



## CITY OF VINCENT

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*"Enhancing and celebrating our diverse community"*

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# MINUTES

4 DECEMBER 2012

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Minutes of the Ordinary Meeting of Council of the City of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 4 December 2012, commencing at 6.02pm.

**1. (a) DECLARATION OF OPENING**

The Presiding Member, Mayor Hon. Alannah MacTiernan, declared the meeting open at 6.02pm and read the following Acknowledgement of Country Statement:

**(b) ACKNOWLEDGEMENT OF COUNTRY STATEMENT**

*"Today we meet on the lands of the Nyoongar people and we honour them as the traditional custodians of this land".*

**2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE**

**(a) Apologies:**

Director Technical Services, Rick Lotznicker due to personal commitments.

**(b) Members on Approved Leave of Absence:**

Nil.

**(c) Present:**

Mayor Hon. Alannah MacTiernan      Presiding Member

Cr Warren McGrath (*Deputy Mayor*)      South Ward

Cr Matt Buckels      North Ward (from 6.15pm)

Cr John Carey      South Ward

Cr Roslyn Harley      North Ward (until 6.54pm)

Cr Dudley Maier      North Ward

Cr John Pintabona      South Ward

Cr Joshua Topelberg      South Ward

Cr Julia Wilcox      North Ward

John Giorgi, JP      Chief Executive Officer (until 9.00pm)

Rob Boardman      Director Community Services (until 9.00pm)

Carlie Eldridge      Director Planning Services (until 9.00pm)

Mike Rootsey      Director Corporate Services (until 9.00pm)

Jerilee Highfield      Executive Assistant (Minutes Secretary)

Employee of the Month Recipient

Belinda Grandoni      Community Development Officer (until approximately 6.15pm)

Media

Lauren Stringer      Journalist – *"The Guardian Express"* (until approximately 9.00pm)

David Bell      Journalist – *"The Perth Voice"* (until approximately 9.00pm)

Approximately 5 Members of the Public

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

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

1. Tim Langoulant of 10 Lynton Street, Mount Hawthorn – Item 9.1.2 Stated the following:
  - He is the owner of the properties that were for discussion at tonight's meeting. He has been living in Mount Hawthorn for six (6) years. He owns and operates a small business within the area. He had discussed this proposal with City Officers and thanked them for their assistance.
  - In relation to the retrospective Planning Approval, he apologised for not obtaining Planning approval before proceeding with the work, being that this is his first time building a house and only ever owning an apartment, he was unaware that he required the Council's approval for a licence.
  - He advised that the boundary wall is only marginally outside the regulations and that it is in keeping with the appearance of other properties in his street and surrounding neighbourhood.
  - He advised that he did not intend to install any screens within the Boundary piers which would further obstruct the vision and the most important issue was the safety to the public and he had sent photos through regarding this.

There being no further speakers, Public Question Time closed at approx. 6.08pm.

**(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

- 4.1 Cr Warren McGrath requested leave of absence from 12 December 2012 to 16 December 2012 (inclusive), due to work and personal commitments.

**Moved Cr Topelberg Seconded Cr Wilcox**

**That Cr McGrath's request for leave of absence be approved.**

**CARRIED UNANIMOUSLY (8-0)**

**(Cr Buckels had not yet arrived at the Meeting.)**

**5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS**

Nil.

**6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

- 6.1 Minutes of the Ordinary Meeting of Council held on 20 November 2012

**Moved Cr Maier Seconded Cr McGrath**

**That the Minutes of the Ordinary Meeting of Council held on 20 November 2012 be confirmed as a true and correct record.**

**CARRIED UNANIMOUSLY (8-0)**

**(Cr Buckels had not yet arrived at the Meeting.)**

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

The Presiding Member Mayor Hon. Alannah MacTiernan read the following;

### **7.1 Employee of the month award for the City of Vincent for November 2012**

Each month the Council recognises employees who has provided outstanding service to the Ratepayers and Residents of the City. The recipients receive a \$120 voucher, kindly donated by the Bendigo North Perth Community Bank, and a Certificate.

The Employee of the Month Award for November 2012 is awarded to Belinda Grandoni, Community Development Officer. Belinda was nominated by Deputy Mayor, Councillor Warren McGrath.

Cr McGrath notes the great enthusiasm for the work that Belinda delivers and in particular the City of Vincent's Pride Parade Float. further commented that he has now had the pleasure of being involved in a number of events (Angove Street Festival and various ceremonies) that Belinda has been involved with and has continually been impressed with her energy and commitment. She clearly inspires others, including the rest of the staff who gave their time and enthusiasm to the City's Pride Parade Float. Belinda seems to always go that extra step in her job from what Cr McGrath has seen.

Cr McGrath would like to acknowledge the growing positive influence the City's Community Development Section, lead by Jacinta Anthony.

Congratulations Belinda - and well done!

### **Received with Acclamation!**

### **7.2 Withdrawal of confidential item 14.1 – relating to no. 150 (lot 31 d/p: 73062) Claisebrook road, corner of Caversham street, Perth – proposed change of use from educational facility to lodging house (retrospective application) – request to reconsider condition 1.2 of planning approval – state administrative tribunal appeal dr 327 of 2012 (pro4455; 5.2011.630.2)**

The Chief Executive Officer has withdrawn Confidential Item 14.1, as the applicant has withdrawn his appeal in the State Administrative Tribunal.

## **8. DECLARATIONS OF INTERESTS**

8.1 Mayor Hon. Alannah MacTiernan declared an Proximity interest in Item 9.2.1 – Forrest Park, Mount Lawley – Proposed Improvement Options – Further Report. The extent of her interest being that she is property owner and resides in Harold Street, Mount Lawley opposite Forrest Park. She requested Council approval to participate in the debate and vote on the matter and that the Deputy Mayor Warren McGrath presides on the item.

8.2 Chief Executive Officer John Giorgi declared an Financial interest in Item 14.1– CONFIDENTIAL REPORT: Chief Executive Officers Performance Appraisal 2012. The extent of his interest being that it relates to his contract of employment.

- 8.3 Chief Executive Officer John Giorgi declared an Impartiality interest in Item 9.2.1 – Forrest Park, Mount Lawley – Proposed Improvement Options – Further Report. The extent of his interest being that he is an accredited Soccer Referee with Football West and Football Federation Australia. At times he maybe allocated to referee at Forrest Park and has done so on several occasions this year. He disclosed that he has not had any involvement whatsoever in the Agenda Item other than his normal vetting of the report, during the compilation of the Agenda.

The Presiding Member Mayor Hon. Alannah MacTiernan departed the Chamber at 6.12 pm – to allow the Council to consider her request to participate in the debate and vote on Item 9.2.1. Deputy Mayor Cr Warren McGrath assumed the chair.

**PROCEDURAL MOTION:**

**Moved Cr Maier, Seconded Cr Harley**

**That Mayor Hon. Alannah MacTiernan's request to participate in the debate and vote on item 9.2.1, be approved.**

**CARRIED UNANIMOUSLY (7-0)**

(Mayor Hon. Alannah MacTiernan was out of the Council Chamber and did not vote.)  
(Cr Buckels had not yet arrived at the Meeting.)

Mayor Hon. Alannah MacTiernan returned to the Chamber at 6.13pm and assumed the Chair.

The Chief Executive Officer informed Mayor Hon. Alannah MacTiernan that her request had been approved, with Deputy Mayor Cr Warren McGrath to preside for the Item.

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

Nil.

**Cr Buckels entered the meeting at 6.15pm.**

**10. REPORTS**

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

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

Items 9.1.2

- 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:**

Nil.

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

Items 9.2.1 & 14.1

Presiding Member, Mayor Hon. Alannah MacTiernan, 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:**

<b>COUNCIL MEMBER</b>	<b>ITEMS TO BE DISCUSSED</b>
Mayor Hon. MacTiernan	Nil.
Cr Buckels	Nil.
Cr Carey	9.2.1, 9.2.5, 9.2.6 & 10.1
Cr Harley	9.1.3
Cr Maier	9.4.1
Cr McGrath	9.2.2
Cr Pintabona	Nil.
Cr Topelberg	9.1.1
Cr Wilcox	Nil.

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

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

Items 9.2.3, 9.2.4, 9.3.1, 9.4.2, 9.4.3, 9.5.1 & 9.5.2

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

Item 14.2

**New Order of Business:**

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

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

Items 9.2.3, 9.2.4, 9.3.1, 9.4.2, 9.4.3, 9.5.1 & 9.5.2

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

Item 9.1.2

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

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

- (d) **Confidential Items – to be considered (“Behind Closed Doors”).**

**The Presiding Member, Mayor Hon. Alannah MacTiernan ruled that the Items raised during public question time for discussion are to be considered in numerical order as listed in the Agenda index.**

**ITEMS APPROVED “EN BLOC”:**

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

**Moved Cr Buckels Seconded Cr McGrath**

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

**Items 9.2.3, 9.2.4, 9.3.1, 9.4.2, 9.4.3, 9.5.1 & 9.5.2**

**CARRIED UNANIMOUSLY (9-0)**

**14.1 CONFIDENTIAL ITEM: No. 150 (Lot 31 D/P: 73062) Claisebrook Road, Corner of Caversham Street, Perth – Proposed Change of Use from Educational Facility to Lodging House (Retrospective Application) – Request to Reconsider Condition 1.2 of Planning Approval – State Administrative Tribunal Appeal DR 327 of 2012**

**ITEM WITHDRAWN BY THE CHIEF EXECUTIVE OFFICER AS THE APPLICANT HAS WITHDRAWN HIS APPEAL IN THE STATE ADMINISTRATIVE TRIBUNAL.**

**9.2.3 Feasibility Study of Sewer Mining as a Future Water Source for the Recharge of Hyde Park Lakes - Approval of Quotation**

<b>Ward:</b>	Both	<b>Date:</b>	23 November 2012
<b>Precinct:</b>	All	<b>File Ref:</b>	RES0086
<b>Attachments:</b>	Nil		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	J Parker, Project Officer – Parks & Environment		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council **ACCEPTS** the quotation submitted by GHD as being the most acceptable to the City to perform a feasibility study of sewer mining, as a future water source for the recharge of Hyde Park lakes, at a cost of \$25,058.

**COUNCIL DECISION ITEM 9.2.3**

**Moved Cr Buckels, Seconded Cr McGrath**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (9-0)**

**PURPOSE OF REPORT:**

The purpose of this report is to obtain the Council’s approval for approving the quotation for the feasibility study of sewer mining as a future water source for the recharge of Hyde Park Lakes.

**BACKGROUND:**

**Scope of Works**

The scope of works for this consultancy includes, but is not limited to, the utilization of innovative planning principles and practicable design solutions.

The Successful Consultant will be expected to:

- Review the Water Balance document supplied by the City;
- Detail the sewer system to be used;
- Locate the relevant services (electrical, water, gas etc);
- Select viable locations for the possible plant;
- Select and recommend viable plant options;
- Investigate the supply/availability of plant equipment;
- Investigate plant management options;
- Investigate plant management costs;
- Provide a cost layout for the installation of the plant;
- Investigate the management techniques of by-products; and
- Obtain the relevant approvals from governing bodies.

The Consultant will be required to engage with a range of Stakeholders, including but not limited to:

- Department of Health;
- Water Corporation;
- Utility Services (Synergy, Western Power etc);
- Department of Environment and Conservation;
- Department of Water; and
- Heritage Council of Western Australia.

(Surrounding facilities for the proposed plant location/s will need to be considered in any plans).

### Timeline

Whilst not specified in the Request for Quotation document, once approved by the Council, the City will specify that the successful Consultant will be required to provide a report to the City no later than 31 March 2013. This will allow any funds (if required) to be listed for consideration in the 2103-2014 Draft Budget.

The Invitation to Quote (ITQ) was advertised in the West Australian on 26 September 2012.

Submissions closed at 2.00pm Friday 19 October 2012 after being advertised for period of twenty three (23) days and ten (10) submissions were received. Present at the opening of the submissions was the Director of Technical Services, Manager Parks & Property Services and Project Officer – Parks & Environment.

### DETAILS:

The details of all submissions received from the Invitation to quote are as follows:

Note: All prices *exclude* GST.

Company/Organisation	Service	Price
Henry & Hymas	Feasibility Study	\$17,200
Essential Environmental	Feasibility Study	\$17,880
Water Group	Feasibility Study	\$22,340
Emerson Stewart	Feasibility Study	\$24,000
Renewed Water Solutions	Feasibility Study	\$24,750
ENV Australia	Feasibility Study	\$25,000
GHD	Feasibility Study	\$25,058
Arup	Feasibility Study	\$59,870
Tetra Tech	Feasibility Study	\$61,639
Arenko Water	Feasibility Study	\$78,260

### Submission Evaluation

#### Evaluation Criteria

The following weighted criterion was used for the selection of the organisations for the quotation.

<b>Evaluation Criteria</b>	<b>Weighting</b>
<i>Pricing</i>	40%
<i>Organisational capabilities / key personnel</i>	10%
<i>References</i>	10%
<i>Methodology that meets the objectives</i>	40%
<b>TOTAL:</b>	<b>100%</b>

Submission Evaluation Panel

Each submission was assessed using the above criteria in accordance with the invitation to quote documentation.

The evaluation panel consisting of the Director of Technical Services, Manager of Parks & Property Services, Project Officer – Parks & Environment met on 22 October 2012 to assess the submissions and the scores collated.

Submission Summary

	Weighting	GHD	Essential Environmental	Henry & Hymas	Emerson Stewart	Renewed Water Solutions	ENV Australia	Water Group	Arup	Tetra Tech	Arenko Water
Pricing	40%	36	39.7	40	36.5	36.1	36	37.4	18.2	17.3	8.8
Organisational capabilities / key personnel	10%	9.3	5.8	9.3	9.3	9.3	9.3	6	8.3	9.3	9.3
References	10%	9.7	6	6.3	9.7	9.7	8	4	6.7	6	8.7
Methodology that meets the objectives	40%	32.7	36	31.3	31.3	31.3	31.3	31.3	20	10.7	14
Total	100%	<b>87.7</b>	87.5	86.9	86.8	86.4	84.6	78.7	53.2	43.3	40.8
Rating		<b>1st</b>	2nd	3rd	4th	5th	6th	7th	8th	9th	10th

Comments/conclusion:

The submissions made to the City for the feasibility study of sewer mining as a future water source for the recharge of Hyde Park lakes were of high quality. The technical experience and resources displayed in the submissions indicate that sufficient expertise is present in the field of sewer mining feasibility.

The submission from GHD has been assessed as being the most suitable for the City's requirements to be provided with a report detailing the feasibility of sewer mining as a future water source for the recharge of Hyde Park Lakes.

**CONSULTATION/ADVERTISING:**

The Invitation to Quote was advertised in the West Australia on 26 September 2012.

**LEGAL/POLICY:**

The Invitation to Quote was advertised and assessed in accordance with the City's relevant policy 1.2.2, Code of Tendering.

**RISK MANAGEMENT IMPLICATIONS:**

**Medium:** Securing an alternative water source is important in securing the availability of clean water into the future. The City depends on water sources to maintain the high level of urban public open space and amenities. Without a secure water source the qualities of these spaces may be jeopardised. This is considered to be a medium risk.

**STRATEGIC IMPLICATIONS:**

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

*"Natural and Built Environment"*

*Objective:*

- 1.1.5: Enhance and maintain the City's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment".*
- 1.1.3: Take action to reduce the City's environmental impacts and provide leadership on environmental matters.*

**SUSTAINABILITY IMPLICATIONS:**

Searching for and securing an alternative water source will reduce the pressure on ground water sources in the local and wider community. Water is an essential part of life and without adequate ground water the basic sustainable principle cannot be met. This project will contribute to the City's strong commitment to sustainability.

**FINANCIAL/BUDGET IMPLICATIONS:**

The following funds have been allocated in the 2012/2013 budget:

- \$25,000 for the feasibility study of sewer mining as an alternative water source for the recharge of Hyde Park lakes.

The total cost of the report detailing the feasibility of sewer mining as a future water source for the recharging of Hyde Park Lakes is \$25,058 and will be charged against the Hyde Park Lakes Feasibility – Sewer Mining account listed under Capital Expenditure.

**COMMENTS:**

It is therefore recommended that the quotation and submission from GHD be accepted as the most suitable for the City for the feasibility study of sewer mining as a future water source for the recharge of Hyde Park Lakes in accordance with the specifications detailed in the Invitation to Quote documentation.

**9.2.4 Proposed Introduction of One (1) x Fifteen (15) Minute Parking Bay – Angove Street, North Perth**

<b>Ward:</b>	North	<b>Date:</b>	23 November 2012
<b>Precinct:</b>	Charles Centre (7)	<b>File Ref:</b>	PKG0043
<b>Attachments:</b>	<a href="#">001</a> – Proposed Location of 15 Minute Bay		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Brown, Engineering Technical Officer		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **APPROVES** the introduction of one (1) x fifteen (15) Minute parking bay 8am - 5.30pm Monday to Saturday in Angove Street adjacent 122 Angove Street, North Perth, as illustrated on attached Plan 3002-PP-01; and
2. **PLACES** a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs.

**COUNCIL DECISION ITEM 9.2.4**

**Moved Cr Buckels, Seconded Cr McGrath**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (9-0)**

**PURPOSE OF REPORT:**

The purpose of this report is to inform the Council of correspondence received requesting that the City install a fifteen (15) minute ‘drop-off and ‘pick up’ parking bay in Angove Street.

**BACKGROUND:**

The City has received a request for some short stay parking spaces in Angove Street, North Perth, adjacent No. 122 Angove Street located on the corner of Angove and Farmer Streets. No. 122 Angove Street is a commercial business operating as dine-in/take-away food premises.

**DETAILS:**

There are fifteen (15) minute time restrictions currently in place adjacent to other businesses within the precinct. These restrictions have been installed to cater to the specific needs of the businesses where the adjoining business rely on short stay parkers

The proposed additional fifteen (15) minute bay, as shown on attached drawing 3002-PP-01, would be free in accordance with Council’s current parking policy.

The City’s officers have investigated the matter and support the installation of one (1) x fifteen (15) minute parking bays in Angove Street adjacent No. 122 Angove Street.

The proposed restriction would be fifteen (15) minutes 8am- 5.30pm Monday to Saturday.

**CONSULTATION/ADVERTISING:**

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

**LEGAL/POLICY:**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS:**

Not applicable.

**STRATEGIC IMPLICATIONS:**

In accordance with the City's *Strategic Plan 2011-2016* which states:

*"Natural and Built Environment*

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

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

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

Implementing the new restrictions will require the manufacture of two (2) new signs and installation of two (2) new signs and poles as well as line marking, which will cost approximately \$500.

**COMMENTS:**

Similar restrictions are currently in place in other commercial precincts within the City of Vincent. These restrictions have been installed to cater to the specific needs of the adjacent businesses. The proposed fifteen (15) minute parking bays will improve access to short stay parking to benefit the businesses in this area.

**9.3.1 Mount Hawthorn Out of School Care Centre Inc – Licence for the use of the Mt Hawthorn Community Centre Main Hall**

<b>Ward:</b>	North	<b>Date:</b>	23 November 2012
<b>Precinct:</b>	Mt Hawthorn (1)	<b>File Ref:</b>	PRO0003
<b>Attachments:</b>			
<b>Tabled Items:</b>			
<b>Reporting Officer:</b>	M Rootsey Director Corporate Services		
<b>Responsible Officer</b>	M Rootsey Director Corporate Services		

**OFFICER RECOMMENDATION:**

That the Council;

- APPROVES** the request from the Mount Hawthorn Out of School Centre Inc. for a Licence to use the Mount Hawthorn Community Centre Main Hall, as follows:

NO	ITEM	CONDITION
1.1	<b>Term:</b>	five (5) years;
1.2	<b>Rent:</b>	\$4,000 per annum plus GST indexed to CPI;
1.3	<b>Time of Use:</b>	Monday to Friday during School term 7.00am – 9.am and 2.30pm – 6.00; and
1.4	<b>Commencement Date:</b>	effective from 1 February 2013

- AUTHORISES;**

- a Licence to be prepared by the City’s Administration, subject to final satisfactory negotiations being carried out by the Chief Executive Officer; and
- The Mayor and Chief Executive Officer to sign the Licence and affix the Council’s Common Seal.

**COUNCIL DECISION ITEM 9.3.1**

**Moved Cr Buckels, Seconded Cr McGrath**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (9-0)**

**PURPOSE OF REPORT:**

The purpose of the report is to seek approval from the Council to approve a licence to the Mt Hawthorn Out of School Care Centre to use the Mt Hawthorn Hall for Out of School Care.

**BACKGROUND:**

The Mt Hawthorn Out of School Care group contacted the City through the Mayor and Officers early this year to ascertain the possible availability for use of the Mt Hawthorn Community Centre Hall for this important service.

The City’s Officers researched the current usage of the Main Hall and advise the group that the Main Hall would be available at the requested times.

The City has similar licence arrangement with the North Perth Out of School Care Group at the North Perth Town Hall.

OSCA was formed in 2002 for the purpose of providing an Out of School Care service primarily for the Mt Hawthorn Primary School community. OSCA is a Not for Profit organisation and is operated by licensed staff and is overseen by a parent committee.

Whilst they are not part of the Mt Hawthorn Primary School, they have a symbiotic relationship whereby they utilise school facilities (under a lease arrangement) to enable them to provide the service predominantly to the Mt Hawthorn Primary School community.

Mt Hawthorn Out of School Hours Centre was Incorporated on the 24/02/2002.

With the rise in the student population over the last few years the demand for out of school care has grown significantly. OSCA is currently licensed to accommodate thirty nine (39) students at the school. For 2013 their waiting list for Out of School Care is up to forty six (46) places in excess of their current licensing.

Unfortunately the rise in student population has also put pressure on their ability to utilise the school premises in order to expand their service. As a result, to accommodate a very obvious community need they are seeking to utilise the Mt Hawthorn Main Hall to provide Out of School Care for up to thirty nine (39) places. This would accommodate the majority of families on the current waiting list.

#### **DETAILS:**

The usage of the Main Hall was identified as a potential venue after working with the Mt Hawthorn Primary School and the P&C to identify possible places. The Mt Hawthorn Primary School and the P&C are supportive of OSCA increasing our service to accommodate the needs of the school community.

#### No. of staff employed

Two (2) Permanent Part time staff – who are the Centre Director and Centre Co-ordinator, and seven (7) Casual carer staff. All staff are required to have appropriate child care qualifications. The child to educator ratio is 1 – 11, which means that they will need four (4) staff to operate the Main Hall venue assuming full take up of places.

#### Who funds the staff

Staffing is the main expense of OSCA. Staff expenses are paid from the fee revenue generated by OSCA.

#### What number of children will you be catering for is there a maximum and minimum

OSCA is seeking licensing for usage of the Main Hall to provide before and after school care for up to thirty nine (39) places.

#### Is the centre primarily for Mt Hawthorn Primary School Children

The Mt Hawthorn Out of School Care Inc do not have a bus service their before and after school care service caters only for Mt Hawthorn Primary School students. However their Vacation Care program does cater for the wider community and is not limited to students of the school. They are not currently seeking to utilise the Main Hall for the vacation care program.

Is there a fee for the use of the service, if so what is the amount

Before School Care - \$15  
After School Care - \$22

These fees are set on an annual basis in order to maintain a break even position – noting that OSCA is a not for profit community organisation.

Is the service available all year round or just school terms

Before and after School Care is just for the school terms. A Vacation Care Program however we are not currently seeking to utilize the Main Hall for the vacation care program.

The Mt Hawthorn Out of School Care Centre Incorporated is currently in the process of obtaining a licence from the Department of Communities to operate this Out of School Care program.

It is intended that the Out of School Care will operate at the Mt Hawthorn Community Centre at the following times:

Monday to Friday

7.00 am to 9.00 am and  
2.30 pm to 6.00pm

**CONSULTATION/ADVERTISING:**

Not Applicable.

**LEGAL/POLICY:**

City of Vincent Policy 1.2.1 Lease Terms.

**RISK MANAGEMENT IMPLICATIONS:**

**Low** This is a responsible group providing an essential service under a licence agreement with the Department of Communities. There may be an increase in operational maintenance with the Hall in the future due to the nature of the activity.

