



**CITY OF VINCENT**

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*"Enhancing and celebrating our diverse community"*

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# MINUTES

**11 OCTOBER 2011**

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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 11 October 2011, commencing at 6.00pm.

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

The Presiding Member, Mayor Nick Catania, declared the meeting open at 6.05pm and read the following Acknowledgement of Country Statement:

**(b) ACKNOWLEDGEMENT OF COUNTRY STATEMENT**

"We acknowledge that this land that we meet on today is part of the traditional land of the Nyoongar people. We acknowledge them as the traditional custodians of this land and pay our respects to the Elders; past, present and future".

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

**(a) Apologies:**

Nil.

**(b) Present:**

Mayor Nick Catania, JP	Presiding Member
Cr Matt Buckels	North Ward
Cr Steed Farrell	North Ward
Cr Taryn Harvey	North Ward (from 6.22pm)
Cr Sally Lake ( <i>Deputy Mayor</i> )	South Ward
Cr Warren McGrath	South Ward (until 10.45pm)
Cr Dudley Maier	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services (until 10.28pm)
Rick Lotznicker	Director Technical Services (until 10.28pm)
Mike Rootsey	Director Corporate Services (until 10.28pm)
Anita Radici	Executive Assistant (Minutes Secretary) (until 10.15pm)

Employee of the Month Recipient

Kara Ball	Executive Secretary Corporate Services (until 6.45pm)
Lauren Peden	Journalist – <i>"The Guardian Express"</i> (until approximately 8.50pm)

Approximately 40 Members of the Public

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

Cr Burns and Cr Topelberg on approved leave of absence.

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

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

1. Joe Radici of 3/643 Newcastle Street, Leederville – Item 9.1.1. Objected to the proposed development in its current form and stated the following:
  - Has worked in the area for over 20 years and has observed parking and traffic flow becoming increasing bad over the year particularly the Frame Court, Oxford, Newcastle and Loftus Streets area.
  - Traffic in the morning on Loftus or Oxford Streets banks up and is only getting worse.
  - Referred to Minutes of 13 September 2011 which stated that the proposed development was to incorporate 10,000m<sup>2</sup> of extra office space, 2,000 Water Corporation staff to be accommodated, 80,000m<sup>2</sup> of commercial and retail area, 241 residential units etc. Considers it a small town being built in a small confined area.
  - The 27 storey building is supposed to be an iconic building however, such a building which is probably 4 times the size of any other building in the nearby area would have to be an "eye sore" not an icon.

- Believed a private builder not be able to get such a development past in the location. Understands and appreciates it is a Government department and can appreciate development being a developer himself he is in support of development however, not in this context.
  - Objected to the proposal in the current form as it is too big for the small precinct.
2. Eleanor Richards of TPG Town Planning and Urban Design, 182 St George's Terrace, Perth on behalf of the Applicant – Item 9.1.2. Stated the following:
- Seeking reconsideration of 2 conditions of approval for a development recently approved at 178 Stirling Street, Perth to allow for the reassignment of a number of approved bays from visitor bays to permanent residential bays.
  - With the condition requiring 12 visitor bays to be provided, only 41 permanent residential bays will be provided for 48 dwellings meaning that some units would need to be sold without a bay making the development untenable. The matter has been discussed with the City's staff and they fully support this evenings recommendations.
  - Considered the proposed conditions appropriate as the R Codes and City's Parking and Access Policy require that adequate parking be provided to meet the needs of residents providing only 41 bays for 48 units is not considered to be adequate. The 4 commercial bays will be available for visitors to the dwellings outside normal business hours providing 12 bays exclusively for visitors as well as the 4 commercial bays is considered to be a significant over supply for a development of this nature and would render it unfeasible.
  - There is ample street parking available in the vicinity particularly along Stirling Street. The site is located in close proximity to the City Centre and is serviced by both bus and train services therefore it is more logical to encourage visitors to catch public transport than not allowing permanent residents to have even 1 car.
3. Steve Banham, Architect for Item 9.1.7. Stated the following:
- Urged the Council to support this application.
  - After the public consultation period and the last presentation made, there were some concerns raised by the Council and local residents to be addressed:
    - height – the top floor area has been reduced by 25%, a decrease from 13 units to 10 to reduce the perceived bulk of the building to the rear neighbouring property. In its place they have included a green terraced area on the roof;
    - overshadowing has been reduced to the neighbouring properties next door and is well under the 50% requirement of the R Codes for an R80 site;
    - privacy and balcony screening – the balcony screening has been increased to 1.6. They have also addressed the issue of the rear boundary wall which in the previous proposal was 5m high. This has been terraced away from the boundary and included landscaping which they believe has greatly increased the amenity to the neighbour's property. The distance of the main building from the boundary is 18m and the pool from the boundary is approximately 10m;
    - traffic impact to the local amenity and right of way – the developer has also surrendered a 2m strip of his property to increase the right of way by 67% an increase of 3m to 5m. There was a traffic impact study conducted for the property and it states that there would be very little impact on the local traffic. In the previous application the traffic was restricted to left in and left out from the right of way to Newcastle Street which is to be done at the developer's expense as well as repaving the right of way and this will be a significant improvement.
  - Believed the proposal will have benefits on the local area with a considerable number of affordable housing and, with the general store and deli to be included this would be a great amenity for the area.

4. John Carey, Chair of the Beaufort Street Network of 213 Brisbane Street, Perth – Item 9.4.13. Stated the following:
- Supported the recommendations made.
  - This is a much bigger festival and the road is being closed therefore, as a result there are significantly more costs including doubling the cost to close the road as well as paying \$8,000 to \$10,000 to the PTA to redirect buses and increased Council costs. Accordingly, they require more revenue which needs to come for somewhere i.e. the bars. They have compromised to work with the Council to reduce the main festival bar from 275 to 200 to address some concerns.
  - Noted that at the last festival there were no complaints regarding noise, residential complaints or any complaints to the Police, therefore they have a record of organising the festival well.
  - Disappointed by the WA Police Licensing Enforcement Unit that are opposing all the applications and believes it is typical of the Police to take a “*nanny state approach*” and oppose all liquor licensing.
  - Urged the Council to approve the licenses.

**Cr Harvey entered the Meeting at 6.22pm.**

5. Jeff Rafel of 207 Steventh Avenue, Inglewood – Item 9.1.9. Stated the following:
- Owner of the application and requested consideration for approval.
  - 13 months before the application was lodged, the Council recommended adding the proposed use to the non conforming use register and there has been no change of circumstances since then. The proposed use is a car detailing workshop or known as a car wash café and is consistent with the long standing use of the property since 1959 and similar in nature to the non conforming use approved last year.
  - The proposed use is consistent with the current uses in the neighbourhood including a Kennards, Tradelink, law offices, commercial buildings on both sides of the property, motor vehicle repair, the Charles Hotel, 2 bottle shops, self service car wash and McDonald’s all within 500m.
  - The proposed use is consistent with the needs of the community in the area and is specifically targeted to the needs of modern families who do not wish to wash their own cars.
  - The report notes the proposed use is non compliant with respect to the City’s Development Strategy minimisation of the sprawl of commercial activity however, this is not a new development. They are not proposing to turn a house into an office or commercial building. They are proposing to use an existing commercial building that was purpose built for the reason therefore the claim in nonscence.
  - The shade sails are noted as too large and they are more than happy to reduce the size of them or omit them entirely if need be. There are no other non compliant issues.
  - The proposed use is less detrimental than the previous non conforming use.
  - The City’s Strategic Objective No. 1 states “*improve and maintain the natural and built environment and infrastructure*”. Believed there is no other suitable use for the building and it is unlikely that any other tenant will be found.
6. Steve De Meillon of Planning Solutions, 296 Fitzgerald Street, Perth on behalf of the Applicant – Item 9.1.6. Stated the following:
- Pleased with the Recommendation for approval. Thanked the City’s Officers for their time and assistance with progressing the application however, they consider that Condition 4.4 is unreasonable for the following reasons:
    - the 0.5m visual privacy encroachment is to the south east portion of the neighbouring property which is currently undeveloped and, they would expect that any outdoor living areas in any new development to be located to the northern portion of the site not affected by the encroachment;

- the existing right of way located between the proposed development and neighbouring property – the screening required to provide privacy over the adjoining neighbour would reduce the surveillance over the unused right of way; and
  - 4.4 diminishes the locational benefits of the site by interrupting views over Hyde Park from the bedroom and is considered to have no real benefit to the surrounding area.
  - For the above reasons, urged the Council to adopt the Recommendation for approval with the deletion of Condition 4.4.
7. Edward Tomsic of 496 Charles Street, North Perth – Item 9.1.9. Stated the following:
- Disputed the loss of non conforming rights as the register was checked and the property was still on there as of August 2011.
  - The property is owned by 3 people – 1 an old gentleman who owns 50% who is currently in an old peoples home, the other 50% is split between he and his brother and was passed down to them by their deceased father.
  - His father's Will was written in such a way that his mother receives the income of the property during her lifetime and this right is protected by a registrar's Caveat therefore, there is no prospect of anything happening on the site during her lifetime.
  - Believed to decline the application is a loose situation – loss for the country as there is a business that would not be able to open together with GST, workers etc. A loss for the Council – they have a fairly large commercial premises on a main arterial road and if there is no tenant in there prepared to look after it then, they way society is today it is obvious what will occur. The premises are fenced, locked, insured and alarmed but he lives in the country a long way away.
  - It will also be a loss for the owners – two self funded tax paying retirees who, should this be declined, would shortly afterwards be on the pension.
8. Roger Watson of 115A Summers Street, Perth for 15 years – Item 14.1. Stated the following:
- Requested that, when making a decision, the Council take into consideration that the batching plant was moved to the location approximately 15 years ago on a temporary basis and during these 15 years it has had the benefits of making a profit by running a heavy industry in the inner city.
  - Their time has now come to an end, they have had a fair go and should be asked to move.
  - All benefits of having the plant there accrue to the operator and there are not benefits for the local community only costs to them of having a heavy industry in the inner city, which he believed those costs fundamentally put at risk any plans to make this area into a viable area with a commercial/residential mix.
  - Urged the Council to take these into consideration when making the decision.
9. Sarah Lloyd of 150 Stirling Street, Perth – Item 9.1.13. Stated the following:
- Lived in the area for 3 years and parking has never been an issue.
  - It is proposed to put parking machines in the area on Stirling Street between Newcastle and Parry Streets.
  - There are 3 sides to the part and she lives on the last side which does not have ticket machines. The other 3 sides have very confusing signs which people cannot understand. The times are 8am to 12 midnight. She cannot see people manning those parking machines at 11.30pm on a Monday night.
  - Believed this is very unfair for people that live in the area and have to pay for parking when they are ratepayers.
  - Believed that permit parking should be looked at for that specific area as they are ratepayers and it is unfair.

10. Jos Mensink of Water Corporation (WC) – Item 9.1.1. Stated the following:
- WC have had an association with the site for 105 years.
  - Their major building was built in 1980. Believed they started a rejuvenation of Leederville by injecting 1,000 people in the area, followed by a few hundred more when they merged with the Public Works Department in 1985.
  - They have outgrown their existing facility and were down to 10.5m<sup>2</sup> per person in the building which is untenable.
  - They currently have 5 leases around the building and issues with occupational health and safety with people crossing the roads therefore they have to expand.
  - They have improved their end of trip facilities and have a large gym and will expand those facilities.
  - They addressed issues raised by the Council at the last meeting relating to excess bonds and turfing issues. Parking is going to be a debate however, they feel the development is their next step in staying associated with the City of Vincent as they will not survive in the current situation if they do not act.
11. Stuart Lofthouse of 130 Oxford Street, Leederville – Item 9.1.14. Stated the following:
- Interesting that a Policy is changing because someone has built a structure that has not been approved and it stayed there because no one saw a footpath being dug up but yet, they see an A frame sign that is out of place in the Street.
  - Believed half the items cannot be voted on as it is contradictory in dates and times.
  - Questioned whether they were even given approval for an eating house? Because, in the first instance they applied on 10 September 2010 however in other part it was 10 December 2010. They have supplied photos, drawings etc. all being stamped which he believes is incorrect as only one has been stamped as the photo could not have been stamped at the time as it is the finished product. Asked the following question:  
Q1. Are the photos in the Agenda, the photos that came with the applications?

**The Presiding Member, Mayor Nick Catania advised that the questions would be taken on notice.**

**There was also a verbal interjection/interruption by Ms Debbie Saunders in the Gallery and the Presiding Member, Mayor Nick Catania advised that he would not accept interruptions whilst someone is addressing the Council.**

Mr Lofthouse continued:

- The report has been submitted with a recommendation to approve an illegal structure yet again in a place that has *“shoved it up the rear end of the Council”* every time they have made...

**The Presiding Member, Mayor Nick Catania advised that he would not accept that language in the Council Chamber and asked him to moderate his language.**

**There was another verbal interjection/interruption by Debbie Saunders in the Gallery and the Presiding Member, Mayor Nick Catania once again advised that he would not accept interjections/interruptions whilst someone is addressing the Council and if she persists to interrupt, she would be asked to leave the Public Gallery.**

Mr Lofthouse continued:

- Asked once again if the photos were the original photos? Does not understand how they could be as they are the finished product.
- The Management Plan submitted is not available on the internet and is a major part of the application – they could not find and this applies to other documentation by the Hotel in the past.

- Queried how a Policy can be changed to suit a structure when “Greens” has a photo in all the City’s documentation that it is not there it is a hole punched in the wall and this is his livelihood however, in this application the Policy is being amended which was not due to be reviewed for 4 years (2015) but this is being brought forward.
  - When he has previously requested that the image of his shop be removed from the City’s documentation he was made to “*jump through hoops*” – it was too hard.
12. Norelle O’Neill, Chair of the Mt Hawthorn Precinct Group (MHPG) of 1 Matlock Street, Mt Hawthorn – Item 14.3 and Item 9.4.1 from the Council Meeting held on 27 September 2011. Stated the following:  
Item 9.4.1 Ordinary Meeting of Council 27 September 2011
- Considers this report was actively sought as a result of declining satisfaction in the Council and its leadership. The Council agreed to spend \$20,000 to a reputable firm called Catalyse who has had a lot of experience in Local Government and adequate testimonials on their website.
  - The purpose was to understand the underlying drivers of discontent and dissatisfaction amongst residents to obtain feedback regards suggestions for improving the City’s performance. The structure was discussed with the Council the whole way along, there was a discussion guide developed in consultation with the Council and there were initially to be 30 participants but at their request this was changed to 40.
  - As a result of that, Dr Josephine Muir the research consultant stated “*the survey data revealed that overall satisfaction had declined significantly. There were many areas of concern. An overall feeling of discontentment across the community. One of the critical themes emerging was lack of connectivity. The residents are not currently connecting to the City of Vincent. This sense of disconnection is not driven by a lack of knowledge of apathy, it is a conscious and considered mind set and one that needs to be urgently addressed. Also, the disconnection with Local Government is significant because it contradicts the very essence of what it means to live in the now City of Vincent*”.
  - Instead of embracing the report as a means to a positive way forward, the CEO undermined it in the Agenda by reporting “*The Focus Groups only involved 40 residents out of 31,500. One could therefore question the validity of findings of the Focus Groups outcomes as being representative of the City’s overall population*”. Queried whether the 40 participants who gave up a considerable period of time were told that their opinion was not worth anything?
  - After lengthy discussions at the last meeting, Crs Farrell, Harvey, Burns, Topelberg and Mayor Catania voted that the report was inadequate which she finds extraordinary. As a result of that, the MHPG would like to register a vote of no confidence it is representatives from the North Ward – Crs Farrell and Harvey and also Mayor Catania.

**There was again another verbal interjection/interruption by Debbie Saunders in the Gallery and the Presiding Member, Mayor Nick Catania once again advised that he would not accept disruptions in the Meeting and if it occurs again a Ranger would be called to evict her from the Public Gallery.**

13. Debbie Saunders of 150 Oxford Street, Leederville – Item 9.1.14. Supported the previous speaker on this Item and stated the following:
- Objected to the Item and whether they do or do not have an alfresco license and the pictures that were submitted showing a structure already built on Newcastle Street that is going to be or not going to be approved.
  - It is stated that the pictures showed a different metal and fencing. Queried what pictures they are as it was not built when they applied but the photographs have already been taken?

- Paid car parking was applied for on 9 February 2010 and one recommendation/condition was that the fee paying car park, uses directly associated with the Leederville Hotel and its patrons for a temporary period of 5 years and that no car bays are to be leased to any other business entities however, they are being leased to other businesses.
- Asked whether the Council was aware that there is a legal suit against the Hotel in regards to the car park and does this get factored in when the City manages the car park for someone or is it not factored in? Are any legal checks done?

**The Presiding Member, Mayor Nick Catania advised that the questions would be taken on notice.**

Ms Saunders continued:

- Figures for the car park are stated that it will be 85% full with an all day parking fee of \$14 giving a monetary figure of \$290,000 for the year and there will be a distribution of 60/40 – 60 being the Hotel and 40 for the Council. This would also be \$2.10 per hour from 7am to 7pm.
- Asked the following questions:
  - Q1. What happens from 7pm when the Hotel gets the main use out of it for their patrons?
  - Q2. Do they get it for free whilst everyone is paying for a car park to be upgraded?
  - Q3. The report states *“in principle and agreement has been reached”*, therefore why is it in the Agenda and why is it being voted on?

There being no further speakers, Public Question Time closed at approx. 6.40pm.

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

Nil.

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

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

Nil.

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

Minutes of the Ordinary Meeting of Council held on 27 September 2011.

**Moved Cr Farrell, Seconded Cr McGrath**

**That the Minutes of the Ordinary Meeting of Council held 27 September 2011 be confirmed as a true and correct record.**

**CARRIED UNANIMOUSLY (7-0)**

**(Cr Burns and Cr Topelberg were on approved leave of absence.)**

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

**7.1 Employee of the Month Award for the City of Vincent for October 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 OCTOBER 2011, the award is presented to Kara Ball, Executive Secretary Corporate Services. Kara was nominated by the Chief Executive Officer, John Giorgi, for her contribution and assistance to the Chief Executive Officer's Directorate during recent unexpected and unavoidable leave by a number of the CEO's Directorate employees.

Kara acted in the role of Executive Assistant and Minutes Secretary, whilst at the same time assisting in her current role as Executive Secretary for Corporate Services. She worked extremely hard during a very busy period to ensure that the Council Meeting Agendas and Minutes were prepared and distributed on time, whilst at the same time assisting in a number of functions, particularly the setting up of the City of Vincent City Status Proclamation by His Excellency the Governor of Western Australia, Malcolm McCusker, QC.

Kara provides exceptional customer service and is a worthy recipient of this Award.

Congratulations to Kara – well done!!

**Received with Acclamation!**

7.2 Appreciation to Retiring Councillors

As you may be aware, the local government elections will be held on Saturday 15 October 2011 and I encourage all those who have not yet voted to have their say and cast their vote.

This is my last Council Meeting and I wish to express my appreciation to retiring Councillors and also wish all those seeking election the best of luck.

It is appropriate that I acknowledge the services of the retiring Councillors as follows;

Councillor Steed Farrell:

Councillor Farrell has served a term of eight (8) years, having first been elected in 2003. He served a term as Deputy Mayor and was re-elected to Council in 2007.

Steed has been an active member and has involved himself in a number of Council activities, including, but not limited to:

- the City's representative on the Mindarie Regional Council;
- Member of the Stadium Management Committee and Audit Committee, plus Leederville Gardens Retirement Village Board for many years; and
- Member of a number of the City's Advisory Groups, including the City's Sustainability Advisory Group, former Local Area Traffic Management and Garden Awards Advisory Groups.

Councillor Anka Burns:

Councillor Burns has served four years on the Council, being elected in 2007.

Anka has been an active Councillor and contributed to the City's Audit Committee and more recently, as Chair of the City's Arts Advisory Group, member of the Safer Vincent Crime Prevention Partnership and the Youth Advisory Council.

Councillor Taryn Harvey:

Councillor Harvey served two years on the Council, being elected in 2009, following the resignation of a Councillor mid-term.

Taryn has been Chair of the City's Seniors and Universal Access Advisory Groups. She was also the City's representative on the WALGA Central Metropolitan Zone Committee.

In accordance with the Council Policy I will arrange for an appropriate occasion to present the former Council Members with a Certificate of Appreciation and an appropriate gift to acknowledge their services to the City of Vincent.

I ask that we express our appreciation to the three retiring Councillors.

**Received with Acclamation!**

**The Chief Executive Officer asked the Presiding Member, Mayor Nick Catania for a moment to also make an announcement as follows:**

Appreciation to Retiring Mayor Catania

As Councillors are aware, this is the Mayor's last Council Meeting and I believe it is appropriate to acknowledge Mayor Catania's contribution to the City of Vincent.

Mayor Catania was first elected on 8 May 2001 and is the City's longest serving Mayor. During his ten and a half years' term as Mayor, the City has undergone considerable transformation and achieved a number of significant projects and State and National Awards.

These include:

- Redevelopment of the Rectangular Stadium;
- Redevelopment of Leederville Oval as a "Football Centre of Excellence";
- Redevelopment of the Loftus Centre and construction of the City's new Library and Local History Centre;
- Construction of an office building for the Department of Sport, which is a valuable asset for the City.

A number of Awards received include, but are not limited to, the following areas:

- Vincent Vision 2024;
- Numerous Recreation and Sporting Facilities Awards;
- City's Budget and Financial Awards;
- Crime Prevention and Safety Awards;
- Heritage Council Awards; and
- Disability Access Awards.

Other achievements include expanding the City's boundaries and more recently, the proclamation of the Town as the City of Vincent.

Mayor Catania has been a strong supporter of the City's Administration.

On a personal note, I would like to thank the Mayor for his leadership, guidance and support over the last ten and a half years and I wish him well in the next phase of his life.

**Received with Acclamation!**

## 8. DECLARATIONS OF INTERESTS

**Cr Farrell departed the Chamber at 6.58pm.**

- 8.1 Cr McGrath disclosed an Impartiality interest in Item 9.2.3 – Walter's Brook – Proposed 'Draft' Concept Plan – Progress Report No. 1. The extent of his interest being that he is a member of the Claise Brook Catchment Group which has provided comment on this proposal to the City Staff.
- 8.2 Cr Lake disclosed an Impartiality interest in Item 9.2.3 – Walter's Brook – Proposed 'Draft' Concept Plan – Progress Report No. 1. The extent of her interest being that she is a member of the Claise Brook Catchment Group who made a submission to the proposal.
- 8.3 Cr Maier disclosed an Impartiality interest in Item 9.2.3 – Walter's Brook – Proposed 'Draft' Concept Plan – Progress Report No. 1. The extent of his interest being that he is a member of a community group which made a submission on this Item.

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

- 8.4 The Chief Executive Officer declared a Financial interest in Item 14.3 – Chief Executive Officer's Annual Performance Appraisal 2011. The extent of his interest being that this matter relates to his Contract of Employment.

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

Nil.

## 10. REPORTS

The Presiding Member, Mayor Nick Catania, requested that the Chief Executive Officer advise the meeting of:

### 10.1 **Items which are the subject of a question or comment from Members of the Public and the following was advised:**

Items 9.1.1, 9.1.2, 9.1.7, 9.4.13, 9.1.9, 9.1.6, 14.1, 9.1.13, 9.1.14 and 14.3.

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

Items 9.1.13, 9.1.14, 9.2.1, 9.4.3, 9.4.4, 9.4.5, 9.4.6, 9.4.7, 9.4.8, 9.4.9, 9.4.10 and 9.4.14.

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

Item 14.3.

Presiding Member, Mayor Nick Catania, 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 Buckels	Items 9.1.10 and 9.1.12.
Cr McGrath	Item 9.1.8.
Cr Harvey	Nil.
Cr Lake	Nil.
Cr Maier	Items 9.1.4, 9.2.3 and 9.3.2.
Mayor Catania	Nil.

**Cr Farrell returned to the Chamber at 7.00pm.**

The Presiding Member, Mayor Nick Catania, 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, 9.1.5, 9.1.11, 9.2.2, 9.2.4, 9.3.1, 9.4.1, 9.4.2, 9.4.11 and 9.4.12.

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

Items 14.1, 14.2 and 14.3

**New Order of Business:**

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

**(a) Unopposed items moved *En Bloc*;**

Items 9.1.3, 9.1.5, 9.1.11, 9.2.2, 9.2.4, 9.3.1, 9.4.1, 9.4.2, 9.4.11 and 9.4.12.

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

Items 9.1.1, 9.1.2, 9.1.7, 9.4.13, 9.1.9, 9.1.6, 14.1, 9.1.13, 9.1.14 and 14.3.

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

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

**ITEMS APPROVED "EN BLOC":**

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

**Moved Cr Farrell, Seconded Cr Buckels**

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

**Items 9.1.3, 9.1.5, 9.1.11, 9.2.2, 9.2.4, 9.3.1, 9.4.1, 9.4.2, 9.4.11 and 9.4.12.**

**CARRIED UNANIMOUSLY (7-0)**

**(Cr Burns and Cr Topelberg were on approved leave of absence.)**

**9.1.3 Nos. 27-29 (Lot 107; D/P: 99354) Carr Street, West Perth – Demolition of Existing Factory/Warehouse**

<b>Ward:</b>	South	<b>Date:</b>	29 September 2011
<b>Precinct:</b>	Beaufort; P13	<b>File Ref:</b>	PRO1386; 5.2011.337.1
<b>Attachment:</b>	<a href="#">001</a> – Heritage Assessment		
<b>Tabled Items</b>	Nil		
<b>Reporting Officer:</b>	H Au, Heritage Officer		
<b>Responsible Officer:</b>	R Boardman, Director Development 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 Connie Cazzolli on behalf of the owner CGM Properties Pty Ltd for proposed Demolition of Existing Factory/Warehouse, at Nos. 27-29 (Lot 107; D/P: 99354) Carr Street, West Perth, and as shown on plans stamp-dated 14 July 2011, subject to the following conditions:

1. A Demolition Licence shall be obtained from the City prior to commencement of any demolition work on the site;
2. Support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;
3. Demolition of the existing factory/warehouse may make the property ineligible for any development bonuses under the provisions of the City of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing buildings valued by the community;
4. Any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the City of Vincent Town Planning Scheme No. 1 and associated Policies;
5. No street verge tree(s) shall be removed. The street verge tree/s shall be retained and protected from any damage including unauthorized pruning; and
6. PRIOR TO THE ISSUE OF A DEMOLITION LICENCE, the following shall be submitted to and approved by the City:

**6.1 Demolition Management Plan**

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

- 6.1.1 public safety, amenity and site security;
- 6.1.2 contact details of essential site personnel;
- 6.1.3 construction/demolition operating hours;
- 6.1.4 noise control and vibration management;
- 6.1.5 Dilapidation Reports of nearby properties;

- 6.1.6 air and dust management;
  - 6.1.7 stormwater and sediment control;
  - 6.1.8 soil excavation method and de-watering (if applicable);
  - 6.1.9 waste management and materials re-use;
  - 6.1.10 traffic, access management, including heavy vehicle access;
  - 6.1.11 parking arrangements for contractors and subcontractors;
  - 6.1.12 Notification Plan of nearby properties; and
  - 6.1.13 any other matters deemed appropriate by the City, including photographs of the precondition of existing City infrastructure such as footpaths, verge and street trees; and
- 6.2 The owner shall enter into a Legal Agreement with the City (prepared by the City at the owner's expense):
- 6.2.1 a detailed Landscaping and Lighting Plan shall be provided, prepared in consultation with the City's Parks Services and Technical Services for the site at Nos. 27-29 (Lot 107; D/P: 99354) Carr Street, West Perth. The approved Landscaping and Lighting Plan works shall be undertaken and completed within three (3) months from the issue of the Demolition Licence and maintained thereafter by the owner(s)/occupier(s);
  - 6.2.2 a bond of \$8,500 shall be paid by the owners to ensure the Landscape Plan is implemented within the time period and thereafter maintained to the satisfaction of the Chief Executive Officer. In the event that the bond is drawn upon, such bond shall be maintained at a level of \$8,500 dollars until the redevelopment works are commenced;
  - 6.2.3 a bond of up to \$10,000 being negotiated and paid by the owners to ensure the Lighting Plan is implemented within the time period and thereafter maintained to the satisfaction of the Chief Executive Officer;
  - 6.2.4 the City being able to carry out the Landscape Plan works and thereafter maintain it to an appropriate appearance and standard, and draw on the bond as required in the absolute discretion of the City's Chief Executive Officer, in the event of non-compliance by the owners;
  - 6.2.5 such Legal Agreement shall remain in effect until redevelopment works commence; and
  - 6.2.6 the City shall be indemnified against any claims whatsoever that may arise as a result of this matter.
- 

**COUNCIL DECISION ITEM 9.1.3**

**Moved Cr Farrell, Seconded Cr Buckels**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY "EN BLOC" (7-0)**

**(Cr Burns and Cr Topelberg were on approved leave of absence.)**

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<b>Landowner:</b>	CGM Properties Pty Ltd
<b>Applicant:</b>	Connie Cazzolli
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1: Residential Commercial R80
<b>Existing Land Use:</b>	Factory/Warehouse
<b>Use Class:</b>	Not applicable
<b>Use Classification:</b>	Not applicable
<b>Lot Area:</b>	2864 square metres
<b>Right of Way:</b>	Not applicable

**PURPOSE OF REPORT:**

The applicant proposes to demolish the subject warehouse and outbuildings as per item 1 (b) of the Notice issued on 29 June 2011 under the Local Government (Miscellaneous Provisions) Act 1960, Section 408 (1), and requests demolition approval without the standard condition for the submission of redevelopment plans. The proposal requires referral to the Council for determination.

**BACKGROUND:**

29 June 2011 The City issued a Notice in accordance with the Local Government (Miscellaneous Provisions) Act 1960, Section 408 (1). Specifically, the Notice required:

*"1. You are hereby required to:*

*(a) put the Building into such state of repair and condition to the satisfaction of the Town, on the basis set out in the Schedule annexed to this Notice and marked "A"; or*

*(b) take the Building down."*

15 July 2011 The applicant submitted an application for demolition of the existing warehouse.

4 August 2011 The applicant submitted a letter requesting the removal of the standard condition for the submission of redevelopment plans.

**DETAILS:**

The proposal involves the demolition of the existing warehouse and outbuildings at Nos. 27-29 (Lot 107; D/P: 99354) Carr Street, West Perth.

The applicant proposes to action item 1 (b) of the Notice, that is, to demolish the existing warehouse. However, the applicant has advised that they are in the process of selling the property and unable, at this point in time, to satisfy the standard condition which requires a redevelopment proposal to be submitted prior to the issue of a Demolition Licence.

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

**COMPLIANCE:**

<b>Consultation</b>	
<b>In Support</b>	2
<b>Objections</b>	Nil
<b>Neither support or object</b>	2
<b>Comments Received</b>	<b>Officer Comments</b>
Concerned over car parking issue in the future development.	Noted – Any proposed redevelopment would need to be in accordance with the City's Town Planning Scheme No. 1 and associated Policies.

<b>Consultation</b>	
Concern of traffic congestion, dust and noise levels when demolition works are being undertaken.	Noted – A condition has been applied requiring that the applicant submit a Demolition Management Plan, prior to the issue of a Demolition Licence, which will address this.
The roofs of the buildings being demolished contain asbestos.	Noted – This concern will be addressed in the Environmental Health Specific Requirements of Demolition Approval.
<b>Advertising</b>	The advertising was carried out as per the City's Policy No. 4.1.5 - relating to Community Consultation.

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

**COMMENTS:**

**Heritage Services Comments**

A detailed Heritage Assessment is contained in the attachment to this report.

The subject site is occupied by a former food processing factory, which is an example of a brick and iron warehouse constructed circa 1971 in the Late Twentieth Century Functionalist Style. A number of outbuildings, including sheds and amenities, are located at the subject site.

The buildings on the property have been extensively vandalised with graffiti internally and externally. There are numerous disused items and debris scattered throughout the property. Internally, several internal walls have been broken up and require replacement. A number of internal fixtures have been damaged beyond repair, including door, ventilation and electrical outlets and controls. Whilst all buildings on the subject property are in serviceable condition structurally, they have been left unsecured, suffering vandalism and being left ruinous.

A full Heritage Assessment was undertaken for Nos. 27-29 Carr Street, West Perth in September 2011, which indicates that the place has little aesthetic, historic, scientific or social heritage significance. In accordance with the City's Policy No. 3.6.2 relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the City's Municipal Heritage Inventory.

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

**Development Approval Condition**

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

In light of the above, it is considered that the subject buildings be approved for demolition, without the standard redevelopment requirement, rather, with a condition requiring a Legal Agreement between the owner and the City in relation to Landscaping and Lighting Plan, as per the Officer Recommendation.

**9.1.5 No. 69 (Lot 260; D/P: 2355) Forrest Street, Mount Lawley – Demolition of Existing Single House**

<b>Ward:</b>	South	<b>Date:</b>	29 September 2011
<b>Precinct:</b>	Mount Hawthorn; P10	<b>File Ref:</b>	PRO4283; 5.2011.360.1
<b>Attachment:</b>	<a href="#">001</a> – Heritage Assessment		
<b>Reporting Officer:</b>	H Au, Heritage Officer		
<b>Responsible Officer:</b>	R Boardman, Director Development 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 Christos Traianos for proposed Demolition of Existing Single House, at No. 69 (Lot 260; D/P: 2355) Forrest Street, Mount Lawley, and as shown on plans stamp-dated 26 July 2011, subject to the following conditions:

1. A Demolition Licence shall be obtained from the City prior to commencement of any demolition work on the site;
2. Support of the demolition application is not to be construed as support of any future Planning Approval/Building Licence application for the redevelopment proposal for the subject property;
3. Demolition of the existing dwelling may make the property ineligible for any development bonuses under the provisions of the City of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing buildings valued by the community;
4. Any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the City of Vincent Town Planning Scheme No. 1 and associated Policies;
5. No street verge tree(s) shall be removed. The street verge tree/s shall be retained and protected from any damage including unauthorized pruning;
6. PRIOR TO THE ISSUE OF A DEMOLITION LICENCE, the following shall be submitted to and approved by the City:

**Demolition Management Plan**

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

- 6.1 public safety, amenity and site security;
- 6.2 contact details of essential site personnel;
- 6.3 construction/demolition operating hours;
- 6.4 noise control and vibration management;
- 6.5 Dilapidation Reports of nearby properties;
- 6.6 air and dust management;

- 6.7 stormwater and sediment control;
  - 6.8 soil excavation method and de-watering (if applicable);
  - 6.9 waste management and materials re-use;
  - 6.10 traffic, access management, including heavy vehicle access;
  - 6.11 parking arrangements for contractors and subcontractors;
  - 6.12 Notification Plan of nearby properties; and
  - 6.13 any other matters deemed appropriate by the City, including photographs of the precondition of existing City infrastructure such as footpaths, verge and street trees; and
7. A detailed Vacant Lot Management Plan, prepared in consultation with the City's Health, Parks and Planning Services for the site at No. 69 (Lot 260; D/P: 2355) Forrest Street, Mount Lawley shall be submitted and approved prior to the issue of a Demolition Licence. The City encourages property owners to appropriately maintain vacant land in a safe, secure and tidy manner in the interest of the community. The management plan shall include details of the proposed treatment of the vacant site which covers fencing, maintenance, rubbish collection, weed control, and the like. The vacant lot shall be maintained in accordance with the Management Plan, until redevelopment works are carried out on site.

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**COUNCIL DECISION ITEM 9.1.5**

**Moved Cr Farrell, Seconded Cr Buckels**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY "EN BLOC" (7-0)**

**(Cr Burns and Cr Topelberg were on approved leave of absence.)**

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<b>Landowner:</b>	Christos Traianos
<b>Applicant:</b>	Christos Traianos
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1: Residential R40
<b>Existing Land Use:</b>	House
<b>Use Class:</b>	Not applicable
<b>Use Classification:</b>	Not applicable
<b>Lot Area:</b>	506 square metres
<b>Right of Way:</b>	Not applicable

**PURPOSE OF REPORT:**

The applicant proposes to demolish the subject single dwelling as per item 1 (b) of the Notice issued on 28 June 2011 under the Local Government (Miscellaneous Provisions) Act 1960, Section 408 (1), and requests demolition approval without the standard condition for the submission of redevelopment plans. The proposal requires referral to the Council for determination.

**BACKGROUND:**

- 14 June 2011 An internal inspection of the subject property was undertaken by the City's Building Surveyor and Development Compliance Officer. The inspection revealed that the property is neglected, ruinous, and dilapidated. It is considered that the subject dwelling is unfit for use or occupation, for the following reasons:
- The dwelling has suffered a fire in the north-west portion, which has caused extensive scorching damage to the immediate surrounding area;
  - The roof timbers have suffered excessive damage, it is considered that the structure is no longer capable of the required load bearing;
  - The roof sheeting is missing in places and loosened significantly in others. The ridge cappings are bent and misshapen; this will mean further loosening of the corrugated sheeting as weathering continues to take effect;
  - The internal finishes, specifically the skirting, architraves and plaster boarding, are no longer fit for the purpose;
  - The masonry internally and externally is in a state of decline;
  - The gable wall on the west face of property has begun to split; and
  - The sanitary fittings and electrical fittings are damaged.
- 28 June 2011 The City issued a Notice in accordance with the Local Government (Miscellaneous Provisions) Act 1960, Section 408 (1). Specifically, the Notice required:
- “1. You are hereby required to:
- (a) put the Building into such state of repair and condition to the satisfaction of the Town, on the basis set out in the Schedule annexed to this Notice and marked “A”; or
- (b) take the Building down.”
- 26 July 2011 The applicant submitted an application for demolition of the existing dwelling.
- 5 August 2011 The applicant submitted a letter requesting the removal of the standard condition for the submission of redevelopment plans.

**DETAILS:**

The proposal involves the demolition of the existing single house at No. 69 (Lot 260; D/P: 2355) Forrest Street, Mount Lawley.

The applicant proposes to action item 1 (b) of the Notice, detailed in the 'Background' section above, that is, to demolish the existing dwelling. However, the applicant has advised that due to the fire damage of the subject dwelling and financial circumstances, he is unable, at this point in time, to satisfy the standard condition which requires a redevelopment proposal to be submitted prior to the issue of a Demolition Licence. The following comments are provided by the applicant in this respect:

*“The property has been extensively fire damaged and there are public safety concerns and the building affects the integrity of the area...The property is currently for sale and it will be easier to sell as a cleared empty lot. We have no funds or intention to develop the property.”*

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

**COMPLIANCE:**

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

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

**COMMENTS:**

**Heritage Services Comments**

A detailed Heritage Assessment is contained in the attachment to this report.

The subject brick and iron dwelling at No. 69 Forrest Street, Mount Lawley is an example of a Federation Bungalow constructed circa 1910.

The subject dwelling first appears in the WA Post Office Directories in 1911 and is associated with a Frederick W Brittan. Since then, the subject dwelling has been transferred several times to new owners and occupiers.

A full Heritage Assessment was undertaken for No. 69 Forrest Street, Mount Lawley, which indicates that the place has little aesthetic, historic, scientific or social heritage significance. In accordance with the City's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the City's Municipal Heritage Inventory.

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

**Development Approval Condition**

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

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

**9.1.11 Amendment No. 82 to Planning and Building Policy Manual – Draft Amended Policy No. 3.4.1 Relating to Ancillary Accommodation**

<b>Ward:</b>	Both	<b>Date:</b>	26 September 2011
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0210
<b>Attachments:</b>	<a href="#">001</a> -Draft Amended Policy No. 3.4.1 relating to Ancillary Accommodation		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	D Mrdja, Senior Strategic Planning and Heritage Officer		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **ENDORSES** Amendment No. 82 to Planning and Building Policy Manual relating to Policy No. 3.4.1 Ancillary Accommodation as shown in Appendix 9.1.11;
2. **AUTHORISES** the Chief Executive Officer to forward a copy of the draft amended Policy No. 3.4.1 relating to Ancillary Accommodation and the relevant justification as outlined in the 'Details' section of this report, to the Western Australian Planning Commission for approval, in accordance with clause 5.3.2 of the Residential Design Codes; and
3. After a response has been received from the Western Australian Planning Commission **REVIEWS** Amendment No. 82 relating to Policy No. 3.4.1 Ancillary Accommodation, having regard to the response made from the Western Australian Planning Commission.

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**COUNCIL DECISION ITEM 9.1.11**

**Moved** Cr Farrell, **Seconded** Cr Buckels

That the recommendation be adopted.

**CARRIED UNANIMOUSLY "EN BLOC" (7-0)**

(Cr Burns and Cr Topelberg were on approved leave of absence.)

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**PURPOSE OF REPORT:**

The purpose of this report is to seek the Council's authorisation to forward the amended policy to the Western Australian Planning Commission for approval to vary the requirements of the Residential Design Codes.

**BACKGROUND:**

24 February 2009 The Council endorsed the Affordable Housing Strategy and also resolved as follows;

*'...(iv) **AUTHORISES** the Chief Executive Officer to investigate the possibility to initiate an amendment to the Planning and Building Policy No. 3.4.1 relating to Ancillary Accommodation to allow non-familial accommodation, and that a report and a draft amended Policy be referred to the Council no later than April 2009.'*

- 28 April 2009            The Council approved the advertising of the Draft Amended Ancillary Accommodation Policy No. 3.4.1.
- 14 July 2009            The Council adopted the amended Policy No. 3.4.1, relating to Ancillary Accommodation to include provisions for non-familial occupation of ancillary accommodation.

**DETAILS:**

There are several requirements listed in the draft Policy No. 3.4.1 relating to Ancillary Accommodation that requires the approval of the Western Australian Planning Commission (WAPC). Part 5 of the Residential Design Codes relates to Local Planning Policies and the parts of the R-Codes that can be amended through a Local Planning Policy. It is noted that the requirements relating to Ancillary Accommodations are *not* listed as a acceptable development standard that can be varied without the WAPC's approval. However, clause 5.3.2 states the following:

*"Despite clause 5.3.1, a council may, with the approval of the WAPC, vary any other acceptable development provision within the codes by means of a local planning policy where it can be demonstrated to the satisfaction of the WAPC that there is a need specific to a particular region that warrants such a variation."*

It is further noted that the clause 5.3.1(b) of the R-Codes, allows the Council to adopt a Local Planning Policy that provides additional clauses for performance criteria and acceptable development standards for any aspect stated in the R-Codes. Therefore, the additional requirements listed in the policy do not need WAPC approval, only the amended requirements.

In light of the above clause, the City's Officers are recommending that the Council endorse the proposed amendments to the City's Policy No. 3.4.1 relating to Ancillary Accommodation and authorise the Chief Executive Officer to send the draft policy, along with the justification to the amendment, to the WAPC for approval.

Furthermore, it has been noted by the City's Building Surveyors that some of the City's Planning Policies do not necessarily align with the requirements of the National Construction Codes Series (NCCS), previously known as the Building Codes of Australia.

Ancillary accommodation has traditionally been for family members of the main dwelling, as per the definition in the Residential Design Codes of Western Australia. As the occupants of the ancillary accommodation are related to those people in the main dwelling, there is a general understanding that the facilities in the main dwelling, such as a laundry, can be used by the ancillary accommodation occupant/s. Therefore, it has been the City's general practice that a laundry facility is not required.

As a result of the endorsement of the Affordable Housing Strategy in February 2009, the City's Officers amended the City's Policy No. 3.4.1 relating to Ancillary Accommodation, which was endorsed by the Council at its Ordinary Meeting held on 14 July 2009, to allow non family members of the main dwelling to live in the ancillary accommodation structure. However, it has recently come to the attention of the City's Planning Officers, by the City's Building Surveyors, that if the ancillary accommodation is to be used by non family members, the minimum facilities, as stated in the NCCS are required to be provided. These minimum facilities are as follows:

- (i) a kitchen sink and facilities for the preparation and cooking of food; and*
- (ii) a bath or shower; and*
- (iii) clothes washing facilities, comprising at least one washtub and space in the same room for a washing machine; and*
- (iv) a closet pan and washbasin."*

### Changes that require the WAPC's Approval

The existing acceptable development requirements of the R-Codes are listed in italics, and the City's proposed amendment and justification are listed below each clause.

*An additional dwelling or independent accommodation associated with a single house and on the same lot where:*

- i. *the sole occupant or occupants are members of the family of the occupiers of the main dwelling;*

Clause 3 of the City's draft Policy No. 3.4.1 relating to Ancillary Accommodation states that ancillary accommodation may be used by persons other than members of the family of the main dwelling. However, in order for this to occur, a laundry facility is required to be provided in order to comply with the requirements of the National Construction Code Series. This will mean that the ancillary accommodation will provide all the minimum facilities that a dwelling is required to have. Clause (3)(ii) also notes that the development will be required to comply with a class 1 (stand alone ancillary accommodation), or a class 2 (above a garage, carport, outbuilding and the like). A note is also provided which states that if the ancillary accommodation is proposed to be above the main dwelling, it is to be used by members of the main dwelling only. If this note is not provided, then this type of ancillary accommodation would essentially be a multiple dwelling.

- ii. *the lot is not less than 450 sqm in area;*

It is proposed that the City's Policy No. 3.4.1 relating to Ancillary Accommodation, be amended so that the minimum lot area in which an ancillary accommodation structures can be developed is 400 square metres. This is a variation to the R-Codes, as the R-Codes states that the minimum is 450 square metres. Given the small size lots within the City of Vincent, it is considered that 400 square metres is an approximate average lot size and this variation would also allow for several more opportunities for ancillary accommodation development and housing diversity more generally.

- iii. *the open space requirements of table 1 are met;*

No amendments proposed for this requirement.

- iv. *there is a maximum floor area of 60 sqm; and*

The proposed floor area as stipulated in clause (2)(ii)(a) of the City's draft Policy No. 3.4.1 relating to Ancillary Accommodation, is 70 square metres and is a variation to the requirements of the R-Codes, which states a maximum of 60 square metres. This floor area is the same as the City's Policy No. 3.4.7 relating to Single Bedroom Dwellings, which is relatively similar to that of an Ancillary Accommodation. Additional notes in the Policy have been provided which explains the excluded areas. The floor area excludes areas used for car parking as well as patios, verandahs and balconies. This is generally consistent with Local Planning Policies relating to Ancillary Accommodation in other metropolitan and regional councils.

- v. *one additional car space is provided.*

The R-Codes state that at least one additional car bay be provided for the ancillary accommodation structure. The City is seeking a variation to this requirement and giving the applicant the option of providing the additional car bay or placing a Section 70A Notification on the title, which states that the City of Vincent will not issue a car parking permit to the occupiers of the main dwelling and the ancillary accommodation. This will provide options for land owners and result in a greater number of opportunities for ancillary accommodation development.

### Changes that do *not* require the WAPC's Approval

In light of the requirements of the National Construction Code Series and to remove ambiguity regarding some existing clauses, several other amendments have been proposed to the City's Policy No. 3.4.1 relating to Ancillary Accommodation. These are as follows:

- The Residential Design Codes currently defines an Ancillary Accommodation as a *"self-contained living accommodation on the same lot as a single house that may be attached or detached from the single house however cannot be the subject of a separate green title or survey strata lot."* However, the R-Codes do not define 'self-contained living accommodation'.

In light of this, it is proposed that the definition listed in the existing policy and the R-Codes, be expanded to explain that the minimum facilities required to consider the development as 'self-contained' are; a bedroom and living space, a kitchen area that includes a sink, oven and stove and a bathroom that includes a bath or shower, a toilet and a washbasin. These are essentially requirements (i), (ii) and (iv) of the abovementioned minimum facilities from the NCCS. It is considered that if a family member was living in such an ancillary accommodation structure, they would be able to use the laundry facility in the main dwelling.

It is then further noted that if one or more of the three minimum facilities are not provided, the development is not considered as an ancillary accommodation, rather it would be an outbuilding, bedroom, living room or the like.

It is not considered that this needs the approval of the WAPC as the expansion of the definition is an additional requirement to the R-Codes and not an amended requirement.

- The proposed clause (2)(ii)(b) of the draft amended Policy No. 3.4.1 relating to Ancillary Accommodation, is similar to the existing clause (2)(ii), however it allows a floor area of 50 square metres on the upper floor rather than 35 square metres. This has been amended to allow more flexibility in the Policy and also 50 square metres is the approximate size of a three car garage (two cars for the main dwelling and one car for the ancillary accommodation), in which an ancillary accommodation may be built above. The clause has also been slightly re-worded to remove ambiguity.
- Proposed clause (2)(iii) of the draft amended Policy No. 3.4.1 relating to Ancillary Accommodation, relates to the building height of the ancillary accommodation structure. The previous clause stated a maximum height of 5 metres, however did not confirm if this is for a pitch roof or concealed roof development. In light of this, additional requirements have been included which differentiate between the type of roof form. It is proposed that the height of the ancillary accommodation structure be 1 metre less than minimum requirements for the main dwelling, to further reinforce its status as an ancillary dwelling type.
- Clause (2)(v)(a) of the draft policy No. 3.4.1 relating to Ancillary Accommodation, clarifies that access to the ancillary accommodation structure can be internal or external and clause (2)(v)(b) states that, *"if the Ancillary Accommodation structure is proposed to be built above the main dwelling, internal stair access is required to be provided from the respective ground floor."* Without this clause and if external stair access was provided to an ancillary accommodation that is located above the main dwelling, the ancillary accommodation could effectively act as a multiple dwelling.
- The existing clause (2)(v) has been renumbered to (2)(vi)(a) and the existing clause (3) has been re-numbered to clause (2)(vi)(b), however the wording has not been altered.
- Clause 4 relates to the application of a Section 70A Notification to a Planning Approval for an ancillary accommodation. This is standard wording and is basically carried over from the existing Policy No. 3.4.1 relating to Ancillary Accommodation.

**CONSULTATION/ADVERTISING:**

Any new or rescinded or amended Planning Policy is required to be advertised for public comment in accordance with Clause 47 of the City's Town Planning Scheme No. 1. This will not however be undertaken until comments have been received from the Western Australian Planning Commission and a further report has been presented to the Council.

**LEGAL/POLICY:**

- City of Vincent Town Planning Scheme No. 1 and associated Policies;
- Residential Design Codes of Western Australia; and
- National Construction Code Series.

**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:**

The Policy's ability to allow for non family members to occupy Ancillary Accommodation is considered to be sustainable as it provides additional housing choice and can assist to address the issue of affordable housing. By amending the Policy as outlined in the report, it will allow this form of development to continue, whilst complying with all the necessary requirements.

**FINANCIAL/BUDGET IMPLICATIONS:**

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

**COMMENTS:**

To ensure that the City's Policies comply with the requirements of the National Construction Code Series, in particular through the provision of the minimum facilities, it is considered appropriate to amend Policy No. 3.4.1 relating to Ancillary Accommodation.

The proposed policy proposes several other variations to the Residential Design Codes of WA. As this is something that the City cannot vary without the approval of the WAPC, the subject policy will be required to be referred to them for approval, prior to the commencement of advertising.

In light of the above, it is recommended that the Council adopt the Officer Recommendation and approve the Draft Amended Policy No. 3.4.1 relating to Ancillary Accommodation to send to the WAPC for approval in accordance with clause 5.3.1 of the Residential Design Codes.

**9.2.2 Banks Reserve – Amalgamation and Vesting of the Foreshore Lots**

<b>Ward:</b>	South	<b>Date:</b>	26 September 2011
<b>Precinct:</b>	Banks (15)	<b>File Ref:</b>	TES172 & RES0008
<b>Attachments:</b>	<a href="#">001</a> – Plan of Proposed Amalgamation of WAPC Land		
<b>Tabled Items:</b>	-		
<b>Reporting Officers:</b>	A Munyard; Senior Technical Officer – Land & Development; 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 amalgamation of Lots 40, 804, 29, 700, 701, 802, 703 and 101 Joel Terrace, Mount Lawley into the existing Crown Reserve 43459 which is already under the care, control and management of the City, as shown in Appendix 9.2.2;
2. **ACCEPTS** the vesting of the care, control and management of Crown Reserve 40247, (highlighted yellow) as shown in Appendix 9.2.2; and
3. **ADVISES** the West Australian Planning Commission (WAPC) of its decision.

**COUNCIL DECISION ITEM 9.2.2**

**Moved Cr Farrell, Seconded Cr Buckels**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (7-0)**

**(Cr Burns and Cr Topelberg were on approved leave of absence.)**

**PURPOSE OF REPORT:**

The purpose of this report is to seek the Council's approval for the amalgamation of several adjacent lots along the Swan River foreshore adjacent to Banks Reserve, into a single reserve under the care control and management of the City, including acceptance of a Vesting Order over a second Crown reserve.

**BACKGROUND:**

In 2008, the Department of Planning (DoP) and Infrastructure had largely completed construction of the Swan River Recreation Path, part of which extends through foreshore falling within the City of Vincent {the portion of the dual use path (DUP) is named the Tony Di Scerni Pathway}.

The City previously advised DoP that it would accept vesting of land through which the path runs, when all proposed landscaping had been completed and appropriate funds for the ongoing maintenance of the area had been allocated in the City's budget.

At its Ordinary Meeting held on 13 April 2010 the Council considered a report in relation to the City taking on the care, control and management of this area where the following decision was made:

*“That the Council;*

- (i) *ADVISES the Western Australian Planning Commission (WAPC) that the Town is now prepared to assume the care, control and management of the Swan River Regional Recreational Path (Tony Di Scerni Pathway) and associated landscaping within its boundaries as shown in Appendix 9.2.2, effective from 1 July 2010;*

- (ii) *NOTES that;*
- (a) *the Department of Planning (DoP) have previously undertaken, or are in the process of finalising, all work requirements for completion by 30 June 2010;*
  - (b) *while some members of the community have raised some concerns due to a perceived lack of water flow through the existing water bodies in the area of the recreational path, Officers from both the Town and DoP have undertaken a detailed inspection the systems and are satisfied that adequate water flow/flushing is occurring;*
  - (c) *an alternative access path along the rear of properties from 100 to 114 Joel Terrace must be maintained and utilised as required to allow the necessary heavy plant and equipment access to undertake the required maintenance of the area; and*
  - (d) *the DoP have advised they will initiate an amalgamation of the various lots comprising the reserve area to create one allotment vested in the Town of Vincent for recreational purposes as outlined in Red in the Appendix 9.2.2; and*
- (iii) *LISTS an amount of \$80,000 on the draft annual operating budget to maintain the area identified as the Tony Di Scerni pathway.”*

All requirements have now been met, and DoP have requested that the hand over to the City be finalized.

#### **DETAILS:**

##### **Amalgamation of lots:**

The Swan River foreshore, from Banks Reserve to Bardon Park, comprises several freehold lots owned by WAPC, together with two Crown Reserve (43459, vested in the City, and 40247, currently “unmanaged”) (refer appendix 9.2.2).

The care, control and management of Crown Reserve 43459 is already vested in the City. The WAPC have requested that their freehold Lots 700, 101, 40, 29, 701, 703, 802 and 604, be ceded as Crown Land, and amalgamated into Crown Reserve 43459.

Crown Reserve 40247 is currently “unmanaged”, which means that it is Crown land, without care and control vested in a governing body. WAPC have advised that they are willing to support vesting of this reserve in the City of Vincent. The City will then have the care, control and management of the entire foreshore area north of Banks Reserve (which includes the Tony Di Scerni Pathway).

##### **Tony Di Scerni Pathway Landscape:**

The area in question has been maintained by the City for the past eighteen (18) months and the landscaping is progressing very well. Additional planting is undertaken annually and the removal of several rogue species of ‘sheoak’ has been undertaken where they had self sown.

There are future plans, with the assistance of grant funding, to further develop some of the natural springs that flow through the landscaped area into the Swan River.

Other than some minor security matters that have arisen and have been quickly resolved by staff with specific owner/occupiers backing onto the reserve, there have been no major issues or failing of any infrastructure in the area.

##### **Mitchell Street Road Reserve:**

The Mitchell Street Road Reserve is to the north of lot 101 and Crown Reserve 40247. This is under the care control and management of the City of Bayswater.

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

The land transfer, Crown Reserve designation and vesting order will be undertaken by DoP in accordance with the requirements of Land Administration Act 1997 and the Transfer of Land Act 1893.

**RISK MANAGEMENT IMPLICATIONS:**

**Low.**

**STRATEGIC IMPLICATIONS:**

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

*"Natural and Built Environment*

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

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

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

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

Not applicable in relation to the land transfers. The 2011/2012 budget has \$82,500 allocated for maintenance of the Tony Di Serni pathway and surrounds.

**COMMENTS:**

It is therefore recommended that the Council approve the amalgamation of Lots 700, 101, 40, 29, 701, 703, 802 and 804, into Crown Reserve 43459, accepts the vesting of care, control and management of Crown Reserve 40247 and advises the West Australian Planning Commission (WAPC) of its decision.

**9.2.4 Oxford Street, Leederville – Proposed Introduction of Two (2) x Fifteen (15) Minute Parking Bays**

<b>Ward:</b>	South	<b>Date:</b>	3 October 2011
<b>Precinct:</b>	Oxford Centre (P4)	<b>File Ref:</b>	PKG0015
<b>Attachments:</b>	<a href="#">001</a> – Plan No. 2874-CP-01		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	R Lotznicker, Director Technical Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council **APPROVES** the introduction of two (2) x fifteen (15) Minute parking bays 8.00am to Midnight times outside No. 114 Oxford Street, Leederville, as shown on attached Plan 2874-CP-01.

**COUNCIL DECISION ITEM 9.2.4**

**Moved Cr Farrell, Seconded Cr Buckels**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (7-0)**

**(Cr Burns and Cr Topelberg were on approved leave of absence.)**

**PURPOSE OF REPORT:**

The purpose of this report is to inform the Council of petition received requesting that the City install time restricted 15 minutes ‘drop-off and ‘pick up’ parking bays in front of the Leederville Laundrobar at No 114 Oxford Street Leederville to improve the access to the short stay available parking to serve the businesses in this area.

**BACKGROUND:**

The existing restriction in this section of Oxford Street comprises 1P Ticket 8.00am to 7.00pm and P (*no restriction*) Ticket 7.00pm to Midnight. Fifteen (15) minute time restrictions (*with no requirement to pay*) are currently in place adjacent to other businesses in Oxford Street. These restrictions have been installed to cater to the specific needs of the businesses e.g. Deli’s etc where the adjoining business rely on short stay parkers.

**DETAILS:**

The Town’s officers have investigated the matter and concur with the validity of the applicant's concerns and recommend that two (2) of the existing bays be redesignated to fifteen (15) minute bays (with no requirement to pay).

This is based on the nature of the business whereby it can be reasonably expected that people will only take a short time to either make a purchase or undertake the required task/s.

