



TOWN OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

24 AUGUST 2010

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Minutes of the Ordinary Meeting of Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 24 August 2010, commencing at 6.00pm.

1. DECLARATION OF OPENING

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

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Cr Taryn Harvey – apology – arriving late due to work commitments.

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward
Cr Steed Farrell	North Ward
Cr Taryn Harvey	North Ward (from 6.33pm)
Cr Sally Lake (<i>Deputy Mayor</i>)	South Ward
Cr Dudley Maier	North Ward
Cr Joshua Topelberg	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)
Amanda Lawrence	Administration Officer (Trainee Minutes Secretary)
Ross McRae	Journalist – “ <i>The Guardian Express</i> ” (until approximately 9.12pm)
David Bell	Journalist – “ <i>The Perth Voice</i> ” (until approximately 9.29pm)

Approximately 17 Members of the Public

(c) Members on Approved Leave of Absence:

Cr Warren McGrath – approved leave of absence for personal reasons.

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

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

- Jennifer Robertson of Fairfield Street, Mt Hawthorn. Read out the following:
*“I refer the Council to the Officer Recommendations regarding Optus’ proposal to locate a mobile phone base station at the Mezz Shopping Centre.
On the 8th June 2010, the Officer Recommendation was that the Council strongly object to Optus’ proposal. The reasons given included the following:*
 - Non-compliance with Town of Vincent policy, which states that telecommunication facilities are to be located a minimum of 300 metres from any residential building;*
 - Public health and safety concerns for the local community;*

3. *Consideration of the letters and petitions from over 770 community members, objecting to the Mezz as a location for a mobile base station; and*
4. *The unacceptable precedent this would establish, with the likelihood that other telcos would be encouraged to co-locate base stations at the site.*

None of these very serious objections have been resolved by Optus' latest proposal, to locate a base station at the front of the Mezz:

- *The latest proposal is still non-compliant with Town of Vincent policy.*
- *The latest proposal is in contempt of the 772 local residents who signed letters and petitions rejecting the Mezz as a location for a base station.*
- *And of extreme concern is that Optus has already indicated its intention to allow its partner Vodafone to co-locate.*

We are still talking about a cluster of mobile base stations in this residential area, each emitting EMR to local homes, 24 hours a day.

The latest Officer Recommendation is failing to act on behalf of the community of Mount Hawthorn.

It has been explicitly and persistently stated by the community to Optus and the Town of Vincent, through letters, petitions and presentations to Council, that the Mezz is NOT an acceptable location for a mobile base station.

The latest Officer Recommendations have shown a disturbing willingness, and a very serious weakness, to bow to corporate interests over the legitimate, valid and serious interests of the community.

There is NO conclusive evidence in the scientific literature that long-term exposure to radiation emissions from mobile base stations is safe for humans.

The wording on official statements by ARPANSA and other bodies, very carefully avoids stating that such exposure is safe. This is to protect against future legal action in the event of proven harmful effects of EMR exposure.

On behalf of the local residents and especially the children of the Mount Hawthorn precinct, I say:

"We deserve to be protected from the health risks potentially posed by a cluster of mobile base stations so close to our homes."

Optus has other options. The Town of Vincent should be sending the strongest possible message to Optus to find a location away from residents' homes."

2. *Mudji Nielsen on behalf of the Rotary Club of North Perth (accompanied by the past President Geoff White) of 214 Cape Street, Tuart Hill – Item 9.3.3. Read out the following;*

"The Rotary Club will be running the next community fair over the Labour Day long week-end on Sunday 6th and Monday 7th of March 2011. The Club is ever grateful to Councillors for their support of this fund raising charity event.

The 2011 fair, will be 22 years running of the Hyde Park Community Fair and continually improving to meet the demand of our local community needs.

The fair is very popular, because we have built a good reputation and attract families in a safe environment...and we don't charge for entry and there are two full days of free entertainment.

Thousands of people from the Town of Vincent, and some from outside, come along and sample dozens of stalls, see local entertainers, and enjoy a relatively cheap meal. The Club endeavours to make a profit, so that it can provide further benefits to the community. For example, after this year's fair, we helped fund –

- *Mobile Street Doctor – providing health check for the homeless;*
- *Manna Industries and St Bartholomews – supporting the less fortunate;*
- *Rotary Cordblood Bank in WA -- which requires funding in excess of 6 million dollars;*
- *The Rotary Foundation – which goes toward humanitarian help;*
- *Shelterbox – is providing temporary accommodation for an emergency relief.*
- *Rotary Oceania Medical Aid for Children (ROMAC) -- bringing children to Australia and New Zealand from the developing countries for life-saving and dignity-restoring surgery not available in their own country; and*

A whole range of other charities, including the Victorian Bushfire Appeal, Anglicare, Cerebral Palsy, Mission Australia, The Salvation Army, St Vincent de Paul, Foodbank, Alzheimers Association, Australian Rotary Health, Perth College and Aranmore College.

In organising this fair, we have always put first the best interests of the people of the Town of Vincent.

The Rotary Club thanks and hopes that Councillors will continue to support our efforts ... and approve the use of Hyde Park and become our major sponsor of the Hyde Park Rotary Community Fair 2011.

In closing, we are very proud of the brand new stage and we hope it will be utilised for a long time to come. Thank You”

3. John Viska of 148 Chelmsford Road, North Perth – Item 9.2.2 Advised he would like to bring a few points that are coming up for discussion of investigation of possible introduction of 2 hour parking restrictions of Chelmsford Road. Stated he has been a resident of Chelmsford Road for over 30 years and has noticed an increasing problem with commercial parking coming into Chelmsford Road. Advised he informed the CEO in August last year of the problems that have started to occur and advised it is now exacerbated by yoga and re-developments on the corner of Fitzgerald and Chelmsford Road. Advised that people are parking on available parking for Commercial properties on Fitzgerald Street, therefore parking is all the way up to Ethel street by 8am, and residents that may need to come and go find it particularly hard for parking. Stated the Proprietor of 330 Fitzgerald Street has applied to reduce the number of parking bays onsite by 2, there is only 8 allocated parking bays and by reducing by 2 to 6 would exacerbate the problem. Advised this has become particularly worse ever since the building has been taken over due to not enough parking. Commended the council for going to investigate this. Asked that the views and opinions of the people that live in the street to be canvassed. Stated they were informed that investigations and monitoring were taken place in October last year, but the residents never heard anything more about the subject. Advised he believes consultants did look at the overall parking strategy for the whole of Town of Vincent, but all that was seen was a traffic monitor for one week. Advised there was no input or personal face to face discussion. Explained when the yoga people arrive you can't get into Chelmsford Road after 5pm to 8pm. Asked the Council to consider this when the Item is discussed.
4. Burke Hugo of 206 Stirling Highway Claremont – Item 9.1.4 speaking on behalf of Anne. Advised Anne put an application in for a legitimate Therapeutic massage premises at 117 Brisbane Street Perth and the Town of Vincent appeared to have rejected the application. Pleaded to the Council to reconsider this because having looked through the grounds for rejection believed this to be unfair and in some cases even discriminatory. Advised what Anne wished to do is run a legitimate Thai based Therapeutic massage premises, but somewhere in her application the Town of Vincent has renamed that to a Thai Massage Parlour and advertised it as a Massage parlour. Advised this has attracted unwarranted attention and possible discrimination on those grounds and some of the residence in the area have expressed a concern that it may be of a sexual nature. Advised two of Anne's clients have seen fit to come to Council today to back up the fact that she is legitimate. Stated she runs a business from her home which has also attained approval from the shire of Gosnells. Advised he had paperwork showing they have accepted the grounds that she runs a legitimate business based from her home in a residential area. Advised he also has her qualifications from Thailand explaining that she has legitimate Therapeutic training. Explained she runs a business part time out of the Subiaco markets which has run for 7 months that runs on a Friday Saturday and Sunday. Stated it has been successful but Anne wished to work a full working week, which requires her to find another locality. Stated there is plenty of evidence to show that it is a legitimate service. Advised that the short fall of parking proposed

by the Council (4 being necessary) to run the business seemed quiet unfair to him. Stated the Council are saying there appears to be 4 parking bays for the actual staff working for Anne. Advised he has some copies of the premises and the parking is in fact behind closed doors. Advised it is not intended for client parking, and that Anne and staff doesn't have a car or drivers licence. Stated there are plenty of on road parking on Brisbane Street that would really meet the needs for any of her cliental. Stated in that same group of shops there is also a beauty salon that advertises on the window the fact they do massage so there is already existing offices in there that run similar services. Advised Brisbane Street itself is quiet a busy street and to argue that Anne's small business would impact on the traffic he didn't think was fair. Believed it is a simple and plain business and the applicant has been unfairly viewed by the Town of Vincent. Advised he will be asking Anne to consider other legal options should it continue to be refused.

5. Frank Lam of 80-84 Matlock Street, Mount Lawley – Item 9.1.1 Advised he wanted to address a few concerns that was raised in regards to his Development. Stated a few of the concerns raised last time was in regards to the lack of articulation on the north face on Matlock Street that fronts a residential property, as well as the consistency of the development itself. Explained he appreciates the concern in regards to lack of articulation and has addressed this in the revised plans. Advised he has provided large obscure windows on the bedroom sides on the north faced and changed some windows to the ensuite and bathrooms to maintain consistency. Advised he has provided a detailed neighbourhood context report which was supplied in the original development application. Explained there were 2 or 3 other concerns in regards to the density bonus for this development, for salient reasons and that the DA takes advantage of the former use to get both "*bites of the cherry*". Advised in regards to the ladder concern he was not to sure about the context of that, purely because whether or not based on its former use, its current use or its future use doesn't preclude from the fact that it is a buffer site and basically interfaces in between the residential side and commercial side. Advised in compliance to the Town of Vincent's policy in regards to this any buffer site basically can be considered high density zoning as well as mixed development use. Advised in regards to the density bonus side referring to the Towns policy it can be considered for high density zoning i.e. R60 plus but he has only requested to change it from an R30 to an R36 which is less than 1 unit. Explained this is purely because the layout provided with similarity provides more surveillance to the rear of the building and reduces the traffic to the front of Matlock Street by diverting it all to the back reducing noise pollution. Asked on that note he does require small dispensation.
6. Maria Englebrat of 18 Harvest Terrace, West Perth – Item 9.1.6. Referred to page 42 in regards to the previous meeting held in June. Stated there was a request for Optus to arrange an EME reading. Informed the Council that this reading will take place within the next two weeks at the locations identified to the Council and there is also going to be additional locations as well.
7. Ivan Burcove of U9/16 Freeman Road, Menora – Item 9.2.1 Believed they wanted to use it to put tables and chairs for a restaurant that will be coming there and is against it because it is an unfortunate Lane. Advised it's got 3 ins and outs but its servicing quiet a lot of business and stores. Advised it is invariably blocked by people coming to pick material up and taking it away and believes the sewage runs there. Advised it is just another obstacle for the business people there and from his knowledge all of them don't want it put in. Believed it is also gazetted.
8. Hayden Robinson of 63 Walcott Street, Mount Lawley – Item 9.2.1 Supported closure of the Lane. Stated he is the chairman of the Beaufort Street Network and they support it as well. Explained he has already put a submission into the Councillors.

9. Toni Mossenson of 54 Chelmsford Road, Mount Lawley - Item 9.1.1 Acting on behalf of parents who live at 24 Carnarvon Crescent, Coolbinia. Advised her parents lot is a lot that actually bounds the property that is in question for re development and it is on the border that in terms of there elevations addresses elevation 2. Advised she appreciates that the applicant has applied some additional glazing to this facade but from an architectural point, a solid brick wall doesn't really classify under the term "articulated" and by adding a small bit of additional glazing doesn't actually address the main concern about the amenity from that property. Stated at the moment it is a commercial property but in terms of future development we can appreciate a parapet wall with additional considerations. Advised for this fact it has reduced setbacks for this façade, and in terms of there R codes there are quiet a few concessions being taken because this is not the primary facade to the street. Advised in all of these concessions he can understand in terms in an architectural context, however in terms of future development for their property the fact that there are reduced setbacks there is additional overshadowing because setbacks are reduced on both the upper and lower levels. Stated the articulations are reduced basically down to a larger window as apposed to anything actually within the facade. Explained there concern is not representing there interest for future development within there property in the area.

There being no further speakers, public question time closed at approx. 6.26pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

Nil.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Meeting of Council held on 10 August 2010.

Moved Cr Burns, Seconded Cr Maier

That the Minutes of the Ordinary Meeting of Council held 10 August 2010 be confirmed as a true and correct record.

Cr Maier stated that there was text on page 55 of the Minutes which he does not agree with, as it indicates that Councillors agreed unanimously to something. However, he believes due process is that something is "Moved" and then voted on. Similarly, on pages 147 and 150 there are two clauses which have been added to the final decision which were not presented at the meeting, therefore he will not be voting to confirm the Minutes.

The Presiding Member, Mayor Nick Catania advised Cr Maier that if he believed the Minutes are incorrect in anyway, he is to advise Council of what changes, alterations or amendments he would like to the Minutes.

MOTION TO AMEND THE MINUTES - NO 1

Moved Cr Maier, Seconded

That page 55 of the Minutes be amended to delete the following words:

“The Council Members agreed unanimously that the Officer Recommendation clause (vi)(h)(1) be corrected to read as follows:

“(vi)(h)(1) platform openings shall be an absolute minimum of 2.5 metres wide with a ~~general~~ minimum “usable platform width” of 2.7 metres wide for each car bay, ~~with a general minimum platform width of 2.9 metres for each bay. This may necessitate a redesign of some of the car stackers;~~”

Debate ensued.”

The Presiding Member, Mayor Nick Catania advised that from Cr Maier’s email today, the Minutes and what actually occurred have been reviewed.

The Presiding Member, Mayor Nick Catania requested the Chief Executive Officer to provide an explanation.

The Chief Executive Officer read out a transcript of that part the Council Meeting (10 August 2010) discussion as follows:

“Mayor Catania: 9.1.4 can I have a mover and seconder, 9.1.4. Farrell and Burns. Let me see, just before you go on Cr Farrell the corrected officer recommendation is moved with recommendation. Cr Farrell, Cr Burns

Cr Burns: Thank you. Mr Hartree on behalf of the Applicant did have a query in relation to condition (vi)(h)(1). Can I get in that, on the third line of the condition it says “the general minimum platform width of 2.9 metres for each bay”, he indicated that it should be 2.7, is that correct from the officer’s point of view through you Mr Mayor?

Director Technical Services: Yes Mr Chairman. I spoke to Mr Hartree before the meeting and I have checked the specification for the stacker on the file and my suggested wording for that condition is basically “platform opening shall be an absolute minimum of 2.5 metres wide with a minimum usable platform width of 2.7 metres for each car bay” in accordance with the specification. So basically the only change is “platform opening shall be an absolute minimum of 2.5 metres wide with a minimum usable platform width of 2.7 metres for each car bay” and that is the words from the specification.

Mayor Catania: (Indecipherable – microphone not on). That is a correction that we are going to put in there, right, Cr Burns.

Cr Burns: That was my only query. Thank you.”

The Chief Executive Officer advised that after listening to transcript, he inserted the words into the Item on the basis that it was his understanding at the time that clause (vi)(h)(1) was to be changed to reflect what the Architect (on behalf of the applicant) requested and those words would be reflected in the Minutes, he therefore then inserted:

“The Council Members agreed unanimously that the Officer Recommendation clause (vi)(h)(1) be corrected to read as follows:

“(vi)(h)(1) platform openings shall be an absolute minimum of 2.5 metres wide with a ~~general~~ minimum “usable platform width” of 2.7 metres wide for each car bay, ~~with a general minimum platform width of 2.9 metres for each bay. This may necessitate a redesign of some of the car stackers;~~”

The Presiding Member, Mayor Nick Catania advised Cr Maier that, at that point of discussion on the item, if there was any dissention with his calling that the above be agreed to, he should have protested at that time. When there was no protest, as the Presiding Member, he agreed that the Council approved that addition or alteration.

The Presiding Member, Mayor Nick Catania stated that normally at any meetings that he either chairs or sit-on, in most instances the call is “is there any dissention” and if there is not, it is an automatic approval therefore, it was taken at that time to reflect the Council’s opinion and that is what in fact that Chief Executive Officer has endeavoured to do.

The Chief Executive Officer advised the Presiding Member, Mayor Nick Catania that a seconder was required for the Motion to amend the Minutes.

The Presiding Member, Mayor Nick Catania called for a seconder and Cr Lake seconded the Motion.

The Presiding Member, Mayor Nick Catania stated that Minutes have to be accurate.

The Presiding Member, Mayor Nick Catania asked the Chief Executive Officer to comment to clarify what happened on the night of the meeting.

The Chief Executive Officer stated that the reason why the comment was inserted was that the architect (on behalf of the applicant) spoke during Public Question Time and then debate ensued during consideration of the item. Clause (vi)(h)(1) on page 53 refers to one condition and when the Council Decision was included, after consideration of the Item, that clause was changed. If someone not being present at the meeting wanted to see how it was arrived at, they would only assume that it was changed either through error or some other means. The Chief Executive Officer advised that it was his understanding that Council wanted that clause changed, as it was not in dispute with the architect and accordingly, that is why the comment was made so that there was an explanation so people can see how that occurred.

Cr Harvey entered the Meeting at 6.33pm.

Cr Lake requested to speak as the seconder.

The Presiding Member, Mayor Nick Catania stated that Standing Orders do not allow debate on confirming the Minutes. He asked the Chief Executive Officer to read out the Standing Orders.

The Chief Executive Officer advised that the Standing Orders, Clause 2.18(2) states:

“Discussion of any minutes other than discussion as to their accuracy as to a record of the proceedings is not permitted.”

The Chief Executive Officer advised that the subclause (4) in the Standing Orders states:

“...if a member is dissatisfied with the accuracy of the minutes, then he or she is to-

- (a) state the item or items with which he or she is dissatisfied; and*
- (b) propose a motion clearly outlining the alternative wording to amend the minutes.”*

MOTION TO AMEND THE MINUTES NO 1 PUT AND LOST (2-6)

For: Cr Lake, Cr Maier

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

(Cr McGrath was on approved leave of absence.)

Cr Farrell advised that he was present in the Chamber whilst clause (v)(i)(h)(1) was being considered however, the Minutes record that he departed the Chamber at 7.55pm and returned at 7.56pm. He requested that the Minutes be amended to accurately reflect the times he departed and returned to the Chamber.

MOTION TO AMEND THE MINUTES – NO 2

Moved Cr Farrell, **Seconded** Burns

That page 55 of the Minutes be amended to read as follows:

“Debate ensued.

Cr Farrell departed the Chamber at 7.55pm.

Debate ensued.

Cr Farrell returned to the Chamber at 7.56pm.

Debate ensued.

The Council Members agreed unanimously that the Officer Recommendation clause (vi)(h)(1) be corrected to read as follows:

“(vi)(h)(1) platform openings shall be an absolute minimum of 2.5 metres wide with a general minimum “usable platform width” of 2.7 metres wide for each car bay, ~~with a general minimum platform width of 2.9 metres for each bay. This may necessitate a redesign of some of the car stackers;~~”

Debate ensued.”

MOTION NO 2 TO AMEND THE MINUTES PUT AND CARRIED (8-0)

(Cr McGrath was on approved leave of absence.)

Cr Maier advised that he was dissatisfied with the Minutes on page 147 (clause (ii) and (iii)) and the "Note" on page 150, as they were not included via an amendment and should not be there.

Cr Maier stated that he is not disputing the validity of the final decision as it was done by an Absolute Majority however, in his opinion, the Minutes are not accurate.

The Presiding Member Nick Catania asked him to move a Motion to amend the Minutes.

MOTION TO AMEND THE MINUTES - NO 3

Moved Cr Maier, Seconded Topelberg

That page 147 of the Minutes be amended to delete clauses (ii) and (iii) and page 150 of the Minutes be amended to delete the following words:

*“(Note: - Clauses (ii) and (iii) were moved at the Ordinary Meeting of Council held on 13 July 2010, when the Item was initially considered and subsequently Deferred.
- There are no lots in Oxford Street, north of Richmond Street, with an R30 zoning.)”*

The Presiding Member, Mayor Nick Catania stated that this Item was a result of a Rescission Motion and when it came up there was information that was included under the Rescission Motion was inaccurate therefore, it was decided to defer that particular item to get the accurate information at the following meeting which was 10 August 2010.

The Presiding Member, Mayor Nick Catania stated that the reason why clauses (ii) and (iii) were not included on the understanding that the Rescission Motion contained it when it was originally moved.

The Presiding Member, Mayor Nick Catania requested the Chief Executive Officer to provide an explanation.

The Chief Executive Officer advised the Council of the background of how this occurred. There was a Rescission Motion put forward at the meeting which was "Moved" and "Seconded" and, during consideration of the Item, it was realised that the Table (which referred to heights and storeys etc) was inaccurate and the Council resolved to defer the Item, so the Item was deferred.

He was of the opinion that as clauses (ii) and (iii) has been "Moved" and "Seconded" when they were originally considered and therefore it was not necessary for them to be "Moved" and "Seconded" again.

The Chief Executive Officer then read out various emails between himself and Cr Maier which explained the Chief Executive Officer's view on the matter.

**MOTION NO 3 TO AMEND THE MINUTES PUT AND LOST
ON THE CASTING VOTE OF THE PRESIDING MEMBER (4-5)**

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

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

(Cr McGrath was on approved leave of absence.)

**MOTION TO CONFIRM THE MINUTES AS AMENDED
PUT AND CARRIED (5-3)**

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

Against: Cr Lake, Cr Maier, Cr Topelberg

(Cr McGrath was on approved leave of absence.)

The Presiding Member, Mayor Nick Catania then stated that the Rescission Motion was most important and there should be no ambiguity as to its legality. He suggested it should be voted upon again.

He requested the Chief Executive Officer to distribute the Rescission Motion as follows;

9.4.5 Motion to Rescind or Change a Council Decision – Amendment No. 72 to Planning and Building Policies – Draft Amended Policy Relating to Multiple Dwellings

That the Council;

(i) *at its Ordinary Meeting held on 22 June 2010 (Item No. 9.1.5, Clause (i)(b), resolved (in part) that:*

“...(i)(b) Page 3 to 5 of 10 be amended to read as follows:

“(10) ...

Major Road	Residential Zoning	Maximum height along major road	Maximum height within the site	Maximum height to adjoining residential
Beaufort Street				
	R80	4 storeys	5 storeys	2 storeys (3 storeys where justified)
Charles Street				
	R60	2 storeys (3 storeys where appropriate)	3 storeys	2 storeys (3 storeys where justified)
	R80	4 storeys	5 storeys	2 storeys (3 storeys where justified)
East Parade				
	R60	2 storeys (3 storeys where appropriate)	3 storeys	2 storeys
Fitzgerald Street				
	R60	2 storeys (3 storeys where appropriate)	3 storeys	2 storeys (3 storeys where justified)
Guildford Road				
	R60	2 storeys (3 storeys where appropriate)	3 storeys	2 storeys
Loftus Street				
	R60	2 storeys (3 storeys where appropriate)	3 storeys	2 storeys (3 storeys where justified)
London Street				
	R20	2 storeys	2 storeys	2 storeys
	R30	2 storeys (3 storeys where appropriate)	2 storeys	2 storeys
	R30/40	2 storeys (3 storeys where appropriate)	3 storeys	2 storeys (3 storeys where justified)

Major Road	Residential Zoning	Maximum height along major road	Maximum height within the site	Maximum height to adjoining residential
Lord Street				
	R60	2 storeys (3 storeys where appropriate)	3 storeys	2 storeys (3 storeys where justified)
	R80	4 storeys	5 storeys	2 storeys (3 storeys where justified)
Newcastle Street				
	R80	4 storeys	5 storeys	2 storeys (3 storeys where justified)
Oxford Street - (north of Richmond Street only)				
	R30	2 storeys	2 storeys	2 storeys
	R60	2 storeys (3 storeys where appropriate)	3 storeys	<ul style="list-style-type: none"> • Adjoining R30 – 2 storeys • Adjoining R40 – 2 storeys (3 storeys where justified)
Scarborough Beach Road				
	R60	2 storeys (3 storeys where appropriate)	3 storeys	<ul style="list-style-type: none"> • Adjoining R20 – 2 storeys • Adjoining R30 – 2 storeys • Adjoining R30/40- 2 storeys (3 storeys where justified)
Vincent Street - (but not including the portion opposite Hyde Park between Ethel Street east to William Street)				
	R40	2 storeys (3 storeys where appropriate)	3 storeys	2 storeys (3 storeys where justified)
	R60	2 storeys (3 storeys where appropriate)	3 storeys	2 storeys (3 storeys where justified)
	R80	2 storeys (3 storeys where appropriate)	5 storeys	2 storeys (3 storeys where justified)
Walcott Street				
	R60	2 storeys (3 storeys where appropriate)	3 storeys	2 storeys (3 storeys where justified)
William Street - (but not including portion opposite Hyde Park from the intersection with Glendower Street north of Vincent Street)				
	R60	2 storeys (3 storeys where appropriate)	3 storeys	2 storeys (3 storeys where justified)
	R80	2 storeys (3 storeys where appropriate)	5 storeys	2 storeys (3 storeys where justified)

- (ii) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to Section 5.25(e) of the Local Government Act 1995, three Council Members, namely Mayor Nick Catania, Councillor Steed Farrell and Councillor Taryn Harvey, being one third of the number of offices of members of the Council, SUPPORT this motion to revoke or change a Council decision;*
- (iii) *Councillor Steed Farrell MOVES a motion to CHANGE the decision by deleting part of Clause (i)(b) (as above) and inserting the following:*
- (iv) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to Section 5.25(e) of the Local Government Act 1995, the Council RESOLVES BY AN ABSOLUTE MAJORITY to CHANGE part of the resolution adopted by the Council at its Ordinary Meeting held on 22 June 2010 (Item 9.1.5) as shown below:*

Clause (i)(b) (as above) be deleted and the following table be inserted, with changes shown in strike-through and underline:

Major Road	Residential Zoning	Maximum height along major road	Maximum height within the site	Maximum height to adjoining residential at rear
Beaufort Street				
	R80 & <u>R/C80</u>	4 storeys	5 storeys	2 storeys (3 storeys where justified) <u>3 storeys</u>
Charles Street				
	R60	2 storeys (3 storeys where appropriate) <u>3 storeys</u>	3 storeys <u>4 storeys</u>	2 storeys (3 storeys where justified)
	R80 & <u>R/C80</u>	4 storeys	5 storeys	2 storeys (3 storeys where justified) <u>3 storeys (4 storeys where justified)</u>
East Parade				
	R60	2 storeys (3 storeys where <u>appropriate justified</u>)	3 storeys	2 storeys (<u>3 storeys where justified</u>)
Fitzgerald Street				
	R60	2 storeys (3 storeys where appropriate) <u>3 storeys</u>	3 storeys <u>4 storeys</u>	2 storeys (3 storeys where justified)
	<u>R80</u>	<u>4 storeys</u>	<u>5 storeys</u>	<u>2 storeys (3 storeys where justified)</u>
Guildford Road				
	R60	2 storeys (3 storeys where appropriate) <u>3 storeys</u>	3 storeys <u>4 storeys</u>	<u>2 storeys (3 storeys where justified)</u>

Major Road	Residential Zoning	Maximum height along major road	Maximum height within the site	Maximum height to adjoining residential at rear
Loftus Street				
	R60	2 storeys (3 storeys where appropriate)	3 storeys <u>4 storeys</u>	2 storeys (3 storeys where justified)
	<u>R80</u>	<u>4 storeys</u>	<u>5 storeys</u>	<u>3 storeys (4 storeys where justified)</u>
London Street				
	R20	2 storeys	2 storeys	2 storeys
	R30	2 storeys (3 storeys where appropriate justified)	2 storeys	2 storeys
	R30/40	2 storeys (3 storeys where appropriate justified)	3 storeys	2 storeys (3 storeys where justified)
Lord Street				
	R60	2 storeys (3 storeys where appropriate) <u>3 storeys (4 storeys where justified)</u>	3 storeys <u>4 storeys</u>	2 storeys (3 storeys where justified)
	<u>R80 & R/C80</u>	4 storeys <u>5 storeys</u>	5 storeys	2 storeys (3 storeys where justified) <u>3 storeys (4 storeys where justified)</u>
Newcastle Street				
	R80	4 storeys <u>5 storeys</u>	5 storeys	2 storeys (3 storeys where justified) <u>3 storeys (4 storeys where justified)</u>
Oxford Street - (north of Richmond Street only)				
	R60	2 storeys (3 storeys where appropriate) <u>3 storeys (4 storeys where justified)</u>	3 storeys <u>4 storeys</u>	<ul style="list-style-type: none"> • Adjoining R30 – 2 storeys • Adjoining R40 – 2 storeys (3 storeys where justified)
Scarborough Beach Road				
	R60	2 storeys (3 storeys where appropriate) <u>3 storeys (4 storeys where justified)</u>	3 storeys <u>4 storeys</u>	<ul style="list-style-type: none"> • Adjoining R20 – 2 storeys • Adjoining R30 – 2 storeys • Adjoining R30/40- 2 storeys (3 storeys where justified)

Major Road	Residential Zoning	Maximum height along major road	Maximum height within the site	Maximum height to adjoining residential at rear
Vincent Street - (but not including the portion opposite Hyde Park between Ethel Street east to William Street)				
	R40	2 storeys (3 storeys where appropriate justified)	3 storeys	2 storeys (3 storeys where justified)
	R60	2 storeys (3 storeys where appropriate justified)	3 storeys	2 storeys (3 storeys where justified)
	R80	2 storeys (3 storeys where appropriate justified)	5 storeys	2 storeys (3 storeys where justified)
Walcott Street				
	R60	2 storeys (3 storeys where appropriate) 3 storeys	3 storeys 4 storeys	2 storeys (3 storeys where justified)
William Street - (but not including portion opposite Hyde Park from the intersection with Glendower Street north of Vincent Street)				
	R60	2 storeys (3 storeys where appropriate) 3 storeys (4 storeys where justified)	3 storeys	2 storeys (3 storeys where justified)
	R80	2 storeys (3 storeys where appropriate) 3 storeys (4 storeys where justified)	5 storeys	2 storeys (3 storeys where justified)

- (v) **PROCEED** with the advertising of the further amended draft Policy No. 3.4.8 relating to Multiple Dwellings in accordance with the Council Resolution relating to Item 9.1.5 of the Ordinary Meeting of Council held on 22 June 2010 together with the following additional advertising to be undertaken to:
- (a) all those owners/occupiers along the Major Roads listed within the Draft Amended Policy No. 3.4.8 relating to Multiple Dwellings; and
- (b) all those owners/occupiers immediately adjacent to properties listed as a Major Road within the Draft Amended Policy No. 3.4.8 relating to Multiple Dwellings; and
- (vi) **REQUESTS** that further investigation on the issue of maximum building heights and densities along Major Roads, be undertaken as part of the review of Town Planning Scheme No. 1.