**STRATEGIC IMPLICATIONS:**

Strategic Community Plan 2011 - 2021

*Objective 3.1 Enhance and Promote Community Development and Wellbeing.*

*3.1.6 Build capacity within the community for individuals and groups to meet their needs and the needs of the broader community.*

**SUSTAINABILITY IMPLICATIONS:**

Not Applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The licence payment for the use of the Mt Hawthorn Community Centre Main Hall is recommended to be \$4,000 pa paid quarterly subject to annual Perth CPI increases.

This is in line with the licence charges to the North Perth Out of School Service at the North Perth Town Hall.

**COMMENTS:**

The Mt Hawthorn Out of School Care Centre Incorporated is currently in the process of obtaining a licence from the Department of Communities to operate this Out of School Care program.

The group requires formal confirmation of the use of the Main Hall through the form of a licence/lease to progress the licence application.

The Administration supports this service which meets an obvious demand of the community and recommends that a licence be provided to this group for a five (5) year period.

**9.4.2 Wade Street Reserve - Vietnamese Monument of Gratitude - Progress Report No. 1**

<b>Ward:</b>	South	<b>Date:</b>	23 November 2012
<b>Precinct:</b>	Hyde Park	<b>File Ref:</b>	CMS0021
<b>Attachments:</b>	<a href="#">001</a> – Initial Design Concept		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	Y Coyne, Coordinator Arts & Creativity; J Anthony, Manager Community Development		
<b>Responsible Officer:</b>	R Boardman, Director Community Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **APPROVES IN PRINCIPLES** the initial design concept for the Vietnamese Monument of Gratitude, to be located on Wade Street Reserve as shown in Appendix 9.4.2; and
2. **NOTES** that upon receipt of a more detailed Concept Plan of the Monument, the matter will be further reported to the Council.

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**COUNCIL DECISION ITEM 9.4.2**

**Moved Cr Buckels, Seconded Cr McGrath**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (9-0)**

---

**PURPOSE OF REPORT:**

To receive a progress report the initial design concept for the Vietnamese Monument of Gratitude, proposed to be located on Wade Street Reserve, Perth.

**BACKGROUND:**

Previous progress reports have been presented to the Council over the past years in relation to the proposal to install a Vietnamese Monument of Gratitude on a site within the City of Vincent. The following is a summary of these dates;

**Ordinary Meeting held on 14 July 2009**

The Council approved 'in principle' of the installation of the Vietnamese monument at Weld Square and NOTES that the location of Hyde Park is not supported by the Heritage Council of W.A.

**Ordinary Meeting held on 27 July 2010**

The Council approved further investigation in relation to the location of the Vietnamese Monument in either Robertson Park or Wade Street Reserve.

**Ordinary Meeting held on 9 November 2010**

The Council approved "in principle" to locate the Vietnamese Boat People Monument of Gratitude in the north east corner of Robertson Park and to consult with the local community surrounding Robertson Park for a period of twenty one (21) days seeking their views in relation to the proposals and obtains comments from the Heritage Council of Western Australia with respect to the proposal.

### **Ordinary Meeting held on 22 March 2011**

After considering the comments received from the community, the Council approved the installation of the Vietnamese Boat People Monument of Gratitude, 'Option 2' within Robertson Park.

### **Ordinary Meeting held on 26 June 2012**

The Council approved in principle the installation of the Vietnamese Boat People Monument of Gratitude, within the Wade Street Reserve, subject to undertaking consultation with the Vietnamese Community and the adjoining residents.

#### **DETAILS:**

The Vietnamese Community in Australia (WA Chapter) is a voluntary not-for-profit organisation representing Vietnamese residents in WA. After significant fundraising within the community, they are commissioning an artwork as a "Thank You" monument which the community is donating to the City of Vincent as a token of gratitude. The work is proposed to be installed on the Wade Street Reserve located on the corner of Wade, Ruth and William Streets, Perth.

#### **EOI Process**

The commissioning of the artwork went through an open expression of interest (EOI). The callout for EOIs went out on 3 September 2012 through the Artsource E-Zine and seven artists subsequently offered EOIs.

The community panel shortlisted three (3) artists on 25 September 2012, who were invited to an artist briefing and to develop a concept design for a fee. At this briefing, artists received detailed information and had an opportunity to clarify location specifications and project details.

Coral Lowry, Tony Jones and Andrew Kay presented concepts on 5 November 2012. Coral Lowry was selected as the successful artist and met the community for feedback on 12 November 2012.

The Vietnamese Community would like to have the work installed on Wade Street Reserve early to mid April 2013. April 30 is the anniversary of the fall of Saigon and when the Vietnamese have their commemorative service.

#### **Preliminary Concept Design**

Currently the artist, Coral Lowry, has submitted a concept as shown in Appendix 9.4.2 which will be worked on in conjunction with the community to develop the final design.

The work is a strong vertical structure measuring 5.4 metres high. The material will be stainless steel, both satin and high polished.

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

Further consultation will be undertaken in accordance with the City's Community Consultation Policy No. 4.1.5 – clause 7 relating to 'Non-Statutory and General Consultation' for a period of twenty-one (21) days.

The City's Policy relating to 'Parks and Reserves Upgrades and Enhancements' for 'Significant Works' states:

*"Consultation will be carried out to an area of not less than 500m surrounding the park or reserve for at least fourteen (14) days. Local Public Notice (if required at the discretion of the Chief Executive Officer/Director)."*

All respondents will be advised of the Council decision.

**LEGAL/POLICY:**

Community Consultation Policy No. 4.1.5.

**RISK MANAGEMENT IMPLICATIONS:**

Not applicable.

**STRATEGIC IMPLICATIONS:**

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

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

*1.1.4(b) Continue to implement both minor and major improvements in public open spaces and progressively extend the wetlands heritage trail/greenway and develop a City "Greening Plan" including the continual beautification and landscaping of public open space, roads and carparks, and other City owned land."*

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

As indicated in the previous report presented to the Council, all costs associated with any additional feature lighting and the design, construction and installation of the monument will be borne by the Vietnamese Community.

The City could assist with any minor reserve reinstatement works following the completion of the works. The proposed artwork requests a path to be installed which will need to be costed.

**COMMENTS:**

The work is a strongly symbolic, abstract piece, which shies away from traditional bronze monuments. The work has been developed with extensive input from the Vietnamese Community and will ultimately be a monument they will proudly present to the City.

**9.4.3 Mount Lawley Subway Artwork Concept - Approval**

<b>Ward:</b>	North	<b>Date:</b>	23 November 2012
<b>Precinct:</b>	Forrest, Banks	<b>File Ref:</b>	ORG0016
<b>Attachments:</b>	<a href="#">001</a> – Letter from City of Bayswater and Art Design		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	R Gunning, Arts Officer; J Anthony, Manager Community Development		
<b>Responsible Officer:</b>	Rob Boardman, Director Community Services		

**OFFICER RECOMMENDATION:**

That the Council **APPROVES** part of the artwork concept for the Mount Lawley Subway which is within the City of Vincent, as show in Appendix 9.4.3, with a total contribution of \$10,000 towards the project.

**COUNCIL DECISION ITEM 9.4.3**

**Moved Cr Buckels, Seconded Cr McGrath**

**That the recommendation be adopted.**

**CARRIED UNANIMOUSLY “EN BLOC” (9-0)**

**PURPOSE OF REPORT:**

To seek Council approval for part of the Mount Lawley Subway Artwork Concept, which falls within the City of Vincent.

**BACKGROUND:**

The Mount Lawley Subway walls fall within the boundaries of three Local Government - the City of Bayswater, City of Stirling and City of Vincent.

For some time, there has been interest in beautifying the somewhat neglected Subway.

There has been correspondence since 2009 regarding an upgrade which would include artwork.

**DETAILS:**

In July 2009 Michael Sutherland MLA Member for Mount Lawley wrote to the City of Vincent, concerning the neglected state of the subway and stating the City of Bayswater would ‘drive’ an upgrade.

The letter stated that the City of Bayswater will be in contact to further progress the project. In October 2010, the City of Vincent Officers met with Officers from the City of Bayswater to discuss the project. In June 2012 the CEO of the City of Bayswater requested the City to contribute \$10,000 to the project. The amount was based “on the length of subway (southern side) within your City”. It was confirmed to the City of Bayswater that Vincent had made provision for \$10,000 in its 2012/2013 Operational Budget for the project.

A brief from the City of Bayswater was issued to six artists and the graffiti networking site *The Butcher Shop*, inviting artists to submit a proposal and costing for the project. Four responses were received from individuals and partnerships.

The submissions were assessed for compliance with the brief and budget and awarded to Hurben, an urban art collective headed by Steve Buckles.

The City received a letter dated 12 November 2012 from the City of Bayswater seeking approval of the artwork concept for the Mount Lawley Subway as shown in Appendix 9.4.3. Although the drawings show concepts for both the north east wall and the south west wall, it is the south west wall that is located in the City of Vincent and consequently needs approval.

As stated in the letter, the artistic concept is based on a humorous futuristic scenario 'where global warming has caused a sea level rise' and 'modes of transport have evolved from the changed environment'.

The background colours and small details are to be painted directly to the wall with the foreground objects to be painted on cut aluminium sheets and mounted on to the wall (see details outlined in the City of Bayswater letter as shown in Appendix 9.4.3). The installation of the work is planned for mid-December 2012.

**CONSULTATION/ADVERTISING:**

Due to the location being low in residential properties, consultation was considered unnecessary.

**LEGAL/POLICY:**

Policy No. 3.10.9 – Public Murals.

**RISK MANAGEMENT IMPLICATIONS:**

The project is to be managed by the City of Bayswater.

**STRATEGIC IMPLICATIONS:**

In keeping with the City's *Strategic Plan 2011-2016*, Objectives 3.1 states:

*"3.1 Enhance and promote community development and well being.*

*3.1.1 Celebrate and acknowledge the City's cultural and social diversity."*

**SUSTAINABILITY IMPLICATIONS:**

The artwork will be coated with graffiti proof varnish, giving it a life span of approximately 10 (ten) years.

**FINANCIAL/BUDGET IMPLICATIONS:**

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

Budget Amount:	\$10,000
Spent to Date:	\$ 0
Balance:	\$10,000

**COMMENTS:**

The style of the mural, while clearly influenced by 'urban' street art offers harmonious colour combinations and themes usually associated with the style; it is for this reason it is anticipated that the mural will have broad appeal. The mural will greatly enliven and improve the amenity of the Mount Lawley Subway.

**9.5.1 Use of the Council's Common Seal**

<b>Ward:</b>	-	<b>Date:</b>	27 November 2012
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0042
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	M McKahey, Personal Assistant		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council **NOTES** the use of the Council's Common Seal on the documents listed in the report, for the month of November 2012.

**COUNCIL DECISION ITEM 9.5.1**

**Moved Cr Buckels, Seconded Cr McGrath**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY "EN BLOC" (9-0)**

**BACKGROUND:**

The Chief Executive Officer is responsible for the day-to-day management of the City and other responsibilities and functions in accordance with Section 5.41 of the Local Government Act. This includes the signing of documents and use of the Council's Common Seal for legal documents. The City of Vincent Local Law relating to Standing Orders Clause 5.8 prescribes the use of the Council's Common Seal. The CEO is to record in a register and report to Council the details of the use of the Common Seal.

At the Ordinary Meeting of Council held on 14 May 2002, the Council authorised the Chief Executive Officer to use the Common Seal, in accordance with Clause 5.8 of the City of Vincent Local Law relating to Standing Orders, subject to a report being submitted to Council each month (or bi-monthly if necessary) detailing the documents which have been affixed with the Council's Common Seal.

The Common Seal of the City of Vincent has been affixed to the following documents:

<b>Date</b>	<b>Document</b>	<b>No of copies</b>	<b>Details</b>
05/11/2012	Deed of Covenant	3	City of Vincent and Lethe Pty Ltd of c/o KP Accounting Pty Ltd, Suite 2, 315 Bulwer Street, North Perth re: Nos. 450-452 (Lots 8 & 350) Beaufort Street, Highgate - <i>In accordance with Clause 6.1 of Conditional Approval dated 19 July 2012</i>
5/11/2012	Amendment No. 32	3	City of Vincent Town Planning Scheme No. 1 - Amendment No. 32 - Relating to the inclusion of land bounded by Scarborough Beach Road, Brady Street, Powis Street and the Mitchell Freeway and to incorporate Metropolitan Region Scheme Amendment 1181/57 into the City's Town Planning Scheme No. 1, by incorporating the area into Scheme Map 1 Mount Hawthorn Precinct and Scheme Map 15 - Banks Precinct respectively. Scheme Amendment No. 32 also relates to the inclusion of Part 7 - Special Control Area to the City's Town Planning Scheme No. 1 - <i>Approved by Council at the Ordinary Meeting of Council held on 23 October 2012</i>

Date	Document	No of copies	Details
16/11/2012	Deed of Covenant	2	City of Vincent and Cygnet Properties Pty Ltd of 15 Ord Street, West Perth re: Nos. 248-250 (Lot 801; D/P: 56574), Nos. 254-258 (Lot 800; D/P: 56574), No. 262 (Lot 201; D/P: 302414, Lot 2; D/P: 1121, Lot 3; D/P: 11210) Lord Street, Nos. 133-137 (Lot 1; D/P: 1121), No. 133 (Lot 7; D/P: 398) Summers Street and No. 10 (Lot 100; D/P: 74945) Coolgardie Terrace, Perth - Demolition of existing buildings and construction of six and seven storey mixed-use developments consisting nineteen (19) single bedroom multiple dwellings, seventy-one (71) multiple dwellings, four (4) offices/showrooms, one (1) office, two (2) shops, one (1) restaurant and associated basement car parking - <i>To satisfy Clause 6.9 of Conditional Approval of the Ordinary Meeting of Council held on 23 August 2011</i>
27/11/2012	Notification under Section 70A	1	City of Vincent and Baymoon Holdings Pty Ltd of c/o Richard Yeap & Associates, Level 1, 342 Murray Street, Perth re: No. 16 (lot 28; D/P: 62532) Brentham Street, Leederville – Construction of a Three (3) Storey Building consisting of twenty-seven (27) single bedroom multiple dwellings, twenty-six (26) multiple dwellings and associated car stacker to existing six (6) multiple dwellings – <i>To satisfy Condition 1.4.2 of Conditional Planning Approval Serial 5.2011.389.2 issued on 23 February 2012</i>

**9.5.2 Information Bulletin**

<b>Ward:</b>	-	<b>Date:</b>	23 November 2012
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Attachments:</b>	<a href="#">001</a> – Information Bulletin		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	J Highfield, Executive Assistant		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council **RECEIVES** the Information Bulletin dated 4 December 2012, as distributed with the Agenda.

**COUNCIL DECISION ITEM 9.5.2**

**Moved Cr Buckels, Seconded Cr McGrath**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (9-0)**

**DETAILS:**

The items included in the Information Bulletin dated 4 December 2012 are as follows:

<b>ITEM</b>	<b>DESCRIPTION</b>	<b>PAGE</b>
IB01	Departmental of Local Government Circular 30-2012 relating to "Gazettal of the Cat Regulations 2012"	1
IB02	Letter from the Australian Local Government Association regarding the update on the progress of constitutional recognition	4
IB03	Feedback from City of Vincent Resident on the Heritage Walk and Open House Event conducted on 28 October 2012	6
IB04	Seniors Sing-along Event	7
IB05	Cancellation of Proposed 2013 Smoke Free Perth Criterium Cycling Series	13
IB06	Letter from the Hon Simon O'Brien MLC Minister for Finance; Commerce; Small Business regarding Amendments to Building Act in Effect	14
IB07	Unconfirmed Minutes of the Design Advisory Committee Meeting held on 7 November 2012	16
IB08	Register of Petitions – Progress Report – December 2012	21
IB09	Register of Notices of Motion – Progress Report – December 2012	22
IB10	Register of Reports to be Actioned – Progress Report – December 2012	24
IB11	Register of Legal Action ( <b>Confidential – Council Members Only</b> ) – Monthly Report (December 2012)	33

<b>ITEM</b>	<b>DESCRIPTION</b>	<b>PAGE</b>
IB12	Register of State Administrative Tribunal Appeals – Progress Report – December 2012	34
IB13	Register of Applications Referred to the Design Advisory Committee – November 2012	36
IB14	Register of Applications Referred to the MetroWest Development Assessment Panel – November 2012	38
IB15	Forum Notes - 13 November 2012	39
IB16	Notice of Forum – 11 December 2012	41

**9.1.2 Nos. 10 & 10A (Lots 400 & 401; D/P 63247) Lynton Street, Mount Hawthorn – Front Fence Addition to Two (2) Existing Single Houses (Retrospective)**

<b>Ward:</b>	North	<b>Date:</b>	23 November 2012
<b>Precinct:</b>	Mount Hawthorn; P1	<b>File Ref:</b>	PRO5044; 5.2012.196.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Development Application Plans <a href="#">002</a> – Applicant’s Justification dated 26 April 2012 <a href="#">003</a> – Applicant’s Justification dated 12 November 2012		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	S Radosevich, Planning Officer (Statutory)		
<b>Responsible Officer:</b>	C Eldridge, Director Planning Services		

**OFFICER RECOMMENDATION:**

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by J Ennis on behalf of the owner, T Langoulant for Front Fence Addition to Two (2) Existing Single Houses (Retrospective) at Nos. 10 & 10A (Lots 400 & 401; D/P 63247) Lynton Street, Mount Hawthorn, and as shown on plans stamp dated 15 May 2012, for the following reasons:

1. non-compliance with the Acceptable Development and Performance Criteria provisions of the City’s Policy No 3.2.1 relating to Residential Design Elements, with regard to Clause SADC 13 and SPC 13 “Street Walls and Fences” relating to the front fence;
2. non-compliance with the City’s Policy No. 2.2.6 relating to Truncations, with regard to Clause 1.4 “Visual Truncation Area” relating to the visual truncation;
3. the development does not comply with the following objectives of the City of Vincent Town Planning Scheme No. 1:
  - 3.1 to protect and enhance the health, safety and physical welfare of the City’s inhabitants and the social, physical and cultural environment; and
4. the front fence creates an undesirable precedent for development on surrounding lots, which is not in the interests of orderly and proper planning for the locality.

**ADVICE NOTE**

1. within twenty-eight (28) days from the date of the refusal, the unauthorised front fence is to be either modified or removed to comply with Clause SADC 13 “Street Walls and Fences” of the City’s Policy No 3.2.1 relating to Residential Design Elements.

If you do not comply with the above mentioned request within twenty-eight (28) days from the date of this refusal, the City will have limited option other than to commence enforcement and legal proceedings in accordance with the City’s Prosecution and Enforcement Policy. (On conviction, offences under Section 214 of the Planning and Development Act, may be liable of a penalty of \$200,000 for each offence and a daily penalty of \$25,000 for each day during which each offence continues.).

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**COUNCIL DECISION ITEM 9.1.2**

**Moved Cr Buckels, Seconded Cr Maier**

That the recommendation be adopted.

Debate ensued.

**MOTION PUT AND LOST (3-6)**

**For:** Cr Harley, Cr McGrath, Cr Pintabona

**Against:** Mayor Hon. MacTiernan, Cr Carey, Cr Buckels, Cr Maier, Cr Topelberg, Cr Wilcox

**REASON FOR REFUSAL OF THE OFFICER RECOMMENDATION:**

That the fences as constructed do not vary markedly from the standard.

**ALTERNATIVE OFFICER RECOMMENDATION:**

**Moved Cr Topelberg, Seconded Cr Buckels**

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by J Ennis on behalf of the owner, T Langoulant for Front Fence Addition to Two (2) Existing Single Houses (Retrospective) at Nos. 10 & 10A (Lots 400 & 401; D/P 63247) Lynton Street, Mount Hawthorn, and as shown on plans stamp dated 15 May 2012, subject to the following:

1. No permeable or semi permeable infill is permitted in the visual truncation part of the fence.

Debate ensued.

**AMENDMENT**

**Moved Cr Harley, Seconded Cr Carey**

“That Clause 1 be amended to read as follows:

**That there be no infill constructed in any part of the fence.”**

Debate ensued.

**AMENDMENT PUT AND CARRIED (6-3)**

**For:** Mayor Hon. Alannah MacTiernan, Cr Buckels, Cr Carey, Cr Harley, Cr Pintabona, Cr Wilcox

**Against:** Cr Maier, Cr McGrath, Cr Topelberg

**ALTERNATIVE MOTION AS AMENDED PUT AND CARRIED (8-1)**

**For:** Mayor Hon. Alannah MacTiernan, Cr Buckels, Cr Carey, Cr Maier, Cr Harley, Cr Pintabona, Cr Topelberg, Cr Wilcox

**Against:** Cr McGrath

**COUNCIL DECISION ALTERNATIVE OFFICER RECOMMENDATION ITEM 9.1.2**

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by J Ennis on behalf of the owner, T Langoulant for Front Fence Addition to Two (2) Existing Single Houses (Retrospective) at Nos. 10 & 10A (Lots 400 & 401; D/P 63247) Lynton Street, Mount Hawthorn, and as shown on plans stamp dated 15 May 2012, subject to the following:

1. That there be no infill constructed in any part of the fence.

**PURPOSE OF REPORT:**

The application is referred to the Council for determination at the request of the applicant as administration was to refuse the application.

**BACKGROUND:**

**History:**

Date	Comment
29 December 2008	The Western Australian Planning Commission conditionally approved a two (2) lot freehold (green title) subdivision.
29 April 2010	The City approved a development application under delegated authority for the demolition of existing single house.
26 August 2010	The City approved a development application under delegated authority for the construction of two (2) two-storey grouped dwellings.

**Previous Reports to Council:**

Nil.

**DETAILS:**

The application is for retrospective approval for a front fence at Nos. 10 & 10A Lynton Street. The non-complaint front fence was brought to the City's attention when dealing with a non-compliant fence nearby. On 28 March 2012 the City wrote to the owner and advised that they are required to either modify the fence or apply for and obtain Retrospective Planning Approval from the City.

