



## CITY OF VINCENT

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*"Enhancing and celebrating our diverse community"*

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# MINUTES

**22 NOVEMBER 2011**

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Minutes of the Ordinary Meeting of Council of the City of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 22 November 2011, commencing at 6.00pm.

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

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

**(b) ACKNOWLEDGEMENT OF COUNTRY STATEMENT**

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

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

**(a) Apologies:**

Nil.

**(b) Present:**

Mayor Hon. Alannah MacTiernan	Presiding Member
Cr Matt Buckels	North Ward
Cr John Carey	South Ward
Cr Roslyn Harley	North Ward
Cr Warren McGrath ( <i>Deputy Mayor</i> )	South 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)
<u>Employee of the Month Recipient</u>	
Ashley Smith	Ranger (until approximately 6.40pm)
Lauren Peden	Journalist – <i>"The Guardian Express"</i> (until approximately 9.10pm)
David Bell	Journalist – <i>"The Perth Voice"</i> (until approximately 9.20pm)

Approximately 14 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. Christopher Dwyer of McDonald Jones Architects – Item 9.1.2. Stated the following:
  - Proposing a complete refurbishment and extension of 15 existing flats with the construction of 2 additional apartments. The existing residence will be extended to include dedicated bedrooms and balconies with storerooms and secure parking. This will greatly increase the amenity of the apartments and provide a new variety of accommodation in the Cleaver Street Precinct while retaining and upgrading and existing structure.

- The proposal has been with the City for 114 days and the process has been drawn out with staff changes within the City and extensive dialogue with the Planning and Technical Services Departments. Issues have been addressed and resolved to the satisfaction of the Officers at the relevant times.
  - The proposal has been recommended for approval having complied with requirements and having compromised and justified reasonably all the non-complying issues.
  - During community consultation, 2 main concerns were raised and the building was amended with new plans submitted – balconies were removed and parapet heights were reduced so as to increase privacy and decrease solar impact. Feature design elements and extra high level windows were added to further delineate the façade, which has reduced the seam scale. With increased windows, several bedrooms now have dual visual aspects.
  - Regarding overshadowing on the adjoining property, this occurs with the winter solstice and falls predominately on the service rooms. Habitable spaces are generally open plan having dual aspects and ample opportunities for light and views. The residence has its primary and most generously sized outdoor area to the south and overshadows this itself.
  - Access and services within the existing building at 30 Cleaver Street have driven the arrangement of the design, the main aspects to the existing flats from the north with the external walkways, bathrooms and integrated laundry's and ducts lay along this façade and require external venting and maintenance.
  - The overshadowing plan diagrams have been included in the application from day one, being 114 days ago. A flurry of questions and miscommunication has surfaced at the last minute and every attempt has been made to clarify, where possible.
  - Their client has waited 4 years to get a development scheme through due to the long delays in the precinct plan being formulated and to great expense. A scheme prepared by another architect has also been completed so as to arrive at a point where he has satisfied the Officers.
  - They believe they have done everything the Officers have requested and have fulfilled every requirement which is why they believe the Officers have recommended approval.
2. Mark Armstrong of 546A Newcastle St, Perth – Item 9.1.2. Stated the following:
- Has lived in the area for 25 years and has a good understanding of the unique qualities of the Cleaver Street Precinct.
  - As pointed out in previous submissions, properties No. 26 and 26A are the most adversely affected homes. The owner of 26A was unable to be present however, has submitted an objection in writing and would like to thank the Mayor, Deputy Mayor and Cr Pintabona for making time to meet with them.
  - Consultation – believes the documents in some instances lacked information as there is no indication of how the new mass impacts on the adjoining properties, no shadow diagrams were provided and no 3-dimensional studies were submitted therefore, it does not make for an informed result.
  - Officer comments – if one stands on the west pavement on Cleaver St, where the new south-west corner will be 2.5m closer to Cleaver St. The corner will be over 9m tall from the Street with an approximate 35m unbroken wall behind – all impinging on Cleaver St and powering over houses 26 and 26A.
  - Looking out from the ground floor kitchen and living space of 26A currently you see blue sky which will now be a huge blank wall mostly in shadow.
  - Outdoor and indoor living areas, walls and major inter-habitable rooms will be compromised by the increased overshadowing.
  - Believes the 2 properties should be used as separate lots because the shadowing on 26A may increase to nearly 70% as a result.
  - House 26 has its main entry and 26A has its BBQ and outdoor seating facing this 9m high wall. A 35m long by approximately 9m wall is not a desirable scale of proportion facing the adjacent southern properties.

- In regard to the proposal, it is interesting to hear the Officers comments that *"the new development will lift the amenity of the site"* – he is unsure about this statement. The planning of the proposal is based on adding new bedrooms and terraces on the south of the existing complex with no change to the northern open walkway. The great majority of the units will basically have internal living spaces with little direct aspect to speak of. Most light and views are borrowed from the existing kitchen windows facing the public corridor or via the terrace which will have to have obscured glass to maintain privacy. Believes an alterative suggestion would be to install the living and outdoor balcony spaces on the northern side of the existing complex over the car park, which would have allowed northern light unfettered, whilst maintaining southern views to the City and allowing breathing space around the whole complex.
  - Supports the Council in its endeavours to bring increased density however, would like to ensure that the outcome is of benefit to all parties.
3. Miriam Oh of 77 Wright Street, Highgate – Item 9.2.4. Stated the following:
- The Park is surrounded by Wright, Broome and Turner Streets and she lives opposite the Park along with approx. 14 other homes, of which, 9 are vacated for sale, 1 currently being built and new tenants have arrive 2 weeks ago.
  - Does not feel that the consultation process has given the opportunity for all the affected people that use and love the Park to provide adequate feedback.
  - Commends the Council for amending the original Information Bulletin which was a photocopied black and white sheet dropped into their letterboxes on 6 October 2011. After making some phone calls and talking to neighbours who were also concerning, the Technical Services Section decided to undergo a consultation process.
  - Most of the users of the Park are children that go to the kindy next door that cut across the Park to go to the Beaufort Café stripe, to catch the bus to go to the shops, to catch the train, many families drive and drop their car off, walk their dogs or play in the playground and most of them do not live across the Park and feels that they would appreciate the opportunity to have their input.
  - Living opposite the Park is one of the reasons she brought the property there 2 years ago and before that she was renting a property 2 doors down from 2005-2007 therefore, feels she knows the character of the place very well and feels it adds a lot of amenity.
  - Believes the decision process to put the fence in needs to be properly consulted and should engage the majority of users who have not been given the opportunity to discuss whether they want the fence or not.
  - Believes the fencing will dissuade people from using it and will provide a lot so security issues. Is very concerned because many little children who live nearby play in the Park a lot and, speaking to one of her neighbours with small children, he lets them play in the play area unaccompanied and he has said that there has sometimes been strange men there on their own and he would not let his children play there if there was a fence there.
  - Understands from the plans that the fence will have small plants planted around the perimeter which, she believes will add another dimension to being able to see what is going on in the Park.
4. Ben Doyle of Planning Solutions, 296 Fitzgerald Street, Perth – Item 9.1.4. Stated the following:
- Thanked the Councillors who discussed the Item with him earlier in the day.
  - From the operator's point of view, the proposed limitation on the hours of operation would make it very difficult to operate a dinner service as, a 7pm service would make it essentially impossible.
  - Considers the area to be characterised by a mix of uses including a tavern, restaurants and backpackers hostel and is confident that the operation of the restaurant can be managed so impact on residents are not unduly onerous.
  - Has a number of letters in support of the proposal from surrounding residents including the one who lives next door to the property on Lake St who supports the proposed extension of trading hours until 10pm from Monday to Sunday.

- Understands that the Councillors have given this matter some thought which is appreciated and asked that additional operating hours over and above what the Officers have recommended be supported.

**Cr Topelberg departed the Chamber at 6.15pm.**

5. Amy Laspada of Telstra – Item 9.1.6. Stated the following:
  - MCF would like to thank the City for the opportunity to provide input into the Policy and acknowledged that the City's Planners are not telco industry people however, there has been some difficulty with inconsistency and wording/general definitions that are in the Policy i.e.:
    - whether a structure is called a tower, pole, facility or mast? Specifically, clause 8.2 of the Policy states the City's preferred type of tower is a slimline monopole which does not make sense and contradicts itself as, a monopole is not a tower and vice versa; and
    - definitions of "sensitive uses" and "community sensitive uses", the 2 terms are used in the Policy inconsistently.
  - Clause 2.3 states that the City is to undertake its own consultation on low impact installations however, in the past, the Carriers have found that this causes a lot of confusion and interferes with their productivity of consultation. They have found the general public will only respond to the Council and not engage with the Carrier. It is not helpful in anyway with their community engagement and does not meet the objectives of the ACIF Code. If this is to remain, they would request that the Carrier contact details could be included in the correspondence thereby giving the public a direct point of contact should they have any specific queries.
  - Clause 9 – Health Issues are not a valid planning consideration and do not need to form part of a planning Policy. Specifically clause 9.1, requiring EME readings for DA's – the regulation of EME's is heavily mandated already including registration and licensing of all operational equipment. In the past, as a good will gesture, Carriers have undertaken EME measurements and they are generally well below the predicted levels. In the absence of the Council having expertise in the field of EME measurements or impacts, the value of this requirement is unclear. They request that this clause be deleted.
  - Clause 10 appears to relate to Microcell Installations on Council owned or Council managed properties and it is not entirely clear if it applies to privately owned properties. It is also noted that the City's preference for microcell installations rather than towers (which they call macro cells). A microcell unit is not a suitable solution to run a network. This clause appears to relate to possible existing microcell installations were the Council has existing leases with the Carriers.

**Cr Topelberg returned and Cr Carey departed the Chamber at 6.18pm.**

6. Jeremy Matthews of 179 Anzac Road, Mt Hawthorn on behalf of the Leederville Cricket Club (LCC) – Item 9.2.5. Stated the following:
  - Realises that there may or may not be an amendment put forward and if there is not amendment put forward then there is nothing to speak about however, if there is an alternative position put forward for the nets.
  - LCC were at the Park up until about ½ hour ago and the area that has been designated as an alternative is not suitable due to the amount of shading and the proximity to the existing net block creates issues of safety for the juniors.
  - They have approximately 150 signatures from local residents who are parents of children playing within the district.
  - LCC are fully prepared to totally fund the cricket net block in the position on the east side of the Clubrooms however, if the alternative position (western side) was to come up, then LCC do not want to fund any of that as they feel that position is not better than the current one.
  - Thanked the Councillors they have dealt with for the time.

**Cr Carey returned to the Chamber at 6.19pm.**

7. Graham Lantzke of 13 Egina Street, Mt Hawthorn – Item 9.4.1. Stated the following:
- Was attending for the Vincent Men's Shed proposal and to listen to any feedback from the Council so that it may be incorporated.
  - 12 months ago they started the process and it is now all starting to come together therefore, hopefully in the new year with the planning and grant funding there will be a proper proposal put up for the Council.
8. Kiera Berry of 55 Kingston Avenue, West Perth (for 9 years) – Item 9.1.5. Stated the following:
- Is a resident with her husband and children. Speaking on behalf of her long terms neighbours who are also owner/occupiers of Kingston Ave surrounding the proposed development:
    - No 53: Michael & Sofie Spartalis, residents for 47 years;
    - No 59: Damien & Rachael Newnham, residents for 10 years and recently extended their home to accommodate their 3 children;
    - No 61: Brian & Anne Kotic, residents for 20 years; and
    - No 63: Rupert & Genevieve New, residents for 2 years with a new child.
  - Regulations should make systems fair for everyone – developers and surrounding properties and, requested the Council (as their representatives) recognise the regulation of 2-3 storeys in height in making a decision.
  - Until the proposal came through their mailbox, it is the only regulation that they were aware of therefore they were shocked and horrified to see a proposal for a 5 storey mixed use building in their backyard.
  - They all reside in single storey homes and the single storey homes towards Cleaver St some time ago were dwarfed by tall apartment buildings on Newcastle St and, as such, they heard the families have all moved out and the area is mostly populated by young professionals, empty nesters, students and many properties are rented. However, at the Loftus St end of Kingston, there are still young families as well as the elderly living happily in single storey dwellings amongst buildings of 2-3 storey's.
  - Any development at 590 Newcastle must be sympathetic to the surrounding buildings including their federation homes which are single storey.
  - Many have used site diversity, vibrancy and community consultation as priorities of this Council and like Council Members, they spend all of their time and money in the Council, they love the community and want to remain there.
  - Urged the Council to reject the application and allow the few permanent families left on Kingston Ave to remain there. Believes that 2-3 storeys maximum as per the regulation is a fair height for all concerned.
9. Adam Berry of Kingston Avenue, West Perth – Beaufort Street Festival and Item 9.1.5, on behalf of all 5 residents with houses from Nos. 53 to 63 Kingston Ave. Stated the following:
- As a business owner and resident congratulated the Council on a fantastic job with the Beaufort Street Festival, which was a great day.
  - They have always been lead to believe that 2-3 storeys is the maximum but he generally feels that the Council needs to sort the communication out to the residents. It is only now that they have been faced with this monstrosity building that they have dug a bit deeper that in fact you can build a 4 storey building on Newcastle St however, even with the literature they received last month, it stated that 2-3 storeys is the maximum.
  - Referred to an email he received this morning *"based on the Precinct Policy, 2 storeys are permitted however, the City's Policy No. 2.4.8 relating to the Multiple Dwellings permits 4 storeys along Newcastle Street"*.
  - Referred to the building plans, elevation sheet 2 of 2 which shows a cross section of the building showing Newcastle St and a sub-terrarium building, which does not seem so to him as it is above the street level. The car park is level 1 and 4 storeys above that which in fact makes it 5 storeys not 4.
  - Asked the Council to respect the guidelines put down for 4 storeys and the residents who live within the guidelines.



10. Damien Newnham of 59 Kingston Avenue, West Perth – Item 9.1.5. Stated the following:
- Has resided and worked for developers and property owners in Leederville for quite sometime.
  - Asked the Council to consider the lack of consultation from the developers as it has certainly been something he has undertaken whilst trying to be involved in submitting developments himself where, they have spoken to stakeholders and residents about the developments.
  - The ruling for a 4 storey development suggests that in the spirit of that, the building will be 4 storeys high and this clearly relates to Newcastle St and, irrespective of whether the block of land that the development is on is raised, it is clear from the plans that they are exceeding this by 1 storey.
  - Believes the undercroft car park should be deemed a storey and it is clear that there is an incline from Newcastle St upwards to the undercroft car park therefore making it 5 storeys.
  - Asked the Council to consider that at the back of the development towards his property there is a substantial retaining wall with a shrub however, urged the Council to recommend to the development that in all good faith they should plant mature large trees to aid the screening issues that they will suffer.
  - Believes there should be more clarity with regards to 4 storeys as it is very important to many people and, there was also confusion with a previous application on Loftus St at the last Council Meeting.
11. Debbie Saunders of 150 Oxford Street, Leederville – Item 13.2 from the Ordinary Meeting of Council held on 8 November 2011. Stated the following:
- Q1. Asked if the Council has a copy of the photos that were mistakenly left out of the original Agenda Item?

**The Presiding Member, Mayor Hon. Alannah MacTiernan advised that the Council does have a copy of the photos and a copy would be sent to Ms Saunders.**

Ms Saunders continued:

- Asked the following:
  - Q2. When the original application was approved by the Director, were all things necessary for an approval given?
    - Were:
      - there photos of the chairs;
      - there photos of the tables;
      - there numbers given of the licensed number of people inside and outside in the alfresco area;
      - issues parking required for the extra numbers addressed?
  - By looking at the plans given there was no dimension in the drawing, the alfresco seemed to be on the other side of the footpath. It is confusing.
  - Asked for clarification on the Risk Management Implications which the City states as; *“High – Failure to reach a successful compromise, they worry that litigation maybe taken against the City for damages suffered by the Leederville Hotel”*. Does not understand what kind of risk that is, what are the damages for?
  - In the final comments it states that; *“It is important that the City negotiate a mutually acceptable position”* which concerns her as she believes it is a simple yes or no answer as, it has gone to the SAT where they rule that someone is right and someone is wrong yet a mutually acceptable conclusion is being sort.

**The Presiding Member, Mayor Hon. Alannah MacTiernan advised that to clarify the situation, a copy of the Eating House Licence as well as a copy of diagram attached will be sent to Ms Saunders.**

**The Presiding Member, Mayor Hon. Alannah MacTiernan also stated that the process of the SAT includes a mediation process which the City is currently going through, which is fundamental to the SAT process.**

There being no further speakers, Public Question Time closed at approx. 6.32pm.

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

Nil.

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

Cr John Pintabona requested leave of absence on 29 November 2011 to 2 December 2011, due to personal commitments.

**Moved Cr Wilcox, Seconded Cr Buckels**

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

**CARRIED UNANIMOUSLY (9-0)**

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

Nil.

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

Minutes of the Ordinary Meeting of Council held on 8 November 2011.

**Moved Cr Pintabona, Seconded Cr Maier**

**That the Minutes of the Ordinary Meeting of Council held 8 November 2011 be confirmed as a true and correct record.**

**CARRIED UNANIMOUSLY (9-0)**

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

**7.1 Employee of the Month Award for the City of Vincent for November 2011**

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

For NOVEMBER 2011, the award is presented to Ashley Smith, Ranger in the Ranger and Community Safety Services Section. Ashley was nominated as a result of a letter of appreciation received from Vincent residents as follows;

*"On behalf of Charles and Shannon MacFayden, Brian Wooller and myself [Jim DeBloos], we thank you, Ashley Smith and your team for your assistance and subsequent follow-up in resolving our barking dog incidents.*

*Not to say that there is a definite end to it, so far your preventative measures have returned some normalcy in our lives..."*

This Award is presented to Ashley in appreciation of his efforts to assist these residents, on behalf of the City of Vincent.

Congratulations to Ashley – well done!!

**Received with Acclamation!**

7.2 Beaufort Street Festival

I would like to acknowledge the great success of the Beaufort Street Festival which was held on Saturday 12 November 2011. It was an extraordinary occasion which attracted an estimated 80,000 people.

I would like to give a special recognition to Cr John Carey and the Beaufort Street Network and the dedicated band of volunteers and to all Councillors and support that was given by the City of Vincent.

I would also like to particularly recognise the work under our Director Technical Services, Mr Rick Lotznicker and his crew who were absolutely fantastic in the lead up to the event and on the day, and did everything that could possibly be asked and certainly went above and beyond the call of due. Therefore to the Director Technical Services, Mr Rick Lotznicker and his team I know the Beaufort Street Network have been very, very appreciative of that extra effort that you put in to make it a success.

Since the Festival, I have been approached by so many people with everyone wanting to be apart of the action and it seems this is now the "go to" Festival.

Congratulations to the Festival Organisers, Councillor John Carey and also to the City's Officers who assisted on the day.

**Received with Acclamation!**

**8. DECLARATIONS OF INTERESTS**

- 8.1 Cr Topelberg disclosed an Impartiality interest in Item 9.2.6 – State Underground Power Program – Call for Submissions for Round 5. Localised Enhancement Projects. The extent of his interest being that one of the streets listed as "*other potential locations*" is Leake Street, North Perth which is where he has his primary residence.
- 8.2 Cr Carey disclosed an Impartiality interest in Item 9.1.1 – Further Report – No. 634 (Lot 406; D/P: 32640) Beaufort Street, Mount Lawley – Proposed Change of Use of Loft Area, from Storage to Eating House. The extent of his interest being that he was previously Co-Chair of the Beaufort Street Network with Hayden Robinson who is the proprietor of the premises.
- 8.3 Cr Carey disclosed an Impartiality interest in Item 9.1.4 – Nos. 212–214 (Lot 6; D/P: 384) Lake Street, Perth- Proposed Increase in Trading Hours to Existing Eating House (Tarts Cafe). The extent of his interest being that he is a frequent customer at Tarts Café and knows the owner from his regular contact.
- 8.4 Cr Pintabona disclosed an Impartiality interest in Item 9.1.2 – No. 30 (Lots 48 & 49; D/P: 2931) Cleaver Street, West Perth – Alterations and Additions to Fifteen (15) Multiple Dwellings and Two (2) New Multiple Dwellings. The extent of his interest being that he has worked with one of the persons who lives adjoining to the proposed development.

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

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

Nil.

## 10. REPORTS

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

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

Items 9.1.2, 9.2.4, 9.1.4, 9.1.6, 9.2.5, 9.4.1 and 9.1.5.

**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 9.1.9, 9.3.5 and 9.5.2.

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

Nil.

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

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

Cr Carey	Item 9.1.8.
Cr Topelberg	Nil.
Cr Buckels	Items 9.1.10, 9.2.2 and 9.2.3.
Cr McGrath	Nil.
Cr Wilcox	Nil.
Cr Pintabona	Nil.
Cr Harley	Nil.
Cr Maier	Items 9.1.1, 9.1.3 and 9.5.1.
Mayor Hon. MacTiernan	Nil.

The Presiding Member, 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 9.1.7, 9.2.1, 9.2.6, 9.2.7, 9.3.1, 9.3.2, 9.3.3, 9.3.4 and 9.5.3.

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

Items 14.1, 14.2, 14.3 and 14.4.

### **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 9.1.7, 9.2.1, 9.2.6, 9.2.7, 9.3.1, 9.3.2, 9.3.3, 9.3.4 and 9.5.3.

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

Items 9.1.2, 9.2.4, 9.1.4, 9.1.6, 9.2.5, 9.4.1 and 9.1.5.

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

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

**ITEMS APPROVED “EN BLOC”:**

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

**Moved Cr Topelberg, Seconded Cr Pintabona**

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

**Items 9.1.7, 9.2.1, 9.2.6, 9.2.7, 9.3.1, 9.3.2, 9.3.3, 9.3.4 and 9.5.3.**

**CARRIED UNANIMOUSLY (9-0)**

**9.1.7 Perth Oval Conservation Plan – Final Endorsement**

<b>Ward:</b>	South	<b>Date:</b>	9 November 2011
<b>Precinct:</b>	Beaufort, P13	<b>File Ref:</b>	PRO1072
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	Perth Oval Conservation Plan (November 2011)		
<b>Reporting Officer:</b>	T Young, Manager Strategic Planning, Sustainability and Heritage Services		
<b>Responsible Officer:</b>	T Young, Manager Strategic Planning, Sustainability and Heritage Services		

**OFFICER RECOMMENDATION:**

That the Council **ENDORSES** in-principle the Perth Oval Conservation Plan dated November 2011, to inform any future development, conservation works and maintenance to the heritage-listed property at No. 310 Pier Street, Perth (NIB Stadium), as *“Tabled”*.

**COUNCIL DECISION ITEM 9.1.7**

**Moved Cr Topelberg, Seconded Cr Pintabona**

**That the recommendation be adopted.**

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

**PURPOSE OF REPORT:**

The purpose of this report is to present to the Council the Perth Oval Conservation Plan dated November 2011, and to seek in-principle support from the Council for this new Conservation Plan to guide development and maintenance at Perth Oval into the future, to ensure that the heritage values of the place are retained.

**BACKGROUND:**

- 2 September 1998 Perth Oval entered on the State Register of Heritage Places, as a permanent entry.
- 8 November 1999 The Council considered a report relating to the Perth Oval Conservation Plan dated October 1999, that was prepared for the then City of Vincent by Kelly Aris Conservation Architect.
- 2003 – 2004 Extensive redevelopment works were undertaken at Perth Oval, in particular changes to the playing surface and configuration, together with the construction of associated temporary and permanent stands, ancillary buildings and conservation works to the north-west ‘heritage gates’.
- November 2010 The Western Australian State Cabinet endorsed a 25,000 seat master plan for Perth Oval and proposed that redevelopment of the Oval would commence by 2012.
- 2 November 2011 The City’s Officers provided preliminary comments to the Department of Sport and Recreation on the draft version of the Conservation Plan for Perth Oval dated October 2011 for consideration.
- 8 November 2011 The City received the final version of the Conservation Plan for Perth Oval dated November 2011.

**DETAILS:**

This Conservation Plan for Perth Oval dated November 2011, was commissioned by Building Management and Works on behalf of the Department of Sport and Recreation, as a review of the existing 1999 Conservation Plan for Perth Oval that was prepared by Kelly Aris, Conservation Architect for the then City of Vincent. The new Conservation Plan was prepared by Griffiths Architects with History Now.

The review was considered necessary given that extensive works to the place had occurred since the original Conservation Plan was prepared in 1999, and also to provide an improved framework to inform appropriate new development and to guide any future maintenance programs. This has been achieved through expanding Section 7.0 relating to Conservation Policy, by providing more guidance for suitable development to key elements within the site; and also by adding a new Section 8.0 which provides specific information on recommended conservation and maintenance works to enhance the heritage values associated with the place.

The City's Officers have reviewed the updated Conservation Plan dated November 2011, and consider that the document provides a sound basis to ensure that the heritage values associated with the place are retained, whilst also providing the flexibility to allow for the future development of the place to be achieved.

Of particular note, section 7.4.4 of the Conservation Plan relating to New Works and Development states the following, with respect to two key elements of the site:

Heritage Gates

*"Development should also respect the significant structures within the site – primarily the North-West Entrance gates. These gates should remain identifiable as the historic main entrance to the site, and remain in use for purposes related to entry to the ground, but not necessary as entrance turnstiles due to occupational health and safety reasons. Any replacement or new gates located at other points within the site, must be constructed to a high standard of contemporary design, which does not mimic historical style."*

Fred D Book Stand

*"Although having a level of some significance due to its relationship with the former football oval and East Perth Football Club, the design of the Fred D Book stand does not meet with the current day requirements or accommodation standards of a sporting venue, and is in poor to fair condition. In addition, the 1966 western extension obscures the original main elevation and entrance to the grandstand. Therefore the replacement of the structure, rather than adaptation, may be an appropriate outcome."*

**CONSULTATION/ADVERTISING:**

No formal advertising is required as part of the preparation of a Conservation Plan. The Plan has however being forwarded to the City of Vincent and the Heritage Council of Western Australia for comment, prior to final endorsement.

**LEGAL/POLICY:**

Nil.

**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.*

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

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

*1.1.6 Enhance and maintain the City's parks, landscaping and the natural environment."*

**SUSTAINABILITY IMPLICATIONS:**

The Perth Oval Conservation Plan (November 2011) is considered to assist in the long term sustainability of the site, by providing a framework that retains the heritage values associated with Perth Oval, whilst also the flexibility to ensure the site can adapt to change in the future.

**FINANCIAL/BUDGET IMPLICATIONS:**

Not applicable.

**COMMENTS:**

Included in this Agenda, at Item 14.1, is a report concerning the proposed redevelopment of the Stadium and progress of the City's Lease to the State Government. The Conservation Plan – November 2011 will provide guidance for the proposed redevelopment.

In light of the above, it is recommended that the Council endorse the Perth Oval Conservation Plan (November 2011) to provide the framework to ensure the heritage values associated with the site are appropriately managed in the future.



**9.2.1 Traffic Management Matter – Hobart Street, North Perth, Progress Report No. 2**

<b>Ward:</b>	North	<b>Date:</b>	10 November 2011
<b>Precinct:</b>	Mount Hawthorn (1)	<b>File Ref:</b>	TES0334
<b>Attachments:</b>	<a href="#">001</a> – Plan of Proposed Traffic Calming		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	C Wilson, Manager Asset and Design Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **NOTES** that at the close of the community consultation period, all respondents were in favour of implementing the proposed traffic calming measures in Hobart Street between London Street and Edinboro Street;
2. **APPROVES** the implementation of the Hobart Street proposal as shown on the attached plan No. 2865-CP-01 at an estimated cost of \$30,000;
3. **UNDERTAKES** a further assessment of traffic speeds/volumes in the section of Hobart in six (6) months time, following the implementation of the approved works; and
4. **ADVISES** the Hobart Street residents of its decision.

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**COUNCIL DECISION ITEM 9.2.1**

**Moved Cr Topelberg, Seconded Cr Pintabona**

That the recommendation be adopted.

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

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**PURPOSE OF REPORT:**

The purpose of this report is to advise the Council of the outcome of the recent community consultation in regards undertaking traffic management measures in Hobart Street, Mt Hawthorn, between Edinboro and London Streets, and to seek Council's approval to implement the proposal.

**BACKGROUND:**

The City received correspondence from several residents of Hobart Street, to the west of London Street, expressing concerns about the speed and volume of traffic using their street. Following consideration of the residents submissions they were invited to attend the Integrated Transport Advisory Group (ITAG) (*formerly the Local Area Traffic Management Advisory Group*) meeting held on 18 August 2011.

Having considered the traffic data the ITAG discussed a number of possible options with the residents to address their concerns without significantly impacting upon their amenity. The meeting agreed upon a staged approach that would initially involve some passive traffic calming measures that could be incrementally enhanced if the desired outcome was not immediately achieved.

A report was subsequently presented to the Ordinary Meeting of Council on 13 September 2011 where the following decision was made:

- “1. NOTES that;
- 1.1 *The Integrated Transport, Advisory Group considered Hobart Street traffic at its meeting held on 18 August 2011 attended by several residents from the street;*
  - 1.2 *The Traffic data in Hobart Street indicates that there is speed issue and there is also a possible rat running issue;*
  - 1.3 *Residents have raised concerns regarding the intersection of London and Hobart and requested that the existing median island be extended to restrict through movement across London Street;*
  - 1.4 *The City has secured Black Spot funding to modify the traffic signals at the intersection of Scarborough Beach Road, London and Loftus Streets to incorporate ‘right turn’ arrows in both north/south directions; and*
2. *CONSULTS with the residents of Hobart Street regarding the implementation of a wider street treatment in the street, as shown on attached Plan No 2865-CP-01 and that the other issues raised be further investigated and that a further meeting of the Integrated Transport, Traffic & Road Safety Advisory Group be convened at the conclusion of these investigations.”*

**DETAILS:**

In accordance with the Council decision on 13 September 2011, forty six (46) ‘consultation packs’ were distributed to all residents which would be potentially affected by the proposal.

The following Information Sheet was included in the consultation pack:

*“The City received correspondence from several residents of Hobart Street, west of London Street expressing concerns regarding traffic issues in their street.*

*Road Classification:*

*Hobart Street is classified as an access road in accordance with the Functional Road Hierarchy. The traffic threshold for an Access Road is up to 3,000 vehicles per day (vpd). The section of Hobart Street between London Street and Edinboro Street currently carries between 820 and just over 1210 vpd.*

*Traffic Speed:*

*Hobart Street is an incline from London Street up to Edinboro Street and is free flowing as there are no mid-block controls. As a consequence, for the section between Dunedin and Shakespeare Street the measured 85% speed was 59 kph while the average speed was 52 kph.*

*Accidents Statistics:*

*The intersection of Hobart and Shakespeare Street is classified as a Black Spot as there had been six (6) reported accidents over the five (5) year period. In respect of the other mid-block intersections, Edinboro and Dunedin Streets neither were on the City’s annual accident statistics list.*

*The City had secured Black Spot funding to modify the traffic signals at the intersection of Scarborough Beach Road, London and Loftus Streets to incorporate ‘right turn’ arrows in both north/south directions. Currently there is a right turn ban in the peak periods. Once the changes are completed it is anticipated that fewer drivers would use Hobart Street as they would be able to turn into Scarborough Beach Road at all times.*

Current Proposal:

*Narrowing Hobart Street by installing embayed parking, thereby resulting in a change in driver perception of the road environment. Currently Hobart Street has a 10m wide pavement (13m wide near London Street). By narrowing the pavement to 5.8m wide (allowing for 2x 2.1m wide parking lanes) it immediately changes the 'feel' of the street and makes drivers more cautious resulting in lower speeds.*

*The City had successfully undertaken these treatments in other similar streets such as, Bourke and York Streets. It was indicated that if the treatment did not have the desired affect then a second stage could include the introduction of low profile speed humps to enforce the reduction in speed.*

Conclusion:

*The traffic data indicates that there is a speed issue in Hobart Street and to a lesser extent a 'rat running' issue. This proposal together with other initiatives in the pipeline will hopefully address some of these issues. The minutes of the Ordinary Meeting of Council held on 13 September 2011 can be viewed at [www.vincent.wa.gov.au/Your\\_Council/Agenda\\_Minutes](http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes)."*

**Consultation Outcomes:**

The residents were asked to complete the following table:

<b>PROPOSED TRAFFIC MANAGEMENT TRIAL (PLAN 2865-CP-01):</b>				
<input type="checkbox"/> I am in <b>favour</b> of the proposed trial:	or	<input type="checkbox"/> I <b>do not support</b> the trial:	or	<input type="checkbox"/> <b>Other*</b>
<b>NOTE:</b> Comments may be provided on the 'Comments Sheet' on reverse side of this page:				

At the close of the consultation period on 14 October 2011 the City had received nine (9) submissions, representing a 19.5% response rate.

All (100%) were in favour of which seven (7) respondents provided no further comments. Of the two (2) who took the opportunity to comment one (1) thought the measures would be ineffective and that speed humps were warranted immediately and the other queried how it would affect their on-street parking and crossover.

The latter would be addressed as part of the detailed design and in consultation with the resident.

**Discussion/Conclusion:**

All of those who responded were in favour of the 'wider streets treatment' (shown on the attached Plan No. 2765-CP-01).

The 'wider street treatment' is a term adopted by the ITAG to describe the proposed scope of works where the road will be potentially narrowed with a combination of line markings and nibs at installed at strategic locations.

Two (2) residents had either reservations or comments about the proposal, one of which sort to have more rigorous traffic calming measures (i.e. speed humps) implemented immediately while the other had specific concerns about ingress and egress to their property.

The suggested 'wider street retreatment' has been used successfully elsewhere within the City over the past ten years. The intention is not to impede traffic but rather to slow traffic down by changing the driver's perception of the road environment.

If approved, and once implemented, follow-up traffic counts will be undertaken approximately six (6) months after the works are completed to determine the success or otherwise of the treatment. If the data indicates the traffic speed has not dropped to an acceptable level i.e. 85% speed is in the order of 50 kph, then additional measures will be considered and a further report presented to Council.

In respect of clause 2 of the Council's decision, at the ITAG meeting (of 18 August 2011) the residents also raised concerns about the intersection of London and Loftus Streets. It was agreed at the meeting that the impact of making changes to the intersection, such as extending the median island through to prevent the right turn and straight through movements, has far greater implications for the surrounding road network and therefore should be considered separately.

It was also agreed that once further investigation, specific to the intersection, had been undertaken that matter would be brought back to the ITAG and residents be again invited to attend the meeting.

**CONSULTATION/ADVERTISING:**

Residents were consulted in accordance with Councils policy and practice and will be advised of the Council decision.

**LEGAL/POLICY:**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS:**

**Medium:** The recorded 85% speed is excessive in a section of the street warranting remedial action.

**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:**

Funds totalling \$30,000 have been included in the 2011/2012 budget to undertake traffic improvements (wider street treatment) in Hobart Street between London Street and Edinboro Street.

**COMMENTS:**

The Traffic data indicates that there is speed issue in Hobart Street and to a less extent a rat running issue. The proposed treatment is unlikely to lead to a reduction in traffic volumes, which are not excessive and well within the criteria for an Access Road, but should lead to a reduction in speed.

The residents also raised concerns regarding the intersection of London and Hobart and requested that the existing median island be extended to restrict through movement across London Street. This will be further investigated and brought back to the ITAG for consideration.

**9.2.6 State Underground Power Program – Call for Submissions for Round 5 – Localised Enhancement Projects**

<b>Ward:</b>	Both	<b>Date:</b>	11 November 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	TES0311
<b>Attachments:</b>	<a href="#">001</a> – Brookman, Moir Streets Location Plan <a href="#">002</a> – Lacey Street Location Plan		
<b>Tabled Items:</b>	-		
<b>Reporting Officers:</b>	C Wilson, Manager Asset and Design Services R Lotznicker, Director Technical Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **APPROVES** the following State Underground Power Program – Localised Enhancement Project (LEP) submissions for the reasons outlined in the report;
  - 1.1 resubmission of the Brookman and Moir Street project area as shown on attached Plan No. 2496-RD-01;
  - 1.2 Fitzgerald Street between Burt Street and Raglan Road and Angove Street between Daphne Street and Fitzgerald Street;
  - 1.3 Lacey Street Historical Precinct as shown on attached Plan No. 2496-RD-3; and
  - 1.4 Other Potential Locations including;
    - 1.4.1 Commonwealth Avenue, North Perth;
    - 1.4.2 Farmer Street, North Perth;
    - 1.4.3 Harrow Street, Mount Hawthorn;
    - 1.4.4 Leake Street, North Perth;
    - 1.4.5 Matlock Street, Mount Hawthorn;
    - 1.4.6 Milton Street, Mount Hawthorn;
    - 1.4.7 Norfolk Street, North Perth;
    - 1.4.8 Tasman Street, North Perth;
    - 1.4.9 Monger Street, Perth; and
2. **NOTES** that a further report will be submitted to the Council following the announcement of successful Round 5 Localised Enhancement Projects, in June 2012.

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**COUNCIL DECISION ITEM 9.2.6**

**Moved Cr Topelberg, Seconded Cr Pintabona**

That the recommendation be adopted.

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

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**PURPOSE OF REPORT:**

The purpose of this report is to advise Council of the Office of Energy's calling for submissions for Round Five (5) for the State Underground Power Program – Localised Enhancement Projects, closing 6 December 2011.

**BACKGROUND:**

As reported to Council at its Ordinary Meeting of 8 November 2011 the Office of Energy recently called for submissions for the State Underground Power Program (SUPP) Round 5 Localised Enhancement Projects (LEP).

LEP's are intended to provide local governments with an opportunity to apply for funding to beautify streetscapes and traffic routes that are recognised as having scenic, tourism or heritage value.

LEP's are generally aimed at (and as acknowledged by the Office of Energy) Councils in regional areas although they are open to Metropolitan Councils. However it should be noted that there has been only one metropolitan LEP since Round 2 in 2002/2003.

A briefing session was held by the Office of Energy and Western Power on 17 October 2011 at which the revised guidelines were released, with submissions closing on 6 December 2011.

It is also worth noting that the Office of Energy has a stated preference to try to spread the funding as widely as possible, and therefore multiple projects are unlikely to be awarded to any Local Government, but it has not been 'ruled out'.

**DETAILS:**

**Scope of LEPs:**

LEP projects typically seek to replace up to 1,000 metres of overhead distribution power lines with an underground supply. To date, thirty (30) LEPs have been completed or are either in progress throughout Western Australia. Including Mary Street, Highgate a Round Two (2) Project completed in 2002.

With regards LEP's, the cost of replacing the existing overhead power lines are shared, with the State Government the Office of Energy and Western Power, provide 50 per cent of the cost of each project up to a maximum limit of \$500,000\* however if a project exceeds \$1,000,000 the Local Government is responsible for funding any shortfall. The indicative costs of undergrounding power, for estimating purposes, and as advised by the Western Power, is \$1,000 per linear metre.

Note: With previous funding the State Government and the Office of Energy contributed a maximum of \$250,000 per LEP.

Local Government that have proposals shortlisted will be required to pay a non-refundable deposit of \$12,500 before the project proceeds to the detailed design stage.

**Discussion:**

In the current round, successful or short listed, Round 5 LEP's will be announced in late May 2012 with the first project to commence in later part of 2012.

The obvious issue with this timetable is that most Local Government have finalised their budgets by May and therefore there would be limited opportunity to add an LEP to the 2012/2013 budget without impacting upon other projects.

The City has over the past decade made submissions in successive rounds of the State Underground Power Program (SUPP), for both Major Residential Projects (MRP) and LEP categories.

Mary Street, Highgate was undergrounded in 2002/03 in Round 2 of the LEP's while the Highgate East MRP, completed 2008/09, was a Round 3 SUPP Project.

As reported to Council at its Ordinary Meeting held on 8 November 2011 the City was unsuccessful in its MRP Round 5 submissions.

**LEP – Current Projects:**

Walcott Street, Mt Lawley, Menora and Coolbinia

At its Ordinary Meeting held on 10 May 2011 Council received a report on the Walcott Street Underground Power Project.

In 2008 Western Power approached the City's of Stirling and Vincent with a proposal to underground the power along the Walcott Street from Charles Street to Raglan Road as an LEP.

Western Power had identified that the ninety three (93) steel poles along the aforementioned section of Walcott Street were a potential safety hazard and that they were seeking to mitigate their risk. The two (2) options canvassed at the time was either undergrounding the power by a shared funding arrangement with the City's or replacing the steel poles with timber poles and/or installing insulated conductors at Western Power's cost.

The project's proceeding as an LEP was dependent upon each City agreeing to contribute 25% of the cost, which in-turn was to be passed onto the ratepayers. The City of Stirling subsequently canvassed its residents (before the City of Vincent), the majority of whom did not support contributing to the project, which resulted in it not going ahead at the time.

In April 2011 the City was verbally advised that Western Power had decided to proceed with the project and that in the interest of both the public and Western Power, they would be undergrounding the power at their cost rather than replacing the poles. As of November 2011 the project is approximately 90% completed with demolition of steel power poles the last stage.

**LEP - Reserve Project:**

Brookman Street, Moir Street and Forbes Road:

At its Ordinary Meeting of 14 June 2011 Council received a report on the previously unsuccessful Brookman Street, Moir Street and Forbes Road Round 4 LEP submission where the Council approved "in principle" of the City's involvement in the State Underground Power Program – Localised Enhancement Project comprising - Brookman Street, Moir Street and Forbes Road and Robinson Avenue, Perth."

The Council further noted that "the City's Undergrounding of Power Policy (Policy 2.2.2) states that the City's contribution will be recouped from property owners in the project area."

The potential cost to the City and/or the ratepayers of the aforementioned streets is in the order of \$950,000 however to date Western Power have not provided a detailed cost estimate but the above 'tentative' agreement is still current.

Opportunity to reapply for funding under the new LEP funding model:

As previously mentioned, the Office of Energy and Western Power have doubled their combined contribution for Round 5 LEP's to \$500,000 in recognition of the increasing costs incurred in these projects.

Therefore if the City were to re-apply for Brookman Street, Moir Street, Forbes Road and Robinson Avenue in Round 5 the cost to the City would reduce by \$250,000 to approximately \$700,000.

The City's officers have since contacted Western Power to ascertain what the implications would be for the project if the City were to re-apply.

Western Power's position is that:

- It would not affect the reserve status of the Round 4 submission but that the old funding model would continue to apply.
- The City is eligible to re-apply under Round 5 but there is no guarantee that the submission will be successful, however if it were, it would be funded under the new model and the Round 4 submission would lapse.

Officer Comment:

*In light of the above it is recommended that the City re-apply for the Brookman Street, Moir Street and Forbes Road and Robinson Avenue LEP and allow both proposals to run concurrently.*

**LEP – Proposed Projects:**

Fitzgerald and Angove Streets

The City has in the past, using its own resources, partially undergrounded the power in Fitzgerald Street and Angove Streets, North Perth, through the City Centre or commercial precinct.\*

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. However, it meant that overhead distribution lines have remained on one side of the road.

Note\*: Angove Street, from Daphne Street to Fitzgerald Street, the power poles and service cables were removed from the northern side. Fitzgerald Street, from Burt Street to Raglan Road, the power poles and services cables were removed from the western side of the road.

The cost to undertake a full, self funded, LEP was prohibitive and beyond the budget of the project at the time.

An opportunity now exists to apply for LEP funding to complete the works. Further, as a portion of the work has already been completed (as above) there is the potential for cost savings.

Applying Western Power's indicative costing of \$1,000 per linear metre x approximately 980 metres, and not assuming any discount for previously completed works, the estimated cost for the project is in the order of \$980,000. Assuming a 30% discount rate as a majority of the costs are associated with the undergrounding of the distribution lines and the installation of transformers and switch gear, which was not included as part of the Angove / Fitzgerald Street project), could reduce the cost to an estimated \$670,000.

Therefore on this basis the City's contribution would be in the order of \$335,000.

Officer Comment:

*It is worth noting that if the Fitzgerald Street Light Rail Project proceeds, flagged as a priority project in State Governments recently released Public Transport Plan for Perth 2031, it could be expected that the powerlines through the North Perth City Centre would be undergrounded to accommodate the proposed station.*



Lacey Street Historical Precinct:

The City applied to underground the Lacey Street Historical Precinct as a Round 4 LEP in 2007 in addition to the Brookman/Moir submission as discussed above.

It was also unsuccessful and nor was it listed as a 'reserve' project. However, it is considered worthy of re-submission as an area of Heritage Significance.

The precinct, as shown on attached plan 2496-RD-3, while centred on Lacey Street also includes the immediately adjacent sections of Brisbane and Brewer Streets so as to underground the power to first pole in either direction.

The submission included in part the following:

*"The area is distinctive due to the predominance of dwellings in the Federation Cottage and Federation Georgian style of architecture. The cohesive streetscape is characterised by small dwellings, which have a two room presentation to the street and feature bull nose and skillion verandahs. The dwellings have medium pitched roof forms, with highly visible chimneys and feature simple window arrangements of single sash and casement windows."*

Further:

*"In adopting the new Design Guidelines to protect the streetscape, the Council has also considered capital works upgrades for the street and have requested that an application under the Localised Enhancement Project be submitted for consideration, given the local character and urban design qualities attributed to the place."*

*While technically this is not a precinct of cultural heritage significance but rather a precinct of streetscape character, a distinction recognised by the Heritage Council of WA (HCWA) and as such is classified as a historic streetscape."*

Other Potential Location Trees:

The following street have tree species which are considered as being more significant, than say the Queensland Box, (which is the predominant species throughout Vincent) and because of overhead powerlines the trees that require significant pruning which severely compromises their shape and form.

Streets below have Jacaranda trees:

- Commonwealth Avenue North Perth
- Farmer Street North Perth
- Harrow Street Mt Hawthorn
- Leake Street North Perth
- Matlock Street Mt Hawthorn
- Milton Street Mt Hawthorn
- Norfolk Street North Perth
- Tasman street North Perth

Streets below have London Plane Trees:

- Monger Street Perth

**CONSULTATION/ADVERTISING:**

Not applicable at this stage. In the event that the Council resolves to proceed with a project, full consideration with property owners in the affected area will be carried out.

**LEGAL/POLICY:**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** The Power network is owned and operated by Western Power Corporation. There is a low risk to the City should the proposal not proceed

**STRATEGIC IMPLICATIONS:**

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

*"Natural and Built Environment*

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

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

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

**SUSTAINABILITY IMPLICATIONS:**

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

**FINANCIAL/BUDGET IMPLICATIONS:**

Western Power and the Office of Energy will contribute a total of 50%, to a maximum of \$500,000, of the cost up to a project to the value of \$1,000,000, with any costs over above to be paid by the City.

