



## CITY OF VINCENT

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*"Enhancing and celebrating our diverse community"*

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# MINUTES

**6 DECEMBER 2011**

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Nil. 119

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Nil. 119

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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 6 December 2011, commencing at 6.00pm.

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

The Presiding Member, Mayor Hon. Alannah MacTiernan, declared the meeting open at 6.00pm and read the following Acknowledgement of Country Statement:

**(b) ACKNOWLEDGEMENT OF COUNTRY STATEMENT**

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

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

**(a) Apologies:**

Nil.

**(b) 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
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Helen Smith	Manager Planning and Building Services
Tory Woodhouse	Manager Strategic Planning, Sustainability and Heritage Services
Anita Radici	Executive Assistant (Minutes Secretary)
Lauren Peden	Journalist – <i>"The Guardian Express"</i>

16 Members of the Public (13 adults and 3 children).

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

Nil.

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

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

- Jennifer Robertson of 75 Fairfield Street, Mt Hawthorn – Item 9.1.7. Stated the following:
  - She is extremely concerned and dismayed at the Council's proposal to delete the requirement for a 300m exclusion zone between telecommunication facilities and residential buildings, from the Policy.
  - Believes as a community they deserve to be protected by their elected Council through the strongest application of the precautionary principle because the true safety parameters of this technology are not yet available.
  - The precautionary principle requires that the burden of proof of lack of harm falls to those proposing an action and does not accept lack of current proof of harm as justifying that action.

- There is still no proof of the safety of long term exposure to electromagnetic radiation to those living near a mobile base station. As yet, there are only a couple of studies worldwide on this subject and each found evidence that cancer rates increase substantially in those living in a radius up to around 350m from a base station (meaning low impact) – no different between “low” and so called “non low”.
  - At present there are more studies on the effects of EMR from mobile phones on those choosing to use them and a growing body of evidence is emerging that they do in fact carry risks of increased cancer development.
  - Earlier this year mobile phones were officially listed by research group of the WHO as possibly carcinogenic (that is an upgrading of risk) and a long term world wide study into the cancer risks of mobile phones for young people has now commenced – “Mobi-kids” for those wanting to look it up.
  - Scientists, epidemiologists and every day community members are increasing and rightfully very concerned about electromagnetic radiation and health.
  - In a case of base stations, the emissions are lower than those from a mobile phone yet, they are emitted constantly not for short intermittent periods as is the case with phone calls but 24 hours per day constant EMR emission, without the option of individual choice to everyone living in the vicinity including the most vulnerable i.e. pregnant woman, babies and children.
  - If the Council’s Policy does not require an exclusion zone, then it is giving tacit approval to carriers to locate mobile base stations right next to homes or schools if they deem it more cost effective to do so yet, there are ways to locate base stations that are a reasonable distance from homes i.e. along the Mitchell Freeway. This would be more expensive for the carriers so they would have a strong preference for cheaper so called low impact facilities in populated areas.
  - Urged the Council not to support this. As the elected Council, they should have the communities long term health as the higher priority over and above corporate interests.
2. Eugene Lee of 24 Grosvenor Road, Mt Lawley – Item 9.1.2. Stated the following:
- Has no objection to the residence becoming a doctor’s surgery however, he does object to the hours of operation up to midnight.
  - The area already feels slightly let down by the Council in the fact that the Flying Scotsman are allowed to have 550 patrons and believes they have to provide 1 car park therefore everyone parks down Grosvenor Road.
  - Has no objection to a doctor’s surgery that closes around 6 or 7pm.
3. Jan Adams of Glendower Street, Perth – Item 10.2. Stated the following:
- Fully supports Cr Maier’s proposal for rubbish bin art and award for that as, this is the sort of thing that Vincent could show as being a leader in local councils from the cultural point of view. She presumes there will be standards to be met but believes it is a great idea.
  - Having been once again nearly “skittled” crossing at the corner of Vincent and Fitzgerald Streets, she was not surprised to see that the transport budget this year was 13% below the set budget. Hopes that with a new Transport Advisory Group and new Council, they will see more action rather than what seemed to be the case over the last couple of years which, was just “rolling over and having its belly scratched” by the motoring public. There seemed to be mainly widening of roads, lessening of road parking to allow good flow through and, in some cases, parking on the footpath. Asked when they can see some action in this regard and see some real changes to the parking and motoring policy that benefit the residents not just the people passing through.
  - Believes this is an area of dissatisfaction that was voiced in the survey that was commissioned by Vincent in 2010 therefore, she is not alone in feeling that this is an area that needs to be urgently addressed.

4. Amy Laspada of Telstra – Item 9.1.7. Stated the following:
  - Subsequent to the previous Council Meeting, the Mobile Carriers Forum received correspondence earlier last week confirming that the Policy would be resubmitted to the Council with some modifications.
  - The Carriers were not expecting this to happen so quickly and have not had an opportunity to engage further with the Council's Officers. They have, however, gone through the Policy over the last couple of days and have still found some significant inconsistencies and have provided the City with their comments earlier today with a request that the Item be deferred again.
  - One inconsistency is found at Clause 4.2 where reference is made to the "Code of Practice" however, that is not applicable there and it should be the "ACIF Code". They also have issues with Clause 10 which appear to be property related clauses not planning clauses. Would also like to offer some compromises in relation to EME Readings – offering the Council EME Predictions rather than Readings with a DA.
  - Requested deferral of the Item to be able to meet with the Council Officers and go through the Policy further.
  
5. Luigi Crugnale of 317 Fitzgerald Street, North Perth – Item 9.1.1. Stated the following:
  - Parking Issues – seems to be getting fines when parking in his laneway and yet he has taken approximately 44 photos of people parking day and night right over the road from Chelmsford where there is a laneway and they find it hard to drive in and out of the Chelmsford Road.
  - Item 9.1.1 – he has a problem with the retaining wall as there is a sewer lid and the brick work is about 500mm or so below that lid whereas, his asbestos fence is holding up the sand. The fence is currently 1.4m where normally it is 1.8m whereas if the fence is 1.8m they will have some privacy therefore the wall needs to be lifted about 6-8 courses so it does not leave the asbestos to hold back the dirt. Referred to the site plan where it shows the retaining wall in pink which is 42m long and the orange dot is the sewer lid. The driveway is going from one way (from Fitzgerald Street) all the way through to the laneway. If he does not fix the retaining wall, he cannot finish the driveway therefore not being able to drive up and down.
  
6. Mark Underwood of 136 Summers Street, Perth, also attending on behalf of the Norwood Neighbourhood Association. – Item 9.4.1. Stated the following:
  - Urged the Council to take this matter into consideration and approve it as they have many things they would like to do in the community and 34 Cheriton St would be a "boon" to them in terms of strengthening the local community and providing services to the many at risk people they have in the community.
  - They would like to be a strong community in the area and they believe they have the core group of people to do that and, with the right resources, they can do a lot of good in the area.
  - Again urged the Council to approve the matter so they can move forward.
  
7. Graham Lantzke of 13 Egina Street, Mt Hawthorn – Britannia Reserve Masterplan. Stated the following:
  - Attended the last Council Meeting and listened to the debate on Britannia Reserve and it seemed to him that there had been a significant loss of confidence in the ability of the Council to deliver the Britannia Reserve Masterplan and get it "over the line".
  - He is on the Working Group and was one of the residents who opposed Litis Stadium. Conveyed to the Council that when the Stadium was opposed, there was no objection to the concept of a Masterplan (in fact there was a lot of support for the idea) nor to the use of the Reserve by sporting groups and the community (there was support for that) and, generally the community is highly supportive and constantly offered to work with the Council.

- Does not understand where the concerns and loss of confidence about the Masterplan have come from but, he has talked to a few of the other original community members that were involved and they are quite keen to proceed. There has been a loss of trust but, believes this can be overcome.
  - Urged the Council to be encouraged.
8. Vern Gardem of 20 Hutt Street, Mt Lawley – Item 9.1.2. Stated the following:
- Been a resident in the area for over 25 years and supports the Staff Recommendation.
  - On 9 November 2010 the Council approved the change of use from a single dwelling house to rooms. The rationale behind that appears to be that using the rooms during the day and limiting it to day light hour use, effectively in the evening that building became a buffer zone between a commercial precinct and residential areas.
  - Is supportive of the refusal on the basis that the current proposal is contrary to all City Planning Scheme's, Codes and Policies which are put in place for orderly and proper planning and development.
  - The operating hours do not end up providing "buffer" between the commercial and residential areas, it simply moves the problem into where the "buffer" zone was supposed to exist, which that appears to be the rationale on which other buildings opposite it and adjacent to car parks have, in fact had their use made commercial – effectively the business closing at 6pm and it becomes an empty building and a "buffer" between the commercial zone and residential houses down the street.
9. Matthew Young of 16 Edith Street, Perth – Item 9.1.4. Stated the following:
- Thanked the Officers for the time they put into the Item and he strongly supports the Recommendation for approval.
  - Compliance can either be approved through performance criteria or deemed to satisfy and they accept that there is a high burden of proof for performance criteria which they believe they well and truly met being why the Officer's supported it.
  - Referred to Clause 5 of the City's Policy for Sustainable Design, where it states: *"the City takes a holistic approach to assessing planning applications and may consider relaxing design requirements where the applicant can demonstrate that such a relaxation is conducive to the design achieving sustainable outcome that would not otherwise be satisfied"*.
  - In his submission he has proved that the reason they have gone for the unusual design elements was to impress the sustainability of the proposal, which they believe they have done.

There being no further speakers, Public Question Time closed at approx. 6.17pm.

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

IB04 – Letter to Ms D. Saunders of Oxford Street, Leederville – Response to Questions "Taken on Notice" at the Ordinary Meeting of Council held on 22 November 2011.

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

- 4.1 Cr Warren McGrath requested leave of absence on 14 December 2011 to 18 December 2011 (inclusive), due to work commitments and on 17 January 2012 to 13 February 2012 (inclusive), due to personal commitments.

**Moved Cr Topelberg, Seconded Cr Wilcox**

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

**CARRIED UNANIMOUSLY (9-0)**

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

Nil.

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

Minutes of the Ordinary Meeting of Council held on 22 November 2011.

**Moved Cr Maier, Seconded Cr Pintabona**

**That the Minutes of the Ordinary Meeting of Council held 22 November 2011 be confirmed as a true and correct record.**

**CARRIED UNANIMOUSLY (9-0)**

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

**7.1 Meeting with the Town of Cambridge**

I have recently had a meeting with the Mayor of the Town of Cambridge who has presented to us in some detail their approach to rubbish collection and recycling which I think has a great deal of merit.

They have moved away from two (2) traditional bins, they have the very large recycling bin that you can opt to get free of charge and that is called the "Winbin" and you can elect at a discount to get a very small bin, so you move away from your standard size waste non recyclable bin which is called the "Sinbin" to small bin which is called the "Winbin".

They have a very strong advertising campaign that supports that and I would certainly like us to be having a detailed look at this. My view is that if another Council has done something well we should look at it and, I think there is quite a lot of evidence to support that here in Vincent we have had extraordinary high take up rate of a recycling. I believe we were one of the premier once we got the introduction of the yellow bins we have had a good response and I think it is probably now that we should be ready to look forward to the next stage.

I would like to perhaps either at our next Forum or next Meeting provide a presentation on what it is that has been done by the Town of Cambridge because I think there is a lot of merit in that.

**7.2 Employee of the Month Award for the City of Vincent for December 2011**

As members of the public will know, the Council recognises its employees by giving a monthly award for outstanding service to the Ratepayers and Residents of the City. The recipients receive a \$120 voucher, kindly donated by the North Perth Community Bank, and a Certificate.

For DECEMBER 2011, the award is presented as a team effort to John Kirby, Supervisor – Waste Management – and the Waste Management Crew in the City of Vincent's Engineering Operations Section. John and his Crew were nominated by the City's Director Technical Services, Rick Lotznicker after receiving an email of appreciation from the organisers of the Beaufort Street Festival.

The Waste Management Crew were called in earlier than usual to assist in the clean-up due to the very large crowd, estimated up to 80,000 people.

The City's employees arrived at Beaufort Street within an hour of being requested to attend to the site – ready and willing for work.

John Kirby, the Supervisor, and his Crew were on hand to ensure that the area was clean and ready for the road to be opened at Midnight.

The Team performed the required tasks in a co-operative, polite and efficient manner, with the clean-up continuing until 2.30am on the Sunday morning.

Extremely positive feedback was received from our Council Members and I, personally, would also like to acknowledge the good work that was undertaken and the great attitude of the staff whose "behind the scenes" work also contributed to the success of the Festival.

Congratulations to the City's Waste Management Crew for a job well done!!

The Director Technical Services accepted the Award on behalf of his employees.

**Received with Acclamation!**

7.3 2011 Royal Life Saving Western Power Honours Awards

I am pleased to announce that the City of Vincent's Beatty Park Leisure Centre was awarded a Gold Star Bravery Award at the recent Royal Life Saving WA Western Power Honours Awards. Unfortunately, I was unable to attend and was represented by Councillor John Pintabona. The City's Beatty Park Leisure Centre Manager, Dale Morrissy, Aquatic Coordinator Jeff Fondacaro and Lifeguard Rob Barker were also in attendance.

Honour Awards for outstanding acts of bravery were presented to 1 company, 4 aquatic centres and 16 individuals at the Annual Awards Ceremony held on the 26 November 2011 by Royal Life Saving WA and Western Power.

Each year Royal Life Saving WA accepts nominations for awards to provide recognition to people who have taken action to save another person's life. This recognition provides vital awareness of dangers faced in certain environments and the extraordinary acts of individuals placed in such situations.

The following awards were presented:

- Beatty Park Leisure Centre – Gold Star;
- Rob Barker (Lifeguard) – Gold Star; and
- Fiona Hewitt (Lifeguard) – Gold Star.

On 31 December 2010, Fiona Hewitt and Rob Barker, lifeguards on duty at the Beatty Park Leisure Centre, were called to an incident in the deep end of the 50 metre pool where an unconscious 17 year old boy had suffered shallow water blackout. He was pulled to the edge of the pool by two lap swimmers, who aided Rob and Fiona to safely lift the patient out of the pool.

Rob and Fiona commenced CPR and continued while fellow staff, that were called via radio for assistance, set up the defibrillator and oxygen resuscitation equipment. While the equipment was being set up, the patient started to respond to the CPR and was then placed in the recovery position. The lifeguards administered oxygen therapy and monitored the patient until the ambulance arrived.

The quick response and efficient emergency management ensured the patient received the best possible medical attention.

Congratulations once again to the Beatty Park Leisure Centre and our Lifeguards, Rob Baker and Fiona Hewitt.

**Received with Acclamation!**

#### 7.4 Vincent Improved Access Awards Ceremony

On Friday 2 December, the City of Vincent celebrated the International Day of People with Disability by holding the Vincent Improved Access (VIA) Awards.

These awards run every two (2) years and are designed to raise awareness of those individuals, organisations, community groups and businesses that have gone above and beyond to improve accessibility and participation in the City of Vincent for people with disability.

The Awards are judged by the City's Universal Access Advisory Committee members.

Approximately 50 people attended the award ceremony and I would like to thank our Deputy Mayor, Councillor Warren McGrath, for representing me at this important event.

The recipients of the Commendation Awards were as follows:

- Carers WA;
- Saint Basil's Aged Care;
- Mount Lawley Inglewood Cricket Club; and
- Mount Hawthorn Community Hall.

Awards of excellence were presented to:

- Hyde Park Hotel;
- ARAFMI;
- Gymnastics WA;
- Boyd Duffield; and
- Beatty Park Leisure Centre (Angelfish program).

##### Mount Hawthorn Community Hall:

The Mount Hawthorn Community Hall, a City of Vincent owned facility received a commendation award for their improvements to accessibility. The hall was nominated by a Vincent resident and a regular user of the hall who was excited that a lift is being installed to improve accessibility.

##### Beatty Park Leisure Centre (Angelfish program):

The Universal Access Advisory Group decided Beatty Park was worthy of an improved access award as a resident nominated their Angelfish program for supporting access and inclusion. The Angelfish Program is specifically for people with a disability and provides individuals with a life-long skill which enables them to participate in a wide range of aquatic activities with a focus on integration.

#### 7.5 2011/2012 "Switch Your Thinking" Program – Annual Reception

The 'Switch Your Thinking' environmental initiative aims to implement measures to save water and energy and reduce day to day utility costs.

Initially established in June 2002, 'Switch Your Thinking' was a collaboration of the Cities of Armadale, Belmont, Joondalup, Perth, Stirling and the Towns of Cambridge and Victoria Park.

These local governments subsequently formed the 'South East Regional Energy Group' under the umbrella of 'Switch Your Thinking' and they have been working together to implement measures to reduce water and energy use.

At its Ordinary Meeting held on 21 December 2010, the Council supported including funding in the 2011/2012 budget for it to join the 'Switch Your Thinking Program' at a cost of \$5,000 per annum.

The 'Switch Your Thinking Program' also offers rebates to residents and businesses on Sustainable Technologies etc.

On 1 December 2011, at an event held at the City of Gosnells (the original founder of the program), the City of Vincent was presented with a certificate for joining the 'Switch Your Thinking' program. The City was welcomed for becoming one of a number of Councils who are working together to reduce their carbon footprint and to promote sustainable living in their communities.

## **8. DECLARATIONS OF INTERESTS**

- 8.1 Cr Harley declared an Impartiality interest in Item 9.1.5 – Nos. 250-252 (Lot 300; D/P: 44848) Oxford Street, corner Bourke Street, Leederville – Proposed Demolition of Existing Civic Building (Police Station) and Construction of Four-Storey Commercial Development comprising Eating House, Offices and Associated Car Park. The extent of her interest being that she owns a residential property on Oxford Street, but not in close proximity to the proposed development.
- 8.2 Cr McGrath declared an Impartiality interest in Item 9.5.4 – Information Bulletin, particularly IB01 – Minutes from the Tamala Park Regional Council Special Meeting held on 10 November 2011. The extent of his interest being that his company is working on the Federal approvals of the Catalina Land Development being proposed by the Tamala Park Regional Council.
- 8.3 Cr Maier declared an Impartiality interest in Item 9.2.2 – Lake Monger Water Quality Monitoring – Contribution to the Town of Cambridge and the University of Western Australia. The extent of his interest being that he is a member of the Claise Brook Catchment Group and a Board Member at the Swan River Trust, both of whom participated in the development of the Mount's Bay Catchment Water Quality Improvement Plan of which Lake Monger is a part.
- 8.4 Cr Maier declared an Impartiality interest in Item 9.1.4 – No. 83 (Lot 14 D/P: 1551) Angove Street North Perth – Proposed Construction of a Three Storey Residential Dwelling to Rear of an Existing Dwelling. The extent of his interest being that the applicant is a fellow member of the City's Sustainability Advisory Group.
- 8.5 Mayor Hon. Alannah MacTiernan declared an Impartiality interest in Item 9.1.7 – Further Report – Amendment No. 79 to Planning and Building Policies – Policy No. 3.5.6 relating to Telecommunication Facilities. The extent of her interest being that she owns 450 Telstra Shares.
- 8.6 Cr Pintabona declared an Impartiality interest in Item 9.1.7 – Further Report – Amendment No. 79 to Planning and Building Policies – Policy No. 3.5.6 relating to Telecommunication Facilities. The extent of his interest being that he owns Telstra Shares.
- 8.7 Cr Buckels declared an Impartiality interest in Item 9.2.2 – Lake Monger Water Quality Monitoring – Contribution to the Town of Cambridge and the University of Western Australia. The extent of his interest being that is a graduate of the Centre for Water Research.

All Councillors stated that as a consequence, there may be a perception that their impartiality on the matter may be affect. They 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 9.1.7, 9.1.2, 10.2, 9.1.1, 9.4.1 and 9.1.4.

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

Item 9.2.2 and 9.5.3.

**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	Item 9.2.5.
Cr Topelberg	Items 9.1.5 and 9.1.6.
Cr Buckels	Item 9.2.1.
Cr McGrath	Item 9.1.10.
Cr Wilcox	Nil.
Cr Pintabona	Nil.
Cr Harley	Nil.
Cr Maier	Items 9.1.9 and 9.2.3.
Mayor Hon. MacTiernan	Nil.

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

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

Items 9.1.3, 9.1.8, 9.2.4, 9.3.1, 9.3.2, 9.5.1, 9.5.2 and 9.5.4.

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

Nil.

**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 9.1.3, 9.1.8, 9.2.4, 9.3.1, 9.3.2, 9.5.1, 9.5.2 and 9.5.4.

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

Items 9.1.7, 9.1.2, 10.2, 9.1.1, 9.4.1 and 9.1.4.

**(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.

**ITEMS APPROVED "*EN BLOC*":**

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

**Moved Cr Maier, Seconded Cr Carey**

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

**Items 9.1.3, 9.1.8, 9.2.4, 9.3.1, 9.3.2, 9.5.1, 9.5.2 and 9.5.4.**

**CARRIED UNANIMOUSLY (9-0)**

**9.1.3 No. 329 (Lot 125; STR: 53100) Walcott Street, Coolbinia – Additional Two (2) Storey Grouped Dwelling to Existing Single House (Reconsideration of Condition)**

<b>Ward:</b>	North	<b>Date:</b>	23 November 2011
<b>Precinct:</b>	North Perth, P08	<b>File Ref:</b>	PRO2591; 5.2011.467.1
<b>Attachments:</b>	<a href="#">001</a> –Property Information Report and Development Application Plans		
<b>Tabled Items</b>	Nil		
<b>Reporting Officer:</b>	B Sandri, Planning Officer (Statutory)		
<b>Responsible Officer:</b>	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 and the Metropolitan Region Scheme, APPROVES the application submitted by A & J Kelly for Additional Two (2) – Storey Grouped Dwelling to Existing Single House (Reconsideration of Condition) at No. 329 (Lot 125; STR: 53100) Walcott Street, Coolbinia, and as shown on plans stamp-dated 15 September 2011, subject to the following conditions:

1. Trees

No street verge tree(s) shall be removed unless written approval has been received from the City’s Parks Services Section. Should such an approval be granted, all cost associated with the removal and replacement shall be borne by the applicant/owner(s); and

2. Fencing

Any new street/front wall, fence and gate within the Walcott Street setback area, including along the side boundaries within this street setback area, shall comply with the City’s Policy provisions relating to Street Walls and Fences.

**COUNCIL DECISION ITEM 9.1.3**

**Moved Cr Maier, Seconded Cr Carey**

That the recommendation be adopted.

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

<b>Landowner:</b>	A & J Kelly
<b>Applicant:</b>	A & J Kelly
<b>Zoning:</b>	Metropolitan Region Scheme: (MRS) Urban Town Planning Scheme No. 1 (TPS 1): Residential R60
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Grouped Dwelling
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	559 square metres
<b>Access to Right of Way</b>	Yes

**PURPOSE OF REPORT:**

The report is referred to the Ordinary Meeting of Council as the condition under reconsideration was imposed by the Council at its Ordinary Meeting held on 25 May 2004.

**BACKGROUND:**

- 25 May 2004           The Council at its Ordinary meeting conditionally approved an additional two (2) storey grouped dwelling to the existing single house.
- 23 August 2005       The Council at its Ordinary meeting conditionally approved an additional two (2) storey grouped dwelling to the existing single house – Amended Plans.
- 20 December 2005   The Council at its Ordinary meeting conditionally approved a Carport Addition to the Existing Grouped Dwelling.

**DETAILS:**

The two storey grouped dwelling to the rear of No. 329 Walcott Street, Coolbinia has been constructed, and is currently occupied. The proposal is a Reconsideration of Condition (ix) of the Planning Approval dated 25 May 2004, which is as follows;

*“(ix) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the windows to bedroom 1 and bedroom 3 on the first floor, shall be 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 obscured material does not include a self-adhesive or other material that is easily removed. The whole window can be top hinged and the obscured 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 1 on square meter in aggregate in the respective in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002.”*

This condition was imposed as the windows of bedroom 1 and bedroom 3 did not comply with the requirements of the Residential Design Codes (Visual Privacy, 6.8.1).

**COMPLIANCE:**

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Visual Privacy	<u>First Floor</u>  <i>Bedroom 1 Window– South West Elevation:</i>  4.5 metres or screening as per R-Codes requirement.	3.1 metres to the South-West Boundary
	<i>Bedroom 3 Window – North-East Elevation:</i>  4.5 metres or screening as per R-Codes requirement.	4.3 metres to the North-East boundary
<b>Officer Comments:</b>		
Supported. Refer to comments below.		

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

<b>Consultation</b>	
<b>In Support:</b>	One (1)
<b>Comments Received</b>	<b>Officer Comments</b>
<ul style="list-style-type: none"> <li>No objections to windows from Bedroom three as there is no backyard in the cone of vision and therefore no overlooking issues.</li> </ul>	Supported. The windows of bedroom three do not encroach onto an active habitable space (outdoor), therefore is supported.
<b>Objections:</b>	Two (2)
<b>Comments Received</b>	<b>Officer Comments</b>
<ul style="list-style-type: none"> <li>Windows from Bedroom one overlooks the rear property</li> </ul>	Not Supported. The cone of vision from the Bedroom 3 window is not considered to impact the rear property, based on the 4.5 metre cone of vision requirement in the Residential Design Codes. It is further noted that a right of way is between this property and the one to the rear.
<ul style="list-style-type: none"> <li>The windows have a direct line of sight into the rear dwelling.</li> </ul>	Not Supported. The cone of vision from Bedroom 3 window is not considered to impact the rear property, based on the 4.5 metre cone of vision requirement in the Residential Design Codes.
<ul style="list-style-type: none"> <li>Not enough information was provided to make an accurate decision.</li> </ul>	Not Supported. The plans dated 15 September 2011, were available through the City of Vincent's Administrative Centre, website and distributed via mail consistent with the City's Community Consultation policy.
<b>Advertising</b>	Advertising for the proposal for a period of 14 days was carried out as per the City's Policy 4.1.5 relating to Community Consultation.

<b>Other Implications</b>	
<b>Legal/Policy</b>	TPS No. 1, Residential Design Codes and associated Policies.
<b>Strategic</b>	Nil
<b>Sustainability</b>	Nil
<b>Financial/Budget</b>	Nil

**COMMENTS:**

The window to bedroom one (south-west elevation) has a 3.1 metres cone of vision setback to the south-west boundary. Plans dated 15 September 2011 as shown in Appendix 9.1.3, illustrate the extent of overlooking to the adjoining property at No. 331 Walcott Street, Coolbinia. The overlooking is to the rear corner of No. 331 Walcott Street, which results in minor overlooking over the driveway. Therefore it is not considered to be a significant intrusion of visual privacy.

With regard to the rear property on the western side of the right of way, the windows of bedroom one complies with the Visual Privacy setback as per the Residential Design Codes. Therefore a condition is not required for screening of the windows, to prevent overlooking to the rear.

