



CITY OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

22 MAY 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 22 May 2012, commencing at 6.00pm.

1. (a) DECLARATION OF OPENING

The Presiding Member, Mayor Hon. Alannah MacTiernan, declared the meeting open at 6.01pm 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:

Cr Julia Wilcox – approved leave of absence until 2 July 2012 inclusive, due to family commitments.

(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
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
Anita Radici	Executive Assistant (Minutes Secretary) (until 9.36pm)
Jerilee Highfield	Executive Assistant (Trainee Minutes Secretary) (until 9.36pm)
Ben Doyle	City's Planning Consultant (from 8.25pm until approximately 10.05pm – for Item 14.2)
Lauren Peden	Journalist – <i>"The Guardian Express"</i> (until 9.36pm)
David Bell	Journalist – <i>"The Perth Voice"</i> (until 9.36pm)
Approximately 10 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. Sean Mitton of 414 Charles Street, North Perth, on behalf of West Australian Roller Derby – Item 9.1.3. Stated the following:
 - Wanted to confirm that this Item had been withdrawn from the Agenda.

The Presiding Member, Mayor Hon. Alannah MacTiernan confirmed that the Item has been withdrawn from the Agenda.

Mr Mitton continued:

- Due to the recent fire the building subject of this Item is no longer there.
- Introduced Roller Derby to the Council and stated that they are looking to consolidate in a central location and, if there are any questions with respect to Roller Derby or the league in general he is happy to make himself available for discussions.

2. Norm Roberts of 25 Brisbane Street, Perth – Item 9.1.2. Stated the following:
 - Queried whether the item has been changed to an approval?

The Presiding Member, Mayor Hon. Alannah MacTiernan stated that there was an alternative recommendation tabled.

Mr Roberts continued:

- He is happy to make himself available for any questions.
- Advised that this is a commercial premises with the need for a roller door for security reasons for both staff and the premises, as there have been constant attempted break-ins therefore, vehicles cannot be left on the premises due to this.
- Mayor MacTiernan visited the premises where she stated and he agrees with that it is *“an ugly building that was built in the 70s and are not part of the Heritage building”*.
- Advised that the first four premises on the street are commercial and on the opposing side of Lacey Street all premises are commercial. Believed that there seemed to be confusion with some people including Council Officers who think the building is heritage.
- They face onto Brisbane Street not Lacey Street which is a heritage precinct.

3. Marie Slyth of 89 Carr Street, West Perth – Item 9.5.5. Requested the Item be brought forward.

Cr Harley departed the Chamber at 6.06pm.

4. Simon Chester of 93 Chelmsford Road, Mount Lawley – Item 10.2 and 10.4. Requested the Motions be brought forward.

Cr Harley returned to the Chamber at 6.07pm.

5. Steeg Benham of 32 Kensington Street, East Perth (Architect) – Item 14.2. Stated the following:
 - Provided the Council with an update on the changes that have been made following the last mediation meeting.
 - Firstly the eighth floor has been removed as per the Council suggestion.

The Presiding Member, Mayor Hon. Alannah MacTiernan confirmed that Steeg Benham is the Architect for the development.

Mr Benham continued:

- Secondly, the car parking from Level 2 has been removed and additional car parking has been installed on Level 1.
- In order for the changes to occur, all Storerooms have been moved to a new basement level.
- The swimming pool, terrace and gym are being relocated to Level 2 – this has reduced the height of the landscape terrace and walls at the rear by 1.8m, which was the subject of complaints from the rear neighbours.
- A 2 storey atrium and an entry atrium with open stairs now create a much more pleasing entry to the apartments and better connection for the concourse with the street level.
- All 3 bedroom apartments have been replaced with 1 bedroom which further increases the number of affordable units that have been provided.
- Further attention has been given to the articulation of the elevations; this will now feature a greater mix of materials, and will add to the richness of the architecture and help reduce the perceived bulk of the building.
- These amendments are to benefit both the development as well as the surrounding locality.
- Believed the Mediation process has been a success and has improved the scheme to benefit all.
- Thanked the Council for their involvement and looks forward to a positive outcome.

6. Craig Whiteley of 9 Barlee Street Mount Lawley – Item 9.2.1. Stated the following:

- 3 to 4 years ago, the issues at Forrest Park were discussed, when applications for the Soccer Club rooms were approved at which time a Masterplan was requested and is still required.
- Believed being reactive to an isolated issue will only have consequences which could result in subsequent issues and complaints in the future.
- Believes all issues should be dealt with and finalised rather than dealing with one issue at a time as this is a slow and painful process for all involved and the real issues may never be resolved.
- Suggested limiting the hours, days and numbers of the Club and making it able to be enforced.
- Having a working group with the President of a Soccer Club, his acquaintance and two local residents that are vetted by the Council will not solve the issues, as all the stakeholders will not have fair representation.
- The turnout of the Special Electors Meeting and the recent Croquet Meeting should show that if residents do not complain everyday, it does not mean that they are not passionate about Forrest Park.
- Advised that some people have given up, thinking the Council has not listened in the past and the longer the real issues are not dealt with, the more people will lose faith in the City of Vincent.
- Requested the City revisit the masterplan with community involvement.

7. Denae Watkins of 9 Barlee Street Mount Lawley – Item 9.2.1. Stated the following:

- Queried the over usage of the park during peak hours, which was discussed at the Croquet Club Meeting. There have been no letters received from the Council, nor have there been discussions or explanations regarding the above issue as well as equity of the usage of the Park. Asked for this and the issue of parking to be addressed as they are not addressed in this Report.
- The Report mentions the cost of the cricket pitch and reallocating the pitch. Within the 2011 report it was mentioned that only 2 teams that actually utilised the cricket pitch demanded for the cricket pitch to be relocated however, she believes this is not justified appropriately in this Report.
- Believes this Report is not dealing with the facts and the proper booking times of the Soccer Club

- Driving to the Council Meeting tonight she stated that she observed the Club training at Beatty Park, the Park opposite the Brisbane Hotel, Forrest Park and Dorrien Gardens.
- Queried how much more of ratepayers money will be spent on one Club and when does equity of use of the open park space going to be accountable of ratepayers and residents money as they pay for the maintenance of the Parks which this Club continually utilises all over the City.
- Asked for ratepayers and residents recreational needs for unstructured pay and access to open park space in peak hours to be addressed.

There being no further speakers, Public Question Time closed at approx. 6.14pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

- 4.1 Cr Warren McGrath requested leave of absence from 3 to 11 June 2012 (inclusive), due to work and personal commitments.
- 4.2 Cr John Carey requested leave of absence from 4 July 2012 to 6 August 2012 (inclusive), due to personal commitments.
- 4.3 Mayor Hon. Alannah MacTiernan requested leave of absence from 24 to 30 May 2012 (inclusive), due to work commitments.

Moved Cr Harley, Seconded Cr Pintabona

That Cr McGrath, Cr Carey and Mayor MacTiernan's requests for leave of absence be approved.

CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox on approved leave of absence.)

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 8 May 2012.

Moved Cr Pintabona, Seconded Cr McGrath

That the Minutes of the Ordinary Meeting of Council held 8 May 2012 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox on approved leave of absence.)

- 6.2 Minutes of the Special Meeting of Council held on 15 May 2012.

Moved Cr Pintabona, Seconded Cr McGrath

That the Minutes of the Special Meeting of Council held 15 May 2012 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox on approved leave of absence.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Withdrawal of Item 9.1.3

Item 9.1.3 relating to Nos. 27-29 Carr Street, West Perth – Proposed Change of Use from Factory/Warehouse to Recreational Facility (Roller Derby) and Warehouse has been withdrawn from tonight's Agenda at the request of the Chief Executive Officer, as the building has suffered severe fire damage.

7.2 Urgent Business

I have approved of an Urgent Business item on tonight's Agenda as follows:

- 13.1 Nos. 27-29 (Lot 107; D/P 99354) Carr Street, West Perth – Fire Damaged Derelict Building and Emergency Clean-up of Asbestos Contamination of Public and Private Properties.

This matter has financial and legal implications for the City. The City has incurred expenditure of which we are authorised under the *Local Government Act 1995* to take urgent action in the case of an emergency and this is to be reported to the Council.

I believe that our Officers acted extremely promptly and very thoroughly, to execute the cleanup and the way it was carried out. I believe every precaution was taken to ensure that we minimised the damage to the community and that we kept the community informed about what was happening.

Let me take this opportunity to express, on behalf of the Council, my appreciation to the Chief Executive Officer John Giorgi, Director Community Services, Rob Boardman, Director Technical Services Rick Lotznicker, Manager Ranger and Community Safety Services Jim Maclean and their teams for their very prompt and competent action in this regard.

7.3 Appointment of City Employee

I have pleasure in announcing the appointment of Jerilee Highfield who has been appointed as Executive Assistant to the Chief Executive Officer – Minutes Secretary as Anita Radici who is currently in the position will be moving downstairs as the Executive Secretary to the Director Planning Services.

8. DECLARATIONS OF INTERESTS

- 8.1 Mayor Hon. Alannah MacTiernan declared a Proximity interest in the Item 9.2.1 – Forrest Park, Jack Marks Reserve and Brigatti Gardens, Mount Lawley/Highgate – Further Investigation of Possible Amenity Improvements. The extent of her interest being that she owns a property and resides in Harold Street, which is directly opposite Forrest Park, Mount Lawley. Mayor Hon. Alannah MacTiernan requested approval to participate in debate and vote on this matter.
- 8.2 Cr Carey declared a Financial interest in the Item 9.4.3 – Festivals Programme 2012/2013. The extent of his interest being that he is on the Board of the Beaufort Street Network and has a financial interest in the success of the Festival – in so much that he is liable for any losses of the Festival and therefore wishes more funds. Cr Carey requested approval to participate in debate only on this matter.

- 8.3 Cr Maier declared an Impartiality interest in Item 14.2 – Nos. 394-398 (Lot 90) Newcastle Street, West Perth – Proposed Construction of an Eight Storey Mixed-Use Development Comprising of Twenty-Four (24) One Bedroom Multiple Dwellings, Fifty-Five (55) Multiple Dwellings, One (1) Eating House, One (1) Shop and Associated Car Parking– State Administrative Tribunal (SAT) DR 402 of 2011. The extent of his interest being that the applicant’s representative is a former Council Member.
- 8.4 Cr Topelberg declared an Impartiality interest in Item 9.4.3 – Festivals Programme 2012/2013. The extent of his interest being that his primary place of business is located on William Street within the proposed Festival boundary.
- 8.5 Cr Topelberg declared an Impartiality interest in Item 9.5.5 – Appointment of Community Members to the City of Vincent Local History and Heritage Advisory Group and Amendment of the Terms of Reference. The extent of his interest being that one of the nominees is a relative.
- 8.6 Cr Harley declared an Impartiality interest in Item 9.4.3 – Festivals Programme 2012/2013. The extent of her interest being that she is a Member of the Beaufort Street Network.

All Councillors stated that as a consequence, there may be a perception that their impartiality on the matters may be affected. They declared that they would consider the matter on its merits and vote accordingly.

The Presiding Member, Mayor Hon. Alannah MacTiernan departed the Chamber at 6.22pm whilst her declaration of interest was being considered and Deputy Mayor, Cr Warren McGrath assumed the Chair at 6.22pm.

PROCEDURAL MOTION

Moved Cr Maier, Seconded Cr Buckels

That Mayor Hon. Alannah MacTiernan’s request to participate in debate and vote on Item 9.2.1, be approved.

CARRIED UNANIMOUSLY (7-0)

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

The Presiding Member, Mayor MacTiernan returned to the Chamber at 6.24pm and the Presiding Member, Mayor MacTiernan assumed the Chair. The Chief Executive Officer advised that the Mayor’s request to participate in debate and vote on the matter was carried unanimously.

Cr Carey departed the Chamber at 6.24pm whilst his declaration of interest was being considered.

PROCEDURAL MOTION

Moved Cr Maier, Seconded Cr Topelberg

That Cr Carey’s request to participate in debate on Item 9.4.3, be approved.

CARRIED UNANIMOUSLY (7-0)

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

Cr Carey returned to the Chamber at 6.25pm and the Presiding Member, Mayor MacTiernan advised that his request to participate in debate on the matter was carried unanimously.

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 9.1.2, 9.1.3, 9.2.1, 9.5.5, 10.2, 10.4 and 14.2.

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

Items 9.5.1, 9.5.2, 9.5.5, 10.1, 13.1 and 14.1.

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

Item 9.2.1 and 9.4.3

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	Item 9.2.3.
Cr Buckels	Nil.
Cr McGrath	Items 9.4.2 and 9.4.3.
Cr Pintabona	Nil.
Cr Harley	Nil.
Cr Maier	Items 9.1.1, 9.2.2, 9.3.3, 9.5.3 and 9.5.4.
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 9.3.1, 9.3.2, 9.3.4, 9.4.4, 9.5.6* and 9.5.7.

*Subsequently recommitted for further consideration.

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

Items 14.1 and 14.2.

New Order of Business:

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

(a) Unopposed items moved *En Bloc*;

Items 9.3.1, 9.3.2, 9.3.4, 9.4.4, 9.5.6 and 9.5.7.

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

Items 9.1.3, 9.1.2, 9.5.5, 10.2, 10.4, 14.2 and 9.2.1.

(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 Chief Executive Officer advised that Item 9.4.1 would also be considered as it required a nomination by Councillor.

ITEMS APPROVED "*EN BLOC*":

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

Moved Cr Buckels, Seconded Cr Pintabona

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

Items 9.3.1, 9.3.2, 9.3.4, 9.4.4, 9.5.6 and 9.5.7.

CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox on approved leave of absence.)

9.1.3 Nos. 27-29 (Lot 107; D/P: 99354) Carr Street, West Perth – Proposed Change of Use from Factory/Warehouse to Recreational Facility (Roller Derby) and Warehouse

Ward:	South	Date:	8 May 2012
Precinct:	Beaufort; P13	File Ref:	PRO1386; 5.2012.106.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Applicant's submission		
Tabled Items:	Nil		
Reporting Officer:	R Narroo, Senior Planning Officer (Statutory)		
Responsible Officer:	C Eldridge, Director Planning Services		

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

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 Sean Mitton on behalf of the owner, CGM Properties Pty Ltd, for Proposed Change of Use from Factory/Warehouse to Recreational Facility (Roller Derby) and Warehouse at Nos. 27-29 (Lot 107; D/P: 99354) Carr Street, Leederville, and as shown on plans stamp-dated 14 March 2012 and amended plans stamp-dated 2 April 2012, for the following reasons:

1. The development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;
2. The proposed Recreational Facility is inconsistent with the City's Policy No. 3.1.13 relating to the Beaufort Precinct in that the area is to be transformed from a predominantly commercial area to an area of compatible residential and commercial uses;
3. The Recreational Facility does not meet the objective of the City of Vincent Town Planning Scheme No. 1 (Clause (3) (b)) as it is likely to detrimentally impact on the amenity of the area in respect of parking, traffic, noise and anti-social behaviour; and
4. Consideration of the significant objections received.

PURPOSE OF REPORT:

This proposal requires referral to the Council for determination as the application received more than five (5) written objections during the consultation period.

BACKGROUND:

The building was previously used as a factory/warehouse and is now vacant.

History:

Date	Comment
2 October 2008	A planning application was submitted for demolition of existing warehouse and construction of a four-storey mixed use development comprising thirty-two (32) multiple dwellings, twenty-five (25) offices and associated basement car parking. The application was withdrawn.
29 June 2011	A Notice was issued to the owner of the land in respect of a neglected building on the subject site.
11 October 2011	The Council at its Ordinary Meeting conditionally approved the demolition of existing factory/warehouse subject to a Demolition Management Plan, Landscaping Plan and Lighting Plan being submitted to and approved by the City.

DETAILS:

Landowner:	CGM Properties Pty Ltd
Applicant:	Sean Mitton
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential/Commercial R80
Existing Land Use:	Warehouse (vacant)
Use Class:	Recreational Facility and Warehouse
Use Classification:	"AA" and "SA"
Lot Area:	2864 square metres
Right of Way:	North-west, private, sealed, 3 metres in width.

The application is for a change of use from factory/warehouse to recreational facility (roller derby) and warehouse.

The applicant has provided the following information:

- *"We intend to utilise the warehouse at 27-29 Carr Street as a centralised training location.*
- *We proposed to use the building for training between 10am-9pm Monday to Friday, although not continually during these hours. Proposed weekend use would take place between 10am and 6pm, with particular training sessions likely to last for approximately 2-3 hours.*
- *The maximum number of league members at any given time is not expected to exceed 30. Many of these will carpool, so the traffic impact is not expected to be great, as adequate parking is available on-site.*
- *People other than league member are not generally expected to attend the site. Sometimes prospective members or partners of members may attend to watch training. This not expected to exceed 5-10 people at any one time.*
- *There is no expectation that ANY machinery or noise making equipment will be used.*
- *No alterations or additions are proposed for the external elevation of the lot."*

Following the advertising of the proposal, the applicant provided additional information as follows:

"We have agreed to reduce our training area to 661sqm, which leaves the remaining approx 500sqm of space to remain as warehouse storage. This amended size fits our training needs and alleviates the need to modify the existing parking conditions.

In addition, we have agreed to prepare and undergo a management plan with the aim of reducing noise, pollution and anti social behaviour.

The building is lined with refrigeration panels and as such has good, built in noise reduction qualities. We intend that no electronic sound or amplification equipment be used during our training periods.

We intend to appoint an internal site officer to work in close collaboration with the council and local residents to ensure:

- *Orderly, quiet and timely exiting of the building;*
- *Ongoing maintenance of the grounds surrounding the structure (rubbish, vandalism);*
- *The monitoring of impact of the proposed usage on the neighbouring residence and addressing any concerns;*
- *An increased safety and amenity (adequate lighting and video surveillance) of the parking area; and*
- *An internal fines/rewards/educational structure to raise league awareness of the needs of the local residence.*

It is our intention to become a functioning and integrated part of the community and as such, we as a league feel that by meeting the needs of, and working closely in conjunction with the local residents, we can achieve this goal.”

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		N/A
Streetscape	N/A		N/A
Front Fence	N/A		N/A
Front Setback	N/A		N/A
Building Setbacks	N/A		N/A
Building Height	N/A		N/A
Building Storeys	N/A		N/A
Open Space	N/A		N/A
Bicycle Parking	N/A		N/A
Car Parking	N/A		N/A
Privacy	N/A		N/A
Solar Access	N/A		N/A

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

Issue/Design Element:	Commercial Use
Requirement:	The City’s Policy No. 3.1.13 relating to the Beaufort Precinct encourages the area to be transformed from a predominantly commercial area to an area of compatible residential and commercial uses. Commercial uses are not to be permitted to develop independently of residential uses.
Applicants Proposal:	Change of Use from Factory/Warehouse to Recreational Facility (Roller Derby) and Warehouse.
Performance Criteria:	Not applicable.
Applicant justification summary:	Not submitted.
Officer technical comment:	Refer to “Comments” below.

Issue/Design Element:	Objective of the Town Planning Scheme No. 1 (TPS1)
Requirement:	Clause 6 (b) of TPS1 (b) specify the objective and intention of the Scheme is <i>"to protect and enhance the health, safety and general welfare of the City's inhabitants and the social, physical and cultural environment."</i>
Applicants Proposal:	Change of Use from Factory/Warehouse to Recreational Facility (Roller Derby) and Warehouse.
Performance Criteria:	Not applicable.
Applicant justification summary:	Not submitted.
Officer technical comment:	Refer to "Comments" below.

Car Parking

When the application was advertised, the car parking shortfall was 8.178 car bays. However, given the objections received with regard to parking, the applicant has reduced the area of the recreational facility from 1,161 square metres to 661 square metres. Therefore, the car parking is recalculated as follows:

Car Parking	
Car parking requirement (nearest whole number): <ul style="list-style-type: none"> Recreational Facility – 1 space per 30 square metres of gross floor area – 661 square metres= 22.03 car bays Warehouse – 3 spaces for the first 200 square metres of gross floor area and thereafter 1 space per 100 square metres of gross floor area or part thereof – 500 square metres= 6 car bays 	28 car bays
Total= 28.03 car bays= 28 car bays	
Apply the adjustment factors. <ul style="list-style-type: none"> 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 (1) or more existing public car parking place(s) with in excess of a total of 75 car parking spaces) 	(0.7225) = 20.23 car bays
Minus the car parking provided on-site	21 car bays
Minus the most recently approved on-site car parking shortfall	N/A
Resultant surplus	0.77 car bay

CONSULTATION/ADVERTISING:

Required by Legislation:	No	Required by City of Vincent Policy:	Yes
Consultation Type:	Fourteen (14) days advertising.		
Consultation Period:	12 April 2012 to 26 April 2012.		
Comments Received:	Thirty-six (36) submissions were received; thirty-five (35) objections and one (1) neither support nor object.		

Summary of Comments Received:	Officers Technical Comment:
Issue: Residential Area The proposed use should be located in an industrial area and not in a residential area.	Support. The subject site is located within a residential/commercial zone and is adjacent to residential areas. It is considered that the proposed use has the potential to attract many people to the site in cars given the non-local nature of the use which will impact on the amenity of the surrounding area in terms of noise, traffic and anti-social behaviour.

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Anti-social behaviour</p> <p>The proposed Recreational Facility will attract anti-social behaviour which will impact on the adjoining residential area.</p>	<p>Support. Although the applicant has advised that a management plan to control anti-social behaviour would be submitted, it is considered the proposed nature of the use is of a non-residential nature and intensive, attracting many people which is likely to detrimentally impact on the amenity of the adjoining residential areas.</p>
<p>Issue: Noise Pollution</p> <p><i>"I live directly across from the warehouse and I am very concerned about the impact of noise from the venue (it was not designed as a roller skating facility). Roller skating and the roller derby are commonly associated with loud music and cheering spectators – a warehouse that has metal walls is not a suitable environment for this purpose."</i></p> <p>Concern about the noise to be generated by the refurbishment of the warehouse to the recreational facility.</p>	<p>Support. The applicant has advised that he would submit an acoustic report to control the noise to be generated from the use and from the spectators. However, it is considered the proposed nature of the use is of a non-residential nature and intensive, attracting many people which will generate significant noise impacting on the amenity of the adjoining residential areas.</p> <p>Support as above.</p>
<p>Issue: Parking and Traffic</p> <p>There is short fall of parking and also the twenty one (21) parking allocated for this type of use will not be enough to cater for the expected people coming to that venue.</p> <p>The street parking will be taken over by the visitors to the recreational facility to the detrimental of the existing surrounding residential dwellings.</p> <p>The volume of traffic to be generated by the proposed use will have an impact on Carr Street.</p> <p>Given there will be constantly parked cars on the street by the visitors to the recreational facility this may result in traffic hazards.</p>	<p>Support. Although the new area of the recreational facility complies with the car parking requirement, it is considered that given the nature of the use is particularly intensive, attracting many people whereby the existing parking will not be adequate to cater for vehicles accessing the site.</p> <p>Support. Given the nature of the use is particularly intensive, it is likely the car parking within the site will not be adequate for the visitors. Therefore it is likely that the visitors to the recreational facility will use the street parking which will detrimentally impact on the visitors to the adjoining residential areas.</p> <p>Support. It is considered the use will result in an increase in the volume of traffic which will impact on Carr Street.</p> <p>Support. It is considered the use will result in an increase in the volume of traffic which may result in traffic hazards along Carr Street.</p>
<p>Issue: Operation Hours</p> <p>The proposed operating hours of the recreational facility will impact on the adjoining residential area in terms of noise, traffic, anti-social behaviour and parking.</p>	<p>Support. Given the nature of the use is particularly intensive attracting many people to the area, it is considered that the proposed operating hours from 10:00am to 9:00pm Monday to Friday, 10:00am to 6:00pm Saturday, and Sunday will impact on the amenity of the adjoining residential area.</p>

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

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

Town Planning Scheme No. 1

As per the City of Vincent Town Planning Scheme No. 1, a Recreational Facility is classified as an "AA" use. This means that the use is not permitted unless Council has exercised its discretion by granting approval.

Clause 6 (b) of TPS1 (b) specifies the objective and intention of the Scheme is *"to protect and enhance the health, safety and general welfare of the City's inhabitants and the social, physical and cultural environment."*

City's Policy No. 3.1.13 relating to the Beaufort Precinct

The City's Policy No. 3.1.13 relating to the Beaufort Precinct encourages the area to be transformed from a predominantly commercial area to an area of compatible residential and commercial uses. Commercial uses are not to be permitted to develop independently of residential uses.

RISK MANAGEMENT IMPLICATIONS:

This type of sport has the potential to grow and attract more people to the area which is likely to detrimentally impact on the amenity of the adjoining residential areas. Moreover, approving this use, which is non-residential, will be inconsistent with the desired character of the area being residential with commercial to be achieved.

If this application is refused the applicant has a right of appeal to the State Administrative Tribunal.

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 *Sustainable Environment Strategy 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: Adaptive Reuse	Comment:
The proposal reuse of the buildings proposes no sustainable design measures.	

SOCIAL	
Issue: Recreational Facility – local community facility	Comment:
The proposed facility as discussed has the potential to negatively impact the community in regard to the amenity through noise and traffic.	

ECONOMIC	
Issue: Recreational Facility – Active Use	Comment:
The proposed facility is for training only at this stage and therefore has limited economic benefit.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil

COMMENTS:

Compliance

On 29 June 2011 the City issued a notice to the applicant to put the Building into such state of repair and condition to the satisfaction of the City or to take the building down. As part of putting the Building into such a state of repair, the owner is required to remove all graffiti from the external perimeter of the building. The applicant submitted a letter and photos to the City to consider retaining some of the graffiti as part of the Urban Art. The City's Arts Officer is reviewing the letter before advising the applicant.

Building

If this application is supported, the applicant will be required to apply for a change of classification for the building to use it as a recreational facility. This will require a Building Code of Australia (BCA) compliance report to be obtained from an independent Building Surveyor, detailing the specific areas of the property which need upgrading. It is fair to assume that to bring this building up to today's standards from a warehouse to a recreational facility will require a financial commitment, the scale of which will be determined in the findings of the BCA report.

Planning

When the factory/warehouse was approved, the subject land was zoned Industrial 1 under the City of Perth City Planning Scheme. Under the City of Vincent the zoning of land changed to Residential/Commercial R80.

The subject site is surrounded by residential and non-residential uses. The existing approved use is a factory/warehouse and the building is in a neglected state. Though the factory/warehouse established a wholly commercial use for the site, the vision for this area is to move from commercial to more mixed-use and residential development. Accordingly, if this proposed use is supported, it will be inconsistent with the City's Policy No. 3.1.13 relating to the Beaufort Precinct as it will perpetuate commercial use which is inconsistent with the vision of the area. Moreover, if the use is supported, it is unlikely the neglected building will be demolished in the future years to cater for a new development on site, thereby not encouraging the regeneration of the area.

Given this type of use is particularly intensive, attracting many people, it is considered that there will be an impact on the amenity of the area in respect of parking, traffic, antisocial behaviour and noise. Accordingly, the proposal will be inconsistent with the objective of TPS 1 in protecting the physical environment of the area.

In light of the above, it is considered that the proposed change of use will be inconsistent with the objective of the City's Policy No. 3.1.13 relating to the Beaufort Precinct and will impact on the amenity of the area. Accordingly, the proposal is recommended for refusal.

9.3.1 Investment Report as at 30 April 2012

Ward:	Both	Date:	11 May 2012
Precinct:	All	File Ref:	FIN0033
Attachments:	001 – Investment Report		
Tabled Items:	-		
Reporting Officers:	B C Tan, Manager Financial Services; N Makwana, Accounting Officer		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council **NOTES** the Investment Report for the month ended 30 April 2012 as detailed in Appendix 9.3.1.

COUNCIL DECISION ITEM 9.3.1

Moved Cr Buckels, Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Wilcox was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the level of investment funds available, the distribution of surplus funds in the short term money market and the interest earned to date.

BACKGROUND:

Interest from investments is a significant source of funds for the City, where surplus funds are deposited in the short term money market for various terms. Details are attached in Appendix 9.3.1.

Council’s Investment Portfolio is spread across several Financial Institutions in accordance with Policy Number No. 1.2.4.

DETAILS:

Total Investments for the period ended 30 April 2012 were \$24,511,000 compared with \$27,111,000 at 31 March 2012. At 30 April 2011, \$15,535,743 was invested.

Investment comparison table:

	2010-2011	2011-2012
July	\$11,109,646	\$13,511,000
August	\$22,184,829	\$24,011,000
September	\$20,084,829	\$22,011,000
October	\$20,084,829	\$21,511,000
November	\$21,086,506	\$21,011,000
December	\$19,585,155	\$18,011,000
January	\$19,335,155	\$25,011,000
February	\$18,335,510	\$23,811,000
March	\$17,635,510	\$27,111,000
April	\$15,535,743	\$24,511,000

Total accrued interest earned on Investments as at 30 April 2012:

	Annual Budget	Budget Year to Date	Actual Year to Date	%
Municipal	\$567,000	\$536,000	\$474,675	83.72
Reserve	\$700,000	\$563,000	\$614,878	87.84

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Funds are invested in accordance with the City's Investment Policy No. 1.2.4.

RISK MANAGEMENT IMPLICATIONS:

High: Section 6.14 of the Local Government Act 1995, section 1, states:

"(1) Subject to the regulations, money held in the municipal fund or the trust fund of a local government that is not, for the time being, required by the local government for any other purpose may be invested in accordance with Part III of the Trustees Act 1962."

COMMENT:

As the City performs only a custodial role in respect of monies held in Trust Fund Investments these monies cannot be used for Council purposes. As at 27 June 2011, key deposits, hall deposits, works bonds, planning bonds and unclaimed money were transferred into Trust Bank account as required by Local Government (Financial Management) Regulations 1996, Section 8(1b).

The funds invested have reduced from previous period due to payments to creditors.

The increase in investment fund as compared to previous year is due to \$8,065,000 loan received from WA Treasury and \$408,779 contribution from Department of Sport and Recreation for Beatty Park Redevelopment. \$5,000,000 was also received from State Government of Western Australia for a new lease agreement for the nib Stadium for 25 years.

The report comprises of:

- Investment Report;
- Investment Fund Summary;
- Investment Earnings Performance;
- Percentage of Funds Invested; and
- Graphs.

9.3.2 Authorisation of Expenditure for the Period 1 – 30 April 2012

Ward:	Both	Date:	11 May 2012
Precinct:	All	File Ref:	FIN0032
Attachments:	001 – Creditors Report		
Tabled Items:	-		
Reporting Officers:	O Wojcik, Accounts Payable Officer; B Tan, Manager Financial Services		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council CONFIRMS the;

1. Schedule of Accounts for the period 1 April – 30 April 2012 and the list of payments;
2. direct lodgement of payroll payments to the personal bank account of employees;
3. direct lodgement of PAYG taxes to the Australian Taxation Office;
4. direct lodgement of Child Support to the Australian Taxation Office;
5. direct lodgement of creditors payments to the individual bank accounts of creditors; and
6. direct lodgement of Superannuation to Local Government and City of Perth superannuation plans;

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

COUNCIL DECISION ITEM 9.3.2

Moved Cr Buckels, Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Wilcox was on approved leave of absence.)

DECLARATION OF INTEREST

Members/Officers	Voucher	Extent of Interest
Nil		

PURPOSE OF REPORT:

To present to the Council the expenditure and list of accounts approved by the Chief Executive Officer under Delegated Authority for the period 1 April – 30 April 2012.

BACKGROUND:

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

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

DETAILS:

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

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Automatic Cheques	071797 - 071950	\$295,251.11
Transfer of Creditors by EFT Batch	1365, 1367 – 1369, 1371 – 1374, 1376	\$2,828,905.21
Transfer of PAYG Tax by EFT	April 2012	\$239,508.09
Transfer of GST by EFT	April 2012	
Transfer of Child Support by EFT	April 2012	\$702.86
Transfer of Superannuation by EFT:		
• City of Perth	April 2012	\$56,019.76
• Local Government	April 2012	\$206,923.98
Total		\$3,627,311.01
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$8,656.55
Lease Fees		\$30,125.28
Corporate Master Cards		\$10,734.38
Loan Repayment		\$113,688.59
Total Bank Charges & Other Direct Debits		\$163,204.80
Less GST effect on Advance Account		0.00
Total Payments		\$3,790,515.81

LEGAL POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2011-2016:

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

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

(a) Continue to adopt best practice to ensure the financial resources and assets of the 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.

ADVERTISING/CONSULTATION:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENT:

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

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

9.3.4 No. 87 (Lot 281) The Boulevard, Mount Hawthorn – Proposed Lease Area for Earlybirds Playgroup (Inc.)

Ward:	North Ward	Date:	8 May 2012
Precinct:	Mount Hawthorn (1)	File Ref:	PRO2881
Attachments:	001 – Map of Lease area 002 – Aerial photo of Lease area		
Tabled Items:	-		
Reporting Officers:	T Lumbis, Executive Secretary Technical Services; M Rootsey, Director Corporate Services		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council **APPROVES** of a Lease from 1 July 2012 to 30 June 2017, for the premises at No. 87 (Lot 281) The Boulevard, Mount Hawthorn, being granted to the Earlybirds Playgroup (Inc.) as per Appendix 9.3.4 as follows:

- (a) Term: five (5) years plus five (5) year option;
- (b) Rent: \$850 (plus GST) per annum indexed to CPI;
- (c) Outgoings: to be paid by the Lessee;
- (d) Rates & Taxes: to be paid by the Lessee; and
- (e) Permitted Use: community, recreational and leisure activities; and

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

COUNCIL DECISION ITEM 9.3.4

Moved Cr Buckels, Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Wilcox was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council’s approval for the Earlybirds Playgroup (Inc.) lease and their request for a further lease on the area.

BACKGROUND:

The premises at 87 The Boulevard has been leased to Earlybirds Playgroup (Inc) since 1996. Their current lease is for the period expires on 30 June 2012. The Playgroup has asked for another five (5) year lease.

DETAILS:

Earlybirds Playgroup (Inc) have leased the property at 87 The Boulevard, Mount Hawthorn for the past sixteen (16) years and have been reliable tenants during this time.

The playgroup conduct session from Monday to Friday which is well patronised by the local community.

The City received correspondence from the Earlybirds Playgroup (Inc) on the 10 April 2012 which in part stated as follows:

“Earlybirds Playgroup would like to continue leasing the above premises for a further five years.

We look forward to Council's response in recommending the extension of the Playgroup's lease at the premises.”

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Policy No. 1.2.1 – Terms of Lease.

RISK MANAGEMENT IMPLICATIONS:

Low: This request for the lease is a minimal risk for the City as it is for a continuation of the current terms and conditions which have been complied with by Earlybirds Playgroup (Inc.).

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

“Objective 2.1.3: Develop business strategies that reduce reliance on rates revenue.

- (c) Continue to review leases and commercial contracts to ensure the best return for the City, whilst being cognisant of its community service obligations.”*

SUSTAINABILITY IMPLICATIONS:

Not applicable

FINANCIAL/BUDGET IMPLICATIONS:

The City currently has a lease with Earlybirds Playgroup (Inc.) with a rent of \$842.81 (plus GST) per annum.

COMMENTS:

Earlybirds Playgroup (Inc.) have been good tenants and the Administration has no hesitation supporting a further five (5) year period, with a five (5) year option.

9.4.4 Western Australian Health Promotion Strategic Framework 2012–2016 Consultation Draft – Public Consultation

Ward:	Both	Date:	10 May 2012
Precinct:	All	File Ref:	ENS0017
Attachments:	001 – Draft Survey – WA Health Promotion Strategic Framework; 002 – Western Australian Health Promotion Strategic Framework 2012-2016 Consultation Draft		
Tabled Items:	-		
Reporting Officers:	L Di Nella, Senior Environmental Health Officer; S Teymant, Manager Health Services		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** the consultation draft document entitled ‘Western Australian Health Promotion Strategic Framework 2012-2016 Consultation Draft’ produced by the Department of Health (WA);
2. **NOTES** the following:
 - 2.1 The ‘Western Australian Health Promotion Strategic Framework 2012-2016 Consultation Draft’ sets out strategic directions and priorities for the prevention of chronic disease and injury in Western Australia over the next five years;
 - 2.2 The City’s Officers have prepared comments on the ‘Western Australian Health Promotion Strategic Framework 2012-2016 Consultation Draft’ for submission to the Department of Health; and
 - 2.3 The City has already implemented several key initiatives and Policies aligned with the objectives of the draft Strategic Framework, with the City recognised by the Heart Foundation as a State Winner and National Finalist in the 2011 Healthy Communities Awards, for its proactive health and wellbeing focussed initiatives including MenuWise, Physical Activity Plan, Vincent Liquor Accord, Active Outings for Seniors, Static Gym Equipment provisions, early Smoke Free Outdoor Eating Areas implementation, and Redevelopment of Beatty Park Leisure Centre, Loftus Recreation Centre and Perth Oval; and
3. **APPROVES** submission of the Officer comments on the ‘Western Australian Health Promotion Strategic Framework 2012-2016 Consultation Draft’, as detailed within this report.

COUNCIL DECISION ITEM 9.4.4

Moved Cr Buckels, Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Wilcox was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to introduce and provide an overview to the Council of the 'Western Australian Health Promotion Strategic Framework 2012-2016 Consultation Draft' (Draft Framework), to seek approval from the Council to provide the proposed comments to the Department of Health (WA), and to highlight the City's initiatives which have already been implemented, consistent with principles of the Draft Framework.

BACKGROUND:

The Department of Health's Draft Framework sets out directions and priorities for the prevention of chronic disease and injury in Western Australia from 2012 to 2016. The Framework targets populations which are currently 'well', in addition to those who are at risk of developing disease or experiencing injury by engaging in risky lifestyle choices.

Chronic diseases are a major contributor to the total burden of population disease and are the leading cause of potentially avoidable deaths in Western Australia. Between 2005 and 2010, chronic disease and injury cost Western Australia more than \$3 Billion in hospital expenses alone.

The goal of the Draft Framework is to lower the incidence of avoidable chronic disease in Western Australia by facilitating improvements in health behaviours and environments.

DETAILS:

Attachment 002 contains full details of the Western Australian Health Promotion Strategic Framework 2012 – 2016 Consultation Draft.

The Draft Framework adopts a wide ranging approach to health promotion by using a holistic range of intervention 'levers'. These are:

- Development of healthy policy at government and organisation level;
- Legislation and regulation;
- Economic interventions;
- Creating environments for living, working and relaxing which support healthy choices;
- Raising public awareness and engagement;
- Community development;
- Targeted interventions; and
- Strategic coordination and capacity building.

Priorities for each type of intervention are identified for the Draft Framework's key areas. These are:

1. Maintaining a healthy weight;
2. Eating for better health;
3. A more active Western Australia;
4. Making smoking history;
5. Reducing harmful drinking; and
6. Creating safer communities.

