



CITY OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

6 NOVEMBER 2012

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9.5 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 6 November 2012, commencing at 6.04pm.

1. (a) DECLARATION OF OPENING

The Presiding Member, Mayor Hon. Alannah MacTiernan, declared the meeting open at 6.04pm 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:

Nil.

(b) Members on Approved Leave of Absence:

Nil.

(c) 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 Roslyn Harley	North Ward
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
Jacinta Anthony	A/Director Community Services
Carlie Eldridge	Director Planning Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Jerilee Highfield	Executive Assistant (Minutes Secretary until 8.15pm)

Employee of the Month Recipient

Nil.

Media

Nil.

Approximately 8 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. Michelle Hon of 17 Moira Road, Kardinya – Item 9.1.3 Stated the following:
 - Ms Hon presented a model for Council Members to have a look at.
 - Firstly the Garage door and the projection of the studio space by 500 from the door, she advised that they had achieved the performance criteria based on the following key points;
 - Existing streetscape, is varied with multi-residential light industry and houses circa 1900 to contemporary styles, it is a diverse area as the R code stated “Councils may encourage the integration of garages into the design of the dwelling as a means of satisfying the performance criteria relating to streetscape”.
 - The front setback, had been set the building back at 5.4 metres to give a sense of space, this is greater than the average of five (5) dwellings on either side of the property, invisible garage door, they had integrated the studio garage door with the facade of the building by making the double width door appear invisible, from the street. This has been done by making the timber of the wall and door flushed while aligning the vertical groove timbers of the wall and the door thus making the door appear invisible from the street.
 - She advised that they required flexible space, hence the studio and the garage are on the same plain, by pushing the studio 500millimetres in front does not make architectural sense and creating a single door with different materials will make the garage door appear more dominant and will not have perceived again on the streetscape, the door could be considered as a tilting wall rather than a garage door.
2. Jenny Hopwood of 20 Shakespeare Street, Leederville Stated the following:
 - Ms Hopwood was there on behalf of the Claisebrook Catchment Group, she thanked the Water Corporation, the group is able to sponsor the Catchment friendly category of the City’s Garden Competition and presented the City with a cheque for \$1,375 as prize money.

Received with Acclamation!

3. Don McSkimming of 3 Burgess Street, Leederville – Item 9.1.1 Stated the following:
 - He advised that the builder conducted a photographic survey of the streetscape, relating to the property next door and across the street, Mr McSkimming presented the photos to the Council.
 - He lives on the corner of Burgess Street and Richmond Street, and lived there for close to thirty (30) years, it is a two (2) bedroom home and one (1) of the bedrooms is particularly small and this had been the situation for nearly thirty (30) years.
 - He advised that the main concerns were regarding the current dwelling.
 - The proximity of the frontage seemed to be an issue, he advised that the other issues had been resolved.
 - He advised that he planned to stay where he was and live in the new house and his plan was not to develop and sell.

4. Stewart Lofthouse of 123 Oxford Street, Leederville - Stated the following:
 - Mr Lofthouse spoke in relation to an unrelated item to the Agenda for the Council meeting.
 - He advised that when business owners are asked what they would like in the area, the response is always to have more parking and the Council is removing four (4) bays.
 - He advised that when the criteria for the alfresco trials were set, it stated that Oxford and Newcastle Street did not fit, yet they are listed for the trial.
 - He advised there has been talk of removing the skate park. He thought that this had been resolved four (4) years ago with the previous mayor, where the local owners and business did not want it to be moved.
 - He asked if the Council could speak to business owners more before making decision. He did not represent everyone, however he believed the majority of the owners felt the same way.

5. Eric Birighitti of 3 Lawley Street, West Perth – Item 5.1 Stated the following:
 - Asked whether the petition the Council received regarding Forrest Park would be included in the minutes.

The presiding member Mayor Hon. Alannah MacTiernan advised Mr Birighitti that the petition will be received and included in the minutes.

There being no further speakers, Public Question Time closed at approx. 6.19pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

- 4.1 Cr Topelberg requested leave of absence from 9 November 2012 to 14 November 2012 (inclusive), due to personal commitments.

Moved Cr Harley Seconded Cr Wilcox

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

CARRIED UNANIMOUSLY (9-0)

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

- 5.1 Petition received from members and friends of the Perth Soccer Club along with 262 signatures objecting any form of barrier on Forrest Park that would compromise the Park as an area of public open space, supporting the development of a community recreation area and opposing any further parkland or usage rights being taken away from the Club.

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

Moved Cr Pintabona Seconded Cr Buckels

That the petition be received as recommended.

CARRIED UNANIMOUSLY (9-0)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Minutes of the Ordinary Meeting of Council held on 23 October 2012

Moved Cr Maier Seconded Cr Pintabona

That the Minutes of the Ordinary Meeting of Council held 23 October 2012 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY (9-0)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

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

7.1 MAJOR AWARDS FOR CITY EMPLOYEES

It is with pleasure that I advise the Council that two of the City's employees have received Major Awards, as follows:

Jeff Fondacaro has been recognised by the Royal Life Saving Society of WA (RLSSWA) for his services to the aquatic industry. Jeff has been on the RLSSWA Board of Directors since 2001 (was Treasurer for 10 years and President since 2007) and has volunteered much of his time since 2000, where he participated in many volunteer committees and working groups.

The Mayor announced that the Chief Executive Officer John Giorgi was recognised with a Certificate of Appreciation by the Local Government Managers Association at last week's State Annual Conference, *"in recognition of his professional contribution and service to Local Government over many years and his commitment to the Objectives and ethics of Local Government Managers Australia"*.

This Award follows the Western Australian Local Government Association's Certificate of Appreciation awarded in 2010 for the CEO's, *"personal commitment, eminent service and contribution to the Association and Local Government"*.

The CEO has over 40 years local government service, with 10 years as a Senior Employee with the former City of Perth and 18 years as CEO of the City of Vincent.

Congratulations to both Jeff Fondacaro and CEO, John Giorgi.

Received with Acclamation!

7.2 PRIDE PARADE

The Mayor congratulated everyone that was involved in the City of Vincent Float and the presentation at the event, it was a great event and a great collaboration between Councillors and City officers and great publication of the City, which the banner stated "a great place to be gay" and promotion of the City's proposed Relationship Declaration Register.

It was a fabulous and a very well received participation and event.

7.3 WITHDRAWAL OF LATE ITEM 9.4.1

The Chief Executive Officer advised that the Late Item 9.4.1 relating to the "City of Vincent Arts Plan 2012-2017 – Adoption in Principle" has been WITHDRAWN as the Arts Plan 2012-2017 is still being considered by the City's Arts Advisory Group.

8. DECLARATIONS OF INTERESTS

- 8.1 Cr McGrath declared an Impartiality interest in Item 9.5.8 – Information Bulletin, particularly IB04 – Minutes of the Tamala Park Regional Council Meeting held on 11 October 2012. The extent of his interest being that his company is working on the Federal approvals of the Catalina Land Development being proposed by the Tamala Park Regional Council.
- 8.2 Cr McGrath declared an Impartiality interest in Item 9.3.4 – Tamala Park Land Sales Funds – Potential Uses Further Report. The extent of his interest being that his company is working on the Federal approvals of the Catalina Land Development being proposed by the Tamala Park Regional Council.
- 8.3 Cr Maier declared an Impartiality interest in Item 9.5.3 – City of Vincent Policy 4.1.34 – Relationship Declaration Register – Adoption. The extent of his interest being that he is in a long term relationship and may benefit from the adoption of the Relationship Register.
- Cr McGrath and Cr Maier stated that as a consequence, there may be a perception that their impartiality on the matters may be affected. They declared that they would consider the matters on their merits and vote accordingly.
- 8.4 Chief Executive Officer John Giorgi declared an Impartiality interest in Confidential Item 14.1 – Football West Expression of Interest for a “Home of Football”. The extent of his interest being that he is an accredited Soccer referee with Football West. However, he does not have an involvement with Football West administrative matters.

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

Nil.

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 9.1.1 & 9.1.3

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

Items 9.5.2, 9.5.4 & 9.5.6

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

Nil.

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:

COUNCIL MEMBER	ITEMS TO BE DISCUSSED
Mayor Hon. MacTiernan	Nil
Cr Buckels	Nil
Cr Carey	Nil
Cr Harley	Nil
Cr Maier	9.1.2 & 9.5.5
Cr McGrath	9.5.3
Cr Pintabona	Nil
Cr Topelberg	9.3.3
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 9.2.1, 9.2.2, 9.2.3, 9.3.1, 9.3.2, 9.3.4, 9.5.1, 9.5.7 & 9.5.8

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

Item 14.1, 14.2 & 14.3

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 9.2.1, 9.2.2, 9.2.3, 9.3.1, 9.3.2, 9.3.4, 9.5.1, 9.5.7 & 9.5.8

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

Items 9.1.1 & 9.1.3

(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 Pintabona Seconded Cr Maier

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

Items 9.2.1, 9.2.2, 9.2.3, 9.3.1, 9.3.2, 9.3.4, 9.5.1, 9.5.7 & 9.5.8

CARRIED UNANIMOUSLY (9-0)

9.4.1 LATE ITEM: City of Vincent Arts Plan 2012-2017 – Adoption in Principle

ITEM WITHDRAWN BY THE CHIEF EXECUTIVE OFFICER AS THE DRAFT ARTS PLAN IS STILL BEING CONSIDERED BY THE ARTS ADVISORY GROUP.

9.2.1 Proposed Withdrawal of Bus Route 401 – Wellington Bus Station to Wembley/Stirling Station

Ward:	South	Date:	26 October 2012
Precinct:	Oxford Centre (4), Cleaver (5), Smiths Lake (6), Hyde Park (12)	File Ref:	TES0178
Attachments:	001 – Proposed Network Changes; and 002 – Existing Timetable		
Tabled Items:	Nil		
Reporting Officers:	F Sauzier, Travel Smart Officer; and R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **NOTES** the recommendations from Transperth in relation to the proposed withdrawal of Bus Route 401, with replacement by New Route 85 as shown in appendix 9.2.1 A
2. **CONSIDERS** that the proposed withdrawal of Bus Route 401 which is the only actual east/west public bus route through the City is not in the best interest of the City's residents, businesses or its visitors;
3. **REQUESTS** Transperth to extend the public comment period in relation to the proposed withdrawal of Bus Route 401, for the reasons outlined in the report;
4. **AUTHORISES** the Chief Executive Officer to circulate information about the proposed withdrawal of Bus Route 401, through a range of communication channels available, to the City's residents, businesses and visitors; and
5. **NOTES** that the City is undertaking traffic modelling for the Leederville town centre and a feasibility study for an east-west community bus project, which are expected to be completed by July ~~*April~~ 2013, and are likely to provide further justification on the importance of maintaining and enhancing east-west transport movements in the City.

Note: **The above date was corrected and a replacement page was distributed prior to the meeting.*

COUNCIL DECISION ITEM 9.2.1

Moved Cr Pintabona, Seconded Cr Maier

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (9-0)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of Transperth's intention to remove bus route 401 which currently runs east/west through the City along Vincent Street to the Perth CBD.

BACKGROUND:

Transperth is currently inviting public comment on proposed changes to a number of bus routes servicing City Beach, Floreat, Wembley Downs, Wembley, Churchlands, West Leederville, Balcatta, Cottesloe, Fremantle, Stirling, Innaloo, Gwelup, Karrinyup, North Fremantle, Scarborough, Swanbourne and Warwick.

The proposal by Transperth to withdraw the bus route 401 and the call for public comment by 16 November 2012 is the subject of this report.

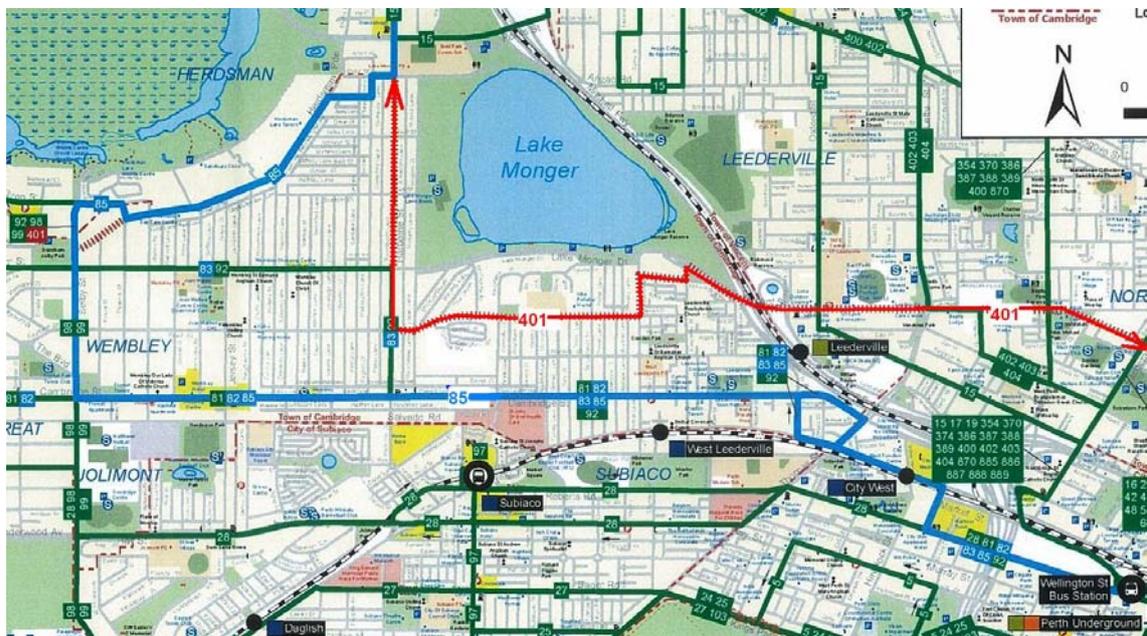
DETAILS:

Current Bus Route:

Bus route 401 (as shown below) runs from the western suburbs through the City of Vincent to Northbridge along Vincent St and Bulwer St, and services the Oxford St and allows access to Lake Monger, Leederville Oval, Central TAFE, the City's Administration and Civic Centre, City's Library and Local History's Centre, the Loftus Recreation Centre, Beatty Park Leisure Centre and Hyde Park.

The route currently runs down William Street and services the retail, small bar and cafe strip on William Street and the Perth Cultural centre, including the Art Gallery, WA Museum, Battye Library, and the new State Theatre Centre.

Route 401 would be withdrawn and primarily replaced by New Route 85 operating between Glendalough Station and Wellington Street Bus Station. Route 85 would operate on slightly higher frequencies than the current 401 service.



Proposed new route:

The proposed new route 85 as shown above, will run down Cambridge St to the Bus terminal, essentially 'deleting' all access to Oxford St, Leederville and the City of Vincent and removing this very useful east west link from Cambridge across to Vincent and Northbridge.

Justification for the change:

Transperth's justifications include, that passengers currently boarding Route 401 on:

- Herdsman Parade may find New Route 85 a convenient, more direct option to Perth, or a new connection to Glendalough Station
- Daglish St would need to utilise alternative services along Herdsman Parade (Route 85) or Grantham St (Routes 83 and 92)
- Ruislip St would need to utilise alternative services along Cambridge St (Routes 81, 82, 83, 85 and 92)
- Vincent St would need to utilise alternative services on Oxford St (Route 15), Loftus St (Routes 402, 403 and 404) or Charles St (Routes 354, 370, 386, 387, 388, 389, 400 and 870)
- Bulwer St would need to utilise alternative services on Fitzgerald St (Routes 17, 19, 885, 886, 887, 888 and 889) or William St (Routes 16 and 60)
- School students residing within Wembley currently accessing Churchlands SHS on Route 401 would be catered for with a new deviation on Route 92.

City of Vincent concerns include:

- The removal of the route eliminates the main east-west connection throughout the City of Vincent;
- 401 is an ACCESSIBLE Bus route;
- No east-west bus service would then be operating for users of Medibank Stadium (Regional Park), Beatty Park and Hyde Park (Regional Park) – 3 key destinations in the City of Vincent;
- The current service is already very restricted, with bus services operating hourly (apart from M-F peak hour) with city-exiting services finishing at 6.30pm, and no services operating on Sunday or Public Holidays. Having a service that operates hourly during off peak periods, does not have an early evening service and does not operate on Sundays or Public Holidays does not encourage patronage;
- The planned replacement service does not improve the North-South connections within the City of Vincent.

Strategic Planning Comments

- The City of Vincent Draft Local Planning Strategy reviewed the public transport networks through the City. The review indicated that the majority of the bus routes radiate out from the Perth CBD along the key arterial roads that run north-south through the City of Vincent. The train stations that are easily accessible from the City of Vincent are on the eastern and western sides of the City; however they are not connected on the same train line. The review also revealed the lack of east-west transport movement to support projected growth in the City's Town Centres and high growth residential areas;
- The Traffic and Services Report for the Leederville Masterplan, prepared by Connell Wagner in 2008, noted that 'The weakness of the existing public transport is that there is no east west link from Leederville to the Highgate and Mount Lawley areas.' One of the recommendations in this report relating to public transport was that 'An east west bus link, through the Town of Vincent, should be provided.'
- An Integrated Transport Study for the Leederville Masterplan was undertaken by Connell Wagner on behalf of the Former Department of Planning and Infrastructure in 2008, also noted the lack of an east-west connection from Leederville. The report also notes that, 'The east-west link through the Town of Vincent is desirable from the Town's perspective. PTA has noted that this is not currently viewed as having sufficient demand and therefore not being viable, but would reconsider this position if travel demand data / evidence is presented that suggests an east-west travel market does exist.' One of the Actions noted in the study was to 'Undertake a travel demand survey within the Town of Vincent, to assess the viability of an east-west service.'
- The Leederville Station Link Design and Feasibility Study, prepared by Aurecon in 2011 recognised the need to consider the wider context of transport planning and linking activity centres. The Leederville Station Link is considered to improve the connection from West Leederville to Leederville, over the freeway, which will in turn improve the wider east-west connections.
- The City of Vincent is currently preparing a Structure Plan for the Leederville Activity Centre. This will include undertaking traffic modelling. This will help to illustrate whether there is a need to improve public transport in the City.
- Curtin University and the City of Vincent have set up a Community Bus Steering Committee. This Committee have recognised the need for improvements for east – west linkages between the City's Town Centres and key services and attractors. A feasibility Assessment is scheduled to be completed by July 2013.

Officer Comments

TRANSPERTH has provided Bus Route 401 patronage data, with those bus stops in the City of Vincent not serviced by other bus routes indicating a low level of patronage (1 passenger for every kilometre it runs as opposed to 1.4 passengers for the entire bus network and 3 for other bus routes in the City of Vincent).

Removing the 401 Bus Route is contrary to the City of Vincent intention of increasing 'cross-town' public transport. The 'works phase' of the refurbishment of Beatty Park Leisure Centre has likely impacted on patronage, and it is expected that patronage of the bus service will increase with the Centre's re-opening (it should be noted that only a minimal increase in carparking has been allowed for at the Centre).

The Route 401 bus has operated on a restricted timetable schedule with no services on Sundays or Public Holidays. This reduces the opportunity for residents and visitors to use a 'cross-town' service connecting recreational, leisure and business services during off-peak times.

CONSULTATION/ADVERTISING:

Advertising of the proposed changes and the potential impact to City of Vincent residents, businesses and visitors needs to be more widely communicated through a range of the City's usual communication and media channels. For example, advice on the City's Website, some advertising in community newspapers, the E Newsletter, social media and a general media release.

LEGAL/POLICY:

Not applicable.

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.

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

e) Work with State Government to improve public transport within the City, including the Scarborough Beach Road Activity Corridor Project and the Central Northern Corridor Project along Fitzgerald Street.

(f) In partnership with the State Government and stakeholders, investigate options for a light rail system in the City, or alternative similarly dedicated service, to increase 'cross town' public transport."

The City's *Environmental Sustainability Strategy 2011-2016* states:

"General Area

3.1 Air & Emissions

Objective 1: Contribute to a cleaner local and regional air environment by promoting alternative modes of transport than car use to residents and employees within the City.

Actions to empower the community:

1.10 Advocate for improved public transport links within and to the City (High Priority)

1.11 Promote public transport within and to the City, through community education and incentive initiatives (Medium Priority)"

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENTS:

As mentioned above, the removal of 401 Bus Route is contrary to the City of Vincent intention of increasing 'cross-town' public transport. The 'works phase' of the refurbishment of Beatty Park Leisure Centre has likely impacted on patronage, and it is expected that patronage of the bus service will increase with the Centre's re-opening (it should be noted that only a minimal increase in carparking has been allowed for at the Centre).

It also would result in the only east/west bus route in the City being withdrawn.

9.2.2 Tender No. 459/12 – Cleaning of Public Toilets, Reserve Buildings and Works Depot

Ward:	Both	Date:	26 October 2012
Precinct:	All	File Ref:	TEN0457
Attachments:	001 – Tender Summary		
Tabled Items:	Nil		
Reporting Officer:	K Bilyk, Property Officer		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council **ACCEPTS** the tenders submitted by Academy Services WA Pty Ltd for the cleaning of the City's Public Toilets and Reserve Buildings and Jasneat Pty Ltd for the cleaning of the Works Depot in accordance with the specifications as detailed in Tender No. 459/12.

COUNCIL DECISION ITEM 9.2.2

Moved Cr Pintabona, **Seconded** Cr Maier

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (9-0)

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval for the tenders evaluated as being the best value for money for the Cleaning of Public Toilets, Reserve Buildings and the City's Works Depot for a three (3) year period.

BACKGROUND:

Tenders for the cleaning of the City's public toilets, reserve buildings and the works depot were advertised in the West Australian on 18 April 2012. Tenders closed at 2pm on 2 May 2012 after a fourteen day (14) advertising period, however the majority of companies who submitted tenders had not filled out the schedule of rates correctly or in their entirety.

Following further analysis of the tenders received it was evident that there was some confusion on detailing the price and frequency of cleaning by the tenderers and as a result it was resolved to re-advertise the tender.

Tenders were readvertised on 22 August 2012 and closed at 2pm on Wednesday 5 September 2012 and present at the opening of the tenders were Finance Officer, Mary Hopper and Property Officer, Kon Bilyk.

Thirteen (13) tenders were received for Tender No. 459/12.

DETAILS:

Details of the thirteen (13) tenders received for Tender No. 459/12 are attached.

It should be noted that all indicated prices in the attached tables are submissions on behalf of the indicated companies. On the Tenderers pricing schedules the minutes per clean (min/clean) on the far top of each companies table is an addition by the City of Vincent to assist in comparisons along with the hourly rate.

The prices are GST inclusive.

Tender Evaluation

Selection Criteria

The following weighted criteria were used for the selection of the companies for this tender.

<i>Evaluation Criteria</i>	<i>Weighting</i>
Past Experience in similar projects/works	30%
Contract Price	30%
Organisational structure/capacity/resources	20%
Financial capacity	10%
Compliance with Tender Specification	5%
References	5%
TOTAL:	100%

Tender Evaluation Panel

The Tender Evaluation Panel consisted of Jeremy van den Bok; Manager of Parks & Property Services, Sam McKahey; Property Maintenance Officer and Kon Bilyk, Property Officer.

The tender was assessed using the above evaluation criteria in accordance with the tender documentation.

The Tender Evaluation Panel met on 10 October 2012 to assess the submission. The tender was further independently evaluated by each of the Panel members and the final evaluation scores submitted for collation.

Tender Summary

Is outlined in the attached schedule (Annexure 'A').

Tender Evaluation Panel comments are shown below:

Academy Services WA Pty Ltd

Total Weighted Score Public Toilet	First: 85.3
Total Weighted Score Reserve Buildings	First: 86.1
Total Weighted Score Depot	Third: 82.5
Past Experience	Very extensive client list and excellent feedback from referee's
<ul style="list-style-type: none"> Similar projects 	Information provided, undertakes similar contracts for City of Subiaco, Joondalup and Cockburn.
Contract Price	Good
<ul style="list-style-type: none"> Schedule of Rates 	Has been submitted in accordance with the tender requirements.
Organizational Structure	Good
<ul style="list-style-type: none"> Capacity 	The company have demonstrated they have the capacity to undertake the requirements of the tender.
<ul style="list-style-type: none"> Resources 	The company is well resourced, undertaking similar contracts with other organizations.
Financial Capacity	Documentation provided as required within tender specification.
Compliance with Tender Specification	Satisfactorily complies with the tender specification and requirements.
References	Comprehensive list provided.

Jasneat Pty Ltd

Total Weighted Score Public Toilet	Eleventh: 70.3
Total Weighted Score Reserve Buildings	Eighth: 75.8
Total Weighted Score Depot	First: 87.4
Past Experience	Has proven record cleaning the Depot, efforts from the past in this role cannot be faulted.
<ul style="list-style-type: none"> Similar projects 	Information provided, has previously undertaken this work for the City and currently holds the contract for cleaning of the City's Works Depot.
Contract Price	Good
<ul style="list-style-type: none"> Schedule of Rates 	Has been submitted in accordance with the tender requirements.
Organizational Structure	Good
<ul style="list-style-type: none"> Capacity 	The company have demonstrated they have the capacity to undertake the requirements of the tender.
<ul style="list-style-type: none"> Resources 	The company is well resourced, undertaking similar contracts with other organizations.
Financial Capacity	Documentation provided as required within tender specification.
Compliance with Tender Specification	Satisfactorily complies with the tender specification and requirements.
References	Comprehensive list provided.

