



CITY OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

14 AUGUST 2012

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Minutes of the Ordinary Meeting of Council of the City of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 14 August 2012, commencing at 6.03pm.

1. (a) DECLARATION OF OPENING

The Presiding Member, Mayor Hon. Alannah MacTiernan, declared the meeting open at 6.03pm 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
Rob Boardman	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 8.25pm)
<u>Media</u>	
Gabby Young	Journalist – <i>"The Guardian Express"</i> (until approximately 8.25pm)
David Bell	Journalist – <i>"The Perth Voice"</i> (until approximately 8.25pm)

Approximately 11 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. Clive Richard of 127 Alma Road, North Perth – Item 9.1.5 Stated the following:
 - He had received a letter from the proponent around midday on the day of the Council meeting, stating adjustments had been made to the proposal. In respect to one element, it is not an element that particular concerned him. He was unhappy that changes had been made at the last minute on the day of the Council meeting.
 - He had a few concerns regarding the proposal, in particular the use as a shop. He stated it would be better to have a small corner shop, but would not want a growers market, with a Coles store, which would result in trucks coming and going as is the current case at the growers market that is already on Alma Road, close to Fitzgerald Street.
 - He proposed that the status quo should be maintained and the zoning should remain as is and until such time a development plan is made and submitted for planning. This way the residents and the Council could become aware of exactly what is happening and have their input.
2. James Smith of 85 The Boulevarde, Mount Hawthorn – Item 9.1.3 Stated the following:
 - This development was rejected at the last Council meeting and plans had been resubmitted.
 - The neighbours were not consulted on the revised plans and having looked at them on the City's Website, he stated that, as far as the neighbours were concerned the new plans had not really addressed any of the previous concerns and just appear to be purely cosmetic. Therefore had the neighbours been consulted, comments would have been made to the City's Planning Officer.
 - It did not appear that a great deal of effort had been made to really address the concerns about the streetscape of the new building, which would look out of place in the street.
3. Victor Leonzini of 77 The Boulevarde, Mount Hawthorn – Item 9.1.3 Stated the following:
 - The last time he attended the Council Meeting he spoke about the community and aesthetics but today he wanted to discuss about behaviour.
 - He was very concerned that this is again appearing before the Council, as the previous speaker said, there had been very little attempt made to try and address the concerns of the neighbours and those concerns were expressed last time.
 - He is really concerned by the behaviour of Beggs - Crawford in this case which disturbed him greatly. It showed him a wilful disregard for anything the neighbours had to say and do.
 - He stated that he probably should have known about this because the whole development started without consultation or any appropriate meetings.
 - He addressed the Council on the basis that he does not believe this will be the end of the topic. That is why he attended the Council meeting. This may go on even further and his real concern was the people who will be residing there and their attitude towards their neighbours.
 - He supported the Council's recommendation that had been made by the City's Planning Officer and it was done for all the right reasons and for the right outcome in the end.
4. Ben Doyle of Planning Solutions, 296 Fitzgerald Street, Perth – Item 9.1.5 Stated the following:
 - The proposal was to amend TPS1 to create an additional use for light industry specifically bakery, with incidental uses being permitted being eating house, the maximum public area of 75sqm, local shop for 50sqm, an office for a 100sqm and to retain a residential component on the site.

- The attention simply was to normalise and formalise the existing activities on Lot (9) which operates as a non conforming use. There is no intention to expand or intensify the business.
 - There has been some concern from residents and he noted that a resident had spoken tonight about some of the issues and particularly the concern with regard to the eating house.
 - He stated this was as a result of a misperception and lack of information available to the residents at this time. However the resolution before the Council tonight is to initiate that consultation, so it is not to approve the amendment as to go the public and the referral agencies and initiate that consultation.
 - He thanked the Councillors for the recent discussions were he managed to gain some feedback, he understood that the eating house had caused some concern to the neighbours; their client had no firm plans for what they wanted to do, in the interest of maintaining community harmony, he would like to delete that aspect of the proposal regarding the eating house and simply retain the local shops, light industry bakery and office uses.
 - The local shop is intended simply to allow for the sale of bread, baked on the premises; there is no intention to operate any sort of growers market or anything else.
 - His client had no intention of relocating from the site and they would like to stay there, as they are a part of the community.
 - He would respectfully request that the Council accept the Officer Recommendation to initiate consultation, but with deletion of the eating house.
5. Joe Saraceni of 182 Alma Road, North Perth – Item 9.1.5 Stated the following:
- He is the Business Development Manager for Vastese bakery and a third generation family member to be involved in the business, which has been located in Alma Road for (55) years as of this year. Prior to this the bakery was located in Newcastle Street, so they have been a part of the community for (55) years.
 - The proposal was put forward to normalise the use on the site, they saw an opportunity to renovate the premises and to make it fit better with the streetscape and fit in with the locality.
 - He advised for the bakery to move forward, having a scheme amendment in place will allow them some security in regards to some renovation being carried and reducing the impact on the community by taking some vehicles of the street, which is also a concern that some of the neighbours have had about the premises.
 - He had delivered letters to the neighbours explaining the situation a bit better and had spoken to a few residents. Some residents were not home and he left a copy of the letter.
 - The main concern was the eating house and as Ben Doyle had mentioned earlier that the eating house plans would not go forward and Mr. Saraceni was happy with this.
6. Sasha Crawford of 83, The Boulevard, Mount Hawthorn – Item 9.1.3 Stated the following:
- She advised that this Item had been rejected at the Council meeting held on July 24, 2012.
 - Since this refusal she had met with the Mayor Hon. Alannah MacTiernan and the Director of Planning Services, to try and find a middle ground and design solutions to better address the concerns of the Council, which were primarily relayed to her as being streetscape issues and making the house the most dominant feature of the design, rather than the garage.
 - In relation to this changes have been done to the design, which were agreed at the meeting and they are shown in the plans that have been submitted to the Council and have been summarised in the report.

- The changes involve increasing the front setback, placing the garage behind the building line, as well as setting it further back, adding a dominant portico and L Shape architectural element, increasing the size of some of the windows and bringing the entry door way forward as well as lighting up the design of the garage door.
 - Late on Friday 10 August 2012, she was contacted by the Mayor Hon. Alannah MacTiernan to request an additional change which related to the upper level bedroom one (1) wall and was requested for a setback of an additional metre, which she agreed to. This is not shown on the current plans.
 - She believed that the design changes that had been made are substantial and that they do go a long way to address the streetscape concerns that the Council raised with her.
 - She reminded the Council that she had received four (4) letters of support from surrounding neighbours, which covered six (6) surrounding properties. Her northern neighbour who had already spoken, originally rejected the proposal and then he provided some additional comments saying there is no objections to a two (2) storey development and should the Council be of a mind to approve her proposal then they would not object to this decision.
 - She stated that they had made every effort to try and find middle ground with the Council, appeasing the concerns regarding the streetscape, while building a house that she likes and would like to live in.
 - She asked that the Council support an alternative recommendation for the proposal.
7. Heather Jones of 127 Alma Road, North Perth – Item 9.1.5 Stated the following:
- She advised that her concern was not about the eating house or about the fact that it would be a bakery; it was more to do with it being a shop.
 - Her main concern is that if the area is zoned differently from the way it is currently zoned, it could be any sort of shop.
 - She is concerned about the change being made to the zoning of this site and does not know why it needs to be done, when it has been operating successfully on a commercial based for the last (50) years.

The Presiding Member Mayor Hon. Alannah MacTiernan advised Ms. Jones that the Council will address this matter when the Item is up for discussion.

The Mayor Hon. Alannah MacTiernan advised that the Director Planning Services had provided her with the following advice:

“That the shop is incidental to the predominant use and if the Council wish to add that any local shop only be permitted to sell items produced on site.”

There being no further speakers, Public Question Time closed at approx. 6.20pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

4.1 Mayor Hon. Alannah MacTiernan requested leave of absence for 21 August 2012, due to personal commitments.

Moved Cr Topelberg Seconded Cr Pintabona

That Mayor Hon. Alannah MacTiernan’s request for leave of absence be approved.

CARRIED UNANIMOUSLY (9-0)

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

Nil.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Minutes of the Ordinary Meeting of Council held on 24 July 2012

Moved Cr Maier Seconded Cr Buckels

That the Minutes of the Ordinary Meeting of Council held 24 July 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 Withdrawal of items 9.1.2 and 9.1.4

Item 9.1.2 relating to No. 137 West Parade, Mount Lawley - Proposed Demolition of Existing Single House and Construction of Three (3) Storey Residential Development Comprising Seven (7) Multiple Dwellings and Car Parking, at the request of the Director of Planning Services, in order that various matters can be clarified; and

Item 9.1.4 relating to No. 268 Newcastle Street, corner of Lake Street, Perth – Proposed Additions and Alterations to Existing Lodging House (Hostel), at the request of the Applicant.

7.2 Homelessness – Registry Week

The Council held a discussion a while back about homelessness and talked about Registry Week, which is happening this week, the Mayor Hon. Alannah MacTiernan had been out at 3.30am walking with a team of people including the City's Coordinator Safer Vincent, counting homeless people.

One (1) homeless person was found in a City's park. The teams will be going out for the next two (2) morning's, so if anyone is interested in participating it is a very worthwhile project and it is hoped by the end of the next two hour sessions conducted, that all the areas would be covered within the City of Vincent and the City of Perth.

8. DECLARATIONS OF INTERESTS

8.1 Chief Executive Officer John Giorgi declared an Financial Interest in Item 9.5.5 - Chief Executive Officer's Performance Review 2012 – Appointment of Human Resources Consultant. The extent of his interest being that it relates to his Contract of Employment with the City of Vincent.

8.2 Cr Joshua Topelberg declared an Impartiality Interest in Item 9.2.1 – Proposed Reintroduction of Two-Way Traffic on Beaufort and William Streets, Perth - Progress Report No. 6. The extent of his interest being that his family owns a property on William Street, Perth located within the proposed area for the introduction of Two-Way traffic.

8.3 Cr Joshua Topelberg declared an Impartiality Interest in Item 10.2 – Notice of Motion – Cr Joshua Topelberg – Rescission Motion to Request Deletion of Perpendicular on Road Parking in Broome Street, Highgate. The extent of his interest being the developer is a personal acquaintance and he has had no contact with the developer since the building commenced or any discussions in relation to the parking.

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 9.1.3 & 9.1.5

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

Item 9.2.3, 9.4.3, 9.5.3, 10.1 & 10.2

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

Item 9.5.5

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:

Cr Carey	Nil
Cr Topelberg	9.1.9
Cr Buckels	9.1.6
Cr McGrath	9.1.7
Cr Wilcox	10.3
Cr Pintabona	Nil
Cr Harley	Nil
Cr Maier	9.3.1 and 9.4.1
Mayor Hon. MacTiernan	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 9.1.1, 9.1.8, 9.2.1, 9.2.2, 9.2.4, 9.3.2, 9.3.3, 9.3.4, 9.4.2, 9.4.4, 9.4.5, 9.5.1, 9.5.2, 9.5.4, 9.5.5 & 9.5.6

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

Item 14.1

New Order of Business:

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

(a) Unopposed items moved *En Bloc*;

Items 9.1.1, 9.1.8, 9.2.1, 9.2.2, 9.2.4, 9.3.2, 9.3.3, 9.3.4, 9.4.2, 9.4.4, 9.4.5, 9.5.1, 9.5.2, 9.5.4, 9.5.5 & 9.5.6

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

Items 9.1.3 & 9.1.5

- (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 Carey Seconded Cr Buckels

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

Items 9.1.1, 9.1.8, 9.2.1, 9.2.2, 9.2.4, 9.3.2, 9.3.3, 9.3.4, 9.4.2, 9.4.4, 9.4.5, 9.5.1, 9.5.2, 9.5.4, 9.5.5 & 9.5.6

CARRIED UNANIMOUSLY (9-0)

ITEM WITHDRAWN BY THE CHIEF EXECUTIVE OFFICER AT THE REQUEST OF THE DIRECTOR OF PLANNING SERVICES, IN ORDER THAT VARIOUS MATTERS CAN BE CLARIFIED

9.1.2 No. 137 (Lot 141; D/P: 1197) West Parade, Mount Lawley - Proposed Demolition of Existing Single House and Construction of Three (3) Storey Residential Development Comprising Seven (7) Multiple Dwellings and Car Parking

ITEM WITHDRAWN BY THE CHIEF EXECUTIVE OFFICER AT THE REQUEST OF THE APPLICANT

9.1.4 No. 268 (Lot: 101 D/P: 99005) Newcastle Street, corner of Lake Street, Perth – Proposed Additions and Alterations to Existing Lodging House (Hostel)

Ward:	South	Date:	3 August 2012
Precinct:	Beaufort; P13	File Ref:	PRO0082; 5.2012.231.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Applicant’s Justification		
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 McDonald Jones Architects on behalf of the owners, Jalwest Pty Ltd for Proposed Additions and Alterations to Existing Lodging House at No. 268 (Lot 101; D/P 99005) Newcastle Street, corner of Lake Street, Perth, and as shown on plans stamp-dated 29 May 2012, for the following reasons:

1. **Non-compliance with the City’s Policy No. 3.4.3 relating to Non-Residential/Residential Development Interface, with respect to:**
 - 1.1 **Clause 3 “Setbacks” relating to side setbacks between non-residential and residential buildings;**
2. **Non-compliance with the Acceptable Development and Performance Criteria provisions of the Residential Design Codes of Western Australia 2010, with respect to:**
 - 2.1 **Clause 7.1.4 “Side and Rear Boundary Setbacks” relating to the north-eastern side setback;**
3. **The proposed development does not comply with the following objectives of the City’s Policy No. 3.7.1 relating to Parking and Access:**
 - 3.1 **To ensure the adequate provision of parking for various services, facilities and residential developments and to efficiently manage parking supply and demand; and**
 - 3.2 **To ensure that the environmental and amenity objectives of the City of Vincent Town Planning Scheme No. 1 are not prejudiced;**
4. **The proposed development does not comply with the following objectives of the City of Vincent Town Planning Scheme No. 1:**
 - 4.1 **To protect and enhance the health, safety and general welfare of the City’s inhabitants and the social, physical and cultural environment; and**
 - 4.2 **To ensure that the use and development of land is managed in an effective and efficient manner within a flexible framework which-**
 - 4.2.1 **Recognises the individual character and needs of localities within the Scheme zone area; and**
 - 4.2.2 **Can respond readily to change; and**

5. **The proposed additions and alterations to the existing lodging house would create an undesirable precedent and have a significant impact on the amenity of surrounding lots, which is not in the interests of orderly and proper planning for the locality.**

PURPOSE OF REPORT:

This proposal requires referral to the Council for determination given that the development comprises more than two (2) storeys and it is an 'SA' use where more than five (5) objections have been received.

BACKGROUND:

History:

Date	Comment
13 June 2000	Council at its Ordinary Meeting conditionally approved a development application for proposed alterations and three-storey plus ground level parking additions to the existing lodging house (hostel).
22 May 2001	Council at its Ordinary Meeting conditionally approved a development application for proposed alterations and three-storey plus ground level parking additions to the existing lodging house (hostel). This application reduced the number of beds previously approved from 224 to 200 and on-site parking from 8 to 7 bays.
20 December 2011	Council at its Ordinary Meeting conditionally approved a development application for proposed additions and alterations to the existing lodging house (hostel). This application proposed an additional floor to the corner of the site, which increased the number of beds from 200 to 229.

Previous Reports to Council:

An application for additions and alterations to the existing lodging house (hostel) was approved by Council at its Ordinary Meeting held on 20 December 2011. The proposal increased the number of beds from 200 beds to 229 beds. The proposed additions included an additional storey that would not alter the existing facade to both Newcastle and Lake Street, with it predominantly being contained within the roof space. The proposed increase in the number of beds also resulted in a shortfall of 5.67 car parking bays being approved.

A Heritage Impact Statement was undertaken on 2 November 2011, as the additions were to the building listed on the City's Municipal Heritage Inventory as Management Category of B - Conservation Recommended. The Heritage Impact Statement indicated that the proposed alterations and additions will not detract from the prominence and character of the existing heritage building and will ensure the continued use of the subject property.

DETAILS:

The application proposes additions and alterations to the existing lodging house (hostel). There are currently 229 beds approved, with the additions and alterations proposing to add an additional 25 beds to the lodging house (hostel).

The subject site is listed on the City's Municipal Heritage Inventory as Management Category of B - Conservation Recommended.

The subject site comprises two buildings. The building fronting both Newcastle and Lake Streets is identified as having cultural heritage significance; whereas the building fronting Lake Street was approved in 2000 and is not identified to be of significance.

The proposed additions and alterations comprise the construction of a third floor to the north-eastern building fronting Lake Street.

Landowner:	Jalwest Pty Ltd
Applicant:	McDonald Jones Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R80/Commercial
Existing Land Use:	Lodging House
Use Class:	Lodging House
Use Classification:	"SA"
Lot Area:	972 square metres
Right of Way:	N/A

ASSESSMENT:

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

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

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

Issue/Design Element:	Building Setbacks
Requirement:	Residential Design Codes Clause 7.1.4 A4.2 <i>North-eastern boundary</i> Fourth Floor: 4 metres
Applicants Proposal:	<i>North-eastern boundary</i> Fourth Floor: 1.96 metres
Performance Criteria:	Residential Design Codes Clause 7.1.4 P4.1 Buildings set back from boundaries or adjacent buildings so as to: <ul style="list-style-type: none"> • ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them; • moderate the visual impact of building bulk on a neighbouring property; • ensure access to daylight and direct sun for adjoining properties; and • assist with the protection of privacy between adjoining properties.
Applicant justification summary:	No justification received.

Issue/Design Element:	Building Setbacks
Officer technical comment:	The proposed additional floor is not considered to be in keeping with the Performance Criteria, as it is setback in line with the lower levels, therefore it does not moderate the visual impact of the building bulk on the adjoining north-eastern residential property. As there are additional windows facing onto the adjoining residential properties, the proposed addition adds additional windows with the potential to overlook into the adjoining residential properties. It is noted that concerns in relation to privacy is one of the objections received during the community consultation period.

Issue/Design Element:	Building Storeys/Building Height
Requirement:	Residential Design Codes Clause 7.1.2 A2 Top of external wall (concealed roof): 13 metres. Beaufort Precinct Policy 3 storeys (including loft)
Applicants Proposal:	Top of external wall (concealed roof): 13.5 metres 4 storeys
Performance Criteria:	Residential Design Codes Clause 7.1.2 P2 Building height consistent with the desired height of buildings in the locality, and to recognise the need to protect the amenities of adjoining properties, including, where appropriate: <ul style="list-style-type: none"> • adequate direct sun to buildings and outdoor living areas; • adequate daylight to major openings to habitable rooms; • access to views of significance from public places. • buildings present a human scale for pedestrians; • building façades are designed to reduce the perception of height through design measures; and • podium style development is provided where appropriate.
Applicant justification summary:	No justification received.
Officer technical comment:	The proposed building height is considered to be in keeping with the Performance Criteria in this instance as it is due to the proposed roof pitch that results in the building height exceeding 13 metres. As the upper floor is setback from Lake Street, it will not increase the scale of the building from the pedestrian level.

Car Parking	
Car parking requirement (nearest whole number) <ul style="list-style-type: none"> • Lodging House – 1 space per bedroom or 1 space per 3 beds provided, whichever is the greater 254 beds = 84.67 car bays = 85 car bays	= 85 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> • 0.85 (The proposed development is within 800 metres of a rail station) • 0.85 (The proposed development is within 400 metres of a bus stop/station) • 0.85 (The proposed development is within 400 metres of one or more existing public car parking place(s) with in excess of a total of 75 car parking spaces) 	(0.6141) = 52.20 car bays

Car Parking	
Minus the car parking provided on-site	7 car bays
Minus the most recently approved on-site car parking shortfalls	39.67 car bays
Resultant shortfall	5.53 car bays

The applicant has provided justification which states the following:

“Seven car spaces are currently available on site. The site coverage and age of the building does not leave any scope for further bays within the fabric of the existing building. The clientele are predominantly transient international backpackers and rarely use private vehicles. The accommodation for this facility is not marketed as having car spaces and generally staff use the bays. In this urban location, the main means of transport is public, being trains and buses. The blue cat bus operates along Aberdeen Street, which is 200 metres away. This links in with major transport hubs of the Perth Train Station and the Esplanade Busport. The main city train station is within 800 metre walk from the building.

All street parking in the area is timed or prepaid which prevents bays from being occupied permanently.”

As the subject site is located within close proximity to public transport, this is taken into consideration when applying the relevant adjustment factors to the car parking requirements. It is also noted that Council at its Ordinary Meeting held on 11 December 2011 approved a shortfall of 5.67 car parking spaces. As the previous development application was approved within the last 12 months and the applicant has advised that they intend to proceed with this approval, it is considered to be important to take into consideration the overall impact of both the previously approved development application and the current proposal.

As there is a previously approved shortfall of 39.67, being the original shortfall of 34 car parking bays combined with the shortfall of 5.67 car parking bays approved in December 2011, a further shortfall of 5.53 car parking bays would bring the overall shortfall up to 45.2 car parking bays. During the community consultation period, there was a number of objections pertaining to the current car parking issue along Lake Street and the potential traffic impact that may result from approving a further shortfall of car parking being provided at the subject site.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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Comments Period:	20 June 2012 to 11 July 2012
Comments Received:	Twelve (12) objections

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: On-site Parking</p> <ul style="list-style-type: none"> • The proposed development will incur a further shortfall of an additional 5.53 bays, taking the total shortfall to 45.2 bays. • Cash-in-lieu will do nothing to alleviate the added pressure on the current parking situation by the additional shortfall. • The current street parking is fully used, day and night. • The proposed shortfall could potentially cause traffic congestion in the neighbourhood. 	<p>Supported. The proposal is not in keeping with the objectives of the City's Parking and Access Policy No. 3.7.1 and the City of Vincent Town Planning Scheme No. 1.</p> <p>With respect to cash-in-lieu, Officers/Council are to be mindful of any additional impact this may have on the current parking situations.</p>

Summary of Comments Received:	Officers Technical Comment:
<ul style="list-style-type: none"> • Parking arrangement does not comply to Council policy and requirements. • Inadequate parking bays from this development would set a wrong precedent to any new development. • The 7 on-site parking bays are in the main used by staff. 6 bays are used by vehicles and the seventh bay is used to store bins. • The area is relatively unsafe at night. There are safety concerns particularly where surrounding property owners and occupiers have to walk some distance to their cars last at night along dark streets. • Paid metre parking is now in Newcastle Street, with the result that all or any parking requirements are being sought in Lake Street. Perhaps the provisions of parking metres in Lake Street would assist in alleviating the parking problems caused by backpacker patrons. As an alternative, regular and constant policing by one of your Rangers and/or Parking Inspectors would act as a deterrent. 	<p>Dismissed. This is not a planning related objection.</p> <p>Dismissed. Rangers regularly patrol and monitor car parking in the City.</p>
<p>Issue: Privacy</p> <ul style="list-style-type: none"> • The windows on the addition will intrude upon the privacy of the adjoining properties, as there is already a lack of privacy with the existing structure. • Inadequate privacy between adjoining properties, backpackers at bedroom are always visible from street level. • Windows on the northern side of the existing addition look directly into the adjoining properties, where insulting comments are emanated from the backpackers. • The privacy of the 'Caledonia Apartments' building residents across the road Lake Street is being interrupted by windows facing Caledonia Apartments which open onto Lake Street side of the proposed alterations and additions. 	<p>Supported. The proposed side setback does not comply with the requirements of Clause 7.1.4 "Side and Rear Boundary Setbacks" of the R-Codes, with regards to protecting privacy; however it is noted that this could be overcome by screening the windows up to 1.6 metres above the finished floor level.</p>

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Amenity</p> <ul style="list-style-type: none"> • There are common complaint from adjoining residents regarding noise, odour from people smoking, loitering and litter emanating from the people staying at the proposed development property. Increasing the size of the property will only make this worse. • Concerns regarding the noise levels will increase as will the rowdiness and nuisance level. As it is backpackers that have been sitting on the kerb drinking and leaving their drink cans and bottles on the street. This is already at unacceptable levels and to increase the number of backpackers would only exacerbate the situation. • Noise levels are not acceptable when windows are open. • As project manager for Caledonia Apartments some 5 years ago, the DA approval showed that the commercial offices must provide 'low impact' use and be within the residential amenity and character of the location. The question arises 'How then does the 'alterations and additions for increased numbers of lodgers' be low impact relating to backpackers accommodation. • The building which is subject to the proposal was never intended to be altered to accommodate such a large number of lodgers in a reasonable quiet residential street – if one considered the amenity and type this exact location, it is away from Northbridge entertainment and was generally viewed as a quieter residential component attached to the Northbridge precinct. Hence, the density of proposal for purpose of accommodating additional lodgers has the effect of adversely affecting the general character and amenity of the location – why then should City of Vincent be objectionable to any short term stays in nearby Strata complex's on the basis of 'adversely affecting existing residential character of location'. This is the routine reply from Vincent when considering DA approvals. The building was never intended for such alterations or imposing number of backpackers lodging, particularly on fringe of residential character and amenity of location. 	<p>Supported. The proposal is not in keeping with the objectives of the City of Vincent Town Planning Scheme No. 1 with respect to protecting amenity.</p> <p>Noise levels are governed by the <i>Environmental Protection (Noise) Regulations 1997</i>; for further information regarding noise please contact the City's Health Services.</p>

Summary of Comments Received:	Officers Technical Comment:
<ul style="list-style-type: none"> • Inadequate safety on windows, double hang window opening at 50% capacity. • Inadequate ventilation within bedrooms and building. • The backpackers have an existing liquor license which have created enormous issues of having a bar area almost equivalent to a 'License Tavern and/or Wine Bar', yet the users are less responsible when leaving the building whilst under intoxication or take alcoholic drinks outside where they have mobile phone conversations at loud tone of voice whilst drinking. Hence, there are already problems arising from existing numbers that the back packers have a license to accommodate. To have additional lodging available will only exasperate the present situation to beyond intolerable levels. • A 'liquor license is before the appropriate authority' in which hopefully the City of Vincent has objected due to problems and certainly additional numbers should this building proposal is approved. The City of Vincent will have constant calls if this if this goes ahead from those who will complain – nearby other adjoining buildings with Strata Owners are simply fed-up. As Strata Managers we are in the process of forming a joint committee on behalf of some 200 units where their owners then amounting to some 400 proprietors. All of which is to consider action as to the back packer's liquor license and the excessive problems associated with existing lodgers. • The building 'design heritage and by-gone era character integrity' internally and externally is being degraded and so is it's intended use in such a location. 	<p>Dismissed. The structural aspects of the development are assessed in accordance with the Building Code of Australia.</p> <p>If there are concerns that development has occurred without the relevant approvals from the City, complaints are to be made in writing to the City for further investigation.</p> <p>Dismissed. This is not a planning related objection.</p> <p>Dismissed. The City's Heritage Officers have undertaken an assessment of the subject site and as it is listed on the City's Municipal Heritage Inventory as Management Category of B - Conservation Recommended.</p> <p>The proposed additions are to the north-eastern building fronting Lake Street, where the building is not identified to be of significance.</p> <p>A lodging house is not considered to be an inappropriate use within this locality.</p>

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Building Height and Setbacks</p> <ul style="list-style-type: none"> • Bulk look from Newcastle and Lake Street building should be heritage preserved. This is a Federation Free Classical Building/Federation Filigree at State Heritage Council and City of Vincent Heritage Inventory database. • Does not comply with Council policy and requirements. If Council approved this element, Council ought to explain to its ratepayers – should all new development now need not to comply to Council policy and requirements. • Elements do not comply with R-Codes, in particular, provide 1.96m instead of 5m, over 60% shortfall. • Prior to the original extension, adjoining properties had a clear view of the City skyline. Now the view is restricted to a building that is 1.5 metres away and extends to the sky. 	<p>Supported. The proposed side setback does not comply with the requirements of Clause 7.1.4 “Side and Rear Boundary Setbacks” of the R-Codes.</p>
<p>Issue: side and rear boundary setbacks</p> <ul style="list-style-type: none"> • The additional floor is essentially a similar floor plan stacked on top of the second floor with the existing external walls extending up on the same plans with the same second floor windows repeated. This is not in keeping with the eastern and southern facades. • To reduce bulk we would like to see sensitively designed articulation of this façade using different materials, colour, different sized windows and wall treatment such as indentation, and so on, in the spirit of heritage facades on the eastern and southern elevations. 	<p>Support. The proposed side setback does not comply with the requirements of Clause 7.1.4 “Side and Rear Boundary Setbacks” of the R-Codes.</p>

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 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 Residential Design Codes of Western Australia, City of Vincent Town Planning Scheme No. 1 and associated Policies.

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.*

Economic Development

2.1 *Progress economic development with adequate financial resources*

2.1.1 *Promote business development and the City of Vincent as a place for investment appropriate to the vision for 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 application proposes alterations to an existing building comprising an additional floor to the existing lodging house. The continuation of the use of the building has a lower environmental impact compared to constructing a new building for this purpose.	

SOCIAL	
Issue	Comment
The application provides for diversity of affordable accommodation within the locality; however the scale of the development will have a negative impact on the amenity of the adjoining residential properties, as outlined in the tables above.	

ECONOMIC	
Issue	Comment
The proposed land use provides long term employment opportunities, along with any proposed construction providing additional short term employment opportunities.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS & CONCLUSION:

It is considered that the proposed additions and alterations to the existing lodging house would create an undesirable precedent and have a significant impact on the amenity of surrounding lots, which is not in the interest of orderly and proper planning for the locality.

As the proposal comprises additions to the north-eastern building, this will have a greater impact on the adjoining residential properties with regards to setbacks, noise and privacy compared to the additions and alterations that were approved on the corner building which fronts both Newcastle and Lake Streets.

Due to the application's significant departure from the Acceptable Development and Performance Criteria provisions of the Residential Design Codes of Western Australia 2010, the City's Beaufort Precinct Policy No. 3.1.13, the City's Parking and Access Policy No. 3.7.1 and City of Vincent Town Planning Scheme No. 1; it is recommended that the application be refused for the reasons outlined above.

9.1.1 No. 150 (Lot 31 D/P: 73062) Claisebrook Road, Corner of Caversham Street, Perth - Proposed Change of Use from Educational Facility to Lodging House (Retrospective Application)

Ward:	North	Date:	3 August 2012
Precinct:	EPRA; Claisebrook Road North; P15	File Ref:	PRO4455; 5.2011.630.2
Attachments:	001 – Property Information Report and Development Application Plans		
Tabled Items	Nil		
Reporting Officer:	A Dyson, Planning Officer (Statutory)		
Responsible Officer:	C Eldridge, Director Planning Services		

CORRECTED RECOMMENDATION:

That the Council;

in accordance with the provisions of the East Perth Redevelopment Authority Scheme No. 1 and the Metropolitan Region Scheme APPROVES the application submitted by R Williams on behalf of the owner G P & M C & B E Panizza for Proposed Change of Use from Educational Facility to Lodging House (Retrospective), at No. 150 (Lot 31; D/P: 73062) Claisebrook Road, Corner of Caversham Street, Perth, and as shown on plans stamp-dated 29 June 2012, subject to the following conditions:

1. The proposed lodging house shall comply with the following:
 - 1.1 the lodging house at No. 150 (Lot 31) Claisebrook Road, Perth shall only be approved to accommodate a maximum of two hundred and fifty (250) lodgers at any one time, subject to compliance with the *Health Act 1911* and *City of Vincent Health Local Law 2004*;
 - 1.2 the approval is valid for five (5) years from the date of approval. Should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the City prior to continuation of the use;
2. any new street/front wall, fence and gate within the Claisebrook Street and Caversham Street setback areas, including along the side boundaries within these street setback areas, shall comply with the City's Policy provisions relating to Street Walls and Fences;
3. 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 Claisebrook and Caversham Street;
4. no street verge trees shall be removed. The street verge trees are to be retained and protected from any damage including unauthorised pruning;
5. all signage shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;
6. Upon the submission of a Building Approval Certificate and Occupancy Permit, a Lodging House Management plan shall be submitted and approved by the City's Manager Health Services, outlining the following:

- 6.1 Procedures on how to Manage:
- 6.1.1 Emergencies – In the event of a fire; including the provision of up to date/current Emergency Evacuation Plans that represent current floor layout and exit paths, for all rooms;
 - 6.1.2 Bed bugs and other vermin;
 - 6.1.3 Quarantine and reporting of lodgers that are unwell with an infectious disease to the City's Health Services;
 - 6.1.4 Antisocial behaviour;
 - 6.1.5 Noise generated by lodgers;
 - 6.1.6 Complaints by occupants of neighbouring properties;
 - 6.1.7 Waste generated at the property; and
 - 6.1.8 Keeping of dormitories and rooms;

7. Waste Management Plan

7.1 A Waste Management Plan is to be submitted to the City's Director Technical Services within twenty-one (21) days of approval. This plan is to include the number of waste and recycle bins required for use of the development, where the required bins are to be stored, will the City or private contractor services be used for the collection of the bins, and the collection area for the bins; and

7.2 A bin store is required to be provided, of sufficient size to accommodate the City's maximum bin requirement, as assessed by the City's Director Technical Services, prior to the submission of a Building Permit;

8. Building Approval Certificate

Within twenty-eight days (28) days of the issue date of the approval, a Building Approval Certificate Application along with structural details certified by a Practising Structural Engineer and a report from FESA and Independent Fire Consultant certifying the building complies with current BCA Fire regulations, including plans and specifications of the subject unauthorised modifications shall be submitted to and approved by the City of Vincent Building Services as required under the Building Act 2011;

9. Within twenty-eight (28) days of the issue date of the approval, and to satisfy Condition 1.1 the applicant shall submit to the City's Health Services for assessment and approval, revised plans that indicate the following:

- 9.1 An electrical plan detailing the location of the fire panel, hard wired smoke detectors, emergency lighting and illuminated exit signage;
- 9.2 Removal of Doors connecting internal rooms within dormitories as seen in rooms 10A, 10B, 12A, 12B, 13A, 13B, 14A, 14B, 15A, 15B, 19A and 20A, should these rooms be proposed for use as sleeping apartments;
- 9.3 Provision of natural lighting (minimum window area that is 10% the size of the dormitory/bedroom floor area [multiple skylights will be acceptable in lieu of windows]) in Rooms 8, 10A, 12A, 15, 15A, 17, 18, 19, 20, 20A, 22, 23, 24, 25, 26, 27, 28, should the applicant wish to use these rooms as sleeping apartments;
- 9.4 The location, type and number of bed/bunks provided in each sleeping apartment;
- 9.5 The provision of 8 x 8kg capacity washing machines and 5x electric dryers (plus sufficient line space). Note: Current plans indicate only 5x washing machines and 5x electric dryers – this is adequate for only 150 lodgers (and only if washing machines are each of a capacity not less than 8kg of dry clothing);

- 9.6 The provision of additional food storage facilities both dry and cold food storage facilities (existing facilities are considered inadequate for 250 lodgers);
- 9.7 Conversion of the open spoon drain in the Kitchen to a single floor waste gully;
- 9.8 The provision of a 'cleaners cupboard' (specifically for the storage of kitchen cleaning materials) to be provided in the kitchen's 'general store' area; and

9.9 Kitchen Facilities

9.9.1 The current and proposed kitchen facilities (5x four burner cook tops and 5x ovens) are considered inadequate for the proposed number of 75 lodgers only-(limited by the number of cook tops);

9.9.2 ~~Facilities to be provided have been benchmarked against other similar sized lodging houses within the City, combined with access to food outlets available in close proximity to the lodging house. In addition to the number of facilities proposed, Subsequently,~~ further equipment is to be provided as detailed below in accordance with Clause 135(2) of the City of Vincent Health Local Law 2004 which states, "The keeper of a lodging house where meals are provided by the keeper or manager shall provide a kitchen with cooking appliances of a number and type approved by the Manager Health Services":

- 4 microwave ovens; and
- 2 x additional four burner stoves or 2 x four burner barbeques (Note: designated barbeque area to be designated and provided with an emergency fire blanket)
- ~~Equally apportion and demarcate all bathrooms/toilets based on gender; and~~

9.9.3 The keeper shall continue to provide at least 1 meal per day to all lodgers, and in the event that the keeper ceases to provide a minimum of 1 meal per day, per lodger, the City reserves the right to reduce the maximum number of lodgers on the Lodging House Registration Certificate of Approval consistent with the numbers detailed in clause 135(1) of the City of Vincent Health Local Law 2004, which states as follows:

135. (1) The keeper of a lodging house where lodgers prepare their own meals shall provide a kitchen with electrical, gas or other stoves and ovens approved by the Manager Health Services in accordance with the following table:

<u>NO. OF LODGERS</u>	<u>OVENS</u>	<u>4 BURNER STOVES</u>
<u>1-15</u>	<u>1</u>	<u>1</u>
<u>16-30</u>	<u>1</u>	<u>2</u>
<u>31-45</u>	<u>2</u>	<u>3</u>
<u>46-60</u>	<u>2</u>	<u>4</u>
<u>Over 60</u>	<u>2</u>	<u>4 + 1 for each additional 15 lodgers (or part thereof) over 60</u>

9.10 Equally apportion and demarcate all bathrooms/toilets based on gender;

10. Crossovers

10.1 Any modifications to the existing crossovers will be subject to a separate application to be approved by the City's Director Technical Services. All new/modified crossovers shall be constructed in accordance with the City's Standard Crossover Specifications, which specify that the portion of the existing footpath traversing the proposed crossover (subject to the footpath being in good condition as determined by the City's Director Technical Services), must be retained. The proposed crossover levels shall match into the existing footpath levels. Should the footpath not be deemed to be in satisfactory condition, it must be replaced with in-situ concrete panels in accordance with the City's specification for reinstatement of concrete paths; and

10.2 An application for a crossover is to be submitted to, and approved by the City's Director Technical Services, prior to the issue of a Building Permit; and

~~10-11.~~ 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.