The Draft Framework has been developed for use by all organisations with an interest in promoting better health in Western Australia, both private, public and not-for-profit. In contributing to the public consultation process, the City's Health Services have assessed the Draft Framework and prepared feedback in the specified format, as seen in Attachment 001. Additional comments that relate directly to specific questions within the Draft Public Consultation Feedback Form, or to principles of the Draft Framework more generally, have been included in the following table, and will form the City's overall feedback on the Draft Framework, which will be submitted to the Department of Health.

Section	Comments
<u>Part 1, Questions 3 and 4 - Introduction</u>	The Introduction includes a large number of references and background information which detracts from the emphasis of the strategy. For usability, it is recommended that the introduction be summarised/condensed or, alternatively, that an additional complementary version of the Framework be produced to act as a far more concise, user friendly, working document.
<u>Part 2, Question 5 – A Framework for Action</u>	<ul style="list-style-type: none"> • More consideration should be given to specifying the organisations most ‘realistically’ positioned to target and deliver strategic outcomes consistent with the Framework ‘Levers’. The Framework levers are far too broad, unrealistic and lacking in specific, useful information from which each organisation type can establish realistic opportunities and level of participation in the Health Promotion arena. The overall concepts outlined are sound; however, the examples given may only apply to a small number of stakeholders from the of numerous stakeholder types listed, as having either an ‘action’ or ‘advocacy’ role. • This section of the document would greatly benefit from giving the reader/user more guidance as to how the examples provided within Table 2 could be implemented by different organisations. The examples/concepts are very broad and provide the reader with little confidence in relation to ‘how’ the examples/concepts could be practically implemented. Table 2 would be more useful if it were to give specific examples of real initiatives/programmes that exist, are under development, or that have been attempted by health related organisations either successfully or unsuccessfully in the past. This would assist stakeholders greatly by preventing duplication and inefficient use of resources across the sector. This information would be useful in identifying partnership opportunities and could also benefit by providing information relating to funding streams/opportunities.
<u>Part 3, Questions 6 to 11 – The five year plan</u>	<ul style="list-style-type: none"> • The most suitable role of stakeholders is not specifically identified within the Strategy, and therefore statements regarding Future Planning and content development are highly speculative. The Strategy needs to demonstrate more commitment and confidence in how it sees the framework being realistically utilised and implemented within the community, and how equitable resourcing and expenditure is to be provided across the board; and • In relation specifically to question 11 (Creating Safer Communities – Injury Prevention), it is important that the focus remains on ‘serious’ injury prevention, as opposed to ‘all injury’. By placing emphasis on making communities too-safe, opportunities for creativity and diversity in relation to recreational/open space design and use will be diminished. This may in turn be self defeating in providing diverse opportunities for healthy, physical activity choices, not to mention place limitations on individuals, and particularly children, to explore beneficial developmental boundaries both physical and mental.

Section	Comments
<p><u>Part 4, Questions 12 to 17 – Putting policy into practice</u></p>	<ul style="list-style-type: none"> • It is recommended that the Strategy be made more concise and to the point, or alternatively, that a concise summary document eliminating lengthy background information and referencing, be provided to accompany the main document. • Question 12(b) – The City’s MenuWise – kilojoule labelling initiative and the Vincent Liquor Accord are two initiatives that may act as beneficial case studies for other organisations to consider. Both have been evaluated. • Question 13(b) – evaluation of expenditure by local government authorities per head of population on health promotion activities and details of funding sources in order to measure equitability

CONSULTATION/ADVERTISING:

The Draft Health Promotion Strategic Framework is available for public consultation from 10 April 2012 to 1 June 2012.

LEGAL/POLICY:

The City has adopted a number of Policies and initiatives aimed at improving the overall health and wellbeing of the community. These are applicable to the Framework and include:

Policy	Programmes and Projects
<ul style="list-style-type: none"> • Healthy Vincent Policy No. 3.8.9; • Alcohol Management Policy No. 3.8.7; • Safe Needle and Syringe Collection and Disposal Strategy No. 3.8.4; • Food Act 2008 Policy No. 3.8.10; and • Shade and Sun Smart Policy No. 3.8.11. 	<ul style="list-style-type: none"> • MenuWise – kilojoule labelling initiative; • Physical Activity Plan; • Vincent Liquor Accord; • Food Hall of Fame and Food Handler Training; • Active Outings for Seniors; • Static Gym Equipment in local parks and reserves; • Pre-statutory Adoption of Smoke Free Playgrounds and Outdoor Eating Areas; • Needle and Syringe Community Management Programme; and • Redevelopment of Beatty Park Leisure Centre, Loftus Recreation Centre and Perth Oval.

RISK MANAGEMENT IMPLICATIONS:

The City’s proactive Programmes and Policies listed above; in addition, to the creation and adoption of the City’s ‘Health and Wellbeing Plan’, are consistent with the Draft Framework principles. It is considered that ongoing future health planning, based on principles of the Draft Framework, will assist in providing services that are best aligned with the specific health needs of the community. This should in turn translate to better managed local health risks and provide services in a more sustainable manner.

STRATEGIC IMPLICATIONS:

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

“Objective 2.1.2: Develop and promote partnerships and alliances with key stakeholders;

Objective 3.1.3: Promote health and wellbeing in the community”; and

Objective 3.1.6: Build capacity within the community to meet its needs”.

SUSTAINABILITY IMPLICATIONS:

Refer to comments under 'Risk Management Implications'.

FINANCIAL/BUDGET IMPLICATIONS:

It is foreseen that there will be significant future funding implications for the City to consider. Whilst external funding opportunities currently exist for Local Government to invest in non-traditional public health and wellbeing activities, the ability of the City to meet the needs and expectations of the community from a public health perspective, will be highly dependent on continued external funding opportunities, successfully obtaining external funding, development of strong financial partnerships, and/or self funding from ratepayer based or user-pays, sourced revenue.

COMMENTS:

That the Officer Recommendations be adopted by the Council.

9.5.6 Submission to the Metropolitan Local Government Review Panel

Ward:	-	Date:	14 May 2012
Precinct:	-	File Ref:	ORG0031
Attachments:	001 – Metropolitan Local Government Review Panel Draft Findings 002 – City of Vincent Submission		
Tabled Items:	-		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES** the City of Vincent's Submission in response to the Metropolitan Local Government Review Panel Draft Findings – April 2012 as shown in Appendix 9.5.6 (Attachment 002);
2. **AUTHORISES** the Chief Executive Officer to provide a Submission to the Metropolitan Local Government Review Panel;
3. **REQUESTS** that the Metropolitan Review Panel and/or the Minister for Local Government to commit to releasing the Final Report on the Metropolitan Local Government Review for a public consultation period of not less than three (3) months to allow the Local Governments to engage with their communities and to appropriately respond to any reform recommendations; and
4. **NOTES** that the City of Vincent Submission as specified in clause 1 above, will also be forwarded to the Western Australian Local Government Association (WALGA).

COUNCIL DECISION ITEM 9.5.6

Moved Cr Buckels, Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

(Cr Wilcox was on approved leave of absence.)

***Note:** This Item was recommitted later in the meeting. Refer to page 128.

9.5.7 Information Bulletin

Ward:	-	Date:	11 May 2012
Precinct:	-	File Ref:	-
Attachments:	001 – Information Bulletin		
Tabled Items:	Nil		
Reporting Officer:	A Radici, Executive Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council RECEIVES the Information Bulletin dated 22 May 2012, as distributed with the Agenda.

COUNCIL DECISION ITEM 9.5.7

Moved Cr Buckels, Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Wilcox was on approved leave of absence.)

DETAILS:

The items included in the Information Bulletin dated 22 May 2012 are as follows:

ITEM	DESCRIPTION
IB01	Email of Appreciation from Mr D. Cracknell relating to the New York-Style NRM Seating and Artwork Project in Beaufort Street
IB02	Minutes of the Mindarie Regional Council Special Meeting held on 3 May 2012
IB03	Summary Minutes of the State Council Meeting held on 3 May 2012

9.1.2 No. 25 (Lot 1 STR: 23393) Brisbane Street, Perth – Roller Door Addition to Existing Commercial Premises (Retrospective Application)

Ward:	South	Date:	11 May 2012
Precinct:	Beaufort P13	File Ref:	PRO5222; 5.2012.69.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Photograph of Roller Door		
Tabled Items	Nil		
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 N Roberts on behalf of the owner P & C Ball and M Jurak for Roller Door Addition to Existing Commercial Premises (Retrospective Application), at No. 25 (Lot 1 STR: 23393) Brisbane Street Perth, and as shown on plans stamp-dated 22 February 2012, for the following reasons:

1. The development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;
2. The non compliance with Clause 6.2.6 of the Residential Design Codes relating to sightlines at Vehicle Access Points and Street Corners;
3. The non compliance with Appendix No. 17 relating to Lacey Street Design Guidelines in respect of the requirement to avoid roller doors on street frontages; and
4. Consideration of the objections received.

Moved Cr Carey, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND LOST (1-7)

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

(Cr Wilcox was on approved leave of absence.)

REASON FOR REFUSAL:

1. That the roller door does not derogate from the heritage streetscape.
2. It is not a heritage building.

ALTERNATIVE RECOMMENDATION - COUNCIL DECISION ITEM 9.1.2

Moved Cr Carey, Seconded Cr Harley

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 N Roberts on behalf of the owner P & C Ball and M Jurak for Roller Door Addition to Existing Commercial Premises (Retrospective Application), at No. 25 (Lot 1 STR: 23393) Brisbane Street, Perth, and as shown on plans stamp-dated 22 February 2012, subject to the following conditions:

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

2. **Fencing**

Any new street/front wall, fence and gate within the Brisbane Street and Lacey 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 and the City's Appendix No. 17 relating to the Lacey Street design Guidelines.

Debate ensued.

PROPOSED AMENDMENT

Moved Cr Maier, Seconded Cr

That a new clause 3 be inserted as follows:

"3. Truncations

The existing southern boundary wall with No. 32 Lacey Street shall be truncated to a maximum height of 0.65 metres within 1.5 metres of the vehicle access point and shall be provided at the owner's cost."

PROPOSED AMENDMENT LAPSED FOR WANT OF A SECONDER

Debate ensued.

MOTION PUT AND CARRIED (7-1)

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

Against: Cr Pintabona

(Cr Wilcox was on approved leave of absence.)

OFFICER COMMENT

It is noted the rear boundary wall on the southern façade of the subject property effectively functions as a dividing fence and therefore any modification, to facilitate a visual truncation to this fence, is a civil issue between both parties, subject to the Dividing Fences Act and largely beyond the City's statutory control. It is also noted that the City did not seek comment during the neighbour consultation period for a truncation to be provided with the adjoining southern neighbour.

PURPOSE OF REPORT:

The report is referred to a meeting of Council as the development is of a contentious nature and non compliant with the City's policies.

BACKGROUND:

History:

Date	Comment
3 November 2010	Application for Carport addition to Existing Commercial Development.

DETAILS:

Landowner:	P & C Ball & M Jurak
Applicant:	Mr N Roberts
Zoning:	Metropolitan Region Scheme: (MRS): Urban Town Planning Scheme No. 1 (TPS 1): Residential/Commercial R80
Existing Land Use:	Office Building
Use Class:	Office Building
Use Classification:	"AA"
Lot Area:	258 square metres
Access to Right of Way	Not Applicable.

The proposal involves a retrospective application for the construction of a roller door at the rear of the property fronting Lacey Street. The existing property is a commercial tenancy with a Brisbane Street frontage. The existing roller door on site extends from the existing carport structure at the rear of the property.

The City was alerted to the presence of this roller door through a compliance request from a member of the public. Subsequently the City contacted the applicant to remove the roller door, further discussion was undertaken and a Retrospective Application for planning was submitted.

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		
Lacey Street Guidelines	x		Not Compliant
Visual Sightlines	x		Not Compliant
Front Fence	N/A		
Front Setback	N/A		
Building Setbacks	N/A		
Boundary Wall	N/A		
Building Height	N/A		
Building Storeys	N/A		
Open Space	N/A		
Bicycles	N/A		
Access & Parking	N/A		
Privacy	N/A		
Solar Access	N/A		
Site Works	N/A		
Essential Facilities	N/A		
Roof Forms	N/A		

Issue/Design Element:	Lacey Street Design Guidelines
Requirement:	<p>Lacey Street Guidelines – Appendix No. 17 Setbacks</p> <p>Avoid: Nil Side Setbacks</p> <p>Interruption to the rhythm of established front setbacks.</p> <p>Loss of Continuity in the streetscape by inconsistent setbacks.</p> <p>Garage, Carports and Roller Doors which do not dominate the façade or view of the dwelling. (Refer to Policy section for full description on setback requirements).</p>
Applicant's Proposal:	Roller Door to Lacey Street frontage of the property.
Performance Criteria:	N/A
Applicant justification summary:	<p><i>"The reason for the roller door was for security reasons and to prevent antic social behaviour and drug use/dealing in our courtyard area. Both offices at Unit 1 and 2, 25 Brisbane Street are under constant attempts of burglaries on the rear doors.</i></p> <p><i>The roller doors will alleviate identified property and personal security risks; and stop the criminal behaviour of street drinking, drug use and disorderly conduct occurring at the rear of the building. It is common sense that the residents of Lacey Street do not want this sort of behaviour continuing so close to their homes.</i></p> <p><i>Our properties are used as commercial properties (zoned commercial/R80) and face onto Brisbane Street. We feel we should not be included under the Lacey Street Design Guidelines, because there are numerous other commercial properties with roller doors in the area, mixed with older homes. These streets included Bulwer, Brewer and Pier just to name a few."</i></p>
Officer technical comment:	Not supported. The roller door visually detracts from the existing nature of Lacey Street. It is noted that whilst the property is a "gateway" property, and is separate from the other properties along Lacey Street, the presence of a roller door does not maintain the integrity of an otherwise intact streetscape and dominates the frontage. On this basis, the variation is not supported.

Issue/Design Element:	Visual Truncations
Requirement:	<p>Residential Design Codes 6.2.6 A6</p> <p>Structures (walls, fencing, metre boxes) and vegetation are not to exceed 0.75 metres in height within 1.5 metres of where walls and fences adjoin vehicle access points.</p>
Applicant's Proposal:	Solid Wall above a height of 0.65 metres within 1.5 metres of the vehicle access point.

Issue/Design Element:	Visual Truncations
Performance Criteria:	P6 Walls and Fences to primary or secondary streets, rights of way or communal streets designed so that adequate sight lines are provided at vehicle access points.
Applicant justification summary:	No justification is provided.
Officer technical comment:	Not supported. The support structures for the roller door are located within the visual truncation area, and essentially block the line of sight for vehicles exiting the property nor allow vision of pedestrians on the footpath. On this basis, the variation is not supported.

Issue/Design Element:	Designing Out Crime
Requirement:	<p>Surveillance</p> <p>Surveillance requires the location and use of design features and activities that create a perception of increased risk of detection for perpetrators of criminal activity and of increased safety and security for legitimate users. Criminals do not usually want to be seen. Placing physical features, activities and people in ways that maximise the ability to see what is happening discourages crime. A good example is the location of cafes and kiosks near parks.</p> <p>Strategies for crime prevention should contribute to vitality, accessibility and diversity. Barriers such as blank walls or building facades without windows can make it difficult to observe activity. A key thing to remember is to place less safe activities in safe areas and very safe activities in slightly less safe areas.</p>
Applicant's Proposal:	Solid roller garage door when closed, not allowing visibility to street.
Performance Criteria:	Not Applicable.
Applicant justification summary:	No justification is provided.
Officer technical comment:	In regards to safety a key principle of designing out crime is to encourage visibility of the street. Given the roller door provides no visibility into or out of the property and restricts passive surveillance of the street a solid roller door is not supported.

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

CONSULTATION/ADVERTISING:

Required by Legislation:	No	Required by City of Vincent Policy:	Yes
Consultation Type:	Fourteen (14) days advertising.		
Comments Period:	26 March 2012 to 10 April 2012.		
Comments Received:	No Support, two (2) Objections. Consultation was sought on variations to the Lacey Street Design Guidelines. No written were received in the submissions		

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

LEGAL/POLICY:

- Town Planning Scheme No. 1;
- Residential Design Codes;
- Residential Design Elements Policy;
- Appendix 17: Lacey Street Design Guidelines; and
- Designing Out Crime Planning Guidelines WA State Government 2006.

Lacey Street Guidelines: Relevant Sections - setbacks

Element	Objective	Design Response	Avoid
Setbacks	<p>To maintain:</p> <ul style="list-style-type: none"> the rhythm of dwelling spacing. the consistency, where present, of building front setbacks. an open streetscape. 	<p>Buildings, including outbuildings, garages and carports should be setback from at least one side boundary.</p> <p>The front setback should not be less or more than the average setback of the adjoining two (2) dwellings.</p> <p>Garages and carports shall not be incorporated into the dwelling/building façade design.</p> <p>Locate garages and carports behind the building line.</p> <p>Those frontages to Lacey Street of gateway sites shall be treated in accordance with the intent and principles of these setback requirements to ensure continuity in the rhythm of setbacks in Lacey Street. Corner sites shall site and mass an upper storey so that it is visually recessive from the sightline of the Lacey Street streetscape.</p>	<p>Nil side setbacks.</p> <p>Interruption to the rhythm of established front setbacks.</p> <p>Loss of continuity in the streetscape by inconsistent setbacks.</p> <p>Garages, carports or roller doors that dominate the façade or view of the dwelling.</p>

In the Designing Out Crime Planning Guidelines for crime prevention, five (5) design and usage concepts are outlined:

- Surveillance;
- Access Control;
- Territorial reinforcement;
- Target Hardening (security measures); and
- Management and Maintenance.

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 proposal has no environmental design elements.	

SOCIAL	
Issue	Comment
The provision of a roller door at the rear of the property is argued to provide safe access for workers in the building and provide security during and after business hours. An alternative argument is that a visually permeable security gate would achieve security whilst better integrating into the street and providing passive surveillance to the rear area. In addition a lack of visual truncation creates an unsafe pedestrian environment.	

ECONOMIC	
Issue	Comment
Nil	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS & CONCLUSION:

It is considered that the retrospective application for a roller door does not maintain the integrity of an otherwise intact streetscape and dominates the frontage along Lacey Street, which is not in the interest of orderly and proper planning of the locality.

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 Policy No. 17 relating to the Lacey Street Design Guidelines and Designing Out Crime Planning Guidelines 2006; it is recommended that the application be refused for the reasons outlined above.

9.5.5 Appointment of Community Members to the Local History and Heritage Advisory Group and Amendment of the Terms of Reference

Ward:	Both	Date:	14 May 2012
Precinct:	All	File Ref:	CMS0126
Attachments:	001 – Local History & Heritage Advisory Group Terms of Reference Confidential: Community Nominations for New Representatives		
Tabled Items:	Nil		
Reporting Officer:	T Young, Manager Strategic Planning, Sustainability and Heritage Services		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION

That the Council:

1. **APPOINTS four (4) COMMUNITY REPRESENTATIVES to the City's Local History and Heritage Advisory Group for the period 22 May 2012 until 12 October 2013 from the following nominees;**

1.1 Local History and Heritage Advisory Group (up to 4 required);

1. **Ms Helen Griffiths#;**
2. **Ms Susanna Iuliano*;**
3. **Ms Anne Mills*;**
4. **Mr Roger Smith*;**
5. **Ms Anne Topelberg*;** and
6. **Ms Marie Slyth#**

(* Existing Members
New Nominations received);

2. **APPROVES BY AN ABSOLUTE MAJORITY the amended version of the Terms of Reference for the Local History and Heritage Advisory Group, as shown in Attachment 001; and**
3. **NOTES that the first meeting of the Local History and Heritage Advisory Group with the Community Representatives has been tentatively scheduled for the 31 May 2012, to enable the Group to provide comment on the City's Policies relating to Heritage Management, which are currently being advertised for comment.**

Moved Cr Topelberg, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Topelberg, Seconded Cr Maier

That clause 1 be amended to read as follows:

- "1. **APPOINTS six (6) ~~four (4)~~ COMMUNITY REPRESENTATIVES to the City's Local History and Heritage Advisory Group for the period 22 May 2012 until 12 October 2013 from the following nominees;**

1.1 Local History and Heritage Advisory Group (up to 6 ~~4~~ required); ..."

Debate ensued.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

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

(Cr Wilcox was on approved leave of absence.)

COUNCIL DECISION ITEM 9.5.5

That the Council:

1. **APPOINTS six (6) COMMUNITY REPRESENTATIVES to the City's Local History and Heritage Advisory Group for the period 22 May 2012 until 12 October 2013, as follows;**
 - 1.1 **Local History and Heritage Advisory Group (up to 6 required);**
 1. **Ms Helen Griffiths#;**
 2. **Ms Susanna Iuliano*;**
 3. **Ms Anne Mills*;**
 4. **Mr Roger Smith*;**
 5. **Ms Anne Topelberg*;** and
 6. **Ms Marie Slyth#**

(* Existing Members
New Nominations received);
2. **APPROVES BY AN ABSOLUTE MAJORITY the amended version of the Terms of Reference for the Local History and Heritage Advisory Group, as shown in Attachment 001; and**
3. **NOTES that the first meeting of the Local History and Heritage Advisory Group with the Community Representatives has been tentatively scheduled for the 31 May 2012, to enable the Group to provide comment on the City's Policies relating to Heritage Management, which are currently being advertised for comment.**

PURPOSE OF REPORT:

The purpose of the report is to appoint the Community Representatives to the Local History and Heritage Advisory Group.

BACKGROUND:

Date	Comment
8 February 2011	The Council approved the formation of the Local History Advisory Group and Terms of Reference and advertised for three (3) Community Representatives to be appointed to the Group.
22 March 2011	The Council approved the appointment of three (3) Council Members and four (4) Community Representatives to the City's Local History Advisory Group.

Date	Comment
September/October 2011	Nominations received from two (2) new community representatives and confirmation that the existing four (4) members remained interested in being the Community Representatives on the City's Local History and Heritage Advisory Group.
25 October 2011	<p>The Council at its Ordinary Meeting on 25 October 2011, appointed the following Council Members to the City's Local History and Heritage Advisory Group for the term 25 October 2011 to 12 October 2013:</p> <ul style="list-style-type: none"> • Councillor Joshua Topelberg (Chairperson) • Councillor Roslyn Harvey • Councillor Julia Wilcox <p>At this meeting, the Council deferred the appointment of Community Representatives on the Local History and Heritage Advisory Group.</p>
9 February 2012	A meeting of the Local History and Heritage Advisory Group was held, in which the Terms of Reference was discussed and amendments were proposed and agreed upon.
10 May 2012	A meeting of the Local History and Advisory Group was held, in which the Chairperson recommended that a report be considered to the Ordinary Meeting of Council on 22 May 2012, to appoint the Community Representatives to the Local History and Heritage Advisory Group.
11 May 2012	The City's Officers contacted the four (4) existing members and the two (2) new community nominations, all of whom advised that they were still interested in being Community Representatives on the City's Local History and Advisory Group.

Previous Reports to Council

28 February 2012 The Council deferred the appointment of the Community Representatives on the Local History Advisory Group. At this Ordinary Meeting, the Council also resolved that the appointment of the Community Representatives be carried out at a later date, after the Advisory Group has met.

A copy of the minutes relating to this Item No.9.4.5 can be viewed at the following link:

<http://www.vincent.wa.gov.au/files/35db42c6-f8ba-46ec-a6af-9f7400be1bf2/20111011.pdf>

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.

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

In 2011, the Local History and Heritage Advisory Group met on several occasions and all members of the Group showed a keen interest and enthusiasm for the City's local history and heritage.

Details of the Group are outlined below:

Local History and Heritage Advisory Group (3 Council Members)

Meeting Occurrence:	Meet as required (<i>usually bi-monthly</i>)
Date of Meeting:	When suitable
Time of Meeting:	5.30pm
Location of Meeting:	City of Vincent Library and Local History Centre
Responsible Support Officer:	Manager Library and Local History Centre
Purpose of Committee:	<i>To encourage and promote local history in the City. To oversee the objectives of the Local History Collection Strategic Plan Provide support for the implementation of the key objectives detailed in the City of Vincent Heritage Strategic Plan 2007-2012.</i>
Other Membership:	<ul style="list-style-type: none"> • Up to 4 Community Representatives • Director Community Services • Manager Library and Local History Services • Manager Strategic Planning, Sustainability and Heritage Services • Senior Librarian - Local History • Library Officer - Local History
Existing Council Members:	<ol style="list-style-type: none"> 1. Cr Joshua Topelberg (<i>Chair</i>) 2. Cr Julia Wilcox 3. Cr Roslyn Harley

Community Representative Nominations

At the Ordinary Meeting of Council held on 13 May 2003, Council resolved that the Advisory Group community representatives' terms be for a period of two (2) years (to coincide with the Election cycle) and for nominations to be called to fill any vacant positions.

Advertisements calling for nominations were placed in the local newspaper on 13 September 2011 and nominations closed on 30 September 2011. Letters were also sent to all existing Community Representatives asking if they would like to continue as a Community Representative on their relevant Group.

The two new nominations received are shown at Confidential Attachment 002 and have been included, as received. (*For privacy reasons, personal details have been deleted.*)

The following is the listing of existing members (who expressed a desire to re-nominate) and new nominations received:

Existing Members	New Nominations
Ms Susanna Iuliano, North Perth	Ms Helen Griffiths, Mount Hawthorn
Ms Anne Mills, Northbridge	Ms Marie Slyth, West Perth
Mr Roger Smith, Highgate	
Ms Anne Topelberg, Coolbinia	

Terms of Reference

At the meeting of the Local History and Heritage Advisory Group held on 9 February 2012, the Group discussed the Terms of Reference, in which some minor amendments were discussed and agreed upon. Amendments were proposed to clause 2.6 of the Terms of Reference, as follows:

- Remove clause 2.6.2 relating to the administration of the City of Vincent Municipal Heritage Inventory, as this is considered solely a task for the City's Administration;
- Amend clause 2.6 to broaden the scope of the Group's input on advice, recommendations and also suggestions on matters relating to heritage;
- Amend clause 2.6.3 to include reference to both entry and removal of places from the City's Municipal Heritage Inventory; and
- Add a new clause 2.6.4 to enable the Group to provide input into places nominated for the Heritage Plaques Program for Places of Interest.

It was agreed that these proposed changes better clarify the role of the Local History and Heritage Advisory Group, in particular with matters relating to heritage.

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:

Local History and Heritage are important aspects of the City's core business and are highly valued by the Vincent community. By having a dedicated Local History and Heritage Advisory Group, comprising enthusiastic community members, will assist the City to deliver the City's Heritage Strategic Plan 2006-2012 and contribute to the City's Local History Centre.

In light of the above, it is recommended that the Council appoint four (4) community members to the City's Local History and Heritage Advisory Group, from the list of six nominations received.

10.2 Notice of Motion – Mayor Hon. Alannah MacTiernan – Formation of Leederville Town Centre Working Group

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; and
 - (c) Cr
 - 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.

Moved Cr Buckels, Seconded Cr Carey

That the motion be adopted.

Debate ensued.

The Presiding Member, Mayor Hon. Alannah MacTiernan called for nominations for clause 1.1. The following Councillors nominated:

- Cr Buckels;
- Cr Pintabona; and
- Cr Harley.

Debate ensued.

Cr Pintabona withdrew his nomination as three Councillors nominated however, there were only two positions available.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

COUNCIL DECISION ITEM 10.2

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.**
-

10.4 Notice of Motion – Cr Warren McGrath – Request to Prepare Strategy relating to Residential and Multi Unit Housing Developments

That the Council REQUESTS:

1. the Chief Executive Officer to provide a report to Council that outlines a strategy for improving outcomes in new residential, commercial and mixed use development and addressing the potential loss of existing building stock integral to the recognised character of the City's Precincts as described in Vincent Vision 2024, the draft Local Planning Strategy and draft Precinct Policies for Town Planning Scheme No 2;
2. the strategy is to include consideration of the type of development possible under the new Multi Unit Housing Development Code;
3. The strategy is to identify means of:
 - encouraging the retention and/or adaptive reuse of existing residential, commercial, industrial and public buildings (in addition to those on the municipal heritage inventory);
 - encouraging the incorporation of sustainable building design considerations;
 - encouraging architectural excellence with high quality building materials/finishes for new developments; and
 - ensuring minimum areas of communal green space in new developments with the potential to have increasing open space requirements proportional to the height of proposed buildings or the number of design elements having to be considered under discretionary clauses in the TPS; and
4. that a presentation be made to the June 2012 Forum seeking Council Members input and a report is to be provided to Council no later than August 2012.

Moved Cr McGrath, Seconded Cr Topelberg

That the motion be adopted.

Debate ensued.

Cr Carey departed the Chamber at 6.51pm.

Debate ensued.

Cr Carey returned to the Chamber at 6.53pm.

Debate ensued.

AMENDMENT

Moved Cr McGrath, Seconded Cr Carey

That clause 4 be amended to read as follows:

- “4. that a presentation be made to the ~~June~~ July 2012 Forum seeking Council Members input and a report is to be provided to Council no later than ~~August~~ September 2012.”

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

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

(Cr Wilcox was on approved leave of absence.)

COUNCIL DECISION ITEM 10.4

That the Council REQUESTS:

- 1. the Chief Executive Officer to provide a report to Council that outlines a strategy for improving outcomes in new residential, commercial and mixed use development and addressing the potential loss of existing building stock integral to the recognised character of the City's Precincts as described in Vincent Vision 2024, the draft Local Planning Strategy and draft Precinct Policies for Town Planning Scheme No 2;**
 - 2. the strategy is to include consideration of the type of development possible under the new Multi Unit Housing Development Code;**
 - 3. The strategy is to identify means of:**
 - encouraging the retention and/or adaptive reuse of existing residential, commercial, industrial and public buildings (in addition to those on the municipal heritage inventory);**
 - encouraging the incorporation of sustainable building design considerations;**
 - encouraging architectural excellence with high quality building materials/finishes for new developments; and**
 - ensuring minimum areas of communal green space in new developments with the potential to have increasing open space requirements proportional to the height of proposed buildings or the number of design elements having to be considered under discretionary clauses in the TPS; and**
 - 4. that a presentation be made to the July 2012 Forum seeking Council Members input and a report is to be provided to Council no later than September 2012.**
-

The Chief Executive Officer advised that Mayor MacTiernan had declared a proximity interest in Item 9.2.1. As previously approved by the Council, Mayor MacTiernan remained in the Chamber for the consideration and voting on this matter however, Mayor MacTiernan vacated the Chair and Acting Presiding Member, Deputy Mayor, Cr McGrath assumed the Chair at 7.05pm.

9.2.1 Forrest Park, Jack Marks Reserve and Brigatti Gardens, Mount Lawley/Highgate – Further Investigation of Possible Amenity Improvements

Ward:	South	Date:	11 May 2012
Precinct:	Forrest (14)	File Ref:	RES0003
Attachments:	001 – Proposed Barrier Plan 002 – Examples of Barriers		
Tabled Items	-		
Reporting Officers:	J van den Bok, Manager Parks and Property Services; K Godfrey, Parks Technical Officer; J Parker, Project Officer – Parks and Environment; R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **DOES NOT APPROVE** the relocation of the existing southern most cricket pitch on Forrest Park from its current location for the reasons as outlined in the report;
2. **NOTES** that:
 - 2.1 the City’s Administration will further investigate the feasibility of installing a ‘part permanent’ (hedge/fence) and ‘part removable’ barrier to delineate the active sports area from the dog exercise area in Forrest Park as shown on attached Plan No. 2542-CP-01S;
 - 2.2 additional seating and bins will be installed in Forrest Park in locations determined by the Director Technical Services, to be funded from the 2012/2013 Parks furniture installation budget; and
 - 2.3 the following has been LISTED for consideration in the 2012/2013 Draft Budget:
 - 2.3.1 \$5,000 for improved lighting for the dog exercise area/children’s play area in Jack Marks Reserve; and
 - 2.3.2 \$15,000 to improve the amenity for passive recreation users in Brigatti Gardens, as outlined in the report;
3. **REQUESTS**, in the interim, that the Perth Junior Soccer Club use ‘indicator cones’ to delineate the active sports area from the dog exercise area in Forrest Park during the 2012 winter sporting season (May – October) until the outcome of the investigations outlined in clause 2 have been completed;
4. **APPROVES** the formation of a Forrest Park Working Group to meet as required to consider operational matters relating to Forrest Park, comprising of the following:
 - 4.1 Director Technical Services (Chair);
 - 4.2 Manager Parks and Property Services;
 - 4.3 Manager Ranger and Community Safety Services;
 - 4.4 two (2) local residents; and
 - 4.5 President and Member of the Perth Junior Soccer Club;

5. subject to clause 4 above being approved, **AUTHORISES** the Chief Executive Officer to advertise for two (2) community representatives and for the Council to further consider this matter after the close of nominations; and
6. **RECEIVES** a further report in June 2012 once the proposal/s outlined in clause 2 have been further investigated.

COUNCIL DECISION ITEM 9.2.1

Moved Cr Topelberg, Seconded Cr Maier

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

“That clause 6 be amended to read as follows:

6. **RECEIVES** a further report to the Council after in June 2012 ~~once~~ the proposal/s outlined in clause 2 have been the subject of a community forum. ~~further investigated.~~”

Debate ensued.

Cr Maier advised that he wished to move the following amendment:

That clause 1 be deleted and that a new clause 1 be inserted as follows:

- “1. **REQUESTS** further investigation of the feasibility of removing the southern-most cricket pitch and making Jack Marks Park a dog free park.”

The Presiding Member, Deputy Mayor Warren McGrath ruled that the amendment was to be moved and considered two parts.

AMENDMENT NO 1

Moved Cr Maier, Seconded Cr Carey

That clause 1 be deleted and that a new clause 1 be inserted as follows:

- “1. **REQUESTS** further investigation of the feasibility of removing the southern-most cricket pitch in Forrest Park.”

AMENDMENT NO 1 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

AMENDMENT NO 2

Moved Cr Maier, Seconded Cr Topelberg

That clause 1 be deleted and that a new clause 1 be inserted as follows:

- “1. **REQUESTS** further investigation of the feasibility of making Jack Marks Park a dog free park.”

Debate ensued.

PROCEDURAL MOTION

Moved Mayor MacTiernan, Seconded Cr Pintabona

That the item be DEFERRED to a Community Forum in June/July 2012.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

Mayor MacTiernan assumed the Chair at 7.20pm.

PURPOSE OF REPORT:

The purpose of the report is to advise Council of the feasibility of relocating the southernmost cricket pitch on Forrest Park including other matters highlighted at the public forum held on 11 February 2012 and also the Petition recently received concerning Forrest Park and Jack Marks Reserve.

BACKGROUND:

At its Ordinary Meeting held on 28 February 2012 a report in relation to the proposed installation of fencing around the perimeter of Jack Marks Reserve and other matters raised at the Public Forum was considered by the Council where the following decision was made.

"That the Council;

1. *APPROVES the planting of a low perimeter 'native hedge with a 600mm high pool style fence around Jack Marks Reserve, with openings located at strategic locations as specified by the Director of Technical Services; and*
2. *NOTES that the other comments/suggestions made at the Public Forum held on the 11 February 2012 at Forrest Park Croquet Club will be further investigated/implemented where feasible, and/or reported to the Council where necessary."*

The fence/hedge were subsequently installed in Jack Marks Reserve in April 2012 and since its installation numerous positive comments have been received by the City's Administration.

Further at its Ordinary Meeting held on 24 April 2012, an agenda item on the feasibility of relocating an existing cricket pitch at Forrest Park including a number of other matters was included in the Council agenda however the item was subsequently withdrawn for the agenda and not considered.

DETAILS:

This report details additional information and further investigations into matters raised by the community and others in relation to Forrest Park and the other nearby parks, namely Jack Marks Reserve and Brigatti Gardens.

Forrest Park

Planting a low hedge/installing a fence to better define active play areas and the dog exercise area:

The advantage of a low hedge/fence would provide a physical barrier to ensure dogs to do encroach onto the field of play during organised sport on the park and vice versa. At present when active sport is in progress, dogs must be on leash. At all other times dogs can be off leash.

A barrier would possibly allow for dogs to be off leash in the southern 'designated' portion of the park at all times.

The disadvantages associated with the installation of a permanent low hedge/fence may compromise Forrest Park as an area of Public Open Space. It will require the removal of a cricket pitch and will have moderate cost implications of installation.

Ongoing maintenance costs will be applicable if a vegetative barrier is established and this would add to the maintenance costs of the reserve due to disrupted mowing patterns, plant replacement and general care of the hedge.

Community support or otherwise for planting a low hedge/installing a fence

While there is some community support for the planting of a low hedge/fence these views are mixed with some present at the recent public meeting expressing view that the wide open appearance of the park was one of its main attributes.

Estimated Cost of planting a low hedge/installing a fence

The estimated cost implication of a vegetative barrier, of native plants, to the height of 600mm has been costed at \$2,500. The cost implication of a pool fence like barrier to the height of 600mm has been costed at \$11,500.

Future maintenance of a low hedge/fence

The future and ongoing maintenance of the hedge/barrier has been identified as significant for the native hedge barrier option. This will include replacement of plants that have died/suffered damage and/or subject to adverse conditions. Periodic fertilising and aesthetic management will also be required.

The future and ongoing maintenance has been identified as moderate for the pool fence type barrier. The potential for sporting activities, dogs, people and vandalism causing damage would possibly require the maintenance or replacement of panel/panels.

A permanent low hedge/fence may have one or more openings similar to what was recently installed at Jack Marks Reserve and Robertson Park.

The views of the cricket, soccer and other clubs about a possible low hedge/fence and other changes:

The installation of a permanent physical barrier is **not supported** by either the soccer clubs or cricket clubs.

Additional park furniture, e.g. seats around the park and on the Walcott Street side, rubbish bins, BBQ's, children's playground or equipment, improved amenities, lighting:

The facilities available at Forrest Park have been assessed and it has been determined that Forrest Park has the highest number of park benches and bins of any other park of a similar size in the City, however, the request for further seating and bins has been noted and the installation of additional furniture will be considered as part of the 2012/2013 Parks Furniture Program.

Improved signage, contact numbers:

Addition of signage displaying the contact number for the soccer club and the City's after hours number will be investigated/implemented.

Possible better use of the clubroom facilities by the other park users e.g. cricket clubs:

The clubrooms are currently used by the cricket club and any other casual users hiring the reserve. The club rooms are not exclusively used for the Perth Junior Soccer Club.

Dates times and usage of the cricket clubs on Forrest Park:

In 2011 cricket use at Forrest Park was as follows:

- Perth College - Saturday mornings from 8am to 1pm.
- Last Man Stands - Sunday mornings from 10am to 4.30pm.

In previous years Tuart Hill Cricket Club also used the reserve for cricket on a Saturday.

Relocation of southernmost cricket pitch:

During the Public Forum held on the 11 February 2012, a question was raised in relation to relocating the southernmost cricket pitch north of its current position in order to increase the buffer zone between soccer activities and the dog exercise area. If this occurred there was then the potential to install a physical or vegetative barrier across the reserve between the dog exercise area and the soccer activities.