Glad Group Pty Ltd

Total Weighted Score Public Toilet	Third: 80.8
Total Weighted Score Reserve Buildings	Fourth: 80.5
Total Weighted Score Depot	Fourth: 81.5
Past Experience	Good
<ul style="list-style-type: none"> Similar projects 	Information provided, undertakes a similar contracts for the City of Perth and cleaning of metropolitan shopping centre's
Contract Price	Good
<ul style="list-style-type: none"> Schedule of Rates 	Has been submitted in accordance with the tender requirements.
Organizational Structure	Good
<ul style="list-style-type: none"> Capacity 	The company have demonstrated they have the capacity to undertake the requirements of the tender.
<ul style="list-style-type: none"> Resources 	The company is well resourced, undertaking similar contracts with other organizations.
Financial Capacity	Documentation provided as required within tender specification.
Compliance with Tender Specification	Satisfactorily complies with the tender specification and requirements.
References	Comprehensive list provided.

DMC Cleaning Corporation Pty Ltd

Total Weighted Score Public Toilet	Fourth: 78.9
Total Weighted Score Reserve Buildings	Sixth: 77.1
Total Weighted Score Depot	Thirteenth: 61.8
Past Experience	Good
<ul style="list-style-type: none"> Similar projects 	Information provided, undertakes similar contracts for Shire of Kalamunda, City of Rockingham and Gosnells.
Contract Price	Good
<ul style="list-style-type: none"> Schedule of Rates 	Has been submitted in accordance with the tender requirements.
Organizational Structure	Good
<ul style="list-style-type: none"> Capacity 	The company have demonstrated they have the capacity to undertake the requirements of the tender.
<ul style="list-style-type: none"> Resources 	The company is well resourced, undertaking similar contracts with other organizations.
Financial Capacity	Documentation provided as required within tender specification.
Compliance with Tender Specification	Satisfactorily complies with the tender specification and requirements.
References	Comprehensive list provided.

JC Group (WA) Pty Ltd

Total Weighted Score Public Toilet	Fifth: 77.2
Total Weighted Score Reserve Buildings	Fifth: 78.5
Total Weighted Score Depot	Seventh: 76.9
Past Experience	Good
<ul style="list-style-type: none"> Similar projects 	Information provided, undertakes similar contracts for Shire of Serpentine/Jarrahdale and City of Mandurah
Contract Price	Good
<ul style="list-style-type: none"> Schedule of Rates 	Has been submitted in accordance with the tender requirements.
Organizational Structure	Good
<ul style="list-style-type: none"> Capacity 	The company have demonstrated they have the capacity to undertake the requirements of the tender.
<ul style="list-style-type: none"> Resources 	The company is well resourced, undertaking similar contracts with other organizations.
Financial Capacity	Documentation provided as required within tender specification.
Compliance with Tender Specification	Satisfactorily complies with the tender specification and requirements.
References	Comprehensive list provided.

Office Cleaning Experts (OCE) Pty Ltd

Total Weighted Score Public Toilet	Sixth: 77
Total Weighted Score Reserve Buildings	Ninth: 75.4
Total Weighted Score Depot	Tenth: 75.7
Past Experience	Good
<ul style="list-style-type: none"> • Similar projects 	Information provided, undertakes similar contracts for City of Wanneroo and South Perth.
Contract Price	Good
<ul style="list-style-type: none"> • Schedule of Rates 	Has been submitted in accordance with the tender requirements.
Organizational Structure	Good
<ul style="list-style-type: none"> • Capacity 	The company have demonstrated they have the capacity to undertake the requirements of the tender.
<ul style="list-style-type: none"> • Resources 	The company is well resourced, undertaking similar contracts with other organizations.
Financial Capacity	Documentation provided as required within tender specification.
Compliance with Tender Specification	Satisfactorily complies with the tender specification and requirements.
References	Comprehensive list provided.

Multiclean WA Pty Ltd

Total Weighted Score Public Toilet	Seventh: 76.1
Total Weighted Score Reserve Buildings	Twelfth: 74.8
Total Weighted Score Depot	Sixth: 78.1
Past Experience	Good
<ul style="list-style-type: none"> • Similar projects 	Information provided, undertakes similar contracts for Shire of Busselton and the City of Fremantle.
Contract Price	Good
<ul style="list-style-type: none"> • Schedule of Rates 	Has been submitted in accordance with the tender requirements.
Organizational Structure	Good
<ul style="list-style-type: none"> • Capacity 	The company have demonstrated they have the capacity to undertake the requirements of the tender.
<ul style="list-style-type: none"> • Resources 	The company is well resourced, undertaking similar contracts with other organizations.
Financial Capacity	Documentation provided as required within tender specification.
Compliance with Tender Specification	Satisfactorily complies with the tender specification and requirements.
References	Comprehensive list provided.

ALL clean Property Services plus

Total Weighted Score Public Toilet	Eighth: 73.9
Total Weighted Score Reserve Buildings	Seventh: 76
Total Weighted Score Depot	Eighth 76.6
Past Experience	Good
<ul style="list-style-type: none"> Similar projects 	Information provided, has undertaken similar contracts for the City of Mandurah and Rockingham.
Contract Price	Good
<ul style="list-style-type: none"> Schedule of Rates 	Has been submitted in accordance with the tender requirements.
Organizational Structure	Good
<ul style="list-style-type: none"> Capacity 	The company have demonstrated they have the capacity to undertake the requirements of the tender.
<ul style="list-style-type: none"> Resources 	The company is well resourced, undertaking similar contracts with other organizations.
Financial Capacity	Documentation provided as required within tender specification.
Compliance with Tender Specification	Satisfactorily complies with the tender specification and requirements.
References	Comprehensive list provided.

VVM Pty Ltd

Total Weighted Score Public Toilet	Ninth: 73.9
Total Weighted Score Reserve Buildings	Second: 83.5
Total Weighted Score Depot	Second: 82.5
Past Experience	Excellent – has a proven track record in all aspects of cleaning.
<ul style="list-style-type: none"> Similar projects 	Information provided, currently undertakes various cleaning contracts for the City of Vincent.
Contract Price	Ok
<ul style="list-style-type: none"> Schedule of Rates 	Has been submitted in accordance with the tender requirements.
Organizational Structure	Good
<ul style="list-style-type: none"> Capacity 	The company have demonstrated they have the capacity to undertake the requirements of the tender.
<ul style="list-style-type: none"> Resources 	The company is well resourced, undertaking similar contracts with other organizations.
Financial Capacity	Documentation provided as required within tender specification.
Compliance with Tender Specification	Satisfactorily complies with the tender specification and requirements.
References	Comprehensive list provided.

Triumphant Property Services (TPS)

Total Weighted Score Public Toilet	Tenth: 71.8
Total Weighted Score Reserve Buildings	Tenth: 75.3
Total Weighted Score Depot	Eleventh: 74.1
Past Experience	Good
<ul style="list-style-type: none"> • Similar projects 	Information provided, has undertaken similar contracts for various organizations.
Contract Price	Good
<ul style="list-style-type: none"> • Schedule of Rates 	Has been submitted in accordance with the tender requirements.
Organizational Structure	Good
<ul style="list-style-type: none"> • Capacity 	The company have demonstrated they have the capacity to undertake the requirements of the tender.
<ul style="list-style-type: none"> • Resources 	The company is well resourced, undertaking similar contracts with other organizations.
Financial Capacity	Documentation provided as required within tender specification.
Compliance with Tender Specification	Satisfactorily complies with the tender specification and requirements.
References	Comprehensive list provided.

Brigade Facilities Management

Total Weighted Score Public Toilet	Second: 82.4
Total Weighted Score Reserve Buildings	Third: 82
Total Weighted Score Depot	Fifth: 79.8
Past Experience	Good
<ul style="list-style-type: none"> • Similar projects 	Information provided, has undertaken similar contracts for the City of Fremantle and Wanneroo
Contract Price	Good
<ul style="list-style-type: none"> • Schedule of Rates 	Has been submitted in accordance with the tender requirements.
Organizational Structure	Good
<ul style="list-style-type: none"> • Capacity 	The company have demonstrated they have the capacity to undertake the requirements of the tender.
<ul style="list-style-type: none"> • Resources 	The company is well resourced, undertaking similar contracts with other organizations.
Financial Capacity	Documentation provided as required within tender specification.
Compliance with Tender Specification	Satisfactorily complies with the tender specification and requirements.
References	Comprehensive list provided.

Vacated Property Maintenance (VPM)

Total Weighted Score Public Toilet	Twelfth: 68.7
Total Weighted Score Reserve Buildings	Eleventh: 75.2
Total Weighted Score Depot	Ninth: 76.6
Past Experience	Good
<ul style="list-style-type: none"> Similar projects 	Information provided, has undertaken similar contracts for the City of Rockingham and various organizations.
Contract Price	Good
<ul style="list-style-type: none"> Schedule of Rates 	Has been submitted in accordance with the tender requirements.
Organizational Structure	Good
<ul style="list-style-type: none"> Capacity 	The company have demonstrated they have the capacity to undertake the requirements of the tender.
<ul style="list-style-type: none"> Resources 	The company is well resourced, undertaking similar contracts with other organizations.
Financial Capacity	Documentation provided as required within tender specification.
Compliance with Tender Specification	Satisfactorily complies with the tender specification and requirements.
References	Comprehensive list provided.

Spotless Facility Services Pty Ltd

Total Weighted Score Public Toilet	Thirteenth: 64.7
Total Weighted Score Reserve Buildings	Thirteenth: 68.9
Total Weighted Score Depot	Twelfth: 66.3
Past Experience	Ok
<ul style="list-style-type: none"> Similar projects 	Information provided, has previously undertaken the cleaning of reserve building and public toilets for the City. Hold various local government cleaning contracts.
Contract Price	Good
<ul style="list-style-type: none"> Schedule of Rates 	Has been submitted in accordance with the tender requirements.
Organizational Structure	Good
<ul style="list-style-type: none"> Capacity 	The company have demonstrated they have the capacity to undertake the requirements of the tender.
<ul style="list-style-type: none"> Resources 	The company is well resourced, undertaking similar contracts with other organizations.
Financial Capacity	Documentation provided as required within tender specification.
Compliance with Tender Specification	Satisfactorily complies with the tender specification and requirements.
References	Comprehensive list provided.

Comments:

All companies submitting tenders have the capacity and resources to undertake the requirements of this tender. The City has utilised the services of various companies over the years and the service has varied significantly dependant on the cleaners engaged at any one particular time.

Academy Services WA Pty Ltd has had experience with similar contracts and this company has rated the highest and is therefore recommended to undertake the cleaning of both the Public Toilets and Reserve Buildings.

Jasneat Pty Ltd have held the City's Works Depot cleaning contract for a number of years, have provided an excellent service in this area and are therefore recommended to continue for an additional three (3) year term.

CONSULTATION/ADVERTISING:

The tender was advertised in the West Australian Newspaper on the 18 April 2012 and then again on the 22 August 2012.

LEGAL/POLICY:

The tender was advertised and assessed in accordance with the Local Government Act Tender Regulations and the City's Policy 1.2.2 and Purchasing Policy No. 1.2.3.

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

Objective 1.1: 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:

The total cost of works relating to this tender amounts to an estimated \$90,000 per year for the cleaning of public toilets, an estimated \$60,000 per year for the cleaning of reserve buildings and an estimated \$30,000 per year for the cleaning of the Depot (*up to \$540,000 over the term of the tender*) and are charged against the respective Park/Building maintenance accounts.

COMMENTS:

It is therefore recommended that the Council approves the tenders submitted by Academy Services WA Pty Ltd for the cleaning of the City's public toilets and reserve buildings and to Jasneat Pty Ltd for the cleaning of the Works Depot in accordance with the specifications as detailed in Tender No. 459/12.

9.2.3 Hyde Park Lakes Restoration – Progress Report No. 14

Ward:	South	Date:	26 October 2012
Precinct:	Hyde Park (12)	File Ref:	RES0086, TEN0465
Attachments:	001 – Progress Photos 002 – Treatment Train – Plan A 003 – Treatment for Bore Water – Plan B 004 – Beach Edge Treatment – Plan C		
Tabled Items:	Nil		
Reporting Officers:	J. van den Bok, Manager Parks & Property Services; J. Parker, Project Officer – Parks & Environment; and K. Bilyk, Property Officer		
Responsible Officer:	R. Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council

1. **RECEIVES** Progress Report No.14 for the Hyde Park Lakes Restoration Project as at 25 October 2012; and
2. **NOTES** that the restoration works are progressing on schedule as outlined in the report and shown in appendix 9.2.3.

COUNCIL DECISION ITEM 9.2.3

Moved Cr Pintabona, **Seconded** Cr Maier

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

ADDITIONAL INFORMATION

Project Timeline: (refer attached)

The Hyde Parks Lakes restoration project is on schedule to be completed in March 2013. The Sediment Trap to be constructed within the Lake (as priced) has been deleted and a 'treatment train' in the park has been further progressed (concept stage now progressing to the design stage).

A planting theme of the new (yet to be created Beaches) has been developed and a proposal for treating the area between to existing/new wall developed. Planting of the beach areas was included in the contract where as treating the area between the existing/new wall was excluded from the contract however the contractor has been requested to progress this and provide a price.

Minor changes/additions have been approved/implemented as the project has progressed as a number of items were not documented/included in the initial design prepared by a previous consultant.

Hyde Park Lakes Working Group – 5 November 2012:

The Hyde Park Lakes Working Group, the Contractor and the Contractor's consultant, met on 5 November 2012 at 12.00pm to discuss and review the following design features:

- Treatment Train (bio-retention cell design)
- Lake Edge Treatment
- Beach Edge Vegetation
- Treatment for Bore Water Injection

Attendees included the following:

- Alannah MacTeirnan (Mayor)
- Warren McGrath (Deputy Mayor)
- Dudley Maier (Councillor)
- John Giorgi (CEO)
- Rick Lotznicker (Director Technical Services)
- Jeremy van den Bok (Manager of Parks & Property Services)
- Tory Young (Manager Manager Strategic Planning, Sustainability and Heritage Services)
- Jackie Parker (Project Officer – Parks & Environment)
- Dan Cunningham (Advantearing Civil Engineers)
- Martin Coyle (GHD Consultants)

Treatment Train: (Refer Plan A)

Plan and cross sections of the Treatment Train design were presented to the Group. The original draft treatment train design was considered too intrusive therefore an alternative design was developed. The alternative design allows for the required surface area of a fully functioning system while minimizing the impact on the park. It is confirmed that the existing Canary Island Date Palm (*Phoenix canariensis*) will be relocated within Hyde Park to a location to be decided upon by the City.

The Hyde Park Lakes Working Group has confirmed this as the preferred option to be progressed by the Contractor.

Treatment for Bore Water (Refer Plan B)

Bore water currently used for topping up the lakes contains high levels of Iron among other natural and non-natural elements. High levels of Iron injected into the lakes are likely to exasperate the existing acid sulphate soils.

Increased levels of Iron accumulating in the lakes may have implications on the surround local flora and fauna. Introducing the minimally invasive treatment area for the bore water to be treated before being injected into the lakes will display best practice in addressing water quality.

The Hyde Park lakes Working Group has confirmed the design for the treatment of bore water before it is injected into the lakes and this is now to be progressed.

Lake Edge Treatment (Refer Plan B)

It was agreed that two (2) treatments will be used on the surface between the old wall and the new wall in predetermined areas.

Treatment one (1) will consist of sections of paving (limestone in appearance) to allow park users to have better interaction with the water's edge.

Treatment two (2) will consist of soft vegetated areas (in between the paved areas) to discourage park users to approach the lakes edge and to enhance habitat as well as the aesthetics of the newly constructed wall and restored lakes.

A number of plants species were discussed vegetation however lower plantings were suggested and the contractor will bring back alternative proposal/s for the City's consideration.

Beach Edge Treatment (Refer Plan C)

The proposed 'beach vegetation' (i.e. the created beaches on the south east corner of the western lake and the north western corner of the eastern lake) will consist of species that are native to the swan coastal plain which will reflect the species chosen to re-vegetate the islands. The species list includes trees (Eucalyptus rudis and Melaleuca raphiophylla), groundcovers, rushes and shrubs. The Hyde Park Lakes Working Group has confirmed the treatment for the beached areas and this design will now be progressed.

PURPOSE OF REPORT:

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

BACKGROUND:

Progress Reports

Progress reports have been submitted to the Council on:

10 April 2012 – No.13;
22 November 2011 - No.12;
27 September 2011 - No.11;
13 September 2011;
5 July 2011 - No.10;
19 April 2011 - No.9;
9 March 2010 - No.8;
13 October 2009;
10 February 2009 - No.6;
9 June 2009;
25 March 2008 - No.5;
28 August 2007 - No.4;
26 June 2007 - No.3;
13 February 2007 - No.2; and
10 October 2006 - No.1

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 Advantearing 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"*

Contract Variations/Additional Scope of Works

Construction

- Construction of a lower wall approximately two metres inside the existing wall;
- Removal of the sediment trap;
- Addition of a Treatment Train;
- Addition of a minor water treatment facility to remove iron from the bore water.

Cost

Construction

Authorised Variations to date:

Description	Amount
Existing wall to be retained and repaired	\$5,253.10
Total	\$5,253.10

Summary of Variations

Total Variation Savings	(\$0)
Total Variation Additions	\$5,253.10
Total Variation	\$5,253.10

Progress Claims to date (excludes GST):

Total Value of Items Completed	\$627,748.75
Total Value of Variations Complete	\$0
Total Value of Work Completed to date	\$627,748.75

Indicative timeline

Progress

- Clearing of eastern island underway.
- Piling completed in eastern lake and halfway complete in western lake,
- Concrete panel installation commenced on the 29 October 2012.

Days Claimed

Zero (0) extension of time requests have been received from the contractor.

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.

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 will be updated on a regular basis. Additionally a letter drop was initiated 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.

Two (2) progress claims have been received to date, as follows:

Progress Payment Number	Date Received	Amount Requested (<i>excl GST</i>)	Amount Paid (<i>excl GST</i>)	Date Paid
No. 1	August	\$139, 467.20	\$139, 467.20	September
No. 2	September	\$488, 281.55	\$488, 281.55	October
		Total Paid	\$627, 748.75	

COMMENTS:

Works are progressing well and the project is on schedule. Monthly progress reports will be submitted to the Council for the duration of the project.

9.3.1 Beatty Park Redevelopment, 220 Vincent Street, North Perth - Progress Report No. 13

Ward:	South	Date:	26 October 2012
Precinct:	Smiths Lake	File Ref:	CMS0003
Attachments:	001 – Progress Photos		
Tabled Items:	Nil		
Reporting Officers:	D Morrissy; Manager Beatty Park Leisure Centre; and M Rootsey, Director Corporate Services		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council RECEIVES Progress Report No. 13 as at 6 November 2012, relating to the Beatty Park Leisure Centre Redevelopment Project, 220 Vincent Street, North Perth.

COUNCIL DECISION ITEM 9.3.1

Moved Cr Pintabona, Seconded Cr Maier

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of the report is to update the Council on the progress of the Beatty Park Leisure Centre Redevelopment Project, 220 Vincent Street North Perth.

BACKGROUND:

Progress Reports

Progress reports have been submitted to the Council on 7 December 2010, 22 November 2011, 20 December 2011, 14 February 2012, 13 March 2012, 10 April 2012, 8 May 2012, 12 June 2012, 10 July 2012, 14 August 2012, 11 September 2012 and 9 October 2012.

At the Ordinary Meeting of Council held on 23 August 2011, the Council considered the Beatty Park Leisure Centre Redevelopment Project Stage 1 and resolved (in part) the following:

“That the Council;

2. **APPROVES:**

- 2.1 (a) *the Beatty Park Leisure Centre Redevelopment Stage 1 at an estimated Total Project Cost of \$17,065,000 to be funded as follows;*

<i>Federal Government</i>	<i>Nil</i>
<i>State Government - CSRFF</i>	<i>\$2,500,000</i>
<i>State Government – nib Stadium payment</i>	<i>\$3,000,000</i>
<i>Beatty Park Leisure Centre Reserve Fund</i>	<i>\$3,500,000</i>
<i>Loan Funds</i>	<i>\$8,065,000</i>
<i>Total:</i>	<i>\$17,065,000</i>

DETAILS:

1. CONTRACT DOCUMENTATION

1.1 **Tender**

Tender No. 429/11 Construction
Advertised: 14 May 2011
Closed: 26 July 2011
Awarded: Perkins Builders

Tender No. 430/11 Geothermal
Advertised: 14 May 2011
Closed: 15 July 2011
Awarded: Drilling Contractors of Australia

Tender No. 436/11 Fire detection system and water tanks
Advertised: 17 September 2011
Closed: 12 October 2011
Awarded: Perkins Builders

1.2 **Contracts**

Construction contract signed on 7 October 2011.

Fire Detection and Water Tanks to be treated as a variation to the Head Agreement.

Geothermal contract signed on 6 September 2011.

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

Construction

- Removal of existing concrete pool concourse;
- Removal of Water Tanks and Water Tank Screens;
- Roof Safety Fall Arrest System;
- Door Hardware;
- Additional Anchor Points to Indoor Pool, Dive Pool and Beginners Pool;
- Removal of Dive Pool windows;
- Kitchen Equipment;
- Temporary Entrance Work;
- Removal of indoor pool marble sheen layer and rendering;
- Signage;
- Removal of building rubble, discovered after excavation;
- Remove and dispose of 50mm screed to existing slab;
- New water supply to slides;
- Replacement of water filter return line;
- Existing pool dive board modifications;
- Rubber floor tiles in gym;
- Removal of trees; (as recommended by the Builder)
- Additional 150mm Stormwater drain;
- Remove and dispose of existing footing;
- Mechanical dilapidation works in plant room;
- Removal of existing render in female change rooms;
- Additional floor waste to change room;
- Replaced 3 way valve to mechanical plant;
- Replaced main entry roof and box gutter;
- Earthing to leisure pool; and
- Asbestos pipe investigation and removal.

Geothermal

- Additional 100m drilling to obtain the required temperature;
- Additional time required to develop production bore;
- Variations to design of injection bore, based on production bore geophysical data;
- Loss of drilling mud due to porous nature of bore;
- Bore testing schedule revised to save costs (both together);
- Variations to pumping controls to cater for slower flow rates required;
- Additional meters required by Department of Water to meet new Licence conditions; and
- Removal of valves and flanges replaced by meters.

1.4 **Cost Variations**

Construction

Provisional Sums:

Description	Provisional Sum	Amount Agreed	Variation
Temporary Entrance Works	20,000	(\$27,154)	(\$7,154)
Safemaster roof safety system	\$7,000	(\$6,055)	\$945
Door hardware	\$85,000	(\$59,170)	\$25,830
Western Power charges	\$5,000	(\$1,363)	\$3,637
Kitchen equipment	\$200,000	(\$143,887)	\$56,113
Internal bollards and retractable belts	\$5,000	(\$3,680)	\$1,320
Hoist to family accessible change 4	\$6,000	(\$4,037)	\$1,963
Signage – additional Crèche	\$8,000	(\$4,390)	\$3,609
Rubber floor tiles to gym	\$10,000	(\$11,349)	(\$1,349)
Entry Turn styles and gates	\$90,000	(\$85,945)	\$4,055
Pool furniture for 50m pool	\$50,000	(\$45,065)	\$4,935
Total	\$486,000	(\$392,095)	\$93,905

Client Requests:

Description	Amount
Anchor points to indoor pool	\$5,016
Additional Pool features/furniture	\$19,789
Removal of marble sheen to indoor pool	\$46,200
Removal of dive pool windows and make good concrete structure	\$9,735
Anchor points to beginners pool	\$3,344
Tree removal (as recommended by Builder)	\$8,250
Paint indoor concrete columns	\$335
Total	\$92,669

Latent Conditions:

Description	Amount
Removal of original pool concourse	\$29,920
Replacement of indoor pool valves	\$1,595
Removal of building rubble, discovered after excavation	\$2,850
Remove and dispose of 50mm screed to existing slab	\$2,904
Relocation of 300mm stormwater drainage pipe	\$3,433
New water supply to slides	\$7,548
Replacement of water filter return line	\$10,798
Existing pool dive board modifications	\$2,844
Additional 150mm Stormwater drain	\$1,898
Remove and dispose of existing footing	\$500
Mechanical dilapidation works in plant room	\$24,266
Removal of existing render in female change rooms	\$484
Additional floor waste to change room	\$1,018
Replaced 3 way valve to mechanical plant	\$2,739
Replaced main entry roof and box gutter	\$6,338
Earthing to leisure pool	\$10,780
Asbestos pipe investigation and removal	\$1,819
Total	\$111,734

Summary of Variations

Total Variation Savings	(\$93,905)
Total Variation Additions	\$204,403
Total Variation	\$110,498

Geothermal

Provisional Sum	Description	Variation Amount	Adjustments
Nil	Additional 100m drilling	\$61,000	-\$61,000
Nil	Additional time for production bore development	\$46,500	-\$46,500
Nil	Loss of cement during grouting	\$968	-\$968
Nil	Test pumping of production bore delayed- rescheduled to coincide with injection bore pumping	-\$15,500	\$15,500
Nil	Headworks removed from scope	-\$18,800	\$18,800
Nil.	Variations to design of injection bore, based on production bore geophysical data.	\$3,672	-\$3,672
Nil.	Dorot valve and flanges removed from scope	-\$2,405	\$2,405
Nil.	Bore head meters as required by Department of Water under new Licence conditions	\$10,150	-\$10,150
Nil.	Cooling shroud	\$2,120	-\$2,120
Nil.	Sub Mains	\$8,995	-\$8,995
Total Variation Savings			\$36,705
Total Variation Additions			\$133,405
Total Additional cost			\$96,700

1.5 **Claims**

Not applicable at this time.

1.6 **Insurance**

The City of Vincent insurances have been adjusted to cater for the coverage of existing and constructed buildings, during the construction period.

2. GEOTHERMAL WORKS

2.1 **Groundworks**

Completed. Site has been returned to handover condition.

Beatty Park Reserve turf reinstatement has been completed.

2.2 **Bores**

Hydro engineering works in progress.

2.3 **Commissioning**

No changes to previous report.

2.4 **Pipe works**

Earthworks for the geothermal lines to the plant room have commenced.