**COMMENTS:**

As indicate in body of the report 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.

However the City has in the past had some success in applying for SUPP projects and therefore it is intended, with Councils approval, to apply for the prospective LEP's as outlined above.

**9.2.7 Hyde Park Lakes Restoration Project – Progress Report No. 12**

<b>Ward:</b>	South	<b>Date:</b>	11 November 2011
<b>Precinct:</b>	Hyde Park (12)	<b>File Ref:</b>	RES0042
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	-		
<b>Reporting Officers:</b>	J van den Bok, Manager Parks and Property Services; R Lotznicker, Director Technical Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

**1. NOTES:**

- 1.1 the information contained in progress Report No. 12 as at 10 November 2011, relating to the Hyde Park Lakes Restoration Project;
- 1.2 that progress on the Investigation/Design/Documentation for the restoration of the Hyde Park Lakes being undertaken by Golder Associates is currently on schedule, as per the adopted timeline;
- 1.3 that the Hyde Park Lakes Restoration Working Group met on 3 November 2011; and
- 1.4 the project is progressing in accordance with the adopted timeframe and no significant issues have occurred or been identified to date; and

2. RECEIVES further progress reports on the Hyde Park Lakes Restoration Project on a monthly basis.

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**COUNCIL DECISION ITEM 9.2.7**

**Moved Cr Topelberg, Seconded Cr Pintabona**

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 Hyde Park Lakes Restoration Project.

**BACKGROUND:**

**Special Meeting of Council - 5 July 2011:**

Progress Report No. 10 was presented whereby the Council resolved to revoke and change part of the resolution adopted at the Ordinary Meeting held on 13 October 2009 by deleting the Town of Vincent Option 2A – “ Modified ‘Ornamental’ Permanent Water Solution” and approving the City of Vincent Option 2B – “ Modified ‘Ornamental unlined lakes’ Water Solution.”

**Ordinary Meeting of Council - 13 September 2011:**

A report was presented in relation to the engaging of consultants for the Hyde Park Lakes restoration and remediation project and the Council resolved to award this contract to Golder Associates Pty Ltd.

**Ordinary Meeting of Council – 27 September 2011:**

Progress Report No. 11 was presented whereby the Council resolved to endorse the revised Hyde Park Lakes Draft Implementation Indicative Timeline and receives monthly reports on the progress of the project until completed.

**DETAILS:**

**Regulatory Approvals, Management Plans and Final Design:**

Golder Associates Pty Ltd commenced their consultancy on 1 October 2011, in accordance with the program submitted for Tender No. 433-11 'Engagement of Consultants for Hyde Park Lakes Restoration & Remediation'.

As part of the agreement the City's officers are meeting with Golder's representatives every three (3) weeks and to date the project is progressing as per the submitted/adopted timeline.

The following is an update of the tasks associated with the timeline. Comments have been provided by Golder in accordance with the adopted time line.

<b>Task</b>	<b>Status</b>	<b>Comments</b>
<b>Groundwater Modelling: 3 October 2011 – 25 November 2011</b>		
• Desktop study	Completed	<i>Reviewed the readily available documents (e.g. previous consultant reports, Masterplan documents), survey information, groundwater and monitoring data.</i>
• Fieldwork & Hydraulic testing	Testing completed	<i>Hydraulic testing of the aquifer has been conducted using both "slug tests" within the monitoring boreholes and also a larger pump test from one of the pumping bores Bore # 29 (Lake Recharge).</i>
• Modelling	In progress 80% complete,	<i>The "Modflow" model is calibrated and net groundwater flow rates from the Lakes have been extracted from this. As the "GoldSim" model is progressing there is likely to be some revisions of the "Modflow" model. This is mainly due to the fact that we need to work with many uncertainties such as the actual lake levels throughout the year (we only have lake level data from mid October) and thickness and hydraulic conductivity of the lake bottom. GoldSim:- The main structure of the model is set up and preliminary runs have been done where the model simulates the rise and fall of the lake levels throughout the year. This will be further refined over the next week.</i>
<b>Flora and Fauna protection plan: 3 October 2011 – 25 November 2011</b>		
• Desktop study/literature review	Completed	<i>The desk study consisted of search of DEC databases.</i>
• Reconnaissance survey	Completed	<i>The reconnaissance survey consisted of basic vegetation mapping.</i>

Task	Status	Comments
<ul style="list-style-type: none"> <li>Reporting</li> </ul>	Completed	<p>The fauna and flora desktop survey and site visit found that the values of Hyde Park can be partitioned across three main areas. The planted area around the lakes has classic English specimen garden and associated passive recreation values. The lakes themselves form a low-value aquatic habitat due to their poor water quality, but do provide habitat for common and robust species of native waterfowl and the oval turtle. The islands are significantly degraded by invasive species such as the giant reed cultivar on the eastern island and by bottle brush trees and various specimen plantings across both.</p> <p>The western islands demonstrate some good examples of native wetland vegetation and wetland habitat that could be restoration goals for the islands, with the lake largely remaining as it is but fulfilling a useful purpose of protecting the islands from dogs and human interference of wildlife.</p> <p>The surrounding parkland is best retained as it was originally intended and has been maintained over the last 100 + years; as an English specimen garden.</p>
<b>Site Management Plan: 28 November 2011 – 2 March 2012</b>		
<ul style="list-style-type: none"> <li>Remedial action plan</li> </ul>	Not commenced	No comments at this stage
<ul style="list-style-type: none"> <li>Heritage Management Plan</li> </ul>	Not commenced	No comments at this stage
<ul style="list-style-type: none"> <li>Community Consultation Plan</li> </ul>	Not commenced	No comments at this stage
<ul style="list-style-type: none"> <li>Reporting</li> </ul>	Not commenced	No comments at this stage
<ul style="list-style-type: none"> <li>CoV review</li> </ul>	Not commenced	No comments at this stage
<ul style="list-style-type: none"> <li>DEC</li> </ul>	Not commenced	No comments at this stage
<b>Acid Sulphate Plan: 12 December 2011 – 17 February 2012</b>		
<ul style="list-style-type: none"> <li>Develop</li> </ul>	Not commenced	No comments at this stage
<ul style="list-style-type: none"> <li>COV review</li> </ul>	Not commenced	No comments at this stage
<ul style="list-style-type: none"> <li>DEC</li> </ul>	Not commenced	No comments at this stage
<b>Design of Sediment Management/Lake restoration: 12 December 2011 – 28 March 2012</b>		
<ul style="list-style-type: none"> <li>Data review</li> </ul>	Not commenced	No comments at this stage
<ul style="list-style-type: none"> <li>Develop Conceptual plan</li> </ul>	Not commenced	No comments at this stage
<ul style="list-style-type: none"> <li>Detailed design issue for tender</li> </ul>	Not commenced	No comments at this stage
<ul style="list-style-type: none"> <li>Technical Specification</li> </ul>	Not commenced	No comments at this stage
<ul style="list-style-type: none"> <li>COV review/approval</li> </ul>	Not commenced	No comments at this stage
<ul style="list-style-type: none"> <li>Call tenders</li> </ul>	Not commenced	No comments at this stage

### **Funding Deed:**

Officers have been liaising with the Commonwealth Department of Sustainability, Environment, Water, Population and Communities in view that the funding deed be amended to reflect the changes in the project scope and works program.

A teleconference was held on 8 November between the City's officers and officers from Commonwealth Department of Sustainability, Environment, Water, Population and Communities to where it as advised that the new deed will be forwarded to the City for final signoff by the end of November 2011.

The tight timeline was discussed and the City's officers were advised that it was important to have the design completed and contractors engaged prior to June 30, 2011.

### **Hyde Park Lakes Restoration Working Group Meeting:**

The Group chaired by the mayor, met on 3 November 2011. The meeting presentation/discussion/actions included the following:

- History and Overview
- Update by Golders Associates
- Schedule of Works
- Hydrological Studies
- Tendering
- Progress of Works / DEC approvals
- Alternative Water Supply Options
- Community Consultation
- Update on the Commonwealth Funding
- Other Funding Sources
- Conclusion/Way Forward

The minutes of the meeting have been included in the information bulletin (in the current agenda) and the actions/outcomes of the meeting will be reported to the Council in future progress reports.

### **CONSULTATION/ADVERTISING:**

Ongoing consultation with various stakeholders is continuing as required.

The City's Communications Officer has created a "Corporate Projects" site on the City's web page and background information together with weekly photographs when construction commences in 2012 will be included on this site. The site will be updated on a regular basis.

### **LEGAL/POLICY:**

Hyde Park is included on the Heritage Council of Western Australia's Register of Heritage Places. The place has significant scientific and historic importance as a remnant of the former chain of wetlands that extended north of Perth and is valued as an important source of aesthetic and recreational enjoyment for the community. In accordance with the Heritage of Western Australia Act 1990, any proposed alteration or development to Hyde Park would be required to be referred to and approved by the Heritage Council of Western Australia prior to the commencement of works.

Hyde Park Lakes has been identified and recorded, and will need to be managed and remediated in accordance with the Contaminated Sites Act 2003 and Contaminated Sites Regulations 2006.

In addition, the proposed restoration works will impact registered Department of Indigenous Affairs (DIA) site 3792 and will require a Site Identification Survey. The survey will need to be conducted to Section 18 standards in accordance with the Aboriginal Heritage Act 1972.

**RISK MANAGEMENT IMPLICATIONS:**

**High:** The Lakes have been listed as contaminated requiring remediation however they do not pose any serious risk to human health. The proposal is more one of improving the aesthetics and amenity of the park and at the same time addressing the contamination issues which if left untreated may cause longer term water quality issues. As the proposed works involve rehabilitation of a contaminated site, there is a high risk that estimated costs may escalate. This will need to be closely managed. The engagement of consultants with expertise in this type of work is strongly recommended.

**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 Enhance and maintain the City's parks, landscaping and the natural environment."*

**SUSTAINABILITY IMPLICATIONS:**

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

As part of the City's Sustainable Environment Plan 2007-2012, the City has identified a number of objectives and the Hyde Park Lakes Restoration Project will be required to address most of the objectives listed below on various levels;

- reduce water use (reduce the size of the Lakes – Option 2A);
- use natural systems to improve water quality (construction of swale);
- encourage the planting of native species (Islands to be replanted);
- re-establish native fringing vegetation as bird habitat areas (may be possible in some locations between existing and new walling).

**FINANCIAL/BUDGET IMPLICATIONS:**

The 2011/2012 budget contains \$4,872,200 (funded from a variety of sources) for the restoration project. The 'preliminary' estimated cost of Option 2B is in the order of \$4.3m including consultancy costs.

**COMMENTS:**

The works to provide the regulatory approvals, management plans and final design and documentation for the Hyde Park Lakes Restoration Project have commenced and are progressing on schedule.

Regular meeting with the consultants are being held at the City's offices and meetings with the Hyde Park Lakes Restoration Working group will be convened as reports are provided and technical reviews are required.

Further monthly progress reports will be provided to the Council as the project progresses.

**9.3.1 Investment Report as at 31 October 2011**

<b>Ward:</b>	Both	<b>Date:</b>	11 November 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0033
<b>Attachments:</b>	<a href="#">001</a> – Investment Report		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	B C Tan, Manager Financial Services; N Makwana, Accounting Officer		
<b>Responsible Officer:</b>	M Rootsey, Director Corporate Services		

**OFFICER RECOMMENDATION:**

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

**COUNCIL DECISION ITEM 9.3.1**

**Moved Cr Topelberg, Seconded Cr Pintabona**

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 October 2011 were \$21,511,000 compared with \$22,011,000 at 30 September 2011. At 31 October 2010, \$20,084,829 was invested.

Investment comparison table:

	<b>2010-2011</b>	<b>2011-2012</b>
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

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

	<b>Annual Budget</b>	<b>Budget Year to Date</b>	<b>Actual Year to Date</b>	<b>%</b>
Municipal	\$567,000	\$162,000	\$202,338	35.69
Reserve	\$433,000	\$140,000	\$184,906	42.70



**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.”*

**COMMENTS:**

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

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

The report comprises of:

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

**9.3.2 Authorisation of Expenditure for the Period 1 – 31 October 2011**

<b>Ward:</b>	Both	<b>Date:</b>	4 November 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0032
<b>Attachments:</b>	<a href="#">001</a> – Creditors Report		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	O Wojcik, Accounts Payable Officer; B Tan, Manager Financial Services		
<b>Responsible Officer:</b>	M Rootsey, Director Corporate Services		

**OFFICER RECOMMENDATION:**

That the Council **CONFIRMS** the;

1. **Schedule of Accounts for the period 1 October – 31 October 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 Topelberg, Seconded Cr Pintabona**

**That the recommendation be adopted.**

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

**DECLARATION OF INTEREST**

<b>Members/Officers</b>	<b>Voucher</b>	<b>Extent of Interest</b>
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 October – 30 October 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:

<b>FUND</b>	<b>CHEQUE NUMBERS/ PAY PERIOD</b>	<b>AMOUNT</b>
<b>Municipal Account</b>		
Automatic Cheques	070808-070985	\$214,416.65
Transfer of Creditors by EFT Batch	1292 - 1294, 1296 - 1298, 1300, 1301, 1304	\$2,312,562.45
Transfer of PAYG Tax by EFT	October 2011	\$234,737.70
Transfer of GST by EFT	October 2011	
Transfer of Child Support by EFT	October 2011	\$702.86
Transfer of Superannuation by EFT:		
• City of Perth	October 2011	\$58,301.07
• Local Government	October 2011	\$107,749.94
<b>Total</b>		<b>\$2,928,470.67</b>
<b>Bank Charges &amp; Other Direct Debits</b>		
Bank Charges – CBA		\$8,930.30
Lease Fees		\$3961.07
Corporate Master Cards		\$9,173.32
Loan Repayment		\$112,512.45
Rejection Fees		\$20.00
<b>Total Bank Charges &amp; Other Direct Debits</b>		<b>\$134,597.14</b>
<b>Less GST effect on Advance Account</b>		<b>0.00</b>
<b>Total Payments</b>		<b>\$3,063,067.81</b>

**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.

**COMMENTS:**

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

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

**9.3.3 Beatty Park Redevelopment, 220 Vincent Street, North Perth – Progress Report No. 2**

<b>Ward:</b>	South	<b>Date:</b>	11 November 2011
<b>Precinct:</b>	Smiths Lake	<b>File Ref:</b>	CMS0003
<b>Attachments:</b>	<a href="#">001</a> – Progress photos		
<b>Tabled Items:</b>	-		
<b>Reporting Officers:</b>	D Morrissy; Manager Beatty Park Leisure Centre; K Bilyk; Property Officer; J Fondacaro; Coordinator Aquatic & Operations; M Rootsey, Director Corporate Services		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council;

1. **RECEIVES Progress Report No. 2 as at 11 November 2011, relating to the Beatty Park Leisure Centre Redevelopment Project, 220 Vincent Street, North Perth; and**
2. **NOTES that:**
  - 2.1 **good progress is being made in accordance with the adopted Timeline;**
  - 2.2 **no claims, cost variation or extension for time have been made to date; and**
  - 2.3 **no significant issues have occurred or been identified to date.**

**COUNCIL DECISION ITEM 9.3.3**

**Moved Cr Topelberg, Seconded Cr Pintabona**

**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:**

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 (in part) the following:

*“That the Council;*

*...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;*

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

- (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;*
- | <i>Project</i>                                  | <i>Amount</i>      |
|---|--------------------|
| <i>Beatty Park Leisure Centre Redevelopment</i> | <i>\$3,000,000</i> |
| <i>Hyde Park Lakes Reserve Fund</i>             | <i>\$2,000,000</i> |
- 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;..."*

**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

Three (3) tenders were received, the recommendation will be reported to the second Council meeting in November.

1.2 **Contracts**

Construction contract signed on 7 October 2011 – **Completed.**

Geothermal contract signed on 6 September 2011 – **Completed.**

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

Not applicable at this time.

1.4 **Cost Variations**

None received to date.

1.5 **Claims**

None received to date.

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**

Production bore at a depth of 152 metres. The casing installed to reduce loss of drilling fluids and pilot hole drilling to target depth is now underway. No complaints about noise etc have been received.

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**

The temporary reception was handed over on the 27th October 2011. Commenced serving customers on 31st October 2011.

An access hole in the grandstand to allow for pool demolition works has been widened to allow for larger equipment to be utilised for the outdoor pool works.

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

The additional directional and information signage has been installed to communicate the changes to the carpark and facility entry – **Completed**.

3.3 **Earthworks**

Not applicable at this time.

3.4 **Structural and Civil Engineering**

Not applicable at this time.

- 3.5 **Hydraulic services**  
Not applicable at this time.
- 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**  

The fencing has been setup around new building area. Signs directing patrons to temporary entrance have been installed – **Completed**.

The internal hoarding to divide the new building area from indoor pool work is complete.

The alarm panel has been relocated out of builder's area to allow for safe staff operation and continuing security of facility
- 4.2 **Earthworks/Demolition**  

Internal block walls demolished.

External cladding and non structural steel removed.
- 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**  
Not applicable at this time.

5. POOLS AND PLANT ROOM

- 5.1 **Outdoor Main Pool**  

Demolition of outdoor 50m pool is completed.

The original pool concourse surrounding pool found under the brick paving, is required to be removed to allow for levelling of new pools to surrounding buildings. An assessment is being carried out. If removal is required, this will be a cost variation, because of the additional scope of the works.



5.2 **Dive Pool**

Dive pool emptied, no structural issues identified.  
Pool depth reduction in progress and sand fill delivered.

5.3 **New Learn to swim pool**

No work has commenced as yet.

5.4 **Indoor pool/Leisure area**

No work has commenced as yet.  
Pool features have been ordered.

6. INDICATIVE TIMELINE

6.1 **Progress**

Pool work is still on schedule.  
Geothermal works are still on schedule.  
Temporary reception operational on 31 October 2011.  
Indoor pool to close on Sunday 27th November 2011 to allow for emptying of pool and handover to builder on 1st December 2011.

6.2 **Days Claimed**

None received to date.

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 mailouts to members, clubs and stakeholders;
- A letter drop to surrounding residents;
- Internal signage;
- Website updates, including a photo diary, plans and a detailed project overview; and
- Twitter account setup @BeattyPark for regular updates on the redevelopment and other related information.

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

8. MEMBERSHIP

Extensions have been given to all current members as at 1 October 2011.

A number of members have opted to suspend their membership during the redevelopment period. As at the 10<sup>th</sup> November 2011 the membership was at 1479.

Refunds have been provided to those members who preferred to take up this option. As at the 10<sup>th</sup> November 2011 \$21,141 has been refunded.

Further membership discounts are being considered by the Manager Beatty Park Leisure Centre for when the indoor pool closes on 27<sup>th</sup> November 2011.

9. EMPLOYEE MATTERS

The Manager Human Resources and Manager Beatty Park Leisure Centre continue to work closely to ensure staff are actively employed during the redevelopment either at Beatty Park or elsewhere within the organisation if possible. If other positions are not available reductions in hours for permanent part time staff is being implemented.

All staff with outstanding leave have been instructed to clear as much as possible during the redevelopment period.

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 50<sup>th</sup> 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:**

Not Applicable.

**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

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

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

(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 (Perkins)

Progress claim No. 1 has been received from Perkins to date and is being reviewed by the Architect and Quantity Surveyor for accuracy, before being recommended for payment.

<b>Progress Payment Number</b>	<b>Date Received</b>	<b>Amount Requested (excl GST)</b>	<b>Amount Paid (excl GST)</b>	<b>Date Paid</b>
No. 1	14/11/2011	\$168,597.91	-	-
No. 2				
No. 3				
No. 4				
No. 5				
No. 6				
No. 7				
No. 8				
No. 9				
No. 10				

**Total Paid Nil.**

Geothermal Tender Progress Claim Payments – Drilling Contractors Australia

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

<b>Progress Payment Number</b>	<b>Date Received</b>	<b>Amount Requested (excl GST)</b>	<b>Amount Paid (excl GST)</b>	<b>Date Paid</b>
No. 1				
No. 2				
No. 3				
No. 4				
No. 5				
No. 6				
No. 7				
No. 8				
No. 9				
No. 10				

**Total Paid Nil.**

Fire Detection and Water Tanks Tender Progress Claim Payments

Tender yet to be awarded.

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

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 are to be 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.

Additional Funds

The Administration is following grant enquiries from the following organisations:

- Lotterywest;
- Heritage Council; and
- Healthways.

**COMMENTS:**

The Beatty Park Redevelopment Project is now well underway. Good progress continues to be made and no significant issues have occurred or been identified at this stage.

**9.3.4 Tender No. 436/11 – Beatty Park Leisure Centre Redevelopment Fire Detection System and Water Tanks**

<b>Ward:</b>	South	<b>Date:</b>	11 November 2011
<b>Precinct:</b>	Smiths Lake	<b>File Ref:</b>	TEN0443
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	D Morrissy, Manager Beatty Park Leisure Centre		
<b>Responsible Officer:</b>	M Rootsey, Director Corporate Services		

**OFFICER RECOMMENDATION:**

That the Council **ACCEPTS** the tender from Perkins Builders for the Fire detection system and water tanks, in accordance with the terms and conditions detailed in Tender No 436/11.

**COUNCIL DECISION ITEM 9.3.4**

**Moved Cr Topelberg, Seconded Cr Pintabona**

That the recommendation be adopted.

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

**PURPOSE OF REPORT:**

The purpose of this report is to obtain the Council’s approval to award the tender for the Tender No. 436/11 – Fire detection system and water tanks.

**BACKGROUND:**

Tender No. 436/11 was advertised in The West Australian newspaper on 17 September 2011.

At the close of the tender at 2.00pm on 12 October 2011 three (3) tenders were received.

Present at the tender opening were Finance Officer – Accounts Payable, Olla Wojcik, Executive Secretary Corporate Services, Kara Ball and Manager Beatty Park Leisure Centre, Dale Morrissy.

**DETAILS:**

The details of all tenders received are listed below:

<b>Description of Works</b>	<b>Perkins Builders Amount (Inc. GST)</b>	<b>Axis Fire Solutions Amount (Inc. GST)</b>	<b>Andec Fire Systems Amount (Inc. GST)</b>
Design, install and commission of an automatic fire detection system and fire hydrant system incorporating water storage tanks.	\$647,700	\$488,330.70	\$776,820

## Tender Evaluation

### Tender Evaluation Panel

The Tender Evaluation Panel comprising the Director Corporate Services Mike Rootsey, Manager Beatty Park Leisure Centre, Dale Morrissy, Brian LaFontaine from Peter Hunt Architects, and Richard Thould, Consultant from Norman Disney and Young, met on 8 November 2011 to assess the tender submissions.

Each tender was assessed using the selection criteria below in accordance with the tender documentation.

### Tender Evaluation Criteria

Criteria	Weighting	Perkins	Andec	Axis
<b>1. Financial Offer/Fee Proposal</b> <ul style="list-style-type: none"> <li>This contract is offered on a lump sum (fixed price) fee basis. Include in the lump sum fee all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST).</li> <li>Represents the "best value" for money.</li> </ul>	<b>60%</b>	42	26	32
<b>2. History and Viability of Organisation</b> <ul style="list-style-type: none"> <li>Detail your history, viability and experience.</li> <li>Demonstrate your capacity and depth to effectively address the range of requirements of the City.</li> <li>Demonstrate the financial capacity of the organisation to carry out works for this project</li> <li>Demonstrate evidence of stability and experience</li> <li>Include at least three (3) referees</li> </ul>	<b>15%</b>	12	9.75	0
<b>3. Methodology, Key Issues and Risk</b> Demonstrate your: <ul style="list-style-type: none"> <li>Proposed methodology for this project to be completed on time and within budget.</li> <li>Evidence of successful results, particularly in Western Australia.</li> <li>Understanding of the required service by identifying the key issues and risk associated with delivering the project. Explain how you intend to address these issues and risks.</li> </ul>	<b>15%</b>	11	3.0	0
<b>4. Relevant experience, expertise and project team</b> Demonstrate your: <ul style="list-style-type: none"> <li>Experience, expertise and project team.</li> <li>Role and credentials of the key persons in the provision of the service (i.e. formal qualifications and experience).</li> <li>Understanding of the requirements associated with delivering the services to the City.</li> <li>Experience and success with recent similar works, particularly in Western Australia.</li> </ul>	<b>10%</b>	5.33	7.67	0
	<b>100%</b>	<b>70.33</b>	<b>46.42</b>	<b>32.00</b>

Tender Evaluation Summary

Tender Evaluation Panel comments are shown below:

**1. Perkins Builders**

Total weighted score	(1st)
<p><b>1. Financial Offer/Fee Proposal</b></p> <ul style="list-style-type: none"> <li>• This contract is offered on a lump sum (fixed price) fee basis. Include in the lump sum fee all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST).</li> <li>• Represents the "best value" for money.</li> </ul>	<p>Second (2<sup>nd</sup>) lowest price Excluded overflow drainage from pumps and tanks*</p>
<p><b>2. History and Viability of Organisation</b></p> <ul style="list-style-type: none"> <li>• Detail your history, viability and experience.</li> <li>• Demonstrate your capacity and depth to effectively address the range of requirements of the City.</li> <li>• Demonstrate the financial capacity of the organisation to carry out works for this project</li> <li>• Demonstrate evidence of stability and experience</li> <li>• Include at least three (3) referees</li> </ul>	<p>Comprehensive details provided References provided</p>
<p><b>3. Methodology, Key Issues and Risk</b> Demonstrate your:</p> <ul style="list-style-type: none"> <li>• Proposed methodology for this project to be completed on time and within budget.</li> <li>• Evidence of successful results, particularly in Western Australia.</li> <li>• Understanding of the required service by identifying the key issues and risk associated with delivering the project. Explain how you intend to address these issues and risks.</li> </ul>	<p>Adequate – meets criteria – low risk to City</p>
<p><b>4. Relevant experience, expertise and project team</b> Demonstrate your:</p> <ul style="list-style-type: none"> <li>• Experience, expertise and project team.</li> <li>• Role and credentials of the key persons in the provision of the service (i.e. formal qualifications and experience).</li> <li>• Understanding of the requirements associated with delivering the services to the City.</li> <li>• Experience and success with recent similar works, particularly in Western Australia.</li> </ul>	<p>Comprehensive – meets criteria – low risk to city</p>

\* A minor cost variation will need to be separately negotiated with the builder. The cost is currently being assessed.

Comment:

The Perkins Tender was the second (2<sup>nd</sup>) lowest price. The Tender included the majority of elements required and was reasonably well documented. However, it did exclude overflow drainage from pumps and tanks.

This Builder is well known to the City and is currently working on the Beatty Park Leisure Centre redevelopment.

Perkins has previously performed well on two (2) City projects and accordingly, this Tender is recommended

2. Andec

Total weighted score	(2 <sup>nd</sup> )
<p><b>1. Financial Offer/Fee Proposal</b></p> <ul style="list-style-type: none"> <li>• This contract is offered on a lump sum (fixed price) fee basis. Include in the lump sum fee all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST).</li> <li>• Represents the "best value" for money.</li> </ul>	<p>Highest price Items excluded (civil works for pump room and storage tanks, slab footings for water storage tanks, works associated with new pump room – drainage, power and lighting)</p>
<p><b>2. History and Viability of Organisation</b></p> <ul style="list-style-type: none"> <li>• Detail your history, viability and experience.</li> <li>• Demonstrate your capacity and depth to effectively address the range of requirements of the City.</li> <li>• Demonstrate the financial capacity of the organisation to carry out works for this project</li> <li>• Demonstrate evidence of stability and experience</li> <li>• Include at least three (3) referees</li> </ul>	<p>Comprehensive details provided References provided</p>
<p><b>3. Methodology, Key Issues and Risk</b> Demonstrate your:</p> <ul style="list-style-type: none"> <li>• Proposed methodology for this project to be completed on time and within budget.</li> <li>• Evidence of successful results, particularly in Western Australia.</li> <li>• Understanding of the required service by identifying the key issues and risk associated with delivering the project. Explain how you intend to address these issues and risks.</li> </ul>	<p>List of successful projects provided</p>
<p><b>4. Relevant experience, expertise and project team</b> Demonstrate your:</p> <ul style="list-style-type: none"> <li>• Experience, expertise and project team.</li> <li>• Role and credentials of the key persons in the provision of the service (i.e. formal qualifications and experience).</li> <li>• Understanding of the requirements associated with delivering the services to the City.</li> <li>• Experience and success with recent similar works, particularly in Western Australia.</li> </ul>	<p>Comprehensive – meets criteria – low risk to city</p>

Comment:

The Andec tender offered the highest price. However, it excluded civil works for pump room and storage tanks, slab footings for water storage tanks, works associated with new pump room – drainage, power and lighting.

Therefore this tender not recommended.



3. Axis

Total weighted score	(3 <sup>rd</sup> )
<p><b>1. Financial Offer/Fee Proposal</b></p> <ul style="list-style-type: none"> <li>• This contract is offered on a lump sum (fixed price) fee basis. Include in the lump sum fee all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST).</li> <li>• Represents the "best value" for money.</li> </ul>	<p>Lowest price Items excluded (Power to pumps, pump room and fire indicator panel; ground works and footings for tanks, making good any damage to bitumen or paving after trenching)</p>
<p><b>2. History and Viability of Organisation</b></p> <ul style="list-style-type: none"> <li>• Detail your history, viability and experience.</li> <li>• Demonstrate your capacity and depth to effectively address the range of requirements of the City.</li> <li>• Demonstrate the financial capacity of the organisation to carry out works for this project</li> <li>• Demonstrate evidence of stability and experience</li> <li>• Include at least three (3) referees</li> </ul>	<p>No information provided</p>
<p><b>3. Methodology, Key Issues and Risk</b> Demonstrate your:</p> <ul style="list-style-type: none"> <li>• Proposed methodology for this project to be completed on time and within budget.</li> <li>• Evidence of successful results, particularly in Western Australia.</li> <li>• Understanding of the required service by identifying the key issues and risk associated with delivering the project. Explain how you intend to address these issues and risks.</li> </ul>	<p>No information provided</p>
<p><b>4. Relevant experience, expertise and project team</b> Demonstrate your:</p> <ul style="list-style-type: none"> <li>• Experience, expertise and project team.</li> <li>• Role and credentials of the key persons in the provision of the service (i.e. formal qualifications and experience).</li> <li>• Understanding of the requirements associated with delivering the services to the City.</li> <li>• Experience and success with recent similar works, particularly in Western Australia.</li> </ul>	<p>Lack of sufficient information to prove that contractor has sufficient resources, experience and skills to complete the installation.</p>

Comment:

The Axis tender offered the lowest price. There were however a significant number of exclusions from the scope of work as listed below.

The tender excluded power to pumps, pump room and fire indicator panel; ground works and footings for tanks, making good any damage to bitumen or paving after trenching.

There is also a lack of sufficient relevant information to demonstrate that the contractor could successfully complete the installation.

**Discussion:**

Two (2) of the tenderers excluded a number of items from their submissions and one of these was also above the estimated price for the project.

## **CONSULTATION/ADVERTISING**

The tender was advertised in the West Australian newspaper on the 17 September 2011.

## **LEGAL/POLICY:**

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

## **RISK MANAGEMENT IMPLICATIONS:**

**Medium – High:** The tender is an important part of the Beatty Park Redevelopment project for the City. It must be carried out in coordination with the other aspects of the redevelopment. Failure to do so may cause unwanted delays in the project.

## **STRATEGIC IMPLICATIONS:**

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

### *"Natural and Built Environment*

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

## **SUSTAINABILITY IMPLICATIONS:**

Not Applicable

## **FINANCIAL/BUDGET IMPLICATIONS:**

The amount of \$630,000 has been allowed for this work on the approved Beatty Park Redevelopment works.

## **COMMENTS:**

The Tender Evaluation Panel recommends the tender submitted by Perkins Builders, for the Fire detection system and water tanks, in accordance with the terms and conditions detailed in Tender No 436/11.

**9.5.3 Information Bulletin**

<b>Ward:</b>	-	<b>Date:</b>	11 November 2011
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Attachments:</b>	<a href="#">001</a> – Information Bulletin		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Radici, Executive Assistant		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council **RECEIVES** the Information Bulletin dated 22 November 2011, as distributed with the Agenda.

**COUNCIL DECISION ITEM 9.5.3**

**Moved Cr Topelberg, Seconded Cr Pintabona**

That the recommendation be adopted.

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

**DETAILS:**

The items included in the Information Bulletin dated 22 November 2011 are as follows:

<b>ITEM</b>	<b>DESCRIPTION</b>
IB01	Letter of Appreciation from the Development Disability Council of WA regarding the City of Vincent hosting their Annual General Meeting
IB02	Letter of Appreciation from the Western Australia Police regarding WA Police Business Continuity During CHOGM 2011
IB03	Email of Appreciation from People with Disabilities Western Australia regarding Universal Access
IB04	Certificate of Appreciation from the Mount Hawthorn Primary School regarding the City of Vincent's generous contribution to the Mount Hawthorn Primary School Fair 2011
IB05	Visions of Vincent – Evaluation Report
IB06	Minutes of the Design Advisory Committee (DAC) Meeting held on 2 November 2011
IB07	Hyde Park Lakes Restoration Working Group Unconfirmed Minutes of the meeting held on 3 November 2011
IB08	Metropolitan Local Government Review Panel Issue Papers October 2011

**9.1.2 No. 30 (Lots 48 & 49; D/P: 2931) Cleaver Street, West Perth – Alterations and Additions to Fifteen (15) Multiple Dwellings and Two (2) New Multiple Dwellings**

<b>Ward:</b>	South	<b>Date:</b>	8 November 2011
<b>Precinct:</b>	Cleaver; P5	<b>File Ref:</b>	PRO2092; 5.2011.367.1
<b>Attachments:</b>	<a href="#">001</a> - Property Information Report and Development Application Plans		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	S Radosevich, Planning Officer (Statutory)		
<b>Responsible Officer:</b>	H Smith, Manager Planning and Building Services		

**OFFICER RECOMMENDATION:**

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by McDonald Jones Architects on behalf of the owner, Divine Luck Pty Ltd for Alterations and Additions to Fifteen (15) Multiple Dwellings and Two (2) New Multiple Dwellings at No. 30 (Lots 48 and 49) Cleaver Street, West Perth, as shown on amended plans dated 20 October 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 Cleaver Street;
2. any new street/front wall, fence and gate within the Cleaver Street setback area, including along the side boundaries within this street setback area, shall comply with the City's Policy provisions relating to Street Walls and Fences;
3. no street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning;
4. first obtaining the consent of the owners of Nos. 26 & 26A Cleaver Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 26 & 26A Cleaver Street in a good and clean condition;
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 shall be submitted to and approved by the City, addressing the following issues:

- 5.1.1 public safety, amenity and site security;
- 5.1.2 contact details of essential site personnel;
- 5.1.3 construction operating hours;
- 5.1.4 noise control and vibration management;
- 5.1.5 Dilapidation Reports of nearby properties;
- 5.1.6 air and dust management;
- 5.1.7 stormwater and sediment control;
- 5.1.8 soil excavation method (if applicable);
- 5.1.9 waste management and materials re-use;
- 5.1.10 parking arrangements for contractors and subcontractors;
- 5.1.11 Consultation Plan with nearby properties;
- 5.1.12 any other matters deemed appropriate by the City.

**5.2 Schedule of External Finishes**

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

**5.3 Vehicular Access**

Where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the City; 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).

The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the City's Policies; and

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

**6.1 Car Parking**

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

**6.2 Vehicular Entry Gates**

Any proposed vehicular entry gates shall be a minimum 50 per cent visually permeable, and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors at all times. Details of the management measures shall be submitted; and

**6.3 Clothes Dryer**

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

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**COUNCIL DECISION ITEM 9.1.2**

**Moved Cr Pintabona, Seconded Cr Maier**

That the recommendation, together with the following new clauses 5.5 and 6.4, be adopted:

**“5.5 Privacy Screening**

The eastern and southern sides of the balconies to apartments 1.6 and 2.6, 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 26 & 26A Cleaver Street stating no objection to the respective proposed privacy encroachments;

**6.4 Bicycle Parking Facilities**

**Eight (8) class three bicycle facilities shall be provided at a location convenient to the entrances and within the approved development, comprising six (6) bays for residents and two (2) for visitors. Details of the design and layout of the bicycle parking facilities shall be submitted to and approved by the City prior to installation of such facilities.”**

Debate ensued.

Cr McGrath departed the Chamber at 6.45pm.

Debate ensued.

Cr McGrath returned to the Chamber at 6.46pm.

Debate ensued.

**MOTION PUT AND LOST (1-8)**

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

**Reasons:**

- 1. The Council is not prepared to exercise its discretion to allow the scale and bulk of the building and the setback.**
- 2. Excessive bulk as a result of excessive height and reduced setback.**
- 3. Issues of performance criteria for overshadowing living spaces.**

<b>Landowner:</b>	Divine Luck Pty Ltd
<b>Applicant:</b>	McDonald Jones Architects
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R 80
<b>Existing Land Use:</b>	Multiple Dwellings
<b>Use Class:</b>	Multiple Dwelling
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	1,097 square metres
<b>Right of Way:</b>	South-eastern side, 5 metres wide, Council owned

**PURPOSE OF REPORT:**

This proposal requires referral to the Council for determination given seven (7) objections to the proposal have been received

**BACKGROUND:**

26 July 2002 A development approval for the entrance canopy and front fence addition to existing multiple dwellings at No. 30 (Lots 48 and 49) Cleaver Street, West Perth was issued.

5 May 2009 Development application received for partial demolition of and alterations and additions to existing multiple dwelling. A Scheme Amendment to Town Planning Scheme No. 1 was progressing at this time to remove the "No Multiple Dwellings" clause from Town Planning Scheme No. 1. On 25 November 2009, the application was deemed cancelled as it had exceeded the 60 days statutory requirement and the Scheme Amendment had not been finalised, therefore multiple dwellings were not permitted in the Cleaver Precinct at that point in time.

**DETAILS:**

There are currently 15 multiple dwellings and a separate building for communal laundry facilities on the subject site. The application is for alterations and additions to the existing multiple dwellings and for two (2) new multiple dwellings. The existing multiple dwellings are currently designed as studios, with the proposal comprising one (1) and two (2) bedroom additions to them. The application also proposes to remove the communal laundry facilities from the rear of the site with all washing facilities being relocated within a combined laundry/bathroom within each multiple dwelling.

**COMPLIANCE:**

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
<b>Building Setbacks:</b>	<u>Northern boundary</u> Ground Floor= 4 metres.	Nil.
	<u>Southern boundary</u> Ground, First and Second Floors = 4 metres	0.5 metres to 2.015 metres.
	<u>Eastern boundary</u> Ground, First and Second Floors = 4 metres.	Nil to 2.015 metres.
	<b>Officer Comments:</b>	
Supported – It is considered there is no undue impact in terms of visual impact and ventilation created by the proposed setback variations. The extent of overshadowing will not be significantly increased from what is currently overshadowed, with the increased shadow predominantly falling on the roof of each of the southern properties, and clear of the outdoor living areas. Screening to the balconies on the southern side (up to 1650 millimetres) is proposed which protects the privacy between the subject site and adjoining properties. Neighbours have raised issues with the setbacks and this has been addressed (in the consultation table below).		
<b>Building Height:</b>	Maximum height of 7 metres permitted for a concealed roof.	Maximum proposed height of 8.8 metres.
<b>Officer Comments:</b>		
Supported – The proposed additions match the building height of the existing building. The building height is unlikely to cause the building to have a greater impact on the streetscape than it already does, with the proposed additions maintaining the existing streetscape. The extent of overshadowing to the adjoining property will not be significantly increased as the shadow will predominantly fall on the roof of the adjoining dwellings and over their rear setbacks, as it did previously. There will not be any overshadowing to the courtyards or other private space of the adjoining properties as they are located to the southern side of their respective subject sites.		
<b>Number of Storeys:</b>	Two storeys.	Three storeys.
<b>Officer Comments:</b>		
Supported – The proposal comprises additions to the existing multiple dwelling, and two (2) new multiple dwellings. The existing number of storeys to the building is 3, with this being maintained as part of the proposal. The human scale of the proposal will also remain the same for pedestrians.		
<b>Essential Facilities:</b>	Storage area with a minimum dimension of 1.5 metres with an internal area of at least 4 square metres for each multiple dwelling.	Multiple dwellings 3 and 4 have a storage area of 3.5 square metres.
<b>Officer Comments:</b>		
Supported – Multiple dwellings 3 and 4 have stores which are 3.5 square metres, however as they are single bedroom dwellings, the stores are adequate for the need of the residents without being detrimental to the amenity of the locality.		

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

<b>Consultation</b>	
<b>In Support (0)</b>	Nil
Comments Received	Officer Comments
Nil	Nil
<b>Objections (7)</b>	
Comments Received	Officer Comments
<ul style="list-style-type: none"> <li>• The proposed setback for the three (3) new storeys building on the south boundary is entirely unacceptable.</li> <li>• Building Setback; the acceptable 4 metre standard is to be reduced to nil on the ground floor and 2.015 metres and nil on the 1<sup>st</sup> and 2<sup>nd</sup> floors on the south side – this will severely affect privacy and cast a full shadow on the adjoining property.</li> <li>• Building 1<sup>st</sup> and 2<sup>nd</sup> floor balconies facing eastward overlooking the rear of my property.</li> </ul>	<ul style="list-style-type: none"> <li>• There are no major openings proposed along the southern side of the building, with the balconies being screened up to 1650 millimetres and the bedroom windows having a sill height of 1650 millimetres, which will protect privacy. All windows comply with the requirements of Clause 7.4.1 “Visual Privacy” A1 of the R-Codes.</li> </ul>
<ul style="list-style-type: none"> <li>• Building up to the rear boundary of the property in contravention of the R-Codes which require a 4 metre setback.</li> </ul>	<ul style="list-style-type: none"> <li>• The proposed building is setback 0.5m from the right-of-way to accommodate future widening. The proposed rear setback provides for adequate sun and ventilation to the subject site and adjoining properties.</li> </ul>
<ul style="list-style-type: none"> <li>• Car Parking; there will be nil visitor car parking bays (only 17 secure bays for 17 units) – this will cause opportunistic parking in private parking bays of other residences and business abutting the laneways causing random obstruction.</li> <li>• Parking is already limited on the street, and no visitor parking will add to problem.</li> </ul>	<ul style="list-style-type: none"> <li>• There are currently 15 multiple dwellings which require 4 (3.75) visitor bays, however there are currently no visitor bays provided on-site. An additional 2 multiple dwellings does not increase this requirement.</li> </ul>
<ul style="list-style-type: none"> <li>• Bicycle Parking; there are no bicycle bays for residents or visitors – the Cleaver Street precinct and general area is most suitable for alternate transport options and should be positively encouraged.</li> <li>• City of Vincent is conducive to alternative transport and cycling.</li> </ul>	<ul style="list-style-type: none"> <li>• 8 bicycle parking bays have now been provided, as required by Clause 7.3.3 “On-site parking provision” A3.2 of the R-Codes.</li> <li>• A condition of approval is recommended stating that there is to be 6 bicycle bays for residents and 2 for visitors.</li> </ul>
<ul style="list-style-type: none"> <li>• Building Height; it is proposed to go another 1.8 metres higher (plans indicate that at the setback of 2.015 metres on the south side the roof line will be about 8.5 metres), furthermore it is to be extended all the way to the east boundary – this will block out natural light and warmth to out all living areas on the north side of our property, PV cells on roof and clothes line.</li> <li>• Units already higher than they should be so any increase, especially at the southern wall is not supported.</li> <li>• Height to remain as is.</li> </ul>	<ul style="list-style-type: none"> <li>• The proposed building height ranges from 7.8 metres to 8.8 metres above the natural ground level. The maximum height of 8.8 metres is due to the slope of the natural ground level and the proposed additions matching the existing height of the building.</li> <li>• The existing building currently overshadows the rear setback of the adjoining properties and their roof. The proposed additions comply with overshadowing requirements of Clause 7.4.2 “Solar access for adjoining sites” A2 of the R-Codes.</li> </ul>



<b>Consultation</b>	
<ul style="list-style-type: none"> <li>Number of Storeys; as this is already exceeding the acceptable standard it is incredulous that any height increase or extension of footprint could be considered.</li> </ul>	<ul style="list-style-type: none"> <li>The existing multiple dwelling building is currently three (3) storeys high. As the two (2) proposed multiple dwellings match the existing building, which extends the length of the building but does not exceed three (3) storeys, it is considered to be consistent with the desired height of buildings in the locality.</li> </ul>
<ul style="list-style-type: none"> <li>Essential Facilities; there are no laundry or clothes drying areas proposed (the existing laundry and clothes line are to be removed) – this will cause wasteful excursions by motor vehicles to a local Laundromat.</li> </ul>	<ul style="list-style-type: none"> <li>Each multiple dwelling is provided with washing machines. It is a condition of approval that each multiple dwelling is to be provided with a clothes dryer.</li> </ul>
<ul style="list-style-type: none"> <li>Gross overshadowing of the two (2) southern properties.</li> <li>No shadow drawings have been provided.</li> <li>Building will overshadow and intrude our properties private space. It will not be in keeping with the surrounding area.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed additions complying with overshadowing requirements of Clause 7.4.2 “Solar access for adjoining sites” A2 of the R-Codes.</li> <li>The increased portion of overshadowing will predominantly fall over the roof of each dwelling, being clear of the outdoor living areas.</li> </ul>
<ul style="list-style-type: none"> <li>The amenity of the majority of the new bedrooms and revised living spaces on the south will have poor amenity in regard to daylight and aspect.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
<b>Advertising</b>	The advertising was carried out as per the City’s Policy No. 4.1.5 relating to Community Consultation.

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

**Car Parking**

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

<b>Car Parking</b>	
Medium Multiple Dwelling (75-110 square metres) - 1 space per dwelling (17 dwellings proposed)= 17 car bays	21 car bays
Visitors= 0.25 spaces per dwelling (17 dwellings proposed)= 4.25 visitor bays = 4 car bays	
Total= 21 car bays	
Total car bays provided	17 car bays
<b>Shortfall</b>	<b>4 car bays</b>

A total of 21 car bays will be required for the multiple dwellings, comprising 17 for the exclusive use of residents and 4 for visitors. Seventeen (17) car bays have been provided for the exclusive use of residents, however there is no visitor parking proposed.