The proposed restriction would therefore be fifteen (15) minutes at all times. A moratorium will be put in place on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs.

**CONSULTATION/ADVERTISING:**

The Petitioner and nearby affected businesses will be informed of the Council’s decision.

**LEGAL/POLICY:**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS:**

Low.

**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 of two (2) new signs and installing two (2) new signs and poles, which will cost approximately \$200.

**COMMENTS:**

Similar restrictions are currently in place adjacent to other businesses in Oxford Street. These restrictions have been installed to cater to the specific needs of the businesses. The proposed fifteen (15) minute restriction on these parking bays will improve access to short stay available parking to serve the businesses in this area.

### 9.3.1 Financial Statements as at 31 August 2011

<b>Ward:</b>	Both	<b>Date:</b>	28 September 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0026
<b>Attachments:</b>	<a href="#">001</a> – Financial Reports		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	B C Tan, Manager Financial Services; 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 August 2011 as shown in Appendix 9.3.1.

#### COUNCIL DECISION ITEM 9.3.1

Moved Cr Farrell, Seconded Cr Buckels

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (7-0)**

**(Cr Burns and Cr Topelberg were on approved leave of absence.)**

#### PURPOSE OF REPORT:

The purpose of this report is to present the Financial Statements for the period ended 31 August 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 31 August 2011:

Note	Description	Page
1.	Significant Accounting Policies relevant to the Statement of Financial Activity	
2.	Summary of Programmes/Activities	1-16
3.	Statement of Financial Activity by Programme Report	17
4.	Statement of Financial Activity by Nature or Type Report	18
5.	Statement of Financial Position	19
6.	Statement of Changes in Equity	20
7.	Notes to the Net Current Funding Position	21-22
8.	Capital Works Schedule	23-29
9.	Restricted Cash Reserves	30
10.	Sundry Debtors Report	31
11.	Rate Debtors Report	32
12.	Beatty Park Leisure Centre Report – Financial Position	33
13.	Variance Comment Report	34-36
14.	Monthly Financial Positions Graph	37-39

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**CITY OF VINCENT  
NOTES TO AND FORMING PART OF THE FINANCIAL REPORT  
AS AT 31 AUGUST 2011**

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**1. SIGNIFICANT ACCOUNTING POLICIES**

The significant policies which have been adopted in the preparation of these financial statements are:

**(a) Basis of Accounting**

The financial report is a general purpose financial report which has been prepared in accordance with Australian Accounting Standards (as they apply to local government and not-for-profit entities), Australian Accounting Interpretations, other authoritative pronouncement of the Australian Accounting Standard Boards, the Local Government Act 1995 and accompanying regulations.

The report has been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected non-assets, financial assets and liabilities.

**(b) The Local Government Reporting Entity**

All Funds through which the Council controls resources to carry on its functions have been included in the financial statements forming part of this financial report.

In the process of reporting on the local government as a single unit, all transactions and balances between those Funds (for example, transfers between Funds) have been eliminated.

**Trust Funds**

As the City performs only a custodial role in respect of these monies, and because the monies cannot be used for Council purposes, they are excluded from the financial statements.

**(c) Rates, Grants, Donation and Other Contributions**

Rates, grants, donation and other contributions are recognised as revenues when the council obtains control over the assets comprising the contributions. Control over the assets acquired from rates is obtained at the commencement of the rating period or where, earlier, upon receipt of the rates.

**(d) Cash and Cash Equivalents**

Cash and cash equivalent comprise cash at bank and in hand and short term deposits that are readily convertible to known amounts of cash and which are subjected to a significant risk of changes in value.

For the purposes of the Statement of Cash Flows, cash and cash equivalents consist of cash and cash equivalents as defined above, net of outstanding bank overdrafts. Bank overdrafts are included as short-term borrowings in current liabilities on the Statement of Financial Position.

**(e) Trade and Other Receivables**

Collectability of trade receivables is reviewed on an ongoing basis. Debts that are known to be uncollectible are written off when identified. Provision for impairment in receivables is raised when there is objective evidence that they will not be collectible.

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**CITY OF VINCENT  
NOTES TO AND FORMING PART OF THE FINANCIAL REPORT  
AS AT 31 AUGUST 2011**

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**1. SIGNIFICANT ACCOUNTING POLICIES (Continued)**

**(f) Inventories**

General

Inventories are valued at the lower of cost and net realisable value. Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.

Inventories held from trading are classified as current even if not expected to be realised in the next 12 months.

Land Held for Resale

Land purchased for development and/or resale is valued at the lower of cost and net realisable value. Cost includes the cost of acquisition, development and interest incurred on the financing of that land during its development. Interest and holding charges incurred after development is complete are recognised as expenses

Revenue arising from the sale of property is recognised in the Income Statement as at the time of signing a binding contract of sale.

Land held for resale is classified as current except where it is held as non-current based on the Council's intentions to release for sale.

**(g) Fixed Assets**

All assets are initially recognised at cost. Cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at no cost or for nominal considerations, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the local government includes the cost of all materials used in the construction, direct labour on the project and an appropriate proportion of variable and fixed overhead.

Certain asset classes may be revalued on a regular basis such that the carrying values are not materially different from fair value. Assets carried at fair value are to be revalued with sufficient regularity to ensure the carrying amount does not differ materially from that determined using fair value at reporting date

**(iii) Depreciation of Non Current Assets**

All non-current assets having a limited useful life are systematically depreciated over their useful lives in a manner which reflects the consumption of the future economic benefits embodied in those assets. Assets are depreciated from the date of the acquisition or in respect of internally constructed assets, from the time the asset is completed and held ready for use.

Depreciation is recognised on a straight-line basis, using rates which are reviewed each reporting period.

**CITY OF VINCENT  
NOTES TO AND FORMING PART OF THE FINANCIAL REPORT  
AS AT 31 AUGUST 2011**

**1. SIGNIFICANT ACCOUNTING POLICIES (Continued)**

Major depreciation periods are:

Asset Description	Life Expectancy
Buildings	40 years
Furniture and Equipment	4 – 10 years
Plant and Equipment	5 – 15 years
Bores/Pumps	10 – 20 years
Playground Equipment	10 years
Motor Vehicles	5 – 10 years
Sealed Roads and Streets	
Clearing and earthworks	Not depreciated
Construction/road base	33 years
Formed roads (unsealed)	
Clearing and earthworks	Not depreciated
Construction/road base	33 years
Footpaths - Insitu Concrete	75 years
Parking-Sealed/Kerbed/Drained	40 years
Parking-Lighting	30 years
Rights of Way-Sealed/Kerbed/Drained	40 years
Drainage	80 years
Fencing	20 years
Park Furniture/Street Furniture	10 years

Assets are depreciated from the date of acquisition or, in respect of internally constructed assets, from the time an asset is completed and held ready for use.

**(h) Employee Entitlements**

The provisions for employee benefits relates to amounts expected to be paid for long service leave, annual leave, wages and salaries and are calculated as follows:

**(i) Wages, Salaries, Annual Leave and Long Service Leave (Short-term Benefits)**

The provision for employees' benefits to wages, salaries, annual leave and long service leave expected to be settled within 12 months represents the amount the municipality has a present obligation to pay resulting from employees services provided to balance date. The provision has been calculated at nominal amounts based on remuneration rates the Council expects to pay and includes related on-costs.

**(ii) Long Service Leave (Long-term Benefits)**

The provision for employees' benefits for long service leave expected to be settled more than 12 months from the reporting date represents the present value of the estimated future cash outflows to be made by the employer resulting from the employee's service to balance date.

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**CITY OF VINCENT  
NOTES TO AND FORMING PART OF THE FINANCIAL REPORT  
AS AT 31 AUGUST 2011**

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**1. SIGNIFICANT ACCOUNTING POLICIES (Continued)**

**(i) Interest in Joint Venture**

The Council is participant with six (6) other Councils, namely the cities of Joondalup, Wanneroo, Stirling, Perth and the Towns of Cambridge and Victoria Park.

Interest in Joint Venture is accounted for by applying the equity method. Under this method of accounting interest in a joint controlled entity is initially recorded at cost and adjusted thereafter for the post acquisition change in the venturer's share of net assets of the jointly controlled entity.

**(j) Trade and Other Payables**

Trade and other payables are carried at amortised cost. They represent liabilities for goods and services provided to the City prior to the end of the financial year that are unpaid and arise when the City becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured and are usually paid within thirty (30) days of recognition.

**(k) Goods and Services Tax**

In accordance with recommended practice, revenues, expenses and assets capitalised are stated net of any GST recoverable. Receivables and payables in the Statement of Financial Position are stated inclusive of applicable GST.

**(l) Interest-Bearing Loans and Borrowings**

Borrowings are classified as current liabilities unless Council has an unconditional right to defer settlement of the liability for at least twelve (12) months after the Statement of Financial Position date.

**(m) Investments and other Financial Assets**

Classification

Council classifies its investments in the following categories: financial assets at fair value through profit or loss, loans and receivables, held-to-maturity investments and available-for-sale financial assets. The classification depends on the purpose for which the investments were acquired. Management determines the classification of its investments at initial recognition and, in the case of assets classified as held-to-maturity, re-evaluates this designation at each reporting date.

**(i) Financial assets at fair value through profit and loss**

Financial assets at fair value through profit or loss are financial assets held for trading. A financial asset is classified in this category if acquired principally for the purpose of selling in the short term. Derivatives are classified as held for trading unless they are designated as hedges. Assets in this category are classified as current assets.

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**CITY OF VINCENT  
NOTES TO AND FORMING PART OF THE FINANCIAL REPORT  
AS AT 31 AUGUST 2011**

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**1. SIGNIFICANT ACCOUNTING POLICIES (Continued)**

(m) **Investments and other Financial Assets (Continued)**

(ii) Loans and receivables

Loans and receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market. They are included in current assets, except for those with maturities greater than twelve (12) months after the Statement of Financial Position date which are classified as non-current assets. Loans and receivables are included in trade and other receivables in the Statement of Financial Position.

(n) **Provisions**

Provisions are recognised when: The Council has a present legal or constructive obligation as a result of past events; it is more likely than not that an outflow of resources will be required to settle the obligation; and the amount has been reliably estimated. Provisions are not recognised for future operating losses.

Where there are a number of similar obligations, the likelihood that an outflow will be required in settlement is determined by considering the class of obligations as a whole. A provision is recognised even if the likelihood of an outflow with respect to any one item included in the same class of obligations may be small.

(o) **Estimation of Fair Value**

The fair value of financial assets and financial liabilities must be estimated for recognition and measurement or for disclosure purposes.

The fair value of financial instruments traded in active markets is based on quoted market prices at the Statement of Financial Position date.

The fair value of financial instruments that are not traded in an active market is determined using valuation techniques. Council uses a variety of methods and makes assumptions that are based on market conditions existing at each balance date. These include the use of recent arm's length transactions, reference to other instruments that are substantially the same, discounted cash flow analysis, and option pricing models making maximum use of market inputs and relying as little as possible on entity-specific inputs.

Quoted market prices or dealer quotes for similar instruments are used for long-term debt instruments held. Other techniques, such as estimated discounted cash flows, are used to determine fair value for the remaining financial instruments.

The nominal value less estimated credit adjustments of trade receivables and payables are assumed to approximate their fair values. The fair value of financial liabilities for disclosure purposes is estimated by discounting the future contractual cash flows at the current market interest rate that is available to the Council for similar financial instruments.

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**CITY OF VINCENT  
NOTES TO AND FORMING PART OF THE FINANCIAL REPORT  
AS AT 31 AUGUST 2011**

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**1. SIGNIFICANT ACCOUNTING POLICIES (Continued)**

(p) **Rounding**

All figures shown in the financial report have been rounded off to the nearest dollar and some minor variations between schedules may result.

(q) **Comparatives**

Comparative figures are, where appropriate, reclassified as to be comparable with the figures presented for the current financial year.

(r) **Budget Comparative Figures**

Unless otherwise stated, the budget comparative figures shown in this annual financial report relate to the revised estimate for the relevant item of the disclosure except the rate setting statement and statement of rating information where the original estimates are used.

(s) **Nature or Type Classifications**

**Rates**

All rates levied under the Local Government Act 1995. Includes general, differential, specific area rates, minimum rates, interim rates, back rates, ex gratia rates, less discount offered. Exclude administration fees, interest on instalments, interest on arrears and service charge.

**Operating Grants, Subsidies and Contribution**

Refer to all amounts received as grants, subsidies and contributions that are not non-operating grants.

**Non-Operating Grants, Subsidies and Contribution**

Amounts received specifically for the acquisitions, construction of new or the upgrading of non-current assets paid to a local government, irrespective of whether these are received as capital grants, subsidies, contribution or donations.

**Profit on assets disposal**

Profit on the disposal of assets including gains on the disposal of long term investment. Losses are disclosed under the expenditure classifications.

**Fees and Charges**

Revenues (other than service charges) from the use of facilities and charges made for local government services, rentals, hire charges, fee for service, photocopying charges, licences, sale of goods or information, fines, penalties and administration fees. Local government may wish to disclose more details such as rubbish collection fees, rental of property, fines and penalties, other fees and charges.

**Service Charges**

Service charges imposed under Division 6 of Part 6 of the Local Government Act 1998. Regulations 54 of the Local Government (Financial Management) Regulations 1996 identifies that these are Underground power charges. Interest and other items of a similar nature received from bank and investment accounts, interest on rate instalments, interest on rate arrears and interest on debtors.

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**CITY OF VINCENT  
NOTES TO AND FORMING PART OF THE FINANCIAL REPORT  
AS AT 31 AUGUST 2011**

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**1. SIGNIFICANT ACCOUNTING POLICIES (Continued)**

(s) **Nature or Type Classifications (Continued)**

**Interest Earnings**

Interest and other items of a similar nature received from bank and investment accounts, interest on rate instalments, interest on rate arrears and interest on debtors.

**Other Revenue**

Other revenue, which cannot be classified under the above headings, includes dividends, discounts, rebates etc.

**Employee costs**

All costs associate with the employment of person such as salaries, wages, allowances, benefits such as vehicles and housing, superannuation, employments expenses, removal expenses, relocations expenses, worker's compensation insurance, training coats, conferences, safety expenses, medical examinations, fringe benefits tax , etc.

**Material and Contracts**

All expenditure on materials, supplies and contracts not classified under other headings. These include supply of goods and materials, legal expenses, consultancy, maintenance agreements, communication expenses, advertising expenses, memberships, periodicals, publications, hire expenses, rental, leases, postage and freight etc. Local government may wish to disclose more detail such as contract services, consultancy, information technology, and rental or lease expenditures.

**Utilities**

Expenditures made to the respective agencies for the provision of power, gas or water. Exclude expenditures incurred for the reinstatement of roadwork on behalf of these agencies.

**Insurance**

All insurance other than worker's compensation and health benefit insurance included as a cost of employment.

**Loss on assets disposal**

Loss on the disposal of fixed assets

**Depreciation**

Depreciation expense raised on all classes of assets.

**Interest Expense**

Interest and other costs of finance paid, including costs of finance for loan debentures, overdraft accommodation and refinancing expenses.

**Other expenditure**

Statutory fees, taxes, provision for bad debts, member's fees or levies including WA Fire Brigade levy and State taxes. Donations and subsidies made to community groups.

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**CITY OF VINCENT  
NOTES TO AND FORMING PART OF THE FINANCIAL REPORT  
AS AT 31 AUGUST 2011**

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**1. SIGNIFICANT ACCOUNTING POLICIES (Continued)**

(t) **Statement of Objectives**

In order to discharge its responsibilities to the community, the Council has developed a set of operational and financial objectives. These objectives have been established both on an overall basis reflected by the Council's Mission and Vision Statement and for each of its broad activities/programs.

These objectives provide a framework for the future direction of the City of Vincent.

**Council Mission Statement**

"Enhancing and celebrating our diverse Community"

**Council Vision Statement**

Our Vision is for Vincent to be a sustainable and caring community built with vibrancy and diversity.

**Our Purpose**

To provide and facilitate services for a safe, healthy and sustainable community

**Our Guiding Values**

The guiding values of City of Vincent are those that describe how we want to operate, and all employees are strongly encouraged to align and work to these values.

**Excellence & Service**

We aim to pursue and deliver the highest possible standard of service and professionalism to the Vincent community.

**Honesty & Integrity**

We are honest, fair, consistent, accountable, open and transparent in our dealings with each other and are committed to building trust and mutual respect.

**Caring & Empathy**

We are committed to the wellbeing and needs of our employees and community and value each others views and contributions.

**Innovation & Diversity**

We encourage creativity, innovation and initiative to realise the vibrancy and diversity of our vision.

**Teamwork & Commitment**

Effective teamwork is vital to our organisation and we encourage co-operation, teamwork and commitment within and between our employees and our business partners and community.

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**CITY OF VINCENT  
NOTES TO AND FORMING PART OF THE FINANCIAL REPORT  
AS AT 31 AUGUST 2011**

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**1. SIGNIFICANT ACCOUNTING POLICIES (Continued)**

**Component Functions and Activities**

The Operating Statements are presented in a programme format using the following classifications:-

**Governance**

This schedule details costs and revenues associated with Governance of the City. These include Members of Council and other costs involved in supporting members and governing the City.

**General purpose funding**

This schedule records detail of rate revenue and general purpose grants allocated by the WA Local Government Grants Commission as well as expenditures associated with this (rates collection, investment of funds).

**Law, order and public safety**

This programme covers costs associated with Animal Control, Fire Prevention and other Law and Order services generally associated with Local Law control.

**Health**

This programme covers Health Administration and Inspection, Child Health Clinics, Immunisation Clinics, Food Control and Pest Control Services.

**Education and welfare**

The major costs here relate to staff involved in coordinating welfare, disability and youth services and donations to various community welfare groups serving the City.

**Community amenities**

This programme covers activities of household refuse and recycling, other sanitation including public litter bins and bulk rubbish collections, as well as town planning and regional development administration, protection of the environment and bus shelters and street furniture.

**Recreation and culture**

This programme covers activities associated with public halls, recreation administration, sports grounds, parks and reserves, Beatty Park Leisure Centre, Vincent Library and cultural activities.

**Transport**

The principal operating areas here relate to maintenance of footpaths, drains, street cleaning, verges and medians, roads and kerbs, rights of way, crossovers, street trees and road reserves. Parking control and operation of car parks is also covered.

**Economic services**

This programme covers costs associated with building control and area promotion.

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	\$3,369,807
YTD Revised Budget	\$3,502,705
YTD Variance	(\$132,898)
Full Year Budget	\$19,174,015

Summary Comments:

The total operating revenue is currently 96% of the year to date Budget estimate.

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

Governance – 70% below budget;  
Law Order and Public Safety – 381% over budget;  
Health – 7% below budget;  
Community Amenities – 30% over budget;  
Transport – 23% below budget;  
Economics – 10% below budget; and  
Other Property and Services – 40% below budget.

Note: Detailed variance comments are included on page 34 – 36 of Appendix 9.3.1.

**Operating Expenditure**

YTD Actual	\$7,320,971
YTD Revised Budget	\$7,605,357
YTD Variance	(\$284,386)
Full Year Budget	\$42,263,978

Summary Comments:

The total operating expenditure is currently 96% of the year to date Budget estimate

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

Governance – 8% over budget;  
Law Order and Public Safety – 13% below budget;  
Transport – 12% below budget;  
Economic Services – 52% over budget;  
Other Property & Services – 43% over budget; and  
Administration General – 90% below 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	\$ 3,095,567
YTD Revised Budget	\$4,449,489
Variance	(\$1,353,921)
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 34 – 36 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 \$36,355,499 and non-current assets of \$188,595,170 for total assets of \$224,950,669.

The current liabilities amount to \$13,707,756 and non-current liabilities of \$11,255,906 for the total liabilities of \$24,963,662.

The net asset of the City or Equity is \$199,987,007.

**7. Net Current Funding Position**

	Note	31 Aug 2011 YTD Actual \$	30 Jun 2011 YTD Actual \$
<b>Current Assets</b>			
Cash Unrestricted	1	13,795,199	1,214,875
Cash Restricted	2	9,371,621	9,324,749
Receivables – Rubbish and Waste	3	10,667,379	99,619
Receivables – Others	4	3,020,440	3,118,038
Inventories	5	222,441	203,268
		<b>37,077,081</b>	<b>13,960,548</b>
<b>Less: Current Liabilities</b>			
Trade and Other Payables	6	(8,389,140)	(4,542,258)
Provisions	7	(2,361,913)	(2,256,303)
Accrued Interest (included in Borrowings)	8	(134,004)	(134,004)
		<b>(10,885,057)</b>	<b>(6,932,565)</b>
<b>Less: Restricted Cash Reserves</b>		(9,371,621)	(9,324,749)
<b>Net Current Funding Position</b>		<b>16,820,403</b>	<b>(2,296,766)</b>

The net current asset position as at 31 August 2011 is \$26,192,024.

Note: Detailed analyses are included on page 21-22 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	\$19,900	\$377	2%
Plant & Equipment	\$1,126,500	\$128,660	\$2,670	2%
Land & Building	\$15,154,425	\$928,900	\$226,650	24%
Infrastructure	\$12,082,448	\$877,900	\$216,060	25%
<b>Total</b>	<b>\$28,546,373</b>	<b>\$1,955,360</b>	<b>\$445,757</b>	<b>23%</b>

Note: Detailed analyses are included on page 23-29 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 August 2011 is \$9.4m. The balance as at 31 August 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 \$523,266 is outstanding at the end of August 2011.

Out of the total debt, \$204,365 (39.1%) 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 August 2011 including deferred rates was \$9,774,550 which represents 42.67% of the outstanding collectable income compared to 42.20% at the same time last year.

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

As at 31 August 2011 the operating deficit for the Centre was \$218,678 in comparison to the year to date budgeted deficit of \$299,067.

The cash position showed a current cash deficit of \$126,892 in comparison year to date budget estimate of a cash deficit of \$215,083. 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.

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

<b>Ward:</b>	-	<b>Date:</b>	30 September 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 September 2011.

**COUNCIL DECISION ITEM 9.4.1**

**Moved Cr Farrell, Seconded Cr Buckels**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY "EN BLOC" (7-0)**

**(Cr Burns and Cr Topelberg were on approved leave of absence.)**

**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>
02/09/2011	Deed of Agreement	3	City of Vincent and Mr B D Maluish and Ms E A English both of 46 Burt Street, Fremantle re: No. 15 (Lot 19 D/P: 6645) Baker Avenue Perth - <i>Clearance of Survey Strata Subdivision</i>
02/09/2011	Lease	3	City of Vincent and Western Australian Junior Rugby Union (Inc) of PO Box 146, Floreat WA 6014 re: Portion of Britannia Road Reserve Clubhouse - <i>Commencement Date: 1 July 2011 to 30 June 2016, with Five (5) Year Further Option from 1 July 2016 to 30 June 2021</i>
05/09/2011	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: George P Johnson Function - 6 September 2011 (Gareth Naven Lounge)

Date	Document	No of copies	Details
07/09/2011	Loan Agreement	2	City of Vincent and Western Australian Treasury Corporation (Loan No. 10) re: Fixed Rate Loan as at 3 January 2012 until 3 January 2032
13/09/2011	Deed for Reduction in Service Fees	2	City of Vincent and Leederville Gardens Inc of 37 Britannia Road, Leederville, WA 6007 and Mrs M Brunn of Unit 58, Leederville Gardens (Inc) Retirement Estate
09/09/2011	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: Perth College School Social - 9 September 2011 (nib Lounge)
12/09/2011	Deed of Easement	3	City of Vincent and M A Casserly and M Casserly both of 18 Woodville Street, North Perth re: Expressed Easement Lot 17 (No. 26) Flinders Street, Mount Hawthorn 6016
13/09/2011	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: Mustard Catering - Retail Vendors Meeting - 13 September 2011 (nib Lounge)
13/09/2011	Withdrawal of Caveat	1	City of Vincent and Downings Legal, Level 11, 167 St Georges Terrace, Perth WA 6000 re: No. 114 (Lot 125 D/P: 2790) Edinboro Street, Mount Hawthorn - Demolition of Existing Garage and Shed and Alterations and Additions to Existing Single House
15/09/2011	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: Churchlands Senior High School Ball - 16 September 2011 (Gareth Naven Room and nib Lounge)
15/09/2011	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: Perth College of Netball - Wind up Dinner - 17 September 2011 (nib Lounge)
19/09/2011	Easement in Gross	3	City of Vincent and D Di Florio of 387 Nicholson Road, Forrestdale re: Nos. 511-513 Beaufort Street, Mount Lawley - <i>To satisfy Clause (ix) of Conditional Approval by the Council at its Ordinary Meeting of Council held on 21 October 2008</i>
20/09/2011	Contract Documents	2	City of Vincent and Mr T G Ashton re: Unit 63, Leederville Gardens Retirement Estate
20/09/2011	Lease	3	City of Vincent and Patricia Giles Centre Incorporated of PO Box 25, Joondalup WA 6027 re: Lot 245 on Plan 25923 being part of the land described in Crown Land Certificate of Title Volume 2723 Folio 520 (245 Vincent Street, Leederville 6007) - <i>Commencement Date: 1 December 2016 to 30 November 2021 with a further Option of Five (5) Years to 30 November 2021</i>
23/09/2011	Deed	2	City of Vincent and City of Gosnells of PO Box 662, Gosnells WA 6990 re: <i>"Switch your Thinking" Intellectual Property Licence Agreement - Commencement Date: 7 July 2011</i>
23/09/2011	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: United Voice Meeting - 26 September 2011 (Gareth Naven Room)
27/09/2011	Withdrawal of Caveat	1	City of Vincent and Downings Legal of Level 11, 167 St Georges Terrace, Perth WA 6000 re: No. 4 (Lot 502) Elven Street, North Perth

Date	Document	No of copies	Details
28/09/2011	Power of Attorney	2	City of Vincent and McLeods of 220-222 Stirling Highway, Claremont WA 6010 - To authorise the Tamala Park Regional Council to act on behalf of the City to sell/dispose of land within Lot 118 Mindarie (Lot 9504 Certificate of Title 2230 Folio 333) - <i>As per Council resolution of the Ordinary Meeting of Council held on 27 September 2011</i>
30/09/2011	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: Community Physio Services Meeting - 3 October 2011 (Gareth Naven Lounge)

**9.4.2 nib Stadium Management Committee Meeting - Receiving of Confirmed Minutes 8 September 2011 and 16 September 2011 and Unconfirmed Minutes 26 September 2011**

<b>Ward:</b>	South	<b>Date:</b>	30 September 2011
<b>Precinct:</b>	Beaufort, P13	<b>File Ref:</b>	RES0082
<b>Attachments:</b>	<a href="#">001</a> – Confirmed Minutes of Special Stadium Committee Meeting <a href="#">002</a> – Confirmed Minutes of Stadium Working Group Meeting <a href="#">003</a> – Unconfirmed Minutes of Stadium Committee Meeting		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	M McKahey, Personal Assistant		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

**That the Council RECEIVES:**

1. the Confirmed Minutes of the nib Stadium Management Committee Special Meeting held on 8 September 2011, as shown in Appendix 9.4.2(A);
2. the Confirmed Minutes of the nib Stadium Working Group Meeting held on 16 September 2011, as shown in Appendix 9.4.2(B); and
3. the Unconfirmed Minutes of the nib Stadium Management Committee Meeting held on 26 September 2011, as shown in Appendix 9.4.2(C).

**COUNCIL DECISION ITEM 9.4.2**

**Moved Cr Farrell, Seconded Cr Buckels**

**That the recommendation be adopted.**

**CARRIED UNANIMOUSLY "EN BLOC" (7-0)**

**(Cr Burns and Cr Topelberg were on approved leave of absence.)**

**PURPOSE OF REPORT:**

The purpose of the report is for the Council to receive the Confirmed Minutes of the nib Stadium Management Committee Special Meeting held on 8 September 2011, the nib Stadium Working Group Meeting held on 16 September 2011 and the Unconfirmed Minutes of the nib Stadium Management Committee meeting held on 26 September 2011.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 14 September 2004, the Council considered the establishment of a Committee for the management of the Stadium and resolved inter alia as follows:

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

- (iii) *to delegate the following functions to the Committee;*
  - (a) *to establish and review the Heads of Agreement (HOA) Key Performance Indicators (KPIs) in conjunction with Allia;*

- (b) *to assess whether each proposed Licensing Agreement is consistent with the KPIs and the provisions of the HOA and to approve the proposed Licensing Agreement if it is consistent;*
- (c) *to supervise the performance of the Services by Allia and to ensure that Allia performs the Services in accordance with the KPIs and the HOA;*
- (d) *to receive and consider Performance Reports;*
- (e) *to advise the Council on Capital Improvements required for the Stadium and to make recommendations to the Council about the use of the Reserve Fund;*
- (f) *to review Naming Signage; and*
- (g) *to review the Risk Management Plan;*

*(For the purpose of avoidance of doubt, it is acknowledged that the Committee's functions do not include carrying out any of the Operational Management Services which are to be provided by Allia)."*

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

The Local Government Act Regulations 1996 requires that Committee Meeting Minutes be reported to the Council.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** It is a statutory requirement to report on the minutes of the Council's Committee meetings.

**STRATEGIC IMPLICATIONS:**

This is in keeping with the City's Strategic Plan - Plan for the Future 2011-2016, Objective 4.1 – *"Provide Good Strategic Decision Making, Governance, Leadership and Professional Management"* and, in particular, Objective 4.1.2 - *"Manage the organisation in a responsible, efficient and accountable manner"*.

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The reporting of the City's Committee Minutes to the Council Meeting is in keeping with the Local Government Act 1995 and its regulations.

**9.4.11 Information Bulletin**

<b>Ward:</b>	-	<b>Date:</b>	3 October 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 11 October 2011, as distributed with the Agenda.

**COUNCIL DECISION ITEM 9.4.11**

**Moved Cr Farrell, Seconded Cr Buckels**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY "EN BLOC" (7-0)**

**(Cr Burns and Cr Topelberg were on approved leave of absence.)**

**DETAILS:**

The items included in the Information Bulletin dated 11 October 2011 are as follows:

<b>ITEM</b>	<b>DESCRIPTION</b>
IB01	Letter of Appreciation from Mrs L. Sandown of Mount Hawthorn concerning the City's Co-ordinator Safer Vincent
IB02	Email of Appreciation from Vincent resident, Ms P. Newby concerning the City's Technical Services Section
IB03	Letter of Appreciation from Ms M. Jewell of Dianella to the City relating to "First-Hour" free parking in the City's Car Parks in Mount Lawley
IB04	Letter from State Administrative Tribunal (SAT) regarding Matter No. DR/115 of 2011 – Kaamos v Town of Vincent, No. 33 Brisbane Street, Perth
IB05	Arts and Culture Advisory Group Unconfirmed Minutes of the meeting held on 7 September 2011
IB06	Register of Petitions - Progress Report - October 2011
IB07	Register of Notices of Motion - Progress Report - October 2011
IB08	Register of Reports to be Actioned - Progress Report - October 2011
IB09	Register of Legal Action - Dilapidated Buildings and Houses Unfit for Human Habitation (Confidential – Council Members Only) - Quarterly Report - October 2011
IB10	Register of Legal Action and Prosecutions (Confidential – Council Members Only) - Quarterly Report - October 2011
IB11	Register of State Administrative Tribunal Appeals - Progress Report - October 2011
IB12	Forum Notes - 20 September 2011
IB13	Forum Advice - 18 October 2011
IB14	Letter from Premier of Western Australia concerning the Major Land Transaction and Business Plan for nib Stadium

**9.4.12 LATE ITEM: Audit Committee - Receiving of Unconfirmed Minutes - 6 October 2011**

<b>Ward:</b>	-	<b>Date:</b>	7 October 2011
<b>Precinct:</b>	-	<b>File Ref:</b>	FIN0106
<b>Attachments:</b>	<a href="#">001</a> – Audit Committee Unconfirmed Minutes		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	John Giorgi, Chief Executive Officer		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council RECEIVES the Audit Committee Unconfirmed Minutes dated 6 October 2011, as shown in Appendix 9.4.12.

**COUNCIL DECISION ITEM 9.4.12**

**Moved Cr Farrell, Seconded Cr Buckels**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (7-0)**

**(Cr Burns and Cr Topelberg were on approved leave of absence.)**

**PURPOSE OF REPORT:**

The purpose of this report is for the Council to receive the unconfirmed minutes of the Audit Committee held on 6 October 2011.

**BACKGROUND:**

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

*"That the Council;*

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

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

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

**RISK MANAGEMENT IMPLICATIONS:**

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

**STRATEGIC IMPLICATIONS:**

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

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

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Not applicable.

**COMMENTS:**

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

**9.1.1 No. 629 (Lot 100; D/P: 58812 and Lot 51; D/P: 37467) Newcastle Street, corner of Loftus Street, Leederville Parade and Frame Court, Leederville – Demolition of Existing Two (2) Storey Building on Newcastle Street Frontage, Construction of a New Mixed-Use Development Consisting of Six (6), Multi-Storey Buildings (between 10 and 27 storeys) consisting of Offices, Shops, Eating Houses and Multiple Dwellings (240 units), Basement Car Parking and Alterations and Extensions to Existing John Tonkin Water Centre including a Child Care Centre – Further Report**

<b>Ward:</b>	South	<b>Date:</b>	30 September 2011
<b>Precinct:</b>	Oxford Centre; P04	<b>File Ref:</b>	PRO0143; 5.2010.524.4
<b>Attachments:</b>	<p><a href="#">001</a> - Development Plans;</p> <p><a href="#">002</a> - Response from Water Corporation in relation to concerns raised during advertising and responses to Main Roads WA and Department of Transport submissions;</p> <p><a href="#">003</a> - Additional information from the Water Corporation dated 30 September 2011, and Aurecon dated 26 September 2011;</p> <p><a href="#">004</a> - Newcastle Street Concept Plans by the City;</p> <p><a href="#">005</a> - Letters dated 28 and 30 September 2011, respectively from the Department of Transport and Main Roads WA;</p> <p><a href="#">006</a> - Heritage Assessment; and</p> <p><a href="#">007</a> - Feature Survey, Commercial Area and Parking Schedule from Applicant</p>		
<b>Tabled Items:</b>	Traffic Impact Assessment Waste Management, Traffic and Precinct Reports		
<b>Reporting Officer:</b>	R Rasiah, Coordinator Statutory Planning		
<b>Responsible Officer:</b>	R Boardman, Director Development 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 Cox Howlett Bailey Woodland on behalf of the owner Water Corporation for proposed Demolition of Existing Two (2) Storey building on Newcastle Street frontage, Construction of a new Mixed Use Development consisting of Six (6) Multi Storey Buildings (between 10 and 27 storeys) consisting of Offices, Shops, Eating Houses and Multiple Dwellings (240 units), Basement Car Parking and including Alterations and Extensions to Existing John Tonkin Water Centre including a Child Care Centre, at No. 629 (Lot 100; D/P: 58812 and Lot 51; D/P: 37467) Newcastle Street, corner of Loftus Street, Leederville Parade and Frame Court, Leederville, and as shown on plans stamped 12 November 2010, 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 Newcastle Street, Loftus Street, Leederville Parade and Frame Court;**
- 1.2 The doors, windows and adjacent floor areas for the ground floor commercial uses fronting Newcastle Street and Frame Court shall maintain an active and interactive relationship with these streets;**

- 1.3 The proposed development shall incorporate design features that comply with a minimum 5 Star Green Star rating under the Green Building Council of Australia rating system;
- 1.4 The maximum gross floor area of the shops, offices and eating house shall be limited to 1540 square metres, 107846 square metres and 927 square metres respectively. Any increase in floor space or change of use of the shops, offices and eating house shall require Planning Approval to be applied to and obtained from the City. Any change of use shall be assessed in accordance with the relevant Planning Policies including the City's Policy No. 3.7.1 relating to Parking and Access; and
- 1.5 The maximum number of children for the child care centre shall be limited to 75. Any increase in the number of children or change of use of the child care centre shall require Planning Approval to be applied to and obtained from the City. Any change of use shall be assessed in accordance with the relevant Planning Policies including the City's Policy No. 3.7.1 relating to Parking and Access;

2. Car Parking and Accessways

- 2.1 The on-site car parking area for the non-residential component shall be available for the occupiers of the residential component outside normal business hours;
- 2.2 The car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the City;
- 2.3 The car parking area shown for the non-residential component and the visitors bays for the residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;
- 2.4 The car park shall be used only by employees, tenants, and visitors directly associated with the development; and
- 2.5 A total of 240 car bays shall be allocated for the residential multiple dwellings, and another 10 car bays for the residential visitors' car parking;

3. Public Art

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

- 3.1 Within twenty – eight (28) days of the 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 \$1,500,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$150,000,000); and

- 3.2 In conjunction with the above chosen option;**
- 3.2.1 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
- 3.2.2 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;

**4. Demolition Licence**

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

- 4.1** 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
- 4.2** Details of an interpretation proposal, which incorporates explicit recognition of the heritage values of the place at No. 629 Newcastle Street, Leederville, shall be submitted to and approved by the City prior to the issue of a Demolition Licence and/or Building Licence, whichever comes first. The approved interpretation proposal shall be installed at the owner(s)/occupier(s) expense prior to the first occupation of the new development and thereafter maintained by the owner(s)/occupier(s);

**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. Verge 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;

**7. Frame Court**

- 7.1** The extension of the Frame Court Road Reservation shall be designed and constructed in consultation with the City, and to the City's specifications. The lots adjacent to the intersection of the Frame Court and Newcastle Street intersection shall include standard 3 metres x 3 metres truncations; and
- 7.2** If the Frame Court extension through to Newcastle Street is to be a dedicated road, then the proposed underground parking shown beneath the proposed road reserve shall be deleted and the car park re-designed accordingly, as the City does not support any encroachments into, over or under existing or proposed road reservations, which exceed those permitted under the Local Government Act 1995. Modification to the submitted development design shall be submitted, deleting such encroachments, prior to the issue of a Building Licence;

8. **Fencing**

Any new street/front wall, fence and gate within the Newcastle Street and Loftus Street, Leederville Parade and Frame Court setback areas, including along the side boundaries and within these street setback areas, shall comply with the Leederville Town Centre Masterplan and Built Form Guidelines;

9. **Underground Power**

The power lines adjacent to the subject lots shall be placed underground for the complete length of the Newcastle Street frontage of the development, at the full expense of the developer/applicant;

10. **Entry Gates**

Any new entry gates to the basement car park and the proposed vehicular entry gate to the service 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 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;

11. **Proposed Newcastle Street Upgrade Contribution**

Authorises the Chief Executive Officer to enter into negotiations with the Water Corporation to determine a fair and equitable contribution for the proposed upgrading of

11.1 Newcastle Street, between Loftus Street and Carr Place, to a maximum of 50 per cent of the total cost, inclusive of the standard upgrade conditions; and

11.2 The proposed upgrade of the footpaths, streetscapes and other, yet to be determined, infrastructure improvements in Leederville Parade, Loftus Street and the existing portion of Frame Court abutting the Water Corporation site;

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

12.1 **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;

12.2 **Section 70 A Notification under the Transfer of Land Act**

The owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:

12.2.1 The use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby sporting, entertainment, commercial and non-residential activities; and

**12.2.2 The City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/or commercial units. The on-site car parking was in accordance with the requirements of the Residential Design Codes, the City's Policy No. 3.7.1 relating to Parking and Access and Perth Parking Policy.**

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

**12.3 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 reticulation plan shall be drawn to a scale of 1:100 and show the following:**

- 12.3.1 the location and type of existing and proposed trees and plants;**
- 12.3.2 all vegetation including lawns;**
- 12.3.3 areas to be irrigated or reticulated;**
- 12.3.4 proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and**
- 12.3.5 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);**

**12.4 Refuse and Recycling Management**

**The applicant shall liaise with the City to develop a Waste Management Strategy which is compliant with the City's requirements, prior to submission of Building Licence;**

**12.5 Amalgamation of the Lots**

**The subject land shall be amalgamated in such a manner to accommodate the future extension of the Frame Court Road Reservation if required; OR alternatively, prior to the issue of a Building Licence, the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the City, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the City's solicitors or other solicitors agreed upon by the City, undertaking to amalgamate the subject land in a manner satisfactory to the City within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);**

**12.6 Acoustic Report**

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

**12.7 Motor Vehicle and Service Vehicle Access Management**

A comprehensive motor vehicle (private cars, taxis, motorcycles and scooters) and service vehicle Traffic and Access Management Plan shall be prepared by a duly qualified consultant and submitted to, and approved by the City, detailing how vehicles access the site, and addressing the following issues:

- 12.7.1 to minimise the impact on surrounding streets, when car bays are fully occupied;
- 12.7.2 to minimise noise from service vehicles;
- 12.7.3 contact details of essential Water Corporation personnel and Strata Managers;
- 12.7.4 parking arrangements for contractors and sub-contractors; and
- 12.7.5 any other matters deemed appropriate by the City;

**12.8 Awning**

Provision shall be made for an awning along the Newcastle Street frontage for the ground floor commercial tenancies in accordance with the City's Local Laws relating to Verandahs and Awnings over Streets, with the awnings being a minimum height of 3.3 metres from the footpath level to the underside of the awning and a minimum of 500 millimetres from the kerb line of Newcastle Street;

**12.9 Screening**

The balcony on the northern elevation of the mixed use residential building No. 1 adjacent to the swimming pool, all windows to bedrooms, habitable rooms other than bedrooms and balconies to Buildings 1 and 2 facing the western elevation shall comply with the privacy setback within the cone of vision of 4.5 metres, 6 metres and 7.5 metres respectively of the Residential Design Codes requirements. These openings shall be screened with permanent obscure materials and be non-openable to a minimum of 1.6 metres above the respective finished floor levels; OR alternatively, the provision of on-site effective permanent horizontal screening or equivalent preventing direct sight within the cone of vision to adjoining property to the west. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees. 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 affected properties to the north and west of the subject site respectively, stating no objections to the proposed privacy encroachments;

**12.10 Design Features**

Additional design features using colour and/or relief shall be incorporated on all large portions of walls;

**12.11 Bicycle Parking Facilities**

Class 1 or 2 and Class 3 facilities shall be provided in accordance with the City's Policy No. 3.7.1 relating to Bicycle Parking Requirements for each building proposed. Details of the design and layout of the bicycle parking facilities shall be submitted to and approved by the City prior to the installation of such facilities;

**12.12 End of Trip Facilities**

**12.12.1 End of Trip Facilities shall be provided in accordance with the City's Policy No. 3.7.1 relating to Bicycle Parking Requirements for each building proposed;**

**12.12.2 The change room facilities shall be secure and capable of being locked; and**

**12.12.3 A minimum of one locker shall be provided for every bicycle parking bay provided.**

**The revised plans shall not result in any greater variation to the City's Policies and to the satisfaction of the City's Chief Executive Officer; and**

**12.13 Main Roads WA (MRWA) and Department of Transport (DoT)**

**12.13.1 A maximum total of 1,043 car bays shall be provided on site for all proposed uses;**

**12.13.2 The Water Corporation shall undertake a further traffic assessment to the satisfaction of MRWA to identify any potential road improvements that can be attributed to their development and to fund these as part of the proposed development application;**

**12.13.3 The proposed three access points to Newcastle Street shall be reduced to two access points. The intersection of Frame Court and Newcastle Street shall be the main entry point to the development and the access to the residential development shall be restricted to left-in and left-out movements only; and**

**12.13.4 The control of the intersection of Frame Court and Leederville parade shall be reviewed to determine the most appropriate configuration based on concerns for the safety and amenity of pedestrians at this location. Pedestrians shall be appropriately catered for on an alternate route, or the control mechanism modified to provide for safe and efficient movement of pedestrians; and**

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

**13.1 Security Bond**

**In keeping with the City's practice for multiple dwellings, commercial, retail and similar developments, the footpaths adjacent to the subject land, being Newcastle Street, Frame Court, Leederville Parade and Loftus Street, shall be upgraded, by the applicant, using materials as specified by the City. A refundable footpath upgrading bond, of an amount consistent with the works proposed, to be assessed at the time of submission of the respective Building Licence applications. The bond 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. Any required re-location of the City's ticket parking machines and signage shall be at the direction of the City, at the applicants full cost. An application to the City for the refund of the upgrading bond must be made in writing; and**

**13.2 Clothes Drying Facility**

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

**FOOTNOTES:**

1. The City is preparing a new Town Planning Scheme pursuant to which the City will prepare a Development Contribution Plan for the Leederville Masterplan Area. The City is proposing to recover development contributions from owners of land in the Leederville Masterplan Area for any infrastructure works carried out in the area. As the subject land is within the Leederville Masterplan Area, the owner of the subject land may become liable to pay a development contribution, irrespective of whether any redevelopment or subdivision of the land occurs during the term of the Development Contribution Plan; and
2. The City undertakes a commitment to progress a Transport Assessment for the Leederville Masterplan Area, including the Water Corporation site, to address transport and parking issues in the broader context, as requested by DoT and MRWA. The Water Corporation shall fully fund the requested Transport Assessment.

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**Moved Cr Buckels, Seconded Cr Maier**

That the recommendation be adopted.

Debate ensued.

**AMENDMENT**

**Moved Cr Buckels, Seconded Cr Farrell**

1. That clause 2.5 be amended to read as follows:  
“2.5 A total of ~~240~~ 340 car bays shall be allocated for the residential multiple dwellings, and another 10 car bays for the residential visitors’ car parking;”
2. That clause 12.13 be amended to read as follows:  
“12.13 Main Roads WA (MRWA) and Department of Transport (DoT)  
12.13.1 A maximum total of ~~1,043~~ 1143 car bays shall be provided on site for all proposed uses;”
3. That FOOTNOTE No. 2 be amended to read as follows:  
“2. The City undertakes a commitment to progress a Transport Assessment for the Leederville Masterplan Area, including the Water Corporation site, to address transport and parking issues in the broader context, as requested by DoT and MRWA. The Water Corporation shall ~~fully~~ fund 50 per cent of the total cost of the requested Transport Assessment.”

The Presiding Member, Mayor Nick Catania ruled that he would consider and vote on the amendment in three parts.

Debate ensued.

**AMENDMENT PART 1 PUT AND CARRIED (4-3)**

**For:** Mayor Catania, Cr Buckels, Cr Farrell, Cr McGrath  
**Against:** Cr Harvey, Cr Lake, Cr Maier

(Cr Burns and Cr Topelberg were on approved leave of absence.)

**AMENDMENT PART 2 PUT AND CARRIED (4-3)**

**For:** Mayor Catania, Cr Buckels, Cr Farrell, Cr McGrath  
**Against:** Cr Harvey, Cr Lake, Cr Maier

(Cr Burns and Cr Topelberg were on approved leave of absence.)

**AMENDMENT PART 3 PUT AND LOST (3-4)**

**For:** Mayor Catania, Cr Buckels, Cr Harvey  
**Against:** Cr Farrell, Cr Lake, Cr McGrath, Cr Maier

(Cr Burns and Cr Topelberg were on approved leave of absence.)

Debate ensued.

**MOTION AS AMENDED PUT AND CARRIED (6-1)**

**For:** Mayor Catania, Cr Buckels, Cr Farrell, Cr Harvey, Cr Lake, Cr McGrath  
**Against:** Cr Maier

(Cr Burns and Cr Topelberg were on approved leave of absence.)

**COUNCIL DECISION ITEM 9.1.1**

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 Cox Howlett Bailey Woodland on behalf of the owner Water Corporation for proposed Demolition of Existing Two (2) Storey building on Newcastle Street frontage, Construction of a new Mixed Use Development consisting of Six (6) Multi Storey Buildings (between 10 and 27 storeys) consisting of Offices, Shops, Eating Houses and Multiple Dwellings (240 units), Basement Car Parking and including Alterations and Extensions to Existing John Tonkin Water Centre including a Child Care Centre, at No. 629 (Lot 100; D/P: 58812 and Lot 51; D/P: 37467) Newcastle Street, corner of Loftus Street, Leederville Parade and Frame Court, Leederville, and as shown on plans stamped 12 November 2010, 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 Newcastle Street, Loftus Street, Leederville Parade and Frame Court;
- 1.2 The doors, windows and adjacent floor areas for the ground floor commercial uses fronting Newcastle Street and Frame Court shall maintain an active and interactive relationship with these streets;
- 1.3 The proposed development shall incorporate design features that comply with a minimum 5 Star Green Star rating under the Green Building Council of Australia rating system;

- 1.4 The maximum gross floor area of the shops, offices and eating house shall be limited to 1540 square metres, 107846 square metres and 927 square metres respectively. Any increase in floor space or change of use of the shops, offices and eating house shall require Planning Approval to be applied to and obtained from the City. Any change of use shall be assessed in accordance with the relevant Planning Policies including the City's Policy No. 3.7.1 relating to Parking and Access; and
- 1.5 The maximum number of children for the child care centre shall be limited to 75. Any increase in the number of children or change of use of the child care centre shall require Planning Approval to be applied to and obtained from the City. Any change of use shall be assessed in accordance with the relevant Planning Policies including the City's Policy No. 3.7.1 relating to Parking and Access;

2. Car Parking and Accessways

- 2.1 The on-site car parking area for the non-residential component shall be available for the occupiers of the residential component outside normal business hours;
- 2.2 The car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the City;
- 2.3 The car parking area shown for the non-residential component and the visitors bays for the residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;
- 2.4 The car park shall be used only by employees, tenants, and visitors directly associated with the development; and
- 2.5 A total of 340 car bays shall be allocated for the residential multiple dwellings, and another 10 car bays for the residential visitors' car parking;

3. Public Art

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

- 3.1 Within twenty – eight (28) days of the 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 \$1,500,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$150,000,000); and
- 3.2 In conjunction with the above chosen option;
  - 3.2.1 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
  - 3.2.2 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;

**4. Demolition Licence**

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

- 4.1 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
- 4.2 Details of an interpretation proposal, which incorporates explicit recognition of the heritage values of the place at No. 629 Newcastle Street, Leederville, shall be submitted to and approved by the City prior to the issue of a Demolition Licence and/or Building Licence, whichever comes first. The approved interpretation proposal shall be installed at the owner(s)/occupier(s) expense prior to the first occupation of the new development and thereafter maintained by the owner(s)/occupier(s);

**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. Verge 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;

**7. Frame Court**

- 7.1 The extension of the Frame Court Road Reservation shall be designed and constructed in consultation with the City, and to the City's specifications. The lots adjacent to the intersection of the Frame Court and Newcastle Street intersection shall include standard 3 metres x 3 metres truncations; and
- 7.2 If the Frame Court extension through to Newcastle Street is to be a dedicated road, then the proposed underground parking shown beneath the proposed road reserve shall be deleted and the car park re-designed accordingly, as the City does not support any encroachments into, over or under existing or proposed road reservations, which exceed those permitted under the Local Government Act 1995. Modification to the submitted development design shall be submitted, deleting such encroachments, prior to the issue of a Building Licence;

**8. Fencing**

Any new street/front wall, fence and gate within the Newcastle Street and Loftus Street, Leederville Parade and Frame Court setback areas, including along the side boundaries and within these street setback areas, shall comply with the Leederville Town Centre Masterplan and Built Form Guidelines;

**9. Underground Power**

The power lines adjacent to the subject lots shall be placed underground for the complete length of the Newcastle Street frontage of the development, at the full expense of the developer/applicant;

10. **Entry Gates**

Any new entry gates to the basement car park and the proposed vehicular entry gate to the service 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 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;

11. **Proposed Newcastle Street Upgrade Contribution**

Authorises the Chief Executive Officer to enter into negotiations with the Water Corporation to determine a fair and equitable contribution for the proposed upgrading of

11.1 Newcastle Street, between Loftus Street and Carr Place, to a maximum of 50 per cent of the total cost, inclusive of the standard upgrade conditions; and

11.2 The proposed upgrade of the footpaths, streetscapes and other, yet to be determined, infrastructure improvements in Leederville Parade, Loftus Street and the existing portion of Frame Court abutting the Water Corporation site;

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

12.1 **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;

12.2 **Section 70 A Notification under the Transfer of Land Act**

The owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:

12.2.1 The use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby sporting, entertainment, commercial and non-residential activities; and

12.2.2 The City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/or commercial units. The on-site car parking was in accordance with the requirements of the Residential Design Codes, the City's Policy No. 3.7.1 relating to Parking and Access and Perth Parking Policy.

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

12.3 **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 reticulation plan shall be drawn to a scale of 1:100 and show the following:

- 12.3.1 the location and type of existing and proposed trees and plants;
- 12.3.2 all vegetation including lawns;
- 12.3.3 areas to be irrigated or reticulated;
- 12.3.4 proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- 12.3.5 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);

**12.4 Refuse and Recycling Management**

The applicant shall liaise with the City to develop a Waste Management Strategy which is compliant with the City's requirements, prior to submission of Building Licence;

**12.5 Amalgamation of the Lots**

The subject land shall be amalgamated in such a manner to accommodate the future extension of the Frame Court Road Reservation if required; OR alternatively, prior to the issue of a Building Licence, the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the City, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the City's solicitors or other solicitors agreed upon by the City, undertaking to amalgamate the subject land in a manner satisfactory to the City within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);

**12.6 Acoustic Report**

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

**12.7 Motor Vehicle and Service Vehicle Access Management**

A comprehensive motor vehicle (private cars, taxis, motorcycles and scooters) and service vehicle Traffic and Access Management Plan shall be prepared by a duly qualified consultant and submitted to, and approved by the City, detailing how vehicles access the site, and addressing the following issues:

- 12.7.1 to minimise the impact on surrounding streets, when car bays are fully occupied;
- 12.7.2 to minimise noise from service vehicles;
- 12.7.3 contact details of essential Water Corporation personnel and Strata Managers;
- 12.7.4 parking arrangements for contractors and sub-contractors; and
- 12.7.5 any other matters deemed appropriate by the City;

**12.8 Awning**

Provision shall be made for an awning along the Newcastle Street frontage for the ground floor commercial tenancies in accordance with the City's Local Laws relating to Verandahs and Awnings over Streets, with the awnings being a minimum height of 3.3 metres from the footpath level to the underside of the awning and a minimum of 500 millimetres from the kerb line of Newcastle Street;

**12.9 Screening**

The balcony on the northern elevation of the mixed use residential building No. 1 adjacent to the swimming pool, all windows to bedrooms, habitable rooms other than bedrooms and balconies to Buildings 1 and 2 facing the western elevation shall comply with the privacy setback within the cone of vision of 4.5 metres, 6 metres and 7.5 metres respectively of the Residential Design Codes requirements. These openings shall be screened with permanent obscure materials and be non-openable to a minimum of 1.6 metres above the respective finished floor levels; OR alternatively, the provision of on-site effective permanent horizontal screening or equivalent preventing direct sight within the cone of vision to adjoining property to the west. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees. 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 affected properties to the north and west of the subject site respectively, stating no objections to the proposed privacy encroachments;

**12.10 Design Features**

Additional design features using colour and/or relief shall be incorporated on all large portions of walls;

**12.11 Bicycle Parking Facilities**

Class 1 or 2 and Class 3 facilities shall be provided in accordance with the City's Policy No. 3.7.1 relating to Bicycle Parking Requirements for each building proposed. Details of the design and layout of the bicycle parking facilities shall be submitted to and approved by the City prior to the installation of such facilities;

**12.12 End of Trip Facilities**

12.12.1 End of Trip Facilities shall be provided in accordance with the City's Policy No. 3.7.1 relating to Bicycle Parking Requirements for each building proposed;

12.12.2 The change room facilities shall be secure and capable of being locked; and

12.12.3 A minimum of one locker shall be provided for every bicycle parking bay provided.

The revised plans shall not result in any greater variation to the City's Policies and to the satisfaction of the City's Chief Executive Officer; and

**12.13 Main Roads WA (MRWA) and Department of Transport (DoT)**

12.13.1 A maximum total of 1,143 car bays shall be provided on site for all proposed uses;

**12.13.2 The Water Corporation shall undertake a further traffic assessment to the satisfaction of MRWA to identify any potential road improvements that can be attributed to their development and to fund these as part of the proposed development application;**

**12.13.3 The proposed three access points to Newcastle Street shall be reduced to two access points. The intersection of Frame Court and Newcastle Street shall be the main entry point to the development and the access to the residential development shall be restricted to left-in and left-out movements only; and**

**12.13.4 The control of the intersection of Frame Court and Leederville parade shall be reviewed to determine the most appropriate configuration based on concerns for the safety and amenity of pedestrians at this location. Pedestrians shall be appropriately catered for on an alternate route, or the control mechanism modified to provide for safe and efficient movement of pedestrians; and**

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

**13.1 Security Bond**

**In keeping with the City's practice for multiple dwellings, commercial, retail and similar developments, the footpaths adjacent to the subject land, being Newcastle Street, Frame Court, Leederville Parade and Loftus Street, shall be upgraded, by the applicant, using materials as specified by the City. A refundable footpath upgrading bond, of an amount consistent with the works proposed, to be assessed at the time of submission of the respective Building Licence applications. The bond 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. Any required re-location of the City's ticket parking machines and signage shall be at the direction of the City, at the applicants full cost. An application to the City for the refund of the upgrading bond must be made in writing; and**

**13.2 Clothes Drying Facility**

**Each multiple dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer.**

**FOOTNOTES:**

- 1. The City is preparing a new Town Planning Scheme pursuant to which the City will prepare a Development Contribution Plan for the Leederville Masterplan Area. The City is proposing to recover development contributions from owners of land in the Leederville Masterplan Area for any infrastructure works carried out in the area. As the subject land is within the Leederville Masterplan Area, the owner of the subject land may become liable to pay a development contribution, irrespective of whether any redevelopment or subdivision of the land occurs during the term of the Development Contribution Plan; and**
- 2. The City undertakes a commitment to progress a Transport Assessment for the Leederville Masterplan Area, including the Water Corporation site, to address transport and parking issues in the broader context, as requested by DoT and MRWA. The Water Corporation shall fully fund the requested Transport Assessment.**

<b>Landowner:</b>	Water Corporation of Western Australia
<b>Applicant:</b>	Cox Howlett Bailey Woodland
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial
<b>Existing Land Use:</b>	Offices
<b>Use Class:</b>	Office, Multiple Dwellings, Shops, Eating House, Day Nursery
<b>Use Classification:</b>	"P", "AA", "P", "P", "AA"
<b>Lot Area:</b>	40,149 square metres
<b>Access to Right of Way</b>	Not applicable

**FURTHER REPORT:**

The Council considered the subject application at its Ordinary Meeting held on 13 September 2011 and resolved as follows:

*"That the item be DEFERRED to enable the Water Corporation and the City of Vincent to meet and resolve traffic issues, in consultation with Main Roads Western Australia, the Department of Transport and the Department of Planning."*

The City's Director Development Services, Director Technical Services and Senior Officers held a meeting with relevant Directors and Senior Officers from the Department of Planning (DoP), Main Roads WA (MRWA), Department of Transport (DoT) and Water Corporation on 19 September 2011, to discuss the above Council resolution of 13 September 2011. A further meeting was held after the Inter-Governmental Working Group held on 26 September 2011 at the Town of Cambridge with Officers of the above same Government agencies regarding the above Council resolution.