As indicated above the only alternative location that the cricket pitch could be relocated was to the northern side of the reserve. Forrest Park originally had three (3) cricket pitches, another was located to the north of the southernmost cricket pitch however this was removed approximately seven (7) years ago.

The removal of the pitch was undertaken because of three (3) reasons:

- The boundary of the north-western pitch intersected significantly with the pitch located immediately to the east, creating a potential safety issue with fielders colliding.
- The clubs/schools would not play on this pitch for reasons outlaid above and as a result it was never very well utilised.
- The cricket pitch was located within one of the Perth Junior Soccer Clubs (PJSC) major soccer pitches and this posed safety issues for soccer training/matchplay.

Should the relocation of the southernmost cricket pitch occur to the north (refer attached plan) the cricket pitch would be located within the main soccer field.

Where cricket pitches are located within the field of play in other reserves, they are covered with heavy duty rubber mats for the duration of the winter season. However, whilst the heavy rubber matting has minimal impact upon ball sports such as Australian Rules Football and Rugby where the ball is in most parts is aerial, soccer relies on direct ball contact with the grassed surface.

Therefore the grassed surface, as in hockey, must be reasonably level and free of material or objects that can divert or impact on the direction that the ball is travelling when kicked along the ground. The rubber mats whilst not presenting a trip hazard do affect the ball movement and therefore soccer fields have always been marked adjacent to or around cricket pitches. This has the potential to cause a safety concern to children playing soccer. Therefore, this has a liability/risk issue for the City and is not supported.

With both remaining cricket pitches at Forest Park being utilised over the summer season by various clubs, including 'Last Man Stands', 'Tuart Hill Cricket Club' and 'Perth College', the option of completely removing this cricket pitch which has also been put forward cannot be considered at this stage.

Reasons for Not Relocating the Cricket Pitch

Therefore the reasons for not supporting the relocation of the existing southern most cricket pitch are that:

- it would severely compromise the current functional use of Forrest Park as an active recreational reserve;
- it would cause a safety issue for children playing soccer;
- it would potentially increase the City's liability, in the event that an accident or injury occurs;
- the City previously removed one cricket pitch and the two current pitches are considered acceptable in their current location;
- there are other operational methods of demarcation of the dog exercise area; and
- the estimated cost of \$20,000 of the works cannot be justified;

Alternative barrier proposal:

An alternative barrier option to be investigated is the installation of a part permanent (hedge/fence) and part removable structure.

The permanent structure could comprise of a 600mm high fence with plantings similar to Jack marks reserve while the removable barrier could comprise of box planters or some kind of removable fencing with concealed of underground sleeves and customised removable panels.

The configuration of this proposal/s is outlined on attached plan No 2542-CP-01S.

As mentioned above the estimated cost implication of a permanent vegetative barrier and pool fence like barrier to the height of 600mm has been costed at approximately \$14,000. The cost of a part permanent/part removable barrier would need to be determined.

Possible reconfiguration of soccer pitches:

Some minor reconfiguration of the existing soccer pitches would need to be undertaken to accommodate this proposal.

Working Group Meetings

The suggestion of convening a working group meeting between the PJSC, City of Vincent staff and community members has considerable merit and has worked well where issues have arisen at other reserves such as Les Lilleyman Reserve in the past.

It is recommended that the working group be restricted to operational matters and comprise of the following:

- (a) Director Technical Services (Chair);
- (b) Manager Parks and Property Services;
- (c) Manager Ranger and Community Safety Services;
- (d) two (2) local residents; and
- (e) President and Member of the Perth Junior Soccer Club.

The period will be for May 2012 to October 2013 (to coincide with the Council Elections).

If approved by the Council, an advertisement will be placed in a local newspaper seeking nominations from the local community. The Council will thereafter consider the nominations after the close of the advertising period. Meetings will be held as and when required.

Jack Marks Reserve:

Low perimeter 'native hedge with a 600mm high pool style fence:

As mentioned above at its Ordinary Meeting held on 28 February 2012 the Council approved the planting of a low perimeter 'native hedge with a 600mm high pool style fence around the Reserve, with openings located at strategic locations.

The fence/hedge was subsequently installed in the Reserve in April 2012 and since its installation numerous positive comments have been received by the City's Administration.

Request to Improve Lighting

The lighting in the park is adequate other than one area behind the playground adjacent to Turner Street.

It is therefore recommended that the Council consider listing \$5,000 in the 2012/2013 draft budget for the installation of one (1) additional Thorn 'Urbi' light behind the playground, adjacent to Turner Street.

Brigatti Gardens:

Request to Improve Lighting

The lighting has been inspected and is considered adequate in terms of the amount of light poles installed (light poles all within 25 metres of each other which is well in accordance with the Australian standard for recreational lighting).

However due to the heavy tree canopy cover the park is dark in some areas. The main issue is the type of lights installed. Originally there were four (4) x 70 watt heritage style lights and they have a very poor light distribution. This City has recently changed a damaged heritage light to the City's current standard Thorn 'Urbi' model and that has made a significant difference.

It is therefore recommended that the Council consider listing \$5,000 in the 2012/2013 draft budget for the replacement of the existing heritage style lights with 70watt metal halide Thorn 'Urbi' models including the installation of an additional two (2) light poles to illuminate darker areas of the park.

CONSULTATION/ADVERTISING:

The local community, Perth Junior Soccer Club and other Club users will be consulted if the Council resolves to make any significant changes to Forrest Park.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Low: A physical barrier may improve the amenity/safety of park users.

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:

As mentioned above, the estimated cost implication of a permanent vegetative barrier and pool fence like barrier to the height of 600mm has been costed at approximately \$14,000. The cost of a part permanent/part removable barrier would need to be determined.

The installation of one (1) additional Thorn 'Urbi' light behind the playground, adjacent to Turner Street in Jack Marks Reserve is estimated to cost \$5,000 and the replacement of the existing heritage style lights with 70watt metal halide Thorn 'Urbi' models including the installation of an additional two (2) light poles to illuminate darker areas in Brigatti Gardens is estimated to cost \$15,000.

COMMENTS:

It is recommended that the Council notes the additional information provided regarding the installation of a barrier in Forrest Park Reserve. It is also recommended that for the reasons highlighted in the report that the Council approve the retention of the southernmost cricket pitch and Forrest Park and advise the local community and the PJSC of its decision. Furthermore, it is recommended that the Council approves the investigation of alternative barrier options and the other matters raised in the report.

9.1.1 No. 8 (Lot 84; D/P: 2848) The Bouvarde, Mount Hawthorn – Alterations and Additions to Existing Single House Including Front Carport

Ward:	North	Date:	14 May 2012
Precinct:	Mount Hawthorn (P1)	File Ref:	PRO5675
Attachments:	001 – Property Information Report and Development Application Plans 002 – Owner Justification of Variations 003 – Applicant Justification of Variations 004 – Concept design of the front carport 005 – Photo of a similar proposal built on East Street		
Tabled Items:	Nil		
Reporting Officer:	S De Piazzzi, Planning Officer (Statutory)		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

1. in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application (excluding carport) submitted by Modern Home Improvers on behalf of the owner, D F & J C Power for Alterations and Additions to Existing Single House Including Front Carport at No. 8 (Lot 84; D/P: 2848) The Bouvarde, Mount Hawthorn, and as shown on plans stamp-dated 13 March 2012, subject to the following conditions:
 - 1.1 all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from The Bouvarde;
 - 1.2 no street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning;
 - 1.3 first obtaining the consent of the owners for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 6 The Bouvarde, Mount Hawthorn in a good and clean condition. The finish of the wall is to be fully rendered or face brickwork;
 - 1.4 the carport and any additional car bays in the front setback area do not form part of this approval; and
 - 1.5 two (2) car bays compliant to Australian Standards AS2890.1 are to be maintained on site; and

2. in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **REFUSES** the application (carport only) submitted by Modern Home Improvers on behalf of the owner, D F & J C Power for Alterations and Additions to Existing Single House Including Front Carport at No. 8 (Lot 84; D/P: 2848) The Bouvarde, Mount Hawthorn, and as shown on plans stamp-dated 13 March 2012, for the following reasons:
 - 2.1 non-compliance with the Residential Design Elements requiring carports to be located at the rear of the property and accessed by the legal existing right of way; and
 - 2.2 non-compliance with the Residential Design Codes clause 6.5.4 requiring access to be provided from the available right of way.

COUNCIL DECISION ITEM 9.1.1

Moved Cr Maier, Seconded Cr Pintabona

That the recommendation be adopted.

Debate ensued.

Cr Carey departed the Chamber at 7.23pm.

Debate ensued.

Cr Carey returned to the Chamber at 7.24pm.

Debate ensued.

AMENDMENT NO 1

Moved Cr Maier, Seconded Cr McGrath

That clause 2 be DEFERRED.

Debate ensued.

AMENDMENT NO 1 PUT AND LOST (2-6)

For: Cr McGrath, Cr Maier

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

(Cr Wilcox was on approved leave of absence.)

Debate ensued.

AMENDMENT NO 2

Moved Cr Maier, Seconded Cr McGrath

That clause 1.5 be deleted.

Debate ensued.

AMENDMENT NO 2 PUT AND LOST (1-7)

For: Cr Maier

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

(Cr Wilcox was on approved leave of absence.)

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

SUBSEQUENT MOTION

Moved Cr Maier, Seconded Cr Buckels

That the Council REQUESTS the Chief Executive Officer review the City's policies relating to parking within the front setback area to see if they can be modified to allow greater flexibility yet still protect valued streetscapes.

Debate ensued.

SUBSEQUENT MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

PURPOSE OF REPORT:

This application has been referred to Council for consideration of the proposed front carport, which has been recommended refusal on the grounds that it does not meet with SADC 8 of the Residential Design Elements 3.2.1.

BACKGROUND:

No previous applications or block file for this property.

DETAILS:

Landowner:	D F & J C Power
Applicant:	Modern Home Improvers
Zoning:	Residential R30
Existing Land Use:	Residential
Use Class:	Single House
Use Classification:	"P"
Lot Area:	425 square metres
Right of Way:	East side, 5.0 metres wide, sealed and drained, City owned.

The proposal is firstly for alterations and additions to the existing house and property and also for the addition of a front fence, front carport, storeroom on the south boundary, and the demolition of the rear garage.

The Officer's report is in favour of the proposed items other than the proposed front carport in the front setback area, which is not considered to meet the requirements of the City's Policies.

At the applicant's request, the item is being put forth to Council for consideration of the front carport.

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			✓
Building Setbacks			✓
Boundary Wall			✓
Building Height			✓

Design Element	Complies 'Acceptable Development' or TPS Clause	OR	'Performance Criteria' Assessment or TPS Discretionary Clause
Building Storeys	✓		
Open Space	✓		
Bicycles	N/A		
Access & Parking			✓
Privacy	✓		
Solar Access	✓		
Site Works	✓		
Essential Facilities	✓		
Roof Forms	✓		

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

Issue/Design Element:	Streetscape
Requirement:	Residential Design Elements SADC 8 Car parking, garages and carports are to be located at the rear of the property and accessed via a right of way where a right of way exists and the property has legal right of access to the right of way.
Applicant's Proposal:	Carport located in the front setback and accessed from the primary street.
Performance Criteria:	Residential Design Elements SPC 8 Garages and carports are not to visually dominate the site or the streetscape.
Applicant and owner justification summary:	<ul style="list-style-type: none"> The carport has been designed to integrate into the overall concept of the renovation sympathetic to the traditional architecture of the area. Houses on the opposite site of the street which do not have a right of way are allowed to (and have) build carports at the front of their property, which do not contain design features sympathetic to the architecture of the area and would be considered to have a more detrimental impact on the streetscape than the proposed carport. The laneway at the rear of the house is not lit at night time and as such having to use it during the night brings in concerns about safety for users. Certain areas such as Port Headland have done away with the 'laneway' concept for this very reason as it is a haven for criminals. Having the carport located at the front of the house and removing the rear garage allows for a larger more functional backyard, providing a large area for children to play in safely, due to physical limitations of the occupiers proposing the extension upwards rather than outwards to preserve the existing outdoor living area was not a desirable or practical option. <p>(Please see the full justification of the carport from both applicant and owner as shown in Appendix 9.1.1).</p>
Officer technical comment:	The City requires vehicle access from the rear of the property where possible in order to maintain an interactive connection between the dwelling and the street. This in turn reduces the number of crossovers and the need for large double crossovers at the primary frontage which allows for a greater provision of on street parking and landscaping.

Issue/Design Element:	Streetscape
	<p>While it is noted that there are some carports in the front setback area on the other side of the street, these houses do not have access to a right of way and therefore meet the requirement to allow for a carport in the front setback. A list of the scenarios where a carport may be located within the front setback are as follows;</p> <ul style="list-style-type: none"> • The right of way is unsealed or not programmed to be sealed within the current, or subsequent, financial year in accordance with the Town's right of way upgrade program; or • More than fifty (50) percent of the dwellings in the immediate street block, on the same side of the street that the subject dwelling is located have carports or garages accessed from the primary street; or • The applicant demonstrates there is a mobility or access issue by using the right of way; or • The applicant demonstrates there would be a major impact on the existing amenity or open space at the rear of the property by using the right of way. <p>The proposal is not deemed to meet with any of the above requirements for the following reasons;</p> <ul style="list-style-type: none"> • The right of way is sealed and drained; • Less than fifty (50) percent of the dwelling in the immediate street block, on the same side of the street have garage or carport access from the primary street; • The right of way is considered to be of adequate width (five (5) metres) and condition (sealed and drained) to allow for ease of access to and from the property. The existing garage in the rear accessed from the right of way demonstrates that access is feasible; • The outdoor living area located at the rear of the block, taking into account the extension and assuming the rear garage is not demolished, measures out to approximately seventy (70) square metres which is almost three (3) times the requirement for outdoor living and therefore is not considered adequate basis for relocating parking to the front of the property. If the existing garage is replaced with a carport this can still provide the opportunity for use as an outdoor living area when required, as cars are able to park at the front of the property on the existing paved car bays as an alternative.

Issue/Design Element:	Front Fence
Requirement:	<p>Residential Design Elements SADC 13 Posts and piers are to have a maximum width of 355 millimetres and a maximum diameter of 500 millimetres.</p>
Applicant's Proposal:	<p>Pier for letterbox is 620 millimetres wide, other piers are 405 millimetres wide.</p>

Issue/Design Element:	Front Fence
Performance Criteria:	<p>Residential Design Elements SPC 13 Street walls and fences are to be designed so that:</p> <ul style="list-style-type: none"> • Buildings, especially their entrances, are visible from the primary street; • A clear line of demarcation is provided between the street and development; • They are in keeping with the desired streetscape; and • Provide adequate sightlines at vehicle access points.
Applicant justification summary:	No justification received.
Officer technical comment:	<p>The piers are considered to meet all of the performance criteria;</p> <ul style="list-style-type: none"> • The fence allows for sightlines between the dwellings entrance and street; • A clear line of demarcation is provided by the fence; • As most houses on the street have an existing front fence the proposal is not considered out of line with the existing streetscape. To note; there is no consistent theme on the street with regard to street fencing, so the proposed wider piers will not impact the character of the street; and • As the fence and carport are setback from the property's front boundary they still allow for adequate sight lines at the vehicle access point.

Issue/Design Element:	Building Setbacks
Requirement:	<p>Residential Design Codes Clause 6.3.1 A1 Carport - 1.0 metre from south boundary</p> <p>It is noted that the front carport is deemed not to meet acceptable development or performance criteria, and then it is assessed against setbacks in the event that Council deem the carport to meet the criteria.</p>
Applicant's Proposal:	0.55 metres from south boundary.
Performance Criteria:	<p>Residential Design Codes Clause 6.3.1 P1 Buildings setback from boundaries other than street boundaries so as to:</p> <ul style="list-style-type: none"> • Provide adequate direct sun and ventilation to the building; • Ensure adequate direct sun and ventilation being available to adjoining properties; • Provide adequate direct sun to the building and appurtenant open spaces; • Assist with protection of access to direct sun for adjoining properties; • Assist in ameliorating the impacts of building bulk on adjoining properties; and • Assist in protecting privacy between adjoining properties.

Issue/Design Element:	Building Setbacks
Applicant justification summary:	The proposed eaves to the carport and living room are set back less than 750 millimetres from the boundary. The eaves on the carport and house maintain the character and identity of the house. It would be detrimental to the aesthetic to cut back the eaves. The eaves to the living room help to provide shading to the north facing wall and do not have any adverse effects on the house of neighbouring property.
Officer technical comment:	<p>The carport is considered to meet the performance criteria on for the following reasons;</p> <ul style="list-style-type: none"> • As the height of the carport is only 2.5 metres high there will be minimal impact of overshadowing, also as the proposed carport is open it will not have any notable impact on ventilation to the property on site or the neighbouring property; • The only area to be overshadowed would be the front setback area which is not considered as a habitable space/outdoor living area; • Due to the low height of the carport, and it being open on all sides, it is not considered to contribute to the bulk of the site; and • As the carport is located in the front setback area and completely open it is not considered to have any impact on the privacy between adjoining neighbours.

Issue/Design Element:	Boundary Wall
Requirement:	<p>Residential Design Codes Clause 6.3.2 A2 Walls not higher than 3.5 metres with an average of 3 metres for two-thirds the length of the balance of the boundary behind the front setback, to one (1) side boundary only.</p>
Applicant's Proposal:	<p><u>Kitchen boundary wall:</u> Maximum height – 3.75 metres. Average height – 3.7 metres.</p>
Performance Criteria:	<p>Residential Design Codes Clause 6.3.2 P2 Buildings built up to boundaries other than the street boundary where it is desirable to do so in order to:</p> <ul style="list-style-type: none"> • Make effective use of space; or • Enhance privacy; or • Otherwise enhance the amenity of the development; • Not have any significant adverse effect on the amenity of the adjoining property; and • Ensure that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted.
Applicant justification summary:	The kitchen boundary wall has an average height of 3.7 metres in lieu of the required 3 metre average. The floor level to the proposed kitchen living areas has been stepped down in order to reduce the wall height. However, being that the existing ceiling heights have been maintained in line with the existing building, the boundary wall height has exceeded the maximum height.

Issue/Design Element:	Boundary Wall
	<p>Performance Criteria</p> <ul style="list-style-type: none"> • The boundary wall makes an effective use of space by maximizing the width of the living areas to the rear of the narrow lot; • The boundary wall enhancing the privacy to the family's living area; • The boundary wall forms drying courtyard to screen off the laundry for the outdoor entertaining areas; • There will be no significant adverse effects to the amenity of the adjoining property being that there are existing established screening plants in this location along the boundary on the neighbour's side; and • The height of the boundary wall will have little additional effect on the restricting sunlight to the adjoining property, due to the orientation of the lots. See overshadowing diagram as shown in Appendix 9.1.1.
Officer technical comment:	<p>The boundary wall is considered to meet the performance criteria for the following reasons;</p> <ul style="list-style-type: none"> • The boundary wall makes effective use of space allowing for more efficient use of the side setback areas; • The boundary wall will slightly enhance privacy as it will eliminate any openings facing directly onto the adjoining neighbour; • By having the living area to the boundary it is considered that it will increase the amenity of the proposed living area, creating a larger, more functional space; • As there is significant vegetation located on the neighbouring side adjacent to the proposed boundary wall any impact of the wall will for the most part be screened, the boundary wall has also been split into two (2) sections to reduce the impact along the section adjoining the neighbouring dwelling; and • As the impacted property is to the south there will be an increase in overshadowing; however, this overshadowing is still well within the R-Codes requirement and would have minimal impact on the adjoining outdoor living area.

Issue/Design Element:	Building Height
Requirement:	Residential Design Codes Clause 6.7.1 A1 Single storey maximum wall height 3 metres.
Applicant's Proposal:	Wall height maximum of 3.75 metres.
Performance Criteria:	<p>Residential Design Codes Clause 6.7.1 P1 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:</p> <ul style="list-style-type: none"> • Adequate direct sun to buildings and appurtenant open spaces; • Adequate daylight to major openings to habitable rooms; and • Access to views of significance.
Applicant justification summary:	No justification received.

Issue/Design Element:	Building Height
Officer technical comment:	<p>The property is considered to meet the performance criteria as follows;</p> <ul style="list-style-type: none"> • The proposal meets with the requirements of overshadowing as per the R-Codes; • The overshadowing is expected to have some impact on habitable rooms adjacent to the south boundary; however, the increase in overshadowing is not considerably greater than that of the existing shadow as the wall height has been reduced on the extensions. • The height is not considered to impact on views any more than the impact of the existing dwelling. <p>To note; the allowed number of storeys for this area is two (2), essentially allowing a six (6) metre wall height. With such consideration, a 3.75 metre height, while over the requirement, is still well under the potential acceptable wall height. As the ceiling height is maintained from the existing dwelling it is considered that it is consistent with the desired height of single storey buildings in the locality.</p>

Issue/Design Element:	Access and Parking
Requirement:	<p>Residential Design Codes Clause 6.5.4 Access to on-site parking to be provided, where available, solely from a right of way available for use of the relevant lot and adequately formed and drained from the property boundary to a constructed street, or from a secondary street where a right of way does not exist.</p> <p>Residential Design Elements SADC 8 Car parking, garages and carports are to be located at the rear of the property and accessed via a right of way where a right of way exists and the property has legal right of access to the right of way.</p>
Applicant's Proposal:	Onsite parking accessed from the primary street.
Performance Criteria:	<p>Residential Design Codes Clause P4 Vehicular access provided so as to minimise the number of crossovers, avoid street trees, to be safe in use and not detract from the streetscape.</p> <p>Residential Design Elements SPC 8 Garages and carports are not to visually dominate the site or the streetscape.</p>
Applicant justification summary:	<p>The proposed carport is located within 1.15 metres of the primary street setback. The reason for locating the carport to the front of the property is in order to maintain a good sized outdoor living area that can cater for a family's leisure and outdoor entertaining requirements. A garage located to the rear of the property would obstruct the outdoor living area and provide a poor outlook form key areas of the home.</p> <p>Currently there is a crossover to the primary street, of which is well used. There would be little impact in extending this crossover to provide space for two (2) parking spaces, making good use of the area to the front of the home.</p> <p>There will be little impact to the streetscape being that houses on the opposite side of the street already have examples of carports.</p>

Issue/Design Element:	Access and Parking
Officer technical comment:	The site currently has existing vehicle access from the primary street, and the proposed crossover fits within the City's requirements of being less than forty (40) percent of the lot's frontage. Whilst it is noted the majority of dwellings in the block on the same side of the street also have vehicle access from the primary street, only one (1) dwelling has access to a built carport/garage structure, not complying with the fifty (50) percent requirement of SADC 8 to allow for access to parking from the primary street.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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Comments Period:	13 March 2012 to 26 March 2012.
Comments Received:	Community consultation was undertaken in relation to the proposed Alterations and Additions to Existing Single House Including Front Carport; no comments were received.

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

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

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

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

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

COMMENTS & CONCLUSION:

The proposal is for the most part supported; however, it is considered a poor planning outcome replacing a rear garage accessed from a right of way, with a carport accessed from the primary street. The carport would result in less interaction between the house and the streetscape by obstruction of parked cars and the carport. Further, the larger crossover reduces the street's potential to provide on street parking for the public.

The applicant has proposed that the replacement of the rear garage with the front carport is an attempt to provide a larger and more functional outdoor living area. While there is some merit to this justification, as the proposed extension will reduce the amount of outdoor living from the existing, the remaining outdoor living area (approximately seventy (70) square metres), not including the additional area from the removal of the garage, is still over double the amount required by the Residential Design Codes (twenty four (24) square metres). As a result, the proposed variation is not considered to be in line with the intended outcomes of SADC 8 of the Residential Design Elements 3.2.1 when it states *"the applicant demonstrates there would be a major impact on the existing amenity or open space at the rear of the property by using the right of way"*.

In light of the above it is recommended that the proposal be approved, subject to the condition that two (2) car bays are maintained on site, and the proposed front carport and any additional car bays in the front setback area do not form a part of the approval.

9.2.2 TravelSmart Local Government Program – Expression of Interest to Participate and Progress Report No. 2

Ward:	Both	Date:	11 May 2012
Precinct:	All	File Ref:	ORG0060 & TES0524
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council:

1. **NOTES that the;**
 - 1.1 **City of Vincent’s Expression of Interest submitted on 24 February 2012 for participation in the TravelSmart Local Government Program between 2011/2012 and 2014/2015 has been successful;**
 - 1.2 **City will need to provide a financial contribution of \$112,400 to employ a TravelSmart Officer (TSO) over a 36 month period between 2011/2012 and 2014/2015; and**
 - 1.3 **provision of on-costs with sufficient resources to enable the TravelSmart Officer to effectively achieve the required objectives and Milestones in Schedule will be the responsibility of the City;**
2. **AUTHORISES the Chief Executive Officer and Mayor to sign the ‘Funding Agreement for TravelSmart Officers in Local Government’ between the ‘Minister for Transport for and on behalf of the Crown in Right of the State of Western Australia’ and the ‘City of Vincent’, subject to the Council committing to providing the following funding over the next three (3) financial years, 2012/2013 to 2014/2015 inclusive;**
 - 2.1 **\$15,200 in 2012/2013;**
 - 2.2 **\$37,200 in 2013/2014; and**
 - 2.3 **\$60,000 in 2014/2015.**

Cr McGrath departed the Chamber at 7.36pm.

COUNCIL DECISION ITEM 9.2.2

Moved Cr Maier, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

Cr McGrath returned to the Chamber at 7.40pm.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the outcome of its Expression of Interest for the City to participate in the Department of Transport's (DoT) TravelSmart Local Government program from 2011/2012 to 2014/2015.

BACKGROUND:

Ordinary Meeting of Council – 14 February 2012:

The Council considered a report on the submission of an 'Expression of Interest' to participate in the Department of Transport's 'TravelSmart Local Government Program' between 2011/2012 and 2014/2015.

Following consideration of the report the following decision was made:

"That the Council;

1. *RECEIVES the report on the 'possible' participation of the City of Vincent in the Department of Transport's 'TravelSmart Local Government Program' between 2011/12 and 2014/15;*
2. *AUTHORISES the Chief Executive Officer to submit an 'Expression of Interest' to participate in the Department of Transport's 'TravelSmart Local Government Program' between 2011/12 and 2014/15; and*
3. *NOTES that:*
 - 3.1 *should the City's Expression of Interest be successful an amount of \$25,200.00 will need to be listed, for consideration, in the 2012/2013 draft budget, with a funding commitment \$37,200.00 in 2013/2014 and \$70,000.00 in 2014/2015 for a full time TravelSmart Officer; and*
 - 3.2 *a further report will be submitted to the Council once the City has been advised of the outcome of its City's 'Expression of Interest'."*

DETAILS:

Advice from Department of Transport:

In accordance with the Council's decision, the City submitted an Expression of Interest by the requested date i.e. 24 February 2012.

On 8 May 2012 the following advice was received from the Department of Transport:

"I am pleased to inform you that as a result of the Expression of Interest submitted on 24 February 2012 for participation in the above program, the Department of Transport is able to offer the City of Vincent a grant to support the employment of a Local Government Travel Smart Officer. The grant is offered in accordance with the call for an Expression of Interest issued on 21 December 2011, and your responding application.

By accepting this grant funding and signing the attached funding agreement, the City of Vincent is committing to engage a TravelSmart Officer for an initial period of 36 months at a minimum salary of \$60,000 per annum. The Department of Transport will provide the City of Vincent with a total subsidy of \$67,600 to be made in three milestone payments. Full details are outlined in the attached funding agreement. To accept this offer, please sign and return one copy of the attached funding agreement to the Department of Transport and keep the second copy for your records.

In consultation with the community and relevant government bodies, your local government TravelSmart Officer will identify, develop and implement programs, strategies and initiatives that encourage and promote sustainable travel options and practises within your municipality. As this will be a new position within your local government a number of resources have been included in this letter:

- *The Funding Agreement: the document provides the terms and conditions of the grant and outlines the key objectives of the TravelSmart Officer.*
- *A Model Job Description: this document provides more detail about the activities a TravelSmart Officer is expected to perform and can be adapted by the City to aid the appointment process.*
- *A progress Report Sheet: as a condition of the grant, local governments are expected to provide regular progress reports. This sheet outlines the reporting requirements.*

We hope these resources clarify the role and responsibilities of a local government TravelSmart Officer.”

Role of the City:

Financial contribution:

As previously reported to the Council, the City will need to provide a financial contribution of \$112,400 to employ a TravelSmart Officer (TSO) over a thirty six (36) month period in the following payments.

- \$0 in 2011/2012
- \$15,200 in 2012/2013
- \$37,200 in 2013/2014
- \$60,000 in 2014/2015 (being the full salary/wage for the TSO).

Note: The provision of on-costs with sufficient resources to enable the TravelSmart Officer to effectively achieve the required objectives and Milestones in Schedule.

Non financial obligations:

The non financial obligations of the position will include:

- To include and permit a representative from the Department of Transport (DOT) on the selection panel for recruitment of the TravelSmart Officer.
- Agreeing to use the TravelSmart trade mark.
- To discuss with the DOT and obtain written consent and approval for all media releases before release in the press.
- Acknowledge the support of the DOT in all publications and reports arising from the delivery of the TravelSmart Project under this Agreement.

Reporting obligations:

The City will be required to provide the DOT with the following Reports:

- A Work Plan for the Local Government TravelSmart Officer due three (3) months after the commencement of the Agreement;
- Progress Report 1 due 26 April 2012;
- Progress Report 2 due 25 April 2014;
- Final Report due date 24 April 2015.

Functions and Obligations of the City's TravelSmart Officer:

The TravelSmart Officer will in consultation with the community and government bodies are required to identify, develop and implement programs, strategies, and initiatives that encourage and promote smarter and more sustainable travel options and practises within the City.

The TravelSmart Officer will be required to meet the following objectives and milestones:

- Participate in the TravelSmart Local Government Officer Network and professional development officer by the Department;
- Develop a TravelSmart Work Plan for adoption by council;
- Integrate TravelSmart (travel information and behavioural approaches into the broad transport, land-use planning and community development policies in the City;
- Initiate, develop and coordinate community events, programs and displays that promote and encourage sustainable transport especially during Bike and Walk Weeks.
- Work with the City employees to develop a Green Transport Plan for the organisation;
- Promote and assist the local community to engage in TravelSmart to School, Walking School Bus, LivingSmart and TravelSmart workplace programs; and
- Develop innovations in the promotion of travel alternatives such as walking cycling and public transport.

CONSULTATION/ADVERTISING:

The position for TSO would be advertised once the Funding Agreement has been sign off by both parties and the City has committed to the funding.

LEGAL/POLICY:

The employment of a TSO will be the subject of a formal Memorandum of Understanding Agreement (MOU) between the City and the DoT.

The City's Policy No. 4.1.16 relating to Vehicle Management states:

“Objective 6 Promote an environment which:

- *reduces fleet costs;*
- *satisfies operational requirements;*
- *optimises the use of a vehicle through car sharing/pooling; and*
- *gives consideration to the environmental sustainability impact of vehicle use.”*

RISK MANAGEMENT IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

“Natural and Built Environment

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

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

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

- 1.1.5 *Take action to improve transport and parking in the City and mitigate the effects of traffic.*
- (a) *Implement the City's Car Parking Strategy and associated Precinct Parking Management Plan.*
 - (b) *Investigate the City's existing landholding and car parks for multi-use purposes.*
 - (c) *Continue to investigate and implement Local Area Traffic Management in collaboration with the Local Area Traffic Management Advisory Group.*
 - (d) *Promote alternative methods of transport and...continue to seek State Government funding to improve the Perth Bicycle Network.*
 - (e) *Work with State Government to improve public transport within the City.*
 - (f) *In partnership with the State Government and stakeholders, investigate options for a light rail system in the City, or alternative similarly dedicated service, to increase 'cross town' public transport.*

Community Development and Wellbeing

Objective 3.1: *Enhance and promote community development and wellbeing.*

- 3.1.2 *Promote and foster community safety and security.*
- (d) *Promote development strategies that incorporate crime prevention through environmental design principles.*
- 3.1.3 *Promote health and wellbeing in the community.*
- (a) *Develop and implement a Healthy Lifestyle Plan to promote the health and wellbeing of the City of Vincent Residents.*
 - (d) *Implement the Physical Activity Plan.*
- 3.1.5 *Promote and provide a range of community events to bring people together and to foster a community way of life.*
- (a) *Organise and promote community events, programs and initiatives that engage the community...and develop an Annual Program of events."*

SUSTAINABILITY IMPLICATIONS:

A TSO will provide the City's employees and local community with sustainable and active transport solutions, improve employee and community health, reduce transport-related greenhouse gas emissions and improve the City's overall liveability.

The City's Sustainable Environment Strategy 2011-2016 states:

"General Actions

- Objective: *Ensure that the City acts in an environmentally sustainable manner in all of its operations.*
- A. *For all environmental initiatives, consider liaison with relevant government agencies to obtain useful information or to partner on projects.*
 - B. *Monitor and avail of opportunities for state and federal funding and grants which could fund environmental projects or initiatives.*

Air and Emissions

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

Objective 2: Reduce and offset the use of non-renewable energy in the City's operations, and promote the same to the community.

Action 1.3: Continue to downsize the City's fleet and monitor developments in more sustainable vehicle technology and its affordability.

Action 1.5: Encourage and facilitate City employees' use of alternatives to single-occupant car travel.

Action 1.9: Promote cycling as an alternative method of transport within and to the City, including by developing a Vincent Bicycle Strategy.

Action 1.10: Advocate for improved public transport links within and to the City.

Action 1.11: Promote public transport within and to the City, through community education and incentive initiatives.

Action 1.12: Promote the use of electric vehicles, particularly scooters, rather than conventionally-fuelled vehicles.

Action 1.13: Employ a demand management approach to car parking within the City to encourage the use of alternative transport modes."

FINANCIAL/BUDGET IMPLICATIONS:

As mentioned above the City will need to provide a financial contribution of \$112,400 to employ a TravelSmart Officer (TSO) over a thirty six (36) month period in the following payments.

- \$0 in 2011/2012
- \$15,200 in 2012/2013
- \$37,200 in 2013/2014
- \$60,000 in 2014/2015 (being the full salary/wage for the TSO).

COMMENTS:

Traditionally TSO's have been aligned to Technical Services as the division generally responsible for infrastructure and transport related matters. The TSO would report to the Manager – Asset and Design Services, however, they will have a strong working relationship with the City's Sustainability Officer and regular engagement with Strategic Planning and Community Development Services Section.

9.2.3 Proposed Introduction of 3P Parking Restrictions – Cleaver Precinct, West Perth – Further Report

Ward:	South	Date:	11 May 2012
Precinct:	Cleaver (P5)	File Ref:	ORG0058, PKG0054, PKG0154
Attachments:	001 – Proposed 3P Parking Restrictions		
Tabled Items:	-		
Reporting Officer:	C Wilson, Manager Asset and Design Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES** the introduction 3P Parking Restrictions 8am and 5.30pm Monday to Friday, in Florence, Hammond, Janet and Ivy Streets, as shown on attached Plan No. 2888-CP-01A and Plan No. 2888-CP-02A; and
2. **AUTHORISES** a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs.

Moved Cr Topelberg, Seconded Cr Carey

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Topelberg, Seconded Cr Carey

That new clauses 3 and 4 be inserted as follows:

- “3. **TRIALS** the issuing of Caution Notices based on the wording below during the two (2) week moratorium period:

“We are issuing this Notice as a reminder that we do patrol our residential streets and we are committed to preserving parking equity for residents, business and visitors to the City of Vincent.”; and

4. **CONSIDERS** adopting the same format in all circumstances where new parking restrictions are put in place.”

Debate ensued.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

Debate ensued.

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

(Cr Wilcox was on approved leave of absence.)

COUNCIL DECISION ITEM 9.2.3

That the Council;

1. **APPROVES** the introduction 3P Parking Restrictions 8am and 5.30pm Monday to Friday, in Florence, Hammond, Janet and Ivy Streets, as shown on attached Plan No. 2888-CP-01A and Plan No. 2888-CP-02A;
2. **AUTHORISES** a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs;
3. **TRIALS** the issuing of Caution Notices including the wording below during the two (2) week moratorium period:

“We are issuing this Notice as a reminder that we do patrol our residential streets and we are committed to preserving parking equity for residents, business and visitors to the City of Vincent.”; and
4. **CONSIDERS** adopting the same format in all circumstances where new parking restrictions are put in place.

PURPOSE OF REPORT:

The purpose of this report is to inform the Council of the outcome of a public forum and further public consultation in regards previous requests for parking restrictions in Florence, Hammond, Janet and Ivy Streets within the Cleaver Precinct, West Perth.

BACKGROUND:

In the latter part of 2011 the City has received a request to review the need for additional time restricted parking within the Cleaver Precinct, specifically in Florence, Hammond, Janet and Ivy Streets.

A number of Transperth bus routes feed into the Perth Central Business District (CBD) via Cleaver and Carr Streets, both of which have timed parking restrictions. Given that there is no parking restrictions in aforementioned streets there is some evidence that commuters are using these streets as a free ‘Park and Ride’ facility to avoid paying for parking in the CBD.

In response the City Officers investigated the matter and recommended the installation of 2P 8am – 5.30pm Monday to Friday restrictions in aforementioned streets.

On 3 November 2011 the residents of the Florence, Hammond, Janet and Ivy Streets were consulted regarding the proposed restrictions. A report was subsequently presented to the Ordinary Meeting of Council 6 December 2011 recommending the installation of restrictions in Florence and Ivy Street, but not Hammond and Janet Streets, for reason set-out in the report.

Having considered the report and given the inconclusive outcome of the public consultation Council made the following decision (in part):

“That the item be DEFERRED to a community Forum to be held in conjunction with the Cleaver Precinct Group, in February 2012.”

DETAILS:

Initial Community Consultation:

On 3 November 2011 five hundred and twelve (512) letters, with attached plans, were distributed to the residents of the aforementioned streets in accordance with the City’s consultation policy. At the close of the consultation period fifty three (53) responses had been received.

This represents a response rate of 10.4% which is significantly lower than would normally be expected for parking consultations. Further, it suggests that many residents are at the very least ambivalent.

In Favour of the Proposal: (28)

Representing 53% of those received, whose comments are summarised as follows;

- 17 in favour with no further comment.
- In favour as long as no trees are removed/harmed.
- In favour subject to commercial permits being allowed.
- In favour subject to permits being issued.
- Please show where the two (2) bays in Florence Street are/will go.
- Are there costs for the parking permits?
- Parking on both sides of the street restricts the amount of room for cars to manoeuvre.
- Please patrol the restrictions.
- In favour due to the increase in vehicle parking due to development.
- Please implement the proposal as soon as possible to stop the park 'n' ride people.
- 2 x will help stop the park 'n' ride people.

