



CITY OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

27 MARCH 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 27 March 2012, commencing at 6.00pm.

1. (a) DECLARATION OF OPENING

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

(b) ACKNOWLEDGEMENT OF COUNTRY STATEMENT

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

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Nil.

(b) Members on Approved Leave of Absence:

Nil.

(c) Present:

Mayor Hon. Alannah MacTiernan	Presiding Member
Cr Warren McGrath (<i>Deputy Mayor</i>)	South Ward
Cr Matt Buckels	North Ward
Cr John Carey	South Ward (from 6.21pm)
Cr Roslyn Harley	North Ward
Cr Dudley Maier	North Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
Cr Julia Wilcox	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Community Services
Carlie Eldridge	Director Planning Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary) (until 8.42pm)
Lauren Peden	Journalist – <i>"The Guardian Express"</i> (until approximately 8.40pm)
David Bell	Journalist – <i>"The Perth Voice"</i> (until 8.42pm)

Approximately 34 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. Peter Melbin of 1/12 Turner Street, Highgate – Petition 5.1 (Item 9.2.3 from the Ordinary Meeting of Council 28 February 2012). Read out the following:
*"I wish to make a Statement about the decision by Council on 28 February 2012 in relation to Agenda Item 9.2.2 Forrest Park and Surrounding Parks – Current and Proposed Future Use.
In particular I seek a review of the decision to erect a perimeter fence and hedge at Jack Marks Reserve in Highgate.
I admit to a vested interest in that I live on Turner Street which adjoins the Park.*

There are three primary reasons to in fact NOT proceed with the perimeter fence and hedge.

1. *The proposed works are simply unnecessary. There is not a problem for off-leash dogs or the safety of children on this Park as has been reported to Council. In fact the reports to Council on this matter do not in any way canvass the issues or justify the expenditure of \$15000 to address a non-existent problem.*
2. *There has been a very unsatisfactory public consultation process in relation to Jack Marks Reserve and the proposed works. This is demonstrated by a Petition of local residents which was yesterday lodged with the Chief Executive Officer. This Petition directly opposes the works and has 335 signatures. I make the point that this Petition was raised within the space of seven days by:*
 - *Local door knocking;*
 - *From an actual survey of park users; and*
 - *From a survey at the Highgate Primary Kindergarten located next door to the Park.*

This is a very significant number of people who use the Park.

Well over 200 doors were "knocked". Only about 20 residences did not support the Petition. All the rest have signed!

I emphasise that the majority of the 335 signatures against the works were obtained from about 200 residences immediately adjacent to, and within about 150 metres of the Park.

This is a very strong illustration of the extent of community feeling against the fence and hedge.

The local ratepayers and community most closely linked with this Park do NOT want a perimeter fence or hedge on Jack Marks Reserve.

3. *There is a substantial element of "vested" interest to make Jack Marks Reserve a "solution" to perceived issues associated with Forrest Park. For example issues about sport, children's soccer and dogs. That is absolutely no justification to foist an unwanted fence on Jack Marks Reserve.*

Some Councillors will be aware that this matter has a history which extends beyond the simple question of a fence and some plants on Jack Marks Reserve.

This Statement does not have the time to canvass this history.

But there are issues here which Council should address!

So, in conclusion, I ask that the Chief Executive Officer be directed to defer any works on Jack Marks Reserve until this matter can be reviewed and overturned by Council."

2. Michelle Dewell of 9B Anderson Street, Mt Hawthorn – Item 9.1.8. Stated the following:
 - She is not opposed to the development of No. 11 in principle, she requested that the Council not approve the application in its current form.
 - The significant loss of amenity due to the siting of 6 courtyards adjacent to the eastern boundary of No. 11 is of great concern to her. Her main bedroom is 1m from that boundary hence, the courtyards of 2 units will be only 1m from her bedroom and the courtyards of 2 further units will be within just a few metres of her bedroom. Consequently any social activity in those courtyards will have an immediate and significant impact on her ability to have quite enjoyment of her property particularly when she is trying to sleep but also when she is working from her home office.
 - As the development will be built in a solid block and will be only 2.5-4m from the boundary line, there will be nothing to obscure/divert any noise emanating from those properties i.e. music played through open doors/windows.
 - With 6 units in such a confined space the likelihood of noise issuing from 1 or more of those properties at any given time will be high. Believes the consultation report does not address these issue, merely stating "noted". Strongly believes the quality of her life will be impacted so significantly that the issue warrants more attention than a one word comment.

- She has experienced first hand how easily noise travels between courtyards especially when there are a lot of hard built surfaces and, the devastating effect that noise can have. Her 4 year old daughter will be at great risk of having her sleep disturbed, directly impacting her development.
 - As a single parent, looking after home, raising her child and running a small business, loss of sleep would materially affect her ability to be an effective parent and to earn a living.
 - Urged the Council to consider requiring the developer to mirror the design so the courtyards are constructed along the western boundary as the noise from them would be partially obscured by the bulk of the buildings and, the impact on No. 13 would be far less as the majority of the courtyards would face its backyard as it is set much further back from the boundary.
 - Notes that any access to the driveway leading to her property would require approval of the owners of all 3 of Nos. 9, 9A and 9B, not just the owner of No. 9 as currently noted in clause 4 of the recommendation, as the land is jointly owned.
 - Thanked the Council for considering these concerns in reaching a decision.
3. Simon Thackrah of 30 Windsor Street, Perth – Item 9.4.2. Stated the following:
- Chairperson of the Norwood Neighbourhood Association who cover residents in the area bordered by Lord Street, East Parade and the Graham Farmer Freeway. Their first Annual General Meeting (AGM) was held on 18 March 2012 at Norwood Park and a committee of management was elected:
 - Himself as Chairperson;
 - Mark Lakewood as Secretary; and
 - Anton Haynes as Committee Member (in attendance this evening).
 - He will write to the City introducing the Association and will provide all the contact details for the Committee Members.
 - Thanked the Mayor for attending the sausage sizzle that followed the AGM, addressing the Members and the ongoing interest and involvement in the Associations current projects.
 - The Committee fully support the recommendation including the City's acceptance of the Management Order and the appointment of the Chairperson and Sectary of the Association to the Advisory Group.
 - Is confident that the Association can be an appropriate vehicle for community consultation in relation to the project on the use of the house.
4. David McLoughlin of 17 Moir Street, Perth – Item 9.2.4. Stated the following:
- Thanked Council Members and Staff for taking the time to speak to him about this Item in the past and believes it is a product of various discussions with residents and, is very much supported by residents.
 - They have a difficult parking situation in Moir Street. They are not selfish and wanting to take private ownership for the Street and understand that there is compromise involved i.e. the William Street Festival a couple of weeks ago when parking was hectic. Friday afternoons are also hectic.
 - Last weekend even though there was no Festival, parking was hectic and the residents found it difficult to get parking and they were parking in adjacent streets rather than in their own street which is unfortunate when they are trying to get home and carry their shopping etc.
5. Sarah Gagliardi of 17 Lincoln Street, Perth – Item 9.1.2. Stated the following:
- According to Officers Comments, most of the items are deemed as not supported by residents who submitted objections.
 - What is in the control of supervisors of the lodge may be fine however, what is beyond their control is the activity that residents of such a lodge would bring in associations that they may hold, which is not in control of supervisors 24 hours a day in a lodging of this sort.
 - When it states that objections are not supported by local residents, asked the Council to consider how they profess to be able to say or deem that undesired antisocial behaviour associated with people who would use the lodge.

6. Steve Miotti of 110 Edinboro Street, Mt Hawthorn – Item 9.1.6, on behalf of his mother who lives on the eastern side of the proposal. Stated the following:
- The Neighbour Context Report correctly states that the applicant forwarded a copy of the R-Codes Neighbour Consultation Form stating the owner of 9 Angove had no objection to the overshadowing of the kitchen window or the development. However, his mother did state these objections on the Community Consultation Submission Form, she refused to sign anything stating that she did not object to the development and also spoke to the Planning Officer yesterday who confirmed that the Neighbour Consultation Form was not submitted to the City.
 - Side Setback – the setback is required to be 3m to the eastern boundary however, it is proposed at as little as 1.2m. The Officer supports the proposal stating that *“the development meets the performance criteria as the walls are staggered”* and continues to say that *“there is 2.4m between the building setbacks of the 2 buildings and is therefore considered enough space for ventilation and sunlight therefore there will be no unreasonable impact on the adjoining structure”*. In the consultation comments it states that in the assessment of the compliance table for building setbacks demonstrates that *“there will be no impact on the adjoining side properties”*. He disagrees with the second point as the acceptable development criteria and the Residential Design Codes result in the setback required to be 3m as stated by the Officer.
 - Performance Criteria and R-Codes states that *“in addition to enjoying daylight and direct sun, side setbacks are to moderate the visual impact of building bulk and scale on the neighbouring properties”*. The proposed wall is over 6m high and will block most of the afternoon winter sun from the kitchen window. This is also contrary to another clause in the R-Codes which states that *“the development is to be designed to protect solar access for neighbouring properties taking into account the potential to overshadow major openings into other rooms”*.
 - Staggering of the high wall will not moderate the visual impact from No. 100. The staggering is mostly offered by the balconies however, to ensure visual privacy the balconies are shown to have 1.6m high screen so there is very little staggering along the length of the wall which is about 38m long.
 - Also referred to the City of Vincent Residential Development Policy No. 2.2.1.
7. Rosie Zappacosta of 92 Angove Street, North Perth – Item 9.1.6. Stated the following:
- She has resided in the area for the last 45 years.
 - This the second time they have said “no” to any units/apartments and it has been a majority rule that residents do not want them.
 - Half the residents are not aware of the second situation in regards to the 6 units. All neighbours know each other and not half of them know what is happening. Believes this is being done *“underhanded”*.
 - If one type unit/apartment development is approved then a lot more will come up along their small street. There is not enough parking and no room to move. It takes 3 minutes to cross the road in the morning.
 - They love their houses and would like to maintain them so their families can grow in them – not one bedroom “fly in/fly out” apartments who do not care about the area.
 - She is extremely upset and distraught about this proposal.
 - Urged the Council to reject this application.

Cr Carey entered the Chamber at 6.21pm.

8. Robert Hart of 9 Anderson Street, Mt Hawthorn – Item 9.1.8. Stated the following:
- Believes if this is approved the next thing that will be approved will be 12 singles and there will not be a tree left in Mt Hawthorn.
 - This site has a 50 year old Jacaranda tree on it, which unfortunately was planted in the middle of the yard in the days when it was a quarter acre block.

- Asked who would like to sleep in some of the bedrooms in this proposal as most only have highlights and one does not even have a window.
 - Some toilets in this development are upstairs and some downstairs – it is all orientated the wrong way.
 - This violates 3 building codes, plot ratios etc.
 - Parking for only 6 cars and 2 visitors. Asked where will everyone else park? Probably in the street along with all the park and ride people that are now starting to creep into their streets.
 - Asked how this conforms if there is no other block of 6 in this area – there is only 3 at most.
 - Believes there will be problems with rubbish day with 12 bins at the front in an area with only quarter acre verge parking. Does not believe there will be a verge as it will be full of cars.
 - Believes this is blatant greed by the developer and the Council.
 - There has been no percentage set aside for landscaping.
9. Nick Rosato of 37 Farmer Street, North Perth – Item 9.1.6, on behalf of his parents. Stated the following:
- Believes there are a lot of units being proposed. He has no issue with units however, if it was maybe only 4 units it would be more reasonable.
 - His parents are concerned that there is insufficient/limited parking bays. They have found with a lot of developments, most units go up with 2 parking bays each however, here you have 1 therefore when there are visitors or other people coming, there will be major congestion in the whole area.
 - They also have concerns about the noise.
10. Jill Griffin of 2A Court Street, Highgate. – Item 9.1.2. Stated the following:
- Resides with her husband and 8 month old son.
 - Very concerned that the change of use will result in safety and security issues and does not feel the current addresses these in particular.
 - It states that a Supervisor will be on site at all times during the evening however, what will happen during the day?
 - Understands that there is a need to accommodate homeless people in Perth however, believes this is too close to residential areas.
 - Feels that she may be forced to move out of the area if this goes ahead.
11. Julie Williams of Catholic Archdiocese Perth – Item 9.1.2. Stated the following:
- The vision they have is for the Centre is that sometimes you have people coming with small children and, if there is a husband and wife with no domestic violence they cannot get into any shelters or the shelters that evening maybe full or, if you have a mother with two teenage boys, they cannot get into shelters because teenage boys cannot get in as there are issues and concerns which is far enough.
 - They do not intend this to be a refugee. It is purely a place where if they get a single person or small family and they do not want to have to tell them they have to go on the street because the other shelters are full.
 - There are children that sleep on the streets at night as mothers are not prepared to leave their children on the street so they can get their younger children and themselves to a shelter. Therefore they are catering for these emergency situations which will not happen every night but do pop up. It is about providing an emergency gap to assist those people and be able to get them in and work intensively with other services to provide more suitable even temporary accommodation.
 - Day Dawn has managed to obtain nearly 200 houses for Aboriginal families that would otherwise have been evicted or could not get homes or were on the street therefore, they are very effective in obtaining accommodation. This is not for Aboriginal people who can actually sleep on the street but there are times particularly where there are children involved where people are being put in serious risk and for the sake of a night or couple of nights with strict supervision then they feel this could fill a desperate need.

- This is not going to be publicised or a service that other agencies can refer to because they do not want it to be that they want it to be very private and confidential situation with very strict framework with 2 supervisors at any one time who will sleepover and make sure the people have gone to Tramby's. It will be monitored during the day also to make sure that there is not infringement and no people hanging around.
12. Claire Pigliardo of 2 Court Street, Highgate – Item 9.1.2. Stated the following:
- Their property adjoins this proposal and acknowledge what the previous speaker has stated and the good work that Day Dawn does. It is very important to have facilities for people that find themselves without accommodation and need emergency accommodation.
 - At the end of October 2011 her house was ransacked and she feels a lot more venerable being in the area and concerned what this will mean.
 - She lives by herself and finds it helpful to build relationship and it has been great having her neighbours at No. 2A however, she is concerned with the movement of people that there will be no rapport with that particular property.
 - She works long hours and is concerned what will happen during the day when it is unsupervised.
13. Aaron Sice of 102 Angove Street, North Perth – Item 9.1.6. Stated the following:
- The proposal complies with current State Planning Policy.
 - On 22 November 2010 the State introduced a multiple dwelling policy that allowed for a change in the way properties are calculated – based on its living area and not on its exclusive use.
 - The development complies 100% with both open space, plot ratio, has one extra car bay than is required and the overshadowing to the neighbour is approximately 19% and 50% is currently allowed therefore they are well under.
 - The setbacks to the eastern boundary was a minimum of 1.2m and they have a maximum of 5.7m which also complies with Figure 2.3 of the R-Codes. The development is also staggered along this boundary to reduce the visual impact and as the architect he has been very mindful of its impact on the neighbour residences.
 - The south side of Angove Street is very fluid and uninterrupted and the built form is primarily pre-war into war period. The north side of Angove Street is a very mixed use with 20's, 30's, 40's, 60's, 80's, 90's and 2000's editions with very little cohesiveness. He would not have proposed this kind of development on the south side as it would break the cohesiveness of the streetscape however, where it is currently situated it continues to tell the story of how Vincent is evolving and how they are taking advantage of less car parking space with Vincent's proximity to public transport.
 - Believes a report was prepared where all dwellings with the City are provided as being within 250m of a major bus route. They also provide 5 bicycle and 2 car parking bays on site. Whilst each dwelling will not require to have its own exclusive car bay, 1 per dwelling has been provided which is above the minimum requirement as per State Planning Policy.
 - The development also complies with the City's Multiple Dwelling and Single Bedroom Dwelling Policies.
 - Urged the Council to approve this as it is as required by the State and meets all Policies.
14. Helen Prince of 97 Angove Street, North Perth – Item 9.1.6. Stated the following:
- Believes the developer made an interesting comment when referring to the south side Angove Street which is where she lives and, Angove Street has a heritage flow of fluidity of housing which she respectfully disagrees as it also applies to the northern side of Angove Street with some magnificent old mansions on that side as well.

- The Council has put a lot of energy into the heritage side of Angove Street and its heritage connections etc. With respect to this development it does nothing in terms of acknowledge in anyway that particularly area of Angove.
 - The area is having a number of young people moving in and in her immediate neighbourhood of Angove there have been 6 young families move in therefore, parking and traffic is going to become a very real issue.
 - Acknowledges the need for urban infill however, the proposal is a development completely out of character with the area and with the energy and what the Council is putting into the whole feel of the Street. Believes there has been some acknowledgement of that from the development.
 - Therefore she objects as this is not in keeping with the heritage of the area and, with the money the Council has already put into development Angove Street at the Fitzgerald Street end, there is a flow.
 - There is heritage on both sides of the Street therefore to talk about how one side is different to the other is misconceived.
 - There is a baby boom in the area and with North Perth Primary School in the area there is a real issue with traffic which has not been addressed in the development. If you are on the Street at the right times of the day traffic and parking is a major problem.
 - Does not believe this applies to the present City Planning Codes and feels this needs to be addressed, maybe another proposal can be submitted which does comply and which takes into account what is happening on the Street.
15. Les Tucker of 20 Court Street, Highgate – Item 9.1.2. Stated the following:
- Referred to a letter he sent to the City to request the rejection of the change.
 - Objects to the Officer's Comments that most objections were not supported as people in the area are very concerned and he has been accosted on the streets in the early evening from people from the bridge program in Wright Street and, he believes there will be an over saturation of these types of accommodations in Highgate.
 - It has been stated that there will be no alcohol or drugs allowed in the Centre however, how is that going to be policed and will people affected by alcohol and drugs be allowed in or will they be turned away and if they are turned away, where are they going to go?
16. Miriam Oh of 77 Wright Street, Highgate – Petition 5.1 (Item 9.2.3 from the Ordinary Meeting of Council 28 February 2012). Stated the following:
- Hearing the conversations from members of the public this evening, she does not envy the job of the Mayor, Councillors and the Administration as she knows what it is like to let her emotions escape her as she is quite guilty of expressing her passion for the area with anger and she apologises for that however, she feels that consultation is the best resolution. Commends the energy of the new Council and Administration as she believes there is a lot of genuine good will and good intent behind some proposal in the area however, she feels that in the competing interests that need to be resolved and devoting enough resources into trying to solve some problems within the community, sometimes the good intent and ideas are not necessarily followed through.
 - In relation to Jack Marks Reserve, she feels that strong community sentiment has been expressed for the fence not to proceed as the Park itself is quite small it is quite delightful in its open space. The adjacent corner of the Park (Brigatti Gardens) is quite a large parking comparison with a lot of mature trees, shadows and gardens and, as a result a lot of people tend to navigate over the Jack Marks as it is open and lit. Although there are a few strange people and issues of safety using the other Park and she feels the diverse community that already enjoy the space are a wonderful microcosm of the community that is in Vincent i.e. young families, small children especially from the kindergarten next door, grand parents that look after the children 1-2 days per week, dog users, walkers and everyone gets along nicely.

- Feels that such a severe structure as the perimeter that is already being planned is going to change the character and accessibility of that small space. Believes the types of emotions expressed could be avoided if it is reviewed and she hopes that opportunities arise at a later date through the petition.

There being no further speakers, Public Question Time closed at approx. 6.45pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

5.1 Petition received from Ms M. Oh and Mr A. Moretti of Wright Street, Highgate along with 335 signatures requesting that the Council:

- acknowledge and act on the wishes of the community not to fence Jack Marks Reserve as expressed at the Public Forum held on 11 February 2012;
- apolitically represent the community and provide fair and equitable access for all users of Forrest Park, Jack Marks Reserve or other public open space in Vincent for passive recreation;
- rescind the approval motion of the Ordinary Meeting of Council held on 28 February 2012 to erect a *“600mm high pool type fence around Jack Marks Reserve, with openings located at strategic locations as specified by the Director Technical Services...”* due to that decision not reflecting the community sentiment to preserve Jack Marks Reserve in its current condition as public open space uninhibited by fenced barriers and perimeter structures; and
- resolve longstanding community conflict over the use of Forrest Park by treating Forrest Park on its own merits.

The Chief Executive Officer recommended that this petition be received and referred to the Chief Executive Officer for investigation and report as it relates to a number of Directorates within the City organisation.

Moved Cr Pintabona, Seconded Cr Buckels

That the petition be received as recommended.

CARRIED UNANIMOUSLY (9-0)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Meeting of Council held on 13 March 2012.

Moved Cr McGrath, Seconded Cr Pintabona

That the Minutes of the Ordinary Meeting of Council held 13 March 2012 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY (9-0)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

- 7.1 Urgent Confidential Late Report 14.3 – City of Vincent’s Entry Statements Project – Further Report

There is an urgent item to be considered in relation to the matter of the alleged Contract relating to the Green Sticks.

This matter come to ahead this afternoon as there was a letter received from The Glow Studios the Item has been placed on the Agenda for this evening.

Apologies for such late notice however, I felt it was important to make a decision before the next Council Meeting on how we should proceed.

8. DECLARATIONS OF INTERESTS

- 8.1 Cr Maier declared an Impartiality interest in Item 9.2.5 – Walters Brook Redevelopment – Progress Report No. 2. The extent of his interest being that he is a member of the Claise Brook Catchment Group who put in a submission on the proposal.

- 8.2 Cr McGrath declared an Impartiality interest in Item 9.2.5 – Walters Brook Redevelopment – Progress Report No. 2. The extent of his interest being that he is a member of the Claise Brook Catchment Group who have provided feedback on the proposal.

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

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 9.1.8, 9.4.2, 9.2.4, 9.1.2 and 9.1.6.

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

Items 9.1.1, 9.4.2, 9.5.1 and 14.2.

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

Nil.

Presiding Member, Mayor Hon. Alannah MacTiernan, requested Council Members to indicate:

10.4 Items which Council Members wish to discuss which have not already been the subject of a public question/comment or require an absolute majority decision and the following was advised:

Cr Carey	Nil.
Cr Topelberg	Nil.
Cr Buckels	Nil.
Cr McGrath	Item 9.1.7.
Cr Wilcox	Nil.
Cr Pintabona	Nil.
Cr Harley	Nil.
Cr Maier	Items 9.1.3, 9.1.4, 9.1.5, 9.2.1, 9.3.5 and 9.4.1.
Mayor Hon. MacTiernan	Items 9.3.5 and 9.5.1.

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

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

Items 9.1.9, 9.2.2, 9.2.3, 9.2.5, 9.2.6, 9.3.1, 9.3.2, 9.3.3, 9.3.4, 9.4.3, 9.4.4 and 9.5.2.

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

Items 14.1, 14.2 and Late Item 14.3.

New Order of Business:

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

(a) Unopposed items moved *En Bloc*;

Items 9.1.9, 9.2.2, 9.2.3, 9.2.5, 9.2.6, 9.3.1, 9.3.2, 9.3.3, 9.3.4, 9.4.3, 9.4.4 and 9.5.2.

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

Items 9.1.8, 9.4.2, 9.2.4, 9.1.2 and 9.1.6.

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

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

(d) Confidential Items – to be considered ("Behind Closed Doors").

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

ITEMS APPROVED "EN BLOC":

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

Moved Cr Pintabona, Seconded Cr Wilcox

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

Items 9.1.9, 9.2.2, 9.2.3, 9.2.5, 9.2.6, 9.3.1, 9.3.2, 9.3.3, 9.3.4, 9.4.3, 9.4.4 and 9.5.2.

CARRIED UNANIMOUSLY (9-0)

Cr Buckels departed the Chamber at 6.54pm.

9.1.9 No. 52 (Lot 3 STR: 28487) Forrest Street, Mount Lawley- Proposed Home Occupation (Hairdresser) – Reconsideration of Condition

Ward:	South	Date:	20 March 2012
Precinct:	Norfolk – P10	File Ref:	PRO4788; 5.2011.122.2
Attachments:	001 – Property Information Report and Development Application Plans 002 – Photos of Property		
Tabled Items	Nil		
Reporting Officer:	A Dyson, Statutory Planning Officer		
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 **APPROVES** the application submitted by the owners J & L Muia for Proposed Home Occupation (Hairdresser) – Reconsideration of Condition, at No. 52 (Lot 3 STR: 28487) Forrest Street, Mount Lawley, and as shown on plans stamp-dated 20 March 2012, subject to the following conditions:

Home Occupation Use

1. the home occupation is to occupy a maximum area of twenty (20) square metres only, and shall be limited to one washbasin and associated chair, one workstation and associated chair, and inclusive of all storage areas;
2. compliance with the provisions relating to home occupation under the City of Vincent Town Planning Scheme No. 1;
3. the business shall not entail employment of any person not a member of the occupier’s household;
4. the hours of operation shall be limited to 10am to 4pm Wednesday to Saturday, inclusive;
5. a maximum of one client at any one time by appointment within the approved hours of operation, up to a maximum four (4) clients in total per day, is permitted to visit the premises;
6. retail sale or display of goods of any nature shall not occur on the subject property;
7. this approval for a home occupation (hairdresser) is for a period of twenty-four (24) months only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the City prior to the continuation of the use;
8. no parking permits for on-street parking are permitted as part of the Home Occupation use;
9. a maximum of one wash basin is to operate at any one time for the Hairdressing use of the property; and
10. in the event that the home occupation ceases, the property owner/applicant shall advise the City in writing, within fourteen (14) days of the cessation of the use.

COUNCIL DECISION ITEM 9.1.9

Moved Cr Pintabona, **Seconded** Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

Landowner:	J & L Muia
Applicant:	J & L Muia
Zoning:	Metropolitan Region Scheme: (MRS): Urban Town Planning Scheme No. 1 (TPS 1): Residential R40
Existing Land Use:	Residential
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	1013 square metres
Access to Right of Way	Not Applicable

PURPOSE OF REPORT:

The proposal requires referral to the Council for determination as the applicant has requested reconsideration of a condition previously imposed by the Council.

BACKGROUND:

- 26 April 1994 The City of Perth granted approval for the construction of two grouped dwellings to the rear of the existing dwelling.
- 8 September 2009 The Council at its Ordinary Meeting resolved to refuse an application for proposed Home Occupation (Hairdresser) (Application for Retrospective Approval).
- 15 December 2009 The Council at its Ordinary Meeting resolved to refuse an application for proposed Home Occupation (Hairdresser) (Application for Retrospective Approval).
- 11 May 2010 The Council at its Ordinary Meeting deferred the item for Retrospective Approval of Home Occupation (Hairdresser).
- 22 June 2010 The Council at its Ordinary Meeting resolved to approve the application for Retrospective Approval of a proposed Home Occupation (hairdresser).
- 26 July 2011 The Council at its Ordinary Meeting resolved to approve the application for reconsideration of conditions and Renewal of Home Occupation (Hairdresser).

DETAILS:

The proposal involves the reconsideration of a condition of approval from the approval issued on 22 June 2011 noted below:

"2.1 Parking

Revised Plans to be provided for two car bays within the subject property compliant with AS2890.1."

The reconsideration of the above condition is requested as the applicant cannot currently achieve two (2) compliant car parking bays within the front of the property, given the presence of vehicle gates and french doors to the hair salon, which open out onto the car bay area at the front of the converted carport.

COMPLIANCE:

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Car Parking	Two (2) On-site Car Parking Bays	One (1) on-site Car Parking Bay
Officer Comments:		
Supported. Given the nature of the home occupation and that a maximum of one (1) client at any time and a maximum of four (4) clients a day are approved to access the site.		
The above Officer Comments are provided pursuant to Clause 38(5) of Town Planning Scheme No. 1		

Consultation	
In Support	N/A
Objections	N/A
Neither support or object	N/A
Advertising	No further advertising was carried out for this application as the application was previously advertised within one year of the application being received, in accordance with the City's Policy 4.1.5 – relating to Community Consultation. It is noted no complaints have been received since the application was last advertised in June 2011.

Other Implications	
Legal/Policy	TPS No. 1 and associated Policies and Local Government (Miscellaneous Provisions) Act 1960.
Strategic	The City's <i>Strategic Plan 2011-2016</i> - Objective 1 states: <i>"Natural and Built Environment</i> 1.1 <i>Improve and maintain the natural and built environment and infrastructure</i> 1.1.2 <i>Enhance and maintain the character and heritage of the City."</i>
Sustainability	Nil
Financial/Budget	Nil

COMMENTS:

Whilst two (2) on-site car parking bays could be provided if the existing gates were significantly modified or removed to achieve the necessary width for two (2) cars, technically, the provision of two compliant car bays within the lot boundaries of the property cannot be achieved without these modifications. It is noted that the verge and driveway has been paved and can accommodate four (4) cars. It is therefore considered the presence of one (1) car bay within the property and space to accommodate four (4) additional car parking bays is adequate to fulfil the requirements of the owners and the users of the Home Occupation (Hairdresser).

In light of the above, the application for reconsideration is supported subject to the aforementioned conditions.

9.2.2 Dedication of Road Widening Scarborough Beach Road, Mount Hawthorn – Further Report

Ward:	North Ward	Date:	16 March 2012
Precinct:	Mount Hawthorn (1)	File Ref:	CMS0009
Attachments:	001 – Deposited Plan No. 73183		
Tabled Items:	Nil		
Reporting Officer:	A Munyard, Senior Technical Officer - Land & Development		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES** the dedication of the road widening for Scarborough Beach Road, Mount Hawthorn (near the Mount Hawthorn Pre-Primary Centre) created on the attached Deposited Plan No. 73183; and
2. **INDEMNIFIES** the Minister for Regional Development and Lands against any claim for compensation in respect of the dedication of the land.

COUNCIL DECISION ITEM 9.2.2

Moved Cr Pintabona, Seconded Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of the report is to obtain the Council's approval of the dedication of a road widening to Scarborough Beach Road, Mount Hawthorn, created in Deposited Plan No. 73183, upon which the City's pedestrian overpass is located.

BACKGROUND:

Ordinary Meeting of Council held on 24 May 2011:

The Council made the following decision at the above meeting (in part):.

“That the Council;

- (ii) *APPROVES the surrender of Swan Location 7681 on deposited plan 169433 (portion of 202) Scarborough beach Road at the Mount Hawthorn Pre-primary Centre so that it can be transferred to the Department of Education (as shown in Appendix 9.3.4 (a) and (b)), and the inclusion of portion of Swan Reserve 10948 into the adjacent road reservation, subject to;*
 - (a) *the portions of land in question being subdivided in accordance with the requirements of State Land Services;*
 - (b) *Department of Education and the Town agreeing to the subject land transfers; and*
 - (c) *all costs associated with the land transfer shall be paid by the Department of Education; and*
- (iii) *AUTHORISES the Chief Executive Officer to finalise the subject land transfer and subdivision to the satisfaction of the Town.”*

The survey required to create the road widening has now been completed to the satisfaction of the City's Officers, and the Deposited Plan prepared, for lodgement at Landgate. The full minutes of the Item 9.3.4 can be viewed at:

http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes/Minutes_2011.

DETAILS:

The Department of Regional Development and Lands, who are ultimately responsible for the management of Crown Land, (including Reserves, Road Reservations, and Crown Grants), have supported the proposal "in principal" for the creation of a road widening to Scarborough Beach Road, which will include all that land described indicated on attached Deposited Plan No. 73183, and being the site of the overpass, on the east side of Scarborough Beach Road, Mount Hawthorn.

The Department has now advised the City that the Deposited Plan is ready to be lodged, amalgamating land now owned by the Department of Education into a single lot (555), and creating the road widening of Scarborough Beach Road, which will be vested in the City, for care, control and management.

The dedication of the road widening is undertaken in accordance with the provisions of section 56 (2) of the Land Administration Act 1997. Part 2 (8) of the Land Administration Regulations 1998 stipulates the following:

"Preparation and delivery by local government of request to dedicate land as a road

8. *For the purposes of preparing and delivering under section 56 of the Act a request to the Minister to dedicate land as a road, a local government must include with the request –*
 - (a) *Written confirmation that local government has resolved to make the request, details of the date when the relevant resolution was passed and any other information relating to that resolution that the Minister may require;"*

It is also a requirement of the LAA, under section 56 (4), that the local government indemnify the Minister against any claims for compensation which may arise as a result of the request for dedication. The Department of Regional Development and Lands advise that the indemnity is a requirement; however this road widening has been created by negotiation with the Department of Education and the Department of Regional Development and Lands, and is not the subject of a compulsory acquisition. Therefore compliance with this requirement is a formality, only.

CONSULTATION/ADVERTISING:

Not applicable.

The Department of Regional Development and Lands will be advised of the Council's decision.

LEGAL/POLICY:

Compliance with Section 56 of the Land Administration Act 1997 and the Land Administration Regulations 1998.

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

Objective 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 practise to ensure the financial resources and assets of the City are responsibly managed and the quality of services, performance procedures and processes is improved and enhanced."*

SUSTAINABILITY IMPLICATIONS:

The land is to be maintained for its current usage.

FINANCIAL/BUDGET IMPLICATIONS:

No financial implications as the lot surrender of Crown land is at no cost to the City.

COMMENTS:

The lodgement of Deposited Plan No. 73183 and subsequent dedication of the road widening area are the last step in the rationalization of the ownership or vesting of Crown Land, land owned by the City and the Department of Education, so that the appropriate authority has control over the land on which it's facilities are constructed.

Approval of the Officer Recommendation is therefore requested.

9.2.3 Adoption of the City's Pump/Motor Maintenance and Bore Development Program

Ward:	Both	Date:	16 March 2012
Precinct:	All	File Ref:	RES0039
Attachments:	001 – Pump/Motor Maintenance and Bore Development Program		
Tabled Items:			
Reporting Officer:	J van den Bok; Manager Parks & Property Services		
Responsible Officer:	R Lotznicker; Director Technical Services		

OFFICER RECOMMENDATION:

That the Council **ADOPTS** the updated five (5) year Pump/Motor Maintenance and Bore Development Program, as shown in Appendix 9.2.3.

COUNCIL DECISION ITEM 9.2.3

Moved Cr Pintabona, Seconded Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (9-0)

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with the updated pump/motor maintenance and bore development program for adoption.

BACKGROUND:

Ordinary Meeting of Council held on 22 July 2008

A report was presented outlining a Parks five (5) year pump/motor maintenance and bore development program where the following decision was made (in part);

"That the Council;

- (ii) ADOPTS the revised five (5) year pump/motor and bore maintenance program as attached;*
- (iii) NOTES that funding for the 2008/09 pump/motor and bore maintenance program has been included as part of the annual operating budget for the parks identified within the program; and*
- (iv) LISTS the appropriate funding in future draft budgets to undertake the program as outlined."*

DETAILS:

Program

The program was last reviewed and updated in 2008 and an updated program is now required and has been prepared accordingly.

Previous cost estimates for both pump/motor servicing and bore development were in the majority of cases under budgeted, therefore the costs estimates shown have been increased to reflect CPI/material/labour increases and indicative costs for undertaking the works required.

Bore Development

Development of bores is required on a regular basis, usually every three (3) to four (4) years to remove scale, iron bacteria and build up of fine sand/silt around the stainless steel screens located at the bottom of the bore.

In commencing this operation, the existing bore headworks, pump/motor and associated column (delivery pipe) have to be removed.

The development process involves the addition of an approved chemical which assists in breaking up the above scale etc. and then surging the bore with water or air over a five (5) to ten (10) hour period to clean the screen and surrounding gravel packing. This process ensures that the bore yield is maintained to a level where the associated pump/motor and reticulation system runs efficiently and effectively.

The cost of the development can only be estimated as it depends on the size and depth of the bore and the surrounding strata.

The City currently has bores of various depths ranging from 13 metres to 47 metres (80mm to 225 mm in diameter).

Bores 80mm to 100mm in diameter are estimated at \$3,000 to develop with a cost escalation of an additional \$500 in year 2014 onwards. Bores 150mm to 250mm in diameter are estimated at \$5,500 to develop with a cost escalation of an additional \$500 in year 2014 onwards.

Pump/Motor Servicing

All irrigation pump/motors located within the City are now of the submersible type and all (with the exception of the SQ series) pumps are removed in conjunction with the above bore development process, inspected and maintenance works actioned where required.

When the pump motor assembly is removed from the bore a set service fee is charged (as per tendered rates) to disassemble inspect and report on the pump/motor condition and the works required.

The cost of any works will vary depending on the model, size of the pump/motor, wear and tear evident upon inspection. These costs are estimated at \$6,500 for the majority of pumping units with a cost escalation of \$500 after 2014.

Due to the relatively low cost of replacement models, it is recommended that the SQ series pump/motors run until their lifecycle expires, as the cost of removal, servicing and reinstallation every four (4) years is not cost effective.

Note: The SQ series 'Grundfos' pump is a small domestic type model pump. Construction is not the typical stainless steel of the commercial/industrial model pumps, therefore servicing in most cases is not cost effective given the 'new' pumping unit cost of around \$1,500. Therefore, these units are operated until their life cycle expires and then a complete new pumping unit installed.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Medium/High: Having a formalised maintenance and development program in place will ensure that these critical items of infrastructure are serviced and maintained in accordance with manufacturer's specifications and industry standards, therefore increasing their overall life cycle.

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:

Bore plant and equipment that is operating efficiently will result in use of less power and groundwater resources over the longer-term.

FINANCIAL/BUDGET IMPLICATIONS:

The pump/motor and bore maintenance program forms part of the annual operating costs for each respective park/reserve. The amount listed is allocated against each park/reserve for pump/motor maintenance and bore development every four (4) years as indicated in the attached program.

COMMENTS:

The City has a significant capital investment, with the installation and operation of sixty one (61) bores and associated pumping units located within its parks.

As indicated above regular servicing of pumps, motors and development of bores ensures that they are in good working order, they are working efficiently and the maximum lifecycle of each bore or pumping unit is more likely to be achieved.

9.2.5 Walters Brook Redevelopment – Progress Report No. 2

Ward:	South Ward	Date:	16 March 2012
Precinct:	Banks (15)	File Ref:	RES0008
Attachments:	001 – Walter Brook Conceptual Design Figure 3		
Tabled Items:			
Reporting Officers:	K Godfrey; Parks Services Technical Officer; J van den Bok; Manager Parks & Property Services		
Responsible Officer:	R Lotznicker; Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **NOTES** that a grant for \$45,000 through the 'State Natural Resource Management' (NRM) program has been received; and
2. **LISTS** for consideration in the 2012/2013 draft budget an amount of \$205,000 to undertake the Walters Brook works and an additional \$30,000 to engage suitable archaeological and ethnographical consultants to progress the necessary Section 18 *Aboriginal Act 1972* approval.

