CITY of PERTH

COUNCIL MINUTES

16 NOVEMBER 2010

THESE MINUTES ARE HEREBY CERTIFIED AS CONFIRMED

PRESIDING MEMBER'S

SIGNATURE

DATE:----------

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Minutes of the **Ordinary Meeting** of the Council of the City of Perth held in the Council Chamber, Ninth Floor, Council House, 27 St Georges Terrace, Perth, on **Tuesday, 16 November 2010.**

Presiding:	**The Rt Hon Lord Mayor, Ms Lisa Scaffidi**
Councillors Present:	**Butler, Davidson, Limnios, McEvoy, Rodgers and Tognolini**

In Attendance:

Frank Edwards	**-**	**Chief Executive Officer**
Robert Mianich	**-**	**Director Corporate Services**
Doug Forster	**-**	**Director Business Units**
Russell Kingdom	**-**	**Acting Director Planning and Development**
Garry Dunne	**-**	**Director Service Units**
Sally Peters	**-**	**Acting Manager Approval Services**
Grant Bradbrook	**-**	**Manager Corporate Support**
Natasha Hilton	**-**	**Governance Coordinator**
Peter Jackson	**-**	**Media Liaison Coordinator**
Paul Anastas	**-**	**Personal Aid/Chauffeur**

Observers:

Nineteen members of the public.
Three members of the press.

584/10 PRAYER

The Lord Mayor took the Chair and the prayer was read by the Chief Executive Officer.

585/10 DECLARATION OF OPENING

The Lord Mayor declared the meeting open at 6.02pm.

586/10 APOLOGIES

Cr Liu

587/10 QUESTION TIME FOR THE PUBLIC

The Chief Executive Officer advised that the following questions had been received.

Mr John Rees in relation to **Item 3 – 130B (Lot 100) Mounts Bay Road, Corner Cliff Street, Perth – Reconsideration of Proposed Nine Level Commercial Development Containing a Retail Tenancy, Office Tenancies and 65 Tenant Car Parking Bays.**

TRIM reference: 145646/10

Question 1: **Councillors, the State Administrative Tribunal states a, "lack of consistency" in decision making to do with the development at 130B Mounts Bay Road. Are you and SAT aware that the Developer was the most "inconsistent" because of gross mistakes to do with height of the Adelphi building, giving a much reduced impact on the escarpment? Why then wasn't the application, given the sensitivity of the site, totally rejected and the developer made "to get it right"?**

Answer: The Chief Executive Officer responded that the correct height of the Adelphi building was noted on both the plans as well as within the report considered by the Council at its meeting held on 3 August 2010.

Question 2: **Councillors, in particular, Cr Butler, recently you rejected a proposal to put turbines on roofs because of noise and views. Why would you support this development when faced with the same issues? My bedroom window will be 3 metres from a noisy, clanking, car stacker as will 60 other units. The escarpment will be totally dominated by the building.**

Answer: The Chief Executive Officer responded that the comments made will be considered as part of the Council's deliberations on this item.

Question 3: **Councillors, there have been many exaggerations to do with this development, some of them coming from Councillors who support the development, eg Adelphi having 30 car bays etc. Why isn't there a single source of information to do with these projects, so Councillors don't embarrass themselves and make mistakes, by not having the right information?**

Answer: The Chief Executive Officer responded that the report on the item provides all necessary and relevant information on the matter and all details will be considered by the Council as part of its deliberations on the item.

Patricia Forehan in relation to **Item 3 – 130B (Lot 100) Mounts Bay Road, Corner Cliff Street, Perth – Reconsideration of Proposed Nine Level Commercial Development Containing a Retail Tenancy, Office Tenancies and 65 Tenant Car Parking Bays.**

TRIM reference: 145647/10

Question 1: **Could Councillors Butler and McEvoy advise this meeting whether at any time during the 2007-2008 design approval process of the development application for 130B Mounts Bay Road, that the Applicant, Owner of the land or any persons associated with them, advised them of the fact that at least one of heights of the adjoining buildings had been misrepresented in the development application?**

Answer: The Chief Executive Officer responded that there is no detailed record of debate and discussion at Committee meetings. However, the report submitted to the Planning Committee at its meeting held on 12 February 2008 clearly states that the height variation being sought against the City Planning Scheme No. 2 for the proposed development at 130B Mounts Bay Road was 12.2 metres higher than the scheme permits for this site.

Question 2: **If Councillors Butlers and McEvoy had so been advised, did the Councillors duly pass on that information to the Council or make this knowledge publically available so that the impact of such a misrepresentation could be taken into account when assessing the merits of the development application?**

Answer: The Chief Executive Officer responded that all Councillors are individually required to familiarise themselves with contents of reports and make their own decision based on all the inputs that they receive, on planning grounds.

Question 3: **In February 2001 Council approved a Development Application for 130B Mounts Bay Road which was lodged by Perrine & Birch being the Applicant and in which it was stated that the owners of the property, were Swanhill Enterprises Pty Ltd, when in fact, the date of sale recorded at Landgate for that property to Swanhill Enterprises Pty Ltd for the sale price of $1,130,000.00 was some two months later on the 10th May 2001 (after Development approval was granted).**

Previously, In March 2000, a Development Application was lodged by MacCormac Architects stating that Leucio Leo Mostacciuoloto was the owner of the property, Landgate records support the information provided in that application.

Could the Council please clarify whether a Development Application and any subsequent approvals are deemed to be valid if application has been made in the names of incorrect parties?

Answer: The Chief Executive Officer responded that the validity of any subsequent development approval is not dependent upon, or in any way subject to, the information provided in previous applications. Therefore subsequent approvals would be valid if the information provided in those applications was correct. It is also worth noting that while the landowners consent is required in submitting an application, a development application can be made on behalf of another party.

Also, any development approval which has not been acted upon or substantially commenced lapses two years after the approval date.

Greg Rowe, Greg Rowe and Associates in relation to **Item 3 – 130B (Lot 100) Mounts Bay Road, Corner Cliff Street, Perth – Reconsideration of Proposed Nine Level Commercial Development Containing a Retail Tenancy, Office Tenancies and 65 Tenant Car Parking Bays.**

TRIM reference: 145649/10

Question 1: **Is Council aware that the statutory planning regime has not changed since the initial approval of the proposal by Council at its Ordinary Council Meeting of 19 February 2008, and the legal advice provided to assist in the reconsideration of the proposal indicates that if there is no change to the statutory planning regime, and the same development is proposed, then consistency would require the development to be approved in similar terms to the 2008 approval?**

Answer: The Chief Executive Officer responded yes the Council is aware of legal advice that has been provided to the applicant and the Council.

Question 2: **Is Council aware that costs may be awarded to the Applicant should the Application for Review be upheld in the State Administrative Tribunal?**

Answer: The Chief Executive Officer responded that yes the Council is aware and those comments are included in the agenda item 3 before the Council tonight.

588/10 MEMBERS ON LEAVE OF ABSENCE AND APPLICATIONS FOR LEAVE OF ABSENCE

The Chief Executive Officer advised that:-

1. A leave of absence had previously been granted to Cr Evangel for the period 26 October to 20 November 2010 inclusive.

2. A request for leave of absence had been received from Cr McEvoy for the period 22 November to 26 November 2010 inclusive.

Moved by Cr Tognolini, seconded by Cr Davidson

That the request for leave of absence from Cr McEvoy for the period 22 to 26 November 2010 inclusive, be approved.

The motion was put and carried

The votes were recorded as follows:-

For: **The Lord Mayor, Crs Butler, Davidson, Limnios, McEvoy, Rodgers and Tognolini**

Against: **Nil**

589/10 CONFIRMATION OF MINUTES

The minutes of the Ordinary Meeting of the Council held on 26 October 2010 were submitted for consideration.

Moved by Cr Davidson, seconded by Cr Butler

That the minutes of the Ordinary Meeting of the Council held on 26 October 2010, be confirmed as a true and correct record.

The motion was put and carried

The votes were recorded as follows:-

For: **The Lord Mayor, Crs Butler, Davidson, Limnios, McEvoy, Rodgers and Tognolini**

Against: **Nil**

The minutes of the Special Meeting of the Council held on 2 November 2010 were submitted for consideration.

Moved by Cr Davidson, seconded by Cr McEvoy

That the minutes of the Special Meeting of the Council held on 2 November 2010, be confirmed as a true and correct record.

The motion was put and carried

The votes were recorded as follows:-

For: The Lord Mayor, Crs Butler, Davidson, Limnios, McEvoy, Rodgers and Tognolini

Against: Nil

590/10 ANNOUNCEMENTS BY THE LORD MAYOR

The Lord Mayor advised that:-

- On 29 October 2010 the City of Perth was presented with an award for Planning Excellence from the Planning Institute of Australia – Western Australia, in the category of 'Urban Design Plans and Ideas' for its submission “What If – Ideas for the City of Perth”. The 'What if' project was then awarded the State’s highest award – the President’s Award – which means it will now go through for consideration in the national awards.

- A certificate from the American Chamber of Commerce in recognition of the support provided by City of Perth had been received.

- Official guests attending the meeting were from the Perth Lions Club Executive as follows:-

  - President Lion – Luen Chicote
  - 1st Vice President Lion – Noel Smith
  - Treasurer Lion – Tony Pallotta
  - Secretary Lion – Joe Potter
  - Director Lion – Murray Fletcher
  - Director Lion – Max Lurie
  - Director Lion – Halina Young.

591/10 DISCLOSURE OF MEMBERS’ INTERESTS

The Chief Executive Officer advised that the following Member had disclosed an interest.

Member/Officer	Minute No.	Page No.	Nature of Interest
Cr Tognolini	598/10	12	Proximity

592/10 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

593/10 CORRESPONDENCE

The Chief Executive Officer advised that correspondence had been received as follows:-

1. The applicant for a heritage grant at 119-123 Barrack Street advised that he wished to withdraw his application for a grant as listed in Item 8 - 2010 Heritage Grant Applications. It would therefore be recommended that this item be amended to remove part 1.3 of the recommendation.

2. A letter had been received from Dr Margaret Collins relating to Item 3 – 130B Mounts Bay Road, objecting to the proposed development. A copy of this correspondence had been circulated to all Elected Members.

594/10 PETITIONS

The Chief Executive Officer advised that a petition containing 31 signatures, had been received from Ms Clairly Lance on behalf of the residents of Old Belvidere Promenade relating to parking meters. The petition, which had been circulated to all Elected Members, reads as follows:-

"We the residents of Old Belvidere Promenade firmly object to any parking ticket machines or parking meters being placed in front of any residential only property within the proposed Eastern Zone On-Street Parking Zone Boundary Map."

Moved by Cr Davidson, seconded by Cr Butler

That the petition on behalf of the residents of Old Belvidere Promenade relating to parking meters, be received.

The motion was put and carried

The votes were recorded as follows:-

For: **The Lord Mayor, Crs Butler, Davidson, Limnios, McEvoy, Rodgers and Tognolini**

Against: **Nil**

595/10 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

The Chief Executive Officer advised that a late item relating to the renewal of the employment contract for the Director Business Units had been tabled for the Council's consideration. The item relates to a matter affecting an employee and it would therefore be recommended that prior to considering the item that the Council close the meeting to members of the public.

DESIGN ADVISORY COMMITTEE REPORTS

596/10 DESIGN ADVISORY COMMITTEE RECOMMENDATION – 111-133 (LOTS 1-9) GODERICH STREET, EAST PERTH

BACKGROUND:

FILE REFERENCE:	10/2300
RESPONSIBLE DIRECTOR:	Robert Mianich, Director Corporate Services
DATE:	9 November 2010
MAP / SCHEDULE:	N/A

DETAILS:

The proposal was referred to the meeting of the Design Advisory Committee held on 30 September 2010 for comment in relation to the design aspects of the application. The Committee requested:-

"That the applicant review the design of the development to:-

1. *improve the expression of the front façade in both material selection and articulation to reduce the impact of the length of the façade;*

2. *vary the roof line to assist with breaking the regularity of the lengthy façade;*

3. *investigate a solid wall infill to the circular car park ramp structure to minimise noise impacts on the immediately adjoining residential apartments."*

The development application for the Council's consideration is listed as Item 6 in the Council Notice Paper for the meeting of 16 November 2010.

COMMENTS:

Role of the Design Advisory Committee:

The Design Advisory Committee is required to provide independent technical advice and recommendations to the Council in respect to applications requesting a Plot Ratio Bonus in the Central Area and design issues on other applications referred to it for consideration.

Moved by Cr Davidson, seconded by Cr Butler

That the Council notes the recommendation of the Design Advisory Committee at its meeting held on 30 September 2010 as follows:-

"That the Design Advisory Committee requests that the applicant review the design of the development to:-

1. improve the expression of the front façade in both material selection and articulation to reduce the impact of the length of the façade;

2. vary the roof line to assist with breaking the regularity of the lengthy façade;

3. investigate a solid wall infill to the circular car park ramp structure to minimise noise impacts on the immediately adjoining residential apartments."

The motion was put and carried

The votes were recorded as follows:-

For: The Lord Mayor, Crs Butler, Davidson, Limnios, McEvoy, Rodgers and Tognolini

Against: Nil

597/10 DESIGN ADVISORY COMMITTEE RECOMMENDATION – 8 (LOT 400) PARKER STREET, NORTHBRIDGE, 33 (LOT 4) WELLINGTON STREET, EAST PERTH AND 47 (LOT 9) WELLINGTON STREET, EAST PERTH

BACKGROUND:

FILE REFERENCE:	10/2271
RESPONSIBLE DIRECTOR:	Robert Mianich, Director Corporate Services
DATE:	9 November 2010
MAP / SCHEDULE:	N/A

DETAILS:

The proposal was presented to the Design Advisory Committee at its meeting held on 9 September 2010 for comment in relation to the design aspects of the application. The Committee advised that it:-

"1. supports the design subject to:-

1.1 the colour of the materials and finishes being more appropriate to the heritage setting;

1.2 the provision of weather protection as per the general requirements of the City Planning Scheme No. 2;

1.3 the consideration of providing shading to the west facing glazing so as to improve the energy efficiency of the development;

2. notes that the inner areas of the tenancies on each level are remote from natural light and outlook, and in order to meet high standards of environmental design, the incorporation of a central light court on a side boundary is considered highly desirable."

The development application for the Council's consideration is listed as Item 7 in the Council Notice Paper for the meeting of 16 November 2010.

COMMENTS:

Role of the Design Advisory Committee:

The Design Advisory Committee is required to provide independent technical advice and recommendations to the Council in respect to applications requesting a Plot Ratio Bonus in the Central Area and design issues on other applications referred to it for consideration.