Against the Proposal: (24)

45% of those received commented as follows;

- 9 against with no further comment.
- Used by residents and not by commuters.
- I have seen restrictive parking introduced in other suburbs and owner and visitors find.
- Very obtrusive and a hassle to everyone.
- The vast majority of cars parked on Hammond St at any given time are recognisable as resident's vehicles. If they are introduced we object to the parking permit conditions.
- Residents restricted enough without imposing further 2 hr restrictions.
- I live in a townhouse with 3 vehicles and 1 car bay; we have never had issues with trying to find parking in our street.
- Seems to not be an issue with commuters parking, mostly used by residents. Issues seem only to come from the volleyball overflow across the road.
- The high density living requires on street parking.
- I have no 'off street' parking so a 2 hour limit would pose a problem for anyone living the duplex.
- I do not want to see the restrictions as residents should be able to park in their street, if it is introduced then permits must be issued.
- These are predominantly marked as local traffic only streets some of the signs knocked over and not replaced.
- We have not observed any person parking in Janet Street to use the bus as suggested.
- As there are apartments with very little parking space allocation I disagree with 2 hr restriction.
- We do not believe that Janet St parking is difficult to come by or busy during business hours.
- The parking arrangements from what I can see are working fine as they are. So why change it?
- This proposal means people who live here and their friends/family will inevitably be fined for parking out the front/near their house.

Other Comments: (1)

- Could it be 4 hour parking as this would allow visitors however exclude the all day parking?

Public Forum:

In accordance with Council's resolution a Public Forum was held at 6.00pm on Monday 20 February 2012 at the City's Administration and Civic Centre's function room.

Prior to the forum the City had written to all those previously canvassed and the Cleaver Precinct Action Group inviting them to attend.

The forum was chaired by Councillor Carey and attended by Councillor's Maier and Wilcox and officers representing Technical, Planning and Rangers Services. Some twenty one (21) residents attended, representing all four (4) affected streets (Florence, Hammond, Janet and Ivy Streets).

The discussion was robust with many differing views offered, with the split between those who supported restrictions and those who were against restrictions, not dissimilar to that of the results of the original public consultation.

However, as the discussion evolved it appeared that the majority were tending to support time restrictions on the understanding that they, as residents, would be eligible for *Residential Parking Permits*. There was also some discussion on the appropriate time limit with some residents suggesting that the restriction should be at least 3 hours, rather than 2 hours, so as to lessen the inconvenience to residents but still short enough to deter commuter parking.

Note: Eligibility for Parking Permits would apply in accordance with Council policy.

There was also some discussion as to whether all four streets should subject to a three (3) or six (6) month 'trial' period followed by further public consultation. However some residents expressed an opinion that *'they didn't want to be back here in six (6) months time discussing parking restrictions again'*.

The discussion then focused on the issue of enforcement. It was generally agreed that if parking restrictions were to be installed then it required regular enforcement. Several residents ventured that the existing restrictions were not enforced (in Carr and Cleaver Streets) and therefore they had no great expectation that they would be enforced in their streets. Further they (the residents) did not want to see an initial enforcement blitz that tapered off, resulting in commuters returning to their streets and taking their chances.

Further Janet Street Community Consultation:

The only street for which a general consensus could not be reached was Janet Street. The residents present at the forum did support parking restrictions but were also concerned that if installed in the surrounding streets it would in-turn create an issue in their street.

Therefore it was agreed that before presenting a further report Council that the residents of Janet Street be given another opportunity to comment.

In accordance with the above the City wrote to the residents of Janet Street on 30 March 2012. At the close of the consultation period of the twenty (20) residences canvassed four (4) responses had been received representing a 20% response rate.

Again the results were tied, two (2) for the restrictions and two (2) against. However, of the two (2) against one (1) resident provided an 'overrider':

'In order to save much time and effort, I feel the Janet Street parking restrictions should remain in step with the others. If not, the Council will simply have to go through the entire lengthy process all over again.'

Officer Comments:

It was apparent from the forum that while not everyone agreed initially that restrictions were warranted most came around to the idea on the understanding that:

- * Residents would be eligible for Residential Parking Permits; and
- * That the new restrictions would be regularly enforced.

In respect of the duration of the restrictions there was no clear outcome from the meeting and a result Officers are recommending 3 hours (3P) because, as one resident put it, *to lessen the inconvenience to residents but still short enough to deter commuter parking.'*

CONSULTATION/ADVERTISING:

Consultation was undertaken in accordance with Council's Community Consultation Policy No. 4.1.5. All respondents will be advised of the Council's decision.

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 approximately forty (40) parking poles and forty-eight (48) signs at an estimated cost of \$3,250.

COMMENTS:

Similar restrictions are currently in place in other streets within the Cleaver Precinct to prevent CBD commuters using the streets as a 'Park and Ride' area. The proposed restrictions in Florence, Hammond, Janet and Ivy Streets will improve weekday access to on-road parking for the residents.

9.3.3 Portion of No. 10 (Lot 2545) Farmer Street, North Perth – Proposed Lease Area for North Perth Bowling & Recreation Club (Inc.)

Ward:	North Ward	Date:	11 May 2012
Precinct:	North Perth (8)	File Ref:	PRO3409
Attachments:	001 – Map of Lease Area 002 – Aerial photo of Lease Area		
Tabled Items:			
Reporting Officers:	T Lumbis, Executive Secretary Technical Services; M Rootsey, Director Corporate Services		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council APPROVES of a Lease from 1 September 2012 to 31 August 2017, for the premises at No. 10 (Lot 2545) Farmer Street, North Perth, being granted to the North Perth Bowling & Recreation Club (Inc.) as per Appendix 9.3.3 as follows:

1. Term: five (5) years plus five (5) year option;
2. Rent: \$2,600 (plus GST) per annum indexed to CPI;
3. Outgoings: to be paid by the Lessee;
4. Rates & Taxes: to be paid by the Lessee; and
5. Permitted Use: community, recreational and leisure activities; and

subject to approval by Minister of Lands and final satisfactory negotiations being carried out by the Chief Executive Officer.

COUNCIL DECISION ITEM 9.3.3

Moved Cr Maier, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

PROPOSED AMENDMENT

Moved Cr Maier, Seconded Cr

That clause 2 be amended to read as follows:

“2. Rent: ~~\$2,600~~ \$4,600 (plus GST) per annum indexed to CPI;”

PROPOSED AMENDMENT LAPSED FOR WANT OF A SECONDER

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council’s approval for the North Perth Bowling & Recreation Club (Inc.) lease and their request for a further lease on the area.

BACKGROUND:

The North Perth Bowling & Recreation Club (Inc.) was founded in 1907. The club officially opened in 1912 when the clubhouse was built. The club is the eleventh oldest in WA and the sixth oldest in Perth.

North Perth Bowling & Recreation Club (Inc.) has held a lease over a portion of Woodville Reserve, 10 Farmer Street, North Perth for the most recent period of five (5) years which expires on 31 August 2012. The current leased area is leased for \$2,575.24 (plus GST) per annum.

DETAILS:

The North Perth Bowling Club has proven to be a good tenant during their previous lease period. Payment of lease fees has always been prompt and the City and the bowling club have a good working relationship regarding maintenance issues that arise.

The North Perth Bowling Club conducts bowling every day of the week and also hires out its clubroom to community groups.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Policy No. 1.2.1 – Terms of Lease.

RISK MANAGEMENT IMPLICATIONS:

Low: This request for the lease is a minimal risk for the City as it is for a continuation of the current terms and conditions which have been complied with by North Perth Bowling & Recreation Club (Inc.).

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

“Objective 2.1.3: Develop business strategies that reduce reliance on rates revenue.

- (c) Continue to review leases and commercial contracts to ensure the best return for the City, whilst being cognisant of its community service obligations.”*

SUSTAINABILITY IMPLICATIONS:

Not applicable

FINANCIAL/BUDGET IMPLICATIONS:

The City currently has a lease with North Perth Bowling & Recreation Club (Inc.) with a rent of \$2,575.24 (plus GST) per annum.

COMMENTS:

North Perth Bowling & Recreation Club (Inc.) have been good tenants and the Administration has no hesitation supporting a further five (5) year period, with a five (5) year option.

9.4.1 FURTHER REPORT: Perth Metropolitan Homelessness Response Workshop: Final Report and Status of Parks People Project Working Group (PPPWG) and Perth Registry Week Proposal

Ward:	Both	Date:	11 May 2012
Precinct:	All	File Ref:	ENS0105
Attachments:	001 – Project Proposal for Registry Week in Perth		
Tabled Items:	Nil		
Reporting Officers:	M Wood, Co-ordinator Safer Vincent		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** the Perth Metropolitan Homelessness Response Workshop: Final Report (September 2011), as shown in Appendix 9.4.1;
2. **SUPPORTS IN PRINCIPLE**, the actions as outlined in the Perth Metropolitan Homelessness Response Workshop: Final Report;
3. **APPROVES:**
 - 3.1 the ongoing clerical support from the City of Vincent, to assist in the administration of the Parks People Project Working Group; and
 - 3.2 an allocation of remainder funds from the 2011/2012 Safer Vincent Initiatives Budget of \$3000 (incl. of GST), which represents approximately 9% of total cost contribution of Perth Registry Week Proposal as shown in Appendix 9.4.1, in conjunction with the City of Perth, Department of Health and Department of Child Protection and RUAH Community Services; and
4. **APPOINTS** Cr to represent the City of Vincent at the Parks People Project Working Group (PPPWG) meetings, to provide a co-ordinated action and response to homelessness, at a local community level, in conjunction with the City of Perth elected members.

Moved Cr Buckels, Seconded Cr Carey

That the recommendation be adopted with Cr McGrath appointed to clause 4.

No other nominations were received.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

COUNCIL DECISION ITEM 9.4.1

That the Council;

1. **RECEIVES** the Perth Metropolitan Homelessness Response Workshop: Final Report (September 2011), as shown in Appendix 9.4.1;
2. **SUPPORTS IN PRINCIPLE**, the actions as outlined in the Perth Metropolitan Homelessness Response Workshop: Final Report;

3. APPROVES:

3.1 the ongoing clerical support from the City of Vincent, to assist in the administration of the Parks People Project Working Group; and

3.2 an allocation of remainder funds from the 2011/2012 Safer Vincent Initiatives Budget of \$3000 (incl. of GST), which represents approximately 9% of total cost contribution of Perth Registry Week Proposal as shown in Appendix 9.4.1, in conjunction with the City of Perth, Department of Health and Department of Child Protection and RUAH Community Services; and

4. APPOINTS Cr Warren McGrath to represent the City of Vincent at the Parks People Project Working Group (PPPWG) meetings, to provide a co-ordinated action and response to homelessness, at a local community level, in conjunction with the City of Perth elected members.

PURPOSE OF REPORT:

The purpose of this report is to detail the findings of the Perth Metropolitan Homelessness Response Workshop, to seek in principal support for the recommended actions it contains, to seek approval for the ongoing clerical support to the Parks People Project Working Group and to nominate an elected member representative to attend the Parks People Project Working Group on behalf of the City of Vincent. This report also seeks approval for a financial contribution to go towards Registry Week in Perth to assist in quantify the extent of homelessness in Vincent and Perth.

BACKGROUND:

At the Ordinary Meeting of Council held on 14 February 2012, the following recommendations were considered and with a decision made to defer this matter, pending further information regarding a separate but related matter dealing with homelessness, of a 'Registry Week' Proposal from RUAH Community Services to be considered:

"OFFICER RECOMMENDATION:

That the Council;

- 1. RECEIVES the Perth Metropolitan Homelessness Response Workshop: Final Report (September 2011) as shown in Appendix 9.4.1 and notes its findings;*
 - 2. SUPPORTS, in principle, the actions as outlined in the Perth Metropolitan Homelessness Response Workshop: Final Report;*
 - 3. APPROVES the ongoing clerical support from the City of Vincent, to assist in the administration of the Parks People Project Working Group; and*
 - 4. APPOINTS Cr to represent the City of Vincent at the Parks People Project Working Group (PPPWG) meetings, to provide a co-ordinated action and response to homelessness, at a local community level, in conjunction with the City of Perth elected members.*
-

Discussion ensued.

Cr Carey departed the Chamber at 8.37pm.

Discussion ensued.

COUNCIL DECISION ITEM 9.4.1

Moved Cr Maier, Seconded Cr Harley

That the recommendation be adopted.

Debate ensued.

Cr Carey returned to the Chamber 8.40pm.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Maier, Seconded Cr Topelberg

That the item be DEFERRED to for further consideration.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

Perth Registry Week Proposal

As per additional information requested on the Perth Registry Week Proposal, this along with a funding recommendation has been added to this report.

RUAH Community Services, who have been active participants in the City of Vincent hosted Parks People Project Working Group (PPPWG), have approached the City of Vincent to support and co-fund their proposal to run a Registry Week in conjunction with the City of Perth, Department of Health and Department of Child Protection and RUAH Community Services.

The proposal has come about in part due to the strong collaboration of key agencies participating in the PPPWG and as a proactive strategy identified to assist in dealing with homelessness that is experienced throughout the metropolitan area, including the local government areas of Vincent and Perth.

Parks People Project Working Group

As a result of numerous complaints from the public, about the disruption caused by itinerant groups who were sleeping rough in the City's parks and reserves, a "Parks People Project Working Group" (PPPWG) was established. The group had members from a number of agencies, including WA Police, City of Perth, City of Vincent, Department of Premier and Cabinet, Department of Community Development, Department of Indigenous Affairs, Nyoongar Patrol, Bridge House and the Department of Housing and Works. The co-ordinator was employed by the then Department of Community Development (DCD), now known as the Department for Child Protection (DCP) and her mandate was to provide assistance to those in need, by facilitating a direct outreach and coordination service to those who were genuinely homeless. The Position was funded for approximately two years until 2007 and, because the level of complaints had been substantially reduced, it was then discontinued, with the PPPWG being subsequently disbanded.

Due to a return to a significant level of itinerant and homeless issues re-presenting in the City's parks and the Perth Metropolitan area as a whole, the City convened a meeting of the former PPPWG on 30 September 2010. Stakeholders included DCP, WA Police, City of Perth, Nyoongar Patrol, RUAH, UnitingCare West, Mission Australia, Department of Corrective Services, Salvation Army and the City of Vincent. The Meeting was chaired by the former Deputy Mayor, former Councillor Sally Lake and its purpose was to encourage collaboration amongst key stakeholders, with a view to delivering appropriate support and accommodation outcomes for Aboriginal and non-aboriginal people who are experiencing primary homelessness.

The Central Regional Metropolitan Managers Human Services Forum (CRMHSF) in conjunction with the PPPWG hosted a public forum at the City of Vincent on 3 August 2011. The purpose of this forum was to obtain consensus on how best to deal with the increasing level of homelessness and the anti-social behaviour that inevitably results from their gatherings. The tabled "Perth Metropolitan Homeless Response Workshop: Final Report" identifies the issues, as well as makes recommendations as to strategies that can be employed to combat these problems.

At the PPPWG Meeting, in November 2011, the Chief Executive Officer of Shelter WA, Chantal Roberts, agreed to accept the position of Interim Chair of the PPPWG, with a recommendation that this position be rotated among stakeholder agencies in the future. When the former Deputy Mayor was the Chair, the administrative support functions were performed by the Co-ordinator Safer Vincent and the Customer Service Officer Safer Vincent area and the City has been asked to continue to provide this support, in compiling the Agenda and Minutes.

DETAILS:

Perth Registry Week Proposal

As requested at the Ordinary Meeting of Council held on 14 February 2012, the following information is provided in relation to the Perth Registry Week Proposal.

The Proposed Registry Week event will aim to collect information on the individual profiles of homeless people who are sleeping rough in our City. Registry Week has been successfully established in Brisbane, Sydney, Melbourne and Hobart since June 2010. Largely due to close collaborative working relationship forged through forums such as the PPPWG, there is now an opportunity for Perth to participate with a number of advantages of Perth Registry Week being identified. It will aim to:

- Provide a detailed snapshot of homelessness and related issues;
- Provide indicative numbers of homelessness people presenting in Vincent/Perth area;
- Link homeless people to services;
- Support homeless people beyond the registration process;
- Allow the City of Vincent and Perth to participate in regional approach to minimise impact of homelessness within the Cities of Vincent and Perth;
- Allow information to be provided to Commonwealth Departments dealing with homelessness - Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA);
- Provide information on impacts of homelessness within Vincent and Perth to the Council of Capital City Lord Mayors Group; and
- Provide a further tangible outcome arising from the PPPWG.

Funding has been confirmed by RUAH Community Services from the following agencies with contributions amounts as per below;

Agency	Contribution Sought	Status of Contribution
City of Perth	\$15,000	Confirmed
Department of Child Protection	\$10,000	Confirmed
Department of Health	\$5,000	Confirmed
City of Vincent	\$3,000 (approximately 9% of total contribution required)	Subject to Council approval sought in this report
TOTAL COST OF PERTH REGISTRY WEEK	\$33,000 incl. GST	

PPPWG

The PPPWG continues to be the overarching group to monitor homelessness and related anti-social issues within the City of Vincent. Since the commencement of the PPPWG, there has been an increased co-ordination between the associated agencies, with an improved response to people presenting in parks and public spaces, particularly to 'at risk' persons. The co-ordinated responses have resulted in a decrease in people gathering in parks and also in the number of complaints from adjacent residents and businesses. However, due to the constant changing and transient face of homelessness, it is an area that continually needs to be monitored to ensure long-term gains and effective agency preparedness.

The principal aim of the PPPWG is to encourage collaboration amongst key stakeholders toward delivering appropriate support and accommodation outcomes for Aboriginal people and other persons who are experiencing primary homelessness (rough sleeping).

The core members of the PPPWG include: City of Vincent, City of Perth, WA Police Department for Indigenous Affairs, Department for Child Protection, Department of Corrective Services, Department of Housing and the Nyoongar Patrol. However, when former Deputy Mayor Lake was not re-elected to the Council, her position as Chair of the PPPWG fell vacant. Given the seriousness of the homelessness issue, it has been suggested that an elected member from the City of Vincent should nominate to join the other stakeholders, including the elected member(s) from the City of Perth.

On 3 August 2011, over 100 representatives from relevant government agencies and non-government organisations, elected members and other key stakeholders participated in the Perth Homeless Response Workshop. The purpose of the workshop was to identify contemporaneous issues and to encourage collaboration between key stakeholders, with a view to delivering appropriate support and accommodation outcomes for Indigenous and other people, in the City of Vincent and the City of Perth.

Workshop participants acknowledged that addressing the issue of homelessness in Perth and Vincent requires commitment from all involved Agencies and organisations. These parties include local governments, relevant State and Federal Government agencies, appropriate service providers, non-Government advocacy organisations, as well as the people, who are experiencing homelessness and to facilitate them working together, to determine the best way to reduce homelessness. The following recommendations were identified:

1. Urgent need for a night shelter

It was recognised that a night shelter is a necessary part of a broader system to address homelessness in Perth and Vincent. This shelter should complement other programmes, such as assertive outreach preventative programs, transitional housing strategies, with a view to long-term solutions. Participants suggested that a shelter needs to meet the following criteria:

- Centrally located;
- Low barrier-entry, including access for people who are intoxicated or have been banned from other services;
- Indigenous staff and/or culturally-competent staff trained to work with indigenous clients;
- Integration with Nyoongar Patrol;
- Learning from the lessons of the Bega night shelter in Kalgoorlie, which indicated that the facility should be owned and managed by an Indigenous corporation; and
- Provide accommodation for men, women and families.

2. Develop a directory of services

Participants expressed concern about the lack of information regarding existing available services. It was agreed that a service directory would better facilitate information sharing, networking and referrals. Several options were discussed including a professionally maintained on-line "wiki", where information can be updated as required.

3. Better communication between services

Concern was expressed among participants about the lack of communication and coordination among service providers and with other agencies including the WA Police, Department of Child Protection, Department of Corrective Services, Nyoongar Patrol and the Department of Health.

4. Expand assertive outreach services

Workshop participants suggested expanding assertive outreach terms, particularly with a focus on dealing with homeless people who have complex needs and/or those who are difficult to engage. Specifically, there is a need for an Indigenous outreach team to work with Indigenous people experiencing chronic homelessness.

5. Develop visitor (short term) accommodation

Some of the people experiencing homelessness in Perth and Vincent are transients, visiting from remote communities and are unable to secure affordable short term accommodation.

CONSULTATION/ADVERTISING:

There is no requirement for further consultation, though it should be noted that through the networks of the PPPWG, the participants of the Perth Homeless Response Workshop and CRMHSF have been widely consulted in all actions proposed.

LEGAL/POLICY:

There are no legal implications to the City of Vincent proposals.

RISK MANAGEMENT IMPLICATIONS:

Medium: There is a risk that, unless the current homeless and anti-social issues are effectively addressed, the problems that are being experienced in local parks and reserves will increase. As a result, it is important that proactive programmes are implemented.

STRATEGIC IMPLICATIONS:

In keeping with the City of Vincent's *Strategic Plan 2011-2016* Objective 3 states:

"3.1.1(c) Adopt and implement strategies that respects and recognises Aboriginal Culture, including the adoption of a Reconciliation Plan.

3.1.2(a) Implement and promote the Safer Vincent Crime Prevention Plan with particular emphasis on addressing vandalism, graffiti and anti-social behaviour within the City."

SUSTAINABILITY IMPLICATIONS:

The issue of homelessness and why people continue to present in the City's parks and public space is ongoing and extremely complex, with no apparent quick or easy solutions. Participating in a partnership approach to reducing the negative issues associated with homelessness and trialling strategies to help minimise homelessness (such as in the Perth Registry Week Proposal) is a sustainable way for the City of Vincent to continue to play an important role.

FINANCIAL/BUDGET IMPLICATIONS:

The continued provision of clerical support to the PPPWG and the provision of a meeting venue for the regular meetings are provided in-kind by the City of Vincent. The funding sought for the Perth Registry Week Proposal is at this stage once off and dependant on the outcomes being identified in this trial. Any contributions sought in any future years (should it be run beyond 2012) will be subject to further Council approval.

COMMENTS:

The City of Vincent has demonstrated a long-standing, proactive role in dealing with homelessness in local parks and public space. This report updates the Council with the latest changes to the strategies being both employed and recommended. The City of Vincent, along with State and Federal Government Agencies, is assisting in the amelioration of the very complex issue of homelessness. The participation sought in the Perth Registry Week Proposal and funding is aligned to the aims of the City of Vincent in supporting positive actions to reduce homelessness thus far, in our participation with PPPWG. Noting the City of Vincent's history in working in this area, the recommendations contained within this report are recommended for approval.

9.4.2 Youth Programme 2012/2013

Ward:	Both	Date:	11 May 2012
Precinct:	All	File Ref:	CMS0123
Attachments:	001 – Youth Programme Timeline 002 – Youth Needs Study		
Tabled Items:	Nil		
Reporting Officers:	C Nazzari, Community Development Officer; E Everitt, Community Development Officer; J Anthony, Manager Community Development		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES** the proposed Youth Programme for 2012/2013 in the City of Vincent; and
2. **RECEIVES** the Youth Needs Study report and recommendations as listed in the report.

COUNCIL DECISION ITEM 9.4.2

Moved Cr Topelberg, Seconded Cr McGrath

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval for an updated Youth Programme 2012-2013 in the City of Vincent.

BACKGROUND:

In early 2012, it was determined that there was a need for a review of youth related events implemented by the City of Vincent as set out in the Youth Needs Study.

An informal meeting between Officers and Council Members was held on 15 March 2012 where ideas for future events were discussed, along with re-branding the new monthly events.

DETAILS:

In August 2011, the City received the Youth Needs Consultation report that was a result of a Youth Needs Study completed in the City. The consultation made several recommendations; however, it was recognised by City Staff that the scope of the consultation was too narrow and some of the suggestions may not be appropriate for young people aged 12 to 18. Following the Consultation report being received by the City, Council Members and City Officers met in March 2012 to discuss the needs of young people in Vincent. The below proposed programme is a result of the March meeting along with suggestions from the 2011 Youth Consultation report.

MUSIC AND ARTS

Movie Making Workshop

Offering a movie making workshop during the school holidays will provide young people the opportunity to experience and learn something new that is unique to everyday life. The Film and Television Industry (FTI) have provided conceptual ideas to hold a full six (6) day film/music making workshop.

Workshops are fully hosted by FTI and their qualified staff, students will be taught many film making techniques and the importance of storyboard writing. While learning these techniques, they will be making a real movie that they can cherish forever. If budget allows, on completion of their films, it would be ideal to show movies to an audience at venues such as the Luna Cinema.

Friday Night V Lounge

Music and activity based events branded as 'Friday Night V Lounge' is recommended to be held on Friday or Saturday evening from 7.00pm to 10.00pm. There is an apparent lack of activities on Friday and Saturday evenings that are appropriate in engaging young people aged 13 to 17 years constructively in the community.

Holding 'Friday Night V Lounge' events during this timeframe would give young people the opportunity to have 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.

'Friday Night V Lounge' would move locations monthly utilising different spaces within the City, potential venues include but are not limited to: various Cafe's within City limits, vacant venues such comedy clubs that are not being used, and community and recreation centres. By utilising different venues Officers would be able to provide a variety of activities to young people. 'Friday Night V Lounge' could vary its activities featuring nights such as: Band nights, Open Mic nights, Sport nights, Video Game nights and Movie nights.

Perth Blues Club (PBC) is a local not-for-profit group who hold regular Blues Club nights on Tuesdays at the Charles Hotel. The City's Officers have met with them to discuss youth-centric events out in laneways and alternative venues in the City of Vincent. The Club is keen to promote new talent in WA and also widen its audience base to include young people. After a robust discussion, the ideas will be taken back to their committee for further development.

The City's Officers have also approached 'The Flying Scotsman' in Highgate to discuss the idea of holding underage gigs at their venue. This venue would be ideal as there is a room with an entrance separated from the main licensed bar. This is a trendy venue in a good and accessible location that would be ideal to incorporate into the 'Friday Night V Lounge' events.

Youth Photography Workshops

The City currently provides Vincent residents the opportunity to participate in the Vision of Vincent workshops held throughout the year. The City's Officers are in discussion with various professional photographers to run workshops specific to young people.

After speaking to a local photographer on how to best engage this age group, it is recommended these workshops should not be focussed on introduction to the camera as many young people are technologically savvy and already understand the workings of a digital camera instinctively.

These workshops would instead focus on how to capture more creative photos using traditional photography techniques, such as blurring and freezing.

City of Vincent Facebook

It has been suggested that residents and others have the ability to post photos of Vincent onto the Facebook page. This would be monitored closely by the City. An incentive for residents and others to partake in this would be to offer a prize to the person that has received the most 'likes' to their uploaded picture. The winner will be announced at the end of each month and would receive a printed and framed copy of their photograph. Such an initiative would be particularly appealing to young people.

SPORTS AND LEISURE

World's Biggest Water Fight

To kick off the summer season, a large staged water fight could be held in the City. The initial suggestion was to beat the Guinness World Record; however, upon research the current record is 3,744 people. As this event would be specifically targeted at young people, it may be difficult to meet these numbers.

It is recommended that the City holds 'World's Biggest Water Fight' at Hyde Park surrounding the stage area and the event could be partnered with the Mayor's Christmas BBQ and be completed with a musical performance and gold coin donation sausage sizzle.

Although this is an event geared for young people aged 12 to 18, young people would be encouraged to get their parents and siblings to join the event. This would increase numbers and encourage a sense of community engagement.

Festivals

Festivals organised by the City in the past have had programmes for youth focussed activities and performances. The 2012 Festival programmes included activities targeted toward young people at a variety of ages. At the festivals this year, youth activities included: SciTech interactive science exhibits, spray painting workshops by The Butcher Shop, a 9 metre x 12 metre inflatable Maze, Gyrotron ride, an obstacle course, mini golf, and interactive community art.

The music programmes at the 2012 Festivals featured a number of local performers in the 18 to 25 age range, giving young Vincent performers an opportunity to perform in front of an audience.

The 2013 festival programmes will continue to feature activities and performance opportunities for young people. The City's Officers would like to explore the idea of a Master Chef Style competition for young people where various cultural groups could participate in a "cook off". The City's Officers would approach Cultural Groups, such as the Chung Wah Association, Multicultural Service Centre WA and other cultural groups and clubs to locate willing young people to participate in a cook off during the festival.

Leedy Day Out

The City of Vincent's annual National Youth Week event was held on 21 April 2012 at YMCA HQ, Leederville. Many youth attractive activities were organised for young people aged between 13 and 18 years of age. These activities included but were not limited to: Basket Ball Competitions, Henna tattoos, a Photo booth, Skate competitions, a DJ, and a sausage sizzle.

Attendance for this event was smaller than anticipated and was an age group lower than expected. However, those that participated in this event provided strong feedback that they enjoyed the numerous activities and would attend again.

Surveys that were completed on the day indicated that they would have liked to have seen live bands perform. It is recommended that future events similar to this include a live band that will attract an older and bigger crowd.

The Becoz Project Partnership

The Becoz Project is a programme that works with young people aged 12 to 18 to build healthy bodies and minds, building confidence, self-esteem, resilience and physical wellbeing. The programmes are built for young people by young people. The Becoz Project is not about new health messages but about delivering health messages a way that engages and excites the audience.

The Becoz Project communicates directly to young people through delivering interactive programmes to high-schools and other community groups. All programmes have been built through the input and feedback of young people to ensure the content is relevant, interesting and effective.

The City's Officers met with the founder of the Becoz Project and discussed creating a programme that would give Vincent youth clear facts about behaviours, perceptions and consequences and will build their confidence so they can make informed and intelligent decisions.

It is recommended that the City holds style workshops for young people aged 12-18. The aim of these workshops would be to help youth achieve healthy body image and positive self esteem.

The Officers would work with the Becoz Project to facilitate a 6 to 8 week programme that promotes healthy body and minds in youth aged 12 to 18 that will develop a generation of young, confident and inspirational adults.

The programme for Vincent would focus on different areas that young people can address to make positive changes; for example: personal style vs. current trends, hair and make-up, assertive communication, gossip and rumours, and peer pressure.

At the end of the eight (8) week programme, the young people would be rewarded with a make-up kit or skin care kit they can keep that could be donated by sponsors such as Smash Box cosmetics, Dove, or Biotherm.

EDUCATION AND CULTURE

Business Card Advertising

Young people are a challenging demographic to engage with, which makes promoting youth events difficult. The City's Officers recommend advertising youth events with a business card sized flyer. Advertising with 'business cards' would be an effective method for this demographic. The 'business cards' can be printed with dates and locations of future youth events in Vincent; these 'business cards' could be printed on a quarterly basis and distributed to individual students at schools linked with the City.

This is a cheaper and more direct approach than handing out flyers, and is something that students can place in their purses/wallets for safe keeping. Events such as the monthly Friday Night V lounge events and perhaps general events happening in Vincent could be printed on these cards.

Soul Gestures

The City's Officers met with the co-founder of Soul Gestures regarding the duplication of their MANA project. This project was about harnessing the power and energy of young Maori men for positive outcomes. It drew on the traditional Maori leadership characters of whakapapa (genealogy), whanaungatanga (relationships), maanaki (respect), awhi (to aspire) and haututu (mischief/clowning about).

The project drew on the knowledge and talents of role models from Perth's Maori community and the boys built relationships within their own community which they will take into the future. This project was an opportunity for the wider school community to learn more about this group and empowered not only the boys, but also their families.

In 2012, Soul Gestures is looking to develop this model further through partnerships with a number of interested high schools and the City of Vincent. It is recommended that the City works with Soul Gestures in finding a space within the City to duplicate the MANA project with other local communities, including aboriginal communities and young people.

A suggestion for space is at 34 Cheriton Street as this is accessible by public transport and is in a central area. The idea of the space not only being used for projects similar to the MANA project, but also as a place for educational assistance and a Youth Peace Centre is currently being explored.

Catch Music

Catch Music is a network of people who love music and want to help build a more inclusive and friendly community. Their goal is to support people to pursue their love of music, and in doing so to meet and connect with other members of the community. They run a number of inclusive music activities across Perth for musicians of all ages and abilities.

The City's Officers have met with Catch Music to discuss the possibility of expanding the Leederville session to include a youth specific workshop. This workshop aims to serve youth aged 12 to 18 with disabilities and or mental illness. Although this idea was discussed, it was decided it would not be best to do a youth specific event with this group as this would discount their objective of a being a completely inclusive group despite age and ability.

It is recommended that the City partners with Catch Music and provide them with an in-kind sponsorship of a venue for their sessions. In return, Catch Music would advertise to a younger audience to attract more youth to their sessions.

This partnership will be further investigated once Catch Music has provided the City with a proposal on how to gain more youth attendance in their sessions, as well as current demographics to gauge how many young people are currently attending Catch Music Leederville.

School Liaison- Parents and Friends Committees

When engaging with young people, it is vital to have the support of parents and community members; they not only help encourage their child to attend events but can provide support to the Officers. Attending Parents and Friends meetings will make parents aware of what the City has organised for their child and can help encourage them to participate.

It has been noticed in the past that word of mouth has been one of the best forms of promotion and attending such meetings would be another beneficial avenue that can help engage young people. The City's Officers have approached High Schools in the area and they have agreed for Officers to attend their monthly meetings to promote various events.

Central Institute of Technology

Certificate Four (4) Youth Worker Students from Central Institute of Technology are currently investigating re-establishing a youth friendly space at the City of Vincent Library where young people can go and hang out.

Central students are liaising with students at various high schools to gather information on what interests they have for the space provided. The intended space is the current 'Headspace' which will hopefully see the addition of new features, including plasma screens and computers with access to computer games based on the gaming centre trends.

CONSULTATION/ADVERTISING:

Consultation and advertising has been extensive with the inclusion of data from the recent Youth Needs Study. Many schools have been approached and youth have been further surveyed on what music and activities they would like to see at the 'Friday Night V Lounge' events.

The idea of a small working group is being discussed. This group would meet once a month for young people to assist with the organisation of the 'Friday Night V Lounge' events. The City has already been approached by youth that are eager to participate and be involved with future events. These working groups will be informal and provide interested youth the opportunity to express interest and assist with volunteering on the night.

Advertising for past and future events has including the below listings:

- Facebook;
- COV web page;
- Administration Office plasma;
- Loftus Library Centre Plasma/Headspace;
- Aranmore Catholic College;
- Mt Lawley Senior High School;
- Perth Modern College;
- Central Institute of Technology;
- YMCA HQ;
- Oxford Street, Leederville;
- Angove Street, North Perth;
- Scarborough Beach Road, Mount Hawthorn;
- Vincent sporting clubs;
- Youth Database;
- Cultural groups;
- Churches;
- Freedom Centre;
- YACWA;
- Youth Focus;
- Propel youth.

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:

The approval of the proposed Youth Programme is in keeping with the City's Strategic Plan 2011-2016:

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

"3.1.6 Build capacity within the community to meet its needs."

SUSTAINABILITY IMPLICATIONS:

The approval of the proposed ideas will create a Youth Development Programme that encourages young people to participate in the community in a constructive way.

The success of this programme will give youth a sense of leadership over the events and will support the Youth Programme's sustainability by no longer having to re-engage young people for each event that is planned as they will already be engaged.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$30,000 has been listed in the draft 2012/2013 Budget for the Youth Programme.

COMMENTS:

Considerable time and research has been spent on the proposed programme and it is believed that the partnerships discussed, as well as implementing recommendations from the youth needs study, will create successful youth engagement and participation.

It is proposed that a strategic and coordinated approach is adopted to develop the above youth programme.

The Presiding Member advised that Cr Carey had disclosed a Financial Interest in the Item. The Council has given approval to Cr Carey's request to participate in debate but not vote on the Item.

9.4.3 Festivals Programme 2012/2013

Ward:	Both	Date:	11 May 2012
Precinct:	All	File Ref:	CMS0110
Attachments:	Confidential: Proposal -Evaluation report: Beaufort Street Festival 2011 Confidential: Evaluation Report - William Street Festival Confidential: Evaluation Report - Angove Street Festival Confidential: Festival Submission - Angove Street Festival Confidential: Festival Proposal - WA Youth Jazz Orchestra (WAYJO)		
Tabled Items:	Nil		
Reporting Officer:	A Campbell, Senior Community Development Officer J Anthony, Manager of Community Development		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES** the following festival events funding as part of the City of Vincent Festivals programme for 2012/2013:

Festival/Event	Amount Allocated	Source
Beaufort Street	\$40,000	Festival Funding
Angove Street	\$45,000	Festival Funding
William Street	\$60,000	Festival Funding – Lotterywest Grant
William Street	\$25,000	Harmony Day funding
WA Youth Jazz Orchestra	\$6,000	Festival Funding
WA Ellington Jazz Club	\$10,000	Festival Funding
Leederville	\$50,000	Festival Funding

2. **AUTHORISES** the following festivals to take place in 2012/2013:

- 2.1 the Beaufort Street Network Inc. to organise the “Beaufort Street Festival” to be held on 17 November 2012, from 12noon to 10pm and the Festival Bar until midnight;
- 2.2 the North Perth Business and Residents Group to organise the Angove Street Festival to be held on a date to be advised, which shall be a minimum of two (2) weeks after the William Street Festival;
- 2.3 WA Youth Jazz Orchestra to organise a festival to take place at a date to be advised;
- 2.4 WA Ellington Jazz Club to organise a festival to take place at a date to be advised;
- 2.5 the Leederville business owners to organise a festival to take place at a date to be advised; and
- 2.6 the William Street Festival to take place on Sunday, 17 March 2013; and

3. The festival events detailed in clause 2 above shall be subject to the following conditions:
- 3.1 the sponsorship contribution shall be paid to the festival organisers on a reimbursement basis of expenditure incurred through the provision of tax invoices;
 - 3.2 'event fees' for the festivals shall be waived;
 - 3.3 a bond of \$3,000 shall be retained by the City as security for any damage to or clean-up of the event area;
 - 3.4 a suitable traffic, risk management and event site plan shall be submitted to the City at least two (2) months prior to the event at the expense of the organisers;
 - 3.5 the event organisers shall comply with the conditions of use and fees imposed, including Environmental Health and other conditions;
 - 3.6 the event organisers shall ensure full consultation with businesses and residences within the event parameter and at a minimum of a five hundred (500) metre radius outside of the event parameter to ensure that the festival is representative of and attuned to the local businesses;
 - 3.7 the activities and programme offered as part of the events shall be accessible, inclusive and targeted to a broad range of residents;
 - 3.8 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;
 - 3.9 the funds received from the City shall be acquitted together with a full evaluation report on the festival being provided no later than three (3) months after the event; and
 - 3.10 compliance with the City's Policy 1.1.5 'Donations, Sponsorship and Waiving of Fees and Charges', Policy 1.1.8 'Festivals' and Policy 3.8.3 'Concerts and Events';
- to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 9.4.3

Moved Cr Pintabona , Seconded Cr Harley

That the recommendation be adopted.

