



**CITY OF VINCENT**

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# MINUTES

**23 AUGUST 2011**

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

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

1. Peter Simpson of TPG 182 St Georges Terrace – Item 9.1.5 Stated the following:
  - Representing the owners of 248-262 Lord Street, in support of the Officer's recommendation.
  - The proposed development will be a catalyst for the redevelopment of this precinct, from large industrial type uses to a mixed use inner city precinct.
  - As part of the process, the land owner has been working with the local Precinct Group in support of their actions regarding the concrete batching plants and sees the proposed development contributing in this regard through residential development.
  - Believes the scale of development is appropriate for a number of reasons;
    - strategic corner site opposite nib Stadium;
    - large site capable of accommodating the development proposed;
    - development responds to the slope of the land in terms of the two (2) storey variation between Summers and Coolgardie Street;
    - the surrounding properties are all commercial and the development has been mindful of the potential for future residential uses and future mixed uses in the area;
    - includes ground street level frontages to provide a pedestrian scale; and
    - the design in two (2) separate building elements responds to the site and provides separation in built form.
  - In summary considers this an important development for the City of Vincent as a catalyst for the development of the precinct that has largely been ignored by the previous authorities responsible for the area, will assist with ongoing land use conflict resolution and seeks the Council's support for the proposed development.
2. Jason Hunt of 14 Mansard Road, Willetton – Item 9.1.7 Stated the following:
  - Attended the meeting to advise the Council that he is available for additional comment on the item if required.
3. Eleanor Richards of TPG 182 St Georges Terrace, Perth – Item 9.1.4 Stated the following:
  - Has been working with the Council staff and fully supports the Officer recommendation.
4. Lindy Marks of 8 Chelmsford Road – Item 9.1.1 Stated the following:
  - Recommending refusal of the item.
  - There is no need for these consulting rooms, as she believes there is an oversupply in the area already.
  - The application is non-conforming in a number of respects; no residential component, issues with parking, traffic and security and believes this is because too much has tried to be put into too little space in an inappropriate location.
  - Even though the plan has been amended by the Councillors and the Applicant to reduce the impact of the issues, still believes there is no need for the consulting rooms.
  - In the instance it is approved, would like to ask something in relation to signage because there is no residential component and as her house will be facing an unoccupied building every night, assumes that the clients are through referral only and there is no need to send signal to all and sundry that it is no longer residential and also no need to signal the business hours.
  - If the application is approved would like to ask for no signage at the front of the building, except a street number.

5. Dr Pitcher – address withheld for privacy reasons – Item 9.1.1. Stated the following:
- Supporting the item.
  - Uniquely positioned property that completely abuts commercial property and is delineated from the residential area by a right – of – way.
  - Believes it is a low impact use and prior to and following the submission of the initial application has been working closely with the Council to try to ensure that all proposal's met engineering and technical requirements and was capable of being approved under the Council Policy.
  - Council is looking at a set of conditions that will provide an effective management of the business activity and keep it to a low volume nature.
  - Comfortable with the conditions and also comfortable with any further amendments that the Council may deem appropriate to ensure that impact of the area remains low.
  - Furthermore as the written submissions to Council have detailed face to face client contact is only one aspect of the consulting practice, many hours are devoted to report writing, follow up calls, research and professional development.
  - This effectively means that actual appointments will be significantly less than the figure stated in the Agenda as the maximum possible appointment opportunities.
  - There is a dearth of psychologists around for the Early Childhood years.
  - Given the nature of the practice and the need for a welcoming homely appeal, this site is suitably located for this type of a use, particularly for the family orientated service that they are looking to deliver.
  - In conclusion, the investment in and improvements to the property result in an enhanced residential appeal and streetscape and the low key family friendly nature of the service will have negligible effect on the residential area.
  - Taken on board the issues raised by the neighbour in regards to signage and will be looking into security alarms and lighting to act as a deterrent to any anti social behaviour.

**Cr Burns entered the meeting at 6.14pm.**

6. James Taylor of 6 Chelmsford Road, Mt Lawley – Item 9.1.1 Stated the following:
- Opposed to the proposal.
  - Believes it is not an ideal site, unlike what was stated by the previous speaker.
  - No need for the consulting rooms in this area, there are other consulting rooms nearby that remain vacant.
  - Raised the issue of parking, and even if the amendments to the parking situation go through, there will still be an issue of cash in lieu. Quoted from the Cash in Lieu Policy 3.7.1 "it is not to be seen as replacing the developers responsibility to provide onsite parking, but rather as a mechanism to enable otherwise desirable developments to proceed."
  - Doesn't see how this could be seen as desirable when there is no critical need for the consulting rooms.
  - Final request is for the Council to refuse the application.
7. Steve Allarding, Town Planning Consultant of 125 Hammersley Road Subiaco – Item 9.1.1 Stated the following:
- In favour of the Recommendation to support the item.
  - At the last meeting it was his impression that the Councillors empathised with the application with support through the rejection of the Officer's recommendation for refusal.
  - Thought the key issue was that Council needed to seek clarity over the ability to ensure the use would remain at its proposed scale and that it wouldn't be subject to conversion to a higher intensity consulting room use in the future by way of imposing conditions.

- Second issue that arose in relation to that was the restraint of trade issue that was brought up by the Chief Executive Officer. Pleased to note that the restraint of trade issue appears to have completely fallen away, with the confirmation that the conditions wouldn't be in any way a restraint of trade.
  - As mentioned by Dr Pitcher, she is happy to accept the recommended conditions to provide comfort to both the Council and the Public to ensure the use will remain low intensity and low impact use.
  - Will provide a valuable service and amenity to the community as Dr Pitcher has previously explained.
  - It is contrary to a prior speaker, relevant to consider the location of what is essentially an island lot surrounded on all sides by District and Commercial centre zoning and separated from any residential properties by Right – of – Way.
  - However, this proposal retains the sites residential character by retaining and upgrading the existing dwelling rather than demolishing it, which was one of the suggestions made at the last meeting.
  - In preparing the application and in writing to Council to offer the conditions the applicant has always understood the need to ensure the protection of the amenity of the residents was significant, that remains the case.
  - The application needs to be considered in the context of the intensity of the use, the use doesn't generate noise, doesn't generate light or any other externalities that would have any undue or adverse affects on the amenity of the area.
  - As a consequence of the condition the new condition requiring one consultancy per hour, ensures that traffic will be completely limited to a maximum number of client vehicles of 3 per hour which is quite insignificant but it is also likely to be significantly less than that for the reasons explained by Dr Pitcher on the operation of the facility.
  - In closing Seeks Council support.
8. Daniel Macaulay of 6 Chelmsford Road, Mt Lawley – Item 9.1.1 Stated the following:
- Has concerns with people talking about the buffer zones, if you look at the site from the perspective of 6 Chelmsford Road, it does have a mixed commercial use and quite a big residential component to the proposed commercial area next to it, then a lane way, then a residential house, therefore it is not bound by just a commercial area on its own.
  - Concerns that it is being transitioned into a commercial venture, working in the Medical field he does agree that there is a dearth of psychologists in the important area of the Early Years, however doesn't feel that there is a need for psychologists within this area.
  - Main concern is it is turning from a residential area into a commercial area.
9. Matt Selby of 19/432 Beaufort Street Mt Lawley – Item 9.1.1 Stated the following:
- Thanked the Council for the last two (2) weeks to consider this matter.
  - He believes the application is not compliant with Council's Policies.
  - Consulting room Policy fails on many counts, no residential component, does affect the residential amenity and to claim that the application is low impact is fanciful.
  - The fact that there is six (6) vehicle movements per hour throughout the course of operation and with early morning starts, late night finishes and all day Saturday seems excessive, so to say it is low impact, doesn't generate any noise, doesn't conflict with residents is completely wrong.
  - Feels the Council should acknowledge the local community who know the area best and who strongly oppose this, which is also demonstrated through a petition.
  - Parking planned for the item is inadequate and it will result in the residents transforming into a carpark from both residential point of view and from a streetscape point of view.

- As has been previously pointed out there is no service need and thinks the best people to point out whether a service is needed is through the community and in this case it is obvious they have said there isn't, including people with young children.
  - Believes the application will dramatically affect the quality of life and residential amenity that he and his wife expected for the area.
  - Question to Councillors; if this was on your street and your neighbours were strongly opposed would you support it?
10. Rod Gundry of Leederville IGA – Item 9.1.10 Stated the following:
- In particular sections one (1) and two (2) specifically point 1.2 and 2.2
  - Referred to his email that was sent through Monday 22 August 2011, in respect of changes to the Frame Court and Avenue carpark, in particular about the Water Corporation parking being moved from Frame Court to the Avenue.
  - Numerous customers and visitors to Leederville are driving around with a number of accidents nearly occurring.
  - Agrees with the Amended Agenda, which he has discussed with the Chief Executive Officer, in reference to moving Frame Court back to full time apart from fifteen (15) bays. Then having long term at the South end of the Avenue, then the two (2) hour short term with a one (1) hour free time at that end.
  - Spoken with a number of customers and visitors to the 'Oxford Precinct' and they believe it is impossible to be able to get in and out of the vicinity within the half (½) hour time frame.
  - Having the half (½) hour time will drive people out of the precinct, knows that we need to control parking but doesn't feel this will encourage people to the precinct.
  - Feels going with the proposal of the one (1) hour free at the northern end will be essential and benefit the City.
11. Agnes Gould of Giardini Restaurant, Leederville – Item 9.1.10 Stated the following:
- Supports the previous speaker's comments in relation to the car parking.
  - Would also like to add that she knows the parking meters are going to stay, has no issue with that however the employees haven't been taken into consideration with the proposal.
  - Although permits can be purchased, they are only valid from Monday – Friday 8am - 6pm. Giardini and most of the other hospitality venues work 7 days a week with many of their hours outside of the permit timeframe.
  - Her staff received the Award pay increase at 1 July 2011 however, currently it is all being spent on parking fees.
  - Asks the Council for consideration on how to better accommodate the employees within this situation.
12. Jason Collins of 18 Henry Lawson Walk, East Perth – Item 9.1.2 Stated the following:
- Here on behalf of Ian Collins Homes for the development at Melrose Street and has attended the meeting to advise the Council that he is available for additional comment on the item if required.

There being no further speakers, Public Question Time closed at approx. 6.25pm.

**(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

The Chief Executive Officer read out the following;

5.1 Received from Mr J Taylor on behalf of concerned local residents and property owners. 21 signatures received opposing Change of Use application for 7 Chelmsford Road, Mount Lawley.

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

5.2 Received from Mr S Edwards on behalf of property owners, residents and business owners. 27 signatures received opposing proposed development application for Eight storey, 80 unit site at No. 394-398 Newcastle Street, West Perth.

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

**Moved Cr Buckels, Seconded Cr Lake**

**That the petitions be received as recommended.**

**CARRIED UNANIMOUSLY (8-0)**

**(Cr Harvey was on approved leave of absence.)**

## 6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Meeting of Council held on 9 August.

**Moved Cr Farrell, Seconded Cr Burns**

**That the Minutes of the Ordinary Meeting of Council held 9 August 2011 be confirmed as a true and correct record.**

**CARRIED UNANIMOUSLY (8-0)**

**(Cr Harvey was on approved leave of absence.)**

## 7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

### 7.1 HYDE PARK LAKES RESTORATION PROJECT

As you may be aware, several months ago I advised the Council that Councillor Warren McGrath, Chief Executive Officer, John Giorgi, Director Technical Services, Rick Lotznicker and I met with the Minister for Environment; Water, the Hon Bill Marmion, MLA concerning the Hyde Park Lakes Restoration Project.

At this meeting, the matter of funding was discussed and I am pleased to advise that as a result of our deputation, the Minister has approved of additional funding of up to \$50,000 to be made available as a contribution to the monitoring of the soil and ground water quality during the remediation process.

This \$50,000 is in addition to the \$60,000 previously approved by the State Government.

Thank you to all involved.

### 7.2 BEATTY PARK LEISURE CENTRE REDEVELOPMENT PROJECT

I am pleased to advise that the Premier, the Hon Colin Barnett, MLA and Minister for Sport and Recreation, the Hon attended at the Beatty Park Leisure Centre earlier today to deliver the State Government's confirmation letter concerning a

lump sum payment of \$5 million to the City, as a result of the negotiations for the long term lease of nib Stadium.

The Premier reiterated the State Government's support to the City to improve its public infrastructure and amenity.

**7.3 ITEM 9.4.6 - BEATTY PARK LEISURE CENTRE REDEVELOPMENT PROJECT**

I wish to advise that the City's Quantity Surveyor will be attending the Council Meeting after 8.30pm tonight (as he was unavailable any earlier due to a prior commitment) to provide advice to the Council and to respond to any questions about the project tender costings.

**7.4 CIVIC FUNCTION**

I am pleased to advise that a Civic Function was held on Friday 19 August 2011 for the Proclamation of the City of Vincent and was attended by His Excellency Mr Malcolm McCusker, Governor of Western Australia, the Hon Liz Behjat, MLC representing the Premier and Mr Paul Papalia, MLA representing the Leader of the Opposition.

Congratulations to all involved for a most successful function.

**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 City 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 City has investment shares.
- 8.3 Cr Burns declared an Impartiality interest in Item 9.3.5 – Festivals Programme 2011/2012 and Item 9.4.3 Festivals Policy. The extent of her interest being that her husband is a director and they are both shareholders (as trustee's) of a company that owns a business and holds the leasehold in a property at 560 Beaufort Street, Mt Lawley. Also her mother is the Treasurer of the Beaufort Street Network, however she is not on the Beaufort Street Festival Management Committee.
- 8.4 Cr Buckels declared a Financial interest in Item 9.1.8 – Department of Planning – Capital City Planning Framework. The extent of his interest being that he is employed by the Department of Planning.
- 8.5 Cr Topelberg declared an Impartiality interest in Item 9.2.3 – Proposed Streetscape Improvement 'Concept' for Washing lane, Perth and request for 'temporary' road closure of the Lane during the building phase for the adjoining Lot Nos. 551 to 562 William Street. The extent of his interest being his family owns a property at 346 William Street which is located in the vicinity of Washing Lane. The property is also his primary place of business.
- 8.6 Cr Topelberg declared an Impartiality interest in Item 9.3.5 – Festivals Programme 2011/2012. The extent of his interest being his family owns a property at 346 William Street which is located within the proposed William Street Festival area. The property is also his primary place of business.
- 8.7 Cr McGrath declared a Proximity interest in Item 9.2.1 - Proposed Extension of Perth Bicycle Network, On Road Cycle Lanes, and other improvements on Palmerston Street between Randall Street and Stuart Street, Perth – Further Report. The extent of his interest being he owns a property and resides at Palmerston Street, immediately adjacent to the proposal.

- 8.8 Cr McGrath declared an Impartiality interest in Item 9.2.3 - Proposed Streetscape Improvement 'Concept' for Washing lane, Perth and request for 'temporary' road closure of the Lane during the building phase for the adjoining Lot Nos. 551 to 562 William Street. The extent of his interest being the company he works for, Eco Logical Australia, has a contract for an unrelated project with Hassell Consulting who have been engaged by the subject developer to act as Project Architects.
- 8.9 All Councillors have declared a Financial interest in Item 9.4.4 – City of Vincent Policy No. 4.2.8 – Council Members – Acknowledgement of Service and Purchase of Retirement Gift. The extent being it relates to them serving as Councillors. The Chief Executive Officer provided a letter from Department of Local Government allowing the Councillors to participate in discussion and debate on the item.
- 8.10 The Chief Executive Officer declared an Impartiality Interest in Item 9.2.4 – Tender 431/11 – Appointment of Approved Maintenance Contractors. The extent of his interest being he has a professional relationship with a number of the maintenance contractors who are recommended in the tender as they currently carry out contract work for the City.
- 8.11 The Chief Executive Officer declared an Impartiality Interest in Item 9.4.6 – Beatty Park Leisure Centre Redevelopment and Approval of Tenders. The extent of his interest being he has a professional relationship with Perkins Builders as they have previously carried out construction work for the City.
- 8.12 The Chief Executive Officer declared an Impartiality Interest in Item 9.1.1 – Proposed Development Application for 7 Chelmsford Road, Mt Lawley. The extent of his interest being he is now aware that a resident who resides in Chelmsford Rd and a Business proprietor who operates a professional practice in Chelmsford Rd, in close proximity to Number 7, spoke against the Development Application at the Council meeting held on 26 July 2011.

The resident is a former employee of the City, who resigned in October 2005 and the Business Proprietor is a very infrequent social acquaintance whom he met through the local primary school, where his children attended many years ago.

Mr Giorgi disclosed and stated;

1. I have not had any contact whatsoever with the former employee since they resigned in October 2005 and have only briefly met this person once since 2005, at a social function several years ago.
2. I have had very minimal social contact with the business proprietor and only meet approx once per year at a social function arranged by mutual friends,- the last being at a wedding of mutual friends, in early 2011.
3. Neither the former employee nor the Business proprietor have previously discussed this Development application with me in any capacity whatsoever.
4. I did not have any involvement with the preparation of the Agenda report considered at the Ordinary meeting of Council held on 26 July 2011 nor the subsequent obtaining of legal advice about the power of the City to impose conditions concerning hours of trade.
5. I have not had any discussion with the Reporting Planning Officer, the Manager- Planning and Building Services or the Director – Development Services, concerning this matter prior to the compilation of the previous or current report.
6. I did not have any involvement in the preparation of this report, other than my normal review of the report as part of the compilation of the Agenda.

At 6.46pm Cr McGrath departed the Chamber whilst his request concerning his declaration of interest was being considered.

**Moved Cr Burns, Seconded Cr Lake**

That Cr McGrath's request to participate in debate in Item 9.2.1 – Proposed Extension of Perth Bicycle Network, On Road Cycle Lanes, and other improvements on Palmerston Street between Randall Street and Stuart Street, Perth – Further Report., be approved.

**CARRIED UNANIMOUSLY (7-0)**

(Cr McGrath was absent from the Chamber and did not vote. Cr Harvey was on approved leave of absence.)

Cr McGrath returned to the Chamber at 6.48pm. The Presiding Member, Mayor Nick Catania advised Cr McGrath that his request was approved (7-0).

**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 9.1.5, 9.1.7, 9.1.4, 9.1.1, 9.1.10 and 9.1.2.

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

Item 9.1.2, 9.1.3, 9.1.10, 9.4.1, 9.4.3 and 9.4.4.

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

Items 9.1.8, 9.2.1, 9.3.1 and 9.4.4.

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	Nil.
Cr Topelberg	Items 9.3.5 and 9.4.6
Cr Buckels	Nil.
Cr McGrath	Item 9.4.3
Cr Lake	Nil.
Cr Burns	Nil.
Cr Maier	Items 9.1.6, 9.1.8, and 9.3.3.
Mayor Catania	Nil.

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

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

Items 9.1.9, 9.2.2, 9.2.3, 9.2.4, 9.3.2, 9.3.4, 9.4.2, 9.4.5 and 9.4.7.

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

Nil.

**New Order of Business:**

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

**(a) Unopposed items moved *En Bloc*;**

Items 9.1.9, 9.2.2, 9.2.3, 9.2.4, 9.3.2, 9.3.4, 9.4.2, 9.4.5 and 9.4.7.

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

Items 9.1.5, 9.1.7, 9.1.4, 9.1.1, 9.1.10 and 9.1.2.

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

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

**ITEMS APPROVED "EN BLOC":**

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

**Moved Cr Lake Seconded Cr Buckels**

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

**Items 9.1.9, 9.2.2, 9.2.3, 9.2.4, 9.3.2, 9.3.4, 9.4.2, 9.4.5 and 9.4.7.**

**CARRIED UNANIMOUSLY (8-0)**

**(Cr Harvey was on approved leave of absence.)**

**9.1.9 Further Report – Amendment No. 79 to Planning and Building Policies – Policy No. 3.5.6 relating to Telecommunication Facilities**

<b>Ward:</b>	Both	<b>Date:</b>	27 July 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	PLA0001
<b>Attachments:</b>	<a href="#">001</a> – Draft Amended Policy No. 3.5.6		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Fox, Planning Officer (Strategic)		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **AUTHORISES** the Chief Executive Officer to advertise the Draft Amended Policy No. 3.5.6 – relating to Telecommunication Facilities for public comment, in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1; and
2. **After the expiry of the period for submissions:**
  - 2.1 **REVIEWS** the Draft Amended Policy No. 3.5.6 relating to Telecommunication Facilities, having regard to any written submissions received; and
  - 2.2 **DETERMINES** to proceed with, or not to proceed with, the Draft Policy No. 3.5.6 – relating to Telecommunication Facilities, with or without amendment.

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**COUNCIL DECISION ITEM 9.1.9**

**Moved Cr Lake, Seconded Cr Buckels**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)**

**(Cr Harvey was on approved leave of absence.)**

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**FURTHER REPORT:**

At its Ordinary Meeting held on 28 June 2011, the Council resolved the following in relation to the draft Policy No. 3.5.6 relating to Telecommunication Facilities:

*“That the item be DEFERRED for further clarification and for the Town’s Administration to simplify the draft Policy.”*

In order to satisfy the requirements of the above resolution, the City’s Officers have further considered and amended the draft Policy. Additional clarification and comment is presented in the following sections:

1. Clarification of the difference between low-impact and non low-impact facilities;
2. Further consideration of consultation requirements for low-impact facilities;
3. Preferred location of low-impact facilities;
4. Clarification of 300 metre exclusion zone;
5. Further consideration of clauses relating to ‘sensitive uses’;
6. Consultation requirements for Non Low-impact Facilities; and

7. Further Officer comments.

**1. Clarification of the difference between low-impact and non low-impact facilities**

In reviewing the audio recording of the Ordinary Meeting of the Council held on 28 June 2011, it was evident that further clarification on the difference between a low-impact facility and a non low-impact facility, in particular in relation to Electromagnetic Radiation Emissions (EME) and health impacts, is required.

Low-impact facilities are defined by reference to the **type** of facility that is proposed and **where** it is proposed to be installed. In accordance with the *Telecommunications (low-impact) Determination 1997*, the following facilities are low-impact if constructed in a rural, industrial, commercial or residential area:

- (a) Radio communications dish up to a maximum of 1.2 metres diameter;
- (b) Flush-mounted panel antenna;
- (c) Satellite terminal antenna up to 1.2 metres in diameter protruding not more than 3 metres from the structure to which it is affixed;
- (d) Antennas designed to provide coverage only within the building on which they are located;
- (e) Co-located facilities up to a certain size installed within an existing facility or on a public utility structure; and
- (f) Underground cabling up to a certain size.

A low-impact facility does not include:

- (a) designated overhead lines;
- (b) a tower that is not attached to a building;
- (c) a tower attached to a building and more than 5 metres high; or
- (d) an extension to any tower, if the extension is more than 5 metres.

Essentially low-impact facilities are those which, because of their size and location, are considered to have a low visual impact and be less likely to raise significant planning, heritage or environmental concerns. Low-impact facilities are exempt from obtaining local planning approval.

It is noted that the term '*low- impact*' relates predominately to low visual impact and should not be mistaken as implying that the facility is low-impact in regards to EME. While all telecommunication facilities are required to comply with the Australian Radiation and Nuclear Protection Authorities (ARPANSA) standards for EME, the level of EME is not a factor used to determine whether a facility is low-impact or not.

**2. Further consideration of consultation requirements for low-impact facilities**

In accordance with Clause 11 (i) of the City's current Policy No. 3.5.6 relating to Telecommunications Facilities, the City undertakes the following consultation in relation to low-impact facilities:

*"(11)(i) immediately Officers are notified by telecommunications companies of the intention to erect low-impact facilities adjoining residential homes, those adjoining residents, local community or precinct groups and ward Councillors are also notified".*

This clause was originally included in the City's Policy No. 3.5.6 in June 2000 prior to legislation requiring Carriers to consult with Local Authorities and the community on low-impact facilities.

Since 2002, the Australian Communication Industry Forum Code (ACIF Code) requires Carriers to notify the relevant Local Authority and the community of their intent to erect a low-impact facility. Essentially this means that the City notifies adjoining residents and the

community of all low-impact facilities, in addition to the notifications undertaken by the Carriers in accordance the ACIF Code.

Given that low-impact facilities are exempt from obtaining local planning approval, the City's Officers consider that to consult with the community on every low-impact facility, particularly for replacement or co-location, is excessive for the following reasons:

- In accordance with the ACIF Code, Carriers undertake extensive consultation with the community (the City are advised of this consultation via a 'consultation plan' at the time of the Carriers notification);
- The City has no jurisdiction over low-impact facilities; therefore, the City cannot legally act on any comments received by the community;
- As the City has no jurisdiction over low-impact facilities, the notification from the City is advice only, the City does not 'consult' with the community;
- As the City has limited influence over the decision of the Carriers, there is no added value in the City undertaking additional notification to the community;
- Significant City resources are expended in undertaking this additional notification (see details below); and
- In reviewing the policies and practices of other comparable local authorities (Towns of Cambridge and Victoria Park and the Cities of Joondalup, Wanneroo, Fremantle, Belmont, Bayswater, Melville and South Perth), **it is noted that the City of Vincent is the only Local Authority that undertakes additional notification in relation to low-impact facilities.**

As outlined in the fifth dot point above, considerable resources are expended in undertaking additional notification for low-impact facilities. By way of example, the following resources and costs were recently expended to meet the current Policy requirements for notification for low-impact facilities as follows:

- 17 Robinson Avenue, Perth - co-location at an existing facility (2 New Antennas were installed and 1 Antenna was replaced,) resulting in:
  - 4.5 hours of staff resources to prepare mail merge and print letters;
  - 6 hours of staff resources from three (3) service areas to fold and envelope letters; and
  - 3000 letters @ 58 cents postage cost per letter = \$1740.
- 227 Vincent Street, Leederville – co-location at an existing facility ( Replacement of one antenna and Installation of one new antenna) resulting in:
  - 5 hours of staff resources to prepare mail merge and print letters;
  - 7 hours of staff resources from three (3) service areas to fold and envelope letters; and
  - 3500 letters @ 58 cents in postage cost per letter = \$2030.

In light of the above, the draft Policy No. 3.5.6 relating to Telecommunication Facilities has been amended to remove the requirement for the City to notify adjoining residents and the community of a low-impact facility. As an alternative, to ensure that the City continues to maintain a role of informing the community on matters of interest/relevance, the draft Policy No. 3.5.6 relating to Telecommunication Facilities has been amended as follows in relation to new low-impact facilities:

'2) *Low-impact Facilities*

(iii) *The City will undertake the following notification in relation to a **new** low-impact facility:*

- a) *Advertise a summary of the notification once in a newspaper circulating the locality; and*
- b) *Notification is placed on the City's website for a period of two weeks..."*



A definition of 'new low-impact facilities' has been included in the Definitions section on page 1 of the draft Policy No. 3.5.6 relating to Telecommunication Facilities as follows:

'3) *New Low-Impact Facility*

*A low-impact facility proposed to be installed at a new location and not including replacement of existing telecommunication facilities.'*

**3. Preferred location of low-impact facilities**

It is noted that the City has no jurisdiction over low-impact facilities; however, in order to give additional direction to Carriers in relation the City's preferred location for low-impact facilities, a further clause has been included in Clause 2) of the Policy Statement as follows:

'2) *Low-impact Facilities*

(iv) *The preferred location for low-impact telecommunication infrastructure is in Local Centres, District Centres and Commercial Zones away from sensitive uses.'*

The inclusion of this clause will provide direction to Carriers, but does not preclude the Carrier from considering other locations should it be required for technical reasons.

A definition of 'sensitive uses' has been included in the Definitions section on page 1 of the draft Policy No. 3.5.6 as follows:

'2) *Sensitive Uses*

*For the purposes of this Policy, 'sensitive uses' is defined as: any dwelling, childcare facility, kindergarten, preschool, school, aged care and hospitals (State Planning Policy 4.1 – State Industrial Buffer Policy).'*

**4. Clarification of 300 metre exclusion**

Clause 3) of the City's current Policy No. 3.5.6 relating to Telecommunication Facilities states the following in relation to exclusion zones:

'3) *All telecommunication facilities are to be located at least 300 meters away from any residential building'.*

The City's Officers have extensively investigated the matter of exclusion zones. Significant information opposing exclusion zones has been previously presented to the Council; however, the City's Officers are mindful of community and Council resistance to the removal of the exclusion zone.

In light of this, Clause 6) (i) of the Policy Statement of the draft amended Policy No. 3.5.6 maintains a 300 metre exclusion zone; however, this clause has been amended to clarify that exclusion zones apply to non low-impact facilities (towers) only. The amended clause 6) (i) reads as follows:

'6) *Protection of sensitive uses*

(i) ***Non low-impact telecommunication facilities are to be located at least 300 meters away from a sensitive use.'***

It is noted that maintaining this clause would exclude all non low-impact facilities (towers) from being installed anywhere in the City, except for the Britannia Reserve along the Mitchell Freeway boundary.

It is also noted that non low-impact facilities (towers) require Planning Approval from the City and as such would be assessed in accordance with the City's Policy No. 3.5.6 relating to Telecommunication Facilities and the City's Town Planning Scheme No. 1. Therefore, any proposal for a non low-impact tower that is less than 300 metres from a sensitive use would be non-complying. Should a Carrier seek a variation to this clause, the onus would be on the Carrier to provide sound justification to the City as to why discretion is sought.

#### **5. Further consideration of clause relating to 'sensitive uses'**

The City's Officers at the Ordinary Meeting of Council held on 28 June 2011 proposed the following clauses relating to the protection of sensitive uses:

- '6) *Protection of sensitive uses*
- (ii) *The Town, as a general rule, does not support the installation or location of telecommunication facilities, particularly in close proximity (i.e. adjacent or adjoining) of schools, childcare establishments, hospitals and general residential areas;...*
- (iv) *The preferred location for Telecommunication Infrastructure is in Town Centres and commercial zones away from sensitive uses...'*

On further consideration of the above clauses, the City's Officers propose that both clauses not be included in the Policy for the following reasons:

- The above two clauses 6) (ii) and (iv) do not provide the clarity that the Policy requires;
- These clauses conflict with the clear policy statement of Clause 6) (i) relating to the 300 metre exclusion zone; and
- As the 300 metre exclusion zone is being maintained, the above clauses would be superfluous as the exclusion zone would preclude non low-impact facilities anywhere in the City except at Britannia Reserve. A variation to this would require sound justification from the Carrier.

#### **6. Advertising requirements for non low-impact facilities**

Clause 8) (ii) of the City's current Policy 3.5.6 relating to Telecommunications Facilities states the following in relation to consultation for non low-impact facilities:

- '8) *The following consultation requirements are to be met prior to the Town of Vincent determining the application:*
- (ii) *owners and occupiers of all affected properties within a radius of 500 metres of the proposed site to be consulted regarding the proposal...'*

Following this consultation, the submissions are collated and presented to the Council for consideration at an Ordinary Meeting. The Council will have due regard to any submission received, as with all Planning Applications put before them.

On further consideration of the above clause, the City's Officers consider that this level of consultation is excessive for the following reasons:

- The Carriers are required to undertake consultation in accordance with the *Telecommunication Code of Practice 1997*. The *Telecommunication Code of Practice 1997* does not specify required distances for consultation with affected residents;
- The electromagnetic radiation emission (EME) readings of existing facilities in the City indicate that the EME, whilst still significantly lower than the standards, peaks at between 100 and 200 meters;
- The impact of a telecommunication facility from a visual or EME emission point of view for residents at a distance of 500 metres is negligible; and
- Significant City resources (time, employee and financial) are expended in undertaking consultation in accordance with the 500 metres requirement.

In light of the above, Clause 11) relating to consultation for non low-impact facilities of the draft Policy No. 3.5.6 relating to Telecommunications Facilities has been amended to reduce this consultation requirement for non low-impact facilities to 200 metres as follows:

'11) *Consultation*

...b) *owners and occupiers of all affected properties within a radius of 200 metres of the proposed site to be consulted regarding the proposal...*

Note that this consultation only applies to non low-impact facilities (towers) which are subject to planning approval.

## **7. Further Officer Comment**

The City acknowledges that there is considerable community concern in relation to the potential health risks associated with telecommunication facilities; however, it is impractical to anticipate the adequate delivery of mobile telecommunication services within the City of Vincent if there is not sufficient infrastructure to facilitate such services.

It is noted that the provision of telecommunication facilities is undertaken at considerable cost to the Carrier; is under stringent legislative requirements; is open to considerable community consultation; and must meet strict Australian Standards in relation to structural requirements and Electromagnetic Radiation Emissions. Given all these factors, it is unlikely that a Carrier would propose any telecommunication facility if it were not of direct necessity to service provision.

Furthermore, as previously mentioned, other Local Authorities do not engage in notification for low-impact facilities, nor do they attempt to apply additional requirements for low- impact facilities beyond those included in the *Telecommunications (low-impact) Determination 1997*.

With this in mind, the aim of Policy No. 3.5.6 relating to Telecommunications Facilities is to provide guidance to Carriers which is consistent with State and Commonwealth telecommunications legislation. The Policy aims to minimise the impact of telecommunication facilities on the community and the natural and built environment, whilst not undermining essential mobile service coverage in the City.

The City's Officers consider that the above changes to draft Policy 3.5.6 relating to Telecommunications Facilities strikes a balance between providing adequate telecommunication service within the City, whilst protecting the community's interests.

### **COMMENTS:**

Given the above response to the concerns raised by Council Members at the Ordinary Meeting of Council held on 28 June 2011, it is recommended that the Council receives, adopts and advertises the further amended final version of the Policy No. 3.5.6 relating to Telecommunications Facilities in accordance with the Officer Recommendation.

The Minutes of the Item 9.1.2 placed before the Council at its Ordinary Meeting held on 28 June 2011 are available on the City's website and viewed from the following link: [http://www.vincent.wa.gov.au/Your\\_Council/Agenda\\_Minutes](http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes).

**9.2.2 Proposed Introduction of a Two (2) Hour Parking Restriction in Eucla Street, Mount Hawthorn Progress Report No. 2**

<b>Ward:</b>	North	<b>Date:</b>	11 August 2011
<b>Precinct:</b>	Mount Hawthorn (P1)	<b>File Ref:</b>	PKG0179
<b>Attachments:</b>	<a href="#">001</a> – Plan 2758-CP-02 <a href="#">002</a> - Summary		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	R Ostle, Technical Officer, Assets & Fleet		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **NOTES** the outcome of the consultation with residents and business proprietors after the completion of a six (6) month trial of a two (2) hour parking restriction, during standard business hours on the east side of Eucla Street, Mount Hawthorn;
2. **APPROVES** a permanent two (2) hour parking restriction in Eucla Street, Mount Hawthorn operating between 8am and 5.30pm, Monday to Friday; and
3. **ADVISES** affected residents and businesses of its decision.

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**COUNCIL DECISION ITEM 9.2.2**

**Moved Cr Lake, Seconded Cr Buckels**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)**

**(Cr Harvey was on approved leave of absence.)**

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**PURPOSE OF REPORT:**

The purpose of this report is to inform the Council of the results of the community consultation following the completion of a six (6) month trial of a two (2) hour parking restriction on the east side of Eucla Street, Mount Hawthorn.

**BACKGROUND:**

Following complaints from residents about problems caused by vehicles parking in Eucla Street, Council approved a six (6) month trial of a two (2) hour parking restriction on the east side of Eucla Street at the Ordinary Meeting of Council held on 21 December 2010. Upon completion of the trial period, residents were consulted.

**DETAILS:**

On the 4 July 2011, twenty five (25) consultation letters were distributed to residents and businesses in Eucla Street. Upon completion of the consultation period, seven (7) consultation forms were returned, all *in favour* of continuing with the restriction.

**CONSULTATION/ADVERTISING:**

No further consultation is deemed necessary, however affected residents and businesses will be informed of the Council's decision to maintain the two (2) hour restriction on the East side of Eucla Street, should it approve doing so.

**LEGAL/POLICY:**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS:**

Not applicable.

**STRATEGIC IMPLICATIONS:**

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

"Natural and Built Environment

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

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

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

Not applicable (*the signs and line marking are already in place*).

**COMMENTS:**

The introduction of a two (2) hour parking restriction in Eucla Street has strong approval from the residents and business proprietors in the Street.

The majority of those who responded to the City's consultation on the effectiveness of the restriction in addressing the parking problems in the street considered that it has been very beneficial to all stakeholders.

The parking needs of both business and residential interests have been fairly addressed and therefore it is recommended that the Council approve maintaining the restrictions as implemented during the trial period.

**9.2.3 Proposed Streetscape Improvement ‘Concept’ for Washing lane, Perth and request for a ‘temporary’ road closure of the Lane during the building phase for the adjoining Lot Nos 551 to 562 William Street**

<b>Ward:</b>	South	<b>Date:</b>	12 August 2011
<b>Precinct:</b>	Beaufort Precinct (P13)	<b>File Ref:</b>	TES0534; PKG0169; PRO0891
<b>Attachments:</b>	<a href="#">001</a> – Plans SK02 to SK06 <a href="#">002</a> – Plan 2862-CP-01		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	C Wilson; Manager Asset & Design Services		
<b>Responsible Officer:</b>	R Lotznicker; Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **APPROVES IN PRINCIPLE** the proposed Preliminary Washing Lane Streetscape Improvement ‘Concept Plans’ as shown on attached drawings SK02 to SK06;
2. **AUTHORISES** the Chief Executive Officer to continue to liaise with the Developer to further develop and improve the Washing Lane Streetscape Improvement proposal;
3. **RECEIVES** a further report/s once the Washing Lane Streetscape Improvement proposal has been developed to a more advanced stage;
4. Having considered the request by the developer of the adjoining Lot Nos 551 to 562 William Street, for a ‘temporary’ road closure;
  - 4.1 **APPROVES** a ‘temporary’ road closure of Washing Lane between William and Money Street, Perth during the building phase for the adjoining Lot Nos 551 to 562 William Street as shown on attached plan No 2862-CP-01;
  - 4.2 **ADVISES** the builder/developer that the annual fee to compensate the City for the loss of the existing on-road parking bays is \$33,800 per annum plus an establishment fee of \$620; and
  - 4.3 **Notes** that Washing Lane will be re-opened to the public at the end of the construction period.

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**COUNCIL DECISION ITEM 9.2.3**

**Moved Cr Lake, Seconded Cr Buckels**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)**

(Cr Harvey was on approved leave of absence.)

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**PURPOSE OF REPORT:**

The purpose of this report is to seek the Council’s approval in principle for the concept proposal for the streetscape improvements of Washing Lane.

Further the purpose of the report is to seek the Council's approval the temporary closure of Washing Lane between William and Money Street for the duration of the construction period of the large mixed used development located on the corner of William and Newcastle Streets and either side of Washing Lane, Perth.

#### **BACKGROUND:**

At its Ordinary Meeting of 11 August 2009 Council received a report on a proposed six (6) Storey Mixed Use (Commercial/Residential) Development, including a Subterranean Car Park under Washing Lane - Land within the East Perth Redevelopment Authority (EPRA) Area. The development encompasses lots (Lots 551-562) bounded by William, Newcastle and Money Streets, Perth.

Council made the following decision (in part):

*"..ADVISES the East Perth Redevelopment Authority (EPRA) that it SUPPORTS IN PRINCIPLE the Proposed Six (6) Storey Mixed Use (Commercial/Residential) Development, including a Subterranean Car Park under Washing Lane, at Nos. 322-324 (Lots 551-562) William Street, Corner Newcastle Street and Money Street, Perth and as shown on plans stamp dated 4 June 2009, subject to Washing Lane being closed and subject to the following additional conditions:"*

EPRA subsequently *did not support* the permanent closure of Washing Lane and as a consequence the design was modified to delete the portion of subterranean car park beneath Washing Lane and as a result Washing Lane is to remain a dedicated road under the care and control of the City.

#### **Streetscape Upgrade**

While the scope development essentially remains the same as considered by the Council, the onus is on the applicant to upgrade the streetscape to the satisfaction of City and hence they have engaged Hassell (Consulting) to prepare a concept plan for the project.

#### **Proposed Temporary Road Closure**

Given the scale of the proposed development and in light of the fact it straddles Washing Lane the appointed builder, NW Construction, is seeking to close Washing Lane for the duration of the 24 - 30 months construction period. This request is based upon public safety and site management grounds and is supported for the reasons outlined in the main body of the report.

Note: At the time of writing this report the issue of the Building Licence was still pending.

#### **DETAILS:**

##### **Proposed Streetscape Improvements:**

The developer, through the project Architect, has engaged Hassell (Consulting) to develop a streetscape enhancement plan for Washing Lane between William and Money Streets and to date, Hassell's urban landscape designers have met with the City on several occasions to obtain an understanding as to the City's requirements and expectations.

They have subsequently submitted some 'preliminary' concept plans for discussion.

Hassell's are not seeking Council's endorsement at this stage but rather 'approval in principle' to continue to develop their ideas in consultation with the City's officers. It is envisaged that once an agreed design has been completed it would be presented to Council for endorsement.

They require the agreement 'in principle' to satisfy EPRA's Development Approval condition on the understanding that the City will be the determining authority.

The concept plans (SK03 to SK06, as attached), will be progressively developed to include street furniture, an agreed materials list, landscaping incorporating Water Sensitive Urban Design (WSUD) principles, a low speed pedestrian friendly environment and public art.