Moved by Cr Davidson, seconded by Cr Butler

That the Council notes the recommendation of the Design Advisory Committee at its meeting held on 9 September 2010 as follows:-

"The Committee advised that it:-

1. supports the design subject to:-

1.1 the colour of the materials and finishes being more appropriate to the heritage setting;

1.2 the provision of weather protection as per the general requirements of the City Planning Scheme No. 2;

1.3 the consideration of providing shading to the west facing glazing so as to improve the energy efficiency of the development;

2. notes that the inner areas of the tenancies on each level are remote from natural light and outlook, and in order to meet high standards of environmental design, the incorporation of a central light court on a side boundary is considered highly desirable."

The motion was put and carried

The votes were recorded as follows:-

For: The Lord Mayor, Crs Butler, Davidson, Limnios, McEvoy, Rodgers and Tognolini

Against: Nil

PLANNING COMMITTEE REPORTS

598/10 130B (LOT 100) MOUNTS BAY ROAD, CORNER CLIFF STREET, PERTH – RECONSIDERATION OF PROPOSED NINE LEVEL COMMERCIAL DEVELOPMENT CONTAINING A RETAIL TENANCY, OFFICE TENANCIES AND 65 TENANT CAR PARKING BAYS

BACKGROUND:

SUBURB/LOCATION:	130B (Lot 100) Mounts Bay Road, Perth
FILE REFERENCE:	10/2073
RESPONSIBLE DIRECTOR:	Russell Kingdom, Acting Director Planning and Development
DATE:	1 November 2010
MAP / SCHEDULE:	Map and coloured perspectives for 130B Mounts Bay Road, West Perth
LANDOWNER:	Swanhill Enterprises Pty Ltd
APPLICANT:	Lawrence J Scanlan and Associates Pty Ltd
ZONING:	(MRS Zone) Urban (City Planning Scheme Precinct) P10 West Perth (City Planning Scheme Use Area) Residential/Commercial
APPROXIMATE COST:	$10 million

At the Planning Committee meeting held on 9 November 2010, the following alternate recommendation to that of the administration was adopted:-

That the Council:-

1. *notes that the State Administrative Tribunal (SAT), on the application heard on 5 October 2010, ordered that the applicant is to provide additional information to the City and invited the Council to reconsider its decision to refuse the development application at is forthcoming meeting on 16 November 2010;*

2. *notes the legal advice received from the Council's solicitors regarding consistency of decision making as an important aspect of orderly and proper planning;*

3. *notes that the SAT invited the Council to reconsider its decision, affording the Council the opportunity to:-*

    3.1 reconsider the application and take into account consistency of decision making as an important aspect of orderly and proper planning;

3.2 explain the basis for the apparent inconsistency of decision making between the 2008 approval and the more recent refusal (assuming the Council affirms its decision to refuse approval);

3.3 demonstrate a genuine attempt to make a decision on the merits of the application having regard to consistency of decision making as an important aspect of orderly and proper planning and weighing this against the substantive planning issues arising in relation to the development;

4. APPROVES BY AN ABSOLUTE MAJORITY the application for the proposed nine level commercial development consisting of a retail tenancy, office tenancies and 65 tenant car parking bays at 130B (Lot 100) Mounts Bay Road, Perth as detailed on the Metropolitan Region Scheme Form One dated 26 February 2010, and on the plans received on 3 March 2010 and 6 July 2010, subject to the following conditions:-

4.1 a detailed schedule of the final colours, high quality materials and finishes for the proposed development, particularly for the south-west and north-east side elevations, being submitted and approved prior to the issue of the relevant building licence;

4.2 the façades of the retaining walls adjacent to Cliff Street (Jacob's Ladder) incorporating sculptural or artistic elements, with further details of the design of the walls being submitted and approved prior to the issue of the relevant building licence, ensuring that these structures do not increase in height or bulk above the natural ground level at the site boundary;

4.3 all of the existing trees on the portion of the escarpment between the rear of the proposed building and the rear boundary of the site being retained, with a detailed landscaping and reticulation plan, incorporating the existing trees and including details of the roof garden, being submitted and approved prior to the issue of the relevant building licence. The approved landscaping shall be installed prior to the occupation of the building and thereafter maintained to a high standard;

4.4 all roof plant being incorporated into the roof design and being satisfactorily screened from view;

4.5 privacy screens or appropriate glazing being provided on the northern elevation to minimise overlooking of the adjoining property with details being submitted for approval prior to the issue of the relevant building licence;

4.6 an arboriculturist report being prepared and submitted for approval prior to the issue of the relevant building licence to ensure that adequate protection and appropriate pruning is undertaken during construction to allow for the retention and long term health of the adjacent Moreton Bay Fig tree and the trees on the rear portion of the site;

4.7 further details of the automated multi-level car stacking system being submitted and approved, prior to the issue of the relevant building licence;

4.8 appropriate traffic warning systems for the operation of the vehicle access ramp being installed to control entry and exit movements from the car park, with vehicular entry into the car park being maintained as a priority in order to avoid vehicles queuing back onto Cliff Street;

4.9 submission of a parking management plan detailing the operations and on-going servicing and maintenance of the car lift and storage and retrieval unit (SRU) system being submitted and approved prior to the issue of any relevant building licence;

4.10 a 'stop' line being marked at the vehicle exit and signage being erected advising exiting motorists to stop and give way to pedestrians;

4.11 a maximum of 65 tenant car bays being provided on site, with these bays being for the exclusive use of tenants or occupants of the development and their guests / customers and not being leased or otherwise reserved for use by tenants or occupants of other buildings or sites;

4.12 28 car bays in excess of the maximum to only be accessible outside peak periods with a management report illustrating how this will be managed being submitted for approval prior to a building licence being issued;

4.13 two visitor car parking bays, two transfer bays and a disabled bay being provided on site;

4.14 SmartRider passes being purchased by the developer/owner for tenants of the building on a yearly basis, with an ongoing commitment to funding them with details to be negotiated with the Department of Transport to the City's satisfaction;

4.15 the dimensions of all car parking bays, aisle widths and circulation areas complying with the Australian Standard AS/NZS 2890.1/2004;

4.16 a minimum of 76 bicycle parking bays and associated end of journey facilities being provided within the development and being designed and located in accordance with the requirements of the City Planning Scheme No. 2 Policy 5.4 - Bicycle Parking and End of Journey Facilities, with details of the design and location of these facilities being submitted and approved prior to the issue of the relevant building licence;

4.17 all piped, ducted and wired services, air conditioners, hot water systems, water storage tanks, service meters and bin storage areas being located so as to minimise any visual and noise impact on nearby residents and screened from view from the adjacent streets, with details of the location and screening of any proposed external building plant being submitted and approved prior to the issue of a building licence;

4.18 signage for the commercial development being subject to a separate application for approval;

4.19 disabled access to the building being incorporated into the development and being contained wholly within the boundaries of the site;

4.20 the proposed works in Cliff Street external to the site boundary not forming part of this approval and being the subject of a separate application;

4.21 a detailed site survey and detailed sections that accurately show the contours and the alignment of the escarpment in relation to the proposed development being submitted and approved prior to the issue of the relevant building licence;

4.22 detailed geotechnical, hydrological, engineering and quantitative risk assessment reports being undertaken by suitably qualified consultants to fully address the impact of the development on the long term stability and integrity of the Mount Eliza escarpment, with particular attention to the stability of Jacob's Ladder and the adjacent properties. These reports shall be submitted prior to the issue of the relevant building licence. The design and construction of the development shall comply with any recommendations contained within the reports and any significant design modifications resulting in changes to the elevations of the building being the subject of a separate application for approval;

4.23 the methods of excavation and retaining being appropriate to ensure the stability of the surrounding land, building and structures, including Jacob's Ladder;

4.24 the developer undertaking dilapidation surveys of all surrounding and nearby properties, including Jacob's Ladder, that could reasonably be affected by the construction of the development prior to the issue of a building licence and at the developer's cost;

4.25 the construction methods for the development of the site being such that no portion of the adjacent public stairway ('Jacob's Ladder') will be required to be altered, obstructed or closed to the public at any time during the construction period, with full details of the measures to be taken to totally protect the stairs and the users of the facility being submitted and approved prior to the issue of a building licence;

4.26 should the development be constructed in stages, all site works being subject to a bond paid to the City to cover the full costs of remediating the site should the construction of the building not proceed within 12 months of site works being completed;

4.27 all storm water being contained on-site;

4.28 the submission of a construction management plan for the proposal detailing how it is proposed to manage:-

4.28.1 delivery of materials and equipment to the site;

4.28.2 storage of materials and equipment on the site;

4.28.3 parking arrangements for contractors and subcontractors;

4.28.4 other matters likely to impact on the surrounding residents and users of Jacob's Ladder.

In accordance with Regulation 11(da) of the Local Government (Administration) Regulations 1996, the reason for the decision made being significantly different to that recommended is because the Planning Committee considered that the proposed development was appropriate for the area and would have no adverse impact on the amenity of the locality.

The administration's original recommendation is set out below:-

That the Council:-

1. *notes that the State Administrative Tribunal (SAT), on the application heard on 5 October 2010, ordered that the applicant is to provide additional information to the City and invited the Council to reconsider its decision to refuse the development application at its forthcoming meeting on 16 November 2010;*

2. *notes the legal advice received from the Council's solicitors regarding consistency of decision making as an important aspect of orderly and proper planning;*

3. *notes that the SAT invited the Council to reconsider its decision, affording the Council the opportunity to:-*

   3.1 reconsider the application and take into account consistency of decision making as an important aspect of orderly and proper planning;

   3.2 explain the basis for the apparent inconsistency of decision making between the 2008 approval and the more recent refusal (assuming the Council affirms its decision to refuse approval);

3.3 demonstrate a genuine attempt to make a decision on the merits of the application having regard to consistency of decision making as an important aspect of orderly and proper planning and weighing this against the substantive planning issues arising in relation to the development;

4. in considering the application in accordance with the provisions of the City Planning Scheme No. 2 and the Metropolitan Region Scheme, affirms its previous position and REFUSES the application for the proposed nine level commercial development consisting of a retail tenancy, office tenancies and 65 tenant car parking bays at 130B (Lot 100) Mounts Bay Road, Perth, as detailed on the Metropolitan Region Scheme Form One dated 26 February 2010, and on the plans received on 3 March 2010, reiterating the Council's previous reasons for refusal at its meeting held on 3 August 2010;

5. having regard for consistency of decision making as an aspect of orderly and proper planning, the Council provides the following additional reasons for REFUSAL:-

5.1 the additional information and scrutiny provided by the City's 3D model which improved the consideration of the impact of:-

5.1.1 the rear setback variation and significant height of retaining walls on the scarp;

5.1.2 the impact of the significant height variation on the views of the scarp from the Swan River and the City;

5.2 the outcome of the "What If" project highlighting the future development of Jacob's Ladder as an important public facility;

5.3 the impacts of a recent major storm event on the escarpment in the area of Jacob's Ladder and the significant public concern at the consequential temporary closure of Jacob's Ladder, having given the Council a new and heightened appreciation of its significance as a public recreational facility and the need to protect the amenity of this facility;

5.4 the inconsistency of some of the elevation plans submitted by the applicant in the 2008 application illustrating the height of the adjoining Adelphi Apartment incorrectly as 28 metres, with the officer's report erroneously confirming this incorrect information, which is now correctly being shown on the application plans as 20.55 metres;

5.5 the principle that each development application should be considered as a fresh application on its merits as provided for under Clauses 47 and 50 of the City Planning Scheme No. 2;

5.6 that approval of the height variation proposed in this development will create an undesirable precedent in Height Control Area 5 of the Mount Street Design Policy where no other such heights currently exists.

The application was considered and refused by the Council at its meeting held on **3 August 2010**. The applicant appealed the decision to the State Administrative Tribunal (SAT). A mediation meeting on 5 October 2010 resulted in SAT making orders to allow the applicant to provide additional information to the City justifying the proposed development and inviting the Council to reconsider its decision to refuse the development application at its meeting to be held on **16 November 2010**.

It was apparent at the mediation meeting that the applicant is placing significant reliance at the appeal on the previous approval by the Council at its meeting held on **19 February 2008** as justification for approval of the current application which proposes an almost identical development. The legal advice obtained by the applicant (and which SAT requested the Council to take into account when reconsidering the application) was the importance of the issue of consistency of decision making. In reconsidering the application, the matter of consistency of decision making must be accorded significant weight and balanced against the grounds upon which the Council previously refused approval.

The City has now obtained separate legal advice that, while it remains necessary to consider the fresh application having regard to the applicable Scheme and policy provisions, it is also necessary to have regard to consistency of decision making as an aspect of orderly and proper planning. The necessity for doing so arises in this instance because the Council approved an almost identical development at its meeting held on **19 February 2008**.

SITE HISTORY:

The vacant site has an area of 1,862m² and is located between 'Jacob's Ladder' (Cliff Street) and the Adelphi Centre residential apartments. The lot has a frontage to Cliff Street of 29.4 metres and a depth of 72.4 metres on the south west boundary to the continuation of Cliff Street. It rises steeply towards the top of the Mount Eliza escarpment. The site was originally part of a larger lot occupied by the Adelphi Centre building which was approved in 1966. The lot was later subdivided to create the subject vacant portion. Land use on the south west side of Cliff Street is comprised of residential apartments with access via Cliff Street.

At its meeting held on **14 March 2000**, the Council approved a ten-storey residential tower subject to the building height being a maximum of 28 metres above the Australian Height Datum (AHD).

At its meeting held on **13 February 2001**, the Council approved a nine-storey mixed-use building containing a retail tenancy, a consulting room, offices, 13 multiple dwellings and the provision of 71 basement car parking bays. A condition of approval stated that the maximum building height, including all roof plant and other structures, was not to exceed 28 metres AHD.

The Mount Street Design Policy setting the height limits for the precinct was adopted by the Council at its meeting held on **26 June 2001**.

At its meeting held on **19 February 2008**, the Council approved a nine level commercial development containing a retail tenancy, office tenancies and 65 tenant car parking bays subject to 24 conditions.

A Building Licence application has been submitted which is currently being processed by the City. However, as substantial commencement of the development has not occurred, the above planning approval has now lapsed. The current application is identical to that approved by the Council at its meeting held on **19 February 2008.**

The application was considered by the Planning Committee at its meeting held on 25 May 2010 with the administration recommending refusal for the same reasons as contained in this report. The Planning Committee, however, recommended to the Council that the application be approved subject to a number of conditions, generally similar to the previous approval issued by the Council at its meeting held on **19 February 2008.**

The applicant requested that the development application be withdrawn from the Council Agenda of 1 June 2010 as they wished to address the conditions of approval, recommended by the Planning Committee before the proposal was considered by the Council. After discussion with the administration in regard to the requirements for the development under the Building Code of Australia and the Disability Discrimination Act, the applicant made minor modifications to the design of the building access and also the proposed works in front of the building in the Cliff Street road reserve.