<b>Landowner:</b>	T Langoulant
<b>Applicant:</b>	J Ennis
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R30
<b>Existing Land Use:</b>	Two Single Houses
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	329 square metres (Lot 400) and 329 square metres (Lot 401)
<b>Right of Way:</b>	Not Applicable

**ASSESSMENT:**

**Town Planning Scheme/R Codes/Residential Design Element's Initial Assessment**

Design Element	Complies 'Acceptable Development' or TPS Clause	OR	'Performance Criteria' Assessment or TPS Discretionary Clause
Density/Plot Ratio	N/A		
Streetscape	N/A		
Front Fence			✓
Front Setback	N/A		
Building Setbacks	N/A		
Boundary Wall	N/A		
Building Height	N/A		
Building Storeys	N/A		
Open Space	N/A		
Bicycles	N/A		
Access & Parking	N/A		
Privacy	N/A		
Solar Access	N/A		
Site Works	N/A		
Essential Facilities	N/A		
Surveillance	N/A		

**Town Planning Scheme/R Codes/Residential Design Element's Detailed Assessment**

Issue/Design Element:	Front Fence
Requirement:	<p><b>Residential Design Elements SADC 13</b></p> <p>Street walls and fences within the primary street setback area, including along the side boundaries, and front walls and fences to new infill dwellings fronting a right of way or dedicated road to be as follows:</p> <ul style="list-style-type: none"> <li>• Maximum height of 1.8 metres above adjacent footpath level; and</li> <li>• Maximum height of piers with decorative capping to be 2 metres above adjacent footpath level;</li> <li>• Maximum height of solid portion of wall to be 1.2 metres above adjacent footpath level and a minimum of fifty percent visually permeable above 1.2 metres; and</li> <li>• Posts and piers are to have a maximum width 355 millimetres and a maximum diameter of 500 millimetres; and</li> <li>• The distance between piers should not be less than the height of the piers except where pedestrian gates are proposed.</li> </ul> <p>Street walls and fences to incorporate visual truncations that comply with the City's Policy relating to Truncations.</p> <ul style="list-style-type: none"> <li>• Walls and fences truncated or no higher than 0.65 metres within 1.5 metres of where walls and fences adjoin vehicle access points where a driveway meets a public street and where two streets intersect.</li> </ul>

Issue/Design Element:	Front Fence
Applicants Proposal:	<p>Posts have a maximum height of 1.95 metres above the adjacent footpath level.</p> <p>Maximum height of the solid portion of wall is 1.6 metres.</p> <p>Posts have a maximum width of 715 millimetres and a maximum diameter of 787 millimetres.</p> <p>Solid portion of the fencing is 0.93 metres high within the visual truncation area.</p> <p>715 millimetres wide posts are located within the visual truncation area.</p>
Performance Criteria:	<p><b>Residential Design Elements SPC 13</b> Street walls and fences are to be designed so that:</p> <ul style="list-style-type: none"> <li>• Buildings, especially their entrances, are clearly visible from the primary street;</li> <li>• A clear line of demarcation is provided between the street and development;</li> <li>• They are in keeping with the desired streetscape; and</li> <li>• Provide adequate sightlines at vehicle access points.</li> </ul>
Applicant justification summary:	<p><i><u>“Buildings, especially their entrances are visible from the Primary Street</u></i> <i>The entry porches to the dwellings are adjacent to sections of the Lynton Street property boundary walls which range in height between 0.83 metres and 0.93 metres from the verge levels allowing a clear unobstructed view to the dwellings entrances.</i></p> <p><i>The Residential Design Codes (‘R-Codes’) permit solid street walls as of right to a height of 1.2 metres in order to ensure a level of street surveillance is provided. Consequently the street walls the subject of this application located in front of the porches below a solid height of 1.2 metres satisfy the Performance Criteria and could not be construed as impinging on visibility given the acceptable height established by the R-Codes State planning Policy.</i></p> <p><i><u>Providing a clear line of demarcation between the street and development</u></i> <i>The existing street walls have been constructed adjacent to the front (western) Lynton Street cadastral boundaries and therefore provide a clear line of demarcation between the public street and private boundary of Lots 400 and 401.</i></p> <p><i>The existing street walls clearly satisfy the performance criteria in this regard.</i></p> <p><i><u>Street walls in keeping with the desired streetscape</u></i> <i>The most recent street walls constructed within Lynton Street are located at No. 20 &amp; No. 20A Lynton Street. Both developments incorporate piers wider than the requested width of 0.35 metres and are consistent with the street walls constructed at Nos. 10 &amp; 10A Lynton Street.</i></p>

Issue/Design Element:	Front Fence
	<p><i>The older housing stock and street fencing within Lynton Street which predates the Residential Design Elements SPC 13 Planning Policy and the R-Codes incorporate predominantly solid walls to a height of 1.8 metres. There is no evidence within Lynton Street which suggests low street fences or narrow pillars contribute to the desired streetscape given the number of repairs and upgrades to street fencing which maintain fencing types well outside the intentions of the Residential Design Elements SPC 13 Planning Policy.</i></p> <p><i>On balance the existing walls can only be considered to maintain the desired streetscape character based on the grounds of:</i></p> <ul style="list-style-type: none"> <li><i>• The walls are constructed to a high standard and are compatible and visually similar to other recently constructed walls within Lynton Street;</i></li> <li><i>• The walls and pillars are only constructed marginally outside the limits of the Residential Design Elements Policy as are the other recently constructed walls within Lynton Street and would therefore be compatible with a street wall which may be constructed with narrower pillars; and</i></li> <li><i>• The walls provide for adequate surveillance and sightlines.</i></li> </ul>
	<p><i>Contained within Appendix 1 (Attachment 003) are a series of photographs showing existing street walls within the Mount Hawthorn locality of a comparable scale and design to the existing walls the subject of this Application for Retrospective Approval.</i></p> <p><u><i>Provide adequate sightlines at vehicle access points</i></u> <i>Adequate sightlines are available to the footpaths approaching the driveway/crossovers of No. 10 and No. 10A Lynton Street. Contained within Appendix 2 (Attachment 003) is a series of photographs which show clear sightlines of the approach to the driveway/crossover.</i></p> <p><i>The section of fencing adjacent to the driveway does not impinge on sightlines and has been in operation for a number of years. Moreover, the sections of fencing adjacent to the driveways in question are similar to a considerable number of other residential developments within the Mount Hawthorn locality and could not be construed to be present a safety concern on this basis.</i></p> <p><u><i>Summary</i></u> <i>In light of the number of similar recently constructed street walls and refurbished established street walls incorporating piers and solid sections of walls exceeding the dimensions of the subject walls, the proprietor of No. 10 and No. 10A Lynton Street requests that the Application for Retrospective Planning Approval be considered further.</i></p>

Issue/Design Element:	Front Fence
	<p><i>As per the initial Application for Retrospective Approval it is requested that the existing street walls be assessed against the Performance Criteria of the Residential Design Elements SPC 13 Planning Policy. In this instance it is considered that it can reasonably be demonstrated that each of the respective performance criterion when considered against the existing street walls have been satisfied allowing the City of Vincent to grant Retrospective Planning Approval.</i></p>
	<p><i>Should the City's Planning Department remain of the view that the Performance Criteria has not been satisfied, we would request a transmittal rationalising how the street walls the subsection of this Application differ to other walls identified within Lynton Street and that the determination be held over and the matter referred to an Ordinary Council Meeting for further consideration."</i></p>
<p>Officer technical comment:</p>	<p>The retrospective application for the front fence does not comply with the Performance Criteria of the City's Policy No. 3.2.1 relating to Residential Design Elements.</p> <p>As the fencing located along the boundary of Nos. 10 and 10A Lynton Street has a solid portion of 1.6 metres, it does not provide for the entrances to each of the dwellings to be clearly visible from Lynton Street. As the entrances are located behind the main building line, this solid portion of the front fence blocks the limited opportunity that exists for the entrance to the dwellings to be clearly visible from Lynton Street. It is acknowledged that the entrances are visible when directly in front of the subject site; however they are not clearly visible from other locations along the primary street.</p> <p>The front fences are not in keeping with the desired streetscape, as they do not provide for an adequate relationship between the subject sites and Lynton Street, with regards to passive surveillance. As the setback area is not the approved location of an outdoor living area for each of the subject sites, and Lynton Street is listed as an access road under the Perth Metropolitan Area Functional Road Hierarchy, it is not typical of the type of fencing expected within the locality nor is it in keeping with the desired streetscape.</p> <p>The proposal does not comply with the City's Policy No. 2.2.6 "Truncations" with regards to visual truncations. Clause 1.4 of the Policy No. 2.2.6 requires that the solid portion of fencing within the truncation areas does not exceed 0.65 metres in height, with columns less than 355 millimetres by 355 millimetres or 500 millimetres diameter permitted. As the solid portion of fencing is 0.85 metres to 0.93 metres in height, with the columns being 715 millimetres by 330 millimetres, with a diameter of 787 millimetres, the fences are in conflict with the City's requirements for adequate sightlines.</p>

Issue/Design Element:	Front Fence
	It is also noted that Clause 3.2.4 "Sight Distance at Access Driveway Exists" of the Australian/New Zealand Standards 2890.1 and Clause 6.2.6 "Sight Lines at Vehicle Access Points and Street Corners" of the R-Codes both require a truncation area for adequate sightlines where a driveway meets a street; which is consistent with the City's Truncation Policy.
	It noted that the sightline requirements are intended to provide adequate sightlines for various vehicles, as they range in size therefore allowing some vehicles to be provided with greater sightlines, therefore providing an adequate standard for both current and future owners of the sites. It is considered that the existing sightlines are outside of the City's Policy No. 2.2.6 relating to truncations and therefore is unable to be supported in this instance.

**CONSULTATION/ADVERTISING:**

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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<b>Comments Period:</b>	24 July 2012 to 6 August 2012
<b>Comments Received:</b>	Nil

**Design Advisory Committee:**

Referred to Design Advisory Committee: No

**LEGAL/POLICY:**

The following legislation and policies apply to the front fence addition (retrospective) at Nos. 10 & 10A Lynton Street:

- Planning and Development Act 2005;
- Residential Design Codes of Western Australia 2010;
- City of Vincent Town Planning Scheme No. 1;
- Truncations Policy No. 2.2.6;
- Mount Hawthorn Precinct Policy No. 3.1.1; and
- Residential Design Elements Policy No. 3.2.1.

**RISK MANAGEMENT IMPLICATIONS:**

Should the Council refuse the application for development approval, the applicant has the right to have the decision reviewed in accordance with Part 14 of the *Planning and Development Act*.

Should the Council approve the application for development approval; the proposal will be in conflict with the Acceptable Development and Performance Criteria provisions of the City's Residential Design Elements Policy No. 3.2.1 and the City of Vincent Town Planning Scheme No. 1; therefore creating an undesirable precedent for development on surrounding lots.

**STRATEGIC IMPLICATIONS:**

The City's Strategic Plan 2011-2016 states:

"Natural and Built Environment

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

1.1.2 *Enhance and maintain the character and heritage of the City."*

**SUSTAINABILITY IMPLICATIONS:**

The City's Strategic Plan 2011-2016 states:

*"Encourage the incorporation of sustainable design principles and features in existing and new development within the City as standard practice."*

The following tables outline the applicable sustainability issues for this proposal:

ENVIRONMENTAL	
Issue	Comment
There will be no impact on the environment as there is no change to the building footprint.	

SOCIAL	
Issue	Comment
There will be no impact on the social aspects as the proposal relates to a retrospective application for a front fence, therefore having no impact on housing diversity within the City.	

ECONOMIC	
Issue	Comment
There will be no economic impact.	

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil

**COMMENTS & CONCLUSION:**

The front fencing results in a significant departure of the City's Policy No. 2.2.6 relating to Truncations and has a undue impact on the streetscape amenity as the entrance of each of the dwellings are not being visible from the street, which is in conflict with the Acceptable Development and Performance Criteria provisions of Clauses SADC 13 and SPC 13 "Street Walls and Fences" of the City's Policy No. 3.2.1 relating to Residential Design Elements.

In light of the above, it is considered that the front fence addition (retrospective) creates an undesirable precedent for development on surrounding lots, which is not in the interests of orderly and proper planning for the locality.

Due to the application's significant departure from the Acceptable Development and Performance Criteria provisions of Clauses SADC 13 and SPC 13 "Street Walls and Fences" of the City's Policy No. 3.2.1 relating to Residential Design Elements and Clause 1.4 "Visual Truncation Area" of the City's Policy No. 2.2.6 relating to Truncations, it is recommended that the application be refused for the reasons outlined above.

**9.1.1 No. 25 (Lot 36; D/P 2440) Commonwealth Avenue, North Perth – Proposed Carport Addition and Fence Addition to Existing Single House**

<b>Ward:</b>	North	<b>Date:</b>	23 November 2012
<b>Precinct:</b>	Smiths Lake, P6	<b>File Ref:</b>	PRO3763; 5.2012.427.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Development Application Plans <a href="#">002</a> – Applicant submission		
<b>Tabled Items</b>	Nil		
<b>Reporting Officer:</b>	G O'Brien, Planning Officer (Statutory)		
<b>Responsible Officer:</b>	C Eldridge, Director Planning Services		

**OFFICER RECOMMENDATION:**

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application submitted by Miriana Brisevac for proposed Carport and Fence Addition to Existing Single House at No. 25 (Lot 36 D/P: 2440) commonwealth Avenue, North Perth, and as shown on plans stamp-dated 22 October 2012, subject to the following conditions:

1. all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Commonwealth Avenue;
2. no street verge tree(s) shall be removed. The street verge tree/s shall be retained and protected from any damage including unauthorised pruning;
3. the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the dwelling; and
4. the development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City's Chief Executive Officer.

**COUNCIL DECISION ITEM 9.1.1**

**Moved** Cr Topelberg, **Seconded** Cr Maier

That the recommendation be adopted.

Cr Carey departed the Chamber at 6.35pm.

Debate ensued.

Cr Carey returned to the Chamber at 6.37pm.

Debate ensued.

**MOTION PUT AND LOST (1-8)**

**For:** Cr Carey

**Against:** Mayor Hon. MacTiernan, Cr Buckels, Cr Pintabona Cr Maier, Cr McGrath, Cr Harley, Cr Topelberg, Cr Wilcox

**REASON FOR REFUSAL OF THE OFFICER RECOMMENDATION:**

The application does not conform with the City's Policy.

<b>Landowner:</b>	M Brisevac
<b>Applicant:</b>	M Brisevac
<b>Zoning:</b>	Metropolitan Region Scheme (MRS): Urban Town Planning Scheme No.1 (TPS 1): Residential R30
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	386 square metres
<b>Access to Right of Way</b>	Yes, sealed, 5 metres wide.

**PURPOSE OF REPORT:**

The application is referred to a meeting of Council due to non-compliance with SADC 8 – Setback of Garages and Carports, Clause (b), of the City's Policy No. 3.2.1 relating to Residential Design Elements. The officer is recommending approval of a non-compliant element for a carport in the front where there is an existing rear right of way.

**BACKGROUND:**

Nil.

**Previous Reports to Council:**

Nil.

**DETAILS:**

The proposal involves the construction of a carport and fence addition within the front setback area of an existing single house where the property has access to an existing rear right of way.

**ASSESSMENT:**

**Town Planning Scheme/R Codes/Residential Design Element's Initial Assessment:**

Design Element	Complies 'Acceptable Development' or TPS Clause	OR	'Performance Criteria' Assessment or TPS Discretionary Clause
Carports and Garages			✓
Building Setbacks			✓
Street Walls and Fences	✓		

**Town Planning Scheme/R Codes/Residential Design Element's Detailed Assessment**

<b>Issue/Design Element:</b>	<b>Carports and Garages</b>
Requirement:	<p><b>Residential Design Elements</b> <b>SADC 8. Setback of Garages and Carports</b></p> <p>(a) Car parking, garages and carports are to be located at the rear of the property and accessed via a right of way where one exists and the property has legal right of access.</p> <p>(b) Notwithstanding the above, vehicular access to car parking, carports and garages for single houses may be from a street, regardless whether a right of way is available to the property, where;</p> <p>(1) The right of way is unsealed or not programmed to be sealed within the current, or subsequent, financial year in accordance with the City's Right of Way upgrade program; or</p> <p>(2) More than 50 per cent of dwellings in the immediate street block, on the same side of the street that the subject dwelling is located have carports or garages accessed from the primary street; or</p> <p>(3) The applicant demonstrates that there is a mobility or access issue by using the right of way; or</p> <p>(4) The applicant demonstrates that there would be a major impact on the existing amenity or open space at the rear of the property by using the right of way.</p>
Applicants Proposal:	SADC. 8 Setback of Garages and Carports stipulates that carports are to be provided from the rear of the property where there is access to a right of way. The applicant proposes a carport in the front setback area whereby the subject property has access to a rear right of way.
Performance Criteria:	<p><b>Residential Design Elements</b> <b>SPC 8. Setback of Garages and Carports</b></p> <p>(i) Garages and carports are not to visually dominate the site or the streetscape.</p>
Applicant's Justification Summary:	<p><i>"The carport is proposed within the front setback area as the rear of the property is required to facilitate an outdoor area with a northern aspect. There is a pool being proposed to be installed at the rear which a Building License approval has been granted by the Local Authority already. An existing storage shed exists to the rear of the property which is in a good state of condition and does not require for it to be removed or relocated and an existing clothesline is situated within this outdoor area. An alfresco with northern aspect is being proposed to be installed abutting the existing residence, leaving no room for a carport to be built at the rear of the property. The rear of the property requires adequate area of free space to facilitate for my child to be able to play in the rear yard and in safety and comfort and also for me to provide adequate space for entertaining family and friends that come to visit. I also have a dog a Border Collie, who needs room to around and</i></p>

Issue/Design Element:	Carports and Garages
	<p><i>once the pool and alfresco go up he will lose that space, so I therefore have to let him out the front of my property and this is why I need to be able to be able to lock him up so that he does not escape onto the streets and I don't get a fine from the rangers for my dog being out on the streets.</i></p>
	<p><i>The neighbours across the road from my property situated at house # 26 Commonwealth Avenue, North Perth, have built a carport to the front of the property and they also have a right of way/laneway access to rear similar to my property. As this has been approved by Council, I seek the same discretion to be applied to my proposal and for the variation to be approved."</i></p>
<p>Officer technical comment:</p>	<p>Whilst the provision of adequate room to allow for dog exercise is not a valid planning consideration in respect of non-compliance with the requirements of SADC 8 – Setback of Garages and Carports of the City's Policy No. 3.2.1 pertaining to Residential Design Elements, the provision of sufficient space to the rear of a dwelling that will allow for an adequate outdoor living area suitable to the needs of the dwelling's occupants is a particularly important consideration with respect of the amenity of the open space at the rear of a dwelling.</p> <p>When considering the impending construction of a patio and pool, coupled with the location of an existing shed to the rear of the property, the officer acknowledges the validity of the claim that there is not sufficient space available for the construction of a double carport from the rear right of way.</p>
	<p>In order to accommodate two vehicles to the rear of the property would require the relocation of the existing shed, that which is considered to be an unreasonable requirement to impose on the applicant given the limited space available to do so. Moreover, the only space available to relocate the shed to would be to the front of the property, that which would be considered to dominate the streetscape, or to the remaining area of open space to the rear of the property, that which it is considered would render a major impact on the amenity of the open space.</p> <p>It is also noted the carport has been designed to integrate with the existing dwelling in design and materials and will not have a detrimental impact to the streetscape.</p> <p>It is however noted that in respect to the applicant's submission regarding the carport that exists across the road at No. 26 Commonwealth Avenue, North Perth, the presence of this structure does not establish precedence in accordance with the provisions of SADC 8 – Setback of Garages and Carports.</p>

<b>Issue/Design Element:</b>	<b>Building Setbacks</b>
Requirement:	<b>Residential Design Codes Clause 6.3.1 A1 Carport</b> <u>Northern</u> 1.0 metre
Applicants Proposal:	<b>Carport</b> <u>Northern</u> 0.5 metres
Performance Criteria:	<b>Residential Design Codes Clause 6.3.1 P1</b> Buildings setback from boundaries other than street boundaries so as to: <ul style="list-style-type: none"> <li>• provide adequate direct sun and ventilation to the building;</li> <li>• ensure adequate direct sun and ventilation being available to adjoining properties;</li> <li>• provide adequate direct sun to the building and appurtenant open spaces;</li> <li>• assist with protection of access to direct sun for adjoining properties;</li> <li>• assist in ameliorating the impacts of building bulk on adjoining properties; and</li> <li>• assist in protecting privacy between adjoining properties.</li> </ul>
Applicant's Justification Summary:	<i>The setback from the boundary to the carport is at 500mm in lieu of 1000mm. The carport has been designed to have the least impact on the adjoining properties in terms of design for climate and potential impact on the streetscape and adjoining neighbours. Direct sunlight to major openings to habitable rooms and outdoor living areas of adjoining neighbours is not restricted. It is also compatible with the existing built form in the area.</i>
Officer technical comment:	Supported. The applicant's submission with respect to the proposed side setback variation is considered to be a valid justification. Moreover, no objections have been received from adjoining property owners.

**CONSULTATION/ADVERTISING:**

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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Consultation Period: 6 November 2012 to 19 November 2012

Comments received: Nil.

**LEGAL/POLICY:**

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

**RISK MANAGEMENT IMPLICATIONS:**

Should the Council refuse the application for development approval, the applicant has the right to have the decision reviewed in accordance with Part 14 of the *Planning and Development Act 2005*.

**STRATEGIC IMPLICATIONS:**

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

*"Natural and Built Environment*

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

1.1.2 *Enhance and maintain the character and heritage of the City."*

**SUSTAINABILITY IMPLICATIONS:**

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

*"Encourage the incorporation of sustainable design principles and features in existing and new development within the City as standard practice."*

The following tables outlines the applicable sustainability issues for this proposal:

ENVIRONMENTAL	
Issue	Comment
There are not considered to be any significant, or in this instance notable, environmental implications with respect of the proposed development.	

SOCIAL	
Issue	Comment
As above, the proposal would involve the construction of a carport that would provide shelter to a hardstand vehicle parking area, which is not considered to present any social implications that would bare weighting for consideration.	

ECONOMIC	
Issue	Comment
The construction of the carport would provide short term employment opportunities for those involved in the building and construction industry.	

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

It is noted that the development application submitted for the construction of a carport within the front setback area of a property that has access to a rear right of way is a variation to the requirements of SADC 8 – Setback of Garages and Carports of the City's Policy No. 3.2.1 relating to Residential Design Elements.

Whilst the above is acknowledged, it is however considered that the applicant has provided suitable justification that, in this particular instance, warrants the exercise of discretion in assessing the application on the performance criteria provisions of the above mentioned requirement. This is validated through the satisfaction of Clause (b)(4) of SADC 8 – Setback of Garages and Carports whereby it is considered that the applicant has provided suitable justification that demonstrates that there would be a major impact on the existing amenity or open space at the rear of the property by using the right of way.

The site area of No. 25 Commonwealth Avenue, North Perth, is that of 376 square metres, that which is considered to be a relatively compact site for a single dwelling. Given the impending construction of a pool and patio to the rear, coupled with the existing storage shed and WC, it is considered impractical to be able to provide a carport structure from the rear right of way. In order to do so would require the relocation of the existing shed to either the front of the property that which would create an undesirable impact on the character of the streetscape, or to the only remaining area of open space that exists to the rear of the property. The amenity of the open space aside, the removal of the shed would still only provide sufficient space to accommodate a single carport to the rear given the location of the pool.

Furthermore, there is an existing hardstand vehicle parking area that is currently accessed from Commonwealth Avenue, that which provides a practical rationale for the applicant in seeking to provide vehicle shelter whilst also maintaining the amenity of the open space to the rear of the property.

The satisfaction of Clause (b)(4) warrants the assessment of the proposal in accordance with the performance criteria provisions of SADC 8 – Setback of Garages and Carports, that which states that garages and carports are not to visually dominate the site or the streetscape. The proposal is considered to satisfy this requirement in that the design for the carport has been done so in a way that is complementary to the existing dwelling and sensitive to the characteristics of the streetscape. Further to this, no objections have been received from adjoining land owners during the community consultation that was undertaken.

The subject property at No. 25 Commonwealth is considered to present a unique set of circumstances that facilitate the satisfaction of the performance criteria provisions of SADC 8 – Setback of Garages and Carports of the City's Policy No. 3.2.1 relating to Residential Design Elements. Further to which the proposal is not considered to create an undesirable precedent in that each development application has individual characteristics unique to that particular site which provide for the assessment and determination of a proposal in accordance with either the acceptable development or performance criteria provisions of the above mentioned policy. Accordingly, the proposal of a carport and fence within the front setback area at No. 25 Commonwealth Avenue, North Perth, is considered to satisfy the performance criteria provisions. For the above reasons, approval is recommended subject to standard and appropriate conditions.

**9.1.3 FURTHER REPORT - Unit 5 No. 17 (Lot 7; D/P 11538) Green Street, Mount Hawthorn – Continuation of One (1) Consulting Room (Non-Medical) Including Planning Approval for One (1) Additional Consulting Room (Non-Medical) (Massage Therapy) (Retrospective)**

<b>Ward:</b>	North	<b>Date:</b>	26 November 2012
<b>Precinct:</b>	P01 – Mount Hawthorn Precinct	<b>File Ref:</b>	PRO0375; 5.2012.330.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Development Application Plans <a href="#">002</a> – Applicant Submission		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	B Sandri, Development Compliance Officer		
<b>Responsible Officer:</b>	C Eldridge, Director Planning Services		

**REVISED OFFICER RECOMMENDATION:**

That the Council;

**1.** in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by J Ji on behalf of the owners, S Czernik for Continuation of One (1) Consulting Room (Non-Medical) Including Planning Approval for One (1) Additional Consulting Room (Non-Medical) (Massage Therapy) (Retrospective) at Unit 5 No. 17 (Lot 7; D/P 11538) Green Street, Mount Hawthorn, and as shown on plans stamp-dated 30 July 2012, for the following reasons:

**1.1** The non-compliance with the Clause 1 (iii) City’s Policy Nos. 3.5.22, relating to Consulting Rooms, respectively, with respect to:

**1.1.1** ‘Non-Medical Consulting’ does not include massage activity of a sexual nature. There have been continuous compliance matters regarding the use being associated with sexual services; and

**1.1.2** No supporting documentation to verify if the proposed two (2) staff members of this application have been certified by the ‘Training Accreditation Council’;

**1.2** The non-compliance with the objectives of the City’s Policy 3.7.1 relating to Parking and Access, with respect to:

**1.2.1** The proposed additional one (1) non-medical consulting room will result in a total shortfall of 8.96 car bays for the existing development. In this instance the shortfall of parking will impact on the amenity of the surrounding area; and

**1.3** The development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and

**2.** REQUESTS the Chief Executive Officer to:

**2.1** issue a Notice under the *Planning and Development Act 2005* requiring the Applicant (and Owner if applicable) to cease the unauthorised use at Unit 5 No. 17 (Lot 7; D/P 11538) Green Street, Mount Hawthorn within fourteen (14) days of the service of the Notice; and

**2.2** commence legal proceedings against the Applicant (and Owner if applicable) for non-compliance with the *Planning and Development Act 2005*, if compliance with the Notice referred to in Clause 2.1 above is not achieved within the prescribed time period.

