		806.82
Corporate Master Cards		\$9,468.85
Loan Repayment		\$56,737.45
Rejection Fees		\$17.50
Total Bank Charges & Other Direct Debits		\$76,478.44
Less GST effect on Advance Account		0.00
Total Payments		\$2,109,936.71

STRATEGIC IMPLICATIONS:

Strategic Plan 2009-2014 – Key Result Area 4.2 – Governance and Management

“Adopt best practice to manage the financial resources and assets of the Town.”

ADVERTISING/CONSULTATION:

N/A.

COMMENT:

Vouchers, supporting invoices and other relevant documentation are available for inspection by Councillors at any time following the date of payment and are laid on the table.

9.3.3 Financial Statements as at 30 November 2010

Ward:	Both	Date:	10 December 2010
Precinct:	All	File Ref:	FIN0026
Attachments:	001		
Reporting Officers:	B Tan, Manager Financial Services; N Makwana, Act. Accountant		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council RECEIVES the Financial Statements for the month ended 30 November 2010 as shown in Appendix 9.3.3.

COUNCIL DECISION ITEM 9.3.3

Moved Cr Maier, Seconded Cr Burns

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to present the financial statements for the month ended 30 November 2010.

BACKGROUND:

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

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

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

- the annual budget estimates;
- budget estimates to the end of the month to which the statement relates;
- actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
- material variances between the year-to-date income and expenditure and totals and the relevant annual budget provisions for those totals from 1 July to the end of the period; and
- includes such other supporting notes and other information as the local government considers will assist in the interpretation of the report.

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

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

DETAILS:

The following documents represent the Statement of Financial Activity for the period ending 30 November 2010:

- Income Statement;
- Summary of Programmes/Activities (pages 1-17);
- Income Statement by Nature or Type Report (page 18);
- Capital Works Schedule (pages 19-25);
- Statement of Financial Position (page 26);
- Statement of Changes in Equity (page 27);
- Reserve Schedule (page 28);
- Debtor Report (page 29);
- Rate Report (page 30);
- Statement of Financial Activity (page 31);
- Net Current Asset Position (page 32);
- Beatty Park Report – Financial Position (page 33);
- Variance Comment Report (pages 34-41); and
- Monthly Financial Positions Graph (pages 42-44).

Comments on the financial performance are set out below:

Income Statement and Detailed Summary of Programmes/Activities

Net Result

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

YTD Actual	-	\$12.9 million
YTD Budget	-	\$12.0 million
Variance	-	\$0.9 million
Full Year Budget	-	\$10.5 million

Summary Comments:

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

Operating Revenue

YTD Actual	-	\$28.9 million
YTD Budget	-	\$28.5 million
YTD Variance	-	\$0.4 million
Full Year Budget	-	\$38.4 million

Summary Comments:

The total operating revenue is currently on budget.

Major variances are to be found in the following programmes:

- Governance – 40% over budget;
- Law Order and Public Safety – 55% below budget;
- Education and Welfare – 22% over budget;
- Community Amenities – 31% over budget;
- Economic Services – 10% over budget;
- Other Property and Services – 301% over budget
- Administration General – 561% over budget.

More details variance comments are included on the page 34 – 41 of this report.

Operating Expenditure

YTD Actual	-	\$16.6 million
YTD Budget	-	\$17.4 million
YTD Variance	-	-\$0.8 million
Full Year Budget	-	\$40.3 million

Summary Comments:

The operating expenditure is currently on budget.

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

Community Amenities – 20% below budget;

Economic Services – 18% over budget;

Other Property and Services – 72% over budget;

Administration General – 82% below budget.

Detailed variance comments are included on the page 34 – 41 of this report.

Income Statement by Nature and Type Report

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

Capital Expenditure Summary

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

Capital Works shows total expenditure including commitment for year to date at the 30 November 2010 of \$2,353,079 which represents 9% of the revised budget of \$25,980,423.

	Budget	Revised Budget	Actual to Date (Include commitment)	%
Furniture & Equipment	\$214,900	\$214,900	\$119,551	56%
Plant & Equipment	\$2,662,600	\$2,666,100	\$331,500	12%
Land & Building	\$12,125,150	\$12,190,589	\$181,743	1%
Infrastructure	\$10,843,834	\$10,908,834	\$1,720,285	16%
Total	\$25,846,484	\$25,980,423	\$2,353,079	9%

Statement of Financial Position and Statement of Changes in Equity

The statement shows the current assets of \$31,006,227 and non current assets of \$142,568,143 for total assets of \$173,574,370.

The current liabilities amount to \$11,622,062 and non current liabilities of \$13,444,856 for the total liabilities of \$25,066,918. The net asset of the Town or Equity is \$148,507,452.

Restricted Cash Reserves

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

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

General Debtors

Other Sundry Debtors are raised from time to time as services are provided or debts incurred. Late payment interest of 11% per annum may be charged on overdue accounts. Sundry Debtors of \$475,494 is outstanding at the end of November 2010.

Out of the total debt, \$151,305.43 (32%) relates to debts outstanding for over 60 days, which is related to Cash in Lieu Parking and \$186,269 (39%) relates to the storm damage claim from FESA which is yet to be finalised.

The Debtor Report identifies significant balances that are well overdue.

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

Rate Debtors

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

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

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

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

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

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

Rates outstanding as at 30 November 2010 including deferred rates was \$5,316,038 which represents 24.76% of the outstanding collectable income compared to 24.39% at the same time last year.

Statement of Financial Activity

The closing balance carry forward for the year to date 30 November 2010 was \$11,313,995.

Net Current Asset Position

The net current asset position as at 30 November 2010 is \$20,466,101.

Beatty Park – Financial Position Report

As at 30 November 2010 the operating deficit for the Centre was \$422,461 in comparison to the year to date budgeted deficit of \$536,011.

The cash position showed a current cash deficit of \$237,554 in comparison year to date budget estimate of a cash deficit of \$319,969. The cash position is calculated by adding back depreciation to the operating position.

Variance Comment Report

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

9.4.3 Seamless Council Connect Annual User Conference – Melbourne, Victoria, 24 – 25 February 2011

Ward:	-	Date:	10 December 2010
Precinct:	-	File Ref:	ADM0031
Attachments:	001		
Reporting Officers:	H Kek, Manager Information Technology; M Rootsey, Director Corporate Services		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council AUTHORISES the Manager Information Technology, Public Relations Officer and Information Technology Officer to attend the Seamless Council Connect 1st Annual User Conference to be held Melbourne, Victoria on 24 and 25 February 2011 at an estimated cost of \$1,798 each.

COUNCIL DECISION ITEM 9.4.3

Moved Cr Maier, Seconded Cr Burns

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of the report is to obtain approval for the Manager, Information Technology, Public Relations Officer and Information Technology Officer to attend the Seamless Council Connect 1st Annual User Conference to be held in Melbourne Victoria on 24 and 25 February 2011.

BACKGROUND:

Seamless is a Website Design Company based in Melbourne, Victoria. Seamless produces its own in house Website Content Management System (CMS). Seamless have been contracted by the Town of Vincent to develop its new website.

Seamless has a strong background in website design and has developed sites for local and state government agencies across Australia. Its Perth presence is growing with a number of local government clients including:

- City of Armadale
- City of Fremantle
- City of Gosnells
- City of Swan
- City of Wanneroo
- Town of Cambridge
- Town of Vincent
- Shire of Kalamunda

An invite to the first Seamless Annual User Conference was recently received recommending attendance at the conference. The conference will run over two (2) days. Seamless is a proactive company and are very keen to receive user feedback on their product and services. This feedback will assist to “shape” their 2011/2012 roadmap and future direction of the company.

As the Town of Vincent is currently well advanced in developing its new website with Seamless, it is considered beneficial that the Town sends a representative to ensure that the Town is aware of future developments and current operations of the Seamless product and network with existing users. The majority of Seamless customers will be attending the Conference and it is expected that all the Western Australian Local Government clients sending representatives.

Keynotes:

The key topic presentations at the Conference include:

- Seamless Product Roadmap 2011/2011;
- Case Studies on aspects of website development;
- GIPA & FOI Compliance;
- Knowledge Management in Councils;
- Social Media and Government;
- Accessibility and Compliance;
- Engaging the Community Online;
- User Generated Content; and
- Online Community Consultations.

A copy of the program is shown at Appendix 9.4.3 and electronic Attachment 001.

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

As per Council Policy 4.1.15, Conferences - Attendance, Clause 1.1 (i) states:

- “(i) *When it is considered desirable that the Town of Vincent be represented at an interstate conference, up to a maximum of one Council Member and one Employee may normally attend, unless otherwise approved by the Council;*
- (ii) *In certain circumstances (for example where the Conference is of a technical nature) the Chief Executive Officer may recommend that two (2) Employees attend. In this instance, the Chief Executive Officer will specify reasons in the report to the Council.”*

Previous Attendance

This is the first occasion that the Town has attended this conference. The Chief Executive Officer considers that this conference is of a predominantly technical nature – as such it is recommended that it be attended by the Town’s Manager – Information Technology and no Council Member attend.

STRATEGIC IMPLICATIONS:

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

Key Result Area One: *Leadership, Governance and Management:*

“4.2.5 Enhance knowledge management; and

4.2.6 Promote technology opportunities to improve the Town’s business, data, communication and security systems”.

SUSTAINABILITY IMPLICATIONS:

N/A.

FINANCIAL/BUDGET IMPLICATIONS:

The conference itself is a free event, however a nominal fee of \$220 for the first day and \$170 for the second applies per attendee to cover catering costs.

	Costs
Conference Registration	\$390
Accommodation (3 nights) (\$160/night)	\$480
Airfare (economy class)#	\$500
Expenses allowance (4 days) (\$107 per day)	\$428
	<hr/>
	\$1,798
	<hr/> <hr/>

Approximate cost.

COMMENTS:

As mentioned above, a representative from all Seamless Western Australian Local Government clients have advised they will be attending.

Website Update

The Town is currently well advanced in preparing a new website for the Town. The Town’s in-house Working Group has been meeting for most of 2010 and has spent considerable time researching the matter. It is expected that the new website will meet the needs of the Town for the next 5-10 years and will go “live” in the first quarter of 2011.

It is recommended that on this occasion, the Manager Information Technology, Public Relations Officer and Information Technology Officer attend the conference. The Conference is also considered a training forum for the Information Technology and Communications Officers and many sessions will involve “hands on” training.

The Manager is heavily involved in the Town’s new website development and is responsible for the implementation, the Public Relations Officer is responsible for the overall content of the information on the website and the Information Technology Officer has “hands on” day-to-day responsibility for the actual website. All will benefit from the technical aspects of the Conference as well as the valuable networking experience with other Seamless clients. On Wednesday 15 December 2011 the Chief Executive Officer and the Website Project Working Group met with the representative from Seamless, who provided an update on the work to date. He has strongly recommended the attendance of all three (3) Town Officers, as this conference not only involves the technical aspects, but also many components relating to the day-to-day management of the website.

9.4.4 Loftus Recreation Centre Management Committee – Receiving of Unconfirmed Minutes

Ward:	North	Date:	6 December 2010
Precinct:	Leederville	File Ref:	PRO3549
Attachments:	001		
Reporting Officer:	M Rootsey, Director Corporate Services		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council RECEIVES the Unconfirmed Minutes of the Loftus Recreation Centre Management Committee Meeting held on 29 November 2010, as shown in Appendix 9.4.4.

COUNCIL DECISION ITEM 9.4.4

Moved Cr Maier, Seconded Cr Burns

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of the report is for the Council to receive the Unconfirmed Minutes of the Loftus Recreation Centre Management Committee meeting held on the 29 November 2010.

BACKGROUND:

At the Ordinary Meeting of Council held on 19 December 2006, the Council approved of a Management Committee for the Loftus Recreation Centre, as follows:

“That the Council APPROVES BY AN ABSOLUTE MAJORITY;

- (i) pursuant to Section 5.9(2)(c) of the Local Government Act 1995, to establish a Committee to supervise the Loftus Recreation Centre, 99 Loftus Street, Leederville;*
- (ii) in accordance with the Deed of Contract between the Town and Belgravia Leisure Pty Ltd, to APPOINT the Chief Executive Officer and Executive Manager Corporate Services, with the Manager Community Development as Deputy to both, to the Committee; and*
- (iii) to delegate the following functions to the Committee;*
 - (a) to supervise the performance of the Services by the Contractor and to ensure that the Contractor performs the Services in accordance with the KPIs and the Contract;*
 - (b) to establish and review the Key Performance Indicators (KPIs) in conjunction with the Contractor;*
 - (c) to receive and consider Performance Reports;*

- (d) *to advise the Town on Capital Improvements required for the Recreation Centre and the Premises and to make recommendations to the Town about the use of the Reserve Fund; and*
- (e) *to review the Risk Management Plan for the Premises.”*

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

It is the Town's practice that Committee Meeting Minutes be reported to the Council.

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Strategic Plan 2009-2014:

Key Result Area Four – “*Leadership, Governance and Management*”, in particular:

“4.1.2 – *Manage the Organisation in a responsible, efficient and accountable manner.*”

SUSTAINABILITY IMPLICATION:

N/A

FINANCIAL/BUDGET IMPLICATIONS:

N/A

COMMENT:

The reporting of the Town's Committee Minutes to the Council Meeting is in keeping with the Local Government Act (1995) and its regulations.

9.4.5 Information Bulletin

Ward:	-	Date:	10 December 2010
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer:	A Radici, Executive Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council RECEIVES the Information Bulletin dated 21 December 2010, as distributed with the Agenda.

COUNCIL DECISION ITEM 9.4.5

Moved Cr Maier, Seconded Cr Burns

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

DETAILS:

The items included in the Information Bulletin dated 21 December 2010 are as follows:

ITEM	DESCRIPTION
IB01	Letter from Western Australian Planning Commission regarding the Metropolitan Region Scheme Proposed Amendment
IB02	Letter from EPRA regarding Stage 1A & 1B Normalisation of New Northbridge
IB03	Letter from State Administrative Tribunal outlining the reasons for decision and orders in the proceedings of Caltex Australia Petroleum Pty Ltd v Town of Vincent
IB04	Minutes of the Safer Vincent Crime Prevention Partnership Meeting held on 3 November 2010
IB05	Unconfirmed Minutes of the Sustainability Advisory Group Meeting held on 15 November 2010
IB06	Summary Minutes of State Council Meeting held on 1 December 2010

9.1.2 Nos. 369-375 (Lot 33 ; D/P: 15303, Lot 123 ; D/P: 2642, Lot 35; D/P: 65374/1) Stirling Street, corner of Harold Street, Highgate - Proposed Partial Demolition of Existing Buildings, Additions and Alterations to Existing Building and the Construction of a Five- Storey Mixed Use Development comprising Eighty-Seven (87) Multiple Dwellings, Forty-Six (46) Single Bedroom Multiple Dwellings, One (1) Office and Associated Basement Car Parking

Ward:	South	Date:	10 December 2010
Precinct:	Forrest-P14	File Ref:	PRO0688; 5.2010.326.2
Attachments:	001 , 002		
Reporting Officer:	R Narroo, Senior Planning Officer (Statutory) H Au, Heritage Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES BY AN ABSOLUTE MAJORITY the application submitted by SS Chang Architects on behalf of the owner Finbar Funds Management Ltd for proposed Partial Demolition of Existing Buildings, Additions and Alterations to Existing Building and the Construction of a Five- Storey Mixed Use Development comprising Eighty-Seven (87) Multiple Dwellings, Forty-Six (46) Single Bedroom Dwellings, One (1) Office and Associated Basement Car Parking, at Nos. 369-375 (Lot 33 ; D/P: 15303, Lot 123 ; D/P: 2642, Lot 35; D/P: 65374/1) Stirling Street, corner of Harold Street, Highgate and as shown on amended plans stamp-dated 12 November 2010, subject to the following conditions:

(i) Building

- (a) all new external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Stirling and Harold Streets;*
- (b) if entry to neighbouring land is required, first obtaining the consent of the owners of Nos. 512-522, No. 500 Beaufort Street, and No. 153 Harold 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. 512-522, No. 500 Beaufort Street and No. 153 Harold Street in a good and clean condition;*
- (c) doors, windows and adjacent floor areas of the office fronting Stirling and Harold Streets shall maintain an active and interactive relationship with these streets;*
- (d) the maximum gross floor area of the office component shall be limited to 1200 square metres. Any increase in floor space or change of use of the offices shall require Planning Approval to be applied to and obtained from the Town. Any change of use shall be assessed in accordance with the relevant Planning Policy including the Town's Parking and Access Policy No. 3.7.1; and*
- (e) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*

(ii) **Car Parking and Accessways**

- (a) *the on-site car parking area for the non-residential component shall be available for the occupiers of the residential component outside normal business hours;*
- (b) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (c) *the car parking area shown for the non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property; and*
- (d) *the car park shall be used only by employees, tenants, and visitors directly associated with the development;*

(iii) **Public Art**

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

- (a) *within twenty – eight (28) days of the issue date of this 'Approval to Commence Development', elect to either obtain approval from the Town for an Artist to undertake a Public Art Project (Option 1) or pay the Cash in Lieu Percent for Public Art Contribution, of \$280,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$28,000,000); and*
- (b) *in conjunction with the above chosen option;*
 - (1) *Option 1 –
prior to the approval and subsequent issue of a Building Licence for the development, obtain approval for the Public Art Project and associated Artist; and

prior to the first occupation of the development, install the approved public art project, and thereafter maintain the art work; OR*
 - (2) *Option 2 –
prior to the approval and subsequent issue of a Building Licence for the development or prior to the due date specified in the invoice issued by the Town for the payment (whichever occurs first), pay the above cash-in-lieu contribution amount;*

(iv) **Signage**

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

(v) **Fencing**

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

(vi) **Verge Tree**

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

(vii) **Retention of Trees**

PRIOR TO ANY SITE WORKS BEING UNDERTAKEN, OR THE ISSUE OF A DEMOLITION LICENCE, whichever occurs first, revised plans shall be submitted to and approved any the Town demonstrating the retention of and the protection at all times during construction and other works the following landscaping features:

- (a) *the three (3) Chinese Elm (Ulmus parvifolia) located along the western (rear) elevation of the Inter-war Georgian building;*
- (b) *the two (2) Lemon Scented Gums (Eucalyptus citriodora) located near the south-eastern corner of the Inter-war Georgian building; one extant in the location of the proposed pedestrian entry from Stirling Street and the other within close proximity to the proposed Fire Booster also within the Stirling Street setback; and*
- (c) *the various vegetation and trees between street setback of the Inter-war Georgian building and Harold and Stirling Street, with the exception of the Cape Lilac (Melia azederach) located alongside the northern elevation of the Inter-war Georgian building.*

The applicant is to engage a qualified arboricultural consultant to assess the trees stated in (a) and (b) above and provide a report to address their future care control and management;

(viii) ***PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the Town:***

(a) **Construction Management Plan**

A Construction Management Plan, 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 Town, addressing the following issues:

- 1. *public safety, amenity and site security;*
- 2. *contact details of essential site personnel;*
- 3. *construction operating hours;*
- 4. *noise control and vibration management;*
- 5. *Dilapidation Reports of nearby properties;*
- 6. *air and dust management;*
- 7. *stormwater and sediment control;*
- 8. *soil excavation method (if applicable);*
- 9. *waste management and materials re-use;*
- 10. *traffic and access management;*
- 11. *parking arrangements for contractors and subcontractors;*
- 12. *Consultation Plan with nearby properties; and*
- 13. *any other matters deemed appropriate by the Town;*

(b) Section 70 A Notification under the Transfer of Land Act

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

- (1) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non- residential activities; and*
- (2) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/or office. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*

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

(c) Landscape and Reticulation Plan

A detailed landscape and reticulation plan for the development site and adjoining road verges shall be submitted to the Town'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:

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

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

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

(d) Schedule of External Finishes

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

(e) Acoustic Report

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

(f) **Refuse and Recycling Management**

Separate Bin Compounds for the residential and commercial components of the development are required, and must include wash down facilities and floor waste.

The Bin store as proposed is to accommodate the full number of bins for the minimum Town of Vincent service.

As per the Waste Management Consultant's report, a caretaker is to be responsible for the management, storage and verge placement and collection of bins. A detailed management plan is to be submitted prior to the issue of a Building Licence;

(g) **Privacy**

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

- (1) *the balconies on the first and second floors (units D 1) on the south west elevation;*
- (2) *bedroom 2 on the ground, first, second and third floors (units A1 and A) on the south west elevation; and*
- (3) *the balcony on the first, second, third and fourth floors (unit B) on the north east elevation;*

being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material that is easily removed; OR prior to the issue of a Building Licence revised plans shall be submitted demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject wall, so that they are not considered to be a major opening as defined in the Residential Design Codes 2010; OR prior to the issue of a Building Licence, revised plans shall be submitted demonstrating the above major openings being provided with permanent vertical screening or equivalent, preventing direct line of sight within the cone of vision to ground level of the adjoining properties in accordance with the Residential Design Codes. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 100, No. 110 Broome Street and No. 153 Harold Street, stating no objection to the respective proposed privacy encroachment;

(h) **Amalgamation**

Prior to the issue of a Building Licence, the subject Lots 136, 137 and 138 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 Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate and subdivide the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);

(i) **Footpath Upgrading**

In keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments, the footpaths adjacent to the subject land shall be upgraded, by the applicant, to a brick paved standard, and drainage modified at crossover point, to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$40,000 shall be lodged and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services. An application to the Town for the refund of the upgrading bond must be made in writing;

(j) **Vehicular Gate**

Any proposed vehicular gate for the car park visible from Stirling Street and Harold Street shall be a minimum 50 percent visually permeable when viewed from Stirling Street and Harold Street;

(k) **Heritage**

(a) *an interpretative plaque or another appropriate form of interpretation that provides an understanding of heritage development of the site and its cultural heritage value shall be installed prior to the first occupation of the approved addition on site. The design and wording of the interpretative plaque or other interpretative medium shall be undertaken in accordance with the Town's Heritage Management Policy No. 3.6.4 relating to Interpretive Signage and be submitted to and approved by the Town prior to the issue of a Building Licence;*

(b) *the red brick and iron fence, which features a geometric pattern and surrounds the Interwar Georgian Revival building, shall be retained in situ and conserved to aid in the conservation of the setting of the place; and*

(c) *details of proposed works at the heritage listed Interwar Georgian Revival building including internal structural changes, interior fixtures and signage, etc. should be submitted prior to the issue of a Building Licence; and*

(l) **Underground Power**

In keeping with the Town's Policy 2.2.2, the power lines along both the Harold Street and Stirling Street frontages of the development shall be undergrounded at the Developer's full cost. The Developer is required to liaise with both the Town and Western Power to comply with their respective requirements, prior to the issue of the Building Licence; and

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

(a) **Residential Car Bays**

The 133 car parking spaces provided for the residential component and visitors of the development shall be clearly marked and signposted for the exclusive use of the residents and visitors of the development;

(b) *Clothes Drying Facility*

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

(c) *Bicycle Parking*

Six (6) class one or two bicycle and one (1) class three parking facilities, shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle facilities shall be submitted to and approved by the Town prior to the installation of such facilities; and

(d) *Management Plan-Vehicular Entry Gate*

In the event a vehicular entry gate is provided, a plan detailing management measures for the operation of the vehicular entry gate to Harold Street and Stirling Street, to ensure access is readily available for visitors to the residential and commercial units at all times, shall be submitted to and approved by the Town.

COUNCIL DECISION ITEM 9.1.2

Moved Cr Lake, Seconded Cr McGrath

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

“That clause (ix)(c) be amended to read as follows:

(ix)(c) Bicycle Parking

For the office component, six (6) class one or two bicycle and one (1) class three parking facilities, shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle facilities shall be submitted to and approved by the Town prior to the installation of such facilities. In addition, for the residential component, 44 bicycle parking spaces for residents and 13 bicycle parking spaces for visitors shall be provided to the satisfaction of the Town. The residents and visitors bicycle parking spaces shall be designed in accordance with AS2890.3; and”

Debate ensued.

The Chief Executive Officer was requested to advise on the preferred option of whether to Defer or Refuse the Item.

The Chief Executive Officer advised of the following:

- 1. the Council is required to determine a Development Application within 60 days;**
- 2. the plans for this application were date stamped 12 November 2010 and, as such, if the matter was Deferred, it would not be able to be determined under Delegated Authority (as an absolute majority decision is required) until the first Ordinary Council Meeting to be held on 8 February 2011. This time period would exceed the statutory 60 days therefore, could be considered “a deemed refusal” and the Applicant could exercise their legal right and appeal to the State Administrative Tribunal;**

3. that in his opinion, if the Council was so inclined, it should Refuse the application and, give reasons for its decision. This will provide a clear direction to the Applicant in order that they may make a decision as to whether they wish to appeal to the State Administrative Tribunal or resubmit a new application.

Discussion ensued.

At 7.14pm the Presiding Member, Mayor Nick Catania called a 5 minute adjournment of the meeting to allow for the Chief Executive Officer to discuss the matter with the Applicant and ascertain their views as to whether they would prefer a deferral of the Item or the Item to be determined by the Council.

The Chief Executive Officer and Director Development Services departed the Chamber and meet with the Applicant, the Architect and one other representative.

At 7.22pm the Meeting resumed with all Council Members, Chief Executive Officer, Directors and approximately 55 public present.

The Chief Executive Officer advised the Council that he had discussed the matter with the Applicant, the Architect and his representative, who had indicated that they wished the Council to determine the matter this evening.

Debate ensued.

MOTION PUT AND LOST (0-9)

Reasons:

1. The development is not consistent with the orderly and proper planning and preservation of amenities of the locality;
2. The bulk, scale, height, density 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.

Landowner:	Finbar Funds Management Ltd
Applicant:	SS Chang Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1: Residential R80
Existing Land Use:	Educational Establishment
Use Class:	Multiple Dwelling and Office
Use Classification:	"P" and "SA"
Lot Area:	8794 square metres
Access to Right of Way	Not applicable

PURPOSE OF REPORT:

The proposal requires referral to the Council for determination, as it cannot be considered under Delegated Authority.

TABLED ITEM:

Applicant's submission.

BACKGROUND:

Not applicable.

DETAILS:

Initial Application

The proposal involves the partial demolition of existing buildings, additions and alterations to existing building and the construction of a five storey mixed use development comprising of forty-six (46) single bedroom multiple dwellings, eighty-seven (87) multiple dwellings, one office and associated basement car park.

The applicant initially submitted an application for partial demolition of existing buildings, additions and alterations to existing building and the construction of a seven-storey mixed use development comprising of one hundred (100) multiple dwellings, fifty-two (52) single bedroom multiple dwellings, office and associated basement car park.

Forty-five (45) submissions were received objecting to the development. The Town's Officers held a meeting with the applicant to explain the concerns of the Town and the submissions received.

Amended Plans

Following this meeting, the applicant amended the plans which were presented to a Council Member Forum on 16 November 2010. Amended plans were submitted to the Town which were readvertised to those persons who had made a submission in respect of the original plans.

Following the issues raised at the Council Member Forum on 16 November 2010, the applicant has provided the following response:

"1. *The development proposes 133 apartments of which 46 are one-bedroom apartments. The proposed development provides 189 bays where 180 are required. The proposed car parking complies with the car parking requirements of the Town of Vincent and the Residential Design Codes, which applied at the time of lodgement.*

Under the new Multi Dwelling provisions there would be a surplus of car parking on the site, as 145 bays would be required for the development.

2. *The heritage building is to be used as offices as an office use has the least impact on both the structural and heritage value of the building largely as a result of the previous use as an educational facility. The use of the building as residential would require significant changes that would impact its heritage value. The use is considered to be a relatively benign activity given the level of floor space and use as an office. This will also realize the greatest activation of the heritage building, allowing a greater number of people to enjoy this historical building.*

3. *In terms of the southern vehicle access, the original (advertised) plans had the crossover located further north with a building adjacent to the boundary. The proposed location of the crossover would have resulted in the removal of a street tree and the building resulted in overshadowing of the adjoining property. Consequently the relocation of the crossover has ensured the retention of the street trees and also reduced the impact of overshadowing on the adjoining property such that it now complies with the overshadowing requirements. It should be noted that the crossover serves the upper basement, which has 110 bays. The upper basement has two vehicle access points and therefore the number of vehicles expected to use the southern crossover would be 55 vehicles.*

4. *The proposed development overshadows the adjoining properties by 11.9%, 13.45% and 49.23%. Therefore the overshadowing complies with the requirements of the Town of Vincent and the Residential Design Codes. It should be noted that the overshadowing is based on the strata lots, which have an east-west orientation and are very narrow and therefore the overshadowing impact is a positive outcome considering the above factors. It also needs to be identified that the overshadowing is a worst-case scenario at 12 noon on June 21st and the level of overshadowing during spring, summer and autumn will be considerably lower.*

5. *The majority of the existing mature trees located on the site are located centrally and therefore the provision of a basement car park prevents the retention of the trees. The requirement for a basement car park would apply to the current proposed development as well as a development at an R80 density given the limitation placed on the site as a result of the retention of the heritage building. The proposed development includes a landscaping central courtyard, which will include provision for the planting of trees. It should also be noted that major design changes were made to remove any impact on the verge trees around the site, a key stipulation of the Town's officers.*

6. *The balls in the bubble deck structure are recycled plastic, which can be further recycled at 100% when the building is demolished."*

COMPLIANCE:

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Density:	R 80- 70 Multiple Dwellings or 105 Single Bedroom Multiple Dwellings	R 134- 87 multiple dwellings and 46 single bedroom multiple dwellings (density bonus= 5917 square metres= 67 per cent)
<i>Officer Comments:</i>		
Supported- Refer to "Comments" below. In the context of surrounding development close to and along Beaufort Street, and the support of five-storey development on the subject site, the proposed density bonus is recommended for approval.		
Plot Ratio:	1	1.19
<i>Officer Comments:</i>		
Supported- Refer to "Comments" below. In the context of surrounding development close to and along Beaufort Street, and the support of five-storey development on the subject site, the proposed plot ratio is recommended for approval.		
Front Setbacks: Front-South-East-Stirling Street		
Lower Ground Floor and Ground Floor	4.3 metres	3.565 metres to 4 metres
First Floor	6.3 metres	3.5625 metres
<i>Officer Comments:</i>		
Supported- The existing adjoining houses (south-east) have setback to Stirling Street of 3 metres and the existing St Marks building is setback 5.2 metres from Stirling Street. Therefore, the proposed street setback of 3.565 metres to 4 metres, providing a staggered setback between the existing houses and the St Marks Building, is not considered to have a detrimental impact on the streetscape.		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Building Setbacks: North-West Elevation <u>First Building to Harold Street</u> Lower Ground Floor First Floor Second Floor Third Floor	 1.5 metres 2.4 metres 3.1 metres 3.9 metres	 Nil (staircase) to 3.28 metres 2.2 metres 2.2 metres 2.2 metres
<u>Second Building-Middle</u> Ground Floor-Deck First Floor Second Floor Third Floor Fourth Floor	 1.5 metres 7 metres 8.6 metres 10.5 metres 12 metres	 Nil 5.6 metres to 6.4 metres 5.6 metres to 6.4 metres 5.6 metres to 6.4 metres 5.6 metres to 6.6 metres
<u>Third Building</u> Ground Floor First Floor Second Floor Third Floor Fourth Floor	 5 metres 6.8 metres 8.8 metres 10.6 metres 12.4 metres	 4.735 metres 4.65 metres to 8.7 metres 4.65 metres to 8.7 metres 4.65 metres to 8.7 metres 4.65 metres to 8.7 metres
<i>Officer Comments:</i>		
Supported- The adjoining existing residential buildings along the north-west boundary have setbacks of 0.5 metre to 3.2 metres to the subject property. The proposed setbacks will not have an undue impact on ventilation to the proposed buildings and the adjoining existing buildings along the north west boundary. Moreover, there will be no overshadowing of the adjoining building. In this instance, the variations are supported.		
Number of Storeys and Building Height	Height= 7 metres 2 storeys	Height= 17.2 metres 5 storeys
<i>Officer Comments:</i>		
Supported- As per the Town's Multiple Dwellings Policy, the adjoining commercial sites along Beaufort Street are permitted five storeys within the site. The Council at its Ordinary Meeting held on 8 September 2009 conditionally approved a four storey development at No. 103 Harold Street (Pacific Motel) which is located opposite the subject site. Accordingly, it is considered the development is consistent with the height and scale of development existing and approved in the surrounding area.		
Privacy Setbacks	Balcony/deck= 7.5 metres to boundary Bedroom= 4.5 metres to boundary	Balcony-D1 to south-west elevation- 7.2 metres to south west boundary (First Floor and Second Floor) Bedroom 2-A1- 4.2 metres on the south west elevation- 4.2 metres to north west boundary (ground floor)

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
		Bedroom 2- A- 4.4 metres to the south west elevation- 4.4 metres to north west boundary (First Floor, Second Floor and Third Floor) Balcony-Unit B-on north-east elevation- 5.8 metres to south west boundary (first floor, second floor, third floor and fourth floor).
Officer Comments:		
Not supported- In the event the application is supported, the balconies and bedrooms will be required to be screened.		