At its meeting held on **3 August 2010**, the Council refused the development application on the basis that:-

1. *the proposed building height of 32.8 metres AHD significantly exceeds the maximum building height of 20.6 metres AHD applicable to the site identified as Area 5 under the Mount Street Design Policy, and exceeds the height of the adjacent development, which will result in the loss of views of the Mount Eliza escarpment from the city foreshore and freeway interchange area;*

2. *the extent of retaining being proposed at the rear of the site significantly exceeds the maximum height of retaining walls permitted against the scarp under the Mount Street Design Policy and will adversely impact on the integrity of the Mount Eliza escarpment;*

3. *the proposed setback variation to the north-east side boundary will detract from the existing amenity of the adjacent residential apartments situated at 130A Mounts Bay Road;*

4. *the proposed setback variation to the south-west boundary, together with the design, bulk and scale of the development would have an adverse impact on the amenity of Jacob's Ladder and on the experience of the users of this public facility;*

5. *the proposed 65 tenant car parking bays significantly exceeds the maximum number of tenant car parking bays permitted under the City Planning Scheme No. 2 Policy 5.3 - Perth Parking Policy, adding to peak hour traffic entering and leaving the city and jeopardizing the Policy objective of providing a more balanced transport outcome for the central city.*

Following the refusal of the development application by the Council, the decision was appealed by the applicant to SAT which has invited the City to reconsider its decision.

DETAILS:

The purpose of this development application is to seek approval for a development which in all material respects is identical to the development approved by the Council at its meeting held on **19 February 2008**.

Approval is sought for the construction of a nine-level office development with a commercial ground level tenancy. External building materials will consist predominantly of glazing, rendered and feature concrete panels and stone retaining walls.

The proposed building has a maximum height of 32.8 metres (including the lift over-run) and a plot ratio of 2.0:1.0 (or a plot ratio floor area of 3,724m²). The building is set back approximately 22.8 metres from the rear boundary.

Key elements of the proposal are as follows:-

Level 1 (Basement) This level accommodates a fully automatic multi-level car stacker (extending over three levels above) with provision for 65 tenant car parking spaces, two transfer stations, two service / courier car parking bays, and an ACROD bay. Storage and plant areas and two internal lifts servicing the upper levels of the building are also located on this level. Provision has been made for a disabled parking bay and two service / courier parking bays, 50 bicycle bays, five motorbike bays, and associated end-of-trip facilities. Vehicular access is via a new crossover (6.1 metres in width) from Cliff Street.

Level 2 (Ground) The main building is set back between 2.5 and 6.5 metres from Cliff Street and will accommodate a retail tenancy (with a floor area of 146m²) with bi-fold doors. Landscaping works are proposed within the Cliff Street Road Reserve including upgrading of the footpath to Jacob's Ladder providing access to a paved and landscaped forecourt to the building which will incorporate public art, seating and a canopy. The main pedestrian entry is on this level and features a large lobby area incorporating two internal lifts and a stair which will provide access to the office tenancies above.

Levels 3 to 9 These levels consist of open plan offices ranging in size between 218m² and 677m². Large terraces are provided adjoining Jacob's Ladder with views to Mount Eliza and the Swan River. The front portions of the upper levels of the building are designed in a curved configuration and extend within 0.6 metres of the front boundary (excluding the feature fin wall). Access (fire escape) for the future occupants of the building to Jacob's Ladder is indicated on Level 2. Secure storage space for 26 bicycles is located to the rear of level 6. The main building is set back between seven and 19 metres from Cliff Street on Level 9.

Roof Level The proposed roof has a flat profile and features a landscaped roof garden with natural low level drought tolerant and indigenous ground covers. A lift over-run and plant room will also be accommodated on this level.

The development also proposes an upgrade of the Cliff Street cul-de-sac at the base of Jacob's ladder. The proposed upgrade incorporates:-

- the paving to Cliff Street being extended;
- the existing footpaths being extended;
- low height landscaping following the existing contours;
- a timber deck and landing below the tree canopy and providing a landing to Jacob's Ladder as well as bike stands;
- seating;
- drinking fountains;
- lighting;
- infrastructure including storm water services and reticulation.

COMPLIANCE WITH PLANNING SCHEME:

Land Use

The subject property is located within the Residential / Commercial area of the West Perth Precinct (P10) of the City Planning Scheme No. 2. The Precinct will continue to develop as a working and living environment set in spacious landscaped surrounds, reflecting the original concept for this area of a garden office / residential district. The amenity, character and general environmental quality of the precinct should be maintained.

Under the Use Group Table for the West Perth Precinct, Office uses are preferred ('P') uses within the Residential / Commercial Use area. The applicant has advised that the ground floor tenancy may be used for either a retail or café type use. In this regard, 'Dining' and 'Retail (Local)' are both preferred ('P') uses and Retail (General) is a contemplated ('C') use.

Development Requirements

The Mount Street / Mounts Bay Road area shall predominantly remain and be consolidated as an inner city residential area with the Mount Eliza escarpment being the principal natural feature. This area, adjoining Kings Park, is highly visible from the Swan River, the foreshore and surrounding areas and its natural form will therefore be protected and enhanced. Overall there will be a predominance of landscaping in the Precinct on both private and public land to reduce the impact of buildings and ensure a close harmony between the well vegetated escarpment, Kings Park and the Precinct. Existing vegetation should be preserved as much as possible.

New buildings will be compatible with the character and scale of existing buildings and all new development will comply with the Mount Street Design Policy. Uses on the ground floor should encourage pedestrian activity and add interest to the street.

The proposal's compliance with the City Planning Scheme No. 2 development standards is summarised below:-

Development Standard	Proposed	Required / Permitted
Maximum Plot Ratio:-	2.0:1.0 (3,724m²)	2.0:1.0 (3,724m²)
Building height:-	**32.8 AHD metres maximum**	20.6 AHD metres

Development Standard	Proposed	Required / Permitted
Minimum Setbacks:- - Front - Cliff Street - West side - (Jacob's Ladder) - East side - Rear	 Nil - 6.5 metres **Nil** - 6.7 metres **Nil** - 8.3 metres **24.3 metres high retaining wall (therefore above the base of the scarp requiring additional retaining)**	 Nil 3 metres 3 metres The maximum height of retaining walls against the scarp shall be 4 metres above natural ground level measured from the centre of the front boundary of the site (which thereby determines the position of the setback)
Car Parking:- - Tenant car parking bays	 **65 tenant bays**	 37 bays maximum
Landscaping:-	44.5% or 830m² (with the roof garden contributing 32% or 600m²)	25% (465.5m²)
Bicycle Parking:-	76 bicycle racks	8 bicycle bays

Variations to the building height, side setbacks, rear setback inclusive of the height of retaining walls, and car parking provisions applicable to the development can be granted by an absolute majority decision of the Council, in accordance with Clause 47 of the City Planning Scheme No. 2 and provided the Council is satisfied that:-

'47(3)(d)(i) if approval were to be granted, the development would be consistent with:-
(A) the orderly and proper planning of the locality;
(B) the conservation of the amenities of the locality; and
(C) the statement of intent set out in the relevant precinct plan; and

(ii) the non-compliance would not have any undue adverse effect on:-
(A) the occupiers or users of the development;
(B) the property in, or the inhabitants of, the locality; or
(C) the likely future development of the locality.'

COMMENTS:

Consultation

The original application was advertised to the owners of adjacent properties for a period of 14 days and 26 submissions were received strongly objecting to the proposal. The current application was again advertised to the owners of adjacent properties for a period of 14 days and three submissions were received with the issues raised summarised below:-

- The respondents commented on the recent storm, the damage to properties and the closure of Jacob's ladder due to safety concerns. The respondents asked whether the relevant policies guiding the future development of the escarpment will allow further development and whether these policies and the proposed developer will ensure that this development will not cause any adverse impact on the adjoining property.

- The respondents consider that the connection between the proposed building and Jacob's ladder will compromise its integrity and independence. The proposed development has an implied ownership of it due to the proposed fire escapes to Jacob's Ladder and the proposed redevelopment of the base of Jacob's Ladder, primarily to provide access to the building. The proposed development will undermine and overshadow the staircase and the proposed wall of windowed offices, set flush against the stair, will be intrusive to users. The base of the building will obscure the entry to Jacob's Ladder causing inconvenience to users and the building tenants. The overall size, scale and form of the development will compromise the significance and amenity of Jacob's Ladder.

- The respondents object to the proposed retaining walls to a height of 24.3 metres, where the City's policy recommends a maximum retaining wall height of four metres. The retaining walls will interrupt the hydrology of the area and will impact on the buildings above the escarpment on unconsolidated fill, causing damage to the adjoining apartments.

- The proposed development will overshadow and dominate the adjacent apartments. The top of the Adelphi Apartments is only 20.55 metres AHD (compared to the proposed building's 32.80 metres AHD) and the proposed development will therefore be 60% taller than the adjacent building, completely dominating the lower escarpment and Jacob's ladder. The non-compliance with height provisions will adversely impact on the amenity (vistas) of the properties situated above as well as adjacent and will devalue the properties.

- The development exceeds height and setback provisions impacting on access to sunlight and consideration should be given to limiting the proposed variations to height and setback provisions. The development will also reduce views from the balconies of adjacent apartments with over half of the apartments having their balconies less than three metres from the concrete wall containing the car stacker which has 20 metres of vertical expanse.

- Possible noise impacts from the proposed car park and car stacker as well as the proposed waste storage rooms which will be located on the property boundary directly adjoining the balconies of the adjacent apartments.

- The proposed 65 tenant car parking bays rather than the maximum of 37 bays under the Perth Parking Policy as well as the operation of the car stacker. It will cause queuing along Mounts Bay Road and Cliff Street in peak traffic hours and in addition, the proposed commercial use will add to the problems of peak hour traffic with Cliff Street already busy due to Jacob's Ladder users.

- The development fails to comply with the Council's planning requirements representing a gross over-development of the site.

The applicant has previously responded to the objections raised as follows:-

- A full Hydrogeological Field Study has been commissioned and a Quantitative Risk Assessment of the stability of the Mount Eliza escarpment on and adjacent to this site has been undertaken and reports submitted to the City. These will determine the final structural design of the method of construction for the retaining walls of the building and the control of any groundwater issues that may emerge from the studies. The Hydrogeological Report will give direction on the best way to deal with groundwater and soil stability on this site.

- The 'Refuse and Recycle Room' has been relocated to the middle of the basement and is completely surrounded by both its own and the building's solid walls, so no acoustic issues will occur. The car park is completely within the building and has 600mm thick concrete walls (and is partially underground) and should not cause an acoustic problem. The exterior walls of the car park will be finished with attractive stone cladding.

- The retaining of the hillside is achieved by three reinforced retaining walls. These are spaced apart as they go up the slope and are connected together with substantial concrete slabs. This creates a stronger structure than a single full height retaining wall. The construction of the retaining walls will provide increased stability for the Mount Eliza escarpment.

- The majority of the building is set back from the west boundary. The boundary setbacks are designed in accordance with the Planning Scheme. Jacob's Ladder is within the Cliff Street reserve and there is an entitlement to access that road reserve as part of an escape route.

- The Parking and Traffic Management Report covers the various aspects of these issues regarding traffic and parking and has clearly demonstrated that the car stacker will not cause further traffic issues.

- The height of the Adelphi building on the Scanlan Architects DA submission was originally shown incorrectly. The height of the proposed building has remained unchanged.

- The majority of the interface between the new building and Jacob's Ladder is a situation where the Ladder goes past solid walls not office windows, so intrusion to Ladder users will be minimal. The design for access to the bottom of Jacob's Ladder will be far more attractive than the current entry. The new access will be readily accessible by the public. The entire design has been focused on achieving a far better outcome both visually and functionally for the public at large.

The above matters relating to the proposed development are addressed in the following sections of this report.

Design Advisory Committee

The previous application was presented to the Design Advisory Committee (DAC) at its meeting held on 4 October 2007. The DAC advised that it did not support the proposal on the following basis:-

"1. considers that the proposal would result in the overdevelopment of the site by virtue of:

1.1 the plot ratio exceeding the maximum permitted 2:1 plot ratio allowable on the site;

1.2 the building height exceeding the maximum height applicable to the site (Area 5) under the Mount Street Design Policy;

1.3 the extent of retaining being proposed which exceeds that permitted under the Mount Street Design Policy and which could impact on the integrity and amenity of the Mount Eliza escarpment;

2. considers that the development, with its high walls adjacent to the Cliff Street road reserve, would have an adverse impact on the amenity of Jacob's Ladder and on the experience of the users of this popular public facility;

3. encourages the Council to consider options to protect and enhance Jacob's Ladder."

Following the DAC meeting held on 4 October 2007, revised plans were submitted to address the issues of excessive plot ratio and the height of the building. The applicant advised that the slender bow-like shape of the front elevation together with a greater front setback than required will assist to reduce the building's perceived bulk and height and also that the revised green landscaped design of the roof could improve the appearance of the building as viewed from the scarp, Jacob's Ladder and the properties above.

Since the development application was approved by the Council at its meeting held on **19 February 2008**, the applicant has progressed with an application for a building licence and compliance with the majority of the planning conditions. However, as the

development approval lapsed on 20 February 2010, a new planning approval must be obtained in order for the proposal to proceed and a building licence to be issued.

Building Height

Policy 6.8 - Mount Street Design Policy of the City Planning Scheme No. 2 recognises the importance of preserving the integrity of the Mount Eliza escarpment, which is one of the most significant natural features of Perth. To protect views to the escarpment, the Mount Street Design Policy applies a height limit of 20.6 metres AHD to all properties fronting Mounts Bay Road (Area 5), with the exception of the rear of the 'FAI site' at 126 Mounts Bay Road (Area 4) which has a maximum height of 32.0 metres AHD.

The height of the proposed building has remained unchanged compared to the previous approval at 32.8 metres AHD.

In support of the proposal, the applicant contends that the development should be permitted to be built to a height similar to the 'FAI buildings' and considers that the boundary between the height control areas, Area 4 and Area 5, under the Mount Street Design Policy should be at Cliff Street. "*The applicant's justification for the additional building height is not supported."*

The applicant is effectively attempting to re-open debate on an aspect of the policy. This is not relevant as the policy should be applied in its current terms. The western-most building situated to the rear of the 'FAI site' was approved on appeal to the Minister for Planning and the Minister for Local Government to a maximum height of 32.0 metres AHD. The height control areas of the Mount Street Design Policy (adopted by the Council at its meeting held on **26 June 2001**) were subsequently drawn in recognition that the buildings comprising part of the FAI site do not meet the desired 20.6 metre height standard and were intended to prevent this sort of precedent argument being accepted. The subject site is intended to be part of a transitional lowering of the building height along Mounts Bay Road.