There are currently 15 multiple dwellings which require 4 (3.75) visitor bays, however there are currently no visitor bays provided on-site. As the proposed additional 2 multiple dwellings does not increase the requirement of visitor bays, and as the proposed additions to the existing multiple dwellings will improve the amenity of the site and the amenity of low cost housing, whilst providing for a range of housing types within the City; it is considered that the shortfall of 4 visitor bays is supportable in this instance.

The subject site is located within a close proximity to Newcastle Street (approx. 79 metres) and Vincent Street (approx. 38 metres), which are both high frequency public transport routes providing alternative forms of transport to the subject site.

<b>Bicycle Parking</b>		
<b>Bicycle Parking</b>	1 bicycle space to each 3 dwellings for residents and 1 bicycle space to each 10 dwellings for visitors):	8 bicycle bays provided.
	6 bicycle bays for the residents.	
	2 bicycle bays for the visitors.	

Eight (8) bicycle parking bays have been provided; however a condition of approval is still recommended stating that there is to be 6 bicycle bays for residents and 2 for visitors.

**COMMENTS:**

The building height ranges from 7.8 metres to 8.8 metres from the natural ground level. The maximum height of 8.8 metres is due to the slope of the natural ground level and the proposed additions matching the existing height of the building.

The existing multiple dwelling building is currently three (3) storeys high. As the two (2) proposed multiple dwellings match the existing building, which extends the length of the building but does not exceed three (3) storeys, it is considered to be consistent with the desired height of buildings in the locality.

The additions and alteration to the existing fifteen (15) multiple dwellings and new (2) new multiple dwellings proposes to revitalise a dated multiple “flats” building, one of many in the Cleaver Precinct. The refurbishment of the fifteen studios will lift the amenity of the site and in due course the amenity of the area, as it is likely other multiple dwellings developed within a similar era, within the locality, may follow suit.

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 Cleaver Street and the surrounding area. Accordingly, it is recommended the application be approved subject to standard and appropriate conditions.

**9.2.4 Jack Marks Reserve, Highgate – Perimeter Fencing**

<b>Ward:</b>	South	<b>Date:</b>	11 November 2011
<b>Precinct:</b>	Forrest (14)	<b>File Ref:</b>	RES0038
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	J van den Bok, Manager Parks and Property Services		
<b>Responsible Officer:</b>	R Lotznicker; Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **CONSIDERS** the submissions received concerning the proposal to erect a fence around Jack Marks Reserve as detailed in this report; and
2. **APPROVES** the installation of the perimeter fence (900mm height, black powder coated chain wire, with top and bottom railing) around Jack Marks Reserve, at a total cost of \$14,600 as shown on the attached Plan No. 2879-CP-01A.

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Moved Cr Harley, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

**AMENDMENT NO 1**

Moved Cr Maier, Seconded Cr Buckels

That the Officer Recommendation be amended to read as follows:

“That the Council;

1. **CONSIDERS** the submissions received concerning the proposal to erect a fence around Jack Marks Reserve as detailed in this report;
2. ~~APPROVES~~ **DEFERS** the installation of the perimeter fence (900mm height, black powder coated chain wire, with top and bottom railing) around Jack Marks Reserve, at a total cost of \$14,600 as shown on the attached Plan No. 2879-CP-01A; and
3. Subject to clause 2 above being approved, **APPROVES BY AN ABSOLUTE MAJORITY to:**
  - 3.1 **REQUEST the preparation a comprehensive plan for the uses of:**
    - (a) **Jack Marks Reserve;**
    - (b) **Forrest Park;**
    - (c) **Brigatti Gardens; and**
    - (d) **Loton Park; and**
  - 3.2 **ENSURE that the plan referred to in clause 3 addresses:**
    - (a) **Structured and unstructured recreational uses;**
    - (b) **Provision of adequate dog ‘off-leash’ exercise areas;**

- (c) Provision of 'dog free' zones;
- (d) The equitable allocation of space;
- (e) Flexibility to use spaces for multiple uses; and
- (f) Any other relevant matters; and

4. CONSIDERS developing the plan referred to in clause 3 after the Britannia Road Reserve Masterplan has been developed in order to determine if the methodology for engaging the community used in that project is suitable."

Debate ensued.

The Mover, Cr Maier advised that he wished to change clause 2 of his amendment as follows (shown in double strike through) and delete clause 4:

"2. ~~APPROVES~~ **DEFERS** the installation of ~~the~~ **a** perimeter fence ~~(900mm height, black powder coated chain wire, with top and bottom railing)~~ around Jack Marks Reserve, ~~at a total cost of \$14,600 as shown on the attached Plan No. 2879-CP-01A; and"~~

The Seconder, Cr Buckels agreed.

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

Debate ensued.

**AMENDMENT NO 2**

**Moved** Cr Topelberg, **Seconded** Cr Carey

That a new clause 4 be inserted to read as follows:

"4. **REQUESTS** a further report be submitted to the Council at its second Ordinary Meeting of Council to be held in February 2012."

Debate ensued.

**AMENDMENT NO 2 PUT AND CARRIED UNANIMOUSLY (9-0)**

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

**COUNCIL DECISION ITEM 9.2.4**

That the Council;

1. **CONSIDERS** the submissions received concerning the proposal to erect a fence around Jack Marks Reserve as detailed in this report;
2. **DEFERS** the installation of a perimeter fence around Jack Marks Reserve;
3. Subject to clause 2 above being approved, **APPROVES BY AN ABSOLUTE MAJORITY** to:
  - 3.1 **REQUEST** the preparation a comprehensive plan for the uses of:
    - (a) Jack Marks Reserve;
    - (b) Forrest Park;
    - (c) Brigatti Gardens; and
    - (d) Loton Park; and

**3.2 ENSURE that the plan referred to in clause 3 addresses:**

- (a) **Structured and unstructured recreational uses;**
- (b) **Provision of adequate dog 'off-leash' exercise areas;**
- (c) **Provision of 'dog free' zones;**
- (d) **The equitable allocation of space;**
- (e) **Flexibility to use spaces for multiple uses; and**
- (f) **Any other relevant matters; and**

**4. REQUESTS a further report be submitted to the Council at its second Ordinary Meeting of Council to be held in February 2012.**

---

**PURPOSE OF REPORT:**

The purpose of the report is to advise the Council of the submissions of the community consultation regarding the proposed a fence around Jack Marks Reserve and to seek approval for its installation.

**BACKGROUND:**

Jack Marks Reserve comprises a small passive park of approximately 5,000 sqm of open space and is a gazetted dog exercise area at all times. It contains a fenced children's playground, park benches, a dog exercise light and a recently installed combined drinking/dog fountain.

Given the limited area of open space available including the current lack of fencing and proximity to the adjoining roads, the park is not ideally situated for exercising of dogs 'off leash'.

Funding has been allocated in the 2011/2012 capital works budget to install a fence around the reserve, to provide a secure 'alternative' to the nearby Forrest Park which requires dogs to be 'on leash' during an approved activity such as soccer or cricket training/games.

**DETAILS:**

**Community Consultation:**

Four hundred and eighty five (485) letters with attached plans were distributed in the vicinity of Jack Marks Reserve in accordance with the City's Consultation Policy and at the close of consultation a total of twenty seven (27) responses were received. This represents a **5.56%** response rate.

In favour of the proposal:

Fourteen (14) (**51.85%**) responses (of the 27 submissions received), comments received as follows:

- Could the access point in Wright Street be changed to 2 access points close to each corner? We support the fencing of Jack Marks Reserve. (The access points are to be located close to each corner).
- Quite happy with fence.
- We think it's a great idea and we for one will make more use of the park.
- Is a good idea, however should not lead to the closing of Forrest Park, essential for the safety of young children & would also assist dog owners.
- Ten (10) in favour with no further comment.

Against the proposal:

Ten (10) (48.14%) responses of the submissions received, comments received as follows:

- Fence will be an eyesore, people will feel closed in, it will make it inconvenient to enter park.
- Fence will detract from the visual amenity of this lovely park.
- Will increase maintenance - leaves from adjacent trees gathering on fence line, loss of the "free" walk through space, dogs already run and play on the park now.
- Will ruin the natural look of the park, existing function of park should not have an "enforced" to single use.
- Will draw all the dog owners to a concentrated area, If it goes ahead signage should be erected.
- Prevent easy access to the park by all, prevent pedestrians walking across the park, make pedestrians walk on the road due to narrow footpath, be visually intrusive, discourage use by giving a "fenced in feeling" Poor solution to a non-existent problem.
- Ill- conceived plan that will not achieve the intended purpose and will cause a series of unintended consequences such as increasing the use of dog exercise at Forrest Park due to Jack Marks Reserve being barricaded off. Have witnessed a decrease in use of the playground at Jack Marks Reserve because it is now fenced off; people prefer to use Brigatti Gardens. Will collect litter within the fenced boundary and destroy its special character, and be detrimental to the current sense of openness. Many small children will cease to play in the park where solitary middle aged men with and without dogs tend to sit alone.
- Three (3) against with no further comment.

Other

Three (3) responses, comments received as follows:

- I would like to have it noted that the fence be covered in greenery so that it enhances the aesthetic of the park rather than reduce it.
- Intention is practical; however the style of fencing proposed will detract from the visual appeal of this reserve. Being a permanent feature please give consideration to a more "pertinent" style of fencing.
- Dogs have an instinctive understanding of boundaries, fences send a message to passersby that the area is exclusive/forbidden; a fence will physically block access to the park. If it goes ahead review locations of gates as shown on plan.

Officers Comments:

*The City has numerous parks that have been enclosed/fenced without any issues concerning confinement or security including;*

- *Shakespeare Street Reserve*
- *Edinboro Street Reserve*
- *Auckland/Hobart Street Reserve*
- *Ivy Park.*

*In many cases use has increased dramatically, particularly in Hobart/Auckland Street Reserve which would be one of the City's most popular local community passive parks at only 2,000m<sup>2</sup> in area.*

*The fencing of Jack Marks Reserve will alter the landscape, however with the addition of waterwise plantings along the fence lines the visual amenity and biodiversity of the area is likely to be increased over time. Whilst there will always be objection to change, this proposal will provide an alternative secure area for patrons to exercise their dogs off leash or recreate without fear of their children running on to adjacent roads.*

*Pedestrian gates have also been relocated as suggested to allow easy access from adjacent footpaths into the park and out of the park.*

*It is therefore recommended that the Council support the proposal to install a fence around the perimeter of Jack Marks Reserve.*

**CONSULTATION/ADVERTISING:**

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

**LEGAL/POLICY:**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS:**

**Medium:** The proposal will improve safety for patrons wanting to exercise their dogs off leads, reducing the potential conflict with passing vehicular traffic or patrons undertaking active sports activities.

**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:**

An amount of \$15,000 has been allocated in the City's 2011/2012 Capital Works budget for the installation of perimeter fencing around Jack Marks Reserve.

The proposed fencing will be 900mm in height, black powder coated chain wire construction with top and bottom railing. The estimated cost for the supply and installation of this style of fencing is \$14,600.

A "pool type" fence was suggested during the consultation as being more aesthetically pleasing however this cost of this would be \$27,000, i.e. \$12,000 over budget and the existing black powder coated chain link fences installed in other parks have served the required function and do not adversely detract from the aesthetics of the parks. Accordingly, this type of fencing is not recommended.

**COMMENTS:**

The fencing of Jack Marks Reserve will provide a small but safe and secure alternative area to exercise dogs off leash when nearby Forrest Park is being used for an approved activity such as soccer or cricket.

Forrest Park will remain a dog exercise area accept when used for an approved activity and during these periods of use dogs must remain on leads within the designated dog exercise area.

**9.1.4 Nos. 212–214 (Lot 6; D/P: 384) Lake Street, Perth- Proposed Increase in Trading Hours to Existing Eating House (Tarts Cafe)**

<b>Ward:</b>	South	<b>Date:</b>	8 November 2011
<b>Precinct:</b>	Hyde Park, P12	<b>File Ref:</b>	PRO0137; 5.2011.409.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report, Development Application Plans		
<b>Tabled Items</b>	Applicant's Submission		
<b>Reporting Officer:</b>	A Dyson, Planning Officer (Statutory)		
<b>Responsible Officer:</b>	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 Planning Solutions (Aust) Pty Ltd on behalf of the owner M Poncini for Proposed Increase in Trading Hours to Existing Eating House (Tarts Cafe), at Nos. 212-214 (Lot 6; D/P: 384) Lake Street, Perth, and as shown on plans stamp-dated 19 August 2011 and 27 October 2011, subject to the following conditions:

1. The proposed hours of operation for the Eating House shall be Monday to Saturday, 7am to 10pm and Sunday, 7am to 7pm. The existing rear (courtyard) dining area shall be open from 7am to 7pm Monday to Sunday;
2. All signage that does not comply with the City's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage; and
3. The windows, doors and adjacent floor area facing Lake Street shall maintain an active and interactive frontage to Lake Street.

**ADVISORY NOTE:**

The City's Technical Services do not support the proposed two (2) outdoor heaters affixed to the wall of the building within the alfresco area, as well as the double doors extending out into the alfresco area.

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**Moved Cr Topelberg, Seconded Cr Harley**

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

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

~~1. The proposed hours of operation for the Eating House shall be Monday to Saturday, 7am to 10pm and Sunday, 7am to 7pm. The existing rear (courtyard) dining area shall be open from 7am to 7pm Monday to Sunday;~~

1. The hours of operation shall be as follows:

1.1 Eating House (Tarts Café)

Monday to Saturday 7am to 10pm; and  
Sunday 7am to 8pm;



**1.2 Outdoor Eating Area (existing rear courtyard)**

**Monday to Saturday 7am to 10pm; and  
Sunday 7am to 7pm,  
(For a period of 12 months at which time the applicant may reapply for a  
continuation).  
All activities and clean-up shall cease by 10.30pm Monday to Saturday  
and 7.30pm on Sunday in the Outdoor Eating Area (existing rear  
courtyard)."**

Debate ensued.

**AMENDMENT NO 1**

**Moved Cr Maier, Seconded Cr Topelberg**

That the new clause 1 amended to read as follows:

"1. The hours of operation shall be as follows:

**1.1 Eating House (Tarts Café)**

**Monday to Saturday 7am to 10pm; and  
Sunday 7am to 8pm;**

**1.2 Outdoor Eating Area (existing rear courtyard)**

**Monday Friday to Saturday 7am to 10pm; and  
Sunday to Thursday 7am to 8pm 7pm,  
(For a period of 12 months at which time the applicant may reapply for a  
continuation),  
All activities and clean-up shall cease by 10.30pm Monday Friday to  
Saturday and ~~7.30pm~~ 8.30pm on Sunday to Thursday in the Outdoor  
Eating Area (existing rear courtyard),"**

Debate ensued.

**AMENDMENT NO 1 PUT AND CARRIED (5-4)**

**For:** Mayor Hon. MacTiernan, Cr Maier, Cr Pintabona, Cr Topelberg, Cr Wilcox

**Against:** Cr Buckels, Cr Carey, Cr Harley, Cr McGrath

**AMENDMENT NO 2**

**Moved Cr Carey, Seconded Cr McGrath**

That the new clause 1 amended to read as follows:

"1. The hours of operation shall be as follows:

**1.1 Eating House (Tarts Café)**

**Monday to Saturday 7am to 10pm; and  
Sunday 7am to 8pm;**

**1.2 Outdoor Eating Area (existing rear courtyard)**

**Friday Thursday to Saturday 7am to 10pm; and  
Sunday to Wednesday Thursday 7am to 8pm,  
(For a period of 12 months at which time the applicant may reapply for a  
continuation),  
All activities and clean-up shall cease by 10.30pm Friday Thursday to  
Saturday and 8.30pm on Sunday to Wednesday Thursday in the Outdoor  
Eating Area (existing rear courtyard),"**

Debate ensued.

**AMENDMENT NO 2 PUT AND LOST (4-5)**

**For:** Cr Buckels, Cr Carey, Cr Harley, Cr McGrath

**Against:** Mayor Hon. MacTiernan, Cr Maier, Cr Pintabona, Cr Topelberg, Cr Wilcox

Debate ensued.

**AMENDMENT NO 3**

**Moved Cr Carey, Seconded Cr McGrath**

That the new clause 1.1 amended to read as follows:

“1. The hours of operation shall be as follows:

1.1 Eating House (Tarts Café)

Monday to ~~Sunday~~ ~~Saturday~~ 7am to 10pm; ~~and~~  
~~Sunday 7am to 8pm;”~~

**AMENDMENT NO 3 PUT AND CARRIED (7-2)**

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

**Against:** Cr Maier, Cr Pintabona

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

**COUNCIL DECISION ITEM 9.1.4**

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Planning Solutions (Aust) Pty Ltd on behalf of the owner M Poncini for Proposed Increase in Trading Hours to Existing Eating House (Tarts Cafe), at Nos. 212-214 (Lot 6; D/P: 384) Lake Street, Perth, and as shown on plans stamp-dated 19 August 2011 and 27 October 2011, subject to the following conditions:

1. The hours of operation shall be as follows:

1.1 Eating House (Tarts Café)

Monday to Sunday 7am to 10pm.

1.2 Outdoor Eating Area (existing rear courtyard)

Friday to Saturday 7am to 10pm; and

Sunday to Thursday 7am to 8pm,

(For a period of 12 months at which time the applicant may reapply for a continuation),

All activities and clean-up shall cease by 10.30pm Friday to Saturday and 8.30pm on Sunday to Thursday in the Outdoor Eating Area (existing rear courtyard),

2. All signage that does not comply with the City's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage; and

3. The windows, doors and adjacent floor area facing Lake Street shall maintain an active and interactive frontage to Lake Street.

**ADVISORY NOTE:**

The City's Technical Services do not support the proposed two (2) outdoor heaters affixed to the wall of the building within the alfresco area, as well as the double doors extending out into the alfresco area.

<b>Landowner:</b>	M Poncini
<b>Applicant:</b>	Planning Solutions (Aust) Pty Ltd
<b>Zoning:</b>	Metropolitan Region Scheme: (MRS) Urban Town Planning Scheme No. 1 (TPS 1): Residential R80
<b>Existing Land Use:</b>	Eating House and Shop
<b>Use Class:</b>	Eating House
<b>Use Classification:</b>	"SA"
<b>Lot Area:</b>	728 square metres
<b>Access to Right of Way</b>	Eastern side, 4.0 metres wide, sealed, City owned

**PURPOSE OF REPORT:**

The report is referred to an Ordinary Meeting of Council as the previous approval for the use of the site for an Eating House and Ancillary and Incidental Shop was approved by the Council and in views of the objections received in respect of the extended hours of operation.

**BACKGROUND:**

7 October 2008 The Council at its Ordinary Meeting approved an application for change of use from shop to eating house and ancillary and incidental shop and associated alterations (application for retrospective approval) subject to a number of conditions.

16 December 2008 The Council at its Ordinary Meeting approved a Change of Use application from Shop to Eating House and Ancillary and Incidental Shop and Associated Alterations (Application for Retrospective Approval) Reconsideration of Previous Cash-in-Lieu Condition).

**DETAILS:**

The proposal involves the extension of trading hours from the currently approved hours of 7am to 6pm Monday to Sunday, to 7am to 10pm Monday to Sunday. The Eating House and Shop (Tarts Café) contains three (3) dining areas, one inside the premises, a rear courtyard area and an outdoor alfresco area, at the front of the premises. The existing outdoor alfresco area was previously notated on plans reported to the Council on 16 December 2008. The premises are located on the corner of Lake Street and Amy Street.

There are no proposed modifications to the existing internal and external structures or dining areas.

The applicant provides justification in the Applicants Submission as 'Tabled'.

**COMPLIANCE:**

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
<b>Operating Hours:</b>	Approved trading hours of Tarts Café is between 7am to 6pm, Monday to Sunday inclusive.	Extend trading hours of Tarts café, including alfresco area, to operate between 7am and 10pm, Monday to Sunday inclusive.
<b>Officer Comments:</b>		
Supported in Part. It is considered that given the low number of complaints for the operation of the Eating House received by the City over the years (Ranger Services advise that there have been infrequent concerns relating to parking), as noted in the comments from Ranger Services, and the existing nature of the café, it is considered an increase in retail trading hours would not be detrimental to the surrounding community. However, given the close proximity to residential properties, especially the rear alfresco area, that the increase in hours of operation should be applicable to the front alfresco area and internal area only.		

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

<b>Car Parking</b>
Not Applicable. No amendment to seating or patrons proposed.

<b>Bicycle Parking</b>
Not Applicable. No amendment to seating or patrons proposed.

<b>Consultation Submissions</b>	
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<b>In Support</b>	One (1)
<b>Objections</b>	Two (2)

<b>Comments Received</b>	<b>Officer Comments</b>
<ul style="list-style-type: none"> <li>Amenity impacts on the area with regard to noise and parking.</li> </ul>	Noted. In view of the inner city location close to a highly utilised commercial area on the corner of Brisbane and Lake Streets which generates ambient noise in the vicinity, the extension of trading hours is considered supportable to the internal dining area and the alfresco area only.
<ul style="list-style-type: none"> <li>The large alfresco area at the rear of the café has not been included in the plans provided with this application.</li> </ul>	Noted. The current application for extension of trading hours does not alter the present seating configuration or numbers of patrons for the Café. The alfresco area at the rear of the premises was previously approved by the Council in December 2008.
<ul style="list-style-type: none"> <li>Plans only shows front alfresco, not the rear courtyard.</li> </ul>	Noted. Following the notification period the applicant has furnished a further site plan, identical to the previously approved plans in December 2008.
<ul style="list-style-type: none"> <li>Application appears to be retrospective. Café has been operating extended hours serving dinner for some time now.</li> </ul>	Noted. The previously approved hours of operation for the premises were from 7am – 6pm; the City notes the comments in this respect.
<ul style="list-style-type: none"> <li>None of the many existing business premises in this residential/commercial area provide parking for staff or patrons.</li> </ul>	Noted. Tarts Café received planning approval for a Change of Use from Shop to Eating House and Ancillary and Incidental Shop in October 2008. As part of this approval, the City, at the Ordinary Meeting of Council, approved a shortfall in car parking of 5.65 car bays and a cash-in-lieu payment of \$15820 for the car parking shortfall of 5.65 car bays.
<ul style="list-style-type: none"> <li>In the evenings, noise and music from the rear courtyard is audible from the courtyard and upper living areas.</li> </ul>	Noted. In the event of approval, conditions of approval relating to the rear courtyard area, will limit this area being open until 7pm in the evenings to eliminate where possible, potential amenity issues with the surrounding residential properties.

<b>Advertising</b>	The advertising was carried out as per the City 'Policy No. 4.1.5 - relating to Community Consultation for a period of fourteen (14) days.
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<b>Other Implications</b>	
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<b>Legal/Policy</b>	Metropolitan Region Scheme (MRS), TPS 1 and associated Policies.
<b>Strategic</b>	The City's <i>Strategic Plan 2011-2016</i> – Objective 1 states:  <i>“Natural and Built Environment</i> 1.1 <i>Improve and maintain the natural and built environment and infrastructure</i> 1.1.2 <i>Enhance and maintain the character and heritage of the City.”</i>
<b>Sustainability</b>	Nil
<b>Financial/Budget</b>	Nil.

**COMMENTS:**

**Ranger Services**

It is noted that Tarts Café, on the corner of Lake and Amy Streets, is located on a street which is fairly congested on a daily basis; Rangers enforce the restrictions very regularly. Parking in Lake Street is less congested in the evenings than during the day; hence, an increase in the operating hours may create some extra congestion, when additional vehicles are seeking to park.

Tarts Café has held an Outdoor Eating Licence since at least 2006, and there have been almost no complaints received by the City, relating to the operation of the premises. The existing planter boxes within the outdoor alfresco area have been in situ since at least 2006, and the fact that they are not being removed at night, has not impacted on the use of the area. The premises, appears to be well run and does not have amplified music, or noisy patron.

**Technical Services**

The City's Technical Services have noted that the existing alfresco area at the front of the property extends into the Lake Street Road Reserve area. Therefore, any additional street furniture, in the form of the two (2) outdoor heaters affixed to the wall of the building within the alfresco area, as well as the double doors extending out into the alfresco area, are not supported.

**Planning Services**

It is noted the proposal for the extension of retail trading hours from the presently approved 7am to 7pm Monday to Sunday to the proposed 7am to 10pm provides for additional ambience to the area, and provides a use that the surrounding community can utilise. It is also considered that given the close proximity of the surrounding residential area, that trading hours should be minimised in the open rear courtyard area where factors such as noise will impact on the amenity of residents. Therefore it is recommended the rear courtyard area be supported to be open until 7pm, whereby after this time, only the inside of the premises and front alfresco would be permitted to continue trading until 10pm. It is noted that no additional seating area increase in the number of patrons is part of this application.

In light of the above, the proposal is supported subject to the aforementioned conditions.

**9.1.6 Amendment No. 79 to Planning and Building Policies – Policy No. 3.5.6 relating to Telecommunication Facilities**

<b>Ward:</b>	Both	<b>Date:</b>	9 November 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	PLA0001
<b>Attachments:</b>	<a href="#">001</a> – Draft Amended Policy No. 3.5.6 <a href="#">002</a> – Summary of Submissions		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	A Fox, Planning Officer (Strategic)		
<b>Responsible Officer:</b>	T Young, Manager Strategic Planning, Sustainability and Heritage Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **RECEIVES** the final amended version of the Policy No. 3.5.6 relating to Telecommunications Facilities as shown in Appendix 9.1.6, resulting from the advertised version having been reviewed and with regard to five (5) written submissions received during the formal advertising period, as shown in Appendix 9.1.6;
2. **ADOPTS** the final amended version of the Policy No. 3.5.6 relating to Telecommunication Facilities, as shown in Appendix 9.1.6 in accordance with Clause 47(5)(b) of the City's Town Planning Scheme No. 1; and
3. **AUTHORISES** the Chief Executive Officer to advertise the final amended version of the adopted Policy No. 3.5.6 relating to Telecommunication Facilities as shown in Appendix 9.1.6 in accordance with Clause 47 (6) of the City's Town Planning Scheme No. 1.

Cr Carey departed the Chamber at 7.50pm.

Discussion ensued.

Cr Carey returned to the Chamber at 7.51pm.

Discussion ensued.

**COUNCIL DECISION ITEM 9.1.6**

**PROCEDURAL MOTION**

**Moved Cr Harley, Seconded Cr Pintabona**

That the item be DEFERRED to further clarify the matters raised during Public Question Time.

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

**PURPOSE OF REPORT:**

The purpose of this report is to provide the Council with the submissions received during the advertising period of the draft amended Policy No. 3.5.6 relating to Telecommunication Facilities and to present to the Council the final version of the amended Policy.

**BACKGROUND:**

- 28 September 2010 The Council at its Ordinary Meeting resolved to initiate a review of Policy 3.5.6 relating to Telecommunication Facilities.
- 28 June 2011 The Council at its Ordinary Meeting considered Amendment No. 79 to Planning and Building Policy – Policy No. 3.5.6 relating to Telecommunications Facilities and resolved that the item be deferred for further clarification and simplification.
- 23 August 2011 The Council at its Ordinary Meeting considered Amendment No. 79 to Planning and Building Policy – Policy No. 3.5.6 relating to Telecommunications Facilities and resolved to authorised the draft Policy to be advertised in accordance with Clause 47 of the Town Planning Scheme.

**DETAILS:**

The Draft Amended Policy 3.5.6 relating to Telecommunications Facilities has been advertised in accordance with Clause 47 of the Town Planning Scheme No. 1, from the period of 13 September 2011 to 10 October 2011. Following the formal advertising period, the City's Officers have considered the submissions received (summarised in Appendix 9.1.6) and as a result have further reviewed the Policy.

Some minor amendments have been made to the Policy which is depicted using strikethrough and underline; details of which are addressed in the Summary of Submission in Appendix 9.16.

In addition to these minor amendments, the City's Officers propose a key amendment to Clause 6 – Protection of sensitive uses, which relates to the issue of a 300 metre exclusion zone. This matter has required further investigation, details of which are addressed below:

**1. Clause 6) Protection of Sensitive Uses – 300 metre Exclusion Zone**

Mobile Carriers Forum submission:

The matter of exclusion/buffer zones for Telecommunication Facilities has been an ongoing issue that has been raised on a number of occasions by the Mobile Carriers Forum (a Division of the Australian Mobile Telecommunications Facilities Association that represents the mobile telecommunication industry, including Telstra, Optus and Vodafone).

In a submission received from the Mobile Carriers Forum (MCF) during the advertising period, the matter of exclusion zones was raised again, which included the following comments:

*'The requirement for a 300 metre buffer zone between Telecommunication Facilities has no scientific basis';*

*The International consensus of expert bodies and health authorities such as the World Health Organisation (WHO) is there is no substantiated scientific evidence of health effects from living near a mobile base station; and*

*The City's approach to this matter has no regard for the way mobile network facilities operate. If a telecommunication facility was to be sited further from a 'sensitive use' the facility may need to operate at a higher power level to operate effectively and this would result in higher exposure at the 'sensitive use' site, which would be inconsistent with the 'precautionary approach' which aims to minimise emissions.'*

Further Investigation:

The City's Officers have extensively investigated the matter of exclusion zones and have previously presented significant information opposing exclusion zones to the Council at Ordinary Meetings held on 28 June 2011 and 23 August 2011. Notwithstanding this, the City's Officers are mindful of community and the Council's resistance to the removal of the 300 metre exclusion zone from the Policy No. 3.5.6 relation to Telecommunication Facilities.

As a result of the recent submission from the MCF and bearing in mind the research previously undertaken, the Officers have further investigated the matter of exclusion zones.

On review of the history of the formulation of this Policy No. 3.5.6, the City's Officers could find no scientific basis or justification for the initial imposition of the 300 metre exclusion zone. Whether this arbitrary distance was adopted to protect health or on amenity grounds is unclear.

As previously addressed, research indicates that there is no substantiated scientific basis for the imposition of such an exclusion zone for telecommunication facilities. Moreover, it indicates that applying an exclusion zone may require the facility and a user's mobile phone to operate at a higher power level to operate effectively, thus resulting in higher radiation exposures.

This matter is addressed by the Australian Radiation Protection and Nuclear Safety Association (ARPANSA) as detailed below:

*'Similarly, the Australian Communication Industry Forum (ACIF) Code does not specify arbitrary distances at which infrastructure must be sited from community sensitive locations, because arbitrary distances do not necessarily reflect a precautionary approach. In fact, infrastructure sited further from a community sensitive area may need to operate at a higher power and may result in higher EME exposures in that sensitive area. Furthermore, it must be remembered that evidence gathered by ARPANSA confirms that exposure levels in public areas are typically hundreds or thousands of times less than the exposure limit set by the ACMA'. (ARPANSA Fact Sheet No. 6 "About mobile phone networks", revised April 2008).*

The impact of exclusion zones in the City:

As discussed previously, maintaining a 300 metre exclusion zone in the Policy 3.5.6 relating to Telecommunications Facilities would essentially preclude any non low-impact facility (tower) anywhere in the City except for Britannia Reserve, Leederville (along the Mitchell Freeway). This location may not be the best location for service coverage on technical grounds.

The result of precluding purpose built towers, will inevitably be the addition of further low impact facilities at new and existing sites throughout the City, in order to provide adequate service coverage. It is noted that these types of facilities can be installed without planning approval from the City, provided that a Carrier meets the requirements of the *Telecommunications (low-impact facilities) Determination 1997*.

Of concern is, whilst in some instances low impact facilities are visually less intrusive, as is demonstrated by the facility located on the roof at the Paddington Ale House on No. 141 Scarborough Beach Road, Mount Hawthorn; in other cases the cumulative visual effect of additional panel antennae to an existing site can create an eyesore, as demonstrated by the facility at No. 3 Blake Street, North Perth.

Furthermore, it is noted that there is wide perception that non-low impact towers pose greater health risk because they emit greater electromagnetic radiation (EME) or power than low-impact facilities; however, this is not always the case. Some examples of the EME for existing facilities in the City demonstrate this:

Address of Facility	Type of facility	Estimated EME
No. 3 (Lot 2) Blake Street, North Perth	Non-Low Impact (tower)	1.37%
No. 318 (Lot 102) Fitzgerald Street, North Perth	Non-Low Impact (tower)	1.18%
No. 7 (Lot 30 and 32) Lynton Street, Glendalough	Non-Low Impact (tower)	1.35%
No. 15 (Lots 38-44) Robinson Avenue, Northbridge	Low Impact	2.43%
No. 356 (Lot 64) Charles Street, North Perth	Low Impact	2.26%
No. 121 (Lot 100) Scarborough Beach Road	Low Impact	3.22%

Note: the Estimated EME reading in the third column relates to the percentage of the Australian Radiation and Nuclear Protection Authority (ARPANSA) standard (max cumulative EME at 1.5 metres above ground level).



The Precautionary Approach:

The protection of community health is foremost when considering the location of proposed telecommunication facilities. However consideration must also be given to the communities' expectation and what is realistic for adequate service delivery. The precautionary approach is a risk management concept that provides a flexible approach to identifying and managing possible adverse consequences to human health even when it has not been established that the activity or exposure constitutes harm to health.

The City's Officers consider that a sound precautionary approach to the siting of telecommunication facilities is offered by *State Planning Policy 5.2 – Guiding Principles for the Location, Siting and Design of Telecommunications Infrastructure* (SPP 5.2).

In SPP 5.2 there is no specific reference to exclusion zones; however, the policy does address the preferred siting of telecommunication facilities based on a precautionary principle. Policy 5.2 states:

“... ”

- *unless it is impractical to do so telecommunication towers should be located within commercial, business, industrial and rural areas and areas outside identified conservation areas.”*

Further to this, it is noted that the telecommunication industry requires Carriers to minimise emissions, while maintaining a quality telecommunication service. The *Telecommunication Code of Practice 1997* places many obligations on telecommunication Carriers, including an obligation for Carriers to take a precautionary approach to the siting of facilities.

The Australian Communications and Media Authority (ACMA) statement below, addresses the precautionary approach to site selection, but also addresses the issue of distances from 'sensitive uses', which is important in considering the suitability of the City applying an exclusion zone to telecommunication facilities.

*“The aim of the Deployment of Mobile Phone Network Infrastructure Code is to have carriers apply a precautionary approach to the design, operation and site selection of communication facilities. While carriers must consider the implications of community sensitive locations, they may still place infrastructure at such sites or nearby if they have balanced the location against other equally important factors. All mobile phone base stations must comply with the mandatory regulations for EME.*

*The Code does not specify a distance at which infrastructure must be sited from community sensitive locations. In some instances, infrastructure that is located further away from a sensitive area may need to operate at greater power to meet service requirements, which may result in higher exposure levels in that sensitive location.”* (Australian Communication and Media Authority (ACMA) Fact Sheet: Placement of mobile phone towers).

Policy Amendment:

In light of the above considerations, the City's Officers propose the following amendment to the draft Policy 3.5.6 relating to Telecommunications Facilities in relation to the Clause 6 – Protection of Sensitive Uses:

- 'i) *Unless it is impractical to do so and sound justification has been provided by the Carrier, non-low impact facilities should be located in District and Commercial areas away from sensitive uses.'*

This approach is consistent with that taken in SPP 5.2, and applies a precautionary approach to the siting of telecommunication facilities, rather than applying a blanket exclusion that may or may not be in the best interests of the community. This approach will provide scope for the City to consider the merits of a telecommunication proposal on a case by case basis having consideration to a number of important factors, rather than being driven by location alone.

It is considered in the best interests of the community for the City to take a collaborative approach to the siting and design of facilities by addressing issues of concern to the City and the community, whilst recognising the rights of carriers to provide an effective telecommunication network. This has been the City's approach to the recent consideration of the proposed monopole tower at No. 310 (Lot 100) Pier Street, Perth (NIB Stadium).

### **CONSULTATION/ADVERTISING:**

The Draft Amended Policy No. 3.5.6 relating to Telecommunications Facilities was advertised for a period of 28 days, in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1. The formal advertising period was from 13 September 2011 to 10 October 2011.

In total, five (5) submissions were received, the breakdown of which is as follows:

- one (1) - no comment;
- two (2) - support;
- one (1) - no objection; and
- one (1) - support with amendments.

A summary of the comments received in the submissions can be found in Appendix 9.1.6.

### **LEGAL/POLICY:**

- Town Planning Scheme No. 1 and associated Policies;
- Telecommunication Act 1997;
- Telecommunication Code of Practice 1997; and
- Telecommunications (low-impact facilities) Determination 1997.

### **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.*

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

### **SUSTAINABILITY IMPLICATIONS:**

The increased use of mobile telecommunications is an inevitable part of our current society. Consequently the provision of associated telecommunication infrastructure (including mobile phone base stations) is necessary to provide an effective and efficient service. In this regard, the proposed amendment of Policy No. 3.5.6 relating to Telecommunication Facilities provides provision for the responsible siting and development of telecommunications facilities, reducing adverse effects on the community.

### **FINANCIAL/BUDGET IMPLICATIONS:**

The current 2010/2012 Budget allocates \$40,000 for Town Planning Scheme Amendments & Policies.

### **COMMENTS:**

It is expected that the further amendments to the City's Policy No. 3.5.6 relating to Telecommunication Facilities will ensure clear direction to Carriers and the community of the City's expectations in relation to telecommunication infrastructure. The Policy aims to take a responsible approach to issues of siting, heritage, design, consultation requirements and environmental and health issues, while still facilitating the provision of effective telecommunication services for the City's community.

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

**9.2.5 Britannia Road Reserve Restoration Working Group – Progress Report No. 1**

<b>Ward:</b>	South	<b>Date:</b>	11 November 2011
<b>Precinct:</b>	Leederville (3)	<b>File Ref:</b>	RES0001
<b>Attachments:</b>	<a href="#">001</a> – Proposed Net Location <a href="#">002</a> – Existing Nets <a href="#">003</a> – Britannia Reserve Concept Plan as at 24 August 2010		
<b>Tabled Items:</b>	-		
<b>Reporting Officers:</b>	J van den Bok, Manager Parks and Property Services R Lotznicker, Director Technical Services J Anthony, Manager Community Development		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**REVISED OFFICER RECOMMENDATION:**

That the Council;

1. **NOTES** the information contained in Progress Report No. 1 Britannia Road Reserve Restoration Working Group;
2. **REFERS** a presentation, on a model of open space planning developed by the Commission for Architecture and the Built Environment UK (CABE), to the Council Forum to be held on 13 December 2011;
3. **APPROVES IN PRINCIPLE** the proposal by the Leederville Cricket Club for the construction of additional cricket practice nets at the Britannia Road Reserve at either of the locations as shown in appendix 001 and Plan No 2711-CP-1E and 2711-CP-1F, subject to all costs of the project to be met by the Club;
4. **CONSULTS** with the community regarding the proposal as outlined in Clause 3 in accordance with the City's Community Consultation policy; and
5. **RECEIVES** a further report, on the matter as outlined in Clause 3, at the conclusion of the consultation period.

Moved Cr Harley, Seconded Cr Maier

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

“That clause 3 of the Revised Officer Recommendation be amended to read as follows:

3. **APPROVES IN PRINCIPLE** the proposal by the Leederville Cricket Club for the construction of additional cricket practice nets at the Britannia Road Reserve at ~~either of the locations~~ as shown in appendix 001 and Plan Nos. 2711-CP-1E and ~~2711-CP-1F~~, subject to all costs of the project to be met by the Club;”

Debate ensued.

Cr Pintabona departed the Chamber at 7.54pm.

Debate ensued.

Cr Pintabona returned to the Chamber at 7.55pm.

Debate ensued.

**AMENDMENT NO 1**

**Moved Cr Maier, Seconded Cr Buckels**

That clause 3 be amended to read as follows:

- “3. APPROVES IN PRINCIPLE the proposal by the Leederville Cricket Club for the construction of additional cricket practice nets at the Britannia Road Reserve as shown in appendix 001 and Plan Nos. 2711-CP-1F-E, subject to all costs of the project to be met by the Club;”

Debate ensued.

Cr Carey departed the Chamber at 8.05pm.

Debate ensued.

Cr Carey returned to the Chamber at 8.07pm.

Debate ensued.

**AMENDMENT NO 1 PUT AND LOST (1-8)**

**For:** Cr Maier

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

**AMENDMENT NO 2**

**Moved Cr Maier, Seconded Cr Buckels**

That clause 3 be amended to read as follows:

- “3. APPROVES IN PRINCIPLE the proposal by the Leederville Cricket Club for the construction of additional cricket practice nets at the Britannia Road Reserve at either of the locations as shown in appendix 001 and Plan Nos. 2711-CP-1E and 2711-CP-1E, subject to all costs of the project to be met by the Club;”

Debate ensued.

**AMENDMENT NO 2 PUT AND LOST (2-7)**

**For:** Cr Buckels, Cr Maier

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

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

**COUNCIL DECISION ITEM 9.2.5**

That the Council;

1. NOTES the information contained in Progress Report No. 1 Britannia Road Reserve Restoration Working Group;
2. REFERS a presentation, on a model of open space planning developed by the Commission for Architecture and the Built Environment UK (CABE), to the Council Forum to be held on 13 December 2011;
3. APPROVES IN PRINCIPLE the proposal by the Leederville Cricket Club for the construction of additional cricket practice nets at the Britannia Road Reserve as shown in appendix 001 and Plan Nos. 2711-CP-1E, subject to all costs of the project to be met by the Club;
4. CONSULTS with the community regarding the proposal as outlined in Clause 3 in accordance with the City's Community Consultation policy; and
5. RECEIVES a further report, on the matter as outlined in Clause 3, at the conclusion of the consultation period.

**PURPOSE OF REPORT:**

The purpose of the report is to advise the Council of the recent request from the Leederville Cricket Club for additional cricket practice nets at Britannia Road Reserve and to seek approval for the installation.

**BACKGROUND:**

At its Ordinary Meeting held on 9 August 2011 the Council approved the formation of "The Britannia Reserve Working Group" to provide advice on revised concept Masterplan and Implementation Plan for Britannia Reserve.

The Council further decided that the Working Group would comprise the following:

- Council Members (3) – one as chair;
- Community Members (3);
- Representative - Floreat Athena Soccer Club;
- Representative - Rugby WA;
- Representative - Leederville Cricket Club;
- Director Technical Services;
- Manager Parks and Property Services;
- Manager Community Development.

At its Ordinary Meeting held on 11 October 2011 the Council appointed the Community Representatives and approved the amended Terms of Reference.

**DETAILS:**

**Britannia Road Reserve Restoration Working Group Meeting:**

The inaugural meeting of the group was held at the City's administration centre on 10 November 2011.

The meeting proceeding included the following:

Background Presentation:

A PowerPoint presentation of the outlining information on the area and ownership of the reserve, the history behind the formation of the working group, seasonal ground and pavilion allocations, previous Council decisions, proposals and outcomes of previous community consultation was presented.

City's Vision and Strategic Objectives:

The group was advised of the objectives contained in the City's Strategic Community Plan 2011-2021 as they relate to development of public open space, i.e. the Natural and Built Environment and Community Development and Wellbeing.

Terms of Reference:

The Working Group's Terms of Reference were referred to and the objectives of the working group discussed. The group generally concurred with the Terms of Reference however it was agreed that as the Master planning process evolved the Terms of Reference could possibly be amended also.

Previous Comments from the Community:

An overview and outcomes of the previous comments from the community regarding the Britannia Reserve Masterplan was presented and discussed in detail. It was contended that as the previous consultation was based on the Britannia Reserve and possible Litis Stadium redevelopment that the comments received may have been prejudiced to some extent.

The group were interested in being briefed about the City's Physical Activity Plan which features strategies for community inclusion at the next meeting.

Masterplan Development:

The group was advised that the Council at its Ordinary Meeting held on 24 August 2010 adopted in principle the Concept Masterplan No 2711-CP-1D and this is what went out for community consultation.

There was considerable debate on how the reserve should be developed and that maybe we should be starting with a blank sheet. A number of improvement suggestions on improvements were debated and a major restriction on being able to develop improvement options was the extensive area of reserve taken up by Junior Rugby for four (4) months of every year.

It was suggested that alternative consultation strategies be considered to obtain community views that were "outside the box". The model of open space planning by CABE (Commission for Architecture and the Built Environment) was raised for the group's consideration with a recommendation that a consultant for the project be invited to present at the Council Member Forum on 13 December 2011.

The group also requested that officers source other appropriate models that could be presented at the forum so that the Council are able to look at different approaches to 'open space planning'.

Proposal by Leederville Cricket Club – Additional Cricket Practice Nets:

The Leederville Cricket Club representative advised that he recently approached the City in relation to the construction of additional cricket practice nets at Britannia Road Reserve as the existing cricket practice nets are not ideally located, cannot cater for the sheer number of their members and present a potential safety issue when both senior and juniors are training at the same time (refer attached Plan No 2711-CP-1E).

The representative advised that the club had started a junior cricket competition four (4) years ago and numbers had increased significantly and they now had 180 juniors which equated to twelve (12) junior teams in addition to their well established senior competition with seven (7) teams.

The representative further advised that on training nights the current four (4) cricket practice net facility (as shown in appendix 9.2.5) was not adequate and the club uses all four (4) match pitches in addition to areas of public open space to enable training drills to be safely undertaken. The club had become increasingly concerned particularly with juniors training at the same time as seniors due to the lack of facilities. Near misses had been occurred frequently and recently a child was nearly collected with a ball hit with great power from a senior member in an adjacent net.

Considerable debate ensued and a number of alternative locations discussed. The group's main concern was one of aesthetics given the location proposed. It was agreed that due process should be followed and that the community should be consulted regarding the proposal.