Debate ensued.

AMENDMENT NO 1

Moved Cr Topelberg, Seconded Cr Maier

That clauses 1 and 2 be amended and new clause 4 be inserted as follows:

- "1. APPROVES the following festival events funding as part of the City of Vincent Festivals programme for 2012/2013:

Festival/Event	Amount Allocated	Source
Beaufort Street	\$40,000	Festival Funding
Angove Street	\$45,000	Festival Funding

Festival/Event	Amount Allocated	Source
William Street	\$60,000	Festival Funding – Lotterywest Grant
William Street <u>Harmony Week</u>	\$25,000	Harmony Day Funding
WA Youth Jazz Orchestra	\$6,000	Festival Funding
WA Ellington Jazz Club	\$10,000	Festival Funding
Leederville	\$50,000	Festival Funding

2. AUTHORISES the following festivals to take place in 2012/2013:

- 2.1 the Beaufort Street Network Inc. to organise the “Beaufort Street Festival” to be held on 17 November 2012, from 12noon to 10pm and the Festival Bar until midnight;
- 2.2 the North Perth Business and Residents Group to organise the Angove Street Festival to be held on Sunday, 24 March 2013; ~~a date to be advised, which shall be a minimum of two (2) weeks after the William Street Festival;~~
- 2.3 WA Youth Jazz Orchestra to organise a festival to take place at a date to be advised;
- 2.4 WA Ellington Jazz Club to organise a festival to take place at a date to be advised; and
- 2.5 the Leederville business owners to organise a festival to take place at a date to be advised; and
- 2.6 ~~the William Street Festival to take place on Sunday, 17 March 2013; and~~

4. DEFERS consideration of the William Street Festival until such time as the City’s Officers have carried out further engagement with the local community and stakeholders.”

Debate ensued.

Cr Carey departed the Chamber at 8.24pm.

AMENDMENT NO 1 PUT AND CARRIED UNANIMOUSLY (7-0)

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

Cr Carey returned to the Chamber at 8.24pm.

PROPOSED PROCEDURAL MOTION

Moved Cr Harley, Seconded Cr

That the item be DEFERRED for further information.

PROPOSED PROCEDURAL MOTION LAPSED FOR WANT OF A SECONDER

AMENDMENT NO 2

Moved Cr Maier, Seconded Cr Pintabona

That the "WA Ellington Jazz Club" in clause 1 be renamed "WA Jazz Festival" as follows:

Festival/Event	Amount Allocated	Source
...WA Ellington Jazz Club Festival	\$10,000	Festival Funding...

Cr Carey departed the Chamber at 8.25pm.

AMENDMENT NO 2 PUT AND CARRIED UNANIMOUSLY (7-0)

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

Cr Carey returned to the Chamber at 8.25pm.

Debate ensued.

AMENDMENT NO 3

Moved Cr Maier, Seconded Cr Pintabona

That the newly named "Harmony Week" in clause 1 be renamed "Harmony Celebrations" as follows:

Festival/Event	Amount Allocated	Source
...Harmony Week Celebrations	\$25,000	Harmony Day Funding...

Cr Carey departed the Chamber at 8.26pm.

AMENDMENT NO 3 PUT AND CARRIED UNANIMOUSLY (7-0)

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

Cr Carey returned to the Chamber at 8.26pm.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Harley, Seconded Cr Maier

That the item be DEFERRED for further information.

Cr Carey departed the Chamber at 8.37pm.

PROCEDURAL MOTION PUT AND CARRIED (6-1)

For: Cr Buckels, Cr Harley, Cr McGrath, Cr Maier, Cr Pintabona, Cr Topelberg

Against: Mayor Hon. MacTiernan

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

Cr Carey returned to the Chamber at 8.37pm.

PURPOSE OF REPORT:

The purpose of this report is to seek Council's approval of the proposed Festivals Programme and their associated budgets for 2012/2013. Relevant supporting documentation, including detailed evaluation reports are included as confidential attachments to this report.

BACKGROUND:

8 February 2011 Council approved that the Angove Street Festival organised by the North Perth Business and Residents' Association take place on 20 April 2011 and that the Town's Harmony Week event be incorporated into the Angove Street 2011 Festival.

23 August 2011 Council approved the Festivals' Programme and funding for 2011/2012 as:

Event	Amount Allocated	Source
Angove Street – March 2012	\$30,000	Festival Funding
Beaufort Street – November 2011	\$40,000	Festival Funding
Beaufort Street – November 2011	\$10,000	Festival Funding with road closure
William Street – March 2012	\$30,000	Festival Funding
William Street – March 2012	\$20,000	Festival Funding – Lotterywest Grant
William Street – March 2012	\$20,000	Harmony Festival Funding

30 August 2011 The Draft Policy No.1.18 was approved with amendments, subject to advertising for a period of twenty-one (21) days for public comment.

27 September 2011 Council approved the full closure of Beaufort Street (on a "once off" trial basis only) for the Beaufort Street Festival, between Walcott and Lincoln Streets (and associated side streets) on Saturday, 12 November 2011 between 6.00am and 12 midnight. subject to compliance with a number of recommendations and conditions. It was also approved that the road closure would not extend beyond North of Walcott Street in order to avoid major disruption to traffic.

It was recommended that future Beaufort Street Festivals be planned to be held on a Sunday.

It was also requested that liaison between the appropriate stakeholders from Allia Venue Management, the Beaufort Street Network and WARP take place to deal with traffic issues.

11 October 2011 Council authorised the Chief Executive Officer to determine requests which may be received from the Beaufort Street Festival organisers, which may arise out of discussions concerning the finalisation of operational festival event matters and approved Risk Management, Health and additional approvals. Council supported dates for the organisers to submit Council supported proposed liquor licensing applications as suggested by the event organisers.

20 December 2011 Additional financial and in-kind support was approved for the North Perth Group Inc. to effectively deliver the Angove Street Festival (including an extra \$5,000, waiver of banner pole installation costs and in-kind administrative support by the Council's administration staff).

20 December 2011 A Notice of Motion was approved by the Council for additional changes to the City's Festival Policy No. 1.1.8 in regard to the timing of the Festival application and approval process. New timings were amended to read as follows:

Dates	Action
January – February	Advertise for Festival Applications and send out information to interested persons/groups.
February	Formal Applications close on the last Friday in February
March	Applications reviewed by the City's Administration.
April	Recommendations presented to the Council for consideration and determination.
July	Budget adopted. Applicants notified in writing of the Council's decision.

10 April 2012 At the Ordinary Council Meeting held on 10 April 2012, the Council considered this matter and resolved as follows:

"That the Council;

1. APPROVES:

1.1 *the Beaufort Street Festival 2012 to be held between 12noon and 9.00pm on 17 November 2012, subject to terms and conditions to be determined by the Chief Executive Officer once further details have been provided by the Festival Organisers – Beaufort Street Network Inc.;*

1.2 *in accordance with Clause 6.2 of the City's Policy No. 1.1.8 – Festivals, the formation of a Beaufort Street Festival Working Group comprising of the following:*

- (a) *Mayor Hon. Alannah MacTiernan;*
- (b) *Cr Warren McGrath;*
- (c) *Director Community Services;*
- (d) *Director Technical Services;*
- (e) *Manager Community Development;*
- (f) *Manager Ranger Community Safety Services;*
- (g) *Manager Health Services; and*
- (h) *Festival Organisers/Committee Member (3 persons to be nominated by the Festival Committee);*
- (i) *other invited participants including City of Stirling, appointed Traffic Management Group, WA Police (Perth Police and Liquor Enforcement), Main Roads WA and Perth Transport Authority; and*

the Chair of the Working Group shall be Mayor Hon. Alannah MacTiernan; and

1.3 *an amount of \$40,000 to be listed for consideration in the Draft Budget 2012/2013 for a grant to the Beaufort Street Festival;*

2. *APPROVES BY AN ABSOLUTE MAJORITY to fund an advance amount of \$20,000 in the 2011/12 financial year to enable the Beaufort Street Network Inc. to commence organisation of the 2012 Festival, including the engagement of a new Management Company to conduct the Festival from a source to be determined by the Chief Executive Officer, subject to:*
 - 2.1 *an Agreement being signed between the City of Vincent and the Festival Organisers; and*
 - 2.2 *the Festival Organisers refunding the City of Vincent's grant in the event that the 2012 Festival does not proceed; and*
3. *AUTHORISES the Mayor and Chief Executive Officer to sign the Agreement and affix the Council's Common Seal."*

DETAILS:

On 7 February 2012, an advertisement inviting organisations planning major festivals within City of Vincent in 2012/2013 to apply for funding, appeared in the *Guardian* and *Voice* newspapers. The deadline for submissions was 24 February 2012. Five applications were received for Beaufort Street Festival, Angove Street Festival, William Street Festival, West Australian Youth Jazz Orchestra (WAYJO) and Rotary Fair.

The Beaufort Street Festival, William Street Festival and Angove Street Festival were held in the 2011/2012 financial year and evaluation reports have been received for each.

Ellington Jazz Club

The Ellington Jazz Club has recently displayed an interest in running a ticketed event within the precinct. An amount of \$10,000 has been listed on the Draft Budget for 2012/2013 to sponsor an Ellington Jazz event. Details will be reported to a Council meeting once advised.

Leederville Business Precinct Event

An amount of \$50,000 is listed on the Draft 2012/2013 Budget for a proposed Leederville Business Precinct event. Details will be reported to a Council meeting once advised.

Beaufort Street Festival

The second Beaufort Street Festival was held on Sunday, 12 November 2011 from 12 noon to 10pm. The event was coordinated by the Beaufort Street Network with the assistance of a hired Festival Director, volunteers, sponsors and other committees. The Festival was successful with an estimated attendance of 70,000 people.

The Festival programme focussed on four key areas: Music, food, fashion and art which overall reflected the unique style and vibrancy of the Beaufort Street Precinct.

Approximately sixty (60) businesses in the Beaufort Street Precinct registered and participated in the Festival. This involved a small fee to cover costs associated with assisting businesses. In addition, businesses were listed in a formal festival guide. The Beaufort Street Network also secured a number of sponsorship partners.

The Beaufort Street Network has submitted a proposal for the Beaufort Street Festival to be held on 17 November 2012. The Beaufort Street Network will again be the primary body responsible for delivery of the Beaufort Street Festival and will again establish an organising committee.

A comprehensive post event report on the Beaufort Street Festival was prepared by the Beaufort Street Network as required by the City of Vincent and is attached in Confidential Attachment 001.

A number of key elements of the proposal have been highlighted below:

Committee

To complement the existing Festival Committee, a number of volunteer sub-committees will also be appointed:

- Food Committee
- Arts Committee
- Fashion Committee
- Children's Programme Committee

Festival Programme

There will be concentrated efforts to engage a broader age spectrum, including two distinct children's festival districts to cater for children's activities.

Road Closure

The Beaufort Street Network are also giving consideration to additional road closures on the City of Stirling side of Beaufort Street (leaving Walcott Street open) and are currently in discussions with the City of Stirling.

Staging

The Festival Management Committee is currently reviewing staging areas to ensure that festival activities are located evenly along the street.

Extended Licence Areas

Due to overwhelming demand at the 2011 Festival, the organisers will be requesting larger licensed areas for the 2012 Festival.

Hazard and Risk Management Plan

A formal review will be undertaken before preparing a detailed Hazard and Risk Management Plan using a recognised Risk Matrix decision making model. This plan will be submitted to the City of Vincent for approval.

As per the 2010 and 2011 festivals, two Hazard and Risk Management Coordinators will be assigned at the 2012 event.

Business Participation

As per 2011, a business participation pack outlining how businesses can get involved in the Festival has been developed. Businesses will be encouraged to fund their own art projects/community and music performances.

Recognition for City of Vincent

The attached report details a list of ways the City of Vincent will be acknowledged at the 2012 event. A dedicated sponsorship coordinator will be appointed in 2012 to improve communication between sponsors and the Festival and maximise exposure for Festival sponsors.

Funding

The organisers believe due to the significant size of the festival additional funding will be required for:

- Traffic Management Plan;
- Public Transport Authority funding cost of up to \$15,000 to divert buses on Saturday schedule;
- Higher public liability costs;
- Arts/Street theatre programme; and
- Increased production costs in general due to the festival being larger and more established.

Officer Comments:

Given an advance of \$20,000 has already been granted to the Beaufort Street Festival in the 2011/2012 Budget, an additional amount of \$40,000 is recommended in the 2012/2013 Draft Budget.

William Street Festival

This festival was organised by the City's Community Development Section and was held for the second time on Sunday, 18 March 2012 from 10am to 4pm. It was again a success with sixty-four (64) market stall holders participating, seventeen (17) local and neighbouring businesses involved and 20,000 people in attendance.

Eight (8) weeks prior to the event, the City of Perth and the William Street Collective expressed interest in joining the Festival proposing an extension through to James Street, Northbridge. As the majority of the planning had already been completed, the City of Perth agreed to match the cost the City of Vincent had spent on marketing for the Festival. The City of Perth assisted in marketing, organised road closures, security and the appropriate licensing required for the extension to the Festival. The William Street Collective contributed by organising market stallholders and art for the extended side of the Festival.

The day's programme consisted of music, art, cultural activities and dance. Stalls included: jewellery, clothing, art, home wares, baby wear, handmade dolls, puzzles and not for profit display stalls. Many local restaurants had food stalls at the front of their business providing free samples and selling a selection of foods from their restaurant. There were also several stalls providing children activities including umbrella painting, science workshops, origami making, lantern painting and workshops on tea making and how to use chopsticks.

William Street has a strong historical and multicultural aspect which was also embraced in the programming of the festival. A Welcome to Country and Aboriginal dance opened the festival. Lion and dragon dances, belly dance and Bollywood dancing were performed throughout the day.

Local business The Butcher Shop ran arts workshops and demonstrations including a mural painted on a wall in Little Parry Street. These proved highly popular with youths.

An evaluation survey emailed to all businesses, stallholders, performers and service providers involved in the festival indicated that 100% of participants would participate again next year and would recommend participation to others. Much positive feedback was also received by participants and the community.

It is proposed the William Street Festival take place on Sunday, 17 March 2013. It is anticipated that this festival will again be organised by the City in conjunction with the businesses located in William Street and in collaboration with the City of Perth and William Street Collective. As the Festival is proposed for the start of Harmony Week, the festival will also include a Harmony Week component.

An evaluation report on the William Street Festival was prepared by the City of Vincent and is attached in Confidential Attachment 002.

Officer Comments:

An amount of \$60,000 is recommended, plus an additional amount of \$25,000 for the Festival's Harmony Week component, to ensure a quality programme of events throughout the length of the street. The City of Perth have indicated they will match this funding.

Angove Street Festival

The 2012 Angove Street Festival was organised by the North Perth Group and the City of Vincent. The event took place on Sunday, April 1 2012 between 10am and 4pm. The festival was extremely successful with approximately 30,000 attendees, a significant increase on the 2011 festival.

The 2012 Festival was organised by the North Perth Group and the City of Vincent. The major sponsors for 2012 were the North Perth Bendigo Community Bank and the City of Vincent. Other sponsors were Lotterywest, Paragon Property, the Rosemount Hotel, Perth Upmarket, Juicebox, Pal & Panther, Milk'd and Fiorentina's. The majority of local businesses in the Angove Street Precinct were involved through direct sponsorship and in-kind support.

The Festival strip extended to Daphne Street to accommodate approximately 68 stallholders brought in by 'Upmarket Perth'. Many of these were Western Australian designers and craftspeople selling their own quality wares. Food stalls displayed a multicultural emphasis and included Vietnamese, Australian, Mexican and Spanish cuisines.

Approximately 39 stallholders participated on behalf of the City of Vincent compared to a smaller amount of 27 in 2011. These included a variety of stalls such as food, plants, kids activities and community organisations.

The festival also included many activities throughout the day, including musical performances by local bands on the large stage and community performances on a smaller stage. There was also a laneway stage to showcase unsigned bands catering for the younger market. Other activities included interactive art workshops, live mural painting and other street art, yarn bombing and various kids' activities.

The Bendigo Bank staff coordinated the evaluation forms on the day. Overall feedback was extremely positive and respondents were most satisfied with the "relaxed community atmosphere" present on the street. Forty two (42) respondents completed evaluation forms and 100% of these stated they thought the festival was well organised. Aspects of the festival respondents indicated they liked best included: Entertainment, cupcakes, diversity of stalls, music, 3 stages of music, good shade, location, free samples, dogs, coffee, community feel, photo exhibition and the fruit and vegetable stall.

Suggestions for improvement by organisers included:

North Perth Group Meetings

It is recommended that various methods of communication be used to encourage greater support and input from local businesses and residents in the festival planning meetings.

Commercial Stalls

Due to the increased popularity and demand at the 2012 Angove Street Festival, the stallholder costs should be increased for 2013.

The following suggestions were highlighted in evaluation forms:

- Make it bigger
- Less people
- Car parking options
- More room to move
- More promotion

- Rain cover
- Increase seating areas
- More vintage shops
- Male oriented stalls
- Event to run longer into evening
- Licensed area on street

An evaluation report on the Angove Street Festival was prepared by the City of Vincent and is attached in Confidential Attachment 003.

In their Festival submission, the North Perth Group propose they hold the Festival on 24 March 2013. As this date is so close to the William Street Festival date, it is recommended the date be amended to at least two weeks (2) after the proposed William Street Festival. This will optimise demand and to avoid City staff burn out (due to limited staff resources for the assistance in organising two events simultaneously). The North Perth Group's Festival submission is attached at Confidential Attachment 004.

Officer Comments:

It is recommended that an amount of \$45,000 is recommended, as this is the amount required to conduct this festival.

The WA Youth Jazz Orchestra (WAYJO)

WAYJO, located in Mount Lawley within the City of Vincent, have provided a detailed festival submission and propose a partnership arrangement with Vincent to run a family friendly "Big Band Festival" to be held at Hyde Park in November 2012.

The festival would offer local professional and community big bands the opportunity to showcase their music to the City of Vincent community, providing audiences with a culturally enriching and unique musical experience. The festival would give young musicians (aged 14-25) the opportunity to gain experience performing at an outdoor venue. WAYJO musicians will also be invited to take part in the planning and promotion of the event.

The festival would feature bands such as Mace Francis Orchestra, the Horizon Art Orchestra, The Retrosonics, the Perth Jazz Orchestra, the Metro Big Band and Nuevo Salsa Orchestra, as well as the three WAYJO ensembles. The festival would celebrate the big band music of Perth in a positive, family friendly and environmentally sustainable setting.

The detailed festival submission for sponsorship is attached at Confidential Attachment 005.

Officer Comments:

An amount of \$6,000 is recommended, as this is the amount required to conduct this festival.

Rotary Fair

The Fair organisers have applied for funding as part of the festival programme. An amount of \$25,000 has been listed in the Draft Budget for 2012/2013 specifically for this event. Once a detailed proposal for the 2013 event has been received, a separate report to the Council will be prepared.

CONSULTATION/ADVERTISING:

A comprehensive promotional strategy will be prepared for all festivals, which include advertising in community newspapers, street banners, letter drop to City of Vincent residents, flyers/posters and use of social networking pages.

LEGAL/POLICY:

Policy No. 1.1.5 Donations, Sponsorship and Waiving of Fees and Charges;
Policy No. 1.1.8 Festivals; and
Policy No. 3.8.3 'Concerts and Events'.

STRATEGIC IMPLICATIONS:

The City of Vincent's Plan for the Future, Strategic Plan 2011 – 2016:

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

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

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

SUSTAINABILITY IMPLICATIONS:

The purpose of the Festivals is to provide community events in the City and is an excellent opportunity to promote environmental/sustainability initiatives provided by the City.

RISK MANAGEMENT IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

The amount of \$236,000 is listed on the Draft Annual Budget 2012/2013 for the festival programme.

The proposed allocation of funding for the scheduled festivals is as follows:

- Angove Street Festival \$45,000;
- Beaufort Street Festival \$40,000;
- William Street Festival \$60,000;
- William Street Harmony Week \$25,000;
- Ellington Jazz Club \$10,000;
- WA Youth Jazz Orchestra \$6,000; and
- Leederville Festival \$50,000.

COMMENTS:

The festivals that were staged in the City of Vincent last year were all very successful, with large attendances and excellent positive feedback from both the community and businesses.

City of Vincent Officers recognise the excellent contribution the festivals make to the community and support the proposed festivals.

9.5.1 nib Stadium, No. 310 Pier Street, Perth – Removal of Temporary Southern Grandstand and Progress Report No. 22

Ward:	South	Date:	14 May 2012
Precinct:	Beaufort P13	File Ref:	RES0092
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	R Lotznicker, Director Technical Services; John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES BY AN ABSOLUTE MAJORITY** the expenditure of \$48,000 (plus GST) for the removal of the Temporary Southern Grandstand and scaffolding at nib Stadium and for this to be funded from the Perth Oval Reserve Fund; and
2. **NOTES** the progress of the proposed Stadium redevelopment by the State Government, as detailed in this report.

COUNCIL DECISION ITEM 9.5.1

Moved Cr Maier, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

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

(Cr Wilcox was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to seek Council approval of the removal of the Temporary Southern Grandstand at nib Stadium and for this to be funded from the Perth Oval Reserve Fund and to note the progress of the proposed Stadium redevelopment being carried out by the State Government.

BACKGROUND:

On 13 March 2012, the City signed its Lease Agreement with the State Government to lease the nib Stadium to the State Government, in order for it to manage the Stadium. The Lease prescribes that the State Government is now responsible for all Capital Improvements and maintenance of the Stadium.

As Council is aware, the State Government is well advanced with Stage 1 of its new rectangular Stadium, as reported to the Ordinary Meeting of Council held on 27 March 2012.

The Southern Grandstand is constructed of temporary scaffolding and seating and has been provided on a lease basis since the inception of the Stadium in 2002 (due to limited finances to construct a permanent stand).

The City currently has a contract with a private company, AKA Seating, for the southern stand and this expires on 5 November 2013.

The State Government has advised the City that it proposes to replace the temporary southern stand as part of the redevelopment and therefore requires its removal, prior to the commencement of any redevelopment works - due to commence in early July 2012. The temporary Stand is to be removed in the period 2 – 9 July 2012.

The AKA contract requires the City to pay for any removal of the stand and a cost of \$48,000 (plus GST) has been submitted. This cost is itemised as follows:

Item	Cost	Details
Labour	\$26,400	4 x scaffolders and 4 x labourers, each working 40 hours
Transport	\$9,000	N/A
On-site Forklift and Associated Works	\$7,000	2 x telescopic and 2 x 2.5 tonne
Sundries	\$5,600	Includes allowance for boilermakers on site to cut seized components, on-site lunch room, waste disposal, repair and replace
Total	\$48,000	<i>(plus GST)</i>

The costs have been verified by the City's Officers to be reasonable, due to the need to dismantle the stand within seven (7) working days.

Redevelopment Project – Progress

Project Control Group

In accordance with the Lease requirements for the facility, a Project Control Group has been formed comprising:

- Rob Thomson – Department of Sport and Recreation (Chair);
- Clint Kilmovich – Department of Sport and Recreation (Executive Support);
- John Giorgi – City of Vincent;
- Rick Lotznicker – City of Vincent; and
- Shane Walsh – Venues West.

The inaugural meeting was held on 12 April 2012 and monthly meetings have been scheduled for the duration of the redevelopment.

Construction Tender

Tenders have been called for the construction of the rectangular stadium and, at the close of the Tender on 3 May 2012, five (5) builders had submitted a Tender. These are currently being assessed by the Department of Works.

Project Delivery

Construction is scheduled to commence on 2 July 2012 and is anticipated to be completed by 15 March 2013 to enable rugby union games to be played at the venue.

Southern Stand

The State Government has requested that the Southern Stand be removed in the period 2 - 9 July 2012 to enable the redevelopment to commence.

Loton Park

The Department of Sport and Recreation have commenced preparation of concept sketches for the upgrade of Loton Park. Once these have been progressed, they will be reported to the Council for consideration.

Construction Management Plan

A Construction Management Plan has been commenced and liaison has occurred with various City Officers.

Percent for Art

An appeal has been lodged by the Project Architect with the State Administrative Tribunal against the Metro West Joint Development Assessment Panel Condition 3 relating to Percent for Art. This Condition states:

“Within twenty eight (28) of the date of issue of Approval to Commence Development, the applicant shall elect to either obtain approval from the City of Vincent for an artist to undertake a Public Art Project (Option 1) or pay the cash in lieu percentage for public art contribution of \$951,000 (Option 2) being the equivalent value of 1% of estimated cost of the development at \$95,100,000.”

At the time of writing this report, mediation was in progress between the various parties. The City has not been involved in the mediation.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

The State Government signed the lease for the Stadium on 13 March 2012. As such, the City is no longer responsible for any works at the Stadium, effective from that date.

RISK MANAGEMENT IMPLICATIONS:

High: If the southern stand is not removed as requested and to be completed by 2 - 9 July 2012, it has the potential to delay the commencement of construction, which may have negative financial implications on the State Government.

STRATEGIC IMPLICATIONS:

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

As this matter arose after the adoption of the Budget 2011/2012 and could not be foreseen, no specific funds have been listed.

The Reserve Fund contains an amount of \$265,419 (as at 30 April 2012). The Department of Sport and Recreation do not object to the use of the Reserve Fund for this matter.

COMMENTS:

It is important that the southern stand be removed in the timeline requested by the State Government so as not to delay any building construction tenders or works, as this will impact on the redevelopment project and cause a delay in the 2012/2013 sporting fixtures.

Approval of the Officer Recommendation is therefore requested.

9.5.2 City of Vincent Policy No. 1.2.9 – Sustainable Use of Paper, Printing and Office Products

Ward:	-	Date:	11 May 2012
Precinct:	-	File Ref:	ADM0023
Attachments:	001 – Amended Policy No. 1.2.9 002 – Print Suppliers & Costs 003 – Printing Services by Service Area Job Type & Cost 004 – Summary of Paper Costs		
Tabled Items:	-		
Reporting Officer:	M Rootsey, Director Corporate Services		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES BY AN ABSOLUTE MAJORITY** to amend Policy No. 1.2.9 – “Sustainable Use of Paper, Printing and Office Products”, as shown in Appendix 9.5.2A;
2. **NOTES** that a Tender/Quotation will be called for the City’s printing, paper and office products requirements;
3. **AUTHORISES** the Chief Executive Officer to **ADVERTISE** Policy No. 1.2.9 – “Sustainable Use of Paper, Printing and Office Products”, for a period of fourteen (14) days, seeking public comment; and
4. **after the expiry of the period of submissions:**
 - 4.1 **REVIEWS** Policy No. 1.2.9 – “Sustainable Use of Paper, Printing and Office Products”, having regard to any written submissions; and
 - 4.2 **DETERMINES** to proceed with, or not to proceed with Policy No. 1.2.9 – “Sustainable Use of Paper, Printing and Office Products”, with or without amendment; and
 - 4.3 **include** Policy No. 1.2.9 – “Sustainable Use of Paper, Printing and Office Products”, in the City’s Policy Manual if no submissions are received from the public.

COUNCIL DECISION ITEM 9.5.2

Moved Cr Maier, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

Cr Carey departed the Chamber 8.40pm.

Debate ensued.

Cr Carey returned to the Chamber at 8.41pm.

Debate ensued.

Cr Harley departed the Chamber at 8.45pm

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY
BY AN ABSOLUTE MAJORITY (7-0)

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

PURPOSE OF REPORT:

To obtain the Council's approval to amend Council Policy No. 1.2.9 – "Sustainable Use of Paper, Printing and Office Products", to include the purchase of printing, paper and office products.

BACKGROUND:

The Council's Policy Manual contains various policies which provide guidance to the City's Administration for day to day management issues and also to assist Council Members in decision making.

The policies are amended from time to time as the need arises. It is "best practice" to review policies at a regular interval and the City undertakes this every five years. The City's Administration has provided the comments as outlined in this report.

DETAILS:

The Mayor, Chief Executive Officer and Council Officers have held discussions with WA Printing Industries Association of Australia on sustainable printing and the accreditations that are available in the industry to ensure suppliers comply with sustainable printing principles.

The following certification systems are relevant:

- Forest Stewardship Council (FSC);
- ISO 14000;
- Sustainable Green Print;
- Green Stamp

What is FSC?

The Forest Stewardship Council® (FSC) promotes environmentally appropriate, socially beneficial and economically viable management of the world's forests.

- Environmentally appropriate forest management ensures that the harvest of timber and non-timber products maintains the forest's biodiversity, productivity and ecological processes.
- Socially beneficial forest management helps both local people and society at large to enjoy long term benefits and also provides strong incentives to local people to sustain the forest resources and adhere to long-term management plans.
- Economically viable forest management means that forest operations are structured and managed so as to be sufficiently profitable, without generating financial profit at the expense of the forest resources, the ecosystem or affected communities. The tension between the need to generate adequate financial returns and the principles of responsible forest operations can be reduced through efforts to market forest products for their best value.

What is ISO 14000?

ISO 14000 is the International Standard for environmental management and deals with various aspects of environmental management such as water and chemical use etc. It is stringent.

What is Sustainable Green Print?

Sustainable Green Print (SGP) is the Australian printing industry's own recognisable certification program designed to help printing companies meet their environmental responsibilities and go above and beyond compliance. Based on an ISO 14000 framework, SGP is tailored to meet your business requirements, the demands of your customers and the changing trends in dealing with managing environmental responsibility. This multi-level system gives you a choice of four linked achievement levels including ISO 14001 (Level 3 SGP) allowing you to choose your particular and progress levels.

What is the Green Stamp Program?

The Green Stamp Program is an environmental initiative developed by the Printing Industries Association of Australia (WA) in conjunction with the Western Australian Department of Environment. The program assists small to medium businesses to incorporate processes and practices that avoid, reduce, reuse, recycle and dispose of their wastes in an environmentally sensitive manner.

The program has identified and focuses on several key areas considered essential to reducing the environmental impact of the printing industry. These areas are:

- Correct disposal of waste products (preferably to recycling or reuse);
- Storage practices associated with chemicals, inks and other hazardous substances;
- Wastewater management;
- Prevention of pollution of ground and stormwater systems;
- Energy and resource conservation; and
- The development and implementation of environmental management plans.

This program is only available in Western Australia and is funded from the State Government Waste Levy.

Accredited Suppliers

FSC

There are ninety-eight (98) accredited FSC suppliers Australia wide, however there are only two (2) in Western Australia:

- Crystal Printing Solutions Pty Ltd trading as Worldwide Online Printing, Cannington; and
- Picton Press Pty Ltd, West Perth.

Sustainable Green Print

There are sixty-three (63) accredited Sustainable Green Print suppliers in Australia, with three (3) in Western Australia:

- Picton Press Pty Ltd
- PK Print Services Pty Ltd
- Central Institute of Technology : Art Portfolio

Green Stamp

There are fifty (50) Green Stamp certified printers.

Council Preferred Assessment of Certification Sustainability Standards

Sustainably sourced paper:

- The company holds current FSC certification:

- The company is authorised to use the FSC logo;
- The company uses exclusively FSC certified paper products (most companies now do, but this is difficult to prove without FSC certification of the company itself):
If printing on FSC paper, printers are authorised to write “this is printed on FSC certified paper” on the product, but not to use the FSC logo;
- The company does not use FSC certified paper.

Printing Practices

Sustainable printing practices:

- The company has ISO 14000 certification:
This is the international standard for environmental management;
- The company has Sustainable Green Print certification:
This is the national program for environmental management for printers in Australia. It is a pathway to achieving ISO 14000 certification;
- The company has Green Stamp certification:
This is the WA environmental management program for printers funded by the waste levy. It is restricted to small to medium businesses. There are three levels of certification:
Level 3 – Continual Improvement (highest);
Level 2 – Beyond Compliance (middle);
Level 1 – Basic Compliance (lowest).

Printing Review

As set out in the Sustainable Environment Strategy 2011-2016, the City has committed to act in a sustainable manner and to ensure that the City Administration’s purchases are sustainable, environmentally friendly and energy efficient where possible and practicable.

The City’s Purchasing Policy 1.2.3 has a section of Sustainable Procurement as follows:

“Sustainable procurement” takes into consideration the impacts of products and services on human society and the natural environment while meeting the economic constraints of the procuring organisation.

The City is committed to sustainable procurement and where appropriate shall endeavour to design quotations and tenders to provide an advantage to goods, services and processes that minimise negative social and environmental impacts while maximising social and environmental benefits. These considerations must however, be balanced against value for money outcomes to ensure the City’s economic viability, essential to its long term sustainability.

Practically, sustainable procurement means the City shall endeavour at all times to identify and procure products and services that:

- *Have been determined as necessary;*
- *Demonstrate environmental best practice in energy efficiency verified by suitable rating systems and eco-labelling through independent third party certification bodies;*
- *Demonstrate environmental best practice in water efficiency verified by suitable rating systems and eco-labelling through independent third party certification bodies;*
- *Are environmentally sound in manufacture, use, and disposal with a specific preference for products made using recycled materials or raw materials sourced from sustainable resources, that are free of toxic or polluting substances and consume minimal energy and water during production;*

- *Are produced by an environmentally accredited company or company that has an environmental management system, documented waste reduction strategy, relevant quality criteria and/or good track record for environmental performance;*
- *Can be refurbished, reused, recycled or reclaimed, and are designed for ease of recycling, re-manufacture or otherwise to minimise waste;*
- *(Where available, possible and practical), require fewer ozone – depleting substances during manufacture, and/or release fewer ozone – depleting substances or pollutants known to cause environmental harm, including but not limited to VOC's (volatile organic compounds), CFC's (chlorofluorocarbons) and HCFC's (hydrofluorocarbons);*
- *Are manufactured/supplied in socially acceptable conditions, in accordance with Human Rights conventions, laws or treaties where labour considerations, social exclusions and equal opportunities are taken into account;*
- *In the event that all other criteria are equal, are locally sourced;*
- *For motor vehicles – feature the highest fuel efficiency available (verified by suitable rating systems) within the designated price range, based on vehicle type;*
- *For new buildings and refurbishments – use renewable energy and environmentally friendly technologies where available."*

The City now seeks to demonstrate this commitment by setting specific standards for the procurement of its print material.

Proposed Panel of Printers

The City's Administration has undertaken a review of its current expenditure of its printing over past three years. The reviews as presented in this report by (Attachments) print suppliers and cost 9.5.1A and by service area, job type and cost 9.5.2B.

The City has utilised the services of thirty-six (36) companies for its printing services in these three years.

It is now planned to prepare a detailed specification in accordance with the amended policy to obtain quotes to be included on a panel of suppliers to provide printing services to the City for the different categories of printing required:

- City of Vincent – Newsletters
- Events/Programme Flyers
- Beatty Park Leisure Centre Membership Flyers
- Waste Management Flyers
- Rates Notices
- Community Engagement/Consultant Letters
- Brochures
- Invitations

It is anticipated that a panel will provide economics of scale as well ensuring the use of companies committed to sustainability.

Once the amended Policy is adopted, all paper used by the City will be sourced through a Forest Stewardship supplier and all printing will be provided by an accredited sustainable printing supplier.

Only printing of exceptional/extenuating circumstances will be excluded. This will probably only involve the printing of the City's Rate Notices, which is a "one-off" specialised job.

Paper Products

A summary of the City's costs relating to paper products is shown at Appendix 9.5.2D (004).

The City currently uses two brands of copy paper, as follows:

- "Reflex" brand paper has Australian Forestry Standard (AFS) certification as well as Program for Endorsement of Forest Certification (PEFC).
- "Nature's Paper" is 100% made from wheat pulp.

This reveals that the City purchases paper from three (3) suppliers. A reduction in the use of paper is evident since 2011/2012 financial year and this downwards trend is expected to continue. The significant reduction in the number of Council meeting agendas and minutes and the use of tablets has been a recent initiative, which will also reduce the amount of paper being used.

CONSULTATION/ADVERTISING:

The Council has a policy of advertising for a period of fourteen (14) days seeking comments from the public.

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

Low: The failure to review Council Policies will not result in any breach of legislation. However, the adoption of policies will improve information to the Council, City's Administration and the community.

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:

In accordance with the Sustainable Environment Strategy 2011-2016 Section 3 – General Actions.

"Objective

Ensure that the City acts in an environmentally sustainable manner in all its operations.

Action D

Consider green alternatives to ensure that the City's Administrations purchases are sustainable, environmentally friendly and energy-efficient, where possible and practicable".

The adoption of this amended policy will ensure that the City's paper and printing products are from sustainable accredited suppliers.

FINANCIAL/BUDGET IMPLICATIONS:

The printing industry is very competitive and it is not anticipated that the City will incur a premium in costs for the use of accredited sustainable printers. However, this will be monitored, once the panel has been approved.

COMMENTS:

The City's Policies are reviewed every five years. The amended and new policies will provide guidance to the Council and the City's Administration in these important matters.

9.5.3 Review of the City's Customer Service Charter and Customer Service Centre

Ward:	-	Date:	14 May 2012
Precinct:	-	File Ref:	ADM0021
Attachments:	001 – Current Customer Service Charter 002 – Draft Customer Service Charter		
Tabled Items:	-		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES** of amendments to the City of Vincent's Customer Service Charter as shown in Appendix 9.5.3B;
2. **AUTHORISES** the Chief Executive Officer to make minor changes to the Customer Service Charter to reflect any operational requirements without altering the overall intent of the Service Standards; and
3. **NOTES** that the Chief Executive Officer has recently carried out a review of the City's Customer Service Centre, as detailed in this report.

Moved Cr McGrath, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Cr Harley returned to the Chamber at 8.48pm.

Debate ensued.

AMENDMENT NO 1

Moved Cr Maier, Seconded Cr Topelberg

That clause 1 be amended to read as follows:

- "1. **APPROVES** of amendments to the City of Vincent's Customer Service Charter as shown in Appendix 9.5.3B, subject to the following:

1.1 "Access & Inclusion" be amended to read as follows:

"The City is commitment to providing equitable access to information, services and facilities for all members of the community.

We recognise that people with disabilities or those with culturally and linguistically diverse backgrounds may require assistance in accessing information and services. ~~The Universal Access Advisory Group is available to assist community members to contact the City.~~ People with specific needs can also contact the Community Development Officer on 9273 6016, National Relay Service 133 677 or mail@vincent.wa.gov.au.

For more information visit the Access & Inclusion pages at www.vincent.wa.gov.au."

AMENDMENT NO 1 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

AMENDMENT NO 2

Moved Cr Maier, Seconded Cr Buckels

That a new clause 4 be inserted as follows:

“4. REQUESTS the Chief Executive Officer to engage the Communications Officer to review the language to make sure it is consistent, particularly the grammar and syntax of the piece.”

AMENDMENT NO 2 PUT AND CARRIED (6-2)

For: Mayor Hon. MacTiernan, Cr Buckels, Cr Carey, Cr Harley, Cr Maier, Cr Pintabona

Against: Cr McGrath, Cr Topelberg

(Cr Wilcox was on approved leave of absence.)