Heat exchangers have been installed in plant room and associated pipe work is well advanced.

3. BUILDING WORKS/EXISTING BUILDING

3.1 **Temporary works**

No changes to previous report.

3.2 **Car parking, Landscaping and interim external works**

Proposed new car park layout has been set out by the City's contracted Surveyors and is under review by COV Officers.

3.3 **Earthworks**

Not applicable at this time.

3.4 **Structural and Civil Engineering**

Completed.

3.5 **Hydraulic services**

Completed.

3.6 **Electrical Services**

Completed.

3.7 **Mechanical services**

Commissioned.

3.8 **Environmental services**

Completed..

3.9 **Interior finishing**

Minor defects identified by Architect are still being rectified by builder.

4. BUILDING WORKS-NEW

4.1 **Temporary works**

Not applicable at this time.

4.2 **Earthworks/Demolition**

Completed.

4.3 **Structural and Civil Engineering**

Roof and guttering installed on new Administration and Reception areas.

Internal brick work underway in administration area.

Internal structure completed in Café lounge area.

4.4 **Hydraulic services**

Plumbing work continuing in the new café area.

4.5 **Electrical Services**

Electrical services being roughed into the new administration area.

4.6 **Mechanical Services**

Gym mechanical services completed and administration area commenced.

4.7 **Environmental Services**

No changes to previous report.

4.8 **Building External and Internal Colour Finishes**

Washed aggregate flooring sourced from alternate supplier for concrete in foyer and out front of facility due to previous issues with contaminated aggregate. Similar colour as originally specified.

5. POOLS AND PLANT ROOM

5.1 **Outdoor Main Pool**

Grouting of pool floor nearing completion. (99% completed)

Return filtered water lines to pool being capped and tiled around.
Washed aggregate concourse being poured in sections around pool.

Handrails for accessible ramp being installed.

Filling of the outdoor 50 metre pool is scheduled for the week commencing 5 November 2012, and will take approximately 3-4 days.

5.2 **Dive Pool**

Tiling of walls completed and floor screed now complete and ready for tiling

5.3 **New Learn to swim pool**

Tiling complete. Grouting underway. (99% completed)

5.4 **Indoor pool/Leisure area**

Defects list still being worked through with builder by the Architect.

5.5 **Plant Room**

Heat exchangers now installed. Plant room is being finalised.

5.6 **Spa, Steam Room and Sauna**

Approval received from the Health Department and demolition underway.

5.7 **Pool Concourse**

The pebble finish concrete concourse is approximately 50% poured. Late October rains have slowed this concrete work. Tiling of existing building step/seating 99% completed. The outdoor pools are scheduled to be handed over to the City no later than 16 November 2012.

6. INDICATIVE TIMELINE

6.1 **Progress**

Pool work is on schedule for 50th Birthday and Book launch on 22 November 2012 and Open day on 25 November 2012.

Geothermal work is on schedule.

6.2 **Days Claimed**

Ten (10) extensions of time requests have been received from the Builder, of which seven (7) requests have been approved.

7. COMMUNICATION PLAN

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

- Frequently asked questions (FAQ's) posted on the City's website and displayed within the facility;
- A number of mailouts to members, clubs and stakeholders (Newsletter to Members and Swim School patrons during May, July and October 2012);
- City of Vincent quarterly newsletter;
- A letter drop to surrounding residents;
- Fencing signage around geothermal compound;
- Internal signage;
- Website updates, including a photo diary, plans and a detailed project overview; and
- Twitter account @BeattyPark in operation to provide regular updates on the redevelopment and other related information. (118 followers as at 23 October 2012).

8. MEMBERSHIP

Extensions were provided to all current members as at 1 October 2011.

A number of members have opted to suspend their membership throughout the redevelopment period. The number of suspensions applied for since the project commenced is 162.

Refunds have been provided to those members who requested this option. As at the 29 May 2012 a total of \$25,241 has been refunded. As at 23 October 2012 there have been no further refunds issued associated with the redevelopment.

A revised membership fee structure was implemented from the 1 December 2011 due to the closure of the indoor pool, spa, sauna and steam room. This structure was well received but reverted back to the normal fee structure once the new change rooms opened on the indoor pool on the 20 August 2012.

The current number of members is starting to level off with the impending opening of the outdoor pools and as at 23 October 2012 was 1,412.

9. EMPLOYEE MATTERS

The permanent part time staff that had their hours reduced during the redevelopment have started to recommence to meet the increased workload.

A new pay structure has been implemented to provide fairness and equality across the areas of the Centre and while some areas have had their rates reduced others have been increased. An overall saving of approx 1.5% was achieved compared to budget.

Two (2) Lifeguards, two (2) Swim Instructors and one (1) Maintenance Officer have been employed during this reporting period on the new rates.

10. HISTORY AND ANNIVERSARY BOOK

A complete photo history is being compiled throughout the course of the redevelopment. A photo diary has been set up on the City's website which is being regularly updated.

The Library and Local History Centre is currently printing the book to celebrate the history of the facility. This will be ready in time for the 50th anniversary luncheon on 22 November 2012.

In addition to the book, a Heritage room is being planned for Beatty Park. This will be a permanent display of memorabilia for patrons of the centre to celebrate the diversity and history of the facility.

11. OTHER COUNCIL APPROVED ITEMS

At the Ordinary Meeting of Council held 10 July 2012, the Council approved the following:

"That the Council;

1. *RECEIVES Progress Report No. 9 as at 10 July 2012, relating to the Beatty Park Leisure Centre Redevelopment Project, 220 Vincent Street, North Perth; and*
2. *AUTHORISES the Chief Executive Officer to:*
 - 2.1 *Review the branding of the Beatty Park Leisure Centre including engaging suitably qualified persons/organisation, if required;*
 - 2.2 *Investigate suitable uses for the vacated areas in the Centre as a result of the redevelopment and engage suitable qualified professionals to provide information of rental valuations and leasing options;*
 - 2.3 *Organise the appropriate events to celebrate the opening of the redeveloped Centre and the fiftieth (50th) Anniversary/Birthday of the Centre;*
 - 2.4 *Prepare a Design Brief for the Percent for Art component of the redevelopment project, in accordance with the City's Policy 3.10.7; and*
3. *NOTES that a further report will be submitted to the Council no later than October 2012."*

Listed below is the progress made to date on these matters.

12. MARKET BRANDING

The advice received from marketing companies is to hold off on the brand change until completion of project. This will allow for maximum impact from any new design which may get overlooked when the completed centre opens. Staff will continue to work on the design with a proposed implementation date later in 2013.

13. LEASING OF SPACE

Meetings have been held to discern the available space and valuations. Plans are being prepared of the areas and a decision will be made on whether to outsource the leasing depending on the value and complexity of any lease arrangement required.

Quotes for professional assistance are being obtained.

14. CELEBRATION OF OPENING

A function is to be held on 22 November 2012 for the opening of the outdoor pool and the Book launch for the 50 year celebratory book.

An Open Day will be held on 25 November 2012 to promote the opening of the outdoor pools, celebrate 50 years of Beatty Park and promote the book. Arrangements have been progressed for these two events.

15. PERCENT FOR ART

The Manager Beatty Park Leisure Centre has contacted the City's Arts Officer to prepare a brief for the work to be undertaken and to ascertain the budget available. No further progress on this item.

CONSULTATION/ADVERTISING:

The City's Communications Officer created a "Corporate Projects" site on the City's web page and background information together with weekly photographs are included on this site.

A list of frequently asked questions and project plans are also located on the website. The site has been updated on a regular basis.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Medium-: The redevelopment project is significant in terms of magnitude, complexity and financial implications. It has required close management to ensure that costs are strictly controlled, particularly as it involves a Heritage listed building which is 50 years old. As the bulk of the work has now been completed, the risk has been downgraded to "medium".

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.*

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

(e) *Implement the Redevelopment of Beatty Park Leisure Centre."*

SUSTAINABILITY IMPLICATIONS:

The redevelopment is committed to a number of sustainability initiatives.

FINANCIAL/BUDGET IMPLICATIONS:

At the Ordinary Meeting of Council held on 23 August 2011. The Council approved this project at a total cost of \$17,065,000.

The construction tender amounts to \$11,987,000 exclusive of GST and the Geothermal Energy System tender amounts to \$2,930,541 exclusive GST.

Building Construction Tender Progress Claim Payments – Perkins Builders

Twelve (12) progress claims have been received to date, as follows:

Progress Payment Number	Date Received	Amount Requested (excl GST)	Amount Paid (excl GST)	Date Paid
No. 1	14/11/2011	\$168,597.91	\$168,597.91	30/11/2011
No. 2	09/12/2011	\$330,358.48	\$330,358.48	11/01/2012
No. 3	09/01/2012	\$426,642.09	\$426,642.09	08/02/2012
No. 4	09/02/2012	\$262,230.86	\$262,230.86	07/03/2012
No. 5	08/03/2012	\$999,561.79	\$999,361.79	04/04/2012
No. 6	10/04/2012	\$641,879.57	\$641,879.57	02/05/2012
No. 7	15/05/2012	\$1,094,498.76	\$1,094,498.76	18/06/2012
No. 8	11/06/2012	\$1,207,966.69	\$1,207,966.69	09/07/2012
No. 9	13/07/2012	\$991,244.57	\$991,244.57	08/08/2012
No. 10	09/08/2012	\$803,418.12	\$803,418.12	14/09/2012
No. 11	12/09/2012	\$913,043.61	\$913,043.61	09/10/2012
No. 12	08/10/2012	\$549,297.17		

Total Paid \$7,839,242.45

Geothermal Tender Progress Claim Payments – Drilling Contractors Australia

Six (6) progress claims have been received to date, as follows:

Progress Payment Number	Date Received	Amount Requested (excl GST)	Amount Paid (excl GST)	Date Paid
No. 1	18/11/2011	\$482,899.18	\$482,899.18	20/12/2011
No. 2	16/12/2011	\$638,710.00	\$638,710.00	25/01/2012
No. 3	31/12/2011	\$501,120.57	\$501,120.57	08/02/2012
No. 4	12/04/2012	\$214,355.86	\$214,355.86	02/05/2012
No. 5	21/05/2012	\$604,149.38	\$604,149.38	18/06/2012
No. 6	17/07/2012	\$781,726.70	\$781,726.70	03/10/2012
No. 7				
No. 8				
No. 9				
No. 10				

Total Paid \$3,222,960.69

Fire Detection and Water Tanks Tender Progress Claim Payments

No progress claims have been received to date as works have only just commenced.

Progress Payment Number	Date Received	Amount Requested (excl GST)	Amount Paid (excl GST)	Date Paid
No. 1				
No. 2				
No. 3				
No. 4				
No. 5				
Total Paid			Nil.	

Funding

On 15 March 2012, the City received \$5 million from the State Government, being the upfront payment of the nib Stadium Lease. As per the Council decision, \$3 million has been placed in the Beatty Park Leisure Centre Reserve Fund and \$2 million placed in the Hyde Park Lakes Restoration Reserve Fund.

Loan

The Western Australian Treasury Corporation has approved a loan of \$8,065,000 at 5.49% per annum for 20 years.

Loan funds were received on 3 January 2012, repayments to commence on 3 September 2012.

CSRFF Funding

The City of Vincent will claim funds from this Department of Sport and Recreation grant for the Pool, Geothermal and Change room works.

The final claim for these funds cannot be made until the pools have been completed.

Progress Payment Number	Date Requested	Amount Requested (excl GST)	Amount Received (excl GST)	Date Received
No. 1	03/01/2012	\$217,165.69	\$217,165.00	06/01/2012
No. 2	31/01/2012	\$191,614.00	\$191,614.00	06/02/2012
No. 3	17/04/2012	\$839,971.00	\$839,971.00	24/05/2012
No. 4	19/06/2012	\$715,269.20	\$715,269.00	30/06/2012
No. 5				
Total Received			<u>\$1,964,019.00</u>	

Additional Funds

The Administration is following up grant enquiries from the following organisations:

- Lotterywest;
 - Liaising with other City of Vincent departments on projects that will be beneficial to the community.
- Healthways;
 - Sponsorship of up to \$50,000 for promoting healthy lifestyles is available per Local Government per year and we will be liaising with other City of Vincent Departments to see what areas or programs would most benefit by applying for this funding.
- Community Sport and Recreation Facility Fund;
 - Small grants are available for local clubs and we are meeting with resident Beatty Park water polo and swimming clubs to coordinate any request to the Department of Sport and Recreation for this funding. Interest has been shown by both Water Polo clubs and the Perth City Swim club in this.

COMMENTS:

The Beatty Park Redevelopment Project is gathering momentum with the completion of the outdoor pool area due within the next month. There is significant interest and anticipation from the clubs, public and staff who are all excited about the reopening of this part of the facility.

The Indoor Pool and refurbished change rooms continue to be well received while the additional family/accessible and unisex change cubicles have surpassed expectations in their popularity.

Swim School is continuing to receive numerous enquiries and reached 1,500 enrolments on 23 October 2012 - Up from 1,294 participants as at 27 September 2012.

The Membership has levelled out just above 1400 with a lot of people waiting for the opening of the outdoor pools before joining or taking out shorter one (1) month memberships. Class numbers in group fitness and RPM classes are at an all time high with classes regularly nearing capacity.

The new extension is still on track to open in early February 2013. Positive feedback has been received from facility users in regards to how the project is progressing.

Monthly progress reports will continue to be provided to the Council throughout the project.

9.3.2 Tender No. 458/12 Beatty Park Leisure Centre Café Supplies Contracts

Ward:	Both	Date:	26 October 2012
Precinct:	All	File Ref:	TEN0467
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	D Morrissy, Manager Beatty Park Leisure Centre		
Responsible Officer:	M Rootsey; Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council **ACCEPTS** the following tenders;

Number	Company	Product
1.	Nestle/Peters Ice Cream;	Ice creams/Ice Confections
2.	Schweppes Australia Pty Ltd;	Non alcoholic beverages
3.	Lion Pty Ltd; and	Dairy
4.	PFD Food Services Pty Ltd;	Frozen Foods

As being the most acceptable to the City, for the Beatty Park Leisure Centre Café Supplies, as detailed in Tender No. 458/12.

COUNCIL DECISION ITEM 9.3.2

Moved Cr Pintabona, Seconded Cr Maier

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 the tender(s) evaluated as being the best value for money for the Beatty Park Leisure Centre Café Supplies Contracts.

BACKGROUND:

Tenders for Café Supplies at the Beatty Park Leisure Centre for a three (3) year period were advertised in the West Australian on 18 July 2012.

Tenders closed at 2.00pm on 8 August 2012 after a fourteen day (14) advertising period and five (5) tenders were received. Present at the opening of the tenders were Finance Officer, Mary Hopper and Manager Beatty Park Leisure Centre, Dale Morrissy.

DETAILS:

The details of all tenders received for Tender No. 458/12 are listed below:

Company	Product
Nestle/Peters Ice Cream	Ice creams/Ice Confections
Unilever Australia Ltd/Streets Ice Cream	Ice creams/Ice Confections
Schweppes Australia Pty Ltd	Non alcoholic beverages
Lion Pty Ltd	Dairy
PFD Food Services Pty Ltd	Frozen foods

Tender Evaluation

Evaluation Criteria

The following weighted criteria were used for the selection of the companies for the tender.

Selection Criteria	Weighting
Product pricing structure	30%
Product range	20%
Service agreement	15%
Promotional package	15%
Supply of equipment	5%
Point of sale material and signage	5%
Market share	5%
Referees	5%
	100%

Tender Evaluation Panel

The Tender Evaluation Panel consisted of Bee Choo Tan; Manager of Finance, Helen Smither; Administration Coordinator – Beatty Park Leisure Centre and Roslyn Smith; Café Supervisor – Beatty Park Leisure Centre.

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

The Tender Evaluation Panel met on 26 September 2012 to assess the submissions.

The tenders were further independently evaluated by each of the Panel members and the final evaluation scores submitted for collation.

Tender Summary

Ice creams/Ice Confections:

	Weighting	Nestle/Peters	Streets
Product pricing structure	30%	29	26
Product range	20%	18.5	16
Service agreement	15%	14.5	13
Promotional package	15%	13.5	13.5
Supply of equipment	5%	4.5	4.5
Point of sale material and signage	5%	4.5	4.5
Market share	5%	4.5	4
Referees	5%	3	3
TOTAL/SCORE	100%	92	84.5
RANK		1	2

1. Nestle/Peters Ice Cream - 92

The tender submitted was well documented and Nestle/Peters is resourced adequately to undertake this supply contract. Nestle/Peters have been the supplier of Ice creams to Beatty Park Leisure Centre for the past three (3) years and have proven to be a reliable supplier with excellent customer service and delivery. They have provided sufficient evidence that they can cope with the requirements of the contract and have provided a competitive price schedule and range of products.

An excellent promotional package was offered for internal signage and promotions and a short list of referees including Perth Zoo, Perth Wildcats, AQWA and Hyundai Hopman Cup.

2. Unilever Australia/Streets Ice Cream – 84.5

The tender was well documented and Streets have provided a competitive tender for this component. They are well resourced and have shown the ability to undertake these works. They did not have quite the product range of Nestle/Peters.

An excellent promotional package was also offered by Streets and a good range of referees.

Officer Comments:

The tender submitted by Nestle/Peters for Ice cream supply for the Beatty Park Leisure Centre has been assessed as being the most suitable for the City's requirements for Tender No. 458/12.

Non Alcoholic beverages:

	Weighting	Schweppes Australia Pty Ltd
Product pricing structure	30%	27
Product range	20%	20
Service agreement	15%	13.5
Promotional package	15%	15
Supply of equipment	5%	5
Point of sale material and signage	5%	5
Market share	5%	3.5
Referees	5%	4
TOTAL/SCORE	100%	93
RANK		1

1. Schweppes Australia Pty Ltd

The tender submitted by Schweppes Australia Pty Ltd was the only tender received in this category. Schweppes have been the supplier of non alcoholic beverages to Beatty Park Leisure Centre for the past six (6) years and have proven to be a reliable supplier with excellent customer service and delivery.

Schweppes is resourced adequately to undertake supply of non alcoholic beverages to Beatty Park Leisure Centre. They have provided a similar format for the pricing schedule to their previous offer with discounts on purchases providing funds for promotions and advertising. They will also supply the required display fridges for the new Café.

Officer Comments:

The tender submitted by Schweppes for the Supply of Non Alcoholic beverages has been assessed as being suitable for the City's requirements for Tender No. 458/12.

Dairy products:

	Weighting	Lion Pty Ltd
Product pricing structure	30%	24
Product range	20%	20
Service agreement	15%	13.5
Promotional package	15%	0
Supply of equipment	5%	0
Point of sale material and signage	5%	0
Market share	5%	3.5
Referees	5%	4
TOTAL/SCORE	100%	65
RANK		1

1. Lion Pty Ltd

The tender submitted by Lion was the only tender received in this category. Lion is able to provide the required products at a comparable price to previous tenderers in this category. Their tender did not offer any promotional or equipment assistance but Lion is resourced adequately to undertake the supply of Dairy products to Beatty Park Leisure Centre. A diverse list of references were made available.

Officer Comments:

The tender component submitted by Lion for the Supply of Dairy products has been assessed as being suitable for the City's requirements for Tender No. 458/12.

Frozen foods:

	Weighting	PFD Food Services Pty Ltd
Product pricing structure	30%	27
Product range	20%	20
Service agreement	15%	13.5
Promotional package	15%	13.5
Supply of equipment	5%	5
Point of sale material and signage	5%	4.5
Market share	5%	5
Referees	5%	5
TOTAL/SCORE	100%	93.5
RANK		1

PFD Food Services Pty Ltd

The tender submitted was well documented and PFD is resourced adequately to undertake the supply of Frozen foods to Beatty Park Leisure Centre. PFD have been the supplier of frozen foods to Beatty Park Leisure Centre for the past 3 years and have proven to be a reliable supplier with excellent customer service and delivery. They provided a significant list of referees and references to backup their delivery and service.

PFD is resourced adequately to undertake supply of frozen foods to Beatty Park Leisure Centre. They have provided a similar format pricing schedule to their previous offer with an excellent rewards program for customer loyalty allowing for the purchase of café equipment from reward points built up through regular purchases.

Through liaison with subcontractors they are able to offer other equipment for the ongoing operation of the Café and promotion of the products that they supply.

Officer Comments:

The tender component submitted by PFD Food Services Pty Ltd for the Supply of Frozen foods has been assessed as being suitable for the City's requirements for Tender No. 458/12.

CONSULTATION/ADVERTISING:

The tender was advertised in the West Australian Newspaper on the 18 July 2012.

LEGAL/POLICY:

The tender was advertised and assessed in accordance with the *Local Government Act Tender Regulations* and the City's Policy 1.2.2 and Purchasing Policy No. 1.2.3.

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

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

"Economic Development

Objective 2.1: Progress economic development with adequate financial resources."

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Revenue and expenditure costs are reflected in the 2012/2013 Beatty Park Leisure Centre Café operating budget.

COMMENTS:

It is therefore recommended that the tenders submitted by Nestle/Peters Ice Cream (Ice creams), Schweppes Australia Pty Ltd (Non alcoholic beverages), Lion Pty Ltd (Dairy products) and PFD Food Services Pty Ltd (Frozen foods) be accepted as being the most acceptable for the City for the Beatty Park Leisure Centre Café Supplies as noted in the recommendation and in accordance with the specifications as detailed in Tender No. 458/12.

9.3.4 Tamala Park Land Sales Funds – Potential Uses Further Report

Ward:	Both	Date:	26 October 2012
Precinct:	All	File Ref:	ADM0078
Attachments:	Confidential – Cash flow Forecast July 2012		
Tabled Items:	-		
Reporting Officer:	M Rootsey Director Corporate Services		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council:

- 1. NOTES the potential uses for the revenue from the Land Sales at Tamala Park; and**
- 2. AUTHORISES the Chief Executive Officer to include the uses of the Tamala Park Land Sales revenue as a component of the Community Consultation for the Community Strategic Plan in the second quarter of 2013.**

COUNCIL DECISION ITEM 9.3.4

Moved Cr Pintabona, Seconded Cr Maier

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

To provide the Council with a further report on the timing of the receipt of funds and the potential uses for the Tamala Park Land Sales revenue.

BACKGROUND:

At the Ordinary Meeting of Council held on 12 June 2012 the Council resolved the following:

“That the Council;

- 1. NOTES the report of the estimated revenue to be received by the City of Vincent from the Land Sales at Tamala Park;*
- 2. APPROVES BY AN ABSOLUTE MAJORITY the:*
 - 2.1 creation of a new Reserve Fund named the “Tamala Park Land Sales Reserve Fund” for the revenue received from the land sales; and*
 - 2.2 purpose of the Reserve Fund shall be as follows; “for future significant/major capital works, infrastructure, project or debt reduction programme for the benefit of the City”; and*
- 3. REQUESTS that the Chief Executive Officer prepares a:*
 - 3.1 report on the potential uses of these funds in the City of Vincent; and*
 - 3.2 Consultation Plan including a deliberative forum, for consideration at the Council in September 2012.”*

DETAILS:

The City of Vincent received an updated cash flow forecast in July. The latest version shows that the City is now scheduled to receive its first distribution of funds from the land in the financial year ending 2014.

Potential uses for consideration can include but are not limited to the following:

- Major Capital Works/projects/infrastructure;
- Town Centre Streetscape upgrades;
- Underground Power;
- Reduction of borrowings/debt;
- New Community Buildings;
- Sustainability initiatives; or
- Commercial Enterprises.

CONSULTATION/ADVERTISING:

The City is required to ensure that the Community is consulted on the preparation of the Community Strategy Plan which has to be prepared by the City as part of the Local Government's Integrated Long term Planning Framework which has to be finalised by June 2013.

The availability of this significant revenue source will have an impact on what can be achieved in this period.

It would therefore be cost effective to have community consultation on the determination of how these funds will be utilised in conjunction with the Community Strategic Planning project.

A deliberative democracy forum will be scheduled as a component of the community consultation.

The outcomes of the determination of the uses for this revenue will have a flow onto the Long Term Financial Plan which also forms part of the Local Government Integrated Planning Framework.

LEGAL/POLICY:

Not Applicable.

RISK MANAGEMENT IMPLICATIONS:

Medium: The land sales can be affected by the property market and economic conditions at time of the sales, this may affect the estimated revenues.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

- "4.1.4 Plan effectively for the future
(b) Prepare an Investment Plan for the proceeds generated from the Tamala Park Redevelopment."*

SUSTAINABILITY IMPLICATIONS:

Not Applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Revenue from the Tamala Park Land Sales will provide a significant source of funds for the City of Vincent in future years.

COMMENTS:

As mentioned these revenues will be a significant source of additional funds for the City of Vincent in the future. It is important that the uses for these funds are fully discussed with the Council and the Community and that the outcomes are included in all future planning documents.

9.5.1 Use of the Council's Common Seal

Ward:	-	Date:	26 October 2012
Precinct:	-	File Ref:	ADM0042
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	M McKahey, Personal Assistant		
Responsible Officer:	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 October 2012.