The bedroom three windows (north-east elevation) have a 4.3 metres cone of vision setback to the north-east boundary that overlooks the front grouped dwelling of No. 329 Walcott Street. The owner of No. 329 Walcott Street has submitted written correspondence in support of the windows, as the overlooking does not directly impact their dwelling; rather it is overlooking an unused space. Therefore, the variation to the privacy setback is supported.

The reconsideration of condition which requires obscuring of the windows of bedroom 1 and bedroom 3 is considered acceptable, as the overlooking is deemed to not have an undue impact on the adjoining properties. The nature of overlooking is not significant as the windows overlook adjoining driveways and unused areas as opposed to habitable rooms or outdoor living areas. In light of the above information, the request for reconsideration of condition (ix) is supported and is recommended to be removed.

**9.1.8 Amendment No. 81 to Planning and Building Policies – Policy No. 3.5.19 Relating to Amalgamation Condition on Planning Approvals**

<b>Ward:</b>	Both	<b>Date:</b>	17 November 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	PLA0170
<b>Attachments:</b>	<a href="#">001</a> – Draft Amended Policy No. 3.5.19 relating to Amalgamation Condition on Planning Approvals <a href="#">002</a> – Summary of Submissions		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	D Mrdja, Senior Strategic Planning and Heritage Officer		
<b>Responsible Officer:</b>	T Young, Manager Strategic Planning, Sustainability and Heritage Services		

**OFFICER RECOMMENDATION:**

That the Council;

- ADOPTS** the final amended version of Draft Amended Policy No. 3.5.19, relating to Amalgamation Condition on Planning Approvals, as shown in Appendix 9.1.8, in accordance with Clause 47 (5) (b) of the City’s Town Planning Scheme No. 1, and with regard to the five (5) written submissions received during the formal advertising, as shown in Appendix 9.1.8; and
- AUTHORISES** the Chief Executive Officer to advertise the final amended version of Draft Amended Policy No. 3.5.19, relating to Amalgamation Condition on Planning Approvals, as shown in Appendix 9.1.8, in accordance with Clause 47(6) of the City’s Town Planning Scheme No. 1.

**COUNCIL DECISION ITEM 9.1.8**

**Moved Cr Maier, Seconded Cr Carey**

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 an overview of the outcomes of the formal advertising period for Draft Amended Policy No. 3.5.19, relating to Amalgamation Condition on Planning Approvals, to present to the Council the final amended version of Draft Amended Policy No. 3.5.19, and to seek final adoption of the Draft Amended Policy.

**BACKGROUND:**

- |                   |  |
|-------------------|--|
| 23 May 2006       | The City’s Policy No. 3.5.19, relating to Amalgamation Condition on Planning Approvals was adopted by the Council at its Ordinary Meeting.   |
| 27 September 2011 | The Council considered a report relating to Draft Amended Policy No. 3.5.19, relating to Amalgamation Condition on Planning Approvals, and resolved to authorise the Draft Amended Policy to be advertised for public comment, in accordance with Clause 47 of the City of Vincent’s Town Planning Scheme No. 1. |
| 18 October 2011   | The public consultation period commenced for Draft Amended Policy No. 3.5.19, relating to Amalgamation Condition on Planning Approvals.  |
| 15 November 2011  | The public consultation period closed for Draft Amended Policy No. 3.5.19, relating to Amalgamation Condition on Planning Approvals.   |

**DETAILS:**

In applying the subject Policy No. 3.5.19 relating to Amalgamation Condition on Planning Approvals, the City's Statutory Planning Officers and Building Surveyors have identified certain discrepancies with its implementation and conflict with the requirements of the National Construction Code Series (NCCS). For example, the existing Policy states that amalgamation of lots is not required for minor development that straddles a lot boundary. However, this is contrary to the NCCS, which essentially states that any development that straddles a lot boundary is required to be fire rated.

The Policy has therefore been amended so as to provide greater clarity to applicants in regards to the circumstances where lots are required to be amalgamated.

Following extensive liaison with the City's Planning and Building Services, a number of amendments have been proposed for the subject Policy No. 3.5.19, relating to Amalgamation Condition on Planning Approvals. These include the following:

- Remove objective 2 as in accordance with the NCCS, the City cannot provide an exception to the amalgamation of lots for development of a minor nature such as patios, garages, carports, outbuildings and the like, thereby the existing wording of objective 2 cannot be applied.
- Amend the wording of the standard condition in clause (1) to include "*Amalgamation of the lots is not required if it can be demonstrated that the proposed development complies with the relevant requirements of the National Construction Code Series.*"
- Remove reference to "*are closer to the lot boundary than would be allowed under the Residential Design Codes*" in clause (2)(i). This essentially states that if the development does not straddle the boundary, but is closer than the required side or rear setback as stated in Table 2a/2b of the R Codes, the lots should be amalgamated. This seems onerous and is not the specific intent of the Policy.
- Remove clause (2)(ii) and replace with a new clause that states "*where any proposed development does not comply with the relevant requirements of the National Construction Code Series*". This clause will cover such developments that do not actually straddle the lot boundary, but are closer than the required distance as stated in the NCCS. For example, the current NCCS states that any development closer than 900 millimetres from a boundary is required to be fire-rated. This means that this wall is required to be a 'parapet wall' and no windows can be included in this wall, unless they are fire-rated windows, which can be very expensive. If such a development is proposed, the proposed amended condition stated in clause (1), will give the applicant the option of either amalgamating the land, or complying with the fire-rating requirements of the NCCS. No specific clauses of the NCCS is updated annually, which can result in discrepancies.
- Amend clause (2)(iii) to remove, "*this provision does not apply to carports and garages in instances contained in clause 3*". This is because amalgamation of lots is required for development of a minor nature.
- Amend (3)(i) to remove "*are closer to the lot boundary than would be allowed under the Residential Design Codes*" and replace with "and is compliant with the relevant requirements of the National Construction Code Series".
- Remove clause (3)(ii). The NCCS also requires development of minor nature to be fire-rated if it straddles a lot boundary or is closer than required distance and thereby the City cannot provide this exemption that is offered in the existing clause 3(ii) of the Policy.
- Amend any reference to the 'Town of Vincent' to reflect its new designation as 'City of Vincent', as of 1 July 2011.

It is envisaged that the proposed amendments will serve to further enhance the transparency of the City's Policy No. 3.5.19, relating to Amalgamation Condition on Planning Approvals and provide greater consistency with the requirements of the NCCS.

**CONSULTATION/ADVERTISING:**

The Draft Appendix was advertised for a period of 28 days, in accordance with Clause 47 of the City of Vincent's Town Planning Scheme No. 1. The formal advertising period commenced on 18 October 2011 and closed on 15 November 2011.

In total, five (5) submissions were received as follows:

- 2 – stated neither objection nor support; and
- 3 – stated no objection.

A summary of the comments received are shown in Appendix 9.1.8.

**LEGAL/POLICY:**

Town Planning Scheme No. 1 and associated Policies and National Construction Code Series (NCCS).

**RISK MANAGEMENT IMPLICATIONS:**

Not applicable.

**STRATEGIC IMPLICATIONS:**

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

*“Improve and Maintain the Environment and Infrastructure:*

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

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The current 2011/2012 Budget allocates \$40,000 to Town Planning Scheme Amendments and Policies.

**COMMENTS:**

It is considered that the proposed amendments to Policy No. 3.5.19, relating to Amalgamation Condition on Planning Approvals, will result in a comprehensive policy that will provide clarity to the public and to the City's Officers in regards to the circumstances where amalgamation of lots are required. This amended policy will also ensure that any discrepancies between the existing policy and the National Construction Code Series are addressed.

In light of the above justification and the submissions received, it is recommended that the Council receives and adopts the final version of the Draft Amended Policy No. 3.5.19, in accordance with the Officer Recommendation.

**9.2.4 Proposed Installation of a Loading Zone and Two (2) x 1/4P Parking Bays – Lord Street, Perth**

<b>Ward:</b>	South	<b>Date:</b>	25 November 2011
<b>Precinct:</b>	EPRA (20)	<b>File Ref:</b>	PKG0003, TES0245
<b>Attachments:</b>	<a href="#">001</a> – Proposed Loading Zone Location		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	A Brown, Engineering Technical Officer; C Wilson, Manager Asset & Design Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **APPROVES** the installation of a;
  - 1.1 **Loading Zone in Lord Street, Perth adjacent the commercial premises at No. 12 Newcastle Street, to operate between the hours of 8.00am and 5.30pm Monday to Friday, and 8.00am to 12noon Saturdays only;**
  - 1.2 **two (2) x 1/4P parking bays to operate between the 8.00am and 5.30pm Monday to Friday, and 8.00am to 12noon Saturdays only, as shown on attached Plan No. 2895-CP-01; and**
2. **NOTES** that the proposed parking areas will have a 'No Parking' restriction at all other times.

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**COUNCIL DECISION ITEM 9.2.4**

**Moved Cr Maier, Seconded Cr Carey**

**That the recommendation be adopted.**

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

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**PURPOSE OF REPORT:**

The purpose of this report is to inform the Council of correspondence received requesting that the City install 2 x 1/4P parking bays and a Loading Zone within the north bound left turn slip lane in Lord Street, between Newcastle and Parry Streets to serve the adjacent commercial premises.

**BACKGROUND:**

The City has received a request for some short stay parking spaces and a Loading Zone in Lord Street, Perth, adjacent No. 12 Newcastle Street located on the corner of Newcastle and Lord Streets and No. 59 Parry Street located on the corner of Parry and Lord Streets.

Currently there are no short term parking spaces within the immediate vicinity to service the commercial premises and as a consequence many businesses are finding it difficult to arrange deliveries and couriers.

While Lord Street is a District Distributer A under the Metropolitan Functional Road Hierarchy, and under the care and control of City of Vincent, Main Roads Western Australia's (MRWA) comments were sort given that it straddles the Graham Farmer Freeway.

MRWA has advised that they have no objections to the proposal, as the combined length of the parking spaces, being approximately 19.0m, will not have a significant impact upon the operation of the slip lane. MRWA also advised that the City should be mindful that given the sites proximity to the Graham Freeway access ramps and the potential for increased public transport in the future the carriageway may be subject to change to accommodate bus lanes, that could result the bays(s) being removed.

However, given that any Lord Street changes are unlikely to proceed within the immediate future the installation of a Loading Zone and two (2) x 1/4P parking bays in Lord Street is supported on the understanding that if/or when changes occur they will be removed.

The proposed two (2) x 1/4P parking bays and Loading Zone, as shown on attached drawing 2895-CP-01, would be free in accordance with Council's current parking policy.

**DETAILS:**

Currently there are no short term parking spaces within the immediate vicinity of the recently completed large commercial developments at No. 12 Newcastle Street located on the corner of Newcastle and Lord Streets and No. 59 Parry Street located on the corner of Parry and Lord Streets, to service the businesses and as a consequence many (businesses) are finding it difficult to arrange deliveries and couriers.

The City's officers have investigated the matter and support the installation of two (2) x 1/4P parking bays and one (1) Loading Zone in Lord Street adjacent No. 12 Newcastle Street, Perth, on the understanding that if/when the possible Lord Street changes proceed the bays may be removed and at which time an alternate locations would be investigated.

In respect of the times of operation it recommended that the bays only operate in standard business hours and be 'No Parking' at all other times. While the site is highly visible and the slip lane certainly long enough not to be impacted by the parking spaces it would not be desirable to have vehicles left long term, i.e. late at night or over a weekend.

The existing regulatory line marking would have to be modified in accordance with the Australian Standards to guide traffic around the short term parking spaces and therefore the costs would be over and above that of the normal installation costs.

The Officers investigated the possibility of installing the short term parking in either Newcastle or Parry Streets but neither location was considered suitable. The Newcastle Street left turn slip lane, which is of similar length to that of the Lord Street slip lane, has a bus stop at its western end, similar situation to what is proposed, while the unencumbered section of the slip lane carries far more traffic than the Lord Street slip lane.

In respect of Parry Street the obvious location outside Nos. 61 to 65 Parry Street would result in the loss of on-street parking for the adjacent residents and would take up far more room in total to allow for an exclusion zone for crossovers. Further, the distance to offices at No. 12 Newcastle Street is in excess of 100m and therefore the bays would be unlikely to be used by couriers and/or delivery drivers.

**CONSULTATION/ADVERTISING:**

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

**LEGAL/POLICY:**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS:**

Not applicable.

**STRATEGIC IMPLICATIONS:**

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

*"Natural and Built Environment*

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

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

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

Implementing the new restrictions will require the supply and installation of four (4) new signs and poles, which will cost approximately \$350. Further the regulatory line-marking changes, which will require MRWA approval, will cost in the order of \$650, therefore a total cost \$1,000.

**COMMENTS:**

Loading Zones and 1/4P parking bays are generally provided in commercial and entertainment precincts within the City to cater to the specific needs of the adjacent businesses. In this instance there are no Loading Zones or 1/4P parking bays in the immediate vicinity and therefore it is recommended for approval for reasons outlined in the report.

**9.3.1 Financial Statements as at 31 October 2011**

<b>Ward:</b>	Both	<b>Date:</b>	24 November 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0026
<b>Attachments:</b>	<a href="#">001</a> – Financial Reports		
<b>Tabled Items:</b>	<a href="#">002</a> – Significant Accounting Policies		
<b>Reporting Officers:</b>	B Wong, Accountant; N Makwana, Accounting Officer		
<b>Responsible Officer:</b>	M Rootsey, Director Corporate Services		

**OFFICER RECOMMENDATION:**

That the Council **RECEIVES** the Financial Statements for the month ended 31 October 2011 as shown in Appendix 9.3.1.

**COUNCIL DECISION ITEM 9.3.1**

**Moved Cr Maier, Seconded Cr Carey**

**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 31 October 2011.

**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 30 September 2011:

Note	Description
1.	Significant Accounting Policies relevant to the Statement of Financial Activity
2.	Summary of Programmes/Activities
3.	Statement of Financial Activity by Programme Report
4.	Statement of Financial Activity by Nature or Type Report
5.	Statement of Financial Position
6.	Statement of Changes in Equity
7.	Notes to the Net Current Funding Position
8.	Capital Works Schedule
9.	Restricted Cash Reserves
10.	Sundry Debtors Report
11.	Rate Debtors Report
12.	Beatty Park Leisure Centre Report – Financial Position
13.	Variance Comment Report
14.	Monthly Financial Positions Graph

**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 9.3.1.**

**3. Statement of Financial Activity by Programme Report**

**Operating Revenue excluding Rates**

YTD Actual	\$6,205,546
YTD Revised Budget	\$6,588,425
YTD Variance	(\$382,879)
Full Year Budget	\$19,174,015

**Summary Comments:**

The total operating revenue is currently 94% of the year to date Budget estimate.

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

- Governance – 55% below budget;
- Law Order and Public Safety – 250% over budget;
- Health – 6% below budget;
- Education and Welfare – 81% over budget
- Community Amenities – 35% over budget;
- Transport – 13% below budget;
- Economic Services – 23% below budget; and
- Other Property and Services – 18% over budget.

Note: Detailed variance comments are included on page 35 – 39 of Appendix 9.3.1.

**Operating Expenditure**

YTD Actual	\$14,022,958
YTD Revised Budget	\$14,443,404
YTD Variance	(\$420,446)
Full Year Budget	\$42,263,978

**Summary Comments:**

The total operating expenditure is currently 97% of the year to date Budget estimate

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

- Law Order and Public Safety – 6% below budget;
- Transport – 12% below budget;
- Economic Services – 37% over budget; and
- Other Property & Services – 26% over budget.

**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	\$6,102,676
YTD Revised Budget	\$10,018,732
Variance	(\$3,916,056)
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 9.3.1.

**4. Statement of Financial Activity by Nature and Type Report**

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

**5. Statement of Financial Position and**

**6. Statement of Changes in Equity**

The statement shows the current assets of \$32,796,444 and non-current assets of \$188,245,210 for total assets of \$221,041,654.

The current liabilities amount to \$11,584,250 and non-current liabilities of \$11,204,302 for the total liabilities of \$22,788,552.

The net asset of the City or Equity is \$198,253,102.

**7. Net Current Funding Position**

	Note	31 Oct 2011 YTD Actual \$
<b>Current Assets</b>		
Cash Unrestricted	1	12,405,602
Cash Restricted	2	9,085,741
Receivables – Rubbish and Waste	3	6,495,367
Receivables – Others	4	3,727,307
Inventories	5	191,055
		<b>31,908,072</b>
<b>Less: Current Liabilities</b>		
Trade and Other Payables	6	(6,379,596)
Provisions	7	(2,402,110)
Accrued Interest (included in Borrowings)	8	(134,004)
		<b>(8,915,710)</b>
<b>Less: Restricted Cash Reserves</b>		(9,085,741)
<b>Net Current Funding Position</b>		<b>13,906,621</b>

The net current asset position as at 31 October 2011 is \$22,992,362.

Note: Detailed analyses are included on page 22-23 of Appendix 9.3.1.

**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	\$49,750	\$30,312	61%
Plant & Equipment	\$1,126,500	\$253,250	\$122,412	48%
Land & Building	\$15,154,425	\$3,323,000	591,343	18%
Infrastructure	\$12,082,448	\$1,774,800	\$845,459	48%
<b>Total</b>	<b>\$28,546,373</b>	<b>\$5,400,800</b>	<b>\$1,589,526</b>	<b>29%</b>

Note: Detailed analyses are included on page 24-30 of Appendix 9.3.1.

**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 31 October 2011 is \$9.0m. The balance as at 31 October 2010 was \$9.2m.

**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 \$749,324 is outstanding at the end of October 2011.

Out of the total debt, \$205,988 (27.5%) 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 31 October 2011 including deferred rates was \$6,294,221 which represents 27.48% of the outstanding collectable income compared to 28.04% at the same time last year.

**12. Beatty Park Leisure Centre – Financial Position Report**

As at 31 October 2011 the operating deficit for the Centre was \$636,342 in comparison to the year to date budgeted deficit of \$289,076.

The cash position showed a current cash deficit of \$445,179 in comparison year to date budget estimate of a cash deficit of \$138,426. The cash position is calculated by adding back depreciation to the operating position.

### **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 are incurred in accordance with the Council's adopted Annual Budget or has been authorised in advance by the Council where applicable.

**9.3.2 Annual Budget 2012/2013 – Adoption of Timetable**

<b>Ward:</b>	Both	<b>Date:</b>	25 November 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0025
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	M Rootsey, Director Corporate Services		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council;

1. **APPROVES** the timetable for the 2012/2013 Budget as detailed below:

DATE	ITEM
26 March - 20 April 2012	Chief Executive Officer and Directors to review 1 <sup>st</sup> Draft Budget
20 April 2012	1 <sup>st</sup> Draft Budget issued to Council Members
26 April 2012	Briefing provided to Council Members
1 May 2012	1 <sup>st</sup> Budget briefing/Special Council Meeting (open to the public)
15 May 2012	2 <sup>nd</sup> Budget briefing/Special Council Meeting (open to the public) – if required
16 May – 22 May 2012	Budget documentation finalised for public comment
23 May 2012	Advertise for public comment (14 days)
5 June 2012	Public comment closes
6 June - 12 June 2012	Final Budget documentation and report for Council prepared
12 June 2012	Issue Agenda report
3 July 2012	Adoption of Annual Budget at the Special Council meeting

2. **AUTHORISES** the Chief Executive Officer to make minor variations to the timeframe, if unforeseen circumstances arise or if a change is necessary.

**COUNCIL DECISION ITEM 9.3.2**

**Moved Cr Maier, Seconded Cr Carey**

That the recommendation be adopted.

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

**PURPOSE OF REPORT:**

To provide a timetable for the preparation and adoption of the Annual Budget 2012/2013.

**BACKGROUND:**

It is recommended that the Budget is adopted as early in the new financial year as possible. It is proposed that Special Meeting of Council for the adoption the budget be held on the 3 July 2012. This will again allow the City a cash flow benefit from the earlier issue of the Rates Notices.

A separate Special Council meeting for the adoption of the Annual Budget will also allow more time for discussion on the final Budget document, without the constraint of the timing of the Ordinary Meeting of Council.

**DETAILS:**

The Annual Budget forms an integral part of the City's "Plan for the Future" 2011-2016, which was adopted by the Council.

The timetable proposed allows for both suitable Council Member and community reviews.

The Draft Budget will be initially issued to Council Members. A confidential briefing will be provided to Council Members either collectively or individually depending on circumstances. The Draft Budget deliberations will then be held at the scheduled Special Council Meetings, the public are invited to attend these meetings.

The public will also be invited to comment on the Draft Budget prior to adoption.

The proposed Budget Timetable is outlined below:

DATE	ITEM
<b>26 March - 20 April 2012</b>	Chief Executive Officer and Directors to review 1 <sup>st</sup> Draft Budget
<b>20 April 2012</b>	1 <sup>st</sup> Draft Budget issued to Council Members
<b>26 April 2012</b>	Briefing provided to Council Members
<b>1 May 2012</b>	1 <sup>st</sup> Budget briefing/Special Council Meeting (open to the public)
<b>15 May 2012</b>	2 <sup>nd</sup> Budget briefing/Special Council Meeting (open to the public) – if required
<b>16 May – 22 May 2012</b>	Budget documentation finalised for public comment
<b>23 May 2012</b>	Advertise for public comment (14 days)
<b>5 June 2012</b>	Public comment closes
<b>6 June - 12 June 2012</b>	Final Budget documentation and report for Council prepared
<b>12 June 2012</b>	Issue Agenda report
<b>3 July 2012</b>	Adoption of Annual Budget at the Special Council meeting

This year it is again proposed to schedule the briefing for the Council Members on a Thursday evening rather than a Saturday morning, which had been the practice in prior years.

It is also proposed that the Special Meeting for the adoption of the Annual Budget be held on 3 July 2012.

**CONSULTATION/ADVERTISING:**

The City's Consultation Policy specifies that the Draft Annual Budget is to be advertised for a period of fourteen (14) days prior to adoption.

**LEGAL/POLICY:**

The Annual Budget is prepared in accordance with the Local Government Act (1995) Section 6.2.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2011-2016 Plan for the Future – Key Result Area Four (4) - Leadership, Governance and Management:

*“4.1.1 Provide Good Strategic Decision Making, Governance, Leadership and Professional Management;*

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

*4.1.3 Plan effectively for the future.”*

**FINANCIAL/BUDGET IMPLICATIONS:**

Not Applicable.

**COMMENTS:**

It is important that both the Administration and the Council adheres to the deadlines identified in the timetable to ensure that the Annual Budget is adopted in the required time frame.

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

<b>Ward:</b>	-	<b>Date:</b>	25 November 2011
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0042
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	M McKahey, Personal Assistant		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council **NOTES** the use of the Council's Common Seal on the documents listed in the report, for the month of November 2011.

**COUNCIL DECISION ITEM 9.5.1**

**Moved Cr Maier, Seconded Cr Carey**

That the recommendation be adopted.

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

**BACKGROUND:**

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

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

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

<b>Date</b>	<b>Document</b>	<b>No of copies</b>	<b>Details</b>
03/11/2011	Scheme Amendment Documents	3	City of Vincent Town Planning Scheme No. 1 Amendment No. 30 - District Zoning Scheme - <i>Proposal: (a) include the West Perth area bounded by Loftus Street, Newcastle Street, Charles Street and the Graham Farmer Freeway, ceded from the City of Perth to the City [Town] of Vincent, as part of the Local Government boundary changes in July 20-8, into the City's Town Planning Scheme No. 1, by incorporating the area into Scheme Map 5 - Cleaver Precinct; and (b) Amend Clause 8 of the Town Planning Scheme NO. 1, by adding clauses (f) as follows; "...(f) City of Perth City Planning scheme No. 2 9 January 2004"</i>
03/11/2011	Deed of Covenant	3	City of Vincent and Downings Legal, Level 11, 167 St Georges Terrace, Perth WA 6000 re: No. 77 (Lot 1) Lawler Street, North Perth - Deed in Relation to Conservation of Existing Dwelling

Date	Document	No of copies	Details
07/11/2011	Deed of Licence	1	City of Vincent, Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Bankwest Meeting - 10 November 2011 (Gareth Naven Lounge)
08/11/2011	Withdrawal of Covenant	2	City of Vincent and Downings Legal, Level 11, 167 St Georges Terrace, Perth WA 6000 re: No. 45 (Lots 125 & 199) Clieveden Street, North Perth - <i>To satisfy Clause (vi) of Conditional Approval of the Ordinary Meeting of Council held on 23 June 2009 (Item 9.1.9)</i>
14/11/2011	Notification Under Section 70A	2	City of Vincent and K M Hawthorne, R H S Hawthorne, S A D Meyer, E Yu Hin Tse, S A Oregioni, c/o 18 Henry Lawson Walk, East Perth WA 6004 re: No. 7 (Lots 20 & 649) Melrose Street, Leederville - Proposed Demolition of Existing Single House and Construction of Four (4), Two-Storey Grouped Dwellings - <i>To satisfy Clause 3.2 of Conditional Approval of the Ordinary Meeting of Council held on 23 August 2011 (Item 9.1.2)</i>
14/11/2011	Deed of Covenant	2	City of Vincent and The Roman Catholic Archbishop of Perth of Victoria Square, Perth WA 6000 re: No. 336 (Lots 6, 7 & 8, D/P 2287) Oxford street, Corner of Franklin Street, Leederville - Demolition of Foley House and Gymnasium Addition to Existing Educational Establishment - <i>To satisfy Clause (iv)(f) of Conditional Approval of the Ordinary Meeting of Council held on 10 May 2011 (Item 9.1.3)</i>
14/11/2011	Lease	3	City of Vincent and YMCA of Perth Inc of 201 Star Street, Carlisle, WA 6101 re: Lease for 62 Frame Court Leederville <i>(As per the Ordinary Meeting of Council held on 23 August 2011 - Item 9.3.4) - For a period of three (3) years from 2 December 2011 to 1 December 2014</i>
15/11/2011	Withdrawal of Caveat	1	City of Vincent and Downings Legal, Level 11, 167 St Georges Terrace, Perth WA 6000 re: No. 25 Clieveden Street, North Perth - Removal of Caveat relating to Deed for Conservation of Existing House
15/11/2011	Deed for Reduction in Service Fees	2	City of Vincent and Mr and Mrs Boam of Unit 37, Leederville Gardens Retirement Estate, 37 Britannia Road, Leederville
16/11/2011	Notification under Section 70A	2	City of Vincent and GL Investments (WA) Pty Ltd of 5 The Circus, Burswood WA 6100 re: No. 168 (Lot 509) Newcastle Street, Perth - Proposed Two Storey Mixed Use Development (Commercial Restaurant and Two Residential Apartments) - <i>To satisfy Clause 4. of Conditional Planning Approval issued by the East Perth Redevelopment Authority on 9 November 2007</i>
22/11/2011	Scheme Amendment Documents	3	City of Vincent Town Planning Scheme No. 1 - Amendment No. 30 - <i>In accordance with the Council decision of the Ordinary Meeting of Council held on 25 October 2011</i>
24/11/2011	Notification under Section 70A	2	City of Vincent and Youth with a Mission (Perth) Inc of 150 Claisebrook Road, Perth re: Nos. 9-27 (Lots 6, 7, 8, 9 and 10; D/P 1529 and Lot 250; D/P 62213) Robertson Street, Perth - Proposed Partial Demolition of and Change of Use from Factory to Four-Storey Mixed Use Development comprising Four (4), Two Bedroom Multiple Dwellings, Hostel comprising Five (5), Single Bedroom Multiple Dwellings, Offices, Hall (including Dining) and Associated Car Parking - <i>To satisfy Condition (xv) of Conditional Approval to Commence Development of the Ordinary Meeting of Council held on 23 March 2010 (Item No. 9.1.3)</i>

Date	Document	No of copies	Details
24/11/2011	Lease	2	City of Vincent and Floreat Athena Soccer Club of PO Box 198, Mount Hawthorn 6016 re: 41 Britannia Road, Leederville (Litis Stadium) - <i>In accordance with the Council decision of the Ordinary Meeting of Council held on 11 August 1997 (Item 11.3.5) - second renewal in accordance with the Lease Terms</i>
25/11/2011	Notification Under Section 70A	2	City of Vincent and Mr P and Mr M Della Maddalena of 30 Millerick Way, Noranda re: NO. 421 (Lot 246; D/P 2672) Walcott Street, Coolbinia - Construction of Two-Storey Grouped Dwelling to Existing Single House - <i>To satisfy Conditional Approval under Delegated Authority issued on 16 February 2011</i>

**9.5.2 Donation – Lord Mayor's Distress Relief Fund – Margaret River Bush Fire Appeal**

<b>Ward:</b>	-	<b>Date:</b>	25 November 2011
<b>Precinct:</b>	-	<b>File Ref:</b>	FIN0008
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	John Giorgi, Chief Executive Officer		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council **APPROVES** a donation of **\$3,000 (three thousand dollars)** to the Lord Mayor's Distress Relief Fund – "Margaret River Fires Appeal" in accordance with the City's Policy No. 4.1.27 – "Disaster Appeals - Donations and Assistance".