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

CONSULTATION	
In Support:	1
Objections:	42 individual submissions and a petition signed by 84 persons
Comments Received	Officer Comments
Heritage The site is not listed on the State Heritage Register and the density bonus cannot apply.	Not Supported- It is confirmed that the site is not listed on the State Heritage Register; however, with regard to variations of development standards, refer to “Comments” below.
Density, Plot Ratio and Height The density, plot ratio and height excessively do not comply with the standard requirements which will impact on the adjoining properties and the surrounding area.	Not supported- The R-Codes allow for variations to the standard requirements subject to the Town being satisfied that there will be no undue detrimental impact on the adjoining properties. Refer to “Comments” below.
Office Commercial use is not permitted in a residential R80.	Not supported- The Town’s Town Planning Scheme No. 1 classifies Office as an “SA” use, which means that the use is not permitted unless the Town is satisfied that there will be no undue detrimental impact on the surrounding area. Given the existing building was used for non-residential purposes (educational establishment) and the subject site’s proximity to Beaufort Street, the office use is supported.
Setbacks, Privacy and Overshadowing The setbacks do not comply with the acceptable standards, and privacy and overshadowing have not been addressed.	Supported in part- With regard to setbacks, refer to the comments outlined in the “Compliance Table”. The R-Codes allow for setbacks to be varied subject to the Town being satisfied that there will be no undue detrimental impact on adjoining properties. Privacy- In the event this application is supported, the applicant will be required to screen all the balconies and openings to bedrooms which do not comply with the privacy setback requirements. Overshadowing- The plans show that the proposed development complies with the overshadowing requirement.

CONSULTATION	
<p>Number of Storeys <i>“The Harold Street elevations have not changed; they are still 5 storey and way out of scale and bulk of the single storey streetscape of the Harold Street homes opposite. Harold Street is a single residential area and the five storey proposal fronting Harold Street is completely unacceptable.”</i></p>	<p>Not supported- The elevation along Harold Street depicts the proposed five storey building matches with the height of the building at the corner of Harold Street and Beaufort Street.</p>
<p>Traffic Volume The traffic volume will increase in this area and speed along these residential areas has not been addressed.</p>	<p>Not supported- The applicant has submitted a Traffic Report confirming that there will be no impact on the surrounding area. With regard to speed, this is a compliance matter dealt with by the WA Police. However, if in the future speed becomes an issue along Stirling Street and Harold Street, then the matter will be referred to the Local Area Traffic Management Advisory Group who will determine appropriate measures to address this matter.</p>
<p>Waste Management <i>“The waste management plan is “complete rubbish”. The developers have asked for 3 pick-ups a week, with a “caretaker taking bins in and out. The bin stores are in the two underground car parks, and these will have to be wheeled individually up and down a steep ramp. Roughly, this means out along Stirling and Harold Sts (say one third of 133 units per pick-up), plus recycling bins on the verge- out one night, in the next. This means that our streets will virtually be lined with bins every day of the week, and subject to garbage truck noise from pick ups. I can’t see a caretaker plan happening once the units are sold.”</i> <i>“Fewer units mean less rubbish pick-ups, and tidier streets”.</i></p>	<p>Not supported- The FFL of the parking level where some of the bin stores are located is 16.1. The FFL of the paved entry off Stirling Street where the bins will be wheeled for placement on the verge is 16. 8. The ramped area from car park bin store is graded at 1:14, and therefore not as steeply graded as stated.</p> <p>Bins are required to be placed on Stirling Street only, not Harold Street.</p> <p>A Waste Management Strategy Plan outlining when the bins may be placed and retrieved by a caretaker will be required to be incorporated into the by- laws of the Strata Company, and will therefore be on-going once the units are sold.</p> <p>The bin stores as proposed are designed to accommodate the bin numbers required for a standard waste collection. Multiple collections are in fact proposed; however, the submitted Waste Management Consultant’s report anticipates that actual waste generation is certain to be significantly less than the current generation rates used to calculate bin requirements, and therefore the number of bins out for collection will be significantly reduced.</p>

CONSULTATION	
<p>Construction There will be need for excavation of at least 8 metres for the basement with sheet piling on all boundaries and mechanical ventilation will have to be provided to the car parking. The water table is high in this area and for the construction of such a building there will be lot of noise, trucks parking along the roads destroying the amenity of the area.</p>	<p>Not supported- Applicant will be required to submit a Construction Management Plan prior to the issue of the Building Licence, including these issues.</p>
<p>Noise The electronic gate provided for entry and egress to the site and the volume of cars coming and going will create noise which will impact on the adjoining residential properties. The proposed development does not comply with the acoustic privacy requirement.</p>	<p>Not supported- In the event the application is supported, the applicant will be required to submit an acoustic report demonstrating there will be no unreasonable undue impact on the adjoining properties. Moreover, the future residents will be required to comply with the Noise Regulations applicable to a residential area.</p>
<p>Streetscape The proposal does not integrate with the existing streetscape along Stirling Street and Harold Street. Moreover, the proposal will destroy the existing character of houses in this area.</p>	<p>Not supported- Refer to comments in the Compliance Table. The proposed building is contemporary as are many redevelopment sites in the Town. It is considered that the existing character of the houses will not be impacted, rather the proposal will complement as opposed to mimic surrounding properties.</p>
<p>Impact on the south-east properties The proposal will dwarf the single house and there will be overlooking and overshadowing of the private outdoor living areas of the residential properties.</p>	<p>Not supported- There is no building abutting No. 365 Stirling Street. The proposed five storey is located at the rear and the building complies with the required setbacks from the boundary. With regard to privacy, if the balcony complies with the 7.5 metres privacy setback, the Town cannot request additional screening. Only those parts of the balcony which do not comply with the privacy requirements can be screened. Moreover, the proposed development complies with the overshadowing requirement.</p>
<p>Destruction of Mature Trees Given the proposal will cause over development which will destroy all the mature trees within the site.</p>	<p>Not supported- The Town's Parks Services advise that the existing trees within the site are not significant to be worthy of retention. However, it is recommended that some of the trees within the immediate vicinity of the building to be retained are being recommended for preservation as they are significant to the original context of the heritage place, enrich the visual setting of the place and provide a habitat for fauna and insects.</p>
<p>Neighbourhood Context The applicant did not submit a neighbourhood context report for this development.</p>	<p>Not supported- The applicant has submitted a Neighbourhood Context Report which was available to the general public when the proposal was first advertised. The Neighbourhood Context Report is not placed on the Town's website; however, it was available at the Town's Administration Centre.</p>

CONSULTATION	
Precedent If this application is supported, it will set a precedent for other developments in the area.	Not supported- Each application is assessed on its individual planning merits.
Arch <i>“I would like to draw attention to a single arched ‘colonnade’ at the rear (SW corner) of the building (photo attached), which is not included on the plan in the development proposal, and is therefore not planned for retention. From the street, this structure appears to be part of the original building and is a lovely feature that should be retained, particularly as it helps in understanding the history of the building with its area, very little of which seems to be provided in the proposed development.”</i>	Not supported-The archways were constructed to link the original Interwar building to the library in 1982. Whilst the structure is representative of the evolution and expansion of the place, the structure is not considered integral to the understanding of the place.
Advertising	Advertising for a period of 21 days was carried out as per the Town’s Policy No. 4.1.5 – relating to Community Consultation.

Car Parking

In accordance with the Residential Design Code requirements for mixed-use development, on-site car parking requirements for multiple dwellings may be reduced to one bay per dwelling, where on-site parking required for other users is available outside normal business hours. A total of 187 car bays have been provided for the proposed development. For the residential component, 133 car bays are to be provided. The balance of car bays available for the commercial component in this instance, is 54 car bays.

Car Parking	
Car parking requirement (nearest whole number) Office: 1 car bay per 50 square metres gross office floor area (proposed 1200 square metres)= 24 car bays	24 car bays
Apply the parking adjustment factors. <ul style="list-style-type: none"> ▪ 0.80 (mix of uses with greater than 45 percent of the gross floor area residential) ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.85 (within 800 metres of a rail station) ▪ 0.85 (within 400 metres of public car parks in excess of 75 car parking spaces) 	(0.4913) 11.79 car bays
Minus the car parking provided on-site	54 car bays
Minus the most recently approved on-site car parking shortfall	Nil
Surplus	42.21 car bays

Bicycle Parking		
Bicycle Parking	Offices- 1 space per 200 (proposed 1200) square metres (class 1 or 2)= 6 spaces 1 space per 750 square metres over 1000 square metres (class 3)= 1 space	Bicycle parking bays have been provided.

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

COMMENTS:

Demolition

The subject place at Nos. 369-375 Stirling Street, corner Harold Street, Highgate is listed on the Town's Municipal Heritage Inventory as Management Category A - Conservation Essential.

In accordance with the Town's Heritage Management Policy No. 3.6.1 relating to *Development Guidelines for Heritage and Adjacent Properties*, a Heritage Impact Statement has been undertaken by the Town's Officers, to assess the impact of the proposed development on the cultural heritage value of the subject place (please see Appendix 9.1.2).

The Impact Statement has concluded that the cultural heritage value of the place has been understood and supported in the design proposal for this development. Specific solutions have been reached in the planning and architectural design process including:

- The proposed dwellings along Stirling Street do not adversely affect the cultural heritage significance of the place as it is consistent with the scale and setback of the Inter-war Georgian building.
- The legibility of the original structure will remain clear in the proposed work, through the retention of the elements found to hold cultural heritage value. Notably, the heritage values of the Inter-war Georgian building is conserved by the adaptive reuse of the historical fabric. This includes the retention of a landscaped setting, the external architectural features and internal spaces.
- The bulk and street setbacks of the proposed structure fronting Harold Street is stepped to provide a gradual transition from and to maintain acceptable sightlines to the two-storey Inter-war Georgian building.
- The contemporary design treatment of the proposed new buildings does not attempt to replicate historical styles or details. The new work allows for the distinction between the old and new.

In light of the above, the Town's Heritage Officers have no objection to the proposed development, subject to an interpretive plaque being installed to provide an understanding of the site's history and development; the retention of the red brick and iron fence; and a requirement for further details of any proposed changes to the Inter-war Georgian Building to be submitted and approved by the Town.

Density, Plot Ratio and Height

Density, plot ratio and building height contribute to the bulk and scale of a development. In this instance, the subject proposal is not considered to have an undue impact on the amenity of the area and is symptomatic of a growing trend to develop underutilised inner-city properties.

The draft Local Planning Strategy, which is also being considered as a separate item in this Agenda, identifies Beaufort Street as a major road where opportunity for greater density development can occur where there is a frequent bus service and no transport corridor conflicts. Moreover, there is potential for the area to increase its land use diversity and residential population which will contribute to the revitalisation of Beaufort Street. The subject site is located 55 metres from Beaufort Street (walking distance) and accordingly, the proposal demonstrates suitable redevelopment of a site consistent with the Local Planning Strategy. Moreover, given the proximity to Beaufort Street, the proposed office component is not considered to be inconsistent with prior uses on the site or those within close proximity.

Clause (27)(1) of the Town of Vincent's Town Planning Scheme No. 1 specifies that to facilitate the conservation of a heritage place listed in the Heritage List, the Council may vary any site or development requirement of the Scheme subject to Council being satisfied that there will be no undue impact on the surrounding area. Given the proposed development will facilitate the conservation of a heritage place, it is considered the requirements for density, height and plot ratio can be varied.

Council at its Ordinary Meeting held on 8 September 2009 conditionally approved a four storey development at No. 103 Harold Street (Pacific Motel) which is located opposite the subject site. There is a five storey development at the corner of Beaufort Street and Harold Street, adjoining the site. Therefore, the five storey development proposed on the subject site will provide a transition from Beaufort Street to No. 103 Harold Street. The proposed three, five storey buildings abut those sites zoned commercial along Beaufort Street, which of themselves have the potential to be developed to 5 storeys; whereas a three storey development is being proposed along Stirling Street, which minimises the impact on the existing residential development to the south-east of the site. Moreover, the variation to the plot ratio is not excessive (1.19), the buildings (first, second, third and fourth floors) are setback to a minimum of 4.65 metres to the boundary and the proposed development complies with the overshadowing; therefore, it is not considered the bulk of the building will impact on the adjoining properties unduly.

In the context of surrounding development close to and along Beaufort Street, and the support of five-storey development on the subject site, the proposed density bonus and plot ratio are also recommended for approval. Accordingly, it is considered the proposed development will contribute to the diversity in housing types that is a long-term strategic goal for the Town of Vincent as stated in the Town's Local Planning Strategy.

In view of the proposed density bonus, as per Clause (40) (3) (b) of the Town's Town Planning Scheme No. 1, the Council is required to approve the application by an absolute majority decision.

In light of the above, the planning application is recommended for approval subject to standard and appropriate conditions, as it is not considered that the development will result in any unreasonable undue impact on the amenity of the surrounding area.

9.1.4 No. 99 (Lot 2; D/P 4270) Palmerston Street, Perth - Proposed Change of Use from Single House to Lodging House and Associated Alterations and Additions

Ward:	South	Date:	9 December 2010
Precinct:	Hyde Park, P12	File Ref:	PRO4867; 5.2010.550.1
Attachments:	001		
Reporting Officer:	A Dyson, Statutory Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by S Bransby on behalf of the owner Tripleview Holdings Pty Ltd for proposed Change of Use from Single House to Lodging House and Associated Alterations and Additions, at No. 99 (Lot 2 D/P: 4270) Palmerston Street, Perth, and as shown on plans stamp-dated 20 October 2010, and amended plan dated 8 December 2010, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non compliance with the Town's Policy 3.7.1 relating to Parking and Access;*
- (iii) the development will result in an undesirable precedent for the area and the Hyde Park Precinct; and*
- (iv) consideration of the objections received.*

COUNCIL DECISION ITEM 9.1.4

Moved Cr Lake, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Lake, Seconded Cr Burns

That clause (iii) be deleted.

Debate ensued.

AMENDMENT PUT AND CARRIED (9-0)

Debate ensued.

PROCEDURAL MOTION

Moved Cr Buckels, Seconded Cr Farrell

That the item be DEFERRED for further consideration.

PROCEDURAL MOTION PUT AND CARRIED (6-3)

For: Mayor Catania, Cr Buckels, Cr Farrell, Cr Harvey, Cr McGrath, Cr Maier

Against: Cr Burns, Cr Lake, Cr Topelberg

Landowner:	Tripleview Holdings Pty Ltd
Applicant:	S Bransby
Zoning:	Metropolitan Region Scheme(MRS): Urban Town Planning Scheme No. 1 (TPS 1): Residential R80
Existing Land Use:	Single House
Use Class:	Lodging House
Use Classification:	"SA"
Lot Area:	1213 square metres
Access to Right of Carriageway	North Side, 4 Metres width

PURPOSE OF REPORT:

This proposal requires referral to the Council for determination as more than six (6) objections have been received.

TABLED ITEM:

Applicant's submission.

BACKGROUND:

24 December 2009 The Town recommended approval to the Western Australian Planning Commission for proposed Survey Strata Subdivision of the lot into 4 lots, with the creation of three lots at the rear of the property.

13 July 2010 The Council at its Ordinary Meeting approved a proposal for Three Grouped Dwellings at the rear of the existing dwelling.

DETAILS:

The proposal involves a change of use from the existing single residential dwelling to a Lodging House and Associated Additions. It involves the establishment of a lodging house with four (4) bedrooms accommodating twenty (20) double bunk beds, catering for forty (40) persons, within the existing single storey character dwelling. The Lodging House is proposed to be managed in coordination with the nearby "The Witches Hat" Lodging House.

Alterations are proposed to the rear of the existing dwelling including a living area, kitchen, increased bathroom facilities to service the guests, and an elevated alfresco deck at the rear of the building. Extensive redesigned landscaping has also been incorporated into the proposal.

Six (6) car bays are proposed to be located at the front of the property in a tandem configuration, parked perpendicular to the road. It is anticipated much of the occupation of the premises will come from students and backpackers, catching public transport to and from the premises, therefore negating the need for extensive resident parking. Bicycle facilities have been provided both internally, in the form of accessible bicycle lockers, and externally in the form of a bicycle rack.

It is noted that a Health Services assessment of the property reveals the property is only large enough for a maximum of 38 persons and that to cater for this number, additional cooking and laundry facilities would be required.

The applicant has provided the following comments in their submission:

“The redevelopment of 99 Palmerston Street proposes a design which takes into consideration the adjoining residential buildings through appropriate location of communal living areas and extensive landscaping which ensure extensive buffers are in place, providing an extensive separation between the building and adjoining residential buildings.”

“With regards to parking, the parking demands of a lodging house of this nature are significantly less than traditional short term accommodation. The primary nature of residents is overseas backpackers who arrive into Perth via plane and utilise public transport for their primary source of transport around Perth. Furthermore, the central location of the property which is within walking distance to Northbridge, the City and Perth Central Railway and Bus Stations ensures that access to public transport is at hand.”

Consultation	
In Support:	Seven (7)
Comments Received	Officer Comments
<ul style="list-style-type: none"> <i>Nearby residents of The Witches Hat, who intend to operate the new proposed Lodging House, have had no issues with the users of the facility and remark it will present a professionally run establishment and improve the appearance of the building.</i> 	Noted.
<ul style="list-style-type: none"> <i>The proposal will contribute to the Northbridge area and present a useful addition both economically and architecturally to the area.</i> 	Noted.
Objections:	Twelve (12)
Comments Received	Officer Comments
<ul style="list-style-type: none"> <i>Insufficient parking for the number of people;</i> 	Supported. It is anticipated that a substantial clientele of the proposed Lodging House will originate from public transport and buses to the site. However it is deemed that given the number of persons (40) the proposed Lodging House is catering for, the vehicular movements to and from the site would be a significant increase from that would usually be anticipated for a residential property and is considered will be detrimental to the adjoining owner’s enjoyment of their properties. Based on these factors the proposed parking shortfall is not supported.

Consultation	
<ul style="list-style-type: none"> • <i>Insufficient bus turnaround area or place to drop off people;</i> 	Noted. The property does not have adequate site area for access by buses; however, this is not a planning requirement.
<ul style="list-style-type: none"> • <i>The location is too small for the number of potential total occupants and attendant noise.</i> 	Supported. It is noted that there is limited space on the property for a maximum of forty (40) lodgers on site in terms of communal areas and activity areas, which would impact the adjoining properties to the immediate north and across the road from the subject site. It is considered that the noise and general ambience of the adjoining owners would be disturbed and the residential area in general.
<ul style="list-style-type: none"> • <i>Ratio of beds to toilets/showers appears low and Ration of people to kitchen facilities appears low.</i> 	Noted. The applicants are required to satisfy the Town of Vincent Health Services and relevant “ <i>Guidelines for Lodging Houses</i> ” document and adhere to the relevant Health Legislation.
<ul style="list-style-type: none"> • <i>Visually the construction of car bays at the front of the property will affect the amenity of the street.</i> 	Not Supported. The existing fencing at the front of the property will remain and extensive landscaping is proposed to the front of the property effectively creating a buffer between the street and the car parking bays.
<ul style="list-style-type: none"> • <i>Concerns relating to antisocial behaviour/noise by lodgers.</i> 	Supported. It is noted the close proximity of the proposed Lodging House to existing adjoining and surrounding Residential dwellings and the numbers proposed to be accommodated would be detrimental to the existing owners. In addition, given the limited outdoor and open space available on the lot, the Lodgers may congregate at the front and rear of the property in larger numbers than would be usually occur on a residential property
<ul style="list-style-type: none"> • <i>Sub standard landscape maintenance and destruction of front garden of property.</i> 	Not supported. The Applicant has engaged the services of a professional landscaper to design the landscaping on the property. A condition has been included in the Officer Recommendation to ensure that the owner/occupier maintains the gardens on-site.
<ul style="list-style-type: none"> • <i>External and Internal Communal Space adjacent to living areas of the adjoining properties.</i> 	Not Supported. Both the internal and external communal spaces comply in terms of area with the Town’s Communal Space for Lodging House Policy 3.5.17.
<ul style="list-style-type: none"> • <i>Presence of ample parking facilities within the locality and further Lodging facilities would be counterproductive in the current residential setting</i> 	Supported. It is considered that the proposed number of lodgers (40) to be contained within an existing residential dwelling and also a subdivided lot with limited yard/open space areas would be detrimental to the adjoining property owners and set an undesirable precedent for the area.
Advertising	Advertising for a period of 21 days was carried out as per the Town’s Policy No. 4.1.5 – relating to Community Consultation.

Car Parking	
Car parking requirement (nearest whole number) • 1 space per bedroom or 1 space per 3 beds provided (40 Proposed)	= 13.33 car bays
Apply the adjustment factors. • 0.85 (within 400 metres of a bus stop)	(0.85) = 11.3305 car bays
Minus the car parking provided on-site	6 bays
Minus the most recently approved on-site car parking shortfall.	N/A
Resultant shortfall	5.3305 car bays

Note: If the resultant shortfall of car parking is less than or equal to 0.5 bays, no parking bays or cash in lieu of parking is required for the shortfall.

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

COMMENTS:

It is considered that the proposed Lodging House, a discretionary (“SA” use) under the Town Planning Scheme No. 1, within the Hyde Park Precinct will set an undesirable precedent for the immediate area. It is considered the use will be contrary to the objectives of the precinct, which is to ensure that careful control is exercised over proposed new uses in the existing residential land uses.

It is also noted that as the property is located within an established Residential area and the fact that the subject property has been the subject of a four lot subdivision approval, reducing the size of the existing lot, there is limited scope to support the proposed use. Also, given the 5.3305 car bay shortfall proposed by the development and the potential for dramatically increased street parking and subsequent impact on the adjoining properties at all times of the week.

In addition, the presence of twelve (12) objections to the development, immediately surrounding the property, indicates distinct community opposition to a development of this nature.

In view of the above, it is considered that the proposed refurbishment of the existing single dwelling and change use to a Lodging House should be refused, for the reasons outlined.

9.1.1 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

Ward:	South	Date:	10 December 2010
Precinct:	Forrest; P14	File Ref:	PRO0411; 5.2009.498.4
Attachments:	001 , 002		
Reporting Officer:	Rasaratnam Rasiah, Coordinator Statutory Planning		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES BY AN ABSOLUTE MAJORITY, 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 16 November 2010 (Attachment 001), subject to the following conditions:

(i) Building

- (a) 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;*
- (b) the doors, windows and adjacent floor areas fronting Beaufort Street shall maintain an active and interactive relationship with this street;*
- (c) 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;*
- (d) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted to and approved by the Town prior to the issue of a Building Licence; and*
- (e) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*

(ii) Car Parking

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

(iii) Signage

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

(iv) 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 Town's Policy provisions relating to Street Walls and Fences;

(v) Verge Tree

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

(vi) Footpath

In keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments, the footpaths and Metropolitan Region Scheme road widening area adjacent to the subject land are to be upgraded, by the applicant, to a brick paved standard to the Town'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 Town's Technical Services. An application to the Town for the refund of the upgrading bond must be made in writing;

(vii) Delivery Times

The delivery times to the hotel shall be restricted to between 7am and 7pm, inclusive, daily, unless in cases of an emergency;

(viii) Cash-in lieu

(a) *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) *pay a cash-in-lieu contribution of \$226,650 for the equivalent value of 75.55 car parking spaces, based on the cost of \$3,000 per bay as set out in the Town's 2010/2011 Budget; OR*

(2) *lodge an appropriate assurance bond/bank guarantee of a value of \$226,650 to the satisfaction of the Town. This assurance bond/bank guarantee will only be released in the following circumstances:*

(a) *to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*

(b) *to the owner(s)/applicant following receipt by the Town of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or*

- (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;

(ix) **Public Art**

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

- (a) *within twenty – eight (28) days of the issue date of this 'Approval to Commence Development', elect to either obtain approval from the Town 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*

- (b) *in conjunction with the above chosen option;*

- (1) *Option 1 –
prior to the approval and subsequent issue of a Building Licence for the development, obtain approval for the Public Art Project and associated Artist; and*

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

OR

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

- (x) ***PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the Town:***

(a) **Construction Management Plan**

A Construction Management Plan, 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 Town, addressing the following issues:

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

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

(b) **Landscape and Reticulation Plan**

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

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

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

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

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

(c) **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 Town's Waste Management Policy;

(d) **Screening**

The shade hoods on the northern elevation shall be re-oriented to prevent overlooking into the Highgate Primary School. The bedroom windows on 1st and 2nd floor on the north-west elevation shall comply with the privacy setback of 4.5 metres respectively 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 Town 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;

(e) *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 Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, 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);

(f) *Acoustic Report*

An Acoustic Report in accordance with the Town'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;

(g) *Design Features*

- (1) additional design features using colour and/or relief being incorporated on the large portions of the west facing walls and part of the north facing walls; and*
- (2) windows on the western elevation closest to the Highgate Primary School shall be non-openable and fully glazed/obscured;*

(h) *Boundary Walls*

The applicants shall liaise with the Highgate Primary School regarding the height and materials of the western boundary wall to ensure a satisfactory outcome for all parties to the satisfaction of the Town;

(i) *Motor Vehicle and Service Vehicle Access Management*

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

- (1) to minimise the impact on surrounding streets, when car bays at grade level are filled up;*
- (2) to minimise noise from service vehicles;*
- (3) contact details of essential hotel personnel;*
- (4) parking arrangements for contractors and sub-contractors; and*
- (5) any other matters deemed appropriate by the Town; and*

(j) End of Trip Facilities

- (1) *a minimum of one male shower and one female shower being located in separate change rooms;*
- (2) *the change room facilities being secure and capable of being locked; and*
- (3) *a minimum of one locker being provided for every bicycle parking bay provided.*

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

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

(a) 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;

(b) 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 Town prior to the installation of such facilities;

(c) 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 Town prior to the first occupation of the development;

(d) Median Island

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

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

- (1) *The applicant/owner shall comply with the comments and conditions of the DoP/WAPC at the applicant(s)/owner(s)' full expense;*
- (2) *The Other Regional Road Reservation being set aside as a separate lot; and*
- (3) *Access being restricted to left in and left out only.*

COUNCIL DECISION ITEM 9.1.1

Moved Cr Topelberg, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Topelberg, Seconded Cr McGrath

That clause (x)(i) be amended to read as follows:

“(x)(i) Motor Vehicle and Service Vehicle Access Management

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

- (1) to minimise the impact on surrounding streets, when car bays at grade level are filled up;*
- (2) to minimise noise from service vehicles;*
- (3) contact details of essential hotel personnel;*
- (4) parking arrangements for contractors and sub-contractors; ~~and~~*
- (5) CBD access route; and*
- (~~5~~6) any other matters deemed appropriate by the Town; and”*

AMENDMENT PUT AND CARRIED (9-0)

Debate ensued.

MOTION PUT AND LOST (3-6)

For: Mayor Catania, Cr Burns, Cr Farrell

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

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.**

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, Multiple Dwellings
Use Classification:	"SA"
Lot Area:	2849 square metres
Right of Way:	Not applicable

PURPOSE OF REPORT:

The proposal requires referral to the Council for determination.

TABLED ITEM:

Applicant's revised submission and associated documentation.

BACKGROUND:

8 December 2009 The original proposal for the demolition of existing buildings and construction of a nine (9) storey mixed use development comprising hotel, 2 multiple dwellings, roof top plant room (10th floor) and associated basement car park was presented to a Council Member Forum. The matters of concern raised and discussed were height, and community expectations not consistent with the Local Planning Strategy, provision of taxis, hotel industry car parking requirements to be addressed, public art, high quality development suitable for height proposed, and implications of a hotel within the site.

26 November –
16 December 2009 Advertising of the original proposal for the demolition of existing buildings and construction of a nine (9) storey mixed use development comprising hotel, 2 multiple dwellings, roof top plant room (10th floor) and associated basement car park. A total of 6 submissions in support, 23 individual objections and 2 petitions of objections consisting of 47 and 23 signatures each were received. This proposal has since been superseded.

19 October 2010 Revised 7 storey hotel proposal presented to a Council Member Forum. The Minutes of the Forum notes are as follows:

- *"The revised proposal is considered a significant change and well presented. The review is commended.*
- *Consideration should be given to the ground floor car parking being amended to provide for adequate pick-up and drop-off facilities, including disabled car parking and taxi bays.*
- *Lincoln Tower residents should be notified of the revised proposal.*
- *It was noted that the Town is not serviced by the CAT buses.*
- *Installation of solar panels on the roof top may reduce the environmental footprint.*
- *Consideration should be given to a roof garden to first floor plan instead of a metal deck roof.*
- *Traffic and parking strategies need to be developed, as well as encouragement of more local employment at the facility.*
- *The Primary School's privacy concerns should be addressed.*
- *Provision of art work as a relief for the north elevation 3 storey podium would act as a relief.*
- *Proposal should be designed in accordance with environmental sustainability principles.*
- *Hotel proposed is rated '4-star'.*"

16 November 2010 Revised 7 storey hotel plans submitted to the Town.

DETAILS:

The original proposal was for the proposed Demolition of Existing Billabong Backpackers Buildings and Construction of a Nine (9) Storey Mixed Use Development Comprising Hotel, 2 Multiple Dwellings , Roof top plant room (10th floor) and Associated Basement Car Park, has since been superseded.

The revised proposal involves the demolition of the existing Billabong Backpackers building, and the construction of a 140 bed 4-star, seven (7) storey hotel and associated basement car park. Two (2) crossovers are proposed off Beaufort Street, one for cars and the other for commercial vehicles servicing the site.

The applicants have submitted a comprehensive response (Appendix 9.1.1C) in relation to the issues raised in the advertising submissions.

Pertinent aspects of the applicant's revised submission can be found in Appendix 9.1.1B. The complete submission is tabled.

COMPLIANCE:

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Plot Ratio:	1.0 or 2849 square metres	2.16 or 6168 square metres
<i>Officer Comments:</i>		
Supported - The increased plot ratio is consistent with an increase in the number of floors. 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. Furthermore, the bulk is now spread out in a "T" configuration, with the major part of the building at the back of the site. The increase in the plot ratio from the previous proposal is due to the ground floor area being taken into account, as this is the case when a mixed use development is proposed with a residential component.		
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
<i>Officer Comments:</i>		
Supported - The height and overall design of the proposal is not considered to create an unacceptable extraordinary bulk and scale issue, when compared to the adjoining Lincoln Towers, and the approved proposed six storey development on the opposite former "Civic Theatre" site at Nos. 378 Beaufort Street. Moreover, the bulk and scale of the building has been designed not to impose on Beaufort Street rather, the building has been designed to include vertical and horizontal elements, which is considered to provide interest and vitality to the area.		
Non-Residential adjacent to residential area	2 storeys plus loft-can go higher	7 storeys
<i>Officer Comments:</i>		
Supported- The height and overall design of the proposal is not considered to create an unacceptable bulk and scale issue. Moreover, the upper floors have been slightly setback further from the Beaufort Street boundary. The adjoining lot to the north is the 8 storey Lincoln Towers, and to the west, is the Highgate Primary School. The site to the south is owned by the applicant.		
Car parking-commercial	149 car bays	74 car bays
<i>Officer Comments:</i>		
Supported - Consistent with most hotel operations, the majority of clients will either be arriving/departing by taxis, private limousines 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.		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
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.
<i>Officer Comments:</i>		
A condition has been proposed addressing the provision of bike facilities		
Overshadowing	50%	8% and 75 % of adjoining properties to the south
<i>Officer Comments:</i>		
Supported - The adjoining property may also be developed for a mixed use development in the near 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.		
Privacy- bedroom windows on 1 st and 2 nd floor on the north-west elevation	4.5 metres	1.2 metres
<i>Officer Comments:</i>		
Not supported - A condition has been imposed to comply with this requirement.		
Walls on boundary	<p>Only one wall, to be 2/3 of length of lot boundary with a maximum i.e. 39.41 metres, height of 3.5 metres, and average height of 3 metres.</p> <p>Only one wall, to be 2/3 of length of lot boundary with a maximum i.e. 38.79 metres, height of 3.5 metres, and average height of 3 metres.</p> <p>Only one wall, to be 2/3 of length of lot boundary with a maximum i.e. 31.32 metres, height of 3.5 metres, and average height of 3 metres.</p>	<p>North wall, length of 59.125 metres, maximum height of 4.0 metres, and average height of greater than 3 metres.</p> <p>South wall, length of 23.1 metres, maximum height of 5.0 metres, and average height of greater than 3 metres.</p> <p>West wall, length of 30.4 metres, maximum height of 3.2 metres, and average height of greater than 3.2 metres.</p>
<i>Officer Comments:</i>		
Supported - The variations will not 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.		
Boundary fence-west side	1.8 metres in height	2.0 metres in height
<i>Officer Comments:</i>		
Supported - as the variations will not unduly impact on the amenity of the adjoining school site.		
Building Setbacks:		
Ground floor-North	1.8 metres	Nil
Ground floor-South	1.8 metres	Nil
	1.5 metres	Nil

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Ground floor-east-Beaufort street	5.8 metres	1.5 to 2.4 metres
Ground floor-west	6 metres	Nil
Officer Comments:		
Supported - The variation would not result in an undue impact on the amenity of the area and the streetscape.		
1st floor-north	2.5 metres	Nil
1st floor- south	3.0 metres	Nil
1 st floor-east	5.8 metres	3.5 metres
1st floor-west	6 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 and the streetscape.		
2nd floor-north	3.1 metres	Nil
2nd floor-south	3.5 metres	Nil
2nd floor-east	5.8 metres	3.5 metres
2nd floor-west	6 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 and the streetscape.		
3rd floor-east	5.8 metres	1.5 to 3.5 metres
3rd floor-west	6 metres	1.5 to 4.5 metres
Officer Comments:		
Supported - The variation would not result in an undue impact on the streetscape.		
4th floor-north	13.2 metres	12.485 metres
4th floor-east	5.8 metres	1.5 to 3.5 metres
4th floor-west	6 metres	1.5 to 4.5 metres
Officer Comments:		
Supported - The variation would not result in an undue impact on the streetscape.		
5th floor-north	15.1 metres	12.485 metres
5th floor-east	5.8 metres	1.5 to 3.5 metres
5th floor-west	6 metres	1.5 to 4.5 metres
Officer Comments:		
Supported - The variation would not result in an undue impact on the streetscape.		
6th floor-north	18 metres	12.485 metres
6th floor-south	19.5 metres	17 metres
6th floor-east	5.8 metres	1.5 to 3.5 metres
6th floor-west	6 metres	1.5 to 4.5 metres
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	
In Support:	2
Objections:	15 individual submissions and 2 petitions, with 65 and 36 signatures respectively.
Comments Received	Officer Comments
Bring to the attention of the Town that petitions and a professional planning consultant report at the large expense of residents, both objecting to the proposal were submitted for the original proposal advertised, which consisted of a 9 storey mixed use development comprising of a hotel, 2 multiple dwellings, roof top plant(10th floor) and associated basement car park.	Noted.