Officers Comments/Observations:

*Existing Facilities:*

*The existing cricket practice nets are of a standard construction consisting of a concrete base with synthetic carpet, galvanised powder coated poles, chainwire and conveyor belt matting.*

*A four (4) practice net facility was constructed by the former City of Perth in the North West corner of the reserve behind the Litis Stadium following the relocation of the original cricket nets from the eastern side of the reserve during the construction of the Leederville Gardens complex.*

*Each individual net is approximately 25 metres in length and 4 metres wide, and a maximum of 3.5 metres in height at the highest point, therefore this facility in total covers around 400m2 and is 25 metres in length and 16 metres in width.*

*Ideally these facilities should be constructed on a north/south alignment. This facility has been constructed on a north-west, south east alignment; therefore the summer setting sun causes some problems.*

*Proposal:*

*The Leederville Cricket Club have requested that an additional set of four (4) cricket practice nets be approved and subsequently constructed at a suitable and practical location on Britannia Road Reserve.*

*The Club has advised that a new facility would be of similar dimensions with the addition of one extra length of wire overhang to restrict cricket balls from flying out of the nets.*

*Proposed Location:*

*Unfortunately given the ideal alignment and area required around the facility to ensure safety of other park users there is only one practical location for the new cricket practice nets. The area proposed is to the east of the existing clubrooms as shown on the attached plan.*

*Whilst other locations have been identified they pose issues of safety on existing locations of winter and summer sports or other potential reserve improvements being proposed as part of the Britannia Road Reserve Masterplan.*

*As agreed by the club members and officers, cricket practice nets are not aesthetically pleasing structures and are difficult to conceal or blend in to any landscape. The location proposed is considered the most suitable in terms of the clubs requirements, safety, existing infrastructure, ground allocations and likely future works.*

*The location is 100 metres away from the nearest residential property and should this proposal proceed following the consultation process, landscaping can be provided around the eastern, western and northern sides of the facility to lessen any visual impact.*

**CONSULTATION/ADVERTISING:**

Alternative community consultation methodology relating to open space planning will be researched to inform the group and Council on future options.

Consultation on the proposed additional cricket nets will be undertaken in accordance with the City's Community Consultation Policy No. 4.1.5.

**LEGAL/POLICY:**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS:**

**Medium:** With regards to the proposed additional cricket practice nets, this will improve safety for the Leederville Cricket Club members and general patrons using these facilities as their north/south alignment is the preferred and safest option for these structures.

**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:**

An amount of \$10,000 has been allocated in the 2010/2011 budget for the Britannia Road Reserve Masterplan.

The Leederville Cricket Club committee have advised the City in that the clubs would fund the installation the proposed four (4) net facilities of similar construction to the existing estimated to cost \$50,000. No funds have been requested from the City.

**COMMENTS:**

It is recommended that various models of open space planning be referred to the Council Forum in December.

It is further recommended that the Council approve 'in principle' the proposal to construct an additional set of cricket practice nets at Britannia Road and a further report be presented following the completion of the consultation process.



**9.4.1 Men's Shed – Progress Report No. 3**

<b>Ward:</b>	Both	<b>Date:</b>	10 November 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	CMS0128
<b>Attachments:</b>	<a href="#">001</a> - Draft Business Plan		
<b>Tabled Items:</b>	-		
<b>Reporting Officers:</b>	A McCormick, Community Development Officer; J Anthony, Manager Community Development		
<b>Responsible Officer:</b>	R Boardman, Director Community Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **RECEIVES** the progress report to define the role of the City of Vincent in the Vincent Men's Shed project; and
2. **NOTES** that a further progress report will be submitted to the Council by no later than April 2012, providing a status update on the approvals for the building and funding submissions.

**COUNCIL DECISION ITEM 9.4.1**

**Moved Cr Topelberg, Seconded Cr McGrath**

That the recommendation be adopted.

Debate ensued.

Cr Harley departed the Chamber at 8.16pm.

Debate ensued.

Cr Harley returned to the Chamber at 8.18pm.

Debate ensued.

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

**PURPOSE OF REPORT:**

To provide a progress report to the Council which defines the role of the City of Vincent in the Men's Shed project.

**BACKGROUND:**

At the Ordinary Meeting of Council, held on 12 July 2011, the following resolution was adopted:

"That the Council;

1. **RECEIVES** the progress report No. 2 regarding the Men's Shed; and
2. **REQUESTS** the Chief Executive Officer to provide further progress report to the Council by no later than November 2011, which defines the role of the City of Vincent in the Vincent Men's Shed project."

**DETAILS:**

**Role of the City of Vincent**

Since the formation of a self-appointed steering committee following a community consultation in January 2011, it has been the desire of the community members involved to independently create a Men's Shed over which they claim some level of ownership.

Support has been provided by the City of Vincent with a view to assist with initial set-up which will ultimately lead to a self-sufficient community operated Men's Shed.

For clarification, the specifics of this arrangement will be outlined below.

To date, the City has provided the following assistance:

- Provision of \$40,000 in the 2011-2012 Budget;
- Discussing plans and providing advice;
- Formalising the steering committee by opening up membership to all those who attended the community consultation in January 2011;
- Responding to public enquiries and forwarding contact details of interested parties to the steering committee;
- Administration assistance in mailing newsletters;
- Liaising with community groups regarding the possibility of collaboration;
- Seeking a suitable location for the Men's Shed in collaboration with Property Officers;
- Facilitating a meeting with Planning Officers;
- Assessing the planning application;
- Facilitating a meeting with Lotterywest;
- Completing a grant application for Lotterywest; and
- Updating the Council with regular progress reports.

It is proposed that the City will provide the following assistance in the future:

- Ongoing discussion of plans and provision of advice;
- Ongoing provision of information to public enquiries;
- Ongoing administration assistance;
- Custodians of the Lotterywest grant;
- Co-ordinator for the funds for the building;
- Provision of a Building Licence;
- Provision of a lease arrangement; and
- Supervision of building works.

The steering committee have taken responsibility for the following actions to date:

- Steering the project and sourcing ideas;
- Assessing the suitability of potential sites;
- Investigating potential buildings;
- Obtaining tools;
- Liaising with stakeholders;
- Maintaining a potential membership list;
- Compiling a newsletter;
- Preparing a budget;
- Completing an implementation plan;
- Preparing a business plan;
- Completing a planning application; and
- Providing information for a Lotterywest grant application.

The steering committee have successfully applied to become incorporated as of 26 July 2011 and have appointed the following positions within the Vincent Men's Shed steering committee:

Shed Coordinator - Mr Bob Crowe;  
Chair - Mr Will Parker;  
Vice Chair - Mr Murray Dowsett;  
Secretary - Mr Graham Lantzke;  
Treasurer - Mr Lee Scanlan; and  
Membership & Promotion - Mr Martin Malpass-Musto.

### **Planning Approval**

A planning application for the proposed site at No. 10 Farmer Street was submitted on 31 October 2011. West Coast Sheds, a local shed company affiliated with the Australia Men's Shed Association, provided drawings for the planning application free of charge to the group.

### **Funding**

On 21 September 2011, a meeting was convened between the Steering Committee, Community Development Officers and a representative from Lotterywest, to discuss a grant application for additional funds.

An application for \$85,000 is currently being prepared by the Community Development Officer in collaboration with the steering committee. Lotterywest require the City to be the named applicant for the grant. As a result any funds obtained will be paid to the City and released to the steering committee as necessary for costs related to the building of the shed.

### **Business Plan**

The Steering Committee have completed the first draft of their business plan. For full details please refer to Appendix 9.4.1. Please note that this is still a working document and subject to change.

### **CONSULTATION/ADVERTISING:**

The information in this report has been compiled through on-going consultation with the Men's Shed Steering Committee. The City's Community Development Officers continue to meet with the Steering Committee on a regular basis.

### **LEGAL/POLICY:**

Not applicable.

### **RISK MANAGEMENT IMPLICATIONS:**

**Low:** Vincent Men's Shed Inc. requires the support of the City in assisting with the initial set-up; however wish to operate as an independent entity in the long term.

### **STRATEGIC IMPLICATIONS:**

The support of a Men's Shed is in keeping with the following objectives from the City of Vincent *Strategic Plan 2011 -2016*:

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

### **SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

An amount of \$40,000 is listed in the 2011/2012 Budget for the establishment of a Men's Shed in the City. An application to Lotterywest for a grant of \$85,000 is currently underway.

**COMMENTS:**

Further to initial community support in favour of the establishment of a Men's Shed in the City of Vincent, the project continues to progress. A planning application is currently being processed by the City. A grant application is being prepared for Lotterywest to secure additional funding and meet the predicted deficit. A draft business plan has been completed detailing the objectives of the project, and the role of the steering committee and the City of Vincent has been delineated.

**9.1.5 No. 590 (Lots 12 & 118) Newcastle Street, West Perth – Proposed Demolition of Existing Building and Construction of a Five Storey Mixed-Use Development Comprising of Twelve (12) Multiple Dwellings, Eleven (11) Offices and Associated Basement Car Parking**

<b>Ward:</b>	South	<b>Date:</b>	11 November 2011
<b>Precinct:</b>	Cleaver; P5	<b>File Ref:</b>	PRO4506; 5.2011.336.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Development Application Plans <a href="#">002</a> – Heritage Assessment		
<b>Tabled Items:</b>	Neighbourhood Context Report and Streetscape Perspective		
<b>Reporting Officers:</b>	R Narroo, Senior Planning Officer (Statutory) H Au, Heritage Officer		
<b>Responsible Officer:</b>	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 Building Workshop Pty Ltd on behalf of the owner, 590 Newcastle Street Pty Ltd for Demolition of Existing Building and Construction of a Five Storey Mixed-Use Development Comprising of Twelve (12) Multiple Dwellings, Eleven (11) Offices and Associated Basement Car Parking at No. 590 (Lots 12 and 118) Newcastle Street, West Perth, as shown on plans dated 13 July 2011 and amended plans dated 30 September 2011, 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 Newcastle Street and Loftus Street;
- 1.1.2 First obtaining the consent of the owners of No. 588 and Nos. 596-598 Newcastle 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. 588 and Nos. 596-598 Newcastle Street in a good and clean condition;
- 1.1.3 Doors, windows and adjacent floor areas facing Newcastle Street shall maintain active and interactive relationships with this street; and
- 1.1.4 The maximum gross floor area of the office building shall be limited to 1345 square metres. Any increase in floor space or change of use of the offices shall require Planning Approval to be applied for and obtained from the City. Any change of use shall be assessed in accordance with the relevant Planning Policy including the City's Parking and Access Policy No. 3.7.1;

**1.2 Car Parking and Accessways**

- 1.2.1 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;

- 1.2.2 The car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the City;
- 1.2.3 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;
- 1.2.4 The car park shall be used only by employees, tenants, and visitors directly associated with the development; and
- 1.2.5 A minimum of sixteen (16) car parking bays shall be allocated for the office building;

**1.3 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:

- 1.3.1 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 \$65,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$6,500,000); and

in conjunction with the above chosen option;

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

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;

**1.4 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;

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

**1.5.1 Construction Management Plan**

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

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

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

- (a) 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
- (b) 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;

**1.5.3 Landscape and Reticulation Plan**

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

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

- (a) the location and type of existing and proposed trees and plants;
- (b) all vegetation including lawns;
- (c) areas to be irrigated or reticulated;
- (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 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);

**1.5.4 Schedule of External Finishes**

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

**1.5.5 Acoustic Report**

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

**1.5.6 Refuse and Recycling Management Plan**

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

**1.5.7 Fencing**

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

**1.5.8 Privacy**

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

- (a) the paved decks of offices C4 and C5 on the northern, eastern and southern elevations respectively;
- (b) the windows to offices C4 and C5 on the eastern elevations;
- (c) the terraces of offices C10 and C11 on the northern and southern elevations respectively;
- (d) the bedroom 1 to units 5,6,11 and 12 on the eastern elevation;
- (e) the terrace to units 5 and 11 on the northern elevation;
- and
- (f) the terrace to units 6 and 12 on the southern elevation;

being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material that is easily removed; OR prior to the issue of a Building Licence, revised plans shall be submitted demonstrating the above major openings being provided with permanent vertical screening or equivalent, preventing direct line of sight within the cone of vision to ground level of the adjoining properties in accordance with the Residential Design Codes. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the City receives written consent from the owners of No. 588 Newcastle Street, stating no objection to the respective proposed privacy encroachment;



**1.5.9 Footpath upgrading bond**

In keeping with the City's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land are to be upgraded, by the applicant, to a brick paved standard to the City's specification a refundable footpath upgrading bond of \$4,000 shall be lodged and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the City's Technical Services Division. An application to the City for the refund of the upgrading bond must be made in writing;

**1.5.10 Amalgamation**

The subject Lots 12 and 118 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 and subdivide 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); and

**1.5.11 Heritage**

A form of interpretation, which incorporates explicit recognition of the identified heritage values of the place to be demolished, as identified in the Heritage Assessment for the place, shall be installed prior to the first occupation of the approved development on site. The design and wording of the 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;

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

**1.6.1 Residential Car Bays**

Twelve (12) car bays and three (3) car bays shall be provided for the residents and visitors respectively. The fifteen 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;

**1.6.2 Bicycle Parking**

Four (4) and One (1) bicycle bays for the residents and visitors of the residential component plus seven (7) class one or two and one (1) bicycle bays class 3 for the office building component 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;

**1.6.3 Management Plan-Vehicular Entry Gates**

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

**1.6.4 Clothes Drying Facility**

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

2. AUTHORISE the Chief Executive Officer to advertise the deletion of No. 590 Newcastle Street, West Perth from the City's Municipal Heritage Inventory (MHI) for a 21 days public comment period, in accordance with the "SA"(special application) procedure of the City of Vincent's Policy No. 4.1.5 relating to Community Consultation, and on completion of the advertising period, consideration to remove the property at No. 590 Newcastle Street, West Perth from the City's Municipal Heritage Inventory (MHI), will be reported back to the Council for determination; and
3. AUTHORISE the Chief Executive Officer to review clause 4 of the City's Policy No. 3.6.5 relating to Heritage Management-Amendments to the Municipal Heritage Inventory (MHI), to enable the City's Heritage Officers to consider a place for deletion from the MHI as a result of Development Approval for demolition.

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**COUNCIL DECISION ITEM 9.1.5**

**Moved Cr Topelberg, Seconded Cr Buckels**

That the recommendation be adopted.

Debate ensued.

**PROCEDURAL MOTION**

**Moved Cr Topelberg, Seconded Cr Carey**

That the item be DEFERRED to deal with the application concerning the staggering of the rear of the building to reduce the impact on the adjoining rear properties and interface of the frontage to Newcastle Street, with reference to the Multiple Dwellings Policy.

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

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<b>Landowner:</b>	590 Newcastle Street Pty Ltd
<b>Applicant:</b>	Building Workshop Pty Ltd
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R80
<b>Existing Land Use:</b>	Vacant Hospital
<b>Use Class:</b>	Multiple Dwellings, Office Building
<b>Use Classification:</b>	"P" and "SA"
<b>Lot Area:</b>	1727 square metres
<b>Right of Way:</b>	Not applicable

**PURPOSE OF REPORT:**

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

**BACKGROUND:**

Refer to Heritage Assessment as shown in Appendix 9.1.5.

**DETAILS:**

The application is for the demolition of an existing building and the proposed construction of a five storey mixed-use development comprising of twelve multiple dwellings, eleven offices and associated basement car parking.

The applicant's submission is "Tabled".

**COMPLIANCE:**

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
<b>Plot Ratio:</b>	1= 1,727 square metres.	1.11= 1,921 square metres.
<b>Officer Comments:</b>		
Supported-Refer to "Comments" below. .		
<b>Street Setbacks:</b>	Level 1= 7.9 metres. Level 2= 8.9 metres. Level 3= 8.9 metres. Levels 4 and 5= 8.9 metres.	Nil to 4 metres. 1.3 metres to 4.45 metres. 4.45 metres. 4.55 metres.
<b>Officer Comments:</b>		
Supported. The existing buildings on the other side of Newcastle Street have nil setbacks consistent with the commercial zoning of that land. As per the R-Codes for a R80 zoning the requirement for the street setback is 2 metres whereas for this proposal the main building is setback to 4 metres; only the stairs will be located along the street boundary. Therefore it is considered there will be no impact on the streetscape. In respect of the subject site, the front façade of the proposed building is articulated with openings, construction materials, roof design which will contribute to the emerging streetscape.		
<b>Building Setbacks:</b>	<u>Level 2</u> Eastern and Western Sides= 4 metres. <u>Levels 3,4 and 5</u> Eastern and Western sides= 4 metres.	Nil to 4.15 metres. 2.236 metres to 4.25 metres.
<b>Officer Comments:</b>		
Supported. The walls are staggered and the proposal complies with the R-Codes overshadowing requirement. In addition, most of the building wall complies with the 4 metres setback (ninety per cent), only the decks and terraces are closer to the side boundaries. Therefore it is considered there will be no unreasonable impact on the adjoining properties in terms of sunlight and ventilation. No objections were received from the adjoining side properties.		
<b>Number of Storeys/Height:</b>	Policy No. 3.4.8 relating to Multiple Dwellings and R-Codes Multi Unit Housing Codes  Height for concealed roof =13 metres. Height for pitched roof = 15 metres. Given the above permissible heights, a four storey development is permitted.	Five storeys at the Newcastle Street frontage.  Four Storeys at the rear of the property.  The height of the building varies from 15.1 metres (maximum) to 10.5 metres (minimum) from the natural ground level. The site slopes from the rear to the front by 3 metres.
<b>Officer Comments:</b>		
Supported. Refer to "Comments" below.		

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
<b>Privacy:</b>	Balconies= 7.5 metres.	<p>Paved deck to offices C4 and C5 = Nil and 0.2 metre to eastern boundary.</p> <p>Windows to offices C4 and C5= 4.15 metres to eastern boundary.</p> <p>Terrace to offices C10 and C11= 2.5 metres to eastern boundary.</p> <p>Units 5, 6, 11 and 12</p> <p>Bedroom 1= 4.25 metres to the eastern side.</p> <p>Terrace= 2.5 metres to eastern side.</p>
<b>Officer Comments:</b>		
Not supported. In the event the application is supported, the terraces and bedrooms are required to be screened to prevent any overlooking to the east of this development.		
<b>City of Vincent Economic Development Strategy 2011-2016:</b>	Minimise the sprawl of commercial developments outside designated activity centres to encourage precinct-based growth whilst protecting residential areas from commercialisation.	Proposed office outside designated activity centre.
<b>Officer Comments:</b>		
Supported. The site is located 60 metres from the Leederville Activity Centre and there are already existing commercial developments along Newcastle Street. Therefore it is considered that the proposal is compatible with the uses of the immediate surrounding area and in addition, the proposal promotes the integration of the workplace and residences, hence diversifying the land use and providing casual surveillance through day/night time activity of the area.		

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

<b>Consultation</b>	
<b>In Support (2)</b>	Nil
<b>Comments Received</b>	<b>Officer Comments</b>
Nil	Noted.
<b>Objections(7)</b>	
<b>Comments Received</b>	<b>Officer Comments</b>
<u>Plot Ratio</u>  The proposed development is bulky which will impact on the adjoining properties.	Not supported. Refer to "Comments" below.
<u>Setbacks</u>  The setbacks are outside the permitted requirements and will impact on the adjoining neighbours and street.	Not supported. Refer to Compliance Table.

<b>Consultation</b>	
<p><u>Privacy</u></p> <p>Object to overlooking of adjoining properties from the proposed development.</p> <p><i>"No mention is made here of the balconies and windows on the northern side of the development, which will overlook the rear of my property, thus destroying my privacy on my back verandah and in my back garden."</i></p>	<p>Supported in part. Refer to Compliance Table. With regard to balconies proposed at the rear, it is noted they comply with the required privacy setbacks and therefore no condition can be imposed for screening these balconies.</p>
<p><u>Heritage building</u></p> <p><i>"590 Newcastle St is also a Heritage Listed building. This seems not to have been taken into consideration by the developer. The listing was only placed on the building 2 years ago. Surely this alone means you are not in a position to approve the proposal as it stands. We made a conscious decision to stay at 55 Kingston Ave (including schooling) when the Heritage Listing was placed on the property because in our mind that prevented a building, such as the one proposed, being built."</i></p>	<p>Not supported. Refer to "Comments" below.</p>
<p><u>Guidelines</u></p> <p>The proposed development is far outside the guidelines and the proposal does not comply with the performance criteria. Therefore the proposal should be rejected.</p>	<p>Not supported. The Residential Design Codes allow for variations to the acceptable development standards subject to the Council being satisfied that the Performance Criteria is met and there will be no unreasonable impact on the adjoining properties.</p>
<p><u>Number of Storeys</u></p> <p>The five storey building will have a visual impact and will restrict day light on the adjoining properties. It will be out of character with the single storey dwellings at the rear of the subject property.</p>	<p>Not supported. Refer "Comments" below. Four storeys are permissible as per the Multiple Dwellings Policy No. 3.4.8.</p>
<p><u>Property value</u></p> <p>If this proposed development goes ahead it will devalue the adjoining properties.</p>	<p>Not supported. Devaluation of properties is not a planning issue.</p>
<p><u>Damages to adjoining property</u></p> <p>Excavation for the basement will affect the existing trees located along the boundary of the adjoining properties and the adjoining existing buildings.</p>	<p>Noted. Buildings and property damage is a civil matter. The applicant is required to submit a Construction Management Plan (CMP) as part of the building licence. The CMP requires a dilapidation report which will address issues relating to possible damage to adjoining buildings.</p>
<p><u>Advertising</u></p> <p><i>"I have attached a photo demonstrating the disingenuous nature of the signage currently in place at the site that suggests to walkers by that site is indeed up for lease when the small development application sign is dwarfed by the lease sign."</i></p>	<p>Noted. The signage meets the City's Policy No. 4.1.5 for 'SA' advertising.</p>

<b>Consultation</b>	
<p><u>Traffic and Parking</u></p> <p>The parking is inadequate for such a development and no traffic report submitted.</p>	<p>Not supported. The proposal complies with the car parking requirements. A traffic report has been submitted which the City's Technical Services are satisfied considers any traffic and congestion matters.</p>
<p><u>Building Code of Australia</u></p> <p>The proposed development does not comply with the building code of Australia in terms of egress, ventilation and other matters.</p>	<p>Not supported- The proposed building will have to comply with the National Construction Code.</p>
<p><u>City of Vincent Master plan for Newcastle Street</u></p> <p><i>"The design does not provide a positive contribution to the ideals of the philosophy prescribed by the City of Vincent Master Plan for Newcastle Street. The proposal will have a negative outcome on the revitalisation of Newcastle Street."</i></p>	<p>Not supported. The subject site is proposed to be rezoned from Residential R80 to Residential R160 in draft Town Planning Scheme No. 2 and the subject development requirements will be as per the proposed Perth Precinct Policy. This policy proposes a maximum height of 5 storeys. Therefore the proposal will contribute to the revitalisation of Newcastle Street.</p>
<p><u>Passive Surveillance</u></p> <p>The proposed building does not provide passive surveillance which will contribute to crime.</p>	<p>Not supported. The proposal denotes balconies facing the street and the rear, hence there will be opportunities for passive surveillance.</p>
<p><u>Awnings</u></p> <p><i>"No weather protection or complementary awnings have been provided at street level as per City of Vincent regulations"</i>.</p>	<p>Not supported. Awning is provided at Level 2 within the site.</p>
<p><u>Aesthetic</u></p> <p><u>The aesthetic of the building is not appealing. "It does little to differentiate or enhance the differing internal functions of commercial and residential."</u></p>	<p>Not supported. It is considered that the building is articulated and setbacks from the boundaries will reduce the perceived bulk. It is considered that the building is contemporary in nature which it is considered will contribute to the regeneration of the area.</p>
<p><b>Advertising</b></p>	<p>The advertising was carried out as per the City Policy No. 4.1.5- relating to Community Consultation</p>

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

**Car Parking**

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

<b>Car Parking</b>	
Medium Multiple Dwelling based on size (75-110 square metres)-1 bay per dwelling (12 dwellings proposed)= 12 car bays  Visitors= 0.25 per dwelling (12 dwellings proposed)= 3 car bays  Total= 15 car bays	15 car bays
Total car bays provided	40 car bays
<b>Surplus</b>	<b>25 car bays</b>

In total 15 car bays will be required for the residential component. Overall, the number of car parking bays provided for the development is 40 car bays. Therefore, for the commercial component, 25 car bays will be available.

<b>Car Parking</b>	
Car parking requirement (nearest whole number). • Office ( 1 car bay per 50 square metres gross office floor area) Proposed 1345 square metres = 26.9 car bays  Total car bays required = 26.9 car bay= 27 car bays	27 car bay
Apply the parking adjustment factors. • 0.85 (within 400 metres of a bus stop) • 0.8 (45 percent of the gross floor area is residential) • 0.85 (within 800 metres of a rail station)	(0.578)  15.61 car bays
Minus the car parking provided on-site	25 car bay
Minus the most recently approved on-site car parking shortfall	N/A
<b>Surplus</b>	<b>9.39 car bays</b>

<b>Bicycle Parking</b>	
<b>Bicycle Parking</b>	
<u>Office</u> 1 space per 200 square metres gross floor area (proposed 1345 square metres) = 6.725 = 7 Class 1 or 2  1 space per 750 square metres over 1000 square metres (proposed 1345 square metres) = 0.46 = Nil Class 3  <u>Residential Component</u>  1 bicycle space to each 3 dwellings (total 12 dwellings) for residents and 1 bicycle space to each 10 dwellings for visitors):  4 bicycle bays for the residents  1 bicycle bay for the visitors	14 bicycle bays are provided

**COMMENTS:**

**Demolition**

In accordance with the City's Policy No. 3.6.1 relating to Heritage Management – Development Guidelines for Heritage and Adjacent Properties Clause P3 A.3.1, which states, “Demolition of a whole building listed on the City’s Municipal Heritage Inventory will generally not be supported.” Whilst this is the stance generally taken in the determination of the demolition of a heritage listed property, this Policy is to be read in conjunction with the City’s Policy No. 3.6.4 relating to Heritage Management – Interpretive Signage.

The City's Policy No. 3.6.4 relating to Heritage Management – Interpretive Signage Clause 1 (ii), states that if the Council resolves that a building proposed for demolition has solely historic and/or social significance that is deemed by the Council as not directly reflected in the building's structure, style or physical appearance, the Council may approve the demolition application and require a form of interpretation to be displayed on the site of the existing building.

In this particular instance, it is noted in the Heritage Assessment that the place's cultural heritage value is primarily attributed to its historic and social value and the place has little aesthetic value. It is noted that whilst the place is representative of the Federation Queen Anne architectural style, it has undergone various changes, including the enclosure of the majority of the verandah and the removal of its prominent timber valances, which has diminished the distinctiveness of this style.

In light of the above, the City's Heritage Services have no objection to the proposed demolition and redevelopment, subject to the imposition of a specific condition for a form of interpretation to be provided as part of the redevelopment.

In the event that the above recommendation for the demolition of the property at No. 590 Newcastle Street, West Perth, is approved, Heritage Services recommend to delete No. 590 Newcastle Street from the Municipal Heritage Inventory (MHI) prior to the issue of a Demolition Licence, to ensure that the decision is consistent with the City's Policy No. 3.6.1 relating to Heritage Management – Development Guidelines for Heritage and Adjacent Properties Clause P3 A.3.1, which states, "*Demolition of a whole building listed on the City's Municipal Heritage Inventory will generally not be supported.*"

There is no current policy in place however, to enable Heritage Services to consider a place to be deleted from the MHI as a result of enquiry through the Demolition Planning Application process, in accordance with Clause 4 of the City's Policy No. 3.6.5 relating to Heritage Management – Amendments to the Municipal Heritage Inventory (MHI). As such, Heritage Services provide recommendations as below:

1. Deletion of No. 590 from MHI

Authorisation is sought from Chief Executive Officer to advertise the deletion of No. 590 Newcastle Street, West Perth, from the City's Municipal Heritage Inventory (MHI) for a 21 days public comment period, in accordance with the SA (special application) procedure of the City of Vincent's Policy No. 4.1.5 relating to Community Consultation; and

On completion of the advertising period, consideration to remove the property at No. 590 Newcastle Street, West Perth from the City's Municipal Heritage Inventory (MHI) will be reported back to the Council for determination.

2. Review of current Policy No. 3.6.5

Authorise the Chief Executive Officer to review Clause 4 of the City's Policy No. 3.6.5 relating to Heritage Management – Amendments to the Municipal Heritage Inventory (MHI), to enable the City's Officers to consider a place for deletion from the MHI as a result of enquiry through the Demolition Planning Application process.

### **Strategic Planning**

The subject site is proposed to be rezoned from Residential R80 to Residential R160 in draft Town Planning Scheme No. 2 and the subject development requirements will be as per the proposed Perth Precinct Policy. This policy proposes a maximum height limit of five (5) storeys for this site, with a maximum plot ratio of 2.0 (in a mixed use or residential development). This height limit is reflective of the height of the proposed building.



Furthermore, the Council at its Ordinary Meeting held on 8 November 2011 resolved to advertise the draft Cleaver Precinct Policy, which is proposed to be amended to include development requirements for the area south of Newcastle Street (opposite the proposed development), formally known as the Hamilton Precinct. The maximum building height for this area is five (5) storeys; however, the Council can consider additional height to a maximum of seven (7) storeys provided the development incorporates affordable housing or sustainable design.

Given the above, it is considered that the proposed building is consistent with the future objectives of the Perth Precinct Policy as well as the development requirements for the area south of Newcastle Street, directly across the road.

### **Planning**

It is noted that this application was submitted and advertised before the Design Advisory Committee (DAC) was formed. Therefore the applicant was not required to present the proposal to the DAC.

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

The proposed development will be four storeys facing the rear property and five storeys facing Newcastle Street. The volume of the car park basement is fifty per cent below the natural ground level and therefore it is not considered as a storey. Technically the building is four (4) storeys; however, given the building when facing Newcastle Street will appear five (5) storeys the proposal is considered as five storeys. Given the steep slope of the site it is difficult for a building to comply with the required height as no uniform height is achievable. The City's Policy No. 3.4.8 relating to Multiple Dwellings states that the height permitted along Newcastle Street is 13 metres for a concealed roof and 15 metres for a pitched roof. In respect of this application, the height of the building will vary from 15.1 metres (maximum) to 10.5 metres (minimum) from the natural ground level. Moreover, the proposal is setback 7.5 metres to 13.7 metres from the rear adjoining boundary which will minimise the bulk and scale on the adjoining northern residential properties. Furthermore, there will be no overshadowing of the northern residential properties as per the requirement of the R-Codes.

The Council at its Ordinary Meeting held on 13 September 2011 conditionally approved a four storey residential building at No. 65 Kingston Street, West Perth, which abuts this subject site on the north-west corner. There are also some existing high rise buildings (eight storeys) at No. 572 and No. 580 Newcastle Street, two blocks east of the subject property. In addition, the Council at its Ordinary Meeting held on 11 October 2011 conditionally approved the Water Corporation redevelopment, consisting of multi-storey buildings [between ten (10) and twenty-seven (27) storeys] which are located within 60 metres of the subject site. Therefore it is considered that the proposed four to five storey building will be consistent with the scale, form and use of development in the immediate and surrounding vicinity.

In view of the officer support of a five-storey development on the subject site, the proposed plot ratio is also recommended for approval. The subject development is considered consistent with the principles of transit oriented development in respect to a proposed high density residential building in close proximity to transport facilities.

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

**9.1.1 Further Report – No. 634 (Lot 406; D/P: 32640) Beaufort Street, Mount Lawley – Proposed Change of Use of Loft Area, from Storage to Eating House**

<b>Ward:</b>	South	<b>Date:</b>	14 November 2011
<b>Precinct:</b>	Mount Lawley Centre; P11	<b>File Ref:</b>	PRO0196; 5.2010.577.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Development Plans		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	D Mrdja, Senior Strategic Planning and Heritage Officer		
<b>Responsible Officer:</b>	H Smith, Manager Planning and Building Services		

**FURTHER OFFICER RECOMMENDATION:**

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by H Robinson on behalf of the owner L K Heng & T K Eng for proposed Change of Use of Loft Area from Storage to Eating House, at No. 634 (Lot 406; D/P: 32640) Beaufort Street, Mount Lawley, and as shown on plans stamp-dated 8 November 2010, subject to the following conditions:

1. **WITHIN TWENTY-EIGHT (28) DAYS OF THE ISSUE DATE OF THIS ‘APPROVAL TO COMMENCE DEVELOPMENT’, the applicant shall provide copies of all current leases held by the same tenant over lots 100, 98 and 406 Beaufort Street, Mount Lawley;**
2. **The subject planning approval is valid until 30 June 2013 or upon the expiration of the first of the above leases, whilst the applicant remains the tenant during that time for all commercial tenancies at Nos. 634 – 648 Beaufort Street, Mount Lawley and that no fewer than 32 car bays are available to those tenancies. A new development application will be required to be submitted to, and approved by the City, to renew the subject planning approval from (30 June 2013) or in the event the applicant either ceases to be the tenant for all the commercial tenancies at Nos. 634 – 648 Beaufort Street, Mount Lawley, or the number of car bays available to those tenancies being less than 32 in total;**
3. **All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Beaufort Street;**
4. **No street verge tree(s) shall be removed. The street verge tree(s) shall be retained and protected from any damage including unauthorized pruning;**
5. **The doors and windows and adjacent floor areas on the ground floor to Beaufort Street shall maintain an active and interactive relationship with this street;**
6. **The public floor area of the proposed eating house shall be limited to a maximum of 162.5 square metres. Any increase in floor space or change of use for the subject land shall require a separate Planning Approval to be applied to and obtained from the City;**
7. **All signage that does not comply with the City's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted to and approved by the City prior to the erection of the signage;**

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

**Refuse and Recycling Management Plan**

The Plan shall include details of refuse bin location, number of rubbish and recycling receptacles, vehicle access and manoeuvring.

Revised plans and details shall be submitted demonstrating a bin compound being provided in accordance with the City's Health Services Specifications:

**Commercial**

1 x 240 litre mobile garbage bin per unit, or per 200 square metres of floor space (collected weekly); and

1 x 240 litre mobile recycle bin per unit, or per 200 square metres of floor space (collected fortnightly); and

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

**Car Parking**

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

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**Moved Cr Topelberg, Seconded Cr McGrath**

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

“That clause 2 be deleted and a new clause 2 be inserted to read as follows:

2. The applicant being required to demonstrate continued access to 22 car bays for all tenancies at Lots 99, 98 and 406, being Nos. 634-642 Beaufort Street, Mount Lawley.”

Debate ensued.

**MOTION 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 H Robinson on behalf of the owner L K Heng & T K Eng for proposed Change of Use of Loft Area from Storage to Eating House, at No. 634 (Lot 406; D/P: 32640) Beaufort Street, Mount Lawley, and as shown on plans stamp-dated 8 November 2010, subject to the following conditions:

1. **WITHIN TWENTY-EIGHT (28) DAYS OF THE ISSUE DATE OF THIS ‘APPROVAL TO COMMENCE DEVELOPMENT’, the applicant shall provide copies of all current leases held by the same tenant over lots 100, 98 and 406 Beaufort Street, Mount Lawley;**
2. **The applicant being required to demonstrate continued access to 22 car bays for all tenancies at Lots 99, 98 and 406, being Nos. 634-642 Beaufort Street, Mount Lawley;**

3. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Beaufort Street;
4. No street verge tree(s) shall be removed. The street verge tree(s) shall be retained and protected from any damage including unauthorized pruning;
5. The doors and windows and adjacent floor areas on the ground floor to Beaufort Street shall maintain an active and interactive relationship with this street;
6. The public floor area of the proposed eating house shall be limited to a maximum of 162.5 square metres. Any increase in floor space or change of use for the subject land shall require a separate Planning Approval to be applied to and obtained from the City;
7. All signage that does not comply with the City's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted to and approved by the City prior to the erection of the signage;
8. **PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the City:**

**Refuse and Recycling Management Plan**

The Plan shall include details of refuse bin location, number of rubbish and recycling receptacles, vehicle access and manoeuvring.

Revised plans and details shall be submitted demonstrating a bin compound being provided in accordance with the City's Health Services Specifications:

**Commercial**

1 x 240 litre mobile garbage bin per unit, or per 200 square metres of floor space (collected weekly); and

1 x 240 litre mobile recycle bin per unit, or per 200 square metres of floor space (collected fortnightly); and

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

**Car Parking**

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

**ADDITIONAL COMMENTS:**

The City's Officers have explored the outcome whereby in the event the applicant no longer leases Planet Video at Nos. 644-648 (Lot 100) Beaufort Street, Mount Lawley. In this event, the car parking calculation would actually result in a surplus of 10.32 car bays as follows.

<b>Car Parking</b>	
<b>Car parking requirement (nearest whole number)</b>	<b>= 59 car bays</b>
<p><i>No. 634 Beaufort Street</i></p> <ul style="list-style-type: none"> <li>• Eating House – 1 bay per 4.5 square metres of public floor area</li> </ul> <p>Public Floor Area = 162.5 square metres <b>(requires 36.11 car bays)</b></p>	

<b>Car Parking</b>	
<p><i>No. 636-638 Beaufort Street</i></p> <ul style="list-style-type: none"> <li>• Shop – 1 bay per 15 square metres of gross floor area Gross Floor Area = 188 square metres (<b>requires 12.53 car bays</b>)</li> </ul> <p><i>No. 642 Beaufort Street</i></p> <ul style="list-style-type: none"> <li>• Shop – 1 bay per 15 square metres of gross floor area Gross Floor Area = 125 square metres (<b>requires 8.33 car bays</b>)</li> <li>• Office (Radio Station) – 1 bay per 50 square metres of gross floor area Gross Floor Area = 100 square metres (<b>requires 2 car bays</b>)</li> </ul> <p><b>Total car bays required = 58.97 car bays</b></p>	
<p>Apply the adjustment factors.</p> <ul style="list-style-type: none"> <li>• 0.85 (within 400 metres of a bus stop)</li> <li>• 0.85 (within 400 metres of a public car parking place with in excess of 75 car parking spaces)</li> <li>• 0.90 (within a District Centre zone)</li> </ul>	<p>(0.65025)</p> <p>= 38.36 car bays</p>
Minus the car parking provided on-site	22 car bays
Minus the approved on-site car parking shortfall.	27.34 car bays
<b>Resultant surplus</b>	<b>10.98 car bays</b>

**FURTHER REPORT:**

The Council at its Ordinary Meeting held on 11 October 2011 resolved to defer the subject application and resolved as follows:

*“That the item be DEFERRED for further information to be obtained regarding the legality of the proposed Alternative Recommendation.”*

In light of the above reason for deferral, the City’s Officers engaged Kott Gunning Solicitors to provide advice on whether or not the proposed car parking shortfall can be approved over all four of the lots, even though all four owners had not consented to the planning application by means of signing the MRS Form 1.

The legal advice is as follows:

*“Temporary Approval*

*An alternative recommendation has been considered as proposed in your email. This is on the basis that the subject planning approval is to be valid until such time that the total number of car bays available for the commercial tenancies at Nos. 634 – 648 Beaufort Street, Mount Lawley are less than 32 car bays. In that event, a new development application would be required.*

*In the first sentence of the proposed alternative recommendation as set out in your email, it is recommended that you add the words “and such commercial tenancies are all held by the same tenant”. In that situation, we are of the firm opinion that the subject planning approval would be valid at law.*

*It is well established at law that a development approval must be signed or supported in writing by the owners of all properties over which the proposed development is to be conducted. However, that has no application to the proposed parking arrangements, since the only property to be developed is 634 Beaufort Street. The present development approval does not seek development of the other three properties, since the car parking has already been constructed and has been in use.*

*In reality, the applicant for development approval can show that there is adequate parking for the Planet businesses as a whole, set out in the rear of the four blocks. Consequently, there is no justification for refusing an application altogether, simply on the basis that there is no long term security for this state of affairs.*

*The disadvantage of this proposal for temporary approval is that the development approval is indefinite. There is no "bring up" date which would enable the City's Officers to know when a new development application should be expected.*

#### *Further Alternative*

*It may be more straightforward to call for the production of copies of the four Leases in question and to grant the development approval for a period of time only, to expire upon the date of the first of the four Leases to come to an end. At that point, a new development approval could be required and would certainly be granted if the tenant were able to show that a further Lease or an extension of the existing Lease had been negotiated. The advantage of this proposal is that a finite date would be established at which the development approval would be re-visited.*

*In some Leases, there is a re-development clause entitling the landlord to bring the Lease to an end if the landlord wishes to re-develop the site, by giving appropriate notice to the tenant. We think it very unlikely indeed that such a clause would be in any of the four Leases, but if you call for the production of those four Leases, it would be quite an easy task to check whether a re-development clause exists.*

*In any event, as an alternative which may be administratively much easier to pursue, we suggest the following:*

*"The subject planning approval is valid until (here insert the date of termination of the shortest Lease) and is subject to a condition that the applicant remain the tenant during that time for all commercial tenancies at Nos. 634 – 648 Beaufort Street, Mount Lawley and that no fewer than 32 car bays are available to those tenancies. A new development application will be required to be submitted and approved by the City to renew the subject planning approval from (insert same date) or in the event of the applicant either ceasing to be the tenant for all the commercial tenancies at Nos. 634 – 648 Beaufort Street, Mount Lawley or the number of car bays available to those tenancies being in total less than 32."*

*This condition and the previous alternative condition are not applied over other lots, since the development approval over No. 634 Beaufort Street, Mount Lawley is granted only for a limited period of time (in which time it is expected both that the applicant will remain the tenant of all four tenancies and will have at least 32 car bays) and is subject to termination upon the happening of certain events which render the practical availability of the required number of car bays in jeopardy.*

*While the present situation continues, in which the applicant is the tenant of all four commercial properties and has available 32 car bays, there is adequate parking for all purposes, therefore no valid planning justification on parking grounds exists to refuse a limited development approval.*

*Of course, as previously mentioned, this would not justify a permanent and unlimited approval, without legal safeguards in the form of Caveats or registered Easements, but such legal safeguards are not necessary in a situation where the rights of a commercial tenant exist and provide the tenant with the use and occupation of the tenancies, including the parking areas.*

*We carried out a search of the subject properties, and they certainly show that there is nothing on any of the Certificates of Title which would secure the rights of the tenants for the use and occupation of the premises, including the car parks. We would regard such registration as not being necessary, having regard to the fact that the tenant has long term leases over all four properties and is in possession of the premises, entitled to use them without hindrance by the several landlords except for routine property inspections. The expiry of any one of the tenancies, if not renewed in favour of the same tenant, would clearly tend to jeopardise the development approval. By limiting the planning approval to the date of termination of the shortest lease, a specific timeframe is created which will throw up the need for the applicant to apply to renew the development approval, in which case the duration of the development approval can be re-visited and a fresh date inserted.*

*Of course, should it be the case that the Lease is not extended, then the development approval will automatically come to an end. Indeed, in that situation the tenant would have no alternative but to make other arrangements and would probably be in a position where it will be forced to close the business because the landlord would require the former tenant to vacate.*

**Summary**

*In summary, we conclude that a temporary and limited development approval could be validly granted and would not pose any unusual difficulties. The writer is aware of a number of occasions in other local governments where reliance has been placed upon site parking on other properties which in practice does not cause any difficulties. In the present situation, where the four Leases are held by a single tenant, in practical terms there is already a situation where parking is available to customers of businesses conducted on all four sites at any point in the entire four block parking area. There is no valid reason from a legal point of view why a planning approval could not be granted on that basis, subject to appropriate conditions and for an appropriate duration.”*

**COMMENTS:**

It is the opinion of City’s Solicitors (Kott Gunning) that an Approval can be granted for the development, however only for the lifetime of the lease that has the least amount of time left. In this case, the site that occupies Planet Video (No. 644-648 Beaufort Street, Mount Lawley) is subject to a lease over the property that expires on 30 June 2013. Given that it is not guaranteed that this lease will be extended, which the applicant has also foreshadowed, any Planning Approval issued should also expire on 30 June 2013. At that time, the applicant would be required to reapply for Planning Approval for the first floor dining area.

The Council have supported shortfalls in on-site car parking for the following properties.