Moved Cr Farrell, **Seconded** Cr Burns

That the above recommendation be adopted.

MOTION PUT AND CARRIED BY AN ABSOLUTE MAJORITY (5-3)

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

Against: Cr Buckels, Cr Lake, Cr Maier

(Cr McGrath was on approved leave of absence.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Item 9.2.3 – Progress Report – Greenfleet, Carbon Emissions Offset Program

Item 9.2.3 has been WITHDRAWN from the Agenda by the Chief Executive Officer, as information contained in the report requires to be clarified, prior to being considered by the Council.

8. DECLARATIONS OF INTERESTS

8.1 Cr Burns declared an Impartiality interest in Item 9.2.2 – Investigation of Possible Introduction of Two (2) Hour Parking Restrictions – Chelmsford Road, Grosvenor Road, Raglan Road and Alma Road, North Perth. The extent of her interest being that she owns a home on Wasley Street which although not directly affected by this Item there may be a consequential affect from the decision.

8.2 Cr Maier declared an Impartiality interest in Item 9.1.7 – Swan River Trust – Draft Policy SRT/D4 Stormwater Management. The extent of his interest being that he is on the board of the Swan River Trust.

Cr Burns and Cr Maier stated that as a consequence there may be a perception that their impartiality in the matter may be affected. They declared that they would consider the matter on its merits and vote accordingly.

8.3 The Chief Executive Officer, John Giorgi declared an Impartiality interest in Item 9.4.1 – Britannia Reserve and Litis Stadium Masterplan Proposal – Progress Report No. 1. The extent of his interest being that he is a Referee, accredited with Football West. He has no other involvement with Football West, other than weekend refereeing, including sometimes at Britannia Reserve and Litis Stadium. The Chief Executive Officer stated that he had extensive involvement with the preparation of the report.

8.4 Cr Topelberg declared a Proximity interest in Item 9.2.2 – Investigation of Possible Introduction of Two (2) Hour Parking Restrictions – Chelmsford Road, Grosvenor Road, Raglan Road and Alma Road, North Perth. The extent of his interest being that his primary residence is located between the western ends of Chelmsford and Grosvenor Roads, North Perth. Cr Topelberg requested approval to participate in the debate and vote on the matter.

At 7.06pm Cr Topelberg departed the Chamber whilst his declaration of interest was being considered.

Moved Cr Farrell, Seconded Cr Lake

That Cr Topelberg's request to participate in debate and vote on Item 9.2.2 – Investigation of Possible Introduction of Two (2) Hour Parking Restrictions – Chelmsford Road, Grosvenor Road, Raglan Road and Alma Road, North Perth, be approved.

Debate ensued.

The Chief Executive Officer departed the Chamber to ask Cr Topelberg precisely where his residence is located on the street. Upon returning to the Chamber the Chief Executive Officer advised that Cr Topelberg wished to withdraw his request.

8.5 Cr Harvey declared an Impartiality interest in Item 9.4.1 – Britannia Reserve and Litis Stadium Masterplan Proposal – Progress Report No. 1. The extent of her interest being that she lives directly opposite the site of Litis Stadium.

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 9.1.6, 9.3.3, 9.2.2, 9.1.4, 9.1.1 and 9.2.1.

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

Items 9.1.1, 9.1.2, 9.1.3, 9.2.7, 9.4.1 and 9.4.2.

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

Item 9.2.2.

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	Nil.
Cr Buckels	Nil.
Cr Harvey	Nil.
Cr Lake	Items 9.1.7, 9.3.4 and 9.4.5.
Cr Burns	Nil.
Cr Maier	Items 9.3.1 and 9.3.2.
Mayor Catania	Nil.

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

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

Items 9.1.5, 9.2.4, 9.2.5, 9.2.6, 9.3.5, 9.4.3 and 9.4.4.

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

Item 14.1.

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

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

Items 9.1.5, 9.2.4, 9.2.5, 9.2.6, 9.3.5, 9.4.3 and 9.4.4.

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

Items 9.1.6, 9.3.3, 9.2.2, 9.1.4, 9.1.1 and 9.2.1.

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

Moved Cr Burns, Seconded Cr Buckels

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

Items 9.1.5, 9.2.4, 9.2.5, 9.2.6, 9.3.5, 9.4.3 and 9.4.4.

CARRIED (8-0)

(Cr McGrath was on approved leave of absence.)

ITEM WITHDRAWN BY THE CHIEF EXECUTIVE OFFICER

(Withdrawn as information contained in the report requires to be clarified,
prior to being considered by the Council.)

9.2.3 Progress Report - Greenfleet, Carbon Emissions Offset Program

Ward:	Both	Date:	24 August 2010
Precinct:	All	File Ref:	TES0578
Attachments:	-		
Reporting Officer:	C Chaudhry, Project Officer – Environment		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

(i) *NOTES that*

(a) *Greenfleet has planted over 3,249 tress to sequester 870.78 tonnes of carbon to offset the Town's greenhouse gas emissions mainly in Victoria, Australia; and*

(b) *Greenfleet have indicated that a partnership between the Town, Perth Region NRM and the Swan River Trust could be established to identify areas within the Perth Region to establish a possible carbon offset project; and*

(ii) *AUTHORISES the Chief Executive Officer to enter into discussions with Greenfleet to encourage the establishment of a Perth Region based Carbon Offset Project in a suitable site, possibly within the Town of Vincent and other suitable locations.*

PURPOSE OF REPORT:

The purpose of this report is to inform Council the way in which the Greenfleet program is using Town funds to offset its vehicle fleets carbon emissions.

BACKGROUND:

At its Ordinary meeting held on 20 November 2007, the Council decided to *receive further reports as required on future Greenfleet programs.*

About Greenfleet

Greenfleet is a not-for-profit organisation that provides offsets programs to reduce the carbon emissions from business carbon pollution sources, such as cars. The way in which Greenfleet achieves this is through the provision of a range of carbon alternatives and 'biosequestration'.

Greenfleet mainly offsets a corporation's carbon by establishing native forest habitat, which provides a carbon sink and has the added benefit of increasing regional biodiversity. The other indirect benefits of the forest establishment is - reducing salinity and erosion, improving stream and groundwater quality, providing habitat for native wildlife, and providing windbreaks and shelter for crops and livestock.

Greenfleet has planted over 6 million trees since its establishment in 1997.

DETAILS:

All about our offsets

Over the time period between February 2010 and June 2010, Greenfleet planted over 3,249 native trees, which is equivalent to offset 870.78 tonnes of greenhouse gas generated by the Town.

The Greenfleet program offsets carbon through the establishment of native forest as mentioned above. But where does the Council money actually go?

'Gobur' Site in Victoria:



As someone who is very passionate about reducing the impacts of climate change and restoring Australia's denuded landscapes, Greenfleet CEO, Sara Gipton, decided to put the Greenfleet model to the ultimate test on her own property 'Gobur' near Bonnie Doon, Victoria.

Located about 40 kilometres west of Mansfield, the site has retained a few old trees but has primarily been grazed for decades and the soil was highly compacted. The key objective was to create a permanent forest sink that will provide a range of environmental services including soil and water conservation, biodiversity conservation, connectivity with a neighbouring property, remnant forest and recapturing carbon emissions.

As with the vast majority of Greenfleet planting projects, Sara (as landholder) paid for the site preparation, rabbit removal, weed spraying and fence repairs, and assigned the carbon rights on the property to Greenfleet, while Greenfleet (through its supporters) paid for the trees themselves.

It was important to Sara as a landholder, that a number of actions were implemented by the forest manager to reduce emissions during the establishment of the planting project. This included well-serviced equipment, no fertiliser use, efficient transport methods and other management actions to the best of their ability.

Between September 2009 and June 2010, 7ha of the property was planted with 8,000 seedlings, using traditional site preparation methods of ripping to allow moisture to return to the highly compacted soil, spraying to reduce competition from weeds, planting and follow-up weed maintenance.

Twelve different species of Australian plants, native to the area, were selected to guarantee maximum survival and restore the natural flora and fauna of the area. The seed was collected on the property and the immediate surrounding area.

Greenfleet Foresters completed the first survival assessment survey in January 2010. The survival rate was 79%, with nearly all losses in an isolated section due to browsing by some rabbits and kangaroos. Greenfleet plans to replant these areas in 2011, as the Sheoaks (*Allocasuarina verticillata*) in particular were targeted by the animals. Guards will be used to reduce the risks of future browsing.

Overall, most seedlings are doing well with excellent growth in the majority of sections. There have also been sightings of Wedge-tailed Eagles, Rosellas, Swallows, Honeyeaters and marsupials.

"With the benefit of a good season, the little trees are booming. It just goes to show that planting local species can rapidly transform a tired old paddock," said Sara Gipton, CEO of Greenfleet.

Battery Creek Site



Greenfleet works with many landholders over an extended period to revegetate vast tracts of land. Battery Creek - a catchment for South Gippsland Water in Victoria - is an example of a site that has been planted over a number of years. Greenfleet has progressively planted trees in the Battery Creek catchment every year since 2000.

Over nine years, more than 40,000 trees have been planted at the 40 hectare site with an 86% survival rate overall. The revegetation project will be completed in 2009, with an extra 4,000 trees being planted, which includes some additional trees to replenish saplings that have been lost to grazing by wildlife.

The site demonstrates the growth of Greenfleet's forests over time, with each year's planting showing an increase in height and trunk diameter. Trees planted in 2006-07 are still saplings, however, those planted in 2000 are now well over 10 metres tall, many 15 to 20 metres, and have established dense canopy coverage.

The Greenfleet team kicked off 2010 with a Biodiversity study at the Battery Creek catchment of South Gippsland in late January. The project was undertaken to get an understanding of species regeneration and habitation on the site.

The project included two days of general surveying and one night of specific fauna spotlight surveying.

The study revealed evidence of kangaroos, wallabies and wombats throughout. Many birds also inhabit the area and it is hoped that in future the elusive Lyrebird will be seen. A rich, biodiverse native forest has grown which is helping to improve water quality in the Battery Creek Catchment area. Species include a variety of eucalypts, wattles and tea trees native to the area. In addition, the hills have been stabilised and the forest is providing shelter for wildlife and capturing greenhouse gas emissions.

The results of this study will be a "yardstick," against which the results of subsequent surveys will be compared. Future surveys will provide information about the changes of the animals and plants on this site and contribute towards future management decisions.

Steve Evans, Managing Director of South Gippsland Water, is a strong supporter of the Battery Creek revegetation project: *"South Gippsland Water has enjoyed working cooperatively with Greenfleet to progressively plant our 40 hectare Battery Creek catchment property with native vegetation. This project has been invaluable in not only capturing vehicle emissions, but also improving land stability, water quality and increasing biodiversity within the catchment and adjoining land. Lyrebirds are known to be in the surrounding area, so this project is also playing a part in rejoining their fragmented habitat"*.

What about Western Australia?

The Environmental Officer recently contacted Greenfleet to establish if the Town's Carbon Offsetting could incorporate an area located in Western Australia, as the majority of plantings have occurred within Victoria. It was outlined by Greenfleet that a partnership between the Town, Perth Region NRM and the Swan River Trust should be established to identify areas within the Perth Region to 'kick start' a carbon offset project.

Greenfleet proposal is to establish this before the end of August 2011.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2009-2014 – Key Result Area One: 1.1.4 Minimise negative impacts on the community and environment. *"(b) Implement the Town's Water Campaign and (c) Implement the Town's Water Conservation Plan."*

SUSTAINABILITY IMPLICATIONS:

The use of Greenfleet to offset carbon, enables the Town to justify the production of greenhouse gases, to provide services to the community of the Town.

The potential establishment of a WA based carbon offset in the Perth Region could not only provide the offsetting of carbon at a regional level, but improve state biodiversity, ecological corridors and wildlife habitats.

FINANCIAL/BUDGET IMPLICATIONS:

A total of \$16,000 has been allocated in the 2010/2011 budget for carbon offset from the vehicle fleet.

COMMENTS:

Greenfleet is a worthwhile program that the Town participates in each financial year. It should be emphasised that whilst we don't see where our carbon offsets go, they are being used in an environmentally sound manner to establish worthwhile projects such as Gobur and Battery Creek.

It is recommended that the Town authorises the Chief Executive Officer to work with Greenfleet (from an advisory capacity) to establish WA carbon offset projects to improve local biodiversity of the state's natural areas.

9.1.5 No. 246 (Lot 36; D/P 35182) Lord Street, Corner Coolgardie Street, Perth – Proposed Change of Use from Warehouse to Warehouse and Inappropriate Use (Massage Parlour) and Associated Alterations and Additions

Ward:	South	Date:	16 August 2010
Precinct:	EPRA (15)	File Ref:	PRO5109; 5.2010.242.2
Attachments:	001		
Reporting Officer:	D Pirone, Statutory Planning Officer		
Responsible Officer:	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 Town of Vincent to, in effect, administer the East Perth Redevelopment Scheme No. 1 as if it were its own Scheme, and the Metropolitan Region Scheme, REFUSES the application submitted by the owner C Y Sun & J Chen & C Sun for proposed Change of Use from Warehouse to Warehouse and Inappropriate Use (Massage Parlour) and Associated Alterations and Additions, at No. 246 (Lot 36; D/P 35182) Lord Street, corner Coolgardie Street, Perth, and as shown on plans stamp-dated 2 August 2010, for the following reason(s):

- (i) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) *the proposed use is an inappropriate use as defined in the East Perth Redevelopment Scheme No. 1; and*
- (iii) *consideration of the objections received.*

COUNCIL DECISION ITEM 9.1.5

Moved Cr Burns, Seconded Cr Buckels

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Cr McGrath was on approved leave of absence.)

Landowner:	C Y Sun & J Chen & C Sun
Applicant:	C Y Sun & J Chen & C Sun
Zoning:	Metropolitan Region Scheme: Urban and Other Regional Road East Perth Redevelopment Scheme No. 1: Residential R80
Existing Land Use:	Warehouse
Use Class:	Inappropriate Use – Massage Parlour
Use Classification:	N/A
Lot Area:	697 square metres
Right of Way:	N/A

PURPOSE OF REPORT:

The proposal requires referral to the Council for determination.

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the change of use from warehouse to warehouse and inappropriate use (massage parlour). The use is considered as an unlisted use, as the subject use does not fit into any of the use definitions in the East Perth Redevelopment Scheme No. 1.

The East Perth Redevelopment Scheme No. 1 essentially defines an inappropriate use as a use that in the opinion of the Authority is a development or use that is prejudicial to the objectives of the Scheme. It is considered that the proposed massage parlour use is prejudicial to the objectives of the Scheme as the use does not fit into any of the use definitions in the East Perth Redevelopment Scheme No. 1. Clause 2.24.4 of the East Perth Redevelopment Scheme No. 1 allows a person to apply for planning approval for an inappropriate use.

The plans indicate that there are 6 rooms available for massage as well as two bathrooms and a large reception area. The proposed on-site car parking is compliant with the Australian Standards and is located within the Metropolitan Region Scheme Other Regional Road Reservation Area. The application was referred to the Department of Planning for comment, who advised that they do not have any problems with car bays in this area, as it is not a building, and can easily be removed in the event the road widening occurs.

The applicant has advised in their submission to the Town that there will be 3-4 female workers, plus a receptionist and the operating hours will be from 10:00am to 2:00am on weekdays and 10:00am to 3:00am on weekends. Furthermore, the applicant has advised the Town that they are unable to obtain any staff qualifications as they have not hired any staff.

COMPLIANCE:

NON-COMPLIANT REQUIREMENTS		
The proposed development is considered as an inappropriate use as defined in the East Perth Redevelopment Scheme No. 1 and is considered to not be in accordance with the objectives of the Scheme. There is no specific criteria that an inappropriate use is assessed against.		
Car Parking		
The East Perth Area is controlled by the Perth Parking Management Act 1999 and any parking requirement is to be assessed against the Perth Parking Policy. The Perth Parking Policy requires a maximum parking allowed on a site, which is 200 car bays per hectare of site area. In this instance, the land area is 697 square metres; therefore, the maximum car parking allowed on this site is 13.94 car bays. The application has proposed no on-site car parking bays and as there is no minimum requirement, this is compliant with the City of Perth Parking Policy.		
Consultation Submissions		
Item	Comments – Support (0)	Officer Comments
	N/A	N/A
Item	Comments – Objections (2)	Officer Comments
Proposed Use:	Concerns with the use of a massage parlour with a closing time of 2:00am. Not in keeping with the plans for the area. This will lower the standard of the street.	Supported – The proposed use is considered as an inappropriate use as defined in the East Perth Redevelopment Scheme No. 1 and is considered to not be in accordance with the objectives of the Scheme. Furthermore, the use has potential to involve a brothel type activity, due to the gender of the staff and the proposed operating hours.
Car Parking:	Not enough car parking provided.	Not supported – There are no minimum car parking requirements for development in this area.

CONSULTATION/ADVERTISING:

Advertising for a period of 14 days was carried out as per the Town's Policy No 4.1.5 – relating to Community Consultation.

LEGAL/POLICY:

East Perth Redevelopment Scheme No. 1 and Associated Policies.

STRATEGIC IMPLICATIONS:

Nil.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Department of Planning (DoP)

The Department of Planning have advised the Town that Lord Street is reserved as a Category 2 Other Regional Road in the Metropolitan Region Scheme (MRS) and that the subject lot is affected by a road widening width of 5 metres with a further truncation area of 6 metres by 6 metres at the corner of Lord Street and Coolgardie Street. As the internal alterations occur outside of the widening area, the DoP have no objections with the internal works and associated change of use.

The original set of plans dated 28 May 2010 that were lodged with the Town of Vincent and subsequently referred to the Department of Planning for comment indicated 3 car bays in the MRS road widening area and the bin store at the rear of the building. The DoP advised that they do not support the construction of any permanent structures within the reserved land; however, given the car bays can easily be removed, the DoP did not have any objections, subject to the following:

- The land owner agrees to remove the development at the time when the reserved land is required for the upgrading of Lord Street at their own expense; and
- The land owner agrees that the presence of the development shall not be taken into consideration in determining any compensation that may be payable by the Town or the Western Australian Planning Commission when the reserved land is required for the upgrading of Lord Street.

The plans dated 2 August 2010 have been amended to include the bin store in the road widening area, and it is recommended that in the event of an approval being considered, that a condition be applied requesting the support of the DoP prior to the issue of a Building Licence.

Planning Services

The proposed change of use from warehouse to warehouse and inappropriate use (massage parlour) is not considered to be in accordance with the objectives of the East Perth Redevelopment Scheme No. 1. In light of the above, it is recommended that the Council refuse the application.

9.2.4 Tender for the Supply & Delivery of Sprinklers, Automatic Valves, Automatic Controllers and Ancillary Equipment- Tender No. 420/10

Ward:	Both	Date:	5 August 2010
Precinct:	All	File Ref:	TEN0427
Attachments:	-		
Reporting Officer:	J van den Bok, Manager Parks & Property Services		
Responsible Officers:	R Lotznicker, Director Technical Services M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council ACCEPTS the Tenders submitted by Elliots Irrigation and Total Eden for the Supply and Delivery of Sprinklers, Automatic Valves, Automatic Controllers and Ancillary Equipment in accordance with the terms and conditions of Tender No. 420/10.

COUNCIL DECISION ITEM 9.2.4

Moved Cr Burns, Seconded Cr Buckels

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Cr McGrath was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council’s approval to award Tender 420/10 for the Supply and Delivery of Sprinklers, Automatic Valves, Automatic Controllers and Ancillary Equipment.

BACKGROUND:

Tenders for the Supply and Delivery of Sprinklers, Automatic Valves, Automatic Controllers and Ancillary Equipment for a three (3) year period closed at 2.00 pm on 28 July 2010 and four (4) tenders were received.

DETAILS:

Details of all submissions received for Tender No. 420/10 are “*Laid on the Table*”.

Tender Evaluation:

The tender evaluation was undertaken by Director Technical Services, Manager Parks & Properties Services, Coordinator Parks Services and the Crew Leader - Reticulation in accordance with the selection criteria as outlined in the tender documentation as follows:

Evaluation Criteria	Weighting	Elliot's Irrigation	Total Eden	Poly Pipe	Reece
Contract Price	35%	35	34.14	28.85	Non Conforming Tender
Past experience in provision of required services	20%	16	16	16	
Organisational structure	20%	20	20	20	
Compliance with tender specification	15%	15	15	12	
Financial capacity	5%	5	5	5	
References	5%	5	5	5	
TOTAL	100%	96	95.14	86.85	
		1	2	3	

Officers' comments:

Following assessment of the tenders, it is recommended that a panel of two (2) tenderers be engaged to provide this service to the Town for the following reasons.

Specific parts/items, particularly automatic controllers and solenoid valves are not always available on demand and having the benefit of engaging two (2) separate companies will allow the Town an alternative option. Having to wait an extended period for these items during the summer watering season has in the past been frustrating and has led to turf/garden areas drying out unnecessarily.

In accordance with the tender assessment, both Elliott's Irrigation and Total Eden have provided competitive prices for the majority of items. The Town's Officers consider that Elliott's Irrigation's overall submission is worthy of being selected on the Tender Panel, together with Total Eden.

Irrigation sprinklers are the main items used in this contract and are required on a regular basis, therefore an average cost over these items was taken into account when analysing the contract price component of the evaluation.

Poly Pipe Traders have been used by other Local Governments such as the City of Rockingham and the Town of Kwinana as they are based in Baldivis, however their prices were less competitive overall.

The tender submitted by Reece was deemed non-conforming as they did not fill out the pricing schedule as requested and advised the Town in their submission that due to time constraints they were not in a position to submit a conforming tender.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

The Tender was advertised in accordance with the Local Government Act tender regulations.

STRATEGIC IMPLICATIONS:

In accordance with 2009-2014 Strategic Plan 1.1.6 Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment *(a) Implement adopted annual infrastructure upgrade programs, including streetscape enhancements, footpaths, Right of Ways, car parking and roads.*

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

All costs associated with the use of Sprinklers, Automatic Valves, Automatic Controllers and Ancillary Reticulation Equipment are charged to the respective Capital or Operating budget accounts as required.

The total value of the above services provided to the Town is estimated at \$100,000 to \$150,000 per year.

COMMENTS:

It is therefore recommended that the Tender for the Supply and Delivery of Sprinklers, Automatic Valves, Automatic Controllers and Ancillary Equipment be awarded to Elliots Irrigation and Total Eden, in accordance with the terms and conditions of Tender No. 420/10.

9.2.5 Tender for the Supply & Delivery of UPVC Pressure Pipe - Tender No. 419/10

Ward:	Both	Date:	4 August 2010
Precinct:	All	File Ref:	TEN0426
Attachments:	-		
Reporting Officer:	J van den Bok, Manager Parks & Property Services		
Responsible Officers:	R Lotznicker, Director Technical Services M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council ACCEPTS the Tender submitted by Total Eden for the Supply & Delivery of UPVC Pressure Pipe in accordance with the terms and conditions of Tender No. 419/10.

COUNCIL DECISION ITEM 9.2.5

Moved Cr Burns, Seconded Cr Buckels

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Cr McGrath was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council’s approval to award Tender 419/10 for the Supply & Delivery of UPVC Pressure Pipe.

BACKGROUND:

Tenders for the Supply & Delivery of UPVC Pressure Pipe for a three (3) year period closed at 2.00 pm on 28 July 2010 and three (3) tenders were received.

DETAILS:

Details of all submissions received for Tender No. 419/10 are “Laid on the Table”.

Tender Evaluation:

The tender evaluation was undertaken by Director Technical Services, Manager Parks & Property Services, Coordinator Parks Services and the Crew Leader - Reticulation in accordance with the selection criteria as outlined in the tender documentation as follows:

Evaluation Criteria	Weighting	Total Eden	Poly Pipe Traders	Reece
Contract Price	35%	35	30.1	Non- Conforming Tender
Past experience in provision of required services	20%	16	16	
Organisational structure	20%	20	20	
Compliance with tender specification	15%	12	12	
Financial capacity	5%	5	5	
References	5%	5	5	
TOTAL	100%	93	88.1	
		1	2	

Officer's Comments:

Following assessment of the tenders it is recommended that Total Eden be engaged for a further three (3) year period. They have held this contract with the Town for the past three (3) years and provided a satisfactory service and the costs provided by Total Eden are the lowest over the majority of items.

Now that the Town has completed most of the major in-ground reticulation installations, the most commonly used items within this tender will be Class 12 pipes ranging in size from 25mm to 100mm.

In assessing the price component of the evaluation, an average of costs provided by both Total Eden and Poly Pipe Traders was taken into account over the above range of UPVC pressure pipes.

Poly Pipe Traders have been used by other Local Governments such as the City of Rockingham and the Town of Kwinana as they are based in Baldivis. Overall their prices were higher than Total Eden in the majority of items listed.

The tender submitted by Reece was deemed non-conforming as they did not fill out the pricing schedule as requested and advised the Town in their submission that due to time constraints they were not in a position to submit a conforming tender.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

The Tender was advertised in accordance with the Local Government Act tender regulations.

STRATEGIC IMPLICATIONS:

In accordance with 2009-2014 Strategic Plan 1.1.6 Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment *(a) Implement adopted annual infrastructure upgrade programs, including streetscape enhancements, footpaths, Right of Ways, car parking and roads.*

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

All costs associated with the use of UPVC pressure pipe are charged to the respective Capital or Operating budget accounts as required.

The total value of the above services provided to the Town is estimated at \$50,000 to \$100,000 per year.

COMMENTS:

It is therefore recommended that the tender for the Supply and Delivery of UPVC Pressure Pipe be awarded to Total Eden in accordance with the terms and conditions of Tender No. 419/10.

9.2.6 Tender for the Construction of Concrete Crossovers and Cast In-situ Concrete Paths - Tender No. 414/10

Ward:	Both	Date:	17 August 2010
Precinct:	All	File Ref:	TEN0422
Attachments:	-		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officers:	R Lotznicker, Director Technical Services M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council ACCEPTS the Tender submitted by Cobblestone Concrete for the "Construction of Concrete Crossovers and Cast In-situ Concrete Paths", in accordance with the terms and conditions of Tender No. 414/10.

COUNCIL DECISION ITEM 9.2.6

Moved Cr Burns, Seconded Cr Buckels

That the recommendation be adopted.

CARRIED "EN BLOC" (8-0)

(Cr McGrath was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council's approval to re-award Tender 414/10 for the Construction of Concrete Crossovers and Cast In-situ Concrete Paths.

BACKGROUND:

As reported to the Council, at its Ordinary meeting held on 13 July 2010, tenders for the Construction of Concrete Crossovers and Cast In-situ Concrete Paths for a three (3) year period closed at 2.00 pm on 16 June 2010 and three (3) tenders were received.

After considering the report, the Council made the following decision:

"That the Council ACCEPTS the Tender submitted by Techsand Pty Ltd for the "Construction of Concrete Crossovers and Cast In-situ Concrete Paths", in accordance with the terms and conditions of Tender No. 414/10."

DETAILS:

Following the Council decision, the Town wrote to Techsand Pty Ltd requesting that they sign the contract documentation.

On 29 July 2010 the Town received the following correspondence from the Techsand Pty Ltd Director.

"With regards to the above tender, please be advised that due to family problems, Techsand Pty Ltd, are unable to take up the tender offer which has been awarded to us.

We apologise for any inconvenience caused and hope that we may be able to assist you again in the future."

Legal

The Local Government (Functions and General) Regulations 1996, Regulation 18, provides that if a local government has accepted a tender but the acceptance of the tender does not create a contract within six (6) months, the local government may accept from the other tenders, the tender which it thinks will be most advantageous to the local government.

Most Advantageous Tender

The Manager Engineering Operations has discussed the matter with Cobblestone Concrete, who's tender scored second when assessed previously.

Cobblestone Concrete provided the most competitive price (from the recent quotes obtained) and indicated that they would be prepared to undertake the Town's Concrete Crossovers and Cast In-situ Concrete Path construction for the tender rates submitted by them for tender 414/10.

Note: Cobblestone Concrete was the Town's previous contractor for the construction of Concrete Crossovers and Cast In-situ Concrete Paths.

With regard to the Traffic Management component of the project, this has been discussed with Cobblestone Concrete and will be managed in a cost effective manner, by agreement prior to each project, to ensure that costs are kept to a minimum.

Recommendation:
It is therefore recommended that the Tender for the "Construction of Concrete Crossovers and Cast In-situ Concrete Paths", be awarded to Cobblestone Concrete, in accordance with the terms and conditions of Tender No. 414/10.

Ordinary Meeting of Council held on 13 July 2010:

The following is the assessment table which was reported to the Ordinary Meeting of Council held on 13 July 2010.

Evaluation:

The tender evaluation was undertaken by Director Technical Services, and Manager Engineering Operations and Depot Purchasing Officer in accordance with the selection criteria as outlined in the tender documentation as follows:

Evaluation Criteria	Weighting	Riverlea	Cobblestone	Techsand
Past experience in provision of required services	30%	20	30	30
Contract Price	30%	30.00	23.48	21.52
Organisational structure/financial capacity/resources	15%	5	10	15
Compliance with tender specification and Health/Safety requirements	15%	11	12	15
References	10%	0	14	15
TOTAL	100%	66	89.48	96.52

COMMENTS:

It is recommended that the tender be awarded to Cobblestone Concrete as they were rated the second in the tender assessment.

9.3.5 Financial Statements as at 31 July 2010

Ward:	Both	Date:	16 August 2010
Precinct:	All	File Ref:	FIN0026
Attachments:	001		
Reporting Officers:	B Tan, Manager Financial Services; B. Wong, Accountant;		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council RECEIVES the Financial Statements for the month ended 31 July 2010 as shown in Appendix 9.3.5.

COUNCIL DECISION ITEM 9.3.5

Moved Cr Burns, Seconded Cr Buckels

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Cr McGrath was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to present the financial statements for the month ended 31 July 2010.

