



CITY OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

14 FEBRUARY 2012

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and computer disk*

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Minutes of the Ordinary Meeting of Council of the City of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 14 February 2012, commencing at 6.00pm.

1. (a) DECLARATION OF OPENING

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

(b) ACKNOWLEDGEMENT OF COUNTRY STATEMENT

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

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Cr Warren McGrath – apology – arriving late due to work commitments.
Cr John Pintabona – apology – arriving late due to work commitments.

(b) Present:

Mayor Hon. Alannah MacTiernan	Presiding Member
Cr Warren McGrath (<i>Deputy Mayor</i>)	South Ward (from 6.05pm)
Cr Matt Buckels	North Ward
Cr John Carey	South Ward
Cr Roslyn Harley	North Ward
Cr Dudley Maier	North Ward
Cr John Pintabona	South Ward (from 6.09pm)
Cr Joshua Topelberg	South Ward
Cr Julia Wilcox	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Community Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Helen Smith	Manager Planning and Building Services
Tory Woodhouse	Manager Strategic Planning, Sustainability and Heritage Services
Anita Radici	Executive Assistant (Minutes Secretary)
Lauren Peden	Journalist – <i>"The Guardian Express"</i> (until approximately 8.55pm)
David Bell	Journalist – <i>"The Perth Voice"</i> (until approximately 8.40pm)

9 Members of the Public

(c) Members on Approved Leave of Absence:

Nil.

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

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

1. Ron Jee, Architect of DesignInc, 80 Beaufort Street, Perth – Item 9.1.6. Submitted an email (as listed below) and read out a summary of the submission.
“The Officer Recommendation is for the Council to REFUSE the application, and to refer the proposal to the Design Advisory Committee (DAC) for consideration. Our client is aggrieved by the recommendation especially after a long consultation process involving the council’s planning and technical services staff, with the development design having been amended many times to a design which we had understood as one which would be acceptable and supportable by the Council. Our client is also aggrieved by the recommendation to refer the proposal to the Development Advisory Committee as this will further delay the project; it is unnecessary and will result in further development costs due to inflation and causing further risk to the project. The recommendations are unreasonable and NOT logical. We respectfully request that the elected members consider the following matters:
 - A. *The Officer’s Report*
 - *Failed to report that we have been in consultation with Council planning and technical officers regarding this proposal for almost 12 months with the initial DA submitted in August, 2011.*
 - *Many design changes made to meet council’s requirements and design guidelines.*
 - B. *Council Forum*
 - *The proposal was presented at the 13th December, 2011 Council Forum;*
 - *The councillors present were very supportive of the proposal; a few comments were made;*
 - *Additional information provided after the Council Forum as tabled in the agenda;*
 - *The revised design satisfactorily addressed all the matters raised by the councillors.*
 - C. *Compliance, Public Consultation and the DAC*
 - *The Officer’s report supported areas of non-compliance;*
 - *Except for the area of Number of Storeys/Height;*
 - *The proposal had been advertised - 10 submissions and one (1) petition;*
 - *The Officer noted some of the submissions/objections but had NOT supported any of the other submissions/objections;*
 - *The DA proposal was submitted before the DAC was formed;*
 - *No reason or justification for referring to the DAC when the proposal has been advertised and where the ‘concerns’ and ‘interests’ of the public and adjoining residents had been addressed and supported by the Officer.*
 - D. *3 Storey Height Design*

We ask you to consider the proposal as a total package, it:

 - *Meets the City of Vincent’s strategic planning initiatives AND the draft Local Planning Strategy - the Leederville area is well situated and well serviced to accommodate higher density living, catering for a wide variety of lifestyle choices and community needs.*
 - *The area will gradually be redeveloped at a higher density consistent with the need to support the proposed Oxford Street Activity Corridor and the opportunities for large scale redevelopment and upgrade of the housing stock in this area.*
 - *The WAPC Directions 2031 and Beyond - the need to improve overall density on all residential developments within the metropolitan area especially infill developments in inner and middle city locations;*
 - *Meets the objectives of the revised Residential Design Codes (November 2010) – to develop more dwellings to provide more affordable residential accommodation;*

- *This is such a location...it is well connected to Oxford Street, and the Freeway.*
- *The adjoining parkland provides a great opportunity for density and height without compromising privacy to the surrounding residents.*
- *How and where else can you do a higher density development if not next to a park?*
- *Other 3 storeys development approved on THIS site and in the vicinity.*
- *Therefore this development would NOT be a new typology within the area.*

The design.....

- *Overcomes difficult site conditions;*
- *car stacker provides parking, but with less bulk; low carbon foot print; more sustainable design;*
- *3 storey design that meets the density objective; Less site coverage means more open space;*
- *apartments that connect with the parkland; more north facing dwellings;*
- *Provides surveillance of the parkland;*
- *A large development, but village scale, visual variety, NOT repetitive and NOT bulky;*
- *The revised design is superior and the result of much consultation with the council officers and elected members stakeholders;*
- *The site presents a rare opportunity for a well-designed development which can achieve the financial outcome for the developer as well as the aspirations of the City of Vincent to deliver a positive and most optimum outcome for the benefits of the wider community.*

We respectfully ask you as Mayor and Councillors to support the proposal with 3 storey height. We therefore ask that the council SUPPORT the proposal as a whole and Resolve to APPROVE the application tonight for the project to proceed."

Cr McGrath entered the Chamber at 6.05pm.

2. Dalia Gliozzi-Schenk of Allering & Associates, 125 Hamsden Road, Subiaco – Item 9.1.2. Stated the following:
 - In 2009 the Council previously approved a similar proposal however, it expired in November 2011 and they appreciate the Officer's recommendation for approval although, their client has concerns with Conditions 5 and 6.2.
 - Condition 5 – understands this is a standard condition requiring the provision of a visual truncation for the purpose of maintaining sight lines however, there is no footpath along the frontage of the subject site and the footpath along the side of Church Street continues at No. 12.
 - Referring to the proposed development plans, she notes that there is a screen to the side of both carports between the front fence and the boundary of 1m in length which are about 90% permeable therefore, in accordance with the City's Front Fence Policy.
 - With respect to the carport her client advises that the roller door is to comprise of a translucent material with perforations to allow for ventilation and security of occupants by also entering passive surveillance.
 - Upon vehicles reversing onto the street, the roller door is required to be open and, as such, the carport is in fact 100% open on all sides.
 - Objects to Condition 6.2 particularly in light of the residential character of this locality and its proximity to Robertson Park and the Park with the children's playground immediately adjoining the properties to the north. Believes the property enhances connectivity, walkability and enjoyment of future residents.
 - At the time of the original application the northern boundary fence was positioned on a right-of-way alignment as indicated in the Metropolitan Sewerage Plan 1952 which is referred to in the report. It shows a street reserve above a sewer line north of the properties 8, 10 and 12 Church St.

- As per the Council's previous approval the boundary fence has been removed back to the original property alignment however, the City has not planted over the newly released area and consequently there are no garden beds joining the northern fence.
- Historically this portion adjoined the street as evident in the orientation of the original cottages and also the existing northern gate at No. 12 as it is today. This lends itself to pedestrian access to the street reserve. Further, the Council's previous approval did not require the removal of the gates fronting the Park to the north.
- They respectfully seek the Council's favourable consideration to remove and/or modify Conditions 5 and 6.2.

Cr Pintabona entered the Chamber at 6.09pm.

3. Philip Stejskal of Philip Stejskal Architecture Pty Ltd, 140 Shakespeare Street, Mount Hawthorn – Item 9.1.5 on behalf of the owners. Stated the following:
 - They are seeking a concession to locate a carport on Shakespeare Street as opposed to the rear laneway due to existing structures there including a below ground pool. This street front location requires the proposed carport to sit in front of an existing home an example of 1930's Californian bungalow architecture.
 - When approaching the design of the carport their first premise was to minimise any disruption of use to this existing structure and, if possible, to even improve its visibility from the street. The objective was therefore to make the carport as demure and delicate as possible, not drawing attention to itself rather serving to frame views of the existing house.
 - By selecting steel as the main structural material they are able to make the columns and beams as slender as possible furthermore, by using a light transmitting tent style membrane as the roof. This will eliminate the large shadow that would otherwise be created by a conventional roof construction. Feels that a large shadow of this type in the foreground would detract from the views of the house instead, their proposal is for a light feel structure that encourages views through it and not significantly overshadowing the house.
 - The carport structure will be executed in high quality materials and finishes. Believes the structure has potential to promote the street presence of the existing bungalow beyond its existing visibility from the street whilst achieving the client's brief for onsite undercover parking to get the cars off the verge.
4. Ben Doyle of Planning Solutions, 296 Fitzgerald Street, Perth – Item 9.1.1. Stated the following:
 - This matter was previously considered in December and was deferred to allow certain modifications to be made to the plans and considered by the City's Officers. These modifications have been made as discussed and they have been assessed by the Officers and are please to note the recommendation for approval.
 - Thanked the Council Members for reading the email sent regarding some concerns they have with Conditions 6.8 and 6.9.
 - Conditions 6.8 – privacy. Understands and fully support that screening has to be provided to major openings and have no problem with that however, the balconies that face south, they hope will enjoy City views therefore, requested that the Council make a minor modification to the Condition to allow permanent vertical or horizontal screening so an awning of some sort can be provided to allow views out to the City but not down into the adjoining property. This has been successfully done before and are sure it would protect the neighbours privacy.

The Presiding Member, Mayor Hon. Alannah MacTiernan advised that the current Condition has been worded in such a way consciously by the Planning Officers to allow this to happen.

Mr Doyle thanked the Mayor and continued:

- Their intention is to ensure when amended plans are prepared that there are not concerns from the Officers.
- Regarding the rear setback, the building is proposed to be setback 1.2m from the right-of-way boundary so it does provide the 1.0m flagged in Condition 6.9 for the future right-of-way widening.
- There is presently a setback of 5.22m to the adjoining property boundary on the other side of the right-of-way – variation of 78cm from Council Policy. At the moment the rear of that property is used for parking of vehicles only and does not appear to be used as an outdoor living area for any purpose therefore the believe there is no amenity impact at present. If or when the property is developed in the future, they will also be required to provide the 1m setback for widening and therefore they will then comply with the Council's Policy as there will be 6.22m.
- Regarding the footnote, they stand by their commitment to provide light tubes to the School Library if they wish to have those install and they would be pleased to discussed that with the School if approval is granted.

There being no further speakers, Public Question Time closed at approx. 6.15pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

IB06 – Letter to Mr J. Oud of Haynes Street, North Perth.

IB07 – Letter to Ms D. Watkins of Barlee Street, Mount Lawley.

4. APPLICATIONS FOR LEAVE OF ABSENCE

4.1 Cr John Pintabona requested leave of absence on 20 February 2012 to 25 February 2012 (inclusive), due to work commitments.

4.2 Cr John Carey requested leave of absence on 27 February 2012 to 1 March 2012 (inclusive), due to work commitments.

Cr John Carey withdraw his Application for Leave.

Moved Cr McGrath, Seconded Cr Wilcox

That Cr John Pintabona's request for leave of absence be approved.

CARRIED UNANIMOUSLY (9-0)

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

5.1 Petition received from Mr C. Jones of care of Harwood Place + Action Group, Harwood Place, West Perth along with 7 signatures requesting Parking Restrictions on Harwood Place, West Perth being extended.

The Chief Executive Officer recommended that this petition be received and referred to Director Technical Services for investigation and report.

5.2 Petition received from The North Perth Group Inc. of care of Fitzgerald Street, North Perth along with 324 signatures requesting the City of Vincent to provide extra parking in the North Perth Town Centre as they are intending in the Mount Lawley and Leederville Town Centres.

The Chief Executive Officer recommended that this petition be received and referred to Director Technical Services for investigation and report.

Moved Cr Harley, Seconded Cr Maier

That the petitions be received as recommended.

CARRIED UNANIMOUSLY (9-0)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Meeting of Council held on 20 December 2011.

Moved Cr Maier, Seconded Cr Pintabona

That the Minutes of the Ordinary Meeting of Council held 20 December 2011 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY (9-0)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Annual Employee Awards – 2011

As you may be aware, the Annual Employee Awards were introduced in 2007 as part of the City's commitment to its Employees, which are incorporated in the City's Guiding Values.

The Awards contain a number of categories for both individuals and teams and also recognise that internal customer service is as important as external customer service.

The following Annual Employee Awards were announced and presented by the Mayor and Chief Executive Officer at the function held on 23 December 2011.

Congratulations and well done to all recipients!

CATEGORY 1

Excellence in Customer Service for an Individual Providing Services within the Organisation was presented to:

- Kara Ball – Executive Secretary – Corporate Services

Kara is a pleasant, professional and willing worker and who provides support above and beyond that required.

CATEGORY 2

Excellence in Customer Service for an Individual to the Residents/Ratepayers/ Members of the Public was presented to:

- Ruth Jackson – CSO – Infringement Processing – Ranger & Community Safety Services

Ruth deals with a high volume of unhappy customers on a daily basis both over the phone and in person and she handles these enquiries effectively and in a friendly manner.

CATEGORY 3

Excellence in Customer Service for a Section or Group within the organisation was presented to:

- Payroll Section – Sharnie Raines and Cathy King

Sharnie and Cathy have implemented a number of changes during the year most of which have been well received.

CATEGORY 4

Excellence in Customer Service for a Section or Group Providing Services to the Residents/Ratepayers/Members of the Public was presented to:

- Library Services - Elizabeth Scott, Chantal Carroll, June D'Silva, Jocelyne Richard, Elizabeth Connell, Andrea Baraiolo, Cheryl Gregory, Leanne Hunter, Debbie Dimoff, Kate Harvey, Rowena Cooper and Mia Atkinson.

Library Services strive to promote their industry in a positive light and have introduced a number of new initiatives that have had a significant benefit to the community. A recent customer survey rated the service provided by them very highly.

CATEGORY 5

Best Innovation/Business Improvement by an Employee (non-managerial) was presented to:

- Simon Cooper – Information Technology Officer

Simon, on top of his busy and demanding role, has undertaken a number of initiatives which has resulted in considerable cost savings to the City. Simon was also jointly awarded Employee of the Month for his outstanding efforts in implementing the City's website.

CATEGORY 6

Best Innovation/Business Improvement by an Employee (managerial) was presented to:

- Jeremy van den Bok – Manager Parks & Property Services

The efforts by Parks & Property services in achieving a number of significant projects, in particular the Hyde Park Lakes Restoration Project and the Beatty Park Leisure Centre Redevelopment Project.

In addition, under Jeremy's management, our parks and street trees are maintained at an exceptionally high standard which has attracted many positive comments from our community.

EMPLOYEE OF THE YEAR AWARD 2011

The Employee of the Year Award is open to ALL employees including the "Employee of the Month" who are automatic entries for this Award. It is awarded to the person who is deemed to provide outstanding customer service (both to the community and also within the organisation) and demonstrates the personal qualities in the City's Guiding Values which are:

- Excellence and Service
- Honesty and Integrity
- Innovation and Diversity
- Caring and Empathy
- Teamwork and Commitment

I am happy to announce that the Award for 2011 was presented to MANUELA McKAHEY – Personal Assistant.

Manuela demonstrates outstanding customer service at all times and often has to deal with unhappy and frustrated customers. She is always respectful, fair and professional and assists above and beyond what is normally required.

Once again, congratulations to all recipients and a big thank you to those who submitted nominations.

Received with Acclamation!

7.2 Item 9.5.7 – City of Vincent Dogs Local Law Amendment

It is a requirement of the Local Government Act to make a public announcement about any proposed amendment to the City's Local Laws.

The purpose of the amendment to the Local Law is to accommodate a request to create a specific dog free exercise area on Loton Park, which will operate when there is not an event or activity taking place, which has been approved by the local government.

Loton Park is sufficiently large (in excess of 22,000m²) to allow the area to be used as a free exercise area for dogs, when it is not being utilised for an approved use.

The report is to facilitate the process for inclusion of this dog exercise area into the City of Vincent Dogs Local Law 2007.

8. DECLARATIONS OF INTERESTS

8.1 Cr Wilcox declared a Proximity interest in the Item 9.1.5 – No. 140 (Lot 207; D/P: 2816) Shakespeare Street, Mount Hawthorn – Proposed Additions and Alterations to Existing Single House and Carport. The extent of her interest being that she resides directly across the laneway from the residence in question.

8.2 Cr McGrath declared an Impartiality interest in Item 9.5.10 – Information Bulletin (particularly IB26 – Minutes of the Tamala Park Regional Council Meeting held on 15 December 2011). The extent of his interest being that his company is working on the Federal approvals of the Catalina Land Development being proposed by the Tamala Park Regional Council. Cr McGrath stated that as a consequence, there may be a perception that his impartiality on the matter may be affected. He declared that he would consider the matter on its merits and vote accordingly.

8.3 Cr Pintabona declared an Impartiality interest in Item 9.1.6 – No. 16 (Lot 28; D/P: 62532) Brentham Street, Leederville – Construction of a Three (3) Storey Building Consisting of Twenty-Seven (27) Single Bedroom Multiple Dwellings, Twenty-Six (26) Multiple Dwellings and Associated Car Stacker to Existing Six (6) Multiple Dwellings. The extent of his interest being that he is a board member of the Aramore Catholic Primary School at Brentham Street, Leederville.

Cr McGrath and Cr Pintabona 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 vote accordingly.

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

Nil.

10. REPORTS

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

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

Items 9.1.6, 9.1.2, 9.1.5 and 9.1.1.

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 9.1.2, 9.3.7, 9.5.4, 9.5.5 and 9.5.9.

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

Item 9.1.5.

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

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

Cr Carey	Nil.
Cr Topelberg	Items 9.1.8, 9.2.6 and 9.3.7.
Cr Buckels	Item 9.2.1.
Cr McGrath	Item 9.5.3.
Cr Wilcox	Nil.
Cr Pintabona	Nil.
Cr Harley	Nil.
Cr Maier	Items 9.1.3, 9.1.7, 9.1.9, 9.2.4 and 9.3.2.
Mayor Hon. MacTiernan	Item 9.4.1.

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

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

Items 9.1.4, 9.2.2, 9.2.3, 9.2.5, 9.2.7, 9.3.1, 9.3.3, 9.3.4, 9.3.5, 9.3.6, 9.5.1, 9.5.2, 9.5.6, 9.5.7, 9.5.8 and 9.5.10.

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 9.1.4, 9.2.2, 9.2.3, 9.2.5, 9.2.7, 9.3.1, 9.3.3, 9.3.4, 9.3.5, 9.3.6, 9.5.1, 9.5.2, 9.5.6, 9.5.7, 9.5.8 and 9.5.10.

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

Items 9.1.6, 9.1.2, 9.1.5 and 9.1.1.

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

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

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

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

ITEMS APPROVED “EN BLOC”:

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

Moved Cr Harley, Seconded Cr Maier

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

Items 9.1.4, 9.2.2, 9.2.3, 9.2.5, 9.2.7, 9.3.1, 9.3.3, 9.3.4, 9.3.5, 9.3.6, 9.5.1, 9.5.2, 9.5.6, 9.5.7, 9.5.8 and 9.5.10.

CARRIED UNANIMOUSLY (9-0)

9.1.4 Nos. 237-239 (Lots 342 and 343; D/P: 1939) Scarborough Beach Road, Mount Hawthorn – Proposed Construction of Four (4) Two-Storey Grouped Dwellings

Ward:	North	Date:	1 February 2012
Precinct:	Mt Hawthorn; P1	File Ref:	PRO5464; 5.2011.474.2
Attachments:	001 – Property Information Report and Development Application Plans		
Tabled Items:	Nil		
Reporting Officer:	S Radosevich, Planning Officer (Statutory)		
Responsible Officer:	H Smith, Manager Planning and Building Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by DC, JJ & SS Rigoli for the Construction of Four (4) Two-Storey Grouped Dwellings at Nos. 237-239 (Lots 342 and 343; D/P: 1939) Scarborough Beach Road, Mount Hawthorn, and as shown on plans stamp-dated 16 September 2011, and amended plans stamp-dated 21 December 2011, subject to the following conditions:

1. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Scarborough Beach Road;
2. The front fence to units 1 and 2 within the Scarborough Beach Road 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. No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning;
4. First obtaining the consent of the owners of No. 235 Scarborough Beach Road, Mount Hawthorn for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 235 Scarborough Beach Road, Mount Hawthorn, in a good and clean condition. The finish of the walls is to be fully rendered or face brickwork; and
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 demolition and 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 Landscaping and Reticulation Plan

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

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

- 5.2.1 the location and type of existing and proposed trees and plants;
- 5.2.2 all vegetation including lawns;
- 5.2.3 areas to be irrigated or reticulated and such method;
- 5.2.4 proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- 5.2.5 separate soft and hard landscaping plants (indicating details of 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);

5.3 Schedule of External Finishes

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

5.4 Amalgamation of Lots

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).

5.5 Privacy Screening

The southern windows to bedroom 2 of Unit 1 and bedroom 3 of Unit 2, 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. 235 Scarborough Beach Road, Mount Hawthorn, and No. 241 Scarborough Beach Road, Mount Hawthorn, stating no objection to the respective proposed privacy encroachments.

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

COUNCIL DECISION ITEM 9.1.4

Moved Cr Harley, Seconded Cr Maier

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (9-0)

Landowner:	DC, JJ & SS Rigoli
Applicant:	DC, JJ & SS Rigoli
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R60
Existing Land Use:	Vacant
Use Class:	Grouped Dwellings
Use Classification:	"P"
Lot Area:	1,176 square metres
Right of Way:	N/A

PURPOSE OF REPORT:

This proposal requires referral to the Council for determination given that the development comprises more than three grouped dwellings.

BACKGROUND:

Nil.

DETAILS:

The application is for the construction of four (4), two-storey grouped dwellings on a vacant site.

COMPLIANCE:

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Primary Street Setback:	<u>Units 1 and 2</u> Ground Floor = 7.56 metres Upper Floor = 2 metres behind each portion of the ground floor setback.	Ground Floor = 3 metres Upper Floor = In line with the ground floor
Officer Comments:		
Supported. It is considered that the proposed primary street setback maintains the streetscape character, whilst ensuring that the amenity of the neighbouring properties is maintained. As the adjoining eastern property has a nil setback and the adjoining western property is setback approximately 6 metres, the proposed setback of 3 metres is considered to provide graduation in development along the block, gradually stepping back from Scarborough Beach Road.		
Side and Rear Boundary Setback:	<u>Eastern Boundary</u> Unit 2 Ground Floor = 2.2 metres Unit 2 Upper Floor = 1.5 metres Unit 3 Upper Floor = 1.8 metres <u>Southern Boundary</u> Unit 3 Ground Floor = 2.4 metres	1.2 metres 1.2 metres to 3.2 metres 1.5 metres 1.7 metres to 4.6 metres

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
	<u>Western Boundary</u> Unit 1 Ground Floor = 1.5 metres Unit 1 Upper Floor = 1.6 metres Unit 4 Upper Floor = 2 metres	1.2 metres to 1.8 metres 1.2 metres to 1.8 metres 1.5 metres
Officer Comments:		
Supported. It is considered there is no unreasonable undue impact in terms of visual impact and access to direct sun and ventilation, created by the proposed setback variations. There are no major openings proposed to the upper floors facing the adjoining eastern and western properties, with the bedrooms on the upper floor of units 3 and 4 being setback greater than 4.5 metres from the southern boundary, therefore protecting privacy between the subject site and adjoining properties. The overshadowing of the development complies with the requirements of clause 6.9.1 'Solar Access for Adjoining sites' A1 of the Residential Design Codes; therefore, not having an adverse impact on the adjoining residential properties.		
Buildings Boundary:	on <u>Eastern Boundary</u> Average height = 3 metres	3.2 metres
Officer Comments:		
Supported. The proposed 0.2 metre variation to the permitted 3 metre height under the acceptable development provisions of the Residential Design Codes is due to the sloping natural ground level of the subject site. The proposed eastern boundary wall provides for effective use of space for the development, with there being no undue impact on privacy, amenity of the adjoining property and access to direct sun.		
Roof Forms:	The use of roof pitches between 30 degrees and 45 degrees (inclusive) being encouraged.	25 degree roof pitch
Officer Comments:		
Supported. The proposed lower roof pitch does not increase the building bulk of the development or cause undue overshadowing of the adjoining properties. The adjoining eastern property has a flat roof, with there being varying roof pitches being evident within the locality; therefore it is considered that the lower roof pitch compliments the existing streetscape.		
Building Height:	Top of external wall (roof above): 6.0 metres.	<u>Unit 1</u> Top of external wall: 6.5 metres <u>Unit 2</u> Top of external wall: 6.4 metres <u>Unit 3</u> Top of external wall: 6.1 metres <u>Unit 4</u> Top of external wall: 6.1 metres
Officer Comments:		
Supported. The proposed building height does not cause any of the proposed dwellings to dominate the streetscape, as the proposed building height is exceeded due to the sloping nature of the subject site, with only a portion of each of the dwellings exceeding the permitted 6 metres wall height. It is considered that the proposed building height has no undue impact on overshadowing, visual intrusion or the streetscape.		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Cut and Fill:	Filling behind the street setback line and within 1m of a common boundary does not exceed 500 millimetres above the natural ground level at the boundary.	<u>Southern boundary</u> Filling up to 504 millimetres above the natural ground level.
Officer Comments:		
Supported. The two rear units are stepped down to minimise changes to the natural ground level of the development lot, however due to the sloping nature of the site the fill along the southern boundary exceeds 500 millimetres by a minor amount.		
Open Space:	<u>Unit 3</u> 131.23 square metres (45%) <u>Unit 4</u> 129.2 square metres (45%)	<u>Unit 3</u> 122.65 square metres (42.06%) <u>Unit 4</u> 17.53 square metres (40.94%)
Officer Comments:		
Supported. The amount of open space is considered supportable in this instance as the proposal provides for the future needs of the residents by providing larger than required outdoor living areas. Sufficient open space has been provided to complement the buildings; whilst ensuring a desired streetscape outcome as the parent lot has 538.17 square metres (45.76%) open space. The subject site is located approximately 62 metres from the parks and recreation reserve at Nos. 232-236 Scarborough Beach Road, which provides residents in the locality alternative areas of open space to utilise.		

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

Consultation	
In Support:	Nil (0).
Comments Received	Officer Comments
Nil.	Nil.
Objections:	Nil (0).
Comments Received	Officer Comments
Nil.	Nil.
Advertising	The advertising was carried out as per the City's Policy No. 4.1.5 relating to Community Consultation.

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

COMMENTS:

The proposed variations to building height and the amount of cut and fill are considered supportable in this instance as the variations are due to the slope of the natural ground level of the site. The proposed four (4), two storey grouped dwellings retain the visual impression of the natural level of the site, as seen from both Scarborough Beach Road and the adjoining properties; with the proposed building heights providing for direct sun to the proposed dwellings and adjoining properties.

It is considered that the proposed street setback provides for a transition between the adjoining eastern and western properties, therefore the proposed development does not have an undue impact on the amenity of the locality.

In view of the above, the application is supportable as it is considered the development will not result in any undue impact on the amenity of the surrounding area and is consistent with the existing character of Scarborough Beach Road and the surrounding area. Accordingly, it is recommended the application be approved subject to standard and appropriate conditions.

9.2.2 Proposed Introduction of 2P Parking Restrictions – Lincoln Street, Highgate between Smith and Beaufort Streets

Ward:	South	Date:	3 February 2012
Precinct:	Forrest (14)	File Ref:	PKG0142
Attachments:	001 – Proposed 2P Parking Restrictions		
Tabled Items:	-		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES** the introduction of 2P parking restrictions 8am and 5.30pm Monday to Friday, in Lincoln Street, Highgate between Smith and Beaufort Streets as shown on attached Plan No. 2914-PP-01A; and
2. **PLACES** a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs.

COUNCIL DECISION ITEM 9.2.2

Moved Cr Harley, Seconded Cr Maier

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to request approval for the introduction of time parking restriction in a section of Lincoln Street.

BACKGROUND:

Correspondence has been received requesting that the City review the need for parking restrictions in Lincoln Street Highgate between Smith and Beaufort Street to limit commuters using the street as a 'Park and Ride' facility and provide an improved amenity for the residents.

In 2006 the Council approved a 3P parking restriction trial of the north side of Lincoln Street between Smith and Lord Streets with the south side remaining unrestricted. A three (3) hour parking restrictions was also approved on the eastern side of both Wright and Smith Streets, between Bulwer and Lincoln Streets. This arrangement has worked very well.

The reason for a parking restriction on one side of the street only was to accommodate the needs of Silver Chain and the Salvation Army who are located in Smith and Wight Streets.

DETAILS:

Community Consultation:

On 16 January 2012 ninety (90) letters with attached plans were distributed to stakeholders in the affected area in accordance with the City's consultation policy and at the close of the consultation period ten (10) responses were received.

In favour of the proposal – four (4)

- Would improve lack of parking due to workers parking between 8am & 6pm.
- We have never received permits – only for occasions when nib Stadium is in use.
- We support as we believe non residents are parking in Lincoln Street.
- If residential permits are issued then restrictions would be beneficial.

Against the proposal – one (1)

- No information on the need for the proposed changes. I feel the current permits work well. Strongly object to the residential amenity of the street being diminished just to improve the amenity of the commercial properties on Beaufort Street.

Other – four (4)

- 4 x can the residents of the units receive permits?

Officer's Comments:

Of the ninety (90) letters sent out only ten (10) replies were received. With regards the issuing of permits the respondents were advised that they, and their visitors, could be exempt from the restrictions subject to them applying for permits dependant on their eligibility in accordance with our 'Parking Local Law' in accordance with the following:

"- A maximum of two (2) Residential Parking Permits will be issued to properties which have no off-street parking. If off-street parking can be provided for one (1) vehicle, only one (1) Residential Parking Permit will be issued.

- A maximum of two (2) Visitor's Parking Permits can be issued to each property.

- Businesses are precluded from obtaining Residential Parking Permits.'

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Implementing the new restrictions will cost in the order of \$500 and will be funded from the City's parking signs operating budget.

COMMENTS:

Similar restrictions are currently in place in other City streets to prevent CBD commuters using the streets as a 'Park and Ride' area. The proposed restrictions will improve weekday access to on-road parking for the residents and their visitors while still providing an opportunity for others to park short term in the street.

9.2.3 Proposed Introduction of Two (2) x Fifteen (15) Minute Parking Bays in Edward Street and conversion of Two (2) Existing Ten (10) Minute Bays in Stirling Street, Perth (Corner Edward and Stirling Streets)

Ward:	South	Date:	3 February 2012
Precinct:	Beaufort Precinct (13)	File Ref:	PKG0067; TES0192 & PKG0098
Attachments:	001 – Location of proposed bays		
Tabled Items:	-		
Reporting Officer:	C Wilson, Manager Asset and Design Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

- 1. APPROVES** the introduction of two (2) x fifteen (15) minute parking bays 8am - 5.30pm Monday to Friday, in Edward Street adjacent 196 Stirling Street, and conversion of the existing two (2) x ten (10) minute bays in Stirling Street to one (1) x fifteen (15) minute parking bay and one (1) x 2P parking bay, as illustrated on attached Plan 2925-PP-01; and
- 2. PLACES** a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs.

COUNCIL DECISION ITEM 9.2.3

Moved Cr Harley, Seconded Cr Maier

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to seek Council approval to implement some changes to the existing parking restrictions in Edward Street, corner Stirling Street, adjacent the lunch-bar at No. 196 Stirling Street, Perth.

BACKGROUND:

The City has received a request to provide some additional fifteen (15) minute ‘drop-off and ‘pick up’ short term parking in Edward Street, Perth, immediately adjacent No. 196 Stirling Street, which operates as a weekday only lunch-bar.

There is currently a mix of parking restrictions in Stirling and Edward Streets, paid ticket parking in the angled parking in the centre of Stirling Street and varying kerb side time restricted parking in both Stirling and Edward Streets.

However the demand for parking in the immediate vicinity is steadily increasing exasperated by the current high level of building activity in the area. The proprietor of the lunch-bar has expressed concern that his casual or passing customers are having difficulty finding a parking space and as a consequence not stopping resulting in a loss of trade.

DETAILS:

There are two (2) existing ten (10) minute parking bays in Stirling Street adjacent the premises, separated by a crossover. As a consequence it is not immediately apparent that the second ten (10) minute bay outside No. 206 (the adjoining property) is a short term parking bay with the signage regularly obscured by the street tree (Plane) foliage.

No. 198 Stirling Street is currently being renovated to accommodate an office(s) and it would be expected the new tenants would also benefit by the provision of the fifteen (15) minute bay. No. 206 has its own off-road parking.

Therefore it is proposed to rationalise the existing bays in Stirling Street by converting the bay outside No. 206 to a 2P bay to match that of the adjacent bays (to Brewer Street) and the ten (10) minute bays outside lunch-bar at No. 196 to a standard fifteen (15) minute bay. The two (2) proposed bays in Edward Street would replace the first two (2) x 1P bays.

It is common practice to provide fifteen (15) minute bays for small businesses such as lunch-bars which are highly reliant upon on passing trade and short stay parking.

The proposed fifteen (15) minute bays, as shown on attached drawing 2925-PP-01, would be free in accordance with Council's current parking policy.

The City's officers have investigated the matter and support the installation of two (2) x fifteen (15) minute parking bays in Edward Street (adjacent No. 196 Stirling Street) and conversion of the existing ten (10) minute bays to a fifteen (15) minute and 2P bay respectively.

The proposed fifteen (15) minutes bays would operate from 8am to 5.30pm Monday to Friday, as per the current operating hours of the businesses.

CONSULTATION/ADVERTISING:

The applicant has been consulted regarding the proposal and all affected persons will be advised of the Council's decision.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Implementing the new restrictions will require the manufacture of four (4) new signs and installing four (4) new signs and poles, which will cost approximately \$550.

COMMENTS:

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

9.2.5 Local Plant Sales and Associated Project

Ward:	Both	Date:	25 January 2012
Precinct:	All	File Ref:	CMS0096
Attachments:	-		
Tabled Items	-		
Reporting Officer:	K Godfrey, Technical Officer Parks Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES** conducting two (2) Local Plant Sales to be held at the front of the City's Library and Local History Centre on Saturday 21 April 2012 and Saturday 25 August 2012 commencing at 8.00 am; and
2. **NOTES** that a "Spring Walk" will only be held in the future, if sufficient interest is pre-registered with the City's Administration and the next "Spring Walk" be held in the Spring of 2013.

COUNCIL DECISION ITEM 9.2.5

Moved Cr Harley, Seconded Cr Maier

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (9-0)

PURPOSE OF REPORT:

The purpose of this report is to obtain Council approval to conduct various Local Plant Projects during 2012.

BACKGROUND:

This matter was previously considered at the Ordinary Meeting of Council held on 7 December 2011

DETAILS:

Local Plant Sales:

The first plant sale held on Saturday 16 April 2011 attracted 160 residents the best turnout to date.

As requested by the Claise Brook Catchment Group the 2011 plant sale which was normally held in August was rescheduled to July to take advantage of the winter rain.

Previous records indicate that the second plant sale does not appear to be as well attended as the first sale of the year. Generally people do not venture out as much during the winter season nor are they thinking about getting into their garden, therefore in terms of attendance and sales the change to July was not as successful as first anticipated.

Following further discussion with Claise Brook Catchment Group regarding results from the July 2011 plant sale it is recommended to change the July date back to August.

Officers Comments:

It is recommended that given the continued level of interest and support from residents attending the Local Plant sales that the City continues holding two (2) local plant sales per year and the final plant sale be changed back to August for the reasons outlined above.

Leederville Spring Walk:

The Leederville Spring Walk was held on Saturday 17 September 2011 commencing from the City's Administration Centre with only four (4) people attending the guided walk.

Attendance for these walks has been somewhat disappointing over the past two (2) years particularly last year where it was advertised extensively.

The 2011 Spring Walk was advertised in the local papers, on the City's Web site and a banner was also erected prior to the event. In addition, the 2010 walk featured in the "What's On" section of the Western Australian Newspaper (Weekend Edition).

With the article featured in the Western Australian newspaper. Parks Officers were surprised with the poor attendance.

Officers Comments"

It is considered that future walks be scheduled every two (2) years (i.e. 2013) or discontinued if attendances remain low.

CONSULTATION/ADVERTISING:

These projects once approved by Council will be extensively advertised in the local papers, on the City's website, newsletters and on banner displays within parks around the City.

With regards to the Spring Walks, future advertising will require pre-registration of interest with the City's Administration and will only be held if there is sufficient interest (for example, ten (10) or more persons).

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

SUSTAINABILITY IMPLICATIONS:

The City is committed to promoting and supporting the use of local native plants and other species as being the most sustainable option when considering establishing a new garden or rejuvenating an old one.

These plants have a greater survival rate when compared to exotic plant species and also require less water during our extreme summer season. As an incentive to utilise native plants, this plant stock is provided to the City's residents at a subsidised cost.

FINANCIAL/BUDGET IMPLICATIONS:

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

Budget Amount:	\$7,000
Spent to Date:	\$5,991
Balance:	\$1,009

An amount of \$4,650 (revenue) was collected from the July plant sale.

COMMENTS:

The Local Plant Sale is relatively well attended and supported by residents within the City.

Whilst Western Australia experienced a wet winter with above average rainfall our water storage facilities are still well below capacity. Therefore it would be prudent for the City of Vincent to take the lead and continue to encourage residents to change their high water use gardens with more environmentally sustainable native plant species and save our valuable water resources.

It is therefore recommended that Council approves the projects outlined in the report and advertises the dates of the Local Plant Sales and the "Spring Walk" only be held if sufficient interest is registered with the City. In this case, the next "Spring Walk" be held in 2013.

9.2.7 LATE ITEM: Traffic Management Matter – Proposed ‘Black Spot’ Treatment Trial at the Intersection of Lord and Harold Streets, Mount Lawley/Highgate

Ward:	North	Date:	10 February 2012
Precinct:	Forrest (14)	File Ref:	TES0173
Attachments:	001 – Trial Plan 2928-CP-01 002 – Black Spot Proposal 2884-DC-01		
Tabled Items:	-		
Reporting Officers:	R Lotznicker, Director Technical Services C Wilson, Manager Asset and Design Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES** conducting a three (3) month trial modification to the intersection of Harold and Lord Streets, Mount Lawley/Highgate, using removable barriers as shown on attached Plan No 2928-CP-01; and
2. **NOTES** that a further report will be submitted to the Council, once the matter has been considered by the Integrated Transport Advisory Group, at the conclusion of the three (3) months trial.

COUNCIL DECISION ITEM 9.2.7

Moved Cr Harley, Seconded Cr Maier

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval to undertake a trial modification to the intersection of Harold and Lord Streets, Mount Lawley/Highgate. It is submitted as a late report due to on-going concerns expressed by the local residents.

BACKGROUND:

In late December 2011 the City marked out ‘proposed’ modifications to the intersection of Lord and Harold Streets with the intention of implementing the safety improvement works in the first quarter of 2012. The marked out proposal is outlined on the attached plan 2884-DC-01.

The proposed treatment is commonly referred to as a ½ Seagull Island, designed to prevent the right turn out and straight through movement.

As a consequence of the ‘markings’ several residents raised objections culminating in a letter being circulated within the precinct advising other residents to email the City if they too had concerns.

The works were placed on hold and the matter was subsequently discussed at the Integrated Transport Advisory Group meeting held on 9 February 2012.

DETAILS:

Proposed Black Spot proposal:

Each year all Local Governments receive a list of accident 'Black Spots' (for the preceding five (5) year period) from Main Roads WA (MRWA) from which annual funding submissions are prepared. As this process can take up to two (2) years (from submission to approval) the City applied for funding for the above intersection in July 2010.

The submission was based upon a five (5) year accident history, for the period 1 January 2005 to 31 December 2009, of twenty-two (22) recorded accidents of which six (6) involved casualties.

At the time, prior to making the submission, several residents from Harold Street had approached MRWA to do something about the accidents at the intersection and as these roads are under the care, control and management of the City, MRWA approached the City regarding applying for 'Black Spot' funding.

Also at about the same time the PTA's Public Transport Centre OH&S Committee contacted the City regarding the safety of the intersection as several of their staff had been involved in accidents turning right into Lord Street north bound from Harold Street.

As would be expected at a four (4) way junction right angled accidents were over represented so the City considered banning the right turn out and straight through movement from both sides, which would have potentially eliminated twelve (12) of the twenty-two (22) accidents in aforementioned period.

The conclusion was if the right turn/straight through from the TAFE side was banned as well it would have too big an impact upon the local road network west of Lord Street (particularly around Forrest Park).

However by modifying the eastern side only, it would still have eliminated seven (7) of the twenty-two (22) accidents.

With respect to the impact upon the residents and businesses in the area bounded by Guildford Road, Lord Street, Harold Street and West Parade, it will restrict access to Lord Street/Guildford Road north bound and require a more circuitous route. All other movements would be maintained.

Note: There would be a 'No U Turn' restriction installed on the southern end of the median island in Lord Street.

The City also contacted PTA to ensure it did not impact upon TransWA coach services and was advised that their drivers are instructed to use the signalised intersection at Summers and Lord Streets.

Integrated Transport Advisory Group (ITAG) meeting held on 9 February 2012:

The matter was discussed at the meeting. The main concern expressed by some residents is that if the proposal was implemented, (i.e. proposal to ban the right turn and straight through manoeuvre for vehicles from Harold Street, east of Lord Street), vehicles would use either Turner Street or the ROWs.

ITAG members considered that while the proposal would result in an important traffic safety improvement for the intersection any adverse impact on ROWs and adjoining streets would not be desirable.

It was considered that the best way forward would be to conduct a three (3) month trial modification to the intersection of Harold and Lord Streets, Mount Lawley/Highgate, using removable barriers as shown on attached Plan No 2928-CP-01.