CONSULTATION	
<p>Planning Consultants Allering and Associates have advised Council staff that the residents of Lincoln Towers would be presenting their report submission dated 15 April 2010, as they are of the view that the matters of over height, undue adverse impact on the amenity of residents of Lincoln Towers and surrounding area and the variations are so outside the current planning framework, resulting in the planning framework being almost obsolete. On the above basis, the submission by Allering and Associates was still relevant and valid in terms of the above non-compliant issues for the revised 7 storey hotel.</p>	<p>Not supported. The copy of the Planning Consultant Allering and Associates can be found in Appendix 9.1.1E due to the large submission. It is noted that this submission was specifically prepared for the original proposal.</p> <p>Nevertheless, the Town's Officers have considered the above submission and addressed the main aspects in the below section of this table. The matters raised, while of concern to residents, the Officer views are that the proposal does not result in an undue impact on the amenity of residents.</p>
<p>The proposal disregards the R80 requirements and zoning in the area, as well as the inability of the Council to adequately consult with the community of this re-zoning and unprecedented large scale development. The development is a massive departure from the precedent set by the backpackers. Approval of this proposal would be contrary to all four of the Councils own Strategic objectives in the "<i>Strategic Plan 2009-2014</i>", and also run contrary of the Councils own "<i>Vision, Purpose and Guiding Values</i>." (Part of submission can be found in Appendix 9.1.1D).</p>	<p>Not supported. The proposal is a development application, not a re-zoning proposal. The revised plans have been re-advertised for a period of 21 days, as per the Town's Policy No. 4.1.5 – relating to Community Consultation.</p> <p>The Town's Officers have moreover considered the proposal in the context of the adjoining 8 storey Lincoln Towers, the approved proposed 6 storey redevelopment at the former "Civic Theatre" site and the future development of the area.</p>
<p>The proposed development is unsympathetic to the character of the area and impacts negatively on the neighbouring properties of heritage value.</p>	<p>Not supported. The Town's Officers have considered the proposal in the context of the adjoining 8 storey Lincoln Towers, the approved proposed 6 storey redevelopment at the former "Civic Theatre" site and the future development of the area.</p>
<p>Lacks contribution to the existing streetscape.</p>	<p>Not supported - The variations would not result in an undue impact on the amenity of the area, as the development is considered to contribute to the revitalisation of this section of Beaufort Street.</p>
<p>Disrupts the mature green belt in the area. Need for Council to consider negative implications of high rise building in the area, as this proposal creates a precedent of high development in a low to medium density area. The clustering of such a high rise building will create unsympathetic pedestrian environment, wind tunnels and overshadowing of the public realm.</p> <p>It is also contrary to the planning advice of the esteemed Jan Gehl "<i>who advocates against mono-functional areas and concentration of tall buildings</i>." The proposal lacks sensitivity to neighbours and is "too radical" a departure form the existing character of the area.</p>	<p>Not supported - The Town's Officers have considered the proposal in the context of the adjoining 8 storey Lincoln Towers, the approved proposed 6 storey redevelopment at the former "Civic Theatre" site and the future development of the area. The comments of external person were not sought in this instance and not relevant to this particular development.</p>

CONSULTATION	
The current proposal does not correct the concerns raised in the previous letters and consultants report prepared on behalf of the Lincoln residents still remains valid.	Not supported. The applicants have taken on-board aspects relating to height and bulk and have managed to spread the building bulk, and have reduced the height from 10 storeys to 7 storeys.
Plot ratio is increased by 116 percentage.	Not supported. Refer to Officer Comments in the above Non- Compliant Requirements table.
Overlooking into the private and only external and internal habitable spaces of Lincoln Towers residences. The privacy need of residents outweigh the privacy requirements of short stay residents.	Supported in part. A condition has been imposed that the bedroom windows on the 1 st and 2 nd floors on the north-west are screened as per the R-Code requirements.
The shortfall in car parking is a concern, as the proponent is proposing less than 50 per cent of the required number of car bays. Car parking is already a problem in the area, as there are a number of properties that do not have off-street parking. This is further exacerbated by commuters parking their cars off Beaufort Street, including St Albans Avenue. Need for more car parking to be provided.	Not supported. It is acknowledged that most guests would arrive either by taxis, bus or other form of public transport. It is noted however, that there would still be some local guests utilising private cars to the hotel. Furthermore, the location is within close proximity of the City and the proposed use is considered an efficient use of land.
A five storey would probably not be objected too. There should be a 5 storey height limit placed on the site.	Not supported. The subject site has the capacity to accommodate a higher scale development, taking into consideration the adjoining 8 storey Lincoln Towers development.
The height is still 1-2 metres higher than Lincoln Towers.	Noted.
The whole development is wholly objected too.	Not supported. The proposed use is considered to address the demand of the short supply of hotel rooms in the Town and the Perth Metropolitan area.
Building is oversized, and if approved, what is there to stop other developers.	Not supported. The proposal has been considered in the context of the adjoining 8 storey Lincoln Towers, the approved proposed 6 storey redevelopment at the former "Civic Theatre" site and the future development of the area. Each development site is considered on its individual merit.
Loss in value of property by \$50,000.	Not supported. There is no evidence submitted to support the claim of loss in property value, which is also not a relevant planning consideration.
This area is residential and the hotel will have a huge impact on residents, who will be staring at an ugly grey wall.	Noted.
In relation to Lincoln Towers, loss of view for residents living on the upper floors, and loss of sunlight for those living on the lower floors. It does have an impact in relation to access to blue skies, loss of indirect sunlight and ambient light as a result of a 7 storey building with reduced setbacks. This gives rise to overall amenity impacts associated with bulk and scale.	Noted - The R Codes/TPS No. 1 do not have specific provisions for the protection of views. It is also noted that when Lincoln Towers was constructed, it would also have similarly blocked out the views of properties on its northern side.

CONSULTATION	
<p>Building too close, with a service lane separating Lincoln Towers and the hotel. This will cause noise and disruptions all hours of the day and night.</p> <p>Why can't the service lane be placed on the south side of the development, adjacent to the Language School and funeral Directors, which are commercial and already cause noise.</p>	<p>Noted - The development will be required to comply with the relevant noise regulations. A condition has been recommended restricting the delivery times to the hotel.</p>
<p>Congestion caused by the 56 taxis mentioned that will daily access the site.</p>	<p>Not Supported. The taxis will generally be dropping and picking up guests throughout the day.</p>
<p>If the developers are expecting 70% occupancy, why not reduce the size by 30%?</p>	<p>Noted as occupancy would be an average calculation.</p>
<p>The developers talk about the building being environmentally friendly to try and win over audience, but they have not provided the Town with details, such a grey water and solar power uses.</p>	<p>Noted. The developers will be required to address the energy efficiency requirements of the Building Code of Australia.</p>
<p>The extent of overshadowing is not good.</p>	<p>Not supported. A response has been provided in the Officer Comments in the above Non- Compliant Requirements table.</p>
<p><i>"What is the purpose of having Council guidelines if they are not to be adhered to."</i></p> <p>When the property was purchased, it was assured that <i>"my view"</i> could never be <i>"built out"</i> because of the Council zoning.</p>	<p>Not supported - The proposal has been considered in the context of the adjoining 8 storey Lincoln Towers, the approved proposed 6 storey redevelopment at the former "Civic Theatre" site and the future development of the area.</p> <p>While it is noted that individual views may be lost, the vista to the city along Beaufort Street will be retained. The protection of views is not a relevant planning consideration.</p>
<p>The application does meet the acceptable or performance standards. Accordingly, the application should be refused. <i>"There is no reasonable capacity by which non substantial changes to this application could be made in order to render it acceptable."</i> Advice that Clause 40, which allows Council to exercise discretion, is on the basis that the matters stated in Clause 40(3) of TPS No. 1 are satisfied, which this development does not satisfy. The current proposal and the extent of variations sought by the applicant, are far outside the current planning framework, and would have the effect of rendering this framework obsolete.</p>	<p>Not supported- The matters required to be considered as per the TPS No. 1 have been adequately considered, and the proposal is considered supportable.</p>
<p>If this application <i>"is seriously entertained, will lead to a lack of confidence in Council's adopted planning framework"</i>.</p>	<p>As above.</p>

CONSULTATION	
While the revised proposal is reduced in height, it still has an undue impact on the Highgate Primary School. Believe that the hotel can further be reduced in height by shifting the height from the tower to the podium, as this will reduce the impact on the school, and also would not be inappropriate given its context with Lincoln Towers and the proposed "Civic Rise" development.	Noted.
The north windows shade hoods are shown as incorrectly placed to prevent the room occupants viewing the school.	Supported. A condition has been recommended for the shade hoods to be re-oriented to prevent overlooking into the Highgate Primary School.
The western wall height on the Highgate Primary School side adjoining the hotel should be a maximum of 1.8 metres high; and the wall constructed in materials sympathetic to the "palette" of material used in the heritage listed school.	Supported. The Architects for the proposal have advised the Town's officers that the wall height on the school side will be 1.8 metres high, when taken from the school car park level.
No objection to the west elevation of the hotel provided it was a combination of high level obscured glazing and non-openable windows. The School Board's main priority is that for development having as little as possible impact affecting the safety of the children and amenity of the school.	Supported. All openings/windows on the western elevation of the hotel shall be non-openable, fully obscured windows. A condition has been recommended in this respect.
Advertising	Further Advertising of the above revised plans for a period of 21 days was carried out as per the Town's Policy No. 4.1.5 – relating to Community Consultation.

Other Implications	
Legal/Policy	TPS 1, R-Codes and associated Policies.
Strategic	Draft Local Planning Strategy-See comments below.
Sustainability	Nil.
Financial/Budget	Nil.

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 140 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 140 rooms = 140 car bays. Proposed alfresco 140 square metres = 36.8 car bays. Proposed restaurant 200 square metres = 52.6 car bays Total= 229.4 car bays	230 car bays
Apply the parking adjustment factors. <ul style="list-style-type: none"> • 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) 149.55 car bays
Minus the car parking provided on-site	74 car bays
Minus the most recently approved on-site car parking shortfall	Nil
Deficit	75.55 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.

COMMENTS:

Heritage Services

The subject property at No. 381 Beaufort Street, Perth is separated by one lot from the Funeral Parlour and abuts the Highgate Primary School, which are both listed on the Town's Municipal Heritage Inventory as Management Category A and the State Register of Heritage Places. In accordance with the Heritage of Western Australia Act 1990, the development proposal was referred to the Heritage Council for comment on 17 November 2009.

In terms of the proposed demolition of the subject property, a full heritage assessment was undertaken for No. 381 Beaufort Street, Perth, which indicates that the place has little aesthetic, historic, scientific or social heritage significance (see Appendix 9.1.1A). In accordance with the Town's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the Town's Municipal Heritage Inventory.

In light of the above, it is considered that approval should be granted for demolition subject to the following condition:

"a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site."

Comment from Heritage Council

In its letter dated 24 May 2010, the Heritage Council advised that the Heritage Council's Development Committee has no objection to the previous proposed development at the subject place.

The current revised proposal was referred to the Heritage Council on 17 November 2010, seeking further comment on the revised plans.

In its letter dated 7 December 2010, the Heritage Council advised that it has no objection to the proposed development.

The Heritage Council also provided an "Advise Note" as below, to reiterate the Committee's previous advice:

"The Committee request that the applicants liaise with Highgate Primary School over the boundary wall shared by 381 Beaufort Street and Highgate Primary School to ensure a satisfactory outcome for the School."

It is considered that these comments from the Heritage Council are reasonable considering the scale of the proposed development and the proximity to the adjoining Highgate Primary School. In light of the above, the subject development application is supported in accordance with the above condition and comments.

Strategic Planning

The Town is currently reviewing its Town Planning Scheme No. 1 and has prepared a Local Planning Strategy (LPS). The LPS was endorsed as a working document at the Ordinary Meeting of Council held on 25 May 2010 and includes the subject property in the Perth Precinct. The Local Planning Strategy is scheduled to be further considered by the Council on 21 December 2010.

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.

The Draft Local Planning Strategy states the following in relation to tourism and tourist accommodation in the Town;

"It is noted that tourists, in general, seek accommodation, dining and entertainment options, sight-seeing opportunities/attractions/places of interest, retail and cultural pursuits, with transport also being a key consideration. Accordingly, opportunity exists to address this projected demand growth and to promote short stay accommodation (i.e. hotels, serviced apartments etc) within the Town particularly around key transit nodes, such as the Leederville Train Station."

It is recognised that Beaufort Street displays numerous opportunities for linear intensification of land uses given it is supported by good levels of public transport. It is also noted that there are key retail activity and shopping opportunities, numerous restaurants and an active night life along Beaufort Street, Mount Lawley which are considered to be good tourism attractors. In addition, the proposed development is in close proximity to nib Stadium.

Department of Planning

The Department of Planning (DoP) in its letters dated 25 May 2010, 16 July 2010 and email dated 1 December 2010 (tabled), have advised that the subject land is affected by the Other Regional Road (ORR) Reserve in the Metropolitan Region Scheme. The road widening required at the Beaufort Street frontage varies between 1.5 metres to 2.5 metres. It was also recommended that lots be amalgamated and the ORR Reservation be set aside as a separate lot, pending future acquisition by the relevant authority. *"It is also recommended that the local government to deal directly with the WAPC to explore opportunities of the proponent ceding this road widening land free of cost."* and that the Town ensure that the facility provided for service vehicles is adequate to ensure safe operation and manoeuvring.

The proposed PM peak trip rates were considered rather low, and that further consideration is given to increasing the number of set-down/pick-up bays, if feasible. The DoP had no objection to the proposal on regional planning grounds, subject to the following conditions being imposed:

- *"the ORR reservation being set aside as a separate lot,*
- *access being restricted to left in and left out only."*

Tourism WA

Tourism Western Australia in their correspondences dated 7 December 2009 and 25 February 2010 (tabled), have advised that the Perth Hotel investment study completed by Transocean Consulting in 2007 has identified that 1,000 short stay rooms would be needed in 2010, and that only 357 rooms are currently being developed. As such, Perth needs between 270 to 300 rooms from 2010 to keep up with demand growth of 3 per cent per annum.

It was also advised that the undersupply of rooms has the impact in the ability to attract major events, etc. The above site is close to the Northbridge Precinct, *nib Stadium* (formerly Members Equity Stadium), new Perth Arena and new State Theatre, and would also contribute to the State's economy in terms of revenue and employment. It is also considered that without the supply of various standards of accommodation, including a serviced hotel, the Mount Lawley entertainment precinct is unlikely to achieve its full potential. It is noted that no new hotel of this capacity has been built in Perth since 2005.

The viability of a Hotel is extremely marginal, given the cost of construction, land values, etc. and as such, it needs critical mass to convince owners that the operation will be viable for years to come. This Hotel development envisages operation by an international brand, which together with its global distribution systems and marketing programmes, would raise awareness of Western Australia in the global market place.

Technical Services

The Town's Technical Services have advised that the following matters are required to be addressed prior to the issue of a Building Licence:

- Significantly more detail is required for the basement and "at grade" car parks; in particular - all dimensions of bays and isles, cross sections showing finished floor levels, grades of ramps, details of transitions, headroom and clearances within isles, bays and ramps (including the services proposed to be installed).
- As the applicant proposes a private waste collection, a condition is recommended that a comprehensive waste management plan be submitted to and approved by the Town prior to the issue of a Building Licence.
- Access and egress to the on-site parking areas should be left in, left out, onto Beaufort Street. As such, a condition has been applied, that a median "island" be constructed to prevent the right turn access and egress to the parking areas.

Building Services

Building Services advise that the travel via fire isolated exits are to be compliant with D1.7 of the Building Code of Australia Volume 1. Travel distances in the basement car park are to be compliant with D1.4, and the provision of disabled parking for visitors.

The above matters will be required to be complied with in accordance with the relevant Building Code of Australia requirements and Australian Standards at the Building Licence stage.

Health Services

Health Services advise that matters relating to noise, food and the swimming pool, can be addressed at the Building Licence stage.

Lincoln Towers was constructed in the 1970's, and it would have been a very substantial residential development in terms of height, scale and bulk in the era it was constructed. With today's demand for various types of new uses within the Town and surrounding areas, there is an expectation that buildings could be higher than expected, depending on their use characteristics, such as a hotel use. The question of height, bulk and scale, car parking, traffic, privacy and loss of view have been duly assessed for the proposal as stated in the Non-compliant and Submission Tables above.

The proposal is considered to provide much broader benefits to the surrounding community and the Town, as it will provide a high quality 4-star hotel accommodation, which will be within walking distance to the "*nib Stadium*". The site characteristics present an opportunity for a hotel use to operate from this site. It is further considered the proposal will also be positive in an economic sense and provide employment opportunities, and be a catalyst for new development along the Beaufort Street "Activity Corridor". In light of the above, it is recommended that Council approve the application, subject to standard and appropriate conditions to address the above matters.

9.1.3 No. 368 (Lots 8, 9 and 10; D/P 1471) Oxford Street, corner Anzac Road, Mount Hawthorn- Proposed Alterations and Additions to Existing Hotel and Mezzanine Addition

Ward:	North	Date:	9 December 2010
Precinct:	Mount Hawthorn Centre-P2	File Ref:	PRO0748; 5.2010.459.1
Attachments:	001 , 002		
Reporting Officer:	R Narroo, Senior Planning Officer (Statutory) H Au, Heritage Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by P Hayes on behalf of the owner Active Holdings Pty Ltd for proposed Alterations and Additions to Existing Hotel and Mezzanine Addition, at No. 368 (Lots 8, 9 and 10) Oxford Street, corner Anzac Road, Mount Hawthorn, and as shown on plans stamp-dated 9 September 2010 and 3 December 2010, subject to the following conditions:

(i) **Building**

- (a) *all new external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Oxford Street and Anzac Road;*
- (b) *if entry to neighbouring land is required, first obtaining the consent of the owners of Nos. 364-366 Oxford Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing in a good and clean condition;*
- (c) *doors, windows and adjacent floor areas of the beer garden area fronting Oxford Street shall maintain an active and interactive relationship with this street;*
- (d) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site; and*
- (e) *an archival documented record of the existing Beer Garden of the Oxford Hotel, including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*

(ii) **Car Parking and Accessways**

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

(iii) Signage

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

(iv) Verge Tree

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;

(v) Liquor Licensing Act 1988

Compliance with the Liquor Licensing Act 1988 and the requirements of the Director of Liquor Licensing;

(vi) Accommodation Number

The current maximum accommodation number of 471 persons shall not be exceeded at any time;

(vii) Entertainment/Bands

No live entertainment/bands shall be permitted;

(viii) Glass

All the glass proposed for the new additions to the existing building shall be double glazed to the recommendation of an acoustic consultant;

(ix) Car Parking-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:

- (a) *pay a cash-in-lieu contribution of \$16,980 for the equivalent value of 5.66 car parking spaces, based on the cost of \$3,000 per bay as set out in the Town's 2010/2011 Budget; OR*
- (b) *lodge an appropriate assurance bond/bank guarantee of a value of \$16,980 to the satisfaction of the Town. This assurance bond/bank guarantee will only be released in the following circumstances:*
 - (1) *to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*
 - (2) *to the owner(s)/applicant following receipt by the Town of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or*
 - (3) *to the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired.*

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

(x) ***PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the Town:***

(a) **Construction Management Plan**

A Construction Management Plan, 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 Town, addressing the following issues:

1. *public safety, amenity and site security;*
2. *contact details of essential site personnel;*
3. *construction operating hours;*
4. *noise control and vibration management;*
5. *Dilapidation Reports of nearby properties;*
6. *air and dust management;*
7. *stormwater and sediment control;*
8. *soil excavation method (if applicable);*
9. *waste management and materials re-use;*
10. *traffic and access management;*
11. *parking arrangements for contractors and subcontractors;*
12. *Consultation Plan with nearby properties; and*
13. *any other matters deemed appropriate by the Town;*

(b) **Schedule of External Finishes**

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

(c) **Acoustic Report**

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

(d) **Amalgamation**

Prior to the issue of a Building Licence, the subject Lots 8, 9 and 10 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 Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, 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);

(e) **Bond**

A road/verge security bond or bank guarantee of \$2100 payable by the builder shall be lodged with the Town prior to the issue of a Building Licence and be held until all building/development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired/reinstated to the satisfaction of the Town's Technical Services. An application for the refund of the security bond or bank guarantee must be made in writing. This bond is non-transferable;

(f) **Right of Way Bond**

A right of way security bond and/or bank guarantee for \$1,000 payable by the Builder shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for a standard 2 wheel drive vehicle) as a consequence of the works, the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services. This bond is non-transferable; and

(g) **Management Plan**

An updated, detailed management plan specific to the use of the existing and proposed operational areas of the hotel addressing the control of noise, litter, traffic, car parking, service delivery and anti-social behaviour (to reasonable levels) associated with the hotel shall be submitted to and approved by the Town.

COUNCIL DECISION ITEM 9.1.3

Moved Cr Farrell, Seconded Cr Harvey

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (9-0)

Landowner:	Active Holdings Pty Ltd
Applicant:	P Hayes
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1: Commercial
Existing Land Use:	Hotel
Use Class:	Hotel
Use Classification:	"SA"
Lot Area:	1389 square metres
Access to Right of Way	Eastern side, 5 metres wide, sealed, private owned

PURPOSE OF REPORT:

The proposal requires referral to the Council for determination as a parking shortfall more than 5 bays is proposed.

BACKGROUND:

26 January 1990 An application was lodged with the City of Perth for the alterations and additions to the hotel, including the additions of a bottle shop and beer garden.

19 January 1998 Application for alterations and additions to the hotel was refused by Council for the following reasons:

- “(i) the non-compliance with the orderly and proper planning of the locality and the preservation of the amenities of the locality in respect to the inadequate provision of car parking and landscaping on the site; and*
- (ii) consideration of the objection received.”*

Council advised the applicant that it was prepared to consider a development application for the change of use of the hotel to an eating house.

10 August 1998 At its Ordinary Meeting, the Council approved an application for alterations and additions to the hotel subject to standard conditions and more specific conditions restricting the use of the existing bar areas and denying the use of the southern courtyard as a ‘beer garden’.

14 March 2000 The Council at its Ordinary Meeting conditionally approved proposed alterations and additions to the Oxford Hotel.

11 October 2000 Following an appeal to the Minister for Planning, namely a condition relating to a \$17,600 lump sum cash contribution to be paid to the Town for the upgrading of street parking on Anzac Road adjacent to the property, the Minister upheld the applicant’s appeal.

5 December 2000 The Council at its Ordinary Meeting considered and approved a proposed residential parking zone along Anzac Road along with traffic management works.

9 May 2001 A Building Licence was issued in accordance with the above approval.

25 September 2001 The Council at its Ordinary Meeting made the following resolution with respect to an application for an extended trading permit:

- “(a) an after-hours mobile contact telephone number for the Duty Manager be made available to nearby residents to expedite remedial action regarding any unreasonable noise, anti-social behaviour, or parking matters;*
- (b) the existing “Premises management Plan for the Oxford Hotel’ be upgraded and detailed to include the extended trading hours after midnight and relevant contingency planning and resolution action. The Sections relating to control of noise, traffic, car parking, litter and anti-social behaviour to be upgraded accordingly and a copy provided to the Town and the Office of Racing, Gaming and liquor within 14 days of approval; and*
- (c) that the conditional approval be reviewed in 6 months.”*

- 8 October 2002 The Council at its Ordinary Meeting deferred the application for alterations and additions to existing hotel and ancillary first floor uses for the applicant to submit further information.
- 5 November 2002 The Council at its Ordinary Meeting conditionally approved alterations and additions to existing hotel and ancillary first floor uses.
- 26 March 2007 The Town under delegated authority approved an awning addition to existing hotel.

DETAILS:

The proposal involves alterations and additions to the existing hotel. The proposal relates to the conversion of the beer garden into a new building inclusive of a mezzanine floor.

COMPLIANCE:

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Density:	N/A	N/A
<i>Officer Comments:</i>		
Noted.		
Plot Ratio:	N/A	N/A
<i>Officer Comments:</i>		
Noted.		
Parking	16.66 car bays (applying previous approved shortfall and adjustment factors)	11 car bays (Shortfall= 5.66 car bays)
<i>Officer Comments:</i>		
See below.		

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

Consultation	
In Support:	One (1)
Comments Received	Officer Comments
Nil	Noted
Objections:	One (1)
Comments Received	Officer Comments
The Town has received a letter raising the following concerns: <i>1. It is believed that noise from car stereos, opening and closing of car doors etc will generate enough noise to negatively impact on neighbouring residence especially at closing times when large numbers of patrons are exiting the premises and they have no regard for those trying to sleep at that time.</i>	Not supported - the Town takes all matters raised seriously; in particular, those relating to noise issues that may originate from licensed premises. As part of the development approval process, the Town's Health Services will be requesting that the applicant contract the services of a qualified acoustic consultant to undertake an assessment of the application and provide recommendations with regard to sound attenuation. The points raised in the objection letter will be addressed by the acoustic consultant. In order to ensure that those points are covered, the Town will contact the consultant to advise of specific concerns raised. All reasonable efforts are made by the Town's Officers to ensure that the impact of new developments are minimised as far as practicable.

Consultation	
<p>2. <i>Has any noise modelling being undertaken by the Town or has the applicant been compelled to show if the required noise levels would be achieved at the premises closest to the proposed venue from 7.00 pm onwards.</i></p>	<p>Not supported - As above.</p>
<p>3. <i>The windows are they rated in accordance of the requirements for noise attenuation?</i></p>	<p>Supported - It is noted that a condition of planning approval will be to double glaze all new windows to the new building.</p>
<p>4. <i>The ceiling is it sound-rated with no penetrations, or penetrations would need to be acoustically treated.</i></p>	<p>Not supported - As above.</p>
<p>5. <i>What if any acoustic barriers will be constructed to minimise noise levels to adjoining residences.</i></p>	<p>Not supported - As above.</p>
<p>6. <i>The roof will it be constructed of a noise attenuating/absorbing material.</i></p>	<p>Not supported - As above.</p>
<p>7. <i>Will delivery, waste removal and other heavy vehicles be restricted enter and exit to the premises during 7 pm to 7 am. Monday-Saturday and 7 pm-9 am on a Sunday and Public Holiday. Which currently is not the case as there have been instances where service vehicles have attended the property at about 3 am?</i></p>	<p>Not supported - The Town's waste collection service takes place between 6 am and 2-3 pm. It is noted that the Town has not received any complaint within the last two years. Should this matter become an issue in the future, there are sufficient statutory provisions to deal with this matter effectively.</p>
<p>8. <i>Will there to be any self closing mechanisms installed and maintained on all entry and exit doors and will these be kept closed during the playing of music.</i></p>	<p>Not supported - As above.</p>
<p>9. <i>Any music, including bands/DJs will it be limited to a maximum sound pressure level of from any speaker. And what level it the Town proposing to set and will its Officers monitor or be available to respond to any breach.</i></p>	<p>Supported - It is noted that a condition of planning approval will be to not permit live entertainment/bands.</p>
<p>10. <i>Will bands/DJs be required to connect all equipment to the internal sound system which must be calibrated to a predetermined level of any speaker?</i></p>	<p>Not supported - As above.</p>
<p>11. <i>Should this project proceed will the Town ensure prior to a certificate of classification being issued for building works, a verification report from a suitably qualified person is submitted and approved by the Town of Vincent confirming that the internal sound system has been calibrated to a maximum sound pressure level from any speaker.</i></p>	<p>Not supported - As above.</p>
<p>12. <i>All mechanical equipment (such as refrigerators and air conditioner motors) must be fixed behind noise attenuating screens that are at least 200mm above the height of the equipment.</i></p>	<p>Not supported - As above.</p>

Consultation	
<i>13. How is it proposed to control noise from patrons external to the building (e.g. anti-social behaviour, talking, vehicle use etc) as not to the impact on the residence in close proximity of the venue as it is likely to adversely impact on the amenity of the area and be audible from nearby residential premises."</i>	Supported - It is noted that as a condition, the applicant is requested to provide an updated management plan including measures to address anti-social behaviour.
Advertising	Advertising for a period of 21 days was carried out as per the Town's Policy No. 4.1.5 – relating to Community Consultation.

Car Parking	
Car Parking requirement (nearest whole number) Assembly Area- 1 car bay for every 4.5 square metres of assembly area (existing) (766.33 square metres)- 170.29 1 bedroom- 1 car bay per bedroom- 1 New additional public area- 1 car bay per 3.8 square metres (64.67 square metres)-17.02 Total car parking required= 188.31= 188	188 car bays
Apply the adjustment factors.	(0.7267)
0.85 (within 400 metres of a bus stop); 0.95 (within 400 metres of one or more public car parks in excess of 25 spaces); and 0.9 (end of trip facilities)	136.62 car bays
Minus the car parking provided on-site.	11 car bays
Minus the most recently approved on-site car parking shortfall (Council at its Ordinary Meeting held on 14 March 2000 approved on-site car parking shortfall after applying adjustment factors- 87 bays)	87 car bays
(Council at its Ordinary Meeting held on 5 November 2002 approved on-site car parking shortfall after applying adjustment factors- 32.96 car bays)	32.96 car bays
Resultant Shortfall	5.66 car bays

Bicycle Parking	
Not applicable	

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

COMMENTS:

Demolition

The subject place at No. 368 Oxford Street, Leederville is listed on the Town's Municipal Heritage Inventory as Management Category B - Conservation Recommended.

The proposal involves partial demolition, alterations and additions to existing hotel.

A Heritage Impact Statement was undertaken on 3 December 2010, based on the plans dated 9 September 2010 and 3 December 2010, to assess the impact of the proposed development on the cultural heritage value of the subject building.

The Heritage Impact Statement indicated that the proposed addition will not detract from the prominence and character of the existing heritage listed Oxford Hotel. The proposed addition and restoration will ensure the retention of, and adaptive re-use of the Oxford Hotel and provide a means to integrate older style buildings with new development for modern needs.

In light of the above, the Heritage Officers have no objection to the subject application subject to standard conditions.

Health Services

Maximum Accommodation Number

The estimated maximum accommodation number for the entire venue is 550 persons under the *Health (Public Building) Regulations 1992* based on submitted plans, with the limiting factor being female toilets.

Double Glazing

Council at its Ordinary Meeting held on 5 November 2002 conditionally approved alterations and additions to the existing hotel and ancillary first floor uses. One of the conditions of approval was for new glazing to be double glazed to attenuate noise emissions. Accordingly, it is recommended that this condition be reapplied to ensure that noise emitted from the new premises does not exceed the assigned levels stipulated in the *Environmental Protection (Noise) Regulations 1997*.

Live Bands

Live bands have been identified as an issue and it was a recommendation in the previous acoustic report as a measure to ensure compliance with the *Environmental Protection (Noise) Regulations 1997*. Therefore, it is recommended that this condition also be reapplied.

Redevelopment and Car Parking

The Town's Policy relating to Parking and Access suggests that the Council may determine to accept a cash-in-lieu payment where the shortfall is greater than 0.5 car bay to provide and/or upgrade parking in other car parking areas.

Clause 22 (iv) of the Town's Parking and Access Policy states that in determining whether this development should be refused on car parking grounds, the following percentage should be used as a guide:

"If the total requirement (after adjustment factors have been taken into account) is above 71 bays, a minimum of 40 per cent of the required bays is to be provided."

The subject application for No. 368 Oxford Street has a total car parking requirement of 136.62 car bays (after adjustment factors). If the above clause of the Parking and Access Policy is applied to the subject application, for the place at No. 368 Oxford Street, a total of 54.65 car bays are required to be provided on-site. Eleven car bays are provided for this redevelopment. Historically there has always been a shortfall of parking on this site.

The contemporary steel and glass addition to the Oxford Hotel demonstrates innovation in design that will add interest and vibrancy to the emerging Oxford Street Streetscape. The development, which juxtaposes old and new buildings, will complement and bring to life the original Hotel building and set a high standard for future developments. The proposal will replace the existing beer garden which is aesthetically not appealing. Furthermore the owner has advised that there will be no increase in the number of patrons from what was approved by Council at its Ordinary Meeting held on 5 November 2002, which is 471 persons.

The Town's Health Services have stated that the proposed development will result in an increase in the number of patrons under the *Health (Public Building) Regulations 1992*. However, it is recommended that, if this application is supported, the maximum accommodation number of 471 persons shall be maintained as per the previous approval by Council at its Ordinary Meeting held on 5 November 2001. This will ensure that there will be no additional customers from what is existing, which will not have an impact on the existing parking.