**Department of Transport (DoT) and Main Roads WA (MRWA)**

As a result of further assessment by DoT and the MRWA, the DOT has advised as follows:

*"As a result of those meetings, Dot & MRWA could support the Water Corp DA subject to the following additional conditions (to those previously advised from DoT and Main Road):-"*

- *Whilst it is acknowledged that Water Corp used the Leederville Masterplan vision to develop their land use aspirations, the current local Town Planning Scheme was used to determine parking limits for the proposal as the Leederville Masterplan did not address the parking and transport issues. The DoT & DoP are of the opinion that the parking numbers should be consistent with the CBD parking limits. The general view is that this should be about 1,000 parking bays and not 1467 bays as currently proposed in the Water Corp DA. This may alter access requirements to the site as a result of reducing the parking requirements.*
- *It has been agreed with Water Corporation representatives, that the proposed three access points to Newcastle St be reduced to two. This would result in the intersection of Frame Court and Newcastle Street becoming the main entry point to the development and the access to the residential development restricted to left-in and left-out movements only.*
- *The control of the intersection of Frame Court and Leederville parade is to be reviewed to determine the most appropriate configuration. MRWA previously questioned the merit of a roundabout at this location based on concerns for the safety and amenity of pedestrians at this location. Pedestrians are to be appropriately catered for on an alternate route, or the control mechanism modified to provide for safe and efficient movement of pedestrians.*

*In addition to the above, DoT & MRWA request a commitment from the City of Vincent to progress a Transport Assessment for the Leederville Masterplan to address transport and parking issues in the broader context. Any commitment by the City should be conditional upon the Water Corporation fully funding any Transport Assessment, as no funds are included in the City's Budget 2011/2012 for this consultancy.*

Additional Main Roads WA condition requested in their letter dated 30 September 2011 is as follows:

- *“Water Corp is to undertake a further traffic assessment to the satisfaction of MRWA to identify any potential road improvements that can be attributed to their development and to fund these as part of the proposed development application.”*

### **Department of Planning (DoP)**

The WAPC in their letter dated 8 November 2010 have advised that the following:

*...that the “WAPC does wish to exercise its call in powers as provided in Clause 32 of the MRS Text for mixed use development proposed for the subject land.*

*Whilst the proposal is significant in its scope and projected commercial and residential outcome, it is consistent with the State’s policy objectives for the Leederville secondary centre and accords with the objectives of the central metropolitan Perth sub-regional strategy. I am of the view therefore that the development proposal should be assessed in accordance with the Town of Vincent’s Town Planning Scheme No. 1”. The above advice was reiterated by the DoP Officers at the meeting held on 19 September 2011.*

The DoP Officers are in agreeance with the concerns raised by MRWA and DoT, and have advised that all MRWA and DoT comments should be addressed, prior to the City considering the proposal. The DoP Officers also advised that should the development be approved by the Council, then there is no further need to refer the matter to the WAPC, as the City will have acted in accordance with the Notice of Delegation, where it has delegation to approve the application based on the favourable recommendation of the referral authorities, which in this instance are the MRWA, DoT and DoP.

### **Water Corporation**

The Water Corporation in their letter dated 30 September 2011 is not in agreeance with the maximum number of car bays imposed for their development (Attachment 3), as stated below:

*“It remains the Corporations view that the proposed 1467 car parking bays represent a significant reduction in the number of bays required under the City of Vincent Town Planning Scheme.*

*The number of bays proposed combined with the 5 Star Green Star building design, including end of trip facilities, provides incentive for modal shift away from private vehicle use, the proposed ratio sets a new sustainable benchmark for parking in Leederville.*

*The Corporation submits that the blanket imposition of full CBD parking rates within Leederville is not considered practical or equitable and does not reflect the level of public transport available, we remain committed to a collaborative approach with the City and urge the Council to approve the development with parking provisions that enable the revitalisation of Leederville to commence.”*

The Water Corporation has however, advised that the number of access points off Newcastle Street can be reduced, that the Frame Court intersections to Newcastle Street and Leederville Parade can be addressed.

Knight Frank Property Consultants (Attachment 3) on behalf of the Water Corporation have advised as follows:

*“The provision of car parking to both residential and commercial premises is a key factor in the marketability and financial viability of the projects. Variations from the expectations of the market result in strong market resistance, and hence, reductions in achievable market values. The net effect of this is to diminish the financial viability of the developments to both the developer and the financiers who fund the developments.”*

### Central Business District (CBD) Parking Limits

Within the City of Perth area, commercial car parking is calculated as a desirable allowance and a maximum allowance. The amount of car parking for commercial is calculated based on the lot area and not on the land uses. This is based on the requirements as set out in the Perth Parking Policy which was developed jointly by the State Government and the City of Perth.

In regards to the residential car parking requirements, these requirements are set out in clause 5.1 of the City of Perth Town Planning Scheme. The scheme area is divided into three areas, where different residential car parking requirements apply. These are:

- Area 1 – No minimum and a maximum of 1.5 bays per dwelling;
- Area 2 – Minimum of 1 bay and maximum of 2 bays per dwelling; and
- Area 3 – As per the R-Codes.

If the City of Perth parking requirements were to apply to the Water Corporation site, it is considered that the commercial car parking requirements would be as per Category 4, which states a maximum of 200 car bays per hectare and the residential requirements would be as per Area 2. Given the Water Corporation site is 4.0149 hectares, a maximum of 802.98 commercial car bays and 240 residential car bays (total of 1042.98 car bays) can be provided for the subject site.

Below is the car parking extract from the Minutes of the Ordinary Meeting of Council held on 13 September 2011:

*“Residential Car Parking*

*In total, 336 car bays, which include 15 visitor car bays are proposed for the residential component, which is considered excessive. As such, 240 car bays have been allocated for the 240 multiple dwellings and the remaining 96 car bays have been allocated to the commercial car parking provision. Therefore, for the commercial component, 1227 car bays will be available.*

<i>Car Parking</i>	
<i>Car parking requirement (nearest whole number):</i> <ul style="list-style-type: none"> <li>• <i>Shop – 1 space per 15 (proposed 1540) square metres of gross = 102.66 car bays.</i></li> <li>• <i>Office – 1 space per 50 square metres (proposed 89846 and existing 18000 = 107,846 of gross floor area) = 2156.92 car bays.</i></li> <li>• <i>Eating House- 1 space per 4.5 square metre (proposed 927 square metres) open to the public = 206 car bays.</i></li> <li>• <i>Child Care – 1 space per 5 children (75 children proposed) = 15 car bays.</i></li> </ul> <i>Total = 2480.58 car bays</i>	<i>2481 car bays (nearest whole number)</i>
<i>Apply the parking adjustment factors:</i> <ul style="list-style-type: none"> <li>• <i>0.85 (within 400 metres of a bus stop)</i></li> <li>• <i>0.80 (within 50 metres of one or more public car parks in excess of 50 spaces)</i></li> <li>• <i>0.80 (within 400 metres of a train station)</i></li> </ul>	<i>(0.544)</i>  <i>1349.664 car bays</i>
<i>Minus the car parking provided on-site</i>	<i>1227 car bays</i>
<i>Minus the most recently approved on-site car parking shortfall.</i>	<i>Nil</i>
<i>Resultant shortfall</i>	<i>122.664 car bays”</i>

Based on the recommendation of DoT and MRWA, a total of 1043 car bays should be provided rather than the total of 1467 car bays, which is inclusive of both residential and commercial car bays currently proposed in this development. The above recommendation by DoT and MRWA is similar to the number of car bays calculated under Perth CBD car parking requirements. A condition to this effect has been recommended, and the previous recommendation for cash in lieu has been removed, as this is no longer applicable.

The City's Officers are of the view the reduction in the car parking bays, the reduction in access points of Newcastle Street and the additional conditions required by the DoT and MRWA will have satisfactorily addressed the concerns raised at the Ordinary Meeting of Council held on 13 September 2011.

Accordingly, the City's Officers are of the view that the planning application is supportable, and recommend that it be approved under the MRS and TPS No. 1 in accordance with the Notice of Delegation, subject to standard and appropriate conditions.

The following is a link to the City's website to view the Minutes from Item 9.1.4 placed before the Council at its Ordinary Meeting held on 13 September 2011:

[http://www.vincent.wa.gov.au/Your\\_Council/Agenda\\_Minutes](http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes).

**9.1.2 No. 178 (Lot 28; D/P: 96829) Stirling Street, corner Parry Street, Perth – Proposed Construction of a Five Storey Mixed-Use Development Comprising of Four (4) Offices, Twenty-Eight (28) Single Bedroom Multiple Dwellings, Twenty (20) Multiple Dwellings and Associated Car Parking (Reconsideration of Conditions)**

<b>Ward:</b>	South	<b>Date:</b>	29 September 2011
<b>Precinct:</b>	Beaufort; P13	<b>File Ref:</b>	PRO0956; 5.2011.283.1
<b>Attachments:</b>	<a href="#">001</a> – Copy of Plans Approved at OMC 23 August 2011		
<b>Tabled Items:</b>	Applicant's Submission		
<b>Reporting Officer:</b>	R Narroo, Senior Planning Officer (Statutory)		
<b>Responsible Officer:</b>	R Boardman, Director Development 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 TPG Town Planning and Urban Design on behalf of the owner, Parry Street WA Pty Ltd & Green Arrow Holdings Pty Ltd for proposed Construction of a Five Storey Mixed-Use Development Comprising of Four (4) Offices, Twenty-Eight (28) Single Bedroom Multiple Dwellings, Twenty (20) Multiple Dwellings and Associated Car Parking at No. 178 (Lot 28; D/P: 96829) Stirling Street, corner Parry Street, Perth, and as shown on plans stamp-dated 13 June 2011, and amended plans dated 4 August 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 Stirling and Parry Streets;
- 1.2 First obtaining the consent of the owners of Nos. 188-194 Stirling 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. 188-194 Stirling Street in a good and clean condition;
- 1.3 Doors, windows and adjacent floor areas facing Stirling and Parry Streets shall maintain active and interactive relationships with these streets; and
- 1.4 The maximum gross floor area of the offices shall be limited to 353 square metres. Any increase in floor space or change of use of the offices shall require Planning Approval to be applied to and obtained from the City. Any change of use shall be assessed in accordance with the relevant Planning Policy including the City's Policy No. 3.7.1 relating to Parking and Access;

**2. Car Parking and Accessways**

- 2.1 The on-site car parking area for the non-residential component shall be available for the occupiers of the residential component including the visitors outside normal business hours;
- 2.2 The car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the City;

- 2.3 The car parking area shown for the non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;
- 2.4 The car park shall be used only by employees, tenants, and visitors directly associated with the development; and
- 2.5 A minimum of four (4) car parking bays shall be allocated for the offices;

3. **Public Art**

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

- 3.1 Within twenty – eight (28) days of the 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 \$80,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$8,000,000); and

- 3.2 In conjunction with the above chosen option;

- 3.2.1 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

- 3.2.2 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;

4. **Signage**

All signage that does not comply with the City's Policy No. 3.5.2 relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted to and approved by the City prior to the erection of the signage;

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

- 5.1 **Construction Management Plan**

A Construction Management Plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the City, in accordance with the requirements of the City's Policy No. 3.5.23 relating to Construction Management Plans, and Construction Management Plan Guidelines and Construction Management Plan Application for Approval Proforma;

**5.2 Section 70 A Notification under the Transfer of Land Act**

The owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:

- 5.2.1 the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities; and
- 5.2.2 the City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/office; the on-site car parking was in accordance with the requirements of the Residential Design Codes, the City's Policy No. 3.7.1 relating to Parking and Access at the time of Development Approval.

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

**5.3 Landscape and Reticulation Plan**

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

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

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

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

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

**5.4 Schedule of External Finishes**

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

**5.5 Acoustic Report**

An Acoustic Report in accordance with the City's Policy No. 3.5.21 relating to Sound Attenuation shall be prepared and submitted to the City for approval. The recommended measures of the Acoustic Report shall be implemented and certification from an Acoustic Consultant that the measures have been undertaken, prior to the first occupation of the development. 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;

**5.6 Refuse and Recycling Management Plan**

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

**5.7 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, with a combination of soft landscaping and brick paving to the City's specification. A refundable footpath upgrading bond of \$5,000 shall be lodged prior to the issue of a Building Licence, 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;

**5.8 Fencing**

Any new street/front wall, fence and gate within the Stirling and Parry Street setback areas, including along the side boundaries within these street setback areas, shall comply with the City's Policy provisions relating to Street Walls and Fences;

**5.9 Awning**

The awnings shall be modified to avoid any impact on the existing verge trees; and

**5.10 Verge 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. A bond for the protection of the verge trees from any damage, including pruning, for the sum of \$15,000, shall be paid; and

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

**6.1 Residential Car Bays**

Fifty-two (52) car bays, clearly marked and signposted for the exclusive use of the residents and visitors of the development, shall be provided;

**6.2 Bicycle Parking**

Sixteen (16) bicycle bays for the residents and four (4) bicycle bays for the visitors of the residential component, plus two (2) class one or two bicycle bays for the office component shall be provided at a location convenient to the entrance, publically accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3;

**6.3 Management Plan-Vehicular Entry Gates**

Any proposed vehicular entry gates to the car parking area shall have a minimum 50 per cent visual permeability and shall be either open at all times or a plan detailing management measures for the operation of the vehicular entry gates, to ensure access is readily available for residents/visitors to the residential and commercial units at all times, shall be submitted to and approved by the City; and

**6.4 Clothes Drying Facility**

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

**Moved Cr Maier, Seconded Cr Lake**

That the recommendation be adopted.

Debate ensued.

**AMENDMENT**

**Moved Cr Maier, Seconded Cr Buckels**

That clause 6.1 be amended to read as follows:

**“6.1 Residential Car Bays**

~~Fifty-two (52) car bays, clearly marked and signposted for the exclusive use of the residents of the development, shall be provided;~~

Forty-eight (48) residential car bays and four (4) visitor car bays, clearly marked and signposted for the exclusive use of the residents and visitors of the development, shall be provided;”

**AMENDMENT PUT AND CARRIED (6-1)**

**For:** Mayor Catania, Cr Buckels, Cr Farrell, Cr Lake, Cr McGrath, Cr Maier

**Against:** Cr Harvey

(Cr Burns and Cr Topelberg were on approved leave of absence.)

**MOTION AS AMENDED PUT AND CARRIED (5-2)**

**For:** Mayor Catania, Cr Buckels, Cr Farrell, Cr Harvey, Cr McGrath

**Against:** Cr Lake, Cr Maier

(Cr Burns and Cr Topelberg were on approved leave of absence.)

**COUNCIL DECISION ITEM 9.1.2**

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by TPG Town Planning and Urban Design on behalf of the owner, Parry Street WA Pty Ltd & Green Arrow Holdings Pty Ltd for proposed Construction of a Five Storey Mixed-Use Development Comprising of Four (4) Offices, Twenty-Eight (28) Single Bedroom Multiple Dwellings, Twenty (20) Multiple Dwellings and Associated Car Parking at No. 178 (Lot 28; D/P: 96829) Stirling Street, corner Parry Street, Perth, and as shown on plans stamp-dated 13 June 2011, and amended plans dated 4 August 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 Stirling and Parry Streets;**

- 1.2 **First obtaining the consent of the owners of Nos. 188-194 Stirling 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. 188-194 Stirling Street in a good and clean condition;**
- 1.3 **Doors, windows and adjacent floor areas facing Stirling and Parry Streets shall maintain active and interactive relationships with these streets; and**
- 1.4 **The maximum gross floor area of the offices shall be limited to 353 square metres. Any increase in floor space or change of use of the offices shall require Planning Approval to be applied to and obtained from the City. Any change of use shall be assessed in accordance with the relevant Planning Policy including the City's Policy No. 3.7.1 relating to Parking and Access;**

**2. Car Parking and Accessways**

- 2.1 **The on-site car parking area for the non-residential component shall be available for the occupiers of the residential component including the visitors outside normal business hours;**
- 2.2 **The car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the City;**
- 2.3 **The car parking area shown for the non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;**
- 2.4 **The car park shall be used only by employees, tenants, and visitors directly associated with the development; and**
- 2.5 **A minimum of four (4) car parking bays shall be allocated for the offices;**

**3. Public Art**

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

- 3.1 **Within twenty – eight (28) days of the 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 \$80,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$8,000,000); and**
- 3.2 **In conjunction with the above chosen option;**
  - 3.2.1 **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**
  - 3.2.2 **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;**

4. **Signage**

All signage that does not comply with the City's Policy No. 3.5.2 relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted to and approved by the City prior to the erection of the signage;

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

5.1 **Construction Management Plan**

A Construction Management Plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the City, in accordance with the requirements of the City's Policy No. 3.5.23 relating to Construction Management Plans, and Construction Management Plan Guidelines and Construction Management Plan Application for Approval Proforma;

5.2 **Section 70 A Notification under the Transfer of Land Act**

The owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:

5.2.1 the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities; and

5.2.2 the City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/or office; the on-site car parking was in accordance with the requirements of the Residential Design Codes, the City's Policy No. 3.7.1 relating to Parking and Access at the time of Development Approval.

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

5.3 **Landscape and Reticulation Plan**

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

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

5.3.1 the location and type of existing and proposed trees and plants;

5.3.2 all vegetation including lawns;

5.3.3 areas to be irrigated or reticulated;

5.3.4 proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and

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

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

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

**5.4 Schedule of External Finishes**

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

**5.5 Acoustic Report**

An Acoustic Report in accordance with the City's Policy No. 3.5.21 relating to Sound Attenuation shall be prepared and submitted to the City for approval. The recommended measures of the Acoustic Report shall be implemented and certification from an Acoustic Consultant that the measures have been undertaken, prior to the first occupation of the development. 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;

**5.6 Refuse and Recycling Management Plan**

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

**5.7 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, with a combination of soft landscaping and brick paving to the City's specification. A refundable footpath upgrading bond of \$5,000 shall be lodged prior to the issue of a Building Licence, 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;

**5.8 Fencing**

Any new street/front wall, fence and gate within the Stirling and Parry Street setback areas, including along the side boundaries within these street setback areas, shall comply with the City's Policy provisions relating to Street Walls and Fences;

**5.9 Awning**

The awnings shall be modified to avoid any impact on the existing verge trees; and

**5.10 Verge 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. A bond for the protection of the verge trees from any damage, including pruning, for the sum of \$15,000, shall be paid; and

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

**6.1 Residential Car Bays**

Forty-eight (48) residential car bays and four (4) visitor car bays, clearly marked and signposted for the exclusive use of the residents and visitors of the development, shall be provided;

**6.2 Bicycle Parking**

Sixteen (16) bicycle bays for the residents and four (4) bicycle bays for the visitors of the residential component, plus two (2) class one or two bicycle bays for the office component shall be provided at a location convenient to the entrance, publically accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3;

**6.3 Management Plan-Vehicular Entry Gates**

Any proposed vehicular entry gates to the car parking area shall have a minimum 50 per cent visual permeability and shall be either open at all times or a plan detailing management measures for the operation of the vehicular entry gates, to ensure access is readily available for residents/visitors to the residential and commercial units at all times, shall be submitted to and approved by the City; and

**6.4 Clothes Drying Facility**

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

<b>Landowner:</b>	Parry Street WA Pty Ltd & Green Arrow Holdings Pty Ltd
<b>Applicant:</b>	TPG Town Planning and Urban Design
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential/Commercial R80
<b>Existing Land Use:</b>	Vacant Land
<b>Use Class:</b>	Office Building and Multiple Dwellings
<b>Use Classification:</b>	"AA" and "P"
<b>Lot Area:</b>	1506 square metres
<b>Right of Way:</b>	East side, 6 metres wide, sealed, right of carriageway easement

**PURPOSE OF REPORT:**

This proposal requires referral to the Council for determination given it cannot be considered under Delegated Authority.

**BACKGROUND:**

- 23 October 2001      The Council at its Ordinary Meeting resolved to conditionally approve the construction of a warehouse, two showrooms, one shop and two offices on the subject site.
- 14 May 2002        The Council at its Ordinary Meeting granted conditional approval for proposed mezzanine level to approved warehouse, two showrooms, one shop and two offices.
- 8 October 2002     The Council at its Ordinary Meeting granted conditional approval for a proposed warehouse.
- 7 July 2004         The Council at its Ordinary Meeting refused an application for a proposed car park.
- 12 February 2008   The Council at its Ordinary Meeting resolved to conditionally approve the construction of a four storey mixed-use development comprising eight offices, eleven multiple dwellings and basement car park.

- 16 December 2008 The Council at its Ordinary Meeting resolved to refuse an application for the construction of a four-storey mixed-use development comprising eight offices, eleven multiple dwellings and basement car park (Reconsideration of previous condition (xxii)).
- 9 March 2010 The Council at its Ordinary Meeting conditionally approved a Four Storey Mixed-Use Development comprising eight offices, eleven multiple dwellings and associated basement car parking.
- 23 August 2011 The Council at its Ordinary Meeting conditionally approved construction of a five storey mixed-use development comprising of four offices, twenty-eight single bedroom multiple dwellings, twenty multiple dwellings and associated car parking.

**DETAILS:**

The applicant is seeking a review of conditions '2.5' and '6.1' imposed on the planning application approved by the Council at its Ordinary Meeting held on 23 August 2011. The two conditions are as follows:

*"2.5 Three (3) car parking bays shall be allocated for the offices;"*

*"6.1 Residential Car Bays*

*Forty-one (41) car bays and twelve (12) car bays shall be provided for the residents and visitors respectively. The fifty-three (53) car parking spaces provided for the residential component and visitors of the development shall be clearly marked and signposted for the exclusive use of the residents and visitors of the development;"*

The applicant's submission is "Tabgled" which states the following:

*"Condition 6.1 - Residential Car Bays requires that:*

*Forty-one (41) car bays and twelve (12) car bars shall be provided for the residents and visitors respectively. The fifty-three (53) car parking spaces provided for the residential component and visitors of the development shall be clearly marked and signposted for the exclusive use of the residents and visitors of the development.*

*This condition would limit the amount of permanent residential parking provided to less than one (1) bay per apartment, resulting in some apartments having to be sold without a parking bay. This seriously limits the ability of the developer to sell the apartments and does not reflect the market for this type of dwelling, with the overwhelming majority of buyers needing to park at least one car.*

*Condition 2.5 – Car Parking and Access Ways requires that:*

*Three (3) car parking bays shall be allocated for the offices.*

*Condition 6.1 also limits the amount of parking for the commercial component of the development, with the above requirements leaving only three (3) bays available for the commercial component. While previous discussions with the City have indicated that Condition 2.5 refers to a minimum of three bays rather than a maximum, given the proposed parking arrangements and to clear up any confusion which may arise, it is also requested that Condition 2.5 be reconsidered as detailed below. As the development has four (4) commercial tenancies it is logical and preferable to have at least four parking bays for the commercial component, with one bay available for each tenancy.*

*The imposition of Condition 6.1 as it currently reads would also result in an oversupply of visitor parking, with 12 bays provided exclusively for visitors, and the three (3) commercial bays required by Condition 2.1 of the approval required to be available to the occupiers of the residential component outside normal business hours. The highest demand for visitor parking is anticipated to be in the evenings and on weekends when 15 bays would be therefore be available, which is considered to be a significant oversupply, and would result in a substantial number of visitor bays remaining vacant, or simply used on an informal basis by permanent residents.*

*There is a substantial supply of street parking in the vicinity (including bays in both Parry and Stirling Streets), which is predominantly used in connection with the nearby offices and other businesses. There is free parking available along Stirling and Parry Street which is limited to 1-2 hours maximum between office hours and on Saturday mornings, and then becomes available outside of these hours. In addition there is unlimited paid parking available in the centre of Stirling Street which is free of charge after 10pm and before 8am.*

*Due to the timing of the demand for parking for uses both within the subject site and the external offices, it is considered that the required parking can easily be accommodated for all uses. At the peak demand time for visitor parking, being in the evenings and on weekends, the commercial parking provided within the development and the nearby street parking will become available.*

*Proposed Amended Condition*

*It is therefore proposed that Condition 6.1 be modified to read as follows:*

*Fifty-two (52) car bays shall be provided for the residents. The fifty two (52) car parking spaces provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development.*

*The above condition therefore seeks a variation of eight (8) bays for the visitor parking, with an additional four (4) bays provided reciprocally with the commercial bays given their contrasting high demand times. In accordance with the above it is also proposed to amend Condition 2.5 to read as follows:*

*A minimum of three (3) car parking bays shall be allocated for the offices.”*

The applicant provided the following additional justification:

- “1. A nearby development (Metropol at Nos. 173-179 Stirling Street) was recently approved without any visitor parking with the exception of that provided reciprocally with the commercial portion.*
- 2. The four commercial bays will be available for visitors to the dwellings outside normal business hours.*
- 3. Providing 12-15 bays for visitors is considered to be a significant over supply and would render this and most other inner city development unfeasible.*
- 4. There is ample street parking available in the vicinity, particularly along Stirling Street.*
- 5. The site is located in close proximity to the city centre and is well services by both bus and train services and therefore complies with the performance criteria of the R-Codes. It is also more logical to encourage visitors to catch public transport than not allowing permanent residents to have even one car.*
- 6. The R-Codes and the City’s Parking and Access Policy require that ‘adequate parking’ be provided to meet the needs of the residents. It is considered that one bay per dwelling is the lowest amount of parking that can be provided to adequately service the needs of the residents.”*

**COMPLIANCE:**

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Not applicable		
<b>Officer Comments:</b>		

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

Consultation	
<b>Advertising</b>	Advertising was not carried out as the application is for reconsideration of planning conditions.

Other Implications	
<b>Legal/Policy</b>	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> 1.1 <i>Improve and maintain the natural and built environment and infrastructure</i> 1.1.2 <i>Enhance and maintain the character and heritage of the City."</i>
<b>Sustainability</b>	Nil.
<b>Financial/Budget</b>	Nil.

**Car Parking**

In the Agenda Report to the Ordinary Meeting of Council held on 23 August 2011, 56 car bays and 3 car bays were allocated to the residential component and commercial uses, respectively. Of the 56 car bays for the residential component, 12 car bays were allocated to visitors parking. The car parking calculation in the Agenda Report on 23 August 2011 was as follows:

Car Parking	
Small Multiple Dwelling (75 square metres)- 0.75 bay per dwelling= 21 car bays	
Medium Multiple Dwelling (75-110 square metres)-1 bay per dwelling= 20 car bays	
Visitors= 0.25 per dwelling= 12 car bays	
Total= 53 car bays	53 car bays
Total car bays provided	56 car bays
<b>Surplus</b>	<b>3 car bays</b>

In total, 53 car bays will be required for the residential component. Overall, the number of car parking bays provided for the development is 56 car bays. Therefore, for the commercial component, three car bays will be available.

Car Parking	
Car parking requirement (nearest whole number). • Office (1 car bay per 50 square metres gross office floor area) Proposed 353 square metres = 7.06 car bays Total car bays required = 7 car bays	7 car bays
Apply the parking adjustment factors. • 0.85 (within 800 metres of a rail station) • 0.85 (within 400 metres of a bus stop) • 0.85 (within 400 metres of public car park in excess of a total of 75 car parking spaces) • 0.80 (development contains mix of uses, where at least 45 percent of the gross floor area is residential)	(0.491)    3.437 car bays
Minus the car parking provided on-site	3 car bays
Minus the most recently approved on-site car parking shortfall	Nil
<b>Shortfall</b>	<b>0.437 car bays</b>

For this application, the applicant has requested that the parking calculation be varied as follows:

<b>Car Parking</b>	
Small Multiple Dwelling (28) (75 square metres)- 1 bay per dwelling= 28 bays	
Medium Multiple Dwelling (20) (75-110 square metres) = 24 car bays being allocated for the multiple dwellings	
Visitors= Nil car bays (Reciprocal use with the 4 office car bays)	
Total= 52 car bays	52 car bays
Total car bays provided	56 car bays
<b>Surplus</b>	<b>4 car bays</b>

The 4 surplus car bays will be used for the commercial component as follows:

<b>Car Parking</b>	
Car parking requirement (nearest whole number). • Office (1 car bay per 50 square metres gross office floor area) Proposed 353 square metres = 7.06 car bays Total car bays required = 7 car bays	7 car bays
Apply the parking adjustment factors. • 0.85 (within 800 metres of a rail station) • 0.85 (within 400 metres of a bus stop) • 0.85 (within 400 metres of public car park in excess of a total of 75 car parking spaces) • 0.80 (development contains mix of uses, where at least 45 percent of the gross floor area is residential)	(0.491)    3.437 car bays
Minus the car parking provided on-site	4 car bays
Minus the most recently approved on-site car parking shortfall	Nil
<b>Surplus</b>	<b>0.563 car bays</b>

**COMMENTS:**

The City's Officer assessed the parking requirements as per Clause 7.3.3 A3.1 of the R-Codes as shown in the Agenda Report to the Ordinary Meeting of the Council held on 23 August 2011. Clause 7.3.3 of the R-Codes specifies that these requirements can be varied under the Performance Criteria as follows:

*"P3.1 Adequate car and bicycle parking provided on-site in accordance with projected need related to:*

- *The type, number and size of dwellings;*
- *The availability of on-street and other offsite parking; and*
- *The location of the proposed development in relation to public transport and other facilities.*

*P3.2 In mixed use development, in addition to the above:*

- *Parking areas associated with the retail/commercial uses are clearly separated and delineated from residential parking."*

The site is located within 800 metres of the Mclver Train Station, public car parks at Brisbane Street and The Stadium, along with the availability of buses along Beaufort, Newcastle and Lord Streets. There are existing time restrictions within the streets surrounding the subject development to facilitate a "churn" in the parking spaces, which will in turn ensure that there are adequate short-term parking facilities for all user types including visitors to the development. Accordingly, the variation to the visitors parking requirement meets the Performance Criteria of the R-Codes and can be supported, subject to the commercial parking bays being available for visitors after office hours.

It is noted that the applicant has requested that condition 2.5 be modified to read as follows:

*“A minimum of three (3) car parking bays shall be allocated for the offices.”*

*The City’s practice, however, has been to allocate the remaining bays, excluding the residential units, to the commercial component. In this instance the four (4) bays have been allocated to the commercial component as per the Car Parking Assessment Table. Therefore, the City’s Officer recommends that condition 2.5 be written as follows:*

*“A minimum of four (4) car parking bays shall be allocated for the offices.”*

Given the support of the modification of the two conditions ‘2.5’ and ‘6.1’, conditions 2.1 and 2.3 are amended as follows:

- 2.1 *The on-site car parking area for the non-residential component shall be available for the occupiers of the residential component including the visitors outside normal business hours;*
- 2.3 *The car parking area shown for the non-residential component ~~and the visitors bays for the residential component~~ shall be shown as ‘common property’ on any strata or survey strata subdivision plan for the property;*

In view of the above, the reconsideration of conditions ‘2.5’ and ‘6.1’ is supported as it is not considered that these changes will result in any undue impact on the amenity of the surrounding area.

**9.1.7 Nos. 394-398 (Lot 90) Newcastle Street, West Perth– Construction of an Eight Storey Mixed-Use Development Comprising of Twenty-Six (26) One Bedroom Multiple Dwellings, Fifty-Five (55) Multiple Dwellings, One (1) Eating House, One (1) Shop and Associated Car Parking**

<b>Ward:</b>	South	<b>Date:</b>	29 September 2011
<b>Precinct:</b>	Beaufort; P13	<b>File Ref:</b>	PRO3657; 5.2011.316.1
<b>Attachments:</b>	<a href="#">001</a> - Property Information Report and Development Application Plans <a href="#">002</a> - Traffic Impact Statement		
<b>Tabled Items:</b>	Plans - Coloured Perspectives and Applicant's submission		
<b>Reporting Officer:</b>	R Narroo, Senior Planning Officer (Statutory)		
<b>Responsible Officer:</b>	R Boardman, Director Development 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 Banham Architects on behalf of the owner, Vandar Properties Pty Ltd for Construction of an Eight Storey Mixed-Use Development Comprising of Twenty-Six (26) One Bedroom Multiple Dwellings, Fifty-Five (55) Multiple Dwellings, One (1) Eating House, One (1) Shop and Associated Car Parking at Nos. 394-398 (Lot 90) Newcastle Street, West Perth, as shown on amended plans dated 15 September 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 Newcastle Street;
- 1.2 First obtaining the consent of the owners of Nos. 400-410 Newcastle Street and No. 141 Fitzgerald Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 400-410 Newcastle Street and No. 141 Fitzgerald Street in a good and clean condition;
- 1.3 Doors, windows and adjacent floor areas facing Newcastle Street and the right of way shall maintain active and interactive relationships with this street and the right of way; and
- 1.4 The maximum gross floor area of the shop and eating house shall be limited to 90 square metres and 104 square metres respectively. Any increase in floor space or change of use of the offices shall require Planning Approval to be applied to and obtained from the City. Any change of use shall be assessed in accordance with the relevant Planning Policy including the City's Parking and Access Policy No. 3.7.1;

**2. Car Parking and Accessways**

- 2.1 The on-site car parking area for the non-residential component shall be available for the occupiers of the residential component outside normal business hours;

- 2.2 The car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the City;
- 2.3 The car parking area shown for the non-residential component and the visitors bays for the residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;
- 2.4 The car park shall be used only by employees, tenants, and visitors directly associated with the development; and
- 2.5 Twenty (20) car parking bays shall be allocated for the shop and eating house;

3. **Public Art**

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

- 3.1 within twenty – eight (28) days of the 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 \$180,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$18,000,000); and
- 3.2 in conjunction with the above chosen option;
  - 3.2.1 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
  - 3.2.2 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;

4. **Signage**

All signage that does not comply with the City's Policy No. 3.5.2 relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted to and approved by the City prior to the erection of the signage;

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

5.1 **Construction Management Plan**

A Construction Management Plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the City, in accordance with the requirements of the City's Policy No. 3.5.23 relating to Construction Management Plans, and Construction Management Plan Guidelines and Construction Management Plan Application for Approval Proforma;

5.2 **Section 70 A Notification under the Transfer of Land Act**

The owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:

5.2.1 the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non- residential activities; and

5.2.2 the City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/or office. The on-site car parking was in accordance with the requirements of the Residential Design Codes and the City's Policy No. 3.7.1 relating to Parking and Access.

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

5.3 **Landscape and Reticulation Plan**

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

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

5.3.1 the location and type of existing and proposed trees and plants;

5.3.2 all vegetation including lawns;

5.3.3 areas to be irrigated or reticulated;

5.3.4 proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and

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

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

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

5.4 **Schedule of External Finishes**

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

**5.5 Acoustic Report**

An Acoustic Report in accordance with the City's Policy No. 3.5.21 relating to Sound Attenuation shall be prepared and submitted to the City for approval. The recommended measures of the Acoustic Report shall be implemented and certification from an Acoustic Consultant that the measures have been undertaken, prior to the first occupation of the development. 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;

**5.6 Refuse and Recycling Management Plan**

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

**5.7 Bin Store**

Revised drawings shall be submitted showing a bin store located directly behind the commercial premises accessed directly from the Right of Way or in a similar location approved by the City;

**5.8 Fencing**

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

**5.9 Privacy**

Revised plans shall be submitted to and approved by the City demonstrating the following:

5.9.1 the pool deck on the west elevation (second floor); and

5.9.2 the roof garden on the eastern elevation;

being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material that is easily removed; OR prior to the issue of a Building Licence, revised plans shall be submitted demonstrating the above major openings being provided with permanent vertical screening or equivalent, preventing direct line of sight within the cone of vision to ground level of the adjoining properties in accordance with the Residential Design Codes. 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. 141 Fitzgerald Street, No. 382 Newcastle Street and No. 121 Fitzgerald Street, stating no objection to the respective proposed privacy encroachment;

**5.10 Stores**

Eighty-one (81) stores are shall be provided;

**5.11 Right of Way Widening**

A bond for the sum of \$75,000 shall be paid for the right of way widening. Prior to the first occupation of the development, the full length and width of the right of way, including the right of way widening and building setback area of 0.5 metre, abutting the subject land, shall be sealed, drained and paved, to the specifications of and supervision under the City, at the applicant's/owner(s)' full expense;

**5.12 Awnings**

5.12.1 Revised plans shall be submitted and approved by the City showing no encroachment of awning/structures within the right of way, including the truncation area, the widening area and building setback area; and

5.12.2 The awning shall be setback to accommodate street verge tree planting to the satisfaction of the City; and

**5.13 Modification to Newcastle Street**

Modifications to the Newcastle Street carriageway adjacent to the property are required to be carried out, which limit access to the site to be "left in" and "left out" only. The full cost of the works shall be borne by the developer (estimated to be \$25,000). A bond of \$25,000 for these works is required to be paid; and

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

**6.1 Residential Car Bays**

Seventy-seven (77) car bays and twenty (20) car bays shall be provided for the residents and visitors respectively. The ninety-seven car parking spaces provided for the residential component and visitors of the development shall be clearly marked and signposted for the exclusive use of the residents and visitors of the development;

**6.2 Bicycle Parking**

Twenty-seven (27) and eight (8) bicycle bays for the residents and visitors of the residential component, plus one (1) class one or two and five (5) bicycle bays Class 3 for the shop and eating house components, shall be provided at a location convenient to the entrance, publically accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3;

**6.3 Management Plan-Vehicular Entry Gates**

Any proposed vehicular entry gates to the car parking area shall have a minimum 50 per cent visual permeability and shall be either open at all times or a plan detailing management measures for the operation of the vehicular entry gates, to ensure access is readily available for residents/visitors to the residential and commercial units at all times, shall be submitted to and approved by the City; and

**6.4 Clothes Drying Facility**

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

**ADVISORY NOTE:**

The Heritage Council is to immediately notified in the event of any significant damage occurring to the heritage listed building at Nos. 380-388 Newcastle Street, West Perth, during the works process.

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**COUNCIL DECISION ITEM 9.1.7**

**Moved Cr Farrell, Seconded Cr Maier**

**That the recommendation be adopted.**

Debate ensued.

**MOTION PUT AND LOST (2-5)**

**For:** Mayor Catania, Cr Farrell

**Against:** Cr Buckels, Cr Harvey, Cr Lake, Cr McGrath, Cr Maier

**(Cr Burns and Cr Topelberg were on approved leave of absence.)**

**REASONS FOR REFUSAL:**

1. Plot ratio is considered excessive.
2. Height is considered excessive.
3. Consideration of objections received.

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<b>Landowner:</b>	Vandar Properties
<b>Applicant:</b>	Banham Architects
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial
<b>Existing Land Use:</b>	Vacant land
<b>Use Class:</b>	Eating House, Shop and Multiple Dwellings
<b>Use Classification:</b>	"P", "P" and "AA"
<b>Lot Area:</b>	3051 square metres
<b>Right of Way:</b>	East side, 3 metres wide, Council owned

**PURPOSE OF REPORT:**

This proposal requires referral to the Council for determination given it cannot be considered under Delegated Authority.

**BACKGROUND:**

- 27 May 2008 The Council at its Ordinary Meeting conditionally approved the demolition of existing warehouse and construction of five storey office building and associated car parking.
- 22 July 2008 The Council at its Ordinary Meeting approved the taking of rights of way to facilitate development of Nos. 394-398 Newcastle Street, Perth.
- 28 April 2009 The Council at its Ordinary Meeting conditionally approved the demolition of existing warehouse and construction of a five storey office building and associated 140 car parking bays.

**DETAILS:**

The application is for the construction of an eight storey mixed-use development comprising of twenty-six (26) one bedroom multiple dwellings, fifty-five (55) multiple dwellings, one (1) eating house, one (1) shop and associated car parking.

The applicant submission is "Tabled".

**COMPLIANCE:**

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
<b>Plot Ratio:</b>	1= 3051 square metres	2.83= 8634 square metres
<b>Officer Comments:</b>		
Supported-Refer to "Comments" below. The site is zoned commercial and in the event the development was 100% commercial, plot ratio would not be applicable.		
<b>Street Setbacks:</b>	Setback to be generally consistent with building setback on adjacent land	Ground and First Floors = 2 metres  Second Floor to Seventh Floor= 1.2 metres to balcony
<b>Officer Comments:</b>		
Supported- The existing buildings in the surrounding area have nil setbacks, the upper floors are staggered, and balconies will be facing Newcastle Street. Accordingly, there will be no impact on the streetscape.		
<b>Building Setbacks:</b>	<p><i>Eastern Side</i></p> <p>Ground Floor to Seventh Floor = 4 metres</p> <p><i>Western Side</i></p> <p>Ground Floor to Seventh Floor = 4 metres</p> <p><i>North Side</i></p> <p>Ground and First Floors = 6 metres (Interface Policy)</p> <p>Second Floor to Seventh Floor = 4 metres</p>	<p>Ground Floor to Seventh Floor= 1.5 metres to 4.9 metres</p> <p>Ground Floor to Second Floor = Nil</p> <p>Third Floor to Seventh Floor= Nil to 2.3 metres</p> <p>Ground Floor= Nil</p> <p>First Floor=1.4 metres to 2.4 metres</p> <p>Second Floor to Seventh Floor = 3 metres to 17.8 metres</p>
<b>Officer Comments:</b>		
Supported- Given the site is zoned commercial; nil setbacks are permitted on the side boundaries. On the eastern side, the building will be facing the right of way where most of the buildings are commercial. On the western side, there are commercial buildings. On the northern side, there is an existing wall on the boundary, the ground floor only will have a nil setback, the first and second floors will be setback 1.4 metres to 3 metres, and the remaining floors will be setback 17.8 metres. Therefore, the floors facing the northern boundary are staggered significantly and there will be landscaping within the setback area on the first and second floors. Accordingly, it is considered there will be no undue impact on the adjoining northern rear property in terms of ventilation and sunlight.		

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
<b>Number of Storeys</b>	4 storeys including loft	8 storeys
<b>Officer Comments:</b>		
Supported- Refer to "Comments".		
<b>Privacy</b>	Balconies = 7.5 metres	Eastern side  2nd to 6th Floor = 5 metres The applicant has submitted amended plans showing all the balconies screened which face the eastern properties.  Roof Garden = 6.4 metres  Western side  Pool Deck = 4.2 metres to the northern boundary
<b>Officer Comments:</b>		
Not supported- If this application is supported, the pool deck and roof garden will be required to be screened on the western and eastern elevations, to prevent any overlooking on the rear (northern) and eastern properties.		
<b>Overshadowing</b>	Development designed with regard for solar access for neighbouring properties taking account the potential to overshadow: <ul style="list-style-type: none"> <li>• outdoor living areas;</li> <li>• major openings to habitable rooms;</li> <li>• solar collectors; or</li> <li>• balconies or verandahs</li> </ul>	Overshadowing occurs to the adjoining eastern properties.
<b>Officer Comments:</b>		
Supported- The Council at its Ordinary Meeting held on 28 April 2011 approved a five storey development on the subject site which was overshadowing the eastern properties. The proposed eight-storey building will increase the overshadowing slightly and the percentage of overshadowing is less than 50 per cent. Moreover, most of the buildings on the eastern side are being used for commercial purposes; of the two sites being occupied by residential uses, the owners of these sites did not object to the proposal. In addition, these eastern adjoining sites are zoned commercial and residential/commercial. Therefore, any of these sites may be developed for mixed-use or commercial in the future, whereby overshadowing will not be an issue.		
<b>Stores</b>	81 stores	80 stores
<b>Officer Comments:</b>		
Not supported- The applicant is required to provide 81 stores.		
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 submission stating that no objection or support of the application.
<b>Comments Received</b>	<b>Officer Comments</b>
	Noted.
<b>Objections:</b>	Seven (7) objections and a petition signed by 27 persons opposing the proposed development.

<b>Consultation</b>	
<b>Comments Received</b>	<b>Officer Comments</b>
<p><u>Building Height</u></p> <p>The proposed development goes against the guidelines of the City Town Planning Scheme No. 1 which specifies that a building should have a maximum height of four storeys with the fourth level being setback from the street.</p> <p>The proposed building will be out of character with the surrounding area which will impact on the adjoining properties in terms of sunlight and air. The proposed development should be semi high-density as per the surrounding area.</p>	<p>Not supported-Refer to "Comments" below.</p>
<p><u>Traffic</u></p> <p>This proposed development will have a major impact on the laneway to the detriment of the owners along Fitzgerald Street.</p> <p>The future residents and visitors of this development will park in the adjoining properties.</p>	<p>Noted-Refer to "Comments" below.</p> <p>Noted- People associated with the proposed development should use only the parking available at No. 394 Newcastle Street. Moreover, the onus is on the owners of the adjoining properties not to allow unauthorised parking on the property.</p>
<p><u>Interface with the rear property</u></p> <p><i>Privacy</i></p> <p>The people from the swimming pool and the residential units will be overlooking the bedrooms of the rear property.</p> <p><i>Noise</i></p> <p>The noise from the people using the proposed swimming pool will impact on the properties at the rear. Moreover, the noise from the machinery of the swimming pool will further impact on the rear properties.</p> <p><i>Security</i></p> <p>With a ladder, a person can climb from the proposed swimming pool to the adjoining balconies on the rear property.</p>	<p>Supported- The plans show screening and there is a condition to screen the pool deck on the western elevation.</p> <p>Not supported- The people using the pool and the machinery will have to comply with the permissible noise level in that area.</p> <p>Not supported- It is noted that the applicant has submitted amended plans showing the swimming pool being setback 3 metres from the rear property and landscaping being proposed within the setback area.</p>
<p><u>Overshadowing</u></p> <p>The building will overshadow the rear properties.</p> <p>Overshadowing the properties on the eastern side.</p>	<p>Not supported- As per the R-Codes, the overshadowing is to be assessed on the south side of the development. In this instance, the objection is from the property on the northern side of the subject site, which is not applicable.</p> <p>Not supported- Refer to Compliance Table.</p>

Consultation	
<u>Right of Way</u> Concerns that the owners of No. 394 Newcastle Street will claim the right of way as their private property.	Not supported- The right of way has been taken by the City and, therefore, there cannot be any claim for the right of way.
<b>Advertising</b>	The advertising was carried out as per the City 'Policy No. 4.1.5- relating to Community Consultation

Other Implications	
<b>Legal/Policy</b>	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> 1.1 <i>Improve and maintain the natural and built environment and infrastructure</i> 1.1.2 <i>Enhance and maintain the character and heritage of the City."</i>
<b>Sustainability</b>	Nil.
<b>Financial/Budget</b>	Nil.

### Car Parking

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

Car Parking	
Small Multiple Dwelling (75 square metres)- 0.75 bay per dwelling (26 dwellings proposed)= 19.5 car bays= 20 car bays Medium Multiple Dwelling (75-110 square metres)-1 bay per dwelling (49 dwellings proposed)= 49 car bays Large Multiple Dwelling (greater than 110 square metres)-1.25 bay per dwelling (6 dwellings proposed)= 7.5 car bays= 8 car bays Visitors= 0.25 per dwelling (81 dwellings proposed)= 20.25 car bays=20 car bays Total= 97 car bays	97 car bays
Total car bays provided	134 car bays
<b>Surplus</b>	<b>37 car bays</b>

In total, 97 car bays will be required for the residential component. Overall, the number of car parking bays provided for the development is 134 car bays. Therefore, for the commercial component, 37 car bays will be available.

The commercial car parking is calculated as follows:

Car Parking	
Car parking requirement (nearest whole number). • Shop (1 car bay per 15 square metres gross shop floor area) Proposed 90 square metres = 6 car bays  • Eating House (1 car bay per 4.5 square metres public floor area)- Proposed 104 square metres = 23.1 car bays  Total car bays required = 29.1 car bay= 29 car bays	29 car bays
Apply the parking adjustment factors. • 0.85 (within 400 metres of a bus stop) • 0.80 (45 percent of the gross floor area is residential)	(0.68)
Minus the car parking provided on-site	19.72 car bays
Minus the most recently approved on-site car parking shortfall	37 car bays
<b>Surplus</b>	<b>17.28 car bays</b>

<b>Bicycle Parking</b>		
<b>Bicycle Parking</b>	<p><i>Shop</i></p> <p>1 space per 300 square metres gross floor area (proposed 90 square metres) = 0.3 Class 1 or 2</p> <p>1 space per 200 square metres (proposed 345 square metres) = 1.725 Class 3</p> <p><i>Eating House</i></p> <p>2 spaces per 100 (proposed 104 square metres) square metres = 1.04 Class 1 or 2</p> <p>2 spaces plus 1 space per 100 square metres of public area (proposed 104 square metres) = 3.04 Class 3</p> <p>Total Class 1 or 2= 0.3+1.04= 1.34 bays = 1 bay</p> <p>Total Class 3= 1.725+3.04= 4.765 bays = 5 bays</p> <p><i>Residential Component</i></p> <p>1 bicycle space to each 3 dwellings for residents and 1 bicycle space to each 10 dwellings for visitors:</p> <p>27 bicycle bays for the residents</p> <p>8 bicycle bays for the visitors</p>	35 bicycle bays are provided

**COMMENTS:**

**Demolition**

The subject place at Nos. 394-398 Newcastle Street, West Perth, is adjacent to Nos. 380-388 Newcastle Street, West Perth, which is listed both on the City of Vincent's Municipal Heritage Inventory (MHI) as Management Category A - Conservation Essential and on the Heritage Council of Western Australia's Assessment Program.

The proposal involves construction of an eight-storey mixed use development. A Heritage Impact Statement was undertaken on 11 August 2011 to assess the impact of the proposed development on the cultural heritage value of the adjacent building. The Heritage Impact Statement indicated that the applicant has sought to implement measures to improve the interface between the subject lot and the adjacent heritage listed property. As such, the subject application is considered acceptable, subject to an advice note as outlined in the Officer Recommendation where in the event of any significant damage occurring to the heritage listed building at Nos. 380-388 Newcastle Street, West Perth, during the construction works process, the Heritage Council is to be immediately notified.

**Strategic Planning**

The subject site is proposed to remain zoned commercial in Town Planning Scheme No. 2 and the subject development requirements as per the proposed Perth Precinct Policy. This Policy proposes a maximum height limit of 5 storeys for this site, with a maximum plot ratio of 2.0 (in a mixed use or residential development).

Notwithstanding the above, the Council may consider additional height and plot ratio on the site, given the size of the lot is greater than the average sized lot along Newcastle Street.

It is noted that the Leederville Masterplan area has introduced sliding densities, which essentially state that the larger the lot, the more height the site can accommodate.

## **Planning**

Plot ratio and building height contribute to the bulk and scale of a development and in this instance, the subject proposal is not considered to have an undue impact on the amenity of the area and is symptomatic of a growing trend to develop underutilised inner-city properties.

The subject site is located within a commercial zone. In the event the development would have been a 100% commercial development, then plot ratio would not be applicable; further the Precinct Policy allows for nil setbacks to the side boundaries. The proposed building's upper floors are setback significantly from the rear property and there is a right of way on the eastern side, which minimises the bulk and scale on the adjoining properties. It is noted that opposite the subject site, there is a five (5) storey building and an eight (8) storey building is under construction at No. 146 Fitzgerald Street. The proposed building will be abutting a district distributor road, Newcastle Street, and is located eight hundred and twenty-one metres from the Water Corporation site, where the height and scale of new development can be of a greater scale and intensity. Moreover, it is considered the articulation of the building and staggered setbacks contribute to reducing the impact of the height on the surrounding area. The provision of roof gardens and landscaping at the rear also adds to the sustainability of the building and reducing its impact.

The City's Officers are supportive of the eight-storey development on the subject site and the proposed plot ratio is also recommended for approval on the basis that the subject development is consistent with the principles of transit oriented development with respect to a high density residential building in close proximity to transport facilities and the central business district.

## **Traffic Impact Statement**

A Traffic Impact Statement was submitted by ML Traffic Engineers as part of this application, which is attached (Attachment 002). The report notes that the previous application for offices on the subject site was approved for 135 car bays. Actually, the Council at its Ordinary Meeting held on 28 April 2009 conditionally approved office development on the subject site which had 140 car bays and this application for mixed-use development contains 134 car bays. Accordingly, a traffic impact would have been the same if the office development had processed. Furthermore, the report specifies that the right of way will be able to accommodate the traffic to be generated by this proposed development. In addition, the report states that the additional traffic to be generated by the proposed development will not adversely affect the operation of the Newcastle Street/Fitzgerald Street intersection.

## **Technical Services**

### Traffic

After assessing the Traffic Statement provided in the context of the proposed parking access/egress proposal, it is considered that there will be lengthy delays and resulting frustrations for residents and others users of the development due to:

- The relatively large number of estimated vehicle movements from the development all using one or other of the ROWs;
- The very close proximity of the north/south ROW to the Newcastle/Fitzgerald Street intersection (approximately 19 metres – or between 3 and 4 car lengths, from the stop line at the Fitzgerald/Newcastle Street signalized intersection);
- The proposed 'left in left out' restriction which will restrict vehicle movement but which is imperative for traffic safety and to maintain an appropriate level of service for an already congested Newcastle/Fitzgerald Street intersection;
- The 'single lane' 3.0 metre wide ROW off Fitzgerald Street (which, given its narrow width and other existing users, will restrict the free movement of traffic at times); and
- The large number of vehicles that will (potentially) be entering/exiting from the development not only during the peak periods but also throughout the day from the commercial component of the proposed development.

Waste Management

As the ROW is over 100m long and the bin store is currently proposed to be located near the end of the ROW (that is, the northern end of the development), reversing over this distance, three times per week, is not considered appropriate on both operational and health and safety grounds. It is considered that the bin store location can be changed without adversely affecting the car parking configuration or compromising the design or losing any parking bays. Details of the relocation of the bin store and associated changes to the parking layout are to be suitably designed, to the City's satisfaction, and submitted prior to the issuing of a Building Licence application.

Awning

As per the plans submitted, the awning is encroaching in the truncation area, the right of way widening area and may impact on the future planting of verge tree. This matter can be addressed at the Building Licence stage.

The matters discussed above have been addressed with appropriate conditions in the Officer Recommendation.

In view of the above, given the site is located close to the central business district, the building is articulated with staggered setbacks which reduce the bulk and scale on adjoining properties, and there is no material difference in the traffic impact generated by the uses as compared to the application for offices approved by the Council at its Ordinary Meeting held on 28 April 2009 on the subject site, the application is recommended for approval.

**9.4.13 LATE ITEM: Beaufort Street Festival 2011 - Consideration of Additional Approvals**

<b>Ward:</b>	South	<b>Date:</b>	11 October 2011
<b>Precinct:</b>	Forrest (14), Beaufort (13) & Hyde Park (12)	<b>File Ref:</b>	CMS0110
<b>Attachments:</b>	<a href="#">001</a> – Barlee Street Car Park Map <a href="#">002</a> – Festival Premises Map		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	A Giles, Acting Manager Health Services J Anthony, Manager Community Development J MacLean, Manager Ranger and Community Safety Services		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

That the Council;

- SUPPORTS** the following liquor licensing applications as shown in Appendix 9.4.13 received from event organisers and existing licensed premises, subject to full compliance with Council requirements, and notifies the Department of Racing, Gaming and liquor of the Council **RECOMMENDATION:**

LOCATION	AREA	MAXIMUM NUMBERS	HOURS OF OPERATION
Festival Bar, No. 555 Beaufort Street, Highgate	165 square metres (free floor area)	165 persons; minimum 3 Crowd Controllers.	Friday 11 November 2011 from 7.00pm to midnight; and Saturday 12 November 2011 from noon until midnight.
YACWA Stage Bar, Barlee Street Council, Nos. 590 – 596 Beaufort Street, Mount Lawley	300 square metres (free floor area)	200 persons; minimum 3 crowd controllers	Saturday 12 November 2011 from noon – 10.00pm.
The Flying Scotsman, Nos. 639 – 643 Beaufort Street, Mount Lawley	Extension of licensed Outdoor Eating Area to incorporate footpath on Grosvenor Road frontage	Maximum accommodation to be confirmed, subject to amended plans, at a ratio of 1 person per square metre; crowd controllers at a ratio of 2 per first 100 patrons, 1 per 100 patrons thereafter	Saturday 12 November 2011 from noon – 10.00pm
Must Winebar, No. 519 Beaufort Street, Highgate	Extension of licensed Outdoor Eating Area adjacent to premises, including the footpath kerbside lane only, with consideration given to amended application including neighbouring premises footpath and kerbside lane.	Maximum accommodation to be confirmed, subject to amended plans, at a ratio of 1 person per square metre; crowd controllers at a ratio of 2 per first 100 patrons, 1 per 100 patrons thereafter	Saturday 12 November 2011 from noon – 10.00pm

LOCATION	AREA	MAXIMUM NUMBERS	HOURS OF OPERATION
Beaufort Merchant, located at No. 488 - 492 Beaufort Street, Highgate	Extension of licensed Outdoor Eating Area adjacent to premises, including the footpath kerbside lane only, with consideration given to amended application including neighbouring premises footpath and kerbside lane.	Maximum accommodation to be confirmed, subject to amended plans, at a ratio of 1 person per square metre; crowd controllers at a ratio of 2 per first 100 patrons, 1 per 100 patrons thereafter	Saturday 12 November 2011 from noon – 10.00pm

to the satisfaction of the Chief Executive Officer;

2. **AUTHORISES** the Chief Executive Officer to determine requests which may be received from the Festival Organisers, which may arise out of discussions concerning the finalisation of operational festival event matters;
3. **REQUIRES** the event organisers to undertake the following:
  - 3.1 submit all required approval documentation in accordance with Environmental Health requirements, Concerts and Events Policy, and relevant Noise and Public Buildings legislation by close of business Monday 17 October 2011;
  - 3.2 submit an updated Risk Management Plan, and Emergency Evacuation Plan by close of business Monday 17 October 2011;
  - 3.3 employ a minimum of four (4) crowd controllers to patrol the Beaufort Street Festival area, in addition to those required in individual licensed areas; and
  - 3.4 ensure that all rubbish/refuse/litter is cleaned immediately following the closure of the festival, to ensure it does not cause a litter nuisance and attract vermin;
4. **APPROVES** the creation of a no-parking zone on:
  - 4.1 both sides of Harold Street between Beaufort and the right-of-way adjacent to No. 152 Harold Street, operating from midnight on 11 November 2011 to midnight on 12 November 2011, to accommodate the Bremick Stage; and
  - 4.2 the south side of Barlee Street, immediately adjacent to Barlee Street Car Park, to assist in the set up of the YACWA Stage;
5. **APPROVES** the community arts project “The Before I Die project” to be temporarily installed by the Barlee Street carpark fence from 10 am to 12 midnight on 12 November 2011, limited to the duration of the Festival, and with full responsibility for installation, appropriate content of material and removal to be undertaken by the Festival organisers;
6. as a condition of the Council’s future sponsorship, **REQUESTS**:
  - 6.1 two (2) Council Members to be appointed to the Festival Organisers Committee;

- 6.2 regular meetings (e.g. weekly or fortnightly) to be held between the Festival Organisers and relevant City Officers in the three (3) months prior to the Festival date; and
- 6.3 the Chief Executive Officer to write to the Festival Organisers accordingly; and
7. NOTES that the City's Waste Management and Street Cleaning service for the day of the festival for a total cost of \$5,390 (inclusive of GST).
- 

**COUNCIL DECISION ITEM 9.4.13**

**Moved Cr Farrell, Seconded Cr McGrath**

That the recommendation be adopted.