3. **The development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality.**

**Note: *The above Revised Officer Recommendation was distributed prior to the meeting. Changes are indicated by underline.***

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**COUNCIL DECISION ITEM 9.1.3**

**Moved Cr Harley, Seconded Cr Carey**

**That the recommendation be adopted.**

**Debate ensued.**

**MOTION PUT AND CARRIED UNANIMOUSLY (9-0)**

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**FURTHER REPORT:**

At the Council meeting held on 20 November 2012, this matter was considered and the Council resolved as follows:

*Moved Cr Topelberg, Seconded Cr Maier*

*That the item be DEFERRED at the request of the Applicant (to enable him to provide information) and it be reported to the Ordinary Meeting of Council to be held on 4 December 2012.*

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

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

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

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**PURPOSE OF REPORT:**

This proposal requires referral to Council for determination due to the contentious nature of the development.

**BACKGROUND:**

*The applicant was contacted and requested to provide information preferably close of business Monday 26 November 2012*

*The City's Officers will provide comments, when the Applicant's submission has been received.*

The background relates to compliance matters as follows:

- On 26 December 2011 the City received its first written complaint alleging that massage of a sexual nature was provided to two (2) customers who had attended the premises for therapeutic massage purposes;
- On 29 December 2011 the City wrote to the Applicant and requested his comments regarding the abovementioned complaint.

- On 13 January 2012 the City received a response from the Applicant who detailed *“the premises/rooms are only set up for therapeutic massage, as the rooms are only large enough for a massage table and there is very little room to walk around. The rooms are too tight to carry out any other activities but therapeutic Chinese massage. The massage cubicles are **not** partitioned to the ceiling, and thus do not offer sound-proofing or any privacy. In other words, in no way could the rooms be suitable for anything other than therapeutic Chinese Massage.”*;
- On 18 January 2012 the City's Officers accepted the response from the Applicant and detailed no further action will be taken at this time;
- On 3 February 2012, the City received a further complaint detailing *“I have noted the following activity whilst attending another legitimate business nearby:*
  - *Asian girls being dropped off in a group to the business*
  - *Unsavory people hanging around*
  - *Asian girls being yelled at abusively”*The complainant also identified that the business is being advertised on [www.beautifulcompanions.com.au](http://www.beautifulcompanions.com.au) which is *“Australia's Adult entertainment online classified.”* The advertisement stated:
  - *“A new great Place to relax body and relieve stress: Warmly tidy environment and nice atmosphere pretty sexy experienced oriental masseuse Reasonable price and enjoyable full body oily massage. No sex \$40/30 mins \$70/60mins Unit 5, 17 Green Street, Mt Hawthorn / Joondanna (near corner of London street and Green street 04 [REDACTED] (9am – 9pm);*
- On 6 February 2012, following the above complaint, the City's Development Compliance Officer (DCO) undertook a site inspection which revealed three (3) consulting rooms were operational opposed to the approved one (1) consulting room in accordance with the Approval to Commence Development issued 18 July 2011.
- On 7 February 2012 a letter was sent to the Applicant which reiterated the prescribed operational hours being 10.00am to 8.00pm Mondays to Saturdays, inclusive despite the advertisement on 'Beautiful Companions' stating 9.00am to 9.00pm. It was further noted that three (3) consulting rooms are operating and the business is not maintaining an active and interactive relationship with London Street as per the conditions of the Approval to Commence Development issued 18 July 2011;
- On 14 February 2012, the Applicant provided the City with a response detailing that *“always our intention with the interior layout that the business would operate with a maximum of two masseurs and that the partition be designed to allow for a sharing of the dressing/prep area...”* Furthermore it was detailed that *“our operating hours are from 10am to 8pm. The operating hours listed on the website 'beautiful companions' stated 9 am to 9pm. We did advise them that our operating hours were from 10 am to 8 pm, however they suggested to us that we should advertise 9 am to 9pm.....The business is NOT associated with prostitution or the like.”*;
- On 8 March 2012 the City received a planning application for the Addition of a Consulting Room to Existing Non Medical Consulting Room (Retrospective). This application was refused under delegated authority on 6 June 2012.
- Following the refusal of the above application the DCO attended the subject site to achieve compliance of only one (1) consulting room to be operating on 18 June 2012, 19 June 2012, 20 June 2012, 25 June 2012, 5 July 2012 and 20 July 2012;
- On 20 July 2012 compliance was achieved as only one (1) consulting room was operational, the additional unauthorised consulting room appeared to be used as a store room;
- On 19 June 2012 and 27 October 2012 there were two queries from Councillors questioning the legitimacy of the business due to advertisements on Australia XXX Adult Reviews and Langtree Forums, both synonymous with Adult Entertainment. On these forums a number of users have stated they have received sexual services at this business;

- On 2 November 2012 the DCO obtained two (2) advertisements for the premises. One was still advertised on Australian XXX Adult Review under 'Massage Parlours' "Leisureland – Unit 5, 17 Green St, Joondanna 04[REDACTED]" and one on OZ Escorts dated 15 November 2012 under 'older tweets' "YOUNG 20YO PRETTY 04[REDACTED]; YOUNG 20YO PRETTY FULL BODY RELAXATION MASSAGE JOONDANNA 04[REDACTED]";
- On 6 November 2012 a further complaint was received detailing that the windows of the premises were not providing an interactive streetscape with London Street, rather they were completely covered. It was further noted that the business is advertised on Langtrees, synonymous with Adult Entertainment and that it was witnessed six (6) men leaving the premises at once.
- On 6 November 2012, the City's DCO attended the site and noted two consulting rooms being operated.

**History:**

Date	Comment
18 July 2011	The City under delegated authority from Council conditionally approved a Change of Use from Office to Non-Medical Consulting Rooms
6 June 2012	The City under delegated authority from Council refused a planning application for an Additional Consulting Room to Existing Non Medical Consulting Room (Retrospective)

**Previous Reports to Council:**

Nil.

**DETAILS:**

<b>Landowner:</b>	S Czernik
<b>Applicant:</b>	J Ji
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Local Centre
<b>Existing Land Use:</b>	Consulting Room (Non-Medical)
<b>Use Class:</b>	Consulting Room (Non-Medical)
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	647 square metres
<b>Right of Way:</b>	N/A

**ASSESSMENT:**

**Town Planning Scheme/R Codes/Residential Design Element's Initial Assessment**

Design Element	Complies 'Acceptable Development' or TPS Clause	OR	'Performance Criteria' Assessment or TPS Discretionary Clause
Density/Plot Ratio	N/A		
Streetscape	N/A		
Front Fence	N/A		
Front Setback	N/A		
Building Setbacks	N/A		
Boundary Wall	N/A		
Building Height	N/A		
Building Storeys	N/A		
Open Space	N/A		
Bicycles	N/A		
Access & Parking	✓		
Privacy	N/A		
Solar Access	N/A		
Site Works	N/A		
Essential Facilities	N/A		

**Policy No. 3.5.22 Consulting Rooms**

Policy No. 3.5.22 Consulting Rooms	Complies 'Acceptable Development' or TPS Clause	OR	'Performance Criteria' Assessment or TPS Discretionary Clause
Not include massage activity of a sexual nature, prostitution, brothel business, an agency business associated with prostitution, escort agency business, or the like.			✓
Beauty therapists should have completed a beauty therapy course certified by the 'Training Accreditation Council'			✓
Car parking is required to be provided on site in accordance with the Policy relating to Parking and Access.			✓
All car spaces on site are to be suitable sign posted and line marked to the satisfaction of the City of Vincent	✓		
Car parking spaces and driveways associated with consulting rooms are to be arranged to facilitate safe and efficient vehicular access. Vehicles are to be able to ingress and egress the site in forward gear with minimal on-site manoeuvring	✓		

Issue/Design Element:	Consulting Rooms
Requirement:	<b>Policy No. 3.5.22 Clause 1(iii)</b> Not include massage activity of a sexual nature, prostitution, brothel business, an agency business associated with prostitution, escort agency business, or the like.
Applicants Proposal:	No massage activity of a sexual nature.
Performance Criteria:	Nil.
Applicant's Justification Summary:	<i>"..the premises/rooms are only set up for therapeutic massage, as the rooms are only large enough for a massage table and there is very little room to walk around. The rooms are too tight to carry out any other activities but therapeutic Chinese massage. The massage cubicles are <b>not</b> partitioned to the ceiling, and thus do not offer sound-proofing or any privacy. In other words, in no way could the rooms be suitable for anything other therapeutic Chinese Massage."</i>
Officer technical comment:	As discussed in the background above and comments below, it is alleged the business is providing massage activity of a sexual nature and is therefore considered not to comply.

Issue/Design Element:	Consulting Rooms
Requirement:	<b>Policy No. 3.5.22 Clause 1(iii)</b> Beauty therapists should have completed a beauty therapy course certified by the 'Training Accreditation Council'
Applicants Proposal:	Two (2) staff members, no qualifications submitted.
Performance Criteria:	Nil.
Applicant's Justification Summary:	<i>"No specific justification received from applicant"</i>
Officer technical comment:	No supporting documentation was received for this application by the applicant to verify if the staff members are certified by the 'Training Accreditation Council', and is therefore considered not to comply.

### Car Parking

The car parking calculation is for the addition one (1) consulting room as follows:

Car Parking	
Car parking requirement (nearest whole number):  Unit 5 – Consulting Rooms (proposed two (2) rooms), requires three (3) car bays per room = 6.0 car bays required.  Unit 4 – Shop (Hairdresser) (72m <sup>2</sup> ), requires one (1) bay per 15m <sup>2</sup> of Gross Floor Area = 4.8 car bays required.  Unit 3 – Consulting Rooms (one (1) consulting rooms), requires three (3) car bays per room = 3.0 car bays required.  Unit 1 and 2 - Offices (168m <sup>2</sup> ), requires one (1) car bay per 50m <sup>2</sup> = 3.36 car bays required. Total car bays required = 17.16	17.00 car bays
Apply the adjustment factors 0.85 (The proposed development is within 400 metres of a bus stop/station) 0.95 (The proposed development is within 400 metres of one or more existing public car parking places with in excess of a total of 25 car parking bays) 0.80 (The proposed development contains a mix of uses, where at least 45 per cent of the gross floor area is residential)	(0.646) 10.98 car bays
Minus the car parking provided on-site	2.0 car bays
Minus the most recently approved on-site car parking shortfall  Ordinary Meeting of Council held 9 October 2007 = 3.2 car parking bays  Approval to Commence Development approved by delegated authority on 18 July 2011 = 1.63 car parking bays  Approval to Commence Development approved by delegated authority on 31 August 2012 = 2.244 car parking bays	7.074
Resultant shortfall	1.906 car bays

**Bicycle Parking**

Consulting Rooms (2 practitioners):

- 1 space per 8 practitioners (class 1 or 2) = 0.25 spaces
- 1 space per 4 practitioners (class 3) = 0.5 spaces

Required:

Total class one or two bicycle spaces = 0.25 spaces = 0 spaces

Total class three bicycle spaces = 0.50 spaces = 0 spaces

**CONSULTATION/ADVERTISING:**

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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Consultation Period: 7 September 2012 to 20 September 2012

Comments received: Nil.

Summary of Comments Received:	Officers Technical Comment:
Nil.	Nil.

Note: Submissions are considered and assessed by issue rather than by individual submitter for clarity.

**Design Advisory Committee:**

Referred to Design Advisory Committee: No

**LEGAL/POLICY:**

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

**RISK MANAGEMENT IMPLICATIONS:**

Should the Council refuse the application for development approval, the applicant may have the right to have the decision reviewed in accordance with Part 14 of the *Planning and Development Act*.

It should be considered to keep the recommended conditions as the City under delegated authority previously issued a Refusal to Commence Development for the same application proposed two (2) consulting rooms (non-medical); therefore imposing the recommended conditions will enforce a consistence approach.

**STRATEGIC IMPLICATIONS:**

The City's Strategic Plan 2011-2016 states:

"Economic Development

2.1 *Progress economic development with adequate financial resources*

2.1.1 *Promote business development and the City"*

**SUSTAINABILITY IMPLICATIONS:**

The City's Strategic Plan 2011-2016 states:

*"Encourage the incorporation of sustainable design principles and features in existing and new development within the City as standard practice."*

The following tables outline the applicable sustainability issues for this proposal:

ENVIRONMENTAL	
Issue	Comment
There will be no impact on the environment as there is no change to the building footprint.	

SOCIAL	
Issue	Comment
This renewal may be considered a negative impact on the surrounding Residential area, as per previous compliance matter. However no objections were received during the community consultation period.	

ECONOMIC	
Issue	Comment
The renewal contributes to the local centre through fiscal reward and investment, including employment of the staff members.	

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS & CONCLUSION:**

The application is for the continuation of one (1) consulting room (non-medical) including, one (1) additional consulting room. The applicant is seeking two approvals.

Non-medical consulting rooms have an expiry of twelve (12) months consistent with the City's Policy No. 3.5.22 to ensure all Consulting Rooms (Non-Medical) are compliant with their prescribed approvals. In the event they have had ongoing compliance matters this allows the Council to determine the application again to ensure it is consistent with conditions of planning approval.

The continuation of consulting room (non-medical) is recommended for refusal, in light of numerous complaints received and the alleged unauthorised nature of the business. As per the advertisements on the Adult Entertainment websites and comments placed on forums of these websites stating they have received sexual services, it is alleged that the consulting room is being used for massage activity of a sexual nature. Therefore the use continues to have an adverse effect on the surrounding residential area, and as a result is no longer compatible with the area.

The applicant resubmitted plans for two (2) consulting rooms and the City refused a similar application on 6 June 2012. There is an existing shortfall of 7.074 car bays on the subject site. The additional consulting room will add a further 1.906 car bays which will then bring the total shortfall to 8.98 car bays.

In this instance it is considered not to be in accordance with proper planning and the preservation of the amenities of the locality as the shortfall will have an adverse effect on the surrounding area in terms of clients to the commercial premises parking their vehicles in other commercial parking areas, on street parking or in front of residential dwellings in the area. It is further noted that the City has had ongoing compliance matters regarding the use with only one (1) consulting room; therefore increasing the amount of consulting rooms may increase the compliance matters.

The applicant submitted an application for proposed additional one (1) consulting room (non-medical). However, in light of the site inspection on 6 November 2012 the application is now considered retrospective as the additional one (1) consulting room (non-medical) is currently operating.

In view of the above the continuation of consulting room (non-medical) including planning approval for one (1) additional consulting room has been recommended for refusal.

**9.2.1 Forrest Park, Mount Lawley - Proposed Improvement Options – Further Report**

<b>Ward:</b>	South	<b>Date:</b>	23 November 2012
<b>Precinct:</b>	Forrest (14)	<b>File Ref:</b>	RES0003
<b>Attachments:</b>	<a href="#">001</a> – Proposed Barrier Location <a href="#">002</a> – Five (5) Option Plans <a href="#">003</a> – On Leash Dog Exercise Area (OMC 26 August 2008) <a href="#">004</a> – Letter from Perth Soccer Club dated 23 November 2012		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	J van den Bok, Manager Parks and Property Services R Lotznicker, Director Technical Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

Mayor Hon. Alannah MacTiernan declared a proximity interest in Item 9.2.1.

Chief Executive Officer John Giorgi declared an impartiality interest in Item 9.2.1

**OFFICER RECOMMENDATION:**

That the Council;

**1. APPROVES IN PRINCIPLE;**

- 1.1 the proposed Works at Forrest Park, Mount Lawley, as shown in Appendix 9.2.1 on attached Plan No. 3009-CP-01, which includes a part permanent/part semi permanent barrier (the latter to be in place for a period of six (6) months trial period from the beginning of April to the end of September, annually) to provide a clear delineation between the active and passive recreation uses;
- 1.2 the retention of the southern cricket pitch and not to reconfigure the existing soccer fields;
- 1.3 to re-designate the southern part of the park to dog 'off leash' during the times that the semi permanent barrier is in place, as outlined in clause 1.1, should the proposal finally be adopted; and
- 1.4 to list funds for consideration in the 2013/2014 draft budget for undertaking improvements in the park, as referred to in the letter from Perth Soccer Club dated 23 November 2012, as shown in Appendix 9.2.1, Attachment 004;

**2. AUTHORISES further Community Consultation to be carried out regarding the proposal, commencing on 8 December 2012 and closing on 25 January 2013, in accordance with the City's Consultation Policy, with residents, and all other users of the park, including the attendees at the public forum held on 24 October 2012; and**

**3. NOTES that a further report will be submitted to the Council in February 2013, at the conclusion of the consultation period.**

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

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Cr Harley departed the meeting at 6.54pm and did not return.

Mayor Hon. Alannah MacTiernan vacated the Chair and assumed her position in Cr McGrath's seat.

Deputy Mayor Warren McGrath assumed the Chair at 6.54pm.

Moved Mayor Hon. Alannah MacTiernan, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

The Presiding Member Deputy Mayor Cr Warren McGrath ruled that Cr Maier's Proposed Alternative Recommendation is acceptable as an amendment.

**AMENDMENT 1**

Moved Cr Maier, Seconded Cr Topelberg

"That clause 1 be amended as follows:

That the Council;

**1. APPROVES IN PRINCIPLE;**

~~1.1 the proposed Works at Forrest Park, Mount Lawley, as shown in Appendix 9.2.1 on attached Plan No. 3009-CP-01, which includes a part permanent/part semi permanent barrier (the latter to be in place for a period of six (6) months from the beginning of April to the end of September, annually) to provide a clear delineation between the active and passive recreation uses;~~

~~1.2 the retention of the southern cricket pitch and not to reconfigure the existing soccer fields;~~

~~1.3 to re-designate the southern part of the park to dog 'off leash' during the times that the semi permanent barrier is in place, as outlined in clause 1.1, should the proposal finally be adopted; and~~

1.1 the proposed works on Forrest Park as shown in plan 3009-CP-01B and

1.42 to list funds for consideration in the 2013/2014 draft budget for undertaking improvements in the park, as referred to in the letter from Perth Soccer Club dated 23 November 2012, as shown in Appendix 9.2.1, Attachment 004;"

Debate ensued.

**AMENDMENT 1 PUT AND LOST (1-7)**

**For:** Cr Maier

**Against:** Mayor Hon. MacTiernan, Cr Buckels, Cr Carey, Cr McGrath, Cr Pintabona, Cr Topelberg, Cr Wilcox

(Cr Harley had departed the meeting.)

Debate ensued.

**AMENDMENT 2**

**Moved Mayor Hon. Alannah MacTiernan, Seconded Cr Maier**

“That clause 1 be amended to read as follows:

That the Council;

1. **PROCEEDS** to consult on the following three options;

**Option 1**

- 1.1 the proposed Works at Forrest Park, Mount Lawley, as shown in Appendix 9.2.1 on attached Plan No. 3009-CP-01, which includes a part permanent/part semi permanent barrier (the latter to be in place for a period of six (6) months trial period from the beginning of April to the end of September, annually) to provide a clear delineation between the active and passive recreation uses;

**Option 2**

- 1.2 the proposed Works at Forrest Park, Mount Lawley, as shown in Appendix 9.2.1 on attached Plan No. 3009-CP-01B, which includes a permanent barrier comprising mature trees, garden beds and park benches to provide a clear delineation between the active and passive recreation uses and removal of the southernmost cricket pitch; and

**Option 3**

- 1.3 No change to Forrest Park, Mount Lawley.”

Debate ensued.

**AMENDMENT 2 PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Harley had departed the meeting.)

**MOTION AS AMENDED PUT AND CARRIED (7-1)**

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

(Cr Harley had departed the meeting.)

Mayor Hon. Alannah MacTiernan assumed the Chair at 7.31pm.

**REASON FOR SIGNIFICANT CHANGES TO THE OFFICER RECOMMENDATION**

To allow the Community the opportunity to comment on three (3) options.

**COUNCIL DECISION ITEM 9.2.1**

**That the Council;**

1. **PROCEEDS to consult on the following three (3) options;**

- 1.1 **Option 1**

- the proposed Works at Forrest Park, Mount Lawley, as shown in Appendix 9.2.1 on attached Plan No. 3009-CP-01, which includes a part permanent/part semi permanent barrier (the latter to be in place for a period of six (6) months trial period from the beginning of April to the end of September, annually) to provide a clear delineation between the active and passive recreation uses;

- 1.2 **Option 2**

- the proposed Works at Forrest Park, Mount Lawley, as shown in Appendix 9.2.1 on attached Plan No. 3009-CP-01B, which includes a permanent barrier comprising mature trees, garden beds and park benches to provide a clear delineation between the active and passive recreation uses and removal of the southernmost cricket pitch; and

- 1.3 **Option 3**

- No change to Forrest Park, Mount Lawley.

2. **AUTHORISES further Community Consultation to be carried out regarding the proposal, commencing on 8 December 2012 and closing on 25 January 2013, in accordance with the City's Consultation Policy, with residents, and all other users of the park, including the attendees at the public forum held on 24 October 2012; and**
3. **NOTES that a further report will be submitted to the Council in February 2013, at the conclusion of the consultation period.**

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**PURPOSE OF REPORT:**

The purpose of the report is to advise the Council of the results of the recent Community Consultation and information highlighted at the Community Forum and seek approval to carry out further community consultation, in regards to the Forrest Park Improvement options.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 11 September 2012 a further report was presented to the Council in relation to proposed improvement options at Forrest Park, where it was resolved;

*"That the Council;*

1. **CONSULTS with the Community and sports users of Forrest Park including holding another public meeting during the consultation period, regarding the proposal to undertake the following:**

- 1.1 *permanent removal of the existing southern cricket pitch;*

- 1.2 *installation of a permanent barrier to separate the dog exercise area from the active sports area, seeking comments on a preferred option of the four (4) Options outlined in the report in plan Nos 2542-CP-01V to 2542-CP-01Y;*
- 1.3 *possible reconfiguration of the existing soccer fields, the inclusion of an additional soccer field and increasing the size of the existing dog exercise area also as shown in plan Nos 2542-CP-01V to 2542-CP-01Y; and*
- 1.4 *additional parks furniture including seating, picnic areas and barbeque as shown in Plan No 2542-CP-01U;*
2. *FURTHER investigates the creation of a dog free area in a park;*
3. *REQUESTS a presentation at the October Forum which reports on the potential uses by Sporting Clubs of parks and reserves within the City; and*
4. *CONSIDERS the matters raised in clauses 1 and 2 above at the conclusion of the consultation period."*

#### **DETAILS:**

##### **Community Consultation:**

In accordance with the Council's decision, "*consults with the Community and sports users of Forrest Park including holding another public meeting during the consultation period, regarding the proposal to undertake...*", on 17 October 2012, nine hundred and four (904) letters and attached plans were distributed around Forrest Park in accordance with the City's Consultation Policy and at the close of the consultation period thirty four (34) responses were received. A response rate of 3.76%.

Comments in relation to the options and the responses received are as follows;-

##### Option 1: (Plan 2542-CP-01V):

Related Comments *In Favour* of the Proposal: Two (2):

- 1 x in favour with no further comment.

*Against* the Proposal: Twenty nine (29):

- 4 x objections with no further comment.
- My preference is for the park to be retained for sporting activities. There is a shortage of open space in the inner city and it is ridiculous to break the park up with fences.
- Presentation of alternative with dog exercise area to the northern end and including a communal garden with use of cycle paths. Movement of cricket pitch required and relocation of soccer pitch.
- The City of Vincent has already been very accommodating of dog owners in fencing off Jack Marks Reserve. There is no need to fence off yet another park. Please consider the majority of people on this occasion.
- I am not a dog owner, play soccer or cricket but do enjoy Forrest Park. Please resolve this conflict amicably and not destroy this public open space.
- I do not think it is a good idea to sub-divide Public Open Space which is a precious asset in any community. Please explain why the dog exercise area seems to have increased. If I remember correctly, there are already three dog exercise areas in the area within a few minutes' walk of each other (Forrest Park, Jack Marks Reserve and Banks Reserve). I don't think there'd be many other Council's who offer so many dog facilities.
- DOGS OR CHILDREN? Are dogs going to drive our future community?