COUNCIL DECISION ITEM 9.5.1

Moved Cr Pintabona, Seconded Cr Maier

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:

Date	Document	No of copies	Details
03/10/2012	Lease	3	City of Vincent and Perth Soccer Club Incorporated of 3 Lawley Street, West Perth, WA 6005 Re: Deed of Extension of Lease - <i>To renew Clause of the Lease document for a third term for five (5) years from 1 January 2013 to 31 December 2017</i>
03/10/2012	Withdrawal of Caveat	2	City of Vincent and Downings Legal, Level 11, 167 St Georges Terrace, Perth WA 6000 re: No. 12 (Lot 617) Richmond Street, North Perth - <i>To satisfy Clauses (i) and (ii) of Conditional Approval of the Ordinary Meeting of Council held on 27 February 2001</i>
10/10/2012	Deed of Covenant	3	City of Vincent and A M Corcoran of PO Box 543, Wembley re: No. 12 (Lot 617) Richmond Street, North Perth - <i>To satisfy Clause (i) and (ii) of Conditional Approval of the Ordinary Meeting of Council held on 27 February 2001</i>
24/10/2012	Local Law Amendment	1	City of Vincent Parking and Parking Facilities Amendment Local Law No. 1 2012 - <i>As per Council decision of the Ordinary Meeting of Council held on 23 October 2012</i>

Date	Document	No of copies	Details
25/10/2012	Withdrawal of Caveat	1	City of Vincent and Downings Legal, Level 11, 167 St Georges Terrace, Perth WA 6000 re: No. 295 (Lot 4&5) Scarborough Beach Road, Osborne Park
30/10/2012	Notification under Section 70A	1	City of Vincent and Boldform Pty Ltd, formerly of C/O Stirling Partners, Level 1, 278 Stirling Highway, Claremont and now C/o Venture Accountants, "G Building A", 355 Scarborough Beach Road, Osborne Park re: Nos. 17-23 (Lot: 33 D/P: 54789) Harwood Place, West Perth - Four-Storey Development comprising Twelve (12) Two Bedroom and Four (4) Single Bedroom Multiple Dwellings and Associated Car Parking - <i>To satisfy Condition (c) of Planning Approval Serial 5.2008.42.1 issued on 10 June 2008</i>

9.5.7 Seamless Annual User Conference – Melbourne, Victoria 29 – 30 November 2012

Ward:	-	Date:	26 October 2012
Precinct:	-	File Ref:	ADM0031
Attachments:	001 - Conference Program		
Tabled Items:	-		
Reporting Officer:	H Kek, Manager Information Technology		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **AUTHORISES** the Manager Information Technology to attend the Seamless Annual User Conference to be held at Albert Park in Melbourne, Victoria on 29 and 30 November 2012 at an estimated cost of \$2,330.

COUNCIL DECISION ITEM 9.5.7

Moved Cr Pintabona, **Seconded** Cr Maier

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (9-0)

PURPOSE OF REPORT:

The purpose of the report is to obtain approval to attend the Seamless Annual User Conference to be held at Albert Park in Melbourne Victoria on 29 and 30 November 2012.

BACKGROUND:

Seamless is a Website Design Company based in Melbourne, Victoria. Seamless have been contracted by the City of Vincent to develop and maintain the City's website.

As the City of Vincent currently has a contract with Seamless for the City's website, it is important that the City sends a representative to ensure that the City is aware of the current and future developments of their product and together with all aspects effecting websites and their uses. The majority of Seamless customers will be attending the Conference and it is expected that a significant number of the Western Australian Local Government customers will also send representatives.

A copy of the program is attached.

Keynotes:

The key topic presentations at the Conference include:

- Responsive Website Design;
- The Legal Side of Social Media;
- Online Consultations Case Study;
- Corporate Intranet Trends 2012 & Beyond;
- Smart Forms & Workflows on your Intranet;
- Preview of the new version of Seamless CMS; and
- Social Media – Intranet

Previous Attendance:

The Manager Information Technology and the City's Public Relations officer attended a User Conference in 2009.

CONSULTATION/ADVERTISING:

Not Applicable.

LEGAL/POLICY:

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

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

RISK MANAGEMENT IMPLICATIONS:

Low: The only risk to the City would be due to loss of associated costs for the Conference if the registered person was unable to attend due to unforeseen circumstances.

STRATEGIC IMPLICATIONS:

In accordance with the City's Plan for the Future, Strategic Plan 2011-2016:

Key Result Area One: Leadership, Governance and Management:

“2.1 Progress Economic Development with adequate financial resources:

- 2.1.6 Develop business strategies that provide a positive triple bottom line return for the City:*
 - (a) Continue to review leases and commercial contracts to ensure the best return for the City, whilst being cognisant of its community service obligations.”*

SUSTAINABILITY IMPLICATIONS:

Not Applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Please see the below breakdown of the conference costs:

	Costs
Conference Registration	\$600.00
Accommodation (3 nights)*	\$870.00
Airfare (economy class)	\$500.00
Expenses allowance (3 days) (\$120 per day)	\$360.00
	<hr/>
	\$2,330.00
	<hr/>

COMMENTS:

It is recommended that on this occasion, the Manager Information Technology attends this conference. He is heavily involved in the development and maintenance of the City's website and he liaises regularly with the Seamless staff. It is important that he is aware of the developments planned for their product and will benefit from both the technical and networking aspects of the conference.

9.5.8 Information Bulletin

Ward:	-	Date:	26 October 2012
Precinct:	-	File Ref:	-
Attachments:	001 – Information Bulletin		
Tabled Items:	Nil		
Reporting Officer:	J Highfield, Executive Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **RECEIVES** the Information Bulletin dated 6 November 2012, as distributed with the Agenda.

COUNCIL DECISION ITEM 9.5.8

Moved Cr Pintabona, Seconded Cr Maier

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

DETAILS:

The items included in the Information Bulletin dated 6 November 2012 are as follows:

ITEM	DESCRIPTION	PAGE
IB01	State Administrative Tribunal Orders regarding Waters & Anor v City of Vincent DR 202 of 2012	1
IB02	Notification from Western Power: Preliminary to Works: Western Power Underground Cable Installation - Within Smith Lake Reserve North Boundary - South Side of Bourke Street, North Perth	7
IB03	Unconfirmed Minutes of the Integrated Transport Advisory Group (ITAG) Meeting held on 15 October 2012	12
IB04	Minutes of the Tamala Park Regional Council Meeting held on 11 October 2012	17
IB05	Register of Petitions – Progress Report – November 2012	33
IB06	Register of Notices of Motion – Progress Report – November 2012	34
IB07	Register of Reports to be Actioned – Progress Report – November 2012	34
IB08	Register of Legal Action (Confidential – Council Members Only) – Monthly Report (November 2012)	44
IB09	Register of State Administrative Tribunal Appeals – Progress Report – November 2012	45
IB10	Register of Applications Referred to the Design Advisory Committee – October 2012	46
IB11	Register of Applications Referred to the MetroWest Development Assessment Panel – October 2012	53

ITEM	DESCRIPTION	PAGE
IB12	Notice of Forum – 13 November 2012	54
IB13	Unconfirmed Minutes of the Loftus Recreation Centre Management Committee Meeting held on 16 October 2012	55
IB14	Letter from Fire and Emergency Services Authority – advising of new address and name	57
IB15	Lake Monger Water Quality Monitoring – Progress Report No. 2	58
IB16	Unconfirmed Minutes of the Mindarie Regional Council Meeting held on 25 October 2012	61
IB17	Letter from Swan River Trust regarding the Collection of Built and Natural Asset Data on the Swan and Canning Rivers using a Hovercraft	91

9.1.1 No. 3 (Lot 2; D/P 2039) Burgess Street, frontage to Richmond Street, Leederville – Proposed Construction of Two Storey Single House

Ward:	South	Date:	26 October 2012
Precinct:	Leederville; P3	File Ref:	PRO2904; 5.2012.204.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Applicant’s Justification dated 10 May 2012 003 – Applicant’s Justification dated 11 September 2012		
Tabled Items:	Nil		
Reporting Officer:	S Radosevich, Planning Officer (Statutory)		
Responsible Officer:	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 Danmar Homes Pty Ltd on behalf of the owner, D & B McSkimming for Proposed Construction of Two Storey Single House at No. 3 (Lot 2) Burgess Street, frontage to Richmond Street, Leederville, and as shown on plans stamp dated 6 August 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 10 and SPC 10 “Dual Street Frontages and Corner Sites” relating to the upper floor setback of the dwelling from Richmond Street;
2. The proposed development does not comply with the following objectives of the City of Vincent Town Planning Scheme No. 1:
 - 2.1 To protect and enhance the health, safety and physical welfare of the City’s inhabitants and the social, physical and cultural environment;
 - 2.2 To ensure that the use and development of land is managed in an effective and efficient manner within a flexible framework which –
 - 2.2.1 Recognises the individual character and need of localities within the Scheme zone area; and
3. The proposed two storey single house would create an undesirable precedent for the development of surrounding lots, which is not in the interests of orderly and proper planning for the locality.

COUNCIL DECISION ITEM 9.1.1

Moved Cr Buckels, **Seconded** Cr Maier

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

Moved Cr McGrath, **Seconded** Cr

That the item be DEFERRED.

PROCEDURAL MOTION LAPSED FOR WANT OF A SECONDER

Debate ensued.

MOTION PUT AND LOST (3-6)

For: Mayor Hon. Alannah MacTiernan, Cr Harley, Cr McGrath

Against: Cr Buckels, Cr Carey, Cr Maier, Cr Pintabona, Cr Topelberg, Cr Wilcox

REASON FOR REFUSAL:

The Council considers that the performance criteria for front setback were met.

Debate ensued.

ALTERNATIVE RECOMMENDATION:

Moved Cr Maier, 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 Danmar Homes Pty Ltd on behalf of the owner, D & B McSkimming for Proposed Construction of Two Storey Single House at No. 3 (Lot 2) Burgess Street, frontage to Richmond Street, Leederville, and as shown on plans stamp dated 6 August 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 Richmond Street;
2. any new street/front wall, fence and gate within the Richmond Street setback area, including along the side boundaries within this street setback area, shall comply with the City’s Policy provisions relating to Street Walls and Fences;
3. no street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning;
4. the owners shall make application to obtain the consent of the owners of No. 228 Oxford Street and No.3 (Lot 3) Burgess Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls and retaining walls facing No. 228 Oxford Street and No.3 (Lot 3) Burgess Street in a good and clean condition. The finish of the walls are to be fully rendered or face brickwork; and
5. 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.”

Debate ensued.

PROCEDURAL MOTION

Moved Cr Topelberg, Seconded Cr McGrath

That the item be DEFERRED for further consideration, addressing the articulation of the front setback and subsequently to be reported to the Ordinary Meeting of Council to be held on 20 November 2012.

PROCEDURAL MOTION PUT AND CARRIED (5-4)

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

PURPOSE OF REPORT:

The application is referred to Council for determination at the request of the applicant.

BACKGROUND:

History:

Date	Comment
15 September 2004	The City approved a development application for a Home Occupation – Real Estate Management Services under delegated authority.
9 August 2005	Council at its Ordinary Meeting resolved to approve a development application for the construction of a two-storey single house.

Previous Reports to Council:

Nil.

DETAILS:

Landowner:	D and B McSkimming
Applicant:	Danmar Homes Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R40
Existing Land Use:	Vacant Lot
Use Class:	Single House
Use Classification:	"P"
Lot Area:	235 square metres
Right of Way:	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	✓		
Streetscape	✓		
Front Fence	✓		
Front Setback			✓
Building Setbacks			✓
Boundary Wall			✓
Building Height			✓
Building Storeys	✓		
Open Space			✓
Bicycles	✓		
Access & Parking			✓
Privacy			✓
Solar Access	✓		
Site Works			✓
Essential Facilities	✓		

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

Issue/Design Element:	Front Setback
Requirement:	Residential Design Elements SADC 10 <u>Upper Floors</u> 1.5 metres behind each portion of the ground floor setback.
Applicants Proposal:	<u>Upper Floors</u> In-line with the ground floor to 0.96 metres in front of the garage.
Performance Criteria:	Residential Design Elements SPC 10 Dwellings on dual street frontages or corner lots are to

Issue/Design Element:	Front Setback
	<p>present an attractive and interactive elevation to each street frontage. This may be achieved by utilising the following design elements:</p> <ul style="list-style-type: none"> • Wrap around design (design that interacts with all street frontages); • Landscaping; • Feature windows; • Staggering of height and setbacks; • External wall surface treatments and finishes; and • Building articulation.
<p>Applicant justification summary:</p>	<p>We request a variation to Council policy regarding setbacks of corner lots, as applied to 3 Burgess Street, on the following grounds:</p> <ul style="list-style-type: none"> • This lot is an existing title that is independent of lots 1 and 2, and relates to Richmond Street only; • If it is to be considered a corner lot then the existing streetscape should be taken into account. Within the existing small street block facing Richmond, on the next street corner, there are existing buildings that abut the street boundary. These are separated from our proposed site by only 2 small car park areas; • Directly opposite our site is the double storey unbroken height of the building on the side boundary of the Leederville TAFE complex; and • In the next street block, on the other side of Burgess Street, there are both single storey homes with very small street setbacks, and imposing double storey homes, which impact on the streetscape much more than our proposed new home. <p>We believe that we are proposing a home that is specifically designed to fit well into the Leederville character, and that will, in fact, in its current form add to the overall appearance of the streetscape in this area. We would ask Council to consider the above, and the photographs provided, and to review their policy in regard to this particular home. We hope that the reasoning we have provided in this letter is sufficient to allow us a code variation approval for the above mentioned item.</p>
<p>Officer technical comment:</p>	<p>The proposed upper floor setback does not comply with the Acceptable Development or Performance Criteria provisions of the City's Residential Design Elements as they do not provide a staggering of height and setbacks nor do they provide sufficient building articulation.</p> <p>The upper floor setback is considered to have an undue impact on the streetscape amenity of the locality in this instance as the adjoining eastern property is a single-storey dwelling and the portion of the adjoining western property which abuts the subject site is vacant; therefore resulting in an undue building bulk on Burgess Street from a pedestrian level.</p>

Issue/Design Element:	Building Setbacks
Requirement:	<p>Residential Design Codes Clause 6.3.1 A1 <u>Ground Floor</u> Western wall: 2.8 metres</p> <p><u>Upper Floor</u> Eastern wall: 2 metres</p>
Applicants Proposal:	<p><u>Ground Floor</u> Western wall: 1.56 metres – 5.76 metres</p> <p><u>Upper Floor</u> Eastern wall: 1.5 metres – 2.7 metres</p>
Performance Criteria:	<p>Residential Design Codes Clause 6.3.1 P1 Buildings setback from boundaries other than street boundaries so as to:</p> <ul style="list-style-type: none"> • provide adequate direct sun and ventilation to the building; • ensure adequate direct sun and ventilation being available to adjoining properties; • provide adequate direct sun to the building and appurtenant open spaces; • assist with protection of access to direct sun for adjoining properties; • assist in ameliorating the impacts of building bulk on adjoining properties; and • assist in protecting privacy between adjoining properties.
Applicant justification summary:	No justification received.
Officer technical comment:	<p>The proposal complies with the Performance Criteria as the side setbacks provide for adequate direct sun and ventilation to both the subject site and adjoining properties. As the upper floor windows comply with the Acceptable Development and Performance Criteria provisions of Clause 6.8.1 “Visual Privacy” of the R-Codes; the proposed setback variations will not have an adverse impact on privacy between the subject site and adjoining properties.</p> <p>It is also noted that the proposal complies with the Acceptable Development provisions of Clause 6.9.1 “Solar Access for Adjoining Sites” A1 of the R-Codes, as it shadow falls over the Richmond Street road reserve, therefore the setbacks do not adversely impact on solar access to the adjoining properties.</p>

Issue/Design Element:	Boundary Wall
Requirement:	<p>Residential Design Codes Clause 6.3.2 A2 Walls not higher than 3.5 metres with an average of 3 metres for two-thirds the length of the balance of the boundary behind the front setback, to one side boundary only.</p>

Issue/Design Element:	Boundary Wall
Applicants Proposal:	<p>2 boundary walls</p> <p><u>Eastern wall</u> Maximum height: 3 metres Average height: 3 metres Length: 8.27 metres</p> <p><u>Western wall</u> Maximum height: 3.8 metres Average height: 3.7 metres Length: 5.99 metres</p>
Performance Criteria:	<p>Residential Design Codes Clause 6.3.2 P2 Buildings built up to boundaries other than the street boundary where it is desirable to do so in order to:</p> <ul style="list-style-type: none"> • make effective use of space; or • enhance privacy; or • otherwise enhance the amenity of the development; • not have any significant adverse effect on the amenity of the adjoining property; and • ensure that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted.
Applicant justification summary:	<p>We wish to apply for an R Codes variation with regards to the proposed dwelling having a parapet wall on two side boundaries, in lieu of the acceptable parapet wall on one side boundary. We feel that this is necessary in order to make effective use of the small space of the block. As both parapet walls are behind the front setback line, they do not have any significant adverse effect on amenity of the adjoining properties. The parapet wall to the LHS will not restrict the adjoining properties direct sunlight as it is a car park and there are no structures close to this boundary. As per the overshadowing diagram, the second parapet wall will not restrict direct sun to major openings to habitable rooms and outdoor living areas to the adjoining RHS dwelling.</p>
Officer technical comment:	<p>The proposal comprises of two boundary walls, one to the eastern boundary and one to the western boundary. The proposal complies with the Performance Criteria as the boundary walls make effective use of space on-site, whilst not having an adverse impact on the adjoining properties.</p> <p>As the northern and eastern upper floor windows comply with the Acceptable Development provisions and the western upper floor window complies with the Performance Criteria of Clause 6.8.1 "Visual Privacy" of the R-Codes, the proposal will not have an adverse impact on privacy between the subject site and properties. It is also noted that the proposed boundary walls will not result in reducing privacy between the subject site and adjoining properties.</p>

Issue/Design Element:	Boundary Wall
	The proposed boundary walls do not result in any undue overshadowing of adjoining properties, as the overshadowing complies with the Acceptable Development provisions of Clause 6.9.1 "Solar Access for Adjoining Sites" of the R-Codes; as the shadow falls over the Richmond Street road reserve, therefore there is sufficient direct sun to the habitable rooms and outdoor living areas of the adjoining properties.

Issue/Design Element:	Building Height
Requirement:	Residential Design Elements BDADC 5 Top of external wall (roof above): 6 metres
Applicants Proposal:	Top of external wall (roof above): 6.5 metres
Performance Criteria:	Residential Design Elements BDPC 5 Building height is to be considered to: <ul style="list-style-type: none"> • Limit the height of dwellings so that no individual dwelling dominates the streetscape; • Limit the extent of overshadowing and visual intrusion on private space of neighbouring properties; and • Maintain the character and integrity of the existing streetscape.
Applicant justification summary:	No justification received.
Officer technical comment:	<p>The proposal complies with the Performance Criteria as the proposed maximum wall height of 6.5 metres results from the sloping nature of the natural ground level of the site. It is considered that the proposed building height does not result in the dwelling dominating the streetscape, as it is to the northern and western elevations of the dwelling where it exceeds the permitted 6 metres.</p> <p>It is also noted that the proposal complies with the Acceptable Development provisions of Clause 6.9.1 "Solar Access for Adjoining Sites" of the R-Codes, as the shadow falls over the Richmond Street road reserve.</p> <p>The proposed building height does not result in a visual intrusion on the adjoining properties, with the upper floor windows complying with the Acceptable Development and Performance Criteria provisions of Clause 6.8.1 "Visual Privacy" of the R-Codes.</p> <p>It is considered that the proposed building height does not result in an undue impact on the existing streetscape, as it is to the rear north-western aspect of the site that the dwelling has a maximum wall height of 6.5 metres.</p>

Issue/Design Element:	Open Space
Requirement:	Residential Design Codes Clause 6.4.1 A1 45% open space (105.75 square metres)
Applicants Proposal:	43.79% open space (102.91 square metres)

Issue/Design Element:	Open Space
Performance Criteria:	<p>Residential Design Codes Clause 6.4.1 P1 Sufficient open space around buildings:</p> <ul style="list-style-type: none"> • to complement the building; • to allow attractive streetscapes; • to suit the future needs of residents, having regard to the type and density of the dwelling.
Applicant justification summary:	<p>We wish to apply for an R Codes variation for the reduction of the open space provision by 3 per cent. In order to build a good sized dwelling, whilst still complying with other required setbacks on this small block, it is necessary to reduce the open space slightly. We feel that due to the small size of the proposal, the provided open space would still complement the townhouse style dwelling. The elevations clearly show no detriment to the attractive streetscape with the moulding, render and neatly designed front facade which would complement and enhance any streetscape. Considering the location of the proposed dwelling (close to the city and education facilities), the size of the proposed dwelling and open space suits the likely needs of future residents, being that it would be low-maintenance and comfortable for both professionals and students.</p>
Officer technical comment:	<p>The proposed 1.21 per cent, being 2.84 square metres, complies with the Performance Criteria as it results from the portion of the upper floor which sits over the ground floor which accounts for 2.69 square metres.</p> <p>As the space below the upper floor is accessible and usable, it is considered that the amount of open space provided on site provides for the intention of open space as outlined in the explanatory guidelines of the R-Codes, as it provides for:</p> <ul style="list-style-type: none"> • a setting for buildings; • access to, and to some extent provision of car parking spaces; • opportunities for a range of domestic activities; and • space for utilitarian purposes. <p>It is also noted the proposal provides for a compliant outdoor living area, which is 14 square metres greater than the required Acceptable Development provision of Clause 6.4.2 "Outdoor Living areas" of the R-Codes, therefore ensuring that it is suitable for the future needs of residents.</p>
Issue/Design Element:	Access and Parking
Requirement:	<p>Residential Design Elements SADC 15 Subject to the minimum width of 3 metres, the total aggregate width of driveways are not to occupy more than 40 per cent of the frontage of the lot or 6 metres, whichever is the lesser.</p>
Applicants Proposal:	<p>The proposed driveway is 5.05 metres wide, occupying 41.43 per cent of the frontage.</p>

Issue/Design Element:	Access and Parking
Performance Criteria:	<p>Residential Design Elements SPC 15 Minimise the number and widths of vehicular access points to frontage streets.</p> <p>Crossovers are to be located to minimise conflicts and designed to operate efficiently and safely taking into consideration the following:</p> <ul style="list-style-type: none"> • The size of the car parking area; and • The amount and type of vehicle traffic travelling along the related road. <p>Crossovers are to be located, where possible, so as to maximise the number of kerbside car parking spaces and retention of street trees.</p>
Applicant justification summary:	No justification received.
Officer technical comment:	<p>The proposal complies with the Performance Criteria as it comprises one vehicular access point, therefore minimising the number of vehicular access points.</p> <p>The proposed location of the driveway avoids street trees, whilst providing for the access to and from the site to be safe in use. It is also noted that the width of the driveway matches the width of the garage entry, therefore allowing for the crossover and driveway to operate efficiently and safely.</p> <p>As the subject site is a small lot with the garage being setback 4.74 metres from the front boundary, the width of the driveway allows for adequate manoeuvring of vehicles accessing the site.</p>
Issue/Design Element:	Privacy
Requirement:	<p>Residential Design Codes Clause 6.8.1 A1 Bedroom 4.5 metre cone-of-vision setback.</p>
Applicants Proposal:	<p>Bedroom 4.46 metre cone-of-vision setback.</p>
Performance Criteria:	<p>Residential Design Codes Clause 6.8.1 P1 Direct overlooking of active habitable spaces and outdoor living areas of other dwellings is minimised by building layout, location and design of major openings and outdoor active habitable spaces, screening devices and landscape, or remoteness.</p> <p>Effective location of major openings and outdoor active habitable spaces to avoid overlooking is preferred to the use of screening devices or obscured glass.</p> <p>Where these are used, they should be integrated with the building design and have minimal impact on residents' or neighbours' amenity.</p> <p>Where opposite windows are offset from the edge of one window to the edge of another, the distance of the offset should be sufficient to limit views into adjacent windows.</p>
Applicant justification summary:	No justification received.

Issue/Design Element:	Privacy
Officer technical comment:	The proposed bedroom window facing the adjoining western property complies with the Performance Criteria in this instance. Although the adjoining property is zoned residential, the use of the site is a commercial use where No. 228 Oxford Street sits over two lots, lot 2 which fronts Oxford Street and lot 81 which fronts Richmond Street and abuts the subject site. Therefore in accordance with the Performance Criteria, the window does not directly overlook a habitable space or outdoor living area of an adjoining dwelling.

Issue/Design Element:	Site Works
Requirement:	<p>Residential Design Elements BDADC 7 Filling behind the street setback line and within 1m of a common boundary does not exceed 500 millimetres above the natural ground level at the boundary, or retained in accordance with the requirements under clause BDADC 8.</p> <p>Retaining walls do not exceed 500 millimetres in height. Written justification must be provided for any retaining wall over 500 millimetres in conjunction with an application to commence development outlining the purpose and reason for an over-height retaining wall.</p>
Applicants Proposal:	<p><u>Southern boundary</u> Filling up to 554 millimetres.</p> <p><u>Western boundary</u> Filling up to 784 millimetres.</p> <p><u>Northern boundary</u> Filling up to 784 millimetres. Excavating up to 656 millimetres.</p> <p><u>Eastern boundary</u> Excavating up to 586 millimetres.</p>
Performance Criteria:	<p>Residential Design Elements BDPC 7 Minimise changes to natural ground level of the development lot.</p>
Applicant justification summary:	No justification received.
Officer technical comment:	<p>The proposed amount of cut and fill complies with the Performance Criteria as it minimises changes to the natural ground level of the development lot. It is also noted that the proposed amount of fill is a result of the sloping nature of the natural ground level of the site.</p> <p>It is considered that the development retains the visual impression of the natural level of the site, as seen from both Burgess Street and the adjoining properties.</p>

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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Comments Period:	2 August 2012 to 15 August 2012
Comments Received:	Nil

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

The following legislation and policies apply to the two-storey single house at No. 3 Burgess Street:

- Planning and Development Act 2005;
- Residential Design Codes of Western Australia 2010;
- City of Vincent Town Planning Scheme No. 1;
- Leederville Precinct Policy No. 3.1.3; 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 a undesirable precedent for the redevelopment of properties fronting Richmond Street.

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
	The plans do not depict if the front setback area and outdoor living area comprise permeable or non-permeable surfaces; however there is sufficient room for adequate landscaping, comprising a permeable surface to be incorporated into the development.
	The design of the dwelling provides for adequate light and ventilation which reduces the need for and reliance on artificial heating, lighting and cooling.
	It is also noted that as the site has a north-south orientation, with the dwelling being provided with an outdoor living area that takes the best advantage of the northern aspect of the site.