This would enable a detailed assessment of all potentially affected streets to be undertaken before and during the trial to determine the full impact of the proposal.

Prior to implementing the trial, and during the trial, all potentially affected streets will be assessed/monitored using vehicle classifiers including undertaking a number of visual inspections at peak periods to determine the impact of implementing the Black Spot proposal at the intersection of Lord and Harold Street.

Discussion/Conclusion:

Traffic Management trials have been successfully carried out by the City at a number of locations over the years. Traffic is assessed in all 'potentially' affected streets prior to and during the trial to measure any potential impacts prior to deciding whether to proceed with the permanent changes.

Once the data has been obtained and assessed the Council is then better placed to make an informed decision on the matter.

CONSULTATION/ADVERTISING:

The City's Consultation Policy indicated the following with regards to Local Area Traffic Management and Black Spot proposals:

<i>LOCAL AREA TRAFFIC MANAGEMENT schemes (LATM) – Proposal to Conduct</i>	<i>Notice delivered or mailed to all owner(s) and occupier(s) within the designated area and those on both sides of the perimeter roads giving them 14 days to provide comment, excluding "Black Spot" projects.</i> <i>CEO can determine Local Public Notice – if required.</i> <i>"Black Spot" Projects</i> <i>A "Black Spot" is defined as a location whereby there have been more than five (5) accidents over a five (5) year period.</i> <ul style="list-style-type: none">• <i>Provide the community with an enhanced 'Information Bulletin' at the time prior to construction outlining the background and rationale for the project; and</i>• <i>Provide potentially affected residents (upon request) with all the relevant information including, but not limited to, the approved design, accident information and posts this information on the City's website.</i>
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In this instance it is suggested that once the matter has been reported to the Council, affected residents would be advised of the reasons for proceeding or not proceeding with the proposal. All affected residents will be advised of the Council's decision.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Medium/High: Black Spots are based upon a five (5) year accident history. For the period 1 January 2005 to 31 December 2009, the intersection recorded twenty-two (22) accidents of which six (6) involved casualties. The proposal would potentially eliminate seven (7) of the twenty-two (22) accidents.

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:

Improve safety for residents and road users.

FINANCIAL/BUDGET IMPLICATIONS:

The City has received Nation Building Black Spot funding of \$50,000 to undertake traffic safety improvements at the intersection of Harold and Lord Streets.

COMMENTS:

The main concern expressed by some residents is that if the proposal was implemented, vehicles would other streets as a 'rat run' and the ITAG members considered that while the proposal would result in an important traffic safety improvement for the intersection any adverse impact on adjoining streets would not be desirable.

It was considered that the best way forward would be to conduct a three (3) month trial modification to the intersection of Harold and Lord Streets, Mount Lawley/Highgate, using removable barriers as shown on attached Plan No 2928-CP-01.

Traffic Management trials have been successfully carried out at a number of locations over the years where traffic is assessed in all 'potentially' affected streets prior to and during the trial and once the data has been obtained and assessed the Council is then better placed to make an informed decision.

It is therefore requested that the officer recommendation be supported.

9.3.1 Investment Report as at 31 December 2011

Ward:	Both	Date:	3 February 2012
Precinct:	All	File Ref:	FIN0033
Attachments:	001 – Investment Report		
Tabled Items:	Nil		
Reporting Officers:	B C Tan, Manager Financial Services; N Makwana, Accounting Officer		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council **NOTES** the Investment Report for the month ended 31 December 2011 as detailed in Appendix 9.3.1.

COUNCIL DECISION ITEM 9.3.1

Moved Cr Harley, Seconded Cr Maier

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

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

BACKGROUND:

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

Council’s Investment Portfolio is spread across several Financial Institutions in accordance with Policy Number 1.2.4.

DETAILS:

Total Investments for the period ended 31 December 2011 were \$18,011,000 compared with \$21,011,000 at 30 November 2011. At 31 December 2010, \$19,585,155 was invested.

Investment comparison table:

	2010-2011	2011-2012
July	\$11,109,646	\$13,511,000
August	\$22,184,829	\$24,011,000
September	\$20,084,829	\$22,011,000
October	\$20,084,829	\$21,511,000
November	\$21,086,506	\$21,011,000
December	\$19,585,155	\$18,011,000

Total accrued interest earned on Investments as at 31 December 2011:

	Annual Budget	Budget Year to Date	Actual Year to Date	%
Municipal	\$567,000	\$326,000	\$317,004	55.91
Reserve	\$433,000	\$210,000	\$277,053	63.98

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Funds are invested in accordance with the City's Investment Policy 1.2.4.

RISK MANAGEMENT IMPLICATIONS:

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

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

COMMENT:

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

The funds invested have reduced from previous period due to instalment payment to ESL and payments to creditors.

The report comprises of:

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

9.3.3 Financial Statements as at 31 December 2011

Ward:	Both	Date:	30 January 2012
Precinct:	All	File Ref:	FIN0026
Attachments:	001 – Financial Reports		
Tabled Items:	002 – Significant Accounting Policies		
Reporting Officers:	B C Tan, Manager Financial Services; N Makwana, Accounting Officer		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council **RECEIVES** the Financial Statements for the month ended 31 December 2011 as shown in Appendix 9.3.3.

COUNCIL DECISION ITEM 9.3.3

Moved Cr Harley, Seconded Cr Maier

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

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

Note	Description	Page
1.	Summary of Programmes/Activities	1-17
2.	Statement of Financial Activity by Programme Report	18
3.	Statement of Financial Activity by Nature or Type Report	19
4.	Statement of Financial Position	20
5.	Statement of Changes in Equity	21
6.	Notes to the Net Current Funding Position	22-23
7.	Capital Works Schedule	24-30
8.	Restricted Cash Reserves	31
9.	Sundry Debtors Report	32
10.	Rate Debtors Report	33
11.	Beatty Park Leisure Centre Report – Financial Position	34
12.	Variance Comment Report	35-40
13.	Monthly Financial Positions Graph	41-43

1. SIGNIFICANT ACCOUNTING POLICIES AND NOTES

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

Comments on the financial performance are set out below:

2. As per Appendix 9.3.3.

3. Statement of Financial Activity by Programme Report

Operating Revenue excluding Rates

YTD Actual	\$8,675,789
YTD Revised Budget	\$10,113,672
YTD Variance	(\$1,437,884)
Full Year Budget	\$19,174,015

Summary Comments:

The total operating revenue is currently 86% of the year to date Budget estimate.

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

Governance – 200% over budget;
 Law Order and Public Safety – 110% over budget;
 Health – 2% under budget;
 Education and Welfare – 62% over budget
 Community Amenities – 36% over budget;
 Recreation and Culture – 36% under budget;
 Transport – 12% under budget;
 Economic Services – 2% over budget; and
 Other Property and Services – 13% over budget.

Note: Detailed variance comments are included on page 35 – 40 of Appendix 9.3.3.

Operating Expenditure

YTD Actual	\$20,774,537
YTD Revised Budget	\$21,099,424
YTD Variance	(\$324,887)
Full Year Budget	\$42,263,978

Summary Comments:

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

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

Governance – 6% over budget;
 Law Order and Public Safety – 2% under budget;
 Recreation and Culture – 4% under budget;
 Transport – 8% under budget;
 Economic Services – 30% over budget; and
 Other Property & Services – 24% over budget.

Note: Detailed variance comments are included on page 35 – 40 of Appendix 9.3.3.

Net Operating and Capital Excluding Rates

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

YTD Actual	\$10,337,985
YTD Revised Budget	\$16,195,796
Variance	(\$5,857,810)
Full Year Budget	\$23,333,918

Summary Comments:

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

Note: Detailed variance comments are included on page 35 – 40 of Appendix 9.3.3.

4. Statement of Financial Activity by Nature and Type Report

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

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

The statement shows the current assets of \$24,321,460 and non-current assets of \$188,586,864 for total assets of \$212,908,324.

The current liabilities amount to \$9,564,841 and non-current liabilities of \$11,047,971 for the total liabilities of \$20,612,812.

The net asset of the City or Equity is \$192,295,512.

7. Net Current Funding Position

	Note	31 Dec 2011 YTD Actual \$
Current Assets		
Cash Unrestricted	1	8,343,760
Cash Restricted	2	8,487,078
Receivables – Rubbish and Waste	3	4,626,102
Receivables – Others	4	3,272,125
Inventories	5	184,516
		24,913,582
Less: Current Liabilities		
Trade and Other Payables	6	(4,157,249)
Provisions	7	(2,450,890)
Accrued Interest (included in Borrowings)	8	(134,004)
		(6,742,142)
Less: Restricted Cash Reserves		(8,487,078)
Net Current Funding Position		9,684,362

The net current asset position as at 31 December 2011 is \$18,171,440.

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

8. Capital Expenditure Summary

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

	Budget	Year to date Revised Budget	Actual to Date	%
Furniture & Equipment	\$183,000	\$217,757	\$53,876	25%
Plant & Equipment	\$1,126,500	\$289,400	\$212,454	73%
Land & Building	\$15,154,425	\$6,387,525	\$1,393,294	22%
Infrastructure	\$12,082,448	\$3,325,933	\$1,821,094	55%
Total	\$28,546,373	\$10,220,615	\$3,480,718	34%

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

9. Restricted Cash Reserves

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

The balance as at 31 December 2011 is \$8.4m. The balance as at 31 December 2010 was \$8.8m.

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 \$466,856 is outstanding at the end of December 2011.

Out of the total debt, \$290,347 (62.2%) 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 December 2011 including deferred rates was \$4,490,790 which represents 19.60% of the outstanding collectable income compared to 19.56% at the same time last year.

12. Beatty Park Leisure Centre – Financial Position Report

As at 31 December 2011 the operating deficit for the Centre was \$1,070,985 in comparison to the year to date budgeted deficit of \$241,108.

The cash position showed a current cash deficit of \$789,437 in comparison year to date budget estimate of a cash deficit of \$29,093. The cash position is calculated by adding back depreciation to the operating position.

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

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

As a result a revised budget for Beatty Park to reflect these changes of the operations in the centre is currently being prepared.

13. Variance Comment Report

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

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2011-2016:

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

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

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENT:

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

9.3.4 Capital Works Programme – 2011/2012 – Progress Report No. 2 as at 31 December 2011

Ward:	Both	Date:	3 February 2012
Precinct:	All	File Ref:	FIN0025
Attachments:	001 – Capital Works Programme Schedule		
Tabled Items:	Nil		
Reporting Officers:	M Rootsey, Director Corporate Services; R Lotznicker, Director Technical Services; R Boardman, Director Community Services		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **RECEIVES** Progress Report No. 2 for the period 1 October to 31 December 2011 for the Capital Works Programme 2011/2012, as detailed in Appendix 9.3.4.

COUNCIL DECISION ITEM 9.3.4

Moved Cr Harley, Seconded Cr Maier

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to provide a quarterly progress report on the Council's Capital Works Programme 2011/12 for the period 1 October 2011 to 31 December 2011.

BACKGROUND:

The Council adopted the Capital Works Programme at the Ordinary Meeting of Council held on 9 August 2011 as follows:

“That the Council APPROVES the 2011/2012 Capital Works Programme as shown in Appendix 9.3.1.”

Quarterly reports will be presented to Council to advise of the schedule and progress of the Capital Works Programme.

DETAILS:

This report focuses on the work that was due to be completed up to the end of the first quarter. Comments on the report relate only to works scheduled to be carried out in the period up to 31 December 2011.

CONSULTATION/ADVERTISING:

Not Applicable.

LEGAL/POLICY:

The Capital Works Programme has been prepared on the adopted 2011/2012 Annual Budget.

RISK MANAGEMENT IMPLICATIONS:

Medium: All Capital Works items have been funded in the adopted Annual Budget 2011/2012. However, some items on the plan may be subject to change due to approval processes required to be obtained and in other cases the availability of products and services.

STRATEGIC IMPLICATIONS:

Plan for the Future 2011-2016 Key Result Area One – Natural and Built Environment:

“Objective 1.1: Improve and maintain the Environment and Infrastructure.”

SUSTAINABILITY IMPLICATIONS:

The Capital Works Programme has been prepared taking into account all aspects of sustainability that is environmentally, financially and sound.

FINANCIAL/BUDGET IMPLICATIONS:

The Capital Works Programme is funded in the 2011/2012 Annual Budget.

COMMENTS:

The schedule of projects may be subject to change during the year. Progress for the second quarter is on schedule in accordance with the planned programme, however the following projects are “on hold” or have been rescheduled:

Item	Amount	Comments
Server UPS Replacement	\$6,000	Moved due to UPS breakdown
Nib Stadium Heritage Walls	\$30,000	On hold, awaiting finalisation of lease agreement with the State Government
<u>Roadworks:</u>		
Moir Street	\$190,000	Pending LEP Project
Beaufort/Brisbane St (intersection improvements)	\$260,000	Pending outcomes of discussions/negotiations with PTA, MRWA and City of Perth
Brisbane St/Beaufort St to William St	\$150,000	Pending outcomes of discussions/negotiations with PTA, MRWA and City of Perth
Brisbane St/Beaufort St to Parry St	\$200,000	Pending outcomes of discussions/negotiations with PTA, MRWA and City of Perth
<u>Right of Ways:</u>		
Solar lighting trial, Clarence to Beaufort St	\$75,000	Project being reassessed
Nova Lane configuration/resurfacing	\$50,000	Pending redevelopment
Beaufort St/Walcott St resurfacing/kerbing	\$18,000	Pending redevelopment
<u>Slab footpath programme:</u>		
Brisbane St/Beaufort St to Stirling St	\$55,000	Pending outcomes of discussion/negotiations with PTA, MRWA and City of Perth
Wetland Heritage Trail Greenway to Beatty Park Reserve	\$100,000	To be completed after the Beatty Park redevelopment
New Entry Statements	\$95,000	Council rescission motion has been approved. Project not to be undertaken
Depot resurfacing works	\$30,000	Work on hold, funds utilised for Works Depot office alterations

9.3.5 Sponsorship of the Castellorizian Association of WA 2012 Centenary

Ward:	North	Date:	20 January 2012
Precinct:	Mt Hawthorn (1)	File Ref:	FIN0008
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	M Rootsey, Director Corporate Services		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council **APPROVES** the request from the Castellorizian Association of WA for sponsorship of \$5,000 Gold Package to support their 2012 Centenary celebrations.

COUNCIL DECISION ITEM 9.3.5

Moved Cr Harley, Seconded Cr Maier

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (9-0)

PURPOSE OF REPORT:

To seek approval of the request from the Castellorizian Association of WA for sponsorship of \$5,000 to assist with their 2012 Centenary celebrations being held from the 20 - 27 May 2012.

BACKGROUND:

The Castellorizian Association of WA represents the largest group of Australian Greeks in Western Australia and takes its name from the island of Castellorizo in the eastern Mediterranean.

Their members include many distinguished West Australians: a former Governor of the State, District Court Judge, Chief Magistrate, leaders in the medical, legal, accounting, dentistry and other professions, proprietors of well established retail, manufacturing, mining and wholesale businesses, leading academics and senior public servants.

Formed in 1912, their Association celebrates its centenary from 20 – 27 May 2012 when Castellorizians from other states and overseas will join their members and their Australian Greeks from their sister associations in Perth to celebrate this momentous event in the life of their association.

The association premises, 'Cassie House' was relocated to the City of Vincent in 1981. Many of the association members and many Greeks from their sister associations are rate payers within the City.

The Centenary week offers a unique opportunity for the City of Vincent to acknowledge and support the Castellorizian Association as it celebrates its centenary and its home within the City.

DETAILS:

The Castellorizian Association will be conducting numerous events as part of the Centenary celebrations including:

- Commemorative Book;
- Church Service 20 May 2012;
- Gala Dinner at Burswood on the 27 May 2012;
- Visit to Fremantle; and
- Other special events throughout the week.

The Castellorizian Association has two (2) sponsorship packages available.

1. \$10,000 Platinum Package which includes:

- Ten (10) tickets to attend the Gala dinner being held at Burswood;
- Commemorative Coin;
- Commemorative Book;
- Bottle of Port; and
- Half page advert within the commemorative book.

2. \$5,000 Gold Package which includes:

- Five (5) tickets to attend the Gala dinner being held at Burswood;
- Commemorative Coin;
- Commemorative Book;
- Bottle of Port; and
- Half page advert within the commemorative book.

Previous Sponsorships

At the Council Meeting held on 27 August 2002 the Council approved of a donation of \$500 to the Multicultural Services Centre of WA towards a celebratory dinner and production of attractive and colourful historical souvenir to assist in the 20th Anniversary Celebrations.

CONSULTATION/ADVERTISING:

The City's support will be acknowledged in all advertising of the event.

LEGAL/POLICY:

Not Applicable.

RISK MANAGEMENT IMPLICATIONS:

Low: The Castellorizian Association of WA will be responsible for undertaking all risk management implications.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2011-2016 – Key Result Area Two:

- “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.*
 - (e) *Promote tourist activity with the City and review the City's facilities in terms of attracting regional events and programs.”*

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The sponsorship requested will be funded from the donations account which has a budget of \$22,000 in the 2011/12 Annual Budget.

Budget Amount:	\$22,000
Spent to Date:	\$9,932
Balance:	\$12,068

COMMENTS:

The Castellorizian Association of WA has been in the City since 1981 and represents a significant contribution to the multicultural history of the City and Western Australia as a whole. Achieving a centenary is a significant achievement for any organisation and it is important the City recognises this milestone.

The Administration therefore recommends this sponsorship contribution to the Castellorizian Association of WA for their centenary celebrations be supported in recognition of this important milestone.

9.3.6 Beatty Park Redevelopment, 220 Vincent Street, North Perth – Progress Report No. 4

Ward:	South	Date:	31 January 2012
Precinct:	Smiths Lake	File Ref:	CMS0003
Attachments:	001 – Progress photos		
Tabled Items:			
Reporting Officers:	D Morrissy; Manager Beatty Park Leisure Centre; K Bilyk; Property Officer; J Fondacaro; Coordinator Aquatic & Operations; J van den Bok; Manager Parks & Property Services; M Rootsey, Director Corporate Services		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **RECEIVES** Progress Report No. 4 as at 3 February 2012, relating to the Beatty Park Leisure Centre Redevelopment Project, 220 Vincent Street, North Perth.

COUNCIL DECISION ITEM 9.3.6

Moved Cr Harley, Seconded Cr Maier

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of the report is to update the Council on the progress of the Beatty Park Leisure Centre Redevelopment Project, 220 Vincent Street North Perth.

BACKGROUND:

Progress Reports

Progress reports have been submitted to the Council on 7 December 2010, 22 November 2011 and 20 December 2011.

At the Ordinary Meeting of Council held on 23 August 2011, the Council considered the Beatty Park Leisure Centre Redevelopment Project Stage 1 and resolved the following:

“That the Council;

1. **RECEIVES:**
 - 1.1 *the report as at the 18 August 2011 concerning the Beatty Park Leisure Centre Redevelopment, 220 Vincent Street, North Perth; and*
 - 1.2 *the Consultant's Independent Review Report 2011 by Macri Partners (Certified Practising Accountants) external review of the Business Cases, as shown in Appendix 9.4.6(A);*

2. APPROVES:

- 2.1 (a) the Beatty Park Leisure Centre Redevelopment Stage 1 at an estimated Total Project Cost of \$17,065,000 to be funded as follows;

Federal Government	Nil
State Government - CSRFF	\$2,500,000
State Government – nib Stadium payment	\$3,000,000
Beatty Park Leisure Centre Reserve Fund	\$3,500,000
Loan Funds	\$8,065,000
Total:	\$17,065,000

- (b) The Chief Executive Officer to review the Project Funding, in event that Federal Funding Grants are received.

- 2.2 of a loan of \$8,065,000 for the Beatty Park Leisure Centre Redevelopment Stage 1;
- 2.3 the Indicative Project Budget for the Beatty Park Leisure Centre Redevelopment Stage 1, as outlined in this report;
- 2.4 the Project Timeline Gantt Chart, as outlined in this report and as shown in Appendix 9.4.6(B);
- 2.5 of \$630,000 for an essential Fire Hydrant System and Tanks, Fire Detection and Alarm System and Perimeter Vehicle Access to ensure compliance with the Building Code of Australia and AUTHORISES the Chief Executive Officer to advertise the necessary tenders for the required works; and
- 2.6 of \$120,000 for the Percent for Art contribution, in accordance with the City's Percent for Art Policy No. 3.5.13;
- 2.7 the allocation of \$5,000,000 of the State Government's Lease payment (when received) as follows;

Project	Amount
Beatty Park Leisure Centre Redevelopment	\$3,000,000
Hyde Park Lakes Reserve Fund	\$2,000,000

- 2.8 the purchase of the non technical user manuals at a cost of \$15,000 and the Project Budget be adjusted accordingly;
- 2.9 the deletion of the Rainwater reuse and the Provisional Sum of \$200,000 from the Project Cost - Optional Extras and the budget be adjusted accordingly;

3. ACCEPTS the following Tenders:

3.1 Construction:

No. 429/11 by Perkins Builders, as being the most acceptable to the City for the construction of the Beatty Park Leisure Centre Redevelopment Stage 1, 220 Vincent Street, North Perth, for a price of \$11,987,000 (exclusive of Goods and Services Tax); and

3.2 Geothermal Energy System:

No. 430/11 by Drilling Contractors of Australia - Option 2 35L/S, as being the most acceptable to the City for the Geothermal Energy System for the Beatty Park Leisure Centre Redevelopment, 220 Vincent Street, North Perth, for a price of \$2,930,541 (exclusive of Goods and Services Tax);

4. *AUTHORISES the:*
- 4.1 *Mayor and Chief Executive Officer to sign the approved tender Contracts and affix the Council's Common Seal;*
 - 4.2 *Chief Executive Officer to make minor changes to the Beatty Park Leisure Centre Project during construction, as required, subject to the cost not exceeding the Project Budget of \$17,065,000; and*
 - 4.3 *Chief Executive Officer to negotiate and approve the most acceptable loan for the City; and*
5. *NOTES:*
- 5.1 *that a Communication Strategy has been prepared to inform the community and Centre users/patrons of the redevelopment project; and*
 - 5.2 *the Centre Manager is authorised and will be responsible for the dealing of patron memberships, including;*
 - (a) allowing for a temporary suspension during construction;*
 - (b) providing a full or part refund;*
 - (c) providing an extension on membership; and*
 - (d) or any combination of the above."*

DETAILS:

1. CONTRACT DOCUMENTATION

1.1 **Tender**

Tender No. 429/11 Construction
Advertised: 14 May 2011
Closed: 26 July 2011
Awarded: Perkins Builders

Tender No. 430/11 Geothermal
Advertised: 14 May 2011
Closed: 15 July 2011
Awarded: Drilling Contractors of Australia

Tender No. 436/11 Fire detection system and water tanks
Advertised: 17 September 2011
Closed: 12 October 2011
Awarded: Perkins Builders

1.2 **Contracts**

Construction contract signed on 7 October 2011.

Fire Detection and Water Tanks to be treated as a variation to the Head Agreement.

Geothermal contract signed on 6 September 2011.

1.3 **Contract Variations/Additional Scope of Works**

Construction

- Removal of existing concrete pool concourse;
- Roof Safety Fall Arrest System;
- Door Hardware;
- X12 Additional Pool Anchor Points;
- Kitchen Equipment; and
- Temporary Entrance Work.

Geothermal

Additional 100m drilling carried out to obtain required temperature.

Additional time required to develop the production bore.

1.4 **Cost Variations**

Construction

Provisional Sum	Description	Variation Amount	Adjustments
\$7,000	Roof Safety Fall Arrest System	\$6,055	\$945
\$85,000	Door Hardware	\$59,170	\$25,830
Nil	X12 Additional Pool Anchor Points	\$5,016	-\$5,016
\$200,000	Kitchen Equipment	\$143,887	\$56,113
\$20,000	Temporary Entrance Work	\$27,154	-\$7,154
Nil	Removal of existing concrete pool concourse	\$29,920	-\$29,920
Nil	Dive pool anchor points	\$8,360	-\$8,360
Nil	Additional water features	\$19,789	-\$19,789
\$5,000	Entry control bollards	\$3,680	\$1,320

Total Variation Savings	\$84,208
Total Variation Additional Cost	\$70,239
Total Adjustment	\$13,969

Geothermal

Provisional Sum	Description	Variation Amount	Adjustments
Nil	Additional 100m drilling	\$61,000	-\$61,000
Nil	Additional time for bore development	TBA	TBA

Total Variation Savings	Nil
Total Variation Additional Cost	\$61,000
Total Adjustment	\$61,000

1.5 **Claims**

Not applicable at this time.

1.6 **Insurance**

The City of Vincent insurances have been adjusted to cater for the coverage of existing and constructed buildings, during the construction period.

2. GEOTHERMAL WORKS

2.1 **Groundworks**

Completed.

2.2 **Bores**

The Screens were successfully installed in the production bore at a depth of 948m to 1155m on the 14 January 2012.

Drilling mud was jetted from the screens the week starting the 16 January 2012.

The bore is now being developed with water pumped to the turkey nest dam on Beatty Park Reserve where it will slowly soak away.

The geothermal drill rig will be moved to the injection bore site in mid February so the drilling of a shallower injection bore can commence.

2.3 **Commissioning**

Not applicable at this time.

2.4 **Pipe works**

Not applicable at this time.

3. BUILDING WORKS/EXISTING BUILDING

3.1 **Temporary works**

Dust protection barriers setup in existing area to minimise dust from pool construction entering facility in operation.

Additional sprinkler systems and mesh have been setup to reduce dust affecting neighbouring areas.

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

No changes to previous report.

3.3 **Earthworks**

Not applicable at this time.

3.4 **Structural and Civil Engineering**

Not applicable at this time.

3.5 **Hydraulic services**

Plumbing to existing change rooms has commenced.

3.6 **Electrical Services**

Not applicable at this time.

3.7 **Mechanical services**

Not applicable at this time.

3.8 **Environmental services**

Not applicable at this time.

4. BUILDING WORKS-NEW

4.1 **Temporary works**

Not applicable at this time.

4.2 **Earthworks/Demolition**

All earthworks for the new building were completed on 27 January 2012.

4.3 **Structural and Civil Engineering**

Not applicable at this time.

4.4 **Hydraulic services**

Not applicable at this time.

4.5 **Electrical Services**

Not applicable at this time.

4.6 **Mechanical services**

Not applicable at this time.

4.7 **Environmental services**

Roof replacement required in location of Photovoltaic cells. Quotes have been obtained. Awaiting consultant's recommendation.

5. POOLS AND PLANT ROOM

5.1 **Outdoor Main Pool**

50m pool floor levels have been set.

Concrete to first half of pool floor to be poured on 6 February 2012.

5.2 **Dive Pool**

Dive pool depth reduced to 2m with clean sandfill and compacted.

Tiles removed from pool walls in preparation for retiling.

5.3 **New Learn to swim pool**

No work has commenced to date.

5.4 **Indoor pool/Leisure area**

Removal of marble sheen render on pool floor underway.

5.5 **Plant Room**

Outdoor pool filtration equipment removal complete.

Balance tank construction in progress.

6. INDICATIVE TIMELINE

6.1 **Progress**

Pool work on schedule.

Geothermal work on schedule.

6.2 **Days Claimed**

One (1) wet weather day (disputed by the City).

7. COMMUNICATION PLAN

Various communication methods have been utilised to advise patrons, stakeholders and employees of the redevelopment, these are listed below:

- Frequently asked questions (FAQ's) posted on the City's website and displayed within the facility;
- A number of mail outs to members, clubs and stakeholders;
- City of Vincent quarterly newsletter;
- A letter drop to surrounding residents;
- Fencing signage around geothermal compound;
- Internal signage;
- Website updates, including a photo diary, plans and a detailed project overview;
- Twitter account @BeattyPark in operation to provide regular updates on the redevelopment and other related information. (41 followers as at 23 January 2012).

There has been a positive reaction to the redevelopment and the communication provided.

8. MEMBERSHIP

Extensions were provided to all current members as at 1 October 2011.

A number of members have opted to suspend their membership throughout the redevelopment period. The number of suspensions applied for since the project commenced is 157.

Refunds have been provided to those members who requested this option. As at the 30 January 2012 a total of \$24,974 has been refunded. (\$1,954 since the 24 November 2011)

A revised membership fee structure has been implemented from the 1 December 2011 due to the closure of the indoor pool, spa, sauna and steam room. This structure has been well received and includes cheaper one (1), three (3) and twelve (12) month options as well as a reduced rate for direct debit memberships.

The current number of members is 1231.

9. EMPLOYEE MATTERS

The swimschool relocation to Aqualife in Town of Victoria Park has allowed the City to maintain its high level of customer service through the continuity of the program.

This has also enabled the City to offer continuing employment to a number of employees in this area and also maintain a revenue source.

Other employees have been offered work within the City where available, and the Manager Beatty Park Leisure Centre continues to work closely with the Manager Human Resources to provide employment and training opportunities during the redevelopment.

10. HISTORY

A complete photo history is being compiled throughout the course of the redevelopment. A photo diary has been set up on the City's website which is being regularly updated.

The Library and Local History Centre is currently working on a book to celebrate the history of the facility. This will be prepared to be ready in time for the 50th anniversary and the completion of the redevelopment.

A large amount of material was received by the Library and Local History Centre during the recent local history awards which will assist in the compilation of the book.

In addition to the book, a Heritage room is being planned for Beatty Park. This will be a permanent display of memorabilia for patrons of the centre to celebrate the diversity and history of the facility.

CONSULTATION/ADVERTISING:

A letter drop was distributed to residents in the surrounding areas.

The City's Communications Officer has created a "Corporate Projects" site on the City's web page and background information together with weekly photographs are included on this site.

A list of frequently asked questions and project plans are also located on the website. The site will be updated on a regular basis.

LEGAL/POLICY:

Not Applicable.

RISK MANAGEMENT IMPLICATIONS:

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

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

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

- 1.1: *Improve and maintain the natural and built environment and infrastructure.*
 1.1.4: *Enhance and maintain the City's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment.*
 (e) *Implement the Redevelopment of Beatty Park Leisure Centre."*

SUSTAINABILITY IMPLICATIONS:

The redevelopment is committed to a number of sustainability initiatives.

FINANCIAL/BUDGET IMPLICATIONS:

At the Ordinary Meeting of Council held on 23 August 2011. The Council approved this project at a total cost of \$17,065,000.

The construction tender amounts to \$11,987,000 exclusive of GST and the Geothermal Energy System tender amounts to 2,930,541 exclusive GST.

Building Construction Tender Progress Claim Payments – Perkins Builders

Three (3) progress claims have been received to date.

Progress Payment Number	Date Received	Amount Requested (excl GST)	Amount Paid (excl GST)	Date Paid
No. 1	14/11/2011	\$168,597.91	\$168,597.91	30/11/2011
No. 2	09/12/2011	\$330,358.48	\$330,358.48	11/01/2012
No. 3	09/01/2012	\$426,642.09		
No. 4				
No. 5				
No. 6				
No. 7				
No. 8				
No. 9				
No. 10				

Total Paid \$498,956.39

Geothermal Tender Progress Claim Payments – Drilling Contractors Australia

Three (3) progress claims have been received to date.

Progress Payment Number	Date Received	Amount Requested (excl GST)	Amount Paid (excl GST)	Date Paid
No. 1	18/11/2011	\$482,899.18	\$482,899.18	20/12/2011
No. 2	16/12/2011	\$638,710.00	\$638,710.00	25/01/2012
No. 3	31/12/2011	\$501,120.57		
No. 4				
No. 5				
No. 6				
No. 7				
No. 8				
No. 9				
No. 10				

Total Paid \$1,121,608.18

Fire Detection and Water Tanks Tender Progress Claim Payments

No progress claims have been received to date as works have only just commenced.

Progress Payment Number	Date Received	Amount Requested (excl GST)	Amount Paid (excl GST)	Date Paid
No. 1				
No. 2				
No. 3				
No. 4				
No. 5				
Total Paid			Nil.	

Funding

Loan

The Western Australian Treasury Corporation has approved a loan of \$8,065,000 at 5.49% per annum for 20 years.

Loan funds were received on 3 January 2012, repayments to commence on 3 September 2012.

CSRFF Funding

The City of Vincent will claim funds from this grant for the Pool, Geothermal and Changeroom works.

Progress Payment Number	Date Requested	Amount Requested (excl GST)	Amount Received (excl GST)	Date Received
No. 1	03/01/2012	\$217,165.69	\$217,165	06/01/2012
No. 2	31/01/2012	\$193,548.48		
No. 3				
No. 4				
No. 5				
Total Received			\$217,165	

Additional Funds

The Administration is following grant enquiries from the following organisations:

- Lotterywest;
- Heritage Council; and
- Healthways.

COMMENTS:

The Beatty Park Redevelopment Project is currently on schedule and making good progress.

Positive feedback has been received from facility users in regards to how the project is progressing.

Monthly progress reports will be provided to the Council through the project.

9.5.1 Use of the Council's Common Seal

Ward:	-	Date:	3 February 2012
Precinct:	-	File Ref:	ADM0042
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	M McKahey, Personal Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **NOTES** the use of the Council's Common Seal on the documents listed in the report, for the months of December 2011 and January 2012.

COUNCIL DECISION ITEM 9.5.1

Moved Cr Harley, Seconded Cr Maier

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (9-0)

BACKGROUND:

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

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

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

Date	Document	No of copies	Details
28/11/2011	Withdrawal of Caveat	2	City of Vincent and Downings Legal of Level 11, 167 St Georges Terrace, Perth re: Nos. 112-120 (Lot: 123 D/P: 314, Lot 4 and 5 D/P: 254, Lot: 53, 54 and 55 D/P: 29193) Broome Street, Highgate - Proposed Construction of Eight (8) Two-Storey Grouped Dwellings - <i>To satisfy Conditional Planning Approval issued on 23 June 2009 (As per Council decision made at Ordinary Meeting of Council held on 23 March 2009)</i>
05/12/2011	Deed of Easement	3	City of Vincent and Benjamin & Co Pty Ltd (<i>in its own capacity and as trustee for the Saddick Family Trust</i>) of 4 Sabina Street, Coolbinia re: 484-488 Beaufort Street, Highgate - <i>Deed between Property Owners to meet condition of Planning Approval for a development of an adjacent Broome Street property (in the same ownership)</i>

Date	Document	No of copies	Details
20/12/2011	Lease	3	City of Vincent and Azzurri Bocce Club Inc of 219 Fitzgerald Street, West Perth WA 6005 re: Portion of 3 Lawley Street, West Perth (Azzurri Bocce Club) - <i>As per the Council decision made at Ordinary Meeting of Council held on 14 June 2011 (Item 9.3.3) - Term of Lease: 01/09/11 to 31/08/16, with a further five (5) year term from 01/09/16 to 31/08/21</i>
20/12/2011	Deed of Covenant	2	City of Vincent and C M and D A Geddes of 35 Venn Street, North Perth and Westpac Banking Corporatio of 109 St Georges Terrace, Perth re: No. 35 (Lots 321 and 322; D/P 33220) Venn Street, North Perth - Alterations and Second Storey Addition to Existing Single House - <i>To satisfy Clause (iii)(b) of Delegated Authority decision dated 8/09/11</i>
22/12/2011	Additional Page to Application	2	City of Vincent and Commonwealth Bank of Australia re: No. 59 (Lots 800) Chelmsford Road, Mount Lawley - Application to modify the Existing Restrictive Covenant - <i>Date of Conditional Subdivision Approval - 10 May 2006</i>
28/12/2011	Restrictive Covenant	1	City of Vincent and A Ricciardello of 74 Fairfield Street, Mount Hawthorn, C A Esposito of 76 Seaward Loop, Sorrento, G Martelli of Lot 99 Freemason Road, Yarloop and D and A Musca of 36 Heaton Street, Yokine re: No. 57 Fairfield Street, Mount Hawthorn - <i>To satisfy conditional Subdivision Approval from the Western Australian Planning Commission (WAPC) dated 16 January 2009</i>
05/01/2012	Notification under Section 70A	1	City of Vincent and L J Skevington of 40 Minora Road, Dalkeith re: No. 31 (Lot 10) Pennant Street, North Perth - Demolition of Existing Sheds and Carport and Outbuilding Addition to Existing Single House - <i>To satisfy Clause (iv)(a) of Conditional Delegated Authority Approval dated 24 November 2010</i>
05/01/2012	Deed	2	City of Vincent and J-R Torre and Zoe Carson of 113 Marlock Drive, Greenwood re: No. 25 Clieveden Street, North Perth - Deed of Conservation of Existing Dwelling - <i>To satisfy conditional Planning Approval under Delegated Authority - Serial No. 5.2009.27.1 dated 17 February 2009</i>
09/01/2012	Deed of Licence	1	City of Vincent, Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Bankwest Function - 11 January 2012 (Pitch)
13/01/2012	Agreement of Covenant	2	City of Vincent and Caltex Petroleum Pty Ltd of 171 St Georges Terrace, Perth re: 317, 319 and 321 Vincent Street, Leederville - Amalgamation of Lots - <i>To satisfy State Administrative Tribunal approval (Serial No. 5.2008.398.1) dated 25 February 2011</i>
31/01/2012	Deed of Covenant	2	City of Vincent and United Voice of 61 Thomas Street, Subiaco WA 6008 re: Nos. 50-54 (Lots 43 & 44; D/P 28) Cheriton Street, Perth - Proposed Mixed-Use Development comprising of Eating House, Office and Seven (7) Single Bedroom Multiple Dwellings and Two (2) Multiple Dwellings and Associated Car Parking - <i>To satisfy Clause (iii)(b) of Conditional Approval of the Council Decision of the Ordinary Meeting of Council held on 22 February 2011</i>
31/01/2012	Withdrawal of Caveat	1	City of Vincent and T M Dragojevich of 148 Carr Street, West Perth re: No. 15 (Lot 19) Baker Avenue, Perth - Proposed Construction of Two (2) Two-Storey Grouped Dwellings with Roof Top Terraces to Existing Single House - <i>To satisfy Clause (vi)(b) of the Council Decision of the Ordinary Meeting of Council held on 28 June 2011</i>

Date	Document	No of copies	Details
31/01/2012	Deed of Covenant	2	City of Vincent and T M Dragojevich of 148 Carr Street, West Perth re: No. 15 (Lot 19) Baker Avenue, Perth - Proposed Construction of Two (2) Two-Storey Grouped Dwellings with Roof Top Terraces to Existing Single House - <i>To satisfy Clause (vi)(b) of the Council Decision of the Ordinary Meeting of Council held on 28 June 2011</i>
31/01/2012	Deed of Covenant	2	City of Vincent and N D Hunt and J M Loxton of 5 Chamberlain Street, North Perth and ANZ Banking Group Ltd of 1/79 St Georges Terrace, Perth re: No. 5 (Lots 72 & 711; D/P 33220) Chamberlain Street, North Perth - Demolition of Existing Single House and Construction of Two (2), Two (2) Storey Grouped Dwellings - <i>To satisfy Clause (v)(b) of the Council Decision of the Ordinary Meeting of Council held on 22 December 2011</i>

9.5.2 Items Approved under Delegated Authority 2011-2012 - Receiving of Reports

Ward:	-	Date:	3 February 2012
Precinct:	-	File Ref:	ADM0018
Attachments:	001 – Delegated Authority Report Outcomes 002 – Delegated Authority Reports		
Tabled Items:	-		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council RECEIVES the items approved under Delegated Authority over the period 21 December 2011 to 13 February 2012, as shown in Appendix 9.5.2.

COUNCIL DECISION ITEM 9.5.2

Moved Cr Harley, Seconded Cr Maier

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the items approved under Delegated Authority for the period 21 December 2011 to 13 February 2012.

BACKGROUND:

At the Ordinary Meeting of Council held on 22 November 2011, this matter was considered and Council resolved as follows;

“That the Council APPROVES BY AN ABSOLUTE MAJORITY, pursuant to Section 5.42 of the Local Government Act 1995 to delegate authority to the Chief Executive Officer to deal with any items of business that may arise from 21 December 2011 to 13 February 2012, subject to:

1. the action taken being in accordance with the Officer Recommendation;
2. the Chief Executive Officer being authorised to make minor amendments to the Officer Recommendation which may be necessary, as a result of responses received from Council Members;
3. reports being issued to all available Council Members for a period of three (3) days prior to approval and a simple majority of the responses received be accepted;
4. items being displayed in the City of Vincent Administration Centre, the Library and on the City’s website for a period of three (3) days prior to approval;
5. a report summarising the items of business dealt with under delegated authority being submitted for information to the Council at its meeting to be held in February 2012; and
6. a Register of Items Approved under Delegated Authority being kept and made available for public inspection during the period that the delegation applies.”

The items that were dealt with under Delegated Authority are listed in Appendix 9.5.2.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

The Local Government Act 1995 states:

“Delegation of some powers and duties to CEO

5.42(1) A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act (other than those referred to in section 5.43 and this power of delegation).”

Matters requiring an Absolute or Special Majority decision of the Council cannot be approved under Delegated Authority.

RISK MANAGEMENT IMPLICATIONS:

Low: It is a statutory requirement to report matters approved under Delegated Authority to the Council.

STRATEGIC IMPLICATIONS:

This is in keeping with the Town’s Strategic Plan 2011-2016 - Objective 4 – *“Leadership, Governance & Management”* – 4.1 – *“Provide good strategic decision-making, governance, leadership and professional management”*.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The use of Delegated Authority was in keeping with the Council’s practice of providing a high standard of customer service to continue processing ratepayer requests and development applications.

A complete list and copy of the reports considered under Delegated Authority are shown in Appendix 9.5.2.