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

(Cr Wilcox was on approved leave of absence.)

COUNCIL DECISION ITEM 9.5.3

That the Council;

1. **APPROVES** of amendments to the City of Vincent’s Customer Service Charter as shown in Appendix 9.5.3B, subject to the following:

1.1 **“Access & Inclusion”** be amended to read as follows:

“The City is commitment to providing equitable access to information, services and facilities for all members of the community.

We recognise that people with disabilities or those with culturally and linguistically diverse backgrounds may require assistance in accessing information and services. People with specific needs can also contact the Community Development Officer on 9273 6016, National Relay Service 133 677 or mail@vincent.wa.gov.au.

For more information visit the Access & Inclusion pages at www.vincent.wa.gov.au.”;

2. **AUTHORISES** the Chief Executive Officer to make minor changes to the Customer Service Charter to reflect any operational requirements without altering the overall intent of the Service Standards;

3. **NOTES** that the Chief Executive Officer has recently carried out a review of the City’s Customer Service Centre, as detailed in this report; and

4. **REQUESTS** the Chief Executive Officer to engage the Communications Officer to review the language to make sure it is consistent, particularly the grammar and syntax of the piece.

PURPOSE OF REPORT:

The purpose of this report is for the Council to approval of amendments to the City of Vincent Customer Service Charter, as shown in Appendix 9.5.3B.

BACKGROUND:

This matter was previously reported to the Ordinary Meeting of Council held on 27 September 2005 where the Council resolved to approve of a new Customer Service Charter – 2005.

DETAILS:

The City's current charter was first introduced in 1996, reprinted in 1998 and last reviewed in 2005.

Review of Customer Service Charter

Over the previous twelve (12) months a review of the City's Customer Service Centre policies, practices and procedures have been carried out. A number of new initiatives have been introduced, for example; computerised recording of customer requests/complaints; introduction of a new electronic approval module and a restructure of the City's Customer Service Centre. The natural progression has resulted in a review of the City's Customer Service Charter and associated documents.

There has been an ongoing commitment from the City's administration to raising the level of customer service, both internal and external. This has resulted in the existing Customer Service Charter being reviewed with improved Key Performance Indicators.

The Charter will be provided to all current and future employees, who will be required to commit to meeting the Customer Service Charter as part of their conditions of employment, via their position description or contract of employment.

The Charter (and associated Customer Complaint Form) will continue to be provided on counters at the Administration and Civic Centre, Library and Beatty Park Leisure Centre. It will also be on the City's website and will be issued to new residents as part of the City's "Welcome Pack".

Training will be provided, where required, to ensure that all employees are aware of the Customer Service Charter requirements.

CITY OF VINCENT CUSTOMER SERVICE CHARTER

A review of the various key service standards has been carried out and these are shown below. Input was provided by all Directors, Section Managers, Co-ordinators and Supervisors. A review of various other local government Customer Service Charters was also carried out to benchmark the City's standard. This has revealed:

1. the City's service standards are equal to and in some cases higher than other local governments; and
2. a number of local governments no longer prescribe their service standards in their Customer Service Charter and have generic terminology.

Once approved by the Council, a revised Customer Service Charter will be prepared.

As service standards may vary from time to time, due to operational reasons, the Chief Executive Officer should be authorised to make minor changes to the Customer Service Charter, to reflect the change.

Service Standards

In Person

Current	Proposed
We will promptly greet you and treat you in a professional, polite and attentive manner.	As per current.
We will listen attentively in order to understand your needs.	As per current.
Attend to your initial enquiry by one of our friendly Customer Service Officers.	As per current.
We aim to attend and complete your request at the time of your visit and will try to resolve your request at the first contact.	<u>Customers will be attended to within 2 minutes of arriving in our Customer Service Centre.</u>
Nil.	<u>A customer with an appointment will be met within 5 minutes of the appointed time or provided with an update should there be an unexpected delay.</u>
When enquiries of a technical or specialist nature are made at the Customer Service Centre, we will ensure that the appropriate officer is called, if available, or that contact is made within 24 hours to arrange an appointment.	When enquiries of a technical or specialist nature are made at the Customer Service Centre, <u>we will ensure that the appropriate Employee officer is called, if available, or that contact is made within 24 hours to arrange an appointment. Contact is to be made within 24 hours and if the matter cannot be resolved on the phone, that a meeting be arranged to discuss the matter.</u>
If the officer you have requested to see not available, we will ensure that an appropriate officer attends to your enquiry. Alternatively we will arrange for the officer to contact you to arrange an appointment.	If the officer you have requested to see <u>is not available, we will ensure that an appropriate officer promptly attends to your enquiry. Alternatively we will arrange for the officer to contact you to arrange an appointment. The responsible officer is to contact the applicant within 24 hours, and if the matter cannot be resolved on the phone that a meeting be arranged to discuss the issue.</u>
All employees who have face-to-face contact with customers will wear a name badge for ease of communication.	<u>Ensure all employees who have face-to-face contact with customers will wear a name badge for ease of communication.</u>
We will endeavour to ensure that an employee is available in each service area at all times during working hours.	<u>Wherever possible, we will endeavour to ensure that an employee is available in each Section service area at all times during working hours.</u>
Always be appropriately dressed.	As per current.
Always try to resolve your request at the first contact.	As per current.

On the Telephone

Current	Proposed
We will promptly answer all telephone calls during working hours.	As per current.
We will introduce ourselves over the phone by name and Section, and provide a direct contact number for future communications when necessary.	<u>We will introduce ourselves over the phone by <u>first</u> name and Section, and provide a direct contact number for future communications when necessary. <u>We will greet you with "Welcome to the City of Vincent – this is [first name]". In addition, when a call is transferred, the City's employee will also announce their Section.</u></u>

Current	Proposed
We will reply to telephone enquiries on the same day or the next working day, as appropriate.	We will reply to telephone enquiries <u>ideally at first contact or on the same day or by close of business the next working day,</u> —(as appropriate).
We will take personal responsibility for your enquiry to reduce the transfer of calls and inform you of any delays if you are “on hold”.	As per current.
Nil.	<u>When we need to transfer your call we will endeavour to put you in contact with the most appropriate person.</u>
We will provide a 24-hour after hours telephone service for emergency calls.	As per current.

In Writing (including letters, faxes, emails and website submissions)

Current	Proposed
Nil.	<u>We will acknowledge all emails sent to our General Enquiries email address within 24 hours (excluding weekends and public holidays).</u>
We will acknowledge your written request within 5 working days of receipt.	<u>We will acknowledge your email within 2 working days and, any written request within 5 working days of receipt.</u>
Whenever possible, we will provide a completion date when requests require in-depth research which will take longer than 10 working days.	As per current.
We will write to you in clear, concise language that is easily understood.	As per current.
We will send out standard information within 24 hours of the request being received.	As per current.
Nil.	<u>Correspondence associated with a statutory process will be resolved in accordance with legislative requirements and timeframes.</u>

Presentation

Current	Proposed
Nil.	<u>When meeting people face-to-face staff are to be suitably dressed to present a professional image. Office staff should wear neat and clean clothing appropriate for an office environment.</u>
Nil.	<u>All staff representing the City in a face-to-face capacity will wear a name badge.</u>
Nil.	<u>Food or drink will not be consumed within sight of the public.</u>
Nil.	<u>Smoking is not permitted inside the City of Vincent buildings</u>
Nil.	<u>City of Vincent facilities will be safe and clean. Everything in public view will be tidy, clean and professionally presented. All signs should be typed for ease of reading, professionalism and to convey a polite and positive message.</u>

In General

Current	Proposed
Nil.	<u>We will provide Customer Service and office telephones will be answered from 8am to 5pm Monday to Friday (excluding public holidays).</u>
Nil.	<u>An after hours emergencies contact number will be provided.</u>
Nil.	<u>We will treat all customers with equality and attend to enquiries promptly.</u>
Nil.	<u>We will take ownership of your enquiry, follow-up and keep you informed.</u>
We will advise you of the progress of your request at least every 15 working days, until the matter is resolved.	As per current.
Nil.	<u>Where information cannot be provided in the first instance, we will ensure you are contacted by the officer who can best assist you with your request.</u>
Nil.	<u>We will ensure that our website contains quality and easily accessible information.</u>

How You Can Help Us Meet Our Commitment

Current	Proposed
Nil.	<ul style="list-style-type: none"> • <u>Treat our employees with the same courtesy and respect given to you.</u> • <u>Have a notepad and pen on hand when you call.</u> • <u>Provide us with complete and accurate details. Be clear and concise with your requests and be prepared with relevant information.</u> • <u>Contact us to make an appointment if you have a complex enquiry or need to see a specific officer.</u> • <u>Contact the officer mentioned in any correspondence sent to you and quote the reference number.</u> • <u>Provide us with a day-time telephone number or email address.</u> • <u>Work with us to try to resolve problems.</u> • <u>Give us feedback to help us better understand your needs.</u> • <u>Acknowledge that the City may not have the authority to deal with your request/complaint and may need to refer it to another agency/organisation.</u>

Access & Inclusion

Current	Proposed
Nil.	<p><u>The City is committed to providing equitable access to information, services and facilities for all members of the community.</u></p> <p><u>We recognise that people with disabilities or those with culturally and linguistically diverse backgrounds may require assistance in accessing information and services. The Universal Access Advisory Group is available to assist community members to contact the City. People with specific needs can also contact the Community Development Officer on 9273 6016, National Relay Service 133 677 or mail@vincent.wa.gov.au.</u></p> <p><u>For more information visit the Access & Inclusion pages at www.vincent.wa.gov.au.</u></p>

Good Governance & Your Rights

Current	Proposed
Nil.	<p>The City respects its responsibility to provide good governance and has developed a number of policies and procedures to deliver best practice.</p> <p>Council Members and employees are bound by applicable legislation and also to the requirements specified in the City's Code of Conduct. Details can be found at www.vincent.wa.gov.au.</p> <p>The City respects your privacy and we will not collect any personal information without legitimate reason or disclose personal information about you without your consent, unless we are required to do so by law.</p> <p><u>Freedom of Information</u> The Freedom of Information (FOI) Officer is required to deal with FOI requests in accordance with the Principles of Administration set out in Section 4 of the <i>Freedom of Information Act 1992</i>. The FOI Officer will assist customers to obtain access to documents, and allow access to documents to be obtained promptly and at the lowest reasonable cost. Information on FOI requests can be found at www.vincent.wa.gov.au or by contacting the FOI Officer on 9273 6000 or mail@vincent.wa.gov.au.</p>

Service Requests

(A Service Request is defined as a person's demand for a service or action to be undertaken by the City)

We will:

Current	Proposed
Make safe urgent road and footpath defects within 4 hours and finalise the repairs within 24 hours of notification. Carry out routine minor footpath and road repairs within 5 working days.	Make safe urgent road and footpath defects within 4 hours and finalise the repairs within 24 hours of notification. <u>Required works will be prioritised and wherever possible</u> carry out routine minor footpath and road repairs <u>will be carried out</u> within 5 working days.
Process crossover applications and provide written quotations within 10 working days.	As per current.
Carry out construction of crossovers within 14 working days of payment being received (weather permitting), providing the applicant has met all construction conditions.	<u>Where requested by the applicant, arrange for the construction of crossovers to be undertaken</u> within 14 working days of payment being received (weather permitting), providing the applicant has met all construction conditions.
Process requests for works bonds refunds within 14 working days, providing all conditions are met.	Process requests for works bonds refunds within 14 working days, <u>provided all works have been undertaken and/or damage caused being rectified to the satisfaction of the City, providing all conditions are met.</u>
Collect refuse from 6am on designated collection days and recycling from 7am on designated days on a fortnightly basis. (Non-compliant bins/crates will not be collected.)	Collect refuse from 6am <u>7am</u> on designated collection days and recycling from 7am on designated days on a fortnightly basis. (Non-compliant bins/crates will not be collected.)
Deliver, replace and maintain mobile garbage bins and crates within 2 working days from date of request.	As per current.

Current	Proposed
Inspect street trees within 2 working days of any request for pruning. Undertake urgent works within 4 hours and non-urgent works within 10 working days of the request to the City.	As per current.
Aim to remove obscene or offensive graffiti from Council-owned property within 4 hours and remove all other graffiti within 2 working days of it being reported to the City. The City also removes graffiti from private property upon request and with the approval of the property owner.	As per current.
Action routine Service Requests or complaints within 2 working days of them being received.	As per current.
Give you at least 24 hours warning notice if we need to carry out repair works in your street which affect your property (other than emergencies).	As per current.

Development Applications

We will:

Current	Proposed
Register applications upon receipt (only if they contain all the required information).	Register <u>planning</u> applications upon receipt, <u>including mail applications (in the event they contain all the required information).</u> (only if they contain all the required information).
Advise applicants by letter or email, within 3 working days of registration, the name of the Employee who will be responsible for the application.	Advise applicants by letter or email, within 3 <u>2</u> working days of registration, the name of the Employee who will be responsible for the application.
Process building applications which do not require referrals to other parties within 10 working days.	Process <u>certified</u> building applications which do not require referrals to other parties within 10 working days.
Process other building applications within 20 working days.	Process other <u>uncertified</u> building applications within 20 <u>25</u> working days.
Process planning applications for developments of a minor complex nature or impact within 20 working days.	Process planning applications for developments of a minor complex nature or impact within 20 <u>working calendar</u> days <u>(where all information has been provided).</u>
Process other planning applications within 6 to 8 weeks.	Process other planning applications within 6 to 8 weeks <u>(where all information has been provided).</u>
Advise applicants at least 3 working days prior to their application being considered at a Council meeting.	As per current.
Advise persons who made a written submission about a development at least 3 working days prior to the application being considered at a Council meeting.	As per current.
Nil.	<u>Advise applicants at least 5 working days prior to their application being considered at a Development Assessment Panel Meeting (DAP).</u>
Nil.	<u>Advise persons who made a written submission at least 5 working days prior to their application being considered at a Development Assessment Panel Meeting (DAP).</u>

Review of the City's Customer Service Centre

In March 2012, the Chief Executive Officer engaged an external consultant – Practical People Solutions to carry out a review of the City's Customer Service Centre.

Objectives

The objectives of the review were as follows:

- “1. *Review the City's Customer Service Centre to ascertain if it best meets the needs of the organisation and our customers.*
2. *Identify better efficiencies and improvements which can be achieved in our internal and external service delivery.*
3. *Review the Customer Service Centre's employee resources, including:*
 - *Staffing levels and designations*
 - *Reporting structure*
 - *remuneration levels; and*
 - *performance expectations,*

when benchmarked against other similar local governments and organisations.
4. *Review Centre's processes and procedures with the view to improving internal customer service and external customer focus and service delivery.*
5. *Review and reassess the Customer Service Centre and its' service delivery and practises to;*
 - (a) *identify other improvements and efficiencies; and*
 - (b) *identify whether any current services could be discontinued, modified and/or reduced; and*
6. *Review to be completed and a report submitted to the Chief Executive Officer by:*

15 April 2012.”

As the Council is aware, a remodelling of the City's Customer Service Centre was recently completed. Positive feedback has been received to date, which reveals that a more efficient and inviting Centre has been achieved.

Review Findings

Eleven (11) recommendations were made relating to:

- training of staff (2);
- induction process for new employees;
- collection of data/statistics;
- workload;
- standards and requirements for staff (2);
- rosters;
- staffing levels; and
- structure (2).

The recommendations have been prioritised as follows:

- High – to be carried out within one (1) month;
- Medium – to be carried out within one (1) to three (3) months; and
- Low – to be carried out within three (3) to twelve (12) months.

All of the recommendations (except one relating to the rotation of Customer Service Officers from within the Customer Service Centre) will be implemented. This one recommendation was considered by the City's Executive Management Team and was not supported, as it was considered impracticable. Furthermore, the rotation of Customer Service Officer's was discontinued many years ago, as it caused disruption and operational difficulties.

Implementation of Findings

Implementation of the findings has already commenced. The current Co-ordinator Customer Service has accepted another position within the Organisation and recruitment for a new Co-ordinator has commenced.

It is considered that the City's Customer Service will achieve efficiencies in both internal and external service delivery.

LEGAL/POLICY:

Section 5.4.1 of the *Local Government Act 1995* prescribes the function of the Chief Executive Officer. These include:

- “(d) manage the day to day operation of the local government;...*
- (g) be responsible for the employment, management, supervision, direction and dismissal of other employees (subject to Section 5.37(2)) in relation to senior employees.”*

The Charter does not have legal status. However the Charter does prescribe the Key Performance Indicators and other requirements which specify the level of service to be provided by the City.

The City's employees will have a legal obligation to comply with the adopted Charter, as part of their employment obligations.

CONSULTATION/ADVERTISING:

As the City's service standards have not been reduced and a number of new standards have been included, it is recommended that the Customer Service Charter not be advertised for community consultation.

RISK MANAGEMENT IMPLICATIONS:

Medium/High: The City's Customer Service Charter prescribes the service level to be provided. Failure to regularly review the standards may result in outdated Key Performance Indicators.

STRATEGIC IMPLICATIONS:

This Charter is in keeping with the City's Strategic Plan 2011-2016, Key Result Area:

- “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;*
- 4.1.3 Provide Excellence in Customer Service.*

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

There is no specific budget for this item. Reprinting of the Charter will be met from an Operating Budget. Once approved by the Council a limited supply will be printed.

COMMENTS:

A customer focused “culture” is the behaviour which exists in an organisation and it is achieved over a period of time. To enhance this already existing customer focussed culture it will require ongoing commitment from the City’s Chief Executive Officer, Directors, Managers and employees. It will also require the support of the elected Council. The process is a “*continuing journey*” which can be progressively built on.

Approval of the Officer Recommendation is requested.

9.5.4 City of Vincent Business Continuity Plan 2012 – Approval

Ward:	Both	Date:	14 May 2012
Precinct:	All	File Ref:	FIN0192
Attachments:	Nil		
Tabled Items:	Confidential: Business Continuity Plan – Administration and Civic Centre Confidential: Business Continuity Plan – Library & Local History Centre Confidential: Business Continuity Plan – Works Depot Confidential: Business Continuity Plan – Beatty Park Leisure Centre Depot		
Reporting Officer:	J MacLean, Manager Ranger and Community Safety Services		
Responsible Officers:	R Boardman, Director Community Services; John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **APPROVES** the City of Vincent Business Continuity Plan 2012 as shown in Tabled Confidential Items.

Moved Cr Maier, Seconded Cr Buckels

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

“That the Council ~~APPROVES~~ the City of Vincent Business Continuity Plan 2012 as shown in Tabled Confidential Items **NOTES that the City of Vincent Business Continuity Plan has been updated.”**

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

COUNCIL DECISION ITEM 9.5.4

That the Council **NOTES** that the City of Vincent Business Continuity Plan has been updated.

PURPOSE OF REPORT:

The purpose of this report is to inform the Council that the City’s Administration has reviewed and updated its Business Continuity Plan, to ensure that the City can continue to provide an appropriate level of service to the community, in the event of the Administration and Civic Centre, the City’s Library and Local History Centre, the City’s Works Depot and/or the Beatty Park Leisure Centre not being available for an extended period of time.

BACKGROUND:

The City of Vincent previously developed Business Continuity Plans (BCP), which were last reviewed in 2009. Given the need to ensure that the BCP meets the requirements of the organisation, to allow for continuity of service provision and the need to ensure that the processes remain current, the Plan had a review date of December 2011. However, when the existing Plan was being reviewed, it was decided that the format of the BCP was no longer consistent with best practice Plans. As a result, as well as amending the existing BCP to maintain currency, the Plan has been completely rewritten in a more comprehensive and more easily understood format.

DETAILS:

The Business Continuity Plan mainly deals with loss events that interrupt the operations of the City of Vincent Administration and Civic Centre, and also the Library and Local History Centre, the City's Works Depot, and Beatty Park Leisure Centre.

The Business Continuity Plan has been developed to include events that will either deny access to the City of Vincent Administration and Civic Centre, the Library and Local History Centre, the City's Works Depot, and Beatty Park Leisure Centre, or which will render the buildings an unproductive facility. For example, prolonged loss of power, water or sewer, fire damage, etc.

Given that Beatty Park Leisure Centre is currently undergoing extensive refurbishment work, it is considered appropriate to further review the existing BCP for this facility later in 2012. As a result, a full review will be undertaken prior to the Centre being fully operational in December 2012.

The Business Continuity Plan is focused on events that will affect all employees within the City of Vincent's four operational sites and impact on the ability of those employees to undertake core business activities.

The primary function of the Business Continuity Plan is to ensure that key services are either maintained or re-established in a timely manner. In the process of reviewing the Business Continuity Plan (BCP), it was considered that it would be impossible to address every possible event that could impact on the City's ability to operate, so it was considered appropriate to address the processes that would be required. The BCP primarily looks at the development of a plan of action for each of the five (5) categories, as follows:

1. *Long Term loss of Access to the City of Vincent Administration and Civic Centre or other sites;*
2. *The City of Vincent Administration and Civic Centre or other sites have no power for 5 working days or more;*
3. *The City of Vincent Administration and Civic Centre or other sites have no power for up to 4 working days;*
4. *Influenza Pandemic; and*
5. *The City of Vincent Administration and Civic Centre or other sites are without water for up to 4 working days.*

In all of the above categories, the City would convene a "Business Recovery Group" that would oversee the processes necessary for the recovery programme. The composition of the "Business Recovery Group" would vary according to which of the above categories has occurred, because the employees with expertise in each occurrence would be able to maximise the response effort. For example, if the Administration and Civic Centre was severely structurally damaged, to the extent that it would be un-usable for some time, the members of the "Business Recovery Group" would include employees with structural engineering experience, as well as employees with experience in the provisions of the Building Code of Australia (BCA). However, if the emergency related to an influenza pandemic, employees with environmental health experience, or employees with experience in quarantine procedures would be essential inclusions.

In the each above categories, the Business Continuity Working Group considered a number of criteria for the continuity of service to the community, including:

- the maintenance of security in the City's core buildings; for example, Administration and Civic Centre;
- ways in which employees could be diverted from non-essential duties into critical areas;
- appropriate modifications to the Administration and Civic Centre to allow for connection to an external power source;
- the obtaining of appropriate equipment to maintain essential service operations;
- making use of a back-up computer server, to ensure essential information can be kept available;
- the relocation of the key service areas to an alternative premises;

- planning for minor modifications to be made to alternative locations to accommodate relocated employees; and
- allowing employees to work from home or other sites, using remote computer access, etc.

For each of the above five (5) scenarios, the BCP specifies which employees would be expected to manage the recovery response and lists the indicative tasks that would be allocated, to ensure that the recovery process is commenced early and progressed as quickly as possible.

CONSULTATION/ADVERTISING:

For security reasons, a Business Continuity Plan should not be available to the public, because the information contains personal details of key employees, contains sensitive information (for example, location of computer servers, etc), which would pose a security risk if available to persons with the wrong motive or could be used to circumvent the recovery process.

Accordingly, the BCP is restricted to Key Personnel within the City and the Mayor.

LEGAL/POLICY:

At Objective 4.1.2(d) of the City's Strategic Plan, the Business Continuity Plan should be reviewed. It is also considered to be "good corporate governance" for all businesses, including local government, to have a current Business Continuity Plan, so that if an emergency arises, the organisation has measures in place to minimise the impact.

The City's Business Continuity Plan contains personal information relating to the City's Employees. The Chief Executive Officer strongly recommends that the Business Continuity Plan is restricted to key personnel within the City and the Mayor.

The City's Insurer has recommended that the BCP be regularly updated to reflect any changes.

RISK MANAGEMENT IMPLICATIONS:

High: Failure to adopt a Business Continuity Plan or maintain it in a current format would compromise the City's ability to provide a sufficient level of service in the event that a situation, which renders the Administration and Civic Centre and/or other key building as unusable, may occur.

STRATEGIC IMPLICATIONS:

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

"4.1.2(d) Finalise and adopt a Business Continuity Plan for the Organisation."

SUSTAINABILITY IMPLICATIONS:

The above proposal will make sure that the restoration of the normal operation of the City of Vincent is considered of vital importance, which will result in the City being considered "Sustainable".

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The City's Officers have reviewed the existing Business Continuity Plan, which was last amended in December 2009 and which outlines the actions that should be taken in the event that the Administration and Civic Centre, the City's Library and Local History Centre, the City's Works Depot and/or the Beatty Park Leisure Centre not being available for an extended period of time or become un-usable, for whatever reason (for example, total fire devastation of the Administration Centre which destroyed the Town of Claremont building in 2011). The City of Vincent Business Continuity Plan 2012 is recommended for approval.

The Presiding Member, Mayor Hon. Alannah MacTiernan advised that as there was a Proposed Amendment tabled on Item 9.5.6 prior to the meeting, this Item which was previously moved *En Bloc* would need to be recommitted in order to discuss the Item and Proposed Amendment.

9.5.6 Submission to the Metropolitan Local Government Review Panel

Ward:	-	Date:	14 May 2012
Precinct:	-	File Ref:	ORG0031
Attachments:	001 – Metropolitan Local Government Review Panel Draft Findings 002 – City of Vincent Submission 003 – WALGA's Submission		
Tabled Items:	-		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES** the City of Vincent's Submission in response to the Metropolitan Local Government Review Panel Draft Findings – April 2012 as shown in Appendix 9.5.6 (Attachment 002);
2. **AUTHORISES** the Chief Executive Officer to provide a Submission to the Metropolitan Local Government Review Panel;
3. **REQUESTS** that the Metropolitan Review Panel and/or the Minister for Local Government to commit to releasing the Final Report on the Metropolitan Local Government Review for a public consultation period of not less than three (3) months to allow the Local Governments to engage with their communities and to appropriately respond to any reform recommendations; and
4. **NOTES** that the City of Vincent Submission as specified in clause 1 above, will also be forwarded to the Western Australian Local Government Association (WALGA).

PROCEDURAL MOTION

Moved Cr Topelberg, **Seconded** Cr McGrath

That consideration of Item 9.5.6 be recommitted.

PROCEDURAL MOTION PUT AND CARRIED (8-0)

(Cr Wilcox was on approved leave of absence.)

Moved Cr Topelberg, **Seconded** Cr McGrath

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

“That the Council;

1. ~~**APPROVES** the City of Vincent's Submission in response to the Metropolitan Local Government Review Panel Draft Findings – April 2012 as shown in Appendix 9.5.6 (Attachment 002);~~

1. ENDORSES the City of Vincent's Submission to be the same as the Western Australia Local Government's Submission (as adopted at the Forum of Metropolitan of Local Government Mayors and Presidents on 22 May 2012) in response to the Metropolitan Local Government Review Panel Draft Findings – April 2012 as shown in Appendix 9.5.6 (Attachment 003) with the following exceptions:
 - 1.1 Key Recommendation 23a – the City of Vincent support compulsory voting at Local Government Elections; and
 - 1.2 Key Recommendation 23c – the City of Vincent supports the election of Mayors by the community;
2. **AUTHORISES the Chief Executive Officer to provide a Submission to the Metropolitan Local Government Review Panel; and**
3. ~~REQUESTS that the Metropolitan Review Panel and/or the Minister for Local Government to commit to releasing the Final Report on the Metropolitan Local Government Review for a public consultation period of not less than three (3) months to allow the Local Governments to engage with their communities and to appropriately respond to any reform recommendations; and~~
4. 3. **NOTES that the City of Vincent Submission as specified in clause 1 above, will also be forwarded to the Western Australian Local Government Association (WALGA)."**

Debate ensued.

AMENDMENT

Moved Cr Topelberg, Seconded Cr Maier

That new clause 1.1 be amended to read as follows:

"1.1 **Key Recommendation 23a – the City of Vincent neither supports nor opposes compulsory voting at Local Government Elections; and"**

Debate ensued.

AMENDMENT PUT AND LOST (2-6)

For: Cr Maier, Cr Topelberg

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

(Cr Wilcox was on approved leave of absence.)

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

ADDITIONAL INFORMATION:

As previously reported to the Council, Mayor MacTiernan and the Chief Executive Officer attended the Western Australian Local Government (WALGA) Forum of Mayors and Presidents held at the City of Belmont on 22 May 2012 whereby each Mayor/President was provided with a deliberative vote on the Review Panel's Key Findings.

It is considered that the WALGA Submission is very similar to the City's and it is simpler and more persuasive for the Council to adopt the WALGA submission subject to the following changes:

"Key Recommendation 23:

That the City SUPPORTS compulsory voting at Local Government elections.

That the City SUPPORTS election of the Mayor by the community."

WALGA's Submission requests that the Metropolitan Review Panel and/or the Minister for Local Government to commit to releasing the Final Report on the Metropolitan Local Government Review for a public consultation period of not less than two (2) months to allow the Local Governments to engage with their communities and to appropriately respond to any reform recommendations.

COUNCIL DECISION ITEM 9.5.6

That the Council;

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

PURPOSE OF REPORT:

To advise the Council of the City of Vincent Submission in response to the Metropolitan Local Government Review Panel's Draft Findings – April 2012.

BACKGROUND:

Previous Reports

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

Review of Local Government Boundaries in Perth

On 24 June 2011 the Minister for Local Government made the following announcement:

Local Government Minister John Castrilli today announced the appointment of a high level independent panel to examine the social, economic and environmental challenges facing Perth.

The panel will be responsible for recommending appropriate boundaries and governance models for local governments in the Perth metropolitan area.

The eminent panel will be chaired by Professor Alan Robson, vice chancellor of The University of Western Australia. Other members are Dr Peter Tannock, former vice chancellor of the University of Notre Dame Australia and Dr Sue van Leeuwen, Chief Executive Officer of Leadership WA.

Mr Castrilli said the panel offered a vast amount of knowledge, experience and expertise a leaders in academic and business circles in Western Australia.

"I am delighted they have agreed to assist the State in this momentous review," he said.

"For the first time we will consider the future and identify the challenges and opportunities."

Terms of Reference

The review's terms of reference are to:

- *Identify current and anticipated specific regional, social, environmental and economic issues affecting, or likely to affect, the growth of metropolitan Perth in the next 50 years;*
- *Identify current and anticipated national and international factors likely to impact in the next 50 years;*
- *Research improved local government structures, and governance models and structures for the Perth metropolitan area, drawing on national and international experience and examining key issues relating to community representation, engagement, accountability and State imperatives among other things the panel may identify during the course of the review;*
- *Identify new local government boundaries and a resultant reduction in the overall number of local governments to better meet the needs of the community;*
- *Prepare options to establish the most effective local government structures and governance models that take into account matters identified through the review including, but not limited to, community engagement, patterns of demographic change, regional and State growth and international factors which are likely to impact; and*
- *Present a limited list of achievable options together with a recommendation on the preferred option.*

The Minister said it would be the panel's objective to submit recommendations to him by June 2012 on optimal local government structures or governance, resulting in the drawing of new local government boundaries.

The panel would directly engage with the Perth community, local governments, peak bodies, and government agencies and departments.

Two advisory groups would provide expert advice to the panel. One would consist of the directors general of the departments of Local Government and Planning. The president and vice-president of the Western Australian Local Government Association would also be invited to advise the panel".

The Review Panel

The Review Panel has met on a number of occasions and invited both written and oral submissions from the public and also local government. The Mayor and Chief Executive Officer both attended and made oral submissions to the Panel in December 2011. The Council's comprehensive submission was also sent to the Panel in December 2011.

Panel Forum

The Mayor and the CEO also attended a forum, organised by the panel for local government Mayors, Councillors and senior officers, on 12 November 2011 at the University of Western Australia.

The forum provided an opportunity for attendees to ask questions of the panel chairman. It was apparent that the forum was not intended as a place where a debate on the process could be held but simply was an opportunity to clarify the panel's intentions in asking the questions that they have and to encourage local government to make submissions.

The Review Panel's Draft Findings

On 27 April 2012, the Review Panel release its Draft Findings for public comment and has invited submissions from the public. A copy of the Review Panel's Draft Findings is shown at Appendix 9.5.6 (Attachment 001).

It is important to note that submissions to the Panel **close on Friday 25 May 2012**.

The Council has the option to either:

1. endorse the Key Findings, without amendment;
2. endorse the Key Findings, with amendments;
3. note the Key Findings;
4. reject the Key Findings; or
5. make no submission.

WALGA Forum of Metropolitan Local Government Mayors and CEOs

The Western Australian Local Government Association (WALGA) has organised a Forum of all Metropolitan Local Government Mayors and CEO's to be held at the City of Belmont on the 22 May 2012. The purpose of the Forum is to consider the Review Panel's Draft Findings and each Mayor will be entitled to one deliberative vote on each Key Finding, which will form WALGA's submission.

Previous Council Decision

The Council has previously considered this matter and at the Ordinary Meeting of Council held on 8 May 2012 resolved as follows:

"That the Council;

1. *RECEIVES the report relating to the Metropolitan Local Government Review Panel Draft Findings – April 2012 as shown in Appendix 14.1; and*
2. *AUTHORISES the Chief Executive Officer in liaison with the Mayor to prepare a submission in response to the Metropolitan Local Government Review Panel's Draft Findings – April 2012, and for this to be further considered at the Ordinary Meeting of Council to be held on the 22 May 2012."*

The City's submission is shown at Appendix 9.5.6 (Attachment 002).

Review Panel - Key Findings

The following is a summary of the Key Findings;

- "1. *Enhanced strategic thinking and leadership across the State and local government sector and the wider community will be required to manage the extraordinary growth of metropolitan Perth over the next 50 years.*
2. *The current local government arrangements will not provide the best outcomes for the community into the future. The status quo cannot and should not remain.*
3. *There is a need for significant change in Perth's local government, including changes in local government structures, boundaries and governance.*
4. *The Panel envisages the outcome of the Review to be a stronger, more effective, more capable local government sector, with an enhanced role and greater authority.*
5. *Uncertainty about the future needs to be addressed by prompt and decisive government decision making.*
6. *A shared vision for the future of Perth should be developed by the State Government, together with local government, stakeholder and community groups.*
7. *A sense of place and local identity can be maintained through appropriate governance regardless of the size of a local government.*
8. *The primary benefits to be achieved by the proposed reforms of Perth's local government arrangements include:*
 - a. *increased strategic capacity across the local government sector;*
 - b. *a more equitable spread of resources across metropolitan Perth and more equitable delivery of services to all residents;*
 - c. *reduced duplication and better use of infrastructure;*
 - d. *a streamlined regulatory environment with greater transparency, simplicity, consistency, and certainty with attendant costs savings for all sectors of the community;*
 - e. *potential to achieve greater economies of scale;*
 - f. *increased influence with State and Commonwealth governments reflected in improved funding for community projects;*
 - g. *the achievement of metropolitan-wide social, economic and environmental goals.*
9. *The structure and governance arrangements for local government in Perth cannot be considered in isolation from the role and function of local government, and from the relationship between State Government and local governments.*
10. *Some function need to be managed from a metropolitan-wide perspective, including waste disposal and treatment, transport and planning. A shift in responsibility to the State Government may be warranted.*
11. *Consideration should be given to establishing a Local Government Commission, comprising an Independent chair and persons with significant State and local government experience, to manage the relationship between State and local government, and to oversee implementation of the reform process.*

12. *A redefined local government would have its role enhanced including re-empowerment in local planning.*
13. *The most appropriate options for local government in metropolitan Perth are:*
 - a. *10 to 12 councils centred on strategic activity centres;*
 - b. *five councils based on the central area and sub-regions;*
 - c. *one single metropolitan council.*
14. *In any future model, the size of the City of Perth should be increased and its role enhanced.*
15. *It is important to make significant change and create a new structure with robust boundaries to minimise the need for further debate and change in the short to medium term.*
16. *Once a new structure is settled, there should be periodic boundary reviews undertaken by an independent body, to ensure the local government structure is optimal for meeting the changing needs of a growing metropolitan region.*
17. *The creation of larger local governments alone will not address all the shortcomings of the present system.*
18. *Local government's ability to connect to the community is an important asset. In any new local government structure for metropolitan Perth, community engagement must be strengthened, to improve accountability and reduce the power of special interest groups.*
19. *Local government must invest in mechanisms that encourage the whole community to participate. Consideration must be given to the development of formal community engagement networks, which may include the adoption of new institutional arrangements and structures to ensure adequate community engagement and access to council.*
20. *If the new local government structure for metropolitan Perth comprises more than one local government, a Forum or Council of Perth Mayors should be created, chaired by the Lord Mayor.*
21. *The role of elected members should be reshaped to enhance their capacity for strategic leadership and reduce their involvement in operational matters.*
22. *The potential for council controlled organisations / local government enterprises should be further considered.*
23. *Amendments to governance arrangements for local government in metropolitan Perth should include the following:*
 - a. *Introduction of compulsory voting at local government elections;*
 - b. *Recognition of the leadership role of elected members;*
 - c. *Election of Mayors by community;*
 - d. *Increased remuneration of elected members;*
 - e. *Training for elected members;*
 - f. *Clarification of the role of CEO and elected members."*

CONSULTATION/ADVERTISING:

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

Council Members have been encouraged to submit their comments to the Chief Executive Officer for inclusion into the Submission and several emails have been received.

LEGAL/POLICY:

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

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

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

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

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

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

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

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

RISK MANAGEMENT IMPLICATIONS:

High: There is a risk that if the City does not provide a response on the Metropolitan Local Government Review Panel Issues Papers, it would have missed an opportunity to comment on the future purpose and role of the Local Government in the metropolitan area and how it could best serve its community. The future of the City of Vincent will be dependent upon the recommendations made by the Panel, particularly should the review result in new Local Government boundaries.

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:

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

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

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

It is considered that the Metropolitan Local Government Review Panel's Draft Findings, if adopted by the State Government, will have long term implications for the City of Vincent.

It is important to ensure that local government is not adversely affected or destabilised by unnecessary procrastination or ambiguity. The employment market is volatile and employees can quickly become unsettled and may seek alternative employment outside the industry. If at all possible, this should be avoided or at least kept to a minimum. Accordingly it is considered paramount that the Metropolitan Local Government Review Panel and/or the Minister for Local Government commit to releasing the Final Report on Metropolitan Local Government Review for a public consultation period of three (3) months to allow Local Governments to engage with their communities and respond to any reform recommendations in an appropriate manner.

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

A Draft submission has been prepared by the Chief Executive Officer and will be circulated to the Council Members for comment and input, prior to finalisation and consideration at the Ordinary Meeting of Council to be held on 22 May 2012.

Approval of the City of Vincent Submission is requested.

10.1 Notice of Motion – Cr Dudley Maier – Request to Change Section 5 (Naming) of Policy No. 2.2.8 – Rights of Way

That:

1. at its Ordinary Meeting held on 28 February 2012 (Item No. 9.5.1, Clauses 1.6 and 5.1), the Council decided that:

“1. Policies to be AMENDED as shown in Appendix 9.5.1A:

...1.6 No. 2.2.8 – Rights of Way;...