Given the contemporary design of the proposal, that no increase in the number of patrons is proposed and only one objection was received, the proposal is recommended for approval, subject to standard and appropriate conditions, including cash-in-lieu for the shortfall in car parking.

9.1.7 Nos. 23, 25 and 27 (Lots 36, 37, 38; D/P 1962) Scarborough Beach Road, corner Hardy Street, North Perth - Proposed Demolition of Three (3) Single Houses and Construction of a Three Storey Mixed Use Development Comprising One (1) Office, One (1) Grouped Dwelling, One (1) Single Bedroom Multiple Dwelling, Twelve (12) Multiple Dwellings and Associated Car Parking

Ward:	North	Date:	9 December 2010
Precinct:	Smith's Lake; P6	File Ref:	PRO5265; 5.2010.559.1
Attachments:	001 , 002		
Reporting Officer:	R Narroo, Senior Planning Officer (Statutory) H Au, Heritage Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by Carissa Pty Ltd on behalf of the owner R P Gerachi for proposed Demolition of Three (3) Single Houses and Construction of a Three Storey Mixed Use Development Comprising One (1) Office, One (1) Grouped Dwelling, One (1) Single Bedroom Multiple Dwelling, Twelve (12) Multiple Dwellings and Associated Carparking, at Nos. 23, 25 and 27 (Lots 36, 37, 38; D/P 1962) Scarborough Beach Road, corner Hardy Street, North Perth and as shown on plans stamp-dated 11 November 2010 and 3 December 2010, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the objectives of the Town's Town Planning Scheme No. 1 and Economic Development Strategy, respectively; and*
- (iii) consideration of the objections received.*

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND LOST (0-9)

Reasons:

- 1. Adjacent to existing commercial properties; and**
- 2. Provides a transition to the adjoining residential area.**

ALTERANTIVE RECOMMENDATION

Moved Cr Maier, Seconded Cr Farrell

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Carissa Pty Ltd on behalf of the owner R P Gerachi for proposed Demolition of Three (3) Single Houses and Construction of a Three Storey Mixed Use Development Comprising One (1) Office, One (1) Grouped Dwelling, One (1) Single Bedroom Multiple Dwelling, Twelve (12) Multiple Dwellings and Associated Carparking, at Nos.23, 25 and 27 (Lots 36, 37, 38; D/P 1962) Scarborough Beach Road, corner Hardy Street, North Perth, and as shown on plans stamp-dated 11 November 2010 and 3 December 2010 , subject to the following conditions:

(i) **Building**

- (a) *all new external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Scarborough Beach Road and Hardy Street;*
- (b) *if entry to neighbouring land is required, first obtaining the consent of the owners of No. 15 Scarborough Beach Road for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 15 Scarborough Beach Road in a good and clean condition;*
- (c) *doors, windows and adjacent floor areas of the office fronting Scarborough Beach Road and Hardy Street shall maintain an active and interactive relationship with these streets;*
- (d) *the maximum gross floor area of the office component shall be limited to 666 square metres. Any increase in floor space or change of use of the offices shall require Planning Approval to be applied to and obtained from the Town. Any change of use shall be assessed in accordance with the relevant Planning Policy including the Town's Parking and Access Policy No. 3.7.1; and*
- (e) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*

(ii) **Car Parking and Accessways**

- (a) *the on-site car parking area for the non-residential component shall be available for the occupiers of the residential component outside normal business hours;*
- (b) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*

- (c) *the car parking area shown for the non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property; and*
- (d) *the car park shall be used only by employees, tenants, and visitors directly associated with the development;*

(iii) **Public Art**

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

- (a) *within twenty – eight (28) days of the issue date of this 'Approval to Commence Development', elect to either obtain approval from the Town for an Artist to undertake a Public Art Project (Option 1) or pay the Cash in Lieu Percent for Public Art Contribution, of \$40,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$4,000,000); and*

- (b) *in conjunction with the above chosen option;*

- (1) *Option 1 –
prior to the approval and subsequent issue of a Building Licence for the development, obtain approval for the Public Art Project and associated Artist; and*

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

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

(iv) **Signage**

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

(v) **Fencing**

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

(vi) **Verge Tree**

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

(vii) **Car Parking-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:

- (a) *pay a cash-in-lieu contribution of \$7,674 for the equivalent value of 2.558 car parking spaces, based on the cost of \$3,000 per bay as set out in the Town's 2010/2011 Budget; OR*
- (b) *lodge an appropriate assurance bond/bank guarantee of a value of \$7,674 to the satisfaction of the Town. This assurance bond/bank guarantee will only be released in the following circumstances:*
 - (1) *to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*
 - (2) *to the owner(s)/applicant following receipt by the Town of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or*
 - (3) *to the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired.*

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

(viii) ***PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the Town:***

(a) **Construction Management Plan**

A Construction Management Plan, 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 Town, addressing the following issues:

1. *public safety, amenity and site security;*
2. *contact details of essential site personnel;*
3. *construction operating hours;*
4. *noise control and vibration management;*
5. *Dilapidation Reports of nearby properties;*
6. *air and dust management;*
7. *stormwater and sediment control;*
8. *soil excavation method (if applicable);*
9. *waste management and materials re-use;*
10. *traffic and access management;*
11. *parking arrangements for contractors and subcontractors;*
12. *Consultation Plan with nearby properties; and*
13. *any other matters deemed appropriate by the Town;*

(b) Section 70 A Notification under the Transfer of Land Act

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

- (1) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non- residential activities;*
- (2) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/or office. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development;*
- (3) *a maximum of one (1) bedroom and two (2) occupants are permitted in the single bedroom multiple dwelling (unit 3) at any one time; and*
- (4) *the floor plan layout of the single bedroom multiple dwelling (unit 3) shall be maintained in accordance with the Planning Approval Plans.*

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

(c) Landscape and Reticulation Plan

A detailed landscape and reticulation plan for the development site and adjoining road verges shall be submitted to the Town'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:

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

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

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

(d) Schedule of External Finishes

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

(e) Acoustic Report

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

(f) Refuse and Recycling Management

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

(g) Privacy

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

- (1) *the balconies on the first floor (units 13 and 14) on the southern elevation; and*
- (2) *bedroom 2 on the ground, first floor (unit 1) on the eastern elevation;*

being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material that is easily removed; OR prior to the issue of a Building Licence revised plans shall be submitted demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject wall, so that they are not considered to be a major opening as defined in the Residential Design Codes 2010; OR prior to the issue of a Building Licence, revised plans shall be submitted demonstrating the above major openings being provided with permanent vertical screening or equivalent, preventing direct line of sight within the cone of vision to ground level of the adjoining properties in accordance with the Residential Design Codes. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 12 Hardy Street, stating no objection to the respective proposed privacy encroachment;

(h) Amalgamation

Prior to the issue of a Building Licence, the subject Lots 36, 37 and 38 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 Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate and subdivide the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);

(i) **Footpath Upgrading**

In keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments, the footpaths adjacent to the subject land shall be upgraded, by the applicant, to a brick paved standard, and drainage modified at crossover point, to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$20,000 shall be lodged and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services. An application to the Town for the refund of the upgrading bond must be made in writing;

(j) **Bond**

A road/verge security bond or bank guarantee of \$7,000 payable by the builder shall be lodged with the Town prior to the issue of a Building Licence and be held until all building/development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired/reinstated to the satisfaction of the Town's Technical Services. An application for the refund of the security bond or bank guarantee must be made in writing. This bond is non-transferable;

(k) **Vehicular Gate**

Any proposed vehicular gate for the car park visible from Hardy Street shall be a minimum 50 percent visually permeable when viewed from Stirling Street and Harold Street; and

(l) **Underground Power**

In keeping with the Town's Policy 2.2.2, the power lines along both Scarborough Beach Road and Hardy Street frontages of the development shall be undergrounded at the Developer's full cost. The Developer is required to liaise with both the Town and Western Power to comply with their respective requirements, prior to the issue of the Building Licence; and

(m) **Design Features**

Additional design features using colour and/or relief being incorporated on the visible portion of the eastern face of the building wall facing No. 15 Scarborough Beach Road to reduce the visual impact of this wall; and

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

(a) **Residential Car Bays**

The 15 car parking spaces provided for the residential component and visitors of the development shall be clearly marked and signposted for the exclusive use of the residents and visitors of the development;

(b) **Clothes Drying Facility**

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

(c) Bicycle Parking

Three (3) class one or two bicycle and one (1) class three parking facilities, shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle facilities shall be submitted to and approved by the Town prior to the installation of such facilities; and

(d) Management Plan-Vehicular Entry Gate

In the event a vehicular entry gate is provided, a plan detailing management measures for the operation of the vehicular entry gate to Hardy Street, to ensure access is readily available for visitors to the residential and commercial units at all times, shall be submitted to and approved by the Town.

Debate ensued.

AMENDMENT

Moved Cr Topelberg, Seconded Cr Farrell

That clause (viii)(m) be amended to read as follows:

“(viii)(m) Design Features

Additional design features ~~using colour and/or relief~~ being incorporated on the visible portion of the eastern face of the building wall facing No. 15 Scarborough Beach Road to reduce the visual impact of this wall; and”

AMENDMENT PUT AND CARRIED (9-0)

Debate ensued.

ALTERNATIVE MOTION AS AMENDED PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 9.1.7

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Carissa Pty Ltd on behalf of the owner R P Gerachi for proposed Demolition of Three (3) Single Houses and Construction of a Three Storey Mixed Use Development Comprising One (1) Office, One (1) Grouped Dwelling, One (1) Single Bedroom Multiple Dwelling, Twelve (12) Multiple Dwellings and Associated Carparking, at Nos.23, 25 and 27 (Lots 36, 37, 38; D/P 1962) Scarborough Beach Road, corner Hardy Street, North Perth, and as shown on plans stamp-dated 11 November 2010 and 3 December 2010 , subject to the following conditions:

(i) Building

(a) *all new external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Scarborough Beach Road and Hardy Street;*

- (b) *if entry to neighbouring land is required, first obtaining the consent of the owners of No. 15 Scarborough Beach Road for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 15 Scarborough Beach Road in a good and clean condition;*
 - (c) *doors, windows and adjacent floor areas of the office fronting Scarborough Beach Road and Hardy Street shall maintain an active and interactive relationship with these streets;*
 - (d) *the maximum gross floor area of the office component shall be limited to 666 square metres. Any increase in floor space or change of use of the offices shall require Planning Approval to be applied to and obtained from the Town. Any change of use shall be assessed in accordance with the relevant Planning Policy including the Town's Parking and Access Policy No. 3.7.1; and*
 - (e) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) **Car Parking and Accessways**
- (a) *the on-site car parking area for the non-residential component shall be available for the occupiers of the residential component outside normal business hours;*
 - (b) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
 - (c) *the car parking area shown for the non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property; and*
 - (d) *the car park shall be used only by employees, tenants, and visitors directly associated with the development;*
- (iii) **Public Art**
- The owner(s), or the applicant on behalf of the owner(s), shall comply with the Town's Policy No. 3.5.13 relating to Percent for Public Art and the Percent for Public Art Guidelines for Developers, including:*
- (a) *within twenty – eight (28) days of the issue date of this 'Approval to Commence Development', elect to either obtain approval from the Town for an Artist to undertake a Public Art Project (Option 1) or pay the Cash in Lieu Percent for Public Art Contribution, of \$40,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$4,000,000); and*
 - (b) *in conjunction with the above chosen option;*
 - (1) *Option 1 –
prior to the approval and subsequent issue of a Building Licence for the development, obtain approval for the Public Art Project and associated Artist; and

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

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

(iv) Signage

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

(v) Fencing

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

(vi) Verge Tree

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

(vii) Car Parking-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:

- (a) *pay a cash-in-lieu contribution of \$7,674 for the equivalent value of 2.558 car parking spaces, based on the cost of \$3,000 per bay as set out in the Town's 2010/2011 Budget; OR*
- (b) *lodge an appropriate assurance bond/bank guarantee of a value of \$7,674 to the satisfaction of the Town. This assurance bond/bank guarantee will only be released in the following circumstances:*
- (1) *to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*
 - (2) *to the owner(s)/applicant following receipt by the Town of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or*
 - (3) *to the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired.*

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

(viii) ***PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the Town:***

(a) **Construction Management Plan**

A Construction Management Plan, 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 Town, addressing the following issues:

1. *public safety, amenity and site security;*
2. *contact details of essential site personnel;*
3. *construction operating hours;*
4. *noise control and vibration management;*
5. *Dilapidation Reports of nearby properties;*
6. *air and dust management;*
7. *stormwater and sediment control;*
8. *soil excavation method (if applicable);*
9. *waste management and materials re-use;*
10. *traffic and access management;*
11. *parking arrangements for contractors and subcontractors;*
12. *Consultation Plan with nearby properties; and*
13. *any other matters deemed appropriate by the Town;*

(b) **Section 70 A Notification under the Transfer of Land Act**

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

- (1) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non- residential activities;*
- (2) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/or office. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development;*
- (3) *a maximum of one (1) bedroom and two (2) occupants are permitted in the single bedroom multiple dwelling (unit 3) at any one time; and*
- (4) *the floor plan layout of the single bedroom multiple dwelling (unit 3) shall be maintained in accordance with the Planning Approval Plans.*

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

(c) **Landscape and Reticulation Plan**

A detailed landscape and reticulation plan for the development site and adjoining road verges shall be submitted to the Town'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:

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

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

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

(d) **Schedule of External Finishes**

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

(e) **Acoustic Report**

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

(f) **Refuse and Recycling Management**

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

(g) **Privacy**

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

- (1) the balconies on the first floor (units 13 and 14) on the southern elevation; and*

- (2) *bedroom 2 on the ground, first floor (unit 1) on the eastern elevation;*

being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material that is easily removed; OR prior to the issue of a Building Licence revised plans shall be submitted demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject wall, so that they are not considered to be a major opening as defined in the Residential Design Codes 2010; OR prior to the issue of a Building Licence, revised plans shall be submitted demonstrating the above major openings being provided with permanent vertical screening or equivalent, preventing direct line of sight within the cone of vision to ground level of the adjoining properties in accordance with the Residential Design Codes. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 12 Hardy Street, stating no objection to the respective proposed privacy encroachment;

(h) Amalgamation

Prior to the issue of a Building Licence, the subject Lots 36, 37 and 38 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 Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate and subdivide the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);

(i) Footpath Upgrading

In keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments, the footpaths adjacent to the subject land shall be upgraded, by the applicant, to a brick paved standard, and drainage modified at crossover point, to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$20,000 shall be lodged and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services. An application to the Town for the refund of the upgrading bond must be made in writing;

(j) Bond

A road/verge security bond or bank guarantee of \$7,000 payable by the builder shall be lodged with the Town prior to the issue of a Building Licence and be held until all building/development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired/reinstated to the satisfaction of the Town's Technical Services. An application for the refund of the security bond or bank guarantee must be made in writing. This bond is non-transferable;

(k) **Vehicular Gate**

Any proposed vehicular gate for the car park visible from Hardy Street shall be a minimum 50 percent visually permeable when viewed from Stirling Street and Harold Street; and

(l) **Underground Power**

In keeping with the Town's Policy 2.2.2, the power lines along both Scarborough Beach Road and Hardy Street frontages of the development shall be undergrounded at the Developer's full cost. The Developer is required to liaise with both the Town and Western Power to comply with their respective requirements, prior to the issue of the Building Licence; and

(m) **Design Features**

Additional design features being incorporated on the visible portion of the eastern face of the building wall facing No. 15 Scarborough Beach Road to reduce the visual impact of this wall; and

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

(a) **Residential Car Bays**

The 15 car parking spaces provided for the residential component and visitors of the development shall be clearly marked and signposted for the exclusive use of the residents and visitors of the development;

(b) **Clothes Drying Facility**

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

(c) **Bicycle Parking**

Three (3) class one or two bicycle and one (1) class three parking facilities, shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle facilities shall be submitted to and approved by the Town prior to the installation of such facilities; and

(d) **Management Plan-Vehicular Entry Gate**

In the event a vehicular entry gate is provided, a plan detailing management measures for the operation of the vehicular entry gate to Hardy Street, to ensure access is readily available for visitors to the residential and commercial units at all times, shall be submitted to and approved by the Town.

Landowner:	R P Gerachi
Applicant:	Carissa Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1: Residential R60
Existing Land Use:	Single House
Use Class:	Multiple Dwelling, Office Building
Use Classification:	"P", "SA"
Lot Area:	1877 square metres
Access to Right of Way	Not applicable

PURPOSE OF REPORT:

The proposal requires referral to the Council for determination, as it cannot be considered under Delegated Authority.

TABLED ITEM:

Applicant's submission.

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the demolition of three (3) single houses and construction of a three storey mixed use development comprising of one office, one (1) grouped dwelling, one (1) single bedroom multiple dwelling and twelve (12) multiple dwellings and associated car parking.

In response to the objections to the proposal, the applicant has provided the following additional information:

"Density

- *The assertion that we are abandoning the zoning standards is incorrect. TPS No. 3 allows for the consideration of 'Office Building' to be approved in the 'Residential' zone;*
- *The assertion that the development density is excessive and has a detrimental impact on the amenity of Hardy Street is false. The majority of development along Hardy Street faces an existing dilapidated service station. This portion of the development site from an urban design perspective warrants a development that promotes active surveillance during all hours and also warrants a feature element of height as an important visual landmark towards the Charles Street/Scarborough Beach Road activity node. Furthermore, the development design along Hardy Street converts to a two-storey residential interface that integrates well with the abutting existing residential development;*
- *Comments regarding building bulk are not substantiated. The proposed development is predominantly compliant with the R-Code height requirements. The subject site is coded 'R60' and is capable of supporting the form of development proposed;*
- *Comments regarding the development causing a traffic hazard are without substance. The existing scenario has three (3) separate egress points directly onto Scarborough Beach Road with a limestone wall and vegetation on the front of the properties obscuring lines of sight at the approach of the Hardy Street/Scarborough Beach Road intersection. The proposed ground floor office with its ground floor setback, truncation and pedestrian paths shall improve lines of sight. Both Hardy Street and Scarborough Beach Road abutting the subject site are wide in reserve widths and good in condition to accommodate the development. The actual Hardy Street intersection (i.e. where vehicles stop) is beyond the development's building boundary. That is, there are no visual impediments caused by the proposal in viewing traffic along Scarborough Beach Road;*
- *Assertions that parking problems will occur are not substantiated. The proposal complies with the parking requirements prescribed by the Town's relevant policy.*

Plot Ratio

- *The site under the provisions of the WAPC's Directions 2031 and Central Metropolitan Perth Sub-Regional Strategy is a prime candidate for encouraging urban consolidation. Direct access to a high frequency bus route and a higher order road warrants such redevelopment opportunities to optimise urban consolidation principles and capitalise on existing available infrastructure;*
- *The plot ratio departure when assessing the proposal under the new Part 7 R-Code provisions are a minor departure and overall, do not result in the development being substantially different in terms of building form or impact if it were compliant.*

Grouped Dwellings

- *The development is in fact a Mixed Use development. Notwithstanding, the key importance is that the residential interface of the subject Units 1 and 2 along Hardy Street represent an appropriate and admirable residential streetscape.*

Building Setbacks

- *The setback variations are an integral component of the development to promote interactive main street design principles, which are absolutely appropriate in a 'R60' coded area.*
- *The important fact is that the residential interface along Hardy Street is reflective of a 'R60' development site.*

Height and Storeys

- *The development is consistent with the height expected from a 'R60' coded property. In fact, the dwellings abutting the adjacent Hardy Street residential properties are two storey in form, which is appropriate;*
- *The higher storey development towards Scarborough Beach Road will itself assist with ameliorating some perceived acoustic impacts associated with Scarborough Beach Road.*

Privacy

- *The privacy setbacks are marginal and in any event, where required, screening can be implemented.*

Economic Development Strategy

- *With respect, just because the Town's Economic Development Strategy (EDS) does not identify the Charles Street/Scarborough Beach road activity node as a recognised centre does not mean the proposed inclusion of ground floor office space is inappropriate.*
- *Assertions that the ground floor office is purely sought on an attempt to maximise value is unfair. The fact is that any ground floor development would abut an existing prosperous funeral home (that has in recent times been refurbished). Ground floor residential next to this use is simply an undesirable amenity environment to produce.*
- *The EDS does not make any mention of the Charles Street/Scarborough Beach road activity node. However, under the provisions of Directions 2031 and Central Metropolitan Perth Sub-Regional Strategy, the opportunity to promote a diverse development that capitalises on existing infrastructure warrants approval of the proposed development.*

- *There is a necessity to achieve the balance of ground floor development on this site. To have residential ground floor development that is positioned between a funeral home and a service station is simply second-rate planning. An appropriate alternate use that does not perceive these uses as sensitive as a residential use would be 'Office'.*
- *In addition to the above, promotion of the ground floor office actively concludes the 'commercial' streetscape of Scarborough Beach road, which in many other areas of the Town, is undertaken on a street block basis (i.e. commercial from street to street).*

Outdoor Living Area

- *The promotion of Outdoor Living Areas being within the street setback area for Units 1-3 are an excellent method of softening the Hardy Street urban streetscape and also promote natural surveillance of Hardy Street."*

COMPLIANCE:

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Density:	R 60- 11 Multiple Dwellings or 17 Single Bedroom Multiple Dwellings	R 73.2 - 12 Multiple Dwellings, 1 Single Bedroom Multiple Dwelling and 1 Grouped Dwelling- 21.6 per cent density bonus= 405 square metres
<i>Officer Comments:</i>		
Supported-Refer to "Comments" below.		
Plot Ratio:	0.7 = 1314 square metres	0.68 = 1276 square metres
<i>Officer Comments:</i>		
Noted.		
Front Setbacks Scarborough Beach Road		
Ground Floor	6.94 metres	Nil
First Floor	Building= 8.94 metres Balcony= 7.94 metres	4 metres Nil
Second Floor	Building= 8.94 metres Balcony= 7.94 metres	4 metres 2.5 metres
Secondary Street- Hardy Street		
Ground Floor	1.5 metres	Nil to 4 metres
First Floor	2 metres	Nil to 4 metres
Second Floor	2 metres	2.8 metres to 4 metres
<i>Officer Comments:</i>		
Supported- Some of the existing buildings between Charles and Hardy Streets, along Scarborough Beach Road, have nil setbacks. The second storey will have open balconies facing Scarborough Beach Road and the third storey is setback 4 metres, which it is considered will not detrimentally impact on the Scarborough Beach Road streetscape.		
With regards to Hardy Street, the proposed building will have a staggered setback from nil to 4 metres, which it is considered will not have a detrimental impact on the streetscape.		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Building Setbacks:		
South	1.5 metres	Nil to 1.5 metres
Officer Comments:		
Supported- The proposed grouped dwelling complies with the required setback of 1.5 metres. Only the posts for the roof cover for the parking have a nil setback. Therefore, it is considered there will be no impact on the adjoining southern property in terms of ventilation.		
Plot Ratio Area	Single Bedroom Multiple Dwelling= 70 square metres	Unit 3= 86 square metres
Officer Comments:		
Supported-When a balcony is enclosed on two sides, the balcony area is included in the plot ratio. If the balcony is not enclosed, the single bedroom dwelling would comply with the required 70 square metres. Therefore, it is considered the variation will not have an undue impact on the amenity of the area.		
Minimum Site Area- Grouped Dwelling (Unit 1)	160 square metres	82.2 square metres
Officer Comments:		
Supported- The proposed grouped dwelling, along with the multiple dwellings, will contribute to the diversity in housing types that is a long-term strategic goal for the Town of Vincent as stated in the Town's Local Planning Strategy. Moreover, the proposed grouped dwelling will provide the transition between the proposed multiple dwellings and the single house located at the rear of the subject property.		
Open Space-Grouped Dwelling (Unit 1)	45 per cent=37 square metres	36.7 per cent=30.2 square metres
Officer Comments:		
Supported- The open space provision suits the future needs of residents having regard to the type and density (multiple dwellings development) which is being proposed. Moreover, there is provision for an outdoor living area and balcony which complements the proposed grouped dwelling. The variation is supported.		
Number of Storeys and Height	Two Storeys- 7 metres	Three Storeys-11.721 metres
Officer Comments:		
Supported- Refer to "Comments" below.		
Privacy	Balcony= 7.5 metres from boundary Bedroom= 4.5 metres from boundary	Units 13 and 14-6.187 metres from the southern boundary on the southern elevation. Unit 1-bedroom 2= 3.7 metres to the southern boundary on the eastern elevation
Officer Comments:		
Not supported- In the event the application is supported, the applicant would be required to comply with the privacy screening requirements.		
Outdoor Living Area	Not to be located within the street setback area	Unit 1- within the street setback area
Officer Comments:		
Supported- There will be no undue impact on the streetscape.		
Economic Development Strategy	Discourages new commercial uses outside established town centre areas.	Office proposed in a residential zone.
Officer Comments:		
Not supported- Refer to "Comments" below.		

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

Consultation	
In Support:	Nil.
Objections:	Three (3)
Comments Received	Officer Comments
<p>Density The density is too high which will impact on the Scarborough Beach Road entry to Hardy Street. The proposed 3 storeys skyline will be inconsistent with the surrounding built form.</p> <p>Setbacks <i>“Unit 1 (Hardy Street frontage), whilst within a 1.57 m setback, will cast a 6 m shadow over 12 Hardy Street blocking sunlight to the only North facing window of my residence (12 Hardy Street). The size of the built form is not in keeping with the residences of Hardy Street.</i> The nil setbacks along Scarborough Beach Road and Hardy Street will create a traffic hazard due to poor visibility at the corner between these two roads.</p> <p>Number of Storeys The proposed three storeys will have a visual impact on the surrounding area.</p> <p>Privacy Bedroom 2 window of Unit 1 and balconies of Units 13 and 14 will overlook the backyard of the rear property.</p> <p>Outdoor Living Area Outdoor living area should not be within the street setback area.</p> <p>Fencing <i>“Whilst I realise that fencing is not a council issue I wish it to be known to the Developer that for security reasons and having a pet dog on the premises of 12 Hardy Street that I request the southern boundary fence be replaced at the final stage of construction. Temporary fencing will not suffice in keeping the dog securely in the premises of 12 Hardy Street therefore any fencing that is damaged or removed must be replaced immediately with fencing of adequate standard. I also request that any fencing if replaced to be done so with a robust material in keeping with safety issues for 12 Hardy Street having a car park on its boundary.”</i></p> <p>Development <i>I have no objection to general concept of units and or offices being built in this location. The proposed development contravenes multiple aspects of the Town Planning Scheme design codes, encroaching on privacy of neighbouring properties and increasing residential density in a way that I find absolutely unacceptable.</i></p>	<p>Not supported- Refer to “Comments” below.</p> <p>Not supported-Refer to “Comments” in the Compliance Table. It is noted that the proposal complies with the overshadowing requirement.</p> <p>Not supported- The Town’s Technical Services support the layout of the proposed development and consider it will not cause a traffic hazard.</p> <p>Not supported-Refer to “Comments.”</p> <p>Supported- If this application is supported, the balconies and bedroom will be required to be screened.</p> <p>Not supported-Refer to comments in the Compliance Table.</p> <p>Not supported- Dividing Fences are a civil matter between property owners.</p> <p>Supported in part- Refer to “Comments” below.</p>

Consultation	
<p>Plot Ratio Area No justification has been provided for excessive plot ratio area for the single bedroom dwelling.</p> <p>Stores Stores do not comply with the required area.</p> <p>Economic Development Strategy The introduction of commercial development to a purely residential zone is particularly objectionable.</p>	<p>Not supported- Refer to comments in the Compliance Table.</p> <p>Not supported- Applicant has submitted amended plans which show the stores complying with the 4 square metres.</p> <p>Supported- Refer to “Comments” below.</p>
Advertising	Advertising for a period of 21 days was carried out as per the Town’s Policy No. 4.1.5 – relating to Community Consultation.

Car Parking

In accordance with the Residential Design Code requirements for mixed-use development, on-site car parking requirements for multiple dwellings may be reduced to one bay per dwelling, where on-site parking required for other users is available outside normal business hours. For the grouped dwelling, 2 bays are required to be provided. A total of 20 car bays have been provided for the proposed development. For the residential component, 15 car bays are to be provided. The balance of car bays available for the commercial component in this instance, is 5 car bays.

Car Parking	
Car parking requirement (nearest whole number) Office: 1 car bay per 50 square metres gross office floor area (proposed 666 square metres)= 13.32 car bays= 13 car bays	13 car bays
Apply the parking adjustment factors.	(0.5814)
<ul style="list-style-type: none"> ▪ 0.80 (mix of uses with greater than 45 percent of the gross floor area residential) ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.95 (within 400 metres of public car park in excess of a total of 25 car parking spaces) ▪ 0.9 (the development provides end-of-trip facilities) 	7.558 car bays
Minus the car parking provided on-site	5
Minus the most recently approved on-site car parking shortfall	Nil
Shortfall	2.558 car bays
Bicycle Parking	
Bicycle Parking	<p>Offices- 1 space per 200 (proposed 666 square metres) square metres (class 1 or 2)= 3 spaces</p> <p>An end-of-trip facility is shown on the plan.</p>
Other Implications	
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic	Draft Local Planning Strategy
Sustainability	Nil.
Financial/Budget	Nil.

COMMENTS:

Demolition

No. 23 Scarborough Beach Road, North Perth

The subject brick and tile dwelling at No. 23 Scarborough Beach Road was constructed c1932 in the Inter-war Bungalow style of architecture. The house has a hipped roof with terracotta tiles. The exterior walls of the subject dwelling features white rendering at the upper part and face brickwork at the lower.

The WA Post Office Directories first listed the subject dwelling in 1933, with Mrs Forrester as the resident. Since then, the subject dwelling has been transferred several times to new owners and occupiers.

A full heritage assessment was undertaken for No. 23 Scarborough Beach Road, North Perth, which indicates that the place has little aesthetic, historic, scientific or social heritage significance (refer to Appendix 9.1.7). In accordance with the Town's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the Town's Municipal Heritage Inventory.

In light of the above, it is considered that approval should be granted for demolition, subject to standard conditions:

No. 25 Scarborough Beach Road, North Perth

The subject brick and tile dwelling at No. 25 Scarborough Beach Road was constructed c1930 in the modest Inter-war California Bungalow style of architecture. The subject dwelling has a two room street frontage and three gabled roofs which are decorated by green painted timber battens.

The WA Post Office Directories first listed the subject dwelling in 1931, with Richard Harold Blair as the resident, who stayed at the house until c1941. Since then, the subject dwelling has been transferred several times to new owners and occupiers.

A full heritage assessment was undertaken for No. 25 Scarborough Beach Road, North Perth, which indicates that the place has little aesthetic, historic, scientific or social heritage significance (refer to Appendix 9.1.7). In accordance with the Town's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the Town's Municipal Heritage Inventory.

In light of the above, it is considered that approval should be granted for demolition, subject to standard conditions:

No. 27 Scarborough Beach Road, North Perth

The subject brick and tile dwelling at No. 27 Scarborough Beach Road was constructed c1932 in the Inter-war California Bungalow style of architecture. The subject dwelling has a two room street frontage and a central entrance. The eastern room is sheltered under a gabled roof with gable ends decorated with battens painted in light blue.

Mrs Dora McCormick is first listed in the WA Post Office Directories as a resident in 1933 and stayed at the house until c1941. Since then, the subject dwelling has been transferred several times to new owners and occupiers.

A full heritage assessment was undertaken for No. 27 Scarborough Beach Road, North Perth, which indicates that the place has little aesthetic, historic, scientific or social heritage significance (refer to Appendix 9.1.7). In accordance with the Town's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the Town's Municipal Heritage Inventory.

In light of the above, it is considered that approval should be granted for demolition, subject to standard conditions.

Car Parking

The Town's Policy relating to Parking and Access suggests that the Council may determine to accept a cash-in-lieu payment where the shortfall is greater than 0.5 car bay to provide and/or upgrade parking in other car parking areas.

Clause 22 (ii) of the Town's Parking and Access Policy states that in determining whether this development should be refused on car parking grounds, the following percentage should be used as a guide:

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

Given that the site is located along Scarborough Beach Road and around 180 metres from Charles Street which are both readily accessible by bus transport, the shortfall will not have an undue impact on the amenity of the area. Therefore, the shortfall is supported subject to the payment of a cash-in-lieu contribution.

Density and Building Height

Density and building height contribute to the bulk and scale of a development and in this instance, the subject proposal is not considered to have an undue impact on the amenity of the area and is symptomatic of a growing trend to develop underutilised inner-urban properties.

The subject site is located at the corner between Hardy Street and Scarborough Beach Road, in between two commercial properties (on the eastern side a funeral parlour and on the western side, across Hardy Street, an old service station). At the rear, there is an existing single house.

The proposed building incorporates appropriate articulation to reduce its visual impact given the third storey will not occupy the whole site, is proposed along the corner of the site, setback from both Scarborough Beach Road and Hardy Street, and is setback 17.6 metres from the rear residential property; it is noted the building complies with the overshadowing requirement. Moreover, not far from the subject site, at No. 5 and No. 7 Scarborough Beach Road (in between Hardy Street and Charles Street), the Council approved two developments four storeys to three storeys in height in the area zoned commercial. Therefore, it is considered the third storey will not have any undue impact on the amenity of the area.