COUNCIL DECISION ITEM 9.2.5

Moved Cr Pintabona, Seconded Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (9-0)

PURPOSE OF REPORT:

The purpose of the report is to advise the Council of the results of the Community Consultation for the restoration of Walters Brook and seek approval for the allocation of funding in the draft 2012/2013 budget to progress with project.

BACKGROUND:

Ordinary Meeting of Council held on 11 October 2011:

The Walters Brook Proposed 'Draft' Concept Plan Progress Report No. 1 was presented where it was decided:

"That the Council;

1. *APPROVES IN PRINCIPLE the Walter's Brook 'Draft' Concept Plan as outlined on attached figures 2, 3, 4 and 5, and as tabled;*
2. *NOTES that the;*
 - 2.1 *preliminary estimated cost of the proposed Walters Brook Improvement as per the Walter's Brook 'Draft' Concept Plan in \$250,000; and*
 - 2.2 *2011/2012 budget includes an amount of \$15,000 for concept design only;*
3. *ADVERTISES the Walter's Brook 'Draft' Concept Plan' and seeks comments from residents, the Banks Precinct Group, Swan River Trust, the Water Corporation and indigenous community; and*
4. *RECEIVES a further report on the matter outlining the results of the community and stake holder consultation together with possible grant and funding options."*

DETAILS:

Community Consultation:

On 22 November 2011 436 letters and attached plans were distributed throughout the community. At the close of consultation on 30 January 2012 only five (5) responses were received as follows:

In Favour: 4
Against: 1

Related Comments *In Favour* of Proposal

- The Banks Precinct Action Group has verbally spoken to members and is generally in favour of the Plan. The report/plan captures the need to do something urgently but within the limits of it being the Mt Lawley Main Drain.
- The Plan should greatly improve the Banks Reserve, suggest keeping signage to a minimum and suggest landscaping of small beach area south of Walter's Brook. Also removal/replacement of fencing erected to protect the vegetation project is necessary.
- Design will enhance the amenity. Suggest stabilising the banks to provide a safer environment. The wildlife habitat should be a significant consideration (turtles and other wildlife). Straightening of the water course will affect the deposition pattern. I am strongly opposed to the removal of the fig tree adjacent to the existing bridge, even though it is not native it is still a significant tree in the area. I think the use of gabion walls is a good idea, but their use should be minimised. I am keen to be involved in the project.
- Claise Brook Catchment Group has thanked the City for involving them and looks forward to working in partnership to bring this project to fruition. It will improve and create a new habitat area by restoring the brook to a more natural environment. Would like to see the creation of a pond and a water path that meanders through the area. This could be planted up with sedges to improve water quality. It would be desirable to provide a location where the pond/stream can be assessed without the risk of destroying the banks. This could be in the form of a pedestrian boardwalk.

Related Comment *Against* the Proposal

- The European heritage and style should be maintained. We strongly oppose the removal of the Moreton Bay fig tree.

For the concept plan to be acceptable to us:

- Native vegetation planting should be limited to the river side of the main pathway.
- The bend in the brook should not be removed.
- The current slopes of the banks should remain substantially unchanged except for minor adjustment to tie in to a low wall of gabions.
- Changes should be made to the bridge foundation system to isolate foundations from damage by tree roots in the future.

Officer's Comments:

As mentioned 436 letters were distributed and only five (5) responses (a 1% response) were received. The points raised as part of the consultation process have been noted and will be incorporated into the plan issued for construction where practicable. The comments in relation to the Moreton bay fig tree are also noted and the tree will not be removed.

CONSULTATION/ADVERTISING:

Should this project proceed during the 2012/2013 financial year consultation with indigenous families will be undertaken as part of the Section 18 application.

Signage will also be installed at the site outlining the proposal and depicting what the area will look like following completion of the project.

The Banks Precinct Action Group, Claise Brook Catchment Group, Vincent Reconciliation Group and local community will be advised of the Council's decision.

LEGAL/POLICY:

In accordance with Section 18 of the Aboriginal Heritage Act 1972, consent to use an Aboriginal Registered Site is required from the Minister for Health; Indigenous Affairs. Failure to receive consent is likely to result in a breach of Section 17 of the Aboriginal Heritage Act 1972.

RISK MANAGEMENT IMPLICATIONS:

Medium: If action is not taken to repair Walter's Brook the erosion currently occurring will worsen destabilising the channel. This ultimately will affect users of the reserve and may in the event of a severe storm cause possible damage to the underground gas main, adjacent playground, the Banks Reserve Pavilion and the bridge over Walters Brook.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

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

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

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

The cost for the Restoration of Walters Brook has been estimated at \$250,000. The City has been successful in securing a grant of \$45,000 through the State NRM program.

An additional \$205,000, plus \$30,000 for indigenous consultation is required to enable this project to proceed and subject to budgetary and statutory approvals will be advertised for tender during the 2012/2013 financial year.

COMMENTS:

The Walters Brook Redevelopment project was first highlighted a number of years ago now and with the recent upgrades in Banks Reserve and adjacent to the river this project would further enhance an area used extensively by the community and visitors to the City. It is therefore recommended that the Council approves the project being prioritised and implemented at some stage and funding listed for consideration in the draft 2012/2013.

9.2.6 Tender No. 438/11 – Supply and Delivery of One (1) Road Sweeper

Ward:	Both	Date:	15 March 2012
Precinct:	All	File Ref:	TEN0446
Attachments:	-		
Tabled Items:	-		
Reporting Officers:	C Economo, Manager Engineering Operations; R Lotznicker; Director Technical Services		
Responsible Officer:	R Lotznicker; Director Technical Services		

OFFICER RECOMMENDATION:

That the Council **ACCEPTS** the tender submitted by MacDonal Johnston, Option 1, excluding trade-in of the City’s existing sweeper, as being the most acceptable to the City for the supply and delivery of one (1) road sweeper at a total cost of \$335,500 (Including GST), in accordance with the specifications as detailed in Tender No. 438/11.

COUNCIL DECISION ITEM 9.2.6

Moved Cr Pintabona, Seconded Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council’s approval for awarding of the tender for the supply and delivery of one (1) road sweeper.

BACKGROUND:

Tender No. 438/11 – “Supply and Delivery of One (1) Road Sweeper” was advertised in *The West Australian* newspaper on Saturday 23 November 2011.

At the close of the tender at 2.00pm on 14 December 2011, two (2) tenders were received.

Present at the tender opening were Purchasing/Contracts Officer, Mary Hopper and the Manager Engineering Operations, Con Economo.

DETAILS:

The details of all tenders received for Tender No. 438-11 are listed below:

Note: All prices *Include* GST.

	TENDERER	MacDonald Johnston VT 605 Sweeper	Rosmech Scarab Mistral
	Item	(Option 1) (Hino 500 FG 1628 Euro V Cab/Chassis)	(Option 2) (Hino 500 FG 1628 Euro V Cab/Chassis)
OPTION 1	Supply and delivery of new vehicle <u>including</u> trade-in	\$271,000	\$241,420.30
OPTION 2	Supply and delivery of new vehicle <u>excluding</u> trade-in	\$335,500	\$323,920.30

Tender Evaluation

Evaluation Criteria

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

Criteria	Weighting
Mandatory Product Features	25.00
Special Facilities	25.00
Price Tender	20.00
Life Cycle Costs	10.00
Operators Ergonomics	10.00
Warranty	5.00
Delivery	5.00
TOTAL	100.00

Tender Evaluation Panel

The Tender Evaluation Panel consisted of the Director Technical Services, Director Corporate Services, Manager Engineering Operations, Depot Purchasing Officer and Supervisor Waste Management and Precinct Cleaning. Each tender was assessed using the above evaluation criteria in accordance with the tender documentation.

The tenderers provided two (2) options, one with a trade-in price for the existing vehicle and the other without a trade-in price.

Further consideration was given in regards to the retention of the City's existing sweeper as a back up and it was decided unanimously that operationally and due to the high cost of hiring sweepers the City should retain the existing sweeper as a backup vehicle.

Also this would enhance the City's operational capability by being able to use one machine for cleaning drains whilst the other could still operated sweeping the City without hold up when required.

The Tender Evaluation Panel met on 15 March 2012 to assess the submissions. The tenders were further independently evaluated by each of the Panel members and the final evaluation scores submitted for collation.

Tender Summary

	Weighting	Rosmech	MacDonald Johnston
Mandatory Product Features	25.00	24.00	25
Special Facilities	25.00	21.00	25
Price Tender	20.00	20.00	19.30
Life Cycle Costs	10.00	9.70	10.00
Operators Ergonomics	10.00	10.00	10.00
Warranty	5.00	4.17	5.00
Delivery	5.00	5.00	3.10
TOTAL/SCORE	100.00	93.87	97.40
		2nd	1st

Tender Evaluation Panel comments are shown below:

1. MacDonald Johnston V T 605 Sweeper

Total Weighted Score	First: 97.40
Mandatory Product Features	
<ul style="list-style-type: none"> Product features essential to undertake required function. 	Has all mandatory product features requested and is the most suitable Sweeper for the City's Street Cleaning Operations.
<ul style="list-style-type: none"> Specification conformance 	Adheres to all required tender specifications
<ul style="list-style-type: none"> Response and Detail to Specification 	All detail specified as per tender
<ul style="list-style-type: none"> Noise levels to be stated 	75 dB(A) in cab
Special Facilities	
<ul style="list-style-type: none"> Ease of Vehicle servicing 	239 Collier Road, Bayswater
<ul style="list-style-type: none"> Availability of spare parts 	All parts stocked at premises
<ul style="list-style-type: none"> Number of technical support staff available 	Not stated- Manufacturing facilities at the above location and provides unsurpassed after sales support.
Price Tender	
<ul style="list-style-type: none"> The total cost shown on the Tender Schedule will be assessed with or without the trade-in included at the City's discretion 	\$335,500 GST inclusive/excluding trade-in
Life Cycle Costs	
<ul style="list-style-type: none"> Service/maintenance costs 	Calculated on the first 5 years of service or operation time of 2,000 hours per year. Costs include all aspects except fuel consumption. Both tenderers to supply same cab & chassis. Hourly operating cost of \$3.64 per hour. Repair facilities specified.
Operators Ergonomics	
<ul style="list-style-type: none"> Ease of operation/controls. 	Has excellent operation and ease of controls
<ul style="list-style-type: none"> Operator comfort 	Good operator comfort
Warranty	
<ul style="list-style-type: none"> Assessed on performance 	Good durability and performance assessed due to previous purchases by the City for over approximately 18 years use.
<ul style="list-style-type: none"> Warranty period offered 	Hino Cab/chassis 36 months/150km/24 months or 4800 hours for VT 605 sweeper exclusive consumables i.e. brushes etc
Delivery	
<ul style="list-style-type: none"> Tender to state time frame 	16-26 working weeks from Chassis Delivery

Comment:

The tender received was very well documented, comprehensive and conformed with all of the City's tender requirements. The City of Vincent has been undertaking Street Cleaning with MacDonald/Johnston Sweeper Bodies since the inception of the Council for over eighteen (18) years.

It is a proven product with a greater capacity in the top motor being an Iveco Euro 4 with 104 kw of power and a greater sweeping width of 3.6 metres.

2. Rosmech- Scarab Mistral

<u>Total weighted Score</u>	Second: 93.87
<u>Mandatory Product Features</u>	
<ul style="list-style-type: none"> Product features essential to undertake required function. 	Some items do not conform with the mandatory requirements
<ul style="list-style-type: none"> Specification conformance 	Conforms with most tender requirements
<ul style="list-style-type: none"> Response and Detail to Specification 	As above some items not included e.g. size of wander hose, fuel capacity on the auxiliary engine
<ul style="list-style-type: none"> Noise levels to be stated 	74 dB (A) at 7 metres
<u>Special Facilities</u>	
<ul style="list-style-type: none"> Ease of Vehicle servicing 	Not listed premises in West Australia
<ul style="list-style-type: none"> Availability of spare parts 	All parts stocked at premises in South Australia
<ul style="list-style-type: none"> Number of technical support staff available 	All support staff in South Australia except one technician in West Australia
<u>Price Tender</u>	
<ul style="list-style-type: none"> The total cost shown on the Tender Schedule will be assessed with or without the trade-in included at the City's discretion 	\$323,920.30
<u>Life Cycle Costs</u>	
<ul style="list-style-type: none"> Service/maintenance costs 	Calculated on the first 5 years of service or operation time of 2,000 hours per year. Costs include all aspects except fuel consumption. Both tender's to supply same cab & chassis. Hourly operating cost of \$3.76 per hour. This company did not itemize a workshop in West Australia for repairs.
<u>Operators Ergonomics</u>	
<ul style="list-style-type: none"> Ease of operation/controls. 	Good operation
<ul style="list-style-type: none"> Operator comfort 	Good operator comfort
<u>Warranty</u>	
<ul style="list-style-type: none"> Assessed on performance 	Not assessed due to no previous supply
<ul style="list-style-type: none"> Warranty period offered 	36 months- 150,000 km cab/chassis/12 months or 2,000 sweep hours for sweeper body.
<u>Delivery</u>	
<ul style="list-style-type: none"> Tender to state time frame 	12- 14 weeks

Comment:

The tender received was very well documented, comprehensive however the sweeper did not conform with a number of requirements of the specification and the City's requirements. In addition the company offers few support personnel in WA and as the City does not have in-house mechanics this is an important factor.

Comments/conclusion

As the MacDonald Johnston VT 605 Sweeper was assessed as being the most suitable for the City's requirements for street cleaning and gully educting operations.

CONSULTATION/ADVERTISING:

The tender was advertised in the West Australian newspaper on the 23 November 2011.

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

High: Street cleaning & gully educting is an essential service.

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."

SUSTAINABILITY IMPLICATIONS:

New vehicles comply with Euro 5 emission standards. These are the highest emission standards and ensure CO2 emissions are minimised.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$350,000 has been included in the City's 2011/2012 budget for this item.

Budget Amount:	\$ 350,000 (funded from the Major Plant Replacement Reserve)
Spent to Date:	\$ Nil
Balance:	\$ 350,000
Proposed Purchase Price:	\$ 305,000 (Excluding GST), total price including GST = \$335,500.

COMMENTS:

It is recommended that the tender submitted by MacDonald Johnston be accepted as being the most acceptable to the City for the supply and delivery of one (1) road sweeper, at a total cost of \$335,500 (Including GST) in accordance with the specifications as detailed in Tender No. 438/11.

9.3.1 Investment Report as at 29 February 2012

Ward:	Both	Date:	2 March 2012
Precinct:	All	File Ref:	FIN0033
Attachments:	001 – Investment Report		
Tabled Items:	Nil		
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 29 February 2012 as detailed in Appendix 9.3.1.

COUNCIL DECISION ITEM 9.3.1

Moved Cr Pintabona, Seconded Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of 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 1.2.4.

DETAILS:

Total Investments for the period ended 29 February 2012 were \$23,811,000 compared with \$25,011,000 at 31 January 2012. At 28 February 2011, \$18,335,510 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

Total accrued interest earned on Investments as at 29 February 2012:

	Annual Budget	Budget Year to Date	Actual Year to Date	%
Municipal	\$567,000	\$456,000	\$405,291	71.48
Reserve	\$433,000	\$281,000	\$427,324	98.69

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Funds are invested in accordance with the City's Investment Policy 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 decreased from previous period due payment to creditors.

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 – 29 February 2012

Ward:	Both	Date:	2 March 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 February – 29 February 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 Pintabona, Seconded Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

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 February – 29 February 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 Town'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	071643 - 071796	\$181,628.23
Transfer of Creditors by EFT Batch	1341, 1344, 1345, 1348-1350	\$2,616,459.40
Transfer of PAYG Tax by EFT	February 2012	\$224,574.69
Transfer of GST by EFT	February 2012	
Transfer of Child Support by EFT	February 2012	\$702.86
Transfer of Superannuation by EFT:		
• City of Perth	February 2012	\$42,965.76
• Local Government	February 2012	\$150,187.72
Total		\$3,216,518.66
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$6,930.34
Lease Fees		\$6,180.41
Corporate Master Cards		\$12,997.40
Loan Repayment		\$113,688.59
Total Bank Charges & Other Direct Debits		\$139,796.74
Less GST effect on Advance Account		0.00
Total Payments		\$3,356,315.40

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 Town 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.

9.3.3 Financial Statements as at 29 February 2012

Ward:	Both	Date:	14 March 2012
Precinct:	All	File Ref:	FIN0026
Attachments:	001 – Financial Reports		
Tabled Items:	002 – Significant Accounting Policies		
Reporting Officers:	B C Tan, Manager Financial Services; N Makwana, Accounting Officer		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council **RECEIVES** the Financial Statements for the month ended 29 February 2012 as shown in Appendix 9.3.3.

COUNCIL DECISION ITEM 9.3.3

Moved Cr Pintabona, Seconded Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to present the Financial Statements for the period ended 29 February 2012.

BACKGROUND:

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

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

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

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

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

DETAILS:

The following documents represent the Statement of Financial Activity for the period ending 29 February 2012:

Note	Description	Page
1.	Summary of Programmes/Activities	1-17
2.	Statement of Financial Activity by Programme Report	18
3.	Statement of Financial Activity by Nature or Type Report	19
4.	Statement of Financial Position	20
5.	Statement of Changes in Equity	21
6.	Notes to the Net Current Funding Position	22-23
7.	Capital Works Schedule	24-30
8.	Restricted Cash Reserves	31
9.	Sundry Debtors Report	32
10.	Rate Debtors Report	33
11.	Beatty Park Leisure Centre Report – Financial Position	34
12.	Variance Comment Report	35-39
13.	Monthly Financial Positions Graph	40-42

1. SIGNIFICANT ACCOUNTING POLICIES AND NOTES

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

Comments on the financial performance are set out below:

2. As per Appendix 9.3.3.**3. Statement of Financial Activity by Programme Report****Operating Revenue excluding Rates**

YTD Actual	\$11,041,550
YTD Revised Budget	\$11,235,165
YTD Variance	(\$193,615)
Full Year Budget	\$19,174,015

Summary Comments:

The total operating revenue is currently 98% of the year to date Budget estimate.

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

Governance – 20% under budget;
Law Order and Public Safety – 1% under budget;
Health – 3% under budget;
Education and Welfare – 4% under budget
Community Amenities – 2% over budget;
Recreation and Culture – 3% over budget;
Transport – 7% under budget;
Economic Services – 4% under budget; and
Other Property and Services – 5% over budget.

Note: Detailed variance comments are included on page 35 – 39 of Appendix 9.3.3.

Operating Expenditure

YTD Actual	\$27,472,560
YTD Revised Budget	\$26,705,821
YTD Variance	(\$766,739)
Full Year Budget	\$42,263,978

Summary Comments:

The total operating expenditure is currently 103% of the year to date Budget estimate

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

General Purpose Funding – 4% over budget;
Governance – 3% over budget;
Law Order and Public Safety – 6% under budget;
Health – 3% under budget;
Education and Welfare – 1% under budget;
Community Amenities – 2% over budget;
Recreation and Culture – 5% over budget;
Transport – 5% under budget;
Economic Services – 25% over budget;
Other Property & Services – 46% over budget; and
General Administration (Allocated) – 9289% over budget.

Note: Detailed variance comments are included on page 35 – 39 of Appendix 9.3.3.

Net Operating and Capital Excluding Rates

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

YTD Actual	\$15,049,424
YTD Revised Budget	\$23,558,846
Variance	(\$8,509,423)
Full Year Budget	\$23,333,918

Summary Comments:

The current favourable variance is due to timing of expenditure on capital expenditure.

Note: Detailed variance comments are included on page 35 – 39 of Appendix 9.3.3.

4. Statement of Financial Activity by Nature and Type Report

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

**5. Statement of Financial Position and
6. Statement of Changes in Equity**

The statement shows the current assets of \$27,748,838 and non-current assets of \$190,089,879 for total assets of \$217,838,717.

The current liabilities amount to \$10,012,895 and non-current liabilities of \$18,963,107 for the total liabilities of \$28,976,002.

The net asset of the City or Equity is \$188,862,715.

7. Net Current Funding Position

	Note	29 Feb 2012 YTD Actual \$
Current Assets		
Cash Unrestricted	1	6,691,127
Cash Restricted	2	16,071,259
Receivables – Rubbish and Waste	3	2,301,686
Receivables – Others	4	3,073,851
Inventories	5	175,945
		28,313,867
Less: Current Liabilities		
Trade and Other Payables	6	(4,614,481)
Provisions	7	(2,441,712)
Accrued Interest (included in Borrowings)	8	(134,004)
		(7,190,197)
Less: Restricted Cash Reserves		(16,071,259)
Net Current Funding Position		5,052,413

The net current asset position as at 29 February 2012 is \$21,123,672.

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

8. Capital Expenditure Summary

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

	Budget	Year to date Revised Budget	Actual to Date	%
Furniture & Equipment	\$183,000	\$162,440	\$67,680	42%
Plant & Equipment	\$1,126,500	\$722,100	\$215,533	30%
Land & Building	\$15,154,425	\$9,586,875	\$3,588,076	37%
Infrastructure	\$12,082,448	\$4,646,070	\$2,569,487	55%
Total	\$28,546,373	\$15,117,485	\$6,440,776	43%

Note: Detailed analyses are included on page 24-30 of Appendix 9.3.3.

9. Restricted Cash Reserves

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

The balance as at 29 February 2012 is \$16m. The balance as at 28 February 2011 was \$9.1m. The increase is due to \$8.06m loan received from WA Treasury for Beatty Park Redevelopment.

10. Sundry Debtors

Other Sundry Debtors are raised from time to time as services are provided or debts incurred. Late payment interest of 11% per annum may be charged on overdue accounts. Sundry Debtors of \$538,381 is outstanding at the end of February 2012.

Out of the total debt, \$271,497 (50.4%) relates to debts outstanding for over 60 days, which is related to Cash in Lieu Parking.

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

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

11. Rate Debtors

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

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

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

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

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

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

Rates outstanding as at 29 February 2012 including deferred rates was \$2,197,153 which represents 9.59% of the outstanding collectable income compared to 10.17% at the same time last year.

12. Beatty Park Leisure Centre – Financial Position Report

As at 29 February 2012 the operating deficit for the Centre was \$1,374,241 in comparison to the year to date budgeted deficit of \$1,201,055.

The cash position showed a current cash deficit of \$1,002,459 in comparison year to date budget estimate of a cash deficit of \$813,407. The cash position is calculated by adding back depreciation to the operating position.

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

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

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

13. Variance Comment Report

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

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2011-2016:

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

*4.1.2 Manage the organisation in a responsible, efficient and accountable manner;
(a) Continue to adopt best practice to ensure the financial resources and assets of the City are responsibly managed and the quality of services, performance procedures and processes is improved and enhanced."*

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENT:

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

9.3.4 No. 295 (Lot 6) Vincent Street, Leederville – Lease of Vacant City Land

Ward:	South Ward	Date:	9 March 2012
Precinct:	Oxford Centre (4)	File Ref:	PRO0631
Attachments:	001 – Site Map Confidential – Valuation Report		
Tabled Items:	Nil		
Reporting Officer:	M Rootsey, Director Corporate Services		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES IN PRINCIPLE** the request from Coronada Investments on behalf of Milto Pty Ltd to Lease the City owned vacant land located at 295 (Lot 6) Vincent Street, Leederville, as shown in Appendix 9.3.4 being granted as follows:

- 1.1 **Term:** eighteen (18) months;
- 1.2 **Rent:** \$30,000 per annum excluding GST indexed to CPI;
- 1.3 **Outgoings:** to be paid by the Lessee;
- 1.4 **Rates & Taxes:** to be paid by the Lessee;
- 1.5 **Permitted Use:** Temporary site office, storage of building materials and vehicle access to adjoining Lot; subject to:

(a) a lease to be prepared by the City’s solicitors and paid for by the Lessee; and

(b) final negotiations being carried out to the satisfaction of the Chief Executive Officer;

2. **AUTHORISES** the Chief Executive Officer to advertise the “disposal” of this property for lease on a statewide basis for a period of fourteen (14) days, seeking public submissions; and

3. **NOTES** that a further report will be submitted to the Council after the closing of the statutory consultation period.

COUNCIL DECISION ITEM 9.3.4

Moved Cr Pintabona, **Seconded** Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

To consider the request from Coronada Investments on behalf of Milto Pty Ltd to lease the City owned vacant land located at 295 (Lot 6) Vincent Street, Leederville for a period of no longer than eighteen (18) months.

BACKGROUND:

On the 7th December 2011 the City received a letter from Coronada Investments acting as the Project Manager for Milto Pty Ltd advising that their client had submitted a development application for a proposed mixed use development located at 297/297A Vincent Street, Leederville.

The Metro West Joint Development Assessment Panel at its meeting held on 22 February 2012 conditionally approved the demolition of existing single house and shop and construction of a five-storey mixed use development consisting of offices, four (4) multiple dwellings, three (3) single bedroom multiple dwellings and associated basement car park at No. 297 and No. 297A (Lots 5 and 10) Vincent Street, Leederville.

Coronada Investments are seeking approval from the Council to lease the vacant land for the duration of the construction period which is located at 295 (Lot 6) Vincent Street and is owned by the City of Vincent for a period that should be no longer than the eighteen (18) months.

Milto Pty Ltd have agreed to pay a commercial rate and reinstate the property appropriately at the end of the lease period.

DETAILS:

On the 22 February 2012 the proposed development application submitted by Milto Pty Ltd was approved by the Development Assessment Panel.

Coronada Investments who are the Project Manager for Milto Pty Ltd, are now seeking approval from the Council to lease the vacant land located at 295 (Lot 6) Vincent Street, Leederville which is owned by the City of Vincent.

The purpose of leasing the lot is to use it for site offices, temporary site access and material storage during the construction period as the constrained rear right of way presents logistical and safety issues.

The subject property 295 (Lot 6) Volume 553 Folio 36A Location Perth Shire at Vincent Street is 526m².

CONSULTATION/ADVERTISING:

State wide public notice of the proposed disposition will be advertised for fourteen (14) days in accordance with Section 3.58 (3) and (4) of the Local Government Act 1995.

VALUATION:

As required by the Local Government Act, the City obtained a valuation from a qualified valuer – Don Eftos from Eftos and Associates.

The details of the valuation are listed below:

Property:	295 Vincent Street, Leederville
Client:	City of Vincent
Purpose of Valuation:	To assess the current market ground rental value for the premises.
Description of the Property "As Is":	A vacant rectangular shaped site with commercial zoning fronting Vincent Street near the vicinity of Oxford Street.
Land Area:	527m ²
Certificate of Title:	Volume 553 Folio 36
Registered Proprietors:	City of Vincent
Encumbrances:	Nil
Town Planning:	"Residential R80" – City of Vincent current TPS.

Basis of Valuation:	Comparable rentals
Interest Valued:	Freehold
Valuation Approaches:	Direct comparison
Date of Valuation:	2 March 2012
Date of Inspection:	2 March 2012
Last Sale:	\$N/A
Current Market Value:	\$30,000 per annum net of outgoings and GST. This valuation is exclusive of GST.
Assumptions, Conditions and Limitations:	<ol style="list-style-type: none">1. Section 2.3 – the property is free of environmental hazards2. Section 2.4 – there are no heritage issues or pending Native Title claims affecting the property3. Section 3.3 – the property is free from mortgages, charges and other financial liens.

LEGAL/POLICY:

Section 3.58 of the Local Government Act 1995 – Disposing of Property

RISK MANAGEMENT IMPLICATIONS:

Low: The lease is for a short period and the lease document will ensure the City of Vincent's rights.

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:

The property will be reinstated to its original condition following the use of the vacant land.

FINANCIAL/BUDGET IMPLICATIONS:

The estimated income for the proposed lease will be included in the Draft Annual Budget 2012/1203.

COMMENTS:

The vacant land is owned by the City, however there are no plans for this vacant lot in the short term.

This vacant block may be considered for sale or development as part of the Leederville Masterplan.

The City will receive a commercial rent for this period with a guarantee that the land will be reinstated to its current position at the completion of the development.

It is therefore recommended that this proposal be accepted.

9.4.3 Community Sporting and Recreation Facility Fund (CSRFF) – Grant Applications

Ward:	North	Date:	16 March 2012
Precinct:	North Perth P8; Mt Hawthorn P1	File Ref:	FIN0074
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officers:	A Cole, Community Development Officer J Anthony, Manager Community Development		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES** the lodgement of the following applications to the Department of Sport and Recreation (DSR) to benefit from the Community Sport and Recreation Facility Fund (CSRFF);

Ranking	Facility	Project	Amount
1	North Perth Bowling & Recreation Club	Replace the greens lighting	\$83,282
2	Mt Hawthorn Cardinals Junior Football Club	Construct storage facility	\$42,000

2. **LISTS** for consideration an amount of \$41,760 in the Draft Budget 2012/2013, subject to funds being approved by DSR.

COUNCIL DECISION ITEM 9.4.3

Moved Cr Pintabona, **Seconded** Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

To obtain the Council's approval in principle to endorse the CSRFF Small Grants applications for the facilities as outlined within the City of Vincent.

BACKGROUND:

The purpose of the CSRFF Small Grants is to assist community groups and Local Government authorities to develop well-planned facilities for sport and recreation for communities. The types of projects that will be considered for funding under the Small Grants category will include projects that involve the basic level of planning. The total project cost for the Small Grants must not exceed \$150,000, with the CSRFF contributing up to 1/3 of the total project cost.

In July 2011, the CSRFF Small Grant applications were advertised and application forms were available from local authorities and the DSR website. CSRFF Small Grant round one applications were required to be lodged to the City by 5:00pm, Wednesday, 29 February 2012.

All CSRFF Small Grant applications are required to be lodged with DSR by 4:00pm, 6 April 2012.

DETAILS:

North Perth Bowling and Recreation Club

Proposed Project

To replace the greens lighting.

Total Costs

\$83,282.

Amount sought from City of Vincent

\$27,760 (inclusive of GST).

Amount sought from Department of Sport and Recreation (maximum \$150,000)

\$27,760 (inclusive of GST).

Background

The North Perth Bowling and Recreation Club (NPBRC) is situated off Fitzgerald Street in North Perth and is one of the few remaining bowling clubs within the area. The expectation of the club is that they will continue to expand in the next 5 to 10 years.

The project entails the supply and installation of floodlighting to two (2) bowling greens with a total of eight (8) new poles with suitable light fixtures, as well as the removal of fifteen (15) existing towers from site. The removal of the existing towers is essential for the club as they do not comply with relevant Australian Standards for Lawn Bowling Greens.

Recommendation

The Council to support the project in principle to replace the lighting on-site to comply with relevant Australian Standards for Lawn Bowling Greens and to allow for the hosting of evening and night time bowls with the provision of \$27,760 (inclusive of GST). This contribution will be subject to equivalent funding provided by DSR.

Mt Hawthorn Cardinals Junior Football Club

Proposed Project

Construction of a storage facility, adjacent to the existing clubroom at Menzies Park.

Total Costs

\$42,000.

Amount sought from City of Vincent

\$14,000 (inclusive of GST).

Amount sought from Department of Sport and Recreation (maximum \$150,000)

\$14,000 (inclusive of GST).

Background

The Mt Hawthorn Cardinals Junior Football Club (MHCJFC) has shown long term commitment to its infrastructure, club and membership development and this is reflected in its need for a specific storage facility. It is also currently unable to meet its requirement of the City to fully vacate the premises at the end of the Winter playing system.

The project involves the addition of a storage facility to the existing clubrooms building that will be fully accessible. This will allow for a safer and smoother game day operation, as well as a stronger foundation for the continued growth of the club.

MHCJFC has been significantly supported by the City and the CSRFF process in 2008 with the installation of two (2) training lights at a cost of \$25,000 to the City.

Recommendation

The Council to support the project in principle to ensure adequate storage facility for the MHCJFC with the provision of \$14,000 (inclusive of GST). This contribution will be subject to equivalent funding provided by DSR.

CONSULTATION/ADVERTISING:

Development at NPBRC will require community consultation prior to final planning approval.

No required consultation will be required for the project for the MHCJFC as there will be minimal to no impact upon residents during construction.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Low: The increase in support from Council is associated with low risk implications for the City.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

- 1.1 *Improve and maintain the natural and built environment and infrastructure*
 - 1.1.4 *Enhance and maintain the City's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment.*

Community Development and Wellbeing

- 3.1 *Enhance and promote Community Development and Wellbeing:*
 - 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 celebrate cultural and social diversity of the City, including the development of a program for the holding of an event in each of the City's main commercial centres and develop an Annual Program of events.*
 - (b) *Deliver a range of leisure programs to encourage structured and unstructured recreation in the community*
 - 3.1.6 *Build capacity within the community for individuals and groups to meet their needs and the needs of the broader community."*

SUSTAINABILITY IMPLICATIONS:

The CSRFF funding allows for the ongoing investment in the upgrading of the City's sport and recreation facilities to ensure their sustainability in providing quality recreational opportunities for residents.

Both the NPBRC and MHCJFC have demonstrated a long term commitment to upgrade and improve the facility. NPBRC are one of the few remaining clubs in the area and MHCJFC have been based at Menzies Park for over twenty (20) years. Both Clubs are expected to continue to expand over the next 5 to 10 years.

FINANCIAL/BUDGET IMPLICATIONS:

Recommended funding for the projects have been listed for consideration in the Draft 2012/2013 Budget. Council contribution to both NPBRC and MHCJFC is subject to initial DSR grant approval.

COMMENTS:

Supporting funding through the CSRFF process provides the opportunity to ensure that City sporting and recreation assets continue to meet and exceed the expectations of their patrons and are able to cater for the diverse needs of the community into the future.

9.4.4 Public Art for the City of Vincent – Five (5) Year Program – Progress Report No. 1

Ward:	Both	Date:	16 March 2012
Precinct:	-	File Ref:	CMS0132
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officers:	R Gunning, Arts Officer; J Anthony, Manager Community Development		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** the Progress Report No. 1 relating to significant public art for the City of Vincent – five (5) year Program; and
2. **REFERS** this matter to the City’s Arts Advisory Group for their consideration.

COUNCIL DECISION ITEM 9.4.4

Moved Cr Pintabona, Seconded Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

To present a progress report into the investigation of the implementation of a five (5) year program of investment in significant public art by the City of Vincent in each of the five (5) Town Centres.

BACKGROUND:

At the Ordinary Meeting of Council held on 20 December 2011, a Notice of Motion was adopted regarding the investigation into the implementation of a five (5) year program of investment in significant public art by the City of Vincent in each of the five (5) Town Centres, as follows:

“That the Council:

1. *REQUESTS the Chief Executive Officer to investigate the implementation of a five (5) year program of investment in significant public art by the City of Vincent in each of the five (5) town centres. The investigation should include, but not be limited to:*
 - 1.1 *allocation of \$100,000 to one town (Activity) centre per annum for 5 years (total project = \$500,000);*
 - 1.2 *prioritisation of town centres as per the proposed schedule as follows:*

<i>Year</i>	<i>Centre</i>
<i>Year 1</i>	<i>Leederville</i>
<i>Year 2</i>	<i>North Perth</i>
<i>Year 3</i>	<i>Perth</i>
<i>Year 4</i>	<i>Mt Hawthorn</i>
<i>Year 5</i>	<i>Mt Lawley/Highgate</i>

- 1.3 *limiting the number of pieces of art per town centre to ensure significant pieces of art are installed;*
 - 1.4 *referral to the City's Arts Advisory Group for comment;*
 - 1.5 *financial implications and possible funding sources; and*
 - 1.6 *a report to be submitted to the Council no later than March 2012; and*
2. *Subject to Motion 10.1 being carried, APPROVES BY AN ABSOLUTE MAJORITY to reallocate the \$95,000 to fund the Year 1 artwork, for the Leederville Town Centre."*

DETAILS:

Initial investigations have been made regarding the following:

1.1 The allocation of \$ 100,000 to one Town (Activity) Centre per annum

This is considered an appropriate amount for one or several artworks. A lesser Budget allocation is likely to result in artworks that would not have the desired impact. A Project Brief will be developed for consideration by the Arts Advisory Group.

1.2 Prioritisation of Town Centres

The locations have been reviewed and are seen as the most suitable for significant artworks. The order of the implementation likewise is considered appropriate. The Officers conferred with Technical Services and sited several specific areas suitable for public art in the Leederville Town Centre. These will be referred to the Arts Advisory Group for consideration in the meeting proposed for 16 April 2012.

1.3 Limiting the number of pieces of art per Town Centre

The concept of limiting the number of artworks per Town Centre is considered appropriate to ensure significant pieces of art are installed that are of a high quality.

1.4 Referral to the City's Arts Advisory Group

The Council resolution will be presented at the next Art Advisory Group meeting for further consideration and recommendations.

1.5 Financial implications and possible funding sources

The artworks are to be developed by the City of Vincent on City land; independent of commercial developments, and therefore, the opportunities for accessing money from Percent for Art Schemes is limited. There is the possibility that new commercial developments in the vicinity of the Town Centres may select the cash-in-lieu option, where the developers choose the City to manage the project and place the artwork on City land. In such cases, the cash-in-lieu contribution may be put toward the Town Centre public art. Although some funding may come from the Percent for Art scheme via cash-in-lieu, it is likely to make only a minor contribution to the overall budgets. It is therefore recommended, that for certainly of the full realisation and coordination of the project over the five year period, the City should fully fund the project.

CONSULTATION/ADVERTISING:

The artwork would undergo public consultation for a period of twenty one (21) days.

LEGAL/POLICY:

Nil.

RISK MANAGEMENT IMPLICATIONS:

Low: The contracted artists would be responsible for undertaking risk management regarding installation of all art work.

STRATEGIC IMPLICATIONS:

In keeping with the *Strategic Plan 2011-2016*, the following Objectives state:

- “1.1 *Improve and Maintain the Natural and Built Environment and Infrastructure:*
 - 1.1.6 *Enhance and maintain the City’s parks, landscaping and the natural environment; and*
- 3.1 *Enhance and Promote Community Development and Wellbeing:*
 - 3.1.1 *Celebrate, acknowledge and promote the City’s Cultural and Social diversity.”*

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

\$100,000 has been listed for the Leederville Town Centre project in the Draft 2012/2013 Budget.

COMMENTS:

The City has an enviable reputation for implementation of public art, primarily, due to the introduction of Percent for Art Scheme in 1998. Although it is a requirement for the Percent for Art artworks to be able to be viewed by the general public, the works are mainly coordinated by private developers and usually located on their buildings or property. The five year plan of public art presents the opportunity for the City to develop significant public artwork on City of Vincent public spaces independent of commercial developments. The artworks have the potential to act as landmarks and/or a focus for their particular town centre settings.

A further report will be presented to the Council once the Arts Advisory Group have had the opportunity to meet and develop further recommendations.