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

Additional Information

The revised conditions are proposed to satisfy Technical Services requirements on site for the applicant to provide a Waste Management Plan for the use as well as noting any modifications to the existing crossover or new crossovers are required to be in coordination with the Technical Services Department. In addition, the Health Services requirements have been redrafted to provide greater clarity.

Landowner:	G P & M C & B E Panizza
Applicant:	R Williams
Zoning:	Metropolitan Region Scheme: (MRS): Urban East Perth Redevelopment Authority Scheme – Normalised Area: Residential R80
Existing Land Use:	Educational Facility
Use Class:	Lodging House
Use Classification:	"P" Preferred
Lot Area:	3961 square metres
Access to Right of Way	Not Applicable

COUNCIL DECISION ITEM 9.1.1

Moved Cr Carey Seconded Cr Buckels

That the corrected recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (9-0)

PURPOSE OF REPORT:

The matter is reported to Council given its contentious and retrospective nature.

BACKGROUND:

Date	Comment
20 November 2000	EPRA Approval granted for use of Premises from Warehouse to Educational Facility and Accommodation for Youth with a Mission
11 May 2012	<p>The Chief Executive Officer issued a Written Direction Under Section 214 (2) under the Planning and Development Act 2005 to the applicant to cease the unauthorised use of the property.</p> <p>On the 11 May 2012 the City attended the premises and noted that 171 lodgers were accommodated on site. It was noted upon inspection that the premises posed a serious risk to Lodgers, due to predominantly timber construction and lack of fire detection systems. Following this the WA Fire Brigade was contacted and assistance was requested to ascertain any fire risk of the property.</p> <p>The City's Officer's including Director of Community Services, Manager of Planning and Building Services, Environmental Health Officers and Compliance Officers, returned later that evening to ensure compliance with the City's requirements. As a result of this inspection, five (5) rooms were deemed to be an extreme fire and safety risk, housing forty (40) lodgers, who subsequently were relocated to "low risk" parts of the buildings. This matter has been referred to the City's solicitors for an alleged breach of the Health Act 1911.</p>

Previous Reports to Council:

Nil.

DETAILS:

The proposal involves a change of use (Retrospective) from Educational Facility and Accommodation to Lodging House. The Lodging House is proposed to cater for an operational capacity of Two Hundred and Fifty (250) guests which includes the House Manager plus Nine (9) other Rotating Staff. The premises consist of Thirty Seven (37) Bedrooms with Two (2) additional bedrooms for Managers Living Quarters, Lounge Areas, Dining Halls, Kitchen, Offices, Storerooms and a Computer room. The site itself consists of two (2) large buildings containing the accommodation and facilities on site separated by a courtyard and recreational facilities in the form of a basketball and volleyball court along the northern side of the property. Car parking and bicycle parking is available along the western frontage of the development with access from Claisebrook Road.

The site itself is located within the former East Perth Redevelopment Authority Normalised Area of Perth and the proposed use of Lodging House is a Category 5 (Residential), "Preferred" use under the Scheme.

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	✓		
Boundary Wall	✓		
Building Storeys	✓		
Access & Parking	✓		

CORRECTED CAR PARKING TABLE:

Car Parking Calculation	
<p><i>Tenant Parking Policy</i> The above mentioned calculation has been carried out in compliance with the Perth Parking Policy under the Perth Parking Management Act 1999 (City of Perth)</p> <p>- Claisebrook Road is classified as Category 4.</p>	
<p>Maximum Negotiable Allowance:</p> <p>- Street is classified as 'At Grade Access'.</p> <p>- Therefore as Category 4, bays per hectare is 200.</p>	
<p>Maximum Car Parking Allowed:</p> <p>- 3961m² (Site Area)/10000 x 200 = 79.22</p>	Maximum Car Bays allowed is 79 car bays
<p>Parking Provided</p>	<p><u>46</u> 9 car bays on Lot 31 (Compliant)</p>

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

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
Comments Period:	Not Applicable		
Comments Received:	Not Applicable		

The proposal involved no variations to the Claisebrook Road North provisions and therefore Community Consultation was not required.

Design Advisory Committee:

Referred to Design Advisory Committee: No.

LEGAL/POLICY:

East Perth Redevelopment Scheme No. 1: Claisebrook Road North and associated Policies.

RISK MANAGEMENT IMPLICATIONS:

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

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 application proposes the use of a lodging house within an existing building. The continuation of the use of the building has a lower environmental impact compared to constructing a new building for this purpose.	

SOCIAL	
Issue	Comment
The application provides for diversity of affordable accommodation within the locality and activation of the area by virtue of passive and active surveillance of streets largely of a commercial/industrial nature.	

ECONOMIC	
Issue	Comment
The continuation of the land use provides employment opportunities and positively contributes to bringing tourists into the area.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Technical Services

Technical Services advise that the applicant would be required to furnish a waste management plan for the assessment of the required bin services. Note that the outcome of the waste management plan is likely to be a requirement for construction of additional bin storage facilities, and possibly, provision of a private waste collection.

Health Services:

The City's Health Services have undertaken a preliminary assessment of the plans submitted on 29 June 2012 to review compliance with the *Health Act 1911*, *City of Vincent Health Local Law 2004*, and *Council Policy 3.8.10 - Food Act 2008*. The assessment revealed that the facilities proposed are insufficient to cater for the requested number of lodgers (250).

In order to sufficiently cater for 250 lodgers and qualify for registration as an approved lodging house, the applicant must demonstrate compliance with the following requirements:

1. Submit an electrical plan detailing the location of the fire panel, hard wired smoke detectors, emergency lighting and illuminated exit signage;
2. Remove all Doors connecting internal rooms within dormitories as seen in rooms 10A, 10B, 12A, 12B, 13A, 13B, 14A, 14B, 15A, 15B, 19A and 20A, should these rooms be proposed for use as sleeping apartments;
3. Provide natural lighting (minimum window area that is 10% the size of the dormitory/bedroom floor area [multiple skylights will be acceptable in lieu of windows]) in Rooms 8, 10A, 12A, 15, 15A, 17, 18, 19, 20, 20A, 22, 23, 24, 25, 26, 27, 28, should the applicant wish to use these rooms as sleeping apartments;

4. Specify the location, type and number of bed/bunks provided in each sleeping apartment;
5. Provide 8 x 8kg capacity washing machines and 5x electric dryers (plus sufficient line space). Note: Current plans indicate only 5x washing machines and 5x electric dryers – this is adequate for only 150 lodgers (and only if washing machines are each of a capacity not less than 8kg of dry clothing);
6. Provide additional food storage facilities both dry and cold food storage facilities (existing facilities are considered inadequate for 250 lodgers);
7. Conversion of the open spoon drain in the Kitchen to a single floor waste gully;
8. Provide a 'cleaners cupboard' (specifically for the storage of kitchen cleaning materials) to be provided in the kitchen's 'general store' area; and
9. Upgrade of existing kitchen facilities as per the following:
 - 9.1 Current facilities (5x four burner cook tops and 5x ovens) are adequate for 75 lodgers only (limited by the number of cook tops).
 - 9.2 Facilities to be provided have been benchmarked against other similar sized lodging houses within the City, combined with access to food outlets available in close proximity to the lodging house. In addition to the number of facilities proposed, further equipment is to be provided as detailed below:
 - 4 microwave ovens; and
 - 2 x additional four burner stoves or 2 x four burner barbeques (Note: designated barbeque area to be designated and provided with an emergency fire blanket)
 - Equally apportion and demarcate all bathrooms/toilets based on gender.

Building Services:

The applicant, in the event of Retrospective Planning Approval being issued for the Lodging House, would be required to apply for a Change of Classification to a Class 3 Building. The applicant will be required to comply with Access to Premises Standards and AS1428.1 as well as obtaining a Fire Consultants Report and Fire and Emergency Services Authority Report. The respective reports are also required to be certified by an independent certified Building Surveyor. It is noted any amendments carried out internally without prior approval, are subject to a Building Approval Certificate/Building Occupancy Permit.

Strategic Planning

The City is currently reviewing the subject area as part of the City's new Town Planning Scheme No. 2 and developing a Structure Plan for the area. As part of this review, the City is working with the Department of Planning and has engaged with the local community for their vision of the area. The main aim for the area is to create a community which has a diverse range of services, a reduced dependence on the private vehicle and the introduction of transit orientated development as well as a more managed parking and traffic management for the area. Other aims include the improving of safety and movement throughout the area, as well as a beautification of the general surroundings.

Planning

Whilst retrospective, the proposed change of use of the building for the purpose of a lodging house, is considered an appropriate use within the locality and zoning. Furthermore, the activation of a significant portion of land and buildings with visitors will engage a previously dormant area, providing increased activity, vibrancy and surveillance in keeping with the desired outcomes for the area.

In view of the above, it is considered that the proposed retrospective planning approval for lodging house is supportable. Accordingly, it is recommended the application be approved subject to standard and appropriate conditions.

9.1.8 Events Promoting Sustainable Design

Ward:	Both	Date:	3 August 2012
Precinct:	All	File Ref:	PLA0209
Attachments:	001 – Project Initiation Document		
Tabled Items:	Nil		
Reporting Officer:	A Marriott, Sustainability Officer		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council **AUTHORISES** the Chief Executive Officer to organise the following events for the promotion of sustainable design:

1. Sustainable House Day (9 September 2012);
2. Sustainable Design Expo (22 September 2012); and
3. Sustainable Property Workshop for property industry professionals (early to mid-November 2012).

COUNCIL DECISION ITEM 9.1.8

Moved Cr Carey, Seconded Cr Buckels

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

To seek the Council's support for the City's administration to arrange the three proposed sustainable design events recommended by the City's Sustainability Advisory Group in accordance with the City's Sustainable Environment Strategy.

BACKGROUND:

Limited understanding of the benefits of sustainable design by property developers is leading to poor compliance with the City's sustainable design requirements. This is leading to undesirable design outcomes across the board (from single dwellings to large commercial developments) and is resulting in:

- Refusal of development applications and misunderstanding between Applicants and the Council;
- Minimum compliance achieved by the inclusion of token sustainable design features that often have limited benefit; and
- The setting of precedents that are being used by developers to gain approval for developments with no regard for sustainable design.

Within the City's existing planning framework, the City's ability to mandate sustainable design requirements that go beyond basic measures relating to thermal efficiency (as set out in the National Construction Codes) is limited to developer concessions and encouragement of sustainable design features through Local Planning Policy. Beyond this the City can only encourage the incorporation of sustainable design principles via the provision of information and education.

At its Ordinary Meeting held on 10 July 2012, the Council endorsed Sustainable Planning and Building as a key focus area for 2012-2013. In line with the endorsed 2012-2013 *Action Plan*, the City's Strategic Planning Officers commenced a review of the City's Policies, Guidelines and Checklists relating to sustainable design. In aid of this, the City's Sustainability Advisory Group (SAG) consulted with property industry and sustainable design professionals about appropriate mechanisms for encouraging the incorporation of sustainable design into all development types. The SAG concluded that active promotion of the benefits of sustainable design to both property industry and the general community is essential if the desired outcomes are to be achieved.

History:

Date	Comment
10 July 2012	The Council endorsed the <i>Sustainable Environment Strategy Implementation Plan 2011-2016</i> and the corresponding <i>Action Plan</i> for 2012-2013.
16 July 2012	The SAG consulted with property and sustainable design professionals and recommended a series of sustainable design events to educate the property industry and the City's community.

Previous Reports to Council:

There have been no previous reports to the Council in relation to this matter.

DETAILS:

The SAG has recommended that in addition to reviewing and amending its current sustainable design policies and guidelines, the City also promote the financial, social and environmental benefits of sustainable design to its community and the local property industry via the following events:

- One or more architect-guided tour/s of exemplar properties within the City (in association with Sustainable House Day 9 September 2012);
- A "Green-my-Plan" Sustainable Design Expo (in association with World Green Building Week in late September 2012); and
- A Sustainable Property workshop for real estate agents, strata managers, architects and property developers (November 2012 – the earliest available time for continuing professional development certified training).

Sustainable House Tour/s

It is proposed that one or more architects specialising in sustainable building design and recommended by the City's Design Advisory Committee would conduct tours of one or more dwellings they have designed. It is envisaged that properties would be opened to the public for a set time on a nominated day (either Sustainable House Day on 9 September 2012 or on an alternate day as an adjunct event). The dwellings' inhabitants would be invited to take part by sharing their experience of the financial, health and lifestyle benefits associated with a sustainable home.

Sustainable Design Expo

This is proposed as an expanded version of the "Green-My-Plan" event organised by the City in September 2011 as part of World Green Building Week. Architects, Designers, Property and Landscape professionals specialising in sustainable solutions would be invited to take part in an expo-style event. This would be free to the public, with the City's community invited to bring their renovation, extension, building and landscaping plans or ideas for free advice from sustainability experts. The Chair of the City's Design Advisory Committee has agreed to provide an opening presentation outlining the essentials of sustainable design to set the tone of the event.

Sustainable Property Workshop

This would be a capacity building event, designed to increase the property industry's understanding of and ability to communicate the benefits of sustainable design to sellers, buyers and property developers. Essentially designed to sell sustainability to the property industry, this would be a professional development event accredited for the maximum number of seven continuing professional development (CPD) points. Run as a one-day workshop, it would be marketed via the Real Estate Institute of Western Australia and the Urban Development Institute of Australia (WA).

The Project Initiation Document as shown in Appendix 9.1.8 provides further details relating to the proposed events, their objectives and expected outcomes.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Any property owners hosting an open-house event will be required to hold current public liability insurance cover for the property in question.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states (Objective 1):

"Natural and Built Environment:

1.1 *Improve and maintain environment and infrastructure,*

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

SUSTAINABILITY IMPLICATIONS:

ENVIRONMENTAL	
Issue	Comment
The overarching objective of this City's Sustainable Environment Strategy in relation to its community is: <i>"To encourage, empower and support the City's community to live in an environmentally sustainable manner."</i>	
Strategy actions relating to this objective are:	
<i>"Action J:</i>	<i>Make environmental and sustainable information more readily accessible to the community;</i>
<i>Action K:</i>	<i>Encourage the incorporation of sustainable design principles and features in existing and new development within the city as standard practice."</i>
<i>Action 1.14:</i>	<i>Offer guidance and encourage energy efficient design for new developments and retrofitting for existing developments within the City.</i>
<i>Action 1.15:</i>	<i>Develop and implement education initiatives to reduce energy use by City residents and businesses; and</i>
<i>Action 1.16:</i>	<i>Promote the use of renewable energy to businesses and residents within the City."</i>
The proposed events will educate and empower the City's community to make environmentally sustainable choices when considering the development of property within the City.	

FINANCIAL/BUDGET IMPLICATIONS:

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

Promotion of Sustainable Design

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

Sustainable Environment Plan

Budget Amount: \$20, 000
Spent to Date: \$0.....
Balance: \$20, 000

COMMENTS & CONCLUSION:

To achieve the desired outcomes relating to sustainable design set out within the City's Policies and Guidelines, it is imperative that the community, developers and wider property industry gain an appreciation for the benefits to be derived from the implementation of sustainable design principles. The City's Officers therefore recommend that the Council authorises the proposed sustainable design events in order that practical information, tangible examples and professional development may be delivered to those making design choices and selling design features within the City.

9.2.1 Proposed Reintroduction of Two-Way Traffic on Beaufort and William Streets, Perth - Progress Report No. 6

Ward:	South	Date:	3 August 2011
Precinct:	Beaufort (13)	File Ref:	TES0473
Attachments:	001 – Existing Plans 002 – Proposed 'Two-Way' Plans A-D		
Tabled Items:	Nil		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

- APPROVES** Option 2 as the preferred option for the proposed modification to the Brisbane Street and Beaufort Street, Perth intersection to accommodate a 'bus-only right turn lane' on Brisbane Street for east bound Brisbane Street buses turning right into Beaufort Street, as shown in Appendix 9.2.1C, for the reasons as outlined in the report; and
- ADVISES** the Public Transport Authority and the City of Perth of its decision;

COUNCIL DECISION ITEM 9.2.1

Moved Cr Carey, Seconded Cr Buckels

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (9-0)

PURPOSE OF REPORT:

The purpose of this report is to update the Council on the progress of the reintroduction of two-way traffic in the City's of Vincent and Perth streets and seek approval for the revised intersection layout for Brisbane and Beaufort Streets.

BACKGROUND:

Ordinary Meeting of Council 13 April 2010:

The Council received progress report No. 4 on the proposed reintroduction of two-way traffic on Beaufort and William Streets, Perth.

The report discussed the proposed timetable for the conversion of the streets to two-way traffic along with that of Brisbane Street between William and Beaufort Streets.

At the conclusion of the discussion Council made the following decision (in part):

- "(ii) SUPPORTS IN PRINCIPLE the proposal to reintroduce 'two way' traffic in William, Beaufort and Brisbane Streets subject to the City of Perth agreeing to undertake the following:*
- indicate what discussions have taken place with the Public Transport Authority (PTA) with regard to the proposal and advises what, if any, changes would be required to the road layout to accommodate PTA;*
 - agree to fund the design/documentation of signal modifications and any other design requirements associated with the two way street proposal within the Town at both the William/Brisbane and Beaufort/Brisbane Street intersections;*
 - provide further clarification on the proposed intersection treatments and proposed clearway zones during the AM and PM peak periods; and*

- (v) *WRITES to Main Roads WA and the PTA seeking their further comments regarding the proposal, including but not limited to the suggested staging by both the Town and the City of Perth.*"

Ordinary Meeting of Council 12 July 2011:

The Council received progress report No. 5 on the proposed reintroduction of two-way traffic on Beaufort, William Streets where it was advised that since April 2010 a series of meetings had been held with the City of Perth, Public Transport Authority (PTA), Main Roads WA (MRWA) and the Department of Transport (DoT) to progress the matter.

The Council was further advised that due to PTA concerns regarding road 'lane' widths, works initially planned for mid 2011 would most probably not proceed until at least 2012 or later.

Following consideration of the report the following decision was made.

"That the Council;

1. *CONTINUES TO SUPPORT the proposal to reintroduce 'two-way' traffic in William, Beaufort and Brisbane Streets;*
2. *NOTES that the matter was considered by the Perth City Council at its Ordinary Meeting held on 28 June 2011 where the Council resolved, in part, to request that the Director General Transport approves the conversion of Beaufort Street to two-way traffic without further delay;*
3. *REQUESTS that the Director General Transport approves the conversion of Beaufort Street to two-way traffic without further delay noting that both the City of Vincent and the City of Perth have coordinated the implementation of the project to occur concurrently toward the end of 2011;*
4. *ADVISES the City of Perth of its continued support;*
5. *RECEIVES a further report at the conclusion of the discussions with the City of Perth, Main Roads WA, Department of Transport and the Public Transport Authority; and*
6. *DOES NOT SUPPORT a twenty four (24) hour bus lane on Beaufort Street due to the negative impact on local retail districts, pedestrian amenity and alfresco dining."*

DETAILS:

One-Way Roads to Two-Way Roads:

The City of Perth officers gave a presentation on the City of Perth strategic 'City Streets Transport Plan' which aims to progressively change one-way roads to two-way roads to make the road network more legible and to implement a "to, not through" access philosophy.

As mentioned above, since April 2010 the City's officers have had ongoing meetings with the City of Perth, PTA, MRWA and DoT to progress the matter.

The previously endorsed option for Beaufort Street (Brisbane to Newcastle plan No 2740-CP-03D) is shown in appendix 9.2.1A.

Stakeholder Meeting 2 August 2012:

William Street Busses:

When Beaufort Street south of Brisbane Street and Brisbane Street, between William and Beaufort Street, revert to 'two-way' roads, all the busses that currently travel south along William Street will be diverted east along Brisbane Street and south along Beaufort Street.

Busses that currently travel north along Beaufort Street and turn right into Brisbane Street will continue to do so.

Brisbane/Beaufort Intersection modifications:

Given the above, PTA have identified that the current proposed Beaufort/Brisbane Streets design would not allow for the intended bus routes into the city from William Street.

Therefore there is a need for a 'bus-only right turn lane' on Brisbane Street for the east bound Brisbane Street south into Beaufort Street traffic while general traffic would be restricted to a 'left turn' northbound on Beaufort Street.

This proposal would facilitate movements for a number of major bus routes from the northern suburbs for as many as two (2) buses per signal phase the Brisbane and Beaufort Streets intersection.

The Council previously approved a redesign for the intersection however this has now been redesigned based on PTA requirements.

Traffic modelling at the intersection shows that significant delays to general traffic turning left to Beaufort Street will occur unless the bus right turn lane is provided.

Impact of proposed Brisbane/Beaufort Streets Intersection modifications:

To be able to accommodate the proposed 'bus-only right turn lane' on Brisbane Street for the east bound Brisbane Street south into Beaufort Street traffic and the 'left turn' northbound on Beaufort Street for general traffic, widening on the northern verge area with some minor encroachment into Birdwood Square will be required.

Three (3) options have been prepared: Refer appendix 9.2.1 B, C and D

Option 1:

(9.2.1B) *Standard pedestrian refuge island. Largest encroachment with the potential loss of seven (7) small broad leaf paper barks (planted in the footpath) and the potential loss of one (1) medium to large Queensland Box tree (planted in the park).*

Option 2:

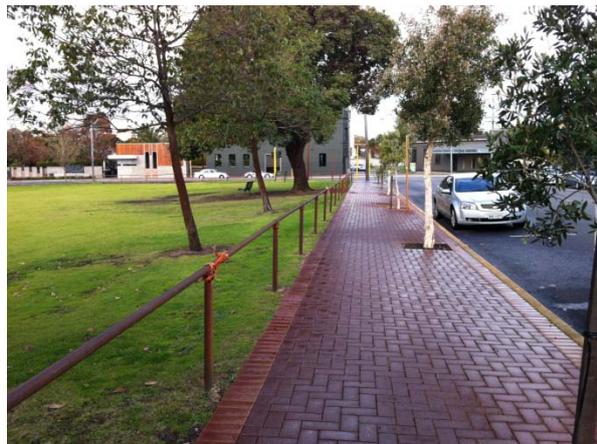
(9.2.1C) *Small reduced pedestrian refuge island. Slightly less encroachment with the potential loss of five (5) small broad leaf paper barks (planted in the footpath) and the potential loss of one (1) medium to large Queensland Box tree (planted in the park).*

Option 3:

(9.2.1D) *No pedestrian refuge island. Least encroachment with the potential loss of four (4) small broad leaf paper barks (planted in the footpath).*



Brisbane Street – looking west from Beaufort Street



Brisbane Street – looking east towards Beaufort Street

Officer's Comments:

The Beaufort/Brisbane Street two-way streets proposal aims to deliver better transport outcomes with the aim of reducing the numbers motor vehicle traffic through the city in the longer term.

The proposed modifications to the intersection will result in a minor encroachment into the park however the current use of the park will in by no way be compromised by the encroachment and given the potential long term benefits (mentioned above) is supported by the officers.

Option 2 is the officers preferred compromise option and this work would be fully funded by the PTA anticipate to deliver the project in conjunction with the widening and upgrade of Beaufort Street, currently scheduled to begin sometime in December 2012.

Current Status of Project/Program:

The following is a brief outline of the two-way streets progress:

- City of Perth is currently planning to commence works in December 2012.
- Beaufort Street two-way opening scheduled for April 2013.
- William Street two-way from Roe to Newcastle Streets scheduled for April 2013.

Design:

- Design to accommodate busses finalised.
- Relocation costs for services in progress.
- Additional cost for widening (City of Vincent) to be determined provided to PTA.

Brisbane St/Beaufort St Intersection Layout:

- PTA will finalise geometric design once City of Vincent endorse proposal.
- Signal design for the intersection was previously completed by them. PTA to fund any additional works required for the design works.

MRWA Approval:

- Completion of the geometric design required to be able to deliver the project on time. MRWA require the entire design i.e. Beaufort/Brisbane/William.

Signal Phasing and Signal Design:

- SIDRA analysis for Brisbane/Beaufort Streets intersection has been completed.
- Some issues with James/Beaufort Streets and Francis/Beaufort Streets intersections with the right turning movements to be resolved.

Bus Priority over the Beaufort St Bridge:

- Options being developed.

Funding – PTA Contribution:

- PTA to fund investigative works to accommodate widening to accommodate busses.
- PTA to fund the relocation of services.
- MOU between City's and PTA being developed however works continuing.
- Previously agreed to provide a bus priority lanes during peak periods only and no 24/7 bus lane have been approved at this stage.

CONSULTATION/ADVERTISING:

Once the plans have been finalised businesses/residents in Beaufort/Brisbane Streets will be advised regarding the proposed works. The biggest change will be in Beaufort Street between Brisbane and Newcastle Streets where there will be no parking allowed during the AM and PM peak periods (the parking is currently embayed).

LEGAL/POLICY:

Brisbane Street, William Street and Beaufort Streets, to Newcastle Street, are District Distributor A roads under the care, control and management of the City of Vincent.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Funding of \$460,000 has been allocated in the 2011/2012 for implementing the works. The majority of the works associated with the Beaufort/Brisbane Streets intersection will be funded by PTA. Also all widening costs and associated service relocation costs will be funded by PTA.

COMMENTS:

The City of Perth is pushing ahead with its strategic objectives of reverting one-way roads to two-way to make the road network more legible and to implement a 'to, not through' access philosophy.

It is currently planning to commence works on the two-way road conversion works in December 2012 with the Beaufort Street two-way opening currently scheduled for April 2013 all going well. They have also scheduled William Street between Roe Street and Newcastle Streets to revert to two-way April 2013.

The Council will need to consider reverting its section of William Street to two-way traffic in 2013/2014.

9.2.2 Proposed Introduction of One (1) Fifteen (15) Minute Parking Bay – Brisbane Street, Perth

Ward:	South	Date:	3 August 2012
Precinct:	Hyde Park (12)	File Ref:	PKG0055
Attachments:	001 - Proposed Fifteen (15) Minute Bay Plan		
Tabled Items:	Nil		
Reporting Officer:	A Brown, Engineering Technical Officer		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES** the introduction of one (1) fifteen (15) minute parking bay 8am-8pm Monday to Sunday in Brisbane Street, Perth adjacent to No. 112-118 Brisbane Street, as illustrated on attached Plan No. 2962-PP-01; and
2. **PLACES** a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs;

COUNCIL DECISION ITEM 9.2.2

Moved Cr Carey, Seconded Cr Buckels

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 to install a fifteen (15) minute ‘drop-off and ‘pick up’ parking bay adjacent to 112-118 Brisbane Street, Perth.

BACKGROUND:

The City received a request for short stay parking spaces in Brisbane Street, Perth, adjacent to No. 112-118 Brisbane Street located on the corner of Lane and Brisbane Streets which is a commercial shop that retails imports and exports Asian produce. Currently there are no on-road short stay parking spaces in the immediate area.

DETAILS:

The current restrictions for the south side of Brisbane Street between Beaufort Street and William Street is 2P Ticket Parking 9am-8pm Monday- Friday and 8am – 8 pm Saturday and Sunday with a clearway from 7:30am - 9am. The north side of Brisbane Street currently displays 2P Ticket parking 8am-8pm Monday – Sunday.

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

The proposed one (1) fifteen (15) minute bay, as shown on attached plan No. 2962-PP-01, would be free in accordance with Council’s current parking policy.

The City’s officers have investigated the matter and support the installation of one (1) fifteen (15) minute parking bay in Brisbane Street adjacent to No. 112-118 Brisbane Street.

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

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

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

9.2.4 ICLEI Water Campaign – Progress Report No. 4

Ward:	Both	Date:	3 August 2012
Precinct:	All	File Ref:	TES0578
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	J Parker, Project Officer – Parks & Environment		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES** the recommendation from the Sustainability Advisory Group (SAG) to continue with the ICLEI Water Campaign; and
2. **ENDORSES** the goals for Milestone Two (2) set by the City for the International Council for Environmental Initiative's (ICLEI) – Water Campaign as outlined in the report.

COUNCIL DECISION ITEM 9.2.4

Moved Cr Carey, Seconded Cr Buckels

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (9-0)

PURPOSE OF REPORT:

The purpose of this report is to present the recommendation to continue with the Water Campaign Program from the Sustainability Advisory Group (SAG) meeting held on 16 July, to provide information to the Council on the current progress of the International Council for Environmental Initiative's (ICLEI) – Water Campaign Program milestones and to gain endorsement for the Milestone Two (2) goals set by the City's relevant officers.

BACKGROUND:

Various reports have been presented to the Council regarding the ICLEI Water Campaign.

The Council decisions are as follows:

Ordinary Meeting of Council 12 July 2012:

"That the Council;

1. *NOTES that Milestone 1 has been completed and certified verification has been received from ICLEI (refer attachment 9.2.1);*
2. *REFERS the further milestones to the City's Sustainability Advisory Group, for consideration; and*
3. *REQUESTS a further report by August 2012, which provides a timetable for developing and adopting a Local Action Plan consistent with the goals adopted in Milestone 2."*

Ordinary Meeting of Council 22 May 2007 (in part):

"That the Council;

- (ii) ENDORSES the Town of Vincent joining the International Council for Environmental Initiatives (ICLEI-A/NZ) – Water Campaign Program and commencing actions to achieve the five (5) Milestones at a cost of \$1,650;*
- (iii) LISTS \$1650 for consideration in the 2007/2008 draft budget to enable the Town to become a member of the ICLEI-A/NZ – Water Campaign Program; and*
- (iii) RECEIVES progress reports on the program as the respective Milestones are achieved."*

The Water Campaign is a sustainability initiative from the International Council for Local Environmental Initiatives (ICLEI) and the Australian Government and provides local governments with a framework and structured approach to actively assess their consumption of water and how their activities affect water quality within their area.

The Council's progression through this program framework is marked by milestones which progress the water management initiative through a series of steps. These steps are referred to as Milestones.

DETAILS:

Sustainability Advisory Group (SAG) meeting held on 16 July:

At its Ordinary meeting on 12 June 2012, the Council considered the ICLEI Water Campaign Milestone Two (2) Report and referred the City's ongoing participation in the Water Campaign to the SAG.

The benefits of continued participation in the ICLEI Water Campaign were discussed as follows:

- Formal documentation and recognition of the City's efforts to reduce corporate and community water use.
- Independent third party certification of the City's efforts and achievements.
- Access to ICLEI's expertise and resources in developing and adopting suitable reduction measures.
- Access to a network of other participating Councils.
- Opportunity to become a Waterwise Council (status awarded by the Water Corporation following achievement of Water Campaign Milestone Three (3)).
- Provision of free training for Council staff provided by the Water Corporation (available only to Waterwise Councils).

Following discussion around proposed reduction targets, selection of a suitable baseline year and expected staff time requirements, the SAG endorsed the way forward as follows:

- For the City to continue participating in the ICLEI Water Campaign, with a view to achieving Milestone Three (3) by August 2013.
- For the City's officers to prepare a report to the Council by August 2012, providing a timetable for developing and adopting a Local Action Plan consistent with the reduction targets set out in the Milestone Two (2) report.

ICLEI Water Campaign:

As previously reported to the Council, the Water Campaign provides Local Governments with a tested program model, covering a broad spectrum of water management issues. The program involves progressing through five (5) Milestones, that guide participating Local Governments through a process of local research, policy making, action planning, implementation and evaluation as follows:

Milestone One (1):

- Undertake a water consumption inventory and water quality checklist. Completed. Milestone one (1) awarded.

Milestone Two (2):

- Establish a water consumption reduction goal and water quality improvement goal.
Pending Council endorsement.

Proposal:

The following will be provided to ICLEI Water Campaign to progress towards completing Milestone Two (2):

The City of Vincent will commit to operating as a role model, for the local and wider community, to utilise and manage the available water resources efficiently, effectively, sustainably and conservatively.

Baseline Year:

The City identifies the most practicable year to retain as a baseline year 2010/2011. This allows for newly installed facilities, amenities and operations to be taken into account and therefore will not prevent the useful application of the annual recorded data. It is important to note that the 2010/2011 data has been recorded before the quality and relevance of data in medium to long term use.

Water Conservation Goal – Corporate

- To reduce water consumption by 5% for scheme water and 10% for groundwater below 2010/2011 levels by 2016/2017.

Water Conservation Goal – Community

- The reduce water consumption by 5% per capita below 2010/2011 levels by 2016/17.

Water Quality Goal – Corporate

- The achieve 50 points from the Water Campaign™ water quality action cards by 2016/2017.

Water Quality Goal – Community

To achieve fifty (50) points from the Water Campaign™ water quality action cards by 2016/2017.

The City of Vincent places a strong focus on sustainable environmental management. This focus aims at protecting and best managing the resources available to the City in a way in which facilitates an appropriate balance between the needs of the City and the residents and the resources available for use.

The City approaches sustainable environmental management using an integrated approach. This is evident and operates across the board ranging from informed procurement to best practice planning, building and operations. The management approach taken by the city of Vincent is intended to reduce consumption, pollution, water and dependence on finite resources use as well as increasing productivity, efficiency, education and alternative resource use.”

Officers Comments:

Milestone Two (2) involves the establishment of a water conservation reduction goal and water quality improvements goal in the four (4) areas as outlined above.

In order for Milestone Two (2) to be completed the goals set by the City’s relevant officers is required to be endorsed by the Council before Milestone Two (2) can be awarded.

Point System for Water Quality Goals:

As outlined by ICLEI, the point scheme reference is based on a point grading system for actions performed by the Council to improve water quality.

Actions aimed at improving the water quality of the local and wider community are classified on three (3) tiers:

Base level actions

For example annual rubbish clean up near a water way, is classified at tier one (1) and will attract five (5) points per action.

Middle level actions

For example restoration of a minor water way is classified at tier two (2) and will attract ten (10) points per action.