It is noted that, at its meetings held on **14 March 2000** and **13 February 2001**, the Council approved developments on the subject site at a maximum height of 28.0 metres AHD. These two applications were determined prior to the adoption of the Mount Street Design Policy. It is considered that any height variation considered for the development of the subject site should compare in building height with the 20.55 meter high Adelphi apartments adjoining the site and the 20.6 meter high Parklane apartments located to the south of the site and Jacob's Ladder.

The overall building height remains inconsistent with the height of the adjacent buildings and with the intent and objectives of the Mount Street Design Policy. It is considered that the proposed additional height of 12.2 metres is significant and will adversely impact on the integrity of and views to the escarpment from the city, the amenity of the adjacent properties, Jacob's Ladder, and on the streetscape in general.

Retaining Walls

The Mount Street Design Guidelines require a maximum height of retaining walls against the scarp to be four metres above the natural ground level measured from the centre of the front boundary of the site. The intent of this provision is to maintain the integrity of the escarpment and would enable the construction of retaining walls up to a maximum height of eight metres AHD against the scarp on this site. The proposed retaining walls at the rear of the development against the scarp are calculated to be 24.3 metres AHD in height (accumulated total), representing a significant departure from the established planning requirements.

It is important to ensure that any retaining and excavation works do not result in a significant interruption of the hydrogeology of the area. The applicant has advised that a Hydrogeological Field Study and a Quantitative Risk Assessment of the stability of the Mt Eliza escarpment on and adjacent to this site is under way which will determine the final structural design of the method of construction for the retaining walls of the building and the control of any groundwater issues. However, they have requested that the application be considered prior to completion of this report as any structural issues will be addressed at building licence stage. In the light of the major storm event early in 2010 the sensitivity and stability of the escarpment is a major concern. It is considered that this aspect is critical and any approval of the proposed development should address this matter as a condition.

Setbacks

Variations are sought to the side setbacks stipulated under the Mount Street Design Guidelines. Nil setbacks are proposed for portions of the development on the south-west and the north-east boundaries, rather than the required three metre side setbacks, which are required to maintain vistas between buildings.

South-West Elevation

The common boundary between the subject site and Jacob’s Ladder is approximately 72.4 metres. Two sections of large stone retaining walls are proposed to create stepped podiums adjacent to Jacob's Ladder and measure up to 6.4 metres above the natural ground level with nil setbacks to the south west boundary. The lower three levels at the front of the main building have a nil setback to Jacob’s Ladder and measure approximately 15.5 metres in length. It is noted that the remainder of the lower levels accommodating the car stacker is set back a minimum of 6.7 metres from Jacob's Ladder. On the upper levels, the front section of the main building is set back a minimum of 2.4 metres from Jacob's Ladder and curves towards the front boundary. The rear section of the upper levels (5 - 6 and a portion of level 7) are constructed adjacent to Jacob’s Ladder, with the remaining levels (8-9) further recessed from the side boundary between 1.5 and 3.5 metres.

Although the policy is silent on setbacks to side boundaries to secondary streets the Cliff Street vista, is considered to be important. In this instance, the nil setback directly abutting Jacob’s Ladder will have an adverse impact on the amenity of the pedestrian function of Cliff Street. Concern has been expressed in the submissions

that these structures will compromise the social significance and amenity of Jacob's Ladder. The applicant has previously advised that it is not proposed to close Jacob's Ladder during construction works and believes that the proposed development adjacent to Jacob's Ladder has been designed to be sympathetic and complementary.

Although the policy is not expressed clearly in this regard (as it refers to vistas between buildings), the design of the building is considered to have an adverse impact on Cliff Street which accommodates Jacob's Ladder and in an improved design could be modified to address the public facility more appropriately.

North-East Elevation

The Adelphi Centre is portrayed to be for short stay purposes only by the applicant, however, a number of apartments in the Adelphi Centre have been approved for normal permanent residential occupation and therefore privacy and access to light are important considerations when considering any setback variations.

The proposed double volume lobby with amenities situated on the upper floor levels are proposed on the side boundary and measure approximately 9.8 metres in length. Additionally, two stone retaining walls in a terraced design are proposed towards the rear of the development with a nil setback adjacent to the Adelphi Centre. These walls range in height between 1.6 metres and 10.8 metres above the natural ground level at the boundary and are 19 metres and 16.5 metres in length respectively. The remaining upper levels at the rear of the building are set back three metres from the side boundary.

The portion of the main building set back from the side boundary is predominantly glazed. The Mount Street Design Guidelines require that major openings on the side walls facing adjoining properties should be treated to address privacy by offsetting major openings, screening or structural planter boxes, or to be set back an additional 1.5 metres.

Having regard to the submissions received, and acknowledging that the rear section of the Adelphi building is situated a minimum of 2.5 metres from the proposed wall on the north-east side boundary, it is considered that the proposed variations will compromise the existing amenity of the adjacent owners and occupiers of the rear residential apartments by virtue of the additional building bulk on the boundary and potential overlooking issues from the office tenancies above. Furthermore, the policy requires side setbacks between buildings to maintain vistas which in this instance will be compromised.

In view of the above, it is considered that the proposed significant level of excavation required and the variations to the side setbacks on the north-east elevation would adversely impact on the existing amenity of the rear portion of the adjacent Adelphi building and would be contrary to the orderly and proper planning of the locality. Accordingly, any approval of the application should require privacy of the Adelphi building being addressed through privacy screens or appropriate glazing.

Parking and Traffic

The proposal does not comply with the Policy 5.3 – Perth Parking Policy which permits a maximum of 37 tenant bays, whereas 65 tenant bays are proposed. Accordingly, the original application was referred to the Department for Planning and Infrastructure (now the Department of Transport) which has expressed concern in relation to the number of additional tenant car parking bays being proposed and that the proposal requires a 'balanced transport outcome' for the site. In response and in negotiating support for additional facilities being provided, the applicant now proposes 76 bike bays, a change room including shower and locker facilities, service and courier car parking bays, five motorbike bays, and has advised that all employees within the building will be provided with public transport being subsidized by the businesses occupying the building.

The Department of Transport has advised that the amended proposal is supported administratively subject to the additional 28 car bays in excess of the maximum to only be accessible outside peak periods, an agreed number of SmartRider passes being purchased by tenants with an ongoing commitment to funding them, and additional bicycle facilities being provided, but has not progressed an application for the Minister's exemption and will only be progressing such application under the Perth Parking Management Act should planning approval be issued.

In support of the proposal, the applicant submitted a Traffic and Parking Assessment which outlines that the site is well serviced by public transport from the western suburbs, that all day parking facilities within an acceptable walking distance of the site are currently operating at or near capacity, and that the public street parking does not provide the opportunity for long term parking.

The proposed fully automated multi-level car stacker eliminates a standard car parking design solution which require more space and height and will eliminate the need for mechanical ventilation. The applicant has advised that that this stacker system is not economically viable for less then 60 tenant bays and that the use of the facility will not generate any noise or fumes.

Concern has been expressed in the objections received regarding the application that the street has no capacity for the storage of any vehicles in transit to the car lift and that vehicles queuing to access the mechanical stacker within the proposed building may cause traffic to queue in Cliff Street and onto Mounts Bay Road. Concern was also expressed that public parking on Mounts Bay Road is at a premium and the additional traffic will exacerbate the existing situation and also create additional traffic congestion.

Information provided by the traffic consultant indicated that the car stacker system can operate at a delivery rate of 90 seconds with three vehicles being in the system at any one time. At an average arrival rate of one vehicle every 30 seconds, the maximum length of queue is estimated at four vehicles, which can be accommodated on site. As such, it was considered that queuing would not be expected to affect the traffic on Mounts Bay Road. No impact with traffic leaving the site is expected as lags are regulated by removal of vehicles from the stacker and as such, queuing will not

occur. Furthermore, the operation of the intersection of Cliff Street and Mounts Bay Road should not be impaired given that movement will be constrained to left in and left out only. As such, it was considered by the consultants that the additional traffic into the existing flow in Cliff Street would be negligible.

Notwithstanding the above, the proposal is contrary to the rationale of the Perth Parking Policy which seeks to restrict the number of private vehicles entering the city and encourage a more balanced transport system in order to preserve and enhance the environment of the city. However, if the application is approved it should be made subject to the conditions under which the Department of Transport has indicated its support for the proposed development.

Access

The previously approved application proposed to utilise the Cliff Street Reserve to provide improved disabled access to the building. However, these works were not approved as the approval was subject to a condition requiring that the works external to the development site would require a separate application. The applicant has confirmed that the development would comply with the disabled access requirements under the building code on the site, and would not require any disabled ramp as originally proposed.

The proposed works to upgrade the Cliff Street Road Reserve now exclude the previously proposed disabled ramp. The applicant has been advised that, as the upgrade works to Cliff Street are not located on the development site, the details of this proposal would have to be further negotiated and agreed separately with the City, would be the subject of separate approvals, and could not be approved as part of this development application. Any approval should therefore clarify that this aspect does not form part of the approval and should the application be considered for approval it should be made subject to a redesign of this area to the Council's satisfaction and subject to an arrangement in regard to the responsibility for costs, liability and maintenance.

Consistency of Decision Making

The identical development application (excluding minor modifications) has been approved by the Council at its meeting held on **19 February 2008**. This approval lapsed due to the effluxion of time and a new application processing an identical development was subsequently considered and refused by the Council at its meeting held on **3 August 2010**.

As discussed earlier in this report, the applicant appealed the Council's decision of the 3 August 2010 to the State Administrative Tribunal. At a mediation meeting on 5 October 2010, the Tribunal made orders requiring the applicant to provide additional information to the City justifying the proposed development and inviting the Council to reconsider at its meeting to be held on 16 November 2010 its decision to refuse the development application.

The applicant has submitted additional information addressing the Council's reasons for refusal and also provided legal advice in regard to consistency of decision making (offering examples of the Supreme Court and the SAT). The latest comments by the Department of Transport indicating its conditional support for the proposed variations to the Perth Parking Policy was also provided.

The City has separately sought legal advice in regard to the matter of consistency of decision making. The legal advice has been forwarded to the Elected Members under separate cover and the advice is detailed in the following paragraphs:-

In considering the application at its meeting held on **3 August 2010**, the Council was made aware of the previous approval in 2008 but its significance as a consideration in determining the current application was not explicit in the Council Report and may not have been apparent to the Council. It may be noted that the Administration's view consistently up to now has been that *'consistency of decision making' in itself was not regarded to be 'an aspect of orderly and proper planning'* as the understanding was that once a development application has lapsed under Clause 50 of the Scheme and a new development application submitted for approval, even if identical, it was required to be considered as a fresh application against the scheme provisions under Clause 47 of the Scheme.

The legal advice provides a number of recent examples where SAT and its predecessor have emphasized that orderly and proper planning requires that planning decisions are to be made in a consistent way in relation to a site where the planning framework is the same and the circumstances have not changed in any substantial or material way. The basis for this principle is quoted where it is stated that *"Inconsistency suggests that the decision is arbitrary, rather than one made in accordance with a disciplined approach reflecting the application of sound town planning principles. Decisions by a council with respect to planning applications made by the same applicant in respect to the same land should ordinarily be consistent".*

Clearly in this instance, the Council has made inconsistent decisions where the development is identical, the planning framework remains the same and there have been no changes in the circumstances of the site or the surrounding locality. In the recent decision, the major storm damage to Jacob's Ladder may have brought to the Council's attention or confirmed its significance as a public facility. The "What If" project has further illustrated the potential of Jacob's Ladder to be redeveloped as a major public facility.

The use of the City's three dimensional (3D) model to better illustrate the impact of the building in terms of the scheme provisions, specifically in terms of the setback of the building against the scarp compared to the adjoining buildings and the impact on the views of the scarp as perceived from the Swan River and the City Centre, was not available at the time of the previous considerations of the application and considerably improved the Council's ability to assess the impact of the proposed development.

The inconsistency in the decisions has two important consequences. Firstly, the consistency of decision making is an aspect of orderly and proper planning which the Council does not appear to have considered in determining the current application. Secondly, should the matter proceed to a hearing, SAT will consider the consistency issue and there is a risk that the SAT may make a costs order against the City requiring it to pay the applicant's costs of the Tribunal proceedings (if the applicant is successful). The legal advice provides a number of examples in this regard.

The legal advice indicates that consistency of decision making is not regarded as a determinative issue but rather as a significant factor. In this instance, what is required of the Council is that it accords significant weight to the 2008 approval in accordance with the principle of consistency of decision making. The legal advice states that *"consistency of decision making in the present circumstances would be a factor of significant weight in favour of an approval being granted*", however, the Council must decide whether this is sufficient to overcome the matters identified in its grounds for refusing its approval. It should be noted that these matters are identical to those raised by the administration in its recommendation for refusal previously which the Council took into consideration when approving the application.