Hassell's have provided the following explanation of their proposal:

*The main aim behind the design proposals for the Washing Lane public realm is to create a popular, vibrant, attractive, safe, sustainable and maintainable public space. In order to achieve this the proposed design utilises a number of key drivers to define the space and it's resolution.*

*The design capitalises on functional and spatial relationships with ground floor tenancies to provide places for alfresco dining opportunities, adaptable event space and good pedestrian circulation and access. Connected to this is the need to create a safe environment which handles both pedestrian and vehicular traffic. Driven by these functional relationships the space naturally organises itself into three main zones characterised by the tenancy types the front the laneway.*

*To the west, the dining, café and small bar type functions mandate a design response that allows an outdoor socialising and 'food and beverage' type space; the middle section, with the proposed service functions of hairdresser, day spa and gymnasium require similarly good access but no outdoor seating accommodation; and the eastern section which serves primarily as the laneway's 'back of house', accommodating the main basement parking driveway, bin store and pick-up, and vehicular access to the laneway.*

*Correspondingly, the design incorporates the following elements to respond to, and define, the different activity zones, whilst contributing to a cohesive and adaptable space:*

- 1. The incorporation of one-way, single lane, traffic flow in an east-west direction, to reduce the vehicular traffic volume through the laneway and provide predictable vehicular movements;*
- 2. creating a raised and articulated carriageway with flush edges and distinct paving treatments to promote traffic calming, equitable pedestrian access and create generous space within the narrow laneway to accommodate alfresco functions;*
- 3. the inclusion of trees, planting, street furniture, pavement design and drainage infrastructure to define activity zones and calm traffic.*

*The proposed treatment of the carriageway creates a low speed environment that promotes careful driving and pedestrian equality, in turn creating a safer environment for visitors. The raised carriageway also allows the design to easily incorporate DDA compliant infrastructure, which can be difficult to successfully achieve in narrow and constrained spaces such as laneways. Similarly, whilst it is the current designer's brief requirement for the road function to remain, the design anticipates the possible future closure of the laneway to traffic, and in doing so, could provide an attractive pedestrian 'mall' environment that could readily accommodate street theatre and associated activities and extended alfresco or festive retail opportunities.*

*Visitor comfort is a keen priority of the design, which in conjunction with the aforementioned accessibility features, also includes trees for shade provision, aesthetic pleasure and visual interest, and street furniture to enable informal seating opportunities to complement those provided by the tenancies. Quality bollards are proposed to be used logically to define pedestrian crossing points, and the pavement design is intended to help define crossing points, building entries and emergency egress points and contribute to traffic calming. These features also lend themselves to enhancing the public realm through quality of design or incorporating interpretative elements that reflect the heritage and narrative of the space, (though as yet, final proposals for these elements and potential artworks are yet to be defined).*



*Despite being a small pocket of the city's urban fabric, Washing Lane also presents a exemplary opportunity to incorporate, display and promote sustainability initiatives through the proposed Water Sensitive Urban Design (WSUD) response and the selection of robust, durable and readily replaceable materials. As depicted in the proposed drainage strategy, the raised carriageway creates a series of graded planes that works with verge footpath spaces to direct surface water to a series of collection gardens (generally known as rain gardens) which are also used to define the edge of the carriageway and enhance visitor safety and comfort by providing separation from pedestrian and vehicle dominated spaces. The rain gardens are a series of set-down low points that either collect water directly or accept discharge from a series of proposed flush strip drains, (which also help define the carriageway). Planting and soil profiles within the rain gardens helps filter water that is directed to the rain garden and cleanses it as it infiltrates into the soil. This approach helps water retained on site to percolate down to the local aquifer in environmentally sensitive manner. To safe-guard against excessive, sudden and sustained storm events it is proposed that the gardens incorporate overflow outlets connected to the municipal stormwater infrastructure to minimal risk flooding in the laneway.*

*The design response seeks to embrace serviceability and maintenance effectiveness as a core tenet of this proposal. All elements are proposed to be durable, robust and readily replaceable. For example, possible customized public furniture shall be designed to withstand the rigours of public life, and in the event of some unlikely catastrophe, could be replaced with minimal fuss or with interchangeable, readily available, proprietary furniture. Tree and plant species shall be hardy and readily available from reputable wholesale nurseries and drainage infrastructure shall be constructed of wholly proprietary products that are widely available or industry standard in Western Australia and compatible with Council maintenance standards.*

*Statutory street lighting shall be sourced from the Western Power range of lights, and high quality, durable pavements shall be specified materials that are readily available in the Perth metropolitan region or replaceable with comparable product without compromising the design integrity of the space. To this end the development team shall investigate the possibility of specifying stone treatments subject to meeting the City's requirements of serviceability and maintenance. All in-ground services shall remain accessible allowing normal Council or service authority standards of reinstatement. Similarly, whilst there are commercial imperatives for doing so in terms way finding and entry statement, there are no interventions planned that would interrupt the current design of the William St interface. The landscape design seeks to honour the prevailing William St streetscape by ensuring material and design transitions occur within the laneway and do not encroach upon William St, which could be visually and functionally obtrusive.*

*Due to the development team's aspiration to create a popular meeting spot and an economically viable space that is attractive to visitors and businesses alike, it is envisaged that the landscape design of Washing Lane will incorporate many pleasing, vibrant, interesting and delightful aspects into the fine-grain design, ranging from the incorporation artwork, and customised furniture and interpretative elements, feature lighting, sound and possible film projection installations that complement both the alfresco dining and the proposed high quality public realm. This engaging environment, which sensitively incorporates sustainability and visitor safety measures, will likely become a local hotspot for people both day and night and inject much needed renewal, energy and vitality into this small corner of Northbridge. It is development team's desire to work closely with the City and EPRA to achieve an outcome that is a benchmark for built outcomes, design, sustainability and stakeholder relationships. The developer intends to maintain a long-term stake in this development and has directed the design team to ensure that the eventual design is sustainable both in terms of the commercial, public realm contribution and future maintenance requirements that shall eventually be inherited by the City.*

*We are seeking "Approval in Principle" for the proposed design, with a view to securing sufficient Council endorsement to enable the developer commence building works. It is the intention and hope of the development team that final resolution of all material and design*

*specifications can be resolved following the granting of this approval in principle to in conjunction with, and the satisfaction of, the City of Vincent*

### **Proposed Temporary Road Closure**

The Washing Lane road reserve was created EPRA as part of its Northbridge project approximately five (5) years ago. There are two (2) sections, William Street to Money Street and Money Street to Lindsey Street. The latter section has progressively been developed over this period and is now largely built-up. As lots were developed individually the road had to remain open, other than for approved road closures, to maintain access to all sites.

In contrast the William Street to Money Street section is in the main vacant land, until such time as the aforementioned development commences. Currently it (William Street to Money Street) is used for on-road parking and little else.

Washing Lane is a 7.5m wide road reserve with a 5.7m wide carriageway and 1.8m wide footpath (including kerbs). The development on the southern side of Washing Lane is to be a six (6) story building, while the northern side is five (5) storeys in height, to be built simultaneously.

With the impending issue of the Building Licence the nominated builder has submitted a 'draft' Construction Management Plan. A part of the proposed site management the builder is seeking to close Washing Lane to the public for the duration of the construction phase.

Given the above constraints to allow vehicles to access Washing Lane during construction would be hazardous to both the public and construction workers and would also pose site security problems.

The aforementioned section currently has (free) timed restricted parking with anecdotal evidence suggesting that it is primarily used by Central TAFE students during the day and visitors to Northbridge during the night.

If Council were to approve the closure of Washing Lane the builder / developer would be required to compensate the City for the loss of the parking bays for the duration of the road closure. Based upon the approved charges this equates to **\$33,800 per annum** plus a \$620 establishment fee.

The builder has advised that they are prepared to pay the fee in order to ensure a safe and orderly work site.

In respect of the impact the closure will have upon the surrounding road network it will be negligible. The existing on-road parking in Washing Lane makes it unsuitable for large vehicles and therefore it is rarely used by commercial traffic. The original links between William and Money Streets, being Newcastle and Monger Street remain, and are a far more convenient route than Washing Lane.

In respect of the those motorists currently utilising the free parking, and in conjunction with the City's Car Parking Strategy Implementation Program, which will see the introduction of ticket parking in the immediate area, they will in future be required to pay irrespective of the closure of Washing Lane.

At the conclusion of the construction phase Washing Lane would be reopened to the public.

### **CONSULTATION/ADVERTISING:**

Only one other property, 186 (Lot 562) Newcastle Street, is directly affected by the road closure proposal. Therefore to ensure that their rear access, as shown on attached plan No 2862-CP-01 is maintained, the closure at the eastern end of Washing Lane will be installed adjacent their western boundary. Further it will be a condition of approval that their access be unobstructed at all times unless prior approval is sought.

**LEGAL/POLICY:**

Washing Lane comes under the care and control of the City and given that the closure of Washing Lane will have minimal impact upon the surrounding road network it temporary closure is supported for reasons of public safety. Further, the builder/developer will be required to submit a road closure application in accordance with the Road Traffic Act 1974 and to which the Police must approve.

**RISK MANAGEMENT IMPLICATIONS:**

**Medium:** The proposed temporary Washing Lane road closure will improve safety for pedestrians, the motoring public and construction workers by limiting access to a congested work site.

**STRATEGIC IMPLICATIONS:**

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

"Natural and Built Environment

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

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

**SUSTAINABILITY IMPLICATIONS:**

Despite being a small pocket of the city's urban fabric, Washing Lane presents an opportunity to incorporate, display and promote sustainability initiatives through the proposed Water Sensitive Urban Design (WSUD) response with the selection of robust, durable and readily replaceable materials.

**FINANCIAL/BUDGET IMPLICATIONS:**

The builder/developer will be required to compensate the City of the loss of the existing on-road parking spaces to the value of \$33,800 per annum plus \$620 establishment fee as set out in the Fees and Charges schedule.

**COMMENTS:**

As indicated in the body of the report Washing Lane between William and Monger Street is currently used for parking and little else. Therefore in respect of a road network links its closure during the construction of the mixed developments on the abutting sites will have little impact upon the surrounding road network. The closure will however greatly improve both public and site safety while the City will be well compensated for the loss of the on-road parking spaces, which are currently free.

In respect of the Streetscape Upgrade concept plans Hassell (Consulting) at this time is only seeking Approval in Principle so as to satisfy ERPA's requirements. They acknowledge that there is lot of work to be done over the next six (6) months by which time they intend to present a comprehensive and detailed plan to Council for its consideration. Other than the *Approval In Principle* time is not critical in the approval process for the Streetscape Upgrade as the building phase will take upwards of two years and therefore streetscape works would only commence towards the end of the project.

**9.2.4 Tender No. 431/11 – Appointment of Approved Maintenance Contractors**

<b>Ward:</b>	Both	<b>Date:</b>	10 August 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	TEN0439
<b>Attachments:</b>	<a href="#">001</a> – Tender Schedules		
<b>Tabled Items:</b>	-		
<b>Reporting Officers:</b>	K. Bilyk; Property Officer J van den Bok; Manager Parks & Property Services		
<b>Responsible Officer:</b>	R Lotznicker; Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council **APPROVES** the tenders submitted to appoint contractors to undertake specified works throughout the City in accordance with the specifications detailed in Tender No. 431/11 for a three (3) year period as follows:-

	<b>TRADE</b>	<b>RECOMMENDED CONTRACTOR</b>
(a)	<b><u>Plumbing &amp; Gas Fitting</u></b>	1. Oasis Plumbing Services 2. Robinson Buildtech 3. JCS Plumbing Services
(b)	<b><u>Roof Plumbing</u></b>	1. Devco Builders 2. Robinson Buildtech 3. Walshy Allround Tradesman
(c)	<b><u>Electrical Services</u></b>	1. Boyan Electrical Services 2. SJ Electric 3. Devco Builders
(d)	<b><u>Painting Services</u></b>	1. North Perth Painting Services 2. Devco Builders 3. David Fitzgerald Painting Services
(e)	<b><u>Glazing Services</u></b>	1. All Suburbs Glass & Glazing Pty Ltd
(f)	<b><u>Drafting Services</u></b>	1. Devco Builders
(g)	<b><u>Air-Conditioning</u></b>	1. Devco Builders 2. CPD Group Pty Ltd
(h)	<b><u>Carpentry</u></b>	1. Devco Builders 2. PJR Carpentry 3. Walshy Allround Tradesman 4. Robinson Buildtech
(i)	<b><u>Pest Control</u></b>	1. Allpest WA 2. CPD Group Pty Ltd
(j)	<b><u>General Building Maintenance</u></b>	1. Walshy Allround Tradesman 2. Devco Builders 3. PJR Carpentry 4. Springetts Carpentry and Building Services
(k)	<b><u>Handyman Services</u></b>	1. Walshy Allround Tradesman 2. Devco Builders 3. Springetts Carpentry and Building Services 4. Robinson Buildtech

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**COUNCIL DECISION ITEM 9.2.4**

**Moved Cr Lake, Seconded Cr Buckels**

**That the recommendation be adopted.**

**CARRIED UNANIMOUSLY "EN BLOC" (8-0)**

**(Cr Harvey was on approved leave of absence.)**

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**PURPOSE OF REPORT:**

The purpose of the report is to seek approval from the Council to appoint a panel of approved maintenance contractors to undertake specified works in accordance with the specifications detailed in Tender No. 431/11 for a three (3) year period.

**BACKGROUND:**

The tenders for Approved Maintenance Contractors for a three (3) year period closed at 2.00pm on Wednesday 29 June 2011 and twenty six (26) tenders were received.

Prices submitted were to be fixed for a twelve (12) month period and beyond those adjustments for CPI and material increases may be negotiated.

**DETAILS:**

Details of all submissions received for Tender No. 431/11 are attached.

**Tender Evaluation**

**Selection Criteria**

The following weighted criterion was used for the selection of the contractors for this tender.

Criteria	Weighting
Contract Price ( Hourly Rates)	40%
Relevant Experience, Expertise and Project Team	30%
History and Viability of Company	15%
References	15%
<b>Total</b>	<b>100%</b>

**Tender Evaluation Panel**

The Tender Evaluation Panel consisted of the Manager Parks & Property Services, Property Officer and the Property Maintenance Officer.

Each tender was assessed using the above selection criteria in accordance with the tender documentation.

In the majority of cases, a panel of contractors is selected for each service. This approach is valuable in that more than one (1) quote can be received for any major works required and it provides further options if and when a particular contractor is unavailable.

**Plumbing and Gas Fitting**

	Weighting	Oasis Plumbing	Robinson Buildtech	JCS Plumbing	Devco Builders	Midcity Group	Majestic Plumbing	KMC Group	CPD Group
<b>Contract Price</b>	40	36.7	37.7	38.3	30.8	34.4	28.3	28.9	25.9
<b>Relevant Experience</b>	30	28.3	25	19.1	23.8	17.2	19.5	15.9	17.2
<b>History / Viability of Company</b>	15	14.5	13.4	9.8	11.7	8.7	9.6	8.6	8.7
<b>References</b>	15	15	15	15	15	15	15	15	15
<b>Total</b>	<b>100%</b>	<b>94.5</b>	<b>91.1</b>	<b>82.3</b>	<b>81.4</b>	<b>75.3</b>	<b>72.4</b>	<b>68.4</b>	<b>66.7</b>
<b>Rating</b>		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>

Eight (8) submissions were received for the above service. It is recommended that Oasis Plumbing, Robinson Buildtech and JCS Plumbing Services, the first two (2) contractors having been previously utilised by the City and have provided excellent service, be selected for provision of Plumbing and Gas Fitting Services. Overall the quality of tenders received for this service was of a very high standard the above being selected as a result of their proven quality of service provided in the past and / or their competitive pricing.

**Roof Plumbing**

	Weighting	Devco Builders	Robinson Buildtech	Walshy Allround	Midcity Group	KMC Group	Majestic Plumbing	Henlyn Construction	CPD Group	Plan Construction
<b>Contract Price</b>	40	39.3	37.8	34.6	34.8	31.2	28.6	29.3	25.9	24.5
<b>Relevant Experience</b>	30	25.3	25.1	27.2	17.4	18.9	20	18.1	19.7	17.6
<b>History / Viability of Company</b>	15	12.7	12.9	12.9	8.9	9.9	10.1	9.4	9.7	9.6
<b>References</b>	15	15	15	15	15	15	15	15	15	15
<b>Total</b>	<b>100 %</b>	<b>92.3</b>	<b>90.8</b>	<b>89.7</b>	<b>76.1</b>	<b>75</b>	<b>73.7</b>	<b>71.7</b>	<b>70.3</b>	<b>66.7</b>
<b>Rating</b>		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>

Nine (9) submissions were received for the above service. It is recommended that Devco Builders, Robinson Buildtech and Walshy All Round Tradesman whom have all been previously utilised by the City and have provided excellent service, be selected for the provision of Roof Plumbing Services. Again the quality of tenders received for this service was of a very high standard the above being selected as a result of their proven quality of service provided in the past and their competitive pricing.

**Electrical**

	Weighting	Boyan Electrical	SJ Electric	Devco Builders	O'Donnell Griffin	Midcity Group	KMC Group	CPD Group
<b>Contract Price</b>	40	38.1	38.8	32.8	36.3	37.5	30.9	29.2
<b>Relevant Experience</b>	30	28.6	19.1	23.2	19.1	17.2	18.5	17.9
<b>History / Viability of Company</b>	15	13.6	9.7	11.1	9.6	8.8	9	10.2
<b>References</b>	15	15	15	15	15	15	15	15
<b>Total</b>	<b>100 %</b>	<b>95.3</b>	<b>82.6</b>	<b>82.1</b>	<b>80</b>	<b>78.5</b>	<b>73.4</b>	<b>72.2</b>
<b>Rating</b>		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>

Seven (7) submissions were received for the above services. It is recommended that Boyan Electrical Services, SJ Electric and Devco Builders be selected for the provision of Electrical Services.

Boyan Electrical Services has been contracted to the City for many years and has provided excellent services at competitive rates. Devco Builders have completed a number of projects for the City providing excellent product and service within budget. JCS Electrics have provided competitive rates and have the necessary experience and structure to meet the City's requirements.

Again the quality of tenders received for this service was of a very high standard the above being selected as a result of their proven quality of service provided in the past and there competitive pricing.

**Painting**

	Weighting	North Perth	Devco Builders	David Fitzgerald	Calibre Coatings	Workzone Pty Ltd	Programmed Property	Liquid Coats	CPD Group	KMC Group	Plan Construction	Midcity Group
<b>Contract Price</b>	40	36.1	34.6	37.4	37.4	39.3	30.4	35.9	26.5	22.6	23.4	20.8
<b>Relevant Experience</b>	30	27.3	24.6	22.5	19.6	18.4	23.2	18.9	18.4	17.5	16.5	18.7
<b>History / Viability of Company</b>	15	13.2	11.9	11.1	10	9	11.8	9.7	9.4	9.2	9.3	9
<b>References</b>	15	15	15	15	15	15	15	15	15	15	15	15
<b>Total</b>	<b>100 %</b>	<b>91.7</b>	<b>86.1</b>	<b>86</b>	<b>82</b>	<b>81.8</b>	<b>80.4</b>	<b>79.6</b>	<b>69.2</b>	<b>64.4</b>	<b>64.2</b>	<b>63.5</b>
<b>Rating</b>		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>

Eleven (11) submissions were received for the above services. It is recommended that North Perth Painting Services, David Fitzgerald Painting Services and Devco Builders be selected for the provision of Painting Services.

Both North Perth Painting Service and Devco Builders have been contracted to the City previously and provided excellent service. David Fitzgerald Painting Services have provided

competitive rates and is clearly in the top three best options following the assessment of all submissions.

Again the quality of tenders received for this service was of a very high standard the above being selected as a result of their proven quality of service provided in the past and there competitive pricing.

### Glazing

	Weighting	All Suburbs	An Australian	Devco Builders	CPD Group
<b>Contract Price</b>	40	38.7	35.9	31.3	27
<b>Relevant Experience</b>	30	27.8	20.5	22.7	18.3
<b>History / Viability of Company</b>	15	13.8	10.6	10.6	10.3
<b>References</b>	15	15	15	15	15
<b>Total</b>	<b>100%</b>	<b>95.3</b>	<b>82</b>	<b>79.6</b>	<b>69.7</b>
<b>Rating</b>		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>

Four (4) submissions were received for the above services. It is recommended that All Suburbs Glass and Glazing Pty Ltd who has been previously utilised by the City and provided excellent service, be selected for provision of Glazing Services.

Due to the amount of glazing work required to be completed for the City it has been determined that the one (1) contractor is sufficient to cover requirements.

### Drafting Services

	Weighting	Devco Builders	KMC Group
<b>Contract Price</b>	40	39.3	32.7
<b>Relevant Experience</b>	30	22.3	18.5
<b>History / Viability of Company</b>	15	11.3	9.8
<b>References</b>	15	15	15
<b>Total</b>	<b>100%</b>	<b>88</b>	<b>76</b>
<b>Rating</b>		<b>1</b>	<b>2</b>

Two (2) submissions were received for the above service. It is therefore recommended that Devco Builders be selected for the provision of Drafting Services due to their more competitive pricing.



**Carpentry**

	Weighting	Devco Builders	PJR Carpentry	Walshy Allround	Robinson Buildtech	Springett Carpentry	Midcity Group	KMC Group	Plan Construction	Henlyn Construction	CPD Group
<b>Contract Price</b>	40	39.5	36.1	35.7	32.9	30.5	30.1	28.2	28.2	24.8	21.5
<b>Relevant Experience</b>	30	26.3	27.7	26.9	24.1	18.7	17.5	17.9	16.3	17.9	17.9
<b>History / Viability of Company</b>	15	12.1	13.5	13	11.4	9.1	8.8	9.2	9.3	9	9.6
<b>References</b>	15	15	15	15	15	15	15	15	15	15	15
<b>Total</b>	<b>100 %</b>	<b>92.9</b>	<b>92.3</b>	<b>90.6</b>	<b>83.4</b>	<b>73.3</b>	<b>71.4</b>	<b>70.3</b>	<b>68.7</b>	<b>66.6</b>	<b>63.9</b>
<b>Rating</b>		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>

Ten (10) submissions were received for the above services. It is recommended that Devco Builders, PJR Carpentry, Walshy All Round Tradesman and Robinson Buildtech, who have all been previously utilised by the City and provided excellent service, be selected for provision of Carpentry Services.

Again the quality of tenders received for this service was of a very high standard the above being selected as a result of their proven quality of service provided in the past and there competitive pricing.

**Air Conditioning**

	Weighting	Devco Builders	CPD Group	New Dimensions
<b>Contract Price</b>	40	38.7	32.3	23.1
<b>Relevant Experience</b>	30	21.7	18.7	20.8
<b>History / Viability of Company</b>	15	10.5	10	9.8
<b>References</b>	15	15	15	15
<b>Total</b>	<b>100%</b>	<b>85.8</b>	<b>76</b>	<b>68.6</b>
<b>Rating</b>		<b>1</b>	<b>2</b>	<b>3</b>

Three (3) submissions were received for the above services. It is recommended that Devco Builders and CPD Group Pty Ltd be selected for provision of general Air Conditioning Services.

It should be noted that Burke Air and Mechanical Constructions Air Services Pty Ltd are already contracted to maintain the more significant air-conditioning plant and equipment within the City's main buildings. The above contract will relate to servicing the more minor air-conditioning plant and equipment that exist in the City's buildings.

**Pest Control**

	<b>Weighting</b>	<b>Allpest WA</b>	<b>CPD Group</b>	<b>Devco Builders</b>
<b>Contract Price</b>	40	37.6	38.8	34.3
<b>Relevant Experience</b>	30	22.7	17.9	19.9
<b>History / Viability of Company</b>	15	11.6	9.8	10.1
<b>References</b>	15	15	15	15
<b>Total</b>	<b>100%</b>	<b>86.9</b>	<b>81.5</b>	<b>79.4</b>
<b>Rating</b>		<b>1</b>	<b>2</b>	<b>3</b>

Three (3) submissions were received for the above services. It is recommended that All Pest WA and CPD Group Pty Ltd be selected for provision of Pest Control Services.

The City has previously utilised the services of All Pest WA and they have provided a satisfactory service. CPD Group Pty Ltd have provided reasonable hourly rates and their submission reflects that they are more than capable of also undertaking this specialised work to the City's requirements.

**General Building Maintenance**

	<b>Weighting</b>	<b>Walshy Allround</b>	<b>Devco Builders</b>	<b>PJR Carpentry</b>	<b>Springetts Carpentry</b>	<b>Robinson Buildtech</b>	<b>Henlyn Construction</b>	<b>Workzone Pty Ltd</b>	<b>Midcity Group</b>	<b>Plan Construction</b>	<b>CPD Group</b>
<b>Contract Price</b>	40	33.8	35.7	31.5	39.8	28.7	29.5	28	26.4	24.4	17.5
<b>Relevant Experience</b>	30	28.4	26.1	27.2	18.4	22.9	18.5	18.3	16.5	16.2	17
<b>History / Viability of Company</b>	15	13.7	12.5	13.4	9.4	10.4	9.1	9	8.4	9.2	8.8
<b>References</b>	15	15	15	15	15	15	15	15	15	15	15
<b>Total</b>	<b>100%</b>	<b>90.8</b>	<b>89.3</b>	<b>87</b>	<b>82.6</b>	<b>77</b>	<b>72.1</b>	<b>70.3</b>	<b>66.2</b>	<b>64.8</b>	<b>58.3</b>
<b>Rating</b>		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>

Eleven (11) submissions were received for the above services. It is recommended that Walshy All Round Tradesman, Devco Builders, PJR Carpentry and Springett's Carpentry and Building Services be selected for provision of General Building Maintenance Services.

Walshy All Round Tradesman, Devco Builders and PJR Carpentry have all provided general building maintenance and project contracted services previously to a high standard. It is considered that due to the high volume of building maintenance works required that a fourth contractor also be engaged. Springett's Carpentry and Building Services has provided competitive hourly rates and therefore was considered the next best option following the evaluation process.

**Handyman Services**

	Weighting	Walshy Allround	Devco Builders	Springetts Carpentry	Robinson Buildtech	Henlyn Construction	Workzone Pty Ltd	Midcity Group	Plan Construction	CPD Group
<b>Contract price</b>	40	35.7	35.6	39.8	28.7	31.1	28	26.4	24.1	17.4
<b>Relevant Experience</b>	30	28.4	26	19.9	22.5	17.8	18.5	16.6	16.2	17.1
<b>History / Viability of Company</b>	15	13.7	12.3	9.4	10.5	9	9.3	8.7	9.3	8.9
<b>References</b>	15	15	15	15	15	15	15	15	15	15
<b>Total</b>	<b>100%</b>	<b>92.8</b>	<b>88.8</b>	<b>84.1</b>	<b>76.7</b>	<b>72.9</b>	<b>70.8</b>	<b>66.6</b>	<b>64.6</b>	<b>58.3</b>
<b>Rating</b>		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>

Nine (9) submissions were received for the above services. It is recommended that Walshy All Round Tradesman, Devco Builders, Springett's Carpentry and Building Services and Robinson Buildtech be selected for provision of Handyman Services.

Walshy All Round Tradesman, Devco Builders and Robinson Buildtech have previously provided services to the City to a very high standard. It is again considered that due to the high volume of works required that a fourth contractor also be engaged.

Springett's Carpentry and Building Services has provided competitive hourly rates and therefore was considered the next best option following the evaluation process.

Officer's Comments:

*In selecting the panel of tenderers for each respective service the officers considered the price submitted, previous service provided, references provided, availability of the contractor at relatively short notice etc. It was considered that all tenderers on the panel would be used by the City as this is a requirement of placing tenderers on a panel. It is also for this and the above reasons that not all tender submissions were recommended for inclusion on the panel.*

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

The tender was advertised and assessed in accordance with the Local Government Act Tender Regulations and the City's Code of Tendering Policy 1.2.2 and the Purchasing Policy 1.2.3.

**RISK MANAGEMENT IMPLICATIONS:**

Medium: The tender is required to be advertised and assessed in accordance with the Local Government Act 1995. Failure to carry out maintenance work will result in a deterioration of the City's assets and may also result in non-compliance with the Building Code of Australia and relevant Australian Standards.

**STRATEGIC IMPLICATIONS:**

The City's Strategic Plan 2011-2016 states:

*"Natural and Built Environment"*

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

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

**SUSTAINABILITY IMPLICATIONS:**

Having qualified reputable contractors engaged, ensures the City's assets are upgraded and maintained in a safe manner, comply with the required standards and that intervention is programmed to ensure maximum serviceable life of the asset.

**FINANCIAL/BUDGET IMPLICATIONS:**

All costs associated with these works are charged to the respective building / specified maintenance accounts or specific Capital Works projects as approved as part of the City's annual budget.

The various trades and maintenance items have an estimated value of approximately \$400,000 per annum. The breakdown of costs for each component varies for year to year.

**COMMENTS:**

It is therefore recommended that the Council approve the tender for the panel of contractors listed above to undertake the works in accordance with the specifications as detailed in Tender no. 431/11 in order for general maintenance and approved works programs to be actioned effectively.

**9.3.2 Authorisation of Expenditure for the Period 1 – 31 July 2011**

<b>Ward:</b>	Both	<b>Date:</b>	12 Aug 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0032
<b>Attachments:</b>	<a href="#">001</a> – Creditors Report		
<b>Tabled Items:</b>	Vouchers, supporting invoices and other relevant documentation		
<b>Reporting Officers:</b>	A Siapno, Finance Officer – General; B Tan, Manager Financial Services		
<b>Responsible Officer:</b>	M Rootsey, Director Corporate Services		

**OFFICER RECOMMENDATION:**

That the Council **CONFIRMS** the;

- (i) **Schedule of Accounts for the period 1 July – 31 July 2011 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;**

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

**DECLARATION OF INTEREST**

<b>Members/Officers</b>	<b>Voucher</b>	<b>Extent of Interest</b>
Nil.		

**COUNCIL DECISION ITEM 9.3.2**

**Moved Cr Lake, Seconded Cr Buckels**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)**

**(Cr Harvey was on approved leave of absence.)**

**PURPOSE OF REPORT:**

To present to the Council the expenditure and list of accounts approved by the Chief Executive Officer under Delegated Authority for the period 1 July to 31 July 2011.

**BACKGROUND:**

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

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

**DETAILS:**

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

<b>FUND</b>	<b>CHEQUE NUMBERS/ PAY PERIOD</b>	<b>AMOUNT</b>
<b>Municipal Account</b>		
Automatic Cheques	070371-070441	\$368,275.09
Transfer of Creditors by EFT Batch	1255, 1258, 1249 1262-1265, 1257, 1261	\$1,270,750.51
Transfer of PAYG Tax by EFT	July 2011	\$217,628.80
Transfer of GST by EFT	July 2011	
Transfer of Child Support by EFT	July 2011	\$794.69
Transfer of Superannuation by EFT:		
• City of Perth	July 2011	\$0.00
• Local Government	July 2011	\$2,090.40
<b>Total</b>		<b>\$1,859,440.49</b>
<b>Bank Charges &amp; Other Direct Debits</b>		
Bank Charges – CBA		\$4,360.32
Lease Fees		\$3,961.07
Corporate Master Cards		\$12,568.03
Loan Repayment		\$80,131.61
Rejection Fees		\$12.50
<b>Total Bank Charges &amp; Other Direct Debits</b>		<b>\$101,093.53</b>
<b>Less GST effect on Advance Account</b>		<b>0.00</b>
<b>Total Payments</b>		<b>\$1,960,534.02</b>

**LEGAL POLICY:**

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

**RISK MANAGEMENT IMPLICATIONS:**

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

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2011-2016:

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

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

**SUSTAINABILITY IMPLICATIONS:**

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

**ADVERTISING/CONSULTATION:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

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

**COMMENT:**

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

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

**9.3.4 No. 62 (Lots 26, 27 & 28) Frame Court, Leederville – Proposed Lease for YMCA of Perth Incorporated**

<b>Ward:</b>	South	<b>Date:</b>	9 August 2011
<b>Precinct:</b>	Oxford Centre (4)	<b>File Ref:</b>	PRO0946
<b>Attachments:</b>	<a href="#">001</a> - Site Plan <a href="#">002</a> - Aerial		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	T Lumbis, Executive Secretary Technical Services M Rootsey, Director Corporate Services		
<b>Responsible Officer:</b>	M Rootsey, Director Corporate Services		

**OFFICER RECOMMENDATION:**

That the Council **APPROVES** of a Lease from 2 December 2011 to 1 December 2014, for the premises at 62 (Lots 26, 27 & 28) Frame Court, Leederville, being granted to YMCA of Perth Incorporated as follows:

- (a) Term: three (3) years;
- (b) Rent: \$1.00 initial lease (peppercorn agreement);
- (c) Outgoings: to be paid by the Lessee;
- (d) Rates & Taxes: to be paid proportionally by the Lessee;
- (e) Permitted Use: Office, community, recreational and leisure activities; and

Subject to final satisfactory negotiations being carried out by the Chief Executive Officer.

**COUNCIL DECISION ITEM 9.3.4**

**Moved Cr Lake, Seconded Cr Buckels**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)**

(Cr Harvey was on approved leave of absence.)

**PURPOSE OF REPORT:**

The purpose of this report is to provide Council with details regarding YMCA of Perth Incorporated’s lease and their request for a new lease.

**BACKGROUND:**

YMCA of Perth Incorporated has held a lease over 62 Frame Court, Leederville for a period of ten (10) years, consisting of two (2) five (5) year terms of which the current period is due to expire on the 1 December 2011.

**DETAILS:**

On the 3 May 2011 the City wrote to YMCA of Perth Incorporated to offer the following lease renewal terms due to the possible implementation of the Leederville Masterplan during the period of a longer term lease;



*"... The Town will ensure that six (6) months notice prior to the Town requiring the land for redevelopment would be given to YMCA.*

*Therefore in regards to the terms for the lease I am prepared to present to the Council a lease under the following conditions;*

*Initial term: Three (3) years*

*Option term: Nil*

*Rent reviewed annually in alignment with CPI*

*Redevelopment clause (with acknowledgement that the first stage of redevelopment would be The Avenue car park and then Frame Court car park)..."*

The City received correspondence in reply to this letter from YMCA of Perth Incorporated on the 5 May 2011 which in part stated as follows:

*"YMCA Perth wishes to extend our current lease agreement with the Town of Vincent for a further 3 years and request a report be prepared for council approval.*

*We understand and agree to the following terms and conditions for the lease to be prepared and presented to Council.*

*Initial term: Three (3) years*

*Option term: Nil*

*Rent reviewed annually in alignment with CPI*

*Redevelopment clause (with acknowledgement that the first stage of redevelopment would be The Avenue car park and then Frame Court car park).*

*YMCA is very keen for the lease agreement to be for a minimum three year term. We are currently in negotiations with LotteryWest to upgrade and renovate the building, gig space and skate park. All of these upgrades would add value to the facility and services we provide our community. However LotteryWest will not consider our application until we have a minimum lease agreement with the town of Vincent for three years..."*

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

City of Vincent Policy 1.2.1 – Policy Statement:

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

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** YMCA of Perth Incorporated have been excellent tenants during their lease periods.

**STRATEGIC IMPLICATIONS:**

In accordance with the objective of Strategic Plan 2011-2016:

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

**SUSTAINABILITY IMPLICATIONS:**

This provides an excellent example of social sustainability in providing youth services to the City.

**FINANCIAL/BUDGET IMPLICATIONS:**

The current lease payment is a peppercorn agreement and it is recommended that given the community use and the possible redevelopment of the site, this agreement be continued subject to satisfactory negotiations by the Chief Executive Officer.

**COMMENTS:**

YMCA of Perth Incorporated have been excellent tenants for the past ten (10) years and the administration has no hesitation in supporting a further three (3) year period, with a redevelopment clause in the agreement should the Leederville Masterplan be implemented.

**9.4.2 Medibank Stadium (Leederville Oval) Ground Management Committee - Receiving of Unconfirmed Minutes - 2 August 2011**

<b>Ward:</b>	South	<b>Date:</b>	10 August 2011
<b>Precinct:</b>	Oxford Centre, P4	<b>File Ref:</b>	RES0078
<b>Attachments:</b>	<a href="#">001</a> - Ground Management Committee Unconfirmed Minutes		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	M McKahey, Personal Assistant		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council RECEIVES the Unconfirmed Minutes of the Medibank Stadium (Leederville Oval) Ground Management Committee Meeting held on 2 August 2011, as shown in Appendix 9.4.2.

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**COUNCIL DECISION ITEM 9.4.2**

**Moved Cr Lake, Seconded Cr Buckels**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY "EN BLOC" (8-0)**

**(Cr Harvey was on approved leave of absence.)**

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**PURPOSE OF REPORT:**

The purpose of the report is for the Council to receive the Unconfirmed Minutes of the Medibank Stadium (Leederville Oval) Ground Management Committee meeting held on 2 August 2011.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 26 October 2004, the Council considered the establishment of a Committee for the management of Leederville Oval (now known as "Medibank Stadium") and resolved inter alia as follows;

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

- (i) pursuant to Section 5.9(2)(c) of the Division 2, Part No. 5 of the Local Government Act 1995, to establish a Committee for the management of Leederville Oval ("Ground Management Committee");*
- (ii) in accordance with the lease between the Town and East Perth Football Club (EPFC) and Subiaco Football Club (SFC), to APPOINT the Chief Executive Officer to the Committee and invites EPFC and SFC to also nominate a representative;*
- (iii) to delegate the following functions to the Committee;*
  - (a) to determine the Clubs' rights (day-to-day) to use the facilities;*
  - (b) to consider and make representation to the Town for alternative training grounds;*
  - (c) to determine day-to-day operational issues, (including catering, advertising, sponsorship, turf maintenance, cleaning, security, ticketing, use of car park);*

- (d) to establish and review Key Performance Indicators (KPIs);
  - (e) to establish and review Risk Management Plans;
  - (f) to consider any request for temporary structures;
  - (g) to make recommendations for the maintenance of the common area;
  - (h) to make recommendations on Capital Improvements;
  - (i) to make recommendations on catering and formalise a catering policy; and
  - (j) to do other such things with respect to management of Leederville Oval; and
- (iv) the KPIs be referred back to Council for adoption."

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

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

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** It is a statutory requirement to report on the minutes of the Council's Committee meetings.

**STRATEGIC IMPLICATIONS:**

This is in keeping with the City's Strategic Plan 2011-2016 - "*Leadership, Governance and Management*", in particular, Objective 4.1.2 - "*Manage the Organisation in a responsible, efficient and accountable manner.*"

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

Not applicable.

**COMMENTS:**

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

### 9.4.5 Information Bulletin

<b>Ward:</b>	-	<b>Date:</b>	12 August 2011
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Attachments:</b>	<a href="#">001</a> – Information Bulletin		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	K Ball, A/Executive Assistant		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council RECEIVES the Information Bulletin dated 23 August 2011, as distributed with the Agenda.

**COUNCIL DECISION ITEM 9.4.5**

**Moved Cr Lake, Seconded Cr Buckels**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)**

**(Cr Harvey was on approved leave of absence.)**

**DETAILS:**

The items included in the Information Bulletin dated 23 August 2011 are as follows:

ITEM	DESCRIPTION
IB01	Letter from Minister for Transport; Housing regarding Improvement to Route 15 in the City of Vincent
IB02	Summary Minutes of the State Council Meeting held on 7 August 2011
IB03	Notice of final orders from State Administrative Tribunal Re: Skypoint Nominees Pty Ltd v City of Vincent
IB04	Letter to The Hon Tony Burke MP, from Minister for Environment; Water, Re: Hyde Park Lakes Project
IB05	Congratulatory letter from Hon. Liz Behjat MLC, Member for North Metropolitan Region, regarding the receiving of Gold Award for the FESA Employer Recognition Program
IB06	Letter of appreciation from Barry Tonkin, JP FIEAust CPEng Branch President, City of Perth Branch – Royal Association of Justices, regarding the continuous support received from the City of Vincent
IB07	Email of appreciation in regards to rubbish collection

**9.4.7 Proposed Lease of the Rectangular Stadium at 310 Pier Street, Perth to the State Government of Western Australia**

<b>Ward:</b>	South	<b>Date:</b>	18 August 2011
<b>Precinct:</b>	Beaufort, P13	<b>File Ref:</b>	RES0114
<b>Attachments:</b>	<a href="#">001</a> - Major Land Transaction Proposal and Business Plan		
<b>Tabled Items:</b>	Lease		
<b>Reporting Officer:</b>	John Giorgi, Chief Executive Officer		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council;

1. **RECEIVES** the Progress Report of the Stadium Redevelopment and draft Lease to the State Government of Western Australia for the City's Stadium at 310 Pier Street, Perth dated 12 August 2011;
2. **APPROVES** of a Lease of the premises known as "nib Stadium" at 310 Pier Street, Perth to the State Government of Western Australia, for a period of twenty-five (25) years with a twenty-five (25) year Option, as detailed in this report, subject to the Major Land Transaction Proposal and Business Plan, as shown in Appendix 9.4.7, being advertised state-wide for a period of not less than six (6) weeks and inviting written submissions on the proposed undertakings and for the Council to consider any submissions received at the conclusion of this period; and
3. **NOTES** that;
  - 3.1 a further report will be submitted to the Council at the conclusion of the statutory six (6) week consultation period to consider any submissions received; and
  - 3.2 the State Government has approved of a Stage 1 Redevelopment of the Stadium, at an estimated cost of \$94.1 million, as detailed in this report.

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**COUNCIL DECISION ITEM 9.4.7**

**Moved Cr Lake, Seconded Cr Buckels**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY "EN BLOC" (8-0)**

**(Cr Harvey was on approved leave of absence.)**

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**PURPOSE OF REPORT:**

The purpose of the report is for the Council to approve of a Lease of the premises known as "nib Stadium", 310 Pier Street, Perth to the State Government of Western Australia, subject to advertising a Major Land Transaction Business Plan for the proposal.

**BACKGROUND:**

**Previous Reports**

Previous reports have been submitted to the Special Meeting of Council held on 6 September 2010, Ordinary Meeting of Council held on 27 July 2010, 28 July 2009, 24 March 2009, 24 February 2009, 8 April 2008, 4 December 2007, Special Meeting of Council held on 29 May 2007 and Ordinary Meetings of Council held on 13 June 2006, 11 April 2006, 14 February 2006, 22 November 2005, 12 July 2005, 26 April 2005, 22 March 2005, 21 December 2004 and 26 October 2004.

At the Special Meeting of Council held on 6 September 2010, the Council considered the matter of a possible Lease of the Rectangular Stadium to the State Government and resolved as follows;

*"That the Council;*

- (i) *RECEIVES the Progress Report of the Stadium Redevelopment, together with;*
  - (a) *THE OFFER of the State Government of Western Australia dated 30 August 2010, as shown in Appendix 7.2A; and*
  - (b) *the Independent Advice from Colliers International, the Town's Valuer/Property Consultants, dated 1 September 2010, as detailed in this report and shown in Appendix 7.2B;*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to;*
  1. *ACCEPT "THE OFFER" of the State Government of Western Australia dated 30 August 2010, as shown in Appendix 7.2A, to lease the premises known as "nib Stadium, 310 Pier Street, Perth", as detailed in the Confidential Report, subject to;*
    - (a) *the Council approving of a Major Land Transaction Business Plan in accordance with Section 3.59 of the Local Government Act; and*
    - (b) *approval of the Lease Term by the Minister for Lands; and*
    - (c) *the Lease between the Town and the State Government to include the following clauses:*
      - A. *a "make good" Clause which, at the discretion of the Town, upon cessation of the Lease, requires the State to remove all Capital Improvements made to the Premises, at the State's cost and "make good" the land, to the satisfaction of the Town;*
      - B. *the basis for setting parking fees for Loton Park may be adjusted by way of a Market Review every five years to reflect any general change of parking costs in the Perth CBD and to reflect the prevailing market rates or any extraordinary or special circumstances which may exist at the time; and*
      - C. *the Stadium Advisory Committee functions to include, (in addition to the existing specified functions), the following:*
        - *Traffic and Access Management, including Traffic Impact Analysis, Stadium Parking Plan and Public Transport Plan; and*
    - (d) *the State preparing and implementing a Stadium Access Management Plan that includes:*

- A. *a post-upgrade Traffic Impact Analysis and provision for implementation of traffic management measures to minimise impacts to safety and amenity of surrounding residents;*
  - B. *a Stadium Parking Plan consistent with the Town's parking strategy for the areas surrounding the stadium and requiring cooperation between the Stadium management and Town in addressing parking issues;*
  - C. *a general Public Transport Plan for events including examination of the need for new train/bus routes and infrastructure;*
  - D. *provision for improved pedestrian links from the East Perth and Claisebrook train stations to the stadium to be developed in consultation with the Town and funded by the State Government within the timeline of the stadium upgrade project. Such improvements include, but are not limited to:*
    - High Priority*
    - i. *East Perth Train Station – to be modified to make it compliant for disabled access;*
    - ii. *Summer Street access to the station to be modified so that pedestrian access through the car park is made safer.*

*Other items to be addressed as part of the Improvements to include, but not limited to;*

    - (a) *the Claisebrook Station – the ramp to and from the overpass to be modified so that walking in the opposite direction is minimised; and*
    - (b) *the Claisebrook Station – Edward Street crossing to be made safer; and*
  - E. *the State recognising the potential future changes in land use in areas surrounding the Stadium;*
2. *ALLOCATE the;*
- (a) *upfront Offer Payment temporarily in the Town's Capital Reserve Fund, pending a further decision by the Council; and*
  - (b) *Annual Fee to the Town's Capital Reserve Fund; and*
3. *APPROVES of a portion of Loton Park to be used as a temporary Builder's Construction Compound for the duration of the redevelopment of the eastern stand, as shown in Appendix 7.2D (Plan No. 2737-CP-01), subject to;*
- (a) *submission of a Construction Management Plan to the Town, prior to the issue of a Building Licence;*
  - (b) *the area being kept to an absolute minimum and the majority of Loton Park being kept available for public use at all times, during the construction period and the Chief Executive Officer being authorised to determine the actual area to be used;*
  - (c) *sufficient access being kept available so that the public can move unimpeded at all times in Loton Park from Bulwer Street through to Lord and Brewer Streets;*



- (d) *all costs associated with the setting up of the Builder's Compound being paid by the State, and/or Builder;*
  - (e) *the area being re-instated (at the State's and/or Builder's cost) at the conclusion of the construction period to the satisfaction of the Town; and*
  - (f) *the provision of a replacement temporary dual use path and associated path lighting around the builder's complex for the duration of the construction period;*
- (iii) *AUTHORISES the Chief Executive Officer to;*
- (a) *negotiate finalisation of the Terms and Conditions of The Offer and Draft Lease (in liaison with the Mayor), subject to final approval by the Council;*
  - (b) *invoke the Heads of Agreement "Redevelopment of the Stadium" Clause 11.1 and serve written notice on Allia Venue Management Pty Ltd (Allia);*
  - (c) *assist the State Government, if required, to confer and renegotiate the provisions of the Heads of Agreement and Deeds of Licence with Allia and the Licensees and provide a further report to the Council for approval; and*
  - (d) *sign the Lease (when agreement has been reached), together with the Mayor, and affix the Council's Common Seal;*
- (iv) *NOTES that the State Government has requested that, subject to The Offer being accepted by the Council, a Public Announcement is to be jointly made by the State Government and the Town as soon as practicable thereafter;*
- (v) *DIRECTS that;*
- (a) *the matter be treated as Strictly Confidential until agreement has been reached between the Town and State Government; and*
  - (b) *the report remain Confidential until it has been made public by the Chief Executive Officer; and*
- (vi) *REQUESTS the Chief Executive Officer to provide a report to the Council on the options for the allocation of the upfront Offer payment and Annual fee funds, by November 2010."*

## **PROPOSED REDEVELOPMENT**

On 1 August 2011, the State Government announced a \$94.1 million stage 1 redevelopment of the premises known as "nib Stadium", consistent with the master plan for the site that was endorsed by Cabinet in November 2010. The Master plan outlines the eventual transformation of the existing Perth Oval site into a purpose built 25,000 seat rectangular Stadium.