The proposed development is generally in accordance with the Town's Policy No. 3.4.8 relating to Multiple Dwellings with respect to allowable heights for new multiple dwelling developments along 'Major Roads.' The proposed development has 3 storeys facing Scarborough Beach Road and two storeys facing the adjoining property to the rear which is zoned Residential R30. Within the site, the number of storeys is 3 (3 storeys is allowable).

In the context of surrounding development close to, and along Charles Street/Scarborough Beach Road, and the support of a three-storey development on the subject site, the proposed density bonus is also recommended for approval consistent with the objectives of the Multi Unit Code recently released to provide an appropriate built form that meets the needs of residents and minimised any potential impact of development on adjoining properties. Moreover, the existing single houses are in a neglected state and the proposed development would provide a catalyst for change in the area towards a diversity in housing types, that is a long-term strategic goal for the Town of Vincent as stated in the Town's Local Planning Strategy.

Economic Development Strategy

Notwithstanding the above, the Town's Economic Development Strategy aims to condense commercial type activities within Local Centres, District Centres or Commercial zoned areas in order to capitalise upon co-locational benefits and increase the viability of the Town's commercial centres. Accordingly, approval of the proposal would create an undesirable precedent for the encroachment of commercial uses into residential areas as the proposed office building is not considered to serve the day-to-day needs of local residents and is considered more appropriate in areas which have been appropriately zoned and developed for such uses, namely the Town's commercial centres.

Absolute Majority

Given the proposed density bonus, as per Clause (40) (3) (b) of the Town's Town Planning Scheme No. 1, in the event the Council support the application, an absolute majority decision would be required. The applicant has requested that application be considered under the Town's Policies and the former R-Codes given that all the pre-lodgement meetings and design were based on the former R-Codes.

Conclusion

In view of the application not complying with the Town's Economic Development Strategy, as the office proposal will not contribute to the strengthening of the existing town centres and will encroach in a residential zone, the proposal is therefore considered unacceptable and is not supported by the Town's Officers.

9.1.9 Review of Town of Vincent Town Planning Scheme No. 1 Approval of Documentation, Peer Review Brief and Revised Timeline – Progress Report No. 11

Ward:	Both	Date:	10 December 2010
Precinct:	All	File Ref:	PLA0140
Attachments:	001 ; 002		
Reporting Officers:	R Marie; Planning Officer (Strategic) S Kendall; Senior Strategic and Heritage Officer T Woodhouse; Coordinator Strategic Planning		
Responsible Officer:	R Boardman; Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** *Progress Report No. 11 relating to the Review of the Town of Vincent Town Planning Scheme No. 1;*
- (ii) **APPROVES** *the;*
 - (a) *Peer Review Brief, for the Draft Town Planning Scheme No. 2 and associated documentation as shown in Attachment 001;*
 - (b) *updated Gantt chart as shown in Attachment 002; and*
 - (c) *following documentation, which has been circulated to Council Members as Confidential Attachments, and NOTES this will be used for the purpose of the Peer Review;*
 - (1) *Draft Local Planning Strategy;*
 - (2) *Draft Town Planning Scheme No. 2 Text;*
 - (3) *Draft Town Planning Scheme No. 2 Maps 1 - 5; and*
 - (4) *Draft Precinct Policies and Design Guidelines;*
- (iii) **AUTHORISES** *the Chief Executive Officer to obtain quotations for the Peer Review of the Draft Town Planning Scheme No. 2 and associated documentation; and*
- (iv) **NOTES** *that a report on the preferred consultant for the Peer Review will be presented to the Council at an Ordinary Meeting in February 2011.*

Cr Harvey departed the Chamber at 8.09pm.

Moved Cr Topelberg, Seconded Cr McGrath

That the recommendation be adopted.

Debate ensued.

Cr Harvey returned to the Chamber at 8.12pm.

Debate ensued.

AMENDMENT NO 1

Moved Cr McGrath, Seconded Cr Maier

That clause (ii) be amended to read as follows:

“(ii) APPROVES the;

(a) *Peer Review Brief, for the Draft Town Planning Scheme No. 2 and associated documentation as shown in Attachment 001, subject to the Peer Review Brief being amended to read as follows;*

1. *A new point (c) to be added to Clause 3.1 Part A: Audit of Local Planning Strategy, as follows:*

“c) Whether the Local Planning Strategy supports the principles of Vincent Vision 2024.”

2. *Point (ii) to be amended to Clause 3.2 Part B: Audit of Town Planning Scheme No.2 Scheme Text and associated Zoning Maps, as follows:*

“*ii. Respond to best planning principles and practices (i.e. to facilitate Transit Orientated Development, and the co-location of employment and housing, the provision of affordable and diversity of housing choice, and the protection of recognised character.*”...”

Debate ensued.

Cr Farrell departed the Chamber at 8.16pm.

Debate ensued.

Cr Farrell returned to the Chamber at 8.18pm.

Debate ensued.

Cr Topelberg suggested deleting the words **“and the protection of recognised character”** from (ii)(a)(2) and inserting the words **“and the recognition of character”**.

The Mover, Cr McGrath and the Seconder, Cr Maier did not agree and advised that they wished to keep the amendment as originally moved.

Debate ensued.

Cr Topelberg requested the amendment be considered and voted on in two parts.

The Presiding Member, Mayor Nick Catania agreed with the request to consider and vote on the amendment in two parts.

Debate ensued.

AMENDMENT NO 1 CLAUSE (ii)(a)(1) PUT AND CARRIED (9-0)

AMENDMENT NO 1 CLAUSE (ii)(b)(2) 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.

AMENDMENT NO 2

Moved Cr Farrell, Seconded Cr Harvey

That clause (ii)(a)(2) be amended to read as follows:

“(ii)(a)(2) Point (ii) to be amended to Clause 3.2 Part B: Audit of Town Planning Scheme No.2 Scheme Text and associated Zoning Maps, as follows:

“ii. Respond to best planning principles and practices (i.e. to facilitate Transit Orientated Development, ~~and~~ the co-location of employment and housing, the provision of affordable and diversity of housing choice).”;

Debate ensued.

The Mover, Cr Farrell advised that he wished to change his amendment and to insert **“and the recognition of character”** after the word **“choice”**. The Seconder, Cr Harvey agreed.

Debate ensued.

AMENDMENT NO 2 PUT AND CARRIED (5-4)

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

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

Debate ensued.

AMENDMENT NO 3

Moved Cr Maier, Seconded Cr Harvey

That a new clause (ii)(a)(3) being inserted as follows:

“(ii)(a)(3) Clause 3.2 Part B: Audit of Town Planning Scheme No.2 Scheme Text and associated Zoning Maps, as follows:

“d) Whether the proposed scheme text provides sufficient flexibility to enable a range of options for providing affordable housing to be implemented. The review should be based on, but not limited to the Town of Vincent’s Affordable Housing Strategy when looking at alternative models, and should look at models employed in the City of Perth and by the East Perth Redevelopment Authority.”;

Debate ensued.

AMENDMENT NO 3 PUT AND CARRIED (9-0)

MOTION AS AMENDED PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 9.1.9

That the Council;

(i) RECEIVES Progress Report No. 11 relating to the Review of the Town of Vincent Town Planning Scheme No. 1;

- (ii) **APPROVES** the;
- (a) **Peer Review Brief, for the Draft Town Planning Scheme No. 2 and associated documentation as shown in Attachment 001, subject to the Peer Review Brief be amended to read as follows;**
1. **A new point (c) to be added to Clause 3.1 Part A: Audit of Local Planning Strategy, as follows:**
- “c) **Whether the Local Planning Strategy supports the principles of Vincent Vision 2024.**”
2. **Point (ii) to be amended to Clause 3.2 Part B: Audit of Town Planning Scheme No.2 Scheme Text and associated Zoning Maps, as follows:**
- “ii. **Respond to best planning principles and practices (i.e. to facilitate Transit Orientated Development, the co-location of employment and housing, the provision of affordable and diversity of housing choice and the recognition of character).**”;
3. **Clause 3.2 Part B: Audit of Town Planning Scheme No.2 Scheme Text and associated Zoning Maps, as follows:**
- “d) **Whether the proposed scheme text provides sufficient flexibility to enable a range of options for providing affordable housing to be implemented. The review should be based on, but not limited to the Town of Vincent’s Affordable Housing Strategy when looking at alternative models, and should look at models employed in the City of Perth and by the East Perth Redevelopment Authority.**”;
- (b) **updated Gantt chart as shown in Attachment 002; and**
- (c) **following documentation, which has been circulated to Council Members as Confidential Attachments, and NOTES this will be used for the purpose of the Peer Review;**
- (1) **Draft Local Planning Strategy;**
(2) **Draft Town Planning Scheme No. 2 Text;**
(3) **Draft Town Planning Scheme No. 2 Maps 1 - 5; and**
(4) **Draft Precinct Policies and Design Guidelines;**
- (iii) **AUTHORISES** the Chief Executive Officer to obtain quotations for the Peer Review of the Draft Town Planning Scheme No. 2 and associated documentation; and
- (iv) **NOTES** that a report on the preferred consultant for the Peer Review will be presented to the Council at an Ordinary Meeting in February 2011.
-

PURPOSE OF REPORT:

The purpose of this report is for the Council to approve the Peer Review Brief and the following documentation and note they will be used for the purpose of a Peer Review:

- the draft Local Planning Strategy;
- the draft Town Planning Scheme No. 2 Text and Maps; and
- the draft Precinct Policies.

BACKGROUND:

28 October 2008 The Council at its Special Meeting approved subject to amendments, the Draft Local Planning Strategy, dated October 2008, and resolved to refer the document to the Western Australian Planning Commission for certification, in accordance with the Town Planning Regulations.

14 April 2009 The Council at its Ordinary Meeting adopted with amendments, the Draft Local Planning Strategy, dated April 2009, which had been modified to conform with the above comments received from the WAPC.

The Council also resolved to refer the Amended Draft Local Planning Strategy back to the WAPC for certification in accordance with the Town Planning Regulations.

29 May 2009 In accordance with the previous Council resolution of 9 October 2007, the Town invited five (5) planning consultants to provide quotations to 'Peer Review' the Draft Town Planning Scheme No. 2 (TPS 2) text and supporting documentation.

2 December 2009 The Town received preliminary advice from the Department of Planning (DoP) relating to the Draft Local Planning Strategy. The comments mainly related to the need to bring the document in line with the structure of the Western Australian Planning Commission (WAPC)/DoP, publication entitled *Guidance on the Format of Local Planning Strategies*, dated July 2000.

9 March 2010 The Council endorsed a Notice of Motion, which impacted on the scope of the proposed Peer Review of the Draft Town Planning Scheme No. 2 (TPS 2) text and supporting documentation. Of particular note, the Notice of Motion required the review of the associated planning policies.

Accordingly, it was considered that the quotations submitted for the Peer Review no longer adequately reflected the requirements of the project.

13 April 2010 An Agenda Report on the Progress of the Review of the Town Planning Scheme No. 1 was withdrawn.

25 May 2010 The Council at its Ordinary Meeting considered a report relating to the Town Planning Scheme Review. At this meeting, the Council resolved to endorse the Draft Local Planning Strategy, dated April 2010, as a working document, to be used in the development of the Policy Manual.

Presentation to Forums

To progress the Town Planning Scheme Review, and the preparation of the draft Precinct Planning Policies, the Town's Officers presented at a number of Council Member Forums to address outstanding issues and/or to present further information. The presentations were held on the following dates and the Minutes from the meetings are available on the Town's website:

- 20 July 2010;
- 21 September 2010;
- 19 October 2010; and
- 16 November 2010.

DETAILS:

For the purpose of this report, the draft Local Planning Strategy (LPS), the draft Town Planning Scheme No. 2 Text and Maps, and draft Precinct Policies will be considered individually.

Local Planning Strategy

There has been a need to further amend the LPS since the Council considered the versions at both the 14 April 2009 and 25 May 2010 Ordinary Meetings. This need has arisen as a number of key State strategic documents have been released, endorsed and/or gazetted which have implications for the Town's future growth and strategic planning. These documents include:

- *Directions 2031 and Beyond* – finalised August 2010. Of particular note, the document proposes new growth to occur in a more balanced way around an activity centres network, which is linked by a movement network.
- *Central Metropolitan Sub-regional Strategy* – released as a draft document in August 2010 to assist in the implementation of *Directions 2031 and Beyond* for the Central Metropolitan Sub-regional area, which comprises 19 Local Governments, including the Town of Vincent. Of particular note, the document sets a target for 5,000 new dwellings to be built within the Town by 2031;
- *State Planning Policy 4.2 Activity Centres for Perth and Peel* – gazetted August 2010. Of particular note, the Policy allocates Leederville as a Secondary Centre under the activity centre hierarchy and Fitzgerald Street, Glendalough, Highgate, Mount Hawthorn and Mount Lawley as District Town Centres.
- Amendment to the *State Planning Policy No. 3.1 Residential Design Codes* – gazetted November 2010. Of particular note, the amendments removed the minimum site area requirement for Multiple Dwelling developments, which subsequently removes the assessment of density (in favour of a building envelope approach).

In addition, the WAPC revised its publication entitled *Guidance on the Format of Local Planning Strategies*, dated July 2000, and released a new publication entitled *Local Planning Manual* (March 2010), which has implications in terms of the format, content and layout of the Town's LPS. In accordance with this document, the LPS has been re-structured and updated, with the following main components:

- Chapter 1 – The Strategy
This section includes a summary of the major issues relevant to the future planning and development of the Town and incorporates the strategic plan and the actions required to implement the strategy.

- Chapter 2 – Background Information
This section provides the relevant background to the strategy, including analysis of the State and Regional Planning Context.
- Chapter 3 – Local Profile
This section includes the key characteristics of the local government area and the major physical, environmental, social and economic influences relevant to planning for the future.
- Appendix
The Appendices examine in detail the five (5) Precinct areas in the Town and incorporate the community input from *Vincent Vision 2024* and the issues and recommendations identified in the main body of the LPS.

Draft Town Planning Scheme No. 2 Text

The Draft Town Planning Scheme No. 2 has largely been based on the standard text outlined in the *Town Planning Scheme Regulations 1967* Appendix B – Model Scheme Text. Proposed changes by the Town have been shown via strikethrough and underline.

Draft Town Planning Scheme No. 2 Maps

The Town Planning Scheme No. 2 maps have been prepared largely on the recommendations outlined in the Local Planning Strategy and a general review of existing zonings. The major changes are identified in a table attached to each Draft Map.

Local Planning Policies

Town Planning Scheme No. 2 proposes five (5) Precincts rather than the existing fifteen (15). Each of these Precincts will have its own Precinct Policy to guide development in these areas. It is also intended that these guidelines rationalise a number of the Town's existing development Policies to ensure ease of use by the Town's Administration, Council Members and all external parties.

In addition to the Precinct Policies, Design Guidelines will be developed for areas which are considered to require greater focus or specific development requirements. One of these areas includes the Claisebrook Road North Precinct, bounded by Lord Street, Summers Street, the Railway Reserve and the Graham Farmer Freeway. This area is considered to be one of the Town's 'planned urban growth areas' and, therefore, is considered to warrant individual guidelines. Clause 2.4 of the proposed Town Planning Scheme No. 2, allows for the preparation of planning policies, and therefore over time, there will be the option to prepare more detailed Design Guidelines for other growth areas in the Town, where appropriate.

It was initially proposed that guidelines be developed for the *nib Stadium* Precinct; however, further investigation has indicated that there are other more targeted growth areas within the Town that have been identified as being more appropriate for designated Design Guidelines. Of particular note, the Design Guidelines for Claisebrook North Precinct, outlined above, provide scope to improve the connectivity between *nib Stadium* and Claisebrook Station, however with more intense growth being concentrated east of Lord Street.

In addition, it is noted that with the introduction of the new Multi Unit Housing Code, this provides an increase in the development potential of the area immediately surrounding the *nib Stadium*, particularly if amalgamation were to take place, whilst also allowing for the retention of the exiting character. Therefore, it is considered that the existing Residential/Commercial R/C 80 zoning remain.

Consultation	
N/A	
Advertising	The Peer Review Brief will be advertised in accordance with the Policy 4.1.5 Community Consultation.

Other Implications	
Legal/Policy	Town Planning Scheme No. 1 and associated documentation. <i>Town Planning Scheme Regulations 1967</i> <i>Planning and Development Act 2005</i>
Strategic	Town of Vincent Strategic Plan 2009 -2014 states: <i>'1. Natural and Built Environment</i> <i>1.1.2 Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision.'</i>
Sustainability	The Draft Town Planning Scheme No. 2 Text and Maps, LPS and local Planning Policies have been developed to be considerate of the key principles of sustainability.
Financial/Budget	The 2010/11 Budget allocates \$58,200 to the Review of the Town Planning Scheme.

COMMENTS:

Following the series of Council Member Forums held in 2010, the Town's Officers have been able to progress the Town Planning Scheme review, particularly with regard to the updating of the LPS, the Scheme Text and maps, and the preparation of the five draft Precinct Polices. It is considered that these documents have been brought into conformity with, and respond to, the recently amended State Planning Framework and are cognizant and reflective of the outcomes of *Vincent Vision 2024*.

In accordance with the previous Council resolution of 9 October 2007, it is now considered appropriate to revisit and action the requirement for a Peer Review of the Draft Town Planning Scheme No. 2 and associated documents. Such a review will provide a useful critique of the documentation prior to being given consent to advertise from the WAPC/DoP. The Project Brief for the Peer Review has been drafted to highlight to the consultant, specific areas where comment, advice and further analysis, is requested.

In light of the above, it is recommended that the Council adopt the Officer Recommendation in order to progress the Scheme Review.

9.2.1 Weld Square Redevelopment Project – Consideration of Submissions, Approval of Revised Concept Plan and Staged Project – Progress Report No. 3

Ward:	South	Date:	10 December 2010
Precinct:	Forrest; P14	File Ref:	RES0102
Attachments:	001 ; 002 ; 003		
Reporting Officers:	J van den Bok; Manager Parks & Property Services R Lotznicker; Director Technical Services		
Responsible Officer:	R Lotznicker; Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *CONSIDERS the submissions received during the consultation period as outlined in Appendix 9.2.1;*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY of a staged Redevelopment of Weld Square, as shown in the Revised Plan No. 2647-01H, at an estimated cost of \$650,000, to be implemented over three (3) financial years as follows:*

<i>STAGE</i>	<i>YEAR</i>	<i>ESTIMATED COST</i>
<i>1</i>	<i>2010-11</i>	<i>\$193,000</i>
<i>2</i>	<i>2011-12</i>	<i>\$200,000</i>
<i>3</i>	<i>2012-13</i>	<i>\$257,000</i>
	<i>TOTAL:</i>	<i>\$650,000</i>

(iii) *NOTES that:*

- (a) *the East Perth Redevelopment Authority (EPRA) have indicated that they are unable to provide a financial contribution from the EPRA public art fund, however will consider an alternative contribution when provided with a detailed cost breakdown for the project;*
- (b) *a request has been received from the Department of Indigenous Affairs and from the South West Aboriginal Land and Sea Council, to Co-Name Weld Square and this matter is currently being investigated by the Town's Officers and a report will be submitted to the Council;*
- (c) *the Minister for Planning has approved the commencement of Stage 1B normalisation process of the New Northbridge Project (including Weld Square) with the view of planning authority being transferred for this area from EPRA to the Town of Vincent by mid 2011; and*
- (d) *funding is to be listed for consideration, in future draft budgets to enable the Redevelopment of Weld Square to be staged over three (3) financial years, as outlined in the report;*
- (iv) *SUBMITS development approval for the project to EPRA in accordance with Part 5.5 of the East Perth Redevelopment Scheme 2;*
- (v) *AUTHORISES the Chief Executive Officer to make minor amendments to the Concept Plan, if issues arise during construction/implementation of the project; and*
- (vi) *ADVISES all respondents and Main Roads Western Australia of its decision.*

Moved Cr Maier, Seconded Cr Topelberg

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

“1. That clause (ii) be amended to read as follows:

“(ii) APPROVES BY AN ABSOLUTE MAJORITY for a staged Redevelopment of Weld Square, as shown on the Revised Plan No. 2647-01H, at an estimated cost of \$650,000, to be implemented over three (3) financial years as follows:

<u>STAGE</u>	<u>YEAR</u>	<u>AMOUNT</u>	<u>ESTIMATED COST</u>
<u>1</u>	<u>2010-2011</u>		
	<u>Paths</u>	<u>98,000</u>	
	<u>Lighting</u>	<u>67,000</u>	
	<u>Benches and bins</u>	<u>28,000</u>	<u>193,000</u>
<u>2</u>	<u>2011-2012</u>		
	<u>New self cleaning toilet</u>	<u>140,000</u>	
	<u>Soil mounding</u>	<u>35,000</u>	
	<u>Planting and mulching</u>	<u>25,000</u>	
	<u>Demolish old toilet</u>	<u>15,000</u>	
	<u>Reticulation</u>	<u>15,000</u>	
	<u>Cost escalation</u>	<u>7,000</u>	<u>237,000</u>
<u>3</u>	<u>2012-2013</u>		
	<u>Playground equipment</u>	<u>55,000</u>	
	<u>Exercise equipment</u>	<u>40,000</u>	
	<u>Gazebo</u>	<u>28,000</u>	
	<u>Tables and shelters</u>	<u>26,000</u>	
	<u>Outdoor table tennis table</u>	<u>18,000</u>	
	<u>Shade sails</u>	<u>18,000</u>	
	<u>Electric BBQ</u>	<u>15,000</u>	
	<u>Cost escalation</u>	<u>13,000</u>	
	<u>Drinking fountains</u>	<u>7,000</u>	<u>220,000</u>
	<u>TOTAL</u>		<u>\$650,000</u>

2. That clause (iii)(b) be amended to read as follows:

“(iii)(b) ~~support has been given by a request has been received from the Department of Indigenous Affairs and from the South West Aboriginal Land and Sea Council, to Co-Name Weld Square and this matter is currently being investigated by the Town’s Officers and a report will be submitted to the Council;~~”

3. That new clause (iii)(e) be inserted and a new clause (iv) be inserted (with the existing clause (iv) and remaining clauses renumbered):

“(iii)(e) Central Institute of Technology students have indicated a willingness to be involved in designing the furniture and artwork within the park;

(iv) ENDORSES the request to base the vegetation selection and placement to reflect the six seasons as recognised by the Aboriginal community;”

4. That new clause (viii) be inserted as follows:

“(viii) REQUESTS the Safer Vincent Crime Prevention Partnership to comment on the proposal of having a gazebo in the park and make suggestions as to criteria that should be included in a Management Plan for the park.”

Debate ensued.

AMENDMENT

Moved Cr McGrath, Seconded Cr Harvey

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

“(ix) REQUESTS the Art Advisory Committee consider how the Council could seek and apply input from the community into the design of the gazebo.”

Debate ensued.

The Presiding Member, Mayor Nick Catania suggested changing the amendment to delete the Art Advisory Committee and replace it with the Chief Executive Officer.

The Mover, Cr McGrath advised that he wished to change his amendment and reword it as follows:

“(ix) REQUESTS the Chief Executive Officer to advise the Council on how community input can be sought into the design of the gazebo.”

The Seconder, Cr Harvey agreed.

AMENDMENT PUT AND CARRIED (9-0)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (8-1)

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

Against: Cr Buckels

COUNCIL DECISION ITEM 9.2.1

That the Council;

(i) *CONSIDERS the submissions received during the consultation period as outlined in Appendix 9.2.1;*

(ii) *APPROVES BY AN ABSOLUTE MAJORITY of a staged Redevelopment of Weld Square, as shown in the Revised Plan No. 2647-01H, at an estimated cost of \$650,000, to be implemented over three (3) financial years as follows:*

<i>STAGE</i>	<i>YEAR</i>	<i>AMOUNT</i>	<i>ESTIMATED COST</i>
<i>1</i>	<i>2010-2011</i>		
	<i>Paths</i>	<i>98,000</i>	
	<i>Lighting</i>	<i>67,000</i>	
	<i>Benches and bins</i>	<i>28,000</i>	<i>193,000</i>

STAGE	YEAR	AMOUNT	ESTIMATED COST
2	2011-2012		
	<i>New self cleaning toilet</i>	<i>140,000</i>	
	<i>Soil mounding</i>	<i>35,000</i>	
	<i>Planting and mulching</i>	<i>25,000</i>	
	<i>Demolish old toilet</i>	<i>15,000</i>	
	<i>Reticulation</i>	<i>15,000</i>	
	<i>Cost escalation</i>	<i>7,000</i>	<i>237,000</i>
3	2012-2013		
	<i>Playground equipment</i>	<i>55,000</i>	
	<i>Exercise equipment</i>	<i>40,000</i>	
	<i>Gazebo</i>	<i>28,000</i>	
	<i>Tables and shelters</i>	<i>26,000</i>	
	<i>Outdoor table tennis table</i>	<i>18,000</i>	
	<i>Shade sails</i>	<i>18,000</i>	
	<i>Electric BBQ</i>	<i>15,000</i>	
	<i>Cost escalation</i>	<i>13,000</i>	
	<i>Drinking fountains</i>	<i>7,000</i>	<i>220,000</i>
	TOTAL		\$650,000

(iii) **NOTES that:**

- (a) *the East Perth Redevelopment Authority (EPRA) have indicated that they are unable to provide a financial contribution from the EPRA public art fund, however will consider an alternative contribution when provided with a detailed cost breakdown for the project;*
- (b) *support has been given by the Department of Indigenous Affairs and from the South West Aboriginal Land and Sea Council, to Co-Name Weld Square and this matter is currently being investigated by the Town's Officers and a report will be submitted to the Council;*
- (c) *the Minister for Planning has approved the commencement of Stage 1B normalisation process of the New Northbridge Project (including Weld Square) with the view of planning authority being transferred for this area from EPRA to the Town of Vincent by mid 2011;*
- (d) *funding is to be listed for consideration, in future draft budgets to enable the Redevelopment of Weld Square to be staged over three (3) financial years, as outlined in the report; and*
- (e) *Central Institute of Technology students have indicated a willingness to be involved in designing the furniture and artwork within the park;*
- (iv) **ENDORSES** *the request to base the vegetation selection and placement to reflect the six seasons as recognised by the Aboriginal community;*
- (v) **SUBMITS** *development approval for the project to EPRA in accordance with Part 5.5 of the East Perth Redevelopment Scheme 2;*
- (vi) **AUTHORISES** *the Chief Executive Officer to make minor amendments to the Concept Plan, if issues arise during construction/implementation of the project;*

- (vii) *ADVISES all respondents and Main Roads Western Australia of its decision; and*
- (viii) *REQUESTS the:*
- (a) *Safer Vincent Crime Prevention Partnership to comment on the proposal of having a gazebo in the park and make suggestions as to criteria that should be included in a Management Plan for the park; and*
 - (b) *Chief Executive Officer to advise the Council on how community input can be sought into the design of the gazebo.*
-

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the results of the consultation recently undertaken with owner/occupiers and local businesses, on the progress of the project to redevelop Weld Square and to seek approval for a staged project..

BACKGROUND

At the Ordinary Meeting of Council held on 27 July 2010, Progress Report No. 2 was presented to the Council in relation to Weld Square Redevelopment project where the following decision was made.

“That the Council;

- (i) *APPROVES IN PRINCIPLE the attached amended Plan No. 2647-LS-01E, which is to be further developed following consultation with EPRA and other stakeholders;*
- (ii) *CONSULTS with the local community and businesses surrounding Weld Square in relation to the proposed redevelopment as shown on amended Plan No. 2647-LS-01E;*
- (iii) *FURTHER INVESTIGATES an alternative location for the Vietnamese Boat People Monument of Gratitude at either the Wade Street Reserve or within Robertson Park;*
- (iv) *INVESTIGATES the feasibility of providing outdoor training/traineeships for indigenous persons via Peedac Pty Ltd in undertaking this project;*
- (v) *RECEIVES:*
 - (a) *a further report at the conclusion of the community consultation as per clause (ii) above; and*
 - (b) *a further separate report on the alternative location for the Vietnamese Boat People Monument of Gratitude as per clause (iii) above;*
- (vi) *ADVISES the President of the Vietnamese Community of its decision; and*
- (vii) *AUTHORISES THE CHIEF EXECUTIVE OFFICER to determine an Aboriginal name, acceptable to the Aboriginal Community, with a view to the co-naming of the park.”*

DETAILS:

Community Consultation:

On 16 August 2010, two hundred and forty six (246) letters were distributed around Weld Square to owner/occupiers and businesses. At the conclusion of the consultation period eleven (11) responses were received.

Residents Comments:

The comments submitted by residents are outlined in Appendix 9.2.1A.

Officers Comments

Existing Toilet Block:

The most common issue raised by the community was the existing toilet block and whether it should be demolished and replaced with a more modern facility or removed completely. Officers have discussed this matter and have now recommended the existing toilet block be removed and a more modern automated toilet facility installed in accordance with the Town's Public Toilet Strategy.

Gazebo Location:

The other major change to the original plan was to relocate the gazebo further south towards Newcastle Street. This will provide more height and scale to this section of the park and locate the structure away from the existing trees therefore keeping the area open, well lit and less attractive for persons to gather and potentially cause trouble.

Other Issues:

Other issues raised by the general community such as park seats, artwork, outdoor exercise and the homeless feeding within the park are being further investigated or have already been included in the amended plan.

East Perth Redevelopment Authority (EPRA):

EPRA have previously commented on the plan and requested that the design concept be developed to address matters such as a strategic analysis, heritage, place activation, functionality and public art.

They have more recently advised the Town that they support the basic design of the Weld Square plan and relocation of the Vietnamese Monument to another site.

Normalisation of New Northbridge Project:

The Town received a letter dated 6 December 2010, advising that the Minister for Planning has approved the commencement of Stage 1A and 1B of the normalisation of the New Northbridge Project. Under Stage 1B Normalisation of New Northbridge, EPRA will return planning authority for approximately 30 percent of the New Northbridge Project Area back to the Town. The proposed normalisation is currently being advertised, closing on 7 February 2011. The finalisation of the normalisation process is anticipated to be completed by mid 2011, at which point the planning authority for this area, which includes Weld Square, will be transferred back to the Town, and the Minister under section 5 (4) of the East Perth Redevelopment Act 1991 will amend the Town's Town Planning Scheme accordingly.

Officers Comments

As noted previously EPRA have no funding at present that they can contribute towards public art within Weld Square and this matter is further being investigated. The Town's officers will continue to liaise with EPRA given their apparent previous commitment to residents of the former City of Perth.

The revised plan will be forwarded to EPRA for further comment and Development approval prior to Stage 1 of the works commencing on site.

On finalisation of the process to normalise New Northbridge, which includes Weld Square, by mid 2011, the Town will not be required to liaise with the East Perth Redevelopment Authority in respect of the redevelopment of Weld Square, and should not expect any funding, once the planning authority for the area has been transferred to the Town.

Central Institute of Technology:

TAFE have indicated that their students unanimously support the plan and design with the inclusion of some form of “active” exercise equipment and additional benches tables provided.

They have also indicated that their students are willing to be involved in designing the furniture/artwork within the park.

Officers Comments

Officers met with the, Director Facilities & Infrastructure of TAFE and provided copies of the plans to be distributed within their facility. Their comments have been noted and the revised plan includes exercise equipment, playground, and outdoor ping pong tables.

Officers will further liaise with TAFE in developing future artworks within the park

Committee for the Redevelopment of Weld Square:

Following distribution of the letters to residents and business around Weld Square, the Town was contacted by Yen Tran from Northbridge Pharmacy located in Newcastle Street Perth in relation to a committee that was formed which represents residents, business owners community and students to present a joint submission to comment on the proposed plans.

Officers also attended a meeting with the group on 14 September 2010 where members indicated that an original plan was drafted by the former City of Perth for Weld Square after the tunnel was completed. They also advised that EPRA had advised the group that they would be contributing a significant amount of funding into the redevelopment plan.

Officers advised the group that the Town would not be committing significant funding to the project and EPRA had subsequently advised that they had little funding towards any redevelopment of Weld Square, at this point in time.

A formal submission received from the group raised the following matters:

- Residents and business owners were advised by the former City of Perth that EPRA initially had indicated that a significant budget was available for redevelopment works at Weld Square after completion of the tunnel.
- Leave toilet facilities where they are.
- For a more significant outcome to be achieved more funding is required.
- The group would like to work on a design that compliments the existing plan and will consult with EPRA & other government organisations.
- The group would like until May 2011 to present the TOV with their plan which will include street furniture that reflects indigenous cultures.

Officers Comments:

The Town's officers appreciate that the former City of Perth may have completed a draft plan and promised residents and business owners that a significant budget would be available for the upgrade and a stage and stepped walkways may have been considered. However the area is now under the control of the Town of Vincent and EPRA and funding is somewhat limited. The plan is now well developed and a Section 18, of the Aboriginal Heritage Act 1972, has been issued covering the major components of the plan already approved in principle by the Council.

With the additional items included following the consultation process, many of the issues raised by the group have been covered and the cost of the upgrade is already in the vicinity of \$650,000 which is significant in terms of a park upgrade of this size within the Town.

Nyoongar Patrol:

The Nyoongar patrol have provided a submission to the Town on the redevelopment proposal and indicated that the park needs revitalising with more greenery and garden areas.

They have also advised that BBQ's and benches with arm rests are required (these prevent persons being able to sleep on them). The park requires additional lighting and surveillance equipment and they strongly recommend demolition and replacement of public toilets with an automated type facility.