9.5.2 Information Bulletin

Ward:	-	Date:	16 March 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 27 March 2012, as distributed with the Agenda.

COUNCIL DECISION ITEM 9.5.2

Moved Cr Pintabona, Seconded Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

DETAILS:

The items included in the Information Bulletin dated 27 March 2012 are as follows:

ITEM	DESCRIPTION
IB01	Western Australian Waste Strategy “ <i>Creating the Right Environment</i> ”
IB02	Email and thank you from Ethnic Communities Council of Western Australia (ECCWA) on behalf of the Women’s Sub Committee Chair acknowledging the City’s valuable contribution towards International Women’s Day and event held at the North Perth Town Hall (Photos included)
IB03	Email of Appreciation from the Department of Local Government regarding Clean up along Oxford Street
IB04	Summary Minutes of the State Council Meeting held on 7 March 2012

9.1.2 No. 311 (Lot 3; D/P: 944) Lord Street, Corner of Court Street, Highgate – Proposed Change of Use from Single House to Lodging House (Night Shelter)

Ward:	South	Date:	13 March 2012
Precinct:	Forrest; P14	File Ref:	PRO5645; 5.2012.17.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Applicants write up entailing the nature of the proposal and response to comments		
Tabled Items:	Nil		
Reporting Officer:	S De Piazzzi, Planning Officer (Statutory)		
Responsible Officer:	H Smith, Manager Planning and Building Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1, APPROVES the application submitted by The Roman Catholic Archbishop of Perth on behalf of the owner, S D & W F Wells for Proposed Change of Use from Single House to Lodging House (Night Shelter) at No. 311 (Lot 3; D/P: 944) Lord Street, Corner of Court Street, Highgate, as shown on plans dated 19 January 2012, subject to the following conditions:

1. **Lodging House**
 - 1.1 there are to be no more than six lodgers staying at the premises overnight;
 - 1.2 the lodging house shall operate between the hours of 7:00pm to 7:30am only; and
 - 1.3 there are to be a minimum of two on-site supervisors with lodgers at the premises at all times; and
2. the approval being granted for a period of twenty-four (24) months.

Cr Buckels returned to the Chamber at 6.55pm.

Moved Cr Pintabona, Seconded Cr Harley

That the recommendation be adopted.

Debate ensued.

AMENDMENT No 1

Moved Cr Maier, Seconded Cr Topelberg

That a new clause 3 be inserted as follows:

“3. PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the following shall be completed to the satisfaction of the City:

3.1 Management Plan

A Management Plan detailing the operation of the lodging house shall be submitted to and approved by the City, addressing the following issues:

- control of noise;
- complaints;
- security;
- maintenance/cleaning/refuse;
- parking; and
- any other relevant issues identified by the Chief Executive Officer which may impact on the amenity of residents in the area.”

Debate ensued.

AMENDMENT NO 1 PUT AND CARRIED UNANIMOUSLY (9-0)

Debate ensued.

AMENDMENT NO 2

Moved Cr Maier, Seconded Cr Topelberg

That clause 2 be amended to read as follows:

“2. the approval being granted for a period of ~~twenty-four (24)~~ twelve (12) months.”

Debate ensued.

The Mover, Cr Maier advised that he wished to withdraw his amendment.

The Seconder, Cr Topelberg agreed.

AMENDMENT NO 3

Moved Cr Topelberg, Seconded Cr Maier

That clause 2 be amended to read as follows:

“2. the approval being granted for a period of twenty-four (24) months subject to continued compliance with the approved Management Plan as per clause 3.”

AMENDMENT NO 3 PUT AND CARRIED UNANIMOUSLY (9-0)

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

COUNCIL DECISION ITEM 9.1.2

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1, APPROVES the application submitted by The Roman Catholic Archbishop of Perth on behalf of the owner, S D & W F Wells for Proposed Change of Use from Single House to Lodging House (Night Shelter) at No. 311 (Lot 3; D/P: 944) Lord Street, Corner of Court Street, Highgate, as shown on plans dated 19 January 2012, subject to the following conditions:

1. **Lodging House**
 - 1.1 there are to be no more than six lodgers staying at the premises overnight;
 - 1.2 the lodging house shall operate between the hours of 7:00pm to 7:30am only; and
 - 1.3 there are to be a minimum of two on-site supervisors with lodgers at the premises at all times;
2. the approval being granted for a period of twenty-four (24) months subject to continued compliance with the approved Management Plan as per clause 3; and

3. PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the following shall be completed to the satisfaction of the City:

3.1 Management Plan

A Management Plan detailing the operation of the lodging house shall be submitted to and approved by the City, addressing the following issues:

- control of noise;
- complaints;
- security;
- maintenance/cleaning/refuse;
- parking; and
- any other relevant issues identified by the Chief Executive Officer which may impact on the amenity of residents in the area.

Landowner:	S D & W F Wells
Applicant:	The Roman Catholic Archbishop of Perth
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R 80
Existing Land Use:	Single House
Use Class:	Lodging House
Use Classification:	"SA"
Lot Area:	362 square metres
Right of Way:	N/A

PURPOSE OF REPORT:

This proposal requires referral to the Council for determination given eight (8) objections were received during the "SA" special advertising period.

BACKGROUND:

Not applicable.

DETAILS:

The application is for a change of use from a Single House to a Lodging House (Night Shelter). In particular this Lodging House will be used for providing emergency overnight accommodation for people/families in need. The house will not be made open to the public or available as a resource to other agencies and admittance to the house will be subsequent to an interview process. The accommodation will be on a strictly limited basis while the Daydawn staff will search for more suitable temporary or permanent accommodation for the lodgers. The Lodging House will operate between the hours of 7:00pm and 7:30am, and there will be a minimum of two supervisors on-site with the lodgers at all times, and a maximum of six lodgers total staying overnight at any time.

COMPLIANCE:

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Use Class:	Permitted Use	"SA" Use
Officer Comments:		
Supported – The proposed use will provide a valuable service to the community, helping people in vulnerable circumstances with emergency overnight accommodation. A number of precautions are proposed to minimise the impact on neighbouring residents including ensuring that supervision is provided on site at all times with guests, that no alcohol or drugs are permitted to be taken on site, and that guests are taken to a support centre in the morning not using the house throughout the day.		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
External Communal Space:	No more than 33.3 percent of external communal space is to be under permanent cover	53.6 percent permanently covered
Officer Comments:		
Supported – No changes are proposed to the existing single house. It is noted that with the proposed times of use, 7.00pm to 7.30am, that the requirement for external communal space with access to direct sunlight would not be readily applicable to the lodgers as they will not be using the house during the day.		

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

Consultation	
In Support:	Nil (0)
Comments Received	Officer Comments
Nil	Nil
Objections: (8)	
Comments Received	Officer Comments
<ul style="list-style-type: none"> Already a high amount of antisocial behaviour in the Highgate area, another lodging house would further this problem. 	<ul style="list-style-type: none"> Not Supported. Guests will not be permitted to bring or use any alcohol or drugs on site, and there will be a minimum of two supervisors at all times when accommodation is being provided.
<ul style="list-style-type: none"> While accommodation is only provided overnight, what is to stop people gathering outside or nearby during the day hoping for a bed next evening? Some of the local parks in the area have become home to disadvantaged people during the day, which can deem the parks unusable and make local residents feel unsafe. 	<ul style="list-style-type: none"> Noted. All guests would be taken to the Tranby Support Centre for breakfast at 7.30am in the morning, so guests will not be left on site during the day. The house will not be made open to the public or available as a resource to other agencies and admittance to the house will be subsequent to an interview process.
<ul style="list-style-type: none"> The streetscape of Court Street is one of its best features; however it is such that access to front yards is open (unrestricted by fences). Therefore our ability to restrict access to our property is nil. 	<ul style="list-style-type: none"> Noted. Front fences are allowed within the Court Street front setback area, provided that they comply with section SADC 13 of the Residential Design Codes 3.2.1.
<ul style="list-style-type: none"> It is inappropriate to provide this use in such an area where a number of young families live. 	<ul style="list-style-type: none"> Not Supported. As there will be supervisors present at all times with lodgers, and no drugs or alcohol will be permitted to be consumed, it is unlikely that the lodgers will present any threat to the neighbouring residents in the area.
<ul style="list-style-type: none"> Disappointed with the lack of consultation given the significant change to the premises and potential impact on the neighbourhood. 	<ul style="list-style-type: none"> Noted. The consultation was carried out in accordance with the City's Policy No. 4.1.5 relating to Community Consultation.
<ul style="list-style-type: none"> Concern about the security of nearby properties. The frequent turnover of lodgers at this property means it will be difficult to build a friendly relationship with the people residing there. 	<ul style="list-style-type: none"> Not Supported. Lodgers will be supervised while staying at the house.
<ul style="list-style-type: none"> A number of brothels exist in the area, attracting a number of undesirable people, if this proposal is approved it will further the problem. 	<ul style="list-style-type: none"> Not Supported. The proposal is a use listed in the Town Planning Scheme No. 1.

Consultation	
<ul style="list-style-type: none"> A high number of welfare housing exists in the area already. A 148 bed men's shelter is being constructed on Lime Street at St Bartholomew's House, it is not necessary to provide another shelter in such close vicinity. 	<ul style="list-style-type: none"> Noted. It is not considered that this proposal will create an excess of emergency accommodation in the area. Emergency housing for a mother and/or father with children is limited, particularly if the children are over a certain age or there is no history of domestic violence with the family. This accommodation will be able to cater to this group.
General Comments: (2)	
Comments Received	Officer Comments
<ul style="list-style-type: none"> It is stated that accommodation will be kept confidential, however to comply with Health Act a register must be kept and be available for inspection to public authorities. 	<ul style="list-style-type: none"> Noted. As a requirement of the Health Act a register will be kept and available for inspection by authorities; this information is not available to the public.
<ul style="list-style-type: none"> Lodging House is not the correct description for this development, as majority of the time it will not be occupied by more than six people. It should be renamed to 'Unlisted Use' (Emergency Overnight Accommodation), with the use conditioned to the standards and operation that the applicant has set out in their application letter. 	<ul style="list-style-type: none"> Not Supported. As the number of people residing at the address may at times exceed six, as there could be up to six lodgers and two supervisors, it is a requirement that the development come under the classification of Lodging House. For the proposal to be classed under short term accommodation, the maximum number of people permitted to stay at the property would have to be reduced to six.
<ul style="list-style-type: none"> Parking provided is not adequate, as there is not enough on street parking to cope with the existing demand. 	<ul style="list-style-type: none"> Not Supported. The applicant is proposing a minor variation to the City's requirement. Further, the applicant has stated the people who will be requiring emergency accommodation are unlikely to have a car. The property is also within 400 metres of both bus and train services making it a highly accessible location.
<ul style="list-style-type: none"> It is unreasonable to condition a lodging house with it being occupied between 7.00pm to 7:30am, or limit the number of supervisors/people permitted to stay overnight. However it is vital to minimise the impact on surrounding residents, correctly naming and conditioning the application would resolve any future parking issues if the property is on sold with consent to operate as a lodging house. 	<ul style="list-style-type: none"> Not Supported. The development is deemed a lodging house as the proposed maximum people staying exceeds six, as defined in the Health Act 1911. The lodging house may be conditioned to ensure that the use is operated in accordance within its approval to ensure any impact on neighbouring properties is minimised.
<ul style="list-style-type: none"> Required more details, were unable to obtain all the details needed. 	<ul style="list-style-type: none"> Noted. The Officer's contact details were made available as part of the advertising process; no requests for additional information were received. Further the applicant also welcomes any questions relating to the emergency accommodation.
Advertising	The advertising was carried out over 21 days as per the City's Policy No. 4.1.5 relating to Community Consultation.

Other Implications	
Legal/Policy	Town Planning Scheme No. 1 Policy No. 3.5.17 - Communal Space for Lodging Houses, Hostels and Serviced Apartments
Strategic	Nil.
Sustainability	Nil.
Financial/Budget	Nil.

Car Parking

The car parking required is calculated as per the Parking and Access Policy 3.7.1:

Car Parking	
Car parking requirement (nearest whole number) • Residential Dwelling – 1 space per bedroom or 3 beds provided, whichever is greater 3 bedrooms provided, maximum 9 people sleeping any one night (requires 3 car bays) Total car bays required = 3.0 car bays	3.0 car bays
Adjustment Factors • 0.80 (within 400 metres of a rail station) • 0.85 (within 400 metres of a bus stop) Total adjustment factor = 0.68	2.04 car bays
Minus the car parking on site	2 car bays
Minus the previously approved on-site car parking shortfall Nil	Nil
Resultant Shortfall	0.04 car bays (less than .05 does not require cash in lieu.)

Bicycle Parking		
Bicycle Parking	Bicycle parking requirement (nearest whole number) • Residential Building – 1 bay per 4 lodging rooms 2 lodging rooms provided (0.5 bicycle bays required)	One Class 1 or 2 bay required

COMMENTS:

The proposal, while technically a lodging house, can be considered quite different from what is generally thought of when the term lodging house is used. As described by the applicant it is overnight emergency accommodation which is being provided, and this will be provided to a maximum of six lodgers at any one time under the supervision of no less than two supervisors. Nevertheless lodging houses are a use which can be considered by council within residential zones. Health Services have also advised that the house has the requirements to accommodate eight people provided that a bunk bed is provided in one of the bedrooms.

The Lodging House (Night Shelter) will help to alleviate a shortfall in this type of accommodation in the urban areas of Perth. Further the proposal seeks to offer services and networking to those people accessing the house with a view to finding further help through non government organisations.

While there is concern that the use may impact the amenity of the neighbourhood, it is considered the use is proposed to be operated within strict guidelines as conditioned and is assessed to not cause a negative impact.

In light of the above, as the only variation proposed which may further impact the local area being the car parking shortfall, which was only 0.04 of a car bay, it is not considered that this proposal will create any significant impact on the local area. To ensure that procedures of the proposal are maintained, conditions have been recommended to ensure no unreasonable impact on the adjoining and surrounding properties and approval only for a period of twenty-four (24) months.

9.1.6 No. 102 (Lot 106; D/P: 29881) Angove Street, North Perth – Proposed Demolition of Existing Single House and Construction of a Two Storey Building comprising of One (1) Single Bedroom Multiple Dwelling, Six (6) Multiple Dwellings and Associated Car Parking

Ward:	North	Date:	12 March 2012
Precinct:	Smith Lake; P6	File Ref:	PRO5544; 5.2011.427.2
Attachments:	001 – Property Information Report and Development Application Plans 002 – Neighbourhood Context Report and Applicant submission		
Tabled Items:	Nil		
Reporting Officers:	R Narroo, Senior Planning Officer (Statutory) D Mrdja, Senior Strategic and Heritage Officer		
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, APPROVES the application submitted by A Sice on behalf of the owner, P and M Della Maddalena, for Demolition of Existing Single House and Construction of a Two-Storey Building Comprising of One (1) Single Bedroom Multiple Dwelling, Six (6) Multiple Dwellings and Associated Car Parking at No. 102 (Lot 106; D/P: 29881) Angove Street, North Perth, as shown on amended plans dated 6 March 2012, subject to the following conditions:

1. Building

- 1.1 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 Angove Street;
- 1.2 First obtaining the consent of the adjoining owners for entry of their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 104 Angove Street, North Perth, in a good and clean condition. The finish of the wall is to be fully rendered or face brickwork; and
- 1.3 The screening to all the balconies shall comply with definition of the Residential Design Codes 2010 and all obscured windows as shown on the plans shall be fixed;

2. Car Parking and Accessways

- 2.1 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; and
- 2.2 The car parking area shown for the visitors bays shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;

3. Street verge tree

No street verge tree shall be removed. All street verge trees are to be retained and protected from any damage including unauthorised pruning;

4. **Heritage**

A Demolition Licence shall be obtained from the City prior to commencement of any demolition works on the site;

5. **PRIOR TO THE ISSUE OF A BUILDING LICENCE, 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 verge shall be submitted to the City's Parks and Property Services for assessment and approval.

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

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; and

5.3.5 separate soft and hard landscaping plans (indicating details of plant species and materials to be used).

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

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

5.4 Schedule of External Finishes

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

5.5 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;

5.6 Refuse and Recycling Management Plan

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

5.7 Fencing

Any new street/front wall, fence and gate within the Angove Street setback area, 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

5.8 Road bond

A Road, Verge security bond of \$1750 payable by the builder shall be lodged with the City and be held until all building/development works have been completed and/or any disturbance of, or damage to, the City's infrastructure, including street verge trees, has been repaired/reinstated to the satisfaction of the City's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing. This bond is non-transferable;

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

A minimum of six (6) car bays and two (2) car bays shall be provided for the residents and visitors respectively. The nine 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

Two (2) bicycle bays for the residents and visitors of the development shall be provided at a location convenient to the entrance, publicly accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3; and

6.3 Clothes Drying Facility

Each multiple dwelling shall be provided with a screened outdoor area for clothes drying.

COUNCIL DECISION ITEM 9.1.6

Moved Cr Buckels, Seconded Cr McGrath

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

Moved Cr McGrath, Seconded Cr Pintabona

That the item be DEFERRED to request the Applicant to re-examine the plans to ensure it be able to demonstrate that there is sufficient ventilation and solar access to adjacent buildings as per the relevant performance criteria.

PROCEDURAL MOTION PUT AND CARRIED (6-3)

For: Mayor Hon. MacTiernan, Cr Carey, Cr Harley, Cr McGrath, Cr Pintabona,
Cr Wilcox

Against: Cr Buckels, Cr Maier, Cr Topelberg

Landowner:	P and M Della Maddalena
Applicant:	Aaron Sice
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R30
Existing Land Use:	Single House
Use Class:	Multiple Dwellings
Use Classification:	"P"
Lot Area:	997 square metres
Right of Way:	Not applicable

PURPOSE OF REPORT:

This proposal requires referral to the Council for determination given the scope and category of development.

BACKGROUND:

Nil.

DETAILS:

The application is for the demolition of an existing single house and the proposed construction of a two-storey building consisting of one (1) single multiple dwelling, six (6) multiple dwellings and nine car bays.

The applicant originally submitted an application for demolition of an existing single house and the proposed construction of a two-storey building consisting of eight (8) multiple dwellings. Following concerns raised with the applicant with regard to plot ratio and open space, the plans were amended from eight (8) multiple dwellings to seven (7) multiple dwellings.

The applicant's submission is attached.

COMPLIANCE:

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Plot Ratio:	0.5 = 498.5 square metres.	0.53 = 528.41 square metres.
Officer Comments:		
Supported. Refer to "Comments" below. The proposed units comply with the required plot ratio; however, with the inclusion of the areas of the stores, the plot ratio is increased by 0.03 which is minimal.		
Street Setback:	Residential Design Elements Policy - Acceptable Development Requirements Ground Floor = 9.4 metres <u>First Floor</u> Balcony = 10.4 metres Wall = 11.4 metres	5.2 metres to 8.5 metres Balcony = 8.5 metres Wall = 11.1 metres
Officer Comments:		
Supported. The development meets the performance criteria as only a small part of the wall, of a maximum height of 1.8 metres which will accommodate meter boxes, will be setback 5.2 metres from the street. In this instance the wall may be considered as a fence within the front setback complying with the required height of 1.8 metres. The ground and first floors walls are setback to a minimum of 8.5 metres and 11.1 metres and the balcony to 8.5 metres from the street. The existing buildings on the western and eastern sides of No. 102 Angove Street have street setbacks of 5 metres and 10.5 metres respectively. Therefore, it is considered that the development will maintain the streetscape character, ensure the amenity of neighbouring properties is maintained and allows for the provision of landscaping within the front setback area. In addition, the upper floor proposal incorporates articulation (walls, balconies, finishes) to the street and the design is contemporary. In this instance, it is considered there will be no undue impact on the streetscape.		
Building Setbacks:	Residential Design Elements Policy - Acceptable Development Requirements <u>Ground Floor</u> Western boundary = 1.5 metres. Eastern boundary = 1.5 metres <u>First Floor</u> Western boundary = 3.2 metres Eastern boundary = 3 metres	Nil to 1.5 metres. 1.2 metres to 3.6 metres 1.2 metres to 3.9 metres 1.2 metres to 5.7 metres
Officer Comments:		
Supported. The development meets the performance criteria as the walls are staggered and the proposal complies with the R-Codes overshadowing requirement. In addition, there is no privacy issue as all balconies and windows are screened and obscured. The existing buildings on the two adjoining properties are setback 1.2 metres from the boundary, the first floor of the proposal is setback 1.2 metres from the adjoining side boundaries, in this instance there will be enough space to allow for ventilation and sunlight. Therefore it is considered there will be no unreasonable impact on the adjoining properties in terms of sunlight and ventilation.		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Roof Forms	Residential Design Elements Policy – Acceptable Development Requirements Pitch roof between 30 degrees and 45 degrees is encouraged	Pitched roof 3 degrees
Officer Comments:		
Supported. The roof will be concealed by the wall and overall is considered a concealed roof. It will not cause undue overshadowing of adjacent properties and open space. Therefore there will be no significant impact on the adjoining properties or the streetscape.		

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

Consultation	
In Support:	Nil (0)
Comments Received	Officer Comments
Nil	Noted.
Objections: (11)	
Comments Received	Officer Comments
<ul style="list-style-type: none"> The proposed development is bulky which will impact on the adjoining properties and on the streetscape. 	<ul style="list-style-type: none"> Not supported. Refer to “Comments” below and Compliance Table.
<ul style="list-style-type: none"> There is no precedent for this density of housing in this area. 	<ul style="list-style-type: none"> Not supported. Multiple dwellings are permitted in this area subject to Council being satisfied that there would be no impact on the adjoining properties and the building has been assessed to have no significant impact on the neighbouring properties.
<ul style="list-style-type: none"> The calculation of the overall plot is a clear manipulation of the intent of this provision and based on the bulk and area of the development a figure of 0.7 would be more appropriate. An overhead view of the roof clearly shows the building occupies at least 80 percent of the block. 	<ul style="list-style-type: none"> Not supported. The plot ratio is calculated as per the definition of the Residential Design Codes (2010). Furthermore the number of units has been reduced from eight (8) to seven (7) multiple dwellings.
<ul style="list-style-type: none"> The proposed street setbacks don't allow for appropriate frontage landscaping and will detract street aesthetics for surrounding residents. 	<ul style="list-style-type: none"> Not supported. The main building is setback 8.5 metres allowing for landscaped areas; the applicant will be required to landscape the area surrounding the visitors parking and this is conditioned.
<ul style="list-style-type: none"> The setback of the first floor exceeds the requirement resulting into a bulky wall and overshadowing of the kitchen window at No. 100 Angove Street. 	<ul style="list-style-type: none"> Not supported. The assessment in the compliance table for building setbacks demonstrates that there will be no impact on the adjoining side properties. The proposed eastern first floor wall is setback 1.2 metres from the boundary of No. 100 Angove Street, there is no overlooking as the balconies and rooms are screened and obscured. In addition the overshadowing complies with the requirement of the R-Codes.
<ul style="list-style-type: none"> Object to overlooking of adjoining properties from the proposed development. 	<ul style="list-style-type: none"> Supported and conditioned. The applicant has submitted amended plans demonstrating screening of all balconies and bedrooms; therefore no privacy issue.

Consultation	
<ul style="list-style-type: none"> If this proposal is approved the heritage character of the area will be destroyed. 	<ul style="list-style-type: none"> Not supported. The building is not heritage listed. Refer to "Comments" below.
<ul style="list-style-type: none"> The traffic generated by this development will impact on the traffic flow of Angove Street which is already heavy congested. No traffic report submitted. 	<ul style="list-style-type: none"> Not supported. The City's Technical Services are satisfied that the proposal will not have an impact on the traffic flow along Angove Street.
<ul style="list-style-type: none"> The visitors/owners to the development will park on the street which will have an impact on Angove Street. 	<ul style="list-style-type: none"> Not supported. The proposal complies with the parking requirements as per the R-Codes.
<ul style="list-style-type: none"> The island placement in the centre interferes with the driveway of the property on the other side of the street. With the traffic to be generated by the development would create traffic issues for the neighbouring properties. 	<ul style="list-style-type: none"> Not supported. The City's Technical Services are satisfied there will be no traffic issues with regard to the island placement.
<ul style="list-style-type: none"> The building being excessive and therefore the non-compliance with the open space as compared to other existing buildings along the street. 	<ul style="list-style-type: none"> The applicant has amended the plans increasing the open space from 39.3 percent to 46 percent to comply with the 45 percent open space requirement of the R-Codes.
<ul style="list-style-type: none"> The proposed roof form is not keeping with the character of the existing streetscape. 	<ul style="list-style-type: none"> Not supported. The proposed roof form is contemporary and is not expected to impact on the streetscape given the proposed street setback of 8.6 metres.
<ul style="list-style-type: none"> A 2.4 metre high fence within the front setback is not supported. The 2.4 metre wall will impact on the sightlines of the adjoining eastern property. 	<ul style="list-style-type: none"> Supported. The applicant has submitted amended plans showing removal of the 2.4 metre high fence and proposing a new solid wall of 1.8 metres in height which is assessed in the street setback in the compliance table. With regard to fence, this is conditioned.
<ul style="list-style-type: none"> With 8 units there are potentially 16 bins (waste and recycling) on the streetscape. There is inadequate street frontage to allow so may bins. 	<ul style="list-style-type: none"> Not supported. The bins are to the satisfaction of the City's Technical Services and will be addressed at the Building Licence stage.
<ul style="list-style-type: none"> These types of dwellings may attract different types of people in the area which may result in anti-social behaviour which will impact on the families in the area. 	<ul style="list-style-type: none"> Not supported. Anti-social behaviour is not a planning issue.
<ul style="list-style-type: none"> Given some elderly people in the area cannot access the internet or drive to the City offices it would be appropriate if the letter of notice contains the plans. 	<ul style="list-style-type: none"> Not supported. To protect privacy, the City does not send out plans to adjoining neighbours for comment. The City's Officers are however available to explain plans to those who cannot access the City's offices.
<ul style="list-style-type: none"> Not everyone along Angove Street received the letter of notification. 	<ul style="list-style-type: none"> Not supported. The advertising was carried out as per the City's Policy No. 4.1.5 relating to Community Consultation.
Advertising	The advertising was carried out as per the City's Policy No. 4.1.5- relating to Community Consultation.

After the advertising, the applicant amended the plans as follows:

- the plans were amended from eight multiple dwellings to seven multiple dwellings;
- amended plans were submitted demonstrating that the outdoor living area of the adjoining property will not be overshadowed by more than 50 percent;
- amended plans showing only visitors parking will be located within the front street setback area. The location of the visitors parking is as per the Acceptable Development requirement of the R-Codes;
- amended plans showing the height of the solid fence being changed from 2.4 metres to 1.8 metres and is setback 1.2 metres from the eastern boundary. Therefore the structure is now considered as part of the building which is addressed in the street setback section in the compliance table; and
- amended plans showing open space of 46 percent which is as result of the dwellings being reduced to seven (7). Therefore the proposed development complies with the open space requirement of 45 percent as per the R-Codes.

Other Implications	
Legal/Policy	TPS 1 and associated Policies.
Strategic	The City's <i>Strategic Plan 2011-2016</i> - Objective 1 states: <i>"Natural and Built Environment</i> 1.1 <i>Improve and maintain the natural and built environment and infrastructure</i> 1.1.2 <i>Enhance and maintain the character and heritage of the City."</i>
Sustainability	Nil.
Financial/Budget	Nil.

Car Parking

The car parking required is calculated as per the R-Codes 2010.

Car Parking	
Small Multiple Dwelling based on size (<75 square meters or 1 bedroom) - 0.75 bays per dwelling (3 multiple dwellings) = 2.25 car bays = 2 car bays	8 car bays
Medium Multiple Dwelling based on size (75 - 110 square metres) - 1 bay per dwelling (4 dwellings proposed) = 4 car bays	
Visitors = 0.25 per dwelling (7 dwellings proposed including the existing) = 1.75 = 2 car bays	
Total car bays required = 8 car bays	
Total car bays provided	9 car bays
Surplus	1 car bay

Bicycle Parking		
Bicycle Parking	<ul style="list-style-type: none"> • 1 bicycle space to each 3 dwellings for residents and 1 bicycle space to each 10 dwellings for visitors (total 7 dwellings proposed): • 2 bicycle bays for the residents. • Nil bicycle bay for the visitors. 	5 bicycle bays are provided

COMMENTS:

Demolition

The subject dwelling at No. 102 Angove Street, North Perth is a brick and tile house constructed circa 1922 in the Inter-War style of architecture.

The subject place is first listed in the WA Post Office Directories in 1923 and was occupied by Mr A Chessel. Since then, the subject dwelling has been transferred several times to new owners and occupiers.

The house has a hipped roof with terracotta tiles and brick veneers on exterior walls which are rendered and have been painted cream. The dwelling appears to have a two room frontage with a central hallway down the middle.

An archive search determined that no building licence plans were found for the subject property; however, an assessment of the survey plan against the sewerage plan from 1924 indicates that a concrete patio was later added to the dwelling.

A preliminary heritage assessment, including an external inspection undertaken on 9 March 2012, indicates that the place has little aesthetic, historic, scientific or social heritage significance. In accordance with the City's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the City's Municipal Heritage Inventory. As such, the place is considered to require no further investigation and that a full Heritage Assessment is not warranted in this instance.

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

Planning

Multiple Dwellings

The City's Policy No. 3.4.8 relating to Multiple Dwellings, specifies the following:

"A dwelling in a group of more than one dwelling on a lot where 50 percent or greater of floor area of a dwelling is vertically above part of any other but:

- *does not include a grouped dwelling; and*
- *includes any dwellings above the ground floor in a mixed use development."*

Advice has been sought from the Department of Planning (DOP) as to whether carports/garages are part of the dwelling for the purpose of establishing intent of the definition. The response was as follows:

- *"Vehicle parking is an integral and necessary component of the development and required by the Residential Design Codes in the provision of housing, therefore common parking, available to be used by dwellings does constitute part of the dwelling, and as a result, dwellings overlapping the common parking area can be considered as multiple dwellings; and*
- *If the Council were inclined to think parking was exclusive to each unit, a condition of planning approval may be appropriate to ensure future occupants of the dwellings are aware that all on-site car parking is able to be used by all occupants."*

The plans show the overlapping of the units as follows:

Unit	Percentage of Overlapping
Unit 1	Not applicable - ground floor level
Unit 2	Not applicable - ground floor level
Unit 3	100 percent
Unit 4	17 percent
Unit 5	Nil
Unit 6	76 percent
Unit 7	44 percent

The applicant has considered the common car parking area as part of the dwelling when calculating the overlapping. Some of the units are overlapping more than 50 percent, however, with regard to unit 5, the overlapping is nil, yet the unit will be located over a common driveway not dissimilar to units 4 and 7, which are also partly over the driveway.

It is noted that the applicants are asserting that, on the practical side in terms of design, it is difficult to achieve all units overlapping more than 50 percent and ensuring a good design outcome. In this instance, some of the units are achieving more than 50 percent overlapping, the driveway is common to all units, the design depicts multiple dwellings, and hence, it is considered the proposal is for multiple dwellings.

Plot Ratio

Clause 7.1.1 of the R-Codes, with regard to Performance Criteria relating to building size, specifies the following:

“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.”

The variation to the plot ratio is minimal (0.03 = 30 square metres) and is supported for the following reasons:

- the proposed building complies with the height requirement (two-storey building is permissible in the area);
- the proposed building is setback 8.5 metres from the front boundary which will not have an undue impact on the streetscape;
- the proposed development complies with the overshadowing requirement;
- the first floor is setback a minimum of 1.2 metres from the adjoining side properties, 16.43 metres from the rear boundary and the walls are staggered which will not have significant impact on the adjoining properties;
- the residents parking area is not visible from the street and the front façade is articulated; and
- it is considered that the perceived bulk and scale is consistent with the existing and future desired character of the locality.

It is further considered that the proposed development complies with the objectives of Policy No. 3.4.8 relating to Multiple Dwellings in Residential Zones as the development is articulated, of a contemporary design, complements the existing context in the area and will contribute to provide a variety of dwelling types within the City which is in accordance with the City’s vision.

In view of the above, the variations to the street and side setback will not have a significant impact on streetscape and on the adjoining properties, the proposal complies with the overshadowing, privacy and open space requirements and meets the objectives of the Multiple Dwellings Policy. Therefore it is recommended that the Council approves the development subject to standard and appropriate conditions.

9.1.8 No. 11 (Lot 55; D/P: 6049) Anderson Street, Mount Hawthorn – Demolition of Existing Single House and Construction of Six (6) Multiple Dwellings

Ward:	North	Date:	14 March 2012
Precinct:	COS; P16	File Ref:	PRO4854; 5.2011.628.1
Attachments:	001 – Property Information Report and Development Application Plans		
Tabled Items:	Nil		
Reporting Officer:	S Radosevich, Planning Officer (Statutory)		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions and powers of both the Local Government (Change of Districts Boundaries) Order 2007 and the Local Government (Constitution) Regulations 1998, allowing the City of Vincent to, in effect, administer the City of Stirling District Planning Scheme No. 2 as if it were its own Scheme, and the Metropolitan Region Scheme, the Council **APPROVES** the application submitted by A Gauci for Demolition of Existing Single House and Construction of Six (6) Multiple Dwellings at No. 11 (Lot 55; D/P: 6049) Anderson Street, Mount Hawthorn, and as shown on plans stamp-dated 19 December 2011, 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 Anderson Street;
2. any new street/front wall, fence and gate within the Anderson Street setback area, including along the side boundaries within this street setback area, shall comply with the Residential Design Codes provisions relating to Street Walls and Fences;
3. no street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning;
4. first obtaining the consent of the owners of Nos. 56A & 56B Milton Street and No. 9 Anderson 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. 56A & 56B Milton Street and No. 9 Anderson Street in a good and clean condition. The finish of the wall is to be fully rendered or face brickwork;
5. **PRIOR TO THE ISSUE OF A BUILDING LICENCE**, 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 Screening

The bedroom of apartment 5 facing the eastern boundary, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed; and

5.3 Schedule of External Finishes

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

6. PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the following shall be completed to the satisfaction of the City:

6.1 Car Parking

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; and

6.2 Clothes Dryer

Each multiple dwelling shall be provided with a screened outdoor area for clothes drying.

COUNCIL DECISION ITEM 9.1.8

Moved Cr Maier, Seconded Cr Harley

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

“That new subclauses 5.4, 5.5, 5.6, 5.7, 6.3 and 6.4 be inserted as follows:

5.4 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:

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.

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

5.5 Landscape and Reticulation Plan

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

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

- 5.5.1 the location and type of existing and proposed trees and plants;
- 5.5.2 all vegetation including lawns;
- 5.5.3 areas to be irrigated or reticulated;
- 5.5.4 proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- 5.5.5 separate soft and hard landscaping plans (indicating details of plant species and materials to be used).

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

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

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; and

5.7 Refuse and Recycling Management Plan

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

6.3 Residential Car Bays

A minimum of six (6) car bays and two (2) car bays shall be provided for the residents and visitors respectively. The eight 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; and

6.4 Visitor Bays

The car parking area shown for the visitor bays shall be shown as 'common property' on any strata or survey strata subdivision plan for the property."

Debate ensued.

Cr Carey departed the Chamber at 7.22pm.

Debate ensued.

Cr Carey returned to the Chamber at 7.23pm.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Topelberg, Seconded Cr Harley

That the item be DEFERRED for further consideration.

PROCEDURAL MOTION PUT AND CARRIED (6-3)

For: Mayor Hon. MacTiernan, Cr Carey, Cr Harley, Cr McGrath, Cr Pintabona, Cr Wilcox

Against: Cr Buckels, Cr Maier, Cr Topelberg

Landowner:	S Bennett, C Bennett & P Ryan
Applicant:	A Gauci
Zoning:	Metropolitan Region Scheme: Urban City of Stirling District Planning Scheme No. 2: Residential R50
Existing Land Use:	Single House
Use Class:	Multiple Dwellings
Use Classification:	"P"
Lot Area:	756 square metres
Right of Way:	N/A

PURPOSE OF REPORT:

This proposal requires referral to the Council for determination given that the development comprises six multiple dwellings.

BACKGROUND:

Nil.

DETAILS:

The application is for the demolition of an existing single house and construction of six (6) multiple dwellings. Three (3) of the six (6) proposed multiple dwellings have less than fifty percent of the floor area vertically above another dwelling; however it is noted that the proposal is located within the former City of Stirling area, therefore is assessed against the Residential Design Codes of Western Australia (R-Codes) for assessing whether the proposal comprises grouped or multiple dwellings. *Appendix 1 – Definitions* of the R-Codes states:

“Grouped Dwelling

A dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above another, except where special conditions of landscape or topography dictates otherwise, and includes a dwelling on a survey strata with common property.”

“Multiple Dwelling

A dwelling in a group of more than one dwelling on a lot where any part of a dwelling is vertically above part of any other but:

- *Does not include a grouped dwelling; and*
- *Includes any dwelling above the ground floor in a mixed use development.”*

As the proposal falls within the definition of a multiple dwelling and cannot be defined as a grouped dwelling, due to the dwellings being partly vertically above another, it has been assessed in accordance with the multiple dwelling provisions.

COMPLIANCE:

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Building Size:	Plot ratio: 0.6 (453.6m ²)	Plot ratio: 0.653 (493.76m ²)
<i>Officer Comments:</i>		
Supported. It is considered that the increase in plot ratio of 40.16 square metres is supportable given the bulk and scale of the development is consistent with multiple dwelling development form and with the desired future built form of the locality. As the proposal is a two storey development it reflects the existing scale and minimises its impact on the adjoining properties through its contemporary design and the use of different building materials which provide articulation to both the adjoining properties and Anderson Street.		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Side and Rear Boundary Setbacks:	<u>Eastern Boundary</u> 5 metres 1.8 metres Boundary walls to one side boundary	<u>Eastern Boundary</u> 2.6 metres – 4.1 metres 1.5 metres Boundary walls to two side boundaries Eastern wall Length: 11.52 metres Southern wall Length: 11.75 metres
Officer Comments:		
Supported. In accordance with Performance Criteria of Clause 7.1.4 "Side and Rear Setback" P4.1 of the Residential Design Codes, it is considered that the proposed setbacks will not cause any unreasonable undue impact in terms of visual impact and access to direct sun and ventilation. There will be no major openings to the upper floors facing the adjoining eastern properties, and the bedroom window to apartment 5 is required to be screened, therefore protecting privacy between the subject site and adjoining properties. The overshadowing of the development complies with the requirements of Clause 7.4.2 "Solar Access for Adjoining sites" A2 of the Residential Design Codes, as it overshadows 58.41 square metres (7.73 percent) whereas the Acceptable Development provisions allow for 378 square metres (50 percent), therefore not having an adverse impact on the adjoining residential properties.		
Site Works:	Filling behind the street setback line and within 1 metre of a common boundary up to 500 millimetres above the natural ground level at the boundary.	Filling up to 670 millimetres above natural ground level.
Officer Comments:		
Supported. The development retains the visual impression of the natural level of the site, as seen from both Anderson Street and the adjoining properties; however due to the sloping nature of the site to the front north-western corner, the fill of the site exceeds 500 millimetres.		
Essential Facilities:	A storage area with a minimum dimension of 1.5 metres with an internal area of at least 4 square metres.	Four dwellings with a store with an internal area of 3.8 square metres.
Officer Comments:		
Supported. There are four multiple dwellings with stores which are 3.8 square metres internally, it is considered that the stores are adequate for the needs of the residents in these two-bedroom units, without being detrimental to the amenity of the locality.		
Visual Privacy:	4.5 metre cone-of-vision setback.	4.32 metre cone-of-vision setback.
Officer Comments:		
Not supported. The bedroom of apartment 5 facing the eastern boundary is proposed to be conditioned to require screening to 1600 millimetres to protect privacy between the subject site and adjoining properties.		