- 5. ADVERTISES the following policies for a period of fourteen (14) days, seeking public comment:*

5.1 No. 2.2.8 – Rights of Way; and...”

2. Councillor Dudley Maier MOVES a motion to CHANGE the decision by deleting:

“Section 5 of “Guidelines an Policy Procedures” for Policy No. 2.2.8 – Rights of Way; and” (as shown in [Appendix 10.1](#))

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 Maier, Cr Pintabona and Cr Buckels, 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 28 February 2012 (Item 9.5.1), as shown below:

- 4.1 deleting:

“Section 5 of “Guidelines an Policy Procedures” for Policy No. 2.2.8 – Rights of Way; and” (as shown in [Appendix 10.1](#))

- 4.2 and inserting:

“REQUESTS the Chief Executive Officer to modify Section 5 of “Guidelines and Policy Procedures for Rights of Way, Policy No. 2.2.8” relating to naming rights of way to include:

- Criteria for assigning names to rights of way. Such criteria are to list possible themes or, if based on the names of people or families, a mechanism to ensure that the name is assigned in an equitable and open manner;*
- A mechanism to seek community feedback on potential names prior to a name being submitted to the Geographic Names Committee for 'in principle' approval.*
- Any other matter considered relevant by the Chief Executive Officer.”*

COUNCIL DECISION ITEM 10.1

Moved Cr Maier, Seconded Cr Topelberg

That the motion be adopted.

Debate ensued.

Cr Pintabona departed the Chamber at 9.10pm.

Debate ensued.

Cr Pintabona returned to the Chamber at 9.11pm.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

IMPACT STATEMENT

Legal

The City of Vincent Local Law relating to Standing Orders states:

“(3) *The Council or a committee shall not vote on a motion to revoke or change a decision of the Council or committee whether the motion of revocation or change is moved with or without notice, if at the time the motion is moved or notice is given –*

(a) action has been taken to implement the decision; or

(b) where the decision concerns the issue of an approval or the authorisation of a licence, permit or certificate and where that approval or authorisation of a licence, permit or certificate has been put into effect by the Council in writing to the applicant or the applicant's agent by an employee of the Council authorised to do so;

without having considered a statement of impact prepared by or at the direction of the CEO of the legal and financial consequences of the proposed revocation or change.”

There are no legal consequences relating to the Motion.

Financial

The City expended \$131 to advertise the new Policy for public comment. A similar cost would be incurred if the Council wishes to advertise any further changes to the Policy.

Chief Executive Officer's Comments:

At the Ordinary Meeting of Council held on 28 February 2012 the Council reviewed and adopted a new Policy No. 2.2.8 – Rights of Way.

On 6 March 2012 Cr Maier submitted a Motion to change part of the Council decision.

On 20 March 2012 Cr Pintabona submitted a Motion to change party of the Council decision.

A third signature was required in order for the Motion to proceed however, this was not received until 9 May 2012.

On 10 April 2012 the City's Administration advertised the new Policy for public comments.

On 26 April 2012, at the close of the community consultation period, no submissions were received. In accordance with the Council decision, the Policy was included into the City's Policy Manual.

On 9 May 2012 Cr Buckels submitted a Motion to change part of the Council decision. Therefore, the Motion has now been included in this Agenda.

10.3 Notice of Motion – Cr Joshua Topelberg – Investigation of the Establishment of a Local Business Advisory Group

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; and
5. Any other relevant matters.

Moved Cr Topelberg, Seconded Cr Buckels

That the motion be adopted.

Debate ensued.

AMENDMENT

Moved Cr McGrath, Seconded Cr Harley

That new clause 6 be inserted as follows:

"6. Alternative models or approaches to achieve a similar outcome."

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

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

(Cr Wilcox was on approved leave of absence.)

COUNCIL DECISION ITEM 10.3

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.
-

11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

13.1 URGENT BUSINESS: Nos. 27-29 (Lot 107; D/P 99354) Carr Street, West Perth – Fire Damaged Derelict Building and Emergency Clean-up of Asbestos Contamination of Public and Private Properties

Ward:	South	Date:	22 May 2012
Precinct:	Beaufort, P13	File Ref:	PRO1386
Attachments:	001 – Clean-up Clearance Certification 002 – Photographs of the fire and post fire clean-up 003 – Map of clean-up area		
Tabled Items:	Confidential: Incident Clean-up Costs Confidential: Incident City Staffing Costs Confidential: Impacts following the fire		
Reporting Officers:	J MacLean, Manager Ranger and Community Safety Services; S Teymant, Manager Health Services; H Smith, Manager Planning and Building Services; N Wellington, Development Compliance Officer		
Responsible Officers:	R Boardman, Director Community Services; C Eldridge, Director Planning Services; John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council:

1. **RECEIVES** the report relating to the fire that occurred at Nos. 27-29 Carr Street, West Perth on Wednesday, 16 May 2012 and the impact of the fire on the local community and the City's clean-up operations;
2. **NOTES** that the:
 - 2.1 City has incurred costs of approximately \$130,000-\$150,000 (to date) for the emergency clean-up operations of the asbestos particles which contaminated numerous private and public properties caused by the fire from premises at Nos. 27-29 Carr Street, West Perth;
 - 2.2 City's Budget 2011-12 does not contain any funds to cover the emergency clean-up operations of the asbestos contamination, as the incident and emergency was unforeseen; and
 - 2.3 Chief Executive Officer will identify a source of funds to cover the expenditure, for the further consideration of the Council;
3. **APPROVES BY AN ABSOLUTE MAJORITY** to endorse the action taken by the Mayor (and Chief Executive Officer) pursuant to Section 6.8 of the *Local Government Act 1995*, to authorise the expenditure for the emergency clean-up of public and private properties/operations of the asbestos contamination caused by the fire from premises at Nos. 27-29 Carr Street, West Perth, from a funding source to be identified by the Chief Executive Officer;

4. **AUTHORISES the Chief Executive Officer to take:**
- 4.1 all necessary action (including engagement of the City Solicitors) to recoup the City's justifiable costs as a direct result of the emergency, from the Owner of Nos. 27-29 Carr Street, West Perth; and
 - 4.2 legal action against the Owner of Nos. 27-29 Carr Street, West Perth, in the event that there is non-compliance with the City's Notices issued under the *Building Act 2011* and *Health Act 1911*; and
5. **RECEIVES a further report on the matter, once further financial and legal details are known.**

COUNCIL DECISION ITEM 13.1

Moved Cr Maier, Seconded Cr Carey

That the recommendation be adopted.

The Chief Executive Officer advised the Council on the events that had occurred over the past few days and answered questions from Councillors.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

PURPOSE OF REPORT:

To inform the Council of the actions taken, as a result of the fire on 16 May 2012 at Nos. 27-29 Carr Street, West Perth.

BACKGROUND:

The property at Nos. 27–29 Carr Street, West Perth is a vacant Factory/Warehouse, owned by CGM Properties Pty Ltd, Nos. 628-630 Newcastle Street, Leederville. The premises has been vacant for four years and has come to the attention of the City on a number of occasions because of its derelict and neglected nature. The premises had also been used by itinerant, homeless persons and vagrants, as a place to sleep. The City's Health Services had sent letters to the owners of the property on numerous occasions, requiring them to secure the premises to prevent access.

As a result of a review of derelict/neglected buildings in the City, on 29 July 2011, the City Served a Notice in accordance with the Local Government (Miscellaneous Provisions) Act 1960, Section 408 (1) on the owners of the property, requiring that the warehouse either be made good or taken down. The chronology of events in this regard is as follows:

29 June 2011 The City issued a Notice in accordance with the Local Government (Miscellaneous Provisions) Act 1960, Section 408 (1). Specifically, the Notice required:

“1. You are hereby required to:

(a) put the Building into such state of repair and condition to the satisfaction of the Town, on the basis set out in the Schedule annexed to this Notice and marked “A”; or

(b) take the Building down.”

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- | | |
|------------------|--|
| 15 July 2011 | The applicant submitted a Planning Application for demolition of the existing warehouse. |
| 4 August 2011 | The applicant submitted a letter requesting the removal of the standard condition for the submission of redevelopment plans. |
| 11 October 2011 | The Council at its Ordinary Meeting granted conditional Planning Approval for the Demolition of the Existing Factory/Warehouse. |
| 20 October 2011 | Approval to Commence Development for the Demolition of the Existing Factory/Warehouse was issued by the City. |
| 22 November 2011 | One of the Directors of CGM Properties Pty Ltd met with the Co-ordinator Statutory Planning and Development Compliance Officer (DCO) regarding the conditions of the Development Approval. |
| 30 November 2011 | E-mail from a Director of CGM Properties Pty Ltd to a City of Vincent Environmental Health Officer, advising that the building has again been secured. Also advises that they are pursuing demolition of the building. |
| 1 December 2011 | Application for reconsideration of conditions (lighting, landscaping, legal agreement, bonds etc) of DA submitted. |
| 20 December 2011 | The Council at its Ordinary Meeting granted conditional Planning Approval for the Demolition of the Existing Factory/Warehouse. Condition for a Vacant Lot Management Plan and bond imposed. |
| 10 January 2012 | Approval to Commence Development for the Demolition of the Existing Factory/Warehouse was issued by the City. |
| 11 January 2012 | The Mayor and Manager Planning and Building Services met with a Director of CGM Properties Pty Ltd. Discussed the conditions of demolition approval and bond. The Director was given a copy of the owners guide to a Vacant Lot Management Plan. |
| 19 January 2012 | Email from the City's Development Compliance Officer (DCO) to a Director of CGM Properties Pty Ltd providing links to Vacant Lot Management Plan and Demolition Management Plan pro-forma. Asked the Director to advise when they expect to submit the application for a Demolition Licence. |
| 6 February 2012 | Email from a Director of CGM Properties Pty Ltd to DCO advising they will be obtaining quotes for demolition and will advise when a contractor has been appointed. |
| 1 March 2012 | Email from Heritage Officer to a Director of CGM Properties Pty Ltd requesting submission of the Vacant Lot Management Plan and seeking information of when an application for Demolition Licence will be submitted. |
| 8 March 2012 | Email from a Director of CGM Properties Pty Ltd to Heritage Officer advising of recent offers to purchase which included, interest to use as a Roller Derby venue – including making good the building, and interest for a proposed day surgery or medical centre. |
| 14 March 2012 | Planning Application for proposed Change of Use from Factory/Warehouse to Recreational Facility (Roller Derby) and Warehouse submitted to the City. |
| 8 May 2012 | Agenda report prepared for consideration at Ordinary Meeting of Council to be held on 22 May 2012 – recommended for refusal. |
| 16 May 2012 | Fire in premises. |

DETAILS:

General details

A fire occurred at the derelict warehouse situated at Nos. 27-29 Carr Street, West Perth at around 10.00am on Wednesday, 16 May 2012. The cause of the fire is not yet known, however, the arson squad commenced investigations at the property on 17 May 2012. Based on information available at the time of preparing this report, it is understood that no person was injured in the fire and no significant damage to other properties was incurred.

Impacts during the fire – refer to photographs at Appendix 13.1B (002)

Prior to the fire being brought under control, a large black plume of smoke was visible from areas near and distant to the fire. As Fire and Emergency Services were unable to establish what material was burning, the decision was made to evacuate the properties close to the fire in both Carr Street and in Charles Street, between Carr Street and Newcastle Street. As soon as the residents had been evacuated, the WA Police set up a cordon at each end of Carr Street and at the entrance to the Homes West Units, at Nos. 122-132 Charles Street. The persons in charge of the West One and TAFE buildings at No. 113 Charles Street and No. 13 Prospect Place, West Perth decided to voluntarily evacuate the buildings due to the impact of the smoke plume. It is also understood that a number of other businesses in the area closed their premises and sent staff home. Residents were allowed to return to their properties when the fire had been extinguished and the portions of the area adjacent to the fire-site were deemed "safe".

Responsibility for response and management of the fire

Fire and Emergency Services were quick to arrive at the site and had the fire under control within 15 minutes of arrival. Within 45 minutes the fire had been completely extinguished. Initially, the event fell within the jurisdiction of the Fire and Emergency Services Authority (FESA) - the Hazard Management Agency responsible for Fires and Hazardous Material (HAZMAT) incidents. The FESA Incident Controller coordinated contact with all other support agencies including the City of Vincent, the Department of Health, the Department of Environment and Conservation and Worksafe. The primary reason for FESA requiring other support agencies to become involved in the incident, was due to the emission of asbestos particles from the building, during the fire.

Responsibility for post-fire management and clean-up

Once the State Government agencies were satisfied that the fire had been extinguished and that the impact on the surrounding area had been established, control of the site was handed over from the State Government agencies to the City of Vincent, as the relevant *Local Government Authority* responsible for the area. Responsibility for the 'Recovery Phase' of the incident was formally handed over to the City's Manager Ranger and Community Safety Services at around 2.30pm, although a FESA 'snorkel' vehicle and a 'pump' vehicle remained on site until the City had put in place suitable arrangements to commence treatment of asbestos at the incident site. FESA applied water to the building roof every 30 minutes to ensure that asbestos fibres were not released into the air.

With regard to the identifying impact of the asbestos emission into the surrounding area, this was led by Officers from the Department of Environment and Conservation, in cooperation with the City's Environmental Health Officers and the Department of Health and Worksafe. Whilst the affected area was being established, the City's Officers initiated contact with appropriately qualified asbestos removal companies and made arrangements for urgent cleanup crews to be mobilised, without delay. Delta Group was the quickest to respond, and the only contractor contacted that was able to mobilise the required workforce immediately. As an 'unrestricted' asbestos removalist, and having recently been involved in a major asbestos fire clean-up in Bunbury, they were also considered by the Department of Health as one of the best qualified to deal with the situation at hand. The Delta representative arrived at site by around 2.45pm. Once the impact had been assessed by Delta Group, arrangements were made for the necessary equipment and works crews to arrive on-site. The work crews and equipment was in place and ready to commence cleaning by 5.30pm.

Impacts Following the Fire

The most significant consequence of the fire relates to the emission of asbestos fragments into the surrounding environment. A timeline which details the events associated with clean-up of the 'affected' area following the fires as shown the Confidential Tabled attachment.

Members of the public were kept informed of the situation, by virtue of notices posted on the City's website in addition to, the direct mobile telephone contact numbers for the Manager Ranger and Community Safety Services and Manager Health Services a public meeting was held at Royal Park Hall on Thursday 17 March 2012 attended by approximately 40 local residents.

The clean-up process remained an ongoing action until the affected area was declared "safe" on 21 May 2012. The responsibility for the property at Nos. 27-29 Carr Street, West Perth, was passed to CGM Properties Pty Ltd on Saturday, 19 May 2012.

CGM Properties Pty Ltd confirmed with the City's Manager Health Services at 1.37pm on Saturday, 19 May 2012, that Focus Demolition had been appointed to undertake demolition works at Nos. 27-29 Carr Street, West Perth. Upon discussing the demolition timeline with Focus Demolition on 21 May 2012, Manager Health Services was advised that works would likely commence on 23 May 2012, subject to approval of the demolition method by the City. Focus Demolition propose to bring the building to ground within two days of commencement. The duration of clean up at ground level will likely take up to six working days. The method of demolition is still currently under consideration by Worksafe.

CONSULTATION/ADVERTISING:

Extensive information was produced to all media (TV, radio and print) by the Mayor and Chief Executive Officer. The fire and post fire clean-up received considerable media coverage.

LEGAL/POLICY:

Emergency Management Act 2005

Section 36 of the *Emergency Management Act 2005*, states as follows:

"Functions of local government

It is a function of a local government -

- (a) subject to this Act, to ensure that effective local emergency management arrangements are prepared and maintained for its district;*
- (b) to manage recovery following an emergency affecting the community in its district;*
and
- (c) to perform other functions given to the local government under this Act."*

Local Government Act 1995

Section 6.8 of the *Local Government Act 1995*, states as follows:

"Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure –*
 - (a) is incurred in a financial year before the adoption of the annual budget by the local government;*
 - (b) is authorised in advance by resolution*; or*
 - (c) is authorised in advance by the mayor or president in an emergency."*

Health Act 1911

A notice was issued on Thursday, 17 May 2012, under Sections 135, 137 and 138 of the *Health Act 1911*; the relevant details of which are specified as follows:

“5. *The City of Vincent now requires that the Dwelling House be taken down/demolished and removed in accordance with this Notice. You must, within **seven (7) days** from the date of issue of this Notice, remove the dwelling in accordance with Section 137 of the Health Act 1911 (as amended).*”

6. *You must, immediately, upon of receipt of this Notice:*

6.1 *Secure the property from access by all unauthorised persons, to the satisfaction of the City's Environmental Health Officers.*

Prior to undertaking any demolition works at the property, a full site assessment must be undertaken by a suitably qualified Unrestricted Asbestos Licence Holder to determine the extent of the asbestos contamination on the property. A proposed Schedule of Works for appropriate remediation of the site must be provided to the City prior to any works being undertaken at the property. This Schedule of Works must also include measures to prevent further release of asbestos fibres from the property into the surrounding atmosphere to the satisfaction of the City's Health Services and/or Department of Health as appropriate.

Engage the services of an Unrestricted Asbestos Licence Holder to remove all asbestos cement roof sheeting and any other asbestos waste at the property, and dispose of legally in accordance with the Health (Asbestos) Regulations 1992, Occupational Safety and Health Act 1984 and Environmental Protection Act 1986.

6.4 *Provide the City with a receipt or other reasonable form of evidence, illustrating that all asbestos waste has been disposed of at an approved landfill site and that all cleaning works have been undertaken in accordance with the Schedule of Works, to the satisfaction of the City's Health Services and/or Department of Health as appropriate.*

Should demolition works cease at the property for any period of time, prior to completion of the works, the property must be appropriately secured to prevent unauthorised access to the building. In addition, should you fail to secure the property within the timeframe and manner directed by the City's Officers, the City reserves the right to access your property to undertake the necessary works for your account.”

Building Act 2011

At approximately 5.00pm on Wednesday, 16 May 2012, the City issued a Building Order (Emergency) in accordance with Section 112(2)(g):

“(g) *if a building or incidental structure is reasonably believed to be in a dangerous state or unfit for human occupation.”*

The Order required the owners to:

“1. *immediately shore up, fence or otherwise secure the buildings for the protection of persons, of other property or of the environment, to the satisfaction of the City of Vincent;*

2. *demolish, dismantle or remove the buildings within seven (7) days of the service of this Building Order upon you, to the satisfaction of the City of Vincent; or*

3. *renovate or repair the buildings so as to prevent or stop the building or incidental structure from being a danger to persons, to other property or to the environment or to render it fit for human occupation, within seven (7) days of the service of this Building Order upon you, to the satisfaction of the City of Vincent; and*
4. *provide a structural engineers report certifying that the Building is structurally sound and not in a dangerous state, within twenty four (24) hours of the completion of the renovation or repair works referred to in item 3 above."*

The City's Insurer's were notified of this incident on Friday, 18 May 2012. The Chief Executive Officer has sought legal advice concerning this incident. The advice concerns:

- legal notices issued and compliance;
- liability; and
- recovery of the City's costs incurred for the emergency.

RISK MANAGEMENT IMPLICATIONS:

With regard to the incident, the City's Officers viewed the primary risk management obligations as ensuring the health, safety and wellbeing of the local community. It is considered that the City has mitigated these risks by:

- Acting swiftly to attend the site and participate in the initial emergency response;
- Engaging the services of the best qualified asbestos removalist company available at the time of the incident to commence clean-up of asbestos surrounding the incident site – these arrangements were made even prior to FESA handing over control of the incident to the City;
- Service of Notices under the Building Act 2011 and Health Act 1911 requiring the property owner to take down and remove the building within seven (7) days;
- Overseeing the clean-up process whilst maintaining communication and obtaining advice from the Department of Health, WorkSafe and the contracted Environmental/Occupational Hygienist (responsible for verifying satisfactory asbestos clean-up works);
- Communication with the community via the website, telephone, media and via the holding of a public meeting at Royal Park Hall on Thursday, 17 May 2012;
- Engaging additional contractors to assist with the clean-up of the western side of Charles Street, as soon as it became evident that the complexity of the residential and commercial property clean up on the eastern side of Charles Street, was resulting in a delay to the cleanup of the western side of Charles Street;
- Taking asbestos samples from locations throughout the 'affected' area to verify and vindicate that the clean-up costs incurred by the City are/were reasonable; and
- Engaging the Occupational Hygienist from Parsons Brinckerhoff to undertake air-monitoring at specified locations to test for airborne asbestos fibres.

The secondary risk management implications of the incident are considered by the City's Officers to relate to the recovery of costs incurred by the City in response to the incident and during the clean-up phase. Minimisation of these risks are currently being dealt with in consultation with the City's Solicitors.

STRATEGIC IMPLICATIONS:

In accordance with the Strategic Plan Objective 1.1.4 *"Enhance and maintain the City's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment."*

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

There is no funding for these works, as the emergency was unforeseen. Notwithstanding, the expenditure will be funded from sources to be determined by the Chief Executive Officer and it will be reported to the Council, once funding sources have been identified.

It is proposed to recoup the City's costs from the Owner of the property.

COMMENTS:

An emergency such as this has not occurred previously in the City's history. The incident presented many challenges for the City's employees and the community involved, but has highlighted the capabilities and cohesiveness of the City's staff, the Council and the community in working together under trying conditions to achieve what is necessary.

The City's action to promptly contain the asbestos removed a potentially serious health risk to the local community. A further report will be submitted to the Council once further details (including legal and financial implications) are known.

PROCEDURAL MOTION

At 9.36pm **Moved Cr McGrath, Seconded Cr Pintabona**

That the Council proceed “behind closed doors” to consider confidential items:

- 14.1, as this matter contains information concerning a matter affecting an employee or employees; and
- 14.2, legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and

allow City’s Planning Consultant, Mr Ben Doyle to remain in the Chamber during consideration of Item 14.2.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence)

There was one (1) member of the public present and two (2) journalists present (Lauren Peden and David Bell), who departed the Chamber at 9.36pm.

The Minutes Secretaries, Anita Radici and Jerilee Highfield departed the Meeting at 9.36pm and did not return.

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
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
Ben Doyle	City’s Planning Consultant (from 8.25pm until approximately 10.05pm – for Item 14.2)

The Presiding Member, Mayor Hon. Alannah MacTiernan ruled that the new Order for Business will be as follows:

- Confidential Item 14.2; and
- Confidential Item 14.1;

as the City’s Planning Consultant, Ben Doyle was in attendance for Confidential Item 14.2. There was no objection to the Presiding Member’s ruling.

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

14.2 CONFIDENTIAL REPORT: Nos. 394-398 (Lot 90) Newcastle Street, West Perth – Proposed Construction of a Seven Storey Mixed-Use Development Comprising Twenty-Eight (28) One Bedroom Multiple Dwellings, Fifty-One (51) Multiple Dwellings, one (1) Eating House, one (1) Shop and Associated Basement Car Parking – State Administrative Tribunal (SAT) DR 402 of 2011

Ward:	South	Date:	18 May 2012
Precinct:	Beaufort; P13	File Ref:	PRO3657; 5.2011.316.1
Attachments:	001 – Confidential: Development Application Plans 002 – Confidential: Traffic Statement		
Tabled Items:	Nil		
Reporting Officer:	B Doyle, Director Planning Solutions (consultant)		
Responsible Officer:	C Eldridge, Director Planning Services		

This report has been prepared by Planning Solutions – Urban and Regional Planning – Consultants for the Council, in respect to reconsideration of this matter currently at the State Administrative Tribunal.

CONSULTANT RECOMMENDATION:

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Banham Architects on behalf of the owner, Vandar Properties Pty Ltd for Construction of a Seven Storey Mixed-Use Development Comprising of Twenty-Eight (28) One Bedroom Multiple Dwellings, Fifty-One (51) Multiple Dwellings, One (1) Eating House, One (1) Shop and Associated Basement Car Parking – State Administrative Tribunal (SAT) DR 402 of 2011 at Nos. 394-398 (Lot 90) Newcastle Street, West Perth, as shown on amended plans dated 17 May 2012, subject to the following conditions:

1. Building

- 1.1 The building shall incorporate sustainable design principles and elements with the following requirements:**
 - 1.1.1 Thermal Efficiency - the proposed building shall be designed and certified to achieve a minimum NATHERS rating of 7.7;**
 - 1.1.2 Electricity Generation - the proposed building shall incorporate photovoltaic panels which will provide sufficient power (electricity) for lighting the building’s common areas; and**
 - 1.1.3 Rain Water Harvesting - the proposed building shall incorporate a rain water harvesting system and/or greywater system that provides water for irrigation of the communal open space areas;**
- 1.2 Amended plans and reports detailing and substantiating how these above requirements will be met shall be submitted to and approved by the City prior to the submission of a Building Permit application;**
- 1.3 All new external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the**

street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Newcastle Street;

- 1.4 First obtaining the consent of the owners of Nos. 400-410 Newcastle Street and No. 141 Fitzgerald Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 400-410 Newcastle Street and No. 141 Fitzgerald Street in a good and clean condition. The finish of the walls is to be fully rendered or face brickwork;
- 1.5 Doors, windows and adjacent floor areas facing Newcastle Street and the right of way shall maintain active and interactive relationships with this street and the right of way; and
- 1.6 The maximum gross floor area of the shop and public floor area of the eating house shall be limited to 175 square metres and 60 square metres (including alfresco dining area) respectively. Any increase in floor space or change of use shall require Planning Approval to be applied to and obtained from the City. Any change of use shall be assessed in accordance with the relevant Planning Policy including the Policy No. 3.7.1 relating to City's Parking and Access;

2. Car Parking and Accessways

- 2.1 The on-site car parking area for the non-residential component shall be available for the occupiers of the residential component and visitors to the residential units outside normal business hours;
- 2.2 The car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the City;
- 2.3 The car parking area shown for the non-residential component and the visitors bays for the residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;
- 2.4 The car park shall be used only by residents, employees, tenants, and visitors directly associated with the development;
- 2.5 Six (6) car parking bays shall be allocated for the shop and eating house; and
- 2.6 Seven (7) car parking bays shall be allocated for the exclusive use of visitors to the residential component of the development;

3. Public Art

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

- 3.1 **WITHIN TWENTY EIGHT (28) DAYS OF THE 'APPROVAL TO COMMENCE DEVELOPMENT'**, elect to either obtain approval from the City for an Artist to undertake a Public Art Project (Option 1) or pay the Cash-in-Lieu Percent for Public Art Contribution, of \$180,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$18,000,000);

3.2 in conjunction with the above chosen option;

3.2.1 Option 1 – prior to the commencement of the development, obtain approval for the Public Art Project and associated Artist;

and

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

OR

3.2.2 Option 2 – prior to the commencement of the development or prior to the due date specified in the invoice issued by the City for the payment (whichever occurs first), pay the above cash-in-lieu contribution amount.

The approved artwork in accordance with Option 1 above, shall be installed prior to the issue of a Certificate of Occupancy for the development;

4. Signage

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

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

5.1 Construction Management Plan

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

5.2 Section 70 A Notification under the Transfer of Land Act

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

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

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

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

5.3 Landscape and Reticulation Plan

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

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

- 5.3.1 the location and type of existing and proposed trees and plants;
- 5.3.2 all vegetation including lawns;
- 5.3.3 areas to be irrigated or reticulated;
- 5.3.4 proposed watering system to ensure the establishment of species and their survival during the hot and dry months;
- 5.3.5 separate soft and hard landscaping plans (indicating details of plant species and materials to be used);
- 5.3.6 dense landscaping is to be provided along the perimeter of the garden on Level 2 along the western boundary; and
- 5.3.7 dense landscaping including mature trees shall be provided along the northern boundary.

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

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

5.4 Design features

Revised plans shall be submitted to and approved by the City, detailing additional design features to the façade (front), and eastern and western elevations, to ameliorate the bulk and mass of the building;

5.5 Schedule of External Finishes

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

5.6 Acoustic Report

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

5.7 Refuse and Recycling Management Plan

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

5.8 Fencing

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

5.9 Privacy

Revised plans shall be submitted to and approved by the City demonstrating the following the pool deck and balconies marked in red on the western and northern elevations being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material that is easily removed; OR prior to the lodgement of a Building Permit application, revised plans shall be submitted demonstrating the above major openings being provided with permanent vertical screening or equivalent, preventing direct line of sight within the cone of vision to ground level of the adjoining properties in accordance with the Residential Design Codes;

5.10 Stores

A minimum of seventy-nine (79) stores shall be provided for the use of residents;

5.11 Right of Way Widening

A refundable bond for the sum of \$75,000 shall be paid for the right of way widening. Prior to the first occupation of the development, the full length and width of the right of way, including the right of way widening and building setback area of 0.5 metre, abutting the subject land, shall be sealed, drained and paved, to the specifications of and supervision under the City, at the applicant's/owner(s)' full expense;

5.12 Awnings

5.12.1 As shown on the plans, a continuous awning over the Newcastle Street road reserve (footpath). No encroachment of awning/structures is permitted within the right of way, including the truncation area, the widening area and building setback area; and

5.12.2 The awning shall be setback 1.5 metres from the face of the kerb, to accommodate street verge tree planting to the satisfaction of the City.

5.13 Modification to Newcastle Street

Modifications to the Newcastle Street carriageway adjacent to the property are required to be carried out prior to the first occupation of the development, which limit access to the site to be "left in" and "left out" only. The full cost of the works shall be borne by the developer (estimated to be \$25,000). A refundable bond of \$25,000 for these works is required to be paid to the City prior to the lodgement of a Building Permit application;

5.14 Cash-in-lieu

5.14.1 pay a cash-in-lieu contribution of \$21,700 for the equivalent value of 7 car parking spaces, based on the cost of \$3,100 per bay as set out in the City's 2011/2012 Budget; OR

5.14.2 lodge an appropriate assurance bond/bank guarantee of a value of \$21,700 to the satisfaction of the City. This assurance bond/bank guarantee will only be released in the following circumstances:

- (a) to the City at the date of submission of the Building Permit application for the development, or first occupation of the development, whichever occurs first; or**
- (b) to the owner(s)/applicant following receipt by the City of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or**
- (c) to the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired.**

The car parking shortfall and consequent cash-in-lieu contribution can be reduced as a result of a greater number of car bays being provided on-site and to reflect the new changes in the car parking requirements;

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

6.1 Residential Car Bays

Seventy-four (74) car bays and seven (7) car bays shall be provided for the residents and visitors respectively. The 81 car parking spaces provided for the residential component and visitors of the development shall be clearly marked and signposted for the exclusive use of the residents and visitors of the development;

6.2 Bicycle Parking

Twenty-six (26) and eight (8) bicycle bays for the residents and visitors of the residential component, plus two (2) Class 1 or 2, and four (4) Class 3 bicycle bays for the shop and eating house components, shall be provided at a location convenient to the entrance, publically accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3;

6.3 Management Plan-Vehicular Entry Gates

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

6.4 Clothes Drying Facility

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

ADVISORY NOTE:

The Heritage Council is to immediately notified in the event of any significant damage occurring to the heritage listed building at Nos. 380-388 Newcastle Street, West Perth, during the works process.

Moved Cr McGrath, Seconded Cr Buckels

That the recommendation be adopted together with the following change:

That clause 5.3 be amended to read as follows:

“5.3 Landscape and Reticulation Plan

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

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

- 5.3.1 the location and type of existing and proposed trees and plants;
- 5.3.2 all vegetation including lawns;
- 5.3.3 areas to be irrigated or reticulated;
- 5.3.4 proposed watering system to ensure the establishment of species and their survival during the hot and dry months;
- 5.3.5 separate soft and hard landscaping plans (indicating details of plant species and materials to be used);
- 5.3.6 dense landscaping is to be provided along the perimeter of the garden on Level 2 along the western boundary;
- 5.3.7 dense landscaping including mature trees shall be provided along the northern boundary; and
- 5.3.8 a landscape roof garden consistent in size and planting intensity with Drawing SK3 submitted to the City on 17 May 2012.

The Landscape and Reticulation Plan shall demonstrate how the long term maintenance of landscape areas including the roof garden will be provided for in the operation of the building.

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

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

Debate ensued.

AMENDMENT NO 1

Moved Cr Topelberg, Seconded Cr Buckels

That clause 5.4 be amended to read as follows:

“5.4 Design features

5.4.1 Revised plans shall be submitted to and approved by the City, detailing additional design features to the façade (front), and eastern and western elevations, to ameliorate the bulk and mass of the building; and

5.4.2 The revised plans shall be referred to the Design Advisory Committee with a view to assessment of condition 5.4.1 above;”

AMENDMENT NO 1 PUT AND CARRIED (7-1)

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

Against: Cr Harley

(Cr Wilcox was on approved leave of absence.)

AMENDMENT NO 2

Moved Cr Maier, Seconded Cr Topelberg

That a new clause 1.3 be inserted and the remaining clauses renumbered, as follows:

“1.3 The approved plans referred to in Clause 1.2 shall be implemented to the satisfaction of the City;”

Debate ensued.

AMENDMENT NO 2 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

AMENDMENT NO 3

Moved Cr Maier, Seconded Cr Buckels

That clause 5.12 be amended to read as follows:

“5.12 Awnings

5.12.1 As shown on the plans, a continuous awning over the Newcastle Street road reserve (footpath) shall be provided. No encroachment of awning/structures is permitted within the right of way, including the truncation area, the widening area and building setback area; and

5.12.2 The awning shall be setback ~~4.5~~ a minimum 0.6 metres from face of kerb ~~to accommodate street verge tree planting except where street trees are to be planted, where upon the awning is to be modified accordingly~~ to the satisfaction of the City;”

Debate ensued.

AMENDMENT NO 3 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (7-1)

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

(Cr Wilcox was on approved leave of absence.)

The City's Planning Consultant, Ben Doyle departed the Meeting at approximately 10.05pm and did not return.

COUNCIL DECISION ITEM 14.2

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Banham Architects on behalf of the owner, Vandar Properties Pty Ltd for Construction of a Seven Storey Mixed-Use Development Comprising of Twenty-Eight (28) One Bedroom Multiple Dwellings, Fifty-One (51) Multiple Dwellings, One (1) Eating House, One (1) Shop and Associated Basement Car Parking – State Administrative Tribunal (SAT) DR 402 of 2011 at Nos. 394-398 (Lot 90) Newcastle Street, West Perth, as shown on amended plans dated 17 May 2012, subject to the following conditions:

1. **Building**

- 1.1 The building shall incorporate sustainable design principles and elements with the following requirements:
 - 1.1.1 Thermal Efficiency - the proposed building shall be designed and certified to achieve a minimum NATHERS rating of 7.7;
 - 1.1.2 Electricity Generation - the proposed building shall incorporate photovoltaic panels which will provide sufficient power (electricity) for lighting the building's common areas; and
 - 1.1.3 Rain Water Harvesting - the proposed building shall incorporate a rain water harvesting system and/or greywater system that provides water for irrigation of the communal open space areas;
- 1.2 Amended plans and reports detailing and substantiating how these above requirements will be met shall be submitted to and approved by the City prior to the submission of a Building Permit application;
- 1.3 The approved plans referred to in Clause 1.2 shall be implemented to the satisfaction of the City;
- 1.4 All new external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Newcastle Street;
- 1.5 First obtaining the consent of the owners of Nos. 400-410 Newcastle Street and No. 141 Fitzgerald Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 400-410 Newcastle Street and No. 141 Fitzgerald Street in a good and clean condition. The finish of the walls is to be fully rendered or face brickwork;

- 1.6 **Doors, windows and adjacent floor areas facing Newcastle Street and the right of way shall maintain active and interactive relationships with this street and the right of way; and**
- 1.7 **The maximum gross floor area of the shop and public floor area of the eating house shall be limited to 175 square metres and 60 square metres (including alfresco dining area) respectively. Any increase in floor space or change of use shall require Planning Approval to be applied to and obtained from the City. Any change of use shall be assessed in accordance with the relevant Planning Policy including the Policy No. 3.7.1 relating to City's Parking and Access;**

2. Car Parking and Accessways

- 2.1 **The on-site car parking area for the non-residential component shall be available for the occupiers of the residential component and visitors to the residential units outside normal business hours;**
- 2.2 **The car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the City;**
- 2.3 **The car parking area shown for the non-residential component and the visitors bays for the residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;**
- 2.4 **The car park shall be used only by residents, employees, tenants, and visitors directly associated with the development;**
- 2.5 **Six (6) car parking bays shall be allocated for the shop and eating house; and**
- 2.6 **Seven (7) car parking bays shall be allocated for the exclusive use of visitors to the residential component of the development;**

3. Public Art

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

- 3.1 **WITHIN TWENTY EIGHT (28) DAYS OF THE 'APPROVAL TO COMMENCE DEVELOPMENT', elect to either obtain approval from the City for an Artist to undertake a Public Art Project (Option 1) or pay the Cash-in-Lieu Percent for Public Art Contribution, of \$180,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$18,000,000);**
- 3.2 **in conjunction with the above chosen option;**
 - 3.2.1 **Option 1 – prior to the commencement of the development, obtain approval for the Public Art Project and associated Artist;**
and
prior to the first occupation of the development, install the approved public art project, and thereafter maintain the art work;
OR

- 3.2.2 Option 2 – prior to the commencement of the development or prior to the due date specified in the invoice issued by the City for the payment (whichever occurs first), pay the above cash-in-lieu contribution amount.**

The approved artwork in accordance with Option 1 above, shall be installed prior to the issue of a Certificate of Occupancy for the development;

4. Signage

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

- 5. PRIOR TO THE LODGEMENT OF A BUILDING PERMIT APPLICATION, the following shall be submitted to and approved by the City:**

5.1 Construction Management Plan

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

5.2 Section 70 A Notification under the Transfer of Land Act

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

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

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

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

5.3 Landscape and Reticulation Plan

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

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

- 5.3.1 the location and type of existing and proposed trees and plants;**
5.3.2 all vegetation including lawns;

- 5.3.3 areas to be irrigated or reticulated;
- 5.3.4 proposed watering system to ensure the establishment of species and their survival during the hot and dry months;
- 5.3.5 separate soft and hard landscaping plans (indicating details of plant species and materials to be used);
- 5.3.6 dense landscaping is to be provided along the perimeter of the garden on Level 2 along the western boundary;
- 5.3.7 dense landscaping including mature trees shall be provided along the northern boundary; and
- 5.3.8 a landscape roof garden consistent in size and planting intensity with Drawing SK3 submitted to the City on 17 May 2012.

The Landscape and Reticulation Plan shall demonstrate how the long term maintenance of landscape areas including the roof garden will be provided for in the operation of the building.