Debate ensued.

**MOTION PUT AND CARRIED UNANIMOUSLY (7-0)**

**(Cr Burns and Cr Topelberg were on approved leave of absence.)**

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**PURPOSE OF REPORT:**

The purpose of this report is to seek the Council's approval for matters occurring at the Beaufort Street Festival 2011 in relation to liquor licensing applications, and parking restrictions, which have not been previously considered and approved. A Council decision is required as soon as is practicable as this will allow for the Festival Organisers to continue to progress festival arrangements and will not unduly delay any applications.

**BACKGROUND:**

The City's Administration has formally met with the Organisers of the Beaufort Street Festival 2011 to clarify festival events and to ascertain specific operational matters e.g. liquor licence applications, music, traffic management, cleaning and waste management etc.

The Council previously approved of the Festival at the Ordinary Meeting of Council held on 23 August 2011 and 27 September 2011. The Council's decision is shown at the end of this report.

**DETAILS:**

**Health Services comments:**

**Food**

A number of applications for temporary food permits have been received, and are being assessed in relation to the *Food Act 2008* and *Food Regulations 2009*.

**Noise**

The Beaufort Street Festival 2011 will have up to six (6) stages and has the potential to cause noise nuisance to residents in the adjoining residences (particularly as the Festival will operate for 10 hours (12 noon to 10:00pm).

The event organiser is to submit a Noise Management Plan and noise modelling prediction, up to the 45dB(A) noise emission contour, in the form of a Regulation 18 application (in accordance with the *Environmental Protection (Noise) Regulations 1997*).

Noise modelling will assist in determining the total letter drop area to inform residents of the festival, and the higher than normal noise levels which will be emitted from the festival stages.

Regulation 13 approvals will also be required for out of hours work for bump-in/bump-out of the festival infrastructure.

Conditions of the Regulation 13 and 18 approvals will specify the maximum noise levels which may be emitted, monitoring requirements, and hours of operation.

The City's Environmental Health Officer's and rangers will be on duty during the festival to promptly deal with any complaints. A procedure for dealing with noise complaints will be communicated to the Festival Organisers as follows:

A breach of conditions may result in enforcement action being taken, including:

- 1<sup>st</sup> offence – verbal warning/instruction to reduce sound levels;
- 2<sup>nd</sup> offence – written warning/direction to reduce sound levels;
- 3<sup>rd</sup> offence – issue of infringement notice; and
- continuing offences – closure of the amplified music/sound plus forfeiture of \$10,000 noise bond and/or prosecution.

### **Liquor Licensing**

Festival Bar No. 555 Beaufort Street, Highgate

Event organisers have received in principle approval for the Festival Bar located in the car park area at No. 555 Beaufort Street, Highgate on Saturday 12 November 2011 from noon until midnight. Festival organisers are also seeking approval to operate the Festival Bar on Friday 11 November 2011 for an 'opening' party. Temporary Public Building approvals will be required for these premises, with the applicant seeking 175 persons in this area. Preliminary assessments indicate approval may be granted for up to 165 persons.

Barlee Street Car Park

In addition, the organisers seek to licence an area of the Barlee Street Carpark as an additional bar measuring 16 x 21 metres (YACWA stage area). Temporary Public Building approvals will be required for these premises, with the applicant seeking 275 persons in this area.

Additional crowd control personnel are being employed, temporary toilets provided, and event organisers have advised no glass will be permitted in these areas, there will be no take-away liquor and no energy drinks provided.

The City's Officers have expressed concern that unless carefully controlled and managed, there is a strong potential for anti-social behaviour. Accordingly, this Bar is supported subject to the numbers being limited to 200 persons.

### **Liquor Licensing Applications**

Existing Licensed Premises within Beaufort Street, have submitted applications to extend their liquor licenses for the duration of the festival, detailed as follows:

- The Flying Scotsman located at Nos. 639-643 Beaufort Street, Mount Lawley, have applied to the City and DRGL extend their Outdoor Eating Area with the addition of a marquee on the Grosvenor Road side. Festival organisers have confirmed they have activities planned for the area abutting the footpath, and would not be supportive of an ETP area extending further than the width of the Council footpath.

- Must Winebar located at No. 519 Beaufort Street, Highgate, have applied for an additional trading area on the road reserve directly in front of their premises, to the central median strip, incorporating a food and liquor component. The total area proposed to be used has a capacity of 99 people. It is recommended that the City approve use of the footpath, and the kerbside lane only for a licensed area. Amended calculations indicate a capacity of 61 people (based on raw floor area). The extension to the central median is considered too much of an impediment to the proper movement of the public – therefore, it should be smaller – perhaps to include the footpath and kerbside lane adjoining their premises. Consideration will be given to an amended application which also includes the neighbouring premises footpath and kerbside lane, subject to written consent from the neighbouring premises, and confirmation that Public Liability Insurance adequately covers this extended area, with total approved numbers to be considered by the Chief Executive Officer.
- Beaufort Merchant, located at Nos. 488 - 492 Beaufort Street, Highgate, to provide an extension to their licensed premises in the road reserve abutting their premises, to the central median strip, incorporating a food and liquor component. The total area proposed to be used has a capacity of 92 people. It is recommended that the City approve use of the footpath, and the kerbside lane only for a licensed area. Amended calculations indicate a capacity of 84 people (based on raw floor area). The extension to the central median is considered too much of an impediment to the proper movement of the public – therefore, it should be smaller – perhaps to include the footpath and kerbside lane adjoining their premises. Consideration will be given to an amended application which also includes the neighbouring premises footpath and kerbside lane, subject to written consent from the neighbouring premises, and confirmation that Public Liability Insurance adequately covers this extended area, with total approved numbers to be considered by the Chief Executive Officer.

#### **WA Police**

With respect to liquor licensing applications, the WA Police Licensing Enforcement Unit have advised that: they are not in support of any licensed premises extending any part of their licensed area onto the road reserve. If this was permitted it would create obstacles and possibly impede accessibility to emergency vehicles.

Notwithstanding the concerns of the WA Police, the City's Officers consider that approval of extended licensing applications under strict conditions will add to the Festival atmosphere whilst at the same time can be carefully managed. Should problems be experienced, support for such applications would not be given for future festivals.

Based on the information provided in your email of the 3 October 2011, the following comments, which the City of Vincent may wish to consider, are offered on behalf of the Executive Director, Public Health:

- The information provided indicates that there would be increased promotion and visibility of alcohol at an all ages event which is strongly associated with youth (evidenced by the Youth Affairs Council of WA being a 'foundation partner' of the event– see festival website: <http://www.beaufortstreetfestival.com.au/foundation/yacwa>).
- There is growing community concern about youth drinking and the promotion and visibility of alcohol in environments where children/young people are present.
- Increased promotion and visibility of alcohol where young people are present increases the risk of harm occurring both at the event and in the future (alcohol environments contribute to the drinking culture by influencing young people's attitudes about alcohol - favourable attitudes towards alcohol have been found to lead to earlier initiation of alcohol use by young people as well as lead to higher risk drinking behaviours in the future).
- Evidence is clear that increased availability of alcohol is linked to the potential for increased harm.

**Ranger and Community Safety Services comments:**

The event organisers were asked to make sure that all of their advertising material included words to the effect that a substantial number of Rangers will be on duty to cover this and other events in the City. As a result, Rangers will patrol surrounding streets and, while they have been asked to exercise a little leniency with time restrictions, they will immediately deal with received complaints, or obstructing vehicles. Should a person be unable to exit their driveway, because a vehicle is causing an obstruction, the offending vehicle will be towed away, incurring an approximate charge of \$300.00 in penalties, towage fees and impounding fees.

Residents, businesses and visitors, who have concerns about anything relating to the festival, will be able to contact the City via a dedicated mobile telephone number, which will be manned from noon till midnight on the day. At this stage, this is likely to be manned by a Ranger, who will accept the calls, take the necessary details and pass the complaint on to the relevant section. The contact number will be passed to the event organisers, for inclusion in their information letter that is to be delivered to affected properties, around a week before the festival.

To assist in the set up of the festival, the area which will be within the barricades will be made into a No Stopping/No Parking area, from 6pm on 11 November 2011. This will be achieved by "hooding" the parking signs, to indicate that the area is not available for general parking. If the No Stopping/No Parking area is not set up before 7:00pm, on 11 November, vehicles can legally park till 8:00am on the morning of 12 November 2011. However, Rangers will take a lenient approach to vehicles that park on Beaufort Street on the evening of 11 November 2011.

Because there is also a Perth Glory game on 12 November 2011, some of the hoods are required for the area around nib Stadium and the area from Lincoln Street to Harold Street, which has been recommended for the suspension of the existing residential restrictions. Since the hoods will no longer be required, because the road closures will already be in place, the Early-shift Ranger on 12 November will remove the hoods, when he starts work.

**Technical Services Comments:**

City of Vincent has offered the Festival organisers a Waste Management and Street Cleaning proposal to be undertaken on the day of the festival for a total cost of approximately \$5,000.

Prior to the festival the City's Operations personnel will undertake an inspection of the footpaths and roads and undertake appropriate maintenance. The footpaths will also be high pressure cleaned as required. On the day of the festival a crew will clean the precinct on Saturday morning.

As part of the proposal provided to the event organisers the City would supply 40 x 240 litre bins chained strategically to light poles/parking poles either side of Beaufort Street between Walcott Street and Chatsworth Street. The bins will be provided with plastic bin liners.

The Festival organisers will be required to provide skip bins to empty 240 litre bins during the day as required. The will empty 240 litre bins as a one off during the festival.

At the conclusion of the festival at approximately 11pm the City's Road Sweeper and 2 x personnel will blow/clean footpaths and sweep the road prior to opening road. The morning cleaning crew commencing at 5am on Sunday 13 November 2011 will also check the precinct for any rubbish missed.

In accordance with the Council's decision of OMC 27 September 2011 Technical Services have been working with the event organisers and the following items have been actioned at the time of writing this report:

- Clause 1.1 (a) engagement of a Main Roads WA accredited Traffic Management contractor to prepare the required Traffic Management Plan/s (TMPs). **Completed.**

- Clause 1.1(b) application for an Order for a Road Closure in accordance with the Road Traffic Act 1974: **Completed and forwarded to the WA Police.**
- Clause 1.1(c) liaises closely with the Public Transport Authority (PTA) and to fund any additional expenditure incurred by PTA on the day, estimated by PTA: **In progress, agreed to undertake this action. PTA invited to attend stakeholder meeting.**
- Clause 1.1(d) maintaining resident's access to their properties within the closure area along Beaufort Street, and any other affected streets, and this requirement shall be incorporated in the approved TMP/s: **Completed – incorporated in TMP.**
- Clause 1.1(e) submitting the 'draft' TMPs to the City's Technical Services Directorate, for final approval: **Completed, signed off by Technical Services.**
- Clause 1.1(f) Carrying out extensive media/publicity including the placement of an appropriate notice of road closure in a newspaper having state-wide circulation and radio community announcements: **In progress, draft adverts provided.**
- Clause 1.1(e) Include a 'warning' on all posters, flyers and information sheets distributed by the event organiser/s that Residential Parking Restrictions are in place on the day of the Festival. **In progress, will be undertaken.**

#### **Community Development Comments:**

A proposal has been received to construct a community arts project on the current Barlee Street Car Park fence which is adjacent to Beaufort Street for the purposes of the Festival.

The proposal called "*The Before I Die Project*" is based on the project which was first undertaken in New Orleans. The project sought to use areas previously considered not suitable for the community and to change them into living community spaces. "*The Before I Die Project*" asks anyone in the community to respond to the question "*What do I really want to do before I die?*" and answer that question using chalk provided on a painted chalkboard.

The project was immensely popular and continues today. The project is now being adopted around the world – and the organisers would like Beaufort Street to become the first Australian site for this project as part of our Festival celebrations.

They are proposing to construct weather proof wood surface, painted with chalkboard and attach it to the existing fence. This will be done at the festival organisers' cost. The proposed project would be approximately 12 metres wide and 2.5 metres high – slightly higher than the fence to enable enough room for Festival attendees on the day to respond to the question.

The organisers will take full responsibility of the installation of the display board and any cost associated if the fence was damaged. The project will only be approved for installation for the duration of the Festival when the car park is closed to ensure safety for those who are interested in viewing and/or writing on the board.

#### **Chief Executive Officer's Comments:**

On 6 October 2011, the Chief Executive Officer also met separately yesterday with Cr Joshua Topelberg and Cr Warren McGrath to discuss the Festival. The meeting was most beneficial, with the following suggestions:

1. Once a festival has been approved by the Council, a regular meeting should be held. (e.g. weekly or fortnightly) between the Festival Organisers and key City Officers.
2. If the Council is to be a major sponsor of the Festival, it should be conditional that at least two Council Members be included on the Festival Organising Committee – to represent the Council's position.

It is evident that the 2011 Festival will be considerably larger than the 2010 Festival. The number of stages, requests for extended licensed areas and events are more extensive. As such, there is a need for closer liaison between the Festival organisers and the City's Administration. As the City is a major sponsor of the Festival, it is recommended that the Festival Organisers be advised that as a condition of this sponsorship two Council Members be appointed to the Festival Organiser's Committee for future years.

### **CONSULTATION/ADVERTISING:**

The organisers have done a letter drop to all residents and businesses in the street to advise them of the festival date. Another letter drop has been requested to be conducted at least one (1) week prior to the event, to provide information on the road closure and designated contact phone numbers for any issues (e.g. noise) that may arise during the festival.

The City's Administration will arrange for a separate letterbox drop to be carried in the residential area adjacent to the Festival. This letter will advise of a mobile phone number which can be called in the event of complaint (e.g. loud noise, vehicle obstructions, anti-social behaviour etc). A Senior City Employee will direct the complaint to the relevant City Officers e.g. Environmental Health Officers, Rangers etc. for prompt attention and/or also to contact the Festival Organisers. It is considered that this will minimise any inconvenience which may be caused to potentially affected residents.

### **LEGAL/POLICY:**

The City is responsible to ensure that all road closures undertaken within its boundaries are in accordance with the relevant Australian Standards and Main Roads WA *Traffic Management of Events Code of Practice* and therefore a suitably qualified and Main Roads WA accredited Traffic Management Contractor will need to be engaged.

The following Legislation and City's policies are also in application for the execution of the festival:

- Health (Public Buildings) Regulations 1992;
- Environmental Protection (Noise) Regulations 1997;
- Food Act 2008 and Food Regulations 2009;
- Policy No. 1.1.5 – Donations, Sponsorship, Support for Festivals and Waiving of Fees and Charges;
- Policy No. 1.1.8 – Festivals; and
- Policy No. 3.8.3 – Concerts and Events.

### **RISK MANAGEMENT IMPLICATIONS:**

**High:** Significant risk implications are associated with the full closure of the large portion of Beaufort Street which is classified as a District Distributor A road as well as the number of liquor permits requested for the extended period of time. The potential of a large attendance at the festival together with an expected large attendance at the scheduled A-league game at Nib Stadium, if not managed in a professional manner could result in the following:

- Considerable inconvenience to residents, motorists including severe traffic congestion and rat running in adjoining residential streets;
- Difficulties for patrons attending the proposed A-league game at nib Stadium;
- The potential for negative publicity for the City of Vincent.

The above should be noted and acknowledged by all involved in arranging, conducting and facilitating the festival event on 12 November 2011.

### **STRATEGIC IMPLICATIONS:**

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

#### "Natural and Built Environment

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

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

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

As mentioned above at its Ordinary Meeting held on 23 August 2011, the Council approved a total sponsorship contribution of \$50,000 from the City of Vincent to assist with the costs of the event, as allocated in the 2011-2012 budget with the \$50,000 consists of:

- \$40,000 Festival Funding;
- \$10,000 Festival Funding in the event that the proposed road closure from Walcott St to Chatsworth Rd goes ahead. This additional funding would be made available to assist with the expenses associated with the road closure and also further shade requirements;
- the sponsorship contribution to be paid on a reimbursement basis of expenditure incurred through the provision of tax invoices;
- event fees of \$18,000 for the festival at Beaufort Street being waived;
- a bond of \$3,000 being retained by the City as security for any damage to or clean-up of the Street.

Further to additional information received on the festival events and in cognisance to the applications received, a \$10,000 noise bond will be retained from the funds in the event of major non-compliance with the City's approvals/directions.

**COMMENTS:**

The City will continue meeting with event organisers to ensure that the necessary approvals are obtained, and conditions approved by Council are implemented, in accordance with the City's Policies and relevant legislative requirements.

**Previous Council Decisions:**

At the Ordinary Meeting of Council held on 23 August 2011, the following the following decision was made:

*That the Council;*

- "1. APPROVES the following festival events and funding as part of the Festivals programme for 2011/12:

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

2. AUTHORIZES the Beaufort Street Network Inc. to organise the "Beaufort Street Festival" on 12 November 2011, from 12noon to 10pm and the Festival Bar until midnight, subject to;

- 2.1 a total sponsorship contribution of \$50,000 from the City of Vincent to assist with the costs of the event, as allocated in the 2011-2012 budget;

- 2.1.1 the \$50,000 consists of:

- \$40,000 Festival Funding
- \$10,000 Festival Funding in the event that the proposed road closure from Walcott St to Chatsworth Rd goes ahead. This additional funding would be made available to assist with the expenses associated with the road closure and also further shade requirements.

- 2.2 *the sponsorship contribution to be paid on a reimbursement basis of expenditure incurred through the provision of tax invoices;*
- 2.3 *event fees of \$18,000 for the festival at Beaufort Street being waived;*
- 2.4 *a bond of \$3,000 being retained by the City as security for any damage to or clean-up of the Street;*
- 2.5 *a suitable traffic, risk management and event site plan being submitted to the City at least two (2) months prior to the event at the expense of the organisers;*
- 2.6 *the Beaufort Street Network Inc., as event organisers, are to full comply with conditions of use and fees being imposed including Environmental Health and other conditions;*
- 2.7 *the Beaufort Street Network Inc., as event organisers, shall ensure full consultation with businesses along Beaufort Street (from Walcott Street to the end of St Alban's Avenue) to ensure that the festival is representative of and attuned to the local businesses;*
- 2.8 *the activities and programmes offered as part of the event be accessible, inclusive and targeted to a broad range of residents;*
- 2.9 *acknowledgement of the City of Vincent as a major sponsor of the events on all publications and advertising materials subject to the conditions listed in the report; and*
- 2.10 *the funds received from the City to be acquitted along with a full evaluation report on the festival be provided no later than three (3) months after the event;*

*to the satisfaction of the Chief Executive Officer; and*

3. *REQUESTS the Chief Executive Officer to investigate the purchase of portable shade structures for use at City organised festivals and community events and report back to the Council. The report is to include cost of equipment, set up, storage and payback period."*

At the Ordinary Meeting of Council held on 27 September 2011, the following the following decision was made:

*"That the Council:*

1. **APPROVES:**

- 1.1 *the proposed full closure of Beaufort Street (on a "once-off" trial basis only) to facilitate the 2011 Beaufort Street Festival (on a trial basis only), between Walcott Street and Lincoln Street and associated side streets, on Saturday, 12 November 2011, between 6.00am and 12 midnight, at the location/s as shown on attachment 9.2.1 subject to the event organiser/s complying with the following:*

- (a) *engagement of a Main Roads WA accredited Traffic Management contractor to prepare the required Traffic Management Plan/s (TMPs) and associated requirements and to undertake the required road closures; within the location/s shown on attachment 9.2.1;*

- (b) *any conditions imposed by the Public Events section of the WA Police Main Roads WA including obtaining an application for an Order for a Road Closure in accordance with the Road Traffic Act 1974;*
  - (c) *liaising closely with the Public Transport Authority (PTA) to ensure that the proposed road closure does not have an adverse impact on Bus services on the day of the event and agrees to fund any additional expenditure incurred by PTA on the day, estimated by PTA to be in the order of \$8,000 to \$10,000, from the event allocation or any profits made;*
  - (d) *maintaining resident's access to their properties within the closure area along Beaufort Street, and any other affected streets, and this requirement shall be incorporated in the approved TMP/s;*
  - (e) *submitting the 'draft' TMPs to the City's Technical Services Directorate, for final approval;*
  - (f) *carrying out extensive media/publicity including the placement of an appropriate notice of road closure in a newspaper having statewide circulation and radio community announcements;*
  - (g) *undertaking a letter drop to all affected residents/businesses along the locations of the festival event at least two (2) weekends prior to the event, advising of the road closures and parking restrictions and providing after hours contact details of the Event coordinator and the City; and*
  - (h) *including a 'warning' on all posters, flyers and information sheets distributed by the event organiser/s that Residential Parking Restrictions are in place as shown on the attached plan No. 2447-PP-3A on the day of the Festival, and that additional City's Rangers will be on duty to enforce the City's parking restrictions. Parking is available for Festival goers and nib Stadium users from 1.30pm at Forrest Park;*
2. *DOES NOT APPROVE extending the closure of Beaufort Street north of Walcott Street on the day of the event, i.e. the intersection of Walcott Street and Beaufort Street shall remain open to allow east/west traffic flow along Walcott Street and north/south traffic flow on Beaufort Street north of Walcott Street, as extending the closure of Beaufort Street north of Walcott Street would not only result in buses, and all other traffic, not being able to have direct access to streets south of Walcott Street, without causing considerable inconvenience and creating considerable delays and traffic congestion in adjoining streets, but this closure proposal is not supported by the Public Transport Authority;*
3. *NOTES that:*
- 3.1 *the cost of the proposed road closures will be sourced from the 2011/2012 Festivals budget allocation, to a maximum of \$10,000, conditional upon the applicant acknowledging the City of Vincent as a principal sponsor in all publicity for the festival; and*
  - 3.2 *the proposed full closure of Beaufort Street, to facilitate the Beaufort Street festival (as detailed in Clause 1 above), if not well managed and widely publicised (as outlined in clauses 1.6, 1.7 and 1.8 above) may result in 'high' risk implications with the potential to cause significant disruption to traffic and resident's amenity and create safety issues and resultant negative publicity against the City;*

4. APPROVES BY AN ABSOLUTE MAJORITY:
- 4.1 *the 'one off' use of Forrest Park for parking from 1.30 pm onwards on the day of the event, due to both the Festival and a soccer game at nib Stadium being held on the same day;*
  - 4.2 *subject to Clause 4.1 above being approved, a 'flat rate' charge of \$6.00 per vehicle for vehicles wishing to park on Forrest Park, on the day of the festival;*
  - 4.3 *the 'one off' temporary suspension of 'Resident Only Parking' restrictions in all of the streets bounded by William, Vincent, Harold and Lord Streets and north of, but not including Lincoln Street from 2.00 pm until 11.00pm on the day of the event, 12 November 2011, as shown on the attached plan No. 2447-PP-3A; and*
  - 4.4 *to appoint Cr Warren McGrath and Cr Joshua Topelberg to represent the Council on the Beaufort Street Festival Community Committee; and*
5. REQUESTS that the Chief Executive Officer:
- 5.1 *writes to the Beaufort Street Network to recommend that future festivals be planned to be held on a Sunday; and*
  - 5.2 *convenes a meeting between the appropriate Stakeholders from Allia Venue Management, the Beaufort Street Network and WARP Group to deal with traffic issues."*

**9.1.9 No. 496 (Lots 145 and 146; D/P; 2630) Charles Street, North Perth - Proposed Change of Use to Unlisted Use (Car Wash and Detailing) and Associated Alterations and Additions**

<b>Ward:</b>	North	<b>Date:</b>	4 October 2011
<b>Precinct:</b>	North Perth; P8	<b>File Ref:</b>	PRO1071; 5.2011.395.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Development Application Plans		
<b>Tabled Item:</b>	Applicant's Submission		
<b>Reporting Officer:</b>	T Cappellucci, Planning Officer (Statutory)		
<b>Responsible Officer:</b>	R Boardman, Director Development 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 J&D Project Management on behalf of the owner C G Kapinkoff & V Tomsic for proposed Change of Use to Unlisted Use (Car Wash and Detailing) and Associated Alterations and Additions, at No. 496 (Lots 145 and 146; D 2630) Charles Street, North Perth, and as shown on plans stamp-dated 12 August 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 subject property no longer enjoys non-conforming use rights consistent with Clause 16(4) of City of Vincent Town Planning Scheme No. 1 in view of the cessation of the non-conforming use;
3. The non-compliance with the City of Vincent Economic Development Strategy 2011-2016 and the City's Policy relating to Minor Nature Development, respectively; and
4. Consideration of the objection received.

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Moved Cr Maier, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

Cr Farrell departed the Chamber at 7.42pm.

Debate ensued.

Cr Farrell returned to the Chamber at 7.45pm.

Debate ensued.

**MOTION PUT AND LOST UNANIMOUSLY (0-7)**

(Cr Burns and Cr Topelberg were on approved leave of absence.)

**REASONS FOR REFUSAL:**

1. It has been a non conforming use and has not yet divested itself of that non conforming use.
2. The proposed use is consistent with the non conforming use.

Cr Maier moved an Alternative Recommendation with standard conditions to be prepared by the City's Administration.

**ALTERNATIVE RECOMMENDATION – COUNCIL DECISION ITEM 9.1.9**

**Moved Cr Maier, Seconded Cr Buckels**

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by J&D Project Management on behalf of the owner C G Kapinkoff & V Tomsic for proposed Change of Use to Unlisted Use (Car Wash and Detailing) and Associated Alterations and Additions, at No. 496 (Lots 145 and 146; D 2630) Charles Street, North Perth, and as shown on plans stamp-dated 12 August 2011, subject to the following conditions:

1. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Charles Street;
2. No street verge tree(s) shall be removed. The street verge tree(s) shall be retained and protected from any damage including unauthorized pruning;
3. The doors and windows and adjacent floor areas on the ground floor to Charles Street shall maintain an active and interactive relationship with this street;
4. The car wash and detailing use shall be limited to a maximum of three (3) work station bays. Any increase in the number of work station bays or change of use for the subject land shall require a separate Planning Approval to be applied to and obtained from the City;
5. The hours of operation of the car wash and detailing use shall be 8.30am to 5.30pm Monday to Friday, 8.00am to 5.30pm Saturday and 8.30am to 5.00pm Sunday;
6. All signage that does not comply with the City's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;
7. PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the City:
  - 7.1 **Refuse and Recycling Management Plan**

The Plan shall include details of refuse bin location, number of rubbish and recycling receptacles, vehicle access and manoeuvring; and
8. PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the following shall be completed to the satisfaction of the City:
  - 8.1 **Car Parking**

The car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the City.

**ALTERNATIVE MOTION PUT AND CARRIED UNANIMOUSLY (7-0)**

(Cr Burns and Cr Topelberg were on approved leave of absence.)

<b>Landowner:</b>	C G Kapinkoff & V Tomsic
<b>Applicant:</b>	J&D Project Management
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R60
<b>Existing Land Use:</b>	Vacant Buildings
<b>Use Class:</b>	Car Wash and Detailing - Unlisted Use
<b>Use Classification:</b>	"SA"
<b>Lot Area:</b>	920 square metres
<b>Access to Right of Way</b>	Eastern side of property, 5 metres wide, sealed and drained and City owned.

**PURPOSE OF REPORT:**

The proposal requires referral to the Council for determination as the City's Officers do not have the delegation to determine it.

**BACKGROUND:**

24 April 1959                      The City of Perth issued a Building Licence for the extension of a service station at No. 496 Charles Street, North Perth.

21 November 2001                The Council considered the City of Vincent Non-Conforming Use Register – Stage 1 dated November 2001, at its Ordinary Meeting and resolved as follows:

*"That;*

- (i) the Council adopts the Town of Vincent Non-Conforming Use Register - Stage 1 dated November 2001 as an Appendix to the Planning and Building Policy Manual; and*
- (ii) a copy of the Town of Vincent Non-Conforming Use Register and Inventory – Stage 1 dated November 2001 be kept at the Town's Administration and Civic Centre and be available for public inspection during office hours."*

14 February 2006                The Council at its Ordinary Meeting resolved the following:

- "(i) in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1, DOES NOT ACKNOWLEDGE vehicles sales premises as a non-conforming use on Nos. 492, 494, 496, 498 and 500 (Lots 143, 144, 145, 146 and 147) Charles Street, North Perth;*
- (ii) advises the owners and occupiers of Nos. 492, 494, 496, 498 and 500 (Lots 143, 144, 145, 146 and 147) Charles Street, North Perth, that it is investigating the land use of these lots;*
- (iii) DEFERS the commencement of legal proceedings until the Council has further considered the report in April 2006;*
- (iv) AUTHORISES the Chief Executive Officer to consider the appropriateness or otherwise of allowing vehicle sales premises on Nos. 492, 494, 496, 498 and 500 (Lots 143, 144, 145, 146 and 147) Charles Street, North Perth, as a scheme amendment to list on additional use in Schedule 3 of the Town of Vincent Town Planning Scheme No. 1 and as part of the Town Planning Scheme review process; and*

- (v) *REQUESTS a report be provided on the above review to the Council for its consideration at an Ordinary Meeting of Council in April 2006.*"

27 July 2010

The Council at its Ordinary Meeting resolved that Nos. 492 and 496 Charles Street, North Perth can be included in the Non-Conforming Use Register as a Vehicle Sales Premises and Vehicle Servicing Workshop respectively.

**DETAILS:**

Approval is sought for the use of the site for a car detailing workshop to be known as 'Car Wash Café'. The applicant's submission is tabled.

**COMPLIANCE:**

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
<b>City of Vincent Economic Development Strategy 2011-2016</b>	Minimise the sprawl of commercial developments outside designated activity centres to encourage precinct-based growth whilst protecting residential areas from 'commercialisation'.	Commercial use in a residential zone.
<b>Officer Comments:</b>		
<b>Not Supported</b> – See "Comments".		
Minor Nature Development Policy No. 3.5.1	Shade sails not to exceed 3 metres in height and 20 square metres in area.	Proposed shade sails are up to 4.2 metres in height and occupy approximately 100 square metres.
<b>Not Supported</b> – See "Comments".		
<b>Consultation</b>		
<b>In Support:</b>	One (1)	
<b>Comments Received</b>		<b>Officer Comments</b>
• Nil.		Noted.
<b>Objections:</b>	One (1)	
<b>Comments Received</b>		<b>Officer Comments</b>
Nil.		Noted.
<b>Advertising</b>	Advertising for the proposal for a period of 21 days was carried out as per the City's Policy 4.1.5 relating to Community Consultation.	

Car Parking	
Car parking requirement (nearest whole number). • Service Station - (1 car bay per work station)	3 car bays
Apply the parking adjustment factors. • 0.85 (within 400 metres of a bus stop)	(0.85)
	2.55 car bays
Minus the car parking provided on-site	7 car bays
Minus the most recently approved on-site car parking shortfall	N/A
<b>Surplus</b>	<b>4.45 car bays</b>

Other Implications	
<b>Legal/Policy</b>	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> 1.1 <i>Improve and maintain the natural and built environment and infrastructure</i> 1.1.2 <i>Enhance and maintain the character and heritage of the City."</i>
<b>Sustainability</b>	Nil.
<b>Financial/Budget</b>	Nil.

## COMMENTS:

### Cessation of Non-Conforming Use

There are no records that indicate an approval for a boatyard (or the like) was issued for the subject Lots 145 and 146. The last approval was for additions to the service station, which were most likely removed in the 1960's or 1970's.

The Council at its Ordinary Meeting held on 27 July 2010, resolved that Nos. 492 and 496 Charles Street, North Perth can be included in the Non-Conforming Use Register as a Vehicle Sales Premises and Vehicle Servicing Workshop respectively. Since this time however, the property has remained vacant, which results in the cessation of the non-conforming use rights. Clause 16 (4) of Town Planning Scheme No. 1 states the following in respect of Non-Conforming Uses:

*"When a non-conforming use of any land or buildings has been discontinued for a period of six consecutive months or more such land or building shall not thereafter be used otherwise than in conformity with the provisions of the Scheme."*

### Strategic Planning Comments

A progress report relating to the Town Planning Scheme No. 1 review is being presented to the Ordinary Meeting of Council on 11 October 2011 as a confidential item. The confidential item is seeking the Council endorsement of the draft Town Planning Scheme No. 2 Text and Maps, the draft Local Planning Strategy, and the associated Precinct Policies to be forwarded to the Western Australian Planning Commission to seek authorization to consent to advertise.

### Local Planning Strategy

The Local Planning Strategy, as the precursor to the Town Planning Scheme, provides the strategic direction for development in the City and draws on key State planning documentation to inform this direction. With respect to the strategic direction for Charles Street, the following information has been extracted from the Strategy where relevant to the subject development application.

Charles Street is classified as a Primary Distributor under the Metropolitan Functional Road Hierarchy. A Primary Distributor Road, is defined as one that *'forms the top level network for the urban region and carry longer distance traffic to, from, and across the urban area.'* This classification, has been considered alongside State Strategic Planning documents, including the Department of Planning's Capital City Planning Framework, which has been referenced in section 11.5 of the Local Planning Strategy, as follows, *'the Capital City Planning Framework provides a future road network map which has been developed to indicatively designate the classification of roads (or sections of roads), guided by the principles of the Transportation Continuum, which is a methodology to conceptualize transport and land-use functions. The intent of the network maps is to provide a balance between roads considered through-routes (those with higher vehicle capacity) with those that are more integrated with the activity and human scale of the surrounding place.'* With respect to Charles Street, the analysis undertaken as part of the preparation of the Local Planning Strategy indicated that Charles Street best aligns with the former, as effectively a through-route that connects traffic from the northern suburbs to the Freeway to the south. Within this context, when prescribing an appropriate zoning for Charles Street within the proposed Town Planning Scheme No. 2, the functionality of this road was considered foremost, to avoid a land use and transport conflict.

In light of the above, the following future direction for Charles Street has been proposed in the Town Planning Scheme No. 2:

- The existing Residential R60 zoning along Charles Street to be retained, with the introduction of a sliding density of R60 – R100, to allow for development of up to R100 for sites greater than 1,000 square metres; and
- Encourage the existing non-conforming commercial uses along the residentially zoned Charles Street to convert to residential.

### **Draft Town Planning Scheme No. 2**

As detailed above, the draft Town Planning Scheme No. 2 proposes a sliding density Residential R60 – R100 to allow for more intense developments for sites over 1,000 square metres for the residential portions of Charles Street.

The draft Town Planning Scheme No. 2 has been formatted in accordance with the Model Scheme Text, which sets out a more detailed Zoning Table than that within the City's existing Town Planning Scheme No. 1. The Zoning Table of the proposed Town Planning Scheme No. 2, lists 'Motor Vehicle Wash', of which the subject development application would be classified under the new Town Planning Scheme No. 2, as an 'X' use in a residential zone.

The overarching strategic direction for Charles Street is to remain a through-route, with a predominately residential zoning to avoid land use and transport conflict. Through the review of the City's Town Planning Scheme, it was recognized that the residential zoning for the residential portions of Charles Street could be increased to a sliding zoning of R60 – R100, to encourage the amalgamation of lots and provide for higher density development, whilst reducing the vehicle crossovers onto Charles Street. Neither the Metropolitan Functional Road Hierarchy, nor the strategic direction espoused through State planning documents, such as the Capital City Planning Framework, provide justification for a mixed use zoning to be appropriate for Charles Street.

In light of the lots remaining vacant for a period in excess of six months for a previously recognised non-conforming use, the strategic direction of Charles Street as outlined above, and given that the proposed change of use to car wash and detailing, the subject of this development application, would be an 'X' use under the City's proposed Town Planning Scheme No. 2, the proposed development is not supported.

**9.1.6 No. 264 (Lot 1; STR: 4849) Bulwer Street, Dual Frontage to Primrose Street, Perth - Proposed Construction of Three Storey Dwelling**

<b>Ward:</b>	South	<b>Date:</b>	29 September 2011
<b>Precinct:</b>	Hyde Park, P12	<b>File Ref:</b>	PRO3574; 5.2011.361.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report, Development Application Plans		
<b>Tabled Items</b>	Applicant's Submission		
<b>Reporting Officer:</b>	A Dyson, Planning Officer (Statutory)		
<b>Responsible Officer:</b>	R Boardman, Director Development 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 Alliance Builders Pty Ltd on behalf of the owner O J & I Gordon for Proposed Construction of Three Storey Dwelling at No. 264 (Lot 1; Str: 4849) Bulwer Street, Dual frontage to Primrose Street, Perth, and as shown on plans stamp-dated 26 July 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 Bulwer Street and Primrose Street; and

1.2 First obtaining the consent of the owners of No. 264 Bulwer Street 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. 264 Bulwer Street 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 Bulwer 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. **PRIOR TO THE ISSUE OF A BUILDING LICENCE**, the following shall be submitted to and approved by the City:

4.1 **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;

**4.2 Building Articulation**

Revised plans demonstrating the first floor wall on the eastern elevation of the proposed dwelling incorporating appropriate articulation;

**4.3 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:

- 4.3.1 the location and type of existing and proposed trees and plants;
- 4.3.2 all vegetation including lawns;
- 4.3.3 areas to be irrigated or reticulated;
- 4.3.4 proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- 4.3.5 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); and

**4.4 Privacy Screening**

The balcony on the first floor of the northern 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 to the west. 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. 23 Primrose Street, stating no objection to the respective proposed privacy encroachments.

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**Moved Cr Lake, Seconded Cr Farrell**

That the recommendation be adopted.

Debate ensued.

**AMENDMENT**

**Moved Cr Lake, Seconded Cr Farrell**

That clause 4.4 be deleted.

**AMENDMENT PUT AND CARRIED UNANIMOUSLY (7-0)**

(Cr Burns and Cr Topelberg were on approved leave of absence.)

**MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (7-0)**

(Cr Burns and Cr Topelberg were on approved leave of absence.)

**COUNCIL DECISION ITEM 9.1.6**

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 Alliance Builders Pty Ltd on behalf of the owner O J & I Gordon for Proposed Construction of Three Storey Dwelling at No. 264 (Lot 1; Str: 4849) Bulwer Street, Dual frontage to Primrose Street, Perth, and as shown on plans stamp-dated 26 July 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 Bulwer Street and Primrose Street; and
- 1.2 First obtaining the consent of the owners of No. 264 Bulwer Street 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. 264 Bulwer Street 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 Bulwer 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. **PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the City:**

4.1 **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;

4.2 **Building Articulation**

Revised plans demonstrating the first floor wall on the eastern elevation of the proposed dwelling incorporating appropriate articulation; and

4.3 **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:**

- 4.3.1 the location and type of existing and proposed trees and plants;
- 4.3.2 all vegetation including lawns;
- 4.3.3 areas to be irrigated or reticulated;
- 4.3.4 proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- 4.3.5 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).**

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<b>Landowner:</b>	O J & I Gordon
<b>Applicant:</b>	Alliance Builders Pty Ltd/Planning Solutions (Australia) Pty Ltd
<b>Zoning:</b>	Metropolitan Region Scheme: (MRS) Urban Town Planning Scheme No. 1 (TPS 1): Residential R80
<b>Existing Land Use:</b>	Vacant land and Single Residential
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	277 square metres
<b>Access to Right of Way</b>	N/A

**PURPOSE OF REPORT:**

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

**BACKGROUND:**

8 December 2006      Planning Approval granted under delegated authority for Alterations and Additions to Existing Single House on the eastern side of lot.

**DETAILS:**

The proposal involves the construction of a three (3) storey, flat roofed dwelling on the vacant western portion of the existing parent lot. The eastern portion of the subject site is currently occupied by a single storey residential dwelling. To the west of the subject site is a private right of way, which is not bitumised or trafficable. The development itself proposes street frontage to Bulwer Street, whilst obtaining vehicle access via Primrose Street to the rear of the property. The proposed dwelling incorporates a third level in the form of a *"Multi Purpose Room"*.

The subject site abuts a number of two (2) storey and single storey dwellings which obtain access from Primrose Street to the rear of the site and which are built up to the (rear) lot boundary. From an inspection of the site, a number of these properties include dwellings which front Bulwer Street, whilst there are also a number of dwellings which are located on subdivided lots which take access and principal lot frontage from Primrose Street.

The applicant has provided a submission which is a Tabled Item.

**COMPLIANCE:**

NON-COMPLIANT REQUIREMENTS			
REQUIREMENTS	REQUIRED	PROPOSED	
<b>Boundary Setbacks:</b>	<b>Ground Floor</b>		
	<i>Eastern –</i> Multi Use Room – Pool Garage – 1.5 metres	Nil	
	<b>First Floor</b>		
	<i>Eastern –</i> Bedroom to Balcony – 2.5 metres	Nil	
	<i>Western –</i> Bedroom – 1.2 metres Ensuite to Balcony – 1.5 metres Balance – 2.8 metres	Nil Nil 2.4 metres	
	<b>Second Floor</b>		
	<i>Eastern –</i> Void to Multi – 1.7 metres	1.276 metres	
	<i>Western –</i> Multi to Balance – 1.4-1.7 metres	1.333 metres	
	<b>Officer Comments:</b>		
	<p>Supported.</p> <p><b>Ground Floor.</b> It is noted the proposed ground floor on the eastern elevation abuts the existing single storey dwelling. This dwelling is built mainly boundary to boundary in a terrace format and is owned by the same persons that are proposing this development. It is considered the presence of a boundary wall along this frontage will mainly abut an existing parapet wall for approximately 1/3 of the proposed parapet wall. Whilst the remainder will have a small light corridor that will allow for the retention of light and ventilation to one remaining bedroom window along the façade.</p> <p>It is also noted that the development of sites of this size, in order to construct an adequately sized dwelling, boundary to boundary development is required.</p> <p><b>First Floor.</b> It is noted the proposed variation to the eastern and western floors are emphasised by the mainly boundary to boundary development. Given the scale of the development however, and the fact the property is bounded by a private right of way to the west and a property owned to the west by the applicant, the impact of the setback variations will be minimal. It is also considered the presence of boundary walls will ameliorate any privacy concerns. It is noted however, and is recommended, that some articulation be provided along this expanse of wall to provide interest and to break up the proposed length of wall.</p> <p><b>Second Floor.</b> It is noted the proposed 0.434 metre and 0.067 metre variations to the side setback requirements of the Residential Design Codes are minimal in nature and given the second floor is minimal in size and located towards the middle of the site, it will still enable light and ventilation to be adequately provided to the adjoining properties.</p>		

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
<b>Building Setbacks:</b>	<b>Street</b> Upper (First Floor)	
	Southern – 7.3 metres	6.31 metres
<b>Officer Comments:</b>		
Supported. The proposed upper storey (first floor) presents a minimal (0.99 metre) setback to the required upper storey front setback requirements. However, it is noted that the design has attempted to create some separation between the ground floor, first floor and second floor, to provide some degree of articulation to the street. Furthermore, the presence of large windows on the upper (first floor) provides some good activation with the street. The immediate area surrounding the subject property is characterised by examples of two and three storey development which provide minimal separation between the ground and upper floors. It is therefore considered the variation is not unreasonable in this instance.		
<b>Building Height:</b>	Top of External Wall – 6.0 metres	8.8 metres
	Top of External Wall (Concealed Roof) - 7.0 metres	9.7 metres
<b>Officer Comments:</b>		
Supported. The dwelling proposes a significant height variation of 2.8 metres to the external wall height and in particular, the second floor portion of the dwelling. It is noted however, this second floor is well setback from both Bulwer Street, and Primrose Street to the rear, and that the effect of height is only experienced in the middle of the lot.		
In addition, it is noted that within close proximity to the subject site, there are examples of three (3) storey developments which have been constructed within the last 5 to 10 years which create a different type of character for the precinct.		
It is therefore considered, given the presence of other three storey developments in the immediate area, together with the limited area proposed by the second floor, that the proposed height variation is not unreasonable and will not be inconsistent with other examples of dwellings in close proximity.		
<b>Visual Privacy</b>	<b>First Floor</b>	
	Eastern – Rear Balcony – 7.5 metres	1.0 metre
	Northern – Rear Balcony- 7.5 metres (West)	7.0 metres
<b>Officer Comments:</b>		
Supported. The eastern portion of the first floor balcony which provides for the privacy variation mainly overlooks a roofed area of the adjoining dwelling, which is the existing property owner's current place of residence. Therefore, no screening is required.		
Not supported. The proposed western portion of the rear balcony provides for a 0.5 metre variation to the cone of vision privacy setback requirements. Given there is a small area of encroachment to the current vacant site which may be developed in the future, a condition has been included in the recommendation to allow for privacy to be maintained.		
<b>Overshadowing</b>	<b>Maximum</b> - 50% of Adjoining Site Area (Residential R80)	66% or 185.07 square metres
<b>Officer Comments:</b>		
Supported. The proposed development provides for a 16% overshadowing variation to the Residential Design Codes requirements. It is considered however, that the majority of the overshadowing is provided over the roof of the adjoining existing dwelling and garage. Furthermore, no objections have been raised by the owner of the adjoining property as the applicant also owns the property overshadowed.		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
<b>Articulation</b>	9.0 metre lengths	19.665 metres (First Floor – Eastern elevation)
<b>Officer Comments:</b>		
Not Supported. The proposed upper storey (first floor) on the eastern façade presents as an expanse of wall which is blank to the adjoining property; therefore, a condition has been included in the recommendation for some degree of articulation to be provided along this wall.		
<b>Roof Forms</b>	<b>Roof Pitch – 30 -45 degrees</b>	Flat Roof
<b>Officer Comments:</b>		
Supported. The proposed development provides for a contemporary flat roof design; however, it is noted there are a number of examples of this type of development within close proximity to the subject site, including the three storey unit building to the immediate south of the subject property. Furthermore no objections have been received from the surrounding community with regard to the contemporary roof design.		
<b>Buildings on the Boundary</b>	<b>Western Boundary Wall– Max Height – 3.5 metres</b>	7.0 metres
	Average Height – 3.0 metres	6.8 metres
<b>Officer Comments:</b>		
Supported. The proposed boundary wall along the western side of the development abuts a private right of way and two vacant lots across from the right of way. It is, therefore, considered that development of boundary to boundary walls on the subject site will not be detrimental to the adjoining and future dwellings in the locality and are consistent with the terrace type development which is prevalent in the locality. It is also noted that the orientation of the lot on the eastern side of the private right of way, will not provide any detrimental impact to the provision of light and ventilation to the adjoining properties.		
<b>Visual Truncation</b>	Rear Garage – 1.0 metre	Nil
<b>Officer Comments:</b>		
Supported. It is considered that the proposed garage is consistent with the existing nil setback of similar garages along Primrose Street; Primrose street is 10 metres in width and is largely a secondary street environment with reduced volumes of through traffic.		

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>	Nil
<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.

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

### Technical Services

The City's Technical Services have noted that the proposed garage, located at the rear of the property is required to be setback 1.0 metre from the lot boundary. This is to provide for appropriate visual truncations for vehicles reversing out of the garage.

From an inspection of the property, it is noted that a number of existing properties along Primrose Street (No. 15) and Bulwer Street (No. 262 and No. 264), which provide their principle vehicle access, have garages at a nil or less than 0.5 metre setback to the Primrose Street frontage. It is noted that Primrose Street is a Dedicated Street and is of a width of 10 metres. Planning Services is supportive of the proposed location of the garage, given the immediate road environment (presence of a raised verge), which provides appropriate distance for visibility to be maintained when vehicles are exiting the property.

**COMMENTS:**

The proposed dwelling is a three (3) storey construction; the third level consists of a stairway and multipurpose room. This portion of the dwelling is located mainly towards the middle 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 inconsistent with other developments in the immediate locality with several examples of three level dwellings along Bulwer Street (units), Glendower Street (Units) and Lake Street (townhouses). These examples all present as bulkier three storey buildings from the street level than the subject dwelling.

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 three level dwellings in the locality 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.

**9.1.13 Car Parking Management – Installation and Operating Hours of New Ticket Machines in Claisebrook North, and Associated Matters**

<b>Ward:</b>	-	<b>Date:</b>	4 October 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	PLA0084
<b>Attachments:</b>	<a href="#">001</a> – Summary of Submissions <a href="#">002</a> – Amended Bays and Times of Operation of the Ticket Machine Zones <a href="#">003</a> – Amended Maps showing Proposed Areas of Paid Parking <a href="#">004</a> – Map – Scarborough Beach Road Car Parking Bays		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	T Woodhouse, Manager Strategic Planning, Sustainability and Heritage Services J Maclean, Manager Ranger and Community Safety Services		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **CONSIDERS** the sixty-nine (69) submissions received concerning the proposal for additional areas of paid parking bounded by William, Brewer, Lord and Newcastle Streets and also the area bounded by Lord, Summers, and Edward Streets and East Parade, as summarised in Appendix 9.1.13, and detailed in this report;

2. **APPROVES:**

- 2.1 The introduction of an additional thirty-three (33) ticket machines as outlined in the Amended Days and Times of Operation of the Ticket Machine Zones, as shown in underline and bold in Appendix 9.1.13, and shown in the map in Appendix 9.1.13;
- 2.2 That any on-street 5, 10 or 15 minute parking bays on streets outlined in Appendix 9.1.13 to remain “fee free”, and a portion of the existing 1P, 2P and 3P paid parking bays in the streets specified in Subclauses 2.2.1, 2.2.2, 2.2.3 and 2.2.4 below, be converted to 15 minute bays, as shown below:

No.	Street	Number of Existing Fee Paying Perpendicular Car Bays	Proposed Non-Fee Paying 1/4P Perpendicular Car Bays
2.2.1	Broome Street (North Side)	9	2
2.2.2	Broome Street (South Side)	8	2
2.2.3	Harold Street (south side)	30 1 ACROD	2
2.2.4	Mary Street (South Side)	9	2

- 2.3. Two (2) x on-street 15 minute parking bays being provided on the southern side of Scarborough Beach Road, between Matlock Street and Coogee Street to operate from 8.00am-5.30pm (Monday to Friday) and 8.00am -12noon (Saturday) as shown on Plan No. 2875-CP-01 in Appendix 9.1.13; and
3. **APPROVES BY AN ABSOLUTE MAJORITY** for the kerbside fees for the streets specified in Clause 2.1 above, to be \$2.20 per hour for the 2011/2012 financial year;

4. **DOES NOT INTRODUCE new Ticket Machine Zones in the following locations:**
  - 4.1 Lord Street, Perth (between Edward Street and Murchison Street);
  - 4.2 Summers Street, Perth;
  - 4.3 Parry Street, Perth (between Lord Street and Pier Street);
  - 4.4 Edward Street, Perth (between Pier Street and Lord Street);
  - 4.5 Braid Street, Perth;
  - 4.6 Pisoneri Street, Perth; and
  - 4.7 Washing Lane, Perth;
5. **DEFERS the consideration of new Ticket Machine Zones in the following locations, following further consultation being undertaken in 4 months:**
  - 5.1 Edward Street, Perth (between Stirling Street and Pier Street);
  - 5.2 Brewer Street, Perth (between Stirling Street and Pier Street);
  - 5.3 Parry Street, Perth (between Stirling Street and Pier Street);
  - 5.4 Pier Street, Perth (between Newcastle Street and Brewer Street); and
  - 5.6 Gregson Street, Perth;
6. **NOTES that the City of Vincent provided a presentation on the City's Car Parking Strategy, and the Department of Transport and the Public Transport Authority provided a presentation on public transport along Beaufort Street, to the Beaufort Street Network Forum on 29 September 2011, whom will provide a summary of comments to the City of Vincent, that will be reviewed and reported back to the Council for consideration; and**
7. **FURTHER CONSIDERS the carparking restrictions in the Mount Lawley and Highgate area, once it has received the submission from the Beaufort Street Network.**

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**Moved Cr Maier, Seconded Cr Lake**

That the recommendation be adopted.

Debate ensued.

**AMENDMENT NO 1**

**Moved Cr Maier, Seconded Cr Buckels**

That a new clause be inserted as follows:

“NOTES that the City of Vincent paid \$226,124 in 2011/2012 in licence fees for parking bays in the Perth Parking Management Area east of William Street.”

Debate ensued.

**AMENDMENT NO 1 PUT AND CARRIED (4-3)**

**For:** Cr Buckels, Cr Lake, Cr McGrath, Cr Maier

**Against:** Mayor Catania, Cr Farrell, Cr Harvey

(Cr Burns and Cr Topelberg were on approved leave of absence.)

**AMENDMENT NO 2**

**Moved Cr Maier, Seconded Cr McGrath**

That clauses 2.1, 3, 4 and 5 be deleted and the remaining clauses be renumbered and a new clause be inserted as follows:

“REQUESTS further information on parking occupancy for the “Perth Precinct” and “Claisebrook Precinct”, as identified in this report, to be presented to the next Council Forum.”

**AMENDMENT NO 2 PUT AND CARRIED (4-3)**

**For:** Cr Buckels, Cr Lake, Cr McGrath, Cr Maier  
**Against:** Mayor Catania, Cr Farrell, Cr Harvey

(Cr Burns and Cr Topelberg were on approved leave of absence.)

Debate ensued.

**AMENDMENT NO 3**

**Moved** Cr Lake, **Seconded** Cr Maier

That new clauses 2.3 and 2.4 be inserted as follows:

- “2.3 All existing 1P car bays located in the perpendicular areas on Broome Street, Mary Street and Harold Street between Beaufort Street and Stirling Street shall be amended to 2P car bays; and
- 2.4 All the perpendicular areas on Broome Street, Mary Street and Harold Street between Beaufort Street and Stirling Street shall have the first hour free between 8:00am and 5:00pm daily; and”

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

(Cr Burns and Cr Topelberg were on approved leave of absence.)

Debate ensued.

**MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (7-0)**

(Cr Burns and Cr Topelberg were on approved leave of absence.)

**COUNCIL DECISION ITEM 9.1.13**

That the Council;

1. **CONSIDERS** the sixty-nine (69) submissions received concerning the proposal for additional areas of paid parking bounded by William, Brewer, Lord and Newcastle Streets and also the area bounded by Lord, Summers, and Edward Streets and East Parade, as summarised in Appendix 9.1.13, and detailed in this report;
2. **APPROVES:**
  - 2.1 That any on-street 5, 10 or 15 minute parking bays on streets outlined in Appendix 9.1.13 to remain “fee free”, and a portion of the existing 1P, 2P and 3P paid parking bays in the streets specified in Subclauses 2.2.1, 2.2.2, 2.2.3 and 2.2.4 below, be converted to 15 minute bays, as shown below:

No.	Street	Number of Existing Fee Paying Perpendicular Car Bays	Proposed Non-Fee Paying 1/4P Perpendicular Car Bays
2.2.1	Broome Street (North Side)	9	2
2.2.2	Broome Street (South Side)	8	2
2.2.3	Harold Street (south side)	30 1 ACROD	2
2.2.4	Mary Street (South Side)	9	2

- 2.2 Two (2) x on-street 15 minute parking bays being provided on the southern side of Scarborough Beach Road, between Matlock Street and Coogee Street to operate from 8.00am-5.30pm (Monday to Friday) and 8.00am -12noon (Saturday) as shown on Plan No. 2875-CP-01 in Appendix 9.1.13;
- 2.3 All existing 1P car bays located in the perpendicular areas on Broome Street, Mary Street and Harold Street between Beaufort Street and Stirling Street shall be amended to 2P car bays; and
- 2.4 All the perpendicular areas on Broome Street, Mary Street and Harold Street between Beaufort Street and Stirling Street shall have the first hour free between 8:00am and 5:00pm daily; and
3. REQUESTS further information on parking occupancy for the "Perth Precinct" and "Claisebrook Precinct", as identified in this report, to be presented to the next Council Forum;
4. NOTES that the City of Vincent:
  - 4.1 provided a presentation on the City's Car Parking Strategy, and the Department of Transport and the Public Transport Authority provided a presentation on public transport along Beaufort Street, to the Beaufort Street Network Forum on 29 September 2011, whom will provide a summary of comments to the City of Vincent, that will be reviewed and reported back to the Council for consideration; and
  - 4.2 paid \$226,124 in 2011/2012 in licence fees for parking bays in the Perth Parking Management Area east of William Street; and
5. FURTHER CONSIDERS the carparking restrictions in the Mount Lawley and Highgate area, once it has received the submission from the Beaufort Street Network.

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**PURPOSE OF REPORT:**

The purpose of this report is to:

- Provide the Council with an overview of the outcomes of the advertising period for the additional areas of paid parking in the south eastern portion of the City, namely the Perth Precinct (bounded by William Street, Brewer Street, Lord Street and Newcastle Street) and the Claisebrook Precinct (bounded by Lord Street, Summers Street, East Parade and Edward Street);
- To seek Council endorsement to finalise the proposed locations and operating hours of the new ticket machines in the area within the Claisebrook Precinct (bounded by Lord Street, Summers Street, East Parade and Edward Street);
- To seek Council approval to allow for all short stay on-street parking to be non-fee paying;
- To seek Council approval to allow for a portion of 15 minute bays being introduced in the existing paid parking perpendicular bays along Broome Street, Harold Street and Mary Street, Highgate;
- To provide a brief update on the implementation of the new areas of paid parking and associated amendments to the City's car parking arrangements that were endorsed by the Council at its Special Meeting held on 5 July 2011;

- To provide a brief overview on the Beaufort Street Network Forum that was held on 29 September 2011; and
- To seek Council approval for the provision of 2 x 15 minute car parking bays along Scarborough Beach Road, between Matlock and Coogee Street, to improve the access to the short stay available parking to serve the businesses in this area.