SOCIAL	
Issue	Comment
The proposed two-storey single house will assist in providing a greater housing diversity within the City.	

ECONOMIC	
Issue	Comment
The construction of the two-storey single house will provide short term employment opportunities.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil

COMMENTS & CONCLUSION:

The front setback of a residential development contributes to its bulk and scale on the streetscape. The upper floor setback is considered to have an undue impact on the streetscape amenity of the locality in this instance as the adjoining eastern property is a single-storey dwelling and the portion of the adjoining western property which abuts the subject site is vacant; therefore resulting in an undue building bulk on Richmond Street from a pedestrian level.

In light of the above, it is considered that the proposed two-storey single house would create an undesirable precedent for the redevelopment of 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 the City's Residential Design Elements Policy No. 3.2.1 and City of Vincent Town Planning Scheme No. 1, it is recommended that the application be refused for the reasons outlined above.

9.1.3 LATE ITEM: No. 114 Summers (Lot Y10; D/P 583) Street, Perth – Proposed Demolition of Existing Single House and Construction of Two Storey Single House

Ward:	South	Date:	2 November 2012
Precinct:	Banks P15	File Ref:	PRO0644; 5.2012.230.2
Attachments:	001 – Property Information Report and Development Application Plans 002 – Applicant Justification 003 – Garage Door Examples		
Tabled Items:	Nil		
Reporting Officer:	S De Piazzzi, Planning Officer (Statutory)		
Responsible Officer:	T Young, A/Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

1. in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1, **APPROVES** the application submitted by M Hon for the proposed Demolition of Existing Single House at No. 114 (Lot Y10; D/P 583) Summers Street, Perth, and as shown on plans stamp-dated 17 September 2012, subject to the following conditions:
 - 1.1 a Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site; and
 - 1.2 a development proposal for the redevelopment of the subject property shall be submitted to and approved by the City prior to the submission of a Demolition Permit; and

2. in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1, **REFUSES** the application submitted by M Hon for the proposed Construction of Two Storey Single House at No. 114 (Lot Y10; D/P 583) Summers Street, Perth, and as shown on plans stamp-dated 17 September 2012, for the following reasons:
 - 2.1 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 8 and SPC 8 “Setback of Garages and Carports” relating to the setback of garages. The garage is not setback 0.5 metres behind the front main building line of the dwelling and is considered to dominate the street frontage;
 - 2.2 non-compliance with the Acceptable Development and Performance Criteria provisions of the Residential Design Codes, with regard to Clause 6.2.8 A8 and 6.2.8 P8 “Garage Doors” relating to the width of garage doors. The garage door and supporting structures exceed 50 percent of the lot frontage and are not considered to contribute to a desirable streetscape; and
 - 2.3 the proposed garage would create an undesirable precedent for the development of surrounding lots which is not in the interests of orderly and proper planning for the locality.

Advice Notes:

1. Support of the demolition shall not be construed as support of the Planning Approval/Building Permit application for the redevelopment proposal for the subject property.
2. Any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the City of Vincent Town Planning Scheme No. 1 and associated Policies.

Moved Cr Topelberg, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Cr Carey departed the Chamber at 6.50pm.

Debate ensued.

Cr Carey returned to the Chamber at 6.52pm.

Debate ensued.

The Presiding Member Mayor Hon Alannah MacTiernan ruled that the following Clauses would be considered and voted upon individually.

CLAUSE 1

- “1. in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1, APPROVES the application submitted by M Hon for the proposed Demolition of Existing Single House at No. 114 (Lot Y10; D/P 583) Summers Street, Perth, and as shown on plans stamp-dated 17 September 2012, subject to the following conditions:
- 1.1 a Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site; and
 - 1.2 a development proposal for the redevelopment of the subject property shall be submitted to and approved by the City prior to the submission of a Demolition Permit; and”

CLAUSE 1 PUT AND CARRIED (8-1)

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

Against: Cr Harley

CLAUSE 2

"2. in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1, REFUSES the application submitted by M Hon for the proposed Construction of Two Storey Single House at No. 114 (Lot Y10; D/P 583) Summers Street, Perth, and as shown on plans stamp-dated 17 September 2012, for the following reasons:

- 2.1 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 8 and SPC 8 "Setback of Garages and Carports" relating to the setback of garages. The garage is not setback 0.5 metres behind the front main building line of the dwelling and is considered to dominate the street frontage;**
- 2.2 non-compliance with the Acceptable Development and Performance Criteria provisions of the Residential Design Codes, with regard to Clause 6.2.8 A8 and 6.2.8 P8 "Garage Doors" relating to the width of garage doors. The garage door and supporting structures exceed 50 percent of the lot frontage and are not considered to contribute to a desirable streetscape; and**
- 2.3 the proposed garage would create an undesirable precedent for the development of surrounding lots which is not in the interests of orderly and proper planning for the locality."**

CLAUSE 2 PUT AND LOST (1-8)

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

REASON FOR REFUSAL:

The Council considered the proposed garage confirmed with the objectives of the City's Policy in relation to garages.

Debate ensued.

ALTERNATIVE RECOMMENDATION

Moved Cr Maier, 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 M Hon for the proposed Construction of Two Storey Single House at No. 114 (Lot Y10; D/P 583) Summers Street, Perth, and as shown on plans stamp-dated 17 September 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 Summers Street;**

2. any new street/front wall, fence and gate within the Summers Street setback area, including along the side boundaries within this street setback area, shall comply with the City's Policy provisions relating to Street Walls and Fences;
3. no street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning;
4. the owners shall make application to obtain the consent of the owners of Nos. 118A-D Summers Street, Perth for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 118A-D Summers Street, Perth in a good and clean condition. The finish of the walls are to be fully rendered or face brickwork;
5. **PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION, the following shall be submitted to and approved by the City:**
 - 5.1 the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:
 - 5.1.1 the City of Vincent will not issue a residential ~~or visitor~~ car parking permit to any owner or occupier of the residential dwelling. The on-site car parking was in accordance with the requirements of the Residential Design Codes, the City's Policy No. 3.7.1 relating to Parking and Access;
 - 5.2 the garage door must seamlessly integrate with the front wall by being flush with the wall and by using the same materials so that it does not present as a separate visual element;
 - 5.3 the solid portion of the driveway must not exceed 3 metres in width and any portion of the driveway that exceeds this must be made up of reinforced grass paving which incorporates grass within the concrete infills or equivalent to the satisfaction of the Chief Executive Officer; and
6. 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.

ADVICE NOTE:

1. In relation to condition 5 of this recommendation, it is noted that this is a standard condition, and alternative finishes which are considered by the City to enhance the amenity of the development other than those stated may be supported.

Debate ensued.

ALTERNATIVE MOTION PUT AND CARRIED (8-1)

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

COUNCIL DECISION ITEM 9.1.3 AND ALTERNATIVE RECOMMENDATION (COMBINED)

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 M Hon for the proposed demolition of Existing Single House and Construction of Two Storey Single House at No. 114 (Lot Y10; D/P 583) Summers Street, Perth, and as shown on plans stamp-dated 17 September 2012, subject to the following conditions:

1. a Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site;
2. a development proposal for the redevelopment of the subject property shall be submitted to and approved by the City prior to the submission of a Demolition Permit; and
3. 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 Summers Street;
4. any new street/front wall, fence and gate within the Summers Street setback area, including along the side boundaries within this street setback area, shall comply with the City's Policy provisions relating to Street Walls and Fences;
5. no street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning;
6. the owners shall make application to obtain the consent of the owners of Nos. 118A-D Summers Street, Perth for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 118A-D Summers Street, Perth in a good and clean condition. The finish of the walls are to be fully rendered or face brickwork;
7. PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION, the following shall be submitted to and approved by the City:
 - 7.1 the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:
 - 7.1.1 the City of Vincent will not issue a residential ~~or visitor~~ car parking permit to any owner or occupier of the residential dwelling. The on-site car parking was in accordance with the requirements of the Residential Design Codes, the City's Policy No. 3.7.1 relating to Parking and Access;
 - 7.2 the garage door must seamlessly integrate with the front wall by being flush with the wall and by using the same materials so that it does not present as a separate visual element;
 - 7.3 the solid portion of the driveway must not exceed 3 metres in width and any portion of the driveway that exceeds this must be made up of reinforced grass paving which incorporates grass within the concrete infills or equivalent to the satisfaction of the Chief Executive Officer; and
8. 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.

ADVICE NOTE:

1. In relation to condition 5 of this recommendation, it is noted that this is a standard condition, and alternative finishes which are considered by the City to enhance the amenity of the development other than those stated may be supported.

PURPOSE OF REPORT:

This application has been referred to Council for consideration and determination, at the request of the applicant.

BACKGROUND:

No relevant background to the proposed development.

DETAILS:

Landowner:	M Hon
Applicant:	M Hon
Zoning:	R60
Existing Land Use:	Residential
Use Class:	Single House
Use Classification:	"P"
Lot Area:	331 square metres
Right of Way:	Nil

The proposal is to demolish the existing single house, and replace it with a two storey single house.

The Officer's report is in favour of the proposed items other than the proposed double garage which is not considered consistent with the City's Policies.

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	✓		
Streetscape			✓
Front Fence	✓		
Front Setback	✓		
Garage Doors			✓
Driveways and Crossovers			✓
Building Setbacks			✓
Boundary Wall			✓
Building Height	✓		
Building Storeys	✓		
Roof Forms			✓
Open Space	✓		
Access & Parking	✓		
Privacy			✓
Solar Access	✓		
Site Works	✓		

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

Issue/Design Element:	Streetscape
Requirement:	<p>Residential Design Elements SADC 8 Garages are to be setback a minimum of 500 millimetres behind the front main building line of the dwelling (not open verandah, porch, portico and the like).</p>
Applicants Proposal:	Garage in line with the ground floor setback.
Performance Criteria:	<p>Residential Design Elements SPC 8 Garages and carports are not to visually dominate the site or the streetscape.</p>
Applicant justification summary:	<p><i>“Firstly, the Garage/Studio door is designed to be integrated into the façade of the building. We wanted the garage to appear invisible from the street and for it to appear as part of the wall, hence the material of the garage is flushed to give the illusion of the garage door disappearing. The material we were thinking of was vertical groove timber which will soften the façade, and references the timber cottages around the area.</i></p> <p><i>Secondly, the Garage and Studio are setback by 5430mm from the front boundary. The required setback is 4m from the boundary according to the R codes. We have provided a bigger front setback to reduce the impact on the street as well as making the garage door appear invisible from the street.</i></p> <p><i>The design of the façade is contemporary and the idea of the garage and Studio wall in the same plane is integral to the simplicity of the design of the façade. By pushing the Studio 500mm in front of the garage door will not be beneficial to the design treatment of the building nor will any extra gain be achieved on the streetscape. However it would be detrimental to the design of the building because it will not make architectural sense with regards to a 500mm projection for the sake of it.</i></p> <p><i>The perspective showing the proposal in the streetscape is included with this justification.”</i></p>
Officer technical comment:	<p>The garage is not considered to meet all of the performance criteria for the following reasons;</p> <p>The current proposal, while providing a studio alongside the garage at the front of the property still maintains a double garage door to the ground floor frontage, which gives the perception of a double garage covering the entire street frontage at the ground floor level.</p> <p>Should the garage section of the ground floor be setback, this would create distinction between the two separate uses and reduce the dominance of the garage. Further within Summers Street, there are very few garages facing the street front, of which, those on the same side of the street are all single garages and compliant with setback requirements. It is currently not considered a street which provides precedent for developments proposing garages which are non compliant with the City's Policies, and approving this variation would create an undesirable precedent.</p>

Issue/Design Element:	Garage Doors
Requirement:	<p>Residential Design Codes 6.2.8 A8 Where a garage is located in front or within 1 m of the building, a garage door and its supporting structures (or garage wall where a garage is aligned parallel to the street) facing the primary street are not to occupy more than 50 per cent of the frontage at the setback line as viewed from the street. This may be increased to 60 per cent where an upper floor or balcony extends for the full width of the garage and the entrance to the dwelling is clearly visible from the primary street.</p>
Applicants Proposal:	80.9% (7.2 metres) of the lot frontage occupied.
Performance Criteria:	<p>Residential Design Codes 6.2.8 P8 The extent of frontage and building façade occupied by garages assessed against the need to maintain a desired streetscape not dominated by garage doors.</p>
Applicant justification summary:	<p>The Residential Codes states, 'Councils may encourage the integration of garages into the design of the dwelling as a means of satisfying the performance criteria relating to streetscape'.</p> <p>According to the Residential Design Elements Policy, one of the primary aims of the residential Design guidelines is to, 'manage residential development in a way that recognises the needs of innovative design and contemporary lifestyles;'</p> <p><i>"Our lifestyle requires the need for flexible space. This flexible space is a garage space shared with an Art Studio, that can be used to sometimes occupy the entire space, and that the door to the opening is a shared door to the Garage and Studio. To satisfy the performance criteria, we have designed the door so that it appears as invisible on the street, as we intend to align the external vertical groove timber with the wall of the studio and the wall of the garage, so that as explained above, gives the illusion of a wall. We believe this will not be detrimental to the streetscape but be a creative contribution to the streetscape. Our innovative design idea is that a garage does not need to look like a garage. It looks like a wall integrated into the design of the house. We believe that demonstration of the Performance Criteria is encouraged in the R-Codes.</i></p> <p><i>We note that the calculation of % of garage door and structure has also taken into account the width and structure of the Studio space, because they are on the same plane, and is not an accurate depiction of size and perception. The Studio is deemed to be a habitable room.</i></p> <p><i>The Officers suggested putting a single garage door with a different material. We feel that not only will that make the garage appear more dominant by changing materials; our need for a double garage door is also compromised. What we are trying to achieve is to make the garage door appear invisible to the streetscape by integrating it into the façade. By making the door a single width will not be beneficial to our flexible intent of the use of space, nor will it have any perceived gain to the streetscape.</i></p>

Issue/Design Element:	Garage Doors
	<p><i>We have two cars, but when one of us is at home during the day using the Studio, we want the option to park the cars in the Garage/Studio at night. Regardless of how we use this space, the need is for a double garage door size, not a single one.</i></p> <p><i>While we understand the intent of the R-Codes, we feel that the Performance Criteria has been complied with, in this instance and that there is no detrimental impact on the streetscape."</i></p>
Officer technical comment:	<p>The garage door is not considered to meet all of the performance criteria for the following reasons;</p> <p>While acknowledged that the proposed use is not primarily for a double garage, the dwelling does propose a double garage door. Effort has been put into reducing the garage door's impact on the street by integrating it with the facade and also adding a window to the section fronting the studio area, however as there is no clear distinction between the garage section and the studio area by virtue of consistent materials and building form, and the driveway spans the full width of the garage door, the perception is that the full width is for the use of a garage, and hence the ground floor is dominated by the garage door.</p> <p>Further, of the garages located on the same side of the street which do front Summers Street, there are currently no instances of double garages, with the only precedent of a double garage being located across the road, and this is in compliance with the 50% requirement.</p>
Issue/Design Element:	Driveways and Crossovers
Requirement:	<p>Residential Design Elements SADC 15 Driveways are to comply with the following requirements:</p> <ul style="list-style-type: none"> • No more than one driveway is permitted to a lot with a frontage of less than 25 metres. A second driveway may be permitted provided the total aggregate width of both driveways complies with the widths stated below; and • Subject to the minimum width of 3 metres, the total aggregate width of driveways are not to occupy more than 40 per cent of the frontage of the lot or 6 metres, whichever is the lesser.
Applicants Proposal:	56.2% (5 metres wide) lot frontage occupied
Performance Criteria:	<p>Residential Design Elements SPC 15 Minimise the number and widths of vehicular access points to frontage streets.</p> <p>Crossovers are to be located to minimise conflicts and designed to operate efficiently and safely taking into consideration the following:</p> <ul style="list-style-type: none"> • The size of the car parking area; and • The amount and type of vehicle traffic travelling along the related road. <p>Crossovers are to be located, where possible, so as to maximise the number of kerbside car parking spaces and retention of street trees.</p>

Issue/Design Element:	Driveways and Crossovers
Applicant justification summary:	<p><i>"The Driveway has been reduced to 3m wide, and the remaining 2m will be constructed out of grasscrete, or reinforced grass paving, which will incorporate grass within the concrete infills. It is noted that the interpretation of the entire driveway includes the grasscrete in the calculation of the driveway.</i></p> <p><i>We believe that we have complied with giving back more landscaping to the frontage by the addition of grasscrete in lieu of solid driveway, and will not have adverse impact on the streetscape or safety."</i></p>
Officer technical comment:	<p>The driveway and crossover is considered to meet all of the performance criteria for the following reasons;</p> <p>As the applicant has proposed that the sections of driveway exceeding three metres are to be constructed with grasscrete, while technically still not compliant with the maximum width, is considered an acceptable method of reducing the driveway's impact on the streetscape. The extra section of driveway will give the allowance for three car bays total on site, two for the owners and one for a visitor when necessary, which will assist in reducing on-street parking.</p>

Issue/Design Element:	Building Setbacks
Requirement:	<p>Residential Design Codes 6.3.1 A1 Upper floor east wall – 2.2 metres</p>
Applicants Proposal:	Upper floor east wall – 1.0 to 4.2 metres
Performance Criteria:	<p>Residential Design Codes 6.3.1 P1 Buildings setback from boundaries other than street boundaries so as to:</p> <ul style="list-style-type: none"> • provide adequate direct sun and ventilation to the building; • ensure adequate direct sun and ventilation being available to adjoining properties; • provide adequate direct sun to the building and appurtenant open spaces; • assist with protection of access to direct sun for adjoining properties; • assist in ameliorating the impacts of building bulk on adjoining properties; and • assist in protecting privacy.
Applicant justification summary:	<p><i>"The building is located within 3km of the CBD, and as reiterated, is a narrow 8.95m wide block. The openings of the windows have been carefully considered to allow for cross ventilation and sunlight.</i></p> <p><i>We have tried to ameliorate the building bulk by articulating the eastern and western facades, by creating material changes, providing fenestrations as well as playing with the massing of the walls. All this is done with careful sunlight and ventilation considerations for the house as well as adjoining properties.</i></p> <p><i>The visual privacy of the neighbours has been considered carefully and has been designed to avoid direct overlooking using the cone of vision diagram applied to all upper floor windows on the east, north and west facades."</i></p>

Issue/Design Element:	Building Setbacks
Officer technical comment:	<p>The building setbacks are considered to meet all of the performance criteria for the following reasons;</p> <p>The dwelling fully complies with the requirements for overshadowing, and incorporates a number of features into its design including varying materials and vertical articulation which will minimise any visual impact on the adjoining neighbour. Further the proposed minimum setback of 1.0 metre is considered adequate to allow for ventilation between buildings.</p>
Issue/Design Element:	Boundary Walls
Requirement:	<p>Residential Design Codes 6.3.2 A2 Except where otherwise provided for in an adopted local planning policy, walls built up to a boundary behind the front setback line within the following limits, subject to the overshadowing provisions of design element 6.9: iii In areas coded R30 and higher, walls not higher than 3.5 m with an average of 3 m for two-thirds the length of the balance of the boundary behind the front setback, to one side boundary only;</p>
Applicants Proposal:	<p>6.3 metres average height 6.6 metres maximum height</p>
Performance Criteria:	<p>Residential Design Codes 6.3.2 P2 Buildings built up to boundaries other than the street boundary where it is desirable to do so in order to:</p> <ul style="list-style-type: none"> • make effective use of space; or • enhance privacy; or • otherwise enhance the amenity of the development; • not have any significant adverse effect on the amenity of the adjoining property; and • ensure that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted.
Applicant justification summary:	<p><i>“We felt that as the block was very narrow, we needed to maximize the effective use of space, by building closest to the western boundary where an existing development driveway becomes the physical barrier between our house and the apartments on the west.</i></p> <p><i>The existing house is located 100mm from the boundary. In order to have an efficient use of space, it is desirable that the building is double storey and located 100mm from the western boundary as the original house.</i></p> <p><i>The location of the windows has been carefully considered and orientated so that no major habitable room overlooks the neighbouring properties. The cone of vision diagram was applied to the upper floor eastern, northern and western windows. There is no overlooking issue to either the east, north or west as shown in the diagram submitted illustrating that the neighbouring windows are clear of the cone of vision of the windows of the proposed design. The eastern neighbour is a single level cottage with no windows located on the boundary.</i></p> <p><i>There is no overshadowing issue of habitable rooms to adjoining properties.”</i></p>

Issue/Design Element:	Boundary Walls
Officer technical comment:	<p>The boundary wall is considered to meet all of the performance criteria for the following reasons;</p> <ul style="list-style-type: none"> • The boundary wall makes effective use of the lot area given the relatively small lot size, allowing for a reasonable outdoor living area at the rear. • Privacy has been considered in the design of the openings from the boundary wall and even if they were considered major openings there would still be no issue as the area looked on from these openings is common property. • Consideration has been taken to provide visual amenity to the adjoining property through the varying materials used, vertical articulation and various openings, to create interest in the wall. • Given the orientation of the property and neighbouring properties, it is not considered that there will be any issue with access to direct sunlight, and further, the development is considered to be fully compliant with the requirements of the R-Codes for overshadowing.
Issue/Design Element:	Roof Forms
Requirement:	<p>Residential Design Elements BDADC 3</p> <ul style="list-style-type: none"> • The use of appropriate materials, colour and roof pitch; • The use of roof pitches between 30 degrees and 45 degrees (inclusive) being encouraged; and • The use of lower pitched roofs where they are compatible with existing development and streetscape.
Applicants Proposal:	Skillion roof
Performance Criteria:	<p>Residential Design Elements BDPC 3</p> <p>The roof of a building is to be designed so that:</p> <ul style="list-style-type: none"> • It does not unduly increase the bulk of the building; • In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and • It does not cause undue overshadowing of adjacent properties and open space.
Applicant justification summary:	<p><i>“The design is of contemporary style with clean planar lines. It takes into consideration solar orientation and passive solar design principles, with careful consideration for materials and colours designed to complement the streetscape.</i></p> <p><i>There are no issues with overshadowing.”</i></p>
Officer technical comment:	<p>The roof form is considered to meet all of the performance criteria for the following reasons;</p> <p>The skillion roof allows the development to reduce its maximum height and reduce its bulk on the streetscape. Further there is a much larger development existing opposite the proposed site which does not make use of a pitched roof and as such the proposed skillion roof development will complement this building's design while having a much smaller impact on the directly adjoining pitched roof developments.</p>

Issue/Design Element:	Privacy
Requirement:	<p>Residential Design Codes 6.8.1 A1 Bedrooms and studies setback or screened to 1.6 metres above finished floor level, any point within 4.5 metres of the cone of vision from a neighbouring boundary</p> <p>Decking 0.5 metres or more above natural ground level setback or screened to 1.6 metres above finished floor level, any point within 7.5 metres of the cone of vision from a neighbouring boundary.</p>
Applicants Proposal:	<p><u>Upper floor north facing study windows</u> 3.5 metre setback from east boundary 2.5 metre setback from east boundary</p> <p><u>Decking</u> 0.5 metre setback west boundary 6.0 metre setback north boundary 0.5 metre setback east boundary</p>
Performance Criteria:	<p>Residential Design Codes 6.8.1 P1 Direct overlooking of active habitable spaces and outdoor living areas of other dwellings is minimised by building layout, location and design of major openings and outdoor active habitable spaces, screening devices and landscape, or remoteness.</p> <p>Effective location of major openings and outdoor active habitable spaces to avoid overlooking is preferred to the use of screening devices or obscured glass.</p> <p>Where these are used, they should be integrated with the building design and have minimal impact on residents' or neighbours' amenity.</p> <p>Where opposite windows are offset from the edge of one window to the edge of another, the distance of the offset should be sufficient to limit views into adjacent windows.</p>
Applicant justification summary:	<p><i>"The windows have been carefully considered to avoid overlooking.</i></p> <p><i>All high level windows on the upper floor are 1.6m above finished floor level on the eastern and western facades closest to the boundaries and the cone of vision diagram is applied to all upper floor windows in the void and the northern windows to establish that there are no overlooking issues. Boundary windows are translucent, including the Family room window on the western façade on the ground floor.</i></p> <p><i>The eastern neighbour is a single level cottage with no windows located on the boundary, hence there is no overlooking issue on the eastern boundary, on the ground and upper floor.</i></p> <p><i>An existing 1800h fence on the north, east and western boundary screens all decking on the ground floor."</i></p>

Issue/Design Element:	Privacy
Officer technical comment:	<p>The major openings are not considered to meet all of the performance criteria for the following reasons;</p> <p>The upper floor north and south facing study windows are also considered to look directly into the adjoining eastern property and as such are recommended to be screened at any point within the 4.5 metre cone of vision.</p> <p>It is considered that the decked area will overlook the main outdoor living area of the eastern adjoining neighbour and as such will be recommended to be raised no greater than 500mm above natural ground level.</p>

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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Consultation Period: 3 August 2012 to 16 August 2012.

Comments received: A single submission of support was received, no comment made.

Summary of Comments Received:	Officers Technical Comment:
Support	Noted

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*.

Should the Council approve the application for development approval; the proposal would be in conflict with the Acceptable Development and Performance Criteria provisions of Policy No. 3.2.1 relating to Residential Design Elements, creating an undesirable precedent for street frontages to dwellings.

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."*

COMMENTS & CONCLUSION:

Demolition

The subject single storey weatherboard and iron dwelling at No. 114 Summers Street, Perth was constructed circa 1896 in the Federation Cottage style of architecture.