Bar Name	Subject Site	No. of on-site car bays provided	Resultant Shortfall	Council Meeting Date and Item
Barolo on Beaufort	448 Beaufort Street	8	7.607 car bays	8 July 2008 – Item 10.1.4
Must Wine Bar	519 Beaufort street	0	5.06 car bays	26 September 2006 – Item 10.1.10
Five Bar	560 Beaufort Street	3	2.057 car bays	9 March 2010 – Item 9.1.3
Clarence’s Bar	566 Beaufort Street	6	4.285 car bays	13 April 2010 – Item 9.1.8
Former Car Yard	607 Beaufort Street	3	5.32 car bays	10 March 2009 – Item 9.1.2

**448 Beaufort St (Barolo on Beaufort)**

Car Parking	
Car Parking Requirement (nearest whole number) Restaurant - 1 space per 4.5 square metres of public area (108 square metres)	24 car bays
Apply the adjustment factors • 0.85 (within 400 metres of a bus stop) • 0.85 (within 400 metres of a car park within excess of 75 car parking spaces) • 0.90 (the proposed development provides ‘end-of-trip’ facilities* for bicycle users, in addition to the facilities specified in the Bicycle Parking Requirements Table).	(0.6503)  15.607 car bays
Minus the car parking provided on-site	<b>8 car bays</b>
Minus the most recently approved on-site car parking shortfall	N/A
Resultant shortfall	<b>7.607 car bays</b>

**519 Beaufort St (Must Winebar)**

<b>Car Parking</b>	
<p>Car parking requirement (nearest whole number) Tavern -1 space per 3.8 square metres of public floor area or 1 space per 4.5 persons of maximum number of persons approved for the site, whichever is the greater. Existing floor area - 124 square metres Existing maximum number of persons approved -140 Approved number of car bays for existing situation - 11 car bays Additional proposed floor area -27 square metres Maximum number of persons for additional proposed floor area - 32 people Car parking based on public floor area - <math>11 + (27/3.8) = 18.1</math> car bays Car parking based on maximum number of persons approved - <math>11 + (32/4.5) = 18.1</math> car bays</p>	18 car bays
<p>Apply the adjustment factors (only applied to proposed additional area/car parking requirement; that is, 7 car bays as the other existing required 11 car bays have been deducted below 0.85 (within 400 metres of a bus stop) 0.85 (within 400 metres of a car park in excess of a total of 75 car parking spaces)</p>	(0.7225) 16.06 car bays
<p>Minus the car parking provided on-site</p>	<b>0</b>
<p>Minus the most recently approved on-site car parking shortfall</p>	11 car bays (as per approval granted on 23 May 2000)
<p>Resultant shortfall</p>	<b>5.06 car bays</b>

**560 Beaufort St (Five)**

<b>Car Parking</b>	
<p>Car parking requirement (nearest whole number) Proposed Small Bar (1 space per 4.5 persons of maximum number of persons approved for the site (120))  • Small Bar proposed maximum of 120 patrons Total car bays required = <math>120/4.5 = 26.66</math> car bays</p>	27 car bays (nearest whole number)
<p>Apply the adjustment factors. • 0.85 (within 400 metres of a bus stop/station) • 0.85 (within 400 metres of a car park within excess of 75 car parking spaces)</p>	(0.7225) 19.507 car bays
<p>Minus the car parking provided on-site</p>	<b>3 car bays</b>
<p>Minus the most recently approved on-site car parking shortfall</p>	14.45 car bays
<p>Resultant shortfall</p>	<b>2.057 car bays</b>



**566 Beaufort St (Clarence's Bar)**

<b>Car Parking</b>	
<p>Car parking requirement (nearest whole number)</p> <p>Existing Noodle Box (Take-Away Food Outlet)= 1 space per 4.5 square metres of seating area plus 1 space per 2.5 square metres of queuing area with a minimum of 4 spaces.</p> <p>Seating area = 15 square metres = 3.33 car bays. Queuing area = 6 square metres = 2.4 car bays.</p> <p>Small Bar = 1 space per 4.5 persons of maximum number of persons approved for the site.</p> <p>120 patrons at any one time= 26.67 car bays.</p> <p>Total= 32.4 car bays.</p>	<p>32 car bays</p>
<p>Apply the adjustment factors:</p> <ul style="list-style-type: none"> <li>▪ 0.85 (within 400 metres of a bus stop)</li> <li>▪ 0.85 (within 400 metres of a public car parking place with in excess of 75 car parking spaces)</li> <li>▪ 0.90 (the proposed development provides "end-of-trip" facilities for bicycle users)</li> </ul>	<p>(0.65025)</p> <p>20.8 car bays</p>
<p>Minus the car parking provided on-site</p>	<p><b>6 car bays</b></p>
<p>Minus the most recently approved on-site car parking shortfall.</p> <p>On 28 March 2007, the State Administrative Tribunal upheld an application for review to pay cash-in-lieu for 7.175 car parking bays.</p> <p>On 16 December 2008, the Council approved an application to pay cash-in-lieu for 3.34 car parking bays.</p> <p>Total shortfall= 10.515 car bays</p>	<p>10.515 car bays</p>
<p><b>Resultant shortfall</b></p>	<p><b>4.285 car bays</b></p>

**607 Beaufort Street**

<b>Car Parking</b>	
<p>Car parking requirement (nearest whole number)</p> <ul style="list-style-type: none"> <li>• Shop – 162 square metres of GFA – requires 10.8 car bays</li> <li>• Office – 244 square metres of GFA – requires 4.88 car bays</li> </ul> <p>Total car bays required = 15.68 car bays</p>	<p>= 16 car bays</p>
<p>Apply the adjustment factors.</p> <ul style="list-style-type: none"> <li>• 0.85 (within 800 metres of a rail station)</li> <li>• 0.85 (within 400 metres of a bus stop)</li> <li>• 0.85 (within 50 metres of a public car parking place with in excess of 50 car parking spaces)</li> <li>• 0.90 (the proposed development is within a District Centre Zone)</li> </ul>	<p>(0.5202)</p> <p>= 8.32 car bays</p>
<p>Minus the car parking provided on-site</p>	<p><b>3 car bays</b></p>
<p>Minus the most recently approved on-site car parking shortfall</p>	<p>N/A</p>
<p>Resultant shortfall</p>	<p><b>5.32 car bays</b></p>

### Technical Services Comments – Right of Easement

The lots fronting Beaufort Street between Walcott Street and the dedicated Right of Way (ROW) (running east/west from Beaufort Street to Roy Street) comprises the following:

- Lot 100 (Nos 644-648) and Lot 99 (Nos 642) Planet Video
- Lot 98 (Nos 636-638) Planet Books
- Lot 406 (No 634) Planet Cafe

There is a right of access easement providing access from the existing ROW for Lot 98 through Lot 406 to the ROW and Lot 99 has a written agreement for access to the ROW through Lots 98 and 406.

There is no such agreement covering Lot 100 whose current only legal access is to Walcott Street.

#### Chief Executive Officer's Comment:

The Chief Executive Officer recommends that this development application should be approved for the following reasons:

1. the City's legal advice concludes that the matter can be approved subject to conditions relating to it being limited to the expiry date specified in the lease which is the first to expire;
2. the Applicant proposes to provide 32 compliant car bays which will be used in conjunction with the premises; and
3. notwithstanding that there is debate as to whether a car parking shortfall exists (13 car bays) cognisance should be given to the 32 compliant car bays which will be provided under the lease arrangement.

The Item 9.1.10 placed before the Council at its Ordinary Meeting held on 11 October 2011 is shown below:

#### *OFFICER RECOMMENDATION:*

*That the Council;*

*in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by H Robinson on behalf of the owner L K Heng & T K Eng for proposed Change of Use of Loft Area from Storage to Eating House, at, No. 634 (Lot 406; D/P: 32640) Beaufort Street, Mount Lawley, and as shown on plans stamp-dated 8 November 2010, for the following reasons:*

1. *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
2. *the shortfall in car parking proposed; and*
3. *the proposed development is non-compliant with the City's Policy No. 3.7.1 relating to Parking and Access.*

*Moved Cr Maier, Seconded Cr Buckels*

*That the recommendation be adopted.*

*Debate ensued.*

MOTION PUT AND LOST (1-6)

For: Mayor Catania

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

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

*REASONS FOR REFUSAL:*

1. *Sufficient car parking can be provided in the area.*
2. *The proposal will preserve/improve the amenity of the area.*

*ALTERNATIVE RECOMMENDATION*

*The following Alternative Recommendation was tabled:*

*“That the Council;*

*in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by H Robinson on behalf of the owner L K Heng & T K Eng for proposed Change of Use of Loft Area from Storage to Eating House, at No. 634 (Lot 406; D/P: 32640) Beaufort Street, Mount Lawley, and as shown on plans stamp-dated 8 November 2010, subject to the following conditions:*

1. *WITHIN TWENTY-EIGHT (28) DAYS OF THE ISSUE DATE OF THIS ‘APPROVAL TO COMMENCE DEVELOPMENT’, the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:*
  - 1.1 *pay a cash-in-lieu contribution of \$40,331 for the equivalent value of 13.01 car parking spaces, based on the cost of \$3,100 per bay as set out in the City’s 2011/2012 Budget; OR*
  - 1.2 *lodge an appropriate assurance bond/bank guarantee of a value of \$40,331 to the satisfaction of the City. This assurance bond/bank guarantee will only be released in the following circumstances:*
    - 1.2.1 *to the City at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*
    - 1.2.2 *to the owner(s)/applicant following receipt by the City of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject ‘Approval to Commence Development’; or*
    - 1.2.3 *to the owner(s)/applicant where the subject ‘Approval to Commence Development’ did not commence and subsequently expired.*

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

2. *All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Beaufort Street;*
3. *No street verge tree(s) shall be removed. The street verge tree(s) shall be retained and protected from any damage including unauthorized pruning;*
4. *The doors and windows and adjacent floor areas on the ground floor to Beaufort Street shall maintain an active and interactive relationship with this street;*
5. *The public floor area of the proposed eating house shall be limited to a maximum of 162.5 square metres. Any increase in floor space or change of use for the subject land shall require a separate Planning Approval to be applied to and obtained from the City;*

6. *All signage that does not comply with the City's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted to and approved by the City prior to the erection of the signage;*

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

7.1 *Refuse and Recycling Management Plan*

*The Plan shall include details of refuse bin location, number of rubbish and recycling receptacles, vehicle access and manoeuvring.*

*Revised plans and details shall be submitted demonstrating a bin compound being provided in accordance with the City's Health Services Specifications:*

*Commercial*

*1 x 240 litre mobile garbage bin per unit, or per 200 square metres of floor space (collected weekly); and*

*1 x 240 litre mobile recycle bin per unit, or per 200 square metres of floor space (collected fortnightly); and*

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

8.1 *Car Parking*

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

*Discussion ensued about the tabled Alternative Recommendation, particularly about Clause 1.*

**ALTERNATIVE RECOMMENDATION:**

*Moved Cr Maier, Seconded Cr McGrath*

*That the following Alternative Recommendation be adopted:*

*"That the Council;*

*in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by H Robinson on behalf of the owner L K Heng & T K Eng for proposed Change of Use of Loft Area from Storage to Eating House, at No. 634 (Lot 406; D/P: 32640) Beaufort Street, Mount Lawley, and as shown on plans stamp-dated 8 November 2010, subject to the following conditions:*

1. *The Applicant being able to demonstrate continued access to at least 32 car bays behind Nos. 636-648 Beaufort Street, Mount Lawley;*
2. *All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Beaufort Street;*
3. *No street verge tree(s) shall be removed. The street verge tree(s) shall be retained and protected from any damage including unauthorized pruning;*

4. *The doors and windows and adjacent floor areas on the ground floor to Beaufort Street shall maintain an active and interactive relationship with this street;*
5. *The public floor area of the proposed eating house shall be limited to a maximum of 162.5 square metres. Any increase in floor space or change of use for the subject land shall require a separate Planning Approval to be applied to and obtained from the City;*
6. *All signage that does not comply with the City's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted to and approved by the City prior to the erection of the signage;*
7. *PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the City:*

7.1 *Refuse and Recycling Management Plan*

*The Plan shall include details of refuse bin location, number of rubbish and recycling receptacles, vehicle access and manoeuvring.*

*Revised plans and details shall be submitted demonstrating a bin compound being provided in accordance with the City's Health Services Specifications:*

*Commercial*

*1 x 240 litre mobile garbage bin per unit, or per 200 square metres of floor space (collected weekly); and*

*1 x 240 litre mobile recycle bin per unit, or per 200 square metres of floor space (collected fortnightly); and*

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

8.1 *Car Parking*

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

*Debate ensued.*

*The Director Development Services advised the Council that in his opinion there are doubts regarding the legality of the Alternative Recommendation, with the new Clause 1.*

*The Presiding Member, Mayor Nick Catania ruled that, further to the advice from the Director Development Services, he could not accept the Alternative Recommendation with the Clause 1 proposed by Cr Maier.*

*Debate ensued.*

**PROCEDURAL MOTION**

*Moved Cr Maier, Seconded Cr McGrath*

*That the ruling of the Presiding Member be disagreed with.*

**PROCEDURAL MOTION PUT AND CARRIED (4-3)**

*For:* Cr Buckels, Cr Lake, Cr McGrath, Cr Maier

*Against:* Mayor Catania, Cr Farrell, Cr Harvey

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

*Debate continued.*

*The Presiding Member, Mayor Nick Catania requested advice from the Chief Executive Officer on the preferred way to proceed with this matter.*

*The Chief Executive Officer advised that as the Alternative Recommendation was introduced just prior to the Council meeting and the Alternative Recommendation moved by Cr Maier is a significant change, he would need time to consider the legal implications of the Alternative Recommendation as proposed, as there has not been sufficient time to do so. He advised the Council to exercise caution in this matter because of the potential legal implications. He further advised as follows:*

- 1. If the Council proceeds to determine the matter this evening and it is subsequently proven to be an invalid decision then that is what will appear in the Minutes (as per the City's Standing Orders).*
- 2. That if the Director Development Services advice is correct and the Council are binding other people's properties which they have no legal right to do so, then that will invalidate the decision.*
- 3. Once the Council has approved of a development application, it cannot legally rescind the decision.*
- 4. If a person acts on the Council's decision and suffers a loss, if the Council's decision is subsequently found to be invalid, there is a potential to expose the City to litigation.*

*The Presiding Member, Mayor Nick Catania requested that it be recorded in the Minutes that he disagrees with the Alternative Recommendation as proposed by Cr Maier, because of the legal implications it may cause.*

*Debate ensued.*

**PROCEDURAL MOTION**

*Moved Cr McGrath, Seconded Cr Buckels*

*That the item be DEFERRED for further information to be obtained regarding the legality of the proposed Alternative Recommendation.*

**PROCEDURAL MOTION PUT AND CARRIED (5-2)**

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

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

<i>Landowner:</i>	<i>L K Heng &amp; T K Eng</i>
<i>Applicant:</i>	<i>H Robinson</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): District Centre</i>
<i>Existing Land Use:</i>	<i>Eating House and Storage</i>
<i>Use Class:</i>	<i>Eating House</i>
<i>Use Classification:</i>	<i>"P"</i>
<i>Lot Area:</i>	<i>341 square metres</i>
<i>Access to Right of Way</i>	<i>South side, 3 metres wide, sealed, Public</i>

**PURPOSE OF REPORT:**

*The proposal requires referral to the Council as the application proposes a car parking shortfall of more than five car parking bays.*

**BACKGROUND:**

An application for a change of use from shop to eating house was approved under delegated authority from the Council on 14 September 2007. These approved plans indicate that the rear car park, that was previously established through Nos. 648-636 Beaufort Street, Mount Lawley be continued to extend through to No. 634 Beaufort Street. This meant that the existing easement lot, which is located at the rear of the subject property, which then provided vehicular access to Nos. 636-638 Beaufort Street, be closed. However, a condition was applied to this approval which states that at any time the owner of Nos. 636-638 Beaufort Street, would like to use this easement, this easement be reinstated and a total of 6 car bays be developed on No. 634 Beaufort Street. Therefore this condition essentially states that this site can accommodate 6 car bays.

A Building Licence was issued in accordance with the abovementioned change of use Planning Approval on 22 July 2009.

A Planning Application was submitted for a storage loft addition to the eating house and this was approved under delegated authority on 21 April 2010. This application did not result in any additional car parking bays as the loft is not considered as public floor area. Therefore the public floor remained at 70 square metres as per the Planning Approval granted on 14 September 2007.

On 23 September 2010, the City issued the Building Licence for the storage loft addition.

**DETAILS:**

The subject proposal involves changing the storage loft area to an eating house to provide additional public dining area for 'Planet Café'. The increase in public floor area results in additional car parking bays being required.

The existing approved public floor area is 70 square metres on the ground floor. The applicant proposes to increase the public floor area on the ground floor to 96.5 square metres and the public floor area for the first floor is proposed to be 66 square metres; the total public floor area is proposed to be 162.5 square metres.

**COMPLIANCE:**

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Plot Ratio:	N/A	N/A
Officer Comments:		
Noted – No variation.		

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

Consultation Submissions
Consultation is not required, in accordance with clause 12.1.3(h) of the City's Community Consultation Policy, which states that no notification or consultation is required for a development of a marginal complex nature or impact (category 3) that is not supportable by the City's Officers.

**Car Parking**

Given the large increase in floor area, this planning application results in a car parking shortfall of 13.01 car bays (refer to the table below).

Car Parking	
Car parking requirement (nearest whole number)	= 36 car bays
<ul style="list-style-type: none"> <li>Eating House – 1 bay per 4.5 square metres of public floor area</li> </ul> Public Floor Area = 162.5 square metres (requires 36.11 car bays) Total car bays required = 36.11 car bays	

Car Parking	
Apply the adjustment factors. <ul style="list-style-type: none"> <li>• 0.85 (within 400 metres of a bus stop)</li> <li>• 0.85 (within 400 metres of a public car parking place with in excess of 75 car parking spaces)</li> <li>• 0.90 (within a District Centre zone)</li> </ul>	(0.65025)  = 23.41 car bays
Minus the car parking provided on-site	6 car bays
Minus the approved on-site car parking shortfall.	4.4 car bays*
Resultant shortfall	13.01 car bays

\*14 September 2007 – The City under delegated authority from the Council conditionally approved an application for the change of use from shop to eating house. This was approved with a car parking shortfall of 0.25 car bays in addition to the existing shortfall of 4.15 car bays (total 4.4 car bays).

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

**COMMENTS:**

In regards to the subject car parking calculation, the applicant has advised that he does not agree with the City's calculation, as the four "Planet" sites, which are all separately owned, have a total of 32 car bays. The City's Officers acknowledge that the car parking area is joined together; however, this does not mean that the car parking for a change of use application can be calculated as a whole. If this was the case, the City would effectively be approving a car parking shortfall over lots which are not the subject of this application and applicant's ownership.

Notwithstanding the above, the City's Officers have calculated the car parking across all four lots to determine whether this would comply or not.

Car Parking	
Car parking requirement (nearest whole number)	= 90 car bays
No. 634 Beaufort Street <ul style="list-style-type: none"> <li>• Eating House – 1 bay per 4.5 square metres of public floor area Public Floor Area = 162.5 square metres (requires 36.11 car bays)</li> </ul>	
No. 636-638 Beaufort Street <ul style="list-style-type: none"> <li>• Shop – 1 bay per 15 square metres of gross floor area Gross Floor Area = 188 square metres (requires 12.53 car bays)</li> </ul>	
No. 642-648 Beaufort Street <ul style="list-style-type: none"> <li>• Shop – 1 bay per 15 square metres of gross floor area Gross Floor Area = 593 square metres (requires 39.53 car bays)</li> <li>• Office (Radio Station) – 1 bay per 50 square metres of gross floor area Gross Floor Area = 100 square metres (requires 2 car bays)</li> </ul>	
Total car bays required = 90.17 car bays	



<i>Car Parking</i>	
<i>Apply the adjustment factors.</i>	<i>(0.65025)</i>
<ul style="list-style-type: none"> <li>• <i>0.85 (within 400 metres of a bus stop)</i></li> <li>• <i>0.85 (within 400 metres of a public car parking place with in excess of 75 car parking spaces)</i></li> <li>• <i>0.90 (within a District Centre zone)</i></li> </ul>	<i>= 58.52 car bays</i>
<i>Minus the car parking provided on-site</i>	<i>32 car bays</i>
<i>Minus the approved on-site car parking shortfall.</i>	<i>27.34 car bays*</i>
<i>Resultant surplus</i>	<i>0.82 car bays</i>

*\*The approved car parking shortfalls for the sites are as follows:*

*No. 634 Beaufort Street*

*14 September 2007 – The City under delegated authority from the Council conditionally approved an application for the change of use from shop to eating house. This was approved with a car parking shortfall of 0.25 car bays in addition to the existing shortfall of 4.15 car bays (total 4.4 car bays).*

*No. 636-638 Beaufort Street*

*22 October 2002 – The Council at its Ordinary Meeting conditionally approved an application for proposed two-storey shop and office building. This was approved with a car parking shortfall of 5.63 car bays.*

*No. 642-648 Beaufort Street*

*27 August 2002 – The Council at its Ordinary Meeting conditionally approved an application for the change of use from bank to shop and office. This was approved with a car parking shortfall of 17.31 car bays.*

*Total approved shortfalls = 27.34 car bays*

*The City's Officers can consider an application that calculates the car parking over all four lots; however this is required to be bound by a legal agreement that is placed on all four certificates of title which effectively binds each lot and owner, in perpetuity, to the provision of car parking as detailed. Without such an agreement, the City would essentially be illegally approving development and restrictions, over other persons' land without their consent. It is noted that the applicant has advised the City, that the owners of the respective lots, would not be agreeable to enter into such a legal agreement.*

*Alternatively, the car parking can be calculated for No. 634 Beaufort Street only, however with a shortfall of 13.01 car bays, it would be at the Council's discretion whether or not a cash-in-lieu payment of \$40,331 is appropriate and required.*

*In light of the above, it is recommended that the Council refuse the application due to the significant shortfall of car parking that would result with this application.*

**9.1.3 Nos. 79–81 (Lots 11 & 12; D/P: 59211) Brisbane Street, Perth (Proposed Construction of Three Storey Mixed-Use Development Consisting of Three (3) Offices, Five (5) Two Bedroom Multiple Dwellings and Associated Car Parking**

<b>Ward:</b>	South	<b>Date:</b>	8 November 2011
<b>Precinct:</b>	Beaufort, P13	<b>File Ref:</b>	PRO4489; 5.2011.402.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Development Plans		
<b>Tabled Items</b>	Not Applicable		
<b>Reporting Officer:</b>	A Dyson, Planning Officer (Statutory)		
<b>Responsible Officer:</b>	H Smith, Manager Planning and Building Services		

**OFFICER RECOMMENDATION:**

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Mo Zhai on behalf of the owner SIHO Development Pty Ltd for proposed Construction of Three (3) Storey Mixed-Used Development Consisting of Three (3) Offices, Five (5), Two Bedroom Multiple Dwellings and Associated Car Parking at Nos. 79–81 (Lots 11 and 12) Brisbane Street, Perth and as shown on plans stamp-dated 4 November 2011, subject to the following conditions:

1. All new external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Brisbane Street;
2. Any new street/front wall, fence and gate within the Brisbane 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. The street verge tree(s) is to be retained and protected from any damage including unauthorized pruning;
4. Subject to first obtaining the consent of the owners of Nos. 290 Beaufort Street, Perth and Nos. 73–77 Brisbane Street, Perth for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 290 Beaufort Street and Nos. 73–77 Brisbane Street, Perth, in a good and clean condition;
5. The doors, windows and adjacent floor areas on the ground floor fronting Brisbane Street shall maintain an active and interactive relationship with this street;
6. All signage that does not comply with the City's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;
7. PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the City:

**7.1 Construction Management Plan**

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

**7.2 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);

**7.3 Acoustic Report**

An acoustic report prepared in accordance with the City's Policy relating to Sound Attenuation shall be submitted and approved by the City. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, shall be received prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;

**7.4 Section 70a Notification**

The owner(s) shall agree in writing to a notification being lodged under Section 70A of the Transfer of Land Act 1983 notifying proprietors and/or (prospective) purchasers of the dwellings that:

7.4.1 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

7.4.2 the City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential unit/dwellings. 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 parking 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 dwellings

**7.5 Public Art**

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

7.5.1 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 \$12,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$1,200,000); and

**7.5.2 in conjunction with the above chosen option;**

**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**

**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;**

- 8. Prior to the first occupation of the development, the following are to be provided:**
- 8.1 a minimum of five (5) car parking spaces for the residential component and one (1) car parking space for the visitors of the residents of the development, shall be clearly marked and signposted for the exclusive use of the residents and visitors of the development;**
  - 8.2 a minimum of three (3) car parking spaces for the commercial component, shall be clearly marked and signposted for the use of the commercial tenants of the development;**
  - 8.3 the on-site car parking area for the commercial component shall be available for the occupiers and visitors of the residential component outside normal business hours;**
  - 8.4 the car parking area shown for the commercial component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;**
  - 8.5 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;**
  - 8.6 any proposed vehicular entry gates to the car parking area shall have a minimum 50 per cent visually permeable and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the commercial tenancies at all times. Details of the management measures shall be submitted to and approved by the City prior to the first occupation of the development;**
  - 8.7 one (1) class two bicycle parking facility shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facility shall be submitted and approved prior to the installation of such facility; and**
  - 8.8 each multiple dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer.**

**Moved Cr Maier, Seconded Cr Buckels**

That the recommendation be adopted.

Debate ensued.

Cr Buckels departed the Chamber at 8.44pm.

Debate ensued.

**AMENDMENT**

**Moved Cr Maier, Seconded Cr Topelberg**

That:

1. Clause 8.4 be amended to read as follows:

“8.4 the car parking area shown for the ~~commercial~~ 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. A new clause 9 be inserted as follows:

“9. Privacy Screening:

The upper southern balcony on the first floor and second floor of Units 1 and 2 being screened with a permanent obscure material and be non - openable to a minimum of 1.6 metres above the first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the City receives written consent from the owners of No. 241 Stirling Street, Perth stating no objection to the respective proposed privacy encroachments.

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

3. A new clause 10 be inserted as follows.

“10. Building Articulation

Revised plans demonstrating the first and second floor walls on the eastern and western elevations of the proposed development incorporating additional design features using colour and/or relief being incorporated on the visible portions of the building wall facing No. 290 Beaufort Street and Nos. 73-77 Brisbane Street, Perth to reduce the visual impact of that wall.”

**AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)**

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

Debate ensued.

Cr Buckels returned to the Chamber at 8.46pm.

Debate ensued.

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

**COUNCIL DECISION ITEM 9.1.3**

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Mo Zhai on behalf of the owner SIHO Development Pty Ltd for proposed Construction of Three (3) Storey Mixed-Used Development Consisting of Three (3) Offices, Five (5), Two Bedroom Multiple Dwellings and Associated Car Parking at Nos. 79–81 (Lots 11 and 12) Brisbane Street, Perth and as shown on plans stamp-dated 4 November 2011, subject to the following conditions:

1. All new external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Brisbane Street;
2. Any new street/front wall, fence and gate within the Brisbane 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. The street verge tree(s) is to be retained and protected from any damage including unauthorized pruning;
4. Subject to first obtaining the consent of the owners of Nos. 290 Beaufort Street, Perth and Nos. 73–77 Brisbane Street, Perth for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 290 Beaufort Street and Nos. 73–77 Brisbane Street, Perth, in a good and clean condition;
5. The doors, windows and adjacent floor areas on the ground floor fronting Brisbane Street shall maintain an active and interactive relationship with this street;
6. All signage that does not comply with the City's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;
7. PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the City:

**7.1 Construction Management Plan**

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

**7.2 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);

**7.3 Acoustic Report**

An acoustic report prepared in accordance with the City's Policy relating to Sound Attenuation shall be submitted and approved by the City. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, shall be received prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;

**7.4 Section 70a Notification**

The owner(s) shall agree in writing to a notification being lodged under Section 70A of the Transfer of Land Act 1983 notifying proprietors and/or (prospective) purchasers of the dwellings that:

7.4.1 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

7.4.2 the City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential unit/dwellings. 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 parking 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 dwellings

**7.5 Public Art**

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

7.5.1 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 \$12,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$1,200,000); and

7.5.2 in conjunction with the above chosen option;

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

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;

8. Prior to the first occupation of the development, the following are to be provided:
- 8.1 a minimum of five (5) car parking spaces for the residential component and one (1) car parking space for the visitors of the residents of the development, shall be clearly marked and signposted for the exclusive use of the residents and visitors of the development;
  - 8.2 a minimum of three (3) car parking spaces for the commercial component, shall be clearly marked and signposted for the use of the commercial tenants of the development;
  - 8.3 the on-site car parking area for the commercial component shall be available for the occupiers and visitors of the residential component outside normal business hours;
  - 8.4 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;
  - 8.5 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;
  - 8.6 any proposed vehicular entry gates to the car parking area shall have a minimum 50 per cent visually permeable and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the commercial tenancies at all times. Details of the management measures shall be submitted to and approved by the City prior to the first occupation of the development;
  - 8.7 one (1) class two bicycle parking facility shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facility shall be submitted and approved prior to the installation of such facility; and
  - 8.8 each multiple dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer;
9. Privacy Screening:
- The upper southern balcony on the first floor and second floor of Units 1 and 2 being screened with a permanent obscure material and be non - openable to a minimum of 1.6 metres above the first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the City receives written consent from the owners of No. 241 Stirling Street, Perth stating no objection to the respective proposed privacy encroachments.
- The revised plans shall not result in any greater variation to the requirements of the City's Policies; and
10. Building Articulation
- Revised plans demonstrating the first and second floor walls on the eastern and western elevations of the proposed development incorporating additional design features using colour and/or relief being incorporated on the visible portions of the building wall facing No. 290 Beaufort Street and Nos. 73-77 Brisbane Street, Perth to reduce the visual impact of that wall.



<b>Landowner:</b>	SIHO Development Pty Ltd
<b>Applicant:</b>	Mo Zhai
<b>Zoning:</b>	Metropolitan Region Scheme: (MRS) Urban Town Planning Scheme No. 1 (TPS 1): Residential/Commercial R80
<b>Existing Land Use:</b>	Vacant
<b>Use Class:</b>	Office and Residential (Multiple Dwelling)
<b>Use Classification:</b>	"AA" and "P"
<b>Lot Area:</b>	377 and 396 square metres
<b>Access to Right of Way</b>	Not Applicable

**PURPOSE OF REPORT:**

The application is referred to an Ordinary Meeting of Council as there are more than three (3) dwellings proposed.

**BACKGROUND:**

- 12 September 2006      The Council at its Ordinary Meeting resolved to include the subject properties onto the MHI as a Management Category B - Conservation Recommended.
- 4 November 2008      The Council at its Ordinary Meeting refused an application for the proposed demolition of two (2) existing single houses and construction of three-story mixed-use development comprising four (4) multiple dwellings, three (3) offices and associated car parking for the following reasons:
- “1.    *The development is not consistent with the orderly and proper planning and preservation of the amenities of the locality;*
  2.    *The existing place has cultural heritage significance in terms of its aesthetic, historic and rarity values and is listed on the Town's Municipal Heritage Inventory/Heritage List as a Management Category B - Conservation Recommended'; and*
  3.    *Consideration of the objections received.”*
- 24 November 2008      The applicant lodged an application to the State Administrative Tribunal to review the Council decision of 4 November 2008.
- 12 May 2009            The Council at its Ordinary Meeting resolved to delete the subject dwellings from the MHI as a Management Category B - Conservation Recommended.
- 14 July 2009            Application for Demolition of Two (2) Existing Single Houses and Construction of a Three (3) Storey Mixed-Use Development Comprising Five (5) Multiple Dwellings, Three (3) Offices and Associated Car Parking approved at the Ordinary Meeting of Council following a review at the SAT.

**DETAILS:**

The application proposes a three (3) storey mixed-use development consisting of three (3) commercial offices and five (5) multiple dwellings on the second and third levels, and associated car parking. A mixed - use development was approved for the site in July 2009; the applicant did not proceed with the redevelopment however, the demolition of the two (2) houses on the lots was carried out. Redevelopment did not occur within the two (2) year time frame, hence the applicant was required to resubmit a new development application.

The new application proposes minor amendments to the aesthetic appearance along the first and third sections of the third storey of the Brisbane Street frontage and an additional increase of 0.4 metres in the overall height of the development from the previous application. In addition, given the new requirements in the size of ACROD car bays under the Australian Standards, the car parking layout along the eastern side of the car park has been altered to reflect this.

**COMPLIANCE:**

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
<b>Plot Ratio:</b>	1.0 or 773 square metres	0.86 or 669 square metres
<b>Officer Comments:</b>		
Noted. No Variation.		
<b>Buildings on the Boundary:</b>	<u>Western Boundary &amp; Eastern Boundary</u>  Average Height – 3.0 metres  Maximum Height – 3.5 metres	  9.0 metres  9.0 metres
<b>Officer Comments:</b>		
Supported. It is considered the proposed parapet walls about both a commercial property and a car park and therefore the construction of two three storey high parapet walls will provide for privacy and given the orientation of the lots, will not hinder retention of light. On this basis, the variation is supported.		
<b>Number of Storeys:</b>	Two (2) Storeys (Three (3) Storeys where appropriate – as determined by the City)	Three (3) Storeys
<b>Officer Comments:</b>		
Supported. The proposed development has an overall height of 9.0 metres, which is equivalent to the overall height for a two storey development. Further to this, the three- storey concealed roof height requirement in the R Codes is 10.0 metres. It is therefore considered the development, along with the presence of the Brisbane Hotel adjacent to the subject site and other buildings in the precinct will be consistent.		
<b>Building Setbacks:</b>	<u>Ground</u>  Eastern – 4.0 metres  Western – 4.0 metres  First Floor  Eastern – 4.0 metres  Western – 4.0 metres  Second Floor  Eastern – 4.0 metres  Western – 4.0 metres	  Nil  Nil    Nil  Nil   Nil – 0.485 metres  Nil
<b>Officer Comments:</b>		
Supported. Given the mixed-use nature of the proposed development and the current uses of the properties either side of the development (Commercial and Car Park), the building of boundary to boundary development allows for retention of privacy and a separation of developments. Furthermore given the orientation of the lots, together with the location of proposed boundary walls on the east and west facades of the building, light and ventilation will remain to the existing properties. It is noted that the property to the west is currently occupied as a completely commercial development and the eastern lot is currently occupied by a car park.		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
<b>Building Height</b>	Wall Height – 6.0 metres	9.0 metres
	Roof Height (Concealed Roof) – 7.0 metres	9.429 metres
<b>Officer Comments:</b>		
Supported. The proposed three (3) storey development is located in a precinct which includes three buildings of significant scale and development in the form of the two storey Brisbane Hotel (opposite) a two-storey commercial building to the east of the subject property and another two-storey building on the corner of Beaufort and Brisbane Street. It is considered the Beaufort Precinct Policy provides scope to support development of three storeys. Furthermore it is noted the development presents an attractive articulated design which presents well to the Brisbane Street streetscape, limits visibility of car parking areas and given the majority of the development is to the front third of the lot, it will not impact residential properties to the rear.		
<b>Beaufort Precinct Policy:</b>	Developments comprising of residential and commercial uses are to contain a residential component of no less than 66 per cent.	61 per cent residential proposed.
<b>Officer Comments:</b>		
Supported. See "Comments"		
<b>Open Space:</b>	45% Open Space – 366.7185m <sup>2</sup>	42.79% or 431.329 square metres
<b>Officer Comments:</b>		
Supported. The proposed development is of a mixed-use nature and given the proposed open areas available to each multiple dwelling in the form of balconies on either elevation and the sites proximity to Birdwood Square, Perth Oval and other local and regional parks; it is considered there are satisfactory provision of open space within and surrounding the development. On this basis, the variation is supported.		

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

Consultation	
<b>In Support</b>	One (1)
<b>Objections</b>	Nil
Comments Received	Officer Comments
Nil	Noted.
<b>Advertising</b>	The advertising was carried out as per the City 'Policy No. 4.1.5 - relating to Community Consultation for a period of fourteen (14) days.

Commercial Car Parking	
Car parking requirement (nearest whole number):– Office (1 bay per 50 square metres) - 260 square metres (5.2 car bays)	5.00 car bays
Apply the adjustment factors: <ul style="list-style-type: none"> <li>▪ 0.85 (Within 400 metres of a bus stop)</li> <li>▪ 0.85 (The proposed development is within 400 metres of one or more existing public car parking place(s) with in excess of a total of 75 car parking spaces)<sup>80</sup> (The proposed development is within 50 metres of a public car parking place with in excess of 50 car parking spaces)</li> <li>▪ 0.80 (The proposed development contains a mix of uses, where at least 45% of the gross floor area is residential)</li> </ul>	(0.57844)  = 2.8972 car bays
Minus the car parking provided on-site.	10.00 car bays
Minus the most recently approved on-site car parking shortfall	N/A car bays
<b>Surplus</b>	<b>7.1128 car bays</b>

The surplus seven (7) bays are to be used for the residential component of this development

Note: Commercial Car Parking Table amended at the Ordinary Meeting of Council held on 22 November 2011.

<b>Residential Car Parking</b>	
Medium Multiple Dwelling (75 - 110 square metres) - 1 bay per dwelling (5 proposed) = 5 car bays Visitors = 0.25 per dwelling = 1.25 car bays = 1.0 car bays	
Total = 6 car bays	6 car bays
Total car bays provided	7 car bays
<b>Surplus</b>	<b>1 car bay</b>

<b>Bicycle Parking</b>	
Bicycle Facilities Commercial:- 1 bicycle space per 200m <sup>2</sup> (Proposal 260m <sup>2</sup> ): 1.3 required – (1.0 Bicycle Bay required – Class 1 or 2	Provided - Nil
Residents:- 1 bicycle space per 3 dwellings – 5 Dwellings Proposed (1.66) ~ 2 Bicycle Bays Required)	Provided - Two
Visitors:- 1 bicycle space per 10 dwellings – 5 Dwellings Proposed (1.00 Required)	Provided - One

<b>Other Implications</b>	
<b>Legal/Policy</b>	Metropolitan Region Scheme (MRS), TPS 1 and associated Policies.
<b>Strategic</b>	The City's <i>Strategic Plan 2011-2016</i> – Objective 1 states:  <i>“Natural and Built Environment</i> 1.1 <i>Improve and maintain the natural and built environment and infrastructure</i> 1.1.2 <i>Enhance and maintain the character and heritage of the City.”</i>
<b>Sustainability</b>	Nil
<b>Financial/Budget</b>	Nil.

**COMMENTS:**

**Beaufort Precinct Policy**

The Beaufort Precinct Policy states that 66 per cent of the development is required to comprise a residential component. In this instance, the proposed 61 per cent of residential use is supportable in view of the nature of the surrounding development and uses. The Beaufort Precinct Policy states the following with regard to the development containing a 66 per cent residential use:

*“The City of Vincent may consider variation of the standards specified in this Precinct Policy to enable the development to conform to the historic character of the area, particularly with redevelopment on small lots.”*

Whilst the subject lot is of a fairly generous size, the lot is of an awkward shape. The proposed development is considered to complement the existing streetscape in terms of its street setbacks and building design. The design incorporates horizontal and vertical articulation to reduce the impact of the building bulk on the streetscape.

It is noted the proposed three (3) level mixed-use development for both commercial offices and multiple dwellings is considered to provide a positive development for this mainly commercial precinct of Perth. The development itself is of a sufficient size and height, however allows for a compliant car parking area to be provided at the rear of the property and well away from the Brisbane Street streetscape. It is considered the proposed height is consistent with the existing commercial building to the west of the development as well as the Brisbane Hotel, across the street. Whilst it is noted the development is of a boundary to boundary (east to west) construction proposal, the existing land uses to the east (car park) and west (commercial building) allow for the amelioration of potential noise and privacy impacts.

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

**9.1.8 Leederville Station Link – Finalisation Report**

<b>Ward:</b>	South	<b>Date:</b>	9 November 2011
<b>Precinct:</b>	Oxford Centre	<b>File Ref:</b>	PLA0228
<b>Attachments:</b>	<a href="#">001</a> – Leederville Station Link Design and Feasibility Study Final Report		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	E Lebbos, Planning Officer (Strategic)		
<b>Responsible Officer:</b>	T Young, Manager Strategic Planning, Sustainability and Heritage Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **RECEIVES** the Leederville Station Link Design and Feasibility Study (Study), as shown in Appendix 9.1.8;
2. **SUPPORTS** in-principle Options 2A and 2B of the Study, in order to undertake detailed design work for both of these options;
3. **WRITES** to Main Roads Western Australia (MRWA), the Department of Transport (DoT), the Public Transport Authority (PTA) and the Department of Planning (DoP), seeking in-principle support, prior to progressing with detailed design for Options 2A and 2B;
4. **ADVISES** the Town of Cambridge that:
  - 4.1 any commitment to future financial support from the City of Vincent is premature at this stage and will be considered again when the comments of the Main Roads Western Australia (MRWA), the Department of Transport (DoT), the Department of Planning (DoP) and the Public Transport Authority (PTA) have been received; and
  - 4.2 the support of all these government departments is essential before the City of Vincent will commit to any future financial contribution; and
5. **NOTES** that the Town of Cambridge is reporting on this item at their Ordinary Meeting of Council to be held on 22 November 2011.

**Moved Cr McGrath, Seconded Cr Buckels**

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

“That the Council;

1. **RECEIVES** the Leederville Station Link Design and Feasibility Study (Study), as shown in Appendix 9.1.8;
2. **SUPPORTS** in-principle Options 2A and 2B of the Study, in order to undertake detailed design work for both of these options;
3. **WRITES** to Main Roads Western Australia (MRWA), the Department of Transport (DoT), the Public Transport Authority (PTA) and the Department of Planning (DoP), seeking in-principle support, prior to progressing with detailed design for Options 2A and 2B;

**4. ADVISES the Town of Cambridge that:**

~~4.1 any commitment to future financial support from the City of Vincent is premature at this stage and will be considered again when the comments of the Main Roads Western Australia (MRWA), the Department of Transport (DoT), the Department of Planning (DoP) and the Public Transport Authority (PTA) have been received; and~~

~~4.2 the support of all these government departments is essential before the City of Vincent will commit to any future financial contribution; and~~

**5.4. NOTES that the Town of Cambridge is reporting on this item at their Ordinary Meeting of Council to be held on 22 November 2011."**

Debate ensued.

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

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

**Against:** Cr Carey

**COUNCIL DECISION ITEM 9.1.8**

**"That the Council;**

- 1. RECEIVES the Leederville Station Link Design and Feasibility Study (Study), as shown in Appendix 9.1.8;**
- 2. SUPPORTS in-principle Options 2A and 2B of the Study, in order to undertake detailed design work for both of these options;**
- 3. WRITES to Main Roads Western Australia (MRWA), the Department of Transport (DoT), the Public Transport Authority (PTA) and the Department of Planning (DoP), seeking in-principle support, prior to progressing with detailed design for Options 2A and 2B; and**
- 4. NOTES that the Town of Cambridge is reporting on this item at their Ordinary Meeting of Council to be held on 22 November 2011.**

---

**PURPOSE OF REPORT:**

The purpose of this report is to present to the Council the Leederville Station Link Design and Feasibility Study, and to seek in-principle support from the Council regarding Options 2A and 2B of the Study.

**BACKGROUND:**

14 April 2009 The Council considered a report relating to the Town of Cambridge's West Leederville Planning and Urban Design Study, and resolved to provide in-principle support to the document.

28 September 2011 The Council considered a report relating to the Town of Cambridge's West Leederville Planning and Urban Design Study – Part 2, and resolved to provide in principle support to the document. Furthermore, the Council considered a report relating to the Leederville Masterplan, and resolved that the City of Vincent and Town of Cambridge jointly engage consultants to investigate the better integration of the West Leederville Masterplan and the Leederville Masterplan, at an estimated total cost of \$40,000 (to be shared equally).

- 18 March 2011 Letters were distributed to a number of consultants, requesting quotes for the Leederville Station Link Design and Feasibility Study.
- 19 March 2011 An advert was placed in The West Australian and on the City of Vincent's website, requesting quotes for the preparation of the Leederville Station Link Design and Feasibility Study.
- 26 March 2011 An advert was placed in the Town of Cambridge's local newspaper, the Subiaco Post, requesting quotes for the preparation of the Leederville Station Link Design and Feasibility Study.
- 29 March 2011 An advert was placed in the City of Vincent's local newspaper, the Guardian Express, requesting quotes for the preparation of the Leederville Station Link Design and Feasibility Study.
- 12 May 2011 A meeting was held between the City of Vincent and Town of Cambridge project team, to jointly select a consultant to undertake the Leederville Station Link Design and Feasibility Study.
- 8 June 2011 A Letter of Engagement was sent to the preferred consultants, Aurecon.
- 28 July 2011 A Design Workshop was held at the City of Vincent, providing attendees from the PTA, MRWA, the DoT and DoP, as well as representatives from both Councils, with an overview of the purpose of the project, drivers and basis of design, location characteristics, and options development.
- 6 September 2011 A combined Council Forum was held at the Town of Cambridge, providing the Elected Members of both Councils with an overview of the project.
- 26 October 2011 The City of Vincent and the Town of Cambridge received the final Leederville Station Link Design and Feasibility Study, under cover of a letter dated 24 October 2011.
- 1 November 2011 The City of Vincent's Director Development Services and Manager Strategic Planning, Sustainability and Heritage Services, met with the Town of Cambridge's Director Development and Sustainability and Senior Planning Officer, and agreed to seek the respective Council's endorsement of the Leederville Station Link Design and Feasibility Study, to progress to the detailed design stage for the preferred options, and to continue liaising with each other in order to advance the Leederville Station Link project.

**DETAILS:**

The objective of the Leederville Station Link Design and Feasibility Study is to progress to the development of design and delivery options for the Leederville Station Link, incorporating the transport and master planning concepts of the City of Vincent's Leederville Town Centre Masterplan and Built Form Guidelines, and the Town of Cambridge's West Leederville Planning and Urban Design Study.

The purpose of the Study, prepared by Aurecon (consultants in the field of engineering, urban design and planning), was to undertake a preliminary design exercise, exploring the various options for the physical design of a link between the two centres and the train station. In light of this, the Study focused on the following:

- Current status of the study area;
- Drivers for change that have identified the development of air space over the Freeway corridor as a beneficial type of development to promote revitalisation and sustainability;

- Vision and benchmarking for the Leederville Station Link;
- Criteria to guide infrastructure provision that has been addressed in the development and assessment of options for the physical design of a Link between the two centres;
- The outcomes of the design and option development process; and
- A funding and delivery strategy.

The Study also validates that the level of development envisaged by the City of Vincent's and Town of Cambridge's plans for the Leederville and West Leederville centres respectively, would greatly benefit from, as well as support, an improved connection to the train station. The case for an improved connection is also further strengthened by the DoT's proposal for a Bus Interchange Facility at Leederville Station (to be accommodated on Main Roads land to the east of Southport Street), to facilitate the introduction of a new Green Cat bus service and the possible extension, through the West Leederville study area, of the Subiaco Shuttle bus service. In light of this, Leederville Station has the potential to become an important transfer station to access the city centre, West Perth, Subiaco, QEII and UWA.

As part of the process to develop and assess options for the physical design of a Link between the City of Vincent's Leederville area and the Town of Cambridge's West Leederville area, a Design Workshop was held with key stakeholders, as outlined in the Consultation/Advertising Section below. A number of options were presented as follows:

Leederville Station Link Options		Indicative Cost
Option 1	Upgrade to existing pedestrian bridge through the provision of a lift and stairs to the east side of Southport Street while retaining the existing bridge structure and spiral ramps. This could tie in with the Leederville Station Bus Interchange Facility proposed by the Department of Transport.	<\$1 million
Option 2A	A new pedestrian connection in the form of a standard deck structure from Cambridge Street to Leederville Station and through to Oxford Street. Design and positioning of the bridge structure would allow the existing bridge to remain in use during construction. (i) To Southport Street only (access to bus transfer) (ii) To allow for future connection to extend to Cambridge Street	\$5.5 million \$7 million
Option 2B	Same as Option 2A except in the form of a viaduct structure which would provide for the opportunity to develop 'Option 3 - Transit Link' without major redundancy of infrastructure. (i) To Southport Street only (access to bus transfer) (ii) To allow for future connection to extend to Cambridge Street	\$10 million \$13 million
Option 3	A transit link from Cambridge Street to Leederville Station and through to Leederville Town Centre via a Leederville Parade bus ramp. The transit link could accommodate retail development along the bridge and at anchor developments at the West Leederville and Leederville ends.	\$28 million

The advantages, disadvantages, and land requirements for each of the above options are outlined in Section 6 of the Study, relating to Option Development.

However, from the options explored, Options 2A, 2B and 3 supports best practice transit oriented development (TOD), and effectively address the underlying access and amenity issues associated with the existing cable stay structure and spiral pedestrian ramps. Option 1, which provides a connection to the proposed bus interchange facility, would only serve as an interim solution, as it doesn't address the overall poor pedestrian amenity of the existing bridge or improve connection between the two Town Centres and the train station. The nature of construction of the existing bridge is such that it does not offer the opportunity for any significant improvement to pedestrian amenity.



### **Next Steps**

The Study undertaken by Aurecon provides a good platform from which to continue discussions with State Government stakeholders. Their direct involvement and support is essential to the project, and it would be beneficial to obtain their feedback on the outcomes of the Study to date, particularly in relation to how they could possibly contribute towards an improved connection.