**COUNCIL DECISION ITEM 9.5.2**

**Moved Cr Maier, Seconded Cr Carey**

**That the recommendation be adopted.**

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

**PURPOSE OF REPORT:**

To approve of a donation to the Lord Mayor's Distress Relief Fund - "Margaret River Fire Appeal" to support the victims of the fire.

**BACKGROUND:**

The Lord Mayor's Distress Relief Fund has been activated to assist the community suffering as a result of fierce fires that swept through the Margaret River region in late November 2011.

One of WA's most destructive fires has completely razed more than 39 homes, damaged at least another 14 houses and left dozens of people homeless. Luckily, no loss of life or injuries have been reported.

**DETAILS:**

The Lord Mayor's Distress Relief Fund is the recognised state emergency fund. It provides relief for personal hardship and distress arising from natural disasters occurring within Western Australia.

*"Lord Mayor Lisa Scaffidi said she was shocked by the sudden and devastating impact of the fires and extensive loss and damage to property. Early estimates put the number of homes lost at more than 39."*

Thousands of hectares of bushland have also been burnt.

The Premier, Hon Colin Barnett, has declared the fire zone a natural disaster and confirmed that the State Government would be providing immediate financial assistance to the families whose homes had been destroyed by the fires.

**Previous Donations**

The City of Vincent has previously provided donations for disaster relief as follows:

<b>Date</b>	<b>Details</b>	<b>Amount</b>
January 1998	Lord Mayor's Distress Relief Fund for the Brookton/Pingelly Bush Fire	\$ 500
April 1999	<ul style="list-style-type: none"> <li>• Lord Mayor's Moora Flood Appeal</li> <li>• Lord Mayor's Exmouth Cyclone Appeal</li> </ul>	\$ 1,000 \$ 1,000
November 2002	Lord Mayor's Distress Relief Fund for the Victims of the Bali Bombing	\$ 5,000
January 2005	Tsunami Appeal to CARE Australia	\$ 5,000
November 2005	Earthquake Relief Appeal - Afghanistan, India, Pakistan and Kashmir	\$ 2,500
March 2006	Lord Mayor's Distress Disaster Relief Fund ( <i>General request for Donations</i> )	\$ 500
April 2006	Premier's Disaster Relief Appeal Fund for the communities affected by Cyclone Larry in North Queensland	\$ 2,500
June 2006	Australian Red Cross - Indonesian Earthquake Appeal Fund	\$ 2,000
February 2007	Lord Mayor's Disaster Relief Fund – Dwellingup Fires Appeal	\$ 2,500
May 2008	CARE Australia – Myanmar (Burma) Cyclone Nargis Appeal	\$ 3,500
May 2008	Australian Red Cross - China Sichuan Earthquake Appeal 2008	\$ 3,500
February 2009	Australian Red Cross - Victorian Bushfire Appeal 2009	\$10,000
April 2009	Italian Earthquake Appeal 2009	\$ 3,000
December 2009	Bushfires Appeal 2009 - Toodyay	\$ 3,000
January 2010	World Vision Australia - Haiti Earthquake Appeal 2010	\$ 5,950
August 2010	Australian Red Cross - Pakistan Monsoon Floods Appeal 2010	\$ 6,158
December 2010	Lord Mayor's Disaster Relief Fund - Gascoyne and Mid West Floods Appeal ( <i>Plus deployment of the City's Parks Employees</i> )	\$ 3,000
January 2011	Queensland Premier's Disaster Relief Appeal Fund - Queensland Floods ( <i>Plus deployment of 2 Emergency Management Officers</i> )	\$ 6,158
January 2011	Red Cross Victorian Flood Relief Appeal	\$ 3,000
February 2011	Perth Hills Fire Appeal	\$3,000

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

The City's Policy No. 4.1.27 - "Disaster Appeals - Donations and Assistance" (in part) states;

**"OBJECTIVES**

*To provide guidance to the Council when considering requests for the provision of financial assistance and other support to alleviate the impact of disasters and other significant emergencies.*

*POLICY STATEMENT*

1. *Council to Approve Requests*

*All requests to provide financial assistance and other support to alleviate the impact of disasters and other significant emergencies shall be in response to an appeal launched by the Federal, State, Local Government or other bona fide agency and shall be reported to the Council for consideration and determination.*

2. *Financial Support*

(a) *Financial support shall be limited to a maximum of \$6,340 to any one disaster or other significant emergency appeal.*

(b) *In the event of more than one relief organisation/agency being involved in the Disaster Appeal, the Council shall determine the most appropriate relief organisation to receive the support.*

(c) *Financial support will only be made to approved agencies/organisations and cash donations will not be made directly to individuals.*

3. *Non-financial Support*

*The Council will consider support, other than financial, which includes but is not limited to:*

(a) *the provision and use of the City's resources, machinery, vehicles, equipment for disasters which occur within Australia;*

(b) *the use of the City's buildings and facilities for emergency accommodation and other approved purposes;*

(c) *support for employees with professional expertise who wish to assist in the disaster by releasing the person on payment of their current salary and conditions, assistance to travel costs and incidental costs, provision of emergency clothing, equipment and the like which is necessary for the duration of the employees absence to a maximum of \$6,158 (Indexed by CPI on 1 July of each year – includes 2010 increase);*

(d) *the use of City as a receiving agent for any donations by the public; and*

(e) *any other bona fide requests which may arise from a disaster or emergency."*

**RISK MANAGEMENT IMPLICATIONS:**

Not applicable.

**STRATEGIC IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

An amount of \$3,000 (three thousand dollars) would be expended from the Donation Account 2011-2012.

**COMMENTS:**

The donation is in accordance with the City's Policy. Whilst it is always difficult to quantify a donation in terms of dollars/victims, the damage caused to the area is substantial. Therefore, a donation of \$3,000 is considered appropriate.

**9.5.4 Information Bulletin**

<b>Ward:</b>	-	<b>Date:</b>	25 November 2011
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Attachments:</b>	<a href="#">001</a> – Information Bulletin		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Radici, Executive Assistant		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council RECEIVES the Information Bulletin dated 6 December 2011, as distributed with the Agenda.

**COUNCIL DECISION ITEM 9.5.4**

**Moved Cr Maier, Seconded Cr Carey**

That the recommendation be adopted.

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

**DETAILS:**

The items included in the Information Bulletin dated 6 December 2011 are as follows:

<b>ITEM</b>	<b>DESCRIPTION</b>
IB01	Minutes from the Tamala Park Regional Council Special Meeting held on 10 November 2011
IB02	Britannia Reserve Masterplan Working Group Unconfirmed Minutes from the meeting held on 10 November 2011
IB03	Universal Access Advisory Group Unconfirmed Minutes from the Meeting held on 17 November 2011
IB04	Letter to Ms D. Saunders of Oxford Street, Leederville – Response to Questions “Taken on Notice” at the Ordinary Meeting of Council held on 22 November 2011
IB05	Register of Petitions - Progress Report - December 2011
IB06	Register of Notices of Motion - Progress Report – December 2011
IB07	Register of Reports to be Actioned - Progress Report – December 2011
IB08	Register of Legal Action and Prosecutions (Confidential – Council Members Only) – Monthly Report – December 2011
IB09	Register of State Administrative Tribunal Appeals – Progress Report – December 2011
IB10	Forum Notes – 15 November 2011
IB11	Notice of Forum – 13 December 2011

**9.1.7 Further Report – Amendment No. 79 to Planning and Building Policies – Policy No. 3.5.6 Relating to Telecommunication Facilities**

<b>Ward:</b>	Both	<b>Date:</b>	25 November 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	PLA0001
<b>Attachments:</b>	<a href="#">001</a> – Draft Amended Policy No. 3.5.6 <a href="#">002</a> – Summary of Submissions		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	T Young, Manager Strategic Planning, Sustainability and Heritage Services		
<b>Responsible Officer:</b>	T Young, Manager Strategic Planning, Sustainability and Heritage Services		

**FURTHER OFFICER RECOMMENDATION:**

That the Council;

1. **RECEIVES** the final amended version of the Policy No. 3.5.6 relating to Telecommunications Facilities as shown in Appendix 9.1.7, resulting from the advertised version having been reviewed and with regard to five (5) written submissions received during the formal advertising period, also shown in Appendix 9.1.7;
2. **ADOPTS** the final amended version of the Policy No. 3.5.6 relating to Telecommunication Facilities, as shown in 9.1.7 in accordance with Clause 47(5)(b) of the City’s Town Planning Scheme No. 1; and
3. **AUTHORISES** the Chief Executive Officer to advertise the final amended version of the adopted Policy No. 3.5.6 relating to Multiple Dwellings as shown in Appendix 9.1.7 in accordance with Clause 47 (6) of the City’s Town Planning Scheme No. 1.

**COUNCIL DECISION ITEM 9.1.7**

**PROCEDURAL MOTION**

**Moved Cr McGrath, Seconded Cr Wilcox**

That the item be DEFERRED for further consideration and to address matters raised during Public Question Time.

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

**FURTHER REPORT:**

The Council at its Ordinary Meeting held on 22 November 2011, resolved to defer the adoption of the final amended version of the subject Policy, and resolved as follows:

*“That the item be DEFERRED for further consideration.”*

In light of the above reason for deferral, the City’s Officers have provided a summary of the comments made at Public Question Time by a representative from Telstra, to illustrate how the Policy No. 3.5.6 relating to Telecommunications Facilities has been further amended to address the matters raised.

### Issues Raised at Public Question Time

#### 1. Advertising of Low Impact Facilities

Low-impact Telecommunications Infrastructure means a facility as defined in part 3 of the *Telecommunications (Low-impact Facilities) Determination 1997*. The installation of low impact facilities is deemed a minor form of development and is exempt from the requirement to obtain planning approval. In accordance with the Australian Communication Industry Forum Code (ACIF), Carriers are obliged to notify the City and the community of their intention to erect low-impact facilities.

#### Officer Comment:

Given that planning approval is not required for the installation of these types of telecommunication facilities, and that Carriers are obliged to carry out their own consultation, it is considered a duplication and unnecessary for the City to undertake consultation for low-impact facilities. In light of this, clause 2) (iii) of the draft Policy No. 3.5.6 relating to Telecommunication Facilities has been deleted to remove this requirement for consultation of new low-impact facilities.

#### 2. Visual Amenity and Facility Design – Slim Line Monopole

Planning approval is required for non low-impact telecommunication facilities. The guiding principles for the location, siting and design of telecommunications infrastructure to inform local government provisions to assess a telecommunication facility, is detailed in the State Planning Policy No. 5.2 relating to Telecommunications Infrastructure. Of particular note, the State Policy No. 5.2 states that *'telecommunications facilities should be designed and sited to minimise adverse impacts on the visual character and amenity of residential areas'*. This guiding principle and other similar principles relating to visual amenity and facility design have been incorporated into clause 8) i) a) – f) of the draft Policy No. 3.5.6 relating to Telecommunication Facilities to guide Carriers in the City's expectations with respect to this matter.

However, it is noted that specific mention of a 'slim line monopole tower' is not mentioned in the guiding principles of the State Planning Policy No. 5.2 relating to Telecommunications Infrastructure, and therefore clauses 8) i) (c) and 8.2 of the draft Policy No. 3.5.6 relating to Telecommunication Facilities, have been deleted to remove this requirement for a slim line monopole tower.

#### 3. Defining "Sensitive Uses"

The definition of "sensitive uses" has been included in the draft Policy No. 3.5.6 relating to Telecommunication Facilities for planning assessment purposes. The source of the definition has been deleted from the draft Policy No. 3.5.6, to reiterate that the meaning of 'sensitive uses' as defined in the Policy, is for the purpose of this Policy only.

The guiding principles of the State Planning Policy No. 5.2 note that *'unless impractical to do so telecommunication towers should be located within commercial, business, industrial and rural areas and areas outside identified conservation areas.'* Based on this guiding principle, the City has provided a definition of "sensitive uses" to align with the uses relevant to the City, and incorporated provisions into clause 6 of the Policy to encourage Carriers to locate non-low impact telecommunication facilities in District and Commercial areas and away from commercial uses.

#### 4. Requirements Relating to Public Health and Safety

One of the key objectives of the State Planning Policy No. 5.2 relating to Telecommunications Infrastructure is to *'ensure compliance with all relevant health and safety standards in the provision of telecommunications infrastructure.'*

Given this, it is considered reasonable that these requirements remain in clause 9 of the Policy No. 3.5.6 relating to Telecommunication Facilities. Minor amendments have however been made to the wording to the effect that these requirements are 'encouraged', rather than 'mandated' by the City, recognising that the Carriers are already to conform with the standards set by the *Telecommunications Codes of Practice 1997 (as per the schedule of the Telecommunications Act 1997)*.

5. General Requirements – Micro Cell Telecommunication Facilities

The wording of clause 10 of the draft Policy No. 3.5.6 relating to Telecommunication Facilities arises from wording of the original Policy. However, acknowledging the comments made during public question time by the representative from Telstra, and noting that the State Planning Policy No. 5.2 relating to Telecommunications Infrastructure does not make specific reference to 'Micro Cell Telecommunication Facilities', clause 10 of the Policy No. 3.5.6 relating to Telecommunication Facilities has been amended to remove reference to specific telecommunication facility types.

**Conclusion**

In light of the above, it is considered that the further amendments made to the City's Policy No. 3.5.6 relating to Telecommunication Facilities, shown in strike-through and underline as shown in Appendix 9.1.7 of this report, have appropriately addressed the comments raised by the representative from Telstra during Public Question Time, at the Ordinary Meeting of Council held on 22 November 2011, the comments made in the submissions detailed in Appendix 9.1.7 of this report, whilst also recognising the responsibility of the City to provide a robust telecommunication policy to enable the assessment of development applications for non-low impact facilities that aligns with the guiding principles of the State Planning Policy No. 5.2 relating to Telecommunications Infrastructure.

Accordingly, it is recommended that the Council adopt the final amended version of Policy No. 3.5.6 relating to Telecommunications Facilities and authorises the Chief Executive Officer to advertise the final amended Policy in accordance with Clause 47 of the City's Town Planning Scheme No. 1.

The Item 9.1.6 placed before the Council at its Ordinary Meeting held on 22 November 2011 relating to the review of the City's Policy No. 3.5.6 relating to Telecommunication Facilities is available on the City's website at the following link:  
[http://www.vincent.wa.gov.au/Your\\_Council/Agenda\\_Minutes](http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes).

**9.1.2 No. 13 (Lot 24; D/P: 2324) Grosvenor Road, Mount Lawley – Proposed Change of Use from Single House to Medical Consulting Rooms and Associated Alterations to Existing Building (Reconsideration of Conditions)**

<b>Ward:</b>	South Ward	<b>Date:</b>	22 November 2011
<b>Precinct:</b>	Norfolk; P10	<b>File Ref:</b>	PRO3533; 5.2011.157.2
<b>Attachments:</b>	<a href="#">001</a> – Property Report and Development Application Plans <a href="#">002</a> – Applicant’s submission		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	S Radosevich, Statutory Planning Officer		
<b>Responsible Officer:</b>	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 and the Metropolitan Region Scheme, REFUSES the application submitted by Dr Kin Lee on behalf of the owner M T Hoang & L T Vuong for proposed Change of Use from Single House to Medical Consulting Rooms and Associated Alterations to Existing Building (Reconsideration of Conditions), at No. 13 (Lot 24; D/P: 2324) Grosvenor Road, Mount Lawley, and as shown on plans stamp-dated 1 April 2011, for the following reasons:

1. The development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;
2. The non-compliance with the City’s Policy No. 3.5.22 relating to Consulting Rooms and the objectives of the City’s Town Planning Scheme No. 1;
3. The approval of the proposed development would create an undesirable precedent for other similar commercial use developments; and
4. Consideration of the objections received.

**Advisory Note**

1. The applicant is advised that there is an outstanding cash-in-lieu contribution. Within twenty-eight (28) days, the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:
  - 1.1 pay a cash-in-lieu contribution of \$6,360 for the equivalent value of 2.12 car parking spaces, based on the cost of \$3,000 per bay as set out in the City’s 2010/2011 Budget; OR
  - 1.2 lodge an appropriate assurance bond/bank guarantee of a value of \$6,360 to the satisfaction of the City. This assurance bond/bank guarantee will only be released in the following circumstances:
    - 1.2.1 to the City at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or
    - 1.2.2 to the owner(s)/applicant following receipt by the City of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject ‘Approval to Commence Development’; or

1.2.3 to the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired.

The car parking shortfall and consequent cash-in-lieu contribution can be reduced as a result of a greater number of car bays being provided on-site and to reflect the new changes in the car parking requirements.

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**COUNCIL DECISION ITEM 9.1.2**

**Moved Cr Topelberg, Seconded Cr Maier**

That the recommendation be adopted.

Debate ensued.

**MOTION PUT AND CARRIED UNANIMOUSLY (8-1)**

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

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<b>Landowner:</b>	M T Hoang & L T Vuong
<b>Applicant:</b>	Dr Kin Lee
<b>Zoning:</b>	Metropolitan Region Scheme (MRS): Urban Town Planning Scheme No. 1 (TPS 1): Residential R40
<b>Existing Land Use:</b>	Consulting Rooms
<b>Use Class:</b>	Consulting Rooms
<b>Use Classification:</b>	"SA"
<b>Lot Area:</b>	450 square metres
<b>Access to Right of Way</b>	Southern (rear) side, 4 metres wide, sealed, Council owned

**PURPOSE OF REPORT:**

The proposal requires referral to the Council for determination as sixteen (16) objections to the proposal have been received.

**BACKGROUND:**

6 April 2006 An application was lodged with the City to change the use from single house to consulting rooms.

26 April 2007 The abovementioned application was cancelled as the applicant did not provide the required additional information after several requests.

22 July 2010 An application was lodged with the City to change the use from single house to consulting rooms and associated alteration to the existing building.

9 November 2010 The proposed change of use was approved by Council at this Meeting.

**DETAILS:**

The proposal involves the reconsideration of conditions (i) (b) and (c) of the approval as noted above for the proposed change of use from single house to consulting rooms and associated alterations to existing building, which states:

- “(i) Medical Consulting rooms (Medical Practitioners):
- (b) shall be limited to a maximum of three (3) consulting rooms/consultants operating at any one time. Any increase in the number of consulting rooms/consultants shall require Planning Approval to be applied for and obtained from the Town;
- (c) the hours of operation shall be limited to the following times: 9.00am to 5.00pm Monday to Friday, and closed on Saturdays, Sundays and Public Holidays;”

The proposed reconsideration is for the maximum number of consulting rooms/consultants to be reduced to a maximum of two (2) consulting rooms/consultants at any one time, and for the hours of operation to be increased to 9.00am to 12.00 midnight Monday to Friday, and 12.00 noon to 8.00pm Saturdays, Sundays and Public Holidays.

The applicant's submission is shown at Appendix 9.1.2.

**COMPLIANCE:**

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
<b>Consulting Rooms Policy:</b>	Applications for Consulting Rooms in a Residential zone where the lot is within 200 metres of a Local Centre or district Zone is not favourable.	The subject lot is within 20 metres of a District Centre zone.
<b>Officer Comments</b>		
Supported. The change of use from a single house to consulting rooms and associated alteration to existing building was conditionally approved at the Ordinary Meeting of Council on 9 November 2010.		
<b>Town of Vincent Economic Development Strategy:</b>	No requirement to add new commercial precincts or nodes as all Vincent's residents live within 1 kilometre of a commercial centre.	Commercial use in a residential zone.
<b>Officer Comments</b>		
Supported. The change of use from a single house to consulting rooms and associated alteration to existing building was conditionally approved at the Ordinary Meeting of Council on 9 November 2010.		
<b>Non-Residential/ Residential Development Interface Policy:</b>	Non-residential developments shall be restricted to District and Local Centre zones.	Commercial use in a residential zone.
<b>Officer Comments</b>		
Supported. The change of use from a single house to consulting rooms and associated alteration to existing building was conditionally approved at the Ordinary Meeting of Council on 9 November 2010.		

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

Consultation	
<b>In Support:</b>	One (1)
Comments Received	Officer Comments
<ul style="list-style-type: none"> <li>The longer hours that the business can be open, the more they will contribute to the street, the local culture, the safety and the economy.</li> </ul>	Noted.
<ul style="list-style-type: none"> <li>The number of consultants should not be directly related to on-site car parking, landscape is important. Promoting alternative green transport is important. Local business should have priority to car park over visitors.</li> </ul>	Noted.

<b>Consultation</b>	
<b>Neither:</b>	One (1)
<b>Comments Received</b>	<b>Officer Comments</b>
<ul style="list-style-type: none"> <li>The applicants letter, which gave additional information, was not included the neighbour consultation letters however it was provided on the City's website</li> </ul>	Noted. Plans and letters related to the development applications are not included as part of the consultation letters; however they are available on the City's website.
<ul style="list-style-type: none"> <li>It may be pertinent to know what security is planned to be in place, particularly after hours when they are open for business, and particularly if any pharmaceutical drugs are going to be kept on the premises, bearing in mind there is a level of antisocial behaviour and drug taking in and around the Chelmsford (and Raglan) public car parks.</li> </ul>	Noted. No security details have been provided as they are not required as part of the development application.
<ul style="list-style-type: none"> <li>There is an afterhours service in Mt Lawley offered by Mercy GP After Hours in Ellesmere Road (operating 7pm-10pm Monday-Friday, 2pm-10pm Saturday, 2pm-10pm Sunday and 10am-10pm Public Holidays). This should not preclude this application from succeeding as there may be a need for another.</li> </ul>	Noted.
<b>Objections:</b>	Nineteen (19)
<b>Comments Received</b>	<b>Officer Comments</b>
<ul style="list-style-type: none"> <li>Late opening hours will impact on noise cause by traffic movements late at night.</li> </ul>	Supported.
<ul style="list-style-type: none"> <li>There may be an increase in noise associated with the movement of people coming and going from their vehicles at unacceptable hours.</li> </ul>	Supported.
<ul style="list-style-type: none"> <li>Late opening hours will impact on parking in the street.</li> </ul>	Supported.
<ul style="list-style-type: none"> <li>Parking in the precinct is always busy especially after hours on weekends and increased visitors to the area would be competing for residential verges to gain parking and avoid having to pay.</li> </ul>	Supported.
<ul style="list-style-type: none"> <li>Car parking available on-site is insufficient to support 3 doctors.</li> </ul>	The proposed extension of trading hours included reducing the number of Consulting Rooms/Consultants to two (2). If the reduction in the number of Consulting Rooms/Consultants to two (2) occurred then the subject site would have a surplus of 2.04 car parking bays on-site.
<ul style="list-style-type: none"> <li>The proposed development is understood to have a shortfall of car parking, which is unacceptable given the adverse impacts associated with on-street car parking which is already occurring as a direct result of the imposition of paid car parking in the immediate locality.</li> </ul>	The original approval was for a maximum of three (3) Consulting Rooms/Consultants; however the reconsideration of conditions included reducing the number of Consulting Rooms/Consultants to a maximum of two (2); therefore the subject site would have a surplus of 2.04 car parking bays on-site.

<b>Consultation</b>	
<ul style="list-style-type: none"> <li>Currently there is significant noise within the area from emptying bottles and entertainment at the Flying Scotsman and from customers leaving the precinct throughout the night. The extended trading hours of the medical practice will only serve to increase traffic and noise.</li> </ul>	Supported.
<ul style="list-style-type: none"> <li>Late opening hours has the potential of bring undesirable citizens into the street.</li> </ul>	Noted.
<ul style="list-style-type: none"> <li>A late night drug problem already exists in the area. The development will encourage further disturbance in the neighbourhood with late night surgery hours.</li> </ul>	Noted.
<ul style="list-style-type: none"> <li>This is an inappropriate use within a residential area.</li> </ul>	The change of use from single house to consulting rooms and associated alteration to the existing building was conditionally approved by the Council at its Ordinary Meeting held on 9 November 2010.
<ul style="list-style-type: none"> <li>No other after hour clinics operate past 10pm at night.</li> </ul>	Noted.
<ul style="list-style-type: none"> <li>According to the Department of Health – GP After Hours Clinics register, no other after-hours GP clinics operate in a predominantly residential street.</li> </ul>	Noted.
<ul style="list-style-type: none"> <li>Other after hour clinics operate within a hospital complex, or they are located along a main road or within a commercial precinct.</li> </ul>	Noted.
<ul style="list-style-type: none"> <li>The proposed opening hours until midnight seems excessive in a predominantly residential area.</li> </ul>	Supported.
<ul style="list-style-type: none"> <li>The advertising sign displayed on-site listed the nature of the development as “Reconsideration of condition (sic) (singular)”, which appears to be inadequate for the purpose it was to serve.</li> </ul>	Noted.
<ul style="list-style-type: none"> <li>Loss of residential amenity in the locality cause by increased traffic and noise up until midnight, Monday to Friday.</li> </ul>	Supported.
<ul style="list-style-type: none"> <li>The proposal is contrary to all City of Vincent Planning schemes, Codes and Policies, put in place for orderly and proper planning.</li> </ul>	Supported.
<b>Advertising</b>	The advertising was carried out as per the City’s Policy No. 4.1.5 relating to Community Consultation.