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

Consultation	
In Support:	Nil (0)
Comments Received	Officer Comments
Nil	Nil
Objections: (2)	Two

Consultation	
Comments Received	Officer Comments
<ul style="list-style-type: none"> The proposed plot ratio of 0.653 significantly exceeds the R-Codes Acceptable Development standard by over 40 square metres. This is the equivalent of one of the units. Development to be as per the built form, i.e. three units only. The proposed density of construction is such that the properties are close to the street boundary as well as being a large building bulk, neither of which is consistent with the look and feel of Mount Hawthorn. 	<ul style="list-style-type: none"> The proposed plot ratio results in a bulk and scale that is consistent with multiple dwelling development form and is consistent with the desired future built form of the locality.
<ul style="list-style-type: none"> The proposed eastern boundary setback is far less than the Acceptable Development standard. This results in the properties being built close to the boundary, causing a crowding effect and substantial bulk of the building, and reduced airflow/ventilation. The likelihood of noise and loss of privacy from the proximity of these properties is very high. 	<ul style="list-style-type: none"> It is considered there is no unreasonable undue impact in terms of visual impact and access to direct sun and ventilation, created by the proposed setback variations. As there will be no major openings to the upper floors facing the adjoining eastern properties, privacy between the subject site and adjoining properties has been protected.
<ul style="list-style-type: none"> The courtyards are adjacent to the eastern boundary, which will undoubtedly cause significant noise and privacy issues. It would be preferable to have the driveway to the eastern boundary and have the courtyards adjacent to the western boundary. 	<ul style="list-style-type: none"> Noted.
<ul style="list-style-type: none"> It is evident that there has been insufficient consideration given to parking at this proposed development. The 'shoe-horning' in of a visitor parking bay along the western side of the development is part of the reason why the Acceptable Development standard eastern boundary cannot be achieved. Of even greater concern is the fact that there is only one parking bay per property and only 2 visitor bays. There is a high probability that these properties would be occupied by at least two people, with an equivalent number of cars. There is significant potential for cars to be parked outside of this property on a regular basis, which will lead to safety issues, by both occupiers and their visitors. Parking on-site to accommodate 12 cars. 	<ul style="list-style-type: none"> The car parking provided complies with the requirements of Clause 7.3.3 "On-site Parking Provision" A3.1 of the Residential Design Codes.
<ul style="list-style-type: none"> The proposed development results in the loss of virtually all greenery on the site, and in particular a number of mature trees, the latter providing useful shade and cooling during summer afternoons. With the loss of vegetation and grass, there will be a loss in natural habitats for wildlife as well as water run-off. The focus of the proposed design appears to give no consideration to sustainability. Design to keep within the acceptable standard, allowing for landscaping. 	<ul style="list-style-type: none"> As the trees on site are not listed on the City's significant tree inventory, there is no requirement for the retention of any vegetation on-site.

Consultation	
<ul style="list-style-type: none"> • I would wish to see a specific plan which will ensure the integrity of my property which sits at the boundary line, whilst any demolition, excavation and construction occur. • I would wish to see a specific plan which will address the issues of dust, debris and noise management whilst any development is underway. 	<ul style="list-style-type: none"> • It is a condition of approval that a Construction Management Plan is submitted. The Construction Management Plan is to detail how the construction of the development will be managed to minimise the impact on the surrounding area.
<ul style="list-style-type: none"> • Preferred non-reflective roof finish. 	<ul style="list-style-type: none"> • There are no current policies dictating the finishes of roofs, therefore the City has no authority to enforce non-reflective roof finishes.
Advertising	The advertising was carried out as per the City's Policy No. 4.1.5 relating to Community Consultation.

Other Implications	
Legal/Policy	City of Stirling District Planning Scheme No. 2 and associated Policies.
Strategic	Nil.
Sustainability	Nil.
Financial/Budget	Nil.

COMMENTS:

In view of the above, the application is supportable as it is considered that the variations to the plot ratio, setbacks, site works and stores does not result in any undue impact on the amenity of the surrounding area. Accordingly, it is recommended the application be approved subject to standard and appropriate conditions.

9.2.4 Moir Street, Perth – Proposed Trial Changes to ‘On Road’ Parking Restrictions

Ward:	South	Date:	16 March 2012
Precinct:	Hyde Park (12)	File Ref:	PKG0184
Attachments:	001 – Proposed Restriction Plan		
Tabled Items:	-		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES** undertaking a six (6) months trial in Moir Street, Perth as shown on Plan No. 2938-PP-01 of:
 - 1.1 1P time restrictions, 8.00am to 6.00pm Monday to Friday; and
 - 1.2 ‘Resident Only’ parking restrictions at all other times; and
2. **CONSULTS** with Moir Street and other affected residents to gauge the effectiveness of the trial after a period of six (6) months.

Moved Cr Carey, Seconded Cr Maier

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

“That a new clause 3 be inserted as follows:

3. **INSTALLS** appropriate signage in Moir Street directing parkers to the available public parking station on the south side of Newcastle Street.”

Debate ensued.

Cr McGrath departed the Chamber at 7.32pm.

Debate ensued.

Cr McGrath returned to the Chamber at 7.35pm.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

COUNCIL DECISION ITEM 9.2.4

That the Council;

1. **APPROVES** undertaking a six (6) months trial in Moir Street, Perth as shown on Plan No. 2938-PP-01 of:
 - 1.1 1P time restrictions, 8.00am to 6.00pm Monday to Friday; and
 - 1.2 ‘Resident Only’ parking restrictions at all other times; and
2. **CONSULTS** with Moir Street and other affected residents to gauge the effectiveness of the trial after a period of six (6) months; and
3. **INSTALLS** appropriate signage in Moir Street directing parkers to the available public parking station on the south side of Newcastle Street.

PURPOSE OF REPORT:

The purpose of this report is to inform the Council of requests received for the City to improve the amenity for residents parked vehicles in Moir Street, Perth.

BACKGROUND:

In 2011 the City received several requests to investigate amenity improvements for parked vehicles in the street.

In early 2012 the Mayor and Director Technical Services met with several residents of the street where it was decided that all resident of the street be canvassed regarding a proposal to change the current parking restrictions.

DETAILS:

Community Consultation:

On 16 January 2012 thirty five (35) consultation packs were distributed to residents of Moir Street. The following Information Sheet was distributed as part of the consultation.

"It has been brought to the City's attention that a number of vehicles are parking in Moir Street on a daily basis displaying only a 'visitors' parking permit. This is not the intent of the visitors permit and a record of these vehicles has been made and the matter is currently being investigated by the City's Ranger Services

It has also being noticed that some vehicles are displaying 'hand written' notes on their 'dash' board indicating that they are awaiting the issue of a parking permit. This is also being investigated.

The City's Mayor and Director Technical Services visited the street recently and noted the issues first hand following discussions with a number of residents.

Following the site visit it was decided that, in an attempt to improve resident amenity while still maintaining the 'public amenity' of the street, residents would be consulted regarding introducing a 'Resident Only Parking' zone on one side of the street only (the eastern side) and retain the 1P (at all times) on the western side.

The eastern side of the street has been suggested as there is a rear laneway on the western side of the street affording 'some' off road parking amenity.

The proposal would have the following benefits:

- *Free up one side of the street for 'Resident Only' Parking at all times.*
- *Residents displaying a valid 'residential parking permit' would be able to park on both sides of the street at all times.*
- *Non residents would be able to park on one side of the street only for one (1) hour – Enforcement would be stepped up.*
- *The public amenity of the street would be maintained by allowing 1P on one side of the street only."*

At the close of consultation on 30 January 2012 thirteen (13) responses where received as follows:

- In favour of or part thereof 5
- Against or part thereof: 5
- Other: 3

Related Comments *In Favour* of the Proposal:

- 3 x we would prefer all of Moir Street to be 'Resident Only'.
- In favour, would like a trial period and in Brookman Street also.
- Support it however require visitor/residential permit conditions to change.

Related Comments *Against* the Proposal:

- 1 x not in favour of the proposal with no further comments.
- There is nowhere for visitors to park, more permits would be required – Moir Street should only be for residents.
- I present two other options, "Resident Only" both sides or pay parking for additional visitors, commuters and shoppers (both sides).
- I don't support the proposal as it doesn't address the cause of the parking problems. I would prefer both sides of the street.
- We believe that permit-only parking to both sides of the street is the only reasonable response to the existing situation. A watered-down approach that achieves parking outcomes for commuters, shoppers and restaurant patrons at the expense of bonafide Moir Street residents is not something that we would support at all.

Related *Other* Comments:

- This proposal doesn't go far enough, best option is 'Resident Only' both sides and if not this then public parking on Mon-Friday 9-5pm
- I am not permitted visitor permits as I have driveway access, the parking permits for aged or special needs persons should be considered outside of the normal guidelines.
- Should residence only parking be only allowed on the east side, residents of Moir St should be allowed to park in the residence only zone of Robinson Ave. The paid parking bays between Lake and Brookman should revert to 1 hour free bays to assist "the public amenity of the street". Take those two paid parking stations away they are ridiculous.

Meeting with Residents on site Friday 3 February 2012:

The Mayor several Council members and officers met with residents. Many factors affecting parking amenity were discussed. The residents in attendance were generally not in favour of the proposal for 'Resident Only' Parking at all times on the eastern side of the street and 1P at all times on the western side of the street.

One of the residents in attendance summarized the outcomes and discussions of the meeting as follows:

"Comparison to Brookman Street

Brookman Street has been compared with Moir Street in the past, most recently in a letter to residents from Mayor MacTiernan. Specifically, the fact that the lots to the west of Brookman do not have rear lane access while those to the east do have rear access was considered to be similar to Moir Street.

I would like to make it categorically clear that we do not consider this situation to be comparable at all. Brookman has a far superior parking arrangement with rear access to half the street via Wellman Street, a full width, sealed and gazetted road.

In contrast, the one side of Moir which has rear access is through a 3m wide (6m width is the current statutory minimum width), privately owned, unlit, unsealed and undrained laneway.

This access situation is so poor that few houses backing onto this laneway from Moir Street actually utilise this access. For example, whilst council records apparently record that our house (#17) does have a useable rear access garage it is only in fact a "shed" and is unusable for carparking.

The shed is only 3m deep, whereas a minimum of 5.5m is required for carparking. Neither of our neighbours at houses #15 and #19 have any access to this laneway at all and a number of others are in a similar position of having no access to the laneway.

For the situation to be considered even remotely comparable, the laneway would need to be acquired from the private owner and upgraded to appropriate standards. Although this would not immediately address parking concerns, it would allow increased usage of the laneway to occur over time and at least confer on Moir Street residents a similar choice to that which residents within Brookman Street have.

Little Benefit to Residents From Proposal

The proposal as it stands is to effectively convert the eastern side of Moir Street to permit-only parking whilst retaining 1P parking to the western side. The proposal also outlines increased enforcement measures, however this will not be permanent and should not be considered as a substantial element of the proposal.

The proposal does not address the continued demand from commuters, restaurant patrons, backpackers etc for "free parking" and their tendency to abuse the 1P parking. Limiting the supply of 1 hour parking will not limit current demand in this area. The result of this proposal will be that the same demand for free parking will be borne by one side of the street rather than both sides, exacerbating the current situation. Residents may be further disadvantaged by the current proposal.

Limited current availability of parking

Each residence is currently entitled to two resident's permits as well as two visitor's permits. Some houses have access to rear car parking and so have a reduced entitlement to parking permits, however this is only a small number of instances.

As you would be aware, each parallel on-street car parking bay requires between 5-6m length. The frontage of Moir Street houses is nominally 10m (enough for 2 parking bays only), so with a number of bays already missing (refer below "Existing Crossovers") as well as the parking area set back from the intersections, the area currently available for on-street parking does not have any capacity to provide commuter, shopper or employee parking.

Existing Crossovers to Moir Street

It is noted that a number of houses in Moir Street have crossovers and car parking spaces retrofitted within the front of their lot. This is a historical anomaly and no longer permitted by City of Vincent or the Heritage Council of WA.

The relevance of this matter is that each of these instances further reduces the availability of on-street carparking. Notably, all such instances within Moir Street are on the east side, and thus under the current proposal will impact only on the provision of residents parking and not on the 1P parking.

Parking in Surrounding Streets

A key driver for the abuse of the 1P parking within Moir Street is the scarcity of "free" parking within the Northbridge area. I note that it is not a scarcity of parking, simply "free" parking. On a number of occasions when I have contacted the ranger service due to Moir Street being 100% full with no room for residents cars, I have noted that the "pay" parking building on Newcastle Street is almost empty, and paid parking spaces on Forbes Street are underutilised.

People WILL NOT pay for parking if they consider there to be a free option available. The 1P area of Moir Street is considered such a "free option" and as such is constantly abused. Parking users do seem to have greater respect for permit-only parking, as evidenced by Brookman and Robinson Streets often being only partially utilised when Moir Street is 100% full.

The parking situation in Moir Street cannot be considered in isolation to surrounding streets. An ad hoc approach with no underlying strategy is what has caused this problem. Parking in Moir Street needs to be wholly consistent with the adjacent and surrounding streets if it is ever going to be workable for residents.

This also relates to car parking reciprocity. An argument has been made that Moir Street has its part to play in servicing car parking demand generated by the shopping and entertainment area.

Moir Street is entirely a residential area however, thus this argument is based on the concept of parking reciprocity. The concept of reciprocity has two sides to it however, and unless the Moir Street permits are expanded to allow us to park in other areas, then this is manifestly unfair and expecting Moir Street to bear an unreasonable parking burden.

Use of Street for removals, deliveries

A critical ongoing issue for Moir Street residents has been the availability of access for removals and deliveries trucks, trailers for rubbish removal, and other such "bulky" uses. With the consistently high level of utilisation of the 1P parking, and no space appropriate for trucks in adjacent Robinson or Forbes Streets, it is often impossible to get truck access. The removal of all 1P parking would alleviate demand and allow some truck access to the street, as is commonly seen in Brookman Street.

Enforceability

The fact is that 1P is time consuming and costly to enforce, relative to permit-only parking. It is also much less effective at discouraging abuse, and parking patterns in Moir compared to Brookman reflect this.

Permit-only parking is simple to enforce as every car without a sticker gets an infringement on every enforcement check by rangers. In contrast, 1P parking requires multiple visits to measure time intervals and thus enforce. Because of this there is always less regular enforcement.

It is my experience that enforcement "blitzes" have a short term effect at best. Within a short time, parking misbehaviour reverts and it falls back to residents to continually badger the council. It is a colossal frustration and waste of our (and the rangers) time when we have to ring the after-hours emergency number every other night.

It is also evident that parking demand fluctuates in Moir Street depending on the "blitz cycle" yet stays relatively consistent in Brookman, additionally supporting the proposition that permit-only parking tends to be less abused than 1P parking.

Confusion among parkers

The current proposal will be extremely confusing to all parking users. This is of concern to us as the confusion will lead to accidental abuse of the parking system and needless aggravation, even where none was intended. I believe that in the long run it will also lead to an unnecessarily lenient approach to enforcement meaning that the parking is only enforced as part of a "blitz" in response to hounding by residents, rather than as part of the day-to-day operations of council.

Amended proposal

A number of Moir Street residents are clearly benefitting from the current "free and easy" parking situation. I believe that council are aware of a number of "share house" arrangements with several vehicles each, as well as a nearby business utilising the street for employee parking, absentee landlords abusing visitors permits for commuter parking and even one dwelling having been used as an office with employees. It is obviously unlikely that these residents will support any proposal.

However a number of frustrated and bonafide residents within Moir Street are keen to see the imposition of permit-only parking to both sides of the street. We do not agree with the watered-down 50/50 arrangement being proposed, as it does not benefit Moir Street residents.

We believe that permit-only parking to both sides of the street is the only reasonable response to the existing situation. A watered-down approach that achieves parking outcomes for commuters, shoppers and restaurant patrons at the expense of bonafide Moir Street residents is not something that we would support at all. Especially, the 50/50 approach proposed would represent a worst-case outcome for us as it would potentially make the parking situation even worse than it currently is.

If a watered down approach is deemed to be the only possible solution, then a solution that retains 1P during the week and imposes permit-only restrictions during the peak times could be considered.

If this is the case, the peak times should include Friday from mid day through to Monday AM."

Ordinary Meeting held on 29 September 1998:

The Council considered a report to implement a three (3) month pilot trial study of Residential Parking Zones in Robinson Avenue, between Brisbane Place and Lake Street, Brookman Street and Wellman Street, Northbridge where it was adopted (in part) that a survey of the proposed pilot area be undertaken to establish the level of community support for such a programme and if the survey results suggest that there is a high level of public support for the introduction of Residential Parking Zones, a three (3) month pilot study be undertaken in Robinson Avenue, between Brisbane Place and Lake Street, Brookman Street and Wellman Street, Northbridge.

Ordinary Meeting held on 16 November 1998:

Following the survey of residents, the Council considered a further report on the matter where it was decided that; signs be erected in the proposed pilot area in Robinson Avenue between Brisbane Place and Lake Street, and Brookman Street, Northbridge.

Ordinary Meeting held on 14 June 1999:

Following the trial a further report was considered by the Council where it was decided in part that in view of the success of the current temporary Residential Parking Zones in Brookman Street and Robinson Avenue, Perth, these restrictions be made permanent.

During the consultation phase (in 1998 some residents in adjoining street) wanted the residential only restrictions to be extended to their street also.

Residential only parking in public streets is not generally supported by the Town's Administration as this may have an adverse effect on the availability of on road parking in built up areas adjacent to commercial centres

Officer's Comments:

Residential only parking in public streets is not generally supported by the City's Administration as this may have an adverse effect on the availability of on road parking in built up areas adjacent to commercial centres.

With Moir Street, given that both Brookman and Robinson Avenue and parts of Bulwer Terrace has resident only parking and for the valid reasons raised by the community of Moir Street, a trial as recommended is considered appropriate.

CONSULTATION/ADVERTISING:

Residents will be informed of the Council's decision.

LEGAL/POLICY:

There is no legal consequence of the recommendation. Generally the Town's Rangers would place a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs.

RISK MANAGEMENT IMPLICATIONS:

Low: Mainly related to amenity improvements for residents.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The cost to implement the proposal will be in the order of \$1,000.

COMMENTS:

The residents consider that the parking situation in Moir Street cannot be considered in isolation to surrounding streets and that an ad hoc approach with no underlying strategy is what has caused the current problem.

They feel that parking in Moir Street needs to be consistent with the adjacent and surrounding streets if it is ever going to be workable for residents.

Therefore it is recommended that the Council undertakes a six (6) months trial in Moir Street of 1P time restrictions, 8.00am to 6.00pm Monday to Thursday and 8.00 am to 12 noon Friday; and 'Resident Only' parking restrictions between 6.00pm and 8.00am Monday to Friday and 12 noon Friday until 8.00am Monday.

9.4.2 No. 34 (Lot 1) Cheriton Street, Perth – Acceptance of Management Order and Approval of an Advisory Group

Ward:	South	Date:	15 March 2012
Precinct:	CoP (19)	File Ref:	PRO5055
Attachments:	001 – Map of Location of Property; 002 – Building Inspection Report; 003 – Advisory Group Terms of Reference; 004 – Advisory Group Policy No. 4.2.12		
Tabled Items:	Nil		
Reporting Officer:	J Anthony, Manager Community Development		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES** the acceptance of a Management Order from the Department of Regional Development and Lands for No. 34 (Lot 1) Cheriton Street, Perth with a condition attached that the property (building) on Lot 1 is to be:
 - 1.1 refurbished and in use for community purposes within two (2) years of issue of the Management Order; and
 - 1.2 used as a Community Centre as prescribed in the Management Order;
2. **REQUESTS** the Chief Executive Officer to further investigate:
 - 2.1 possible uses for the premises;
 - 2.2 Scope of Work and Cost Estimates; and
 - 2.3 partnership and funding opportunities;
3. **APPROVES BY AN ABSOLUTE MAJORITY** to adopt the formation of the “Cheriton Street Property” Advisory Group, Terms of Reference and Meeting Procedures as shown in Appendix 9.4.2;
4. in accordance with the provisions of the *Local Government Act 1995*, Sections 2.28, 5.8 and 5.10, **APPROVES** the **APPOINTMENT** of the following Council Members and/or persons to the Council’s “Cheriton Street Property” Advisory Group as follows:
 - 4.1 **Three (3) Council Members:**
 - (a) Mayor Alannah MacTiernan (Chairperson);
 - (b) Cr; and
 - (c) Cr
 - 4.2 **Director Community Services;**
 - 4.3 **Manager Community Development;**
 - 4.4 **Manager Parks and Property Services; and**
 - 4.5 **Two (2) Community Representatives** being the Chairperson and Secretary of the Norwood Neighbourhood Association Inc; and
5. **NOTES** that a further report will be submitted to the Council once further investigations on the project have been carried out.

Moved Cr McGrath, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr McGrath

That clause 5 be amended to read as follows:

“5. NOTES that a further report will be submitted to the Council once further investigations on the project have been carried out by no later than 31 May 2012.”

Debate ensued.

The Mover, Cr Maier advised that he wished to change his amendment to delete “31 May 2012” and replace it with “30 June 2012”.

The Seconder, Cr McGrath agreed.

Debate ensued.

AMENDMENT PUT AND CARRIED (7-2)

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

Debate ensued.

The Presiding Member, Mayor Hon. Alannah MacTiernan called for nominations for subclause 4.1 and the following nominations were received:

Cr Dudley Maier;
Cr John Carey; and
Cr Warren McGrath.

The Presiding Member, Mayor Hon. Alannah MacTiernan advised that due to there being three (3) nominations for two (2) positions, a ballot would be held to elect two (2) persons. Cr Maier withdrew his nomination. Cr Carey and Cr McGrath’s nominations were unopposed and therefore approved.

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

COUNCIL DECISION ITEM 9.4.2

That the Council;

1. APPROVES the acceptance of a Management Order from the Department of Regional Development and Lands for No. 34 (Lot 1) Cheriton Street, Perth with a condition attached that the property (building) on Lot 1 is to be:
 - 1.1 refurbished and in use for community purposes within two (2) years of issue of the Management Order; and
 - 1.2 used as a Community Centre as prescribed in the Management Order;

2. **REQUESTS the Chief Executive Officer to further investigate:**
 - 2.1 possible uses for the premises;
 - 2.2 Scope of Work and Cost Estimates; and
 - 2.3 partnership and funding opportunities;
3. **APPROVES BY AN ABSOLUTE MAJORITY to adopt the formation of the “Cheriton Street Property” Advisory Group, Terms of Reference and Meeting Procedures as shown in Appendix 9.4.2;**
4. **in accordance with the provisions of the *Local Government Act 1995*, Sections 2.28, 5.8 and 5.10, APPROVES the APPOINTMENT of the following Council Members and/or persons to the Council’s “Cheriton Street Property” Advisory Group as follows:**
 - 4.1 **Three (3) Council Members:**
 - (a) Mayor Alannah MacTiernan (Chairperson);
 - (b) Cr John Carey; and
 - (c) Cr Warren McGrath;
 - 4.2 **Director Community Services;**
 - 4.3 **Manager Community Development;**
 - 4.4 **Manager Parks and Property Services; and**
 - 4.5 **Two (2) Community Representatives being the Chairperson and Secretary of the Norwood Neighbourhood Association Inc; and**
5. **NOTES that a further report will be submitted to the Council once further investigations on the project have been carried out by no later than 31 June 2012.**

PURPOSE OF REPORT:

To obtain Council approval to accept a Management Order from the Department of Regional Development and Lands for No. 34 (Lot 1) Cheriton Street, Perth with a condition attached that the property (building) on Lot 1 is to be refurbished and in use for community purposes within two (2) years of issue of the Management Order and form an Advisory Group to provide advice on the property.

BACKGROUND:

- | | |
|--------------|--|
| 27 July 2010 | The Council at its Ordinary Meeting resolved to commence including land ceded from various Local Government authorities to the then Town (part of the boundary changes in July 2007), into the City’s Town Planning Scheme No. 1, with reporting to the Council on the commencement process in September 2010. |
| 28 July 2010 | The City received a letter from Gray & Lewis Land Use and Planners, seeking the Council’s support for the land to be considered to be rezoned from ‘Region Reserve for Public Purposes (Special Use)’ to ‘Urban’, with the intention largely to provide greater development options for the site. |

- 10 August 2010 A report was presented to the Ordinary Meeting of Council to provide information on the Applicant's request to the Western Australian Planning Commission (WAPC) regarding a proposed MRS Amendment relating to the rezoning of the subject land (road widening and Lot 1 Cheriton Street, Perth), from 'Region Reserve for Public Purposes' (Special Uses) to 'Urban'.
- The Council also requested that the Chief Executive Officer approach the relevant Minister(s) and local Member of Parliament seeking transfer of the land, free of cost to the City as a Crown Grant (or equivalent), rather than freehold.
- 20 August 2010 The City wrote to the Minister for Transport, Minister for Planning and the Shadow Minister for Culture and the Arts as directed at the Ordinary Meeting of Council on 10 August 2010.
- 27 August 2010 Response received from the Department of Regional Development and Lands stating that they would not support the transfer of land at no cost, but were prepared to make a direct offer of transfer in freehold to the City at market value as determined by Landgate's Valuation Services Branch.
- 2 September 2010 The City responded to the Department of Regional Development and Lands, declining their offer to organise a valuation for the property as the City was not interested in purchasing the property at market value.
- 30 September 2010 Western Australian Planning Commission response letter to the applicants of the MRS Amendment regarding the status of the land.
- 11 October 2010 Response letter from the Minister for Transport advising that the Public Transport Authority (PTA) was unable to transfer the land free of charge as Government Policy requires the disposal of assets at market value, and funds from such a sale generally applied to the reduction of debt or the acquisition of infrastructure in line with the objectives of the PTA.
- 27 October 2010 Response letter from the Western Australian Planning Commission declaring their intention to sell the property on the open market and that there was an interested party wishing to refurbish the property for commercial use (offices). The City's support was also sought to consider all applications in line with the adopted EPRA Scheme No. 1 as a guide for proposed uses until the City has reviewed its Town Planning Scheme.
- 21 April 2011 Correspondence received from Norwood Neighbourhood Association requesting further information from the City on the various heritage reports and assessments that have been compiled regarding the property.
- May 2011 The Norwood Neighbourhood Association requested Council Members and City Officers, through a number of direct conversations, to revisit the use of the property as a community facility after receiving information that the State Government had discontinued their sale process for the property.
- 2 June 2011 The City wrote to Michael Sutherland, MLA, seeking support for the property to be leased to the City at a 'peppercorn lease' in return for the property being refurbished for community use.

- 13 June 2011 Michael Sutherland, MLA wrote to the Minister for Lands advising that he had met with a number of local residents, as well as the City's Chief Executive Officer, Mayor and two Council Members, to discuss the possible use of the property as a community facility. The Member for Mount Lawley supported the proposition that the City undertake an upgrade of the property for community use given the change of demographics in the immediate vicinity.
- 10 November 2011 Correspondence received from the Department of Regional Development and Lands requesting information from the City on its financial capacity to refurbish the building within a two (2) year period for a community facility.

At the Ordinary Meeting of Council held on 6 December 2011, the following recommendation was adopted;

"That the Council;

1. *AUTHORISES the Chief Executive Officer to:*
 - 1.1 *advise the Department of Regional Development and Lands of the City's preliminary interest in refurbishing the property at No. 34 (Lot 1) Cheriton Street, Perth for the purpose of establishing a community facility;*
 - 1.2 *investigate the community needs and service gaps in relation to developing a facility and associated services that may be required in the locality;*
 - 1.3 *liaise with Central TAFE to investigate partnership pathways to develop a 'live-work' project involving Aboriginal students; and*
 - 1.4 *investigates sources of external funding for the project; and*
2. *NOTES that a further report will be presented to the Council once investigations in the project have been carried out."*

Strategic Planning

The subject property is currently zoned 'Public Purpose – Special Use' under the Metropolitan Region Scheme (MRS). The Region Reserve for Public Purposes (Special Uses) was created in 2004, under the MRS Amendment 1073/33A, to facilitate the development of public housing on land leased by the Department of Housing from the Public Transport Authority. The public housing has been constructed to the full extent proposed and, therefore, Lot 1 Cheriton Street, Perth is surplus to public housing requirements. Effectively, given the current 'Public Purpose – Special Use' under the Metropolitan Region Scheme (MRS), the WAPC is the determining authority with respect to the development of this property.

In terms of the progression of this proposed MRS Amendment, the City has been advised by the Department of Planning/WAPC that it has received this request; however, the Amendment is not a priority at this point in time and will be dealt with as an Omnibus Amendment.

The subject area falls within the broader area of the City bounded by Summers Street, Lord Street and the Graham Farmer Freeway that was ceded to the City from the City of Perth in July 2007. For planning purposes, the East Perth Redevelopment Scheme No. 1 still applies to this area. Currently, the area is part of Scheme Amendment No. 29 to include the area into the City's Town Planning Scheme No. 1, which is with the WAPC to seek consent to advertise. Broadly, the vision for this area is for regeneration into mixed use development to capitalize on the close proximity to the Claisebrook Train Station and other key services and amenities.

Heritage

The subject property is not listed on the State Register of Heritage Places, and the Heritage Council of Western Australia has advised that it is unlikely that the property would meet the threshold for entry onto the State Register. The property was listed on the East Perth Redevelopment Authority's Draft Heritage Survey; however, before the formal adoption of the draft survey, the area was normalized back to the City of Perth, whereby the heritage listing process ceased. In early 2011, the City's Officers undertook extensive historical research on the subject property, and prepared a full heritage assessment dated February 2011, that indicated that the property at No. 34 (Lot 1) Cheriton Street, Perth has little cultural heritage value and does not meet the threshold for entry onto the City's Municipal Heritage Inventory. The research indicated that the single storey brick and iron building was constructed in the Federation Queen Anne style of architecture circa 1912 as a residential dwelling, and throughout much of the 20th Century was owned by the State Government and was occupied by a number of different tenants.

Property Condition

The property has been subject to vandalism and squatters, which the City has received complaints about earlier in 2011. As a result, the Public Transport Authority undertook a cleanup of the property and installed a boundary fence at the front of the property to keep unauthorised persons off the property.

A site visit was conducted by the City's Officers in November 2011 to ascertain the condition of the property and work out potential future usage.

A Building Inspection Report from the Senior Building Surveyor as shown in Appendix 9.4.2, Attachment 002 listed the estimated cost to bring the property up to a habitable standard at around \$250,000-\$300,000.

Community Use

Correspondence has been received from the Norwood Neighbourhood Association dated 13 July 2011, submitting a proposal that the property be turned into a "Railway Themed Norwood Neighbourhood Centre". This Group has also been in discussions with Parks and Property Services and Community Development on establishing Community Gardens at the adjacent Norwood Park.

The possible facilities are as follows:

Neighbourhood Centre

This would involve the existing structure in a refurbished form, providing resources such as internet access, community information, meeting rooms, an office for a visiting service provider/agency and community kitchen. It is suggested that the refurbishment could contribute to sustainability education through adaptation for energy efficiency.

Men's Shed

The rear courtyard of the property is a large space that could be used for a Men's Shed.

It should be noted that the City is currently working with an established group to set up Men's Shed facilities at Woodville Reserve in North Perth, which has been approved by the Council.

The Norwood Neighbourhood Association believe that more localised facilities would better serve the needs of the residents in the vicinity; therefore, preferring the set up of another Men's Shed facility which is customised to local community requirements.

Partnership with TAFE – “Live work Project”

The City has been involved with a number of ‘live work projects’ in partnership with TAFE and Aboriginal students, with older style dwellings, similar to the subject property, including Lee Hops Cottage in Robertson Park, North Perth and also No. 245 Vincent Street, Leederville (opposite the City’s Administration and Civic Centre). Both of these projects engaged community groups to restore these two cottages, and enabled the community groups to remain involved in the on-going use of the properties once restored. These projects have provided good examples of best practice restoration outcomes that the City has been able to show case.

Preliminary contact with Central TAFE through the Solid Futures project has indicated keen interest in incorporating some of the work required for the refurbishment into the planning of critical pathways as part of the curriculum for 2012. The Solid Futures also works towards the future career development of Aboriginal students.

DETAILS:

The City received email correspondence, dated 9 March 2012, from the Department of Regional Development and Lands, as follows:

“[Name withheld] from the Property Asset Clearing House has passed the file for the above property to the Metropolitan Team to arrange a number of tenure amendments which have been approved by the Minister for Lands. It is proposed to create a reserve for “Community Centre” over Lot 1 on Deposited Plan 62743 and offer a management order to the City of Vincent with a condition attached to the Management order that the property (building) on Lot 1 are to be refurbished and in use for community purposes within 2 years of issue of the management order. Would you please confirm in writing if the City is prepared to accept a [sic] Management Order over lot 1 under these terms.”

An internal working group will now be set up with representatives from the following sections:

- Community Development;
- Planning and Building Services
- Strategic Planning, Sustainability and Heritage Services; and
- Parks and Property Services.

The internal working group will work on a plan with strategies and timeline to address the following issues:

- Scope of works required;
- Due diligence on all aspects of the project;
- Partnership and funding opportunities;
- Reviewing stakeholder interests;
- Consultation strategy;
- Reporting mechanisms;
- Establishing an implementation plan;
- Drafting a programme of works; and
- GANTT chart for overall project development within the two (2) year timeline.

Proposed Advisory Group

In the event that the Council accepts the Management Order, it is recommended that a new Advisory Group be formed comprising of Council Members, City Officers and Community Representatives. This will enable the project to engage the community at an early stage and provide guidance and direction for the proposed new facility. It is recommended that the Advisory Group be as follows:

“Cheriton Street Property” Advisory Group* (3 Council Members – Mayor and Two (2) South Ward Councillors)

* Name can be changed at a later date.

Background

Meeting Occurrence:

Meet as required

Date of Meeting:	To be advised
Time of Meeting:	To be advised
Location of Meeting:	To be advised
Responsible Support Officer:	Manager Community Development
Purpose of Advisory Group:	<ul style="list-style-type: none">• Act in an advisory capacity concerning the Property.• Provide advice and make recommendations relating to:<ul style="list-style-type: none">• possible and future uses of the Property;• Management Structure of the Facility once the Property has been renovated;• restoration project; and• partnership and funding opportunities.
Other Membership:	<ul style="list-style-type: none">• Up to 2 Community Representatives being the Chairperson and Secretary of the Norwood Neighbour Association Inc• Director Community Services• Manager Community Development• Manager Parks and Property Services
Previous Council Members:	Nil.

CONSULTATION/ADVERTISING:

A Media Release was issued on 13 March 2012 by Michael Sutherland, MLA, Member for Mount Lawley as follows:

"Local victory for "Stationmasters House" - The State Government to give property to City of Vincent for Community Use

Michael Sutherland who has been working with the Norwood Neighbourhood Association on a proposal for community use of the old "Stationmasters House" recently notified by the Minister for Lands, Brendon Grylls that the property will be transferred to the City of Vincent for Community use.

Michael Sutherland said "I am pleased to say that after making representation on behalf of the Norwood Neighbourhood Association to Brendon Grylls, the Minister of Lands, that the old heritage "Stationmasters House" at 34 Cheriton Street will be transferred to the City of Vincent."

"The transfer is conditional on the building being refurbished and in community use within two years. The house was originally to be sold by the government on the open market."

"This is a big win for the local community and I look forward to seeing the restoration of the building and it being used by the community. It has been suggested that the uses include a community garden and "men's shed."

"The City of Vincent will now investigate community needs and service gaps in the area and use the house to fill those needs."

"In addition the City will liaise with Central TAFE with a view to developing a "live work" programme with Aboriginal students who will assist in renovating the house."

LEGAL/POLICY:

The City's Policy No. 4.1.5 Community Consultation will apply to this project. Relevant due diligence will also be conducted to ensure the viability of the project and protecting the City's financial interest in relation to providing funds towards capital improvements of the property.

RISK MANAGEMENT IMPLICATIONS:

Low: At the current stage of the project, there are low risk implications for the City.

STRATEGIC IMPLICATIONS:

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

“Community Development and Wellbeing

3.1 *Enhance and promote Community Development and Wellbeing:*

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

(a) *Build the capacity of individuals and groups within the community to initiate and manage programs and activities that benefit the broader community, such as the establishment of “men’s sheds”, community gardens, toy libraries and the like.”*

SUSTAINABILITY IMPLICATIONS:

The potential of the premises for community use supports general principles of sustainability. Proposed “live work” projects to be undertaken by TAFE will incorporate the assessment of materials and construction techniques to promote sustainability elements for the project where possible.

FINANCIAL/BUDGET IMPLICATIONS:

Based on the Building Inspection Report which was presented to the Ordinary Meeting of Council held on 6 December 2011, the estimated cost for refurbishing the building is between \$250,000 and \$300,000. Whilst funding is to be listed in the City's Draft 2012/2013 Budget for the project, at this stage it is too early to list a precise amount. Further investigations are to be carried out.

COMMENTS:

It is recommended that the Council accept the proposal set out in this report which bestows the opportunity of an additional community facility at the eastern end of the City. Approval of the Officer Recommendation is therefore requested.