To progress the Leederville Station Link concept, the next step is to undertake further detailed design and costing for Options 2A and 2B. This would allow funding options to be further investigated and a business case developed to assist in the identification of funding partners and implementation approaches. Furthermore, this would involve the preparation of a detailed concept plan, again jointly with the Town of Cambridge, and possibly with key State Government stakeholders. To proceed to this stage, there would need to be support from all relevant stakeholders. It is noted that the Town of Cambridge's Council is also considering a similar report on the Leederville Station Link at their 22 November 2011 Council Meeting, with similar recommendations.

In the event the bus transfer station proceeds, at the very least a connection on the east side of Southport Street would seem essential. To properly improve the link however, it is apparent that a new bridge is required and ideally this is to be integrated with surrounding development to ensure effective transit oriented development. The next question is whether this should be purely a pedestrian bridge or a transit bridge, identified as aspirational under the West Leederville study. Option 2B enables the construction of a new pedestrian bridge with capability of a transit link to be added. However, this contingency for a possible transit link in the future has an estimated additional cost of \$6 million compared to a standard 'pedestrian only' bridge.

For the purpose of further detailed design it is considered however that both Options 2A and 2B should be explored at this stage. In preparing both concept plans there is likely to be overlap in their design requirements which would reduce the cost of their preparation. Preparing both detailed concept plans would allow for a more informed decision to be made on their associated cost implications, and whether it is reasonable to invest in the additional infrastructure to 'future proof' for the transit link.

Aurecon, for reference purposes only, has provided an estimate on anticipated costs to prepare the detailed concept plan, which would allow for +/- 15% costing estimate to be determined for the project. The estimate provided to prepare a detailed concept plan for the enhanced link would be in the region of \$220,000. This would include architecture and urban design, engineering (structural, civic) design, staging, project management and cost estimation. It is noted that the estimate does not include geotechnical assessment for the detailed design of the foundations. This concept planning could lead into the preparation of a detailed engineered design for full construction. For comparison, preparing detailed design for construction could be in the region of \$570,000.

### **CONSULTATION/ADVERTISING:**

As part of the process of preparing the various options for the Leederville Station Link, Aurecon undertook preliminary consultation with key stakeholders in order to identify key issues and opportunities, generate understanding of the project scope, and understand the level of stakeholder buy-in and support of the Leederville Station Link concept. Meetings were held with the PTA, MRWA, the DoP, and the City of Vincent and Town of Cambridge project team.

Subsequently, a Design Workshop was held on 28 July 2011, the aim of which was to have an interactive session, to run through the following:

- Purpose;
- Drivers and Basis of Design;
- Location Characteristics; and
- Options Development.

Attendees included representatives from the PTA, MRWA, the DoT and DoP, as well as a number of Councillors and administration staff from both Councils.

It is envisaged that once the Leederville Station Link Design and Feasibility Study has been endorsed by the Council, then the document will be circulated directly for comment to the relevant State Government Departments, including MRWA, the DoT, the PTA and the DoP.

**LEGAL/POLICY:**

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

**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.*

*Economic Development:*

*Objective 2.1: Progress economic development with adequate financial resources.*

- 2.1.2 Develop and promote partnerships and alliances with key stakeholders.*
- 2.1.4 Implement the Leederville Masterplan and West Perth Regeneration Project."*

**SUSTAINABILITY IMPLICATIONS:**

The Leederville Station Link Design and Feasibility Study aims to promote the use of public transport, by facilitating a safe and comfortable pedestrian and public transit link to the Leederville Train Station, from the Leederville and West Leederville Town Centres.

Furthermore, it supports the high density mixed use TOD communities proposed in the City of Vincent's Leederville Town Centre Masterplan and Built Form Guidelines and the Town of Cambridge's West Leederville Planning and Urban Design Study, by ensuring that both Leederville and West Leederville function as an integrated, combined TOD centre.

**FINANCIAL/BUDGET IMPLICATIONS:**

The 2011/2012 Budget contains an amount of \$74,000 for the Leederville Masterplan.

More specifically however, consultants Aurecon were jointly engaged by both Councils at an estimated total cost of \$40,000 (to be shared equally), to be funded from the Leederville Masterplan Budget. Therefore, \$20,000 of the City of Vincent's 2011/2012 Budget for the Leederville Masterplan has been utilised by this project. Furthermore, the remainder of the amount in the Leederville Masterplan Budget is being utilised to amend the City's Leederville Town Centre Masterplan and Built Form Guidelines. This project has been put in abeyance, pending the Council's decision concerning a Structure Plan for the area.

The City of Vincent and Town of Cambridge will be able to apply for funding from the Liveable Cities Program, to progress the project, at the appropriate time. The Program, established by the Australian Government, seeks to foster innovative solutions to address a number of issues, including high levels of car dependency and traffic congestion.

The Program gives preference to projects that:

- Have a higher level of funding committed by the applicant (up to 50 percent);
- Are collaborative efforts between different levels of government or across local government boundaries; and
- Have involvement and support from stakeholders, the local community and/or other parties such as universities.

In light of the above, it is envisaged that the Leederville Station Link would be favourably considered if both Councils have in-principle support for funding committed by the respective Councils.

It is noted that there are two program streams under the Liveable Cities Program, as outlined below:

- **Stream 1 – Planning and Design**  
Projects seeking funding under this stream can apply for Australian Government funding contribution of up to \$500,000.

This stream will provide funding for planning and design projects, including precinct planning, public and active transport network planning, and corridor planning and protection.

- **Stream 2 – Demonstration Projects:**  
Projects seeking funding under this stream can apply for Australian Government funding contribution of up to \$4 million.

This stream will provide funding for demonstration projects, including urban renewal, delivery of higher quality public spaces and streetscapes, and optimisation of existing infrastructure by using technology. To be eligible for Stream 2 funding, projects must be ready to proceed when the funding arrangements are finalised. For a project to be considered ready to proceed, it is expected that all relevant approvals and planning requirements are in place.

At this stage of the project, it is recommended that a joint application with the Town of Cambridge be made under Stream 1 to assist funding towards the detailed concept plan for Options 2A and 2B. Ideally, the State Government Departments should also be party to the application. However obtaining their support for the project is most unlikely, within the timeframe to submit the application, as submissions for funding are to be received by 15 December 2011. To be eligible for Stream 2, projects must be ready to proceed, with all relevant approvals and planning requirements in place.

Under the Liveable Cities Program, the Australian Government will contribute a maximum of 50 percent of the project cost. In line with this, and the fact that the maximum funding contribution for Stream 1 projects is \$500,000, support is being sought from the Council for a future contribution towards the project in the 2012-2013 Budget, with a further contribution also being sought from the Town of Cambridge Council.

**COMMENTS:**

In light of the above, it is recommended that the Council endorse the Leederville Station Link Design and Feasibility Study, and provide in-principle support for Options 2A and 2B of the Study. Furthermore, it is recommended that the Council seek in-principle support from the various State Government Departments for the progress of Options 2A and 2B, particularly in light of the fact that Option 2B will allow for the ability for a transit link in the future, without major redundancy of infrastructure.

Finally, as outlined in the Officer Recommendation, it is recommended that the Council advises the Town of Cambridge that it is premature to commit to an in-principle future contribution at this stage towards further detailed concept planning, in order to progress with the detailed design of Options 2A and 2B. The matter will be reconsidered again when the comments of the MRWA, DoT, DoP and PTA have been received. It is considered the support of all of these government departments is essential in order for the City of Vincent to consider any further financial support for this project.

**9.1.9 Preparation of a Structure Plan for Claisebrook Road North – Investigations**

<b>Ward:</b>	South	<b>Date:</b>	14 November 2011
<b>Precinct:</b>	COP(19)	<b>File Ref:</b>	PLA0222
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	E Lebbos, Planning Officer (Strategic)		
<b>Responsible Officer:</b>	T Young, Manager Strategic Planning, Sustainability and Heritage Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **RECEIVES** the report relating to Investigations into the Preparation of a Structure Plan for Claisebrook Road North;
2. **APPROVES BY AN ABSOLUTE MAJORITY** to allocate funds of \$42,845, for the preparation of a Structure Plan for the Claisebrook Road North area; and
3. **AWARDS** the consultancy to Hames Sharley.

Moved Cr McGrath, Seconded Cr Harley

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

“That the Officer Recommendation be amended to read as follows:

That the Council;

1. **RECEIVES** the report relating to Investigations into the Preparation of a Structure Plan for Claisebrook Road North;
2. **APPROVES BY AN ABSOLUTE MAJORITY** to allocate funds of ~~\$42,845~~ **\$50,000** in the 2012/2013 Annual Budget, for the preparation of a Structure Plan for the Claisebrook Road North area; and
3. **REQUESTS** a further report detailing a comprehensive community engagement program to provide input into the drafting of the Structure Plan. This program would not commence until the outcomes of the Minister for Planning’s determination of the Holcim and Hanson Concrete Batching Plant approval applications (currently listed in the State Administrative Tribunal) are known.
3. ~~AWARDS the consultancy to Hames Sharley.”~~

Debate ensued.

Cr Carey departed the Chamber at 9.08pm.

Debate ensued.

**PROPOSED AMENDMENT NO 1**

Moved Cr Topelberg, Seconded Cr .....

That clause 3 be amended and a new clause 4 be inserted as follows:

- “3. **REQUESTS** a further report detailing a comprehensive community engagement program to provide input into the drafting of the Structure Plan; and
4. **RECOGNISES** the impact of This program would not commence until the outcomes of the Minister for Planning’s determination of the Holcim and Hanson Concrete Batching Plant approval applications (currently listed in the State Administrative Tribunal) are known; and”

**PROPOSED AMENDMENT NO 1 LAPSED FOR WANT OF A SECONDER**

Debate ensued.

Cr Carey returned to the Chamber at 9.10pm.

Debate ensued.

#### **AMENDMENT NO 2**

**Moved Cr McGrath, Seconded Cr Pintabona**

That clause 3 be amended to read as follows:

- “3. REQUESTS a further report by April 2012 including, detailing a comprehensive community engagement program to provide input into the drafting of the Structure Plan. This program would not commence until the outcomes of the Minister for Planning’s determination of the Holcim and Hanson Concrete Batching Plant approval applications (currently listed in the State Administrative Tribunal) are known.”

**AMENDMENT NO 2 PUT AND CARRIED UNANIMOUSLY (9-0)**

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

#### **COUNCIL DECISION ITEM 9.1.9**

That the Council;

1. RECEIVES the report relating to Investigations into the Preparation of a Structure Plan for Claisebrook Road North;
2. APPROVES 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; and
3. REQUESTS a further report by April 2012 including, detailing a comprehensive community engagement program to provide input into the drafting of the Structure Plan. This program would not commence until the outcomes of the Minister for Planning’s determination of the Holcim and Hanson Concrete Batching Plant approval applications (currently listed in the State Administrative Tribunal) are known.

#### **ADDITIONAL INFORMATION**

The letters that were distributed to consultants dated 21 October 2011 for RFQ outlined the following criteria for the preparation of a Structure Plan:

40% - financial offer/fee proposal;  
30% - methodology;  
30% - expertise.

#### **Assessment**

The following assessment informed the selection of Hames Sharley, and was based on the information provided by the consultants. As shown below, all consultants were competitive in their expertise and methodology. However given that cost was the greatest weighting, Hames Sharley were provided the highest rating overall (being \$15,983 lower than the next cheapest quote). However, it is noted that Hames Sharley have acknowledged that their quote is indicative only and does not include the cost of external consultants that will be required to prepare a Structure Plan.

TPG Group: \$221,067

20% - financial offer/fee proposal;  
25% - methodology;  
30% - expertise.

**= 75/100.**

Hames Sharley: \$42,845

38% - financial offer/fee proposal;  
25% - methodology;  
30% - expertise.

**= 93/100.**

Burgess Design Group: \$58,858

33% - financial offer/fee proposal;  
27% - methodology;  
30% - expertise.

**= 90/100.**

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**PURPOSE OF REPORT:**

The purpose of this report is to present to the Council the outcomes of the investigations relating to the preparation of a Structure Plan for Claisebrook Road North, as per the Notice of Motion at the Ordinary Meeting of the Council held on 11 October 2011.

**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 and the City is currently awaiting consent to advertise.
- 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 requesting a quote for preparing a Structure Plan for Claisebrook Road North.
- 7 November 2011 Closing date for submission of Expressions of Interest and quotations.
- 8 November 2011 A Confidential Item was presented to the Council in relation to the progression of Scheme Amendment No. 29 to the City's Town Planning Scheme No. 1 (TPS No. 1).

**DETAILS:**

As outlined in the Background Section above, a Notice of Motion was passed at the Ordinary Meeting of the Council held on 11 March 2011,, requesting that a report be presented to the Council regarding an investigation into the preparation of a Structure Plan for Claisebrook Road North.

The City's Officers have examined the appropriateness of a Structure Plan for Claisebrook Road North, and have identified a Local Structure Plan as the most suitable form of a Structure Plan for this area.

In particular, the following matters identified in the Notice of Motion have been closely examined in relation to the preparation of a Structure Plan for Claisebrook Road North:

**Potential key components of the Structure Plan and likely required supporting studies**

A Structure Plan should comprise a Structure Plan report, plans and maps with technical investigations and studies provided as appendices.

More specifically, a Structure Plan should generally consist of the following sections:

- Cover Page;
- Endorsement Page;
- Table of Modifications:

The Structure Plan report, map and technical appendices should be referenced by locality name, date and reference number for identification purposes; and

To avoid confusion with subsequent versions of the Structure Plan, new revisions of the document and/or map should be clearly referenced, listed and described in the table of modifications;

- Executive Summary:

This should be a page long and state the location of the Structure Plan area; land uses proposed by the Structure Plan; and relationship to the local planning scheme;



- Table of Contents;
- Part One – Statutory Section:

Part One should contain all the information required to have statutory effect. It should include the Structure Plan map and all the standards, requirements and prerequisites of subdivision and development within the Structure Plan area; and

More specifically, Part One should provide information relating to the following:

- Structure Plan Area;
  - Structure Plan Content;
  - Interpretations and Use Class Permissibility;
  - Operation Date;
  - Relationship to the Local Planning Scheme;
  - Open Space;
  - Residential Density;
  - General Subdivision and Development Requirements;
  - Detailed Are Plan Requirements;
  - Variations to the Residential Design Codes; and
  - Operation and Implementation.
- Part Two – Explanatory Information:
- Part Two of the Structure Plan should address the following:
- Planning Background (relating to Introduction and Purpose; Land Description; and Planning Framework);
  - Site Conditions and Environment (relating to Environmental Assets and Constraints; Landform and Soils; Groundwater and Surface Water; Bushfire Hazard; Heritage; Coast; and Context and Constraints Analysis);
  - Local Structure Plan (relating to Land Use, Residential; Movement Networks, Open Space; Water Management; Education Facilities; Activity Centres and Employment; Infrastructure Coordination, Servicing and Staging; and Developer Contribution Arrangements); and
  - Implementation (relating to outlining the tasks to be completed for progress to the next planning stage).

Further to the above, the following plans are to be included within Part Two of the Structure Plan:

- Location Plan;
  - Aerial Photography;
  - Structure Plan Overlay;
  - Context and Constraints Plan;
  - Full Concept Plan;
  - Movement Networks Plan; and
  - Open Space Plan.
- Technical Appendices
- Technical Appendices should be provided to support a local structure plan. These include the following:
- Environmental assessment and management strategy;
  - Ethnographic and Aboriginal heritage report;
  - Local traffic and transport management strategy;
  - Local water management strategy;
  - Local economic, retail and employment strategy;
  - Local community development strategy; and
  - Local infrastructure and servicing strategy.

**Options for resourcing the undertaking of the required studies and preparation of the Structure Plan documentation (including the preference of the administration for external consultant or 'in-house')**

Taking into consideration the considerable number of strategic planning projects that the City is currently progressing, there is limited capacity for the City's Strategic Planning Section to prepare a Local Structure Plan for Claisebrook Road North 'in-house'. Consequently, it is the preference of the administration for the Structure Plan to be prepared externally by consultants.

As outlined in one of the dot points below, relating to *An Indicative Timeline for the required studies, community engagement and consultation program, and preparation and approval of the Structure Plan*, and taking into consideration the fact that there is no funding available in the current 2011/2012 Budget for this project, should the Structure Plan for Claisebrook Road North be prepared by consultants, it is envisaged that the document will be finalised towards the end of next year (2012).

**An outline of a broad community engagement and consultation plan to ensure the Structure Plan is consistent with community aspirations**

This is outlined in detail in the Consultation/Advertising Section below. However, it is envisaged that any consultation will be undertaken in line with the recommendations of the Draft Structure Plan Preparation Guidelines, which have recently been released by the Minister for Planning to standardise the format and content of Structure Plans.

Furthermore, in line with the City's comprehensive consultation processes, extensive consultation will occur with the key stakeholders, particularly residents and business owners, in order to achieve best practice planning outcomes. It is envisaged that this will include community workshops where appropriate, as well as the City's standard 28 day advertising following the completion of the draft document and prior to its adoption/endorsement by the Council.

**An Indicative Timeline for the required studies, community engagement and consultation program, and preparation and approval of the Structure Plan**

It is noted that the finalisation date for the Structure Plan is dependent on the Budget available for the facilitation and completion of this project.

In light of the fact that there is no funding available in the current 2011/2012 Budget for this project, and due to the lengthy process involved in the preparation of a Structure Plan, it is envisaged that the document will be finalised towards the end of next year (2012). It is noted that this anticipated finalisation date would include the preparation of the required studies, community engagement, and the preparation and approval of the Structure Plan.

In relation to the preparation and approval of Local Structure Plans, it is noted that the Draft Structure Plan Preparation Guidelines state that these are to be prepared and approved under the provisions of a local planning scheme. As such, it is unlikely that the approval/endorsement of the document will lengthen the timeframe of the project, as it will simply be prepared and approved under the City of TPS No. 1.

**An indicative budget for the required studies, community engagement and consultation program, and preparation of the Structure Plan**

The City distributed Expressions of Interest letters, dated 21 October 2011, requesting quotations for the preparation of a Structure Plan for Claisebrook Road North. Following closing of submissions on 7 November 2011, three quotes were received for the preparation of a Structure Plan for the area. The City is currently in the process of examining all the quotations received.

It is noted that these quotations include the budget for the preparation of all the required studies, including those that will have to be sub-contracted out by the consultants themselves.

Notwithstanding the above, the quotations received do not necessarily include the costs for community engagement. However, it is envisaged that the City's Officers will facilitate any community consultation, so it is unlikely that there will be any additional fees associated with this.

**Implications/outcomes, confirming there is a sound rationale for preparing a Structure Plan for this area**

Claisebrook Road North has been identified as a planned growth area in the City's Draft Local Planning Strategy. It 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).

In light of the above, and more specifically, taking into consideration the following objectives identified in the Draft Local Planning Strategy for Claisebrook Road North, it is considered that there is sound rationale for preparing a Structure Plan for the area, in order to ensure that it develops in line with best practice planning principles:

- to promote the principles of Transit Oriented Development through high density mixed use developments in close proximity to the surrounding public transport nodes;
- to encourage social diversity throughout the area by encouraging of a range of housing choices and affordability;
- to encourage uses that support the local community and encourage the development of Claisebrook Road as a local centre;
- to encourage a mix of uses including commercial and residential developments that are compatible with one another;
- to encourage employment opportunities within the area through a range of commercial activities;
- to promote links within the area and between surrounding facilities and infrastructure, including Perth Oval and Claisebrook Train Station; and
- to remove uses that are not compatible i.e. heavy industry from the area, in particular the concrete batching plants.

Taking the above into consideration, especially the fact the Claisebrook Road North has the attributes of a planned growth area; it can be argued that there is a sound rationale for preparing a Local Structure Plan for the area. A Local Structure Plan will focus on the neighbourhood scale, and provide a comprehensive land use framework for subdivision and development applications. It will show all land uses, residential density(s) coding ranges and the neighbourhood street network, thereby facilitating planned growth in Claisebrook Road North that is in line with best practice planning principles.

**Potential limitations/challenges and outline of strategies to overcome these**

There are a number of potential limitations/challenges that will have to be addressed in the Claisebrook Road North area. These limitations/challenges, along with the strategies to overcome these are examined below:

Scheme Amendment No. 29

The City initiated Scheme Amendment No. 29 to the City's TPS No. 1 on 28 September 2010. In part, the Scheme Amendment relates to including the areas ceded from the City of Stirling and the City of Perth to the City of Vincent, as part of the boundary changes in July 2007, into the City's TPS No. 1. As part of this, Claisebrook Road North, located to the City's eastern boundary, was ceded to the City.

Nevertheless the Scheme Amendment is being delayed due to the presence of two concrete batching plants in the area which the City is keen to see removed (discussed in the dot point below). Under the proposed zoning for Scheme Amendment No. 29, any planning applications for the continued use of the batching plants (required when current time limited approvals expire mid 2012), will not be able to be considered, as uses classified as 'heavy industry', will be 'X' (prohibited) uses.

The Department Of Planning have advised the City's Officers that given their draft Industrial Land Strategy lends support to the retention of industrial uses in proximity to the city centre, and references the two concrete batching plants specifically, Scheme Amendment No. 29 may be required to be modified to include a zoning that facilitates the retention of these plants.

In light of the above, the City is limited as to what strategies it can implement to address this matter. Although the presence of the two concrete batching plants conflict with the City's strategic direction for the area, as well as the residents desire to have the batching plants removed, the ultimate decision regarding this matter, which is impeding the progress of Amendment No. 29, lies with the Department of Planning/Western Australian Planning Commission.

#### Concrete Batching Plants

The Holcim concrete batching plant is located proximate to the Perth central business district and the regional freeway system. It is bounded by Claisebrook Road to the west, Caversham Street to the north, and a railway reserve accommodating the termination of the transcontinental railway to the south and east.

The Hanson concrete batching plant is located on the corner of Edward Street and Lord Street, East Perth, and abuts the Graham Farmer Freeway on the southern boundary.

This land, which came under the jurisdiction of the City of Vincent as a result of Local Government boundary realignments effective from 1 July 2007, acts as a gateway into the City of Vincent. Both of the concrete batching plant sites are zoned 'Urban' under the Metropolitan Region Scheme (MRS) and Residential R80 under the Local Planning Scheme (LPS26). Accordingly, the visual and general amenity of the area should be of a high standard and improved where possible. Therefore, although at this time the East Perth Redevelopment Authority Scheme currently applies to the area until the gazettal of Scheme Amendment No. 29, a number of TOD recommendations have been identified in the City's Draft Local Planning Strategy (LPS), including facilitating the progressive removal of the two concrete batching plants, as both of these plants are inconsistent with orderly and proper planning, presenting an impediment to the appropriate regeneration of the locality.

Furthermore, inspection of the subject area indicates that currently, there is a mix of land uses within the area, although residential and office/business land uses predominate. These are the types of uses that are encouraged under the East Perth Redevelopment's Authority (EPRA) Scheme No. 1 that currently applies to this area, and are subsequently intended to be encouraged in the City's TPS No. 1 or its replacement.

In light of the above, it is evident that the presence of the two concrete batching plants is holding back the redevelopment of the area. Furthermore, the issues of human health, safety, the environment and amenity must be considered in light of the increasing mixed use and residential developments occurring within close proximity to the two concrete batching plants. By facilitating their removal, this will ensure that the area develops in line with proper and orderly planning as a prime and vibrant inner city location. Therefore, although the City is mindful of the Department of Planning's Draft Industrial Land Strategy, which predicts the projected demand for industrial land to the year 2031, it is considered necessary for the Department of Planning to also consider the detrimental impacts of the two concrete batching plants on the subject sites, and on the amenity of the immediate and surrounding areas.

Notwithstanding the above, similar to Scheme Amendment No. 29, the City is limited as to what strategies it can implement to address the removal of the two concrete batching plants. Although their presence conflicts with the City's strategic direction for the area, the ultimate decision regarding this matter lies with the Department of Planning/Western Australian Planning Commission.

### Nib Stadium Redevelopment

The City has been negotiating with the State Government over the lease of nib Stadium for a 25 year period, with an option for a further 25 years. As part of this, the City prepared a Business Case for the Major Land Transaction, which was out for community consultation for a six week period, with no submissions being received at the close of the consultation. Following this, the lease of nib Stadium to the State Government was unanimously approved by the City of Vincent Council, and finalisation of the deal is now proceeding. The State is assuming control of nib Stadium, and will guide the major redevelopment of the Stadium to meet the needs of the football clubs that utilise the Stadium, whilst catering to the needs of Stadium event-goers.

Although the nib Stadium itself is outside of the Claisebrook Road North area, there is concern among the residents in the subject area regarding parking issues around nib Stadium and the fact that this would be further exacerbated with the redevelopment of the Stadium.

The City acknowledges that residents have an expectation that patrons from events do not consume and inhibit access to available road-side car parking. Therefore, in relation to strategies to overcome this potential challenge, and in order to control traffic and provide a safe parking environment, the City has a number of parking restrictions in place during events, and the rangers regularly patrol the area to ensure these restrictions are adhered to. Furthermore, the City commissioned Luxmoore Parking Consultants to review and update its Car Parking Strategy in 2002. At its Ordinary Meeting of the Council held on 9 March 2010, the Council resolved to adopt the City's reviewed version of the Car Parking Strategy and associated Precinct Parking Management Plans.

The Strategy recommends that the City urgently set up an overflow parking plan for special events and peak demand periods, and identifies the nib Stadium area as an area of high priority. Such a plan would provide a checklist of the issues that need to be addressed by specific procedures by which transportation and parking issues related to large events in the City will be handled. It will describe how vehicular and pedestrian activity in the vicinity of the event will be controlled, and also the methods of minimising traffic and parking impacts in the neighbouring communities.

### East Perth Power Station

This rejuvenated heritage-listed Power Station building, although within the City of Vincent's boundary area, is currently under the jurisdiction of the EPRA. As such, EPRA manages all aspects of planning within the East Perth Power Station Precinct.

The only planning framework that is currently in place for the area is the East Perth Power Station Precinct Draft Masterplan, prepared in 2004. In line with this, the EPRA are keen to redevelop the Power Station to become a mixed-use waterfront Precinct, with a range of urban living, working and leisure opportunities.

Taking into consideration the close proximity of the Power Station to the Claisebrook Road North area, it is important to ensure that any Structure Plan prepared for Claisebrook is cognisant of the EPRA's plans for the Power Station, in order to ensure an effective delivery of projects across jurisdictional boundaries.

### **CONSULTATION/ADVERTISING:**

Any consultation for the Claisebrook Road North Structure Plan will be undertaken in line with the City's comprehensive consultation processes, and in line with the recommendations of the Draft Structure Plan Preparation Guidelines.

These Guidelines note that pre-lodgement consultation should be undertaken with relevant stakeholders, in order to achieve proper planning and best outcomes. The Draft document suggests 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.'* The Draft document includes a table with a list of stakeholders likely to have an interest in a structure plan, and shows how consultation can be recorded. Among others, these stakeholders include the Department of Planning, Department of Water, Main Roads Western Australia, the Water Corporation, and relevant community groups in the area.

**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. "*

**SUSTAINABILITY IMPLICATIONS:**

It is considered that a Structure Plan for Claisebrook Road North will direct future development to occur in a manner that meets the community's changing needs, with a focus on TOD design principles, particularly in light of the fact that the City is strongly promoting a mix of land uses within the area.

**FINANCIAL/BUDGET IMPLICATIONS:**

The City distributed Expressions of Interest letters to six (6) Town Planning firms, dated 21 October 2011, requesting quotations for the preparation of a Structure Plan for Claisebrook Road North. Following closing of submissions on 7 November 2011, three quotes were received for the preparation of a Structure Plan for the area. The following quotations were received (all inclusive of GST):

- The Planning Group (TPG): \$221,067;
- Burgess Design Group: \$58,828; and
- Hames Sharley: \$42,845.

As the 2011/2012 Budget does not contain any funds for Claisebrook Road North, the allocation of funding is required as part of the 2012/2013 Budget allocation for this project, in order to progress the preparation of a Structure Plan for the area. Alternatively, an absolute majority decision is required to re-allocate funds from a source to be determined.

**COMMENTS:**

The preparation of a Structure Plan for Claisebrook Road North will ensure that best practice planning principles are in place, that when implemented, will significantly improve the form and function of the area into the future.

In light of the above, it is recommended that the Council endorse the Officer Recommendation to re-allocate funds, for the preparation of a Structure Plan for the Claisebrook Road North area and award the consultancy to Hames Sharley. Hames Sharley have advised that the consultancy will be completed within sixteen (16) weeks.

**9.1.10 Leederville Town Centre Masterplan and Built Form Guidelines – Progress Report**

<b>Ward:</b>	South	<b>Date:</b>	21 November 2011
<b>Precinct:</b>	Oxford Centre	<b>File Ref:</b>	PLA0147
<b>Attachments:</b>	CONFIDENTIAL – Project Plan and Budget		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	E Lebbos, Planning Officer (Strategic)		
<b>Responsible Officer:</b>	T Young, Manager Strategic Planning, Sustainability and Heritage Services		

**REVISED OFFICER RECOMMENDATION:**

That the Council;

1. **NOTES** that the City’s Officers have prepared a project plan and budget for the ‘in-house’ preparation of the Structure Plan, as outlined in Confidential Appendix 9.1.10, detailing the use of ‘in-house’ and external resources, in accordance with the Council resolution of 11 October 2011; and
2. **REQUESTS** the Chief Executive Officer to:
  - 2.1 instruct the current Town Planning Consultants (Hames Sharley) to hold in abeyance any further work on the Leederville Masterplan and Built Form Guidelines, until further notice; and
  - 2.2 advertise a tender for the preparation of an Activity Centre Structure Plan for the Leederville Masterplan area and identify a source of funds for this project; and
3. **NOTES** the information from the Department of Planning on the requirement for the preparation of an Activity Centre Structure Plan for Leederville Masterplan area, as shown in the “Additional Information” which states:
 

*“State Planning Policy 4.2 (SPP4.2, relating to Activity Centres for Perth and Peel):*

  - *Leederville is prescribed as a Secondary Centre;*
  - *Clause 6.4 – “Activity Centre Structure Plans need to be prepared for strategic metropolitan, secondary, district and specialised centres, but not for neighbourhood or local centres.”*

**Moved Cr Pintabona, Seconded Cr Carey**

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

“That clause 2.2 be deleted.”

Debate ensued.

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

**COUNCIL DECISION ITEM 9.1.10**

That the Council;

1. **NOTES** that the City’s Officers have prepared a project plan and budget for the ‘in-house’ preparation of the Structure Plan, as outlined in Confidential Appendix 9.1.10, detailing the use of ‘in-house’ and external resources, in accordance with the Council resolution of 11 October 2011; and

2. **REQUESTS** the Chief Executive Officer to instruct the current Town Planning Consultants (Hames Sharley) to hold in abeyance any further work on the Leederville Masterplan and Built Form Guidelines, until further notice; and

3. **NOTES** the information from the Department of Planning on the requirement for the preparation of an Activity Centre Structure Plan for Leederville Masterplan area, as shown in the "Additional Information" which states:

*"State Planning Policy 4.2 (SPP4.2, relating to Activity Centres for Perth and Peel):*

- *Leederville is prescribed as a Secondary Centre;*
- *Clause 6.4 – "Activity Centre Structure Plans need to be prepared for strategic metropolitan, secondary, district and specialised centres, but not for neighbourhood or local centres."*

**Note:** The Council requested that a presentation on the Leederville Masterplan be made to the Forum to be held on 13 December 2011.

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**ADDITIONAL INFORMATION:**

1. **State Planning Policy 4.2 (SPP 4.2), relating to Activity Centres for Perth and Peel**

Requirements for a Structure Plan

SPP 4.2, gazetted on 31 August 2010, establishes an Activity Centre Hierarchy for the Perth and Peel Metropolitan Region. It describes the intended functions and typical characteristics for each level of that hierarchy. SPP 4.2 identifies Leederville as a **Secondary Centre**. Given this status, it is necessary to prepare an Activity Centre Structure Plan for the area, as stipulated in clause 6.4 of SPP 4.2, and for the Structure Plan to be endorsed by the Western Australian Planning Commission. This is clearly evident in the following excerpt and table from SPP 4.2:

**6.4 Activity centre structure plans**

- (1) *Activity centre structure plans need to be prepared for strategic metropolitan, secondary, district and specialised centres, but not for neighbourhood or local centres.*
- (2) *Activity centre structure plans should be endorsed prior to a major development being approved to ensure a centre's development is integrated, cohesive and accessible. In exceptional circumstances (in the absence of an endorsed activity centre structure plan), any major development must satisfy relevant requirements of the Model Centre Framework.*
- (3) *The Structure Plan Preparation Guidelines which outlines the process for the preparation of activity centre structure plans should be considered in conjunction with this policy, including the Model Centre Framework and any other applicable regulations.*
- (4) *An existing endorsed structure plan will remain effective in the interim until an activity centre structure plan is endorsed in accordance with this policy.*

**6.4.1 Activity centre structure plan requirement**

- (1) **Table 6** outlines when an activity centre structure plan is required and the responsible authority that will endorse it.



- (2) *Due to the importance of strategic metropolitan centres, activity centre structure plans are expected to be prepared and adopted within three years of the policy being finalised. Their classification under the activity centre hierarchy may be reviewed in line with this requirement.'*

**Table 6: Activity centre structure plan requirement**

Centre plan required	Perth Capital City	Strategic metropolitan centres	Secondary centres	Specialised centres	District centres	Neighbourhood centres
Approval required	N/A <sup>16</sup>	WAPC	WAPC	WAPC <sup>17</sup>	WAPC (if floorspace exceeds 20,000 m <sup>2</sup> shop-retail nla) <sup>18</sup> Otherwise: Local Government	Local Government may require a detailed area plan

*Nla: net lettable area*

In addition to the requirement for an Activity Centre Structure Plan to be prepared for Secondary Centres, the above table stipulates a requirement for Activity Centre Structure Plans to be prepared for District Centres with a floorspace exceeding 20,000 sqm shop-retail net lettable area (nla). In light of this, the City's Officers note that although the North Perth town centre has been identified as a District Centre in SPP 4.2 (under the designation of Fitzgerald Street), it does not have a floorspace exceeding 20,000 sqm shop-retail nla, and therefore, the preparation of an Activity Centre Structure Plan is only required to be done at the discretion of the Council and does not require WAPC approval.

A full copy of the Policy and associated documents can be downloaded from the following link to the WAPC website:  
<http://www.planning.wa.gov.au/publications/1178.asp>.

**2. Advice received from the Department of Planning relating to the necessity of preparing a Structure Plan for Leederville, and the implications of not preparing a Structure Plan for the area:**

The City's Strategic Planning Section contacted the Department of Planning in order to clarify with whether a Structure Plan is a Statutory or Policy requirement of the Department, and asked them to provide advice as to the implications of not preparing a Structure Plan for Leederville. The City received the following response (copied verbatim), from the Department's Acting Planning Manager Metropolitan Strategy - Directions 2031 Strategy, Policy & Projects, in an email dated 16 November 2011:

*'It would be advisable for the City of Vincent to prepare an activity centre structure plan for Leederville due to its importance as a secondary centre. SPP4.2 requires activity centre structure plans to be prepared and endorsed by the WAPC.*

*The preparation of a structure plan would provide the Town of Vincent with a strategic framework for decision making and combine guidelines, traffic studies, urban design studies into one formal document. An activity centre structure plan would consider centre context, movement, activity, urban form, resource conservation and implementation. It would provide a clear approach for planning in the area. Development applications would need to comply with an endorsed activity centre structure plan. Furthermore, a structure plan would provide a medium-long term direction for the progression of the Leederville centre but also clearly consider the current planning direction for West Leederville and other surrounding areas. It would also examine the constraints and opportunities for the successful progression of the centre.*

*Failure to prepare an activity centre structure plan would result in a lack of a co-ordinated planning direction for Leederville and framework for statutory decisions. Section 6.4 (2) requires activity centre structure plans to be endorsed prior to a major development being approved to ensure a centre's development is integrated, cohesive and accessible. Therefore, not preparing an activity centre structure plan would delay development.'*

**3. Why Hames Sharley were selected as the preferred consultant to undertake amendments to the Leederville Masterplan and Built Form Guidelines:**

Following a Council resolution at the Ordinary Meeting held on 19 April 2011, which resolved to '*AUTHORISE the Chief Executive Officer to call for quotations for the appointment of a consultant to amend the Leederville Town Centre Masterplan and Built Form Guidelines, in line with the recommendations outlined in the Independent Design Review Report and Peer Review Workshop Report...*' the City's Officers called for quotations from thirty one (31) consultants.

Following the closing date, six (6) submissions were received. The City's Officers carefully examined each of these submissions, and reported to the Executive Management Team with their recommendation for the preferred consultant, that being Hames Sharley. The quotations were as follows:

Consultant	Rank	Score	Fee
Mackey Urbandesign	3	71.5	\$49,500
Hames Sharley	1	82	\$64,350
OPUS	6	42.5	\$82,049
TPG	2	76.5	\$84,700
HASSELL	4	66.5	\$88,550
Angela Clare Consulting	5	47	\$115,632

The Executive Management Team at its Meeting held on 13 July 2011, shows the Executive Management Team's endorsement of the Officer's recommendation to approve the quotation from Hames Sharley.

**PURPOSE OF REPORT:**

The purpose of this report is to present to the Council the quotations received from consultants for the external preparation of an Activity Centre Structure Plan for the Leederville Masterplan area, as well as to present the project plan and budget prepared for the 'in-house' preparation of the Structure Plan, as per the 11 October 2011 Council resolution.

**BACKGROUND:**

- 16 March 2009 At its Special Meeting, the Council adopted the Leederville Town Centre Masterplan Built Form Guidelines with amendments.
- 23 February 2010 The Council considered a Progress Report relating to the Leederville Masterplan. At this meeting, the final amended version of the Leederville Town Centre Masterplan Built Form Guidelines were adopted by the Council and have become known as Appendix 19 to the City's Planning and Building Policy Manual.
- 28 September 2010 The Council considered a Progress Report on the Leederville Masterplan, and resolved in part to defer the matter regarding amending the Leederville Town Centre Masterplan and Built Form Guidelines and advertising the amended document, in order to conduct a Peer Review and a Stakeholder Workshop. The Council also resolved to enter into a joint study with the Town of Cambridge in relation to the Leederville Station Link.
- 21 December 2010 The Council resolved to appoint Mackay Urbandesign as the preferred consultants to undertake the Independent Design Review of the Leederville Town Centre Masterplan and Built Form Guidelines, and Estill and Associates as the preferred facilitator to undertake the Peer Review Workshop.

- 19 April 2011 The Council resolved to endorse the Independent Design Review Report and Peer Review Workshop Report. Furthermore, they resolved to call for quotations for the appointment of a consultant to amend the Leederville Town Centre Masterplan and Built Form Guidelines in line with the recommendations of both Reports, and for the appointed consultant to meet with the Council Members to decide on those items identified by the Independent Design Review and Peer Review for amending the Leederville Town Centre Masterplan and Built Form Guidelines.
- 13 July 2011 The Executive Management Team approved Hames Sharley as the preferred consultant to undertake amendments to the Leederville Town Centre Masterplan and Built Form Guidelines.
- 30 August 2011 The City's Strategic Planning Officers, along with the consultants Hames Sharley, met with Officers from the Western Australian Planning Commission, where it was reiterated that Leederville, being a Secondary Centre, requires the preparation of an Activity Centre Structure Plan.
- 20 September 2011 Consultants Hames Sharley presented at the Council Member Forum regarding the two options available to the Council to amend the Leederville Town Centre Masterplan and Built Form Guidelines. The Director Development Services advised the Council that the City's Officers will report to the Council, in order to seek their approval on the preferred option for amending the document.
- 23 September 2011 In an email correspondence to the Western Australian Planning Commission/Department of Planning, the City's Officers sought in-principle support for the proposed way forward, that being for Hames Sharley to continue amending the Leederville Town Centre Masterplan and Built Form Guidelines in line with their Project Brief, following which the City's Officers will prepare a Structure Plan 'in-house'.
- 27 September 2011 The City received email correspondence from the Western Australian Planning Commission/Department of Planning, supporting the City's approach for the proposed way forward, that being for Hames Sharley to continue amending the Leederville Town Centre Masterplan and Built Form Guidelines in line with their Project Brief, following which the City's Officers will prepare a Structure Plan 'in-house'.
- 11 October 2011 The Council considered a progress report relating to the Leederville Masterplan, and resolved that consultants Hames Sharley continue amending the Leederville Town Centre Masterplan and Built Form Guidelines in line with their Project Brief, and for the Chief Executive Officer to prepare a project plan and budget for further consideration by the Council for 'in-house' preparation of the Structure Plan, detailing the use of in-house and external resources.
- 21 October 2011 The City's Officers distributed letters to a number of consultants, calling for Expressions of Interest and requesting a quote for preparing an Activity Centre Structure Plan for Leederville.
- 7 November 2011 Closing date for submission of Expressions of Interest and quotations.
- 15 November 2011 The City's Officers presented at the Council Member Forum, regarding the background of the Leederville Masterplan project, the City's current position on the project and delivery/implementation options.

**DETAILS:**

The City of Vincent's Leederville Town Centre Masterplan and Built Form Guidelines were adopted by the Council at its Special Meeting held on 16 March 2009. To further progress the Leederville Masterplan however, the Council, at its Ordinary Meeting held on 12 October 2010, resolved to undertake an Independent Design Review and Peer Review Workshop of the Leederville Town Centre Masterplan and Built Form Guidelines, in order to determine whether the key objectives of the Guidelines are in keeping with, and continue to facilitate the City's vision for, the Leederville Masterplan area.

The Independent Design Review was undertaken by Mackay Urbandesign, and reviewed the existing Leederville Town Centre Masterplan and Built Form Guidelines against the objectives which were set for the project and other current Planning Principles.

The Peer Review Workshop, facilitated by Estill and Associates, was held at the City's Administration and Civic Centre on Thursday 24 February 2011, and involved interested persons/organisations providing comment on the existing Leederville Town Centre Masterplan and Built Form Guidelines, particularly in relation to the practicality of the document.

Both of the ensuing Reports from the Independent Design Review and the Peer Review Workshop were adopted by the Council at its Ordinary meeting held on 19 April 2011. At that Meeting, the Council also resolved to call for quotations for the appointment of a consultant to amend the Leederville Town Centre Masterplan and Built form Guidelines in line with the recommendations of both reports.

Hames Sharley were selected as the preferred consultants to undertake the amendments to the document. Whilst undertaking background research into relevant local and State Government policies and strategies, and over the course of several meeting with the City's Officers, the importance of preparing a Structure Plan for Leederville in line with the requirements of State Planning Policy 4.2, relating to Activity Centres for Perth and Peel (SPP 4.2) was identified.

SPP 4.2, gazetted in August 2010, establishes an Activity Centre Hierarchy for the Perth and Peel Metropolitan Region and describes the intended functions and typical characteristics for each level of that hierarchy. SPP 4.2 identifies Leederville as a Secondary Centre. Given this status, it is necessary to prepare an Activity Centre Structure Plan for the area, as stipulated in clause 6.4 (1) of SPP 4.2, and for the Structure Plan to be endorsed by the Western Australian Planning Commission.

In light of the above, and the fact that the Council had resolved at its Ordinary Meeting held on 19 April 2011, for the consultants to meet with the Council Members to decide on those items identified by the Independent Design Review and Peer Review for amending the Leederville Town Centre Masterplan and Built Form Guidelines, Hames Sharley presented their findings to date at the Council Member Forum held on 20 September 2011.

As part of their presentation, Hames Sharley outlined the rationale as to why the City should proceed with the preparation of a Structure Plan for Leederville as follows:

- Ensure compliance with the SPP 4.2;
- Investigate economic drivers and how to improve business prospects;
- Examine numbers and profiles residents;
- Facilitate the right form of new development;
- Provide integrated transport solutions;
- Ensure the appropriate provision of public open space;
- Enshrine Leederville's role in Perth as one of the most vibrant destinations;
- It will be a single unified document, which will be easier to manage and understand;
- A Structure Plan has higher priority/control than a masterplan and guidelines; and
- In the absence of a Western Australian Planning Commission approved Structure Plan, a developer may prepare a Structure Plan independently of City, which may ultimately look out for the interests of the developer as opposed to the general community (which a Structure Plan prepared by the Council will do).

Whilst the City's Officers recognise the requirement for a Structure Plan to be prepared for Leederville, as it has been identified as a Secondary Centre, it is noted that significant work has been undertaken to date in terms of various traffic, economic and urban design studies and plans that sufficiently address the scope of requirements for a Structure Plan. These include:

- Leederville Masterplan Traffic and Services Report, 25 March 2008;
- Leederville Masterplan Integrated Transport Study, 14 October 2008;
- Leederville Station Precinct Study, 14 October 2008;
- Carr Place Precinct Study, 14 October 2008;
- Economic Development Strategy 2005-2010;
- Economic Development Strategy 2011-2016;
- Peer Review of the Draft Town Planning Scheme No. 2, and Draft Local Planning Strategy 2011 – Additional Economic Analysis;
- Sustainable Design Policy No. 3.5.10; and
- Sustainable Environment Strategy 2001-2016.

Furthermore, due to the indicative costs provided by the consultants in preparing a Structure Plan (outlined in the Financial/Budget Implications Section below), and due to the fact that this is considered to be outside the scope of their Project Brief, the City's Officers presented a progress report to the Council at its Ordinary Meeting held on 11 October 2011, recommending that the consultants continue amending the Leederville Town Centre Masterplan and Built Form Guidelines in line with the recommendations of their Project Brief, and that the Activity Centre Structure Plan for Leederville be prepared 'in-house'.

The City's Officers argued that the recently released Draft Structure Plan Preparation Guidelines, which have been prepared to provide assistance and guidance on the format and content of Structure Plans, will provide significant assistance and guidance to the City's Officers in preparing a Structure Plan for Leederville 'in-house', if this option is pursued.

Notwithstanding the Officer Recommendation, the Council resolved that consultants Hames Sharley continue amending the Leederville Town Centre Masterplan and Built Form Guidelines in line with their Project Brief, and that the Chief Executive prepare a project plan and budget for further consideration by the Council for 'in-house' preparation of the Structure Plan, detailing the use of in-house and external resources.