The State Government - Department of Sport and Recreation has advised that the Stage 1 redevelopment will consist of the following;

- *"New Permanent Eastern Stand (6980 seats);*
- *New east stand food and beverage concessions and toilets;*
- *56 Corporate Boxes seating 420 spectators;*
- *250 person BBQ Terrace;*
- *New Pitch Floodlighting;*
- *New Pitch;*
- *2 Video screens; and*
- *LED signage.*

*Construction is expected to begin in 2012."*

The construction period will be approximately 18 months.

## **DRAFT LEASE**

### **Lease Terms and Conditions**

On 6 September 2010, a report was submitted to the Council which advised of an Offer and the Draft Lease between the State Government and the City. The Lease has been verbally agreed at Officer level and has been vetted by the respective Solicitors.

The Draft Lease has been carefully drafted to cover important matters, to protect the interest of both Parties.

Important Clauses include;

Reference Table - Lessor, Lessee, Financial Details and Dates - Reference Table:

- **Party Details** - City of Vincent (Lessor) and State Government of Western Australia (Lessee).
  - **Property Details** - Land comprising of the Stadium and 1,400m<sup>2</sup> of forecourt in front of the Heritage Gates.
  - **Term** - Twenty-five (25) years, with a further term of twenty-five (25) years, by giving not less than two years' notice prior to the expiry of the original term.
  - **Rent Details** - \$25,000 per year, increased by CPI, paid on the first day of each month.
  - **Self-Insurance Cover** - Cover for buildings and improvements, public liability cover and other improvements. Public liability cover for \$10 million.
  - **Additional Terms:**
    - Annual Report - to be provided every six months concerning the performance of the Stadium.
    - Break Clause - Lessee can give 24 months prior notice to break the Lease.
    - Intervals for Painting - Ten (10) years or sooner if reasonably required by the Lessor (City).
    - Use of Adjoining Loton Park - Fee to be paid as prescribed by the Council.
    - Lump Sum Payment - \$5 million to be paid within 14 days of the Lease becoming unconditional and signed by the Parties.
1. **Definitions and Interpretations** - as per standard Lease.
  2. **Lease** - This Lease is only applicable upon the Lessee reaching agreement with the Stadium Manager and the Lessor is released from its obligations under the Heads of Agreement (i.e. the Lease becomes unconditional).
  3. **Lessee's Payments** - Lessee to be responsible for all outgoings - *the Lessor will not be responsible for any outgoings whatsoever.*
  4. **Goods and Services Tax** - To reflect legislative requirements.
  5. **Service Charges** - Lessee to pay all charges for services.

6. **Assignment and Sub-Letting** - Approval of the Lessor must be obtained (which cannot be unreasonably withheld).
7. **Use of Premises** - Permitted use of the premises is a Stadium for "*sporting, entertainment and cultural events and other associated purposes*". The Lessee must not do anything which causes a nuisance.
8. **Self- Insurance** - The Lessee must maintain a Risk Cover Insurance (by the State Government).
9. **Indemnity** - The Lessee indemnifies the Lessor against any liability.
10. **Compliance with Laws and Requirements** - Lessor must comply with all laws in connection with the premises.
11. **Capital Improvements, Maintenance and Repair** - Lessee is responsible to keep premises in good and clean condition to the satisfaction of the Lessor. *The Lessor will not be responsible for any maintenance or Capital Improvements whatsoever.*
12. **Alterations and Installations** - The Lessee must obtain the Lessor's approval for any Capital Improvements, alterations or additions. All alterations and improvements must be to the satisfaction of the Lessor.
13. **Caveats** - The Lessee is not permitted to lodge any caveats over the land.
14. **Lessor's General Rights and Obligations** - The Lessee is entitled to "*quiet enjoyment*".
15. **Default and Termination** - Standard Clauses relating to Default and Termination apply. For example, default can occur if rent remains unpaid for after a period of one (1) month or the Lessee fails to rectify a material breach within a period of three (3) months.
16. **Expiration of the Term** - The Lessee is required to hand over the premises in a good, clean condition and repair, as prescribed by the Lease, and must remove any of the Lessee's property and repair any damage at the end of the term.
17. **Holding Over** - The Holding Over period is six (6) months.
18. **Damage or Destruction** - If the premises are damaged or destroyed, the Lessee has the option to either repair and reinstate or remove all damage. If the Lessee terminates the Lease, the Lessee shall remove all damaged materials and return the premises to the Lessor in a satisfactory state.
19. **Costs** - Each party shall pay their own costs concerning the negotiation, preparation and execution of the Lease.
20. **Notices** - A standard procedure for issuing a Notice or other communication is prescribed.
21. **Stadium Advisory Committee and Functions** - The State shall establish a Stadium Advisory Committee, which includes a City of Vincent representative. The Functions of the Advisory Committee are prescribed as follows;
  - (i) to establish and review the KPI's in conjunction with Allia;
  - (ii) to assess whether each proposed Licensing Agreement is consistent with the KPI's and the provisions of this Agreement and to approve the proposed Licensing Agreement if it is consistent;
  - (iii) to supervise the performance of the Services by Allia and to ensure that Allia performs the Services in accordance with the KPI's and this agreement;
  - (iv) to receive and consider Performance Reports; and
  - (v) to advise the State on Capital Improvements required for the Stadium and to make recommendations to the State about the use of the Reserve Fund;

- (vi) to review Naming Signage.
- (vii) to review the Risk Management Plan.
- (viii) Other functions as requested by the Minister from time to time.

For the purpose of avoidance of doubt, the Parties acknowledge that the Committee's functions do not include carrying out any of the Operational Management Services which are to be provided by Allia.

#### Upcoming Events

The Lessee is required to give the Lessor reasonable notice of all events where the playing surface will be used.

- 22. Redevelopment of Premises** - The Lessee is required to carry out the redevelopment at their own risk and be liable for all costs. A copy of the Master Plan must be provided to the Lessor and a Project Control Group must be established to oversee the redevelopment project, which includes two representatives of the City.

During redevelopment the Lessee must take all reasonable action to minimise any disturbance, nuisance or annoyance to the tenant or occupiers in premises in the vicinity of the Stadium.

- 23. Reports to the Lessor** - The Lessee must provide the Lessor with an Annual Report and promptly advise the Lessee of;

- (a) any significant damage to the Premises that may cause any significant interruption to normal operation of the Premises;
- (b) death or injury to a person attending a match or Event;
- (c) any matter that may adversely reflect on the Lessor; and
- (d) any other matter that may expose the Lessor or its employees to litigation or otherwise adversely affect the interests of the Lessor.

The report must include the date, time, and location of the incident.

- 24. Mutual Covenants** - Standard Lease conditions are included.

A copy of the Draft Lease (Version No. 24) is "Tabled".

#### **THE LEASE - REFERENCE TO SPECIFIC COUNCIL CONDITIONS**

At the Special Meeting of Council held on 6 September 2010, the Council requested a number of specific conditions, as follows;

1. a "make good" Clause which, at the discretion of the Town, upon cessation of the Lease, requires the State to remove all Capital Improvements made to the Premises, at the State's cost and "make good" the land, to the satisfaction of the Town;

#### **Government's Response:**

On 17 November 2010, the Minister for Sport and Recreation wrote to the City and advised as follows;

Condition (ii)(1.)(c)(a) - It would be unreasonable for the [City] to hold an expectation that the State would remove all Capital Improvements made to the Premises at the State's cost to the satisfaction of the [City]. I do not agree with the inclusion of this clause.

City's Comment:

Negotiations between the City and the Department of Sport and Recreation have continued on this and other conditions. However, the Minister has not agreed to this condition.

This matter is covered by Clause 16 of the Draft Lease, which states;

*"At the expiration of the Lease Term, the State Government;*

- (a) must deliver up possession of the Premises to the Lessor in good and substantial repair, order and condition and a state of cleanliness and decoration consistent with the due and punctual observance and performance by the Lessee of the Lessee's Covenants; and*
- (b) must deliver to the Lessor all keys cards, switching equipment, combinations, identification cards or other devices for or enabling the Lessee or the Lessee's Employees and Visitors to gain access to the Premises or the Building or the Land.*
- (c) may remove the Lessee's Property from the Premises at any time before termination of this Lease and must repair any damage to the Premises caused by removal of the Lessee's Property."*

2. *the basis for setting parking fees for Loton Park may be adjusted by way of a Market Review every five years to reflect any general change of parking costs in the Perth CBD and to reflect the prevailing market rates or any extraordinary or special circumstances which may exist at the time; and*

**Government's Response:**

The Minister has written as follows;

*"Condition (ii)(1)(c)(B) - The State will comply with current practices that Loton Park will be made available for patron parking vehicles on Event Days. However I do not agree that the basis for the market review is based on a Perth CBD comparator; the method of annual review can be agreed between the parties."*

City's Comment:

This condition has not been agreed by the Minister. Accordingly, the condition has remained that the current fees apply and can be increased by CPI annually. The Lease requires that Loton Park is to be made available for events where it is expected that crowds of 10,000 patrons or more will be expected. Therefore, based on previous experience, it can be expected that Loton Park will be used approximately 25-27 days per year (i.e. based upon 11 A-League; 11 Super 15 and 1 WARL game(s) and 2.5 Concerts).

The City will manage and retain all income from Loton Park parking.

3. *the Stadium Advisory Committee functions to include, (in addition to the existing specified functions), the following:*

- Traffic and Access Management, including Traffic Impact Analysis, Stadium Parking Plan and Public Transport Plan; and*

4. *A Stadium Access Management Plan that includes:*

- A. *a post-upgrade Traffic Impact Analysis and provision for implementation of traffic management measures to minimise impacts to safety and amenity of surrounding residents;*
- 5. *A Stadium Access Management Plan that includes:*
  - B. *a Stadium Parking Plan consistent with the Town's parking strategy for the areas surrounding the stadium and requiring cooperation between the Stadium management and Town in addressing parking issues;*
- 6. *A Stadium Access Management Plan that includes:*
  - C. *a general Public Transport Plan for events including examination of the need for new train/bus routes and infrastructure;*

**Government's Response:**

The Minister has written as follows;

*"Condition (ii)(1.)(c)(C) - Notwithstanding the State's expectation of "quiet enjoyment" in the lease agreement, the State would agree to include annual reviews of Traffic and Access Management Planning as part of amended terms of reference for the Stadium Advisory Committee."*

City's Comment:

This condition has been agreed and is included in Clause 21 of the Lease.

- 7. *A Stadium Access Management Plan that includes:*
  - D. *provision for improved pedestrian links from the East Perth and Claisebrook train stations to the stadium to be developed in consultation with the Town and funded by the State Government within the timeline of the stadium upgrade project. Such improvements include, but are not limited to:*
- 8. *Such improvements include, but are not limited to:*
  - High Priority
    - i. *East Perth Train Station – to be modified to make it compliant for disabled access;*
    - ii. *Summer Street access to the station to be modified so that pedestrian access through the car park is made safer.*
- 9. *Other items to be addressed as part of the Improvements to include, but not limited to:*
  - (a) *the Claisebrook Station – the ramp to and from the overpass to be modified so that walking in the opposite direction is minimised; and*
  - (b) *the Claisebrook Station – Edward Street crossing to be made safer; and*

**Government's Response:**

The Minister has written as follows;

*"As a general observation the Major Stadium Study outlined that the Public Transport Authority (PTA) would develop strategies to maximise public transport use of Stadium events. I am committed to this approach and as the redevelopment of nib Stadium progresses there will be further investigation of the need for any additional infrastructure and resource allocation should they be required."*

*The issue of pedestrian access will be investigated as part of the redevelopment of nib Stadium. At this stage, it would not be appropriate to agree to the conditions regarding pedestrian access without further work being completed as part of the overall stadium development."*

**City's Comment:**

This condition has only been partly agreed by the Minister. A number of requested matters will be investigated. The Minister's position is acknowledged and accordingly, the Lease does not contain upgrade of infrastructure which is outside the Stadium Lease area.

**Heads of Agreement**

The Draft Lease with the State Government requires the State to assume total responsibility for the Heads of Agreement contracts and Licences. A new Heads of Agreement is being negotiated between the State and Allia Venue Management. Allia will remain as Stadium Manager for the remainder of their original Term and this will expire on 6 February 2024. The existing Deeds of Licence (with Perth Glory Football Club, RugbyWA and WARL) will continue until they expire or are terminated.

The City's Chief Executive Officer has been assisting the State and Allia Venue Management in these negotiations.

The State Government of Western Australia and the City's Stadium Manager are well advanced in negotiations for a new Heads of Agreement to manage the Stadium on behalf of the State, under the same Terms and Conditions of the existing Heads of Agreement (HOA) between the City and the Manager.

Upon agreement between the City of Vincent, State Government and Allia Venue Management, a new Heads of Agreement will be signed between the State and Allia Venue Management.

The City and Allia Venue Management will contemporaneously sign a Deed of Surrender concerning the existing Heads of Agreement between the two parties.

The City's legal advice recommends that the City not be a party to any new HOA between the State and Allia Venue Management.

**CONSULTATION/ADVERTISING:**

A Business Plan under the Major Land Transaction requirements of the Local Government Act will have to be advertised for a minimum of six (6) weeks, seeking any submissions.

**LEGAL/POLICY:**

The Local Government Act 1995, Section 3.59 - "Major Land Transaction".

**Land Titles**

Perth Oval and Loton Park comprise of a number of individual titles. The City of Vincent owns the land freehold - however, a significant portion of the land is subject to the Loton Trust - which requires the land to be used in perpetuity for "Recreational Purposes".

**Zoning**

Perth Oval and Loton Park are a Reserve under the City of Vincent Town Planning Scheme No. 1 and are zoned "Parks and Recreation" in the Metropolitan Region Scheme. Any redevelopment will require approval of the Western Australian Planning Commission. The

proposed redevelopment will require referral to the Development Assessment Panel for consideration and determination.

### **Heritage**

Perth Oval and Loton Park are listed on the State Register for Heritage Places - Western Australia and also on the Interim Register for Aboriginal Heritage sites. As such, approvals from the Heritage Council of Western Australia and Department of Indigenous Affairs will be required for any redevelopment.

### **RISK MANAGEMENT IMPLICATIONS:**

**High:** The transfer of the Stadium via a long term lease to the State Government involves negotiations of complex legal documents. It also involves a third party (i.e. Stadium Manager - Allia). To reach an agreement which is acceptable to all Parties has involved protracted negotiations.

Should agreement not be reached with any Party, the whole project would be in serious jeopardy.

### **STRATEGIC IMPLICATIONS:**

This is in keeping with the following Objectives of the City's Strategic Plan - Plan for the Future 2011-2016;

- "1.1.6(h) *Carry out the redevelopment of Members Equity Stadium (Perth Oval) in partnership with the State Government and stakeholders.*
- 2.1.2(a) *Establish public/private alliances and partnerships to attract external funding and investment to enhance the strategic direction of the Town; and*
- 2.1.2(b) *Develop partnerships with government agencies.*
- 2.1.5(a) *Identify and develop successful business opportunities, pursuing other income streams and cost management to reduce the Town's reliance on rates."*

### **SUSTAINABILITY IMPLICATIONS:**

The current Stadium is an aged facility with a significant component being of a temporary nature, e.g. scaffold stands, temporary toilets and food and liquor outlets.

The existing grandstand requires considerable annual maintenance and upkeep. This will only continue, as with all ageing infrastructure.

A new Stadium will incorporate many sustainability principles such as photoelectric panels, rainwater tanks for water reuse, modern fixtures and fittings which are water efficient, energy efficient fittings, etc.

### **FINANCIAL/BUDGET IMPLICATIONS:**

To date, the City has not received any monies, as the draft Lease has not been approved. Accordingly, Clause 2 of the previous Council condition is not applicable.

There are no specific funds provided for legal and other consultants' costs in the 2011/2012 Budget for this specific item, however an amount of \$30,000 has been included for general legal advice. Legal costs have been minimal to date, as the majority of the negotiations have been carried out at Officer level, without the need for solicitors on both sides.



The proposal indicates the following arrangement;

**Revenue:**

Financial Income

1. Up-front capital payment of \$5 million paid within fourteen (14) days upon the signing of the Lease.
2. Annual Revenue of \$25,000 per year indexed by CPI (Perth) will be received for the term of the Lease. To be paid monthly.
3. The City will continue to control and manage Loton Park and temporary parking on Event Days. Annual parking fees of \$84,000 (net) per annum are received.
4. The City will continue to control and manage the Stadium car park, except on Event Days, where 10,000 persons are anticipated at the event. Revenue of \$6,250 is received per annum.

Annual Cost Savings to City

1. Cost savings of \$67,500 per annum no longer to be paid by the City into the Stadium Capital Reserve Fund.
2. Forecourt maintenance savings of \$14,500 per annum.
3. Cost savings from no longer dealing with Stadium administrative matters based on 1 hour - Chief Executive Officer, 1 hour - Chief Executive Officer's Personal Assistant and 2 hours for a Property Maintenance Officer per week over 50 year period will result in cost savings of \$1,519,148 (plus).
4. Cost savings from no longer carrying out capital improvements of approximately \$30,000-\$50,000 per year.

Improvement to City Asset

Once Stage 2 Redevelopment has been completed, the City's Stadium asset will be increased in value from \$20,133,083 to in excess of \$80 million.

Expenditure

The City will no longer be responsible for any expenditure (either Capital Improvements or ongoing maintenance) relating to the leased area of the Stadium.

**Professional Valuation and Property Advice**

On 1 September 2010, the City engaged Colliers International Property Consultants and Valuers to evaluate and provide advice on the State's offer.

The City's Property Consultant's report advised that the State Government's offer "is financially reasonable". It further advised that "the State's Offer in Present Value (PV) terms exceeds the upper limit of our initial market rental assessment".

*"The analysis conclusion provides for an acceptance of the State's Lease proposed on financial terms."*

**COMMENTS:**

The Lease is the culmination of over eighteen months' dialogue with the State Government of Western Australia. The City's Property Consultant's report advises that the State Government's Offer *"is financially reasonable"*. It further advises that *"the State's Offer in Present Value (PV) terms exceeds the upper limit of our initial market rental assessment"*.

*"The analysis conclusion provides for an acceptance of the State's Lease proposed on financial terms."*

The direction of the State Government is in accordance with the Recommendations of the Major Stadia Taskforce which are supported in the main by the Council.

The Offer provides a unique opportunity for the City to remove itself from what is considered to be a State Government responsibility to provide state sporting facilities and major infrastructure, whilst at the same time securing a most reasonable financial deal, which will provide significant benefits to the City of Vincent and its residents.

The Offer is considered a "win-win" for both the City and the State Government and accordingly, it is recommended that the Council approves of the Officer Recommendation.

**9.1.5 Nos. 248-250 (Lot 801; D/P: 56574), Nos. 254-258 (Lot 800; D/P: 56574) No. 262 (Lot 201; D/P: 302414, Lot 2; D/P: 1121, Lot 3; D/P: 11210) Lord Street, Nos. 133-137 (Lot 1; D/P:1121), No. 133 (Lot 7; D/P: 398) Summers Street and No. 10 (Lot 100; D/P: 74945) Coolgardie Terrace, Perth – Proposed Demolition of Existing Buildings and Construction of a Six and Seven Storey Mixed-Use Development Consisting of Nineteen (19) Single Bedroom Multiple Dwellings, Seventy-One (71) Multiple Dwellings, Four (4) Offices/Showrooms, One (1) Office, Two (2) Shops, One (1) Restaurant and Associated Basement Car Parking**

<b>Ward:</b>	South	<b>Date:</b>	10 August 2011
<b>Precinct:</b>	East Perth Redevelopment Authority Area - Claisebrook Road North Precinct 15	<b>File Ref:</b>	PRO 4235; 5.2011.177.1
<b>Attachments:</b>	<a href="#">001</a> - Property Information Report and Development Application Plans		
<b>Tabled Items:</b>	Plans - Coloured Perspectives, Applicant's submission and Response		
<b>Reporting Officers:</b>	R Narroo, Senior Planning Officer (Statutory) H Au, Heritage Officer		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

That the Council;

in accordance with the provisions and powers of both the Local Government (Change of Districts Boundaries) Order 2007 and the Local Government (Constitution) Regulations 1998, allowing the City of Vincent to, in effect, administer the East Perth Redevelopment Authority Scheme No. 1 as if it were its own Scheme and the Metropolitan Region Scheme, APPROVES the application submitted by SS Chang Architects on behalf of the owner Cygnet Properties Pty Ltd for Proposed Demolition of Existing Buildings and Construction of a Six and Seven Storey Mixed-Use Development Consisting of Nineteen (19) Single Bedroom Multiple Dwellings, Seventy-One (71) Multiple Dwellings, Four (4) Offices/Showrooms, One (1) Office, Two (2) Shops, One (1) Eating House and Associated Basement Car Parking at Nos. 248-250 (Lot 801; D/P: 56574), Nos. 254-258 (Lot 800; D/P: 56574) No. 262 (Lot 201; D/P: 302414, Lot 2; D/P: 1121, Lot 3; D/P: 11210) Lord Street, Nos. 133-137 (Lot 1; D/P: 1121), No. 133 (Lot 7; D/P: 398) Summers Street and No. 10 (Lot 100; D/P: 74945) Coolgardie Terrace, Perth, in accordance with the application dated 30 March 2011 and as shown on amended plans stamp-dated 29 July 2011, subject to the following conditions:

**1. Building**

- 1.1 All new external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Lord Street, Summers Street and Coolgardie Terrace;**
- 1.2 First obtaining the consent of the owners of No. 8 Coolgardie Terrace for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 8 Coolgardie Terrace in a good and clean condition;**

1.3 Doors, windows and adjacent floor areas facing Lord Street, Summers Street and Coolgardie Terrace, shall maintain active and interactive relationships with these streets;

1.4 The maximum gross floor area of the office, office/showroom, shop and restaurant shall be limited as follows:

Office (unit 91) - 165 square metres;  
Retail (unit 92) - 94 square metres;  
Retail (unit 93) - 88 square metres;  
Office/Showroom (unit 94) - 97 square metres;  
Restaurant (unit 95) - 162 square metres;  
Office/Showroom (unit 96) - 115 square metres;  
Office/Showroom (unit 97) - 106 square metres; and  
Office/Showroom (unit 98) - 98 square metres.

Any increase in floor space or change of use of the uses above shall require Planning Approval to be applied to and obtained from the City and shall be assessed in accordance with the relevant Planning Policy including the East Perth Redevelopment Scheme No. 1; and

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

2. Car Parking and Accessways

2.1 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;

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

2.3 The car parking area shown for the non-residential component and the visitors bays for the residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;

2.4 The car park shall be used only by employees, tenants, and visitors directly associated with the development; and

2.5 Twenty-six (26) car parking bays shall be allocated for the office, office/showroom, shop and restaurant;

3. Public Art

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

3.1 Within twenty – eight (28) days of the issue date of this 'Approval to Commence Development', elect to either obtain approval from the City for an Artist to undertake a Public Art Project (Option 1) or pay the Cash-in-Lieu Percent for Public Art Contribution, of \$216,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$21,600,000); and

**3.2 In conjunction with the above chosen option;**

**3.2.1 Option 1 –**

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

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

**3.2.2 Option 2 –**

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

**4. Signage**

**All signage shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted to and approved by the City, prior to the erection of the signage;**

**5. Road Reservation**

**The land owners shall not seek from either the City or the Western Australian Planning Commission, compensation for any loss, damage or expense to remove the approved works (awning, landscaping and paving) which encroaches on the Other Regional Road reservation/road widening requirement when the road reservation/road widening/road upgrade is required;**

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

**6.1 Construction Management Plan**

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

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

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

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

**6.2.2 The City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/or commercial units. The on-site car parking was in accordance with the requirements of the Residential Design Codes, the East Perth Redevelopment Scheme.**

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

**6.3 Landscape and Reticulation Plan**

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

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

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

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

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

**6.4 Schedule of External Finishes**

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

**6.5 Acoustic Report**

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

**6.6 Refuse and Recycling Management Plan**

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

Separate bin stores accommodating 16 bins for the commercial units and 68 bins for the residential units;

**6.7 Security Bond**

In keeping with the City's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land shall be upgraded, by the applicant, to a brick paved standard to the City's specification. A refundable footpath upgrading bond of \$50,000 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the City's Technical Services Division. This bond also extends to the modification of the intersection of Lord Street and Coolgardie Terrace as shown on the approved drawings. An application to the City for the refund of the upgrading bond must be made in writing;

**6.8 Fencing**

Any new street/front wall, fence and gate within the Lord Street, Summers Street Coolgardie Terrace setback areas, including along the side boundaries and within these street setback areas, shall comply with the East Perth Redevelopment Scheme No. 1;

**6.9 Amalgamation**

Prior to the issue of a Building Licence, the subject Lots 800, 201, 801, 7, 1, 2, 3 and 100 shall be amalgamated into one lot on one Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the City, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the City's solicitors or other solicitors agreed upon by the City, undertaking to amalgamate and subdivide the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s); and

**6.10 Design Features**

Two design features using colour and/or relief being incorporated on the visible portions of the east face of the building wall facing No. 8 Coolgardie Street, to reduce the visual impact of that wall; and

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

**7.1 Residential Car Bays**

A minimum of eighty-five (85) car bays and twenty-three (23) car bays shall be provided for the residents and visitors respectively. 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;

**7.2 Bicycle Parking**

Thirty (30) bicycle bays for the residents and nine (9) bicycle bays for the visitors of the residential component, plus eight (8) bicycle bays for the commercial component, shall be provided at a location convenient to the entrance, publicly accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3;

**7.3 Management Plan-Vehicular Entry Gates**

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

**7.4 Management Plan- Tandem Parking**

The Applicant shall submit a management plan detailing how the tandem parking bays will be managed; and

**7.5 Clothes Drying Facility**

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

**Advice Note:**

The City will seek Approval from Main Roads WA and the Honourable Minister for Transport for the conversion of the section of Coolgardie Street, between Lord Street and Claisebrook Road, to two way traffic.

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**Moved Cr Farrell, Seconded Cr Maier**

That the recommendation be adopted:

Debate ensued.

**AMENDMENT No. 1**

**Moved Cr Maier, Seconded Cr Buckels**

That the following amendment be adopted:

That clauses 2.5 and 7.1 be amended to read as follows:

".....

**2.5 A maximum of Ninety-two (92) ~~Twenty-six (26)~~ car parking bays shall be allocated for the office, office/showroom, shop and restaurant;**

.....

**7.1 Residential Car Bays**

**A minimum maximum of ~~eighty-five (85)~~ one hundred and eight (108) car bays (eighty-five (85) car bays for residents and twenty-three (23) car bays for visitors) shall be provided, for the residents and visitors respectively. The (133 108) 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;**

**AMENDMENT No 1 PUT AND LOST ON THE  
CASTING VOTE OF THE PRESIDING MEMBER (4-5)**

**For:** Cr Buckels, Cr Lake, Cr McGrath, Cr Maier

**Against:** Presiding Member, Mayor Nick Catania (two votes – deliberative and casting vote), Cr Burns, Cr Farrell, Cr Topelberg

Debate ensued.

**PROCEDURAL MOTION**

**Moved Cr McGrath, Seconded Cr Maier**

“That the item be deferred.”

**PROCEDURAL MOTION PUT AND LOST (2-6)**

(Cr Harvey on approved leave of absence.)

**For:** Cr McGrath, Cr Maier

**Against:** Mayor Catania, Cr Buckels, Cr Burns, Cr Farrell, Cr Lake, Cr Topelberg



**COUNCIL DECISION 9.1.5**

**MOTION PUT AND CARRIED (6-2)**

**(Cr Harvey on approved leave of absence.)**

**For:** Mayor Catania, Cr Buckels, Cr Burns, Cr Farrell, Cr Lake, Cr Topelberg

**Against:** Cr McGrath, Cr Maier

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**ADDITIONAL INFORMATION:**

**The following is a verbatim of the further information provided by the applicant in response to comments made at the Council Forum held on 16 August 2011.**

"East Perth Redevelopment Scheme

The East Perth Redevelopment Scheme is a precinct based scheme which is different to most local government schemes in that it is not a zoned based scheme. This means that there is no base zoning with land use and development standards based on the Precinct Provisions.

The subject site is located within the Claisebrook Road North Precinct (P15). The precinct density is R80. The Statement of Intent for the Precinct states that within this Precinct, commercial, retail, service and light industrial uses compatible with residential use will be supported, including uses providing services to the businesses and residents of the central and inner city.

The Authority intends that there should be an improvement in the general level of amenity in the Precinct, with the improved presentation and maintenance of private properties and the public domain, and a progressive reduction in the incidence of those industrial activities incompatible with other uses, including residential development.

With the Precinct the following land uses are preferred:

**Category 1: Research & Development**

Research and Development

**Category 2: Commercial**

Office	Hotel	Motel	Tavern
Car Park	Laundromat	Medical Centre	Club
Premises			
Betting Agency	Theatre/Cinema	Consulting Rooms	Restaurant
Fast Food Outlet	Hall	Showroom	

**Category 3: Service & Light Industry**

Dry Cleaning Premises	Service Station	Warehouse	Veterinary
Clinic			
Service Industry	Light Industry		

**Category 4: Retail**

Convenience Store	Garden Centre	Shop
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**Category 5: Residential**

Single House	Serviced Apartments	Multiple Dwellings	Lodging
House			
Group Dwellings	Aged Persons	Single Bedroom Dwellings	

The following uses are contemplated Uses:

Category 6: Community Uses

Educational Establishment	Civic Building
Public Worship - Place of	Day Care Centre

Category 7: Recreation Uses

Public Open Space	Recreation Facilities
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The precinct provisions state that the plot ratio is 1:1 and that the plot ratio may be increased to a 1.5:1, provided that in any development having a plot ratio in excess of 1.0, not less than 50% of the excess relevant floor area shall be dedicated to residential use. The proposed development has 100% of the excess floor area dedicated to residential use.

Under clause 2.19 of the EPRA Scheme, any Scheme standard or requirement can be varied if the authority is satisfied that the development would be consistent with:

- Orderly and proper planning;
- The interests of amenity; and
- Any relevant existing planning policy or design guideline adopted by the Authority.

And that the non-compliance will not have a significant adverse effect upon:

- The occupiers or users of the proposed development;
- Neighbouring occupiers or users of property; and
- The desirable future development of the area.

The proposed plot ratio is not considered to impact the future occupiers of the subject site or neighbouring occupiers and the plot ratio is considered to be in accordance with the desired amenity and future character of the area. The area is recognised as a desirable and connected inner city locality that should support high density mixed use development as proposed. The design of the proposal with a low level podium and two separate towers is also considered to break up the bulk of the proposed building.

This proposal will also act as a catalyst for redevelopment of the surrounding light industrial uses. Due to the sites prominent location on Lord Street with two street corners it is considered appropriate that this development be slightly larger in scale than other surrounding properties. The proposed development is consistent with the Statement of Intent for the precinct in that a reduction in industrial activity towards residential uses is proposed.”

<b>Landowner:</b>	Cygnnet Properties Pty Ltd
<b>Applicant:</b>	SS Chang Architects
<b>Zoning:</b>	Metropolitan Region Scheme: Urban East Perth Redevelopment Scheme No. 1: Residential R80
<b>Existing Land Use:</b>	Commercial Buildings, Single House
<b>Use Class:</b>	Office, Office/Showroom, Shop, Restaurant and Multiple Dwellings
<b>Use Classification:</b>	‘Preferred Use’
<b>Lot Area:</b>	4582 square metres
<b>Right of Way:</b>	Not applicable

**PURPOSE OF REPORT:**

This proposal requires referral to the Council for determination given it cannot be considered under Delegated Authority.

**BACKGROUND:**

Not applicable.

**DETAILS:**

The application is for proposed demolition of the existing buildings and construction of six and seven storey mixed-use development consisting of nineteen (19) single bedroom multiple dwellings, seventy-one (71) multiple dwellings, four (4) offices/showrooms, one (1) office, two (2) shops, one (1) restaurant and associated basement car parking.

The existing buildings on the subject sites will be all demolished for the proposed mixed-use development. The lower ground 1 and 2 will cater for the car parking and the commercial tenancies. The ground floor will consist of three commercial tenancies and the starting of the residential component. It is separated into two separate towers with a common area in the centre such as central pool, games room, gym and lounge. The first to fifth floors will be contained within the two towers consisting of residential dwellings.

The applicant submission is "Tabled".

The applicant has provided a response to the submissions received during the advertising, which is also "Tabled".

**COMPLIANCE:**

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
<b>Plot Ratio:</b>	1.5= 6873 square metres	1.76 = 8048 square metres
<b>Officer Comments:</b>		
Supported-Refer to "Comments" below.		
<b>Street Setbacks:</b>	Summers Street - 3 metres  Coolgardie Street  Ground Level- 1.5 metres setback  First to Fifth floors may be built up to boundary	First Floor- Nil to 6.4 metres  Second Floor to Fifth Floor- 2.794 metres to 6.516 metres  Nil to 1 metre  1.644 metres
<b>Officer Comments:</b>		
Supported- Generally the existing street setbacks vary from nil to 6 metres which shows no consistency in the existing streetscape. In this instance, it is considered that the variations to the street setbacks can be supported given they are not seen to be inconsistent given the range of existing street setbacks.		
<b>Building Setbacks:</b>	Ground Floor Level1 to Fifth floor= 4 metres	Eastern Side  Lower Ground Floor Levels 1 and 2= Nil to 2.413 metres  Ground Floor= 0.4 metre to 9.7 metres  First Floor= 2.813 metres to 8.4 metres  Second Floor to Fifth Floor= 2.813 metres to 8.913 metres

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
<b>Officer Comments:</b>		
Supported- The lower ground floor levels will be setback mostly 1.2 metres to 2.413 metres from No. 8 Coolgardie Terrace. Only a relatively small part of the wall (0.6 metre width) will be on the boundary. Therefore, given the setbacks for the Lower Ground Floor Levels 1 and 2, it is considered there will be no visual impact on No. 8 Coolgardie Terrace in relation to the wall. Moreover, if this application is supported, a condition requiring two design features to the wall facing No. 8 Coolgardie Street is proposed. Given the setback and the design features, the visual impact will be minimised.		
With regard to other setbacks of the main buildings, from ground floor to the fifth floor, the setbacks will vary from 2.413 metres to 8.4 metres and, therefore, it is considered there will be no impact on the adjoining properties.		
<b>Number of Storeys</b>	Lord and Summers Streets - 3 storeys  Coolgardie Terrace - 3 storeys with roof terraces and loft spaces in a fourth level also permissible.	6 storeys to 7 storeys
<b>Officer Comments:</b>		
Supported- Refer to "Comments".		
<b>Overshadowing</b>	Development designed with regard for solar access for neighbouring properties taking account the potential to overshadow:  <ul style="list-style-type: none"> <li>• outdoor living areas;</li> <li>• major openings to habitable rooms;</li> <li>• solar collectors; or</li> <li>• balconies or verandahs.</li> </ul>	Overshadowing of adjoining south and south-eastern properties.
<b>Officer Comments:</b>		
Supported- All the properties being overshadowed are commercial properties. Moreover, the percentage being overshadowed is less than 50 percent for all the south and south-eastern properties.		
<b>Privacy</b>	Measures to protect the privacy of adjoining properties	Apartments-55, 56,64,65,73,74, 82 and 83-Balconies
<b>Officer Comments:</b>		
Supported- The balconies will overlook commercial properties and, therefore, there is no privacy impact.		
<b>Step to gain access to the ground floor from the street</b>	A step up in level of maximum 500 millimetres to the ground floor interior is required.	0.73 metre
<b>Officer Comments:</b>		
Supported- Given the topography of the site, it is considered that the variation to the step-up can be supported.		

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

<b>Consultation</b>	
<b>In Support:</b>	4
<b>Comments Received</b>	<b>Officer Comments</b>
No objection to proposed development except one concern that the reduced street setbacks will not impact on any land required from our property for the Lord Street road widening.	Noted- There will be no impact on the adjoining land in respect of the Lord Street widening.

<b>Consultation</b>	
<b>Objections:</b>	2
<b>Comments Received</b>	<b>Officer Comments</b>
<p>Plot Ratio</p> <p><i>"A plot ratio greater than the prescribed 1.5 will set a dangerous precedent of expectation for future proposals in the precinct."</i></p> <p>Residential Density Code</p> <p><i>"Planning Policy 2.15 for Precinct 5: Claisebrook Road North states the 'Intended Future of the Precinct' in relation to residential density should be an "ongoing and potentially increased residential use". We do not believe the intention of PP2.15 was for densities to sky rocket from single dwellings and grouped housing, to dense inner city living."</i></p> <p>Building Boundary Setbacks</p> <p><i>"The combined impact of the 10 m high blank wall with the further 6 floors of residential with reduced setbacks upon 8 Coolgardie Terrace will be immense. Despite 8 Coolgardie Terrace being a commercial property, this is a completely unacceptable imposition to subject any adjoining landowners to, particularly in an area where such development is not expected for at least another 20 years."</i></p> <p>Traffic Impact</p> <p>During construction of such a large development the construction workers may park on the parking of adjoining properties and along the street which is a narrow road. This will have a traffic impact on all the adjoining properties.</p> <p>The proposed development with its sheer density and size, will impact on the adjoining properties in terms of traffic.</p> <p><i>"Although visitor parking is assumedly provided on site, access to the visitor parking is somewhat unclear, particularly for those visitors trying to access the site from Coolgardie Terrace. This will unavoidably result in increased street parking, or illegal parking by visitors."</i></p> <p>Visual Impact</p> <p>The proposed development is aesthetically unpleasing, with minimal architectural interest or merit.</p>	<p>Not supported- Refer to "Comments" below.</p> <p>Not supported- There is no provision for density in the new R-Codes for mixed-use development in the R80 coding. As part of the review of the City's Town Planning Scheme No. 1, the proposed zoning for this site will be Residential/Commercial R100. In these codings R80 and R100, multiple dwellings are permitted. Therefore, as it stands with the current zoning R80, the site can be developed for multiple dwellings.</p> <p>Not supported- Refer to Compliance Table above.</p> <p>Not supported- Before the Building Licence is issued; the applicant is required to submit a construction management plan to address the traffic issues during construction, to the satisfaction of the City.</p> <p>Not supported- Refer to comment from Department of Planning.</p> <p>Not supported- As per the Car Parking Assessment Table, the development complies with visitors parking. Moreover, any residents/visitors to the development will have to park within the development and not on the street.</p> <p>Not supported- refer to "Comments" below.</p>

<b>Consultation</b>	
<p><i>“The visual impact from the perspective of 8 Coolgardie Terrace is that the proposed building will be extremely dominant and oppressive due to the over height wall on the eastern boundary and the excessive building height”.</i></p> <p>Security</p> <p>The egress path from the fire exit can become location for anti-social behaviour which will impact on the adjoining properties.</p> <p>Damage to adjoining property</p> <p>Concern that during construction there can be damage to the existing building on the adjoining property.</p> <p>Inconsistency with Planning Policy 2.15</p> <p><i>“The proposed commercial uses (office/showroom/café) with this development and the intensive residential density certainly does not appear to be consistent with the future intent of the Claisebrook Precinct. With no other examples of such an intense development, or a comparable development within the greater locality, we believe this proposal far exceeds what can be considered acceptable, even the long term vision for the precinct.”</i></p>	<p>Not supported- Refer to Compliance Table.</p> <p>Not supported- The egress area is noted as a bin set down area. The applicant has confirmed that the area will be lit and secured if vandalism or anti-social behaviour becomes an issue.</p> <p>Not supported- The Construction Management Plan will address this issue.</p> <p>Not supported- Refer to “Comments”.</p>
<p>Department of Planning</p> <p>The Department did not object to the development subject to the egress issue being resolved.</p>	<p>Noted- Given the advice from the Department of Planning, the City’s Technical Services recommends that the section of Coolgardie Street, between Lord Street and Claisebrook Road, are to be two way traffic and a seagull island shall be installed to restrict vehicular movement to left in/out from Coolgardie Terrace to Lord Street. It is envisaged this will alleviate pressure from the Summers Street/Lord Street intersection.</p>
<b>Advertising</b>	<p>The advertising was carried out as per the City ‘Policy No. 4.1.5- relating to Community Consultation.</p>

<b>Other Implications</b>	
<b>Legal/Policy</b>	East Perth Redevelopment Scheme
<b>Strategic</b>	<p>The City’s <i>Strategic Plan 2011-2016</i> - Objective 1 states:</p> <p><i>“Natural and Built Environment</i></p> <p>1.1 <i>Improve and maintain the natural and built environment and infrastructure</i></p> <p>1.1.2 <i>Enhance and maintain the character and heritage of the City.”</i></p>
<b>Sustainability</b>	Nil.
<b>Financial/Budget</b>	Nil.

### Car Parking

The East Perth Area remains within the Perth Parking Management Act 1999 area and any parking requirement is to be assessed against the Perth Parking Policy. For residential parking, the requirement is as per the East Perth Redevelopment Authority Scheme, which is as follows: for minimum car parking spaces required, it is at the discretion of the Authority, and maximum exclusive-use on-site parking, is as per the R-Codes. The applicant stated that overall 159 parking bays have been provided with 26 car bays allocated to the commercial component and 133 car bays for the residential component.

The car parking required for the residential component is calculated as per the R-Codes.

<b>Car Parking</b>	
Small Multiple Dwelling (75 square metres)- 0.75 bay per dwelling= 14.3 car bays	
Medium Multiple Dwelling (75-110 square metres)-1 bay per dwelling= 71 car bays	
Visitors= 0.25 per dwelling= 22.5 car bays	
Total= 107.8 car bays	108 car bays
Total car bays provided	133 car bays
<b>Surplus</b>	<b>25 car bays</b>

For the non-residential use, the Perth Parking Policy stipulates maximum parking allowed on a site; there is no requirement for minimum car parking. In this instance, the maximum car parking allowed on this site is 92 car bays. Given that there is no minimum, the proposal complies with the parking requirements as 26 car parking bays are provided for the commercial component. Moreover, the proposed development is located within 500 metres from the Claisebrook Train Station, which contributes to accessibility to the site via the railway network.

<b>Bicycle Parking</b>		
<b>Bicycle Parking</b>	Commercial component- provision for secure bicycle parking- Applicant stated that 8 bicycle bays are provided for the commercial component.	Bike racks are shown on the plan for 47 bicycle bays.
	Residential component (as per the R-Codes- 1 bicycle space to each 3 dwellings for residents and 1 bicycle space to each 10 dwellings for visitors):	
	Thirty (30) bicycle bays for the residents and Nine (9) bicycle bays for the visitors.	