#### **BACKGROUND:**

- 5 July 2011            The Council at its Special Meeting, resolved in part to, approve the advertising for proposed paid parking areas to be considered in the following streets: Braid Street, Caversham Street, Chelsea Street, Cheriton Street, Claisebrook Road, Coolgardie Terrace, Edward Street, Gladstone Street, Gregson Street, Lord Street, Murchison Terrace, Parry Street, Pier Street, Piscoeneri Street, Robertson Street, Sommerville Street, Stirling Street, Summers Street and Washing Lane. In addition, the Council resolved that a further report would be submitted to the Council after the expiry of the consultation period and that at this time consideration will be given to the purchasing of the additional ticket machines to service the area.
- 2 - 29 August 2011    Advertising undertaken for the proposed paid parking areas outlined above, that was resolved by the Council at its Special Meeting on 5 July 2011.
- 2 September 2011    Installation of 79 ticket machines and associated signage in areas of North Perth, Leederville, Perth, Mount Lawley and Highgate was completed.

#### **DETAILS:**

##### **Additional Areas of Paid Parking**

The Council at its Special Meeting held on 5 July 2011, considered an extensive report relating to various aspects of the City's approach to managing car parking, including; introducing new areas of on-street time restrictions, amendments to the parking regimes in the City's Public Car Parks, new areas of on-street paid parking, amendments to the City's Parking Permit Policy and amendments to the City's Parking and Parking Facilities Local Law 2007. As part of these changes, the City also resolved to investigate and advertise additional areas of paid parking within the south eastern portion of the City, especially the Perth Precinct (bounded by William Street, Brewer Street, Lord Street and Newcastle Street) and the Claisebrook Precinct (bounded by Lord Street, Summers Street, East Parade and Edward Street).

The rationale for investigating and advertising this area for paid parking is supported by the City's Car Parking Strategy 2010, which notes that for areas, *where parking exceeds 85% occupancy at peak times, parking changes should be introduced. These should be set to encourage a high turnover of short stay spaces to make efficient use of the available supply and should apply to all streets within 400 metre walking distance of a rail station*.

The majority of streets listed above are within a 400 metre walking distance from the Claisebrook Train Station, particularly those streets east of Lord Street, and would therefore meet the criteria for the introduction of paid parking.

As a result of the advert period, the City received a total of 69 responses with varying comments on the proposal. This represents a 9% response rate. A detailed summary of the comments received during this period is detailed in Attachment 002 of this report; however, a summary of the key points are outlined below.

Comments in Support of the Proposal

- Paid parking will assist in preventing commuters monopolising parking bays within the area, and provide greater availability of bays for visitors and business operators;
- The proposal for paid parking will address the issue of commuter parking and free up spaces for local businesses, whilst also encouraging alternative forms of transport;
- Introducing paid parking will address the regular complaints received that there are no visitor parks available for clients, however recommend that ticket parking should not impact after hours parking for residential tenants; and
- Support that there is a need to review parking in this area, however should not be limited to ticket machines only. Should also look at road upgrades to accommodate more parking bays, bays should be 3P and fines should be increased for infringements. Money collected from ticket machines should be reinvested back into parking infrastructure.

Comments in Objection to the Proposal

- No need for ticket machines in this area as it is predominately a residential area. High density residential properties do not accommodate enough off-street car parking bays, and therefore local residents are required to park on the street, which will be severely disadvantaged by ticket machines;
- The proposal fails to take into account needs of residents. Better policed restricted areas are preferred over ticket machines;
- Introducing ticket machines will place adverse impact on businesses attracting customers to the area;
- The existing time restrictions in place are suffice, which ensure that adequate bays are available for all users;
- Ticket machines will place unnecessary hardship on owners, businesses and reduce rental value of properties;
- The City should provide all day parking, so that employees do not have to keep moving their cars; and
- The proposal is a revenue raising exercise and places unnecessary inconvenience for visitors. If the proposal is introduced, it is strongly suggested that ticket machines operate from 8am to 6pm only.

On reviewing the comments received, and further surveying and analysis of the area and with due regard to the City's Car Parking Strategy, the following is proposed:

**Table 1 - East of Lord Street (Claisebrook Precinct)**

Street	Occupancy Rate	Machines Required	Period of Operation
Caversham Street	> 85%	1	8.00am to 5.30pm – Monday to Friday 8.00am to 12 noon Saturday  Monday to Friday - 8.00am to 5.30pm – 2P Saturday - 8.00am to 12 noon - 2P
Chelsea Street	> 85%	1	8.00am to 5.30pm – Monday to Friday 8.00am to 12 noon Saturday  Monday to Friday - 8.00am to 5.30pm – 1P Saturday - 8.00am to 12 noon - 1P

Street	Occupancy Rate	Machines Required	Period of Operation
Cheriton Street	> 85%	5	8.00am to 5.30pm – Monday to Friday 8.00am to 12 noon Saturday  Monday to Friday 8.00am to 5.30pm – 2P or 1/4P Saturday - 8.00am to 12 noon - 2P or 1/4P
Claisebrook Road	> 85%	8	8.00am to 5.30pm – Monday to Friday 8.00am to 12 noon Saturday  Monday to Friday - 8.00am to 5.30pm – 1P Saturday - 8.00am to 12 noon - 1P
Coolgardie Terrace	> 85%	2	8.00am to 5.30pm – Monday to Friday 8.00am to 12 noon Saturday  Monday to Friday 8.00am to 5.30pm – 2P Saturday - 8.00am to 12 noon - 2P
Edward Street (between Lord and Robertson Streets)	> 85%	3	8.00am to 5.30pm – Monday to Friday 8.00am to 12 noon Saturday  Monday to Friday 8.00am to 5.30pm – 1P or 1/4P Saturday - 8.00am to 12 noon - 2P or 1/4P
Gladstone Street	> 85%	7	8.00am to 5.30pm – Monday to Friday 8.00am to 12 noon Saturday  Monday to Friday 8.00am to 5.30pm – 1P Saturday - 8.00am to 12 noon - 2P
Lord Street (between Murchison Terrace and Edward Street)	< 85%	Nil	N/A (existing time restrictions to be maintained)
Murchison Terrace	> 85%	2	8.00am to 5.30pm – Monday to Friday 8.00am to 12 noon Saturday  Monday to Friday 8.00am to 5.30pm – 2P or 1/4P Saturday - 8.00am to 12 noon - 2P or 1/4P
Robertson Street	> 85%	1	8.00am to 5.30pm – Monday to Friday 8.00am to 12 noon Saturday  Monday to Friday - 8.00am to 5.30pm – 1P Saturday - 8.00am to 12 noon - 1P
Somerville Street	> 85%	3	8.00am to 5.30pm – Monday to Friday 8.00am to 12 noon Saturday  Monday to Friday 8.00am to 5.30pm – 1P Saturday - 8.00am to 12 noon - 1P
Summers Street	< 85%	Nil	N/A (existing time restrictions to be maintained)

TOTAL MACHINES REQUIRED = 33 NEW TICKET MACHINES

\*NOTE – Proposed operating hours of ticket machines align with the existing time restrictions which are proposed to remain the same.

**Table 2 – West of Lord Street (Perth Precinct)**

Street	Occupancy Rate	Machines Required	Period of Operation
Braid Street	< 85% (predominately residential)	Nil	N/A (existing time restrictions to be maintained)
Brewer Street (between Lord Street and Stirling Street) NB* existing ticket machines are located north of street between Lord Street and Pier Street	< 85%	Nil	N/A (existing time restrictions to be maintained)
Edward Street (between Pier Street and Stirling Street)	< 85% (west of Pier Street) > 85% (east of Pier Street)	Nil	N/A (existing time restrictions to be maintained)
Gregson Street	< 85%	Nil	N/A (existing time restrictions to be maintained)
Parry Street (between Beaufort Street and Pier Street)	< 85% (west of Pier Street) > 85% (east of Pier Street + predominately residential)	Nil	N/A (existing time restrictions to be maintained)
Pisconeri Street	< 85% (predominately residential)	Nil	N/A (existing time restrictions to be maintained)
Stirling Street (Newcastle to Parry Streets)	< 85%	Nil	N/A (existing time restrictions to be maintained)
Washing Lane	< 85%	Nil	N/A (existing time restrictions to be maintained)

#### **Implementation Update of Ticket Machines**

Ticket machines have now been installed and commissioned and are now operational in the streets approved by the Council on 5 July 2011. In physical surveys, undertaken by the City's staff, the availability of kerb-side parking bays varies from place to place and changes according to the time of day. However, it has been established that there are almost always spaces available for customers to use.

During the installation phase, by making minor changes to the location of the parking bays, the number of ticket machines that were installed has been reduced, from the original number, so there are a number of 'spare' machines in storage.

#### **Beaufort Street Network Forum**

Representatives from the City of Vincent, the Department of Transport and the Public Transport Authority were invited to present to the Beaufort Street Network Forum on Thursday, 29 September 2011. The City of Vincent representatives provided an overview on the City's Car Parking Strategy, detailed information on the new parking arrangements that have been implemented in Mount Lawely and Highgate, and responses to issues that were raised by members of the Beaufort Street Network. Representatives from the Department of Transport and the Public Transport Authority provided an overview on the public transport use and infrastructure along Beaufort Street.

It was noted at the Forum, that the Beaufort Street Network would consolidate all comments raised and forward them to the City for consideration. The City's Administration will review and analyse the comments received and report to the Council for consideration in the new future.

**Notice of Motion – Ordinary Meeting of Council held on 13 September 2011**

The following Notice of Motion was presented to the Council at its Ordinary Meeting held on 13 September 2011, which read as follows, *'That the Council REQUESTS a report by 1 October 2011 on providing a free portion for ticket parking in the perpendicular parking on Broome Street, Mary Street and/or Harold Street, Highgate to allow for short stay visitors to the Highgate shopping district.'*

Resulting from the resolution of Council at its Special Meeting held on 5 July 2011, ticket machines have been installed in the above locations, with time restrictions comprising 1P, 2P and 3P consistent with the recommendations of the City's Car Parking Strategy and associated Precinct Parking Management Plans, and in alignment with the previous time restrictions in these streets. The rationale espoused in the City's Car Parking Strategy to retain these time restrictions is based largely on the premise that the ticket parking would ensure that bays are readily available in the short term for a nominal fee to provide convenience to short stay shoppers to the Highgate shopping district. As such, to provide dedicated 15 minute bays, or by default 'non-fee paying bays' was not recommended.

However, it is considered that to allow for some free short term visitors to the Highgate shopping district, a portion of the 1P, 2P and 3P existing bays in the paid parking sections of Broome Street, Harold Street and Mary Street be converted to 1/4P. The dedicated 1/4P bays will be positioned in the bays that are closest to Beaufort Street. Parking in the 1/4P bays will be non-fee paying and displaying a ticket will not be required. Based on the existing dedicated perpendicular bays in the above mentioned streets, the following is proposed:

Street	Existing Fee Paying Perpendicular Bays	Proposed non-fee paying 1/4P perpendicular Bays
Broome Street	9 car bays (north side) 8 car bays (south side)	Maximum 2 bays (north side) Maximum 2 bays (south side)
Harold Street	30 car bays (south side) 1 ACROD Bay (south side)	Maximum 2 bays (south side)
Mary Street	9 bays (south side)	Maximum 2 bays (south side)

Implementation

With respect to the implementation of the above, new signage will be required for the dedicated 1/4P (at a cost of approximately \$100 per new sign) and that the bays will need to be re-lined to demarcate the dedicated 15 minute bays. The ticket machines will however not be required to be re-programmed, as tickets will not be required to be displayed for those parking in the 15 minute bays.

It is estimated that the installation of the new signage and the line marking required for the dedicated eight (8) 15 minute parking bays to become operational in the abovementioned streets, will take up to 1 – 2 weeks, depending upon the availability of the line marking contractor.

**Dedicated 2 x 15 Minute Bays along Scarborough Beach Road**

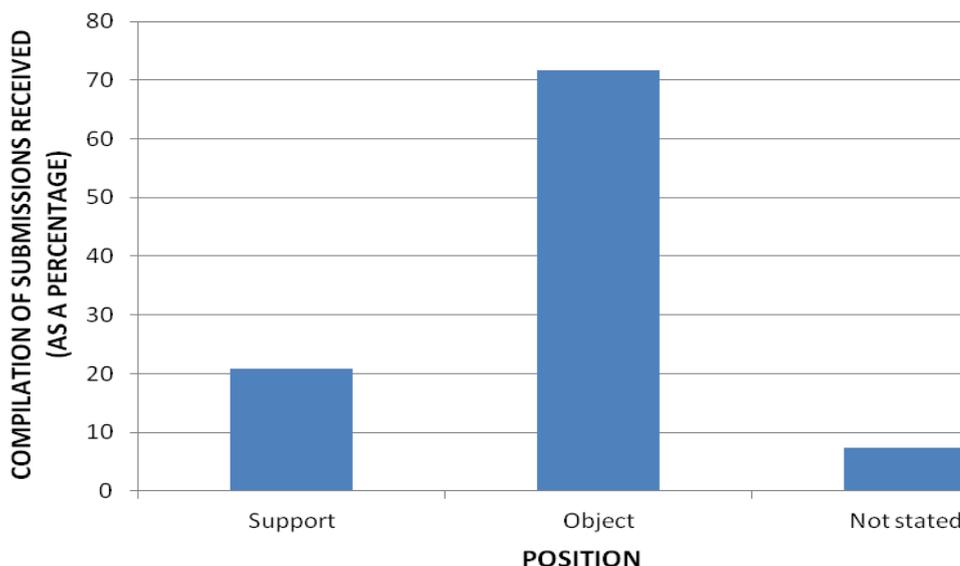
The City received a letter stamp dated 16 August 2011, seeking Council consideration to the introduction of short stay parking within close proximity to Pharmacy 777 at No. 183 Scarborough Beach Road, Mount Hawthorn. The matter has been discussed by the City's administration, and it is considered appropriate that the provision of 2 x 15 minute car parking bays be provided along Scarborough Beach Road, between Matlock and Coogee Street to improve the access to the short stay available parking to serve the businesses in this area.

**CONSULTATION/ADVERTISING:**

The proposed new areas for paid parking was advertised for a period of 28 days, with the formal advertising period commencing on 2 August 2011 and closing on 29 August 2011.

In total, sixty-nine (69) submissions were received out of 709 letters sent, resulting in a 9.5 per cent response rate; the breakdown of which is as follows and outlined in the graph below:

- Support: fourteen (14) 20.28%;
- Object: forty-eight (48) 69.56%; and
- Not stated: seven (7) 10.10%.



Individual letters were sent to owners and occupiers of the affected streets, listed in the 'Background' section above. A summary of the breakdown of responses from each of the affected streets is shown in the table below:

Affected Street Name	Total Number of letters sent	Support	Object	Not stated	No response (that is, those who did not provide a response)
Braid Street	32	1	1	0	30
Caversham Street	2	0	0	0	2
Chelsea Street	1	0	0	0	1
Cheriton Street	29	0	2	2	25
Claisebrook Road	35	1	1	2	31
Coolgardie Terrace	7	0	0	0	7
Edward Street	29	0	6	0	23
Gladstone Street	42	2	7	0	33
Gregson Street (includes Newcastle Street)	115	4	0	0	111
Lord Street	31	0	5	0	26
Murchison Terrace	6	0	0	0	6
Parry Street	88	0	9	0	80
Pier Street	88	0	0	0	88

Affected Street Name	Total Number of letters sent	Support	Object	Not stated	No response (that is, those who did not provide a response)
Pisconeri Street (includes Newcastle Street)	25	1	4	0	22
Robertson Street	1	0	0	0	1
Somerville Street	9	1	1	0	7
Stirling Street	96	2	5	1	88
Summers Street (includes West Parade)	65	0	9	0	56
Washing Lane	8	0	0	0	8
<b>TOTAL</b>	<b>709</b>	<b>12</b>	<b>48</b>	<b>5</b>	<b>647</b>
<b>The information below relates to comments received from people who did not receive an individual letter, but may have made a submission as a result of website/newspaper advert</b>					
Money Street	N/A	1	0	0	N/A
Brewer Street	N/A	0	1	0	N/A
Elizabeth Street	N/A	0	1	0	N/A
Beaufort Street	N/A	1	0	0	N/A
<b>TOTAL</b>	<b>N/A</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>N/A</b>

The responses from the affected streets have been analysed further with respect to responses received for the affected streets only.

Response	Street Name	Total
Streets with Majority Support	Gregson Street	1
Streets with Majority Objection	Cheriton Street, Edward Street, Gladstone Street, Lord Street, Parry Street, Pisconeri Street, Somerville Street, Stirling Street and Summers Street	9
Streets with Equal Support/Object	Braid Street and Claisebrook Road	2
Streets with No Response	Caversham Street, Chelsea Street, Coolgardie Terrace, Murchison Terrace, Pier Street, Robertson Street and Washing Lane	6

A detailed summary of the submissions received is set out in Appendix 9.1.13 and a summary of the key issues are outlined in the 'Details' section above.

**LEGAL/POLICY:**

- City of Vincent Parking and Parking Facilities Local Law 2007.

**RISK MANAGEMENT IMPLICATIONS:**

Not applicable.

**STRATEGIC IMPLICATIONS:**

The City of Vincent *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 Take action to improve transport and parking in the City and mitigate the effects of traffic.*

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

### **SUSTAINABILITY IMPLICATIONS:**

It is considered that the introduction of paid parking will better assist in making better use of the existing supply of parking resources in the City for all uses, and encourage other more sustainable forms of transport than the private motor vehicle.

### **FINANCIAL/BUDGET IMPLICATIONS:**

#### **Ticket Machine Installation**

The costs associated with the purchase, installation and commissioning of one hundred and twenty eight (128) ticket machines has already been approved in the 2010/2011 Budget. Of the ticket machines purchased, a total of 49 ticket machines are not currently required, as the Council resolved to change the areas that the machines will be installed – thereby resulting in a surplus. The 33 ticket machines proposed to be installed in the area bounded by Lord Street, Summers Street, East Parade and Edward Street if approved, will be used from the current surplus machines.

#### **Additional Signage**

The creation of 15 minute bays in the fee paying perpendicular bays in Broome Street, Harold Street and Mary Street, will cost an estimated \$700 to erect new signage and change the line marking.

#### **Advertising of Proposal**

Standard advertising costs were associated with the advertising of the proposal.

#### **Fees and Charges**

The budgeted revenue from the new ticket machines included in the 2011/2012 Budget has been estimated using a parking fee of \$2.20 per hour.

### **COMMENTS:**

The decision to introduce paid parking and time restrictions is always a difficult decision for a Council. The City of Vincent is an inner City local government that experiences all of the usual problems associated with being only 3 kilometres from the Perth Central Business District.

In 2010, the Council adopted its Car Parking Strategy after extensive research by Luxmoore Consultants, who are recognised Australia wide as having extensive expertise in Parking.

It is unsustainable to continue with the status-quo and the Council has rightfully and carefully adopted a Car Parking Strategy to address the problems currently being experienced and to ensure that a proper and orderly implementation program is achieved.

With respect to the area proposed for additional areas of paid parking the subject of this report, it is considered that this be approached in a staged manner by introducing ticket machines, to the east of Lord Street only at this point in time, and for the area west of Lord Street to be monitored and reported back to the Council in early 2012, following further consultation, to determine whether additional paid parking is required.

Approval of the Officer Recommendation is therefore requested.

**9.1.14 Leederville Hotel, No. 742 Newcastle Street, Leederville – Approval of Outdoor Eating Area and Care, Control and Management of Car Park**

<b>Ward:</b>	South	<b>Date:</b>	4 October 2011
<b>Precinct:</b>	Oxford Centre (04)	<b>File Ref:</b>	PRO0630
<b>Attachments:</b>	<a href="#">001</a> – Plan and Photos of Alfresco Outdoor Eating Area <a href="#">002</a> – Aerial Plan of Leederville Hotel and Plan of Car Park		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	J MacLean, Manager Ranger and Community Safety Services		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

That the Council;

**Outdoor Eating Area**

1. **APPROVES** the application from the Leederville Hotel to renew their Outdoor Eating Area Permit for No. 742 Newcastle Street, Leederville, including the current enclosure structure, as shown on plans stamp-dated 10 September 2010 and in Appendix 9.1.14A on the footpath of Newcastle Street, subject to the following conditions:
  - 1.1 the outdoor eating area enclosure shall be maintained in a safe and serviceable condition, at all times;
  - 1.2 the structure, including the wooden capping on the barriers, shall be free of all sharp edges and corners;
  - 1.3 the outdoor eating area enclosure shall be made more aesthetically pleasing with the addition of planter boxes affixed to, or hung from, the existing barrier structures;
  - 1.4 within a period of 12 months, the outdoor eating area enclosure shall be altered to reduce the size and bulk of the extruded metal barriers, with a suggested replacement of the metal barriers to make the structure more aesthetically pleasing, to the satisfaction of the City;
  - 1.5 the continuation of the approval shall be subject to the good management of the outdoor eating area, with no complaints about the operation of the facility being received; and
  - 1.6 if work is required to be carried out to the roadway or footpath in Newcastle Street, the owners of the Leederville Hotel will be required to remove, at their expense, the outdoor eating area structure, within a reasonable and a mutually agreed period of time, to allow the works to proceed;
  
2. **REQUESTS** the Chief Executive Officer to review the City's current Policy No. 3.8.1 – Outdoor Eating Areas, with a view to clarifying the current guidelines including permanent fixtures/structures and that the Chief Executive Officer report back to the Council, before December 2011, with a proposed amended Policy No. 3.8.1;

**Car Park**

3. **APPROVES BY AN ABSOLUTE MAJORITY:**
  - 3.1 pursuant to Clause 1.5(4) of the City of Vincent Parking and Parking Facilities Local Law 2007, to determine that the Leederville Hotel Car Park No. 742 Newcastle Street, Leederville (but fronting Vincent Street) as shown in Appendix 9.1.14B to be under the care, control and management of the City;

- 3.2 to enter into an agreement with the owners of the Leederville Hotel, for the City to have the care, control and management of the Leederville Hotel Car Park, as shown in Appendix 9.1.14B, subject to (but not exclusive to) the following conditions:**
- 3.2.1 the operation of the Car Park shall be in accordance with the relevant provisions of the City of Vincent Parking and Parking Facilities Local Law 2007;**
  - 3.2.2 the City will install two ticket machines for the Leederville Hotel Car Park at the City's expense;**
  - 3.2.3 the City will maintain the ticket machines and will arrange for the collection of the cash, from the machines;**
  - 3.2.4 the City will purchase and erect appropriate signage, compliant with Australian Standards, to ensure that enforcement action can be taken;**
  - 3.2.5 the City will maintain the signage and line-marking for the car park;**
  - 3.2.6 the City will be responsible for the "day-to-day" operation and management of the car park;**
  - 3.2.7 the City of Vincent will deduct the costs associated with the operation of the ticket issuing machines and maintenance from the revenue generated by these machines and then divide the net revenue as mutually agreed between the City and the Leederville Hotel; and**
  - 3.2.8 the Agreement will continue until terminated by either Party giving three (3) months notice, however, the initial period is for five (5) years; and**
- 3.3 in the Leederville Hotel Car Park, the hourly rate to be \$2.10 per hour (first hour free) to a maximum of \$14.00, from 7am to 7pm, for the remainder of the financial year 2011/12;**

**4. AUTHORISES the:**

- 4.1 Chief Executive Officer to finalise negotiations and approve of the Agreement, between the City of Vincent and the owners of the Leederville Hotel, as specified in clause 3 above; and**
- 4.2 Mayor and Chief Executive Officer to sign the Agreement and affix the Council's Common Seal.**

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**Moved Cr Maier, Seconded Cr Buckels**

**That the recommendation be adopted.**

**Debate ensued.**

**AMENDMENT NO 1**

**Moved Cr Maier, Seconded Cr Lake**

That clause 1 be deleted and the following new clauses 1 and 2 substituted (and the remaining clauses be renumbered):

“That the Council;

**Outdoor Eating Area**

1. REFUSES the application from the Leederville Hotel to renew the Outdoor Eating Area Permit for No. 742 Newcastle Street, Leederville, including the current enclosure structure and decking, as shown on plans stamp-dated 10 September 2010, and as constructed on the footpath of Newcastle Street, for the following reasons:
  - 1.1 the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;
  - 1.2 the outdoor eating area enclosure and decking is located with the footpath area, and dominates the footpath area in its current form; and
  - 1.3 results in a negative precedent for other similar Outdoor Eating Areas within the City; and
2. ADVISES the owners of the Leederville Hotel that the outdoor eating structure and decking shall be removed and the footpath returned to its original state and condition at the full cost of the Leederville Hotel Owners within twenty-eight (28) days from the date of the City’s notification of the Council’s decision, to the satisfaction of the Director Technical Services.”

Debate ensued.

**AMENDMENT NO 1 PUT AND CARRIED (5-2)**

**For:** Cr Buckels, Cr Farrell, Cr Harvey, Cr Lake, Cr Maier  
**Against:** Mayor Catania, Cr McGrath

(Cr Burns and Cr Topelberg were on approved leave of absence.)

Debate ensued.

Cr Harvey departed the Chamber at 8.12pm.

Debate ensued.

Cr Harvey returned to the Chamber 8.14pm.

Debate ensued.

**AMENDMENT NO 2**

**Moved Cr Buckels, Seconded Cr Lake**

That clause 4.3 be amended to read as follows:

- “4.3 in the Leederville Hotel Car Park, for the remainder of the 2011/12 financial year, the hourly rate is to be \$2.10 per hour (first hour free) to a maximum of \$14.00 three hours (3P), from 7am to 7pm, for the remainder of the financial year 2011/12 with no time restrictions after 7pm. Paid parking shall be applicable from 7am to midnight. Future price levels shall remain consistent with hourly rates applicable to the Frame Court and The Avenue Car Parks.”

Debate ensued.

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

(Cr Burns and Cr Topelberg were on approved leave of absence.)

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

(Cr Burns and Cr Topelberg were on approved leave of absence.)

**COUNCIL DECISION ITEM 9.1.14**

That the Council;

**Outdoor Eating Area**

1. REFUSES the application from the Leederville Hotel to renew the Outdoor Eating Area Permit for No. 742 Newcastle Street, Leederville, including the current enclosure structure and decking, as shown on plans stamp-dated 10 September 2010, and as constructed on the footpath of Newcastle Street, for the following reasons:
  - 1.1 the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;
  - 1.2 the outdoor eating area enclosure and decking is located with the footpath area, and dominates the footpath area in its current form; and
  - 1.3 results in a negative precedent for other similar Outdoor Eating Areas within the City; and
2. ADVISES the owners of the Leederville Hotel that the outdoor eating structure and decking shall be removed and the footpath returned to its original state and condition at the full cost of the Leederville Hotel Owners within twenty-eight (28) days from the date of the City's notification of the Council's decision, to the satisfaction of the Director Technical Services."
3. REQUESTS the Chief Executive Officer to review the City's current Policy No. 3.8.1 – Outdoor Eating Areas, with a view to clarifying the current guidelines including permanent fixtures/structures and that the Chief Executive Officer report back to the Council, before December 2011, with a proposed amended Policy No. 3.8.1;

**Car Park**

4. APPROVES BY AN ABSOLUTE MAJORITY:
  - 4.1 pursuant to Clause 1.5(4) of the City of Vincent Parking and Parking Facilities Local Law 2007, to determine that the Leederville Hotel Car Park No. 742 Newcastle Street, Leederville (but fronting Vincent Street) as shown in Appendix 9.1.14B to be under the care, control and management of the City;
  - 4.2 to enter into an agreement with the owners of the Leederville Hotel, for the City to have the care, control and management of the Leederville Hotel Car Park, as shown in Appendix 9.1.14B, subject to (but not exclusive to) the following conditions:
    - 4.2.1 the operation of the Car Park shall be in accordance with the relevant provisions of the City of Vincent Parking and Parking Facilities Local Law 2007;

- 4.2.2 the City will install two ticket machines for the Leederville Hotel Car Park at the City's expense;
  - 4.2.3 the City will maintain the ticket machines and will arrange for the collection of the cash, from the machines;
  - 4.2.4 the City will purchase and erect appropriate signage, compliant with Australian Standards, to ensure that enforcement action can be taken;
  - 4.2.5 the City will maintain the signage and line-marking for the car park;
  - 4.2.6 the City will be responsible for the "day-to-day" operation and management of the car park;
  - 4.2.7 the City of Vincent will deduct the costs associated with the operation of the ticket issuing machines and maintenance from the revenue generated by these machines and then divide the net revenue as mutually agreed between the City and the Leederville Hotel; and
  - 4.2.8 the Agreement will continue until terminated by either Party giving three (3) months notice, however, the initial period is for five (5) years; and
- 4.3 in the Leederville Hotel Car Park, for the remainder of the 2011/12 financial year, the hourly rate is to be \$2.10 per hour (first hour free) to a maximum of three hours (3P), from 7am to 7pm, with no time restrictions after 7pm. Paid parking shall be applicable from 7am to midnight. Future price levels shall remain consistent with hourly rates applicable to the Frame Court and The Avenue Car Parks; and
5. AUTHORISES the:
- 5.1 Chief Executive Officer to finalise negotiations and approve of the Agreement, between the City of Vincent and the owners of the Leederville Hotel, as specified in clause 3 above; and
  - 5.2 Mayor and Chief Executive Officer to sign the Agreement and affix the Council's Common Seal.
- 

**PURPOSE OF REPORT:**

To obtain Council endorsement of the decision to approve the recent re-application for the Leederville Hotel to conduct an Outdoor Eating Area, on the footpath adjacent to "The Garden" restaurant and to approve the City taking over the day to day management of the Leederville Hotel Car Park.

**BACKGROUND:**

In December 2010, the Leederville Hotel submitted an Application to Conduct an Outdoor Eating Area, on the footpath, immediately adjacent to the Hotel's "Garden". With the application, the Hotel provided a plan of the proposed area to be enclosed, photographs of the proposed fencing type and information about how the area would be managed.

The application was approved on the basis of the information provided, for a 6 month period. However, the Outdoor Eating Area enclosure was not built until May 2011 and the Outdoor Eating Area Permit expired at the end of June 2011. As a result, the Hotel applied for the renewal of the permit in June 2011, but when the area was checked, it was discovered that the enclosure was substantially more bulky than was apparent in the supplied photographs, had been erected with a raised wooden deck with up-lights fitted into the timber decking and did not fit in with the ambiance of the locality.

As a result of the issues relating to the Leederville Hotel, it has come to the attention of the City that there may be other establishments where fixed enclosures have been erected on the footpath. This matter is currently being investigated.

#### **DETAILS:**

##### **Leederville Hotel Outdoor Eating Area**

Following the application for renewal of the Leederville Hotel Outdoor Eating Area Permit, Rangers undertook a check of the facility. When the area was checked, it was found that a timber deck, complete with electric up-lights, had been constructed inside the enclosed area and that the fencing was much more substantial and bulky than it had appeared in the photographs, which had been provided at the time of the application.

The initial application was submitted, along with a plan drawing of the proposed outdoor eating area and photographs of the proposed fencing, as shown in Appendix 9.1.14. However, since there were no dimensions provided with the photographs, the bulk of the fencing was not apparent, until it was physically examined. Further, the top rail of the fencing was solid timber and the corners, rather than being rounded, were sharp and pointed, which could have caused injury to passersby, or damage to their clothing.

The initial application was considered by the Ranger and Community Safety Services, the Asset and Design Services and the Health Services and had been assessed as being suitable, on the basis of the information provided at the time. Amongst the factors considered was a requirement of the Department of Liquor, Racing and Gaming (DLRG) for a solid structure that fully enclosed the alfresco area with no opening(s) to the footpath. Further, patrons were to enter the premises via the restaurant and to be seated, thereby ensuring that they entered the Hotel via the main entrance where there would be (in peak times) the appropriate crowd control measures in place. However, the Department has subsequently advised that this was not a "requirement", but that it was their "preference and advice only" and they suggested that it was up to the City of Vincent to impose the appropriate conditions.

However, while the enclosure is bulkier than was envisioned, the structure could be made less intrusive, by the strategic placement of items like planter boxes, which could either be bolted to the barriers, as a permanent fixture, or hung on to the barriers and taken inside each night. Since it would be a requirement for all tables and chairs to be moved inside each night, the removal of the planter boxes was not seen as an added impost on the Hotel.

##### **Raised Timber Decking**

The raised timber decking would not normally be approved, as it is a substantial structure which cannot be easily removed. However, its removal in this case is not recommended as it provides the same level for both internal and external areas. If it is removed, it would cause a distinct access and safety issue and contribute to patrons falling over.

In respect of other premises within the City, with licensed Outdoor Eating Areas, the majority are delineated by brass plaques which are affixed to the footpath and/or removable barriers and clear plastic blinds which comply with the current policy.

## City's Policy

As a direct result of the Leederville Hotel situation and, as indicated above, the City is currently reviewing its outdoor eating area policy and procedures. When this has been finalised, the proposed amendments will be reported to the Council for their approval.

Recently, Officers of the City of Vincent met with the owners of the Leederville Hotel and they have agreed in principle to the imposition of the above conditions.

### Review of Council Policy No. 3.8.1 relating to Outdoor Eating Areas

The key objective of the City's Policy No. 3.8.1 relating to Outdoor Eating Areas, is *'to provide guidance for the provision and governance of Outdoor Eating Areas within the City of Vincent, to encourage the establishment of "Outdoor Eating Areas" whilst ensuring that pedestrian and vehicular traffic is not compromised.'* A detailed review of this Policy was undertaken in 2007, with input from all relevant Service areas involved in the application of this Policy. A preliminary review of the City's existing Policy indicates that it remains relevant to current legislation and associated practices undertaken by City, and provides comprehensive guidance to applicants considering establishing an outdoor eating area.

Whilst the next review of the Policy is not scheduled to commence until 2015, it is considered that in light of the circumstances surrounding the recent establishment of the outdoor eating area at the Leederville Hotel (including permanent fixtures/structure), that the Policy review be given a higher priority, and reviewed in the coming months (particularly with respect to applications for permanent fixtures/structures) and reported back to the Council with any proposed amendments.

### Leederville Hotel Car Park

On 9 February 2010, the Council at its Ordinary Meeting approved a recommendation for the Leederville Hotel Car Park to become a paid parking facility. The Hotel had engaged a consultant to recommend how best to manage the facility and access control and credit card parking payment facilities were installed. However, this proposal has not operated as expected and the car park is currently empty for most of the day and evening. As a result, the City of Vincent approached a representative of the owners of the Leederville Hotel, suggesting that the City take over the management of the parking facility.

Clause 1.5 of the City of Vincent Parking and Parking Facilities Local Law states:

#### *"1.5 Application*

*...(4) Where a parking facility or a parking station is determined to be under the care, control and management of the City, then the facility or station shall be deemed to be a facility or station to which this local law applies and it shall not be necessary to prove that it is the subject of an agreement referred to in subclause (2)..."*

Pursuant to Subclause 1.5(4), the City of Vincent and the owners of the Leederville Hotel would need to enter into an agreement to do so. The City of Vincent already has Agreements in place, which enables enforcement action by Rangers in a number of privately owned parking facilities, although none of these Agreements are for paid parking facilities. The City's solicitors would prepare the Agreement, to take into account items, such as (but not limited to) the following:

- The operational procedures for the car park;
- The restrictions that apply within the car park;
- Days and hours of operation of the car park;
- All infringement notice revenue is the property of the City;
- The division of the net revenue generated by the car park; and
- Enforcement requirements.

The owners of the Leederville Hotel have agreed, in principle to such an Agreement, but would like to meet with representatives of the City of Vincent, to negotiate the most appropriate outcome for both them and the City. As a result, it is recommended that, since an in principle agreement is already in place, the finalisation of the Agreement should be undertaken by the Chief Executive Officer. Working on the premise that, if Rangers are issuing infringement notices in the Leederville Hotel Car Park, they are not doing so in another area, so the City would retain all enforcement revenue, generated from the Leederville Hotel facility.

**CONSULTATION/ADVERTISING:**

Since the City has already approved a paid parking facility at this location, there is no need to further consult or advertise this matter.

**LEGAL/POLICY:**

- Clause 1.5 of the City of Vincent Parking and Parking Facilities Local Law;
- Formal Agreement between the City of Vincent and the Owners of the Leederville Hotel;
- Policy No. 3.8.1 relating to Outdoor Eating Areas.

**RISK MANAGEMENT IMPLICATIONS:**

If the current structure is aesthetically upgraded, as recommended, there are low risk implications associated with the outdoor eating area proposal.

Since the current Leederville Hotel Car Park already has approval for paid parking, there is a low risk associated with the proposal for the City to take over the management of the car park.

**STRATEGIC IMPLICATIONS:**

Objective 1.1.4(b) – “Continue to implement both minor and major improvements in public open spaces”.

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

There will be a cost associated with these recommendations, which is estimated to be as follows:

**Capital Outlay**

- |                                 |                                     |
|---------------------------------|-------------------------------------|
| • Purchase of 2 ticket machines | \$ 20,000 (currently held in stock) |
| • Signage for the car park      | \$ 1,000                            |
|                                 | <b><u>\$ 21,000</u></b>             |

**Operating expenses**

- |   |                         |
|---|-------------------------|
| • Depreciation costs for 2 Ticket Machines          | \$ 2,000                |
| • Annualised maintenance for these machines         | \$ 4,200                |
| • Annualised maintenance for signs and line-marking | \$ 1,000                |
| • Coin collection costs for a weekly collection     | \$ 7,800                |
|   | <b><u>\$ 15,000</u></b> |

It is estimated that the ticket machines will have an operational life of 10 years, so the capital outlay of \$20,000 to purchase the two machines is being depreciated at \$2,000 per annum.

There are 67 public parking bays in the Leederville Hotel Car Park, with entry from Vincent Street and 20 staff parking bays with entry gained from Oxford Street. If a daily parking rate of \$14.00 is used, with an 85% occupancy rate, every day, the anticipated gross annual revenue for the facility is estimated to be around \$290,000. The cost of operating the facility, including maintenance, coin collection and documentation for evidentiary purposes, is estimated at around \$15,000 per annum. This would result in a net revenue of around \$275,000 being available for distribution between the City and the Leederville Hotel owners each year. The distribution of this revenue should be on a percentage basis and it is suggested that a 60%: 40% split would be a reasonable division. This would result in a net revenue to the City of Vincent of around \$109,800 per annum and the remaining \$164,800 to the Hotel owners.

### **Proposed Car Parking Fee**

The proprietors of the Leederville Hotel have provided a draft Agreement to the City. The Agreement prescribes that the hourly rate should be similar to nearby City owned car parks. Therefore, the fee to be proposed is \$2.10 per hour (first hour free) to a maximum of \$14.00, from 7am to 7pm, for the remainder of the financial year 2011/12.

The draft Agreement is currently being examined by the City's Administration.

### **COMMENTS:**

In December 2010, the Leederville Hotel applied for approval to conduct an Outdoor Eating Area in Newcastle Street, Leederville. From the information that was provided, the matter was assessed by Rangers, Environmental Health Officers and Engineering Officers and it appeared an appropriate structure. However, the structure was not built until May 2011 and, when the renewal application was received in June 2011, the area was again checked.

The structure was much more bulky and intrusive than it had appeared in the supplied photographs and as a result, the renewal was deferred, to allow discussions to take place between the Leederville Hotel and the City. In subsequent meetings with the representative of the owners of the Hotel, it was agreed in principal that some minor modifications, such as rounding of the edges and corners of the wooden top rail and a few small planter boxes, would make the enclosure more aesthetically pleasing.

As a result of this matter, a number of other premises are currently being investigated, for similarly constructed fixed barriers around the outdoor eating areas. At this stage, it is not clear whether the barriers at these premises, which have been in place for many years, have approval or not.

On 9 February 2010, the Council at its Ordinary Meeting approved the operation of a paid parking facility in the car park adjacent to the Leederville Hotel. However, the way that this was managed has resulted in the facility being poorly utilised, with very few vehicles making use of the car park. The City made an approach to the Hotel management, asking if the City could take over the management of the car park.

In principle agreement has been reached, between the Hotel and the City, but the details still need to be formalised. It is recommended that the City enters into an agreement with the Hotel, which will provide a benefit, not only to the City and the Leederville Hotel, but to the many commuters that currently seek all-day parking in the Leederville area. It is further recommended that the Chief Executive Officer be authorised to finalise and approve the Agreement for the Leederville Hotel parking facility to be managed by the City of Vincent.

**9.1.4 No. 88 (Lot 398; D/P: 2334) Hobart Street, corner of Shakespeare Street, Mount Hawthorn – Demolition of Existing Single House**

<b>Ward:</b>	North	<b>Date:</b>	29 September 2011
<b>Precinct:</b>	Mount Hawthorn; P1	<b>File Ref:</b>	PRO5491; 5.2011.348.1
<b>Attachment:</b>	<a href="#">001</a> – Heritage Assessment		
<b>Tabled Items</b>	Nil		
<b>Reporting Officer:</b>	H Au, Heritage Officer		
<b>Responsible Officer:</b>	R Boardman, Director Development 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 Anna Pugliese for proposed Demolition of Existing Single House, at No. 88 (Lot 398; D/P: 2334) Hobart Street, corner of Shakespeare Street, Mount Hawthorn, and as shown on plans stamp-dated 19 July 2011, subject to the following conditions:

1. A Demolition Licence shall be obtained from the City prior to commencement of any demolition work on the site;
2. Support of the demolition application is not to be construed as support of any future Planning Approval/Building Licence application for the redevelopment proposal for the subject property;
3. Demolition of the existing dwelling may make the property ineligible for any development bonuses under the provisions of the City of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing buildings valued by the community;
4. Any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the City of Vincent Town Planning Scheme No. 1 and associated Policies;
5. No street verge tree(s) shall be removed. The street verge tree/s shall be retained and protected from any damage including unauthorized pruning;
6. **PRIOR TO THE ISSUE OF A DEMOLITION LICENCE**, the following shall be submitted to and approved by the City:

**Demolition Management Plan**

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

- 6.1 public safety, amenity and site security;
- 6.2 contact details of essential site personnel;
- 6.3 construction/demolition operating hours;
- 6.4 noise control and vibration management;
- 6.5 Dilapidation Reports of nearby properties;
- 6.6 air and dust management;
- 6.7 stormwater and sediment control;

- 6.8 soil excavation method and de-watering (if applicable);
  - 6.9 waste management and materials re-use;
  - 6.10 traffic, access management, including heavy vehicle access;
  - 6.11 parking arrangements for contractors and subcontractors;
  - 6.12 Notification Plan of nearby properties; and
  - 6.13 any other matters deemed appropriate by the City, including photographs of the precondition of existing City infrastructure such as footpaths, verge and street trees; and
7. A detailed Vacant Lot Management Plan, prepared in consultation with the City's Health, Parks and Planning Services for the site at No. 88 (Lot 398; D/P: 2334) Hobart Street, corner of Shakespeare Street, Mount Hawthorn shall be submitted and approved prior to the issue of a Demolition Licence. The City encourages property owners to appropriately maintain vacant land in a safe, secure and tidy manner in the interest of the community. The management plan shall include details of the proposed treatment of the vacant site which covers fencing, maintenance, rubbish collection, weed control, and the like. The vacant lot shall be maintained in accordance with the Management Plan, until redevelopment works are carried out on site.

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Cr McGrath departed the Chamber at 8.17pm.

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Cr McGrath returned to the Chamber at 8.19pm.

Debate ensued.

#### AMENDMENT

Moved Cr Maier, Seconded Cr Harvey

That a new clause 8 be inserted as follows:

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

Debate ensued.

#### AMENDMENT PUT AND CARRIED UNANIMOUSLY (7-0)

(Cr Burns and Cr Topelberg were on approved leave of absence.)

#### MOTION AS AMENDED PUT AND CARRIED (6-1)

For: Mayor Catania, Cr Buckels, Cr Farrell, Cr Harvey, Cr McGrath, Cr Maier  
Against: Cr Lake

(Cr Burns and Cr Topelberg were on approved leave of absence.)

**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 the owner Anna Pugliese for proposed Demolition of Existing Single House, at No. 88 (Lot 398; D/P: 2334) Hobart Street, corner of Shakespeare Street, Mount Hawthorn, and as shown on plans stamp-dated 19 July 2011, subject to the following conditions:

1. A Demolition Licence shall be obtained from the City prior to commencement of any demolition work on the site;
2. Support of the demolition application is not to be construed as support of any future Planning Approval/Building Licence application for the redevelopment proposal for the subject property;
3. Demolition of the existing dwelling may make the property ineligible for any development bonuses under the provisions of the City of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing buildings valued by the community;
4. Any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the City of Vincent Town Planning Scheme No. 1 and associated Policies;
5. No street verge tree(s) shall be removed. The street verge tree/s shall be retained and protected from any damage including unauthorized pruning;
6. PRIOR TO THE ISSUE OF A DEMOLITION LICENCE, the following shall be submitted to and approved by the City:

**Demolition Management Plan**

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

- 6.1 public safety, amenity and site security;
- 6.2 contact details of essential site personnel;
- 6.3 construction/demolition operating hours;
- 6.4 noise control and vibration management;
- 6.5 Dilapidation Reports of nearby properties;
- 6.6 air and dust management;
- 6.7 stormwater and sediment control;
- 6.8 soil excavation method and de-watering (if applicable);
- 6.9 waste management and materials re-use;
- 6.10 traffic, access management, including heavy vehicle access;
- 6.11 parking arrangements for contractors and subcontractors;

- 6.12 Notification Plan of nearby properties; and**
- 6.13 any other matters deemed appropriate by the City, including photographs of the precondition of existing City infrastructure such as footpaths, verge and street trees;**
- 7. A detailed Vacant Lot Management Plan, prepared in consultation with the City's Health, Parks and Planning Services for the site at No. 88 (Lot 398; D/P: 2334) Hobart Street, corner of Shakespeare Street, Mount Hawthorn shall be submitted and approved prior to the issue of a Demolition Licence. The City encourages property owners to appropriately maintain vacant land in a safe, secure and tidy manner in the interest of the community. The management plan shall include details of the proposed treatment of the vacant site which covers fencing, maintenance, rubbish collection, weed control, and the like. The vacant lot shall be maintained in accordance with the Management Plan, until redevelopment works are carried out on site; and**
- 8. Prior to the issue of a Building Licence, a bond of \$2,000 shall be paid by the owners to ensure the Vacant Lot Management Plan is implemented to the satisfaction of the Chief Executive Officer. In the event that the bond is drawn upon, such bond shall be maintained at a level of \$2,000 until the redevelopment works are commenced.**

<b>Landowner:</b>	Anna Pugliese
<b>Applicant:</b>	Anna Pugliese
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1: Residential R30
<b>Existing Land Use:</b>	House
<b>Use Class:</b>	Not applicable
<b>Use Classification:</b>	Not applicable
<b>Lot Area:</b>	506 square metres
<b>Right of Way:</b>	Not applicable

**PURPOSE OF REPORT:**

The applicant proposes to demolish the subject single dwelling as per item 1 (b) of the Notice issued on 28 June 2011 under the Local Government (Miscellaneous Provisions) Act 1960, Section 408 (1), and requests demolition approval without the standard condition for the submission of redevelopment plans. The proposal requires referral to the Council for determination.

**BACKGROUND:**

21 June 2011 An internal inspection of the subject property was undertaken by the City's Building Surveyor and Development Compliance Officer. The inspection revealed that the property is neglected, ruinous, and dilapidated. It is considered that the subject dwelling is unfit for use or occupation, for the following reasons:

- There is extensive cracking to the internal and external walls above window and door openings;
- The ceilings in many of the rooms have fallen away;
- There is no running water or sanitary provisions, ease of access to the bathroom due to damaged boarding has led to theft of sanitary fittings;
- There is no electricity;
- The flooring is soiled, unsanitary and broken up in parts; and
- There is evidence of squatter activity in the property.

28 June 2011 The City issued a Notice in accordance with the Local Government (Miscellaneous Provisions) Act 1960, Section 408 (1). Specifically, the Notice required:

*"1. You are hereby required to:*

*(a) put the Building into such state of repair and condition to the satisfaction of the Town, on the basis set out in the Schedule annexed to this Notice and marked "A"; or*

*(b) take the Building down."*

10 July 2011 The applicant submitted a letter advising that a development application will be submitted and requesting the removal of the standard condition for the submission of redevelopment plans.

20 July 2011 The applicant submitted an application for demolition of the existing dwelling.

**DETAILS:**

The proposal involves the demolition of the existing house at No. 88 (Lot 398; D/P: 2334) Hobart Street, corner of Shakespeare Street, Mount Hawthorn.

The applicant proposes to action item 1 (b) of the Notice, that is, to demolish the existing dwelling. However, the applicant has advised that due to financial circumstances, she is unable, at this point in time, to satisfy the standard condition which requires a redevelopment proposal to be submitted prior to the issue of a Demolition Licence.

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

**COMPLIANCE:**

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

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

**COMMENTS:**

**Heritage Services Comments**

A detailed Heritage Assessment is contained in the attachment to this report.

The subject brick and iron dwelling was constructed circa 1919 in the Interwar Bungalow style of architecture. The single-storey house has an iron medium-pitched hipped roof, which extends over the front verandah and the eastern front room.

No. 88 Hobart Street was first listed in the WA Post Office Directories in 1920. Ernst James, the earliest resident of the subject place, lived at the house until 1930. Since then, the subject dwelling has been transferred several times to new owners and occupiers.

A full Heritage Assessment was undertaken for No. 88 Hobart Street, Mount Hawthorn, based on the plan dated 19 July 2011, which indicates that the place has little aesthetic, historic, scientific or social heritage significance. In accordance with the City's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the City's Municipal Heritage Inventory.

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

#### **Development Approval Condition**

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

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

**9.1.8 No. 64 (Lot 251; D/P: 302357 and Lot 79; D/P: 672) Mary Street, Highgate - Proposed Partial Demolition of Existing Presbytery, Alterations and Additions to Existing Parish Office and Construction of Two-Storey Presbytery**

<b>Ward:</b>	South	<b>Date:</b>	29 September 2011
<b>Precinct:</b>	Hyde Park; P12	<b>File Ref:</b>	PRO2984; 5.2011.397.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Development Application Plans <a href="#">002</a> – Heritage Impact Statement		
<b>Tabled Items:</b>	Applicant's Submission and Associated Documentation		
<b>Reporting Officers:</b>	T Cappellucci, Planning Officer (Statutory) H Au, Heritage Officer		
<b>Responsible Officer:</b>	R Boardman, Director Development 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 Lincoln Tuffin on behalf of the owner Roman Catholic Archbishop for Proposed Partial Demolition of Existing Presbytery, Alterations and Additions to Existing Parish Office and Construction of Two-Storey Presbytery, at No. 64 (Lot 251; D/P: 302357 & Lot 79; D/P: 672) Mary Street, Highgate, and as shown on plans stamp-dated 12 August 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 Mary Street; and

1.2 The gross floor area of the office shall be limited to 108 square metres;

2. **Fencing**

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

3. **Verge Trees**

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. **PRIOR TO THE COMMENCEMENT OF ANY DEMOLITION WORKS ON THE SITE, a Demolition Licence shall be obtained from the City;**

5. **PRIOR TO THE ISSUE OF A DEMOLITION LICENCE, an archival documented record of the place(s) including photographs (internal, external and streetscape elevations), floor plans and elevations for the City's Historical Archive Collection shall be submitted to and approved by the City; and**

6. **PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be completed to the satisfaction of the City:**

6.1 **Amalgamation**

The subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the City, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the City's solicitors or other solicitors agreed upon by the City, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);

6.2 **Bicycle Parking**

One (1) class one or two bicycle space for the office component shall be provided at a location convenient to the entrance, publically accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3;

6.3 **Landscaping Plan**

A detailed landscaping plan which complements the heritage property and screens the proposed car bay from the street, including a list of plants and the landscaping of the Mary Street verge adjacent to the subject property, shall be submitted to and approved by the City prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and

6.4 **Visual Privacy**

Revised plans demonstrating the balcony to bedroom 2 on the northern elevation, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. 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. 68 Mary Street stating no objection to the respective proposed privacy encroachments.

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

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**COUNCIL DECISION ITEM 9.1.8**

**Moved Cr Maier, Seconded Cr McGrath**

That the recommendation be adopted.

Debate ensued.

**MOTION PUT AND CARRIED UNANIMOUSLY (7-0)**

**(Cr Burns and Cr Topelberg were on approved leave of absence.)**

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<b>Landowner:</b>	Roman Catholic Archbishop
<b>Applicant:</b>	Lincoln Tuffin
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R80
<b>Existing Land Use:</b>	Presbytery and Parish Office
<b>Use Class:</b>	Presbytery and Parish Office
<b>Use Classification:</b>	"AA"
<b>Lot Area:</b>	859 square metres
<b>Access to Right of Way:</b>	East side, 3 metres wide, sealed, privately owned North side, 3 metres wide, sealed, privately owned

**PURPOSE OF REPORT:**

This proposal requires referral to the Council for determination given the place is listed on the City of Vincent's Municipal Heritage Inventory.

**BACKGROUND:**

26 May 2009 Council at its Ordinary Meeting resolved to conditionally approve the proposed partial demolition of existing presbytery, alterations and additions to parish office and construction of two-storey presbytery.

**DETAILS:**

This proposal is the same as the planning application approved by the Council at its Ordinary Meeting held on 26 May 2009 for the demolition of the existing presbytery and the construction of a two-storey presbytery, as well as minor alterations and additions to the parish office. However, given the current Building Licence is still currently being resolved, a new planning application is required as a result of the expiration of the planning approval granted in 2009.

**COMPLIANCE:**

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
<b>Bicycle Parking</b>	One (1) Class one or two bicycle parking facility.	Nil
<b>Officer Comments:</b>		
<b>Not Supported</b> - Condition placed that one (1) class one or two, bicycle parking facility will be required prior to the first occupation of the development.		
<b>Building Height</b>	Maximum height of 7 metres for a concealed roof.	Maximum proposed height = 7.8 metres
<b>Officer Comments:</b>		
<b>Supported</b> – The variation in height exists at the point of the lift shaft only, which is considered an architectural design feature. Furthermore, the lift shaft portion of the proposed dwelling is located adjacent to the right of way and the church next door and will, therefore, not have an undue impact on the amenity of the neighbouring residential property and the streetscape. All other portions of the proposed dwelling are compliant with the height requirements.		
<b>Visual Privacy</b>	Balcony to Bedroom 2 - 7.5 metres	3.2 metres within the cone of vision to the northern property boundary.
<b>Officer Comments:</b>		
<b>Not Supported</b> – Considered to have an undue impact on the neighbouring property. Condition applied for the balcony to be screened to a minimum of 1.6 metres.		

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

Consultation	
<b>In Support:</b>	Nil (0)
Comments Received	Officer Comments
• Nil	Noted.

<b>Consultation</b>	
<b>Objections:</b>	Two (2)
<b>Comments Received</b>	<b>Officer Comments</b>
<ul style="list-style-type: none"> <li>• The plans submitted do not make it clear what the rear (north side) streetscape will be. This is relevant given the Church car park exposes the rear of the Presbytery to Vincent Street.</li> <li>• The rear height also appears excessive and is only considered from a front (south) perspective.</li> <li>• Object exceeding the acceptable maximum height.</li>   <li>• Addition of a car bay at the front of the Presbytery. Given the beauty of the original residence, we oppose this item.</li>   <li>• Part of the granting of the retrospective approval by the Town included a requirement by the Church to put in landscaping. To date, this landscaping has not been installed.</li>   <li>• Not supporting of visual privacy variation.</li>   <li>• The Heritage Council's Development Committee considered the matter on 17 March 2009 and we would like to reiterate the Committee's previous advice. The Committee resolved to advise the City of Vincent that the partial demolition of the presbytery and alterations are not supported.</li>   <li>• The proposed new building is unsympathetic to the adjacent Sacred Heart Church and its significant surroundings.</li> </ul>	<p>Not Supported – The plans provided include a northern elevation which depicts what the northern (rear) elevation will look like when viewed from the opposite side of the right of way.</p> <p>Not Supported – The variation in height exists at the point of the lift shaft only, which is considered an architectural design feature. Furthermore, the lift shaft portion of the proposed dwelling is located adjacent to the right of way and the church next door and will, therefore, not have an undue impact on the amenity of the neighbouring residential property and the streetscape. All other portions of the proposed dwelling are compliant with the height requirements.</p> <p>Not Supported – The car bay provided on-site is for the office component of the site and is only a 'hard-stand' car bay, not a structure in the form of a carport or garage. Therefore, will not have an undue impact on the visual amenity of the existing building.</p> <p>Noted – As part of this recommendation for approval, a condition has been recommended requesting that prior to the issue of a Building Licence, a detailed landscaping plan which complements the heritage property and screens the proposed car bay from the street, including a list of plants and the landscaping of the Mary Street verge adjacent to the subject property, shall be submitted and approved.</p> <p>Supported – Considered to have an undue impact on the neighbouring property. Condition applied for the balcony to be screened to a minimum of 1.6 metres.</p> <p>See 'Comments' section.</p>
<b>Advertising</b>	Advertising for the proposal for a period of 21 days was carried out as per the City's Policy 4.1.5 relating to Community Consultation.

<b>Car Parking – Commercial</b>	
Car parking requirement (nearest whole number)	2 car bays (nearest whole number)
Proposed Office (1 space per 50 square metres of gross floor area)	
Office Gross Floor Area = 108 square metres	
Parking Required = 2.16 car bays	
Total car bays required = 2.16 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 (contains a mix of uses, where at least 45 percent of the gross floor area is residential)</li> </ul>	1.36 car bays
Minus the car parking provided on-site	1 car bay
Minus the most recently approved on-site car parking shortfall	N/A
Resultant shortfall	0.36 car bays
*The City's Parking and Access Policy states that if the shortfall is equal to or less than 0.5, no car bays or cash-in-lieu is required	

<b>Bicycle Parking</b>		
<b>Office</b>	<ul style="list-style-type: none"> <li>• 1 space per 200 square metres (proposed 108 square metres) gross floor area (Class 1 or 2). (0.54 = 1 space required)</li> <li>• 1 space per 750 square metres over 1000 square metres (proposed 108 square metres) gross floor area (Class 3). Nil required</li> </ul>	<p>Nil provided.</p> <p>Nil provided.</p>

<b>Other Implications</b>	
<b>Legal/Policy</b>	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> 1.1 <i>Improve and maintain the natural and built environment and infrastructure</i> 1.1.2 <i>Enhance and maintain the character and heritage of the City."</i>
<b>Sustainability</b>	Nil.
<b>Financial/Budget</b>	Nil.

**COMMENTS:**

**Heritage**

The subject property at No. 64 Mary Street, Highgate, which comprises a parish office and a presbytery, is listed on the City's Municipal Heritage Inventory with a Management Category A – Conservation Essential, as part of the Sacred Heart Group at Nos. 40 and 42 Mary Street, which comprises the Church of the Sacred Heart and the Sacred Heart Convent and School.