9.5.6 Expression of Interest to Participate in the TravelSmart Local Government Program between 2011/12 and 2014/15

Ward:	Both	Date:	1 February 2012
Precinct:	All	File Ref:	ORG0060 & TES0524
Attachments:	001 – Invitation for Expressions of Interest 002 – Selection Criteria 003 – TravelSmart Local Government Evaluation Summary		
Tabled Items:	-		
Reporting Officers:	A Marriott, Sustainability Officer C Wilson, Manager Asset and Design Services R Lotznicker, Director Technical Services		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

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

COUNCIL DECISION ITEM 9.5.6

Moved Cr Harley, Seconded Cr Maier

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to seek Council approval to submit an Expression of Interest for the City to participate in the Department of Transport’s (DoT) TravelSmart Local Government program from 2011/12 to 2014/15.

BACKGROUND:

The objective of the TravelSmart Local Government program is to support local governments in encouraging their communities to reduce car dependency and increase active transport through the employment of a TravelSmart officer (TSO). The role of the TSO is to work with the community and across the various Council service areas to integrate sustainable transport options with local transport, land use and community development opportunities in the area. TSOs also offer value in securing grants for a range of activities, facilities, and events.

In financial years 2003/04 and 2004/05 the City participated in the (then) Department of Planning and Infrastructure's TravelSmart Household program. This reached approximately 60% of the City's population (15,000 residents at that time) and achieved the following results:

- 9% reduction in car as driver trips;
- 11% increase in public transport usage;
- 22% increase in walking;
- 30% increase in cycling; and
- 3,000 tonne reduction in Greenhouse Gas emissions per annum.

In light of these results, the Council considered the feasibility of engaging a TSO with partial funding from the Department of Planning and Infrastructure, beginning in the 2005/2006 financial year. However, the City's pre-existing funding priorities for the subsequent financial years prohibited the co-contribution funding required by the program and resulted in the Council declining the grant offered for this purpose.

In 2006/07 the City subsequently participated in Stage 3 of the TravelSmart Household Program that took the remainder of the City (approximately the area east of William Street) achieving similar results to that of the above.

Since 2011 the City of Vincent is the only Central Metropolitan local government with a population above 30,000 that does not employ a TSO.

DETAILS:

Discouraging car use, while encouraging walking, cycling and greater use of public transport is essential to improving the City's public health, safety, amenity, and environmental performance.

A TSO would deliver this by:

- Implementing the transport-related actions within the City's Sustainable Environment Strategy;
- Implementing the recommendations within the City's Car Parking Strategy and Precinct Parking Management Plan;
- Developing a Travel Plan for the City's employees;
- Working with local employers and institutions to develop appropriate Travel Plans and achieve sustainable transport outcomes;
- Providing specialist knowledge about ways to improve facilities for walking, cycling and public transport;
- Instigating policy changes that favour active transport;
- Organising community events to promote active transport; and
- Obtaining grants to fund projects, programs and events to promote sustainable transport alternatives.

The benefits to the City of employing a TSO would be:

- Economic – grant funding for infrastructure and initiatives to improve and promote active transport; increased patronage of local businesses, as people using active transport tend to shop locally; and reduced spending on infrastructure for cars;
- Environmental – reduced noise, air pollution and greenhouse gas emissions;
- Health-related – planning and promotion of precincts and neighbourhoods that facilitate active transport, resulting in increased physical activity and reduced exposure to traffic-related pollutants;
- Safety – increased numbers of walkers and cyclists result in more 'eyes on the street', more community contact and better awareness of road users; and
- Social – improved community cohesion created by working with and across employers, institutions and community groups; and access for all, as walking and cycling are low cost activities available to the whole community.

The DoT advises that its TravelSmart Local Government program has produced excellent cost-benefit ratios, with TSOs often self-funding their position through grants and obtaining up to four times their salary in the form of external funding. Additionally, the programs, projects and events created and delivered by TSOs provide opportunities for positive media coverage that helps raise the profile of participating local governments as socially and environmentally responsible organisations.

Further to partially funding the TSO position, the DoT is offering to provide:

- Assistance for the City throughout the TSO recruitment and induction process;
- Ongoing TSO training and support; and
- Reward and recognition for participating local governments.

The outputs and outcomes from the TSO position expected by the DoT during the three year term of the TravelSmart Local Government program:

- Establishing a work plan for adoption by the Council;
- On-going learning and development by participating in the TravelSmart Local Government Officer network and professional development offered by the DoT;
- Integrating TravelSmart (travel information and behavioural approaches) into the broad transport, land use planning and community development policies of Council;
- Developing local travel information and events-based opportunities for the local community;
- Developing a Workplace Travel Plan targeting Council employees, with the assistance of those employees;
- Promoting and assisting the local community to engage in TravelSmart initiatives such as TravelSmart to Schools, Walking School Bus, and TravelSmart Workplace programs; and
- Developing innovations in the promotion of travel alternatives such as walking, cycling and public transport.

Participation in the TravelSmart Local Government program will require a commitment to engage a TSO for an initial period of 36 months. The DoT is offering a grant of 75 percent of the salary cost in the first year and 38 percent in the second year. The third and final year of the program will need to be fully funded by the City, however as previously noted, a significant part of this cost may be met through TSO-generated grants.

The DoT's preference is for the TSO to be employed on a full time basis with a recommended minimum salary of \$60,000 to attract and maintain quality personnel. The DoT suggests that a TSO focus on the work-place travel plan and staff-related initiatives in the first year, before taking the program to the wider community in the second year.

TravelSmart officers tend to be very passionate and enthusiastic about their role, and once established, the position evolves to encompass activities across most services areas. Traditionally TSO's have been based in the Technical Services Directorate as a majority of the projects are likely to be infrastructure and transport planning orientated. This also aligns with the City's Integrated Transport Advisory Group (ITAG), which considers all matters relating to transport planning, parking, road safety and traffic management.

The following table shows the funding arrangement and milestone payments for one full time TSO:

	Year 1		Year 2	Year 3
	2011/12	2012/13	2013/14	2014/15
	DoT (Milestone 1)	DoT (Milestone 2)	DoT (Milestone 3)	DoT
DoT Grant (Salary Component)	\$25,000	\$19,800	\$22,800	\$0
Local Government Contribution (Salary Component)	\$0	\$15,200	\$37,200	\$60,000 (100%)

The DoT funding contribution of \$67,600 is payable in three milestone payments falling due:

- **Milestone 1** : \$25,000 upon endorsement of the Memorandum of Understanding with DoT, by April 2012;
- **Milestone 2**: \$19,800 upon appointment of a TSO and acceptance of the TSO Work Plan 3 months after commencement, by September 2012; and
- **Milestone 3**: \$22,800 upon acceptance of the first progress report, by April 2013.

A base operational budget for the TravelSmart Local Government program of \$10,000 (DoT recommends \$5,000 annually as a minimum) will need to be provided by the City in the 2012/2013 budget.

New City of Vincent Bicycle Plan

One of the first projects the TSO could undertake is the development of a new bicycle plan.

The ITAG is currently considering/preparing a consultant's Project Brief for a new bicycle plan in which the Group is looking for an emphasis on innovation and community engagement.

The TSO would take ownership of the project, in conjunction with a consultant, to achieve the vision of the ITAG, Council and the Community.

Further, an outcome of developing a comprehensive bicycle plan is greater infrastructure funding opportunities as the needs and expectations of the community would have been clearly established.

The formalities of engaging a TSO

The City will be required to acknowledge the support of the DoT in all materials and communications generated by the TSO. Use of the TravelSmart icon will be by approval of DoT and limited to voluntary travel behaviour change initiatives. The City will also be required to sign a funding agreement with the DoT regarding the roles and responsibilities of the DoT and the City, and the activities of the TSO, including the outputs and outcomes listed above. The funding agreement will detail financial arrangements, use of the TravelSmart Trade Mark and requirements for regular progress meetings and reporting.

The City's Expression of Interest must be received by the DoT by 24 February 2012, and be supported by a Council resolution approving the co-contributions outlined in the table above. No extensions to this deadline will be possible.

CONSULTATION/ADVERTISING:

The position for TSO would be advertised in March/April 2012, once the City receives confirmation of its success in applying for TravelSmart Local Government program funding and upon endorsement of the Memorandum of Understanding with the DoT. This will enable the City to engage the services of a TSO as soon as practicable, at no cost to the City for the remainder of the current (2011/12) financial year.

LEGAL/POLICY:

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

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

- “Objective 6 Promote an environment which;*
- *reduces fleet costs;*
 - *satisfies operational requirements;*
 - *optimises the use of a vehicle through car sharing/pooling; and*
 - *gives consideration to the environmental sustainability impact of vehicle use.”*

RISK MANAGEMENT IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"Natural and Built Environment

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

- 1.1.3 *Take action to reduce the City's environmental impacts and provide leadership on environmental matters.*
 - (b) *Contribute to cleaner air by encouraging the use of and promoting alternative modes of transport (other than car use).*

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

Community Development and Wellbeing

Objective 3.1: Enhance and promote community development and wellbeing.

- 3.1.2 *Promote and foster community safety and security.*
 - (d) *Promote development strategies that incorporate crime prevention through environmental design principles.*

- 3.1.3 *Promote health and wellbeing in the community.*
 - (a) *Develop and implement a Healthy Lifestyle Plan to promote the health and wellbeing of the City of Vincent Residents.*
 - (d) *Implement the Physical Activity Plan.*

- 3.1.5 *Promote and provide a range of community events to bring people together and to foster a community way of life.*
 - (a) *Organise and promote community events, programs and initiatives that engage the community...and develop an Annual Program of events."*

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

"General Actions

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

- A. For all environmental initiatives, consider liaison with relevant government agencies to obtain useful information or to partner on projects.*
- B. Monitor and avail of opportunities for state and federal funding and grants which could fund environmental projects or initiatives.*

Air and Emissions

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

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

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

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

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

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

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

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

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

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

The City will need to allocate \$25,200 in the 2012/2013 budget, \$37,200 in the 2013/2014 budget and \$70,000 in the 2014/2015 budget for the TravelSmart Local Government program, which includes salary costs for a full time TravelSmart Officer.

COMMENTS:

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

The DoT's funding offer is an opportunity for the City to 'tie together' and expand upon the existing work of the various divisions in promoting more sustainable transport within the Vincent community. The incremental funding arrangement also allows the TSO an opportunity to establish their worth so that at the end of the three (3) years they have become an integral part of the City's achieving its sustainability targets.

9.5.7 Audit Committee - Receiving of Unconfirmed Minutes - 6 February 2012

Ward:	-	Date:	6 February 2012
Precinct:	-	File Ref:	FIN0106
Attachments:	001 – Audit Committee Unconfirmed Minutes		
Tabled Items:	Nil		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **RECEIVES** the Audit Committee Unconfirmed Minutes dated 6 February 2012, as shown in Appendix 9.5.7.

COUNCIL DECISION ITEM 9.5.7

Moved Cr Harley, Seconded Cr Maier

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is for the Council to receive the unconfirmed minutes of the Audit Committee held on 6 February 2012.

BACKGROUND:

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

“That the Council;

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

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

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

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENTS:

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

9.5.8 Local Government Statutory Compliance Audit 2011

Ward:	-	Date:	6 February 2012
Precinct:	-	File Ref:	ADM0019
Attachments:	001 – Local Government Statutory Compliance Audit for 2011		
Tabled Items:	-		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **ADOPTS** the Local Government Statutory Compliance Audit for 2011, as shown in Appendix 9.5.8 and this be forwarded to the Department of Local Government.

COUNCIL DECISION ITEM 9.5.8

Moved Cr Harley, Seconded Cr Maier

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is for the Council to consider and approve of the Local Government Statutory Compliance Audit 2011.

BACKGROUND:

The Department of Local Government and Regional Development has issued a “Local Government Statutory Compliance Audit” to all Local Governments throughout Western Australia. This return requires the Chief Executive Officer and Mayor to certify that the statutory obligations of the Local Government have been complied with. The Chief Executive Officer has delegate several section to the Director Corporate Services and Director Development Services to complete part of the Return, for matters under their direct responsibility.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

The completion of the Statutory Compliance Return is compulsory, in accordance with Section 7.13(1) of the Local Government Act 1995 and Local Government (Audit) Regulations (Regulation 13). A copy has been included in the Agenda, as an attachment to this report.

The City has an Audit Committee. The Committee, comprising the Mayor, Cr Maier, Cr Topelberg, Cr Pintabona (Deputy), A. Macri and T. Tan (Auditors), with the Chief Executive Officer and Director Corporate Services (ex officio and non-voting) met on 6 February 2012 to review this Audit.

The review of the Compliance Audit 2011 revealed that no non-compliances with Statutory requirements were found.

RISK MANAGEMENT IMPLICATIONS:

High: Failure to review and complete the Annual Compliance Audit would be a breach 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:

Nil.

COMMENTS:

It is pleasing to report that the City of Vincent has complied with all statutory compliance provisions and accordingly it is recommended to the Council that the Local Government Statutory Compliance Audit 2011 be adopted, signed by the Mayor and Chief Executive Officer and forwarded to the Department of Local Government.

9.5.10 Information Bulletin

Ward:	-	Date:	3 February 2012
Precinct:	-	File Ref:	-
Attachments:	001 – Information Bulletin		
Tabled Items:	Nil		
Reporting Officer:	A Radici, Executive Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **RECEIVES** the Information Bulletin dated 14 February 2012, as distributed with the Agenda.

COUNCIL DECISION ITEM 9.5.10

Moved Cr Harley, Seconded Cr Maier

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

DETAILS:

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

ITEM	DESCRIPTION
IB01	Letter from the East Perth Power Station regarding East Perth Power Station Historical Research Arc Linkage Project Completion of Project
IB02	Letter from the Metropolitan Redevelopment Authority regarding Metropolitan Redevelopment Authority
IB03	Letter from State Administrative Tribunal (SAT) regarding Matter No. DR/365 of 2011 – Pent Pty Ltd v City of Vincent, No. 742 (Lot 30) Newcastle Street, Leederville
IB04	Letter from State Administrative Tribunal (SAT) regarding Matter No. DR/357 of 2011 – Hopkins & Anor v City of Vincent, No. 462 (Lot 2) Beaufort Street, Highgate
IB05	Carbon Copies of Letters from Aurecon Requesting to Withdraw Planning Application for Proposed Telecommunications Monopole Installation at Lot 350 (310) Pier Street, Perth and Western Australian Planning Commission confirming application has been cancelled
IB06	Letter to Mr J. Oud of Haynes Street, North Perth in response to Question Taken on Notice at the Ordinary Meeting of Council held on 20 December 2011
IB07	Letter to Ms D. Watkins of Barlee Street, Mount Lawley in response to Question Taken on Notice at the Ordinary Meeting of Council held on 20 December 2011
IB08	Letter of Appreciation from the Australian Furniture Association Inc. regarding the Use of the Function Room on 1 December 2011
IB09	Letter of Appreciation from the Pink Ribbon Day Team and Cancer Council Western Australia for the City’s Support in 2011

- IB10 Email of Appreciation from J. Kelly regarding replacement of wheelie bin
- IB11 Email of Appreciation from J. Klinger regarding repair and modification to Mount Lawley Footpaths
- IB12 Email of Appreciation from T. Cosby regarding bin collection
- IB13 Email of Appreciation from L. Duffield regarding Disability Access Awards
- IB14 Email of Appreciation from T. Askam regarding Nyoongar Dream Walk
- IB15 Step Out in Vincent – Project Evaluation Report
- IB16 Vincent Improved Access Awards – Evaluation Report
- IB17 Ranger Services Statistics for October, November and December 2011
- IB18 Minutes of the Safer Vincent Crime Prevention Partnership (SVCPP) Meeting held on 5 October 2011
- IB19 Minutes of the Safer Vincent Crime Prevention Partnership (SVCPP) Meeting held on 7 December 2011
- IB20 Minutes of the Parks People Project Working Group (PPPWG) Meeting held on 12 October 2011
- IB21 Minutes of the Parks People Project Working Group (PPPWG) Meeting held on 30 November 2011
- IB22 Minutes of the Vincent Accord ‘Socialising with Safety’ Meeting held on 23 November 2011
- IB23 Unconfirmed Minutes of the Local History and Heritage Advisory Group (LHHAG) Meeting held on 8 December 2011
- IB24 Unconfirmed Minutes of the Arts Advisory Group (AAG) Meeting held on 12 December 2011
- IB25 Minutes of the Mindarie Regional Council Meeting held on 8 December 2011
- IB26 Minutes of the Tamala Park Regional Council Meeting held on 15 December 2011
- IB27 Minutes of the State Council Meeting held on 30 January 2012
- IB28 Register of Petitions – Progress Report – February 2012
- IB29 Register of Notices of Motion - Progress Report – February 2012
- IB30 Register of Reports to be Actioned - Progress Report – February 2012
- IB31 Register of Legal Action and Prosecutions (**Confidential – Council Members Only**) – Monthly Report (December/January 2012)
- IB32 Register of Legal Action – Dilapidated Buildings and Houses Unfit for Human Habitation (**Confidential – Council Members Only**) – Quarterly Report (October/December 2011)
- IB33 Register of State Administrative Tribunal Appeals - Progress Report – February 2012
- IB34 Forum Notes – 13 December 2011
- IB35 Notice of Forum – 21 February 2012

9.1 DEVELOPMENT SERVICES

9.1.1 Further Report – Nos. 1-1A (Lots 14 & 15; D/P: 1874) Albert Street, North Perth – Proposed Demolition of Existing Single House and Construction of Four-Storey Plus Basement Mixed-Use Development Consisting of Four (4) Offices, Ten (10), Two Bedroom Multiple Dwellings, One (1) Single Bedroom Multiple Dwelling and Associated Car Parking

Ward:	North	Date:	2 February 2012
Precinct:	North Perth Centre, P9	File Ref:	PRO3901; 5.2011.321.1
Attachments:	001 – Property Information Report and Development Application Plans		
Tabled Items:	Applicant's Submission		
Reporting Officer:	R Narroo, Senior Planning Officer (Statutory)		
Responsible Officer:	H Smith, Manager Planning and Building Services		

FURTHER OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Planning Solutions (Aust) Pty Ltd on behalf of the owner Beersheba Investment Pty Ltd for proposed Demolition of Existing Single House and Construction of Four-Storey Plus Basement Mixed Use Development Consisting of Four (4) Offices, Ten (10) Two Bedroom Multiple Dwellings, One (1) Single Bedroom Multiple Dwelling and Associated Car Parking, at Nos. 1-1A (Lots 14 & 15; D/P: 1874) Albert Street, North Perth, and as shown on amended plans stamp-dated 29 November 2011 and 11 January 2012; subject to the following conditions;

1. Building

- 1.1 All new external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Albert Street and Angove Street;
- 1.2 First obtaining the consent of the owners of Nos. 3 and 7 Albert Street and No. 45 Angove 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. 3 and 7 Albert Street and No. 45 Angove Street, in a good and clean condition. The finish of the wall is to be fully rendered or face brickwork;
- 1.3 Doors, windows and adjacent floor areas facing Albert Street shall maintain active and interactive relationships with this street;
- 1.4 The maximum gross floor area of the office building shall be limited to 1033 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; and
- 1.5 Any new street/front wall, fence and gate within the Albert 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;

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 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 Seventeen (17) car parking bays shall be allocated for the commercial portion of the building;

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 \$50,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development \$5,000,000); 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; and

5. **Demolition**

5.1 An archival documented record of Nos. 1-1A (Lots 14 & 15; D/P 1874) Albert Street, North Perth, 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

5.2 An interpretative plaque or another appropriate form of interpretation that recognises the heritage significance of the former North Perth Primary School Teacher's Quarters at Nos. 1-1A (Lots 14 & 15; D/P: 1874) Albert Street, North Perth, shall be installed prior to the first occupation of the approved development on site. The design and wording of the interpretative plaque or other interpretative medium shall be undertaken in accordance with the City's Policy No. 3.6.4 relating to Heritage Management -Interpretive Signage, and be submitted to and approved by the City prior to the issue of a Building Licence. The approved interpretation proposal shall be installed at the owner(s)/occupier(s) expense and thereafter maintained by the owner(s)/occupier(s);

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

6.1 **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;

6.2 **Amalgamation of Lots**

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);

6.3 **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;

6.4 Section 70 A Notification under the Transfer of Land Act

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

- 6.4.1 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
- 6.4.2 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.

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

6.5 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:

- 6.5.1 the location and type of existing and proposed trees and plants;
- 6.5.2 all vegetation including lawns;
- 6.5.3 areas to be irrigated or reticulated;
- 6.5.4 proposed watering system to ensure the establishment of species and their survival during the hot and dry months;
- 6.5.5 separate soft and hard landscaping plans (indicating details of plant species and materials to be used); and
- 6.5.6 A minimum of 10% of the total area of the site or 85.30 square metres of landscaping is to be provided on site;

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);

6.6 Schedule of External Finishes

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

6.7 Refuse and Recycling Management Plan

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

6.8 Privacy

Revised plans shall be submitted to and approved by the City, demonstrating the proposed balconies to apartments Nos. 5, 6, 7, 10 and 11 on the southern elevation, bedroom 2 windows to apartments ~~9~~ 8 and 11 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 within the respective 7.5 metre, 4.5 metre and 6.0 metre cone of vision privacy setbacks. 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. 15 Woodville Street and No. 45 Angove Street, stating no objection to the respective proposed privacy encroachment;

6.9 Rear Setback

Revised plans shall be submitted to and approved by the City, demonstrating the first and second floor of the proposed development at the rear of the building is to be setback a minimum of 1.98 metres to provide for a 6.0 metre rear setback as per the City's Policy No. 3.4.3 relating to Non- Residential Development Interface, which will also accommodate the 1.0 metres required for future right of way widening, which is to be graded to match into the existing right of way, and asphalted;

6.10 Storerooms

Revised plans shall be submitted to and approved by the City, demonstrating the proposed Units 9, 10 and ~~10~~ 11 storerooms shall have a minimum area of 4 square metres as per the requirements of the Residential Design Codes;

6.11 Underground Power

In keeping with the City's Policy No. 2.2.2 relating to Undergrounding of Power, the power lines along the Albert Street frontage of the development shall be placed underground at the Developer's full cost. The developer is required to liaise with both the City and Western Power to comply with their respective requirements; and

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

7.1 Residential Car Bays

Ten (10) car bays and three (3) car bays shall be provided for the residents and visitors respectively. The thirteen (13) 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;

7.2 Bicycle Parking

Five (5) bicycle bays for the residents of the residential component plus Five (5) class 1 or 2 bicycle facilities 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;

7.3 Management Plan – Access Ramp

A management plan is required to be submitted to demonstrate that the single width access ramp to the basement parking area will meet the requirements of AS2890.1, to the satisfaction of the City; and

7.4 Clothes Drying Facility

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

FOOTNOTE: The applicant/owner has agreed to supply and install light tubes into the roof of the adjoining North Perth Primary School library building to assist in overcoming the effects of overshadowing. The supply and installation shall be carried out in liaison with the North Perth Primary School to the satisfaction of the City's Chief Executive Officer.

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

Moved Cr Harley, Seconded Cr Buckels

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

That the FOOTNOTE be deleted and a new clause 7.5 be inserted as follows:

"7.5 The applicant/owner to gain the agreement of the North Perth Primary School to install light tubes into the roof of the adjoining North Perth Primary School library building to assist in overcoming the effects of overshadowing. The supply and installation shall be carried out in liaison with the North Perth Primary School to the satisfaction of the City's Chief Executive Officer."

Debate ensued.

AMENDMENT

Moved Cr McGrath, Seconded Cr Harley

That the new clause 7.5 be amended to read as follows:

"7.5 The applicant/owner to ~~gain~~ seek the agreement of the North Perth Primary School to install light tubes into the roof of the adjoining North Perth Primary School library building to assist in overcoming the effects of overshadowing. The supply and installation shall be carried out by the applicant/owner in liaison with the North Perth Primary School on agreement to the satisfaction of the City's Chief Executive Officer."

Debate ensued.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (9-0)

Debate ensued.

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

COUNCIL DECISION ITEM 9.1.1

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 Planning Solutions (Aust) Pty Ltd on behalf of the owner Beersheba Investment Pty Ltd for proposed Demolition of Existing Single House and Construction of Four-Storey Plus Basement Mixed Use Development Consisting of Four (4) Offices, Ten (10) Two Bedroom Multiple Dwellings, One (1) Single Bedroom Multiple Dwelling and Associated Car Parking, at Nos. 1-1A (Lots 14 & 15; D/P: 1874) Albert Street, North Perth, and as shown on amended plans stamp-dated 29 November 2011 and 11 January 2012; subject to the following conditions;

1. Building

- 1.1 All new external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Albert Street and Angove Street;
- 1.2 First obtaining the consent of the owners of Nos. 3 and 7 Albert Street and No. 45 Angove 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. 3 and 7 Albert Street and No. 45 Angove Street, in a good and clean condition. The finish of the wall is to be fully rendered or face brickwork;
- 1.3 Doors, windows and adjacent floor areas facing Albert Street shall maintain active and interactive relationships with this street;
- 1.4 The maximum gross floor area of the office building shall be limited to 1033 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; and
- 1.5 Any new street/front wall, fence and gate within the Albert 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;

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 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 Seventeen (17) car parking bays shall be allocated for the commercial portion of the building;

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 \$50,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development \$5,000,000); 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; and

5. Demolition

5.1 An archival documented record of Nos. 1-1A (Lots 14 & 15; D/P 1874) Albert Street, North Perth, 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

5.2 An interpretative plaque or another appropriate form of interpretation that recognises the heritage significance of the former North Perth Primary School Teacher's Quarters at Nos. 1-1A (Lots 14 & 15; D/P: 1874) Albert Street, North Perth, shall be installed prior to the first occupation of the approved development on site. The design and wording of the interpretative plaque or other interpretative medium shall be undertaken in accordance with the City's Policy No. 3.6.4 relating to Heritage Management -Interpretive Signage, and be submitted to and approved by the City prior to the issue of a Building Licence. The approved interpretation proposal shall be installed at the owner(s)/occupier(s) expense and thereafter maintained by the owner(s)/occupier(s);

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

6.1 **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;

6.2 **Amalgamation of Lots**

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);

6.3 **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;

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

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

6.4.1 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

6.4.2 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.

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

6.5 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:

- 6.5.1 the location and type of existing and proposed trees and plants;
- 6.5.2 all vegetation including lawns;
- 6.5.3 areas to be irrigated or reticulated;
- 6.5.4 proposed watering system to ensure the establishment of species and their survival during the hot and dry months;
- 6.5.5 separate soft and hard landscaping plans (indicating details of plant species and materials to be used); and
- 6.5.6 A minimum of 10% of the total area of the site or 85.30 square metres of landscaping is to be provided on site;

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);

6.6 Schedule of External Finishes

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

6.7 Refuse and Recycling Management Plan

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

6.8 Privacy

Revised plans shall be submitted to and approved by the City, demonstrating the proposed balconies to apartments Nos. 5, 6, 7, 10 and 11 on the southern elevation, bedroom 2 windows to apartments 8 and 11 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 within the respective 7.5 metre, 4.5 metre and 6.0 metre cone of vision privacy setbacks. 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. 15 Woodville Street and No. 45 Angove Street, stating no objection to the respective proposed privacy encroachment;

6.9 Rear Setback

Revised plans shall be submitted to and approved by the City, demonstrating the first and second floor of the proposed development at the rear of the building is to be setback a minimum of 1.98 metres to provide for a 6.0 metre rear setback as per the City's Policy No. 3.4.3 relating to Non- Residential Development Interface, which will also accommodate the 1.0 metres required for future right of way widening, which is to be graded to match into the existing right of way, and asphalted;

6.10 Storerooms

Revised plans shall be submitted to and approved by the City, demonstrating the proposed Units 9, 10 and 11 storerooms shall have a minimum area of 4 square metres as per the requirements of the Residential Design Codes;

6.11 Underground Power

In keeping with the City's Policy No. 2.2.2 relating to Undergrounding of Power, the power lines along the Albert Street frontage of the development shall be placed underground at the Developer's full cost. The developer is required to liaise with both the City and Western Power to comply with their respective requirements; and

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

7.1 Residential Car Bays

Ten (10) car bays and three (3) car bays shall be provided for the residents and visitors respectively. The thirteen (13) 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;

7.2 Bicycle Parking

Five (5) bicycle bays for the residents of the residential component plus Five (5) class 1 or 2 bicycle facilities 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;

7.3 Management Plan – Access Ramp

A management plan is required to be submitted to demonstrate that the single width access ramp to the basement parking area will meet the requirements of AS2890.1, to the satisfaction of the City;

7.4 Clothes Drying Facility

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

7.5 The applicant/owner to seek the agreement of the North Perth Primary School to install light tubes into the roof of the adjoining North Perth Primary School library building to assist in overcoming the effects of overshadowing. The supply and installation shall be carried out by the applicant/owner in liaison with the North Perth Primary School on agreement to the satisfaction of the City's Chief Executive Officer.

FURTHER REPORT:

The Council at its Ordinary Meeting held on 20 December 2011 resolved as follows:

"That the item be DEFERRED to allow the Applicant to work with the City's Administration to consider further changes to the proposal, to address items of non-compliance."

In light of the Council decision, the applicant has provided the following amended plans:

- *“Amendment to the western elevation so the third storey has a glass balustrade to the balconies, reducing the extent of the concrete parapet wall.*
- *Deletion of Apartment 4.*
- *Reduced number of apartments on the top level from three to two.”*

Given the above changes to the number of dwellings, the title of the proposal has changed from demolition of existing single house and construction of four storey plus basement mixed use development consisting of four (4) offices, five (5) two bedroom multiple dwellings, eight (8) single bedroom multiple dwellings and associated car parking to demolition of existing single house and construction of four storey plus basement mixed use development consisting of four (4) offices, ten (10) two bedroom multiple dwellings, one (1) single bedroom multiple dwelling and associated car parking.

AMENDED COMPLIANCE TABLE:

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Plot Ratio:	0.6 (488.9838 square metres) – R40 (North Perth Centre Precinct)	0.9693 or (826.82 square metres). The plot ratio was 0.9938 or 809.14 square metres prior to the deletion of unit 4.)
Officer Comments:		
Supported. The plot ratio calculation is applicable to the residential component of the development only. Refer to Comments.		
Open Space:	45 percent Open Space – 366.7185 square metres applicable for R40 Zoning	1.53 percent or 12.46 square metres.
Officer Comments:		
Noted. Given the predominately large footprint of the ground floor of the development, there is minimal area proposed for open space. The property has a Commercial Zoning hence the requirement for open space is applicable to the residential component only. It is noted the development provides sufficient balconies and open areas to the residential portions of the development.		
Buildings Setback:	<u>Ground</u> Northern – (Front) – 6.5 metres (Average Front setbacks of Adjacent Properties)	Nil – 0.75 metres
Officer Comments:		
Supported. It is considered the proposed variations to the ground floor setbacks of the development are supportable given the commercial component of the use and the need for separation between land uses, being the existing school and commercially zoned residential property to the east.		
	<u>First Floor</u> Northern (Front) – 8.5 metres	Nil – 0.9 Metre
Officer Comments:		
Supported.		
	<u>Second Floor</u> Northern (Front) – 8.5 metres	Nil
Officer Comments:		
Supported.		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
	<u>Third Floor</u> Northern (Front) – 8.5 metres	4.464 metres
Officer Comments:		
Supported. It is noted the proposed third floor is stepped in from the floors below to provide separation between the front of the property, providing for a lessening in the visible impact and bulk of the upper storey to the street and is supported accordingly. Notwithstanding, the site is located on a unique site which does not have an effective street frontage, but rather a landscaped road verge accommodating a particularly large and mature Moreton Bay Fig tree. In this respect, it is considered that from many vantage points the tree would significantly reduce and obscure the view of any development on the site.		
Number of Storeys:	Two Storeys (Three Storeys where appropriate – as determined by the City)	Four Storeys Plus Basement
Officer Comments:		
Supported. Refer to 'Comments'.		
Essential Facilities:	<u>Storerooms</u> 4 square metres	3.5 square metres (units 9, 10 and 11)
Officer Comments:		
Not supported. The proposed storerooms are required to be increased in size to comply with the minimum area requirements of the Residential Design Codes.		
Building Height:	Wall Height – 6.0 metres Concealed Roof Height – 7.0 metres	13.7 metres (maximum) 13.8 metres
Officer Comments:		
Supported. Refer to "Comments".		
Visual Privacy:	<u>Second Floor</u> <i>Southern</i> Balconies – 7.5 metres <u>Third Floor</u> <i>Eastern</i> Bed 2 – 4.5 metres <i>Southern</i> Rear Balconies – 7.5 metres	5.2 metres 3.0 metres 7.2 metres
Officer Comments:		
Not supported. It is considered the rear balconies and eastern windows have the propensity for some degree of overlooking to the adjoining properties to the rear of the site and are to be screened in accordance with the Residential Design Codes as per any Council approval. It is noted that with regard to privacy setbacks to the school, the City's Officers have reviewed this matter and resolved there is no requirement consistent with a previous decision of the Council in respect of the Rosewood Care complex adjoining Aranmore Primary School.		
Landscaping:	10 percent of Site – 81.49 square metres	1 percent or 11.34 square metres
Officer Comments:		
Noted. 10 percent of the site is required to be provided in landscaping, albeit in forms above ground level.		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Non-Residential Development Interface Policy:	First and Second Floor Rear Setback – 6.0 metres	1.2 metres + 4.02 metres (Right-of-Way) (5.22 metres)
	Maximum Western Boundary Height – 6.0 metres	Height= 11.0 metres (East) Height= 8.2 metres (West)
	2/3 Length of Wall of Boundary (66 per cent)	96.7 per cent

Officer Comments:

Supported. The proposed non-residential portion of the development is to be setback at least 6 metres from the adjacent property boundary; this setback may include the width of the right of way.

In addition to the above, it is noted that the North Perth Centre Precinct Policy does not stipulate a setback requirement to a school. In this respect, the applicant, being mindful of the adjoining school's concerns with overshadowing, has submitted an amended western elevation depicting glass balustrades to the balconies of units on the third floor (level 2 on plans) which it is considered will reduce the bulk of the building to the adjoining heritage listed North Perth Primary School and will enhance the visual amenity of the proposed building when viewed from the school.

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

Commercial Car Parking	
Car parking requirement (nearest whole number):– Office (1 bay per 50 square metres) – 1033.40 square metres (car bays)	
Total = 20.668 car bays	21 car bays
Apply the adjustment factors:	
<ul style="list-style-type: none"> • 0.85 (Within 400 metres of a bus stop) • 0.95 (The proposed development is within 400 metres of one or more existing public car parking place(s) with in excess of a total of 25 car parking spaces) 	(0.8075)
	= 16.9575 car bays
Minus the car parking provided on-site.	33 car bays
Minus the most recently approved on-site car parking shortfall	N/A car bays
Surplus	16.04 car bays

Residential Car Parking	
Small Multiple Dwelling (Less than 75 square metres or 1 bedroom) – 0.75 per dwelling (6 proposed)= 4.5 car bays or 5 car bays	
Medium Multiple Dwelling (75 - 110 square metres) - 1 bay per dwelling (5 proposed) = 5 car bays	
Visitors = 0.25 per dwelling (11 proposed) = 2.75 car bays or 3.00 car bays	
Total = 13 car bays	13 car bays
Total car bays provided from surplus commercial bays	16.04 car bays
Surplus	3.04 car bays

Bicycle Parking	
Bicycle Facilities Commercial:– Occupants - 1 bicycle space per 200 square metres (Proposal 1033.40 square metres): required – (5.17) bicycle bays required – Class 1 or 2	
Required – 5.00 bicycle spaces	

Bicycle Parking	
Residents:– 1 bicycle space to each 3 dwellings – 11 Dwellings Proposed – 3 bicycle spaces required	
Visitors:– 1 bicycle space to each 10 dwellings – 11 Dwellings Proposed – 1.0 bicycle space	
Residential Requirement – 4	
Minus Bicycle Parking Provided on- site	14 bicycle bays
Total Surplus	5 bicycle bays

COMMENTS:

The review of the City's Town Planning Scheme, proposes some variations to the current zoning and requirements for development of the subject site. Draft versions of the Local Planning Strategy, Town Planning Scheme No. 2 (Text and Maps) and associated Precinct Policies were endorsed by the Council at its Ordinary Meeting held on 20 December 2011 to forward to the Western Australian Planning Commission, to seek consent to advertise in accordance with the Town Planning Regulations 1967. The documents were delivered to the WAPC on 23 December 2011. The City is currently awaiting consent to advertise the documents.

With respect to land use, the Draft Town Planning Scheme No. 2 has proposed to zone the property from 'Commercial' to 'District Centre'. As such, the proposed mixed use development is consistent with the proposed new Town Planning Scheme No. 2.

With regard to height, Clause 5.4 of the Draft City of Vincent Local Planning Policy No. 1.3 - North Perth Precinct Policy specifies the following:

"For lots fronting Angove Street a maximum of three storeys can be considered, provided that the amenity of the adjacent residential area is protected in terms of privacy, scale and bulk.

Staggering of the maximum building height may be required to provide a suitable transition to adjacent lower residential zones."

However, Clause 6.2 of the Draft City of Vincent Planning Policy No. 1.3 - North Perth Precinct Policy states the following:

"Developments on dual street frontages or corner lots are to address all street frontages as well as public open space, incorporating windows, balconies and terraces and other elements to encourage passive surveillance and visual interest. Blank walls are not permitted.

Buildings located at corner sites are often landmarks, which assist people's understanding of a place. Elevations should reinforce the corner to which the development addresses, with special treatments including:

*Greater building height;
Articulated parapet detailing;
Vertical proportioning through the use of fenestration and facade detailing."*

It can be argued that the subject site is located on a corner lot (Angove Street and Albert Street) and therefore greater height can be considered. Further, it is considered the applicant has employed measures to improve the development's suitability for the site and has responded to the community's concerns as follows:

- to ensure any loss of light to the adjoining school building will be compensated by the supply and provision of light tubes into the roof of the school library building;
- the glass balustrade being proposed on the western elevation to reduce the visual impact of the building from the school;
- the articulation and high finishes proposed for the building;
- the fourth floor being setback from all the boundaries; and
- compliance with car parking requirements.

As such, it is considered the proposal is in keeping with the desired outcome for the future of the locality. Plot ratio and building height contribute to the bulk and scale of a development, and in view of the Officer's support of a four-storey development on the subject site, the proposed plot ratio is also recommended for approval. Overall, the proposed development is not considered to have an unreasonable impact on the amenity of the area and is symptomatic of an emerging District Centre and of a growing trend to develop underutilised inner-city properties.

In view of the above, it is recommended that the Council approves the development subject to standard and appropriate conditions.

The Minutes of Item 9.1.9 from the Ordinary Meeting of Council held on 20 December 2011, relating to this Report is available on the City's website at the following link: http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes.

9.1.2 Nos. 8-10 (Lot 123; D/P: 490) Church Street, Perth – Proposed Partial Demolition of and Alterations and Second Storey Addition to Existing Single House and Additional Two-Storey Single House

Ward:	South	Date:	1 February 2012
Precinct:	Beaufort, P13	File Ref:	PRO1495; 5.2011.568.1
Attachments:	001 - Property Information Report, Development Application Plans		
Tabled Items	Applicant's Submission		
Reporting Officer:	R Narroo, Senior Planning Officer (Statutory)		
Responsible Officer:	H Smith, Manager Planning and Building Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES BY AN ABSOLUTE MAJORITY** the application submitted by Allering & Associates on behalf of the owner M Krynski for Propose Partial Demolition of and Alterations and Second-Storey Addition to Existing Single House and Additional Two-Storey Single House to Existing Single House, at Nos. 8-10 (Lot 123; D/P: 490) Church Street, Perth, and as shown on plans stamp-dated 14 November 2011 and amended plans dated 18 January 2012, subject to the following conditions:

1. All new external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Church Street;
2. Any new street/front wall, fence and gate within the Church Street setback areas, including along the side boundaries within these streets setback areas, shall comply with the City's Policy provisions relating to Street Walls and Fences;
3. No street verge tree(s) shall be removed unless written approval has been received from the City's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);
4. Subject to first obtaining the consent of the owners of No. 6 Church Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 6 Church Street, in a good and clean condition. The finish of the wall is to be fully rendered or face brickwork;
5. The carport shall be one hundred (100) per cent open on all sides and at all times (open style gates/panels with a visual permeability of eighty (80) per cent are permitted), except where it abuts the main building;
6. **PRIOR TO THE ISSUE OF A BUILDING LICENCE**, the following shall be submitted to and approved by the City:

6.1 Section 70a Notification

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 the following:

- 6.1.1 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

6.1.2 The City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the Residential Units. This is because at the time, the planning application for the development was submitted to the City; the developer claimed that the on-site parking provided would adequately meet the current and future demands of the development.

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

6.2 Gates Opening

The proposed gates opening out into the City's Stuart Street Reserve are to be deleted;

6.3 Road Bond

A Road, Verge security bond of \$2,350 payable by the builder shall be lodged with the City and be held until all building/development works have been completed and/or any disturbance of, or damage to, the City's infrastructure, including street verge trees, has been repaired/reinstated to the satisfaction of the City's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing. This bond is non-transferable;

6.4 Construction Management Plan

A Construction Management Plan, detailing how the demolition and 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; and

6.5 Schedule of External Finishes

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

Moved Cr Maier, Seconded Cr McGrath

That the recommendation be adopted.

Debate ensued.

AMENDMENT NO 1

Moved Cr Maier, Seconded Cr Carey

That clause 6.2 be deleted.

Debate ensued.