Alternative Recommendation

Taking into consideration the importance of the matter of consistency of decision making as an aspect of orderly and proper planning, and should the Council consider attributing more weight to this aspect than the non-compliance of the proposed development with the Scheme provisions (as discussed in the previous sections of this report), it is considered that any approval of the proposed development should be made subject to the following conditions:-

1. *a detailed schedule of the final colours, high quality materials and finishes for the proposed development, particularly for the south-west and north-east side elevations, being submitted and approved prior to the issue of the relevant building licence;*

2. *the façades of the retaining walls adjacent to Cliff Street (Jacob's Ladder) incorporating sculptural or artistic elements, with further details of the design of the walls being submitted and approved prior to the issue of the relevant building licence, ensuring that these structures do not increase in height or bulk above the natural ground level at the site boundary;*

3. *all of the existing trees on the portion of the escarpment between the rear of the proposed building and the rear boundary of the site being retained, with a detailed landscaping and reticulation plan, incorporating the existing trees and including details of the roof garden, being submitted and approved prior to the issue of the relevant building licence. The approved landscaping shall be installed prior to the occupation of the building and thereafter maintained to a high standard;*

4. *all roof plant being incorporated into the roof design and being satisfactorily screened from view;*

5. *privacy screens or appropriate glazing being provided on the northern elevation to minimise overlooking of the adjoining property with details being submitted for approval prior to the issue of the relevant building licence;*

6. *an arboriculturist report being prepared and submitted for approval prior to the issue of the relevant building licence to ensure that adequate protection and appropriate pruning is undertaken during construction to allow for the retention and long term health of the adjacent Moreton Bay Fig tree and the trees on the rear portion of the site;*

7. *further details of the automated multi-level car stacking system being submitted and approved, prior to the issue of the relevant building licence;*

8. *appropriate traffic warning systems for the operation of the vehicle access ramp being installed to control entry and exit movements from the car park, with vehicular entry into the car park being maintained as a priority in order to avoid vehicles queuing back onto Cliff Street;*

9. *submission of a parking management plan detailing the operations and on-going servicing and maintenance of the car lift and storage and retrieval unit (SRU) system being submitted and approved prior to the issue of any relevant building licence;*

10. *a 'stop' line being marked at the vehicle exit and signage being erected advising exiting motorists to stop and give way to pedestrians;*

11. *a maximum of 65 tenant car bays being provided on site, with these bays being for the exclusive use of tenants or occupants of the development and their guests / customers and not being leased or otherwise reserved for use by tenants or occupants of other buildings or sites;*

12. *28 car bays in excess of the maximum to only be accessible outside peak periods with a management report illustrating how this will be managed being submitted for approval prior to a building licence being issued;*

13. *two visitor car parking bays, two transfer bays and a disabled bay being provided on site;*

14. *SmartRider passes being purchased by the developer/owner for tenants of the building on a yearly basis, with an ongoing commitment to funding them with details to be negotiated with the Department of Transport to the City's satisfaction;*

15. *the dimensions of all car parking bays, aisle widths and circulation areas complying with the Australian Standard AS/NZS 2890.1/2004;*

16. a minimum of 76 bicycle parking bays and associated end of journey facilities being provided within the development and being designed and located in accordance with the requirements of the City Planning Scheme No. 2 Policy 5.4 - Bicycle Parking and End of Journey Facilities, with details of the design and location of these facilities being submitted and approved prior to the issue of the relevant building licence;

17 all piped, ducted and wired services, air conditioners, hot water systems, water storage tanks, service meters and bin storage areas being located so as to minimise any visual and noise impact on nearby residents and screened from view from the adjacent streets, with details of the location and screening of any proposed external building plant being submitted and approved prior to the issue of a building licence;

18. signage for the commercial development being subject to a separate application for approval;

19. disabled access to the building being incorporated into the development and being contained wholly within the boundaries of the site;

20. the proposed works in Cliff Street external to the site boundary not forming part of this approval and being the subject of a separate application;

21. a detailed site survey and detailed sections that accurately show the contours and the alignment of the escarpment in relation to the proposed development being submitted and approved prior to the issue of the relevant building licence;

22. detailed geotechnical, hydrological, engineering and quantitative risk assessment reports being undertaken by suitably qualified consultants to fully address the impact of the development on the long term stability and integrity of the Mount Eliza escarpment, with particular attention to the stability of Jacob's Ladder and the adjacent properties. These reports shall be submitted prior to the issue of the relevant building licence. The design and construction of the development shall comply with any recommendations contained within the reports and any significant design modifications resulting in changes to the elevations of the building being the subject of a separate application for approval;

23. the methods of excavation and retaining being appropriate to ensure the stability of the surrounding land, building and structures, including Jacob's Ladder;

24. the developer undertaking dilapidation surveys of all surrounding and nearby properties, including Jacob's Ladder, that could reasonably be affected by the construction of the development prior to the issue of a building licence and at the developer's cost;

25. *the construction methods for the development of the site being such that no portion of the adjacent public stairway ('Jacob's Ladder') will be required to be altered, obstructed or closed to the public at any time during the construction period, with full details of the measures to be taken to totally protect the stairs and the users of the facility being submitted and approved prior to the issue of a building licence;*

26. *should the development be constructed in stages, all site works being subject to a bond paid to the City to cover the full costs of remediating the site should the construction of the building not proceed within 12 months of site works being completed;*

27. *all storm water being contained on-site;*

28. *the submission of a construction management plan for the proposal detailing how it is proposed to manage:-*

    28.1 delivery of materials and equipment to the site;

    28.2 storage of materials and equipment on the site;

    28.3 parking arrangements for contractors and subcontractors;

    28.4 other matters likely to impact on the surrounding residents and users of Jacob's Ladder.

FINANCIAL IMPLICATIONS:

Should the Council affirm its previous decision to refuse the development application, there is a risk that SAT may make a costs order against the City requiring it to pay the applicant's costs of the proceedings if the applicant is successful in those proceedings.

This risk would arise if SAT took the view that the Council had not made a genuine attempt to make a decision on the merits of the application, taking into account the need for consistency of decision making as an important aspect of orderly and proper planning.

Conclusion

It is considered that the proposed development, situated on a constrained site in a location adjacent to a major pedestrian entrance to Kings Park, represents an over development of the site demonstrated by its significant departure from the Mount Street Design Guidelines and the provisions of the City Planning Scheme No. 2.

Having regard to the concerns raised and for the objectives of the Mount Street Design Policy, it is considered that the proposed extent of variations being sought to the building height and side setbacks, and the resulting scale of the development, will adversely impact on the amenity of the adjacent residential properties and will detract from Jacob's Ladder as a public facility.

On the basis of consistency of decision making as an important aspect of orderly and proper planning as confirmed by decisions made by the State Administrative Tribunal and as the applicant has significantly progressed the building licence application, having addressed and cleared the majority of the conditions under which the application previously received development approval, this aspect should be attributed appropriate weight in any determination made.

In considering this application, the Council should attribute appropriate weight to the non-compliance with the Scheme provisions but also to the matter of consistency of decision making in its determination of the application.

Cr Tognolini disclosed an interest, took no part in discussion and did not vote on this item.

Member	Nature of Interest
Cr Tognolini	Proximity

Cr Tognolini departed the Chamber at 6.15pm.

Moved by Cr Butler, seconded by Cr McEvoy

That the Council:-

1. notes that the State Administrative Tribunal (SAT), on the application heard on 5 October 2010, ordered that the applicant is to provide additional information to the City and invited the Council to reconsider its decision to refuse the development application at its forthcoming meeting on 16 November 2010;

2. notes the legal advice received from the Council's solicitors regarding consistency of decision making as an important aspect of orderly and proper planning;

3. notes that the SAT invited the Council to reconsider its decision, affording the Council the opportunity to:-

3.1 reconsider the application and take into account consistency of decision making as an important aspect of orderly and proper planning;

3.2 explain the basis for the apparent inconsistency of decision making between the 2008 approval and the more recent refusal (assuming the Council affirms its decision to refuse approval);

(Cont'd)

3.3 demonstrate a genuine attempt to make a decision on the merits of the application having regard to consistency of decision making as an important aspect of orderly and proper planning and weighing this against the substantive planning issues arising in relation to the development;

4. APPROVES BY AN ABSOLUTE MAJORITY the application for the proposed nine level commercial development consisting of a retail tenancy, office tenancies and 65 tenant car parking bays at 130B (Lot 100) Mounts Bay Road, Perth as detailed on the Metropolitan Region Scheme Form One dated 26 February 2010, and on the plans received on 3 March 2010 and 6 July 2010, subject to the following conditions:-

4.1 a detailed schedule of the final colours, high quality materials and finishes for the proposed development, particularly for the south-west and north-east side elevations, being submitted and approved prior to the issue of the relevant building licence;

4.2 the façades of the retaining walls adjacent to Cliff Street (Jacob's Ladder) incorporating sculptural or artistic elements, with further details of the design of the walls being submitted and approved prior to the issue of the relevant building licence, ensuring that these structures do not increase in height or bulk above the natural ground level at the site boundary;

4.3 all of the existing trees on the portion of the escarpment between the rear of the proposed building and the rear boundary of the site being retained, with a detailed landscaping and reticulation plan, incorporating the existing trees and including details of the roof garden, being submitted and approved prior to the issue of the relevant building licence. The approved landscaping shall be installed prior to the occupation of the building and thereafter maintained to a high standard;

4.4 all roof plant being incorporated into the roof design and being satisfactorily screened from view;

(Cont'd)

4.5 privacy screens or appropriate glazing being provided on the northern elevation to minimise overlooking of the adjoining property with details being submitted for approval prior to the issue of the relevant building licence;

4.6 an arboriculturist report being prepared and submitted for approval prior to the issue of the relevant building licence to ensure that adequate protection and appropriate pruning is undertaken during construction to allow for the retention and long term health of the adjacent Moreton Bay Fig tree and the trees on the rear portion of the site;

4.7 further details of the automated multi-level car stacking system being submitted and approved, prior to the issue of the relevant building licence;

4.8 appropriate traffic warning systems for the operation of the vehicle access ramp being installed to control entry and exit movements from the car park, with vehicular entry into the car park being maintained as a priority in order to avoid vehicles queuing back onto Cliff Street;

4.9 submission of a parking management plan detailing the operations and on-going servicing and maintenance of the car lift and storage and retrieval unit (SRU) system being submitted and approved prior to the issue of any relevant building licence;

4.10 a 'stop' line being marked at the vehicle exit and signage being erected advising exiting motorists to stop and give way to pedestrians;

4.11 a maximum of 65 tenant car bays being provided on site, with these bays being for the exclusive use of tenants or occupants of the development and their guests / customers and not being leased or otherwise reserved for use by tenants or occupants of other buildings or sites;

4.12 28 car bays in excess of the maximum to only be accessible outside peak periods with a management report illustrating how this will be managed being submitted for approval prior to a building licence being issued;

(Cont'd)

4.13 two visitor car parking bays, two transfer bays and a disabled bay being provided on site;

4.14 SmartRider passes being purchased by the developer/owner for tenants of the building on a yearly basis, with an ongoing commitment to funding them with details to be negotiated with the Department of Transport to the City's satisfaction;

4.15 the dimensions of all car parking bays, aisle widths and circulation areas complying with the Australian Standard AS/NZS 2890.1/2004;

4.16 a minimum of 76 bicycle parking bays and associated end of journey facilities being provided within the development and being designed and located in accordance with the requirements of the City Planning Scheme No. 2 Policy 5.4 - Bicycle Parking and End of Journey Facilities, with details of the design and location of these facilities being submitted and approved prior to the issue of the relevant building licence;

4.17 all piped, ducted and wired services, air conditioners, hot water systems, water storage tanks, service meters and bin storage areas being located so as to minimise any visual and noise impact on nearby residents and screened from view from the adjacent streets, with details of the location and screening of any proposed external building plant being submitted and approved prior to the issue of a building licence;

4.18 signage for the commercial development being subject to a separate application for approval;

4.19 disabled access to the building being incorporated into the development and being contained wholly within the boundaries of the site;

4.20 the proposed works in Cliff Street external to the site boundary not forming part of this approval and being the subject of a separate application;

(Cont'd)

4.21 a detailed site survey and detailed sections that accurately show the contours and the alignment of the escarpment in relation to the proposed development being submitted and approved prior to the issue of the relevant building licence;

4.22 detailed geotechnical, hydrological, engineering and quantitative risk assessment reports being undertaken by suitably qualified consultants to fully address the impact of the development on the long term stability and integrity of the Mount Eliza escarpment, with particular attention to the stability of Jacob's Ladder and the adjacent properties. These reports shall be submitted prior to the issue of the relevant building licence. The design and construction of the development shall comply with any recommendations contained within the reports and any significant design modifications resulting in changes to the elevations of the building being the subject of a separate application for approval;

4.23 the methods of excavation and retaining being appropriate to ensure the stability of the surrounding land, building and structures, including Jacob's Ladder;

4.24 the developer undertaking dilapidation surveys of all surrounding and nearby properties, including Jacob's Ladder, that could reasonably be affected by the construction of the development prior to the issue of a building licence and at the developer's cost;

4.25 the construction methods for the development of the site being such that no portion of the adjacent public stairway ('Jacob's Ladder') will be required to be altered, obstructed or closed to the public at any time during the construction period, with full details of the measures to be taken to totally protect the stairs and the users of the facility being submitted and approved prior to the issue of a building licence;

4.26 should the development be constructed in stages, all site works being subject to a bond paid to the City to cover the full costs of remediating the site should the construction of the building not proceed within 12 months of site works being completed;

(Cont'd)

4.27 all storm water being contained on-site;

4.28 the submission of a construction management plan for the proposal detailing how it is proposed to manage:-

4.28.1 delivery of materials and equipment to the site;

4.28.2 storage of materials and equipment on the site;

4.28.3 parking arrangements for contractors and subcontractors;

4.28.4 other matters likely to impact on the surrounding residents and users of Jacob's Ladder.

The motion was put and lost

The votes were recorded as follows:-

For: Crs McEvoy and Butler

Against: The Lord Mayor, Crs Davidson, Limnios and Rodgers

Moved by Cr Davidson, seconded by Cr Limnios

That the Council:-

1. notes that the State Administrative Tribunal (SAT), on the application heard on 5 October 2010, ordered that the applicant is to provide additional information to the City and invited the Council to reconsider its decision to refuse the development application at its forthcoming meeting on 16 November 2010;

2. notes the legal advice received from the Council's solicitors regarding consistency of decision making as an important aspect of orderly and proper planning;

3. notes that the SAT invited the Council to reconsider its decision, affording the Council the opportunity to:-

(Cont'd)

3.1 reconsider the application and take into account consistency of decision making as an important aspect of orderly and proper planning;

3.2 explain the basis for the apparent inconsistency of decision making between the 2008 approval and the more recent refusal (assuming the Council affirms its decision to refuse approval);

3.3 demonstrate a genuine attempt to make a decision on the merits of the application having regard to consistency of decision making as an important aspect of orderly and proper planning and weighing this against the substantive planning issues arising in relation to the development;

4. in considering the application in accordance with the provisions of the City Planning Scheme No. 2 and the Metropolitan Region Scheme, affirms its previous position and REFUSES the application for the proposed nine level commercial development consisting of a retail tenancy, office tenancies and 65 tenant car parking bays at 130B (Lot 100) Mounts Bay Road, Perth, as detailed on the Metropolitan Region Scheme Form One dated 26 February 2010, and on the plans received on 3 March 2010, reiterating the Council's previous reasons for refusal at its meeting held on 3 August 2010;

5. having regard for consistency of decision making as an aspect of orderly and proper planning, the Council provides the following additional reasons for REFUSAL:-

5.1 the additional information and scrutiny provided by the City's 3D model which improved the consideration of the impact of:-

5.1.1 the rear setback variation and significant height of retaining walls on the scarp;

5.1.2 the impact of the significant height variation on the views of the scarp from the Swan River and the City;

5.2 the outcome of the "What If" project highlighting the future development of Jacob's Ladder as an important public facility;

(Cont'd)

5.3 the impacts of a recent major storm event on the escarpment in the area of Jacob's Ladder and the significant public concern at the consequential temporary closure of Jacob's Ladder, having given the Council a new and heightened appreciation of its significance as a public recreational facility and the need to protect the amenity of this facility;

5.4 the inconsistency of some of the elevation plans submitted by the applicant in the 2008 application illustrating the height of the adjoining Adelphi Apartment incorrectly as 28 metres, with the officer's report erroneously confirming this incorrect information, which is now correctly being shown on the application plans as 20.55 metres;

5.5 the principle that each development application should be considered as a fresh application on its merits as provided for under Clauses 47 and 50 of the City Planning Scheme No. 2;

5.6 that approval of the height variation proposed in this development will create an undesirable precedent in Height Control Area 5 of the Mount Street Design Policy where no other such heights currently exists.