<b>Car Parking</b>	
Car parking requirement (nearest whole number)	= 6 car bays
<ul style="list-style-type: none"> <li>Consulting Rooms – 3 spaces per Consulting Room/Consultant</li> </ul> Number of Consulting Rooms/Consultants = 2 (requires 6 car bays)	
Apply the adjustment factors.	(0.68)
<ul style="list-style-type: none"> <li>0.85 (within 400 metres of a bus stop)</li> <li>0.80 (within 50 metres of a public car parking place with in excess of 50 car parking spaces)</li> </ul>	= 4.08 car bays
Minus the car parking provided on-site	4 car bays
Minus the most recently approved on-site car parking shortfall	2.12 car bays
Surplus	2.04 car bays

<b>Bicycle Parking</b>
Consulting Rooms (proposed 2 consultants) <ul style="list-style-type: none"> <li>• 1 space per 8 consultants (class 1 or 2) = 0.25 spaces</li> <li>• 1 space per 4 consultants (class 3) = 0.5 spaces</li> </ul> Total class one or two bicycle spaces = 0.25 spaces = Nil Total class three bicycle spaces = 0.5 spaces = 1 space

<b>Other Implications</b>	
<b>Legal/Policy</b>	TPS No. 1 and associated Policies.
<b>Strategic</b>	Nil.
<b>Sustainability</b>	Nil.
<b>Financial/Budget</b>	Nil.

**COMMENTS:**

The subject site is located within a residential zone and has a current planning approval for three (3) consulting rooms; however, the proposal to extend the hours to 9.00am to 12.00 midnight Monday to Friday and 12.00 noon to 8.00pm Saturday, Sunday and Public Holidays is not considered to be consistent with the activities and intent for a residential area. Approval of the proposed development would create an undesirable precedent for other similar commercial uses in residential areas. Furthermore, the proposal is inconsistent with the objectives of the City's Consulting Rooms Local Planning Policy which aims to maintain the amenity and character of the existing residential area and to minimise the potential impact of unreasonable noise on the surrounding neighbourhood.

For the abovementioned reasons, the proposal is therefore considered unacceptable and it is recommended that the Council refuse the application.

**9.1.1 Further Report – No. 355 (Lot 270; D/P: 1237) Fitzgerald Street, North Perth – Proposed Two-Storey Additions and Alterations to Existing Dwelling (Retrospective Application)**

<b>Ward:</b>	South	<b>Date:</b>	24 November 2011
<b>Precinct:</b>	Smith's Lake; P6	<b>File Ref:</b>	PRO1605; 5.2011.358.1
<b>Attachments:</b>	<a href="#">001</a> - Property Information Report, Development Application Plans and Clarification Diagram		
<b>Tabled Items</b>	Applicant's Submission		
<b>Reporting Officer:</b>	A Dyson, Planning Officer (Statutory)		
<b>Responsible Officer:</b>	H Smith, Manager Planning and Building Services		

**FURTHER 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 L Crugnale on behalf of the owners L & M Crugnale for Proposed Two Storey Additions and Alterations to Existing Dwelling (Retrospective Application), at No. 355 (Lot 270) Fitzgerald Street, North Perth, and as shown on plans stamp-dated 22 July 2011, subject to the following conditions:

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 Fitzgerald Street;
2. Any new street/front wall, fence and gate within the Fitzgerald Street setback areas, including along the side boundaries within these streets setback areas, shall comply with the City's Policy provisions relating to Street Walls and Fences;
3. No street verge tree(s) shall be removed unless written approval has been received from the City's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);
4. Subject to first obtaining the consent of the owners of No. 359 (Lot 2) Fitzgerald Street, North Perth for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 359 (Lot 2) Fitzgerald Street, North Perth, in a good and clean condition. The finish of the wall is to be fully rendered or face brickwork;
5. The dwelling shall only be used for the purposes of a single residential dwelling as defined in the Residential Design Codes 2010;
6. Building Approval Certificate

Within twenty-eight days (28) days of the issue date of the approval, a Building Approval Certificate Application along with structural details certified by a Practising Structural Engineer, including plans and specifications of the subject unauthorised modifications (realignment of the external wall and roofline), shall be submitted to and approved by the City of Vincent Building Services as required under Section 374AA of the Local Government (Miscellaneous Provisions) Act 1960, and Regulation 11A of the Building Regulations 1989; and

**7. PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the City:**

**7.1 Privacy Screening**

The upper southern balcony and bedroom and retreat windows on the first floor and the upper northern bedroom window being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the City receives written consent from the owners of Nos. 1-8/178 Grosvenor Road, stating no objection to the respective proposed privacy encroachments.

The revised plans shall not result in any greater variation to the requirements of the City's Policies.

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**COUNCIL DECISION ITEM 9.1.1**

**Moved Cr Harley, Seconded Cr McGrath**

**That the recommendation be adopted.**

**Debate ensued.**

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

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**FURTHER REPORT:**

The Council at its Ordinary Meeting held on 8 November 2011 resolved as follows:

*"That the item be DEFERRED for further information and clarification."*

In light of the Council's decision, additional investigation has been made into the proposal with respect to the previous Planning Approvals issued for the site in February 2001 at an Ordinary Meeting of Council, and under Delegated Authority in April 2007, in comparison to the plans dated 22 July 2011, which are presently before Council.

The applicant's justification of the major changes to the proposal from the previously approved plans in 2007 are as follows:

- *"Internally, the stair and stair void along the northern façade have been realigned..."*
- *The bathroom on the first floor included the provision of a laundry...*
- *The sitting room was reconfigured to be completely enclosed...*
- *The study wall has been reconfigured to include a door to the ensuite...*
- *On the upper southern wall, the external wall has been realigned to provide a more uniform roof line with a bulkhead to the rooms and include a roof over the balcony...*
- *Windows have been added to the upper east wall and the southern elevation."*

The justification for these changes are to provide *"better defined internal spaces than previous approvals, a simpler roofline than previously approved, no additional privacy issues as all windows have frosted glazing to 1.6 metres above finished floor level."*

To further illustrate the changes between the original approval of the City in 2001, a plan of the current plans before Council has been provided which illustrates the changes between the approved plans over the two previous approvals. It is noted that whilst the applicant includes additional windows to the southern elevation, these have in fact already received approval on 17 September 2009 and in this application their design has been modified; obscure glazing up to 1600 millimetres is maintained for privacy.

An on-site inspection revealed that the applicant continues to abide by the City's request to stop work until resolution of this application. The applicant further advises that no further changes to the plans are expected. As a result, the City's Officer's note that there are no further variations as proposed by this retrospective development and that the principle reason the retrospective application is presented to Council is the number of objections received.

**Plans Approved at the Council Meeting held on 13 February 2001**

The subject property first received development approval at the Ordinary Meeting of Council held on 13 February 2001. This proposal was for the extension of the existing single storey dwelling and the construction of a second storey above.

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Building Setbacks	<u>Upper</u>	
	Southern Side Setback – 2.7 metres	
	Northern Side Setback – 1.5 metres	2.4 metres
	Parapet wall on northern boundary to a height of 5.0 metres.	Nil
<b><i>Officer Comments:</i></b>		
The variations noted were not considered to be detrimental to the adjoining landowners and still comply with the overshadowing requirements of the Residential Design Codes. The application was approved subject to the standard conditions including compliance with proposed fill, fencing and finish of the parapet wall.		

**Delegated Authority 2 April 2007**

During the period February 2001 – September 2006, the owner/applicant had commenced construction of the proposed development. During that time however and given the length of time taken to commence construction, the City was made aware of variations outside those that were originally approved; plans were requested to be provided. These were subsequently received on 8 September 2006, reassessed and the following variations noted.

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Building Setbacks	<u>Lower</u>	
	Northern Side Setback – 1.5 metres	Nil
	<u>Upper</u>	
	Northern Side Setback – 4.4 metres Southern Elevation – 4.5 metres	Nil to 2.7 metres 2.9 metres – 3.9 metres
<b><i>Officer Comments:</i></b>		
The variations noted were not considered to be detrimental to the adjoining landowners and still comply with the overshadowing requirements of the Residential Design Codes. The application was approved subject to the standard conditions including compliance with proposed fill, fencing and finish of the parapet wall.		
REQUIREMENTS	REQUIRED	PROPOSED
Privacy Setbacks	<u>Upper</u>	
	Bedroom (North) – 4.5 metres Sitting to Bedroom 2 (South) – 4.5 metres – 6.0 metres Respectively	2.7 metres 3.9 metres
<b><i>Officer Comments:</i></b>		
The two listed privacy setback variations were not supported and required to be screened accordingly as per the Privacy requirements of the Residential Design Codes.		

**Current Application**

The current submission and application received in July 2011, requested retrospective approval and amendments to the pre-existing approved plans from April 2007. As detailed to the Agenda Item, the major changes between the current application and the previously approved application are internal renovations to the stairway along the northern side of the dwelling, the inclusion of a laundry to the bathroom on the upper floor, enclosure of the sitting room, inclusion of a door to the ensuite from the study, the realignment of the upper southern façade, a roof over the balcony and the addition of windows along the upper east and southern elevations.

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Nil	Nil	Nil
<b><i>Officer Comments:</i></b>		
It is noted the current development application for retrospective approval does not present any further variations to the City's Policies or the Residential Design Codes. It is noted whilst the application did not present any variations, given the Retrospective nature of the application and the contentious nature of the development, neighbourhood consultation was carried out, resulting in eight (8) objections being received.		

***Officer Comments:***

*It is further reiterated that the objections raised during the consultation process are mainly of a civil nature, including, the length of time the development has taken, concerns relating to overlooking (which can be accommodated through the provision of privacy screening) and issues regarding the height and scale of the development (which have already been considered in previous approvals).*

Given the above-mentioned information and clarification of the approved and current plans, the intent of the Officer Recommendation remains unchanged, however some wording has been amended.

The Item 9.1.2 placed before the Council at its Ordinary Meeting held on 8 November 2011 relating to this item is available on the City's website at the following link: [http://www.vincent.wa.gov.au/Your\\_Council/Agenda\\_Minutes](http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes).

**9.1.4 No. 83 (Lot 14 D/P: 1551) Angove Street North Perth – Proposed Construction of a Three Storey Residential Dwelling to Rear of an Existing Dwelling**

<b>Ward:</b>	North	<b>Date:</b>	23 November 2011
<b>Precinct:</b>	Smith's Lake, P6	<b>File Ref:</b>	PRO2125; 5.2011.370.2
<b>Attachments:</b>	<a href="#">001</a> - Property Information Report and Development Application Plans		
<b>Tabled Items</b>	Applicant's Submission		
<b>Reporting Officer:</b>	A Dyson, Planning Officer (Statutory)		
<b>Responsible Officer:</b>	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 and the Metropolitan Region Scheme, **APPROVES** the application submitted by Copraxis Architects on behalf of the owner Danae Pty Ltd for proposed construction of Three Storey Residential Dwelling to the rear of an existing dwelling, at No. 83 (Lot 14 D/P: 1551) Angove Street, North Perth, and as shown on plans stamp-dated 10 November 2011, 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 owners of No. 81 Angove Street, North Perth for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls/retaining walls facing and No. 81 Angove Street, North Perth in a good and clean condition;

2. **Trees**

No street verge tree(s) shall be removed. The street verge tree(s) shall be retained and protected from any damage including unauthorised pruning;

3. **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

4. **Pedestrian Access Way**

A pedestrian access way/service corridor of a minimum width of 1.5 metres where not abutting the existing dwelling and constructed from Angove Street to the proposed rear lot is to be provided along the eastern elevation;

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 Building Articulation**

Revised plans demonstrating the first and second floor wall on the north-western elevation of the proposed dwelling incorporating appropriate articulation;

**5.3 Landscape and Reticulation Plan**

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

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 Shed**

Revised plans demonstrating the proposed shed along the western boundary shall be in accordance with the Outbuilding provisions of the Residential Design Codes 2010; and

**5.5 Privacy Screening**

The balcony on the first floor of the southern elevation shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the first floor level in accordance with the Residential Design Codes 2010. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the City receives written consent from the owners of Nos. 10-12 Albert Street, North Perth, stating no objection to the respective proposed privacy encroachments.

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**Moved Cr Harley, Seconded Cr Buckels**

That the recommendation be adopted.

Debate ensued.

**AMENDMENT**

**Moved Cr Maier, Seconded Cr Topelberg**

That clause 4 be amended to read as follows:

**"4. Pedestrian Access Way**

**A pedestrian access way/service corridor of a minimum width of 1.5 metres where not abutting the existing dwelling and constructed from Angove Street to the proposed rear lot is to be provided along the eastern elevation, if the Western Australian Planning Commission approves a subdivision with sufficient land on the eastern side of the parent block;"**

Debate ensued.

The Presiding Member, Mayor Hon. Alannah MacTiernan suggested changing the amendment to reword it.

The Mover, Cr Maier advised that he wished to change his amendment and reword it as follows:

**“4. Pedestrian Access Way**

**A pedestrian access way/service corridor of a minimum width of 1.5 metres where not abutting the existing dwelling and constructed from Angove Street to the proposed rear lot is to be provided along the eastern elevation, unless the Western Australian Planning Commission approves the Public Access Way on the Western Side;”**

The Seconder, Cr Topelberg agreed.

Debate ensued.

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

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

**COUNCIL DECISION ITEM 9.1.4**

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 Copraxis Architects on behalf of the owner Danae Pty Ltd for proposed construction of Three Storey Residential Dwelling to the rear of an existing dwelling, at No. 83 (Lot 14 D/P: 1551) Angove Street, North Perth, and as shown on plans stamp-dated 10 November 2011, 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 owners of No. 81 Angove Street, North Perth for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls/retaining walls facing and No. 81 Angove Street, North Perth in a good and clean condition;**

**2. Trees**

**No street verge tree(s) shall be removed. The street verge tree(s) shall be retained and protected from any damage including unauthorised pruning;**

**3. 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**

4. **Pedestrian Access Way**

A pedestrian access way/service corridor of a minimum width of 1.5 metres where not abutting the existing dwelling and constructed from Angove Street to the proposed rear lot is to be provided along the eastern elevation, unless the Western Australian Planning Commission approves the Public Access Way on the Western Side;

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 **Building Articulation**

Revised plans demonstrating the first and second floor wall on the north-western elevation of the proposed dwelling incorporating appropriate articulation;

5.3 **Landscape and Reticulation Plan**

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

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 **Shed**

Revised plans demonstrating the proposed shed along the western boundary shall be in accordance with the Outbuilding provisions of the Residential Design Codes 2010; and

5.5 **Privacy Screening**

The balcony on the first floor of the southern elevation shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the first floor level in accordance with the Residential Design Codes 2010. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the City receives written consent from the owners of Nos. 10-12 Albert Street, North Perth, stating no objection to the respective proposed privacy encroachments.

<b>Landowner:</b>	Danae Pty Ltd
<b>Applicant:</b>	Copraxis Architects
<b>Zoning:</b>	Metropolitan Region Scheme: (MRS) Urban Town Planning Scheme No. 1 (TPS 1): Residential R30
<b>Existing Land Use:</b>	Single Residential
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	'P'
<b>Lot Area:</b>	Original Lot 762 square metres/Subject Lot 364 square metres
<b>Access to Right of Way</b>	Southern side, 4.0 metres wide, sealed, City owned

**PURPOSE OF REPORT:**

The report is referred to a meeting of Council as there is no delegation to consider a proposal for a three (3) storey dwelling.

**BACKGROUND:**

Not Applicable.

**DETAILS:**

The proposal involves the construction of a three (3) storey residential dwelling to the rear of an existing dwelling. To the south of the site is an existing right of way which the proposed new dwelling will obtain access. The site proposes street access to Angove Street via a pedestrian access leg along the western corridor of the existing dwelling.

The subject site abuts a number of single and two storey dwellings, both fronting Angove Street including the former North Perth Police Station at No. 85 Angove Street to the east of the subject site and new developments fronting the right of way.

The applicant's submission is "Tabled".

**COMPLIANCE:**

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
<b>Building Height</b>	Top of External Wall – 6.0 metres	8.5 metres
	Top of External Wall (Concealed Roof) – 7.0 metres	9.0 metres
<b>Officer Comments:</b>		
Supported. It is considered that whilst the development proposes height variations to both the maximum external wall height and the top of external wall, the majority of the height proposed by the development is located to the rear of the property and mainly overshadows the right of way to the rear of the property. Furthermore it is noted that given the location at the rear of the site, only a minor impact will result from the dwelling to the existing Angove Street streetscape. It is also considered that the proposed maximum height is not unreasonable when considering the maximum ridge height proposed by a two storey development, as per the City's Policy relating to Residential Design Elements, can be developed to a height of 9.0 metres.		
<b>Visual Privacy</b>	Rear Balcony – (South) – 7.5 metres	6.0 metres (Cone of vision Setback)
<b>Officer Comments:</b>		
Not supported. Conditioned as part of the recommendation.		
<b>Buildings on the Boundary</b>	Maximum Wall Height – 3.5 metres	8.5 metres
	Average Wall Height – 3.0 metres	5.05 metres
<b>Officer Comments:</b>		
Supported. It is considered that the property's location to the south east of the adjoining property to the west will provide amelioration of any potential overshadowing impacts to the adjoining property as per the calculation of overshadowing in the Residential Design Codes 2010. Furthermore it is considered the percentage of boundary walls along the western boundary is minimal in comparison to the total boundary length and that the walls will not unreasonably affect the provision of light and ventilation to habitable rooms of the adjoining property on its south eastern elevation.		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
<b>Building Setbacks:</b>	<u>First Floor</u>	
	<i>Western:</i>	
	Stairway – 1.2 metres	Nil (minimum)
	<i>Southern:</i>	
	Balcony – 2.5 metres	1.5 metres
	<u>Second Floor</u>	
	<i>Western:</i>	
	Stairway- 1.2 metres	Nil (minimum)
	Balance – 2.3 metres	1.7 metres
	<i>Southern:</i>	
	Callum's Room – Nib Wall	2.0 metres (minimum)
	Projection – 3.0 metres	

**Officer Comments:**

Supported. First Floor. It is considered that this portion of wall (stairway) provides for a minimal portion of wall along the western boundary (0.5 metres on the boundary and an additional 2.0 metres within 1.0 metre of the boundary), and given the subject property's location on the eastern side of the adjoining affected property, according to the provisions of the Residential Design Codes 2010, minimal overshadowing will result from the development. It is also noted that the location of the existing adjoining dwelling towards the front of the property, fronting Angove Street, will result in no habitable rooms being affected by means of loss of light or ventilation for unreasonable periods during the day and throughout the year.

Supported. Second Floor. It is noted the proposed development provides for minimal variations to the side setback requirements of the Residential Design Codes, which given the orientation of the site will limit the impact of overshadowing and given the presence of no major openings along this façade, privacy will not be impacted. It is also noted that given the majority of the proposed dwelling is to the south of the subject lot and abutting the rear yard area of the adjoining western property, the former North Perth Police Station, will not impact sunlight and ventilation to the building.

<b>Roof Forms</b>	Roof Pitch – 30 – 45 degrees	Flat Roof
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**Officer Comments:**

Supported. The proposed roof pitch presents a contemporary flat roof type along the elevation of the dwelling. It is noted that despite this, the proposed dwelling's location at the rear of the subject property, abutting a right of way to the south and the large open area behind the former North Perth Police Station site to the west, will not duly affect the bulk of the building or cause undue overshadowing to the adjoining landowners.

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

Consultation	
<b>In Support</b>	Nil
<b>Objections</b>	Five (5)
Comments Received	Officer Comments
<ul style="list-style-type: none"> <li>Object to the three-storey nature of the building given, the predominance of single and two storey dwellings in the vicinity.</li> </ul>	<p>Noted. The proposed development is three - storey in nature, with the majority of its height located towards the rear of the property, with its impact mainly over the existing right of way to the south. Whilst it is noted the development presents as a third storey the maximum height proposed is in accordance with the maximum height of a pitched roof design and will not provide any greater impact in terms of bulk than a standard two storey development would.</p>

<b>Consultation</b>	
<ul style="list-style-type: none"> <li>Concerned with the scale and height of the proposal, which would have an impact to the adjoining properties.</li> </ul>	<p>Noted. Whilst the development proposes a three-storey development, the footprint proposed by the development, is actually minimal in comparison to the overall site and given the sites location adjacent to the rear right of way, open yard area to the former North Perth Police Station site to the east, and will not provide excessive bulk than otherwise proposed by a two storey development to the rear of the site. It is also considered that the development will not result in undue bulk to the adjoining property as the majority of the height proposed by the development is located to the rear of the site and a small segment along the western boundary (circular staircase). Therefore it is considered the proposed height and bulk is not unreasonable for the subject property.</p>
<ul style="list-style-type: none"> <li>Concerned with the impact of additional traffic generated from properties abutting the right of way.</li> </ul>	<p>Not supported. The existing property allows for development of an additional dwelling to the site, which several of the adjoining properties have already constructed with access from the right of way. Given the infill of these lots, the provision of access from this right of way is inevitable and acceptable.</p>
<ul style="list-style-type: none"> <li>The precedent of this development would impact the future development of other properties in the area.</li> </ul>	<p>Not supported. Each development application is assessed on its merits and its impact on the adjoining properties, together with an assessment of any proposal against the City's Policies. Given the location of the dwelling at the rear of the lot, the impact will be minimised as the majority of its height is centred abutting the right of way.</p>
<ul style="list-style-type: none"> <li>Concern that there may be reduced sunlight to the adjoining property owners in their outdoor living areas.</li> </ul>	<p>Not supported. It is considered that given the location of the lot, abutting the right of way to the south and the former Police Station site to the east as well as the overshadowing provisions of the Residential Design Codes, at the winter solstice, there will be little impact over the adjoining properties. It is also noted that the proposed dwelling provides for a minimal footprint</p>
<ul style="list-style-type: none"> <li>Object to the height proposed and scale of the proposed staircase.</li> </ul>	<p>Noted. It is considered that the proposed staircase on the north west edge of the development proposes significant height to the development and is of a scale that will be in full view of the adjoining property to the west. However it is noted that the bulk of this structure together with its width along the western boundary is quite minimal, thin in nature and will abut an open yard area of the adjoining property. Furthermore, it is considered as per the provisions of the Residential Design Codes for overshadowing at the winter solstice; the structure will not result in any undue impact to the adjoining property owner to the west. In addition, the overshadowing proposed by this section of the development, will fall over the subject lot.</p>

<b>Consultation</b>	
<ul style="list-style-type: none"> <li>Concern that the mainly proposed flat roof design is out of character with the surrounding properties and heritage listed dwellings.</li> </ul>	Noted. The proposed roof pitch is mainly contained over the rear of the dwelling, and it's impact is only over the existing right of way to the rear. It is this location which will ameliorate any impact to the surrounding properties.
<ul style="list-style-type: none"> <li>Concerned with the impact of a height variation and its overshadowing impact on the adjoining property.</li> </ul>	Noted. See Above.
<ul style="list-style-type: none"> <li>Concern that the proposed dwelling will deteriorate the visual appearance of adjoining owner's rear yard areas.</li> </ul>	Noted. See Above.
<b>Advertising</b>	The advertising was carried out as per the City 'Policy No. 4.1.5 - relating to Community Consultation for a period of fourteen (14) days.
<b>Other Implications</b>	
<b>Legal/Policy</b>	Metropolitan Region Scheme (MRS), TPS 1 and associated Policies.
<b>Strategic</b>	The City's <i>Strategic Plan 2011-2016</i> – Objective 1 states: <i>"Natural and Built Environment</i> <i>1.1 Improve and maintain the natural and built environment and infrastructure</i> <i>1.1.2 Enhance and maintain the character and heritage of the City."</i>
<b>Sustainability</b>	Nil
<b>Financial/Budget</b>	Nil.

**COMMENTS:**

**Technical Services**

Technical Services does not support the development with the pedestrian access/service corridor on the western side of the lot, where it would be reduced to approximately 1.1 meters for the majority of its length. The reduced width pedestrian accessway would be further obstructed by an encroaching hot water system, plumbing, air conditioner, eaves and carport of the dwelling at the front of the property.

The proposed access leg is the only access to Angove Street for the new residence, and does not provide the level of amenity compliant with the requirements of both the City and Emergency Services. Technical Services requires the access leg to be relocated to the eastern side of the lot, where it can maintain a width of close to 1.5 metres its full length.

**Heritage Council**

The Heritage Council of Western Australia was referred the application as the proposed development abuts the former North Perth Police Station site at No. 81 Angove Street, North Perth. The Heritage Council advised the following "A Conservation Officer has assessed the development referral in the context of the identified heritage significance of the registered place 'North Perth Police Station'. We note that the proposed three storey development is located to the rear of the adjacent lot and is not adversely impacting on the registered place. In light of this we have no objection to the proposed development. Please note that there has been no assessment on the merits or otherwise of the development itself, which is required to be determined by the decision making authority."

**Planning**

The proposed dwelling is a three (3) storey construction; the third level consists of a stairway, enclosed balcony and bedroom. This portion of the dwelling is located mainly towards the rear of the subject lot and is well setback from the principal road frontage. It is considered that whilst the design of the dwelling appears as a three level development, it will not be immediately seen from Angove Street and given its rear location; it is considered its impact will be ameliorated.

Given the above, it is considered the proposed height of the dwelling is more consistent with the requirements of a pitched roof dwelling and given the precedence of other dwellings along the existing right of way in the locality, it is not considered unreasonable. In addition to this variation, the proposed setbacks and overshadowing variations noted are supported. In light of the above, the proposal is supported, subject to appropriate conditions.

**9.4.1 No. 34 (Lot 1) Cheriton Street, Perth – Investigation of Possible Use as a Community Facility**

<b>Ward:</b>	South	<b>Date:</b>	25 November 2011
<b>Precinct:</b>	COP (19)	<b>File Ref:</b>	PRO5055
<b>Attachments:</b>	<a href="#">001</a> – Norwood Neighbourhood Proposal <a href="#">002</a> – Building Inspection Report		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	J. Anthony, Manager Community Development		
<b>Responsible Officer:</b>	R. Boardman, Director Community Services		

**OFFICER RECOMMENDATION:**

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.

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**COUNCIL DECISION ITEM 9.4.1**

**Moved Cr Topelberg, Seconded Cr McGrath**

**That the recommendation be adopted.**

**Debate ensued.**

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

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**PURPOSE OF REPORT:**

To provide the Council with information on the potential usage for No. 34 (Lot 1) Cheriton Street, Perth and gain support for further investigation in order to establish community facilities that may meet the needs of the local community.