The Mover, Cr Maier advised that he wished to change his amendment to amend clause 6.2 to read as follows:

"6.2 Gates Opening

The proposed gates opening ~~out into~~ onto the City's Stuart Street Reserve are to either open inwards or are sliding ~~are to be deleted;~~"

The Seconder, Cr Carey agreed.

Debate ensued.

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

Debate ensued.

AMENDMENT NO 2

Moved Cr Topelberg, Seconded Cr Buckels

That clause 5 be deleted and a new clause 5 being inserted as follows:

“5. The garage door be translucent in nature including perforations and visually permeable to the satisfaction of the City of Vincent;”

Debate ensued.

The Mover, Cr Topelberg advised that he wished to withdraw his amendment, as it is already covered in clause 5. The Seconder, Cr Buckels agreed. Cr Topelberg withdrew his amendment.

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

COUNCIL DECISION ITEM 9.1.2

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES BY AN ABSOLUTE MAJORITY the application submitted by Allering & Associates on behalf of the owner M Krynski for Propose Partial Demolition of and Alterations and Second-Storey Addition to Existing Single House and Additional Two-Storey Single House to Existing Single House, at Nos. 8-10 (Lot 123; D/P: 490) Church Street, Perth, and as shown on plans stamp-dated 14 November 2011 and amended plans dated 18 January 2012, subject to the following conditions:

1. All new external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Church Street;
2. Any new street/front wall, fence and gate within the Church Street setback areas, including along the side boundaries within these streets setback areas, shall comply with the City's Policy provisions relating to Street Walls and Fences;
3. No street verge tree(s) shall be removed unless written approval has been received from the City's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);
4. Subject to first obtaining the consent of the owners of No. 6 Church Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 6 Church Street, in a good and clean condition. The finish of the wall is to be fully rendered or face brickwork;

5. The carport shall be one hundred (100) per cent open on all sides and at all times (open style gates/panels with a visual permeability of eighty (80) per cent are permitted), except where it abuts the main building;

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

6.1 **Section 70a Notification**

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 the following:

6.1.1 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

6.1.2 The City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the Residential Units. This is because at the time, the planning application for the development was submitted to the City; the developer claimed that the on-site parking provided would adequately meet the current and future demands of the development.

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

6.2 **Gates Opening**

The proposed gates opening onto the City's Stuart Street Reserve are to either open inwards or are sliding;

6.3 **Road Bond**

A Road, Verge security bond of \$2,350 payable by the builder shall be lodged with the City and be held until all building/development works have been completed and/or any disturbance of, or damage to, the City's infrastructure, including street verge trees, has been repaired/reinstated to the satisfaction of the City's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing. This bond is non-transferable;

6.4 **Construction Management Plan**

A Construction Management Plan, detailing how the demolition and 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; and

6.5 **Schedule of External Finishes**

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

Landowner:	M Krynski
Applicant:	Allerding & Associates
Zoning:	Metropolitan Region Scheme: (MRS) Urban Town Planning Scheme No. 1 (TPS 1): Residential/Commercial R80
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	465 square metres
Access to Right of Way:	Not Applicable

PURPOSE OF REPORT:

The proposal is referred to a meeting of Council as it requires an Absolute Majority Decision in accordance with Clause 40(3) of the City of Vincent Town Planning Scheme No. 1.

BACKGROUND:

20 October 2009 The Council at its Ordinary Council Meeting conditionally approved Partial Demolition of and Alterations and Additions and Second Storey Addition to Existing Single House and Additional Two-Storey Single House to Existing Single House.

DETAILS:

The proposal involves partial demolition of and alterations and second-storey addition to single house and additional two-storey single house to existing single house. The proposal is generally the same as the plans conditionally approved at the Council Meeting held on 20 October 2009 except the following changes:

- The proposed site areas for each lot have changed from 163 square metres and 127 square metres to 145 square metres for each lot;
- The configuration of the bedrooms has changed with different rear setbacks being proposed; and
- The first floor wall is setback from the eastern property.

The existing dwelling at No. 12 Church Street being maintained in its current form with some amendments to accommodate a parapet wall. The proposed two-storey dwellings are contemporary in nature with a flat roof design, split evenly across the block in a symmetrical design.

COMPLIANCE:

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Density:	R60- 2 dwellings Site Areas for No. 8 and 10 = 160 square metres	R64.23 - 3 dwellings - 16 percent density bonus - 75 square metres. Site Areas for Nos. 8 and 10 = 145 square metres, 9.4 percent density bonus (15 square metres)
Officer Comments:		
Supported. Refer to "Comments" below.		

NON-COMPLIANT REQUIREMENTS		
Building Setback from the Boundary:	<u>Lower</u> <i>Unit 2</i> Eastern – 1.5 metre	Nil to 1.275 metres
Officer Comments:		
Supported. The proposed setback variation is adjacent to an existing commercial/industrial building and open car park area to the front of the property. Given these site characteristics, it is considered that the proposed variation will have no impact on the use of the adjoining property. Notwithstanding, it is not considered the variations will impact on any future use of the site for residential purposes.		
Street Setbacks:	<u>Upper Floor</u> <i>Units 1 and 2</i> 7.84 metres – 8.0 metres	5.84 metres – 6.0 metres
Officer Comments:		
Supported. The first floor is of a contemporary design, consisting of full length windows and a variety of building materials to provide interest to the street façade. The setback proposed is considered adequate and will not impact the character of the street, which is eclectic and containing a variety of building types and street setbacks.		
Buildings on the Boundary:	<u>Unit 2</u> Maximum Parapet Wall Height – 3.5 metres Average Parapet Wall Height – 3.0 metres	Average Height = 3.9 metres Maximum Height = 4.3 metres
Officer Comments:		
Supported. The proposed portions of parapet wall along the eastern boundary of Unit 2 abut the boundary walls of the adjoining commercial/industrial building (maximum height of 4.7 metres) and are therefore not considered to create any detrimental impact.		
Roof Forms:	Roof Pitch – 30 – 45 degrees	Roof Pitch – Flat
Officer Comments:		
Supported. The proposed two residential dwellings are contemporary in nature and appearance. Within the Church Street area; there is a variety of both pitched and flat roof designs. Given this, it is not considered unreasonable that the proposed dwellings have flat roof designs.		
Setback of Garages and Carports:	Open Carport for Nos. 8 and 10 Width of Carport – 50% of lot frontage	Carport with Door for Nos. 8 and 10 Width of Carport – 53%
Officer Comments:		
Supported. A number of dwellings within the Church Street setback area feature carports with garage doors. Given this existing site characteristic and the 'quasi' industrial nature of the street, the variation to the width is supported. It is noted a condition will be imposed that requires the carports to remain open on all sides and open style gates/panels with a visual permeability of eighty (80) per cent to be provided.		
On-site Parking Provision:	Two (2) Bays	One (1) Car Bay
Officer Comments:		
Supported. Given the small lot areas small and the site's close proximity to major transport nodes along both Newcastle and Fitzgerald Street, the variation in parking is supported.		
Open Space:	45%= 65 square metres	35.5%=51 square metres
Officer Comments:		
Supported. The proposed dwellings adjoin a local park to the rear which enhances the amenity of the dwellings and ameliorates the impact of a reduction in open space on site.		

NON-COMPLIANT REQUIREMENTS		
Site Area Requirements:	Minimum Site Area Requirements – Minimum site area – 160 square metres Average site area – 180 square metres	Proposed Two Lots Minimum Lot area = 145 square metres Existing Lot – No. 12 Church Street (not part of this application) = 177 square metres Overall average site area – 155.66 square metres
Officer Comments:		
Supported. The proposed lot layout is consistent with the Church Street locality and is reflective of the existing lots from Nos. 24 to No. 32 Church Street. Furthermore, it is considered the lot layout and sizes are consistent with the orderly and proper planning of the locality. Moreover, it is noted the Metropolitan Sewerage plan for the area from 1952 shows dwellings on Nos. 8, 10 and 12 Church Street.		
Outdoor Living:	<u>Outdoor Living Area</u> <i>Units 1 and 2</i> 16.0 square metres	8.44 square metres
Officer Comments:		
Supported. The proposed outdoor living areas for both the proposed dwellings are impacted by the narrow nature of the proposed lots. Given these site characteristics, the provision of an outdoor area to the rear of the site and open areas to the front of the property are considered adequate. Furthermore, the adjoining local park to the rear of the subject property will ameliorate any impact of the proposed reduced outdoor living areas.		
Street Walls and Fences:	Maximum Height of solid portion to be 1.2 metres above adjacent footpath level and a minimum of fifty percent visual permeability above 1.2 metres.	Solid Walls to 1.5 metres
Officer Comments:		
Not supported. The proposed fences do not comply with the City's visual truncation requirement and more details are required for the infill material. Therefore, the proposed front walls are to be compliant with the fencing requirement Policy No. 3.2.1 relating to Residential Design Elements and in accordance with the condition of approval.		
The above Officer Comments are provided pursuant to Clause 38(5) of Town Planning Scheme No. 1.		
Consultation		
In Support:	Nil (0).	
Comments Received		Officer Comments
Nil.		Noted.
Objections:	Nil (0).	
Comments Received		Officer Comments
Nil.		Noted.
Advertising	The advertising was carried out as per the City 'Policy No. 4.1.5 - relating to Community Consultation for a period of fourteen (14) days.	
Other Implications		
Legal/Policy	TPS No. 1 and associated Policies.	
Strategic	The City's <i>Strategic Plan 2011-2016</i> – Objective 1 states: <u>"Natural and Built Environment</u> 1.1 <i>Improve and maintain the natural and built environment and infrastructure</i> 1.1.2 <i>Enhance and maintain the character and heritage of the City.</i> "	
Sustainability	Nil.	
Financial/Budget	Nil.	

COMMENTS:

Technical Services

The proposed gates opening out into the Stuart Street Reserve, are to be deleted. The park is readily accessible from Stuart Street, Palmerston Street and Lake Street, and additional private access points are not permissible.

At the Ordinary Meeting held on 20 October 2009 for the previous proposal, there was an issue about encroachment into the Stuart Street Reserve. The owner of Nos. 8-10 Church Street has addressed this matter, and accordingly, the fences adjoining the City's parkland that had encroached into Stuart Street Reserve have been removed back to the point of the original property line to the satisfaction of the City.

Density and Site Areas

As depicted in the Metropolitan Sewerage Plan (1952), there were dwellings existing on Nos. 8-12 Church Street, Perth. Currently, there are two attached single storey dwellings existing on Nos. 10 and 12 Church Street; however, No. 8 Church Street is vacant.

A variation to the density code of the subject lots and minimum/average areas is supported as the proposed lot configuration reflects the pattern of existing lots from No. 24 to No. 32 Church Street, and the proposal is consistent with the proper and orderly planning of the locality. Further, the intensity and use of the lots is consistent with surrounding development and land uses. In addition, it is considered that no undue impact on occupiers of the development nor the amenity of the locality will occur as a result of the development.

Absolute Majority

Given the proposed density bonus, as per Clause (40) (3) (b) of the City's Town Planning Scheme No. 1, the Council, in the event of approving the application would be required to do so via an absolute majority decision.

In view of the above, it is considered that the application is supportable; as it is considered the development will significantly improve the use and appearance of the overall site, and will not result in any undue impact on the amenity of the surrounding area.

9.1.3 No. 538 (Lot 2; D/P: 2486) William Street, Mount Lawley – Proposed Alterations and Additions to Existing Grouped Dwellings and Reconsideration of Condition

Ward:	South Ward	Date:	2 February 2012
Precinct:	P10 - Norfolk Precinct	File Ref:	PRO3453; 5.2011.537.1
Attachments:	001 – Property Report and Development Application Plans; 002 – Site Photos		
Tabled Items	Applicant's submission		
Reporting Officer:	B Sandri, Planning Officer (Statutory)		
Responsible Officer:	H Smith, Manager Planning and Building Services		

OFFICER RECOMMENDATION:

That the Council;

1. in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Weststyle Design & Development on behalf of the owner T Ricciardello & B & M Ricciardello Nominees Pty Ltd for proposed Alterations and Additions to Existing Grouped Dwellings and Reconsideration of Condition, at No. 538 (Lot 2; D/P: 2486) William Street, Mount Lawley, and as shown on plans stamp-dated 24 October 2011 and amended plans stamp-dated 30 January 2012, subject to the following conditions:

1.1 Privacy Screening

- 1.1.1 the window to bedroom 3 on the northern elevation of unit 1;
- 1.1.2 the balcony to living room on the southern and western elevations of unit 1;
- 1.1.3 the window to bedroom 3 on the western elevation of unit 2;
- 1.1.4 the balcony to living room on the southern and western elevations of unit 2;
- 1.1.5 the window to bedroom 3 on the western elevation of unit 3;
- 1.1.6 the window to bedroom 2 on the northern elevation of unit 3;
- 1.1.7 the balcony to living room on the northern and eastern elevations of unit 3;
- 1.1.8 the windows to the upper living room on the southern elevation of unit 4; and
- 1.1.9 the balcony to living room on the southern and eastern elevations of unit 4;

being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the first occupation of the dwellings;

1.2 Fencing

Any new street/front wall, fence and gate within the William 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;

1.3 External Features

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 William Street;

1.4 Verge Trees

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

1.5 Boundary Wall

First obtaining the consent of the owners of Nos. 540-542 William 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. 540-542 William Street in a good and clean condition. The finish of the wall is to be fully rendered or face brickwork;

1.6 Landscaping Plan

A detailed landscaping plan, including a list of plants and the landscaping of the William Street verge adjacent to the subject property, shall be submitted and approved 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

1.7 Interpretation Proposal

Details of an interpretation proposal, which incorporates explicit recognition of the historic value of the place at No. 538 William Street, Mount Lawley shall be submitted to and approved by the City, and installed prior to the first occupation of the grouped dwelling development; and

- 2. WITHIN TWENTY-EIGHT (28) DAYS OF THE ISSUE OF THE APPROVAL, the removal and relocation of the spoon drain and any associated drainage from the Metropolitan Region Scheme road widening reservation to the satisfaction of the Chief Executive Officer.**

Cr Carey departed the Chamber at 6.44pm.

Moved Cr Maier, Seconded Cr Harley

That the recommendation be adopted.

Debate ensued.

Cr Carey returned to the Chamber at 6.46pm.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Pintabona

That subclause 1.1.9 be amended to read as follows

“1.1.9 the balcony to living room on the southern and eastern elevations of unit 4;

being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees;~~;~~ ~~OR prior to the first occupation of the dwellings~~ ; Alternatively, the above screenings are not required if the City receives written consent from the owners of affected properties to the north, south, east and west of the subject site respectively, stating no objections to the proposed privacy encroachments.”

The Presiding Member, Mayor Hon. Alannah MacTiernan suggested changing the amendment to read as follows:

“1.1.9 the balcony to living room on the southern and eastern elevations of unit 4;

being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees;~~;~~ ~~OR prior to the first occupation of the dwellings~~ ; Alternatively, the above screenings are not required if the City receives ~~prior to the first occupation of the dwellings,~~ written consent from the owners of affected properties to the north, south, east and west of the subject site respectively, stating no objections to the proposed privacy encroachments.”

The Mover, Cr Maier and the Seconder, Cr Pintabona agreed.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (9-0)

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

COUNCIL DECISION ITEM 9.1.3

That the Council;

1. in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Weststyle Design & Development on behalf of the owner T Ricciardello & B & M Ricciardello Nominees Pty Ltd for proposed Alterations and Additions to Existing Grouped Dwellings and Reconsideration of Condition, at No. 538 (Lot 2; D/P: 2486) William Street, Mount Lawley, and as shown on plans stamp-dated 24 October 2011 and amended plans stamp-dated 30 January 2012, subject to the following conditions:

1.1 Privacy Screening

- 1.1.1 the window to bedroom 3 on the northern elevation of unit 1;
- 1.1.2 the balcony to living room on the southern and western elevations of unit 1;
- 1.1.3 the window to bedroom 3 on the western elevation of unit 2;
- 1.1.4 the balcony to living room on the southern and western elevations of unit 2;
- 1.1.5 the window to bedroom 3 on the western elevation of unit 3;
- 1.1.6 the window to bedroom 2 on the northern elevation of unit 3;
- 1.1.7 the balcony to living room on the northern and eastern elevations of unit 3;
- 1.1.8 the windows to the upper living room on the southern elevation of unit 4; and
- 1.1.9 the balcony to living room on the southern and eastern elevations of unit 4;

being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees. Alternatively, the above screenings are not required if the City receives prior to the first occupation of the dwellings, written consent from the owners of affected properties to the north, south, east and west of the subject site respectively, stating no objections to the proposed privacy encroachments;

1.2 Fencing

Any new street/front wall, fence and gate within the William 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;

1.3 External Features

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 William Street;

1.4 Verge Trees

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

1.5 Boundary Wall

First obtaining the consent of the owners of Nos. 540-542 William 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. 540-542 William Street in a good and clean condition. The finish of the wall is to be fully rendered or face brickwork;

1.6 Landscaping Plan

A detailed landscaping plan, including a list of plants and the landscaping of the William Street verge adjacent to the subject property, shall be submitted and approved 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

1.7 Interpretation Proposal

Details of an interpretation proposal, which incorporates explicit recognition of the historic value of the place at No. 538 William Street, Mount Lawley shall be submitted to and approved by the City, and installed prior to the first occupation of the grouped dwelling development; and

2. **WITHIN TWENTY-EIGHT (28) DAYS OF THE ISSUE OF THE APPROVAL, the removal and relocation of the spoon drain and any associated drainage from the Metropolitan Region Scheme road widening reservation to the satisfaction of the Chief Executive Officer.**

Landowner:	T Ricciardello & B & M Ricciardello Nominees Pty Ltd
Applicant:	Weststyle Design & Development
Zoning:	Metropolitan Region Scheme: (MRS) Town Planning Scheme No. 1 (TPS 1): Residential 60
Existing Land Use:	Residential
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	490 square metres
Access to Right of Way	East side, 5 metres wide, sealed North side, 5 metres wide, sealed

PURPOSE OF REPORT:

The report is referred to the Ordinary Meeting of Council as the condition under reconsideration was imposed by the Council at its Ordinary Meeting held on 4 November 2008.

BACKGROUND:

7 October 2008 The Council at its Ordinary meeting deferred the proposed demolition of existing single house and construction of four (4) two-storey grouped dwellings.

4 November 2008 The Council at its Ordinary meeting conditionally approved proposed demolition of existing single house and construction of four (4) two-storey grouped dwellings.

DETAILS:

The proposal involves the reconsideration of condition (x) [clauses (a), (c) and (e)] of the conditional approval granted 4 November 2008 which reads:

“(x) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:

- (a) the window to bedroom 3 on the northern elevation of unit 1;*
- (b) the balcony to living room on the southern and western elevations of unit 1;*
- (c) the window to bedroom 3 on the western elevation of unit 2;*
- (d) the balcony to living room on the southern and western elevations of unit 2;*
- (e) the window to bedroom 3 on the western elevation of unit 3;*
- (f) the balcony to living room on the northern and eastern elevations of unit 3;*
- (g) the windows to the upper living room on the southern elevation of unit 4; and*
- (h) the balcony to living room on the southern elevations of unit 4;*

being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2008. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 540-542 and No. 536 William Street, No. 52 and No. 54 Vincent Street, stating no objection to the respective proposed privacy encroachments.”

In addition, the matter of unauthorised construction of a spoon drain and retaining wall within the Metropolitan Region Scheme road widening area has been identified with site and referred to the Western Australian Planning Commission (WAPC). The WAPC have advised:

“Land Requirements

The subject property abuts William Street which is reserved as Category 2 Other Regional Road (OPR) in the Metropolitan Region Scheme (MRS). Lot 2 is affected by the ORR reservation for William Street...

The site was recently approved subject to conditions as a Freehold (Green Title) Subdivision (Application No: 141435).

The subdivision was approved subject to conditions on the 7 May 2010. This included:

Condition 7. The 1.5 metre strip of land required for the widening of William Street as shown on the attached extract of the Western Australian Planning Commission Planning Land Requirements plan for William Street (Plan No. 1.3563) is to be set aside as a separate lot for acquisition pending future road widening purposes. An easement is to be provided over all of the lot to be set aside for the benefit of the remaining lot for the purpose of providing right of footway, water, sewer, drainage, gas, electricity, television, telecommunications and other necessary infrastructure. This easement is to provide that the benefit of the easement be extinguished upon dedication of the road widening lot as a public road.

This condition has not been yet been cleared. 1.5 m strip of land has not yet been set aside as a separate lot.

The Department does not support construction of any permanent structures within the land reserved for future road widening.

We therefore do not support the proposal and require that the spoon drain and any associated drainage be removed from the road reservation and relocated so that it is contained outside of the road widening area. The retaining wall located within the road reserve is necessary as it is retaining fill on the adjacent lot and should remain until the road widening occurs. We also require the road-widening area be set aside as a separate lot as stipulated in Condition 7 mentioned above.”

COMPLIANCE:

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Visual Privacy:	<u>First Floor</u>	
	<i>Window to bedroom 3 on the northern elevation of unit 1</i>	
	4.5 metres or screening as per R-Codes requirement.	3.4 metres to the Northern boundary.
	<i>Window to bedroom 3 on the western elevation of unit 2</i>	
	4.5 metres or screening as per R-Codes requirement.	2.9 metres to the Northern boundary.
	<i>Window to bedroom 2 on the northern elevation of unit 3</i>	
	4.5 metres or screening as per R-Codes requirement.	4.0 metres to the Northern boundary.
	<i>Window to bedroom 3 on the western elevation of unit 3</i>	
	4.5 metres or screening as per R-Codes requirement.	4.0 metres to the Northern boundary.
Officer Comments:		
Not supported. The above windows do not comply with the performance criteria and acceptable development provisions of Clause 6.8.1 “Visual Privacy” of the R-Codes. The development standard within the R-Codes requires the cone of vision to be measured 4.5 metres from the external face of the major opening in the case of bedrooms and study rooms (demonstrated in figure 25, clause 6.8, of the R-Codes). In the case of No. 538 William Street, all bedroom windows mentioned above, do not meet this requirement; rather they measure no greater than 4 metres.		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
<p>The performance criteria and explanatory guidelines clearly state that all windows directly overlooking adjoining neighbours active habitable spaces or outdoor living areas require screening devices to be implemented, to ensure significant overlooking does not occur. No. 538 William Street directly overlooks outdoor living areas of adjoining neighbours, with a potential for overlooking into active habitable spaces as shown in Appendix 9.1.3. As these windows do not meet the requirements of the R-Codes, they are required to be screened.</p> <p>It is noted a request was made to the applicant to dimension in the plans as shown in Appendix 9.1.3 in accordance with clause 6.8.1 of the R-Codes to accurately depict the cones of vision. This has not been achieved hence the cones of vision illustrate a 4 metre setback as opposed to the required 4.5 metre setback.</p>		
MRS Widening:	<u>Retaining Wall</u>	1.8 metres high retaining wall on the northern boundary within the front setback of the MRS road widening area.
	No development within the 1.5 metre MRS road widening	
	<u>Spoon Drain</u>	Located within the 1.5 metre MRS widening towards the southern boundary.
	No development within the 1.5 metre MRS road widening	
Officer Comments:		
Supported. The retaining wall is supported based on the advice received from the WAPC (above). Therefore, the retaining wall can exist until the WAPC requires the land for the MRS road widening however the spoon drain and any other associated drainage is to be removed from the MRS road widening area, as the WAPC do not support any permanent structures being located within the area. Accordingly, the spoon drain and associated drainage is to be removed.		

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

Consultation	
In Support:	Nil (0).
Comments Received	Officer Comments
Nil.	Nil.
Objections:	Two (2).
Comments Received	Officer Comments
I wish to object to windows directly overlooking my property and believe they should be made either completely opaque or opaque up to at least eye level (1600mm), which is acceptable to me, so that neighbours can not directly over look my property as is the ruling with verandahs.	Not supported. The windows in question are compliant with the R-Codes, clause 6.8.1. The two staircase windows of unit 1 and unit 2, first floors facing the southern boundary are not considered habitable rooms, and are therefore compliant.
My objection is based on complete lack of privacy whilst we are in the back garden. The complete garden can be viewed from each unit's windows. As a compromise, I do not object to each window having obscure glass up to not less than 1600mm, measured from the sill, and the of the window to have clear glass.	Not supported. The windows in question are within the 4.5 cone of vision required for bedrooms, any overlooking is to the right of way towards the southern boundary and not within the adjoining property. Therefore the windows are compliant with clause 6.8.1 of the R-Codes.

LEGAL/POLICY:

TPS 1 and associated Policies, and Residential Design Codes (R-Codes).

COMMENTS:

The reconsideration of condition (x) [clauses (a), (c) and (e)] requires screening of windows for:

- Unit 1 – Bedroom 3 (northern elevation);
- Unit 2 – Bedroom 3 (western elevation); and
- Unit 3 – Bedroom 3 (western elevation).

As the potential for overlooking causes an unreasonable undue impact on the adjoining properties, reconsideration of the condition is not supported. The windows do not comply with the acceptable development standard, clause 6.8.1 of the R-Codes nor the performance criteria.

In addition to the abovementioned reconsideration of condition, bedroom 2 of unit 3 on the northern elevation does not comply with the acceptable development standard, clause 6.8.1 of the R-Codes and requires screening.

The retaining wall is supported based on the advice received by the WAPC, in respect to built form within the MRS road widening. The spoon drain however is deemed as a permanent structure, which the WAPC cannot support. Accordingly, the spoon drain and associated drainage must be removed and relocated to within the boundaries of the subject site.

In view of the above, it is recommended the original clauses relating to privacy screening be reimposed in addition to a new condition requiring screening to bedroom 2 on the northern elevation of unit 3.

The Chief Executive Officer advised that Cr Wilcox had declared a proximity interest in Item 9.1.5. Cr Wilcox departed the Chamber at 6.47pm and did not speak or vote on this Item.

9.1.5 No. 140 (Lot 207; D/P: 2816) Shakespeare Street, Mount Hawthorn – Proposed Additions and Alterations to Existing Single House and Carport

Ward:	North	Date:	2 February 2012
Precinct:	Mount Hawthorn; P1	File Ref:	PRO1431; 5.2011.567.1
Attachments:	001 – Property Report and Development Application Plans		
Tabled Items:	Nil		
Reporting Officer:	B Sandri, Planning Officer (Statutory)		
Responsible Officer:	H Smith, Manager Planning and Building Services		

OFFICER RECOMMENDATION:

That the Council:

1. in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Philip Stejskal Architecture Pty Ltd on behalf of the owners, S Ross and M Pontague for Proposed Additions and Alterations to Existing Single House and Carport at No. 140 (Lot 207; D/P: 2816) Shakespeare Street, Mount Hawthorn, and as shown on plans stamp-dated 29 December 2011, subject to the following conditions:

1.1 External Fixtures

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 Shakespeare Street;

1.2 Fencing

Any new street/front wall, fence and gate within the Shakespeare 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;

1.3 Verge Trees

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

1.4 Boundary Wall

First obtaining the consent of the owners of No. 138 Shakespeare Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 138 Shakespeare Street, in a good and clean condition The finish of the wall is to be fully rendered or face brickwork; and

1.5 Carpports

The carport shall be one hundred (100) per cent open on all sides and at all times [open style gates/panels with a visual permeability of eighty (80) per cent are permitted], except where it abuts the main building; and

2. REQUESTS the Chief Executive Officer to review Policy No. 3.2.1 relating to Residential Design Elements, in respect of garages and carports, with a view to the City's Officers considering carports on a performance based approach under delegated authority.

COUNCIL DECISION ITEM 9.1.5

Moved Cr Pintabona, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Wilcox was absent from the Chamber and did not vote on this matter.)

Cr Wilcox returned to the Chamber at 6.49pm. The Presiding Member, Mayor Hon. Alannah MacTiernan advised that the item was carried unanimously.

Landowner:	S Ross and M Pontague
Applicant:	Philip Stejskal Architecture Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R30
Existing Land Use:	Residential
Use Class:	NA
Use Classification:	NA
Lot Area:	453 square metres
Right of Way:	East side, 5 metres wide, sealed

PURPOSE OF REPORT:

The report is referred to an Ordinary Meeting of Council as the proposal represents a significant departure from the principles of the Residential Design Elements in relation to the location of carports in the front setback area where a right of way exists.

BACKGROUND:

- 9 May 2000 The Council at its Ordinary meeting deferred the proposed alterations and additions to existing dwelling.
- 23 May 2000 The Council at its Ordinary meeting deferred the proposed alterations and additions to existing dwelling.
- 11 July 2000 The Council at its Ordinary meeting conditionally approved the proposed alterations and additions to existing dwelling.
- 8 October 2007 A Building Licence was issued for a swimming pool to existing dwelling.

DETAILS:

The proposal involves the construction of a carport within the front setback area of the property and additions to the existing single house, including an ensuite to the southern boundary and a pergola within the rear of the site.

COMPLIANCE:

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Building Setbacks:	<u>Carport – Northern Boundary</u> 1.0 metres	Nil.
	<u>Pergola – Northern Boundary</u> 1.0 metres	Nil.
	<u>Ensuite – Southern Boundary</u> 1.0 metres	Nil
Officer Comments:		
<p>Supported. The carport and pergola will not cause overshadowing to adjoining properties rather the overshadowing will occur within No. 140 Shakespeare Street. The variation to the setback for the carport and pergola will not cause any ventilation issues for the adjoining neighbours and No. 140 Shakespeare Street, as there are no proposed solid walls, rather open on all sides.</p> <p>The ensuite addition will not cause significant over shadowing to the adjoining neighbour (south) as it is a single storey addition, however the neighbour has identified their support of this addition. Direct sunlight is still available to the main bedroom, therefore the ensuite addition will not impact the required sunlight. These variations are supported.</p>		
Buildings on Boundary:	<u>Ensuite – Southern Boundary</u> 3 metres average height	3.12 metres average height
Officer Comments:		
<p>The boundary wall variation for the ensuite is minimal with a 0.12 metre increase in average height. It will not have an adverse affect on the adjoining property (south) as will still allow for direct sunlight into the main bedroom. As previously described the affected neighbour is in support of the proposed plans. This variation is supported.</p>		
Car Parking and Vehicular Access:	<u>Primary Street</u> Vehicular access to be provided from the Right of Way, unless 50% or more of dwellings in the immediate street block, on the same side of the street have carports/garages accessed from the primary street.	Vehicular access proposed from the Primary Street. 21.4% of the dwellings in the immediate street block have carport/garages accessed via the primary street.
Officer Comments:		
<p>Supported. The applicant has detailed "<i>Location of the carport on Shakespeare Street – the proposal seeks to locate the carport on Shakespeare Street due to a number of existing structures at the rear of the property which restrict access from the laneway. These include an in-ground pool, associated landscape structure and a shed. Demolition of the shed and some pool-addition, its preservation was considered important to the clients. A further reason for locating the proposed carport on Shakespeare Street, is the existing off-street parking facility that exists on the verge. The carport would allow this crossover to remain in the current location – albeit re-surfaced and wider – maintaining this existing traffic pattern, with the added benefit of moving a second car off the street. We understand that the preference is for access off the rear laneway not only from a traffic perspective, but also for architectural/visual reasons. We have, for this reason, sought to make the design of the carport as demure as possible. We would ask the City of Vincent to consider the location of the proposed carport on Shakespeare Street for these reasons.</i>"</p> <p>As the in-ground swimming pool was approved by the City on 8 October 2007, this impacted the potential use of the right of way as a vehicle access point. Therefore the applicants are unable to ascertain 2 car bays within the rear of this property without modifying their current amenity at significant cost.</p>		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
A similar instance has been considered at No. 26 Commonwealth Avenue, North Perth, whereby the Council at its Ordinary Meeting held on 27 September 2011, conditionally approved a carport within the front setback. The alternative in that instance was for the applicants to alter the rear of their dwelling to accommodate a carport. Due to the similarities in circumstances, the variation is supported.		
Driveways and Crossovers:	<u>Driveway Width</u> The total width of the driveway is to occupy no more than 40% of the lot frontage	The total width of the driveway occupies 45.1% of the lot frontage.
Officer Comments:		
Supported. The driveway width will not impact the current verge tree as described by the applicant " <i>Distance from base of verge tree to border of proposed crossover – Drawing SK.001 has been amended to provide this dimension. The location of the tree is taken from the feature and contour survey provided by a licensed surveyor and included in the original submission to Council.</i> "		
In accordance with clause 6.5.1 A1 of the R-Codes, single houses are required to have two car bays which may be in tandem. Due to the nature of the front setback, two car bays can be provided on site, from the primary street, side by side. However in order to meet the requirements of the above clause, the driveway/crossover width must be 5.5 metres which is 1.3 metres more than the prescribed 40% of the frontage of the property. However this increase will allow for a safer manoeuvring of vehicles as opposed to the driveway/cross over being reduced, which will force the owners to cross over the footpath to access their carport. Therefore this variation is supported to allow for safer access to the required car bays of No. 140 Shakespeare Street.		

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

Consultation	
In Support:	One (1).
Comments Received	Officer Comments
Southern neighbour in support of the proposed plans provided by Philip Stajskal Architects Pty Ltd.	Supported.
Objections:	Nil (0).
Comments Received	Officer Comments
Nil.	Nil.
Advertising	Advertising for the proposal for a period of 14 days was carried out as per the City's Policy No. 4.1.5 relating to Community Consultation.

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

COMMENTS:

The above mentioned variations are minor in nature and generally satisfy the performance criteria outlined in both the Residential Design Elements and the R-Codes. The carport is unable to be located at the rear of the property without altering the existing in ground swimming pool, therefore the carport should be considered within the front setback area to satisfy the requirements of 6.5.1 of the R-codes relating to a minimum of two (2) car bays on site. The proposed additions and alterations to existing single house and carport is supported.

In the event the Council approves the application, it is recommended the Council also requests the Chief Executive Officer to review Policy No. 3.2.1 relating to the Residential Design Elements in respect of garages and carports, with a view to consider carports on a performance based approach which allows officers to approve such matters under delegated authority.

9.1.6 No. 16 (Lot 28; D/P: 62532) Brentham Street, Leederville – Construction of a Three (3) Storey Building Consisting of Twenty-Seven (27) Single Bedroom Multiple Dwellings, Twenty-Six (26) Multiple Dwellings and Associated Car Stacker to Existing Six (6) Multiple Dwellings

Ward:	North	Date:	2 February 2012
Precinct:	Leederville; P3	File Ref:	PRO2703; 5.2011.389.2
Attachments:	001 – Property Information Report and Development Application Plans		
Tabled Items:	Neighbourhood Context Report, Applicant's Submission and Coloured plans		
Reporting Officer:	R Narroo, Senior Planning Officer (Statutory)		
Responsible Officer:	H Smith, Manager Planning and Building Services		

OFFICER RECOMMENDATION:

That the Council;

1. in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by Designinc Perth Pty Ltd on behalf of the owner, Baymoon Holdings Pty Ltd for Construction of a Three (3) Storey Building consisting of Twenty-Seven (27) Single Bedroom Multiple Dwellings, Twenty-Six (26) Multiple Dwellings and Associated Car Stacker to Existing Six (6) Multiple Dwellings at No. 16 (Lot 28; D/P: 62532) Brentham Street, Leederville, and as shown on amended plans stamp-dated 20 January 2012, 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 non-compliance with the City's Policies Nos. 3.2.1, 3.1.3 and 3.4.8 relating to Residential Design Elements, the Leederville Precinct and Multiple Dwellings Policy, respectively, with regard to:
 - 1.2.1 plot ratio is 0.89 in lieu of 0.7; and
 - 1.2.2 the number of storeys proposed is three (3) in lieu of two (2); and
 - 1.3 consideration of the objections and petition containing seven (7) signatures received; and
2. refer the proposal to the Design Advisory Committee for consideration.

Advice Note

A building licence cannot be issued for this site by the City of Vincent until the owner/developer can demonstrate that the site can be suitably be remediated for residential purposes to the satisfaction of the Department of Environment and Conservation (DEC).

Moved Cr Harley, Seconded Cr McGrath

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND LOST UNANIMOUSLY (0-9)

REASONS:

1. Plot ratio and height are not considered excessive in this location.
2. The site is deemed suitable for redevelopment.
3. No privacy or overshadowing issues have been identified.
4. The car stacker represents an innovative manner of dealing with on-site parking.
5. The scale of the development is required to allow the site to be properly remediated.

ADDITIONAL INFORMATION:

As a result of further information, the Bicycle Parking Table was amended.

ALTERNATIVE RECOMMENDATION

Moved Cr Maier, Seconded Cr Buckels

That the Council;

1. in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application submitted by Designinc Perth Pty Ltd on behalf of the owner, Baymoon Holdings Pty Ltd for Construction of a Three (3) Storey Building consisting of Twenty-Seven (27) Single Bedroom Multiple Dwellings, Twenty-Six (26) Multiple Dwellings and Associated Car stacker to Existing Six (6) Multiple Dwellings at No. 16 (Lot 28; D/P: 62532) Brentham Street, Leederville, as shown on amended plans dated 20 January 2012, subject to the following conditions:

1.1 Building

- 1.1.1 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 Brentham Street; and
- 1.1.2 First obtaining the consent of the owners for entry of their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 20 Brentham Street, Leederville, in a good and clean condition. The finish of the wall is to be fully rendered or face brickwork;

1.2 Car Parking and Accessways

- 1.2.1 The car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the City; and
- 1.2.2 The car parking area shown for the visitors bays shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;

1.3 Street verge tree

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

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

1.4.1 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;

1.4.2 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:

- (a) the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby non-residential activities;
- (b) the area was previously used as a dumping ground for refuse, and there remain restrictions in the use of ground water, monitoring of ground water quality and other appropriate matters identified by the Department of Environment and Conservation; and
- (c) the City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units as at the time of assessment, the on-site car parking was in accordance with the requirements of the Residential Design Codes and the City's Policy No. 3.7.1 relating to Parking and Access.

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

1.4.3 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:

- (a) the screening of the bin store within the front setback area to the satisfaction of the City;
- (b) the location and type of existing and proposed trees and plants;

- (c) all vegetation including lawns;
- (d) areas to be irrigated or reticulated;
- (e) proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- (f) 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);

1.4.4 Schedule of External Finishes

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

1.4.5 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 including the car stackers 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;

1.4.6 Refuse and Recycling Management Plan

Bin numbers, collection and stores shall meet with the City's minimum service provision. The bin storage within the front setback shall be relocated behind the building line and a minimum of 1 metre setback from the school boundary to the satisfaction of the City;

1.4.7 Fencing

Any new street/front wall, fence and gate within the Brentham 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;

1.4.8 Road bond

A Road, Verge security bond of \$2,350 payable by the builder shall be lodged with the City and be held until all building/development works have been completed and/or any disturbance of, or damage to, the City's infrastructure, including street verge trees, has been repaired/reinstated to the satisfaction of the City's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing. This bond is non-transferable;

1.4.9 Soil Contamination

Investigation for soil and groundwater contamination shall be carried out in accordance with the Department of Environment and Conservation's Contaminated Sites Management Series guidelines. Remediation, including validation of remediation, of any contamination identified shall be completed to the satisfaction of the City, on advice from the Department of Environment and Conservation. In accordance with regulation 31(1)(c) of the Contaminated Site Regulations 2006, a Mandatory Auditor's Report, prepared by an Accredited Contaminated Sites Auditor, must be submitted to the Department of Environment and Conservation as evidence of compliance with this condition;

1.4.10 Site Assessment

A site assessment shall be undertaken to determine whether acid sulphate soils are present on the land, and if present, to what extent and severity. If the soil is found to contain acid sulphate soils, an acid sulphate soil management plan shall be submitted to and approved by the Department of Environment and Conservation; and all site works shall be carried out in accordance with the provisions of the approved management plan to the satisfaction of the City;

1.4.11 Stormwater drainage

A comprehensive stormwater drainage management plan, compliant with the requirements of the Mandatory Auditor's report, the Department of Environment and Conservation, and the City, shall be submitted for approval. A Building Licence will not be issued until such time as the aforementioned authorities have provided formal approval;

1.4.12 Car Stacker

Revised plans and details shall be submitted to and approved by the City addressing the following matters in relation to the proposed car stacking system:

- (a) The vertical clearance of the car stackers shall be a minimum of 2.1 metres on each level;
- (b) The load capacity for each bay within the stacker shall be no less than 2,500 kilograms;
- (c) Platform openings shall be an absolute minimum of 2.5 metres wide and a general minimum of 2.7 metres wide for each car bay and a general minimum platform width of 2.9 metres for each bay. The design shall be referred to the manufacturer for the exact dimensions required to comply with the City's requirements;
- (d) Access isle widths shall be an absolute minimum of 7.0 metres;
- (e) Rubber inserts shall be installed on both sides of all platforms;
- (f) Walls for mounting shall be as per manufacturer's specification;
- (g) Car stacker platforms shall accommodate vehicles of 5.2 metres in length;
- (h) Stackers shall be fitted with Sliding doors which shall be automatic;

- (i) Car stacker operation shall be by remote control;
- (j) An emergency power generator shall be installed;
- (k) A suitable mechanical ventilation system (to the satisfaction of the City) shall be installed; and
- (l) The car stacker design with associated features compliant with the City's conditions shall be submitted to and approved by FESA prior to the issue of a Building Licence;

1.4.13 Car Stacker-Legal Agreement

The applicant and future owners of the property are to enter into a legal agreement with the City which is secured by a caveat on the certificate of title of the subject land in regards to the car stacker system and to address the following to the satisfaction of the City;

- (a) All maintenance agreements/contracts to be current for the life of the building and renewed annually;
- (b) A copy of updated and current maintenance agreements/contracts are to be submitted to the City on an annual basis;
- (c) That the City may act to ensure compliance with the car stacker conditions of approval, in the event that the Applicant/Owner fails to ensure that – the car stacker is in good working order and maintained as such at all times, and is compliant with the conditions of approval;
- (d) The Applicant/Owner undertakes to provide, maintain and ensure the car stacker system is operable and in good working order at all times, for the life of the building, to the satisfaction of the City;
- (e) The Applicant/owner agrees to indemnify the City for any claims, actions or litigation arising from the car stacker system; and
- (f) The Legal Agreement shall be prepared by the Applicant/owner(s) and approved by the City, or alternatively the Applicant/owner(s) may request the City's solicitor to prepare the Legal Agreement and associated caveat. All costs associated with this condition including the City's cost for checking the legal documents are to be borne by the Applicant/owner(s);

1.4.14 Design Features-Car stacker

Revised plans shall be submitted and approved demonstrating a minimum of two (2) appropriate significant design features using colour/or relief being incorporated on the visible portion of the northern side of the car stacker to reduce the visual impact of the wall. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the City's Policies;

1.4.13 Fence to Brentham Street Reserve

Any proposed rear/side fence facing Brentham Street Reserve shall be an open style fence to a maximum height of 1.8 metres above the natural ground level. The maximum height of the solid portion of wall/fence to be 1.2 metres above the natural ground level and of open style above 1.2 metres; and

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

1.5.1 Residential Car Bays

Sixty-six (66) car bays and fifteen (15) car bays shall be provided for the residents and visitors respectively. The eighty-one 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;

1.5.2 Bicycle Parking

Nineteen (19) and Five (5) bicycle bays for the residents and visitors of the development shall be provided at a location convenient to the entrance, publicly accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3; and

1.5.4 Clothes Drying Facility

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

The Mover, Cr Maier advised that he wished to change subclause 1.4.12(a) of the Alternative Motion to reword it as follows:

“1.4.12 Car Stacker

Revised plans and details shall be submitted to and approved by the City addressing the following matters in relation to the proposed car stacking system:

- (a) The vertical clearance of the car stackers shall be a minimum of 2.1 metres on two or more levels, and the remaining levels shall have a minimum clearance of 1.65 metres on each level;...”