9.1.1 New Building Act 2011 – Delegations and Adoption of Fees and Charges

Ward:	Both	Date:	16 March 2012
Precinct:	All	File Ref:	LEG0053
Attachments:	001 – Part 5 and 7 – Delegated Authority Register 2011/2012 002 – Proposed Schedule of Building Fees and Charges 003 – <i>Building Act 2011</i> Proposed Fee Modelling for Permit Authorities		
Tabled Items:	Nil		
Reporting Officers:	M Donovan, Co-ordinator Building Services; N Wellington, Development Compliance Officer; H Smith, Manager Planning & Building Services		
Responsible Officers:	C Eldridge, Director Planning Services – Building Act 2011 John Giorgi, Chief Executive Officer – Delegations and Authorisations		

OFFICER RECOMMENDATION:

That the Council **APPROVES BY AN ABSOLUTE MAJORITY;**

1. pursuant to Section 127 of the *Building Act 2011* and Section 5.42 of the *Local Government Act 1995*, the delegation of the exercise of its powers and duties, as detailed in Parts 5 and 7 – Delegated Authority Register 2011/2012, as shown in Appendix 9.1.1;
2. **NOTES** the delegations detailed in part 1 above will come into effect once the *Building Act 2011* comes into operation;
3. in accordance with Section 6.16(3)(a) of the *Local Government Act 1995*, to **ADOPT** the Fee and Charges Schedule as shown in Appendix 9.1.1; and
4. in accordance with Section 6.19 of the *Local Government Act 1995* to give local public notice of the City's intention to impose from 2 April 2012, the fees detailed in clause 3 above.

COUNCIL DECISION ITEM 9.1.1

Moved Cr Buckels, **Seconded** Cr Maier

That the recommendation be adopted.

Debate ensued.

Cr Carey departed the Chamber at 7.50pm.

Debate ensued.

Cr Carey returned to the Chamber at 7.52pm.

Debate ensued.

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

PURPOSE OF REPORT:

The purpose of this report is to enable the Council to make necessary delegations pursuant to the new *Building Act 2011* and adopt a new fee structure.

BACKGROUND:

The Building Act is part of the State Government's Building Regulation Reform Package which replaces the existing building approvals process which was established under the *Local Government Act 1960* and the *Building Regulations 1989*.

The Act was passed by Parliament on 23 June 2011 and is expected to commence operation on 2 April 2012.

DETAILS:

Historically, Western Australian building control has been administered wholly by local government. The new Building Act will allow this function (in part) to be undertaken by private organisations and practitioners.

The proposed changes to the current building legislation are aimed at bringing WA building control in line with national reforms, to increase efficiency in the WA building system and to improve the standard of construction of buildings within the state.

The key elements of reform include:

- All buildings are to be legislated, including those owned by the Crown;
- A competitive building assessment service will be offered by the private sector;
- Mandatory inspections of all classes of buildings will be required (either by the local government or the certifier);
- Owners will have to take prima facia responsibility for the design, construction and operation of buildings;
- Nominated Licence Issuing Authorities (local authorities, state government or special authorities) are to manage risk, audit processes, and issue building permits and occupancy approvals;
- A risk-based approach will be applied to assessment of applications and inspection requirements;
- Requirements for obtaining compliance certification for all types of buildings prior to occupancy will be introduced;
- Registration requirements for a range of industry practitioners will be introduced;
- A nationally agreed accreditation framework for building surveyors will be introduced; and
- A process for the assessment and approval of building works carried out without approval will be introduced.

Delegations

Pursuant to section 127 of the new Building Act, a local government may delegate its powers under the Act to employees of the local government who are appropriately qualified to exercise those powers.

As with the existing delegations under the *Local Government (Miscellaneous Provisions) Act 1960*, the extent to which the power may be exercised is limited by position and is set out in a schedule attached to the instrument of delegation.

The proposed delegations under the provisions of the *Building Act 2011* are very similar to the existing delegations previously confirmed by Council when the same delegations were under the *Local Government (Miscellaneous Provisions) Act 1960*.

The instruments of delegation are shown at Appendix 9.1.1.

Notwithstanding that the operative provisions of the new Building Act to which these delegated powers refer have not commenced, Section 25 of the *Interpretation Act 1984* enables administrative acts, such as the making of instruments of delegation, to be made and to have legal effect upon the commencement of the Act under which they are made.

The Building Act reforms the building approval process and will introduce significant changes for local governments. The major change is to separate the process of certifying compliance with building standards from the administrative process of issuing permits. Private certification will be introduced, removing the sole role of local government as the building licence assessor.

Building Certification Service

The provisions of the *Building Act 2011* allow local governments to provide a building certification service that is essentially a continuation of the building assessment role that has traditionally be undertaken by local governments. It is proposed that the City not establish a building certification service at this point in time and await to see the implications of the new *Building Act 2011*.

Pursuant to Section 3.18 of the *Local Government Act 1995*, a local government may provide services and facilities. In providing those services, a local government is to satisfy itself that services and facilities that it provides integrate and coordinate, so far as practicable, with any provided by the Commonwealth, the State or any public body, do not duplicate, to an extent that the local government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private; and are managed efficiently and effectively.

Delegations

The *Local Government Act 1995*, at Section 5.42, allows for a Council to delegate to the Chief Executive Officer its powers and duties.

Section 127 of the *Building Act 2011* states:

"127. Delegation: special permit authorities and local governments

- (1) A special permit authority or a local government may delegate any of its powers or duties as a permit authority under another provision of this Act.*
- (2) A delegation of a special permit authority's powers or duties may be only to an employee of the special permit authority, or to an employee of one of the legal entities that comprise the special permit authority.*
- (3) A delegation of a local government's powers or duties may be only to a person employed by the local government under the Local Government Act 1995 section 5.36.*
- (4) The delegation must be in writing executed by or on behalf of the special permit authority or by the local government.*
- (5) A person to whom a power or duty is delegated under this section cannot delegate that power or duty.*
- (6) A person exercising or performing a power or duty that has been delegated to the person under this section is to be taken to do so in accordance with the terms of the delegation unless the contrary is shown.*
- (7) Nothing in this section limits the ability of the permit authority to perform a function through an officer or agent."*

The implementation of the *Building Act 2011* has resulted in changes to the following Delegations:

Part 5 Authorisations and Appointments

No. 5.1 – Appointment of Authorised Persons for various Acts Regulations and Local Laws

Part 7 Local Government (Miscellaneous Provisions) Act 1960

- No: 7.1 – Approval of Building Licences
- No: 7.2 – Approval Retaining Walls
- No: 7.3 – Issuing Certificates of Classification
- No: 7.4 – Approve a Demolition Licence Other Than for Buildings Classified by the National Trust and Council’s Heritage Register
- No: 7.5 – Issue Stop Work Notice – for Work in Contravention of the Act (s401A)
- No: 7.6 – Issue Stop Work Notice – Notice of Required Alterations for Unlawful Work (s401)
- No: 7.7 – Serve Notices Relating to Buildings Deemed to be in a Dangerous Condition
- No: 7.8 – Removal of Neglected Buildings
- No: 7.9 – Compel Renovation of Dilapidated Buildings
- No: 7.10 – Compel Completion of Uncompleted Buildings
- No: 7.11 – Encroachment Over, On Or Under Street
- No: 7.12 – Imposing Requirements Under Buildings Regulations 1989, Regulation 27(4)
- No: 7.13 – Issue Licence to Deposit Material on Street
- No: 7.14 – Appoint Authorised Persons (Swimming Pool Inspectors)
- No: 7.15 – Recover the Charge Imposed for Private Swimming Pool Inspection

The new delegations under the *Building Act 2011* will come into operation on 2 April 2012. Along with the amended delegations, additional authorisations to officers is required as outlined in Delegation No. 5.1 – Appointment of Authorised Persons for various Acts, Regulations and Local Laws. It is noted that all Planning and Building Officers are currently appointed as Authorised Officers.

The Building Act and the *Building Regulations 2012* replace the *Building Regulations 1989* and much of the *Local Government (Miscellaneous Provisions) Act 1960*, and amends a range of associated Acts.

Schedule of Fees and Charges

In addition, a new Schedule of Fees and Charges are required to be adopted. The *Building Act 2011* allows for permit authorities to receive fees for applications for Building [Section 16 (I)], Demolition [Section 16 (I)], and Occupancy Permits [Section 54(4)(D)], as well as a number of other activities.

Fees and Charges

The Building Services Levy is payable to the Local Government (also known as a Permit Authority) when the application is made. The Table below sets out the Levy in respect to Building Approval Certificates and Permits as from 2 April 2012.

Application Types	Building Services Levy	
Building permit application fee	Current fee	Proposed fee 2011/2012
Building Permit Application Class 1-10 - uncertified Section 16	0.35% of the estimated value of the proposed construction as determined by the local Government but not less than \$85. The actual rate is 0.3182% of the proposed estimated value of the proposed construction <u>inclusive of GST</u> .	0.318% of the estimated value (inclusive of GST) of the proposed building work as determined by the permit authority but not less than \$90.
Building Permit Application Class 1-10 - certified	No current equivalent.	0.19% of the estimated value (inclusive of GST) of the proposed building work as determined by the permit authority but not less than \$90.

Application Types	Building Services Levy	
Building Approval for Unauthorised Class 1 & 10 - certified Section 51	0.7% of the estimated current value of the unauthorised building work as determined by the local Government but not less than \$170.	0.38% of the estimated current value (inclusive of GST) of the unauthorised building work as determined by the permit authority, but not less than \$90. 0.38% is derived from 60% of (0.7%x 10/11).
Building Approval Certificate Authorised Class 1&10	No current equivalent.	\$90. The fee is to cover the administrative cost of issuing the Building Approval Certificate (certified).
Building Permit Application Class 2-9 - certified Section 16	No current equivalent. For uncertified application - 0.2% of the estimated value of the proposed construction as determined by Local Government but not less than \$85.	0.09% of the estimated value (inclusive of GST) of the proposed building work as determined by the permit authority but not less than \$90.
Application for Occupancy Permit for Unauthorised Permit Class 2-9 building certified	No current fee associated with the provision of Certificate of Classification under regulation 20(1a).	0.18% of estimated value (inclusive of GST) of the proposed building work as determined by the permit authority but not less than \$90.
Application for Occupancy Permit for Class 2-9 buildings-completed building Section 46	No current fee associated with the provision of certificate of classification under regulation 20(1).	\$90 per application. Subsequent inspection fees for Officers in the event initial visit is inconclusive or the works incomplete - \$120 per visit.
Application for Occupancy Permit for registration of Strata Scheme, plan of re-subdivision - Class 2-9 building	No current equivalent.	\$100 or \$10 per strata unit, whichever is greater. The fee is to cover the administrative costs of issuing the occupancy permit. Subsequent inspection fees for Officers in the event initial visit is inconclusive or the works incomplete - \$120 per visit.
Demolition Permit Application for the issue of Permit - Class 1-10	\$50 for each storey.	\$100. The fee is greater than the general minimum \$90 fee as demolition permit applications are not certified and may require some additional checks by the permit authority.

Application Types	Building Services Levy	
Demolition Permit Application for the issue of the Permit for Demolition Work - Class 2-9	\$50 per storey.	\$100 for each storey.
Application to extend the time during which a builder or Demolition Permit has effect.	No current fee.	\$90. This fee is to cover the administrative costs of extending the time.
Application to extend the time during which an Occupancy Permit or a Building Approval Certificate has effect.	No current fee.	\$90.
Section 65		
Applications for copies of Permits, Building Approval Certificated in Register.	No equivalent fee.	To be advised, however it is noted the City provides a Building Plan Archive Search service with appropriate fees.
Application to Inspect and obtain a Copy of the Building Records.	No equivalent fee.	To be advised, however it is noted the City provides a Building Plan Archive Search service with appropriate fees.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

The *Building Act* and the *Building Regulations 2012* replace the *Building Regulations 1989* and much of the *Local Government (Miscellaneous Provisions) Act 1960*, and amends a range of associated Acts.

RISK MANAGEMENT IMPLICATIONS:

High: Failure to review the Delegated Authority Register and adopt a new Schedule of Fees and Charges would be inconsistent with the implementation of the *Building Act 2011*.

In anticipation of the new Building Act becoming operational on 2 April 2012, it is necessary for the City to have appropriate delegations and fees in place to perform the City's role as a permit authority under the Act. If the appropriate delegations and fees are not in place, the City will not be able to issue building permits in a timely and effective manner.

STRATEGIC IMPLICATIONS:

The use of delegations is in keeping with the City's *Strategic Plan 2011-2016* Objective 4 which states:

"Leadership, Governance and Management

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

It is noted that the new fee schedule will result in a reduction in basic Building Licence (Permit) Fees. There may however be opportunities for the City's Administration to consider a business model to certify applications. A further report will be submitted at a later date, once further details are known.

It is anticipated that the new statutory fee structure set by the State Government will have some negative impact on the City's budget. There is uncertainty at this stage in regard to the exact budgetary implications the new Building Act will have on the City.

COMMENTS:

It is recommended that the Council delegates its powers under the Act to ensure that the Administration can administer the new *Building Act 2011*. The Council is also requested to approve of the reviewed Schedule of Fees and Charges to be operational from 1 April 2012.

9.1.3 No. 181 (Lot 320; D/P: 2355) Walcott Street, Mount Lawley – Demolition of Existing Two Storey Dwelling

Ward:	South	Date:	12 March 2012
Precinct:	Norfolk; P10	File Ref:	PRO5553; 5.2012.42.1
Attachment:	001 – Heritage Assessment		
Tabled Items:	Nil		
Reporting Officer:	H Au, Heritage Officer		
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, APPROVES the application submitted by Peter Chia on behalf of the owner Gocigo Pty Ltd for proposed Demolition of Existing Two Storey Dwelling, at No. 181 (Lot 320; D/P: 2355) Walcott Street, Mount Lawley, and as shown on plans stamp-dated 2 February 2012, subject to the following conditions:

1. a Demolition Licence shall be obtained from the City prior to commencement of any demolition work on the site;
2. no street verge tree(s) shall be removed. The street verge tree/s shall be retained and protected from any damage including unauthorized pruning;
3. PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the City:

3.1 Demolition Management Plan

A Demolition Management Plan, detailing how the demolition of the development will be managed to minimise the impact on the surrounding area, addressing the following issues:

- 3.1.1 public safety, amenity and site security;
- 3.1.2 contact details of essential site personnel;
- 3.1.3 construction/demolition operating hours;
- 3.1.4 noise control and vibration management;
- 3.1.5 Dilapidation Reports of nearby properties;
- 3.1.6 air and dust management;
- 3.1.7 stormwater and sediment control;
- 3.1.8 soil excavation method and de-watering (if applicable);
- 3.1.9 waste management and materials re-use;
- 3.1.10 traffic, access management, including heavy vehicle access;
- 3.1.11 parking arrangements for contractors and subcontractors;
- 3.1.12 Notification Plan of nearby properties; and
- 3.1.13 any other matters deemed appropriate by the City, including photographs of the precondition of existing City infrastructure such as footpaths, verge and street trees;

4. a detailed Vacant Lot Management Plan, prepared in consultation with the City's Health Services, Parks and Property Services and Planning and Building Services for the site at No. 181 (Lot 320; D/P: 2355) Walcott Street, Mount Lawley, shall be submitted and approved prior to the issue of a Demolition Licence. The City encourages property owners to appropriately maintain vacant land in a safe, secure and tidy manner in the interest of the community. The management plan shall include details of the proposed treatment of the vacant site which covers fencing, maintenance, rubbish collection, weed control, and the like. The vacant lot shall be maintained in accordance with the Management Plan, until redevelopment works are carried out on site; and

5. prior to the issue of a Demolition Licence, a bond of \$2,000 shall be paid by the owners to ensure the Vacant Lot Management Plan is implemented to the satisfaction of the Chief Executive Officer. In the event that the bond is drawn upon, such bond shall be maintained at a level of \$2,000 dollars until the redevelopment works are commenced.

Advice Notes:

1. Support of the demolition application is not to be construed as support of any future Planning Approval/Building Licence application for the redevelopment proposal for the subject property;
2. Demolition of the existing dwelling may make the property ineligible for any development bonuses under the provisions of the City of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing buildings valued by the community;
3. Any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the City of Vincent Town Planning Scheme No. 1 and associated Policies; and
4. In accordance with the City's Sustainable Environment Strategy 2011-2016, retention of the Jacaranda tree at the rear of the subject property, which is listed on the City's "Interim Significant Tree Database – Possible Inventory Inclusion, Current List 2", is strongly encouraged along with consideration of its incorporation within any future proposed redevelopment of the subject lot.

Moved Cr Maier, Seconded Cr Topelberg

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

"That Advice Note 2 be amended to read as follows:

2. Demolition of the existing dwelling ~~may~~ **will** make the property ineligible for any development bonuses under the provisions of the City of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing buildings valued by the community;"

Debate ensued.

AMENDMENT

Moved Cr McGrath, Seconded Cr Maier

That a new Advice Note 2 be inserted as follows and the remaining Advice Notes be renumbered:

- "2. It is the preference of the Council that buildings such as that on the subject property that can potentially contribute to the streetscape are put into a good state of repair and condition, and retained and/or subject to adaptive reuse in new developments. Council may consider development bonuses in such cases;"

AMENDMENT PUT AND CARRIED UNANIMOUSLY (9-0)

MOTION AS AMENDED PUT AND CARRIED (8-1)

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

Against: Cr Pintabona

COUNCIL DECISION ITEM 9.1.3

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 Peter Chia on behalf of the owner Gocigo Pty Ltd for proposed Demolition of Existing Two Storey Dwelling, at No. 181 (Lot 320; D/P: 2355) Walcott Street, Mount Lawley, and as shown on plans stamp-dated 2 February 2012, subject to the following conditions:

1. a Demolition Licence shall be obtained from the City prior to commencement of any demolition work on the site;
2. no street verge tree(s) shall be removed. The street verge tree/s shall be retained and protected from any damage including unauthorized pruning;
3. PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the City:

3.1 **Demolition Management Plan**

A Demolition Management Plan, detailing how the demolition of the development will be managed to minimise the impact on the surrounding area, addressing the following issues:

- 3.1.1 public safety, amenity and site security;
 - 3.1.2 contact details of essential site personnel;
 - 3.1.3 construction/demolition operating hours;
 - 3.1.4 noise control and vibration management;
 - 3.1.5 Dilapidation Reports of nearby properties;
 - 3.1.6 air and dust management;
 - 3.1.7 stormwater and sediment control;
 - 3.1.8 soil excavation method and de-watering (if applicable);
 - 3.1.9 waste management and materials re-use;
 - 3.1.10 traffic, access management, including heavy vehicle access;
 - 3.1.11 parking arrangements for contractors and subcontractors;
 - 3.1.12 Notification Plan of nearby properties; and
 - 3.1.13 any other matters deemed appropriate by the City, including photographs of the precondition of existing City infrastructure such as footpaths, verge and street trees;
4. a detailed Vacant Lot Management Plan, prepared in consultation with the City's Health Services, Parks and Property Services and Planning and Building Services for the site at No. 181 (Lot 320; D/P: 2355) Walcott Street, Mount Lawley, shall be submitted and approved prior to the issue of a Demolition Licence. The City encourages property owners to appropriately maintain vacant land in a safe, secure and tidy manner in the interest of the community. The management plan shall include details of the proposed treatment of the vacant site which covers fencing, maintenance, rubbish collection, weed control, and the like. The vacant lot shall be maintained in accordance with the Management Plan, until redevelopment works are carried out on site; and
 5. prior to the issue of a Demolition Licence, a bond of \$2,000 shall be paid by the owners to ensure the Vacant Lot Management Plan is implemented to the satisfaction of the Chief Executive Officer. In the event that the bond is drawn upon, such bond shall be maintained at a level of \$2,000 dollars until the redevelopment works are commenced.

Advice Notes:

1. **Support of the demolition application is not to be construed as support of any future Planning Approval/Building Licence application for the redevelopment proposal for the subject property;**
2. **It is the preference of the Council that buildings such as that on the subject property that can potentially contribute to the streetscape are put into a good state of repair and condition, and retained and/or subject to adaptive reuse in new developments. Council may consider development bonuses in such cases;**
3. **Demolition of the existing dwelling will make the property ineligible for any development bonuses under the provisions of the City of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing buildings valued by the community;**
4. **Any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the City of Vincent Town Planning Scheme No. 1 and associated Policies; and**
5. **In accordance with the City's Sustainable Environment Strategy 2011-2016, retention of the Jacaranda tree at the rear of the subject property, which is listed on the City's "Interim Significant Tree Database – Possible Inventory Inclusion, Current List 2", is strongly encouraged along with consideration of its incorporation within any future proposed redevelopment of the subject lot.**

Landowner:	Gocigo Pty Ltd
Applicant:	Peter Chia
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1: Residential R60
Existing Land Use:	House
Use Class:	Not applicable
Use Classification:	Not applicable
Lot Area:	999 square metres
Right of Way:	Not applicable

PURPOSE OF REPORT:

The applicant proposes to demolish the subject two-storey dwelling as per item 1 (b) of the Notice issued on 4 November 2011 under the Local Government (Miscellaneous Provisions) Act 1960, Section 408 (1), and requests demolition approval without the standard condition for the submission of redevelopment plans. The proposal requires referral to the Council for determination.

BACKGROUND:

4 November 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 City, on the basis set out in the Schedule annexed to this Notice and marked "A"; or*
 - (b) take the Building down."*

2 February 2012 The applicant submitted an application for demolition of the existing dwelling and requested the removal of the standard condition for the submission of redevelopment plans.

DETAILS:

The proposal involves the demolition of the existing two storey dwelling at No. 181 (Lot 320; D/P: 2355) Walcott Street, Mount Lawley.

The applicant proposes to action item 1 (b) of the Notice, detailed in the 'Background' section above, that is, to demolish the existing dwelling. However, the applicant has advised that he is currently offering the property for sale and has no intention to develop the property. Hence, the applicant is unable, at this point in time, to satisfy the standard condition which requires a redevelopment proposal to be submitted prior to the issue of a Demolition Licence. The following comments are provided by the applicant in this respect:

"I am seeking permission to demolish the property due to City Notice. I am currently offering the property for sale and do not wish to develop myself should the property sell."

As such, the applicant has requested, in the event that the Council approves the proposed demolition of the subject place that it omits the standard condition that requires a redevelopment proposal for the subject property to be submitted to and approved by the City, prior to the issue of a Demolition Licence.

COMPLIANCE:

Consultation	
In Support:	One (1)
Comments Received	Officer Comments
<ul style="list-style-type: none"> Concern over unstable structure at the subject property. 	Noted and supported.
Neither support or object:	One (1)
Comments Received	Officer Comments
<ul style="list-style-type: none"> Concerns over rats, cats and rodents issues. Proposed to carry out a pest control at the subject property. 	Noted and supported. A Vacant Lot Management Plan will be included in the Planning Approval for demolition to ensure the vacant land be maintained in a safe, secure and tidy manner in the interest of the community.
Advertising	The advertising was carried out as per the City's Policy No. 4.1.5 - relating to Community Consultation.

Other Implications	
Legal/Policy	TPS No. 1 and associated Policies and Local Government (Miscellaneous Provisions) Act 1960
Strategic	Nil
Sustainability	Nil
Financial/Budget	Nil

COMMENTS:**Heritage Services**

A detailed Heritage Assessment is contained to this report.

The place at No. 181 Walcott Street, Mount Lawley is a brick and tile dwelling constructed circa 1924 in the Interwar Bungalow style of architecture.

The subject place is first documented in the WA Post Office Directories in 1926, with Noel Brady listed as the first resident. Since then, the subject dwelling has been transferred several times to new owners and occupiers.

A full Heritage Assessment was undertaken for No. 181 Walcott Street, Mount Lawley, which indicates that the place has little aesthetic, historic, scientific or social heritage significance. In accordance with the City's Policy No. 3.6.2 relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the City's Municipal Heritage Inventory.

In light of the above, it is considered reasonable that the application for the demolition of the subject dwelling be approved.

Development Approval Condition

The applicant has requested that the condition, relating to the requirement for a redevelopment proposal, be removed by the City prior to the issue of a Demolition Licence. The above condition is standard, as per Clause 41 of the Town Planning Scheme No. 1, which is applied to the approval of all demolition within the City and is intended to minimise parcels of land being left vacant over a lengthy period, and enables opportunity for buildings and dwellings to be retained. Whilst the request to remove the above condition is not generally supported, the City's Health Services, Planning and Building Services, and Strategic Planning, Sustainability and Heritage Services have some serious concerns regarding the current condition of the subject dwelling, which are so dilapidated that they are unfit for use or occupation.

In light of the above, it is considered that the subject building be approved for demolition, without the standard redevelopment requirement, rather, with a condition requiring a Vacant Lot Management Plan, as per the Officer Recommendation.

9.1.4 No. 357 (Lot 5; D/P: 18163) Walcott Street, Coolbinia – Proposed Demolition of Existing Single House

Ward:	North	Date:	13 March 2012
Precinct:	North Perth; P8	File Ref:	PRO5671; 5.2012.56.1
Attachment:	001 – Heritage Assessment; 002 – State Administrative Tribunal Order		
Tabled Items:	Nil		
Reporting Officer:	H Au, Heritage Officer		
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, APPROVES the application submitted by John G Hughan on behalf of the owner Yokine Investments Pty Ltd for proposed Demolition of Existing Single House, at No. 357 (Lot 5; D/P: 18163) Walcott Street, Coolbinia, and as shown on plans stamp-dated 15 February 2012, subject to the following conditions:

1. a Demolition Licence shall be obtained from the City prior to commencement of any demolition work on the site;
2. no street verge tree(s) shall be removed. The street verge tree(s) shall be retained and protected from any damage including unauthorized pruning;
3. PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the City:

3.1 Demolition Management Plan

A Demolition Management Plan, detailing how the demolition of the development will be managed to minimise the impact on the surrounding area, addressing the following issues:

- 3.1.1 public safety, amenity and site security;
 - 3.1.2 contact details of essential site personnel;
 - 3.1.3 construction/demolition operating hours;
 - 3.1.4 noise control and vibration management;
 - 3.1.5 Dilapidation Reports of nearby properties;
 - 3.1.6 air and dust management;
 - 3.1.7 stormwater and sediment control;
 - 3.1.8 soil excavation method and de-watering (if applicable);
 - 3.1.9 waste management and materials re-use;
 - 3.1.10 traffic, access management, including heavy vehicle access;
 - 3.1.11 parking arrangements for contractors and subcontractors;
 - 3.1.12 Notification Plan of nearby properties; and
 - 3.1.13 any other matters deemed appropriate by the City, including photographs of the precondition of existing City infrastructure such as footpaths, verge and street trees;
4. A detailed Vacant Lot Management Plan, prepared in consultation with the City's Health Services, Parks and Property Services and Planning and Building Services for the site at No. 357 (Lot 5; D/P: 18163) Walcott Street, Coolbinia shall be submitted and approved prior to the issue of a Demolition Licence. The City encourages property owners to appropriately maintain vacant land in a safe, secure and tidy manner in the interest of the community. The management plan shall include details of the proposed treatment of the vacant site which covers fencing, maintenance, rubbish collection, weed control, and the like. The vacant lot shall be maintained in accordance with the Management Plan, until redevelopment works are carried out on site; and

5. Prior to the issue of a Demolition Licence, a bond of \$2,000 shall be paid by the owners to ensure the Vacant Lot Management Plan is implemented to the satisfaction of the Chief Executive Officer. In the event that the bond is drawn upon, such bond shall be maintained at a level of \$2,000 dollars until the redevelopment works are commenced.

Advice Notes:

1. Support of the demolition application is not to be construed as support of any future Planning Approval/Building Licence application for the redevelopment proposal for the subject property;
2. Demolition of the existing dwelling may make the property ineligible for any development bonuses under the provisions of the City of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing buildings valued by the community; and
3. Any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the City of Vincent Town Planning Scheme No. 1 and associated Policies.

Moved Cr Maier, Seconded Cr McGrath

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

“That Advice Note 2 be amended to read as follows:

2. Demolition of the existing dwelling ~~may~~ will make the property ineligible for any development bonuses under the provisions of the City of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing buildings valued by the community;”

AMENDMENT

Moved Cr McGrath, Seconded Cr Maier

That a new Advice Note 2 be inserted as follows and the remaining Advice Notes be renumbered:

- “2. It is the preference of the Council that buildings such as that on the subject property that can potentially contribute to the streetscape are put into a good state of repair and condition, and retained and/or subject to adaptive reuse in new developments. Council may consider development bonuses in such cases;”

AMENDMENT PUT AND CARRIED UNANIMOUSLY (9-0)

MOTION AS AMENDED PUT AND CARRIED (8-1)

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

Against: Cr Pintabona

COUNCIL DECISION ITEM 9.1.3

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 John G Hughan on behalf of the owner Yokine Investments Pty Ltd for proposed Demolition of Existing Single House, at No. 357 (Lot 5; D/P: 18163) Walcott Street, Coolbinia, and as shown on plans stamp-dated 15 February 2012, subject to the following conditions:

1. a Demolition Licence shall be obtained from the City prior to commencement of any demolition work on the site;
2. no street verge tree(s) shall be removed. The street verge tree(s) shall be retained and protected from any damage including unauthorized pruning;
3. PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the City:

3.1 Demolition Management Plan

A Demolition Management Plan, detailing how the demolition of the development will be managed to minimise the impact on the surrounding area, addressing the following issues:

- 3.1.1 public safety, amenity and site security;
 - 3.1.2 contact details of essential site personnel;
 - 3.1.3 construction/demolition operating hours;
 - 3.1.4 noise control and vibration management;
 - 3.1.5 Dilapidation Reports of nearby properties;
 - 3.1.6 air and dust management;
 - 3.1.7 stormwater and sediment control;
 - 3.1.8 soil excavation method and de-watering (if applicable);
 - 3.1.9 waste management and materials re-use;
 - 3.1.10 traffic, access management, including heavy vehicle access;
 - 3.1.11 parking arrangements for contractors and subcontractors;
 - 3.1.12 Notification Plan of nearby properties; and
 - 3.1.13 any other matters deemed appropriate by the City, including photographs of the precondition of existing City infrastructure such as footpaths, verge and street trees;
4. A detailed Vacant Lot Management Plan, prepared in consultation with the City's Health Services, Parks and Property Services and Planning and Building Services for the site at No. 357 (Lot 5; D/P: 18163) Walcott Street, Coolbinia shall be submitted and approved prior to the issue of a Demolition Licence. The City encourages property owners to appropriately maintain vacant land in a safe, secure and tidy manner in the interest of the community. The management plan shall include details of the proposed treatment of the vacant site which covers fencing, maintenance, rubbish collection, weed control, and the like. The vacant lot shall be maintained in accordance with the Management Plan, until redevelopment works are carried out on site; and
 5. Prior to the issue of a Demolition Licence, a bond of \$2,000 shall be paid by the owners to ensure the Vacant Lot Management Plan is implemented to the satisfaction of the Chief Executive Officer. In the event that the bond is drawn upon, such bond shall be maintained at a level of \$2,000 dollars until the redevelopment works are commenced.

Advice Notes:

1. **Support of the demolition application is not to be construed as support of any future Planning Approval/Building Licence application for the redevelopment proposal for the subject property;**
2. **It is the preference of the Council that buildings such as that on the subject property that can potentially contribute to the streetscape are put into a good state of repair and condition, and retained and/or subject to adaptive reuse in new developments. Council may consider development bonuses in such cases;**
3. **Demolition of the existing dwelling will make the property ineligible for any development bonuses under the provisions of the City of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing buildings valued by the community; and**
4. **Any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the City of Vincent Town Planning Scheme No. 1 and associated Policies.**

Landowner:	Yokine Investments Pty Ltd
Applicant:	John G Hughan
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1: Residential R60
Existing Land Use:	House
Use Class:	Not applicable
Use Classification:	Not applicable
Lot Area:	779 square metres
Right of Way:	South West side, 5 metres wide, sealed, City owned

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval to demolish the subject single house, without the standard condition for the submission of redevelopment plans prior to the issue of a Demolition Licence, as per the decision made by the State Administrative Tribunal (SAT) with respect to the Survey Strata Subdivision application at No. 357 Walcott Street, Coolbinia. The subject proposal requires referral to the Council for determination.

BACKGROUND:

28 February 2011 The City received a letter dated 24 February 2011 from the Western Australian Planning Commission (WAPC) requested the City to provide comment or recommended conditions pertinent to the Survey Strata Subdivision application at No. 357 Walcott Street, Coolbinia. The application involved demolition of existing single house and subdivision of existing single lot into four (4) survey strata lots.

6 May 2011 The Western Australian Planning Commission approved the Survey Strata Subdivision application at No. 357 Walcott Street, Coolbinia subject to conditions, which must be fulfilled before submission of a copy of the survey-strata plan for endorsement. In particular, condition fourteen (14) states,

'The applicant/owner obtaining development approval for the development of a dwelling(s) on the approved lot(s). (Local Government)'

19 October 2011 The Western Australian Planning Commission advised that as a result of an Application for Review of the Survey Strata Subdivision application at No. 357 Walcott Street, Coolbinia by the State Administrative Tribunal (SAT) on 5 October 2011, condition fourteen (14), as stated as above, has been deleted.

15 February 2012 The applicant submitted an application for demolition of the existing dwelling to fulfil condition fifteen (15) on the Survey Strata Subdivision application endorsed by the Western Australian Planning Commission, which states,

'All buildings, outbuildings and/or structures being demolished and materials removed from the site(s). (Local Government)'

In addition, the applicant requested the removal of the standard condition for the submission of redevelopment plans, as per decision made by the State Administrative Tribunal.

DETAILS:

The proposal involves the demolition of the existing single house at No. 357 (Lot 5; D/P: 18163) Walcott Street, Coolbinia.

The applicant proposes to demolish the existing dwelling and advises that as a result of an Application for Review to the State Administrative Tribunal, a development approval for the development of a dwelling(s) on the approved lot(s) is not required, prior to the submission of a copy of the survey-strata plan for WAPC endorsement. A copy of the State Administrative Tribunal Order is attached at Appendix 9.1.4, Attachment 002.

As such, the City's Officers recommend, in the event that the Council approves the proposed demolition of the subject place, that it does not include the standard condition that requires a redevelopment proposal for the subject property to be submitted to and approved by the City, prior to the issue of a Demolition Licence.

COMPLIANCE:

Consultation	
In Support	Nil
Objections	Nil
Neither support or object	Nil
Advertising	The advertising was carried out as per the City's Policy No. 4.1.5 - relating to Community Consultation.

Other Implications	
Legal/Policy	TPS No. 1 and associated Policies and Local Government (Miscellaneous Provisions) Act 1960.
Strategic	Nil
Sustainability	Nil
Financial/Budget	Nil

COMMENTS:

Heritage Services

A detailed Heritage Assessment is contained to this report.

The place at No. 357 Walcott Street, Coolbinia is a brick and tile dwelling constructed circa 1953 in the Post-war Conventional Suburban Style Bungalow.

A Certificate of Title shows that the first owner purchased the property at No. 357 Walcott Street in 1953. Since then, the subject dwelling has been transferred several times to new owners and occupiers.

A full Heritage Assessment was undertaken for No. 357 Walcott Street, Coolbinia, which indicates that the place has little aesthetic, historic, scientific or social heritage significance. In accordance with the City's Policy No. 3.6.2 relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the City's Municipal Heritage Inventory.

In light of the above, it is considered reasonable that the application for the demolition of the subject dwelling be approved.

Development Approval Condition

The applicant has advised that as a result of an Application for Review to the State Administrative Tribunal, the condition relating to the requirement for a redevelopment proposal is to be removed by the City prior to the issue of a Demolition Licence. The above condition is standard, as per Clause 41 of the Town Planning Scheme No. 1, which is applied to the approval of all demolition within the City and is intended to minimise parcels of land being left vacant over a lengthy period, and enables opportunity for buildings and dwellings to be retained. Whilst the request to remove the above condition is not generally supported, the removal of the condition is a decision made by the State Administrative Tribunal.

In light of the above, it is considered that the subject building be approved for demolition, without the standard redevelopment requirement, rather, with a condition requiring a Vacant Lot Management Plan, as per the Officer Recommendation.

9.1.5 No. 24 (Lot 303; D/P: 2001) Pakenham Street, Mount Lawley – Proposed Alterations and Additions to Existing Single House including Garage and Second Storey Ancillary Accommodation

Ward:	South	Date:	13 March 2012
Precinct:	Banks; P15	File Ref:	PRO5536; 5.2011.408.2
Attachments:	001 – Property Information Report and Development Application Plans		
Tabled Items:	Nil		
Reporting Officer:	S Radosevich, Planning Officer (Statutory)		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by J Berg for Alterations and Additions to Existing Single House including Garage and Second Storey Ancillary Accommodation at No. 24 (Lot 303; D/P: 2001) Pakenham Street, Mount Lawley, and as shown on plans stamp-dated 19 August 2011, and amended plans stamp-dated 27 January 2012, subject to the following conditions:

1. a Demolition Licence shall be obtained from the City prior to commencement of any demolition works on the site;
2. 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 Pakenham Street;
3. first obtaining the consent of the owners of No. 22 Pakenham Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 22 Pakenham Street in a good and clean condition. The finish of the wall is to be fully rendered or face brickwork; and
4. PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the City:

4.1 Privacy Screening

The north-eastern and north-western sides of the balcony, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2010.

Moved Cr Maier, Seconded Cr Buckels

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

That clause 4.1 be amended to read as follows:

“4.1 Privacy Screening

The north-eastern and north-western sides of the balcony, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed; ~~The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject walls not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2010. OR prior to the issue of a Building Licence, revised plans shall be submitted demonstrating the above major openings being provided with permanent vertical screening or equivalent, preventing direct line of sight within the cone of vision to ground level of the adjoining properties in accordance with the Residential Design Codes.”~~

MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

COUNCIL DECISION ITEM 9.1.5

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by J Berg for Alterations and Additions to Existing Single House including Garage and Second Storey Ancillary Accommodation at No. 24 (Lot 303; D/P: 2001) Pakenham Street, Mount Lawley, and as shown on plans stamp-dated 19 August 2011, and amended plans stamp-dated 27 January 2012, subject to the following conditions:

1. a Demolition Licence shall be obtained from the City prior to commencement of any demolition works on the site;
2. 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 Pakenham Street;
3. first obtaining the consent of the owners of No. 22 Pakenham Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 22 Pakenham Street in a good and clean condition. The finish of the wall is to be fully rendered or face brickwork; and
4. PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the City:

4.1 Privacy Screening

The north-eastern and north-western sides of the balcony, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed; OR prior to the issue of a Building Licence, revised plans shall be submitted demonstrating the above major openings being provided with permanent vertical screening or equivalent, preventing direct line of sight within the cone of vision to ground level of the adjoining properties in accordance with the Residential Design Codes.