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

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

5.4 Design features

5.4.1 Revised plans shall be submitted to and approved by the City, detailing additional design features to the façade (front), and eastern and western elevations, to ameliorate the bulk and mass of the building; and

5.4.2 The revised plans shall be referred to the Design Advisory Committee with a view to assessment of condition 5.4.1 above;

5.5 Schedule of External Finishes

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

5.6 Acoustic Report

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

5.7 Refuse and Recycling Management Plan

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

5.8 Fencing

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

5.9 Privacy

Revised plans shall be submitted to and approved by the City demonstrating the following the pool deck and balconies marked in red on the western and northern elevations being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material that is easily removed; OR prior to the lodgement of a Building Permit application, revised plans shall be submitted demonstrating the above major openings being provided with permanent vertical screening or equivalent, preventing direct line of sight within the cone of vision to ground level of the adjoining properties in accordance with the Residential Design Codes;

5.10 Stores

A minimum of seventy-nine (79) stores shall be provided for the use of residents;

5.11 Right of Way Widening

A refundable bond for the sum of \$75,000 shall be paid for the right of way widening. Prior to the first occupation of the development, the full length and width of the right of way, including the right of way widening and building setback area of 0.5 metre, abutting the subject land, shall be sealed, drained and paved, to the specifications of and supervision under the City, at the applicant's/owner(s) full expense;

5.12 Awnings

5.12.1 As shown on the plans, a continuous awning over the Newcastle Street road reserve (footpath) shall be provided. No encroachment of awning/structures is permitted within the right of way, including the truncation area, the widening area and building setback area; and

5.12.2 The awning shall be setback a minimum 0.6 metres from face of kerb except where street trees are to be planted, where upon the awning is to be modified accordingly to the satisfaction of the City;

5.13 Modification to Newcastle Street

Modifications to the Newcastle Street carriageway adjacent to the property are required to be carried out prior to the first occupation of the development, which limit access to the site to be "left in" and "left out" only. The full cost of the works shall be borne by the developer (estimated to be \$25,000). A refundable bond of \$25,000 for these works is required to be paid to the City prior to the lodgement of a Building Permit application;

5.14 Cash-in-lieu

5.14.1 pay a cash-in-lieu contribution of \$21,700 for the equivalent value of 7 car parking spaces, based on the cost of \$3,100 per bay as set out in the City's 2011/2012 Budget; OR

5.14.2 lodge an appropriate assurance bond/bank guarantee of a value of \$21,700 to the satisfaction of the City. This assurance bond/bank guarantee will only be released in the following circumstances:

- (a) to the City at the date of submission of the Building Permit application for the development, or first occupation of the development, whichever occurs first; or
- (b) to the owner(s)/applicant following receipt by the City of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or
- (c) to the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired.

The car parking shortfall and consequent cash-in-lieu contribution can be reduced as a result of a greater number of car bays being provided on-site and to reflect the new changes in the car parking requirements;

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

6.1 Residential Car Bays

Seventy-four (74) car bays and seven (7) car bays shall be provided for the residents and visitors respectively. The 81 car parking spaces provided for the residential component and visitors of the development shall be clearly marked and signposted for the exclusive use of the residents and visitors of the development;

6.2 Bicycle Parking

Twenty-six (26) and eight (8) bicycle bays for the residents and visitors of the residential component, plus two (2) Class 1 or 2, and four (4) Class 3 bicycle bays for the shop and eating house components, shall be provided at a location convenient to the entrance, publically accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3;

6.3 Management Plan-Vehicular Entry Gates

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

6.4 Clothes Drying Facility

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

ADVISORY NOTE:

The Heritage Council is to immediately notified in the event of any significant damage occurring to the heritage listed building at Nos. 380-388 Newcastle Street, West Perth, during the works process.

Note: The Chief Executive Officer advised that this report is now released for public information, as the Council has determined the matter.

PURPOSE OF REPORT:

This application requires referral to the Council for determination, as the matter is a Section 31 invitation by the SAT to reconsider Council's previous decision.

BACKGROUND:

History:

Date	Comment
27 May 2008	Council at its Ordinary Meeting conditionally approved the demolition of existing warehouse and construction of five (5) storey office building and associated car parking.
22 July 2008	Council at its Ordinary Meeting approved the taking of rights of way to facilitate development of Nos. 394-398 Newcastle Street, West Perth.
28 April 2009	Council at its Ordinary Meeting conditionally approved the demolition of existing warehouse and construction of a five storey office building and associated 140 car parking bays.
11 October 2011	Council at its Ordinary Meeting refused an application for construction of an eight (8) storey mixed-use development comprising twenty six (26), one bedroom multiple dwellings, fifty-five (55) multiple dwellings, one (1) Eating House, one (1) Shop and associated car parking, for the following reasons: <ol style="list-style-type: none"> 1. Plot ratio is considered excessive. 2. Height is considered excessive. 3. Consideration of objections received.
3 November 2011	Applicant lodged application for review with the State Administrative Tribunal.
17 November 2011	Directions Hearing before State Administrative Tribunal. The applicant and City's representative agreed to refer the matter for mediation.
9 December 2011	Mediation before the State Administrative Tribunal (SAT).
24 February 2012	Mediation before the State Administrative Tribunal (SAT).
12 March 2012	Mediation before the State Administrative Tribunal (SAT). In view of a modified proposal to be submitted by the applicant, the SAT issued orders inviting Council to reconsider its decision under s31 of the Act.
24 April 2012	Council at its Ordinary Meeting resolved to defer reconsideration of a modified proposal under s31 of the State Administrative Tribunal Act, to allow for the following matters to be further considered by the Applicant: <ol style="list-style-type: none"> 1. <i>a reduction in the height of the building;</i> 2. <i>assurances that the following sustainability and environmental matters will be provided:</i> <ol style="list-style-type: none"> 2.1 <i>The roof garden and roof design as shown on the plans dated 11 April 2012 shall be maintained;</i> 2.2 <i>Thermal Efficiency - the proposed building shall be designed and certified to achieve a minimum NatHERS rating of 7.7;</i> 2.3 <i>Electricity Generation - the proposed building shall incorporate photovoltaic panels which will provide sufficient power (electricity) for lighting the building's common areas;</i>

Date	Comment
	<p>2.4 <i>Rain Water Harvesting - the proposed building shall incorporate a rain water harvesting system and/or greywater system that provides water for irrigation of the communal open space areas; and</i></p> <p>2.5 <i>Amended plans and reports detailing and substantiating how these above requirements will be met shall be submitted to and approved by the City prior to the submission of a Building Permit application; and</i></p> <p>3. <i>design features in relation to the façade being addressed to ameliorate the bulk and mass of the building and including both the east and west elevations.</i></p>
30 April 2012	Mediation before State Administrative Tribunal. In view of further modifications to be submitted by the applicant, the SAT issued orders again inviting Council to reconsider its decision under s31 of the Act.

Previous Reports to Council:

This matter was previously reported to the Council at its Ordinary Meetings held on 11 October 2011 and 24 April 2012.

The Minutes of Item 9.1.7 from the Ordinary Meeting of Council held on 11 October 2011, and Item 14.2 from the Ordinary Meeting of Council held on 24 April 2012, relating to this report are available on the City's website at the following link:

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

DETAILS:

Landowner:	Vandar Properties
Applicant:	Banham Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Commercial
Existing Land Use:	Vacant Land
Use Class:	Eating House, Shop and Multiple Dwellings
Use Classification:	"P", "P" and "AA"
Lot Area:	3051square metres
Right of Way:	East side, 3.0 metres wide, Council owned.

The application is for the construction of a seven storey mixed-use development comprising twenty-eight (28) one bedroom multiple dwellings, fifty-one (51) multiple dwellings, one (1) eating house, one (1) shop and associated car parking.

The applicant has detailed the following modifications made to the proposal previously considered by Council on 24 April 2012:

- *Top floor (Level 7) has been removed;*
- *The car parking on Level 2 (30 bays) has been removed;*
- *Additional car parking added to Level 1 (20 bays);*
- *Additional 6 apartments added to Level 2;*
- *Store Rooms relocated to a Basement level;*
- *Swimming pool terrace and gym relocated to Level 2. This has reduced the height of the landscape terraces and screen walls on the northern boundary;*
- *The 4 remaining 3 bedroom apartments have been replaced with 8 x 1 bedroom apartments; and*
- *A 2 storey atrium with an open stair creates a more pleasing entry to the apartments and better connection with the common passage way.*

ASSESSMENT:

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

Design Element	Complies 'Acceptable Development'	OR	'Performance Criteria' Assessment	Comment
Streetscape	✓			
Front Setback			✓	Supported – refer assessment table below.
Building Setbacks			✓	Supported – refer assessment table below.
Building Height			✓	Supported – refer assessment table below.
Open Space	✓			
Access	✓			
Parking			✓	Supported – refer assessment table below.
Privacy			✓	Supported subject to modifications – refer assessment table below.
Design For Climate	✓			
Plot Ratio			✓	Supported – refer assessment table below.
Dwelling Size	✓			

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

Issue/Design Element:	Front Setback
Requirement:	Ground floor: 4.2 metres Upper floors: 6.2 metres (walls) and 5.2 metres (balconies)
Applicants Proposal:	Ground Level: Front setback ranging from nil (transformer) to 1.185 metres (shop) to 2.427metres (café) to Newcastle Street boundary. Second to fifth storeys: 1.185 metres (balcony) to 2.12 metres (building) Sixth to seventh storeys: 14 metres (balcony) to 18.24 metres (building).
Performance Criteria:	Setback to be generally consistent with building setbacks on adjacent land. Development is to be appropriately located on site to: <ul style="list-style-type: none"> • Maintain streetscape character. • Ensure the amenity of neighbouring properties is maintained. • Allow for the provision of landscaping and space for additional tree plantings to grow to maturity. • Facilitate solar access for the development site and adjoining properties. • Protect significant vegetation. • Facilitate effective use of the site.

Issue/Design Element:	Front Setback
	<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>
<p>Applicant justification summary:</p>	<p>As discussed in mediation.</p>
<p>Consultant technical comment:</p>	<p>The proposed development is considered to comply with this performance criteria.</p> <p>The existing building at Nos. 380-388 Newcastle Street, on the opposite side of the ROW to the east of the subject site, features a nil setback to Newcastle Street. The existing building at Nos. 400-410 Newcastle Street, abutting to the west, features a setback of approximately 9.3m to Newcastle Street.</p> <p>Directly opposite the subject site, are buildings which incorporate nil, or relatively small, setbacks to Newcastle Street, with heights ranging from 2 to 4 storeys at the street front.</p> <p>The building previously on the subject site, now demolished, incorporated a nil setback to Newcastle Street.</p> <p>Given the setbacks of the properties to the east and west, the average setback, as required by Council policy, would be approximately 4.2 metres. Notwithstanding, it is considered the provision of small setbacks to Newcastle Street is appropriate, as it will enhance the pedestrian environment and enhance the 'urban' amenity. The setback area to the café is proposed to be utilised for alfresco dining, and this is also supported as a means of providing interest and activity at street level.</p> <p>At the second storey, the eastern portion of the building is setback 4.23 metres (balcony) and 6.79 metres (building), preserving the line of sight to the heritage building on the opposite side of the ROW.</p> <p>The increased setbacks to the second to fifth floors, the greater setback to the eastern portion of the building, and the provision of balconies and articulation to the façade, are considered to mitigate the impacts of building bulk on the streetscape. The sixth and seventh storeys are setback such that they are not visible from street level on the opposite side of Newcastle Street, and will therefore have negligible impact on the streetscape.</p> <p>In light of the above, the front setback variation is supported.</p>

Issue/Design Element:	Building setbacks
Requirement:	<p><i>Eastern side:</i> Ground floor: 2.0 metres (building) Upper floors: 2.5 metres (balcony), 1.0 metre behind each section of ground floor (building)</p> <p><i>Western side:</i> All floors: 4.0 metres</p> <p><i>Northern side (rear):</i> All floors: 4.0 metres</p>
Applicant's Proposal:	<p><i>Eastern side (ROW):</i> Ground floor: 2.0 metres to 3.8 metres (building) 2nd storey: 2.025 metres (balcony/planter), 3.605 metres (pool deck), 3.5 metres (building) 3rd to 5th storeys: 2.025 metres (balcony), 3.5 metres (building) 6th to 7th storeys: 2.695 metres (balcony), 4.95 metres (building)</p> <p><i>Western side:</i> Ground floor: Nil (building) 2nd storey: 1.24 metres (pool deck), 4.0 metres (courtyard), 4.035 metres (building)</p> <p><i>Northern side (rear):</i> Ground floor: 1.44 metres (building), small eastern portion of the wall slightly above ground level at nil setback.</p>
Performance Criteria:	<p>Side setbacks are to:</p> <ul style="list-style-type: none"> • Allow for significant landscaping between buildings, particularly for two storey structures to soften the visual appearance when viewed from the street and neighbouring properties. • Ensure adequate daylight, direct sun and ventilation for buildings. • Moderate the visual impact of building bulk and scale on neighbouring properties. • Assist with the protection of reasonable privacy between adjoining properties. • Complement the rhythm of the streetscape. • Respect the setbacks of dwellings of heritage significance. <p>ROW setbacks: The setback is to be compatible and consistent with the established pattern of setbacks presenting to the right of way.</p> <p>The minimum width of a right of way is to be 6 metres, in accordance with the WAPC Policy 2.6 – Residential Road Planning. However, there are a number of rights of way within the City that are less than 6 metres wide. Where this is the case, the minimum manoeuvring distance of 6 metres still needs to be met..</p>
Applicant justification summary:	As discussed in mediation.

Issue/Design Element:	Building setbacks
<p>Consultant technical comment:</p>	<p>The eastern and western elevations incorporate a significant degree of articulation, which is considered to mitigate the impact of building bulk, and also will protect access to sunlight and ventilation for the development site and adjoining properties.</p> <p>Boundary walls to a maximum height of two storeys are currently constructed along a substantial portion of the western boundary. These buildings are currently utilised for light industrial activities, and it is considered the reduced setbacks to the ground floor and second storey would have a negligible impact on the amenity of the properties abutting to the west. It is noted the second storey incorporates landscaping along the western boundary setback, further mitigating the impacts of the building.</p> <p>With regard to the ROW setback requirements, these are principally concerned with ensuring sufficient space is provided for vehicle manoeuvring. The proposed development will result in the existing 3.0m ROW being widened to 4.5m, and the garage doors are to be setback a further 0.5m, resulting in 5.0m manoeuvring depth for vehicles entering and exiting the parking area. The design of the parking area allows vehicles to enter and exit the site in a forward gear, and given the access points have a width of 6.0m, it is considered there will be adequate space for vehicles to enter and exit the site, and to pass within the ROW.</p> <p>The existing commercial buildings on the opposite side of the ROW are not considered likely to be affected by the reduced ROW setbacks. Further, if these properties are redeveloped in the future, there will be opportunity to widen the ROW to 6.0m, resulting in 6.5m manoeuvring depth potentially being available.</p> <p>With regard to the northern boundary, the property abutting to the rear has an NGL approximately 1.0m higher than the subject site. There is an existing solid brick wall with a height ranging from 2.3m to 3.2m above the proposed ground floor FFL for the development. This wall will be 0.69m below the proposed boundary wall at the eastern end, to 0.23m above the proposed boundary wall at the western end. It is noted that some residents of the property abutting to the north have also added lattice screen to the top of the brick wall, increasing the effective height of the screen wall. Accordingly, the ground floor wall will have a negligible impact on the amenity of the dwellings to the north.</p>

Issue/Design Element:	Building height
Requirement:	Four storeys (including loft) along Newcastle Street.
Applicants Proposal:	Seven storeys
Performance Criteria:	A fourth storey (including loft) can be considered along Newcastle Street, provided that the amenity of the adjacent residential area is protected in terms of privacy, scale and bulk.
Applicant justification summary:	As discussed in mediation.

Issue/Design Element:	Building height
<p>Consultant technical comment:</p>	<p>In response to Council's previous resolution, and in accordance with discussions in SAT mediation, the proposal previously considered by the Council at its Ordinary Meeting held on 24 April 2012 has been modified, reducing the height of the building from 8 to 7 storeys.</p> <p>The subject site is located within a Commercial zone, at the periphery of the CBD, and it is considered suitable for higher intensity development.</p> <p>Notwithstanding the Precinct Policy allows for nil setbacks to the side boundaries, the proposed development incorporates significant articulation to both side elevations, enhancing the appearance and environmental attributes of the building. However, this articulation effectively reduces the potential dwelling yield per storey. That is, it would most likely be possible to achieve a similar dwelling yield with a lower building but which incorporated less articulation to the side elevations – it is considered this would be a less desirable outcome.</p> <p>The development is designed to appear as a five-storey building when viewed from the opposite side of Newcastle Street. Although the upper floors will most likely be visible from the east and west, at least until those properties along Newcastle Street (west) and Fitzgerald Street (east) are redeveloped, it is considered the oblique visibility of the upper storeys (6 and 7) would not have a significant detrimental impact on the streetscape or amenity of the locality.</p> <p>With regard to the impact on the dwellings to the north, it is, paradoxically, the closeness of those dwellings to the common boundary that allows the proposed landscaping to effectively screen the proposed building. That is, the landscaping within the terraced area along the northern boundary will, provided it incorporates suitable mature species, substantially screen the building from view from the existing dwellings, due to the 'plane of view' from those dwellings. It is considered a fully compliant 4-storey building setback 4.0 metres from the boundary would have the potential to have a greater impact on the amenity of those dwellings, given the significant setback to the proposed tower.</p> <p>In light of the above, while it is acknowledged that the proposed 7-storey building height represents a significant variation to the provisions of Town Planning Scheme No. 1 (TPS1) and Council Policy, it is considered the actual impacts (on the streetscape, abutting properties and locality) would be minimal, due to the design of the development. The subject site is located in a commercial zone at the periphery of the CBD, and is in close proximity to the proposed light rail route along Fitzgerald Street. Accordingly, higher intensity, high density development is considered appropriate. It is considered the reduction from 8 to 7 storeys further mitigates the impacts of building height and bulk.</p>

Issue/Design Element:	Building height
	<p>Notwithstanding, Council, in resolving to defer determination of the previous proposal, requested the applicant amend the plans to “<i>consider design features in relation to the façade being addressed to ameliorate the bulk and mass of the building and including both the east and west elevations</i>”. The amended plans are not considered to satisfactorily address Council’s request, and it is therefore recommended a condition be imposed requiring amended plans incorporating design features to the satisfaction of the City.</p> <p>For the above reasons, the proposed building height is supported, subject to imposition suitable conditions.</p>

Issue/Design Element:	Parking
<p>Requirement:</p>	<p><i>Residential:</i> Small (<75sqm or 1 bedroom) = 0.75 per dwelling Medium (75-110sqm) = 1 per dwelling Large (>110sqm) = 1.25 per dwelling Visitors = 0.25 per dwelling = 74.75 bays (residents) + 19.75 bays (visitors)</p> <p><i>Commercial:</i> Shop = 175sqm / 15sqm per car = 11.7 bays Restaurant = 60sqm (incl alfresco) / 4.5sqm per car = 13.3 bays Total = 25 bays Adjustment: 0.85 (within 400m of bus stop) x 0.8 (mix of uses) x 0.85 (within 400m of car park > 75 bays) x 0.90 (end of trip facilities) = 0.52 Apply the adjustment = 25 x 0.52 = 13 bays</p> <p>Total: Required = 74.75 + 19.75 + 13 = 107.5 (108) bays</p>
<p>Applicants Proposal:</p>	<p>Provided = 79 (residents) + 4 (visitors) + 4 (commercial) = 87 bays Shortfall = 22 bays</p>
<p>Performance Criteria:</p>	<p>Adequate car and bicycle parking provided on-site in accordance with projected need related to:</p> <ul style="list-style-type: none"> • The type, number and size of dwellings. • The availability of on-street and other offsite parking. • The location of the proposed development in relation to public transport and other facilities. <p>In mixed use development, in addition to the above:</p> <ul style="list-style-type: none"> • Parking areas associated with the retail/commercial uses are clearly separated and delineated from residential parking.
<p>Applicant justification summary:</p>	<p>As discussed in mediation.</p>
<p>Consultant technical comment:</p>	<p>The car parking area comprises 4 ‘cells’, accessed from the ROW. The 3 rear ‘cells’ contain resident parking bays, and will be secured by remote controlled doors. The front ‘cell’ contains 13 commercial and visitor bays (including 1 ACROD bay). The front ‘cell’ is not proposed to be secured by any access control system.</p>

Issue/Design Element:	Parking
	<p>It is considered the proposed General Store (shop) and Café (restaurant) will predominantly service the local community, and most customers will walk or cycle to the premises. Accordingly, it is considered parking bays for these uses will be required predominantly for the use of staff. It is considered the provision of 6 bays (being 3 per tenancy, as per the previous proposal) is sufficient to cater for anticipated demand. Accordingly, it is recommended a condition be imposed to this effect.</p> <p>The allocation of 6 bays to the commercial premises leaves 7 bays remaining for the exclusive use of visitors. In addition, it is recommended a condition be imposed requiring the commercial bays to be available for the use of visitors outside standard business hours.</p> <p>The effect of the above recommendation would be to result in a minimum of 5 dwellings to not have an allocated parking bay. This is contemplated by the R-Codes, which require only 0.75 bays per single bedroom dwelling. It is considered this is preferable to an undersupply of visitor or commercial parking, as prospective purchasers will be aware of the parking arrangements prior to entering into any contract to purchase.</p> <p>In light of the above, the proposed parking shortfall is supported, subject to conditions stipulating 7 bays be provided for the exclusive use of visitors, and the commercial bays be available for visitor use outside standard business hours.</p>

Issue/Design Element:	Privacy
Requirement:	<p>Major openings and active habitable spaces (balconies, verandahs, terraces or other outdoor living areas) which have a floor level more than 0.5 metre above natural ground level and which overlook any part of any other residential property behind its street setback line, to comply with the following:</p> <ol style="list-style-type: none"> i. are setback, in direct line of sight within the cone of vision, from the boundary a minimum of: <ul style="list-style-type: none"> • 4.5m in the case of bedrooms and studies. • 6m in the case of habitable rooms other than bedrooms and studies. • 7.5m in the case of unenclosed outdoor active habitable spaces (balconies, decks, verandahs and the like). ii. are provided with permanent vertical screening to a height of 1.6m to restrict views from any major opening of an active habitable space.
Applicants Proposal:	<p><i>Western:</i> 2nd storey: Bedrooms – 4.035 metres Courtyards – 4.0 metres Pool deck – 1.24 metres Communal open space – Nil</p>

Issue/Design Element:	Privacy
	<p>3rd – 5th storeys: Bedrooms – 4.035 metres Balconies – 4.0 metres</p> <p>6th – 7th storeys: Bedrooms – 4.45 metres Balconies – 4.0 metres</p> <p>Roof: Communal open space – 5.64 metres</p> <p><i>Eastern:</i></p> <p>2nd storey: Balconies – 5.025 metres to 6.0 metres (incl ROW and planter) Pool deck – 6.08 metres</p> <p>3rd – 5th storeys: Balconies – 5.025 metres to 6.0 metres (incl ROW)</p> <p>6th – 7th storeys: Balconies – 5.695 metres</p> <p><i>Northern:</i></p> <p>2nd storey: Pool deck – 4.08 metres</p>
Performance Criteria:	Direct overlooking of active habitable spaces and outdoor living areas of other dwellings is minimised by building layout, location and design of major openings and outdoor active habitable spaces, screening devices and landscape, or remoteness.
Applicant justification summary:	As discussed in mediation.
Consultant technical comment:	<p>Northern:</p> <p>The plans indicate a glass balustrade to the pool deck, to a height of 2.45 metres above ground level, but do not confirm whether it is intended to be obscured glass. It is considered the pool deck has the potential to result in direct overlooking to the dwellings abutting to the north. Should the application be approved, it is recommended a condition be imposed requiring the provision of suitable screening to prevent overlooking to the north from the pool deck area.</p> <p><i>Western:</i></p> <p>The property abutting to the west is currently developed with commercial buildings, and incorporates boundary walls for a substantial proportion of the common boundary. Accordingly, overlooking to this property is not currently an issue; however, it is important to not unduly impact on the amenity of potential future residents, should that property be redeveloped. As Council may be aware, the R-Codes are currently under review, and it is proposed to delete specified privacy screening distances for properties coded R80 and above “as it is unrealistic to expect that a development can achieve lower density privacy separation distances”. The revised R-Codes have been advertised for comment, and are intended to be released at some time in 2012. Accordingly, the revised R-Codes are considered to be a ‘seriously entertained’ planning proposal.</p>

Issue/Design Element:	Privacy
	<p>The second storey dwellings look onto a landscaped communal open space area. It is considered the amenity of residents would be unduly compromised for little benefit, if permanent screening were required to be provided to the courtyards and bedrooms, and to the communal open space area. Further, it is considered the variation of 0.465m to the bedroom windows represents a trivial variation to the current Acceptable Development criteria. Accordingly, it is considered the provision of dense landscaping in this area will be sufficient to safeguard the privacy of the adjoining property, and this may be addressed in the Landscaping Plan required as a condition of approval.</p> <p>It is considered the bedrooms for the 3rd to 7th storeys, setback between 4.035 metres to 4.45 metres, represent a trivial variation to the R-Codes, and would not result in undue overlooking of the adjoining property. It is considered the balconies on the 3rd to 7th storeys, setback between 4.0 metres and 5.64 metres, have the potential to result in undue overlooking of the adjoining property, and should be provided with sufficient screening. A condition is recommended in this regard.</p> <p>The roof garden is setback 5.64 metres from the western side boundary, and is inset from the roof edge by approximately 1.2 metres along the western side of the building. It is considered the design will permit persons on the roof garden to look outwards, but not downwards into private areas on the adjoining property. It is considered the roof garden would not result in undue overlooking of the adjoining property.</p> <p><i>Eastern:</i></p> <p>The properties on the eastern side of the ROW are currently utilised for commercial purposes. It is proposed to widen the ROW to 4.5 metres in association with this proposed development. Accordingly, overlooking to these properties is not currently an issue; however, it is important to not unduly impact on the amenity of potential future residents, should those properties be redeveloped.</p> <p>Should the properties on the eastern side of the ROW be redeveloped, it is likely the City would seek the ROW to be widened by an additional 1.5 metres, to a total width of 6.0 metres. In this event, the privacy setback variation for the proposed development would be a maximum of 0.975 metre. Further, it should be noted that any major openings or habitable spaces on future redevelopment of these properties would also, most likely, be visible from the public realm within the ROW, and there would therefore be a reduced expectation of privacy.</p>

Issue/Design Element:	Privacy
	<p>It is considered the proposed balconies will provide passive surveillance of the ROW and the rear of the existing commercial properties, with no impact on the current privacy of those properties. Further, it is considered the impact on privacy of potential future residential development on the properties to the east would be negligible, and the provision of screening would therefore compromise the amenity of the proposed development for very little benefit. Accordingly, it is not considered appropriate to require screening to these balconies, and the variation is supported.</p>

Issue/Design Element:	Plot ratio
Requirement:	1.0:1 (excluding ground floor commercial)
Applicants Proposal:	2.07:1 (excluding ground floor commercial)
Performance Criteria:	<p>Development of the building is at a bulk and scale indicated in the local planning scheme and is consistent with the existing or future desired built form of the locality.</p>
Applicant justification summary:	As discussed in mediation.
Consultant technical comment:	<p>The modifications to the proposal previously considered by Council have reduced the plot ratio from 2.15 to 2.07, equivalent to 244m² of plot ratio floor space.</p> <p>Plot ratio and building height contribute to the bulk and scale of a development and in this instance, the subject proposal is not considered to have an undue impact on the amenity of the area and is considered to be appropriate intensity for development of an underutilised inner-city site.</p> <p>The subject site is located within a Commercial zone. In the event the development were a 100% commercial development, no maximum plot ratio would be applicable. Notwithstanding, the Precinct Policy allows for nil setbacks to the side boundaries, the proposal incorporates substantial setbacks and articulation to the elevations. The proposed building's upper floors are setback significantly from the rear property and there is a right of way on the eastern side, which minimises the bulk and scale on the adjoining properties. The upper floors are setback from the street, and the building will appear as a 5-storey building when viewed from the opposite side of Newcastle Street.</p> <p>It is noted that opposite the subject site, there is a five (5) storey building, and an eight (8) storey building is under construction at No. 146 Fitzgerald Street. The subject site abuts a district distributor road, Newcastle Street. Moreover, it is considered the articulation of the building and staggered setbacks contribute to reducing the impact of the height on the surrounding area. The provision of roof gardens and landscaping at the western side and rear also adds to the sustainability of the building and to reduce its impact.</p>

Issue/Design Element:	Plot ratio
	The proposed plot ratio is supported on the basis that the subject site is an appropriate location for a high density residential building, in close proximity to transport facilities (including the potential future light rail line) and the central business district. The design of the building is considered to mitigate the impacts of building bulk on the streetscape and surrounding properties.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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Consultation Period:	Consultation was undertaken for the original application determined by Council on 11 October 2011. No further public advertising was required.
Comments Received:	Refer Agenda Report to the Ordinary Meeting of Council held on 11 October 2011 for submissions and responses.

Design Advisory Committee:

Referred to Design Advisory Committee: No. The Design Advisory Committee was formed after the submission of this application.

Summary of Design Advisory Committee Comments:

Not applicable.

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 will have the right to have the decision reviewed in accordance with Part 14 of the *Planning and Development Act*. As the matter is being referred to Council under s31 of the *State Administrative Tribunal Act*, the decision of Council will become the decision the subject of the application for review, should the applicant be aggrieved by the decision and opt to continue with the State Administrative Tribunal review, to a final hearing.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

- “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:

- “1.1.3 *Take action to reduce the City's environmental impacts and provide leadership on environmental matters*
- 1.1.5 *Take action to improve transport and parking in the City and mitigate the effects of traffic.*”

“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 of the dwellings allow for adequate light and ventilation. The dwellings all have eastern light providing light to their living areas and all have cross ventilation given their design. These design elements have the potential to reduce the need or reliance on artificial heating and cooling as well as high levels of artificial lighting.

SOCIAL	
Issue	Comment
	The proposal is for seventy-nine (79) apartments within West Perth. This will increase housing diversity and provide housing for smaller households within the City which are anticipated to grow and become a significant proportion of household type.

ECONOMIC	
Issue	Comment
	The construction of the building and operation of the commercial tenancies will provide employment opportunities.

FINANCIAL/BUDGET IMPLICATIONS:

As the City's nominated consultant (the author of this report) recommends conditional approval, it may be necessary for the City to engage an alternative consultant to represent the City in any final hearing, should Council resolve not to adopt the consultant recommendation.

COMMENTS & CONCLUSION:

In addition to the changes outlined in the Details section, the transformer compound has been removed, as the applicant has advised that it may now not be required. In the event a transformer compound is required, the applicant intends to seek opportunities to install the compound off-site. Notwithstanding any modifications to the plans, if approved, would require the further approval of the City.

Council Resolution (24 April 2012)

In resolving to defer determination of the application at its Ordinary Meeting on 24 April 2012, Council requested the applicant consider a number of design and sustainability issues. These are addressed below.

Reduction in height

The building has been reduced from 8 to 7 storeys, consistent with Council's resolution.

Environmentally sustainable design

- *Roof garden and roof design shall be maintained:* the plans depict the roof garden being maintained.
- *Thermal efficiency – the building shall be designed and certified to achieve a minimum NATHERS rating of 7.7:* The proposed rating is in accordance with documents provided by the applicant, and is recommended as a condition of approval.
- *The building shall incorporate photovoltaic panels which will provide sufficient power for lighting the building's common areas:* Photovoltaic panels are depicted on the roof plan. The precise requirements for photovoltaic cells will be confirmed through the preparation of working drawings and detailed fitout, however, it is considered there is likely to be sufficient space on the rooftop to accommodate the required cells. The provision of the photovoltaic cells is recommended as a condition of approval.

- *The proposed building shall incorporate a rain water harvesting system and/or greywater system that provides water for irrigation of the communal open space areas:* The applicant has advised it is intended to install a sub-surface rainwater harvesting system underneath all landscaped areas (including the roof garden). Advice from the applicant indicates this is anticipated to be sufficient to cater for most of the irrigation requirements for the landscaping. The provision of the rainwater harvesting system is recommended as a condition of approval.
- *Amended plans and reports detailing and substantiating how these above requirements will be met shall be submitted to and approved by the City prior to the submission of a Building Permit application:* The provision of the plans and reports as necessary to address the above requirements is recommended as a condition of approval.
- *Design features in relation to the façade being addressed to ameliorate the bulk and mass of the building and including both the east and west elevations:* The applicant has provided some images incorporating design features, however it is considered these are not sufficiently refined at the time of preparing the report. Accordingly, it is recommended a condition be imposed requiring amended plans incorporating additional detailing, to the satisfaction of the City.

Planning

Front setback

The increased setbacks to the second to fifth floors, the greater setback to the eastern portion of the building, and the provision of balconies and articulation to the façade, are considered to mitigate the impacts of building bulk on the streetscape. The sixth and seventh storeys are setback such that they are not visible from street level on the opposite side of Newcastle Street, and will therefore have negligible impact on the streetscape. Accordingly, the front setback variation is supported.

Additional detailing to the façade, and eastern and western elevations, is considered appropriate, in light of Council's previous resolution. The applicant has provided some images depicting additional detailing to the façade, however it is considered these are not sufficiently refined at the time of preparing the report. Accordingly, it is recommended a condition be imposed requiring amended plans incorporating additional detailing, to the satisfaction of the City.

Building setbacks

The side elevations incorporate substantial articulation, in addition to landscaping along the 2nd storey level to the western boundary, and the terraces to the northern boundary.

Notwithstanding the Precinct Policy provides for nil side setbacks, it is considered the boundary setbacks are appropriate in the site context, and the variations are supported.

Building height

The building height has been reduced from 8 to 7 storeys, in accordance with Council's previous resolution.

While it is acknowledged that the proposed 7-storey building height represents a significant variation to the provisions of TPS1 and Council Policy, it is considered the actual impacts (on the streetscape, abutting properties and locality) would be minimal, due to the design of the development. The subject site is located in a commercial zone at the periphery of the CBD, and is in close proximity to the proposed light rail route along Fitzgerald Street. Accordingly, higher intensity, high density development is considered appropriate. For these reasons, the proposed building height is supported.

Parking

It is considered the commercial uses on the site will predominantly cater to the local community, and they are not anticipated to generate a significant demand for car parking, as most customers will attend the site by walking or cycling. It is also considered the visitor parking requirements of the R-Codes are excessive. As such, it is recommended the provision of 7 visitor bays, plus access to 6 commercial bays outside business hours, will be sufficient to cater for the anticipated demand. This will result in a minimum of 5 dwellings not being provided with an allocated car bay. The subject site is located in close proximity to the CBD and public transport, and it is therefore considered the oversupply of parking spaces would be inappropriate. Accordingly, the proposed shortfall is supported, subject to the payment of cash-in-lieu for the shortfall in commercial bays.

Privacy

It is considered the proposed development has the potential to result in unacceptable overlooking to the properties abutting to the north and west, and screening ought to be incorporated to the pool deck area and western balconies. For some of the balconies, it is considered the provision of landscaping screening will be sufficient to safeguard reasonable levels of privacy, whilst some of the balconies will require the installation of permanent screens in accordance with the R-Codes. Suitable conditions to this effect are recommended.

However, it is considered the overlooking to the eastern side (ROW) would not unduly impact on the privacy of those properties, and would enhance passive surveillance of the ROW. Accordingly, it is considered screening of the eastern balconies is not necessary.

Plot ratio

Modifications to the plans have reduced the non-commercial plot ratio from 2.15 to 2.07, equivalent to 224m².

The proposed plot ratio is supported on the basis that the subject site is an appropriate location for a high density residential building, in close proximity to transport facilities (including the potential future light rail line) and the central business district. The design of the building is considered to mitigate the impacts of building bulk on the streetscape and surrounding properties.

Traffic Impact Statement

A Traffic Impact Statement was submitted by ML Traffic Engineers and attached to the report outlining the application. The Council at its Ordinary Meeting held on 28 April 2009 conditionally approved office development on the subject site which had one hundred and forty (140) car bays and this proposal contains ninety six (87) car bays. Accordingly, this proposal would result in less traffic impact as compared if the office development did proceed. Furthermore, the report specifies that the right of way will be able to accommodate the traffic to be generated by this proposed development. In addition, the report states that the additional traffic to be generated by the development will not adversely affect the operation of the Newcastle Street/Fitzgerald Street intersection.

Technical Services:

Technical Services comments were provided in the agenda report to the Ordinary Meeting of Council held on 11 October 2011. The comments are summarised below:

There will be delays for the residents and other users of the development due to:

- Large number of vehicles using the right of way;
- The very close proximity of the right of way to the Newcastle/Fitzgerald Street intersection;
- The proposed 'left in left out' which will restrict vehicle movement;
- The 3.0 metre wide right of way off Fitzgerald Street will restrict free movement of traffic at times; and
- The traffic to be generated by the commercial component of the development.

Waste Management

The bin store has been relocated from the proposed location in the original application, as recommended by the City's Officers. Notwithstanding, it is considered a Waste Management Plan ought to be required, in order to ensure waste storage and collection does not impact on the safety or amenity of the locality.

The matters discussed above have been addressed with appropriate conditions in the Officer Recommendation.

It is acknowledged that the application represents significant variations from the development standards of TPS1 and Council policies. However, as detailed above, given the site is located close to the central business district, the building is articulated with staggered setbacks which reduce the bulk and scale on adjoining properties and the streetscape, the application is recommended for approval.

14.1 CONFIDENTIAL REPORT: Approval of a new position to be responsible for the City's Art Programme and Co-ordination of Festivals

Ward:	-	Date:	11 May 2012
Precinct:	-	File Ref:	ADM0061
Attachments:	Confidential: Community Development – Current Structure Confidential: Proposed Community Development Structure-Option A Confidential: Proposed Library and Community Development Services – Option B Confidential: Proposed Community Development and Separate Arts and Culture – Option C		
Tabled Items:	-		
Reporting Officer:	R Boardman, Director Community Services		
Responsible Officer:	John Giorgi, Chief Executive Officer		

COUNCIL DECISION ITEM 14.1

Moved Cr Carey, Seconded Cr Harley

That the Item be DEFERRED for further information and consideration.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (7-1)

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

(Cr Wilcox was on approved leave of absence.)

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information concerning a matter affecting an employee or employees.

LEGAL:

The Local Government Act 1995, Section 5.23(2) prescribes that a meeting or any part of a meeting may be closed to the public when it deals with a range of matters.

The City of Vincent Local Law Relating to Standing Orders states the following:

"2.14 Confidential business

(1) All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007.

The confidential report is provided separately to Council Members, the Chief Executive Officer and Directors.

In accordance with the legislation, the report is to be kept confidential until determined by the Council to be released for public information.

At the conclusion of these matters, the Council may wish to make some details available to the public.

PROCEDURAL MOTION

At 10.07pm **Moved** Cr Pintabona, **Seconded** Cr Buckels

That the Council resume an “open meeting”.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was on approved leave of absence.)

15. CLOSURE

There being no further business, the Presiding Member, Mayor Hon. Alannah MacTiernan, declared the meeting closed at 10.07pm 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
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 22 May 2012.

Signed:Presiding Member
Mayor Hon. Alannah MacTiernan

Dated this day of 2012