### COMMENTS:

#### Demolition

Nos. 254-258 Lord Street, Perth is a brick and iron showroom built in the Late Twentieth Century Retail style. It was built circa 1966 as a warehouse, showroom and office, and replaced three earlier residences that were built on the site circa 1913. The three original residences were numbered 254, 256 and 258 and occupied by Mrs. Garrett, John W Nichol and George Clark respectively in 1913.

No. 262 Lord Street, Perth, a contemporary building constructed in brick and concrete in the Late Twentieth Century Retail style, features flat roofs and large glass windows. An original brick dwelling, which was constructed circa 1916, was demolished circa 1966 to make way for

the existing building, purpose built as a showroom and office. No. 262 Lord Street is being used as an international school of health at present.

Nos. 133 and 137 Summers Street, Perth, were constructed in 1928 and 1938 respectively, both in the Interwar Bungalow style of architecture. The earliest residents were Edward Victor McGarrigae at No. 133 and Mrs Edna R Turner at No. 137 Summers Street. Alteration and additions, which have been undertaken throughout the 1960s to 1980s at both dwellings, have served to diminish the authenticity of the places. Currently, Nos. 133 and 137 are being jointly used as a backpacker lodge.

A preliminary heritage assessment, including an external inspection undertaken on 6 May 2011, indicates that the abovementioned places have little aesthetic, historic, scientific or social heritage significance. In accordance with the City's Policy relating to Heritage Management – Assessment, the places do not meet the threshold for entry on the City's Municipal Heritage Inventory. As such, the places are considered to require no further investigation and that full Heritage Assessments are not warranted in this instance.

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

### **Underground Power**

The City's Technical Services have confirmed that there are no aerial power lines adjacent these sites and therefore there is no requirement for underground power.

### **Strategic Planning**

The strategic direction of this area where the subject property is located has been examined extensively as part Scheme Amendment No. 29 to the City's Town Planning Scheme No. 1 and as part of the review of Town Planning Scheme No. 1. In both instances, the area bounded by Lord Street, Summers Street, the Railway Reserve and the Graham Farmer Freeway, have been identified as a planned growth area. This is to facilitate urban regeneration through a mix of residential and commercial development capitalising on the close proximity to the Claisebrook Station and other key transport links.

The proposed zoning for the subject site is Residential/Commercial R100, which in accordance with the R-Codes, equates to a 4 storey height limit. Given the site's corner location and large site area however, it is considered to meet the criteria of a strategic development site, and therefore subject to consideration of variations of the standard requirements to realize the opportunity the site offers. Under the City's draft Local Planning Strategy, a Strategic Development Site is identified against the following criteria:

- A vacant site or a site containing derelict buildings, of greater land area;
- Of greater land area, along a major transport route with proximity to facilities, a town or local centre and/or a commercial area;
- Identified in *Vincent Vision 2024* visions and/or 'Place check' analysis, such as prominent gaps/voids in the streetscape and where redevelopment would have a beneficial impact on the streetscape;
- Prominent gateway buildings and/or sites into the City of Vincent; and
- Non-conforming uses where incentive can be offered to achieve a better use of the site.

As such, it is considered that the proposed development satisfies the above criteria and adheres to the following objectives of a strategic development site by:

- Facilitating a good quality and well-designed building for residential, commercial and mixed-use purposes;
- Maximizing a recognized need for future housing to be met in the established metropolitan suburbs; and
- Maximizing the opportunities afforded by the site's proximity to a planned growth area and major public transport routes.



## **Planning**

Lord Street is a particularly diverse environment by virtue of its large traffic volumes, the accommodation of a variety of building types and uses and its close proximity to public transport and the Central Business District.

The subject planning application is considered to generally improve the streetscape and surrounding area through the redevelopment of under-utilised sites, which will provide a catalyst for other sites to be developed in the same manner. The proposed development is of a high quality and contemporaneous in nature. The subject site is a corner lot and it is crucial that development on this site exhibits a strong presence and encourages maximum interaction at street level.

The proposed development is divided into two blocks which are separated by significant distance; the buildings are setback appropriately from the streets which minimises the impact on the streetscape. The proposed design treatments (articulation, detailing, and colour) to the building are considered to mitigate the bulkiness and height of the buildings and moreover, given the slope of the land, and that the number of storeys vary from 6 storeys to Lord/Summers Streets and 7 storeys to Coolgardie Street.

It is considered that the area is currently underdeveloped and presents an opportunity for intensification and regeneration. Strategically, the immediate and surrounding areas have significant potential as regeneration areas alongside the proposed Members Equity Stadium Precinct. Given the strategic location, the number of storeys and plot ratio variations are supported. It is also considered the significance of this development will provide an impetus for future high density mixed-use development throughout this area.

In light of the above, the planning application is recommended for approval, subject to standard and appropriate conditions.

**9.1.7 Amendment No. 80 to Planning and Building Policy Manual – Draft Amended Appendix No. 11 Relating to Non-Conforming Use Register**

<b>Ward:</b>	South	<b>Date:</b>	12 August 2011
<b>Precinct:</b>	Norfolk (P10)	<b>File Ref:</b>	PLA0081
<b>Attachments:</b>	<a href="#">001</a> – Amended Policy <a href="#">002</a> – Summary of Submission		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	R Marie, Planning Officer (Strategic)		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **ADOPTS** the final amended version of the Appendix No. 11 relating to the Non-Conforming Use Register, as shown in Appendix 9.1.7 in accordance with Clause 47 (5) (b) of Town Planning Scheme No. 1, having reviewed the seven (7) written submissions received during the formal advertising period and outlined in the Summary of Submissions as shown in Appendix 9.1.7 in accordance with Clause 47 (3), (4) and (5) (a) of the City of Vincent Town Planning Scheme No. 1; and
2. **AUTHORISES** the Chief Executive Officer to advertise the final amended version of Appendix No. 11 relating to the Non-Conforming Use Register, as shown in Appendix 9.1.7, in accordance with Clause 47 (6) of Town Planning Scheme No. 1.

---

Cr Farrell departed the chamber at 7.15pm.

**COUNCIL DECISION ITEM 9.1.7**

**Moved Cr Topelberg, Seconded Cr Lake**

That the recommendation be adopted.

**MOTION PUT AND CARRIED UNANIMOUSLY (7-0)**

(Cr Farrell was absent from the chamber and did not vote on the matter. Cr Harvey was on approved leave of absence.)

**PURPOSE OF REPORT:**

The purpose of this report is for the Council to consider the submissions received during the consultation of Amendment No. 80 relating to the inclusion of No. 17 (Lot 14) Burt Street, Mount Lawley on the Non-Conforming Use Register as a 'Warehouse Use'.

**BACKGROUND:**

- |               |                                                                                                                                                                                                                                              |
|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 21 April 1980 | The City of Perth, at its Ordinary Meeting, acknowledged the use of a building on the subject property, No. 17 (Lot 14) Burt Street, Mount Lawley, for warehouse activities, as an established non-conforming use recognised by the Council. |
| 4 March 2011  | A Council Member Request raised a query relating to No. 17 (Lot 14) Burt Street, Mount Lawley, advising that it is not included on the Non-Conforming Use Register.                                                                          |

- 8 March 2011 The Council at its Ordinary Meeting considered No. 17 (Lot 14; D/P: 25299) Burt Street, Mount Lawley - Proposed Change of Use from Warehouse (Non-Conforming Use) to Warehouse, Art Studio (Unlisted Use) and Office (Retrospective Application) and Alteration of Residential Car Bays for Existing Residential Dwelling. The matter was deferred for further consideration.
- 5 April 2011 The Council granted conditional approval for proposed Change of Use from Warehouse (Non-Conforming Use) to Warehouse, Art Studio (Unlisted Use) and Office (Retrospective Application) and Alteration of Residential Car Bays for Existing Residential Dwelling, at No. 17 (Lot 14; D/P: 25299) Burt Street, Mount Lawley.
- 5 April 2011 The Council approved to advertise Amendment No. 80 to Planning and Building Policy Manual relating to the inclusion of No. 17 (Lot 14) Burt Street, Mount Lawley in Appendix No. 11 Relating to Non-Conforming Use Register (Warehouse Use) for public comment.

#### **DETAILS:**

At the time of the gazettal of City of Vincent Town Planning Scheme No. 1 on 4 December 1998, the warehouse at No. 17 (Lot 14) Burt Street, Mount Lawley had non-conforming use rights, granted by the City of Perth; the warehouse use should have been included in the City's Non-Conforming Use Register.

At the time of presenting the initial report to the Council on 5 April 2011, to advertise the non-conforming use to be considered on the City of Vincent's Non-Conforming Use Register, no information had been obtained indicating what the business name of the warehouse or other associated uses and business names for the property at No. 17 (Lot 14) Burt Street, Mount Lawley.

During the advertising to amend Appendix No. 11 relating to the Non-Conforming Use Register, the City received additional information from the owners of No. 17 (Lot 14) Burt Street, Mount Lawley, relating to business names, addresses and the commencement dates of the businesses, which have served to inform the details relating to the subject property included in the Non-Conforming Use Register.

On 5 April 2011, the Council granted approval for a Change of Use from Warehouse (Non-Conforming Use) to Warehouse, Art Studio (Unlisted Use) and Office (Retrospective Application), for the building at the rear of No. 17 (Lot 14) Burt Street, Mount Lawley. This approval has resulted in only two (2) of the four (4) units on the site continuing to be used as a warehouse. As such, it is considered that the non-conforming use rights apply to these (2) units only. The Non-Conforming Use Register has been amended to reflect this, as shown in Appendix 9.1.7.

#### **CONSULTATION/ADVERTISING:**

The draft amended Appendix No. 11 relating to the Non-conforming Use Register was advertised in accordance with Clause 47 of the Town Planning Scheme No. 1. Consultation began on 24 May 2011 and closed on 22 June 2011.

Letters were sent to a number of Government agencies, surrounding Local Governments, the City's Precinct Groups and the land owners and occupiers of the properties abutting No. 17 (Lot 14) Burt Street.

A total of seven (7) submissions were received. A breakdown is provided below; a full summary of submission is provided in Appendix 9.1.7.

- Support: 2 (29%)
- Object: 1 (14%)
- No objection/no comment: 4 (57%)

**LEGAL/POLICY:**

City of Vincent Town Planning Scheme No. 1 and associated Policies

**RISK MANAGEMENT IMPLICATIONS:**

Not Applicable.

**STRATEGIC IMPLICATIONS:**

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

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

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

The 2011/2012 Budget allocates \$40,000 to Town Planning Scheme Amendments and Policies.

**COMMENTS:**

There was no significant objection received during the consultation of Amendment No. 80. As outlined in the 'Details' section, the warehouse use was acknowledged by the City of Perth and subsequently acknowledged by the City of Vincent in relation to the retrospective planning approval granted at the Ordinary Meeting of Council held on 5 April 2011. As a result of this planning approval, only two (2) of the four (4) units continue to be used as warehouse units; therefore, the non-conforming use rights do not apply across the entire site. Accordingly, only part of the site has been listed on the Register, namely units 2 and 3.

In light of the above, it is recommended that the Council endorse the Officer Recommendation to include No. 17 (Lot 14) Burt Street, Mount Lawley on the Non-Conforming Use Register.

**9.1.4 No. 178 (Lot 28; D/P: 96829) Stirling Street, corner Parry Street, Perth – Proposed Construction of a Five Storey Mixed-Use Development Comprising of Four (4) Offices, Twenty-Eight (28) Single Bedroom Multiple Dwellings, Twenty (20) Multiple Dwellings and Associated Car Parking**

<b>Ward:</b>	South	<b>Date:</b>	10 August 2011
<b>Precinct:</b>	Beaufort; P13	<b>File Ref:</b>	PRO0956; 5.2011.283.1
<b>Attachments:</b>	<a href="#">001</a> - Property Information Report and Development Application Plans		
<b>Tabled Items:</b>	Plans - Coloured Perspectives, Applicant's Submission and Response		
<b>Reporting Officer:</b>	R Narroo, Senior Planning Officer (Statutory)		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application submitted by TPG Town Planning and Urban Design on behalf of the owner, Parry Street WA Pty Ltd & Green Arrow Holdings Pty Ltd for proposed Construction of a Five Storey Mixed-Use Development Comprising of Four (4) Offices, Twenty-Eight (28) Single Bedroom Multiple Dwellings, Twenty (20) Multiple Dwellings and Associated Car Parking at No. 178 (Lot 28; D/P 96829) Stirling Street, corner Parry Street, Perth and as shown on plans stamp-dated 13 June 2011 and amended plans dated 4 August 2011, subject to the following conditions:

**1. Building**

- 1.1 All new external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Stirling and Parry Streets;
- 1.2 First obtaining the consent of the owners of Nos. 188-194 Stirling 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. 188-194 Stirling Street in a good and clean condition;
- 1.3 Doors, windows and adjacent floor areas facing Stirling and Parry Streets shall maintain active and interactive relationships with these streets; and
- 1.4 The maximum gross floor area of the offices shall be limited to 353 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 City. Any change of use shall be assessed in accordance with the relevant Planning Policy including the City's Policy No. 3.7.1 relating to Parking and Access;

**2. Car Parking and Accessways**

- 2.1 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;

- 2.2 The car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the City;
- 2.3 The car parking area shown for the non-residential component and the visitors bays for the residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;
- 2.4 The car park shall be used only by employees, tenants, and visitors directly associated with the development; and
- 2.5 Three (3) car parking bays shall be allocated for the offices;

3. **Public Art**

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

- 3.1 Within twenty – eight (28) days of the issue date of this 'Approval to Commence Development', elect to either obtain approval from the City for an Artist to undertake a Public Art Project (Option 1) or pay the Cash-in-Lieu Percent for Public Art Contribution, of \$80,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$8,000,000); and
- 3.2 In conjunction with the above chosen option;
  - 3.2.1 Option 1 –  
prior to the approval and subsequent issue of a Building Licence for the development, obtain approval for the Public Art Project and associated Artist; and  
  
prior to the first occupation of the development, install the approved public art project, and thereafter maintain the art work;  
OR
  - 3.2.2 Option 2 –  
prior to the approval and subsequent issue of a Building Licence for the development or prior to the due date specified in the invoice issued by the City for the payment (whichever occurs first), pay the above cash-in-lieu contribution amount;

4. **Signage**

All signage that does not comply with the City's Policy No. 3.5.2 relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted to and approved by the City prior to the erection of the signage;

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

5.1 **Construction Management Plan**

A Construction Management Plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the City, in

accordance with the requirements of the City's Policy No. 3.5.23 relating to Construction Management Plans, and Construction Management Plan Guidelines and Construction Management Plan Application for Approval Proforma;

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

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

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

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

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

**5.3 Landscape and Reticulation Plan**

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

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

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

5.3.2 all vegetation including lawns;

5.3.3 areas to be irrigated or reticulated;

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

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

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

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

**5.4 Schedule of External Finishes**

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

**5.5 Acoustic Report**

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

development. The applicant/owners shall submit a further report from an Acoustic Consultant six (6) months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject Acoustic Report;

**5.6 Refuse and Recycling Management Plan**

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

**5.7 Security Bond**

In keeping with the City's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land shall be upgraded, by the applicant, to a combination of soft landscaping and brick paving to the City's specification. A refundable footpath upgrading bond of \$5,000 shall be lodged prior to the issue of a Building Licence, be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the City's Technical Services Division. An application to the City for the refund of the upgrading bond must be made in writing;

**5.8 Fencing**

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

**5.9 Awning**

The awnings shall be modified to avoid any impact on the exiting verge trees; and

**5.10 Verge Trees**

No street verge tree(s) shall be removed. The street verge tree(s) shall be retained and protected from any damage, including unauthorised pruning. A bond for the protection of the verge trees from any damage, including pruning, for the sum of \$15,000, shall be paid; and

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

**6.1 Residential Car Bays**

Forty-one (41) car bays and twelve (12) car bays shall be provided for the residents and visitors respectively. The fifty-three (53) car parking spaces provided for the residential component and visitors of the development shall be clearly marked and signposted for the exclusive use of the residents and visitors of the development;

**6.2 Bicycle Parking**

Sixteen (16) bicycle bays for the residents and four (4) bicycle bays for the visitors of the residential component, plus two (2) class one or two bicycle bays for the office component shall be provided at a location convenient to the entrance, publically accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3;



**6.3 Management Plan-Vehicular Entry Gates**

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

**6.4 Clothes Drying Facility**

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

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**COUNCIL DECISION ITEM 9.1.4**

**Moved Cr Topelberg, Seconded Cr Lake**

**That the recommendation be adopted.**

Debate ensued.

Cr Farrell returned to the chamber at 7.18pm.

Debate ensued.

**MOTION PUT AND CARRIED (5-3)**

**For:** Mayor Catania, Cr Farrell, Cr Buckels, Cr McGrath, Cr Burns.

**Against:** Cr Lake, Cr Maier, Cr Topelberg.

**(Cr Harvey was on approved leave of absence.)**

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<b>Landowner:</b>	Parry Street WA Pty Ltd & Green Arrow Holdings Pty Ltd
<b>Applicant:</b>	TPG Town Planning and Urban Design
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential/Commercial R80
<b>Existing Land Use:</b>	Vacant Land
<b>Use Class:</b>	Office Building and Multiple Dwellings
<b>Use Classification:</b>	"AA" and "P"
<b>Lot Area:</b>	1506 square metres
<b>Right of Way:</b>	East side, 6 metres wide, sealed, right of carriageway easement

**PURPOSE OF REPORT:**

This proposal requires referral to the Council for determination given it cannot be considered under Delegated Authority.

**BACKGROUND:**

23 October 2001 The Council at its Ordinary Meeting resolved to conditionally approve the construction of a warehouse, two showrooms, one shop and two offices on the subject site.

14 May 2002 The Council at its Ordinary Meeting granted conditional approval for proposed mezzanine level to approved warehouse, two showrooms, one shop and two offices.



NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
	Average Height= 6 metres	metres Average Height= 17.9 metres
<b>Officer Comments:</b>		
Supported- The proposed building will be facing a right of way on the eastern side and an office at Nos. 188-194 Stirling Street.		
<b>Number of Storeys</b>	2 storeys	5 storeys
<b>Officer Comments:</b>		
Supported- Refer to "Comments".		
<b>Dwelling Size</b>	One bedroom dwellings up to a maximum of 50 per cent of the development= 24 single bedroom dwellings	58 per cent of the development= 28 single bedroom dwellings
<b>Officer Comments:</b>		
Supported- The development provides for a diversity of dwelling types consistent with the objectives of the Multi Unit Housing Code and the vision for the area. .		
The above Officer Comments are provided pursuant to Clause 38(5) of Town Planning Scheme No. 1		

Consultation	
<b>In Support:</b>	3
<b>Comments Received</b>	<b>Officer Comments</b>
<i>"Although in principle I have no objection to the development, my biggest concern is that, with the increasing amount of residential developments being approved adjacent to my business operation, ultimately Villa Nightclub could be at risk of resident action and noise complaints."</i>	Supported- If this application is approved, a condition of planning approval requesting a notification on the title informing the residents that 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 will be imposed. As such, the future residents cannot claim that there was no non-residential activity in the surrounding area.
<b>Objections:</b>	Nil
<b>Comments Received</b>	<b>Officer Comments</b>
Nil	Nil
<b>Advertising</b>	The advertising was carried out as per the City 'Policy No. 4.1.5- relating to Community Consultation

Other Implications	
<b>Legal/Policy</b>	TPS 1 and associated Policies.
<b>Strategic</b>	The City's <i>Strategic Plan 2011-2021</i> - Objective 1 states:  <i>"Natural and Built Environment</i> 1.1 <i>Improve and maintain the natural and built environment and infrastructure</i> 1.1.2 <i>Enhance and maintain the character and heritage of the City."</i>
<b>Sustainability</b>	Nil.
<b>Financial/Budget</b>	Nil.

### Car Parking

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

Car Parking	
Small Multiple Dwelling (75 square metres)- 0.75 bay per dwelling= 21 car bays	
Medium Multiple Dwelling (75-110 square metres)-1 bay per dwelling= 20 car bays	
Visitors= 0.25 per dwelling= 12 car bays	
Total= 53 car bays	53 car bays
Total car bays provided	56 car bays
<b>Surplus</b>	<b>3 car bays</b>

In total, 53 car bays will be required for the residential component. Overall, the number of car parking bays provided for the development is 56 car bays. Therefore, for the commercial component, three car bays will be available.

Car Parking	
Car parking requirement (nearest whole number). • Office (1 car bay per 50 square metres gross office floor area) Proposed 353 square metres = 7.06 car bays Total car bays required = 7 car bays	7 car bays
Apply the parking adjustment factors. • 0.85 (within 800 metres of a rail station) • 0.85 (within 400 metres of a bus stop) • 0.85 (within 400 metres of public car park in excess of a total of 75 car parking spaces) • 0.80 (development contains mix of uses, where at least 45 percent of the gross floor area is residential)	(0.491)    3.437 car bay
Minus the car parking provided on-site	3 car bay
Minus the most recently approved on-site car parking shortfall	Nil
<b>Shortfall</b>	<b>0.437 car bays</b>

Bicycle Parking		
<b>Bicycle Parking</b>	Offices- 1 space per 200 (proposed 353) square metres (class 1 or 2)= 1.766 bicycle bays= 2 bays  Residential component (as per the R-Codes- 1 bicycle space to each 3 dwellings for residents and 1 bicycle space to each 10 dwellings for visitors):  Sixteen bicycle bays for the residents and four bicycle bays for the visitors.	Bike racks are shown on the plan for 19 bicycle bays.

### COMMENTS:

#### Underground Power

The City's Technical Services have confirmed that there are no aerial power lines adjacent to this site; therefore, there is no requirement for underground power.

#### Strategic Comments

The proposed five storey development on the corner of Stirling and Parry Streets is considered a good design response to this site and contributes to the regeneration of this area of the City, more generally. The central location of the reserve, Weld Square, provides a

strong reference point and enables the opportunity for a higher density residential and mixed-use development to sit well within the landscape. The proposed development also provides an element of passive surveillance to Weld Square which is shortly to undergo works that will improve the visual amenity and functionality of the reserve. The relatively wide reserve of Stirling Street also enables both this proposed development, and a similar 5 storey mixed-use development that has been given planning approval on the north-west corner to provide robust anchoring points that provide visual interest and prominence to this intersection.

In light of the above, it is considered that the proposed development is well defined and integrated within the surrounding area, accessible to various forms of transport and will have a positive impact on the existing environmental, streetscape and social fabric of the area, and is therefore supported.

### **Planning**

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. A five storey development was conditionally approved by Council at its Ordinary Meeting held on 26 October 2010 at Nos. 173-179 Stirling Street, opposite the subject site. The perspective drawing ("Tabled") shows the proposed development is not dissimilar with the approved development at Nos. 173-179 Stirling Street. The bulk and scale of the proposed development is consistent with the future desired character of the locality and the design treatments will contribute to reduce the appearance of bulk.

Due to the support of a five-storey development on the subject site, the proposed plot ratio is also recommended for approval. The subject development is consistent with the principles of transit oriented development espoused with respect to a proposed high density residential building in close proximity to transport facilities.

In view of the above, the application is supportable as it is not considered that the development will result in any undue impact on the amenity of the surrounding area.

**9.1.1 Further Report – No. 7 (Lot 31; D/P: 2861) Chelmsford Road, Mount Lawley – Proposed Change of Use From Single House to Medical Consulting Rooms (Psychology) and Associated Alterations and Additions**

<b>Ward:</b>	South	<b>Date:</b>	11 August 2011
<b>Precinct:</b>	Norfolk; P10	<b>File Ref:</b>	PRO0781;5.2011.141.2
<b>Attachments:</b>	<a href="#">001</a> – Property Report and Development Application Plans		
<b>Tabled Items</b>	Applicant's Initial Submission Applicant's Further Submission		
<b>Reporting Officer:</b>	D Mrdja, Statutory Planning Officer		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**DIRECTOR DEVELOPMENT SERVICES RECOMMENDATION:**

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by the owner T Pitcher for proposed Change of Use From Single House to Medical Consulting Rooms (Psychology) and Associated Alterations and Additions, at No. 7 (Lot 31; D/P: 2861) Chelmsford Road, Mount Lawley, and as shown on plans stamp-dated 14 April 2011, subject to the following conditions:

1. The proposed Consulting Rooms (Psychology):
  - 1.1 Shall be limited to a maximum of three (3) consulting rooms operating at any one time. Any increase in the number of consulting rooms shall require Planning Approval to be applied to and obtained from the City;
  - 1.2 This approval is for Medical Consulting Rooms (Psychology) only and any change of use from Medical Consulting Rooms (Psychology) shall require Planning Approval to be applied for and obtained from the City prior to the commencement of such use;
  - 1.3 The hours of operation shall be limited to the following times:
    - 1.3.1 8:00am to 6:00pm Monday, Wednesday and Friday;
    - 1.3.2 8:00am to 9:00pm Tuesday and Thursday; and
    - 1.3.3 8.00am to 4:00pm Saturday; and
  - 1.4 The maximum number of appointments shall be based on a rate of one (1) appointment per hour, per practitioner and limited as follows:
    - 1.4.1 maximum 30 appointments Monday, Wednesday and Friday;
    - 1.4.2 maximum 39 appointments Tuesday and Thursday; and
    - 1.4.3 maximum 24 appointments Saturday.

In order to verify compliance with this clause, the appointment book in respect of the proposed Consulting Rooms (Psychology) or an extract from the appointment book shall be produced for inspection by the City's Officers upon request from time to time, in a format in which the personal details of patients have been excised.

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

3. No street verge tree(s) shall be removed. The street verge tree(s) shall be retained and protected from any damage including unauthorised pruning;
4. All signage is to comply with Clause (2) (iii) of the City's Policy No. 3.5.2 relating to Signs and Advertising, in respect of Signage on Residential Properties, and all signage shall be subject to a separate Sign Licence application, being submitted to and approved by the City prior to the erection of the signage;
5. **PRIOR TO THE ISSUE OF A BUILDING LICENCE:**
  - 5.1 A detailed Landscape and Reticulation plan for the development site and adjoining road verges shall be submitted to the City's Parks and Property Services for assessment and approval.

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

- 5.1.1 the location and type of existing and proposed trees and plants;
  - 5.1.2 all vegetation including lawns;
  - 5.1.3 areas to be irrigated or reticulated;
  - 5.1.4 proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
  - 5.1.5 separate soft and hard landscaping plans (indicating details of plant species and materials to be used); and
- 5.2 Any new street/front wall, fence and gate within the Chelmsford Road setback area, including along the side boundaries within this street setback area, shall comply with the City's Policy provisions relating to Street Walls and Fences; and

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

6. **PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT,**
  - 6.1 One (1) class 1 or 2 and one (1) class 3 bicycle parking facilities shall be provided at a location convenient to the entrances of the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted to and approved by the City prior to installation of such facilities; and
  - 6.2 The car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the City.

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**Moved Cr Buckels, Seconded Cr Maier**

That the recommendation be adopted.

Debate ensued.

**AMENDMENT No. 1**

That the following amendment be adopted:

That new clauses 5.3, 7 and 8 be added to the Proposed Alternative Recommendation as follows:

- “5.3 Revised plans shall be submitted to and approved by the City, demonstrating the removal of the two car parking bays located within the front setback area;
7. The two car parking bays located within the front setback area of No. 7 Chelmsford Road, do not form part of this application and shall be deleted from the plans; and
8. **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:
- 8.1 pay a cash-in-lieu contribution of \$4,681 for the equivalent value of 1.51 car parking spaces, based on the cost of \$3,100 per bay as set out in the City’s 2011/2012 Budget; OR
- 8.2 lodge an appropriate assurance bond/bank guarantee of a value of \$4,681 to the satisfaction of the City. This assurance bond/bank guarantee will only be released in the following circumstances:
- 8.2.1 to the City at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or
- 8.2.2 to the owner(s)/applicant following receipt by the City of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject ‘Approval to Commence Development’; or
- 8.2.3 to the owner(s)/applicant where the subject ‘Approval to Commence Development’ did not commence and subsequently expired.”

Debate ensued.

**AMENDMENT PUT AND LOST (2-6)**

(Cr Harvey on approved leave of absence.)

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

Debate ensued.

**AMENDMENT No 2.**

**Moved Cr Maier, Seconded Cr Buckels**

That the following amendment be adopted.

That new clauses 5.3, 7 and 8 be added to the Proposed Alternative Recommendation as follows:

- “5.3 Revised plans shall be submitted to and approved by the City demonstrating the removal of the eastern car bay located within the front setback area;
7. The car bay located on the eastern side of the front setback area does not form part of this application and shall be deleted from the plans; and



8. **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:
- 8.1 pay a cash-in-lieu contribution of \$1,581 for the equivalent value of 0.51 car parking spaces, based on the cost of \$3,100 per bay as set out in the City's 2011/2012 Budget; OR
  - 8.2 lodge an appropriate assurance bond/bank guarantee of a value of \$1,581 to the satisfaction of the City. This assurance bond/bank guarantee will only be released in the following circumstances:
    - 8.2.1 to the City at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or
    - 8.2.2 to the owner(s)/applicant following receipt by the City of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or
    - 8.2.3 to the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired."

Debate ensued.

**AMENDMENT PUT AND CARRIED (5-3)**

(Cr Harvey on approved leave of absence.)

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

Debate ensued.

**AMENDMENT No. 3**

**Moved Cr Topelberg, Seconded Cr Burns**

That the following amendment be adopted.

That clause 1.3 and 1.4 be amended to read as follows:

- "1.3 The hours of operation shall be limited to the following times:
- 1.3.1 8:30am to 6:00pm Monday, Wednesday and Friday;
  - 1.3.2 8:30am to 7:00pm Tuesday and Thursday; and
  - 1.3.3 9.00am to 4:00pm Saturday; and
- 1.4 The maximum number of appointments shall be based on a rate of one (1) appointment per hour, per practitioner and limited as follows:
- 1.4.1 maximum 30 appointments Monday, Wednesday and Friday;
  - 1.4.2 maximum 33 appointments Tuesday and Thursday; and
  - 1.4.3 maximum 21 appointments Saturday.

In order to verify compliance with this clause, the appointment book in respect of the proposed Consulting Rooms (Psychology) or an extract from the appointment book shall be produced for inspection by the City's Officers upon

request from time to time, in a format in which the personal details of patients have been excised. ”

Debate ensued.

**AMENDMENT PUT AND CARRIED (8-0)**

(Cr Harvey on approved leave of absence.)

Debate ensued.

**AMENDMENT No. 4**

**Moved Cr Burns, Seconded Cr Buckels**

That the following amendment be adopted.

That clause 1.3 and 1.4 be amended to read as follows:

“1.3 The hours of operation shall be limited to the following times:

- 1.3.1 8:30am to 6:00pm Monday, Wednesday and Friday;
- 1.3.2 8:30am to 7:00pm Tuesday and Thursday; and
- 1.3.3 9.00am to 1:00pm Saturday; and

1.4 The maximum number of appointments shall be based on a rate of one (1) appointment per hour, per practitioner and limited as follows:

- 1.4.1 maximum 30 appointments Monday, Wednesday and Friday;
- 1.4.2 maximum 33 appointments Tuesday and Thursday; and
- 1.4.3 maximum 12 appointments Saturday.

In order to verify compliance with this clause, the appointment book in respect of the proposed Consulting Rooms (Psychology) or an extract from the appointment book shall be produced for inspection by the City’s Officers upon request from time to time, in a format in which the personal details of patients have been excised. ”

**AMENDMENT PUT AND CARRIED (6-2)**

(Cr Harvey on approved leave of absence.)

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

Debate ensued.

**AMENDMENT No. 5**

That the following amendment be adopted.

**Moved Cr McGrath, Seconded Cr Maier**

That new clauses 5.4, 9 and 10 be added as follows:

- 5.4 Revised plans shall be submitted to and approved by the City, demonstrating the removal of the two western car parking bays located adjacent to the Right-of-Way. The western boundary fence shall be retained and provision made for ACROD parking in the western car bay located within the front set back area;
- 9. The two western car parking bays located adjacent to the Right-of-Way of No. 7 Chelmsford Road, do not form part of this application and shall be deleted from the plans; and
- 10. 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:

- 10.1 pay a cash-in-lieu contribution of \$10,881 for the equivalent value of 3.51 car parking spaces, based on the cost of \$3,100 per bay as set out in the City's 2011/2012 Budget; OR
- 10.2 lodge an appropriate assurance bond/bank guarantee of a value of \$10,881 to the satisfaction of the City. This assurance bond/bank guarantee will only be released in the following circumstances:
- 10.2.1 to the City at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or
- 10.2.2 to the owner(s)/applicant following receipt by the City of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or
- 10.2.3 to the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired.

Debate ensued.

**AMENDMENT PUT AND CARRIED (5-3)**

(Cr Harvey on approved leave of absence.)

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

**Against:** Mayor Catania, Cr Burns, Cr Lake

Debate ensued.

The Presiding Member, Mayor Nick Catania spoke for five (5) minutes

The Chief Executive Officer advised that the Mayor had spoken for five (5) minutes and a Procedural Motion was required if he wishes to continue speaking.

**PROCEDURAL MOTION**

**Moved** Cr Farrell, **Seconded** Cr Topelberg

That the Mayor be allowed to continue speaking for a further five (5) minutes maximum.

**PROCEDURAL MOTION PUT AND CARRIED (6-2)**

(Cr Harvey on approved leave of absence.)

**For:** Mayor Catania, Cr Burns, Cr Buckels, Cr Farrell, Cr Maier, Cr Topelberg

**Against:** Cr Lake, Cr McGrath

Mayor Catania continued speaking.

Cr Lake called a Point of Order as she considered the Mayor's use of the word "Hypocritical..." and "Noose around your neck..." to be offensive, and was a breach of the Standing Orders.

The Presiding Member, Mayor Nick Catania disagreed and dismissed the Point of Order.

**PROCEDURAL MOTION**

**Moved Cr Lake, Seconded Cr Maier**

**“That the ruling of the Presiding Member, be disagreed with.”**

**PROCEDURAL MOTION PUT AND LOST (3-5)**

**(Cr Harvey on approved leave of absence.)**

**For:** Cr Lake, Cr McGrath, Cr Maier

**Against:** Mayor Catania, Cr Burns, Cr Buckels, Cr Farrell, Cr Topelberg

**Mayor Catania finished speaking.**

**Discussion ensued.**

**MOTION AS AMENDED PUT AND LOST (3-5)**

**(Cr Harvey on approved leave of absence.)**

**For:** Cr Farrell, Cr McGrath, Cr Maier

**Against:** Mayor Catania, Cr Burns, Cr Buckels, Cr Lake Cr Topelberg

**REASONS FOR REFUSAL:**

- 1. The development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;**
- 2. The non-compliance with the City’s Policies relating to Consulting Rooms and Non-Residential/Residential Interface, and the objectives of the City’s Town Planning Scheme No. 1 and City of Vincent Economic Development Strategy;**
- 3. The approval of the proposed development would create an undesirable precedent for other similar commercial use developments encroaching into established residential areas;**
- 4. The approval of the proposed development would result in increased traffic within the residential area, exacerbated by the shortfall of car parking for the proposed use;**
- 5. The parking shortfall which will cause congestion in the street; and**
- 6. Consideration of the objections received.**

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**FURTHER REPORT:**

The Council at its Ordinary Meeting held on 26 July 2011 resolved to defer the subject application for the following reasons:

*“That the item be DEFERRED to:*

- *seek advice on whether the proposed amendment can be:*
  - *legally imposed; and*
  - *enforced without contravening privacy requirements or legislation; and*
- *allow the Applicant time to discuss with the City’s staff:*
  - *an alternative of having some form of legal agreement which is equivalent to this condition; and*
  - *an Appointment Book format which would be able to be inspected by City Officers, if required to enforce this condition.”*

The City obtained legal advice from Kott Gunning Lawyers on 4 August 2011, who advised the following:

- “1. Whether the proposed amendment can be legally imposed**

*The proposed amendment can be legally imposed, since it is not a private restraint of trade but a proper use of the planning power of the City of Vincent. Such a clause would not be unusual and indeed is not uncommon in the State Administrative Tribunal.*

*Town Planning Schemes under the Planning and Development Act 2005 necessarily restrain the use of land for trade purposes. It is not an unlawful restraint of trade for commercial purposes, but a proper regulation for the use of land for public town planning purposes. In a sense, all planning controls involve some restraint of the extent to which premises can be used, whether for trade or otherwise. Indeed, the very purpose of introducing town planning legislation was to prevent the unregulated use of land which had previously occurred, in the interests of orderly urban planning.*

*We therefore confirm that the proposed new clause 1.4 can be lawfully imposed by the City of Vincent as part of its town planning processes. The proposed clause addresses proper concerns of a town planning nature and is legally valid.*

**2. Whether the proposed clause could be enforced without contravening privacy requirements or legislation**

*It would not be difficult to enforce the condition, since inspection of the Appointment Book need not reveal the personal details of a patient. Issues of this kind are addressed as a matter of routine in the course of legal practice.*

*Naturally, a patient's personal details are protected for doctor/patient privacy reasons and also by Federal legislation protecting personal information for privacy reasons. However, for the enforcement of the clause, there is no necessity at all for Council officers to inform themselves of the personal details of patients.*

*The most usual way for this problem to be overcome is not to inspect the original Appointment Book but to require the consultancy to produce copies of the Appointment Book pages, with the personal details of the patients excised. This is usually done simply by blanking out those details, with a copy being either certified to be correct by a person who has compared it with the original or verified by statutory declaration.*

*Having regard to the ethical nature of the consultants concerned, it would probably be unnecessary for City officers to require verification of the copies, if that approach were to be taken. However, it could be retained as an option.*

*An alternative approach which could also be adopted is to utilise a single Appointment Book, but to maintain patient confidentiality by giving the patients an identification number and keeping the patients confidential details and any other records of the consulting practice. This would mean that although the original Appointment Book could be inspected, the confidential details of the patients would be protected as being maintained outside the Appointment Book itself.*

*Another approach which can be adopted is to maintain the Appointment Book in a dual format. This would assume the Appointment Book to be maintained in soft computer form, such that the computer could produce a hard copy for inspection (or even transmit a soft copy) in which confidential details of the patients were not disclosed.*

*Since we assume that inspections will be relatively infrequent, we believe that the simplest course would be to provide for copies of the Appointment Book pages to be provided on request, but with the confidential details of the patient to be excised. However, that is a matter which could be discussed with the consultant.*

**3. Legal Agreement**

*It would be possible to provide for a legal agreement with the owners of 7 Chelmsford Road by which they undertake to provide access to the Appointment Book in a format which excludes the confidential details of the patients. Such an agreement would include a clause whereby any purchaser or tenant of the property would be required as a condition of the purchase or tenancy to enter into a like agreement with the City of Vincent. This firm has prepared documents of a similar nature (although dealing with a different topic) for another*

local government. In that situation, it would not be necessary to include any reference to inspection in clause 1.4.

However, it would be sufficient to include in clause 1.4 some new lines as follows:

*“and in order to verify compliance with this clause the Appointment Book in respect of the proposed Consulting Rooms (Psychology) or an extract from the Appointment Book is to be produced for inspection by City Officers upon request from time to time in a format in which the personal details of patients have been excised”.*

## **CONCLUSION**

*In summary, the conditions set out in clause 1.4 at page 57 of the City of Vincent Minutes of the Ordinary Meeting of Council held on 26 July 2011 can be legally imposed and enforced without contravening privacy requirements or legislation. The writer could make himself available to explain this personally to Council by attendance at a Council meeting if required and could expand further upon any of the points mentioned above if that would be thought to be useful, but the advice given above responds to the queries raised at the Council Meeting.”*

Furthermore, the applicant's Planning Consultant has provided the following information in response to the reasons for the deferral of the application.

*“It is common for Council to exercise controls such as hours of operation which, of course, provide a restraint of trade but are incorporated to achieve a planning purpose. These sorts of conditions are issued in decisions by the State Administrative Tribunal on a regular occurrence. We were somewhat concerned by that comment because we noted in the same agenda under item 9.1.2 involving a hairdresser use, that there were limits provided in terms of the number of clients per week. Setting aside the fact that our client is willing to accept a condition to achieve a planning purpose, it is clearly apparent that the Council both in the above example and on previous examples to our knowledge, have imposed like conditions which have been reasonably accepted on the basis that they will achieve a planning purpose. We therefore contend that, to the extent that the nature of such conditions would provide a restraint of trade, they are imposed in order to achieve a planning purpose and in circumstances where our client is willing to accept them. Significantly, they are conditions that have also been accepted by Council both in the past and currently as well as in the SAT.*

*We have also reviewed a number of SAT cases in relation to use of conditions on planning approvals. It is clearly apparent that SAT regards the use of conditions for a planning purpose to restrict use and development as proper and orderly.*

*Specifically for consulting rooms in TEH v City of Fremantle (WASAT 123 of 2005), limitations were imposed for a consulting room – dental clinic to:*

*“(c) Time allocation per appointment to be limited to a minimum of half an hour”*

*This represents one example of a number of cases where SAT has utilised planning controls on commercial activities as a means to preserve amenity.”*

Given the above information provided by Kott Gunning Lawyers and the applicant's Planning Consultant, conditions restricting the number of the clients can be utilised, in the event of a Planning Approval being granted.

The City's Officers have reviewed the proposal for the change of use from residential to medical consulting rooms, as well as the comments provided from the applicant and Kott Gunning Lawyers. In view of this, the Director Development Services considers that the application can be supported, as the previous 'Officer Recommendation' for refusal was lost and an 'Alternative Recommendation/Motion' for approval was moved and seconded at the Ordinary Meeting of Council held on 26 July 2011. The item was then deferred for the reasons previously mentioned.

The Minutes of Item 9.1.6 placed before the Council at its Ordinary Meeting held on 26 July 2011 are available on the City's website and can viewed by clicking on the following link:

[http://www.vincent.wa.gov.au/Your\\_Council/Agenda\\_Minutes](http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes)

**9.1.10 The Avenue Car Park and Frame Court Car Park, Leederville – Changes to Parking Restrictions**

<b>Ward:</b>	South	<b>Date:</b>	15 August 2011
<b>Precinct:</b>	Leederville, P3	<b>File Ref:</b>	PLA0084
<b>Attachments:</b>	<a href="#">001</a> - Plan for The Avenue Car Park; <a href="#">002</a> - Plan for Frame Court Car Park; <a href="#">003</a> - Restrictions approved on 5 July 2011; and <a href="#">004</a> - Revised restrictions.		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	J MacLean, Manager Ranger and Community Safety		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

That the Council **APPROVES BY AN ABSOLUTE MAJORITY** amendments to the operation of The Avenue Car Park and Frame Court Car Park, Leederville, as follows:

**The Avenue Car Park - Plan No. 2861-PP-01**

1. The Avenue Car Park shall remain paid parking in all bays, but revert to paid time restricted parking in the northern section and all-day paid parking in the southern section, as shown in Appendix 9.1.10, with the following restrictions:
  - 1.1 The all-day parking section shall operate from 7am to midnight each day; and
  - 1.2 The time restricted section shall operate with a two hour (2P) time restriction from 7am to 7pm, Monday to Friday, with a one (1) hour free period and thereafter, with no time restriction until midnight; and

**Frame Court Car Park – Plan No. 2863-PP-01**

2. The Frame Court Car Park shall revert back to all-day paid parking in all bays, except the twenty (20) parking bays, adjacent to the Oxford Street entrance, as shown in Appendix 9.1.10, with the following restrictions;
  - 2.1 The all-day parking section shall operate from 7am to midnight each day; and
  - 2.2 The time restricted section shall operate, with a three hour (3P) time restriction from 7am to 7pm, Monday to Friday with a one (1) hour free period and thereafter, with no time restriction at all other times.

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**Moved Cr Buckels, Seconded Cr Maier**

That the recommendation be adopted.

Debate ensued.

**AMENDMENT No. 1**

**Moved Cr Buckels Seconded Cr Lake**

That the following amendment be adopted.