In relation to the gazebo, Nyoongar patrol consider that this will provide shelter for the homeless and if included a management plan should be developed to address social and welfare issues associated with the park.

Officers Comments:

The comments provided by Nyoongar patrol are noted and issues such as the toilet, lighting, park benches and additional garden areas have been addressed in the amended plan. The relocation of the gazebo closer to Newcastle Street will see it in a more open and exposed area in accordance with CPTED principles.

Other issues raised will be further investigated and discussed with the Coordinator Safer Vincent who regularly meets and discusses ongoing social and welfare issues with the Nyoongar patrol and WA Police.

Peedac Pty Ltd:

Whilst Peedac Pty Ltd have not formally provided a submission in regard to the plan, officers met with their representatives who advised that they liked the plan and suggested that the planted areas could represent the six (6) seasons similar to a project they were currently undertaking within the metropolitan area.

Officers Comments:

The six (6) seasons planting concept is an excellent idea and this will be further progressed with Peedac staff when planting is undertaken on the mounded areas around the park.

Peedac's indigenous groups will be engaged in undertaking works within Weld Square as part of the redevelopment and ongoing maintenance of the parks landscape.

In addition following further meetings with the Town's Mayor and Chief Executive Officer, the Town is endeavouring to engage Peedac staff in other ongoing works around the Town and to possibly engage indigenous persons into vacant positions if suitable and when available.

Request for Co-Naming the Reserve – Policy No. 4.1.18 – Naming of Reserves and Buildings:

The Council at its Ordinary Meeting held on 27 July 2010, resolved that the Chief Executive Officer investigate an Aboriginal name, acceptable to the Aboriginal Community, with a view of co-naming the Park.

To seek direction on the best approach to this, letters were sent to the Department of Indigenous Affairs and the South West Aboriginal Sea and Land Council. Response letters were received on 16 and 24 November 2010 respectively. The Department of Indigenous Affairs advised that the Town engage consultants and the South West Aboriginal Land and Sea Council advised that they could assist in the process.

Officers Comments:

The cost of a consultant has been obtained at \$7,000. The Town's Executive Management Tea considered this matter and are of the opinion that the Town's Officers have the expertise to research this matter. This will take a little longer, but can be achieved.

As a way forward it is proposed that the Town's Heritage Officers are undertaking further research into the Aboriginal history and the area, and will liaise with the South West Aboriginal Sea and Land Council to assist with consultation with relevant parties.

Concurrent to this, it is proposed that the Town's existing Policy No. 4.1.18 Relating to Naming of Reserves and Buildings be amended to include information relating to Dual Naming. This amendment process will be guided by the Committee for Geographic Names in Australia - Policy Guidelines for the Recording and use of Aboriginal and Torres Strait Islander Place Names, and other relevant information. A report will be submitted to the Council, when the matter has been researched.

CONSULTATION/ADVERTISING:

Consultation has been undertaken in accordance with the Council policy.

LEGAL/POLICY:

In accordance with Section 18 of the Aboriginal Heritage Act 1972, consent to use an Aboriginal Registered Site is required from the Minister for Health; Indigenous Affairs. Failure to receive consent is likely to result in a breach of Section 17 of the Aboriginal Heritage Act 1972.

In accordance with Section 18 of the Aboriginal Heritage Act 1972, the Town, as the owner of the land, submitted a Section 18 Notice dated 15 April 2010. In accordance with Section 18 (3) of the Aboriginal Heritage Act 1972 and following consideration and recommendations of the Aboriginal Cultural Material Committee (ACMC), the Minister for Health; Indigenous Affairs granted approval for the Town to use the land for the purpose outlined in the Notice, subject to a series of conditions detailed in the copy of letter dated 22 June 2010 attached.

Weld Square is not listed on the State Register of Heritage Places, and therefore the Heritage Act of Western Australia 1990 does not apply.

Also refer to Council Policy No. 4.1.18 – Naming of Reserves and Buildings.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2009-2014 – Key Result Area One: 1.1.5 Enhance and Maintain Parks, Landscaping and Community Facilities i) “Prepare a landscape upgrade plan for Weld Square”.

SUSTAINABILITY IMPLICATIONS:

As indicated in previous reports to Council, during the consultation with the Indigenous groups, it was indicated that all proposed plantings within the redeveloped parkland will consist of native species and specifically local native species where these can be sourced.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$193,000 remains in the Town's 2010/2011 budget for the Redevelopment of Weld Square as Stage 1 of a three (3) stage development. Costs associated with the Redevelopment of Weld Square have been finalised and identified as follows:

Item	Estimated Cost
Self Cleaning Toilet	\$140,000
Asphalt Paths	\$100,000
Lighting	\$70,000
Playground Equipment	\$55,000
Outdoor Exercise Equipment	\$40,000
Soil Mounding	\$35,000
Gazebo	\$30,000
Park Benches/Bins	\$28,000
Tables/Shelters	\$26,000
Planting/Mulching	\$25,000
Shade Sails	\$18,000
Outdoor Ping Pong Area	\$18,000
Demolition (Toilet facility)	\$15,000
Electric BBQ	\$15,000
Reticulation (amend existing)	\$15,000
Drinking Fountains	\$6,000

As indicated above the project is proposed to be staged over three financial years as follows:

Stage 1 – 2010/2011:

Item	Estimated Cost
Asphalt Paths	\$98,000
Lighting	\$67,000
Gazebo	\$28,000
Sub Total	\$193,000

Stage 2 – 2011/2012:

Item	Estimated Cost
Outdoor Exercise Equipment	\$40,000
Soil Mounding	\$35,000
Park Benches/Bins	\$28,000
Tables/Shelters	\$26,000
Planting/Mulching	\$25,000
Outdoor Ping Pong Area	\$18,000
Reticulation (amend existing)	\$15,000
Drinking Fountains	\$7,000
Cost escalation	\$6,000
Sub Total	\$200,000

Stage 3 – 2012/2013:

Item	Estimated Cost
Self Cleaning Toilet	\$140,000
Playground Equipment	\$55,000
Shade Sails	\$18,000
Electric BBQ	\$15,000
Demolition (Toilet facility)	\$15,000
Cost escalation	\$14,000
Sub Total	\$257,000

TOTAL

\$650,000

COMMENTS:

As previously reported to the Council, the landscape plan provides a simple yet functional layout, creating a sense of enclosure without compromising the safety and security of patrons using the park.

With the minor modifications and additions now included following the consultation period, it is envisaged that Weld Square will be another well utilized area within the Town of Vincent for inner city residents, students and visitors.

9.2.2 Kyilla Park – Approval of Proposed Fitness Track

Ward:	North	Date:	10 December 2010
Precinct:	North Perth – P8	File Ref:	RES0118
Attachments:	001		
Reporting Officer:	J van den Bok ; Manager Parks & Property Services		
Responsible Officer:	R Lotznicker ; Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES IN PRINCIPLE the proposed installation of a fitness track at Kyilla Park as shown on the attached Plan No. 2760-CP-01 at an estimated cost of \$85,880;*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to re-allocate \$880 from the Kyilla Park Maintenance Budget to the Kyilla Park Upgrade/Fitness Track Project;*
- (iii) *CONSULTS with the local community in relation to the proposed installation; and*
- (iv) *NOTES that:*
 - (a) *the Town in association with the Kyilla Park Primary School were successful in securing a grant of \$60,000 from LotteryWest towards this project; and*
 - (b) *a further report will be submitted to the Council at the conclusion of the consultation period, should any comments be received.*

COUNCIL DECISION ITEM 9.2.2

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

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

PURPOSE OF REPORT:

The purpose of this report is to advise the Council that community consultation will be undertaken with regards to the proposal to install a fitness track at Kyilla Park and should no adverse comments be received, seek approval for the installation in 2011.

BACKGROUND:

An amount of \$15,000 has been included in the 2010/2011 capital works budget as the Town's contribution towards the installation of a fitness track at Kyilla Park, North Perth.

In 2009, the Town of Vincent was approached by the Kyilla Primary School Parents and Citizens (P&C) group expressing concern about the physical activity levels of children attending the school and their parent group. The P&C group considered this symptomatic of a broader malaise within the North Perth community and, in part, attributed it to a lack of local enabling infrastructure.

The P&C group proposed the development of a junior/senior fitness track and common use BBQ area at Kyilla Park, which is a well used park adjacent to the school. The addition of the proposed Fitness Trail would complement an existing shaded children's playground (subject to an upgrade in 2010/11); public toilet/shelter; cricket nets; basketball court, tennis hit up wall; and a newly installed tree-shaded BBQ area.

Grant funding opportunities for such projects are limited as the majority of grants for these types of projects are directed at regional centres. However following discussions with LotteryWest, the Town was encouraged to submit an application which it completed in March 2010 in conjunction with Chris Chute, a North Perth community member.

DETAILS:

Junior and Senior Fitness Track:

Following discussions with school representatives and various playground companies and consultants in regard to the set out of the circuit it was ascertained that it would be best to provide both junior and senior fitness tracks.

It was also resolved to group the various items together rather than spread them out around the perimeter of the park mainly due to the cost savings involved but also in view of the supervisory element required particularly with the smaller children.

Items proposed to be included in the '**Junior Fitness Track**' are as follows:

- Stepping Stones
- Balance Beam
- Over Bar
- Under Bar
- Beam Run bar
- Wave Net Diamond
- Rock 'n Hole climber
- Honey Comb Climber

Items included in the '**Senior Fitness Track**' are as follows:

- Honey Comb Wall
- Rock wall
- Climbing Ring Wall
- Monkey Bar
- Scaling Wall
- Slide & Glide Rails
- Honey Comb Climber
- Straight Tarzan Poles
- Rock 'n Hole Climber
- Chin Up Bar

Note: The overall proposal is shown in attached *Plan No. 2760-CP-01*.

Benefits of a Fitness Track(s):

The development of the infrastructure on Kyilla Park is considered to have multiple outcomes for the benefit of the North Perth and Vincent community as a whole including but not limited to:

- Improved physical activity of the children and their parents in the area;
- Greater access to local physical activity infrastructure;
- Use of the facilities during most daylight hours on weekdays and weekends;
- Increased levels of social capital through the use of common area facilities;
- Greater utility of an underused existing resource; and
- Provision of no-cost physical activity for people of all ages living in the vicinity.

Officer Comments:

To support use of the physical activity facilities the school has made a commitment to develop programmed daily physical activity using the equipment. Apart from the obvious physical activity outcomes for the children, it also familiarises the children with use of the equipment and will encourage children to introduce parents to the equipment.

The P&C proposes further supporting this theme by organising after-school sessions for families to walk to the park for a play and BBQ with other families and neighbours of the school community.

CONSULTATION/ADVERTISING:

Consultation will be undertaken in accordance with Council's Community Consultation Policy No 4.1.5. Consultation will not be undertaken until after 8 January 2011 as prescribed in the policy.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2009-2014 – Key Result Area One: 1.1.5 Enhance and maintain parks, landscaping and community facilities“(b) continue to implement infrastructure improvements for public open space, including the Wetlands Heritage Trail and the Greenway Plan.”

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The original cost for the supply and installation of the junior and senior fitness tracks was \$84,880, however due to material increases the cost has now increased slightly to \$85,880.

The budget for this project is made up of contributions from the Town, LotteryWest and the Kyilla Primary School who have provided \$10,000 through fund raising events held at the school.

- | | |
|-------------------------|-----------------|
| • LotteryWest | \$60,000 |
| • Town of Vincent | \$15,880 |
| • Kyilla Primary School | <u>\$10,000</u> |
| Total | \$85,880 |

There is a slight budget shortfall which can be sourced from the Kyilla Park grounds maintenance account or the Kyilla Park Playground Upgrade budget, another project that is included in the current capital works program.

COMMENTS:

This Town's Physical Activity Strategic Plan aims to provide a framework and a set of objectives to assist the Town of Vincent to plan, develop, implement, evaluate and sustain physical activity programs, opportunities and services into the future.

The Kyilla Park Fitness Track meets the objectives and intent of the Town of Vincent Physical Activity Strategic Plan 2008-2013 and directly targets:

- Children in the North Perth area;
- Families in the North Perth area;
- People living in the vicinity of the Kyilla Park; and
- Individuals and groups accessing facilities promoted through the Town of Vincent

The infrastructure will be owned and managed by the Town of Vincent with ongoing liaison and promotion of the Fitness Track and Community BBQ area will be an undertaking of the Town and the school community.

The Presiding Member, Mayor Nick Catania advised that Cr Buckels had declared a proximity interest in Item 9.2.4. Cr Buckels departed the Chamber at 8.52pm and did not speak or vote on this matter.

9.2.4 Traffic Management Matter – Bourke Street, Between Oxford and Loftus Street, Leederville

Ward:	North	Date:	13 December 2010
Precinct:	Leederville Precinct P3	File Ref:	TES0061
Attachments:	001 ; 002		
Reporting Officer:	C Wilson, Manager Asset & Design Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *CONSIDERS the comments received from the respondents from Bourke Street regarding the implementation of proposed Traffic Management measures with regards the proposal as shown on Plan No. 2648-CP-01;*
- (ii) *APPROVES the implementation of the proposal for Bourke Street between Loftus and Oxford Streets, estimated to cost \$12,000 as outlined on attached Plan No. 2648-CP-02, as shown in Appendix 9.2.4;*
- (iii) *MONITORS the street to determine whether the proposal has improved the amenity of the street in terms of traffic speed and if the data indicates that the speeds have not decreased, consult further with the residents with a view to installing the speed humps as shown on attached plan No. 2648-CP-01, as shown in Appendix 9.2.4; and*
- (iv) *ADVISES the respondents of its decision.*

COUNCIL DECISION ITEM 9.2.4

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

MOTION PUT AND CARRIED (8-0)

(Cr Buckels was absent from the Chamber and did not vote on this matter.)

PURPOSE OF REPORT:

The purpose of this report is to advise Council of the outcome of community consultation regarding proposed traffic calming measures being installed in Bourke Street between Loftus and Oxford Streets.

BACKGROUND:

Over the past several years the Town has received numerous complaints about speeding traffic in Bourke Street between Loftus and Oxford Streets.

Bourke Street is classified as a Local Distributor Road in accordance with the Metropolitan Functional Road Hierarchy. Under this classification, the maximum desirable traffic volume is 6,000 vehicles per day with a recommended operating speed of 50 kph.

While the average weekday traffic volumes are well within the operating criteria for a Local Distributor Road the 85% speed is in the order of 57.8 kph, when averaged across the data collection points, between Loftus and Oxford Streets.

DETAILS:

Bourke Street links Charles Street, a Primary Distributor Road (under the care and control of Main Roads WA), Loftus Street, a District Distributor A Road and Oxford Street, a District Distributor B Road.

The Town has, over a number of years, received on-going requests to undertake traffic calming improvements in Bourke Street between Loftus and Oxford Streets to match that of the section between Charles and Loftus Streets.

Further, several residents contend that the volume of traffic using Bourke Street has increased significantly since the roundabout was constructed at the intersection of Oxford Street as a Black Spot Improvement.

However recent traffic data collected has shown the increase to have been marginal, in the order of 4% (2,747 vpd in 2007 to 2,864 vpd in 2009) and that current average weekday traffic is well within (<50%) the operating criteria for a Local Distributor Road.

Of concern however is the 85% speed of 57.8 kph given that the road has a 50 kph speed limit.

Previous referral to the LATM Advisory Group Meeting and resultant Council Decision

In 2005 the Town received a petition from the residents of Bourke Street (Loftus Street to Oxford Street) in regards parking and traffic issues.

At its Ordinary Meeting of 26 July 2005 Council referred the matter to the Local Area Traffic Management (LATM) Advisory Group.

The LATM subsequently considered the matter at its meeting of 14 November 2005, and to which some of the residents were invited to attend, resulting in a further report to Council at its Ordinary Meeting of 22 November 2005. The Council duly approved public consultation in regards the recommended actions.

At its Ordinary Meeting of 28 February 2006 Council received and further and final report at which the following decision (in part) was made:

"That the Council;

- (ii) APPROVES the introduction of a two (2) hour time restriction in Bourke Street between Loftus and Oxford Streets and in Bourke Street between Oxford and Leicester Streets, to be in place from 8.00am until 5.30pm Monday to Friday and 8.00am until 12noon Saturday as illustrated by attached Plans 2383-CP-1 and 2387-PP-1;*
- (iii) PROCEEDS with the implementation of the delineated parking bays in Bourke Street between Loftus and Oxford Streets as shown on attached Plan 2383-CP-1;"*

Proposal

In an endeavour to address the residents concerns, while maintaining their amenity, a 'traffic calming' concept plan was developed and distributed to the residents for comment (see below). Essentially it built upon what was discussed at the LATM Advisory Group Meeting of 14 November 2005, which at the time was considered a 'Stage 2' if necessary.

The proposal, as shown on concept plan No. 2648-CP-01 sheet, involved the installation of a series of strategically placed low profile speed humps with 'nib-outs' to create embayed on-road parking.

When taken in conjunction with the existing line-marking, the modifications are intended to change the driver's perception of the road environment and reinforce the 50 kph urban speed limit.

Community Consultation:

In accordance with the Council's Community Consultation Policy 70 letters were distributed to residents of Bourke Street between Loftus and Oxford Streets. At the close of consultation, 15 responses were received, representing a response rate of 21.4%.

Of the 154 responses, 9 or 60% were in favour of the proposal, 4 or 26.7% were against, while 2 residents, or 13.3% suggested alternative treatments.

The main point of concern for those *against* the proposal is not only the number, but more specifically the location of the speed humps. Given that Bourke Street is predominately residential the proposed speed humps will have an impact upon the amenity of the adjacent residents, particularly those whose bedrooms are at the front of the house.

Comments/Conclusions:

It is acknowledged that the 85% speed for Bourke is too high and there is a perception, real or otherwise, of 'hoon' driving behaviour and speeding, particularly at night.

However it is also appreciated that speed humps have an adverse impact upon the amenity of the adjacent residents, particularly in respect of the noise generated commercial traffic passing over them.

Therefore in light of the above it is recommended that the speed humps be deleted but that the nib-outs and enhanced line-marking are installed as shown on Plan No. 2648-CP-02.

Essentially the proposal, without the speed humps, is very similar to that of York Street, North Perth, the Town's first 'wider street' treatment.

CONSULTATION/ADVERTISING:

The respondents be advised of the Council's decision.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

In accordance with the objective of the Plan for the Future - Strategic Plan 2009-2014 – Key Result Area One: 1.1.6 “(d) *Implement Local Area Traffic Management matters ...*”.

SUSTAINABILITY IMPLICATIONS:

The Council ensures its road infrastructure is maintained to an acceptable level of service with funds allocated annually to various improvement programs.

FINANCIAL/BUDGET IMPLICATIONS:

The 2010/2011 budget includes \$15,000 for traffic management in Bourke Street. The estimated cost to install the proposed nib-outs is in the order of \$12,000. However there may be some minor drainage improvements required as a result of the works which would impact upon the final cost.

COMMENTS:

The Town receives many requests for Traffic Management from time to time. Most requests received are addressed by the officers as vehicle classifier results and usually indicate that there is a perceived problem rather than an actual problem. Other matters are referred to the Police Services for enforcement of the legal speed limit.

The traffic data indicates that the speed in Bourke Street is of concern but that the residents outside whose homes the speed humps would be installed are opposed to their use. While the deletion of the speed humps will reduce the effectiveness of the measures proposed it should still lead to a lower 85% speed, albeit marginal.

9.2.6 Proposed 'Household Hazardous Waste' and 'E-Waste' Disposal Days

Ward:	Both	Date:	10 December 2010
Precinct:	All	File Ref:	ENS0083
Attachments:			
Reporting Officer:	M Rutherford, Waste Management Officer		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council:

- (i) *APPROVES the holding of a Household Hazardous Waste (HHW) and E-Waste disposal day on Saturday 26 February 2011; and*
- (ii) *NOTES that:*
 - (a) *the event will be funded by the State Government through Western Australian Local Government Association (WALGA);*
 - (b) *the location for the disposal day is yet to be determined however it is more than likely to be held in one of the Town owned carparks; and*
 - (c) *flyers will be distributed within the Town of Vincent only, however residents from other Mindarie Regional Council (MRC) member Councils will also be entitled to drop off their hazardous waste on the day.*

Moved Cr Maier, Seconded Cr Farrell

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

“That a new clause (iii) be inserted as follow:

- (iii) *REQUESTS that the Chief Executive Officer investigate the benefits and costs of holding more regular collection days within the Town and identifies potential external funding sources to assist in this, and that a report be presented to Council in time for consideration for inclusion in the 2011/12 budget.”*

Debate ensued.

Cr Buckels returned to the Chamber at 8.54pm.

Debate ensued.

MOTION PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 9.

That the Council:

- (i) *APPROVES the holding of a Household Hazardous Waste (HHW) and E-Waste disposal day on Saturday 26 February 2011;*

(ii) **NOTES that:**

- (a) *the event will be funded by the State Government through Western Australian Local Government Association (WALGA);*
- (b) *the location for the disposal day is yet to be determined however it is more than likely to be held in one of the Town owned carparks; and*
- (c) *flyers will be distributed within the Town of Vincent only, however residents from other Mindarie Regional Council (MRC) member Councils will also be entitled to drop off their hazardous waste on the day; and*

(iii) **REQUESTS that the Chief Executive Officer investigate the benefits and costs of holding more regular collection days within the Town and identifies potential external funding sources to assist in this, and that a report be presented to Council in time for consideration for inclusion in the 2011/12 budget.**

PURPOSE OF REPORT:

The purpose of this report is to inform the Council of the proposed temporary 'Household Hazardous Waste' and 'E-Waste Disposal Day' to be held in the Town in February 2011.

BACKGROUND:

The Mindarie Regional Council (MRC) has informed the Town that the State Government has agreed to fund a Household Hazardous Waste (HHW) disposal day for the Town of Vincent.

HHW disposal days allow residents a close and convenient location to drop off HHW and E-Waste in addition to the two (2) permanent HHW drop-off facilities operated by MRC at Tamala Park and at the Balcatta Recycling Centre operated by City of Stirling.

DETAILS:

Household Hazardous Waste:

Household Hazardous Waste comprises household products that are no longer needed or have reached their end-of-life. They contain chemicals or substances that can be harmful to humans, animals and/or the environment and may include a broad range of products that are flammable, toxic, explosive or corrosive.

HHW Collection Days are held to enable the public to drop off and safely dispose of any of these unwanted wastes. All materials collected are either recycled or disposed of safely.

Note: Providing drop-off locations for hazardous materials is a step forward towards reducing and diverting this inappropriate waste from entering landfills and to help create better quality compost at the Neerabup Resource Recovery facility (RRF) by preventing this waste from being deposited on the verge, or being placed in the household mobile garbage bin (MGB).

Wastes that will be accepted:

The following wastes will be accepted at the HHW collection day:

- Pesticides/Herbicides
- Flammables
- Paints

- Batteries
- Thinners/Solvents
- Household Acids and Alkalis
- Gas Bottles
- Compact Fluorescent Lamps and Fluorescent Tubes
- Cleaning Chemicals
- Poisons
- Fire Extinguishers
- Smoke Detectors
- Flares
- Aerosols
- Engine Coolant, Brake and Transmission Fluid
- Pool Chemicals

Wastes that will NOT be accepted:

Waste That WILL NOT be accepted on collection day will include:

- Waste Oil
- Pharmaceuticals and sharps
- Asbestos
- Waste from commercial or industrial sources

Arrangement on the day:

The sorting and transportation of all materials on the day will be carried out by 'Tox Free'- a chemical waste collection corporation. The Town will be required to assist with the operation of the program as per the following tasks:

ITEM	OFFICER/ORGANISATION	DETAILS
Location: Car park location preferable (to be determined)	Ranger Services Parks Customer Service Officer	<ul style="list-style-type: none"> • Ensure the area is clear of cars prior to the events commencement. • Liaise and ensure no conflicting events and parking issues on the day requiring the use of the carpark.
Promotion	MRC Waste Management Officer	<ul style="list-style-type: none"> • Print the banner • Advertise in local newspapers • Arrange artwork, printing & distribution of flyers. • Assist MRC with distribution of flyers in conjunction with general junk bulk verge flyers • erect banner 2-3 weeks prior to the event • advertise the event on the Towns website

Staff	<p>Waste Management Officer Customer Service Officer- Waste Management</p> <p>Projects Officer- Environment Gavin Burgess (contractor for the Towns Battery and fluoro collections)</p> <p>Earth Carer volunteers.</p>	<ul style="list-style-type: none"> • Two 'meet and greet' staff required to conduct a short survey/ collect data from drivers at the entrance. • One to two staff required for lifting and transporting E-waste from cars to collection container. • Staff located at entrance and exit of car park to allow smooth flow of traffic
Equipment	<p>Tox Free</p> <p>SIMS Recycling</p> <p>Waste Management Officer</p>	<ul style="list-style-type: none"> • Tox Free will supply all equipment on the day necessary for the collection of the specified HHW items. • SIMS will supply a skip bin for the collection of all E-Waste, arrange its collection and the recycling of all E-waste. • To arrange clear entrance and Exit signs to be used on the day
Summary of the event	<p>Tox Free</p> <p>MRC</p> <p>Waste Management Officer</p>	<ul style="list-style-type: none"> • To provide data on both volume and weight of waste collected. • To provide data for volume and weight of materials delivered to Tamala Park • To summarise these results in a report to Council.

CONSULTATION/ADVERTISING:

Flyers advertising the temporary HHW and E-waste disposal day will be distributed together with the General Junk Bulk Verge Flyers in mid February 2011. This will ensure all residential properties within the Town are provided with a close and convenient location to dispose of both hazardous waste and E-waste before their scheduled bulk verge collection commences in March 2011.

A banner will be displayed near the disposal site (to be determined) and advertisements will be placed in the local papers and information posted on the Towns website.

LEGAL/POLICY:

N/A

SUSTAINABILITY IMPLICATIONS:

Holding a temporary disposal day is more sustainable than having only two permanent drop-off facilities in the MRC.

STRATEGIC IMPLICATIONS:

In accordance with the objective 10 of Strategic Plan 2009-2014, Reduce, Re-use, Recycle: *'Reduce the use of toxic and hazardous materials within the Town and facilitate the proper disposal of such materials'*

FINANCIAL/BUDGET IMPLICATIONS:

All advertising, contractors, equipment and disposal costs will be covered by the funding from the State Government and MRC. The Town will be required to provide several staff members and/or helpers on the day which will be funded from the Waste Management Promotions budget.

COMMENTS:

Many familiar products people use to clean their home, maintain their car or eradicate pests can be hazardous, and have the potential to harm people and the environment. Educating the public is vital to ensure these items are not placed in the normal household garbage or recycling bin especially with the operation of the RRF and the potential it has to contaminate compost material.

Free disposal sites encourage people to carry out the correct disposal methods for hazardous waste and appreciate the valuable natural resources many items contain that can be recovered by recycling. Hopefully this will then be reflected in less recoverable materials being placed on the verge for collection.

9.2.7 Environmental Initiative - Switch Your Thinking

Ward:	Both	Date:	13 December 2010
Precinct:	ALL	File Ref:	ENS0027
Attachments:	001		
Reporting Officer:	C Chaudhry, Project Officer - Environment		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *CONSIDERS listing funding in the 2011/2012 draft budget for the Town to join the 'Switch Your Thinking Program' at a cost of \$5,000 per annum; and*
- (ii) *NOTES the services provided by the 'Switch Your Thinking Program' (as shown in Appendix 9.2.7) and that the program offers rebates to council residents and commercial entities on Sustainable Technologies and works collaboratively at a Local, State and Commonwealth level, rather than competing with these sectors.*

Moved Cr Buckels, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Topelberg, Seconded Cr Buckels

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

- “(iii) REQUESTS the Sustainability Advisory Group to review the Program and for a report to be submitted to the Council prior to the Budget process 2011/2012.”*

Debate ensued.

AMENDMENT PUT AND CARRIED (9-0)

MOTION AS AMENDED PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 9.2.7

That the Council;

- (i) *CONSIDERS listing funding in the 2011/2012 draft budget for the Town to join the 'Switch Your Thinking Program' at a cost of \$5,000 per annum;*
- (ii) *NOTES the services provided by the 'Switch Your Thinking Program' (as shown in Appendix 9.2.7) and that the program offers rebates to council residents and commercial entities on Sustainable Technologies and works collaboratively at a Local, State and Commonwealth level, rather than competing with these sectors; and*
- (iii) *REQUESTS the Sustainability Advisory Group to review the Program and for a report to be submitted to the Council prior to the Budget process 2011/2012.*

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of an Environmental initiative called Switch Your Thinking (syt!) which aims to implement measures to save water and energy and reduce day to day operating costs.

BACKGROUND:

Switch Your Thinking (syt!) was established in June 2002. It is a collaboration of the Cities of Armadale, Belmont, Joondalup, Perth, Stirling and Towns of Cambridge and Victoria Park.

These local governments have formed (under the umbrella of syt!) the 'South East Regional Energy Group' (SEREG). The Cities and Towns working together, with the guidance and support of syt!, to implement measures to save water and energy and reduce day to day operating costs.

DETAILS:

The Projects Officer Environment has researched this matter with the aim to promote/implement environmental sustainable initiatives to business and the community with the syt! provider being in a position to offer this service to the Town at a prescribed annual fee.

The syt! program operates in collaboration rather than competition with other agencies. It takes advantage of the niche available to local government agencies, corporate sponsors, and all the sectors of the community. The syt! Program and partners have invested more than one million dollars since 2002 and have abated over 300,000 tonnes of carbon.

The syt! Program's motto is a 'A little Change, Makes a Big Difference!' It is supported and part funded by Solarhart, Synergy, Water Corporation, Examiner Newspaper, Stockland, Tint a Car, Clear Solar, Elite Solar and Greentoday.

syt! Projects

Currently the 'syt! Program' is working on a number of projects to assist in meeting its target of reducing carbon emission regionally by 15% by 2011. Below are briefs, by syt!, on the current projects being carried out.

Green Light Fundraiser

The *Green Light* project was initially piloted across SEREG Councils in 2002-2003 and the project was expanded in 2008 and run across five (5) Councils namely the City of Armadale, City of Gosnells, Serpentine Jarrahdale Shire, City of Perth, and Town of Victoria Park.

With ongoing financial support from the Office of Energy, syt! the *Green Light* project was again run in Term 2, 2010. The project focused on the distribution of half-priced energy saving LED down lights (to replace 50W halogen down lights), energy saving compact fluorescent light globes (CFLs), timer switches (to help eliminate stand-by power usage) and draught tape (to help reduce the need for artificial heating and cooling expenses).

Switched on Business and Industry

Phase one of this pilot program was completed in the second half of 2008, and 154 'switched on' businesses received a Sustainability Assessment by a specially trained Assessor.

The initial one-on-one assessments focused on increasing energy and water efficiency, and reducing waste, whilst simultaneously increasing profitability and service quality.

Personally tailored reports were prepared and distributed to all participants shortly after receiving their initial Sustainability Assessment (or A Audit) with the confidential reports being instrumental in helping business owners and managers understand where they were using the most resources in their business, and provided detailed recommendations on how to reduce their operating costs and environmental footprint.

House Hold Sustainability Assessments

Green Loans is a new Australian Government initiative to help Australians tackle climate change. The Green Loans Program can assist Australian families to install solar, water saving, and energy efficient products.

The *Green Loans* Program provides detailed, quality Home Sustainability Assessments and access to low interest Green Loans of up to \$10,000 each.

Through the *Green Loans* Program, householders are able to access a free, comprehensive Home Sustainability Assessment to reduce their energy and water bills, increase the comfort of their home and help reduce damaging carbon pollution.

PV+

Amid rapidly rising electricity prices and urgent calls to combat Climate Change, the PV+ project adds some fun and reward to the serious business of promoting the uptake of renewable energy technologies and sustainable living.

Delivered across the Cities of Armadale, Belmont, Gosnells, Joondalup, Perth, Stirling and Wanneroo, Serpentine Jarrahdale Shire and Town of Victoria Park in partnership with program sponsors 'Greentoday' PV+ will involve Councils working with their communities to maximise the installation of solar power systems - commonly known as photovoltaic (PV) systems on residential dwellings.

This project has been specifically designed to take advantage of:

- the new [*Solar Credits*](#) rebate from the Federal Government, worth up to \$6,200 to residents, businesses or community groups installing a 1.5 kW PV system.
- the syt! rebate available from program sponsor Greentoday through the syt! Rebates 4 Residents project.

Grant Funding

To date, SEREG has had a 100% success rate with grant applications related to the syt! program and successfully secured over \$500,000 from a number of different agencies including:

- Sustainable Energy Development Office (state government);
- Australian Greenhouse Office (federal government);
- Department of Environment and Heritage (federal government);
- Department of Industry, Tourism and Resources (federal government); and
- Peel Development Board (regional partnership).

Awards and Achievements

The syt! Program is a well established program that has existed over the last seven (7) years and has received a number of awards and made some note worthy achievements over the years including receiving the overall award for Outstanding Achievement - 2008 National Awards for Local Government; Category Winner - Local Greenhouse Action - 2008 National Awards for Local Government; Category Winner - Sustainable Management of the Environment - 2008 Premier's Awards; and a number of other significant awards.

Services

syt! provides a number of services covering the key areas of:

- Community, Commercial and Business Sustainable Education;
- Sustainable Technology Pathways; and
- Energy, Water and Operating cost conservation.

The syt! Program can be tailored to meet a local government's sustainable targets or the requirements of their existing strategies.