Landowner:	J Berg
Applicant:	J Berg
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R20
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	490 square metres
Right of Way:	North-eastern side, 4 metres wide, sealed, Council owned.

PURPOSE OF REPORT:

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

BACKGROUND:

Nil.

DETAILS:

There is currently a single house and outbuilding located on the subject site. The application is for alterations and additions to an existing single house including a garage and second storey ancillary accommodation addition. The application proposes to remove the existing outbuilding from the rear, with the proposed garage and second storey ancillary accommodation being located to the rear of the site.

The drawings received on 19 August 2011 proposed alterations and additions to an existing single house including garage and loft. The plans were subject to community consultation; one objection was received. The applicant has made a number of changes to the proposal to accommodate the major concerns outlined in the objection. The amended plans received on 27 January 2012 were subject to further community consultation, with two letters of support received.

The objection received in relation to the original plans is addressed in the consultation table below to illustrate the changes between the original plans and the amended plans.

COMPLIANCE:

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Setbacks from Rights of Way:	Upper Floor = 1 metre behind each portion of the ground floor.	In line to 1.3 metres behind the ground floor.
Officer Comments:		
Supported, as it meets the performance criteria. As the existing structures along the right of way are single storey, it is considered that the proposed setback to the right of way is compatible with the existing setbacks to the right of way. In accordance with the Clause 6.4.2 "Setbacks from Right of Way" of the City's Residential Design Elements Policy No. 3.2.1, the above setbacks from the right of way meet with the Performance Criteria. It is stated that the setback from the right of way be compatible and consistent with established pattern of setbacks to the right of way, in which the above proposal complies through the upper floor providing articulation, with the balcony being in line with the ground floor and a portion of the upper floor being setback 0.8 metres behind the ground floor, with the majority of the upper floor of setback 1.3 metres behind the ground floor, therefore maintaining the desired streetscape.		
Roof Forms:	The use of roof pitches between 30 degrees and 45 degrees (inclusive) being encouraged.	7 degree skillion roof.
Officer Comments:		
Supported. The proposed lower roof pitch does not significantly increase the building bulk of the development or cause undue overshadowing of the adjoining properties. As the ancillary accommodation addition with the skillion roof is to the rear of the subject site, with the dwelling presenting to the street having a pitched roof, it has no undue impact on the existing Pakenham Street streetscape.		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Ancillary Accommodation:	The total area of the ancillary accommodation structure is not to exceed 35 square metres.	43.97 square metres.
Officer Comments:		
Supported. The size and design of the ancillary accommodation accommodates one bedroom with the larger floor area providing an increased level of amenity for the occupants. It is considered that the increased size is suitable for one or two persons as there is only one bedroom, as would ancillary accommodation that was thirty-five square metres. In accordance with the City's Ancillary Accommodation Policy No. 3.4.1, the above area meets with the Policy's objectives. It is stated that ancillary accommodation is to conform with the existing scale and character of the locality, minimise its impact on adjacent properties and provide housing diversity and affordable housing opportunities. The above proposal complies with the Policy objectives as it is in keeping with the existing scale and character of the locality as it meets with the requirements of Clause 6.4.1 "Open Space Provision" A1 of the Residential Design Codes, as 50.78 percent open space is provided, whilst providing housing diversity within the locality.		
Ancillary Accommodation:	Maximum height = 5 metres	Maximum height = 6.5 metres.
Officer Comments:		
Supported. In accordance with the City's Ancillary Accommodation Policy No. 3.4.1, the above area meets with the Policy's objectives. It is stated that ancillary accommodation is to conform with the existing scale and character of the locality, minimise its impact on adjacent properties and provide housing diversity and affordable housing opportunities. The above proposal complies with the Policy objectives as it is in keeping with the existing scale and character of the locality as the proposed building height is exceeded due to the proposed seven degree skillion roof, with the north-western side of the structure having a five metre wall height. The proposed building height is supportable in this instance as the in keeping with the two-storey height limit for single houses within the locality whilst having no undue impact on overshadowing, visual intrusion or the streetscape.		
Buildings Setback from the Boundary:	<u>North-western boundary</u> Upper Floor: 2.5 metres <u>South-eastern boundary</u> Ground Floor: 1.5 metres Upper Floor: 1.2 metres	2.2 metres to 3.3 metres 1.48 metres 0.83 metres to 1.6 metres
Officer Comments:		
Supported. It is considered there is no unreasonable undue impact in terms of visual impact and access to direct sun and ventilation, created by the proposed setback variations. There are no major openings proposed to the upper floor facing the adjoining north-western and south-eastern properties. The overshadowing of the development complies with the requirements of Clause 6.9.1 "Solar Access for Adjoining sites" A1 of the Residential Design Codes, as it overshadows 100.6 square metres (20.53 percent) whereas the Acceptable Development allows for 122.5 square metres (25 percent), therefore not having an adverse impact on the adjoining residential properties.		

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

Consultation	
In Support :	Two (2)
Comments Received	Officer Comments
Nil	Nil
Objections: (1)	Below is a summary of the objection received in relation to the original plans dated 19 August 2011, amended plans dated 27 January 2012 have been received which address the issues outlined below.

Consultation	
Comments Received	Officer Comments
<ul style="list-style-type: none"> As this development is on a 4 metre wide right of way and requires further widening, a minimum 6 metre manoeuvring depth is required. The proposed plans show only a garage door setback of 2 metres and a building setback of only 680 millimetres. As per the Acceptable Development Criteria chart and diagram these measurements are not sufficient and must be increased so that the proposed garage/loft is setback 3 metres from the boundary. 	<ul style="list-style-type: none"> The proposed garage is setback 2.2 metres from the right of way, in accordance with the City's Residential Design Elements, which provides for the minimum 6 metres manoeuvring space.
<ul style="list-style-type: none"> The design of the proposed garage/loft addition has a negative visual impact. Under section 7.0 Building Design, Clause 7.1 Overview, 7.3 Objectives, 7.4 Guidance Notes Clause 7.4.1. 	<ul style="list-style-type: none"> The proposed 30 degree pitched roof has been amended to a 7 degree skillion roof to minimise the visual impact on the adjoining properties.
<ul style="list-style-type: none"> The proposed design of the garage/loft doesn't meet the criteria stated in the Section 7.4.6 Lofts. The proposed drawing garage/loft section A-A drawing page number A-06 represents an additional storey and must comply with all upper floor setbacks. 	<ul style="list-style-type: none"> The definition of ancillary accommodation more accurately represents the proposal. The amended plans have been assessed against the ancillary accommodation requirements.
<ul style="list-style-type: none"> As the property slopes from the lowest point at the front of the house to the highest point at rear (where proposed garage/loft development will be) the natural ground level should be taken from the lowest point and followed to the rear. 	<ul style="list-style-type: none"> The building height is measured above the natural ground level, therefore when the site has a consistent slope then the height of structures are measured at any point above the natural ground level immediately below that point.
<ul style="list-style-type: none"> The design of the development will restrict direct access to the sun, not only in summer but also in winter, as it dominates the streetscape on the north-east side. It will also cause over shadowing on courtyards reducing the amount of natural light coming in. 	<ul style="list-style-type: none"> Amended plans have been submitted with the proposed setback variations complying with the requirements of Clause 6.3.1 "Buildings Setback from the Boundary" P1 of the Residential Design Codes, with regards to access to sun, ventilation, building bulk and privacy.
Advertising	The advertising was carried out as per the City's Policy No. 4.1.5 relating to Community Consultation.

Other Implications	
Legal/Policy	TPS 1 and associated Policies.
Strategic	Nil.
Sustainability	Nil.
Financial/Budget	Nil.

COMMENTS:

In view of the above, the application is supportable as it is considered that the variations to the setbacks, roof forms and size of the ancillary accommodation does not result in any undue impact on the amenity of the surrounding area. Accordingly, it is recommended the application be approved subject to standard and appropriate conditions.

9.1.7 No. 52 (Lot 13; D/P: 26530) Lincoln Street, Highgate – Proposed Solid Front Wall Fence and Alterations and Additions to Boundary Wall Western Side Fence to Existing Single House

Ward:	South Ward	Date:	13 March 2012
Precinct:	P14 – Forrest Precinct	File Ref:	PRO5625; 5.2011.618.2
Attachments:	001 – Property Report and Development Application Plans 002 – Site Photos 003 – Applicant Submission		
Tabled Items:	Medical Certificate		
Reporting Officer:	B Sandri, 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, APPROVES the application submitted by P A Bechaz on behalf of the owner P A Lawson for Proposed Solid Front Wall Fence and Alterations and Additions to Boundary Wall Western Side Fence to Existing Single House, at No. 52 (Lot 13; D/P: 26530) Lincoln Street, Highgate, and as shown on plans stamp-dated 14 December 2011 and amended plans stamp-dated 10 February 2012, subject to the following conditions:

1. **Front Fence**

Any new street/front wall, fence and gate within the Lincoln Street setback area, including along the side boundaries within this street setback area, shall comply with the following the:

- 1.1 maximum height being 1.8 metres above the adjacent footpath level;
- 1.2 maximum height of the piers with decorative capping being 2.0 metres above the adjacent footpath level;
- 1.3 maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of 50 percent visually permeable above 1.2 metres;
- 1.4 piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;
- 1.5 distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and
- 1.6 provision of the a minimum 1.5 metres by 1.5 metres truncation where wall, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metres above the adjacent footpath level;

2. **Verge Trees**

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; and

3. **Boundary Wall**

- 3.1 First obtaining the consent of the owners of Nos. 26-34 Smith 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. 26-34 Smith Street, in a good and clean condition. The finish of the wall is to be fully rendered or face brickwork; and
- 3.2 The construction of the wall is to be brickwork with no lattice addition. The wall shall be fully rendered or face brickwork to a maximum of 3.0 metres in height from the natural ground level.

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

Moved Cr Maier, Seconded Cr Pintabona

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Pintabona

That clause 3 be amended to read as follows:

“3. Boundary Wall ~~Western Side Fence~~

- 3.1 First obtaining the consent of the owners of Nos. 26-34 Smith Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) ~~walls~~ fences facing Nos. 26-34 Smith Street, in a good and clean condition. The finish of the ~~wall~~ fence is to be fully rendered or face brickwork; and
- 3.2 The construction of the ~~wall~~ fence is to be brickwork with no lattice addition. The ~~wall~~ fence shall be fully rendered or face brickwork to a maximum of 3.0 metres in height from the natural ground level.”

Debate ensued.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (9-0)

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

COUNCIL DECISION ITEM 9.1.7

That the Council:

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 P A Bechaz on behalf of the owner P A Lawson for Proposed Solid Front Fence and Alterations and Additions to Western Side Fence to Existing Single House, at No. 52 (Lot 13; D/P: 26530) Lincoln Street, Highgate, and as shown on plans stamp-dated 14 December 2011 and amended plans stamp-dated 10 February 2012, subject to the following conditions:

1. **Front Fence**

Any new street/front wall, fence and gate within the Lincoln Street setback area, including along the side boundaries within this street setback area, shall comply with the following the:

- 1.1 maximum height being 1.8 metres above the adjacent footpath level;

- 1.2 maximum height of the piers with decorative capping being 2.0 metres above the adjacent footpath level;
- 1.3 maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of 50 percent visually permeable above 1.2 metres;
- 1.4 piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;
- 1.5 distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and
- 1.6 provision of the a minimum 1.5 metres by 1.5 metres truncation where wall, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metres above the adjacent footpath level;

2. Verge Trees

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; and

3. Western Side Fence

- 3.1 First obtaining the consent of the owners of Nos. 26-34 Smith Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) fences facing Nos. 26-34 Smith Street, in a good and clean condition. The finish of the fence is to be fully rendered or face brickwork; and
- 3.2 The construction of the fence is to be brickwork with no lattice addition. The fence shall be fully rendered or face brickwork to a maximum of 3.0 metres in height from the natural ground level.

Landowner:	P A Lawson
Applicant:	P A Bechaz
Zoning:	Metropolitan Region Scheme: (MRS) Town Planning Scheme No. 1 (TPS 1): R
Existing Land Use:	Residential
Use Class:	Single House
Use Classification:	"P"
Lot Area:	579 square metres
Right of Way:	NA

PURPOSE OF REPORT:

The report is referred to an Ordinary Meeting of Council as the proposal represents a significant departure from the principles of the Residential Design Elements in respect of a proposed solid wall within the front setback area and additions to the existing western (rear) boundary wall.

BACKGROUND:

Not applicable.

DETAILS:

The proposal involves the construction of a wall within the front setback area of the property and additions to the existing western (rear) boundary wall.

The applicant is proposing a solid wall within the front setback area, with a maximum height of 1.8 metres from the adjacent footpath level. It is noted that seven (7) properties to the west of No. 52 Lincoln Street, Highgate are terrace homes (heritage listed) and consist of low height fences.

The applicant is also proposing an addition to the existing western (rear) boundary wall, reaching a maximum height of 3.63 metres from the natural ground level. This includes 0.6 metres (height) of brickwork and an additional 1.0 metre (height) lattice. The proposed addition is 6.4 metres in length and does not span the entire length of the western boundary wall.

COMPLIANCE:

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

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Street Walls and Fences:	<u>Front Wall Fence</u>	
	Maximum height of solid portion to be 1.2 metres	1.8 metres
	50 percent permeable above 1.2 metres	100 percent solid for 1.8 metres
Officer Comments:		
<p>Not supported. The proposed solid wall within the front setback does not comply with clause 6.4.4, Street Walls and Fences of the City's Policy No. 3.2.1 relating to Residential Design Elements (Reds <u>RDE's</u>). The proposed solid wall exceeds the maximum height of solid portion by 0.6 metres; therefore, the required 50 percent permeability above 1.2 metres from the adjacent footpath level is not achieved.</p> <p>The performance criteria clearly states buildings, especially their entrances, are to be clearly visible from the primary street. The proposed front wall does not meet this criterion as the dwelling and its entrance will not be clearly visible from Lincoln Street. In accordance with the performance criteria the subject front wall will impact the Lincoln Street streetscape negatively as it is not in keeping with the surrounding properties, for example there are seven (7) properties to the west of No. 52 Lincoln Street, which consist of low height fences.</p> <p>Please refer to the tabled item: "<i>Medical Certificate</i>".</p>		
Boundary Wall <u>Western Side Fence:</u>	<u>Western Elevation</u>	
	1.8 metres	Maximum height of 3.63 metres (including 1 metre lattice)
Officer Comments:		
<p>Supported. The proposed addition to the existing western boundary wall complies with clause 6.3.2, Buildings on Boundary of the Residential Design Codes (R-Codes) and clause 6.4.2, Buildings on Boundary of the Reds.</p> <p>The Reds state that boundary walls are not to have an undue impact on the affected neighbour. The subject boundary wall addition will not cause significant overshadowing to Nos. 26-34 Smith Street, Highgate. In respect of overshadowing, the subject boundary wall is adjacent to the residents' car parking, as opposed to the multiple dwellings, and therefore will not have an undue impact.</p>		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
<p>The R-Codes detail "walls not higher than 3.5 metres with an average of 3 metres" are considered acceptable. Therefore condition 1.4.2 has been recommended to achieve the requirements of the R-Codes.</p> <p><u>The proposed western side fence to a maximum height of 3 metres is supported, as it would provide a safe and convenient use of the property for the current owner in this instance, and is unlikely to affect the visual amenity of the locality due to its location, in accordance with Clause 2.9 of the City's Fencing Local law 2008.</u></p>		

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

Consultation	
In Support:	Nil (0)
Comments Received	Officer Comments
Objections:	One (1)
<ul style="list-style-type: none"> The owners are not in favour to the change in height or to the use of lattice as a material in the wall due to its high maintenance issues. The owners would require an agreement with the neighbouring owners that he/she will pay the full cost of modifying the wall and cover all maintenance costs associated with the modifications and an assignment of this agreement to any future owners. The owners would require a structural engineer to sign off on the structural integrity of the wall and any additional masonry must match the existing block unit size and finish as well as paint finish so that it all appears the same. 	<p>Supported. The use of lattice has been conditioned and the height of the wall restricted to three (3) metres.</p> <p>Noted. This is a civil matter.</p> <p>Supported. The wall will be certified by a Structural Engineer at the building licence stage. A condition has been imposed to ensure the boundary wall is finished in a good and clean condition, either fully rendered or face brickwork.</p>
Advertising	Advertising for the proposal for a period of 14 days was carried out as per the City's Policy No. 4.1.5 relating to Community Consultation.

Other Implications	
Legal/Policy	TPS 1, Residential Design Codes and associated Policies.
Strategic	Nil
Sustainability	Nil
Financial/Budget	Nil

COMMENTS:

Note: *The following Comments were corrected and distributed prior to the meeting. Changes are indicated by strike through and underline.*

The proposed solid front wall does not meet the performance criteria as outlined in clause 6.4.4, Street Walls and Fences of the City's Policy No. 3.2.1 relating to Residential Design Elements. The proposed wall will impact the immediate streetscape, which currently consists of low height fences and traditional style fencing. The subject wall will also not allow for a clear line of site of the dwelling and its entrance from Lincoln Street which is not in accordance with the performance criteria.

Solid walls within the front setback are not encouraged by the City and designing out crime principles. Within the Design Out Crime Planning Guidelines developed by the Western Australian Planning Commission and Office of Crime Prevention, it is stated that permeable fencing should be considered for the purpose of passive surveillance. Passive surveillance must be encouraged for the rationale of preventing crime; by incorporating a solid wall within the front setback it may increase opportunities for entrapment, concealment and vandalism. Consequently a solid wall within the front setback area would be a clear departure from these principles and should not be encouraged.

Developing a solid wall within the front setback area would contribute to a loss of open streetscape, a core value of the ~~Reds~~ RDE's being the retention of open character streetscapes. In light of the above information and the necessity to retain the character of streetscapes, the Development Compliance Officer and Planning Officers often do not encourage solid walls within the front setback area as it is against the requirements of the ~~Reds~~ RDE's, both the Acceptable Development Criteria and Performance Criteria. This facilitates a consistent approach when addressing proposed solid walls within the front setback area.

A consistent approach is required regarding solid walls within the front setback area, and it is therefore recommended that the solid front wall be conditioned as per condition 2, to ensure the fencing is compliant with the City's ~~Reds~~ RDE's and will positively contribute to the streetscape.

~~The proposed addition to the existing western boundary wall satisfies the performance criteria outlined in 6.4.2, Buildings on Boundary in the Reds. Boundary walls are not to have an undue impact on the affected neighbour, therefore condition 1.4 has been recommended to reduce any adverse impact, which may result from the proposed additions. In addition, clause 6.3.2, Buildings on Boundary of the R Codes states "walls not higher than 3.5 metres with an average of 3 metres" are considered acceptable. The proposed addition in height to the existing western side fence is supported to a height of 3 metres, as it would not have an undue impact on the amenity of the locality, and also the reasons stated in the above compliance table. Condition 3.2 has been recommended on the above basis.~~

In view of the above the proposed solid wall within the front setback area is not supported and the addition to the existing western ~~boundary wall~~ side fence is supported subject to condition 4.4 3.2.

9.2.1 Alternative Uses for Car Parking Bays in Town Centres – Progress Report No. 2

Ward:	Both	Date:	12 March 2012
Precinct:	ALL	File Ref:	PLA0084
Attachments:	001 – City of New York Design Guidelines (9.2.1A); 002 – LGIS summary of Risk Issues (9.2.1B)		
Tables Items:	-		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES IN PRINCIPLE**, where appropriate, using existing ‘On-Road’ car parking spaces for alternative uses as discussed in the report;
2. **ESTABLISHES** an “in-house” Working Group comprising of officers from Technical Services, Development Services and Community Services to develop some ‘draft’ guidelines for alternative uses for car parking spaces based on the New York ‘Pop-Up Café concept, as referred to in attachment 9.2.1A and B; and
3. **NOTES** that a further report on the matter will be submitted to the Council by no later than May 2012.

COUNCIL DECISION ITEM 9.2.1

Moved Cr Maier, **Seconded** Cr McGrath

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (8-1)

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

Against: Cr Pintabona

PURPOSE OF REPORT:

The purpose of this report is to provide additional information, as requested by the Council, on alternative uses for car parking bays in the City’s Town Centres.

BACKGROUND:

Ordinary meeting held on 27 July 2010:

The Council considered a notice of motion from Cr. Maier requesting the City’s Administration investigate alternative uses for car parking bays in Town Centres.

Ordinary meeting held on 26 October 2010:

In accordance with the Council's decision, following some research on the matter a report was presented to the Council where, following considerable debate, the following decision was made (in part);

“That the Council;

- (iii) DOES NOT arrange or commit the Town’s resources to organising future annual PARK(ing) day events for the reasons outlined in the report;*
- (iv) REQUESTS a further report on the proposal described at the Ordinary Meeting of Council of 27 July 2010 which involves the use of the small number of embayed parking bays for uses such as alfresco dining, provision of tables and chairs for socialising and/or bicycle parking; and*
- (v) NOTES that the intention of investigating such treatments is to increase vitality of our town centres and is consistent with a number of Key Actions in the Town’s Strategic Plan.”*

DETAILS:

Clause (iv) of the Council decision (OMC 26 October 2010) requested that a further report on the proposal described at the Ordinary Meeting of Council of 27 July 2010 be prepared.

The Council decision of 27 July 2010 requested that the following be investigated:

- alfresco dining,
- provision tables and chairs for socialising and reading, and/or bicycle parking,
- identification of potential and suitable locations in each Town Centre,
- indicative costs,
- budget implications,
- benefits, operational/logistical matters, and
- legal, insurance and liability issues.

The 26 October 2010 report focused mainly on an annual event termed ‘PARK(ing) day’ initiative which was created in the USA in 2005 to raise awareness of the lack of green spaces in San Francisco’s downtown area.

The project involved transforming a single metered parking space into a temporary public park in an area of San Francisco which lacked public open space.

The original ‘PARK’ stood in place for two (2) hours (the term of the lease offered on the face of the parking meter). When the meter expired, the turf was rolled up, the bench and the tree was packed away.



PARK(ing) Day event

Further Information:

From the discussion at the Council meeting of 26 October 2010 it was apparent that this was not what some Councillors wanted and given some of the issues identified in the report i.e. liability, traffic Control etc, the officers were not sure how to progress the matter, hence the time taken to provide a further report.

Further research has uncovered an initiative which has occurred in New York (USA) for alternative use of car parking spaces termed the 'Pop up cafe concept: (*background information obtained from the New York Council Department of Transport, website*).

Pop up Café Concept:

In the summer of 2010, the New York Department of Transport partnered with two (2) restaurants to pilot the first 'Pop-up Café'. Building on this success, the New York Department of Transport expanded the program in 2011 by partnering with three (3) additional restaurants and cafés to establish pop-ups.

The first pop-up café consisted of a 1.80m wide wooden platform spanning about five parking spaces. The space accommodated fourteen (14) café tables and fifty (50) chairs and each pop-up café was sponsored and maintained by the adjoining shops.

While each pop-up café was paid for by private businesses, the space was still treated as public space.

Pop-up Café concept is popular in Europe where narrow footpaths prevent outdoor dining provides outdoor public seating in the kerb lane during the warmer months of the year and promotes local businesses.

Program Details:

The cost of design, construction and maintenance of each Pop-up Café is paid for by the sponsoring restaurant(s).

Each restaurant must select a design and hire its own architect/engineer and construction team.

The New York Department of Transport (DOT) provides technical assistance (where required) and undertakes necessary 'temporary' safety improvements to the roadway e.g. applying traffic markings to the street or adding flexible bollards.

The set up cost has been approximately \$10,000 (US) per restaurant, but applicants may spend as little or as much as they wish, providing they comply with the Pop-up Café Design Guidelines. The New York DoT does not impose any further costs unless a Pop-up Café occupies metered parking spaces.

No alcohol is permitted at Pop-up Cafés and smoking is prohibited. Seating is open to the public, and is not reserved for customers of any restaurant. A restaurant cannot provide table service at a Pop-up Café, but patrons can order and pay for food inside a restaurant and bring it to a café.

The program is a two year pilot, spanning 2011-2012 after which the City will evaluate the program to determine whether it will be extended.



Development of a Pop-up Café:

- Pop-up Café Application submitted to DOT;
- Preliminary review by DOT;
- DOT site visit and traffic engineering review;
- Preliminary approval by DOT of Pop-up Café Application;
- Community Board provides letter of support for Pop-up Café;
- Restaurant submits professionally-certified design plans to DOT;
- DOT signs a maintenance agreement with restaurant.

Technical Criteria

A Pop-up Café shall be located:

- On a street where small, unenclosed or enclosed café licenses are not allowed because either:
 - The footpath in front of the restaurant is narrower than 3.6m; or
 - The restaurant is on a street where outdoor dining are not allowed due to zoning restriction.
- Only available to restaurants that have a current food service establishment permit from the Department of Health and Mental Hygiene;
- Directly in front of the sponsoring restaurant;
- No longer than the frontage of the applicant's establishment;
- Supported by the local Community;
- Designed by a licensed engineer or architect;
- Open to the public;
- Clean and well maintained;
- Universally accessible;
- Removed during winter months.

A Pop-up Café shall not be:

- In front of restaurants that qualify for alfresco licenses;
- In a lane where moving traffic is permitted at any hour of the day;
- In a bus stop;
- In front of a fire hydrant;
- In front of an active driveway.

Note: A copy of the pop up cafe: Design Guidelines is attached 9.2.1A.

Further information on potential and suitable locations in each Town Centre:

As previously reported to the Council, locations that may be suitable include low speed roads with embayed parking e.g. Oxford Street, Angove Street and off road car parking areas in Town Centres.

Unsuitable locations would include any District Distributor i.e. four lane roads and narrow roads less than 7.4m in width.

If the Council were to base its decision to pursue this further of the New York concept i.e. the Pop-Up Cafe concept, then the cafes would not be approved In front of restaurants that all ready have alfresco licenses, i.e. where there is already room on the footpath to accommodate the cafe.

Suitable locations would therefore need to be further explored based on the Council position on the matter.

RISK MANAGEMENT IMPLICATIONS:

Further Information on legal, insurance and liability issues:

As previously stated the risk associated with persons conducting activities on a road way are high due to moving vehicles (at whatever speed) and vehicles manoeuvring in and out of adjoining parking bays. There is always the risk that driver behaviour may result in a mishap occurring and this risk needs to be managed.

Compliance with the requirements of the Occupational Safety & Health Act 1984 and the Occupational Safety & Health Regulations 1996 (or as amended) would need to be complied with.

In addition organisers would need to take all necessary precautions to ensure the health and safety of all participants including the general public and shall bear the responsibility for any damage/injury occurring as a result of the event.

LGIS – Risk Management Comments:

The City's officers met with the Senior Risk consultant from LGIS in late 2010 to discuss alternative uses for car parking bays such as alfresco dining, provision of tables and chairs for socialising and/or bicycle parking etc within designated areas of the City of Vincent.

The following response highlighting some of the risk issues, and suggestions, was subsequently received:

"Using any of the City's infrastructure or assets for a purpose other than what they are intended and/or designed for exposes the City to additional risk.

In making a decision whether or not to go ahead with the proposed activity it is essential that the City

- *is aware of those risk issues;*
- *implements treatments to ensure it is doing what would be reasonably expected of it under the circumstances;*
- *has a level of assurance that those controls are effective in managing the risk; and*
- *that the level of risk is acceptable in light of the opportunities created by the proposed activity.*

Attached is an initial summary of the risk issues and possible treatments options for the concept of alternative uses for car parking bays in City centres looking the bump in/out and actual activity. The risk issues are captured at a high level, due to following limitations, but can be applied and quantified to any alternative use for car parking bays.

- *Actual nature, scope, size, location and duration of the activity is yet to be defined.*
- *Whether the City is running, sponsoring, or just issuing approvals for the activity is yet to be determined."*

Note: Summary of the risk issues and possible treatments options is attached. 9.2.1B.

Discussion:

Alfresco dining:

Do we only allow the taking up of car spaces where alfresco cannot be accommodated as per the New York scenario?

Provision tables and chairs for socialising and reading, and/or bicycle parking:

As previously reported to the Council, the City would not supply tables and chairs (logistical issues etc) this would be supplied, erected by the adjoining business. Taking up spaces for temporary bike parking at some locations e.g. Oxford Street on a Saturday/Sunday morning for several hours, could be further investigated. Many of these locations now have paid parking in place.

Identification of potential and suitable locations in each Town Centre:

Would need to be determined based on how the Council wish to implement the proposal.

Indicative costs/budget implications:

The 2011/2012 budget has \$3,000 allocated for this initiative. The New York model requires the applicant to fund the proposal for the duration however the Council may assist in kind and with make necessary safety improvements to the roadway, for example applying traffic markings (MRWA approval?) to the street or adding flexible bollards.

Benefits, operational/logistical matters:

This initiative involves 'thinking outside of the box' in terms of the use of road space. There are advantages in terms of using the road space for an alternative use, to accommodate more people, and disadvantages in terms of loss of parking and potential risks.

The Council has embarked on providing additional on road parking bays in some of its Town Centres and using these spaces for alternative uses may not be supported?

Legal, insurance and liability issues:

This is discussed earlier in the report.

Conclusion:

It is considered that if the Council wishes to pursue the matter further, that a small in-house Working Group be set up to determine a the best way forward, develop draft guide lines and seek approval to conduct a trial with one or more interested parties.

CONSULTATION/ADVERTISING:

Not applicable at this stage.

LEGAL/POLICY:

Local Roads and Local and District distributors are under the care, control and management of local government. Any event on a road needs not only the approval of the local government but depending on the event may require endorsement of the Police and/or Main Roads WA.

Laws that apply include the City's relevant local laws, the Road Traffic Act and/or the Local Government Act.

STRATEGIC IMPLICATIONS:

No specific area within the City's Strategic Plan 2011-2016 matched this proposal, the closest states:

"Natural and Built Environment

Objective 4.1.4 'Focus on stakeholder needs, values, engagement and involvement (a) Ensure stakeholders are effectively engaged on issues that may affect them'.

SUSTAINABILITY IMPLICATIONS:

Possibly raise awareness of the importance of urban public spaces, rethinking the way streets are used and creating diverse conversations about making cities more sustainable.

FINANCIAL/BUDGET IMPLICATIONS:

A total of \$3,000 has been allocated in the 2010/2011 Budget for this initiative.

COMMENTS:

The previous report focused on PARK(ing) day which occurs on one day per year on 18 September.

This further report examines an initiative where the road area would be taken up over a longer term, to be determined etc.

It is therefore considered that if the Council wishes to pursue the matter further that a small in-house working group be established to determine a the best way forward, develop draft guide lines and to conduct a trial with one or more interested businesses once the matter has been further considered.

9.3.5 Investigation of Hyde Park Tea Rooms – Progress Report No. 3

Ward:	South	Date:	16 March 2012
Precinct:	Hyde Park (12)	File Ref:	RES0042
Attachments:	001 – Throssel Street Location Map 002 – William Street Location Map 003 – Causeway Street Location Map 004 – Draft Business Plan		
Tabled Items:			
Reporting Officer:	M Rootsey, Director Corporate Services		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** the progress report No. 3, concerning the investigation of the possibility of providing a “Tea Room” at Hyde Park, Perth; and either:
 - 2.1 **APPROVES IN PRINCIPLE** the provision of a “Tea Room” at the Throssel Street location at the Western end of Hyde Park as shown in Appendix A;
- OR
- 2.2 **DEFERS** the selection of the location for the proposed “Tea Room” at Hyde Park until the Hyde Park Lakes Restoration project has been completed; and
3. in the event that Clause 2.1 is approved, **LISTS** for consideration an amount of \$100,000 in the Draft Budget 2012/2013, to upgrade the building.

COUNCIL DECISION ITEM 9.3.5

Moved Cr Buckels, Seconded Cr Harley

That the recommendation be adopted.

Debate ensued.

Cr Carey departed the Chamber at 8.30pm.

Debate ensued.

PROCEDURAL MOTION

At 8.30pm **Moved Cr Topelberg, Seconded Cr McGrath**

That Standing Orders be suspended to allow the Mover, Cr Buckels to speak on this matter without closing debate.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Carey was absent from the Chamber and did not vote.)

Debate ensued.

Cr Carey returned to the Chamber at 8.32pm.

Debate ensued.

PROCEDURAL MOTION

At 8.38pm **Moved** Cr Topelberg, **Seconded** Cr Buckels

That Standing Orders be resumed.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

PROCEDURAL MOTION

Moved Cr Harley, **Seconded** Cr Topelberg

That the item be DEFERRED to the Council Forum to be held in June 2012.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

PURPOSE OF REPORT:

The purpose of this report is to inform the Council on the progress concerning the investigation for the possibility of providing a 'Tea Room' at Hyde Park, Perth.

BACKGROUND:

Other Progress reports have been submitted to the Council on 22 September 2009, 1 December 2009 and 23 March 2010.

At the Ordinary Meeting of Council, held on 23 March 2010, the Council adopted the following recommendation:

"That the Council:

- (i) *RECEIVES the progress report No. 2, concerning the investigation of the possibility of providing a "Tea Room" at Hyde Park, Perth; and*
- (ii) *CONTINUES to investigate options for the proposed location and a simple Business Plan of the Tea Room at Hyde Park until the restoration of the Hyde Park Lakes, and ancillary works, have been completed."*

At the Ordinary Meeting of Council, held on 1 December 2009, the Council adopted the following recommendation:

"That the Council

- (i) *RECEIVES the progress report No. 1, as at 24 November 2009 concerning the investigation of the possibility of providing a "Tea Room" at Hyde Park, Perth;*
- (ii) *AUTHORISES the Chief Executive Officer to further investigate the proposal for a:*
 - (a) *permanent Tea Room at Hyde Park, Perth; and*
 - (b) *temporary portable/mobile food facility at Hyde Park Perth, on a trial basis; and*
- (iii) *NOTES that if the proposal in clause (ii) above is supported by the Council, a further report on the proposed Tea Rooms at Hyde Park will be submitted to the Council in March 2010."*

Ordinary Meeting of Council, held on 22 September 2009, a Notice of Motion was adopted regarding the investigation into the possibility of providing a "Tea Room" at Hyde Park. The Motion was adopted as follows:

- "(i) the Council REQUESTS the Chief Executive Officer to investigate the possibility of providing a "Tea Room" at Hyde Park, Perth;*
- (ii) a report be prepared and submitted to the Council in November 2009, and include (but not be limited to) the following information;*
 - (a) identification of a suitable location(s);*
 - (b) planning and heritage requirements;*
 - (c) operational and logistical matters (e.g. hours of operation, types of foods/produce to be sold, etc);*
 - (d) preferred method for operators (e.g. private use, public operator);*
 - (e) lease and legal requirements;*
 - (f) community interest and public opinion;*
 - (g) any potential impact on existing businesses providing a similar service in the area; and*
 - (h) any other relevant matters."*

DETAILS:

For the benefit of the new Councillors the history of this project has been included in this report.

There is no specific timeframe specified in the resolution to report on this particular matter back to the Council.

The Hyde Park Lakes Restoration project has been delayed in implementation due to the requirement to satisfy a series of Government approvals. These have delayed the ability to finalise the recommended solution to the restoration of the lakes.

The Restoration project will have an impact on the timing of the development or introduction of a "Tea Room" for Hyde Park for the reasons identified below.

The area around the perimeter of the lakes will be required to be set aside as a 'construction zone' during the proposed lakes restoration works. The final design and configuration is currently being determined by the Council in conjunction with the Technical Consultants and City's Officers.

Once the restoration project commences it is envisaged that there will be disruption around the lakes for a period of at least 12 to 18 months. It is maybe considered that it is still premature to approve the final location for the proposed tea rooms until the final design is confirmed.

However, it may be considered appropriate to do this work at the same time as the Lakes Restoration project to ensure the work is all undertaken at the one time.

Proposed locations for a "Tea Room":

Further investigation has been carried out with a view to other locations for a "Tea Room" in Hyde Park however, the original locations are still considered to be the best location.

In determining a location, the requirements of the Hyde Park Conservation Plan needs to be taken into consideration.

This therefore favours locations where there was an existing building rather than the construction of a new building. In addition it would also be likely the cost of any tea rooms would be reduced in a location with an existing building as services are already connected at the site.

Listed below are the options that have been considered.

- Option 1 - Throssel Street (Western end of Hyde Park)

An existing building is located adjacent to the Throssel Street playground and consists of male/female toilets and storage shed. Large shady trees and views of the lake provide the most suitable and practicable location for a small tearoom. (As shown in Appendix A)

Officers Comments:

The existing toilet is currently being upgraded to accommodate universal access facilities and this location continues to be the preferred location for a tearoom. Waste, water and electrical services are ready on site and it is considered by staff that the tearoom/seating area could be included in this location without being too intrusive.

In addition, this area of the park with the universal playground, the upgraded water playground, BBQ's, picnic tables and toilet facilities is where the majority of patrons of the park tend to congregate, particularly during the busy summer months.

- Option 2 - William Street (Eastern end of Hyde Park)

An existing building is located at this end of Hyde Park and consists of male/female toilets and staff works compound. Large shady trees and a reasonably level area provide this as another alternative location for consideration for a tea room within Hyde Park. (As shown in Appendix B)

Officers Comments:

This location has all the required waste, water and electrical services required, although a kitchen/servery would have to be added to the existing structure. The Heritage Council may have a concern with this proposed location as a previous proposal for additions to this structure for an accessible toilet were not supported.

Whilst patrons regularly wander throughout and around the pathways located within Hyde Park, unless a specific event is being held at the stage area it is unlikely that this location will attract the same number of patrons as the Throssel Street location.

- Option 3 - Causeway (between the Eastern and Western Lakes)

This location is within the actual lake area of Hyde Park, however it is not considered appropriate with the current and future potential issues surrounding the lakes. Alternatively with the proposal to decrease the actual size of the lakes there is an opportunity to construct a tearoom on the causeway between both lakes at either the north- eastern corner or the south western corner. (As per Appendix C)

Officers Comment:

This location is the least preferred and most likely the most difficult to complete given that a new/additional facility will have to be constructed within the area and all services provided to the site.

Option 1 continues to remain the Officers preferred location for the reasons outlined in this report.

Planning and Heritage requirements:

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

In the consideration of the proposed tea rooms the requirements and recommendations of the Hyde Park Conservation Plan, which was prepared by Kelsall Binet Architects in 2003, should be acknowledge and addressed. The Policy 74 of the Conservation Plan states that the *'preferred uses for Hyde Park are those that maintain its traditional uses as a place for passive public recreation and relaxation'* and that for this reason *'it will not be possible for a building to be erected in the park for a café, sporting club or any other private business'*.