**The Avenue Car Park – Plan No 2861-PP-01**

1. The Avenue Car Park shall remain paid parking in all bays ~~but revert to paid time restricted parking in the northern section and all-day paid parking in the southern section~~, as shown in amended Appendix 9.1.10, with the following restrictions:

- 1.1 All bays shall be restricted to a maximum of three hours (3P) The all-day parking section shall operate from 7am to 7pm midnight each day Monday to Friday, with no time restriction between 7pm and midnight and at weekends; and
- 1.2 The time restricted section shall operate with a two hour (2P) time restriction from 7am to 7pm, Monday to Friday, with a one (1) hour free period and thereafter, with no time restrictions until midnight. All bays shall offer the 1st hour free at all times; and

Debate ensued.

**AMENDMENT No 1 PUT AND LOST (2-6)**

(Cr Harvey on approved leave of absence.)

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

Debate ensued.

The Presiding Member, Mayor Nick Catania suggested it was appropriate that the proprietor Rod Gundry of Leederville IGA address the Council, concerning the proposed amendment and the implications of the changes. He recommended Standing Orders be suspended.

**PROCEDURAL MOTION**

**Moved** Cr Topelberg, **Seconded** Cr McGrath

That the Standing Orders be suspended to allow Mr Gundry to address the Council.

**PROCEDURAL MOTION PUT AND CARRIED (8-0)**

(Cr Harvey on approved leave of absence.)

Mr Gundry addressed the Council and advised of the following:

*“Mayor and Councillors I sent an email to all of you yesterday.*

*I have also spoken to CEO Mr John Giorgi this morning and asked him to change agenda item 9.1.10 Section 1 paragraph 1.2 to read –*

*The time restricted section shall operate with a two hour (2P) time restriction from 7am to 7pm Monday to Friday with a one hour free period, and thereafter with no time restriction until midnight.*

*The one hour free parking was agreed to by Councillors at the meeting on Tuesday 5 July 2011.*

*It is imperative that the one hour free parking remains to allow our customers to do their shopping in a reasonable time and also any other business they need to do in the Oxford Precinct such as banking, post office, grab a coffee or buy take away food or lunch.*

*We must get this right this time and not confuse the public with any more changes.”*

**PROCEDURAL MOTION**

**Moved** Cr Buckels, **Seconded** Cr McGrath

That the Standing Orders be resumed.

**PROCEDURAL MOTION PUT AND CARRIED (8-0)**

(Cr Harvey on approved leave of absence.)



Debate ensued.

**AMENDMENT No. 2**

**Moved Cr Buckels, Seconded Cr Farrell**

That a new clause 4 be added to read as follows:

**4 New Ticket Machine Installation**

- 4.1 **A new ticket issuing machine shall be located on the raised area at the eastern end of the northern ROW of parking bays, immediately opposite the entry to the supermarket and adjacent to the existing ACROD Parking Bays.**

Debate ensued.

**AMENDMENT No 2 PUT AND CARRIED (8-0)**

(Cr Harvey on approved leave of absence.)

Debate ensued.

**AMENDMENT No. 3**

**Moved Cr Buckels, Seconded Cr Burns**

That the following amendment be adopted.

“That a report be provided to the Council prior to 1 October 2011 in relation to the changes introduced in The Avenue and Frame Court Car Parks”

Debate ensued.

**AMENDMENT No 3 PUT AND CARRIED (8-0)**

(Cr Harvey on approved leave of absence.)

Debate ensued.

**AMENDMENT No. 4**

**Moved Cr Maier, Seconded Cr Buckels**

That the following amendment be adopted.

“The pre-paid monthly Car Parking Permits be valid for each day of the week instead of Monday to Friday”

Debate ensued.

**AMENDMENT No 4 PUT AND LOST (0-8)**

(Cr Harvey on approved leave of absence.)

Debate ensued.

**AMENDMENT No. 5**

**Moved Cr Lake, Seconded Cr Buckels**

That the following amendment be adopted.

“That a report be provided to the Council prior to 1 October 2011 in relation to the operation of the pre-paid monthly Car Parking Permits.”

Debate ensued.

**AMENDMENT No 5 PUT AND CARRIED(8-0)**

(Cr Harvey on approved leave of absence.)

Debate ensued.

**AMENDMENT No. 6**

**Moved Cr Burns, Seconded Cr Farrell**

That the following amendment be adopted.

The time restricted section of The Avenue Car Park shall be changed to operate with a three hour (3P) time restriction, instead of two hour (2P) time restriction

Debate ensued.

**AMENDMENT No 6 PUT AND LOST(1-7)**

(Cr Harvey on approved leave of absence.)

**For:** Cr Burns

**Against:** Mayor Catania, Cr Buckels, Cr Farrell, Cr Lake, Cr McGrath, Cr Maier Cr Topelberg

**MOTION AS AMENDED PUT AND CARRIED  
BY AN ABSOLUTE MAJORITY(8-0)**

(Cr Harvey on approved leave of absence.)

**COUNCIL DECISION ITEM 9.1.10**

That the Council;

**APPROVES BY AN ABSOLUTE MAJORITY amendments to the operation of The Avenue Car Park and Frame Court Car Park, Leederville, as follows:**

**The Avenue Car Park - Plan No. 2861-PP-01**

1. The Avenue Car Park shall remain paid parking in all bays, but revert to paid time restricted parking in the northern section and all-day paid parking in the southern section, as shown in Appendix 9.1.10, with the following restrictions:
  - 1.1 The all-day parking section shall operate from 7am to midnight each day; and
  - 1.2 The time restricted section shall operate with a two hour (2P) time restriction from 7am to 7pm, Monday to Friday, with a one (1) hour free period and thereafter, with no time restriction until midnight; and

**Frame Court Car Park – Plan No. 2863-PP-01**

2. The Frame Court Car Park shall revert back to all-day paid parking in all bays, except the twenty (20) parking bays, adjacent to the Oxford Street entrance, as shown in Appendix 9.1.10, with the following restrictions;
  - 2.1 The all-day parking section shall operate from 7am to midnight each day; and
  - 2.2 The time restricted section shall operate, with a three hour (3P) time restriction from 7am to 7pm, Monday to Friday with a one (1) hour free period and thereafter, with no time restriction at all other times.

3. **A new ticket issuing machine shall be located on the raised area at the eastern end of the northern ROW of parking bays, immediately opposite the entry to the supermarket and adjacent to the existing ACROD Parking Bays;**
  4. **That a report be provided to the Council prior to 1 October 2011 in relation to the changes introduced in The Avenue and Frame Court Car Parks; and**
  5. **That a report be provided to the Council prior to 1 October 2011 in relation to the operation of the pre-paid monthly Car Parking Permits.**
- 

#### **PURPOSE OF REPORT:**

The purpose of the report is to obtain Council approval to alter the recently amended parking restrictions in the car parks in Leederville.

#### **BACKGROUND:**

At the Special Meeting of Council, held on Tuesday 5 July 2011, the Council approved a number of changes to existing parking restrictions in the City's car parking stations and a number of new parking restrictions, throughout the City. Part of the approval included the alteration to the parking restrictions in The Avenue and Frame Court Car Parks, as highlighted in Appendix 9.1.10.

Subsequent to the changeover of restrictions, the City has received a large number of complaints, from a wide range of car park users, that The Avenue Car Park is full by 9:30am and remains so until around 4:30pm. This is significantly affecting the local businesses.

#### **DETAILS:**

The implementation of the City of Vincent Car Parking Strategy and Precinct Parking Management Plans were approved by the Council on 5 July 2011. The plans included a change to the way that parking was managed in the Leederville area, with the short-term parking area being changed from the northern section of The Avenue Car Park to Frame Court Car Park. While this simplified the signage and removed the confusion of having three different restrictions in the same car park, it resulted in some patrons having to walk further to their place of employment, while others had to walk a shorter distance.

The changes to the parking restrictions in The Avenue Car Park and in Frame Court Car Park were put in place on Sunday 7 August 2011 and temporary information signage was erected throughout the car parks and on the ticket issuing machines so that, when local staff came to work on Monday morning they were aware of the changes. In general terms, there has been good compliance with the new restrictions.

From Monday 8 August 2011, a Temporary Ranger has been rostered to remain in The Avenue Car Park to make patrons aware of the changes and the regular day-shift Ranger was asked to spend as much time as possible in and around Frame Court Car Park, as a way to ensure that the public were kept informed.

#### **Water Corporation**

As part of the implementation plan for the changes to the parking management in the Leederville area, the Director Development Services, Manager Ranger and Community Safety and the Manager Strategic Planning, Sustainability and Heritage Services, met with approximately 70 staff from the Water Corporation. The staff were very vocal about the proposed changes to the parking regime in the Leederville area, to some extent, because they had (incorrectly) assumed that there would be a reduction in the number of all-day parking bays available. They also identified issues about staff having to walk further, cross the busy Oxford Street and Leederville Parade intersections, as well as a suggestion that the current Pre-paid Monthly Parking Permits would be discontinued, were raised. While all of their concerns were not alleviated, the majority were dealt with.

### **Complaints**

On Monday 8 August 2011, The Avenue Car Park was full by around 10:00am and Frame Court Car Park had an occupancy rate of around 20%. This trend has continued throughout the whole week and, while the Frame Court Car Park occupancy rate increases as the day progresses, the maximum has never exceeded 75% of the capacity.

This has resulted in numerous complaints from a number of business proprietors, including the IGA Supermarket, Oxford Street Arcade and a number of cafés and restaurants in Oxford Street, Leederville, that their customers cannot access their businesses, so they are shopping elsewhere. From the checks that have been undertaken by Ranger staff, it is confirmed that The Avenue Car Park is full from around 9:30 am till around 4:30pm daily and that 94% of the users are all-day patrons (306 of 326 parking bays).

The Ranger who has been rostered to provide information to car park users also reports that a number of shoppers have tried to find parking in The Avenue Car Park, but have been unable to do so. As a result, they have decided to shop elsewhere, but this is not a trend that would be acceptable. The complaint is therefore justified.

### **Car Park Strategy Consultant**

The consultant who developed the current Car Parking Strategy was approached and stands by the basis for his original recommendation, that the restrictions were designed to encourage existing users to find alternative modes of transport. He acknowledges that the relocation of the all-day parking facilities from Frame Court Car Park, may have created a difficult situation and agrees that there should be time restricted paid parking in The Avenue Car Park. This had been recommended in the PPMP for Leederville. The consultant acknowledges that the Council decided to give a free period of parking, but feels that one hour is too much in a short-term parking area (effectively 50%) so recommends that this be reduced to ½ hour free parking period, in The Avenue Car Park only.

The consultant also agrees that Frame Court Car Park may be more appropriate for all-day parking, but recommends the retention of the short section, adjacent to the Oxford Street entrance for short-term parking. He believes that these twenty (20) bays should remain time restricted to three hours (3P), but with no free period, so that shoppers can find a parking place when they need one, as long as they pay the required fee. This may also encourage them to use The Avenue Car Park short-term section, where because of the ½ hour free period, it is cheaper.

The consultant recommends that the all-day parking fees, both in The Avenue and in Frame Court Car Parks, should have no free period and should also have no maximum fee. This is on this basis that this will create the situation where parking cost will encourage drivers to change to alternative modes of transport. This is in accordance with the City's stated aim, for the increase in the number of persons using public transport, bicycles, etc, however is contrary to the Council decision to provide a free period.

The proposed amended restrictions in both the Avenue and Frame Court Car Parks are shown in Appendix 9.1.10 and the fees that will apply will remain at \$2.10 per hour.

### **CONSULTATION/ADVERTISING:**

Given the level of complaints being received from all users, there is no need to advertise the above. However, if approved, an information flyer will be delivered to all businesses in the immediate vicinity of both car parks, as well as informing the Water Corporation employees.

### **LEGAL/POLICY:**

There is no legal impediment to the above proposal.

### **RISK MANAGEMENT IMPLICATIONS:**

It is reported that businesses are being financially disadvantaged by the decision to change the parking regime in Leederville. If appropriate changes are not made to the current restrictions, there is a risk that businesses may close or be seriously impacted, as a result of reduced patronage.

**STRATEGIC IMPLICATIONS:**

The City of Vincent *Strategic Plan 2011-2016* states:

*“Natural and Built Environment*

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

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

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

**SUSTAINABILITY IMPLICATIONS:**

The above would ensure the sustainability of the local businesses and also the car parks.

**FINANCIAL/BUDGET IMPLICATIONS:**

There would be a need to change the signage in both car parks, although it is suggested that some of the signage could be re-used, with minimal modification. There will also be a need to re-programme the ticket issuing machines in both car parks. It is estimated that the total cost may be around \$1,500.

**COMMENTS:**

The problems that have resulted from the changes to the parking regime in Leederville have resulted in numerous complaints from businesses and other car park users. By reverting to parking restrictions that are similar to what was previously in place, but which have been tailored to meet the needs of the community, it is suggested that a better outcome can be achieved. It is recommended that the Council approve the changes.

**9.1.2 Further Report – No. 7 (Lot 20; D/P: 953; Lot 649; D/P: 156041) Melrose Street, Leederville – Proposed Demolition of Existing Single House and Construction of Four (4), Two-Storey Grouped Dwellings**

<b>Ward:</b>	South	<b>Date:</b>	10 August 2011
<b>Precinct:</b>	Oxford Centre-P4	<b>File Ref:</b>	PRO5406; 5.2011.153.2
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report, Development Application and Plans		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	C Harman, Planning Officer (Statutory) H Au, Heritage Officer		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**FURTHER OFFICER RECOMMENDATION:**

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES BY AN ABSOLUTE MAJORITY** the application submitted by Ian Collins Homes Pty Ltd on behalf of the owners EY Tse, KM Hawthorne, RH Hawthorne, SA Meyer and SA Oregioni for proposed Demolition of Existing Single House and Construction of Four (4), Two-Storey Grouped Dwellings, at No. 7 (Lot 20; D/P: 953; Lot 649; D/P: 156041) Melrose Street, Leederville, and as shown on the amended plans stamp-dated 8 August 2011, subject to the following conditions:

**1. Building**

- 1.1 All new external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Melrose Street; and
- 1.2 First obtaining the consent of the owners of No. 5 and No. 11 Melrose Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls/retaining walls facing No. 5 and No. 11 Melrose Street in a good and clean condition;

**2. Trees**

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

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

**3.1 Construction Management Plan**

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

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

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

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

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

**3.3 Landscape and Reticulation Plan**

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

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

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

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

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

**3.4 Schedule of External Finishes**

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

**3.5 Acoustic Report**

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

**3.6 Refuse and Recycling Management Plan**

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

**3.7 Security Bond**

A bond or bank guarantee for the sum of \$2,250 shall be lodged with the City and be held until all building/development works have been completed and/or any disturbance of, or damage to, the City's infrastructure, including street verge trees, has been repaired/reinstated to the satisfaction of the City's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing. This bond is non-transferable;

**3.8 Fencing**

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

**3.9 Amalgamation**

The subject Lots 20 and 649 shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence, the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the City, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the City's solicitors or other solicitors agreed upon by the City, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s); and

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

**4.1 Management Plan-Vehicular Entry Gate**

If a vehicular entry gate is proposed at the entrance to the site it shall have a minimum 50 per cent visual permeability and shall be either open at all times or a plan detailing management measures for the operation of the vehicular entry gate, to ensure access is readily available for residents at all times, shall be submitted to and approved by the City.

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**COUNCIL DECISION ITEM 9.1.2**

**Moved Cr Topelberg, Seconded Cr Farrell**

That the recommendation be adopted.

Debate ensued.

**MOTION PUT AND CARRIED BY AN  
ABSOLUTE MAJORITY (7-1)**

(Cr Harvey was on approved leave of absence.)

**For:** Mayor Catania, Cr Farrell, Cr Topelberg, Cr Buckels, Cr McGrath, Cr Lake,  
Cr Burns

**Against:** Cr Maier

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<b>Landowner:</b>	E Y Tse, K M Hawthorne, R H Hawthorne, S A Meyer and S A Oregioni
<b>Applicant:</b>	Ian Collins Homes Pty Ltd
<b>Zoning:</b>	Residential/Commercial R80
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Grouped Dwellings
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	Lot 20= 288 square metres Lot 649= 288 square metres Total= 576 square metres
<b>Right of Way:</b>	Not applicable

The Council considered the subject application at its Ordinary Meeting held on 14 June 2011, and resolved as follows:

*"That the item be DEFERRED to allow the Applicant to further consider the concerns raised by Council Members."*

**FURTHER REPORT:**

During Council Member discussion, the issue of whether the proposal was in fact for multiple dwellings or grouped dwellings arose, as only a portion of the upper floors were located over the ground floor parking which was to be common property.

The applicant has since submitted amended plans which detail the following changes:

- The proposed four dwellings have been completely separated on both the ground and upper floor of each, to fit within the definition of 'grouped dwellings';
- The two front dwellings have been moved 1.5 metres closer to the street and the two car bays in the front setback have been deleted;
- Each unit has been provided with 2 covered car bays via a double carport for each unit within the site; and
- The applicant has increased the number of major openings facing the street on the ground floor.

**COMPLIANCE:**

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
<b>Density:</b>	R60 – 3.2 dwellings.	4 Dwellings
<b>Officer Comments:</b>		
Supported – The initial proposal included 4 multiple dwellings, which were very similar in size and design and, therefore, the change to 4 grouped dwellings is considered appropriate for the site and will not increase the bulk and scale of the proposal or adversely affect the streetscape.		
<b>Ground Floor Setbacks:</b>	- East (Units 3 & 4) – 1.5 metres. - West (Units 1 & 2) – 1.5 metres.	Nil – 1.5 metres. Nil – 1.5 metres.
<b>Officer Comments:</b>		
Supported – The proposed setbacks allow for adequate ventilation and light to circulate throughout the site and, therefore, the proposal is not considered to have an undue impact on adjoining properties. No objections were received during advertising.		
<b>Balcony Setbacks:</b>	1 metre behind the ground floor.	0.25 metre in front of ground floor.
<b>Officer Comments:</b>		
Supported – Not considered to have an undue impact on the streetscape. The balconies also serve the purpose of the outdoor living areas for each unit and contribute to the streetscape by providing interaction with the street.		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
<b>Buildings on the Boundary:</b>	Walls not higher than 3.5 metres, with an average height of 3 metres, for 2/3 (19.05 metres) of the length of the balance of the boundary, behind the front setback line, to one side boundary only.	2 boundary walls. Wall on western elevation has an average height of 3.2 metres. Length of each boundary wall is compliant.
<b>Officer Comments:</b>		
Supported – Not considered to have an undue impact on adjoining properties and no objections received during advertising.		
<b>Outdoor Living Areas:</b>	Outdoor living areas to have a minimum dimension of 4 metres.	Units 1 and 4 have a minimum dimension of 3 metres. Units 2 and 3 have a minimum dimension of 3.5 metres.
<b>Officer Comments:</b>		
Supported – Given the size and design of the dwellings, the proposed outdoor living areas are contained within the balconies of each unit, which is considered appropriate to meet the needs of the residents of each unit.		
<b>Site Works:</b>	Retaining walls not to exceed 0.5 metre in height.	Retaining wall up to 0.598 metre along western boundary.
<b>Officer Comments:</b>		
Supported – The variation is considered minor and therefore there will be no undue impact on the adjoining property and streetscape.		

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

Consultation	
<b>In Support:</b>	One (1)
<b>Comments Received</b>	<b>Officer Comments</b>
No Comment.	Noted.
<b>Objections:</b>	Nil
<b>Comments Received</b>	<b>Officer Comments</b>
Nil	Noted.
<b>Advertising</b>	Advertising was carried out as per the City's Policy No. 4.1.5 relating to Community Consultation.

Other Implications	
<b>Legal/Policy</b>	TPS 1 and associated Policies, Residential Design Codes (R-Codes).
<b>Strategic</b>	The City's <i>Strategic Plan 2011-2016</i> - Objective 1 states:  <i>"Natural and Built Environment</i> 1.1 <i>Improve and maintain the natural and built environment and infrastructure</i> 1.1.2 <i>Enhance and maintain the character and heritage of the City."</i>
<b>Sustainability</b>	Nil.
<b>Financial/Budget</b>	Nil.

**COMMENTS:**

It is considered that the amended plans have addressed the concerns raised by Council Members and the overall design has not been altered significantly and, therefore, is supported by the City's Officers. The reduced front setback complies with the average of the streetscape and also increases interaction with the street by removing the car bays and adding major openings. In light of the above, the amended application is recommended for approval.

**Absolute Majority**

Given the proposed density bonus, as per Clause (40) (3) (b) of the City's Town Planning Scheme No. 1, in the event the Council supports the proposal, an absolute majority decision is required. The applicant has worked to address the Council's previous concerns and given the previous proposal for four multiple dwellings, which were of similar size, complied with the plot ratio requirements, the current proposal for four grouped dwellings is supported.

The Minutes of Item 9.1.7 placed before the Council at its Ordinary Meeting held on 12 July 2011 are available on the City's website and can viewed by clicking on the following link:

[http://www.vincent.wa.gov.au/Your\\_Council/Agenda\\_Minutes](http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes)

**9.1.3 No. 99 [Lot 228; D/P: 3845(2)] Matlock Street, Corner Woodstock Street, Mount Hawthorn - Proposed Addition of Two-Storey Grouped Dwelling to Existing Single House**

<b>Ward:</b>	North	<b>Date:</b>	10 August 2011
<b>Precinct:</b>	Mount Hawthorn Precinct; P1	<b>File Ref:</b>	PRO3934;5.2011.300.1
<b>Attachments:</b>	<a href="#">001</a> - Property Information Report and Development Plans		
<b>Tabled Items</b>	Nil		
<b>Reporting Officer:</b>	T Cappellucci, Planning Officer (Statutory)		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES BY AN ABSOLUTE MAJORITY the application submitted by J Westergaard on behalf of the owner H G & J R Westergaard for proposed Addition of Two-Storey Grouped Dwelling to Existing Single House, at No. 99 (Lot: 228; D/P: 3845(2)) Matlock Street, Corner Woodstock Street, Mount Hawthorn, and as shown on plans stamp-dated 8 July and 4 August 2011, subject to the following conditions:

1. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners and the like, shall not be visible from the street(s), are designed integrally with the building and be located so as not to be visually obtrusive from Matlock and Woodstock Streets;
2. Any new street/front wall, fence and gate within the Matlock and Woodstock Street setback areas, including along the side boundaries within these street setback areas, shall comply with the City's Policy provisions relating to Street Walls and Fences;
3. No street verge tree(s) shall be removed unless written approval has been received from the City's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s); and
4. PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the City:

**4.1 Construction Management Plan**

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

**4.2 Landscaping and Reticulation Plan**

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

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

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

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

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

**4.3 Building Articulation**

Revised plans demonstrating the northern and western upper floor walls of the proposed grouped dwelling incorporating at least two (2) additional design features in order to provide appropriate articulation.

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**COUNCIL DECISION ITEM 9.1.3**

**Moved Cr McGrath, Seconded Cr Farrell**

That the recommendation be adopted.

**MOTION PUT AND CARRIED UNANIMOUSLY (8-0)**

**(Cr Harvey was on approved leave of absence.)**

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<b>Landowner:</b>	H G & J R Westergaard
<b>Applicant:</b>	J Westergaard
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R30
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Grouped Dwelling
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	637 square metres
<b>Right of Way:</b>	N/A

**PURPOSE OF REPORT:**

The proposal requires referral to the Council as the City's Officers do not have delegation to consider planning applications for a variation to the minimum site area requirement of the Residential Design Codes.

**BACKGROUND:**

12 December 2007 Planning Approval was granted under Delegated Authority for Demolition of Existing Single House and Construction of Two (2), Two-Storey Single Houses.

**DETAILS:**

The proposal involves the construction of a two-storey grouped dwelling to adjoin the existing single house on-site at No. 99 Matlock Street, Mount Hawthorn. As part of the proposed construction of the new grouped dwelling, the lot is intended to be subdivided down the middle with the existing single house continuing to have its vehicular access from Woodstock Street, while the new grouped dwelling will have its vehicular access from Matlock Street. The new lot widths for both the existing single house and new grouped dwelling will be consistent with more than 50 per cent of the lots within the immediate street block, on the same side of Matlock Street.

**COMPLIANCE:**

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
<b>Minimum Site Area:</b>	Minimum 270 square metres per grouped dwelling.	Existing Dwelling – 384.05 square metres  New Dwelling – 253.59 square metres  (Proposed Average is 318.82 square metres)
<b>Officer Comments:</b>		
<p><b>Supported</b> – The retention of the existing single house maintains the amenity of the streetscape. In addition, the lots comply with the City’s Policy No. 3.4.6 relating to Residential Subdivision for lots split down the middle, as the new lot widths for both dwellings are consistent with more than 50 per cent of the lots within the immediate street block on the same side of Matlock Street.</p> <p>The proposed new lot of 253.59 square metres is not within five (5) per cent (required to be 256.5 square metres) less in area than that required by the R-Codes to achieve the minimum site area per dwelling required of 270 square metres. The variation to the proposed site area of the new lot is six (6) per cent less in area than that specified in Table 1 (R-Codes). However, given the new lot proposed is only a minor variation to the required five (5) per cent stipulated by the R-Codes to satisfy one of the identified performance criteria of Clause 6.1.3, the development does facilitate the development of lots with separate and sufficient frontage to Matlock Street, and is therefore supported.</p>		
<b>Street Setbacks:</b>	<p><i>Ground Floor</i></p> <p>To be consistent with the existing streetscape.</p> <p>Total average is 6.75 metres.</p> <p><i>Upper Floor</i></p> <p>Balcony 1 metre behind ground floor setback.</p>	<p>Front setback to Matlock Street for the ground floor has a setback of 2.5 to 4.35 metres. Average is 3.425 metres.</p> <p>Upper floor balcony is 0.5 metre behind the ground floor setback towards Matlock Street.</p>
<b>Officer Comments:</b>		
<p><b>Supported</b> – Given the nature of the new lot, and the mixed nature of lot configurations on the same side of Matlock Street, the development is compliant with the Performance Criteria of street setback requirements. Accordingly, the proposed dwelling is deemed to facilitate efficient use of the site while ensuring no undue amenity impacts on the neighbouring properties.</p>		

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
<p>The front façade of the proposed new dwelling provides numerous elements of articulation that contribute to the amenity and surveillance of the streetscape. This is consistent with the performance criteria of the Residential Design Elements Policy whereby variations to upper floor setbacks can be supported provided appropriate articulation is provided which ensures the dwelling has a moderate impact on the streetscape.</p> <p>In addition, the Matlock Street streetscape contains a diverse range of traditional and contemporary dwellings. Therefore, the street setbacks proposed on the ground and upper floors are supported.</p>		
<b>Buildings setback from the boundary:</b>	<i>Ground Floor</i>	
	Rear (West) – 1.5 metres	1 metre
	<i>Upper Floor</i>	
	Side (North) – 3.1 metres	1.8 metres
	Rear (West) – 2.7 metres	1 metre
<b>Officer Comments:</b>		
<p><b>Supported</b> – These setbacks to the western boundary are considered to have no undue impact on the amenity of any adjoining property, namely the Mount Hawthorn Primary School, who have not objected the application.</p> <p>In addition, the upper floor setback to the northern boundary has no undue amenity impact issues and no objection was received from the directly affected neighbour.</p>		
<b>Building Articulation:</b>	Any portion of wall greater than 9 metres in length on the upper floor is required to incorporate horizontal and vertical articulation.	<p>Side (North) – 12 metres in length and two (2) minor opening windows.</p> <p>Rear (West) – 10 metres in length and two (2) windows proposed.</p>
<b>Officer Comments:</b>		
<p><b>Not Supported</b> – The two-storey parapet walls propose a bulk and scale impact on the existing single-storey dwelling on the subject site as well as to the Mount Hawthorn Primary School. While the owner of the existing dwelling at No. 99 Matlock Street is the same owner of the proposed new dwelling on the same site, a condition is proposed to ensure that two (2) significant design features are proposed on the upper floor portions of these walls to ensure it softens the visual appearance when the walls are viewed from the existing dwelling on-site, as well as from the Mount Hawthorn Primary School.</p>		
<b>Outdoor Living Areas:</b>	<i>New Grouped Dwelling</i>	
	Minimum outdoor living area of 24 square metres.	Outdoor living area of 23.1 square metres.
	<i>Existing Single House</i>	
	Outdoor living area to be behind the front setback line.	Outdoor living area in front setback area.
<b>Officer Comments:</b>		
<p><b>Supported</b> – Under the Acceptable Development criteria of the R-Codes for ‘Outdoor Living Areas’, the proposed area for the new grouped dwelling is only non-compliant in regards to not being the required 24 square metres. However, given that it is only a minor variation and there is additional open area directly adjoining the courtyard, this variation has been supported.</p>		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
In respect of the existing single houses' outdoor living area, it is not considered to have an undue impact on the streetscape or the amenity of the area given that it is open to winter sun by taking advantage of the northern aspect of the site.		
<b>Retaining Walls:</b>	<p>Filling behind the street setback line and within 1 metre of a common boundary does not exceed 500 millimetres above the natural ground level.</p> <p>Filling between the building line and street boundary does not exceed 500 millimetres.</p>	On the southern boundary, a retaining wall to a maximum height of 1 metre above natural ground level is proposed.
<b>Officer Comments:</b>		
<b>Supported</b> – It is considered no undue impact on the amenity of the directly adjoining residential property will result, who did not object to the application.		

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

Consultation	
<b>In Support:</b>	Nil (0)
<b>Comments Received</b>	<b>Officer Comments</b>
Nil.	Noted.
<b>Objections:</b>	Nil (0)
<b>Comments Received</b>	<b>Officer Comments</b>
Nil.	Noted.
<b>Neither Support/ Object:</b>	Two (2)
<b>Comments Received</b>	<b>Officer Comments</b>
<ul style="list-style-type: none"> <li>Do not object the proposed addition of a two-storey dwelling but rather the note "existing wall to be removed by owner". Do not want it removed.</li> <li>Ensure that the existing mature Jacaranda tree on the verge in front of the existing 99 Matlock Street residence is not negatively affected in any way by the above development.</li> <li>Due to the level of excavation and ground works required due care is taken by the developer in relation to soil compacting equipment damaging or causing cracks in adjoining properties.</li> <li>That the development is not really maintaining the immediate streetscape character of this section of Matlock.</li> </ul>	<p>Supported in Part – The applicant has amended the plans so that the existing wall on the boundary of No. 95 Matlock Street, which was originally proposed to be removed, will now remain.</p> <p>Supported – A condition has been placed that no street verge tree(s) shall be removed unless written approval has been received from the City's Parks Services. Should such an approval be granted, all cost associated with the removal and replacement shall be borne by the applicant/owner(s).</p> <p>Noted.</p> <p>Not Supported – Given the nature of the streetscape and lot configuration resulting from retaining the existing single house on-site, the proposed new grouped dwelling is deemed to maintain the character of the existing Matlock Street streetscape as well</p>



Consultation	
	as resulting in no undue amenity impacts on the neighbouring properties.
<b>Department of Education:</b>	
Comments Received	Officer Comments
No objection of development.	Noted.
<b>Advertising</b>	Advertising was carried out as per the City's Policy No. 4.1.5 – relating to Community Consultation.

Other Implications	
<b>Legal/Policy</b>	TPS 1, R-Codes and associated Policies.
<b>Strategic</b>	The City's <i>Strategic Plan 2011-2016</i> - Objective 1 states:  <i>"Natural and Built Environment</i>  1.1 <i>Improve and maintain the natural and built environment and infrastructure</i> 1.1.2 <i>Enhance and maintain the character and heritage of the City."</i>
<b>Sustainability</b>	Nil.
<b>Financial/Budget</b>	Nil.

**COMMENTS:**

**Heritage**

The subject dwelling at No. 99 Matlock Street, Mount Hawthorn is adjacent to Nos. 204-212 Scarborough Beach Road, Mount Hawthorn, (Mount Hawthorn Primary School) which is listed on the City's Municipal Heritage Inventory with a Management Category B – Conservation Recommended.

The subject proposal involves the construction of a two-storey grouped dwelling to the existing single house at No. 99 Matlock Street.

The proposed new dwelling is located to the south east of the heritage place at Nos. 204-212 Scarborough Beach Road, and is significantly separated from the Interwar Art Deco building along Scarborough Beach Road, which is identified as the primarily significant element at the heritage place.

As such, it is considered that the new development will have no visual impact on the important element of the adjacent heritage property.

**Planning**

It is noted that the proposal does not comply with the minimum site area provisions of the Residential R30 coding of the property, with the requirement of 270 square metres per lot. The proposed new dwelling on the adjoining lot is 253.59 square metres. In this particular case, given the retention of the existing dwelling on-site, the lot size meeting the average site area requirements of the Residential R30 coding and the proposed new dwelling is considered to be appropriate for the site given the complex nature of the lot configuration, the variation to the minimum site area is supported in this instance.

In considering the density coding under the Town Planning Scheme No. 1, as well as the City's Residential Subdivisions Policy, the retention of the existing dwelling and splitting the block down the middle results in new lot widths for the existing and proposed dwelling being consistent with more than 50 per cent of lot widths within the immediate street block. In this context and in light of the variations proposed, the application is considered acceptable as the new dwelling will not result in any undue impact on the amenity of the surrounding area.

In light of the above, the application is therefore supported, subject to standard and appropriate conditions to address the above matters. If the Council is inclined to approve the application, the Council is required to approve by an 'Absolute Majority', as the applicant is seeking a variation to the minimum site area requirements.

**At 9.00pm the Presiding Member, Mayor Nick Catania welcomed Quantity Surveyor Peter Blunt a Director from Rawlinson's Pty Ltd.**

**Cr Buckels departed the chamber at 9.00pm.**

**PROCEDURAL MOTION**

**Moved Cr Topelberg, Seconded Cr Burns**

**That the Order of Business be changed to bring forward Item 9.4.6.**

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (7-0)**

**(Cr Buckels was absent from the chamber and did not vote on this matter. Cr Harvey was on approved leave of absence.)**

**At 9.02pm the Presiding Member, Mayor Nick Catania called an adjournment of the meeting for 5 minutes.**

**The Meeting resumed at 9.09pm, 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 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
Mike Rootsey	Director Corporate Services
Craig Wilson	Manager Asset and Design Services
Kara Ball	Executive Secretary Corporate Services (Minutes Secretary)
Peter Blunt	Director Rawlinson's Pty Ltd (for Item 9.4.6)
Dale Morrissy	Manager Beatty Park Leisure Centre (for Item 9.4.6)

**9.4.6 Beatty Park Leisure Centre Redevelopment – Approval of Tender No. 429/11 Building Construction and Tender No. 430/11 Geothermal Energy System**

<b>Ward:</b>	South	<b>Date:</b>	18 August 2011
<b>Precinct:</b>	Smith Lake	<b>File Ref:</b>	CMS0003, TEN0437, TEN0438
<b>Attachments:</b>	<a href="#">001</a> - Consultant's Independent Review Report 2011 – Macri Partners <a href="#">002</a> - Indicative Timeline Gantt Chart <a href="#">003</a> – Plan of Proposed Geothermal Compound and Dam <a href="#">004</a> – Plan of Proposed Builders Compound		
<b>Tabled Items:</b>	Communication Strategy		
<b>Reporting Officers:</b>	D Morrissy, Manager Beatty Park Leisure Centre; M Rootsey, Director Corporate Services; John Giorgi, Chief Executive Officer		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

That the Council;

**1. RECEIVES:**

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

**2. APPROVES:**

- 2.1 the Beatty Park Leisure Centre Redevelopment Stage 1 at an estimated Total Project Cost of \$17,250,000 to be funded as follows;

Federal Government	Nil
State Government - CSRFF	\$2,500,000
State Government – nib Stadium payment	\$3,000,000
Beatty Park Leisure Centre Reserve Fund	\$3,500,000
Loan Funds	\$8,250,000
<b>Total:</b>	<b>\$17,250,000</b>

- 2.2 of a loan of \$8,250,000 for the Beatty Park Leisure Centre Redevelopment Stage 1;
- 2.3 the Indicative Project Budget for the Beatty Park Leisure Centre Redevelopment Stage 1, as outlined in this report;
- 2.4 the Project Timeline Gantt Chart, as outlined in this report and as shown in Appendix 9.4.6(B);
- 2.5 of \$630,000 for an essential Fire Hydrant System and Tanks, Fire Detection and Alarm System and Perimeter Vehicle Access to ensure compliance with the Building Code of Australia and AUTHORISES the Chief Executive Officer to advertise the necessary tenders for the required works; and
- 2.6 of \$120,000 for the Percent for Art contribution, in accordance with the City's Percent for Art Policy No. 3.5.13;

- 2.7 the allocation of \$5,000,000 of the State Government's Lease payment (when received) as follows;

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

3. ACCEPTS the following Tenders:

3.1 Construction:

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

3.2 Geothermal Energy System:

No. 430/11 by Drilling Contractors of Australia - Option 2 35L/S, as being the most acceptable to the City for the Geothermal Energy System for the Beatty Park Leisure Centre Redevelopment, 220 Vincent Street, North Perth, for a price of \$2,930,541 (exclusive of Goods and Services Tax);

4. AUTHORISES the:

4.1 Mayor and Chief Executive Officer to sign the approved tender Contracts and affix the Council's Common Seal;

4.2 Chief Executive Officer to make minor changes to the Beatty Park Leisure Centre Project during construction, as required, subject to the cost not exceeding the Project Budget of \$17,250,000; and

4.3 Chief Executive Officer to negotiate and approve the most acceptable loan for the City; and

5. NOTES:

5.1 that a Communication Strategy has been prepared to inform the community and Centre users/patrons of the redevelopment project; and

5.2 the Centre Manager is authorised and will be responsible for the dealing of patron memberships, including;

- (a) allowing for a temporary suspension during construction;
- (b) providing a full or part refund;
- (c) providing an extension on membership; and
- (d) or any combination of the above.

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Moved Cr Farrell, Seconded Cr Topelberg

That the recommendation be adopted:

The Presiding Member, Mayor Nick Catania asked Mr Peter Blunt, Director Rawlison's Pty Ltd – The City's Quantity Surveyor, for this Project, to address the Council and speak on the additional information provided on the item.

Debate ensued.

**AMENDMENT No 1.**

**Moved Cr Maier, Seconded Cr Buckels**

That the following amendment be adopted.

That clause 2 be amended as follows:

**2. APPROVES:**

**2.1 the Beatty Park Leisure Centre Redevelopment Stage 1 at an estimated Total Project Cost of \$17,250,000 to be funded as follows;**

Federal Government	Nil
State Government – CSRFF	\$2,500,000
State Government – nib Stadium payment	\$3,000,000
Beatty Park Leisure Centre Reserve Fund	\$3,500,000
Loan Funds	\$8,250,000
<b>Total:</b>	<b>\$17,250,000</b>

**From Federal Grants, State Government (CSRFF), Beatty Park Leisure Centre Reserve and loan funds, and that the loan funds may be new loans or the conversion of existing loans.**

~~2.2 of a loan of \$8,250,000 for the Beatty Park Leisure Centre Redevelopment Stage 1;~~

~~2.2-2.3 the Indicative Project Budget for the Beatty Park Leisure Centre Redevelopment Stage 1, as outlined in this report;~~

~~2.3-2.4 the Project Timeline Gantt Chart, as outlined in this report and as shown in Appendix 9.4.6(B);~~

~~2.4-2.5 of \$630,000 for an essential Fire Hydrant System and Tanks, Fire Detection and Alarm System and Perimeter Vehicle Access to ensure compliance with the Building Code of Australia and AUTHORISES the Chief Executive Officer to advertise the necessary tenders for the required works; and~~

~~2.5-2.6 of \$120,000 for the Percent for Art contribution, in accordance with the City's Percent for Art Policy No. 3.5.13.~~

~~2.7 the allocation of \$5,000,000 of the State Government's Lease payment (when received) as follows;~~

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

Debate ensued.

**AMENDMENT No 1 PUT AND LOST (1-7)**

(Cr Harvey was on approved leave of absence.)

**For:** Cr Maier

**Against:** Mayor Catania, Cr Farrell, Cr Topelberg, Cr Buckels Cr McGrath, Cr Lake, Cr Burns.

Debate ensued.

**AMENDMENT No 2.**

**Moved Cr Maier, Seconded Cr Buckels**

That the following amendment be adopted:

“APPROVES the purchase of the non technical user manuals at a cost of \$15,000 and the Project Budget be adjusted accordingly.”

Debate ensued.

**AMENDMENT No. 2 PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Harvey was on approved leave of absence.)

**AMENDMENT No 3.**

**Moved Cr Lake, Seconded Cr Topelberg**

That the following amendment be adopted:

“APPROVES the deletion of the Rainwater reuse and the Provisional Sum of \$200,000 from the Project Cost - Optional Extras and the budget be adjusted accordingly.”

**AMENDMENT No. 3 PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Harvey was on approved leave of absence.)

Debate ensued.

At 10.05pm the Chief Executive Officer advised that the Meeting had extended beyond 10pm and in accordance with the Council’s Meeting Procedures Policy a Procedural Motion was required to extend the duration of the Meeting.

The Presiding Member, Mayor Nick Catania recommended that the Meeting continue for a further 15 minutes and requested a Procedural Motion be moved.

**PROCEDURAL MOTION**

**Moved Cr McGrath, Seconded Cr Buckels**

That the Meeting continue for a further 15 minutes.

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Harvey on approved leave of absence.)

Debate ensued.

**AMENDMENT No. 4**

**Moved Cr Buckels, Seconded Cr .....**

That the following amendment be adopted.

“That the solar panels be deleted from the project.”

**AMENDMENT LAPSED FOR WANT OF A SECONDER**

**AMENDMENT No. 5**

**Moved Cr McGrath, Seconded Cr Topelberg**

That clause 2.1 be amended to read as follows:

**2.1 (a) the Beatty Park Leisure Centre Redevelopment Stage 1 at an estimated Total Project Cost of \$17,250,000 to be funded as follows;**

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

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

**AMENDMENT No. 5 PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Harvey was on approved leave of absence.)

**MOTION AS AMENDED PUT AND CARRIED (7-1)**

(Cr Harvey was on approved leave of absence.)

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

**COUNCIL DECISION ITEM 9.4.6**

That the Council;

**1. RECEIVES:**

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

**2. APPROVES:**

**2.1 2.1 (a) the Beatty Park Leisure Centre Redevelopment Stage 1 at an estimated Total Project Cost of \$17,250,000 to be funded as follows;**

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

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

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

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

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

3. ACCEPTS the following Tenders:

3.1 Construction:

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

3.2 Geothermal Energy System:

No. 430/11 by Drilling Contractors of Australia - Option 2 35L/S, as being the most acceptable to the City for the Geothermal Energy System for the Beatty Park Leisure Centre Redevelopment, 220 Vincent Street, North Perth, for a price of \$2,930,541 (exclusive of Goods and Services Tax);

4. AUTHORISES the:

- 4.1 Mayor and Chief Executive Officer to sign the approved tender Contracts and affix the Council's Common Seal;
- 4.2 Chief Executive Officer to make minor changes to the Beatty Park Leisure Centre Project during construction, as required, subject to the cost not exceeding the Project Budget of \$17,065,000; and



- 4.3 Chief Executive Officer to negotiate and approve the most acceptable loan for the City; and

5. NOTES:

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

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Mr Morrissy and Mr Blunt departed the Meeting at approximately 10.10pm.