Note: Appendix 9.2.7 outlines the main services provided and the benefits of being a syt! member.

CONSULTATION/ADVERTISING:

Not applicable at this stage.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2009-2014 – Key Result Area One: 1.1.4 Minimise negative impacts on the community and environment. *“(a) Implement the next phase of Cities for Climate Change action plan and (g) minimise the impact of environmental pollution by encouraging house holders to reduce hazardous waste in the community.”*

SUSTAINABILITY IMPLICATIONS:

- Reduction of both Corporate, Commercial and Community Carbon Emissions.
- Offsetting of Both Corporate, Commercial and Community Carbon Emissions.
- Increased local context Environmental Awareness.
- Increased sustainable residential dwellings.
- Increased sustainable technology validity through discount pathways.
- Local Air Shed Improvements
- Local Land and Water Improvements

FINANCIAL/BUDGET IMPLICATIONS:

The cost of joining the syt! Program is \$5,000 per annum. This cost covers the services provided in Appendix 9.2.7. Any additional service that the council may require from syt! would be at an additional cost.

COMMENTS:

The Town of Vincent would benefit greatly from joining the syt! program in all aspects of sustainability. It would aid in making sustainable technologies more accessible to the Vincent Community. Many Cities and Towns have joined the syt! program and have benefited greatly from being a member at both a service and community level.

The Chief Executive Officer advised that Mayor Catania and Cr Burns had declared a financial interest in Item 9.3.1. They departed the Chamber at 9.01pm. They did not speak or vote on this matter.

Deputy Mayor, Cr Sally Lake assumed the Chair at 9.01pm.

9.3.1 Investment Report as at 30 November 2010

Ward:	Both	Date:	10 December 2010
Precinct:	All	File Ref:	FIN0033
Attachments:	001		
Reporting Officers:	B Tan, Manager Financial Services; N Makwana, Accounting Officer		
Responsible Officer:	M Rootsey, Director Corporate Services		

Disclosure of Financial Interest:

Mayor Nick Catania and Cr Anka Burns have disclosed a financial interest in this item.

OFFICER RECOMMENDATION:

That the Council RECEIVES the Investment Report for the month ended 30 November 2010, as shown in Appendix 9.3.1.

COUNCIL DECISION ITEM 9.3.1

Moved Cr Topelberg, Seconded Cr McGrath

That the recommendation be adopted.

MOTION PUT AND CARRIED (7-0)

(Mayor Catania and Cr Burns were absent from the Chamber and did not vote on this matter.)

Mayor Catania and Cr Burns returned to the Chamber at 9.02pm. Mayor Catania, assumed the Chair. The Chief Executive Officer advised that the item was carried.

PURPOSE OF REPORT:

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

BACKGROUND:

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

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

DETAILS:

Total Investments for the period ended 30 November 2010 were \$21,086,506 compared with \$20,084,829 at 31 October 2010. At 30 November 2009, \$20,274,076 was invested.

Investment comparison table:

	2009-2010	2010-2011
July	\$12,782,999	\$111,109,646
August	\$21,773,889	\$22,184,829
September	\$21,773,889	\$20,084,829
October	\$21,273,889	\$20,084,829
November	\$20,274,076	\$21,086,506

Total accrued interest earned on Investments as at 30 November 2010:

	Annual Budget	Budget Year to Date	Actual Year to Date	%
Municipal	\$454,000	\$249,700	\$216,054	47.59
Reserve	\$403,000	\$167,915	\$208,612	51.76

COMMENT:

As the Town performs only a custodial role in respect of monies held in Trust Fund Investments these monies cannot be used for Council purposes, and are excluded from the Financial Statements.

The funds invested have reduced from previous period due to instalment payment to ESL and payments to creditors.

The report comprises of:

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

9.3.4 Lease for Dental Health Services, Western Australia Special Needs Dental Health Clinic - No 31 (Lot100) Sydney Street, (Cnr Haynes Street), North Perth - Further Report

Ward:	North Ward	Date:	10 December 2010
Precinct:	Eton	File Ref:	PRO2006
Attachments:	-		
Reporting Officer:	T Lumbis, Technical Services Administration Officer		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

- (i) *RECEIVES the Further Report on the negotiations on the lease Terms and Conditions with the Dental Health Services, Western Australia regarding the Special Needs Dental Health Clinic located at No 31 (Lot 100) Sydney Street (Cnr Haynes Street), North Perth;*
- (ii) *APPROVES a five (5) year Lease from 1 January 2011 to 31 December 2016 with one (1) extended period lease option for a period of five (5), subject to final satisfactory negotiations being carried out by the Chief Executive Officer; and*
- (iii) *AUTHORISES the Mayor and Chief Executive Officer to sign the new lease and AFFIX the Council's Common Seal.*

COUNCIL DECISION ITEM 9.3.4

Moved Cr Burns, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (9-0)

PURPOSE OF REPORT:

The purpose of this further report is to provide Council with details of the Terms and Conditions of lease negotiations with Dental Health Services and approve of a new lease regarding No. 31 Sydney Street (Cnr Haynes Street), North Perth.

BACKGROUND:

At the Ordinary Meeting of Council held on 25 May 2010, Item 9.3.4 the following resolution was recommended:

“That the Council APPROVES a five (5) year Lease from 1 July 2010 to 30 June 2015 with two (2) extended period lease options, each for a period of five (5), for part of the premises at 31 Sydney Street, North Perth, being granted to Dental Health Services, Western Australia subject to final satisfactory negotiations being carried out by the Chief Executive Officer.”

However the item was deferred for the following reason:

“That the item be DEFERRED to allow time for the Director Corporate Services to further negotiate the lease Terms and Conditions with the Department of Health.”

A Progress Report was presented to Council on 10 August 2010 Item 9.3.3, which advised that the Director Corporate Services and Dental Health Services, Western Australia had met on 29 June 2010 to discuss the recommendations by Council and correspondence had been received from Dental Health Services dated 15 July 2010 in which they stated their position on the matter.

The following recommendation was adopted at the Ordinary Meeting of Council, at that meeting:

“That the Council;

- (i) RECEIVES the Progress Report on the negotiations on the lease Terms and Conditions with the Dental Health Services regarding the Special Needs Dental Health Clinic located at No. 31 (Lot 100) Sydney Street (Cnr Haynes Street), North Perth; and*
- (ii) AUTHORISES the Chief Executive Officer to continue negotiations with Dental Health Services on the Terms and Conditions of the Lease for No. 31 (Lot 100) Sydney Street (Cnr Haynes Street), North Perth.”*

During the debate on the item, it was proposed that a community based lease payment would be considered by Council, rather than a commercial based lease payment as previously stated.

DETAILS:

As a result of the recommendation adopted at the Ordinary Meeting of Council held on 10 August 2010, the Director Corporate Services wrote to Dental Health Services on 20 August 2010 advising them of the Council recommendation.

In this correspondence the Director Corporate Services proposed that the amount of \$10,000 plus CPI to be the lease payment for the property. The payment would commence from 1 July 2011 to allow the funds to be provided in the Dental Health Services budget for the 2011/12 financial year.

The Town received correspondence from Dental Health Services on 26 November 2010 which in part stated as follows:

“Dental Health Services (DHS) acknowledges the Council has reconsidered their original position of seeking a commercial based rent and the DHS Executive have agreed to the rental payment of \$10,000 per annum, plus CPI increases to commence 1 July 2011...”

Dental Health Services are currently leasing the property on a monthly basis under the conditions of the previous lease. They have been a satisfactory tenant over the many years they have held the Lease.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

Town of Vincent Policy 1.2.1 – Policy Statement:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2009-2014 – Key Result Area 2 Economic Development; Objective:

- “2.1.6 Develop business strategies that provide a positive tripled bottom line return for the Town.
- (a) Review leases and commercial contracts to ensure the best for the Town whilst being cognisant of its community service obligations.”

SUSTAINABILITY IMPLICATIONS:

N/A

FINANCIAL/BUDGET IMPLICATIONS:

Dental Health Services, Western Australia have offered \$10,000 per annum plus annual CPI, and it is recommended that Council approve this amount subject to final satisfactory negotiations.

COMMENTS:

The Administration supports a further five (5) year period with one (1) extended period lease option of five (5) years subject to the Terms and Conditions as outlined above and in accordance with final negotiations to the satisfaction of the Chief Executive Officer.

9.3.5 Proposal for Public Artwork at Ellesmere Street Reserve

Ward:	North	Date:	29 November 2010
Precinct:	Mount Hawthorn	File Ref:	PRO3619
Attachments:	001		
Reporting Officer(s):	R Gunning, Arts Officer; J Anthony, Manager Community Development		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council APPROVES the recommendation of the Town's Art Advisory Group for the purchase and installation of artwork by Emma Anna as part of the Percent for Art Scheme (Cash in Lieu) in regard to the development at 17 Green Street, to be located at Ellesmere Street Reserve, Mt Hawthorn, as shown in Appendix 9.3.5.

Moved Cr Maier, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

Cr McGrath departed the Chamber at 9.04pm.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Burns

That the Officer recommendation be amended to read as follows:

"That the Council APPROVES the recommendation of the Town's Art Advisory Group for the purchase and installation of artwork by Emma Anna as part of the Percent for Art Scheme (Cash in Lieu) in regard to the development at 17 Green Street, to be located at Ellesmere Street Reserve, Mt Hawthorn, as shown in Appendix 9.3.5, subject to the final location being considered and recommended by the Art Advisory Group."

Debate ensued.

Cr McGrath returned to the Chamber at 9.06pm.

Debate ensued.

The Presiding Member, Mayor Nick Catania advised that Advisory Groups do not have the legal authority to make decisions and suggested including the following words after "Art Advisory Group", "and the Chief Executive Officer's approval".

The Mover, Cr Maier and the Seconder, Cr Burns agreed.

Debate ensued.

AMENDMENT PUT AND CARRIED (9-0)

MOTION AS AMENDED PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 9.3.5

That the Council APPROVES the recommendation of the Town's Art Advisory Group for the purchase and installation of artwork by Emma Anna as part of the Percent for Art Scheme (Cash in Lieu) in regard to the development at 17 Green Street, to be located at Ellesmere Street Reserve, Mt Hawthorn, as shown in Appendix 9.3.5, subject to the final location being considered and recommended by the Art Advisory Group and the Chief Executive Officer's approval.

PURPOSE OF REPORT:

To obtain the Council's approval for the proposed artwork regarding the development at 17 Green Street, to be located on Ellesmere Street Reserve, Mt Hawthorn.

BACKGROUND:

The development at 17 Green Street is a mixed use development which is subject to the Town's Percent for Art Scheme requirements. In most cases the developer manages the artwork themselves; however they can also elect to pay cash-in-lieu. If this option is chosen, the Town manages the project and the artwork is placed on Town of Vincent land in the vicinity of the development.

The developers of 17 Green Street, Czenik Family Trust elected to take the cash-in-lieu option. At the Ordinary Meeting of Council 14 September 2010, two potential sites for the artwork as advised by the Art Advisory Group at their August meeting were recommended. The locations were Shakespeare Reserve and Ellesmere Street Reserve.

DETAILS:

An artist's brief was sent out calling for submissions, as soon as the site locations had been confirmed. In the brief, it was stated that the artwork may be created specifically for the reserve however an existing unique artwork would also be considered if deemed appropriate for the location.

Two artists responded with submissions, which were then reviewed by the Art Advisory Group at their meeting held on 27 October.

The group's preference was for the submission by Emma Anna. The artist has proposed a sculpture that takes the form of giant scrabble pieces, spelling 'imag_ne' (see attachment). The dimensions of the proposed work is 4200 x 900 x 300mm and would be constructed of coloured concrete.

'imag_ne', is not a singular work, as the artist makes variations of the piece according to specific locations. In this respect the artist is working in the tradition of creating multiples or editions of an artwork in much the same way as Henry Moore or Auguste Rodin. A version of 'imag_ne' is in a private collection in Denmark (the country) and another variation is on temporary display in the City of Greater Dandenong. The Town of Vincent would be the only permanent version of the work in Australia.

The work has been exhibited nationally, including in the prestigious 'Sculpture by the Sea' exhibitions at Bondi and Cottesloe beaches.

The Art Advisory Group envisages the artwork being located in Ellesmere Street Reserve as it could be enjoyed not only by people using the park, but also visible to motorists driving by.

CONSULTATION/ADVERTISING:

The artist's brief was advertised through Artsource, the artist's foundation of Western Australia. Artsource which has a membership of over four hundred artists is the recognised forum for advertising public art projects.

The brief was also posted on the Town's website.

LEGAL/POLICY:

Town of Vincent Policy No: 3.5.13 Percent for Public Art.

STRATEGIC IMPLICATIONS:

Plan for the Future- Strategic Plan 2009-2014:

“3.1 Enhance and promote community development and well being;

3.1.1 Celebrate and acknowledge the Town’s cultural and social diversity.”

SUSTAINABILITY IMPLICATIONS:

The work will be constructed from a combination of rendered block and cast concrete and coated with anti-graffiti finish producing a work with a predicted lifespan of at least ten years.

FINANCIAL/BUDGET IMPLICATIONS:

The budget for this project is \$5,590. The money has been paid to the Town by the developers as their Percent for Art contribution. The Town will in turn pay the artist the above amount for the project.

COMMENTS:

The Town’s Art Advisory Group has recommended this artwork and location.

Emma Anna’s sculpture would be a welcome addition to the Town’s public artworks as it has the potential to engage a broad range of people, as the artist states:

“imag_ne has proven to be delightful, photogenic and playful public work that inspires curiosity and active engagement of its audiences.”

Emma Anna’s artwork will clearly signal the Town of Vincent as a place that actively encourages and promotes imagination as an essential component of a healthy community.

9.3.6 Beatty Park Leisure Centre Redevelopment – Provision of Hydrological Consultant Services Tender No. 425/10

Ward:	-	Date:	3 December 2010
Precinct:	-	File Ref:	TEN0433
Attachments:	-		
Reporting Officer:	M Rootsey, Director Corporate Services		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council ACCEPTS the tender received by Rockwater Pty Ltd as being the most acceptable and advantageous to the Town for the provision of hydrological consultant services for the Redevelopment of the Beatty Park Leisure Centre, in accordance with the Terms and Conditions of Tender No. 425/10, at an estimated cost of \$136,403.

COUNCIL DECISION ITEM 9.3.6

Moved Cr Maier, Seconded Cr Burns

That the recommendation be adopted.

MOTION PUT AND CARRIED (9-0)

PURPOSE OF REPORT:

The purpose of the report is to obtain Council approval for the tender for the Hydrological Consultant required for the proposed redevelopment of the Beatty Park Leisure Centre.

BACKGROUND:

On 10 November 2010, a tender was advertised calling for the Provision of Hydrological Consultant Services on Pool and Space-Heating for the Beatty Park Leisure Centre. The tender closed at 2pm on Wednesday 1 December 2010 with two (2) tenders being received.

Present at the opening were Director Corporate Services, Mike Rootsey and Finance Officer - Purchasing/Contracts – Mary Hopper.

The following tenders were received:

Tenderer	Price (Inc GST)	Score	Ranking
Rockwater Pty Ltd Level 1, 76 Jersey Street, Jolimont WA 6014	150,043	94.17	1
Sinclair Knight Merz (SKM) 263 Adelaide Terrace, Perth WA 6001	207,329	80.12	2

TENDER EVALUATION

Selection Criteria

The following weighted criteria were used for the selection of the consultant services for this project:

Criteria	%	Weighting
1.1 Financial Offer/Fee Proposal <ul style="list-style-type: none"> • This contract is offered on a lump sum fee basis. Include in the lump sum fee all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST) • Represents the "best value" for money • Application of a reasonable fee structure in proportion to the service provided 	25	25%
1.2 Relevant experience, expertise and project team Demonstrate your: <ul style="list-style-type: none"> • Experience, expertise and project team • capacity to address the range of services required • role and credentials of the key person(s) in the provision of the service (i.e. formal qualifications and experience) • ongoing availability to provide sufficient skilled persons capable of performing the tasks consistent with the required standards • understanding of the required service associated with delivering the services to the Town • experience and success as a consultant in the sphere of recent major leisure facilities and libraries, particularly in WA 	30	30%
1.3 History and Viability of Organisation <ul style="list-style-type: none"> • Detail your history and viability • Include any comments received from referees • Demonstrate your capacity to deliver • Demonstrate your capacity and depth to effectively address the range of requirements of the Town 	25	25%
1.4 Methodology <ul style="list-style-type: none"> • Proposed methodology for this project to be completed on time and within budget • Proposed methodology for this project and demonstrated evidence of successful results, particularly in WA • Demonstrated project management experience in relevant projects of a similar nature, particularly in WA 	15	15%
1.5 Quality Assurance Demonstrate your level of quality assurance	5	5%
TOTAL	100	100%

Tender Assessment

The Tender Evaluation Panel consisted of Director Corporate Services, Mike Rootsey; Assistant Manager Aquatic and Operations Beatty Park Leisure, Jeff Fondacaro and Director Technical Services, Rick Lotznicker.

The Tender Evaluation Panel met on the 6th of December 2010 to assess the two (2) tender submissions for the project. Each tender was assessed against the selection criteria in accordance with the tender documentation.

A comprehensive summary matrix, listing the specific score for each Criteria is shown at Confidential Attachment 9.3.6, which is separately attached for Council Members.

ADVERTISING/CONSULTATION:

The tender was advertised in accordance with the Local Government Act Tender Regulations and the Town's Tender Policy.

FINANCIAL/BUDGET IMPLICATIONS:

Funds for the appointment of this consultant is contained within the Beatty Park Leisure Centre Redevelopment Reserve Fund.

LEGAL/POLICY IMPLICATIONS:

The tender was evaluated in accordance with the Local Government Act Tender Regulations and the Town's Tender Policy.

STRATEGIC IMPLICATIONS:

The appointment of suitably qualified and experienced consultant to this strategically important project will ensure that the project will meet the requirements of all stakeholders and the community.

COMMENTS:

The appointment of consultants to undertake hydrological consultant services on pool and space-heating is required to ensure that the successful installation of the Geothermal process for the pool and space-heating project which will allow this aspect of the redevelopment to be completed within the expected timeframe of the whole project. Both companies are well established, reputable firms have significant project experience in this field and are cost competitive.

Therefore, it is recommended that the Council approves of the Officer Recommendation.

SUMMARY OF TENDERS:

1. Rockwater Pty Ltd

Total score:	94.17 (1st)
Fee proposal:	Lowest
Relevant experience and expertise:	<ul style="list-style-type: none"> • Managed 4 of the 6 geothermal projects in Perth; • Experience with other local governments; Desktop studies for the Town's of Cambridge, Victoria Park and the City of Canning
Previous Projects	<ul style="list-style-type: none"> • 2010 St Hilda's Anglican School for Girls • 2009 Twin Hills and Yandanooka borefields • 2007-2010 Water Corporation (several projects) • 2006 Edith Cowan University • 2004 Claremont Aquatic Centre • 2001 Christ Church Grammar School • 1998 Bicton Polo Club
Project team capacity to deliver Project:	<ul style="list-style-type: none"> • 4 staff appointed to project, with curriculum vitae's supplied .
History and viability of company:	<ul style="list-style-type: none"> • Established in 1974. • Permanent offices located in Perth WA and Townsville QLD. • Has sub-consulted to various organisations and agencies internationally, mainly in South-east Asia • Company has twenty staff. • Company provides specialist services in groundwater management, ground water exploration, resource assessment, conceptual borefield modelling, design and installation.

	<ul style="list-style-type: none"> • Company has in-house capability for both surface and down-hole geophysics. • Public Liability Insurance of \$10m • Professional Indemnity of \$5m • Workers Compensation of \$50m • ASIC Company profile attached • Letter of reference from Accountants
Referees comments:	<ul style="list-style-type: none"> • 3 referees provided with contact details
Demonstrated capacity to deliver:	<ul style="list-style-type: none"> • Comprehensive and well documented, exceeds criteria
Capacity to address requirements:	<ul style="list-style-type: none"> • Comprehensive, meets criteria, low risk
Methodology, key issues and risks:	<ul style="list-style-type: none"> • Meets criteria
Quality Assurance:	<ul style="list-style-type: none"> • In-house quality assurance system

Comment:

The tender submitted includes the lowest price. The tender was well documented with comprehensive detail. There was evidence of localised experience with pool geothermal installations. This tender is therefore recommended.

2. Sinclair Knight Merz (SKM)

Total score:	80.12 (2nd)
Fee proposal:	Highest
Relevant experience and expertise:	<ul style="list-style-type: none"> • Hydrological team has expertise with geothermal drilling to depths greater than 2,000 metres; water supply bore installations; testing and aquifer storage and recovery (ASR design), construction and testing in projects across Australasia.
Previous Projects	<ul style="list-style-type: none"> • A number of Australian and International projects, including; • Power Project – Lihir Gold Ltd – Papua New Guinea; • Gradient Energy; • Indonesia Amoseas – Indonesia; • Geotherm Group – New Zealand; • No listed projects in WA
Project team capacity to deliver Project:	<ul style="list-style-type: none"> • 9 staff appointed with relevant experience detailed, Curriculum Vitae's are included with submission.
History and viability of company:	<ul style="list-style-type: none"> • Public Liability Insurance of \$5m; • Professional Indemnity of \$1m; • Workers Compensation of \$200m • Company financial report included
Referees comments:	<ul style="list-style-type: none"> • 3 Referees, no letters submitted
Demonstrated capacity to deliver:	<ul style="list-style-type: none"> • Comprehensive and well documented, exceeds criteria
Capacity to address requirements:	<ul style="list-style-type: none"> • Comprehensive, meets criteria, low risk
Methodology, key issues and risks:	<ul style="list-style-type: none"> • Meets criteria
Quality Assurance:	<ul style="list-style-type: none"> • Meets requirement of ISO9001 – no certificate included

Comment:

The tender documentation was very comprehensive; the references noted were of world wide experience. However this submission did not show any documented evidence of experience with pool installations or projects in WA. This tender is therefore not recommended as it is not cost effective to the Town.

9.3.7 Tender 424/10 – Supply, Installation, Commissioning and Associated Maintenance of 128 Pay and Display Ticket Machines

Ward:	Both	Date:	13 December 2010
Precinct:	All	File Ref:	TEN424/10
Attachments:	-		
Reporting Officers:	J MacLean, Manager Ranger and Community Safety Bee Choo Tan, Manager Finance Craig Wilson, Manager Asset and Design Services Tory Woodhouse, Co-ordinator Strategic Planner		
Responsible Officers:	R Boardman, Director Development Services John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

- (i) *ACCEPTS the Tender submitted by Australian Parking and Revenue Control (APARC) as being the most acceptable and advantageous to the Town for the supply, installation, commissioning and associated maintenance of 128 Parkeon Pay and Display Ticket Machines, in accordance with the terms and conditions of Tender No. 424/10, at an estimated cost of \$1,494,332;*
- (ii) *APPROVES of a loan funding agreement for an amount of \$960,000; and*
- (iii) *AUTHORISES the Chief Executive Officer to negotiate the loan terms and conditions and sign the loan documents.*

COUNCIL DECISION ITEM 9.3.7

Moved Cr Topelberg, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Maier, Seconded Cr McGrath

That the item be DEFERRED to allow the total cost over a five year period to be used as a basis of determining the financial component of the score.

PROCEDURAL MOTION PUT AND LOST (3-6)

For: Cr Buckels, Cr Lake, Cr Maier

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

Debate ensued.

MOTION PUT AND CARRIED (8-1)

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

Against: Cr Maier

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council's approval for Tender. 424/10, for the supply, installation, commissioning and the associated maintenance of 128 Pay and Display Ticket Machines.

BACKGROUND:

At the Ordinary Meeting of Council held on 12 October 2010, Item 10.4.5, among other things contained in the Car Parking Strategy Implementation Plan, the Council approved the call for tenders for the supply, installation, commissioning and maintenance of ticket issuing machines.

DETAILS:

The Town called for tenders for the supply, installation, commissioning and maintenance, for a 5 year period, of one hundred and twenty eight (128) "Pay and Display" ticket machines. The Tender was advertised in the West Australian on the 30 October 2010, and on the Town's website from the 30 October 2010 - 24 November 2010, as well as thirty-five (35) letters being sent to identified hardware suppliers, throughout Australia many of whom displayed new product at the recent National Parking Convention in Sydney, attended by the Town's Officers.

When the Tenders closed, at 2:00pm on Wednesday 24 November 2010, a total of seven (7) companies had provided a tender response. Present at the Tender opening was the Manager Ranger and Community Safety Services and the Purchasing Officer, with no members of the public present.

The following tenders were received;

Tenderer	Price (Inc GST)	Score	Ranking
APARC (Parkeon)	\$1,494,332	87.19	1 st
Duncan Solutions	\$1,742,554	81.19	2 nd
Parkonsult	\$2,100,079	79.25	3 rd
Wilson/Hectronic	\$2,247,345	76.75	4 th
Integrated TS	\$1,539,796	75.13	5 th
Metric/TMA	\$1,671,075	70.94	6 th
CDS	\$2,040,980	66.63	7 th

TENDER EVALUATION

Selection Criteria

The following weighted criteria were used for the selection of the consultant services for this project:

Criteria	Weighting
<p>1. Financial Offer/Funding Proposal:</p> <ul style="list-style-type: none"> Represents the "best value" for money, over five (5) years including all consumables and spare parts and communication and maintenance costs. This contract is offered on a lump sum (fixed price) fee basis However tenderers are encouraged to provide alternative funding methods (e.g. Lease, Deferred Payment, payment of a proportion of the takings to reduce the amount owed, etc). Tenders should include in the tendered cost, all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST). 	45%

Criteria	Weighting
<p>2. Company credibility and relevant experience, expertise and project team Detail your company:</p> <ul style="list-style-type: none"> • History, viability and experience • Capacity to effectively address the requirements of the Town • Support from referees <p>Demonstrate your:</p> <ul style="list-style-type: none"> • Experience, expertise and project team. • Role and credentials of the key persons in the provision of the service (i.e. qualifications and experience). • Ability to provide ongoing availability of sufficient skilled persons capable of performing the tasks consistent with the required standards. • Understanding of the requirements associated with delivering the services to the Town. • Experience and success in the sphere of recent similar facilities, including recent references from at least three (3) major organisations where you have completed similar projects. 	15%
<p>3. Methodology, Key Issues and Risk Demonstrate your:</p> <ul style="list-style-type: none"> • Proposed methodology for this project to be completed on time and within budget. • Evidence of successful results, particularly in WA • Demonstrated experience in projects of a similar nature, particularly in WA • Ability to provide a high level of: <ul style="list-style-type: none"> - Site management; - Finish; - Practices regarding industrial relations; - Practices regarding environmental protection; and - Practices providing a safe working environment. • Understanding of the required service by identifying the key issues and risk associated with delivering the project and associated on-going maintenance. 	15%
<p>4. Reliability of the Ticket Machines Demonstrate proven reliability of the Ticket Machines by:</p> <ul style="list-style-type: none"> • Incorporating proven up time; • References; and • Resistance to vandalism. 	15%
<p>5. Maintenance/Reporting of the Ticket Machines Demonstrate proven management of ticket machines by:</p> <ul style="list-style-type: none"> • Illustrating availability and flexibility of reporting on operational, transactional, maintenance and financial issues. 	10%
TOTAL	100%

Tender Assessment

The Tender Evaluation Panel consisted of the Manager Ranger and Community Safety Services, the Manager Financial Services, the Manager Asset and Design Services and the Co-ordinator Strategic Planning.

It was noted that one company, APARC, had provided a comprehensive maintenance programme, which included the costs associated with labour and spare parts, for a fixed monthly rate. This rate also included the CMS hosting costs for the term of the maintenance agreement. No other Tenderer provided an offer of a comprehensive maintenance programme, so the evaluation of this part of the offer was based on an estimate of how much maintenance time would be spent per year and the likely replacement parts costs.

A comprehensive summary matrix, listing the specific score for each criteria is shown at Confidential Appendix 9.3.7.

CONSULTATION/ADVERTISING:

The Town's Car Parking Strategy and Precinct Parking Management Plans were extensively advertised throughout the Town and on the Town's website. The Parking Strategy Implementation Plan took into account comments from this consultation, with the plan being approved on 12 October 2010.

LEGAL/POLICY:

The tender was advertised in accordance with the Local Government Act 1995 and Town's Policy.

STRATEGIC IMPLICATIONS:

The above is in keeping with Part 2.1.4(b) of the Town's Strategic Plan 2009 - 2014 - *"Implement parking management strategies that provide assistance to businesses, while maintaining the Town's commitment to the whole community"*.

SUSTAINABILITY IMPLICATIONS:

All ticket issuing machines will be solar powered, with a battery back-up. In the longer term it is also considered that the introduction of additional ticket machines will assist the Town to provide a more sustainable approach to managing parking, in line with the recommendations of the Car Parking Strategy.

The recommended Tenderers have established themselves in WA with contracts with the City of Fremantle and City of Bunbury. This has the added benefit of knowing that parts will be available in the future.

FINANCIAL/BUDGET IMPLICATIONS:

The Town's Budget 2010/11 contains an amount of \$1,728,000 for ticket machines.

The successful Tenderer has not provided an alternative funding option.

As a result, the Town has obtained information, from the WALGA preferred suppliers for leases (i.e. Capital Finance Australia. Ltd and Isis Capital) and loan estimates from the Western Australian Treasury Corporation.

The following information has been obtained:

Western Australian Treasury Corporation

- 36 monthly payment of \$34,190, at an interest rate of 5.42%.
- 60 monthly payments of \$21,740 at an interest rate of 5.63%.

Capital Finance Australia Ltd

- 36 months rental at a fee of \$34,478 per month.
- 60 months rental at a fee of \$23,810 per month.

Capital Finance has provided an "End of term alternative" as follows:

- Extend rental period.
- Upgrade or replace with new equipment.
- Make an offer to purchase equipment at a fair market value.
- Any combination of the above.

Isis Capital

- 36 monthly payments of \$37,621
- 60 monthly payments of \$25,092

Officer Summary and Recommendation

The monthly repayments for both Western Australian Treasury Corporation and Capital Finance are very similar, but with Western Australian Treasury Corporation the Town will fully own the machines at the end of the term. In the case of Capital Finance, the ownership will only transfer to the Town, on payment of a "fair market price".

The repayments, quoted by ISIS Capital, are slightly higher than those of the other finance companies. However, as with the Western Australian Treasury Corporation, the Town would fully own the machines at the end of the term.

It is recommended that the Town purchases the ticket issuing machines via a loan, for a period of three (3) years. The loan will be for \$1,056,000 – being the capital cost of the equipment. The other costs for the tender will be secured from the Town's Operating Budget.

The following alternative funding options were not considered as these tenderers were not the recommended tenderer.

Details of these funding options are outlined below for information.

Duncan

Option 1 – Leasing Option	Price per quarter
60 months/20 quarters/0% Residual	\$59,095 (inc GST)
60 months/20 quarters/20% Residual	\$51,426 (inc GST)
84 months/28 quarters/0% Residual	\$46,006 (inc GST)
84 months/28 quarters/20% Residual	\$41,007 (inc GST)

Where there is no residual, the Town would own the machines with any residual payment. There is a lower lease repayment and a residual payment at the end of the period.

Option 2 Revenue Share/Performance Incentive Option

- Standard "Fee for Service Model"
- Upfront payment method model recommended supplier
- Partial upfront payment with revenue share
- No upfront payment with revenue share.

ITS

Lease Option

5 Year Term Option
60 months - \$17,582 per month

7 Year Term Option
84 months - \$13,554 per month

The Town of Vincent to own the equipment at the end of the period for the amount of \$1.

Wilson

Lease Option

60 months payments at \$19,586.07 at 12% interest exclusive of maintenance costs. Full details to be provided and negotiated if this is considered a desirable solution.

COMMENTS:

Of the seven (7) Tenders, the Tender from APARC, to supply, install, commission and maintain these ticket machines is considered to be the most cost effective, with the reliability of the machines being confirmed by a comprehensive maintenance agreement.

From investigations, the Town has established that Western Australian Treasury Corporation can provide the most cost effective funding option and this is therefore the recommendation of the Tender Evaluation Panel.

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

SUMMARY OF TENDERS

1. APARC - Parkeon

Total score:	87.19
Fee proposal:	<ul style="list-style-type: none"> • Lowest
Funding Option	<ul style="list-style-type: none"> • Not submitted as part of Tender
Company History:	<ul style="list-style-type: none"> • City of Fremantle - 31 machines purchased and installed in 2010 • City of Fremantle (2010) 190 machines ordered in December 2010 • City of Bunbury (2009/2010) 110 machines initially ordered and installed and subsequently, a further 22 machines ordered • City of Darwin (2010) in excess of 200 machines ordered and currently being installed
Company Viability:	<ul style="list-style-type: none"> • Long-established European company, with substantial installations throughout. • APARC is the Australian arm of the company • Viability is considered to be excellent
Company Experience and Expertise:	<ul style="list-style-type: none"> • Extensive in Europe • Extensive in the Eastern States • Substantial in WA
Project Team Experience and Expertise:	<ul style="list-style-type: none"> • Installations in Fremantle and in Bunbury, with both local governments providing excellent references.