The Seconder, Cr Buckels agreed.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Harley

That subclause 1.4.12(a) be amended to read as follows:

“1.4.12 Car Stacker

Revised plans and details shall be submitted to and approved by the City addressing the following matters in relation to the proposed car stacking system:

- (a) The vertical clearance of the car stackers shall be a minimum of 2.1 metres on ~~two~~ three or more levels, and the remaining levels shall have a minimum clearance of 1.65 metres;...”

Debate ensued.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (9-0)

Debate ensued.

ALTERNATIVE MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

COUNCIL DECISION ITEM 9.1.6

That the Council;

1. in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Designinc Perth Pty Ltd on behalf of the owner, Baymoon Holdings Pty Ltd for Construction of a Three (3) Storey Building consisting of Twenty-Seven (27) Single Bedroom Multiple Dwellings, Twenty-Six (26) Multiple Dwellings and Associated Car stacker to Existing Six (6) Multiple Dwellings at No. 16 (Lot 28; D/P: 62532) Brentham Street, Leederville, as shown on amended plans dated 20 January 2012, subject to the following conditions:

1.1 Building

1.1.1 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 Brentham Street; and

1.1.2 First obtaining the consent of the owners for entry of their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 20 Brentham Street, Leederville, in a good and clean condition. The finish of the wall is to be fully rendered or face brickwork;

1.2 Car Parking and Accessways

1.2.1 The car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the City; and

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

1.3 Street verge tree

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

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

1.4.1 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;

1.4.2 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:

- (a) the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby non-residential activities;
- (b) the area was previously used as a dumping ground for refuse, and there remain restrictions in the use of ground water, monitoring of ground water quality and other appropriate matters identified by the Department of Environment and Conservation; and
- (c) the City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units as at the time of assessment, the on-site car parking was in accordance with the requirements of the Residential Design Codes and the City's Policy No. 3.7.1 relating to Parking and Access.

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

1.4.3 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:

- (a) the screening of the bin store within the front setback area to the satisfaction of the City;
- (b) the location and type of existing and proposed trees and plants;
- (c) all vegetation including lawns;
- (d) areas to be irrigated or reticulated;
- (e) proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- (f) 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);

1.4.4 Schedule of External Finishes

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

1.4.5 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 including the car stackers 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;

1.4.6 Refuse and Recycling Management Plan

Bin numbers, collection and stores shall meet with the City's minimum service provision. The bin storage within the front setback shall be relocated behind the building line and a minimum of 1 metre setback from the school boundary to the satisfaction of the City;

1.4.7 Fencing

Any new street/front wall, fence and gate within the Brentham 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;

1.4.8 Road bond

A Road, Verge security bond of \$2,350 payable by the builder shall be lodged with the City and be held until all building/development works have been completed and/or any disturbance of, or damage to, the City's infrastructure, including street verge trees, has been repaired/reinstated to the satisfaction of the City's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing. This bond is non-transferable;

1.4.9 Soil Contamination

Investigation for soil and groundwater contamination shall be carried out in accordance with the Department of Environment and Conservation's Contaminated Sites Management Series guidelines. Remediation, including validation of remediation, of any contamination identified shall be completed to the satisfaction of the City, on advice from the Department of Environment and Conservation. In accordance with regulation 31(1)(c) of the Contaminated Site Regulations 2006, a Mandatory Auditor's Report, prepared by an Accredited Contaminated Sites Auditor, must be submitted to the Department of Environment and Conservation as evidence of compliance with this condition;

1.4.10 Site Assessment

A site assessment shall be undertaken to determine whether acid sulphate soils are present on the land, and if present, to what extent and severity. If the soil is found to contain acid sulphate soils, an acid sulphate soil management plan shall be submitted to and approved by the Department of Environment and Conservation; and all site works shall be carried out in accordance with the provisions of the approved management plan to the satisfaction of the City;

1.4.11 Stormwater drainage

A comprehensive stormwater drainage management plan, compliant with the requirements of the Mandatory Auditor's report, the Department of Environment and Conservation, and the City, shall be submitted for approval. A Building Licence will not be issued until such time as the aforementioned authorities have provided formal approval;

1.4.12 Car Stacker

Revised plans and details shall be submitted to and approved by the City addressing the following matters in relation to the proposed car stacking system:

- (a) The vertical clearance of the car stackers shall be a minimum of 2.1 metres on three or more levels, and the remaining levels shall have a minimum clearance of 1.65 metres;
- (b) The load capacity for each bay within the stacker shall be no less than 2,500 kilograms;
- (c) Platform openings shall be an absolute minimum of 2.5 metres wide and a general minimum of 2.7 metres wide for each car bay and a general minimum platform width of 2.9 metres for each bay. The design shall be referred to the manufacturer for the exact dimensions required to comply with the City's requirements;
- (d) Access isle widths shall be an absolute minimum of 7.0 metres;
- (e) Rubber inserts shall be installed on both sides of all platforms;
- (f) Walls for mounting shall be as per manufacturer's specification;
- (g) Car stacker platforms shall accommodate vehicles of 5.2 metres in length;
- (h) Stackers shall be fitted with Sliding doors which shall be automatic;
- (i) Car stacker operation shall be by remote control;
- (j) An emergency power generator shall be installed;
- (k) A suitable mechanical ventilation system (to the satisfaction of the City) shall be installed; and
- (l) The car stacker design with associated features compliant with the City's conditions shall be submitted to and approved by FESA prior to the issue of a Building Licence;

1.4.13 Car Stacker-Legal Agreement

The applicant and future owners of the property are to enter into a legal agreement with the City which is secured by a caveat on the certificate of title of the subject land in regards to the car stacker system and to address the following to the satisfaction of the City;

- (a) All maintenance agreements/contracts to be current for the life of the building and renewed annually;
- (b) A copy of updated and current maintenance agreements/contracts are to be submitted to the City on an annual basis;

- (c) That the City may act to ensure compliance with the car stacker conditions of approval, in the event that the Applicant/Owner fails to ensure that – the car stacker is in good working order and maintained as such at all times, and is compliant with the conditions of approval;
- (d) The Applicant/Owner undertakes to provide, maintain and ensure the car stacker system is operable and in good working order at all times, for the life of the building, to the satisfaction of the City;
- (e) The Applicant/owner agrees to indemnify the City for any claims, actions or litigation arising from the car stacker system; and
- (f) The Legal Agreement shall be prepared by the Applicant/owner(s) and approved by the City, or alternatively the Applicant/owner(s) may request the City's solicitor to prepare the Legal Agreement and associated caveat. All costs associated with this condition including the City's cost for checking the legal documents are to be borne by the Applicant/owner(s);

1.4.14 Design Features-Car stacker

Revised plans shall be submitted and approved demonstrating a minimum of two (2) appropriate significant design features using colour/or relief being incorporated on the visible portion of the northern side of the car stacker to reduce the visual impact of the wall. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the City's Policies;

1.4.13 Fence to Brentham Street Reserve

Any proposed rear/side fence facing Brentham Street Reserve shall be an open style fence to a maximum height of 1.8 metres above the natural ground level. The maximum height of the solid portion of wall/fence to be 1.2 metres above the natural ground level and of open style above 1.2 metres; and

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

1.5.1 Residential Car Bays

Sixty-six (66) car bays and fifteen (15) car bays shall be provided for the residents and visitors respectively. The eighty-one 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;

1.5.2 Bicycle Parking

Nineteen (19) and Five (5) bicycle bays for the residents and visitors of the development shall be provided at a location convenient to the entrance, publicly accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3; and

1.5.4 Clothes Drying Facility

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

Landowner:	Baymoon Holdings Pty Ltd
Applicant:	DesignInc Perth Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R60
Existing Land Use:	Multiple Dwellings and Vacant Land
Use Class:	Multiple Dwellings
Use Classification:	"P" and "SA"
Lot Area:	5150 square metres
Right of Way:	Not applicable

PURPOSE OF REPORT:

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

BACKGROUND:

- 27 September 2004 Letter from the Department of Environment relating to contamination and acid sulphate soil.
- 21 December 2004 The Council at its Ordinary Meeting conditionally approved the part demolition of existing institutional building, alterations and additions to existing six (6) multiple dwellings, and construction of additional six (6) multiple dwellings, and construction of nineteen (19) three-storey grouped dwellings.
- 14 March 2006 The Council at its Ordinary Meeting on 14 March 2006 conditionally approved partial demolition of and additions and alterations to existing six (6) multiple dwellings, and construction of additional nineteen (19) two-storey grouped dwellings.
- 18 April 2006 The above proposal was presented to a Council Member Forum. The main matters discussed were in relation to the conditions (e) (3), (e) (4), (l) (1), (l) (2) and (l) (3) imposed by the Council at its Ordinary Meeting held on 14 March 2006 relating to the fill, common area, section 70A, dumping ground and visitor parking.
- 18 April 2006 The City received notification from the State Administrative Tribunal that a Review application with regard to the Council Resolution of 14 March 2006 has been made relating to the above matters being considered. The Directions Hearing fixed for 5 May 2006.
- 9 May 2006 The Council conditionally approved the demolition and additions and alterations to existing six (6) multiple dwellings and construction of additional nineteen (19) two-storey grouped dwellings.
- 18 July 2011 The City issued a Building Licence for the refurbishment of six existing dwellings.
- 13 December 2011 The applicant presented the current proposal to a Council Member Forum.

Compliance Matters

The City has liaised extensively with the owner of the above property over a number of years, and is continuing to receive complaints regarding the unsatisfactory condition of the property. The City initiated legal proceedings against the owners of the property. Orders made by consent in the Magistrates Court on 1 August 2011, require the owner to undertake the works required in the section 409 Direction Notice, as agreed. The City's Officers are currently monitoring the situation to ensure compliance with the Order.

DETAILS:

The proposal is for the refurbishment of six (6) existing multiple dwellings and construction of a three (3) storey building consisting of twenty-seven (27) single bedroom multiple dwellings, twenty-six (26) multiple dwellings and associated car stacker.

The proposal will be developed in three stages as shown on the plans.

The applicant's submission is "Tabled".

Following the Council Member Forum, the applicant submitted additional information as 'Tabled' and which is summarised as follows:

Site Conditions	<p>The development site contains contaminated soil and the Department of Environment and Conservation do not permit excavation which renders the site very difficult to develop.</p> <p>This design proposes a solution which will help to mitigate against the factors which had previously hindered development.</p>
Three-Storey Design	<p>The Council at its Ordinary Meeting on 21 December approved a three-storey development on the subject site.</p> <p>The Council at its Ordinary Meeting approved a Three-storey Development at the corner of Britannia Road and Wavertree Place Leederville.</p> <p>There is an existing three-storey building at No. 2 Bennelong Place and the City of Vincent had issued approval three storey development facing the park at No. 333 and No. 335 Oxford Street.</p> <p>Given the above, the proposed three storey development would not be seen as a new typology within the area.</p>
Car Stacker	<p>Due to the soil conditions a car stacker is being proposed to mitigate the site development constraint.</p>
Location of Bin Enclosures and Provision of Additional Landscaping	<p><i>"The applicant contends that whilst the proposed location is not consistent with the council's planning guideline, the treatment of the bin enclosure walls and its relationship to the main buildings and the existing transformer compound building will not compromise the aesthetics, the amenities and the streetscape of the development."</i></p> <p>Landscaping is provided to the internal street on both sides.</p>
Plot Ratio	<p><i>"We argue that the use of the car stacker has reduced the overall building bulk by more than 70% if convention car park has been provided. On this basis, the overall building bulk/density of the total proposed development will be a lot less than that of a development using conventional car park."</i></p>
Building South Elevation and Connection with Parkland	<p><i>"The revised design drawings submitted with this revised development application show that the southern façade fronting the park has been redesigned to remove the repetitive nature of the building design with the inclusion of some skillion roofs in addition to the gable roofs over the balconies; changes to the material and colour to this façade have also been added."</i></p> <p>The proposal complies with CPTED Principles of Crime Prevention Through Environmental Design as it will provide passive surveillance to the park. Moreover it will provide a direct link to the park from the communal area.</p>
Front Entry Gate	<p><i>"The front Entry Gate has been redesigned and is shown on the revised documents. We believe this redesign presents well to the street and gives development an improved entry statement."</i></p>

COMPLIANCE:

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Plot Ratio:	0.7=3605 square metres	0.89 = 4854 square metres.
Officer Comments:		
Supported. Refer to "Comments" below. .		
Street Setbacks:	Ground Floor=7.45 metres First and Second Floors =9.45 metres	Ground Floor=2.5 metres to 7.179 metres First Floor=2.5 metres to 7.179 metres Second Floor= 2.5 metres to 7.18 metres
Officer Comments:		
Supported. The proposed building setback is consistent with the existing multiple dwellings on site; it is noted there is no consistent street setback along this section of Brentham Street. Furthermore, the adjoining lot to the north accommodates the Aranmore Primary School and to the south, public open space. It is not considered the reduced setback would unduly impact the streetscape.		
Building Setbacks:	<u>East</u> Ground Floor = 1.5 metres First Floor= 6.6 metres Second Floor = 8.6 metres <u>South</u> Ground Floor= 1.5 metres First Floor= 5.4 metres Second Floor = 7.4 metres <u>North</u> Ground Floor=1.5 metres First Floor= 4.1 metres Second Floor= 5.7 metres	1.25 metres to 4.8 metres 1.25 metres to 5 metres 1.25 metres to 5 metres 1 metre to 3.06 metres 1 metre to 3.06 metres 1 metre to 3.06 metres Nil to 1.5 metres 1.5 metres to 4.5 metres 1.5 metres to 4.5 metres
Officer Comments:		
Supported. The adjoining lot to the north is the Aranmore Primary School and to the south, public open space. It is considered there will be no unreasonable impact on the amenity of the adjoining lots in terms of loss of sunlight and ventilation.		
Buildings on the Boundary:	Average Height = 3 metres	Average Height = 3.23 metres
Officer Comments:		
Supported. The variation is minor; the boundary wall will be facing Aranmore Primary School. It is considered there will be no unreasonable impact on the amenity of the adjoining lots in terms of loss of sunlight and ventilation.		
Number of Storeys/Height:	Two Storeys Wall Height= 6 metres Maximum Height for pitched roof= 9 metres	Three Storeys Wall height= 9.3 metres Maximum Height= 12.38 metres
Officer Comments:		
Not Supported. Refer to "Comments" below.		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Street Walls and Fences:	Maximum Height of 1.8 metres above adjacent footpath level Maximum height of solid wall to be 1.2 metres above adjacent footpath level and a minimum of fifty percent visually permeable above 1.2 metres.	Fences and Letter boxes= 2.1 metres in height Solid pedestrian entry
Officer Comments:		
Not supported. In the event of an approval, the applicant will be required to comply with the City's Policy provisions relating to Street Walls and Fences.		
Bicycle Parking:	Residents = 19 bicycle bays Visitors = 5 bicycle bays	14 bicycle bays
Officer Comments:		
Supported in part. In the event of an approval, the applicant will be required to comply with the number of bicycle bays.		
Bin Storage:	Bin storage not to be located within the front setback.	Bin storage is located within the front setback.
Officer Comments:		
Not Supported. In the event of an approval, a planning condition requiring the applicant to relocate the bin storage area, behind the building line to the satisfaction of the City, will need to be imposed.		

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

Consultation	
In Support:	Nil
Comments Received	Officer Comments
Nil.	Noted.
Objections:	Ten (10) and a petition signed by (7) persons
Comments Received	Officer Comments
<u>Plot Ratio</u> Overdevelopment of site with building being bulky.	Supported. Refer to "Comments" below.
<u>Setbacks</u> Given the reduced setbacks of the building there should be a reduction in the over-view into the school property from the apartment window.	Not supported. Privacy setbacks are not applicable to a school. It is considered that the balconies will provide an increased level of surveillance over this area, with the façade treatments being well designed to ensure an attractive and articulated elevation when viewed from the school.
<u>Privacy</u> The proposal will cause massive overlooking over the park and adjoining properties which will result in loss of amenity to park users and residents	Not Supported. There are no requirements to maintain privacy for a park. Rather it is strongly encouraged that habitable openings face areas of open space to promote opportunities for passive surveillance.
<u>Number of Storeys</u> The proposed three storey building will be out of character with the surrounding area as the majority developments in the area are two storeys. The three storey building will impact on the streetscape.	Not supported. Refer "Comments" below.

Consultation	
<p><u>Car Stacker</u></p> <p><i>“The school requests that Council ensure that the car stacker will not allow a vehicle fall or move from the structure into the school property.”</i></p> <p>Concerns about the noise from the car stacker.</p> <p>Concerns about the aesthetic of the car stackers.</p>	<p>Not supported. The car stacker building is setback 6 metres from the school boundary; the car stackers are within a concrete building.</p> <p>Supported. In the event the application is supported, the applicant would be required to submit an Acoustic Report demonstrating that the noise from the car stackers will not exceed acceptable levels in a residential area.</p> <p>Noted.</p>
<p><u>Noise</u></p> <p>Potential for noise to be generated by the future inhabitants of these dwellings which will impact on the surrounding area.</p>	<p>Not supported. The residents will have to comply with the Noise Regulations permissible in a residential area.</p>
<p><u>Traffic and Parking</u></p> <p>The traffic generated by the proposed development will have major impact on Brentham Street. In addition there will be pressure on street parking given the visitors to the building complex will use the street parking. <i>“The school requests that Council consider the impact of increased traffic and demand for parking in an already congested and potentially dangerous street. The school requests that Council refer this concern to the City of Vincent Local Area Traffic management Advisory Group to consider these issues.”</i></p>	<p>Not supported. A traffic report has been submitted which the City’s Technical Services are satisfied considers traffic and congestion matters. Moreover the application complies with the parking requirements.</p>
<p><u>Fences</u></p> <p><i>“The school requests that Council consider that the fencing on the school boundary allows privacy for the students and also assist in noise reduction for the new apartment during school hours.”</i></p>	<p>Noted. The proposed side fences will provide privacy to the school. With regard to noise, the future residents will have to comply with the noise regulations.</p>
<p><u>Essential Facilities</u></p> <p>The school request that Council consider that the rubbish bins are not stored near the school boundary.</p>	<p>Noted. Refer to Compliance Table. Any bin storage will have to be setback a minimum of 1 metre from the school boundary in the event of approval.</p>
<p><u>Shop</u></p> <p>Is a shop being proposed as part of this application?</p>	<p>A commercial component is not proposed as part of this development.</p>
<p><u>Green space</u></p> <p>The original plantings removed previously should be replaced.</p>	<p>Noted. In the event of approval, the applicant will be required to submit a landscaping plan.</p>
<p>Advertising</p>	<p>The advertising was carried out as per the City’s Policy No. 4.1.5 relating to Community Consultation.</p>

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

Car Parking

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

Car Parking	
Small Multiple Dwelling based on size (<75 sq m or 1 bedroom)- 1 bay per dwelling (6 multiple dwellings existing and 27 new multiple dwellings)= 33 car bays Medium Multiple Dwelling based on size (75-110 square metres)-1.25 bay per dwelling (26 dwellings proposed)= 32.5 = 33 car bays Visitors= 0.25 per dwelling (59 dwellings proposed including the existing dwellings)= 14.75= 15 car bays Total= 81 car bays	81 car bays
Total car bays provided	83 car bays
Surplus	2 car bays

Bicycle Parking	
Bicycle Parking	1 bicycle space to each 3 dwellings (total 59 dwellings) for residents and 1 bicycle space to each 10 dwellings for visitors): 19 bicycle bays for the residents 5 bicycle bay for the visitors
	44 25 bicycle bays are provided

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

COMMENTS:

Technical Services

Contaminated Site Management and Remediation

The preliminary investigation undertaken at No. 16 (Lot 28) Brentham Street, Leederville by CSB Consulting identified that the site is contaminated, and note: *"The area is underlain by landfill materials, which are, in turn, underlain by acid sulphate soils peat. Investigations have identified asbestos containing materials (ACM), hydrocarbons and heavy metals within soils beneath the site at concentrations of potential concern. Heavy metals and pesticides have been detected in groundwater beneath the site. Of additional concern is that landfill gases have been detected beneath several other properties in the Perth metropolitan which are underlain by landfill materials of similar nature."*

The City's Officers have serious concerns of the possibility for major negative environmental and human health effects for the proposed development at No. 16 Brentham Street, if the site is not remediated and managed correctly. It is considered a further detailed report should be carried out by the developer on the soil and ground water to determine the nature and extent of contamination, in order that the developer can "manage the site," in accordance with the Contaminated Sites Act of 2003.

From correspondence received on the matter from the Department of Environment and Conservation Contamination Unit (DEC CU) Officer, it is determined that planning approval for an acceptable development can be granted subject to strict conditions set by DEC CU being complied with. No physical works are to be conducted on site however until they can prove that the site can be remediated to the required standards set by DEC CU, and the methods used will not result in any contamination of the City's drainage system and wetlands, Swan River, neighbouring properties and to populations adjoining land surrounding the area.

Parking and Drainage

In the event of approval, final specifications for the car stackers are to be submitted and deemed satisfactory, prior to the issue of a building licence.

The site presents difficulties for storm water management and ways; this can be adequately addressed and is subject to the findings of a Contaminated Site Audit and Management Plan. Details of the storm water management proposal are to be submitted prior to the issue of any building licence, and are to be in accordance with the requirements of DEC CU and the City.

Planning

Three-storey height may be considered in some appropriate building forms, however in this instance, it is considered the design is repetitive and the layout of the proposal is not consistent with the context and character of the area.

Whilst it is acknowledged the application was submitted and advertised before the Design Advisory Committee (DAC) was formed, there are concerns that given the land area of the subject site, that the proposal involves a total 59 dwellings, and likely to be of significant interest given its location adjoining Aranmore Primary School and its close proximity to the Rosewood Care complex, a development of this scale would benefit from referral to the Committee. In this respect, it is considered that the subject development application be referred to the DAC prior to any determination being made by the Council.

In view of the above, the proposed development is not supported from a planning viewpoint.

9.1.7 Amendment No. 86 to Planning and Building Policies – Appendix No. 11 relating to Non-Conforming Use Register

Ward:	Both Wards	Date:	31 January 2012
Precinct:	All Precincts	File Ref:	PLA0081
Attachments:	001 – Draft Amended Appendix No. 11 relating to Non-Conforming Use Register 002 – Non-Conforming Use Recommendation Table		
Tabled Items:	Nil		
Reporting Officer:	A Fox, Planning Officer Strategic		
Responsible Officer:	T Young, Manager Strategic Planning, Sustainability and Heritage Services		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** the Report relating to Amendment No. 86 to Planning and Building Policies – Appendix No. 11 - Non-Conforming Use Register, as shown in Appendix 9.1.7;
2. **ADVERTISES** Amendment No. 86 to Planning and Building Policies – Appendix No. 11 relating to the Non-conforming Use Register for public comment, in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1, including:
 - 2.1 advertising a summary of the subject Amendment once a week for four consecutive weeks in a newspaper circulating in the locality;
 - 2.2 where practicable, notifying those persons who, in the opinion of the City, might be directly affected by the subject Policy; and
 - 2.3 forwarding a copy of the subject Amendment to the Western Australian Planning Commission; and
3. **After the expiry of the period for submissions:**
 - 3.1 **REVIEWS** Appendix No. 11 – relating to Non-Conforming Use Register, having regard to any written submissions; and
 - 3.2 **DETERMINES** Appendix No. 11 – relating to Non-Conforming Use Register, with or without amendment, to or not to proceed with them.

Moved Cr Maier, Seconded Cr Buckels

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

“That clause 2 be amended to read as follows:

2. **ADVERTISES** Amendment No. 86 to Planning and Building Policies – Appendix No. 11 relating to the Non-conforming Use Register for public comment, subject to Draft Amended Appendix 11 being further amended to include the addition of No. 449 (Lot 103, D/P: 27994) Charles Street, North Perth as Warehouse Use in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1, including:...”

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

ADDITIONAL INFORMATION:

The Council at its Ordinary Meeting held on 5 April 2011, approved the Change of Use from Eating House and Warehouse to Unlisted Use (Catering Service) and Warehouse at No. 449 (Lot 103, D/P: 27994) Charles Street, North Perth. As the Warehouse component is an 'X' use in a Residential zone the approval of this change of use constitutes the Warehouse use as a Non-Conforming Use, and as such should be included on the City's Non-Conforming Use Register.

COUNCIL DECISION ITEM 9.1.7

That the Council;

- 1. RECEIVES the Report relating to Amendment No. 86 to Planning and Building Policies – Appendix No. 11 - Non-Conforming Use Register, as shown in Appendix 9.1.7;**
 - 2. ADVERTISES Amendment No. 86 to Planning and Building Policies – Appendix No. 11 relating to the Non-conforming Use Register for public comment, subject to Draft Amended Appendix 11 being further amended to include the addition of No. 449 (Lot 103, D/P: 27994) Charles Street, North Perth as Warehouse Use in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1, including:**
 - 2.1 advertising a summary of the subject Amendment once a week for four consecutive weeks in a newspaper circulating in the locality;**
 - 2.2 where practicable, notifying those persons who, in the opinion of the City, might be directly affected by the subject Policy; and**
 - 2.3 forwarding a copy of the subject Amendment to the Western Australian Planning Commission; and**
 - 3. After the expiry of the period for submissions:**
 - 3.1 REVIEWS Appendix No. 11 – relating to Non-Conforming Use Register, having regard to any written submissions; and**
 - 3.2 DETERMINES Appendix No. 11 – relating to Non-Conforming Use Register, with or without amendment, to or not to proceed with them.**
-

PURPOSE OF REPORT:

The purpose of this report is to consider draft amended Appendix No. 11 relating to Non-Conforming Use Register.

BACKGROUND:

A Non-Conforming Use means any use of land or building which was lawful immediately prior to the coming into operation of the Scheme, but is not now in conformity with the provisions of the Scheme.

On 20 November 2001 the City adopted the Non-Conforming Use Register (NCU Register) as Appendix No. 11 to Planning and Building Policy Manual. The Non-Conforming Use Register contains all details relating to properties nominated by the City as having a non-conforming use.

At that time the Non-Conforming Uses were identified from the following sources:

- Town Planning Scheme No. 1 zoning maps;
- Land use survey conducted by the City in 1999;
- Site inspections of every property in the City; and
- An aerial map of the City.

An inventory of the site history for each non-conforming use was compiled from the following sources of information:

- City of Vincent records and archives;
- City of Perth archives; and
- City of Perth Planning Services files.

The research undertaken was as extensive as possible given the City has limited access to property records (given the City was created in 1994) and that access to City of Perth records was restricted at the time.

The current NCU Register includes non-conforming uses that were identified and confirmed as having received approval to operate. The non-conforming uses that have been included in the current NCU Register - Stage 1 were confirmed by the City through the following ways:

- The use was approved prior to 4 December 1998, being the gazettal date of the City of Vincent Town Planning Scheme No. 1;
- The use was acknowledged as being approved prior to or at 20 December 1985 when the gazettal of the City of Perth City Planning Scheme, came into effect;
- The use was acknowledged as being approved prior to or at 10 October 1961 when the Gazettal of the City of Perth By-laws 64 and 65, which related to town planning classification and zoning by-laws, came into effect; and
- Received approval for the current land use from the City of Vincent or City of Perth.

At the time, the NCU Register was adopted following a formal advertising period at which time owners of affected properties were given the opportunity to provide comment on the inclusion of their site onto the register.

Following the original adoption of the NCU Register, the Council has approved the subsequent addition and deletion of a number of non conforming uses from the Register.

DETAILS:

Review of Non-Conforming Uses

As significant time has passed since the original NCU Register was adopted by the Council, the City's Officers have undertaken a recent review of the listed non-conforming uses to determine their current status.

This review has involved site inspections of every property listed on the NCU Register and where necessary further investigation to determine the current status of use. The investigation has revealed that the listed NCU uses fall into one of three categories:

- Current – the use continues to operate as listed on the current NCU Register; or
- Vacant – the property is vacant and no longer operating as the listed non-conforming use, however the City's Officers cannot determine from the City's records how long the property has been vacant; or
- No Longer Operating – site inspections and the City's records confirm that the property is no longer operating as the current listed non-conforming use.

A summary of the current status of each listed NCU and Officer Recommendations have been summarised and are detailed in Appendix 9.1.7 of this report.

Amendments to the NCU Register

In order to reflect the current situation the NCU Register has been amended in the following ways:

1. *Removal of the Business Name*

The non-conforming use Register is concerned with the approved use of the property rather than the particular business that operates from the premises. To maintain non-conforming use status the use of the property must remain unchanged from that currently listed on the NCU Register. Notwithstanding this, the particular business operating from the property may change from that which is listed on the Register provided that the use remains consistent with the approved use.

The City's Officers propose that the business name be removed from the Register to ensure that the Register remains current, regardless of any change in property ownership or business operating from the premises.

2. *Current Status*

For the purpose of reflecting the status of the listed non-conforming uses, the City's Officers propose the addition of a further column in the NCU Register which lists the current status of the listing.

For example, if the NCU use is operating as currently listed then the status will be listed as 'current'. Alternatively, if the property is vacant but it is uncertain as to how long the NCU ceased to operate then the status will be listed as 'vacant', with a date at which the site inspection confirmed this.

3. *Deletion from the Register*

Site inspections of the listed non-conforming uses confirmed that a number of properties no longer operate as the approved non-conforming use. In some cases the site inspection alone was sufficient to confirm this (i.e. new residential use may have been established at the site) and in other cases further investigation was required (file searches, internet business searches, contact with current owner). If the investigation confirmed that the NCU is no longer current, then it is proposed that the listing be removed from the Register. This is shown by a strikethrough of the listing on the NCU Register.

Vacant Properties

In relation to vacant properties, the following Clause 16 (4) of Town Planning Scheme No. 1 applies:

'When a non-conforming use of any land or building 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 Scheme'.

In other words, should a non-conforming use cease at a property for a period of six or more consecutive months then the property will lose its non-conforming use rights and the subsequent use of the property must be in accordance with the provisions of the Scheme.

As was the case at a number of properties listed on the Non-Conforming Use Register, site inspections revealed the property to be vacant and subsequent investigation was unable to confirm when the property became vacant and the non-conforming use ceased. As the evidence to substantiate when the non-conforming use ceased was insufficient, the City's Officers have documented the property as vacant as at the inspection date and this has been included on the proposed status of the amended NCU Register.

Evidence may emerge during the consultation period to confirm when the non-conforming use ceased. If uncertainty still remains after a period of six months following the initial site inspection, the City's Officers will conduct further site inspections and investigation to determine whether the property still remains vacant and what the status of the property use is.

Following this, a report will be presented to the Council with further amendments to the NCU Register which will clarify the status of those properties that were listed as vacant. Those properties that still remain vacant will be removed from the NCU Register and owners will be notified.

CONSULTATION/ADVERTISING:

In accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1, the City will advertise Amendment No. 86 for public comment. This will include:

- (a) advertising a summary of the subject amendment once a week for four consecutive weeks in a newspaper circulating in the locality;
- (b) forwarding a copy of the subject Amendment to the Western Australian Planning Commission; and

In addition to the above, the City will write to the affected property owners advising them of the current status of their listing and any proposed changes to the Register that will affect their property.

Following the submission period, the City's Officers will have regard to any submission(s) received and will make further amendments to the NCU Register where applicable. Following this, the amended NCU Register will be considered for final adoption at an Ordinary Meeting of Council.

LEGAL/POLICY:

In accordance with Clause 17 of the City's Town Planning Scheme No. 1, the City will maintain a Register of Non-Conforming Uses. The City's current Appendix No. 11 relating to Non-Conforming Uses contains a register of non-conforming uses within the City. The review and proposed changes to Appendix No. 11, the subject of Amendment No. 86 will ensure that the Register reflects the current status of non-conforming uses within the City.

RISK MANAGEMENT IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

In keeping with 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."*

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Expenditure under this matter will be incurred under the following budgeted item:

'Town Planning Scheme Amendments and Policies'

Budget Amount:	\$40,000
Spent to Date:	\$34,845
Balance:	\$5,878

COMMENTS:

In light of the above, it is recommended that the Council authorises the Chief Executive Officer to advertise draft amended Appendix No. 11 relating to Non-Conforming Use Register as outlined in this report.

9.1.8 Community Visioning Workshop for Claisebrook Road North and Associated Community Engagement Program

Ward:	South	Date:	3 February 2012
Precinct:	Claisebrook Road North; P15	File Ref:	PLA0222
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	E Lebbos, Planning Officer (Strategic)		
Responsible Officer:	T Young, Manager Strategic Planning, Sustainability and Heritage Services		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** the report relating to Investigations into a Community Visioning Workshop for Claisebrook Road North;
2. **APPROVES** Estill and Associates, at a cost of \$4,125, as being the preferred Facilitator to undertake the Community Visioning Workshop for Claisebrook Road North;
3. **ENDORSES** the Community Engagement Program for Claisebrook Road North, as shown in the 'Details' Section of this report; and
4. **NOTES** that a Notice of Motion from Mayor Hon. Alannah MacTiernan is included in this Agenda relating to the discontinuance of advertising of the Scheme Amendment No. 29 until such time as the City of Vincent's Town Planning Scheme No. 2 is advertised.

COUNCIL DECISION ITEM 9.1.8

Moved Cr Topelberg, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council's approval to undertake a Community Visioning Workshop and to endorse the Community Engagement Program for Claisebrook Road North.

BACKGROUND:

1 July 2007 In 2007 as part of a Local Government Boundary change, the area known as the Claisebrook Road North Precinct, bounded by Lord Street, Summers Street, the Railway Reserve and the Graham Farmer Freeway, was transferred from the City of Perth to the City of Vincent.

21 June 2010 The City held a Community Information Session for land owners and residents in the Claisebrook Road North and NIB Stadium Precinct, to advise them of the City's plans for the future in this Precinct, and how they would like to see it develop.

- 24 August 2010 An Information Bulletin was presented to the Council, outlining the meeting notes from the above Community Information Session.
- 28 September 2010 The City initiated Scheme Amendment No. 29, which among other things, related to the inclusion of the subject area into the City's Town Planning Scheme No. 1.
- 29 November 2010 The City forwarded the Scheme Amendment documents to the Western Australian Planning Commission.
- 1 February 2011 The City's Officers met with representative from the Department of Planning on 1 February 2011 in relation to Scheme Amendment No. 29, whereby it was indicated that prior to the Western Australian Planning Commission granting approval to advertise Amendment No. 29, consideration should be given to modifying the scope of the Amendment.
- 22 March 2011 Following the above meeting with the Department of Planning, the City's Officers undertook the required modifications, and a report relating to the matter was presented to the Council at its Ordinary Meeting. Subsequent to this, the City forwarded the modified Scheme Amendment documents to the Western Australian Planning Commission.
- 29 June 2011 The City held a Community Information Session at NIB Stadium regarding the Holcim and Hanson concrete batching plants, which was attended by approximately 54 members of the public.
- 11 October 2011 A Notice of Motion was passed at the Ordinary Meeting of the Council, requesting to investigate the preparation of a Structure Plan for Claisebrook Road North.
- 21 October 2011 The City's Officers distributed letters to a number of consultants, calling for Expressions of Interest and Request for Quote for preparing a Structure Plan for Claisebrook Road North.
- 7 November 2011 Closing date for submission of Expressions of Interest and Request for Quote.
- 22 November 2011 A report relating to the preparation of a Structure Plan for Claisebrook Road North was presented to the Council, whereby it was resolved to approve by an absolute majority to allocate funds of \$50,000 in the 2012/2013 Annual Budget, for the preparation of a Structure Plan for the Claisebrook Road North area. The Council also requested that a further report be prepared by April 2012, detailing a comprehensive Community Engagement Program to provide input into the drafting of the Structure Plan.
- 30 December 2011 A Council Member Request from Mayor Hon. Alannah MacTiernan was generated, requesting that the City's Officers prepare Terms of Reference, obtain quotations from accredited Facilitators, prepare a timeline, and prepare a budget for the Community Visioning process, with the view of conducting the Community Visioning Workshop for Claisebrook Road North, on Saturday, 14 April 2012.
- 6 January 2012 The City's Officers distributed letters to a number of Facilitators, requesting quotations regarding the facilitation of the Community Visioning Workshop for Claisebrook Road North.
- 27 January 2012 Closing date for submission of quotations for the facilitation of the Community Visioning Workshop.

DETAILS:

As outlined in the Background Section above, a Notice of Motion was passed at the Ordinary Meeting of the Council held on 11 October 2011, requesting that a report be presented to the Council regarding an investigation into the preparation of a Structure Plan for Claisebrook Road North.

Claisebrook Road North, which has been identified as a planned growth area in the City's Draft Local Planning Strategy, is characterised by light and service industry uses with pockets of residential scattered throughout the Precinct. The area is located within 400 metres of the Claisebrook Train Station and the East Perth Metropolitan and Regional Train Station. Good access to public transport facilities makes it an ideal location to promote the key principles of Transit Oriented Development (TOD).

However, the community members point out that there has been no visioning exercise for Claisebrook North because the area was moved into Vincent after the Vincent Visionary exercise was completed. They ask that the visioning take place before the Town Planning Scheme No. 2 is advertised.

Subsequent to this, the Mayor proposed a visioning exercise take place to deal with this issue.

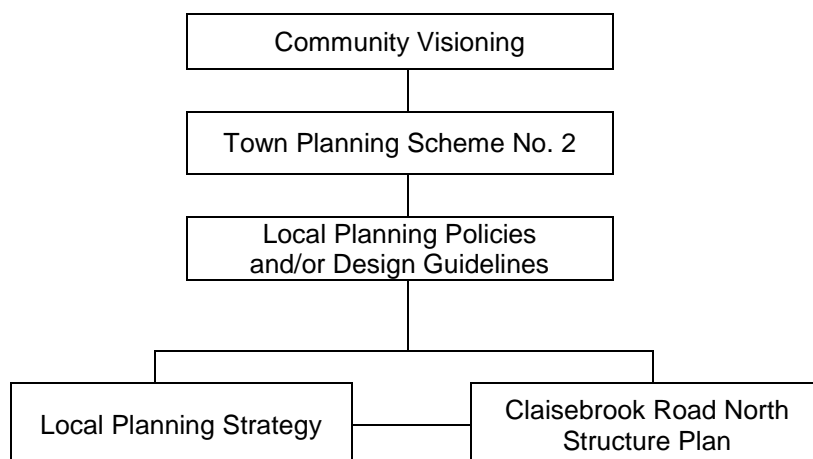
In light of both of the Council requests, the City's Officers have prepared the following Community Engagement Program (as per the Council request at the Ordinary Meeting of the Council held on 22 November 2011), that encapsulates Mayor Hon. Alannah MacTiernan's Request for a Community Visioning Workshop to be held on Saturday, 14 April 2012:

COMMUNITY ENGAGEMENT PROGRAM			
Item	Purpose	Indicative Timeline	Advertising Mediums
Community Visioning Workshop	To ascertain the local community's views and aspirations for the strategic direction of the area, as they did not have the opportunity to provide comment as part of the <i>Vincent Vision 2024</i> community visioning process.	Saturday, 14 April 2012	<ul style="list-style-type: none"> • Individual invitation letters distributed to all owners and occupiers within the Claisebrook Road North area; and • General advertising placed in The Guardian Express and on the City's website, inviting the broader community to attend the Workshop.
Structure Plan Advertising	To ensure the local stakeholder's input in the development of this overarching strategic document.	July-September 2012	<ul style="list-style-type: none"> • Individual consultation letters distributed to all owners and occupiers within the Claisebrook Road North area; and • General advertising placed in The Guardian Express and on the City's website, notifying the broader community about the consultation process.