In light of this provision of the Conservation Plan, preliminary advice was sought from the Heritage Council on the concept of a tea room at Hyde Park. In an email received on 19 October 2009, the Heritage Council's Officers advised that they *'are generally supportive of a tea room if it is done in such a manner with refined detailing and low visual impact. Location would be an important matter obviously.'* It was further advised in light of the deviation from the Conservation Plan the matter would need to be considered and approved by the Heritage Council's Development Committee.

The following policies of the Conservation Plan should inform the design of the proposed tea room facility:

- Policy 18 New work, such as the construction of new buildings or structures within the park, may be acceptable where they do not distort or obscure the cultural significance of the place, or detract from its interpretation and appreciation. New work should be readily identifiable.

- Policy 28 There should be no new works in open space areas which will adversely affect the nature of the landscape or obscure important views to and from the site.

- Policy 44 The proportion of hard to soft landscaping is not to be increased beyond current levels. No new paths or paved areas without historical precedent are to be established.

- Policy 45 Where essential new structures or buildings need to be constructed in the park they should be limited in size and scale and when possible they should be of a lightweight construction that could easily be removed when required with the least damage to significant fabric.

In addition to the above, Hyde Park is a Parks and Recreation Reserve under the Metropolitan Region Scheme. Therefore any development would require to be submitted as a planning application, that would be determined by the Western Australian Planning Commission.

Operational matters:

The operating hours are to be determined. However, the following operational items should prevail.

Noise levels emitted from the tea room should be at a minimum between the hours of 7pm and 7am.

Deliveries should occur only whilst the tea room is open for trade, to minimise the potential of tampering/spoilage of unattended products and noise associated with early morning/late evening deliveries.

A 'tea room' is to operate as a low – medium risk food business, predominantly preparing and serving tea, coffee and similar beverages; and food which does not require cooking on the premises. It is considered that a 'tea room' is appropriate for the location due to the following reasons:

- kitchen fit out requirements are considerably less expensive and arduous than a premises undertaking food preparation;
- no grease trap would be required (i.e. avoid ongoing costs and regular servicing required);
- minimal wet (food) waste produced (i.e. majority would be packaging), less problems with odour complaints and potential scavenging by animals/rodents; and
- smaller number of deliveries and less storage space required.

It is recommended that the majority of seating be provided external to the tea room facility, and that permanent seating be considered. This seating could then be used outside of the hours of operation by other park users, and is likely to be more complimentary to, and interactive with the park.

Preferred method of operation (e.g. private use, public operator):

As a new operation with an untested market there is considerable financial risk associated with this venture of this nature and it would therefore prudent that the City does not invest ratepayer funds into this business.

The operation of a Tea Room is not considered to be core business for a local government.

As a result it considered more appropriate that this business be operated by a private operator rather than a public operator (i.e. the City of Vincent).

Interest from a number of parties has already been shown in this matter following the release of this proposal in the media.

If approval was given to proceed with this project, an expression of interest in the operations of the tea rooms would be sought in accordance with the Local Government Act 1995 Section.

Lease and legal requirements:

A lease period will be a minimum five (5) year period to attract the necessary private investment with the possible option of a further five years.

Any annual lease payment would be at commercial rates and the funds received will be retained in the Hyde Park Lake Reserve Fund to assist with any future capital improvements of the lakes.

The operator of the tea room would be required to complete a 'Food Business Notification' form, and pay an annual Food Premises assessment fee to the City. The City's Environmental Health Officers are required to undertake regular unannounced inspections based on the risk classification applied to the food premises (i.e. high/medium/low).

As the tea room will be associated with the City, whether privately operated or not, the lease agreement should specify requirements in terms of the method of operation acceptable to the Council. As such, the following should be considered as a minimum:

- provision of food that complies with Healthy + principles (healthy eating program sponsored by Healthway grant, currently in pilot stage); and
- operators be required to undertake the City's online food safety training programme (nationally accredited, in conjunction with Challenger TAFE), or demonstrate equivalent or higher qualifications received within the past two (2) years.

CONSULTATION/ADVERTISING:

Community consultation was undertaken in 2009 with a prepared questionnaire which was advertised in the local papers and made available on the City's website.

The questionnaire was also distributed to residents who lived in the streets around Hyde Park. Officer's also interviewed park users/patrons over a three (3) day period.

The outcome of the questionnaire was that the respondents were generally in favour of the proposal as long as consideration was given to the existing environment and was of a good quality.

LEGAL/POLICY:

- Food Act 2008 and Food Regulations 2009
- Environmental Protection (Noise) Regulations 1997
- Local Government Act (1995) Tender Regulations.

STRATEGIC IMPLICATIONS:

Plan for the Future Strategic Plan 2011–2016:

Key Result Area One – Natural and Built Environment:

"1.1.1 Improve and Maintain the Environment and Infrastructure."

Key Result Area Two–Eco Economic Development

"2.1.1 Promote the City of Vincent as a place for investment appropriate to the vision for the City."

SUSTAINABILITY IMPLICATION:

The building will take cognisance of its environmental surrounds and will be low impact.

The project will have to be economically sustainable to be retained as the Tea Rooms.

FINANCIAL/BUDGET IMPLICATIONS:

There are no funds for this project in the 2011/12 Annual Budget.

If approved by the Council, the project would be required to be listed for funding consideration in the Draft 2012/13 Budget. An amount of \$100,000 is proposed, however this would need to be further investigated to more precisely determine the funds required.

An amount to be listed on the Draft 2012/13 Budget for the further upgrade to the existing building at the Throssel Street location at Hyde Park.

COMMENTS:

The resolution adopted at March 23 2010 suggested that a decision of the location not be made until the restoration of the Hyde Park Lakes and ancillary work be completed.

It is therefore proposed that the selection of a preferred site be deferred to the work on the Hyde Park Lakes is completed. However, if the Council should determine to select a preferred site, it is recommended that the Throssel Street location at the Western end of Hyde Park be that site.

This site is the most likely site to comply with the Heritage Council requirements in line with the requirements and recommendations of the Hyde Park Conservation Plan.

9.4.1 No. 81 (Lot 500) Angove Street, North Perth (Former North Perth Police Station) - Request to Investigate Possible Uses - Progress Report No. 1

Ward:	North	Date:	15 March 2012
Precinct:	Smith's Lake; P6	File Ref:	PRO2919
Attachments:	001 – Property Information Report		
Tabled Items:	Nil		
Reporting Officers:	Various		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** the Progress Report No. 1 relating to the investigation into possible uses for the former North Perth Police Station at No. 81 Angove Street, North Perth in accordance with the Notice of Motion endorsed by the Council at its Ordinary Meeting held on 6 December 2011;
2. **AUTHORISES** the Chief Executive Officer to undertake further investigation, and obtain appropriate expert advice where necessary, to provide an analysis on the feasibility of the following options:
 - 2.1 **Converting** the existing main building to a community use managed by the City, and disposing of the rear of the property;
 - 2.2 **Converting** the existing main building to a community use managed by the City, and redeveloping the rear of the property to expand the capacity of the community use;
 - 2.3 **Converting** the existing main building to a community use managed by the City and/or a not for profit agency, and redeveloping the rear of the property to a related commercial use leased to a private entity;
 - 2.4 **Converting** the existing main building to a commercial use and leasing to a private entity and/or not for profit agency, and disposing of the rear of the property;
 - 2.5 **Converting** the existing main building to a commercial use and leasing to a private entity and/or not for profit agency, and using the rear of the property for parking (current status); and
 - 2.6 **Converting** the existing main building to a residential use and leasing to a private entity, and disposing of the rear of property;
3. **LISTS** an amount of \$50,000 in the Draft 2012/2013 Budget to undertake a feasibility study on the various scenarios outlined in clause 2 above; and
4. **NOTES** that a further report will be presented to the Council once significant progress in the project has been achieved.

Moved Cr Maier, Seconded Cr Buckels

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

“That a new subclause 2.7 be inserted as follows:

2. **AUTHORISES** the Chief Executive Officer to undertake further investigation, and obtain appropriate expert advice where necessary, to provide an analysis on the feasibility of the following options:
 - 2.1 **Converting** the existing main building to a community use managed by the City, and disposing of the rear of the property;

- 2.2 Converting the existing main building to a community use managed by the City, and redeveloping the rear of the property to expand the capacity of the community use;
- 2.3 Converting the existing main building to a community use managed by the City and/or a not for profit agency, and redeveloping the rear of the property to a related commercial use leased to a private entity;
- 2.4 Converting the existing main building to a commercial use and leasing to a private entity and/or not for profit agency, and disposing of the rear of the property;
- 2.5 Converting the existing main building to a commercial use and leasing to a private entity and/or not for profit agency, and using the rear of the property for parking (current status); ~~and~~
- 2.6 Converting the existing main building to a residential use and leasing to a private entity, and disposing of the rear of property; or
- 2.7 Disposing of the property;”

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

COUNCIL DECISION ITEM 9.4.1

That the Council;

1. **RECEIVES** the Progress Report No. 1 relating to the investigation into possible uses for the former North Perth Police Station at No. 81 Angove Street, North Perth in accordance with the Notice of Motion endorsed by the Council at its Ordinary Meeting held on 6 December 2011;
2. **AUTHORISES** the Chief Executive Officer to undertake further investigation, and obtain appropriate expert advice where necessary, to provide an analysis on the feasibility of the following options:
 - 2.1 Converting the existing main building to a community use managed by the City, and disposing of the rear of the property;
 - 2.2 Converting the existing main building to a community use managed by the City, and redeveloping the rear of the property to expand the capacity of the community use;
 - 2.3 Converting the existing main building to a community use managed by the City and/or a not for profit agency, and redeveloping the rear of the property to a related commercial use leased to a private entity;
 - 2.4 Converting the existing main building to a commercial use and leasing to a private entity and/or not for profit agency, and disposing of the rear of the property;
 - 2.5 Converting the existing main building to a commercial use and leasing to a private entity and/or not for profit agency, and using the rear of the property for parking (current status);
 - 2.6 Converting the existing main building to a residential use and leasing to a private entity, and disposing of the rear of property; or
 - 2.7 Disposing of the property;
3. **LISTS** an amount of \$50,000 in the Draft 2012/2013 Budget to undertake a feasibility study on the various scenarios outlined in clause 2 above; and
4. **NOTES** that a further report will be presented to the Council once significant progress in the project has been achieved.

PURPOSE OF REPORT:

To provide the Council with information on the potential usage for No. 81 Angove Street, North Perth (former North Perth Police Station) and gain support for further investigation in order to establish community facilities that may meet the needs of the local community.

BACKGROUND:

At the Ordinary Meeting of Council, held on 8 February 2011, Item No. 9.3.6, the Council adopted the following resolution:

“That the Council:

- (i) *APPROVES of a lease for the existing building located at 81 Angove Street (formerly North Perth Police Station) as shown in Appendix 9.3.6, North Perth to GROW WA for a period of three (3) years subject to satisfactory negotiations by the Chief Executive Officer and including the following Terms and Conditions:*
 - (a) *Term: three (3) years;*
 - (b) *Rent: \$27,500/annum;*
 - (c) *Outgoings: to be paid by the Lessee;*
 - (d) *Rates & Taxes: to be paid by the Lessee; and*
 - (e) *Permitted Use: Office; and*
- (ii) *ADVISES the proposed Lessee that the City will continue to actively investigate alternative uses for the land at the rear of the site and the site itself at the conclusion for the lease period.”*

At the Ordinary Meeting of Council held on 6 December 2011 a Notice of Motion was put forward by Councillor Joshua Topelberg with the following resolution:

“That the Council REQUESTS:

1. *the Chief Executive Officer to investigate alternative community uses for the Former North Perth Police Station on Angove Street, to be introduced at the end of the current lease to Grow WA. The investigation should include, but not limited to:*
 - 1.1 *possible re-location of the City's Local History Centre to this location, including establishing a local museum;*
 - 1.2 *establishing a local gallery, exhibition space and/or craft shop at the site (focused on local artists);*
 - 1.3 *construction of a café;*
 - 1.4 *possible additions to the existing building to take full advantage of the site;*
 - 1.5 *other viable community uses;*
 - 1.6 *financial implications; and*
 - 1.7 *possible funding sources; and*
2. *that a report be submitted to the Council no later than 31 March 2012.”*

DETAILS:

Site Context

The subject site is zoned Residential R30, under the City of Vincent Town Planning Scheme No 1. The lot area is approximately 1507 square metres in area. The property is listed on the City's Municipal Heritage Inventory as a Management Category A – Conservation Essential and on the State Register of Heritage Places. Any redevelopment of the subject property is to be cognisant of the North Perth Police Station Conservation Plan (2009), the City's local planning policies relating to heritage management, and be referred to the Heritage Council of Western Australia for comment. The element of high significance is the original building at the front of the site and therefore should be retained; however, the three outbuildings in the rear are considered to have little significance and therefore there is scope for them to be removed.

No. 81 Angove Street is located within a residential area of North Perth; however, it is situated between two key commercial centres, and the North Perth Town Centre at the intersection of Angove and Fitzgerald Streets and the Charles Centre at the intersection of Charles Street, Angove Street and Scarborough Beach Road. There are a number of key community facilities within 400 metres of the subject site, including the North Perth Primary School, the North Perth Town Hall and Lesser Hall, Woodville Reserve and the North Perth Bowling Club and Saint Hilda's Anglican Church.

The site is highly accessible with key transport routes running along Charles and Fitzgerald Streets. On-street parking is available along Angove Street and access to the site is also available from the right of way off Albert Street. The main building is setback approximately 6 metres from the front boundary and some car parking is available within the front setback. Matters such as car parking and access, landscaping access and hours of operation would however need to be addressed, as and when a planning application is submitted for the most appropriate use determined by the Council.

A number of options have been proposed for the use of the site as outlined below. The numbering reflects the Notice of Motion on 6 December 2011.

1.1 Possible re-location of the City's Local History Centre to this location, including establishing a local museum

The City's Local History Centre is a purpose built area that was strategically designed to work in tandem with the Library Services in the new building which opened on 16 February 2008.

The outcomes and advantages of the current location of the Local History Collection in the Library and Local History Centre are:

- The Centre is purpose built to accommodate all anticipated uses;
- The building has high visibility and profile externally, with an established community identity;
- The Centre has a high profile within the Library and the amongst City staff;
- The Centre contains an Archive Room which is temperature controlled for 24 hours per day, 7 days per week, is dust free and has a built in compactus;
- There is sufficient and appropriately designed space for workshops and events with technological facilities, full kitchen facilities, and library and technology staff back-up;
- Immediate access to additional tables, chairs, crockery and other requirements for events;
- The co-location encourages Library users to wander in and browse the collection;
- Library staff are available for backup and support on short notice, as required;
- Ease of promotion within and by the Library;
- Good access for staff in the Administration Centre who frequently use the collection for research;
- Reaches a larger target audience;
- Purpose built space for ease of supervision and security of valuable items;
- Comfortable and welcoming air-conditioned area;
- Possible to run convergent events in Library and the Local History Centre, such as family history displays and talks; and
- Readily available parking and good access by public transport.

Disadvantages of moving the Local History Centre to the former North Perth Police Station are:

- Diminished public profile;
- Poor temperature control and no humidity control;
- Vermin, insect and dust issues;
- Would require extensive renovations to address best practice standards, including:
 - The provision of an Archive Room;
 - Security of valuable items;
 - A large meeting place for events. (Please note that the launch of "Early Businesses of Vincent" attracted over 160 guests, necessitating the movement of shelving designed for this purpose to accommodate the event in the western end of the Library);

- A large space for the collection with easy access by users and good visibility for staff supervision of use of valuable materials;
- A place for large tables for working researchers and to hold meetings and training sessions;
- A network link to the City and to the Library catalogue; and
- The renovation process would be required to address safety of staff, the collection and the building itself;
- Staff would experience physical isolation from other members of staff, including support staff for administration duties, and to attend to technological issues;
- Opening hours would be limited;
- Being at a different location than the Library would be inconvenient for researchers who also use the Library collection for books relating to local and family history;
- Parking and public transport issues;
- More staff would be required (currently employ 2 members of staff at 0.6 and 0.8 Full Time Equivalent);
- Promotion would be more difficult as there is little regular pedestrian or through traffic;
- Information Technology support would become more difficult;
- Waste of current purpose built facility; and
- Communication and meetings with other staff from Library and Administration would be more difficult.

In consideration of these issues, and in recognizing that the Centre has set a benchmark for other local governments that are planning a Local History Centre, the Working Group does not believe it would be beneficial to move the Local History Collection from its current location to the former North Perth Police Station.

The development of the former North Perth Police Station to work as a Museum would face similar issues to the relocation of the Local History Collection to that site. Space for displays and educational experiences for school children would be a major priority, and the other would be the provision of museum-standard storage and security. It would also be important to consider what benefits a Museum would be to the community.

Library staff have visited and consulted staff at the Subiaco, Gosnells, Mandurah and Wanneroo museums and determined the following preliminary requirements for the construction and provision of a local museum:

- Space to have stimulating displays, and including sufficient space for people to sit near displays;
- Safe and secure storage with the right temperature and humidity control;
- Location is best where there is high pedestrian traffic, plenty of parking, including space for tourist coaches. Tourist coaches also require somewhere to have refreshments);
- Sufficient and qualified staff. Suggestions are Curator, Curatorial Assistants, Education Officer, Heritage Officer, Arts Officer and Museum Assistants;
- Specialist areas to include Conservation Room, Restoration Room, Quarantine Room, Training/School Room and Wet Room;
- Meeting rooms for hire;
- Hours of opening to include weekends;
- The move towards virtual collections;
- The creation of a strong Collection Development Policy to ensure that items collected meet appropriate standards of provenance and are not just old items that nobody wants;
- Older buildings generally require more ongoing maintenance; and
- As the majority of visitors would be school classes, it is essential to recognize this in design and general facilities.

The former North Perth Police Station would require extensive renovation and additions to meet museum standards. If the need for a museum was identified, the construction of a purpose built modern museum on the back of the block would be more appropriate than redeveloping the former Police Station building.

1.2 Establishing a local gallery, exhibition space and/or craft shop at the site (focused on local artists)

Gallery/Exhibition Space

This option proposes that the main building be maintained and used as a gallery. Street parking would be available with the primary access from the right of way. Additional car parking can be provided at the rear of the lot. There could be the option of constructing an extension to the rear of the existing building for a cafe.

Planning, Building and Health Requirements

Development Requirements	Provisions
Use Classification (TPS No. 1)	Gallery: Unlisted Use is considered as an 'SA' Use and to be advertised in accordance with Clause 37 of TPS No. 1. Cafe: Eating House 'SA' in Residential Zone.
Heights (Policy No. 3.1.6 Smith's Lake, Policy No. 3.2.1 Residential Design Elements)	Two (2) storeys including loft.
Car Parking	Art Gallery: 1 space per 50 square metres of gross floor area. Café: Restaurant 1 space per 4.5 square metres of public area.
Setbacks	Side Setbacks: As per R-Codes; and Rear Setbacks: 6 metres.
Bonuses	In accordance with clause 27 of the City's TPS No. 1 where desirable to facilitate the conservation of a heritage place listed in the Heritage List or to enhance or preserve heritage values in a Heritage Area, the Council may vary any site or development requirement of the Scheme.
Developable Land at Rear of Property	Approximately 960 square metres [assuming the removal of three (3) outbuildings].
Building Requirements	Compliance with Building Code of Australia requirements. Re-classification of building.
Health Requirements	Gallery to comply with requirements of Health (Public Buildings) Regulations 1992 and be issued with Maximum Accommodation Certificate; Café to comply with Food Act 2008 and Food Standards Code; Food premises fit-out plans to be provided at Building Licence stage; and both Café and Gallery are required to be registered with Health Services and undergo routine inspections.

Advantages

This option will utilise the majority of the site and provide different but complimenting uses. The gallery will provide a space for local artists and is, therefore, considered to fall within the scope of 'community use'.

It was suggested that an exhibition space run along the lines of 'Art House', a space that used to operate in Northbridge (where the new theatre now stands), could be revived. Art House was run by the City of Perth (then by EPRA) where the space was rented out to artists for particular exhibitions. All exhibition costs were met by the artists.

Exhibition space for local artists (for example, the recent exhibition in the City's Library by Margaret McCann) is also a possibility.

Disadvantages

If only the existing building is used to accommodate a gallery, with no extension to the rear, it is considered that this is not optimising the full potential of the site.

Arts and Crafts Community Centre

This option proposes that the existing building be used as an arts and crafts community centre. Within the building, there would be space for a small shop and associated office and meeting rooms. A hall space could be constructed at the rear of the building to be used to conduct workshops. Parking would be located at the rear of the property.

Planning, Building and Health Requirements

Development Requirements	Provisions
Use Classification (TPS No. 1)	Arts and Crafts Community Centre: Civic Building is an 'AA' use in a residential zone if run by the City. Shop: 'SA' in Residential zone. Office: Would be considered as ancillary with the predominant uses on-site.
Heights (Policy No. 3.1.6 Smith's Lake, Policy No. 3.2.1 Residential Design Elements)	Two (2) storeys including loft.
Car Parking	Arts and Craft Centre: 1 space per 10 square metres of gross floor area. Shop: Retail Premises – Shop, 1 space per 15 square metres of gross floor area. Office: 1 space per 50 square metres of gross floor area.
Setbacks	Side Setbacks: As per R-Codes; and Rear Setbacks: 6 metres.
Bonuses	In accordance with clause 27 of the City's TPS No. 1 where desirable to facilitate the conservation of a heritage place listed in the Heritage List or to enhance or preserve heritage values in a Heritage Area, the Council may vary any site or development requirement of the Scheme.
Developable Land at Rear of Property	Approximately 960 square metres [assuming the removal of three (3) outbuildings].
Building Requirements	Compliance with Building Code of Australia requirements; and need for fire rating and re-classification of building.
Health Requirements	Community Centre to comply with requirements of Health (Public Buildings) Regulations 1992 and be issued with Maximum Accommodation Certificate.

Advantages

This option proposes a number of uses which is considered to provide a good facility for the community.

In consulting with ArtSource, it would seem that studio space for artists are in good demand. ArtSource have recently acquired a 12 month lease over No. 599 Newcastle Street where 21 rooms have been leased out as separate studio spaces for artists, designers and other creative industry professionals.

Disadvantages

The limited existing space may not be adequate for the viability of the uses, unless further additions are built.

Museum

This option proposes the existing building be used as a museum. Parking would be located at the rear. A new extension to the rear could be constructed to accommodate a cafe.

Planning, Building and Health Requirements

Development Requirements	Provisions
Use Classification (TPS No. 1)	Museum: Civic Building is an 'AA' use in a residential zone. Cafe: Eating House 'SA' in Residential Zone.
Heights (Policy No. 3.1.6 Smith's Lake, Policy No. 3.2.1 Residential Design Elements)	Two (2) storeys including loft.
Car Parking	Museum: 1 space per 50 square metres of gross floor area. Café: Restaurant 1 space per 4.5 square metres of public area.
Setbacks	Side Setbacks: As per R-Codes; and Rear Setbacks: 6 metres.
Bonuses	In accordance with clause 27 of the City's TPS No. 1 where desirable to facilitate the conservation of a heritage place listed in the Heritage List or to enhance or preserve heritage values in a Heritage Area, the Council may vary any site or development requirement of the Scheme.
Developable Land at Rear of Property	Approximately 960 square metres [assuming the removal of three (3) outbuildings].
Building Requirements	Compliance with Building Code of Australia requirements; and need for fire rating and re-classification of building.
Health Requirements	Museum to comply with requirements of Health (Public Buildings) Regulations 1992 and be issued with Maximum Accommodation Certificate; Café to comply with Food Act 2008 and Food Standards Code; Food premises fit-out plans to be provided at Building Licence stage; and both Café and Museum are required to be registered with Health Services and undergo routine inspections.

Advantages

This option is considered to be a suitable community use facility.

Disadvantages

If only the existing building is used to accommodate a museum, with no extension to the rear, it is considered that this is not optimising the full potential of the site.

1.3 Construction of a café

This option proposes that the existing building be used solely as a cafe.

Planning, Building and Health Requirements

Development Requirements	Provisions
Use Classification (TPS No. 1)	Cafe: Eating House 'SA' in Residential Zone.
Heights (Policy No. 3.1.6 Smith's Lake, Policy No. 3.2.1 Residential Design Elements)	Two (2) storeys including loft.
Car Parking	Café: Restaurant 1 space per 4.5 square metres of public area.

Development Requirements	Provisions
Setbacks	Side Setbacks: Existing; and Rear Setbacks: 6 metres.
Bonuses	In accordance with clause 27 of the City's TPS No. 1 where desirable to facilitate the conservation of a heritage place listed in the Heritage List or to enhance or preserve heritage values in a Heritage Area, the Council may vary any site or development requirement of the Scheme.
Developable Land at Rear of Property	Approximately 960 square metres [assuming the removal of three (3) outbuildings].
Building Requirements	Compliance with Building Code of Australia requirements; and need for fire rating and re-classification of building.
Health Requirements	Café to comply with Food Act 2008 and Food Standards Code; food premises fit-out plans are to be provided at Building Licence stage; and Café is required to be registered with Health Services.

Another option could be to construct a new building to the rear of the existing building for use as a café. This option would allow the existing building to be used for alternative uses such as those listed in 1.2 above.

Advantages

The construction of a cafe could service the local surrounding residential area.

Disadvantages

Statutory Officers are of the view that a café on a standalone basis is not considered a suitable use for the above site, as this use would mainly be operated by commercial operators, and is not considered to be consistent with the objectives of being a "community use". It is also considered that using the existing building solely as a cafe is considered to be an underutilisation of the site.

1.4 Possible additions to the existing building to take full advantage of the site

This option does not specify uses on the site; however, the City's Officers have investigated this option only for residential uses. With the retention of the existing building for use as a dwelling at the front of the site, there is opportunity to re-develop the rear vacant portions into separate lots or to develop the property with grouped and multiple dwellings, with vehicle access from the rear.

Planning, Building and Health Requirements

Development Requirements	Provisions
Use Classification (TPS No. 1)	Under R30, Group Dwellings and Multiple Dwellings: Permitted. Potential number of grouped dwellings is 5. For multiple dwellings, plot ratio is applicable. In this instance, a plot ratio of 0.5 is permitted which is equivalent to 753 square metres.
Heights (Policy No. 3.1.6 Smith's Lake, Policy No. 3.2.1 Residential Design Elements).	Two (2) storeys including loft.
Car Parking	As per R-Codes: Grouped dwellings – 2 parking bays for each grouped dwelling and 1 visitor bay (based on 5 grouped dwellings). Multiple dwellings – the parking required for the residents and visitors will depend on the area of each multiple dwelling and the number of dwellings being proposed.

Development Requirements	Provisions
Setbacks	As per R-Codes.
Bonuses	<p>Clause 20(2)(b) of TPS No. 1:</p> <p>(2) Subject to compliance with the procedures set out in the Residential Planning Codes for notifying affected owners and occupiers, the Council may grant an increase in the permitted dwelling density by up to 50% if –</p> <p>(b) the proposed development conserves or enhances an existing dwelling or existing dwellings worthy of retention.</p> <p>In accordance with clause 27 of the City's TPS No. 1 where desirable to facilitate the conservation of a heritage place listed in the Heritage List or to enhance or preserve heritage values in a Heritage Area, the Council may vary any site or development requirement of the Scheme.</p>
Developable Land at Rear of Property	Approximately 960 square metres [assuming the removal of three (3) outbuildings]
Building Requirements	Compliance with Building Code of Australia requirements.
Health Requirements	Relevant Health Legislation relating to residential dwellings.

Advantages

Given the site is located within a residentially zoned area; this use would be compatible with surrounding character of residential buildings in the area.

1.5 Other viable community uses

Childcare Facilities

This option proposes that the existing structure be used primarily as a childcare centre/after school centre and could include the construction of a playground or patio area at the rear of the existing building. There is also an option to include a child health clinic in the rear part of the lot, with parking access primarily from the right of way, or the existing building being used solely as a child health care clinic.

Planning, Building and Health Requirements

Development Requirements	Provisions
Use Classification (TPS No. 1)	<p>Childcare facility: Day nursery is 'AA' in Residential zones.</p> <p>Consulting Rooms: 'SA' in Residential zone.</p>
Heights (Policy No. 3.1.6 Smith's Lake, Policy No. 3.2.1 Residential Design Elements)	Two (2) storeys including loft.
Car Parking	<p>Child Care Centre, Child Day Care Centre and Child Family Care Centre: 1 space per 5 children.</p> <p>Consulting Rooms: 3 spaces per consulting room.</p>
Setbacks	<p>Side Setbacks: As per R-Codes; and</p> <p>Rear Setbacks: 6 metres.</p>
Bonuses	In accordance with clause 27 of the City's TPS No. 1 where desirable to facilitate the conservation of a heritage place listed in the Heritage List or to enhance or preserve heritage values in a Heritage Area, the Council may vary any site or development requirement of the Scheme.
Developable Land at Rear of Property	Approximately 960 square metres [assuming the removal of three (3) outbuildings].

Development Requirements	Provisions
Building Requirements	Compliance with Building Code of Australia requirements, and re-classification of building.
Health Requirements	Child Care is to comply with Food Act 2008 and Food Standards Code; food premises fit-out plans are to be provided at Building Licence stage; and Café is required to be registered with Health Services and undergo routine inspections.

Advantages

Given the proximity of the North Perth Primary School, a facility focussed for children would be appropriate in this area. The above mentioned uses are considered to fall within the scope of 'community use'. Childcare is in high demand in the City and additional services in this regard would be welcomed by the community.

There is also demand for a Government Child Health Care Clinic in the area.

Disadvantages

The site would need to be substantially upgraded to accommodate childcare regulatory requirements.

Club Premises

This option proposes that the existing building and a new extension, be used as a club premises, for various charitable organisations. Additional recreational facilities could be constructed at the rear of lot, with parking also available at the rear.

Planning, Building and Health Requirements

Development Requirements	Provisions
Use Classification (TPS No. 1)	Club: 'SA' in Residential zone. Recreational Facility: 'AA' in a Residential zone.
Heights (Policy No. 3.1.6 Smith's Lake, Policy No. 3.2.1 Residential Design Elements)	Two (2) storeys including loft.
Car Parking	Recreational Facility: 1 space per 30 square metres of gross floor area. Club Premises: 1 space per 3.8 sq m of public floor area or 1 space per 4.5 persons of maximum number of persons approved for the site, whichever is the greater.
Setbacks	Side Setbacks: As per R-Codes; and Rear Setbacks: 6 metres.
Bonuses	In accordance with clause 27 of the City's TPS No. 1 where desirable to facilitate the conservation of a heritage place listed in the Heritage List or to enhance or preserve heritage values in a Heritage Area, the Council may vary any site or development requirement of the Scheme.
Developable Land at Rear of Property	Approximately 960 square metres [assuming the removal of three (3) outbuildings].
Building Requirements	Compliance with Building Code of Australia requirements and re-classification of building.
Health Requirements	Club premises to comply with requirements of Health (Public Buildings) Regulations 1992 and be issued with Maximum Accommodation Certificate.

Advantages

This site is highly accessible and considered to be an ideal location for such uses. The above mentioned uses are considered to fall within the scope of 'community use'. Currently, GROW WA fit the bill in this regard. If further buildings are constructed, there would be opportunities for other similar agencies to form a consortium and fully utilise the site. This would be in a similar vein to having a "Lotteries House" with multiple agencies sharing the space.

Disadvantages

The premises were tendered twice to target and attract suitable charitable organisations and community agencies to share the premises in conjunction with Lotterywest offices; however, the City received a limited response.

Medical Consulting Rooms

This option proposes that the existing building be used as medical consulting rooms that are run by non-profit organisations. A new addition at the rear could provide a space for recreational facilities, such as physical health studios. Parking would be located at the rear.

Planning, Building and Health Requirements

Development Requirements	Provisions
Use Classification (TPS No. 1)	Consulting Rooms: 'SA' in Residential zone. Physical Health Facilities: Recreational facilities is an 'AA' use in a Residential zone.
Heights (Policy No. 3.1.6 Smith's Lake, Policy No. 3.2.1 Residential Design Elements)	Two (2) storeys including loft.
Car Parking	Consultation Rooms: 3 spaces per consultation room. Recreational Facility: 1 space per 30 square metres of gross floor area.
Setbacks	Side Setbacks: As per R-Codes; and Rear Setbacks: 6 metres.
Bonuses	In accordance with clause 27 of the City's TPS No. 1, where desirable to facilitate the conservation of a heritage place listed in the Heritage List or to enhance or preserve heritage values in a Heritage Area, the Council may vary any site or development requirement of the Scheme.
Developable Land at Rear of Property	Approximately 960 square metres [assuming the removal of three (3) outbuildings].
Building Requirements	Compliance with Building Code of Australia requirements and re-classification of building.
Health Requirements	Physical Health Studio may be required to comply with requirements of Health (Public Buildings) Regulations 1992 and be issued with Maximum Accommodation Certificate, depending on numbers attending the classes.

Advantages

As this option would be more for non-profit consulting rooms, the abovementioned uses are considered to fall within the scope of 'community use'.

Disadvantages

Statutory Planning Officers are of the view that medical consulting rooms are not considered as a suitable use for the above site.

Community Advocacy Office

This option proposes that the building be used as a community advocacy office for community groups. An extension to the rear of the building could provide a space for an educational centre. Parking would be located at the rear.

Planning, Building and Health Requirements

Development Requirements	Provisions
Use Classification (TPS No. 1)	Office: 'SA' in Residential zone.
Heights (Policy No. 3.1.6 Smith's Lake, Policy No. 3.2.1 Residential Design Elements)	Two (2) storeys including loft.
Car Parking	Office: 1 space per 50 square metres of gross floor area, which depends on additional floor area.
Setbacks	Side Setbacks: As per R-Codes; and Rear Setbacks: 6 metres.
Bonuses	In accordance with clause 27 of the City's TPS No. 1, where desirable to facilitate the conservation of a heritage place listed in the Heritage List or to enhance or preserve heritage values in a Heritage Area, the Council may vary any site or development requirement of the Scheme.
Developable Land at Rear of Property	Approximately 960 square metres [assuming the removal of three (3) outbuildings].
Building Requirements	Compliance with Building Code of Australia requirements. New building will require a classification certificate to be issued.

Advantages

This site is highly accessible and considered to be an ideal location for such uses. The above mentioned uses are considered to fall within the scope of 'community use'.

Disadvantages

The premises were tendered twice to target and attract suitable charitable organisations and community service agencies to share the premises in conjunction with Lotterywest officers; however, the City received a limited response.

In addition to the above, it is noted that the in the Economic Development Strategy (2011-2015) for the North Perth Town Precinct, where under the Economic Forum Feedback 2010 table states to *"Maintain community character and heritage and traditional values of the precinct. Develop North Perth as a great place for families with access to locally oriented businesses and extensive community facilities."* On the above basis, Statutory Planning Officers are of the view that all the above uses except a sole use café and medical consulting rooms, are considered appropriate for the above subject site.

1.7 Possible funding sources

The City's Officers have met with Lotterywest officers to discuss the possibility of grant funding towards any building works. Lotterywest would be prepared to assist where there is a clear demonstrated community need to link with service use of the building.

The grants may cover the construction, purchase, renovation and fit out of a building, earthworks, play equipment, shade facilities and more. Generally, the grants do not provide for the ongoing operation or core maintenance of community spaces.

Lotterywest will also prioritise support for a multi-service approach to community spaces.

Other funding models include:

Fremantle:

- Fremantle Arts Centre is a fully curated exhibition space. Funding comes from the City of Fremantle with additional funding from the Department of the Arts. Money for exhibitions is also generated by the liquor licence and concert programme.
- Moores Building is an exhibition space where artists submit applications for exhibitions. A selection is made by Moores Building Management. Funding is from the City of Fremantle and the artists pay to exhibit.

Melville:

- Atwell Arts Centre: leased from the City of Melville and run independently by the Melville Community Arts Association.
- Heathcote Gallery and Museum: Artists make submissions to exhibit in these spaces. Funded by the City of Melville (cost of staff, mail out, publicity etc is in the vicinity of \$25,000 for a six week period).

Mundaring:

- Mundaring Arts Centre - primary funding is from the Department of Culture and the Arts, predominately independent from the Shire, although the staff manage their art collection.

CONSULTATION/ADVERTISING:

The City will conduct extensive community consultation in the locality to ensure that local residents, businesses and stakeholders are well informed on the progress of the project, with opportunities to provide comments, once there are firm plans in place to implement the development of the property.

LEGAL/POLICY:

The City's Policy No. 4.1.5 Community Consultation will apply to this project. Relevant due diligence will also be conducted to ensure the viability of the project and protecting the City's financial interest in relation to providing funds towards capital improvements of the property.

RISK MANAGEMENT IMPLICATIONS:

Low: At the current stage of the project, there are low risk implications for the City.

STRATEGIC IMPLICATIONS:

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

"Community Development and Wellbeing"

3.1: *Enhance and promote Community Development and Wellbeing:*

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

(a) *Build the capacity of individuals and groups within the community to initiate and manage programs and activities that benefit the broader community, such as the establishment of "men's sheds", community gardens, toy libraries and the like."*

SUSTAINABILITY IMPLICATIONS:

The potential of the premises for community use supports general principles of sustainability.

FINANCIAL/BUDGET IMPLICATIONS:

It is recommended that an amount of \$50,000 be listed in the City's Draft 2012/2013 Budget for further consideration.

COMMENTS:

The site has a number of opportunities to develop into facilities that are in keeping with the area. Any of the options listed will require further work to be done to ascertain the feasibility of progressing to development and the cost benefit to the City.

9.5.1 No. 310 Pier Street, Perth – Rectangular Stadium, Lease to the State Government of WA –Progress Report No. 21

Ward:	South	Date:	16 March 2012
Precinct:	Beaufort, P13	File Ref:	RES0114
Attachments:	001 – MWJDA Conditions of Approval		
Tabled Items:	-		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council:

1. **RECEIVES** the Progress Report No. 21 dated 16 March 2012 concerning the Lease of the City’s Rectangular Stadium at 310 Pier Street, Perth to the State Government of Western Australia;
2. **NOTES** that:
 - 2.1 the Lease of the City’s Stadium at 310 Pier Street, Perth to the State Government of Western Australia (the State), for a period of twenty-five (25) years with a twenty-five (25) year Option, was signed on 13 March 2012 and the City received its \$5 million on 15 March 2011;
 - 2.2 a Deed of Surrender of Heads of Agreement was signed by the City and Allia Venue Management (Allia) on 13 March 2012; and
 - 2.3 the City’s Administration has now implemented the handover of it’s involvement at the Stadium to the State Government;
3. **AUTHORISES** the Chief Executive Officer to dispose of any surplus capital items which may arise from the redevelopment, if they are not required by the City;
4. **ENDORSES** the Chief Executive Officer and Director of Technical Services as its representatives to continue on the Project Control Group;
5. **APPROVES** of the \$25,000 per year annual rent from the Stadium Lease to be placed in the Capital Reserve Fund; and
6. **APPROVES BY AN ABSOLUTE MAJORITY** pursuant to Section 5.8 of the Local Government Act 1995 to **RESCIND** the City’s Stadium Management Committee, as it is no longer required.