BACKGROUND:

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

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

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

- the annual budget estimates;
- budget estimates to the end of the month to which the statement relates;
- actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
- material variances between the year-to-date income and expenditure and totals and the relevant annual budget provisions for those totals from 1 July to the end of the period;
- 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 31 July 2010:

- Income Statement;
- Summary of Programmes/Activities (pages 1-17);
- Income Statement by Nature & Type Report (page 18)
- Capital Works Schedule (pages 19-25);
- Balance Sheet and Statement of Changes in Equity (pages 26-27);
- Reserve Schedule (page 28);
- Debtor Report (page 29);
- Rate Report (page 30);
- Statement of Financial Activity (page 31);
- Net Current Asset Position (page 32);
- Beatty Park Report – Financial Position (page 33);
- Variance Comment Report (page 34-37);
- Monthly Financial Positions Graph (page 38-40).

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	-	\$19.9 million
YTD Budget	-	\$19.5 million
Variance	-	\$0.4 million
Full Year Budget	-	\$10.5 million

Summary Comments:

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

Operating Revenue

YTD Actual	-	\$22.7 million
YTD Budget	-	\$22.6 million
YTD Variance	-	\$0.1 million
Full Year Budget	-	\$38.4 million

Summary Comments:

The total operating revenue is currently on budget.

Major variances are to be found in the following programmes:

- Law Order and Public Safety – 36% over budget;
- Education and Welfare – 32% over budget;
- Community Amenities – 15% over budget;
- Economic Services – 128% over budget;
- Other Property and Services – 32% over budget;
- Administration General – 94% below budget.

More details variance comments are included on the page 34 – 42 of this report.

Operating Expenditure

YTD Actual	-	\$2.9 million
YTD Budget	-	\$3.4 million
YTD Variance	-	-\$0.5 million
Full Year Budget	-	\$40.3 million

Summary Comments:

The operating expenditure is currently on budget.

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

- General Purpose Funding – 17% below budget;
- Governance – 19% below budget;
- Law Order and Public Safety – 26% below budget;
- Health – 13% below budget;
- Education and Welfare – 16% below budget;
- Community Amenities – 24% below budget;
- Recreation Culture – 20% below budget;
- Transport – 16% below budget;
- Economic Services – 30% over budget;
- Other Property and Services – 54% over budget.

Detailed variance comments are included on the page 34 – 42 of this report.

Income Statement by Nature and Type Report

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

Capital Expenditure Summary

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

Capital Works shows total expenditure including commitment for year to date at the 31 July 2010 of \$250,725 which represents 1% of the revised budget of \$25,846,484.

	Budget	Revised Budget	Actual to Date (Include commitment)	%
Furniture & Equipment	\$214,900	\$214,900	\$0	0%
Plant & Equipment	\$2,662,600	\$2,662,600	\$0	0%
Land & Building	\$12,125,150	\$12,125,150	\$7,710	0%
Infrastructure	\$10,843,834	\$10,843,834	\$243,015	2%
Total	\$25,846,484	\$25,846,484	\$250,725	1%

Balance Sheet and Statement of Changes in Equity

The statement shows the current assets of \$33,930,756 and non current assets of \$140,975,053 for total assets of \$174,905,809.

The current liabilities amount to \$8,318,121 and non current liabilities of \$13,567,255 for the total liabilities of \$21,885,376. The net asset of the Town or Equity is \$153,020,433.

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 31 July 2010 is \$9.1m. The balance as at 30 June 2010 was \$9.0m.

General Debtors

Other Sundry Debtors are raised from time to time as services are provided or debts incurred. Late payment interest of 11% per annum may be charged on overdue accounts. Sundry Debtors of \$591,017 is outstanding at the end of July 2010.

Of the total debt \$138,367 (23%) 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 31 July 2010 including deferred rates was \$18,213,075 which represents 84.84% of the outstanding collectable income compared to 79.44% at the same time last year.

Statement of Financial Activity

The closing balance carry forward for the year to date 31 July 2010 was \$17,570,119.

Net Current Asset Position

The net current asset position as at 31 July 2010 is \$26,694,570.

Beatty Park – Financial Position Report

As at 31 July 2010 the operating deficit for the Centre was \$29,163 in comparison to the year to date budgeted deficit of \$106,588.

The cash position showed a current cash surplus of \$7,857 in comparison year to date budget estimate of a cash deficit of \$66,182. The cash position is calculated by adding back depreciation to the operating position.

Variance Comment Report

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

9.4.3 Supreme Court Action by the City of Stirling Against the Mindarie Regional Council (MRC) and Ors and Withdrawal of the City of Stirling from the Mindarie Regional Council – Progress Report No. 5

Ward:	-	Date:	18 August 2010
Precinct:	-	File Ref:	ENS0008
Attachments:	-		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council NOTES that:

- (i) *all the Mindarie Regional Council (MRC) Member Councils have CONSENTED to the withdrawal of the City of Stirling from the MRC subject to, and conditional upon, compliance with and agreement on, those matters required by the Mindarie Regional Council Establishment Agreement (as amended) and Section 699(3) of the Local Government Act 1960;*
- (ii) *the MRC has resolved to pay its own costs of the Courts proceedings in the City of Stirling Supreme Court action CIV 1620 of 2010 against the MRC and other Member Councils;*
- (iii) *the Chief Executive Officers of the MRC and Member Councils met on Tuesday 17 August 2010 to prepare a strategy and Implementation Plan to facilitate the withdrawal of the City of Stirling from the MRC; and*
- (iv) *further reports will be submitted to the Council as the matter is progressed.*

COUNCIL DECISION ITEM 9.4.3

Moved Cr Burns, Seconded Cr Buckels

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Cr McGrath was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to update the Council on action taken concerning the withdrawal of the City of Stirling from the MRC.

BACKGROUND:

City of Stirling Supreme Court Action

As previously reported to the Council, in April 2010 the City of Stirling applied for an Interlocutory Injunction in the Supreme Court to prevent the MRC from imposing its new Single Fee Model. This application was dismissed in the Supreme Court on 4 June 2010, however, the City of Stirling has continued with the action. The action was to prevent the MRC from introducing a Single Fee Model for waste disposal.

Previous Reports to Council

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

At the Ordinary Meeting of Council held on 10 August 2010 the Council resolved as follows:

“That the Council;

- (i) **NOTES:**
- (a) *the progress of the City of Stirling Supreme Court action CIV 1620 of 2010 against the Mindarie Regional Council (MRC) and other Member Councils as detailed in this report;*
 - (b) *the outcome of the compulsory Mediation Conference held on 3 August 2010, as detailed in this report;*
 - (c) *that this resolution is not intended to and does not take effect unless the MRC and each Participant in the MRC pass the resolutions required by the Heads of Agreement, as shown in Appendix 14.1, on or before 12 August 2010; and*
 - (d) *the decision passed by the City of Stirling at its Special Meeting of Council held on 5 August 2010, as detailed in this report;*
- (ii) *AGREES to settle Supreme Court action CIV 1620 of 2010 commenced by the City of Stirling against the MRC and Ors (Proceedings) on the basis that each party pay its own costs of the Proceedings and otherwise on the basis set out in the Heads of Agreement dated 3 August 2010 signed by the Chief Executive Officers of the respective Parties;*
- (iii) *CONSENTS to the proposed withdrawal of the City of Stirling from the MRC subject to, and conditional upon, compliance with and agreement on, those matters required by the Mindarie Regional Council Establishment Agreement (as amended) and Section 699(3) of the Local Government Act 1960;*
- (iv) *NEGOTIATES in good faith with the City of Stirling, the MRC and the other participants in the MRC during the period until 30 April 2011, as to the adjustment of Assets and Liabilities of the MRC, consequent upon the City of Stirling withdrawing from the MRC;*
- (v) *AUTHORISES the Chief Executive Officer to negotiate with the MRC and other participants in the MRC as to the adjustment of the Assets and Liabilities of the MRC (as specified in clause (iv) above) and provide a further report for the consideration of the Council; and*
- (vi) *ADVISES the MRC and other Member Councils of its decision.”*

Member Council Decisions

The following is a summary of the Member Councils and MRC Council decisions to consent to the withdrawal of the City of Stirling from the MRC:

Council	Date
City of Stirling	5 August 2010
City of Joondalup	9 August 2010
City of Perth	9 August 2010
City of Wanneroo	10 August 2010
Town of Cambridge	10 August 2010
Town of Victoria Park	10 August 2010
MRC	12 August 2010

DETAILS

The matter was reported to the Ordinary Meeting of Council held on 22 June 2010 (Item 9.4.1), whereby the Council resolved (in part) as follows:

“That the Council;

(ii) *AUTHORISES the Chief Executive Officer to:*

(b) *act on behalf of the Council, subject to liaison with the Mayor and it's MRC Member Councillor Steed Farrell (if available), at the Mediation Conference.”*

Action Taken Since 10 August 2010

1. The Supreme Court proceedings have now been discontinued.
2. The Chief Executive Officer's of the MRC and Member Council's met on 17 August 2010 to prepare a strategy and Implementation Plan to facilitate the withdrawal of the City of Stirling from the MRC.
3. The following issues have been identified:
 - (a) identification of the assets of MRC and of the basis upon which those assets should be valued. (This is likely to require significant assistance from an independent consultancy firm);
 - (b) identification of the liabilities of MRC (including whether liabilities other than financial liabilities ought to be brought to account) and the valuation of those liabilities;
 - (c) whether any matters (such as financial contributions to MRC by the members) other than the valuation of the assets and liabilities of MRC affect the adjustment required as a result of the contemplated withdrawal of the City of Stirling;
 - (d) the method by which the adjustment is to be achieved – by means of payments or on some other basis;
 - (e) the documentation of the withdrawal of the City of Stirling, including whether this is to be achieved by an amendment to the existing Establishment Agreement, by the substitution of a new Establishment Agreement or some other method;
 - (f) agreement and documentation of the basis upon which the City of Stirling is released from the RRF guarantee;
 - (g) consideration of what other agreements might require amendment because of the withdrawal of the City of Stirling and agreement on and documentation of the variations; and
 - (h) agreement on the size of and representation of the Council of MRC, whether by way of variation to the existing Establishment Agreement or by the implementation of a new establishment agreement.

4. The Member Councils Chief Executive Officer's agreed that:
- (a) a project brief will be prepared and agreed upon by MRC and Member Councils and that quotations will be obtained from consultancy firms with expertise in these matters; and
 - (b) Member Councils will be required to approve of the consultancy firm, terms of reference and costs.
5. The Member Councils Chief Executive Officer's (excluding the City of Stirling) agreed that:
- (a) it was preferable that a new Establishment Agreement be drafted (as opposed to a variation to the current Constitution);
 - (b) Minter Ellison Solicitors will be retained to provide legal advice as required, on a cost share basis; and
 - (c) regular meetings will be held to progress the matter.

FINANCIAL/BUDGET IMPLICATIONS:

Legal Costs to Defend the Application for an Interlocutory Injunction

The Town's costs for the previous court action successfully defending the City of Stirling's Application for an Interlocutory Injunction was \$20,855 (total costs for MRC Member Councils was \$125,133). It is estimated that the Town's total costs will be **\$45,000-\$50,000**.

There are no specific funds allocated to engage a consultancy firm to progress the adjustment of assets and liabilities of the MRC. At the time of writing this report quotations were being obtained.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Town of Vincent Exemption from MRC

On 30 October 2007, the MRC wrote to the Town to advise as follows:

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

That Council:

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

Withdrawing from the MRC - Legal Matters

The matter is summarised as follows;

1. The first step for a Participant wishing to withdraw is for that Participant to give a request to the Minister and to the other Participants and to the MRC.
2. In the 12 month period following the giving of the request, the Minister can only make a recommendation to the Governor for a withdrawal Order if:
 - (a) the MRC and the Participant (which wishes to withdraw) have entered into an agreement about the adjustment of assets and liabilities (in the event that withdrawal is ordered); and
 - (b) the continuing Participants have entered into an agreement to vary the establishment agreement with respect to financial contributions and the number of regional councillors (in the event that withdrawal is ordered); and
 - (c) the two agreements are considered satisfactory by the Minister and are approved by the Minister.
3. The adjustment of assets and liabilities is a matter for agreement between the participant and the MRC. There is no "formula" for the adjustment, rather it is a matter for agreement.
4. In the event that, after the 12 month period, either or both of the required agreements is not entered into or either agreement is not considered satisfactory by the Minister, then the Minister can take one of the alternative courses of action referred to above.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2009-2014 – Key Result Area One: 1.1.4 Minimise negative impacts on the community and environment “(i) *Adopt and implement the Town's Strategic Waste Minimisation Plan 2008-2013*”.

SUSTAINABILITY IMPLICATIONS:

Nil.

COMMENTS:

It is disappointing that the City of Stirling has chosen to withdraw from the MRC. However, now that decisions have been made to facilitate the withdrawal, it is incumbent on all parties to work in “good faith” to ensure the process is completed by 30 April 2011.

9.4.4 Loftus Recreation Centre Management Committee – Receiving of Unconfirmed Minutes

Ward:	North	Date:	19 April 2010
Precinct:	Leederville	File Ref:	PRO3830
Attachments:	001		
Reporting Officer:	M Rootsey, Director Corporate Services		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council RECEIVES the Unconfirmed Minutes of the Loftus Recreation Centre Management Committee Meeting held on 12 August 2010, as shown in Appendix 9.4.4.

COUNCIL DECISION ITEM 9.4.4

Moved Cr Burns, Seconded Cr Buckels

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Cr McGrath 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 Loftus Recreation Centre Management Committee meeting held on the 12 August 2010.

BACKGROUND:

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

“That the Council APPROVES BY AN ABSOLUTE MAJORITY;

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

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

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

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

Key Result Area Four - "*Leadership, Governance and Management*", in particular,

Objective 4.1.2 - "*Manage the Organisation in a responsible, efficient and accountable manner.*"

SUSTAINABILITY IMPLICATION:

N/A

FINANCIAL/BUDGET IMPLICATIONS:

N/A

COMMENT:

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

9.1.6 Nos. 148-158 (Lot 600) Scarborough Beach Road, Corner Fairfield Street and Flinders Road, Mount Hawthorn - Proposed Low Impact Telecommunication Facility to Existing Shopping Centre (The Mezz) – Progress Report No. 1

Ward:	North	Date:	17 August 2010
Precinct:	Mount Hawthorn Centre; P2	File Ref:	PRO0266
Attachments:	001 ; 002		
Reporting Officer:	A Fox, Planning Officer (Strategic)		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the further report relating to Nos. 148 – 158 (Lot 600) Scarborough Beach Road, Corner Fairfield Street and Flinders Road, Mount Hawthorn – Proposed Low Impact Telecommunication Facility to Existing Shopping Centre (The Mezz);*
- (ii) *ADVISES Daly International that should Optus wish to further consider a Low Impact Telecommunication Facility in Mount Hawthorn, the Town would encourage:*
 - (a) *the preferred location for the facility being the south east corner of the Mezz Shopping Centre site, on top of the roof at Nos. 148-158 (Lot 600) Scarborough Beach Road, corner Fairfield Street and Flinders Road, Mount Hawthorn, as proposed by the applicant; and*
 - (b) *further measures to minimise the visual impact of the facility to Scarborough Beach Road should be explored and implemented, such as the use of neutral non-reflective compatible colours and screening and further setbacks within the site in consultation with the Town;*
- (iii) *ADVISES Daly International that a formal notification for the above proposed new facility shall be submitted to the Town, including the following supporting documentation:*
 - (a) *Details of the proposed telecommunication facility;*
 - (b) *Consultation plan;*
 - (c) *Plans of the proposal;*
 - (d) *Environmental Electromagnetic Emissions Report (Australian Radiation and Nuclear Safety Protection Association format); and*
 - (e) *Sources of Environmental Electromagnetic Radiation (EMR) Information;*
- (iv) *AUTHORISES the Chief Executive Officer to review the Town’s Draft Telecommunications Facilities Strategy in close liaison with all known Carriers and report the Draft Strategy back to Council with the intent to advertise it for public comment.*

Moved Cr Buckels, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Topelberg, Seconded Cr Harvey

That new clauses (ii) and (iii) be inserted as follows and the existing clauses be renumbered:

- “(ii) **STRONGLY OBJECTS** to Optus and the owner of “The Mezz” Shopping Centre concerning the location of the proposed Telecommunication facility;*
- (iii) **STRONGLY RECOMMENDS** that Optus identify alternative suitable sites for the proposed Telecommunication facilities;”*

Debate ensued.

AMENDMENT PUT AND CARRIED (6-2)

For: Mayor Catania, Cr Burns, Cr Farrell, Cr Harvey, Cr Lake, Cr Topelberg

Against: Cr Buckels, Cr Maier

(Cr McGrath was on approved leave of absence.)

MOTION AS AMENDED PUT AND CARRIED (8-0)

(Cr McGrath was on approved leave of absence.)

COUNCIL DECISION ITEM 9.1.6

That the Council;

- (i) **RECEIVES** the further report relating to Nos. 148 – 158 (Lot 600) Scarborough Beach Road, Corner Fairfield Street and Flinders Road, Mount Hawthorn – Proposed Low Impact Telecommunication Facility to Existing Shopping Centre (The Mezz);*
- (ii) **STRONGLY OBJECTS** to Optus and the owner of “The Mezz” Shopping Centre concerning the location of the proposed Telecommunication facility;*
- (iii) **STRONGLY RECOMMENDS** that Optus identify alternative suitable sites for the proposed Telecommunication facilities;*
- (iv) **ADVISES** Daly International that should Optus wish to further consider a Low Impact Telecommunication Facility in Mount Hawthorn, the Town would encourage:*
 - (a) the preferred location for the facility being the south east corner of the Mezz Shopping Centre site, on top of the roof at Nos. 148-158 (Lot 600) Scarborough Beach Road, corner Fairfield Street and Flinders Road, Mount Hawthorn, as proposed by the applicant; and*
 - (b) further measures to minimise the visual impact of the facility to Scarborough Beach Road should be explored and implemented, such as the use of neutral non-reflective compatible colours and screening and further setbacks within the site in consultation with the Town;*

- (v) *ADVISES Daly International that a formal notification for the above proposed new facility shall be submitted to the Town, including the following supporting documentation:*
- (a) *Details of the proposed telecommunication facility;*
 - (b) *Consultation plan;*
 - (c) *Plans of the proposal;*
 - (d) *Environmental Electromagnetic Emissions Report (Australian Radiation and Nuclear Safety Protection Association format); and*
 - (e) *Sources of Environmental Electromagnetic Radiation (EMR) Information and;*
- (vi) *AUTHORISES the Chief Executive Officer to review the Town's Draft Telecommunications Facilities Strategy in close liaison with all known Carriers and report the Draft Strategy back to Council with the intent to advertise it for public comment.*

PURPOSE OF REPORT:

The purpose of this Report is to present to the Council the outcomes of the investigations undertaken by the Town's Officers, with consultation with the Western Australian Local Government Association (WALGA), the WA Health Department and the relevant Federal telecommunications regulatory body, on the current status of the health risks associated with telecommunications facilities.

The research has been undertaken in accordance with resolution of the Council at its Ordinary Meeting held on 8 June 2010 made in relation to Item 9.1.7 – Nos. 148-158 (Lot 600) Scarborough Beach Road, Mount Hawthorn - Proposed Low Impact Telecommunication Facility to Existing Shopping Centre (The Mezz).

The report also presents for consideration a recommended course of action to deal with future applications for low impact facilities.

BACKGROUND:

The Council at its Ordinary Meeting held on 8 June 2010 considered Item 9.1.7 relating to Nos. 148-158 (Lot 600) Scarborough Beach Road, Mount Hawthorn – Proposed Low Impact Telecommunication Facility to Existing Shopping Centre (The Mezz). The Council resolved as follows:

“That the Council;

- (i) *in accordance with the Telecommunications (Low Impact Facilities) Determination 1997 ADVISES Daly International that it STRONGLY OBJECTS to the Optus proposal for a Telecommunication Facility at Nos. 148-158 (Lot 600) Scarborough Beach Road, corner Fairfield Street and Flinders Road, Mount Hawthorn, and as shown on the plans stamp-dated 16 April 2010 for the following reasons:*
 - (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*

- (b) *the non - compliance with the Town's Policies relating to the Mount Hawthorn Centre Precinct, and Telecommunications Facilities respectively, whereby the telecommunication facilities are to be located 300 metres away from any residential building;*
- (c) *the local community's public health and safety concerns with the currently proposed location;*
- (d) *consideration of the 3 petitions of objections and individual submissions received; (totalling 772 signatures); and*
- (e) *the unacceptable precedent, and the likelihood to encourage other telecommunications carriers to co-locate at this site;*
- (ii) **STRONGLY OBJECTS** to Optus and the owner of "The Mezz" Shopping Centre concerning the location of the proposed Telecommunication facility;
- (iii) **STRONGLY RECOMMENDS** that Optus identify alternative suitable sites for the proposed Telecommunication facilities;
- (iv) **REQUESTS** that Optus arrange for EME readings (as agreed and at their cost) to be undertaken at least ten sites identified by the Town; readings at these sites must be made prior to construction of the facility and again after the commissioning of the facility; readings are to be made by independent National Association of Testing Authorities (NATA) accredited assessors (as selected by the Town); readings are to be provided to the Town who will make them public and will notify Objectors of those readings;
 - (a) *these sites are to include the north east and north west corners of The Mezz Shopping Centre Car park, The Mt Hawthorn Primary School, and four (4) sites each that are at a distance of between 100 metres and 200 metres from the proposed location;*
- (v) **REQUESTS** that the Chief Executive Officer prepare a report, with consultation with WALGA, the WA Health Department and the relevant Federal telecommunications regulatory body, on the current status of the health risks associated with the telecommunications facilities, reporting back to the Council by August 2010 together with a recommended course of action; and
- (vi) **ADVISES** the Objectors of the Council's decision and also the fact that it has limited powers concerning the control of telecommunications facilities."

DETAILS:

The Town's Officers have undertaken additional research and further liaised with Optus in order to address clauses (iii) to (v) of the Council's above resolution, as explored in the following discussion. However, by way of background, a brief summary on the regulatory requirements for Telecommunication facilities, is first provided.

Background relating to Telecommunications regulatory requirements:

The *Telecommunication Act 1997* (the Act) brought in important legislative changes governing the installation of telecommunication facilities. Under previous legislation, telecommunications carriers were exempt from local council planning requirements and able to freely site telecommunication facilities. Now, most approvals for these facilities are made through local council planning approval process.

Notwithstanding this, there are a number of activities that carriers can take which are exempt from local planning approval. The most common of these exceptions applies to the installation of 'low impact facilities', such as the one proposed for Nos. 148 – 150 Scarborough Beach Road. An important part of the telecommunication network, these low impact facilities are generally small antennae and dishes which are erected on existing buildings or towers and which are designed to be visually unobtrusive.

“(iii) *STRONGLY RECOMMENDS that Optus identify alternative suitable sites for the proposed Telecommunication facilities;*”

Officer Comment - After the resolution of the Council at its Ordinary Meeting held on 8 June 2010, Daly International advised the Town on 25 June 2010, that the applicant (Optus) will not be proceeding with the proposed site on The Mezz lift motor room.

Alternatively, the applicant has proposed another location on the south east corner of The Mezz Shopping Centre site, on top of the roof as shown in Attachment 002. The indicative picture indicates that this telecommunication facility would be similar to the 3GIS on the roof of the Paddington Hotel in terms of height, materials and visual impact.

Although this location would be highly visible along Scarborough Beach Road, it would be less of an impact on the adjoining residents, at least visually, and there would be some buffer to the residential properties behind The Mezz carpark at the rear and on the opposite side of Scarborough Beach Road. In comparison to the initial proposal (on The Mezz lift motor room), this alternative site along Scarborough Beach Road will be less visually obtrusive to the surrounding residential properties on Fairfield and Flinders Streets, and the further distance from these residential properties may assist in reducing residents concerns in relation to possible health effects.

Daly International have provided a report on the estimated Electromagnetic Emission (EME) Levels at the proposed alternative site. These EME readings have indicated that the estimated cumulative level of EME radiation in relation to this site are well within the acceptable EME levels set by the Australian Radiation Protection and Nuclear Safety Association (ARPANSA) Standard, and average slightly below the EME readings at the original proposed site.

The readings relate to the maximum cumulative EME levels at 1.5 metres above ground level as a percentage of the ARPANSA public exposure limits. The average maximum cumulative readings for the two options are below:

Option 1:		
(Lift shaft in The Mezz carpark)	-	1.45% of ARPANSA Standard; and
Option 2:		
(south east corner of The Mezz)	-	0.43% of ARPANSA Standard.

Full reports of these readings are attached to this report.

In considering possible sites for telecommunication facilities, it is important to note that mobile phone base stations must be carefully located in relation to each other, so each cell in the network functions efficiently to ensure minimum network congestion and good signal quality. Mobile phone antennas need to be mounted clear of surrounding obstructions like trees and buildings, to reduce 'dead spots' in coverage and allow the mobile phone base station to cover its intended cells with a minimum of transmitter power. They must also be sited where they will not interfere with neighbouring cells. The more base stations of a particular carrier there are in an area, the smaller the cells, which means the power and energy levels of each are lower.

It is noted that all mobile phone base stations must comply with the mandatory regulations for EME. In some instances, locating the infrastructure away from a sensitive area can mean that it has to operate at greater power to meet service requirements, which may result in higher EME exposure levels in the sensitive location.

Both the Town's Officers and Optus have considered alternative sites for the proposed Telecommunication Facilities within the Mount Hawthorn area. While the level of public concern relating to health and visual amenity are noted, it is considered that given the below factors, The Mezz is considered a suitable location for a low impact facility in this area:

- The nature of the topography along Scarborough Beach Road means that The Mezz is located at a higher point within the commercial strip in this area and is better suited to provide telecommunication coverage;
- The building itself is two storeys providing the height required for best service provision;
- There is a buffer to the residential area on the opposite side of Scarborough Beach Road, due to the commercial strip along Scarborough Beach Road;
- While there are other carriers with Low Impact Facilities in Mount Hawthorn, there are no existing Optus Low Impact Facilities located within this area;
- The other existing facilities within the area located on the opposite side of the road at the Paddington Hotel would be a suitable position in terms of co-location; however, due to the heritage significance of this site, it is not considered appropriate to locate further telecommunication facilities at this site and add additional visual clutter.

Additionally, like the subject site, there are residential properties within 300 metres of the existing Paddington Ale House and its Low Impact Telecommunications Facilities.

“(iv) REQUESTS that Optus arrange for EME readings (as agreed and at their cost) to be undertaken...”

Officer Comment - In order to satisfy the requirements of Clause (iv) above the Town requested the applicant (Optus) to provide readings at 10 sites including The Mezz Shopping centre carpark, the Mount Hawthorn Primary School, Braithwaite Park, Axford Park, Edinboro Park and 6 sites that area of a distance of between 100 metres and 200 metres from the proposed location. A map of these locations is shown in Attachment 001.

At the time this Agenda Report was prepared, Optus had yet to provide the requested information in relation to EME readings.

“(v) REQUESTS that the Chief Executive Officer prepare a report, with consultation with WALGA, the WA Health Department and the relevant Federal telecommunications regulatory body, on the current status of the health risks associated with the telecommunications facilities, reporting back to the Council by August 2010 together with a recommended course of action...”

In accordance with clause (v) of the Council resolution of 8 June 2010, the Town's Officers contacted the Western Australian Health Department and WALGA in relation to the current status of health risk in relation to mobile telephone infrastructure.

No written response was received from either organisation; however, follow-up telephone conversations to WALGA, the WA Health Department, and Australian Radiation and Nuclear Safety Protection Association (ARPANASA) were made by the Town's Officers, which helped identify a number of important resources on this matter. A review of resources was undertaken and the following summary of information on the current status of the health risks associated with the telecommunications facilities is provided:

The *Western Australian Health Department*, publication entitled *Radiofrequency and Mobile Phone Towers* (updated 2010) states:

- *“Mobile telephone towers radiate small amounts of power during communication over wide areas resulting in low intensities at ground level. Current scientific opinion suggests that harmful effects have not been observed from these relatively small amounts of radiation, and the weight of current research has supported this viewpoint.”*
- *“While concern from the community has looked upon EME emissions as potentially harmful to humans, current laboratory testing has not been able to provide replicated results related to human concerns. This lack of replication in international research does not preclude the possibility of health detriment; however it does suggest to the research community that no strong health detriment is apparent within the population from mobile phone base stations and telecommunication tower EME emissions.”*

The World Health Organisation (WHO) publication entitled *Electromagnetic fields and PublicHealth: Base Stations and Wireless Technologies* (May 2006) states:

- *“Considering the very low exposure levels and research results collected to date, there is no convincing scientific evidence that the weak RF signals from base stations and wireless networks cause adverse health effects.”*

ARPANSA Radiation Protection factsheets (revised May 2008) state:

- *“The weight of national and international scientific opinion is that there is no substantial evidence that RF EME emissions associated with living near a mobile phone base station or telecommunications tower poses health risk.”*
- *“Current research indicates that there are no adverse health effects are expected from continuous exposure to the RF radiation emitted by the antennas on mobile telephone base station towers.”*

The Town's Officers acknowledge and do not dismiss the community concern in relation to the potential long term health risks of mobile phone base stations and telecommunications infrastructure. This is evidenced from the number and nature of submissions received during the recent community consultation period for the proposed low-impact facility at Nos. 148-158 Scarborough Beach Road, Mount Hawthorn (The Mezz).

However, given the current scientific research which indicates that such facilities are not a health risk, objection to the low-impact facility on this basis may not be sufficient to prevent ultimate approval.

“(v) ...reporting back to the Council by August 2010 together with a recommended course of action...”

In July 2002, the Council endorsed a *Draft Telecommunications Facilities Infrastructure Strategy*. The Draft Strategy is a comprehensive review of the existing seventeen (17) facilities within the Town. The Draft Strategy outlines the future direction of telecommunication facilities in the Town (both non-low impact and low impact) and recommendations to address the future needs of the community and carriers, as well as recommendations addressing best practice in relation to location, siting and design of telecommunication facilities.

The Draft Strategy was endorsed by the Council on 8 July 2002 and advertised in September 2002; however, for a number of reasons was not reported to the Council for final adoption. The Draft Strategy to date has been generally only used for internal reference purposes by the Town's Officers, however with further review, development and subsequent final adoption, could potentially provide a comprehensive strategic tool in the design and siting of Telecommunication Facilities within the Town.

With the increased need for mobile infrastructure expected in the future, the implementation of an effective strategy for dealing with proposals for mobile facilities will leave the Town better informed, less overwhelmed and in a better position for dealing with its telecommunication facility needs over the short, medium and long term. Of additional importance, an effective strategy will instil more confidence in the Town's residents that the Town's proactive approach is evidence of our commitment in safeguarding the community's interests to the greatest extent possible.