High level actions

For example a complete large water body restoration is classified at tier three (3) and will attract fifteen (15) points per action. It is important to note that the maximum number of points attracted is fifteen (15) per action.

Future Milestones:

Milestone Three (3):

- Develop and adopt a local action plan. Yet to be progressed.

Milestone Four (4):

- Implement policies and actions to work towards integrated freshwater resource management and quantify the benefits. Yet to be progressed.

Milestone Five (5):

- Monitor and report on water consumption reductions, water quality improvements and water management initiatives. Yet to be progressed.

CONSULTATION/ADVERTISING:

Further progress reports will be submitted to the Council, as the project is progressed.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

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

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

(d) Ensure effective and efficient management and use of water and encourage water minimisation.

(e) Protect and improve the quality and dependent ecosystems of surface and ground water resources within the City.”

SUSTAINABILITY IMPLICATIONS:

Water is one of our most precious resources and better management of water quality and use can achieve improved future sustainability. The City, through the Water Campaign program, has the opportunity to take a leadership role in the local area and be part of a growing network of Local Governments, in Western Australia and nationally, who have identified integrated water resource management as a priority for financial, environmental and social reasons.

FINANCIAL/BUDGET IMPLICATIONS:

As the City is already a member of ICLEI, no financial or budgetary implications are applicable at this time.

COMMENTS:

The ICLEI Water Campaign Milestone One (1) has been completed with Milestone Two (2) in progress. In order for Milestone Two (2) to be completed the goals set by the City's relevant officers must be indorsed by the Council before the Milestone can be awarded.

Following the successful completion of Milestone Two (2) it is expected that Milestone Three (3) will be completed within the next financial year 2012/2013.

Once all of the Milestones have been completed the City will receive its 'Waterwise' Certification.

9.3.2 Beatty Park Redevelopment, 220 Vincent Street, North Perth - Progress Report No. 10

Ward:	South	Date:	3 August 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. 10 as at 14 August 2012, relating to the Beatty Park Leisure Centre Redevelopment Project, 220 Vincent Street, North Perth.

COUNCIL DECISION ITEM 9.3.2

Moved Cr Carey, Seconded Cr Buckels

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 and 10 July 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; and
- Replaced 3 way valve to mechanical plant.

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)
Total	\$346,000	(\$261,085)	\$84,915

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
Total	\$92,334

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
Replaced 3 way valve to mechanical plant	\$2,739
Total	\$91,779

Summary of Variations

Total Variation Savings	(\$84,915)
Total Variation Additions	\$184,113
Total Variation	\$99,198

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.	Drot 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 reinstatement has commenced.

2.2 **Bores**

Drilling complete – Rig has been removed from site.

2.3 **Commissioning**

No changes to previous report.

2.4 **Pipe works**

Trenching for pipe work underway. Plant equipment delivered to site.

3. BUILDING WORKS/EXISTING BUILDING

3.1 **Temporary works**

No changes to previous report.

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

No further progress at this time.

3.3 **Earthworks**

Not applicable at this time.

3.4 **Structural and Civil Engineering**

Roof structure over old reception area was not able to support new mechanical services for existing change rooms. Additional support beams have been installed and roof will be certified by Structural Engineer before services are placed on it.

3.5 **Hydraulic services**

Completed.

3.6 **Electrical Services**

All light fittings are now installed.

3.7 **Mechanical services**

Issue with roof structural support has delayed the installation of the main air-conditioning units for the change rooms and Crèche.

3.8 **Environmental services**

Sensors for lighting operation installed and operational.

3.9 **Interior finishing**

Minor defects identified by Architect are 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**

Café area block work completed.

Roof, guttering and insulation to new gym extension installed.

External steel work in progress. (90% completed)

4.4 **Hydraulic services**

No change from previous report.

4.5 **Electrical Services**

New services being installed in main switchboard.

Electrical rough in underway for gym, group fitness and changeroom areas.

4.6 **Mechanical Services**

Ventilation services to new building still being installed.

4.7 **Environmental Services**

No changes to previous report.

4.8 **Building External and Internal Colour Finishes**

No changes to previous report.

5. POOLS AND PLANT ROOM

5.1 **Outdoor Main Pool**

50m pool tiling commenced (Walls first then they will wait for completion of concourse before doing floors)

Drainage work around pool is completed.

New 60,000l backwash tank installed.

5.2 **Dive Pool**

Dive pool rendered and ready to commence tiling.

5.3 **New Learn to swim pool**

Concrete forming and rendering completed.

Pipe work completed for filtration system.

5.4 **Indoor pool/Leisure area**

Completed and open to the public on 23 July 2012.

Defects list being worked through with builder by the Architect.

5.5 **Plant Room**

Geothermal works commenced and almost completed.

5.6 **Spa, Steam Room and Sauna**

Costings are being obtained to refurbish the existing steam room, sauna and spa. These facilities are in need of upgrade and it is aimed to have these renovated/upgraded to co-incide with the opening of the outdoor pools. These facilities will enable the Centre to sell better packages for the members and patrons.

6. INDICATIVE TIMELINE

6.1 **Progress**

Pool work is on schedule.

Geothermal work is on schedule.

6.2 **Days Claimed**

Seven (7) extension of time requests have been received from the Builder, of which five (5) 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 and July 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. (86 followers as at 30 July 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 30 July 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 has been well received but will revert back to the normal fee structure once the indoor pool opens in late July 2012 (delayed until opening of change rooms).

The current number of members is starting to increase and as at 27 June 2012 is 1,211 (87 more than last month).

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.

Eleven (11) lifeguards and eight (8) swim teachers have been employed during this reporting period on the new rates, including a number of returning staff from prior to the redevelopment.

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 working on a book to celebrate the history of the facility. This will be prepared to be ready in time for the 50th anniversary and the completion of the redevelopment. The draft is now prepared and currently being edited.

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

Quotes to undertake the work have been sought and the date for submissions closed on Friday 3 August 2012. Two (2) quotes were received. These are being evaluated.

13. LEASING OF SPACE

An internal meeting has been arranged for the week ending 10 August 2012 to discuss the space available, potential uses and other relevant documentation.

14. CELEBRATION OF OPENING

Preliminary preparation of the invitation list for a potential function and/or "open day" has commenced. The celebratory book for 50 years has been given a title and is in the final draft stage. A separate launch is envisaged.

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.

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-High: The redevelopment project is significant in terms of magnitude, complexity and financial implications. It will require close management to ensure that costs are strictly controlled, particularly as it involves a Heritage listed building which is 49.5 years old. Notwithstanding the risk, the City has an experienced project team and a good track record for successfully completing significant infrastructure projects (e.g. Loftus Centre Redevelopment, rectangular stadium, DSR Office Building, Leederville Oval redevelopment).

The risk of serious plant failure will continue until the plant is replaced and/or upgraded.

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

Seven (7) 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		
Total Paid			<u>\$5,131,536.15</u>	

Geothermal Tender Progress Claim Payments – Drilling Contractors Australia

Five (5) 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				
No. 7				
No. 8				
No. 9				
No. 10				

Total Paid \$2,441,233.99

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.

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	06/01/2012
No. 2	31/01/2012	\$191,614.00	\$191,614	06/02/2012
No. 3	17/04/2012	\$839,971.00	\$839,971	24/05/2012
No. 4				
No. 5				

Total Received \$1,248,750

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:

With the opening of the Indoor Pool, the Beatty Park Redevelopment Project has reached a significant milestone. Unfortunately due to a structural issue, the refurbished change rooms could not be opened at the same time however, this has not detracted from the interest shown by both new and returning patrons.

The Swim School has been inundated with interest and numbers are rising steadily (929 participants as at 27 July 2012). The Membership is up 8% and class numbers in group fitness and RPM classes are increasing steadily. Newspaper articles were published in the West Australian and Guardian Express newspapers about the opening of the indoor pools.

The updated program schedule provided by the builder revealed the project is still on target for the opening of the outdoor pools in October 2012 and the new extension in late December 2012.

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.

9.3.3 Provisional Financial Statements as at 30 June 2012

Ward:	Both	Date:	3 August 2012
Precinct:	All	File Ref:	FIN0026
Attachments:	001 – Financial Reports		
Tabled Items:	002 – Significant Accounting Policies		
Reporting Officers:	B C Tan, Manager Financial Services; and N Makwana, Accounting Officer		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council RECEIVES the Provisional Financial Statements for the month ended 30 June 2012 as shown in Appendix 9.3.3.

COUNCIL DECISION ITEM 9.3.3

Moved Cr Carey, Seconded Cr Buckels

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to present the Financial Statements for the period ended 30 June 2012.

BACKGROUND:

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

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

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

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

- the annual budget estimates;
- budget estimates for the end of the month to which the statement relates;
- actual amounts of expenditure, revenue and income for the end of the month to which the statement relates;
- material variances between the year-to-date income and expenditure; and
- includes other supporting notes and other information that the local government considers will assist in the interpretation of the report.

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

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

DETAILS:

The following documents represent the Statement of Financial Activity for the period ending 30 June 2012:

Note	Description	Page
1.	Summary of Programmes/Activities	1-17
2.	Statement of Financial Activity by Programme Report	18
3.	Statement of Financial Activity by Nature or Type Report	19
4.	Statement of Financial Position	20
5.	Statement of Changes in Equity	21
6.	Notes to the Net Current Funding Position	22-23
7.	Capital Works Schedule	24-31
8.	Restricted Cash Reserves	32
9.	Sundry Debtors Report	33
10.	Rate Debtors Report	34
11.	Beatty Park Leisure Centre Report – Financial Position	35
12.	Variance Comment Report	36-42
13.	Monthly Financial Positions Graph	43-45

1. SIGNIFICANT ACCOUNTING POLICIES AND NOTES

The significant accounting policies and notes forming part of the financial report are 'Tabled' and shown in electronic Attachment 002.

Comments on the financial performance are set out below:

2. As per Appendix 9.3.3.

3. Statement of Financial Activity by Programme Report

Operating Revenue excluding Rates

YTD Actual	\$16,208,275
YTD Revised Budget	\$15,994,723
YTD Variance	\$213,551
Full Year Budget	\$19,174,015

Summary Comments:

The total operating revenue is currently 101% of the year to date Budget estimate.

Major contributing variances are to be found in the following programmes:

General Purpose Funding – 17% over budget;
 Governance – 28% under budget;
 Law, Order, Public Safety – 3% under budget;
 Health – 3% under budget;
 Education and Welfare – 4% under budget;
 Community Amenities – 13% over budget;
 Recreation and Culture – 2% over budget;
 Transport – 5% under budget;
 Economic Services – 16% under budget;
 Other Property and Services – 8% over budget; and
 General Administration (Allocated) – 16% under budget.

Note: Detailed variance comments are included on page 36 – 42 of Appendix 9.3.3.

Operating Expenditure

YTD Actual	\$41,574,318
YTD Revised Budget	\$40,166,882
YTD Variance	(\$1,407,436)
Full Year Budget	\$42,263,978

Summary Comments:

The total operating expenditure is currently 104% of the year to date Budget estimate

Major contributing variances are to be found in the following programmes:

General Purpose Funding – 7% over budget;
 Governance – 6% over budget;
 Law Order and Public Safety – 1% over budget;
 Health – 2% under budget;
 Education and Welfare – 1% over budget;
 Community Amenities – 3% under budget;
 Recreation and Culture – 6% over budget;
 Transport – 1% over budget;
 Economic Services – 22% over budget;
 Other Property & Services – 41% over budget; and
 General Administration (Allocated) – 15% over budget.

Note: Detailed variance comments are included on page 36 – 42 of Appendix 9.3.3.

Net Operating and Capital Excluding Rates

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

YTD Actual	\$22,196,866
YTD Revised Budget	\$37,992,401
Variance	(\$15,795,534)
Full Year Budget	\$23,333,918

Summary Comments:

The current favourable variance is due to timing of expenditure on capital expenditure. Some capital projects carried forward to 2012 – 2013 financial year.

Note: Detailed variance comments are included on page 36 – 42 of Appendix 9.3.3.

4. Statement of Financial Activity by Nature and Type Report

This statement of Financial Activity shows operating revenue and expenditure classified by nature and type.

5 Statement of Financial Position and

6. Statement of Changes in Equity

The statement shows the current assets of \$21,016,629 and non-current assets of \$194,348,281 for total assets of \$215,364,910.

The current liabilities amount to \$9,024,059 and non-current liabilities of \$18,943,358 for the total liabilities of \$27,967,416.

The net asset of the City or Equity is \$187,397,494.

7. Net Current Funding Position

	Note	30 June 2012 YTD Actual \$
Current Assets		
Cash Unrestricted	1	456,578
Cash Restricted	2	17,241,815
Receivables – Rubbish and Waste	3	59,399
Receivables – Others	4	3,508,202
Inventories	5	185,529
		21,451,523
Less: Current Liabilities		
Trade and Other Payables	6	(3,504,784)
Provisions	7	(2,455,307)
Accrued Interest (included in Borrowings)	8	(333,161)
		(6,293,252)
Less: Restricted Cash Reserves		(17,241,815)
Net Current Funding Position		(2,083,544)

The net current asset position as at 30 June 2012 is \$15,158,272.

Note: Detailed analyses are included on page 22-23 of Appendix 9.3.3.

8. Capital Expenditure Summary

The Capital Expenditure summary details projects included in the 2011/2012 budget and reports the original budget and compares actual expenditure to date against these.

	Budget	Year to date Revised Budget	Actual to Date	%
Furniture & Equipment	\$183,000	\$242,740	\$105,845	44%
Plant & Equipment	\$1,126,500	\$1,163,500	\$383,151	33%
Land & Building	\$15,154,425	\$15,248,775	\$8,957,748	59%
Infrastructure	\$12,082,448	\$11,982,820	\$4,097,224	34%
Total	\$28,546,373	\$28,637,835	\$13,543,969	47%

Note: Detailed analyses are included on page 24-31 of Appendix 9.3.3.

9. Restricted Cash Reserves

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

The balance as at 30 June 2012 is \$17.2m. The balance as at 30 June 2011 was \$9.3m. The increase is due to \$8.06m loan received from WA Treasury for Beatty Park Redevelopment and \$5m received from State Government of WA for a new lease agreement for the nib Stadium for 25 years with further 25 years option.

10. Sundry Debtors

Other Sundry Debtors are raised from time to time as services are provided or debts incurred. Late payment interest of 11% per annum may be charged on overdue accounts. Sundry Debtors of \$1,105,106 is outstanding at the end of June 2012.

Out of the total debt, \$246,290 (22.3%) relates to debts outstanding for over 60 days, which is related to Cash in Lieu Parking. The Cash in Lieu Parking debtors have special payment arrangement for more than one year.

The Sundry Debtor Report identifies significant balances that are well overdue.

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

11. Rate Debtors

The notices for rates and charges levied for 2011/12 were issued on the 18 July 2011.

The Local Government Act 1995 provides for ratepayers to pay rates by four (4) instalments. The due dates for each instalment are:

First Instalment	22 August 2011
Second Instalment	24 October 2011
Third Instalment	5 January 2012
Fourth Instalment	8 March 2012

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

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

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

Rates outstanding as at 30 June 2012 including deferred rates was \$227,960 which represents 1.00% of the outstanding collectable income compared to 0.59% at the same time last year.

12. Beatty Park Leisure Centre – Financial Position Report

As at 30 June 2012 the operating deficit for the Centre was \$2,302,393 in comparison to the year to date budgeted deficit of \$2,086,492.

The cash position showed a current cash deficit of \$1,533,563 in comparison year to date budget estimate of a cash deficit of \$1,640,702. The cash position is calculated by adding back depreciation to the operating position.

It should be noted that the Cafe and Retail shop closed on 26th October, 2011. Both outdoor and the indoor pool are now closed for the redevelopment.

In addition the Swim school has been made available to interested patrons at Aqualife at the Town of Victoria Park for the period of the redevelopment.

As a result a revised budget for Beatty Park to reflect these changes of the operations has been adopted.

13. Variance Comment Report

The comments will be for the favourable or unfavourable variance of greater than 10% of the year to date budgeted. The Council has adopted a percentage of 10% which is equal to or greater than the budget to be material. However a value of \$10,000 may be used as guidance for determining the materiality consideration of an amount rather than a percentage as a minimum value threshold.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Section 6.4 of the Local Government Act 1995 requires a local government to prepare an annual financial report for the preceding year and such other financial reports as are prescribed.

Regulation 34 (1) of the Local Government (Financial Management) Regulations 1996 requires the local government to prepared, each month, a statement of financial activity reporting on the source and application of funds as set out in the adopted Annual Budget.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2011-2016:

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

4.1.2 Manage the organisation in a responsible, efficient and accountable manner;

(a) Continue to adopt best practice to ensure the financial resources and assets of the City are responsibly managed and the quality of services, performance procedures and processes is improved and enhanced."

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENT:

All expenditure included in the Financial Statements is incurred in accordance with the Council's adopted Annual Budget or has been authorised in advance by the Council where applicable.

9.3.4 Metropolitan Local Government Review Panel – Financial Position Review Report – 30 May 2012

Ward:		Date:	3 August 2012
Precinct:		File Ref:	ADM0103
Attachments:	001 – City of Vincent Summary		
Tabled Items:	Metropolitan Local Government Review Panel – Financial Position Review Report		
Reporting Officer:	M Rootsey, Director Corporate Services		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **RECEIVES** the Metropolitan Local Government Review Panel Financial Position Review Report dated the 30 May 2012.

COUNCIL DECISION ITEM 9.3.4

Moved Cr Carey, Seconded Cr Buckels

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

To provide a report on the outcomes of the report in general and specifically in relation to the City of Vincent.

BACKGROUND:

The Metropolitan Local Government Review Panel has been appointed by the Minister of Local Government to examine the social, economic and environmental challenges facing Perth. It is the Panel's objective to submit recommendations to the Minister on optimal local government structure or governance, resulting in the drawing of new local government boundaries.

To assist the Panel's investigation into the financial sustainability of Metropolitan Local Government this study was commissioned. The goal of the study was to undertake an analysis and report on the financial position of the thirty (30) local governments in metropolitan Perth at both a whole of region and individual local government level.

The following paragraphs outline the scope of work and outcomes, the use of financial sustainability and the methodology used in the report; these paragraphs have been taken directly from the report.

Scope of works

Financial Profile Metropolitan Local Governments

Source data – local government annual financial reports 2005/20006 to 2010/2011.

Review data – provide a summary of the total revenue and expenditure patterns for the Metropolitan area under review. Revenue would be best presented under nature and type classification whilst expenditure should be shown under the existing program format. The existing program format for expenditure could be modified to show the quadruple bottom line under the new integrated planning guidelines of governance, social, economic and environmental.

Analyse individual local government information and establish any correlation between financial sustainability issues and the size shape or financial capacity of the review group.

Outcomes

- Provide tables as appropriate of the information for the period 2005/06 to 2010/11 highlighting those local governments that fall outside the group fourth quartile results and/or published industry performance indicators.
- Provide an analysis of the source and application of funds for local governments within the Metropolitan review area.
- Provide commentary on positive or negative aspects of the data presented.
- Provide an opinion on the capacity of local governments in Metropolitan Perth to:
 - Meet service and infrastructure needs to the current standards and if there are any implications on future capacity;
 - The capability of local governments to meet increased community service and infrastructure needs into the future;
 - The ability of current levels of funding including rating to maintain existing levels of community service and infrastructure; and
 - Any other matters considered to affect the financial sustainability of local government.

Rating Information

Source data – local government grants commission annual returns 2005/06 to 2010/11 and 2011/12 Budgets.

Review data – analyse trends over the five year period and determine the underlying effective rate in the dollar for both gross rental value and unimproved value properties.

Analyse data to establish a correlation between property types and sustainable operating results.

Collate current rating regimes from the 2011/12 budgets and establish a differential in adjoining local governments. Provide comparative rating charges for residential properties across the metropolitan area and include rubbish collection fees.

Outcomes

- Comparative table detailing comparison between residential rates and rubbish charges for each local government based on the 2011/12 rates levied;
- Correlation between commercial, industrial and residential rate base to operating surplus result;
- Determine the underlying rate in the dollar for comparison; and
- One page rating profile for each local government.

Financial Sustainability

Source data – local government annual financial reports 2005/06 to 2010/11.

Review data – extracts from the operating statement is by nature and type and program operating expenditure.

Review operating data trends and items that may not be considered normal operations, complete balance sheet information.

Details by asset class of land, buildings, plant and equipment, furniture and equipment, road infrastructure, and other infrastructure. Information required at cost of asset (fair value/historical cost) and accumulated depreciation.

Debt management details, current financial ratios and new sustainability indicators as proposed under the integrated planning guidelines.

Details of asset acquisition and depreciation expense by class.

Details of cash backed reserves held for statutory purposes (SAR, service charges, TPS).

Review 2011/12 budgets for issues that may impact on any sustainability issues (positive or negative).

Outcomes

- Provide three/four page profile for each local government and a commentary on the operating results and financial sustainability issues over the period 2005/06 to 2010/11.
- Analyse data and review any correlation between sustainability issues and the size, population and/or rating and revenue capacity across the review group.
- Analyse data and review any correlation between operating sustainability indicators and asset management indicators.

Defining financial sustainability through financial indicators

Indicators are signals used to convey evidence of certain directions being taken by a council and to assess whether or not desired outcomes are being achieved.

To be effective, it is essential that indicators:

- Measure those factors which define financial sustainability;
- Be relatively few in number; and
- Be based on information that is readily available and reliable.

Indicators are measures of outputs or outcomes. Individually and without associated explanations, they can only ever tell part of the story.

It is important to put indicator results in context and to understand that they only give an indication of where to start looking for the reasons behind differences. The usefulness of indicators is not in the numbers themselves but the analysis of what is driving the indicator.

It may, therefore be more useful to consider the combined results of several broad indicators in assessing performance rather than any one indicator on its own.

Local Government Sustainability Framework – Local Government and Planning Ministers' Council.

A number of key financial indicators have been used to form an opinion as to the financial position of each local government. These indicators were focused on the current performance through the operating results, capital/operating funding ability, debt management and revenue capacity. In addition consideration was given to future capacity through debt capacity, saving potential in reserves and condition assessment of assets.

In considering the combined effect of these different performance indicators it is important to establish the relativity between each indicator. A rolling five year average was also used for each indicator to establish the underlying trend for each local government.

Methodology

The following section relates to how the report considers the key aspects of defining local government financial sustainability through financial indicators. It is viewed that in addition to the operating statement other aspects of the local governments operations should be assessed before forming an opinion as to the financial sustainability of the organisation.

The cornerstone to measuring financial sustainability should be:

Current performance

- Income statement (Operating Statement)
- Capital/Operating funding ability
- Debt management
- Revenue capacity

Future capacity

- Debt management
- Saving potential or Reserves
- Condition assessment of assets

The above is predicated on the basis that no one year is sufficient to determine whether a local government is financially sustainable or not. Indeed there may be mechanisms in place that are addressing the long – term financial sustainability which do not reflect in the current financial reports.

This would be the case when local governments are developing assets and alternative revenue streams that will address of financial performance of the local government.

The issue of financial sustainability has been around for many decades and as yet we are to see a local government collapse as a result of its financial capacity to meet the needs of the community.

There have been occasions where the financial resources of the local government are placed at risk through bad management, investment decisions and natural disasters. These local governments in time generally have the capacity to recover through adverse situations to build stronger and better financial structures for the local community.

Therefore an analysis of the financial information of a local government in determining its financial sustainability is a mere snapshot in time and does not mean the position cannot be reversed.

The question arises as to what financial indicators would provide the best assessment in determining whether the current financial performance is financially sustainable and or if other mechanisms are current within the organisation that provide the capacity of the organisation to position itself to ensure the long term financial sustainability is not at risk.

In arriving at a position where an opinion can be expressed as to the current position of the local government in relation to the financial sustainability I have considered the following indicators in determining the result.

- Operating Results;
- Asset Condition;
- Debt Management;
- Savings Potential (cash back reserves); and
- Impaired Assets.

Current Financial Ratios

Under the current regulation 50 of the Local Government (Financial Management) Regulations 1996, the annual financial report is to include, the following:

Current ratio	Target is greater than or equal to 1:1
Debt ratio	Target is greater 10%
Debt service ratio	Target is less 10%
Rate coverage ratio	Target is equal to or greater than 40%
Outstanding rates ratio	Target is less than 5%
Gross debt to revenue ratio	Target is less than 60%
Untied cash to trade creditor's ratio	Target is greater than or equal to 1:1
Gross debt to economically realisable assets ratio	Target is less than 30%

Local governments have been required to disclose the above ratios in their annual financial reports for a number of years. The ratios are a mixture of annual rating performance, debt and liquidity.

None of the ratios address the issue of operating surpluses/deficits or asset renewal and capital outlays. Some of the ratios such as the debt service ratio and gross debt to revenue ratio have been useful as guidelines in determining debt levels within the industry.

New Sustainability Indicators

Benchmarks for key performance indicators identified in the guidelines for long – term financial planning are as follows:

Current ratio	Target is greater than or equal to 1:1
Operating surplus ratio	Target is between 0% and 15%
Rate coverage ratio	Target is equal to or greater than 40%
<i>*note – to be replaced with Own Source Revenue Coverage Ratio</i>	
Debt service ratio	Target is greater than or equal to 2
Asset sustainability ratio	Target is between 90% to 110%
Asset consumption ratio	Target is between 50% to 75%
Asset renewal funding ratio	Target is between 95% to 105%

These indicators are proposed to be regulated for local government's financial reports commencing 1 July 2013. Currently the information provided in the annual financial reports is inadequate to calculate the majority of these indicators. The target for own source revenue coverage ratio is yet to be defined.

Whilst there are the established financial ratios as outlined above of which the City has met the benchmark on the majority.

It is noted that the other ratios have been created and the benchmarks established through a decision matrix prepared by the report writer.

DETAILS:

This study was undertaken without any of the Councils being advised that the report was being prepared.

As a result there has been no opportunity to discuss the input into the study or an opportunity to discuss the outcome of the report. It is interesting a number of localised comments have been made in the report.

This study has been a desk top study with the use of material as stated in the background section of the report.

It should be noted that the report was placed on the Local Government Department website under the Metropolitan Local Review Panel – Publications on the 12 July 2012. The report was then removed from the website following a number of enquiries from Councils in regard to the content. No explanation from the Local Government Department was provided as to why the report was removed from its website.

Summary Findings

Indicators are signals used to convey that evidence of certain directions being taken by a local government and to assess whether or not desired outcomes are being achieved. Indicators are measures of outputs or outcomes and without associated explanations, they can never be definitive.

From the analysis there are some observations that can be made:

1. There is a group of reasonably sized local governments (both population and financial capacity) that provide strong and consistent results. These are Perth, Subiaco, Melville, Armadale, Canning, Cockburn, Wanneroo, Belmont, Gosnells and Stirling. Most are inner metropolitan local governments with a strong mix of commercial/residential rateable properties. The fringe local governments of Cockburn, Armadale and Wanneroo appear to be able to balance the funding demands of development and meet the needs of established areas within their districts.

2. Size does not seem to be an impediment to strong and consistent financial performance for the Town of East Fremantle.
3. A number of local governments considered “unsustainable” in 2005 are now in an improved position. These include Bayswater, Kwinana, Swan, Wanneroo and Serpentine Jarrahdale.
4. Fringe metropolitan local governments appear to be in the most vulnerable financial position. This is a combination of servicing large areas and meeting the demands to create new infrastructure for development against a relatively small rating base.
5. Some local governments are showing signs of a declining financial position.
 - The western suburbs group of Cottesloe, Peppermint Grove and Mosman Park for instance. This appears to coincide with the redevelopment of a regional library and the debt raised to meet this commitment. This position should improve as debt service obligations are reduced over time.
 - There has been a rapid decline in the financial position of the fringe metropolitan local government of the Shire of Kalamunda. This has been driven by a material increase in operating costs, particularly of employee costs.
 - The decline in the financial position of the City of Fremantle is difficult to explain as there has been a reasonable volatile operating result over the review period. Further investigation may be warranted to explain the position.
6. There are a number of small/mid size local governments currently in the marginal to vulnerable categories. These are Victoria Park, Mosman Park, Vincent, Bassendean, Cottesloe, Cambridge, Bayswater, Serpentine – Jarrahdale and Claremont.

This review simply represents a snapshot in time and shows those local governments currently in a vulnerable financial position. These affected local governments have the capacity to make policy changes and alter the position in future years.

A summary of the assessments of the financial positions on the Metropolitan Councils based on the outcomes of the study are listed below.

Sustainable:

City of Armadale
City of Belmont
City of Canning
City of Cockburn
Town of East Fremantle
City of Gosnells
City of Joondalup
City of Melville
City of Perth
City of Stirling
City of Subiaco
City of Wanneroo

Marginal

Town of Bassendean
City of Bayswater
Town of Claremont
Town of Kwinana
Shire of Mundaring
City of Nedlands
City of Swan

Vulnerable

Town of Cambridge
City of Fremantle
City of Rockingham
Shire of Serpentine Jarrahdale
City of South Perth
Town of Victoria Park
City of Vincent

Unsustainable

Town of Cottesloe
Shire of Kalamunda
Shire of Peppermint Grove

City of Vincent – Report

The summary review is included in Attachment 9.3.4

As mentioned in the Background section of this report the City was not consulted or contacted in regards to this study or given the opportunity to review/comment on its content prior to its release.

The City is of the opinion that this is a desktop study based in some cases on financial ratios and decision matrix prepared by the author.

As stated in the report the ratios are assessed at a particular date in time. The study is based on historical data and takes no account of the future financial plans e.g. budgets or long term financial plans.

It is noted that reference is made to the revenue to be received from the City's land holdings at Tamala Park.

No reference however is made to the potential future financial benefits the City may receive from the City owned land in the Leederville Masterplan, which will have a significant impact on the finances of the City in the future. This land has a possible values of \$80 million (plus_).

Financial Ratio Comments

Liquidity Ratios

Current Ratio

A measure of a local government's liquidity and its ability to meet its short term financial obligations from unrestricted current assets

Untied Cash to Trade Creditors

Cash resources that are not restricted as a percentage of trade creditors.

Liquidity Ratios	2006/07	2007/08	2008/09	2009/10	2010/11
Current Ratio	2.80	0.93	0.92	0.34	0.38
Untied to cash to trade creditors	2.51	0.43	0.52	0.04	0.59

Officer Comment

The ratios are taken at a date in time and therefore can be changed the next day by incoming cash.

Trade Creditors figure may well include amounts that are to be funded from restricted assets, such as reserves and grants.

The City of Vincent has never been in a position where it has been unable to meet its supplier's credit terms.

Operating Results

Operating Surplus Ratio

An indicator of the extent to which revenue raised not only covers operational expenses, but also provides for capital funding.

	2006/07	2007/08	2008/09	2009/10	2010/11
Operating Surplus Ratio	16.2%	3.9%	-1.0%	-7.6%	-2.6%
Operating Surplus Ratio (adjusted)	12.2%	3.4%	-4.9%	-7.3%	-2.6%
Operating Surplus Ratio (adjusted, 5 year average)	-2.1%	0.2%	0.3%	-0.1%	-0.0%

Officer Comment

Capital Grants and contributions are accepted sources of funding for capital items and therefore should be excluded from the above ratio calculation.

Funding Ratio

Level of general rates and WALGGC untied grants available for capital /debt/saving after meeting the funding needs of the net recurrent position.

	2006/07	2007/08	2008/09	2009/10	2010/11
Funding Ratio	60.7%	37.9%	28.6%	23.2%	29.5%

Officer Comment

This percentage is 0.5% outside the accepted benchmark.

Performance Indicators	2006/07	2007/08	2008/09	2009/10	2010/11
Asset consumption ratio	55.0%	61.7%	60.1%	58.4%	64.0%
Property, Plant & Equipment					
General Property – WDV to Cost	54.1%	59.6%	58.1%	57.0%	62.7%
Buildings – year useful life	23.2	30.7	25.4	25.7	40.7
Plant – years useful life	3.7	4.4	3.4	3.8	4.9

Balance sheet – Property, Plant and Equipment

The asset consumption ratio shows a moderate improvement trend in the overall position however, the results meet the benchmark at the lower end of the scale. The remaining useful life of the building class of assets shows a moderate improvement and is a positive outcome when compared to the benchmark.

Infrastructure Assets	2006/07	2007/08	2008/09	2009/10	2010/11
All infrastructure – WDV to Cost	49.2%	58.0%	56.7%	54.6%	59.5%
Road infrastructure – WDV to Cost	33.7%	45.4%	44.8%	43.4%	53.4%
State of road	66.0%	69.0%	66.0%	66.0%	N/A
Road infrastructure – years useful life	11.08	13.84	14.50	13.89	16.59
Infrastructure – years useful life	24.39	26.11	18.34	17.47	19.82

Balance sheet – Infrastructure

Indicators show a steady trend in relation to all infrastructure, whilst road infrastructure indicators show an improving result. The road infrastructure indicator is not consistent when comparing the balance sheet and the WALGA road survey results.

Office Comment

Asset indicators are indicating an improving trend.

Debt Management

Debt Service Costs/General Funds - Percentage of General Funds (general rates + untied grants) applied to repay debt interest and principal.

Debt/General Funds - Proportion of General Funds (general rates + untied grants) provided as security for debts.

	2006/07	2007/08	2008/09	2009/10	2010/11
Debt Service Costs/General Funds	9.6%	10.3%	9.4%	8.9%	9.0%
Debt/General Funds	61.2%	82.7%	69.6%	69.0%	63.8%

Officer Comment

The City major loans are guaranteed by agreements with third parties which provide funds to cover the loan repayments and are therefore not paid from general rates.

In this instance where the City has not reported to obtain the benchmark percentage however is of the opinion that the City's debt position should not adversely reflect its ability to maintain its debt commitments nor should affect its financial sustainability.

The City's current loans are provided by the Western Australia Treasury Corporation and the City's financial position is assessed by the Risk Management Section of this organisation.

Reserves

Unrestricted reserves/ LG Revenues - Measures the savings capacity through accumulated cash – reserves compared to local government revenue.

Reserve Accounts	2006/07	2007/08	2008/09	2009/10	2010/11
Unrestricted reserves/LG Revenues	27.1%	20.0%	21.3%	24.7%	23.8%

Officer Comment

It should be noted that the City has significantly higher reserves than many other similar sized Councils. The City continues to increase its level of reserves funding each year, this will continue.

Due to the City's position regard it loans it is of the opinion that the loans for the DSR building and the Loftus Recreation Centre building should not be included in this ration calculation.

General Comment

The City offers the following comments on the findings of the report on the City of Vincent.

The City has attained the benchmarks for the majority of items for the financial ratios listed in the section 50 Financial Regulations and also the majority of the new benchmark standards that came into effect in 2013.

It should be noted that whilst a number of ratios are included in the legislation, the benchmarks for a number of the other ratios have been derived from the author of the report and justified through a decision matrix.

The City has questions on the treatment of Debt in the Debt Management ratios and also components included in the Operating Result ratio.

It is of the opinion that the exclusion of the capital grants and contributions from the operating result figures, adversely reflects on the operating result for the City.

The City is of the opinion that no account has been taken of the way the City's major loans are structured with guaranteed revenue from other source revenue, which brings questions about the relevance of ratios in comparison to rates revenue.

As stated in the report, indicators are signals used to convey that evidence of certain directions being taken by a local government and to assess whether or not desired outcomes are being achieved. Indicators are measures of outputs or outcomes and without associated explanations, they can never be definitive.

The assessment of sustainability has been based on the 2010/11 financial year, whilst the final 2011/12 results are not finalised, it is anticipated that there would be an improvement in a number of the ratios.

There does appear to be some inconsistencies in the report, when comparing the summaries of the individual Councils and their respective assessments.

Some of the wording appears to be negative in some Council's assessments, whereas Council's with similar assessments have more positive summary wording.