**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 Town 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.

#### **DETAILS:**

The City received correspondence, dated 10 November 2011, from the State Land Services Branch at the Department of Regional Development and Lands, as follows:

*"We refer to your letter dated 2 June 2011 to Michael Sutherland MLA regarding the use of the abovementioned property for a community facility. Michael Sutherland MLA has written to the Minister for Lands (Minister) supporting the use of the property for a community facility.*

*Before a decision is made on its future, the Minister has requested that the City of Vincent (City) provide information on its financial capacity to refurbish the building within a two year period to allow it to be used as a community facility.*

*As you are aware the property has no heritage value at State and local government levels and is in a poor condition. Should you require access to the building please contact [withheld for privacy reason] of LandCorp on [withheld for privacy reason].*

*We would appreciate the City's response within two weeks of the date of this letter for that the Minister can be provided with the necessary information to make a decision."*

#### **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 have 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 Inspection**

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

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

A report from the Senior Building Surveyor is attached. The estimated cost to bring the property up to a habitable standard is estimated between \$250,000 and \$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" as shown in Appendix 9.4.1. This group has 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 to provide local handymen and 'at risk'.

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**

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.

### **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 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. 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 as shown in Appendix 9.4.1, the estimated cost for refurbishing the building is between \$250,000 and \$300,000. There are no funds listed in the City's 2011/2012 Budget for this project, as the matter arose after the adoption of the Budget.

**COMMENTS:**

In view of the above information, given that the subject property remains vacant and there is no certainty with rezoning the land to 'Urban' under the Metropolitan Region Scheme, the opportunity to investigate a community use for the subject property and assisting in the refurbishment of the property through a 'live work project' is supported, subject to suitable funds being sourced.

**9.1.5 Nos. 250-252 (Lot 300; D/P: 44848) Oxford Street, corner Bourke Street, Leederville – Proposed Demolition of Existing Civic Building (Police Station) and Construction of Four-Storey Commercial Development comprising Eating House, Offices and Associated Car Park**

<b>Ward:</b>	South	<b>Date:</b>	22 November 2011
<b>Precinct:</b>	Oxford Centre; P04	<b>File Ref:</b>	PRO2918; 5.2011.262.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Development Plans		
<b>Tabled Items</b>	Nil		
<b>Reporting Officer:</b>	D Mrdja, Senior Strategic Planning and Heritage Officer		
<b>Responsible Officer:</b>	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 and the Metropolitan Region Scheme, APPROVES the application submitted by the owner Mainbelle Pty Ltd ATF The Leederville Trust for proposed Demolition of Existing Civic Building (Police Station) and Construction of Four-Storey Commercial Development comprising Eating House, Offices and Associated Car Park, at Nos. 250-252 (Lot 300; D/P: 44848) Oxford Street, corner Bourke Street, Leederville, and as shown on plans stamp-dated 2 November 2011, subject to the following conditions:

**1. Building**

- 1.1 All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioner 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 Oxford Street and Bourke Street;
- 1.2 First obtaining the consent of the owners of No. 248 Oxford Street and No. 19 Bourke 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. 248 Oxford Street and No. 19 Bourke Street, in a good and clean condition;
- 1.3 The doors, windows and adjacent floor areas fronting Oxford Street and Bourke Street shall maintain an active and interactive relationship with this street;
- 1.4 The maximum gross floor area of the offices shall be limited to 4,305 square metres. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied for and obtained from the City;
- 1.5 The maximum public floor area of the eating house shall be limited to 60 square metres. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied for and obtained from the City;
- 1.6 A Demolition Licence shall be obtained from the City prior to commencement of any demolition works on the site;
- 1.7 An archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the City's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence; and

- 1.8 An interpretative plaque or another appropriate form of interpretation that recognises the historic significance of the subject place at Nos. 250-252 (Lot 300; D/P: 44848) Oxford Street, Leederville, shall be installed prior to the first occupation of the approved mixed use development on site. The design and wording of the interpretative plaque or other interpretative medium shall be undertaken in accordance with the City's Heritage Management Policy No. 3.6.4 relating to Interpretive Signage and be submitted to and approved by the City prior to the issue of a Building Licence;

2. Car Parking and Access-ways

- 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
- 2.3 The car parking area shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;

3. Vehicle Entry Gates

The proposed vehicular entry gates to the car parking area shall have a minimum 50 per cent visual permeability and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the commercial tenancies at all times. Details of the management measures shall be submitted to and approved by the City prior to the first occupation of the development;

4. Public Art

The owner(s), or the applicant on behalf of the owner(s), shall comply with the City's Policy No. 3.5.13 relating to Percent for Public Art and the Percent for Public Art Guidelines for Developers, including:

- 4.1 Within twenty – eight (28) days of the issue date of this 'Approval to Commence Development', elect to either obtain approval from the City for an Artist to undertake a Public Art Project (Option 1) or pay the Cash-in-Lieu Percent for Public Art Contribution, of \$110,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$11,000,000); and

- 4.2 In conjunction with the above chosen option;

- 4.2.1 Option 1 –  
prior to the approval and subsequent issue of a Building Licence for the development, obtain approval for the Public Art Project and associated Artist; and

prior to the first occupation of the development, install the approved public art project, and thereafter maintain the art work;  
OR

- 4.2.2 Option 2 –  
prior to the approval and subsequent issue of a Building Licence for the development or prior to the due date specified in the invoice issued by the City for the payment (whichever occurs first), pay the above cash-in-lieu contribution amount;

5. **Signage**

All signage shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted to and approved by the City, prior to the erection of the signage

6. **Street 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 unauthorized pruning; and

7. **PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the City:**

7.1 **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;

7.2 **Landscape and Reticulation Plan**

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

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:

- 7.2.1 the location and type of existing and proposed trees and plants;
- 7.2.2 all vegetation including lawns;
- 7.2.3 areas to be irrigated or reticulated;
- 7.2.4 proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- 7.2.5 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);

7.3 **Schedule of External Finishes**

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

7.4 **Acoustic Report**

An Acoustic Report in accordance with the City's Policy No. 3.5.21 relating to Sound Attenuation shall be prepared and submitted to the City for approval. The recommended measures of the Acoustic Report shall be implemented and certification from an Acoustic Consultant that the measures have been undertaken, prior to the first occupation of the development. The applicant/owners shall submit a further report from an Acoustic Consultant six (6) months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject Acoustic Report;

**7.5 Refuse and Recycling Management Plan**

A bin compound being provided in accordance with the City's Health Services specifications, divided into commercial and residential areas and sized to contain:-

**Commercial Properties:**

- **General Waste: One (1) Mobile Garbage Bin or equal to 240 litres per commercial unit or 200 square metres of floor space, or part thereof (collected weekly); and**
- **Recycle Waste: One (1) Mobile Recycle Bin or equal to 240 litres per commercial unit or 200 square metres of floor space, or part thereof (collected fortnightly).**

**7.6 Security Bond**

In keeping with the City's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land shall be upgraded, by the applicant, to a brick paved standard to the City's specification A refundable footpath upgrading bond of \$26,000 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the City's Technical Services Division. An application to the City for the refund of the upgrading bond must be made in writing;

**7.7 Privacy Screening**

The balcony on the first floor and the windows on the second and third floor on the eastern elevation being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the City receives written consent from the owners of No. 248 Oxford Street, No. 19 Bourke Street and No. 19 Burgess Street, stating no objection to the respective proposed privacy encroachments;

**7.8 Bicycle Parking Facilities**

A minimum of 22 class one or two bicycle parking facilities and 7 class 3 bicycle parking facilities, shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities; and

**7.9 End of Trip Facilities**

- 7.9.1 A minimum of two male showers and two female showers being located in separate change rooms;
- 7.9.2 The change room facilities being secure and capable of being locked; and
- 7.9.3 A minimum of 22 lockers being provided for the development.

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**Moved Cr Topelberg, Seconded Cr McGrath**

**That the recommendation be adopted.**

**Debate ensued.**

Cr Carey departed the Chamber at 7.01pm.

Debate ensued.

Cr Carey returned to the Chamber at 7.04pm.

Debate ensued.

#### **AMENDMENT**

**Moved Cr McGrath, Seconded Cr Buckels**

That a new subclause 7.2.6 be inserted to read as follows:

“7.2.6 a 'green roof' treatment across the area of the first floor balcony on the eastern side of the building, which is to function as landscaped buffer between the adjacent residential area and the commercial building.”

Debate ensued.

#### **AMENDMENT PUT AND CARRIED UNANIMOUSLY (9-0)**

Debate ensued.

#### **MOTION AS AMENDED PUT AND CARRIED (5-4)**

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

#### **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 the owner Mainbelle Pty Ltd ATF The Leederville Trust for proposed Demolition of Existing Civic Building (Police Station) and Construction of Four-Storey Commercial Development comprising Eating House, Offices and Associated Car Park, at Nos. 250-252 (Lot 300; D/P: 44848) Oxford Street, corner Bourke Street, Leederville, and as shown on plans stamp-dated 2 November 2011, subject to the following conditions:

##### **1. Building**

- 1.1 All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioner 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 Oxford Street and Bourke Street;
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- 1.3 The doors, windows and adjacent floor areas fronting Oxford Street and Bourke Street shall maintain an active and interactive relationship with this street;
- 1.4 The maximum gross floor area of the offices shall be limited to 4,305 square metres. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied for and obtained from the City;

- 1.5 The maximum public floor area of the eating house shall be limited to 60 square metres. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied for and obtained from the City;
- 1.6 A Demolition Licence shall be obtained from the City prior to commencement of any demolition works on the site;
- 1.7 An archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the City's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence; and
- 1.8 An interpretative plaque or another appropriate form of interpretation that recognises the historic significance of the subject place at Nos. 250-252 (Lot 300; D/P: 44848) Oxford Street, Leederville, shall be installed prior to the first occupation of the approved mixed use development on site. The design and wording of the interpretative plaque or other interpretative medium shall be undertaken in accordance with the City's Heritage Management Policy No. 3.6.4 relating to Interpretive Signage and be submitted to and approved by the City prior to the issue of a Building Licence;

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- 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
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The owner(s), or the applicant on behalf of the owner(s), shall comply with the City's Policy No. 3.5.13 relating to Percent for Public Art and the Percent for Public Art Guidelines for Developers, including:

- 4.1 Within twenty – eight (28) days of the issue date of this 'Approval to Commence Development', elect to either obtain approval from the City for an Artist to undertake a Public Art Project (Option 1) or pay the Cash-in-Lieu Percent for Public Art Contribution, of \$110,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$11,000,000); and
- 4.2 In conjunction with the above chosen option;
  - 4.2.1 Option 1 –  
prior to the approval and subsequent issue of a Building Licence for the development, obtain approval for the Public Art Project and associated Artist; and  
  
prior to the first occupation of the development, install the approved public art project, and thereafter maintain the art work;  
OR

- 4.2.2 **Option 2 –**  
prior to the approval and subsequent issue of a Building Licence for the development or prior to the due date specified in the invoice issued by the City for the payment (whichever occurs first), pay the above cash-in-lieu contribution amount;

5. **Signage**

All signage shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted to and approved by the City, prior to the erection of the signage

6. **Street 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 unauthorized pruning; and

7. **PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the City:**

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- 7.2.5 separate soft and hard landscaping plans (indicating details of plant species and materials to be used); and
- 7.2.6 a 'green roof' treatment across the area of the first floor balcony on the eastern side of the building, which is to function as landscaped buffer between the adjacent residential area and the commercial building.

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

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

7.3 **Schedule of External Finishes**

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

**7.4 Acoustic Report**

An Acoustic Report in accordance with the City's Policy No. 3.5.21 relating to Sound Attenuation shall be prepared and submitted to the City for approval. The recommended measures of the Acoustic Report shall be implemented and certification from an Acoustic Consultant that the measures have been undertaken, prior to the first occupation of the development. The applicant/owners shall submit a further report from an Acoustic Consultant six (6) months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject Acoustic Report;

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**7.6 Security Bond**

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**7.7 Privacy Screening**

The balcony on the first floor and the windows on the second and third floor on the eastern elevation being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the City receives written consent from the owners of No. 248 Oxford Street, No. 19 Bourke Street and No. 19 Burgess Street, stating no objection to the respective proposed privacy encroachments;

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A minimum of 22 class one or two bicycle parking facilities and 7 class 3 bicycle parking facilities, shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities; and

**7.9 End of Trip Facilities**

- 7.9.1 A minimum of two male showers and two female showers being located in separate change rooms;
- 7.9.2 The change room facilities being secure and capable of being locked; and
- 7.9.3 A minimum of 22 lockers being provided for the development.

<b>Landowner:</b>	Mainbelle Pty Ltd ATF The Leederville Trust
<b>Applicant:</b>	Mainbelle Pty Ltd ATF The Leederville Trust
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial
<b>Existing Land Use:</b>	Civic Building (Police Station)
<b>Use Class:</b>	Office and Eating House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	1825 square metres
<b>Access to Right of Way</b>	Not Applicable

**PURPOSE OF REPORT:**

The subject application requires referral to the Council as the City's Officers do not have the delegation to determine four-storey buildings.

**BACKGROUND:**

27 April 2010 The Council at its Ordinary Meeting conditionally approved an application for the Demolition of the Existing Civic Building (Police Station) and the Construction of a Five-Storey Commercial Building comprising of Shops and Offices and Associated Basement Car Park

**DETAILS:**

The proposal involves the demolition of the existing civic building (police station) and the construction of a four-storey commercial building comprising of an eating house and offices, and associated car park.

The subject application differs from the previous application granted approval on 27 April 2010, in the following ways:

- The number of storeys has reduced from five storeys to four storeys;
- The basement car park has been removed;
- The size of the ground floor shops have been reduced and replaced with an eating house on the corner and an office fronting Oxford Street;
- The amount of office has reduced from 4980 square metres to 4305 square metres;
- The number of car bays has reduced from 106 car bays to 65 car bays;
- The car stacking systems have been removed;
- The air conditioning plants on the office levels have been removed;
- The rear setback has reduced from 6 metres to 4.8 metres; and
- Some external changes to the façade of the building, which results in some minor changes to street setbacks.

**COMPLIANCE:**

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
<b>Street Setbacks:</b>	<i>West (Oxford Street):</i>	
	Ground Floor = Nil	Nil – 3.6 metres
	First Floor = Nil	Nil – 2.3 metres
	Second Floor = Nil	Nil – 2.3 metres
	Third Floor = Nil	Nil – 2.3 metres
	<i>North (Bourke Street):</i>	
	Ground Floor = Nil	Nil – 2 metres
	First Floor = Nil	Nil – 1 metre
	Second Floor = Nil	Nil – 1 metre
	Third Floor = Nil	Nil – 1 metre
<b>Officer Comments:</b>		
Supported. The proposed staggered setbacks offer articulation and interest in the front elevation and are considered architectural features of the building.		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
<b>Building Setbacks:</b>	<i>East:</i>  Ground Floor = 9 metres First Floor = 9 metres  Second Floor = 9 metres Third Floor = 9 metres	Nil Nil to the balcony; 4.8 metres to building 4.8 metres 4.8 metres
<b>Officer Comments:</b>		
Supported. The proposed height of the boundary wall has remained the same from the previous planning approval granted by the Council. In regards to the 4.8 metre setback to the second and third floor, this has reduced from 6 metres due to the location of the supporting piers. The three structural posts are located next to the plant and car bay 1, car bays 3/4 and car bays 6/7. The previous plans that were approved by the Council illustrate these structural posts being set in 6 metres, which continued up the fourth storey. However, the City's Technical Services Officers have now advised that the posts at 6 metres set in, are causing obstructions in terms of visual sightlines when reversing out of these car bays and that 4.8 metres would be appropriate. As these piers are structurally significant, these need to be carried through to the top of the building. The applicant did explore the idea of the posts being exposed (external) and the setback remain at 6 metres, however given that no objections were received from the owner of the neighbouring (rear) property, that option was not considered to be in the best interests of the view of the building to the east.		
<b>Privacy Setbacks:</b>	<i>Balcony to Office:</i>  7.5 metres	4.8 metres
<b>Officer Comments:</b>		
Not supported. A condition is proposed for the balcony to be screened or the consent of the neighbours sought.		
Consultation Submissions		
Item	Comments Received	Officer Comments
Support	Nil.	Noted.
Objection (2)	No comments provided.	Noted.
<b>Advertising</b>	Advertising for a period of 14 days was carried out as per the City's Policy No. 4.1.5 – relating to Community Consultation.	

Car Parking	
Car parking requirement (nearest whole number) <ul style="list-style-type: none"> <li>Eating House – 1 space per 4.5 square metres of public floor area Public Floor Area = 60 square metres (requires 13.33 car bays)</li> <li>Office – 1 space per 50 square metres of gross floor area Gross Floor Area = 4305 square metres (requires 86.1 car bays)</li> </ul> Total car bays required = 99.43 car bays	= 99 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> <li>0.85 (within 800 metres of a rail station)</li> <li>0.85 (within 400 metres of a bus stop)</li> <li>0.90 (provision of end-of-trip facilities)</li> </ul>	(0.65025)
Minus the car parking provided on-site	64.37 car bays
Minus the most recently approved on-site car parking shortfall.	N/A
Resultant surplus	0.63 car bays

Bicycle Parking	
Eating House <ul style="list-style-type: none"> <li>1 space per 100 square metres of public area for employees (class 1 or 2) = 0.6 space</li> <li>2 spaces plus 1 space per 100 square metres of gross area for visitors (class 3) = 2.6 spaces</li> </ul>	

<b>Bicycle Parking</b>	
<p>Office</p> <ul style="list-style-type: none"> <li>• 1 space per 200 square metres of public area (class 1 or 2) = 21.53 spaces</li> <li>• 1 spaces per 750 square metres of gross area over 1000 square metres (class 3) = 4.41 spaces</li> </ul> <p>Total class one or two bicycle spaces = 22.13 spaces = 22 spaces</p> <p>Total class three bicycle spaces = 7.01 spaces = 7 spaces</p>	<p>Class one or two bicycle spaces = 29 racks provided (58 spaces)</p> <p>Class three bicycle spaces = Nil provided (apply condition)</p>

<b>End of Trip Facilities</b>	
<p>2 male and 2 female showers located in separate change rooms.</p>	<p>2 male showers and 2 female showers (apply condition)</p>
<p>Lockers to be provided for every class 1 or 2 bicycle space required (22 lockers required).</p>	<p>12 lockers provided (apply condition)</p>

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

**COMMENTS:**

The application to amend the plans approved by the Council at the Ordinary Meeting held on 27 April 2010 results in a smaller size building with less car parking and an alternative façade. In terms of further variations to the approval granted on 27 April 2010, the decrease in the rear setback is the only further variation. It is noted that the four-storey building height is now compliant with the Oxford Centre Precinct Policy.

Furthermore, it is noted that a planning application for a three-storey with loft, mixed-use development at No. 91 Bourke Street, Leederville, was approved by the Council at its Ordinary Meeting held on 7 December 2010. This approval was largely based on the fact that a five-storey development was approved at Nos. 250-252 Oxford Street, Leederville.

In light of the above, it is recommended the Council approve the application subject to standard and appropriate conditions to address the above matters.

**9.1.6 Further Report – No. 492 (Lots 143 and 144; D/P: 2630) Charles Street, North Perth – Request to Rezone from Residential R60 to Special Use – Service Station**

<b>Ward:</b>	North	<b>Date:</b>	24 November 2011
<b>Precinct:</b>	North Perth; P8	<b>File Ref:</b>	PRO1071
<b>Attachments:</b>	<a href="#">001</a> – Applicant’s Submission		
<b>Tabled Item:</b>	Nil		
<b>Reporting Officer:</b>	D Mrdja, Senior Strategic Planning and Heritage Officer		
<b>Responsible Officer:</b>	T Young, Manager Strategic Planning, Sustainability and Heritage Services		

**FURTHER OFFICER RECOMMENDATION:**

That the Council;

- DOES NOT SUPPORT** the request from Tuscom Subdivision Consultants Pty Ltd to spot rezone the City’s Town Planning Scheme No. 1 from Residential R60 to Special Use – Service Station at No. 492 (Lots 143 and 144; D/P: 2630) Charles Street, North Perth; and
- ADVISES** the Applicant that the City’s Officers will investigate and consider a rezoning of No. 492 (Lots 143 and 144) Charles Street and/or the neighbouring properties, as a part of the current review of the Town Planning Scheme.

Cr Buckels departed the Chamber at 7.21pm.

Moved Cr Topelberg, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Cr Buckels returned to the Chamber at 7.24pm.

Debate ensued.

**AMENDMENT**

Moved Cr Topelberg, Seconded Cr Buckels

That the recommendation be amended to read as follows:

“That the Council;

- ~~DOES NOT SUPPORT~~ **DEFERS** the request from Tuscom Subdivision Consultants Pty Ltd to spot rezone the City’s Town Planning Scheme No. 1 from Residential R60 to Special Use – Service Station at No. 492 (Lots 143 and 144; D/P: 2630) Charles Street, North Perth; and
- ADVISES** the Applicant that the Council ~~City’s Officers will investigate and consider~~ a rezoning of No. 492 (Lots 143 and 144) Charles Street and/or the adjoining neighbouring properties, as a part of the current review of the Town Planning Scheme.”

Debate ensued.

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

**Debate ensued.**

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

**COUNCIL DECISION ITEM 9.1.6**

**That the Council;**

- 1. DEFERS the request from Tuscom Subdivision Consultants Pty Ltd to spot rezone the City's Town Planning Scheme No. 1 from Residential R60 to Special Use – Service Station at No. 492 (Lots 143 and 144; D/P: 2630) Charles Street, North Perth; and**
- 2. ADVISES the Applicant that the Council will consider a rezoning of No. 492 (Lots 143 and 144) Charles Street and/or the adjoining properties, as a part of the current review of the Town Planning Scheme.**

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**FURTHER REPORT:**

The Council at its Ordinary Meeting held on 25 October 2011 resolved to defer the subject application and resolved as follows:

*“That the item be DEFERRED for further consideration.”*

In light of the above reason for deferral, the City's Officers met with the applicant, Tuscom Subdivision Consultants to discuss the possibility of a land use that will not result in a scheme amendment, and if this was non-negotiable, the possibility of re-zoning the land with the gazettal of the City's Town Planning Scheme No. 2, rather than an amendment to the existing Town Planning Scheme No. 1. The applicant has since advised in writing that they wish to propose a vehicle service station only and would like for the City to consider amending the current Scheme, rather than waiting for Town Planning Scheme No. 2.

Furthermore, the City's Officers have considered the proposal and are currently investigating the option of rezoning the subject property, as well as several properties to the north, being Nos. 496-506 Charles Street, North Perth from Residential R60 to Commercial. By providing a Commercial zoning for this group of properties takes into consideration the broader context of the area, together with the existing commercial land uses that currently exist on these properties, and in the longer term will enable various types of commercial uses for these properties, whilst not restricting No. 492 Charles Street to a 'Special Use – Service Station'.

However, the City's Officers recommend that this would be better considered as a part of the current review of the Town Planning Scheme, due to the recent endorsement of the draft Town Planning Scheme No. 2 by the Council at its Ordinary Meeting held on 11 October 2011 and the opportunity for minor amendments to this document prior to being forwarded to the Western Australian Planning Commission to seek consent to advertise. Furthermore, it has been the City's general practice, that such requests received by the City to 'spot rezone' properties, are not supported during the period of a Scheme review.

In light of the above, it is recommended the Council support the Officer's Recommendation to dismiss the request to rezone No. 492 Charles Street, North Perth from Residential R60 to Special Use – Service Station, however support the consideration of a rezoning as a part of the finalisation of the draft Town Planning Scheme No. 2.

The Item 9.1.3 placed before the Council at its Ordinary Meeting held on 25 October 2011 relating to this item is available on the City's website at the following link: [http://www.vincent.wa.gov.au/Your\\_Council/Agenda\\_Minutes](http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes).

**9.1.9 Amendment No. 84 to Planning and Building Policies – Policy No. 3.5.1 Relating to Minor Nature Development – Finalisation Report**

<b>Ward:</b>	Both	<b>Date:</b>	21 November 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	PLA0165
<b>Attachments:</b>	<a href="#">001</a> – Draft Amended Policy No. 3.5.1 relating to Minor Nature Development <a href="#">002</a> – Summary of Submissions		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	E Lebbos, Strategic Planning Officer		
<b>Responsible Officer:</b>	T Young, Manager Strategic Planning, Sustainability and Heritage Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **ADOPTS** the final amended version of Draft Amended Policy No. 3.5.1, relating to Minor Nature Development, as shown in Appendix 9.1.9, in accordance with Clause 47(5)(b) of the City’s Town Planning Scheme No. 1, and with regard to the five (5) written submissions received during the formal advertising, as shown in Appendix 9.1.9; and
2. **AUTHORISES** the Chief Executive Officer to advertise the final amended version of Draft Amended Policy No. 3.5.1, relating to Minor Nature Development, as shown in Appendix 9.1.9, in accordance with Clause 47(6) of the City’s Town Planning Scheme No. 1.

Moved Cr Maier, Seconded Cr Buckels

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

“That clause 1 be amended to insert subclauses 1.1 and 1.2, to read as follows:

That the Council;

1. **ADOPTS** the final amended version of Draft Amended Policy No. 3.5.1, relating to Minor Nature Development, as shown in Appendix 9.1.9, in accordance with Clause 47(5)(b) of the City’s Town Planning Scheme No. 1, and with regard to the five (5) written submissions received during the formal advertising, as shown in Appendix 9.1.9, subject to the Policy being further amended as follows; and
  - 1.1 **Clause 1** be amended to read as follows;
    - “(a) Development of a minor nature, which in the opinion of the City of Vincent, is does not require planning approval and is generally characterised as: ...”; and
  - 1.2 **Clause 2 (iv)** be amended to read as follows;
    - “(a) single storey pergolas, porches, roofs, patios, verandahs, garages, carports, outbuildings and external fixtures (such as those items attached to buildings as identified in ~~3.40~~ 6.10 Element 10 – Incidental Development of the Residential Design Codes) appurtenant, to a single house, grouped dwelling, multiple dwelling, that fully comply with the acceptable development provisions of the residential Design Codes and the City of Vincent Policies; ...”; and ”

Debate ensued.

**AMENDMENT**

**Moved Cr Maier, Seconded Cr Buckels**

That a new subclause 1.3 be inserted as follows:

“1.3 Clause 2 (xiv) be amended to read as follows;

“xiv) Water Tanks, provided that:

- a) the aggregated capacity is less than 2 cubic metres if located within the primary street setback area; and they are not located within any primary street setback area;
- b) ~~they are located no less than 1.0 metre from the side boundary of any secondary street setback; and~~
- c) b) no part is more than 1800 millimetres 2 metres above the surrounding ground level.”; and”

Debate ensued.