It is noted that No. 40 Mary Street, Highgate (known as the Sacred Heart Convent and School) is listed on the Heritage Council of Western Australia, State Register of Heritage Places.

On 12 September 2008, the City received a development application for No. 64 Mary Street, Highgate, in relation to Proposed Partial Demolition of Existing Presbytery, Alterations and Additions to Parish Office and Construction of Two-Storey Presbytery (Serial No. 5.2008.566.1). The subject application was referred to the Heritage Council for comment due to the potential increase and amendment of the Sacred Heart Convent and School's registered curtilage to include the Sacred Heart Church that is adjacent to the Presbytery.

On 27 February 2009, the City received advice from the Heritage Council stating that the Development Committee considered the matter on 17 February 2009 and that the Committee did not support the new build, for the following reasons:

- "1. *The new build is not sympathetic with the adjacent Sacred Heart Church and could have a negative impact on the place.*

2. *As per Policy 12.6 of the Conservation Plan, new buildings should not dominate the significant building and buildings over a one storey height limit are generally not appropriate. (It is to be noted that the Conservation Plan referenced was prepared for the Sacred Heart Church and relates to new buildings on the Sacred Heart Church site and not No. 64 Mary Street).*
3. *A two-storey build may be possible if it is sympathetic to the adjacent Sacred Heart Church."*

The matter was reconsidered at the Heritage Council's Development Committee meeting on 21 April 2009, in which the Committee resolved that the proposed new build was still unsympathetic and required a complete redesign.

However, the City's Heritage Officers considered the proposed amended development acceptable as per the Heritage Impact Statement and considered it to comply with the City's Policy No. 3.6.1 relating to Heritage Management - Development Guidelines for Heritage and Adjacent Properties. Most notably, the City's Officers considered the eastern elevation and its refined material palette to provide interest to what is currently a bland and uninviting area, along the right of way, further unifying this cultural collection of buildings.

Subsequently, the Council at its Ordinary Meeting held on 26 May 2009 resolved to grant conditional approval for the development application (Serial No. 5.2008.566.1).

Given the above mentioned Planning Approval has expired, the City received the subject development application on 16 August 2011. The subject development involves proposed partial demolition of existing presbytery, alterations and additions to existing parish office and construction of two-storey presbytery.

In light of the above, the subject application was referred to the Heritage Council on 26 August 2011. In a letter dated 12 September 2011, the Heritage Council provided comments as below:

*"We confirm that at this point in time neither the Sacred Heart Church nor the Presbytery is State Registered...The Heritage Council's Development Committee considered the matter on 17 March 2009 and we would like to reiterate the Committee's previous advice. The Committee resolved to advise the City of Vincent that the partial demolition of the presbytery and alterations are not supported."*

It is understood that the plans accompanying the subject application are identical with the previous plans approved on 26 May 2009. As such, the City's Heritage Officers consider the proposed development acceptable as per the previous Heritage Impact Statement and consider it to comply with the City's Policy No. 3.6.1 relating to Heritage Management - Development Guidelines for Heritage and Adjacent Properties. The Heritage Impact Statement dated 15 September 2011 forms an attachment to this report.

To ensure that such a contrary recommendation would not be in breach of the requirements of *The Heritage of Western Australia Act 2004*, advice was sought from the Heritage Council. In an email dated 15 September 2011, the Heritage Council advised that the previous advice provided by the legal advisor on 28 April 2009 is still valid, which states,

*"Given the distance of the presbytery from the convent, and the lack of any apparent effect of the proposed additions on the heritage significance of the convent, we are hard-pressed to say that the proposal "may affect" a registered place, for the purpose of invoking s. 11 of the Heritage of Western Australia Act 1990 (the Heritage Act). Although an enlarged curtilage has been proposed that, if adopted, would possibly be affected by the proposed works on the presbytery, at the present time the curtilage has not been enlarged. Accordingly, the advice of the Heritage Council is not binding, although of course we would like to see the City comply with our advice."*

Overall, it is considered that the design of the new development will not detract from the prominence and character of the heritage building or undermine the existing spatial and visual characteristics of the adjacent Church and, as such, Heritage Services have no objection to the proposal.

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

**9.1.10 No. 634 (Lot 406; D/P: 32640) Beaufort Street, Mount Lawley - Proposed Change of Use of Loft Area, from Storage to Eating House**

<b>Ward:</b>	South	<b>Date:</b>	30 September 2011
<b>Precinct:</b>	Mount Lawley Centre; P11	<b>File Ref:</b>	PRO00196; 5.2010.577.1
<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>	R Boardman, Director Development 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 H Robinson on behalf of the owner L K Heng & T K Eng for proposed Change of Use of Loft Area from Storage to Eating House, at, No. 634 (Lot 406; D/P: 32640) Beaufort Street, Mount Lawley, and as shown on plans stamp-dated 8 November 2010, 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 shortfall in car parking proposed; and
3. the proposed development is non-compliant with the City's Policy No. 3.7.1 relating to Parking and Access.

Moved Cr Maier, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

**MOTION PUT AND LOST (1-6)**

For: Mayor Catania

Against: Cr Buckels, Cr Farrell, Cr Harvey, Cr Lake, Cr McGrath, Cr Maier

(Cr Burns and Cr Topelberg were on approved leave of absence.)

**REASONS FOR REFUSAL:**

1. Sufficient car parking can be provided in the area.
2. The proposal will preserve/improve the amenity of the area.

**ALTERNATIVE RECOMMENDATION**

The following Alternative Recommendation was tabled:

“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 H Robinson on behalf of the owner L K Heng & T K Eng for proposed Change of Use of

Loft Area from Storage to Eating House, at No. 634 (Lot 406; D/P: 32640) Beaufort Street, Mount Lawley, and as shown on plans stamp-dated 8 November 2010, subject to the following conditions:

1. **WITHIN TWENTY-EIGHT (28) DAYS OF THE ISSUE DATE OF THIS 'APPROVAL TO COMMENCE DEVELOPMENT', 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 \$40,331 for the equivalent value of 13.01 car parking spaces, based on the cost of \$3,100 per bay as set out in the City's 2011/2012 Budget; OR**
  - 1.2 **lodge an appropriate assurance bond/bank guarantee of a value of \$40,331 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;

2. **All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Beaufort Street;**
3. **No street verge tree(s) shall be removed. The street verge tree(s) shall be retained and protected from any damage including unauthorized pruning;**
4. **The doors and windows and adjacent floor areas on the ground floor to Beaufort Street shall maintain an active and interactive relationship with this street;**
5. **The public floor area of the proposed eating house shall be limited to a maximum of 162.5 square metres. Any increase in floor space or change of use for the subject land shall require a separate Planning Approval to be applied to and obtained from the City;**
6. **All signage that does not comply with the City's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted to and approved by the City prior to the erection of the signage;**

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

7.1 **Refuse and Recycling Management Plan**

The Plan shall include details of refuse bin location, number of rubbish and recycling receptacles, vehicle access and manoeuvring.

Revised plans and details shall be submitted demonstrating a bin compound being provided in accordance with the City's Health Services Specifications:

**Commercial**

1 x 240 litre mobile garbage bin per unit, or per 200 square metres of floor space (collected weekly); and

1 x 240 litre mobile recycle bin per unit, or per 200 square metres of floor space (collected fortnightly); and

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

8.1 **Car Parking**

The car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the City."

Discussion ensued about the tabled Alternative Recommendation, particularly about Clause 1.

**ALTERNATIVE RECOMMENDATION:**

**Moved Cr Maier, Seconded Cr McGrath**

That the following Alternative Recommendation be adopted:

"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 H Robinson on behalf of the owner L K Heng & T K Eng for proposed Change of Use of Loft Area from Storage to Eating House, at No. 634 (Lot 406; D/P: 32640) Beaufort Street, Mount Lawley, and as shown on plans stamp-dated 8 November 2010, subject to the following conditions:

1. The Applicant being able to demonstrate continued access to at least 32 car bays behind Nos. 636-648 Beaufort Street, Mount Lawley;
2. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Beaufort Street;
3. No street verge tree(s) shall be removed. The street verge tree(s) shall be retained and protected from any damage including unauthorized pruning;
4. The doors and windows and adjacent floor areas on the ground floor to Beaufort Street shall maintain an active and interactive relationship with this street;

5. The public floor area of the proposed eating house shall be limited to a maximum of 162.5 square metres. Any increase in floor space or change of use for the subject land shall require a separate Planning Approval to be applied to and obtained from the City;
6. All signage that does not comply with the City's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted to and approved by the City prior to the erection of the signage;
7. **PRIOR TO THE ISSUE OF A BUILDING LICENCE**, the following shall be submitted to and approved by the City:

**7.1 Refuse and Recycling Management Plan**

The Plan shall include details of refuse bin location, number of rubbish and recycling receptacles, vehicle access and manoeuvring.

Revised plans and details shall be submitted demonstrating a bin compound being provided in accordance with the City's Health Services Specifications:

**Commercial**

1 x 240 litre mobile garbage bin per unit, or per 200 square metres of floor space (collected weekly); and  
1 x 240 litre mobile recycle bin per unit, or per 200 square metres of floor space (collected fortnightly); and

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

**8.1 Car Parking**

The car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the City."

Debate ensued.

The Director Development Services advised the Council that in his opinion there are doubts regarding the legality of the Alternative Recommendation, with the new Clause 1.

The Presiding Member, Mayor Nick Catania ruled that, further to the advice from the Director Development Services, he could not accept the Alternative Recommendation with the Clause 1 proposed by Cr Maier.

Debate ensued.

**PROCEDURAL MOTION**

**Moved Cr Maier, Seconded Cr McGrath**

That the ruling of the Presiding Member be disagreed with.

**PROCEDURAL MOTION PUT AND CARRIED (4-3)**

**For:** Cr Buckels, Cr Lake, Cr McGrath, Cr Maier

**Against:** Mayor Catania, Cr Farrell, Cr Harvey

**(Cr Burns and Cr Topelberg were on approved leave of absence.)**

Debate continued.

The Presiding Member, Mayor Nick Catania requested advice from the Chief Executive Officer on the preferred way to proceed with this matter.

The Chief Executive Officer advised that as the Alternative Recommendation was introduced just prior to the Council meeting and the Alternative Recommendation moved by Cr Maier is a significant change, he would need time to consider the legal implications of the Alternative Recommendation as proposed, as there has not been sufficient time to do so. He advised the Council to exercise caution in this matter because of the potential legal implications. He further advised as follows:

1. If the Council proceeds to determine the matter this evening and it is subsequently proven to be an invalid decision then that is what will appear in the Minutes (as per the City's Standing Orders).
2. That if the Director Development Services advice is correct and the Council are binding other people's properties which they have no legal right to do so, then that will invalidate the decision.
3. Once the Council has approved of a development application, it cannot legally rescind the decision.
4. If a person acts on the Council's decision and suffers a loss, if the Council's decision is subsequently found to be invalid, there is a potential to expose the City to litigation.

The Presiding Member, Mayor Nick Catania requested that it be recorded in the Minutes that he disagrees with the Alternative Recommendation as proposed by Cr Maier, because of the legal implications it may cause.

Debate ensued.

#### PROCEDURAL MOTION

Moved Cr McGrath, Seconded Cr Buckels

*That the item be DEFERRED for further information to be obtained regarding the legality of the proposed Alternative Recommendation.*

#### PROCEDURAL MOTION PUT AND CARRIED (5-2)

For: Mayor Catania, Cr Buckels, Cr Farrell, Cr Harvey, Cr McGrath  
Against: Cr Lake, Cr Maier

(Cr Burns and Cr Topelberg were on approved leave of absence.)

<b>Landowner:</b>	L K Heng & T K Eng
<b>Applicant:</b>	H Robinson
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): District Centre
<b>Existing Land Use:</b>	Eating House and Storage
<b>Use Class:</b>	Eating House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	341 square metres
<b>Access to Right of Way</b>	South side, 3 metres wide, sealed, Public

#### PURPOSE OF REPORT:

The proposal requires referral to the Council as the application proposes a car parking shortfall of more than five car parking bays.

**BACKGROUND:**

An application for a change of use from shop to eating house was approved under delegated authority from the Council on 14 September 2007. These approved plans indicate that the rear car park, that was previously established through Nos. 648-636 Beaufort Street, Mount Lawley be continued to extend through to No. 634 Beaufort Street. This meant that the existing easement lot, which is located at the rear of the subject property, which then provided vehicular access to Nos. 636-638 Beaufort Street, be closed. However, a condition was applied to this approval which states that at any time the owner of Nos. 636-638 Beaufort Street, would like to use this easement, this easement be reinstated and a total of 6 car bays be developed on No. 634 Beaufort Street. Therefore this condition essentially states that this site can accommodate 6 car bays.

A Building Licence was issued in accordance with the abovementioned change of use Planning Approval on 22 July 2009.

A Planning Application was submitted for a storage loft addition to the eating house and this was approved under delegated authority on 21 April 2010. This application did not result in any additional car parking bays as the loft is not considered as public floor area. Therefore the public floor remained at 70 square metres as per the Planning Approval granted on 14 September 2007.

On 23 September 2010, the City issued the Building Licence for the storage loft addition.

**DETAILS:**

The subject proposal involves changing the storage loft area to an eating house to provide additional public dining area for 'Planet Café'. The increase in public floor area results in additional car parking bays being required.

The existing approved public floor area is 70 square metres on the ground floor. The applicant proposes to increase the public floor area on the ground floor to 96.5 square metres and the public floor area for the first floor is proposed to be 66 square metres; the total public floor area is proposed to be 162.5 square metres.

**COMPLIANCE:**

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Plot Ratio:	N/A	N/A
<b>Officer Comments:</b>		
Noted – No variation.		

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

Consultation Submissions
Consultation is not required, in accordance with clause 12.1.3(h) of the City's Community Consultation Policy, which states that no notification or consultation is required for a development of a marginal complex nature or impact (category 3) that is not supportable by the City's Officers.

**Car Parking**

Given the large increase in floor area, this planning application results in a car parking shortfall of 13.01 car bays (refer to the table below).

Car Parking	
Car parking requirement (nearest whole number)	= 36 car bays
<ul style="list-style-type: none"> <li>Eating House – 1 bay per 4.5 square metres of public floor area</li> </ul> Public Floor Area = 162.5 square metres ( <b>requires 36.11 car bays</b> ) <b>Total car bays required = 36.11 car bays</b>	

Car Parking	
Apply the adjustment factors. <ul style="list-style-type: none"> <li>0.85 (within 400 metres of a bus stop)</li> <li>0.85 (within 400 metres of a public car parking place with in excess of 75 car parking spaces)</li> <li>0.90 (within a District Centre zone)</li> </ul>	(0.65025)  = 23.41 car bays
Minus the car parking provided on-site	6 car bays
Minus the approved on-site car parking shortfall.	4.4 car bays*
<b>Resultant shortfall</b>	<b>13.01 car bays</b>

\*14 September 2007 – The City under delegated authority from the Council conditionally approved an application for the change of use from shop to eating house. This was approved with a car parking shortfall of 0.25 car bays in addition to the existing shortfall of 4.15 car bays (total 4.4 car bays).

Other Implications	
<b>Legal/Policy</b>	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> 1.1 <i>Improve and maintain the natural and built environment and infrastructure</i> 1.1.2 <i>Enhance and maintain the character and heritage of the City."</i>
<b>Sustainability</b>	Nil.
<b>Financial/Budget</b>	Nil.

**COMMENTS:**

In regards to the subject car parking calculation, the applicant has advised that he does not agree with the City's calculation, as the four "Planet" sites, which are all separately owned, have a total of 32 car bays. The City's Officers acknowledge that the car parking area is joined together; however, this does not mean that the car parking for a change of use application can be calculated as a whole. If this was the case, the City would effectively be approving a car parking shortfall over lots which are not the subject of this application and applicant's ownership.

Notwithstanding the above, the City's Officers have calculated the car parking across all four lots to determine whether this would comply or not.

Car Parking	
Car parking requirement (nearest whole number)	= 90 car bays
<i>No. 634 Beaufort Street</i>	
<ul style="list-style-type: none"> <li>Eating House – 1 bay per 4.5 square metres of public floor area Public Floor Area = 162.5 square metres <b>(requires 36.11 car bays)</b></li> </ul>	
<i>No. 636-638 Beaufort Street</i>	
<ul style="list-style-type: none"> <li>Shop – 1 bay per 15 square metres of gross floor area Gross Floor Area = 188 square metres <b>(requires 12.53 car bays)</b></li> </ul>	
<i>No. 642-648 Beaufort Street</i>	
<ul style="list-style-type: none"> <li>Shop – 1 bay per 15 square metres of gross floor area Gross Floor Area = 593 square metres <b>(requires 39.53 car bays)</b></li> <li>Office (Radio Station) – 1 bay per 50 square metres of gross floor area Gross Floor Area = 100 square metres <b>(requires 2 car bays)</b></li> </ul>	
<b>Total car bays required = 90.17 car bays</b>	

<b>Car Parking</b>	
Apply the adjustment factors. <ul style="list-style-type: none"> <li>• 0.85 (within 400 metres of a bus stop)</li> <li>• 0.85 (within 400 metres of a public car parking place with in excess of 75 car parking spaces)</li> <li>• 0.90 (within a District Centre zone)</li> </ul>	(0.65025)  = 58.52 car bays
Minus the car parking provided on-site	32 car bays
Minus the approved on-site car parking shortfall.	27.34 car bays*
<b>Resultant surplus</b>	<b>0.82 car bays</b>

\*The approved car parking shortfalls for the sites are as follows:

*No. 634 Beaufort Street*

14 September 2007 – The City under delegated authority from the Council conditionally approved an application for the change of use from shop to eating house. This was approved with a car parking shortfall of 0.25 car bays in addition to the existing shortfall of 4.15 car bays (total 4.4 car bays).

*No. 636-638 Beaufort Street*

22 October 2002 – The Council at its Ordinary Meeting conditionally approved an application for proposed two-storey shop and office building. This was approved with a car parking shortfall of 5.63 car bays.

*No. 642-648 Beaufort Street*

27 August 2002 – The Council at its Ordinary Meeting conditionally approved an application for the change of use from bank to shop and office. This was approved with a car parking shortfall of 17.31 car bays.

*Total approved shortfalls = 27.34 car bays*

The City's Officers can consider an application that calculates the car parking over all four lots; however this is required to be bound by a legal agreement that is placed on all four certificates of title which effectively binds each lot and owner, in perpetuity, to the provision of car parking as detailed. Without such an agreement, the City would essentially be illegally approving development and restrictions, over other persons' land without their consent. It is noted that the applicant has advised the City, that the owners of the respective lots, would not be agreeable to enter into such a legal agreement.

Alternatively, the car parking can be calculated for No. 634 Beaufort Street only, however with a shortfall of 13.01 car bays, it would be at the Council's discretion whether or not a cash-in-lieu payment of \$40,331 is appropriate and required.

In light of the above, it is recommended that the Council refuse the application due to the significant shortfall of car parking that would result with this application.

**9.1.12 Leederville Town Centre Masterplan and Built Form Guidelines – Progress Report – Amendments**

<b>Ward:</b>	South	<b>Date:</b>	3 October 2011
<b>Precinct:</b>	Oxford Centre; P4	<b>File Ref:</b>	PLA0147
<b>Attachments:</b>	Nil		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	E Lebbos, Planning Officer (Strategic)		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

That the Council **APPROVES:**

1. Hames Sharley to complete amending the Leederville Town Centre Masterplan and Built Form Guidelines in line with the recommendations of the Independent Design Review Report and the Peer Review Workshop Report, as per their Project Brief;
2. On finalisation of the Leederville Town Centre Masterplan and Built Form Guidelines being amended, the City will utilise the Draft Structure Plan Preparation Guidelines recently released by the Minister for Planning, to prepare an Activity Centre Structure Plan (Structure Plan) using the City's 'in-house' resources as the most cost effective approach to meeting the requirements of State Planning Policy 4.2 (SPP 4.2), relating to Activity Centres for Perth and Peel; and
3. The revised Indicative Timeline, as shown in this report.

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**Moved Cr Lake, Seconded Cr Buckels**

That the recommendation be adopted.

Debate ensued.

**AMENDMENT NO 1**

**Moved Cr Lake, Seconded Cr McGrath**

That a new clause 1.1 be inserted as follows:

“That the Council **APPROVES:**

1. Hames Sharley to complete amending the Leederville Town Centre Masterplan and Built Form Guidelines in line with the recommendations of the Independent Design Review Report and the Peer Review Workshop Report, as per their Project Brief, including the following:
  - 1.1 The Leederville Town Centre Masterplan and Built Form Guidelines being amended to remove the connection through the existing property between Oxford Street and The Avenue Car Park from any drawings and plans, and that the text be amended to state that a ‘pedestrian connection from Oxford Street would be desirable’;”

Debate ensued.

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

(Cr Burns and Cr Topelberg were on approved leave of absence.)

Debate ensued.

**AMENDMENT NO 2**

**Moved Cr Buckels, Seconded Cr McGrath**

That a new clause 4 be inserted as follows:

- “4. The Chief Executive Officer be requested to prepare a project plan and budget for further consideration by the Council for ‘in-house’ preparation of the Structure Plan, detailing the use of in-house and external resources.”

Debate ensued.

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

(Cr Burns and Cr Topelberg were on approved leave of absence.)

**MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (7-0)**

(Cr Burns and Cr Topelberg were on approved leave of absence.)

**COUNCIL DECISION ITEM 9.1.12**

That the Council **APPROVES**:

1. Hames Sharley to complete amending the Leederville Town Centre Masterplan and Built Form Guidelines in line with the recommendations of the Independent Design Review Report and the Peer Review Workshop Report, as per their Project Brief, including the following:
    - 1.1 The Leederville Town Centre Masterplan and Built Form Guidelines being amended to remove the connection through the existing property between Oxford Street and The Avenue Car Park from any drawings and plans, and that the text be amended to state that a ‘pedestrian connection from Oxford Street would be desirable’;
  2. On finalisation of the Leederville Town Centre Masterplan and Built Form Guidelines being amended, the City will utilise the Draft Structure Plan Preparation Guidelines recently released by the Minister for Planning, to prepare an Activity Centre Structure Plan (Structure Plan) using the City’s ‘in-house’ resources as the most cost effective approach to meeting the requirements of State Planning Policy 4.2 (SPP 4.2), relating to Activity Centres for Perth and Peel;
  3. The revised Indicative Timeline, as shown in this report; and
  4. The Chief Executive Officer be requested to prepare a project plan and budget for further consideration by the Council for ‘in-house’ preparation of the Structure Plan, detailing the use of in-house and external resources.
- 

**PURPOSE OF REPORT:**

The purpose of this report is to seek the Council’s approval for consultants Hames Sharley to continue to amend the Leederville Town Centre Masterplan and Built Form Guidelines in line with the recommendations of the Independent Design Review Report and Peer Review Workshop Report, and to investigate the opportunity for the City’s Officers to prepare a Structure Plan ‘in-house’.

**BACKGROUND:**

- 16 March 2009 At its Special Meeting, the Council adopted the Leederville Town Centre Masterplan Built Form Guidelines with amendments.
- 23 February 2010 The Council considered a Progress Report relating to the Leederville Masterplan. At this meeting, the final amended version of the Leederville Town Centre Masterplan Built Form Guidelines were adopted by the Council and have become known as Appendix 19 to the City's Planning and Building Policy Manual.
- 28 September 2010 The Council considered a Progress Report on the Leederville Masterplan, and resolved in part to defer the matter regarding amending the Leederville Town Centre Masterplan and Built Form Guidelines and advertising the amended document, in order to conduct a Peer Review and a Stakeholder Workshop. The Council also resolved to enter into a joint study with the Town of Cambridge in relation to the Leederville Station Link.
- 21 December 2010 The Council resolved to appoint Mackay Urbandesign as the preferred consultants to undertake the Independent Design Review of the Leederville Town Centre Masterplan and Built Form Guidelines, and Estill and Associates as the preferred facilitator to undertake the Peer Review Workshop.
- 19 April 2011 The Council resolved to endorse the Independent Design Review Report and Peer Review Workshop Report. Furthermore, they resolved to call for quotations for the appointment of a consultant to amend the Leederville Town Centre Masterplan and Built Form Guidelines in line with the recommendations of both Reports, and for the appointed consultant to meet with the Council Members to decide on those items identified by the Independent Design Review and Peer Review for amending the Leederville Town Centre Masterplan and Built Form Guidelines.
- 13 July 2011 The Executive Management Team approved Hames Sharley as the preferred consultant to undertake amendments to the Leederville Town Centre Masterplan and Built Form Guidelines.
- 20 September 2011 Consultants Hames Sharley presented at the Council Member Forum regarding the two options available to the Council to amend the Leederville Town Centre Masterplan and Built Form Guidelines. The Director Development Services advised the Council that the City's Officers will report to the Council, in order to seek their approval on the preferred option for amending the document.
- 23 September 2011 In an email correspondence to the Western Australian Planning Commission/Department of Planning, the City's Officers sought in-principle support for the proposed way forward, that being for Hames Sharley to continue amending the Leederville Town Centre Masterplan and Built Form Guidelines in line with their Project Brief, following which the City's Officers will prepare a Structure Plan 'in-house'.
- 27 September 2011 The City received email correspondence from the Western Australian Planning Commission/Department of Planning, supporting the City's approach for the proposed way forward, that being for Hames Sharley to continue amending the Leederville Town Centre Masterplan and Built Form Guidelines in line with their Project Brief, following which the City's Officers will prepare a Structure Plan 'in-house'.

**DETAILS:**

The City of Vincent's Leederville Town Centre Masterplan and Built Form Guidelines were adopted by the Council at its Special Meeting held on 16 March 2009. To further progress the Leederville Masterplan however, the Council, at its Ordinary Meeting held on 12 October 2010, resolved to undertake an Independent Design Review and Peer Review of the Leederville Town Centre Masterplan and Built Form Guidelines, in order to determine whether the key objectives of the Guidelines are in keeping with, and continue to facilitate the City's vision for, the Leederville Masterplan area.

The Independent Design Review was undertaken by Mackay Urbandesign, and reviewed the existing Leederville Town Centre Masterplan and Built Form Guidelines against the objectives which were set for the project and other current Planning Principles.

The Peer Review Workshop, facilitated by Estill and Associates, was held at the City's Administration and Civic Centre on 24 February 2011, and involved interested persons/organisations providing comment on the existing Leederville Town Centre Masterplan and Built Form Guidelines, particularly in relation to the practicality of the document.

Both of the ensuing Reports from the Independent Design Review and the Peer Review Workshop were adopted by the Council at its Ordinary Meeting held on 19 April 2011. At that Meeting, the Council also resolved to call for quotations for the appointment of a consultant to amend the Leederville Town Centre Masterplan and Built Form Guidelines in line with the recommendations of both Reports.

Hames Sharley were selected as the preferred consultants to undertake the amendments to the document. Whilst undertaking background research into relevant local and State Government policies and strategies, and over the course of several meeting with the City's Officers, the importance of preparing a Structure Plan for Leederville in line with the requirements of SPP 4.2 was identified.

SPP 4.2, gazetted in August 2010, establishes an Activity Centre Hierarchy for the Perth and Peel Metropolitan Region and describes the intended functions and typical characteristics for each level of that hierarchy. SPP 4.2 identifies Leederville as a Secondary Centre. Given this status, it is necessary to prepare an Activity Centre Structure Plan for the area, as stipulated in clause 6.4 (1) of SPP 4.2, and for the Structure Plan to be endorsed by the Western Australian Planning Commission.

In light of the above, and the fact that the Council had resolved at its Ordinary Meeting held on 19 April 2011, for the consultants to meet with the Council Members to decide on those items identified by the Independent Design Review and Peer Review for amending the Leederville Town Centre Masterplan and Built Form Guidelines, Hames Sharley presented their findings to date at the Council Member Forum held on 20 September 2011.

As part of their presentation, Hames Sharley outlined the rationale as to why the City should proceed with the preparation of a Structure Plan for Leederville as follows:

- Ensure compliance with the SPP 4.2;
- Investigate economic drivers and how to improve business prospects;
- Examine number and profile of residents;
- Facilitate the right form of new development;
- Provide integrated transport solutions;
- Ensure the appropriate provision of public open space;
- Enshrine Leederville's role in Perth as one of the most vibrant destinations;
- It will be a single unified document, which will be easier to manage and understand;
- A Structure Plan has higher priority/control than a masterplan and guidelines; and
- In the absence of a Western Australian Planning Commission approved Structure Plan, a developer may prepare a Structure Plan independently of the City, which may ultimately look out for the interests of the developer as opposed to the general community (which a Structure Plan prepared by the Council will do).

Whilst the City's Officers recognise the requirement for a Structure Plan to be prepared for Leederville, it is noted that significant work has been undertaken to date in terms of various traffic, economic and urban design studies and plans that sufficiently address the scope of requirements for a Structure Plan. These include:

- Leederville Masterplan Traffic and Services Report, 25 March 2008;
- Leederville Masterplan Integrated Transport Study, 14 October 2008;
- Leederville Station Precinct Study, 14 October 2008;
- Carr Place Precinct Study, 14 October 2008;
- Economic Development Strategy 2005-2010;
- Economic Development Strategy 2011-2016;
- Peer Review of the Draft Town Planning Scheme No. 2, and Draft Local Planning Strategy 2011 – Additional Economic Analysis;
- Sustainable Design Policy No. 3.5.10; and
- Sustainable Environment Strategy 2001-2016.

Furthermore, due to the indicative costs provided by the consultants in preparing a Structure Plan (outlined in the Financial/Budget Implications Section below), and due to the fact that this is considered to be outside the scope of their Project Brief, at this point in time, it is recommended that the consultants continue to undertake amendments to the Leederville Town Centre Masterplan and Built Form Guidelines in line with the recommendations of the Independent Design Review and Peer Review Workshop, as per their Project Brief.

### **Impact on Project Timeline**

Although it was initially anticipated that these amendments would be completed by the end of October 2011, within the twelve (12) weeks completion timeframe as stipulated in the Project Brief, due to the additional investigations that have been undertaken into the preparation of an Activity Centre Structure Plan, it is envisaged that the completion timeframe may now be extended by an additional month, therefore prolonging the completion date until end of November 2011.

In an email to the Department of Planning, dated 23 September 2011, the City's Officers sought in-principle support regarding the proposed way forward, that being for Hames Sharley to complete amending the document in line with their Project Brief, following which the City's Officers will prepare a Structure Plan 'in-house' as the most cost effective approach to meeting the requirements of SPP 4.2. The City received the following advice from the Department of Planning regarding this matter, in an email dated 27 September 2011:

*'In relation to the recommendations and budget restrictions, it would seem appropriate to finalise the Town Centre Masterplan and Built Form Guidelines to guide urban design while an activity centre structure plan is prepared. However, these should be in line with the requirements of SPP 4.2 Appendix 2 Model centre framework. Also, it would be desirable if these were incorporated into an activity centre structure plan when this is being prepared.'*

Should the option for the development of a Structure Plan 'in-house' be pursued, then it is envisaged that this could be finalised by no later than July/August 2012. It is noted that the preparation of an Activity Centre Structure Plan is a lengthy process (as outlined below), following which the document is required to be endorsed by the Western Australian Planning Commission. More specifically, a Structure Plan should generally consist of the following sections:

- Cover page;
- Endorsement page;
- Table of modifications;
- Executive summary;
- Table of contents;
- Part One – Statutory section (under which the following information is required);
  - Structure plan area;
  - Structure plan content;

- Interpretations and use class permissibility;
- Operation date;
- Relationship to the local planning scheme;
- Residential density;
- General subdivision and development requirements;
- Detailed area plan requirements;
- Variations to the Residential Design Codes; and
- Operation and implementation;
- Part Two – Explanatory information (under which the following information is required);
  - Centre context;
  - Movement;
  - Activity;
  - Urban form;
  - Resource conservation; and
  - Implementation; and
- Technical appendices.

Draft Structure Plan Preparation Guidelines

The Minister for Planning has recently released for public comment the new Draft Structure Plan Preparation Guidelines to provide a more streamlined approach to structure planning for land use and urban development issues. The Draft Guidelines have been prepared to standardise the format and content of Structure Plans, reduce and standardise terminology and hierarchy of Structure Plans, and provide assistance and guidance on the format and content of Structure Plans.

It is envisaged that these Guidelines will provide significant assistance and guidance to the City's Officers in preparing a Structure Plan for Leederville 'in-house', if this option is pursued.

**Revised Indicative Timeline**

STAGES	INDICATIVE DATES
<b>Stage 5 – Disposal of Land (Expression of Interest (EOI) and Tender Process)</b>	
<ul style="list-style-type: none"> <li>▪ Receiving of three DPI Studies;               <ul style="list-style-type: none"> <li>▪ Carr Place Precinct Study</li> <li>▪ Leederville Station Precinct Study</li> <li>▪ Integrated Public Transport and Access Study</li> </ul> </li> </ul>	<b>Completed</b> October 2008
<ul style="list-style-type: none"> <li>▪ Advertise 3 DPI Studies, Draft Built-Form Guidelines, and the Traffic and Service Report.</li> <li>▪ Community Workshop</li> </ul>	<b>Completed</b> November 2008  <b>Completed</b> November 2008
<ul style="list-style-type: none"> <li>▪ Report to a Council Forum on the findings of the Community Consultation submission concerning the Leederville Masterplan Integrated Transport Study, Leederville Station Precinct Study, Carr Place Precinct Study and design options for YMCA Headquarters</li> </ul>	<b>Completed</b> February 2009
<ul style="list-style-type: none"> <li>▪ Report to Council on the findings of the Community Consultation submission concerning the Leederville Masterplan Integrated Transport Study, Leederville Station Precinct Study, Carr Place Precinct Study and design options for YMCA Headquarters</li> </ul>	<b>Completed</b> February 2009
<ul style="list-style-type: none"> <li>▪ Special Meeting of Council to defer project for 12 months due to Global Financial Crisis</li> </ul>	<b>Completed</b> 16 March 2009

STAGES	INDICATIVE DATES
<ul style="list-style-type: none"> <li>▪ Approval of Built-Form Guidelines</li> </ul>	<p><b>Completed</b> 16 March 2010</p>
<ul style="list-style-type: none"> <li>▪ Presentation to Confidential Forum</li> </ul>	<p><b>Completed</b> 6 September 2010</p>
<ul style="list-style-type: none"> <li>▪ Council Decision to proceed with Stage 1 <b>or</b> amend Built Form Guidelines</li> <li>▪ To allow for Hotel/Serviced Apartment/Office Building</li> <li>▪ To determine land details and Public Access Way</li> </ul>	<p>28 September 2010 Deferred</p>
<ul style="list-style-type: none"> <li>▪ Call quotations for suitably qualified consultants who demonstrate experience with a variety of large and small scale urban design and master planning projects, to carry out an Independent Design Review of the Leederville Masterplan.</li> </ul>	<p><del>October– November 2010</del> <b>Completed</b> <u>December 2011</u></p>
<ul style="list-style-type: none"> <li>▪ Call quotations for suitably qualified facilitator who demonstrates experience with urban design and master planning matters, to carry out Workshop for the Leederville Masterplan</li> </ul>	<p><del>October– November 2010</del> <b>Completed</b> <u>December 2011</u></p>
<ul style="list-style-type: none"> <li>▪ <del>Formation of a Working Group</del></li> </ul>	<p><del>November 2010</del></p>
<ul style="list-style-type: none"> <li>▪ Report to Council with a recommended consultant to carry out the Independent Design Review of the Leederville Masterplan and the recommended facilitator to undertake the separate Workshop.</li> </ul>	<p><del>23 November 2010</del> <b>Completed</b> <u>December 2011</u></p>
<ul style="list-style-type: none"> <li>▪ Workshop for the Leederville Masterplan to be undertaken.</li> </ul>	<p><b>Completed</b> February 2011</p>
<ul style="list-style-type: none"> <li>▪ Independent Design Review Consultants, to prepare a report which assesses how the Objectives of the Leederville Masterplan have been met by the Leederville Masterplan and related Design Guidelines, the Water Corporation's proposed mixed use development, the Town of Cambridge's West Leederville Masterplan, and the Town of Vincent's West Perth Regeneration Masterplan.</li> </ul>	<p><b>Completed</b> <del>February</del> <u>March 2011</u></p>
<ul style="list-style-type: none"> <li>▪ Workshop Facilitator to prepare a report outlining points raised during workshop.</li> </ul>	<p><b>Completed</b> <del>February</del> <u>April 2011</u></p>
<ul style="list-style-type: none"> <li>▪ Report to Council regarding the findings of:                             <ul style="list-style-type: none"> <li>▪ the Independent Design Review; and</li> <li>▪ Workshop findings.</li> </ul> </li> </ul>	<p><del>March</del> <u>April 2011</u></p>
<ul style="list-style-type: none"> <li>▪ <u>Call quotations for suitably qualified consultant to undertake amendments to the Leederville Town Centre Masterplan and Built Form Guidelines in line with the recommendations of the Independent Design Review and Peer Review Workshop</u></li> </ul>	<p><b>Completed</b> <u>May 2011</u></p>
<ul style="list-style-type: none"> <li>▪ <u>Selection of consultant and initiation of project to amend the Leederville Town Centre Masterplan and Built Form Guidelines in line with the recommendations of the Independent Design Review and Peer Review Workshop.</u></li> </ul>	<p><b>Completed</b> <u>August 2011</u></p>
<ul style="list-style-type: none"> <li>▪ <u>Consultants presented at the Council Member Forum held on 20 September 2011, providing an update on amending the Leederville Town Centre Masterplan and Built Form Guidelines.</u></li> </ul>	<p><b>Completed</b> <u>September 2011</u></p>

STAGES	INDICATIVE DATES
<ul style="list-style-type: none"> <li>▪ <u>Finalisation of consultant amending the Leederville Town Centre Masterplan and Built Form Guidelines in line with the recommendations of the Independent Design Review and Peer Review Workshop.</u></li> </ul>	<p><u>November 2011</u></p>
<ul style="list-style-type: none"> <li>▪ <u>Incorporate the Leederville Town Centre Masterplan and Built Form Guidelines into an Activity Centre Structure Plan, in order to meet the requirements of State Planning Policy 4.2, relating to Activity Centres for Perth and Peel.</u></li> </ul>	<p><u>December 2011 – June 2012</u></p>
<ul style="list-style-type: none"> <li>▪ Preparation of EOI Documentation for <b>1<sup>st</sup> Stage</b> (West of Oxford Street)</li> <li>▪ Report to Council to approve EOI document and changes to Built Form Guidelines</li> </ul>	<p><u>April – July 2011</u> <u>July – October 2012</u> <u>July 2011</u> <u>October 2012</u></p>
<ul style="list-style-type: none"> <li>▪ Advertise EOI (6 week process)</li> </ul>	<p><u>August 2011</u> <u>November 2012</u></p>
<ul style="list-style-type: none"> <li>▪ Evaluation of EOIs (Design, Financial, Objectives)</li> </ul>	<p><u>September 2011</u> <u>December 2012</u></p>
<ul style="list-style-type: none"> <li>▪ Preparation of Request for Tender Documents</li> </ul>	<p><u>November 2011</u> <u>January 2013</u></p>
<ul style="list-style-type: none"> <li>▪ Council Approval of Request for Tender Documents</li> </ul>	<p><u>December 2011</u> <u>February 2013</u></p>
<ul style="list-style-type: none"> <li>▪ Advertise Request for Tender (12 weeks)</li> </ul>	<p><u>February – April 2012</u> <u>March – May 2013</u></p>
<ul style="list-style-type: none"> <li>▪ Evaluation of Tenders</li> </ul>	<p><u>May – June 2012</u> <u>June – July 2013</u></p>
<ul style="list-style-type: none"> <li>▪ Council Approval of Tenderer(s) (or JV Partners)</li> </ul>	<p><u>July 2012</u> <u>August 2013</u></p>
<ul style="list-style-type: none"> <li>▪ Preparation of Documentation</li> </ul>	<p><u>August – December 2012</u> <u>September 2013 – January 2014</u></p>
<ul style="list-style-type: none"> <li>▪ Preparation of Business Plan for Major Land Transaction</li> </ul>	<p><u>January – February 2013</u> <u>February – March 2014</u></p>
<ul style="list-style-type: none"> <li>▪ Council Approval of Business Plan Documents</li> </ul>	<p><u>March 2013</u> <u>April 2014</u></p>
<ul style="list-style-type: none"> <li>▪ Advertise Business Plan/Major Land Transaction (6 weeks)</li> </ul>	<p><u>March – April 2013</u> <u>April – May 2014</u></p>
<ul style="list-style-type: none"> <li>▪ Consideration of Business Plan Submissions</li> </ul>	<p><u>April 2013</u> <u>May 2014</u></p>
<ul style="list-style-type: none"> <li>▪ Council Decision of Major Land Transaction Business Plan to proceed (or discontinue with Major Land Transaction) (Council decision to proceed to Design/Implementation Stage)</li> </ul>	<p><u>May 2013</u> <u>June 2014</u></p>

STAGES	INDICATIVE DATES
<p><b>Stage 6 – Preparation of Design Plans and Subdivision</b></p> <ul style="list-style-type: none"> <li>▪ Detailed Public Realm Design</li> <li>▪ Preparation of Design Guidelines/<u>Detailed Area Plans</u></li> <li>▪ Preparation of Detailed Civil Design</li> <li>▪ Preparation of Landscape Plan – Themes</li> <li>▪ Preparation of Subdivision Documentation</li> <li>▪ Presentation to Council for Approval of above</li> </ul>	<p><b>June – December 2013</b></p> <p><b><u>July 2014 – January 2015</u></b></p>
<p><b>Stage 7 – Development/Implementation - Stage 1 Land</b></p> <ul style="list-style-type: none"> <li>▪ Implementation/Construction</li> </ul>	<p><b>January 2014 – June 2018</b></p> <p><b><u>February 2015 – July 2019</u></b></p>
<p><b>Stage 8 – Development of Stage 2 Land (land east of Oxford Street)</b></p>	<p><b>To be advised</b></p>

**CONSULTATION/ADVERTISING:**

Once consultants Hames Sharley have amended the Leederville Town Centre Masterplan and Built Form Guidelines in line with the recommendations outlined in the Independent Design Review Report and the Peer Review Workshop Report, then the amended document will be advertised for public comment for a period of twenty-eight (28) days, inviting written submissions from the public (adopted as a Planning Policy pursuant to the City's Town Planning Scheme No. 1).

**LEGAL/POLICY:**

- Town Planning Scheme No. 1 and Associated Policies;
- State Planning Policy 4.2 relating to Activity Centres for Perth and Peel; and'
- Draft Structure Plan Preparation Guidelines.

**RISK MANAGEMENT IMPLICATIONS:**

Not applicable.

**STRATEGIC IMPLICATIONS:**

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

*"Economic Development:*

- Objective 2.1: Progress economic development with adequate financial resources.*
- 2.1.1 Promote business development and the City of Vincent as a place for investment appropriate to the vision for the City.*
  - 2.1.2 Develop and promote partnerships and alliances with key stakeholders.*
  - 2.1.4 Implement the Leederville Masterplan and West Perth Regeneration Project."*

**SUSTAINABILITY IMPLICATIONS:**

It is considered that the Leederville Town Centre Masterplan and Built Form Guidelines will direct future development to occur in a manner that meets the community's changing needs through the provision of a range of housing types and employment choices consistent with transit-oriented design principles and Green Building design.

**FINANCIAL/BUDGET IMPLICATIONS:**

The 2011/2012 Budget contains an amount of \$74,000 for the Leederville Masterplan – Consultants Fees.

Given the range and complexity of recommendations outlined in the Independent Design Review and Peer Review Workshop, the process of amending the Leederville Town Centre Masterplan and Built Form Guidelines was outsourced to consultants Hames Sharley, at a cost of \$64,350.

Further to this however, it was identified that in addition to implementing the recommendations of the Independent Design Review Report and Peer Review Workshop Report, which was the extent of the Project Brief, it is necessary to develop a Structure Plan for Leederville. Hames Sharley provided the City with an indicative cost in the region of \$100,000 - \$200,000 to undertake this work.

Because the 2011/2012 Budget for Leederville does not contain the necessary funds for Hames Sharley to prepare a Structure Plan for Leederville, it is considered appropriate at this stage for the consultants to only amend the Leederville Town Centre Masterplan and Built Form Guidelines in line with their Project Brief. These documents, as well as the various traffic, economic and urban design studies and plans will form the basis and address the scope of requirements for the preparation of a Structure Plan.

**COMMENTS:**

In light of the above, it is recommended that the Council endorse the Officer Recommendation for consultants Hames Sharley to continue to amend the Leederville Town Centre Masterplan and Built Form Guidelines in line with the recommendations of the Independent Design Review Report and Peer Review Workshop Report, in accordance with their Project Brief, and on finalisation of this, for the City's Officers to investigate the opportunity to prepare a Structure Plan 'in-house' as the most cost effective approach to meeting the requirements of SPP 4.2.

**9.2.1 Chatsworth Road, Highgate – Proposed Safety/Amenity Improvements**

<b>Ward:</b>	South	<b>Date:</b>	25 September 2011
<b>Precinct:</b>	Mount Lawley Centre (11)	<b>File Ref:</b>	TES0213
<b>Attachments:</b>	<a href="#">001</a> – Plan 2873-CP-01		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	R Lotznicker, Director Technical Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council:

1. **APPROVES BY AN ABSOLUTE MAJORITY to reallocate \$7,500 from the 2011/2012 Road Maintenance budget to undertake much needed safety/amenity Improvements at the south/east side of Chatsworth Road in Highgate, near Beaufort Street as shown on attached Plan No. 2873-CP-01; and**
2. **APPROVES of a 15 minute parking restriction, at all times, to be applied to the two (2) proposed embayed parking bays; and**

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**COUNCIL DECISION ITEM 9.2.1**

**Moved Cr Buckels, Seconded Cr Maier**

That the recommendation be adopted.

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

(Cr Burns and Cr Topelberg were on approved leave of absence.)

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**PURPOSE OF REPORT:**

The purpose of this report is to request the Council to approve undertaking amenity/safety improvements at the eastern end of Chatsworth Road in Highgate, near Beaufort Street.

**BACKGROUND:**

Vehicles continue to park (short term) on the vacant block and the verge/footpath area on the south side of Chatsworth Road near Beaufort Street in Highgate.

This report deals with a recommended way forward to improve safety and the streetscape amenity at this location.

**DETAILS:**

There is an existing shop at eastern end of Chatsworth Road near Beaufort Street. There is 90 degree angle parking adjacent to the flower shop, on the north side of Chatsworth Road, with a no stopping restriction on the south side of the street.

Due to the popularity of the flower shop, vehicles come and go often and parking can, at times be chaotic with parking occurring both on the verge on the south side of the street and on the vacant block next to the verge area.

This practice has resulted in the following: (refer photos below)

- A severe drop off between the new footpath and the vacant block.
- Damage to the brick paved footpath on Beaufort Street.
- Sand spreading.



There is a severe drop from the back of the footpath to the vacant block.



There is a trip hazard (and kerb damage) caused by vehicles continually parking on the verge.



Vehicles are accessing the vacant block from Beaufort Street causing damage to the brick paved footpath.



Vehicles parking on the verge and accessing the vacant block across the footpath are creating a slip hazard.

#### Proposed Solution

There is scope to create two (2) embayed, parallel parking bays, between the existing trees on the south side of the street. This will formalise the parking and address the hazardous issues outlined above. It is recommended that the two parking bays be 15 mins (similar to the bays in the angled parking area).

The remainder of the verge can be mulched with timber bollards installed to stop motorists parking illegally.

It is also recommended that the owner be requested to install a temporary fence on the perimeter of the vacant block and in the interim that the City erect some temporary bunting to ensure vehicles cannot gain access to the block to ensure no further damage occurs to the City's infrastructure. The owner of No. 471 Beaufort Street, Highgate has been requested to erect a suitable temporary fence on the perimeter of the allotment, within 28 days of being notified, to stop the illegal parking which currently occurs. The attached plan outlines the proposal.

**CONSULTATION/ADVERTISING:**

The owner of the vacant block will be requested to install a temporary fence and advise of the Council proposed action/s to address the current issues at this location.

**LEGAL/POLICY:**

There is no legal consequence of the recommendation.

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

**RISK MANAGEMENT IMPLICATIONS:**

**High:** There is a high risk of someone injuring themselves i.e. either slipping on the loose sand and tripping on the kerb or on the footpath edge. The City has a "Duty of Care" to take action to remedy the safety concern, as soon as is practicable.

**STRATEGIC IMPLICATIONS:**

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

*"Natural and Built Environment"*

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

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

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The proposal is estimated to cost in the order of \$7,500 and can be funded from the Road Maintenance and Footpath maintenance budget.

**COMMENTS:**

As mentioned above a safety issue has presented itself at the location mentioned in the report and it is incumbent on the City to ensure that any identified hazards are rectified.

It is therefore recommended that the remedial actions as proposed be supported.

**9.2.3 Walter's Brook – Proposed 'Draft' Concept Plan – Progress Report No. 1**

<b>Ward:</b>	South Ward	<b>Date:</b>	30 September 2011
<b>Precinct:</b>	Banks (15)	<b>File Ref:</b>	RES0008
<b>Attachments:</b>	001 – Concept Design Figures		
<b>Tabled Items:</b>	Walter's Brook Conceptual Restoration Plan		
<b>Reporting Officers:</b>	C Chaudhry, Project Officer – Environment J van den Bok, Manager Parks R Lotznicker, Director Technical Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

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

Moved Cr Maier, Seconded Cr McGrath

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

That clause 3 be amended to read as follows:

- "3. **ADVERTISES** the 'Draft' Walter's Brook Concept Plan' and seeks comments from residents, the Banks Precinct Group, Swan River Trust, ~~and~~ the Water Corporation and indigenous community; and"

**MOTION PUT AND CARRIED UNANIMOUSLY (7-0)**

(Cr Burns and Cr Topelberg were on approved leave of absence.)

**COUNCIL DECISION ITEM 9.2.3**

That the Council;

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

**PURPOSE OF REPORT:**

The purpose of this report is to outline a Concept Plan for the restoration and remediation of Walter's Brook in Banks Reserve.

**BACKGROUND:**

The Banks Precinct Group and the local community have, for a number of years now, been expressing their desire to have Walter's Brook improved.

As a result funds were allocated in the 2011/2012 budget to progress the matter.

**DETAILS:**

**Water Corporation Main Drain:**

Walters Brook forms part of the Water Corporation's Mount Lawley Main Drain. The Main Drain comprises predominantly, a piped drainage network terminating with a short section of open drain (Walters Brook), prior to discharging into the Swan River.

**Issues:**

The following issues have been identified in relation to the brook.

- It is suffering from significant bank erosion that will worsen if not rectified by stabilisation structures.
- The depth and slope of the banks poses a safety risk to members of the public and their pets.
- The Water Corporation boards supporting the sides of the banks have all but disappeared due to the erosive water force.
- That the water entering the Swan River via the brook is high in nutrients and could be reduced by creating a natural sedge and rush land sink.
- The banks of the brook are void of any native riparian flora except near the mouth.
- The brook has a high ecological value of native fish and macro invertebrates moving in and out of the brook under tidal influences from the Swan River and could potentially be a freshwater breeding habitat.
- The bridge crossing the brook at the mouth to the Swan River has become undermined by a *Ficus carica* and requires repairs.

**Engagement of Consultant:**

Golder and Associates were engaged to prepare a proposal for undertaking improvement to the brook.

During this process the following groups were consulted:

- The Claise Brook Catchment Group
- Banks Precinct Group
- Reconciliation Group

As a result of the consultation and site investigations the consultant prepared a 'Draft Walter's Brook Concept Plan'.

**Walter's Brook 'Draft' Concept Plan' (Refer attached figures 2, 3, 4 and 5, and tabled item)**

The following have been incorporated in the concept plan.

### Design and Structure of the Brook

- The mid section of the brook will be widened by removing the embankments along the inside bend.
- The sections where embankments have gentle graded inclines will be retained to help minimise further erosion.
- The steep embankments either side of the stream will be graded to achieve gradually slopes.

### Stabilisation

- All remaining erosion preventions structures (prior 2011) will be removed.
- Widening and straightening the channel will occur as required.
- Soft geotechnical structures such as gabion baskets and walls will be established to minimise bank erosion and replace the existing erosion prevention structures.
- Areas of significant bank erosion downstream from the bridge will have several tiers of gabion walls established.
- The remaining embankment sections located between the drain and culvert will be gently graded to obviate the requirement for gabion baskets.

### Revegetation

Plant establishment would occur across the riparian zone of Walter's Brook. This is envisaged to occur across the saturated parts of the embankments and within the gabion baskets to provide both habitat and aesthetic values. The shrubs, grasses, sedges, rushes and trees will be of native South West WA origin.

### Access

An issue raised in the consultation phase was the requirement for public access to the brook. As a result the Concept Plan suggests that:

- Four (4) points along the brook be open to access where the banks have been graded to form a gentle slope.
- A new pedestrian foot path (alongside the brook) be built to provide pedestrians an alternative access to the existing river pathway that parallels the Swan River.
- A new foot bridge across the mid section of Walter's Brook be constructed.
- A lookout board walk overhanging the northern banks as a place of "reflection" be constructed.

### Place of Reconciliation

Walter's Brook is considered a place of reconciliation and has significant cultural value. It is envisaged that in addition to the restorative works that;

- Installation of interpretative signage both western and indigenous be erected on the banks of Walter's Brook.
- Features Indigenous public art works be submitted by potential candidates to be located within Walter's Brook to promote reconciliation between indigenous and non indigenous people.
- Involvement of Indigenous and non-indigenous people in the re-vegetation components of the project.

### Limitations

The presence of a High Pressure gas main will limit the Walter's Brook Concept Plan. The gas main location on the northern side of Walter's Brook is likely to influence the channel final design. This will constrain channel earthworks due to the profile depth issues. The existence of the gas main has prevented the inclusion of establishing wetland ponds adjacent to the main channel.

**CONSULTATION/ADVERTISING:**

The Concept Plan will be advertised. Comments will be sought from residents, the Precinct Group, Swan River Trust, Water Corporation.

**LEGAL/POLICY:**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS:**

**High:** If action is not taken to repair Walter's Brook the erosion currently occurring will worsen destabilising the channel. This affects users of the brook, possible damage to the underground gas main and adjacent playground. The brook could change direction (during a severe storm event) and 'possibly' undermine the Banks Pavilion and the bridge over the brook.

**STRATEGIC IMPLICATIONS:**

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

*"Natural and Built Environment*

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

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

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

**SUSTAINABILITY IMPLICATIONS:**

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

**FINANCIAL/BUDGET IMPLICATIONS:**

There are limited funds in the 2011/2012 budget for the implementation of any works. The funds allocated i.e. \$15,000, are for investigation and preparation of concept plans

The City has submitted a funding application to the State Natural Resource Management (NRM) Office for a Community Grant of \$45,000 to partially offset the cost of restorative works. The outcome of the grant application will be announced early in 2012.

The estimated costs for the restoration of the brook, based on the concept plan, are \$250,000.

**COMMENTS:**

It is recommended that the Council approves in principle the draft Concept Plan for the restoration of the Walters Brook and seek comments from the community, the Precinct Group, Swan River Trust and Water Corporation prior to further considering this matter.

**9.3.2 Community Garden – Progress Report No. 1**

<b>Ward:</b>	Both	<b>Date:</b>	30 September 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	CMS0123
<b>Attachments:</b>	<a href="#">001</a> – Workshops Summary		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	J Anthony, Manager Community Development		
<b>Responsible Officer:</b>	M Rootsey, Director Corporate Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **RECEIVES** the Progress Report No. 1 regarding the Community Garden; and
2. **APPROVES** the establishment of a Community Garden:
  - 2.1 in the City of Vincent; and
  - 2.2 Steering Group, as detailed in this report.

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**Moved Cr Maier, Seconded Cr Buckels**

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

That a new clause 3 be inserted as follows:

- “3. **REQUESTS** that the Chief Executive Officer to investigate the possible use of privately owned vacant blocks as community gardens and the possibility of offering owners seeking demolition approval the option of providing their land for a limited period of time, as an alternative to submitting redevelopment plans.”

Debate ensued.

**MOTION PUT AND CARRIED UNANIMOUSLY (7-0)**

(Cr Burns and Cr Topelberg were on approved leave of absence.)

**COUNCIL DECISION ITEM 9.3.2**

That the Council;

1. **RECEIVES** the Progress Report No. 1 regarding the Community Garden;
2. **APPROVES** the establishment of a Community Garden:
  - 2.1 in the City of Vincent; and
  - 2.2 Steering Group, as detailed in this report and
3. **REQUESTS** that the Chief Executive Officer to investigate the possible use of privately owned vacant blocks as community gardens and the possibility of offering owners seeking demolition approval the option of providing their land for a limited period of time, as an alternative to submitting redevelopment plans.

**PURPOSE OF REPORT:**

The purpose of this report is to seek approval for establishing a Community Garden in the City of Vincent.

**BACKGROUND:**

At the Ordinary Meeting of Council, held on 1 October 2010, the following resolution was adopted:

*“That the Council;*

- (i) RECEIVES the information concerning Community Gardens; and*
- (ii) APPROVES of community consultation being undertaken to establish the level of interest in the establishment of a Community Garden within the Town.”*

**DETAILS:**

In June 2011, the City’s Community Development Officer and Environmental Project Officer facilitated two (2) community consultation workshops and a community garden bus tour to ascertain the level of support from the community to establish a Community Garden in the City.

In addition, verbal and written correspondence supporting a Community Garden was received from residents, schools, business owners and community agencies servicing the City.

A total of twenty three (23) community members registered for the community garden bus tour which took place on 18 June 2011. The bus tour took place to demonstrate to residents examples of successful community gardens. Peg Davies, a community garden expert, was invited to provide advice and share her experience in developing community gardens in Perth.

Thirty four (34) community members registered for the Community Conversation Workshop held on 25 and 30 June 2011 to consider two (2) main themes:

1. Community motivation for establishing a Community Garden; and
2. What skills are available in the community for establishing and maintaining a Community Garden?

Findings from Community Conversation Workshops

The following are the top five reasons provided by residents for the establishment of a Community Garden in the City of Vincent:

1. To create a sense of community, by sharing skills and knowledge, creating new connections with fellow residents, and an opportunity to contribute toward a common goal;
2. To grow fresh food;
3. To improve the general sustainability and value of a vacant lot;
4. To provide positive therapeutic benefits for people with disabilities and mental health issues; and
5. To promote healthy living.