COMMUNITY ENGAGEMENT PROGRAM			
Item	Purpose	Indicative Timeline	Advertising Mediums
Town Planning Scheme No. 2 Advertising	To ensure that all stakeholders within the City's jurisdiction have the opportunity to provide comment on this detailed planning document affecting the City's entire jurisdiction, particularly in relation to proposed zonings.	Pending consent to advertise from the Western Australian Planning Commission.	<ul style="list-style-type: none"> Individual letters will be sent out to all residents within the City of Vincent, along with an information package, inviting them to attend a Workshop that is Precinct-specific to them.
Local Planning Precinct Policies Advertising	To ensure that all stakeholders within the City's jurisdiction have the opportunity to provide comment on these detailed planning policies, particularly for those policies that specifically relate to their own area.	Undertaken in conjunction with the consultation for the Town Planning Scheme No. 2.	<ul style="list-style-type: none"> Individual letters will be sent out to all residents within the City of Vincent, inviting them to attend a Workshop that is Precinct-specific to them.

In light of the above Community Engagement Program, the City's Officers have progressed the first step, that being the Community Visioning Workshop, and have obtained quotations from a number of Facilitators to undertake the Workshop, the outcomes of which will inform the preparation of the Structure Plan for the area.

It is envisaged that the Structure Plan, similar to the Local Planning Strategy, will be an overarching strategic document, setting out the future vision for the area. A flow chart outlining the hierarchy of the City's planning documents, particularly as they relate to the Claisebrook Road North area, is shown below:



Details relating to the selection process for the preferred Facilitator, as well as the Community Visioning Workshop itself, are outlined below:

Scope

It is envisaged that the Workshop will be held on Saturday, 14 April 2012, between 11.00am to 5.00pm (venue being finalised).

The objective of the Workshop is to ascertain the local community's views and aspirations for the strategic direction of the area, particularly as they did not have the opportunity to provide comment as part of the City of Vincent's *Vincent Vision 2024* community visioning process, as this was undertaken prior to the area being ceded over to the City of Vincent from the City of Perth as part of the 2007 boundary changes.

More specifically, it is envisaged that the Workshop will achieve the following:

- Profile the community;
- Explore the impact of emerging trends and issues. This could possibly be undertaken via a SWOT Analysis (that being an analysis of the strengths, weaknesses, opportunities and threats), and could relate to the following key 'topics' of discussion that were the focus areas for *Vincent Vision 2024*:
 - Town Centre and Commercial Areas;
 - Housing, Density and Urban Design;
 - Character and Heritage;
 - Traffic and Transport;
 - Safety and Security;
 - Environment and Sustainability;
 - Parks and Community Facilities; and
 - Community Culture and Arts;
- Create a vision for both the short term and long term future of the area; and
- Develop a strategic action plan to achieve that vision.

Following the Workshop, it is expected that the Facilitator will prepare a report outlining the points raised during the Workshop, which will be presented to the Council at one of its subsequent Ordinary Meetings.

It is envisaged that the information gleaned from the Workshop will inform the preparation of a Structure Plan for the area, and any associated Scheme provisions, Planning Policies and/or Design Guidelines for the area.

Quotations Received

Invitations to quote were sent out on 6 January 2012, to six (6) Facilitators, with the closing date for submissions being 27 January 2012.

The City has received quotations from the following Facilitators for conducting the Community Visioning Workshop:

Consultant	Cost	Ranking
Estill and Associates	\$4,125	1
Learning Horizons	\$4,400	2

Further to the above, the City received a letter from another Facilitator on 24 January 2012, thanking the City for the invitation to provide a quotation, and advising that they will not be able to provide a submission due to other commitments on Saturday, 14 April 2012.

Further to the Facilitator costs, it is envisaged that there will be additional costs associated with the Community Visioning Workshop, relating to consultation/advertising of the Workshop, as well as the provision of food and drinks on the day of the Workshop.

Indicatively, the City's Officers have budgeted approximately \$1000 for advertising (including distributing individual letters to all owners and occupiers and, general advertising in the local newspaper and on the City's website), and a further \$1000 for food and drinks.

In total, taking into consideration the Facilitator's costs, as well as additional costs for consultation/advertising and food and drinks, it is estimated that the Visioning process will cost approximately \$6,125. Notwithstanding this, it is noted that a budget for the process can only be confirmed once attendance numbers of the Workshop have been established.

Evaluation Criteria

The following evaluation criteria was applied when assessing the Facilitator:

- Financial Offer/Fee Proposal (30%);
- Relevant Experience and Expertise in Facilitating Workshops (40%); and
- Demonstrated Experience Pertaining to Urban Design, and Master Planning Matters (30%).

Evaluation

Both of the quotations received were of a high calibre.

Based on the evaluation criteria however, it is considered appropriate to appoint Estill and Associates as the preferred Facilitator for the following reasons:

- The quotation submitted by the Facilitator displayed a clear understanding of the required service associated with facilitating a Community Visioning Workshop for Claisebrook Road North;
- The Facilitator demonstrated experience in a variety of urban design and masterplanning matters;
- The Facilitator has demonstrated a great deal of experience with Local Government Authorities; and
- The Facilitator demonstrated value for money, as they have provided an appropriate quotation in line with the City's requirements for the Community Visioning Workshop, at a reasonable price.

CONSULTATION/ADVERTISING:

Individual letters will be distributed to all owners and occupiers within the Claisebrook Road North area, inviting them to attend the Community Visioning Workshop. In addition, general advertising will be placed in the local newspaper, The Guardian Express, and on the City's website, inviting the broader community to attend the Workshop.

It is considered appropriate for the City to only directly consult with the owners and occupiers in the Claisebrook area that was ceded to the City of Vincent from the City of Perth, as the owners and occupiers outside of this ceded area were given the opportunity to provide comment on the strategic direction of the area as part of the City of Vincent's *Vincent Vision 2024* community visioning process. Notwithstanding this, owners and occupiers outside of the ceded area will have an opportunity to participate in the Community Visioning process for Claisebrook Road North should they wish to, because as mentioned above, advertisements for the Community Visioning Workshop will be placed in the local newspaper and on the City's website.

It is noted that the Community Visioning Workshop for Claisebrook Road North, prior to the preparation of a Structure Plan for the area, is in line with the recommendations of the State publication, the *Draft Structure Plan Preparation Guidelines*, which suggest that *'consultation is best undertaken prior to preparing a structure plan, to allow the applicant full appraisal of the site's context, State and local government requirements, and any issues affecting site development.'*

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:

"Natural and Built Environment:

Objective 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.*
- 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.*

Leadership, Governance and Management:

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

- 4.1.4 Plan effectively for the future.*
- 4.1.5 Focus on stakeholder needs, values, engagement and involvement."*

SUSTAINABILITY IMPLICATIONS:

By undertaking an extensive community consultation process prior to the preparation of a Structure Plan for Claisebrook Road North, it is considered that this will direct future development in the area to occur in a manner that meets the community's changing needs, particularly with a focus on TOD design principles.

FINANCIAL/BUDGET IMPLICATIONS:

Expenditure under this matter will be incurred under the following budgeted item:

'Town Planning Scheme Amendments and Policies'

Budget Amount:	\$40,000
Spent to Date:	\$34,845
Balance:	\$5,878

COMMENTS:

By undertaking extensive community consultation with relevant persons/organisations from the local community prior to the preparation of a Structure Plan for Claisebrook Road North, this will ensure that best practice planning principles in line with community expectations are in place, that when implemented, will significantly improve the form and function of the area into the future.

Following a detailed analysis of the two (2) quotations received for the facilitation of the Community Visioning Workshop for Claisebrook Road North, it is considered appropriate at this time to secure the services of Estill and Associates as the preferred Facilitator.

In light of the above, it is recommended that the Council endorse the Officer Recommendation to appoint Estill and Associates as the preferred Facilitator to undertake the Community Visioning Workshop for Claisebrook Road North.

9.1.9 No. 21 (Lot 22; D/P 2028) Angove Street, North Perth – Proposed Demolition of Existing Building and Construction of Two-Storey Commercial Building, Comprising One (1) Eating House, Two (2) Offices and Associated Car Parking (Reconsideration of Condition)

Ward:	North Ward	Date:	6 February 2012
Precinct:	North Perth Centre; P9	File Ref:	PRO1011; 5.2010.621.1
Attachments:	001 – Property Report and Development Application Plans		
Tabled Items:	Nil		
Reporting Officer:	S Radosevich, Planning Officer (Statutory)		
Responsible Officers:	H Smith, Manager Planning and Building Services R Lotznicker, Director, Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Glory Construction Holdings WA Pty Ltd on behalf of the owner D & D Christou & Angove Property Investments Pty Ltd for Proposed Demolition of Existing Building and Construction of Two-Storey Commercial Building, Comprising One (1) Eating House, Two (2) Offices and Associated Car Parking (Reconsideration of Condition), at No. 21 (Lot 22; D/P 2028) Angove Street, North Perth, and as shown on plans stamp-dated 17 January 2011, for the following reason:

- 1.1 in the event that the City receives funding for the Angove Street Localised Enhancement Project, it is considered unreasonable to require the Applicant to fund the high cost of undergrounding a short section of overhead power; and

2. REQUIRES the applicant, PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, to comply with the intent of the condition by paying to the City, an amount of \$15,000, as a contribution towards the potential future undergrounding of power in this section of Angove Street, North Perth.

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

COUNCIL DECISION ITEM 9.1.9

Moved Cr Harley, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Cr Topelberg foreshadowed a amendment however, requested time for the Administration Staff to prepare the correct wording.

The Presiding Member, Mayor Hon. Alannah MacTiernan ruled that the Council proceed to the next Item to allow time for an amendment to be prepared.

***Note: This Item was recommitted later in the meeting. Refer to page 144.**

9.2.1 Weld Square Redevelopment Project – Progress Report No. 5 – Proposed Co-Naming and Relocation of Basketball Court

Ward:	South	Date:	3 February 2012
Precinct:	Forrest (14)	File Ref:	RES0102
Attachments:	-		
Tabled Items:	-		
Reporting Officers:	J van den Bok; Manager Parks & Property Services; T Young; Manager Strategic Planning, Sustainability & Heritage Services		
Responsible Officer:	R Lotznicker; Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES IN PRINCIPLE** the:
 - 1.1 co-naming of Weld Square to include the Nyoongar name '*Wongi Park*' to recognise the Indigenous heritage of the place; and
 - 1.2 proposed basketball court, listed in the 2011/12 budget for Weld Square, to be relocated to Birdwood Square for the reasons outlined in the report;
2. **UNDERTAKES** Community Consultation with regards to clauses 1.1 and 1.2 above; and
3. **RECEIVES** further reports:
 - 3.1 at the conclusion of the consultation period as outlined in clause 2; and
 - 3.2 following further meetings with Central TAFE once their final submissions and costings have been submitted.

Moved Cr Buckels, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

AMENDMENT NO 1

Moved Cr Buckels, Seconded Cr Harley

That subclause 1.2 be deleted and clause 2 be amended to read as follows:

“2. UNDERTAKES Community Consultation with regards to clauses ~~1.1 and 1.2~~ above; and”

Debate ensued.

AMENDMENT NO 1 PUT AND CARRIED (8-1)

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

Against: Cr Harley

AMENDMENT NO 2

Moved Cr Maier, Seconded Cr Topelberg

That clause 2 be amended to read as follows:

“2. UNDERTAKES Community Consultation with regards to clause 1.1 above and the provision of basketball facilities in Weld Square; and”

Debate ensued.

AMENDMENT NO 2 PUT AND CARRIED UNANIMOUSLY (9-0)

Debate ensued.

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

COUNCIL DECISION ITEM 9.2.1

That the Council;

1. **APPROVES IN PRINCIPLE the co-naming of Weld Square to include the Nyoongar name ‘Wongi Park’ to recognise the Indigenous heritage of the place; and**
2. **UNDERTAKES Community Consultation with regards to clause 1.1 above and the provision of basketball facilities in Weld Square; and**
3. **RECEIVES further reports:**
 - 3.1 **at the conclusion of the consultation period as outlined in clause 2; and**
 - 3.2 **following further meetings with Central TAFE once their final submissions and costings have been submitted.**

PURPOSE OF REPORT:

The purpose of this report is to update the Council on progress of the Weld Square Redevelopment project and obtain approval to co-name the park and relocate the basketball court.

BACKGROUND:

At its Ordinary Meeting held on 19 April 2011 Progress Report No 4 was presented to the Council where it was resolved:-

“That the Council;

- (i) *APPROVES of the construction of the paths, soil mounding, planting and mulching, and reticulation at an estimated cost of \$173,000 as shown on the revised Plan No. 2647-LS-01J (in accordance with EPRA conditions) and places all other works 'on hold' pending the outcome of the TAFE design development;*
- (ii) **NOTES:**
 - (a) *the actions taken to date by the Town’s Administration, as detailed in the report;*

- (b) *that a further report will be submitted to the Council in July/August 2011 once TAFE have submitted their proposal to the Town; and*
- (c) *that TAFE will be advised of the Council decision; and*
- (iii) *REQUESTS the Chief Executive Officer to investigate and improve the current lighting."*

DETAILS:

Co-Naming Weld Square:

Since this matter was last reported to Council investigations towards the co-naming of Weld Square have progressed. Following discussions with the Department of Indigenous Affairs (DIA) and the South West Aboriginal Land and Sea Council (SWALSC), the matter of co-naming was tabled at the SWALSC Working Party Meeting on 21 September 2011. At this meeting, it was resolved that the preferred Aboriginal name for Weld Square is 'Wongi Park'.

Through discussions with representatives from the SWALSC on 22 November 2011 and confirmed in a letter dated 3 February 2012 from the SWALSC, 'Wongi Park' was selected, based on the following reasons:

'The meaning of the Nyoongar word 'Wongi', translates to the English words 'Talking' or 'to have a chat'. On determining the name, the SWALSC agreed that Weld Square has long been a place when Nyoongar people go to meet and have a chat, and therefore it was considered an appropriate name. By having the word 'Park' in 'Wongi Park' highlights the coming together of Nyoongar and English words.'

In terms of the process in co-naming Weld Square the following extract from the Geographic Names Committee's *Principles, Guidelines and Procedures (May 2009)*, serves to provide a the guide in this respect.

'Renaming of Parks and Reserves

- 1. Names chosen for parks and reserves are expected to be permanent and renaming is discouraged. If renaming is proposed because of some exceptional circumstance, the general guidelines will apply.*
- 2. Evidence of substantial community support for a change of name must be provided.'*

'DUAL NAMING GUIDELINES

- Dual naming is not considered preferable to one name, and in each case the proposal should be investigated to establish if the Indigenous name would have enough community support to replace the European name.*
- Temporary dual naming is a useful process to assist in changing from a European name to an Indigenous name.*
- Dual naming is not to be considered for addressable localities, road names or physical structures associated with roads, such as bridges.*
- Dual naming should apply to physical features, such as mountains, lakes etc.*
- Dual naming is to give recognition to existing traditional Indigenous names, where evidence exists, preferably historic in written form or oral tradition, that a feature has two names.*
- Dual naming proposals should have significant support from local Indigenous communities.*
- Dual naming proposals should preferably have the support of the relevant local government.*
- Depiction of Dual Names.'*

In addition to the above, Appendix B to the Geographic Names Committee's *Principles, Guidelines and Procedures (May 2009)*, relates to the recording and use of Aboriginal and Torres Strait Islander Place Names. These guidelines provide the opportunity to adopt a set of national standards for the collection and use of Aboriginal and Torres Strait Islander names. It is noted that the Policy states '*...it must be recognised that the right to decide the use of names rests always with the indigenous people whose language or place names are being used for official naming purposes*'.

Officer Comments:

Given the 'Dual naming Guidelines' (as outlined above) is considered that prior to the matter being forwarded to the Geographic Names Committee for consideration that the Community be consulted regarding the proposed co-naming.

Following the consultation, should the proposed naming be approved in principle by the Council the process to co-name Weld Square with an Indigenous name, will be incorporated into the City's existing Policy No. 4.1.18 relating to Naming of Reserves and Buildings to enable, where appropriate, the co-naming of other City of Vincent parks and reserves that are recognised Aboriginal Registered Sites.

Progress of Works – 2011/2012:

Stage 1:

Item	Status
Pathways	All major works completed. Upon completion of the self cleaning toilet, an additional access path will be installed.
Lighting	On hold pending submission and assessment of designs by Central TAFE students.
Benches & Bins	On hold pending submission and assessment of designs by Central TAFE students.

Stage 2:

Item	Status
Self Cleaning Toilet	Installation in progress 80% completed.
Demolition of existing toilet block	Will be implemented upon commissioning of the self cleaning toilet.
Soil mounding	Completed.
Planting/mulching	Plants ordered, currently being grown on by "Peedac"/"Now Green". Planting/mulching scheduled for completion in April/May 2012.
Reticulation	Completed, minor works required following completion of toilet installation/demolition.

Note: The budget for stages 1 and 2 (funds included in the 2011/2012 budget) is \$432,300 with the expenditure at the time of writing this report being \$352,000. Funds remaining are \$80,300.

Future Proposed Works - 2012/2013:

Proposed Stage 3:

Item	Status	Estimated Cost
Playground	Investigations underway e.g. 'Neos 360' refer attached.	\$55,000.00
Exercise equipment	Not commenced.	\$40,000.00
Gazebo	Not commenced – investigation by TAFE.	\$28,000.00
Tables/Shelters	Not commenced – investigation by TAFE.	\$26,000.00

Item	Status	Estimated Cost
Outdoor ping pong table	Not Commenced.	\$18,000.00
Shade Sails	Not Commenced.	\$18,000.00
Electric BBQ	Not Commenced.	\$15,000.00
Drinking Fountains	Not Commenced.	\$7,000.00
Contingency		\$13,000.00
TOTAL		\$220,000.00

TAFE involvement in designing the furniture and within the park:

Officers met with the, Director Facilities & Infrastructure of TAFE and Applied Design lecturers in March 2011 where they indicated that they would like to become further involved in the design and construction of furniture within Weld Square as part of the redevelopment project.

At the meeting, TAFE indicated they were very keen in having Applied Design students undertake a project within their first semester and develop designs for furniture within Weld Square; which they subsequently submitted in July 2011. Several designs were chosen by staff and lecturers as having potential and these were to be further developed during the latter half of 2011.

A further meeting with TAFE was held in November 2011 and the City was presented with further designs for park furniture, lighting and shelters and whilst many of these again had potential and fitted in well with works already approved/completed, the designs had to be further refined and costed.

Officers were advised that this would form part of the 2012 first semester program. A further meeting with TAFE is being convened when the students/lecturers return from holidays and it is being suggested that the students work in with WALGA preferred furniture suppliers to fast track any potential designs and finalise costings in view that additional funding requirements are identified and the project continues to progress.

East Perth Redevelopment Authority (EPRA):

EPRA have recently advised the City that they will contribute up to \$28,000 towards the construction of a gazebo or similar construction proposed for Weld Square.

Chief Executive Officer authorisation to make Minor amendments to the Concept Plan:

Following further discussion and a review of the current plan it is recommended that the proposal to install a half basketball court or a full mini-court at Weld Square not proceed due to the proximity of residential properties and the likely disturbance that basketballs will create when being bounced on a concrete surface.

Separate funding has been allocated in the 2011/12 budget (\$25,000) for the installation of a basketball court at Weld Square and it had previously been highlighted that this project could be relocated to the nearby Birdwood Square should Weld Square be deemed inappropriate.

The south-eastern corner of the Birdwood Square is an ideal location away from residential properties and not likely to interfere with any future structured sporting activities proposed for this reserve.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

The City, as the owner of the land, submitted a Section 18 Notice dated 15 April 2010 and the Minister for Health; Indigenous Affairs granted approval for the City to use the land for the purpose outlined in the Notice, subject to a series of conditions detailed in a letter to the City dated 22 June 2010.

RISK MANAGEMENT IMPLICATIONS:

Low Little or no impact if this project does not proceed as proposed.

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.

1.1.6: Enhance and maintain the City's parks, landscaping and the natural environment."

SUSTAINABILITY IMPLICATIONS:

As indicated in previous reports to Council, during the consultation with the Indigenous groups, it was indicated that all proposed plantings within the redeveloped parkland will consist of native species and specifically local native species where these can be sourced.

FINANCIAL/BUDGET IMPLICATIONS:

Weld Square Redevelopment Stages 1 & 2:

Budget Amount:	\$432,300
Spent to Date:	\$351,092
Balance:	\$ 81,208

Proposed estimated Stage 3 expenditure as outlined above is \$220,000 and will be listed for consideration in the 2012/2013 draft budget.

COMMENTS:

The project has progressed on target to date with no major issues. Whilst we are still waiting on final designs from the Central TAFE applied design students most of these components have been budgeted for as part of Stage 3 of the project and therefore funding will not be available (subject to Council approval) until after July 2012.

Numerous positive comments have been received in relation to what has already been completed and it is pleasing to see that the path layout is working as planned with the majority of pedestrian traffic running across the park from corner to corner.

At 7.42pm, the Presiding Member, Mayor Hon. Alannah MacTiernan advised that Item 9.1.9 was ready to be recommitted.

9.1.9 No. 21 (Lot 22; D/P 2028) Angove Street, North Perth – Proposed Demolition of Existing Building and Construction of Two-Storey Commercial Building, Comprising One (1) Eating House, Two (2) Offices and Associated Car Parking (Reconsideration of Condition)

Ward:	North Ward	Date:	6 February 2012
Precinct:	North Perth Centre; P9	File Ref:	PRO1011; 5.2010.621.1
Attachments:	001 – Property Report and Development Application Plans		
Tabled Items:	Nil		
Reporting Officer:	S Radosevich, Planning Officer (Statutory)		
Responsible Officers:	H Smith, Manager Planning and Building Services R Lotznicker, Director, Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Glory Construction Holdings WA Pty Ltd on behalf of the owner D & D Christou & Angove Property Investments Pty Ltd for Proposed Demolition of Existing Building and Construction of Two-Storey Commercial Building, Comprising One (1) Eating House, Two (2) Offices and Associated Car Parking (Reconsideration of Condition), at No. 21 (Lot 22; D/P 2028) Angove Street, North Perth, and as shown on plans stamp-dated 17 January 2011, for the following reason:
 - 1.1 in the event that the City receives funding for the Angove Street Localised Enhancement Project, it is considered unreasonable to require the Applicant to fund the high cost of undergrounding a short section of overhead power; and
2. REQUIRES the applicant, PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, to comply with the intent of the condition by paying to the City, an amount of \$15,000, as a contribution towards the potential future undergrounding of power in this section of Angove Street, North Perth.

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

Cr Carey departed the Chamber at 7.42pm.

AMENDMENT

Moved Cr Topelberg, Seconded Cr Maier

That a new clause 3 be inserted to read as follows:

- “3. REQUIRES the applicant to underground the power to the property in the event that the City is unsuccessful in receiving funding for the Angove Street LEP. This is to occur within 120 days of the City’s advice in this respect.”

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

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

Debate ensued.

Cr Carey returned to the Chamber at 7.43pm.

Debate ensued.

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

COUNCIL DECISION ITEM 9.1.9

That the Council;

1. in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application submitted by Glory Construction Holdings WA Pty Ltd on behalf of the owner D & D Christou & Angove Property Investments Pty Ltd for Proposed Demolition of Existing Building and Construction of Two-Storey Commercial Building, Comprising One (1) Eating House, Two (2) Offices and Associated Car Parking (Reconsideration of Condition), at No. 21 (Lot 22; D/P 2028) Angove Street, North Perth, and as shown on plans stamp-dated 17 January 2011, for the following reason:
 - 1.1 in the event that the City receives funding for the Angove Street Localised Enhancement Project, it is considered unreasonable to require the Applicant to fund the high cost of undergrounding a short section of overhead power; and
2. **REQUIRES** the applicant to underground the power to the property in the event that the City is unsuccessful in receiving funding for the Angove Street LEP. This is to occur within 120 days of the City's advice in this respect.

Landowner:	D & D Christou & Angove Property Investments Pty Ltd
Applicant:	D Christou
Zoning:	Metropolitan Region Scheme (MRS): Urban Town Planning Scheme No. 1 (TPS 1): Commercial
Existing Land Use:	Eating House, Office Building
Use Class:	Eating House, Office Building
Use Classification:	"P"
Lot Area:	407 square metres
Access to Right of Way	Not applicable

PURPOSE OF REPORT:

The reconsideration of condition requires referral to the Council for determination as it was a Council imposed condition.

BACKGROUND:

23 February 2010 The proposal for the demolition of the existing building and construction of a three storey commercial building, comprising one (1) eating house and four (4) offices and associated car parking was granted conditional approval by the Council at its Ordinary Meeting.

8 February 2011 The proposal for the demolition of the existing building and construction of a two storey commercial building, comprising one (1) eating house and two (2) offices and associated car parking was granted conditional approval by the Council at its Ordinary Meeting.

22 November 2011 The Council considered a report on the Office of Energy's calling for submissions for Round Five (5) for the State Underground Power Program – Localised Enhancement Projects (LEP). Following consideration of the report the following decision was made (in part).

That the Council;

1. *APPROVES the following State Underground Power Program – Localised Enhancement Project (LEP) submissions for the reasons outlined in the report;*

1.2 *Fitzgerald Street between Burt Street and Raglan Road and Angove Street between Daphne Street and Fitzgerald Street;*

DETAILS:

The proposal involves the reconsideration of condition (vii) (a) of the previous approval by the council at its Ordinary Meeting held on 8 February 2011. The condition to be reconsidered reads:

“(vii) PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the following shall be completed to the satisfaction of the City:

(a) Underground Power

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

Previous Underground Power Works in Angove Street:

As previously reported to the Council, the City has in the past, using its own resources, partially undergrounded the power in Angove Street, North Perth, where, between Daphne Street and Fitzgerald Street, the power poles and service cables were removed from the northern side.

The project involved undergrounding all the property connections thereby eliminating the service cables strung across the roads, in-turn enabling the removal of the pole mounted streetlights on both sides of the road and the redundant poles on one side only. This was completed with the installation of double outreach decorative streetlights down the centre of the road. It meant however, that overhead distribution lines have remained on one side of the road.

At the time, the cost to undertake a full, self funded, LEP was prohibitive and beyond the budget of the project.

State Underground Power Program – Localised Enhancement Projects:

The City has now included this section of Angove Street in its submission for Round Five (5) for the State Underground Power Program – Localised Enhancement Projects, together with a number of other areas.

The Council was previously advised that '*while the Office of Energy is encouraging Metropolitan Local Governments to apply for Round 5 LEP funding the program is deliberately biased toward Regional Centres and therefore there is little likelihood of success*'.

Notwithstanding the above, if the City was successful in attracting funding for the Angove LEP, the economies of scale of the project would mean overall lower costs per allotment, compared with the relative high cost that would be involved to underground the power past a single allotment i.e. as is currently required as a condition of approval for No. 21 Angove Street.

Officer Comments:

It is considered that while there is a chance, albeit small, that the City may receive funding for the Angove Street LEP, it would be unfair in this instance to require the applicant of No. 21 (Lot 22) Angove Street to fund the relatively high cost of undergrounding a short section (past the lot frontage) of overhead power. It is considered that instead, to comply with the spirit of the condition, that the applicant be required to pay a contribution towards the potential future undergrounding of power in this section of Angove Street. The funds would be paid into the City's Underground Power Reserve.

COMPLIANCE:

The full assessment of the proposal can be found in the Minutes of the Ordinary Meeting of Council held on 8 February 2011 (Item No. 9.1.2) at http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes.

CONSULTATION

Consultation was not required to be undertaken for re-consideration of the above condition.

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

COMMENTS:

For the reasons outlined above, it is considered that condition (vii)(a) requiring the undergrounding of the power lines adjacent to the subject lots, for the complete length of the Angove Street frontage, at the full expense of the developer, be reconsidered and instead, the applicant be required to pay a non-refundable contribution of \$15,000 towards the future undergrounding of power along Angove Street, to be paid into the City's Underground Power Reserve.

9.2.4 'Household Hazardous Waste' and 'E-Waste' Disposal Days – Progress Report No. 3

Ward:	Both	Date:	3 February 2012
Precinct:	All	File Ref:	ENS0083
Attachments:	-		
Tabled Items:	-		
Reporting Officers:	M Rutherford, Waste Management Officer R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **AUTHORISES** the Chief Executive Officer to:
 - 1.1 investigate the benefits and costs of holding more regular Household Hazardous Waste collection days within the City;
 - 1.2 identify potential external funding sources to assist with Household Hazardous Waste collection; and
 - 1.3 write to the State 'Minister for Environment; Water', requesting that more funding from the State Land Fill Levy be made available in 2012/2013 to enable Local Governments, through their Regional Councils, to hold 'Temporary Household Hazardous Waste Collection Days'; and
2. **ADVISES** the Mindarie Regional Council and the member Council's of its decision.

Moved Cr Maier, Seconded Cr Topelberg

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

"That a new clause (3) be inserted to read as follows:

3. **REQUESTS** the Chief Executive Officer to investigate the feasibility of providing more frequent (e.g. monthly) collection days for low risk wastes such as paints, and electrical waste."

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

COUNCIL DECISION ITEM 9.2.4

That the Council;

1. **AUTHORISES** the Chief Executive Officer to:
 - 1.1 investigate the benefits and costs of holding more regular Household Hazardous Waste collection days within the City;
 - 1.2 identify potential external funding sources to assist with Household Hazardous Waste collection; and
 - 1.3 write to the State 'Minister for Environment; Water', requesting that more funding from the State Land Fill Levy be made available in 2012/2013 to enable Local Governments, through their Regional Councils, to hold 'Temporary Household Hazardous Waste Collection Days';
2. **ADVISES** the Mindarie Regional Council and the member Council's of its decision; and
3. **REQUESTS** the Chief Executive Officer to investigate the feasibility of providing more frequent (e.g. monthly) collection days for low risk wastes such as paints, and electrical waste.

PURPOSE OF REPORT:

The purpose of this report is to advise Council of the benefits and costs involved with holding Household Hazardous Waste (HHW) Disposal Days within the City, along with information regarding any external funding available to assist the City achieve this during the 2012/2013 financial year.

BACKGROUND:

On 14 June 2011 the Council considered a progress report on Household Hazardous Waste' and 'E-Waste' Disposal Day where the following decision was made.

"That the Council;

- (i) *NOTES the following;*
- (a) *the results of the survey conducted of those who attended the Household Hazardous Waste' and 'E-Waste' Disposal Day held in the Loftus Centre Carpark on 26 February 2011;*
 - (b) *the cost of the collection held on 26 February 2011 was approximately \$145,000;*
 - (c) *'paint wastes' was the largest component of the Household Hazardous Waste collected comprising 60% of the collected material (refer attachment 2, Table one);*
 - (d) *there is 'currently' no specific State funding for temporary Household Hazardous Waste collection days for 2011-2015, however the Town's Residents can dispose of their Household Hazardous Waste at the following permanent Household Hazardous Waste facilities;*
 - *Tamala Park Waste Disposal Facility (MRC)*
 - *Recycling Centre Balcatta (City of Stirling)*
 - *JRF (Jim) McGeough Resource Recovery Facility (WMRC); and*
 - (e) *members of the Mindarie Regional Council's Waste Education Strategy Steering Group are investigating the funding options and costs involved in holding a disposal day in the 2011/2012 financial year for limited items such as 'E-Waste only' or 'Paint only' are looking to be a favourable and more cost effective option at this stage;*
- (ii) *INFORMS the Town's residents of the importance of removing Household Hazardous Waste from their house hold waste and of the existence of the nearest 'Permanent Household Hazardous Waste' facilities as outlined in clause (i)(d) above; and*
- (iii) *RECEIVES a further progress report once the outcomes of discussions by Mindarie Regional Council's Waste Education Strategy Steering Group regarding arranging disposal day/s during the 2011/2012 financial year, as outlined in clause (i)(e)above, have finalised."*

DETAILS:

Pilot Household Hazardous Waste Program:

The three (3) year pilot phase (2008-2011) of the Household Hazardous Waste (HHW) Program came to an end on 30 June 2011, with a total of over \$7.5 million provided by the Waste Authority on HHW Program activities during the pilot phase.

Between February 2009 and June 2011, over 658 tonnes of HHW was collected and recycled. The largest quantity of material collected (by weight) was paint followed closely by gas cylinders, flammable liquids and dry cell batteries.

As previously reported to the Council the City, in conjunction with the Mindarie Regional Council (MRC), hosted a HHW and E-Waste Disposal Day on 26 February 2011 at the Loftus Recreation Centre car park.

At this event, 10,851kg of HHW and 5660kg of electrical waste was collected and diverted from the general waste stream.

Toxfree (HHW collection contractor) stated the event was *“one of the busiest collections to date”*, from which it can be establish there is a high demand in the local community of Vincent for HHW and E-Waste disposal.

Second Phase of HHW Program:

In February 2011 the ‘Minister for Environment; Water’ announced funding of \$10 million for the second phase of the HHW Program (1 July 2011-2015). The program continues to be funded by the Waste Authority and administered via Western Australian Local Government Association (WALGA).

The 2011-15 HHW Program will include three (3) main aspects:

1. Disposal of waste from 14 permanent HHW facilities;
2. Training for staff at permanent HHW facilities; and
3. Holding and disposing of waste from temporary collection Days.

The focus of the program is the permanent HHW facilities, with **no temporary collection days scheduled or budgeted for 2011-2015**. Periodic budget reviews will be undertaken to determine the feasibility of running these.

The HHW Program will fund recycling/disposal of the following products only:

Acids	General household chemicals (e.g. cleaning products)
Aerosols	Heavy metal compounds
Alkalis	Inorganic oxidising agents (e.g. pool chlorine)
Batteries (lead acid and dry cell)	Low level radioactive substances (e.g. smoke detectors)
Compact Fluorescent Lamps (CFL's) and tubes	Mercury
Cyanides	Organic peroxides
Engine Coolants and glycols	Paint
Fire extinguishers (non-halon only)	PCB materials
Flammable liquids	Pesticides
Flammable solids	Solvents
Flares	Gas cylinders

Permanent HHW facilities:

As mentioned above, at this stage local governments have been asked to ‘hold off’ having any temporary collection/disposal days to avoid the permanent disposal facilities being inundated with materials.

Funds allocated by the Waste Authority for the disposal of waste from the fourteen (14) permanent disposal facilities, only currently covers the normal quantity collected at these collection points without any added events.

The permanent HHW facilities for Vincent residents are as follows:

- Tamala Park Waste Disposal Facility (Mindarie);
- JFR Mc Geough Resource Recovery Facility (Shenton Park); and
- Recycling Centre Balcatta (Balcatta).

Any HHW products which are not accepted through the HHW program may be accepted through other programs run by Commonwealth Government, State Government, not-for-profit organisations and/or other private companies.

The City currently provides a very successful 'drop off' facility for the recycling of old mobile phones and ink cartridges, via free programs provided by Mobile Muster and Planet Ark.

Household Battery Recycling Bin Program:

When batteries are land filled, their casings disintegrate, and metals and chemicals used within the battery leach into the surrounding environment.

Preventing the batteries from going directly into landfill by participating in the battery recycling program, will remove this risk.

Since the launch of the 'Household Battery Recycling Bin Program' in September 2009, over 60 tonnes of batteries have been shipped to NSW for recycling. WA is collecting a significant quantity of batteries compared with the other states with well over 20 tonnes of batteries currently awaiting shipment!

The City has been heavily involved in this program collecting a total of 764 kilograms of batteries during the 2010/2011 financial year. The City has permanent collection stations located at the following locations:

- City's Administration & Civic Centre,
- Library and Local History Centre,
- Beatty Park Leisure Centre, and
- Camera House, Leederville.

The City also rolled out battery recycling bins to each Primary School within the City as part of the 'School Battery Recycling Program'.

The funding for both the transport and recycling of these batteries will continue to come out of the HHW Program which is expected to be the single most expensive item in the Program.

Funds for the HHW Program are fixed, so any expansion of the 'Battery Recycling Program' resulting in an increase to the quantity of batteries collected is unfunded. Similarly, funding for the collection and recycling of Compact Fluorescent Lights (CFLs) is also unfunded.

WALGA awarded 'Chemsal'* Governments the contract for HHW service provider during the second phase of the HHW Program. Chemsal operate a fleet of purpose built vehicles to collect Chemical wastes as per EPA regulations.

Chemsal will now become a WALGA preferred supplier, so any Local Government wishing to undertake HHW collection and disposal activities that are not funded by the HHW program, will not have to go through the tender process to engage a contractor.

Note:* Chemsal is a Victorian based company with extensive experience in providing HHW collection and recycling/disposal service to Local Government.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

High: If placed in the green household Mobile Garbage Bin (MGB), HHW products have the potential to contaminate the feedstock at the Resource Recovery Facility (RRF) in Neerabup. The better the quality of feedstock going in to the RRF the better quality and more valuable final product, compost, is produced. Hence, the importance of educating the public about, and providing a safe location for, the correct disposal of HHW.

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.

(h) Reduce the use of toxic, hazardous materials (including E-waste), and promote the proper disposal of such materials."

SUSTAINABILITY IMPLICATIONS:

HHW contains toxic substances that should be diverted from landfill and alternative waste treatment plants. Some HHW products such as batteries, e-waste and fluorescent tubes, also contain valuable components such as zinc, manganese and steel which, like many natural resources, are found in limited supply. By separating and disposing of HHW products in the correct way, these valuable resources can be recycled into a range of new products.

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

"Objective 9: Reduce the use of Toxic and hazardous materials within the City and facilitate the proper disposal of such materials."

FINANCIAL/BUDGET IMPLICATIONS:

Funds from the landfill levy are collected by the State Government, of which only a portion is provided to the Waste Authority for certain projects like the HHW Program. It is hoped that in the future, the state government will redirect more of landfill levy into the waste industry so programs such as the HHW Program can operate successfully - allowing local governments to offer fully funded temporary disposal days to its residents and provide further education to promote expansion of existing recycling programs such as the Household Battery Recycling Bin Program.

During the 2008-2011 pilot phase of the HHW Program, approximately the same amount of funds were spent on the Permanent HHW Facilities (over \$3.5 million) as the Temporary Collection Days (over \$3.4 million).

For the second phase of the program nearly all funding will be used for the permanent HHW facilities, placing more financial pressure on local governments who wish to hold temporary HHW Disposal Days.

As previously reported to the Council, the costs involved for the City of Vincent Temporary HHW Disposal Day in February 2011 where:

- Approximately \$133,000 for Toxfree to safely collect and dispose of all HHW material (covered by HHW Program).
- \$2,500 on flyer distribution and newspaper advertisements (excluding flyer artwork and publication costs covered by MRC).
- Staff costs/traffic control etc estimated at about \$2,500.

Therefore, for City to hold a Temporary HHW Disposal day funds required could potentially be in excess of \$140,000 depending on the quantity of material collected.

COMMENTS:

Residents need to be provided with opportunities to properly dispose of their HHW, and the permanent facilities, along with the temporary disposal days seems to be something that is embraced by the public.

Until the necessary funding can be provided by the state Government to successfully hold more temporary HHW disposal days, the short term solution is to encourage householders to take their HHW to any permanent collection facility for free.

MRC will continue to support both the battery and CFL programs by providing a contractor to collect from both the community and school bins. MRC are also more than happy to provide support in the form of staff to any local government wanting to hold their own HHW Disposal Day.

9.2.6 Possible provision of additional 'on road' Parking – North Perth District Centre

Ward:	North	Date:	6 February 2012
Precinct:	Smith's Lake (6), North Perth Centre (9) & Norfolk (10)	File Ref:	PKG0001 & PLA0084
Attachments:	001 – Proposed Parking Plans		
Tabled Items:	-		
Reporting Officers:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **NOTES that:**

1.1 the cost of implementing an additional 60 bays, as shown on Attachment 9.2.6 would be approximately \$245,000; and

1.2 there are currently no specific funds allocated in the 2011/2012 Budget for the construction of any additional parking;

2. **REQUESTS the Chief Executive Officer to:**

2.1 prepare concept plans;

2.2 indicative cost estimates;

2.3 identify possible funding sources for the implementation of the proposed on road parking additions/modifications, as detailed in the Table below; and

2.4 undertake community consultation for a period of fourteen (14) days, including holding a public meeting/forum; and

Street	Section	Type	Side	Existing	Proposed	NET gain	Estimated Cost
Glebe St* Plan K	View to Alma	90 deg	East	17	35	18	\$85,000
Woodville St Plan L	ROW to View	90 deg	East	14	24	10	\$50,000
Wasley St Plan M	Fitzgerald to ROW	90 deg	Both	6	18	12	\$25,000
Forrest St Plan N	Fitzgerald to ROW	90 deg	Both	8	19	11	\$40,000
Woodville St** Plan O	Angove to Menzies	90 deg	both	6	15	9	\$45,000
Total possible additional number of 'on road' parking bays						60	\$245,000

3. **RECEIVES a further report in March/early April 2012, at the conclusion of the consultation period and once the public meeting/forum has been held.**

Moved Cr Topelberg, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

AMENDMENT NO 1

Moved Cr Topelberg, Seconded Cr Buckels

That a new clause 2.5 be inserted as follows:

“2.5 commence community consultation on the introduction of 3 hour parking on:

2.5.1 Glebe Street between Alma Road and View Street;

2.5.2 View Street between Glebe and Leake Streets; and

2.5.3 Woodville Street between View and Menzie Streets;”

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

Debate ensued.

AMENDMENT NO 2

Moved Cr McGrath, Seconded Cr Maier

That a new clause 2.2 be amended to read as follows:

“2.2 provide indicative cost estimates and an appropriate Staging Plan;”

AMENDMENT NO 2 PUT AND CARRIED UNANIMOUSLY (9-0)

Debate ensued.