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

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

**COUNCIL DECISION ITEM 9.1.9**

That the Council;

1. **ADOPTS** the final amended version of Draft Amended Policy No. 3.5.1, relating to Minor Nature Development, as shown in Appendix 9.1.9, in accordance with Clause 47(5)(b) of the City’s Town Planning Scheme No. 1, and with regard to the five (5) written submissions received during the formal advertising, as shown in Appendix 9.1.9, subject to the Policy being further amended as follows:

1.1 Clause 1 be amended to read as follows:

“(a) Development of a minor nature does not require planning approval and is generally characterised as: ...”;

1.2 Clause 2 (iv) be amended to read as follows:

“(a) single storey pergolas, porches, roofs, patios, verandahs, garages, carports, outbuildings and external fixtures (such as those items attached to buildings as identified in 6.10 Element 10 – Incidental Development of the Residential Design Codes) appurtenant, to a single house, grouped dwelling, multiple dwelling, that fully comply with the acceptable development provisions of the residential Design Codes and the City of Vincent Policies; ...”; and

1.3 Clause 2 (xiv) be amended to read as follows;

“xiv) Water Tanks, provided that:

- a) the aggregated capacity is less than 2 cubic metres if located within the primary street setback area; and
- b) no part is more than 2 metres above the surrounding ground level.”; and

2. **AUTHORISES** the Chief Executive Officer to advertise the final amended version of Draft Amended Policy No. 3.5.1, relating to Minor Nature Development, as shown in Appendix 9.1.9, in accordance with Clause 47 (6) of the City’s Town Planning Scheme No. 1.

**PURPOSE OF REPORT:**

The purpose of this report is to provide the Council with an overview of the outcomes of the formal advertising period for Draft Amended Policy No. 3.5.1, relating to Minor Nature Development, to present to the Council the final amended version of Draft Amended Policy No. 3.5.1, and to seek final adoption of the Draft Amended Policy.

**BACKGROUND:**

27 September 2011      The Council considered a report relating to Draft Amended Policy No. 3.5.1, relating to Minor Nature Development, and resolved to authorise the Draft Amended Policy to be advertised for public comment, in accordance with Clause 47 of the City of Vincent's Town Planning Scheme No. 1.

18 October 2011      The public consultation period commenced for Draft Amended Policy No. 3.5.1, relating to Minor Nature Development.

15 November 2011      The public consultation period closed for Draft Amended Policy No. 3.5.1, relating to Minor Nature Development.

**DETAILS:**

In applying Policy No. 3.5.1, relating to Minor Nature Development, the City's Statutory Planning Officers identified certain discrepancies with its implementation, and requested that the Policy be amended so as to provide greater clarity to applicants in regards to the circumstances whereby developments of a minor nature are exempt from the need to obtain planning approval.

Following extensive liaison with the Statutory Planning Section, a number of amendments were proposed for the subject Policy No. 3.5.1, relating to Minor Nature Development, and included the following:

- Amending clause 2 (iv) relating to single storey developments, to include roofs as part of this clause. It was considered appropriate to address the erection of roofs on single storey developments, as this is similar in nature to all the other structures addressed in this clause;
- Amending clause 2 (vi) relating to sun-shade sails and the like, by amending sub-clause (a) to state that these structures are considered minor nature development so long as they 'are not located within any primary street setback area'. Because it is considered appropriate for sun-shade structures and the like to be located within secondary street setback areas, clause 2 (vi) was amended to only restrict the erection of these structures within primary street setback areas.

Furthermore, this clause was amended by deleting sub-clause (b), relating to storm water discharge, because this is a standard Technical Services provision and it was therefore considered unnecessary to make additional reference to this matter in the subject Policy.

Finally, for ease of implementation, this clause was amended by deleting sub-clause (c), relating to the timeframe for when sun-shade sails and the like are to be erected, because it is difficult to enforce and monitor the erection and removal of sun-shade sails throughout the year;

- Amending clause 2 (vii) as follows: '*garage sales, fairs, fetes, circus, and charity good sales and the like*'. The City has received numerous queries regarding whether development approval is required for bingo games, card games, and the like. By amending this clause to include 'and the like', this addresses all of these types of activities;

- Amending clause 2 (xvi) as follows: *‘temporary offices and sheds (including containers) used by builders or contractors directly associated with the building works occurring on site for the duration of completing those building works and operations. Containers are not allowed in any other instance’*. The City has frequently received queries relating to the capacity in which containers are permitted to be utilised. Therefore, by amending this clause as depicted via underline, this eradicates any ambiguity regarding this matter; and
- Inserting a new clause relating to water tanks. Currently, none of the City’s Planning and Building Policies address the matter of water tanks. Therefore, it is anticipated that by outlining the circumstances whereby water tanks are considered as minor nature development, this will reduce the amount of queries the City has been receiving in relation to the circumstances that development approval is required for water tanks.

Following the Council’s resolution at its Ordinary Meeting held on 27 September 2011 to advertise the Draft Amended Policy No. 3.5.1 for public comment, reflecting the above amendments, the subject Policy has been advertised as required by Clause 47 of the City’s Town Planning Scheme No. 1, commencing on 18 October 2011 and closing on 15 November 2011. Following the completion of the advertising period, the Draft Amended Policy was further considered in light of the submissions received.

In light of these comments, it is noted that the only modification required relates to the header of the Draft Amended Policy No. 3.5.1, whereby reference to the ‘Town of Vincent’ has been amended to reflect its new designation as ‘City of Vincent’, as of 1 July 2011.

The amendment is outlined in Appendix 9.1.9, and has been depicted via strikethrough and underline.

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

The Draft Appendix was advertised for a period of 28 days, in accordance with Clause 47 of the City of Vincent’s Town Planning Scheme No. 1. The formal advertising period commenced on 18 October 2011 and closed on 15 November 2011.

In total, five (5) submissions were received as follows:

- two (2) – stated neither objection nor support;
- two (2) – stated no objection; and
- one (1) – stated support.

A summary of the comments received are shown in Appendix 9.1.9.

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

Town Planning Scheme No. 1 and associated Policies.

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

Not applicable.

#### **STRATEGIC IMPLICATIONS:**

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

*“Improve and Maintain the Environment and Infrastructure:*

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

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The current 2011/2012 Budget allocates \$40,000 to Town Planning Scheme Amendments and Policies.

**COMMENTS:**

By amending the Draft Amended Policy No. 3.5.1, relating to Minor Nature Development, this will result in a comprehensive and transparent Policy that will ensure an equitable framework is in place to guide the circumstances whereby development of a minor nature is exempt from the need to obtain planning approval, in accordance with Clause 33(d) of the City of Vincent's Town Planning Scheme No. 1.

In light of the above justification and the submissions received, it is recommended that the Council receives and adopts the final version of the Draft Amended Policy No. 3.5.1, in accordance with the Officer Recommendation.

**9.1.10 Review of Trees of Significance Inventory – Endorsement of Project Brief**

<b>Ward:</b>	All	<b>Date:</b>	22 November 2011
<b>Precinct:</b>	Both	<b>File Ref:</b>	PRO0092
<b>Attachments:</b>	<a href="#">001</a> – Draft Project Brief		
<b>Reporting Officer:</b>	A Fox, Strategic Planning Officer		
<b>Responsible Officer:</b>	T Young, Manager Strategic Planning, Sustainability and Heritage Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **ENDORSES** the Project Brief for the City’s review of the *Trees of Significance Inventory*, as shown in Appendix 9.1.10; and
2. **AUTHORISES** the Chief Executive Officer to advertise for a suitably qualified Arborist to undertake a review of the *Trees of Significance Inventory* in accordance with the Project Brief, as shown in Appendix 9.1.10.

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**COUNCIL DECISION ITEM 9.1.10**

**Moved Cr McGrath, Seconded Cr Buckels**

That the recommendation be adopted.

Debate ensued.

**AMENDMENT**

**Moved Cr Maier, Seconded Cr McGrath**

That clause 1 be amended to read as follows:

- “1. **ENDORSES** the Project Brief for the City’s review of the *Trees of Significance Inventory*, as shown in Appendix 9.1.10, subject to the Project Brief being further amended as follows; and
- 1.1 **Clause 4(iv) be amended to read as follows:**  
“(iv) To identify and examine trees in areas acquired by the City as a result of boundary changes in July 2007 and make recommendations for their suitability for inclusion on the Trees of Significance Inventory;” ...; and
  - 1.2 **Clauses 4(x) and 4(xi) be deleted.”**

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

Debate ensued.

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

**For:** Cr McGrath, Cr Maier, Cr Wilcox

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

**Reason:**

1. **The Council does not support the spending of \$30,000 for a consultant.**
2. **The Council wants the opportunity to review how the spending of \$30,000 can achieve a better outcome.**

**PURPOSE OF REPORT:**

The purpose of this report is to seek the Council's endorsement of the Project Brief to engage a qualified Arborist for the review of the City's *Trees of Significance Inventory*.

The Project Brief is shown in Appendix 9.1.10.

**BACKGROUND:**

- 6 May 1997 TPG Landscape Architecture was engaged by the City to undertake the compilation of a *Trees of Significance Inventory*. The project resulted in the Council adopting the *Trees of Significance Inventory* which included 25 listings (some listings included groups of trees). At this stage these trees were not protected by the City's Town Planning Scheme No. 1.
- January 1999 The City engaged tertiary students to undertake various surveys including a survey of significant trees within the City.
- The survey resulted in 775 trees being identified for possible inclusion in the City's *Trees of Significance Inventory*.
- The City's Parks and Property Services subsequently reviewed the list which resulted in three (3) tiers of significance:
- List 1: The *Trees of Significance Inventory* (STI) containing the original 25 listings as determined by the Council in 1997.
- List 2: The *Interim Significant Tree Database – Possible Inventory Inclusion* containing 302 listings.
- List 3: The *Interim Significant Tree Database – Reference* containing 473 listings.
- 14 June 1999 The Council at its Ordinary Meeting considered and received List 2 (*Interim Significant Tree Database – Possible Inventory Inclusion*) and List 3 (*Interim Significant Tree Database – Reference*). No formal status or protection was provided for these trees by the Council.
- 27 March 2001 The Council at its Ordinary Meeting held on 27 March 2001 adopted the City's Planning and Building Policy Manual which included Policy 3.6.3 relating to Trees of Significance.
- March 2003 The City engaged the services of Arborist Mr Charles Aldous-Ball to review the status of trees on the City's *Trees of Significance Inventory* (List 1), as well as the *Interim Significant Tree databases* (List 2 and 3).
- 24 April 2003 In order to protect the trees listed on the *Trees of Significance Inventory* an Amendment to the City's Town Planning Scheme (TPS) No. 1 was gazetted, resulting in the following Clause 21:
- "The removal, destruction of and/or interference with any tree(s) listed on the Town of Vincent Trees of Significance Inventory contravenes the Scheme unless Planning approval has been obtained from the Council."*
- At this time Clause 21 of TPS No. 1 protects trees on List 1 only.
- August 2003 Charles Aldous-Ball completed the review of the *Trees of Significance Inventory* which resulted in a recommendation for Council to adopt two (2) data base lists, being; a revised *Trees of Significance Inventory* and an *Amenity Trees of Significance Inventory*. This recommendation was never formally considered by the Council.

**DETAILS:**

**1. Review of the City's Significant Trees**

The review of trees within the City undertaken by the tertiary students in 1999 resulted in 775 sites being identified for further review. Following this, in 2003 arborist Charles Aldous-Ball assessed all 775 sites. Charles Aldous-Ball's recommendations relating to the *Trees of Significance Inventory* (List 1), *Interim Significant Tree Data Base - Possible Inventory Inclusion* (List 2) and *Interim Significant Tree Data Base - Reference* (List 3) are summarised in the following table:

Arborist Assessment and Recommendation	
Existing Lists	Consultant Recommendation (2003)
Existing Trees of Significance (List 1):  25 Sites	A new Trees of Significance (List 1):  116 Sites <i>(Includes trees from exiting list 1 and 2)</i>
Existing Interim Significant Tree Database – Possible Inventory Inclusion (List 2):  299 Sites	Amenity Trees of Significance (List 2):  181 Sites <i>(Includes tress from existing List 2)</i>
Existing Interim Significant Tree Database – Reference (List 3):  466 Sites	Recommendation - No List 3

It is noted that the trees listed on the current List 3 (*Interim Significant Tree Database – Reference*) did not meet the Arborist's criteria of significance, and were not recommended for inclusion onto either of the Arborist above two lists.

Despite thorough review of all three existing lists in 2003 resulting in the above recommendation by the Arborist, for various reasons the proposed new *Trees of Significance Inventory* and *Amenity Trees of Significance Inventory* were not considered or adopted by the Council.

Considerable time has passed since the lists were originally compiled and the status of these lists requires reviewing. Additionally, since this time, the City has increased in size with a portion of the City of Stirling and the City of Perth area falling into the City's jurisdiction on 1 July 2007. As a result, trees in these new areas have not been assessed for significance and possible inventory inclusion.

In light of this, the City requires that identified trees within the City are assessed by a qualified Arborist against specific criteria; and recommendations made to their suitability for inclusion on the City's *Trees of Significance Inventory*.

Stage 1 – In-house review of trees by City Officers

In order to undertake the project of reviewing the significant trees in the most cost effective way, the City's Officers have undertaken a preliminary assessment of the trees identified by the Arborist Charles Aldous-Ball (as identified as new List 1 and 2 in column 2 of the above table).

The City's Officers have reviewed the trees in accordance with criteria that were used by the Arborist in 2003, to determine their status.

This has resulted in a comprehensive list of 255 sites with significant trees that will require further assessment by a consultant Arborist.

Stage 2 – Review of trees by qualified Arborist

The City will engage the services of a qualified Arborist to undertake a thorough review of the 255 identified sites and the areas of the City acquired in 2007, in accordance with the project brief as Shown in Appendix 9.1.10.

**2. Aim of the Trees of Significance Inventory**

The aim of the *Trees of Significance Inventory* is to identify and recognise the importance of trees in the City's changing urban landscape. The *Trees of Significance Inventory* will help guide the management of listed trees and ensure their continued protection for the benefit of the community and for future generations.

The *Trees of Significance Inventory* will have the following benefits to the City:

- (i) It will identify significant trees within the City on both private and public lands and enable their protection under the City's Town Planning Scheme No. 1 and proposed Town Planning Scheme No. 2;
- (ii) It will contain a detailed database for each listed tree or group of trees with recommendations for their protection and future management;
- (iii) Ensure existing and, importantly, prospective land owners, are made aware of the significant trees which may be located on their property and their responsibilities associated with the listed tree/s;
- (iv) Information gathered regarding trees entered on the *Trees of Significance Inventory* will be used by the City to promote community awareness and ensure better methods of protection, care and management of the City's significant trees in the future;
- (v) The *Trees of Significance Inventory* along with its standardised assessment criteria will provide a consistent and analytical approach to provide a valuable reference document for other interested parties, particularly if made available on a public database; and
- (vi) Allow for the protection of trees listed on the *Trees of Significance Inventory* requiring planning approval from the Council and accordance with Clause 21 of the City's Town Planning Scheme No. 1

**3. Scope of the Project**

The broad objectives in reviewing the Trees of Significance are:

- (i) Develop a methodology to inform a whole scale comprehensive and thorough review of trees identified as having significance within the City against a set of criteria;
- (ii) To develop a set of assessment criteria, to ensure a transparent and consistent approach for the identification of trees worthy and capable of retention;
- (iii) To examine and review the general condition of the trees identified by the City's Officers and make recommendations for their inclusion on the revised *Trees of Significance Inventory* based on the assessment criteria;
- (iv) To identify and examine trees acquired by the City as a result of local government boundary changes in July 2007 and make recommendations for their suitability for inclusion on the *Trees of Significance Inventory*;
- (v) To provide a comprehensive documented assessment of the trees that meet the established criteria in order for the City to establish a revised *Trees of Significance Inventory*;

- (vi) Investigate mechanisms and make recommendations for incentives that the City could provide to the owners of property containing a tree listed on the *Trees of Significance Inventory*;
- (vii) To recommend appropriate measures of retaining significant tree(s) throughout the City of Vincent that satisfies the objectives and intentions of the City of Vincent City Planning Scheme No. 1 and Policies, and the scope, objectives, strategies and action plans of the City's *Strategic Plan 2011 – 2016*; and
- (viii) Develop a set of guidance notes to educate the community on how to care for trees generally, and when they are undertaking development to ensure their longevity.

#### **4. Indicative Cost**

The City contacted six (6) qualified Arborists to gauge their level of interest in the project and asked them to provide an indicative costing based on the proposed project scope and objectives. Costs varied from \$6,000 - \$200,000 with the majority being in the \$20,000 - \$30,000 range.

Based on the above, an indicative amount for an Arborist consultant to undertake a review of the *Trees of Significance Inventory* in line with the project brief would be \$20,000 - \$30,000.

#### **5. Ongoing Management of Significant Trees**

In conjunction with the review of the *Significant Tree Inventory* there are a number of steps that need to be taken in relation to the City's significant trees to ensure procedure in the City remains appropriate to tree management. The following actions will be undertaken as part of the ongoing management of significant trees:

- (i) Undertake a review of the City's significant trees (in accordance with the Project Brief as shown in Appendix 9.1.10 and produce a revised *Trees of Significance Inventory*;
- (ii) Undertake a review of the city's Policy No. 3.6.3 relating to Trees of Significance;
- (iii) Produce guidelines to educate the community on the management of significant trees and trees generally within the City;
- (iv) Investigate potential incentives for owners of significant trees to ensure correct management and longevity of listed trees; and
- (v) Update the *Trees of Significance Inventory* on the City's online database and GIS mapping system.

The City's Officers consider that the first step in addressing the City's approach to managing significant trees is to undertake a thorough review of the current *Trees of Significance Inventory* to create a register that is up to date. As it stands there are only 25 listings on the current *Trees of Significance Inventory*, however the City's Officers believe that there are considerably more trees that would meet the criteria for significance and subsequent protection.

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

Individual requests for quote for the review of the *Trees of Significance* in accordance with the project brief will be sent to recognised Arborists in the Perth metropolitan area, following which the preferred candidate will be selected.

Following assessment by the selected consultant Arborist, the draft *Trees of Significance Inventory* will involve consultation with the community prior to a revised list being endorsed by the Council.

The City will undertake the following consultation:

- (a) advertise a summary of the notification four times in a newspaper circulating the locality;
- (b) notification placed on the City's website for a period of four weeks; and
- (c) written notification to owners and occupiers of affected properties.

**LEGAL/POLICY:**

Town Planning Scheme No. 1 and associated policies.

**RISK MANAGEMENT IMPLICATIONS:**

Nil.

**STRATEGIC IMPLICATIONS:**

The *Trees of Significance Inventory* is one means for recognising the importance of trees in the City's urban landscape and provides a mechanism for protecting significant trees under the Town Planning Scheme No. 1.

The City's *Strategic Plan 2011-2016* – Objective 1.1 states:

*"Natural and Built Environment*

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."*

**SUSTAINABILITY IMPLICATIONS:**

Trees emit oxygen, provide shade, reduce the dangers of ultraviolet radiation, cool the air, insulate against cold or hot winds and reduce glare. In addition, trees may provide habitats for indigenous wildlife, filter atmospheric impurities, capture carbon emissions, reduce stormwater run-off, reduce erosion and contribute significantly to the general quality of urban living.

Protection of trees within the City will provide significant environmental, health, social and aesthetic value to the City.

**FINANCIAL/BUDGET IMPLICATIONS:**

It is expected that an amount of \$30,000 will be required for a consultant(s) to carry out the review of the City's *Trees of Significance Inventory*. \$30,000 has been allocated in the 2011/2012 Budget.

**COMMENTS:**

It is recommended that the Council endorses the Project Brief as shown in Appendix 9.1.10 for the review of the *Trees of Significance Inventory* and authorises the Chief Executive Officer to advertise for a suitably qualified Arborist to proceed with the project in accordance with the Project Brief.

**9.2.1 Underground Power in the City of Vincent – Progress Report No. 1**

<b>Ward:</b>	Both	<b>Date:</b>	25 November 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	TES0313
<b>Attachments:</b>	<a href="#">001</a> – Future Under Ground Power Area Plans		
<b>Tabled Items:</b>	-		
<b>Reporting Officers:</b>	R Lotznicker, Director Technical Services; M Rootsey, Director Corporate Services; C Wilson, Manager Asset and Design		
<b>Responsible Officers:</b>	R Lotznicker, Director Technical Services; M Rootsey, Director Corporate Services		

**OFFICER RECOMMENDATION:**

That the Council;

- RECEIVES** progress Report No. 1 Underground Power in the City of Vincent; and
- FURTHER** considers the matter once the outcomes of the State Underground Power review, expected to be released by April 2012, is received.

**COUNCIL DECISION ITEM 9.2.1**

**Moved Cr Buckels, Seconded Cr Wilcox**

That the recommendation be adopted.

Debate ensued.

Cr Carey departed the Chamber at 8.10pm.

Debate ensued.

Cr Carey returned to the Chamber at 8.12pm.

Debate ensued.

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

**PURPOSE OF REPORT:**

The purpose of this report is provide information as requested by the Council, on a possible locally funded roll out of underground power in the City.

**BACKGROUND:**

At its Ordinary meeting held on 8 November the Council considered a further report on the outcome of the Expressions of Interest for Round Five (5) Major Residential Projects on the State Underground Power Program and the following information regarding future funding options for the Undergrounding of Power in the City;

- Options for recovering the costs;
- The impact on pensioners of different cost recovery mechanisms;
- The possibility of funding a component of the cost from the projected income from the sale of land at Tamala Park;
- Issues of equity for property owners in the Highgate East SUPP area who have made a contribution to the cost without subsidy from the City;
- Other possible funding models and sources of funds that may be suitable.

After considering the report to Council made the following decision:

*“That the Council;*

1. *RECEIVES the progress report on the State Underground Power Program Outcome of Expressions of Interest for Round Five (5) Major Residential Project; and*
2. *NOTES the:*
  - 2.1 *City was unsuccessful with its submission for Round Five (5) Major Residential Project – State Underground Power Program and the reasons provided in the de-briefing session; and*
  - 2.2 *findings of the Economic Regulation Authority Inquiry into the State Underground Power Program; and*
3. *REQUESTS the Chief Executive Officer to provide:*
  - 3.1 *a report to the Ordinary Meeting of Council to be held on 6 December 2011 detailing a locally funded roll out of underground power; and*
  - 3.2 *further quarterly progress reports on the State Underground Power Program.”*

**DETAILS:**

**The Power Supply Network/Street Lighting:**

It is important to note that the Power Distribution Network is a State Government asset and it is not a Local Government asset. The care, control and management of this asset is the sole responsibility of Western Power Corporation and not the Local Government.

Western Power maintains the network and undertakes capital improvements as required. Local Government pays for the annual running costs of street lighting and for additional lighting or increasing the wattage of one or more street lights. All other costs associated with providing this service is funded by Western Power Corporation i.e. globe replacement, pole replacements, network upgrades etc.

The only other time Local Government is required to fund works related to the power network is as follows:

- A capital works that requires modifications to power poles e.g. a road widening;
- A streetscape enhancement project where the Council wish to provide decorative street lighting and underground the power.

**Policy No: 2.2.2 - Undergrounding of Power:**

This policy adopted on 27 May 2008 established guidelines for *‘future opportunities for small and large scale underground power projects and initiatives within the City’* including the undergrounding of power *‘in all major City streetscape upgrade projects and undergrounding power requirements for private developments’*.

The policy recognises the benefits of the undergrounding of power supplies and has a long term objective to achieve this as soon as practicable, within the City’s available financial resources.

The policy applies to the following:

- all future rounds of the State Underground Power Program (SUPP) administered by the State Government where the City will submit Expressions of Interest (EOI) for Major Residential projects one of approximately 1250 lots and the other of approximately 800 lots as shown on attached Plans No. 99070-A1 and 99070-A2;
- Expressions of Interest, where deemed appropriate, for Localised Enhancement Projects (LEPs) as approved by the Council;
- the requirement to provide underground power in all major City streetscape upgrade projects estimated to cost \$500,000 or more, subject to appropriate funding being available; and
- the undergrounding of the power supply, at the developers expense for large scale developments comprising two or more storeys in or abutting City/District centre precincts or for large scale developments comprising three or more storey's in all other parts of the City.

Funding:

The Policy indicates that the funding model for all future SUPP projects will be based on a '50% State Government and Western Power contribution, with the City's 50% contribution to be recouped from property owners in the project area'. The policy further outlines payment options, pensioner repayment options etc.

**City's Previous State Underground Power Program Participation:**

As previously reported to the Council at its Ordinary Meeting held on 8 November 2011, the City has previously been involved in three (3) SUPP Projects:

- Highgate East (Round 3) Major Residential Project (MRP);
- Mary Street, Highgate (Round 2) Localised Enhancement Project (LEP); and
- Walcott Street, Mt Lawley/Coolbinia/Menora LEP (currently in progress fully funded by Western Power)

For Round 5 of the SUPP, as per the Council Policy (No 2.2.2) the City submitted the following twelve (12) projects for consideration

1. Mount Hawthorn West – Area 1
2. Mount Hawthorn North - Area 2
3. Mount Hawthorn East - Area 3
4. Mount Hawthorn South – Area 4
5. Leederville/North Perth – Area 5
6. North Perth – Area 6
7. North Perth – Area 7
8. North Perth – Area 8
9. Mount Lawley/Highgate – Area 9
10. Perth/Northbridge – Area 10
11. Leederville/West Perth – Area 11
12. Leederville/North Perth – Area 12

The City was unsuccessful in being chosen to proceed to the next round as Office of Energy (OoE) advised that *'the power supply infrastructure and reliability in Vincent was of a standard that did not warrant undergrounding at this time'*.

### **Previous undergrounding of Power – Streetscape Upgrades/Developments**

As per the Council Policy a number of streetscape projects undertaken over the years included the undergrounding of overhead powerlines as follows:

- Scarborough Beach Road, Mount Hawthorn: Upgraded underground power network and decorative street lighting;
- Fitzgerald Street, North Perth - Raglan to Burt Street: partial undergrounding of power with decorative street lighting;
- Angove Street, North Perth - Daphne to Fitzgerald Street: partial undergrounding of power with decorative street lighting; and
- William Street, Perth - Brisbane to William Street: undergrounding of power with decorative street lighting.

In addition a number of major developments required that the power be undergrounded as follows:

- The Malting's development and Allied Industries Developments resulted in the power being undergrounded in Palmerston Street between Stuart Street and Newcastle Street;
- The Browns Dairy Development which resulted in the power being undergrounded in Albert Street, Kadina Street, Macedonia Place and Tay Place in North Perth; and
- Plunket Mews Development in Highgate (undertaken when the area was administered by the former Perth City Council).

Also the land that was ceded to Vincent from the City of Perth in the recent Local Government Boundary review had predominantly underground power i.e. Claisebrook North and the land between Parry and Newcastle Street.

Finally as a condition of planning approval (*in accordance with policy 2.2.2*) numerous small sections of underground power have been implemented throughout the City as a result of development activity.

### **Does the 'current' State Underground Power Program have a future?**

As previously mentioned in the report presented to the Council in November 2011, the Minister for Energy released the Terms of Reference for a review of the SUPP to look at whether the State Underground Power Program should continue, and if the Program is to continue, what form it would take including the respective costs and benefits. The final report is expected to be presented to the Minister before the end of 2011 and released to be public by April 2012.