The motion was put and carried

The votes were recorded as follows:-

For: The Lord Mayor, Crs Davidson, Limnios and Rodgers

Against: Crs Butler and McEvoy

In accordance with Regulation 11(da) of the Local Government (Administration) Regulations 1996 the reason for the decision made being significantly different to that recommended by the Planning Committee is because the Council considered that the proposed development significantly exceeds the provisions of the Mount Street Design Guidelines and the City Planning Scheme No.2 and that the development would have an adverse impact on the amenity of the area.

Cr Tognolini returned to the Chamber at 6.34pm.

599/10 63 (LOTS 101 AND 34) BENNETT STREET, EAST PERTH – MODIFICATIONS TO AN APPROVED EIGHT LEVEL MIXED-USE DEVELOPMENT WHICH INCLUDED THE TRANSFER OF PLOT RATIO BY CHANGING THE APPROVED MIXED-USE DEVELOPMENT TO SERVICED APARTMENTS AND INCLUDING ASSOCIATED MINOR ALTERATIONS

BACKGROUND:

SUBURB/LOCATION:	63 Bennett Street, East Perth
FILE REFERENCE:	10/2233
RESPONSIBLE DIRECTOR:	Russell Kingdom, Acting Director Planning and Development
DATE:	25 October 2010
MAP / SCHEDULE:	Map and colour perspectives for 63 Bennett Street, East Perth Schedule 1 - Transfer of Plot Ratio from 474 Murray Street, Perth
LANDOWNER:	Top Nominees Pty Ltd
APPLICANT:	Oldfield Knott Architects
ZONING:	(MRS Zone) Central City Area (City Planning Scheme Precinct) Goderich Precinct (P14) (City Planning Scheme Use Area) Residential R160
APPROXIMATE COST:	$6 million

The Committee recommendation to the Council for this report was resolved by the Planning Committee at its meeting held on 9 November 2010.

The Committee recommendation to the Council is the same as that recommended by the administration.

SITE HISTORY:

The subject site has a total area of 766m² with frontages to Bennett Street (25.55 metres) and to Goderich Street (25 metres). It is currently occupied by two single-storey dwellings which are not listed as places of cultural heritage significance. The site is adjacent to a single residential property to the north and a two-storey residential building to the west. The area is characterised by predominantly residential developments with some cafes / restaurants on Bennett Street.

At its meeting held on **1 June 2010**, the Council approved an application for the demolition of the existing buildings on the subject site and the construction of an eight level mixed-use development containing two consulting rooms, 25 multiple

dwellings and 37 car parking bays which included the transfer of 306m^2 of plot ratio floor area to the site.

DETAILS:

The applicant has lodged an application to modify the previous approval by changing the approved 25 multiple dwellings (Residential) to serviced apartments (Special Residential). In association with this change, and as part of the refinement of the detailed design of the development, a number of amendments are also proposed which include:-

- the reduction of the number of car parking bays provided from 37 to 34 including the provision of three disabled car bays;
- the removal of residential storerooms in the basement and these being replaced with plant and service areas;
- the provision of a single bin store adjacent to Goderich Street, with a high sandstone clad wall at street frontage incorporating a pre-cut metal motif proposed to screen this store as well as the ground floor level car parking from Goderich Street;
- the removal of the roof over the western portion of the ground level car parking area and the provision of six trees to screen and provide shade to this area and improve any impact on the adjoining property as an alternative;
- the consolidation of the two consulting rooms into a single tenancy;
- the redesign of the ground floor level to accommodate the required fire escapes and disabled access;
- minor alterations to the layout of the 1st to 5th floor levels to accommodate the required house keeping services for the serviced apartments;
- an increase in the height of the lift overrun by 1.5 metres as a consequence of the requirement for a larger lift for the serviced apartments under the Building Code of Australia (BCA);
- removal of the metal feature screen to the rear western elevation of the building.

COMPLIANCE WITH PLANNING SCHEME:

Land Use

The subject property is located within the Residential R160 use area of the Goderich Precinct (P14) of City Planning Scheme No. 2. The Statement of Intent for the Goderich Precinct states that the Precinct:-

'*will be further developed as a residential neighbourhood accommodating a wide range of residential and employment opportunities serviced by activities which support these uses.'*

'*The protection and enhancement of the amenity of existing and future residential development in and around the Precinct is important.'*

The Residential Area *'will accommodate a wide variety of residential uses, including short stay commercial accommodation such as hotels, motels, serviced apartments and hostels.'*

The Goderich Design Policy identifies as its objective in relation to land use '*to actively encourage the development of a wide range of inner city residential opportunities augmented by complementary supporting services and employment opportunities within the area'*.

Under the Use Group Table for the Goderich Precinct, both 'Special Residential' uses such as serviced apartments and 'Healthcare 1' uses such as a consulting room are contemplated ('C(1)') uses in this area subject to the advertising procedures of the City Planning Scheme No. 2. The application was advertised and an objection was received indicating that the change of use exacerbates the concerns raised in relation to the previous application. This objection will be further addressed later in this report.

However, it is considered that serviced apartments are an appropriate use which is not likely to have a significantly different impact to the previously approved residential land use. The applicant has submitted a management plan and servicing strategy to ensure the appropriate operation of the business and behaviour of residents. It is therefore considered that the uses can be supported.

Development Requirements

The proposal has been assessed against the City Planning Scheme No. 2 requirements and the proposal's compliance with development standards is summarised below where it varies from the previously approved development:-

Development Standard	Proposed	Required / Permitted
Building height:-	**23.5 metres**	6 to 9 metres (minimum) 19.5 metres (maximum)
Car Parking:-		
- Special Residential	**30 car bays**	12 car bays (minimum) 25 car bays (maximum)
- Non Residential	1 car bay	19 bays (maximum)

Variations to the building height, setback and car parking provisions applicable to the development can be granted by an absolute majority decision of the Council, in accordance with Clause 47 of the City Planning Scheme and provided the Council is satisfied that:-

'47(3)(d)(i) if approval were to be granted, the development would be consistent with:-
- *(A) the orderly and proper planning of the locality;*
- *(B) the conservation of the amenities of the locality; and*
- *(C) the statement of intent set out in the relevant precinct plan; and*

(ii) the non-compliance would not have any undue adverse effect on:-
- *(A) the occupiers or users of the development;*
- *(B) the property in, or the inhabitants of, the locality; or*
- *(C) the likely future development of the locality.'*

COMMENTS:

Consultation

The proposed 'Special Residential' use group is contemplated in the Residential Area of the Goderich Precinct subject to advertising procedures. The application was therefore advertised to the owners of adjacent properties for a period of 14 days and one objection was received. This objection indicates that the proposed short term accommodation greatly increases the concerns raised in relation to the previous development application and that these concerns are reiterated. These concerns are summarised below:-

- The bulk and scale of the proposed development is inappropriate in the locality relative to the adjoining development and the intent of the Goderich Design Policy.

- The proposed development incorporates five open-sided balconies which will directly overlook the property to the west in Goderich Street, are not set back in accordance with the privacy requirements of the Residential Design Codes, and are not appropriately screened.

- The proposal for 25 dwellings is well in excess of the permitted development potential of 12 dwellings. Whilst it is noted that the Residential Design Codes allow for an additional seven dwellings where single bedroom dwellings are proposed, the proposed density is a significant variation to this and inconsistent with the intent of the locality.

- The additional ten car parking bays required to service the seven additional dwellings proposed is likely to impact on the traffic entering and exiting the building. A traffic report is required to address this.

- The seven additional dwellings result in an additional level being added to the building. In addition, the proposed building is two metres above the 19.5 metre maximum specified height under the Goderich Design Policy. The Goderich Design Policy does permit an additional three metres above the 19.5 metre height limit for the site if it relates to plant and lift overrun, and provided it is integrated into the building design. The proposed communal area and gym does not qualify for this increase in height.

- The development is undesirable in the locality, does not meet the objectives of the Goderich Design Policy and will adversely affect the amenity of the area.

These objections relate primarily to the building design and were addressed as part of the previous application for the overall development. At that time, the Council considered that the overall scale, bulk and form of the development would be consistent with the Statement of Intent for the Goderich Precinct and the orderly and proper planning of the locality.

The change of use to serviced apartments now proposed does not alter this and the overall scale, bulk and form of the development remains as approved. Serviced apartments are a use which can be supported under the objectives of the Goderich Precinct and the Goderich Design Policy. The number of apartments and bedrooms is not altered from the approved application so that the maximum number of residents at any one time should not vary and the appropriate management of the apartments in accordance with the management plan submitted with the application should ensure that the behaviour of occupants does not adversely affect surrounding residents. It is therefore considered that the change of use to serviced apartments can be supported.

Building Height

The Goderich Design Policy stipulates a maximum building height of 19.5 metres for the site with the exception of plant and lift overrun which may extend a further three metres to 22.5 metres. The approved application for the development involved a height variation to 22 metres at the upper level of the building to accommodate a gym and communal area. As this portion of the building was small in area and centrally located, its impact in terms of building bulk and streetscape was similar to a plant room, not visible from the adjoining streets and therefore, likely to be negligible.

The applicant now proposes that the lift overrun to extend 23.5 metres in height, resulting in a further height variation of one metre. This is as a consequence of the Building Code of Australia (BCA) requirement to provide a 15 passenger, stretcher and disability compliant lift for the serviced apartments. As this variation only applies to the lift overrun, it will have minimal impact on the bulk and scale of the building and the amenity of the surrounding area. It can therefore be supported under Clause 47 of the City Planning Scheme No. 2.

Car Parking

The approved development application provided 35 car bays for the residential use and two car bays for the consulting rooms which was in accordance with the City Planning Scheme No. 2 provisions. The applicant now proposes the provision of 30 car bays for the serviced apartments and one car bay for the consulting room plus three disabled car bays. The provision of 30 car bays for the serviced apartments exceeds the maximum of 25 car bays permitted under the City Planning Scheme No. 2 provisions.

As the total number of bays provided on site has reduced by three and the provision of five car bays in excess of the Scheme provisions, it is likely to have minimal impact on traffic in the surrounding streets this minor variation can be supported under Clause 47 of the City Planning Scheme No. 2.

Building Design

As a consequence of the proposed change of use, further detailed design of the development and the need to address BCA issues, minor changes to the building's design have been undertaken. These include changes to the building's interface with the street at ground floor level although an appropriate level of activation is maintained and considered to be an improvement on the original design.

The height of the wall on the western side of the vehicle entrance on the Goderich Street frontage which is now proposed to screen the bin store and car parking is higher than would normally be supported, extending for a distance of 5.3 metres along the frontage to a height of up to four metres. This new arrangement is an improvement upon the previous design where the bin stores opened directly onto the street and the redesign was required as a condition of the previous approval. The wall is to be appropriately detailed with stone cladding and a metal motif and can be supported.

The removal of the metal screen on the western side elevation which extended from the 1st floor level to the roof of the building is acceptable as it is to be replaced with detailing repeated elsewhere on the western elevation of the building and the overall level of articulation on this elevation is satisfactory. The screen is not essential for privacy reasons as the relevant wall is set back over five metres from the adjacent residential property while it is only required to be set back three metres and as a result, a level of privacy appropriate to this inner city environment is achieved.

Conclusion

The proposed serviced apartments are a use which is in keeping with the Statement of Intent for the Goderich Precinct and the objectives of the Goderich Design Policy. Furthermore, the proposed design addresses the need to ensure an adequate supply of accommodation options for tourists and business travellers within the city. The alterations proposed to the design of the building are also minor and do not significantly impact upon the overall scale, bulk and form of the development, and the

orderly and proper planning of the locality. It is therefore recommended that the application can therefore be supported subject to appropriate conditions.

Moved by Cr McEvoy, seconded by Cr Butler

In accordance with the provisions of the City Planning Scheme No. 2 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application for the proposed change of use of the 25 multiple dwellings ('Residential') within the approved mixed use development to 25 serviced apartments ('Special Residential') and associated minor alterations to the approved development at 63 (Lot 101 and 34) Bennett Street, East Perth, as detailed on the Metropolitan Region Scheme Form One dated 7 July 2010, and as shown on the plans received 20 October, 2010, subject to:-

1. ***the development not exceeding a plot ratio of 2.4:1 or 1,838m² of plot ratio floor area including a maximum of 306m² of plot ratio floor area currently recorded ('banked') in the Transfer of Plot Ratio Register of the City Planning Scheme No. 2 being transferred from 474 (Lots 1-75) Murray Street, Perth;***

2. ***the owner submitting evidence to the City that the transaction in respect of the transfer of plot ratio has been finalised between the owners of unused plot ratio at 474 (Lots 1-75) Murray Street, Perth, and 63 (Lot 101) Bennett Street, East Perth, enabling the City to register the transfer of plot ratio;***

3. ***the serviced apartments being managed and serviced in accordance with the Management Plan and Servicing Strategy for 63 Bennett Street, East Perth, submitted with the application;***

4. ***the glazing of the balustrading to the balconies of the units located on the north-west corner of the building being translucent to restrict overlooking of adjoining properties with details of this glazing being submitted and approved prior to the issue of the relevant building licence;***

5. ***final details of the design and a sample board of the materials, colours and finishes for the proposed building being submitted and approved prior to the issue of the relevant building licence;***

(Cont'd)

6. a detailed landscaping and reticulation plan being submitted and approved, prior to the issue of the relevant building licence, with the approved landscaping being installed prior to the occupation of the building and thereafter maintained to a high standard;

7. the subject lots being amalgamated to create one new lot on one Certificate of Title, in accordance with the development proposal, prior to the issue of a Certificate of Classification for the development;

8. the communal recreation and gym facilities being for the exclusive use of the residents of the development;

9. the operating hours of the consulting room being restricted to 8.00am to 6.00pm Mondays to Fridays and 8.00am to 1.00pm on Saturdays;

10. all signage being designed as an integral part of the development with details of any signage being subject to a separate application for approval;

11. the recommendations contained in the Acoustic Report dated 9 February 2010 by Gabriel's Environmental Design, regarding the mixed-use development and other noise management measures, being implemented in full and on completion of the building construction a test or inspection report, undertaken at the developer's cost, shall be submitted and approved verifying that the building complies with the recommendations, standards and objectives contained in the Acoustic Report, prior to the issue of a Certificate of Classification for the development, with any significant design changes resulting from the test or inspection report being the subject of a separate application for approval;

12. a maximum of 34 car parking bays being provided on-site for the exclusive use of occupants of and visitors to the mixed-use development, with a minimum of one car bay being allocated to each dwelling and a minimum of three car bays being allocated as disabled car bays;

13. the dimensions of all car parking bays, aisle widths and circulation areas complying with the Australian Standard AS/NZS 2890.1/2004;

(Cont'd)

14. a minimum of nine secure bicycle parking bays being provided within the development and being designed and located in accordance with the requirements of the City Planning Scheme No. 2 Policy 5.4 - Bicycle Parking and End of Journey Facilities, with details of the design and location of these facilities being submitted and approved prior to the issue of the relevant building licence;

15. all piped and wired services, air conditioners, hot water systems, water storage tanks, utility meters, and bin storage areas, being located so as to minimise any visual and noise impact on the adjacent developments and being screened from view of the street, with details of the location and screening of any such plant and services being submitted for approval prior to the issue of the relevant building licence;

16. any existing vehicle crossovers that are not required to provide access to this development being removed and the verge areas being reinstated by the developer to the City's specifications and at the owner's expense prior to occupation of the building;

17. the developer undertaking a dilapidation survey of the adjacent properties prior to the commencement of any demolition or construction works on the site;

18. in the event of the development not proceeding within six months of the date of the demolition of the existing buildings on the site, the site is to be landscaped in order to preserve the amenity of the area and to prevent dust and sand being blown from the site, and secured and maintained in a clean and tidy state;

19. the submission of a construction management plan for the proposal detailing how it is proposed to manage:-

19.1 delivery of materials and equipment to the site;

19.2 storage of materials and equipment on the site;

19.3 parking arrangements for contractors and subcontractors;

19.4 other matters likely to impact on the surrounding properties.