- Leave the park as it is. Everyone needs to get along. If not then don't go there. Spend the money on other parks e.g. equipment (children's) at Jack Marks needs serious attention, new slide/swings.
- The best use of the park is to leave it as an open space for sporting activities. It was my understanding Jack Marks Reserve was fenced to accommodate the exercising of dogs off leash. If it is really a pressing issue to provide more dog exercise space then fence Brigatti Gardens.
- Removal of the cricket pitch is unacceptable. Need grounds/pitches to play. All options have cost implications and increasing maintenance costs.
- 14 x I do not support any design options that provide barricades and impediments causing a reduction in the current sport-playing areas of Forrest Park. I understand this reduction in area will negatively impact on the development programmes and the mission statement associated with Perth Soccer club Juniors in the following ways (as attached).
- I don't think any steps should be taken to divide up the current open space or barriers put on the grounds.
- Like the idea of a limestone wall with tree planting (not hedge) – especially if limestone wall of such a height that it can be sat on.

Option 2: (PLAN 2542-CP-01W):

Related Comments *In Favour* of the Proposal: Two (2)

Related Comments *against* the Proposal: Twenty nine (29)

- 4 x objections with no further comment.
- 25 x (Refer to comments in Option 1)

Option 3 (PLAN 2542-CP-01X):

Related Comments *In Favour* of the Proposal: Five (5)

- 3 x in favour with no further comment.
- This option is least costly to ratepayers, the southern 'designated' portion of the park be 'off leash' at all times.
- Like the idea of a limestone wall with tree planting (not hedge) – especially if limestone wall of such a height that it can be sat on.

Related Comments *against* the Proposal: Twenty eight (28)

- 3 x objections with no further comment.
- 25 x (Refer to comments in Option 1)

Option 4 (PLAN 2542-CP-01Y):

Related Comments *In Favour* of the Proposal: Nil

Related Comments *against* the Proposal: Thirty (30)

- 5 x objections with no further comment.
- 25 x (Refer to comments in Option 1)

Proposed Additional Parks Furniture (PLAN 2542-CP-01U):

Related Comments *In Favour* of the Proposal: Twenty seven (27):

- 22 in favour with no further comment.
- Support the additional furniture however no to barbeques.
- The scattering of seats and general park furniture is preferred to a centralized location as shown on the other City Of Vincent options.

- Leave the park as it is. Everyone needs to get along. If not then don't go there. Spend the money on other parks e.g. equipment (children's) at Jack Marks needs serious attention, new slide/swings.
- We support the option of increasing benches and picnic tables for all park users.

Related Comments *against* the Proposal: Two (2)

- 2 objections with no further comment.

#### **Forrest Park – Public Forum - 24 October 2012:**

In accordance with the Council's decision, "...consults with the Community and sports users of Forrest Park including holding another public meeting during the consultation period, regarding the proposal to undertake...", a Public Forum was held at the Forrest Park Croquet Club on 24 October 2012. There were forty five (45) attendees at the forum which included thirty five (35) community and sports club representatives.

An overview of the previous Council decisions and previous Community Forum was presented by the Mayor, and the Director Technical Services outlined the four (4) options (as per consultation) showing a separation of the park all of which would require the removal of the southern cricket pitch. An additional option five (5), was also discussed at the meeting.

- Option 1: Planting a low hedge or installing a solid barrier between existing dog exercise (area when sport is being played – which is currently approx. 6000sqm) and sport area. Some pitches would be moved further north.
- Option 2: Installing an earth mound (gentle) with planting of trees, seating, low shrubs.
- Option 3: Tree planting and bollards to segregate the areas area.
- Option 4: As above, with the additional installation of a path/cycleway to segregate the areas.
- Additional Option 5: Moving/rationalising the soccer pitches and creating a barrier of the style mentioned in the previous options.

#### Outcomes/Comments:

- Principle of a barrier was strongly supported by attendees.
- Strong support for the planting of additional trees between the active and dog exercise areas.
- A minority supported the idea of a vegetated mound.
- Some support for moving the existing fence along Curtis Street to the park side of the park however majority indicated they considered the fence location was appropriate.
- Strong support for the addition of a BBQ, tables and seating areas
- General consensus that the inclusion of a mini basketball court was a good idea.
- Soccer club is not in favour of a permanent barrier nor reconfiguration of the existing soccer pitches.
- Only a small number of the forty five (45) attendees of the forum have submitted comments as they appear to believe their comments at the meeting would be taken into account.

**Petition:**

In addition, a petition signed by two hundred and sixty two (262) people from Perth Soccer Club was received of which forty (40) were City of Vincent residents/owners.

*"I do NOT support any design options that provide barricades and impediments causing a reduction in the current sport-playing areas of Forrest Park. I understand this reduction in area will negatively impact on the youth-development programmes and the mission statement associated with Perth Soccer Club Juniors in the following ways:*

1. *The space between the soccer fields will be reduced to the degree where safety will be compromised.*
2. *The introduction of girls' teams will not be possible.*
3. *The introduction of teams for the physically-challenged will not be possible.*
4. *The overall training area will be reduced.*
5. *The current playing group numbers will be reduced.*

*I understand the City of Vincent is considering alternative venues for the above-mentioned youth. I understand that this consideration is not viable for the following reasons:*

1. *Perth Soccer Club is a non-profitable organisation that relies heavily on supporters and volunteers. The segregation of teams from the home-base at Forrest Park will require additional financial and staffing resources. I understand that this is therefore an unsustainable option.*
2. *Allocating youth-teams at alternative venues, away from the home-base at Forrest Park, will unnecessarily "alienate" these particular teams. I believe that the "sense of belonging" amongst our youth is an important and vital ingredient which is clearly evident at Forrest Park.*

*I request that the City of Vincent carry out a proper design consultation process with the Perth Soccer Club before any further options are considered.*

*I fully support the mission statement (noted below) of Perth Soccer Club and trust the City will continue to support Perth Soccer Club in its vision to support the youth residing within the City of Vincent and the wider community. I therefore trust the City will NOT proceed with the current 4(four) options provided...*

*"The JUNIORS of the Perth Soccer Club exists to provide the best environment for our children to learn and grow through the game of soccer. We will continually strive to be amongst the best soccer clubs in Western Australia. We are committed to providing our children with the opportunity to participate at the highest level they are able to achieve. We are dedicated to provide a safe, nurturing environment that creates positive experiences, both on and off the field of play that focuses on development as a player, a teammate, a person and a valued member of our community".*

*Furthermore, I do not agree with the removal of any cricket playing areas. I understand that there is a long history (over 60 years) whereby Forrest Park has been enjoyed and used for the purposed of sport. Forrest Park is one of the last remaining inner-city public open spaces (freely accessible) for sporting-use, therefore every attempt should be made to preserve its current and historical purpose."*

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

**Discussion:**

**Ordinary Meeting of Council held on 26 August 2008:**

At this meeting, the Council made the following decision in part:

*“Approves the creation of a dedicated dog exercise area on the western portion of Forrest Park for provision of a dog on-leash area at all times, (except when it is used for an approved function, event, sports training or other activities) comprising approximately 6,000m<sup>2</sup> together with two lights, dog tap, special purpose dog bins and signage, as shown... on Plan No. 2542-CP-01N...”*

The dog exercise area has been in place since this decision date (refer attached Plan Nos. 2542-CP-01M & N).

Note: In the approved Plan Nos. 2542-CP-01M & N the northern boundary of the dog exercise area is offset 3.56m from the southern boundary of the soccer pitch.

It is evident from the consultation responses received that the majority of the respondents are not in favour of a barrier however at the public forum the general principle of a barrier was supported by attendees.

**Ordinary Meeting of Council held on 22 May 2012**

At the Council meeting the City's Officers recommended, in part, that;

*“The Council not approve the relocation of the existing southern most cricket pitch on Forrest Park from its current location and that the City's Administration will further investigate the feasibility of installing a ‘part permanent’ (hedge/fence) and ‘part removable’ barrier to delineate the active sports area from the dog exercise area in Forrest Park.*

The Council subsequently moved *“That the item be DEFERRED to a Community Forum in June/July 2012”*

**Meeting with Perth Soccer Club:**

At a recent meeting with the club a number of suggestions were made and these, after further discussions with officers are reflected in appendix 9.2.1.

A letter and sketch plan was received from Perth Soccer Club dated 23 November 2012 and this is shown in Appendix 9.2.1 (attachment 004).

The letter recommends the following:

1. *“Minimise/avoid the erection, construction, planting or installation of any form of barrier that demarcates fences or separates one area from another.”*

Officer Comments

The revised Concept Plan No. 3009 – CP-01 encapsulates the principle of minimising any barriers on Forrest Park. The area for “community recreation zones”, shown on the concept sketch at the Harold Street end of the park significantly reduces the current area provided for such purpose. Accordingly this is not supported – the City's revised plan provides for both active and passive recreation uses to remain almost identical as is current. This will provide a “win – win” for active and passive users of the park.

2. *"Introduce and Develop further "community recreation" areas which include park benches, BBQ areas, shade structures, interactive play/exercise structures, etc. (see attached plan item #2 for recommended areas for "community recreation". These areas to be strategically located (as shown) so that the reduction of "open parkland "is minimised."*

Officer Comments

Funds for the requested matters will be listed for consideration in the 2013/2014 Draft Budget.

3. *"Avoid the promotion of "dogs off leash" during "structured children sporting activities" as this may lead to claims of negligence if/when a dog-attack occurs, or other similar forms of conflict take place."*

Officer Comments

This recommendation is supported.

4. *"Improve lighting throughout in order to facilitate "night-time" use and improve security. Introduce additional light poles (see item #3 on attached plan)."*

Officer Comments

This recommendation is supported. Funds for the requested matters will be listed for consideration in the 2013/2014 Draft Budget.

5. *"Provide sub-soil drainage to improve safety especially in areas prone to flooding (see item #4 on attached plan.)"*

Officer Comments

This recommendation is supported. Funds for the requested matters will be listed for consideration in the 2013/2014 Draft Budget.

6. *"Provide increase budget in ground/grass maintenance to improve safety."*

Officer Comments

This recommendation will be further investigated.

Officer Comments:

Given the mixed views on the barrier it is considered that a way forward may be to pursue the part permanent' (hedge/fence) and 'semi permanent barrier option for the following reasons:

- The southern cricket pitch would remain in place
- The existing soccer fields would remain unchanged
- It would provide a clear delineation between the active and passive recreations area; and
- There would be scope to re-designate the dog area to off leash at all times when the barrier was in place.
- Further investigate the suggestions as outlined in appendix 9.2.1.

This proposed option has been developed and is attached as Plan No. 3009-CP-01.

**CONSULTATION/ADVERTISING:**

Further consultation, regarding the proposal is recommended to be carried out, in accordance with the City's Consultation Policy, with residents, and all other users of the park, including the attendees at the recent public forum.

**Council Policy No. 4.1.5 – Community Consultation**

The Council Policy states as follows;

Holiday Period	Comment Period
Weekends	Comment period includes weekend days
Public Holidays	Comment period excludes public holidays. Where a consultation period prescribed by this Policy includes declared public holidays, the consultation period shall be extended by the number of public holidays
Easter Festive Period	Comment period excludes the weekend days and public holidays during this period
Period from 18 December to 8 January inclusive (including Christmas-New Year Festive Period)	No consultation or advertising is to be carried out in the period from 18 December to 8 January inclusive. Where advertising has commenced, but has not completed been prior to this period, the portion (days) of the comment period that falls within this period is to be added from 9 January, excluding any public holidays
PARKS AND RESERVES UPGRADES AND ENHANCEMENTS	<p><b>Minor Works:</b> Consultation will be carried out prior to the commencement of works to all owner(s) and occupier(s) adjoining the park/reserve for at least <b>fourteen (14) days</b>.</p> <p><b>Significant Works:</b> Consultation will be carried out to an area of not less than 500m surrounding the park or reserve for at least <b>fourteen (14) days</b>.</p> <p>Local Public Notice (if required at the discretion of the Chief Executive Officer/Director).</p>

**COMMENT:**

Mayor Hon. Alannah MacTiernan has requested that consultation on this matter be carried out as a priority, as the matter has been ongoing for a considerable period of time.

Subject to Council approval, an advertisement can be placed in a local newspaper (Perth Voice on Saturday 8 December 2012 and in the Guardian Express Paper on 11 December 2012.) Allowing for a period of fourteen (14) days (as per the Policy), the closing date would ordinarily be 23 December 2012.

In accordance with the Policy requirements (shown above), the City does not normally carry out consultation between the period of 18 December to 8 January. Where consultation has been commenced but not completed prior to this period the portion (days of the comment period) that falls within this period is to be added from the 9 January excluding any Public Holidays.

In order to comply with the Council Community Consultation Policy, it is therefore recommended that the consultation be carried out, commencing on the 8 December 2012 and closing on Friday 25 January 2013. The results will then be collated and reported to the Council in February 2013.

**LEGAL/POLICY:**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** A physical barrier if approved may improve the amenity/safety of all park users.

**STRATEGIC IMPLICATIONS:**

In accordance with the City's *Strategic Plan 2011-2016* which states:

*"Natural and Built Environment*

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

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

**SUSTAINABILITY IMPLICATIONS:**

As indicated in previous reports if the Council was to consider the segregation of the dog exercise area from the 'active' sports area by creating a vegetative barrier consisting of native plants this would ultimately result in increased biodiversity, however would not necessarily reduce groundwater use given the design of the existing in-ground reticulation system.

**FINANCIAL/BUDGET IMPLICATIONS:**

No funding is available for the improvement options outlined above and if approved would have to be listed for consideration in the mid-year budget review, or as part of the 2013/2014 budget, or by an absolute majority decision.

Funding is available within the 2012/2013 capital works budget for the supply and installation of various items of basic parks furniture.

**Indicative Costings**

The estimated cost of the 'part permanent' (hedge/plantings) and 'semi permanent' barrier (removable fence) would be in the order of \$25,000. A pool type fence would need to be fabricated with permanent sleeves/covered caps in the ground. Seating would be additional to this cost i.e. four (4) seats at \$1,900 each including installation.

The cost of the suggested additional lighting/improvements to the grassed areas would need to be further determined.

**COMMENTS:**

As mentioned in the report, there are mixed views on a way forward on Forrest Park, however the southern cricket pitch should be retained and the existing soccer fields not be reconfigured. It is further considered that a part permanent/part semi permanent barrier to provide a clear delineation between the active and passive recreations use be canvassed with the community.

This may allow the southern part of the park to be re-designated to a dog 'off leash' area during the times the semi permanent barrier was in place.

It is also considered that funds be listed for consideration in the 2013/2014 draft budget for the installation of additional lighting and for undertaking improvements to the grassed areas in the northern and eastern portions of the reserve to provide areas for training away from the southern portion of the reserve.

**9.2.2 Hyde Park Lakes Restoration – Progress Report No. 15**

<b>Ward:</b>	South	<b>Date:</b>	23 November 2012
<b>Precinct:</b>	Hyde Park (12)	<b>File Ref:</b>	RES0086, TEN0465
<b>Attachments:</b>	<a href="#">001</a> – Progress Photos		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	J Parker, Project Officer – Parks and Environment; K Bilyk, Property Officer; and J van den Bok, Manager Parks and Property Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council

1. **RECEIVES** Progress Report No.15 for the Hyde Park Lakes Restoration Project as at 23 November 2012;
2. **NOTES** that the restoration works are progressing on schedule as outlined in the report and shown in appendix 9.2.2; and
3. **CONTINUES** to receive monthly progress reports until the project is finalised.

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**COUNCIL DECISION ITEM 9.2.2**

**Moved** Cr McGrath, **Seconded** Cr Maier

That the recommendation be adopted.

Debate ensued.

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

(Cr Harley had departed the meeting.)

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**PURPOSE OF REPORT:**

The purpose of the report is to update the Council on the progress of the Hyde Park Lakes Restoration Project.

**BACKGROUND:**

At its Special meeting held on 20 June 2012 the Council made the following decision (in part):

*“That the Council;*

1. *ACCEPTS* the tender submitted by Advantesting Civil Engineers (ACE) for \$2,965,178.70 (including GST) for the Restoration of Hyde Park Lakes, as being the most acceptable to the City, in accordance with the specifications as detailed in Tender No. 456/12;
2. *AUTHORISES* the:
  - 2.1 *Chief Executive Officer, and the Mayor, to vary the tender specification to delete or improve the appearance of the construction of the proposed sediment trap as shown in Appendix 7.1, Drawing Nos. D003, D005 and D006 and negotiate a revised price with the successful tenderer;*

- 2.2 *Chief Executive Officer to vary the proposed 'Soldier Pile Wall' design, as detailed in the report and as shown in Appendix 7.1 Figure C1, and negotiate a revised price with the successful tenderer; and*
- 2.3 *AUTHORISES the Chief Executive Officer and the Mayor, to approve changes and any other works which may arise, become necessary or result in cost savings to the City, subject to the amount not exceeding the sum specified in Confidential Appendix 7.1A;*
4. *NOTES that the 'Removal of Exotic Vegetation' from the existing islands and replanting may be undertaken over the longer time frame depending on site conditions; and..."*

**DETAILS:**

1. CONTRACT DOCUMENTATION

1.1 **Tender**

Tender No. 456/12  
Advertised: 26 May 2012  
Closed: 15 June 2012  
Awarded: Advanteeing Civil Engineers

1.2 **Contracts**

Construction contract signed on 27 June 2012.

1.3 **Contract Variations/Additional Scope of Works**

Construction

- Remaining portion of existing wall 200mm high to be retained and repaired.
- Bore inlet water feature - design and documentation
- Lake edge treatment for lakes - design and documentation
- Removal and treatment of vegetation Eastern Island.
- Additional culvert construction through causeway.
- Extending capping wall height (old wall) and render.
- Pipe extensions into lakes.
- Issue drawings and calculations to Water Corporation.
- Additional piling and panels to reduce beach area in Western lake.

1.4 **Cost Variations**

Construction

Client Requests:

Description	Amount
Existing wall to be retained and repaired.	\$ 5,253.10
Bore inlet water feature - design and documentation	\$ 5,880.00
Lake edge treatment for lakes - design and documentation	\$ 9,293.00
Removal and treatment of vegetation Eastern Island.	\$ 27,102.50
Additional culvert construction through causeway.	\$ 5,043.00
Extending capping wall height (old wall) and render	\$ 27,825.00
Pipe extensions into lakes	\$ 33,019.15
Issue drawings and calculations to Water Corp	\$ 2,904.00
Additional piling and panels to reduce beach area in Western lake.	\$ 15,970.25
<b>Total</b>	<b>\$132,290.00</b>

Summary of Variations

<b>Total Variation Savings</b>	(\$0)
<b>Total Variation Additions</b>	\$132,290
<b>Total Variation</b>	<b>\$132,290</b>

1.5 **Claims**

Not applicable at this time.

2. WORKS - LAKES

2.1 **Piling and panel installation.**

Completed. All piles and panels have been installed. Back filling between new panel wall and old wall to commence early December.

2.2 **Islands – east and west**

Eastern lake – clearing and grinding of exotic vegetation completed. Grinding of bamboo clumps completed. Treatment of bamboo shoots currently underway.

Western lake – mapping of western island exotic vegetation completed. Preparing schedule for removal of exotic vegetation from the western island and preparing detailed proposal for new vegetation and planting schedule. .

2.3 **Pipe works**

Variation approved to reinstate pipe work into new panel walls both eastern and western lakes.

2.4 **Sediment removal**

Earthworks for the removal of sediment for treatment and reinstatement as fill between new panel wall and the existing wall to commence early December..

3. WORKS – FLORA AND PLANTING

3.1 **Edge treatment planting**

Revised palette for lower plantings around the lakes edges has been provided to the City of Vincent for approval. Edge treatment planting design to be completed once plants approved.

3.2 **East and west islands and beaches**

Design for planting for the east island and beaches has been provided to the City of Vincent for consideration approval. The west island has been surveyed and a strategy for long term replacement of exotics will be provided for approval in the very near future.

3.3 **Treatment train**

The Project Working Group met in early November 2012 to consider several design options. A preferred design was agreed (subject to minor changes). This was reported to the Council meeting held on 6 November 2012.

Design for the Treatment train is near completion. Approvals are being sought from the Heritage Council for construction of the proposed trafficable bridge and swale. Once finalised a complete design package will be submitted to the City of Vincent for approval.

4. INDICATIVE TIMELINE

4.1 **Progress**

Works have been slowed in the past 2 weeks due to design development and changes in scope including additional piling to the western lake to reduce the size of the beach, finalising design and obtaining approvals for the treatment train, swale and bridge.

4.2 **Days Claimed**

Zero (0) have been claimed.

5. COMMUNICATION PLAN

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

- A letter drop to surrounding residents;
- Signage at either end of the central causeway;
- Website updates, including a photo diary, plans and a detailed project overview.
- Monthly report to Council.

**CONSULTATION/ADVERTISING:**

The City's Communications Officer has created a "Corporate Projects" site on the City's web page and background information together with weekly photographs are included on this site. The site is updated on a regular basis. Additionally a letter drop was conducted at the commencement of the project covering over 600 residences surrounding the Hyde Park site and further letter drops will be undertaken as the project progresses.

**LEGAL/POLICY:**

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

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

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

**RISK MANAGEMENT IMPLICATIONS:**

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

**STRATEGIC IMPLICATIONS:**

The City's Strategic Plan 2011-2016 states:

*"Natural and Built Environment*

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

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

**SUSTAINABILITY IMPLICATIONS:**

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

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

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

**FINANCIAL/BUDGET IMPLICATIONS:**

Adequate funding has been allocated in the 2012/2013 budget to undertake the project. The Commonwealth Government are funding approximately 50% of the final project cost with the City and other minor contributions from the Water Corporation and North Perth Community-Bendigo Bank.

Three (3) progress claims have been received to date, as follows:

<b>Progress Payment Number</b>	<b>Date Received</b>	<b>Amount Requested (excl GST)</b>	<b>Amount Paid (excl GST)</b>	<b>Date Paid</b>
No. 1	August	\$139, 467.20	\$139, 467.20	September
No. 2	September	\$488, 281.55	\$488, 281.55	October
No. 3	November	\$470, 067.70	\$470, 067.70	December
		<b>Total Paid</b>	<b>\$1, 097,816.45</b>	

**COMMENTS:**

Works are progressing well but have slowed down during the past two (2) weeks.

It is anticipated that once all designs are finalised and approved, in the works progress will be increased.

**9.2.5 Bike Rack Installation Project and Stage One**

<b>Wards:</b>	Both	<b>Date:</b>	23 November 2012
<b>Precincts:</b>	All	<b>File Ref:</b>	TES0172
<b>Attachments:</b>	Nil		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	F Sauzier, TravelSmart Officer		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **APPROVES** the implementation of the 'Stage 1' Bike Rack Installation Project to supply innovative bike racks at a selection of areas throughout the City as outlined in the report, estimated to cost \$16,239; and
2. **CONSULTS** with affected businesses/stakeholders regarding the type of bike rack and actual location prior to the installation proceeding.

Moved Cr Carey, Seconded Cr Pintabona

That the recommendation be adopted.

Debate ensued.

**AMENDMENT 1**

Moved Cr Topelberg, Seconded Cr Buckels

"That a new Clause 2 be inserted to read as follows;

2. This is to be funded from the \$35,000 allocated to bike racks in the 2012/2013 budget or alternatively where applicable to be funded from Cash-In-Lieu."

Debate ensued.

**AMENDMENT 1 PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Harley had departed the meeting.)

**AMENDMENT 2**

Moved Cr Carey, Seconded Cr Pintabona

"That the new Clause 2 be amended to read as follows;

2. This is to be funded from the \$35,000 allocated to bike racks in the 2012/2013 budget. ~~or alternatively~~ Where applicable there are outstanding obligations of adjoining landowners to provide bike racks as part of their development application, that the City negotiates with landowners to make a financial contribution to the proposal. to be funded from Cash-In-Lieu."

Debate ensued.