#### Energy Forum:

The Western Australian Local Government Association (WALGA) in conjunction with the Office of Energy held a forum for Local Government officers on the *Future of SUPP* on 23 November 2011 and which the Manager Asset and Design Services attended.

The purpose of the forum was to gain feedback from the Local Government on the success and failures of the current SUPP process before finalising the aforementioned report.

Approximately twenty four (24) Local Government Officers attended from across the Metropolitan area

Terms of Reference - Review of the State Underground Power Program:

The following Terms of Reference have been developed for the review:

*"The Office of Energy is to undertake a review of the State Underground Power Program and provide advice to the Minister for Energy as to:*

- *Whether the State Underground Power Program should continue;*
- *Should the Program continue, the options as to what form it would take; and*
- *The respective costs and benefits of the options.*

*In particular, the Office of Energy shall have regard to and provide advice on the following:*

- *Conclusions and issues reported by the Economic Regulation Authority, in its independent inquiry into the overall costs and benefits of the Program;*
- *Possible alternative approaches and options, and their respective costs and benefits;*
- *Future exposure of the overhead distribution system to extreme weather events, and priorities for undergrounding within the context of energy security and reliability, particularly with respect to the whole of the state, on a regional basis, and the Perth metropolitan area;*
- *Network reliability of the overhead distribution system;*
- *Strategic network priorities with respect to underground power;*
- *The alignment between policy objectives of underground power and options for the Program, particularly relating to energy security, reliability, the role of distribution feeders, and broader community and private benefits;*
- *The options for underground power in areas of difficult geomorphology such as the Perth Hills region;*
- *Equity and affordability related to provision of underground power;*
- *Underground power project development, delivery methodology and local industry capacity;*
- *Any other issues that emerge during the review that are deemed appropriate to consider as part of the review.*

Officer Comments:

*The discussion at the forum was at times 'robust' as many in attendance were still of the view that as it is Western Power's infrastructure they should be bearing the cost of undergrounding it. However OoE emphasised that whatever the outcome of the review Western Power being wholly responsible for the cost of undergrounding power was not a viable option and would not be put forward to the Minister.*

Statistics:

Some of the interesting statistics revealed during the discussion included:

- There are approximately 380,000 properties within the metropolitan area yet to be provided with underground power;
- At the current rate it will take another 100 years;
- The current average cost of the program is in the order of \$9,400 per lot;
- The total cost, in today's dollar terms, to underground the whole of the Perth metropolitan area would be in the order of \$3.5 billion;
- Western Power's reliability rating is a measure cumulative time (in minutes) of outages in an area not the frequency of outages;
- Timber poles have a life span of about twenty (20) years and that total replacement cost is in the order of \$700 million; and
- The estimate mean value of underground power to ratepayers, as measured in increased house prices is \$9,962 (as determined by Economic Regulation Authority).

Issues:

Some of the issues raised by Local Governments included the following:

- If Western Power already knows which areas they want to underground as a priority why not share that information so Local Governments do not waste time preparing submissions for areas that are unlikely to be successful;
- If, in the OoE own words, many of the leafy suburbs have now been done with either a 70% (in the original pilot project areas) or 50% State contribution (as per SUPP Rounds 2 to 5) in the past, how does one convince residents that a likely State contribution of 30% (as suggested by the Economic Regulation Authority\*) is a good deal, and if the current cost per lot is about \$9,400 the residents would potentially contribute in the order of \$6,600 (more than double what the residents of the Highgate East Project paid even allowing for CPI); and
- While not strictly related to the topic (but a significant issue for many in attendance), why can Western Power replace poles in the same position but when a Local Government wants poles moved it has to be in accordance with current road safety standards and in many instances has to be undergrounded at the full cost to Council. Further, new poles should be frangible whereas Western Power merely put back timber poles in the same position?

Note:\* On the basis the program primarily delivers higher property values of which the property owner is the main beneficiary.

Officer Comments:

*The OoE intends on releasing a summary of the comments and recommendations that come out of the forum in due course, but interestingly only to those Local Governments who attended. The resultant document will be included, if available, in the next progress report to the Council.*

**Options for rolling out underground power in the City:**

Given that the Office of Energy has previously advised that *'the power supply infrastructure and reliability in Vincent was of a standard that did not warrant undergrounding at this time'*, depending on the outcome/recommendations of the review of the SUPP, it is unlikely that the City will be considered for SUPP projects in the short to medium term.

Note: This is speculation at this stage as this will not be known for certain until the Review of the State Underground Power Program has been completed.

As mentioned above the current estimated cost to underground power is approximately \$9,400 per lot. This cost includes the cost to upgrade the 'network' and the property 'connection cost' i.e. the link from the network to the property.

The City of Vincent has approx 10,000 lots which still do not have underground power. The estimated total cost to underground the remaining overhead power in the City will cost in the order of \$94m i.e. 10,000 lots at \$9,400 per lot.

Splitting the City up into a number of Areas:

In accordance with the Council's previous direction the City was split into twelve (12) separate areas (as mentioned above) and submitted to the Office of Energy (OoE) for the various SUPP funding rounds. The cost per area based on a twelve (12), fourteen (14) and twenty (20) area model is outlined in the following table.

No. of Areas	Average No. of Lots per area	Estimated cost per lot (current)	Estimated TOTAL Cost	TOTAL Resident Contribution	City's TOTAL Contribution	Resident contribution per annum	City's Contribution per annum
12	833	\$9,400	<b>\$94,000,000</b>	\$47,000,000	\$47,000,000	\$3,916,667	<b>\$3,916,667</b>
14	714	\$9,400	<b>\$94,000,000</b>	\$47,000,000	\$47,000,000	\$3,357,143	<b>\$3,357,143</b>
20	500	\$9,400	<b>\$94,000,000</b>	\$47,000,000	\$47,000,000	\$2,350,000	<b>\$2,350,000</b>

Note: The three (3) options in the table assume that NO contribution will be received from the State Government.

Process, Consultation and Implementation:

Depending on which time frame is the preferred option (subject to funding options) it is anticipated that the SUPP process would still need to be adhered to, with the only difference being that the State Government would not be contributing financially. However Western Power's SUPP Section\* would still be very much involved in the process.

Note: Having raised the matter at the aforementioned WALGA Forum, Western Power's SUPP representative provided the following advice. *As the Statutory Authority and asset owner the works can only be done with their approval. If the City were to rollout its own self funded program it would still have to be done through the SUPP.* However there are advantages in going through the SUPP not the least of which is avoiding a lengthy tender process.

The City would nominate which project area it wanted to proceed with and Western Power would assess and provide a preliminary design and estimate. Once approved the project would proceed to a detailed design and then to tender, by SUPP, based on their negotiated rates, which they (SUPP) claim are considerably lower than Western Power's standard contract rates.

The project implementation would then be managed and delivered by the SUPP Project Team with direct input from the City's Project Manager (as discussed later in the report).

With regards to consulting with the City's residents it has been suggested that the following process be followed (*should the Council ultimately decided to embark on the roll out*).

1. Western Power to provide an indicative estimate for each area.
2. The City to send out a 'consultation pack' to ratepayers in each area (as was undertaken for the Highgate East project) requesting their feedback and willingness to contribute 50% of the cost of the SUPP (current contribution on average \$4,700 per lot).
3. Prioritise the long term implementation program based on the resident's willingness to contribute (*subject to Western Power agreeing to the prioritisation*)\*.
4. Subject to a funding model being approved, embark on the program.

Note: It may be preferable (*and more cost effective*) to expand the undergrounding of power from an adjoining area which already has underground power, rather than picking an isolated area surrounded by overhead power lines, due to the existence of transformers, and an already upgraded network. A view is also supported by Western Power's Underground Power section.

**Locally funded roll out of underground power in the City of Vincent:**

Options for funding and recovering the costs:

As previously reported to the Council, the options available for the recovery of the Local Government contribution of the costs are:

- Special Rates Area and recovery of costs based on Gross Rental Values (GRV's);
- Charge of a flat fee based on property type (this was the method used in the Highgate East SUPP); or
- City of Subiaco model funding the whole component through general purpose revenue, through a series of borrowings.
- Self loan funding model for Local Governments to undertake Underground Power Program.
- Proceeds from the sale at Tamala Park.

Special Rates Area:

The Specified Rate can be raised to recover the resident's proportion of the cost of the project.

As previously mentioned the use of Gross Rental Values (GRV) can require a capping figure to be used. This option will be more attractive when the pensioner rebate is available.

Flat Fee:

This is the option adopted by the then City for the Highgate SUPP program as it was deemed to be more equitable as the charge relates to that of the underground power and not to a source relating to the rental value of the property.

However, to fund anything other than by the above two (2) options with a 50% contribution from the residents and 50% contribution from the City, this will require a significant increase in revenue or a reduction in the City's Capital Program for example:

City's Contribution	Budget 2011/12 Rates Revenue	Rate Increase required
\$2,500,000	\$22,066,960	11.3%

City of Subiaco:

In 1982 the City decided to wholly fund the underground program from its municipal funds over a forty eight (48) year period i.e. it was anticipated it would take until 2030 to complete the project. At this time the cost per lot was between \$2,000 and \$2,500 (currently it is \$9,400 per lot).

By 1997 one third of the City had underground power. There were NO direct user pay charges as the work was funded by raising short term loans over short periods say five (5) years.

The City slowly increased rate income for the underground power project, to insulate the community from a massive increase in any one year to fund the project and to preserve the equity of meeting the cost burden over time, and quarantined the funds by placing the equivalent amounts required for loan repayments into a reserve (each year).

The borrowings, at the time, were about 30% of their total budget. The rate rise was 3 – 4% specific for this purpose.

With the introduction of the SUPP, in 1996 the City of Subiaco applied for three (3) areas and were successful (no consultation was required as residents did not individually contribute).

A total of 85% of the City of Subiaco now has Underground Power.

Officer Comments:

*The original City of Subiaco program duration, when they 'went it alone' in 1982, was over forty eight (48) years (originally due for completion in 2030). Also at the time, the cost was between \$2,000 and \$2,500 per lot. This timeframe ensured that the amount borrowed and the rate increases to service the loans were manageable and sustainable. A period of twelve (12), fourteen (14) or even twenty (20) years, as outlined in this report may be difficult to deliver.*

Self Loan Funding Model:

This model is not suitable for the City in the short to medium term. The City is currently close to its maximum borrowing capacity with currently five (5) outstanding loans with an outstanding loan value of \$14.04 million as at 30 June 2011.

A further loan of \$8 million for the Beatty Park Redevelopment was approved and will increase the loan liability next financial year.

A number of loans repaid by external or specified sources of funds e.g.

- DSR Building – Lease agreement;
- Loftus Recreation Centre – Lease Agreement;
- Parking Ticket Machines - Revenue; and
- Beatty Park Redevelopment – Revenue.

These are not taken into account when assessing the City's borrowing capability. In the long term when some of these existing loans are repaid this option could be considered.

Sale of land at Tamala Park:

The City of Vincent Strategic Plan includes an item 4.1.4 Plan Effectively for the Future (b) Prepare an Investment Plan for the proceeds generated from the Tamala Park Redevelopment.

Consideration will be given to the funding of underground power for the City in this investment plan.

The total return from the sale of land at Tamala Park is estimated to be \$329m, this will be received over the period from 2013 – 2025.

The estimated value of the return to the City of Vincent is \$27.4m over the same period of time.

These funds could be utilised for the City's contribution to the Underground Power project, however there will not be sufficient cumulative funds from the land sales until the 2015 financial year, to be able to fund the City's component of the total cost.

The investment plan will be prepared for the Council's consideration early in 2013.

Officer Comments:

*It is acknowledged that the Undergrounding of Power is raised consistently by the community however will they be willing to contribute almost \$4,700 per lot will need to be determined. Also the Council will have to give careful consideration as to whether to use the substantial windfall from the sale of the Tamala Park land to improve an asset which is not owned by the City.*

The impact on pensioners of different cost recovery mechanisms:

Local Governments do not receive a pensioner rebate from the State Government for pensioners in the SUPP programme. The Local Government can implement their own subsidy for pensioners in the cost recovery calculation. At the time of the Highgate SUPP, the Council allowed the pensioners to defer payment of the underground power charge.

Issues of equity for property owners in the Highgate East SUPP area who have made a contribution to the cost without subsidy from the City:

In the Highgate East SUPP there were properties that had made contributions to the underground power as part of their property development. In addition these property owners also contributed to the SUPP through a network charge connecting them to the main underground power network. This charge was significantly discounted.

Consideration should be given in future SUPPS as to whether these properties should be charged for the additional network charge.

**Example: Method of SUPP Calculation for the Highgate East Project:**

For the Highgate East project, Western Power undertook a detailed design and determined the overall cost of the project. It was then up to the City's officers and the appointed project manager for the project in liaison with an experienced independent electrical consultant to determine how the individual properties in the City would be charged.

Residential:

The 'network charge' covers the contribution for the dismantlement of the overhead electrical network and installation of streetlights, within the project area, which will be owned and maintained by Western Power. The base charge used was \$2,500 based on advice from Western Power at the time.

The 'service charge' covers the contribution for the installation of a new underground power service to the property, from the boundary to the meter box. Once complete, this service is the responsibility of the property owner. This charge does not include the removal of 'old' connection point metal bars/poles within your property or upgrading of the meter board to meet Australian Standards. Base charge used was \$500.

Commercial:

The 'base charge' is the minimum charge used in the calculation for all commercial properties based on the \$2,500 network and \$500 service charge levied for residential customers.

Kilo Volt Amperes (KVA) is the measurement that Western Power uses to determine the requirement of a property based on its use. Each property was assessed by Western Power and an independent electrical consultant and, based on current and previous meter readings, a charge was calculated using the KVA reading multiplied by cost per KVA for the project which was \$525.

- The Project Transformer Capacity for Highgate (new and existing transformers) = 7,235 kva
- Project cost was = \$7,516,759

Contribution was as follows:

- Town Of Vincent (50%) \$3,758,379
- Western Power (25%) \$1,879,189
- Office of Energy (25%) \$1,879,189

Basic Average Cost per KVA was calculated at \$525 after the 50% subsidy.

Business Charges

A basic cost of \$3,000 (as per residential) + (Estimated Max Load – 6kva) x Average Cost/per KVA - less discounts where applicable.

Discounts (Item as Average % of Project Cost)

LV Mains cable systems = 28%  
House Services Contract= 15%  
Project Management = 13.7%  
Streetlights = 5.6%

Existing Transformer Credit = Estimated Load x \$35,000 (installed cost transformer) Rating of Transformer

Discounts:

Most switchgear and transformer units were located in public open spaces however in some case where it was unavoidable, they are located on verges which entitled the owner to a 25% discount on their network charge. The 25% was purely a concession for owners that had these installed outside their property.

Prior to the start of the project, some properties may have had a service pole installed on the boundary of the property to provide an interface between Western Power's overhead system and the property owner's existing underground service. In this situation a pillar was installed to replace the pole. A discount of 60% on the service charge was applicable to cover existing underground cabling and 40% charged to cover the pillar/pole changeover.

Prior to the project starting, some properties may have already had a pillar installed for underground power. In this case, no service charge was levied.

Transmission lines: High voltage transmission lines were not part of the project and remained overhead in their current locations. Properties with frontages to transmission lines received a 40% discount in their network charge only.

Commercial Only

Existing Underground Services: Existing house service connection – 15% discount.

Existing UG LV Mains & Services: Existing underground low voltage mains (28%) and service connection (15%) - total discount 43%.

Specific Locations Discounts

Existing underground low voltage mains (28%) and service connection (15%) plus additional 7% for partial project management where minimum supervision was required (specific to parts of Beaufort Street) the total discount was 50%.

Specific to properties on Joel Terrace opposite the Western Power Control centre which already had underground mains - 28% discount was applied as there were no overhead lines to remove.

Officers Comments:

*As can be seen from the above information of the Highgate East project considerable work is required prior to a SUPP project being commenced. At the time the City (former Town) engaged a Project Manager to liaise with Western Power from day one and he was employed throughout the establishment of the costing model, design and delivery stage of the SUPP project. In addition an experienced independent electrical consultant was also engaged, as required, to determine how the individual properties in the City would be charged.*

*Should the City embark on a program to self fund the SUPP program an additional full time position in Technical Services would need to be created to project manage the program.*

**CONSULTATION/ADVERTISING:**

Not applicable at this stage.

**LEGAL/POLICY:**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS:**

**Low/Medium:** The Power network is owned and operated by Western Power Corporation. There is a low risk to the City should the proposal not proceed however if the City embarked on a long term funding plan the financial risk to the City would increase.

**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.*

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

*(d) Pursue options and funding for undergrounding of power throughout the City."*

**SUSTAINABILITY IMPLICATIONS:**

The undergrounding of the electricity infrastructure is ultimately more sustainable from an amenity and surety of power supply perspective, improves the aesthetics of the streetscape and arguably increases property values. Further, in this instance it mitigates an identified safety risk and reduces maintenance for Western Power.

**FINANCIAL/BUDGET IMPLICATIONS:**

As mentioned in the report, the City of Vincent has approx 10,000 lots which still do not have underground power and the estimated total cost to underground the remaining overhead power in the City will be in the order of \$94m i.e. 10,000 lots at \$9,400 per lot.

**Borrowing Capacity**

Also as mentioned, the City is currently close to its maximum borrowing capacity with currently five (5) outstanding loans with an outstanding loan value of \$14.04 million as at 30 June 2011 and further loan of \$8 million for the Beatty Park Redevelopment was approved and will increase the loan liability next financial year.

**Future Income from Proceeds of Tamala Park Land Sales**

Further the total return from the sale of land at Tamala Park is estimated to be \$329m to be received between 2013 and 2025 and the estimated value of the return to the City over this period is approximately \$27m.

If the City were to use the Tamala Park money to fund its 50% share of the SUPP (with residents agreeing to fund the remaining 50% of the cost) there would still be a funding shortfall of \$20m could be funded from loans (in the future) to be paid off by increasing rates.

This would need to be carefully weighed up with the City's own infrastructure upgrade requirements in the context of the Long Term Financial Plan and the Strategic Asset management Plan.

**COMMENTS:**

The Power Distribution Network is a State Government asset, not a Local Government asset and the Care, Control and Management of this asset is the sole responsibility of Western Power Corporation. The Minister for Energy has released some Terms of Reference for a review of the State Underground Power Program to look at whether it should continue, and if it continues, what form it would take including the respective costs and benefits.

Western Australian Local Government Association in conjunction with the Office of Energy held a forum for Local Government officers on the *Future of State Underground Program* on 23 November 2011 with the outcomes of the review, expected to be presented to the Minister for Energy before the end of 2011 and released to be public by April 2012.

City has approximately 10,000 lots services by the Western Power overhead networks and the estimated cost to underground the remaining overhead power in the City, based on an average cost of \$9,400 per lot will be in the order of \$94m.

The officers have divided the City into twelve (12), fourteen (14), and twenty (20) areas and the estimated costs if the City paid 50% and the residents in each respective area contributed the remaining 50% (assuming no contribution from Western Power and the State Government) has been calculated.

City is currently close to its maximum borrowing capacity and there is no scope to borrow funds to fund the City's Underground Power contribution in the short to medium term until some or all of the loans outlined in the report are repaid and the projected cash flow from the sale of Tamala Park, estimated to total approximately \$27m over the period from 2013 to 2025.

It is therefore recommended that the Council awaits the outcomes of the State Underground Power review, expected to be presented to the Minister for Energy before the end of 2011 and released to be public by April 2012, prior to progressing the matter further.

**9.2.2 Lake Monger Water Quality Monitoring – Contribution to the Town of Cambridge and the University of Western Australia**

<b>Ward:</b>	North	<b>Date:</b>	25 November 2011
<b>Precinct:</b>	-	<b>File Ref:</b>	ORG0016
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	J van den Bok, Manager Parks & Property Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **APPROVES** the:
  - 1.1 continued contribution of \$13,300 to the Town of Cambridge as the City's total contribution towards the management of the vegetated channel at Lake Monger; and
  - 1.2 installation of a monitoring bore/logger at Britannia Road Reserve and associated water analysis for works being undertaken by the Centre of Water Research – University of Western Australia (UWA), at Lake Monger at an estimated cost of \$15,000; and
2. **APPROVES BY AN ABSOLUTE MAJORITY** the re-allocation of \$12,300 from the City's Environmental Projects Budget, towards the installation of the monitoring bore and water analysis by the Centre of Water Research – University of Western Australia (UWA) to cover the funding shortfall.

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**Moved Cr McGrath, Seconded Cr Maier**

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

- "1. That clause 1.1 be amended and new clauses 3 and 4 be inserted to read as follows:
  - "1.1 continued contribution of \$13,300 to the Town of Cambridge as the City's total contribution towards the management of the vegetated channel at Lake Monger for 2011-2012;" and
  - "3. **REQUESTS** a further report by 30 June 2012 providing the following information:
    - 3.1 how the proposed monitoring project would complement the Mount's Bay Catchment Water Quality Improvement Plan (WQIP), to which the City is a signatory; and
    - 3.2 how the proposed monitoring and 3D ecological model would build on previous investigations undertaken on water quality issues within Lake Monger, such as the 'Water and Nutrient Balance Model of Lake Monger' produced by CyMod Systems Pty Ltd for the Town of Cambridge in 2002; and
4. **ADVISES** the Town of Cambridge that the monitoring summary report, to be prepared at the conclusion of the proposed monitoring, would be of further benefit if it discussed potential options to intercept and possibly treat groundwater flowing into Lake Monger from historical landfill if it is found that groundwater flow from the eastern side of the Mitchell Freeway is a significant contributor to water quality issues in the lake." "

Debate ensued.

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

**COUNCIL DECISION ITEM 9.2.2**

That the Council;

1. **APPROVES** the:
    - 1.1 continued contribution of \$13,300 to the Town of Cambridge as the City's total contribution towards the management of the vegetated channel at Lake Monger for 2011-2012; and
    - 1.2 installation of a monitoring bore/logger at Britannia Road Reserve and associated water analysis for works being undertaken by the Centre of Water Research – University of Western Australia (UWA), at Lake Monger at an estimated cost of \$15,000;
  2. **APPROVES BY AN ABSOLUTE MAJORITY** the re-allocation of \$12,300 from the City's Environmental Projects Budget, towards the installation of the monitoring bore and water analysis by the Centre of Water Research – University of Western Australia (UWA) to cover the funding shortfall;
  3. **REQUESTS** a further report by 30 June 2012 providing the following information:
    - 3.1 how the proposed monitoring project would complement the Mount's Bay Catchment Water Quality Improvement Plan (WQIP), to which the City is a signatory; and
    - 3.2 how the proposed monitoring and 3D ecological model would build on previous investigations undertaken on water quality issues within Lake Monger, such as the 'Water and Nutrient Balance Model of Lake Monger' produced by CyMod Systems Pty Ltd for the Town of Cambridge in 2002; and
  4. **ADVISES** the Town of Cambridge that the monitoring summary report, to be prepared at the conclusion of the proposed monitoring, would be of further benefit if it discussed potential options to intercept and possibly treat groundwater flowing into Lake Monger from historical landfill if it is found that groundwater flow from the eastern side of the Mitchell Freeway is a significant contributor to water quality issues in the lake.
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**PURPOSE OF REPORT:**

The purpose of the report is to advise the Council on the water quality monitoring project being undertaken at Lake Monger by the Centre of Water Research at the University of Western Australia for the Town of Cambridge and to seek approval for additional funding of the monitoring bore and water sampling.

**BACKGROUND:**

Four (4) City of Vincent piped stormwater drains discharge into Lake Monger via an open vegetation drain which was constructed as part of the Lake rehabilitation works located on the western side of the Mitchell Freeway reserve.

The Town of Cambridge previously requested that the City of Vincent consider options to treat stormwater which enters the Lake from the east side of the freeway prior to entering the open vegetation drains.

It was considered at the time that the most economical and effective solution, given the area available on the adjacent Britannia Road Reserve, would have been the installation of one (1) or more a continuous deflection separators (CDS) units or gross pollutant traps at some point within the existing City of Vincent drainage system.

The Council considered a report on the matter in 2000 where it resolved in part as follows:

*"That the Council;*

*...(ii) lists \$80,000 for consideration in the 2001-2002 draft capital works budget for the installation of a continuous deflective separation (CDS) or similar unit to filter storm water entering Lake Monger via the City of Vincent Drainage systems."*

Subsequently, the City was advised by the Town of Cambridge that the installation of Gross Pollutant Traps was not the preferred option. It was considered that 1/3 contribution by Main Roads WA (MRWA), City of Vincent and Town of Cambridge towards the maintenance of the open vegetated channel or biological filter would be the most effective way of contributing to the health of the lake.

The Council subsequently listed an amount of \$6,700 in the drainage budget titled "Lake Monger Stormwater Management" in 2002/2003 and forwarded this amount to the Town of Cambridge upon receipt of an invoice for the various maintenance activities undertaken to maintain the channel. This amount was increased to \$10,000 in 2003/2004 following completion of further works around the eastern edge of Lake Monger.

At the Ordinary Meeting of Council held on 9 May 2006 a further report was presented in relation to a request from the Town of Cambridge for an increased funding contribution towards the maintenance of the Lake Monger Vegetated Channel. At the meeting it was resolved:

*"That the Council;*

- (i) RECEIVES the report in relation to the management of the vegetated channel at Lake Monger within the Town of Cambridge;*
- (ii) APPROVES the ongoing support to the Town of Cambridge, in partnership with Main Roads WA, for its management of the vegetated channel that filters stormwater discharging in Lake Monger via a number of stormwater drains from the Mitchell Freeway and from the western portion of the Town of Vincent;*
- (iii) NOTES the Town of Cambridge proposed operating budget estimate for the "channel management" in 2006/2007 is \$40,025 (refer appendix 10.2.2) and that this Town has been providing an annual contribution to the Town of Cambridge since 2003/2004;*
- (iv) LISTS for consideration an amount of \$13,300 in the 2006/07 draft "operating budget" and subsequent budgets as the Town's ongoing contribution towards the management of the vegetated channel at Lake Monger; and*
- (v) ADVISES the Town of Cambridge and Main Roads WA of its decision."*

#### **DETAILS:**

##### **Lake Monger Reserve Management Plan**

The Lake Monger Reserve Management Plan 2008-2018 Implementation Program lists the following proposed actions in relation to water quality:

- Continue water quality monitoring and lake level management;
- Develop and implement a program that monitors the effectiveness of the planted fringing native vegetation in minimising the nutrient input into the lake;
- Investigate measures to reduce nutrients entering the lake from groundwater.

To address the above actions, a Water Quality Monitoring Program was produced in March 2011 with the following objectives:

- Collate all water quality data and entry into an integrated environmental data assessment program;
- Determine whether the beneficial uses of Lake Monger and the wider reserve are being impacted;
- Provide sufficient information to reliably detect seasonal trends in water quality and the effectiveness of management programs/strategies.

A sampling work scope has been developed for the above program and will include the analysis of water samples from the lake, drains and groundwater, to be undertaken every six months, commencing in autumn of 2012 and include the presentation of an annual report to interpret the data. Over time this will provide trends in water quality.