In the summary assessments findings there are a number of Council's that have been listed as marginal/vulnerable yet these Council's do not appear to have been listed in the general summary.

The City is confident in its financial viability and future sustainability for the following reasons:

- Sound rates and strong own source revenue base;
- Good level of reserves;
- Manageable debt with third party repayment agreements; and
- Future sources of external revenue to ensure financial sustainability e.g. Land sales from Tamala Park.

CONSULTATION/ADVERTISING:

Not Applicable.

LEGAL/POLICY:

Not Applicable.

RISK MANAGEMENT IMPLICATIONS:

Medium: The report has implications for the financial position of the City of Vincent.

STRATEGIC IMPLICATIONS:

Strategic Community Plan 2011 – 2021 (Plan for the Future)

In keeping with the City's Strategic Plan 2011-2016:

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

- (a) *Continue to adopt best practise to ensure the financial resources and assets of the City are responsibly managed and the quality of services, performance procedures and processes is improved and enhanced."*

SUSTAINABILITY IMPLICATIONS:

The study relates to the financial sustainability of the City/

FINANCIAL/BUDGET IMPLICATIONS:

Not Applicable.

COMMENTS:

It is disappointing that the City was not advised by the Local Government Review Panel that this review was being undertaken.

It is also notes that neither City of Vincent nor any of the other Metropolitan Councils were consulted or given any opportunity to discuss the content or outcomes of the report, prior to release of this report.

The City is of the view that the report whilst comprehensive is a desk top study and appears to include a number of subjective and inconsistent commentaries made in the summaries of the Councils financial positions and subsequent assessments.

The City considers that it is in a sound financial position, with a sound revenue base, solid and adequate reserve funding, manageable debt and additional sources of future revenue for funding going forward.

It is therefore confident that it is in a position to be both viable and sustainable in the future.

9.4.2 White Ribbon Day Fundraiser

Ward:	Both	Date:	3 August 2012
Precinct:	All	File Ref:	CMS0057
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officers:	E Everitt, Community Development Officer; and J Anthony, Manager Community Development		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

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

COUNCIL DECISION ITEM 9.4.2

Moved Cr Carey, Seconded Cr Buckels

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (9-0)

PURPOSE OF REPORT:

To approve the City organising and hosting a fundraising event for White Ribbon Day and to seek approval from the Council for the proposed fundraising plan and budget.

BACKGROUND:

The White Ribbon Campaign was developed in 1991 by a group of men in Canada taking action on men's violence against women. In 1999, the United Nations General Assembly declared 25 November as the International Day for the Elimination of Violence against Women, with a white ribbon as its iconic symbol.

The White Ribbon Campaign began in Australia in 2003 as part of The United Nations Development Fund for Women (now known as United Nations Women), and formally became a Foundation in 2007. The White Ribbon Campaign is Australia's only national male-led violence prevention campaign. The White Ribbon Campaign is now the largest global male-led movement to stop violence against women.

DETAILS:

White Ribbon Day is the largest global campaign to stop men's violence against women; unique as it is the only male led movement to stop violence against women. Violence against women is a serious issue with statistics showing that one (1) in three (3) women over the age of fifteen (15) have reported violence at some time in their lives. The Campaign focuses on men's violence against women as they want to point out that as community leaders and decision-makers, men can play a key role in helping to stop violence against women, and they believe that it is up to men to create a culture in which violence towards women is unacceptable.

It is proposed for the City to support the campaign by hosting a fundraiser for White Ribbon Day in the form of a 'Pub Night' on 25 November 2012. Partnering with a local pub to fundraise, in kind support of venue and discount rates on food and beverage will be sought. Furthermore, local businesses will have an opportunity to sponsor the event with donations that will be drawn as door prizes and auctioned off to raise funds additional to ticket sales.

The City's Officers have investigated a number of venue options, all with capacities of 150 people. Tickets limited to the capacity of the venue will be available for purchase at \$40 and will include cocktail food, one beverage, entertainment, and door prizes. During the event, there will be further efforts to raise funds by selling raffle tickets, and organising a 50-50 draw, a raffle in which the total revenue of ticket sales is split in half, with the winner claiming 50% and the remaining 50% will be donated to the White Ribbon Campaign. These fundraising avenues have a potential for \$7000 to be raised by the City for the campaign.

The City's Officers will register this event with the White Ribbon Campaign to receive support from the foundation in the form of: advertising, promotional material, white ribbons and wristbands to sell at the event, 'swear slips' for attendees to pledge their support in stopping men's violence against women, these pledges will be returned to the foundation after the event. By registering the event with the White Ribbon Campaign, the City is also able to request an ambassador appear at our fundraiser talk about the cause.

The White Ribbon Campaign runs a number of programmes in education on men's violence against women including:

Breaking the Silence in Schools Programme

This programme runs in over sixty (60) Australian schools and aims to inspire principals to strengthen the culture of respect in their schools with an age-appropriate format for their students and engages all parts of the school community by building on the knowledge and skills already existing in schools. These programmes focus on personal development, resilience and anti-bullying programs, and school leadership.

White Ribbon Workplace Programme

This programme aims to support workplaces to prevent and respond to violence against women. The programme calls upon organisations to take steps to promote safe workplaces for women by adapting organisational culture, practices and procedures.

The White Ribbon University Programme

This programme works with the National Union of Students (NUS) to encourage the university community to take a united approach in combating men's violence against women. Universities are conduits for creativity, innovation and social change. They play a pivotal role in shaping Australia's future.

CONSULTATION/ADVERTISING:

The City's Officers will advertise the event in local newspapers, websites, via poster and flyer distribution and to network databases. As a registered event, this fundraiser will also be advertised by the White Ribbon Foundation. This event will not be limited to Vincent residents in order to maximise the fundraising potential.

LEGAL/POLICY:

Nil.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

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

"Community Development and Wellbeing

3.1.2 *Promote and foster community safety and security.*

3.1.3 *Promote health and wellbeing in the community.*

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

FINANCIAL/BUDGET IMPLICATIONS:

The City's Officers are requesting that the Council approve a budget of \$3200 to be allocated from the Festival Budget to cover the associated costs and so as to maximise the fundraising potential.

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

Budget Amount:	\$ 24,000
Spent to Date:	\$ <u>0</u>
Balance:	\$ 24,000

The proposed budget for this fundraiser is as follows:

Venue:	In Kind
Promotion:	\$ 1,200
Food/drinks:	\$ 1,200
Entertainment:	\$ <u>800</u>
Total:	\$ 3,200

COMMENTS:

The White Ribbon Campaign is the largest male run global Campaign to stop violence against women. With Council support, the City has an opportunity to hold a fundraiser that could potentially raise \$7000 for this valuable cause. Moreover, this event will help raise awareness of the White Ribbon Campaign, educate the public on the seriousness of violence against women and bring the community together to reach a common goal in fundraising for a worthy cause.

9.4.4 Hyde Park Rotary Community Fair 2013

Ward:	South	Date:	3 August 2012
Precinct:	Hyde Park Precinct; P12	File Ref:	RES0031
Attachments:	001 – Site Map – Hyde Park		
Reporting Officers:	B Grandoni, Acting Senior Community Development Officer; and J Anthony, Manager Community Development		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES** the application by the Rotary Club of North Perth to hold the Hyde Park Community Fair on 3 and 4 March 2013, subject to;
 - 1.1 **Event application fees for the fair at Hyde Park being waived;**
 - 1.2 **A bond of \$2,000 being lodged by the applicant as security for any damage to or clean-up of the park;**
 - 1.3 **Full compliance with conditions of use being imposed, including Environmental Health and other conditions;**
 - 1.4 **Under no circumstances will stalls, storage containers or vehicles be permitted to encroach onto or park on any landscaped/mulched garden area located under any tree canopy;**
 - 1.5 **Only vehicles with an official City of Vincent parking permit will be permitted to remain within the confines of the park for the duration of the event;**
 - 1.6 **The City will issue infringement notices to any vehicle not displaying an official City of Vincent parking permit remaining in the park during the event;**
 - 1.7 **A plan being submitted to and approved by the City's staff for the layout of stalls so that vehicles and storage containers are not placed on the root zone of any trees within the park;**
 - 1.8 **Acknowledgement of the City of Vincent as a major sponsor of the events on all publications and advertising materials subject to the conditions listed in the report; and**
 - 1.9 **Further conditions relating to safety and risk management in reference to the Hyde Park Lakes restoration project;**

To the satisfaction of the Chief Executive Officer; and
2. **APPROVES** the City's sponsorship contribution of \$25,000 to assist with the costs of the event as listed in the 2012/2013 Budget.

COUNCIL DECISION ITEM 9.4.4

Moved Cr Carey, Seconded Cr Buckels

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (9-0)

PURPOSE OF REPORT:

To approve the Hyde Park Community Fair to be held on 3 and 4 March 2013 subject to the conditions as listed in the report.

BACKGROUND:

At the Ordinary Meeting of Council held on 13 September 2011, the Council considered the event for 2012 and resolved as follows:

"That the Council;

1. *APPROVES the application by the Rotary Club of North Perth to hold the Hyde Park Community Fair on 4 and 5 March 2012, subject to;*
 - 1.1 *event application fees for the fair at Hyde Park being waived;*
 - 1.2 *a bond of \$2,000 being lodged by applicant as security for any damage to or clean-up of the park;*
 - 1.3 *full compliance with conditions of use being imposed including Environmental Health and other conditions;*
 - 1.4 *under no circumstances will stalls, storage containers or vehicles be permitted to encroach onto or park on any landscaped/mulched garden area located under any tree canopy;*
 - 1.5 *only vehicles with an official City of Vincent parking permit will be permitted to remain within the confines of the park for the duration of the event;*
 - 1.6 *the City will issue infringement notices to any vehicle not displaying an official City of Vincent parking permit remaining in the park during the event;*
 - 1.7 *a plan be submitted for the layout of stalls so that vehicles and storage containers are not placed on the root zone of any trees within the park. The plan to be approved by the City's staff; and*
 - 1.8 *acknowledgement of the City of Vincent as a major sponsor of the events on all publications and advertising materials subject to the conditions listed in the report*

to the satisfaction of the Chief Executive Officer; and
2. *APPROVES the City's sponsorship contribution of \$18,000 to assist with the costs of the event as listed in the 2011/2012 Budget."*

DETAILS:

The Rotary Club of North Perth has submitted a proposal to hold the 2013 Hyde Park Community Fair on the Labour Day long weekend of Sunday, 3 March and Monday, 4 March 2013.

The Hyde Park Community Fair has been organised by the Rotary Club since 1988. The Fair has become a highly anticipated and popular event on the City of Vincent community calendar.

Each year the Fair showcases a number of community stalls, carnival rides, stage entertainment and other community attractions. The organisers encourage a high level of community group involvement and are committed to the continual improvement of the calibre of entertainment and exhibitors.

According to the Rotary Club of North Perth, the 2012 Hyde Park Fair held on Sunday, 4 March and Monday, 5 March 2012, ran smoothly and gained positive feedback from both attendees and exhibitors. There were no major issues reported during the event.

The weather during the 2012 event was a hot 36 and 38 degrees Celsius. The estimated attendance levels were high with approximately 30,000 over the two (2) days. There were 181 exhibitor sites booked for the 2012 event, a slight increase on the 2011 Hyde Park Fair.

The proceeds from the 2011 Rotary Fair totalling \$30,756 were distributed to the following projects and causes:

- Rotary Oceania Medical Aid for Children;
- Shelterbox Australia;
- StreetDoctor;
- Australian Rotary Health Trust;
- PolioPlus;
- Rotary International Foundation;
- Life Education;
- Rotary Club of Perth;
- Rotary Club of Morley;
- 1st Bayswater Scouts;
- St Johns Fellowship;
- Manna Inc.; and
- Carnarvon Floods Disaster Appeal.

Prior to the 2013 Fair, an internal working group will once again be established to determine a management plan to coordinate the Fair from the City's perspective with the following representatives:

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

The Working Group will meet regularly to discuss the conditions and to coordinate a management plan for the smooth running of the Fair. The group will also meet after the event to debrief, evaluate and record any issues that need to be addressed for the potential 2014 event.

The Hyde Park Community Fair has in previous years been monitored by the City's Officers from various Service areas. All Officers involved reported satisfaction with the proceedings of the 2011 Fair with no major problems. Additional conditions pertaining to noise control, litter control and additional temporary toilet facilities, including accessible facilities, have been implemented in the past and will continue to be enforced for future events.

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

"Exhibitors are not permitted to affix anything to any trees or shrubs in the Park. If exhibitors are erecting a tent or shade, please advise the Organisers on your application form. The organisers are responsible for any damage to the Park vegetation;

Exhibitors are requested to leave their site as clean as possible at the end of the Hyde Park Community Fair and to remove all cardboard cartons, boxes and containers;

Leaf and ground coverage is not to be removed from the ground of the allocated site; and

All exhibitors must be careful with their vehicles and any damage to facilities, trees or gardens will be charged to the exhibitor. Many trees on the park are of historical significance and must be preserved, please be respectful of this."

The following conditions recommended by the City in 2012 were adhered to satisfactorily by the organisers at the 2012 Hyde Park Community Fair:

"Abide by all health regulations in regard to food handling and preparation; provision of adequate toilet facilities; isolating pony and camel rides at a distance from food preparation and sales; and arranging for all food permits from food vendors to be completed and submitted to the City of Vincent at an early date;

Provision of staff to monitor the entrances to Hyde Park to prevent illegal parking;

Policing of trucks being driven on to the park to ensure that no damage is caused to any equipment or flora; and

The Rotary Club of North Perth Inc. will be responsible for carrying out any reasonable request placed on it by the City of Vincent."

As well as adhering to the above, the City's Health Officers have included an additional statement relating to the consequence of non-compliance by 2013 Rotary Fair organisers to Environmental Health conditions:

"If vendors fail to comply with requirements of the Food Act 2008 they will have their stall holder permits withdrawn. If permits are withdrawn and vendors continue to trade this will result in a \$250 infringement notice and possible prosecution."

At the 2012 Hyde Park Community Fair Working Group meeting, a number of improvements were recommended and agreed upon by the organisers, as follows:

- Addressing the lack of parking for visitors, as identified in evaluation surveys and public complaints received;
- Increasing the number of rubbish bins at the Fair;
- Better managing volunteers to ensure they fill in emergency contact forms prior to the event; and
- Provision of additional shade.

Restoration of Hyde Park Lakes

At the Special Meeting of Council held on 20 June 2012, the tender submitted by Advantesting Civil Engineers (ACE) for \$2,965,178.70 (including GST) for the Restoration of Hyde Park Lakes was approved.

On 18 July 2012, a site meeting between the organisers of the Fair and City's Manager of Parks and Property Services took place to establish whether proposed restoration works would disrupt or present risk to the 2013 Hyde Park Fair event. A subsequent meeting with ACE (the contractor) on 23 July 2012 confirmed the event could safely proceed, subject to the following conditions:

- That the Fair be downsized from 2012; and
- No stalls are to be placed around the lake or the area adjacent to the gardener's compound and William Street (the area reserved for contractor's offices and ACE storage area). The areas to be avoided are marked on the attached site map (as shown in Appendix 9.4.4).

CONSULTATION/ADVERTISING:

An extensive media campaign will be undertaken to promote the event. A letter box drop will be undertaken for the streets around the park with approximately 1,000 flyers distributed. Flyers will be distributed to schools, local shops and cafes in North Perth and surrounding areas. A mail out will also be done to about 13,000 residents within the City of Vincent.

LEGAL/POLICY:

The following Policies would apply to this event:

- No. 3.8.3 – Concerts and Events;
- No. 3.10.5 – Donations, Sponsorship and Waiving of Fees and Charges; and
- No. 3.10.8 – Festivals.

RISK MANAGEMENT IMPLICATIONS:

Low: Previous events have been extremely popular and successful however, factors such as weather on the day can be a contributing factor to attendance levels.

STRATEGIC IMPLICATIONS:

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

“Community Development and Wellbeing

3.1 *Enhance and promote Community Development and Wellbeing:*

3.1.1 *Celebrate, acknowledge and promote the City's cultural and social diversity*

(b) *Encourage and promote cultural and artistic expression throughout the City*

3.1.5 (a) *Organise and promote community events, programs and initiatives that engage the community and celebrate cultural and social diversity of the City, including the development of a program of the holding of an event in each of the City's main commercial centres and develop an Annual Program of events.”*

SUSTAINABILITY IMPLICATIONS:

The purpose of the Fair is to provide an event with activities catering to a broad section of the community in the City and is an excellent opportunity to promote environmental and sustainability initiatives provided by the City.

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

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$25,000 is listed on the Annual Budget 2012/2013 for the event. The Rotary Club of North Perth has requested an amount of \$25,000 in their application to the City to cover the increased costs in organising the Fair.

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

COMMENTS:

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

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

9.4.5 Community Bus Feasibility Study – Progress Report No. 1

Ward:	Both	Date:	3 August 2012
Precinct:	All	File Ref:	CMS0072
Attachments:	001 – Research Partnership Proposal 002 – Indicative Timeline		
Tabled Items:	Nil		
Reporting Officer:	R Boardman, Director Community Services		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES** the appointment of Curtin University of Technology to undertake a Community Bus Feasibility Study for the City;
2. **AUTHORISES** the Chief Executive Officer to finalise an agreement between Curtin University of Technology and the City;
3. **APPROVES** the establishment of a Community Bus Feasibility Study Steering Group, with members to be determined by the Chief Executive Officer, in liaison with the Mayor; and
4. **APPROVES** the in-kind administration and promotional support from a funding source to be determined by the Chief Executive Officer.

COUNCIL DECISION ITEM 9.4.5

Moved Cr Carey, Seconded Cr Buckels

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

To seek approval from the Council to undertake a Community Bus Feasibility Study as a research partnership between Curtin University of Technology and the City of Vincent.

BACKGROUND:

In 2012, the Mayor Hon. Alannah MacTiernan and Director Community Services met with Professor Shahed Khan from Curtin University of Technology on several occasions to discuss the proposed research partnership with the City and further details behind the proposed Community Bus Feasibility Study (CBFS).

Curtin University of Technology have identified the City of Vincent as a worthwhile partner in this study due to the poor connecting transport network in the City, in particular the East-West connections. The current transport network has been raised as problematic and grossly inadequate and has set a certain fragmented outlook to residents and visitors in the City. The project aims to improve access and mobility options within the City of Vincent while promoting local area revitalisation. It also seeks to introduce a ‘Community Bus’ service to solve the public transport gaps within the City.

'Community Bus' initiatives, based on such collaboration, have been a large success in Tokyo, Japan in recent years. The initiative was based on the operation of small size buses, with a higher frequency of stops and lower fares for the community. Their implementation and ongoing operation involved extensive local research and the development of specialised administrative models to ensure success. By adapting the Japanese model, the 'Community Bus' initiative will not only solve local transport issues in the City but also assist with a range of other community issues to ensure economic, social and environmental sustainability.

In 2009, the North Perth Bendigo Community Bank donated a community bus to the City. The bus seats up to twenty-one (21) people and is regularly used for various Community Development projects such as, the over 55's Outings, Public Art tour and Visions of Vincent photography programme. The bus has also been hired by various sporting and community groups in the City. The bus has been fitted with handrails and an extra step has been installed to assist seniors to board the bus, however the bus is not wheelchair accessible.

DETAILS:

Community Bus Concept

Studies have indicated that subsidies offered by the WA Government are currently insufficient for a sustainable and effective public transport operation. As mentioned earlier, Curtin University of Technology have carried out a 'gap analysis' study utilising community engagement strategies in Tokyo, Japan. From this evidence-based research, the solutions proposed for an effective public transport system needs to have a local focus that involves the community at a partnership level.

The initiative has been proposed from direct community feedback regarding gaps in the coverage of public transport services in the City. These issues have not been fully addressed due to a range of factors such as relatively long distances, difficult terrain and accessibility issues in the City.

The City currently offers a number of transport services from the Perth City Centre traversing it in a general North-South alignment. There are three (3) train stations in the City and the Central Area Transit (CAT) bus service also services the south eastern boundary to the City of Perth. However, due to the growing competition from major retail chains, many cannot attract clientele from surrounding areas.

The project aims to improve access and mobility options within the City while promoting local area revitalisation. It also seeks to introduce a 'Community Bus' service to solve the public transport gaps within the City.

The suggested bus service route will be an East-West orientated shuttle from Leederville Station to East Perth Rail Station. The shuttle route was chosen to 'fill the gap' of the existing predominate North-South Public Transport movement. Another option was to use the City's existing community bus and to operate shifts throughout the afternoon and evening to address demographic needs.

Feasibility Study

The proposed CBFS will initiate in September 2012, as referenced in the Indicative Timeline As shown in Appendix 9.4.6B and comprises of two (2) major phases, as follows:

First Phase

The first phase will involve extensive involvement between the project staff at Curtin University of Technology and City of Vincent CBFS Steering Group. The focus will be on the preparation of the 'Basic Plan' regarding the community bus to be presented to the wider community. The phase also will comprise of background and technical studies to verify community needs relating to local public transport in the City and assess prevalent opportunities and challenges for the future.

Second Phase

The second phase will be centred on a major community consultation exercise involving facilitated community forum(s) with structured interactive design workshops. This phase will focus on the finalisation of a detailed project plan for the community bus. It will also include structuring the project into the existing governance and management structures established by the City.

Community Bus Steering Group

It has been suggested to create a specific Steering Group for the project. The Steering Group will act as the primary decision making group between both Curtin University of Technology researchers and the City's Officers. The Group will create formality in the decisions and actions generated, act as a risk management portal between the City's Officers and assist in creative idea generation, in particular for community engagement.

Collaborative Planning

According to Associate Professor Shahed Khan from Curtin University of Technology, collaborative planning is widely recognised as an effective means of bringing stakeholders together to resolve planning issues and to enhance deliberative learning. The theoretical framework stems from a 'grassroots' level approach, empowering and enabling the community to identify and define its problems and solutions, facilitated by experts and City Officers. This evidence based approach allows this study to encourage innovation in problem solving throughout different levels in the City of Vincent community. Ultimately, Curtin University of Technology are seeking funding from the City to carry out a research project that presents a great opportunity for the City.

City's Role

In order to avoid duplication of resources and minimize costs, the City of Vincent's existing resources will be relied upon as in-kind contribution where feasible. The contribution will be as follows:

1. Maps and Data

Maps, ABS and GIS data – GIS expert help to produce base maps.

2. Administration/ Liaison

Administrative research support – at one (1) day a week for the duration of the project. This may be designated in part to the City's Travel Smart Officer.

3. Community Forum

Forum promotion (advertisements in local newspapers; notifications on Council website; newsletter mail-outs; etc.) and Forum venue and catering.

4. Steering Group Meetings

Facilitation of meetings and provision of venue.

It has been recommended to create a CBFS Steering Group for internal City staff. The proposed members will be, as follows:

- Director Community Services (Chair);
- Manager of Assets and Design Services;
- Travel Smart Officer;
- Senior Strategic Planning Officer;
- Economic Development Officer;
- Other co-opted members as necessary.

Perth Parking Management Fund

The Perth Parking Management Act 1999 requires that all non-residential parking bays within the Perth Parking Management Area be licensed with a fee. This affects property owners who are required to pay \$633.60 per annum for non-residential parking bays (including tenant parking) that are not available to the general public; and the City of Vincent who is required to pay \$600.70 per public parking bay both on-street car bays and in any public car parks within the Perth Parking Management Area. In effect, the City's rate payers are currently subsidising the payment of the current free parking in this area. The money collected by the State Government through the fees is intended to fund a range of transport services within Central Perth, including the CAT bus service, the Free Transit Zone (FTZ) and improvements for pedestrians and cyclists.

The City of Vincent pays a fee for its 387 on-street bays, at a cost of \$584.30 per bay per annum. In the 2012/2013 financial year, this increased to \$600.70 per bay per annum, costing the City at total of \$232,470.90. This includes all of the City's 387 bays currently in the Perth Parking Management Area, comprising both the West Perth and the East Perth / Perth areas ceded to the City of Vincent in July 2007.

In a letter dated 1 June 2012, the Department of Transport advised that the initiatives to be funded from the Perth Parking Management Fund over the next four (4) years include:

- Provision of a new 'Green CAT' route between Leederville, City West and Esplanade Stations;
- Completion of a number of key links in the 'Principal Shared Paths' network for cyclists and pedestrians;
- Contribution towards planning and construction of priority bus lanes; and
- Establishing an incident response team able to move vehicles that are causing traffic blockages, supported by improved traffic information and monitoring of priority CBD roads and intersections.

In light of the above, and considering the existing transport networks in place traversing the City of Vincent which radiate North-South from the CBD, there is a recognised need for a better East-West public transport movement to be established.

CONSULTATION/ADVERTISING:

The following consultation activities have been proposed as part of 'Phase Two'.

Throughout the methodology of the study, the community will be extensively engaged through community forum(s) to determine the nature and scope of the Community Bus service. This will ultimately reflect the community's preferred balance between economic efficiency compared to community building objectives.

It has been discussed that groups such as local schools, retailers and residents will be involved. Areas such as the Leederville, Mount Lawley and Highgate business precincts will be concentrated on throughout the consultation. These collaborative and deliberative forums will inform and facilitate stakeholders in creating priorities as required to achieve, and desirable and feasible Community Bus service. The proposed timeline for the community forum(s) will be in February/March 2013.

In terms of promotion, the City will provide in-kind support by advertising throughout various mediums, such the local newspaper, City website, City newsletter and community consultation notices and mail-outs.

Open Days, similar to those carried out for the North Perth Metropolitan, will be arranged as a priority in the City's Town Centres, with the City arranging venues and support material, to survey and gain information from the community.

This initiative will actively involve the Council, City Advisory Groups, local residents, area users and local businesses to identify the community's preferred bus route and stop locations. In doing so, it will also develop a plan to rejuvenate the area by engaging with local businesses through improved accessibility and active community support and patronage.

LEGAL/POLICY:

The City's Policies that apply to this project are as follows:

- No. 3.1.3 – Leederville Precinct – Scheme Map 3;
- No. 3.1.11 – Mount Lawley Centre Precinct – Scheme Map 11; and
- No. 3.10.10 – Community Bus – Use and Operation.

RISK MANAGEMENT IMPLICATIONS:

Low: No significant risk implications.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Plan 2011-2016* the following Objectives state:

"Natural and Built Environment:

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; and*

Community Development and Wellbeing:

3.1: *Enhance and promote Community Development and Wellbeing*

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

SUSTAINABILITY IMPLICATIONS:

The sustainability of the project will be largely dependent on the financial feasibility, which will be determined throughout the CBFS.

FINANCIAL/BUDGET IMPLICATIONS:

Expenditure for this matter will be incurred under the following 2012/2013 budgeted item:

Budget Amount:	\$ 25,000
Spent to Date:	\$ <u>0</u>
Balance:	\$ 25,000

The funding will be provided to Curtin University of Technology in instalments; \$10,000 once the agreement has been signed for phase one (1) and \$15,000 throughout phase two (2) in February 2013.

As discussed, in order to minimise costs, in-kind contributions are necessary where feasible. The contributions will need to be from a funding source to be determined from the City's Chief Executive Officer.

In relation to the Perth Parking Management Fund, the proposal for the community bus provides a good opportunity to introduce improved East-West public transport movement within the City of Vincent in the short term, given that this is not a priority of State Government at this point in time. In addition, it is considered appropriate that a portion of the City's \$232,470.90 payment to the Perth Parking Management Fund could be directed towards this initiative, given the limited tangible benefits the City receives for this contribution currently.

The financial feasibility of the proposal will be determined, exploring the various options available in terms of investment and cost recovery for the community buses. These results will be advised to the CBFS Steering Group from community consultation, research and data analysis.

COMMENTS:

The proposal for the community bus provides a good opportunity to introduce improved East-West public transport movement within the City of Vincent. The City has been identified as a worthwhile partner in this complex study and it is recommended to embrace this opportunity to improve access and mobility options within the City.

9.5.1 Use of the Council's Common Seal

Ward:	-	Date:	3 August 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 July 2012.

COUNCIL DECISION ITEM 9.5.1

Moved Cr Carey, Seconded Cr Buckels

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
10/07/2012	Deed of Lease	4	City of Vincent and North Perth Bowling and Recreation Club (Inc), Woodville Reserve, 10 Farmer Street, North Perth WA 6006 re: Portion of 10 Farmer Street, North Perth - <i>As per decision of the Ordinary Meeting of Council held on 22 May 2012 - Item 9.3.3</i>
10/07/2012	Transfer of Land	2	City of Vincent and State of Western Australia, c/o Regional Development and Lands (Metro), PO Box 1143, West Perth 6672 re: Transfer of Crown Grant to Department of Education and subsequent road widening - <i>As per decision of the Ordinary Meeting of Council held on 27 March 2012 - Item 9.2.2</i>
12/07/2012	Deed of Lease	3	City of Vincent and Telstra Corporation Ltd, c/o Jones Lang LaSalle, Level 34, 242 Exhibition Street, Melbourne for portion of 1 The Avenue, Leederville - <i>As per decision of the Ordinary Meeting of Council held on 10 July 2012 - Item 9.3.3</i>

Date	Document	No of copies	Details
12/07/2012	Deed	2	City of Vincent and Mr D Cameron of North Perth re: Deed of Favour relating to Dog Attack which occurred on 1 July 2012 at Angove Street, North Perth
12/07/2012	Power of Attorney	2	City of Vincent and Towns of Cambridge and Victoria Park, Cities of Joondalup, Perth, Stirling and Wanneroo - To authorise the Tamala Park Regional Council to sell/dispose of land within Lot 9504, Certificate of Title 2230, Folio 333 (Tamala Park) - <i>As per decision of the Ordinary Meeting of Council held on 10 July 2012 - Item 9.5.5</i>
18/07/2012	Loan Agreement	2	City of Vincent and Western Australian Treasury Corporation re: Loan 6B Agreement for the refinancing of the loan for the Loftus Centre Underground Car Park
18/07/2012	Deed of Extension of Lease	3	City of Vincent and Tennis Seniors Association of WA (Inc) of 176 Fitzgerald Street, North Perth re: Deed of Extension of Lease - Robertson Park Tennis Centre, 176 Fitzgerald Street, North Perth for Five (5) Years - Commencing on 1 September 2012 and Expiring on 31/08/2017 - <i>As per decision of the Ordinary Meeting of Council held on 10 August 2007 - Item 10.3.5</i>
24/07/2012	Withdrawal of Caveat	2	City of Vincent and Downings Legal, Level 11, 167 St Georges Terrace, Perth WA 6000 re: No. 538 William Street, Mount Lawley - <i>As per decision of the Ordinary Meeting of Council held on 4 November 2008 - Item 9.1.1</i>
30/07/2012	Amendment Agreement	3	City of Vincent and Towns of Cambridge and Victoria Park, Cities of Joondalup, Perth, Stirling and Wanneroo re: Tamala Park Regional Council Establishment Agreement - Amendment Agreement - <i>As per decision of the Ordinary Meeting of Council held on 24 July 2012 - Item 9.5.3</i>
30/07/2012	Deed of Variation of Lease	3	City of Vincent and Aranmore Catholic Primary School, 20 Brentham Street, Leederville WA 6007 - re: Portion of 20 Brentham Street, Leederville - <i>As per decision of the Ordinary Meeting of Council held on 24 April 2012 - Item 9.3.4</i>

9.5.2 Appointment of Business and Community Members to the Leederville Town Centre Working Group

Ward:	Both	Date:	3 August 2012
Precinct:	All	File Ref:	ADM0106
Attachments:	001 – Leederville Town Centre Working Group 002 – Confidential Nominations.		
Tabled Items:	Nil		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION

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;

COUNCIL DECISION ITEM 9.5.2

Moved Cr Carey, **Seconded** Cr Buckels

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (9-0)

PURPOSE OF REPORT:

The purpose of the report is for the Council to appoint the Business and Community Representatives to the Leederville Town Centre Working Group.

BACKGROUND:

At the Ordinary Meeting of Council held on 22 May 2012, the Council considered a Notice of Motion from Mayor Hon. Alannah MacTiernan concerning the formation of the Leederville Town Centre Working group and resolved as follows;

"That the Council:

1. *APPROVES* the establishment of a "Leederville Town Centre" Working Group, comprising of the following:

1.1 *Three (3) Council Members*

- (a) *Mayor Hon. Alannah MacTiernan (Chair);*
- (b) *Cr Matt Buckels; and*
- (c) *Cr Roslyn Harley;*

1.2 *Three (3) Representatives from a Business in the locality;*

1.3 *Two (2) Residents in the locality;*

1.4 *Five (5) City Officers**

*Director Technical Services;
Manager Asset and Design Services;
Manager Parks and Property Services;
Manager Strategic Planning, Sustainability & Heritage Services; and
Manager Community Development;*

** Others to attend as and when required.*

2. *ADOPTS the "Leederville Town Centre – Terms of Reference" for the proposed Working Group as outlined in Appendix 10.2;*
3. *AUTHORISES the Chief Executive Officer to advertise for Business and Community representatives; and*
4. *NOTES that a further report will be submitted to the Council once the closing of nominations has occurred".*

DETAILS:

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.

Community Representative Nominations

Advertisements calling for nominations were placed in the local newspaper on 5 June 2012 and nominations closed on 22 June 2012. Letters were also sent to all persons who attended a public meeting in Leederville on 14th March 2012 asking if they would like to nominate for the Working Group.

Nominations were received are shown at Attachment 002 and have been included, as received. *(For privacy reasons, personal details have been deleted.)*

The following is a list of nominations received:

Nominations received – Business Representative
1. Don Eftos*;
2. Lidio Fiore;
3. Lisa Montgomery;
4. Deanne Williams; and
5. Sharni Howe**

* Nomination received out of time - 3 July 2012. (after closing date)

**Does not meet Terms of Reference criteria – does not own a business in Leederville and is not a resident of Leederville.

Nominations received – Community Representative
1. Annie Folk
2. Claire Hodgson
3. Browyn McCormack
4. Jeff Bullen #

#Does not meet Terms of Reference criteria – does not own a business in Leederville and is a resident of North Perth.

The following is a summary of each Nominee. A copy of the Nominee's Application Form (including personal details/information is attached as a confidential appendix.

Leederville Working Group Nominations June 2012

Business Nomination Name	Business Name	Relevant Knowledge and Interest	Relevant Engagement with Business/Community
1. Don Eftos #	Business proprietor – Valuer	Worked in Leederville for over 20 years. Owns commercial property in area.	Interim chair of Leederville Connect, Rotary.
2. Lidio Fiore	Leederville - Business Owner - Camera House	Lives and works in Leederville for 17 years.	Treasurer – Leederville Connect 3 rd Level Sub Committee – WA Italian Club
3. Lisa Montgomery	Leederville - Hunter Store - Retail Owner	Business Owner in Leederville successful retail outlet. Involved with husband owner of Urban Records Leederville. Has own consulting business working in Place Making Field leading company.	Previous Director at EPRA & SRA.
4. Deanne Williams	Atlas Divine – Leederville Retail Owner	Successful business owner 1 Leederville 19 years + Understands retail and studied retail areas internationally. Lived and owned property in Vincent Mt Hawthorn. Nth Perth 20 years. Lectured in design and business at TAFE 5 years.	None listed
5. Sharni Howe *	Sharni Howe Architects Business Owner	Urban Designer Locally owned urban design business since 1997 (15 years) Lives and Works in Vincent Academic – PT tutor and occasional lecturer in fields of sustainability, architecture, landscape and urban design HIA Planning and Environment Committee member.	Board Member – Subiaco Redevelopment Authority Member of Perth Based Urban Design group, City Vision and Form.