In implementing an effective strategic plan, the Town must take a collaborative approach by proactively addressing the issue of mobile infrastructure with the mobile carriers themselves. Additionally, the Town must note that the mobile telecommunication carriers have a right to locate facilities in the community; and carriers must recognise that the Town and local community continue to have a role in the location and design of mobile telecommunication facilities.

CONSULTATION/ADVERTISING:

Nil.

STRATEGIC IMPLICATIONS:

Strategic Plan 2009-2014 – Strategic Objectives: Natural and Built Environment:

“1.1.4 Minimise negative impacts on the community and environment.

1.1.6 Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment.”

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

LEGAL/POLICY:

- Telecommunication Act 1997.

COMMENTS:

In light of the above information, the Town's preferred option for a new Optus Low Impact Telecommunication Facility in Mount Hawthorn is the south east corner of The Mezz Shopping Centre site, on top of the roof at Nos. 148-158 (Lot 600) Scarborough Beach Road, corner Fairfield Street and Flinders Road, Mount Hawthorn. It is noted that EME readings for this second option have indicated that a facility in this location would be well within the acceptable ARPANSA Standards, and on average slightly below the EME readings at the original proposed site.

However, as the Town or community has not been officially notified of this alternative option, a formal notification to the Town will be required should Optus wish to proceed with this alternative proposal, including the following supporting documentation:

- (i) Details of the proposed telecommunication facility;
- (ii) Consultation plan;
- (iii) Plans of the proposal;
- (iv) Environmental EME Report (ARPANSA format); and
- (v) Sources of EMR Information

As a more long term solution, the Town's Officers consider it important that the former Draft Telecommunications Facilities Infrastructure Strategy, be reviewed and updated in consultation with service providers and the community to better deal with and manage future Telecommunication Facilities proposals.

It is therefore recommended that the Officer Recommendation be endorsed.

9.3.3 Hyde Park Rotary Community Fair 2011

Ward:	South	Date:	9 August 2010
Precinct:	Hyde Park Precinct P12	File Ref:	RES0031
Attachments:	-		
Reporting Officer:	J Anthony, Manager Community Development		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) **APPROVES** the application by the Rotary Club of North Perth to hold the Hyde Park Community Fair on 6 and 7 March 2011, subject to;
- (a) event application fees for the fair at Hyde Park being waived;
 - (b) a bond of \$2,000 being lodged by applicant as security for any damage to or clean-up of the park;
 - (c) full compliance with conditions of use being imposed including Environmental Health and other conditions as listed in the report;
 - (d) under no circumstances will stalls, storage containers or vehicles be permitted to encroach onto or park on any landscaped/mulched garden area located under any tree canopy;
 - (e) only vehicles with an official Town of Vincent parking permit will be permitted to remain within the confines of the park for the duration of the event;
 - (f) the Town will issue infringement notices to any vehicle not displaying an official Town of Vincent parking permit remaining in the park during the event;
 - (g) a plan be submitted for the layout of stalls so that vehicles and storage containers are not placed on the root zone of any trees within the park. The plan to be approved by the Town's staff; and
 - (h) acknowledgement of the Town of Vincent as a major sponsor of the events on all publications and advertising materials subject to the conditions listed in the report;
- to the satisfaction of the Chief Executive Officer; and
- (ii) **APPROVES** the Town's sponsorship contribution of \$15,000 to assist with the costs of the event as listed in the 2010/2011 Budget.

COUNCIL DECISION ITEM 9.3.3

Moved Cr Topelberg, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (8-0)

(Cr McGrath was on approved leave of absence.)

PURPOSE OF REPORT:

To approve the Hyde Park Community Fair to be held in Hyde Park in 2011 subject to the conditions as listed in the report.

BACKGROUND:

At the Ordinary Council Meeting of 9 September 2009, the following resolution was adopted;

"That the Council;

- (i) *APPROVES the application by the Rotary Club of North Perth to hold the Hyde Park Community Fair on 28 February and 1 March 2010, subject to;*
 - (a) *event application fees for the fair at Hyde Park being waived;*
 - (b) *a bond of \$2,000 being lodged by applicant as security for any damage to or clean-up of the park;*
 - (c) *full compliance with conditions of use being imposed including Environmental Health and other conditions as listed in the report;*
 - (d) *under no circumstances will stalls, storage containers or vehicles be permitted to encroach onto or park on any landscaped/mulched garden area located under any tree canopy;*
 - (e) *only vehicles with an official Town of Vincent parking permit will be permitted to remain within the confines of the park for the duration of the event;*
 - (f) *the Town will issue infringement notices to any vehicle not displaying an official Town of Vincent parking permit remaining in the park during the event;*
 - (g) *a plan be submitted for the layout of stalls so that vehicles and storage containers are not placed on the root zone of any trees within the park. The plan to be approved by the Town's staff; and*
 - (f) *acknowledgement of the Town of Vincent as a major sponsor of the events on all publications and advertising materials subject to the conditions listed in the report*

to the satisfaction of the Chief Executive Officer; and
- (ii) *APPROVES the Town's sponsorship contribution of \$13,000 to assist with the costs of the event as listed in the 2009/2010 Budget."*

DETAILS:

The Rotary Club of North Perth has submitted a proposal to hold the Hyde Park Community Fair on the Labour Day long weekend of Sunday, 6 March and Monday, 7 March 2011.

The Club has organised the fair since 1988 and runs the event in order to raise funds to meet perceived needs in the community which have a vocational, youth and international focus.

The Rotary Club of North Perth considered the 2010 Hyde Park Fair to be extremely successful and run smoothly. There were no major issues during the event.

The theme for 2010 was culture, community and a healthy lifestyle. The Hyde Park Community Fair gained positive feedback from both attendees and exhibitors.

Estimated attendance was down at approximately 25,000 over the two (2) days due to the weather being extremely hot over the entire weekend, 36.4 degrees Celsius on Sunday and 39.1 degrees Celsius on Monday.

Despite this, exhibitors around the lake reported a constant flow of traffic over the event. Food and amusement vendors were affected by the weather.

The exhibitor numbers were higher than in previous years. Exhibitors were happy with the layout around the lake. The increase in exhibitors has been attributed to:

- Increased awareness of the Hyde Park Community Fair,
- Increased promotional visits to other arts and crafts markets and events,
- The web page and web advertising on the event coordinator's website; and
- Increased advertising of the event with a call to action advertisement in the West Australian Newspaper and a flyer drop to local businesses attracting over 250 enquiries.

The Rotary Club gave five (5) free community sites in 2010 to help promote community, culture and a healthy lifestyle at the event.

The proceeds from the 2010 Rotary Fair totalling \$22,000 were distributed to the following projects:

- Polio Plus;
- ROMAC;
- Life Education;
- Street Doctor;
- Manna Industries;
- Shelterbox;
- Rotary Cord Bloodbank;
- Perth College;
- Aranmore College;
- St Barts;
- Mission Australia;
- Salvation Army;
- Speak Up Awards;
- Australian Red Cross;
- Juvenile Diabetes Research; and
- Movember.

Since 2005, event organisers have continued to put in place the following additional conditions on stall holders to ensure appropriate behaviour in the park;

- Exhibitors are not permitted to affix anything to any trees or shrubs in the Park. If exhibitors are erecting a tent or shade, please advise the Organisers on your application form. The organisers are responsible for any damage to the Park vegetation;
- Exhibitors are requested to leave their site as clean as possible at the end of the Hyde Park Community Fair and to remove all cardboard cartons, boxes and containers;

- Leaf and ground coverage is not to be removed from the ground of the allocated site; and
- All exhibitors must be careful with their vehicles and any damage to facilities, trees or gardens will be charged to the exhibitor. Many trees on the park are of historical significance and must be preserved, please be respectful of this.

An internal working group has been established to determine a management plan and coordinate the Fair from the perspective of the Town with the following representatives:

- Manager Community Development (Chairperson)
- Manager Parks Services
- Manager Ranger Services and Community Safety
- Manager Health Services
- WA Police Service
- plus representatives from the organising committee.

In previous years, the Working Group has met regularly and discussed the conditions as stipulated plus coordinated a management plan for the smooth running of the fair.

The plan included the following aspects:

- Parking allocations and permits;
- Coordination of the Town of Vincent display;
- Allocation of sites and vetting events;
- Risk Management Plan;
- Food stall permits and inspections;
- Review number of community groups and strategies to increase their involvement;
- Site inspections; and
- Noise management.

The Fair will have community stalls, carnival rides, stage entertainment and other community attractions. Fair organisers continue to be committed to encouraging the involvement of local community groups. Organisers are also committed to improving the calibre of entertainment.

The Hyde Park Community Fair has in previous years been monitored by Council officers from various service areas. All officers involved reported satisfaction with the proceedings of the Fair with no major problems. Additional conditions pertaining to noise control, litter control and additional temporary toilet facilities (including accessible facilities) were implemented last year and will continue to be enforced in future events.

In seeking permission to hold the event the Rotary Club of North Perth Inc have agreed to the following amongst other conditions imposed by the Town:

- Abide by all health regulations in regard to food handling and preparation; provision of adequate toilet facilities; isolating pony and camel rides at a distance from food preparation and sales; and arranging for all food permits from food vendors to be completed and submitted to the Town of Vincent at an early date;
- Provision of staff to monitor the entrances to Hyde Park to prevent illegal parking;
- Policing of trucks being driven on to the park to ensure that no damage is caused to any equipment or flora; and
- The Rotary Club of North Perth Inc. will be responsible for carrying out any reasonable request placed on it by the Town of Vincent.

CONSULTATION/ADVERTISING:

An extensive media campaign was undertaken as outlined below.

The West Australian:

- 1 x 15 x 3 Call for action advertisement for exhibitors in January in the Early General News Section of Saturdays Paper;
- 2 page lift out on Friday 27th February 15 x 3 sized ads in the paper for the week leading up to the Fair.
- Perth Zoo competition in the 7 days leading up to the event.

Channel 7:

- Television commercials for the week leading up to the Fair.

6PR:

- Radio commercials on 6PR and 6IX for the week leading up to the Fair. Community service announcements.

96fm:

- Community service announcements. Thunders on site during event. Promotional snippets on radio.

Publicity:

Information on the event was sent to all local radio and press outlets prior to the event and coverage was received by The West Australian and the local Community Newspapers. The Sunday times ran editorial promoting the event on Radio 'What's On' announcements, Scoop website and emails.

Website Advertising:

- Webpage dedicated to the Hyde Park Community Fair on the Moo Marketing website;
- Lotterystart Announcement on their website;
- Town of Vincent Website Advertising;
- Tourism WA advertising;
- RAC Event Guide;
- About Australian Events Guide;
- Flight Centre Events Guide;
- Numerous travel agent and resort event guides; and
- Events WA guide

Letter box drop:

A letter box drop to all local businesses was undertaken in early December 2009. A letter box drop was undertaken of the streets around the park and about 1,000 flyers were distributed.

Flyers were distributed schools, local shops & cafes in North Perth and surrounding areas.

A mail out was done to about 13,000 residents within the Town of Vincent.

- Exhibitor & Entertainment Flyer & Mail out Distribution
 - Mailout to exhibitors and stall holders of the Fremantle Markets;
 - Mailout to exhibitors and stall holders of the Malaga Markets;
 - Mail out to performers and exhibitors at the Perth Christmas Pageant;
 - Website promotion through Moo Marketing Website;
 - E-mail to entertainers across Perth; and
 - Flyers were distributed at the Claremont Showgrounds.
- Flyers were distributed at the following events
 - Kalamunda Markets;
 - Kalamunda Show;
 - Mundaring Arts Festival;
 - Fremantle Arts & Craft Show;
 - Belmont Craft Fair;
 - Mundaring Arts & Craft Markets;
 - Canning Vale Markets;
 - Kelmscott Show;
 - Canning Show;
 - Guilford Heritage Markets; and
 - Bayswater Artists Market.

LEGAL/POLICY:

The following policies would apply to this event:

Policy 3.8.3 - *“Concerts and Events”*; and

Policy 1.1.5 - *“Donations, Sponsorship & Waiving of Fees and Charges”*.

The standard conditions for sponsorship would apply to this event:

- The events must not promote smoking, alcohol, any use of illicit substances and/or adult “R” rated entertainment;
- The sponsorship funds should be expended in keeping with ethical conduct and practices;
- The Town of Vincent must be acknowledged in associated publicity and promotional material with the Town’s Logo displayed appropriately;
- Event organisers must liaise with relevant Council officers before proceeding to use the Town’s Logo or material;
- Event organisers must liaise with relevant Council officers to determine the location and placement of significant infrastructure and stalls to minimise the impact and damage on the park’s flora and fauna;
- Upon completion of the sponsored event, a report outlining the outcomes of the event, publicity/promotion and how the sponsorship monies were expended must be submitted to Council no more than 30 (thirty) days after the event;
- The event organisers must take out and hold current a policy of insurance for Public Liability for an amount of not less than \$10,000,000 (ten million dollars) for any one event. A copy of the current certificate is to be provided to Council at least 10 (ten) days before the commencement of the event; and
- The event organisers must indemnify the Council against any claims, damages, writs, summonses or other legal proceedings and any associated costs, expenses, losses or other liabilities as a result of loss of life, personal injury or damage to property arising from an occurrence in or connected with the sponsored event, regardless of the cause. In addition, it is recommended that the Council impose similar conditions that were imposed for last year’s event.

STRATEGIC IMPLICATIONS:

The Town of Vincent's Plan for the Future, Strategic Plan 2009 – 2014:

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

3.1.1 Celebrate and acknowledge the Town'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 Town, including the development of a program for the holding of an event in each of the Town's main commercial centre”.*

SUSTAINABILITY IMPLICATIONS:

The Town's officers have actively worked with the organisers to ensure that the fair takes place with the least possible impact on the park. This includes organisation of "bump in-bump out" procedures and placement of the various activities and stalls.

FINANCIAL/BUDGET IMPLICATIONS:

The Rotary Club of North Perth has received a sponsorship of \$3,000 (three thousand dollars) in 2003 and 2004 for this event. An increase in sponsorship to a total of \$10,000 (ten thousand dollars) was provided for the event since 2005. An amount of \$12,000 was approved in the 2007/2008 Budget for the 2008 event with an additional \$2,000 approved for the 20th Anniversary celebrations. In the 2008/09 Budget, an increased amount of \$13,000 was granted for the event. An amount of \$15,000 was provided by the Town for the 2010 fair.

Event organisers have requested an increase in sponsorship to \$18,000 to cover increased costs in organising the Fair as well as additional promotion in mainstream media.

In return, the Town would be acknowledged as a major sponsor through radio, television, and local and State wide newspaper coverage.

COMMENTS:

This is one of the most well patronised events organised in the Town. The sponsorship by the Town will provide the opportunity for the Town to be prominently featured in advertisements in the West Australian and community newspapers. The revenue from the Fair will continue to be allocated to a variety of community based initiatives given that the event is non-profit and community based.

It is considered that the Rotary Club of North Perth has managed the Fair professionally in partnership with the Town's officers, and continues to be well supported by the wider community.

The Chief Executive Officer advised that Cr Topelberg declared a proximity interest in Item 9.2.2. He departed the Chamber at 7.24pm and did not speak or vote on this matter.

9.2.2 Investigation of Possible Introduction of Two (2) Hour Parking Restrictions – Chelmsford Road, Grosvenor Road, Raglan Road and Alma Road, North Perth

Ward:	South	Date:	16 March 2010
Precinct:	Hyde Park (P12)	File Ref:	PKG0057
Attachments:	001		
Reporting Officer:	A Munyard, Senior Technical Officer, Land & Development		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council NOTES that:

- (i) *a number of complaints have been received regarding parking congestion in Chelmsford Road, North Perth and other streets in the immediate area;*
- (ii) *the parking matter requires further investigation in consultation with residents and businesses;*
- (iii) *a plan showing indicative parking restrictions has been prepared, as shown in Plan No. 2730-CP-01 in Appendix 9.2.2; and*
- (iv) *a further report will be submitted to the Council once the matter has been investigated and the outcome of the consultation has been assessed.*

COUNCIL DECISION ITEM 9.2.2

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (7-0)

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

PURPOSE OF REPORT:

The purpose of this report is to inform the Council of the concerns about parking congestion expressed by residents in close vicinity to Fitzgerald Street's commercial strip, and in particular, Chelmsford Road.

BACKGROUND:

The Town has received a number of complaints from residents of Chelmsford Road within close proximity to Fitzgerald Street over the last few months, stating that they are finding it very difficult to find parking in their Street. There is a perception that the parking problem has been exacerbated by recently refurbished offices in Fitzgerald Street, which has resulted in a greater number of staff looking for all day parking.

The impact of new commercial development in the Fitzgerald Street strip will clearly result in a similar experience for all residents in side streets close to Fitzgerald Street. Therefore, this report recommends the Town initiate consultation with all affected parties, both business and residential, and consider the most appropriate course of action, consistent throughout this area.

DETAILS:

The Council previously commissioned Luxmoore Parking Consulting to investigate and make recommendations on the Town's future car parking requirements. The Council adopted the "Car parking Strategy" at it's Ordinary Meeting held on 9 March 2010.

The Council is yet to adopt the "Car Parking Strategy - Implementation Strategy", which has been the subject of several Council forums, as some aspects of the strategy need more consideration before being ready to be put to the Council for approval.

The adopted "Car Parking Strategy" includes details for each of the Town's precincts, and identifies areas around the hubs which it proposes should become "Parking Benefit Zones".

This means that parking restrictions should be removed, so that the amenity is available to commercial users during the day, and residential users outside of business hours. In the North Perth Precinct, the following recommendation (Section 8.4) is made:

"Review the current restrictions in streets more than 250m from the business area to assess whether restrictions can be reduced to accommodate employee parking"

This recommendation is listed as a high priority, targeted for implementation by 2012.

The complaints the Town is receiving about parking, are coming from residents of the areas identified in the Strategy, for removal of restrictions where they already exist. However, with due respect for degree of concern residents are expressing about parking in their streets, their views will be canvassed, along with that of affected businesses in the vicinity, prior to a decision being made on what action is deemed appropriate.

CONSULTATION/ADVERTISING:

All residents and business proprietors in the identified area for possible introduction of parking restrictions will be consulted and their views considered.

LEGAL/POLICY:

There is no legal consequence of the recommendation.

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:

N/A

FINANCIAL/BUDGET IMPLICATIONS:

Financial implications cannot be assessed until a further report is presented to the Council, with recommendations on appropriate measures.

COMMENTS:

Comprehensive consultation is necessary to gather information on the expectations of both residents and business proprietors regarding parking amenity in the area, and this must be weighed together with the recommendations of the Town's adopted "Car Parking Strategy". It is recommended that the Council approve the commencement of the consultation process.

9.1.4 No. 7/117 (Lot 61 STR: 32978) Brisbane Street, Perth - Proposed Change of Use from Commercial Offices to Unlisted Use (Thai Massage Parlour) and Associated Alterations

Ward:	South	Date:	16 August 2010
Precinct:	Beaufort; P 13	File Ref:	PRO5114; 5.2010.260.1
Attachments:	001		
Reporting Officer:	A Dyson, Statutory Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by R Khamsawat on behalf of the owner Indo-Raya Holdings Pty Ltd for proposed Change of Use from Commercial Offices to Unlisted Use (Thai Massage Parlour) and Associated Alterations, at No. 7/117 (Lot 61 Str: 32978) Brisbane Street, Perth, and as shown on plans stamp-dated 2 June 2010, for the following reasons;

- (i) the development is non consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the close proximity of the use to Residential Uses;*
- (iii) shortfall in parking proposed; and*
- (iv) consideration of objections received.*

COUNCIL DECISION ITEM 9.1.4

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Cr Topelberg returned to the Chamber at 7.31pm. The Presiding Member Mayor Nick Catania advised that the previous Item 9.2.2 was carried as recommended.

Debate ensued.

Cr Farrell departed the Chamber at 7.35pm.

Debate ensued.

Cr Farrell returned to the Chamber at 7.36pm.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Topelberg, Seconded Cr Harvey

That the item be DEFERRED for further consideration.

PROCEDURAL MOTION PUT AND CARRIED (7-1)

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

(Cr McGrath was on approved leave of absence.)

Landowner:	Indo-Raya Holdings Pty Ltd
Applicant:	R Khamsawat
Zoning:	Metropolitan Region Scheme: (MRS): Urban Town Planning Scheme No. 1 (TPS 1): Residential/Commercial R80
Existing Land Use:	Office
Use Class:	Unlisted Use – Thai Massage Parlour
Use Classification:	"SA"
Lot Area:	6045 square metres
Access to Right of Way	N/A

PURPOSE OF REPORT:

This proposal requires referral to the Council for determination due to the "SA" use proposed.

BACKGROUND:

27 March 2001 The Council at its Ordinary Meeting considered an item for a Proposed Additional Mixed Use Development Consisting of Twelve (12) Two-Storey Offices and Six (6) Two-Storey Multiple Dwellings to Existing Development. The tenancy for 7/117 Brisbane Street was approved as an office tenancy.

DETAILS:

The proposal involves a Change of Use application from the existing Office tenancy to an Unlisted Use - Thai Massage Parlour. The operation of the tenancy is considered as an unlisted use, as the subject use does not fit into any of the use definitions of the Town Planning Scheme and does not meet the provisions of the Consulting Rooms Policy.

The Town of Vincent Town Planning Scheme essentially defines an unlisted use as a use that is not specifically mentioned in the "Zone Table" and cannot reasonably be determined as falling within the interpretation of one of the use class categories. It is considered that the use is not consistent with the objectives and purpose of the Residential/Commercial zone.

The applicant proposes to provide traditional Thai Massage including aromatherapy and foot massage within the existing 68 square metres lower floor office tenancy. Within the tenancy, there are three (3) rooms proposed with a toilet and reception area. The subject property itself is in a mixed use development, which contains Office and Retail tenancies on the ground floor with Residential units on the upper floor. Two (2) allocated parking bays are provided within the property for the use of the tenancy.

The proposed hours of operation are seven days per week 9 am to 9pm. The equipment proposed is 4 massage tables and 2 chairs. The maximum number of employees proposed is six (6) with a maximum number of six (6) customers proposed. Internally within the premises, the applicant proposes internal partitioning of the premises into three separate rooms.

Following the public consultation period, the applicant has indicated that initially, as they are currently operating elsewhere, that only one (1) room will be used for massage, with the other two rooms used as an office and for storage purposes. In addition, the applicant has stated that they are happy to fit in with normal business hours, as they aim to keep their existing service running at the Subiaco Markets, and do not intend to open on weekends.

The applicant's submission is "*Laid on the Table*".

COMPLIANCE:

Car Parking Assessment for No. 7/117 Brisbane Street, Perth

Given the proposal is considered as an “unlisted use” and there are no provisions stipulated under the Town’s Parking and Access Policy, the most relevant use class that can be applied to it is the Consulting Room car parking requirements.

Calculating the parking under the consulting rooms provisions, would require the provision of three (3) car parking spaces per individual room, with three (3) rooms proposed requiring nine (9) bays. Taking into account the adjustment factors for the site and the car parking provided on-site for the tenancy 4.5 bays are required. Based on the Town of Vincent Parking and Access Policy, the Council may allow a shortfall in parking on-site to be offset by the requirement of Cash in Lieu payment for the 4.5 car bay shortfall.

Car Parking	
Car Parking Requirement (Nearest Whole Number)	= 9 Car Bays
<ul style="list-style-type: none"> Non Medical Consulting Room – 3 spaces per Room (3 Rooms requires 9 Bays) 	
Apply the adjustment Factors:	(0.7225)
<ul style="list-style-type: none"> 0.85 - Within 400 metres of a Bus Stop 0.85 – within 400 metres of Existing Car Parking Spaces in Excess of 75 Car Parking Spaces 	= 6.5025 Car Bays
Minus the Car Parking provided on-site	2 Car Bays
Minus the most recently approved on-site car parking shortfall.	Nil
Resultant Shortfall	4.5 Car Bays

Bicycle Parking		
Bicycle Parking	Non Medical Consulting Rooms	Provided
	<ul style="list-style-type: none"> Class 1 or 2 Bicycle Facility (Internal) – 1 Space per 8 Practitioners – 1 Required. Class 3 Bicycle Facilities (Racks) – 1 space per four Practitioners – 1 Required 	<ul style="list-style-type: none"> Nil Nil

Officer Comments

The applicant is to provide one Class 1 or 2 Bicycle Facility (internal) and one (1) Class 3 Bicycle Facility (Bike Rack). In the event the application is supported by Council, a condition would be included in the recommendation.

Consultation Submissions

Item	Comments- Support (1)	Officer Comments
	No Comments.	Noted.
Item	Comments- Objections (10)	Officer Comments
Parking	<ul style="list-style-type: none"> Not enough parking available with only 2 bays allocated to shop. 	Supported. It is considered that the presence of two (2) car parking bays on-site is not sufficient to effectively service the use of the premises. In reality, any persons accessing the business will park on the street and provide a burden to the other shops and residential properties in the locality.

Consultation Submissions		
Use of Premises	<ul style="list-style-type: none"> • Customers would use other bays and affect parking for other residences. • Hours of Trading – concerns it would be open all day and night and not fit in with the Residential nature of the premises. • Concerns the business is for services of a sexual nature and the clientele it may attract. 	<p>Supported. The use of the premises may at certain times mean that the denoted bays are not available, which may mean clients may park in bays not designated for them.</p> <p>Supported. In the event an application was supported, a condition would be included in the recommendation stipulating the required hours of operation.</p> <p>Supported. In the event an application was supported, a condition would be included in the recommendation stipulating the use of the premises is to not be related to activities of a sexual nature.</p>

CONSULTATION/ADVERTISING:

The proposal was advertised for 21 days as per the Town’s Consultation Policy in the form of letters to the adjoining and adjacent owners, sign on site and a notification in the local newspaper “*The Guardian*” outlining the proposal.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated policies.

STRATEGIC IMPLICATIONS:

Nil.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

It is considered the proposed use of the premises, as it is located within a mixed use type of development with a significant amount of Residential dwellings immediately above and within close proximity to other Residential properties, is not appropriate and is inconsistent with the objectives of a Residential/Commercial zone. Furthermore, consideration of the number and nature of the objections received during the community consultation process and car parking shortfall adds further weight for the application to be not supported.

In light of the above, it is recommended that the application be refused.

9.1 DEVELOPMENT SERVICES

9.1.1 Further Report - Nos. 80-84 (Lots 252 and 253; D/P: 3845) Matlock Street, Mount Hawthorn - Proposed Demolition of Existing Hall and Construction of a Two-Storey Mixed Use Development Comprising Four (4) Multiple Dwellings, Two (2) Offices and Associated Car Parking

Ward:	North	Date:	17 August 2010
Precinct:	Mount Hawthorn; P1	File Ref:	PRO0887; 5.2010.187.2
Attachments:	001		
Reporting Officer:	T Cappellucci, Statutory Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

FURTHER OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES BY AN ABSOLUTE MAJORITY, the application submitted by F Lam on behalf of the owner C C & C T & F H Lam for proposed Demolition of Existing Hall and Construction of a Two-Storey Mixed Use Development Comprising Four (4) Multiple Dwellings, Two (2) Offices and Associated Car Parking, at Nos. 80-84 (Lots 252 and 253; D/P: 3845) Matlock Street, Mount Hawthorn and as shown on plans stamp-dated 18 May 2010 and 5 August 2010, subject to the following conditions:

- (i) **Building**
- (a) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Matlock Street;*
 - (b) *first obtaining the consent of the owners of No. 186 and No. 184A Scarborough Beach Road, Mount Hawthorn, for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 186 and No. 184A Scarborough Beach Road, Mount Hawthorn, in a good and clean condition;*
 - (c) *the maximum gross floor area of the non-residential component shall be limited to 471 square metres of offices. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;*
 - (d) *doors, windows and adjacent floor areas of the office component on the ground floor fronting Matlock Street shall maintain an active and interactive relationship with this street; and*
 - (e) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*

(ii) Car Parking and Accessways

- (a) *The on-site car parking area for the non-residential component shall be available for the occupiers and visitors of the residential component outside normal business hours;*
- (b) *The car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (c) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*
- (d) *the car parking area shown for the non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (e) *the provision of a minimum of 17 car bays on-site, and a minimum of 7 car bays are to be specifically allocated for the 4 multiple dwellings; and*
- (f) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments, the footpaths adjacent to the subject land shall be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$15,300 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 Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*

(iii) Signage

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

(iv) Fencing

Any new street wall, fence and gate within the Matlock Street setback area, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences;

(v) Verge Trees

No street verge tree(s) shall be removed unless written approval has been received from the Town'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);

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

(a) **Construction Management Plan**

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

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

(b) **Landscape and Reticulation Plan**

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

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

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

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

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

(c) **Amalgamation of Lots**

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

(d) Section 70A Notification

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

(a) *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*

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

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

(e) Schedule of External Finishes

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

(f) Acoustic Report

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

(g) Refuse and Recycling Management

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

(h) Tandem Parking

Prior to the issue of a Building Licence, a management plan addressing how a vehicle will enter/exit a tandem parking bay when there is a vehicle already parked at the rear or front parking bay, to be submitted and approved by the Town; and

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

(a) **Bicycle Parking Facilities**

A minimum of 2 class one or two bicycle parking facilities, shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;

(b) **Underground Power and Lighting**

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

(c) **Entry Gates**

Any proposed vehicular entry gates off the Right of Way adjacent to the car parking area shall have a minimum 50 per cent visually permeable and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the commercial tenancies at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development;

(d) **Residential Car Bays**

The 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 of the development and their visitors; and

(e) **Clothes Drying Facility**

The multiple dwellings development shall be provided with a screened outdoor area for clothes drying.

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

COUNCIL DECISION ITEM 9.1.1

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND LOST (3-5)

For: Cr Buckels, Cr Lake, Cr Maier

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

(Cr McGrath was on approved leave of absence.)

Reason:

- **Insufficient articulation, particularly in relation to the northern boundaries.**
-

Landowner:	C C & C T & F H Lam
Applicant:	F Lam
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R30
Existing Land Use:	Hall
Use Class:	Offices and Multiple Dwellings
Use Classification:	"AA" and "P"
Lot Area:	1112 square metres
Access to Right of Way	Eastern side, 5 metres wide, sealed

FURTHER REPORT:

The Council considered the subject application at its Ordinary Meeting held on 27 July 2010, and resolved as follows:

“That the Item be DEFERRED for further consideration to address the Council’s concerns about the appearance of the development in a residential area, particularly side articulation and also in light of the bonus’ that may be applied.”