The motion was put and carried by an absolute majority

The votes were recorded as follows:-

For: **The Lord Mayor, Crs Butler, Davidson, Limnios, McEvoy, Rodgers and Tognolini**

Against: **Nil**

600/10 41-47 (LOT 38) COLIN STREET, WEST PERTH – PROPOSED CAFÉ ADDITION TO EXISTING OFFICE BUILDING

BACKGROUND:

SUBURB/LOCATION:	41-47 Colin Street, West Perth
FILE REFERENCE:	10/2172
RESPONSIBLE DIRECTOR:	Russell Kingdom, Acting Director Planning and Development
DATE:	28 October 2010
MAP / SCHEDULE:	Map and coloured perspective for 41-47 Colin Street, West Perth

LANDOWNER:	41 Colin Street Pty Ltd
APPLICANT:	Bruce McLean Architects
ZONING:	(MRS Zone) Urban (City Planning Scheme Precinct) West Perth (P10) (City Planning Scheme Use Area) Office/Residential
APPROXIMATE COST:	$500,000

The Committee recommendation to the Council for this report was resolved by the Planning Committee at its meeting held on 9 November 2010.

The Committee recommendation to the Council is the same as that recommended by the administration.

SITE HISTORY:

The property located at 41-47 Colin Street accommodates a three-storey office building constructed in 1971. The building has an undercroft basement level car park with 73 parking bays, which is accessed from Richardson Street.

DETAILS:

An application has been received to construct an external addition to the existing building at 41-47 Colin Street for the purpose of a café. The proposed addition will primarily be located within the existing Colin Street setback area, however, the addition turns the corner of the building such that the entry, a terraced area and new landscaping (proposed to be constructed over the basement), will be located in the Richardson Street setback area. The gross floor area of the proposed café including dining area, preparation area and terrace is approximately 87m^2. The café will accommodate 20 seats in the proposed tenancy and on the terrace within the property boundaries.

The proposed development is set back 0.9 metres from Colin Street and 1.2 metres from Richardson Street.

The existing area apportioned to on-site landscaping of 96m^2 has been increased to 167m^2, being an additional 71m^2 of landscaping in the street setback areas.

The proposed addition includes the following external characteristics:-

- perimeter steel universal beams at roof and floor level finished in dark grey ferrous oxide;
- steel framed windows, bi-fold doors and balustrading to be finished in dark grey ferrous oxide;
- base walls to planters painted blue;
- clear glass to all windows.

COMPLIANCE WITH PLANNING SCHEME:

Land Use

The subject property is located within the Office / Residential Area of the West Perth Precinct (P10) under the City Planning Scheme No. 2. The Statement of Intent for the West Perth Precinct states that it will be developed as one of several residential quarters, accommodating a range of housing types along with support facilities, and also provide a secondary business area adjacent to the city centre.

Under the Use Group Table for the West Perth Precinct, a café (Dining) is a ‘P’ or preferred use within the Office/Residential area of the West Perth Precinct (P10). The proposed development satisfies the Statement of Intent for the West Perth Precinct.

Development Requirements

It is envisaged that this Precinct will continue to develop as a living and working environment with a wide range of activities (including cafés) which meet the needs of the workforce and residents. Buildings in the area, west of Havelock Street, are to be set well back from boundaries and set in spacious landscaped surrounds, reflecting

the original concept for this area of a garden office / residential district. The area shall have an open and spacious character quite distinct from the continuous built edge which dominates the primary office district in the city centre.

The proposal has been assessed against the City Planning Scheme requirements and the proposal's compliance with development standards is summarised below:-

Development Standard	Proposed	Required / Permitted
Maximum Plot Ratio:- (Commercial)	1.29:1(2,672m^2)	1.33:1 (2,748m^2)
Setbacks:- - Front (primary) (Richardson Street) - Side (secondary) (Colin Street)	 **1.2m (terrace and entry stairs)** 5.0m (remainder of building) **0.9m**	 4.5m 3.0m
Landscaping:-	**8% (167m^2)** Existing – 4.68% (96m^2)	25% (516.5m^2)

Variations to the setback and landscaping provisions applicable to the development can be granted by an absolute majority decision of the Council, in accordance with Clause 47 of the City Planning Scheme No. 2 and provided the Council is satisfied that:-

'47(3)(d)(i) if approval were to be granted, the development would be consistent with:-
(A) the orderly and proper planning of the locality;
(B) the conservation of the amenities of the locality; and
(C) the statement of intent set out in the relevant precinct plan; and

(ii) the non-compliance would not have any undue adverse effect on:-
(A) the occupiers or users of the development;
(B) the property in, or the inhabitants of, the locality; or
(C) the likely future development of the locality'

COMMENTS:

Consultation

The application was not advertised as it predominantly complies with the City Planning Scheme No. 2 provisions. Furthermore, the variations (setbacks and landscaping) are considered relatively minor and significantly improve the existing amenity and current situation relevant to the site.

Setbacks

The proposed terrace area and entry stairs to the café along Richardson Street (considered to be the primary street) are set back 1.2 metres rather than the required 4.5 metres. The setback variation along Richardson Street is considered relatively minor in view of the terrace area and entry stairs being unenclosed structures and encroaching into the setback area for only 7.5 metres of the 46.7 metres of frontage with the rest of the building being set back five metres.

The proposed café is set back 0.9 metres from Colin Street (considered to be the secondary street) rather than the required setback of three metres. The café encroaches into the setback area for 13.8 metres of the 45.2 metres of frontage.

The intent of the 4.5 metre front setback is to ensure the development reflects the original concept for this area of a garden Office / Residential district. Whilst the café additions will encroach into a setback that is typically reserved for landscaping, the majority of the ground floor of the building conforms to the required setback. The café addition has clear bi-fold windows that promote an open and permeable façade and has been set back to enable a 0.9 metre strip of landscaping to be placed along the front edge of the building. The café and terrace is predominantly constructed over the existing open and visible undercroft car park and is considered to be a positive improvement to the impact on the street and the pedestrian experience of the streetscape.

Landscaping

It is acknowledged that the area occupied by the café addition is currently poorly landscaped and enables an open view to the basement parking area underneath. It is considered that the encroachment of the café addition is not removing a quality landscaping area, rather, it will assist to hide an aspect of the site that is currently considered undesirable. In addition, the applicant is proposing to extend the landscaping along the southern end of the Colin Street façade and along the Richardson Street frontage behind the terrace area such that the overall landscaping across the site is increasing from 96m^2 (4.7%) to 167m^2 (8%). This is a marked improvement to the current landscaping situation and is an attempt to address the "landscape setting" approach to the Office/Residential use area of the West Perth Precinct.

Use and Design

The proposed café addition will improve the existing building with respect to both building design and landscaping, and will be a significant improvement to the appearance of the building within the streetscape. It is considered that the front setback variations will not disrupt the existing pattern of development or detract from the amenity of the existing street and can be supported in accordance with Clause 47 of the City Planning Scheme No. 2.

The proposed development will contribute to the growing office and residential environment within this area of the West Perth Precinct by enhancing the character

of the building and adding amenity and vibrancy to the locality. The café addition has been designed to be light and open, thereby reducing any perceived bulk and mass, and is situated amongst an increased and appropriate landscaped setting. Having regard to the above, it is recommended that the proposed café addition be supported.

Conclusion

In view of the improved landscaping and the benefits that a new dining establishment will bring to the surrounding office workers and residents, the proposed variation to the Scheme setback provisions are considered appropriate and will have a positive impact on the amenity of surrounding area. The application is therefore recommended for approval subject to relevant conditions.

Moved by Cr McEvoy, seconded by Cr Butler

That, in accordance with the provisions of the City Planning Scheme No. 2 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application for a new café (dining) addition at 41-47 (Lot 38) Colin Street, West Perth, as detailed on the Metropolitan Region Scheme Form One dated 3 June 2010, and as shown on the plans dated 28 October 2010 subject to:-

1. a detailed schedule or sample board of the materials, colours and finishes for the proposed building works being submitted and approved prior to the issue of the relevant building licence;

2. a detailed landscaping and reticulation plan being submitted and approved, providing in ground landscaping to the front setback, prior to the issue of the relevant building licence, with the approved landscaping being installed prior to the occupation of the café tenancy and thereafter maintained to a high standard;

3. any future proposed alfresco dining area outside of the property boundaries being the subject of a separate application for an Alfresco Dining Licence.

The motion was put and carried by an absolute majority

The votes were recorded as follows:-

For: The Lord Mayor, Crs Butler, Davidson, Limnios, McEvoy, Rodgers and Tognolini

Against: Nil

601/10 111-133 (LOTS 1-9) GODERICH STREET, EAST PERTH – CITY AFFORDABLE HOUSING PROJECT – PROPOSED 48 HOUSING UNITS IN A THREE-STOREY BUILDING AND A THREE-STOREY PUBLIC CAR PARK FOR 177 CAR PARKING BAYS

BACKGROUND:

SUBURB/LOCATION:	111-133 Goderich Street, East Perth
FILE REFERENCE:	10/2300
RESPONSIBLE DIRECTOR:	Russell Kingdom, Acting Director Planning and Development
DATE:	26 October 2010
MAP / SCHEDULE:	Map and coloured perspective for 111-133 Goderich Street, East Perth
LANDOWNER:	City of Perth
APPLICANT:	Scott Penn Hall Architecture and Interior Design
ZONING:	(MRS Zone) Central City Area (City Planning Scheme Precinct) Goderich (P14) (City Planning Scheme Use Area) Residential (R160)
APPROXIMATE COST:	$15 million

The Committee recommendation to the Council for this report was resolved by the Planning Committee at its meeting held on 9 November 2010.

The Committee recommendation to the Council is the same as that recommended by the administration.

SITE HISTORY:

The subject site is located on the southern side of Goderich Street between Hill and Bennett Streets, East Perth. The 4,958m² site is currently occupied by an open-air public car park accommodating 187 car parking bays.

At its meeting held on **27 January 2010**, the Council supported the progression of a business case for the development of the Goderich Street Affordable Rental Housing Project at the subject site. At its meeting held on **3 August 2010**, the Council approved the Business Plan for the residential component of the proposed development and at its meeting held on **26 October 2010**, the Council approved the Business Plan for the car park component.

DETAILS:

Approval is sought to construct a three-storey residential development accommodating 48 affordable housing units. The proposed development will be an affordable housing demonstration project for low to middle income city workers. The City will retain ownership of the dwellings and they will be rented to key city workers at a reduced market rent. The target occupant for the dwellings will typically be singles and couples on low to moderate income who work within the City's boundaries.

Details of the housing component of the proposal include:-

- The ground floor level of the housing component will accommodate 14 single bedroom 'walk-up' dwellings. Each dwelling is provided with a front terrace area and a rear courtyard and store. Six of the ground floor level apartments will be fully accessible for people with disabilities including ramped entries for direct access from Goderich Street.

- A separate vehicle access to 24 residential tenant car parking bays, six motorcycle bays and bicycle parking is proposed via a crossover at the eastern end of the site. Pedestrian access to the units is proposed via four entries along the Goderich Street frontage.

- The upper two levels of the residential development contain a mix of one and two bedroom dwellings.

- The external materials of the proposed residential development include face brick in a light and darker colour, perforated balcony balustrades, and zinc cladding.

- A three-storey public car park building is proposed to be constructed at the rear of the site accommodating 177 car parking bays, motorcycle parking and bicycle parking. The public car park can be accessed via a separate crossover located on the western boundary of the site. An alternative access is provided off the rear right-of-way to accommodate any overflow vehicles entering the City's car park located directly to the south of the subject site on Hay Street.

- The external materials of the proposed car park include perforated louvred screens to the south and a living green wall to the north. The proposed roof will have the capacity to install photovoltaic panels at a later date.

COMPLIANCE WITH PLANNING SCHEME:

Clause 42 of City Planning Scheme No. 2 states that where an application is made by or on behalf of the City and proposes a public car park with 50 bays or more in the Perth Parking Management Area, the Council, at the completion of the advertising procedure, if required is to forward the application to the WAPC for comment prior to

determining the application. As the application is made by the City then the WAPC is required to determine the application.

Land Use

The Goderich Precinct will be further developed as a residential neighbourhood accommodating a wide range of residential and employment opportunities serviced by activities which support these uses. The protection and enhancement of the amenity of existing and future residential development in and around the Precinct is important.

'Residential' is a Preferred 'P' use within the Residential R160 use area of the Goderich Precinct. Given the above, the proposed residential use is compatible with surrounding land uses and complies with the statement of intent for the precinct.

A 'public car park' is an unlisted use under the City Planning Scheme No. 2. Under Clause 46 of the City Planning Scheme No. 2, the Council may approve an application which involves an unlisted use where the proposed development has been advertised in accordance with the Scheme and where the Council is satisfied, by an absolute majority, that the proposed development is consistent with the general provisions of the City Planning Scheme No. 2.

Development Requirements

An increase in residential use is sought by the conversion of non-residential premises and the construction of new residential buildings. Development will be low to medium rise taking into consideration the prominence of land in the eastern part of the Precinct, which forms part of an east-west ridge rising to reach its highest point on Cemetery Hill. The building design will not embody large unbroken elements but display a variety of built form.