* Ineligible – Does not meet criteria

Nominaton received out of time – 3 July 2012

Community Nomination Name	Community Involvement	Knowledge and Interest	Engagement with Business/Community
1. Annie Folk	Resident of Leederville	Resident of Carr Street – 18 years.	Chair of Leederville Action group – 18 years.
2. Claire Hodgson	Resident of Leederville	Resident of Bourke Street – 7 years.	Produced photography Exhibition – WAMI Festival
3. Bronwyn McCormack	Resident of Leederville	Resident since 2003 – Oxford Lane. Worked since 1996 at School of Distance Education on Oxford Street various roles. Local resident, local employee and local business supporter. Interested to support and help improve the area for other residents and for businesses.	Vice President – Zonta Club of Perth Northern Suburbs.
4. Jeff Bullen *	Resident of North Perth (for 21 years)	Resident and property owner of Sydney Street, North Perth. Interested to help organise events.	Musician that has worked in many local venues.

* Ineliable – Does not meet criteria

The recommended nominations have been made on the basis of the information received.

CONSULTATION/ADVERTISING:

Advertisements for Community Representatives, were placed in the local newspaper on 5 June 2012 and nominations closed on 22 June 2012. Letters were also sent to all persons who attended a public meeting in Leederville 14th March 2012 asking if they would like to nominate for the Working Group Community Representative on their relevant Group.

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 appoint the business and community representatives to the City's Leederville Town Centre Working Group, as recommended.

9.5.4 Audit Committee - Receiving of Unconfirmed Minutes - 23 July 2012

Ward:	-	Date:	3 August 2012
Precinct:	-	File Ref:	FIN0106
Attachments:	001 – Audit Committee Unconfirmed Minutes		
Tabled Items:	Nil		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **RECEIVES** the **Audit Committee Unconfirmed Minutes** dated 23 July 2012, as shown in Appendix 9.5.4.

COUNCIL DECISION ITEM 9.5.4

Moved Cr Carey, Seconded Cr Buckels

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is for the Council to receive the unconfirmed minutes of the Audit Committee held on 23 July 2012.

BACKGROUND:

At the Ordinary Meeting of Council held on 26 August 2003, the Council considered the matter of its Audit Committee and resolved inter alia as follows;

“That the Council;

- (i) *APPROVES of amending the Audit Committee Terms of Reference to be as follows:*
- (a) *The process of selecting the Auditor;*
 - (b) *Recommending to Council on the Auditor;*
 - (c) *Managing the Audit Process;*
 - (d) *Monitoring Administrations actions on, and responses to, any significant matters raised by the Auditor;*
 - (e) *Submitting an Annual Report on the audit function to the Council and the Department of Local Government;*
 - (f) *Consideration of the completed Statutory Compliance Return and monitoring administrations corrective action on matters on non-compliance;*
 - (g) *To oversee Risk Management and Accountability considerations; and*
 - (h) *To oversee Internal Audit/Accountability functions;”*

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

The Local Government Act (Financial Management) Regulations 1996, Regulations 5 and 6 prescribe the duties of the Chief Executive Officer in respect to financial management and independent performance reviews (including internal and external Audits).

RISK MANAGEMENT IMPLICATIONS:

High: Failure to consider and review the Audit Committee Minutes would be a breach of Section 7.12A of the Local Government Act 1995.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 lists the following objectives:

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENTS:

The reporting of the City's internal Audit Committee minutes to the Council Meeting is a legal requirement of the Local Government Act 1995 and regulations and in keeping with the Audit Charter.

9.5.5 Chief Executive Officer's Performance Review 2012 - Appointment of Human Resources Consultant

Ward:	-	Date:	3 August 2012
Precinct:	-	File Ref:	-
Attachments:	001 – Contract of Employment – Clause 5		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

Disclosure of Financial Interest:

The Chief Executive Officer, John Giorgi has disclosed a financial interest in this item. The extent of his interest being, that it relates to his Contract of Employment.

OFFICER RECOMMENDATION:

That the Council APPROVES of engaging Human Resource Consultant, Mr. John Phillips of WALGA's Business Solutions to assist in conducting the Chief Executive Officer's (CEO's) Performance Review 2012, as detailed in this report, at a cost of \$3,000 (incl. GST).

COUNCIL DECISION ITEM 9.5.5

Moved Cr Carey, Seconded Cr Buckels

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (9-0)

PURPOSE OF REPORT:

The purpose of the report is to obtain the Council's approval to engage a consult to assist in conducting the CEO's Performance Review 2012.

BACKGROUND:

At the Ordinary Meeting of Council held on 11 October 2011, the Council considered this matter and resolved as follows;

That the Council:

1. *RECEIVES the Chief Executive Officer's Annual Performance Appraisal 2011, as shown in Appendix 14.3, and ENDORSES the overall rating of "Satisfactory" for the period of review 2010/2011;*
2. *APPROVES of;*
 - 2.1 *A Performance Bonus of \$8,000 to the Chief Executive Officer noting his rating of 'satisfactory' against the agreed performance criteria, but be specifically in recognition of:*
 - *his strong performance as an Administrator;*
 - *ensuring the City is compliant; and*
 - *his successful negotiations for the nib Stadium Lease.*
 - 2.2 *The revised Performance Criteria and Indicators (Schedule B), as shown in Appendix 14.3(A), for the 2011/2012 review period; and*
 - 2.3 *The Performance Bonus for the period 2011/2012 to be set to a maximum of \$20,000; and*
3. *NOTES the next review of the Chief Executive Officer's performance is to be conducted by August 2012.*

The Chief Executive Officers contract of Employment Clauses 5.1 -5.4 (as shown in Appendix 9.5.5) specifies the process for the annual review and the appointment of a consultant.

Indicative Timeline

An indicative timeframe has been prepared as follows:

Item	Indicative Timeline	Indicative hours
1. Report to Council seeking approval to use External Consultant	14 August 2012	-
2. Initial meeting with CEO to discuss timeline and format	15 August – 17 August 2012	1hr approx
3. Consultant to review CEO's Review Report	20 August – 24 August 2012	2hrs approx
4. Consultant to issue the CEO's questionnaire to Council Members	24 August – 7 September 2012	1hr approx
5. Collation of Council Members' responses and follow-up, if required (*conduct interviews, if any, by 13 August 2010)	7 September – 14 September 2012	3hrs approx
6. Preparation of Council Members' responses Summary Report for discussion with CEO	14 September – 19 September 2012	2hrs approx
7. Meeting with CEO to discuss Council Members' Summary Report	20 September – 26 September 2012	1hr approx
8. Meeting with Mayor (and Councillors, if required) to discuss Council Members' Summary Report	27 September – 5 October 2012	2hrs approx
9. Preparation of CEO report to Council and liaison with Mayor	8 October –12 October 2012	3hrs approx
10. Final meeting with CEO to discuss final Report, any recommendations and areas of interest, etc	15 October – 19 October 2012	1hr approx
11. Report to Council	14 November 2012	-
	Total	16hrs approx

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

The Local Government Act 1995, Section 5.39 requires that Senior Employees are to be governed by a written contract. (The City's CEO and Directors are designated Senior Employees.)

It is a legal requirement that each Contract of Employment contains sufficient information to enable the Officer to effectively carry out his responsibilities. Under Section 5.38, each employee is to be reviewed at least once in every of their employment.

This matter is to be treated as a Confidential Item as it relates to an employee. Section 5.23 of the Local Government Act 1995 allows for matters relating to employees to be considered on a confidential basis.

The Local Government Act 1995, Section 5.38 states:

5.38 Annual Review of Certain Employees' Performances

The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.

The proposed CEO Review Process is in keeping with the Council decision of 28 September 2010 (to engage an external consultant) and the CEO's Contract of Employment.

RISK MANAGEMENT IMPLICATIONS:

HIGH: it is a requirement that every employee shall have a review at least once every twelve months. Failure to do so would be a breach of *Section 5.38* of the Local Government Act 1995 and the Chief Executive Officers Deed of Contract of Employment.

STRATEGIC IMPLICATIONS:

This proposal is in keeping with the City's Strategic Plan 2011-2016, Objective 4 "*Leadership, Governance and Management*", in particular, 4.2.1 "*Promote employee preference, recognition, reward, satisfaction and wellbeing, and provide a safe and positive workplace.*"

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

A written quotation was obtained from WALGA to conduct the CEO's performance review as detailed in this report. An amount of \$3,000 (incl. GST) has been quoted. Any interviews (in person or telephone) will be an additional cost of \$120 (incl. GST) per hour (which includes any travelling time). Mr Phillips of WALGA has assisted the Council in conducting the CEO's Performance Review since 2004.

COMMENTS:

The Council's approval of the Officer Recommendation is requested.

9.5.6 Information Bulletin

Ward:	-	Date:	3 August 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 14 August 2012, as distributed with the Agenda.

COUNCIL DECISION ITEM 9.5.6

Moved Cr Carey, Seconded Cr Buckels

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

DETAILS:

The items included in the Information Bulletin dated 14 August 2012 are as follows:

ITEM	DESCRIPTION	PAGE
IB01	Letter from the Minister for Local Government; Heritage; Citizenship and Multicultural Interests regarding the City of Vincent's Submission To The Metropolitan Local Government Review Panel	1
IB02	Letter from the State Administrative Tribunal (SAT) regarding the Water Corporation V City of Vincent	2
IB03	Letter from the Hon Simon O'Brien MLC Minister for Finance; Commerce; Small Business regarding Retail Trading Hours	7
IB04	Letter of Appreciation from the Director General, Ron Alexander, Department of Sport and Recreation regarding Kidsport Partnership	11
IB05	Letter from the Minister for Local Government; Heritage; Citizenship and Multicultural Interests regarding Implementation of Workforce Planning	12
IB06	Local History Collection – Progress Report January to June 2012	14
IB07	Living Smart Program Post-Course Report 2012	16
IB08	Unconfirmed Minutes of the Sustainability Advisory Group Meeting held on 16 July 2012	23
IB09	Unconfirmed Minutes of the Design Advisory Committee Meeting held on 4 July 2012	29
IB10	Unconfirmed Minutes of the Design Advisory Committee Meeting held on 20 July 2012	33

ITEM	DESCRIPTION	PAGE
IB11	Report on the Mayor and Chief Executive Officer's attendance at the National General Assembly of Local Government 2012	37
IB12	Register of Petitions – Progress Report – August 2012	40
IB13	Register of Notices of Motion – Progress Report – August 2012	41
IB14	Register of Reports to be Actioned – Progress Report – August 2012	43
IB15	Register of Legal Action (Confidential – Council Members Only) – Monthly Report (August 2012)	51
IB16	Register of State Administrative Tribunal Appeals – Progress Report – August 2012	52
IB17	Register of Applications Referred to the Design Advisory Committee – July 2012	53
IB18	Register of Applications Referred to the MetroWest Development Assessment Panel – July 2012	58
IB19	Forum Notes – 17 July 2012	59
IB20	Notice of Forum – 21 August 2012	62

9.1.3 No. 83 (Lot 283 D/P: 3642) The Boulevarde, Mount Hawthorn - Proposed Demolition of Existing Single House Construction of Two Storey Single House

Ward:	North	Date:	3 August 2012
Precinct:	Mount Hawthorn, P1	File Ref:	PRO5697; 5.2012.321.1
Attachments:	001 – Property Information Report and Development Application Plans		
Tabled Items	Applicant's Submission		
Reporting Officer:	A Dyson, 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 S Crawford- Begg on behalf of M G Begg & S L Crawford- Begg for Proposed Demolition of Existing Single House and Construction of Two Storey Single House, at No. 83 (Lot 283; D/P: 3642) The Boulevarde, Mount Hawthorn, and as shown on plans stamp-dated 18 July 2012, due to 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 the following Clauses:
 - 1.1 SADC 5 and SPC 5 "Street Setbacks" relating to the setbacks of the upper floors;
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; and
 - 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
 - 2.2.2 Can respond readily to change; 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 9.1.3

Moved Cr Buckels, Seconded Cr Wilcox

That the recommendation be adopted.

Debate ensued.

MOTION 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 considers the proposed modifications to the building satisfy the performance criteria of the Residential Design Elements Policy No. 3.2.1.

ALTERNATIVE RECOMMENDATION

Moved Cr McGrath, 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 S Crawford- Begg on behalf of M G Begg & S L Crawford- Begg for Proposed Demolition of Existing Single House and Construction of Two Storey Single House, at No. 83 (Lot 283; D/P: 3642) The Boulevarde, Mount Hawthorn, and as shown on plans stamp-dated 18 July 2012, subject to appropriate conditions, (including setback of the upper level) being prepared by the Director Planning Services.

The Chief Executive Officer advised the Council that as no Alternative Recommendation had been requested, it was not prepared. It has been the previous practice for the Director Planning Services to draft appropriate conditions and these would be circulated to Council Members in the next day or so for consideration.

In this case, the condition(s) are relatively straight.

Several Councillors stated they wished to view the conditions, prior to voting on the Alternative Recommendation.

PROCEDURAL MOTION

Moved Cr Topelberg, Seconded Cr Maier

That the item be DEFERRED to the Ordinary Meeting of Council on 28 August 2012 to allow appropriate conditions to be drafted and considered by the Council.

PROCEDURAL MOTION PUT AND CARRIED (7-2)

For: Cr Buckels, Cr Carey, Cr Harley, Cr Maier, Cr Pintabona, Cr Topelberg, Cr Wilcox

Against: Mayor Hon. Alannah MacTiernan, Cr McGrath

PURPOSE OF REPORT:

The applicant has requested the matter, including consideration of amended plans, be reconsidered by the Council following the refusal of a previous application at the Ordinary Meeting of Council held on 10 July 2012.

BACKGROUND:

No specific background relates to this application.

Previous Reports to Council:

10 July 2012 The Council at its Ordinary Meeting held on 10 July 2012 refused an application for a Two Storey Dwelling on the subject site.

DETAILS:

The proposal involves the demolition of the existing single storey dwelling and the construction of a two (2) storey residential dwelling. The proposed dwelling is located in a predominantly single storey streetscape comprising dwellings of a consistent age and styles.

The applicant has amended the original design of the dwelling following the Ordinary Meeting of Council held on 10 July 2012, in the following ways:

- *Ground Floor*
 - a) Amending the front setback of the garage from 5.0 metres to 6.0 metres;
 - b) Reconfiguring the size and setback of the front porch from 6.2 metres to 5.502 metres and adding a feature statement consisting of selected tiling; and
 - c) Increase of the front setback of the dwelling from 8.604 metres to 9.6 metres.
- *Upper Floor*
 - a) Placement of a privacy screen along the upper southern balcony and removal of glass balustrade; and

- b) Increase in the upper floor front setback of the dwelling from 4.7 metres to 5.7 metres.
- *Design Changes*
 - a) Aluminium Framed Perspex auto sectional door;
 - b) Reduction to the height of the garage parapet wall section at the front of the property on the northern side of the dwelling; and
 - c) Inclusion of a highlight window to the northern side of Bedroom 1 on the upper floor.

Landowner:	M Begg & S Crawford-Begg
Applicant:	S Crawford-Begg
Zoning:	Metropolitan Region Scheme: (MRS) Urban Town Planning Scheme No. 1 (TPS 1): Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	473 square metres
Access to 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 Setbacks
Requirement:	Residential Design Elements Policy SADC 5 Front Setback: Lower: Main Dwelling Entry Statement: 5.502 metres Garage – 6.0 metres (0.5 metres behind average front setback) Upper Balcony: 6.5 metres Upper Dwelling: 7.5 metres
Applicants Proposal:	Front Setback: Lower: Main Dwelling Entry Statement: 5.502 metres Garage – 6.0 metres (In front of ground floor) Upper Balcony: 7.5 metres (Behind Bed 1 upper storey portion) Upper Dwelling: 5.7 metres

Issue/Design Element:	Front Setbacks
Performance Criteria:	<p>Residential Design Elements Policy SPC 5 <i>Development is to be appropriately located on site to:</i></p> <ul style="list-style-type: none"> • <i>Maintain streetscape character;</i> • <i>Ensure the amenity of neighbouring properties is maintained;</i> • <i>Allow for the provision of landscaping and space for additional tree plantings to grow to maturity;</i> <i>Facilitate solar access for the development site and adjoining properties;</i> • <i>Protect significant vegetation; and</i> • <i>Facilitate efficient use of the site.</i> <p>Variations to the Acceptable Development Criteria relating to upper floor setbacks may be considered where it is demonstrated that the lesser upper floor setbacks incorporate appropriate articulation, including but not limited to; varying finishes and staggering of the upper floor walls to moderate the impact of the building on the existing or emerging streetscape and the lesser setback is integral to the contemporary design of the development.</p>
Applicant justification summary:	<p><i>In a substantial improvement to the visual aesthetic of the dwelling, the changes reduce the visual impact of the garage thereby also reducing the visual impact of the dwelling within its local context and overall the changes contribute to the Council's desire to maintain the streetscape aspect of the Boulevard. These design solutions include the following:</i></p> <p><i>Introduction of a dominant portico element with a 5.502 metre front setback in line with the predominant building line setback of the street and introduction of a vertical "L" shaped architectural element that projects slightly forward of the portico by 40mm. The slight projection adds depth and definition between the two architectural elements. Cladding has been introduced to the portico element to further add visual interest and texture to the finishes of the dwelling. The cladding reinforces the dominance of the portico, ensuring it stands out as a strong design feature, which ensures the portico and "L" shaped elements are the most noticeable elements when viewing the home.</i></p> <p><i>The garage itself has been increased to 6.0 metres and sits 0.5 behind the ground floor building line of the portico feature element. The garage door finish has been altered to be a more interesting finish that is more light weight in appearance to further reduce its visual impact. The garage door is proposed to be aluminium framed panels with Perspex/mini orb insert panels.</i></p> <p><i>The front door/entry to the home has been brought forward by 1.41 metres so that it is less recessed and more dominant within the design. The revised entry ensures the front door is more visually evident from the street which contributes to good street surveillance and also reduces the impact of the garage within the design.</i></p>

Issue/Design Element:	Front Setbacks
Officer technical comment:	<p>The proposed development is not considered to comply with the performance criteria in this instance for the following reasons:</p> <ul style="list-style-type: none"> • A site inspection of the property and an assessment of the existing properties along both sides of The Boulevard, between Ashby and Berryman Street has identified there are seven (7) existing properties with two (2) storeys. The majority of these dwellings have a single storey section at the front of the property with a two storey section at the rear. One (1) of these properties has a two storey balcony which extends directly over the lower floor. There are no distinct examples however, of contemporary dwellings of a similar scale and design as the subject development. • It is also noted along the western side of the street (18 dwellings), almost all of the dwellings have a very similar front setback of approximately 6.0 metres. • The subject dwelling abuts a number of single storey dwellings within this area of The Boulevard, and the bulk and scale of the development will alter not only the predominant character of the street but reduce the availability of light and ventilation to the adjoining properties. In light of these streetscape characteristics, any proposal on the property should closely adhere to the setback requirements of the policy, with a garage located 0.5 metres behind the front portion of the dwelling, the upper floor balcony, 1.0 metres behind the lower floor and the dwelling section, 2.0 metres behind the lower floor. It is therefore considered the proposal for the upper storey directly above the lower floor garage will reduce the existing intact streetscape character. • Despite the above, it is noted the introduction of the portico feature at the front of the property, the setting back of the overall dwelling from the street and use of differing colours and finish to some degree allows for a separation in appearance of the garage and upper floor when viewed from the street frontage.

Issue/Design Element:	Roof Forms
Requirement:	Residential Design Elements Clause 7.4.3 BDADC 3 Roof Pitch to be 30 - 45 degrees
Applicants Proposal:	25 degrees
Performance Criteria:	<p>Residential Design Elements Clause 7.4.3 BDPC 3 The roof of a building is to be designed so that:</p> <ul style="list-style-type: none"> • <i>It does not unduly increase the bulk of the building;</i> • <i>In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and</i> • <i>It does not cause undue overshadowing of adjacent properties and open space.</i>

Applicant justification summary:	<i>The proposed dwelling seeks a roof pitch of 25 degrees whereas Council's Residential Design Elements Policy promotes a roof pitch of 30-45 degrees. The pitch variation is considered minor and is not considered to detract from the appearance of the dwelling or the streetscape. The minor pitch variation is not too dissimilar from Council's Policy and is considered to be undiscernible to most passers-by. The dwelling height and roof height are compliant thereby ensuring bulk and scale are adequately addressed and the roof form (pitched roof) is reflective of the predominance of dwellings in the area thereby maintaining the streetscape amenity. For these reasons the roof pitch variation is considered suitable and meets the performance criteria of Council's Policy.</i>
Officer technical comment:	The proposed development is considered to comply with the performance criteria in this instance for the following reasons: <ul style="list-style-type: none"> • It is considered the roof form is of a standard pitched roof design and does not affect the recognised pitched roof streetscape character along this area of The Boulevard in which the predominant roof pitch is between 25 degrees to 35 degrees. • It is considered the roof form is compliant with the intent of the policy and maintains a pitched roof design in compliance of the City's Policy.

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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The initial application was advertised to the adjoining landowners for a period of 14 days. As the new application for the site was received within one (1) year of the community consultation being carried out and no significant alterations are proposed to the development, no further consultation is necessary and therefore was not re-advertised.

The table below notes the Community Consultation carried out in the original application.

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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Comments Period:	27 March 2012 to 13 April 2012.
Comments Received:	Neighbour consultation was undertaken in relation to the proposed front setback, upper floor setback and visual privacy variations. Two (2) objections were received during the Community Consultation period, with Three (3) <u>Four (4)</u> comments of support <u>received from the owner/applicant</u> outside of the Community Consultation period and One (1) comment received from an objector noting the amendments that have been made to the original design and supporting the two storey design but not rescinding the objection. The following table is a summary of the comments received.

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

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Scale and Setbacks</p> <ul style="list-style-type: none"> The dwelling will impact the adjoining properties provision of direct sun and ventilation. 	<p>Support. The proposed sitting of the upper floor directly over the ground floor and the overall scale of the development will add to bulk imposed and limit the ability of the adjoining property to be provided with sunlight and ventilation; hence the proposal does not comply with the Performance Criteria or Acceptable Development Provisions of the Residential Design Codes.</p>
<p>Issue: Streetscape</p> <ul style="list-style-type: none"> The development is not in keeping with the existing streetscape. The development should comply with the required setbacks as per the applicable standards. Concern in relation to the front elevation being dominated by the proposed double garage, which appears to be too close to the front and out of keeping with the existing street architecture. Concern in relation to the proposed upper setback and the non compliance with the City's requirements. It is noted also several dwellings in the street have a second storey well setback from the lower floor. 	<p>Supported. It is noted the proposed front setback does not comply with the provisions of Clause SADC 5. <i>Street Setbacks</i> of the City's Policy 3.2.1 relating to Residential Design Elements, as the proposed garage is set forward of the remainder of the ground floor and the upper storey is located directly above the lower floor garage.</p> <p>It is further noted that along the western side of The Boulevard, the majority of dwellings are of a single storey nature, and therefore a dwelling which proposes the upper floor directly above the lower floor does not comply with the performance criteria of the City's Policy in relation to Residential Design Elements.</p>

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 has the right to have the decision reviewed in accordance with Part 14 of the *Planning and Development Act*.

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 design adequately responds to the northern aspect of the site, allowing for sunlight and ventilation to permeate the dwelling, reducing the need for additional heating and cooling.

SOCIAL	
Issue	Comment
	The proposed dwelling will have a negative impact on the amenity of the intact streetscape along The Boulevard.

ECONOMIC	
Issue	Comment
	The construction of the building will provide short term employment opportunities.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Technical Services

Technical Services advise that in the event the application is supported by the City, the applicant would be required to submit an amended site plan which denotes compliance with visual truncations, the crossover being offset 0.5 metres from the boundary, material of the crossover and the wings to be a maximum of 1.0 metre in radius and contained within the applicant's verge, notes the distance from the existing street tree to the proposed crossover, notes that the footpath is to traverse the crossover and that the redundant verge is to be removed. It is further noted that a crossover application would be required to be submitted and approved prior to the issuing of a Building Permit.

In view of the assessment as outlined above, the proposal does not meet the intent of the City's Policy 3.2.1 relating to Residential Design Elements Clause SADC 5 *Street Setbacks*, whereby the existing nature of The Boulevard (in the street block bounded by Berryman and Ashby Street) is one of a mainly consistent single storey streetscape where two storey dwellings are present (seven (7) existing), the upper storey is well setback from the front of the property. Whilst the amendments to the original design, at the front of the property, do in some part reduce the impact of the upper storey and garage, the upper floor is still located forward of the garage at 5.7 metres instead of being setback at 7.5 metres and although the entry porch has been extended to sit 0.5 metres in front of the garage, the main building is setback at 9.6 metres being 3.6 metres behind the garage. The proposal is considered inconsistent with the existing intact streetscape and which it is considered upon approval, would result in a detrimental impact on the street.

In light of the above, it is recommended the proposal be refused for the above mentioned reasons.

9.1.5 Proposed Additional Use to the City's Town Planning Scheme No. 1 – Scheme Amendment No. 33- No. 178 (Lot 9) and No. 180 (Lot 8) Alma Road, North Perth (Vastese Bakery)

Ward:	North	Date:	24 June 2012
Precinct:	Smith Lake, P6	File Ref:	PLA0243
Attachments:	001 – Planning Solutions Scheme Amendment Report 002 – Schedule 3 – Additional Use		
Tabled Items	Nil		
Reporting Officer:	O May, Planning Officer (Strategic)		
Responsible Officer:	C Eldridge, Director Planning Services		

CORRECTED OFFICER RECOMMENDATION:

That the Council;

1. Pursuant to section 75 of the Planning and Development Act 2005, RESOLVES to INITIATE Scheme Amendment No. 33 relating to the subject site of Nos. 178 (Lot 9) and 180 (Lot 8) Alma Road, North Perth to the City's Town Planning Scheme No. 1 and Smiths Lake Precinct – Scheme Map 6:
 - 1.1 allow for an Additional Use of Light Industry (Bakery), and incidental uses including ~~Eating House~~, Local Shop, and Office to the above mentioned subject site;
 - 1.2 include Nos. 178 (Lot 9) and 180 (Lot 8) Alma Road, North Perth to Schedule 3 – Additional Uses of the City's Town Planning Scheme No. 1 as shown Appendix 9.1.5 (002); and
 - 1.3 removes property No. 178 (Lot 9) Alma Road, North Perth from the Non-Conforming Use Register;
2. ENDORSES for advertising the Scheme Amendment No. 33 Report as shown in Appendix 9.1.5;
3. FORWARDS the City's decision to the Western Australian Planning Commission for their implementation;
4. REFERS the Scheme Amendment No. 33 to the City's Town Planning Scheme No.1, to the Environmental Protection Authority to seek approval prior to advertising;
5. APPROVES the advertising of Scheme Amendment No. 33 the City's Town Planning Scheme No.1 for a period of 42 days, in accordance with regulation 25 of the Town Planning Regulations 1967; and
6. The applicant SUBMITS a floor plan of No. 178 (Lot 9) and No. 180 (Lot 8) Alma Road, North Perth, illustrating the location and area of the proposed light industry (bakery) and residential and the incidental uses of local shop and office in accordance with conditions 1, 3, 4 and 5 as shown in Appendix 9.1.5 (002). This plan is required to be submitted to the City prior to the advertising of Scheme Amendment No. 33.

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

Moved Cr Topelberg, Seconded Cr Buckels

That the corrected recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr McGrath

"That a new Clause 7 be inserted to read as follows:

7. Any local shop shall have a maximum gross floor area of 50sqm and only sell items produced on site."

AMENDMENT PUT AND CARRIED (8-1)

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

MOTION AS AMENDED PUT AND CARRIED (7-2)

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

COUNCIL DECISION ITEM 9.1.5

That the Council;

1. Pursuant to section 75 of the Planning and Development Act 2005, RESOLVES to INITIATE Scheme Amendment No. 33 relating to the subject site of Nos. 178 (Lot 9) and 180 (Lot 8) Alma Road, North Perth to the City's Town Planning Scheme No. 1 and Smiths Lake Precinct – Scheme Map 6:
 - 1.1 allow for an Additional Use of Light Industry (Bakery), and incidental uses including ~~Eating House~~, Local Shop, and Office to the above mentioned subject site;
 - 1.2 include Nos. 178 (Lot 9) and 180 (Lot 8) Alma Road, North Perth to Schedule 3 – Additional Uses of the City's Town Planning Scheme No. 1 as shown Appendix 9.1.5 (002); and
 - 1.3 removes property No. 178 (Lot 9) Alma Road, North Perth from the Non-Conforming Use Register;
2. ENDORSES for advertising the Scheme Amendment No. 33 Report as shown in Appendix 9.1.5;
3. FORWARDS the City's decision to the Western Australian Planning Commission for their implementation;
4. REFERS the Scheme Amendment No. 33 to the City's Town Planning Scheme No.1, to the Environmental Protection Authority to seek approval prior to advertising;
5. APPROVES the advertising of Scheme Amendment No. 33 the City's Town Planning Scheme No.1 for a period of 42 days, in accordance with regulation 25 of the Town Planning Regulations 1967; and
6. The applicant SUBMITS a floor plan of No. 178 (Lot 9) and No. 180 (Lot 8) Alma Road, North Perth, illustrating the location and area of the proposed light industry (bakery) and residential and the incidental uses of local shop and office in accordance with conditions 1, 3, 4 and 5 as shown in Appendix 9.1.5 (002). This plan is required to be submitted to the City prior to the advertising of Scheme Amendment No. 33.
7. Any local shop shall have a maximum gross floor area of 50sqm and only sell items produced on site."

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

ADDITIONAL INFORMATION:

Removal of Eating House Incidental Land Use

The applicant has advised the City's Council Members and Officers that they wish to remove the incidental eating house land use due to the community concern for this component. They have advised that the owner's intention was to possibly introduce a small number of tables and chairs and sell coffee and cake from premises. However this option is a medium-long term plan.

Non-Conforming Use

The City's Officers refer to Clause 16(1)(a) of the City's Town Planning Scheme No. 1 and note that a non-conforming use can only be approved where a land use was previously granted Planning Approval at a time where the existing Town Planning Scheme permitted the

use. As there is no evidence to suggest that No. 180 Alma Road received planning approval prior to the Gazettal date it is believed by the City's Officers that an Additional Use would be more legally appropriate for the continuation of Scheme Amendment No. 33 and would allow the City to manage compliance of this use.

PURPOSE OF REPORT:

For the Council to approve the initiation of Scheme Amendment No. 33 to Town Planning Scheme No. 1, to enable an Additional Use of Light Industry (Bakery), and incidental uses including Eating House, Local Shop, and Office, for the subject site comprising No. 178 (Lot 9) and No. 180 (Lot 8) Alma Road, North Perth (Vastese Bakery) which is currently zoned Residential R40 under the City's Town Planning Scheme No. 1.

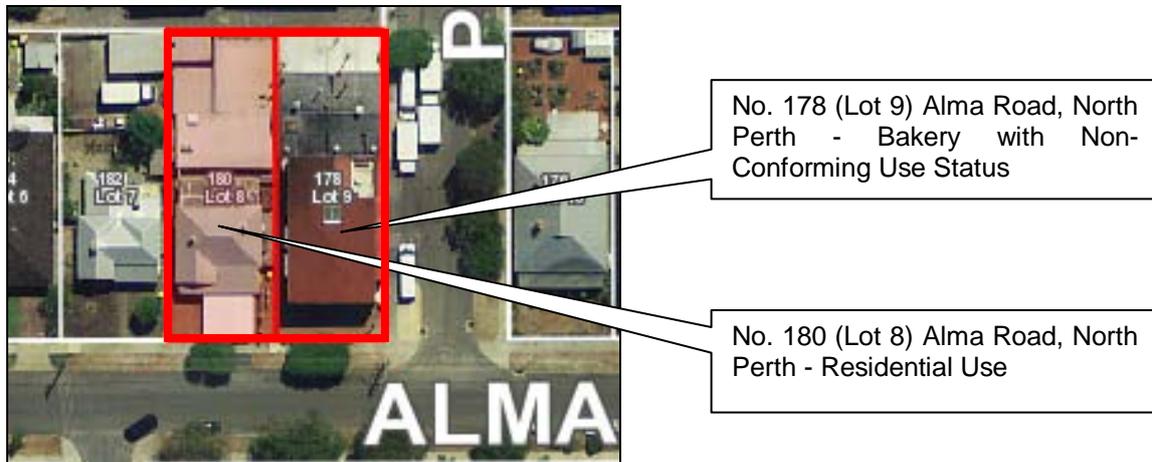
BACKGROUND:

Date	Comment
1961	The Saraceni family owned and operated Vastese Bakery at No. 178 (Lot 9) Alma Road, North Perth.
20 November 2001	The Bakery at No. 178 (Lot 9) was in lawful operation prior to the gazettal of the City of Vincent's Town Planning Scheme No. 1, and is identified as non conforming use in the City's Non-Conforming Use Register which was adopted as Appendix 11 to the City's Planning and Building Policy Manual on 20 November 2001.
20 December 2011	The City at its Ordinary Meeting resolved to approve the Draft Local Planning Strategy and Draft Town Planning Scheme No. 2 and forwarded the documents to the Western Australian Planning Commissions (WAPC) for consent to advertise.
21 December 2011	A compliance letter from the City was sent relating to No. 180 (Lot 8) Alma Road, resulting in an investigation of the alleged use of the subject site for non-residential activities.
4 February 2012	The City's Officers met with the owners of Vastese Bakery to discuss some options to ensure the operation and progress of Vastese Bakery is permitted under the City's Town Planning Scheme No. 1.
23 March 2012	A site visit was undertaken with Cr Josh Topelberg, Manager Strategic Planning, Sustainability and Heritage Service and Planning Officers (Strategic) to meet Joe Saraceni of Vastese Bakery to discuss primarily heritage interpretation and other associated matters.
9 May 2012	Planning Solutions on behalf of Vastese Bakery, prepared a Scheme Amendment Submission that requested the rezoning of No. 178 (Lot 9) and No. 180 (Lot 8) from Residential R40 to Residential/Commercial R40 under the City's Town Planning Scheme No. 1.
28 May 2012	The City's Director Planning Services, Manager Strategic Planning, Sustainability and Heritage Services and Manager Planning and Building Services, met with Joe Saraceni of Vastese Bakery and Ben Doyle from Planning Solutions to discuss the above mentioned Scheme Amendment submission. It was agreed that Planning Solutions re-submit the Scheme Amendment on behalf of Vastese Bakery to request an Additional Use rather than a rezoning, with provisions to ensure a residential component is provided and maintained on the land reflecting its Residential zoning.
5 July 2012	The City received three (3) copies of the Scheme Amendment Report and one (1) electronic copy, to retain the Residential zoning of Nos. 178 (Lot 9) and No. 180 (Lot 8) and allow for Additional Use of Light Industry, and incidental uses including Eating House, Local Shop, and Office to be provided for. The report was prepared by Planning Solutions on behalf of Vastese Bakery.
9 July 2012	The City received the prescribed fee of \$ 2, 600, to initiate and progress with the matter of a proposed Scheme Amendment to the City's Town Planning Scheme No. 1.

DETAILS:

Subject Site

The map below shows the No. 178 (Lot 9) and No. 180 (Lot 8) Alma Road, North Perth, the subject site of Amendment No. 33.



Exiting Situation

Vastese Bakery has been in operation at No. 178 (Lot 9) Alma Road for more than 50 years. Under the City's Town Planning Scheme No. 1, No. 178 (Lot 9) is zoned Residential R40. As such, Light Industry (Bakery) is an "X" use that is not permitted under the City's Town Planning Scheme No. 1. However, as a result of No. 178 (Lot 9) lawful operation prior to the gazettal of the City of Vincent Town Planning Scheme No. 1, No. 178 (Lot 9) was adopted on the City's Non-Conforming Use Register, which permits and accounts for the operation of a Light Industry Use (Bakery).