Moved Cr Maier, Seconded Cr Pintabona

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

“That clause 3 be amended to read as follows:

3. **AUTHORISES** the Chief Executive Officer, **in liaison with the Mayor**, to dispose of any surplus capital items which may arise from the redevelopment, if they are not required by the City;”

Debate ensued.

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

COUNCIL DECISION ITEM 9.5.1

That the Council:

1. **RECEIVES the Progress Report No. 21 dated 16 March 2012 concerning the Lease of the City's Rectangular Stadium at 310 Pier Street, Perth to the State Government of Western Australia;**
 2. **NOTES that:**
 - 2.1 **the Lease of the City's Stadium at 310 Pier Street, Perth to the State Government of Western Australia (the State), for a period of twenty-five (25) years with a twenty-five (25) year Option, was signed on 13 March 2012 and the City received its \$5 million on 15 March 2011;**
 - 2.2 **a Deed of Surrender of Heads of Agreement was signed by the City and Allia Venue Management (Allia) on 13 March 2012; and**
 - 2.3 **the City's Administration has now implemented the handover of its involvement at the Stadium to the State Government;**
 3. **AUTHORISES the Chief Executive Officer, in liaison with the Mayor, to dispose of any surplus capital items which may arise from the redevelopment, if they are not required by the City;**
 4. **ENDORSES the Chief Executive Officer and Director of Technical Services as its representatives to continue on the Project Control Group;**
 5. **APPROVES of the \$25,000 per year annual rent from the Stadium Lease to be placed in the Capital Reserve Fund; and**
 6. **APPROVES BY AN ABSOLUTE MAJORITY pursuant to Section 5.8 of the Local Government Act 1995 to RESCIND the City's Stadium Management Committee, as it is no longer required.**
-

PURPOSE OF REPORT:

The purpose of the report is to inform the Council concerning about the outcome of the negotiations with the State Government of Western Australia, Allia Venue Management and various Licensees concerning the City's Stadium at 310 Pier Street, Perth.

BACKGROUND:

Previous Reports

Previous reports have been submitted to the Council at its Meetings held on 22 November 2011, 8 November 2011, 11 October 2011, 6 September 2010 (Special Meeting), 23 August 2011, 27 July 2010, 28 July 2009, 24 March 2009, 24 February 2009, 8 April 2008, 4 December 2007, Special Meeting of Council held on 29 May 2007 and Ordinary Meetings of Council held on 13 June 2006, 11 April 2006, 14 February 2006, 22 November 2005, 12 July 2005, 26 April 2005, 22 March 2005, 21 December 2004 and 26 October 2004.

Previous Decision

At the Ordinary Meeting of Council held on 11 October 2011, the Council considered the matter of the Rectangular Stadium and resolved, in part, as follows:

"That the Council:

- ...3. APPROVES BY AN ABSOLUTE MAJORITY of a Lease of the premises known as "nib Stadium" at 310 Pier Street, Perth to the State Government of Western Australia (the State), for a period of twenty-five (25) years with a twenty-five (25) year Option, subject to:
 - 3.1 the City reaching Agreement with Allia Venue Management (Allia) to release each other from the current Heads of Agreement; and
 - 3.2 a Deed of Surrender and Release being signed by the City and Allia Venue Management once agreement has been reached between Allia Venue Management and the State; and
4. AUTHORISES the:
 - 4.1 the Chief Executive Officer to negotiate any minor changes that may arise in the finalisation of the Lease or Deed, providing they are not materially different to what has been approved or significantly affect the City's position; and
 - 4.2 Mayor and Chief Executive Officer to sign the Lease and the Deed of Surrender and Release and affix the Council's Common Seal."

METRO WEST JOINT DEVELOPMENT ASSESSMENT PANEL (MWJDAP) APPROVAL

The proposed Stadium redevelopment was considered at the Council Meeting held on 22 November 2011. Subsequently, an application was approved by the MWJDAP (as the determining authority) was approved at its meeting held on 24 January 2012. A copy of the Conditions of Approval are attached at Appendix 9.5.1.

Appeal – Percent for Art

The City has been advised that an Appeal has been lodged with the State Administrative Tribunal concerning the following condition:

- "3. The owner(s) of the applicant on behalf of the owner(s) to comply with the City of Vincent Policy No. 3.5.13 – Percentage for Public Art, which requires that:
 - Within twenty eight (28) days of the issue of Approval of 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."

The City's Administration is aware that the Department of Sport and Recreation have called a tender for artwork for \$400,000 (\$370,000 for artwork plus \$30,000 for consultant fees). Condition 3 requires an amount of \$951,000 to be spent on artwork.

Representations have been made to the City's Mayor and separately to the Chief Executive Officer to have the matter reviewed and the amount reduced. However, as the development was approved by the MWJDAP, the Appeal to the State Administrative Tribunal is against the MWJDAP and not the City of Vincent. The Appeal will be handled by the MWJDAP and the Western Australian Planning Commission. The City's representatives on the MWJDAP will be invited to assist in determining the appeal.

Notwithstanding the above, it is most likely that the City will be asked for a position concerning the Percent for Art.

LEASE & OTHER LEGAL DOCUMENTATION

Lease

The Lease between the City and the State Government was signed on 13 March 2012.

Deed of Surrender of the Heads of Agreement

The Deed of Surrender between the City and Allia Venue Management was signed on 13 March 2012.

Deed of Acknowledgement (for existing Licensees)

A Deed of Acknowledgement was signed by the City, State Government and Allia Venue Management for the following Licensees:

- Western Australian Rugby Union;
- Western Australian Rugby League;
- Okewood Pty Ltd (Perth Glory Football Club);
- Football West; and
- South Sydney Rugby League Club;

The Deed of Acknowledgement allows the Licensees to continue to use the Stadium under their existing Deed of License. However, the City has been removed from this Deed and replaced by the State Government who are now the Lessee. A copy of these Deeds were posted to the Licensees on 16 March 2012, for their approval.

Subleases

The existing Lease between the City and Western Australian Rugby League has lapsed. The State Government is currently preparing a sublease for Western Australian Rugby League, in order to allow for continuation of their current Lease arrangements.

A similar Lease between the City and Stadium Entertainment will be converted to a Sublease with the State Government.

It should be noted that the City does not receive any funds from these Subleases and the City will not be disadvantaged in any way whatsoever.

Head Lease with State Government

The following clauses are particularly relevant:

Capital Improvements

The Lease contains the following condition:

11.5 Capital Improvements

A new paragraph (b) has been included as follows;

"(b) Any Capital Improvements which are not used in the Redevelopment will remain the property of the Lessor. The Lessee will remove the Capital improvements, which include, but are not limited to, the light towers and fittings, existing steel eastern stand, demountable toilet ablution buildings and place them on the Land (or Loton Park) for prompt collection by the Lessor. The Lessor will be responsible for all costs associated with the disposal of the Capital Improvements from the Land (or Loton Park)."

Chief Executive Officer's Comment:

The City has been advised that the following capital improvements will most likely be surplus to the redevelopment:

- four (4) large light towers;
- two (2) small light towers;

- Eastern Grandstand and staircases;
- two (2) large metal sea containers;
- demountable ablution buildings – number yet to be determined.

The surplus Capital Improvements will have some value and the Council can determine what it wishes to do with the items. It is suggested that the light towers and fittings could be sold, as they would be of considerable value to a local government or organisation wishing to light an Oval, etc. A demountable ablution buildings could be located at one of the City's parks (e.g. corner Hobart and Auckland Streets). The existing eastern stand could be sold as scrap metal.

The surplus items will start to become progressively available from June 2012 onwards.

It is appropriate the Chief Executive Officer be authorised to dispose of these matters if they are surplus to the City's needs.

Stadium Advisory Committee

The City will be represented by the Mayor and Chief Executive Officer on the Stadium Advisory Committee.

The Stadium Lease prescribes the following for the Stadium Advisory Committee and its Terms of Reference.

"21.1 Establishment of Stadium Advisory Committee

- (a) *The State shall establish a committee to advise on the ongoing use of the Stadium. The committee shall meet periodically either in person, by telephone or by videoconference.*
- (b) *The Committee shall comprise the following persons:*
 - *The Chairman and Chief Executive Officer of the WA Sports Centre Trust*
 - *A representative of the Department*
 - *A representative of Allia*
 - *A representative of a Stadium user who will have non-voting status (which representative will be rotated annually amongst Stadium users)*
 - *The Mayor and Chief Executive Officer of the City of Vincent*
 - *No more than 2 other persons nominated by the Minister, provided that the Minister will not make any nomination during the initial 24 months of the term.*

21.2 Functions of Stadium Advisory Committee

The Parties agree that the Committee's functions include the following:

- (i) *to review and revise the KPIs in conjunction with the Manager (in reviewing the KPIs, the Committee, Allia (and, if necessary, the Minister) must take into account the operation of stadia in Australia which are similar to the Stadium;*
- (ii) *to assess whether each proposed Licensing Agreement is consistent with the KPIs and the provisions of this Agreement and to approve the proposed Licensing Agreement if it is consistent;*
- (iii) *to supervise the performance of the Services by the Manager and to ensure that the Manager performs the Services in accordance with the KPIs and this agreement;*

- (iv) *to receive and consider Performance Reports;*
- (v) *to advise the State on Capital Improvements required for the Stadium and to make recommendations to the State about the use of the Reserve Fund;*
- (vi) *to review Naming Signage;*
- (vii) *to review the Risk Management Plan; and*
- (viii) *other functions as requested by the Minister from time to time.*

For the purpose of avoidance of doubt, the Parties acknowledge that the Committee's functions do not include carrying out any of the Operational Management Services which are to be provided by the Manager."

House Suite

The City will no longer have a House Suite shared with the Stadium Manager, as this was removed from the Lease.

Project Control Group

The Lease requires that the City be represented on the Project Control Group. The Chief Executive Officer and Director Technical services are the City's representatives. The purpose of the Project Control Group is to provide advice on the project and to assist in the smooth implementation during construction.

New Agreement between the State and Allia

The City's Lease with the State Government requires the State to assume total responsibility for the Heads of Agreement contracts and Licences. After protracted negotiations, a new Agreement was finally agreed between the State and Allia Venue Management. Allia will remain as Stadium Manager for the remainder of their original Term and this will expire on 6 February 2024.

The City's Chief Executive Officer assisted the State and Allia Venue Management in these negotiations and attended a significant number of meetings.

The City and Allia Venue Management contemporaneously signed a Deed of Surrender concerning the existing Heads of Agreement between the two parties.

CONSULTATION/ADVERTISING:

Consultation was carried out with the various Licensees.

LEGAL/POLICY:

The City's Stadium Management Committee was approved under Section 5.8 of the *Local Government Act 1995* on 14 September 2004. It is no longer required as a new Advisory Committee has been formed under the new Lease arrangements with the State Government. The City's Mayor and Chief Executive Officer will be represented on this new Advisory Committee, as prescribed in the Lease.

Accordingly, it is appropriate that the Council formally rescind its Stadium Management Committee.

Land Titles

Perth Oval and Loton Park comprise of a number of individual titles. The City of Vincent owns the land freehold – however, a significant portion of the land is subject to the Loton Trust – which requires the land to be used in perpetuity for "Recreational Purposes".

Zoning

Perth Oval and Loton Park are a Reserve under the City of Vincent Town Planning Scheme No. 1 and are zoned "*Parks and Recreation*" in the Metropolitan Region Scheme. Any redevelopment will require approval of the Western Australian Planning Commission. The proposed redevelopment will require referral to the Development Assessment Panel for consideration and determination.

Heritage

Perth Oval and Loton Park are listed on the State Register for Heritage Places – Western Australia and also on the Interim Register for Aboriginal Heritage sites. As such, approvals from the Heritage Council of Western Australia and Department of Indigenous Affairs will be required for any redevelopment.

RISK MANAGEMENT IMPLICATIONS:

Medium-High: The transfer of the Stadium via a long term lease to the State Government involved negotiations of complex legal documents.

In the event that the Licensees do not sign the Deeds of Acknowledgement, the State Government will be required to continue with negotiations. Whilst the City will not have any financial implications caused by the non signing of these documents, there is a potential for negative adverse publicity to occur.

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:

The current Stadium is an aged facility with a significant component being of a temporary nature, e.g. scaffold stands, temporary toilets and food and liquor outlets.

The existing grandstand requires considerable annual maintenance and upkeep. This will only continue, as with all ageing infrastructure.

A new Stadium will incorporate many sustainability principles such as photoelectric panels, rainwater tanks for water reuse, modern fixtures and fittings which are water efficient, energy efficient fittings, etc.

FINANCIAL/BUDGET IMPLICATIONS:

The State paid \$5 million to the City on Thursday 15 March 2012. \$3 million has been placed in the Beatty Park Leisure Centre Reserve Fund and \$2 million has been placed in the Hyde Park Lakes Reserve Fund, as per the previous Council decision.

The proposal indicates the following arrangement:

Revenue:

Financial Income

1. Up-front capital payment of \$5 million paid within fourteen (14) days upon the signing of the Lease. (Paid on 15 March 2012).
2. Annual Revenue of \$25,000 per year indexed by CPI (Perth) will be received for the term of the Lease. To be paid monthly on the first day of each month.
3. The City will continue to control and manage Loton Park and temporary parking on Event Days. Annual parking fees of \$84,000 (net) per annum are expected to be received.
4. The City will continue to control and manage the Stadium car park, except on Event Days. Revenue of \$6,250 is expected to be received per annum.

Annual Cost Savings to City

1. Cost savings of \$67,500 per annum will no longer to be paid by the City into the Stadium Capital Reserve Fund.
2. Forecourt maintenance savings of \$14,500 per annum.
3. Cost savings from no longer dealing with Stadium administrative matters.
4. Cost savings from no longer carrying out capital improvements of approximately \$30,000-\$50,000 per year.

Improvement to City Asset

Once Stage 2 Redevelopment has been completed, the City's Stadium asset will be increased in value from \$20,133,083 to in excess of \$80 million.

Expenditure

The City will no longer be responsible for any expenditure (either Capital Improvements or ongoing maintenance) relating to the leased area of the Stadium.

Perth Oval Reserve Fund

The Reserve Fund contains an amount of \$256,915 (as at 29 February 2012). The Lease requires these funds to be spent on the Stadium, as recommended by the Stadium Advisory Committee.

Annual Lease Income

It is recommended that the annual lease income of \$25,000 be placed in the Capital Reserve Fund. This will enable the Council to use the funds for a significant capital improvement/project.

COMMENTS:

The finalisation of this matter is the culmination of over 2 year's dialogue with the State Government of Western Australia and other parties.

The Lease has provided a unique opportunity for the City to remove itself from what is considered to be a State Government responsibility to provide state sporting facilities and major infrastructure, whilst at the same time securing a most reasonable financial deal, which will provide significant benefits to the City of Vincent and its residents.

The outcome is considered a "win-win" for both the City and the State Government.

Approval of the Officer Recommendation is therefore requested.

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

12.1 Foyer Oxford Community Reference Group – Appointment of Deputy Member

Ward:	-	Date:	16 March 2012
Precinct:	-	File Ref:	PRO4172
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That _____ be appointed as the City's Deputy Member to the Foyer Oxford Community Reference Group.

Moved Cr Wilcox, Seconded Cr Pintabona

That the recommendation be adopted, with Cr Wilcox being appointed as the Deputy Member.

(Cr Julia Wilcox nominated herself.)

No further nominations were received.

MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

COUNCIL DECISION ITEM 12.1

That Cr Julia Wilcox be appointed as the City's Deputy Member to the Foyer Oxford Community Reference Group.

DETAILS:

Cr Ros Harley has resigned from the position as Deputy Member to the Foyer Oxford Community Reference Group and has advised as follows:

"The Hub is located on the Leederville Campus and is affiliated with Central TAFE. I have recently commenced employment with the Department of Training and Workforce Development (DTWD) who are a funding provider to the State Training Providers. Although I am not directly involved in the management of STP's or funding arrangements I never the less feel that my involvement in the Hub or decisions made on Council about the Hub or indeed any matter to deal with Central TAFE land usage may give rise to a perceived conflict of interest. It is my intention to remove myself from any discussions on Council directly involving Central TAFE, its land use in Leederville or the Hub the while I am an employee of DTWD."

Terms of Reference

Purpose of Group

The purpose of this community reference group is to provide community members with a reliable source of information about the Foyer Oxford Project; offer a platform for community members and members of the project team to engage in informative discussions; and allow community members to have a say and contribute to designs surrounding the Foyer's development and management.

Meeting Information

Meetings will be held four times a year on a quarterly basis in the lead up to the opening of Foyer Oxford.

13. URGENT BUSINESS

Nil.

PROCEDURAL MOTION

At 8.42pm Moved Cr Pintabona, Seconded Cr Buckels

That Council proceed "behind closed doors" to consider confidential items 14.1 and 14.2, as:

14.1 – this matter relates to a Contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting

14.2 – the report contains information concerning a matter affecting an employee or employees.

14.3 – this matter contains legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting and which relates to a matter to be discussed at the meeting.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

There were no members of the public present. There was one (1) journalist present (David Bell), who departed the Chamber at 8.42pm.

Minutes Secretary, Anita Radici also departed the Chamber at 8.42pm.

PRESENT:

Mayor Hon. Alannah MacTiernan	Presiding Member
Cr Warren McGrath (<i>Deputy Mayor</i>)	South Ward
Cr Matt Buckels	North Ward
Cr John Carey	South Ward
Cr Roslyn Harley	North Ward
Cr Dudley Maier	North Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
Cr Julia Wilcox	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Community Services
Carlie Eldridge	Director Planning Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services

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

14.1 CONFIDENTIAL REPORT: Leederville Town Centre Masterplan and Built Form Guidelines –Progress Report No. 3

Ward:	South	Date:	16 March 2012
Precinct:	Oxford Centre	File Ref:	PLA0147
Attachments:	Confidential: Leederville Masterplan showing the connection to be deleted		
Tabled Items:	Confidential: Letter of Contract dated 27 July 2011; Confidential: Project Brief dated May 2011		
Reporting Officer:	E Lebbos, Planning Officer (Strategic)		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council **APPROVES**;

1. the preparation of an Activity Centre Structure Plan for the Leederville Masterplan area, “in-house” using the City’s Strategic Planning, Sustainability and Heritage Services Section as the most cost effective and efficient use of the City’s finances and resources;
2. pursuant to Clause 14.1 of AS 4122, as specified in Section 9.0 of the Project Brief, to terminate the Contract dated 27 July 2011 with the current Town Planning Consultant, to amend the Leederville Town Centre Masterplan and Built Form Guidelines, for the reasons outlined in this report;
3. to amend the Local Planning Policy – Appendix No. 19, relating to the Leederville Town Centre Masterplan and Built Form Guidelines, to remove the connection through the existing property between Oxford Street (opposite Newcastle Street) and The Avenue Car Park from any drawings and plans and for the Policy to be advertised in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1 as shown in Appendix 14.1; and
4. the listing for consideration an amount of \$75,000 in the 2012/2013 Budget, for specialist consultants, which may be required, to assist with the preparation and finalisation of an Activity Centre Structure Plan for Leederville.

COUNCIL DECISION ITEM 14.1

Moved Cr Buckels, Seconded Cr Topelberg

That the recommendation be adopted.

Discussion ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

Note: The Chief Executive Officer advised that this report is now released for public information except for information relating to existing Contracts.

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council's approval for the in-house preparation of an Activity Centre Structure Plan for Leederville, in line with the requirements of SPP 4.2, and to receive endorsement for advertising the Local Planning Policy - Appendix No. 19, relating to the Leederville Town Centre Masterplan and Built Form Guidelines, in accordance with Town Planning Scheme No. 1.

****Information to remain Confidential****

BACKGROUND:

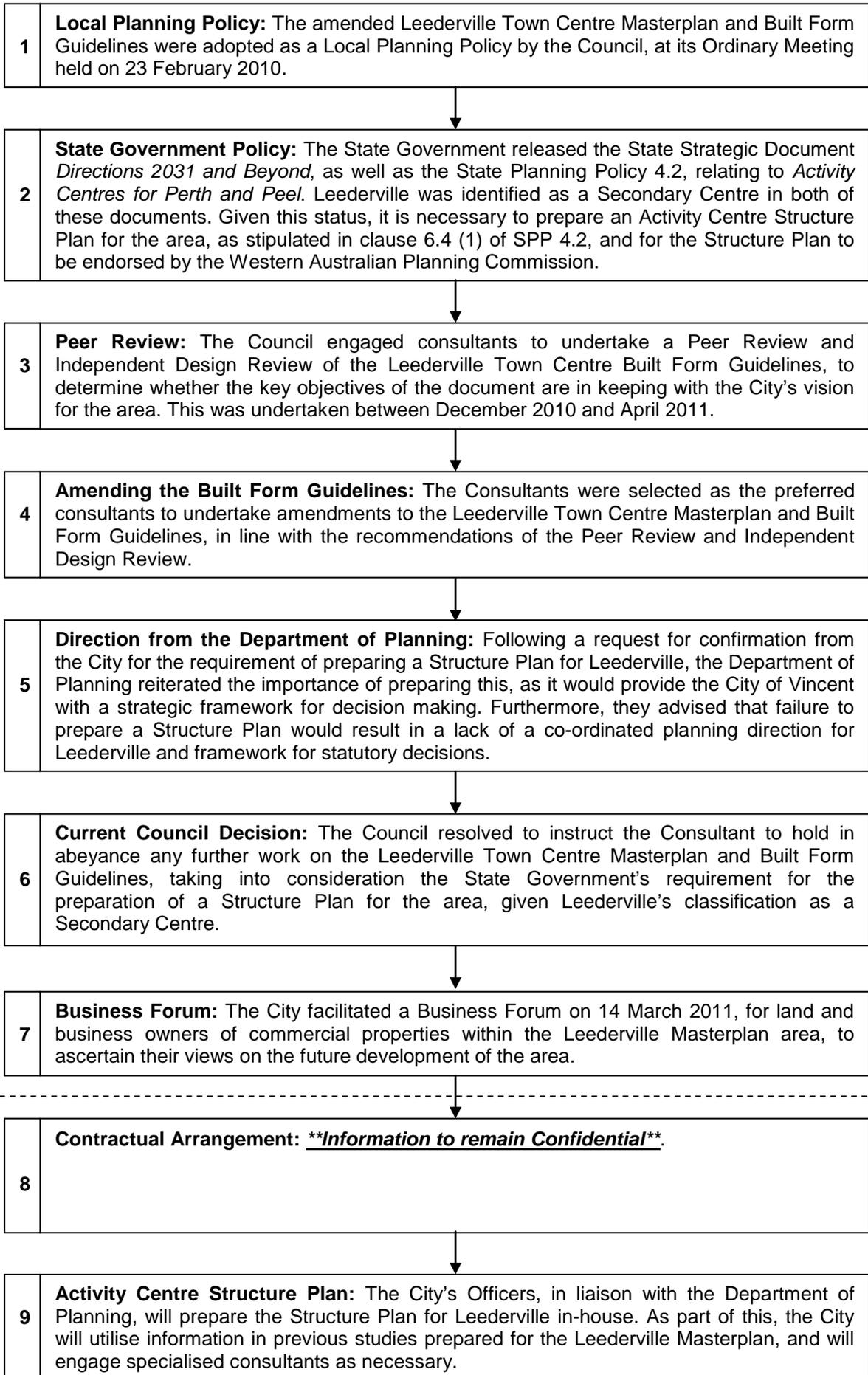
- 16 March 2009 At its Special Meeting, the Council adopted the Leederville Town Centre Masterplan Built Form Guidelines with amendments.
- 23 February 2010 The Council considered a Progress Report relating to the Leederville Masterplan. At this Ordinary Meeting, the final amended version of the Leederville Town Centre Masterplan Built Form Guidelines was adopted by the Council, and has become known as Appendix 19 to the City's Planning and Building Policy Manual.
- 28 September 2010 The Council considered a Progress Report on the Leederville Masterplan, and resolved in part to defer the matter regarding amending the Leederville Town Centre Masterplan and Built Form Guidelines and advertising the amended document, in order to conduct a Peer Review and a Stakeholder Workshop. The Council also resolved to enter into a joint study with the Town of Cambridge in relation to the Leederville Station Link.
- 21 December 2010 The Council resolved to appoint Mackay Urbandesign as the preferred Consultants to undertake the Independent Design Review of the Leederville Town Centre Masterplan and Built Form Guidelines, and Estill and Associates as the preferred facilitator to undertake the Peer Review Workshop.
- 19 April 2011 The Council resolved to endorse the Independent Design Review Report and Peer Review Workshop Report. Furthermore, they resolved to call for quotations for the appointment of a Consultant to amend the Leederville Town Centre Masterplan and Built Form Guidelines in line with the recommendations of both Reports, and for the appointed Consultant to meet with the Council Members to decide on those items identified by the Independent Design Review and Peer Review for amending the Leederville Town Centre Masterplan and Built Form Guidelines.
- 13 July 2011 The Executive Management Team approved the Consultant as the preferred Consultant to undertake amendments to the Leederville Town Centre Masterplan and Built Form Guidelines.
- 30 August 2011 The City's Strategic Planning Officers, along with the Consultant met with Officers from the Western Australian Planning Commission, where it was reiterated that Leederville, being a Secondary Centre, requires the preparation of an Activity Centre Structure Plan.

- 11 October 2011 A report was submitted to the Council. The Council resolved to:
- authorise the Consultant to complete their consultancy;
 - to remove the connection through Oxford Street to The Avenue Carpark; and
 - upon finalisation of the Consultancy for the City to prepare a costing to prepare the Structure Plan "in-house".
- 22 November 2011 A report relating to the matter was presented to the Council at its Ordinary Meeting, whereby a project plan and budget for the 'in-house' preparation of the Structure Plan was presented to the Council, detailing the use of 'in-house' and external resources, in accordance with the Council resolution of 11 October 2011. The Council resolved to instruct the Consultant to hold in abeyance any further work on the Leederville Town Centre Masterplan and Built Form Guidelines, until further notice.
- 6 January 2012 The City's Chief Executive Officer discussed the project with the Director General of the Department of Planning, who has requested to be briefed on the project once the Council has made a determination on how it wishes to proceed.
- 13 March 2012 The Mayor Hon. MacTiernan, the Chief Executive Officer, Director Planning Services, and the Manager Strategic Planning, Sustainability and Heritage Services met with key land owners in Leederville, in order to ascertain their views on key issues within the Leederville Masterplan area.
- 14 March 2012 The City facilitated a Business Forum for all business owners and relevant land owners within the Leederville Masterplan area, in order to ascertain their views on town centre improvements, including streetscape upgrades, public art and transport needs.

DETAILS:

The following flowchart provides a snapshot of the key elements undertaken to date, and is to be read in conjunction with the Background Section above. Furthermore it provides a preferred way forward for progressing the Leederville Masterplan Project.

ACTIONS
TO
DATE



WAY
FORWARD

To progress the Leederville Masterplan and provide certainty to all stakeholders, it is proposed to undertake two actions, that being to amend the existing Local Planning Policy - Appendix No. 19 relating to the Leederville Town Centre Masterplan and Built Form Guidelines, and to prepare a Structure Plan for the area.

Amendment to the Local Planning Policy

At its Ordinary Meeting held on 11 October 2011 and 22 November 2011, the Council considered an amendment to the existing Leederville Town Centre Masterplan and Built Form Guidelines, by removing the pedestrian access way from Oxford Street, traversing east-west through to The Avenue Car Park. However, it did not formally resolve to implement this. In order to provide certainty in the short term to the affected land and business owners. It is proposed to amend the Local Planning Policy - Appendix No. 19, relating to the Leederville Town Centre Masterplan and Built Form Guidelines in accordance with the City's Town Planning Scheme No. 1 process.

Preparation of a Structure Plan

The Leederville Town Centre is identified in the State Planning Framework *Directions 2031* as a Secondary Centre. Secondary Centres require a Structure Plan to be prepared by the local government and endorsed by the State Government (Western Australian Planning Commission), in order to provide a statutory framework for co-ordinated future development.

It is proposed to prepare the Structure Plan in-house, utilising the existing Leederville Town Centre Masterplan and Built Form Guidelines, in consultation with the Department of Planning. It is envisaged that specialist consultants will be required to provide technical input into the process, which may for example relate to traffic studies and property analysis and advice.

CONSULTATION/ADVERTISING:

Business Forum

On Wednesday, 14 March 2012, the City conducted a Forum for business owners and relevant land owners within the Leederville Masterplan area, facilitated by the Mayor Hon. MacTiernan.

The City provided a brief overview on the Leederville Town Centre Masterplan and Built Form Guidelines as follows:

- The History;
- Planning Context;
- Leederville Town Centre Masterplan and Built Form Guidelines;
- Current Status;
- The Water Corporation Proposed Development;
- The Leederville Station Link; and
- Way Forward.

At the Business Forum, diverse feedback and discussion was had on the Leederville Town Centre Masterplan and Built Form Guidelines, the Leederville streetscape, a potential festival and the formation of a business group.

In regards to the planning context for this area, the Business Forum raised the following key issues for consideration in the preparation of a Structure Plan:

- Parking;
- Pedestrian Access for the Leederville train Station;
- Streetscape upgrades;
- Public Open Space considerations; and
- Height.

In addition, the Business Forum confirmed that both a festival and a business group were generally supported by the local business community.

In moving forward, the Mayor Hon. MacTiernan reiterated the Council's commitment to progressing the Leederville Masterplan, particularly in terms of finalising the relevant planning documents, in order to proceed with the Expressions of Interest stage for the development of City-owned land.

Local Planning Policy

The Local Planning Policy - Appendix No. 19, relating to the Leederville Town Centre Masterplan and Built Form Guidelines, will be advertised for a period of twenty eight (28) days, in accordance with clause 47 of Town Planning Scheme No. 1.

After the expiry period for submissions, the City's Officers will review the Local Planning Policy - Appendix No. 19, relating to the Leederville Town Centre Masterplan and Built Form Guidelines, having regard to any submissions, and will report back to the Council for final endorsement of the document.

Structure Plan

Any consultation for the Activity Centre Structure Plan for Leederville will be undertaken in line with the City's comprehensive consultation processes, and in line with the recommendations of the Draft Structure Plan Preparation Guidelines.

These Guidelines note that pre-lodgement consultation should be undertaken with relevant stakeholders, in order to achieve proper planning and best outcomes. The Draft document includes a table with a list of stakeholders likely to have an interest in a Structure Plan. Among others, these stakeholders include the Department of Planning, Department of Transport, Department of Water, Main Roads Western Australia, the Water Corporation, and relevant community groups in the area.

The City's Officers are of the view that sufficient community consultation and visioning has been undertaken for the Leederville area, and that any additional consultation should only be undertaken following the preparation of a Draft Activity Centre Structure Plan, prior to the document being finalised.

LEGAL/POLICY:

- Town Planning Scheme No. 1 and Associated Policies;
- State Planning Policy 4.2 relating to Activity Centres for Perth and Peel;
- Draft Structure Plan Preparation Guidelines;
- Local Government Act 1995 and Regulations relating to Tenders;
- Project Brief dated May 2011;

Australian Standard AS4122 – General Conditions for Engagement of Consultants.

****Information to remain Confidential****

RISK MANAGEMENT IMPLICATIONS:

There appears to be some uncertainty in the business community, particularly relating to the proposed east-west pedestrian linkage and the statutory planning framework more generally. Amending the existing Local Planning Policy - Appendix No. 19 relating to the Leederville Town Centre Masterplan and Built Form Guidelines in the short term, will provide some certainty in this regard.

In the long term however, completing and having the Structure Plan endorsed by both the City and the Western Australian Planning Commission, will provide a statutory framework for future development, resulting in certainty and direction for all stakeholders in Leederville, and allowing for significant development to proceed.

STRATEGIC IMPLICATIONS:

The City's *Strategic Plan 2011-2016* Objective 2.1 states:

"Economic Development:

- 2.1 *Progress economic development with adequate financial resources.*
 - 2.1.1 *Promote business development and the City of Vincent as a place for investment appropriate to the vision for the City.*
 - 2.1.2 *Develop and promote partnerships and alliances with key stakeholders.*
 - 2.1.4 *Implement the Leederville Masterplan and West Perth Regeneration Project."*

SUSTAINABILITY IMPLICATIONS:

It is considered that the preparation of an Activity Centre Structure Plan for Leederville will direct future development to occur in a manner that meets the community's changing needs, through the provision of a range of housing types and employment choices consistent with transit-oriented design principles and green building design.

FINANCIAL/BUDGET IMPLICATIONS:

Expenditure for the 'Leederville Masterplan' will be incurred under the following budgeted item:

Budget Amount:	\$74,000
Spent to Date:	\$36,745
Balance:	\$37,255

Termination of Contract

****Information to remain Confidential****

Cost Estimate to Prepare a Structure Plan

The City has been informed that preparation of a Structure Plan could be indicatively in the vicinity of \$150,000-\$200,000. There are insufficient funds in the 2011/2012 Budget for this.

The Chief Executive Officer is of the opinion that the City's Strategic Planning, Sustainability and Heritage Services Section has the necessary skills to prepare the Plan (with external assistance as required). Furthermore, the City already has much of the required information for the Structure Plan. It is considered that some specialist information will be required, including updated traffic and transport information, for which external consults will need to be engaged. Other specialist consultant information may be required.

It is recommended to prepare the Structure Plan for Leederville utilising in-house resources, particularly planning, and to engage specialist consultants where required to complete the Structure Plan. It is proposed that \$75,000 be allocated for the 2012/2013 Budget in this regard.

COMMENTS:

It is considered crucial that a decision be made by the Council regarding the best way forward for this project, in order to achieve the best outcome for the City both in terms of time and "value for money", whilst at the same time ensuring that best practice planning and urban design principles are in place, to guide development in Leederville.

The preparation of an Activity Centre Structure Plan for Leederville will ensure that an appropriate planning framework is in place, in line with State Government Policy, to implement best practice planning and urban design principles in the Leederville Masterplan area, and any business plans and other plans required to facilitate the development of this area.

In light of the above, it is recommended that the Council endorse the Officer Recommendation for the Structure Plan to be prepared "in-house", ****Information to remain Confidential****.

14.2 CONFIDENTIAL REPORT: City of Vincent Organisational Structure – Creation of New Parking Services Unit

Ward:	-	Date:	16 March 2012
Precinct:	-	File Ref:	PKG0001
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council:

1. DEFERS receiving the report concerning the investigation of the establishment of a new Parking Services Unit;
2. DEFERS clause 2 relating to:
 - 2.1 the City’s proposed Organisational Structure to create a new Parking Services Unit;
 - 2.2 filling the new positions of Parking Officers;
 - 2.3 carrying out alterations to the City’s Works Depot to accommodate the additional employees;
 - 2.4 the purchase of a vehicle for the new Parking Services Unit; and
 - 2.5 the purchase of the necessary electronic equipment to facilitate the organisational changes;
3. DEFERS the approval pursuant to Clause 6.1 of the City of Vincent Parking and Parking Facilities Local Law 2007 concerning the Pansy Street Car Park, North Perth;
4. APPROVES pursuant to Clause 6.1 of the City of Vincent Parking and Parking Facilities Local Law 2007 the following:

4.1 Installation of Ticket Issuing Machines

The installation of Ticket Issuing Machines, subject to NO FEE being payable, in the following non-fee paying (free), time restricted car parks:

Car Park	No of Machines
Loftus Centre Car Park	8
View Street Car Park	2
Wasley Street Car Park	2

4.2 Display of “Free” Parking Tickets in Non-Fee Paying Time Restricted Car Parks

The introduction of a condition that all vehicles parked in the City’s non-fee payment (free) time restricted car parks, specified in clause 4.1 above, shall be required to display a valid “free” parking ticket at all times;

- 4.3 Replacement of the existing ticket machines without credit card facilities, in fee-paying kerb-side locations with the new ticket machines with the most up to date technology, including having credit card facilities; and
- 4.4 Installation of the ticket machines with the oldest technology in the Car Parks detailed in clause 4.1 where a ticket is required at all times but parking remains free;
5. DEFERS consideration to list funds in the Draft Budget 2012/2013 for the proposed Parking Services Unit; and
6. REQUESTS that a further report be submitted to the Ordinary Meeting of Council to be held on 24 April 2012.
-

COUNCIL DECISION ITEM 14.2

Moved Cr Carey, Seconded Cr Topelberg

That the recommendation be adopted.

MOTION AS AMENDED PUT AND CARRIED (8-1)

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

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.

14.3 CONFIDENTIAL REPORT: LATE ITEM: City of Vincent's Entry Statements Project – Further Report

Ward:	Both	Date:	27 March 2012
Precinct:	All	File Ref:	TES0558
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** the Confidential Report concerning progress of the negotiations relating to the City of Vincent Entry Statements Project;
2. **REAFFIRMS** its decision concerning this matter (Item 14.3), made at the Ordinary Meeting of Council held on 14 February 2012; and
3. **AUTHORISES** the Chief Executive Officer, in liaison with the Mayor, to act on behalf of the City in this matter, as detailed in this Confidential Report and for this matter to remain confidential.

COUNCIL DECISION ITEM 14.3

Moved Cr Pintabona, **Seconded** Cr McGrath

That the recommendation be adopted.

MOTION PUT AND CARRIED (8-1)

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

Against: Cr Maier

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting concerning the project.

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 9.50pm **Moved Cr Topelberg, Seconded Cr Buckels**

That Council resume an “open meeting”.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

15. CLOSURE

There being no further business, the Presiding Member, Mayor Hon. Alannah MacTiernan, declared the meeting closed at 9.50pm with the following persons present:

Mayor Hon. Alannah MacTiernan	Presiding Member
Cr Warren McGrath (<i>Deputy Mayor</i>)	South Ward
Cr Matt Buckels	North Ward
Cr John Carey	South Ward
Cr Roslyn Harley	North Ward
Cr Dudley Maier	North Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
Cr Julia Wilcox	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Community Services
Carlie Eldridge	Director Planning Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services

No members of the Public were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 27 March 2012.

Signed:Presiding Member
Mayor Hon. Alannah MacTiernan

Dated this day of 2012