**AMENDMENT 2 PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Harley had departed the meeting.)

**AMENDMENT 3**

**Moved Cr Maier, Seconded Cr Buckels**

“That a new Clause 4 be inserted to read as follows;

4. REQUESTS a further report by February 2013 indicating recommended locations for the installation of up to 50 U-rail bike racks throughout the City, and requests that the locations be identified in consultation with the consultants who are preparing the revised Vincent Bicycle Plan and the Vincent Community.”

Debate ensued.

The Mover, Cr Maier advised that *he* wished to *change his* amendment and *reword it* The Seconder, Cr Buckels agreed.

4. REQUESTS a further report by March 2013 indicating recommended locations for the installation of up to 50 U-rail bike racks throughout the City, and requests that the locations be identified in consultation with the consultants who are preparing the revised Vincent Bicycle Plan and the Vincent Community.”

**AMENDMENT 3 PUT AND CARRIED (7-1)**

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

(Cr Harley had departed the meeting.)

**AMENDMENT 4**

**Moved Cr Buckels, Seconded Cr Maier**

“That a new Clause 5 be inserted to read as follows;

5. AMENDS the type of bike racks available for Stage One to also include:
  - 5.1 A standard stainless steel U-rail; and
  - 5.2 bike racks as installed in Beaufort Street, as an option.”

Debate ensued.

Cr Buckels requested that his amendment be considered and voted in two parts.

The Presiding Member, Mayor Hon. Alannah MacTiernan agreed with the request to consider and vote on the Clauses in two parts.

*Clause 5.1:*

“5.1 A standard stainless steel U-rail; and”

**AMENDMENT NO 4 CLAUSE 5.1 PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Harley had departed the meeting.)

**Clause 5.2:**

“5.2 bike racks as installed in Beaufort Street, as an option.”

**AMENDMENT NO 4 CLAUSE 5.1 PUT AND CARRIED LOST (3-5)**

**For:** Cr Buckels, Cr Maier, Cr Wilcox

**Against:** Mayor Hon. MacTiernan, Cr Carey, Cr McGrath, Cr Pintabona, Cr Topelberg

(Cr Harley had departed the meeting.)

Debate ensued.

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

(Cr Harley had departed the meeting.)

**COUNCIL DECISION ITEM 9.2.5**

That the Council;

1. **APPROVES** the implementation of the ‘Stage 1’ Bike Rack Installation Project to supply innovative bike racks at a selection of areas throughout the City as outlined in the report, estimated to cost \$16,239;
2. **This is to be funded from the \$35,000 allocated to bike racks in the 2012/2013 budget. Where there are outstanding obligations of adjoining landowners to provide bike racks as part of their development application, that the City negotiates with landowners to make a financial contribution to the proposal;**
3. **CONSULTS** with affected businesses/stakeholders regarding the type of bike rack and actual location prior to the installation proceeding;
4. **REQUESTS** a further report by March 2013 indicating recommended locations for the installation of up to 50 U-rail bike racks throughout the City, and requests that the locations be identified in consultation with the consultants who are preparing the revised Vincent Bicycle Plan and the Vincent Community; and
5. **AMENDS** the type of bike racks available for Stage One to also include a standard stainless steel U-rail; and

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**PURPOSE OF REPORT:**

The purpose of this report is to seek the Council's approval for the City to install an initial series of innovative bike racks at key activity centres within the City, as a prelude to the City of Vincent Bike Network Plan 2013.

**BACKGROUND:**

Providing end-of-trip facilities at destinations provides a greater incentive for residents and visitors to chose to cycle to those destinations. Several key activity spots throughout the City are currently not well serviced by bike racks. Providing above standard and attractive bike racks prioritises cyclists and active transport throughout the city.

**DETAILS:**

**Stage 1 Bike Rack Installation proposal**

The City has identified certain key public destinations throughout the City that are currently underserved by bike racks. The opportunity exists to install a variety of innovative bike racks at these locations to service current needs, but also to provide for expected increase in active transport by residents and visitors to the City.

The intention of STAGE 1 is to address areas not covered by current and proposed future initiatives such as the Beaufort Street and Leederville enhancement programs.

Five (5) locations have been selected which currently have cyclist visitation. The sites are:

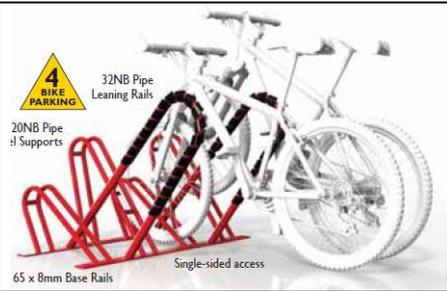
1. Hotel Northbridge - Brisbane Street, Northbridge
2. Weld Square – Highgate
3. Hobart Deli – Hobart Street, North Perth
4. Beatty Park – Vincent Street, North Perth
5. West End Deli – Carr Street, West Perth

In addition, the following sites have been canvassed:

6. Le Papillon Cafe - Bulwer St, Perth (would like bike rails)
7. The Dizzy Witch Cafe - Brisbane St, Northbridge (would like Urails)

**Type of Bike Racks being considered:**

Item	Cost (exc GST)	Total	Supplier	Image
Planter Box for 6 bikes (U shape) 1 x unit	\$3,470 Per unit	\$3,470	LEDA/ Securabike	
'Bike' bike rack* 1x unit	\$1,185 per unit	\$1,185	LEDA	
'Park' bike rack 1 x unit	\$1,185 per unit	\$1,185	LEDA	

DELTA CBR4B Compact Bike Rack (4 bikes) 1 x unit	\$587.60 per unit	\$588	LEDA	
Comet Bike Rack (6 Bikes) 1 x unit	\$1,110.72 per unit	\$1,111	LEDA	
Post Bike Rail (Stainless Steel) 10 x units	\$420 per unit	\$4,200	CORA Bike Racks	
Supply and Deliver	subtotal	<b>\$11,739</b>		
Installation	subtotal	<b>\$ 4,500</b>		
	<b>TOTAL</b>	<b>\$16,239</b>		

\*LEDA not able to create formwork for a BEATTY bike rack instead of the BIKE bike rack

\*\*Delivery: CORA; \$50.00 / SECURABIKE; delivery costs not available but expect \$500 +

**CONSULTATION/ADVERTISING:**

Preliminary consultation has taken place with the following representatives from each business location:

Venue	Representative	Position	Comments
Hotel Northbridge	Fendi Haffandi	Food and Beverage Manager	Glad to have bike racks – locate to the East side of Brisbane St building frontage
Weld Square	City of Vincent		Close to the basketball hoop
Hobart Deli	Waldemar Kolbusz	Owner	WK advised planter with herbs would work but not the large version. Darcy - Duty manager advised improvements were necessary.
Beatty Park Leisure Centre	City of Vincent	Manager	Keen for more bike racks.
West End Deli	Justin Peters	Owner	Bike racks needed – ideally on Strathcona St nib (Alice – duty manager)

Additionally:

Le Papillon	Liz Edwards	Owner	Very keen to have either a planter or bike racks on the front RHS of her cafe facing Bulwer St.
Dizzy Witch	Peter Abbiss	Co-Owner	Very keen to have Urails flush to his building or the kerb.

Further consultation with affected businesses/stakeholders will be undertaken regarding the type of bike rank and actual location prior to the installation proceeding.

**LEGAL/POLICY:**

The City has highlighted the importance of providing appropriate bicycle parking facilities through the *Parking and Access Policy No: 3.7.1* – Objective 1 outlines the aim:

*“To facilitate the development of adequate parking facilities and safe, convenient and efficient access for pedestrians, cyclists and motorists.”*

Bicycle parking should be designed in accordance with the Bicycle Transportation Alliance Inc. ‘A Quick Guide to Bicycle Parking’ and relevant Bikewest Standards as a minimum.

**STRATEGIC IMPLICATIONS:**

In accordance with the City's *Strategic Plan 2011-2016* states:

*Natural and Built Environment*

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

*1.1.3: Take action to reduce the City's environmental impacts and provide leadership on environmental matters.*

*b. Contribute to cleaner air by encouraging the use of and promoting alternative modes of transport (other than car use)."*

**SUSTAINABILITY IMPLICATIONS:**

Stage 1 will immediately rectify some bike parking shortcomings, promoting the benefits of exercise, healthy choices and alternative transport.

**RISK MANAGEMENT IMPLICATIONS:**

Not applicable

**FINANCIAL/BUDGET IMPLICATIONS:**

There is an allocation of \$35,000 in the 2012/2013 Budget for the installation of Bike racks. To date \$3,500 has been expended from this budget. Funds remaining are \$31,500.

The estimated cost of the proposal being presented to Council is as follows:

Supply and deliver bike racks	subtotal	\$11,739
Installation of bike racks.	subtotal	\$ 4,500
	<b>TOTAL</b>	<b>\$16,239</b>

**COMMENTS:**

A number of popular destinations within the City of Vincent are in need of immediate bike parking solutions that are attractive and innovative.

It is recommended that the Council approves the implementation of the ‘Stage 1’ Bike Rack Installation Project to supply innovative bike racks at a selection of destination areas throughout the City as outlined in the report and consults with affected businesses/stakeholders regarding the type of bike rank and actual location prior to the installation proceeding.

**9.2.6 Review of Waste Management Practices in the City of Vincent – Progress Report No. 1**

<b>Ward:</b>	Both	<b>Date:</b>	26 November 2012
<b>Precinct:</b>	All	<b>File Ref:</b>	ENS0083
<b>Attachments:</b>	<a href="#">001</a> – Appendix B – Sydney Region of Councils <a href="#">002</a> - Separate Rubbish Charge Calculations <a href="#">003</a> - Rates Comparison 2011/2012		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	R Lotznicker, Director Technical Services M Rootsey, Director Corporate Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services – Operational Matters M Rootsey, Director Corporate Services – Financial Matters		

**OFFICER RECOMMENDATION:**

That the Council;

1. **RECEIVES** progress Report No. 1 as at 26 November 2012 concerning the investigation of Waste Management practices in the City of Vincent;
2. **NOTES;**
  - 2.1 The City’s officers are currently undertaking assessments of a number of sites to determine ‘Waste Generation Rates’ to enable the City to amend its policy on the number of Mobile Garbage Bins (MGBs) required based on litres/unit/week;
  - 2.2 The information concerning Automated Waste Collection Systems, as detailed in the report;
  - 2.3 If the Council wishes to further investigate an automated Waste Collection System for the Leederville Masterplan areas (sites 1-5), that funds be listed for consideration in the Draft Budget 2013/2014;
3. **APPROVES** the provision of shared 360 litre Recycling MGBs in lieu of individual 240 litre Recycling MGBs to all new Multi-Unit developments, and to progressively replace all of the existing 240 litre Recycling MGBs with 360 litre Recycling MGBs to existing Multi – Unit Developments (with the overall aim to reduce the number of MGB’s), as funding becomes available;
4. **AUTHORISES** the Chief Executive Officer to;
  - 4.1 revise the current Policy No. 2.2.11 “Waste Management”, to incorporate the principles discussed in the report in relation to Waste generation rates and the design of Multi-Unit and Commercial Development to facilitate improved waste storage/collection etc;
  - 4.2 incorporate the provision of 360 litre Recycling MGBs in lieu of 240 litre Recycling MGBs to all ‘new Multi-Unit developments’;
  - 4.3 investigates the benefits/cost implications of providing of an additional MGB for “green waste and food scraps only”, as per the City of Cambridge Trial, as discussed in the report;
  - 4.4 further investigate the benefits/cost implications of providing a ‘pre booked’ general junk collection service for multi unit developments based on the City of Sydney model as discussed in the report; and
5. **APPROVES IN PRINCIPLE** the introduction of a ‘Separate Waste Charge’ for consideration in the 2013/2014 draft budget, as outlined in the report;

6. Subject to Clause 5 being approved, **AUTHORISES** the Chief Executive Officer to write to the Minister for Local Government; Heritage; Citizenship and Multicultural Interests requesting that he prepares a Bill to amend the Rates and Charges (Rebates and Deferments) Act to enable Council's to provide rebates for pensioners and eligible seniors for waste charges; and
7. **RECEIVES** a further report by March/April 2013 on;
  - 7.1 the revised Policy No. 2.2.11 "Waste Management", which incorporates the matters discussed in clause 3 and 4; and
  - 7.2 a detailed assessment of the implementation of a 'Separate Waste Charge' and the impact on the potential impact on future Annual Budgets.

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**Moved Cr McGrath, Seconded Cr Maier**

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

- 7.3. whether the provision of bins larger than 360 litres (up to 1,100 litres) for commercial and large unit developments should be undertaken by the City or developed as private sector services.

Debate ensued.

**AMENDMENT 1**

**Moved Cr Maier, Seconded Cr Buckels**

"That a new Clause 4.5 be inserted to read as follows:

- 4.5 further investigate alternatives to the provision of MGBs for the collection of waste from mixed use and larger scale multiple dwellings developments."

Debate ensued.

**AMENDMENT 1 PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Harley had departed the meeting.)

**AMENDMENT 2**

**Moved Cr Maier, Seconded Cr Carey**

"That a new Clause 4.6 be inserted to read as follows:

- 4.6 investigate the feasibility and cost of measuring the weight of general waste and recycling on a property by property basis and providing that feed back to residents."

Debate ensued.

**AMENDMENT 2 PUT AND LOST (1-7)**

**For:** Cr Maier

**Against:** Mayor Hon. MacTiernan, Cr Buckels, Cr Carey, Cr McGrath, Cr Pintabona, Cr Topelberg, Cr Wilcox

(Cr Harley had departed the meeting.)

**AMENDMENT 3**

**Moved Cr Carey, Seconded Cr McGrath**

“That a new Clause 7.4 be inserted to read as follows:

7.4 including the possibility of financial incentives to reduce consumption.”

Debate ensued.

**AMENDMENT 3 PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Harley had departed the meeting.)

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

(Cr Harley had departed the meeting.)

**COUNCIL DECISION ITEM 9.2.6**

That the Council;

1. **RECEIVES** progress Report No. 1 as at 26 November 2012 concerning the investigation of Waste Management practices in the City of Vincent;
2. **NOTES;**
  - 2.1 The City’s officers are currently undertaking assessments of a number of sites to determine ‘Waste Generation Rates’ to enable the City to amend its policy on the number of Mobile Garbage Bins (MGBs) required based on litres/unit/week;
  - 2.2 The information concerning Automated Waste Collection Systems, as detailed in the report;
  - 2.3 If the Council wishes to further investigate an automated Waste Collection System for the Leederville Masterplan areas (sites 1-5), that funds be listed for consideration in the Draft Budget 2013/2014;
3. **APPROVES** the provision of shared 360 litre Recycling MGBs in lieu of individual 240 litre Recycling MGBs to all new Multi-Unit developments, and to progressively replace all of the existing 240 litre Recycling MGBs with 360 litre Recycling MGBs to existing Multi – Unit Developments (with the overall aim to reduce the number of MGB’s), as funding becomes available;
4. **AUTHORISES** the Chief Executive Officer to;
  - 4.1 revise the current Policy No. 2.2.11 “Waste Management”, to incorporate the principles discussed in the report in relation to Waste generation rates and the design of Multi-Unit and Commercial Development to facilitate improved waste storage/collection etc;
  - 4.2 incorporate the provision of 360 litre Recycling MGBs in lieu of 240 litre Recycling MGBs to all ‘new Multi-Unit developments;
  - 4.3 investigates the benefits/cost implications of providing of an additional MGB for “green waste and food scraps only”, as per the City of Cambridge Trial, as discussed in the report;
  - 4.4 further investigate the benefits/cost implications of providing a ‘pre booked’ general junk collection service for multi unit developments based on the City of Sydney model as discussed in the report;
  - 4.5 further investigate alternatives to the provision of MGBs for the collection of waste from mixed use and larger scale multiple dwellings developments; and

5. **APPROVES IN PRINCIPLE** the introduction of a 'Separate Waste Charge' for consideration in the 2013/2014 draft budget, as outlined in the report;
6. **Subject to Clause 5 being approved, AUTHORISES** the Chief Executive Officer to write to the Minister for Local Government; Heritage; Citizenship and Multicultural Interests requesting that he prepares a Bill to amend the Rates and Charges(Rebates and Deferrals) Act to enable Council's to provide rebates for pensioners and eligible seniors for waste charges; and
7. **RECEIVES** a further report by March/April 2013 on;
  - 7.1 **the revised Policy No. 2.2.11 "Waste Management",** which incorporates the matters discussed in clause 3 and 4;
  - 7.2 **a detailed assessment of the implementation of a 'Separate Waste Charge' and the impact on the potential impact on future Annual Budgets;**
  - 7.3. **whether the provision of bins larger than 360 litres (up to 1,100 litres) for commercial and large unit developments should be undertaken by the City or developed as private sector services; and**
  - 7.4 **including the possibility of financial incentives to reduce consumption.**

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**PURPOSE OF REPORT:**

The purpose of this report is to provide information to the Council on options available concerning waste management and collection service, which is more sustainable and that meets the changing circumstances in the City.

**BACKGROUND:**

**Ordinary Meeting of Council 24 April 2012:**

The Council considered a Notice of Motion from the Mayor regarding Investigation of Various Waste Management and Collection Matters where the following decision was made:

*"That the Council:*

1. *RECOGNISES the need for a more complex approach to waste collection to deal with the increased development densities and mixed uses in the City of Vincent; and*
2. *REQUESTS a report to be prepared for a Forum to be held in July 2012 which considers the following:*
  - 2.1 *the introduction of a separate waste levy;*
  - 2.2 *the need for upgrade use rate data;*
  - 2.3 *the introduction of bulk collections for multiunit developments;*
  - 2.4 *the development of requirements for a vacuum chute system in developments over three (3) storey levels;*
  - 2.5 *the possibility of developing a vacuum chute system as part of the redevelopment of the Leederville Town Centre; and*
  - 2.6 *the availability of grants to assist with the above tasks."*

**DETAILS:**

The Council's Notice of Motion has required extensive research by the City's Director Technical Services and Waste Management Staff, as it covers a number of complex aspects relating to Waste Management, Technology, Sustainability and Financial Implications.

These investigations have been undertaken, by the City's administration, in addition to the normal workload and unfortunately have taken some time to be progressed. The following is advised:

**Current Policy No. 2.2.11 - 'Waste Management':**

The City's Waste Management Policy was initially adopted in September 1997 and revised/updated on numerous occasions is due for review in May 2013. The initial policy was based on the City of Perth Practice at the time the 'Town' was created.

The policy is made up of the main following heading and prescribes number of mobile garbage bins allocated based on type of dwelling/business, collection frequency, etc.

- Residential Household Service – Mobile Garbage Bin (MGB)
- Multi-Unit residential Service – Mobile Garbage Bin (MGB)
- Commercial Service
- Commercial and Residential Mixed Multi Dwelling Property MGB Enclosures
- Residential Bulk Verge Collection
- Recycling Service Residential, Multi Unit and Commercial

**CURRENT WASTE MANAGEMENT SERVICE: [Notice of Motion Clause 1]**

Each year, the City manages over 14,500 tonnes of waste and recycling from residents, businesses, Council owned facilities and public areas. This also includes over 500 tonnes of waste collected from public bins, parks, street sweeping and illegal dumping.

The Waste Management service provided by the City comprises the following components:

- Domestic/Commercial' Waste Management Service (in house)
- Public Litter Bin/Parks rubbish collection. (in house)
- Recycling Waste Management Service (contracted out)
- Bulk Verge Waste Management Service (contracted out)

The City's 'in house' Waste Operations Section currently consists of nine (9) staff. The day to day operations are supervised by the 'Supervisor Waste Management and Precinct Cleaning'.

The Waste Management Fleet currently consists of:

- Four (4) Side Arm Rubbish Trucks- capacity of approximately 10 tonnes per truck.
- Two (2) Large Rear Loader Rubbish Trucks with a capacity of approximately 9 tonnes per truck
- One (1) Small Rear Loader Rubbish Truck with a capacity of approximately 4 tonnes

**Current Allocation of Mobile Garbage Bins/Frequency of Collection: Putrescible Waste:**

The following tables provide an overview of information contained in the current waste management policy.

<b>Single Residential</b>		
<b>Allocation</b>	<b>Collection</b>	<b>Comments</b>
One (1) one x 240 litre MGB per single residential dwelling	weekly	A 140 litre MGB may be provided in place of the 240 litre MGB at the request of the householder, no discount offered. Additional MGB may be issued an annual service fee as determined by the City.
<b>Multi-Unit Residential</b>		
<u>Less than five (5) dwellings:</u> One (1) x 240 litre MGB is provided for each dwelling with two (2) or more bedrooms	weekly	
<u>Single bedroom Dwellings:</u> For all single bedroom dwellings (even if less than five (5) units per complex) each dwelling is allocated the capacity of a 120 litre MGB for general waste.  One (1) x 240 litre MGB per two (2) dwellings.	weekly	
<u>Greater than five (5) dwellings but less than twenty (20):</u> An MGB compound is required for an appropriate number of MGB's, to cater for the waste generated.  One (1) x 240 litre MGB per dwelling may be provided if the dwellings comprise two (2) or more bedrooms.	weekly	The MGB's will be collected once/week unless the dwelling requires additional waste collection where a fee in accordance with the adopted fees and charges will apply if approved by the City.
<u>Between twenty one (21) and fifty (50) dwellings:</u> Where there are space constraints the City may allocate <i>half the number of MGB's and collect the MGB's twice per week</i> to reduce the number of MGB's on site and/or on the verge on collection day.	varies	An adequate MGB store shall be provided to house all MGBs allocated to the complex including recycling MGB's.
<u>Greater than ninety one (91) dwellings:</u> To be assessed on a case by case basis.	varies	Can be collected up to 4 x times per week.
<b>Commercial</b>		
One (1) x 240 litre MGB per commercial premises.  Additional MGB's based on <i>one (1) 240 litre MGB per 200 m<sup>2</sup></i> of commercial floor space (or part thereof) for a weekly service is also provided at no additional charge.  The total number of additional MGB's to be provided over and above the above allocations for various land use are as follows: - Bars/Restaurants- 2 x MGB's - Offices /Warehouses/Retail- 1x MGB's	varies	Maximum number of collections at any one premises is (3) times per week <i>or as determined on a case by case basis by the City</i> Should additional MGB's be required a business may arrange an alternative private waste collection i.e. bulk bin etc. However there is no reduction in rates.

**Current Allocation of Mobile Garbage Bins/Frequency of Collection: Recycling**

Prior to 2008 the City's recycling service comprised each resident being supplied with a 50 litre crate which was collected once per fortnight. Commercial properties were supplied with 240 litre bins one (1) for paper and one (1) for paper and cardboard based on the square area of the business.

Current Recycling Tender

On 22 April 2008 the Council accepted a tender submitted by Perth Waste Green Recycling for the provision of the Recycling Collection Service for a five (5) year period (with an additional one (1) five (5) year option) comprising a fortnightly collection service using 240 litre yellow top Mobile Garbage Bins (MGBs).

The Council also resolved that the contractor, Perth Waste Green Recycling, would supply all of the new MGBs, amortised over a five (5) year period at a cost of \$175,500 per annum. It was also resolved that the contractor would roll out all of the new MGB's for a one off cost of \$74,000.

Once all of the new MGB's were rolled out, the new recycling collection service commenced on 15 September 2008 and has been operating extremely successfully ever since that time with the total value of the contract approximately \$1.0m per annum.

There are currently about 12,500 'yellow top' 240 litre mobile recycling bins in service within the City with a replacement value of approximately \$700,000. Some 3,762 tonnes of recyclable materials were collected by the City's contractor, *Perth Waste Green Recycling*, from both residential and commercial properties. The recyclable materials are taken to Perth Waste's Bibra Lake recycling facility from which it is transported to the Bunbury MRF.