The subject place is first listed in the WA Post Office Directories in 1897 and was occupied by George C Mitchell; however, no street number was documented. In 1900, the subject place is listed as No. 114 Summers Street and Henry C Smith had taken up the residency. Since then the subject dwelling has been transferred several times to new owners and occupiers. Notwithstanding the above, the subject dwelling does not appear on the 1897 Public Works Department (PWD) Sewerage Plans.

An site inspection undertaken on 11 July 2012 indicates that the front elevation of the subject dwelling features a symmetrical presentation, with the main entrance locates centrally and flanks by two windows on either side. The dwelling has a high-pitched corrugated iron roof, with an extended shallower roof covering over the front verandah. The front verandah is supported by blue painted timber posts. The subject dwelling is positioned mostly on the northern lot with the southern lot accommodating expansive garden, which is delineated from the street by timber lattice fences and a timber door.

A Building Licence Plan dated 1946 indicates that D Greer, the then owner of the subject dwelling, proposed to construct a front verandah to the existing dwelling at No. 114 Summers Street. The proposed verandah features a roof above and enclosed asbestos walls to dado height. The current site inspection indicates that the proposed verandah is not in existence. It is uncertain that whether the proposed front verandah has been constructed or not, as the comment on the physical evidence is restricted to an external viewing.

The plan dated 28 May 2012 illustrates that there are a verandah, shed and toilet to the rear of the existing dwelling.

A preliminary heritage assessment, including an external inspection undertaken on 11 July 2012, indicates that whilst the place was constructed in the early 19th century in the Federation Cottage style of architecture and has some historic and aesthetic value, it is considered that the place is not rare and does not represent any aspect of cultural heritage of the City of Vincent that may be endangered and has little scientific or social heritage significance. In accordance with the City's Policy No. 3.6.2 relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the City's Municipal Heritage Inventory. As such, the place is considered to require no further investigation and that a full Heritage Assessment is not warranted in this instance.

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

Planning

The proposal is for the most part supported, however it is considered that the proposal lacks positive interaction with the street at ground level and through its design, when viewed from the street, presents only access for vehicles, with pedestrian access being tucked behind the garage area.

A number of ideas have been put forward in an attempt to reduce the impact of the double garage door and its presence when viewed from the street, through integrating it into the design of the facade and providing a window from the studio in the door, however as the driveway fronting the garage extends the full width of the door, it implies that it is leading to a double garage. With no view of any front door to the dwelling, the streetscape does become dominated by the garage aspect.

In light of the above it is considered that the proposal be refused.

9.1.2 FURTHER REPORT: Amendment No. 103 to Planning and Building Policy Manual – Amendment to Policy No. 3.5.3, 3.5.4 and 3.5.22 and Rescission of Policy No. 3.5.9

Ward:	Both Wards	Date:	26 October 2012
Precinct:	All Precincts	File Ref:	PLA0249
Attachments:	001 – Policy No. 3.5.3 002 – Policy No. 3.5.4 003 – Policy No. 3.5.22 004 – Policy No. 3.5.9		
Tabled Items:	Nil		
Reporting Officers:	D Mrdja, Senior Strategic Planning and Heritage Officer		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council **AUTHORISES** the Chief Executive Officer to advertise the proposed:

1. **Amendment to the following Planning and Building Policies:**
 - 1.1 **Policy No. 3.5.3 relating to Education and Care Services (known currently as Day Nursery/Child Care Centres);**
 - 1.2 **Policy No. 3.5.4 relating to Amusement Centres; and**
 - 1.3 **Policy No. 3.5.22 relating to Consulting Rooms; and**
2. **Rescission of Policy No. 3.5.9 relating to Stormwater Disposal from Premises,**
as shown in Appendix 9.1.5 for public comment, in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1 and the City's Policy No. 4.1.5 relating to Community Consultation.

Moved Cr McGrath, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

The Presiding Member Mayor Hon. Alannah MacTiernan advised Cr Maier that he would need to move his Amendments individually.

AMENDMENT 1

Moved Cr Maier, Seconded Cr Buckels

“That Clause 1.2 be deleted and a new Clause 2.2 be inserted to read as follows:

That the Council **AUTHORISES** the Chief Executive Officer to advertise the proposed:

1. **Amendment to the following Planning and Building Policies:**
 - 1.1 **Policy No. 3.5.3 relating to Education and Care Services (known currently as Day Nursery/Child Care Centres); and**
 - 1.2 ~~**Policy No. 3.5.4 relating to Amusement Centres; and**~~

2. RESCISSION of the following Planning and Building Policies:

2.1 Policy No. 3.5.9 relating to Stormwater Disposal from Premises; and

2.2 Policy No. 3.5.4 relating to Amusement Centres.

as shown in Appendix 9.1.5 for public comment, in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1 and the City's Policy No. 4.1.5 relating to Community Consultation."

Debate ensued.

AMENDMENT 1 PUT AND CARRIED UNANIMOUSLY (9-0)

AMENDMENT 2

Moved Cr Maier, Seconded Cr Buckels

"That Clause 1.2 be amended to read as follows:

1.32 Policy No. 3.5.22 relating to Consulting Rooms Centres subject to the following amendments: and

1.2.1 Under clause 1 the definition of 'Consulting Room' being deleted; and

1.2.2 Clause 4 be amended to read as follows:

4. HOURS OF OPERATION

4.1 The hours of operation of Non-Medical Consulting Rooms are governed by the Retail Trading Hours Act;

4.2 The hours of operation of Medical Consulting Rooms and Alternative Medicine Consulting Rooms shall be limited to 8:00am to 6:00pm weekdays and 8:00am to 1:00pm Saturdays; and

4.3 The City may consider an increase to the hours stated in clause 4.2, provided that the amenity of the surrounding area is not unduly affected; and"

Debate ensued.

Cr Carey departed the Chamber at 7.10pm.

Debate ensued.

Cr Carey returned to the Chamber at 7.12pm.

AMENDMENT 2 PUT AND LOST (1-8)

For: Cr Maier

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

Debate ensued.

AMENDMENT 3

Moved Cr Topelberg, Seconded Cr Maier

“That Clause 4.1 be amended to read as follows:

4. HOURS OF OPERATION

- 4.1 ~~The hours of operation of Non-Medical Consulting Rooms are governed by the Retail Trading Hours Act~~ Hours of operation may be limited for consulting rooms in Residential areas.**

Debate ensued.

AMENDMENT 3 PUT AND CARRIED UNANIMOUSLY (9-0)

AMENDMENT 4

Moved Cr Maier, Seconded Cr Buckels

“That clause 1.1 be amended to read as follows:

- 1.1 Policy No. 3.5.3 relating to Education and Care Services (known currently as Day Nursery/Child Care Centres) subject to Clause 1.3 relating to the Maximum Number of Children and Clause 1.4 relating to Internal Playing Space, being deleted and the remaining clauses renumbered;”**

Debate ensued.

AMENDMENT 4 PUT AND CARRIED UNANIMOUSLY (9-0)

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

COUNCIL DECISION ITEM 9.1.2

That the Council AUTHORISES the Chief Executive Officer to advertise the proposed:

1. Amendment to the following Planning and Building Policies:

- 1.1 Policy No. 3.5.3 relating to Education and Care Services (known currently as Day Nursery/Child Care Centres) subject to Clause 1.3 relating to the Maximum Number of Children and Clause 1.4 relating to Internal Playing Space, being deleted and the remaining clauses renumbered; and**

2. RESCISSION of the following Planning and Building Policies:

- 2.1 Policy No. 3.5.9 relating to Stormwater Disposal from Premises; and**
2.2 Policy No. 3.5.4 relating to Amusement Centres,

as shown in Appendix 9.1.5 for public comment, in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1 and the City’s Policy No. 4.1.5 relating to Community Consultation; and

the following clause be inserted, into Policy No. 3.5.22;

4. HOURS OF OPERATION

- 4.1 Hours of operation may be limited for consulting rooms in Residential areas.**

FURTHER REPORT:

The Council at its Ordinary Meeting held on 23 October 2012, considered the report for the Chief Executive Officer to authorise the advertising of the amendment to Policy Nos. 3.5.3, 3.5.4 and 3.5.22 and the rescission of Policy No. 3.5.9 and resolved as follows:

“That the Item be DEFERRED to the Ordinary Meeting of Council to be held on 6 November 2012 for further consideration.”

The Minutes of the Ordinary Meeting of Council held on 23 October 2012, can be found at http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes.

9.3.3 Review of Long Term Financial Plan – Progress Report 2

Ward:	Both	Date:	26 October 2012
Precinct:	All	File Ref:	FIN0025
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	M Rootsey, Director Corporate Services		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council NOTES;

1. Progress Report 2 on the review of the Long Term Financial Plan; and
2. The consultation for the Council Members to have input into the preparation of the City of Vincent Long Term Financial Plan be rescheduled to the second quarter of 2013.

Moved Cr Topelberg, Seconded Cr McGrath

That the recommendation be adopted.

Debate ensued.

AMENDMENT 1

Moved Cr McGrath, Seconded Cr Pintabona

“That Clause 2 be amended to read as follows:

2. The consultation for the Council Members to have input into the preparation of the City of Vincent Long Term Financial Plan to be rescheduled to the first quarter of 2013 and the Community Consultation to be held in the second quarter of 2013.”

AMENDMENT 1 PUT AND CARRIED UNANIMOUSLY (9-0)

Debate ensued.

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

COUNCIL DECISION ITEM 9.3.3

That the Council NOTES;

1. Progress Report 2 on the review of the Long Term Financial Plan; and
2. The consultation for the Council Members to have input into the preparation of the City of Vincent Long Term Financial Plan to be rescheduled to the first quarter of 2013 and the Community Consultation to be held in the second quarter of 2013.

PURPOSE OF REPORT:

To inform the Council of the current status of the review of the Long Term Financial Plan.

BACKGROUND:

At the Ordinary Meeting of Council held on 26 June 2012 the Council resolved the following:

“That the Council;

1. *NOTES the progress report on the review of the City’s Long Term Financial Plan; and*
2. *REQUESTS that:*
 - 2.1 *the Chief Executive Officer arranges a workshop in September/October 2012 (in conjunction with the review of the City’s Strategic Community Plan) for the Council Members to have input into the preparation of the City of Vincent Long Term Financial Plan 2012-2022; and*
 - 2.2 *the City of Vincent Long Term Financial Plan for the period 2012 – 2022 be reported to Council in December 2012.”*

The City’s current Long Term Financial Plan is for the period 2006 – 2016.

As part of the Strategic Community Plan 2011 – 2021 under Key Result Area Four – Leadership, Governance and Management.

Objective 4.1.4 Plan effectively for the future:

(a) Review and update the City’s Long Term Financial Plan to ensure the long term sustainability of the City.

In the Strategic Community Plan it is proposed that the long term financial plan be updated and reviewed in 2011/12.

However, as part of the Local Government Department’s Integrated Planning Framework the City has to prepare a Strategic Community Plan and Corporate Business Plan in support of these documents, the following must be provided:

- Workforce Plan;
- Asset Management Plans; and
- Long Term Financial Plan.

The regulations require the City to comply with these requirements by 30 June 2013.

As a result of the new regulations requirements the Administration has begun preparation of a new Long Term Financial Plan for the City for a ten (10) year period.

The Local Government Department has produced a Long Term Financial Planning Framework and Guidelines, these are as follows:

The Long Term Financial Plan should be a high – level document that can be easily understood by the community.

The high – level Long Term Financial Plan should be supported by detailed spreadsheets and other information that would usually be prepared for internal use, although not included in the published plan.

A Long Term Financial Plan can be presented separately as part of a range of other informing plans and documents, or can be included in the Corporate Business Plan document.

As a minimum the Long Term Financial Plan should included ten (10) year financial forecasts comprising:

- Forecast income statement;
- Statement of cash flows;
- Rate setting statement;
- Statement of financial position; and
- Equity statement.

These statements must be supported by:

- Details of assumptions on which the plan has been developed;
- Projected income and expenditure;
- Methods of measuring performance – Key Performance Indicators (KPIs);
- Scenario modelling and sensitivity analysis;
- Major capital works schedules; and
- Risk assessments of major projects.

DETAILS:

The preparation of a new Long Term Financial Plan has commenced, using current information from our works programmes and existing operating budget documentation.

However, it is important that input is received from the Council Members to ensure that the plan reflects the direction of the Council.

It is also important that the Long Term Financial Plan is as current as possible and is a working document. The 2012/13 Annual Budget should be used as the base document for this plan.

In discussions held between the Mayor and Chief Executive Officer it is important resources are not allocated to these tasks until after the new year when more information on the future of the City may be known.

CONSULTATION/ADVERTISING:

Not Applicable.

LEGAL/POLICY:

Not Applicable.

RISK MANAGEMENT IMPLICATIONS:

Low: The Long Term Financial Plan will reflect more accurate estimates and have greater validity with the movement of the review date.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"Objective 4.1.4 Plan effectively for the future

(a) Review and update the City's Long Term Financial Plan to ensure the long term sustainability of the City."

SUSTAINABILITY IMPLICATIONS:

Not Applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Not Applicable.

COMMENTS:

The amendment to the timeframe will allow alignment with the documentation requirements for the Local Government Department Integrated Planning Framework and Reporting which needs to be complied with by 30 June 2013.

9.5.2 FURTHER REPORT: City of Vincent Policy No. 4.1.20 – Social Media– Proposed Amendment

Ward:	Both	Date:	26 October 2012
Precinct:	Both	File Ref:	ADM0023
Attachments:	001 Amended Policy No. 4.1.20		
Tabled Items:	Nil		
Reporting Officer:	S. Unicomb, Marketing & Communications Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES BY AN ABSOLUTE MAJORITY to amend Policy No. 4.1.20 - Social Media, as shown in Appendix 9.5.2; and**
2. **DOES NOT ADVERTISE the amended Policy 4.1.20, as the amended Policy is primarily an administrative document.**

COUNCIL DECISION ITEM 9.5.2

Moved Cr Carey, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

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

FURTHER REPORT:

This report was included in the Agenda for the Ordinary Meeting of Council held on 23 October 2012. Following the discussions with the Mayor Hon. Alannah MacTiernan, further investigations and clarification of conditions were considered necessary and the Item was subsequently withdrawn by the Chief Executive Officer prior to the meeting.

PURPOSE OF REPORT:

To obtain the Council's approval to amend Policy No. 4.1.20 – Social Media.

BACKGROUND:

At the Ordinary Meeting of Council held on 28 February 2012, the Council considered the matter of Social Media and in response to a Notice of Motion from Cr Carey, resolved as follows:

“That the Council REQUESTS the Chief Executive Officer to prepare a Social Media Plan for the City of Vincent, which includes promptly establishing a Facebook page and a Twitter account, as well as any other platforms as necessary.”

DETAILS:

The City's administration has been researching Social Media and in particular how it relates to Local Government and a presentation was made to the September Council Member Forum.

As the popularity of social media continues to grow, so too does the need for the public sector to develop a social media presence. Social media has become a powerful community engagement tool, offering the opportunity to interact with the community, deliver services and obtain feedback that is unmatched by traditional means of communication.

Proposed Amendments

An amended Policy is attached at Appendix 9.5.2. Changes are highlighted in red and/or strikethrough.

Initially the City's, Marketing and Communications Officer (MCO) will set up a City of Vincent facebook page which will "promote council offerings with a focus on positive, 'social' content including arts, news, events and festivals. The page will feature the City's logo as well as a fun, lively, colourful design which fosters positive, more light-hearted, community-centric content and therefore (hopefully) comments in a similar spirit from fans. By incorporating the word 'news', this allows us to post whatever we need to.

MCO is looking forward to delving into social media but would like to convey to Council that, ideally, before going 'live' with any social media for the City, MCO would prefer to:

- Write a comprehensive Communications Plan and a Social Media Strategy;
- Ensure these are integrated;
- Set-up facebook *and* Twitter accounts that are hooked up to the below; and
- Research and set-up multi-platform tools for posting and monitoring.

As presented to the September Forum, the matter of adequate resources, particularly staff to implement and maintain the Social Media, is recognised as a concern and this will be closely monitored.

At the Local Government social media seminar held on 12 October 2012, MCO noted that all Local Governments have multiple (at least 2, sometimes more) marketing/communications personnel to manage social media. MCO is hesitant to set up Twitter as well as facebook at this stage.

It is proposed we revisit the situation after three months to:

- Gauge our success to date;
- Amend the Policy and Guidelines if necessary;
- Allocate more staff resources if necessary; and
- Decide which platforms, if any, should come next.

CONSULTATION/ADVERTISING:

Draft Policies as amended Policies are normally advertised for a period of twenty one (21) days in accordance with the City's Community Consultation Policy. However as the amendments are mainly of an administrative nature, it is recommended that it not be advertised for community comment.

LEGAL/POLICY:

Policies are not legally enforceable, however they provide guidance to the City's Administration and Council Members when considering various matters.

The Australian [Advertising Standards Bureau](#) (ASB) has made a landmark ruling that Facebook is an *advertising* medium and as such therefore falls under the industry's self-regulatory code of ethics – [the Australian Association of National Advertiser's \(AANA\) Code of Ethics](#). Social media pages must comply with pertinent codes and laws, vetting all public posts to ensure they are (eg) not sexist, racist or factually inaccurate.

Companies can now be fined or publicly shamed for the comments that appear on their social media "brand" pages. The ASB ruled in general that Australia's advertising laws were applicable to everything on a brand's page — the Code applies to the content generated by the page creator as well as material or comments posted by users or friends".

RISK MANAGEMENT IMPLICATIONS:

Medium High: The failure to carefully monitor and sufficiently resource the new Social Media could result in adverse publicity for the Local Government.

STRATEGIC IMPLICATIONS:

This matter is in keeping with the Strategic Plan 2011 – 2016 – Key Result Area "4: Leadership, Governance and Management: 4.1.2 – Manage the Organisation in a responsible, efficient and accountable manner".

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The Chief Executive Officer is directly responsible for Communications, Media and Public Relations. The Social Media Plan will be coordinated by the City's Marketing and Communication Officer with heavy involvement from the Information Technology Section and other Sections.

Approval of the Officer Recommendation is therefore requested.

9.5.3 Policy No. 4.1.34 – Relationship Declaration Register - Adoption

Ward:	-	Date:	26 October 2012
Precinct:	-	File Ref:	CVC0043
Attachments:	001 Draft Policy No. 4.1.34 and Guidelines 002 Application Form 003 Relationship Declaration Certificate 004 Declaration Official Reading 005 Draft Appointment Letter		
Tabled Items:	Nil		
Reporting Officers:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

CORRECTED OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES IN PRINCIPLE ~~BY AN ABSOLUTE MAJORITY~~ to adopt corrected draft Policy No. 4.1.34 – Relationship Declaration Register (RDR) and associated Application Form (which specifies that the RDR is only available to persons over the age of eighteen (18) years), as shown in Appendix 9.5.3; and**
2. **AUTHORISES the Chief Executive Officer to ADVERTISE Policy No. 4.1.34 – Relationship Declaration Register, for a period of twenty one (21) days, seeking public comment; and**
3. **After the expiry of the period of submissions:**
 - 3.1 **REVIEWS Policy No. 4.1.34 – Relationship Declaration Register having regard to any written submissions; and**
 - 3.2 **DETERMINES to proceed with, or not to proceed with Policy No. 4.1.34 – Relationship Declaration Register, with or without amendment; and**
 - 3.3 **includes Policy No. 4.1.34 – Relationship Declaration Register, in the City’s Policy Manual if no submissions are received from the public; and**
4. **APPROVES BY AN ABSOLUTE MAJORITY in accordance with Section 6.16 of the Local Government Act 1995 to adopt the following new fees and charges;**

ITEM	Prescribed Fee
Application to make a Relationship Declaration	\$120
Replacement of Declaration Certificate	\$25
Certificated Copy of entry - Relationship Declaration Register	\$25

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

COUNCIL DECISION ITEM 9.5.3

Moved Cr Carey, Seconded Cr McGrath

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (8-1)

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

Against: Cr Pintabona

PURPOSE OF REPORT:

To obtain the Council's approval to adopt Council Policy No. 4.1.34 – Relationship Declaration Register and associated prescribed fees and charges.

BACKGROUND:

At the Ordinary Council meeting held on 25 September 2012 the Council considered a Notice of Motion from Cr Carey and supported by Cr McGrath and Cr Harley and resolved as follows:

“That the Council;

1. *APPROVES IN PRINCIPLE to Adopt a new City of Vincent Policy No: 4.1.34 - Relationship Declaration Register, as shown in Appendix 10.1*
2. *REQUESTS that;*
 - 2.1 *A Relationship Declaration Register be prepared, using existing models adopted by the City of Melbourne/and or other councils, as appropriate; and*
 - 2.2 *A final model and policy be presented to the Council no later than 6 November 2012, which will then be released for community consultation.*
 - 2.3 *Alternative models that achieve the same objectives are investigated.”*

DETAILS:

Following the Council decision, this matter has been researched and information obtained from the City of Melbourne, concerning their Relationship Registration package. Information was also obtained from the City of Yarra and City of Sydney websites.

The matter was referred to the City's Solicitors who have provided the following advice – summarised as follows;

1. Applicable statutes in WA or Commonwealth:

The following Statutes are applicable;

Western Australian Statutes

- (i) Administration Act 1903;
- (ii) Family Court Act 1997;
- (iii) Inheritance (Family and Dependents Provision) Act 1972;
- (iv) Interpretation Act 1984; and
- (v) Property Law Act 1969.

Commonwealth Statutes

- (i) Family Law Act 1975; and
- (ii) Privacy Act 1988.

2. Other Applicable Statutes:

The City's Solicitors advise that other statutes that may possibly be applicable include;

- Evidence Act; and
- The Commonwealth Corporations Act.

However these statutes appear to be remotely relevant and accordingly have not been included into the Policy.

3. Other Comments:

The City's Solicitors advise that the Policy and Application Form should include the following statements;

Persons to obtain independent Legal Advice

"The City of Vincent recommends that Individuals who want more information about the legal consequences of making a relationship declaration and having it recorded in the City of Vincent Relationship Declaration Register should obtain their own independent legal advice."

Other Statements

"Both partners must read and sign the following declaration:

We declare that the information we have provided on this Application Form is correct and that we have read and agree to the Conditions of the Relationship Declaration Program. We declare that there is no reason why we should not make a declaration about our relationship and we understand that the giving of false or misleading information may lead to this fact being recorded on the City of Vincent Relationships Register.

By providing this information we consent to it being held, used and disclosed for the purposes described above. We understand that the disclosure of information will be lawfully authorised if its disclosure is required by law or is otherwise in accordance with the provisions of the Privacy Act 1998 (cwth) and City of Vincent Policy No. 4.1.31 "Privacy Management".

We understand that we are entering into a voluntary commitment with our partner which does not change our legal status. We understand that the declaration we make may be tendered as evidence in legal proceedings of the existence and duration of our relationship.

We acknowledge that a Certificate of our relationship declaration will be issued by the City of Vincent and handed to one of us, and that the safekeeping and use of the Declaration is the responsibility of both partners.

We understand that the City of Vincent does not guarantee the accuracy of the information being held and that it reserves the right to cease the keeping of the Register at any time.

We agree to indemnify City of Vincent and its Officers against all liability for anything done bona fide in the creation, updating and maintenance of our information provided for the purposes of the Register, and against all liability in respect of any claims, and for all loss and damage, that may arise from the use or otherwise of the Relationship Declaration."

4. Indicative Costs:

ITEM	TIME (minutes)	Officer	Approx Cost (including On Costs)
Making an Appointment for Interview			
1. Making an appointment for interview	5	PA	\$3.85
Upon Receipt of Application Form			
1. Application form to be checked by Chief Executive Officer and interview	20	CEO	\$ 41.20
2. Information to be electronically recorded into RDR	10	PA	\$ 7.70
3. Hard Copies to be placed on RDR File	5	PA	\$ 3.85
Interview			
1. Interview letter to be typed	10	PA	\$ 7.70
2. Interview letter to be checked and signed.	5	CEO	\$ 10.30
Declaration Paper Work			
1. Certificate to be typed and printed	10	PA	\$ 7.70
Making the Declaration			
1. Declaration to be carried out	10	CEO	\$ 20.60
Post Declaration			
1. Documentation to be filed (hard copy)	5	PA	\$ 3.85
2. Documentation to be recorded electronically	5	PA	\$ 3.85
Administration Costs			
1. Paper, envelope, stamp	-	-	\$ 2.00
2. Cost of colored Certificate, misc	-	-	\$ 5.00
3. Use of Room, Power, Cleaning	-	-	\$ 3.00
		Total	\$120.60

*CEO = Chief Executive Officer

*PA = Chief Executive Officer's Personal Assistant

The cost of making a declaration is recommended to be \$120.00, which reflects the full cost recovery of a person making such a declaration.

5. Protection of Confidentiality:

The adopted Policy, Procedure and Guidelines specify that strict controls will be in place concerning confidentiality of data.

CONSULTATION/ADVERTISING:

The Council has a policy of advertising for a period of twenty one (21) days seeking comments from the public.

LEGAL/POLICY:

Policies are not legally enforceable, however they provide guidance to the City's Administration and Council Members when considering various matters.

The Local Government Act 1995 Section 6.16 allows the Council to adopt prescribed fees and charges.

RISK MANAGEMENT IMPLICATIONS:

High: The failure to adequately check documentation for the Relationship Declaration Register may result in incorrect information being recorded with possible consequences if persons utilise the Relationship Declaration Register Certificate in an illegal proceedings. Furthermore, strict controls must be in place to control access to personal information and to protect a person's privacy.

STRATEGIC IMPLICATIONS:

This matter is in keeping with the Strategic Plan 2011 – 2016 – Key Result Area *"4: Leadership, Governance and Management: 4.1.2 – Manage the Organisation in a responsible, efficient and accountable manner"*.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The City has not adopted any prescribed fees and charges in the 2012/2013 Annual Budget, as this matter arose after the adoption of the Budget. Based on anecdotal information from the City of Melbourne, where by approximately 200 entries have been made since the adoption of the programme in 2007, it is expected that there may be an initial rush from persons to make a declaration. This is particularly so as this will be the first and only Declaration available in Western Australia.