No. 180 (Lot 8) Alma Road contains an existing dwelling and was purchased by the Saraceni family in 1967. Although this property is not on the City's Non-Conforming Use Register, it is noted on a site visit by the City on 23 March 2012 that No. 180 (Lot 8) is being primarily used to support Vastese Bakery and strongly linked to the Bakery's operation. The City's Officers have noted the property of No. 180 (Lot 9) is being used as an office for the bakery and includes a large storage warehouse that is connected to the bakery at No. 178 (Lot 9). It should be emphasised that unlike No. 178 (Lot 9), No. 180 (Lot 8) does not possess non-conforming use rights and therefore currently under the City's Town Planning Scheme No.1, No. 180 (Lot 8) must permit to its zoning of Residential R40. Furthermore, it is noted uses including Shop, Eating House and Office are both 'SA' uses under the Town Planning Scheme No. 1 in a Residential zone, and therefore means that the use is not permitted unless the Council has exercised its discretion and has granted planning approval after having given special notice in accordance with Clause 37 of the Scheme.

Proposal

Scheme Amendment No. 33 requests to enable No. 178 (Lot 9) and No. 180 (Lot 8) an Additional Use of Light Industry (Bakery), with ancillary Additional Uses including Eating House, Local Shop, and Office. Scheme Amendment No. 33 will involve the inclusion of both No. 178 (Lot 9) and No. 180 (Lot 8) to the City's Town Planning Scheme No. 1, Schedule 3 – Additional Uses and amendment of the Smith Lake Precinct – Scheme Map 1.

Under the City's Town Planning Scheme No. 1, an Additional Use is a land use that is permitted on a specific portion of land in addition to the uses already permitted in the zone. Scheme Amendment No. 33 will ensure the Residential zoning of both No. 178 (Lot 9) and No. 180 (Lot 8) remains, however enable the Additional Use of Light Industry (Bakery) and incidental uses including Eating House, Local Shop, and Office subject to the conditions set out in Schedule 3 of the City's Town Planning Scheme No. 1. Subsequently, both No. 178 (Lot 9) and No. 180 (Lot 8), must operate in accordance with the provisions below:

- Minimum residential land use component comprising 100sqm net lettable area shall be provided and maintained on the land;
- The uses of Eating House, Local Shop and/or Office are permitted uses where those uses are incidental to the predominant Light Industry (Bakery) use;
- Any Eating House shall have a maximum public area floorspace (including alfresco areas) of 75sqm;
- Any Local Shop shall have a maximum gross floor area of 50sqm; and
- Any Office shall have a maximum gross floor area of 100sqm.

Further to the above, the proponent intends to improve the amenity of the subject site by way of:

- Upgrade the front facade and appearance of the building on No. 180 (Lot 9);
- A review of the current overnight car parking arrangements, with an aim of reducing the amount of existing on-street commercial vehicle parking associated with the use;
- The existing dwelling No. 180 (Lot 8), will be retained, to preserve the predominantly residential character of the area; and
- Amalgamating No. 180 (Lot 8) and No. 178 (Lot 9), to formulise the interrelate use of the two parcels.

The City notes the *Economic Development Strategy 2011-2016* and the section termed *North Perth Activity Precinct, 2024 Vision*, encourages the preservation of places and businesses of migration, heritage, and cultural interest. 2024 Vision under the *Vincent's Economic Development Strategy 2011-2016* states:

"In 2024, North Perth is a place of extraordinary rich heritage and cultural contrasts, fostered by a tradition of warmly welcoming new migrant into the life of the community."

Scheme Amendment No. 33 will ensure that the business can operate from the subject site into the future, maintaining the locality's rich economic heritage, while maintaining its elements of a residential component to reflect its Residential zoning.

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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Consultation Period: 42 days

Consultation Type: Advert in local paper, notice on the City's website, copies displayed at City of Vincent Administration and Civic Building and Library and Local History Centre, written notification to owner(s) and occupier(s) of adjacent affected properties as determined by the City of Vincent and to the Western Australian Planning Commission and the State Heritage Office, and other appropriate government agencies as determined by the City of Vincent and in line with the Town Planning Regulations 1967.

LEGAL/POLICY:

1. City of Vincent *Town Planning Scheme No. 1* and associated Policies;
2. State Planning Policy 4.2 "*Activity Centre for Perth and Peel*";
3. Planning and Development Act 2005; and
4. Town Planning Regulations 1967.

RISK MANAGEMENT IMPLICATIONS:

Medium: Scheme Amendment No. 33, will entitle No. 178 (Lot 9) to be removed from the City's Non-Conforming Use Register and instead allow for the permanent operation under Schedule 3 – Additional Use of the City's Town planning Scheme No. 1.

The Amendment proposes an Additional Industry Use (Bakery) and incidental uses including Eating House, Local Shop, and Office. The surrounding uses to the subject site are zoned Residential and therefore the proponents of Vastese Bakery as part of their proposal have ensured a management plan as well as explore new technology to minimise traffic and noise pollutions to the area.

STRATEGIC IMPLICATIONS:

In keeping with the City's *Strategic Plan 2011-2016* – Objective 1.1 states:

“Improve and Maintain the Environment and Infrastructure:

- 1.1. *Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision*
- 1.1.2 *Enhance and maintain the character and heritage of the City.”*

“Economic Development

- 2.1 *Progress economic development with adequate financial resources.*
- 2.1.1 *Promote business development and the City of Vincent as a place for investment appropriate to the vision for 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
As part of the Scheme Amendment report the proponents intend to create a management plan to ensure the ongoing land use will continue to be compatible within its surrounds, and ensure the operation of the business minimises impacts on surrounding residents. Any development will serve to promote the City's commitment to environmental sustainability, primarily through the adaptive re-use of the City's existing building stock and the and the reduction in the waste of building material associated with full demolition and redevelopment.	

SOCIAL	
Issue	Comment
The site is considered to have high cultural and heritage significance and an example of what strong Italian migrant influences had on shaping North Perth. The Bakery has been in operation since 1922.	

ECONOMIC	
Issue	Comment
The proposed Scheme Amendment No. 32 - Additional Uses (Of Light Industry- Bakery), Eating House, Local Shop, and Office) will assist in the conservation and retention of a high valued service as well as contribute to the economic activity of the local and wider Vincent locality.	

FINANCIAL/BUDGET IMPLICATIONS:

Scheme Amendment No. 33 has been initiated externally and therefore will be budgeted in accordance with the City of Vincent 2012/2013 Fees and Charges. In light of this, the proponent has paid a fee of \$2, 600 to cover all expenditure incurred by the City.

COMMENTS & CONCLUSION:

The longstanding business Vastese Bakery operating from the subject site offers valuable cultural and heritage significance and demonstrates the strong Italian migrant influences that have shaped the North Perth area. Scheme Amendment No. 33 will ensure that the business can continue to operate from the subject site into the future, maintaining the locality's rich cultural, heritage and economic value, while maintaining the residential elements that reflect the Residential zoning of the area. In light of the above, it is recommended that the Council resolve to initiative Scheme Amendment No. 33 to the City's Town Planning Scheme No. 1, to ensure that the uses operating from No. 178 (Lot 9) and 180 (Lot 8) Alma Road are compliant with the City's Town Planning Scheme No. 1 and associated Local Planning Policies.

9.1.6 Amendment No. 99 to Planning and Building Policies – Advertising of Policy No. 3.5.11 relating to Application of Clause 40 (TPS No. 1) – Guidelines for Non-Complying Applications

Ward:	Both	Date:	3 August 2012
Precinct:	All	File Ref:	PLA0244
Attachments:	001 – Policy No. 3.5.11 relating to Application of Clause 40 (TPS No. 1) – Guidelines for Non-Complying Applications		
Tabled Items:	Nil		
Reporting Officer:	T Young, Manager Strategic Planning, Sustainability and Heritage Services		
Responsible Officer:	C Eldridge, Director Planning Services		

CORRECTED OFFICER RECOMMENDATION:

That the Council;

1. **AUTHORISES** the Chief Executive Officer to advertise the proposed new Draft Policy No. 3.5.11 relating to ~~Application of Clause 40 (TPS No. 1) – Guidelines for Non-Complying Applications~~ Exercise of Discretion for Development Variation to Standards or Requirements Set Out Under the Scheme or Prescribed Under a Local Planning Policy, 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 subject to the following amendments; and
 - 1.1 The title of the Draft Policy No. 3.5.11 be amended to “Exercise of Discretion for Development Variation to Standards or Requirements Set Out Under the Scheme or Prescribed Under a Local Planning Policy”;
 - 1.2 The introduction of the Draft Policy No. 3.5.11 be reworded to remove reference to ‘Clause 40’ and to state that “The guidelines contained within the policy are designed to provide a framework to assist the Council in determining development applications that require the exercise of discretion for variations to standards or requirements set out under the Scheme or prescribed under a Local Planning Policy; and
2. **After the expiry period for submissions:**
 - 2.1 **REVIEWS** the Draft Policy No. 3.5.11 relating to Application of Clause 40 (TPS No. 1) – Guidelines for Non-Complying Applications having regard to any submissions received; and
 - 2.2 **DETERMINES** the Draft Policy No. 3.5.11 relating to Application of Clause 40 (TPS No. 1) – Guidelines for Non-Complying Applications having regard to any submissions with or without amendments, to or not to proceed with the draft Policy.

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

Moved Cr Buckels, Seconded Cr Maier

That the corrected recommendation be adopted.

Debate ensued.

Cr Harley and Cr Carey departed the Chamber at 6.45pm.

Debate ensued.

Cr Carey returned to the Chamber at 6.53pm.

Debate ensued.

Cr Harley returned to the Chamber at 6.54pm.

Debate ensued.

AMENDMENT

Moved Cr McGrath, Seconded Cr Wilcox

That a new Clause 1.3 be inserted into Policy No. 3.5.11

The following sentence being added to the end of the paragraph in the Policy Section 3.2: "The degree of variation to the number of storeys allowed will be subject to the number and quality of measures proposed to meet the Additional Requirements."

AMENDMENT PUT AND CARRIED UNANIMOUSLY (9-0)

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

COUNCIL DECISION ITEM 9.1.6

That the Council;

1. **AUTHORISES** the Chief Executive Officer to advertise the proposed new Draft Policy No. 3.5.11 relating to Exercise of Discretion for Development Variation to Standards or Requirements Set Out Under the Scheme or Prescribed Under a Local Planning Policy, 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 subject to the following amendments;
 - 1.1 The title of the Draft Policy No. 3.5.11 be amended to "Exercise of Discretion for Development Variation to Standards or Requirements Set Out Under the Scheme or Prescribed Under a Local Planning Policy";
 - 1.2 The introduction of the Draft Policy No. 3.5.11 be reworded to remove reference to 'Clause 40' and to state that "The guidelines contained within the policy are designed to provide a framework to assist the Council in determining development applications that require the exercise of discretion for variations to standards or requirements set out under the Scheme or prescribed under a Local Planning Policy; and
 - 1.3 The following sentence being added to the end of the paragraph in the Policy Section 3.2: "The degree of variation to the number of storeys allowed will be subject to the number and quality of measures proposed to meet the Additional Requirements".
2. **After the expiry period for submissions:**
 - 2.1 **REVIEWS** the Draft Policy No. 3.5.11 relating to Application of Clause 40 (TPS No. 1) – Guidelines for Non-Complying Applications having regard to any submissions received; and
 - 2.2 **DETERMINES** the Draft Policy No. 3.5.11 relating to Application of Clause 40 (TPS No. 1) – Guidelines for Non-Complying Applications having regard to any submissions with or without amendments, to or not to proceed with the draft Policy.

ADDITIONAL INFORMATION:

The title and application has been corrected to include both applications of discretion being those under Clause 40 and those under a local planning policy variation clause.

This will ensure consistency is the discretion parameters for all applications given some variations are allowed under policy rather than requiring Clause 40.

PURPOSE OF REPORT:

The purpose of this report is to enable the Council to consider advertising the proposed new Draft Policy No. 3.5.11 relating to Application of Clause 40 (TPS No. 1) – Guidelines for Non-Complying Applications, for public comment.

BACKGROUND:

The Council at its Ordinary Meeting held on 20 December 2011 endorsed the City's Draft Town Planning Scheme No. 2 Text and Maps, Draft Local Planning Strategy and associated Draft Precinct Policies to be forwarded to the Western Australian Planning Commission to seek consideration to consent to advertise. The documents, whilst remain confidential, it is to be acknowledged that in the preparation of the documents, due consideration has been given to ensuring that the City continues to have a Town Planning Scheme that is robust and flexible to change, whilst also providing a sound framework to the determination of Non-Complying Applications at the City, particularly with respect to medium to large scale developments, through an incentive based approach. The main intention of this is to ensure that all decisions on Non-Complying Development Applications are carried out in a transparent and equitable manner.

The minutes from the Ordinary Meeting of Council held on the 20 December 2011 are downloaded from the following link. The full minutes are not available, as the matter is a Confidential Item.

<http://www.vincent.wa.gov.au/files/492f6383-698e-424f-9142-9fc800b39bb5/20111220.pdf>

History:

Date	Comment
4 December 1998	City of Vincent Town Planning Scheme No. 1 gazetted.
14 December 2011	The City received endorsement from the City's lawyers on sections within the City's Draft Town Planning Scheme No. 2, with respect to requirements relating to variation to non-complying applications.
20 December 2011	The Council at its Ordinary Meeting endorsed that the City of Vincent Town Planning Scheme No. 2, Local Planning Strategy and associated Precinct Policies be forwarded to the Western Australian Planning Commission to seek consent to advertise.

Previous Reports to Council:

There have been no previous reports to the Council in relation to the subject Planning and Building Policy Amendment No. 99 relating to the creation of a new Policy No. 3.5.23 relating to Application of Clause 40 (TPS) No. 1 – Guidelines for Non-Complying Applications.

DETAILS:

Since the City's Town Planning Scheme No. 1 was gazetted on 4 December 1998, the Scheme has included Clause 40, which provides the Council extensive discretion in the determination of Non-Complying Development Applications. This Clause has also provided the City with a robust and flexible planning framework, which has allowed the City to readily adapt to change, whilst not having to undertake numerous Scheme Amendments.

Whilst generally this flexibility has been beneficial to the City, by enabling a range of developments that have met the needs and trends of the time, there has been situations, where the broad application of this Clause has resulted in ad hoc and inequitable decision making.

This new draft Policy No. 3.5.11 has been developed to provide a stronger framework to both applicants and decision makers in the application of Clause 40 to ensure the continuation and encouragement of good design outcomes, in a more structured framework. This new draft Policy No. 3.5.11 is to be the sole main Policy in guiding non-complying development applications. Accordingly the current Policy No. 3.4.8 relating to Multiple Dwellings is being amended to remove reference to requirements for variations, and rather focus primarily on the requirements expected of multiple dwelling developments in the City in both medium and high density residential zoned areas.

Clause 40 of Town Planning Scheme No. 1

Clause 40 of the City's Town Planning Scheme No. 1, reads as follows:

"40 DETERMINATION OF NON-COMPLYING APPLICATIONS

- (1) *In this clause:*
- (a) *an application which does not comply with a standard or requirements of this Scheme (including a standard or requirement set out in a planning policy or in the Scheme Map), where the standard or requirement does not provide for any permitted variation, is called a "non-complying application"; and*
 - (b) *a non-complying application does not include an application involving a prohibitive use.*
- (2) *Subject to subclause (3), the Council may refuse or approve a non-complying application.*
- (3) *The Council cannot grant planning approval for a non-complying application unless –*
- (a) *is so, required by the Council under Clause 38 (2) and the application has been advertised; and*
 - (b) *the Council is satisfied by an absolute majority that –*
 - (i) *if approval were granted, the development would be consistent with –*
 - (a) *the orderly and proper planning of the locality;*
 - (b) *the conservation or the amenities of the locality;*
 - (c) *the statement of intent set out in the relevant Scheme Map; and*
 - (ii) *the non-compliance would not have any undue adverse affect on –*
 - (a) *the occupiers or users of the development;*
 - (b) *the property in, or the inhabitants of the locality; or*
 - (c) *the likely future development of the locality."*

Key Elements of the Policy

The Policy has been kept as succinct has possible, and has been separated into three (3) scenarios, as follows:

1. *Variations to Standards or Requirements Prescribed under the Scheme*

As the name suggests, this scenario relates to when a development does not comply with Standards or Requirements Prescribed Under the Scheme.

Under the City's Town Planning Scheme No. 1, the Development Requirements are set out in Part 3 and are separated into three divisions. Effectively Clause 40 enables the variation to any of the requirements detailed in this section of the Scheme, with the exception of approving any prohibitive uses (e.g. multiple dwellings in the Hyde Park and the Cleaver Precincts).

More specifically, Clause 40 essentially enables the Council to vary all the requirements of the Residential Design Codes of Western Australia and the requirements of a designated density assigned to a property in the Town Planning Scheme No. 1 Maps.

In this scenario, given the varying scenarios in which this would be applied, it is recommended that criteria for considering non-compliance in this regard remain relatively broad, and more specific criteria is outlined with respect to variation in height, as in the third scenario detailed below.

This approach is largely consistent with that detailed in the draft Town Planning Scheme No. 2.

2. *Variations to Standards or Requirements Prescribed under a Local Planning Policy*

As the name suggests, this relates to applications that do not comply with the Standards or Requirements outlined in a Local Planning Policy. Local Planning Policies are adopted pursuant to clause 47 of the City's Town Planning Scheme No. 1, which are intended to provide more specific information than that detailed in the Residential Design Codes of Western Australia to manage development within the context of the City of Vincent. The Residential Design Codes outline matters in which Local Governments can make Planning Policy, and matters which require approval first from the Western Australian Planning Commission. The City is currently undertaking an extensive review of its Local Planning Policies with a view to reduce the amount of Policies and streamline the existing Policies to ensure improved consistency in their application.

Except in scenarios relating to a variation to height, the criteria for considering variations to the City's Local Planning Policies has remained relatively broad, given the scope of variations that could arise across the suite of the City's Policies. It is considered that better adherence to provisions in Local Planning Policies will be best addressed through simplifying the current Policies, with more specific criteria only required for variation relating to height/number of storeys.

This approach is largely consistent with that detailed in the draft Town Planning Scheme No. 2.

3. *Variations to Number of Storeys Prescribed in a Local Planning Policy*

The number of storeys for development within the City of Vincent is detailed in Local Planning Policy for both residential development and commercial development. This is one of the key elements in which Council has exercised their discretion since the inception of the Town Planning Scheme No. 1. To avoid ad hoc and inequitable decision making, a more detailed framework has been incorporated into this new proposed Policy No. 3.5.11 to improve consistency and transparency in the decision making process.

This section has been separated into main variation types:

- Type 1 - Areas with a 2 or 3 storey height limit requiring 1 additional storey; and
- Type 2 - Areas with a 4 or more storey height limit requiring an additional 1 or 2 storey.

This approach is largely consistent with that detailed in the draft Town Planning Scheme No. 2.

Type 1 – Medium Scale Development

Scenario 1 is for medium scale development, in which to achieve the variation, the proposed development must first meet the essential criteria of not being detrimental to the amenity of the locality, and then must meet one additional requirement relating to the following:

- The natural ground level of the site is sloping downwards from the primary street and the proposed development has the appearance of a two-storey development from the primary street; or
- The proposed development conserves, enhances or adaptive re-uses an existing building worthy of retention, including, but not limited to any place on the City's Municipal Heritage List; or
- The proposed development incorporates exemplary design excellence and has the positive recommendation of the City's Design Advisory Committee; or
- The proposed development incorporates sustainable design features which would qualify the development to receive a rating which significantly exceeds that required under the statutory minimum as assessed by Organisation recognised by the Council.

Type 2 – Large Scale Development

Scenario 2 is for large scale development on Strategic Development Sites which are 1,000 square metres or more in site area. These sites are often landmark sites that given their size and location can accommodate greater development potential than that prescribed in a Local Planning Policy. However for this reason there is an expectation from the Council that these sites provide tangible benefits to the community through displaying design excellence, sustainable design principles and/or offering a service that will contribute to creating a vibrant inner City urban environment.

To qualify for consideration for a variation in height, these developments must first address the essential criteria of being identified as a strategic development site, and then in addition to this, must display one of the following requirements:

- The proposed development conserves or enhances an existing building worthy of retention, including, but not limited to all places on the City's Municipal Heritage List; or
- The proposed development incorporates exemplary design excellence and has the positive recommendation of the City's Design Advisory Committee; or
- The proposed development incorporates sustainable design features which would qualify the development to receive a rating which significantly exceeds that required under the statutory minimum as assessed by Organisation recognised by the Council; or
- The development includes a significant community or other facility that constitutes a significant improvement to the locality; or
- The proposed development provides affordable housing, demonstrated through partnership agreements with a recognised or approved housing provider; or
- The proposed development will result in the ceding of significant land to the local government for a public purpose and/or public open space; or
- The proposed development effects the discontinuance of a non-conforming use; or
- The proposed development provides short stay accommodation, in the form of a hotel, serviced apartments or similar.

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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Consultation Period: 28 days

Consultation Type: Advert in local paper, notice on the City's website, copies displayed at City of Vincent Administration and Civic Building and Library and Local History Centre, written notification to owner(s) and occupier(s) of adjacent affected properties as determined by the City of Vincent and to the Western Australian Planning Commission and the State Heritage Office, and other appropriate government agencies as determined by the City of Vincent.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

RISK MANAGEMENT IMPLICATIONS:

Medium: It is considered that the implementation of this proposed new Policy No. 3.5.11 will reduce the risk associated with determination development applications in an unpredictable, inequitable and ad hoc manner, by providing a well defined and flexible framework to create a more efficient and equitable process in determining Non-Complying Development Applications.

STRATEGIC IMPLICATIONS:

In keeping with the City's *Strategic Plan 2011-2016* – Objective 1.1 states:

"Improve and Maintain the Environment and Infrastructure:

1.1.1 Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision".

SUSTAINABILITY IMPLICATIONS:

ENVIRONMENTAL	
Issue	Comment
The proposed new Policy No. 3.5.11 relating to Application of Clause 40 (TPS No. 1) – Guidelines for Non-Complying Development Applications, serves to provide an incentive based approach to encourage exemplary developments which incorporate best practice sustainable design features.	

SOCIAL	
Issue	Comment
The proposed new Policy No. 3.5.11 relating to Application of Clause 40 (TPS No. 1) – Guidelines for Non-Complying Development Applications, serves to provide an incentive based approach to encourage a wide range of affordable housing opportunities for the City's residents by responding to the steady increased pressure for housing options in Vincent and Perth more generally.	

ECONOMIC	
Issue	Comment
The proposed new Policy No. 3.5.11 relating to Application of Clause 40 (TPS No. 1) – Guidelines for Non-Complying Development Applications, serves to provide an incentive based approach assist in facilitating appropriately located accommodation conveniently located within close proximity to the City's commercial and tourist hubs ensuring that the City is an attractive destination for local and international tourists.	

FINANCIAL/BUDGET IMPLICATIONS:

Expenditure for advertising of the Policies will be incurred under the following budgeted item:

Town Planning Scheme Amendments and Policies

Budget Amount: \$80,000
Spent to Date: \$ 0
Balance: \$80,000

COMMENTS:

It is considered that the proposed draft new Policy No. 3.5.11 relating to Application of Clause 40 (TPS No. 1) – guidelines for non-complaint applications will achieve the following key outcomes:

1. Provide an equitable and standardized process to determine non-complying development applications received by the City;
2. Create an incentive based approach to encourage landmark development that provides a direct and tangible benefit to the environment, the community and local residents;
3. Encourage development that exhibits design excellence and sustainable design principles in key strategic sites within the City;
4. Encourage development that provides a range of housing typologies that address the demographic and growing needs of the community; and
5. Encourage the retention and adaptive re-use of the City's building stock.

In light of the above, it is recommended that the Council progress the proposed new Policy No. 3.5.11 relating to Application of Clause 40 (TPS No. 1) – Guidelines for Non-Complying Development Applications in accordance with the Officer Recommendation and advertise the draft policy 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.

9.1.7 Amendment No. 100 to Planning and Building Policies – Amendments to Policy 3.4.8 Multiple Dwellings in Residential Areas

Ward:	Both	Date:	3 August 2012
Precinct:	All	File Ref:	PLA0213
Attachments:	001 – Draft Amended Policy 3.4.8 Multiple Dwellings in Residential Zones 002 – Existing Policy 3.4.8 Multiple Dwellings in Residential Zones		
Tabled Items:	Nil		
Reporting Officer:	Carlie Eldridge, Director Planning Services		
Responsible Officer:	Carlie Eldridge, Director Planning Services		

CORRECTED OFFICER RECOMMENDATION:

That the Council;

1. **AUTHORISES** the Chief Executive Officer to advertise the proposed amendments to Policy No. 3.4.8 Multiple Dwellings in Residential Zones, 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 subject to the following amendments; and

- 1.1 Clause 4.2.1 and 4.2.2 of the draft amended Policy No. 3.4.8 be amended to state that all development applications for Multiple Dwellings in a Residential zone are required to submit a Neighbourhood Context Report and Development Application Report; and

- 1.2 Clause 6.4.1 of the draft amended Policy No. 3.4.8 be amended to remove references to a Strategic Development Site having to be a vacant site or contain a derelict building.

2. After the expiry period for submissions:

- 2.1 **REVIEWS** the Draft Policy No. 3.4.8 Multiple Dwellings in Residential Zones having regard to any submissions received;

- 2.2 **DETERMINES** the Draft Policy No. 3.4.8 Multiple Dwellings in Residential Zones having regard to any submissions with or without amendments, to or not to proceed with the draft Policy.

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

Moved Cr McGrath, Seconded Cr Maier

That the corrected recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Topelberg

That the Officer Recommendation be amended to read as follows:

“That the Council;

1. **AUTHORISES** the Chief Executive Officer to advertise the proposed amendments to Policy No. 3.4.8 Multiple Dwellings in Residential Zones, 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 subject to the following amendment; and

1.1 The definition of a 'Multiple Dwelling' be amended to "as per current R Codes" and a definition of 'Vertically Above' be added to state "no less than 50 percent of floor area of a dwelling above another dwelling."

Debate ensued.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (9-0)

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

COUNCIL DECISION ITEM 9.1.7

That the Council;

1. **AUTHORISES** the Chief Executive Officer to advertise the proposed amendments to Policy No. 3.4.8 Multiple Dwellings in Residential Zones, 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 subject to the following amendment:
 - 1.1 **The definition of a 'Multiple Dwelling' be amended to "as per current R Codes" and a definition of 'Vertically Above' be added to state "no less than 50 percent of floor area of a dwelling above another dwelling.**
 - 1.2 **Clause 6.4.1 of the draft amended Policy No. 3.4.8 be amended to remove references to a Strategic Development Site having to be a vacant site or contain a derelict building; and**
2. **After the expiry period for submissions:**
 - 2.1 **REVIEWS** the Draft Policy No. 3.4.8 Multiple Dwellings in Residential Zones having regard to any submissions received;
 - 2.2 **DETERMINES** the Draft Policy No. 3.4.8 Multiple Dwellings in Residential Zones having regard to any submissions with or without amendments, to or not to proceed with the draft Policy.

PURPOSE OF REPORT:

The purpose of this report is to enable the Council to consider proposed Amendments to Policy No. 3.4.8 Multiple Dwellings in Residential Zones to ensure comprehensive development applications, clarity of development requirements and higher quality outcomes in regards to multiple dwellings in residential areas within the City.

BACKGROUND:

Policy No. 3.4.8 Multiple Dwellings in Residential Zones was developed and adopted by the City on 28 October 2008. The Policy was amended 9 August 2011 following amendments to the Residential Design Codes of Western Australia (R Codes) in November 2010 that provided greater feasibility for development of Multiple Dwellings on residential properties coded above R30. The substantial change was the inclusion of a new Part 7 of the R Codes setting out design elements requirements for multiple dwellings in areas with a coding of R30 or greater and within mixed use developments and activity centres.

The City has received a number of development applications with multiple dwellings in residential street which has highlighted issues in relation to both the information submitted as part of the development application process and the requirements of the City in regards to the design of multiple dwellings in residential areas. The policy is proposed to be amended to address these issues.

History:

Date	Comment
28 October 2008	Council adopted Policy 3.4.8 Multiple Dwellings in Residential Zones
22 November 2010	Amendments to State Planning Policy 3.1: Residential Design Codes (Variation 1) Gazetted.
9 August 2011	Council adopted amended Policy 3.4.8 Multiple Dwellings in Residential Zones

Previous Reports to Council:

This matter was previously reported to the Council at the Ordinary Meeting on 9 August 2011.

The Minutes of Item 9.1.1 from the Ordinary Meeting of Council held on 9 August 2011 relating to this report is available on the City's website at the following link:

http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes.

DETAILS:

The Multiple Dwellings in Residential Areas Policy is proposed to have amendments that include development application submission requirements as well as requirements that relate to the design of multiple dwellings in residential areas. The R Codes allow Local Governments to augment to R Codes by adding additional acceptable development and performance criteria through Local Planning Policies where they do not contradict the requirements of the Codes. Given this additional acceptable development and performance criteria are proposed in this policy relating to landscaping requirements of the City. The proposed changes are outlined below and discussed in the comments section of the report.

Objectives

Two additional policy objectives are proposed:

6. *To ensure that multiple dwelling developments have well designed open space and soft landscaped areas that are designed as an integral part of the site design and contribute positively to the residential streetscape character.*
7. *To ensure that Development Applications for multiple dwelling developments are of a high standard and provide the required information outlining how the proposal relates to its context, contributes positively to the streetscape and meets all the statutory planning requirements."*

Definitions:

The following additional policy definitions are proposed:

2.2 Open Space – as per current R Codes definition

2.3 Landscape, Landscaping or Landscaped – as per current R Codes with **additional** clarification on "any such area approved by the council as landscaped area" to be defined as:

Landscaped areas are to be available for the use and enjoyment of the occupants, can include open area recreational areas and open air porous parking areas but excludes covered portions of driveways, hard paved driveway and parking areas, drying areas or strips of landscaped areas less than 1m wide (exclusive of pathways).

2.4 Private Open Space – as per R Codes

2.5 Soft Landscaping –

Any landscaped area with a minimum soil depth of 300mm that contains in-ground planting, and is exclusive of removable planter boxes/pots and porous paving areas.

2.6 Landscape Concept Plan –

A Landscape Concept Plan – A Landscape Concept Plan which may be combined with the Proposed Development Site Plan as set out in Clause 3.5.1 of the R Codes shall be provided at a scale not less than 1:200 showing the following as a minimum:

- (a) Clearly identified areas and calculations demonstrating compliance with the requirements of Open Space*
- (b) Clearly identified areas and calculations demonstrating compliance with the requirements of Landscape, Landscaping or Landscaped*
- (c) Clearly identified areas and calculations demonstrating compliance with the requirements of Private Open Space*
- (d) Clearly identified areas and calculations demonstrating compliance with the requirements of Soft Landscaping*
- (e) Location and Levels of all paved areas*
- (f) The levels and falls of the sites drainage demonstrating that all water is retained on site*
- (g) Identification and location of trees to be retained, removed and planted*

2.7 Neighbourhood Context Report

Requirements exactly as per existing Policy in section 6 transferred to definitions.

2.8 Development Application Report

A development Application Report is to demonstrate compliance with planning requirements for multiple dwelling developments through written justification and diagrams and is to include as a minimum:

- (i) The applicant is to submit a written response to demonstrate how the proposed development complies with the requirements of the City's Town Planning Scheme and the Acceptable Development Criteria of the R Codes, RDE's, Multiple Dwellings in Residential Zones Policy and any other relevant policy of the City.*
- (ii) Where elements of the proposed development are designed to satisfy the Performance Criteria the application is to include a written response for each element including diagrams and plans demonstrating compliance with all of the performance criteria and that the outcome is equal to or better than achieved utilising the related acceptable development criteria.*
- (iii) The applicant is to submit a written response which demonstrates how the proposed development was designed to addresses the 10 Principles of the City's Design Advisory Committee.*

2.9 R Codes

Refers to the currently gazetted Residential Design Codes of Western Australia."

Development Application Process

A new section has been added which brings together existing requirements set out in the policy that relate to the development application process and includes new additional information regarding the pre-lodgement process and Design Advisory Committee requirements and clarification of the requirement for Landscape Concept Plans. It is noted that the provision of a landscaping plan already exists as an RDE requirement; this policy provides clarity on the plan requirements and process. Figure 1 a flow chart of the pre lodgement process and Figure 2 of the development application process have been added for clarity.

The pre lodgement process is clearly defined to require both consideration by the City's Design Advisory Committee (DAC) and a Pre-lodgement Meeting with technical officers. The requirements for submitting a development application for multiple dwellings are more clearly defined to include the submission requirements of a neighbourhood context report, development application report and landscape concept plans along with plans showing proposal.

Development Application – General Requirements

A new section has been added which brings together existing requirements set out in the policy that relate to the design of multiple dwelling developments and includes new additional information regarding landscaping requirements, sustainable design and streetscape activation and integration. It is noted the RDE's cover detailed requirements relating to streetscape design and the R Codes set out requirements for Open Space, Outdoor Living Areas and Landscaping.

This policy sets out the City's requirements within the R Codes requirements in regards to amount of open space required by setting out minimum % areas of landscaped areas and soft landscaping within the total open space provided within a development. These requirements are proposed to be additional acceptable development criteria. Additional performance criteria are also proposed to ensure equal or better outcomes where an application proposes to uses performance criteria in relation to these matters.

New Policy Requirements follow:

“5.2 Landscaping

This section of the policy sets minimum standards for open space and landscaping requirements for multi unit dwellings. Open Space and Landscaping (including soft landscaping) are separate concepts which have separate but complimentary requirements. Council may also apply conditions relating to open space and/or landscaping when a development is approved to achieve other outcomes including addressing the relationship to adjoining properties.

5.2.1 Additional R Codes Acceptable Development Criteria Requirements for 7.3.2 Landscaping:

When assessing the Development Applications under Clause 7.3.2 of the R Codes, the following additional Acceptable Development Criteria are to be used in the assessment, recommendation and determination.

Open Space and Landscaping	Requirements:
<i>Open Space</i>	<i>Area of Open Space as per R Codes Table 4</i>
<i>Landscape, Landscaping or Landscaped</i>	<i>Area of Landscaped area provided within the site shall be a minimum 30% of the total site area</i>
<i>Soft Landscaping</i>	<i>A minimum 15% of the total site area shall be provided as soft landscaping within the total site area A minimum 10% of the total site area shall be provided as soft landscaping within the common areas of the total site area</i>

5.2.2 Additional R Codes Performance Criteria Requirements for 7.3.1 Outdoor Living Areas and 7.3.2 Landscaping

When assessing the Development Applications under Clause 7.3.1 and 7.3.2 of the R Codes, the following additional Performance Criteria are to be used in the assessment, recommendation and determination.

7.3.1 Outdoor Living Areas:

P1:

Balconies or equivalent outdoor living areas capable of use in conjunction with a habitable room of each dwelling that:

- *Provide useable outdoor living areas for each dwelling with direct sunlight.*
- *Assists in providing a landscaped setting for the building.*
- *Maintains a sense of open space between buildings.*
- *contribute to the desired streetscape*

7.3.2 Landscaping:

P2:

- *Assists in contributing to the character of the locality.*
- *Assists in providing a landscaped setting for the building.*
- *Assists in the protection of mature trees.*
- *Maintains a sense of open space between buildings.*
- *Assists in increasing tree and vegetation coverage.*

5.3 Sustainable Design

The following sustainability design aspects shall be addressed in the building design and demonstration of these shall be included in the development application report.