The applicant has submitted amended plans showing the following changes in terms of the elevations of the development, in order to be more complementary to the residential properties it abuts;

- On the northern elevation (elevation 4):
 - Changed bed 2 and bed 3 windows from size 6x10 to 16x8 with obscure glass to fixed section;
 - Changed ensuite windows from 6x6 to 16x3.5 with obscure glass to fixed section;
 - Added 3 courses (20 millimetres projection) corbel band; and
 - Added 2 courses feature moulding to all upper floor windows.
- On the front elevation facing Matlock Street (elevation 1):
 - Added 3 courses (40 millimetres) and 2 courses (20 millimetres) corbel band or feature moulding to be provided at 79c – 84c;
 - Added 3 courses (20 millimetres projection) corbel band at 38c – 41c; and
 - Added 2 courses feature moulding to upper storey (bed 1) windows.
- On the southern elevation (elevation 2):
 - Changed bed 2 and bed 3 windows from 6x10 to 16x8 with obscure glass to fixed section;
 - Added 3 courses (20 millimetres projection) corbel band; and
 - Added 2 courses feature moulding to all upper floor windows.

COMPLIANCE:

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Density:	Maximum 3 multiple dwellings. R30 – 3.33 multiple dwellings.	4 multiple dwellings. R35.97 – four (4) multiple dwellings – 19.8 per cent density bonus.
Officer Comments:		
Supported: The proposal is considered to enhance the amenity of the area. The development is consistent with the objectives of Clause 40 of TPS 1 with respect to enhancing the amenity of the area, the demolition of the existing building which has no specific cultural heritage, and the proposal is consistent with orderly and proper planning of the locality. The intensity of development and the uses are consistent with the surrounding development and land uses, and it is considered the development will not have an unreasonable impact on occupiers of the development or on the conservation of amenities of the locality. The height and scale is considered compatible with the surrounding built form; in particular, the commercial development immediately adjoining on the south side of the subject property, on Scarborough Beach Road, which is zoned District Centre.		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Plot Ratio:	N/A	N/A
<i>Officer Comments:</i>		
Noted.		
Front Setbacks: <i>Ground Floor</i>	To be sympathetic to the predominant streetscape pattern on adjoining land and in the immediate locality. Average front setback of 5.5 metres.	5 metres.
<i>Officer Comments:</i>		
Supported: Consistent with the existing streetscape of the residential properties on the same side of Matlock Street. In addition, to aid in the site's transition as a buffer site, the introduction of mature landscaping within the street setback area to Matlock Street, is provided.		
<i>Upper Floor</i>	To be sympathetic to the predominant streetscape pattern on adjoining land and in the immediate locality.	As above.
<i>Officer Comments:</i>		
As above.		
Building Setbacks: <i>Ground Floor</i> Side (South) – Commercial Unit 2	1.5 metres	Nil
<i>Officer Comments:</i>		
Supported: Setback variation is not considered to create an undue, adverse effect on the adjoining property. In addition, Nos. 184A and 186 Scarborough Beach Road are commercial properties. Therefore, even though there is 10 percent of No. 184A and 17 percent of No. 186 Scarborough Beach Road overshadowed, no undue amenity impacts result as the overshadowing area is at the rear of both properties where currently car parking is provided.		
Privacy Setbacks: <i>First Floor Residential Multiple Dwellings</i> Unit 3 (Side East) – Bed 1	4.5 metres	2 metres to southern property boundary of No. 184A Scarborough Beach Road, commercial property.
<i>Officer Comments:</i>		
Supported: Adjoining property is commercial; therefore, no undue amenity impacts as no direct overlooking of active habitable spaces and outdoor living areas of residential dwellings.		
Unit 3 (Side East) - Balcony	7.5 metres	5.65 metres to southern property boundary of No. 184A Scarborough Beach Road, commercial property.
<i>Officer Comments:</i>		
Supported: Adjoining property is commercial; therefore, no undue amenity impacts as no direct overlooking of active habitable spaces and outdoor living areas of residential dwellings.		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Essential Facilities – Multiple Dwellings:	Provided with an adequate common area set aside for clothes-drying, screened from view from the primary or secondary street.	No common area set aside for clothes drying provided.
<i>Officer Comments:</i>		
Not Supported: A condition has been recommended to provide a common area for clothes-drying.		
Building Articulation:	Street and side facades are to be highly articulated and of a contemporary character and exposed side walls and the rear walls of buildings are to be well articulated.	South and north side walls are blank, featureless walls, with only high level windows provided on the upper floor for the multiple dwellings. <u>South and north walls now provide articulation in the form of additional obscure glassing to windows, projections, as well as feature moulding to all upper storey windows.</u>
<i>Officer Comments:</i>		
Not Supported – While the proposed high level windows on both the southern and northern upper floors are similar in appearance to the adjoining commercial building at No. 186 Scarborough Beach Road, they do not provide enough visual interest and richness to the proposed mixed use site, as per the requirements for a new non residential property in a residential area. Therefore, a condition has been recommended to provide articulation in both upper floor walls through the use of varying colours, textures as well as materials and surface modelling. <u>Supported: Refer to “Further Comments” below.</u>		
Town’s Non-Residential/Residential Development Interface Policy:	The proposed land uses in mixed use developments, being compatible with on-site and nearby uses, and take into consideration any impact on residential amenity that the proposed land uses may have.	Propose two (2) commercial office units on Matlock Street, a residential area. However, directly to the south of the subject site, are commercial properties on Scarborough Beach Road, which are zoned commercial.
<i>Officer Comments:</i>		
Supported: The existing use on-site is that of a Hall, for the Scripture Union which has existed for many years. It is currently a single storey development with seven (7) car parking bays accessed from Matlock Street. The proposed two (2) commercial offices on the ground floor are considered compatible with the existing use on-site. The impact of the proposed two (2) offices on the adjoining residential area of Matlock Street is minimised by having vehicular access to the associated car parking area via the right of way (see the attached image). The result of which is a reduction in noise and traffic emissions from cars entering and exiting the site from Matlock Street. In addition, adjoining the subject site directly to the south are commercial properties on Scarborough Beach Road, zoned commercial. No. 186 Scarborough Beach Road is being used as an office and retail complex while No. 184 is a three-storey mixed use development comprising shops, an eating house and offices. The subject site is directly in line with the existing commercial development on the opposite side of Matlock Street at No. 85 Matlock Street, which is a two-storey single house with office building. This results in creating a buffer from the residential properties to the north of the subject site on both sides of Matlock Street.		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Bicycle Parking:	Two (2) class 1 or 2 bicycle parking spaces.	No bicycle parking spaces identified on the plans.
<i>Officer Comments:</i>		
Not Supported: Condition has been placed to provide two (2) bicycle parking spaces.		

Consultation Submissions		
Item	Comments Received Supporting (1)	Officer Comments
	No comments.	Noted.
Item	Comments Received Objecting (3)	Officer Comments
<u>Density</u>	<p>Increase in density from 3 to 4 dwellings is based purely on commercial gain.</p> <p>Added density results in additional car bays, which results in reducing the landscaping on the site.</p>	<p>Not Supported: The proposal is considered to enhance the amenity of the area given the current state of the site as a brick and tile hall constructed circa 1969; and the fact that the proposal will promote housing diversity, and caters for the changing demographics and housing needs/wants of the community.</p> <p>Not Supported: Adequate car parking is provided on-site in accordance with the Town's requirements. In respect of landscaping, as multiple dwellings in this instance are provided above non-residential uses, as per the Residential Design Codes, no exact amount of landscaping is required.</p>
<u>Side Setbacks</u>	<p>No visual separation between fence and car bays.</p> <p>Reduction in side setbacks results in additional commercial floor area and additional area for the apartments, as well as additional overshadowing, loss of access to views and natural light to the north.</p> <p>Nil setbacks should not be allowed in a residential area.</p>	<p>Not Supported: The visitors parking bay is separated from the right of way sliding gate by 500millimetres of landscaping.</p> <p>Not Supported: Refer to comments in the Assessment Table.</p> <p>Not Supported: As per the Residential Design Codes requirements for dwellings in mixed use developments, walls on the boundary for two-thirds of the boundary behind the street setback up to 6 metres in height are allowed.</p>

Consultation Submissions		
<u>Front Setback</u>	5 metre front setback is not as per required.	<p>Not Supported: The front setback is consistent with the existing streetscape of the residential properties on the same side of Matlock Street.</p> <p>The height and scale is considered compatible with the surrounding built form; in particular, the commercial properties fronting Scarborough Beach Road. While in terms of the adjoining residential properties, the two-storey height of the proposed mixed use development complies with the Town's requirements for two-storey dwellings.</p>
<u>Parapet Wall</u>	Height of parapet wall reduces access to daylight and open space.	<p>Noted: The area to the south is affected by overshadowing, which is due to the lot orientation and the size of the lots. The properties to the south are currently used as commercial properties. It is envisaged that if the properties to the south were developed, it is likely that it would be developed similarly with respect to use, height and form as per the development standards for Commercial areas within the Mount Hawthorn Precinct.</p>
<u>Parking/Traffic</u>	<p>Lot 252 and Lot 253 currently have no access or use of the ROW.</p> <p>Increased activity in the laneway, therefore, a loss of privacy and safety.</p>	<p>Not Supported: Technical Services have determined that both lots have legal access to use the Right of Way.</p> <p>Not Supported: Adequate car parking is provided on-site in accordance with the Town's requirements to meet the requirements of the proposal. In terms of privacy, there are no non-compliant visual privacy issues, while in terms of safety, the statement is considered speculative in nature, as there is an existing designated right of way off Coogee Street which provides access to the rear of the subject property.</p>
<u>Services</u>	No indication as to location of numerous services such as solar panels, satellite dishes, antennas, etc.	<p>Noted: A condition has been recommended for 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, are designed integrally with the building, and be located so as not to be visually obtrusive from Matlock Street.</p>

Consultation Submissions		
<u>Building Articulation</u>	Lack of Articulation on facades of the side boundaries results in an unsatisfactory flat façade which may impinge on the future development potential of these adjoining properties.	<p>Supported — A condition has been recommended to provide articulation in both the northern and southern side upper floor walls through the use of varying colours, textures as well as materials and surface modelling.</p> <p><u>Supported: The applicant, as part of this deferral, has modified the side boundary elevations to the north and south to incorporate more articulation. The addition of obscure glass windows below the fixed non-major opening windows, along with additional feature moulding and corbel band, has resulted in the side elevations, in particular the northern elevation towards the residential property of No. 86 Matlock Street, being more complementary to the residential rhythm of the streetscape.</u></p> <p><u>In addition, the additional articulating of the upper floor side elevations has moderated the visual impact of building bulk and scale on the neighbouring properties.</u></p>
<u>Privacy</u>	<p>Loss of privacy due to balconies facing east looking directly into property.</p> <p>Privacy setbacks are not setback enough.</p> <p>Allowing a two storey building blocks out any view which may be there.</p>	<p>Not Supported: The balconies facing east from the proposed Units 3 & 4 (multiple dwellings) are setback 12 metres from the right of way; therefore, there is not a visual privacy issue to properties east of the rear right of way, as per the requirements of the R-Codes.</p> <p>Not Supported: Refer to comments in the Assessment Table.</p> <p>Not Supported: The height and overall design of the proposal is not considered to create an unacceptable bulk and scale issue.</p>
<u>Property Value</u>	Loss of value of property.	Not Supported: There is no evidence submitted to substantiate the claim of the proposal devaluing property values. In addition, it is noted this is not a considered planning matter.

Consultation Submissions		
<u>Zoning</u>	Residential zone and should be kept that way.	<p>Not Supported: The proposed two-storey mixed use development comprising two (2) offices, four (4), multiple dwellings and associated car parking is considered to be consistent with the adjacent Commercial Zone to the south of the subject property along Scarborough Beach Road, as well as with the Residential properties on Matlock Street. This is through the integration of work place, through ground floor offices, and residential, through multiple dwellings, while at the same time providing sufficient levels of residential amenity with no undue impacts on neighbouring properties.</p> <p>The building design in regards to height and scale, is considered compatible with the surrounding built form; in particular, for the properties north of the subject site at Nos. 80-84 Matlock Street which are residential properties.</p>
<u>Matlock Street in comparison to Scarborough Beach Road</u>	Matlock Street is not Scarborough Beach Road and should not be compared to Scarborough Beach Road.	<p>Noted: The proposal has been assessed as being on Matlock Street, not Scarborough Beach Road. If the proposal was compared to Scarborough Beach Road, the residential component (multiple dwellings) would have been assessed in accordance with R60 standards, not R30, therefore resulting in potentially more multiple dwellings being allowed on-site.</p> <p><u>However, the site is considered as a buffer site as it lies in between a commercial/residential interface and meets the requirements to be classified as a buffer site under the Town of Vincent's Non-Residential/Residential Development Interface Policy.</u></p> <p><u>With this proposed mixed use development, it is deemed that the higher than allowed density for the residential development proposed for the multiple dwellings, combined with the appropriate non-residential development in the form of two (2) offices, is suitable as measures have been taken to ensure that adequate on-site parking is provided and the levels of residential amenity are maintained in the surrounding areas.</u></p>

Consultation Submissions	
	<p><u>With on-site parking, the site provides a surplus of 2 car bays for the commercial component, along with the required amount of residential parking. While in terms of amenity impacts, there are no privacy, overshadowing and scale and bulk issues to the adjoining properties, as outlined in the above comments.</u></p>

Car Parking

Car parking requirements for the residential component of the development have been calculated using the requirement for multiple dwellings from the Residential Design Codes (R Codes). In accordance with the Residential Design Codes requirements for mixed-use development, on-site car parking for multiple dwellings may be reduced to one car bay per dwelling where on-site parking required for other users is available outside normal business hours. With this mixed use development, the residential component requires the provision of 4 car bays, based on the standard of one (1) car bay for each of the 4 proposed multiple dwellings.

The number of car bays provided for the residential component is 7 car bays with one visitor bay.

A total of 17 car bays have been provided for the entire development, therefore, resulting in ~~8~~9 car bays available for the commercial component.

Car Parking – Commercial Component	
Car parking requirement (nearest whole number) Office = 1 space per 50 square metres of gross floor area <ul style="list-style-type: none"> Office – Gross Floor Area = 471 square metres (requires 9.41 car bays) Total car bays required = 9.42 car bays	= 9 car bays (nearest whole number)
Apply the adjustment factors. <ul style="list-style-type: none"> 0.85 (within 400 metres of a bus stop) 0.90 (within 400 metres of a public car park with in excess of a total of 50 car parking spaces) <u>0.85 (within 400 metres of a one or more public car parks with in excess of a total of 75 car parking spaces)</u> 	(0.765) <u>(0.7225)</u> = 6.885 <u>6.5025</u> car bays
Minus the car parking provided on-site	8 9 car bays
Minus the most recently approved on-site car parking shortfall.	Nil
Resultant surplus	1.115 <u>2.4975</u> car bays

Bicycle Parking – Commercial Component
Office <ul style="list-style-type: none"> 1 space per 200 square metres of gross floor area for employees (class 1 or 2) = 2.35 spaces 1 space per 750 square metres over 1000 square metres for visitors (class 3) = Nil Total class one or two bicycle spaces required = 2 spaces Total class three bicycle spaces required = Nil No class one, two or three bicycle spaces proposed.
<i>Officer Comments:</i>
Not Supported: Condition has been placed to provide two (2) bicycle parking spaces.

CONSULTATION/ADVERTISING:

Advertising for a period of 21 days was carried out as per the Town's Policy No 4.1.5 – relating to Community Consultation.

LEGAL/POLICY:

Town of Vincent Town Planning Scheme No. 1, associated Policies, and Residential Design Codes (R Codes).

STRATEGIC IMPLICATIONS:

Nil.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

FURTHER COMMENTS:

Side Articulation and Density Bonus

With regard to the amended elevations of the development proposed in this further report, the elevations, in particular for the northern elevation which abuts the residential property at No. 86 Matlock Street, Mount Hawthorn, is more in character with the adjoining residential property it is directly adjacent too. The proposed alterations have reduced the visual impact of building bulk and scale on the neighbouring properties, while at the same time, ensuring adequate daylight, direct sun and ventilation for the adjoining properties is provided without any privacy concerns.

On the above basis, the Officer's comments outlined in the Agenda Report to the Council at its Ordinary Meeting held on 27 July 2010, regarding building articulation, have now been removed.

In regards to the density bonus, the development is consistent with the objectives of Clause 40 of TPS 1 with respect to enhancing the amenity of the area, the demolition of the existing building which has no specific cultural heritage, and the proposal is consistent with orderly and proper planning of the locality. The intensity of development and the uses are consistent with the surrounding development and land uses, and it is considered the development will not have an unreasonable impact on occupiers of the development or on the conservation of amenities of the locality. Therefore, the variation to the density requirement is further supported.

In light of the above, the proposal, including the demolition of the existing hall is recommended for approval subject to standard and appropriate conditions.

A copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 27 July 2010 can be found on the Town's website at Item 9.1.8 and is available from the Town's Administration and Civic Centre on request.

9.2.1 Consideration of Submissions Concerning Proposed Obstruction of a Portion of the Dedicated Laneway Bounded by Walcott, Beaufort, Barlee and Roy Streets, Mount Lawley

Ward:	South Ward	Date:	18 August 2010
Precinct:	Forrest P14	File Ref:	TES0429
Attachments:	001		
Reporting Officers:	A Munyard, Senior Technical Officer land and Development R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *CONSIDERS the submissions received concerning the proposed obstruction of a portion of the Dedicated laneway Bounded by Walcott, Beaufort, Barlee and Roy Streets, Mount Lawley, as detailed in this report;*
- (ii) *DEFERS making a decision concerning the proposed obstruction of a portion of the Dedicated laneway Bounded by Walcott, Beaufort, Barlee and Roy Streets, Mount Lawley; and*
- (iii) *APPROVES of:*
 - (a) *an Information Session to be held inviting all interested parties, petitioners, affected businesses and residents, where further information regarding the overall proposal will be provided; and*
 - (b) *further consultation to be carried out following the Information Session.*

COUNCIL DECISION ITEM 9.2.1

Moved Cr Maier, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (5-3)

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

Against: Cr Buckels, Cr Lake, Cr Maier

(Cr McGrath was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the outcome of the community consultation regarding the obstruction of one leg of the Dedicated laneway bounded by Walcott, Beaufort, Barlee and Roy Streets, Mount Lawley.

BACKGROUND:

The Council, at its Ordinary meeting held on 27 April 2010, considered a written request from 'Planet Video' to obstruct a portion of the dedicated laneway bounded by Walcott, Beaufort, Barlee and Roy Streets, Mount Lawley. The laneway in question runs in a 'T' configuration from Beaufort Street through to Roy Street, with a central connection running down into Barlee Street. The laneway legs are only 3.0m wide, however, some years ago (prior to the Town of Vincent) the laneway legs were dedicated as a public road.

Following consideration of the matter the following decision was made.

"That the Council;

- (i) *APPROVES IN PRINCIPLE the obstruction of the north west leg of the Dedicated Right of Way known as ROW 2.51-a (as shown on Appendices 9.2.3A & B);*
- (ii) *NOTES that:*
 - (a) *the applicant is requesting the ROW Obstruction to improve safety and to add to the vibrancy of the area;*
 - (b) *should the ROW obstruction be approved, the applicant may apply for an alfresco dining licence for a portion of the obstructed section of ROW (as shown indicatively in Appendix 9.2.3C); and*
 - (c) *should the ROW obstruction be approved, removal of the existing crossover on Beaufort Street may be undertaken, at the applicant's expense, however a physical obstruction to the satisfaction of the Town would still be required at both ends of the ROW portion to be obstructed;*
- (iii) *ADVERTISES the proposal in accordance with Section 3.50 of the Local Government Act and the requirements of the Town's Consultation Policy for a period of not less than twenty-eight (28) days; and*
- (iv) *RECEIVES a further report at the conclusion of the advertising period."*

DETAILS:

The local government is empowered to close thoroughfares (by obstruction) under Section 3.50 of the Local Government Act. Such obstruction can be permanent or of a temporary nature.

The closure may be limited to certain types of vehicles, or certain times of the day, however, when the thoroughfare is to be obstructed for a period of more than four(4) weeks, the proposal must be advertised in the newspaper, and certain other affected parties must be notified directly and given the opportunity to submit their comments.

Community Consultation:

In accordance with clause (iii) of the Council's decision, the proposal was advertised in accordance with Section 3.50 of the Local Government Act and the requirements of the Town's Consultation Policy.

The proposal was advertised in the *West Australian* on Wednesday 28 June 2010 and posted on the Town's web site. No responses were received from the newspaper advertisement.

On 15 July 2010, in order to comply with the requirements of the Local Government Act 1995, twenty (20) letters were distributed to all property owners adjoining the laneways, advising of the proposal, and inviting comments if they wished to make any.

Along with the responses received from the adjacent property owners, two petitions were also received which included comments from the wider community. Since the laneway is 'designated' as a public road, all responses received are valid and must be taken into consideration.

At the close of consultation on 4 August 2010, responses had been received as follows:

Community Consultation Results:

In favour of obstruction: thirty six (36):

- Two (2) owners directly adjoining the laneways provided a written response in support.
Petition:
- A petition was presented by Planet Video from persons both within the Town and outside of the Town as follows:
 - Two (2) Adjoining the laneways
 - Three (3) near laneways
 - Four (4) from streets in the near vicinity
 - Nine (9) from Beaufort Street south of Barlee Street
 - Eight (8) from within the Town of Vincent
 - Eight (8) from outside of the Town.

Against the obstruction: twenty nine (29):

- Seven (7) owners directly adjoining the laneways provided a written response opposing the obstruction.
Petition:
- Nine (9) owners directly adjoining the laneways provided a written response in a petition presented by the owner of 21 Roy Street
- Thirteen (13) signatories to the petition presented by the owner of 21 Roy Street reside/operate a business in either Roy Street or Beaufort Street near the laneways.

One (1) Partially in favour of the obstruction (subject to more information provided regarding the possible future alfresco dining in the laneway

- Two (2) respondents provided written responses with an 'in principle' support of the proposed obstruction with one focusing mainly on the possible future alfresco dining proposal being subject to a number of conditions.

Discussion:

As previously reported to the Council, Beaufort Street carries in excess of 30,000 vehicles per day and from an improved safety 'point of view' obstructing this leg to vehicular traffic would be desirable. The laneway leg has in effect been obstructed to vehicular traffic for some time due to building works and no formal complaints have been received by the Town (refer below).



ROW leg looking towards Beaufort St



ROW leg looking from Beaufort St

The applicant of the obstruction previously indicated that, should the laneway leg be obstructed, and the appropriate planning permission received, he would make the area attractive with the placement of tubbed trees, and in future apply for an alfresco dining licence, with lamps and awnings running its length. It was considered this would improve the vibrancy and the amenity of the area, whilst still allowing unrestricted pedestrian access.

However as can be seen from the results of the consultation while 36 persons indicated that they were in favour of the proposed obstruction, the majority of those who directly adjoin the ROWs (16 persons out of 20 or 80%) are against the proposal (as can be seen from the comments in Appendix 9.2.1).

An appraisal of the responses to the consultation suggest it is very important to separate the obstruction proposal from the possible alfresco use that has been mooted by the applicant.

It appears that the majority of the negative responses were focussed on rejection of the alfresco proposal. Any such future use of the section of laneway, if obstructed, would be subject to the usual scrutiny by the Town's Environmental Health Officers. Approval for such a use would be conditioned to minimize any negative impacts etc.

It is also clear that some of the respondents misunderstand the proposal, and believe that either the entire laneway system between Roy Street, Beaufort and Barlee Streets is to be closed, or that the obstruction would also prevent pedestrian access to continue.

The Council must now consider the three possible outcomes and decide which is the most appropriate.

1. The Pro-Obstruction Outcome

- Addresses pedestrian safety concerns in Beaufort Street, where the laneway meets the footpath with no visual truncations.
- Discourages rat running from Walcott Street, through the private car parks and out into Beaufort Street via the laneway
- Opens this section of laneway for possible future use, such as alfresco dining, which will enrich the casual ambiance of the centre.
- Maintains pedestrian link between Roy Street and Beaufort Street and the private car parks and Beaufort Street.
- When lit and landscaped, enhances public safety

2. The No-Obstruction Outcome

- Re-instates vehicular access through to Beaufort Street (scaffolding and fencing have prevented vehicular access for a large part of the past two years while building activity has been underway at each of the neighbouring properties)

3. Approval of a "Trial" Obstruction Period

- Installation of bollards for a trial period of twelve (six?) months so that a cost/benefit study can be undertaken before the matter is finally decided.

The ROW has provided access/egress to Beaufort Street for many years and no major issues have arisen from the current arrangement (refer photo below taken in 2001).



CONSULTATION/ADVERTISING:

The authors of the petitions and respondents will be advised of the Council decision of its decision.

LEGAL/POLICY:

The ROW leg is under the care, control and management of the Town, however, to enable an obstruction to occur, this is actioned in accordance with section 3.50 of the Local Government Act 1995.

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:

N/A

FINANCIAL/BUDGET IMPLICATIONS:

In accordance with clause 4 of Policy No 2.2.8, Rights of Way, the applicant paid a bond for the process to proceed. If approved, the bond will be used to install bollards in the approved locations/s.

COMMENTS:

The officers consider, rightly or wrongly, that some of the respondents may have misunderstood the proposal, and believe that either the entire laneway system between Roy Street, Beaufort and Barlee Streets is to be closed, or that the obstruction would also prevent pedestrian access to continue.

It is therefore considered that an information session be held and that all interested parties, petitioners, affected businesses and residents be invited provide further information regarding the overall proposal will be provided and the issues identified further discussed.

9.1.2 No. 91 (Lot 3; D/P 6257) Bourke Street, Leederville – Proposed Demolition of the Existing Single House and the Construction of Four-Storey Mixed Use Development Comprising Four Single Bedroom Multiple Dwellings, Four Multiple Dwellings and One Office and Associated Car Parking

Ward:	South	Date:	16 August 2010
Precinct:	Leederville; P03	File Ref:	PRO4826; 5.2010.209.2
Attachments:	001 ; 002		
Reporting Officer:	R Narroo, Senior Planning Officer (Statutory) H Au, Heritage Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES BY AN ABSOLUTE MAJORITY the application submitted by Peter Jodrell Architects on behalf of the owner S Motearefi for proposed Demolition of the Existing House and the Construction of Four-Storey Mixed Use Development Comprising Four Single Bedroom Multiple Dwellings , Four Multiple Dwellings and One Office and Associated Car Parking, at No. 91 (Lot 3 ;D/P 6257) Bourke Street, Leederville, and as shown on plans stamp-dated 12 May 2010 and amended plans dated 6 August 2010 , subject to the following conditions:

(i) Building

- (a) all new external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Bourke Street;*
- (b) if entry to neighbouring land is required, first obtaining the consent of the owners of Nos. 250-252 Oxford Street, Nos. 89, 89A, 89B Bourke Street and No. 19 Burgess Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet)/retaining walls facing Nos. 250-252 Oxford Street, No. 89, 89A, 89B Bourke Street and No. 19 Burgess Street in a good and clean condition;*
- (c) doors, windows and adjacent floor areas of the office fronting Bourke Street shall maintain an active and interactive relationship with this street;*
- (d) the maximum gross floor area for the office component shall be limited to 93 square metres; and*
- (e) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*

(ii) **Car Parking and Accessways**

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

(iii) **Public Art**

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

- (a) *within twenty – eight (28) days of the issue date of this 'Approval to Commence Development', elect to either obtain approval from the Town for an Artist to undertake a Public Art Project (Option 1) or pay the Cash in Lieu Percent for Public Art Contribution, of \$15,750 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$1,575,000); and*
- (b) *in conjunction with the above chosen option;*
 - (1) *Option 1 –
prior to the approval and subsequent issue of a Building Licence for the development, obtain approval for the Public Art Project and associated Artist; and

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

(iv) **Signage**

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

(v) **Fencing**

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

(vi) Verge Tree

No street verge tree(s) shall be removed unless written approval has been received from the Town'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);

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

(a) Construction Management Plan

A Construction Management Plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the Town, addressing the following issues:

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

(b) Landscape and Reticulation Plan

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

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

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

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

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

(c) Section 70 A Notification of the Transfer of Land Act.

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

- (1) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non- residential activities; and*
- (2) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/or office. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*
- (3) *a maximum of one (1) bedroom and two (2) occupants are permitted in the single bedroom multiple dwellings (Units A1 , A2, A4 and A5) at any one time; and*
- (4) *the floor plan layout of the single bedroom multiple dwellings (Units A1, A2, A4 and A5) shall be maintained in accordance with the Planning Approval Plans;”*

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

(d) Schedule of External Finishes

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

(e) Acoustic Report

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

(f) Refuse and Recycling Management

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

(g) Privacy

Revised plans shall be submitted and approved demonstrating the following:

- (1) *the balconies on the first and second floors (units A1 and A4) on the eastern elevation;*

- (2) *the living rooms on the first and second floors (units A1 and A4) on the eastern elevation;*
- (3) *the bedroom 1 on the first and second floors (units A1 and A4) on the eastern elevation;*
- (4) *the balconies on the first, second and third floors (units A3, A6 and A7) on the northern elevation; and*
- (5) *the kitchen on the third floor (unit A8) on the eastern elevation;*

being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material that is easily removed; OR prior to the issue of a Building Licence revised plans shall be submitted demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject wall, so that they are not considered to be a major opening as defined in the Residential Design Codes 2008; OR prior to the issue of a Building Licence, revised plans shall be submitted demonstrating the above major openings being provided with permanent vertical screening or equivalent, preventing direct line of sight within the cone of vision to ground level of the adjoining properties in accordance with the Residential Design Codes. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos.89, 89A, 89B Bourke Street stating no objection to the respective proposed privacy encroachment; and

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

(a) **Underground Power**

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

(b) **Residential Car Bays**

The 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 of the development and their visitors;

(c) **Clothes Drying Facility**

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

(d) **Bicycle Parking**

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

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

COUNCIL DECISION ITEM 9.1.2

Moved Cr Lake, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND LOST (0-8)

(Cr McGrath was on approved leave of absence.)

Reasons for Refusal:

- 1. The development is too high and too dense; and**
- 2. There is insufficient car parking.**

Landowner:	S Motearefi
Applicant:	Peter Jodrell Architects
Zoning:	Residential R40
Existing Land Use:	Single House
Use Class:	Office Building and Multiple Dwelling
Use Classification:	"SA" and "P"
Lot Area:	616 square metres
Right of Way:	Not applicable

PURPOSE OF REPORT:

The proposal requires referral to the Council for determination.

BACKGROUND:

15 December 2009 The Council at its Ordinary Meeting conditionally approved additional two (2) two-storey grouped dwellings to existing single house.