It is considered that approximately 20 people may apply in the next six (6) months, which will result in income of \$2,400 for the remainder of the 2012/2013 financial year.

COMMENTS:

The Relationship Registration Register will be the first of its type in Western Australia and will provide a service to persons seeking to make such a declaration. The service will be administered by the Office of the Chief Executive Officer, as this will ensure the Confidentiality of data will be strictly controlled and will also ensure that privacy is maintained at a high level.

Approval of the Officer Recommendation is therefore requested.

9.5.4 Healthy Vincent Advisory Group – Amended to Terms of Reference

Ward:	Both	Date:	26 October 2012
Precinct:	All	File Ref:	FIN0200
Attachments:	001 – Advisory Group Terms of Reference		
Tabled Items:	Nil		
Reporting Officers:	A Guy, Community Development Officer; and J Anthony, Manager Community Development		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council:

- APPROVES BY AN ABSOLUTE MAJORITY to adopt, the amended Terms of Reference for the Healthy Vincent Advisory Group, as shown in Appendix 9.5.4; and**
- AUTHORISES the Chief Executive officer to advertise for a period of fourteen (14) days, for a Community Representative to fill the vacant position on the Advisory Group.**

Note: The above Officer Recommendation was corrected and distributed prior to the meeting.

COUNCIL DECISION ITEM 9.5.4

Moved Cr Pintabona, Seconded Cr Maier

That the recommendation be adopted.

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

ADDITIONAL INFORMATION:

The City was made aware on 5 November 2012 that a Community Representative on the Advisory Group sadly passed away recently. As such, there is a need to advertise and fill the vacant position.

PURPOSE OF REPORT:

To obtain Council approval to amend the Terms of Reference for the Healthy Vincent Advisory Group to be inclusive of physical, emotional and social wellbeing activities, as well as include strategies of the One Life Suicide Prevention Strategy.

BACKGROUND:

The Terms of Reference for the Healthy Vincent Group was approved at the Ordinary Meeting of Council held on 25 October 2011. It is proposed that the Group would play a role in encouraging and promoting a healthier lifestyle, active and passive sport and recreation and related projects and activities in the City.

The appointment of Council Members, Officers and members of the Community to the Healthy Vincent Advisory Group was as follows:

Council Members

- Mayor Hon. Alannah MacTiernan (Chair);
- Cr Warren McGrath; and
- Cr John Pintabona.

City Officers

- Director Community Services;
- Manager Community Development; (**Responsible Support Officer*)
- Manager Parks & Property Services; and
- Manager Health Services.

Three (3) Community Representatives

- Ms Janet Adams;
- Mr Paul Katris; and
- Ms Karen Righton.

Meeting Occurrence:	Meet as required.
Date of Meeting:	When suitable.
Time of Meeting:	5:30pm.
Location of Meeting:	City of Vincent – Committee Room.
Responsible Support Officer:	Manager Community Development.

Purpose of Advisory Group

- Promote and advocate a healthier lifestyle, active and passive sport and recreation and other activities which will improve the physical and mental health of the City's residents;
- Provide advice and make recommendations relating to the City's Physical Activity Plan;
- Provide advice and make recommendations relating to active and passive sport and recreation and associated activities and projects;
- Raise awareness in the community of lifestyle diseases and preventative strategies; and
- Provide advice on matters generally relating to health, lifestyle and recreation and associated activities and projects.

DETAILS:

The City of Vincent's One Life Suicide Prevention Strategy is required to establish a Health and Wellbeing Advisory Group as part of the Service Agreement between the City of Vincent and Centrecare Incorporated. To ensure the sustainability of advisory groups however, it is recommended that the Terms of Reference for the Healthy Vincent Advisory Group be amended to be inclusive of physical, emotional and social wellbeing activities. The amendment of the Terms of Reference to include emotional and social health and wellbeing would meet the Service Agreement requirements for the City to establish an advisory group.

The Western Australian Government has committed \$13 million from 2009 to 2013 to implement the One Life Suicide Prevention Strategy. There are two stages involved in the Strategy. Stage 1 entails an extensive assessment and consultation process with community members across a number of sectors, in regard to existing suicide prevention activities and identification of the need for future initiatives. Consultation will inform the development of a Community Action Plan that documents the resources required to implement the associated planned suicide prevention activities. Stage 2 entails the implementation of planned suicide prevention activities in the community.

It is proposed that the Advisory Group's primary role in the Strategy will be to assist in the development of a plan that outlines how community consultation will be implemented and who will be consulted. The Advisory Group will provide strategic advice that considers long-term sustainability of planned initiatives, allowing suicide prevention to be addressed and associated planned activities to be more sustainable.

In regard to sport and recreation, the Advisory Group will provide advice and make recommendations regarding the City's Physical Activity Plan, raise awareness in the community of lifestyle diseases and preventative strategies and provide advice on matters generally relating to health, lifestyle and recreation. This will be an opportunity for Community Development and Health Services to work in collaboration to improve the wellbeing of the City's residents.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Statutory Authorities/Committees/Working Groups/Advisory Groups

The City of Vincent does not have any Statutory Committees (other than the Audit Committee) with delegated authority, as prescribed by the Local Government Act 1995. All "Committees", Working Groups/Advisory Groups have Terms of Reference and can only deal with matters referred to them by the Council. These groups can only make recommendations which are reported to the Council for its consideration.

Policy No. 4.2.12 – Advisory Groups

- The objective of Advisory Groups is to provide guidance for the establishment and operation of the City's Advisory Groups; and
- They are to operate within the Terms of Reference approved by the Council and the general administrative framework.

RISK MANAGEMENT IMPLICATIONS:

Low/Medium: Advisory Groups play an advisory role; however, do not have any legal status under the Local Government Act 1995. The operation of Advisory Groups must be closely monitored to ensure that they operate in accordance with the City's Policy.

STRATEGIC IMPLICATIONS:

In keeping with the City's *Strategic Plan 2011-2016*, Objective 4 states:

"Provide Good Strategic Decision-Making, Governance, Leadership and Professional Management"

4.1.2 *Manage the organisation in a responsible, efficient and accountable manner".*

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENTS:

Collaboration and community decision making is likely to increase the success of community outcomes in regard to suicide and suicidal behaviour. Council approval of amendments to the Terms of Reference would ensure the Advisory Group is inclusive of physical, emotional and social wellbeing activities, as well as strategies of the One Life Suicide Prevention Strategy. Approved amendments would allow the Advisory Group to establish priority health needs for the local community so that activities are compatible with the City's Vision and Strategic Objectives. This would also allow the Advisory Group to promote and advocate a healthier Vincent which will improve the wellbeing of the City's residents.

9.5.5 Metropolitan Local Government Review Panel – Final Report

Ward:	-	Date:	28 October 2012
Precinct:	-	File Ref:	ORG0031
Attachments:	001 – Metropolitan Local Government Review Panel – Executive Summary of Final Report 002 - Metropolitan Local Government Review Panel – Preferred Option B - Map 003 - Metropolitan Local Government Review Panel – Preferred Option B – Map 1 City of Vincent		
Tabled Items:	-		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** the report concerning the Local Government Review Panel Final Report – July 2012 as shown in Appendix 9.5.5 (Attachment 001); and
2. **AUTHORISES** the Chief Executive Officer and the Mayor;
 - 2.1 To prepare a submission, based on the Council’s previous decision made at the Ordinary Meeting of Council held on 22 May 2012, to the Minister for Local Government, for the consideration of the Council; and
 - 2.2 Enter into discussions (if required) with stakeholders concerning the City’s submission; and
3. **REQUESTS** that a report be submitted to the Council no later than February 2013.

COUNCIL DECISION ITEM 9.5.5

Moved Cr Maier, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

PURPOSE OF REPORT:

To advise the Council of the Metropolitan Local Government Review Panel’s Final Report – July 2012 and to authorise the Mayor and Chief Executive Officer to prepare a submission for the further consideration of the Council.

BACKGROUND:

Previous Reports

The Council previously considered the matter of local government structural reform at the Ordinary Meetings of Council held on 7 September 2005, 20 December 2005, 16 March 2009, 28 April 2009, 7 July 2009 and 25 August 2009, 22 September 2009, 9 March 2010, 7 December 2010, 20 December 2011, 13 March 2012, 8 May 2012 and 22 May 2012.

DETAILS:

At the Council Meeting held on 22 May 2012, the Council considered the matter and resolved as follows;

“COUNCIL DECISION ITEM 9.5.6

That the Council;

1. *ENDORSES the City of Vincent’s Submission to be the same as the Western Australia Local Government’s Submission (as adopted at the Forum of Metropolitan of Local Government Mayors and Presidents on 22 May 2012) in response to the Metropolitan Local Government Review Panel Draft Findings – April 2012 as shown in Appendix 9.5.6 (Attachment 003) with the following exceptions:*
 - 1.1 *Key Recommendation 23a – the City of Vincent support compulsory voting at Local Government Elections; and*
 - 1.2 *Key Recommendation 23c – the City of Vincent supports the election of Mayors by the community;*
2. *AUTHORISES the Chief Executive Officer to provide a Submission to the Metropolitan Local Government Review Panel; and*
3. *NOTES that the City of Vincent Submission as specified in clause 1 above, will also be forwarded to the Western Australian Local Government Association (WALGA).”*

On Wednesday 24 October 2012, the Mayor and Chief Executive Officer attended a confidential briefing of all Metropolitan Local Government Mayors and CEOs. At this briefing the Premier, Minister for Local Government and Professor Robson made a presentation on the Panel’s Final report.

On Thursday 25 October 2012, the Minister for Local Government tabled the Report in the Parliament.

Report Recommendations

Some 30 recommendations have been made, as follows:

The Panel Recommends That:

1. The State Government give consideration to the inequities that exist in local government rating, including rate-equivalent payments and State Agreement Acts;
2. A collaborative process between State and local government be commenced to establish a new Partnership Agreement which will progress strategic issues and key result areas for both State Government and local government;
3. The State Government facilitate improved co-ordination between State Government agencies in the metropolitan area, including between State Government agencies and local government;
4. A full review of State and local government functions be undertaken by the proposed Local Government Commission as a second stage in the reform process;
5. In conjunction with the proposed structural and governance reforms, that local government planning approval powers be reinstated in metropolitan Perth by the State Government;
6. The State Government consider the management of waste treatment and disposal at a metropolitan-wide scale either be undertaken by a State authority or through a partnership with local government;

7. A shared vision for the future of Perth be developed by the State Government, in conjunction with local government, stakeholder and community groups;
8. A Forum of Mayors be formed to facilitate regional collaboration and effective lobbying for the needs of the metropolitan area and to provide a voice for Perth;
9. The Forum of Mayors be chaired by the Lord Mayor of the modified City of Perth in the first instance;
10. The newly created local governments should make the development and support of best practice community engagement a priority, including consideration of place management approaches and participatory governance modes, recognition of new and emerging social media channels and the use of open-government platforms;
11. The existing Regional Local Governments in the metropolitan area be dissolved, their provisions in the Local Government Act 1995 be repealed for the metropolitan area and a transitional plan for dissolving the existing bodies in the metropolitan area be developed;
12. The State Government give consideration to transferring oversight responsibility for developments at Perth's airports, major hospitals and universities to the Metropolitan Redevelopment Authority;
13. Periodic local government boundary reviews are undertaken by an independent body every 15 years to ensure the city's local government structure continues to be optimal as the metropolitan region develops;
14. The Local Government Advisory Board be dissolved and its operating and process provisions in the Local Government Act 1995 be rescinded, with the Local Government Commission taking over its roles, including consideration of representation reviews;
15. A new structure of local government in metropolitan Perth be created through specific legislation which:
 - a. incorporates all of the Swan and Canning Rivers within applicable local government areas;
 - b. transfers Rottnest Island to the proposed local government centred around the City of Fremantle; and
 - c. reduces the number of local governments in metropolitan Perth to 12, with boundaries as detailed in Section 5 of this report.
16. Consideration be given to all local government elections being conducted by the Western Australian Electoral Commission;
17. Compulsory voting for local government elections be enacted;
18. All Mayors and Presidents be directly elected by the community;
19. Party and group nominations for local government electoral vacancies be permitted;
20. Elected members be limited to serving three consecutive terms as councillor and two consecutive terms as Mayor/President;
21. Elected members be provided with appropriate training to encourage strategic leadership and board-like behavior;
22. A full review of the current legislation be conducted to address the issue of the property franchise and the most appropriate voting system (noting the Panel considers that first-past-the-post is inappropriate for the larger districts that it has recommended);
23. Implementation of the proposed setting of fees and allowances for elected members as set by the Salaries and Allowances Tribunal;

24. Payments made to elected members be reported to the community on a regular basis by each local government;
25. The Public Sector Commission provide advice and assistance to local governments in the appointment and performance management of local government Chief Executive Officers with consideration given to the Public Sector Commission being represented on relevant selection panels and committees;
26. A State Government decision on reform should be made as soon as possible, and if the decision is to proceed with structural reforms, the process of implementation should begin without delay;
27. Councils take on a leadership role in the reform debate and prepare their residents now for the possibility of changes in the future;
28. The State Government assist and support local governments by providing tools to cope with change and developing an overarching communication and change management strategy;
29. A Local Government Commission be established as an independent body to administer and implement the structural and governance reforms recommended by the Panel, and facilitate the ongoing relationship between State and local government; and
30. The recommendations from the Panel should be considered as a complete reform package and be implemented in their entirety.

CEO COMMENT

In the short time available since this release of the Final Report there has been insufficient time to fully analyse the Report and in particular the Recommendations.

It is pleasing to note that the Panel had adopted two key Recommendations which were supported by the City of Vincent, namely;

Recommendation 17 - Compulsory voting for Local Government elections be enacted;

Recommendation – 18 – All Mayors and Presidents be directly elected by the community.

Preliminary discussions have been held with WALGA – who advise that they propose to formulate a position paper on the Report and Recommendations finalized by December 2012.

Boundaries

The Panel's preferred option is a structure of twelve (12) Local Governments in Metropolitan Perth. This model provides an opportunity for alignment with the ten (10) strategic activities centres.

The Panel recommended two Options – A and B – the report provided maps of proposed new boundaries, as shown in Appendix 9.5.5 Attachment 002.

Both Options recommend 12 local governments in the metropolitan area- primarily based on the state Government's *Directions 2031* Strategic Activity Centres of:

- Armadale, Cannington, Fremantle, Joondalup, Midland, Morley, Perth, Rockingham, Stirling and Yanchep (proposed).
- The Panel identified two secondary sectors namely, Claremont and Cockburn

Option A – in essence amalgamates existing local governments, but it is not the Panel's preferred option.

Option B – the Panel's preferred option involves amalgamating and splitting some local governments to provide for average populations of 190,000 electors by 2026.

At the announcement, the Premier has stated that it is his preference for; *"15-20 Local Governments"..... "and no forced amalgamations"*.

City of Vincent

Under both options the City of Vincent is proposed to be amalgamated with the new and enlarged City of Perth, which will include West Leederville (from the Town of Cambridge) most of the City of South Perth and approximately 50% of the Town of Victoria Park.

CONSULTATION/ADVERTISING:

There has been considerable media reporting concerning Local Government Structural Reform in Western Australia.

The Government proposes to have extensive consultation from tomorrow until 5 April 2013, whereby it will receive submissions concerning the report and the Recommendations.

LEGAL/POLICY:

Any local government boundary amendment is subject to the provisions of Schedule 2.1 of the Local Government Act 1995, relating to creating, changing the boundaries of, and abolishing districts.

Current legislation requires a structural reform proposal to be made to the Local Government Advisory Board which will then hold a formal inquiry on the proposal. The Advisory Board will then make recommendations on the proposal and electors of each Local Government are then provided with an opportunity to demand a poll.

The Schedule provides that electors may demand a poll be conducted on any recommended amalgamation. It provides that the request for a poll is to be signed by at least 250, or at least 10% of electors of one of the affected districts. To be considered valid, at least 50% of the electors of one of the affected districts must vote and of those electors who vote, should a majority vote against the recommendation, the Minister is to reject the recommendation.

Should a poll be requested and at least 50% of the electors of one of the districts vote; and of those electors of that district who vote, a majority vote against the recommendation, the Minister is to reject the recommendation.

Based on previous experience, the structural reform process would normally take 18 months to two years, following a Council resolution to formally proceed with a proposal.

The Local Government Advisory Board is required to consider the following criteria when looking into structural reform changes:

- Community of interest;
- Physical and topographic factors;
- Demographic factors;
- Economic matters;
- History of the area;
- Transport and communication;
- Matters affecting viability of the Local Government(s) involved; and
- Delivery of Local Government services.

Additionally, Schedule 2.1 provides that the employment of staff is not to be terminated or varied as a result of amalgamation unless compensation acceptable to the person is made, or a period of at least two years has elapsed since the order for amalgamation had effect.

Security of Employment

If amalgamations are to occur, the Local Government Act provides that all non-contract employees will be protected for a period of two (2) years – effective from the date of announcement.

RISK MANAGEMENT IMPLICATIONS:

High: There is a risk that if the City does not provide a submission on the Metropolitan Local Government Review Panel Issues Papers, it may miss an opportunity to comment on the future purpose and role of the Local Government in the metropolitan area and how it could best serve its community.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 provides various stated objectives of financial sustainability, sustainable community infrastructure and best management practices.

SUSTAINABILITY IMPLICATIONS:

The City is in a strong financial position, with considerable funds in reserve, debts covered by money-back guarantees, considerable future revenue from its share of the Tamala Park land and with potential income from the future redevelopment in Leederville.

Over previous years, the City has been active in its asset management replacement and this will continue.

The desired outcome of Structural Reform is for a strong sustainable local government in Western Australia.

FINANCIAL/BUDGET IMPLICATIONS:

There are no funds in the 2012/2013 Budget for Local Government Structural Reform matters.

COMMENTS:

The Metropolitan Local Government Review Panel's Final Report, if adopted by the State Government, will have significant long term implications for Local Government in the Perth Metropolitan Region, including the City of Vincent.

Unfortunately the five (5) month consultation period which closes on the 5 April 2013 is after the State Election to be held in March 2013. The State Government has not announced its position concerning the report and this has caused considerable consternation and angst.

It is important to ensure that local government is not adversely affected or destabilised by unnecessary procrastination. The employment market is volatile and employees can quickly become unsettled and may seek alternative employment outside the industry. If at all possible, this should be avoided or at least kept to a minimum.

The City of Vincent is of the view that improvements can be made to local government arrangements in the Perth metropolitan area, however improvements need to take a broader view than the adequacy of the current state of local government and take a more holistic view, examining the intergovernmental relations between the Federal, State and Local Government.

As a number of recommendations are different to the draft findings announced in April 2012, it is appropriate that a draft submission be prepared by the Chief Executive Officer in liaison with the Mayor and will be circulated to the Council Members for comment and input, prior to finalisation and consideration at the Ordinary Meeting of Council to be held on February 2013.

Approval of the Officer Recommendation is requested.

9.5.6 Leederville Town Centre Enhancement Working Group – Receiving of Unconfirmed Minutes and Approval of Works and Projects

Ward:	South	Date:	30 October 2012
Precinct:	-	File Ref:	ADM0106
Attachments:	001 – Minutes of Working Group – 24 September 2012 002 – Minutes of Working Group – 22 October 2012		
Tabled Items:	Nil		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officer:	John Giorgi, Chief Executive Officer		

CORRECTED OFFICER RECOMMENDATION

That the Council:

1. **RECEIVES** the Minutes of the Leederville Town Centre Working Group meeting of 24 September 2012 and 22 October 2012 as shown in Appendix 9.5.6 (attachment 001 and 002);
2. **APPROVES** the following recommendations of the Working Group, to be further developed, as outlined in the report;
 - 2.1 ~~relocation~~ expansion of the Oxford Street Reserve;
 - 2.2 streetscape improvement options for Oxford Street/Newcastle Street including street furniture/landscaping;
 - 2.3 Automated ‘Self Cleaning’ Toilet in Leederville;
 - 2.4 wall artwork options;
 - 2.5 upgrading of the Water Corporation Reserve accessway; and
 - 2.6 ~~Wi-Fi for Leederville; and~~
3. **APPROVES BY AN ABSOLUTE MAJORITY;**
 - 3.1 the implementation of a free Wi-Fi service in the Leederville Business District for a 24 month period, as detailed in this report; and
 - 3.2 to reallocate funds from the “Parking Funded City Centre and Parking Benefit Districts Upgrade and Promotion” Reserve Fund for this project; and
4. **AUTHORISES the Chief Executive Officer to call and approve of a quotation for WIFI in Leederville; and**
- 4.5. **NOTES** that a further report will be submitted to the Ordinary Meeting of Council to be held on 20 November 2012, concerning items listed in Clause 2.

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

COUNCIL DECISION ITEM 9.5.6

Moved Cr Buckels, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

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

PURPOSE OF REPORT:

The purpose of the report is to provide an update on the outcomes of the Leederville Town Centre Enhancement Working group meeting held on 24 September 2012 and 22 October 2012.

BACKGROUND:

At its Ordinary Meeting held on 14 August 2012, the Council considered a report on the formation of the Leederville Town Centre Working group where the following decision was made:

That the Council:

1. *APPOINTS the following three (3) BUSINESS REPRESENTATIVES to the City's Leederville Town Centre Working Group for the period 24 July 2012 until 12 October 2013;*

1.1 Leederville Town Centre Working Group (up to 3 required);

- 1. Lidio Fiore;*
- 2. Lisa Montgomery;*
- 3. Deanne Williams; and*

2. *APPOINTS the following two (2) COMMUNITY REPRESENTATIVES to the City's Leederville Town Centre Working Group for the period 24 July 2012 until 12 October 2013;*

2.1 Leederville Town Centre Working Group (up to 2 required);

- 1. Claire Hodgson;*
- 2. Bronwyn McCormack;*

DETAILS:

Working Group Meetings:

To date, the group has met on two (2) occasions, 24 September 2012 (inaugural meeting) and 22 October 2012.

At the 22 October 2012 meeting (minutes attached) the following was recommended by the Working Group.

- Wi-Fi for Leederville
- Relocation of the Oxford Street Reserve
- Streetscape improvement options for Oxford Street/Newcastle Street including street furniture/landscaping
- Investigation of a new self cleaning toilet
- Progressing the wall artwork options
- Options for beautification of the Water Corporation Reserve (near Funky Bunches/Kailis land)-

Wi-Fi for Leederville:

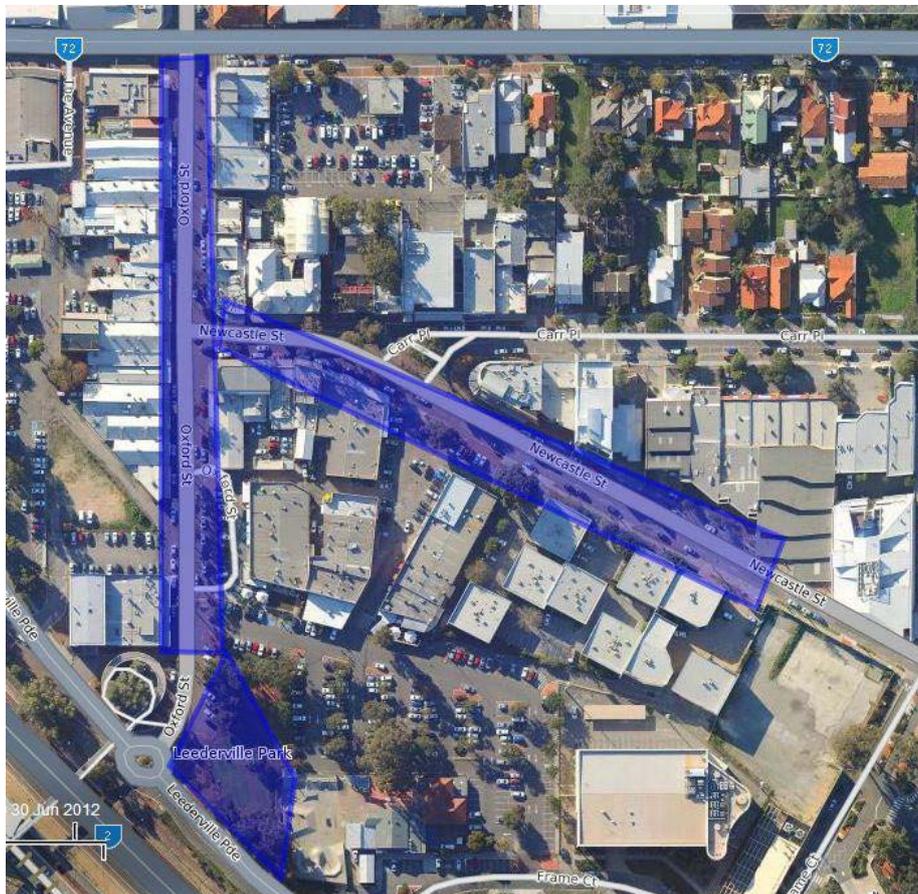
The City's Administration has undertaken an investigation into the feasibility and cost estimate of providing a free Wi-Fi solution to the Leederville Business Precinct following a Council member request.

A cost estimate was sought from a contractor who has successfully provided and implemented solutions to a number of Council's in the metropolitan area and regional areas, these include:

- City of Subiaco;
- City of Perth;
- City of Joondalup;
- City of Mandurah;
- City of Victoria Park;
- City of South Perth; and
- City of Geraldton.

The proposed Wi-Fi zone is predominately on Oxford Street bounded by Vincent Street and the train station pedestrian walkway. It also extends along Newcastle Street ending near the Water Corporation building. The proposed zone also incorporates the YMCA Headquarters (HQ).