5.3.2 Solar Passive Design: *Multiple Dwelling developments shall be designed to maximise northern sunlight to living areas of dwellings and provide natural daylight to all dwellings.*

5.3.3 Cross Ventilation: *Multiple Dwelling developments shall be designed to maximise cross ventilation to dwellings and provide natural ventilation to all dwellings.*

5.4 Streetscape Integration and Activation

Multiple Dwelling developments are to be designed to address the streetscape and shall provide ground floor activation to the street. The following design aspects shall be addressed in the building design and demonstration of these shall be included in the development application report:

5.4.1 Additional R Codes Acceptable Development Criteria Requirements for 7.2.1 Surveillance of the Street

A1

A1.4 Ground Floor Activation: The ground floor shall be designed to address the street and provide passive surveillance of the street from the building.

A1.5 Streetscape Integration: Multiple Dwelling developments shall be designed to integrate into the street and ensure garages and car parking areas do not dominate the streetscape.

5.4.2 Additional R Codes Performance Criteria Requirements for 7.2.1 Surveillance of the Street

P1

P1.3 Streetscape Integration: Multiple Dwelling developments shall be designed to integrate into the street through providing a clear and identifiable entry from the street and to the development and ensuring garages and car parks do not dominate the streetscape."

Development Applications – Specific Requirements

A new section has been added which brings together existing requirements set out in the policy that relate to the specific requirements of multiple dwelling developments and includes new additional information on transitional areas as follows:

"6.3 Transition Areas

There are a number of lots across the City where it may be appropriate for Council to consider variations to height requirements to achieve transitional design outcomes where it can be demonstrated that the variation to height provides a design that contributes positively to the streetscape.

Transitional sites are as follows:

- *Lots located adjacent to a lot on a major road identified in Clause 6.2.1 which has a current development approval or is built to a height greater than 2 storeys.*
- *Lots located adjacent to a commercial area which has a current development approval or is built to a height greater than 2 storeys."*

Development Applications – Variation to Requirements

The existing section which set out requirements by which council could consider variations to the requirements for multiple dwellings has been removed and now there is a reference to the new Policy 3.5.11 relating to Application of Clause 40 – Guidelines for Non Complying Applications. This is to provide greater clarity and consistency for council considering non complying applications and discretions under Clause 40 of the Town Planning Scheme.

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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Consultation Period: 28 days

Consultation Type: Advert in local paper, notice on the City's website, copies displayed at City of Vincent Administration and Civic Building and Library and Local History Centre, written notification to owner(s) and occupier(s) of adjacent affected properties as determined by the City of Vincent and to the Western Australian Planning Commission and the State Heritage Office, and other appropriate government agencies as determined by the City of Vincent.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

RISK MANAGEMENT IMPLICATIONS:

The amendments proposed aim to reduce the risks associated with poor quality development applications both in regards to information provided and in regards to the proposed design of the development.

STRATEGIC IMPLICATIONS:

In keeping with the City's *Strategic Plan 2011-2016* – Objective 1.1 states:

“Improve and Maintain the Environment and Infrastructure:

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

SUSTAINABILITY IMPLICATIONS:

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

ENVIRONMENTAL	
Issue	Comment
	In regards to the policy additional landscaping requirements which ensures that multiple dwellings include within their required open space areas, landscaped areas and soft landscaped areas which will increase tree and vegetation coverage and reduce areas of hard paving which has heat impacts.
	The policy also makes the requirement to address solar access to dwellings and cross ventilation in the design of multiple dwellings to improve the environmental performance of dwellings and provide the potential to reduce reliance on mechanical heating and cooling.

SOCIAL	
Issue	Comment
	The policy amendments proposed aim to improve streetscape design and landscape design which both provide tangible benefits to the community in both streetscape enmity and safety through increased passive surveillance.

ECONOMIC	
Issue	Comment
	The policy does relate to the economics of multiple dwelling developments but provides for better quality developments which should have an economic benefit to the greater community and future owners.

FINANCIAL/BUDGET IMPLICATIONS:

Expenditure for advertising of the Policies will be incurred under the following budgeted item:

Town Planning Scheme Amendments and Policies

Budget Amount: \$ 80,000
Spent to Date: \$ 0
Balance: \$ 80,000

COMMENTS & CONCLUSION:

The City has experienced an increase in multiple dwelling development application since the amendment to the R Codes in November 2010, particularly in residential areas. A number of issues have been identified in relation to these applications both with the information submitted with the application for assessment and with the design of the developments. To address both of these issues a number of changes have been proposed to the City's existing Multiple Dwellings in Residential Zones Policy. These changes are discussed below:

Development Application Process

To ensure that multiple dwelling developments are designed in a comprehensive manner that relates to the streetscape and the site and in accordance with planning requirements a pre lodgement process is outlined which includes consideration by the City's DAC as well as City technical officers prior to formal lodgement of a development application.

Development Application Information

To ensure that multiple dwelling developments are designed in accordance with planning requirements, including the Town Planning Scheme, R Codes and City Policies amendments are proposed to the policy that require a comprehensive neighbourhood context report for developments 2 storeys and above that also includes information detailing how the proposed development complies with City Policies, how the design is based on the 10 principles set out by the DAC and demonstrates how design elements meet the performance criteria.

This additional clarification of information will assist in the community consultation phase, officer assessment and council deliberations.

Landscaping

To ensure that multiple dwelling developments are designed in keeping with residential character, landscaping requirements including soft landscaping requirements have been set out as additional acceptable development criteria. In addition the submission requirements for landscape concept plans are clarified and additional performance criteria proposed where a proposal is designed to meet performance criteria.

Open Space requirements are set under the R Codes, for example R 30-60 has a 45% open space requirement. This policy adds further complimentary acceptable development criteria in requiring landscaping to be 30% and soft landscaping to be 15%. The difference primarily is that landscaping does not include hard paved areas and undercover paved areas but will include porous paved areas e.g. Grasscrete style paving. The soft landscaping requirement is to ensure some of the open space is in ground planting.

Sustainability

The City has a sustainability policy which guides sustainable design requirements. This policy is currently been reviewed to provide more certainty and clarity on requirements for all development types. In regards to multiple dwelling developments the two key areas that need addressing are solar design, being access to northern light in habitable rooms and cross ventilation. These two elements have been added to the policy to ensure they are particularly addressed in the design.

Streetscape

The design of multiple dwelling developments needs to integrate with the streetscape and ensure an active ground floor. To ensure this is met in the design additional acceptable development and performance criteria are proposed.

Variations

In regards to Council allowing variations to multiple dwelling developments, the existing policy contains provisions for which sites Council will consider variations on and under what parameters. In addition to this Council has defined discretion parameters in draft Town Planning Scheme 2 that provide greater clarity to height variations. These proposed changes are proposed to be in a new Policy No. 3.5.11 which will cover all development applications. To provide consistency across the City it is proposed to remove the variations section from this policy and use the new Policy which applies to all developments.

In light of the above, it is recommended that the Council progress the amendments to Policy No. 3.4.8 Multiple Dwellings in Residential Zones in accordance with the Officer Recommendation and advertise the draft policy 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.

9.1.9 Town Planning Scheme Review - Approval of the Community Engagement Plan

Ward:	Both	Date:	3 August 2012
Precinct:	All	File Ref:	PLA0140
Attachments:	001 – Community Engagement Plan 002 – Community Engagement Action Plan		
Tabled Items:	Nil		
Reporting Officer:	T Young, Manager Strategic Planning, Sustainability and Heritage Services		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council **ENDORSES** the Community Engagement Plan and associated Community Engagement Action Plan for the Town Planning Scheme Review, as the key document to manage the advertising of the City's Local Planning Strategy, Town Planning Scheme No. 2 and associated Local Planning Precinct Policies, following consent to advertise being received from the Western Australian Planning Commission.

Moved Cr Topelberg, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

AMENDMENT NO 1

Moved Cr Topelberg, Seconded Cr McGrath

That a new 1.2 be inserted as follows:

"1.2 NOTES the requirement to endorse a Long Term Strategic Plan before July 2013"

Debate ensued.

AMENDMENT NO 1 PUT AND CARRIED UNANIMOUSLY (9-0)

Debate ensued.

AMENDMENT NO 2

Moved Cr Carey, Seconded Cr Pintabona

That the following Clause be included;

"1.3 REQUESTS that the consultation methodology be reviewed and be reported to the next Ordinary Meeting of Council on 28 August 2012."

Debate ensued.

AMENDMENT NO 2 PUT AND CARRIED UNANIMOUSLY (9-0)

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

COUNCIL DECISION ITEM 9.1.9

That the Council;

- 1.1 **ENDORSES** the Community Engagement Plan and associated Community Engagement Action Plan for the Town Planning Scheme Review, as the key document to manage the advertising of the City's Local Planning Strategy, Town Planning Scheme No. 2 and associated Local Planning Precinct Policies, following consent to advertise being received from the Western Australian Planning Commission;
- 1.2 **NOTES** the requirement to endorse a Long Term Strategic Plan before July 2013; and
- 1.3 **REQUESTS** that the consultation methodology be reviewed and be reported to the next Ordinary Meeting of Council on 28 August 2012.

PURPOSE OF REPORT:

The purpose of this report is for the Council to approve for the Community Engagement Plan for the Town Planning Scheme Review.

BACKGROUND:

The Council at its Ordinary Meeting held on 21 December 2012 approved for the City's Local Planning Strategy, Town Planning Scheme No. 2 (text and maps) and associated Local Planning Precinct Policies to be forwarded to the Western Australian Planning Scheme for consent to advertise. The documents were delivered to the Department of Planning on the 23 December 2011; however, to date the City has not received a formal status of the consideration of these documents to be advertised for public comment, in accordance with the *Town Planning Scheme Regulations 1967*.

Whilst formal consent to advertise has not yet been received, it is considered paramount that the City is well prepared to commence the advertising once this consent is received. Accordingly, it is important that the subject Community Engagement Plan is considered and supported by the Council, to ensure an agreed framework is in place prior to advertising commencing.

History:

Date	Comment
20 December 2011	Council approved Local Planning Strategy, Town Planning Scheme No. 2 (text and maps) and associated Local Planning Precinct Policies to be forwarded to the Western Australian Planning Commission to consent to advertise.
8 March 2012	The City's Director Planning Services and senior staff from the City's Planning Directorate met with the Department of Planning Officers and provided an overview of the Town Planning Scheme No. 2.
14 May 2012	The City's Mayor Hon. Alannah MacTiernan wrote to the Director General of the Department of Planning seeking a written response to the status of the City's Town Planning Scheme No. 2.
6 July 2012	The City's Strategic Planning staff met with the Department of Planning Officers to discuss the City's Town Planning Scheme No. 2.
11 July 2012	The City's Strategic Planning staff received preliminary feedback from the Department of Planning staff with respect to the Town Planning Scheme No. 2, in particular elements of the Town Planning Scheme No. 2 which vary from the Model Scheme Text. Planning Services Directorate currently reviewing the feedback received to provide further justification to the Department of Planning.

Previous Reports to Council:

This matter has been reported to the Council over a number of years; however, most recently it was reported to the Council on the 20 December 2011.

The Minutes of Item 14.1 from the Ordinary Meeting of Council held on 20 December 2011 relating to this report is available on the City's website at the following link:

<http://www.vincent.wa.gov.au/files/492f6383-698e-424f-9142-9fc800b39bb5/20111220.pdf>

DETAILS:

Purpose of Community Engagement Plan

It is essential to ensure that the City of Vincent has a Local Planning Strategy and Town Planning Scheme which are representative of the community's vision for growth and change into the future, whilst also supporting the broader strategic direction for the growth of Perth's Metropolitan Region outlined by the State Government. For this reason, the City is committed to ensuring that the community are given every opportunity to provide comment on the City's Local Planning Strategy, Town Planning Scheme No. 2 and associated Local Planning Precinct Policies.

The Community Engagement Plan has been prepared to provide a robust framework to manage and effectively deliver the community engagement required for the City's Local Planning Strategy, Town Planning Scheme No. 2 and associated Local Planning Policies.

Key Components the Community Engagement Plan

The Community Engagement Plan has been clearly set out and comprises the following key elements:

- Project background and Objectives;
- Community Engagement Objectives;
- Key Stakeholders;
- Engagement Parameters;
- Timeline;
- Budgetary Considerations;
- Consultation Methodology;
- Communication Types; and
- Community Engagement Action Plan

It is envisaged that the information detailed in the document, as shown in Appendix 9.1.9A (Attachment 001) and the accompanying Community Engagement Action Plan, will ensure that the community consultation objectives of this project are successfully delivered.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	No
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Whilst the Community Engagement Plan itself does not require advertising, it provides the framework for the advertising required for the Local Planning Strategy, the Town Planning Scheme No. 2 and associated Local Planning Precinct Policies. The former two documents are to be advertised in accordance with minimum requirements outlined in the *Town Planning Regulations 1967* and any further consultation that the City considers appropriate. The advertising procedures for the Local Planning Precinct Policies are at the discretion of the Council.

Regulation 12B of the *Town Planning Regulations 1967*, prescribes the minimum requirements for the advertising of the Local Planning Strategy, which is to be undertaken during a period of not less than twenty-one (21) days and Regulation 15 of the *Town Planning Regulations 1967* prescribes the minimum requirement for the Town Planning Scheme, which is to be undertaken not less than three (3) months from the date of publication of advertisement in the *Government Gazette*. Given that the City has presented a package to the Western Australian Planning Commission comprising the Local Planning Strategy, the Town Planning Scheme No. 2 and the associated Local Planning Precinct Policies, it is proposed that all documents are advertised over a three (3) month period.

LEGAL/POLICY:

1. Planning and Development Act 2005;
2. Town Planning Regulations 1967; and
3. City of Vincent Consultation Policy 4.1.5.

RISK MANAGEMENT IMPLICATIONS:

High: Providing a comprehensive Community Engagement Plan is essential in the appropriate management of the advertising of the Local Planning Strategy and Town Planning Scheme No. 2, as is required in accordance with the *Town Planning Regulations 1967*.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

- 1.1.1 *Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision."*

SUSTAINABILITY IMPLICATIONS:

The following tables outline the applicable sustainability issues for the review of the Town Planning Scheme.

ENVIRONMENTAL	
Issue	Comment
	The Local Planning Strategy and Town Planning Scheme No. 2 and associated Policies support environmental sustainability through various measures such as encouraging improved access by promoting the use public transport, cyclists and pedestrians to reduce air emissions from private cars, increase and enhance green spaces and tree plantings both in the public and private realm, promoting best practice sustainable design that responds to the environment and encouraging the adaptive reuse and retention of existing buildings.

SOCIAL	
Issue	Comment
	The Local Planning Strategy and Town Planning Scheme No. 2 and associated Policies aims to build a sense of community through encouraging diverse, interactive and vibrant meeting places in each of the City's five (5) commercial centres, whilst also ensuring pedestrian friendly residential areas and accessible public open space.

ECONOMIC	
Issue	Comment
	The Local Planning Strategy and Town Planning Scheme No. 2 and associated Policies have been written with due regard to the City's Economic Development Strategy 2011-2016 and additional economic analysis, to ensure that the promotion of a diverse range of uses in each of the City's Activity Centres and the opportunity for corresponding residential population growth within the City's residential areas.

FINANCIAL/BUDGET IMPLICATIONS:

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

Town Planning Scheme Amendments and Policies

Budget Amount: \$80,000
Spent to Date: \$ 0
Balance: \$80,000

It is envisaged that the advertising of the Local Planning Strategy, Town Planning Scheme No. 2 may cost up to \$50,000.

COMMENTS:

To progress the gazettal of the City's Town Planning Scheme No. 2, it is considered paramount that the City has an agreed Community Engagement Plan in place ready to roll out the consultation of the Town Planning Scheme No. 2 once the consent to advertise has been provided by the Western Australian Planning Commission. A key component of the Plan is for the City's staff to hold a briefing session with all Council Members to ensure that they are well informed of the process prior to commencement and to ensure consistency in messages from both the City's Administration and Council Members.

As shown in Appendix 9.1.9B (Attachment 002), it is considered that the Community Engagement Plan is a comprehensive document with the appropriate level of detail to ensure the effective delivery of the community consultation on the City's Local Planning Strategy, Town Planning Scheme No. 2 and associated Local Planning Precinct Policies. The Community Engagement Action Plan, which forms an Appendix to the Community Engagement Plan, provides the more detailed information on the process and tasks to be undertaken prior, during and following the statutory advertising period. The Action Plan will be completely populated with timeframes, once the City has received the consent to advertise from the Western Australian Planning Commission, and all the Council Members will be informed accordingly. In the interim however, the City's Officers will complete the preparatory work and will provide a Briefing Session to a Council Member Forum, likely in September 2012 with an overview of the community consultation package.

In light of the above, it is recommended that the Council adopt the Officer Recommendation to endorse the Community Engagement Plan for the Town Planning Scheme Review.

9.2.3 Proposed Environmental Initiative – ‘Cash for Cans’ Project

Ward:	Both	Date:	3 August 2012
Precinct:	All	File Ref:	(TES0593)
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officers:	J Parker, Project Officer – Parks & Environment; and R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES** the proposed project of the ‘Cash for Cans’ environmental project to be undertaken in conjunction with interested primary schools in the City;
2. **APPROVES BY AN ABSOLUTE MAJORITY** to fund the project from the 2012/2013 Environmental Budget as outlined in the report, subject to the funding not exceeding \$15,000; and
3. **AUTHORISES** the Chief Executive Officer, in liaison with the Mayor, to conduct the project and it be held between September – December 2012.

Moved Cr Carey, Seconded Cr Harley

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Topelberg, Seconded Cr McGrath

That a new Clause 4 be inserted as follows:

- “4. **INVITES** the Minister for the Environment or his representative to attend any of the City’s appropriate events related to the project.”

Debate ensued.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (9-0)

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

COUNCIL DECISION ITEM 9.2.3

That the Council;

1. **APPROVES** the proposed project of the ‘Cash for Cans’ environmental project to be undertaken in conjunction with interested primary schools in the City;
2. **APPROVES BY AN ABSOLUTE MAJORITY** to fund the project from the 2012/2013 Environmental Budget as outlined in the report, subject to the funding not exceeding \$15,000;
3. **AUTHORISES** the Chief Executive Officer, in liaison with the Mayor, to conduct the project and it be held between September – December 2012; and
4. **INVITES** the Minister for the Environment or his representative to attend any of the City’s appropriate events related to the project.

PURPOSE OF REPORT:

The purpose of the report is to obtain the Council's approval of a proposed environmental initiative – 'Cash for Cans' project to promote the importance of recycling, reduce littering and support the WA Local Government Association (WALGA) campaign for State based 'Container Deposit Legislation'.

BACKGROUND:

Container Deposit Legislation:

The 'Cash for Cans' project is part of a WALGA endorsed initiative designed to draw attention to the need State based 'Container Deposit Legislation' (CDL).

In South Australia, this legislation has been in place for over thirty (30) years and successfully compliments kerbside recycling.

The South Australian CDL has resulted in a high level of community involvement with South Australia now having the highest recycling rates of any state in Australia and with Western Australia having one of the lowest.

Western Australia reuses less than half as much waste as South Australia. A recent Australian Bureau of Statistics report into the waste management industry shows that Western Australia diverts about 28% of all rubbish from landfill sites compared with a national figure of approximately 43%.

South Australia, which has Australia's longest running recycling refund scheme, has the highest recycling rate of over 66% while all other States (except for Queensland at 35%) reuse more than 40%.

Cash for Cans:

Following a meeting with Mayor Hon. Alannah MacTiernan in July 2012, the introduction of a 'Cash for Cans' project was discussed to promote and educate the community on the value reusing materials which would otherwise be deposited in landfill. It is anticipated that the 'Cash for Cans' scheme would financially benefit the schools that participate as well as providing an educational activity.

DETAILS:

Proposed 'Cash for Cans' project:

Schools in the City would be invited to register to be included in the 'Cash for Cans' project. The school would need to commit to collecting a set number of cans over a set period of time.

For each can collected, the school would receive ten (10) cents from the City to a maximum value of \$2,000 for each school.

The City would supply a receptacle/s in which the cans would be deposited and arrange for its recycling contractor to collect the cans.

The exercise would have the benefit of educating the students, parents and teachers on the importance of recycling and provide a grant to the school.

Primary schools located within the City:

The following Primary schools would be eligible to register for the project.

- Aranmore Catholic Primary School;
- North Perth Primary School;
- Kyilla Primary School;
- Mount Hawthorn Primary School;
- Highgate Primary School; and
- Sacred Heart Primary School.

Discussion:

Funding

There is no specific funding for the 'Cash for Cans' project however there is funding in the 2012/2013 Environmental budget for the following initiatives:

- Environmental Grants and Awards \$15,000
- Education \$10,000
- Sustainable Environment Plan Implementation \$25,000
- Environmental Initiatives \$12,000

If \$2,000 was allowed for each school including advertising etc a total of \$15,000 would be required. This amount could be sourced from the above budgets.

Verification/Collection

The City's recycling contractor (Perth Waste) has agreed to supply cages which could hold up to 20,000 cans to each participating school.

Once the receptacles have been filled up with cans, the City's officers would undertake an inspection to ensure the terms of the project have been met prior to authorising payment to the school.

At the conclusion of the project, it is proposed that an event be held where the results would be announced and the awards and cheques presented.

CONSULTATION/ADVERTISING:

Schools would be invited to register for the project.

It is proposed to conduct the project between September – December 2012.

LEGAL/POLICY:

The City has an Environmental Grants and Awards Policy whereby schools are encouraged to apply for a grant to undertake environmental initiatives. Depending on the outcome of the project the policy could be amended to include 'Cash for Cans'.

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

In accordance with the City's *Strategic Plan 2011-2016 and Sustainable Environment Strategy 2011-2016*:

"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."

"Toward Environmental Sustainability

3.4 Reduce, Reduce, Recycle

Objective 7: Reduce the use of resources and production of waste within the City in partnership with Business, residents and visitors including through the re-use and recycling of materials.

SUSTAINABILITY IMPLICATIONS:

Recycling materials is an integral part of a sustainable community. Introducing City support for 'Cash for Cans' would increase the frequency of recycling within the City as well as educate members of the community about the importance of recycling.

FINANCIAL/BUDGET IMPLICATIONS:

As mentioned above, the proposal is estimated to cost \$15,000 and while there is no specific funding for the 'Cash for Cans' project there is funding in the 2012/2013 Environmental budget of \$62,000 from which this project could be funded from.

The City's Recycling Contractor will be constructing the necessary metal cages for the schools and will be collecting the cans – at his cost. It is noted that he will re-coup some of his costs from the sale of the cans.

COMMENTS:

A number of Local Governments are currently proceeding with the 'Cash for Cans' project which will not only raise awareness of the many 'positive' possibilities associated with the introduction of a State wide Container Deposit Scheme but also create a graphic illustration for media promotion.

It is therefore requested that the Council supports the proposed 'project' to be undertaken in conjunction with interested primary schools in the City and funds the project from the 2012/2013 Environmental budget at an estimated cost of \$15,000.

9.3.1 Annual Plan – Capital Works Programme 2012/2013

Ward:	Both	Date:	3 August 2012
Precinct:	All	File Ref:	FIN0025
Attachments:	001 – Annual Capital Works Plan Schedule		
Reporting Officers:	M Rootsey, Director Corporate Services; R Boardman, Director Community Services; R Lotznicker, Director Technical Services; and C Eldridge, Director Planning Services		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **APPROVES** the 2012/2013 Capital Works Programme as shown in Appendix 9.3.1A

COUNCIL DECISION ITEM 9.3.1

Moved Cr Maier, Seconded Cr Topelberg

That the recommendation be adopted.

Cr Carey departed the Chamber at 7.29pm.

Debate ensued.

Cr Carey returned to the Chamber at 7.31pm.

MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

PURPOSE OF REPORT:

To present the Annual Plan and Schedule for the Capital Works Programme 2012/2013 for Council Approval.

BACKGROUND:

At the Special Meeting of Council held on 3 July 2012, the Council adopted the Annual Budget 2012/2013.

DETAILS:

The Capital Works Programme now forms part of the Annual Plan for the City of Vincent. The Directors and Managers from the four (4) Directorates have formulated the attached Capital Works Programme. The Programme comprises of \$9.1 million of new Capital Works.

The programme takes into consideration the following factors:

- Budget/funding
- Existing workload commitments of the workforce
- Consultation requirements
- Liaison with other agencies/service areas
- Employee leave periods
- Leave requirements
- Cash flow requirements

CONSULTATION/ADVERTISING:

Not applicable

LEGAL/POLICY:

The Capital Works Programme has been prepared on the adopted 2012/2013 Annual Budget.

STRATEGIC IMPLICATIONS:

Strategic Community Plan 2011 – 2021 (Plan for the Future)

In keeping with the City's Strategic Plan 2011-2016 Key Result Area One – Natural and Built Environment:

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

SUSTAINABILITY IMPLICATIONS:

The Capital Works Programme has been prepared taking into account all aspects of sustainability that is environmentally, financial and social.

FINANCIAL/BUDGET IMPLICATIONS:

The Capital Works Programme is funded in 2012/2013 Annual Budget.

COMMENTS:

The schedule of projects may be subject to change during the year. However, the Capital Works Programme will be initially implemented on the basis of the timing as outlined in the attached programme.

Quarterly progress reports on the Capital Works Programme will be prepared for Council throughout the year.

The projects listed will ensure the City's infrastructure and assets are upgraded and maintained for the overall benefit of the community.

9.4.1 Proposal for Artwork at No. 374 Charles Street, No. 331 Bulwer Street and No. 208 Beaufort Street, North Perth

Ward:	Both	Date:	3 August 2012
Precinct:	Charles Centre, Hyde Park and Beaufort	File Ref:	PRO0098; PRO0539; and PRO3329
Attachments:	001 – Request for Quotation 002 – Shortlisted Artists' briefs		
Tabled Items:	Nil		
Reporting Officers:	R Gunning, Arts Officer; and J Anthony, Manager Community Development		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council APPROVES the recommendation of the City's Art Advisory Group for the commissioning of artwork as detailed in the Officer Report for the following;

No	Artist	Address	Artwork
1.1	Ken Sealy	No. 274 Charles Street, North Perth	"Beseech"
1.2	Matt McVeigh	No. 331 Bulwer Street, Perth	"AAG"
1.3	Lucy Vader	No. 208 Beaufort Street, Perth	"OMG"

Moved Cr Carey, Seconded Cr McGrath

That the recommendation be adopted.

Debate ensued.

Cr Topelberg departed the Chamber at 7.40pm.

Debate ensued.

Cr Topelberg returned to the Chamber at 7.41pm.

Debate ensued.

Cr Maier requested that each of the artworks be voted upon separately.

The Presiding Member Mayor Hon. Alannah MacTiernan ruled that she would consider and vote on Artwork Nos: 1.1, 1.2 and 1.3 separately.

COUNCIL DECISION ITEM 9.4.1

ARTWORK NO 1.1 - MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

ARTWORK NO 1.2 - MOTION PUT AND CARRIED (8-1)

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

ARTWORK NO 1.3 - MOTION PUT AND CARRIED (7-2)

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

PURPOSE OF REPORT:

To seek approval for the proposed artworks at No. 374 Charles Street, North Perth, No. 331 Bulwer Street, Perth and No. 208 Beaufort Street, Perth.

BACKGROUND:

The developments at No. 374 Charles Street, No. 331 Bulwer Street and No. 208 Beaufort Street are commercial projects which are subject to the City's Percent for Art Scheme requirements. In most cases, the developers manage the artwork themselves; however, they can also elect to pay cash-in-lieu. If this option is chosen, the City manages the project and the artwork is placed on City of Vincent land in the vicinity of the development.

The developers of No. 374 Charles Street, No. 331 Bulwer Street and No. 208 Beaufort Street elected to take the cash-in-lieu option.

DETAILS:

In February 2012, a 'Request for Quotation' was advertised seeking art submissions. The brief stated that the artwork may be created specifically for the recommended locations, however an existing unique artwork may also be considered if deemed appropriate for the location.

Eight (8) artists and artist's teams responded to the brief. The submissions were reviewed by the Art Advisory Group (AAG) at their Meeting held on 16 April 2012. A short list was created (as shown in Appendix 9.4.1B) and final recommendations for the projects were made at the AAG Meeting held on 30 July 2012.

No. 374 Charles Street, North Perth

The recommendation for No. 374 Charles Street development was for Ken Sealy's submission 'Beseech'; a three metre high concrete sculpture of a head finished in a hard wearing dark sky blue two part epoxy. The work is to be situated in front of the development and positioned in such a way as to have the head 'looking towards the building (see Appendix 9.4.1B), as the artist states 'Beseech' seeks to humanise the building that it faces by challenging its scale and observing it'.

No. 331 Bulwer Street, Perth

The AAG recommended Matt Mc Veigh's proposal for No. 331 Bulwer Street development. The abstracted figurative sculpture will stand approximately two and a half metres in height (see Appendix 9.4.1B). The artist has stated that the sculpture will represent the idea of 'togetherness' and community, in a dynamic and vibrant composition. The sculpture will be made up of a series of shapes and when viewed as a whole, will give the appearance of several active individuals coming together to form a larger figure. The artist has nominated the corner of Bulwer and Fitzgerald Streets, opposite the 331 development (the Hyde Park Hotel) as the preferred site.

No. 208 Beaufort Street, Perth

The artwork recommended by the AAG for No. 208 Beaufort Street development is titled 'OMG' and is by artist Lucy Vader. The work is 1.5 metres high by 3 metres in length and made of painted steel (see Appendix 9.4.1B). The artwork is a witty comment on our growing reliance on media signs and symbols. The proposed site for the work is the grass 'nature strip' in front of the development (a McDonald's outlet) on Parry Street. The positioning will be subject to the determination of the City's Director of Technical Services (giving consideration to traffic management and sight lines).

CONSULTATION/ADVERTISING:

The 'Request for Quotation' was advertised through Artsource, the Artist's Foundation of Western Australia. Artsource has a membership of over nine hundred members and is the recognised forum for advertising public art projects. The brief was also posted on the City of Vincent website.

LEGAL/POLICY:

The following City Policy applies to this project:

- No. 3.5.13 – Percent for Public Art.

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

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

"Community Development and Wellbeing

3.1 *Enhance and promote Community Development and Wellbeing:*

3.1.1 *Celebrate, acknowledge and promote the City's cultural and social diversity*

(b) *Encourage and promote cultural and artistic expression throughout the City."*

SUSTAINABILITY IMPLICATIONS:

All the works are to be constructed out of materials noted for their durability.

FINANCIAL/BUDGET IMPLICATIONS:

The budgets for these projects are as follows:

No. 374 Charles Street

Budget Amount:	\$35,000
Spent to Date:	<u>\$ 0.00</u>
Balance:	\$35,000

No. 331 Bulwer Street

Budget Amount:	\$30,000
Spent to Date:	<u>\$ 0.00</u>
Balance:	\$30,000

No. 208 Beaufort Street

Budget Amount:	\$12,000
Spent to Date:	<u>\$ 0.00</u>
Balance:	\$12,000

The money has been paid to the City by the developers as their Percent for Art contribution. The City will in turn pay the artists the above amounts for the projects.

COMMENTS:

The above projects display a variety of approaches to sculpture from the monumental to the light-hearted which succinctly reflect the City's cultural and social diversity. The sculptures will further enrich the City's enviable collection of public art.

9.4.3 PRIDEFEST 2012

Ward:	South	Date:	3 August 2012
Precinct:	All	File Ref:	TES0027; CMS0040
Attachments:	001 – Map of Road Closure Locations		
Tabled Items:	Nil		
Reporting Officers:	B Grandoni, Community Development Officer; J Anthony, Manager Community Development; and C Wilson, Manager Asset and Design Services		
Responsible Officers:	R Boardman, Director Community Services; (Festival) R Lotznicker, Director Technical Services (Road Closures)		

OFFICER RECOMMENDATION:

That the Council;

1. SUPPORTS;

- 1.1 The City's administration organising a City of Vincent PRIDEFEST float as an out of hours voluntary activity; and
- 1.2 An October 'V-lounge' youth event to be included in the PRIDEFEST event guide, in conjunction with Pride WA Inc;

2. APPROVES BY AN ABSOLUTE MAJORITY;

- 2.1 To decorate a City of Vincent PRIDEFEST float at a total cost of \$1,000 from a funding source to be determined by the Chief Executive Officer;
- 2.2 A budget of up to \$3,000 using the unallocated 'Festival Funding' for the organisation of the 'V-Lounge' event;
- 2.3 The sponsorship of \$3,000 for the 'Wigstock' PRIDEFEST event held at the Luxe Bar on 27 October 2012; and
- 2.4 The waiving of fees for Royal Park Hall on Saturday, 15 September 2012 for a Pride WA fundraising event, including a \$776 event hire and \$100 liquor license fee (a \$3,000 refundable bond to be charged due to the sale of alcohol);

3. APPROVES;

- 3.1 The closure of Brisbane Street, between Beaufort Street and William Streets, and William Street, between Bulwer Street and Brisbane Streets, between 6.00pm and 9.30pm, and William Street, between Brisbane Street and Newcastle Streets from 7.30pm to 9.30pm on Saturday, 3 November 2012, to facilitate the 2012 Pride Parade;
- 3.2 The engagement of a Main Roads WA accredited Traffic Management contractor to carry out the required road closures within the City at the locations as shown in Appendix 9.4.3; and
- 3.3 Funding the proposed road closures from the 2012/2013 Parades and Festivals budget allocation, to a maximum of \$4,500, conditional upon the applicant acknowledging the City of Vincent as a sponsor in all publicity for the parade; and

4. REQUESTS that the applicant;

- 4.1 **Contacts the Public Events section of the WA Police and Main Roads WA and completes an application for an Order for a Road Closure in accordance with the Road Traffic Act 1974;**
- 4.2 **Liaises with the City of Perth regarding the placement of a notice of road closure in The West Australian newspaper and reimburses the City of Perth for the cost of the advertisement; and**
- 4.3 **Notifies all affected residents and businesses through a letter drop along the parade route at least one (1) week prior to the event, advising of the road closures and parking restrictions and providing the event coordinators' and the City's after hours contact details.**

COUNCIL DECISION ITEM 9.4.3

Moved Cr Topelberg, Seconded Cr Carey

That the recommendation be adopted.

Debate ensued.

Cr Buckels departed the Chamber at 7.52pm.

Debate ensued.

Cr Buckels returned to the Chamber at 7.53pm.

Debate ensued.

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

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval to support and contribute to the 2012 PRIDEFEST.

BACKGROUND:

At the Ordinary Meeting of Council held on 26 July 2011, a report was presented regarding the 2011 Pride Festival where the following decision was made:

"That the Council;

1. APPROVES:

- 1.1 *the closure of Brisbane Street, between Beaufort and William Streets, and William Street, between Bulwer and Brisbane Streets, between 6.00pm and 9.30pm, and William Street, between Brisbane and Newcastle Streets from 7.30pm to 9.30pm on Saturday, 19 November 2011, to facilitate the 2011 Pride Parade;*
- 1.2 *a Main Roads WA accredited Traffic Management contractor to carry out the required road closures within the City at the locations shown on attachment 9.2.8;*
- 1.3 *funding the proposed road closures from the 2011/2012 Parades and Festivals budget allocation, to a maximum of \$4,500, conditional upon the applicant acknowledging the City of Vincent as a sponsor in all publicity for the parade; and*
- 1.4 *a temporary "No Parking" restriction in the area outlined in clause 1.1 above from 2.00 pm and progressively removed during the event on Saturday, 19 November 2011; and*

2. *REQUESTS that the applicant:*
 - 2.1 *contacts the Public Events section of the WA Police Main Roads WA and completes an application for an Order for a Road Closure in accordance with the Road Traffic Act 1974;*
 - 2.2 *liaises with the City of Perth regarding the placement of a notice of road closure in "The West Australian" newspaper and reimburses the City of Perth for the cost of the advertisement; and*
 - 2.3 *letter drops all affected residents and businesses along the parade route at least one (1) week prior to the event, advising of the road closures and parking restrictions and providing the event coordinators' and the City's after hours contact details."*

PRIDEFEST 2012 is the newest addition to the ever growing Australian LGBTI (Lesbian, Gay, Bi-sexual, Transgender, Intersex) arts and culture sector. Presented by Pride WA, PRIDEFEST aims to reinvent what the WA LGBTI community knows as the 'Pride Festival'.