<b><u>Single Residential</u></b>		
<b>Allocation</b>	<b>Collection.</b>	<b>Comments</b>
One (1) one x 240 litre MGB per single residential dwelling	fortnightly	
<b><u>Multi-Unit Residential</u></b>		
Each dwelling will be entitled to one (1) MGB. The maximum number of recycling MGB's allocated to each multi- dwelling property will be determined by the number of dwellings and MGB enclosure size.	fortnightly	Collection of the recycling MGB is fortnightly unless the number of MGB's allocated for the number of dwellings cannot be reasonably stored and therefore to ensure the correct number of services are supplied, <i>a weekly service may be provided.</i>
<b><u>Commercial</u></b>		
The number of recycling MGB's issued to commercial properties is determined by the floor area or the number of commercial units within the property. It will also be determined by the size of the MGB enclosure. The number of recycling MGB's allocated are as follows:  One (1) MGB per commercial unit or 200 square metres of floor space (or part thereof).  One (1) x 240 litre MGB per dwelling may be provided if the dwellings comprise two (2) or more bedrooms.	weekly	If any commercial property requires more recycling MGB's than allocated they may request additional recycling MGB's up to the amount of two (2) additional MGB's per commercial property. There may be negotiation with the City for further recycling MGB's at no additional cost if a general waste MGB is exchanged for a recycling

**REVIEW OF WASTE GENERATION RATES: [Notice of Motion Clause 2.2]**

The City currently provides MGB's as prescribed in the Waste Management Policy No 2.211 and as summarised in the above tables.

An investigation of generation rates based on other Council in Australia shows that generation rates vary.

For example in accordance with the City's Policy for a single bedroom dwellings (even if less than five (5) units per complex) each dwelling is allocated the capacity of a 120 litre MGB for general waste and a 240 litre MGB for recycling.

The City of Sydney extensively outlines generation rates in their Policy for Waste Minimisation in New Developments. The Victorian Government has also adopted the City of Sydney figures and included these in their policy. Information was also received from a South Australian local government who has prepared a comprehensive policy.

The following table outlines a summary of generation rates in litres/dwelling/week for residential dwellings.

A comprehensive breakdown for other types of premises from City of Sydney (which is currently under review) is attached (Attachment 001).

Service	litres/dwelling/week			
	Single Unit	2-5 Dwellings	6-10 Dwellings	>10 Dwellings
<u>City of Charles Sturt (SA)</u>				
- General Waste		135	120	100
- Co-mingled Recycling		100	90	80
<u>Randwick Council</u>				
- General Waste	120		120	
- Co-mingled Recycling	120		60	
<u>City of Sydney (Victorian Govt.)</u>				
- General Waste			80	
- Co-mingled Recycling			40	

Current Review by City of Vincent

The City's officers are currently undertaking assessing a number of sites to determine generation rates to enable the City to amend its policy on the number of MGB's to be issued based on litres/unit/week. Preliminary results for a twenty (20) x single unit residential development indicate that a generation rate of 100 litres/unit/per week for domestic waste and 80 litres/unit/week for recycling is reasonable.

It is considered that a comprehensive review of generation rates and a review of the current policy is required for the following reasons:

- To determine the number of MGB's to be issued to each development
- To determine the frequency of collection
- To determine the size/configuration of the bin store area.
- To determine other methods of waste management for larger developments
- To minimise the number of MGB's placed on the verge for collection.

**Recent Brief Study Tour – Director Technical Services:**

The Director Technical Services recently visited the City of Sydney and City of Charles Sturt in South Australia (whilst interstate at the Parking Conference.)

City of Sydney:

- Have a comprehensive Waste Minimisation Policy, which is currently being reviewed.
- Generation rates are from the 1970's and are currently being reviewed – 'Better Practice Guide' currently being developed by the NSW State Government – available in early 2013.
- City split into two (2) zones of approximately 45,000 each, North zone residential collected by contract/south zone residential collected "in house" by the City.
- All recycling is collected by private contractors.
- Collection up to seven (7) days per week e.g. Kings Cross.
- A variety of bin sizes provided (from 80 litre to 1,200litres)
- Multi residential higher than three (3) storeys require internal Shute system.
- All commercial waste is collected by contract.
- Single Dwelling Residential:
  - 1 x 120 litre MGB for general waste collected weekly
  - 2 x 55 litre crate collected weekly
  - Weekly cleanup service – booking required
- Multi Unit – Serviced Apartments: (Numbers based on generation rates/number of dwellings)
  - 240l – 1,000l MGBs provided (1,500 or 2,000litre in special circumstances).
  - Paper recycling 240l MGB.
  - Co mingled recycling 240l MGB.
  - Buildings greater than 3 storey at least one Shute is required.
- Commercial Developments:
  - Business are required to have a current contract with a licensed collector for waste and recycling including collection of electrical waste, batteries etc.
- Mixed use Developments:
  - Waste handling/storage/collection from Residential Area is to be kept completely separate and self contained from the Commercial Area. A waste management plan is to identify collection points and management systems for both residential and commercial waste streams.
- Current waste generation rates – attached at appendix 9.2.6

City of Charles Sturt:

The City of Charles Sturt officers developed their policy based on generation rates adopted mainly from the City of Sydney. They were interested to learn that the City of Sydney were looking at changing their policy and were reviewing their generation rates. They asked to be kept informed.

- Type A: Standard Council service comprises:
  - 1 x 240 litre organics MGB (optional) used to charge residents extra however now supplied at no additional cost.
  - 1 x 240 litre recycling MGB collected fortnightly (alternating with organics bin).
  - General Waste 140 litre MGB collected weekly.
- Type B: Non Standard Council service comprises:
  - Shared 140 litre or 240 litre MGB's (or larger up to 1,000 litre).
  - Alternative bin presentation zone.
  - MGBs collected from private property.
  - Six (6) x dwellings or greater/or over three (3) storeys may opt to provide their site specific waste/recycling service (on a private commercial basis).
  - Detailed Waste Management Plan to be submitted at planning approval stage.
  - For more complex design required – reference is made to 'NSW Better Practice Guide for Waste Management in Multi-Unit Developments.
- Type C: Alternative Waste Service:
  - Larger Multi Storey/mixed use/multi-unit developments
  - May not utilise Council provided service
  - Provide more flexibility for developer – collection points inside the building, waste/recycling shutes, compaction equipment, larger skip bins up to 3.0m<sup>3</sup> requiring front lift vehicles
- The City does not have a separate waste charge (not permitted in South Australia).

**360 LITRE RECYCLING BINS: [Notice of Motion Clause 2.3]**

The 360 litre MGB is claimed to be the first Australian designed and manufactured and is already in use or on trial in over 60 council areas across Australia. The City of Melville recently completed a trial and its analysis showed a 30% increase in recycling yield and an 18% drop in waste going to landfill. Based on this result, the cost of providing the MGB to those households requiring it would be more than offset by the savings in landfill costs alone in the first year.

The 360 litre MGB was designed to be compatible with existing side-lift equipment used by most local contractors and councils. It uses the footprint of the 240 litre MGB, allowing existing grab arms on side-lifters to handle the bin in the same way as any 240 litre MGB. The larger capacity MGB has been able to deliver a wide range of benefits with quite different applications.

It has provided some Council's with the flexibility to reduce the frequency of collections and thereby reduce lifting costs. Council's with garden suburbs have adopted it for green waste recycling, while councils in inner city areas have introduced it to reduce the number of bins collected from multiunit dwellings.

The City of Swan also recently trialed a number of 360 litre MGB's in new developments and very positive feedback was received.

Officers Comments:

As mentioned above, in April 2008 the Council accepted a tender submitted by Perth Waste Green Recycling for the provision of the Recycling Collection Service for a five (5) year period (with an additional one (1) five (5) year option) comprising a fortnightly collection service using 240 litre yellow top Mobile Garbage Bins (MGB's) The Council also resolved that the contractor, Perth Waste Green Recycling, would supply all of the new MGB's, amortised over a five (5) year period at a cost of \$175,500 per annum. It was also decided that the contractor would roll out all of the new MGB's for a one off cost of \$74,000.

It is considered that there is merit in providing 360 litre MGB's in lieu of the 240 litre MGB's in Commercial and Multi residential developments and funds should be allocated in the 2013/2014 budget to progressively roll out 360 litre MGB's to new developments and replace existing 240 litre MGB's with 360 litre MGB's over time.

**Other Recycling initiatives:**

Dry cell batteries, used mobile phones, compact fluorescent light globes, fluorescent tubes, and printer cartridges.

Collection points are located at the Administration & Civic Centre, Library & Local History Centre and Beatty Park Leisure Centre for the collection of the above household recyclable items.

Further the City, in partnership with the Mindarie Regional Council has a 'Local Primary Schools' dry cell batteries collection program which results in over 200kgs of batteries being diverted from land fill annually.

*'Bulk Verge' Waste Management Service:*

The City provides two (2) green bulk verge collections and one (1) general junk bulk verge collection per annum. The general junk collection includes the recycling of 'e-waste' e.g. redundant CRT TV's and computer monitors, printers and computer hardware, along with whitegoods which are recycled as scrap metal.

**BULK COLLECTIONS FOR MULTI-UNIT DEVELOPMENTS: [Notice of Motion Clause 2.3]**

The City holds an annual General Junk only Verge Collection and a bi-annual Green Waste only Verge Collection for all residential properties, including multi-unit developments.

If verge space is limited, Strata Managers of a multi-unit development can apply to have "skip bins" in lieu of the Bulk Verge Collection Service during the scheduled collection week. This method is more costly to the City as the collection of skip bins is not included in the City's tender with Steann (Bulk Verge Contractor) and are hired at a cost of \$300 + GST each.

"Skip bins" are not a favourable option for the City as they encourage dumping from other properties outside of the City when left in a public space for any length of time.

Illegally dumped rubbish is extremely high around multi-unit developments, largely due to the high turnover of tenants throughout the year. Multi-unit developments should have a designated space inside the premises for storing furniture and unwanted junk throughout the year.

Officers Comments:

The City of Sydney provides a weekly general junk collection service on a Wednesday. Residents must pre book the collection by close of business the day before the collection. Items are then placed out for collections and collected by the City the day after.

This is open to all residents of the City however Vincent could tailor this for multi residential development only. The cost implications would need to be determined and further investigated. This would depend on the quantity of material placed out for collection on any given day. Given the random nature of this service the preference would be for a contractor to collect however this would need to be further investigated. It could be implemented as a trial to determine its effectiveness.

**Home Composting:**

The promotion of home composting, such as worm farms and backyard composting bins where the City subsidises the cost of worm farms and compost bins provided to Vincent residents, is undertaken by the Project Officer – Environment and in addition a number of Worm Farm Workshops for residents are held annually.

**Additional MGB for Organics (Town of Cambridge Trial):**

In 2010 the Town of Cambridge together with the Mindarie Regional Council (MRC) undertook a trial of a “waste recycling” collection system where household “waste” was placed in one of two MGB’s based on the use of an organic stream and non organic (inert/dry) stream.

The objectives of the trial was to establish whether a new mix of materials in a two (2) MGB recycling system was easy to use by householders and to assess the impact that the quality/nature of the materials in each stream had on existing recycling processes.

The purpose of the trial was also to address the issue of “which bin to put it in” and to optimize household and non residential collection systems so that they were ready for future improvements in recycling recovery and processes.

The City of Cambridge now offer's its residents a ‘Green Waste’ service, upon request (240 litre MGB collected fortnightly (grass clippings, twigs, small branches, leaves, flowers etc).

Note: The other services offered to Cambridge residents is a 120 or 240 litre general rubbish MGB collected weekly and a yellow lidded 240 litre recycling MGB collected fortnightly for the disposal of plastics, paper, cardboard, aluminium, glass and steel. To increase their capacity to recycle, a free second 240 litre or 360 litre MGB will be supplied.

**AUTOMATED WASTE COLLECTION SYSTEMS (AWCS): [Notice of Motion Clauses 2.4 & 2.5]**

Automated Waste Collection Systems have been around for many years. Disney Land in the US has had a system in place since was built in the 1960’s.

These systems are in place in over one hundred (100) Cities worldwide and collect over 10,000 tonnes of waste per day.

One of the smallest systems is in place in Singapore which services forty nine (49) apartments with one of the biggest in Gimpo new Town, in Korea which services 53,000 apartments.

An underground vacuum waste system is made up of a collection station and one or more trunk or main pipelines connected to branch lines and collection inlets. A trunk line needs to be large enough to be able to transport of all waste from the various branch lines and collection inlets. The collection inlets each would include an underground chamber with an access ladder to allow system blockages to be cleared.

An underground waste collection system operates by drawing air through underground transfer pipes and collection inlets at street level or within buildings. Rubbish bags are placed into the collection inlets and are released, by computer, into the transfer pipe. Air is then used to push the rubbish bags to a central collection station.

Almost all of the existing large underground vacuum waste system around the world have been placed in 'new' green field developments or in major redevelopments sites and therefore the design and installation processes are somewhat simplified and are uncompromised by the existing underground service network.

In addition, to date, the reliable collection of cardboard boxes and glass through a vacuum waste system has not been resolved. Glass bottles typically break inside the collection pipe and due to the high speeds within the system erosion to the inside of pipes and especially on the bends can occur while cardboard boxes have a tendency to create blockages.

In 2011 the City of Melbourne undertook an extensive feasibility study into the possible future installation of an underground vacuum waste system within the central city area.

The feasibility study estimated the cost of installation of a system at \$5.5 million per City block or in excess of \$190 million for the whole central city grid. Completing a system within Melbourne's central city was estimated to involve the installation of nine (9) kms of pipe and a minimum of three hundred (300) collection inlets excluding the cost of a collection station, power system upgrades, detailed engineering design or project management.

Existing underground service network:

The investigations revealed that while trunk and branch line pipes could be placed at a depth lower than most services, the collection inlets would be very difficult to install without the need for extensive service relocations.

**Potential Automated Waste Collection System - Leederville Masterplan:**

The feasibility study undertaken by the City of Melbourne while indicating that it would be extremely expensive and problematic to retrofit an underground Automated Waste Collection System in exiting built up areas, it identified an opportunity for such a system at a Brownfield site known as 'E-Gate'.

This would be similar to the proposed developments for the Leederville Masterplan.

City of Melbourne - E-Gate:

The report indicated that the 'E-Gate' development site, an Automated Waste Collection System could be installed at the same time as other services and that the cost could be built into property agreements and the expense and disruption of a retrofit within a built up area would be avoided.

The E-Gate site located at gate 'E' in the Melbourne rail yard area, just two (2) kms from the CBD in West Melbourne comprises twenty to twenty five (20 to 25) hectares of land which the State Government has determined to further progress the proposal to develop the site for urban development. E-Gate can support Melbourne's projected growth through the provision of housing for up to 12,000 residents and 200,000 square metres of commercial and associated retail space and provide strong public transport connections.

City of Sydney – Green Square Town Centre:

This project will transform a two hundred and seventy eight (278) hectare site south of the CBD and will house about 40,000 residents by 2030. At the heart of the project there will be a development of the Green Square Town Centre, a new retail, commercial and cultural hub for the area around the green Square train station. The Town Centre will be home for about 6,800 residents and 8,600 workers.

The City is proposing to construct an Automated Waste Collection System as part of the redevelopment. A large building needs to be incorporated in the plan for the collection/sorting/removal (truck access/manoeuvring) of the waste generated by the system.

This would need to be a consideration in the layout of the Leederville Masterplan.

**Comment:**

The City's Research has revealed that an automated Waste Collection System can be implemented into the sites 1-5 owned by the Council, as part of the future built form of the Leederville Masterplan, however it should be noted that this system would be expensive to construct.

The Possible introduction of a AWCS requires further investigation from both a Technical and Financial aspect, this investigation is beyond the expertise of the City's Administration and would require the engagement of Specialist Consultants at the appropriate time. Should the Council wish to further investigate a AWCS, funds should be listed for consideration in the Draft Budget 2013/2014.

**THE AVAILABILITY OF GRANTS: [Notice of Motion Clause 2.6]**

There are not a lot of options at the moment for funding by the Waste Authority. Unfortunately only 25% of the money that is raised from the landfill levy is funding waste management initiatives.

The only funding that is making its way into Local Governments from the Waste Authority is for projects that benefit an entire region.

The City is in liaison with Mindarie Regional Council (MRC) in regards to if any funds are available to carry out a special project.

Reference can be given to the MRC SWMP funded project which was carried out in conjunction with each of its member Councils in 2009. Department of Environment and Conservation (DEC) allocated \$400,667 of regional funding to MRC for the implementation of a number of projects identified in the MRC SWMP 2008-2013.

**SEPARATE RUBBISH CHARGE: [Notice of Motion Clause 2.1]**

The purpose of Separate Rubbish Charge is to remove the cost of providing waste management services from the calculation of the rate-in-the-dollar and introducing a separate charge for providing the service.

A Separate Rubbish Charge is based on the premise that the waste management service is more suited to user-pays principle than any other service provided by a local government and from an equity point of view, local governments should structure their revenue accordingly.

## **Principles or Rating**

### General Philosophy of Rating

Rates and charges are used by local governments to raise revenue necessary to provide the necessary services to the ratepayers. A rate is a compulsory levy which is intended to cover the cost of providing a service or range of services.

The history of rating on the basis of property values dates back to the 1600's where the *English Poor Relief Act, 1601* provided for the taxation of occupiers of land and houses to obtain funds for the relief of the poor. Property ownership was seen as a reflection of wealth and a tax on that wealth was used to redistribute income.

This meant that land ownership and value were seen as the yardstick that denoted wealth. A rate was then set upon this visible indicator and the revenue received was either used to provide for others or to pay for services rendered to the land.

While almost four hundred (400) years on, property values are still used as a basis for rating, it is clear that they are not necessarily a guide to wealth nor a measure of use of services by owners. An owner of a property with a high value may not have the income to pay high rates (*asset rich – cash poor*). In recent times there has been significant support for user-pays systems and a shift towards such a basis.

### General Principles of Taxation

There are several generally accepted principles of taxation which should be considered when deciding what rating or charging methods to use.

<i>Autonomy</i>	each local government should levy its own taxes upon those to whom it is accountable.
<i>Simplicity</i>	the tax (rate) should be simple and easily understood.
<i>Certainty</i>	both the local government and the ratepayer should be able to ascertain precisely the liability for the tax.
<i>Efficiency</i>	the tax should be easy to collect and difficult to avoid and involve low administration costs.
<i>Equity</i>	the tax should be fair in its treatment of different groups.

The first four (4) principles are easy to apply. Like all other local governments, the City of Vincent has rating autonomy and can levy rates on its own community. Rates are also simple, with a certain percentage (rate-in-dollar) applied to a property value usually couple with a flat rubbish charge on the property and follow ownership. They are therefore impossible to avoid.

### Equity Principles

Equity implies justice and impartiality and the administration of law according to principles of natural fairness when existing statures are not adequate. While equity is one of the objectives of any rating system it is not the sole objective and the problem of constructing an equitable rating system is not as simple as deciding who receives the benefits and who can afford to pay for them.

There are two (2) basic concepts fundamental to equity in rating i.e. the *User-Pays Principle* or the *Cost-Of Benefit Principle* and the *Capacity to Pay Principle*.

*User-Pays Principle:* To administer the levy in such a way as to recover the whole or part of the cost of supplying the service from the person making use of it. The *user-pays principle* attempts to make each individual contribute in accordance with the benefits he receives from his usage of services. While the levying of a rate based on property values is biased towards ability-to-pay principles, user-pays principle is applied through levying a separate charge for a separate identifiable service. Given the above, a system which combines ability-to-pay and user-pays principles goes a long ways towards achieving equity.

*Capacity to Pay Principle:* To raise enough revenue to cover the whole or part of the cost of supplying the service, based on the assumption that those with high wealth or income have a greater capacity to pay rates than those with low wealth or income. The acceptance of the *capacity to pay principle* in local government is reflected in the fact that a rate is levied on the value of property in order to finance a service which is provided in roughly equal amounts to all properties, irrespective of their valuations. That is, owners of high valued properties will pay more for the same level of service.

#### **User-Pays approach by City of Vincent:**

There are a number of rate financed services provided by the City whose benefits may be diffused among ratepayers in a manner which bears little relationship to where the revenue was raised. The provision of waste management services is the best example. Other obvious instances of this include areas of welfare, community services, parks, sportsgrounds and roads.

The City of Vincent, like all other local governments, applies the user-pays principle to a large number of services provided including:

- levying licence fees for issuing building licences, health licences and dog licences.
- charging parking fees and pool inspection fees.
- users of sporting and recreation facilities.
- users of Beatty Park Leisure Centre.
- Lessees of Council owner property.

In addition, ratepayers are charged for works undertaken directly benefiting them or their properties e.g. crossover installation.

The Council has the option to simply include the majority of the above (*apart from statutory fees*) in the rate and spread the cost of service provision across all ratepayers. However, where a user of a service can be clearly identified (*as can the cost of providing that service*) then it is equitable and fair for that user to pay for that service.

There are currently two (2) main services provided by the City where the users and costs of providing the services are known which are currently included in the rate.

The first is library services. While library borrowers and the average cost of each issue are known, the Library Board Act prohibits libraries supplied with book stock by the Library Board of WA from charging for library services.

The second is the provision of rubbish and recycling services.

#### **The Need for a Separate Rubbish Charge**

The majority of metropolitan councils, have levied a separate charge averaging \$284 per annum per service in 2011/2012, only eight (8) of the metropolitan Councils do not have a separate rubbish charge.

The recipient (user) of the waste management service is known as is the cost of providing the service. By including the cost of waste management in rate levies, non-users of the service pay for a service which they don't receive.

In several instances ratepayers are unable to use the service. As examples owners of vacant land, make a contribution towards rubbish collection costs however they neither generate refuse nor receive a refuse service. Similarly, a large number of commercial properties which generate "wet" waste (restaurants and cafes) are prohibited from using the City's rubbish collection despite paying for this service through rates.

Owners/occupiers of these properties have to engage private contractors to remove "wet" waste, in effect paying twice for the service.

The use of property values as the basis for levying a rate is reasonable where a property service is provided or where the users of a service cannot be separately identified. However, waste is generated by people (not property) and its collection and disposal should be funded accordingly.

As rates are based on valuation of properties, higher valued properties pay more towards waste management than lower valued properties if the cost of the service is included in the rate despite the fact that all properties generally receive the same level of service.

Local Governments receive their statutory authority to provide waste management services through the Waste Avoidance and Resource Recovery Act 2007 (WARR) and not the Local Government Act. The WARR Act provides for a rubbish charge to be levied to cover the cost of removal and disposal of rubbish

Given the specific authority to provide the service come from that Act, it is appropriate to also use that Act to fund the provision of the service rather than using the rating provisions of the Local Government Act.

#### **The Resulting Shift in Rate Burden:**

The introduction of a flat waste management charge for each service provided will redistribute part of the rate burden from high value properties to low valued properties. While there may be some concern at the impact which this may have on owners of lower valued properties, it should be noted that lower valued properties currently have their rubbish collection service subsidised by higher valued properties.

#### **Pensioner Rate Concession**

Under the Rates and Charges (Rebates and Deferments) Act, an eligible pensioner can obtain a rebate of up to 50% of rates if they pay half of their rates before the end of the financial year in which they are levied. The rebate only applies to rate levies and not waste management charges.

Several local governments have adopted a lower rubbish charge for pensioners, however, this is only legally possible where a different size rubbish bin is used (generally 140 litre compared to the standard 240 litre bin).

#### **Phasing-In a Rubbish Charge**

Where an overall increase in the total rate account or a reduction in pensioner rebate would result from implementing a rubbish charge, the phasing-in of the charge over two (2) or more years would lessen the impact of this change. On the other hand, property owners who would otherwise receive a reduced rate account would not receive the full benefit of the change until the phase-in period is complete.

There is a strong argument against phasing-in the change. By implementing a separate charge in one (1) year, improved equity in rating is achieved immediately. This is fair given that owners of higher rated properties in the City have been subsidising rubbish services provided to owners of lower rated properties from time immemorial. That inequity should be corrected immediately.

Where a change is implemented immediately, complaint is received but is usually limited to that year. There are numerous instances where local governments have phased-in large increases in fees and charges to their detriment. Their experience has been that each year of the phase-in period there is considerable disquiet and complaint from those affected.

Gross Rental Values (GRV's) which are used as the rating valuation base are provided by the Valuer General and reassessed every three (3) years. This results in a redistribution of rating burden among properties as valuation relativities can vary from property to property depending on the influence of market forces.

New values will be provided by the Value General for adoption from 1 July 2013. If a rubbish charge were phased-in this could be complicated by the adoption of new values next year.

This effects owners who have to wait for the full benefit of separate rubbish charged to be phased-in, may be further penalised by rate increased if their properties increase in value by more than the average.