DETAILS:

The proposal involves the demolition of existing single house and construction of a four-storey mixed use development comprising one office, four single bedroom multiple dwellings, four two to three bedrooms multiple dwellings and associated car parking.

The Council at its Ordinary Meeting held on 15 December 2009 conditionally approved additional two (2) two-storey grouped dwellings to existing single house, including the following "ADVICE NOTE":

"ADVICE NOTE:

The Council advises the applicant that it would be supportive in principle of a revised proposal for an appropriate alternative development on the subject site, with direction being provided by the Town's Officers, in light of the proposed redevelopment of Nos.250-252 Oxford Street, Leederville."

The applicant has submitted this application based on the above "Advice Note".

The applicant's submission is "Laid on the Table".

COMPLIANCE:

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Density	R40- 2.5 multiple dwellings or 3.7 single bedroom multiple dwellings	R108- 4 multiple dwellings and 4 single multiple dwellings Density bonus= 170 per cent
<i>Officer Comments:</i>		
Supported- As the development is consistent with the objectives of Clause 40 of TPS 1, in terms of enhancing the amenity of the area. The height and scale is considered compatible with the surrounding built form, especially the 5 storey development adjoining the lot at Nos.250-252 Oxford Street, corner Bourke Street. As per the Town's Non-Residential/Residential Development Interface Policy No. 3.4.3, this site can be considered as a buffer site which acts as a transitional filter between the non-residential area and the residential area. Given the proposal is predominantly residential, has adequate setbacks from the adjoining residential properties, comply with the overshadowing and the parking requirement, this buffer site can be considered for a higher density residential development.		
Plot Ratio	0.6	1.31
<i>Officer Comments:</i>		
Supported- As the increased plot ratio is a result of the increase in the density. The increase in plot ratio would not result in an undue impact on the amenity of the area, taking into consideration the 5 storey development at Nos.250-252 Oxford Street, corner Bourke Street. Moreover, it is considered that the design reduces the bulk and scale and provides for vertical and horizontal articulation elements, when taken into perspective with the single/double storey dwellings to the east and south of the subject site.		
Front building setbacks-North-Bourke Street		
Ground Floor	4.88 metres	2 metres
First, Second and Third Floors	6.88 metres for wall 5.88 metres for balcony	Nil to 0.5 metre
<i>Officer Comments:</i>		
Supported - It is considered that the streetscape in this instance would not be unduly affected as is would be consistent with the street setback approved for the proposed development at Nos.250-252 Oxford Street.		
Building setbacks		
<u>Ground Floor</u>		
West	1.9 metres	Nil
East-Store	1 metre	Nil
South-Stores	1.5 metres	Nil

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
<u>First Floor</u>		
West	7.3 metres	Nil to 4.2 metres
East	6.6 metres	4 metres to 7.06 metres
<u>Second Floor</u>		
West	9.5 metres	Nil to 4.2 metres
East	8.7 metres	4 metres to 7.06 metres
South	5 metres	4.5 metres
<u>Third Floor</u>		
West	12.2 metres	Nil to 4.2 metres
East	10.5 metres	4 metres to 7.06 metres
South	8.5 metres	4.5 metres
<i>Officer Comments:</i>		
<p>Supported – No undue impact on the adjoining eastern and southern residential properties as the proposed building is setback generally 4 metres to 7.06 metres to the eastern boundary and 4.5 metres to the southern property, which will provide adequate ventilation to these properties. With regard to the eastern adjoining property, the existing buildings are separated from No. 91 Bourke Street by an existing driveway. Moreover, in relation to the southern property the proposal complies with the overshadowing requirement as per the R-Codes. On the western side, the proposal will be facing the proposed 5 storey building at Nos. 250-252 Oxford Street. Given the adjoining western property is zoned commercial and no objection has been received from the owners of Nos. 250-252 Oxford Street, the variation is supported.</p>		
Boundary Walls		
<u>Western Boundary</u>	Behind the front setback	Within the front setback
	Length= 21.5 metres	Length= 35.72 metres
	Maximum Height= 3.5 metres	Maximum Height = 13.5 metres
	Average Height= 3 metres	Average Height = 10.2 metres
	One side only	Three sides
<i>Officer Comments:</i>		
<p>Supported- The boundary wall will not have any undue impact on the streetscape as it would be consistent with development approved at Nos.250-252 Oxford Street. On the western side, the proposal will be facing the proposed 5 storey building at Nos.250-252 Oxford Street. Given the adjoining western property is zoned commercial and no objection has been received from the owner of Nos.250-252 Oxford Street, the variation to the boundary walls is supported. Moreover, on the southern and eastern side the boundary complies with the wall height requirement and, therefore, the boundary wall on three sides is supported.</p>		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Site works	Retaining wall and filling not more than 0.5 metre Setback= 1.5 metres	0.84 metre along the western and southern boundaries Nil
<i>Officer Comments:</i>		
Supported: No undue impact on the adjoining properties in terms of overshadowing.		
Height and Number of Storeys	Height= 7 metres Number of storeys= 2	Height= 15.5 metres Number of Storeys= 4
<i>Officer Comments:</i>		
Supported: Density, plot ratio and building height contribute to the bulk and scale of a development. Given the proposed development, the adjoining five storey building at Nos.250-252 Oxford Street, corner Bourke Street, this development is considered to be not out of character with this area. Moreover, the proposed building is setback generally 4 metres to 7.06 metres to the eastern boundary and 4.5 metres to the southern property, which will provide adequate ventilation to these properties. In addition, the proposal complies with the overshadowing requirement of the R-Codes.		
Privacy	Balcony= 7.5 metres Bedroom= 4.5 metres	<u>Units A1 and A4</u> Front Balcony- 4 metres to the eastern boundary Living room- 4 metres to the eastern boundary Bedroom 1- 4 metres to the eastern boundary <u>Units A3, A 6 and A7</u> Balcony on the northern elevation- 5.8 metres to the eastern boundary <u>Unit A8</u> Kitchen- 5.83 metres to the eastern boundary
<i>Officer Comments:</i>		
Not supported: Undue impact on the neighbouring eastern property, and a screening condition has been imposed.		
Overshadowing	35 per cent of the site area	Applicant submitted amended plans to show an overshadowing of 34.7 per cent, which was previously non-compliant at 66.8 per cent.
Noted: The amended plans show the overshadowing complies with the acceptable development requirement of the R-Codes.		

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

Consultation Submissions		
Item	Comments-Support (Nil)	Officer Comments
	<ul style="list-style-type: none"> • Nil 	Noted.
Item	Comments-Objections (6)	Officer Comments
Height of Building	<ul style="list-style-type: none"> • <i>“The overall height of proposed building is much higher than surrounding buildings and is more than double the acceptable development standards. It would tower above all the neighbouring housing, overshadowing 89, 89A and 89B Bourke Street and completely negating the low-rise streetscape. Bourke Street is a residential street and any high rise development should be limited to Oxford Street.”</i> 	Not supported –Refer to comments in the Height and Number of Storeys section in the compliance table. Moreover, it is considered that the design reduces the bulk and scale and provides for vertical and horizontal articulation elements, when taken into perspective with the single/double storey dwellings to the east and south of the subject site.
Density	<ul style="list-style-type: none"> • The proposed density does not comply with the required density in this area which will cause a significant increase in traffic for this residential street. 	Not supported- Refer to comments in the Density section in the Compliance Table.
Privacy	<ul style="list-style-type: none"> • Concerns about overlooking of the adjoining properties 	Supported- Undue impact on the neighbouring residential properties. A screening condition has been imposed on all non-compliant areas.
Building Setbacks	<ul style="list-style-type: none"> • Non-compliant with building setbacks. 	Not Supported - As it is considered that the setbacks would not result in an undue impact on the amenity of the area.
Overshadowing	<ul style="list-style-type: none"> • The proposed building will overshadow the courtyards of the adjoining properties. 	Not supported- The amended plans submitted show the proposal complies with the overshadowing requirement of the R-Codes.
Rubbish collection	<ul style="list-style-type: none"> • Concerns about the location of the rubbish collection on the boundary, which will impact on the adjoining property in terms of noise and smell. 	Supported- Applicant submitted amended plan showing the rubbish collection area has been relocated from the adjoining southern and eastern properties to the western boundary.
Parking	<ul style="list-style-type: none"> • There is insufficient parking including visitors for the proposed development 	Not supported- The proposal complies with the parking requirement. Visitors to the site can use the commercial car parking bay after normal business hours.

Consultation Submissions		
Item	Comments-Support (Nil)	Officer Comments
Construction Management Plan	<ul style="list-style-type: none"> It is a major project which will have an impact on the adjoining properties during construction which has to be addressed. 	Noted - A condition for a Construction Management Plan has been imposed to minimise impact on surrounding properties.
Power-lines	<ul style="list-style-type: none"> <i>“The over head power-lines at the roundabout (Oxford/Bourke Street intersection) are a major eyesore and completely detract from any aesthetic qualities that have been designed for the new proposed developments, and just completed developments. I hope a plan is in place to rectify this major architecture and planning faux pas.”</i> 	Noted.
Plan	<ul style="list-style-type: none"> No plan has been provided showing the scale of this development in relation to No. 19 Burgess Street. 	Noted- The applicant has submitted amended plans in the form of overshadowing plans to show the relationship of the development with No. 19 Burgess Street.
Noise	<ul style="list-style-type: none"> Concerns about the noise from the balconies which will impact on the adjoining neighbours. 	Noted - Any future owners of this property will be required to comply with the relevant Noise Regulations.

Car Parking

In accordance with the Residential Design Code requirements for mixed-use development, on-site car parking requirements for multiple dwellings may be reduced to one per dwelling, where on-site parking required for other users is available outside normal business hours. A total of 9 car bays have been provided for the proposed development. For the residential component 8 car bays have been provided. The balance of car bays available for the commercial component in this instance is 1car bay.

Car Parking- Commercial Component	
Car parking requirement (nearest whole number) Office: 1 car bay per 50 square metres gross office/administration floor area (proposed 93 square metres) = 1.86 car bays= 2 car bays	2 car bays
Apply the parking adjustment factors. <ul style="list-style-type: none"> 0.85 (within 400 metres of a bus stop) 0.85 (within 400 metres of one or more public car parks in excess of 75 spaces) 0.80 (development contains a mix of uses, where at least 45 per cent of the gross floor area is residential) 	(0.578) 1.156 car bays
Minus the car parking provided on-site	1
Minus the most recently approved on-site car parking shortfall	Nil

Car Parking- Commercial Component		
Shortfall- No cash-in-lieu required for shortfall less than 0.5 car bay		0.156 car bay
Bicycle Parking:	Offices- <ul style="list-style-type: none"> • 1 space per 200 (proposed 93) square metres) gross floor area (class 1 or 2) = 1 spaces 	Not provided- a condition of planning approval has been imposed.
<i>Officer Comments:</i>		
Supported - No variation		

CONSULTATION/ADVERTISING:

Advertising for a period of 21 days was carried out in the form of advertising letters sent by the Town to landowners, sign on-site and newspaper notice as per the Town's Policy No. 4.1.5 - relating to Community Consultation.

LEGAL/POLICY:

TPS 1 and associated Policies, and Residential Design Codes (R Codes).

STRATEGIC IMPLICATIONS:

The Town's Local Planning Strategy has identified Oxford Street as an Activity Corridor and the subject site is located 47 metres from Oxford Street and, as such, this development will not be totally out of character.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Demolition

The subject brick and tile dwelling at No. 91 Bourke Street, Leederville is an example of the Interwar Bungalow style of architecture constructed circa 1925. The subject dwelling has a hipped and gabled roof, which is covered by earthy terracotta tiles.

The WA Post Office Directories first lists the subject place in 1926, with Mrs. Grace Jackson as the resident. Since then, the subject dwelling has been transferred several times to new owners and occupiers.

A full Heritage Assessment (attached) was undertaken for No. 91 Bourke Street, Leederville, based on the plan dated 12 May 2010, which indicates that the place has little aesthetic, historic, scientific or social heritage significance. In accordance with the Town's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the Town's Municipal Heritage Inventory.

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

Absolute Majority

Given the proposed density bonus, as per Clause (40)(3)(b) of the Town's Town Planning Scheme No. 1, the Council, in the event of approving the application, would be required to do so by an absolute majority decision.

In the context of surrounding development close to and along Oxford Street, the proposal is predominantly residential, provides articulation and acts as a buffer site, and on the above basis, the proposed density bonus, plot ratio and height are supported.

The proposed development will contribute to providing a range of housing choice in the Town. In light of the above, it is recommended that the Council approve the application, subject to standard and appropriate conditions.

9.1.3 Scarborough Beach Road Activity Corridor - Progress Report No. 2

Ward:	-	Date:	16 August 2010
Precinct:	COS16	File Ref:	PLA0205
Attachments:	-		
Reporting Officer:	S Kendall, Acting Co-ordinator Strategic Planning		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report relating to the Scarborough Beach Road Activity Corridor – Progress Report No. 2;
- (ii) **ACKNOWLEDGES** that the Town’s Officers are liaising with the City of Stirling and the Department of Planning to prepare design options as required by Clauses (ii) (a) and (b) of the Council resolution made at the Ordinary Meeting held on 27 July 2010, relating to Item 9.1.7 Scarborough Beach Road Activity Corridor - Progress Report No. 1; and
- (iii) **APPROVES BY AN ABSOLUTE MAJORITY** the reallocation of the \$40,000 from the 2010/2011 Budget, account entitled ‘Northbridge History Project’ to enable the preparation of the design options for the Scarborough Beach Road Activity Corridor Project.

Cr Burns departed the Chamber at 8.04pm.

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Cr Burns returned to the Chamber at 8.06pm

Debate ensued.

AMENDMENT NO 1

Moved Cr Maier, Seconded Cr Harvey

That clause (iii) be deleted.

AMENDMENT NO 1 PUT AND CARRIED (8-0)

(Cr McGrath was on approved leave of absence.)

AMENDMENT NO 2

Moved Cr Burns, Seconded Cr Lake

That a new clause (iii) be inserted as follows:

“(iii) FURTHER NEGOTIATE with the City of Stirling and the Department of Planning to have joint funding with respect to the area involved in the Town of Vincent.”

Debate ensued.

The Mover, Cr Burns advised that she wished to change her amendment as follows:

“(iii) FURTHER NEGOTIATE with the City of Stirling and/or the Department of Planning to have joint funding with respect to the area involved in the Town of Vincent.”

The Seconder, Cr Lake agreed.

AMENDMENT NO 2 PUT AND CARRIED (8-0)

(Cr McGrath was on approved leave of absence.)

MOTION AS AMMENDED PUT AND CARRIED (8-0)

(Cr McGrath was on approved leave of absence.)

Reason for significant change to the officer Recommendation:

- **The Council considers that funding of \$40,000 is too high with respect to the amount of Town of Vincent that is involved in the project, which is very small and the Department of Planning have co-funded the City of Stirling, The Town of Vincent therefore seeks the same.**

COUNCIL DECISION ITEM 9.1.3

That the Council;

- RECEIVES the report relating to the Scarborough Beach Road Activity Corridor – Progress Report No. 2;*
 - ACKNOWLEDGES that the Town’s Officers are liaising with the City of Stirling and the Department of Planning to prepare design options as required by Clauses (ii) (a) and (b) of the Council resolution made at the Ordinary Meeting held on 27 July 2010, relating to Item 9.1.7 Scarborough Beach Road Activity Corridor - Progress Report No. 1; and*
 - FURTHER NEGOTIATE with the City of Stirling and/or the Department of Planning to have joint funding with respect to the area involved in the Town of Vincent.*
-

PURPOSE OF REPORT:

The purpose of this report is to request that funds be made available from the current 2010/11 Budget specifically for the purpose of progressing the Scarborough Beach Road Activity Corridor Project.

BACKGROUND:

At its Ordinary Meeting held on 27 July 2010, the Council considered a report on the Scarborough Beach Road Activity Corridor Project, which outlined to the Council the Town's involvement in the Scarborough Beach Road Activity Corridor Project since 2008.

At this Meeting, the Council resolved to receive the report; to request additional information from the City of Stirling on certain matters; and to advise the Department of Planning and the City of Stirling that it has concerns regarding a 42 metre road reserve for the portion of Scarborough Beach Road from Glendalough Station to Main Street.

DETAILS:

Clauses (ii) (a) and (b) of Item 9.1.7 relating to Scarborough Beach Road Activity Corridor - Progress Report No. 1, at the Ordinary Meeting of Council held on 27 July 2010 states:

“(ii) *REQUESTS that:*

- (a) *the City of Stirling provide the Town with the following documents by no later than August 2010 for Council endorsement a road design for the Scarborough Beach Road/Main Street/Brady Street/Green Street intersection;*
- (b) *the City of Stirling provide the Town with the following documents by no later than August 2010 for Council endorsement two (2) road design options for Scarborough Beach Road between Glendalough Station and Main Street for a 42 metre reserve in which the Town's southern portion of the road absorbs 5 metres and 7 metres respectively, and depicting with/without on-street car parking provision options and one (1) design option for a cross section for a 30 metre road reservation for the portion of Scarborough Beach Road between Glendalough Station and Main Street that supports the guiding principles of the Scarborough Beach Road Activity Corridor;”*

The Town’s Officers have been liaising with the City of Stirling and the Department of Planning to further progress this request and to progress more generally the Scarborough Beach Road Activity Corridor Project.

Through discussions with the City of Stirling Officers and Sinclair Knight Merz, it has become apparent that the preparation of the design options requires a level of funding that may cause a funding shortfall on the existing funding allocation in the 2010/2011 Budget for Town Planning Scheme Amendments and Policies. From preliminary investigations, it is noted that the preparation of each design option would be approximately \$6,500, excluding GST. This figure may increase depending on the level of detail required in each option. The Town’s Officers are currently liaising with the City of Stirling and the Department of Planning to finalise the level of detail required for each design option (that is, the number and type of bicycle lanes to be provided, the nature and type of verge treatments, etc).

At this point in time, it is noted that the following design options are required, to comply with Clauses (ii) (a) and (b) above:

Design Number	Option	Detail to be Shown in Design Option
Intersection Design <i>Clause (ii) (a)</i>		Reassess the road design for the Scarborough Beach Road/Main Street/Brady Street/Green Street intersection previously prepared for City of Stirling by GHD Consulting Engineers and reported to Council at its Ordinary Meeting held on 23 April 2002.
Road Option 1 <i>Clause (ii) (b)</i>		A cross section for a 30 metre road.
Road Option 2 <i>Clause (ii) (b)</i>		A 42 metre reserve in which the Town's southern portion of the road absorbs 5 metres.
		Scenario 1 to include on-street car parking; and
		Scenario 2 not to include on-street car parking.

Road Option 3 A 42 metre reserve in which the Town's southern portion of the road
Clause (ii) (b) absorbs 7 metres.

Scenario 1 to include on-street car parking; and

Scenario 2 not to include on-street car parking.

A total of \$58,200 has been allocated in the 2010/2011 Budget for Town Planning Scheme Amendments and Policies. Whilst this is a sizable amount, it is noted that this account must accommodate all the various ongoing Scheme and Policy advertising costs. Notably funds will also be required from this account for the payment of consultants to undertake the Peer Review of Draft Town Planning Scheme No. 2 (TPS 2) text and supporting documentation. It is noted that when the Council previously considered the Peer Review at its Ordinary Meeting held on 13 April 2010, the preferred contractors quote was for \$33,000. It is further noted that this quote was only for the review of the Scheme not the Policies, which have subsequently been included in the supporting documentation to be reviewed.

Given that the proposed design options may cost in excess of \$26,000, the Town's Officers consider it important that additional funds be identified and made available, to enable the design options to be prepared, once the finer details have been resolved and definitive quotes provided.

Proposed Alternative Source of Funds:

The 2010/2011 Budget allocates \$40,000 for the Northbridge History Project. The \$40,000 was allocated to assist in the development of a GIS system to map the historical cultural information of Northbridge as part of the Northbridge History Project, as per the resolution of Council at its Ordinary Meeting held on 9 September 2008 relating to Item 10.1.1 Further Report - Australian Research Council (ARC) Linkage Grant for Historical GIS.

The Northbridge History Project was created in 2005 through the Department of Premier and Cabinet, with a vision to create an inspiring historical context for the future development of Northbridge as a uniquely attractive place to visit, work and live. The Town has been formally involved in the Northbridge History Project since 2006. The collaboration has resulted in numerous outcomes which have directly benefited the Town including; oral histories, photographic collections, map collections, community networking, Northbridge History Studies Day, library displays, bookmarks, posters, an educational CD and the promotion of history in Northbridge and the Town of Vincent more generally.

However, in a letter dated 11 June 2010, the Government of Western Australia advised that the Northbridge History Project was ending and that the Office would be closed from 11 June 2011. As a result, the Budget allocation of \$40,000 is not longer required and is considered available for reallocation.

CONSULTATION/ADVERTISING:

Nil at this time.

STRATEGIC IMPLICATIONS:

Strategic Plan 2009-2014 – Strategic Objectives: Natural and Built Environment:

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

FINANCIAL/BUDGET IMPLICATIONS:

To-date, the Scarborough Beach Road Activity Corridor Project has been jointly funded by the City of Stirling and the Department of Planning, with the Town providing in-kind support only.

The current 2010/2011 Budget allocates \$58,200 for Town Planning Scheme Amendments and Policies. Funds are required to assist in funding the preparation of the road designs, which may cost in excess of \$26,000.

It is requested the Council approve the reallocation of \$40,000 from the Northbridge History Project to fund this project.

LEGAL/POLICY:

- City of Stirling Scheme No. 2; and
- City of Stirling Amendment 423 (Schedule 14).

COMMENTS:

Funds are required to assist in the preparation of the road designs for the Scarborough Beach Road Activity Corridor Project, as required by clauses (ii) (a) and (b) of the Council resolution made at the Ordinary Meeting held on 27 July 2010, relating to Item 9.1.7 Scarborough Beach Road Activity Corridor - Progress Report No. 1. The Town's Officers consider that there is opportunity to use the money, which was intended to be used for the Northbridge History Project, a project which is no longer operating.

It is therefore recommended that the Council endorse the Officer Recommendation, to enable the Town's Officers to engage in further discussions with the City of Stirling and the Department of Planning on the fine detail of the design options and to enable quotes to be obtained for the preparation of such options, and for the appropriate reallocation of funds.

9.1.7 Swan River Trust – Draft Policy SRT/D4 Stormwater Management

Ward:	-	Date:	13 August 2010
Precinct:	-	File Ref:	ORG0016
Attachments:	001		
Reporting Officers:	C Chaudhry, Project Officer - Environment E Lebbos, Strategic Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES:**
- (a) *the Report relating to the Swan River Trust Draft Stormwater Management Policy; and*
 - (b) *the Swan River Trust Draft Stormwater Management Policy, as shown in Attachment 001; and*
- (ii) *advises the Swan River Trust and the Western Australian Local Government Association (WALGA) that it SUPPORTS IN PRINCIPLE the Swan River Trust Draft Stormwater Management Policy, however, it has some concerns in relation to the following:*
- ~~(a) *the Draft Policy aims to reduce the nutrients entering the Swan River, but fails to account that there are periods in the year when the Swan River needs high nutrients input to function correctly;*~~
 - (a**b**) *the Draft Policy does not address the fact that large amounts of nutrients are better infiltrated through long water holding period times through infiltration;*
 - (a**e**) *the comment to allow developments to use Local Authority drains instead of disposing of stormwater on-site would be unacceptable to the Town. Although the Town's drainage system is utilised for some disposal of stormwater, the Town's drainage system is already under a large amount of stress, and further discharge into these could lead to increased periods of flooding within the Town in the winter months; and*
 - (a**d**) *the Draft Policy does not provide guidance on how to ensure that land use changes are managed to improve water quality and prevent degradation. Further guidance in relation to this matter would be beneficial.*

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

COUNCIL DECISION ITEM 9.1.7

Moved Cr Lake, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Lake

That clause (ii) be amended to read as follows:

“(ii) advises the Swan River Trust and the Western Australian Local Government Association (WALGA) that it SUPPORTS IN PRINCIPLE the Swan River Trust Draft Stormwater Management Policy, ~~however, it has some concerns in relation to the following:~~

(a) ~~the Draft Policy does not address the fact that large amounts of nutrients are better infiltrated through long water holding period times through infiltration;~~

(b) ~~the comment to allow developments to use Local Authority drains instead of disposing of stormwater on site would be unacceptable to the Town. Although the Town’s drainage system is utilised for some disposal of stormwater, the Town’s drainage system is already under a large amount of stress, and further discharge into these could lead to increased periods of flooding within the Town in the winter months; and~~

(c) ~~the Draft Policy does not provide guidance on how to ensure that land use changes are managed to improve water quality and prevent degradation. Further guidance in relation to this matter would be beneficial.”~~

Debate ensued.

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

PROCEDURAL MOTION

Moved Cr Buckels, Seconded Cr Topelberg

That the item be DEFERRED for further information.

PROCEDURAL MOTION PUT AND CARRIED (8-0)

(Cr McGrath was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this Report is to inform the Council of the Swan River Trust’s Draft Stormwater Management Policy currently being advertised for public comment, and to provide a summary of the document to the Council.

BACKGROUND:

The Town has received a letter from the Swan River Trust, dated 16 July 2010, inviting the Town to comment on the Draft Stormwater Management Policy, with submissions closing on 22 October 2010.

The Town has also received an email from the Western Australian Local Government Association, dated 29 July 2010, inviting the Town to comment on the Draft Stormwater Management Policy, in order for the Town’s comments to be incorporated in a submission from the Western Australian Local Government Association to the Swan River Trust.

DETAILS:

The Swan Canning River System receives most of the stormwater that drains from the Perth region, with only a small portion flowing out to the ocean. Stormwater can mobilise sediments, nutrients or contaminants in its flow path, and must therefore be managed to protect receiving water bodies. Residential, commercial or industrial development often leads to a dramatic increase in the area of impervious surfaces, which can result in more stormwater runoff and a greater risk of pollution.

The Draft Stormwater Management Policy ensures that land use changes are managed to protect the water quality of the Swan Canning River System, and that stormwater management systems are designed to enhance the environmental quality of the river. The Draft Policy is a revision of a previous Swan River Trust Policy relating to stormwater management, which has been updated to reflect the principles of Better Urban Water Management (WAPC, 2008), and to address management of stormwater in foreshore areas from new or existing urban developments.

CONSULTATION/ADVERTISING:

The Swan River Trust is currently advertising the Draft Policy for public comment, which closes on 22 October 2010.

LEGAL/POLICY:

- State Planning Policy 2.10 – Swan-Canning River System (WAPC, 2006); and
- Swan and Canning Rivers Management Act 2006.

STRATEGIC IMPLICATIONS:

The Town of Vincent Strategic Plan 2009-2014 states;

“Natural and Built Environment

- 1.1 *Improve and maintain the environment and infrastructure*
 - 1.1.4 *Minimise negative impacts on the community and environment.*
 - 1.1.5 *Enhance and maintain parks, landscaping and community facilities.*
 - 1.1.6 *Enhance and maintain the Town’s infrastructure to provide a safe, healthy, sustainable and functional environment.”*

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

SUSTAINABILITY IMPLICATIONS:

The Draft Stormwater Management Policy addresses aspects of environmental sustainability. In light of the fact that the quantity and quality of stormwater entering the Swan Canning River System influences its ecological health and amenity, and that stormwater is now recognised as a resource as opposed to as a waste product with a cost, the Draft Policy aims to improve the water quality and maintain water flow in the river system.

In light of this, the objectives of the Draft Policy are to ensure that:

- *‘land use changes and development do not result in further water quality degradation of the Swan Canning river system;*

- *stormwater management systems are design in a manner to enhance the environmental quality of the river; and*
- *river foreshores reserved for Parks and Recreation are protected as public resources that should be available for public access.'*

COMMENTS:

The Town's Officers have reviewed the Draft Policy and have identified the following items, which are considered to require further consideration by the Swan River Trust.

SRT/D4.2 Land Use Change:

In relation to land use change, the Draft Policy states "...proposed land use changes should be managed to minimise sediment transport and to prevent the mobilisation of nutrients or contaminants from the site to the river..."

It is noted that this provision aims to ensure that land use changes do not result in further water quality degradation, but rather, improve the situation. However, no guidance is provided on how this can be achieved or what aspects should be considered when looking at land use change, particularly when dealing with brown-field and/or infill sites.

One key means of achieving acceptable water quality is by managing the quality of water entering the river system and the surrounding catchment from the development site. Currently, as part of the Conditions of Approval for any development within the Town, prior to a Building Licence being issued, a Construction Management Plan is required to be submitted for assessment by the Town's Officers. As part of this, the Applicant has to address the management of stormwater on the development site, including how excess water will be disposed off, what processes will be undertaken to filter the water prior to any of it entering the Town's drainage system, etc. These measures aim to ensure development does not result in water quality degradation.

Nutrients:

~~The Draft Policy aims to reduce the nutrients entering the Swan River, but fails to account that there are periods in the year when the Swan River needs high nutrients input to function correctly. Discharge of nutrients should be allowed in these times to ensure the steady state of the Swan River system is maintained ecologically.~~

~~In addition, it~~ It is noted that the Draft Policy does not address the fact that large amounts of nutrients are better infiltrated through long water holding period times through infiltration. In other words, it is preferable for water to be held in ground well artificial wetland soak structures to allow it to filter through the soil profile to the ground water; however, the Draft Policy does not address this matter. This has a greater capacity to reduce nutrients entering into the Swan River as it is captured in the soil profile. It is noted that, the encouragement of swales has the same capacity on reducing nutrients and is limited by the velocity of the water, and the ability for water to be held in the area for more than 48 hours.

Artificial Wetland Structures:

The Swan River Trust identifies that the use of artificially created wetland structures is not a desirable outcome of the Draft Policy. In the case for the Town of Vincent, the only way to manage the excess of stormwater load from developments is to look at the possibility of establishing detention basins or other artificial soak structures for water holding periods. This would thus go against the Draft Policy, but is the most realistic way forward in a heavy urban context as exhibited by the Town. It must be noted that the comment to allow developments to use Local Authority drains, instead of disposing of stormwater on-site, would be unacceptable to the Town. Although the Town's drainage system is utilised for some disposal of stormwater, the Town's drainage system is already under a large amount of stress, and further discharge into these could lead to increased periods of flooding within the Town in the winter months.

Summary:

In light of the above, it is recommended that the Council receive the Report, and support the Officer Recommendation to advise the Swan River Trust and the Western Australian Local Government Association that the Town of Vincent supports in principle the intent and content of the Draft Stormwater Management Policy; however, has some concerns, which require further consideration as outlined in the Officer Recommendation.