Refer to the aerial photography which illustrates the proposed area:



Note: This coverage map is only for explanation purposes and indicates the approximate area of coverage. Due to the nature of Wi-Fi, the actual coverage can only be determined after installation as the signal can be affected by numerous existing conditions

The estimate provided is for a fully managed solution where there is no capital outlay payable by Council. All equipment and the service would be the responsibility of the service provider. Three (3) quotations will need to be obtained.

Please refer to the cost estimate in Confidential Appendix 9.5.6:

Relocation of the Oxford Street Reserve:

It was suggested that the existing reserve at the south/eastern corner of Oxford Street (Oxford Street Reserve) be relocated further to the north (incorporating some of the existing parking in the Frame Court carpark). The parking would be reconfigured to ensure no carparking is actually lost.

Relocating/reconfiguring the park will bring it closer to the activity centre of the commercial area.

The option for a 'Gated Park' was discussed with tables/benches so parents could sit with a coffee while children played. Following extensive discussions it was decided that an option for the park relocation be prepared by the Parks and Services Section.

A competition inviting ideas and designs for Children's playground equipment was also discussed. Such a competition could offer prize money for the best five ideas, which in turn could be fabricated into unique play equipment in Oxford Reserve.

This will be presented to the Council for 'approval in principle' at the Ordinary Meeting to be held on 20 November 2012. If endorsed by the Council, the group considered that an Urban Designer/ Landscape Architect could be engaged to review and further develop the proposal.

Streetscape improvement options for Oxford Street/Newcastle Street including street furniture/landscaping:

The Group considered a number of options for the street layout including removal of the central median and widening footpaths, planting trees between parking bays, creation of nibs, one way with angle parking (south of Newcastle Street), pedestrian mall (south of Newcastle Street, shared zone with flush kerbing).

A number of different pavement types were also discussed; in addition, discussion ensued as to whether to keep the existing trees, whether to remove or maintain the central median and improvements (round a bout) at the Carr Place/Newcastle Street intersection.

Following extensive discussions it was decided that two options would be prepared for further development. These will be presented to the Council for 'approval in principle' at the Ordinary Meeting to be held on 20 November 2001. If endorsed by the Council it was considered that an Urban Designer/ Landscape Architect be engaged to review and further develop the concept plans.

Locating an Automated 'Self Cleaning' Toilet in Leederville.

Further investigation is required in conjunction with the option to relocate the reserve (as mentioned above). The cost of a self cleaning toilet is approximately \$130,000, plus installation and connection to sewer cost.

Progressing the wall artwork options:

The group explored opportunities for wall art in the area such as the large wall on the side of Funky Bunches, IGA and Caltex. The business owner of Unison has proposed to paint their wall which faces a pedestrian alleyway with mural art by Perth-born artist "The Yok", who is currently based in New York. The total project cost is \$4799.61.

The Art Advisory Group considered this request at their meeting held on 29 October 2012 and have recommended a contribution of \$3,000 towards the project from the Mural/Wall Art budget.

Public Art

There was a consensus that a theme be determined for the area with the group suggesting "Mediterranean" inspired works with a more modern outlook may be in keeping with the area. Examples of such works were to be showcased at the next meeting.

Upgrading of the Water Corporation Reserve:

A number of years several concepts were prepared for the upgrade of this reserve. The works did not proceed at the time due to the adjoining proposed development not proceeding.

The group briefly considered these however did not form a position on the matter. The concepts will be further developed and presented to the Council on 20 November 2012

CONSULTATION/ADVERTISING:

Not applicable at this stage.

LEGAL/POLICY:

Not applicable

RISK MANAGEMENT IMPLICATIONS:

Not applicable

STRATEGIC IMPLICATIONS:

This is in keeping with the City's Plan for the Future 2011-2016 - Key Result Area Four – "Leadership, Governance and Management" and, in particular, "4.1 - *Manage the organisation in a responsible, efficient and accountable manner*".

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$400,000 has been included in the 2012/2013 Budget for Leederville Town Centre enhancements.

The parking funded City Centre and Parking Benefits district upgrade and promotion reserve fund contains an amount of \$176,000, as at 30 October 2012.

COMMENTS:

It is recommended that the Council receive the minutes and approve of the Officer Recommendation.

9.5.9 LATE ITEM: Appointment of Council Member to the Local History and Heritage Advisory Group

Ward:	Both	Date:	2 November 2012
Precinct:	All	File Ref:	CMS0126
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	M McKahey, Personal Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION

That the Council:

1. **NOTES** that Councillor Roslyn Harley has resigned from the Local History and Heritage Advisory Group, effective from 31 October 2012, due to a conflict in commitments; and
2. **APPOINTS** Cr _____ to the Local History and Heritage Advisory Group for the remainder of the term until October 2013.

Moved Cr Topelberg, **Seconded** Cr McGrath

That the recommendation be adopted.

Debate ensued.

The Presiding Member Mayor Hon. Alannah MacTiernan called for nominations. Cr Warren McGrath nominated. There were no other nominations.

MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

COUNCIL DECISION ITEM 9.5.9

That the Council:

1. **NOTES** that Councillor Roslyn Harley has resigned from the Local History and Heritage Advisory Group, effective from 31 October 2012, due to a conflict in commitments; and
2. **APPOINTS** Cr Warren McGrath to the Local History and Heritage Advisory Group for the remainder of the term until October 2013.

PURPOSE OF REPORT:

The purpose of the report is to appoint a Council Member to the Local History and Heritage Advisory Group, to fill a vacancy created by the resignation of Cr Harley.

BACKGROUND:

As part of the Council's role in governing for the City, Council Members and/or Council Officers represent the Council on a wide range of Statutory Committees, Authorities, Advisory and Working Groups.

The Local History Advisory Group was first created in 2011, and the Terms of Reference for the Group has since been expanded to comprise the Local History and Heritage Advisory Group.

Details of the Group are outlined below:

Local History and Heritage Advisory Group (3 Council Members)

Meeting Occurrence:	Meet as required (<i>usually bi-monthly</i>)
Date of Meeting:	When suitable
Time of Meeting:	5.30pm
Location of Meeting:	City of Vincent Library and Local History Centre
Responsible Support Officer:	Manager Library and Local History Centre

- Purpose of Committee:*
- *To encourage and promote local history in the City.*
 - *To oversee the objectives of the Local History Collection Strategic Plan*
 - *Provide support for the implementation of the key objectives detailed in the City of Vincent Heritage Strategic Plan 2007-2012.*
- Other Membership:
- Up to 4 Community Representatives
 - Director Community Services
 - Manager Library and Local History Services
 - Manager Strategic Planning, Sustainability and Heritage Services
 - Senior Librarian - Local History
 - Library Officer - Local History
- Existing Council Members:
1. Cr Joshua Topelberg (*Chair*)
 2. Cr Julia Wilcox
 3. Cr Roslyn Harley

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Statutory Authorities/Committees/Working Groups/Advisory Groups

The City of Vincent does not have any Statutory Committees (other than the Audit Committee) with delegated authority, as prescribed by the Local Government Act 1995. All "Committees", Working Groups/Advisory Groups have Terms of Reference and can only deal with matters referred to them by the Council. These groups can only make recommendations which are reported to the Council for its consideration.

RISK MANAGEMENT IMPLICATIONS:

Low: Advisory Groups play an advisory role, however, do not have any legal status under the Local Government Act 1995. The operation of Advisory Groups must be closely monitored to ensure that they operate in accordance with the City's Policy.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's Plan for the Future 2011-2016 - Key Result Area Four – "Leadership, Governance and Management" and, in particular, "4.1 - *Manage the organisation in a responsible, efficient and accountable manner*".

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENTS:

It is recommended that the Council fill the vacancy created by the resignation of Cr Roslyn Harley.

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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 8.15pm **Moved Cr Pintabona Seconded Cr Wilcox**

That the Council proceed "behind closed doors" to consider confidential item 14.1, as the matter relates to a Contract which may be entered into and which relates to a matter to be discussed at the meeting. Confidential item 14.2 as the matter relates to the personal affairs of a person(s) and Confidential item 14.3 as the matter contains legal advice obtained, or which may be obtained by the local government and which relates to a matter to be discussed at the meeting.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

Cr Buckels departed the Chamber at 8.16pm.

There were no members of the public present.

Executive Assistant (Minutes Secretary) – Jerilee Highfield departed the meeting.

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 Roslyn Harley	North Ward
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
Jacinta Anthony	A/Director Community Services
Carlie Eldridge	Director Planning Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services

Cr Buckels returned to the Chamber at 8.17pm.

14. CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED (“BEHIND CLOSED DOORS”)

14.1 Football West – Expression of Interest for a “Home of Football”

Ward:	Both	Date:	26 October 2012
Precinct:	All	File Ref:	RES0001
Attachments:	001 – Football West Expression of Interest Document		
Tabled Items:	Nil		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council:

1. **RECEIVES** the Report concerning the Football West – Expression of Interest (EOI) for a “Home of Football”; and
2. **DOES NOT SUBMIT** an EOI for a “Home of Football” for the reasons outlined in the report.

COUNCIL DECISION ITEM 14.1

Moved Cr Maier Seconded Cr McGrath

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

Note: The Chief Executive Officer has made public this report, except for Confidential information.

PURPOSE OF REPORT:

The purpose of the report is to advise the Council of the Football West EOI for a “Home of Football” and to formulate a position of response.

BACKGROUND:

On Friday 26 October 2012, Football West issued an EOI to all Local Governments and Football (Soccer) Clubs in the Metropolitan Region seeking submissions for a “Home of Football” – which is essentially an Administration Headquarters for the sport, a small boutique stadium with a capacity of 5000 spectators and an adjacent High performance training facility for their elite programmes.

Previous Reports to Council:

At the Council meeting held on 20 June 2011, the Council considered a progress report concerning the Britannia Reserve masterplan proposal and resolved it (in part) as follows:

“(iii) DOES NOT PROCEED with the Litis Stadium Masterplan, as Football West wrote to the Town in March 2011 advising that they no longer wish to pursue Litis Stadium as their State Headquarters; and”

The EOI document has requested the following features:

- A 4,000 to 5,000 seat capacity boutique stadium with a rectangular pitch;

- A building of approximately 1000-1500 square metres to be the administrative headquarters for Football West;
- An accommodation facility with a 25 to 30 beds capacity sufficient to house for example visiting teams from interstate;
- At least two theatre/meeting rooms for educational purposes;
- Corporate and Social areas to cater for VIP lounges and hospitality functions;
- Fencing around the perimeter of the entire facility or at least around the Stadium and all the training pitches if the facility is not fully integrates on one amalgamated block of land;
- Artificial turf for the Stadium pitch and some of the training pitches (at least one training pitch is to be surfaced with natural grass);
- Parking spaces for 50 cars/vehicles on a dailly basis, up to 200 cars on an evening with training and as many as 1,000 to 1,500 either in the surrounding streets or in an overflow area;
- Change rooms and public toilets to be housed within the Stadium;
- Disabled access that meets minimum required specifications; and
- Floodlighting for the Stadium to accommodated evening matches (500 lux requirement) and for the training pitches (200 lux requirement).

Football West proposed to plan, design and develop the facility with the successful respondent.

Submissions close on the 16 November 2012 – thereafter a short list of three (3) preferred respondents will be made.

Previous Concept Plans:

In 2010 the City prepared a concept plan for a “Home of Football” at Litis Stadium, as follows:

Indicative Costings – Litis Stadium

Information Confidential

Indicative Masterplan Costings – Litis Stadium Revised Option 1 FW Headquarters Only

Information Confidential

Britannia Road Reserve is bounded by Britannia Road, Bourke Street, the Mitchell Freeway and the rear of residences on Brentham Street, Leederville.

CONSULTATION/ADVERTISING:

Not Applicable.

LEGAL/POLICY:

Statutory Information

Britannia Reserve is zoned for recreational use and located at 41, Britannia Road, Leederville.

The Reserve location is referenced to the following Certificates of Title:

- Lot 34 on Plan 687 being part of the land described in Crown Land Certificate of Title Volume 695 Folio 166
- Lot 14 on Plan 687 being part of the land described in Crown Land Certificate of Title Volume 1389 Folio 160
- Lot 16 on Plan 687 being part of the land described in Crown Land Certificate of Title Volume 1389 Folio 161
- D6718 being part of the land described in Crown Land Certificate of Title Volume 1389 Folio 163

- Plan 5208 being part of the land described in Crown Land Certificate of Title Volume 1389 Folio 164
- Lots 31 and 32 on Plan 687 being part of the land described in Crown Land Certificate of Title Volume 1769 Folio 75
- D6583 being part of the land described in Crown Land Certificate of Title Volume 1769 Folio 77

Zoning:

“Metropolitan Region Scheme Reserve” – Parks and Recreation and under the City of Vincent Town Planning Scheme No. 1

Land Ownership:

Freehold by the City of Vincent

Area:

Litis Stadium comprises 23,000m² (2.3 hectares) and adjoins Britannia Reserve comprising 175,000m² (17.5 hectares) (*including car park hardstand*).

CEO COMMENT:

The Concept for Football West did not proceed in 2010, for the following reasons:

- No funding was available at the time.
- It was not supported by the Local Community; and
- Football West resolved not to proceed with the proposal at the time.

Whilst Litis Stadium would meet most of the criteria for the EOI, the Chief Executive Officer considers that the Council should not submit an EOI. Football West had an opportunity at the time and chose not to proceed. As the EOI does not specify what funding sources are available to Football West, it is considered that the situation has remained relatively unchanged since 2010.

Dorrien Gardens

Dorrien Gardens is leased to Perth Soccer Club. Whilst Perth Soccer Club have had informal discussions with the City's Administration over previous years concerning the future redevelopment of Dorrien Gardens, the matter has not progressed, primarily due to a lack of funding.

Dorrien Gardens is relatively small in size and does not meet many of the criteria specified by the EOI.

Accordingly the Chief Executive officer does not support a submission of the EOI for Dorrien Gardens.

RISK MANAGEMENT IMPLICATIONS:

Low: The submission of an EOI has minimal risk, as it is not legally binding on both parties.

STRATEGIC IMPLICATIONS:

Strategic Plan 2009-2014:

“Key Result Area 1 - Natural and Built Environment:

1.1 Improve and the Environment and Infrastructure.

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

- (l) *Investigate the upgrade and redevelopment of Litis Stadium for possible use as Football West Headquarters and State Facility.*
- (m) *Prepare and implement a Masterplan for Britannia Reserve.”*

SUSTAINABILITY IMPLICATIONS:

Not Applicable

FINANCIAL/BUDGET IMPLICATIONS:

There are no funds in the 2012/2013 Budget, for the submission of an EOI, as this matter arose after the adoption of the Budget.

COMMENTS:

The previous community consultation has resulted in considerable opposition to the possible redevelopment of Litis Stadium. Some of the previous comments highlighted issues such as parking and traffic issues, noise and loss of amenity.

Approval of the Officer Recommendation is requested.

14.2 CONFIDENTIAL REPORT: Beaufort Street Enhancement Working Group – Appointment of Members

Ward:	Both	Date:	30 October 2012
Precinct:	Both	File Ref:	ADM0030/Various
Attachments:	-		
Tabled Items:	-		
Reporting Officers:	R Lotznicker, Director Technical Services		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION

That the Council;

- AUTHORISES** the Chief Executive Officer to advertise for nominations for Community Members of the Beaufort Street Enhancement Working Group for the reasons outlined in the report; and
- EXPESSES** its gratitude to the existing Community Representatives on the Beaufort Street Enhancement Group and advises them that they can renominate to be reconsidered for membership of the working group, if they still desire.

COUNCIL DECISION ITEM 14.2

Moved Cr Carey, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

Note: The Chief Executive Officer has made public this report, as the Council has determined the matter.

PURPOSE OF REPORT:

The purpose of the report is to request that the Council invite new members of the Community to join the Beaufort Street Enhancement Working Group.

BACKGROUND

As part of the Council's role in governing for the City, Council Members and/or Council Officers represent the Council on a wide range of Statutory Committees, Authorities, Advisory and Working Groups. In addition Community representatives are also invited to join various working groups provided they have the necessary skills/experience/interest for participation in a working group.

To this end, at its ordinary meeting held on 25 October 2012 the following decision was made (in part)

“That the Council:

- in accordance with the provisions of the Local Government Act 1995, Sections 2.28, 5.8 and 5.10, APPROVES the APPOINTMENT of the following Council Members and/or persons to the Council's Committees and Authorities, Advisory and Working Groups, as detailed in this report, for the term 25 October 2011 to 12 October 2013 (unless otherwise specified);*

1.3 WORKING GROUPS (SIMPLE MAJORITY REQUIRED):

1. Beaufort Street Enhancement Working Group (3 Council Members)

Members:

1. Mayor MacTiernan
2. Cr Carey
3. Cr McGrath
4. Director Technical Services
5. Manager Community Development
6. Manager Asset and Design Services

and;

the Chair of the Group be Cr Carey

3. NOTES the following COMMUNITY REPRESENTATIVES have been appointed to the City's Beaufort Street Enhancement and Britannia Reserve Masterplan Working Groups:

3.1 Beaufort Street Enhancement Working Group (up to 6 required);

1. Beaufort Street Network Representatives (2):

- (a) Ms Jaime Phillips#; and
- (b) Mr Haydn Robinson#;

2. Local Business Representatives (2):

- (a) Ms Pam Herron, Beaufort Realty#; and
- (b) Mr Bruce Afflect, Beaufort Street 24 Hour Chemist#;

3. Local Resident Representatives (2):

- (a) Ms Jenny Brandsma#; and
- (b) Ms Angela Hollams#;

Previously appointed at the Ordinary Meeting of Council held on 14 September 2010 for a two (2) year term.

DETAILS:

Beaufort Street Enhancement Working Group:

The current working group has met on numerous occasions as previously reported to Council to develop options for the Beaufort Street Enhancement. Both Stages 1 and 2 are now currently being delivered with the working group having only minimal input on the final details of the project delivery. This has mainly been progressed by the Chair of the group and the Council Officers.

The following information is provided regarding the current purpose/meetings etc.

Meeting Occurrence:	Meet as required
Date of Meeting:	When suitable
Time of Meeting:	6.00pm
Location of Meeting:	City of Vincent - Committee Room

Responsible Liaison Director Technical Services
Officer:

Purpose of Committee:

- *To provide advice and make recommendations relating to;*
- *the Beaufort Street - Streetscape Enhancement and Art Works Project, as approved by the Council.*
- *creative and functional ideas that build on the existing character of Beaufort Street to the benefit of the community and businesses in the vicinity;*
- *developing and implementing an enhancement and improvement strategy for Beaufort Street that is innovative, cost effective and within the financial scope of the City's capital budget for infrastructure and public art;*
- *upgrades to sidewalks, kerbing and median strips/traffic islands, including provision of additional street trees and plantings in public community spaces;*
- *innovative solutions to traffic and parking problems, including facilitation of safer pedestrian movement across Beaufort Street and improvements to the Beaufort-Walcott street intersection;*
- *new temporary and permanent public community spaces for events and daily use;*
- *medium to long term goals for provision of public art and "creative streetscape" installations along Beaufort St, including opportunities for attracting external funding of such installations in the longer-term;*
- *a Community Engagement Strategy to involve residents and business proprietors in the design and implementation of the proposed works and installations; and*
- *a Promotions Strategy to recognise and promote the street's new Tourism Precinct status and the planned investment in the retail strip by the Council.*

Other Membership:

- Up to 2 Beaufort Street Network Representatives
- 2 Representatives from a Business in the Locality
- 2 Residents in the Locality
- Director Technical Services
- Manager Community Development
- Manager Asset and Design Services

Previous Council Members: Not applicable.

Officers Comments:

In discussion with the Chair it is considered that due to the changing circumstances of a number of the current community representatives on the working group i.e. not attending meetings due to illness, no longer living in the City etc and given that the current aims (i.e. development of stages 1 and 2) of the project have been achieved, it is considered that to move forward a call needs to go out for new community members to join the group. This would not exclude existing members reapplying. It is considered that the Council members and Staff on the Group remain unchanged.

CONSULTATION/ADVERTISING:

Nominations from Community Membership to join the Beaufort Street Enhancement Working Group will be called via advertisements in the local paper and via the City's web site.

LEGAL/POLICY:

Statutory Authorities/Committees/Working Groups/Advisory Groups

The City of Vincent does not have any Statutory Committees (other than the Audit Committee) with delegated authority, as prescribed by the Local Government Act 1995. All "Committees", Working Groups/Advisory Groups have Terms of Reference and can only deal with matters referred to them by the Council. These groups can only make recommendations which are reported to the Council for its consideration.

The Local Government Act does not allow for a Council to appoint a Deputy to a Regional Council. If the Council's appointed Member cannot attend, the Council must formally resolve to appoint an Alternative Member for each specific occasion when the Member is unavailable or unable to act.

(The Regional Councils have recommended to the Minister for Local Government that the Act be amended to address this anomaly.)

RISK MANAGEMENT IMPLICATIONS:

Low/Medium: Advisory Groups play an advisory role, however, do not have any legal status under the Local Government Act 1995. The operation of Advisory Groups must be closely monitored to ensure that they operate in accordance with the City's Policy.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's Plan for the Future 2011-2016 - Key Result Area Four – "Leadership, Governance and Management" and, in particular, "4.1 - *Manage the organisation in a responsible, efficient and accountable manner*".

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENTS:

It is recommended that, due to the changing circumstances of a number of the current community representatives on the working group, and for the reasons outlined in the report, that the Council AUTHORISES the Chief Executive Officer to recall for nominations from Community Membership of the Beaufort Street Enhancement Working Group for the reasons outlined in the report.

14.3 URGENT BUSINESS - CONFIDENTIAL REPORT: Nos. 27-29 Carr Street, West Perth – Recovery of Costs for Clean-up of Asbestos Contamination of Public and Private Properties - Progress Report No. 1

Ward:	South	Date:	2 November 2012
Precinct:	Beaufort, P13	File Ref:	PRO1386
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officers:	John Giorgi, Chief Executive Officer		
Responsible Officers:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council:

- 1. RECEIVES the Progress Report No. 1 as at 2 November 2012 relating to the recovery of costs for clean-up of asbestos contamination of public and private properties caused by the fire that occurred at Nos. 27-29 Carr Street, West Perth on Wednesday, 16 May 2012;**
- 2. NOTES that the City's costs for the clean-up amounted to \$159,435 (being external contractors - \$143,825 and City of Vincent employee costs - \$15,610); and**
- 3. ENDORSES the action taken by the Mayor and Chief Executive Officer as detailed in this Confidential Report to recover the City's costs.**

COUNCIL DECISION ITEM 14.3

Moved Cr Pintabona, Seconded Cr McGrath

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

Note: The Chief Executive Officer has made public this report, except for Confidential information.

PURPOSE OF REPORT:

The purpose of the report is to update the Council on the progress of the recovery of costs for clean-up of asbestos contamination of public and private properties caused by the fire that occurred at Nos. 27-29 Carr Street, West Perth on Wednesday, 16 May 2012;

BACKGROUND:

A number of Councillors have recently enquired about the City's progress in this matter.

At the Ordinary Meeting of Council held on 22 May 2012 the Council received a report concerning this matter and resolved as follows:

"That the Council:

- 1. RECEIVES the report relating to the fire that occurred at Nos. 27-29 Carr Street, West Perth on Wednesday, 16 May 2012 and the impact of the fire on the local community and the City's clean-up operations;*

2. *NOTES that the:*
 - 2.1 *City has incurred costs of approximately \$130,000-\$150,000 (to date) for the emergency clean-up operations of the asbestos particles which contaminated numerous private and public properties caused by the fire from premises at Nos. 27-29 Carr Street, West Perth;*
 - 2.2 *City's Budget 2011-12 does not contain any funds to cover the emergency clean-up operations of the asbestos contamination, as the incident and emergency was unforeseen; and*
 - 2.3 *Chief Executive Officer will identify a source of funds to cover the expenditure, for the further consideration of the Council;*
3. *APPROVES BY AN ABSOLUTE MAJORITY to endorse the action taken by the Mayor (and Chief Executive Officer) pursuant to Section 6.8 of the Local Government Act 1995, to authorise the expenditure for the emergency clean-up of public and private properties/operations of the asbestos contamination caused by the fire from premises at Nos. 27-29 Carr Street, West Perth, from a funding source to be identified by the Chief Executive Officer;*
4. *AUTHORISES the Chief Executive Officer to take:*
 - 4.1 *all necessary action (including engagement of the City Solicitors) to recoup the City's justifiable costs as a direct result of the emergency, from the Owner of Nos. 27-29 Carr Street, West Perth; and*
 - 4.2 *legal action against the Owner of Nos. 27-29 Carr Street, West Perth, in the event that there is non-compliance with the City's Notices issued under the Building Act 2011 and Health Act 1911; and*
5. *RECEIVES a further report on the matter, once further financial and legal details are known."*

ACTION TAKEN TO DATE

Information Confidential

Legal Advice

Information Confidential

Risks

Information Confidential

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Not applicable at this stage.

RISK MANAGEMENT IMPLICATIONS:

Information Confidential

STRATEGIC IMPLICATIONS:

This matter is in keeping with the Strategic Plan 2011 – 2016 – Key Result Area "4: Leadership, Governance and Management: 4.1.2 – Manage the Organisation in a responsible, efficient and accountable manner".

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Information Confidential

COMMENTS:

Information Confidential

PROCEDURAL MOTION

At 8.37pm **Moved** Cr Pintabona, **Seconded** Cr McGrath

That the Council resume an "open meeting".

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

15. CLOSURE

There being no further business, the Presiding Member, Mayor Hon. Alannah MacTiernan, declared the meeting closed at 8.37pm 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 Roslyn Harley	North Ward
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
Jacinta Anthony	A/Director Community Services
Carlie Eldridge	Director Planning Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services

No members of the Public were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 6 November 2012.

Signed:Presiding Member
Mayor Hon. Alannah MacTiernan

Dated this day of 2012