**Rubbish Charge estimate:**

In the budget calculation for the rubbish charge the estimated revenue generated from the rubbish charge to cover the cost of the service is removed from the Rates Revenue, which will result in a lower rate in the dollar. This however will have to be adjusted upwards to allow for any pensioner rebate provided by the City. The City is not under current legislation able to claim back the rebate provided to pensioners.

WALGA have registered their disappointment with the State Government that the rebate for pensioners on rubbish charges was not included in the latest amendments to the Local Government Act Amendment Bill

The attachments 9.2 6 included as part of the report outline the estimated charge

- The impact on ratepayers if a Rubbish Charge was introduced and the impact on pensioners if a separate rubbish Charge was to be introduced.

The attachment shows estimates of the impact on rates if a rubbish charges was introduced with the current waste collection service.

The estimates have been calculated for properties with the following Gross Rental Values (GRV's)

- 20,800
- 18,200
- 15,600

The GRV's above represent the average valuations for the City of Vincent.

The estimate has been provided using the rate in dollar for the 2012/13 and an adjusted rate in dollar for general rates following the amendment for the expenditure for the waste charge which would be generated from a separate rubbish charge.

The calculation also illustrates the impact of the separate rubbish charge on eligible pensioners, as the rebate is only available under on general rates and underground power and not on a separate rubbish charge.

- Comparison of rates for Metropolitan Councils 2011/12.

The attached table shows that the City of Vincent rates are at the lower end of the scale in the comparison. It is also illustrates that the City of Vincent is one of a relatively small number of Metropolitan Councils that do not have a separate rubbish charge.

**Discussion:**

As mentioned above the Local Government Act Amendment Bill of 2011, outlined a number of amendments, including those that validated Local Governments' ability to raise a charge for the provision of underground power and provide discounts for pensioners and eligible seniors for those charges.

In a media release in October 2011, the WA Local Government Association President Mayor Troy Pickard said that Local Government supported the amendments confirming its ability to discount underground power charges for pensioners but would like to see this extended to also include waste charges. Mr Pickard said that *"Those who qualify for pensioner rebates comprise around 15% of households across the State and are often the most financially sensitive in our community. Pensioners are currently afforded a 50% discount on Council rates, and now underground power; and we believe this should be extended to waste charges as well. As both the cost of living and cost of service provision increase, pensioners are often the first to feel the financial squeeze."*

At the time Mr Pickard called upon Parliament to show some compassion to those most in need in the community and extend the amendments to include waste charges, *"which would provide Local Government scope to afford pensioners some financial relief."*

Officers Comments:

The introduction of a separate rubbish charge will introduce equity into the City's rating system. There will be some redistribution of rates as a consequence, however, this will correct the inequity which has occurred in the past where many ratepayers who don't receive a rubbish service still have to pay for it and owners of higher valued properties subsidise owners of lower valued properties despite the fact that all owners generally receive a similar level of service.

Owners of properties with higher values have been penalised for many years and subsidised owners of lower valued properties. This inequity should not continue and accordingly the Introduction of a separate rubbish charge would be supported and would be prepared to be introduced at the beginning of the next financial year.

The introduction of a separate rubbish charge will enable design requirements to be incorporated in policy for developments allowing licensed contractors to collect and dispose of waste and recycling for both domestic and commercial developments.

**CONSULTATION/ADVERTISING:**

Not applicable (at this stage)

**LEGAL/POLICY:**

Local Governments receive their statutory authority to provide waste management services through the Waste Avoidance and Resource Recovery Act 2007 (WARR) and not the Local Government Act. The WARR Act provides for a rubbish charge to be levied to cover the cost of removal and disposal of rubbish.

Given the specific authority to provide the service come from that Act, it is appropriate to also use that Act to fund the provision of the service rather than using the rating provisions of the Local Government Act.

**RISK MANAGEMENT IMPLICATIONS:**

**High:** Reducing the quantity of waste to landfill is of paramount importance. In addition providing an improved Waste and recycling provision/collection service will improve the amenity for the City's residents.

**STRATEGIC IMPLICATIONS:**

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

*"Natural and Built Environment*

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

*1.1.3: Take action to reduce the City's environmental impacts and provide leadership on environmental matters.*

**SUSTAINABILITY IMPLICATIONS:**

The proposal is to provide a more sustainable service which will take into account and try to address the many issues associated with waste generation/collection/disposal.

**FINANCIAL/BUDGET IMPLICATIONS:**

**Current Expenditure:**

In 2011/2012 the number of residential collections per week was about 14,500, and the number commercial properties serviced per week was around 1,300 i.e. a total of 15,800 services per week.

The total quantity of commercial and residential waste collected was around 13,500 tonnes with the overall total quantity of waste collected including parks rubbish and street litter bins was about 14,000 tonnes. In addition the quantity of recycling collected was about 6,700 tonnes and bulk verge collection comprised about 1,250 tonnes.

The total Waste management expenditure for 2011/2012 was in the order of \$4.7m.

**Cost of MGBs:**

Total Recycling MGB's in circulation as of end of September 2012 was 12,396 MGB's with total number of additional recycling MGB's 'rolled out' in 2011/2012 being 340 (*residential, multi residential and commercial*).

The cost to supply and deliver a 240 litre recycling MGB is \$74 and for a 360 litre MGB the cost per unit is \$106.

It is considered that for new multi-unit developments the City should provide 360 litre MGB's in lieu of 240 litre MGB's. This coupled with adopted revised waste generation rates will result in fewer MGB's provided per development.

A minimum of \$35,000 would need to be allocated in the 2013/2014 draft budget to roll out 360 litre MGB's in lieu of 240 litre MGB's.

Additional funds would need to be allocated to replace all of the existing 240 litre recycling MGB's with 360 litre recycling MGB's in Commercial and multi unit developments.

A breakdown of these numbers and financial implications, is currently being undertaken and will be reported to the Council in February 2013.

**COMMENTS:**

As mentioned in the report Local Governments receive their statutory authority to provide waste management services through the Waste Avoidance and Resource Recovery Act 2007 (WARR) and not the Local Government Act. In addition, the WARR Act provides for a rubbish charge to be levied to cover the cost of removal and disposal of rubbish

With the ongoing changes occurring in the City with the ever increasing quantity of infill multiunit/commercial development a review of the current waste management practice provided by the City's administration is required. The current Policy needs to be updated/changed to reflect the changing circumstances and to make the service provision more sustainable.

Waste generation rates are being reviewed and these will directly affect the number of MGB's required. In addition larger MGB's will be provided to new Multi residential and commercial developments and other options as outlined in the report will be further explored.

The introduction of a separate waste levy will also be progressed to provide more flexibility in the provision of a more tailor made service in certain circumstances.

It is therefore recommended that the officer recommendation be supported.

**9.4.1 White Ribbon Day Fundraising Event**

<b>Ward:</b>	Both	<b>Date:</b>	23 November 2012
<b>Precinct:</b>	All	<b>File Ref:</b>	CMS0057
<b>Attachments:</b>	Nil		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	E Everitt, Community Development Officer; and J Anthony, Manager Community Development		
<b>Responsible Officer:</b>	R Boardman, Director Community Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **RECEIVES** the report regarding the fundraising event for White Ribbon Day; and
2. **APPROVES** the donation of \$1,511 to the White Ribbon Day Campaign, in lieu of a Fundraiser event.

**COUNCIL DECISION ITEM 9.4.1**

**Moved Cr Maier, Seconded Cr Topelberg**

**That the recommendation be adopted.**

**MOTION PUT AND CARRIED (7-1)**

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

**(Cr Harley had departed the meeting.)**

**PURPOSE OF REPORT:**

To seek the Council's approval for a donation of \$1,511 to the White Ribbon Day Campaign.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 14 August 2012, it was resolved as follows:

*"That the Council;*

1. *RECEIVES* the report regarding the fundraising event for White Ribbon Day; and
2. *APPROVES* the proposed fundraising plan and budget of \$3,200 associated with hosting a fundraiser for White Ribbon Day on 25 November 2012."

The approved fundraiser was in the form of a 'Pub Night'. This event was in partnership with the Rosemount Hotel who were to provide in-kind support of venue and discount rates on food and beverages. Furthermore, local businesses sponsored the event with donations to either be drawn as door prizes or auctioned off to raise further funds, additional to ticket sales.

Tickets were available for purchase at \$40 and included cocktail food, one (1) beverage, entertainment and door prizes. The City's Officers intended to further the fundraising efforts by selling raffle tickets and organising a 50-50 draw, a raffle in which the total revenue of ticket sales is split in half, with the winner claiming 50% and the remaining 50% being donated to the White Ribbon Campaign. It was estimated with these fundraising avenues, a potential amount of \$7,000 could have been raised by the City for the campaign.

The City's Officers registered this event with the White Ribbon Campaign and received support from the foundation in the form of advertising, promotional material, and 'swear slips' for attendees to pledge their support in stopping men's violence against women.

Officers began implementing the above measures to carry out this event. A total of \$1,689 of the budget was spent on design, printing, distribution and promotion for the event.

#### **DETAILS:**

The City's Officers began the planning and implementation of the above proposed 'Pub Night' Fundraiser in support of White Ribbon Day. Despite support from local businesses and the White Ribbon Day Campaign, ticket sales were extremely low for this event.

A significant amount of promotion was undertaken in order to try and make this a successful event including:

- Design and printing of flyers;
- Distribution of flyers to all households in Vincent, as well as local businesses and organisations;
- Promotion on the City of Vincent website, the White Ribbon Day website and a variety of other free to promote websites around Perth;
- Email promotion to all available network databases and to all staff at Vincent;
- An advertisement was placed in the Perth Voice newspaper;
- Promotion on the websites and Social Media Sites of The Rosemount Hotel; and
- Promotion on the website and Social Media Sites of both performers scheduled to play at the event.

Due to lack of ticket sales, the fundraising event had to be cancelled. Consequently, it is recommended the City make a donation of \$1,511 to the White Ribbon Campaign.

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

The City's Officers advertised this event in local newspapers, websites, via poster and flyer distribution and to network databases. As a registered event, this fundraiser was also advertised by the White Ribbon Foundation.

#### **LEGAL/POLICY:**

Nil.

#### **RISK MANAGEMENT IMPLICATIONS:**

**Low:** Upon careful assessment of the risk management matrix and consideration of this project, it has been determined that this programme is low risk.

#### **STRATEGIC IMPLICATIONS:**

This is in keeping with the City's *Strategic Plan 2011-2016*, Objective 3 states:

"Community Development and Wellbeing

3.1.2 *Promote and foster community safety and security.*

3.1.3 *Promote health and wellbeing in the community.*

3.1.5 *Promote and provide a range of community events to bring people together and to foster a community way of life."*

**FINANCIAL/BUDGET IMPLICATIONS:**

The City's Officers are requesting that the Council approve a donation of \$1,511. The original approved budget for this event was \$3,200. In the preliminary planning of this event the amount of \$1,689 was spent; therefore, it is recommended that the remaining \$1,511 of the budget be donated to the White Ribbon Day Campaign.

Expenditure for this matter will be incurred under the donations and sponsorship budget item as follows:

Budget Amount:	\$24,000
Spent to Date:	<u>\$ 4,045</u>
Balance:	\$19,955

**COMMENTS:**

The White Ribbon Campaign is the largest male run global campaign to stop violence against women. With the Council's support, the City has an opportunity to donate \$1,511 to this worthy cause.

**10.1 NOTICE OF MOTION - Mayor MacTiernan- Request to Review the City of Vincent Policy No: 3.7.3- "Relating to Car Stacking Systems"**

**That the Council REQUESTS;**

- 1. A review of the City of Vincent Policy No: 3.7.3 – "Relating to Car Stacking Systems";**
- 2. The report to include, but not limited to the following information;**
  - 2.1 A comparison of the City of Vincent's requirements with those of the City's' of Perth, Subiaco and the Town of Victoria Park;**
  - 2.2 Consider whether the City's policy should reduce focus on the requirements of four wheel drive vehicles, in favour of standard size vehicles; and**
  - 2.3 Any other relevant information; and**
- 3. That a report be submitted to the Council no later than February 2013.**

**Background Information Submitted by Mayor Hon. Alannah MacTiernan**

Developers at various forums have claimed that City of Vincent Policy mitigates against the use of car stacking technology and that other local authorities have more commercially realistic requirements.

**Explanation:**

Developers at various forums have claimed that City of Vincent Policy mitigates against the use of car stacking technology and that other local authorities have more commercially realistic requirements.

**City of Vincent Policy No. 3.7.3 – Car Stacking Systems**

**OBJECTIVES**

- 1) To provide clear policy direction on the application of car stacking systems within the City of Vincent.
- 2) To ensure that the use of car stacking systems does not unduly impact on the amenity of the existing area.

**POLICY STATEMENT**

- 1) This policy relates to the construction of car stackers incorporated into the parking of new developments or as additional parking capacity for existing developments.
- 2) The City may consider car stacking systems for any residential, commercial or mixed use development on a case by case basis. The Council may support car stacking systems where the City is satisfied that a car staking system will not negatively impact on the amenity of the locality and this can be clearly demonstrated in a comprehensive Parking Management Plan.

- 3) The City of Vincent will not support car stacking systems where access is gained directly from a district or primary distributor road unless it can be demonstrated, to the satisfaction of the City and/or Main Roads Western Australia that the proposed design will not have a negative impact on the level of service of the adjoining road by incorporating adequate vehicle queuing and vehicle storage within the overall car parking design.

For the purpose of this Policy, Primary Distributor Roads include Charles Street, East Parade, Guildford Road; and District Distributor Roads include Anzac Road, Walcott Street, Green Street, Fitzgerald Street, William Street, Beaufort Street, Lord Street, Newcastle Street, Loftus Street, London Street, Vincent Street, Bulwer Street, Oxford Street and Scarborough Beach Road.

- 4) In determining an application for a car stacking system, the City will consider if the following issues have been met to the satisfaction of the City and are clearly demonstrated in a comprehensive Parking Management Plan:
- a) Consideration of the impact that a car staking system would have on the amenity of adjoining properties, in particular in terms of noise, and that stringent noise attenuation measures have been incorporated in the building design to reduce this impact;
  - b) Provisions have been made in the case of power failures, breakdowns, availability of spare parts, qualified repairers and long term management support;
  - c) Identification of occupational health and safety issues, including how users would be trained in the safe use/operation of the system;
  - d) Details of the operating life of the system and the measures that may be taken to replace the system at the end of its useful life;
  - e) The impact of on-street parking within the area as a result of vehicles not using the system due to complexity/perception and inconvenience;
  - f) The impact of queuing lengths as a result of the operation of car stackers blocking access to the car park for other vehicles; and
  - g) A clear indication that the car stacking system is only to be used for long term parking, including outlining the minimum number of hours that a car will be parked in the system.
- 5) All applications for car stacker systems will be forwarded to the Fire and Emergency Services Authority (FESA) for assessment in relation to the vertical fire risk.
- 6) The approval of car stacking systems is at the discretion of the City of Vincent and any application will be assessed on a case by case basis. The City of Vincent will have regard to and may apply conditions relating to the location, size, accessibility and maintenance of car stacking systems.

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**Moved Cr Carey Seconded Cr Buckels**

**That the motion be adopted.**

**Cr Carey departed the Chamber at 8.36pm.**

**Debate ensued.**

**Cr Carey returned to the Chamber at 8.40pm.**

Debate ensued.

**AMENDMENT**

**Moved Cr Maier Seconded Cr Topelberg**

“That a new clause 2.3 be added as follows:

**2.3 A review and justification of each of the standard conditions that are imposed on developments using a car stacker; and”**

Debate ensued.

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

(Cr Harley had departed the meeting.)

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

(Cr Harley had departed the meeting.)

**COUNCIL DECISION ITEM 10.1**

That the Council REQUESTS;

1. A review of the City of Vincent Policy No: 3.7.3 – “*Relating to Car Stacking Systems*”;
  2. The report to include, but not limited to the following information;
    - 2.1 A comparison of the City of Vincent’s requirements with those of the City’s’ of Perth, Subiaco and the Town of Victoria Park;
    - 2.2 Consider whether the City’s policy should reduce focus on the requirements of four wheel drive vehicles, in favour of standard size vehicles;
    - 2.3 A review and justification of each of the standard conditions that are imposed on developments using a car stacker;
    - 2.4 Any other relevant information; and
  3. That a report be submitted to the Council no later than February 2013.
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**10.2 NOTICE OF MOTION - Cr Joshua Topelberg Request to Amend the City of Vincent Policy No: 3.5.13 "Percent for Public Art"**

That the Council;

1. APPROVES IN PRINCIPLE to amend Policy No: 3.5.13 "Percent for Public Art" as follows:
  - 1.1 Clause 1 Policy Intent to read:

"Proposals for residential developments of ten (10) or more dwellings and commercial or mixed residential/commercial developments over the value of \$1,000,000 are to set aside a minimum of one per cent (1%) of the Total Project Cost for the development of Public Art which reflects the place, locality or community"; and
2. REQUESTS the report to include, but not limited to the following information;
  - 2.1 number of developments which will be affected;
  - 2.2 the possible effects of the proposed amendment (financial impact, staff resources/potential workload etc); and
  - 2.3 any other relevant information; and
3. REQUESTS that a report be submitted to the Council no later than February 2013.

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Moved Cr Topelberg, Seconded Cr Carey

That the motion be adopted.

Debate ensued.

**AMENDMENT**

Moved Cr Maier, Seconded Cr Topelberg

"That a new clause 3 be added and the remaining clause be renumbered:

3. REQUESTS the Chief Executive Officer investigate the feasibility and impact of:
  - 3.1 the amount required being determined on a sliding scale similar to the State Government's policy; and
  - 3.2 recognising the reduced overheads where funds are aggregated by allowing a discount in the cash in lieu rate, and determining the circumstances when this might apply; and
- 3.4. REQUESTS that a report be submitted to the Council no later than February 2013."

Debate ensued.

The Presiding Member, Mayor Hon. Alannah MacTiernan advised that Clauses 3.1 and 3.2 will be voted in two parts.

**Clause 3.1:**

**“3.1 the amount required being determined on a sliding scale similar to the State Government’s policy; and”**

**CLAUSE 3.1 PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Harley had departed the meeting.)

**Clause 3.2:**

**“3.2 recognising the reduced overheads where funds are aggregated by allowing a discount in the cash in lieu rate, and determining the circumstances when this might apply; and”**

**CLAUSE 3.2 PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Harley had departed the meeting.)

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

(Cr Harley had departed the meeting.)

**COUNCIL DECISION ITEM 10.2**

That the Council;

1. **APPROVES IN PRINCIPLE to amend Policy No: 3.5.13 "Percent for Public Art" as follows:**
  - 1.1 **Clause 1 Policy Intent to read:**

**“Proposals for residential developments of ten (10) or more dwellings and commercial or mixed residential/commercial developments over the value of \$1,000,000 are to set aside a minimum of one per cent (1%) of the Total Project Cost for the development of Public Art which reflects the place, locality or community”; and**
2. **REQUESTS the report to include, but not limited to the following information;**
  - 2.1 **number of developments which will be affected;**
  - 2.2 **the possible effects of the proposed amendment (financial impact, staff resources/potential workload etc);**
  - 2.3 **any other relevant information; and**
3. **REQUESTS the Chief Executive Officer investigate the feasibility and impact of:**
  - 3.1 **the amount required being determined on a sliding scale similar to the State Government’s policy; and**
  - 3.2 **recognising the reduced overheads where funds are aggregated by allowing a discount in the cash in lieu rate, and determining the circumstances when this might apply; and**
4. **REQUESTS that a report be submitted to the Council no later than February 2013.**

**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 9.00pm **Moved Cr Wilcox Seconded Cr McGrath**

That the Council proceed "behind closed doors" to consider Confidential Item 14.2 as this matter contains information relating to an employee and which relates to a matter to be discussed at the meeting.

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

(Cr Harley had departed the meeting.)

There were no members of the public present.

The following persons departed the meeting and did not return;

1. John Giorgi, JP, Chief Executive Officer.
2. Rob Boardman, Director Community Services, Carlie Eldridge, Director Planning Services and Mike Rootsey, Director Corporate Services.
3. Executive Assistant (Minutes Secretary) – Jerilee Highfield.
4. Journalists Lauren Stringer and David Bell.

**PRESENT:**

Mayor Hon. Alannah MacTiernan	Presiding Member
Cr Warren McGrath ( <i>Deputy Mayor</i> )	South Ward
Cr Matt Buckels	North Ward
Cr John Carey	South Ward
Cr Dudley Maier	North Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
Cr Julia Wilcox	North Ward

**14. CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED (“BEHIND CLOSED DOORS”)**

**14.2 CONFIDENTIAL ITEM: Chief Executive Officer’s Performance Appraisal 2012**

<b>Ward:</b>	-	<b>Date:</b>	23 November 2012
<b>Precinct:</b>	-	<b>File Ref:</b>	
<b>Attachments:</b>	Nil		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	John Giorgi, Chief Executive Officer		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

Chief Executive Officer John Giorgi declared an financial interest in Item 14.2. The extent of his interest being that it relates to his Contract of Employment.

**COUNCIL DECISION ITEM 14.2**

**Moved Cr Topelberg Seconded Cr Carey**

That the recommendation be adopted.

***Clause 1:***

**“1. RECEIVES the Chief Executive Officer's Annual Performance Appraisal 2012, as shown in Appendix 14.2, and ENDORSES the overall rating of “Satisfactory” for the period of review 2011/2012;”**

**CLAUSE 1 PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Harley had departed the meeting.)

***Clause 2.1:***

**“2.1 A bonus payment of \$8,000 being paid to the CEO;”**

**CLAUSE 2.1 PUT AND CARRIED (7-1)**

**For: Mayor Hon. Alannah MacTiernan, Cr Buckels, Cr Carey, Cr McGrath, Cr Pintabona, Cr Topelberg, Cr Wilcox**

**Against: Cr Maier**

(Cr Harley had departed the meeting.)

***Clause 2.2:***

**“2.2 The Performance Bonus for the period 2012/2013 to be set to a maximum of \$10,000;”**

**CLAUSE 2.2 PUT AND CARRIED (7-1)**

**For: Mayor Hon. Alannah MacTiernan, Cr Buckels, Cr Carey, Cr McGrath, Cr Pintabona, Cr Topelberg, Cr Wilcox**

**Against: Cr Maier**

(Cr Harley had departed the meeting.)

**Clauses 2.3, 2.4, 2.5 and 3:**

- “2.3 The Key Results Areas for the 2012/2013 appraisal period being reviewed with the CEO by 1 February 2013;**
- 2.4 A Human Resources Consultant to be engaged to assist in the review of the Key Results Areas as specified in Clause 2.3;**
- 2.5 The revised Interim Performance Criteria/Key Results Areas, as shown in Appendix 14.2(B) (Attachment 3), be adopted until new Key Results Areas have been adopted; and**
- 3. NOTES the next review of the Chief Executive Officer’s performance is to be conducted by 16 August 2013.”**

**CLAUSES 2.3, 2.4, 2.5 and 3 PUT AND CARRIED UNANIMOUSLY (8-0)**

**(Cr Harley had departed the meeting.)**

**DETAILS:**

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it relates as the matter relates to an employee. In accordance with Section 5.23 of the Local Government Act, the report is to be kept confidential until determined by the Council to be released for public information.

**LEGAL:**

The Local Government Act 1995, Section 5.23(2) prescribes that a meeting or any part of a meeting may be closed to the public when it deals with a range of matters.

The City of Vincent Local Law Relating to Standing Orders states the following:

**“2.14 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 and the Chief Executive Officer.

In accordance with the legislation, the report is to be kept confidential until determined by the Council to be released for public information.

**PROCEDURAL MOTION**

At 9.25pm Moved Cr McGrath Seconded Cr Wilcox

That the Council resume an "open meeting".

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

(Cr Harley had departed the meeting.)

**15. CLOSURE**

**There being no further business, the Presiding Member, Mayor Hon. Alannah MacTiernan, declared the meeting closed at 9.25pm with the following persons present:**

Mayor Hon. Alannah MacTiernan	Presiding Member
Cr Warren McGrath ( <i>Deputy Mayor</i> )	South Ward
Cr Matt Buckels	North Ward
Cr John Carey	South Ward
Cr Dudley Maier	North Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
Cr Julia Wilcox	North Ward

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 4 December 2012.

Signed: .....Presiding Member  
Mayor Hon. Alannah MacTiernan

Dated this ..... day of ..... 2012