9.2.7 Hyde Park Water Playground – Reallocation of Funds to Carryout Essential Remedial Works

Ward:	South	Date:	14 August 2010
Precinct:	Hyde Pk; P12	File Ref:	RES0042
Attachments:	-		
Reporting Officer:	J van den Bok, Manager Parks & Property Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *NOTES that;*
- (a) *the Department of Health has advised that there are potential health risks and design issues at the Hyde Park Water Playground, which are required to be addressed prior to the facility being recommissioned; and*
 - (b) *unfortunately, the Hyde Park Water Playground will need to remain closed until the remedial/upgrade works have been completed;*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to reallocate \$90,000 (from a funding source to be identified) to enable essential remedial works at the Hyde Park Water Playground to be carried out, so that it can be re-opened prior to the summer season (if possible); and*
- (iii) *subject to clause (ii) above being approved, AUTHORISES the Chief Executive Officer to call a tender for the essential remedial works required at the Hyde Park Water Playground.*

Moved Cr Lake, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Topelberg, Seconded Cr Lake

That clause (iii) be amended as follows:

- “(iii) subject to clause (ii) above being approved, AUTHORISES the Chief Executive Officer to further investigate options to remediate the system and report back to Council. ~~call a tender for the essential remedial works required at the Hyde Park Water Playground.~~”*

Debate ensued.

AMENDMENT PUT AND CARRIED (8-0)

(Cr McGrath was on approved leave of absence.)

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

(Cr McGrath was on approved leave of absence.)

COUNCIL DECISION ITEM 9.2.7

That the Council;

- (i) *NOTES that;*
- (a) *the Department of Health has advised that there are potential health risks and design issues at the Hyde Park Water Playground, which are required to be addressed prior to the facility being recommissioned; and*
 - (b) *unfortunately, the Hyde Park Water Playground will need to remain closed until the remedial/upgrade works have been completed;*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to reallocate \$90,000 (from a funding source to be identified) to enable essential remedial works at the Hyde Park Water Playground to be carried out, so that it can be re-opened prior to the summer season (if possible); and*
- (iii) *subject to clause (ii) above being approved, AUTHORISES the Chief Executive Officer to further investigate options to remediate the system and report back to Council.*
-

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the condition of the Hyde Park Water Playground and to seek approval for a reallocation of funds or alternatively a decision to permanently close the facility.

BACKGROUND:

Historical records indicate that the water playground in Hyde Park was constructed by the former City of Perth around 1970 and at that time consisted of three (3) pools approximately 400mm in depth, with various fibreglass animal waterspouts. No water playground health standards existed at the time and information about the possible health risks was also very limited.

In the late 1970s, the water playground was shut down, due to water restrictions and concerns with regard to amoebic meningitis. When recommissioned in the early 1980s, the pools were filled in, the fibreglass animals removed and the water playground then consisted of three (3) concrete "ponds" fitted with numerous vertical spray outlets.

It is assumed that this set up worked effectively until the system was again shut down in the late 1980s, again due to possible health risks. The Town upgraded the water playground in 1997 following many requests from the community and, with the addition of the mosaic murals completed by technical college students some years ago, the playground has continued to be a very popular feature.

Various works have been undertaken to maintain the feature and upgrade pumping/chemical dosing and filter equipment since this time, however, following ongoing unacceptable levels of coliforms and various other forms of bacteria being detected in the holding tank, the system was shut down in January/February 2010, pending further investigation. It remains closed.

Decision Required

A decision is now required to determine the future of the water playground. The Council can either:

1. reallocate funds for essential works; or
2. permanently close the water playground – due to the potential health risks.

DETAILS:

Upgrade Requirements

Currently the system is designed around one (1) holding tank that is constructed of concrete liners which require cleaning on a regular basis, being contaminated with the intrusion of tree roots. The DOH has now recommended a series of tanks be installed, a collectors tank, a holding tank and a balance tank. These tanks can be smaller than the existing tank, however, made out of lighter material and completely sealed.

Given the above requirements, a new dedicated pumping system and chemical dosing system would be required and it has also been recommended that an additional sanitiser (ultra violet type) be included. The above requirements would in turn mean that a full upgrade of the existing electrical system would be required.

In addition to the above, the existing enclosed plant and equipment housing does not comply with Australian Standards and has to be increased in size by around 4m². A chemical bund must also be included with the inclusion of at least one drainage point.

It is therefore recommended that given this facility's popularity, the issues with water quality that have been identified at times over the past three years, the age and condition of some items of existing infrastructure and the improvements to the system identified by the DOH, that the Council approves of a reallocation of funds for a total refurbishment of the existing system.

Mosaic Pond Surfaces

During the 2008 summer period, the water playground was shut down due to cracks forming in the tiled surface, which developed sharp ridges. This was a very serious potential liability issue, due to children getting cut feet.

Advice was sought from contractors and civil engineers and the cause of the problem was identified as being due to the fact that the former “pools” had just been filled in with sand and a new concrete surface laid over the top to create the newly formed “ponds.” Lack of compaction or movement of the original concrete shell was the most likely cause of the problem.

Whilst the rather expensive option to overcome future problems was to rip out the ponds and reconstruct with only a sand base, one of the Town's maintenance contractors, who has significant experience in tiling, has successfully managed to repair the cracked surfaces without further issue.

It is likely that this problem may re-occur from time to time on any one of the three (3) ponds; however, the above solution is quick, relatively cheap and should not cause any future prolonged shutdown.

Maintenance

Since 1997 simple everyday maintenance of the water playground such as cleaning of filter grates and mosaic surfaces has been undertaken by on site Parks Services staff. Checking the overall operation of the plant and equipment, chemical dosing and filter maintenance has been undertaken several times per week (seasonally) by contractors accredited in maintaining aquatic facilities.

The Town's Environmental Health Officers check chlorine and pH levels of the water as required during periods of seasonal operation.

However, in view of the comments provided by the DOH, it is noted that when in operation the facility will require daily checks by a trained operator.

Training of Parks Services staff to undertake these specific tasks is not recommended due to the turnover of staff and the expense of training. However, if the system is to run safely and efficiently, this cost must be expected and budgeted for accordingly. Investigations will be carried out as to whether there are other suitably trained persons within the employment of the Town e.g. Beatty Park Leisure Centre operators.

CONSULTATION/ADVERTISING:

Signage will be erected at Hyde Park advising patrons that the Water Playground will be closed until further notice. Information in relation to the closure will also be posted on the Town's website and the general community advised via the Town's quarterly newsletter.

LEGAL/POLICY:

There is currently no legislation in Western Australia addressing the operation of water playgrounds that are not contained within aquatic facilities. The DOH has, however, formulated a set of guidelines "Health Requirements for Interactive Water Fountains" for operators of water playgrounds given their ever increasing popularity.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2009-2014 – Key Result Area One: *1.1.5 Enhance and maintain parks, landscaping and community facilities.*

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Given the issues arising with contamination of the water playground dosing system over the past two (2) years and following preliminary discussions with contractors, consultants and the DOH, an amount of \$20,000 was listed in the Town's 2010/2011 capital works budget to undertake minor modifications to the water playground.

However, following further investigation and discussions with the DOH and pool personnel, it is now evident that a significant rebuild of the entire operating system is required to meet the requirements of the DOH.

The recommended improvement works outlined by the DOH include a new larger plant facility, tanks, pumps and dosing equipment.

An indicative cost of \$90,000 to \$110,000 has been received from two (2) local companies who undertake these specialised works.

It is therefore recommended that the Town reallocate \$90,000 from a funding source to be identified at the mid year Budget Review to enable essential remedial works at the Hyde Park Water Playground to be carried out, so that it can be reopened prior to the summer season.

COMMENTS:

The water playground at Hyde Park has been a very popular feature within Hyde Park since it was originally constructed around 1970. The feature has undergone many changes and upgrades over the years and has been in virtual continual use since the Town recommissioned the facility in 1997, after it had been decommissioned by the former City of Perth in the late 1980s.

Whilst the feature has been fraught with problems over the past years, given its iconic status and widespread popularity, a view held by people from all over the metropolitan area, it is recommended that funding be reallocated to upgrade the facility to the required DOH recommendations.

9.3.1 Provisional Financial Statements as at 30 June 2010

Ward:	Both	Date:	15 August 2010
Precinct:	All	File Ref:	FIN0026
Attachments:	001		
Reporting Officers:	B Tan, Manager Financial Services; B Wong, Accountant		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council RECEIVES the Provisional Financial Statements for the month ended 30 June 2010 as shown in Appendix 9.3.1.

Moved Cr Maier, Seconded Cr Farrell

That the recommendation be adopted.

Cr Burns departed the Chamber at 8.35pm.

Debate ensued.

Cr Burns returned to the Chamber at 8.37pm.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Lake

That a new clause (ii) be inserted as follows:

“(ii) that detailed reports providing provisional end of year figures showing budgets and actuals at the same level of detail as the Annual Budget be provided to Elected Members upon request.”

Debate ensued.

AMENDMENT PUT AND CARRIED (5-3)

For: Cr Buckels, Cr Harvey, Cr Lake, Cr Maier, Cr Topelberg

Against: Mayor Catania, Cr Burns, Cr Farrell

(Cr McGrath was on approved leave of absence.)

MOTION AS AMENDED PUT AND CARRIED (8-0)

(Cr McGrath was on approved leave of absence.)

COUNCIL DECISION ITEM 9.3.1

That;

- (i) the Council RECEIVES the Provisional Financial Statements for the month ended 30 June 2010 as shown in Appendix 9.3.1; and*
- (ii) detailed reports providing provisional end of year figures showing budgets and actuals at the same level of detail as the Annual Budget be provided to Elected Members upon request.*

PURPOSE OF REPORT:

The purpose of this report is to present the Provisional Financial Statements for the month ended 30 June 2010.

BACKGROUND:

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

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

It is anticipated that the final accounts will be available at the second council meeting in October 2010.

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;
- 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 2010:

- Income Statement;
- Summary of Programmes/Activities (pages 1-17);
- Income Statement by Nature & Type Report (page 18)
- Capital Works Schedule (pages 19-25);
- Balance Sheet and Statement of Changes in Equity (pages 26-27);
- Reserve Schedule (page 28);
- Debtor Report (page 29);
- Rate Report (page 30);
- Statement of Financial Activity (page 31);
- Net Current Asset Position (page 32);
- Beatty Park Report – Financial Position (page 33);
- Variance Comment Report (page 34-42);
- Monthly Financial Positions Graph (page 43-45).

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	-	-\$1.2 million
YTD Budget	-	\$1.7 million
Variance	-	-\$2.9 million
Full Year Budget	-	\$12.9 million

Summary Comments:

The current unfavourable variance is due to a timing difference on the receipt of revenue from Capital Grants and Contributions, which will now be received in the next financial year.

Operating Revenue

YTD Actual	-	\$36.0 million
YTD Budget	-	\$35.2 million
YTD Variance	-	\$0.8 million
Full Year Budget	-	\$34.7 million

Summary Comments:

The total operating revenue is currently on budget.

Major variances are to be found in the following programmes:

- Governance – 63% over budget;
- Law Order and Public Safety – 32% below budget;
- Health – 15% over budget;
- Other Property and Services – 274% over budget;
- Administration General – 21% over budget.

More details variance comments are included on the page 34 – 42 of this report.

Operating Expenditure

YTD Actual	-	\$38.4 million
YTD Budget	-	\$37.1 million
YTD Variance	-	\$1.3 million
Full Year Budget	-	\$36.2 million

Summary Comments:

The operating expenditure is currently on budget.

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

- Education and Welfare – 21% below budget;
- Transport – 13% over budget;
- Other Property and Services – 33% over budget.

Detailed variance comments are included on the page 34 – 42 of this report.

Income Statement by Nature and Type Report

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

Capital Expenditure Summary

The Capital Expenditure summary details projects included in the 2009/10 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 2010 of \$8,378,599 which represents 66% of the revised budget of \$12,600,107.

	Budget	Revised Budget	Actual to Date (Include commitment)	%
Furniture & Equipment	\$132,900	\$144,866	\$88,255	61%
Plant & Equipment	\$1,229,450	\$1,317,450	\$956,833	73%
Land & Building	\$12,659,500	\$3,811,876	\$3,416,911	90%
Infrastructure	\$7,570,415	\$7,325,915	\$3,916,600	53%
Total	\$21,592,265	\$12,600,107	\$8,378,599	66%

Balance Sheet and Statement of Changes in Equity

The statement shows the current assets of \$13,925,007 and non current assets of \$142,322,572 for total assets of \$156,247,579.

The current liabilities amount to \$8,082,911 and non current liabilities of \$13,785,535 for the total liabilities of \$21,868,446. The net asset of the Town or Equity is \$134,379,134.

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 2010 is \$9.0m. The balance as at 30 June 2009 was \$7.3m.

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 \$449,337 is outstanding at the end of June 2010.

Of the total debt \$139,880 (31%) 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 2009/10 were issued on the 14 July 2009.

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

First Instalment	18 August 2009
Second Instalment	20 October 2009
Third Instalment	5 January 2010
Fourth Instalment	9 March 2010

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)	\$7.00
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 2010 including deferred rates was \$211,156 which represents 1.05% of the outstanding collectable income compared to 1.63% at the same time last year.

Statement of Financial Activity

The closing balance carry forward for the year to date 30 June 2010 was \$2,272,967.

Net Current Asset Position

The net current asset position as at 30 June 2010 is \$6,767,209.

Beatty Park – Financial Position Report

As at 30 June 2010 the operating deficit for the Centre was \$730,649 in comparison to the year to date budgeted deficit of \$634,800.

The cash position showed a current cash deficit of \$281,096 in comparison year to date budget estimate of a cash deficit of \$99,620. The cash position is calculated by adding back depreciation to the operating position.

Variance Comment Report

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

9.3.2 Authorisation of Expenditure for the Period 1 – 31 July 2010

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

OFFICER RECOMMENDATION:

That the Council CONFIRMS the;

- (i) *Schedule of Accounts for the period 1 July – 31 July 2010 and the list of payments;*
- (ii) *direct lodgement of payroll payments to the personal bank account of employees;*
- (iii) *direct lodgement of PAYG taxes to the Australian Taxation Office;*
- (iv) *direct lodgement of Child Support to the Australian Taxation Office;*
- (v) *direct lodgement of creditors payments to the individual bank accounts of creditors;
and*
- (vi) *direct lodgement of Superannuation to Local Government and City of Perth superannuation plans.*

as shown in Appendix 9.3.2.

COUNCIL DECISION ITEM 9.3.2

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr , Seconded Cr

Cr Maier advised that he wished to move an amendment as follows:

“REQUESTS a report on the Community Based Environment Projects which have been awarded in the last two years.”

The Presiding Member, Mayor Nick Catania advised that this amendment is inappropriate as this Item is for an Authorisation of Expenditure. He therefore refused to accept the amendment.

Debate ensued.

MOTION PUT AND CARRIED (8-0)

(Cr McGrath was on approved leave of absence.)

DECLARATION OF INTEREST

Members/Officers	Voucher	Extent of Interest
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Nil.

PURPOSE OF REPORT:

To seek authorisation of expenditure for the period 1 July – 31 July 2010.

BACKGROUND:

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

DETAILS:

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

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Automatic Cheques	068518- 068657	\$327,063.89
Transfer of Creditors by EFT Batch	1094, 1095, 1097-1100, 1102, 1104-1106	\$2,064,896.19
Transfer of PAYG Tax by EFT	July 2010	\$192,973.25
Transfer of GST by EFT	July 2010	
Transfer of Child Support by EFT	July 2010	\$1,278.10
Transfer of Superannuation by EFT:		
• City of Perth	July 2010	\$28,324.98
• Local Government	July 2010	\$96,857.09
Total		\$2,711,393.50
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$5,122.68
Lease Fees		\$2,024.60
Corporate Master Cards		\$8,446.98
Loan Repayment		\$60,316.91
Rejection Fees		\$20.00
Total Bank Charges & Other Direct Debits		\$75,931.17
Less GST effect on Advance Account		0.00
Total Payments		\$2,787,324.67

STRATEGIC IMPLICATIONS:

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

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

ADVERTISING/CONSULTATION:

N/A.

COMMENT:

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

9.3.4 Tender No. 411/10A – Lease or Licence of 81 Angove Street (Formerly North Perth Police Station), North Perth

Ward:	North	Date:	16 August 2010
Precinct:	Smith's Lake	File Ref:	PRO2919
Attachments:	-		
Reporting Officers:	M Rootsey, Director Corporate Services; J Anthony, Manager Community Development; T Woodhouse, Coordinator Strategic Planning.		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) **DOES NOT ACCEPT** the:
- (a) *tenders from Grow WA and Bethanie Group Inc. for the lease of the existing premises located at 81 Angove Street, North Perth as shown in attachment A of the Tender; and*
 - (b) *tender from Bethanie Group Inc. for the lease proposed development as shown in attachment B of the Tender documentation;*
- (ii) **AUTHORISES** the Chief Executive Officer to enter into negotiations with:
- (a) *Bethanie Group Inc. regarding the proposed development of vacant land located at 81 Angove Street, North Perth, in attachment B of the Tender documentation; and*
 - (b) *Grow WA regarding the lease of the existing building as specified in attachment A of the Tender documentation; and*
- (iii) **REQUESTS** that the Chief Executive Officer to provide a further report on the outcome of the negotiations.

Moved Cr Lake, Seconded Cr Topelberg

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

“That a new subclause (ii)(c) be added as follows:

“(ii)(c) Multicultural Services Inc. regarding the lease for the existing building and proposed development of the vacant land at 81 Angove Street, North Perth.”

Debate ensued.

MOTION PUT AND CARRIED (8-0)

(Cr McGrath was on approved leave of absence.)

COUNCIL DECISION ITEM 9.3.4

That the Council;

- (i) **DOES NOT ACCEPT** the:
 - (a) *tenders from Grow WA and Bethanie Group Inc. for the lease of the existing premises located at 81 Angove Street, North Perth as shown in attachment A of the Tender; and*
 - (b) *tender from Bethanie Group Inc. for the lease proposed development as shown in attachment B of the Tender documentation;*
- (ii) **AUTHORISES** the Chief Executive Officer to enter into negotiations with:
 - (a) *Bethanie Group Inc. regarding the proposed development of vacant land located at 81 Angove Street, North Perth, in attachment B of the Tender documentation;*
 - (b) *Grow WA regarding the lease of the existing building as specified in attachment A of the Tender documentation; and*
 - (c) *Multicultural Services Inc. regarding the lease for the existing building and proposed development of the vacant land at 81 Angove Street, North Perth: and*
- (iii) **REQUESTS** that the Chief Executive Officer to provide a further report on the outcome of the negotiations.

PURPOSE OF REPORT:

To report to Council the outcome of the Tenders received for the Lease or Licence of 81 Angove Street (formally North Perth Police Station), North Perth, Tender No. 411/10A.

BACKGROUND:

At the Ordinary Meeting of Council, held on 13 April 2010, Item No. 9.3.1, the Council adopted the following resolution:

“That the Council;

- (i) **DOES NOT ACCEPT** the tenders from either Multicultural Services Centre of WA or the Gilbert and Sullivan Society of WA Inc. and Opra Baroque Inc. for the lease of the premises located at 81 Angove Street, North Perth;
- (ii) **AUTHORISES** the Chief Executive Officer to re-advertise for new Tenders/Expressions of Interest (EOI) for the community use of the site; and
- (iii) **ADVISES** the Multicultural Services Centre that it is still supportive of a Home and Community Centre on the property.

On 26 May 2010 the tender was re-advertised in the West Australian newspaper. Tenders were invited from suitable organisations for the lease or licence of 81 Angove Street, (formally North Perth Police Station), North Perth.

DETAILS:

The tender closed at 2.00pm on 23 June 2010, two (2) tenders were received from Grow WA and Bethanie Group Inc.

Present at the opening were Purchasing Officer; and Director Corporate Services.

Tender Details:

Please refer to Confidential Appendix 9.3.4(a) and appendix 9.3.4(b) for tender details. (The details are to remain confidential, until negotiations are finalised).

Tender Assessment:

Tender Evaluation Panel

The Tender Evaluation Panel consisted of Director Corporate Services, Mike Rootsey; Manager Community Development, Jacinta Anthony; and Coordinator Strategic Planning, Tory Woodhouse.

The following is a summary of the evaluation criteria for the Tenders received:

<i>Evaluation Criteria</i>	<i>Weighting</i>
Service and/or benefit to ratepayers and wider community	40%
Implications for Council in terms of financial, social and environment	20%
Concept for buildings/facilities in alignment to Council's overall strategy for the community, including public accessibility of the buildings/service	15%
Alignment with provisions of Conservation Plan and best practice heritage management	10%
Impact on the amenity of the locality	10%
Financial position of the Tenderer	5%
TOTAL	100%

Evaluation Criteria	Final Score		
	Weighting	Bethanie Homes	GROW WA
Service and/or benefit to ratepayers and wider community	40	35	32.33
Implications for Council in terms of financial, social and environment	20	15	17
Concept for building/facilities in alignment to Council's overall strategy for the community including, public accessibility of the building services	15	10.33	13
Alignment with provision of Conservation Plan and best practice	10	8	8.67
Impact on the amenity of the location	10	8.33	8.67
Financial position of the Tenderer	5	4.33	4.17
Total	100	81.00	83.83

Bethanie Group Inc.:

Bethanie Care Services was established in 1954 by the Churches of Christ. Today the organisation is one of the largest aged care providers in Western Australia, operating day centres, nursing homes, hostels, apartments and villas, as well as numerous community programs. These community programs include respite programs, Home and Community Care, Aged Care Packages and Veterans Home Care. Bethanie Community Care seeks to work with local communities to develop inclusive and innovative programs and services that respond to the needs of those we seek to support.

Comments on Tender for Attachment A – Proposed Development for Existing Building Onsite:

In their Tender submission, Bethanie Group Inc. stated the following:

“Bethanie Community Care proposes to use the existing building as a community service centre for the aged population of the Town of Vincent and surrounding areas. The building would also accommodate some staff to administer and deliver the above programs”.

Comments on Tender Attachment B – Proposed Use of Facilities

Bethanie Group Inc. also stated in their Tender submission:

“Propose partnering with the Town of Vincent to build a Community Service centre for the aged population within the Town and surrounding areas to be operated by the Bethanie Group Inc.

Parking facilities for current building to be developed, at front of existing site inside fence.

Existing building requires work to improve bathroom facilities. Propose joint project with the Town of Vincent to bring these areas of the building to required standard, with consideration given to reduction/removal of rent requirement for an agreed period in return for the Bethanie Group improving bathroom facilities at own expense.”

It is also interesting to note, that Bethanie Group Inc. have leased the North Perth Day Care Centre in Vine Street, North Perth for just over 10 years.

The tender submission by Bethanie Group Inc. for attachment A, the existing building is closely aligned to the submission for attachment B, the development of the rear lot.

As the tender submission for the development requires further detail to be accepted, both the tender submissions made by the Bethanie Group Inc. have been recommended not to be accepted at this stage, but rather the organisation enters into negotiations with the Town to see if the project can be developed to the satisfaction of both parties.

Grow WA:

Grow WA is a consumer driven non-profit community health organisation and has been operating in Western Australia since 1967. Their core business is mutual support groups for rehabilitation and prevention of mental health issues. Over the last four (4) years due to additional funding, Grow WA has expanded considerably and now require a larger Grow centre to cater for the administration and coordination of staff volunteers.

The Grow WA tender includes a commencing rent of \$***** per annum with all outgoings to be paid by the Town. (Confidential).

The Town purchased the property located at 81 Angove Street in November 2009 and has no history of the outgoings for the property. The Town does not accept this proposed payment option by Grow WA.

The Town recommends that the Chief Executive Officer negotiates a suitable rent with the lessee being responsible for all outgoings as per the normal leasing practise.

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

The tender was advertised in accordance with the Local Government Act Tender Regulations and the Town of Vincent's Code of Tendering Policy No 1.2.2.

STRATEGIC IMPLICATIONS:

Plan for the Future Strategic Plan 2009-2014 - Key Result Area – Community Development:

“3.1 Enhance and promote community development and well being:

3.1.1 Determine the requirements of the community and focus on needs, values, engagement and involvement.”

SUSTAINABILITY IMPLICATIONS:

Sustainability principles will be utilised in the construction of a new facility and social sustainability will be conducted in the operations and functions of the operations at the property.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$1.2 million is listed on the Annual Budget 2010/11 for a Community Centre at 81 Angove Street (formally the old North Perth Police Station). No revenue has been allocated in the Annual Budget 2010/11 for the lease of the premises.

At the time of the budget preparation no decision had been made as to the lease arrangements, although provision has been made for the recoup of utilities and building insurance.

COMMENTS:

The Assessment Panel, having evaluated the Tender submissions received, have recommended that Grow WA better meets the selection criteria for the existing building for Attachment A; Existing Onsite Building, but does not support the proposed payment option submitted. It is recommended that the tender in its current form should not be accepted, therefore is sufficient scope to reach agreement on this matter.

The Panel is of the opinion the Tender for the development site, submitted by Bethanie Homes, is a submission on being a partner with the Town to develop the site as a community centre and contains little detail on how this may be achieved; therefore it is recommended that the Tender as submitted should not be accepted. However, it is recommended that discussions/negotiations are to be entered into with Bethanie Group Inc. for the development site to investigate further and possibly pursue this option to the satisfaction of both parties.

9.4.1 Britannia Reserve and Litis Stadium Masterplan Proposal – Progress Report No. 1

Ward:	North	Date:	18 August 2010
Precinct:	Leederville P3	File Ref:	RES0001
Attachments:	001 , 002		
Reporting Officer:	J van den Bok, Manager Parks and Property Services John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer – Negotiations R Lotznicker, Director Technical Services - Infrastructure		

OFFICER RECOMMENDATION:

That the Council:

- (i) **RECEIVES** Progress Report No. 1 concerning Britannia Reserve and Litis Stadium Masterplan Proposal;
- (ii) **ADOPTS in principle the Concept Masterplan as shown in Appendix 9.4.1A-F inclusive;**
- (iii) **APPROVES BY AN ABSOLUTE MAJORITY to amend its Strategic Plan 2009-2014 by including the new Action Item 1.1.6(m) as follows:**

“1.1.6(m) Prepare and implement a Masterplan for Britannia Reserve.”;
- (iv) **APPROVES of community consultation to be carried out concerning the Concept Masterplan as detailed in this report;**
- (v) **AUTHORISES the Chief Executive Officer to enter into discussions with Football West, Floreat Athena Soccer Club and other Stakeholders to progress the Masterplan; and**
- (vi) **NOTES that a further report will be submitted to the Council.**

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

AMENDMENT NO 1

Moved Cr Maier, Seconded Cr Topelberg

That clause (ii) be amended to read as follows:

- “(ii) ADOPTS in principle the Draft Concept Masterplan as shown in Appendix 9.4.1A-F inclusive;”**

Debate ensued

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

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

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

(Cr McGrath was on approved leave of absence.)

Debate ensued.

AMENDMENT NO 2

Moved Cr Maier, Seconded Cr Topelberg

That clause (vi) be amended to include additional words as follows:

“(v) *AUTHORISES the Chief Executive Officer to:*

(a) enter into discussions with Football West, Floreat Athena Soccer Club and other Stakeholders to progress the Masterplan; and

(b) write to Football West indicating that the Town would be receptive to a fully funded proposal that does not place a significant financial impost on ratepayers of the Town; and

AMENDMENT NO 2 PUT AND CARRIED (8-0)

(Cr McGrath was on approved leave of absence.)

Debate ensued.

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

(Cr McGrath was on approved leave of absence.)

COUNCIL DECISION ITEM 9.4.1

That the Council:

(i) *RECEIVES Progress Report No. 1 concerning Britannia Reserve and Litis Stadium Masterplan Proposal;*

(ii) *ADOPTS in principle the Concept Masterplan as shown in Appendix 9.4.1A-F inclusive;*

(iii) *APPROVES BY AN ABSOLUTE MAJORITY to amend its Strategic Plan 2009-2014 by including the new Action Item 1.1.6(m) as follows:*

“1.1.6(m) Prepare and implement a Masterplan for Britannia Reserve.”;

(iv) *APPROVES of community consultation to be carried out concerning the Concept Masterplan as detailed in this report;*

(v) *AUTHORISES the Chief Executive Officer to:*

(a) enter into discussions with Football West, Floreat Athena Soccer Club and other Stakeholders to progress the Masterplan; and

(b) write to Football West indicating that the Town would be receptive to a fully funded proposal that does not place a significant financial impost on ratepayers of the Town; and

(vi) *NOTES that a further report will be submitted to the Council.*

PURPOSE OF REPORT:

The purpose of the report is to present a Concept Masterplan for Britannia Reserve and Litis Stadium for adoption by the Council.

BACKGROUND:

This matter was presented to the Forum held on 17 August 2010.

In late 2008 Football West approached a number of Local Governments, including the Town of Vincent, to explore potential sites to establish their state headquarters. Litis Stadium was identified as a potential site.

Football West (FW)

FW is the peak governing body for football (soccer) in WA. It employs approximately 25 people and are currently located at Gibney Reserve in Maylands. They have a long lease at “peppercorn rent” for offices, until 2024. The offices are totally inadequate for their current needs.

FW advised it is actively seeking opportunities to establish headquarters that will:

- *“Establish a strong identity for the sport and the footballing community and create a ‘Home of Football’ in Western Australia that encompasses a centre of excellence. This includes new offices.*
- *Enable the critical expansion of office and storage space in order to provide the required service to stakeholders.*
- *Provide quality playing facilities with 12 months a year access that is not reliant on climate.*
- *Provide an opportunity for the controlling body to coordinate, host and deliver quality national and international events.*
- *Provide quality meeting and training facilities for stakeholders.”*
- Current Administration Facilities – Gibney Reserve, Bayswater
 - 33,000 Participants, 130 registered Clubs, 1,500 registered Teams
 - 25,000 Participants in Football West programs
 - 8,000 Players in non-affiliated competitions
 - 2,000 registered Coaches and Officials.
- Increase in Participants is forecast.
- **World Cup Bid** – Announcement 2 December 2010 for 2022 Games.

DETAILS:

Why the need for a Masterplan?

In examining the Litis Stadium site, it became obvious that a Masterplan for the adjoining Britannia Reserve was considered essential. A Masterplan has the following Vision, Role, Purpose and Objectives:

The Vision:

- To provide a safe and sustainable facility which maximises structured and non-structured recreation and sporting requirements of all users and stakeholders.