AMENDMENT NO 3

Moved Cr McGrath, Seconded Cr Maier

That Glebe Street be deleted from the Table in clause 2 (and the figures be adjusted in the Table and in Clause 1 accordingly) as follows:

“

Street	Section	Type	Side	Existing	Proposed	NET gain	Estimated Cost
Glebe St* Plan K	View to Alma	90 deg	East	17	35	18	\$85,000
Woodville St Plan L	ROW to View	90 deg	East	14	24	10	\$50,000
Wasley St Plan M	Fitzgerald to ROW	90 deg	Both	6	18	12	\$25,000
Forrest St Plan N	Fitzgerald to ROW	90 deg	Both	8	19	11	\$40,000
Woodville St** Plan O	Angove to Menzies	90 deg	both	6	15	9	\$45,000
Total possible additional number of 'on road' parking bays						60 42	\$245,000 \$160,000

”

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

AMENDMENT NO 4

Moved Cr Buckels, Seconded Cr Pintabona

That a new clause 2.6 be inserted as follows:

“2.6 advise on the appropriateness of paid parking;”

Debate ensued.

AMENDMENT NO 4 PUT AND LOST (2-7)

For: Cr Buckels, Cr Pintabona

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

Debate ensued.

AMENDMENT NO 5

Moved Cr Maier, Seconded Cr Pintabona

That the Table in clause 2 be amended to read as follows:

“

Street	Section	Type	Side	Existing	Proposed	NET gain	Estimated Cost
Woodville St <u>Plan L</u>	<u>Southern</u> ROW to View	90 deg	East	14	24	10	\$50,000
Wasley St <u>Plan M</u>	Fitzgerald to ROW	90 deg	Both	6	18	12	\$25,000
Forrest St <u>Plan N</u>	Fitzgerald to ROW	90 deg	Both	8	19	11	\$40,000
Woodville St** <u>Plan O</u>	Angove to Menzies	90 deg	both	6	15	9	\$45,000
Total possible additional number of 'on road' parking bays						42	\$160,000

”

Debate ensued.

AMENDMENT NO 5 PUT AND LOST (2-7)

For: Cr Maier, Cr Pintabona

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

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

COUNCIL DECISION ITEM 9.2.6

That the Council;

1. NOTES that:

1.1 the cost of implementing an additional 42 bays, as shown on Attachment 9.2.6 would be approximately \$160,000; and

- 1.2 there are currently no specific funds allocated in the 2011/2012 Budget for the construction of any additional parking;

2. REQUESTS the Chief Executive Officer to:

- 2.1 prepare concept plans;
- 2.2 provide indicative cost estimates and an appropriate Staging Plan;
- 2.3 identify possible funding sources for the implementation of the proposed on road parking additions/modifications, as detailed in the Table below;
- 2.4 undertake community consultation for a period of fourteen (14) days, including holding a public meeting/forum; and

Street	Section	Type	Side	Existing	Proposed	NET gain	Estimated Cost
Woodville St Plan L	ROW to View	90 deg	East	14	24	10	\$50,000
Wasley St Plan M	Fitzgerald to ROW	90 deg	Both	6	18	12	\$25,000
Forrest St Plan N	Fitzgerald to ROW	90 deg	Both	8	19	11	\$40,000
Woodville St** Plan O	Angove to Menzies	90 deg	both	6	15	9	\$45,000
Total possible additional number of 'on road' parking bays						42	\$160,000

- 2.5 commence community consultation on the introduction of 3 hour parking on:

- 2.5.1 Glebe Street between Alma Road and View Street;
- 2.5.2 View Street between Glebe and Leake Streets; and
- 2.5.3 Woodville Street between View and Menzie Streets;

3. RECEIVES a further report in March/early April 2012, at the conclusion of the consultation period and once the public meeting/forum has been held.

PURPOSE OF REPORT:

The purpose of this report is to provide information regarding opportunities for the provision of additional on road parking bays in the North Perth District Centre.

BACKGROUND:

The Council at its Ordinary Meeting held on 8 November 2011 considered a report on the provision of additional on road parking in a number of locations within the City's district centres.

These locations included Mt Lawley/Highgate and Leederville.

At the meeting the following decision was made in part:

- “5. *DEFERS the following proposed additional car bays until February 2012, as it is not deemed a priority:*

North Perth

Street	Section	Type	Side	Existing (Parallel)	Proposed (90 deg)	NET gain	Estimated Cost
<i>Glebe St* Plan K</i>	<i>View to Alma</i>	<i>90 deg</i>	<i>east</i>	<i>17</i>	<i>35</i>	<i>18</i>	<i>\$85,000</i>
<i>Woodville St Plan L</i>	<i>ROW to View</i>	<i>90 deg</i>	<i>east</i>	<i>14</i>	<i>24</i>	<i>10</i>	<i>\$50,000</i>
<i>Wasley St Plan M</i>	<i>Fitzgerald St to ROW</i>	<i>90 deg</i>	<i>north & south</i>	<i>6</i>	<i>18</i>	<i>12</i>	<i>\$25,000</i>
<i>Forrest St Plan N</i>	<i>Fitzgerald to ROW</i>	<i>90 deg</i>	<i>north & south</i>	<i>8</i>	<i>19</i>	<i>11</i>	<i>\$40,000</i>
<i>Total possible additional number of 'on road' parking bays</i>						<i>51</i>	<i>\$200,000</i>

Consultation and a public meeting was held in February regarding the Mt Lawley/Highgate locations and stakeholders consulted. Consultation has also been undertaken regarding the Leederville proposal. A report of the outcomes will be prepared for the Council's consideration in on 28 February 2012.

DETAILS:

Car Parking Strategy: North Perth

The report to Council on 8 November 2012 indicated that The Car Parking Strategy, specific to the North Perth Precinct, concluded that:

“parking supply in the area is sufficient for current demand. Peak time occupancy in most streets and the View Street car park does not generally exceed 55%. Although some streets such as Woodville and Fitzgerald appear to be more popular, there is generally always available parking within a 350m (<5 minute) walk of Fitzgerald Street.”

North Perth Business Representative requests:

Business representatives from the North Perth Business District met with the City's officers and expressed concerns that additional parking in North Perth had been *deferred as it is not deemed a priority*.

They were advised that the matter would be considered in February 2012, as per the Council decision.

Previous angle parking implementation:

As previously reported to the Council, on road angle had been progressively provided at the following locations:

Street	Section	Type	Side	Existing (parallel)	New (90 deg)	NET gain
View St	Glebe to Fitzgerald	90 deg	south	7	16	9
Woodville St	Angove Street end	90 deg	east	6	12	6
Total additional number of 'on road' parking bays previously implemented						15

Possible additional angle parking:

The following information was presented to the Council at its meeting held on 8 November 2011.

A 'desk top' assessment of possible additional 'on road' angle parking in the streets in North Perth was undertaken as outlined in the following table.

Street	Section	Type	Side	Existing (Parallel)	Proposed (90 deg)	NET gain	Estimated Cost
Glebe St* Plan K	View to Alma	90 deg	East	17	35	18	\$85,000
Woodville St Plan L	ROW to View	90 deg	East	14	24	10	\$50,000
Wasley St Plan M	Fitzgerald to ROW	90 deg	Both	6	18	12	\$25,000
Forrest St Plan N	Fitzgerald to ROW	90 deg	Both	8	19	11	\$40,000
Woodville St** Plan O	Angove to Menzies	90 deg	both	6	15	9	\$45,000
Total possible additional number of 'on road' parking bays						60	\$245,000

Note: * The Council previously resolved not to proceed with the angle parking in Glebe Street due to residents in the street being against the proposal.

** Business representatives requested that consideration be given to changing the existing parallel parking at this location to 90 degree with time restrictions (currently unrestricted)

CONSULTATION/ADVERTISING:

Should the Council decide to progress to the next stage, detailed design would be undertaken on the priority areas, a public forum and Community Consultation with stakeholders would be undertaken in accordance with the City's consultation policy prior further report presented to Council.

A public meeting/forum should be held to consider the proposal and obtain views whether the proposed bays be time-restricted, paid parking etc.

LEGAL/POLICY:

There is no legal consequence of the recommendation. An absolute majority decision is required to reallocate funds.

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

There are no funds allocated in the 2011/2012 budget for additional on road (or off road) parking.

Indicative Costs

As can be seen from the above tables, the indicatives costs of implementing additional parking bays are as follows:

- North Perth = \$245,000 for an additional 60 bays.

As previously reported to the council funding could be provided from a variety of sources depending on the implementation priorities including

- Reallocation of funds from existing capital works projects
- Cash in lieu for parking or
- Other sources to be determined at the midyear budget review.

Alternatively, funds could be listed for consideration in the 2012/2013 Budget for the staged implementation of the additional parking. Once the Council has determined where it wishes to install the new car parking bays, precise costing and funding sources will be determined.

COMMENTS:

Perpendicular on-road parking can be both an efficient and cost effective alternative to dedicated car parks however there are a number of constraints in respect of the land use, road classification, crossovers, street trees, width of road reserve, services in verge and potential impact upon resident amenity.

If all of the above issues can be resolved the ratio of perpendicular spaces to parallel spaces that can be accommodated is generally in the order of 2:1.

It is recommended that community consultation for a period of fourteen (14) days, be undertaken including holding a public meeting/forum regarding the proposal.

9.3.2 Authorisation of Expenditure for the Period 1 – 31 December 2011

Ward:	Both	Date:	3 February 2012
Precinct:	All	File Ref:	FIN0032
Attachments:	001 – Creditors Report		
Tabled Items:	-		
Reporting Officers:	O Wojcik, Accounts Payable Officer; B Tan, Manager Financial Services		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council **CONFIRMS** the;

1. **Schedule of Accounts for the period 1 December – 31 December 2011 and the list of payments;**
2. **direct lodgement of payroll payments to the personal bank account of employees;**
3. **direct lodgement of PAYG taxes to the Australian Taxation Office;**
4. **direct lodgement of Child Support to the Australian Taxation Office;**
5. **direct lodgement of creditors payments to the individual bank accounts of creditors; and**
6. **direct lodgement of Superannuation to Local Government and City of Perth superannuation plans;**

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

COUNCIL DECISION ITEM 9.3.2

Moved Cr Buckels, Seconded Cr McGrath

That the recommendation be adopted.

Discussion ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

DECLARATION OF INTEREST

Members/Officers	Voucher	Extent of Interest
Nil.		

PURPOSE OF REPORT:

To present to the Council the expenditure and list of accounts approved by the Chief Executive Officer under Delegated Authority for the period 1 December – 31 December 2011.

BACKGROUND:

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

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

DETAILS:

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

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Automatic Cheques	071368 - 071543	\$238,540.68
Transfer of Creditors by EFT Batch	1318, 1319, 1321-1324, 1326, 1328, 1329	\$3,757,462.88
Transfer of PAYG Tax by EFT	December 2011	\$238,831.80
Transfer of GST by EFT	December 2011	
Transfer of Child Support by EFT	December 2011	\$702.86
Transfer of Superannuation by EFT:		
• City of Perth	December 2011	\$28,373.36
• Local Government	December 2011	\$105,789.51
Total		\$4,369,701.09
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$5757.80
Lease Fees		\$5,693.90
Corporate Master Cards		\$5,371.18
Loan Repayment		\$112,512.45
Total Bank Charges & Other Direct Debits		\$129,335.33
Less GST effect on Advance Account		0.00
Total Payments		\$4,499,036.42

LEGAL POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2011-2016:

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

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

SUSTAINABILITY IMPLICATIONS:

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

ADVERTISING/CONSULTATION:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENT:

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

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

**9.3.7 Implementation of the City's Economic Development Strategy
2011 - 2016 – Progress Report No. 1**

Ward:	Both	Date:	31 January 2012
Precinct:	All	File Ref:	ADM0067
Attachments:	001 – Economic Development Strategy Implementation Plan		
Tabled Items:	Economic Development Strategy 2011 – 2016		
Reporting Officer:	P McAuliffe, Economic Development Officer		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** Progress Report No. 1, relating to the City's *Economic Development Strategy 2011 – 2016*, and associated Implementation Plan;
2. **ENDORSES** the recommended Stage One Implementation Plan of the City's *Economic Development Strategy 2011 – 2016*, as shown in Appendix 9.3.7; and
3. **APPROVES BY AN ABSOLUTE MAJORITY** the amount of \$10,000 from a source to be determined at the mid-year budget review to commence the implementation of the key actions from the City's *Economic Development Strategy*.

COUNCIL DECISION ITEM 9.3.7

Moved Cr Topelberg, Seconded Cr Carey

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Topelberg, Seconded Cr Carey

That the item be DEFERRED for further consideration.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the progress made in developing and budgeting for the delivery of Stage One Implementation Plan, based on the City's *Economic Development Strategy 2011 – 2016*.

The report also provides options to the Council to fund the recommended Stage One Implementation Plan of the Strategy and seek Council endorsement to allocate funds for the delivery of these initiatives.

BACKGROUND:

At the Ordinary Council meeting on 21 February 2011, the following recommendation was adopted;

"That the Council;

- (i) ADOPTS the Draft Economic Development Strategy 2011-2016, as shown in Attachment 001, in accordance with Clause 47(5)(b) of the Town's Town Planning Scheme No. 1; and*
- (ii) AUTHORISES the Chief Executive Officer to advertise the adopted Economic Development Strategy 2011-2016, as shown in Attachment 001, in accordance with Clause 47(6) of the Town's Town Planning Scheme No. 1."*

DETAILS:

The Economic Development Officer (EDO) role has recently been created and an Officer commenced in the position in late September 2011, in a part time capacity.

The newly created Economic Development Officer position is primarily responsible for the implementation of the City's recently developed Economic Development Strategy 2011 - 2016 (EDS).

Given this is a new role and focus for the City, the EDO has concentrated on studying various strategic documents and background to the EDS, making initial contact with key business and industry stakeholders and preparing and costing a Stage One Implementation Plan.

Given the broad range of actions outlined in the EDS, it is recommended that the initial focus be on what have been termed the 'Town Wide Actions'. The 'Town Wide Actions' have been extracted from the EDS and detailed below, with accompanying information on what each Action entails and the progress of each Action by the City's EDO.

This detail has then been transferred to a simpler Stage One Implementation Plan, which outlines each of the key actions, and the time period for implementation.

Town Wide Actions (extracted from *Economic Development Strategy 2011-2016*)

"1.1 Establish precinct based business groups to provide an opportunity for networking, ongoing feedback and report back to Council." (High – EDO)

Activity:

Initially coordinate bi-monthly meetings with local businesses to be held in cafes within each of the City's five (5) precincts alternating between the five (5) precincts to discuss development issues and opportunities and seek input and feedback on programming.

It will also provide precinct businesses with opportunities to be involved and lead development, marketing and promotional programs. Through facilitating these development activities and working with precinct businesses in a representative group, precincts may be further encouraged to form more formalised precinct business organisations.

It would also provide the opportunity to encourage businesses to join their existing precinct business organisation such as the Beaufort Street Network and North Perth Business Group.

Officer Comments:

This activity is very important on a number of levels in developing relationships with the City's business community and providing opportunities to invite two-way feedback on issues that affect businesses, and issues common to each of the City's precincts.

This was identified as a priority for business stakeholders in the EDS development, with the overarching recommendation that initial activities should focus on networking and capacity building activities for businesses across the City.

This approach will also effectively involve and/or communicate with a significant number of businesses as early on in the process as possible and initiates a positive new way of working and partnering with businesses and stakeholders that has not previously been possible.

The timeline for implementation of business development and networking programs is March/April 2012. This provides enough time to meet with key businesses, gain some understanding of business priorities and City of Vincent and its various precincts as business localities. It will also allow enough to develop a significant start on the business database that will allow the City to communicate and promote precinct activities directly to the majority of businesses.

“1.3 Host regular quarterly precinct based functions/forums to facilitate networking opportunities for business owners and operators active in the City.” (High – SPU, EDO)

Activity:

Coordinate quarterly–networking/professional development sessions conducted on a rotating basis in each of the City’s five (5) precincts, inviting special business development guest presenters. Each precinct then has an opportunity to play host and showcase their precinct to businesses from other parts of the City.

Officer Comments:

The type of business development programs delivered would include current topics, for example; Social Media, Branding Your Business, Sales Growth, On Line Selling, Financial Dynamics and Managing People for Results.

Costs would be kept to a minimum for participants approximately \$35 per session through subsidies from the Council as actual costs given the requirement for room hire, presenter and refreshments equates to \$65 per person.

“1.2 Develop a portal or directory of businesses located within the City of Vincent” (Medium EDO, MIT/External Consultant) (IT consultant costs)

Activity:

The aim of the above Action is for the Council to have the capacity to promote businesses through the development of a business portal or directory. One of the main aims of any business development activity undertaken by Councils is also to understand the business environment.

Our primary need however in rolling out the EDS, is to have a contact database for all economic development activity the City undertakes with businesses. Each of the above goals requires that the City have a reliable database of businesses across the City. Currently we have very limited access to business data or contact information.

The EDS has identified the business directory as a medium priority and understandably the promotion of businesses and website development is a progressive goal given this is a new initiative for Council. However the capacity to communicate with businesses in the first instance and promote the business development actions listed as high in the EDS requires a complete a list as possible of businesses with contact details.

Without this as a starting point we cannot understand our business environment nor communicate with them. It is therefore recommended that a business database (which could form the bases of an external business directory) be considered a high priority and the basic foundation of all business communication and activity.

Officer Comments:

Extensive research has revealed that current local data on businesses across the City is limited or not complete and what does exist is not directly accessible to the City.

Information through the Australian Business Directory also has many limitations in that business information also relates to companies and trusts not necessarily the street level businesses who we need to communicate with. Most business databases are membership driven or provide significant promotional incentives to register and take many years to populate with meaningful data.

Local Government Authorities can work with their local Chambers, Business Groups and other organisations who have already collected the data. In the case of Vincent, options are very limited in this regard. In incidences where overarching business groups do not exist or hold the complete data Local Government Authorities have utilised a business consulting company to actively collect and collate the street level business data.

The collated database would also provide the basis of a promotional City of Vincent business directory or website and would be highly useful to existing business groups.

As it is important to take every opportunity to liaise and connect with businesses the City's EDO would also dedicate (approximately 3 hours x 5 precincts = 15 hours), to participate in each of the Precinct collections.

"1.6 Continued collaboration with the City of Perth around the encouragement of local creative and entrepreneurial activities" (High EMT, EDO)

Activity:

There are a range of strategic activities within the EDS that need to be linked or would benefit from being linked in a collaborative approach working with the City of Perth, and other comparative Local Government Authorities. Initial contact with the City of Perth Economic Development Officers has confirmed a high level of interest in collaborative approaches to marketing, development, tourism, promotion events and other collaborative business development activities.

Officer Comments:

Investigations are currently being conducted regarding facilitating a city and inner city economic development group with the City of Perth, the City of Subiaco, the Town of Victoria Park and the City of South Perth and other comparative inner City Local Government Authorities, as a platform to discuss and progress a range of opportunities that relate to the above. This group could also be utilised to lobby State government on issues of tourism and business development concerns related to inner city development, marketing and promotion. Initial discussions and meetings with the City of Perth Economic Development Officers resulted in high interest to a collaborative approach, particularly in relation to branding and marketing of Perth City and surrounding inner city commercial precincts. Having met with representatives of the Beaufort Street Network and the North Perth Business groups, they have also expressed high interest in facilitating collaborative approaches to State government to initiate marketing programs and activity for inner city commercial precincts.

This activity meets a range of other high priority actions outlined throughout the EDS for the City's five (5) commercial precinct areas. This relates to promoting all precincts as safe and diverse cultural experiences and developing long term marketing strategies that link with the Leederville Masterplan pursuing marketing partners and developing a marketing strategy and brand for the Mount Lawley/Highgate area. Encapsulated in this activity would also be other high priority actions in facilitating the establishment of weekend events, special markets that relate to specific precincts and pursuing partnerships with City of Perth and City of Stirling to coordinate street activities and special events, where they adjoin other Local Government Authorities.

“2.4 Develop mentoring and business support services (management, marketing, taxation etc.) for SME’s and home based businesses at the City of Vincent Library and Local History Centre.” (High MLLHS, MCD, EDO)

Activity:

Work with the Business Growth Centre and the Small Business Centre Networks to deliver and promote City of Vincent specific business mentoring programs one on one and group sessions at the City’s Library and Local History Centre.

Groups would be conducted for a duration of three (3) months and delivered fortnightly, with the aim of being scheduled every three months. The programs would be suitable for experienced small businesses owners with the capacity to actively participate in a quality structured business development and planning process.

One on one mentoring would be promoted and made available through the City of Vincent branded mentoring program. Programs would commence March/April 2012 allowing enough time to develop a significant start on the business data base and promote this activity directly to businesses.

Officer Comments:

The key to this activity is the ability to communicate and promote the programs to businesses across the City. The development of an in-house business database would reduce the need for multiple communication strategies and advertising as businesses could be emailed all information and promotion material directly.

“2.5 Investigate a special role for businesses to promote precinct based festivals and examine ways to fund events e.g. through special levies or sponsorship.” (Medium MCD, EDO, EMT) (Consultant fees to investigate the levy)

Activity:

Work with festivals, local businesses and the City’s Manager Community Development and the Executive Management Team for first year as indicated in the EDS to ascertain feasibility of levy or sponsorships with the aim to progress 2013/2014.

Officer Comments:

It will be important to use the first twelve (12) months to establish relationships with businesses and assess their interest, capacity and priorities. The development of precinct based branding and marketing plans as outlined in 1.6, will also support identifying funding sources for event and marketing activities, which has been identified as a high priority by businesses.

“2.7 Identification of potential ‘cluster networks’ that could benefit from targeted collaboration e.g. government administration or cultural precincts” (Medium EDO, EMT)

Activity:

Utilise initial twelve (12) months to work with businesses to identify potential cluster networks across the City through meetings, business liaison and assessment of economic development opportunities.

Officer Comments:

The development of a business database would provide a starting point in ascertaining the City’s business composition. This activity could also require investment in some specific economic profiling to better understand particular industry gaps and opportunities.

Once identified, meetings could be arranged with selected industry sectors to investigate interest and feasibility of forming cluster networks (such as education and civic groups) in 2013.

Budget Request for Town Wide Actions and Activities

To implement the above recommended Town Wide Actions extracted from the City's *Economic Development Strategy 2011 – 2016*, the following items with accompanying justification are detailed below.

1. Database/Business Directory and Business Benchmarking

The estimated costs are based on similar undertakings for other Local Government Authorities to develop a business database using a business/economic development consulting company.

This price is very competitive and two (2) options are listed below.

Total Cost: \$12,000 per 1000 businesses for data collection
 (\$24,000 for 2000 businesses)

Additional data base entry: \$1,200 per 1000 entries and \$2,400 for 2000 entries.

Indicative costs for this item: = \$26,400

Proceeding with this item is considered essential in order to develop communication channels and an accurate picture of the business community across the City as early on as possible in the commencement of work with the EDS.

Costs would be less if there are under 2000 businesses across the City.

2. Networking/Professional Development sessions coordinated quarterly alternating in each of the City's five (5) precincts.

This entails working with specialist business training providers and the Small Business Centre Stirling to deliver City of Vincent specific business development programs.

The estimated cost for this activity is based on partially subsidising the costs of delivering programs in order to offer incentives for City of Vincent businesses to take part.

This will also make the programs Vincent specific and brand the events as City of Vincent business development activities, whilst providing meaningful networking opportunities across the City's five commercial precincts.

Indicative costs for this item: Professional Development Seminars/Networking (quarterly) = \$3,000 (to the end of this financial year)

3. Mentoring programs one on one and group sessions at the City's Library and Local History Centre

This involves working with the Business Growth Centre and the Small Business Centre to deliver and promote City of Vincent specific business mentoring programs one on one and group sessions at the City's Library and Local History Centre.

The estimated cost for this activity is based on partially subsidising the costs of delivering programs in order to offer incentives for City of Vincent businesses to take part and to more effectively brand the events as City of Vincent business development activities.

Indicative costs for this item: Mentoring Programs two (2) Groups conducted in succession = 18 businesses three (3) monthly, (conducted fortnightly subsidised at \$25.00 per session) = \$5,400 (to August 2012).

4. Precinct Networking Coffee Meetings in Precincts

The costs for this item are based on twenty (20) business representatives attending a networking meeting to be held in a cafe within each of the City's five (5) precincts alternating between precincts on a bi-monthly basis.

The City of Vincent would cover the cost of approximately \$6.00 per person for refreshments totalling \$120.00 a session.

Indicative costs for this item: Bi-monthly Precinct Networking Coffee Meetings = \$360 (to the end of this financial year).

5. Advertising, Design and Promotion

There is a high need to communicate effectively with businesses from the outset in delivering new business development programs to the City's businesses. Therefore, a significant level of promotion will be required to effectively market programs and inform businesses about the City's new approach to economic development.

A budget is therefore required to cover these costs and effectively reach the target audience early on the process.

Indicative Costs for this Item: Advertising Design Promotion = \$6,500 (to the end of this financial year).

Summary of estimated costs

No.	Item	Cost
1	Data Base/Business Directory	\$26,400 2012/2013
2	Professional Development Seminars/Networking (quarterly)	\$3,000 (to June 2012)
3	Mentoring Programs (18 per group conducted quarterly two groups in six month period)	\$5,400 (to August 2012)
4	Precinct Networking Coffee Meetings (bi- monthly)	\$360 (to June 2012)
5	Advertising Design Promotion	\$6,500 (to June 2012)
TOTAL ESTIMATED COST		\$41,660

CONSULTATION/ADVERTISING:

Consultation through various mediums was undertaken in the development the City's *Economic Development Strategy 2011 – 2016*, in 2010.

LEGAL/POLICY:

Not Applicable.

RISK MANAGEMENT IMPLICATIONS:

Not Applicable.

STRATEGIC IMPLICATIONS:

The support of the Initial Implementation Plan and Budget based on the City's *Economic Development Strategy 2011 – 2016*, is in keeping with the City's *Strategic Plan 2011 – 2016*, as follows:

"Economic Development

Objective 2.1: Progress economic development with adequate financial resources.

2.1.2 Enhance and maintain the character and heritage of the City.

- 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.*
- 2.1.3 *Develop business strategies that reduce reliance on rates revenue.*
- 2.1.4 *Implement the Leederville Masterplan and West Perth Regeneration Project.”*

SUSTAINABILITY IMPLICATIONS:

It is considered that the implementation of the City's *Economic Development Strategy 2011 - 2016* will assist to sustain the long term growth and development of Town Centres and the businesses within them across the City.

FINANCIAL/BUDGET IMPLICATIONS:

The budget requirements to facilitate the implementation of the City's *Economic Development Strategy 2011 – 2016* are outlined in the 'Details' section above.

The budget requests have been itemised as they relate to the key actions of the City's Economic Development Strategy. Accordingly, Council consideration is requested for the items identified.

Currently there are no funds allocated to the City's Economic Development Strategy account.

COMMENTS:

The implementation of the City's *Economic Development Strategy 2011 – 2016* requires that activities be progressed in line with the recommendations in the Strategy of high to medium priority.

In order to move forward with delivering the EDS effectively, some key areas need to be budgeted for in line with the program being a new activity focus for the City and the part time capacity of the EDO.

A fundamental activity that needs to be budgeted for is the development of a contact business database as this would provide the primary source of information and communication with which to deliver the Strategy.

Conducting a range of subsidised professional development and networking programs early in the delivery of the Strategy will open the lines of communication with businesses across the City and assist in the development of businesses and precincts as identified in the EDS.

Other basic operational activity costs have been provided at this early stage to implement the Strategy and need to be provided in the interim given no budget currently exists.

Activities will be assessed as the program is implemented in the first six (6) months and more detailed budgets will be provided in the 2012/2013 budget process.

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

Ward:	All Wards	Date:	31 January 2012
Precinct:	All Precincts	File Ref:	ENS0105
Attachments:	001 – Perth Metropolitan Homeless Response Workshop: Final Report		
Tabled Items:	Nil		
Reporting Officers:	M Wood, Acting Manager Ranger and Community Safety Services; P Betts, Acting Co-ordinator Safer Vincent		
Responsible Officer:	J MacLean, Acting Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

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

Discussion ensued.

Cr Carey departed the Chamber at 8.37pm.

Discussion ensued.

COUNCIL DECISION ITEM 9.4.1

Moved Cr Maier, Seconded Cr Harley

That the recommendation be adopted.

Debate ensued.

Cr Carey returned to the Chamber 8.40pm.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Maier, Seconded Cr Topelberg

That the item be DEFERRED to for further consideration.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

PURPOSE OF REPORT:

The purpose of this report is to detail the findings of the Perth Metropolitan Homelessness Response Workshop, to seek in principal support for the recommended actions it contains, to seek approval for the ongoing clerical support to the Parks People Project Working Group and to nominate an elected member representative to attend the Parks People Project Working Group on behalf of the City of Vincent.

BACKGROUND:

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

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

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

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

DETAILS:

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

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

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

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

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

1. Urgent need for a night shelter

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

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

2. Develop a directory of services

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

3. Better communication between services

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

4. Expand assertive outreach services

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

5. Develop visitor (short term) accommodation

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

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

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

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

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

SUSTAINABILITY IMPLICATIONS:

The issue of homelessness and why people continue to present in the City's Parks and Public space is ongoing and extremely complex, with no apparent quick or easy solutions. Participating in a partnership approach to reducing the negative issues associated with homelessness is a sustainable way for the City of Vincent to play an important role.

FINANCIAL/BUDGET IMPLICATIONS:

The only financial implications currently associated with this report are the continued provision of clerical support to the PPPWG and the provision of a meeting venue for the regular meetings.

COMMENTS:

The City has demonstrated a long-standing, proactive role in dealing with homelessness in local parks and public space. This report updates the Council and Elected Members with the latest changes to the strategies being both employed and recommended. The City, along with State and Federal Government Agencies, is assisting in the amelioration of the very complex issue of homelessness. Noting the City's current history in this area the recommendations contained within this report are recommended for approval.

**9.5.3 Strategic Plan 2011-2016 – Progress Report for the Period
1 October 2011 – 31 December 2011**

Ward:	-	Date:	3 February 2012
Precinct:	-	File Ref:	-
Attachments:	001 – Strategic Plan Quarterly Progress Report		
Tabled Items:	-		
Reporting Officer:	A Radici, Executive Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council RECEIVES the progress report on the Strategic Plan 2011-2016 for the period 1 October 2011 – 31 December 2011, as shown in Appendix 9.5.3.

COUNCIL DECISION ITEM 9.5.3

Moved Cr McGrath, Seconded Cr Harley

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

PURPOSE OF REPORT:

The purpose of this report is to provide a quarterly report to the Council to keep it informed of the various strategies in the City's Strategic Plan for the period 1 October 2011 – 31 December 2011.

DETAILS:

Progress reports are reported to Council for each quarter as follows:

Period	Report to Council
1 January - 31 March	April
1 April - 30 June	July
1 July - 30 September	October
1 October - 31 December	February

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

The Council adopted its Plan for the Future at the Ordinary Meeting of Council held on 12 May 2009. The City's Strategic Plan forms part of the Plan for the Future. It is not a legal requirement to have a Strategic Plan, however, it is considered "Best Practice" management that a Strategic Plan be adopted to complement and be linked and aligned to both the Principal Activities Plan and Annual Budget.

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

The Strategic Plan provides the elected Council and administration with its aims, goals and objectives (key result areas) for the period 2011-2016. The reporting on a quarterly basis is in accordance with the Strategic Plan 2011-2016 Key Result Area.

This is in keeping with the City's Strategic Plan 2011-2016 - *"Leadership, Governance and Management"*, in particular, Objective 4.1.2 - *"Manage the Organisation in a responsible, efficient and accountable manner"*.

SUSTAINABILITY IMPLICATIONS:

Nil

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The progress report for the Strategic Plan indicates that the City's administration is progressing the various strategies in accordance with the Council's adopted programs and adopted budget.

9.5.4 Delegations for the Period 1 October 2011 to 31 December 2011

Ward:	Both	Date:	3 February 2012
Precinct:	All	File Ref:	ADM0018
Attachments:	001 – Delegation Reports		
Tabled Items:	-		
Reporting Officers:	J MacLean, Manager Ranger and Community Safety Services; P Morrice, Team Leader Ranger Administration		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

1. **ENDORSES** the delegations for the period 1 July 2011 to 30 September 2011 as shown at Appendix 9.5.4; and
2. **APPROVES BY AN ABSOLUTE MAJORITY** to write-off infringement notices/costs to the value of \$36,480 for the reasons as detailed below:

<u>Description</u>	<u>Amount</u>
Breakdown/Stolen (Proof Produced)	\$270
Details Unknown/Vehicle Mismatched	\$230
Equipment Faulty (Confirmed by Technicians)	\$1,260
Failure to Display Resident or Visitor Permit	\$14,830
Interstate or Overseas Driver	\$150
Ranger/Administrative Adjustment	\$7,160
Signage Incorrect or Insufficient	\$2,365
Ticket Purchased but not Displayed (Valid Ticket Produced)	\$4,680
Other (Financial Hardship, Disability, Police On-duty, Etc)	\$4,455
Penalties Modified	\$0
Litter Act	\$400
Dog Act	\$150
Health Act	\$0
Pound Fees Modified	\$530
TOTAL	\$36,480

COUNCIL DECISION ITEM 9.5.4

Moved Cr Topelberg, Seconded Cr Maier

That the recommendation be adopted.

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

PURPOSE OF REPORT:

The purpose of this report is to provide a quarterly progress report of the delegations exercised by the City's Administration for the period 1 October 2011 to 31 December 2011 and to obtain the City's approval to write-off infringement notices.

BACKGROUND:

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

The purpose of delegating authority to the Chief Executive Officer is to provide for the efficient and orderly administration of the day to day functions of the Local Government. The Chief Executive Officer, Directors and specific Managers exercise the delegated authority in accordance with the Council's policies.

DETAILS:

The area which results in most Infringement Notices being withdrawn for this quarter is that of where a resident or visitor was not displaying the necessary permits. While the offence is "Failure to Display a Valid Permit", it is not considered appropriate to penalise residents and their visitors, since the primary purpose of introducing Residential Parking Zones is to provide respite to them.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Section 5.42 of the Local Government Act 1995 gives power to a Council to delegate to the Chief Executive Officer the exercise of its powers and functions; prescribes those functions and powers which cannot be delegated; allows for a Chief Executive Officer to further delegate to an employee of the City; and states that the Chief Executive Officer is to keep a register of delegations. The delegations are to be reviewed at least once each financial year by the Council and the person exercising a delegated power is to keep appropriate records.

It is considered appropriate to report to the Council on a quarterly basis on the delegations utilised by the City's Administration. A copy of these for the quarter is shown at Appendix 9.5.4.

RISK MANAGEMENT IMPLICATIONS:

Low: It is a statutory requirement to report matters approved under Delegation Authority to the Council.

STRATEGIC IMPLICATIONS:

The above is in accordance with the City's *Strategic Plan 2011-2016* - Objective 4.1.2 (a) states:

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The Council's Auditors recommend that infringement notices be reported to the Council for a decision to write-off the value of the infringement notice. In these cases, it is the opinion of the Co-ordinator Ranger Services and/or the Parking Appeals Review Panel that infringement notices cannot be legally pursued to recover the money or it is uneconomical to take action as this will exceed the value of the infringement notice.

COMMENTS:

It is recommended that the delegations be endorsed by the Council and the write-off of the Infringement Notices be approved.

9.5.5 City of Vincent Dogs Amendment Local Law 2012 – Consideration of Submission and Adoption of Amendments

Ward:	Both	Date:	3 February 2012
Precinct:	All	File Ref:	LEG0009
Attachments:	001 – Local Law Amendment		
Tabled Items:	-		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

1. **NOTES** that pursuant to **Section 3.16 of the Local Government Act 1995** the City has advertised its local law and that one (1) submission in favour of the proposal was received at the close of the statutory six (6) week public consultation period; and
2. pursuant to section 3.12 of the Local Government Act 1995 **APPROVES BY AN ABSOLUTE MAJORITY to ADOPT** a new Local Government Dogs Amendment Local Law 2012 as shown in Appendix 9.5.5 to provide for the regulation, control and management of the keeping of dogs within the district.

COUNCIL DECISION ITEM 9.5.5

Moved Cr Pintabona, Seconded Cr Topelberg

That the recommendation be adopted.

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

PURPOSE OF REPORT:

The purpose of the report is to advise the Council that one (1) submission was received at the conclusion of the six (6) week statutory public consultation period of the proposed amendments to the City's Dogs Local Law and for the Council to adopt the Dogs Amendment Local Law 2012.

BACKGROUND:

At the Ordinary Meeting of Council held on 8 November 2011, the Council considered the matter and resolved to approve of amendments to its Local Law and advertise this for a public consultation.

Submission Received

One (1) written submission was received and is summarised as follows

"I write to strongly support the proposed amendment to add Loton Park to Schedule 5 of the City of Vincent Dogs Local Law.

Loton Park is currently underutilised, and it would be wonderful to see it able to be used by more residents by allowing it to be used by dog owners. As it is on a slope it is unsuitable for sporting activities, and it does not have a playground for children, which restricts the potential users of the park. It is a relatively suitable place for dogs, being fenced and having interesting landscaping. I do note that it is on the corner of two busy roads, and any effort that can be made by the Council to ensure the safety of animals and road users should be encouraged.

I would, however, strongly support the placement of dog waste disposal bins and combined human/animal drink fountains in the park (as are in Jack Marks Reserve and Forrest Park) to improve amenity for dog owners and others using the park.

I also note that my support for Loton Park becoming an off leash dog exercise area is based on the understanding that the Scheduling of Loton Park will not result in any restrictions being placed on the use of Forrest Park or Jack Marks Reserve as dog exercise areas.

Whilst it would be wonderful to have an additional, alternative dog exercise area at Loton Park; as the largest park in the Highgate area, with fencing, mature trees and quiet roads buffering three sides of the park, Forrest Park is still the most appropriate reserve in the area for dog exercise. I would encourage the City of Vincent to take all measures to ensure Forrest Park remains an off leash exercise area, and to maximise the ability of residents to use that park for passive recreation (including children's informal play and personal training). The ability of residents to use that park for informal purposes is currently severely curtailed by its overuse as a sporting ground.

I encourage the City of Vincent to consider making the Southern end of Forrest Park a permanent dog exercise and passive recreation area, limiting official sporting activities to the middle and northern parts of the park.

Should you wish to contact me about my submission, I can be reached at [information withheld for privacy reasons].

*Yours sincerely,
Clare Lakewood*

Department of Local Government Comments

Comments were also received from the Department of Local Government as follows:

"City of Vincent Dogs Amendment Local Law 2012"

1. *Title changes*

The Dog Act 1976 should be placed above the title of the local law, since it is one of the empowering pieces of legislation by which the local law is enacted.

It is also suggested that the title of the local law should include "2012" since the local law is most likely to be adopted early next year.

2. *Enacting provision*

It is suggested that the Dog Act 1976 should be included in the enacting provision of the local law after the reference to the Local Government Act.

The City should also ensure that the correct date is included in the enacting provision after the local law is formally adopted.

The date in the draft is currently incorrect, since the local law has not formally been made yet. The correct date will be the day on which the Council resolves to make the local law as proposed.

3. *Schedule 5*

The title format for Schedule 5 should be as follows:

Schedule 5 – Dog exercise areas during specified times
[Clause 5.2(1)(b)]

4. *Additional amendments*

After checking the principal local law, it appears that several issues are likely to attract the Delegated Legislation Committee's attention.

- *Clause 5.1 does not refer to section 8 of the Dog Act 1976 or section 66J of the Equal Opportunity Act 1984. It is suggested that the clause should be amended to read:*

"(1) Subject to Section 8 of the Act and Section 66J of the Equal Opportunity Act 1984, dogs are prohibited absolutely from entering or being in any of the following places-

- *Clause 5.1(1)(c) uses obsolete terminology and refers to the repealed Health (Food Hygiene) Regulations 1993.*

It is suggested that the subparagraph be reworded as follows:

"(c) all food premises and food transport vehicles;"

It is also suggested that the City insert the following additional definitions into clause 1.6 in alphabetical order:

food premises *means any premises or vehicle in which a food business, as defined in section 10 of the Food Act 2008, is being carried on;*

food transport vehicle *has the meaning given to it in the Food Act 2008;*

- *Clause 4.9 sets a penalty of \$2000 and a \$200 daily penalty where the offence involves a dangerous dog. This is inconsistent with section 27(2) of the Dog Act 1976, which sets a penalty of \$1000 and daily penalty of \$100 regardless of whether the dog is dangerous or not.*

It is suggested that the words "Where a dog involved in the contravention is a dangerous dog, \$2,000 and a daily penalty of \$200; otherwise" should be deleted from that clause.

- *The final line of Schedule 3 has the effect of making every offence under the local law into a prescribed offence.*

Section 9.16(2) of the Local Government Act states that offences can only be prescribed when they are minor, or involve simple issues of fact or law. The Committee may feel that it is not desirable to treat every offence as a prescribed offence.

It is suggested that the final line for "All other offences not specified" should be removed from Schedule 3."

Chief Executive Officer's Comments:

The Department's comments and suggestions are supported and have been incorporated into the Local Law amendment.

Other minor changes have been made to correct grammar, punctuation and drafting style. These do not change the intent of the local law and in the opinion of the City's solicitors should proceed for adoption.

CONSULTATION/ADVERTISING:

The City's proposed Dogs Amendment Local Law was advertised in "*The West Australian*" Newspaper on 10 November 2011, in a local newspaper on 15 November 2011 and on the City's website. Copies were also sent to Precinct Groups and a local public notice was displayed on the official Notice Board.

At the close of the six (6) week public consultation period on 23 December 2011, one (1) written submission was received in favour of the proposal.