To support the implementation and ongoing maintenance of a Community Garden the following relevant skills and knowledge were offered by community members:

- Funding submissions
- Web design
- Architecture
- Carpentry
- Public art
- Labouring
- Promotion
- Landscaping
- Cooking
- Sustainability principles
- Horticulture
- Recycling
- Event coordination
- General maintenance

#### Management Options

The outcome of the community workshops and bus tour indicates there is adequate support from the community to establish a Community Garden.

The community members who attended the workshops and bus tour will be invited to apply for membership of a Steering Group. The formation of the Steering Group provides a logical way forward involving the community as initiators of the planning process.

The initial scope and terms of reference for the Community Gardens Steering Group would be to:

- Propose site locations;
- Liaise with relevant City of Vincent Officers;
- Maintain community support for the garden;
- Establish rules and regulations for the community garden; and
- Determine garden design.

The City of Vincent would provide initial support for the Community Garden Steering Group in the following areas:

- Legal and liability concerns;
- Parking, universal access and impact on surrounding property;
- Safety and vandalism;
- Access and equity;
- Site management and maintenance; and
- Financial, i.e. provision of seeding funds to establish the community garden.

It is proposed to limit the membership to ten (10) people who will then work towards developing the Terms of Reference, and becoming incorporated so that the funding can be sourced through the group.

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

The invitation for residents to participate in the Community Garden Workshops and bus tour was promoted via:

- City of Vincent website;
- City of Vincent community databases;
- 3000 full colour flyers distributed to schools, business, churches, community agencies; local residents;
- Advertisement in each of the Voice News and Guardian Express newspapers; and
- A media release, with photo, in the Guardian Express.

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

Not Applicable.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** This project has low risk implications at this stage.

**STRATEGIC IMPLICATIONS:**

The support of a Community Garden is in keeping with the following objectives from the City of Vincent Strategic Plan 2011 -2016:

- 3.1.1 *Celebrate and acknowledge the City's cultural and social diversity*
- 3.1.2 *Provide and develop a range of community programs and community safety initiatives*
- 3.1.3 *Determine the requirements of the Community and focus on needs, value, engagement and involvement*

**SUSTAINABILITY IMPLICATIONS:**

Community Gardens engage the community in projects that have a clear commitment to a set of environmental, social and economic sustainability principles. A better connection between neighbours and building of the community spirit is a sustainable social implication. The area for the project could be used for the purpose of growing food locally which has a sustainable economic implication. Many aspects of the community garden also enhance the environment.

**FINANCIAL/BUDGET IMPLICATIONS:**

An amount of ten thousand dollars (\$10,000) is listed in the 2011/2012 budget for the establishment of a Community Garden in the City of Vincent.

Due to the anticipated broad range of social activities that can occur at a community garden, and the expected low overhead costs, a community garden project is economically sustainable. The Community Gardens Steering Committee, once incorporated, could apply for funding from a variety sources, for example:

- Lotterywest;
- Propelarts;
- Australian Open Garden Scheme;
- Department of Health's North Metropolitan Area Health Service;
- Department of Environment – Community Grants Scheme (waste-related projects); and
- Department of Families, Housing, Community Services and Indigenous Affairs (Volunteers Grants Program).

**COMMENTS:**

Further to community consultation undertaken in June 2011, it is evident that there is support from the community to establish a Community Garden in the City. The formation of the Steering Group provides a logical way forward involving the community as initiators of the planning process.

In light of the above information, it is recommended that the Council proceed in approving the establishment of a Community Garden in City.

**9.4.3 Policy No. 4.1.21 – Environmental Grants and Awards Policy – Amendments**

<b>Ward:</b>	Both	<b>Date:</b>	30 September 2011
<b>Precinct:</b>	ALL	<b>File Ref:</b>	ENS0106
<b>Attachments:</b>	<a href="#">001</a> – Current Policy No. 4.1.21 <a href="#">002</a> – Revised Policy No. 4.1.21		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	C Chaudhry, Project Officer – Environment R Lotznicker, Director Technical Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council:

1. **APPROVES BY AN ABSOLUTE MAJORITY to RESCIND** the existing Policy No. 4.1.21 – “Environmental Grants and Awards”, due to the significant changes, as shown in Appendix 9.4.3A;
2. subject to Clause 1 above being approved, **APPROVES BY AN ABSOLUTE MAJORITY to ADOPT** a new Policy No. 4.1.21 – “Environmental Grants and Awards”, as shown in Appendix 9.4.3B; and
3. **AUTHORISES** the Chief Executive Officer to:
  - 3.1 advertise the revised policy for a period of twenty-one (21) days, seeking public comment;
  - 3.2 report back to Council with any submissions received; and
  - 3.3 include the new policy in the City’s Policy Manual if no public submissions are received.

**COUNCIL DECISION ITEM 9.4.3**

**Moved Cr Farrell, Seconded Cr Maier**

That the recommendation be adopted.

Debate ensued.

**AMENDMENT**

**Moved Cr Maier, Seconded Cr Buckels**

That a clause 2 be amended to read as follows:

- “2. subject to Clause 1 above being approved, **APPROVES BY AN ABSOLUTE MAJORITY to ADOPT** a new Policy No. 4.1.21 – “Environmental Grants and Awards”, as shown in Appendix 9.4.3B, **subject to:**
  - 2.1 ~~Clause 1.2 – “\$1,000 for a school located outside the City, but within 5km of the City’s boundaries”~~ being deleted;
  - 2.2 Clause 1.3 being renumbered “Clause 1.2”; and the Policy Guidelines being amended to read as follows:  
  
 “Clause 2.2 - Grants will be up to a maximum of \$2,000 each.” ~~or \$1,000 for schools located outside the City but within 5km of the City’s boundaries;~~ and

- 2.3 **Clause 2.3.2 being amended to delete the second dot point which states: “~~Where the applicant is a school outside of the City, that the school is within 5km of the City's boundaries.~~”**

Debate ensued.

**AMENDMENT PUT AND LOST (3-4)**

**For:** Cr Buckels, Cr Farrell, Cr Maier  
**Against:** Mayor Catania, Cr Harvey, Cr Lake, Cr McGrath

**(Cr Burns and Cr Topelberg were on approved leave of absence.)**

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

**(Cr Burns and Cr Topelberg were on approved leave of absence.)**

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**PURPOSE OF REPORT:**

The purpose of this report is to rescind the existing Policy No. 4.1.21 – “Environmental Grants and Awards”, due to the significant changes (and almost a complete rewrite of the Policy) as recommended by the City’s Sustainability Advisory Group and relevant Officers.

**BACKGROUND:**

At its Ordinary Meeting held on 8 March 2011 the Council made the following decision:

*“That the Council;*

- (i) NOTES that all funded projects have been completed and all Grants provided have been acquitted as a condition of the Grant funding; and*
- (ii) REFERS the guidelines for environmental grants to the Sustainability Advisory Group for Review.”*

The City’s officers reviewed the Environmental Grants and Awards 2010 performance against the Environmental Grants and Awards Policy 4.1.21 and provided those recommendations to the Sustainability Advisory Group (SAG) for their comment by 29 August 2011. These comments were taken into consideration and are outlined below.

**DETAILS:**

The following changes to the City’s Environmental Grants and Awards Policy 4.1.21 are proposed and are shown in the Draft Policy attached.

**Grants:**

Both the school and community grant amounts have been amended to \$2,000. Schools currently can only apply for \$750 and community groups \$2,500.

Grant Applications need to demonstrate that they will achieve one of the objectives of the Sustainable Environment Strategy, and can include Environmental Educational Programs or Youth Based Environmental Activities.

**Grant Assessment:**

It is proposed that a new assessment process be undertaken, with applications assessed against simple and clear criteria outlined in the Assessment Process attached to the Policy. This would replace the triple bottom line assessment currently used (refer clause 5(a) of the current Policy).

The "Grant Panel" will consist of the Director of Technical Services, Project Officer – Environment, and Sustainability Officer. Each application would be independently assessed and then make a recommendation to the Chief Executive Officer.

The successful grant applications would be announced on the City's website and via an advertisement in the local newspaper.

Acquittal of Grants:

Grant recipients must be able to demonstrate that they have carried out the works stated in their application. A site inspection would be undertaken by Project Officer – Environment, and Sustainability Officer. The site visit would be an additional requirement to providing a written acquittal of the funds.

Where a written acquittal is not provided, the City will require that the grant funding be returned.

Grant recipients will be required to provide a short report on the success or failure of their project to the City, which would enable yearly reporting to the Council on the outcomes achieved through the grant program. Summaries of completed projects would also be posted on the City's website.

**Awards:**

It is proposed that only one category of awards will be offered. Currently awards are offered to both schools and community groups for overall best achievement, as well as first prizes across five (5) award categories. The five (5) categories will be discontinued, and 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> prizes will be offered for best overall achievement.

Awards are currently open to schools and individual members of the community. This would be extended to offer prizes to community groups as well.

Awards would be presented to winners by the presiding member at a designated Council meeting.

**CONSULTATION/ADVERTISING:**

The amendments to the Environmental Grants and Awards Policy No. 4.1.21 will be advertised in accordance with the City's Community Consultation Policy.

**LEGAL/POLICY:**

Environmental Grants Policy No. 4.1.21.

**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.*

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

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

Not applicable.

**COMMENTS:**

The Environmental Grants and Award Policy 4.1.21 was identified by the City's Officers as requiring amendment. The proposed changes will ensure the Environmental Grants and Awards are acquitted in accordance with due process. It will also ensure that the assessment and application process is clear and consistent.

**9.4.4 City of Vincent Administration and Civic Centre, No. 244 Vincent Street, Leederville – Office Alterations**

<b>Ward:</b>	-	<b>Date:</b>	30 September 2011
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0061
<b>Attachments:</b>	<a href="#">001</a> – Proposed Layout Plans <a href="#">002</a> – Photographs		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	H Smith, Manager, Planning and Building Services R Boardman, Director Development Services		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council **APPROVES BY AN ABSOLUTE MAJORITY** the expenditure of \$85,350 from the City's Administration and Civic Centre Reserve Fund for the purpose of Modifications to the City's Offices and Customer Service Centre and new furniture/equipment, as shown in Appendix 9.4.4.

**COUNCIL DECISION ITEM 9.4.4**

**Moved Cr Buckels, Seconded Cr Lake**

That the recommendation be adopted.

Debate ensued.

Cr Farrell departed the Chamber at 9.00pm.

Debate ensued.

Cr Farrell returned to the Chamber at 9.02pm.

Debate ensued.

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

**(Cr Burns and Cr Topelberg were on approved leave of absence.)**

**PURPOSE OF REPORT:**

The purpose of this report is to seek the Council's authorisation to allocate \$85,350 from the City's Administration and Civic Centre Reserve Fund to fund modifications to the City's office accommodation and to upgrade the Customer Service Centre.

**BACKGROUND:**

The City's Administration and Civic Centre is in need of alteration as the current office accommodation is at a premium and there is a need to improve the layout of Customer Service Centre to improve the customer service delivery to the ratepayers and residents.

**Customer Service**

Feedback from the Chief Executive Officer's Annual Performance Appraisal has identified an need to provide a high level of customer service. The City's Development Approval process has also been identified as an area which needs to be improved.

The City's Customer Service Centre is the "*first point of contact*" for most of the applicants and the Chief Executive Officer has identified a need to carry out improvements to the current layout.

A review of customer service has been in progress for several weeks and the modifications to the Customer Service Centre and relocation of Approval Liaison Officers to the Centre will be a significant improvement.

**DETAILS:**

The City's Officers have investigated options for achieving greater functionality with the existing office space of the City's Administration and Civic Centre with a view to increasing the number of work stations to consider modifications to the Customer Service Centre to achieve an improved level of customer service and an improved capacity for receiving development and building applications.

The attached plans detail the following:

- a modified Customer Service Centre to provide two (2) 'sit down' and two (2) 'stand up' work stations along the front counter whereby applicants and Planning/Building staff can comfortably consider and receive a development and/or building application (refer to photograph at Appendix 9.4.4);
- two (2) new work stations for the Approvals Liaison Officers at the Customer Service Centre;
- a relocated Cashiers area to a more accessible and prominent location in the foyer area and informal Meeting space;
- the conversion of existing Strategic Planning/Heritage Services three work stations into office space for the recently appointed Manager, Strategic Planning, Sustainability and Heritage Services; and
- the conversion of Meeting Room 1 for five (5) new work stations for Strategic Planning and Heritage Services Officers.

It is noted that access for the public to the disabled toilet at ground floor level will be maintained.

**Statutory Planning and Building – Development Applications**

Two (2) 'Approvals Work Stations' located along the Front Counter of the Customer Service Centre

The proposed modifications to the Customer Service Centre (CSC) include two designated desks for the receipt of building and development applications, similar to the City of Stirling (Refer to photographs at Appendix 9.4.4). It is proposed that the City's two existing Approvals Liaison Officers (ALO) and two Customer Service Officers will receive further training to specifically receive building and development applications with the Approvals Liaison Officer (Building) being permanently seated at the western-most desk. The Approval Liaison Officer (Planning) is proposed to be located to the newly created ALO section within the Customer Service Centre. This Officer, responsible for advertising planning applications, will primarily continue this work at this location; however, will also be required to attend the 2<sup>nd</sup> designated desk at the CSC upon more than one person attending the City to lodge an application, and to relieve the ALO (Building) during designated breaks and periods of leave. Enhancements to the process and procedures will be ongoing.

The proposed modifications will also suitably assist the City to deal with the new Building Bill with its associated certified and uncertified building application system. The Building Bill will come into operation on the 31 October 2011, and the proposed modifications to the Customer Service Centre will be a positive step in respect of a designated point to receive and administer the requirements on receiving applications under the new Act.

The Manager Planning and Building Services (MPBS) and Coordinator Customer Service (CSCO) attended the City of Stirling Customer Service Centre to explore opportunities for the City's proposed modification to its Customer Service Centre. The City of Stirling Officers noted that three specific and trained staff, attend the three designated 'Approvals desks', with additional trained relief staff who rotationally attend the desk once a fortnight. These specific staff are well trained to not only receive building and development applications, but also to 'troubleshoot' applications prior to submission. Applications are not accepted unless they are 100% complete and containing all the necessary information. However, the new modifications will allow for applicants to be seated to submit their application. The process can be lengthy and therefore being seated will be of benefit to the applicant. In addition, it will allow for an application to be registered directly into the City's computer system – thereby saving time and money. When registered the applicant will be provided with a reference number, for ease of any follow-up enquiries [similar to the current procedure].

#### New ALO Work Stations within the Customer Service Centre

The office alterations will also result in the creation of two new work stations for the Approvals Liaison Officers of Planning and Building within a 'semi-front counter' location to assist in the receipt and input of development and building applications. As outlined above, these two desks will be accommodated by the ALO (Planning) and a new ALO seconded from the Customer Service Centre who along with being trained to accept building and development applications as a back up to the existing ALO's, will also be responsible for tasks such as requisitions, property numbering, archive plan searches, Development Assessment Team (DAT) preparation and the input of data relating to swimming pool inspections.

#### Former ALO Area

As a result of the above, four work stations currently accommodated by the ALO (Building) and ALO (Planning), the Building Support Officer (BSO) and a Planning Officer (PO) is proposed to accommodate a Planning Officer, the Development Compliance Officer (DCO) (relocated from Health Services) and a contracted Building Consultant (BC). The newly appointed Building Support Officer will be accommodated at a new work station in Building Services section.

#### **Strategic Planning, Sustainability and Heritage Service Section**

As of 5 August 2011, a new service section within Development Services was created encompassing Strategic Planning, Sustainability, Heritage and Economic Development and has resulted in the position of Manager of Strategic Planning, Sustainability and Heritage Services (MSPSHS) (in lieu of the previous Coordinator Strategic Planning position) being appointed. In addition to the Manager, the service section comprises a Senior Strategic Planning and Heritage Officer, 2 x full time and 1 x part time Planning Officers (Strategic), 1 x Heritage Officer, 1 x Sustainability Officer and 1 x recently appointed Economic Development Officer (EDO).

This new section has been created due to Strategic Planning playing a greater role in broad, strategic projects in recent times than was previously the case. The Strategic Planning team's role has developed from being concerned only with Town Planning, and Planning and Building Policy, to a broader role which also encompasses sustainability, heritage and economic development, as well as major strategic, cross-directorate projects such as the development and implementation of the City's Car Parking Strategy.

It is intended that the broad role of Strategic Planning will continue and will potentially expand, with the section playing a coordinating role for projects spanning across the City's directorates, where required. The creation of a Manager position (in lieu of the Coordinator position) provides greater autonomy and authority for the Strategic Planning section, and will assist to facilitate the section being able to obtain information and assistance from, and coordinate projects with, other service areas more readily.

As the role of Strategic Planning has broadened, so has the range of responsibilities of the current Manager of Planning, Building & Heritage Services (MPBHS). The establishment of a separate Strategic and Sustainable Planning section has allowed the former MPBHS to concentrate on issues relating to development and building licence applications, recent building and planning reform, notably the new Building Bill and the creation of Development Assessment Panels (DAP) and the City's Design Advisory Committee (DAC), providing the MPBHS with greater capacity to devote time and priority to the Building Services Section, in addition to the demands of Statutory Planning and Compliance. This section has been renamed "Planning and Building Services" – to reflect the new role.

The new Strategic Planning, Sustainable and Heritage Section continue to retain a close working relationship with Statutory Planning and Building Services, particularly in relation to policy development, and review of the Town Planning Scheme.

The preferred option details converting existing office space into a new Manager's office, whilst also ensuring that the 7 x Officers within Strategic Planning, Sustainability and Heritage Services, remain in close working proximity. In this respect, it is considered appropriate that a new Manager's office be provided for the recently created Manager's position of Strategic Planning, Sustainability and Heritage Services, in line with all other existing Manager positions at the City.

#### Alterations Indicative Costs

The following indicative costing has been obtained. This will be refined, to achieve cost savings where possible.

The following assumptions have been made when providing this indicative costing:

- All works to be carried out in accordance with the current Australian Standards; and
- The estimate allows for work to be carried out during normal working hours and out of normal hours where necessary – however, will be carried out to allow the Customer Services Centre to continue operations.

Item	Description	Cost
1	Preliminaries Demolition/rubbish disposal/drafting services	\$5,000
2	Cabinetry/partitioning/workstations	\$18,000
3	Electrical/data services/computer cabling	\$22,000
4	Ceiling alterations/studwalls/ carpentry/cleaning/general labour	\$20,000
5	Glazing	\$6,000
6	Painting	\$3,000
7	New chairs, furniture	\$6,000
8	New Computers Required	\$3,600
9	New Digital Phones	\$1,050
10	New telephone PABX Card inc. installation	\$700
<b>TOTAL</b>		<b>\$85,350</b>

In view of the above, it is recommended that the Council approve the allocation of \$85,350 from the City's Administration and Civic Centre Reserve Fund for the purpose of modifications to the City's Offices and Customer Service Centre.

#### CONSULTATION/ADVERTISING:

Internal consultation across the respective Sections has been undertaken.

**LEGAL/POLICY:**

Occupational Health & Safety Act 1991.

**RISK MANAGEMENT IMPLICATIONS:**

Low – Medium.

**STRATEGIC IMPLICATIONS:**

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

- “4.1 *Provide good strategic decision-making, governance, leadership and professional management*
  - 4.1.2 *Manage the organisation in a responsible, efficient and accountable manner.*
  - 4.1.3 *Maximise the City's business systems to improve Customer Service.*
  - 4.1.4 *Plan effectively for the future.*
  
- 4.2 *Provide a safe, positive and desirable workplace*
  - 4.2.1 *Promote employee performance, recognition, reward, satisfaction and wellbeing, and provide a safe and positive workplace.”*

**SUSTAINABILITY IMPLICATIONS:**

The long-term sustainability of the City of Vincent requires future planning to ensure adequate and suitable accommodation for all staff.

**FINANCIAL/BUDGET IMPLICATIONS:**

The City's Administration and Civic Centre Reserve was established in 1996/1997 for the following purpose:

*“For providing for major upgrade renovation/maintenance/repairs and replacement of the fixtures and fittings associated with the City's Administration and Civic Centre.”*

The balance of the Reserve is \$145,668 as at 31 August 2011.

**COMMENTS:**

The requested alternations will provide additional workstations, whilst at the same time allowing for the City's Customer Service Centre to improve its service delivery to the ratepayers, particularly in regards to the planning and building application process and receipt of monies.

Accordingly, the Council's approval is requested.

**9.4.5 Policy No. 4.2.12 – Advisory Groups – Amendments**

<b>Ward:</b>	Both	<b>Date:</b>	30 September 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	ADM0100
<b>Attachments:</b>	<a href="#">001</a> – Department of Local Government Letter <a href="#">002</a> – Amended Policy No. 4.2.12		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	John Giorgi, Chief Executive Officer		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council:

1. **NOTES** the advice from the Department of Local Government in their letter dated 13 September 2011 concerning Advisory and Working Groups, as shown in Appendix 9.4.5(A); and
2. **APPROVES BY AN ABSOLUTE MAJORITY** to amend Policy No. 4.2.12 – Advisory Groups, as shown in Appendix 9.4.5(B).

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**Moved Cr Maier, Seconded Cr McGrath**

That the recommendation be adopted.

Debate ensued.

**AMENDMENT NO 1**

**Moved Cr Maier, Seconded Cr McGrath**

That clause 2 be amended to read as follows:

- “2. **APPROVES BY AN ABSOLUTE MAJORITY** to amend Policy No. 4.2.12 – Advisory Groups, as shown in Appendix 9.4.5(B), subject to the Policy being amended to read as follows:

**2.1 Clause 5.1 being amended to read as follows:**

**“5.1 Meetings**

- (a) Unless approved by the Council or there is a need to address an urgent issue (the latter to be agreed by the Chairperson and the Chief Executive Officer), the Advisory Group shall meet as required. ~~In any event, an Advisory Group shall convene no more than six (6) meetings each year, from February to December.~~ Additional meetings may be convened at the discretion of the Chief Executive Officer.
- (b) At the first meeting after convening, the Advisory Group shall determine a Schedule of Meeting dates for the remainder of the year. (These dates are to be included in the City’s monthly “Calendar of Events”.)”

**2.2 Clause 5.2 being amended to read as follows:**

**“5.2 Quorum**

**A quorum will be by simple majority plus one, which must include at least one Council Member if the group includes any Council Members.”**

**2.3 Clause 5.4(b) be amended to read as follows:**

**“5.4(b) ~~Items considered at the meeting will not be voted upon.~~ The Minutes/meeting notes of the Group will record consensus agreement on actions and any points of agreement/disagreement. They will not reflect verbatim discussion on issues or matters discussed during debate prior to consensus agreement being reached. At the end of each meeting, the City’s Officer in attendance will read out the agreed actions and any points of agreement to the meeting to ensure they are accurately reflected to the consensus view.”**

The Presiding Member, Mayor Nick Catania ruled that he would consider and vote on the amendment in three parts.

Debate ensued.

**AMENDMENT NO 1 CLAUSE 2.1 PUT AND CARRIED UNANIMOUSLY (7-0)**

(Cr Burns and Cr Topelberg were on approved leave of absence.)

Debate ensued.

**AMENDMENT NO 1 CLAUSE 2.2 PUT AND CARRIED (6-1)**

**For:** Cr Buckels, Cr Farrell, Cr Harvey, Cr Lake, Cr McGrath, Cr Maier

**Against:** Mayor Catania

(Cr Burns and Cr Topelberg were on approved leave of absence.)

**AMENDMENT NO 1 CLAUSE 2.3 PUT AND LOST (3-4)**

**For:** Cr Buckels, Cr McGrath, Cr Maier

**Against:** Mayor Catania, Cr Farrell, Cr Harvey, Cr Lake

(Cr Burns and Cr Topelberg were on approved leave of absence.)

**AMENDMENT NO 2**

**Moved Cr Maier, Seconded Cr McGrath**

That the new clause 2.2 be deleted and a new clause 2.2 be inserted as follows:

**“2.2 Clause 5.2 being amended to read as follows:**

**“5.2 Quorum**

**A quorum will be by simple majority plus one, ~~which must include at least one Council Member.~~”**

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

(Cr Burns and Cr Topelberg were on approved leave of absence.)

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

(Cr Burns and Cr Topelberg were on approved leave of absence.)

**COUNCIL DECISION ITEM 9.4.5**

**That the Council:**

1. **NOTES** the advice from the Department of Local Government in their letter dated 13 September 2011 concerning Advisory and Working Groups, as shown in Appendix 9.4.5(A); and
2. **APPROVES BY AN ABSOLUTE MAJORITY** to amend Policy No. 4.2.12 – Advisory Groups, as shown in Appendix 9.4.5(B), subject to the Policy being amended to read as follows:

2.1 **Clause 5.1** being amended to read as follows:

**“5.1 Meetings**

- (a) **Unless approved by the Council or there is a need to address an urgent issue (the latter to be agreed by the Chairperson and the Chief Executive Officer), the Advisory Group shall meet as required. Additional meetings may be convened at the discretion of the Chief Executive Officer.**
- (b) **At the first meeting after convening, the Advisory Group shall determine a Schedule of Meeting dates for the remainder of the year. (These dates are to be included in the City’s monthly “Calendar of Events”.)”**

2.2 **Clause 5.2** being amended to read as follows:

**“5.2 Quorum**

**A quorum will be by simple majority plus one.”**

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**PURPOSE OF REPORT:**

The purpose of this report is to approve of amendments to Policy No. 4.2.12 – Advisory Groups, to meet the requirements of the Local Government Act as recommended by the Department of Local Government.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 14 June 2011 the Council considered this matter and resolved in part as follows;

*“That the Council;*

- (i) *APPROVES BY AN ABSOLUTE MAJORITY* to:
  - (a) *adopt the amended Title Changes, Terms of References and Composition of the Town’s existing Advisory Groups; ...*
  - (d) *adopt the amended Advisory Group Meeting Procedures as shown in Appendix 9.4.5B; ...”*

At the Ordinary Meeting of Council held on 13 September 2011, the Council considered a Notice of Motion relating to the City's Beaufort Street Enhancement and Britannia Reserve Masterplan Working Groups and resolved as follows;

*"That the Council:*

1. *REQUESTS the Chief Executive Officer to write to the Minister for Local Government seeking approval, pursuant to section 5.69A. of the Local Government Act 1995, for residents and business owners with a proximity interest, who are members of the City's Beaufort Street Enhancement Working Group and the Britannia Reserve Masterplan Working Group (if required) to be exempted from some or all of the provisions of Subdivision 1 of Division 6 of Part 5 of the Local Government Act 1995, for the life of those Working Groups;*
2. *NOTES the written advice received from the Department of Local Government dated 13 September 2011 concerning whether financial and proximity interests of the Local Government Act apply to community members appointed to the City's Working Groups; and*
3. *in light of the Department of Local Government's advice dated 13 September 2011, REQUESTS the Chief Executive Officer (in liaison with the Department of Local Government) to review the Terms of Reference of the City's Working Groups including Beaufort Street Enhancement and Britannia Reserve Masterplan Working Groups to ensure that they comply with the legal requirements of the Local Government Act and the probity, ethical and integrity standards of the Department of Local Government's Operational Guidelines No. 5 – Council Forums and provide a report to the Council no later than 11 October 2011."*

#### **DETAILS:**

The City's Advisory Groups have been in place since the inception of the City.

#### **Department of Local Government Requirements**

In the letter received from the Department of Local Government dated 13 September 2011 (as shown in Appendix 9.4.5(A)), reference is made to "establishment of a Committee under Section 5.8 of the Local Government Act."

It states; "Council may still establish a Working Group which sits outside the formal meeting structure to discuss matters and make recommendations. In this instance, the statutory provisions relating to Financial and Proximity Interests do not apply to other persons who are members of the Working Group, but it is noted that employees and Council Members who are appointed to the Working Group are still bound by the City's Code of Conduct.

The Working group meeting process is covered in the Department's Operational Guideline No. 5 "Council Forums". The Guideline does however warn of the risk of neglecting proper standards of probity and public accountability which is otherwise afforded in the Act.

Without the proper probity standards and mechanisms in place individual members of an informal Working Group and the local government may be exposed to issues being raised about lack of proper standards and a failure of confidence in the integrity of the local government's meeting processes.

While Council may wish to form Working Groups without establishing them under the Act it is strongly recommended that rigorous procedures are adopted and applied to the Working Groups in accordance with the Department's Guidelines on Council Forums to protect individual members, and the Integrity of the City's decision making processes. [Underlining added.]

The Department's Guidelines at No. 27 and 28 – Probity and Integrity state "**It is essential that councils adopt standards for forums that stipulate that disclosure rules applying to meetings constituted under the Act also apply at all Forums. Disclosure should lead to an individual departing the forum.**"

The Department's advice strongly recommends that the City's proposed Working Group Terms of Reference comply with the Forum Guidelines. In this regard, the Chief Executive Officer submitted the City's draft Policy to the Department of Local Government for their comments and recommendations.

As requested by the Council, the Chief Executive Officer has been liaising with Senior Officers of the Department of Local Government concerning the requirements and operating procedures of the City's Advisory and Working Groups.

A new draft Advisory Group Policy was submitted to the Department of Local Government for their consideration and comment. This was considered acceptable by the Department, subject to inclusion of Clauses to deal with the following:

1. *The operation of the Advisory Groups to be periodically reviewed – perhaps every two years as with Committees; (Refer to Clause 14.)*
2. *Ongoing scrutiny by an appointed employee to be responsible for regular monitoring of the operation of the Advisory Group to ensure adherence to the Policy – set out the rules concerning the authority of the Chairperson; (Refer to Clause 4.3.)*
3. *To provide for the recording of details in the notes of the meeting of any disclosures of interest, including the nature and also the extent of the interest, if applicable.” (Refer to Clause 5.4(e).)*

The amended Policy, as attached to this report, includes the recommendations of the Department of Local Government.

### **Policy Amendments**

The amendments to the existing Policy are shown in “red” and “underlining” and include the following;

- Definitions - Definitions of Financial Proximity and Impartiality Interest have been included [**recommended by the Department of Local Government**].
- Clause 1.2 – this Clause advises that the Advisory Groups are not intended to be Committees established under Section 5.8 of the Local Government Act.
- Clause 3.5 – this Clause states that Advisory Group members cannot speak on behalf of the City, unless authorised.
- Clauses 4.2 and 4.3 – these Clauses prescribe the role of the Chairperson in more detail [**recommended by the Department of Local Government**].
- Clause 5.4 – changes have been made to ensure that the information recorded in the Minutes/Meeting Notes is more precise [**recommended by the Department of Local Government**].
- Clause 7.1 – this Clause requires community members to be advised of the relevant provisions of the City's Code of Conduct and must comply with the requirements [**recommended by the Department of Local Government**].
- Clause 8.1 – this provision specifies the procedure to be followed if a member discloses a financial or proximity interest and the recording of information concerning Disclosure of Interests, including Partiality Interest [**recommended by the Department of Local Government**].
- Clause 11.4 – this Clause relates to termination of an appointment of a member.
- Clause 14 – this Clause prescribes that Advisory Groups shall be reviewed every two (2) years or sooner [**recommended by the Department of Local Government**].

### **Meeting Procedures and Requirements**

The Meeting Procedures and Requirements have been made more prescriptive, including;

- Defining the role of the Presiding Member;
- Minutes/Meeting Notes - to be prepared and distributed to members within five (5) working days of the meeting;
- Unconfirmed Minutes to be included in the Information Bulletin of the Agenda for the next Ordinary Meeting of Council;
- Administrative support to be defined;
- Insurances - to be included so that members are covered;
- Tenure and appointment to be more precise, particularly if a member fails to attend three (3) consecutive meetings; and
- Filling of vacancies - procedure is now prescribed.

### **CONSULTATION/ADVERTISING:**

Policies and significant amendments to the City's Policies are normally advertised for 21 days. In this case, the recommended changes are to meet the requirements of the Local Government Act. Accordingly, it is recommended that the amended Policy not be advertised for community consultation.

### **LEGAL/POLICY:**

Advisory Groups do not have any legal status under the Local Government Act 1995 and do not have any legal authority to make decisions. The Advisory Groups fulfil a role by providing advice to the Council on matters referred to the Group by the Council.

### **RISK MANAGEMENT IMPLICATIONS:**

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

### **STRATEGIC IMPLICATIONS:**

This is in keeping with the City's Plan for the Future 2011-2016 - Key Result Area Four – "Leadership, Governance and Management" and, in particular, "4.1 - Manage the organisation in a responsible, efficient and accountable manner" and "4.1.2 Review the Advisory Groups".

### **SUSTAINABILITY IMPLICATIONS:**

Not applicable.

### **FINANCIAL/BUDGET IMPLICATIONS:**

Not applicable. All meeting costs are covered by the City's Operating Budget.

### **COMMENTS:**

The City's Advisory Groups fulfil an important role by providing advice to the Council on a wide range of topics. By including community representatives, a "community perspective" is added to the decision-making process. The amendments to the City's Policy have been reviewed by the Department of Local Government. The amended Policy will ensure that the Advisory Groups will operate without contravention of the requirements of the Local Government Act.

The Chief Executive Officer recommends that the Council approve of the Officer Recommendation.

**9.4.6 Britannia Reserve Masterplan Working Group – Appointment of Community Members and Amendments to Terms of Reference**

<b>Ward:</b>	North	<b>Date:</b>	30 September 2011
<b>Precinct:</b>	Leederville; P03	<b>File Ref:</b>	ORG0091
<b>Attachments:</b>	<a href="#">001</a> – Department of Local Government Letter <a href="#">002</a> – Working Group Amended Terms of Reference <a href="#">003</a> – Amended Policy No. 4.2.12 <a href="#">004</a> – Nominations Received		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	John Giorgi, Chief Executive Officer		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council:

1. NOTES the advice from the Department of Local Government in their letter dated 13 September 2011 concerning Advisory and Working Groups, as shown in Appendix 9.4.6(A); and
2. APPROVES BY AN ABSOLUTE MAJORITY to:
  - 2.1 amend the Britannia Reserve Masterplan Working Group Terms of Reference as shown in Appendix 9.4.6(B); and
  - 2.2 APPOINT three (3) Community Representatives to the Britannia Reserve Masterplan Working Group for a period of two (2) years, ending in October 2013, from the following nominations received:
 

**Community Members (3);**

    - (a) Mick Colliss;
    - (b) Paul Katris;
    - (c) Graham Lantzke;
    - (d) Val Martin;
    - (e) Rosemary Milliken;
    - (f) Norelle O’Neill;
    - (g) Con Poulos; and
    - (h) Raj Svares.

**Moved Cr Buckels, Seconded Cr Lake**

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

That clause 2 be amended to read as follows:

- “2. APPROVES BY AN ABSOLUTE MAJORITY to:
  - 2.1 amend the Britannia Reserve Masterplan Working Group Terms of Reference as shown in Appendix 9.4.6(B), subject to the number of community representatives being increased from three (3) to four (4); and
  - 2.2 APPOINT four (4) ~~three (3)~~ Community Representatives to the Britannia Reserve Masterplan Working Group for a period of two (2) years, ending in October 2013, from the following nominations received:
 

**Community Members (4 ~~3~~);**

    - (a) ~~Mick Colliss;~~
    - (b) Paul Katris;
    - (c) Graham Lantzke;
    - (d) Val Martin; and
    - (e) ~~Rosemary Milliken;~~
    - (f) Norelle O’Neill;
    - (g) ~~Con Poulos; and~~
    - (h) ~~Raj Svares.”~~

Debate ensued.

**AMENDMENT NO 1**

**Moved Cr Maier, Seconded Cr Lake**

That clause 2.2(b) – Mr Paul Katris be deleted.

**AMENDMENT NO 1 PUT AND LOST (2-5)**

**For:** Cr Lake, Cr Maier

**Against:** Mayor Catania, Cr Buckels, Cr Farrell, Cr Harvey, Cr McGrath

(Cr Burns and Cr Topelberg were on approved leave of absence.)

Debate ensued.

**AMENDMENT NO 2**

**PROPOSED AMENDMENT**

**Moved Cr Farrell, Seconded Cr .....**

That clause 2.2(f) – Ms Norelle O'Neill be deleted.

**PROPOSED AMENDMENT LAPSED FOR WANT OF A SECONDER**

Debate ensued.

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

(Cr Burns and Cr Topelberg were on approved leave of absence.)

**COUNCIL DECISION ITEM 9.4.6**

That the Council:

1. NOTES the advice from the Department of Local Government in their letter dated 13 September 2011 concerning Advisory and Working Groups, as shown in Appendix 9.4.6(A); and
2. APPROVES BY AN ABSOLUTE MAJORITY to:
  - 2.1 amend the Britannia Reserve Masterplan Working Group Terms of Reference as shown in Appendix 9.4.6(B), subject to the number of community representatives being increased from three (3) to four (4); and
  - 2.2 APPOINT four (4) Community Representatives to the Britannia Reserve Masterplan Working Group for a period of two (2) years, ending in October 2013, from the following nominations received:

**Community Members (4);**

    - (a) Paul Katris;
    - (b) Graham Lantzke;
    - (c) Val Martin; and
    - (d) Norelle O'Neill.

**PURPOSE OF REPORT:**

The purpose of this report is to approve of the amended Terms of Reference for the Britannia Reserve Masterplan Working Group, to meet the requirements of the Local Government Act for Advisory and Working Groups as recommended by the Department of Local Government and to appoint the community representatives to the Working Group.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 9 August 2011, the Council considered a report on the Britannia Reserve Masterplan and the formation of a Britannia Reserve Working Group and resolved in part as follows:

*"That the Council...*

4. APPROVES;

4.1 *the formation of "The Britannia Reserve Working Group" to provide advice on a revised concept Masterplan and Implementation Plan for Britannia Reserve; and*

4.2 *the Working Group to comprise;*

- *Council Members (3) – one as chair;*
- *Community Members (3);*
- *Representative - Floreat Athena Soccer Club;*
- *Representative - Rugby WA; and*
- *Representative - Leederville Cricket Club;*
- *Director Technical Services;*
- *Manager Parks and Property Services;*
- *Manager Community Development;*

4.3 *the Terms of Reference as shown in Appendix 9.3.2A; subject to Clause 2.2.3 being amended to read as follows; "a concept and developed design framework for the future redevelopment of the site."*

5. APPOINTS Councillors Buckels, McGrath and Maier to the Working Group and Cr Buckels as Chair; and

6. AUTHORIZES the Chief Executive Officer to advertise for community representatives for a period of twenty-one (21) days and provide a further report after the conclusion of the advertising period."

At the Ordinary Meeting of Council held on 14 June 2011 the Council considered the City's Advisory and Working Groups' Composition and Terms of Reference and resolved in part as follows:

*"That the Council;*

(i) APPROVES BY AN ABSOLUTE MAJORITY to:

(a) *adopt the amended Title Changes, Terms of References and Composition of the Town's existing Advisory Groups; ...*

(d) *adopt the amended Advisory Group Meeting Procedures as shown in Appendix 9.4.5B; ..."*

At the Ordinary Meeting of Council held on 13 September 2011, the Council considered a Notice of Motion relating to the City's Beaufort Street Enhancement and Britannia Reserve Masterplan Working Groups and resolved as follows:

*"That the Council:*

1. *REQUESTS the Chief Executive Officer to write to the Minister for Local Government seeking approval, pursuant to section 5.69A. of the Local Government Act 1995, for residents and business owners with a proximity interest, who are members of the City's Beaufort Street Enhancement Working Group and the Britannia Reserve Masterplan Working Group (if required) to be exempted from some or all of the provisions of Subdivision 1 of Division 6 of Part 5 of the Local Government Act 1995, for the life of those Working Groups;*
2. *NOTES the written advice received from the Department of Local Government dated 13 September 2011 concerning whether financial and proximity interests of the Local Government Act apply to community members appointed to the City's Working Groups; and*
3. *in light of the Department of Local Government's advice dated 13 September 2011, REQUESTS the Chief Executive Officer (in liaison with the Department of Local Government) to review the Terms of Reference of the City's Working Groups including Beaufort Street Enhancement and Britannia Reserve Masterplan Working Groups to ensure that they comply with the legal requirements of the Local Government Act and the probity, ethical and integrity standards of the Department of Local Government's Operational Guidelines No. 5 – Council Forums and provide a report to the Council no later than 11 October 2011."*

#### **DETAILS:**

##### **Working Group Terms of Reference Amendments**

The Terms of Reference have been amended so that the operations of the Working Group are in accordance with the Council's Policy No. 4.2.12 – Advisory Groups. This Policy will apply to all of the City's Advisory and Working Groups. A copy is shown in Appendix 9.4.6(C).

##### **Department of Local Government Requirements**

As requested by the Council, the Chief Executive Officer has been liaising with Senior Officers of the Department of Local Government concerning the requirements and operating procedures of the City's Advisory and Working Groups.

A new draft Advisory Group Policy was submitted to the Department of Local Government for their consideration and comment. This was considered acceptable by the Department, subject to inclusion of Clauses to deal with the following:

1. *The operation of the Advisory Groups to be periodically reviewed – perhaps every two years as with Committees; (Refer to Clause 14.)*
2. *Ongoing scrutiny by an appointed employee to be responsible for regular monitoring of the operation of the Advisory Group to ensure adherence to the Policy – set out the rules concerning the authority of the Chairperson; (Refer to Clause 4.3.)*
3. *To provide for the recording of details in the notes of the meeting of any disclosures of interest, including the nature and also the extent of the interest, if applicable."* (Refer to Clause 5.4(e).)

In the letter received from the Department of Local Government dated 13 September 2011 (as shown in Appendix 9.4.5(A)), reference is made to "establishment of a Committee under Section 5.8 of the Local Government Act."

It states; "Council may still establish a Working Group which sits outside the formal meeting structure to discuss matters and make recommendations. In this instance, the statutory provisions relating to Financial and Proximity Interests do not apply to other persons who are members of the Working Group, but it is noted that employees and Council Members who are appointed to the Working Group are still bound by the City's Code of Conduct.

The Working group meeting process is covered in the Department's Operational Guideline No. 5 "Council Forums". The Guideline does however warn of the risk of neglecting proper standards of probity and public accountability which is otherwise afforded in the Act.

Without the proper probity standards and mechanisms in place individual members of an informal Working Group and the local government may be exposed to issues being raised about lack of proper standards and a failure of confidence in the integrity of the local government's meeting processes.

While Council may wish to form Working Groups without establishing them under the Act it is strongly recommended that rigorous procedures are adopted and applied to the Working Groups in accordance with the Department's Guidelines on Council Forums to protect individual members, and the Integrity of the City's decision making processes." [Underlining added.]

The Department's Guidelines at No. 27 and 28 – Probity and Integrity state "**It is essential that councils adopt standards for forums that stipulate that disclosure rules applying to meetings constituted under the Act also apply at all Forums. Disclosure should lead to an individual departing the forum.**"

The Department's advice strongly recommends that the City's proposed Working Group Terms of Reference comply with the Forum Guidelines. In this regard, the Chief Executive Officer submitted the City's draft Policy to the Department of Local Government for their comments and recommendations.

The amended Policy, as attached to this report, includes the recommendations of the Department of Local Government.

### **Policy Amendments**

The amendments to the existing Policy are shown in "red" and "underlining" and include the following:

- Definitions - Definitions of Financial Proximity and Impartiality Interest have been included [**recommended by the Department of Local Government**].
- Clause 1.2 – this Clause advises that the Advisory Groups are not intended to be Committees established under Section 5.8 of the Local Government Act [**recommended by the Department of Local Government**].
- Clause 3.5 – this Clause states that Advisory Group members cannot speak on behalf of the City, unless authorised.
- Clauses 4.2 and 4.3 – these Clauses prescribe the role of the Chairperson in more detail [**recommended by the Department of Local Government**].
- Clause 5.4 – changes have been made to ensure that the information recorded in the Minutes/Meeting Notes is more precise [**recommended by the Department of Local Government**].
- Clause 7.1 – this Clause requires community members to be advised of the relevant provisions of the City's Code of Conduct and must comply with the requirements [**recommended by the Department of Local Government**].

- Clause 8.1 – this provision specifies the procedure to be followed if a member discloses a financial or proximity interest and the recording of information concerning Disclosure of Interests, including Partiality Interest [**recommended by the Department of Local Government**].
- Clause 11.4 – this Clause relates to termination of an appointment of a member.
- Clause 14 – this Clause prescribes that Advisory Groups shall be reviewed every two (2) years or sooner [**recommended by the Department of Local Government**].

### **Meeting Procedures and Requirements**

The Meeting Procedures and Requirements have been made more prescriptive, including;

- Defining the role of the Presiding Member;
- Minutes/Meeting Notes - to be prepared and distributed to members within five (5) working days of the meeting;
- Unconfirmed Minutes to be included in the Information Bulletin of the Agenda for the next Ordinary Meeting of Council;
- Administrative support to be defined;
- Insurances - to be included so that members are covered;
- Tenure and appointment to be more precise, particularly if a member fails to attend three (3) consecutive meetings; and
- Filling of vacancies - procedure is now prescribed.

### **Community Representative Nominations**

The eight (8) nominations received are shown at Appendix 9.4.6(D) and have been included, as received. *(For privacy reasons, personal details have been deleted.)*

### **CONSULTATION/ADVERTISING:**

Expressions of Interest calling for Community Representatives were advertised in the local newspaper for a period of fourteen (14) days.

Policies and significant amendments to the City's Policies are normally advertised for 21 days. In this case, the recommended changes are to meet the requirements of the Local Government Act. Accordingly, it is recommended that the amended Policy not be advertised for community consultation.

### **LEGAL/POLICY:**

Advisory Groups do not have any legal status under the Local Government Act 1995 and do not have any legal authority to make decisions. The Advisory Groups fulfil a role by providing advice to the Council on matters referred to the Group by the Council.

### **RISK MANAGEMENT IMPLICATIONS:**

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

### **STRATEGIC IMPLICATIONS:**

This is in keeping with the City's Plan for the Future 2011-2016 - Key Result Area Four – "Leadership, Governance and Management" and, in particular, "4.1 - Manage the organisation in a responsible, efficient and accountable manner" and "4.1.2 Review the Advisory Groups".

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

Not applicable. All meeting costs are covered by the City's Operating Budget.

**COMMENTS:**

The City's Advisory Groups fulfil an important role by providing advice to the Council on a wide range of topics. By including community representatives, a "community perspective" is added to the decision-making process. The amendments to the City's Policy have been reviewed by the Department of Local Government. The amended Policy will ensure that the Advisory Groups will operate without contravention of the requirements of the Local Government Act.

The Chief Executive Officer recommends that the Council approve of the Officer Recommendation.

**9.4.7 Beaufort Street Enhancement Working Group – Amendments to Terms of Reference**

<b>Ward:</b>	North	<b>Date:</b>	30 September 2011
<b>Precinct:</b>	Mount Lawley Centre, P11	<b>File Ref:</b>	TES0237
<b>Attachments:</b>	<a href="#">001</a> – Department of Local Government Letter <a href="#">002</a> – Working Group Amended Terms of Reference <a href="#">003</a> – Amended Policy No. 4.2.12		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	John Giorgi, Chief Executive Officer		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council:

1. **NOTES:**

- 1.1 the advice from the Department of Local Government in their letter dated 13 September 2011 concerning Advisory and Working Groups, as shown in Appendix 9.4.7(A);
- 1.2 that a report will be submitted to the Council after the Local Government elections on 15 October 2011 for the appointment of Council Members to the Advisory Group; and
- 1.3 that the current Committee and Business representatives on this Working Group will be reappointed for the period October 2011 to October 2013; and

2. **APPROVES BY AN ABSOLUTE MAJORITY** to amend the Beaufort Street Enhancement Working Group Terms of Reference as shown in Appendix 9.4.7(B).

---

**COUNCIL DECISION ITEM 9.4.7**

**Moved Cr McGrath, Seconded Cr Buckels**

That the recommendation be adopted.

Debate ensued.

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

(Cr Burns and Cr Topelberg were on approved leave of absence.)

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**PURPOSE OF REPORT:**

The purpose of this report is to approve of the amended Terms of Reference for the Beaufort Street Enhancement Working Group, to meet the requirements of the Local Government Act for Advisory and Working Groups recommended by the Department of Local Government.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 14 June 2011 the Council considered this matter and resolved in part as follows:

*“That the Council;*

- (i) *APPROVES BY AN ABSOLUTE MAJORITY to:*
- (a) *adopt the amended Title Changes, Terms of References and Composition of the Town’s existing Advisory Groups; ...*
  - (d) *adopt the amended Advisory Group Meeting Procedures as shown in Appendix 9.4.5B; ...”*

At the Ordinary Meeting of Council held on 13 September 2011, the Council considered a Notice of Motion relating to the City’s Beaufort Street Enhancement and Britannia Reserve Masterplan Working Groups and resolved as follows:

*“That the Council:*

1. *REQUESTS the Chief Executive Officer to write to the Minister for Local Government seeking approval, pursuant to section 5.69A. of the Local Government Act 1995, for residents and business owners with a proximity interest, who are members of the City’s Beaufort Street Enhancement Working Group and the Britannia Reserve Masterplan Working Group (if required) to be exempted from some or all of the provisions of Subdivision 1 of Division 6 of Part 5 of the Local Government Act 1995, for the life of those Working Groups;*
2. *NOTES the written advice received from the Department of Local Government dated 13 September 2011 concerning whether financial and proximity interests of the Local Government Act apply to community members appointed to the City’s Working Groups; and*
3. *in light of the Department of Local Government’s advice dated 13 September 2011, REQUESTS the Chief Executive Officer (in liaison with the Department of Local Government) to review the Terms of Reference of the City’s Working Groups including Beaufort Street Enhancement and Britannia Reserve Masterplan Working Groups to ensure that they comply with the legal requirements of the Local Government Act and the probity, ethical and integrity standards of the Department of Local Government’s Operational Guidelines No. 5 – Council Forums and provide a report to the Council no later than 11 October 2011.”*

**DETAILS:**

**Working Group Terms of Reference Amendments**

Operations

The Terms of Reference have been amended so that the operations of the Working Group are in accordance with the Council’s Policy No. 4.2.12 – Advisory Groups. Subject to the Council’s approval, this Policy will apply to all of the City’s Advisory and Working Groups. A copy is shown in Appendix 9.4.7(C).

Membership

This Working Group currently does not have any Council Member representation and it is considered appropriate and consistent with the City’s other Advisory and Working Groups for this to occur. Accordingly, it is recommended that the membership be amended to be as follows;

**"3.1 Three (3) Council Members**

*Three (3) Council Members. One of the Members shall be appointed by the Council as the Chairperson and one as Deputy Chairperson.*

3.2 Up to Two (2) Beaufort Street Network Representatives (previously 3 Members)

*Having knowledge and interest in the locality of Beaufort Street.*

3.3 Two (2) Representatives from a Business in the locality

*Having knowledge and interest in the locality of Beaufort Street from a business perspective.*

3.4 Two (2) Residents in the locality

*Having knowledge and interest in the locality of Beaufort Street from a resident's perspective.*

3.5 Three (3) City Officers\*

*Director Technical Services  
Manager Community Development  
Manager Asset and Design Services*

*\* Others to attend as and when required."*

**Note:** It is recommended that Council Members not be appointed to this Working Group at this meeting, as the new Council will be sworn in on Tuesday 18 October 2011, following the local government elections. The appointment of Members to Statutory Committees, Advisory Groups, etc, will occur following the Council election.

### **Department of Local Government Requirements**

As requested by the Council, the Chief Executive Officer has been liaising with Senior Officers of the Department of Local Government concerning the requirements and operating procedures of the City's Advisory and Working Groups.

A new draft Advisory Group Policy was submitted to the Department of Local Government for their consideration and comment. This was considered acceptable by the Department, subject to inclusion of Clauses to deal with the following;

1. *The operation of the Advisory Groups to be periodically reviewed – perhaps every two years as with Committees; (Refer to Clause 14.)*
2. *Ongoing scrutiny by an appointed employee to be responsible for regular monitoring of the operation of the Advisory Group to ensure adherence to the Policy – set out the rules concerning the authority of the Chairperson; (Refer to Clause 4.3.)*
3. *To provide for the recording of details in the notes of the meeting of any disclosures of interest, including the nature and also the extent of the interest, if applicable."* (Refer to Clause 5.4(e).)

In the letter received from the Department of Local Government dated 13 September 2011 (as shown in Appendix 9.4.5(A)), reference is made to "establishment of a Committee under Section 5.8 of the Local Government Act."

It states; "Council may still establish a Working Group which sits outside the formal meeting structure to discuss matters and make recommendations. In this instance, the statutory provisions relating to Financial and Proximity Interests do not apply to other persons who are members of the Working Group, but it is noted that employees and Council Members who are appointed to the Working Group are still bound by the City's Code of Conduct.

*The Working group meeting process is covered in the Department's Operational Guideline No. 5 "Council Forums". The Guideline does however warn of the risk of neglecting proper standards of probity and public accountability which is otherwise afforded in the Act.*

*Without the proper probity standards and mechanisms in place individual members of an informal Working Group and the local government may be exposed to issues being raised about lack of proper standards and a failure of confidence in the integrity of the local government's meeting processes.*

*While Council may wish to form Working Groups without establishing them under the Act it is strongly recommended that rigorous procedures are adopted and applied to the Working Groups in accordance with the Department's Guidelines on Council Forums to protect individual members, and the Integrity of the City's decision making processes.* [Underlining added.]

The Department's Guidelines at No. 27 and 28 – Probity and Integrity state ***"It is essential that councils adopt standards for forums that stipulate that disclosure rules applying to meetings constituted under the Act also apply at all Forums. Disclosure should lead to an individual departing the forum."***

The Department's advice strongly recommends that the City's proposed Working Group Terms of Reference comply with the Forum Guidelines. In this regard, the Chief Executive Officer submitted the City's draft Policy to the Department of Local Government for their comments and recommendations.

The amended Policy, as attached to this report, includes the recommendations of the Department of Local Government.

### **Policy Amendments**

The amendments to the existing Policy are shown in "red" and "underlining" and include the following:

- Definitions - Definitions of Financial Proximity and Impartiality Interest have been included [**recommended by the Department of Local Government**].
- Clause 1.2 – this Clause advises that the Advisory Groups are not intended to be Committees established under Section 5.8 of the Local Government Act.
- Clause 3.5 – this Clause states that Advisory Group members cannot speak on behalf of the City, unless authorised.
- Clauses 4.2 and 4.3 – these Clauses prescribe the role of the Chairperson in more detail [**recommended by the Department of Local Government**].
- Clause 5.4 – changes have been made to ensure that the information recorded in the Minutes/Meeting Notes is more precise [**recommended by the Department of Local Government**].
- Clause 7.1 – this Clause requires community members to be advised of the relevant provisions of the City's Code of Conduct and must comply with the requirements [**recommended by the Department of Local Government**].
- Clause 8.1 – this provision specifies the procedure to be followed if a member discloses a financial or proximity interest and the recording of information concerning Disclosure of Interests, including Partiality Interest [**recommended by the Department of Local Government**].
- Clause 11.4 – this Clause relates to termination of an appointment of a member.
- Clause 14 – this Clause prescribes that Advisory Groups shall be reviewed every two (2) years or sooner [**recommended by the Department of Local Government**].

### **Meeting Procedures and Requirements**

The Meeting Procedures and Requirements have been made more prescriptive, including:

- Defining the role of the Presiding Member;
- Minutes/Meeting Notes - to be prepared and distributed to members within five (5) working days of the meeting;
- Unconfirmed Minutes to be included in the Information Bulletin of the Agenda for the next Ordinary Meeting of Council;
- Administrative support to be defined;
- Insurances - to be included so that members are covered;
- Tenure and appointment to be more precise, particularly if a member fails to attend three (3) consecutive meetings; and
- Filling of vacancies - procedure is now prescribed.

### **CONSULTATION/ADVERTISING:**

Policies and significant amendments to the City's Policies are normally advertised for 21 days. In this case, the recommended changes are to meet the requirements of the Local Government Act. Accordingly, it is recommended that the amended Policy not be advertised for community consultation.

### **LEGAL/POLICY:**

Advisory Groups do not have any legal status under the Local Government Act 1995 and do not have any legal authority to make decisions. The Advisory Groups fulfil a role by providing advice to the Council on matters referred to the Group by the Council.

### **RISK MANAGEMENT IMPLICATIONS:**

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

### **STRATEGIC IMPLICATIONS:**

This is in keeping with the City's Plan for the Future 2011-2016 - Key Result Area Four – "Leadership, Governance and Management" and, in particular, "4.1 - *Manage the organisation in a responsible, efficient and accountable manner*" and "4.1.2 *Review the Advisory Groups*".

### **SUSTAINABILITY IMPLICATIONS:**

Not applicable.

### **FINANCIAL/BUDGET IMPLICATIONS:**

Not applicable. All meeting costs are covered by the City's Operating Budget.

### **COMMENTS:**

The City's Advisory Groups fulfil an important role by providing advice to the Council on a wide range of topics. By including community representatives, a "community perspective" is added to the decision-making process. The amendments to the City's Policy have been reviewed by the Department of Local Government. The amended Policy will ensure that the Advisory Groups will operate without contravention of the requirements of the Local Government Act.

The Chief Executive Officer recommends that the Council approve of the Officer Recommendation.

**9.4.8 Design Advisory Committee – Adoption of Policy, Amendment of Terms of Reference and Appointment of Members**

<b>Ward:</b>	-	<b>Date:</b>	30 September 2011
<b>Precinct:</b>	-	<b>File Ref:</b>	PLA0220
<b>Attachments:</b>	<a href="#">001</a> – Policy No. 4.2.13 – Design Advisory Committee (DAC)		
<b>Tabled Items:</b>	DAC Nominations		
<b>Reporting Officer:</b>	John Giorgi, Chief Executive Officer		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council:

1. at its Ordinary Meeting held on 28 June 2011 (Item No. 9.4.2, Clause (i) decided that it:

“(i) **APPROVES BY AN ABSOLUTE MAJORITY**, pursuant to Section 5.8 of the Local Government Act 1995 and Clause 36 of the Town of Vincent Town Planning Scheme the establishment of a Design Advisory Committee, as shown in the Draft Terms of Reference Relating to a Design Advisory Committee, as shown in Appendix 9.4.2, subject to the following:

...(b) clause 3.1 and 3.2 be amended to read as follows:

**“3.1 External members**

The Membership of the Town of Vincent Design Advisory Committee (DAC) shall comprise of ~~three (3)~~ **five (5)** external members and three (3) deputy members approved by the Council and appointed by the Chief Executive Officer.