In line with this, the City's Officers have prepared a project plan and budget, as shown in Confidential Appendix 9.1.10, detailing the use of 'in-house' and external resources. It is noted that as Structure Plans are a relatively new concept and the City's Officers have not previously been involved in the preparation of such a document, the attached project plan and budget are indicative only.

In light of this, and due to the lengthy process involved in the preparation of an Activity Centre Structure Plan, it is envisaged that should the option for the development of a Structure Plan 'in-house' be pursued (albeit involving some external input from various specialist consultants), then it is unlikely that this will be finalised prior to the end of next year (2012). This is particularly due to the fact that there are a significant number of strategic planning projects that the City is currently progressing, and there is therefore limited capacity for the City's Strategic Planning Section to dedicate time to the preparation of a Structure Plan for Leederville.

Similarly, and taking into consideration the fact that there is no funding available in the current 2011/2012 Budget for this project, should the Structure Plan for Leederville be prepared externally by consultants, it is envisaged that the document could not be finalised until the end of next year (2012).

### **CONSULTATION/ADVERTISING:**

Any consultation for the Leederville Activity Centre Structure Plan will be undertaken in line with the City's comprehensive consultation processes, and in line with the recommendations of the Draft Structure Plan Preparation Guidelines.

These Guidelines note that pre-lodgement consultation should be undertaken with relevant stakeholders, in order to achieve proper planning and best outcomes. The Draft document suggests 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.'* The Draft document includes a table with a list of stakeholders likely to have an interest in a structure plan, and shows how consultation can be recorded. Among others, these stakeholders include the Department of Planning, Department of Water, Main Roads Western Australia, the Water Corporation, and relevant community groups in the area.

### **LEGAL/POLICY:**

- Town Planning Scheme No. 1 and Associated Policies;
- State Planning Policy 4.2 relating to Activity Centres for Perth and Peel; and
- Draft Structure Plan Preparation Guidelines.

### **RISK MANAGEMENT IMPLICATIONS:**

Not applicable.

### **STRATEGIC IMPLICATIONS:**

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

#### *"Economic Development:*

*Objective 2.1: Progress economic development with adequate financial resources.*

*2.1.1 Promote business development and the City of Vincent as a place for investment appropriate to the vision for the City.*

*2.1.2 Develop and promote partnerships and alliances with key stakeholders.*

*2.1.4 Implement the Leederville Masterplan and West Perth Regeneration Project."*

### **SUSTAINABILITY IMPLICATIONS:**

It is considered that the Leederville Town Centre Masterplan and Built Form Guidelines will direct future development to occur in a manner that meets the community's changing needs through the provision of a range of housing types and employment choices consistent with transit-oriented design principles and green building design.

### **FINANCIAL/BUDGET IMPLICATIONS:**

The 2011/2012 Budget contains an amount of \$74,000 for the Leederville Masterplan – Consultants Fees.

From this Budget however, consultants Hames Sharley have been appointed by the City to amend the Leederville Town Centre Masterplan and Built Form Guidelines, at a cost of \$64,350.

Arising from this investigation, it was identified that in addition to implementing the recommendations of the Independent Design Review Report and Peer Review Workshop Report, it is necessary to develop an Activity Centre Structure Plan for Leederville.

The City distributed Expressions of Interest letters to six (6) Town Planning Consultants, dated 21 October 2011, requesting quotations for the preparation of a Structure Plan for Leederville. Following closing of submissions on 7 November 2011, three quotes were received for the preparation of a Structure Plan for the area. The City is currently in the process of examining all the quotations received. All three quotations were in excess of \$100,000. Therefore, it will be necessary to formally advertise the tender for this consulting work.

As the 2011/2012 Budget for Leederville does not contain the necessary funds for either the 'in-house' or external preparation of a Structure Plan for Leederville, additional funding will be required for this project, if it is to be progressed in the 2011/2012 financial year.

### **The Way Forward**

To achieve the best outcome for the City, both in terms of time and "value for money", it is recommended that the current consultancy work being conducted by Hames Sharley be held in abeyance, until the tender for the Structure Plan has been determined and further information be obtained about the need for a Structure Plan.

### **COMMENTS:**

The City's Officers made a presentation on the Leederville Masterplan to the Council Member Forum held on 15 November 2011, whereby the need for a Structure Plan was discussed in detail. As a result, the Chief Executive Officer will seek further clarification on the need for the preparation of a Structure Plan for the Leederville Masterplan area. In particular, whether a Structure Plan is a statutory or Policy requirement of the Department of Planning.

In light of the above, it is recommended that the Council endorse the Officer Recommendation.

**9.2.2 Hyde Park Water Playground – Further Report**

<b>Ward:</b>	South	<b>Date:</b>	14 November 2011
<b>Precinct:</b>	Hyde Park (12)	<b>File Ref:</b>	RES0042
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	-		
<b>Reporting Officers:</b>	J van den Bok, Manager Parks and Property Services; R Lotznicker; Director Technical Services		
<b>Responsible Officer:</b>	R Lotznicker; Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

- AUTHORISES** the Chief Executive Officer to advertise a ‘Design and Construct’ Tender as a priority for the water playground at Hyde Park and for the tender to include the following three (3) options:

<b>Option 1</b>	(a) Remove one (1) existing water play area (western most). (b) Construct a new interactive water playground feature and associated equipment to comply with DoH guidelines. (c) Decommission the other two (2) water play areas and retain as mosaic artworks only.
<b>Option 2</b>	(a) Remove one (1) existing water play area (western most). (b) Construct a new interactive water play area and associated equipment to comply with DoH requirements (as per option 1). (c) Retain and upgrade the two (2) remaining water play areas by removing the exiting mosaics, providing new water features and surfacing with decorative soft fall material.
<b>Option 3</b>	(a) Retain all three (3) water play area and upgrade by removing the existing mosaics, providing new water features and associated equipment to comply with DoH requirements and surfacing with decorative soft fall material.

- FURTHER CONSIDERS** the matter and cost implications, once tenders have been received.

**COUNCIL DECISION ITEM 9.2.2**

**Moved** Cr Buckels, **Seconded** Cr Maier

That the recommendation be adopted.

Debate ensued.

Cr Topelberg departed the Chamber at 9.14pm.

Debate ensued.

Cr Topelberg returned and Cr McGrath departed the Chamber at 9.15pm.

Debate ensued.

**MOTION PUT AND CARRIED UNANIMOUSLY (8-0)**

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



**FURTHER REPORT:**

**Recent Site Meeting:**

Following the deferral of the Item at the Ordinary Meeting of Council held on 25 October 2011, to expedite the matter, a site meeting with an expert in this field was held to determine a way forward. Following a visual inspection of the existing play grounds and discussing the previous three (3) options suggested, and taking into account the Department of Health's set of guidelines "Health Requirements for Interactive Water Fountains", the following way forward is recommended:

**Suggested Way forward:**

For the Council to authorise the Chief Executive Officer to advertise a "Design and Construct" Tender for the water playground at Hyde Park and for the tender to include the following three (3) options:

Option 1	(a) Remove one (1) existing water play area (western most). (b) Construct a new interactive water playground feature and associated equipment to comply with DoH guidelines. (c) Decommission the other two (2) water play areas and retain as mosaic artworks only.
Option 2	(a) Remove one (1) existing water play area (western most). (b) Construct a new interactive water play area and associated equipment to comply with DoH requirements (as per option 1). (c) Retain and upgrade the two (2) remaining water play areas by removing the exiting mosaics, providing new water features and surfacing with decorative soft fall material.
Option 3	(a) Retain all three (3) water play area and upgrade by removing the existing mosaics, providing new water features and associated equipment to comply with DoH requirements and surfacing with decorative soft fall material.

**Indicative Timeline**

Date	Item
22 November 2011	Council decision to advertise tender.
26 November 2011 – 13 December 2011	Advertise Tender.
14 – 18 December 2011	Assess tender and prepare report.
20 December 2011	Council to consider tender and award.
15 January 2012 – 15 March 2012	Construction of water playground.
Mid March 2012 – early April 2012	Commissioning of water playground (subject to availability of water features).

Ordinary Meeting of Council held - 24 August 2010:

A detailed report was considered by the Council in relation to the Hyde Park Water Playground where the following decision was made:

*"That the Council;*

- (i) *NOTES that;*
  - (a) *the Department of Health has advised that there are potential health risks and design issues at the Hyde Park Water Playground, which are required to be addressed prior to the facility being recommissioned; and*
  - (b) *unfortunately, the Hyde Park Water Playground will need to remain closed until the remedial/upgrade works have been completed;*

- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to reallocate \$90,000 (from a funding source to be identified) to enable essential remedial works at the Hyde Park Water Playground to be carried out, so that it can be re-opened prior to the summer season (if possible); and*
- (iii) *subject to clause (ii) above being approved, AUTHORISES the Chief Executive Officer to further investigate options to remediate the system and report back to Council."*

Ordinary Meeting of Council – 22 February 2011:

A further report was presented in relation to the Hyde Park Water Playground where, in accordance with clause (iii) of the previous Council decision the following three (3) options were developed by a consultant (total cost of consultancy was \$1,800):

- Option 1 – Demolition and removal of water features (approx \$20,000)  
Option 2 – Demolition and construction of a new Water Playground (approx \$300,000)  
Option 3 – Demolition and upgrade of existing Water Playground (\$160,000)

After considering the report the following decision was made:

*"That the Council;*

- (i) *APPROVES IN PRINCIPLE the upgrade of the existing Water Playground;*
- (ii) *REQUESTS the Chief Executive Officer to further investigate the matter including all options available; and*
- (iii) *NOTES that the Town will investigate opportunities for funding to undertake the required works through the various grants available to Local Governments."*

Ordinary Meeting of Council held – 25 October 2011:

At this meeting the Council was advised that:

*"following a review of the initial report and an onsite meeting, officers were advised that given the ongoing review of the guidelines by the Department of Health (DoH) it was highly unlikely that the City would achieve the upgrade of the existing water playground given the budget allocated (\$160,000).*

*It was also highlighted that a number of issues had not been considered in the initial report that may have significant budgetary implications such as an upgrade to the electrical supply and water/filter backwash (considered industrial & water discharge) requiring disposal to a sewer.*

*The consultant also highlighted that with the likely ongoing issue of the mosaic tiled surfaces the issue of quality and longevity versus capital cost should seriously be considered in developing an overall budget for the refurbishment works".*

The following was the officer's recommendation:

*"That the Council;*

1. *NOTES that:*
- 1.1 *the Department of Health (DoH) is in the process of reviewing the guidelines for Water Spray Grounds which is likely to have significant budgetary implications for the City in relation to the Hyde Park Water Playground project; and*

- 1.2 *advice received from the Department of Indigenous Affairs has confirmed that a Section 18 will be required for "Consent to Use the Land" in accordance with the Aboriginal Heritage Act 1972, estimated to cost \$25,000, due to the level of ground disturbance required to complete the project;*
2. *APPROVES the completion of a further report which will provide recommendations on two (2) options for refurbishment or complete rebuild of the Water Playground based on the revised guidelines and further issues identified; and*
3. *RECEIVES a further detailed report on the proposal following receipt of the consultant's report outlined in (2) above."*

However following consideration of the report, the following decision was made:

*"That the item be DEFERRED for further consideration/indication of any interim solutions proposed and further clarification on the timing with these options."*

**9.2.3 Smiths Lake Reserve – Installation of Gazebo & Electric Barbeque**

<b>Ward:</b>	South	<b>Date:</b>	10 November 2011
<b>Precinct:</b>	Smiths Lake (6)	<b>File Ref:</b>	RES0035
<b>Attachments:</b>	<a href="#">001</a> – Plan of Proposed Gazebo & BBQ		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	J van den Bok, Manager Parks and Property Services		
<b>Responsible Officer:</b>	R Lotznicker; Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **CONSIDERS** the submissions received concerning the proposal to install an electric barbeque and a gazebo on Smiths Lake Reserve; and
2. **APPROVES** the installation of an electric barbeque and gazebo with associated picnic setting at Smiths Lake Reserve, estimated to cost \$20,500 as shown on the attached Plan No. 2878-CP-01.

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Cr McGrath returned to the Chamber at 9.17pm.

Moved Cr Buckels, Seconded Cr Harley

That the recommendation be adopted.

Debate ensued.

**AMENDMENT**

Moved Cr Buckels, Seconded Cr Harley

That clause 2 be amended to read as follows:

- “2. **APPROVES** the installation of an electric barbeque ~~and gazebo~~ with associated picnic setting at Smiths Lake Reserve, estimated to cost \$4,000 ~~\$20,500~~ as shown on the attached Plan No. 2878-CP-01A.”

Debate ensued.

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

Debate ensued.

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

**COUNCIL DECISION ITEM 9.2.3**

That the Council;

1. **CONSIDERS** the submissions received concerning the proposal to install an electric barbeque and a gazebo on Smiths Lake Reserve; and
2. **APPROVES** the installation of an electric barbeque with associated picnic setting at Smiths Lake Reserve, estimated to cost \$4,000 as shown on the attached Plan No. 2878-CP-01A.

**PURPOSE OF REPORT:**

The purpose of the report is to advise the Council of the submissions of the community consultation and to seek approval for the project to proceed.

**BACKGROUND:**

The City's current and former Strategic Community Plans include various clauses in regard to continuing to implement both minor and major improvements to public open space including the installation of shelters.

A five (5) year Parks & Reserve Development Plan was presented to the Council as part of the adoption of the Physical Activity Strategic Plan and the Parks and Reserve Strategy/Recreational Needs Analysis at the Ordinary Meeting held on the 7 December 2010 where it was resolved:-

*"That the Council;*

- (i) RECEIVES the report relating to the adoption of the Physical Activity Strategic Plan, the Parks and Reserve Strategy/Recreational Needs Analysis and the Playground Upgrade Program;*
- (ii) REQUESTS a report in March 2011 which advises of the anticipated outcomes of the current financial year and the plan for the forthcoming financial year in order to assist the Council in formulating the budget for 2011/12; and*
- (iii) INVESTIGATES the opportunities for natural based play area to be included along but not restricted to the Wetlands Heritage Trail."*

The plan included, amongst other matters, the installation of an electric barbeque and gazebo at Smiths Lake Reserve in the 2011/2012 financial year.

**DETAILS:**

**Community Consultation:**

On 11 October 2011 eighty five (85) letters with attached plans were distributed around Smiths Lake Reserve in accordance with the City's consultation policy and at the close of consultation twenty five (25) responses were received. A response rate of 29.4%.

In favour of the proposal – Sixteen (16) (64%) responses, comments received as follows:

- Make sure the barbeque and gazebo is kept clean and in good condition.
- Would be an ideal place for the community to relax.
- Fourteen (14) responses received supporting the proposal with no further comment.

Against the proposal – eight (8) (36%) responses, comments received as follows:

- Get the grounds in better condition, what sort of mess would this cause in the park?
- This issue was raised previously and was not supported, without a toilet block people would be relieving themselves in the bushes. Upgrade by including more native plants and flowers.
- I am not sure that this proposal will improve an already picturesque park setting. Anything that encourages longer stays in parks will contribute to increased litter and loutish behaviour. If this progresses at the very least it should be further away from houses.
- Smiths Lake has wonderful birdlife and I am concerned that this may be harmed.
- No off-road parking and parking on the reserve will attract infringements; kerbside parking in Kayle Street will disadvantage local residents, no public conveniences, potential for noise pollution, increases risk to local fauna. Please consider an alternative site.

- People will have a few beers etc and then urinate on the lawns. Extra noise.
- No toilet facilities, what arrangements will be made to cater for parking and rubbish removal, hoon behaviour is a potential issue and will the facility have some ability to be closed at night, what protection will; be put in place to ensure flora and fauna will be protected. How about fixing the reticulation and bare patches of sand on the reserve.
- Strongly object to the proposal, will impact on birds and encourage feeding of birds. Much effort has gone into restoring the environment and it would be more suitable on the north side of Bourke Street. On street parking will be a hazard in the narrow Kayle Street.

Other:

- Concerned there are no toilet facilities, how about the gazebo and no barbeque? Rather see exercise equipment along the pathway.

Officers Comments

*The City has completed many sections of the Wetlands Heritage trail including the section through Smiths Lake Reserve. Various items of infrastructure are now being installed along the trail such as signage, park benches, exercise equipment and Smiths Lake was identified as an ideal park to provide a shelter in the form of a gazebo.*

*The City has also installed many electric BBQ's in a number of parks over the past years without any reported issues of unruly drunkard behaviour or additional vandalism. They are maintained regularly by a BBQ cleaning company and rubbish is removed by parks staff on daily inspections.*

*The proposed location is in a nice open yet secluded area surrounded by trees allowing the installations to blend into the environment. Having BBQ's in and around water bodies such as Hyde Park, Lake Monger and at Kings Park has not highlighted any significant issues with flora and fauna.*

*Whilst parking has been highlighted as an issue, this is not Hyde Park and given other recent installations in similar locations it is not expected that it will attract significantly more patrons to the area, it will just provide another spot to have a cook up either for the local community or visitors. Toilets are located no more than 150 metres away to the north at Charles Veryard Reserve and nearby to the south at Beatty Park Reserve.*

**CONSULTATION/ADVERTISING:**

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

**LEGAL/POLICY:**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS:**

Not applicable.

**STRATEGIC IMPLICATIONS:**

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

"Natural and Built Environment

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

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

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

An amount of \$15,000 has been allocated in the City's 2011/2012 capital works budget for the installation of an electric BBQ at Smiths Lake Reserve. The supply & installation is estimated to cost \$14,500. An amount of \$50,000 has been allocated in the City's 2011/12 capital works budget for the installation of park furniture as outlined in the five (5) year Parks & Reserves Development Plan. The estimated cost of the supply & installation of a standard 5 metre gazebo on a concrete pad with associated picnic setting is \$16,000.

**COMMENTS:**

It is therefore recommended that the Council approve the installation of an electric barbecue and gazebo at Smiths Lake Reserve as shown on the attached plan and that the works proceed as soon as possible.

**9.3.5 Leederville Cricket Club – Request for Payment of a Refrigerator at Britannia Reserve Clubroom**

<b>Ward:</b>	North Ward	<b>Date:</b>	14 November 2011
<b>Precinct:</b>	Leederville (3)	<b>File Ref:</b>	PRO0618
<b>Attachments:</b>	Nil.		
<b>Tabled Items:</b>	Nil.		
<b>Reporting Officer:</b>	M Rootsey, Director Corporate Services		
<b>Responsible Officer:</b>	M Rootsey, Director Corporate Services		

**OFFICER RECOMMENDATION:**

That the Council:

1. **RECEIVES** the report on the request for payment for a refrigerator from the Leederville Cricket Club at Britannia Reserve Clubroom; and
2. **APPROVES BY AN ABSOLUTE MAJORITY** the purchase of the commercial refrigerator from the Leederville Cricket Club for the amount of \$8,690, to be funded from a source to be determined by the Chief Executive Officer.

Moved Cr Maier, Seconded Cr Pintabona

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

“That a new clause 3 be inserted as follows:

3. **APPROVES** the recoup of the cost of the refrigerator through an annual usage charge to the Lessees of the Britannia Reserve Clubrooms.”

Debate ensued.

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

**COUNCIL DECISION ITEM 9.3.5**

That the Council:

1. **RECEIVES** the report on the request for payment for a refrigerator from the Leederville Cricket Club at Britannia Reserve Clubroom;
2. **APPROVES BY AN ABSOLUTE MAJORITY** the purchase of the commercial refrigerator from the Leederville Cricket Club for the amount of \$8,690, to be funded from a source to be determined by the Chief Executive Officer; and
3. **APPROVES** the recoup of the cost of the refrigerator through an annual usage charge to the Lessees of the Britannia Reserve Clubrooms.

**PURPOSE OF REPORT:**

The purpose of the report is to request approval for the purchase of a commercial refrigerator located at the Britannia Reserve Clubrooms from the Leederville Cricket Club.

**BACKGROUND:**

The Britannia Reserve Clubrooms were refurbished over four (4) stages and were completed in December 2009 at a cost of \$538,025.



At the Ordinary Meeting of Council, held on 24 June 2008, the following resolution was adopted:

*“That the Council NOTES the following action undertaken to progress the upgrade of Britannia Reserve Clubrooms;*

- (a) *a tender for the upgrade of Britannia Reserve Clubrooms was re-advertised on 18 June 2008, for a "staged construction", as outlined in the report; and*
- (b) *minor works as specified in the report are to be undertaken by the Leederville Cricket Club on a cost reimbursement basis, up to the value of \$25,000.”*

In addition to the minor works, further items were purchased by the Leederville Cricket Club to meet their requirements for the clubrooms.

It was the club’s understanding that they would be reimbursed by the City at a later date for these items. These included:

- Air conditioning;
- Concept plans;
- Conference facilities;
- Floor coverings;
- Internal and External light fittings;
- Internal painting;
- Internal tables and chairs;
- Refrigeration and kitchen appliances;
- Security lighting; and
- Security System.

The club has been reimbursed for all of these items with the exception of the commercial fridge.

The item in question is a commercial fridge that is located in the kitchen and is utilised by all users of the facility.

The City was of the opinion at the time, it would not have purchased this type of fridge and has not done so in other leased premises, as it was considered too large.

The other items were deemed to be essential in providing a quality finish to the clubrooms for use by the various lessees.

The Britannia Reserve Clubroom is leased to the following sporting clubs:

- Leederville Cricket Club;
- WA Junior Rugby Union; and
- Floreat Athena Soccer Club.

**DETAILS:**

The Leederville Cricket Club has been in negotiations with the City for a protracted period in regard to the purchase of the commercial fridge with a number of options being explored. However, there have been no funds on the budget for this purchase and the model of the fridge and cost were considered too expensive.

The club owns the commercial fridge as previously stated however, this is currently being used by the other lessees at no charge. This has been a positive action by the Club to allow the other lessees to use the facility as the Club paid \$14,480 excluding GST for the fridge.

This current arrangement is not ideal to the parties, including the City, as it can lead to issues of responsibility for stock, cleaning and maintenance during and at the end of the respective seasons.

The main issue is the Cricket Club, that are of the opinion that they are providing an asset to the City and this asset is being used by other users without the Club receiving any benefit.

The Cricket Club is of the opinion that the City should have provided the asset and has recently met with the Mayor and Chief Executive Officer and it has been requested that this matter be resolved.

The Director Corporate Services is meeting with the Club committee members on Thursday 17 November 2011 to finalise the matter.

It is recommended that the City purchase the commercial fridge from the Leederville Cricket Club and recoups some of the cost for the fridge through a usage charge to be added to the lease payments for all the lessees.

**CONSULTATION/ADVERTISING:**

Not Applicable.

**LEGAL/POLICY:**

City of Vincent Policy 1.2.1 – Terms of Leases

1. Any new lease granted by the Council shall usually be limited to a five (5) year period, and any option to renew shall usually be limited to no more than a ten (10) year period.
2. Council may consider longer periods where the Council is of the opinion that there is benefit or merit for providing a longer lease term.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** Lease agreement covers the use of the facilities including the equipment.

**STRATEGIC IMPLICATIONS:**

In accordance with the objective of Strategic Plan 2011-2016:

*“1.1.4 Enhance and maintain the City’s Infrastructure, assets and community facilities to provide a safe, sustainable and functional environment.”*

**SUSTAINABILITY IMPLICATIONS:**

This provides an excellent example of social sustainability in providing sporting and community facilities to the City.

**FINANCIAL/BUDGET IMPLICATIONS:**

The capital purchase of the commercial fridge will be funded from a source to be determined by the Chief Executive Officer.

This will be reported in the mid-year budget review conducted at the end of December 2011 and reported to Council in February 2012.

The recommended price to be paid for the fridge represents the actual purchase price paid for the fridge written down for two (2) years at 20% per annum.

**COMMENTS:**

The purchase of the commercial fridge from the Leederville Cricket Club would be of benefit to the City as it will be a valuable asset for the Britannia Reserve Clubroom facility.

This will give the City the responsibility for the maintenance and management of the asset and this action will remove the issues with the lessees surrounding the use of the fridge.

**9.5.1 Council Meeting and Forum Dates and Times for 2012 – Approval**

<b>Ward:</b>	-	<b>Date:</b>	14 November 2011
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0016 & ADM0066
<b>Attachments:</b>	<a href="#">001</a> – Council Meeting and Forum Schedule 2012; <a href="#">002</a> – Policy No. 4.2.3 – Council Meetings and Forums – Format, Procedures and Maximum Duration		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	Anita Radici, Executive Assistant		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council **APPROVES:**

1. to hold its Council meetings on the second and fourth Tuesday of each month in 2012 (except November and December 2012 (first and third Tuesday) and January (no meeting)), as detailed in Appendix 9.5.1;
2. of the dates and time of Forums to be schedule in 2012, as detailed in Appendix 9.5.1;
3. of its meetings to be held at the City’s Administration and Civic Centre (Council Chamber), commencing at 6.00pm on the dates as detailed in Appendix 9.5.1; and
4. in accordance with Regulation 12 of the Local Government (Administration) Regulations 1996, to GIVE local public notice of the meeting and forum dates detailed in Appendix 9.5.1.

**COUNCIL DECISION ITEM 9.5.1**

**Moved Cr McGrath, Seconded Cr Maier**

That the recommendation be adopted.

Debate ensued.

**AMENDMENT**

**Moved Cr Maier, Seconded Cr Carey**

That the Officer Recommendation be amended to read as follows:

“That the Council **APPROVES:**

1. to hold its Council meetings and Agenda Briefing Sessions at the times and dates on the second and fourth Tuesday of each month in 2012 (except November and December 2012 (first and third Tuesday) and January (no meeting)), as detailed in Appendix 9.5.1A;
2. of the dates and time of Forums to be schedule in 2012, as detailed in Appendix 9.5.1A;
3. of its meetings to be held at the City’s Administration and Civic Centre (Council Chamber), commencing at 6.00pm on the dates as detailed in Appendix 9.5.1A; and
4. in accordance with Regulation 12 of the Local Government (Administration) Regulations 1996, to GIVE local public notice of the meeting, agenda briefing sessions and forum dates detailed in Appendix 9.5.1A.”

Debate ensued.

**AMENDMENT PUT AND LOST (4-5)**

**For:** Cr Carey, Cr Maier, Cr Pintabona, Cr Wilcox

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

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

**PURPOSE OF REPORT:**

The purpose of the report is for the Council to approve of the Council Meeting dates and times for 2012 and the schedule of dates for its Forums for 2012.

**BACKGROUND:**

The Local Government Act 1995 (Section 5.3) and the Local Government (Administration) Regulations 1996, Regulation 12, requires the Council to determine meeting dates and times and for these to be published on a local basis throughout the City.

**DETAILS:**

At the Ordinary Meeting of Council held on 23 November 2010, the Council resolved to adopt an amended Policy No. 4.2.3 – “Council Meetings and Forums – Format, Procedures and Maximum Duration”, as shown in Appendix 002.

**CONSULTATION/ADVERTISING:**

The Council Meeting dates are to be advertised in a local newspaper. Information will also be placed on the City’s website.

Notices of Forum are available for viewing on the City’s website [www.vincent.wa.gov.au](http://www.vincent.wa.gov.au) and are placed on the Notice Board at the City’s Administration & Civic Centre.

**LEGAL/POLICY:**

Legislation – Statutory Provisions: Section 5.3 of the Local Government Act 1995 states:

*“Ordinary and Special Council meetings:*

- (1) *A Council is to hold ordinary meetings and may hold special meetings;*
- (2) *Ordinary meetings are to be held not more than three months apart;*
- (3) *If a Council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure.”*

Regulation 12 of the Local Government (Administration) Regulations 1996 states:

- “12 (1) *At least once a year a local government is to give local public notice of the dates on which and the time and place at which –*
- (a) *the ordinary Council meetings; and*
  - (b) *the Committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public;*
- Are to be held in the next 12 months;*
- (2) *A local government is to give local public notice of any change to the date, time or place of a meeting referred to in sub regulation (1);”*

**Council Meeting Dates**

During the Festive Season holiday period, many of the City’s employees, and a number of Council Members proceed on annual leave. It is therefore appropriate and beneficial that this period be used to have a break from the hectic meeting schedule. Furthermore, in accordance with the City’s community consultation policy, the advertising of development applications will not be carried out from 21 December 2011 to 15 January 2012. As such, it is recommended that no meetings be held in January. It is considered that there will be insufficient items to justify a meeting and any matters necessitating a decision can be approved under Delegated Authority (if applicable). Any matters of urgency will be dealt with, if they arise. No meetings have been held in January in previous years and this has not caused any problems.

### Other Local Governments

A research of other metropolitan Local Government meeting dates has revealed that most metropolitan Councils meet on a Tuesday night. Of the 18 local governments reviewed:

- 1 meets on a Monday;
- 2 meet on a Wednesday; and
- 15 meet on a Tuesday.

The Mindarie Regional Council, Tamala Park Regional Council and the Western Australian Local Government Association Central Zone meetings are generally held on a Thursday.

### **Council Meeting Time**

Council meetings have commenced at 6.00pm, since the creation of the City in July 1994 and has worked well. This allows Council Members and the public to attend the meeting, coming directly from their work. It also allows for the meeting to finish at a reasonable time.

For information, the Council average meeting time for the previous years is as follows:

<b>Year</b>	<b>Average Meeting Time</b>	<b>Average Finish Time</b>
2010-2011	3 hours, 15 minutes	9.15pm
2009-2010	3 hours, 50 minutes	9.50pm
2008-2009	2 hours, 41 minutes	8.41pm
2007-2008	2 hours, 31 minutes	8.31pm
2006-2007	2 hours, 39 minutes	8.39pm
2005-2006	3 hours, 3 minutes	9.03pm
2004-2005	3 hours, 15 minutes	9.15pm
2003-2004	2 hours, 52 minutes	8.52pm
2002-2003	3 hours, 24 minutes	9.24pm
2001-2002	3 hours, 12 minutes	9.12pm

Accordingly, it is recommended that no change be made to the meeting commencement time of 6.00pm.

### **Forums**

There is no statutory requirement to advertise Forum dates.

Forums are held in accordance with the Forum Guidelines which were adopted at the Ordinary Meeting of Council held on 10 August 2004.

### **RISK MANAGEMENT IMPLICATIONS:**

**Low:** It is a statutory requirement for a Local Government to publish their Council Meeting and Forum times and dates. Failure to do so for Council Meetings would be a breach of the Local Government Act 1995 and Regulations and for Forums will cause a lack of information to the community.

### **STRATEGIC IMPLICATIONS:**

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

### **SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

The advertising of the Meeting and Forum dates will cost approximately \$250.

**COMMENTS:**

It is recommended that the:

1. Council continue to meet on the second and fourth Tuesday of each month in 2012, with the exception of November and December (first and third Tuesday) and January (no Meeting); and
2. Forums continue to be scheduled on the third Tuesday of every month in 2012, except May (fifth Tuesday), November and December (second Tuesday) and January (no Forum)

**9.5.2 Delegated Authority – Council Recess Period 2011-2012**

<b>Ward:</b>	-	<b>Date:</b>	11 November 2011
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0018
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	Anita Radici, Executive Assistant		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

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.

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**COUNCIL DECISION ITEM 9.5.2**

**Moved Cr McGrath, Seconded Cr Maier**

That the recommendation be adopted.

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

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**PURPOSE OF REPORT:**

To obtain the Council's approval for Delegated Authority to deal with matters during the Council recess period 2011-2012.

**BACKGROUND:**

The Council will be in recess from 21 December 2011 to 13 February 2012. Therefore, it will be necessary to make arrangements to enable items of business that may arise during that period to be dealt with. This procedure has operated satisfactorily in previous years and is identical to that which operated during the 2010-2011 recess period.

**CONSULTATION/ADVERTISING:**

Whilst there is no statutory requirement to do so, items being processed under delegated authority will be advertised for a period of three (3) days.

**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 Majority decision of the Council cannot be approved under Delegated Authority.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** If the Council does not approve of the Delegated Authority for the festive season and January, it would result in the delay of issuing approvals to some development approvals, thereby disadvantaging these applicants.

**STRATEGIC IMPLICATIONS:**

This is in keeping with the City's Strategic Plan 2011-2016 - Objective 4 – *“Leadership, Governance & Management and 4.1.2 – Manage the organisation in a responsible, efficient and accountable manner”*.

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The Council is in recess from 21 December 2011 until 13 February 2012. A Council resolution is required to approve of matters which may arise under delegated authority (other than those matters which require an Absolute Majority decision).

In keeping with the Council's philosophy of providing a high standard of customer service, it is appropriate to continue processing ratepayer requests and development applications. Where possible, these should be determined as soon as practicable, in order to minimise any delays or inconvenience.

In keeping with the City's previous practice, reports will be issued to all available Council Members for a period of three (3) days, (usually on a Thursday evening). The reports will be placed on the City's webpage on the Friday (usually by midday). Responses from Council Members are required to be received by the Chief Executive Officer by midday on the Monday (following issue). The item will be processed if a simple majority of the written responses received is achieved. The procedure is identical to that which was approved for the 2010-2011.

It is therefore recommended that the Council approve of the arrangements to be made to deal with items of business that may arise during the 2011-2012 recess period.



**10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

**11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

Nil.

**12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES**

Nil.

**13. URGENT BUSINESS**

Nil.

**PROCEDURAL MOTION**

**At 9.45pm** Moved Cr Harley, Seconded Cr Buckels

**That Council proceed "behind closed doors" to consider items:**

- **14.1, as this matter contains information concerning:**
  - **a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;**
  - **legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and**
  - **a matter that, if disclosed, would reveal information that has a commercial value to a person;**
- **14.2, as this matter contains information concerning:**
  - **a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and**
  - **a matter that if disclosed, would reveal information that has a commercial value to a person;**
- **14.3, as this matter contains legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting, by the local government and which relates to a matter to be discussed at the meeting; and**
- **14.4, 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 journalists present.**

The Council proceeded "behind closed doors" to consider Items 14.1, 14.2, 14.3 and 14.4.

**PRESENT:**

Mayor Hon. Alannah MacTiernan	Presiding Member
Cr Matt Buckels	North Ward
Cr John Carey	South Ward
Cr Roslyn Harley	North Ward
Cr Warren McGrath ( <i>Deputy Mayor</i> )	South 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: Rectangular Stadium, 310 Pier Street, Perth – Proposed Redevelopment – Concept Plans – Progress Report No. 20**

<b>Ward:</b>	South	<b>Date:</b>	31 October 2011
<b>Precinct:</b>	Beaufort, P13	<b>File Ref:</b>	RES0114
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	CONFIDENTIAL: Perth Rectangle Stadium Schematic Design Report Volume 1		
<b>Reporting Officer:</b>	John Giorgi, Chief Executive Officer		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council:

1. **RECEIVES** the Progress Report No. 20 as at 8 November 2011 concerning the Stadium Redevelopment concept plans, as shown in Appendix 14.1, the progress of the negotiations between the Stadium Manager and the State and the draft Lease to the State Government of Western Australia for the City's Stadium at 310 Pier Street, Perth; and
2. **AUTHORISES** the Chief Executive Officer to submit comments detailed in this report to the Department of Sport and Recreation.

**COUNCIL DECISION ITEM 14.1**

**Moved** Cr Carey, **Seconded** Cr Harley

That the recommendation be adopted.

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

**Note:** *The Chief Executive Officer advised that this report (except for the Schematic Design Plans) is now released to the public as the Council has determined the matter.*

**PURPOSE OF REPORT:**

The purpose of the report is to provide information to the Council concerning the proposed Concept Plans of the proposed redevelopment of “nib Stadium”, 310 Pier Street, Perth and the progress of the negotiations between the State Government and the City's Stadium Manager – Allia Venue Management (Allia).

At the Ordinary Meeting of Council held on 8 November 2011, this item was deferred due to the lateness of the hour.

**BACKGROUND:**

**Previous Reports**

Previous reports have been submitted to the Special Meeting of Council held on 6 September 2010, Ordinary Meeting of Council held on 8 November 2011, 11 October 2011, 23 August 2011, 27 July 2010, 28 July 2009, 24 March 2009, 24 February 2009, 8 April 2008, 4 December 2007, Special Meeting of Council held on 29 May 2007 and Ordinary Meetings of Council held on 13 June 2006, 11 April 2006, 14 February 2006, 22 November 2005, 12 July 2005, 26 April 2005, 22 March 2005, 21 December 2004 and 26 October 2004.

At the Ordinary Meeting of Council held on 11 October 2011, the Council considered the matter of the Rectangular Stadium and resolved as follows:

*"That the Council:*

1. *RECEIVES the Progress Report of the Stadium Redevelopment and draft Lease to the State Government of Western Australia for the City's Stadium at 310 Pier Street, Perth dated 7 August 2011;*
2. *NOTES that, at the close of the community consultation period, no submissions were received;*
3. *APPROVES BY AN ABSOLUTE MAJORITY of a Lease of the premises known as "nib Stadium" at 310 Pier Street, Perth to the State Government of Western Australia (the State), for a period of twenty-five (25) years with a twenty-five (25) year Option, subject to:*
  - 3.1 *the City reaching Agreement with Allia Venue Management (Allia) to release each other from the current Heads of Agreement; and*
  - 3.2 *a Deed of Surrender and Release being signed by the City and Allia Venue Management once agreement has been reached between Allia Venue Management and the State; and*
4. *AUTHORISES the:*
  - 4.1 *the Chief Executive Officer to negotiate any minor changes that may arise in the finalisation of the Lease or Deed, providing they are not materially different to what has been approved or significantly affect the City's position; and*
  - 4.2 *Mayor and Chief Executive Officer to sign the Lease and the Deed of Surrender and Release and affix the Council's Common Seal."*

#### **Proposed Redevelopment – Concept Plans**

The State Government announced in November 2010 the adoption of a master plan which will see the eventual transformation of the existing Perth Oval site into a 25,000 seat rectangular stadium. Stage 1 of the Perth Rectangular Stadium (PRS) development broadly consists of the following:

- A permanent eastern grandstand with 80% roof coverage for approximately 10,000 spectators on the eastern side of the stadium;
- Food and beverage and toilet facilities plus more than 50 wheelchair spaces in the lower bowl seating area of the stadium;
- Lighting upgrades and provision for electronic spectator viewing screens;
- Maintenance work to existing west stand.

Cox Howlett & Bailey Woodland were awarded the tender for architectural services for the project on 5 August 2011 and commenced immediately with Schematic Design against the approved Master Plan by Populous as provided by Building Management & Works and Department of Sport & Recreation.

The project budget is \$95.139 million.

#### Southern and Northern Stands

Replacement of the Southern and Northern Stands do not form part of the current scope, however, the consultant team are testing existing cost plans through the overall project development with a view to including all or part of this work if possible without budget increase.

### West Grandstand

The proposed West Stand remains with minimal work to it being only required maintenance requirements along with any infrastructure integration to the new stage.

### **Design Statement**

#### Eastern Stand

The proposed Eastern Stand represents this venue's first substantial investment in permanent spectator seating. Its location on the eastern side of the pitch enables the maintenance of the existing members and sponsor facilities to the west and the consolidation of the primary public spectator stand and the relationship of the ground to its park setting.

The spectator experience and comfort will be dramatically improved in relation to amenity, comfort, environmental quality and access to services and facilities.

#### "The Green Venue"

This redevelopment will incorporate a suite of environmental initiatives which will drive a greener venue and operational model for Perth Rectangular Stadium. The concept design and operations are being developed around an adapted Green Star design assessment tool which sets out sustainable design and management tools for the new facilities.

Key opportunities include the provision of photovoltaic cells to serve the power demands of new facilities, water collection and re-use, management of waste and recycling during construction and operational modes and the use of recycled materials in core structure materials such as concrete.

#### Master Plan Review

A Master Plan has been prepared for the project by Populous and was endorsed by WA State Cabinet, November 2010 and the Schematic Design is to follow this document.

#### Orientation to the Playing Pitch

There is no adjustment to the location of the pitch and as such orientation of the eastern stand remains as a replacement of the existing temporary stand.

#### Environmental

The West facing grandstand orientation associated with the requirement to maintain spectator sight lines for sports events will result in limited solar shading by the roof structure when the sun is west of the north/south orientation.

The brief requirement is to provide a grandstand with 80% coverage. Protection from weather from the west will be limited.

The Master Plan allows for a planned 25,000 spectators (permanent) capacity.

Stage 1 works include the following:

- New upper bowl eastern stand;
- New seating and reconfigure of the lower bowl eastern stand;
- Replace temporary scaffold seating with new seating and lower bowl stand extension;
- 2 new LED video display screens to the north and south end of the ground;
- New Open Corporate reserves to back of lower bowl eastern stand;
- First Aid room;
- Merchandise sales points;
- Options for relocating the temporary North East Hill corporate suites;
- Investigation of new seating and reconfiguration of the lower bowl southern stand;
- Investigation of new seating and reconfiguration of the lower bowl northern stand;
- Investigation of storage and facilities under a possible permanent southern stand extension to replace existing temporary stand.

### Corporate Boxes – Open Corporate Reserve (OCR)

The term “corporate box” refers to the open private hospitality space, or Open Corporate Reserve (OCR). These areas are to be provided and fitted out. All boxes are to be provided with access to hydraulic services points, and all required services. Full fit-out within the corporate boxes is to be included.

### General Admission Toilets

Toilet facilities will be distributed around the Stadium concourses for use by general public patrons. These will replace the temporary demountable ablution buildings (which remain the property of the City). Toilets will be provided in accordance with the Football Stadia Development Committee (FSADC) Guidelines 1993. These Guidelines exceed the Building Code of Australia requirements.

All walls are to be finished with ceramic tiles above floor level including all reveals and wall ends. All cubicles are to incorporate laminate heavy duty toilet partitions, tiles to walls behind wash basins, mirrors above hand basins and wall hung hand dryers.

### Entrances and Circulation

All external podiums are to have concrete slabs setdown and graded to falls away for doors.

Turnstile entry locations shall be provided on the Podium Level to the east stand. Mobile turnstiles (10 access entry points) to use Radio Frequency Technology Communications. Each of the mobile turnstiles will be designed to allow all power requirements to be connected under the raised ramped floor between turnstiles.

### Percent for Art

A project budget allowance has been allocated to this project for the integration of Public Art into the built environment of the project.

An Art coordinator is yet to be appointed by Department of Finance.

The Architect will work closely with the coordinator and the City to integrate the requirements of any final artwork into the overall design and in some areas within the architecture of the project.

### Sustainability

The report prepared by Wood & Grieve Engineers outlines sustainability initiatives recommended for the Eastern Stand as Part of Perth Rectangular Stadium Stage 1 Development.

The project ESD objectives are as follows:

- Target 4 star Green Star performance (minimum 45 points);
- Comply with the minimum energy efficiency provisions of BCA Section J;
- Maximise performance against the Sustainability Provisions Reporting checklist.

The Green Star – Public Building (Draft) rating tool, as well as the Consultants Sustainability Reporting Checklist are being used to guide the sustainable design and planning of this project. Both this Checklist and the Green Star Strategy will be revised as the project progresses.

The design team will continue to maximise the sustainability performance of the facility and will investigate means of gaining the additional points within the current cost throughout the next phase of the project. However, as at the end of the Schematic Design phase there is a risk of not achieving the absolute minimum performance without additional expenditure.

This project will **not** be applying for formal Green Star certification. The credit criteria and associated benchmarks have been followed as per the Green Start protocols to maintain integrity of this process.

**Preliminary City of Vincent Comments – Proposed Perth Rectangular Stadium to nib Stadium, No. 310 Pier Street, Perth**

The City's Administration has formed an internal Working Group and has been liaising for several weeks with the Project Architect, consultants and Department of Sport and Recreation Officers. Preliminary comments are as follows:

Planning Services:

- The application is required to be referred to the Western Australian Planning Commission (WAPC), as the development is proposed on Metropolitan Region Scheme (MRS) zoned land. The application will be dealt with by the Development Assessment Panels (DAPs), as it is over \$7 million dollars (\$95,139,000). The City's comments are to be forwarded to the WAPC within 21 days of receipt of the Planning Application, as per the DAPs statutory process.
- The proposal will be required to be advertised to properties within a 500 metres radius, in accordance with the City's Community Consultation Policy for 14 days.
- There are no statutory planning heights or setbacks for the above site, being a Metropolitan Region Reserve, however the full set of plans to be submitted with the planning application will have to be scaled and dimensioned, e.g. height of building from natural ground level, setbacks to each lot boundary.

The full planning assessment will be undertaken, when the planning application is lodged with the City. This is proposed for late November/early December 2011. No specific signage details have been provided, other than what is documented in the schematic Design Report Volume 1.

Heritage Services:

- The application will be required to be referred to the Heritage Council of WA, as the site is on the State Heritage Register.

Technical Services:

The Schematic Design Report is, as the name implies, a report on the likely design of the new eastern stand at nib Stadium. All the details provided, including the scope of works, are wholly within site (as shown in Appendix 14.1 Plan No. 19) and at this time make no assumptions or recommendations as to a construction schedule or methodology. Nor does it suggest that there will be any significant changes to primary access points, be it pedestrians or vehicular traffic, or any adverse impact upon the City's Infrastructure.

If/when a Development Application is submitted, the following supporting documentation would be requested:

- Traffic Impact Assessment
- Construction Management Plan
- Geotechnical Report
- Hydraulic Design (for retention and/or disposal of storm water)
- Transport and Mobility Study (Updated).

Parks and Property Services:

All trees are considered significant. The City's and Heritage Council of WA's approval is required prior to any trees being pruned or recommended for removal.

Building Services:

- The applicant will be required to apply for a Building Licence.
- The building will be required to comply with the Building Code of Australia Requirements, which includes fire protection and provision of facilities for disable persons. No assessment has been made, as the plans are only a concept.

Health Services:

- The redevelopment will need to comply in all aspects with the *Food Act 2008, FSANZ Food Standards Code, Environmental Protection (Noise) Regulations 1997 and Health (Public Buildings) Regulations 1992*;
- Compliance with the requirements of the Department of Racing, Gaming and Liquor; and
- The existing nib Stadium Risk Management Plan, Venue Specific Noise Management Plan and Venue Management Plan must be amended accordingly to reflect the alterations.

**Schedule of Finishes**

A Schedule of Finishes has been provided which lists all of the internal and external finishes. The finishes have been made in accordance with Maintenance Minimisation and Wilful and Accidental Damage Statements.

The stadium internal finishes appear satisfactory.