1. APARC – Parkeon (continued)

Previous Projects in Western Australia and Australia:	<ul style="list-style-type: none"> • City of Fremantle - 221 machines • City of Bunbury - 132 machines • Extensive installations throughout Australia
Demonstrated methodology to deliver project on time and within budget:	<ul style="list-style-type: none"> • Methodology provided in Tender document was well documented and comprehensive.
Ability to provide high level of site management/finish/ industrial relations/ environmental protection and safety:	<ul style="list-style-type: none"> • Excellent references from both Fremantle and Bunbury
Reliability of Ticket Machines:	<ul style="list-style-type: none"> • Machines are extensively used in Europe, Eastern States and in WA, with no complaints about reliability
References and Referees' Comments:	<ul style="list-style-type: none"> • Excellent from both local governments in Fremantle and Bunbury

Comment:

The tender provided the lowest price. This tender was well documented and comprehensive. The company has previously performed well on other projects in WA. Accordingly, this tender is recommended.

2. Duncan Solutions

Total score:	81.19
Fee proposal:	<ul style="list-style-type: none"> • Ranked fourth for price
Funding Option	<ul style="list-style-type: none"> • Lease Finance <ul style="list-style-type: none"> ▪ 20 quarterly payments of \$59,095 (0% residual) ▪ 20 quarterly payments of \$51,426 (20% residual) ▪ 28 quarterly payments of \$46,006 (0% residual) ▪ 28 quarterly payments of \$41,077 (20% residual) • Revenue Share <ul style="list-style-type: none"> ▪ Duncan collects revenue, deducts an agreed amount and returns remainder to the Town.
Company History:	<ul style="list-style-type: none"> • Duncan Solutions was formed in 2005, from a merger of 5 parking and regulatory management companies. The City of Perth previously used Duncan "Parking Meters" in the 1980s.
Company Viability:	<ul style="list-style-type: none"> • While the current company, Duncan Solutions, is relatively new, the brand is well established in WA. • The company has engaged a number of senior personnel with extensive experience, both in the design and management of parking equipment, but also in the repair and maintenance of their products. • There is currently a WA office.
Company Experience and Expertise:	<ul style="list-style-type: none"> • Extensive installations in the City of Perth • Extensive installations in the Eastern States
Project Team Experience and Expertise:	<ul style="list-style-type: none"> • The project Team has extensive experience in this area.
Previous Projects in Western Australia and Australia:	<ul style="list-style-type: none"> • 450 machines in City of Perth • Installations in City of Swan • A number of large installations throughout Australia

2. Duncan Solutions (continued)

Demonstrated methodology to deliver project on time and within budget:	<ul style="list-style-type: none"> Methodology provided in Tender document was considered good
Ability to provide high level of site management/finish/industrial relations/environmental protection and safety:	<ul style="list-style-type: none"> The City of Perth undertook their own installations, so it was not possible to make this assessment for a City of Perth site. However, the City of Swan were satisfied with the work done by Duncan Solutions.
Reliability of Ticket Machines:	<ul style="list-style-type: none"> Machines are extensively used in Europe and in the Eastern States, with no known complaints about reliability
References and Referees' Comments:	<ul style="list-style-type: none"> Good references from the City of Perth and City of Swan

Comment:

While the tender provided the fourth lowest price, it was ranked second in the overall rankings. This tender was fairly well documented and comprehensive. The company has previously performed well on WA projects, however this tender is not recommended.

3. Parkonsult

Total score:	79.25
Fee proposal:	<ul style="list-style-type: none"> Ranked the second most expensive price
Funding Option	<ul style="list-style-type: none"> Not submitted as part of Tender
Company History:	<ul style="list-style-type: none"> Parkonsult is a local company, being based in Morley WA and was formed by a Maintenance Technician from the City of Perth. The company was awarded the Australian Agency for Cale (Australia) in November 2010, although it has been tendering, installing and maintaining installations in WA for a number of years.
Company Viability:	<ul style="list-style-type: none"> The viability of the company is excellent The company has substantially less staff than all of the other tenderers, so the overheads are kept low. There is currently a WA office.
Project Team Experience and Expertise:	<ul style="list-style-type: none"> The project Team has extensive experience in this area.
Previous Projects in Western Australia and Australia:	<ul style="list-style-type: none"> Town of Vincent City of Joondalup City of Subiaco City of South Perth
Demonstrated methodology to deliver project on time and within budget:	<ul style="list-style-type: none"> Methodology provided in Tender document was considered very good.
Ability to provide high level of site management/finish/industrial relations/environmental protection and safety:	<ul style="list-style-type: none"> The company already provides a good service to the Town of Vincent. The references from the City of Subiaco are excellent.
Reliability of Ticket Machines:	<ul style="list-style-type: none"> Machines are extensively used in Europe, in the Eastern States and in Western Australia, with very few complaints about reliability.

3. Parkonsult (continued)

References and Referees' Comments:	<ul style="list-style-type: none"> • Excellent from existing Western Australian local governments, including the Town of Vincent.
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Comment:

While the tender provided the second most expensive price for each machine, the Tender was ranked third in the overall ranking. This tender was very well documented and comprehensive. The company has previously performed well on Town projects. However, after careful assessment, this tender is not recommended.

4. Wilson/Hectronic

Total score:	76.75
Fee proposal:	<ul style="list-style-type: none"> • Ranked the most expensive price
Funding Option	<ul style="list-style-type: none"> • Lease Option - monthly payments of \$19,556.07 over 5 years @ 12%
Company History:	<ul style="list-style-type: none"> • Wilson Parking 1992 Pty Ltd is a wholly owned subsidiary of Wilson Parking Holdings Pty Ltd, which was incorporated in Singapore. • The Wilson group of companies is well experienced in parking management, car parks, parking technology and security and has provided extensive technology solutions throughout Australia, including WA.
Company Viability:	<ul style="list-style-type: none"> • As part of a very substantial global empire, the viability of Wilson Technology Solutions is not considered to be at risk. • The company head office is in Perth WA, with subsidiary offices in other capital cities.
Company Experience and Expertise:	<ul style="list-style-type: none"> • The company has a number of ticket machines installed and operating in the Town of Cambridge. • The company has around 20 machines installed in the City of South Perth, 12 of which were ordered and installed in 2009.
Project Team Experience and Expertise:	<ul style="list-style-type: none"> • The project Team has extensive experience in this area.
Previous Projects in Western Australia and Australia:	<ul style="list-style-type: none"> • A number of machines in the Town of Cambridge • A number of machines in the City of South Perth • Machines have also been installed in several locations in the Eastern States.
Demonstrated methodology to deliver project on time and within budget:	<ul style="list-style-type: none"> • Methodology provided in Tender document was considered fairly good.
Ability to provide high level of site management/finish/industrial relations/environmental protection and safety:	<ul style="list-style-type: none"> • References were good.
Reliability of Ticket Machines:	<ul style="list-style-type: none"> • From the references that were checked, the machines appear to be reliable, especially the most recent model.
References and Referees' Comments:	<ul style="list-style-type: none"> • References were good.

Comment:

The tender provided the most expensive price, but was ranked fourth in the overall ranking. This tender was well documented and comprehensive. The company has previously performed well on WA projects. After assessment, this tender is not recommended.

5. Integrated TS

Total score:	75.13
Fee proposal:	<ul style="list-style-type: none"> Ranked second for pricing.
Funding Option	<ul style="list-style-type: none"> Funding through Capital Finance Australia Ltd <ul style="list-style-type: none"> 60 months rental @ \$17,582 + GST 84 months rental @ \$13,554 +GST
Company History:	<ul style="list-style-type: none"> ITS was initially started to provide self-service technology maintenance for the ATM market and branched into the parking and ticketing solutions market about 12 years ago. It is now owned by Linfox/Armaguard.
Company Viability:	<ul style="list-style-type: none"> The company is a wholly Australia owned company and is backed by the Linfox/Armaguard group of companies. As a result, its viability is not considered to be at risk.
Company Experience and Expertise:	<ul style="list-style-type: none"> The company has experience in the supply and installation of ticket machines, predominantly in New Zealand, although there are a number of Eastern States locations. There are currently no WA installations
Project Team Experience and Expertise:	<ul style="list-style-type: none"> From the references and the information in Tender document, the Project Team appear well qualified.
Previous Projects in Western Australia and Australia:	<ul style="list-style-type: none"> Brisbane City Council City of Geelong - 250 machines Gold Coast City Council - 450 machines Extensive installations in New Zealand
Demonstrated methodology to deliver project on time and within budget:	<ul style="list-style-type: none"> Methodology provided in Tender document was considered fair, although many of the Tender criteria were not addressed. While the information was (generally) contained within the remainder of the document, it was a time consuming exercise to find and compare the information.
Ability to provide high level of site management/finish/industrial relations/environmental protection and safety:	<ul style="list-style-type: none"> References were good.
Reliability of Ticket Machines:	<ul style="list-style-type: none"> From the references provided, the machines appear reliable. However, when the Town's representatives were shown the machine, in Sydney, it did not perform well. The representative had difficulty in opening the lower door/drawer, containing the cash box and, had similar difficulties in closing the door/drawer. While this may have been a "one-off" anomaly, the machine was being displayed to the "experts" in the parking industry, so it should not have failed.
References and Referees' Comments:	<ul style="list-style-type: none"> The references were generally good. However, as mentioned above, the machine did not perform well when being demonstrated in Sydney.

Comment:

The tender provided the second lowest price, but was ranked fifth in the overall ranking. This tender was fairly well documented and fairly comprehensive. The company appears to have previously performed well on Australian projects. After assessment, this tender is not recommended.

6. Metric/TMA

Total score:	70.94
Fee proposal:	<ul style="list-style-type: none"> Ranked third in the pricing area, although they did not provide a quotation for EMV compliant credit card readers, so the price would increase by the cost of purchasing new readers.
Funding Option	<ul style="list-style-type: none"> Not submitted as part of Tender.
Company History:	<ul style="list-style-type: none"> The TMA group of companies that was formed to provide an equipment manufacturing, security and logistics business. The company has formed a partnership with Metric Pay and Display meters to provide a service to the Australian community.
Company Viability:	<ul style="list-style-type: none"> There is no reason to suggest that the viability of this company should be considered as being at any risk.
Company Experience and Expertise:	<ul style="list-style-type: none"> The company has provided services to a number of local authorities in the United Kingdom and has referred to installations in Switzerland and Malaysia, but has made no reference to any Australian installations.
Project Team Experience and Expertise:	<ul style="list-style-type: none"> The project Team are all based in Australia and appear to have extensive experience in the parking industry.
Previous Projects in Western Australia and Australia:	<ul style="list-style-type: none"> TMA are currently installing parking equipment at Perth Airport, including pay and display machines. From the information provided, pay and display machines are currently installed in Switzerland and Malaysia.
Demonstrated methodology to deliver project on time and within budget:	<ul style="list-style-type: none"> The provided methodology appears to be good.
Ability to provide high level of site management/finish/industrial relations/environmental protection and safety:	<ul style="list-style-type: none"> From the documentation provided, TMA can provide this service.
Reliability of Ticket Machines:	<ul style="list-style-type: none"> The machines appear to be reliable.
References and Referees' Comments:	<ul style="list-style-type: none"> The telephone numbers provided do not appear correct, so e-mails were sent. At this stage, no response has been received.

Comment:

The tender provided the third lowest price, but was ranked sixth in the overall ranking. This tender was fairly well documented and fairly comprehensive. The company does not appear to have engaged in any Australian projects. After assessment, this tender is not recommended.

7. CDS

Total score:	66.63
Fee proposal:	<ul style="list-style-type: none"> Ranked fifth for price.
Funding Option	<ul style="list-style-type: none"> Not submitted as part of Tender.
Company History:	<ul style="list-style-type: none"> CDS is a company that was formed in 1989 to provide electronic solutions for a wide range of industries.

7. CDS (continued)

Company Viability:	<ul style="list-style-type: none"> • Company appears viable.
Company Experience and Expertise:	<ul style="list-style-type: none"> • The company appears to have experience, although the referees provided were either not available, or the telephone numbers did not connect.
Project Team Experience and Expertise:	<ul style="list-style-type: none"> • Did not appear to be addressed.
Previous Projects in Western Australia and Australia:	<ul style="list-style-type: none"> • No projects were listed in WA. • References were provided for a number of locations, but none were contactable.
Demonstrated methodology to deliver project on time and within budget:	<ul style="list-style-type: none"> • The methodology appears to meet the criteria that the Town specified.
Ability to provide high level of site management/finish/industrial relations/environmental protection and safety:	<ul style="list-style-type: none"> • From the Tender document, it appears that CDS can provide this service.
Reliability of Ticket Machines:	<ul style="list-style-type: none"> • Unable to assess.
References and Referees' Comments:	<ul style="list-style-type: none"> • Unable to contact

Comment:

The tender provided the fifth lowest price, but was ranked seventh (the lowest) in the overall ranking. This tender was poorly documented and the information was either difficult to assess or not provided. The company appears to have previously performed well on Australian projects. After assessment, this tender is not recommended.

Summary

The recommended tenderer is a long established European Company, with its Australia Head Office located in Sydney. They have indicated that they will soon have an office in Western Australia, due to recently winning significant tenders with the City of Fremantle and City of Bunbury. They have substantial installations throughout Australia (e.g. Sydney, Darwin, Townsville and Waverly), including two major local governments in Western Australia. This will have the added benefit of ensuring that spare parts and after sale service will be of a high standard. The tender was well documented, comprehensive and excellent references and referee comments have been provided. The tenderer also provided the lowest cost to the Town and accordingly is recommended for approval by the Council.

9.4.1 Town of Vincent Review of Wards and Representation

Ward:	-	Date:	10 December 2010
Precinct:	-	File Ref:	ADM0095
Attachments:	001		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

- (i) *NOTES that no submissions were received from the public concerning the Review of the Town of Vincent Wards and Representation;*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to:*
 - (a) *ADOPT pursuant to Schedule 2.2(g) of the Local Government Act 1995, Option 1 as detailed in the Discussion Paper shown in Appendix 9.4.1 and electronic Attachment 001;*
 - (b) *RECOMMEND to the Local Government Advisory Board that the:*
 - (1) *Town of Vincent retain the two (2) current wards (North and South), as shown in Plan 2744-CP/01; and*
 - (2) *Councillor representation remain unchanged as four (4) Councillors for the North and South wards each; and*
- (iii) *ADVISES the Local Government Advisory Board of its decision.*

COUNCIL DECISION ITEM 9.4.1

Moved Cr Farrell, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

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

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

PURPOSE OF REPORT:

The purpose of the report is to advise the Council that no submissions were received and for the Council to approve of the Wards and Council Member representation, for lodgement with the Local Government Advisory Board.

BACKGROUND:

The Town of Vincent is required to undertake a statutory review of its ward system and its Councillor representation for each Ward in order to comply with Schedule 2.2 of the Local Government Act 1995.

At the Council meeting held on 12 October 2010, it was resolved as follows:

“That the Council;

- (i) APPROVES pursuant to Clause 6.1 of Schedule 2.2 of the Local Government Act 1995 to undertake a review of its Ward boundaries and number of Councillors for each Ward;*
- (ii) ADVERTISES the Discussion Paper as shown in Appendix 9.4.2 for statewide public comment for a period of six (6) weeks and the Council to consider any submissions received from the public; and*
- (iii) NOTES that a further report detailing submissions received and presenting a preferred option will be submitted to the Council at the conclusion of the public consultation period.”*

Previous Council Decision

This matter was report to the Ordinary Meeting of Council held on 14 May 2002 and, the Council resolved (in part) as follows:

“That the Council;

APPROVES BY AN ABSOLUTE MAJORITY, pursuant to Clause 9 of Schedule 2.2 of the Local Government Act 1995 to;

- (i) receive the submissions received from the public concerning the Review of Wards and Representation;*
- (ii) submit a report to the Local Government Advisory Board, proposing that;*
 - (a) the Town retain two Wards as shown in Map 3, Plan 2023.CP.03;*
 - (b) the Council supports changing the Ward names and that the community will be further consulted about alternative names;*
- (iii) advise the respondents accordingly; and*
- (iv) advise the Local Government Advisory Board with regard to representation, that;*
 - (a) the number of Councillors per Ward will remain unchanged (four (4) Councillors per Ward); and”*

The Town of Vincent was created on 1 July 1994 under the City of Perth Restructuring Act 1993. A review was last carried out from February-May 2002. In order to comply with the Local Government Act requirements, it will be necessary to carry out a review by 31 December 2010.

Current Situation

Currently the Town of Vincent has eight (8) Councillors elected from two (2) wards as follows:

Ward	Number of Electors	Number of Councillors	Councillor/Elector Ratio	% Ratio Deviation
North	9,649	4	1:2,412	1:2,412
South	10,287	4	1:2,572	1:2,572
TOTAL	19,936	8	1:2,492	1:2,492

(LGAB – October 2009)

Review Process

The review process involves a number of steps:

- Council to resolve to undertake the review – 12 October 2010;
- Public submission period opens – 19 October 2010;
- Information provided to the community for discussion – 19 October to 3 December 2010;
- Public submission period closes – 3 December 2010;
- Council considers all submissions and relevant factors and makes a decision – 21 December 2010;
- Council submits a report to the Local Government Advisory Board (the Board) for its consideration by 31 December 2010; and
- The Board submits a recommendation to the Minister for Local Government (if a change is proposed).

If the Minister approves any changes then these are required to be in place for the next ordinary election due to be held in October 2011.

DISCUSSION PAPER

A discussion paper has been prepared by the Chief Executive Officer and is attached as Appendix 9.4.1. It considers the following items:

1. Introduction

2. Factors to be considered

- Community of Interest
- Physical and Topographic Features
- Demographic Trends
- Economic Factors
- Ratio of Councillors to Electors in the Various Wards

3. Options to Consider

- Ward System – Advantages and Disadvantages

- Option 1 – Maintain Current Ward Boundaries – Refer to Map No. 1
- Option 2 – A slight amendment to the existing boundaries to make the ward elector numbers more equitable – Refer to Map No. 2
- Option 3 – Create three wards each represented by three Councillors
- Option 4 – Create four wards each represented by two Councillors
- Option 5 – No Wards

No Ward System – Advantages and Disadvantages

What happens if the current Wards are abolished?

Ward Names

4. Number of Elected Members

Previous Survey

Elected Members – Advantages and Disadvantages

- (i) The Existing Number of Elected Member Representation
- (ii) The number of electors and community members served by each Elected Member
- (iii) An increase in Elected Member workloads
- (iv) The potential savings from a reduction in the number of Elected Members
- (v) The diversity of the Town of Vincent community
- (vi) It will be easier for decisions to be made outside of formal meeting procedures
- (vii) An increased potential for control of a council by a small interest group

Conclusion – Recommended Number of Elected Members

5. Public Consultation and Submissions

Maps of the Wards are attached.

RECOMMENDATION FOR OPTION 1

RECOMMENDATION TO MAINTAIN CURRENT WARD BOUNDARIES – REFER TO MAP NO. 1

Community of Interest

Existing ward boundaries do not reflect any particular community of interest. The Town is only 11.3 square kilometres in size. Facilities located in the Town are used by all ratepayers and residents.

Physical and Topographic Features

The current Ward boundaries do not reflect any physical or topographic features. The Wards are separated by main roads.

Demographic Trends

The current Ward boundaries do not reflect any demographic trends.

Economic Factors

The current Ward boundaries do not reflect economic activities.

Ratio of Councillors to Electors

The current situation is as follows:

Ward	Number of Electors	Number of Councillors	Councillor/Elector Ratio
North	9,649	4	1:2,412
South	10,287	4	1:2,572
TOTAL	19,936	8	1:2,492

The percentage ratio deviation of 6.20% gives a clear indication of the percentage difference between the average councillor/elector ratio for the councillor/elector ratio for each ward. The percentage ratio deviation for both wards falls within the plus or minus 10% ratio recommended by the Minister and is therefore acceptable.

There are not significant differences between the ratios of councillors to electors between the two wards. The existing ratios are considered adequate, as no representation problems have been raised by Council Members or ratepayers.

ADVERTISING/CONSULTATION:

The Review of Wards and Representation was advertised pursuant to Schedule 2.2 of the Local Government Act 1995 on 19 October 2010 in the *Guardian Express* and 23 October 2010 in *The Perth Voice* newspapers.

A copy of the discussion paper was sent to all community/precinct and business groups for comment. It was displayed on the Town's web page and in the Vincent Library.

At the close of the public comment period on 3 December 2010, nil (0) submissions were received.

LEGAL IMPLICATIONS:

Schedule 2.2 of the Act requires local government with Wards to carry out review of the ward boundaries and the number of Councillors for each ward from time to time so that not more than eight years elapse between successive reviews. As the Town was created on 1 July 1994, a review is to be completed by mid 2002.

It is recommended that a report be submitted to the Local Government Advisory Board (LGAB) by 31 December 2010 in order to allow them adequate time to assess the Town's proposal before the next Ordinary Election to be held on 15 October 2011.

The LGAB considers that the number of electors in each ward should be as close as is practicable however, a balanced representation for the Elected Member representation is considered to be within plus or minus 10%.

The LGAB also recommends that the boundaries between each ward should be major or significant roads and, wherever practicable should not use minor streets, roads or laneways.

RISK MANAGEMENT CONSIDERATIONS:

The associated risk with not undertaking the review of ward boundaries and elected member representation is that the Council would not be complying with its legislative requirements. The Act allows the LGAB to request a local government to carry out a review of its representation at any time.

In accordance with clauses 10 and 11 of schedule 2.2 of the Act, where local governments do not review these matters, the LGAB may recommend the making of any order in relation to changes. The LGAB may recover the costs of any inquiries conducted for this purpose of the local government.

FINANCIAL IMPLICATIONS:

Nil, other than the statutory advertising costs.

STRATEGIC IMPLICATIONS:

Not applicable.

COMMENT:

The Town has utilised a two ward system (very similar to the current wards) since the creation of the Town on 1 July 1994. It has worked well and no complaints have ever been lodged with the Town.

In conclusion, and in considering the various Options and given that no foreseen benefit or advantages to residents or the administration of the Council would be derived from abolishing the current ward structure it is recommended that the current ward system remain (Refer Option 1).

It is also considered that as no submissions were received from individual ratepayers/residents from within the District, that there is general acceptance and support to maintain the existing two ward structure and Councillor representation.

Accordingly, the Council should approve the Officer Recommendation.

9.4.2 Certified Practising Accountants (CPA) 2011 International Public Sector Convention – Melbourne, Victoria 9 – 11 March 2011

Ward:	-	Date:	10 December 2010
Precinct:	-	File Ref:	ADM0031
Attachments:	001		
Reporting Officer:	M Rootsey, Director Corporate Services		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council AUTHORISES the Director Corporate Services and up to one (1) Council Member to attend the Certified Practising Accountant (CPA) International Public Sector Convention to be held in Melbourne, Victoria on 9 – 11 March 2011 at an estimated cost of \$3,568 each.

Moved Cr Topelberg, Seconded Cr Burns

That the recommendation be adopted.

The Presiding Member, Mayor Nick Catania called for nominations.

No nominations were received.

MOTION PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 9.4.2

That the Council AUTHORISES the Director Corporate Services to attend the Certified Practising Accountant (CPA) International Public Sector Convention to be held in Melbourne, Victoria on 9 – 11 March 2011 at an estimated cost of \$3,568.

PURPOSE OF REPORT:

The purpose of the report is to obtain approval for the Director Corporate Services to attend the CPA 2011 international Public Sector Convention to be held in Melbourne, Victoria on 9 – 11 March 2011.

BACKGROUND:

The International Public Sector Convention is a biennial event that will provide an insight into the opportunities and challenges critical to the delivery of outcomes in the Public Sector. It will also be invitation to discover and learn solutions to tackle a diverse range of public sector issues.

The public sector landscape and outlook continues to evolve and be responsive to community expectations and demands. With the continuing impact of an ageing population, environmental and social pressures and uncertain global outlook the public sector must be responding to emerging social demands.

The 2011 International Public Sector Convention will provide information on the future trends and opportunities to add value in the roles as public sector finance professionals.

The event features an exceptional line of international and national speakers who will speak on a diverse range of topics essential to the development of the public sector.

The Keynote addresses at the convention include the following topics:

- Improving efficiency across the public sector;
- Powering ideas – public sector innovation;
- Finding efficiencies through procurement – a UK perspective;
- The long and winding road to governmental financial transparency;
- Public sector performance – the New Zealand experience;
- Public sector governance – Scottish model; and
- Panel discussion: Global economy for 2011 and beyond.

There are thirty (30) concurrent sessions, topics include:

- Integrity – managing the perception;
- Where public and private sectors coverage, the impact of corruption of public officials and corporations;
- Managing change in the public sector – service delivery reform;
- Performance auditing – health checks for public sector organisations;
- Reform of Australian Government Administration – what next?;
- A practical approach to risk management; and
- Sustainability and eco-literacy – essential risk management strategies for the coming turbulent year.

As can be seen the Convention will cover a wide range of financial and management issues related to the Public Sector. Many of which will have implications for the Town of Vincent both now and in the future.

This is a significant international event for the finance professionals in the public sector. The Director Corporate Services is a qualified Certified Practising Accountant (CPA) and as such is required to complete a required number of professional developments hours in a year. The attendance at this Convention would make a significant contribution to the required hours.

It is also a major opportunity to network with other finance professionals in the public sector.

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

As per Council Policy 4.1.15, Conferences - Attendance, Clause 1.1(i) states:

- “(i) *When it is considered desirable that the Town of Vincent be represented at an interstate conference, up to a maximum of one Council Member and one Employee may normally attend, unless otherwise approved by the Council;*
- (ii) *In certain circumstances (for example where the Conference is of a technical nature) the Chief Executive Officer may recommend that two (2) Employees attend. In this instance, the Chief Executive Officer will specify reasons in the report to the Council.”*

Previous Attendance

The Director Corporate Services Contract of Employment entitles the Director Corporate Services to attend one inter-state conference per annum.

The Town has previously attended the National Public Sector Convention held in Sydney in 2009 and Adelaide in 2007.

STRATEGIC IMPLICATIONS:

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

Key Result Area One: *Leadership, Governance and Management:*
"4.2.5 Enhance knowledge management".

SUSTAINABILITY IMPLICATIONS:

N/A.

FINANCIAL/BUDGET IMPLICATIONS:

	Costs
Conference Registration*	\$1,840
Accommodation (4 nights)	\$800
Airfare (economy class)	\$500
Expenses allowance (4 days) (\$107 per day)	\$428
	<hr/>
	\$3,568

* *Early Bird Registration before 28 January 2011, CPA Member cost. The non-member cost is \$2,208.*

COMMENTS:

The National Public Sector Convention is major event for the finance professionals in the Public Sector. The line up of speaker is of the highest quality and with a wide range of topics to be covered it will be most beneficial for the Director Corporate Services to attend this Convention.

The Director Corporate Services is a Certified Practising Accountant (CPA). He will benefit from attendance at the convention from the knowledge obtained on the current and future financial issues and trends in the public sector.

Accordingly, the Chief Executive Officer supports the attendance of the Director Corporate Services at this Convention.

It is recommended that approval be granted for the Director Corporate Services and up to one (1) Council Member (if a nomination is received) to attend the CPA National Public Sector Convention to be held in Melbourne, Victoria on 9 – 11 March 2011.

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 Notice of Motion – Cr Sally Lake and Cr Joshua Topelberg – Request to Investigate the formation of a Local History Advisory Group

That the Council REQUESTS the Chief Executive Officer to:

- (i) investigate and report on the formation of a Local History Advisory Group; and*
- (ii) develop Terms of Reference for the proposed Group that includes the following key elements;*
 - (a) membership of the Group;*
 - (b) terms of office for the Group;*
 - (c) meeting procedures for the Group; and*
 - (d) objectives and functions of the Group.*

COUNCIL DECISION ITEM 10.1

Moved Cr Lake, Seconded Cr Topelberg

That the Motion be adopted.

Debate ensued.

MOTION PUT AND CARRIED (9-0)

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

Nil.

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

PROCEDURAL MOTION

At 9.58pm **Moved Cr Farrell, Seconded Cr Topelberg**

That Council proceed “behind closed doors” to consider confidential item 14.1, as this matter relates to the personal affairs of a person.

PROCEDURAL MOTION PUT AND CARRIED (9-0)

There were no members of the public present. There was one (1) journalists present, who departed the Chamber at 9.58pm.

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

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

14.1 Confidential Report - Premier's Australia Day Active Citizenship Awards - Nominations for 2011

Ward:	Both	Date:	10 December 2010
Precinct:	All	File Ref:	CVC0036
Attachments:	-		
Reporting Officer:	N Greaves, John Giorgi		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

- (i) ***SUPPORTS the nomination of:***
- (a) ******** for the Premier's Australia Day Active Citizenship Award for services to the Vincent community as outlined in the report; and***
 - (b) ******** for the Premier's Australia Day Active Citizenship Award in the category for a “Community Group or Event”, as outlined in the report;***

(iii) *NOTES that:*

- (a) *no nominations were received for the category of "A Person Under 25 years"; and*
- (b) *the Awards will be presented at the Town of Vincent Australia Day Event in January 2011; and*

(iv) *FORWARDS these nominations to the Australia Day Council of Western Australia for consideration.*

*(Note: ***** Information is confidential, as it relates to the personal affairs of a person.)*

COUNCIL DECISION ITEM 14.1

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

The Council expressed disappointment that again no nominations were received for the Category of "A person under 25 years". It requested the Council's Youth Committee to consider this matter for next year's Awards. The Presiding Member asked Councillors to also consider the matter and put forward suggestions for next year.

MOTION PUT AND CARRIED (9-0)

PURPOSE OF REPORT:

The purpose of the report is for Council to approve of nominations received for the Premier's Australia Day Active Citizenship Awards 2011, for submission to the Australia Day Council for approval.

DETAILS:

In October 2010 the Australia Day Council of Western Australia wrote to the Town advising of the Premier's Australia Day Active Citizenship Awards. The Awards foster, recognise and celebrate significant contributions to community life and active citizenship in all local government areas of Western Australia.

Guidelines and Criteria

Each year two local citizens and one local community group in each local government area are eligible for this Award. Only one nomination in each category can be forwarded to the Australia Day Council for consideration.

The recipients are selected from people and groups who have made a noteworthy contribution during the current year, or given outstanding service to the local community over a number of years through active involvement.

Categories

Awards are presented in following categories:

- Premier's Australia Day Active Citizenship Award
- Premier's Australia Day Active Citizenship Award for a person under 25 years
- Premier's Australia Day Active Citizenship Award for a community group or event.

Selection Criteria

The winners will have been judged to have shown active citizenship and:

- Significant contribution to the local community.
- Demonstrated leadership on a community issue resulting in the enhancement of community life.
- A significant initiative which has brought about positive change and added value to community life.
- Inspiring qualities as a role model for the community.

Eligibility Criteria

- Nominees should reside or work principally within the local authority.
- Awards will not be granted posthumously.
- Groups of people or couples will not normally be eligible except when meeting the criteria for a community group.
- A person cannot receive the same award twice, but can be considered for another award.
- Unsuccessful nominees may be nominated in future years.
- Sitting members of State, Federal and Local Government are not eligible.

Judging Process

All category winners of the Premier's Australia Day Active Citizenship Awards will be selected from nominations received from the community, local government or its appointed committee.

The Australia Day Council judging panel will be made up of representatives from the local government and the local community.

These prestigious awards are only available to one recipient in each category in each year. Where local government represents more than one district or town, awards may be made to one winner from each category in each centre.

The judge's decision will be final and no correspondence will be entered into by the Australia Day Council of Western Australia.

Nominations

This information is confidential, as it relates to the personal affairs of an individual.

ADVERTISING/CONSULTATION:

In October 2010 a call for nominations was advertised in the local papers, on the website and through letters to precinct and community groups and all schools in the Town. By the close of nominations on 26 November 2010, two (2) nominations were received. One (1) was for the category of "*Citizenship Award*" (for a person of 25 years or older) and one (1) was for the category of "*Community Group or Event*". No nominations were received for the category for a "*person under 25 years*".

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

LEGAL IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Strategic Plan 2009-2014 – Community Development Objective 3.1.1 – “*Celebrate and acknowledge the Town's cultural and social diversity*”.

SUSTAINABILITY IMPLICATIONS:

Nil.

COMMENTS:

Previous recipients for the Award:

YEAR	INDIVIDUAL OVER 25 YEARS	INDIVIDUAL UNDER 25 YEARS	GROUP
2003	Sally Lake	Nil nominations	-
2004	Cosi Schirrupa	Nil nominations	-
2005	Despina Kalafatas	Nil nominations	Rotary Club of North Perth
2006	Tan-Kiet Le	Nil nominations	The Palmerston Association
2007	Kay Raymond	Nil nominations	The Honour Avenue Group
2008	Doris Maroochi	Nil nominations	Cardinals Junior Football Club
2009	Vasil Cigulev	Nil Nominations	Association for Services to Torture and Trauma Survivors Inc (ASeTTS)
2010	Barbara Wood	Nil Nominations	Northshore SES Unit

The Award is recognition of a community member's service to the community, fostering community spirit and pride. Accordingly, it is recommended that the nominations be forwarded to the Australia Day Council of Western Australia for consideration.

PROCEDURAL MOTION

At 10.12pm **Moved Cr Topelberg, Seconded Cr Buckels**

That Council resume an “open meeting”.

PROCEDURAL MOTION PUT AND CARRIED (9-0)

15. CLOSURE

There being no further business, the Presiding Member, Mayor Nick Catania, declared the meeting closed at 10.12pm 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

No members of the Public were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 21 December 2010.

Signed:Presiding Member
Mayor Nick Catania

Dated this day of 2011