**3.2 The Town will seek to engage external members so that the Advisory Committee meetings will consist of ~~three (3)~~ five (5) members and three (3) deputy members having:”**

2. Cr ..... MOVES a motion to REVOKE part of the decision by:

(a) deleting the clauses 3.1 and 3.2 above:

(b) and inserting:

“(i) **APPROVES BY AN ABSOLUTE MAJORITY**, pursuant to Clause 36 of the Town of Vincent Town Planning Scheme the establishment of a Design Advisory Committee as shown in the Draft Terms of Reference Relating to a Design Advisory Committee, as shown in Appendix 9.4.2”

3. in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the *Local Government Act 1995*, three Elected Members, namely Cr ....., Cr ..... and Cr ....., being one third of the number of offices of members of the Council, **SUPPORT** this motion to revoke or change a Council decision;

4. in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to Section 5.25(e) of the *Local Government Act 1995*, the Council RESOLVES BY AN ABSOLUTE MAJORITY to REVOKE and CHANGE part of the resolution adopted by the Council at its Ordinary Meeting held on 28 June 2011 (Item 9.4.2 Clause (i) as shown in Clause 1 and 2 above);
5. APPROVES BY AN ABSOLUTE MAJORITY to:
- 5.1 adopt a new Policy No. 4.2.13 – Design Advisory Committee (DAC), as shown in Appendix 9.4.8;
- 5.2 accepts the recommendation of the City’s DAC Selection Panel Committee to appoint the following persons to the City’s Design Advisory Committee (DAC) for the period 12 October 2011 until 12 October 2013:

NO.	NAME	ADDRESS	Position
1.	Adrian Iredale – Iredale Pedersen Hook Architects	Suite 5/6 Murray Mews, Murray Street, Perth	Chairperson
2.	Ahmad Abas – Gresley Abas Architects	Bulwer Street Highgate 6003	Member
3.	Joe Chindarsi – Chindarsi Architects	Smith Street Highgate 6003	Member
4.	James Christou – Christou Architecture/Urban Design/Interior Design	250 St George’s Terrace Perth 6000	Member
5.	Philip Goldswain – Associate Dean & Lecturer, Faculty of Architecture, UWA	Mary Street Highgate 6003	Member
6.	Munira MacKay – Mackay Urbandesign	Dunedin Street Mt Hawthorn 6016	Member
7.	Finn Pedersen – Iredale Pedersen Hook Architects	Suite 5/6 Murray Mews, Murray Street, Perth	Member
8.	Carmel Van Ruth – Office of the Government Architect	Harley Street Highgate 6003	Member

6. DOES NOT advertise Policy No. 4.2.13 – Design Advisory Committee as it relates to administrative matters only.

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**Moved Cr Maier, Seconded Cr Farrell**

That the recommendation be adopted.

Cr Maier moved Clause 2 and Mayor Catania, Cr Maier and McGrath nominated for Clause 3.

Debate ensued.

**AMENDMENT**

**Moved Cr Maier, Seconded Cr Buckels**

That clause 5.1 be amended to read as follows:

- “5. APPROVES BY AN ABSOLUTE MAJORITY to:
- 5.1 adopt a new Policy No. 4.2.13 – Design Advisory Committee (DAC), as shown in Appendix 9.4.8, subject to the Policy being amended to read as follows:

**5.1.1 Clauses 3.1 and 4.1 being amended to read as follows (see double strikethrough):**

**“3.1 External members**

The Membership of the City of Vincent DAC shall comprise of five (5) external members from a panel of eight (8) persons and three (3) deputy members approved by the Council and appointed by the Chief Executive Officer.

**4.1 The DAC Chairperson is authorised to select the five (5) members to comprise the DAC meeting, to be selected from a panel of eight (8) persons in determining the composition of a DAC meeting. The Chairperson shall give cognisance to the:...”**

**5.1.2 Clause 3.4 be amended reinstate the “Note” as follows (see double underline):**

**3.4 City Officers**

- Director Development Services
- Manager Planning and Building Services
- Other City Planning and Heritage Officers as required.

**Note: The City’s Officers are not voting members.”**

**5.1.3 Clause 7.1(a) be amended to read as follows:**

**“7.1(a) Unless approved by the Council or there is a need to address an urgent issue (the latter to be agreed by the Chairperson and the Chief Executive Officer), the DAC shall meet as required. In any event, an DAC shall convene no more than monthly meetings each year, from February to December. Additional meetings may be convened at the discretion of the Chief Executive Officer.”**

**5.1.4 Clause 7.5.7 be amended to read as follows:**

**“7.5.7 The unconfirmed Minutes/Meeting notes will be reported to the Council meeting (following the DAC meeting), on a confidential basis.”**

**5.1.5 Clause 7.10(a) be amended to read as follows (see double strikethrough):**

**“(a) Financial**

**A fee is payable to each DAC member for attendance at scheduled ~~monthly~~ and special meetings, paid monthly in arrears. The fee is to be prescribed in the City’s Annual Budget.”**

**5.1.6 Clause 7.10(b) be deleted and the remaining clauses renumbered:**

**5.1.7 Clause 7.11(c) be reworded to read as follows:**

**“7.11(c) Once selected by the Chairperson in accordance with Clause 4.1, if a member fails to attend three (3) consecutive meetings of the DAC, his/her appointment shall be automatically terminated, unless Leave of Absence has been granted and approved by the DAC. The Chief Executive Officer shall advise any member, in writing, when their membership of a Committee is terminated.”**

Debate ensued.

The Mover, Cr Maier advised that he wished to change his amendment, Clause 5.1.4 as follows (as shown in double underline):

**“5.1.4 Clause 7.5.7 be amended to read as follows:**

**“7.5.7 The unconfirmed Minutes/Meeting notes will be reported to the Council meeting (following the DAC meeting), on a confidential basis if requested by the Applicant.”**

The Seconder, Cr Buckels agreed.

**AMENDMENT PUT AND CARRIED UNANIMOUSLY (7-0)**

(Cr Burns and Cr Topelberg were on approved leave of absence.)

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

(Cr Burns and Cr Topelberg were on approved leave of absence.)

**COUNCIL DECISION ITEM 9.4.8**

That the Council:

1. at its Ordinary Meeting held on 28 June 2011 (Item No. 9.4.2, Clause (i) decided that it:

**“(i) APPROVES BY AN ABSOLUTE MAJORITY, pursuant to Section 5.8 of the Local Government Act 1995 and Clause 36 of the Town of Vincent Town Planning Scheme the establishment of a Design Advisory Committee, as shown in the Draft Terms of Reference Relating to a Design Advisory Committee, as shown in Appendix 9.4.2, subject to the following:**

**...(b) clause 3.1 and 3.2 be amended to read as follows:**

**“3.1 External members**

**The Membership of the Town of Vincent Design Advisory Committee (DAC) shall comprise of ~~three (3)~~ five (5) external members and three (3) deputy members approved by the Council and appointed by the Chief Executive Officer.**

**3.2 The Town will seek to engage external members so that the Advisory Committee meetings will consist of ~~three (3)~~ five (5) members and three (3) deputy members having:”**

2. Cr Dudley Maier MOVES a motion to REVOKE part of the decision by:
- (a) deleting the clauses 3.1 and 3.2 above:
- (b) and inserting:
- “(i) APPROVES BY AN ABSOLUTE MAJORITY, pursuant to Clause 36 of the Town of Vincent Town Planning Scheme the establishment of a Design Advisory Committee as shown in the Draft Terms of Reference Relating to a Design Advisory Committee, as shown in Appendix 9.4.2”
3. in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the *Local Government Act 1995*, three Elected Members, namely Mayor Nick Catania, Cr Dudley Maier and Cr Warren McGrath, being one third of the number of offices of members of the Council, SUPPORT this motion to revoke or change a Council decision;
4. in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to Section 5.25(e) of the *Local Government Act 1995*, the Council RESOLVES BY AN ABSOLUTE MAJORITY to REVOKE and CHANGE part of the resolution adopted by the Council at its Ordinary Meeting held on 28 June 2011 (Item 9.4.2 Clause (i) as shown in Clause 1 and 2 above);
5. APPROVES BY AN ABSOLUTE MAJORITY to:
- 5.1 adopt a new Policy No. 4.2.13 – Design Advisory Committee (DAC), as shown in Appendix 9.4.8, subject to the Policy being amended to read as follows:
- 5.1.1 Clauses 3.1 and 4.1 being amended to read as follows (see double strikethrough):
- “3.1 External members
- The Membership of the City of Vincent DAC shall comprise of five (5) external members from a panel of eight (8) persons and three (3) deputy members approved by the Council and appointed by the Chief Executive Officer.
- 4.1 The DAC Chairperson is authorised to select the five (5) members to comprise the DAC meeting, to be selected from a panel of eight (8) persons in determining the composition of a DAC meeting. The Chairperson shall give cognisance to the:...”
- 5.1.2 Clause 3.4 be amended reinstate the “Note” as follows (see double underline):
- 3.4 City Officers
- Director Development Services
  - Manager Planning and Building Services
  - Other City Planning and Heritage Officers as required.
- Note: The City’s Officers are not voting members.”

5.1.3 Clause 7.1(a) be amended to read as follows:

“7.1(a) Unless approved by the Council or there is a need to address an urgent issue (the latter to be agreed by the Chairperson and the Chief Executive Officer), the DAC shall meet as required. ~~In any event, an DAC shall convene no more than monthly meetings each year, from February to December.~~ Additional meetings may be convened at the discretion of the Chief Executive Officer.”

5.1.4 Clause 7.5.7 be amended to read as follows:

“7.5.7 The unconfirmed Minutes/Meeting notes will be reported to the Council meeting (following the DAC meeting), on a confidential basis if requested by the Applicant.”

5.1.5 Clause 7.10(a) be amended to read as follows (see double strikethrough):

“(a) Financial

A fee is payable to each DAC member for attendance at scheduled ~~monthly~~ and special meetings, paid monthly in arrears. The fee is to be prescribed in the City’s Annual Budget.”

5.1.6 Clause 7.10(b) be deleted and the remaining clauses renumbered;

5.1.7 Clause 7.11(c) be reworded to read as follows:

“7.11(c) Once selected by the Chairperson in accordance with Clause 4.1, if a member fails to attend three (3) consecutive meetings of the DAC, his/her appointment shall be automatically terminated, unless Leave of Absence has been granted and approved by the DAC. The Chief Executive Officer shall advise any member, in writing, when their membership of a Committee is terminated.”

5.2 accepts the recommendation of the City’s DAC Selection Panel Committee to appoint the following persons to the City’s Design Advisory Committee (DAC) for the period 12 October 2011 until 12 October 2013:

NO.	NAME	ADDRESS	Position
1.	Adrian Iredale – Iredale Pedersen Hook Architects	Suite 5/6 Murray Mews, Murray Street, Perth	Chairperson
2.	Ahmad Abas – Gresley Abas Architects	Bulwer Street Highgate 6003	Member
3.	Joe Chindarsi – Chindarsi Architects	Smith Street Highgate 6003	Member
4.	James Christou – Christou Architecture/Urban Design/Interior Design	250 St George’s Terrace Perth 6000	Member
5.	Philip Goldswain – Associate Dean & Lecturer, Faculty of Architecture, UWA	Mary Street Highgate 6003	Member

NO.	NAME	ADDRESS	Position
6.	Munira MacKay – Mackay Urbandesign	Dunedin Street Mt Hawthorn 6016	Member
7.	Finn Pedersen – Iredale Pedersen Hook Architects	Suite 5/6 Murray Mews, Murray Street, Perth	Member
8.	Carmel Van Ruth – Office of the Government Architect	Harley Street Highgate 6003	Member

6. **DOES NOT** advertise Policy No. 4.2.13 – Design Advisory Committee as it relates to administrative matters only.

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**PURPOSE OF REPORT:**

The purpose of this report is to provide the Council with further information relating to the establishment of a Design Advisory Committee (DAC), to present a draft Policy (and Terms of Reference) to meet the requirements of the Local Government Act, as recommended by the Department of Local Government and appointment of members for consideration and adoption.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 28 June 2011, the Council resolved as follows:

*“That the Council;*

- (i) *APPROVES BY AN ABSOLUTE MAJORITY, pursuant to Section 5.8 of the Local Government Act 1995 and Clause 36 of the Town of Vincent Town Planning Scheme the establishment of a Design Advisory Committee, as shown in the Draft Terms of Reference Relating to a Design Advisory Committee, as shown in Appendix 9.4.2, subject to the following:*

- (a) *clause 3.2(b) of the Terms of Reference being amended to read as follows:*

*“3.2 Current registration with their relevant Professional Body is desirable.”*

- (b) *clause 3.1 and 3.2 be amended to read as follows:*

*“3.1 External members*

*The Membership of the Town of Vincent Design Advisory Committee (DAC) shall comprise of ~~three (3)~~ five (5) external members and three (3) deputy members approved by the Council and appointed by the Chief Executive Officer.*

*3.2 The Town will seek to engage external members so that the Advisory Committee meetings will consist of ~~three (3)~~ five (5) members and three (3) deputy members having:”*

- (ii) *APPROVES BY AN ABSOLUTE MAJORITY the following fee structure:*

- (a) *A single fee of \$300 paid to the Design Advisory Committee Chairperson for attendance at each Design Advisory Committee meeting;*
- (b) *A single fee of \$200 paid to each Design Advisory Committee Member for attendance at each Design Advisory Committee meeting;*
- (c) *No additional fee paid to Design Advisory Committee Members for additional work associated with the Design Advisory Committee;*

- (d) *A Development Application referral fee of \$200 paid by proponents for applications referred to the Design Advisory Committee for consideration; and*
- (e) *The Development Application referral fee of \$200 be credited towards the standard Development Application fee for a Development Application submitted within 60 days of the last consideration by the Design Advisory Committee; and*
- (iii) *AUTHORISES the Chief Executive Officer to:*
- (a) *advertise for Members and Deputy Members for appointment to the Town's Design Advisory Committee for a period of two (2) years from the period of the ratification of the Committee by the Council; and*
- (b) *review the operation of the Design Advisory Committee after a period of twelve (12) months of its implementation and submit a report to the Council."*

At the Special Meeting of Council held on 30 August 2011, the Council resolved as follows:

*"That the Council;*

1. **APPROVES BY AN ABSOLUTE MAJORITY;**
- 1.1 *pursuant to Section 5.8 of the Local Government Act 1995 the establishment of a Committee - Selection Panel to select and make recommendations to the Council of the preferred appointees to the City's newly created Design Advisory Committee (DAC) for the term October 2011 to October 2013; and*
- 1.2 *an amount of \$14,000 for the DAC meeting fees and plan photocopying, for the 2011/2012 Financial Year; and*
2. **APPROVES of;**
- 2.1 *the Committee to comprise;*
- *Council Members (3) – one as Chair;*
  - *Chief Executive Officer;*
  - *Director Development Services;*
  - *Independent Architect; and*
- 2.2 *the appointment of Council Members Mayor Catania, Cr McGrath and Cr Maier to the Committee and Mayor Catania as Chair."*

**DETAILS:**

The DAC Selection Committee (comprising of Cr McGrath, Cr Maier, the Chief Executive Officer, the Director Development Services and Consultant Tony Ednie-Browne) met on four (4) occasions and interviewed a shortlist of eight (8) candidates, from eleven (11) nominations. It also met separately with Mr Iredale to discuss the role of Chairperson. Mr Iredale agreed to accept the role of Chairperson.

The Selection Committee has made the following recommendations:

**1. Appointment of Members**

The Committee recommends the following persons be appointed to the DAC.

NO.	NAME	ADDRESS	Position
1.	Adrian Iredale – Iredale Pedersen Hook Architects	Suite 5/6 Murray Mews, Murray Street, Perth	Chairperson
2.	Ahmad Abas – Gresley Abas Architects	Bulwer Street Highgate 6003	Member
3.	Joe Chindarsi – Chindarsi Architects	Smith Street Highgate 6003	Member

4.	James Christou – Christou Architecture/Urban Design/Interior Design	250 St George's Terrace Perth 6000	Member
5.	Philip Goldswain – Associate Dean & Lecturer, Faculty of Architecture, UWA	Mary Street Highgate 6003	Member
6.	Munira MacKay – Mackay Urbandesign	Dunedin Street Mt Hawthorn 6016	Member
7.	Finn Pedersen – Iredale Pedersen Hook Architects	Suite 5/6 Murray Mews, Murray Street, Perth	Member
8.	Carmel Van Ruth – Office of the Government Architect	Harley Street Highgate 6003	Member

The recommended persons possess a wide and diverse depth of experience and ability. All but one (1) are residents of the City. All expressed a strong desire to contribute to the betterment of the developments and built form in the City.

The Committee considers that it would be more beneficial to have five (5) members and for these to be selected by the Chairperson from a panel of eight (8). A copy of the nominations are Tabled.

## 2. Terms of Reference and Scope

The Committee is of the view that the Council has been too limiting for the type of DA's to be referred to the DAC and this should be expanded and made more flexible (refer to Clauses 5.1 – 5.4 inclusive).

As a result of the interviews and discussions with Architect Tony Ednie-Brown, the Committee considers that the original range of developments to be considered by the DAC is too restrictive. It recommends that the range be expanded, as outlined in the new draft Policy.

## 3. Committee of Council or Advisory

The Chief Executive Officer has further researched the original Terms of Reference and DAC operations and considers it should be changed from a Committee of Council to an Advisory Group, for the following reasons:

As a result of recent discussions with the Department of Local Government about Advisory and Working Groups, the disadvantages of having a "legal Committee" of Council outweigh the advantages for a DAC.

### Advantages

Section 9.56 of the Local Government Act affords some protection to members appointed to a Committee of Council. That is, an action in tort does not lie against a member for anything that the member does in good faith, in the performance or purported performance of a function. However, the City will have Professional Indemnity Insurance for its members. However, the Policy covering the DAC is comprehensive and if properly and professionally managed, the chances of legal action being instituted against a member by an aggrieved Applicant is considered to be low.

### Disadvantages

These disadvantages include:

1. the meetings must be formal and need to operate within Standing Orders e.g. movers/seconders – votes on items etc.
2. Formal and official minutes must be kept and reported to the Council – extra workload and resources required.

3. Members cannot be paid a fee if it is legal committee (refer Section 5.100) – only the reimbursement of expenses.
4. The use of “unofficial” Committees and Advisory Groups is NOT supported by the Department of Local Government, as they consider there is less probity etc.

### **Adoption of a DAC Policy**

It is recommended that the Council adopt a formal Policy – as attached at Appendix 9.4.8. This is the case with Cities of South Perth, Melville, Fremantle. The City of Perth and Town of Victoria Park have unofficial policies attached to their Council resolution and do not have a separate formal policy. The Draft Policy was sent to all Council Members for their comments on Wednesday 21 September 2011. No comments were received from Councillors, at the time of writing this report.

### **Payment to DAC Members**

Section 100 of the *Local Government Act* does not allow for payment to members of a Committee. It does allow for reimbursement of expenses only. Accordingly, it is recommended that the DAC not be appointed as a Committee of the Council, but operate as an Advisory Group.

### **CONSULTATION/ADVERTISING:**

The request for members of the DAC was advertised in a local newspaper. Cr Maier advised that he also sent emails to a number of Architects to advise them of the DAC.

### **LEGAL/POLICY:**

Local Government Act Sections 5.8 and 100.

### **RISK MANAGEMENT IMPLICATIONS:**

**Medium:** There is a potential for applications required to be referred to the DAC to experience a delay. To avoid this, Applicants will be encouraged to submit their plans to the DAC prior to being lodged with the City's Administration.

### **STRATEGIC IMPLICATIONS:**

The City's *Strategic Plan 2011-2016* – Objective 1 states:

#### *“Natural and Built Environment:*

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

### **SUSTAINABILITY IMPLICATIONS:**

It is considered that a DAC would provide a holistic approach to the assessment of Development Applications. The panel of expertise will aim to ensure that the best design outcome is achieved for the environment, the community and the applicant.

### **FINANCIAL/BUDGET IMPLICATIONS:**

The Council has approved of funds of \$14,000 towards a Design Advisory Committee.

**COMMENTS:**

The adoption of a Policy, together with revised Terms of Reference and operation is considered an improvement and more consistent with the operation of DAC's in other Local Governments.

It is considered that a DAC should add value to the City by providing an alternative means of ensuring design excellence, through an independent advisory role outside the statutory decision making process. The DAC should not be viewed as a further bureaucratic step in the development process, but rather a mechanism by which the City can benefit from improved quality of design in areas where the City may lack the in-house design expertise.

The City's Administration considers that a DAC could delay the processing time for a DA, particularly if the process is not carefully managed. However, until a DAC has been in operation for some time, the impact is mainly conjecture.

It is therefore recommended that the Council approve of the Officer Recommendation.

**9.4.9 Arts and Culture Advisory Group – Amendment of Terms of Reference**

<b>Ward:</b>	Both	<b>Date:</b>	3 October 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	CVC0017
<b>Attachments:</b>	<a href="#">001</a> – Amended Arts Advisory Group Terms of Reference		
<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 BY AN ABSOLUTE MAJORITY** to amend the Arts and Culture Advisory Group – Terms of Reference as shown in Appendix 9.4.9.

**COUNCIL DECISION ITEM 9.4.9**

**Moved Cr Buckels, Seconded Cr Farrell**

That the recommendation be adopted.

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

**(Cr Burns and Cr Topelberg were on approved leave of absence.)**

**PURPOSE OF REPORT:**

The purpose of this report is to obtain the Council's approval to approve the amended Terms of Reference of the Arts and Culture Advisory Group Terms of Reference as requested by the Council at its Ordinary Meeting held on 14 June 2011.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 14 June 2011, the Council considered the matter of Advisory Groups and resolved as follows:

*"That the Council;*

- (i) **APPROVES BY AN ABSOLUTE MAJORITY** to:
- (a) *adopt the amended Title Changes, Terms of References and Composition of the Town's existing Advisory Groups;*
  - (b) *adopt the formation of the following new Advisory Groups;*
    - *Business Liaison and Economic Development;*
    - *Healthy Vincent, Sport and Recreation; and*
    - *School Principals Liaison;*
  - (c) *combine the "Heritage Advisory Group" with the "Local History Advisory Group" and the new title be the "Local History and Heritage Advisory Group"; and*
- as shown in Appendix 9.4.5A; and*
- (d) *adopt the amended Advisory Group Meeting Procedures as shown in Appendix 9.4.5B;*

- (ii) *AUTHORISES the Chief Executive Officer to advertise for Community and Business Representatives (as applicable) for appointment to the Town's Advisory Groups, until 20 October 2013, as follows:*
- (a) *Aboriginal Liaison and Reconciliation;*
  - (b) *Business Liaison and Economic Development; and*
  - (c) *Healthy Vincent, Sport and Recreation;*
- (iii) *NOTES that a further report will be submitted to the Council to appoint Council Members and Community and Business Representatives, at the conclusion of the advertising period; and*
- (iv) *REQUESTS that the Terms of Reference be reviewed by each of the Advisory Groups with the intention of reporting back to Council prior to October 2011."*

**DETAILS:**

**Amendments to the Advisory Group Terms of Reference**

The Advisory Group met on 7 September 2011 and recommended that the Terms of Reference be amended as shown in Appendix 9.4.9. The Advisory Group considered that it should be renamed "The Arts Advisory Group" and that the word "Culture" should be deleted, as it is too broad and not reflective of the prime objective.

**CONSULTATION/ADVERTISING**

Not applicable.

**LEGAL/POLICY:**

Advisory Groups do not have any legal status under the Local Government Act 1995. The Advisory Groups fulfil a role by providing advice to the Council on matters referred to the Group by the Council.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** Advisory Groups play an advisory role, and do not have any legal status under the Local Government Act 1995.

**STRATEGIC IMPLICATIONS:**

The City's *Strategic Plan 2011-2016*, Key Result Area 4:

- "4.1 *Manage the organisation in a responsible, efficient and accountable manner.*  
4.1.2 *Review the Advisory Groups"*.

**SUSTAINABILITY IMPLICATIONS:**

The City's Arts and Culture Advisory Group plays an instrumental role in the promotion of the arts in the City. By having a sound Terms of Reference for the Group, ensures that the Group can work effectively and provide a positive contribution to sustainability both within the organisation and the wider community.

**FINANCIAL/BUDGET IMPLICATIONS:**

Not applicable.

**COMMENTS:**

The City's Arts and Culture Advisory Group plays an instrumental role in the promotion of the arts in the City. The amended Terms of Reference for the Group provides a sound framework for the Group to work effectively and provide a positive contribution to the City. In light of this, it is recommended that the Council approves the amended Advisory Group – Terms of Reference.

**9.4.14 LATE ITEM: Integrated Transport, Traffic and Road Safety Advisory Group – Amendment of Terms of Reference**

<b>Ward:</b>	Both	<b>Date:</b>	11 October 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	CVC0017
<b>Attachments:</b>	<a href="#">001</a> – Amended Integrated Transport, Traffic and Road Safety Advisory Group Terms of Reference		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	R Lotznicker, Director Technical Services		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council **APPROVES BY AN ABSOLUTE MAJORITY** to amend the Integrated Transport, Traffic and Road Safety Advisory Group – Terms of Reference as shown in Appendix 9.4.14.

**COUNCIL DECISION ITEM 9.4.14**

**Moved Cr Lake, Seconded Cr Buckels**

That the recommendation be adopted.

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

**(Cr Burns and Cr Topelberg were on approved leave of absence.)**

**PURPOSE OF REPORT:**

The purpose of this report is to obtain the Council's approval to approve the amended Terms of Reference of the Integrated Transport, Traffic and Road Safety Advisory Group Terms of Reference as requested by the Council at its Ordinary Meeting held on 14 June 2011.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 14 June 2011, the Council considered the matter of Advisory Groups and resolved as follows:

*"That the Council;*

- (i) *APPROVES BY AN ABSOLUTE MAJORITY to:*
- (a) *adopt the amended Title Changes, Terms of References and Composition of the Town's existing Advisory Groups;*
  - (b) *adopt the formation of the following new Advisory Groups;*
    - *Business Liaison and Economic Development;*
    - *Healthy Vincent, Sport and Recreation; and*
    - *School Principals Liaison;*
  - (c) *combine the "Heritage Advisory Group" with the "Local History Advisory Group" and the new title be the "Local History and Heritage Advisory Group"; and*
- as shown in Appendix 9.4.5A; and*
- (d) *adopt the amended Advisory Group Meeting Procedures as shown in Appendix 9.4.5B;*

- (ii) *AUTHORISES the Chief Executive Officer to advertise for Community and Business Representatives (as applicable) for appointment to the Town's Advisory Groups, until 20 October 2013, as follows:*
- (a) *Aboriginal Liaison and Reconciliation;*
  - (b) *Business Liaison and Economic Development; and*
  - (c) *Healthy Vincent, Sport and Recreation;*
- (iii) *NOTES that a further report will be submitted to the Council to appoint Council Members and Community and Business Representatives, at the conclusion of the advertising period; and*
- (iv) *REQUESTS that the Terms of Reference be reviewed by each of the Advisory Groups with the intention of reporting back to Council prior to October 2011."*

#### **DETAILS:**

##### **Amendments to the Advisory Group Terms of Reference**

The Advisory Group met on 18 August 2011 and recommended that the Terms of Reference be amended as shown in Appendix 9.4.14. The Advisory Group considered that it should be renamed '*Integrated Transport Advisory Group*' (ITAG) and that the word Traffic and Road Safety should be deleted.

The group considered that the name 'Integrated Transport' was inclusive of all the Group's major areas of influence:

- Local Area Traffic Management
- Road Safety
- Sustainable Transport
- Cycling
- Pedestrians

Moreover, the proposed name is in recognition that all of the above come under the Transport or 'People Moving' umbrella.

It was also suggested that there be an *Educational Element* in the terms of reference to include information such as the existence of the Functional Road Hierarchy etc so that residents and/or prospective purchasers understood why there may be higher volumes of traffic on their street.

#### **CONSULTATION/ADVERTISING**

Not applicable.

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

Advisory Groups do not have any legal status under the Local Government Act 1995. The Advisory Groups fulfil a role by providing advice to the Council on matters referred to the Group by the Council.

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

**Low:** Advisory Groups play an advisory role, and do not have any legal status under the Local Government Act 1995.

#### **STRATEGIC IMPLICATIONS:**

The City's *Strategic Plan 2011-2016*, Key Result Area 4:

- "4.1 *Manage the organisation in a responsible, efficient and accountable manner.*
- 4.1.2 *Review the Advisory Groups".*

**SUSTAINABILITY IMPLICATIONS:**

The name 'Integrated Transport' was inclusive of Local Area Traffic Management, Road Safety, Sustainable Transport, cycling, and pedestrians.

**FINANCIAL/BUDGET IMPLICATIONS:**

Not applicable.

**COMMENTS:**

The City's Integrated Transport, Traffic and Road Safety Advisory Group plays an instrumental role in the implementation of road safety improvement initiatives in collaboration with the City's residents. The amended Terms of Reference for the Group provides a sound framework for the Group to continue to work effectively and provide a positive contribution to the City. In light of this, it is recommended that the Council approves the amended Advisory Group – Terms of Reference.

## 10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

<b>10.1 Notice of Motion – Cr Warren McGrath – Request to Investigate Preparation of a Structure Plan for the area known as “Claisebrook Road North”</b>
--

That the Council:

1. REQUESTS the Chief Executive Officer to provide a report to the Council, concerning the preparation of a Local Structure Plan for the area bounded by the Midland-Perth railway, Graham Farmer Freeway, Lord Street, and Summers Street and including all lots abutting Summers Street (commonly referred to as 'Claisebrook Road North'), consistent with the WA Government Structure Plan preparation Guidelines.

The report is to include, but not be limited to, the following information:

- potential key components of the Structure Plan and likely required supporting studies;
  - options for resourcing the undertaking of the required studies and preparation of the Structure Plan documentation (e.g. including the preference of the administration for external consultant or “in-house”);
  - an outline of a broad community engagement and consultation plan to ensure the Structure Plan is consistent with community aspirations;
  - an Indicative Timeline for the required studies, community engagement and consultation program, and preparation and approval of the Structure Plan;
  - an indicative budget for the required studies, community engagement and consultation program, and preparation of the Structure Plan;
  - implications/outcomes, confirming there is a sound rationale for preparing a Structure Plan for this area; and
  - potential limitations/challenges and outline of strategies to overcome these;
2. NOTES that the aim of the Structure Plan is to provide direction on development of Claisebrook Road North as a potential Activity Centre consistent with the community vision for the area and with Transit Oriented Development principles; and
  3. REQUESTS a report be submitted to the Council no later than the Ordinary Meeting of Council to be held on 20 December 2011.

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### COUNCIL DECISION ITEM 10.1

Moved Cr McGrath, Seconded Cr Buckels

That the motion be adopted.

Debate ensued.

**MOTION PUT AND CARRIED UNANIMOUSLY (7-0)**

(Cr Burns and Cr Topelberg were on approved leave of absence.)

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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.

**PROCEDURAL MOTION**

At 9.45pm **Moved Cr Farrell, Seconded Cr Buckels**

That Council proceed "behind closed doors" to consider confidential items:

- 9.4.10, as the matter contains a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting and legal advice obtained, or which may be obtained;
- 14.1, as the matter contains legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
- 14.2, as the matter being considered is subject to formal consent to advertise from the Western Australian Planning Commission; and
- 14.3, as this matter contains information affecting an employee or employees.

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (7-0)**

(Cr Burns and Cr Topelberg were on approved leave of absence.)

There were no members of the public or journalists present.

**PRESENT:**

Mayor Nick Catania, JP	Presiding Member
Cr Matt Buckels	North Ward
Cr Steed Farrell	North Ward
Cr Taryn Harvey	North Ward
Cr Sally Lake ( <i>Deputy Mayor</i> )	South Ward
Cr Warren McGrath	South Ward
Cr Dudley Maier	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)

**9.4.10 LATE ITEM: Major Land Transaction – Consideration of Submissions Concerning Proposed Lease of the Rectangular Stadium to the State Government of Western Australia, 310 Pier Street, Perth**

<b>Ward:</b>	South	<b>Date:</b>	7 October 2011
<b>Precinct:</b>	Beaufort, P13	<b>File Ref:</b>	RES0114
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	Draft Lease		
<b>Reporting Officer:</b>	John Giorgi, Chief Executive Officer		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council:

1. **RECEIVES** the Progress Report of the Stadium Redevelopment and draft Lease to the State Government of Western Australia for the City's Stadium at 310 Pier Street, Perth dated 7 August 2011;
2. **NOTES** that, at the close of the community consultation period, no submissions were received;
3. **APPROVES BY AN ABSOLUTE MAJORITY** of a Lease of the premises known as "nib Stadium" at 310 Pier Street, Perth to the State Government of Western Australia (the State), for a period of twenty-five (25) years with a twenty-five (25) year Option, subject to:
  - 3.1 the City reaching Agreement with Allia Venue Management (Allia) to release each other from the current Heads of Agreement; and
  - 3.2 a Deed of Surrender and Release being signed by the City and Allia Venue Management once agreement has been reached between Allia Venue Management and the State; and
4. **AUTHORISES** the:
  - 4.1 the Chief Executive Officer to negotiate any minor changes that may arise in the finalisation of the Lease or Deed, providing they are not materially different to what has been approved or significantly affect the City's position; and
  - 4.2 Mayor and Chief Executive Officer to sign the Lease and the Deed of Surrender and Release and affix the Council's Common Seal.

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**COUNCIL DECISION ITEM 9.1.10**

**Moved** Cr Farrell, **Seconded** Cr Maier

That the recommendation be adopted.

The Chief Executive Officer gave a verbal confidential update on to the Council on the progress of negotiations being carried out by the State Government.

Discussion ensued.

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

(Cr Burns and Cr Topelberg were on approved leave of absence.)

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## PURPOSE OF REPORT:

The purpose of the report is for the Council to note that no submissions were received at the close of the community consultation period and to approve of a Lease of the premises known as "nib Stadium", 310 Pier Street, Perth to the State Government of Western Australia.

## BACKGROUND:

### Previous Reports

Previous reports have been submitted to the Special Meeting of Council held on 6 September 2010, Ordinary Meeting of Council held on 23 August 2011, 27 July 2010, 28 July 2009, 24 March 2009, 24 February 2009, 8 April 2008, 4 December 2007, Special Meeting of Council held on 29 May 2007 and Ordinary Meetings of Council held on 13 June 2006, 11 April 2006, 14 February 2006, 22 November 2005, 12 July 2005, 26 April 2005, 22 March 2005, 21 December 2004 and 26 October 2004.

At the Ordinary Meeting of Council held on 23 August 2011, the Council considered the matter of a possible Lease of the Rectangular Stadium to the State Government and resolved as follows:

*"That the Council;*

1. *RECEIVES the Progress Report of the Stadium Redevelopment and draft Lease to the State Government of Western Australia for the City's Stadium at 310 Pier Street, Perth dated 12 August 2011;*
2. *APPROVES of a Lease of the premises known as "nib Stadium" at 310 Pier Street, Perth to the State Government of Western Australia, for a period of twenty-five (25) years with a twenty-five (25) year Option, as detailed in this report, subject to the Major Land Transaction Proposal and Business Plan, as shown in Appendix 9.4.7, being advertised state-wide for a period of not less than six (6) weeks and inviting written submissions on the proposed undertakings and for the Council to consider any submissions received at the conclusion of this period; and*
3. *NOTES that;*
  - 3.1 *a further report will be submitted to the Council at the conclusion of the statutory six (6) week consultation period to consider any submissions received; and*
  - 3.2 *the State Government has approved of a Stage 1 Redevelopment of the Stadium, at an estimated cost of \$94.1 million, as detailed in this report."*

## DRAFT LEASE

The draft Lease between the City and the State is identical to that approved at the Ordinary meeting of Council held on 23 August 2011, except for the following new Clauses:

### Capital Improvements

#### 11.5 Capital Improvements

A new paragraph (b) has been included as follows;

*"(b) Any Capital Improvements which are not used in the Redevelopment will remain the property of the Lessor. The Lessee will remove the Capital improvements, which include, but are not limited to, the light towers and fittings, existing steel eastern stand, demountable toilet ablution buildings and place them on the Land (or Loton Park) for prompt collection by the Lessor. The Lessor will be responsible for all costs associated with the disposal of the Capital Improvements from the Land (or Loton Park)."*

#### Chief Executive Officer's Comment:

This paragraph has been inserted at the City's request to remove any ambiguity about the City retaining ownership of any Capital Improvements, which are existing and will not be used as part of the redevelopment, such as four (4) light towers, demountable ablution buildings (approximately three (3) universal access toilets and four (4) general toilets – two (2) for males and two (2) for females), etc. This matter recently arose in discussions with the State concerning the proposed redevelopment.

The unused Capital Improvements will have some value and the Council can determine what it wishes to do with the items. It is suggested that the light towers and fittings could be sold, as they would be of considerable value to a local government or organisation wishing to light an Oval, etc. The demountable ablution buildings could be located at one of the City's parks (e.g. corner Hobart and Auckland Streets). The existing eastern stand could be sold as scrap metal. A report will be submitted to the Council at the appropriate time.

### **Stadium Advisory Committee**

At the request of Allia, the State has agreed to amend the Stadium Advisory Committee as follows;

#### **21.1 Establishment of Stadium Advisory Committee**

*"(b) The Committee shall comprise the following persons:*

- The Chief Executive Officer and a Board Member of the WA Sports Centre Trust;*
- A representative of the Department;*
- A representative of Allia;*
- A representative of a Stadium user who will have non-voting status (which representative will be rotated annually amongst Stadium users);*
- The Mayor and Chief Executive Officer of the City of Vincent; and*
- No more than 2 other persons nominated by the Minister, provided that the Minister will not make any nomination during the initial 12 months of the term.*

*(c) In order to constitute a quorum at any meeting of the committee at least 4 members must be present and at least 2 of which must be State representatives, the third must be Allia's representative and the fourth, the Council's representative, provided that if Allia's representative does not attend the re-scheduled meeting of the Committee, the meeting may proceed without Allia's representative being present."*

#### **Chief Executive Officer's Comment:**

The CEO considers the revised composition is an improvement on the original composition, as it provides for two (2) City representatives and does not adversely impact on the City. Accordingly, it is recommended that the Council accept this new clause.

### **New Agreement between the State and Allia**

The Draft Lease with the State Government requires the State to assume total responsibility for the Heads of Agreement contracts and Licences. A new Agreement is being negotiated between the State and Allia Venue Management. It is proposed that Allia will remain as Stadium Manager for the remainder of their original Term and this will expire on 6 February 2024. The existing Deeds of Licence (with Perth Glory Football Club, RugbyWA and WARL) will continue until they expire or are terminated.

The City's Chief Executive Officer has been assisting the State and Allia Venue Management in these negotiations and attended a significant meeting at the Department of Premier and Cabinet on 15 September and 4 October 2011, in order to assist both parties.

The State Government of Western Australia and the City's Stadium Manager are well advanced in negotiations for a new Heads of Agreement to manage the Stadium on behalf of the State, under the same Terms and Conditions of the existing Heads of Agreement (HOA) between the City and the Manager.

Upon agreement between the City of Vincent, State Government and Allia Venue Management, a new Agreement will be signed between the State and Allia Venue Management.

The City and Allia Venue Management will then contemporaneously sign a Deed of Surrender/Release concerning the existing Heads of Agreement between the two parties.

The City's legal advice recommends that the City not be a party to any new Agreement between the State and Allia Venue Management.

At the time of writing this report, negotiations between the State and Allia have progressed to a stage whereby agreement in principle has been reached and a new draft Agreement has been prepared. Several clauses are yet to be finally agreed by solicitors for each party, but this is expected to be a matter of legal drafting.

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

A Business Plan under the Major Land Transaction requirements of the Local Government Act was advertised for a minimum of six (6) weeks, seeking any submissions. This closed on 7 October 2011. At the close of the consultation period, no submissions had been received.

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

The Local Government Act 1995, Section 3.59 – "Major Land Transaction".

#### **Land Titles**

Perth Oval and Loton Park comprise of a number of individual titles. The City of Vincent owns the land freehold – however, a significant portion of the land is subject to the Loton Trust – which requires the land to be used in perpetuity for "Recreational Purposes".

#### **Zoning**

Perth Oval and Loton Park are a Reserve under the City of Vincent Town Planning Scheme No. 1 and are zoned "*Parks and Recreation*" in the Metropolitan Region Scheme. Any redevelopment will require approval of the Western Australian Planning Commission. The proposed redevelopment will require referral to the Development Assessment Panel for consideration and determination.

#### **Heritage**

Perth Oval and Loton Park are listed on the State Register for Heritage Places – Western Australia and also on the Interim Register for Aboriginal Heritage sites. As such, approvals from the Heritage Council of Western Australia and Department of Indigenous Affairs will be required for any redevelopment.

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

**High:** The transfer of the Stadium via a long term lease to the State Government involves negotiations of complex legal documents. It also involves a third party (i.e. Stadium Manager – Allia Venue Management). To reach an agreement which is acceptable to all Parties has involved protracted and complex negotiations.

Should agreement not be reached with any Party, the whole project would be in serious jeopardy.

**STRATEGIC IMPLICATIONS:**

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

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

**SUSTAINABILITY IMPLICATIONS:**

The current Stadium is an aged facility with a significant component being of a temporary nature, e.g. scaffold stands, temporary toilets and food and liquor outlets.

The existing grandstand requires considerable annual maintenance and upkeep. This will only continue, as with all ageing infrastructure.

A new Stadium will incorporate many sustainability principles such as photoelectric panels, rainwater tanks for water reuse, modern fixtures and fittings which are water efficient, energy efficient fittings, etc.

**FINANCIAL/BUDGET IMPLICATIONS:**

To date, the City has not received any monies, as the draft Lease has not been approved. The State will pay \$5 million to the City within fourteen (14) days of the Lease being signed.

There are no specific funds provided for legal and other consultants' costs in the 2011/2012 Budget for this specific item, however an amount of \$30,000 has been included for general legal advice. Legal costs have been minimal to date, as the majority of the negotiations have been carried out at Officer level, without the need for solicitors on both sides.

The proposal indicates the following arrangement:

**Revenue:**

Financial Income

1. Up-front capital payment of \$5 million paid within fourteen (14) days upon the signing of the Lease.
2. Annual Revenue of \$25,000 per year indexed by CPI (Perth) will be received for the term of the Lease. To be paid monthly.
3. The City will continue to control and manage Loton Park and temporary parking on Event Days. Annual parking fees of \$84,000 (net) per annum are received.
4. The City will continue to control and manage the Stadium car park, except on Event Days, where 10,000 persons are anticipated at the event. Revenue of \$6,250 is received per annum.

Annual Cost Savings to City

1. Cost savings of \$67,500 per annum no longer to be paid by the City into the Stadium Capital Reserve Fund.
2. Forecourt maintenance savings of \$14,500 per annum.
3. Cost savings from no longer dealing with Stadium administrative matters based on 1 hour - Chief Executive Officer, 1 hour - Chief Executive Officer's Personal Assistant and 2 hours for a Property Maintenance Officer per week over 50 year period will result in cost savings of \$1,519,148 (plus).
4. Cost savings from no longer carrying out capital improvements of approximately \$30,000-\$50,000 per year.

Improvement to City Asset

Once Stage 2 Redevelopment has been completed, the City's Stadium asset will be increased in value from \$20,133,083 to in excess of \$80 million.

Expenditure

The City will no longer be responsible for any expenditure (either Capital Improvements or ongoing maintenance) relating to the leased area of the Stadium.

**Professional Valuation and Property Advice**

On 1 September 2010, the City engaged Colliers International Property Consultants and Valuers to evaluate and provide advice on the State's offer.

The City's Property Consultant's report advised that the State Government's offer "is financially reasonable". It further advised that "the State's Offer in Present Value (PV) terms exceeds the upper limit of our initial market rental assessment".

*"The analysis conclusion provides for an acceptance of the State's Lease proposed on financial terms."*

**COMMENTS:**

The Lease is the culmination of over eighteen months' dialogue with the State Government of Western Australia. The City's Property Consultant's report advises that the State Government's Offer "is financially reasonable". It further advises that "the State's Offer in Present Value (PV) terms exceeds the upper limit of our initial market rental assessment".

*"The analysis conclusion provides for an acceptance of the State's Lease proposed on financial terms."*

The direction of the State Government is in accordance with the Recommendations of the Major Stadia Taskforce which are supported in the main by the Council.

The Lease provides a unique opportunity for the City to remove itself from what is considered to be a State Government responsibility to provide state sporting facilities and major infrastructure, whilst at the same time securing a most reasonable financial deal, which will provide significant benefits to the City of Vincent and its residents.

The Offer is considered a "win-win" for both the City and the State Government and accordingly, it is recommended that the Council approves of the Officer Recommendation.

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

**14.1 CONFIDENTIAL REPORT: No. 120 (Lot 1010; D/P: 1149) Claisebrook Road, corner Caversham Road, Perth - Additions, Alterations to Existing Concrete Batching plant and the lifting of time limited condition requiring the concrete batching plant to cease operating after 16 October 2012 and extended hours of operation (Holcim Batching Plant) - State Administrative Tribunal DR 225 of 2011**

<b>Ward:</b>	South	<b>Date:</b>	30 September 2011
<b>Precinct:</b>	Claisebrook Road North-P15	<b>File Ref:</b>	PRO0733; 5.2011.173.1
<b>Attachments:</b>	Nil		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	B Doyle, Director Planning Solutions (nominated consultant)		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

In accordance with the Council’s Policy No. 4.1.23 State Administrative Tribunal, this report has been prepared by Planning Solutions – Town Planning Consultants for the Council, in respect to reconsideration of this matter currently at the State Administrative Tribunal.

**COUNCIL DECISION – ITEM 14.1:**

1. **NOTES** that the matter is listed in the State Administrative Tribunal (SAT) for a final hearing to be held on 2 March 2012, for one (1) day;
2. **AUTHORISES** the Chief Executive Officer to instruct the City’s solicitors to:
  - 2.1 **strongly oppose** the application in the State Administrative Tribunal; and
  - 2.2 **engage witnesses**, including Council Members, expert witnesses and Community Members to appear at the SAT hearing on behalf of the City;
3. **REQUESTS** the State Administrative Tribunal to **RECOMMEND** to the Minister for Planning that he determine the proceedings on the basis that, in accordance with the provisions of the East Perth Redevelopment Authority Scheme No. 1 and the Metropolitan Region Scheme, the application submitted by Allering & Associates on behalf of the owner Holcim Australia Pty Ltd for Alterations and Additions to Existing Concrete Batching Plant and the Lifting of Time Limited Condition requiring the Concrete Batching Plant to cease Operating after 16 October 2012 and Extended Hours of Operation (Holcim Batching Plant) at No. 120 (Lot 1001; D/P: 1149) Claisebrook Road, corner Caversham Road, Perth, and as shown on plans stamp-dated 6 April 2011, be **REFUSED**;
4. **REQUESTS** the State Administrative Tribunal that in the event that it does not **RECOMMEND REFUSAL** of the application as requested in Clause 3 above, that it **RECOMMENDS** to the Minister for Planning that he determine the proceedings on the basis that, in accordance with the provisions of the East Perth Redevelopment Authority Scheme No. 1 and the Metropolitan Region Scheme, the application submitted by Allering & Associates on behalf of the owner Holcim Australia Pty Ltd for Alterations and Additions to Existing Concrete Batching Plant and the Lifting of Time Limited Condition requiring the Concrete Batching Plant to cease Operating after 16 October 2012 and Extended Hours of Operation (Holcim Batching Plant) at No. 120 (Lot 1001; D/P: 1149) Claisebrook Road, corner Caversham Road, Perth, and as shown on plans stamp-dated 6 April 2011, be **APPROVED** subject to the following conditions:

**4.1 Time Period**

- 4.1.1 This approval is granted for a term expiring on five (5) years from the date of expiry (16 October 2012) of the current development approval;
- 4.1.2 This approval authorises concrete batching operations and access to the site by trucks and semi-trailers at any time between Monday and Saturday inclusive; and
- 4.1.3 There is to be no access to the site by trucks and semi-trailers on Sundays or public holiday(s);

**4.2 Environmental Management Plan**

4.2.1 Within one calendar month of the issue of the approval, the applicant shall update the Environmental Management Plan East Perth Concrete Batching Plant (Holcim) dated 24 March 2011, or submit a management plan to the City of Vincent which addresses the following matters:

- (a) noise management for on-site activities;
- (b) dust and cement waste management including regular washing down of trucks before exiting the site, dust control on-site and the regular sweeping and cleaning of materials spilled on surrounding roads;
- (c) a Traffic Management Plan for all vehicles entering and exiting the site, including driver education in regard to truck routes, vehicle speeds, and operations to minimise disturbance and public safety concerns;
- (d) the implementation of a Complaint Handling System which provides:
  - (i) A manned 24 hour telephone number, facsimile number and email address to log complaints and enquiries; and
  - (ii) A record of complaints and enquiries logged, and the applicant's response, shall be provided on a quarterly basis to the City for its monitoring information; and
- (e) a review of the management plan after the first 12 months from the date of submission or as required by the City; and

4.2.2 The development must be carried out in accordance with the recommendations made in the Herring Storer Acoustics Noise Management Plan (Ref: 12645-3-10164), or other Noise Management Plan endorsed by the City, including in particular, but without limitation:

- (a) reverse the truck access route, so mixing trucks enter the loading area from the west, travel east through the loading bay building, then move to the night slump stand, located behind the existing delivery shed then following slumping, they turn within the site and exit via Claisebrook Road;

- (b) the installation of an automatic door on the western entry point of the loading area, similar to that which is installed on the eastern side; and
  - (c) ensuring that the personnel entry door to the production tower is not left open during the night period, between 7pm and 7am;
- 4.3 **PRIOR TO THE ISSUE OF A BUILDING LICENCE for this development, the following shall be submitted to and approved by the City:**

4.3.1 **The applicant shall submit an amended plan detailing:**

- (a) material, colour and a minimum of two significant design features being incorporated in the proposed sound attenuation wall to reduce the visual impact on the adjoining properties, to the satisfaction of the Chief Executive Officer; and
- (b) relocated footpath, footpath material, separation between proposed crossover and Westrail crossover, type, material and finish of proposed gate, which is to be visually permeable, curved mirror and appropriate internal warning signs;

4.3.2 **Construction Management Plan**

A Construction Management Plan shall be submitted to and approved by the City, addressing the following issues:

- (a) Public safety, amenity and site security;
- (b) Contact details of essential site personnel;
- (c) Construction operating hours;
- (d) Noise control and vibration management;
- (e) Dilapidation Reports of nearby properties;
- (f) Air and dust management;
- (g) Waste management and materials re-use;
- (h) Parking arrangements for contractors and subcontractors;
- (i) Consultation Plan with nearby properties; and
- (j) Any other matters deemed appropriate by the City; and

4.3.3 **Landscaping and Reticulation Plan**

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

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

- (a) the location and type of existing and proposed trees and plants;
- (b) all vegetation including lawns;
- (c) areas to be irrigated or reticulated and such method;
- (d) proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- (e) separate soft and hard landscaping plans (indicating details of materials to be used); and

**4.4 Decommissioning Plan**

**A Decommissioning Plan shall be submitted to and approved by the City that addresses:**

- 4.4.1 The staging and timing of ceasing of operations by the end of the five (5) year term and the complete removal of plant from the site;**
  - 4.4.2 The remediation of the site; and**
  - 4.4.3 Plans for development or sale of the site.**
- 

**COUNCIL DECISION ITEM 14.1**

**Moved Cr McGrath, Seconded Cr Harvey**

**That the Consultant recommendation be adopted, together with a new Clause 3 and changes to the new Clause 4.**

**MOTION PUT AND CARRIED UNANIMOUSLY (7-0)**

**(Cr Burns and Cr Topelberg were on approved leave of absence.)**

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**DETAILS:**

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it relates to the City's position regarding a review application to the State Administrative Tribunal, contains legal advice obtained, or which may be obtained by the local government and which relates to a matter to be discussed at this meeting. In accordance with Section 5.23 of the Local Government Act, the report is to be kept confidential until determined by the Council to be released for public information.

**LEGAL:**

The Local Government Act 1995, Section 5.23(2) prescribes that a meeting or any part of a meeting may be closed to the public when it deals with a range of matters.

The City of Vincent Local Law Relating to Standing Orders states the following:

"2.15 Confidential business

- (1) All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007."

The confidential report is provided separately to Council Members, the Chief Executive Officer and Directors.

At the conclusion of these matters, the Council may wish to make some details available to the public.

At 10.10pm the Chief Executive Officer advised that it past 10.00pm and in accordance with the Council Meeting Policy, the Council should resolve to extend the meeting.

The Presiding Member, Mayor Nick Catania stated a motion needed to be moved to extend the closure of meeting time, as the Council's Policy relating to Council meetings requires meetings to cease by 10.00pm.

**PROCEDURAL MOTION**

**Moved Cr McGrath, Seconded Cr Lake**

That the meeting be extended until 10:30pm.

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (7-0)**

(Cr Burns and Cr Topelberg were on approved leave of absence.)

**14.2 CONFIDENTIAL REPORT: Endorsement of draft City of Vincent Town Planning Scheme No. 2 (Text and Maps), draft Local Planning Strategy and draft Precinct Policies – Progress Report No. 13 – Further Report**

<b>Ward:</b>	Both	<b>Date:</b>	28 September 2011
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0140
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	-		
<b>Reporting Officers:</b>	R Marie, Planning Officer (Strategic) D Mrdja, Senior Strategic Planning and Heritage Officer T Woodhouse, Manager Strategic Planning, Sustainability & Heritage Services		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **NOTES** the Officer responses in relation to the Council Member queries shown in Appendix 14.2(a);
2. **APPROVES** the following *'Tabled'* Items:
  - 2.1 **Draft Local Planning Strategy;**
  - 2.2 **Draft Town Planning Scheme No. 2 text, subject to the following:**
    - 2.2.1 **A new clause 5.3.9 be added to the draft Town Planning Scheme No. 2 text to read as follows:**

“5.3.9 The Council may impose maximum residential car parking requirements as outlined in the relevant Local Planning Policy.”;
  - 2.3 **Draft Town Planning Scheme No. 2 maps (Scheme Maps 1 – 5), subject to the following:**
    - 2.3.1 **Scheme Map No. 5 being amended so the street block bounded by William Street, Brisbane Street, Brisbane Place and Robinson Avenue being rezoned to District; and**
    - 2.3.2 **Scheme No. 3 being amended so that the street block bounded by Charles Street, Kadina Street, Albert Street and Tay Place, excluding No. 299 (Lot 100) Charles Street, North Perth, being rezoned to Residential R80; and**
  - 2.4 **Draft Precinct Policies;**

3. **AUTHORISES** the Chief Executive Officer to **FORWARD** the documents listed in clause 2 above to the Western Australian Planning Commission for consent to advertise in accordance with Regulation 13 of the Town Planning Regulations 1967;
  4. **NOTES** the detailed background of the Town Planning Scheme Review as shown in Appendix 14.2(b); and
  5. **APPROVES** the revised Indicative Timeline shown in Appendix 14.2(c).
- 

**COUNCIL DECISION ITEM 14.2**

**Moved Cr McGrath, Seconded Cr Maier**

That the recommendation be adopted.

**MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (7-0)**

**(Cr Burns and Cr Topelberg were on approved leave of absence.)**

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**DETAILS:**

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information which cannot be released for public viewing, until such time as the City receives consent to advertise the Town Planning Scheme No. 2 and associated documents, from the Western Australian Planning Commission, in accordance with Regulation 13 of the Town Planning Scheme Regulations 1967. In accordance with Section 5.23 of the Local Government Act, the report is to be kept confidential until determined by the Council to be released for public information.

**LEGAL:**

The Local Government Act 1995, Section 5.23(2) prescribes that a meeting or any part of a meeting may be closed to the public when it deals with a range of matters.

The City of Vincent Local Law Relating to Standing Orders states the following:

*"2.15 Confidential business*

- (1) *All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007."*

The confidential report is provided separately to Council Members, the Chief Executive Officer and Directors.

At the conclusion of these matters, the Council may wish to make some details available to the public.

The following departed the Chamber at 10.28pm:

John Giorgi, JP Chief Executive Officer  
Rob Boardman Director Development Services  
Rick Lotznicker Director Technical Services  
Mike Rootsey Director Corporate Services

**14.3 CONFIDENTIAL REPORT: Chief Executive Officer's Annual Performance Appraisal 2011**

<b>Ward:</b>	-	<b>Date:</b>	3 October 2011
<b>Precinct:</b>	-	<b>File Ref:</b>	Personal
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	John Phillips (HR Consultant) Mayor Nick Catania John Giorgi, Chief Executive Officer		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council:

That the Council:

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

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**COUNCIL DECISION ITEM 14.3**

**Moved Cr Farrell, Seconded Cr Maier**

That the recommendation be adopted.

**MOTION AS AMENDED PUT AND CARRIED (6-1)**

**For:** Mayor Catania, Cr Buckels, Cr Farrell, Cr Harvey. Cr Lake, Cr McGrath

**Against:** Cr Maier

**(Cr Burns and Cr Topelberg were on approved leave of absence.)**

**DETAILS:**

This report is of a confidential nature as it contains information affecting an employee.

**LEGAL:**

The Local Government Act 1995, Section 5.23(2) prescribes that a meeting or any part of a meeting may be closed to the public when it deals with a range of matters.

Section 5.94 of the Act provides the public is entitled to inspect a wide range of information about the City. Section 5.95(6) excludes information that has been prescribed as confidential from this entitlement.

The City of Vincent Local Law Relating to Standing Orders states the following:

*"2.15 Confidential business*

*(1) All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007.*

The confidential reports are provided separately to Council Members and the Chief Executive Officer.

In accordance with Section 5.23 of the Local Government Act, the report is to be kept confidential until determined by the Council to be released for public information.

At the conclusion of these matters, the Chief Executive Officer may wish to make some details available to the public.

**Cr Maier departed the Meeting at 10.45pm and did not return.**

**The Chief Executive Officer returned to the Council Chamber at 10.45pm.**

**PROCEDURAL MOTION**

**At 10.45pm Moved Cr McGrath, Seconded Cr Buckels**

**That Council resume an "open meeting".**

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (7-0)**

**(Cr Burns and Cr Topelberg were on approved leave of absence.)**

**15. CLOSURE**

**There being no further business, the Presiding Member, Mayor Nick Catania, declared the meeting closed at 10.45pm with the following persons present:**

Mayor Nick Catania, JP	Presiding Member
Cr Matt Buckels	North Ward
Cr Steed Farrell	North Ward
Cr Taryn Harvey	North Ward
Cr Sally Lake ( <i>Deputy Mayor</i> )	South Ward
Cr Warren McGrath	South Ward
John Giorgi, JP	Chief Executive Officer

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 11 October 2011.

Signed: .....Presiding Member  
Mayor Alannah MacTiernan

Dated this ..... day of ..... 2011