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**ADDITIONAL INFORMATION:**

**Quantity Surveyor additional information – Cost Break Up**

The City's Quantity Surveyor, Peter Blunt of Rawlinson's was requested to provide additional information for the cost breakdown and the following has been provided;

*"Section 2 of my report has been further expanded. The information is there but needs a bit of interpolation to clearly identify the wet & the dry area works.*

*From Section 2, the breakdown between "wet" and "dry" areas is as follows:*

		Wet	Dry	Wet & Dry
Bill 1	Preliminaries			\$867,735
Bill 2	Two Story Extension		\$4,998,580	
Bill 3	Change Room Renovations	\$832,988		
Bill 4	Sundry Works			\$983,697
Bill 5	Pool Engineering	\$3,330,000		
Bill 6	Provisional Sums			\$974,000
		<b>\$4,162,988</b>	<b>\$4,998,580</b>	<b>\$2,825,432</b>

*The majority of the works measured in Bill 4 "Sundry Works" relates to the indoor and outdoor pool concourses plus the mechanical services interface between the geothermal bore and the pool plant room. The majority of Bill 4 could therefore be classified as "wet" works.*

*On the other hand, the majority of the provisional sums are "dry" works. When the "wet & dry" column is apportioned to one or other classification and preliminaries are distributed proportionally to "wet" and "dry", the breakup is as follows:*

		Wet	Dry
Bill 1	Preliminaries	\$401,676	\$466,059
Bill 2	Two Story Extension		\$4,998,580
Bill 3	Change Room Renovations	\$832,988	
Bill 4	Sundry Works	\$836,143	\$147,555
Bill 5	Pool Engineering	\$3,330,000	
Bill 6	Provisional Sums	\$148,000	\$826,000
		<b>\$5,548,807</b>	<b>\$6,438,193</b>
		46%	54%

*Cost Break-up for the “wet” and “dry” areas.*

*This was a tender for a construction contract. Bids were sought from building contractors prequalified with the State Government classification to construct buildings with a construction cost between \$6m & \$13m.*

*Whilst the pools are a significant sub-trade in this project, the primary element of the project is the construction works. i.e.:*

Construction Works	\$8,397,131	70%
Pools	\$3,589,869	30%
	<b>\$11,987,000</b>	

*Under the circumstances we could not really ask for a price to do all of the works then ask for an alternative price to delete approx \$6.5m worth of construction works. That would have changed the whole nature of the tender and would not have delivered a value for money outcome.*

*The best analogy I can think of would be going to a car dealer, asking for a price on a particular car, then asking how much would it cost for just the engine and gear box only without the body and the chassis but maybe the seats and the sun visors as part of the deal.*

*If you want just the engine and gearbox you would go to an appropriate organisation who dealt in engines and gearboxes. Likewise to get a good price for just the pools and associated concourse work alone, we would have been asking the wrong people. The correct course of action would have been to ask specialist pool contractors to tender on the pools and maybe the concourse work and building contractors to tender on the major construction works in separate contracts.*

*However, to best comply with the request to get separate prices for the Wet & Dry elements, bids were sought to construct the full scope of work including all of the pools then the tenderers were also requested to provide alternative bids if various “wet” components were excluded from the project.*

*The alternative prices tendered have effectively provided Council with a “shopping list” of the wet components, so they can pick and choose which pools they can include in or leave out of the contract.*

*The various “wet” options are summarised in Section 2 of the report to help Councillors with that decision.*

### **Pre-tender Estimates**

*On May 3 I recall telling the councillors that the market was very competitive at the moment and we were seeing heavily discounted tenders on projects, in some cases up to 30%. As a result, I was expecting we were likely to see some heavily discounted prices on this project too. At the time I suggested there was a grand opportunity to take advantage of the market and maximise the scope of the tender to get prices for more than was originally scoped. Hence the extensive list of “optional extras” that was included in the tender.*

*Luckily, I wasn’t too far out of touch, the discounts actually came to fruition and council now has the opportunity to accept a tender with all of the optional extras included within the original construction budget for the project.*

*In response to the specific items picked out in the question:*

*The low preliminaries are definitely a reflection of the discounting in the market; I have no doubt about that. Tenders for preliminaries ranged from \$867,735 to \$1,182,788 a difference of \$315,053 or 27%. My allowance was \$1,296,000.*

The Roofing:

*All tenderers had much the same price for roofing. It is a very low price and I have no explanation as to why (other than discounting). I will concede discounting would not account for all of the difference and there may be an error in my estimate but it wasn't apparent when revisited my estimate after receipt of tenders. All three tenderers seem to have gone with the same sub-contractor so that's the market price no matter which tenderer is awarded the project.*

Mechanical:

*The tender range for Mechanical was less than 10%. The highest price was \$1.175m. As stated the tender report, we are aware that there was a significant reduction in the cost estimated for the mechanical works interface with the geothermal installation works and that accounted for a significant portion of the difference (approx \$500,000). However we were not aware of that when we were putting together the tender estimate back in June. We didn't receive a revised tender cost indication from the mechanical services engineer so, at the time, we used the figures from the May estimates in the tender estimate".*

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**PURPOSE OF REPORT:**

The purpose of the report is to obtain the Council's approval of the Beatty Park Leisure Centre Redevelopment Project and to accept the building construction and Geothermal Energy System tenders.

**BACKGROUND:**

At the Special Meeting of Council held on 3 May 2011, Item 7.2, the following resolution was adopted in regard to the redevelopment of the Beatty Park Leisure Centre:

*"That the Council;*

- (i) **APPROVES** of:
  - (a) *the revised Concept Plans, Perspective Drawing, No's A003, A200, A202, B200, and C200, for the Beatty Park Leisure Centre Redevelopment, as shown in Appendix 7.2A;*
  - (b) *the revised Concept Plan No. 2620-CP-01G for the Beatty Park Leisure Centre Car Park, as shown in Appendix 7.2B; and*
  - (c) *the revised Indicative Timeline for the redevelopment, as outlined in this report;*
- (ii) **AUTHORISES** the Chief Executive Officer to:
  - (a) *advertise a construction tender for Stage 1 of the redevelopment, as a whole project with options for specified items using the Criteria detailed in this report;*
  - (b) *make minor changes to the concept plans and perspective drawings, as required, in response to feedback that may arise during the tender process, and report back on these changes, if any, prior to awarding of the tender construction contract;*
  - (c) *advertise a tender for the Geothermal Energy System including options of:*
    - 1. *a suitable Contractor/organisation to drill, supply and commission the bore and install the associated plant and equipment for the Town; and/or*
    - 2. *a joint venture partnership with a private consortium/organisation and the Town to deliver the project. The tender shall invite the tenderer to*

*present viable implementation models to include cost/benefit analysis of funding, design and operation;*

- (d) *further pursue external funding, including but not exclusively through the Federal Minister of Infrastructure and Transport, for the redevelopment of this regionally significant infrastructure/facility; and*
  - (e) *make the attachments to this report public; and*
- (iii) **NOTES:**
- (a) *that the Town's request to the Federal Minister of Infrastructure and Transport for a meeting and additional funding, was unsuccessful;*
  - (b) *a meeting is being arranged for the Mayor and Chief Executive Officer to meet with the Federal Minister for Infrastructure and Transport to explore funding opportunities for the Project, whilst in Canberra for the ALGA National Congress in June 2011;*
  - (c) *a project Gantt Chart will be prepared by a Project Scheduler Consultant, indicating the construction program and indicative times and this will be presented to the Council, for approval concurrent with the awarding of a construction tender;*
  - (d) *that, subject to clause (ii)(a) above being approved, the Tender documentation will request separate prices for the various components in Stage 1 (e.g. new extension, new 50 metre pool, plant room upgrade, indoor pool refurbishment, dive pool refurbishment and new learner pool etc.) and this will enable the Council to determine which of those components to proceed with once, precise costs have been identified;*
  - (e) *the Indicative Project Budget, as outlined in this report and as shown in Appendix 7.2E; and*
- (iv) **REQUESTS that:**
- (a) *an external review of the various business cases be undertaken to provide updated financial estimates for the various business cases and alternative scenarios which include the cost of servicing loans and provide a Net Present Value analysis of those options; and*
  - (b) *a report be provided to the Council prior to (or concurrently with) any report concerning the awarding of the tenders."*

#### **Previous Reports to the Council**

The following reports have been presented to the Council on the Beatty Park Leisure Centre, on 3 May 2011, 7 December 2010, 9 November 2010, 28 September 2010, 9 March 2010, 6 October 2009, 14 April 2009, 16 December 2008, 8 April 2008, 11 December 2006 and 28 March 2006.

#### **Presentation to a Forum**

This matter was presented to a Special Confidential Forum held on 29 March 2011, whereby the Project Architect, Quantity Surveyor and Consultants made a presentation to Council Members. The Director Corporate Services made a presentation to the Council Forum on 16 August 2011, with particular emphasis on the tender and financial aspects.

#### **DETAILS:**

On the 14 May 2011 tenders for the Beatty Park Leisure Centre Redevelopment Construction and a Geothermal Energy System were advertised in the West Australian Newspaper.

**GEOHERMAL TENDER DETAILS****Geothermal Energy System**

The tender for the Geothermal Energy System was advertised on 14 May 2011.

The closing date for the Geothermal Drilling tender was extended from 15 June 2011 to the 15 July 2011 as a number of interested drilling companies advised that due to the extremely busy market, they needed extra time to finalise their tenders.

Present at the opening were Purchasing/Contracts Officer – Mary Hopper and Manager Beatty Park Leisure Centre – Dale Morrissy

At 2pm on 15 July 2011 only one tender was received from the following company:

No.	Name	Address
1.	Drilling Contractors of Australia	29 Lenori Road GOOSEBERRY HILL WA 6076

**Tender Sum**

The following is a summary of the Tender received:

Company	Drilling Contractors of Australia Option 1 – 25.5L/S	Drilling Contractors of Australia Option 2 – 35L/S
Tender Sum (exc GST)	\$2,600,077	\$2,930,541

Description of Works	Option 1 – 25.5L/S	Option 2 – 35L/S
Mobilisation, Demobilisation, Insurance and Work Items	\$1,028,935	\$1,077,295
Geothermal Bore	\$890,471	\$1,060,900
Injection Bore	\$680,671	\$792,346
<b>Sub-Total</b>	\$2,600,077	\$2,930,541
<b>GST</b>	\$260,007	\$293,054
<b>TOTAL</b>	\$2,860,084	\$3,223,595

**TENDER EVALUATION****Geothermal Energy System**

The Tender Evaluation Panel consisted of the Chief Executive Officer – John Giorgi, Director Corporate Services - Mike Rootsey, Manager Beatty Park Leisure Centre - Dale Morrissey, City of Vincent Geothermal Consultant, Grant Bolton and Martin Pujil of Rockwater Pty Ltd.

The objective of the Evaluation Panel was to establish the conformity of the submitted tenders against the City's Tender specification and make a recommendation concerning the tender.

**Tender Assessment**

Criteria	Weighting %	DCA	
		Score	Weighted Score
<b>1. Financial Offer/Fee Proposal</b> <ul style="list-style-type: none"> <li>This contract is offered on a lump sum (fixed price) 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 Goods and Services Tax (GST).</li> <li>Represents the "best value" for money.</li> </ul>	40%	8	40%
	20%	8	20%
<b>2. History and Viability of Organisation</b> <ul style="list-style-type: none"> <li>Detail your history, viability and experience.</li> </ul>	3%	7	2.1%
<ul style="list-style-type: none"> <li>Demonstrate your capacity and depth to effectively address the range of requirements of the Town.</li> <li>Demonstrate the financial capacity of the organisation to carry out works for this project.</li> <li>Demonstrate evidence of stability and experience.</li> <li>Include at least three (3) referees.</li> <li>Include at least three (3) references.</li> </ul>	3%	9	2.7%
	3%	5	1.5%
	2%	8	1.6%
	2%	10	2%
	2%	10	2%
<b>3. Methodology, Key Issue and Risk</b> Demonstrate your: <ul style="list-style-type: none"> <li>Proposed methodology for this project to be completed on time and within budget.</li> <li>Evidence of successful results, particularly within Western Australia.</li> <li>Ability to provide a high level of:                             <ul style="list-style-type: none"> <li>- Site management</li> <li>- Practises regarding industrial relations</li> <li>- Practises regarding environmental protection</li> <li>- Practises providing a safe work environment.</li> </ul> </li> <li>Understanding of the required service by identifying the key issues and risk associated with delivering the project. Explain how you intend to address these issues and risks.</li> </ul>	4%	10	4%
4%	7	2.8%	
4%	7	2.8%	
3%	8	2.4%	
<b>4. Relevant Experience, Expertise and Project Team</b> Demonstrate your: <ul style="list-style-type: none"> <li>Experience, expertise and project team.</li> <li>Role and credentials of the key persons in the provision of the service (i.e. formal qualifications and experience).</li> </ul>	2%	10	2%
2%	10	2%	
<ul style="list-style-type: none"> <li>Ability to provide ongoing availability of sufficient skilled persons capable</li> </ul>	2%	9	1.8%

Criteria	Weighting %	DCA	
		Score	Weighted Score
of performing the tasks consistent with the required standards.			
<ul style="list-style-type: none"> <li>Understanding of the requirements associated with delivering the services to the Town.</li> </ul>	2%	10	2%
<ul style="list-style-type: none"> <li>Experience and success with recent similar facilities, particularly within Western Australia.</li> </ul>	2%	10	2%
<b><u>TOTAL / SCORE</u></b>	<b>100%</b>		<b>93.7%</b>

#### Option for a Geothermal Joint Venture Proposal:

Prior to the City's geothermal tender being advertised, several meetings were held with a private company who had approached the City and expressed an interest in a joint venture proposal with the City.

Accordingly, as requested by the Special Meeting of Council held on 3 May 2011 - decision Clause (ii)(c) 2, the City's tender document included an option for a joint venture partnership to present viable implementation models, including cost/benefit analysis of funding, design and operation.

This company did not submit a tender and therefore it can only be assumed that they did not want to pursue the proposal.

#### Summary of Tenderers – Geothermal

##### 1. Drilling Contractors of Australia

Total weighted score:	<b>93.7 (1<sup>st</sup>)</b>
Fee proposal:	<ul style="list-style-type: none"> <li>Lowest - only one tender was received</li> </ul>
Relevant experience and expertise:	<ul style="list-style-type: none"> <li>Trevor Illey 42 yrs drilling experience</li> <li>Malcolm Illey 37 yrs drilling experience</li> </ul>
Project team capacity to deliver Project:	<ul style="list-style-type: none"> <li>5 drilling and testing staff and subcontractors information provided with submission</li> </ul>
History and viability of company:	<ul style="list-style-type: none"> <li>Established Perth based company with an office in Gooseberry Hill, WA.</li> </ul>
Credentials:	<ul style="list-style-type: none"> <li>Registered driller</li> <li>Public Liability Insurance of \$10m</li> <li>Quality assurance training certificate provided</li> </ul>
Referees comments:	<ul style="list-style-type: none"> <li>Referees and references provided</li> </ul>
Demonstrated capacity to deliver:	<ul style="list-style-type: none"> <li>Comprehensive – meets criteria – low risk to the City</li> </ul>
Capacity to address requirements:	<ul style="list-style-type: none"> <li>Comprehensive – meets criteria – low risk to the City</li> </ul>
Methodology, key issues and risks:	<ul style="list-style-type: none"> <li>Comprehensive – meets criteria – low to medium risk to the City</li> </ul>
Previous projects:	<ul style="list-style-type: none"> <li>A list of previous projects was provided including 2 successful pool geothermal projects at:                             <ul style="list-style-type: none"> <li>Town of Claremont</li> <li>St Hilda's Girls School – 2010-11</li> </ul> </li> </ul>

**Comment:**

Despite strong initial interest in the City's tender, this was the only tender received and has been reviewed by the City's consultant on this project; Rockwater Pty Ltd, and while certain aspects are more expensive than predicted due to the limited site access, it is deemed to be overall a competitive tender.

This Tenderer has worked with the City's consultant in 2010/2011 on a successful project at St Hilda's Girls School. The Tender is therefore recommended.

The City's Geothermal Consultants, Rockwater Pty Ltd, have prepared a Tender report which includes a comparison of the Tender costings in comparison to the estimates provided. A copy is Tabled. This is summarised below;

A summary of the report is as follows:

*"Five drilling contractors, Bunbury Drilling Company (BDC), Connector Drilling (CD), Drilling and Grouting Services Pty Ltd (DGS), Drilling Contractors of Australia (DCA), and Kimberley Drilling (KD), expressed interest and were issued tender documentation.*

*The time and date of tender submissions were marked on each envelope before they were placed in a secure tender box. DCA was the only drilling contractor to submit a tender. BDC and KD declined to submit tenders because of other work commitments. CD and DGS declined to submit tenders because the contract was considered too onerous. The DCA's tender documentation was forwarded to Rockwater for assessment.*

PRICE EVALUATION

*Item rates and contract sums incorporated in this assessment are exclusive of goods and services tax. A comparison of tenders rates and estimated rates is given in Tables 1, 2 and 3 for Option 1.*

*The contract sum based on the schedule of rates for Option 1 is \$2,600,077. Clarification of the tender submitted by DCA found that item 71 of the Bill of Quantities is not required and that the adjusted amount is \$2,583,077. During the Scoping Study undertaken by Rockwater in March 2011, it was estimated that Option 1 would cost \$2,170,928 based on current industry rates at the time. Therefore, DCA overall tender price is about 19% higher than previously estimated; mostly because of higher mobilisation costs.*

MOBILISATION AND WORK ITEMS

*Mobilisation and work items (Items 1 to 9) provided by DCA (\$1,018,935) are about 51% higher than those estimated (\$675,700).*

*In particular, Mobilisation and Demobilisation costs are significantly higher than estimated because of the extent of drilling site and laydown area which is more restrictive than originally proposed on Beatty Park Oval and Car Park sites.*

*Turkey nest dam and water management costs are also higher than estimated and it is likely that significant savings could be made if this item was undertaken by earthmoving specialists.*

*Estimated costs for supplying energy to the drilling rig (Item 4) were based on a diesel powered drill rig and are less than costs for an electrically powered drill rig.*

*Changes of scope for the pumping control and command have increased costs for item 9 by about 14%.*

GEOHERMAL BORE

*Costs for the drilling, construction and testing of the Geothermal Bore (Items 10 to 46) provided by DCA (\$888,472) are very close to those estimated (\$888,324).*



### INJECTION BORE

*Costs for the drilling, construction and testing of the Geothermal Bore (Items 47 to 78) provided by the DCA (\$676,171) are about 11% higher than those estimated (\$606,904) because of minor changes in design and material costs.*

### RECOMMENDATIONS

*It is recommended that Drilling Contractors of Australia be awarded the contract to drill and test one geothermal production bore and one injection bore for the Beatty Park Leisure Centre. DCA plans to use its ADS 1500 electrically powered drilling rig. This rig is notably more silent than a conventional diesel powered rig and is considered ideal for this project.*

*City of Vincent should enter into negotiations with DCA to make minor variations to the services in order to reduce the overall cost of the project. Suggested variations include the location of the drill site and layout area and the turkey nest dam. It should be noted that there is no certainty in the cost of airlifting the bores; costs could be much lower if the required development time is less than allowed for in the contract.*

*It should also be noted that costs for Option 2 (35L/s bore) is only 11.3% higher than for Option 1 whereas it would provide an additional 40% heating capacity. For the slight increase in expenditure, Option 2 would be a far better return."*

Option 2 with the 35L/s bore will provide for additional heating capacity and other uses in the Centre. The higher capacity will allow for potential other uses which may arise in the future.

#### **Officer Comments:**

##### Use of Earthworks Company to Construct Turkey-Nest Dam

Investigations have been made however, the price offered by the Contractor has been calculated by the City's Technical Services Officers to be fair and reasonable. Accordingly, no change is recommended.

##### Location of Drill Site and Layout Area

This is unable to be changed as the cost to run pipework from another area to the Centre plant room would be greater and the disruption to Reserve users in the other suitable location would be extremely difficult to manage. Accordingly, no change is recommended. The Geothermal Compound is shown in Appendix 9.4.6D.

##### Less Development Time

This is a variable and whilst a saving of potentially up to \$90,000 could be realised in this cost amount, it is not a certainty. It is suggested that through negotiation with the successful Tenderer that if bore development is less than required, a cost reduction may be passed on to the City.

### **CONSTRUCTION TENDER DETAILS**

The Construction tender was advertised on 14 May 2011. The closing date was extended from 15 June 2011 until 17 June 2011 and a final extension until 26 July 2011, as several builders had requested a time extension.

Present at the opening were Purchasing/Contracts Officer – Mary Hopper, Director Corporate Services – Mike Rootsey, Manager Beatty Park Leisure Centre – Dale Morrissy and Damien Sita (Peter Hunt Architect).

Chief Executive Officer – John Giorgi and Coordinator of Aquatic and Operations Beatty Park Leisure Centre – Jeff Fondacaro were observers.

At 2pm on the 26 July 2011 tenders were received from the following building companies:

No.	Name	Address
1.	Perkins (WA) Pty Ltd [Perkins]	153 Balcatta Road BALCATTWA WA 6021
2.	Diploma Construction (WA) Pty Ltd [Diploma]	140 Abernathy Road BELMONT WA 6104
3.	Cooper & Oxley Builders Pty Ltd [Cooper and Oxley]	9 Bishop Street JOLIMONT WA 6014
4.	Merym Pty Ltd trading as EMCO Building [EMCO]	58-60 Edward Street OSBORNE PARK WA 6017

### Tender Summary

The following is a summary of the Tenders received:

Company	Perkins \$ Excl GST	Diploma \$ Excl GST	Cooper & Oxley \$ Excl GST	EMCO \$ Excl GST
<u>Tender A</u> Full scope of the Works – Stage 1	11,987,000	12,445,000	12,566,079	12,906,000
<u>Tender B</u> Full scope of the Works excluding the Refurbishment of the Indoor Leisure Pool	11,446,465	12,098,530	12,025,545	12,300,465
<u>Tender C</u> Full scope of the Works excluding the Refurbishment of the Outdoor Dive Pool and Learners Pool	10,800,041	11,428,190	11,413,615	11,753,535
<u>Tender D</u> Full scope of the Works excluding the Refurbishment of the Indoor Leisure Pool, Outdoor Dive Pool and Learners Pool	10,259,506	10,879,760	10,873,079	11,148,000

### TENDER EVALUATION

#### Construction Tender

The Tender Evaluation Panel consisted of the Chief Executive Officer – John Giorgi, Director Corporate Services, Mike Rootsey, Manager Beatty Park Leisure Centre, Dale Morrissey, Brian La Fontaine of Peter Hunt Architects and Peter Blunt of Rawlinsons.

The objective of the Evaluation Panel is to establish the conformity of the submitted tenders against the City's Tender specification and recommend the most suitable tender.

**Tender Assessment**

<b>Criteria</b>	<b>Weighting %</b>	<b>Perkins</b>	<b>Diploma</b>	<b>Cooper &amp; Oxley</b>	<b>EMCO</b>
<b>Fee Proposal</b>					
Check the fee, all other costs and disbursement and appropriate GST.	<b>40%</b>	40.0	36.0	32.0	28.0
Represents the "best value" for money.	<b>20%</b>	20.0	18.0	16.0	14.0
<b>History and Viability of Organisation</b>					
Detail of history, viability and experience.	<b>3%</b>	3.0	3.0	2.6	2.8
Capacity and depth to effectively address the range of requirements.	<b>3%</b>	2.5	2.5	2.3	2.8
Demonstrate financial capacity.	<b>3%</b>	3.0	3.0	2.8	1.9
Demonstrate evidence of stability and experience.	<b>2%</b>	2.0	1.6	1.3	1.4
Include at least three referees.	<b>2%</b>	2.0	0	0	2.0
Include at least three references.	<b>2%</b>	2.0	2.0	2.0	2.0
<b>Methodology, Key Issues and Risk</b>					
Proposed methodology for project meeting time and budget.	<b>4%</b>	2.9	3.1	2.6	1.9
Evidence of successful projects, particularly within WA.	<b>4%</b>	3.7	4.0	3.7	3.4
Ability to provide a high level of: - Site management - Finish of the construction works - Practises regarding IR, EP and OH + S	<b>4%</b>	3.3	3.5	3.1	3.1
Understanding of required services. How key issues and risks will be addressed.	<b>3%</b>	2.6	2.3	1.8	1.5
<b>Relevant Experience, Expertise of Project Item</b>					
Experience, expertise and project team.	<b>2%</b>	2.0	1.9	1.4	1.4
Role and credentials of the key persons (i.e. formal qualifications and experience).	<b>2%</b>	2.0	1.9	1.4	1.3
Ongoing availability to provide sufficient skilled persons.	<b>2%</b>	1.5	1.4	1.1	1.3
Understanding of the requirements with delivering the services to the City.	<b>2%</b>	1.9	1.5	1.5	1.3
Experience and success with recent similar facilities, particularly in Western Australia.	<b>2%</b>	2.0	1.4	1.1	1.3
<b>TOTAL FINAL SCORE</b>	<b>100%</b>	<b>96.4</b>	<b>87.1</b>	<b>76.7</b>	<b>71.4</b>

**Summary of Tenderers – Construction**

**1. Perkins Builders**

Total weighted score:	<b>96.4 (1<sup>st</sup>)</b>
Fee proposal:	<ul style="list-style-type: none"> <li>• Lowest</li> </ul>
Relevant experience and expertise:	<ul style="list-style-type: none"> <li>• Pre-qualified with WA Government Department of Treasury and Finance, Building Management and Works to Financial Level 5, Technical Level Complex- the highest qualification awarded.</li> </ul>
Project team capacity to deliver Project:	<ul style="list-style-type: none"> <li>• 90 Full time employees and over 300 subcontractors.</li> <li>• Comprehensive skills and experience CV's provided for key personnel</li> </ul>
History and viability of company:	<ul style="list-style-type: none"> <li>• Established 1965 in Bunbury</li> <li>• \$7 Million Perth office opened in 2001 – Balcatta</li> <li>• Established medium-large sized company with offices in Perth, Bunbury and Busselton</li> </ul>
Credentials:	<ul style="list-style-type: none"> <li>• Registered builder</li> <li>• Established Bank Guarantee Facility of \$20m</li> <li>• Capable of securing an order book valued at over \$400m</li> <li>• Third Party Liability Insurance of \$20m</li> <li>• Workers Compensation Insurance of \$50m</li> <li>• Full financial documentation provided</li> <li>• Extensive documented safety and emergency services procedures in place</li> <li>• Safety Management System - Worksafe silver certification</li> <li>• Federal Safety Commission OHS accreditation</li> <li>• Quality Assurance AS/NZSASO9001;2000 in place</li> </ul>
Referees comments:	<ul style="list-style-type: none"> <li>• Comprehensive list of referees and references provided</li> </ul>
Demonstrated capacity to deliver:	<ul style="list-style-type: none"> <li>• Comprehensive - meets criteria - low risk to City</li> </ul>
Capacity to address requirements:	<ul style="list-style-type: none"> <li>• Comprehensive - meets criteria - low risk to City</li> <li>• Four site visits carried out</li> <li>• Successfully completed over \$300m of Aquatic projects</li> </ul>
Methodology, key issues and risks:	<ul style="list-style-type: none"> <li>• Comprehensive and well documented - exceeds criteria - low risk to City</li> </ul>
<p><b>Previous projects:</b></p> <p>An extensive list of 21 aquatic and recreational related projects was provided which included the following:</p> <p><b>Local Government Projects:</b>            South West Sports Centre – Bunbury \$11m – 2001            Narrogin Recreation Complex - \$7.2m – 2002            City of Joondalup – Craigie Leisure Centre - \$9.4m - 2005            City of Stirling – Balga Aquatic Centre - \$8.6m – March 2008            City of Swan – Ellenbrook Water Play - \$2.17m - 2009            Ellenbrook Water Playground - \$2.17m - 2009            Shire of Murray – Pinjarra Aquatic Centre - \$8m – March 2011            Shire of Manjimup – Manjimup Aquatic Centre - \$4m – March 2011            City of Armadale – Armadale Aquatic Centre - \$4m – Under Construction</p>	

**Private Projects:**

Next Generation Fitness Centre - Bibra Lake - \$10m - 2003  
Next Generation Fitness Centre - Kings Park - \$17.25m - 2007  
St Hilda's Anglican School – Perth \$5m – 2010/11 - (Aquatic Facility & Geothermal Heating)

**Government Projects:**

AK Reserve Athletics Stadium - \$32m – 2009  
WA Basketball Centre - \$54m – 2009

**City of Vincent Previous Projects:**

DSR Building - \$6.5m – 2006  
Loftus Centre - \$13.5m – 2008

**Comment:**

The Perkins Tender was the lowest price for all options. The Tender was very comprehensive and well documented. This Builder is well known to the City and has previously performed well on two City projects. Accordingly, this Tender is recommended.

**2. Diploma**

Total weighted score:	<b>87.1 (2<sup>nd</sup>)</b>
Fee proposal:	<ul style="list-style-type: none"> <li>• Second lowest</li> </ul>
Relevant experience and expertise:	<ul style="list-style-type: none"> <li>• 30 years in operation</li> </ul>
Project team capacity to deliver Project:	<ul style="list-style-type: none"> <li>• 11 staff and extensive list of subcontractors provided with submission</li> </ul>
History and viability of company:	<ul style="list-style-type: none"> <li>• Established medium-large sized company with offices in Perth, Bunbury and Busselton</li> <li>• Listed on Australian Securities Exchange</li> <li>• Based in Perth with work in UAE and across Australia</li> </ul>
Credentials:	<ul style="list-style-type: none"> <li>• Registered builder</li> <li>• Third Party Liability Insurance of \$20m</li> <li>• Workers Compensation Insurance of \$100m</li> <li>• Full financial documentation provided</li> <li>• Extensive documented safety and emergency services procedures in place</li> </ul>
Referees comments:	<ul style="list-style-type: none"> <li>• References only provided</li> </ul>
Demonstrated capacity to deliver:	<ul style="list-style-type: none"> <li>• Comprehensive - meets criteria - low risk to City</li> </ul>
Capacity to address requirements:	<ul style="list-style-type: none"> <li>• Comprehensive - meets criteria - low risk to City</li> </ul>
Methodology, key issues and risks:	<ul style="list-style-type: none"> <li>• Comprehensive and well documented (optional program provided) - exceeds criteria - low risk to City</li> </ul>
Previous projects:	<ul style="list-style-type: none"> <li>• An extensive list of 27 projects was provided which included site manager for construction of AIS Aquatic Centre in Canberra, and various offices, numerous apartments and shopping complexes.</li> </ul>

**Comment:**

This Tender provided the second lowest price. The Tender was comprehensive and very well documented. However, not recommended due to another tender having a lower price with similar or better documentation.

**3. Cooper & Oxley**

Total weighted score:	<b>76.7 (3<sup>rd</sup>)</b>
Fee proposal:	<ul style="list-style-type: none"> <li>• Third lowest</li> </ul>
Relevant experience and expertise:	<ul style="list-style-type: none"> <li>• Established 1952 in Northam WA</li> <li>• Perth office opened in 1973</li> </ul>

Project team capacity to deliver Project:	<ul style="list-style-type: none"> <li>4 staff listed for project</li> <li>List of current company staff provided and achievements</li> </ul>
History and viability of company:	<ul style="list-style-type: none"> <li>Established medium sized company</li> <li>Work completed throughout WA</li> </ul>
Credentials:	<ul style="list-style-type: none"> <li>Registered builder</li> <li>Third Party Liability Insurance of \$20m</li> <li>Letter of good standing by financial institution</li> <li>Extensive documented safety and emergency services procedures in place</li> </ul>
Referees comments:	<ul style="list-style-type: none"> <li>References only provided</li> </ul>
Demonstrated capacity to deliver:	<ul style="list-style-type: none"> <li>Adequate - meets criteria - low risk to City</li> </ul>
Capacity to address requirements:	<ul style="list-style-type: none"> <li>Adequate - meets criteria - low risk to City</li> </ul>
Methodology, key issues and risks:	<ul style="list-style-type: none"> <li>Comprehensive and well documented - exceeds criteria - low risk to City</li> </ul>
Previous projects:	<ul style="list-style-type: none"> <li>An extensive list of 80 projects was provided which included the following Local Government works: <ul style="list-style-type: none"> <li>City of Canning – City of Canning Office - \$13.2m</li> <li>City of Belmont – Belmont Civic Centre - \$3.9</li> <li>Town of Cambridge – Cambridge Library - \$5.2m</li> <li>City of Gosnells – Gosnells Civic Centre - \$20.1m</li> <li>City of Kalgoorlie – Kalgoorlie Library - \$3.3m</li> </ul> </li> </ul>

**Comment:**

This Tender provided the third lowest price. The Tender was comprehensive and well documented. However, the price was the third lowest and is therefore not recommended.

**4. EMCO**

Total weighted score:	<b>71.4 (4<sup>th</sup>)</b>
Fee proposal:	<ul style="list-style-type: none"> <li>Highest</li> </ul>
Relevant experience and expertise:	<ul style="list-style-type: none"> <li>Incorporated in 1986</li> <li>WA commercial and multi residential developer</li> </ul>
Project team capacity to deliver Project:	<ul style="list-style-type: none"> <li>2 staff nominated for project</li> </ul>
History and viability of company:	<ul style="list-style-type: none"> <li>Established medium-large sized company with offices in Perth, Bunbury and Busselton</li> </ul>
Credentials:	<ul style="list-style-type: none"> <li>Registered builder</li> <li>Third Party Liability Insurance of \$20m</li> <li>Workers Compensation Insurance of \$50m</li> <li>Statement of financial capacity provided</li> <li>Extensive safety and emergency services procedures in place</li> </ul>
Referees comments:	<ul style="list-style-type: none"> <li>Referees and references provided</li> </ul>
Demonstrated capacity to deliver:	<ul style="list-style-type: none"> <li>Adequate - meets criteria - low risk to City</li> </ul>
Capacity to address requirements:	<ul style="list-style-type: none"> <li>Adequate - meets criteria - low risk to City</li> </ul>
Methodology, key issues and risks:	<ul style="list-style-type: none"> <li>Comprehensive and well documented - exceeds criteria - low risk to City</li> </ul>
Previous projects:	<ul style="list-style-type: none"> <li>A snapshot of developments and projects is included in the Tender across a range of areas including, schools, apartments, heritage, health and civil and infrastructure projects.</li> </ul>

**Comment:**

This Tender provided the highest price and is therefore not recommended.

PROJECT QUANTITY SURVEYOR AND COST CONTROL

The City's consultant Quantity Surveyor, Peter Blunt from Rawlinsons provided a tender report which includes a comparison of the tender in comparison to pre-tender estimates. This is detailed below:

*"Four tenders were received, each with the four tender options A, B, C and D. This analysis is based on Option A only. The overall range was almost 8%. This is a very good, close, competitive result leaving no doubt as to the true market value of the project.*

*The three lowest tenders were all extremely competitive and all within a range of just 4.8%.*

*All tenders were less than the target tender and the lowest is therefore well within budget."*

TENDER RESULTS

(Excluding GST)	\$	Variance From Lowest	
		\$	%
Perkins	11,987,000	0	
Diploma	12,445,000	458,000	3.8%
Cooper & Oxley	12,566,079	579,079	4.8%
EMCO	12,906,000	919,000	7.7%
<b>MEAN</b>	<b>12,476,020</b>	489,020	<b>4.1%</b>
<b>Tender Estimate</b>	<b>14,500,000</b>	<b>2,513,000</b>	<b>21.0%</b>
Addenda (TBC if this has been included by all Tenderers)	<i>incl</i> <u>14,500,000</u>	<b>2,513,000</b>	<b>21.0%</b>

TENDER RECONCILIATION

Conforming Trade Breakdown	Perkins \$	Pre-Tender Estimate \$	Difference	
			\$	%
Preliminaries	867,735	1,296,000	(428,265)	(33.0%)
Earthworks/Siteworks	108,941	189,000	(80,059)	(42.4%)
Concrete	904,074	785,000	119,074	15.2%
Structural Steel	527,579	550,000	(22,421)	(4.1%)
Brickwork and Blockwork (including Stone Cladding)	472,294	629,000	(156,706)	(24.9%)
Metalwork	542,898	410,000	132,898	32.4%
Carpentry, Joinery and Cabinetwork	282,121	396,000	(113,879)	(28.8%)
Windows, Doors and Glazing	464,357	514,000	(49,643)	(9.7%)
Metal Decking and Roof Plumbing	119,528	340,000	(220,472)	(64.8%)
Hydraulic Services	320,954	410,000	(89,046)	(21.7%)
Electrical Services	664,737	710,000	(45,263)	96.4%
Mechanical Services	1,097,820	1,850,000	(752,180)	(40.7%)
Lift Services	81,350	165,000	(83,650)	(50.7%)
In-Situ Applied Finishes	50,331	70,000	(19,669)	(28.1%)
Suspended Ceilings and Partitions	283,499	310,000	(26,501)	(8.5%)
Non-Resilient Finishes	291,692	281,000	10,692	3.8%
Resilient Finishes	223,323	179,000	44,323	24.8%
Painting	90,466	82,000	8,466	10.3%
Landscaping and Reticulation	0	0	0	0.0%
Demolition	289,301	230,000	59,301	25.8%
Provisional Sums	974,000	974,000	0	0.0%
Pool Engineering/Upgrade	3,330,000	4,130,000	(800,000)	(19.4%)
	<b>11,987,000</b>	<b>14,500,000</b>	<b>(2,513,000)</b>	<b>(17.3%)</b>

COST BREAKDOWN / SEPARATE PRICES

At the Special Meeting of Council held on 3 May 2011 (Clause (iii)(d)) separate prices for the various components were requested.

The Project Quantity Surveyor provided advice in this matter to obtain the necessary prices, whilst at the same time achieving the most cost effective overall price. The following is advised.

**Tender Components**

The following is a summary of the Perkins Tender prices received:

<b>Perkins:</b>	<b>\$ (Excl. GST)</b>
<u>Tender A</u> Full Scope of Works	11,987,000
<u>Tender B</u> Full Scope of Works excluding the Refurbishment of the Indoor Leisure Pool	11,446,465
<u>Tender C</u> Full Scope of Works excluding the Refurbishment of the Outdoor Dive Pool and Learners Pool	10,800,041
<u>Tender D</u> Full Scope of Works excluding the Refurbishment of the Indoor Leisure Pool, Outdoor Dive Pool and Learners Pool	10,259,506

The Quantity Surveyor has determined the following Estimated Cost Centres:

<b>Estimated Cost Centres (All Excl. GST)</b>	<i>Bill 1</i>	<i>Bill 2</i>	<i>Bill 3</i>	<i>Bill 4</i>	<i>Bill 5</i>	<i>Bill 6</i>	
	Perkins Total Tender	Preliminaries	New Two Storey Extension	Change Room Renovations	Sundry Works	Pool Engineering	Provisional Sums
	\$	\$	\$	\$	\$	\$	\$
Preliminaries	867,735	867,735	0	0	0		
Earthworks/Siteworks	108,941		92,600	0	16,341		
Concrete	904,074		768,463	0	135,611		
Structural Steel	527,579		527,579	0	0		
Brickwork and Blockwork	472,294		434,510	28,338	9,446		
Metalwork	542,898		456,034	81,435	5,429		
Carpentry, Joinery & Cabinetwork	282,121		169,273	93,100	19,748		
Windows, Doors and Glazing	464,357		450,426	9,287	4,644		
Metal Decking & Roof Plumbing	119,528		119,528	0	0		
Hydraulic Services	320,954		102,705	118,753	99,496		
Electrical Services	664,737		398,842	86,416	179,479		
Mechanical Services	1,097,820		603,801	87,826	406,193		
Lift Services	81,350		81,350	0	0		
In-Situ Applied Finishes	50,331		35,232	13,589	1,510		
Suspended Ceilings and Partitions	283,499		238,139	45,360	0		
Non-Resilient Finishes	291,692		102,092	128,344	61,255		
Resilient Finishes	223,323		194,291	26,799	2,233		
Painting	90,466		73,277	15,379	1,809		
Landscaping and Reticulation	0		0	0	0		
Demolition	289,301		150,437	98,362	40,502		
Provisional Sums	974,000		0	0	0		974,000
Pool Engineering/Upgrade	3,330,000		0	0	0	3,330,000	
	<b>*11,987,000</b>	<b>867,735</b>	<b>4,998,580</b>	<b>832,988</b>	<b>983,697</b>	<b>3,330,000</b>	<b>974,000</b>



\* *Excludes essential Fire Hydrant System and Tanks, Fire Detection and Alarm System and Vehicle Perimeter Access (\$630,000) and Percent for Art Contribution (\$120,000).*

#### CONSULTANT'S RECOMMENDATION

*"Overall this is a very pleasing result. All four tenders were very competitive and the lowest three were all within budget.*

*The fact that the three lowest tenders were within a 5% range has left no doubt as to the true market value of the project and leaves no doubt that the lowest price is the result of sub-contractor discounting rather than an error or omission on the part of the lowest tenderer.*

#### *Optional Extras*

*The discounting has also enabled optional extras with an estimated value of \$1.90m to be included in the project budget limit of \$16.5m.*

<i>Rainwater reuse</i>	<i>\$200,000</i>
<i>Solar panels (20Kw System)</i>	<i>\$200,000</i>
<i>Dive pool refurbishment and new learner pool</i>	<i>\$850,000</i>
<i>Indoor pool refurbishment</i>	<i>\$650,000</i>

*The good result also means that all the pools in the complex can be renovated and/or replaced in one project rather than staged over time.*

*In our opinion it is an extremely good value for money result indeed.*

*The Perkins' tender also offers alternative filter savings which are included in the tender price if they comply.*

*As stated in our tender analysis, we are satisfied that Perkins' tender contains no substantial errors or omissions and we recommend acceptance of their Tender A for the full scope of the work including all three pool options."*

#### **Officer Comments:**

##### Tender Price

The City's Officers fully endorse the Quantity Surveyor's recommendations. The tender price is most competitive and very attractive. The City should take advantage of the competitive building market. Accordingly, the full scope of works and the inclusion of the Optional Extras into the project is strongly recommended.

##### Filtration System

The cheaper priced alternative filters proposed are relatively new in the industry with only two (2) sites using them in WA; Craigie Leisure Centre and St Hilda's Anglican School for Girls. Whilst the discount saving is attractive, the City's Officers cannot recommend the use of them at this time due to the lack of any long term reliability information. Should the filters fail or not perform to a high level, they will cause patron complaints and will be expensive to replace, resulting in considerable disruption and close of the Centre.

The filters included in the current specification are the latest models of similar filters already installed at Beatty Park Leisure Centre and reports of the best water quality in Perth are regularly received from patrons.

##### Tender Clarifications

Perkins assessment of tender Options C & D makes the assumption that 420m<sup>2</sup> of paving concourse is omitted from the scope of works. The clarification is provided on the basis that it is not clear to what extent the concourse would be reduced if the works to the Outdoor dive pool and learners' pool were removed from the scope of works.

Therefore, if Option C or D is chosen, the paving concourse would need to be added. This could equate to an additional \$450,000-\$500,000. Accordingly, choosing Option C or D only is not recommended.

### **FIRE SERVICES COMPLIANCE**

Due to the complex nature of the project and age of the facility an independent Building contractor, Ian Lush and Associates, was contracted to review the legislative compliances required for a building licence.

Ian Lush and Associates have been working with the Redevelopment Working Party in assessing the building licence requirements and identified issues with the lack of fire services at the facility.

It was initially considered that full compliance with the Building Code of Australia (BCA) for the original building (built in 1962) was not required, as minimal works were being proposed to this part of the complex in Stage 1.

However, as part of the due diligence and Risk Management Audit, a Fire Safety Audit was carried out by JMG Pty Ltd, consultants who specialise in this complex area.

Whilst it can be argued that full compliance is not required, the City's consultants strongly recommend that the essential works be carried out, as the original building does not comply with the current BCA standards.

The City should comply with all relevant BCA requirements as this will demonstrate civic leadership, improve the fire and emergency evacuation capabilities of the Centre and also provide better protection to this valuable asset.

Hydraulic Consultants - NDY – were subsequently requested to also assess the requirements and prepare drawings and specifications for the required fire services.

The water pressure outside the Centre was tested and found to be very low, offering little or no fire fighting capacity. FESA would not accept the water in the pools, as a fire fighting service, due to the very high risk to access the water during a major fire.

Therefore, the only alternative is to construct water storage tanks and associated pumps. These will be located in the ground depression at the Morrison Street end of the facility and will be appropriately landscaped.

At the time of writing this report, NDY Consultants were still finalising the necessary tender drawings and specifications - as such these items were not included in the original tender specifications.