### **Water Quality Management**

Professor Jorg Imberger, Director for the Centre for Water Research at the University of Western Australia, has been providing services and advice to the Town of Cambridge in relation to lake water quality management at Lake Monger Reserve since November 2010.

The University of Western Australia has installed a measuring instrument in the middle of the lake aimed at providing the Town of Cambridge and other interested parties with a real-time online management system for Lake Monger, to predict its ecological health and the dispersion of effluent from stormwater drains.

At the request of the University of Western Australia, the Administration of the Town of Cambridge and the City of Vincent have given the University of Western Australia approval to install a groundwater monitoring bore at Lake Monger Reserve and Britannia Road Reserve within the City of Vincent to assist with ongoing monitoring of lake water quality and in particular, to understand the relationship between groundwater and lake water quality.

### **Request for Contribution**

The City's Mayor attended a presentation with representatives of the University of Western Australia Centre for Water Research on Monday 21 November 2011 in regard to the above project.

The centre have identified three (3) main points that address the impact of stormwater runoff and groundwater flow from the City of Vincent on Lake Monger as follows:-

- The amount of groundwater flow coming into the lake via the shallow aquifer (City of Vincent responsibility).
- The locations where the groundwater flowing into the lake and the concentration of nutrients in the groundwater flow (City of Vincent responsibility).
- The amount of nutrients stored in the lake sediments (Joint responsibility between Town of Cambridge and the City of Vincent).

In order to carry out further investigation, the research centre is seeking funding from the Town of Cambridge and the City of Vincent to cover:-

- The installation of a groundwater monitoring bore in the north-eastern corner of Britannia Reserve (The estimated cost - \$5,000.).
- Ten (10) sets of six water quality samples (The estimated cost - \$25,000 from bore holes and 4 drains emanating from the City of Vincent).

The Town of Cambridge is already contributing towards this project as follows:-

- The installation of a logger in the lake to measure wind speed and direction, water temperature and water level (Installed in December 2010).
- The installation of a groundwater monitoring bore in the south-western corner of Lake Monger Reserve.
- Six (6) sets of water quality samples

At the end of this project, it is likely that the two (2) Councils will have a real time, validated 3D ecological model that could then be used as a decision support system for the restoration and ongoing management of Lake Monger. This tool apparently could then be used or applied to any other wetlands in either municipality.

Officer's Comments:

*The City has committed ongoing funding to the Town of Cambridge towards management of the vegetated channel and whilst an increase has not been requested since 2006 (\$13,300) the budget allocation for the Lake Monger Stormwater management project has been increased in the City of Vincent 2011/12 budget to \$17,000.*

*No additional funding has been identified nor allocated in the budget and given the significant amount of funding requested for the University of WA's project requirements it is recommended that the total of \$17,000 be forwarded to the Town of Cambridge and the funding divided between the UWA project and the management of the vegetated channel as they considered to be appropriate.*

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

Installation of groundwater production and monitoring bores requires approval from the Department of Water under the *Water Agencies (Powers) Act 1984* and/or Section 26E of the *Rights in Water and Irrigation Act 1914* and Regulation 38 of the *Rights in Water and Irrigation Regulations 2000*.

**RISK MANAGEMENT IMPLICATIONS:**

**Medium:** Water contained in water compensating basins does at specific times of the year flow through to the rivers and it is in the best interest of all concerned to ensure that the quality of this water is satisfactory to avoid algae outbreaks, adverse affects to flora/fauna and any potential risk to human health.

**STRATEGIC IMPLICATIONS:**

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

*"Natural and Built Environment*

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

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

**SUSTAINABILITY IMPLICATIONS:**

The 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:**

As noted above, the City has budgeted for and contributed towards the maintenance of the Town of Cambridge's vegetated channel at Lake Monger as follows.

- 2001/02                      No contribution by the City
- 2002/03                      \$6,700
- 2003/04                      \$10,000
- 2004/05                      \$10,000
- 2005/04                      \$10,000
- 2006 to date                \$13,300

The City has included an amount of \$17,000 in the 2011/12 budget for Lake Monger stormwater treatment. An absolute majority decision of the Council is required to change this Budget item.

**COMMENTS:**

The Town of Cambridge has been committed to the rehabilitation, continued improvement and management of Lake Monger and its associated recreational facilities.

Whilst there apparently is now some debate in regards to the effectiveness of nutrient stripping zones, the Town of Cambridge have advised that it continues to make a difference to the ecology of the Lake.

**9.2.3 Proposed Installation of a Loading Zone – No. 446-448 William Street, Perth**

<b>Ward:</b>	South	<b>Date:</b>	25 November 2011
<b>Precinct:</b>	Beaufort (P13)	<b>File Ref:</b>	PKG0028, TES0121
<b>Attachments:</b>	<a href="#">001</a> – Plan Proposed Loading Zone Location		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	C Wilson, Manager Asset & Design Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council APPROVES the installation of Loading Zone at No. 446 - 448 William Street, Perth to operate between the hours of 8.00am and 6.00pm Monday to Friday and 8.00am to 12noon Saturday, as shown on attached Plan No. 2903-CP-01.

**COUNCIL DECISION ITEM 9.2.3**

**Moved Cr Maier, Seconded Cr McGrath**

That the recommendation be adopted.

Debate ensued.

**AMENDMENT**

**Moved Cr Maier, Seconded Cr Pintabona**

That the recommendation be amended to read as follows:

“That the Council APPROVES the installation of Loading Zone at No. 446 - 448 William Street, Perth to operate between the hours of 8.00am and 12noon ~~6.00pm~~ Monday to Friday and 8.00am to 12noon Saturday, as shown on attached Plan No. 2903-CP-01.”

Debate ensued.

**PROCEDURAL MOTION**

**Moved Cr Carey, Seconded Cr Buckels**

That the item be DEFERRED for further consultation with local business proprietors.

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

**PURPOSE OF REPORT:**

The purpose of this report is to inform the Council of a request received by City for the installation of a Loading Zone in William Street, Perth between Brisbane Street and Robinson Avenue.

**BACKGROUND:**

The City has received a request for a Loading Zone in William Street, Perth between Brisbane Street and Robinson Avenue. Currently there are no Loading Zones at the ‘top end’ of William Street to service the various commercial and retail premises and as a consequence many businesses are finding it difficult to arrange deliveries and couriers. Currently there is only one Loading Zone in the William Street commercial precinct located near Washing Lane, a distance of approximately 350m from Brisbane Street. As a consequence it is impractical and highly unlikely that delivery/courier drivers will use it to service the ‘top end’ of William Street.

Further, the on-road parking is often fully occupied so that they (the drivers) resort to either blocking driveways or double parking.

**DETAILS:**

The City's officers have investigated the matter and support the installation of a Loading Zone, with the standard restrictions, 'Commercial Vehicles Only' for fifteen (15) minutes maximum, fee free outside 446-448 William Street. The proposed operations times would mirror that of the existing restrictions being 8.00am to 6.00pm Monday to Friday and 8.00am to 12noon Saturday's, then unrestricted and free at all other times.

The proposed Loading Zone is located directly outside the Hon. John Hyde, MLA electoral office. The City has sort the Hon. Members comments and advise that he had no objections.

This location was considered the most appropriate as it is approximately midway between Brisbane Street and Robinson Avenue. Further, it is adjacent to a 'No Stopping' zone protecting the dual crossovers to 446-448 and 452-460 William Street, thereby providing easy accessibility for vehicles to enter and exit the Loading Zone.

The City will place a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs.

**CONSULTATION/ADVERTISING:**

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

**LEGAL/POLICY:**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS:**

Not applicable.

**STRATEGIC IMPLICATIONS:**

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

*"Natural and Built Environment*

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

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

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

Implementing the new restrictions will require the supply and installation of two (2) new signs and poles, which will cost approximately \$250.

**COMMENTS:**

Loading Zones are generally provided in commercial precincts within the City to cater to the specific needs of the adjacent businesses. In this instance the nearest Loading Zone in William Street is an impractical distance to the businesses at the northern end of the William Street commercial precinct and therefore it is recommended for approval.

**9.2.5 Proposed Introduction of 2P Parking Restrictions – Cleaver Precinct, West Perth**

<b>Ward:</b>	South	<b>Date:</b>	25 November 2011
<b>Precinct:</b>	Cleaver (P5)	<b>File Ref:</b>	ORG0058, PKG0054, PKG0154
<b>Attachments:</b>	<a href="#">001</a> – Proposed 2P Parking Restrictions		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	A Brown, Engineering Technical Officer C Wilson, Manager Asset & Design Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **APPROVES** the introduction 2P Parking Restrictions 8am and 5.30pm Monday to Friday, in Florence Street and Ivy Street, as shown on attached Plan No. 2888-CP-01;
2. **MONITORS** the situation in Hammond and Janet Street for a period of six (6) months after the restrictions as outlined in clause 1 have been installed; and
3. **SUBMITS** a further report to the Council at the conclusion of the six (6) month trial as outlined in clause 2.

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**COUNCIL DECISION ITEM 9.2.5**

**Moved Cr Carey, Seconded Cr Buckels**

That the recommendation be adopted.

Debate ensued.

**PROCEDURAL MOTION**

**Moved Cr Carey, Seconded Cr McGrath**

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

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

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**PURPOSE OF REPORT:**

The purpose of this report is to inform the Council of correspondence received requesting that the City review the need for parking restrictions in Florence, Hammond, Janet and Ivy Streets within the Cleaver Precinct, West Perth.

**BACKGROUND:**

The City has received requests to review the need for time restriction parking to be implemented within the Cleaver Precinct, specifically in Florence, Hammond, Janet and Ivy Streets.

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

Further, patrons using the facilities of Royal Park, be it the hall or beach volleyball courts, located on the south east corner of the intersection of Charles and Vincent Streets, if unable to find parking within the facility's car park, tend park in the unrestricted portions of Hammond and Janet Streets.

Ivy Street has two (2) unrestricted parking bays intended to provide for people using Ivy Park, located on the corner of Carr and Charles Streets. Having anecdotal evidence suggests that some commuters are well aware of these two isolated and unrestricted bays allowing them convenient and free all day parking.

As a result of the above there is a community perception that there is a shortage of parking spaces available to residents for their visitors, deliveries and tradespeople.

The requested 2P 8am- 5.30pm Monday to Friday restriction, would limit commuters using these streets as a 'Park and Ride' facility and provide an improved amenity for the residents.

#### **DETAILS:**

The City's officers have investigated the matter and for reasons set-out in the body of report support the installation of 2P 8am – 5.30pm Monday to Friday restrictions in Florence Street and the two (2) parking bays located in Ivy Street.

However, the parking in Hammond and Janet Street appears to be predominately residents and users of Royal Hall, most of whom generally there after hours. As a result a standard weekday restriction would not apply nor impact upon the majority of Royal Park users.

Therefore it is recommended that rather than impose restrictions in Janet and Hammond Streets at his time, monitor the impact of restrictions in Florence Street, and reconsider the matter in six (6) months.

#### **Community Consultation:**

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

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

In favour of the proposal – twenty eight (28), representing 53% of those received, whose comments are summarised as follows;

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

Against the proposal – twenty four (24) responses, 45% of those received, commented as follows;

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

Other;

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

Officer's Comments:

*As can be seen by the results of the public consultation of those residents who responded they were almost evenly split as to whether or not they supported parking restrictions in the aforementioned streets.*

*The issue in Florence Street would appear to be more related to the CBD commuters and not the users of Royal Park.*

*Conversely for Janet and Hammond Streets it would appear to be the users of Royal Park rather than the CBD commuters.*

*Further, the users of Royal Park tend to be after of works hours such as the beach volleyball and dance classes (in the hall) and would not be affected by weekday restrictions.*

*Therefore, is an argument that there are two different issues at play.*

*If the restrictions in Florence Street and Ivy Street are approved six (6) months would allow the situation to settle down and enable a review of the impact of the changes. It would then be recommended that the residents again be consulted and a further report be presented to Council.*

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

**CONSULTATION/ADVERTISING:**

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

**LEGAL/POLICY:**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS:**

Not applicable.

**STRATEGIC IMPLICATIONS:**

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

*"Natural and Built Environment*

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

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

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

Implementing the new restrictions will require the manufacture and installation of thirty-five (35) burgundy parking poles and forty two (42) signs costing an estimate of \$3,100.

**COMMENTS:**

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

**9.5.3 City Policy No. 2.2.7 – “Street Parties” – FURTHER REPORT: Consideration of Possible Assistance to Residents Wishing to Conduct a Street Party**

<b>Ward:</b>	Both	<b>Date:</b>	25 November 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	ENS0053, TES0212 & ENS0080
<b>Attachments:</b>	<a href="#">001</a> – Policy No. 2.2.7 – Street Parties; <a href="#">002</a> – Delegation No. 9.18 – Street Parties		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	R Lotznicker, Director Technical Services; C Wilson, Manager Asset and Design		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services;		

**OFFICER RECOMMENDATION:**

That the Council;

1. **RECEIVES** the report regarding possible assistance to residents wishing to hold a street party; and
2. **In the event that it wishes to support street parties:**
  - 2.1 **APPROVES BY AN ABSOLUTE MAJORITY to RESCIND** existing Policy No. 2.2.7 – “Street Parties” and **ADOPTS** Draft Policy No. 2.2.7 – “Street Parties” as shown in Appendix 9.5.3A;
  - 2.2 **ADVERTISES** the amended Draft Policy No. 2.2.7 – “Street Parties” for a period of twenty-one days, seeking public comment;
  - 2.3 following the close of the period for receiving submissions:
    - 2.3.1 **REVIEWS** the amended Draft Policy No. 2.2.7 – “Street Parties” having regard to any written submissions; and
    - 2.3.2 **DETERMINES** to proceed with, or not to proceed with, Draft Policy No. 2.2.7 – “Street Parties”, with or without amendment;
  - 2.4 **AUTHORISES** the Chief Executive Officer to include the above amended Draft Policy No. 2.2.7 – “Street Parties” in the City’s Policy Manual if no submissions are received from the public;
  - 2.5 **APPROVES BY AN ABSOLUTE MAJORITY** pursuant to Section 5.42 of the *Local Government Act 1995*, the delegation of the exercise of its powers and duties to the Chief Executive Officer, as detailed in Appendix 9.5.3B; and
  - 2.6 **LISTS** for consideration an amount of \$2,500 in the 2012/2013 draft budget to allow the City to contribute up to 50% of the cost of holding a street party to a maximum value of \$500 per event.

**Moved Cr Carey, Seconded Cr Buckels**

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

“That clause 2.1 be amended to read as follows:

2. **In the event that it wishes to support street parties:**
  - 2.1 **APPROVES BY AN ABSOLUTE MAJORITY to RESCIND** existing Policy No. 2.2.7 – “Street Parties” and **ADOPTS** Draft Policy No. 2.2.7 – “Street Parties” as shown in Appendix 9.5.3A, **subject to the following:**
    - 2.1.1 **that the Policy be amended to inserted a new clause 4.1 (and the remaining clauses be renumbered) as follows:**
      - “**4.1 Provide a user friendly and simple Checklist for organisers of the street parties, outlining all requirements and necessary deadlines for the Street Party to proceed.**” ”

Debate ensued.

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

**COUNCIL DECISION ITEM 9.5.3**

That the Council;

1. **RECEIVES** the report regarding possible assistance to residents wishing to hold a street party; and
2. **In the event that it wishes to support street parties:**
  - 2.1 **APPROVES BY AN ABSOLUTE MAJORITY to RESCIND** existing Policy No. 2.2.7 – “Street Parties” and **ADOPTS** Draft Policy No. 2.2.7 – “Street Parties” as shown in Appendix 9.5.3A, subject to the following:
    - 2.1.1 **that the Policy be amended to inserted a new clause 4.1 (and the remaining clauses be renumbered) as follows:**
      - “4.1 **Provide a user friendly and simple Checklist for organisers of the street parties, outlining all requirements and necessary deadlines for the Street Party to proceed.**”;
  - 2.2 **ADVERTISES** the amended Draft Policy No. 2.2.7 – “Street Parties” for a period of twenty-one days, seeking public comment;
  - 2.3 **following the close of the period for receiving submissions:**
    - 2.3.1 **REVIEWS** the amended Draft Policy No. 2.2.7 – “Street Parties” having regard to any written submissions; and
    - 2.3.2 **DETERMINES** to proceed with, or not to proceed with, Draft Policy No. 2.2.7 – “Street Parties”, with or without amendment;
  - 2.4 **AUTHORISES** the Chief Executive Officer to include the above amended Draft Policy No. 2.2.7 – “Street Parties” in the City’s Policy Manual if no submissions are received from the public;
  - 2.5 **APPROVES BY AN ABSOLUTE MAJORITY** pursuant to Section 5.42 of the *Local Government Act 1995*, the delegation of the exercise of its powers and duties to the Chief Executive Officer, as detailed in Appendix 9.5.3B; and
  - 2.6 **LISTS** for consideration an amount of \$2,500 in the 2012/2013 draft budget to allow the City to contribute up to 50% of the cost of holding a street party to a maximum value of \$500 per event.

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**FURTHER REPORT:**

This item as considered at the Ordinary Meeting of Council held on 8 November 2011, whereby the Council resolved to defer the matter for further consideration.

The Policy has been further researched and extensively amended to the extent whereby it is more efficient to rescind the existing Policy and adopt a new Policy and Guidelines. Previous details have now primarily been included in the Policy Guidelines.

To encourage more street parties and a stronger community spirit, the emphasis of the Policy has been amended from a technical emphasis to more of a community focus. An Application Form and Street Party Permit Form have also been prepared to allow applicants to apply in-person or online.

## **PURPOSE OF REPORT:**

The purpose of the report is to seek the Council's consideration to amending the City's Policy No. 2.2.7 – "Street Parties" to provide a mechanism for the City to contribute towards the cost of residents conducting a street party.

## **BACKGROUND:**

At the ordinary Meeting held on 22 November 1999 following requests to close roads in the City to facilitate street parties, the Council considered a report on the adoption of a policy to provide uniform and safe guidelines for street parties within the City.

Following consideration of the report the following decision was made:

*"That the Council;*

- (i) adopts the attached Policy No. 2.2.27 "Street Parties" and advertises the policy for public comment for a period of twenty one (21) days and seeks comment from the Community Identity Advisory Group"; and*
- (ii) authorises the Chief Executive Officer to include the policy in the policy manual in the event no submissions are received."*

## **DETAILS:**

### **Community Request:**

In early October 2011, Elected members received an email from a local resident regarding holding a private event limited to the residents and without external publicity on a street in Mount Lawley.

An extract from the email is as follows:

*"The City of Vincent has a street party policy, which requires expenditure on road closures, traffic management, public liability insurance, bond which all adds up to \$1,000+. While of course this is necessary for large scale events it makes a small scale non profit neighbourhood event cost prohibitive.*

*The City of Vincent offers no funding to cover the cost of such expenses and as a group of individuals rather than an incorporated group we are not eligible for funding from many other organisations such as the Department of Communities and LotteryWest.*

*There are other options such as holding the gathering in a park or at somebody's home, however I imagine that the turn up would be the usual suspects where we would really like to get everyone involved and make it inclusive. Having it on the street is the best way to achieve this. We could also charge a fee to cover costs but this could be prohibitive or a cause of embarrassment for those people we'd really like to involve; the elderly, the vulnerable and the disadvantaged.*

*I would like to ask the Council:*

- is there a requirement in law for the City of Vincent to advertise proposed closures or carry out consultations?*
- are specific signs or other traffic management equipment required by law?*
- if insurance of \$10,000,000 is required. What does the bond cover?*
- if the Council is going to require this level of compliance for small street parties, might it be worth considering a small amounting of funding to cover the costs or even waiving the fees?*

*I would also like to appeal to the Council not to require a blanket Public Liability Insurance, as the risks of liability to the Council from a small street party is very low. The \$10,000,000 demanded would cover 2 deaths and the resurfacing of the road, which is very unlikely and cannot really be justified. For larger public events where the risk of liability is higher this is entirely sensible.*

*Instead, the council could indemnify itself using conditions and disclaimer clauses, for example on a street party application form, making clear the requirements and responsibilities of the residents.*

*Local authorities should act proportionately, wisely, and in the public interest.*

*I would urge the City of Vincent to consider whether they support residents' street parties or not and to treat them differently to large scale events. Charges and restrictive requirements mean there will be very few street parties; no charges mean that these important community building events are at least possible.*

*Street parties are powerful social events, mixing all ages and backgrounds."*

#### **Approvals/requirements:**

Other than those managed by the City, very few street party requests are received. It is a general requirement that street parties, which require a street closure or a footpath closure, shall meet the same conditions as any other road closure. Applications for road closures require WA Police approval as well as the City's approval, before they can go ahead. The requirements for a road closure include:

- One specific person, who will manage the event, must be contactable at all times by telephone;
- The City and WA Police must approve the street closure/part closure;
- A letter drop to all properties that could be affected, outlining proposal and seeking comment;
- A risk management plan to be compiled;
- Authorised traffic management company must draw up a traffic management plan and a traffic control diagram and submit this to the City;
- Authorised traffic management personnel must be in attendance throughout the closure;
- If food or liquor is proposed to be sold, approval must be obtained from Health Services and/or Department of Racing, Gaming and Liquor;
- If amplified music is proposed, approval must be obtained from the City;
- In the event that temporary structures are proposed (i.e. large marquee; stages), temporary Public Building requirements may be applied;
- If alcohol is to be drunk, approval must be obtained from WA Police and the local government.

#### **Public Liability:**

Following receipt of the email, the Local Government Insurance Services (LGIS) was contacted and they advised that the City's Public Liability covers potential liabilities to third parties for personal injury or property damage, should the City be found to be negligent. However Community Groups or Event Organisers would require their own insurances for the Street Party Event, as they cannot be covered under the City's insurance policies.

Community Groups or Event Organisers are not under the direction of the City and therefore the City has no insurable interest.

LGIS also advised that all community groups hiring a facility or using Council land must have their own Public Liability cover with a minimum \$10M limit of liability. A copy of the community group's Certificate of Currency for their Public Liability cover should be provided to the City for such an event and the certificate should ensure the limit of liability is no less than \$10M, the period of insurance is current and the Insurer is APRA approved.

LGIS further advised that if a group does not currently have insurance cover that they can contact the Local Community Insurance Services for further information.

**Local Community Insurance Services (LCIS):**

The Director Technical Services contacted LCIS and they advised that for a community event (street party) with from 1 to 200 participants, the "one-off" cost of Public Liability cover with a minimum \$10M limit of liability is approximately \$200.

**Traffic Management:**

As per the City's tender rates, the basic cost to develop a plan\*, set up and man signage would be in the order of \$800. This cost would allow for personnel and a vehicle from 7.00 pm to 12.00 am and for travel time.

*\*The is based upon a simple closure either end of a street and not involving side streets or detours, which, if required, will significantly increase the costs.*

The resident indicated that if the Council requires such a high level of compliance for small street parties, might it be worth considering a small amount of funding to cover the costs or even waiving the fees?

Officer Comments:

*The level of compliance is required as we live in a litigious age and we are dealing with a public road. There is no current funding allocated for these types of private events however as mentioned above the cost, excluding the bond (which is only charged if there is a large event planned) would be in the order of \$1,000.*

*The Council may wish to include some funding in the 2012/2013 draft budget to assist with such events as requested by the resident as in their words 'Street parties are powerful social events, mixing all ages and backgrounds'. The funding could be provided on a 50/50 basis.*

**CONSULTATION/ADVERTISING:**

The draft Policy will be advertised for a period of twenty one (21) days, seeking submissions.

In accordance with the City's Policy No. 2.2.7 – "Street Parties", where the event involves a street or locality event which does not involve large public participation, i.e. less than 500 people, the applicant must obtain and record the consent of not less than two thirds of the occupiers of land immediately adjacent to the road it is proposed to close.

**LEGAL/POLICY:**

The road reserve comprises Crown Land under the Care Control and Management of the Local Government.

**STRATEGIC IMPLICATIONS:**

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

*"Enhance and Promote Community Development and Wellbeing*

*Objective: 3.1.1: Celebrate, acknowledge and promote the City's cultural and social diversity".*

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** As long as due process is followed the Risk to the participants should be low.

**FINANCIAL/BUDGET IMPLICATIONS:**

No funds have been allocated in the 2011/2012 budget for Street Parties. The estimated cost for insurance and traffic management per event is \$1,000. The residents have requested that the Council contribute to such events.

**COMMENTS:**

The residents have requested that the Council contribute to such events or at least waive any fees. The estimated basic cost for insurance and traffic management per event is \$1,000.

If Council were to amend the policy and budget funds to assist, based upon a maximum of \$500 per event, it would not only demonstrate Council's support but also ensures residents 'buy-in' or commitment. The concern is that if residents are not required to contribute, then the street party may not be inclusive of all the people in their street.

It is recommended that the Council give consideration to adopting the draft Policy, as detailed in this report.

## 10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

### 10.1 Notice of Motion – Cr Joshua Topelberg – Request to Investigate Possible Uses for the Former North Perth Police Station – Angove Street, North Perth

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.

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Moved Cr Topelberg, Seconded Cr Buckels

That the motion be adopted.

Debate ensued.

The Presiding Member, Mayor Hon. Alannah MacTiernan suggested rewording clause 1.4, to allow for consideration as to how to take full advantage of the property.

The Mover, Cr Topelberg advised that he wished to change his Motion clause 1.4 as follows:

“1.4 possible redevelopment additions to the existing building to take full advantage of the site;”

The Seconder, Cr Buckels agreed.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

### COUNCIL DECISION ITEM 10.1

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 redevelopment 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.

**10.2 Notice of Motion – Cr Dudley Maier – Request to Investigate an Art Award for Rubbish Bins**

That the Council REQUESTS the City's Arts Advisory Group to provide recommendations on the feasibility, benefits, implications, risks and implementation issues of instituting an art award, possibly called the "Vincent Art Awards", which encouraged residents to paint their garbage bins and which awards prizes, possibly monthly or quarterly, for the best bin(s) based on recommendations from the City's rubbish truck drivers.

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**COUNCIL DECISION ITEM 10.2**

**Moved Cr Maier, Seconded Cr Buckels**

That the motion be adopted.

Debate ensued.

**MOTION PUT AND CARRIED (7-2)**

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

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**11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

Nil.

**12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES**

Nil.

**13. URGENT BUSINESS**

Nil.

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

Nil.

**15. CLOSURE**

**There being no further business, the Presiding Member, Mayor Hon. Alannah MacTiernan, declared the meeting closed at 8.45pm 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
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Helen Smith	Manager Planning and Building Services
Tory Woodhouse	Manager Strategic Planning, Sustainability and Heritage Services
Anita Radici	Executive Assistant (Minutes Secretary)
Lauren Peden	Journalist – “ <i>The Guardian Express</i> ”

No members of the Public were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 6 December 2011.

Signed: .....Presiding Member  
Mayor Hon. Alannah MacTiernan

Dated this ..... day of ..... 2011