Pride WA's general objective is to raise the visibility of the LGBTI communities. The Festival is a combination of community events, comedy, music, performance and visual entertainment and is aimed at every aspect of the community. It is a festival that is at the centre of Pride WA's core values: inclusivity. It is aimed at everyone, however they identify. Overall, it aims to test the boundaries, make people talk and the community think.

Pride WA is volunteer based and managed by a Committee of members voted on at the Annual General Meeting. The Committee act as a Board, delegating tasks and also bringing new ideas to the table. The Festival itself is run by Festival Directors and external contractors who are hired by the organisation and commissioned to manage the Festival under the supervision of the Co-Presidents and the Committee of Management.

On 17 July 2012, the Pride WA Festival organisers met with Mayor Hon. MacTiernan, the Director Community Services and Acting Manager Community Development with a sponsorship proposal for the City. Other items and activities discussed related to how the City may increase their support and involvement in the WA Pride Festival.

DETAILS:

The following ideas have been proposed in association with the 2012 Pride Festival:

City of Vincent Float

It is proposed that the City play an active part in the 2012 Pride Festival by organising a float in the 2012 Pride Parade. It has been suggested to use a City vehicle for decoration and promote the initiative to staff using Council and Community Development support. Mayor Hon. Alannah MacTiernan proposed to include up to \$1,000 in the budget to purchase decorations for the vehicle. It should be noted that the float will be carried-out as a voluntary activity and be planned out of normal office hours.

'Wigstock' Event

Pride WA has proposed that the City of Vincent sponsor their 'Wigstock' event at the Luxe Bar, Highgate. The term 'Wigstock' originated as an annual outdoor drag festival in the 1980s in New York's East Village that took place on Labour Day.

Held towards the end of the Festival, it is a celebration of the performers and the WA LGBTI community. The City of Vincent 'Wigstock' event will be held at the Luxe Bar on Saturday, 27 October 2012. Entertainment will be provided by a host of local performers lasting six (6) hours with an overall aim of engaging, humouring and entertaining the WA community. The proposed event will be a free community event for over 18 year olds and be advertised in the 2012 PRIDEFEST guide.

Fundraising Event

Pride WA have requested the use of one of the City's community halls to host a quiz night fundraising event for PRIDEFEST. The preferred hall that is currently available is Royal Park Hall in North Perth. The proposed date is Saturday, 15 September 2012 from 6:00pm till midnight. It has been recommended to waive the event hire fees for Pride WA as they are a volunteer based group. The cost of hire is \$88 per hour before 6.00pm and \$100 per hour after. There is a refundable bond of \$2,000 and a liquor permit of \$40. If however, alcohol is sold the liquor permit is \$100 and the refundable bond is \$3000.

Road Closure

As approved by the Council for the 2011 event, the area to be temporarily closed to facilitate the 2012 parade is bounded by Lake Street, Bulwer Street, Beaufort Street and Newcastle Streets and includes some 17 intersections and 27 full and part road closures as shown on the attached plan.

All of the City's temporary traffic management for roadworks/events is now undertaken by accredited Traffic Management Contractors.

The City's Rangers are responsible for setting up and enforcing the temporary *No Parking* restrictions.

In acknowledgement of the City's continuing support for the parade, Pride WA will again confer *Gold Partnership* status on the City, which includes:

- Half page advertisement in the Pride Festival Guide (circulation 10,000+);
- Banner advertisement on the Pride WA website;
- The City's logo on the Pride WA street banners(s); and
- The City's logo on Pride Festival posters, flyers and newspaper advertisements.

Technical Services Officers are the key contacts throughout the road closure. The roads that will be closed include Brisbane Street, between Beaufort Street and William Streets, and William Street, between Bulwer Street and Brisbane Streets, between 6:00pm and 9:30pm, and William Street, between Brisbane Street and Newcastle Streets from 7:30pm to 9:30pm on Saturday, 2 November 2012, to facilitate the 2012 Pride Parade.

Ranger Services

The City of Vincent will place 'No Parking hoods' over all existing signage and ticket machines in Brisbane and William Streets on the morning of the parade. Rangers will also conduct patrols of the streets prior to and during the road closures to ensure any parked vehicles are moved on. Patrols of the area will be carried out in order to address any illegal parking during the duration of the parade.

V-Lounge Youth Programme

The inaugural 'V-Lounge' youth event was held in July 2012 at Royal Park Hall, which was very successful. It has been proposed to host a 'V-Lounge' throughout the 2012 PRIDEFEST programme targeted towards LGBTI youth (under 25 years). The proposed event partnership with Pride WA will be hosted on a Sunday afternoon utilising a laneway in the City, proposed to be between Daily Planet Café and Balshaw's Florist on Beaufort Street in Mount Lawley. The proposed date is 21 October 2012 from 2:30pm to 6:00pm.

The PRIDEFEST V-Lounge event will be targeted and appropriately advertised through the PRIDEFEST guide. Freedom Centre, a LGBTI youth centre (WA AIDs Council) in the City has put forward their suggestions and offered their support in promoting the event. The event will be advertised as a safe and fun activity that is drug and alcohol free, eliminating the need for youth to participate in loitering, underage drinking, graffiti and other anti-social behaviour.

Preliminary discussions have been held with Balshaw's Florist to utilise their covered carpark, (located at the rear of their Beaufort Street store) to expand beyond the laneway. Supportive to the event and interested in developing a partnership, further discussions will be held when details are finalised. The additional space will also allow the provision of food vendor vans and lounge areas.

The PRIDEFEST V-Lounge event proposes to include entertainment in the form of either a DJ or local, triple j Unearthed bands, three (3) food vendor vans and general lounge areas in the form of bar stools and tables. Upon careful consideration of necessary requirements in order to make the PRIDEFEST V-Lounge a success, a draft budget has been developed as below:

Entertainment:	\$1,000
Promotion:	\$1,000
PA system:	\$1,000
Logistics:	<u>\$1,000</u>
Total:	\$4,000

CONSULTATION/ADVERTISING:

As LGBTI youth are generally 'hard to reach', consultation has been carried out with LGBTI specific youth service including Pride WA, Freedom Centre and WA Aid Council as well as general youth services.

In relation to both the 'V-Lounge' and the 'Wigstock' events, the aim is to include both in the PRIDEFEST guide, which is directly advertised to the WA LGBTI community. The City will also utilise their extensive youth database to support the promotion of both events.

As per clause 2.2 of the Officer Recommendation, Pride WA will be requested to liaise with the City of Perth to ensure that the proposed road closures are advertised in accordance with the requirements of the Road Traffic Act 1974. Further, Pride WA has provided an undertaking to letter drop all the affected residents and businesses along the parade route.

LEGAL/POLICY:

The City's Policies that apply to this project are as follows:

- No. 3.8.3 – Concerts and Events;
- No. 3.9.4 – Resident Parking - Verge Information Signage; and
- No. 3.10.8 – Festivals.

The City is responsible to ensure that all road closures undertaken within its boundaries are in accordance with the relevant Australian Standards and Main Roads WA *Traffic Management of Events Code of Practice* and therefore, a suitably qualified and Main Roads WA accredited Traffic Management Contractor will be engaged.

RISK MANAGEMENT IMPLICATIONS:

Low: No significant risk implications.

STRATEGIC IMPLICATIONS:

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

"Community Development and Wellbeing

3.1 *Enhance and promote Community Development and Wellbeing:*

3.1.1 *Celebrate, acknowledge and promote the City's cultural and social diversity*

(b) *Encourage and promote cultural and artistic expression throughout the City.*

3.1.5 (a) *Organise and promote community events, programs and initiatives that engage the community and celebrate cultural and social diversity of the City, including the development of a program of the holding of an event in each of the City's main commercial centres and develop an Annual Program of events.*

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

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

Public Events Traffic Management

Budget Amount: \$15,000
Spent to Date: \$ 0
Balance: \$15,000

An accredited Traffic Management contractor will be engaged from the City panel of Contractors at an estimated cost of \$4,500. The Traffic Management Contractor will be required to provide a comprehensive traffic management plan, all signage and barricades and traffic control personnel.

Youth Programme

Budget Amount: \$15,000
Spent to Date: \$ 3,225
Balance: \$11,775

The 'V-Lounge' youth event, targeted towards LGBTI young people has been assigned an estimated budget of \$4,000.

'Wigstock' Luxe Bar Event

Sponsorship for the 'Wigstock' event is to be funded under allocated 'Festival funding'.

Budget Amount: \$80,000
Spent to Date: \$ 3,000
Balance: \$77,000

COMMENTS:

PRIDEFEST is a festival of events that challenges people's views and reinforces the values of society, namely; equality, acceptance, tolerance and education. It is an event that directly celebrates acknowledges and promotes the City's cultural and social diversity and complement's the City's Strategic Plan.

It is therefore recommended that the Council approve the Pride Festival recommendations, including the temporary closure of streets, as outlined in the main body of the report to accommodate the 2012 Pride Parade on 3 November 2012 and other Festival events.

9.5.3 City of Vincent Business Liaison and Economic Development Advisory Group - Proposed Amendments to Terms of Reference

Ward:	-	Date:	3 August 2012
Precinct:	-	File Ref:	ORG0088
Attachments:	001 – Amended Advisory Group Terms of Reference 002 – Presentation to Forum		
Tabled Items:	Nil		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

1. That the Council; **APPROVES BY AN ABSOLUTE MAJORITY to;**
 - 1.1 Change the name of the City of Vincent’s “Business Liaison and Economic Development Advisory Group” to “Local Business Advisory Group”; and
 - 1.2 Amend the Terms of Reference for the Advisory Group, as shown in Appendix 9.5.3;

COUNCIL DECISION ITEM 9.5.3

Moved Cr Topelberg, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

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

PURPOSE OF REPORT:

For the Council to consider and approve of amendments to the City’s Business Liaison and Economic Development Advisory Group to Local Business Advisory Group.

BACKGROUND:

At the Ordinary Meeting of Council held on 14 June 2011 (Item 9.4.5) the Council considered this matter and resolved (in part) as follows:

“That the Council;

- (i) **APPROVES BY AN ABSOLUTE MAJORITY to:**
 - (a) *Adopt the amended Title Changes, Terms of References and Composition of the Town’s existing Advisory Groups;*
 - (b) *Adopt the formation of the following new Advisory Groups;*
 - *Business Liaison and Economic Development;*
 - *Healthy Vincent, Sport and Recreation; and*
 - *School Principals Liaison;*
 - (c) *Combine the “Heritage Advisory Group” with the “Local History Advisory Group” and the new title be the “Local History and Heritage Advisory Group”; and*

As shown in Appendix 9.4.5A; and

- (d) *Adopt the amended Advisory Group Meeting Procedures as shown in Appendix 9.4.5B;*

- (ii) *AUTHORISES the Chief Executive Officer to advertise for Community and Business Representatives (as applicable) for appointment to the Town's Advisory Groups, until 20 October 2013, as follows:*
- (a) *Aboriginal Liaison and Reconciliation;*
 - (b) *Business Liaison and Economic Development; and*
 - (c) *Healthy Vincent, Sport and Recreation;*
- (iii) *NOTES that a further report will be submitted to the Council to appoint Council Members and Community and Business Representatives, at the conclusion of the advertising period; and*
- (iv) *REQUESTS that the Terms of Reference be reviewed by each of the Advisory Groups with the intention of reporting back to Council prior to October 2011".*

At the Ordinary Meeting of Council held on 25 October 2011, the Council considered the appointment of members to the Advisory Group and resolved as follows:

"That the Council:

4. *Business Liaison and Economic Development Advisory Group (3 Council Members)*

Members:

1. *Mayor MacTiernan*
2. *Cr Harley*
3. *Cr Topelberg ; and*

the Chair of the Group be Mayor MacTiernan

2.3 *Business Liaison and Economic Development Advisory Group (Newly formed Advisory Group) (up to 5 required - 1 from each of the following City Centres)*;*

- *Leederville*
- *Mount Hawthorn*
- *Mount Lawley/Highgate*
- *North Perth*
- *Perth*

Appointment of Community Representatives to be carried out at a later date, after the Advisory Group has met".

Notice of Motion

At the Ordinary Meeting of Council held on 22 May 2012, the Council approved a Notice of Motion from Cr Joshua Topelberg and resolved as follows;

"That the City's officers provide a presentation to the 29 May 2012 Council Member Forum in relation to the establishment of a Local Business Advisory Group. The presentation should include:

1. *Various options for membership of the Group (e.g. by ward, by activity centre, by business type etc);*
2. *Terms of Reference;*
3. *Relationship with existing/proposed local business groups;*
4. *Level of council involvement and investment;*
5. *Any other relevant matters; and*
6. *Alternative models or approaches to achieve a similar outcome".*

A presentation was made to the Council forum held on 22 May 2012. A copy is shown in Appendix 9.5.3.B.

DETAILS:

A request for this Advisory Group to meet was referred to the Mayor Hon. Alannah MacTiernan in early 2012 and a date is still to be set.

Activity Centre Business Groups

Of the City's five (5) Activity Centres, Mount Hawthorn and William Street (Perth) do not have any formal Business Group to represent the interest of the local businesses. It is keeping with the City's Economic Development Strategy to assist with the formation of a Business Group for these Activity Centres.

In the interim, it would also be appropriate for the City to re-advertise for nominations from Business Proprietors, as the formation of a Business Group would take several months.

Terms of Reference

Since the Council's decision to approve of this Advisory Group, there have been several changes to the City's Organisational Structure namely;

1. Creation of the Strategic Planning, Sustainability and Heritage Services Section, headed by a Manager;
2. Appointment of an Economic Development Officers (3 days per week);
3. Creation of a new Planning Directorate, headed by a Director; and
4. Creation of a new Community Service Directorate, headed by a Director.

It is therefore appropriate to review and amend the City's Officer Representation.

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 Council approve of the Officer Recommendation.

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 Notice of Motion – Mayor Hon. Alannah MacTiernan – Request to investigate the adoption of a Local Law and other Strategies to Minimise and/or Prohibit Non-Biodegradable Single-Use Plastic Bags in the City of Vincent

That the Council;

1. APPROVES IN PRINCIPLE, pending community engagement, the development of a Local Law, modelled on the City of Fremantle Draft Local Law, as shown in Appendix [10.1](#), to ban the use of non-biodegradable and non-reusable plastic bags within the City of Vincent;
2. APPROVES BY AN ABSOLUTE MAJORITY to adopt a Policy No: 1.2.14 *“Use of Bio-degradable Liners and Litter Bags”* to specify the City of Vincent to use only bio - degradable liner and litter bags as part of the City’s operations; as shown in Appendix [10.2](#);
3. AUTHORISES the Chief Executive Officer to;
 - 3.1 Develop a Consultation Strategy, in liaison with the Mayor, for retailers and members of the community;
 - 3.2 ADVERTISE the draft Policy No 1.2.14 *“Use of Bio-degradable Liners and Litter Bags”* for a period of fourteen (14) days, seeking public comment; and
4. After the expiry of the consultation period;
 - 4.1 REVIEWS the draft Policy No: 1.2.14 *“Use of Bio-degradable Liners and Litter Bags”* having regard to any written submissions;
 - 4.2 DETERMINES to proceed with, or not to proceed with Policy No: 1.2.14 *“Use of Bio-degradable Liners and Litter Bags”*, with or without amendment; and
 - 4.3 INCLUDES Policy No: 1.2.14 *“Use of Bio-degradable Liners and Litter Bags”*, in the City’s Policy Manual if no submissions are received from the public; and
5. REQUESTS a report concerning the matter be submitted to the Council by no later than October 2012. The report to include but not limited to;
 - 5.1 The possible adoption of a new Local Law;
 - 5.2 The cost of resourcing of a new Local Law;
 - 5.3 Educational campaign;
 - 5.4 Liaising with other Local Governments and agencies to ascertain their interest and support in the matter; and
 - 5.5 Any other relevant matters;

Mayor MacTiernan’s Comments:

Mayor Hon MacTiernan has provided a copy of the City of Fremantle Draft Local Law, which is shown at Appendix [10.1](#).

A copy of the Draft Policy No: 1.2.14 *“Use of Bio-degradable Liners and Litter Bags”* is shown at Appendix [10.2](#)

COUNCIL DECISION ITEM 10.1

Moved Cr Carey Seconded Cr Topelberg

That the motion be adopted.

Debate ensued.

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

10.2 Notice of Motion – Cr Joshua Topelberg – Rescission Motion to Request Deletion of Perpendicular On Road Parking in Broome Street, Highgate

That the Council;

1. At its Ordinary Meeting held on 24 February 2011 (item No. 9.2.2 Clause 1.1, 1.2 and 2.) the Council decided that;

“1. APPROVES the implementation of:

1.1 the additional ‘on road’ parking estimated to cost \$232,500 as indicated on attached Plan Nos. 2898-CP-01A, 2919-CP-01, 2902-CP-01A, 2897-CP-01A, 2873-CP-01 and 2743-CP-01A as outlined in the following table;

Street	Type	Side	Existing (Parallel)	Proposed (90 deg)	NET gain	Estimated Cost
Chelmsford Rd 2898-CP-01A	parallel	north	-	3	3	\$15,000
Mary St: 2919-CP-01	90 deg	north	3	5	2	\$15,000
Harold St: 2902-CP-01A	90 deg	south	7	14	7	\$30,000
Stirling St: 2902-CP-01A	90 deg	east & west	24	46	22	\$110,000
Broome St: 2897-CP-01A	90 deg	north	5	10	5	\$20,000
# Chatsworth 2873-CP-01	parallel	south	-	2	2	\$7,500
Melrose St 2743-CP-01A	90 deg	north & south	7	14	7	\$35,000
			46	94	48	\$232,500

Chatsworth Road Plan 2873-CP-01 previously approved at the Ordinary Meeting of Council held on 11 October 2011 (Item 9.2.1).

1.2 the following ‘restrictions’ for the additional parking:

Street	Type
Chelmsford Rd: 2898-CP-01A	1P ticket parking 8.00am – 7.00pm Ticket parking (no time restriction) 7.00pm to midnight
Mary St: 2919-CP-01	Ticket parking (1st hour Free 8.00am – 7.00pm) 2P ticket parking 8.00am – 7.00pm Ticket parking (no time restriction) 7.00pm to midnight
Harold St: 2902-CP-01A	3P at all times
Stirling St: 2902-CP-01A	3P at all times
Broome St: 2897-CP-01A	Ticket parking (1st hour Free 8.00am – 7.00pm) 2P ticket parking 8.00am – 7.00pm Ticket parking (no time restriction) 7.00pm to midnight
# Chatsworth: 2873-CP-01	15 min at all times
Melrose St: 2743-CP-01A	2P 8.00am to 5.30pm Monday to Friday, 8.00am to 12noon Saturday.

2. APPROVES BY AN ABSOLUTE MAJORITY to reallocate \$212,000 from the 'Cash-in-Lieu for Parking' Trust Fund, to fund the proposed works."

2. Councillor Topelberg MOVES a motion to CHANGE the decision by deleting:
“

Street	Type	Side	Existing (Parallel)	Proposed (90 deg)	NET gain	Estimated Cost
Broome St: 2897-CP-01A	90 deg	north	5	10	5	\$20,000

Street	Type
Broome St: 2897-CP-01A	Ticket parking (1st hour Free 8.00am – 7.00pm) 2P ticket parking 8.00am – 7.00pm Ticket parking (no time restriction) 7.00pm to midnight

APPROVES BY AN ABSOLUTE MAJORITY to reallocate \$212,000 from the 'Cash-in-Lieu for Parking' Trust Fund, to fund the proposed works."

3. in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, three Elected Members, namely Cr Topelberg, Cr Maier and Cr Pintabona being one third of the number of offices of members of the Council, SUPPORT this motion to revoke or change a Council decision; and
4. in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to Section 5.25(e) of the Local Government Act 1995, the Council RESOLVES BY AN ABSOLUTE MAJORITY to CHANGE part of the resolution adopted by the Council at its Ordinary Meetings held on 22 March 2011 (Item 9.2.3), as shown below:

- 4.1 deleting:
“

Street	Type	Side	Existing (Parallel)	Proposed (90 deg)	NET gain	Estimated Cost
Broome St: 2897-CP-01A	90 deg	north	5	10	5	\$20,000

Street	Type
Broome St: 2897-CP-01A	Ticket parking (1st hour Free 8.00am – 7.00pm) 2P ticket parking 8.00am – 7.00pm Ticket parking (no time restriction) 7.00pm to midnight

APPROVES BY AN ABSOLUTE MAJORITY to reallocate \$212,000 from the 'Cash-in-Lieu for Parking' Trust Fund, to fund the proposed works."

4.2 inserting:

**APPROVES BY AN ABSOLUTE MAJORITY to reallocate ~~\$212,000~~
\$192,500 from the 'Cash-in-Lieu for Parking' Trust Fund, to fund the
proposed works."**

Chief Executive Officer's Comment:

The City's Administration has not yet commenced the construction of the car parking bays. Therefore, in accordance with Clause 11 of the City of Vincent Standing Orders, there are no Legal or Financial consequences for the proposed rescission motion.

COUNCIL DECISION ITEM 10.2

Moved Cr Topelberg Seconded Cr Maier

That the motion be adopted.

Debate ensued.

**MOTION PUT AND CARRIED BY
AN ABSOLUTE MAJORITY(8-1)**

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

10.3 Notice of Motion- Councillor John Pintabona and Cr Julia Wilcox- Request to Investigate hire of garden shredders and provision of free mulch to Residents.

That the Council REQUESTS;

1. The Chief Executive Officer to investigate;
 - 1.1 The City to purchase garden shredders for hire to City residents only. Such equipment may be stored and made available from the City's Works Depot, located at Frobisher Street, Osborne Park. Hire cost should be set to cover purchase and operational costs; and
 - 1.2 The City to provide free mulch to residents that is produced from the City's green waste street collection;
2. The report to include but limited to;
 - (a) Financial and liability implications;
 - (b) Operational matters;
 - (c) Any other relevant matters; and
3. A report be submitted to the Council no later than by end of October 2012.

Background Information Provided by Councillor John Pintabona and Cr Julia Wilcox:

The advantages of making available garden shredders include the obvious one of reducing green plant waste material to avoid bonfires or trips to rubbish tips. However, it is what our residents can do with this waste material that is the bonus.

Shredded woody-material especially makes a great mulch to spread over areas of bare soil to suppress weeds and retain moisture in the ground, as the material decomposes, it can also put nutrients back into the soil.

Moved Cr Pintabona Seconded Cr Wilcox

That the motion be adopted.

Debate ensued.

The Mover Cr Pintabona and Seconder Cr Wilcox agreed to change Clause 1.1 to read as follows:

- "1.1 The City to purchase garden shredders for hire to City residents only. Such equipment may be stored and made available from the City's Works Depot, located at Frobisher Street, Osborne Park or North Perth Men's Shed. Hire cost should be set to cover purchase and operational costs; and

Debate ensued.

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

COUNCIL DECISION ITEM 10.3

That the Council REQUESTS;

- 1. The Chief Executive Officer to investigate;**
 - 1.1 The City to purchase garden shredders for hire to City residents only. Such equipment may be stored and made available from the City's Works Depot, located at Frobisher Street, Osborne Park or North Perth Men's Shed. Hire cost should be set to cover purchase and operational costs; and**
 - 1.2 The City to provide free mulch to residents that is produced from the City's green waste street collection;**
 - 2. The report to include but limited to;**
 - (a) Financial and liability implications;**
 - (b) Operational matters;**
 - (c) Any other relevant matters; and**
 - 3. A report be submitted to the Council no later than by end of October 2012.**
-

11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

12.1 WALGA Nominations - Air Quality Coordinating Committee; Fluoridation of Public Water Supplies Advisory Committee; Keep Australia Beautiful Council (WA); National Trust of WA; Municipal Waste Advisory Council

Ward:	-	Date:	3 August 2012
Precinct:	-	File Ref:	ORG0045
Attachments:	001 – WALGA Nomination Details		
Tabled Items:	Nil		
Reporting Officer:	M McKahey, Personal Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That:

1. _____ be nominated as WALGA Member - Air Quality Coordinating Committee;
2. _____ be nominated as WALGA Deputy Member - Air Quality Coordinating Committee;
3. _____ be nominated as WALGA Member - Fluoridation of Public Water Supplies Advisory Committee (Ministerial Appointment - Panel of 3 requested);
4. _____ be nominated as WALGA Metropolitan Member - Keep Australia Beautiful Council (WA) (Ministerial Approval - Panel of 3 required);
5. _____ be nominated as WALGA Metropolitan Deputy Member - Keep Australia Beautiful Council (WA) (Ministerial Approval - Panel of 3 required);
6. _____ be nominated as WALGA Member - National Trust of WA; and
7. _____ be nominated as Local Government Member - Municipal Waste Advisory Council (Serving Officers Total of (1) – 1 Metropolitan).

DETAILS:

Please see Appendix [12.1](#) for further details.

NB:

CLAUSES 1.-6: NOMINATIONS CLOSE 5PM THURSDAY 23 AUGUST 2012

CLAUSE 7: NOMINATIONS CLOSE 5PM WEDNESDAY 1 AUGUST 2012

The Presiding Member, Mayor Hon. Alannah MacTiernan called for nominations.

The following Nominations were received:

4. Cr Harley & Cr Carey be nominated as WALGA Metropolitan Member - Keep Australia Beautiful Council (WA) (Ministerial Approval - Panel of 3 required);
5. Cr Harley & Cr Carey be nominated as WALGA Metropolitan Deputy Member - Keep Australia Beautiful Council (WA) (Ministerial Approval - Panel of 3 required);
6. Cr Harley be nominated as WALGA Member - National Trust of WA; and

Moved Cr Topelberg Seconded Cr Pintabona

That the nominations be approved.

MOTION PUT AND CARRIED (9-0)

13. URGENT BUSINESS

Nil.

PROCEDURAL MOTION

At 8.27pm Moved Cr Pintabona Seconded Cr Wilcox

That the Council proceed "behind closed doors" to consider confidential item 14.1, as this matter contains information concerning 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)

There were no members of the public present.

Two Journalists departed.

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
Rob Boardman	Director Community Services
Carlie Eldridge	Director Planning Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services

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

14.1 Street Verge Tree – Outside No. 146 Coogee Street, Mount Hawthorn

Ward:	North	Date:	3 August 2012
Precinct:	Mount Hawthorn (1)	File Ref:	TES0234
Attachments:	001 - Photos of Street Verge Trees		
Tabled Items:	Nil		
Reporting Officers:	K Godfrey, Parks Technical Officer; and J van den Bok, Manager Parks & Property Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **ENDORSES** the decision of the City’s Director Technical Services **NOT TO APPROVE** the ratepayer’s request to prune/reduce the height of the camphor laurel street tree on the verge outside No. 146 Coogee Street, Mount Hawthorn for the following reasons;
 - 1.1 It would be contrary to Clause 4 of the Council Policy 2.1.2-Street Trees; and
 - 1.2 For the reasons specified in this report;
2. **ADVISES** the owners of No. 146 Coogee Street, Mount Hawthorn of its decision; and
3. **NOTES** that regular inspections of this tree will be undertaken by the City’s Parks Services Officers to ensure no tree branch encroachment over private property owners.

COUNCIL DECISION ITEM 14.1

Moved Cr McGrath, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

The Chief Executive Officer has made this report public, other than matters relating to Legal Advice or Personal information – which have been kept Confidential.

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with information in regard to a resident’s continued requests for the reduction in the height of a street verge tree adjacent to their property at 146 Coogee Street, Mount Hawthorn - ‘not located under powerlines’.

BACKGROUND:

The City of Vincent currently has approximately 10,500 street verge trees. It has received continued requests from the owners of 146 Coogee Street Mount Hawthorn in relation to the reduction in height of the street verge tree adjacent to their property since October 2004.

******* Information Confidential**

In 2011/2012 the City received approximately 40 requests to prune tree off property lines. The remainder of the pruning were undertaken between June and December as part of the annual street tree pruning program.

DETAILS

The street verge tree in question is a Camphor laurel (*Cinnamomum camphora*). It is in a sound and healthy state of growth with no visible signs of insect or pathogen decay evident.

In addition there are no overhead power lines on the side of the street where the tree is located and as a result the tree has been left to attain its natural height and form.

All pruning requested by the property owner at 146 Coogee Street have previously been undertaken by the City's Parks Services in accordance with the City's Policy No. 2.1.2 regarding the pruning of street verge trees.

History

October 2004

Correspondence from the property owner at 146 Coogee Street was received requesting the street verge tree adjacent to their property be reduced in height to minimise leaf fall/litter.

Upon receiving this initial request Parks Services Officers had already undertaken a property line prune of the tree and there resulting in no tree branch/s encroaching onto this resident's property.

March 2008

Further correspondence was received from the owners of 146 Coogee Street seeking compensation from the City for the replacing rusted/damaged gutters. This claim was forwarded to the City's insurers. Following investigations the claim was denied on the grounds that *the City cannot be held responsible for wind borne leaf litter/debris accumulating within resident/s gutters.*

As part of the insurance claim Parks Services Officers inspected the property and noted that there were no tree branches overhanging or near the roof space of the residence.

September 2011

The City received further correspondence from the owners of 146 Coogee Street regarding the 2008 insurance claim whereby they were seeking an ex-gratia payment from the City for the replacement /installation of the new gutters in 2008.

The 2011 claim regarding a request for an ex-gratia payment was again lodged with the City's insurers. This claim was again denied by the insurance company and the owners were notified regarding the outcome of their claim.

***** **Information Confidential**

February 2012

The owner of 146 Coogee Street contacted the Mayor Hon. Alannah MacTiernan with the background/history of the street verge tree and associated insurance claims. The owner of 146 Coogee Street was advised by the Mayor that "All Street Verge Trees are an important part of the City's landscape and are highly valued by the community".

It was also mentioned that the tree would not be removed/reduced in height and that the tree would continue to be monitored by Parks Services Officers to ensure it is kept pruned back off the property.

July 2012

The owner of 146 Coogee Street contacted the Director Technical Services and again requested that the street verge tree adjacent to their property be reduced in height. The Director Technical Services requested the Parks Supervisor to meet the owner on site to ascertain what pruning could be undertaken. The owner again requested that the street verge tree be reduced in height (Refer attached photos). The street verge tree is still in its current form and at this point in time it has not been reduced in height.

Discussion:

Policy 2.1.2 Street Trees:

Clause 4 of the Policy deals with Street Tree Pruning where unaffected by Powerlines and states as follows:

“(i) Under its programmed pruning schedule, the City shall crown thin, under prune, property line prune (upon request) and remedial prune selected street trees unaffected by power lines, this pruning will be undertaken in the interests of:

- (a) public safety;*
- (b) reducing structural risk to the tree; or*
- (c) removing growth abnormality or disease, from the tree.*

(ii) Requests from residents for the pruning of street trees not located under powerlines to reduce their height (therefore reducing leaf/fruit drop or improving light penetration), shall be made in writing. Such requests will be considered on their merits by the City’s Parks Services. Where, in the opinion of the Director Technical Services or nominee, the pruning is considered significant or beyond what is “normal tree maintenance” a recommendation will be made to the Council, based on the following criteria:

- (a) species of tree;*
- (b) location;*
- (c) reasons highlighted by Resident;*
- (d) health and condition of tree;*
- (e) value of tree in overall streetscape; and*
- (f) potential for significant nuisance or damage to property.”*

Officers Comments:

The decision of the Director – Technical Services and Manager Parks and Property Services has been made, based on the following information and criteria;

(a) Tree Species

Currently there are three (3) mature Camphor Laurel Street verge trees located on the verge outside No. 148 and No. 150 Coogee Street. These street verge trees are all of the same size in terms of overall height and canopy spread.

(b) Location

While the Weeping Peppermint is the predominant street verge tree established within Coogee Street, there are three (3) Camphor laurel trees which form an integral part of the streetscape. There are no powerlines above the trees. In addition the trees do not overhang any of the adjoining private properties.

(c) Reasons highlighted by the Resident

As detailed in the report, the resident has continued to request severe pruning or removal of this tree as it is allegedly damaging their house gutters. It is also allegedly causing significant leaf litter.

(d) Health and condition of tree

The tree is very healthy and does not show any sign of decay, disease or damage. Parks Services Officers recommend that the street verge tree adjacent to No. 146 Coogee Street not be reduced in height or considered for removal/replacement, as it will significantly affect the shape and form of the tree.

(e) Value of tree and overall streetscape

While the Weeping Peppermint is the predominant street verge tree established within Coogee Street, there are three (3) Camphor laurel trees which form an integral part of the streetscape. This form of pruning will have a major impact on the visual aspect of each respective streetscape. With increasing infill development in the City resulting in the removal of a large number of trees on private property, the value of street verge trees is becoming very important. The City of Vincent currently has approximately 10,500 street verge trees which make up the 'urban forest' comprising varying sizes, ages and species.

(f) Potential for significant nuisance or damage to property

It is accepted that street verge trees do cause leaf litter, particularly when they are of significant size (as in this case). However, this cannot be avoided.

(g) Other relevant factors

A. Potential for precedent

To accede to reducing the height of the street verge tree adjacent 146 Coogee Street may set precedent whereby other residents who have mature street verge trees that are "***not located under overhead power lines***" may request the same level of pruning. As previously mentioned, the City has approximately 10,500 street verge trees and a precedent maybe created and other similar requests may follow.

B. Financial

There would be substantial financial impacts directly attributed to such pruning requests. It would cost approximately \$2,000-\$3,000 to significantly prune and/or remove this tree. In addition, once a tree such as this is reduced in height, ongoing annual pruning of the epicormic growth would be required, adding to annual operation costs. The Council should also be mindful that more trees will be left to attain their 'natural' height once more overhead power is replaced with underground power.

******* Information Confidential**

C. Insurance Claim and Request for Ex-gratia payment.

The City's insurers have denied liability for the insurance claims for the alleged damage to the property. In addition the City's officers do not believe that an ex-gratia payment is justified or warranted and they concur with the insurer's advice "*that the City cannot be held responsible for wind borne leaf litter/debris accumulating within resident/s gutters.*"

D. Public Safety

There are no safety risks or concern to the public caused by this tree.

E. Adjoining neighbours opinions

******* Information Confidential**

Wind borne leaf litter from large street verge trees is a property maintenance issue that all residents have to contend with. To reduce wind borne leaf litter would require street verge trees to be reduced to a height below a properties roof line, which would not be supported.

F. Construction of No. 146 Coogee Street

The house at No. 146 Coogee Street Mount Hawthorn was constructed approximately 20-25 years ago. The tree was in place prior to the house being constructed. No details are contained in the City's records and therefore are probably held in the PCC archives.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Street verge trees are pruned in accordance with the City's Policy No. 2.1.2 Street Trees.

RISK MANAGEMENT IMPLICATIONS:

Low: The street verge tree in its current shape and form appears structurally sound and healthy.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENTS:

It is therefore recommended that the Council endorses the City's Administration's decision not to approve the request to reduce the height of the street verge tree adjacent to No. 146 Coogee Street, Mount Hawthorn for reasons outlined in the report and it advises the owners of No. 146 Coogee Street, Mount Hawthorn of its decision and regular inspections of this tree will be undertaken by Parks Services Officers to ensure no tree branch encroachment is evident.

PROCEDURAL MOTION

At 8.33pm **Moved Cr Topelberg Seconded Cr Pintabona**

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 8.33pm 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
Rob Boardman	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 14 August 2012.

Signed:Presiding Member
Mayor Hon. Alannah MacTiernan

Dated this day of 2012