As the required fire services are estimated to exceed \$100,000, separate tenders will need to be called by the City, so as to satisfy the Local Government Act tender requirements.

The successful tenderer will then be appointed by the City as a sub-contractor to the Builder - so as to ensure that there are not two contractors on-site at the one time, as this may lead to contractual issues and possible demarcation problems. This should be avoided if possible, as it would result in cost increases.

#### **Fire services issues required to satisfy Building Licence and indicative costs:**

1. **Fire Hydrant System** – currently the facility has no fire hydrant system (as this was not a Building Code requirement when the Centre was built in the early 1960s) and this is seen as a high risk and needs to be addressed irrespective of any redevelopment. The City has been advised that due to a lack of water pressure in the mains water supply it will require tanks, generators and pumping equipment to be installed in suitable locations and a water ring main around the facility. Indicative Cost: \$500,000.

2. **Fire Detection and Alarm System** – an alternative solution to a facility wide and expensive sprinkler system is required with full fire detection and alarm coverage of the new facility and detection in regions of high fire risk in the existing facility. Indicative Cost: \$120,000.
3. **Perimeter Vehicular Access** – currently there is no full perimeter vehicular access for emergency service vehicles as a FESA requirement. There is an existing service vehicle access off Swimming Lane to the North West corner of the site. This will remain in place as part of the proposed redevelopment albeit slightly reconfigured. An access from the 'lower carpark' to Farr Avenue will also be required as part of the construction works. This will have a retractable bollard (or similar) and will only be used to access the construction site, if required, during peak periods when access and egress from Vincent Street is problematic. This access was to be temporary only, however given the FESA requirements the access can remain in place and continue to be controlled using a retractable bollard (or similar) to ensure the amenity of adjoining residents is not adversely impacted. Indicative Cost: \$10,000.

As the above works exceed \$100,000, tenders will need to be called for the Fire Hydrant System and the Fire Detection System. The Perimeter Vehicular Access will be carried out by the City's Engineering Operations Section.

## PROJECT WORKS / TIMELINE

The work to be completed as part of Stage 1 is outlined below.

### Stage 1 – Tender Documentation – Indicative Components

#### 1. New Extension/Building

- Demolition;
- External works;
- New entry, admin, kiosk kitchen, servery, tiling to existing pool seating area, gymnasium, aerobic, change rooms;
- Swim school and pool supervisor;
- Associated services;
- Separate costing-Rain water tanks for storage of water for re-use for flushing of toilets;
- Separate costing-Solar photovoltaic cells (20kW);
- Green Star Accreditation;
- Building Management System; and
- Independent Commissioning of Facility.

#### 2. Existing Change Rooms, Crèche and Staff Facilities

- Demolition;
- External works – outdoor play;
- New change rooms, family change, crèche and staff facilities;
- Refurbish existing corridor; and
- Associated services.

#### 3. New 50 metre Outdoor Pool

- Demolition;
- New 50m pool and ramp;
- New concourse paving and drainage;
- Pool plant refurbished and pipe work;
- New backwash tank;
- Permanent service access through existing building; and
- Associated services – inc. geothermal interface.

**4. Geothermal Service Connection**

- Demolition;
- Trenching required;
- New pipe work and connection to plant room;
- Rectification work to car park, paving, landscaping, irrigations and existing services, existing building; and
- Associated services – inc. geothermal interface.

**5. Existing Dive Pool Refurbished and New Learners Pool**

- Demolition;
- Dive pool converted to water polo pool with wet deck;
- New Learners pool;
- New concourse paving and drainage;
- Pool plant refurbished to suit;
- New raised grass area;
- New outdoor showers; and
- Associated services – inc. geothermal interface.

**6. Existing Indoor Pool Refurbished**

- Demolition;
- New tiling to existing pool;
- Slide pool modified;
- New pool features;
- Pool plant refurbished to suit; and
- Associated services – inc. geothermal interface.

**PROJECT COST**

<b>Proposed Project Funding – Stage 1</b>	<b>3 May 2011</b>	<b>8 August 2011</b>
<b>Stage 1 - Works</b>		
<i>Item</i>	Pre-Tender Estimate	
Redevelopment Works (Perkins Tender)	\$12,526,000	\$11,987,000
Geothermal installation including plant	\$2,635,000	\$2,931,000
Architect Fees	\$610,000	\$610,000
Consultants Fees	\$360,000	\$360,000
Rainwater reuse		Incl.
Solar Panels (20Kw system)		Incl.
Dive pool refurbishment and new learner pool		Incl.
<i>ADD: Indoor pool refurbishment**</i>		Incl.
<b>Optional Extras Included in Redevelopment Works Tender</b>		
Rainwater reuse	\$200,000	
Solar panels (20Kw system)	\$200,000	
Dive pool refurbishment and new learner pool	\$850,000	
<i>ADD: Indoor pool refurbishment**</i>	\$650,000	
<b>Construction Contingency</b>	<i>Incl.</i>	\$612,000
Percent for Art	\$125,260	\$120,000
Fire Hydrant Systems	-	*\$500,000
Fire Detection and Alarm System	-	*\$120,000
Vehicular Perimeter Access	-	*\$10,000
<b>TOTAL:</b>	<b>\$18,156,260</b>	<b>\$17,250,000</b>
<p>** <i>Indoor pool refurbishment was not included in the options presented to council on May 3<sup>rd</sup> but was included in the tender as an optional extra to get a price.</i></p> <p>* <i>Indicative estimates.</i></p>		

**PROJECT COST (/...cont)**

<b>Proposed Project Funding – Stage 1</b>	<b>3 May 2011</b>	<b>8 August 2011</b>
<b><u>OTHER OPTIONAL EXTRAS NOT INCLUDED IN THE TENDER</u></b>		
<i>Item:</i>		
Grey water reuse	\$850,000	\$850,000
Green star advice	\$12,000	\$12,000
Seasonal commissioning	\$41,000	\$41,000
Independent engineer during project design	\$66,650	\$66,650
Non technical user manuals	\$15,000	\$15,000
Backwash water reuse	n/a	n/a
<b>TOTAL:</b>	<b>\$984,650</b>	<b>\$984,650</b>
<b><u>MANDATORY FIRE SERVICE UPGRADE NOT PREVIOUSLY INCLUDED IN TENDER OR BUDGET</u></b>		
<i>Fire Hydrant System</i>	-	\$500,000
<i>Fire Detection and Alarm System</i>	-	\$120,000
<i>Vehicular Perimeter Access</i>	-	\$10,000

**Scope of Works**

It is to be noted that both the work to refurbish the existing Dive Pool and a new Learners Pool have been included in the tender price as well as the Indoor Pool refurbishment. These items were not included in the Stage 1 work as reported to the Council at the 3 May 2011. However, due to the cost competitive nature of the tenders, it is strongly recommended this work be carried out in Stage 1.

However the Fire Services requirements had not been identified at that point in time. Therefore, the costs for the fire service water tanks, generators and pumping equipment, together with a fire detection and alarm system have been added to the project costs.

**PROJECT TIMELINE**

Construction

The Gantt Chart prepared by Terry Preedy and Associates outlines the most cost effective construction timeline / methodology for the project. It is anticipated work is to commence as soon as possible and it is estimated that the work will be completed by the end of September 2012. As shown in Appendix 9.4.6(B).

Geothermal

The contractor is available to commence the project on 8 September 2011 and estimates that the project would be completed by late March 2012.

**Other - Tender Complaint**

During the tender period two complaints were received from sub-contractors / consultants regarding the Pool consultant being used by the City.

The complaints alleged the following:

- The sub standard of the technical drawings provided as part of the tender process; and
- A conflict of interest of the consultant in providing a consultancy to the City in the preparation of the brief and their involvement in their inclusion as a sub-contractor as part of the building tender.

#### Alleged Sub-standard Drawings

In regard to the first part of the complaint, the City engaged an independent consultant; Norman Disney Young (NDY), to assess the technical drawings to ensure that they would provide the outcome required.

As a result of the assessment some minor changes were made to the drawings and an addendum to the potential tenderers was issued. The independent consultant concluded that, in his opinion, the technical drawings had been adequately prepared with the required information to allow tenderers to make submissions.

#### Alleged Conflict of Interest

To satisfy the second part of the complaint the Chief Executive Officer engaged McLeod Solicitors to provide advice on the matter.

The Solicitor advised that it is management of the process going forward that is important in clarifying position. Therefore, if the pool consultant company is a party to the successful building tender, the consultant will be terminated in its role as consultant to avoid a conflict of interest.

An independent consultant (NDY) will be appointed to project manage the pool construction component of the project. This will not result in increased costs as NDY will simply replace AVP as the City's consultant.

#### Conclusion

It should be noted that the commercial pool business is a small industry and very competitive, it has come to the City's attention that the two complainants have previously raised issues with this company at a number of Local Government pool projects and none of the complaints have been upheld or substantiated. It is apparent that the company has become very successful in WA and Australia and is winning the large majority of the recent contracts awarded.

The allegations were fully investigated by the Chief Executive Officer. The City's Solicitor and Auditors were engaged to provide advice and overview the investigation of the allegations. The Chief Executive Officer extended the closing date of the construction tender to allow the complainants to submit a tender.

The Chief Executive Officer's investigation has revealed that the allegations are unsubstantiated. The City has been advised that the aquatic company was the appointed sub-consultant for three of the building tenderers, including Perkins. The City's Aquatic Consultant will therefore be replaced with an independent company (NDY). The City's solicitors and Auditors are also satisfied with the outcome of the investigation.

#### **Memberships**

The Centre Manager has advised of the following options during the redevelopment;

*Members will be offered several options with their membership during the redevelopment as follows:*

*SUSPENSION – Members will be able to suspend their membership for any period of time during and up to the completion of the redevelopment with all normal suspension limits removed.*

*REFUND – Members will be able to apply for a full refund of any unused portion of their membership during the redevelopment with no administration fee being applied.*

*EXTENSION – As certain areas of the facility will be out of action, members who utilise these areas can apply to have an extension (of an as yet to be determined length) on their membership.*

### **Builder's Compound**

A builder's compound will be located on the edge of Beatty Park Reserve, near the proposed new extension. This area was chosen to be the most suitable and causes the least disruption. A copy of the Plan is show in Appendix 9.4.6E.

### **CONSULTATION/ADVERTISING:**

All tenders have been advertised in accordance with the Local Government Act 1995 and Regulations.

A Communication Strategy has been prepared to inform the community and Centre users of the redevelopment project. A copy is Tabled and also provided to Council Members as Appendix 9.4.6C.

### **LEGAL / POLICY:**

The proposed redevelopment was advertised in accordance with the Local Government Act tender requirements and the City's Policy relating to tenders. All necessary Licences for the proposed bore have been obtained.

### Financial Verification

On 12 August 2011, the Chief Executive Officer contacted Perkins' Bankers to confirm their financial status. The Bank provided a current letter to confirm Perkins' financial capacity to carry out the project and also to confirm their Bank Guarantee of \$15 million.

### **RISK MANAGEMENT IMPLICATIONS:**

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

Failure to make a decision at the critical time will cause delay, with a risk that higher costs may be incurred. It is essential to take advantage of the favourable building market.

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

### **STRATEGIC IMPLICATIONS:**

This in keeping with the objectives of the City's Strategic Plan 2011-2016 – Key Result Area One: Natural and Built Environment:

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

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

### **SUSTAINABILITY IMPLICATIONS:**

There will be a significant focus of the sustainability of the redevelopment of the Beatty Park Leisure Centre.

The use of geothermal techniques has been investigated for use at the Centre for the heating of pool water and the buildings. A 20Kw Solar system will be used to offset electricity usage

and a rainwater system will be utilised in appropriate areas. Other areas of water saving will be realised by the installation of more modern filtration and pumping equipment as well as incorporated into operational practises at the redeveloped facility.

Wherever possible, natural light is to be incorporated to reduce the dependence on lighting and the size of the fitness areas have been calculated to allow for growth of programs, especially in areas where demand has increased within the industry over the past five years.

A consultant with environmental and sustainability credentials and expertise has been engaged.

The Centre's landscaping will be carried out by the City's Parks and Property Services Section. Water wise plantings will be used wherever appropriate. These new garden beds will incorporate all the elements of water wise gardening and feature a wide range of native plants such as ground covers and shrubs.

The Ecozoning of these landscaped areas and the plants featured within them will showcase what the City can achieve by the utilizing native plant species. Once established the landscaped features will compliment the other sustainable practices that are being utilised within the redevelopment of Beatty Park

#### **FINANCIAL/BUDGET IMPLICATIONS:**

Clause (iv) from the Special Meeting of Council 3 May 2011 states the following:

*"(iv) REQUESTS that:*

- (a) an external review of the various business cases be undertaken to provide updated financial estimates for the various business cases and alternative scenarios which include the cost of servicing loans and provide a Net Present Value analysis of those options; and*
- (b) a report be provided to the Council prior to (or concurrently with) any report concerning the awarding of the tenders."*

As a result, Macri Partners (Certified Practising Accountants) were engaged to undertake the review and prepare the required calculations.

The Consultants Independent Review Report is tabled as Appendix 9.4.6(A) and copied to Council Members.

The consultants confirmed the following in the Work performed section of the report:

*"In our view, the figures presented in the schedules provided by management appear to be reasonable and in line with the assumptions used for the purpose of evaluating the business case for the redevelopment of Beatty Park Leisure Centre."*

The Summary of the Findings from the Executive Summary of the report are outlined below:

*"Capital development can be by nature complex, high-risk, and high profile. Such projects are often of national or international significance, involve multiple stakeholders and can give rise to political, statutory, economic and environmental issues.*

*When considering capital expenditure, the City needs to ensure that the project relates to business priorities and that there is value for money for the investment. This has been reflected in the business case with the six (6) scenarios developed by management with corresponding operating results. The business case affects how the funding and financing decisions will be made.*



*The final scenario (no development) presents the worst outcome to the City as the Centre is in urgent need of upgrade with the following major drawbacks:*

- (i) *the current gym is restricted with the space available;*
- (ii) *membership numbers are capped at 2,000; and*
- (iii) *secondary revenue from other programmes offered at the Centre are restricted.*

*Therefore, the five (5) scenarios which involve development have been projected to show the outcomes of the project for the loan period.*

***In our view, the Option 2 (Loan funding of \$5.5 million) presents the best funding option to the City, however this is dependent on the City receiving the financial offer of \$5 million from the State Government in regard to the nib stadium.***

***Overall, Scenario 1 (3,500 Membership) and Scenario 2 (3,500 Membership- Learning Pool in Stage 1) appear to present the best project development options to the City. These should be considered individually in reference to the Appendices.***

*We note that the costs indicated in the schedules provided may vary if the project commencement date is delayed. **Consequently the project should commence as soon as possible to minimise the potential for any cost increases.***

*We also note that the Centre redevelopment is essential in consideration of the age of the facility (49 years) and upgrade of the plant rooms and outside pools is urgently required due to the risk of a major plant failure.”*

The consultant’s independent review report supports the outcomes of the financial information provided to the Council on May 3 2011.

The consultants have extrapolated the figures for the full period of the loan for 20 years.

The Net Present Value calculations include the \$3 million internal funds that the City of Vincent has used for this project and the opportunity cost i.e. the return on the investment on these funds foregone as a result of this project.

**The recommendation of Option 2 (Loan Funding of \$5.5 million) and Scenario 2 (3500 Membership – Full Development with the Learner Pool in Stage 1) is supported as presenting the best funding option. This premised on the assumption that the \$5 million to be received from the State Government will be contributed in full to this project.**

**Funding Options:**

Listed below are a number of funding options for consideration for the Beatty Park Leisure Centre (BPLC) Redevelopment:

Option 1 – Borrow Funds with the full use of State Government funds \$5m from nib Stadium lease:

Federal Government	\$0
CSRFF – State Government	\$2,500,000
COV Beatty Park Reserve Fund	\$3,500,000
State Government – nib Stadium	\$5,000,000
Loan Funds	\$5,500,000
<b>Total:</b>	<b>#\$16,500,000</b>

**Officer Comments:**

It is acknowledged that this is the Consultant's recommended Option 1. However, a number of Council Members had previously indicated that the \$5 million should perhaps also be used for other City projects, such as the Hyde Park Lakes Restoration Project. This is the prerogative of the Council.

It should be noted that ultimately, if some of the \$5 million is used for the Hyde Park Lakes Restoration Project, it will not result in any additional costs to the City, as the total amount to be borrowed for the two projects will not change (only the amounts borrowed for each project).

Option 2 – Borrow funds with part use of State Government funds \$3m from nib Stadium lease:

Federal Government	\$0
CSRFF – State Government	\$2,500,000
COV Beatty Park Reserve Fund	\$3,500,000
State Government – nib Stadium	\$3,000,000
Loan Funds	\$7,500,000
<b>Total:</b>	<b>#\$16,500,000</b>

**Officer Comments:**

The City's Administration acknowledge the view of using the funds for projects other than the Beatty Park Leisure Centre Redevelopment. Accordingly, this Option is supported for the reasons outlined in Option 1.

Option 3 – Borrowed Funds required without using the State Government funds \$5m from nib Stadium lease:

Federal Government	\$0
CSRFF – State Government	\$2,500,000
COV Beatty Park Reserve Fund	\$3,500,000
Loan Funds	\$10,500,000
<b>Total:</b>	<b>#\$16,500,000</b>

**Officer Comments:**

This is the most expensive Option for the City and, therefore, is not supported.

# The revised amount is \$17,250,000. This was revised to include essential Fire Hydrant Services, Fire Detection and Alarm and Percent for Art component after the Consultant's Report was received.

**Funds from the Long Term Lease of nib Stadium**

The loan funding can be reduced, if and when the financial offer from the State Government in regard to nib Stadium is received – if this is the decision of the Council.

The City has agreed to the terms of the lease with the State Government for the long term lease of the nib Stadium.

Negotiations are also advanced with the other parties to finalise the Heads of Agreement.

Item 9.4.7 on this agenda refers to this matter.

It is anticipated that the \$5 million will be received within the next 3-4 months.

### Loan Payment Options

The funding options above have included loans for either \$5.5 million, \$7.5 million, \$8.25 million or \$10.5 million; the repayment schedules for these loans are outlined below:

The repayments for these loans are estimated to be as outlined in the table below:

#### Loan Repayments Over a 20 Year Period

Loan	Interest Rate	Period	Monthly Repayments	Annual Payment
\$5.5M	5.54%	20 years	\$39,238	\$470,864
\$7.5M	5.54%	20 years	\$53,507	\$642,087
\$8.25M	5.54%	20 years	\$58,765	\$705,186
\$10.5M	5.54%	20 years	\$74,910	\$898,922

### Hyde Park

As the Council is aware at a Special meeting held on 13 October 2009 the Council made the following decision (in Part):

"(iv) APPROVES;

(a) *the adoption of the Hyde Park Redevelopment Masterplan (dated 2008) as shown in Appendix 7.4A, subject to incorporating Option 2A – "Modified 'Ornamental' Permanent Water Solution", estimated to cost \$4 million as its preferred option, as shown on attached Plan No 2665-DP-01 (Appendix 7.4B), for the reasons outlined in the report;*

(b) *of the Project Budget of \$4,555,000 comprising:*

- |    |                                      |                          |
|----|--------------------------------------|--------------------------|
| 1. | <i>Stage 1 – Essential Works</i>     | <i>\$4,000,000</i>       |
| 2. | <i>Stage 2 – Future Staged Works</i> | <i><u>\$ 555,000</u></i> |

*from the following funding sources:*

- |    |                                               |                          |
|----|-----------------------------------------------|--------------------------|
| 1. | <i>Town of Vincent – Loan</i>                 | <i>\$2,000,000</i>       |
| 2. | <i>Commonwealth Government</i>                | <i>\$2,000,000</i>       |
| 3. | <i>Other sources (e.g. grants, donations)</i> | <i><u>\$ 555,000</u></i> |
|    |                                               | <i>\$4,555,000</i>       |

(c) *the Indicative Timeline for the implementation of the project as outlined in the report;*

(v) *subject to clauses (iii) and (iv) above being supported, APPROVES BY AN ABSOLUTE MAJORITY pursuant to Section 6.20(2) of the Local Government Act, to borrow an amount up to \$2,000,000 for the project, subject to..."*

Further at its special meeting held on 5 July 2011 the Council decided to rescind part of its previous decision, relating to clause (iv)(a), the redevelopment option and instead approved "the City of Vincent Option 2B – "Modified Ornamental unlined lakes' Water Solution".

The indicative estimated overall cost and funding breakdown of the proposal (as per clause (iv)(ii) above) remains largely unchanged and therefore the City of Vincent loan amount will still be \$2,000,000.

**Officer Comments:**

The City's Administration do not have any objection to the proposal of using \$2 million to be received from the State Government's Offer for the long term lease of nib Stadium for the Hyde Park Lakes Restoration Project.

**Other Funding Sources**

The City's Administration has continued to investigate other funding sources as requested by the Council and advise as follows:

Federal Government

It was proposed to pursue a meeting with the Federal Minister during attendance by the Mayor and Chief Executive Officer at the ALGA in June 2011. However the Mayor and Chief Executive Officer were unable to secure a meeting with the Federal Minister on their visit to Canberra, as the Minister advised in writing that he would not meet any Local Government representatives (attending at the National General Assembly) as the Regional Development Funding Programme was being evaluated. He did not want any conflict of interest.

The Mayor, Chief Executive Officer and Director Corporate Services subsequently met with the Federal Minister's senior advisor in Perth.

However, whilst sympathetic to the City's position, was unable to provide a positive outcome due to the Federal Government diverting much of the infrastructure funding to the natural disasters that occurred in Australia this year. He recommended that the best option was to pursue funding through the Perth Regional Development Authority (RDA), although he advised that the first round of funding had been heavily oversubscribed.

Regional Development Authority (RDA)

The Chief Executive Officer and Director Corporate Services subsequently met with the Chairperson of the Perth RDA to discuss funding options. The RDA is a screening body that assess the project as to whether they meet the goals and strategies of the RDA. The Perth RDA is currently assessing the goals to permit the inclusion of sporting and recreation facilities.

However all funding decisions are referred to the Federal Government. The City intends to make an application for the next funding round, expected in late 2011.

Other Initiatives

The City has also written to a number of high profile users and former Olympians of the Centre over the years, requesting they write to the Prime Minister in support of funding for this project.

The City has to date received a modest number of positive responses to this letter at the time of writing this report this matter was still being progressed.

**COMMENTS:**

The redevelopment/upgrade at Beatty Park Leisure Centre is considered one of the most significant projects undertaken by the City.

Beatty Park was built in 1962 for the British Empire and Commonwealth Games. The facility is now 49 years old and in urgent need of upgrade.

This project commenced in 2004 and has now progressed to a stage where a Council decision is required, to enable the project to be progressed.

The upgrade of the Centre, particularly the plant room and outside pools, is urgently required, with much of the plant room equipment being the original equipment installed when the Centre was constructed in 1962. If this is not undertaken, there will be dire consequences for the pool operations of the Centre within two to three years. In the interim, the risk of a major plant failure is also of concern.

The new extensions including the gym and group fitness rooms and change rooms, together with the refurbished entrance and upgraded Retail and Café facilities will provide the Centre with a new promotional image. The modernisation of the main entrance frontage will be impressive and iconic. The gym and group fitness will generate considerable income for the future of the Centre.

This area is essential to the financial viability of the Centre, as the current gym is constricted with the space available and membership is currently capped at 2000. This also restricts secondary revenue available from the other programmes offered at the Centre, such as the Café and Retail Shop.

This redevelopment is essential for the future of the Beatty Park Leisure Centre and this design represents an excellent best practise model for the facility, while allowing for expansion of programs to meet community needs and expectations.

The tenders received are very competitive, as confirmed by the consultants engaged to provide professional and technical expertise of the tender assessment.

It has been advised that this competitive pricing will not hold for a long period of time due to the significant amount of State Government projects due to be released to the building and construction market in the near future, when it is anticipated that tender costs will increase due to an oversupply of work.

It is therefore strongly recommended the City takes advantage of this window of opportunity and approves of the redevelopment project.

**9.4.4 City of Vincent Policy No. 4.2.8 - Council Members - Acknowledgement of Service and Purchase of Retirement Gift**

Ward:	-	Date:	12 August 2011
Precinct:	-	File Ref:	ADM0023
Attachments:	<a href="#">001</a> - Policy No. 4.2.8		
Tabled Items:	Nil		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council;

1. **APPROVES BY AN ABSOLUTE MAJORITY to AMEND Policy No. 4.2.8 - "Council Members - Acknowledgement of Service and Purchase of Retirement Gift"; and**
2. **AUTHORISES the Chief Executive Officer not to advertise the above Policy, as there is no significant change to the Policy, other than to comply with the Local Government (Administration) Regulations 1996.**

**Moved Cr Farrell, Seconded Cr McGrath**

That the recommendation be adopted:

Debate ensued.

**PROPOSED AMENDMENT**

**Moved Cr Lake, Seconded Cr Maier**

That the following amendment be adopted:

That Policy 4.2.8 – Clause 1 (b) be amended to read as follows:

1. On retirement, a Council Member who has served at least one full four (4) year term of office can be presented with:
  - (a) a framed certificate identifying the name of the Council Member and the years of service to Council, signed by the Mayor and the Chief Executive Officer; and
  - (b) a gift on the basis of ~~\$114\*~~ \$100 per annum of continuous service, to a maximum of ~~\$572~~ \$500\*. Irrespective of the total years of service, the maximum amount cannot exceed \$1,000 \$500.

**AMENDMENT PUT AND LOST ON THE CASTING VOTE OF THE PRESIDING MEMBER (4-5)**

**(Cr Harvey was on approved leave of absence.)**

**For:** Cr Buckels, Cr Lake, Cr McGrath, Cr Maier  
**Against:** Presiding Member, Mayor Nick Catania (two votes – deliberative and casting vote), Cr Burns, Cr Farrell, Cr Topelberg

**MOTION PUT AND CARRIED BY AN ABSOLUTE MAJORITY (8-0)**

**(Cr Harvey on approved leave of absence.)**

#### **COUNCIL DECISION ITEM 9.4.4**

**That the Council;**

- 1. APPROVES BY AN ABSOLUTE MAJORITY to AMEND Policy No. 4.2.8 - "Council Members - Acknowledgement of Service and Purchase of Retirement Gift"; and**
  - 2. AUTHORISES the Chief Executive Officer not to advertise the above Policy, as there is no significant change to the Policy, other than to comply with the Local Government (Administration) Regulations 1996.**
- 

#### **PURPOSE OF REPORT:**

To obtain Council's approval to amend existing Policy No. 4.2.8 - "Council Members - Acknowledgement of Service and Purchase of Retirement Gift" to comply with the Local Government (Administration) Regulations 1996.

#### **BACKGROUND:**

The Council's Policy Manual contains various policies which provide guidance to the City's Administration for day to day management issues and also to assist Council Members in decision making.

The policies are amended from time to time as the need arises. It is "best practice" to review Policies at a regular interval and the City undertakes this every five years. The City's Administration has provided the comments as outlined in this report.

This Policy is required to be amended in order to comply with the regulations, as follows;

The City's current policy specifies an amount of \$114 per annum, however the Local Government (Administration) Regulations 1996, Regulation 34AC was gazetted on 3 May 2011, which prescribes a maximum amount of \$100 per annum. It also prescribes that a gift can only be provided after a Council Member has completed at least one full four-year term. The maximum amount in any case cannot exceed \$1,000.

#### **CONSULTATION/ADVERTISING:**

The Council has a policy of advertising for a period of twenty-one (21) days seeking comments from the public. However, in this case, as the policy requires only a minor amendment to comply with the regulations, it is recommended that the Policy not be advertised for community consultation.

#### **LEGAL/POLICY:**

Policies are not legally enforceable, however they provide guidance to the City's Administration and Council Members when considering various matters.

As all Council Members have disclosed a financial interest in the item, the Chief Executive Officer has requested the approval of the Minister for Local Government for Council Members to participate in debate and vote on the item. This approval was given by the Director General of the Department of Local Government, for the item to be considered at the Ordinary Meeting of Council to be held on 23 August 2011, subject to the following conditions;

- The approval is only valid for the Ordinary Meeting of Council to be held on 23 August 2011;
- The disclosing members declare the nature and extent of their interest at the Council meeting when this matter is considered together with the approval provided;
- The Chief Executive Officer is to provide a copy of the Department's letter advising of the approval to each declaring member; and

- The Chief Executive Officer is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the meeting when this matter is discussed.

The approval is required, otherwise there will not be a quorum for the Council Meeting.

### **Regulation**

The *Local Government (Administration) Regulation 1996*, Regulation 34AC states:

*"A gift is to be provided in accordance with Regulation 34AC of the Local Government (Administration) Regulation 1996:*

*"34AC. Gifts to council members – s 5.100A*

- (1) the retirement of a council member who has served at least one full 4 year term of office is prescribed under section 5.100A(a) as circumstances in which a gift can be given to the council member.*
- (2) The amount of \$100 for each year served as a council member to a maximum of \$1,000 is prescribed under section 5.100A(b) in respect of a gift given to a council member in the circumstances set out in sub regulation (1)."*

*[Regulation 34AC inserted in Gazette 3 May 2011 p. 1596.]*

### **RISK MANAGEMENT IMPLICATIONS:**

**High:** The failure to review Council Policies will not result in a breach of the regulations, as the City's Policy dollar amount exceeds the maximum amount prescribed by the regulations. However, the adoption of Policies will improve information to the Council, City's Administration and the community.

The approval of the Minister for Local Government is required as all Council Members have disclosed a financial interest in the item.

### **STRATEGIC IMPLICATIONS:**

This matter is in keeping with the Strategic Plan 2011-2016 – Key Result Area – *Leadership, Governance and Management: 4.1.2 – Manage the Organisation in a responsible, efficient and accountable manner.*

### **SUSTAINABILITY IMPLICATIONS:**

Nil.

### **FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

### **COMMENTS:**

The City's Policies are normally reviewed every five years, however, in this case, the Policy is required to be amended to comply with the regulations.

The amended Policy will provide guidance to the Council and the City's Administration.



**9.3.5 Festivals Programme 2011/2012**

<b>Ward:</b>	Both	<b>Date:</b>	09 Aug 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	CMS0110
<b>Attachments:</b>	001 - Confidential: Proposal – Beaufort Street Festival 2012 002 - Confidential: Proposal – Angove Street Festival 2012		
<b>Reporting Officers:</b>	J Anthony, Manager of Community Development B Grandoni, Community Development Officer S J Hansen, Community Development Officer		
<b>Responsible Officer:</b>	M Rootsey, Director Corporate Services		

**OFFICER RECOMMENDATION:**

That the Council;

- APPROVES** the following festival events and funding as part of the Festivals programme for 2011/12:

Event	Amount Allocated
Angove Street - April 2012	\$30,000
Beaufort Street – November 2011	\$40,000
William Street – March 2012	\$80,000

- AUTHORISES** the Beaufort Street Network Inc. to organise the “Beaufort Street Festival” on 12 November 2011, from 12noon to 8pm to 10pm and the Festival Bar until midnight, subject to;

- a total sponsorship contribution of \$40,000 from the City of Vincent to assist with the costs of the event, as allocated in the 2011-2012 budget;
- the sponsorship contribution to be paid on a reimbursement basis of expenditure incurred through the provision of tax invoices;
- event fees of \$18,000 for the festival at Beaufort Street being waived;
- a bond of \$3,000 being retained by the City as security for any damage to or clean-up of the Street;
- a suitable traffic, risk management and event site plan being submitted to the City at least two (2) months prior to the event at the expense of the organisers;
- the Beaufort Street Network Inc., as event organisers, are to full comply with conditions of use and fees being imposed including Environmental Health and other conditions;
- the Beaufort Street Network Inc., as event organisers, shall ensure full consultation with businesses along Beaufort Street (from Walcott Street to the end of St Alban's Avenue) to ensure that the festival is representative of and attuned to the local businesses;
- the activities and programmes offered as part of the event be accessible, inclusive and targeted to a broad range of residents;
- acknowledgement of the City of Vincent as a major sponsor of the events on all publications and advertising materials subject to the conditions listed in the report; and

- 2.10 the funds received from the City to be acquitted along with a full evaluation report on the festival be provided no later than three (3) months after the event;

to the satisfaction of the Chief Executive Officer.

Moved Cr Topelberg, Seconded Cr Farrell

That the recommendation be adopted:

Debate ensued.

**AMENDMENT No 1**

Moved Cr Topelberg, Seconded Cr McGrath

That the following amendment be adopted:

That clause 1 be amended as follows:

Event	Amount Allocated
Angove Street –2012	<b>\$30,000</b>
Beaufort Street – November 2011	<b>\$40,000</b>
William Street – March 2012	<b>\$80,000</b>

Event	Amount Allocated	Source
Angove Street – March 2012	\$30,000	Festival Funding
Beaufort Street – November 2011	\$40,000	Festival Funding
Beaufort Street – November 2011	\$10,000	Festival Funding with road closure
William Street – March 2012	\$30,000	Festival Funding
William Street – March 2012	\$20,000	Festival Funding – Lotterywest Grant
William Street – March 2012	\$20,000	Harmony Festival Funding

That clause 2 be amended as follows:

2. AUTHORISES the Beaufort Street Network Inc. to organise the “Beaufort Street Festival” on 12 November 2011, from 12noon to 8pm to 10pm and the Festival Bar until midnight, subject to;

- 2.1 a total sponsorship contribution of ~~\$40,000~~ \$50,000 from the City of Vincent to assist with the costs of the event, as allocated in the 2011-2012 budget;

2.1.1 the \$50,000 consists of:

- \$40,000 Festival Funding
- \$10,000 Festival Funding in the event that the proposed road closure from Walcott St to Chatsworth Rd goes ahead. This additional funding would be made available to assist with the expenses associated with the road closure and also further shade requirements.

Debate ensued.

**AMENDMENT No. 1 PUT AND CARRIED (8-0)**

(Cr Harvey was on approved leave of absence.)

Debate ensued.

**AMENDMENT No. 2**

**Moved Cr Maier Seconded Cr Buckels**

That a new clause 3 be added as follows:

“That the Council;

...

3. **REQUESTS** the Chief Executive Officer to investigate the purchase of portable shade structures for use at City organised festivals and community events and report back to the Council. The report is to include cost of equipment, set up, storage and payback period.

Debate ensued.

**AMENDMENT No. 2 PUT AND CARRIED (8-0)**

(Cr Harvey was on approved leave of absence.)

Debate ensued.

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

**COUNCIL DECISION ITEM 9.3.5**

That the Council;

1. **APPROVES** the following festival events and funding as part of the Festivals programme for 2011/12:

Event	Amount Allocated	Source
Angove Street – 2012	\$30,000	Festival Funding
Beaufort Street – November 2011	\$40,000	Festival Funding
Beaufort Street – November 2011	\$10,000	Festival Funding with road closure
William Street – March 2012	\$30,000	Festival Funding
William Street – March 2012	\$20,000	Festival Funding – Lotterywest Grant
William Street – March 2012	\$20,000	Harmony Festival Funding

2. **AUTHORISES** the Beaufort Street Network Inc. to organise the “Beaufort Street Festival” on 12 November 2011, from 12noon to 8pm to 10pm and the Festival Bar until midnight, subject to;

2.1 a total sponsorship contribution of \$50,000 from the City of Vincent to assist with the costs of the event, as allocated in the 2011-2012 budget;

2.1.1 the \$50,000 consists of:

- \$40,000 Festival Funding
- \$10,000 Festival Funding in the event that the proposed road closure from Walcott St to Chatsworth Rd goes ahead. This additional funding would be made available to assist with the expenses associated with the road closure and also further shade requirements.

- 2.2 the sponsorship contribution to be paid on a reimbursement basis of expenditure incurred through the provision of tax invoices;
- 2.3 event fees of \$18,000 for the festival at Beaufort Street being waived;
- 2.4 a bond of \$3,000 being retained by the City as security for any damage to or clean-up of the Street;
- 2.5 a suitable traffic, risk management and event site plan being submitted to the City at least two (2) months prior to the event at the expense of the organisers;
- 2.6 the Beaufort Street Network Inc., as event organisers, are to full comply with conditions of use and fees being imposed including Environmental Health and other conditions;
- 2.7 the Beaufort Street Network Inc., as event organisers, shall ensure full consultation with businesses along Beaufort Street (from Walcott Street to the end of St Alban's Avenue) to ensure that the festival is representative of and attuned to the local businesses;
- 2.8 the activities and programmes offered as part of the event be accessible, inclusive and targeted to a broad range of residents;
- 2.9 acknowledgement of the City of Vincent as a major sponsor of the events on all publications and advertising materials subject to the conditions listed in the report; and
- 2.10 the funds received from the City to be acquitted along with a full evaluation report on the festival be provided no later than three (3) months after the event;

to the satisfaction of the Chief Executive Officer; and

3. **REQUESTS** the Chief Executive Officer to investigate the purchase of portable shade structures for use at City organised festivals and community events and report back to the Council. The report is to include cost of equipment, set up, storage and payback period.

---

**PURPOSE OF REPORT:**

To obtain the Council's approval for the events to form the Festivals programme for 2011/12.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 9 March 2010 the Council considered this matter and resolved as follows:

*"That the Council;*

1. *APPROVES* the following festival events as part of the Festivals programme for 2010/11:
  - 1.1 *Beaufort Street – October 2010; and*
  - 1.2 *William Street – March 2011.*

2. *APPROVES sponsorship funding for the festival organised by the Mezz Shopping Centre, the Mezz Shopping Centre Food Festival in October 2010; and*
3. *LIST an amount of:*
  - 3.1 *\$120,000 for consideration on the Draft Budget 2010/11 for the two festivals outlined in the programme and;*
  - 3.2 *An amount of \$7,500 for sponsorship contribution to the Mezz Shopping Centre Food Festival”.*

**DETAILS:**

**Beaufort Street Festival**

The inaugural Beaufort Street Festival was held on Sunday the 27 November 2010, from 10am to 7pm, with the majority of local businesses in the Beaufort Street precinct involved in the Festival program.

The Festival program focussed on four key areas: Music, food, fashion and art which overall reflected the unique style and vibrancy of the Beaufort Street precinct.

The Festival attendance was estimated between 15,000 to 20,000 people and the feedback from local businesses indicated that many were pleased with the significant exposure provided to their business and a number reported having their largest trading day for the year.

Sixty four (64) businesses in the Beaufort Street precinct organised and/or sponsored events for the Festival and registered them with the Festival program. This included food stalls, live music performances, art installations, children activities and in store demonstrations.

A comprehensive post event report on the Beaufort Street Festival was prepared by the Beaufort Street Network as required by the City of Vincent and is attached in Confidential Appendix 9.3.3A.

The Beaufort Street Network have submitted a proposal for the Beaufort Street Festival to be held on 12 November 2011. The Beaufort Street Network will again be the primary body responsible for delivery of the Beaufort Street Festival. A new Beaufort Street Festival Management committee has been formed which will be the primary decision-making body for the organisation and coordination of the Festival. This committee have again engaged the Festival Director for the previous year to coordinate the Festival for 2011.

The detailed proposal submitted by Beaufort Street Network is attached in Confidential Appendix 9.3.5A.

However, a number of key elements of the proposal have been highlighted below:

Scheduled Date

The date of event has been scheduled earlier this year to avoid conflict with other community events and festivals and also to reduce the impact on the lead up to Christmas for businesses.

Festival Program

The festival is advertised as targeting predominantly the 18 to 40 year old demographic from the local population and will retain focus on four key themes; Music, Art, Food and Fashion.

Road closure

As a result of feedback from attendees and local business from last year's event it is proposed to request approval to close the road from Walcott Street to Chatsworth Road to create a main festival precinct for this year's festival.

#### Budget

The Beaufort Street Network is seeking an increased funding application from the City of Vincent for \$55,000. This is in recognition of the following factors:

- Increased costs associated with logistics, in particular the road closure.
- Increased costs associated with the music and arts program.
- Inclusion of shade structures, these were an oversight in last year's festival and need to be included.

The surplus funds for the 2010 Beaufort Street Festival was reported at \$20,000.

An internal working group will again be established to coordinate the City's requirements with the organising committee. The membership of this committee will include but is not limited to the following:

- Manager Community Development (Chairperson);
- Manager Parks Services;
- Manager Ranger Services and Community Safety;
- Manager Health Services;
- WA Police Service; and
- Representatives from the organising committee.

It is anticipated that the Manager Community Development will again attend the meetings of the Beaufort Street Festival Committee as the City's representative.

The City of Stirling has approved of funding of \$10,000 to the Beaufort Street Festival. (The requested amount was \$15,000.)

#### Recommended Funding

Notwithstanding the request for additional funding, it is recommended that an amount of \$40,000 be approved.

#### William Street Festival

This festival was organised by the City's Community Development Section and was held for the first time in March 2011 from 10am to 4pm. It was an extremely successful event with 64 market stall holders participating, 17 local and neighbouring businesses getting involved and 20,000 people in attendance.

William Street has a strong historical and multicultural aspect which was embraced in the programming of the festival. A Welcome to Country and Aboriginal dance opened the festival and many local businesses were keen to be involved and provided entertainment or links to multicultural groups in the area.

Lion and dragon dances were performed throughout the day and the Falon Gong and Chung Wah Association provided an array of displays and entertainment.

The local restaurants embraced the festival atmosphere, with food stalls at the front of their businesses. This included dishes and free samples from a variety of regions including Vietnam, China, India and Indonesia.

There were sixty four (64) market stalls that lined the street featuring a diverse array of wares including jewellery, clothing, art, home wares, baby wear, handmade dolls, puzzles and displays from local businesses. There was also an extensive component for families and children with workshops and activities along the street. This included badge, origami and

giant puppet making; umbrella painting; face painting; children's text towers and circus demonstrations.

The City received significant support from the local community for the event. Evaluation of attendees on the day indicated that 93.39% felt the event was well organized and 92% would attend a similar event next year. Post event evaluation of businesses, stall holders and performers indicated that 96.7% of participants were of the opinion they benefited from the festival and would be involved in any future festivals.

As is the practice of the past, each City centre hub has staged festivals for two years to ascertain their popularity with the community. It is therefore intended to stage one in March 2012.

It is anticipated that this festival will be organised by the City in conjunction with the businesses located in William Street.

#### Recommended Funding

An amount of \$80,000 is recommended, as this is the amount required to conduct this festival.

#### Angove Street Festival

The 2011 Angove Street Festival was held on Sunday April 10<sup>th</sup> 2011, from 10am to 4pm, with the majority of local businesses in the Angove Street precinct involved throughout the organisation of the Festival. The Festival strip extended to Daphne Street to accommodate Seventy five (75) Upmarket and food stallholders.

The Festival was organised by the City of Vincent and the North Perth Business and Residents' Association (The North Perth Group). The North Perth Group operated in the decision-making process for the organisation of the Festival.

To celebrate the City's Harmony Day, the Festival programme focussed around the multicultural aspect of the North Perth area. A multicultural emphasis was reflected in the chosen food stallholders with a variety of diverse cuisines on offer. Other activities that were featured in previous Harmony Day events organised by the Town were also included in the Festival e.g. Face Painting, farm animals and balloon twisting. In addition, the Festival included multicultural roving performers from Bizircus; Alegrias Spanish Dance Ensemble; De Ness Sextet and Phily-Wack, the Indigenous performer who opened the Festival with a 'Welcome to Country'.

The Festival attendance was estimated at 20,000 people and the comments from local North Perth businesses indicated that many were satisfied with the significant exposure provided to their business. The community feedback received was extremely positive and a fantastic atmosphere was reported from the evaluation undertaken on the day.

A comprehensive evaluation report on the Angove Street Festival was prepared by the North Perth Group and the City of Vincent and is attached in Confidential Appendix 9.3.3C.

The North Perth Group has submitted a proposal for the Angove Street Festival to be held on Sunday 1 April 2011. The City of Vincent will again be involved in the organisation of the Festival however the North Perth Group will be the Festival coordinators.

The detailed proposal submitted by North Perth Group is attached in Confidential Appendix 9.3.3D.