The external finishes state the pre-cast concrete panels to be;

*"Mixture of textured, coloured and plain. Treated with anti-graffiti paint to a minimum height of 2.7m. No paint finish to external face of concrete".*

A blank concrete wall facing Loton Park is not supported and it is recommended that the Architect be advised as follows:

The blank concrete walls which are visible from the external area of the stadium are to be treated in an artistic or architectural treatment to soften the impact of the exterior walls.

The proposal states that an on-going review of the materials be reviewed and a final Materials board and specification will be provided to the City for approval.

A condition will be included on the Development Application requiring the City's approval of the final Finishes and specifications.

**Negotiations – New Agreement between the State and Allia**

The Draft Lease with the State Government requires the State to assume total responsibility for the Heads of Agreement contracts and Licences. A new Agreement is being negotiated between the State and Allia Venue Management. It is proposed that Allia will remain as Stadium Manager for the remainder of their original Term and this will expire on 6 February 2024. The existing Deeds of Licence (with Perth Glory Football Club, RugbyWA and WARL) will continue until they expire or are terminated.

The City's Chief Executive Officer has been assisting the State and Allia Venue Management in these negotiations and continues to attend meetings at the Department of Premier and Cabinet, in order to assist both parties.

The State Government of Western Australia and the City's Stadium Manager are well advanced in negotiations for a new Heads of Agreement to manage the Stadium on behalf of the State, under the same Terms and Conditions of the existing Heads of Agreement (HOA) between the City and the Manager.

Upon agreement between the City of Vincent, State Government and Allia Venue Management, a new Agreement will be signed between the State and Allia Venue Management.

The City and Allia Venue Management will then contemporaneously sign a Deed of Surrender/Release concerning the existing Heads of Agreement between the two parties.

The City's legal advice recommends that the City not be a party to any new Agreement between the State and Allia Venue Management.

Negotiations between the State and Allia have previously progressed to a stage whereby agreement in principle had been reached and a new draft Agreement had been prepared. However, on 27 October 2011, solicitors acting for Allia wrote to the State and listed a number of key matters (which although previously agreed in principle) are yet to be finally agreed by solicitors for each party.

None of the above items involve the City providing any financial contribution and at the time of writing this report, the State's response to Allia's letter is unknown.

### Indicative Timeline

The Architect has provided the following Indicative Timeline:

Item	Indicative Dates	
	Start	Finish
<b>Selection of Architectural Consultant</b>	<b>Fri 5/8/11</b>	<b>Fri 5/8/11</b>
<b>Brief Finalisation &amp; Team Appointment</b>	<b>Mon 8/8/11</b>	<b>Fri 2/9/11</b>
DHW – Appoint QS	Wed 10/8/11	Tue 23/8/11
DHW – Appoint Project Manager	Wed 10/8/11	Tue 23/8/11
Cox – Tender & Appoint Consultants	Mon 8/8/11	Fri 2/9/11
Re-Confirm Brief and Variation to Scope	Mon 22/8/11	Tue 23/8/11
<b>Schematic Design</b>	<b>Mon 8/8/11</b>	<b>Fri 7/10/11</b>
Schematic Design	Mon 8/8/11	Mon 26/9/11
BMW/DSR Review & Approval to Proceed	Tues 27/9/11	Mon 3/10/11
<b>Design Development</b>	<b>Tue 27/9/11</b>	<b>Mon 30/1/12</b>
Design Development	Tue 27/9/11	Mon 28/11/11
HCWA Interim Register & Development Council Approval Submission	Mon 10/10/11	Fri 11/11/11
FESA Preliminary Approval	Mon 7/11/11	Fri 11/11/11
City of Vincent DA Submission	Mon 7/11/11	Fri 11/11/11
Element Cost Review and Confirmation	Tue 15/11/11	Mon 28/11/11
<b>Contract Documentation/Tender Preparation</b>	<b>Mon 14/11/11</b>	<b>Fri 27/4/12</b>
Authority Approvals – HCWA, CoV, DoP, FESA	Mon 14/11/11	Fri 27/4/12
Bill of Quantities/Pre Tender Estimate	Mon 5/12/11	Tue 14/2/12
BMW/DSR Review & Approval to Proceed	Wed 15/2/12	Tue 28/2/12
<b>Tendering &amp; Award – Main Contract</b>	<b>Wed 29/2/12</b>	<b>Mon 16/7/12</b>
Main Contract – Tender	Wed 29/2/12	Tue 27/3/12
Main Contract – Tender Evaluation	Wed 28/3/12	Tue 24/4/12
Main Contract – Award	Wed 25/4/12	Tue 29/5/12
Main Contract – Commencement	Tue 29/5/12	Tue 29/5/12
Main Contract – Mobilisation	Wed 30/5/12	Tue 12/6/12
Main Contract – Earliest Commencement on site	Mon 16/7/12	Mon 16/7/12

### CONSULTATION/ADVERTISING:

The redevelopment proposal will be advertised in accordance with the City's Community Consultation Policy.

The City has two representatives on the Project Control Group.



### **LEGAL/POLICY:**

The redevelopment will comply with:

- the City's Town Planning Scheme;
- the City's Policies;
- building Code of Australia; and
- Lease between the City and the State (yet to be signed).

### **Land Titles**

Perth Oval and Loton Park comprise of a number of individual titles. The City of Vincent owns the land freehold – however, a significant portion of the land is subject to the Loton Trust – which requires the land to be used in perpetuity for “Recreational Purposes”.

### **Zoning**

Perth Oval and Loton Park are a Reserve under the City of Vincent Town Planning Scheme No. 1 and are zoned “Parks and Recreation” in the Metropolitan Region Scheme. Any redevelopment will require approval of the Western Australian Planning Commission. The proposed redevelopment will require referral to the Development Assessment Panel for consideration and determination.

### **Heritage**

Perth Oval and Loton Park are listed on the State Register for Heritage Places – Western Australia and also on the Interim Register for Aboriginal Heritage sites. As such, approvals from the Heritage Council of Western Australia and Department of Indigenous Affairs will be required for any redevelopment.

### **RISK MANAGEMENT IMPLICATIONS:**

**Low:** The State Government of Western Australia will be fully responsible for the redevelopment, there is low risk to the City.

### **STRATEGIC IMPLICATIONS:**

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

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

### **SUSTAINABILITY IMPLICATIONS:**

The current Stadium is an aged facility with a significant component being of a temporary nature, e.g. scaffold stands, temporary toilets and food and liquor outlets.

The existing grandstand requires considerable annual maintenance and upkeep. This will only continue, as with all ageing infrastructure.

A new Stadium will incorporate many sustainability principles such as photoelectric panels, rainwater tanks for water reuse, modern fixtures and fittings which are water efficient, energy efficient fittings, etc.

**FINANCIAL/BUDGET IMPLICATIONS:**

The City will not be responsible for any financial/costs for the redevelopment as these will be the responsibility of the State Government.

The State Government will pay \$5 million to the City within fourteen (14) days of the Lease being signed.

**COMMENTS:**

The Lease is the culmination of over eighteen months' dialogue with the State Government of Western Australia. The City's Property Consultant's report advises that the State Government's Offer *"is financially reasonable"*. It further advises that *"the State's Offer in Present Value (PV) terms exceeds the upper limit of our initial market rental assessment"*.

The direction of the State Government is in accordance with the Recommendations of the Major Stadia Taskforce which are supported in the main by the Council.

The Lease provides a unique opportunity for the City to remove itself from what is considered to be a State Government responsibility to provide state sporting facilities and major infrastructure, whilst at the same time securing a most reasonable financial deal, which will provide significant benefits to the City of Vincent and its residents.

The protracted negotiations between Allia and the State Government are frustrating and time consuming. However, these are out of the City's control and there is little that the City can do to expedite the process.

At this stage, the proposed redevelopment appears to comply with all of the statutory requirements and no major concerns/issues have been identified.

The concept plans appear to be most satisfactory and accordingly, it is recommended that the Council approves of the Officer Recommendation.

**14.2 CONFIDENTIAL REPORT: Tender No. 435/11 – Approval of Naming Rights for Leederville Oval, No. 246 Vincent Street, Leederville**

<b>Ward:</b>	South	<b>Date:</b>	14 November 2011
<b>Precinct:</b>	Oxford Centre, P4	<b>File Ref:</b>	TEN0444
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	John Giorgi, Chief Executive Officer		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council:

**1. APPROVES of the:**

- 1.1 tender submitted by Medibank Private Ltd for the naming rights of Leederville Oval in accordance with the specifications detailed in Tender No. 435/11 for a five (5) year period (with a five (5) year option); and
- 1.2 name for Leederville Oval to continue to be “Medibank Stadium” for the term of the Naming Rights Agreement; and

**2. AUTHORISES the Chief Executive Officer to:**

- 2.1 prepare the necessary Naming Rights Legal Agreement and the Agreement to include matters as detailed in this report;
- 2.2 sign the Naming Rights Agreement and Affix the Council’s Common Seal (together with the Mayor); and
- 2.3 make public this report, or parts of this report at the appropriate time.

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**COUNCIL DECISION ITEM 14.2**

**Moved Cr Carey, Seconded Cr Harley**

That the recommendation be adopted.

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

**Note: The Chief Executive Officer advised that this report is now released to the public as the Council has determined the matter. However, the dollar amounts are considered “Commercial-in-Confidence”.**

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**PURPOSE OF REPORT:**

The purpose of the report is for the Council to approve of the Tender No. 435/11 – Naming Rights Agreement for Leederville Oval.

**BACKGROUND:**

The tender for the Naming Rights of Leederville Oval closed at 2.00pm on 1 November 2011 and one (1) tender was received from Medibank Private Ltd (who have held the current Naming Rights since February 2006).

**DETAILS:****Tender Evaluation**Selection Criteria

The following weighted criterion was used for the selection of the contractors for this tender.

Criteria	Weighting
Contract Price ( Hourly Rates)	40%
Relevant Experience, Expertise and Project Team	30%
History and Viability of Company	15%
References	15%
<b>Total</b>	<b>100%</b>

Tender Evaluation Panel

The Tender Evaluation Panel consisted of the Chief Executive Officer, John Giorgi and Director Corporate Services, Mike Rootsey.

At the Ordinary Meeting of Council held on 23 August 2005, the Council approved of the previous naming rights Agreement.

Medibank Private secured the sole and prime naming rights to Leederville Oval, which expire on 31 December 2011.

Chief Executive Officer's Comment:

*Medibank Private is a reputable and marketable organisation. Its name is well known throughout Australia. Their financial status is most acceptable. They are most suitable Naming Rights Sponsor.*

**Medibank Private Proposal – Leederville Oval Naming Rights - Benefits and Investment**

City of Vincent/Medibank Private to receive the following Leederville oval branding for naming and logo rights signage in these key areas:

- MEDIBANK PRIVATE Contract is for a five (5) year period commencing 1 January 2012 with a give (5) year option as follows:

**Value of Sponsorship to be provided \$\*\*\*\*\* (excluding GST).**

**Frequency of Financial Reviews**

Medibank will financially review the sponsorship yearly as noted below in relation to WA Football League (WAFL) broadcast rights. Medibank proposes to reassess this sponsorship six (6) months before the completion of the initial term.

**Pre-Determined Financial Increases**

**Year 1:** \$\*\*\*\*\* excluding GST (\$\*\*\*\*\* including GST)

**Year 2:** \$\*\*\*\*\* excluding GST (\$\*\*\*\*\* including GST)

**Year 3:** \$\*\*\*\*\* excluding GST (\$\*\*\*\*\* including GST)

**Year 4:** \$\*\*\*\*\* excluding GST (\$\*\*\*\*\* including GST)

**Year 5:** \$\*\*\*\*\* excluding GST (\$\*\*\*\*\* including GST)

The financial amounts are conditional on the WAFL securing ABC (or an equivalent television broadcaster) telecast of the WAFL home and away season. If the WAFL is unable to secure the rights, the sponsorship investment will be reduced by \$\*\*\*\*\* in each year of the term they are unable to secure boardcast. The City is not aware that the ABC television broadcast will discontinue.

#### **Years Thereafter (if applicable)**

Medibank will reassess the sponsorship six (6) months prior to the completion of the agreement.

#### **Financial Payments in Advance**

Annually – to be invoiced for 1 year's payment at the beginning of each calendar year of the agreement.

#### Chief Executive Officer's Comment:

*The proposed amount is within the "market range" for Naming Rights for a WAFL Oval. The payment arrangement for an annual amount is the same as the existing tender.*

- 3 Year Financial Structure: All three (3) parties receive 33.3% each.

#### Chief Executive Officer's Comment:

*The City's leases with East Perth Football Club and Subiaco Football Club require any monies received from Naming Rights to be equally shared between the City and the two (2) Clubs.*

#### **Capital Works and Maintenance**

##### Capital works which you intend to undertake to the signage during the Contract/Agreement period

Medibank currently has existing signage at Leederville Oval and would continue to use some of this signage during the next term of the sponsorship. Medibank proposes to replace the following existing signage:

- Sign (C) (two (2) signs) – these are banners placed on the ground perimeter fence on the eastern side of the ground, within the "Television area". These do not require planning approval; and
- Projecting Sign (F) – this is a fascia sign on the metal structure at the north-west end of the ground.

Medibank proposes to install new signage as indicated in the tender document as bill posting signs (D). This is a banner hung on the fence behind the goals. Medibank would look into the feasibility of installing monolith sign (E) this is a sign on Vincent Street, which has received planning approval, but was never erected. Medibank will continue to monitor the existing signage at Leederville Oval and replace or clean as necessary.

#### Chief Executive Officer's Comment:

*The signage is the same as the current tender. Planning approval will be required for sign at location (E), if this is progressed by Medibank.*

Any contribution towards the capital works required from the City

Medibank and contractors will require access to Leederville Oval for installation. The City of Vincent approval would be required for any new signage installation (including monolith signage).

Chief Executive Officer's Comment:

*This is acceptable to the City.*

Proposed contribution to sinking fund for major signage maintenance

Medibank will maintain their own signage and cover any costs involved in major signage maintenance

Chief Executive Officer's Comment:

*This is the same as the current tender and is acceptable to the City.*

**Outgoings**

The successful Tenderer agrees to meet all outgoing of the signage and maintain the signage to agreed standards.

Chief Executive Officer's Comment:

*This is the same as the current tender and is acceptable to the City. All signs have been maintained in a good condition.*

**Agreement**

The successful Tenderer agrees to enter into a legal contract/agreement for this tender

Chief Executive Officer's Comment:

*This is the same as the current tender and is acceptable to the City.*

**Naming Rights Agreement**

Medibank will sponsor Leederville Oval and receive the following benefits as per referenced Tender No. 435/11:

- the exclusive right to name Leederville Oval or the ground scoreboard (or both);
- the right to place signage on Leederville Oval buildings and gates and also other locations (subject to Council approval). This signage is to remain in place for the duration of the contract;
- Medibank can refer to itself as a 'sponsor' of East Perth Football Club and Subiaco Football Club;
- all advertising and promotions conducted by the City of Vincent and the tenant Clubs shall refer to Leederville Oval as 'Medibank Stadium';
- the Medibank logo and/or 'Medibank Stadium' should be used in all material relating to Leederville Oval generated by the City of Vincent and the tenant Clubs;
- the rights and entitlements to a 6-person corporate box for each WAFL game and other event held at Leederville Oval;
- three (3) complementary car parking bays at Leederville Oval for events;
- complementary use of the function rooms at Leederville Oval grandstand for promotions (subject to availability);
- promotions – to be entitled to distribute flyers at WAFL games and events to promote the proposed tenderer's products and services;

- promotional services using East Perth Football Club and Subiaco Football Club players (subject to Clubs' prior approval);
- Medibank's name and/or logo to be included on each Club's stationery, newsletters, promotional material, banners, club billboards and the like; and
- Medibank's logo to be included on the Club's player's shorts for all league, reserves and colts teams.

Chief Executive Officer's Comment:

*The above benefits are the same as the current tender and are acceptable to the City.*

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

The tender was advertised and assessed in accordance with the *Local Government Act 1995*.

A legal agreement will be required to be drafted for the naming rights.

The lease between the City and EPFC and SFC allows for the sale of naming rights for Leederville Oval.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** The market is extremely competitive for "blue-chip" naming rights sponsors. The securing of Medibank Private Ltd. is a significant achievement.

**STRATEGIC IMPLICATIONS:**

This proposal is in keeping with the City's Strategic Plan 2011-2016, Key Result Area – 2. Economic Development – 2.1.3(c) – *"Continue to review leases and commercial contracts to ensure the best return for the City, whilst being cognisant of its community service obligations"*.

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

**Value-Added Services to be Provided**

Medibank has a comprehensive football sponsorship portfolio in Western Australia. As a sponsor, Medibank will utilise Leederville Oval in other WA football sponsorship activations. Medibank proposes to offer a corporate health insurance discount to employees of the City of Vincent as well as employees of the two (2) tenant clubs. Utilising its health services capabilities, Medibank can work with the City of Vincent to provide opportunities such as health seminars/health checks to the City of Vincent ratepayers at community events. (Note: fees may apply for such services).

Chief Executive Officer's Comment:

*The City's employees will be advised of the above offer.*

### **On-Going Support to be Provided**

Medibank will continue supporting Leederville Oval and the City of Vincent as it has for the last six (6) years and expand on the support where opportunities are presented. Medibank will work with the City of Vincent to support Leederville Oval when applicable. Medibank will ensure the maintenance and cleaning of the designated signage.

Chief Executive Officer's Comment:

*This is noted.*

### **Sponsor's Expectation of the City**

Medibank expects the City of Vincent to not enter into any other sponsorship with a competitor in health insurance, travel insurance, life insurance, pet insurance or income protection. This would be in regards to Leederville Oval only. The City of Vincent, East Perth and Subiaco Football Clubs will work continuously with Medibank to maximise the positive public relations impact of the sponsorship.

Chief Executive Officer's Comment:

*This condition is accepted, as it is a reasonable request.*

### **Rent**

The annual Club rent is now \$10,700 per annum, due to the CPI increase.

### **Naming Rights**

The net financial annual income of \$\*\*\*\*\* is the City's 1/3 share of the annual amount for Year 1. This is the result of the income now being split three ways instead of the previous four ways. (The previous arrangement involved a third party who secured Medibank as the original Naming Rights. As such, they negotiated a 25% share of the financial return for the original term. This condition is no longer applicable.)

### **COMMENTS:**

The sale of Naming Rights for Leederville Oval will provide income to offset costs required to maintain Leederville Oval as a "Football Centre of Excellence". As stated, Medibank Private is a reputable organisation and their proposal is considered acceptable. Accordingly, it is recommended that the Council approves of the recommendation.



**14.3 CONFIDENTIAL REPORT: LATE ITEM: Withdrawal of the City of Stirling from the Mindarie Regional Council (MRC), Receiving of the Consultants Report and Progress Report No. 7**

<b>Ward:</b>	-	<b>Date:</b>	18 November 2011
<b>Precinct:</b>	-	<b>File Ref:</b>	ORG0087
<b>Attachments:</b>	Confidential: Price Waterhouse Cooper Report Executive Summary (pages 7, 8, 9 and 10) dated 3/8/2011 Confidential: Letter from the COS to MRC dated 21/9/2011		
<b>Tabled Items:</b>	Confidential: Price Waterhouse Cooper Report dated 3/8/2011		
<b>Reporting Officer:</b>	John Giorgi, Chief Executive Officer		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council;

1. **RECEIVES** the Confidential Report No. 2 of the Price Waterhouse Coopers (PwC) dated 3 August 2011, as 'Tabled';
2. **AUTHORISES** the Mayor and the Chief Executive Officer to negotiate the matter, subject to:
  - 2.1 the MRC and all Member Councils jointly continuing to participate in the negotiations in good faith;
  - 2.2 the City of Stirling giving an undertaking that it will not recommence legal action in the Supreme Court during the negotiations; and
  - 2.3 the Council being advised as soon as practicable after the conclusion of the negotiations;
3. **ADVISES** the MRC and Member Councils of the Council's decision; and
4. **NOTES:**
  - 4.1 that a further report will be presented to the Council at the conclusion of the negotiations; and
  - 4.2 the progress of the new Draft Establishment Agreement, as detailed in this report.

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**COUNCIL DECISION ITEM 14.3**

**Moved** Cr Carey, **Seconded** Cr Harley

That the recommendation be adopted.

Debate ensued.

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

**Note: The Chief Executive Officer advised that this report (except for the legal advice, financial details and its implications) is now released to the public as the Council has determined the matter.**

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## **PURPOSE OF REPORT:**

The purpose of this report is to provide a report to the Council concerning the Price Waterhouse Cooper (PwC) Report No. 2, valuing the share of the Mindarie Regional Council (MRC) attributable to the City of Stirling. This is required as part of the process whereby the City of Stirling intends to exit from the MRC.

## **BACKGROUND:**

### **City of Stirling Supreme Court Action**

As previously reported to the Council, as a result of the Supreme Court action initiated by the City of Stirling in mid 2010 and mediation in August 2010, the City of Stirling applied to exit the MRC, as it did not accept a new single fee for tipping costs, imposed by the MRC. Prior to formalising the exit, the MRC is required to determine the assets and liabilities of the MRC. PwC were engaged by MRC to provide a report.

### **Previous Reports to Council**

This matter was previously reported to the Council on 19 April 2011, 24 August 2010, 10 August 2010, 22 June 2010, 8 June 2010 and 11 May 2010.

As the Council now has five (5) new Council Members, the following Council decisions have been provided as background information:

At the Ordinary Meeting of Council held on **19 April 2011** the Council resolved as follows:

*"That the Council:*

- (i) RECEIVES the Report of Price Waterhouse Coopers as shown in Appendix 9.4.4;*
- (ii) APPROVES of the recommended methodology of valuing the Mindarie Regional Council (MRC) by reference to the Discounted Cash Flow method, subject to this being cross checked to alternative valuations methods including both the Net Assets Approach and the Future Maintainable Earnings Approach, enabling Price Waterhouse Coopers to proceed to Stage 2 of the valuation process;*
- (iii) ADVISES the MRC and other Member Councils that it reserves the right to not accept the final figures of the adjustment of the assets and liabilities;*
- (iv) REQUESTS that Price Waterhouse Coopers, in valuing the waste business, to consider and address the following:*
  - (a) in assessing future cash flows, includes whether the MRC will continue to accept non Member waste in future years;*
  - (b) whether the current Member Fee accurately reflects the "cost recovery" intention of the pricing of Member tipping fees;*
  - (c) clarification that the land upon which the MRC operates (Tamala Park), which is owned by the Member Councils, but leased to the MRC, is to be sold/given up by the City of Stirling; and*
  - (d) identify how the Consultant intends to value the residual liability that may occur should pollutants occur in future years, post closure, or to factor in future legislative requirements which may impact on the cost of remediation of the Tamala Park site, or any other such landholdings associated with the MRC;*

- (v) *AGREES to vary the Supreme Court Action CIV 1620 of 2010 Heads of Agreement and AUTHORISES the Chief Executive Officer to:*
- (a) *negotiate beyond 30 April 2011 to 30 September 2011 subject to:*
1. *the MRC and all Member Councils jointly continuing to participate in negotiations in good faith beyond 30 April 2011;*
  2. *the City of Stirling giving an undertaking that it will not recommence legal action in the Supreme Court during the extended period referred to in clause (v)(a); and*
  3. *advising the Council of the progress as soon as practicable after 30 June 2011;*
- (b) *write to the MRC and Member Councils to advise of the Council's decision; and*
- (vi) *NOTES that:*
- (a) *the Member Councils are considering a new Establishment Agreement for the MRC, to be used after the City of Stirling has exited the MRC and AUTHORISES the Chief Executive Officer to negotiate the draft Establishment Agreement, subject to the final approval of the Council; and*
- (b) *a further report will be presented to the Council concerning Stage 2 of the Consultancy."*

At the Ordinary Meeting of Council held on **24 August 2010** the Council resolved as follows:

*"That the Council NOTES that:*

- (i) *all the Mindarie Regional Council (MRC) Member Councils have CONSENTED to the withdrawal of the City of Stirling from the MRC subject to, and conditional upon, compliance with and agreement on, those matters required by the Mindarie Regional Council Establishment Agreement (as amended) and Section 699(3) of the Local Government Act 1960;*
- (ii) *the MRC has resolved to pay its own costs of the Courts proceedings in the City of Stirling Supreme Court action CIV 1620 of 2010 against the MRC and other Member Councils;*
- (iii) *the Chief Executive Officers of the MRC and Member Councils met on Tuesday 17 August 2010 to prepare a strategy and Implementation Plan to facilitate the withdrawal of the City of Stirling from the MRC; and*
- (iv) *further reports will be submitted to the Council as the matter is progressed."*

At the Ordinary Meeting of Council held on **10 August 2010** the Council resolved as follows:

*"That the Council;*

- (i) *NOTES:*
- (a) *the progress of the City of Stirling Supreme Court action CIV 1620 of 2010 against the Mindarie Regional Council (MRC) and other Member Councils as detailed in this report;*
- (b) *the outcome of the compulsory Mediation Conference held on 3 August 2010, as detailed in this report;*

- (c) *that this resolution is not intended to and does not take effect unless the MRC and each Participant in the MRC pass the resolutions required by the Heads of Agreement, as shown in Appendix 14.1, on or before 12 August 2010; and*
- (d) *the decision passed by the City of Stirling at its Special Meeting of Council held on 5 August 2010, as detailed in this report;*
- (ii) *AGREES to settle Supreme Court action CIV 1620 of 2010 commenced by the City of Stirling against the MRC and Ors (Proceedings) on the basis that each party pay its own costs of the Proceedings and otherwise on the basis set out in the Heads of Agreement dated 3 August 2010 signed by the Chief Executive Officers of the respective Parties;*
- (iii) *CONSENTS to the proposed withdrawal of the City of Stirling from the MRC subject to, and conditional upon, compliance with and agreement on, those matters required by the Mindarie Regional Council Establishment Agreement (as amended) and Section 699(3) of the Local Government Act 1960;*
- (iv) *NEGOTIATES in good faith with the City of Stirling, the MRC and the other participants in the MRC during the period until 30 April 2011, as to the adjustment of Assets and Liabilities of the MRC, consequent upon the City of Stirling withdrawing from the MRC;*
- (v) *AUTHORISES the Chief Executive Officer to negotiate with the MRC and other participants in the MRC as to the adjustment of the Assets and Liabilities of the MRC (as specified in clause (iv) above) and provide a further report for the consideration of the Council; and*
- (vi) *ADVISES the MRC and other Member Councils of its decision."*

**DETAILS:**

In accordance with clause (v) of the Council decision of the Ordinary Meeting of Council held on 10 August 2010 as referred to above, Price Waterhouse Coopers (PwC) were appointed by the MRC in December 2010 to assist the MRC and its Members in the calculation of the worth of the City of Stirling's share of the MRC.

**Valuation Exercise**

The valuation exercise has been undertaken in two stages as follows:

Report – Stage 1

Preparation of a Preliminary Report for the identification of a preferred method of valuation with a detailed description of the various methods concerned and the rationale for the preferred choice. The brief required that MRC and the Member Councils agree to this methodology prior to the commencement of Stage 2.

Report – Stage 2

Preparation of a Final Report based on the methodology from Stage 1 containing a valuation of the current and future rights and obligations, including assets and liabilities of the MRC and a financial assessment containing recommendations concerning the necessary financial adjustments.

Each Member Council was requested to seek individual Council endorsement of the methodology proposed by the PwC Consultants before commencement of Stage 2 – being the actual valuation.

The Stage 1 Report was provided to the Member Council's Chief Executive Officer Group in March 2011 and reported to the Council at the Ordinary Meeting of Council held on 19 April 2011, whereby the Council conditionally approved the matter.

The PwC Consultant's Report Stage 2 provides the preferred valuation method to be undertaken. A full copy of the Report is 'Tabled'. This report is to remain confidential.

The Executive Summary of the PwC Report pages 7, 8, 9 and 10 is particularly relevant to this report and is attached as Appendix 14.3A.

*Chief Executive Officer's Comments – Analysis of Methodology:*

***Information Confidential.***

#### **Action Taken Since 19 April 2011**

1. The Supreme Court proceedings have been adjourned as per the Heads of Agreement, pending the outcome of finalising the exit Agreement for City of Stirling.
2. The Chief Executive Officer's of the MRC and Member Council's have continued to meet on a regular basis to progress the Implementation Plan to facilitate the withdrawal of the City of Stirling from the MRC.
3. The Member Councils Chief Executive Officer's (excluding the City of Stirling) agreed that:
  - (a) it was preferable that a new Establishment Agreement be drafted (as opposed to a variation to the current Constitution) – this is concurrently being progressed;
  - (b) Squire Saunders (previously Minter Ellison) Solicitors have been retained to provide legal advice as required, on a cost share basis (as they have considerable background knowledge in the matter); and
  - (c) regular meetings have been held to progress the matter.

#### **The View of the City of Vincent Chief Executive Officer and Other Member Councils**

On 27 October 2011 the City's Chief Executive Officer wrote to the MRC and other Member Council Mayors and Chief Executive Officers (including the COS) to ascertain whether there is support for "non legal mediation".

***Information Confidential.***

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

Not applicable.

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

The procedure for a Member to exit a Regional Council is to follow the process outlined in Section 699 of the Local Government Act 1960 prescribed. It is for each Member of the Regional Council to accept or reject the procedure.

### **Supreme Court Action – Heads of Agreement**

At the Ordinary Meeting of Council held on 10 August 2010 the Council considered this matter and noted the Heads of Agreement reached in the Supreme Court Proceedings as follows:

*“That Council:*

1. *agree to settle Supreme Court action CIV 1620 of 2010 commenced by the City of Stirling (**Proceedings**) on the basis that each party pay its own costs of the Proceedings and otherwise on the basis set out in the Heads of Agreement dated 3 August 2010 signed by [name of signing] and others;*
2. *consent to the proposed withdrawal of the City of Stirling from the Mindarie Regional Council subject to and conditional upon compliance with, and agreement on those matters required by, the Mindarie Regional Council Establishment Agreement (as amended) and s699(3) of the Local Government Act 1960;*
3. *during the period until 30 April 2011, negotiate in good faith with the City of Stirling, the Mindarie Regional Council and the other participants in the Mindarie Regional Council as to the adjustment of assets and liabilities of the Mindarie Regional Council between consequent upon City of Stirling withdrawing from the Mindarie Regional Council;*
4. *note that this resolution is not intended to and does not take effect unless the Mindarie Regional Council and each Participant in the Mindarie Regional Council pass the resolutions required by the Heads of Agreement on or before 12 August 2010.”*

### **City of Vincent Exemption from MRC**

On 30 October 2007, the MRC wrote to the City (Town at the time) to advise as follows:

*“This is to advise that the Mindarie Regional Council, at its Ordinary Council Meeting on 11 October 2007 resolved as follows:*

*That Council:*

- (i) *Approve the request from the Town of Vincent for exemption from disposal of all or part of its waste at Mindarie Regional Council facilities, should the Town of Vincent identify an alternative option for disposal of its waste;*
- (ii) *Expresses disappointment at this request from the Town of Vincent at this late stage of the project.”*

### **Withdrawing from the MRC – Legal Matters**

The matter is summarised as follows;

1. The first step for a Participant wishing to withdraw is for that Participant to give a request to the Minister and to the other Participants and to the MRC.
2. In the 12 month period following the giving of the request, the Minister can only make a recommendation to the Governor for a withdrawal Order if:
  - (a) the MRC and the Participant (which wishes to withdraw) have entered into an agreement about the adjustment of assets and liabilities (in the event that withdrawal is ordered); and
  - (b) the continuing Participants have entered into an agreement to vary the establishment agreement with respect to financial contributions and the number of regional councillors (in the event that withdrawal is ordered); and
  - (c) the two agreements are considered satisfactory by the Minister and are approved by the Minister.

3. The adjustment of assets and liabilities is a matter for agreement between the participant and the MRC. There is no "formula" for the adjustment, rather it is a matter for agreement.
4. In the event that, after the 12 month period, either or both of the required agreements is not entered into or either agreement is not considered satisfactory by the Minister, then the Minister can take one of the alternative courses of action referred to above.

### **New Establishment Agreement**

Each of the Member Councils recognise that the current Regional Council Constitution is complex and cumbersome and that a new Establishment Agreement is necessary. The new Establishment Agreement has been drafted and includes (but not limited to) the following clauses:

- Purpose and Objectives;
- Definitions;
- Appointment of Members;
- Contributions to a Budget Deficit;
- Dealing with a Surplus of Funds;
- Winding Up Procedures;
- Withdrawal of a Participant;
- Meetings;
- Borrowings;
- Obligation to Deliver Waste;
- Exemptions; and
- Dispute Resolution Procedures.

Chief Executive Officer's Comment:

*The Draft Establishment Agreement has now progressed to an advanced Stage and is currently being reviewed by the Member Council Chief Executive Officer's.*

*Once this has occurred, it will be presented to the MRC for adoption. Thereafter it will be forwarded to the Member Councils for consideration.*

### **RISK MANAGEMENT IMPLICATIONS:**

**Very High:** The formal agreement to allow the City of Stirling to exit the MRC requires all six Member Councils to agree upon the adjustment of the assets and liabilities of the MRC. The matter is complex and there is little precedent, which can be used as a guide. It is doubtful that agreement will be reached and the risk of the recommencement of the Supreme Court Action remains a reality.

### **STRATEGIC IMPLICATIONS:**

The proposal is in accordance with the following objective of the City's Strategic Plan 2011 - 2016 Key Result Area 1.1.3: "Take action to reduce the City's environmental impacts and provide leadership on environmental matters"; (g): "Create, promote and facilitate more efficient management of waste".

### **SUSTAINABILITY IMPLICATIONS:**

Nil.

### **FINANCIAL/BUDGET IMPLICATIONS:**

The financial implications relate to the impact of the potential change in ownership of the MRC. The **valuation of the MRC** net assets have different values, depending upon the **calculation** method used (as detailed in this report).

If the City of Stirling is to withdraw from the MRC, they will be entitled to receive its proportional share of the assessed value of the Regional Council.

On 21 September 2011, the City of Stirling wrote to the MRC (and copied Member Councils) and a copy is attached at Appendix 14.3B.

In summary, the COS resolved as follows:

*“At its Full Council meeting held 13 September 2011, the Council passed the following motion:*

1. *that the Council NOTES the Stage 2 Report of PricewaterhouseCoopers in Attachment 1.*
2. *That the Council APPROVES the valuation of the City’s shareholding in Mindarie Regional Council as outlined in the officer’s report.*
3. *That the Council APPROVES the discount on the valuation as outlined in the officer’s report and authorises the Mayor and Chief Executive Officer to negotiate to finalise the valuation.*
4. *As part of the withdrawal process Council AUTHORISES the Chief Executive Officer to withdraw the City’s guarantee with respect to the BioVision contract.*
5. *That Council APPROVES the retention of the City’s shareholding in the land at the Tamala Park site, which includes the Mindarie Regional Council landfill operations and the buffer zone, which is jointly owned by the participants of the Mindarie Regional Council.”*

#### **Legal Costs to Date**

The City’s legal costs to date are as follows:

<b>YEAR</b>	<b>COST</b>
2010 – 2011	\$50,931
2011 – 2012	\$6,315

#### **COMMENTS:**

##### ***Information Confidential.***

To fulfil the City’s obligation to negotiate in good faith it is proposed that the City advise the other participants and MRC that the City supports the matter to be negotiated in a non-legal manner, prior to re-engaging solicitors to finalise the conditions to be agreed.

In view of the above, the Council’s approval of the Officer Recommendation is requested.



**14.4 CONFIDENTIAL REPORT: LATE ITEM: 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 DR 264 of 2011**

<b>Ward:</b>	South	<b>Date:</b>	21 November 2011
<b>Precinct:</b>	Claisebrook Road North; P15	<b>File Ref:</b>	PRO4024; 5.2011.243.1
<b>Attachments:</b>	CONFIDENTIAL: Proposed Conditions submitted by Allering and Associates No. 71 Edward Street, Perth		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	B Doyle, Director Planning Solutions (nominated consultant)		
<b>Responsible Officer:</b>	H Smith, Manager Planning and Building Services		

In accordance with the Council's Policy No. 4.1.23 State Administrative Tribunal, this report has been prepared by Planning Solutions – Town Planning Consultants for the Council, in respect to reconsideration of this matter currently at the State Administrative Tribunal.

**CONSULTANT RECOMMENDATION:**

That the Council;

1. **REFUSES** the development application relating to the Hanson concrete batching plant for the following reasons:
  - 1.1 the removal of the condition for the expiry of the current approval on 26 June 2012 would potentially result in the plant remaining in its current location for an indefinite period when this would be inconsistent with the future amenity of the locality as it transitions to a predominantly mixed use residential/commercial area;
  - 1.2 the plant poses an impediment to the appropriate and planned regeneration of the locality to a mixed use residential/commercial area; and
  - 1.3 the noise, dust and traffic impacts caused within the locality by the operations of the plant and the associated movement of trucks to and from the plant have a negative impact on the amenity of the locality which will become increasingly unacceptable as the locality transitions to a predominantly mixed use residential/commercial area;
  
2. At the hearing of this matter, **REQUESTS** that the Tribunal **RECOMMENDS** to the Minister that he determine the proceedings on the basis that, in accordance with the provisions of the East Perth Redevelopment Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application submitted by Allering & 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:
  - 2.1 this approval is granted for a term expiring five (5) years from the date of the Minister's approval;
  - 2.2 this approval authorises concrete batching operations and access to the site by trucks and semi-trailers at any time between Monday and Saturday inclusive;

- 2.3** there is to be no access to the site by trucks and semi-trailers on Sundays or public holidays;
- 2.4** within one calendar month of the issue of the approval, the applicant shall update the Management Plan dated April 2010, or submit a management plan to the City of Vincent which addresses the following matters:
  - 2.4.1** noise management for on-site activities;
  - 2.4.2** 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;
  - 2.4.3** 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;
  - 2.4.4** 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
  - 2.4.5** a review of the management plan after the first 12 months from the date of submission and yearly thereafter;
- 2.5** 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 alternate Noise Management Plan endorsed by the City, including in particular, but without limitation the following:
  - 2.5.1** control/reduction of noise emitted from the site and activities associated with the site;
  - 2.5.2** maintenance of plant/mechanical equipment and application of inspection schedules to ensure optimal, quiet working order;
  - 2.5.3** 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;
  - 2.5.4** induction and training of workforce to promote compliant operation, in accordance with the Noise Management Plan;
  - 2.5.5** detail the methods of ongoing 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);
  - 2.5.6** complaint response methods, including short and long term abatement measures and record keeping; and
  - 2.5.7** details of staff member(s) accountable for overseeing compliance with the Noise Management Plan;

- 2.6 prior to the issue of a building licence for this development, the following shall be submitted to and approved by the City:

2.6.1 The applicant shall submit an amended plan detailing:

A minimum of two significant design features being incorporated in the proposed façade fronting Lord Street to reduce the visual impact on the streetscape, to the satisfaction of the Chief Executive Officer;

2.6.2 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;

2.6.3 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:

- (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

2.6.4 A Decommissioning Plan that addresses:

- (a) the staging and timing of ceasing of operations by the end of the five (5) year term and the removal of plant from the site; and
- (b) the remediation of the site; and

3. The conditions set out in paragraph 2 may be varied prior to the SAT 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.

**Moved Cr Carey, Seconded Cr Harley**

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

“That the Consultant Recommendation be amended to read as follows (and the remaining clauses 2.3 to 3 (inclusive) be deleted):

That the Council:

1. **REFUSES** the development application relating to the Hanson concrete batching plant for the following reasons:
  - 1.1 the removal of the condition for the expiry of the current approval on 26 June 2012 would potentially result in the plant remaining in its current location for an indefinite period when this would be inconsistent with the future amenity of the locality as it transitions to a predominantly mixed use residential/commercial area;
  - 1.2 the plant poses an impediment to the appropriate and planned regeneration of the locality to a mixed use residential/commercial area; and
  - 1.3 the noise, dust and traffic impacts caused within the locality by the operations of the plant and the associated movement of trucks to and from the plant have a negative impact on the amenity of the locality which will become increasingly unacceptable as the locality transitions to a predominantly mixed use residential/commercial area;
2. At the hearing of this matter, **REQUESTS** that if the Tribunal proceeds with recommending APPROVAL to the Minister that he determine the proceedings on the basis that, in accordance with the provisions of the East Perth Redevelopment Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** 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~~ that the Council **STRONGLY REQUESTS** that it be subject to the following conditions:
  - 2.1 the approval ~~is~~ shall be granted for a term not exceeding expiring five (5) years from the date of the Minister’s approval; and
  - 2.2 any other conditions regulating the operations and monitoring of the Plant as specified by the Council and which will be provided to the Tribunal on or before 3 February 2012.”

Debate ensued.

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

**COUNCIL DECISION ITEM 14.4**

That the Council:

1. **REFUSES** the development application relating to the Hanson concrete batching plant for the following reasons:
  - 1.1 the removal of the condition for the expiry of the current approval on 26 June 2012 would potentially result in the plant remaining in its current location for an indefinite period when this would be inconsistent with the future amenity of the locality as it transitions to a predominantly mixed use residential/commercial area;
  - 1.2 the plant poses an impediment to the appropriate and planned regeneration of the locality to a mixed use residential/commercial area; and
  - 1.3 the noise, dust and traffic impacts caused within the locality by the operations of the plant and the associated movement of trucks to and from the plant have a negative impact on the amenity of the locality which will become increasingly unacceptable as the locality transitions to a predominantly mixed use residential/commercial area;
2. At the hearing of this matter, **REQUESTS** that if the Tribunal proceeds with recommending **APPROVAL** to the Minister that he determine the proceedings on the basis that, in accordance with the provisions of the East Perth Redevelopment Scheme No. 1 and the Metropolitan Region Scheme, the application submitted by Allerdig & 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, that the Council **STRONGLY REQUESTS** that it be subject to the following conditions:
  - 2.1 the approval shall be granted for a term not exceeding five (5) years from the date of the Minister's approval; and
  - 2.2 any other conditions regulating the operations and monitoring of the Plant as specified by the Council and which will be provided to the Tribunal on or before 3 February 2012.

**Note: The Chief Executive Officer advised that this report (except for the legal advice and its implications) is now released to the public as the Council has determined the matter.**

<b>Landowner:</b>	Hanson Construction Materials Pty Ltd
<b>Applicant:</b>	Allerdig and Associates
<b>Zoning:</b>	Metropolitan Region Scheme: Urban East Perth Redevelopment Scheme No. 1-Residential R80
<b>Existing Land Use:</b>	Concrete Batching Plant
<b>Use Class:</b>	General Industry
<b>Use Classification:</b>	"Unlisted" in the East Perth Redevelopment Scheme
<b>Lot Area:</b>	3841 square metres
<b>Right of Way:</b>	Not applicable

**PURPOSE OF REPORT:**

To update the Council on the above review application and to comply with the requirements of the City's Policy/Procedure for the State Administrative Tribunal (SAT). The proposal also requires referral to Council to provide instruction in preparation for the next Direction Hearing on 2 December 2011 and final hearing before the State Administrative Tribunal.

**BACKGROUND:**

The Council initially considered the matter as a confidential item at its Ordinary Meeting held on 26 July 2011, and resolved as follows:

*"That the Council;*

1. *SEEKS an urgent deputation before the Honourable Minister for Planning; Culture & the Arts; Science & Innovation John Day, to discuss the planning applications for Holcim and Hanson Concrete Batching Plants in East Perth;*
2. *INSTRUCTS the City's legal representative to write to the Honourable Minister seeking his agreement for the Council to engage in mediation;*
3. *CONSIDERS the matter at its Ordinary Meeting to be held on 9 August 2011;*
4. *AUTHORISES the Chief Executive Officer to make public the Confidential Report, or any part of it, at the appropriate time; and*
5. *APPROVES of the deputation to the Honourable Minister for Planning; Culture & the Arts; Science & Innovation John Day to comprise as follows:*
  - *Deputy Mayor Sally Lake;*
  - *Cr Warren McGrath (if available from leave of absence);*
  - *Cr Joshua Topelberg (if Cr McGrath is unavailable);*
  - *Chief Executive Officer, John Giorgi JP; and*
  - *Director Development Services, Rob Boardman."*

**Meeting with Minister for Planning – 27 September 2011**

In accordance with clause 5 of the Council's resolution, the City's representatives (Mayor Catania, Cr Lake, Cr McGrath and the Chief Executive Officer, Mr J. Giorgi) met with Minister John Day and his staff on 27 September 2011, where the Minister and his staff were advised of matters being mediated at the State Administrative Tribunal, and that both batching plants should be rejected and relocated. The Minister was also advised that residents/business operators who attended a public meeting strongly opposed the continuation of both batching plants.

The Minister advised that he was aware of the issues and that due process at the SAT had to be followed.

***Information Confidential.***

**LEGAL/POLICY:**

East Perth Redevelopment Scheme No. 1.

**RISK MANAGEMENT IMPLICATIONS:**

**High:** This matter is the subject of considerable community interest in the local area. It is important for the Council to determine a position in this sensitive matter, to provide instruction for the City's representatives to prepare for and conduct a final hearing, and provide recommended conditions to the Minister.

**STRATEGIC IMPLICATIONS:**

The City's *Strategic Plan 2011-2016* - Objective 1 states:

*"Natural and Built Environment*

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

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

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

The City will be represented by McLeod's Lawyers and Planning Solutions (Planning Consultant) at the State Administrative Tribunal.

The City's Budget 2011/2012 includes the following funding allocations:

ITEM	AMOUNT BUDGETED	EXPENDITURE TO DATE (as at 18 November 2011)
City Planning SAT Matters	\$40,000	* \$61,693.77
City Planning Legal Expenses	\$20,000	* \$7,250
Building Services Legal Expenses	\$10,000	\$10,405

(\* Awaiting further invoices)

**COMMENT:**

*Information Confidential.*

**PROCEDURAL MOTION**

**At 9.59pm** Moved Cr Topelberg, Seconded Cr Buckels

That Council resume an “open meeting”.

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

**15. CLOSURE**

**There being no further business, the Presiding Member, Mayor Hon. Alannah MacTiernan, declared the meeting closed at 9.59pm with the following persons present:**

Mayor Hon. Alannah MacTiernan	Presiding Member
Cr Matt Buckels	North Ward
Cr John Carey	South Ward
Cr Roslyn Harley	North Ward
Cr Warren McGrath ( <i>Deputy Mayor</i> )	South 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 or Journalists were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 22 November 2011.

Signed: .....Presiding Member  
Mayor Hon. Alannah MacTiernan

Dated this ..... day of ..... 2011