Role and Purpose:

- To guide the Town of Vincent in its planning, development and management of existing and new infrastructure at Britannia Reserve and Litis Stadium.
- To provide both a conceptual and developed design framework for the future redevelopment of the site and its contribution to the reinforcing of a sporting and recreational precinct within the Town of Vincent.

Masterplan Objectives

- To establish design principles both in scope and detailed intent for the redevelopment of Britannia Reserve and Litis Stadium.
- To address statutory, environmental, sustainability and other issues that impinge upon the site and influence the design outcome.
- To address issues of integration of the site with the surrounding areas, including the E&D Litis Stadium, Leederville Tennis Club and residential developments in the immediate vicinity.
- To identify best practice physical activity strategies and opportunities for the area.
- To develop a broad scale, integrated and coordinated short and long-term plan that considers physical activity infrastructure, programs and services in the vicinity that are consistent with the environmental and community profile of the Town, with the potential to generate events and maximise opportunities for community participation.
- To present the above in clear graphic and written form, to enable the Masterplan to continue without uncertainty into the further stages of design development, documentation and construction.

Reasons for a Masterplan

What is currently good about Britannia Reserve?

- Central, large public open space.
- Diverse range of sporting and recreational activities.
- Plenty of opportunity for passive recreation.
- Quiet and tranquil.
- Ecologically diverse.
- Attractive green trees and vegetation.

What are the current issues and concerns about Britannia Reserve?

- Traffic/Parking
- Safety
- Limited Pedestrian Walkways and structured non-sporting exercise Equipment
- Ageing Stadium/Clubroom Facilities
- Need to upgrade community amenities e.g. toilets, BBQ
- Landscaping – areas lacking trees and landscaping
- Sustainability should be a focus (e.g. water use, power, over-use)
- Co-ordination of sport activities (3,000 rugby children, 4,000-5,000 persons on a Saturday)
- Conflict of active and passive uses.

What needs to be considered in the future planning of Britannia Reserve?

- Effective Traffic Management Plan
- Improved Car Parking on weekends
- Improved Pedestrian Walkways and Lighting
- Upgrade ageing Stadium/Clubroom Facilities
- Co-ordination of Sporting Activities
- Possible Community Amenities, e.g. toilets, exercise equipment
- Improved Landscaping
- Sustainability Focus.

What are the future opportunities that could be considered in the planning of Britannia Reserve?

- Development of a good Sports and Recreation Precinct that complements existing facilities.
- Better use of the area and its facilities.
- Updating and modernising facilities within the Precinct.
- Improved car park facilities and vehicle access to the Precinct.
- Provide cafe and retail outlets (e.g. drinks, ice creams, sporting goods, etc.).
- Promoting sustainability issues, e.g. water conservation, solar powered lights.
- Ensure that facilities are utilised throughout the year and not just during peak sporting seasons (e.g. rugby, soccer, cricket).
- Ensure all stakeholders contribute funding towards the development and maintenance of these facilities, not just Town of Vincent residents/ratepayers.
- Convenient location for grouped sports.
- Consider the needs of residents/ratepayers alongside the needs of the sport clubs.
- Listen to those for whom any changes will have the greatest long-term impact (i.e. local residents/ratepayers).

Britannia Reserve Existing Amenities – Refer Appendix 9.4.1G

- Change rooms
- Social rooms
- Four (4) cricket pitches
- Four (4) cricket training nets
- Training lights
- Goals for three (3) soccer pitches
- Nine (9) senior and six (6) junior rugby union pitches (3,000 children, 4,000-4,500 persons on a Saturday)
- Public toilets
- Two (2) playgrounds
- On and off-leash dog exercise areas
- Outdoor exercise equipment.

Recent Upgrade

Britannia Reserve was recently upgraded as follows:

- Modern, safe clean and secure Britannia Reserve Clubrooms building that has the capacity to accommodate a wide variety of sporting clubs with up to 150 playing members.
- Modern and hygienic shower and toilet facilities, that meets with current community standards.

- More functional improved building.
- Secure storage.
- Significant sized function area.
- Upgraded kitchen.
- New roofed outdoor paved area that to enables patrons to be sheltered from the elements.
- The number of change rooms was reduced from 6 players change rooms/3 umpires to 2 players/1 umpire.
- Toilet facilities were upgraded and made uniform to run through the centre of the complex.
- Children's playground was upgraded in 2008/09.
- Outdoor exercise equipment was installed 2007/08.

Outcomes

- A high quality facility that is valued, visually attractive and meets the needs of all users/stakeholders.
- Universally accessible.
- Comfortable pedestrian environment.
- Minimal detrimental impact on neighbouring properties.
- Sufficient car parking.
- Energy efficient design principles for sustainable development.
- Landscaping that is sustainable and contributes and complements the built form.

Litis Stadium Existing Facilities

On 23 March 2010, a confidential report was submitted to the Council concerning the possibility of Litis Stadium being used as a training ground for the World Cup Soccer 2018 or 2022. This report detailed the condition of the facilities at the Stadium, which are in need of upgrade and refurbishment, as it is aging infrastructure.

Litis Stadium Masterplan - Summary

The Masterplan envisages a staged project on the northern part of the existing site. Stage 1 will necessitate removal of the existing gatehouse in the north-eastern corner and extensive earthworks to level the site to the same level as the adjoining Britannia Road. A new headquarters will be constructed comprising basement level (change rooms, showers, toilets and storerooms), ground floor with toilets and tenancies for sports organisation and a first floor for FW administration.

Stage 2 works will involve seating platts around the pitch, new artificial playing pitch, lighting upgrade and public address CCTV installation.

A revised Option 1 to construct FW headquarters only, has also been prepared. (Refer Appendix 9.4.1K & L).

Britannia Reserve Masterplan - Summary

Upgrade of Training Lights

The existing training lights are substandard and currently only two (2) small sections of the reserve can be utilised for training during the winter evening hours. Subsequently with over use large areas of turf become degraded requiring annual replacement at a significant cost to the Town.

The upgrade proposal will involve the installation of ten (10) new lighting towers that will enable the northern portion of the reserve to be illuminated to the minimum 50 lux required for training drills.

The height and placement of light towers will be critical in that it they do not impact on the existing layout of sports fields and light spill to neighbouring properties is minimised.

Recreational Path

A 2.5 metre asphalt recreational path is proposed for installation around the entire perimeter of the park. The southern portion of the path will form part of the Town's Wetlands Heritage Trail/Greenway and will link up with the Dual Use Path adjacent to the freeway which in turn provides a link through to Lake Monger within the Town of Cambridge.

Lighting will be installed along the pathway as is typical of similar installations already completed within the Town and the option of installing solar lighting is being investigated.

Exercise Equipment

The proposed perimeter path will provide a circuit for patrons to undertake passive or active recreational pursuits and the opportunity also arises to provide additional Outdoor Gym Equipment which would be strategically placed around the park at specific locations.

Parks Furniture

Additional seating/rest areas will be provided around the perimeter path and the provision of shelters considered in accordance with the Towns Strategic Plan 1.1.5(h). An electric BBQ is also proposed to be installed at the southern end of the reserve.

Landscaping

Areas of turf around the parks perimeter have previously been removed and mulched and this process referred to as (Eco-zoning) would be further progressed and understorey native "waterwise" species planted to reduce the groundwater consumption in accordance with the objectives outlined within the Town's Water Conservation Plan.

Replacement tree planting would be considered where trees have been removed due recent storm damage and additional trees planted where appropriate.

Additional options for consideration

Other options that may be considered as part of the Masterplan would be the installation of a public toilet facility at the Bourke Street end of the reserve and to formalise the verge parking areas along both the Britannia Road and Bourke Street frontages of the park.

INDICATIVE TIMELINE

Item	Indicative Dates
Council Member Forum	17 August 2010
Football West Board	Mid September 2010
Floreath Athena Football Club	Mid September 2010
Report to Council to approve Masterplan "In Principle"	OMC 24 August 2010
Presentation to State Government	Late/September 2010
Community Engagement and Stakeholder Consultation	September 2010 – February 2011
Report to Council (to consider Submissions, finalise Masterplan and Budget Implications)	March 2011
Implementation:	
• Stage 1	2011-2012
• Stage 2	2012-2013
• Stage 3	2013-2014

CONSULTATION/ADVERTISING:

The Concept Masterplan will be advertised to the community during the period September 2010 to March 2011.

Consultation Indicative Stakeholders

Consultation will be carried out with the following:

- Town of Vincent personnel
- Council members
- Government Departments (e.g. Department for Sport and Recreation (DSR), Water Corporation)
- Neighbouring Local Government (Town of Cambridge)
- Users of the Reserve
- Sporting Associations
- Schools, sporting and community groups in the vicinity
- Residents and Ratepayers in the area
- Representative sample of the community in the Town of Vincent.

The consultation will be developed in recognition of the ownership and usage of the reserve and take into account issues, concerns, structured and unstructured recreation needs, and stakeholder expectations.

Community and agency meetings will be held to provide opportunities for broad based consultation. An online survey will also be developed to gather feedback whilst information will be available through the website for various mechanisms to provide information to Council. The consultation process will also utilise local newspaper advertising and mailouts to alert stakeholders and users.

LEGAL/POLICY:

Statutory Information – Refer Appendix 9.4.1H-J inclusive

Zoning: “Metropolitan Region Scheme Reserve” – Parks and Recreation and under the Town of Vincent Town Planning Scheme No. 1

Land Ownership: Freehold by the Town of Vincent

Area: Britannia Road Reserve 175, 000m² (17.5 hectares) (*including car park hardstand*)
Litis Stadium 23,000m² (2.3 hectares)

Stadium Lease: First Term: 1 January 1997 to 31 December 2006
Second Term: 1 January 2007 to 31 December 2011
Third Term: 1 January 2012 to 1 December 2016

Britannia Reserve Clubroom Lease:

- Floreat Athena Junior Soccer
- Western Australian Junior Rugby Union
- Leederville Cricket Club

Leases expire 31 December 2010 – new Leases currently being negotiated.

World Cup 2018/2022 Training Venue

The Town has signed a Preliminary Agreement with FIFA for Litis Stadium to be used as a training venue, if Australia is successful in hosting a World Cup.

STRATEGIC IMPLICATIONS:

Key Result Area 1 - Natural and Built Environment

Objective 1.1: Improve and the Environment and Infrastructure

“1.1.6 Enhance and maintain the Town's infrastructure to provide a safe, healthy sustainable and functional environment.

(l) Investigate the upgrade and redevelopment of Litis Stadium for possible use as Football West Headquarters and State Facility.”

SUSTAINABILITY IMPLICATIONS:

- Examples of current Sustainable Environmental Actions being carried out across precincts that could be considered for Britannia Reserve are:
 - Sustainable Street and Park Lighting (LED's);
 - Water Sensitive Urban Design;
 - Environmental Building Codes Compliance (e.g. insulation etc);
 - Sustainable Energy Sources (Solar and Wind);
 - Biodiversity Retainment and Improvement (Vegetation improvement);
 - Travel Smart Concepts (Bike racks, walkways, paths, eco parking etc).

FINANCIAL/BUDGET IMPLICATIONS:

The Budget 2010/11 contains an amount of \$10,000 to investigate and prepare a Masterplan for Litis Stadium. Refer Appendix 9.4.1B-F inclusive.

The following is indicative costing for the Masterplan:

Britannia Reserve – Refer Appendix 9.4.1A

It is suggested that the Masterplan be implemented on a Staged basis as follows:

YEAR 1 – (2011-12)	
<u>Project Item</u>	<u>Cost</u>
Dual Use Paths – Stage I (Greenway Path)	\$101,000
Path Lighting – Stage I (Greenway Path)	\$56,000
Training Lights – Stage I (Cricket Pitch Area 1)	\$142,000
Additional “Waterwise” Plantings <u>and mounds</u>	\$30,000
	<u>\$130,000</u>
Electric BBQ	\$15,000
<u>Subtotal</u>	<u>\$344,000</u>
	<u>\$444,000</u>
YEAR 2 – (2012-13)	
<u>Project Item</u>	<u>Cost</u>
Dual Use Paths – Stage II (North)	\$132,000
Path Lighting – Stage II (North)	\$72,000
Training Lights – Stage II (Cricket Pitch Area 2)	\$142,000
Provision of Shelters	\$60,000
Cost Escalation (Allow 3%)	\$12,180
<u>Subtotal</u>	<u>\$418,180</u>

YEAR 3 – (2013-14)	
Project Item	Cost
Dual Use Paths – Stage III (West)	\$185,000
Path Lighting – Stage III (West)	\$96,000
Training Lights – Stage III (Cricket Pitch Area 3)	\$106,000
Outdoor Exercise Equipment	\$30,000
Provision of Park Benches/Rest Areas	\$15,000
Cost Escalation (Allow 6%)	\$25,920
Subtotal	\$457,920
TOTAL	\$1,220,100
TOTAL	\$1,320,100
Optional Items	Cost
Carparking – Stage I (Britannia Road verge) (67 car bays)	\$100,00
Carparking – Stage II (Britannia Road verge) (54 car bays)	\$81,000
Public Toilet	\$190,000
Total	\$371,000
Grand Total (including operational item)	\$1,591,100
Synthetic Soccer Pitch (Britannia Road Reserve)*	\$935,000
Britannia Reserve Car Parking Lighting*	\$100,000

* Optional

Note: The above costings have been amended to reflect the Revised Concept Masterplan. It includes an additional amount of \$100,000 for mounds and additional plan areas.

Indicative Costings – Litis Stadium

There are no funds on the 2010/11 Budget for Litis Stadium works.

Stage 1 Works:	
Description	Amount
Building External Works and Services	\$6,119,652
Preliminaries/Builders' Cost	\$489,572
Design and Construction Contingency	\$495,692
Escalation (6%)	\$426,295
Professional Fees	\$640,153
Subtotal	\$8,171,364
Stage 2 Works:	
Building External Works and Services	\$2,844,075
Preliminaries/Builders' Cost	\$227,526
Design and Construction Contingency	\$230,370
Escalation (6%)	\$198,118
Professional Fees	\$297,508
Subtotal	\$3,797,597
TOTAL	\$13,578,960
Major Items:	
New Artificial Playing Pitch	\$950,000
Lighting Upgrade	\$600,000
Public Address Upgrade/CCTV	\$60,000
Subtotal	\$1,610,000
GRAND TOTAL	\$15,188,960

Indicative Masterplan Costings – Litis Stadium Revised Option 1 – FW Headquarters Only – Refer Appendix 9.4.1K & L

Description	Amount
Building External Works and Services	\$2,844,075
Preliminaries/Builders' Cost	\$227,526
Design and Construction Contingency	\$230,370
Escalation (6%)	\$198,000
Professional Fees	\$297,508
TOTAL	\$3,797,597

Funding of Football West Headquarters

Football West will be responsible for the funding of their facilities and it is recommended that they pursue this with the State and Federal Governments.

COMMENTS:

The adoption of a Masterplan for Britannia Reserve and Litis Stadium provides an excellent opportunity to upgrade this public open space and infrastructure to meet the needs of the community.

Approval of the Officer Recommendation is therefore requested.

9.4.2 Donation – Pakistan Monsoon Floods Appeal 2010

Ward:		Date:	18 August 2010
Precinct:		File Ref:	FIN0008
Attachments:			
Reporting Officer:	N Greaves, Public Relations Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council APPROVES BY AN ABSOLUTE MAJORITY a donation of \$6,158 (six thousand one hundred and fifty eight dollars) to the Australian Red Cross Pakistan Monsoon Floods Appeal 2010 in accordance with the Town's Policy No. 4.1.27 - "Disaster Appeals - Donations and Assistance".

COUNCIL DECISION ITEM 9.4.2

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

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

(Cr McGrath was on approved leave of absence.)

PURPOSE OF REPORT:

To approve of a donation to the Australian Red Cross Pakistan Monsoon Floods Appeal 2010 to support communities impacted by the monsoonal floods, which have devastated areas in Pakistan.

BACKGROUND:

A natural disaster that has surpassed the devastation of the 2004 tsunami, 2005 Pakistan earthquake and the Haiti earthquake combined, Pakistan faces an overwhelming emergency that has seen more than 1,600 killed and affected more than 14 million people.

In Pakistan's worst flood in 80 years, floodwaters have ravaged hundreds of villages in Pakistan's main province of Punjab, destroying homes, soaking crops and threatening more lives, sparking a massive rescue and relief operation to assist those stranded and in need of emergency assistance.

The floods, triggered by unusually heavy monsoon rain over the upper Indus River basin, have ploughed a swathe of destruction more than 1,000 kilometres long from north to south.

Rescue workers have struggled to deliver aid because of washed-out bridges and roads and downed communication lines.

With aid workers warning that the situation may soon worsen with more rains expected, the United Nations is scrambling to provide food and other assistance to the millions affected. The army is evacuating people from flood-hit zones and nearby villages but is struggling to reach the many millions of people in need.

Almost one in ten of Pakistan's population had been affected by the floods and the UN says urgent assistance/humanitarian aid is needed to ensure the survival of up to 6 million flood victims, and many more will need long-term help. The Pakistani government is also requesting financial aid.

DETAILS:

On 11 August 2010, the United Nations launched a US\$459 million appeal to help victims of Pakistan's flood disaster, which has affected at least 14 million people.

Red Cross Response

International Red Cross aid workers are working with Pakistan Red Crescent Society to help those people affected with:

- tracing missing family members;
- medical treatment;
- shelter;
- food and clean water; and
- hygiene kits.

Pakistan Red Crescent Society has a presence in all affected areas and has a strong network of trained staff and volunteers with experience in disaster management.

Red Cross healthcare providers are also taking appropriate action in preparation for a possible outbreak of water-borne diseases.

Previous Donations

The Town of Vincent has previously provided donations for disaster relief as follows;

Date	Details	Amount
January 1998	Lord Mayor's Distress Relief Fund for the Brookton/Pingelly Bush Fire	\$ 500
April 1999	<ul style="list-style-type: none">• Lord Mayor's Moora Flood Appeal• Lord Mayor's Exmouth Cyclone Appeal	\$1,000 \$1,000
November 2002	Lord Mayor's Distress Relief Fund for the Victims of the Bali Bombing	\$5,000
January 2005	Tsunami Appeal to CARE Australia	\$5,000
November 2005	Earthquake Relief Appeal - Afghanistan, India, Pakistan and Kashmir	\$2,500
March 2006	Lord Mayor's Distress Disaster Relief Fund (<i>General request for Donations</i>)	\$ 500
April 2006	Premier's Disaster Relief Appeal Fund for the communities affected by Cyclone Larry in North Queensland	\$2,500

Date	Details	Amount
June 2006	Australian Red Cross - Indonesian Earthquake Appeal Fund	\$2,000
February 2007	Lord Mayor's Disaster Relief Fund – Dwellingup Fires Appeal	\$2,500
May 2008	CARE Australia – Myanmar (Burma) Cyclone Nargis Appeal	\$3,500
May 2008	Australian Red Cross - China Sichuan Earthquake Appeal 2008	\$3,500
February 2009	2009 Victorian Bushfire Appeal Fund	\$5,600
<u>April 2009</u>	<u>Italian Earthquake Appeal 2009</u>	<u>\$3,000</u>
January 2010	World Vision Australia - Haiti Earthquake Appeal 2010	\$5,950

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

The Council's Policy No. 4.1.27 - "Disaster Appeals - Donations and Assistance" states;

"OBJECTIVES

To provide guidance to the Council when considering requests for the provision of financial assistance and other support to alleviate the impact of disasters and other significant emergencies.

*POLICY STATEMENT**1. Council to Approve Requests*

All requests to provide financial assistance and other support to alleviate the impact of disasters and other significant emergencies shall be in response to an appeal launched by the Federal, State, Local Government or other bona fide agency and shall be reported to the Council for consideration and determination.

2. Financial Support

- (a) Financial support shall be limited to a maximum of \$6,158 to any one disaster or other significant emergency appeal.*
- (b) In the event of more than one relief organisation/agency being involved in the Disaster Appeal, the Council shall determine the most appropriate relief organisation to receive the support.*
- (c) Financial support will only be made to approved agencies/organisations and cash donations will not be made directly to individuals."*

STRATEGIC IMPLICATIONS:

Not applicable.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$6,158 (six thousand one hundred and fifty eight dollars) would be expended from the Donation account.

COMMENTS:

The disaster is one of the more serious emergencies, with over 14 million effected. The recommended donation is in accordance with the Council's Policy.

9.4.5 Information Bulletin

Ward:	-	Date:	18 August 2010
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer:	A Radici, Executive Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council RECEIVES the Information Bulletin dated 24 August 2010, as distributed with the Agenda.

Moved Cr Lake, Seconded Cr Topelberg

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

“That the Council;

(i) RECEIVES the Information Bulletin dated 24 August 2010, as distributed with the Agenda; and

(ii) in relation to IB04, REQUESTS:

(a) the Chief Executive Officer to assess the accident history and analyse traffic data on roads within the Claisebrook Road North Precinct, bounded by Lord Street, Summers Street and the Freeway and Railway Reserves, and identify and investigate any potential improvements and/or traffic calming mechanisms;

(b) the Town’s Local Area Traffic Management Advisory Group to consider the matter and provide a recommendation to the Council to address the concerns raised by members of the community; and

(c) that a report relating to the outcomes and recommendations of the Local Area Traffic Management Advisory Group be considered by the Council as soon as practicable.”

Debate ensued.

MOTION PUT AND CARRIED (8-0)

(Cr McGrath was on approved leave of absence.)

COUNCIL DECISION ITEM 9.4.5

That the Council;

(i) RECEIVES the Information Bulletin dated 24 August 2010, as distributed with the Agenda; and

(ii) in relation to IB04, REQUESTS:

(a) the Chief Executive Officer to assess the accident history and analyse traffic data on roads within the Claisebrook Road North Precinct, bounded by Lord Street, Summers Street and the Freeway and Railway Reserves, and identify and investigate any potential improvements and/or traffic calming mechanisms;

(b) the Town’s Local Area Traffic Management Advisory Group to consider the matter and provide a recommendation to the Council to address the concerns raised by members of the community; and

(c) that a report relating to the outcomes and recommendations of the Local Area Traffic Management Advisory Group be considered by the Council as soon as practicable.

DETAILS:

The items included in the Information Bulletin dated 24 August 2010 are as follows:

ITEM	DESCRIPTION
IB01	Letter from NBN Co Limited regarding Guidelines for Fibre to the Premises Underground Development
IB02	Email of Appreciation from G. Wong, Vice-President of the Royal Association of Justices, Perth City Branch regarding Use of the Town of Vincent Function Room
IB03	Letter of Appreciation from Fire & Emergency Services Authority regarding Volunteer Michael Wood
IB04	Claisebrook Road North/nib Stadium Precinct – Community Information Session – Meeting Notes.
IB05	Minutes of the Safer Vincent Crime Prevention Partnership (SVCPP) Meeting held on 7 July 2010
IB06	Minutes of the WALGA Annual General Meeting held on 7 August 2010
IB07	Summary Minutes of the WALGA State Council Meeting held on 8 August 2010
IB08	Notice of Special Forum - 6 September 2010

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 Notice of Motion – Cr Topelberg – Request to Investigate the Establishment of a “Men’s Shed” in the Town of Vincent

That the Council REQUESTS the Chief Executive Officer to:

- (i) *investigate and report on the feasibility of establishing a “Men’s Shed” in the Town, in accordance with the guidelines of the Australian Men’s Shed Association. The investigation process should include, but not be limited to;*
 - (a) *liaison with the Australian Men’s Shed Association other local governments who provide such facilities;*
 - (b) *the identification of similar services and/or facilities in or adjacent to the Town;*
 - (c) *the justification or need for such a facility;*
 - (d) *investigation of potential sites, including the rear of the former North Perth Police Station, within the Town; and*
 - (e) *financial implications and potential funding sources; and*
- (ii) *submit a report to the Council by October, 2010.*

COUNCIL DECISION ITEM 10.1

Moved Cr Topelberg, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Lake, Seconded Cr Maier

That new subclauses (i)(e) and (f) be inserted as follows:

- “(e) potential benefits of co-locating a “Men’s Shed” with a community garden; and*
- (f) possibility of scheduling mixed group as well as men only days”*

Debate ensued.

The Presiding Member, Mayor Nick Catania ruled that he would consider and vote on the amendment in two parts.

Debate ensued.

AMENDMENT CLAUSE (i)(e) PUT AND LOST (2-6)

For: Cr Lake, Cr Maier

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

(Cr McGrath was on approved leave of absence.)

AMENDMENT CLAUSE (i)(f) PUT AND LOST (3-5)

For: Cr Lake, Cr Maier, Cr Topelberg

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

(Cr McGrath was on approved leave of absence.)

MOTION PUT AND CARRIED (8-0)

(Cr McGrath was on approved leave of absence.)

BACKGROUND – Provided by Cr Topelberg

What is a Men's Shed?

The modern Men's Shed is an updated version of the shed in the backyard that has long been a part of Australian culture. Men's Sheds are springing up all around Australia. If you looked inside one you might see a number of men restoring furniture, perhaps restoring bicycles for a local school, maybe making bird traps or fixing lawn mowers or making a kids cubby house for Camp Quality to raffle. You might also see a few young men working with the older men learning new skills and maybe also learning something about life from the men they work with. You will see tea-bags, coffee cups and a comfortable area where men can sit and talk. You will probably also see an area where men can learn to cook for themselves or they can learn how to contact their families by computer.

So what is so special about this new type of Men's Shed? Most men have learned from our culture that they do not talk about feelings and emotions. There has been little encouragement for men to take an interest in their own health and well-being. Unlike women, most men are reluctant to talk about their emotions and that means that they usually don't ask for help. Probably because of this many men are less healthy than women, they drink more, take more risks and they suffer more from isolation, loneliness and depression. Relationship breakdown, retrenchment or early retirement from a job, loss of children following divorce, physical or mental illness are just some of the problems that men find it hard to deal with on their own.

Good health is based on many factors including; feeling good about yourself, being productive and valuable to your community, connecting to friends and maintaining an active body and an active mind. Becoming a member of a Men's Shed gives a man that safe and busy environment where he can find many of these things in an atmosphere of old-fashioned mateship. And, importantly, there is no pressure. Men can just come and have a yarn and a cuppa if that is all they're looking for.

Members of Men's Sheds come from all walks of life - the bond that unites them is that they are men with time on their hands and they would like something meaningful to do with that time.

A good Men's Shed has a co-ordinator, who has both the technical and social skills, to develop a safe and happy environment where men are welcome to work a project of their choice in their own time and where the only 'must' is to observe safe working practices. All in a spirit of mateship.

Because men do not make a fuss about their problems, these problems have consistently been either ignored or swept under the mat by both our health system and our modern society. It is time for a change and the Men's Shed movement is one of the most powerful tools we have in helping men to once again become valued and valuable members of our community.

The number of Sheds has grown rapidly but in the early days there was no central reference source and a great deal of duplication and "wheel re-invention" occurred. In April 2007 The Australian Men's Shed Association (AMSA) was set up to act as a resource centre for all Sheds and to promote the idea of Independent Community Men's Sheds. The Association represents and promotes the Shed movement, and acts as a communications hub using this website and the regular newsletters, copies of which are archived on this site.

Aims of Men's Shed

- To represent Men's Sheds to Governments, NGOs, funding sources etc.
- To publicize and promote the Men's Shed concept.
- To assist in training, OHS, funding and insurance advice.
- To maintain communications between Sheds.
- To provide Start up information documentation for new sheds.
- To act as a neutral body where overall decisions are required.

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

Nil.

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

PROCEDURAL MOTION

At 9.29pm Moved Cr Topelberg, Seconded Cr Buckels

That Council proceed "behind closed doors" to consider confidential item 14.1, as this matter relates to information concerning a contract to be entered into and a matter that if discussed would reveal information that has a commercial value to a person.

PROCEDURAL MOTION PUT AND CARRIED (8-0)

(Cr McGrath was on approved leave of absence.)

There were no members of the public. There was one (1) journalist present, who departed the Chamber at 9.29pm.

PRESENT:

Mayor Nick Catania, JP	Presiding Member
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward
Cr Steed Farrell	North Ward
Cr Taryn Harvey	North Ward
Cr Sally Lake (<i>Deputy Mayor</i>)	South Ward
Cr Dudley Maier	North Ward
Cr Joshua Topelberg	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)
Amanda Lawrence	Administration Officer (Trainee Minutes Secretary)

**14.1 CONFIDENTIAL REPORT: Opportunity to Purchase Land – North Perth
WA 6006**

Ward:	North	Date:	16 August 2010
Precinct:	Smith's Lake (6)	File Ref:	PRO2919
Attachments:	-		
Reporting Officer:	M. Rootsey, Director Corporate Services		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

- (i) **DOES NOT PROCEED** to make an offer to purchase either the whole or rear lot of the subject land located at 83 Angove Street, North Perth; and
- (ii) **ADVISES Danae Pty Ltd** of the Council decision.

COUNCIL DECISION ITEM 14.1

Moved Cr Topelberg, Seconded Cr Farrell

That the recommendation be adopted.

MOTION PUT AND CARRIED (8-0)

(Cr McGrath was on approved leave of absence.)

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information concerning a:

- contract entered into, or which may be entered into; and
- matter that if discussed would reveal information that has a commercial value to a person.

LEGAL:

The Local Government Act 1995, Section 5.23(2) prescribes that a meeting or any part of a meeting may be closed to the public when it deals with a range of matters.

The Town of Vincent Local Law Relating to Standing Orders states the following:

"2.14 Confidential business

- (1) All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007.

The confidential report is provided separately to Council Members, the Chief Executive Officer and Directors.

In accordance with the legislation, the report is to be kept confidential until determined by the Council to be released for public information.

At the conclusion of these matters, the Council may wish to make some details available to the public.

PROCEDURAL MOTION

At 9.30pm Moved Cr Farrell, Seconded Cr Buckels

That the Council resume an "open meeting".

PROCEDURAL MOTION PUT AND CARRIED (8-0)

(Cr McGrath was on approved leave of absence.)

15. CLOSURE

The Presiding Member, Mayor Nick Catania, declared the meeting closed at 9.30pm with the following persons present:

Mayor Nick Catania, JP	Presiding Member
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward
Cr Steed Farrell	North Ward
Cr Taryn Harvey	North Ward
Cr Sally Lake (<i>Deputy Mayor</i>)	South Ward
Cr Dudley Maier	North Ward
Cr Joshua Topelberg	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)
Amanda Lawrence	Administration Officer (Trainee 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 24 August 2010.

Signed:Presiding Member
Mayor Nick Catania

Dated this day of 2010