Some highlights of the proposal have been included below:

#### Scheduled Date

The North Perth Business and Residents' Association (The North Perth Group) proposes the date of the Angove Street Festival 2012 to be Sunday 1 April 2011, between the hours of 10.00am and 4.00pm.

#### Festival Program

The Festival for 2012 will focus on key attractions; live music, kid's activities, diverse food stalls and competitions.

#### Road Closure

Similarly to 2011, the road will be closed from Daphne Street to accommodate a larger amount of art and food stallholders.

#### Budget

The Angove Street Festival is seeking increased funding from the City of Vincent for \$30,000. This is in recognition of the following factors:

- Larger demand for a variety of food outlets and free water which will require higher power needs contributing to a higher overall cost
- The increase in supplier fees in the current financial year will require a increased funding capacity in the festival budget
- Evaluation results have indicated the need to expand the festival program involving a more inclusive entertainment program. This will require hiring specific artists demanding higher fees.
- The evaluation results have also indicated a more comprehensive marketing program is needed to reach the community. This will require an increase in materials, printing and distribution costs.
- As the Festival attendance was approximately double the amount of attendees than anticipated, an increase in funding is necessary to provide adequate logistical requirements for a large crowd e.g. risk management, first aid, shade.

#### Recommended Funding

It is recommended that an amount of \$30,000 be approved. Funding of \$20,000 will be provided for the Harmony Day component of the festival and an additional \$10,000 from the festival budget.

#### **CONSULTATION/ADVERTISING:**

A comprehensive promotional strategy will be prepared for all festivals which include advertising in both community newspapers, street banners, letter drop to residents and flyers/posters and possible use of social networking pages.

#### **LEGAL/POLICY:**

Policy 1.1.5 Donations, Sponsorship, Support for Festivals and Waiving of Fees and Charges.

#### **STRATEGIC IMPLICATIONS:**

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

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

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

- (a) Organise and promote community events, programs and initiatives that engage the community and celebrate cultural and social diversity of the City, including the development of a program for the holding of an event in each of the City's main commercial centre;*



- (b) *Develop a coordinated Event Plan and issue an Annual Program/Calender of Events to promote celebrate and acknowledge the City's cultural and social diversity, and*
- (c) *Investigate opportunities for an annual "Iconic Event" for the City and implement events.*

**SUSTAINABILITY IMPLICATIONS:**

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

**RISK MANAGEMENT IMPLICATIONS:**

**Moderate:** Previous festivals have been extremely popular and successful however factors such as weather on the day can be a contributing factor to attendance levels.

**FINANCIAL/BUDGET IMPLICATIONS:**

The amount of \$130,000 is listed on the Annual Budget 2011/12 for the festival programme and \$20,000 is allocated for Harmony Week activities.

The proposed allocation of funding for the scheduled festivals is as follows:

- Angove Street Festival \$30,000;
- Beaufort Street Festival \$40,000; and
- William Street Festival \$80,000.

**COMMENTS:**

The festivals that were staged in the City of Vincent last year were all very successful, with large attendances and excellent positive feedback from both the community and businesses.

The City officers recognise the excellent contribution the festivals make to the community and support the festivals proposed.

At 10.20pm The Presiding Member, Mayor Nick Catania advised that in accordance with the Standing Orders and Procedural Motion the Meeting should close and requested a Procedural Motion be moved to Defer the remaining Items, due to lateness of hour.

**PROCEDURAL MOTION**

**Moved Cr Farrell Seconded Cr Lake**

Due to the lateness of the hour that the following Items be DEFERRED to a Special Meeting of Council to be held at 6pm on 30 August 2011;

- Items 9.1.6, 9.1.8, 9.2.1, 9.3.1, 9.3.3, 9.4.1, 9.4.3 and 10.1

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Harvey was on approved leave of absence.)

**9.1.6 Review of State Planning Policy No. 3.1 relating to the Residential Design Codes – Request for Comment**

<b>Ward:</b>	Both	<b>Date:</b>	12 August 2011
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0110
<b>Attachments:</b>	<a href="#">001</a> – Submission		
<b>Tabled Items:</b>	Amended R-Codes Consultation Paper		
<b>Reporting Officer:</b>	R Marie, Planning Officer (Strategic)		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **ADVISES** the Western Australian Planning Commission (WAPC) and the Western Australian Local Government Association (WALGA) that the City of Vincent **SUPPORTS IN PRINCIPLE** the proposed amendments to State Planning Policy 3.1 – Residential Design Codes, subject to the comments identified in the City’s Submission, as shown in Appendix 9.1.6, being further investigated and addressed by the WAPC; and
2. **AUTHORISES** the Chief Executive Officer to forward a copy of the City’s submission shown in Appendix 9.1.6 to the WAPC and WALGA for their consideration.

**PROCEDURAL MOTION**

**Moved Cr Farrell, Seconded Cr Lake**

Due to the lateness of the hour that the item be DEFERRED to a Special Council Meeting to be held at 6pm on 30 August 2011.

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Harvey was on approved leave of absence.)

### **PURPOSE OF REPORT:**

The purpose of this report is to advise the Council that State Planning Policy 3.1 – Residential Design Codes (R-Codes) is currently being advertised for public comment, and to provide a summary of the Draft Strategy to the Council and for the Council to endorse the City's comments in relation to the amended Policy.

### **BACKGROUND:**

- 22 November 2010      Amendments were made to the R-Codes to include new provisions relating to multi unit housing developments.
- 4 August 2011        The City's Officers attended an information session, which outlined the major changes to the R-Codes.
- 31 August 2011       Consultation period closes.

### **DETAILS:**

The objective of the review of the R-Codes is to examine the effectiveness and continued relevance of aspects of the Codes. The changes to the R-Codes have been outlined in the Consultation Paper, as '*Tabled*' and a summary is provided below.

#### **Major Changes**

##### Terminology

The terms 'Acceptable Development' and 'Performance Criteria' have been amended to 'Deemed to Comply' and 'Design Solution' respectively. It was sometimes interpreted that the 'Acceptable Development' was the only way to assess an application. This was not the intention of the R-Codes. If an application cannot comply with the provisions of the 'Acceptable Development', it could be assessed using the 'Performance Criteria'. Therefore, the terminology has been amended to make clearer that both options are acceptable and comply with the overarching objectives of the R-Codes.

This is considered an important change for the City as this question is often raised in the consultation process.

##### Detailed Area Plans (now Specific Area Plans)

With the introduction of Development Assessment Panels (DAPs), the term Detailed Area Plan has been amended to Area Specific Plans (ASPs). ASPs are proposed as a spatial variant to local planning policies. It is proposed that all new ASPs be prepared in accordance with the Local Planning Policy format, with attached plans.

Whilst the City does not have any Detailed Area Plans, the change is important to note.

##### Local Planning Policy Format

The R-Codes recommend that more focus be given to the existence of Local Planning Policies, and it is suggested that they be noted and filed in the R-Codes ring binder.

A proposed Policy Format has been included in Appendix 5. This also clearly outlines which section of the R-Codes is being varied.

Given that the City has a large Policy Manual; it would be difficult to include all of the City's Policies with the R-Codes folder. In addition, the City has a standard Policy template currently used for all Local Planning Policies. Whilst it is acknowledged that the standard template provided in Appendix 5 of the R-Codes will aim to streamline Policies across the State, it is important to recognise that some flexibility to Policy format should be offered to Local

Governments. The standard Policy template could be utilised for the proposed Town Planning Scheme No. 2 and associated Policies.

#### Local Planning Strategies and Local Housing Design Objectives

It has been suggested that objectives relating to a locality within a municipality, could be included in the relevant authority's Local Planning Strategy to be considered through assessment in a Design Solution process. The City is already including these aspects in the Draft Local Planning Strategy.

#### Additional Dwelling Type

This refers to Supplementary Accommodation, Aged or Dependent Person's Accommodation and Single Bedroom Dwellings.

'Ancillary Accommodation' is now referred to as a 'Supplementary Dwelling'. The change to the definition is to clearly differentiate between the former 'Ancillary Accommodation' which is associated with the main dwelling. The definition of 'Supplementary Dwelling' now permits non-familial residence in the dwelling, to assist in providing affordable housing options and greater housing choice.

It is noted that in response to a key recommendation of the City's Affordable Housing Strategy, the City already allows for the non-familial occupation ancillary dwellings through the City's Policy No. 3.4.1 relating to Ancillary Accommodation. Whilst this initiative provides alternative housing options, based on the City's experience, issues relating to the facilities required in the ancillary dwelling needs to be clarified to address the requirements of the Building Code of Australia and the City's Health Local Laws.

Changes have been made to the maximum floor area of Aged or Dependent Person's Accommodation and the provision for Single Bedroom Dwelling have been expanded.

#### Minimum Site Area

For zonings R20 to R40, the minimum site area for a single house has been reduced to allow more flexibility. It is noted that the minimum site area now prescribed is equivalent to the average site area of the subsequent coding.

This is considered appropriate particularly in the City where the retention of the existing house is often encouraged to maintain the character of a locality; therefore, reducing the minimum site area provides more scope for the rear of the lot to be developed.

### **Key Recommendations beyond the Scope of this Review**

#### Removal of Subdivision Control

The removal of the subdivision controls are not recommended as part of this review of the R-Codes; however, it is an opportunity for discussion in relation to the proposal. The R-Codes Review Consultation Paper states;

*'It is a critical recommendation of this review that the control of subdivision be removed in its entirety from the Codes, to be addressed by a separate WAPC Policy. As the main function of the Codes is to provide the basis for controlling the design of residential buildings and associated works (i.e. site development) and how these are arranged on site, it is considered inappropriate to confuse this with the urban design issues associated with the subdivision of land, which is largely considered through operational policies such as liveable neighbourhoods and Development Control Policy 2.2 – Residential Subdivision (DC Policy 2.2).'*

The above matter was discussed at the workshop held on 4 August 2011 and will be further investigated following the consultation period.

### Generic Local Planning Policies for Climate Responsive Design

The Local Government has a number of options to influence housing design that is climate responsive, such as through a Local Planning Strategy, Local Planning Policies and Local Laws. The Consultation Paper prepared by the WAPC recommends that, '*Regional Development Commissions, in conjunction with the WAPC, help to prepare a series of generic climate responsive design provisions that can be utilised in the preparation in one or more of the above options.*'

The R-Codes have limited information on climate, given variation in climatic regions across the State. Given this, the R-Codes themselves leave it more up to the Local Government with direction from the State to determine the impacts of climate on the development. The City is actively pursuing this direction by adopting Policy No. 3.5.10 relating to Sustainable Design and the associated Checklist, as well as providing incentives for sustainable design through the City's Policy No. 3.4.8 relating to Multiple Dwellings.

### Training and Development

The WAPC recommend that once the R-Codes are adopted, that it also be accompanied by a well resolved training program. It is acknowledged that there are many different interpretations of the R-Codes and ongoing training and education is essential to address this.

### **Additional Proposals**

It has been noted that in some areas the R-Codes do not match the characteristic of an area, which can have implications for the good design and the neighbourhood character. The Consultation Paper proposes a solution where the assessment of a development is based on the lot size rather than the R-Code. It is noted that this proposal will only have affect if subdivision controls are removed from the R-Codes.

This will have implications for the City and may achieve a better design response if managed appropriately and guidance is provided in the R-Codes.

### **CONSULTATION/ADVERTISING:**

The R-Codes are being advertised by the WAPC for a period of two (2) months, ceasing on 31 August 2011.

### **LEGAL/POLICY:**

State Planning Policy 3.1 – Residential Design Codes  
City of Vincent Town Planning Scheme No. 1 and associated Policies

### **RISK MANAGEMENT IMPLICATIONS:**

Not Applicable.

### **STRATEGIC IMPLICATIONS:**

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

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

### **SUSTAINABILITY IMPLICATIONS:**

Not Applicable

### **FINANCIAL/BUDGET IMPLICATIONS:**

Not Applicable.

**COMMENTS:**

In general, the City supports in principle the changes to the R-Codes; however, some comments have been made and clarification requested on a number of matters outlined in the City's submission, shown in Appendix 9.1.6.

As a result of some of the changes to the R-Codes, following the Gazettal of the changes, the City may need to review a number of its Planning and Building Policies to align with the provisions of the R-Codes. Policies include;

- Ancillary Accommodation – this term is no longer used in the R-Codes; therefore, the City's Policy should be amended to reflect this, along with the new definition. There may also be implications for car parking;
- Parking and Access Policy – this may require review in light of car parking requirements of the R-Codes; and
- Local Planning Policies – it is suggested that Local Planning Policies be included at the back of the R-Codes. Given the size of the City's Policy Manual this is unrealistic; however, it is suggested that in Schedules 1 and 2, the City's Policies and provisions could be listed in the relevant sections.

Following the Gazettal of the amended R-Codes, it is also considered appropriate to list where the City varies the R-Codes in Schedules 1 and 2 of the amended R-Codes. This will make it easier for applicants and the City's staff to determine which provisions are to be used.

In light of the above and the comments made in Appendix 9.1.6, it is recommended that the Council adopt the Officer Recommendation.

**9.1.8 Department of Planning – Draft Capital City Planning Framework**

<b>Ward:</b>	-	<b>Date:</b>	12 August 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	PLA0215
<b>Attachments:</b>	<a href="#">001</a> – Comments Table		
<b>Tabled Items:</b>	Draft Capital City Planning Framework		
<b>Reporting Officer:</b>	E Lebbos, Planning Officer (Strategic)		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

That the Council **ADVISES** the Department of Planning (DoP) that the Council **SUPPORTS IN PRINCIPLE** the Draft Capital City Planning Framework (Framework) as Tabled, subject to the comments identified in the City's submission, as shown in Appendix 9.1.8, being further investigated and addressed by the DoP.

**PROCEDURAL MOTION**

**Moved Cr Farrell, Seconded Cr Lake**

Due to the lateness of the hour that the item be **DEFERRED** to a Special Council Meeting to be held at 6pm on 30 August 2011.

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)**

**(Cr Harvey was on approved leave of absence.)**

**PURPOSE OF REPORT:**

The purpose of this report is to advise the Council of the DoP's Draft Capital City Planning Framework, and to seek the Council's endorsement of the document.

**BACKGROUND:**

The City of Vincent received a letter from the DoP, dated 6 July 2011, advising that the Minister for Planning has released the Draft Framework for a three (3) month public comment period, with submissions closing on 19 September 2011.

As part of this public comment period, the DoP presented on the matter at the Council Member Forum held on 19 July 2011, whereby a number of issues were raised by Council Members as outlined in Appendix 9.1.8.

Further to this, the City's Strategic Planning Officers attended a follow-up Reference Group Workshop on 20 July 2011, where the DoP presented an overview of the themes and directions of the Draft Framework. The Workshop also provided the opportunity for attendees to discuss and provide comment on the various aspects of the Draft Framework. The relevant issues for the City of Vincent arising from this Workshop have been documented in Appendix 9.1.8.

**DETAILS:**

The Draft Capital City Planning Framework sets out a spatial strategy and key directions for Central Perth, that being the 12 kilometre by 12 kilometre area around the city centre, to ensure it develops into a place *'housing a vast assortment of institutions, endeavours and enterprises, which contribute to its being the heart and the capital of Western Australia.'*

In addition, the Draft Framework is intended to address the themes in *Directions 2031 and Beyond*, and implement the principles developed in the *Central Metropolitan Perth Sub-regional Strategy*. The Draft Framework provides strategic direction to the development of Central Perth to 2031, and in a more general way to 2050. Furthermore, it also provides overarching principles to guide and complement local government plans, such as the City of Perth publication, *An Urban Design Framework*.

The following statement, in part derived from *Directions 2031 and Beyond*, has been established as the overarching vision for Central Perth: '*Central Perth will be a world class liveable central city; green, vibrant, compact and accessible with a unique sense of place.*'

To achieve this vision, the following key objectives and their related principles (derived from *Directions 2031 and Beyond* and expanded on in collaboration with the local government authorities of Central Perth), have been identified in Section 4 of the Draft Framework, relating to *Vision, objectives and principles*:

- Become a more liveable city;
- Enhance our sense of place;
- Reconnect with our indigenous heritage;
- Provide for a growing residential population;
- Provide for a diverse residential population;
- Reduce the city's resource footprint;
- Build robustness against climate change;
- Build our knowledge and cultural economy;
- Become less dependent on private cars; and
- Build a compact Central Perth.

In addition, a suite of key spatial proposals for the Draft Framework is outlined in Section 5, relating to *Physical framework*. These elements derive from an application of the principles identified in Section 4 to the existing fabric of Central Perth, and fall into three main parts relating to *Setting, Movement*, and the *Activity and built form*. Although these three elements relate to the physical framework, there is also a fourth element relating to *Spatial form*, as some of the key concepts identified under the physical framework have had a spatial dimension applied through illustrative maps.

More specifically, the following key concepts have been identified under each of the elements:

- Setting:
  - Key concept 1: A city with a reconceived setting; and
  - Key concept 2: A city of capital city places.
- Activity and built form:
  - Key concept 3: A city for growth;
  - Key concept 4: A city with urban characteristics;
  - Key concept 5: A city for living in;
  - Key concept 6: A city for knowledge and culture; and
  - Key concept 7: A city for quality environment.
- Movement:
  - Key concept 8: A city with streets for movement and activity;
  - Key concept 9: A city with networks for all modes; and
  - Key concept 10: A city with a well-connected city centre.
- Spatial form:
  - Key concept 11: A city with an evolving spatial form.

Proposed actions for taking the next steps of resolving and implementing the above is included in Section 6 of the Draft Framework, relating to *Implementation*. Although these actions are proposed for the State Government, this Section states that '*while the Draft*



*Framework is an expression of interest of the State Government's intent, it is hoped that the framework's ownership will be with the broader Western Australian community. It is only by means of this broad support that the framework's implementation will be successful.'*

The relevant issues for the City of Vincent arising from the Draft Framework have been documented in Appendix 9.1.8.

**CONSULTATION/ADVERTISING:**

The City of Vincent received a letter from the DoP, dated 6 July 2011, advising that the Minister for Planning has released the Draft Framework for a three (3) month public comment period, with submissions closing on 19 September 2011.

As mentioned previously, the DoP presented on the matter at the Council Member Forum held on 19 July 2011, whereby a number of issues were raised by Council Members, as outlined in Appendix 9.1.8.

Further to this, the City's Strategic Planning Officers attended a follow-up Reference Group Workshop on 20 July 2011, where the DoP presented an overview of the themes and directions of the Draft Framework. The Workshop also provided the opportunity for attendees to discuss and provide comment on the various aspects of the Draft Framework. The relevant issues for the City of Vincent arising from this Workshop have been documented in Appendix 9.1.8.

**LEGAL/POLICY:**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS:**

Not applicable.

**STRATEGIC IMPLICATIONS:**

In keeping with the City's *Strategic Plan 2011-2016* – Objective 1.1 states;

*"Improve and maintain the natural and built environment and infrastructure:*

- 1.1.1 Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision.*
- 1.1.2 Enhance and maintain the character and heritage of the City.*
- 1.1.3 Take action to reduce the City's environmental impacts and provide leadership on environmental matters.*
- 1.1.5 Enhance and maintain the City's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment."*

**FINANCIAL/BUDGET IMPLICATIONS:**

Not applicable.

**SUSTAINABILITY IMPLICATIONS:**

The Draft Framework addresses the triple bottom line of social, economic and environmental sustainability, certain aspects of which have been outlined in the 'Details' section of this report. More specific information relating to these three facets of sustainability is outlined below:

In terms of social sustainability, the Draft Framework addresses the various aspects of ongoing social change (for example, diversity of household composition, increased longevity and disparity of incomes), and how this will have a strong bearing on the planning of the city. As such, the Draft Framework aims to cultivate a sense of place by ensuring that planning can contribute significantly to positive community identity and engagement.

In terms of economic sustainability, the Draft Framework outlines how creativity can be utilised as an economic force, particularly in terms of how it can add value to the use of land, labour, raw materials and market access. As such, the Draft Framework states that *'Perth needs to become a creative hub to become a more internationally competitive city, to attract and retain skilled workers and to provide synergy with our natural resource-based economy...to create a climate in which creativity can flourish in business, education, research administration and broader culture.'*

Finally, in terms of environmental sustainability, the Draft Framework outlines the increasing importance for the more efficient consumption of water, energy and other resources. Furthermore, acknowledges that the response to climate change will be an increasing challenge, as reduced rainfall and increasing heat, storms and sea levels will challenge the liveability and ecosystems of Central Perth.

**COMMENTS:**

The City of Vincent considers that the key objectives and spatial proposals outlined in the Draft Capital City Planning Framework are in line with best practice planning, urban design and sustainability principles.

In light of the above, it is considered appropriate that the Council endorse the Officer Recommendation to advise the DoP that the City of Vincent supports in principle the intent and content of the Draft Capital City Planning Framework, subject to the comments identified in the City's submission, as shown in Appendix 9.1.8, being further investigated and addressed by the DoP.

**9.2.1 Proposed Extension of Perth Bicycle Network, On Road Cycle Lanes, and other improvements on Palmerston Street between Randall Street and Stuart Street, Perth – Further Report.**

<b>Ward:</b>	South	<b>Date:</b>	12 August 2011
<b>Precinct:</b>	Hyde Park – P12	<b>File Ref:</b>	TES0172
<b>Attachments:</b>	<a href="#">001</a> – Plan 2778-CP-01A		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	R Lotznicker; Director Technical Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council

1. **NOTES** that the City applied for contributory funding from the Department for Planning and Infrastructure 2011/2012 Perth Bicycle Network local government grants program for funding for the Palmerston Street, Perth project however at the time of writing this report no information was available on the status of the City's funding application;
2. **APPROVES** the implementation of the proposal for the Extension of Perth Bicycle Network, On Road Cycle Lanes, and other improvements on Palmerston Street between Randall Street and Stuart Street, Perth estimated to cost \$150,000, as shown on 'revised' Plan No. 2778-CP-01A, which incorporates a number of comments received during the consultation period, subject to contributory funding being received from the Department for Planning and Infrastructure 2011/2012 Perth Bicycle Network local government grants program; and
3. **ADVISES** the Palmerston Street residents of its decision.

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**PROCEDURAL MOTION**

**Moved Cr Farrell, Seconded Cr Lake**

Due to the lateness of the hour that the item be DEFERRED to a Special Council Meeting to be held at 6pm on 30 August 2011.

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)**

**(Cr Harvey was on approved leave of absence.)**

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**PURPOSE OF REPORT:**

The purpose of this report is to advise the Council of the outcome of the Community Consultation on the proposal to extend the existing on road bicycle lanes, improve the parking/streetscape amenity and implement minor traffic improvements along Palmerston Street between Randall Street and Stuart Street, Perth.

**BACKGROUND:**

This matter was considered by the Council at its Ordinary meeting held on 5 April 2011 where the following decision was made:

*That the Council*

- (i) *APPROVES IN PRINCIPLE the proposal for Proposed Extension of Perth Bicycle Network, On Road Cycle Lanes, and other improvements on Palmerston Street between Randall Street and Stuart Street, Perth estimated to cost \$150,000 as shown on Plan No. 2778-CP-01.*
- (ii) *LISTS an amount of \$150,000 for consideration in the draft Budget 2011-2012 for the proposed works;*
- (iii) *NOTES that the Town will be applying for contributory Bikewest Funding for the cycling component of the project;*
- (iv) *CONSULTS with affected residents in Palmerston Street regarding the proposal; and*
- (v) *NOTES that a further report will be submitted to the Council at the conclusion of the consultation period.*

**DETAILS:**

**Community Consultation:**

In accordance with clause (iv) of the Council decision on 15 April 2011 a total a forty four (44) letters were distributed to residents along Palmerston Street seeking their comments on the proposal. At the close of consultation on 2 May 2011 only six (6) responses had been received (representing a very low 14% response) with three (3) in favour of the proposal and three (3) against the proposal. The Director Technical Services also met a resident on site during the consultation period however they did not provide any formal comments.

The plan presented to the residents comprised the creation of the following:

- 5.9m wide carriageway, 2 x 1.5m wide cycle lanes (red asphalt) with 2.1m on-road embayed parking
- An element of landscaping on verges where practical
- Cycle bypass around the back of the Palmerston/Brisbane roundabout north bound.

Comments in Favour of the proposal:

These included:

- Strongly support the proposal with the following suggestions:
  - A more robust speed hump than the existing ones to slow down traffic.
  - Parking to be deleted from the edge of Robertson Park that is immediately adjacent to the Vietnamese boatpeople memorial.
- With the increase in traffic on Palmerston St, the cycle lanes will increase safety for cyclists particularly the section from Stuart St on the western side to Robertson Park.
- One with no comment.

Officer Comments:

*Increasing the heights of speed humps can be a contentious matter and it is considered that given that the recorded traffic speeds in Palmerston Street are within the acceptable criteria\*, what is being proposed will improve traffic safety while maintaining adjoining residents amenity. The proposal is to remove some parking from the edge of the park where the memorial will be located but also leave some. It is considered that what is being proposed provides a reasonable balance between increasing 'green areas' and maintaining some on road parking.*

Note:\* Recorded Speeds in Palmerston Street – September 2010

- Bulwer St to Myrtle St - 85% speed, 32.8 kph
- Myrtle St to Randell St - 85% speed, 33.8 kph
- Randell St to Brisbane St - 85% speed, 40.3 kph
- Brisbane St to Stuart St - 85% speed, 51.5 kph

Comments Against the proposal:

These included:

- I strongly object to the removal of the grassed verge in front of my house. You will be removing the ONLY GUARANTEED parking space available to my residence. The grassed verge in front of my property represents the only guaranteed place in close proximity to my property where other members of the public cannot park.

Part of the proposed plan is to remove the street parking opposite my property in order to install a cycle path there. This will halve the number of parking spaces available compounding the problem of having to compete for parking.

Officer Comments:

*The Plan No. 2778-CP-01 has been amended (refer plan No 2778-CP-01A) to take these comments into account. The verge area is now proposed to be maintained with some parking reinstated on the park side.*

- I am disappointed that the only plan put forward does not capture all of the potential greening and enhancement opportunities and is effectively an extension of what has occurred further up the road. I am opposed to the removal of verges; especially where so many people have made efforts to care for them and in some cases maintain very attractive gardens. The current proposal will not enhance the aesthetics or streetscape of this street. I would like to see greater traffic management given the very high volume of traffic and speed. I do
- One with no comment

Officer Comments:

*Where ever possible, the plan has been modified to incorporate the 'very few' comments received. The revised plan is a balance between the requirement to maintain a reasonable level of 'on road' parking, incorporate 1.5m wide cycle lanes while still maintaining a two way traffic flow, and provide more 'greening'. There is no real scope to substantially change the layout, and what is being proposed, is basically an extension of "what has occurred further up the road" albeit with less on road parking and more verge area remaining. It is considered that the traffic calming measures being proposed may deter some through traffic however any "greater traffic management" could result in an adverse impact for adjoining residents.*

The Director Technical Services also met a resident on site during the Consultation period and their requirements have also been incorporated in the revised plan. This related to maintaining the 'Status Quo' as best as possible where three (3) crossovers are located in close proximity to each other on the west side of the street just south of the access road into Robertson Park.

**CONSULTATION/ADVERTISING:**

Residents in Palmerston Street will be advised on the Council decision.

**LEGAL/POLICY:**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS:**

**Medium:** Given that Palmerston Street is on the Perth Bicycle network and is heavily used by cyclists on a daily basis the works are considered important to improve safety and amenity.

**STRATEGIC IMPLICATIONS:**

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

*"Natural and Built Environment*

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

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

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

The City applied for contributory funding from the Department for Planning and Infrastructure 2011/2012 Perth Bicycle Network local government grants program for funding for the Palmerston Street project. The estimated cost of the works is \$150,000 with a potential contribution from Bikewest of up to \$50,000. At the time of writing this report no information was available on the status of the City's funding application.

**COMMENTS:**

Palmerston Street forms part of Perth Bicycle Network (PBN) route NE4. The street is classified as an Access Road (in accordance with the Metropolitan Functional Road Hierarchy) i.e. should carry no more than 3,000 vehicles per day (vpd), have a posted speed limit of 50 kph, and provide access predominantly to residential properties. Palmerston Street complies with its classification.

The proposal includes the creation of 'on road' cycle lanes similar to what currently exists on Palmerston Street south of Stuart Street. The proposal will improve the parking and streetscape amenity and provide traffic improvements along the section of the Street between Randall Street and Stuart Street.

One difference between what is being proposed with this project and what was previously implemented is a reduction in on road embayed parking and greater verge areas. These will be landscaped wherever possible in liaison with the adjoining residents as residents would need to agree to maintain the respective verge areas. Also adjacent to Robertson Park, and

in other locations, where feasible and appropriate an element of stormwater harvesting will be incorporated in the design. This will be discussed with officers from the Department of Water during the detailed design phase

Where ever possible the comments received from the respondents have been incorporated in the revised plan. During the implementation phase the affected residents, who provided comments will further liaised with prior to works being undertaken directly adjacent to their properties.

### 9.3.1 Investment Report as at 31 July 2011

<b>Ward:</b>	Both	<b>Date:</b>	12 August 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0033
<b>Attachments:</b>	<a href="#">001</a> – Investment Report		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	B C Tan, Manager Financial Services; B Wong, Accountant		
<b>Responsible Officer:</b>	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 **NOTES** the Investment Report for the month ended 31 July 2011 as detailed in Appendix 9.3.1.

#### PROCEDURAL MOTION

Moved Cr Farrell, Seconded Cr Lake

Due to the lateness of the hour that the item be **DEFERRED** to a Special Council Meeting to be held at 6pm on 30 August 2011.

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Harvey was on approved leave of absence.)

#### PURPOSE OF REPORT:

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

#### BACKGROUND:

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

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

#### DETAILS:

Total Investments for the period ended 31 July 2011 were \$13,511,000 compared with \$11,511,000 at 30 June 2011. At 31 July 2010, \$11,109,646 was invested.



Investment comparison table:

	2010-2011	2011-2012
July	\$11,109,646	\$13,511,000

Total accrued interest earned on Investments as at 31 July 2011:

	Annual Budget	Budget Year to Date	Actual Year to Date	%
Municipal	\$567,000	\$12,000	\$18,913	3.34
Reserve	\$433,000	\$35,000	\$43,683	10.09

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

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

**RISK MANAGEMENT IMPLICATIONS:**

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

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

**COMMENT:**

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

Rates revenue has been received during this month as a result of the earlier distribution of the rate notices this year. This has resulted in surplus monies be available for investment.

The report comprises of:

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

**9.3.3 Provisional Financial Statements as at 30 June 2011**

<b>Ward:</b>	Both	<b>Date:</b>	12 August 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0026
<b>Attachments:</b>	<a href="#">001</a> – Financial Reports		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	B C Tan, Manager Financial Services; B Wong, Accountant		
<b>Responsible Officer:</b>	M Rootsey, Director Corporate Services		

**OFFICER RECOMMENDATION:**

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

**PROCEDURAL MOTION**

**Moved Cr Farrell, Seconded Cr Lake**

Due to the lateness of the hour that the item be **DEFERRED** to a Special Council Meeting to be held at 6pm on 30 August 2011.

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)**

**(Cr Harvey was on approved leave of absence.)**

**PURPOSE OF REPORT:**

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

**BACKGROUND:**

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

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.

It is anticipated that the final accounts will be available at the second council meeting in October.

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 June 2011:

- Income Statement;
- Summary of Programmes/Activities (pages 1-17);
- Statement of Comprehensive Income 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 Debtors 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 34-39); and
- Monthly Financial Positions Graph (pages 40-42).

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	-	\$0.1 million
YTD Revised Budget	-	\$2.4 million
Variance	-	-\$2.3 million
Full Year Budget	-	\$10.6 million

##### **Summary Comments:**

The current unfavourable variance is due to a timing difference on the receipt of revenue from Capital Grants and Contributions.

##### **Operating Revenue**

YTD Actual	-	\$38.6 million
YTD Revised Budget	-	\$38.8 million
YTD Variance	-	-\$0.2 million
Full Year Budget	-	\$38.4 million

##### **Summary Comments:**

The total operating revenue is currently 99.40% of the year to date Budget estimate.

Major variances are to be found in the following programmes:

Governance – 26% over budget;  
Law Order and Public Safety – 42% below budget;  
Health – 17% below budget;  
Education and Welfare – 13% below budget;  
Community Amenities – 19% over budget;  
Administration General – 127% over budget.

More details variance comments are included on the page 34 – 39 of this report.

**Operating Expenditure**

YTD Actual	-	\$39.6 million
YTD Revised Budget	-	\$40.6 million
YTD Variance	-	-\$1.0 million
Full Year Budget	-	\$40.3 million

**Summary Comments:**

The operating expenditure is currently 97.53% of the year to date Budget estimate

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

Health – 12% below budget;  
Education and Welfare – 15% below budget;  
Community Amenities – 10% below budget;  
Economic Services – 14% over budget;  
Other Property & Services – 22% over budget.  
Administration General – 565% over budget.

Detailed variance comments are included on the page 34 – 39 of this report.

**Statement of Comprehensive Income by Nature and Type Report**

This statement of comprehensive income 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 June 2011 of \$6,618,532 which represents 45% of the revised budget of \$14,585,113.

	<b>Budget</b>	<b>Revised Budget</b>	<b>Actual to Date</b>	<b>%</b>
			<b>(Include commitment)</b>	
Furniture & Equipment	\$214,900	\$218,800	\$156,837	72%
Plant & Equipment	\$2,662,600	\$1,908,250	\$1,857,783	97%
Land & Building	\$12,125,150	\$3,750,480	\$778,337	21%
Infrastructure	\$10,843,834	\$8,707,583	\$3,825,575	44%
<b>Total</b>	<b>\$25,846,484</b>	<b>\$14,585,113</b>	<b>\$6,618,532</b>	<b>45%</b>

**Statement of Financial Position and Statement of Changes in Equity**

The statement shows the current assets of \$13,971,548 and non - current assets of \$178,898,568 for total assets of \$192,870,116.

The current liabilities amount to \$8,074,282 and non - current liabilities of \$13,052,234 for the total liabilities of \$21,126,516. The net asset of the Town or Equity is \$171,743,600.

### **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 June 2011 is \$9.3m. The balance as at 30 June 2010 was \$9.1m.

### **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 \$605,370 is outstanding at the end of June 2011.

Out of the total debt, \$165,887 (27.4%) relates to debts outstanding for over 60 days, which is related to Cash in Lieu Parking.

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 June 2011 including deferred rates was \$127,459 which represents 0.59% of the outstanding collectable income compared to 1.05% at the same time last year.

### **Statement of Financial Activity**

The closing balance for the year to date 30 June 2011 was \$2,296,766.

### **Net Current Asset Position**

The net current asset position as at 30 June 2011 is \$7,027,983.

### **Beatty Park – Financial Position Report**

As at 30 June 2011 the operating deficit for the Centre was \$712,099 in comparison to the year to date budgeted deficit of \$697,700.

The cash position showed a current cash deficit of \$269,025 in comparison year to date budget estimate of a cash deficit of \$238,660. 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.

### **CONSULTATION/ADVERTISING:**

Not applicable.

### **LEGAL/POLICY:**

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

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

### **RISK MANAGEMENT IMPLICATIONS:**

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

### **STRATEGIC IMPLICATIONS:**

Strategic Plan 2011-2016:

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

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

### **SUSTAINABILITY IMPLICATIONS:**

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

### **FINANCIAL/BUDGET IMPLICATIONS:**

Not applicable.

### **COMMENTS:**

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

**9.4.1 nib Stadium Management Committee Meeting - Receiving of Unconfirmed Minutes 1 August 2011**

<b>Ward:</b>	South	<b>Date:</b>	2 August 2011
<b>Precinct:</b>	Beaufort, P13	<b>File Ref:</b>	RES0082
<b>Attachments:</b>	<a href="#">001</a> - Unconfirmed Minutes of Stadium Committee Meeting		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	M McKahey, Personal Assistant		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council;

1. **RECEIVES** the Unconfirmed Minutes of the nib Stadium Management Committee Meeting held on 21 April 2011, as shown in Appendix 9.4.1; and
2. **APPROVES BY AN ABSOLUTE MAJORITY** of the Media Policy, as detailed in the Committee Unconfirmed Minutes, for use by the City's Stadium Manager.

**PROCEDURAL MOTION**

**Moved Cr Farrell, Seconded Cr Lake**

Due to the lateness of the hour that the item be DEFERRED to a Special Council Meeting to be held at 6pm on 30 August 2011.

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Harvey was on approved leave of absence.)

**PURPOSE OF REPORT:**

The purpose of the report is for the Council to receive the Unconfirmed Minutes of the nib Stadium Management Committee meeting held on 1 August 2011.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 14 September 2004, the Council considered the establishment of a Committee for the management of the Stadium and resolved inter alia as follows:

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

- (iii) *to delegate the following functions to the Committee;*
  - (a) *to establish and review the Heads of Agreement (HOA) Key Performance Indicators (KPIs) in conjunction with Allia;*
  - (b) *to assess whether each proposed Licensing Agreement is consistent with the KPIs and the provisions of the HOA and to approve the proposed Licensing Agreement if it is consistent;*
  - (c) *to supervise the performance of the Services by Allia and to ensure that Allia performs the Services in accordance with the KPIs and the HOA;*
  - (d) *to receive and consider Performance Reports;*
  - (e) *to advise the Council on Capital Improvements required for the Stadium and to make recommendations to the Council about the use of the Reserve Fund;*
  - (f) *to review Naming Signage; and*

(g) to review the Risk Management Plan;

*(For the purpose of avoidance of doubt, it is acknowledged that the Committee's functions do not include carrying out any of the Operational Management Services which are to be provided by Allia)."*

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

The Local Government Act Regulations 1996 requires that Committee Meeting Minutes be reported to the Council.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** It is a statutory requirement to report on the minutes of the Council's Committee meetings.

**STRATEGIC IMPLICATIONS:**

This is in keeping with the City's Strategic Plan - Plan for the Future 2011-2016, Objective 4.1 - *"Provide Good Strategic Decision Making, Governance, Leadership and Professional Management"* and, in particular, Objective 4.1.2 - *"Manage the organisation in a responsible, efficient and accountable manner"*.

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

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



**9.4.3 Draft Festivals Policy No. 1.1.8**

<b>Ward:</b>	Both	<b>Date:</b>	11 August 2011
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	CMS0110
<b>Attachments:</b>	<a href="#">001</a> – Draft Policy		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	J Anthony, Manager Community Development M Rootsey, Director Corporate Services		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council;

1. **APPROVES BY AN ABSOLUTE MAJORITY** the Draft Policy No. 1.1.8 – “Festivals” as shown in Appendix 9.4.3;
2. **ADVERTISES** the Draft Policy No. 1.1.8 –“Festivals” for a period of twenty-one days, for public comment;
3. **After the expiry period of submissions:**
  - 3.1 **REVIEWS** the Draft Policy No. 1.1.8, relating to Festivals, having regard to any written submissions; and
  - 3.2 **DETERMINES** the Draft Policy No. 1.1.8, relating to Festivals, with or without amendment, to or not to proceed with it.
4. **AUTHORISES** the Chief Executive Officer to include the above Draft Policy No. 1.1.8 –Festivals in the Town’s Policy Manual if no submissions are received from the community.

**PROCEDURAL MOTION**

**Moved Cr Farrell, Seconded Cr Lake**

Due to the lateness of the hour that the item be DEFERRED to a Special Council Meeting to be held at 6pm on 30 August 2011.

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)**

**(Cr Harvey was on approved leave of absence.)**

**PURPOSE OF REPORT:**

The purpose of this report is to consider the Draft Policy No. 1.1.8 –“Festivals” and seek approval for the Festivals programme for 2011/12.

**BACKGROUND:**

At the Ordinary Meeting of Council on 26 July 2011, the following resolution was adopted;

That the item be DEFERRED to further consider the draft Policy No. 1.1.8 – “Festivals” including removing any inconsistencies, reducing the size of the Policy and to allow for Council Members to submit their comments to the City’s Administration.

**DETAILS:**

The City organised the inaugural "Indulgence Festival" in May/June 2006 and the Cappuccino Festival in September 2007. Both festivals featured the various aspects of the popular coffee culture in the City along with other consumable genres that businesses in Leederville, Mt Hawthorn, and Beaufort St are well known for.

The City continued to organise the Mezz Food Festival on 18 October 2008 and the North Perth Community Festival on 30 November 2008 as part of the "Cappuccino Festival 2008". Businesses that were involved with both Festivals were extremely pleased with the turnout and financial benefits from trading at both events. The City was actively lobbied by businesses at the Mezz and on Angove Street to continue organising the events on an annual basis.

In view of the success of the Festivals, the Angove Street Festival was held again in November 2009 due to its high success and popularity with a second festival, Leederville Carnivale held in the Oxford Business District, Leederville in March 2010.

Since then external parties such as the Beaufort Street Network and the North Perth Business and Residents' Association have approached the City for sponsorship to organise festivals in their respective business areas. Different levels of sponsorship have been provided for the two externally organised festivals.

The Draft Festivals policy aims to provide some guidance and consistency to the festival coordination and sponsorship process. It provides guiding principles to ensure that the festivals in the City are organised for the benefit of the local community, encouraging economic and community development outcomes. It should be read in conjunction with Policy 1.1.5 'Donations, Sponsorship and Waiving of Fees' and Policy 3.8.3 'Concerts and Events'.

**CONSULTATION/ADVERTISING:**

The City's Community Consultation Policy No. 4.1.5 prescribes that the Draft Policy is to be advertised for 21 days with letters to be distributed to local Businesses and Community Groups to advise them.

**LEGAL/POLICY:**

The City of Vincent Policy Manual.

The draft Festivals policy is to be read in conjunction with Policy 1.1.5 'Donations, Sponsorship and Waiving of Fees' and Policy 3.8.3 'Concerts and Events'.

**RISK MANAGEMENT IMPLICATIONS:**

**Moderate:** Previous festivals organised by the City have been extremely popular and successful, however factors such as weather on the day can be a contributing factor to attendance levels.

**STRATEGIC IMPLICATIONS:**

In keeping with the City's *Strategic Plan 2011-2016*

Objective 3.1 - *"Enhance and promote community development and wellbeing"*

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

Objective 4.1 - *"Provide good strategic decision-making, governance, leadership and professional management"*.

**SUSTAINABILITY IMPLICATIONS:**

The purpose of the Festivals is to support business in the area and provide a diverse range of community events in the City. They would also provide an excellent opportunity to promote environmental/sustainability initiatives provided by the City and businesses in the area.

**FINANCIAL/BUDGET IMPLICATIONS:**

The Annual Budget 2011/2012 includes an amount of \$130,000 for the Festivals programme.

**COMMENTS:**

As outlined in the draft policy, festival events are animators of public and static urban spaces. They bring to life public facilities which may not be regularly associated with celebration and provide opportunities for markets, shopping, and entertainment. They can provide a catalyst for urban renewal, with strategic applications to amenities and infrastructure to successfully develop an event. It is recommended that the draft policy be approved to provide a framework for such significant events in the City.

**10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**10.1 Notice of Motion – Cr Dudley Maier – Request for a Policy on Naming Right of Ways in the City.**

That the Council REQUESTS the Chief Executive Officer to develop a draft policy on naming Right of Ways in the City.

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**PROCEDURAL MOTION**

Moved Cr Farrell, Seconded Cr Lake

Due to the lateness of the hour that the item be DEFERRED to a Special Council Meeting to be held at 6pm on 30 August 2011.

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Harvey was on approved leave of absence.)

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

Nil.

**12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES**

Nil.

**13. URGENT BUSINESS**

Nil.

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

Nil.

**15. CLOSURE**

**There being no further business, the Presiding Member, Mayor Nick Catania, declared the meeting closed at 10.20pm 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 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
Mike Rootsey	Director Corporate Services
Craig Wilson	Manager Asset and Design Services
Kara Ball	Executive Secretary Corporate Services (Minutes Secretary)

No members of the Public were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 23 August 2011.

Signed: ..... Presiding Member  
Mayor Nick Catania

Dated this ..... day of ..... 2011