LEGAL/POLICY:

- Local Government Act 1995 (as amended);
- Dog Act 1976; and
- City of Vincent Dogs Local Law 2007 (as amended).

Section 51(bb) of the Dog Act 1976 authorises a local government to create a dog exercise area, under such conditions as it requires. This clause states:

"51. Local law making powers

A local government may so make local laws –

(bb) specifying any public place or class of public place, being a place that is under the care, control and management of the local government, as a dog exercise area for the purposes of sections 31 and 32;"

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

In keeping with the City's *Strategic Plan 2011 – 2016*, Objective 3.1.5(b) states:

"Deliver a range of leisure programs to encourage structured and unstructured recreation in the community."

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

There will be a need to erect appropriate signage throughout the park, and installation of site collection bags and disposal bins on the reserve. The matter will also need to be advertised to inform the community. The estimated cost is \$1,000 and will be funded from the Loton Park operating budget.

COMMENTS:

Loton Park is currently under-utilised, except for nib Stadium related events. The proposal to create an "off-leash" dog exercise area for use when the reserve is not being used for official events, sports training or other activities approved by the City, may result in a reduction in graffiti vandalism, due to better passive surveillance. It may also improve the situation for Forrest Park and Jack Marks Reserve.

Now that the statutory consultation period has been completed and one (1) submission received in favour, it is recommended that the City of Vincent Dog Amendment Local Law 2012 be adopted, subject to the amendments recommended by the Department of Local Government.

9.5.9 Appointment of City's Auditor and Approval of Quotation for External and Internal Audit Services

Ward:	-	Date:	6 February 2012
Precinct:	-	File Ref:	FIN0001
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	M Rootsey, Director Corporate Services		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **APPROVES BY AN ABSOLUTE MAJORITY** the recommendation of its Audit Committee to:

1. **ACCEPT** the quote submitted by Macri Partners as the most acceptable to the City for the provision of External Audit Services to the City for the period 2011/12 – 2013/14 financial years with an option of a further two years;
2. **ACCEPT** the quote submitted by Grant Thornton for provision of Internal Audit Services to the City for the period 2011/12 – 2013/14 financial years with an option of a further two years; and
3. **APPOINT** Mr Anthony Macri of Macri Partners as the City of Vincent auditor for the three year period from 1 July 2011 to 30 June 2014, pursuant to section 7.3 of Division 2 of Part 7 of the Local Government Act 1995.

Moved Cr Maier, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Pintabona

That clause 2 be amended to read as follows:

- “2. **ACCEPT** the quote submitted by ~~Grant Thornton~~ **Haines Norton** for provision of Internal Audit Services to the City for the period 2011/12 – 2013/14 financial years with an option of a further two years; and”

Debate ensued.

Cr Maier informed the Council that when the Item was considered at the Audit Committee, he moved an amendment to change the Auditor for internal audit services. He erroneously recommended “Grant Thornton”, when he meant to recommend “Haines Norton”.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (9-0)

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

COUNCIL DECISION ITEM 9.5.9

That the Council **APPROVES BY AN ABSOLUTE MAJORITY** the recommendation of its Audit Committee to:

1. **ACCEPT** the quote submitted by Macri Partners as the most acceptable to the City for the provision of External Audit Services to the City for the period 2011/12 – 2013/14 financial years with an option of a further two years;
2. **ACCEPT** the quote submitted by Haines Norton for provision of Internal Audit Services to the City for the period 2011/12 – 2013/14 financial years with an option of a further two years; and
3. **APPOINT** Mr Anthony Macri of Macri Partners as the City of Vincent auditor for the three year period from 1 July 2011 to 30 June 2014, pursuant to section 7.3 of Division 2 of Part 7 of the Local Government Act 1995.

PURPOSE OF REPORT:

To consider the report prepared for the City's Audit Committee to appoint an Auditor for the City and accept the external and internal audit services quotation from Macri Partners.

BACKGROUND:

The City invited quotes from five (5) audit firms listed on the West Australian Local Government Association (WALGA) preferred supplier list for auditors

The firms were:

- Deloitte Touche Tohmatsu;
- Grant Thornton;
- Haines Norton;
- Macri and Partners; and
- Paxon Group.

The quotes were required to be received by the City on 27 January 2012.

DETAILS:

Deloitte Touche Tohmatsu advised by email that they would not be submitting a quote as they were not in a position to commit the necessary resources to the work required for both internal and external audits.

All of the other audit firms submitted a quote and the details of the quotes are listed together with a summary table of price estimates and rates.

Details of Quotes:

Macri Partners

Pricing - External Audit

Audit Visit:

It is envisaged that the duration of the audit visits would be as follows:

Interim:	March – June	2 Days	Audit Senior
		2 Days	Audit Assistants
		2 Days	Audit Manager
		1 Day	Audit Partner
	Total	16 Man Days	

Commence final audit within two weeks of notification of Financial Statements being ready and provide the audit report within one week of completion of the audit.

Specific timing of our audits visits will be finalised with the Council.

Time Allocations:

Staffing	No hours	Hourly Cost (ex GST)	Total Cost (ex GST)
Partner	15	\$280	\$4,200
Manager	30	\$220	\$6,600
Senior	38	\$160	\$6,080
Assistant	37	\$120	\$4,440
Total	120		\$21,320

The above hours would be required to undertake the audit of the Council.

However with our knowledge of the local government systems and with our experienced staff who are familiar with the Council audit, we will be able to discount our fee without reducing the hours and perform the audit at the fees as stated in the table.

Pricing: Additional Services:

Services maybe required by the Council for specific projects (grant acquittals, etc) and other services relating to the provision of technical advice, tax advice(GST and FBT) and such like.

Depending on the size and complexity of the services we would envisage the use of either partner, manager, senior or assistant.

The hourly rates by staff are:

Position	Rate per Hour (ex GST)
Audit Partner	\$280
Audit Manager	\$220
Audit Senior	\$160
Audit Assistant	\$120

(Note - This is in accordance without WALGA Preferred Supplier Agreement).

The above rates are fixed for a minimum term of 12 months from the commencement of the contract. Thereafter, the hourly rates for each personnel will be increased each financial year by CPI or \$5, whichever is the greater.

Audit Committee Representation:

The Audit Partner or his Representative may attend the audit committee meetings as and when requested. Fees will be charged base on an hourly rate as disclosed above.

We wish to point out that as part of our audit service, we would provide at no cost to the Council answers to taxation and other queries which could be provided over the telephone and within a reasonable time frame.

Pricing Internal Audit:

As per the requirements of the quotation specification, the internal audit consists of the appropriateness and effectiveness of the financial management system and procedures of the Local Government.

The overall objective of the function is to assist the Chief Executive Officer of the City of Vincent in the effective discharge of his financial management duties, more specifically under regulation 5(2) (c) of the Local Government (Financial Management) Regulations 1996.

The quote takes into account the below stages involved:

- Drafting internal audit work program;
- Discussions and approval;
- Performance of internal audit function; and
- Draft report discusses and provides final report.

The price is provided for the review to take place over four (4) years by undertaking sectional reviews yearly.

An amount of \$57,000 was estimated over the four (4) years (approximately 380 hours at an average of \$150 per hour).

This cost has been discounted by 16% to \$48,000 which equates to \$12,000 per annum.

An Alternative fee of \$32,000 is offered if the internal audit service is to be performed once per four (4) years, this equates to \$8,000 per annum.

References:

Macri and Partners currently provide audit and other services to twenty one (21) Local Government Authorities.

Apart from the City of Vincent Macri Partners are the current auditors of:

- City of Armadale;
- City of Bayswater;
- City of Belmont;
- City of Canning;
- City of Melville;
- City of Nedlands;
- City of South Perth;
- City of Swan;
- Shire of Kalamunda;
- Shire of Mundaring;
- Shire of York;
- Shire of Cunderdin;
- Town of Bassendean;
- Town of East Fremantle;
- Town of Mosman Park;
- Town of Cambridge;
- Town of Victoria Park;
- Eastern Metropolitan Regional Council;
- Western Metropolitan Regional Council; and
- Tamala Park Regional Council.

Macri Partners is also appointed by the following Local Government Authorities to carry out the internal audit/review:

- City of Bayswater;
- City of Belmont;
- City of South Perth; and
- Town of East Fremantle.

Haines Norton

Pricing - External Audit

Audit conduct in two visits

Interim Visit in the March – May period.

Final visit is scheduled to be:

Mutually convenient.

Within 30 days of being advised that the audit statements are available for audit (subject to mutually convenient travel arrangements and ability to meet the City's deadline).

The audit fee above mentioned scope requirements. In the event of a significant change in the required scope the audit fee may be renegotiated.

Estimated Hours

Interim Visit

Partner	6
Manager/ Supervisor/Senior/Intermediate/ Graduate	42
Planning/Secretarial	2
Total Hours	140

Price is as specified in summary table.

Pricing Internal Audit

The internal audit of the City will consist of a review of the appropriateness and effectiveness of financial management systems and procedures.

As details in the specification, the objective of the internal audit is to complete the review of the City's financial management systems and procedures once every four years by undertaking a sectional review each year.

Estimated Hours

Partner	3
Manager / Supervisor/ Senior/Intermediate/Graduate	40
Planning/Secretarial	2
Total Hours	45

Please note, the fees quoted include the engagement partner meeting with the audit committee on one occasion during the year. Additional meetings will be subject to separate negotiations once the manner of the meeting is determined.

As a minimum, a fee of \$500 applies for preparation and telephone attendance.

Pricing Additional Services:

The hourly rates for Additional Services depend upon the level of advice required. It is difficult to commit a firm per hour price until the exact extent of the level of advice and work required is known.

As at 1 January 2012, indicative rates for this type of work are as follows:

Partner	\$440 - \$550
Manager	\$275
Senior	\$2
Intermediate	\$160
Graduate	\$120

An estimate of the hours and staff level required will be provided based on the scope of work for each task prior to the commencement of each instance.

References:

Haines Norton is the largest auditor of local government in the State and for the year ended 30 June 2011 they were the incumbent auditors for fifty eight (58) local governments and regional councils.

A significant number of these are country councils, however they are the auditors for the following metropolitan councils:

- Town of Claremont;
- Town of Cottesloe;
- City of Gosnells;
- Shire of Peppermint Grove;
- City of Rockingham; and
- City of Subiaco.

Haines Norton also provides the detailed Financial Management Review Services to the majority of their audit clients.

Grant Thornton

Grant Thornton has the largest audit client base of the second tier accounting firms in Western Australia

Pricing: External Audit

Conduct the audit of the City in two visits.
Annual Interim visit is to be held between April and June.
The timing of the final visit is to be agreed with management.

In addition Entrance and Exit Interviews are held with City on the commencement and completion of the audit. Grant Thornton will attend Audit Committee meetings as required.

No details were supplied on the amount of estimated hours would be required to undertake the external or the composition of the staff levels undertaking the work.

Pricing – Internal Audit

The internal audit will be conducted at the same time as the interim visit.

Intend to discuss the internal audit requirements of the City managements.

It is their understanding of the requirements to be a review of internal controls over a few years covering areas such as rates, payroll, payments etc.

No details were supplied of the estimated hours required to undertake the internal audit.

References:

Grant Thornton are the current auditors for twenty (20) local government including the following metropolitan ones:

- City of Perth;
- City of Fremantle;
- City of Stirling;
- City of Joondalup;
- Mandarie Regional Council;
- Town of Kwinana;
- City of Cockburn; and
- City of Wanneroo.

Grant Thornton is also contracted by the Office of the Auditor General to undertake external audits of thirty four (34) Government Agencies.

Paxon Group

The Paxon Group only submitted on the Internal Audit Services. The submission made was for a fully outsourced Internal Audit Service not restricted to financial management.

The specification stated "Internal audits consist of an internal review of the appropriateness and effectiveness of financial management systems and procedures within the City of Vincent."

The summary of the price quotations for the provision of Internal and External Audit Services is provided as a Confidential Attachment to Item 9.5.7 on this Agenda.

Please note - All dollar amounts are excluding GST

The quotes were assessed against the following selection criteria:

Evaluation Criteria	Weighting
<p>Organisation capabilities/key personnel</p> <p>Provide details of experience and ability of the key personnel and their commitments to the contract, in particular:</p> <ul style="list-style-type: none"> • Organisation to demonstrate industry-recognised qualifications and recent experience with contracts of similar size and scope • Company experience in similar works • Percentage of operational capacity represented by this work • Evidence of thorough familiarity with the provisions of the Local Government Act 1995 and the regulations under that Act, which will be considered essential • A personal profile of each person involved in auditing the City's annual financial report • Nomination of personnel conducting audit at each site • Areas where cost savings can be achieved • Any other value items offered (Respondent to list) 	<p>20%</p>
<p>Audit Plan</p> <p>Provide a separate detail Audit Plan for the internal audits and the external audits both which include:</p> <ul style="list-style-type: none"> • Scope of Audit • Timetable of operational areas included within the audit • Including a schedule of rates outlining the proposed charges per hour for each person involved in the audits • The number of hours estimated • The number if audit visits to be conducted per year with the anticipated dates and duration of each visit. • Credentials (i.e. formal qualifications and experience) of key person(s). 	<p>10%</p>

Evaluation Criteria	Weighting
<p>References</p> <p>Provide details of most recent contracts of similar size and scope to this, with client contact names and telephone numbers.</p> <p>Referees will be contacted regarding Respondent's performance and experiences.</p>	<p>20%</p>
<p>Pricing</p> <p>The quoted price will be considered along with related factors affecting the total cost to the City. Early settlement discounts, lifetime costs, City's contract management costs may also be considered in assessing the best value for money outcome.</p>	<p>50%</p>
<p>TOTAL</p>	<p>100%</p>

The provision of audit services will be for the following financial years:

Financial year ended 30 June 2012
 Financial year ended 30 June 2013
 Financial year ended 30 June 2014

Option to renew contract for the following financial years:

Financial year ended 30 June 2015
 Financial year ended 30 June 2016

The person(s) or organisation to conduct the audits shall be experienced and must for the duration of the Contract:

- be a registered company auditor;
- be an approved auditor under the Local Government Act 1995 and any associated regulations under that Act; and
- not be a disqualified person under the Local Government Act 1995 and any associated regulations under that Act.

Internal Audit:

Internal audits consist of an internal review of the appropriateness and effectiveness of financial management systems and procedures of each of the Principals.

- (a) A complete review will take place once every four years by undertaking sectional reviews yearly. There is a requirement for a minimum of one visit per Principal under this option.
- (b) Alternatively the Principal may elect for a complete review to be completed within a timeframe nominated by the Principal.

External Audit:

There is a requirement for a minimum of three (3) audits per year comprising of two (2) visits for the external audit and one (1) visit for the interim audit.

Interim audits, being Phase 1 of the external audit, should occur in the third quarter of each financial year and should mainly concern itself with system compliance, internal controls and the identification of possible risks.

The final audit, being the second phase of the external audit, would take place within two weeks of written notice provided by the Principals that the financial statement are ready for auditing.

Audit Committee Representation:

There is a requirement to attend a maximum of five (5) audit committee meetings for each Principal per year.

Quotation Evaluation:

The quotation evaluation panel consisted of Director Corporate Services, Mike Rootsey, Manager Financial Services, Bee Choo Tan; and Manager Community Development, Jacinta Anthony.

Quotation Summary - External Audit

			Macri Partners	Grant Thornton	Haines Norton
	Weighting	Ranking	1	2	3
1. Organisational structure/capacity to deliver required services/resources	20%		18.67	18.67	18.67
2. Audit Plan-Scope, timetable, schedule of rates, estimated hours and credential.	10%		9	5	7.67
3. References from other persons/organisations	20%		19.33	19.33	19.33
4. Pricing	50%		41.67	45	38.33
Total	100%		88.67	88.00	84.00

External Audit Comments:

Macri Partners

Macri Partners are the City's current auditors for both external and internal audit and have provided an effective and professional service for the duration of the contract.

Macri Partners have provided professional assistance to informal requests without charge when requested. Macri Partners have an extensive experience in local government auditing with an extensive list of local government clients in the metropolitan area.

The quote they have submitted is at a competitive price with the appropriate number of hours required to complete the audit and within the required timeframe.

Grant Thornton

Grant Thornton has the largest audit client base of the second tier accounting firms in Western Australia. They have a number of the large local governments in the State on their current client base and is also contracted to undertake external audits for the State Auditor General Officers for a number of State Government Agencies

Their quote is marginally cheaper than the current incumbents, however the submission did not include the hours required to undertake the audit and therefore the evaluation against that criteria has been reflected to take this into account.

In addition their rates for additional services are higher than Macri Partners.

Haines Norton

Haines Norton is the largest auditor of local Government in the State, the majority of their clients are in the country with a relatively small number of metropolitan Councils.

The firm is very well respected in the local government industry in particular for their value added Services to the Local Government industry in particular is the Model Financial Report and Budget with the Annual Workshop.

The price submitted is the highest even taking into to account the additional hours that they have advised to undertake the audit.

The hourly rate for any additional services is the highest of those submitted, these are not guaranteed but dependant on the level of advice required.

In addition although the fee submitted includes attendance at one Audit Committee the specification for this work requested attendance at all the Audit Committee meeting s the submission from Haines Norton suggested that attendance at any other meeting other than the one included would be on an as required basis but a minimum of \$500 per meeting.

Quotation Summary - Internal Audit

			Macri Partners	Haines Norton	Grant Thornton	Paxon Group
	Weighting	Ranking	1	2	3	4
1. Organisational structure/capacity to deliver required services/resources	20%		18.67	18.67	18.67	18.67
2. Audit Plan-Scope, timetable, schedule of rates, estimated hours and credential.	10%		9	7.33	5	7.33
3. References from other persons or organisations	20%		18.67	18.67	18.67	16.67
4. Pricing	50%		40	40.83	39.17	25
Total	100%		86.33	85.50	81.50*	67.67

* The Audit Committee has recommended that Grant Thornton be awarded the contract for the City's Internal Audit Services for the following reasons:

1. The Audit Committee considered that there was benefit and merit in appointing separate Auditors for the City's External and Internal Audit Services.
2. The quote submitted by Grant Thornton for the Internal Audit Services was considered to provide the "best value for money".

Internal Audit Comments:

Macri Partners

Macri Partners are the current incumbent internal auditors and have provided detailed and professional reports on the internal audits undertaken during the period of the contract.

Their submission is the highest in price however this is due to the hours they have estimated to undertake the work. As the incumbents they would be in the best position to make this assessment, they have estimated their submission on 95 hours annually to undertake the internal audits.

Haines Norton

Haines Norton submission for the undertaking the audits is 45 hours, significantly lower than the number of hours that is currently used in completing the audits. This is the reason for the price being the lowest submitted.

Grant Thornton

This submission provided no details of the number of hours required to undertake these audits.

In the submission the details of the audits were to be agreed with management prior to commencement.

Paxon Group

The submission provided a price for a fully outsourced internal audit function; this was not what was in the specification, which was restricted to financial management systems and procedures.

This accounts for the very high price and the significant number of hours in the submission.

CONSULTATION/ADVERTISING:

Not Applicable.

LEGAL/POLICY:

In accordance with the Local Government (Financial and General) Regulations and Local Government Act 1995, section 7.3 prescribes that the Council is required to appoint a person on the recommendation of the City's Audit Committee to be its Auditor.

STRATEGIC IMPLICATIONS:

Plan for the Future – Strategic Plan 2011 – 2016 – Strategic Objectives

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

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

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

FINANCIAL/BUDGET IMPLICATIONS:

The amount of \$18,100 has been included in the Annual Budget 2011/12 for the external audit and an amount of \$ 11,000 has been included for internal audit.

The amounts of \$18,000 and \$8,000 will be listed for consideration in the Draft 2012/13 Annual Budget for the provision of external and internal audit services respectively.

COMMENTS:

Macri and Partners submission is recommended as it provides the “best value for money” for the provision of external and internal audit services for the City and it is therefore requested that the recommendation be supported.

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 Notice of Motion – Mayor Hon. Alannah MacTiernan – Relating to the Town Planning Scheme Amendment No. 29 and the Draft North Perth Masterplan

REVISED NOTICE OF MOTION:

That the Notice of Motion be withdrawn and a new Notice of Motion be inserted as follows:

That the Council;

1. **HOLDS** in abeyance the City of Vincent:
 - 1.1 **Town Planning Scheme Amendment No. 29** until either the Western Australian Planning Commission consents to advertise the City of Vincent Town Planning Scheme No. 2 or until 30 April 2012, whichever is the sooner; and
 - 1.2 **Draft North Perth Masterplan** until either the Western Australian Planning Commission consents to advertise the City of Vincent Town Planning Scheme No. 2 or until 30 April 2012, whichever is the sooner; and
2. **REQUESTS** the Western Australian Planning Commission to approve of an extension of the 42 day time frame as stated in clause 25AA(6) of the Town Planning Regulations 1967 until either the Western Australian Planning Commission consents to advertise the City of Vincent Town Planning Scheme No. 2 or until 30 April 2012, whichever is the sooner.

Note: The above Notice of Motion was revised and distributed prior to the meeting.

Moved Cr Pintabona, Seconded Cr Maier

That the motion be adopted.

Debate ensued.

AMENDMENT

Moved Cr Topelberg, Seconded Cr Maier

That a new clause 3 be inserted as follows:

- “3. **AUTHORISES** the Mayor and Chief Executive Officer reapproach the Western Australian Planning Commission about the splitting of Glendalough and Claisebrook in the Town Planning Scheme Amendment No. 29 with a view to allowing Glendalough to proceed.”

AMENDMENT PUT AND CARRIED UNANIMOUSLY (9-0)

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

COUNCIL DECISION ITEM 10.1

That the Council;

- 1. HOLDS in abeyance the City of Vincent:**
 - 1.1 Town Planning Scheme Amendment No. 29 until either the Western Australian Planning Commission consents to advertise the City of Vincent Town Planning Scheme No. 2 or until 30 April 2012, whichever is the sooner; and**
 - 1.2 Draft North Perth Masterplan until either the Western Australian Planning Commission consents to advertise the City of Vincent Town Planning Scheme No. 2 or until 30 April 2012, whichever is the sooner;**
- 2. REQUESTS the Western Australian Planning Commission to approve of an extension of the 42 day time frame as stated in clause 25AA(6) of the Town Planning Regulations 1967 until either the Western Australian Planning Commission consents to advertise the City of Vincent Town Planning Scheme No. 2 or until 30 April 2012, whichever is the sooner; and**
- 3. AUTHORISES the Mayor and Chief Executive Officer reapproach the Western Australian Planning Commission about the splitting of Glendalough and Claisebrook in the Town Planning Scheme Amendment No. 29 with a view to allowing Glendalough to proceed.**

BACKGROUND:

It is likely that advertising of TPS No. 2 will be approved by April this year. Mayor Hon. Alannah MacTiernan is of the opinion that it will create considerable confusion in the public if the City has multiple and, to some extent inconsistent, proposals before the public in a short period of time.

Further, the community engagement process on TPS No. 2 will be very time consuming and resource intensive. It would be better to prepare properly for and get community feedback on how we are travelling before the City commits to the Masterplan.

Chief Executive Officer Comments:

The Department of Planning has advised the City of the legislative requirements pertaining to the Town Planning Regulations 1967, in particular clause 25AA(6) which states as follows:

“(6) Within 42 days, or any longer period approved by the Minister or an authorised person, of being notified of any modifications required by the Commission, the local government shall –

(a) if it resolves to proceed with the Amendment –

(i) settle the modifications with the Commission together with any other modifications which appear to be necessary at the time; and

(ii) resubmit the Amendment documents with the required modifications duly carried out;

or

(b) if it resolves not to proceed with the Amendment, notify the Commission in writing of the resolution.”

11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

12.1 WALGA Nominations - Caravan Parks & Camping Grounds Advisory Committee; Coastal Rock Fishing Safety Working Group; Local Health Authorities Analytical Committee; Seniors Ministerial Advisory Group; Trails Reference Group; Department of Environment and Conservation (DEC) Tourism Industry Reference Group

Ward:	-	Date:	3 February 2012
Precinct:	-	File Ref:	ORG0045
Attachments:	001 – WALGA Nomination Details		
Tabled Items:	Nil		
Reporting Officer:	M McKahey, Personal Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That:

1. _____ be nominated as WALGA Member - Caravan Parks & Camping Grounds Advisory Committee (Ministerial Approval - Panel of 3 names requested);
2. _____ be nominated as WALGA Member - Coastal Rock Fishing Safety Working Group;
3. _____ be nominated as WALGA Metropolitan Member - Local Health Authorities Analytical Committee (Ministerial Approval - Panel of 3 names);
4. _____ be nominated as WALGA Member - Seniors Ministerial Advisory Group (Panel of 3 names);
5. _____ be nominated as WALGA Member - Trails Reference Group; and
6. _____ be nominated as WALGA Member - Department of Environment and Conservation (DEC) Tourism Industry Reference Group.

DETAILS:

Please see Appendix 12.1 for further details.

NB:

NOMINATIONS CLOSE OFF EXTENDED TO 5PM THURSDAY 23 FEBRUARY 2012

The Presiding Member, Mayor Hon. Alannah MacTiernan called for nominations.

No nominations were received.

13. URGENT BUSINESS

Nil.

PROCEDURAL MOTION

At 9.03pm **Moved Cr Harley, Seconded Cr Maier**

That Council proceed “behind closed doors” to consider confidential items 14.1, 14.2 and 14.3 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.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

There were no members of the public or journalist present.

PRESENT:

Mayor Hon. Alannah MacTiernan	Presiding Member
Cr Warren McGrath (<i>Deputy Mayor</i>)	South Ward
Cr Matt Buckels	North Ward
Cr John Carey	South Ward
Cr Roslyn Harley	North Ward
Cr Dudley Maier	North Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
Cr Julia Wilcox	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Community Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Helen Smith	Manager Planning and Building Services
Tory Woodhouse	Manager Strategic Planning, Sustainability and Heritage Services
Anita Radici	Executive Assistant (Minutes Secretary)

14. CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED (“BEHIND CLOSED DOORS”)

14.1 CONFIDENTIAL REPORT: No. 71 (Lot 200; D/P: 92012) Edward Street, Perth – Alterations and Additions to Existing Concrete Batching Plant and the Lifting of Time Limited Condition and Extended Hours of Operation (Hanson Batching Plant) – State Administrative Tribunal (SAT) DR 264 of 2011

Ward:	South	Date:	30 January 2012
Precinct:	Claisebrook Road North-P15	File Ref:	PRO4024; 5.2011.243.1
Attachments:	Property Information Report and Aerial Plans		
Tabled Items:	Nil		
Reporting Officer:	B Doyle, Director Planning Solutions (nominated consultant)		
Responsible Officer:	H Smith, Manager Planning and Building Services		

That the Council:

1. Further to the Council’s decision made at it’s Ordinary Meeting of Council held on 22 November 2011 to refuse the application, at the hearing of this matter, **REQUESTS** that if the Tribunal recommends **APPROVAL** to the Minister, that he determine the proceedings on the basis that, in accordance with the provisions of the East Perth Redevelopment Scheme and the Metropolitan Region Scheme, the application submitted by Allerding & Associates on behalf of the owner Hanson Construction Materials 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 26 June 2012 and extended hours of operation (Hanson Batching Plant) at No. 71 (Lot 200; D/P: 1149) Edward Street, Perth, and as shown on plans stamp-dated 19 May 2011, be approved subject to the following conditions:
 - 1.1 This approval is granted for a term expiring five (5) years from the date of the Minister’s approval;
 - 1.2 This approval limits concrete batching operations and access to the site by trucks and semi-trailers at any time between Monday and Saturday inclusive;
 - 1.3 There is to be no access to the site by trucks and semi-trailers on Sundays or public holidays;
 - 1.4 Within one calendar month of the issue of the approval, the applicant shall update the Environmental Management Plan dated April 2010 or submit a management plan to the City of Vincent which addresses the following matters:
 - 1.4.1 Noise management for on-site activities;
 - 1.4.2 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;
 - 1.4.3 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;
 - 1.4.4 Permanent and fixed dust monitoring equipment shall be installed on the perimeter of the site, and independently audited to the satisfaction of the City of Vincent;

- 1.4.5 The implementation of a complaint handling system which provides:
- (a) a manned 24 hour telephone number and email address to log complaints and enquiries; and
 - (b) a record of complaints and enquiries logged, and the applicant's response, shall be provided on a bi-annual basis to the City for its monitoring information; and
- 1.4.6 A review of the management plan after the first 12 months from the date of submission;
- 1.5 The development must be carried out in accordance with the recommendations of the SVT Engineering Consultants Environmental Noise Assessment for the East Perth Concrete Batching Plant dated 21 April 2011, or other Noise Management Plan endorsed by the City, including in particular, but without limitation:
- 1.5.1 control/reduction of noise emitted from the site and activities associated with the site;
 - 1.5.2 maintenance of plant/mechanical equipment and application of inspection schedules to ensure optimal, quiet working order;
 - 1.5.3 selection of equipment for onsite operations, including both prospective equipment, and retrofitting of existing equipment, to minimise individual and accumulative noise impacts from the site;
 - 1.5.4 induction and training of workforce to promote compliant operation, in accordance with the Noise Management Plan;
 - 1.5.5 detail the methods of on-going self-monitoring, including testing equipment, locations, frequency, technical parameters, interpretation of results, and periodic evaluation of the monitoring method (to account for further encroachment of residential development and changes to surrounding built environment over time);
 - 1.5.6 complaint response methods, including short and long term abatement measures and record keeping; and
 - 1.5.7 details of staff member(s) accountable for overseeing compliance with the Noise Management Plan; and
- 1.6 Prior to the issue of a building licence for this development, the following shall be submitted to and approved by the City:
- 1.6.1 The applicant shall submit an amended plan detailing a minimum of two significant design features being incorporated in the proposed façade of building fronting Lord Street to reduce the visual impact on the streetscape, to the satisfaction of the Chief Executive Officer;
 - 1.6.2 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

1.6.3 Landscaping and Reticulation Plan

A detailed landscape and reticulation plan for the development site, adjoining vacant land acquired as a buffer 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 plans;
- (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

2. The conditions set out in paragraph 1 may be varied prior to the State Administrative Tribunal hearing if, in the opinion of the Chief Executive Officer, this is necessary having regard to matters arising in preparing the City's case for the hearing.

COUNCIL DECISION ITEM 14.1

Moved Cr Topelberg, Seconded Cr Buckels

That the recommendation be adopted.

MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

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.

14.2 CONFIDENTIAL REPORT: Proposed Seizure and Sale of Land due to unpaid Local Government Rates

Ward:	Both	Date:	6 February 2012
Precinct:	All	File Ref:	FIN0007
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officers:	M Rootsey, Director Corporate Services		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council:

1. **APPROVES** of action to be taken pursuant to Sections 6.56, 6.64, 6.68 and Schedule 6.3 of the Local Government Act 1995, to take possession of and sell the following land, due to rates being unpaid for a period in excess of three (3) years:

Owners Name	Property Address	Rates Outstanding @ 27/01/2012
Estate of the Late A Kovacevich	8 Orange Avenue Perth WA 6000	\$*****
L C Godfrey	18/63 Palmerston Street Perth WA 6000	\$*****
C Cafarelli	2A Sholl Lane North Perth WA 6006	\$*****
TOTAL OUTSTANDING		\$35,401.30

** Amount Confidential

2. **AUTHORISES** the Chief Executive Officer to take all necessary action, including the engagement of the City's solicitors and Debt Collection Agency to act on behalf of the City, to finalise the matter to the City's satisfaction.

COUNCIL DECISION ITEM 14.2

Moved Cr Maier, **Seconded** Cr Pintabona

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

Note: The Chief Executive Officer advised that this report is now released to the public (except for details relating to each specific property) as the Council has determined the matter.

PURPOSE OF REPORT:

To obtain Council approval to proceed with a Property Seizure and Sale Order against land to recover unpaid rates for the three (3) properties, which have not paid rates for more than three (3) years.

BACKGROUND:

The City of Vincent issues an Annual Rates Notice in July and ratepayers have thirty five (35) days to pay in full or select the instalment option.

If the rates remain unpaid fourteen (14) days after the due date of the Annual Rates Notice a Final Notice is issued for payment within seven (7) days.

If the Final Notice is not paid or a Special Payment Arrangement not entered into, the property will be assigned for debt recovery.

Those properties assigned for debt recovery are examined by the Rates Section and attempts are made to locate the owner and notify them of the debt outstanding or encourage them to enter into a Special Payment Arrangement.

If the debt remains unpaid, the property is referred to an external debt collection agency (Austral Mercantile) to issue a Notice of Intention to Summons (Demand Letter).

If the debt continues to remain unpaid, the debt recovery agency seeks authority from the City of Vincent to proceed with a General Procedure Claim. A General Procedure Claim is issued under *Section 6.56 (1) Local Government Act 1995* – “*If a rate or service charge remains unpaid after it becomes due and payable, the local government may recover it, as well as the costs of proceedings, if any, for that recovery, in a court of competent jurisdiction*”. The Claim is then lodged at the Magistrates Court of Western Australia and served to the owner by a bailiff.

Following the issue of a Claim, if rates are unpaid the General Procedure Claim will be sent for Judgement and Enforcement of the Claim. The first step in this process is a Property Sale and Seizure Order against goods.

If the Property Seizure and Sale Order for Goods is found to be “nulla bona” or the goods seized do not cover the amount outstanding, then the next step in the process is to apply for a Property Seizure and Sale Order for Land.

The seizure and sale of land is only taken when the rates have been outstanding for a period of more than three (3) years and all attempts to contact the owner and claim rates have been exhausted.

DETAILS:

The properties have not paid annual rates for more than **three (3)** years.

Despite extensive debt recovery steps being taken and numerous attempts to contact the ratepayers, the rates remain unpaid.

Information relating to action taken by the City’s Administration concerning each specific property is to remain confidential as it contains legal advice obtained.

CONSULTATION/ADVERTISING:

It should be noted that all of the above property owners have been sent letters from the City of Vincent on the 30 January 2012 advising them that the Council is considering taking action to proceed with a Property Seizure and Sale Order for Land and urging them to contact the City to make payment. At the time of writing this report, no responses have been received.

Should any of the above listed properties proceed to the stage of a public auction, State-wide advertising will be required listing the auction dates.

LEGAL/POLICY:

- Local Government Act 1995 – Sections 6.56, 6.64, 6.68 & Schedule 6.3;
- Local Government (Financial Management) Regulations 1996;
- Civil Judgements Enforcement Act 2004.

The sale of land where rates and charges are outstanding for a period of more than three (3) years is covered under *Section 6.64 (1) Local Government Act 1995 – “If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least three (3) years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and –*

- (a) *From time to time lease the land;*
- (b) *Sell the land;*
- (c) *Cause the land to be transferred to the Crown; or*
- (d) *Cause the land to be transferred to itself.*

Section 6.68(1) of the Act prevents the local government from exercising the power of sale unless the local government has at least once attempted to recover money due to it under Section 6.56 of the Act in the past three years.

Procedure for the Property Seizure and Sale Order (Land)

Once the Council approves the Property Seizure and Sale Order for Land the following steps need to be taken:

Before taking possession of the property and proceeding with its sale the City must cause notice requiring the payment of Council rates under *Schedule 6.3 of the Local Government Act 1995*. Such notice (Form 4 – Step 1) is also to be served on any party with an interest in the land, such as the owner and any mortgagees and is also to be posted on the City's official notice board for a period of not less than thirty five (35) days.

If at the expiration of three (3) months from the date of issue of this notice the rates remain unpaid, the City can proceed with selling the land by public auction with such auction to occur not more than twelve (12) months from the date of the first notice.

As per Section 6.64 (2) Local Government Act 1995 “On taking possession of any land under this section, the local government is to give to the owner of the land such notification as is prescribed and then to affix on a conspicuous part of the land a notice, in the form or substantially in the form prescribed”.

These forms are set out in the *Local Government (Financial Management) Regulations 1996*.

Form 2 (Section 6.64 (2); Regulation 72) - Notification of the Council taking possession of the land is to be issued to the owner. (Step 2)

Form 3 (Section 6.64 (2); Regulation 73) - Notice to be affixed on the land by a local government on taking possession. (Step 3)

Form 4 (Section 6.68(3); Schedule 6.3.1(1)(a); Regulation 74) – Notification to be posted on the City's notice board for 35 days. Notice to be date stamped and witnessed when put up and taken down. This form is also to be served on anyone with an estate or interest in the property. (Step 1)

Form 5 (Schedule 6.3.2; Regulation 75) - State-wide public notice of sale. To be published in State-wide papers, for example The West Australian, Sunday Times and The Australian. (Step 5)

An auction date must be set no less than three months and no more than twelve (12) months after the service of the notice of payment (Form 4) for public auction. (Step 4)

The City of Vincent would need to then register a Memorial of the State-wide public notice to the Registrar of Titles, who is to register the Memorial and make an endorsement on each title.

When the Memorial is registered, all further dealings on the property are prevented unless consent from the Local Government is given until the land ceases under *Section 6.69 Local Government Act 1995* to be bound (twelve (12) month period). (Step 6)

The property is to be auctioned. (Step 7)

Clause 5 of Schedule 6.3 Local Government Act 1995 details how the money received from the auction of the property is to be applied. The outstanding rates, any costs or expenses from the sale of the property can be recovered by the City of Vincent. (Step 8)

Any residual amount from the sale of the property is to be remitted to the owner. Should the whereabouts of the owner not be known and after a period of twelve (12) months the amount has not been claimed, the residual funds are to be paid to the Supreme Court under *Section 99 of the Trustees Act*.

Right to Pay

Section 6.69 Local Government Act 1995 – Up to seven (7) days prior to the sale, or the actual date of sale of land the local government may, on agreement between parties, accept payment of outstanding rates and costs.

Once a notice has been served, **the total debt must be paid in full including all costs and expenses incurred to that time in proceedings relating to the proposed sale.** On payment being made the proceedings are stayed and the proposed sale cancelled.

RISK MANAGEMENT IMPLICATIONS:

High: The City should consider taking this action, otherwise there is a high risk that the current Council rates will remain outstanding and further rates notices will not be paid in the future.

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;

4.1.4 Plan effectively for the future;
(a) Review and update the City’s Long-Term Financial Plan to ensure the longterm financial sustainability of the City.”

SUSTAINABILITY IMPLICATIONS:

Revenue raised must be collected in accordance with the adopted Budget which has been structured on financial viability and sustainability principles.

FINANCIAL/BUDGET IMPLICATIONS:

Legal costs associated with recovery of the outstanding rates are recoverable from the ratepayer and will be added to the rates assessment as per *Section 6.56(1) Local Government Act 1995*.

COMMENTS:

The City has made an exhaustive effort to obtain payment from the properties, with little positive results.

It is the Administration's opinion that it is extremely time consuming and fruitless contacting the property owners, as it has resulted in little or no action. Accordingly it is now necessary for a Property Seizure and Sale Order for land due to the number of years the debt has been outstanding.

The Council should authorise the Chief Executive Officer to take all necessary action to finalise the matter to the City's satisfaction.

It should be noted that the recommended action is a last resort and only taken when all other avenues have been exhausted. The City has previously not needed to resort to this action, however, it is now necessary due to the lack of action by the landowners.

14.3 CONFIDENTIAL REPORT: The City of Vincent's Entry Statements Project

Ward:	Both	Date:	6 February 2012
Precinct:	All	File Ref:	TES0558
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officers:	M Rootsey, Director Corporate Services; R Boardman, Director Community Services; J Anthony, Manager Community Development		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** the Confidential Report concerning the City of Vincent Entry Statements Project; and
2. **AUTHORISES** the Chief Executive Officer, in liaison with the Mayor, to act on behalf of the City in this matter, as detailed in the Confidential Report, and as amended at the Ordinary Meeting of Council held on 14 February 2012 "behind closed doors" and such information is to remain confidential.

COUNCIL DECISION ITEM 14.3

Moved Cr Maier, Seconded Cr Buckels

That the recommendation be adopted.

MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting concerning the project.

LEGAL:

The Local Government Act 1995, Section 5.23(2) prescribes that a meeting or any part of a meeting may be closed to the public when it deals with a range of matters.

The City of Vincent Local Law Relating to Standing Orders states the following:

"2.14 Confidential business

- (1) *All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007.*

The confidential report is provided separately to Council Members, the Chief Executive Officer and Directors.

In accordance with the legislation, the report is to be kept confidential until determined by the Council to be released for public information.

At the conclusion of these matters, the Council may wish to make some details available to the public.

PROCEDURAL MOTION

At 10.00pm **Moved Cr McGrath, Seconded Cr Topelberg**

That Council resume an “open meeting”.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

15. CLOSURE

There being no further business, the Presiding Member, Mayor Hon. Alannah MacTiernan, declared the meeting closed at 10.00pm with the following persons present:

- | | |
|---|--|
| Mayor Hon. Alannah MacTiernan | Presiding Member |
| Cr Warren McGrath (<i>Deputy Mayor</i>) | South Ward |
| Cr Matt Buckels | North Ward |
| Cr John Carey | South Ward |
| Cr Roslyn Harley | North Ward |
| Cr Dudley Maier | North Ward |
| Cr John Pintabona | South Ward |
| Cr Joshua Topelberg | South Ward |
| Cr Julia Wilcox | North Ward |
| John Giorgi, JP | Chief Executive Officer |
| Rob Boardman | Director Community Services |
| Rick Lotznicker | Director Technical Services |
| Mike Rootsey | Director Corporate Services |
| Helen Smith | Manager Planning and Building Services |
| Tory Woodhouse | Manager Strategic Planning, Sustainability and Heritage Services |
| Anita Radici | Executive Assistant (Minutes Secretary) |

No members of the Public were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 14 February 2012.

Signed:Presiding Member
Mayor Hon. Alannah MacTiernan

Dated this day of 2012