The proposal's compliance with the City Planning Scheme No. 2 development requirements is summarised below:-

Development Standard	Proposed	Required / Permitted
Maximum Plot Ratio:-	1.73:1 (8,594m^2)	2:1 (9,934m^2)
Dwelling Density R160:-	48 dwellings	79 dwellings (maximum)
Building Height:-		
- Residential Building	10 metres to roof and 11.5 metres to plant	9 metres (minimum) 19.5 metres (maximum)
- Car Park	11 metres to roof canopy	9 metres (minimum) 19.5 metres (maximum)

Development Standard	Proposed	Required / Permitted
Car Parking:- - Residential - Public Car Park	 **24 car bays** **General parking**	 96 car bays (minimum) Short stay parking zone
Open Space:-	**8% of the site (400m^2)** plus balconies of **9m^2 to 15m^2** with a minimum dimension of 2 metres	Minimum 60% (2,980.2m^2) open space requirement of the R-Codes may be relaxed under Goderich Design Policy if substantial external private balconies are provided – exceeding 10m^2 with a minimum dimension of 2 metres
Setbacks:- **Front (Goderich Street)** - All levels **Side (West)** - Ground - Level 1 and 2	 2.6 metres (building) 0.6 metres (balconies) **Nil (car park and covered accessway)** **Nil**	 Nil permitted 4 metres (maximum) 3 metres (minimum) unless meets performance standards visual / acoustic privacy and overshadowing 3 metres (minimum) unless meets performance standards visual / acoustic privacy and overshadowing

Development Standard	Proposed	Required / Permitted
Side (East)		
- Ground	**1.5 metres –** 3 metres (car park) and 7.25 metres to residential building	3 metres (minimum) unless meets performance standards visual / acoustic privacy and overshadowing
- Level 1 and 2	**1.5 metres –** 3 metres (car park) and 3 metres to residential building	3 metres (minimum) unless meets performance standards visual / acoustic privacy and overshadowing
Rear		
- All levels	**Nil**	3 metres (minimum) unless meets performance standards visual / acoustic privacy and overshadowing
Bicycle Parking:-		
- Residential	36 bays	16 bays (minimum)
- Car Park	22 bays **(no end of trip facilities)**	10 bays and end of trip facilities

Variations to the car parking, open space, setback and bicycle parking provisions applicable to the development can be granted by an absolute majority decision of the Council, in accordance with Clause 47 of the City Planning Scheme and provided the Council is satisfied that:-

'47(3)(d)(i) if approval were to be granted, the development would be consistent with:-
(A) the orderly and proper planning of the locality;
(B) the conservation of the amenities of the locality; and
(C) the statement of intent set out in the relevant precinct plan; and

(ii) the non-compliance would not have any undue adverse effect on:-
(A) the occupiers or users of the development;
(B) the property in, or the inhabitants of, the locality; or
(C) the likely future development of the locality'.

COMMENTS:

Consultation

The application was advertised to the adjoining landowners for a period of 14 days due to the unlisted car parking use and the non-compliance with the car parking, open space, setback, and bicycle parking requirements of the City Planning Scheme No. 2. One submission was received from the Perth Mint expressing its concern at the temporary loss of public parking for its staff during the construction period of the development. The submission is noted, however, all users of the existing car park will have to utilise alternative car parks during the construction period until the new facility is available. The submission is not considered to be an objection against the proposed development.

Design Advisory Committee

The proposal was referred to the meeting of the Design Advisory Committee (DAC) held on 30 September 2010 for comment in relation to the design aspects of the application. The DAC requested *'that the applicant review the design of the development to:-*

1. *improve the expression of the front façade in both material selection and articulation to reduce the impact of the length of the façade;*
2. *vary the roof line to assist with breaking the regularity of the lengthy façade;*
3. *investigate a solid wall infill to the circular car park ramp structure to minimise noise impacts on the immediately adjoining residential apartments'.*

The applicant has submitted revised plans addressing the concerns of the DAC. The proposed amendments are detailed below:-

- Greater modelling and articulation of the façade by bringing the end and central elements forward and raising the parapet heights of these sections.
- Revising the profile of the top of the entry statement blade walls to incorporate a horizontal element.
- Introduction of a 'stack bonded' brick pattern to the expressed end and central elements.
- Fully enclosing a portion of the circular car park ramp closest to residences of the apartment building.

It is considered that the proposed amendments address the DAC's comments to improve the expression of the façade and building to reduce the impact of the length of the façade.

Perth Parking Policy

The subject site is located in the short-stay parking zone of the Perth Parking Policy. Within this zone, public short-stay parking facilities may be permitted where at least

50% of vehicles stay less than four hours and at least 90% stay less than six hours. The Policy states that further public long-stay parking facilities will not be permitted.

The applicant is proposing to retain the existing long-stay use of the public car parking bays in the new three-storey car park. In support of the long-stay use, the applicant has provided the following justification:-

'The City commissioned a report into the Goderich Street Car park by Luxmoore Parking Consulting to examine the need for long term parking on the site. The report showed that there is a strong existing demand for long-term parking on the site, which is well utilised by commuters and has an average occupancy of 96% on weekdays. It also suggested that demand is likely to increase in the medium term if nearby long-term parking facilities including Queens Gardens are redeveloped as expected.

Whilst the Luxmoore Report provides important reasons to retain the current long-term parking at the Goderich Street car park, the City also recognises that increasing the level of long-term parking in the area would be contrary to the intent of the Perth Parking Policy. It is for this reason that the City proposes to construct a new car park that would reduce the number of long term car bays provided, while also incorporating facilities for alternative transport that are not currently available'.

It is proposed to provide nine long-stay motorcycle parking bays, two long-stay accessible bays and 11 u-rails for bicycle parking facilities, currently not existing within the car park.

Given the provision of the above mentioned facilities and the reduction in the number of bays currently provided on site, officers at the Department of Transport (DOP) have indicated that they support the proposal in principle, however, a Ministerial exemption is required after approval of the development application has been issued.

There is no end-of-trip facilities provided for the proposed bicycle parking within the public car park. It is considered that these facilities are generally not provided within public car parks and end of journey facilities at a user's final destination can be utilised. Given the above, it is considered that this variation to the City's Bicycle and End of Trip Facilities Policy can be supported in this instance.

Residential Car Parking Bays

The City Planning Scheme No. 2 Parking and Access Policy requires a minimum of 96 car parking bays to be provided on site for the tenants of the proposed residential development. It is proposed to provide 24 car parking bays. The configuration of the proposed bays can be altered to provide four accessible bays and 20 standard bays if required. The proposed number of bays equates to one bay being provided for every two dwellings.

Reductions in the on-site parking requirements for residential development in the Goderich Precinct can be considered where the normal provision is difficult to achieve, or where the Council can be convinced that the normal provision is not warranted.

The proposed residential development is targeted towards low to middle income earners working within the City's boundaries. The occupants will therefore be 'selected' based on relevant criteria including vehicle ownership requirements. It is therefore considered that the number of car parking bays required for this development is not warranted in this instance.

In addition to the residential car parking bays, five motorcycle parking bays and 18 u-rail bicycle racks accommodating up to 36 bicycles are also provided. Each dwelling is also provided with a residential store and the ground floor apartments each feature a rear courtyard area capable of storing a bicycle.

Given the above, it is considered that the number of residential parking bays is appropriate for this development in this instance.

Open Space

The Residential Design Codes specify a minimum requirement of 60% of the site area to be allocated as open space and a minimum of 16m² of communal open space. An area of 400m² is provided for open space on the site equating to 8% of the site.

The Goderich Design Policy specifies that the open space requirements of the Residential Design Codes may be relaxed subject to the provision of external private open space to each residential unit (this may be in the form of balconies or terraces with a minimum dimension of two metres and minimum area of $10m^2$), and an area of mature trees to provide landscaped relief within the built environment.

The proposed green wall will be an important landscaping feature reducing the visual impact of the car park building for the occupants of the residential development and provide a landscaped relief in accordance with the requirements of the Policy.

Each residential dwelling is provided with a private outdoor area in the form of a balcony (or terrace and courtyard for the ground floor level apartments) with a minimum dimension of two metres. Not all of the balconies have a minimum area of 10m². In addition to the private outdoor space provided, a landscaped area is proposed to the rear of the residential development with a communal outdoor area for the residents including barbeque facilities and seating. These areas are considered acceptable, however, the size of the balconies where possible should be increased to achieve a minimum of 10m². This can be dealt with as a condition of any approval.

Given the above, it is considered that the proposal is consistent with the provisions of the Goderich Design Policy and this variation can be supported.

Setbacks

The development proposes a variation to the side and rear setback requirements of the Goderich Design Policy. The Policy requires a minimum three metre setback to the side and rear boundaries of the site where a nil setback is proposed to the western and rear boundaries and a 1.5 metre setback to the eastern boundary.

The Goderich Design Policy states that this setback can be reduced if it can be demonstrated that a reduced setback meets the performance standards for visual and acoustic privacy and overshadowing.

The proposed development is well below the permitted height for the Goderich Precinct. The proposed development would not have a greater overshadowing impact than what is permitted by the current provisions.

The subject site adjoins a three and seven storey building to its eastern boundary. The three-storey portion of the development is located on the street frontage with a nil setback to the boundary. The building adjoining the site to the west is also a three-storey building with portions of the building setback nil to the boundary. The balconies of the proposed residential development either overlook Goderich Street or the rear of the site. It is considered that the development has been designed to minimise overlooking of the adjoining sites.

A right-of-way provides a three metre separation between the rear boundary and the adjoining sites to the south. Future development of the sites to the south will be required to address Hay Street and are expected to be set back from the right-of-way.

The proposed car park building will create limited overshadowing of these sites. The southern elevation of the proposed car park features louvred perforated panels to screen the vehicles from the adjoining sites. The roof of the car park will also provide weather protection to the upper level of the car park and screen the view of any cars from above.

Given the above, it is considered that the proposed development will not have an adverse impact on the amenity of the adjoining sites or locality. Therefore, the proposed variation to the setback requirements can be supported.

Design and Streetscape Presentation

The proposed development was supported by the DAC at its meeting held on 30 September 2010. The DAC did raise a concern in regards to the length of the street façade and suggested the façade be further articulated to improve the expression of the elevation. The end and central elements of the building were expressed forward of the façade to create areas of depth along the elevation. These areas were also raised in height to add interest to the flat roofline. The amendments to the design of the building are considered to add additional interest to the development and assist in breaking up the façade over the length of the site.

The elevations of the proposed car park will provide screening to the vehicles from the future residents of the proposed residential development and occupants of adjoining sites. The screening includes a green wall and a section of the external ramp will be fully enclosed with solid cladding to reduce any potential noise impact from the use of the ramp as well as provide some visual relief to this elevation.

An entry and exit is proposed from level one of the car park onto the right-of-way. Currently, the car park has two entry points from the right-of-way but no exits. Although the proposed exit is not the main egress point for the car park, it is considered that any discharge of additional vehicles onto the right-of-way may impact on the two-way capacity of the road. Any approval should be conditioned to require a traffic impact statement being provided and approved prior to the issue of the relevant building licence.

The proposed signage is considered to be acceptable with limited impact on the residential development.

It is considered that the proposed development will have a positive impact on the Goderich Street streetscape. Any approval should be conditioned to require the final details of the design including the proposed materials, finishes and colours being submitted for approval prior to the issue of a building licence.

Conclusion

The proposed development will contribute to the currently limited affordable housing accommodation available in the city and provide a positive demonstration of the provision of such a facility to increase affordable housing projects in the future.

It is considered that the proposed development has a positive contribution to the streetscape, creating a continuous urban edge to this section of Goderich Street. The construction of a car park at the rear of the development will replace the existing car parking facility in a more appropriately designed and screened development.

Given the above, it is considered that the proposed development be referred to the Western Australian Planning Commission for determination with a recommendation of support subject to relevant conditions.

Moved by Cr Butler, seconded by Cr Limnios

That the Council refers the application for a three-storey residential development containing 48 affordable housing units and a three-storey public car park accommodating 177 car parking bays at 111-133 (Lots 1-9) Goderich Street, East Perth, as indicated on the application form dated 28 September 2010 and as shown on the plans received on 27 October 2010 to the Western Australian Planning Commission (WAPC) with a recommendation of approval subject to:-

(Cont'd)

1. ***a detailed schedule and sample board of the final colours, materials and finishes for the proposed buildings being submitted and approved prior to the issue of the relevant building licence;***

2. ***final details of the design, colours, materials, and finishes of the car park elevations, demonstrating that the vehicles parked within the car park are fully screened from view from the street, being submitted and approved prior to the issue of the relevant building licence;***

3. ***balconies within the residential development being increased to a minimum area of 10m²;***

4. ***the dimensions of all car parking bays, aisle widths and circulation areas complying with the Australian Standard AS/NZS 2890.1/2004;***

5. ***a minimum of 24 residential tenant car parking bays and five motorcycle bays being provided on site, with these bays being for the exclusive use of tenants of the residential development and guests and not being leased or otherwise reserved for use of the tenants or occupants of other buildings or sites;***

6. ***a maximum of 177 public car parking bays (including two disabled bays) and nine motorcycle public bays being provided on site;***

7. ***a traffic impact statement addressing the impact on the right-of-way of the additional exit from the car parking being submitted and approved prior to the issue of the relevant building licence with any recommendations from the report being implemented;***

8. ***a minimum of 29 bicycle parking bays (11 public and 18 residential) being provided within the development and being designed and located in accordance with the requirements of the City Planning Scheme No. 2 Policy 5.4 - Bicycle Parking and End of Journey Facilities, with details of the design and location of these facilities being submitted and approved prior to the issue of the relevant building licence;***

9. ***a detailed landscaping and reticulation plan including specific details of the proposed green wall being submitted and approved prior to the issue of the relevant building licence, with the approved landscaping being installed prior to the occupation of the building and thereafter maintained to a high standard;***

(Cont'd)

10. any proposed external building plant, including air conditioning units, lift overruns, piping, ducting, water tanks, transformers, fire hydrant, and booster cabinets being located so as to minimise any visual and noise impact on the adjacent developments and being screened from view of the street, with details of the location and screening of such plant and services being submitted for approval prior to the issue of the relevant building licence;

11. in the event of the development not proceeding within six months of the demolition of the existing building on the site, the site is to be screened or landscaped in order to preserve the amenity of the area and to prevent dust and sand being blown from the site and is to be maintained in a clean and tidy state;

12. the submission of a construction management plan for the proposed development detailing how it is proposed to manage:-

12.1 delivery of materials and equipment to the site;

12.2 storage of materials and equipment on the site;

12.3 parking arrangements for contractors and subcontractors;

12.4 other matters including the potential noise impact on adjoining residential developments;

12.5 other matters likely to impact on the surrounding properties and adjacent right-of-way.

The motion was put and carried

The votes were recorded as follows:-

For: The Lord Mayor, Crs Butler, Davidson, Limnios, McEvoy, Rodgers and Tognolini

Against: Nil

602/10 8 (LOT 400) PARKER STREET, NORTHBRIDGE, 33 (LOT 4) WELLINGTON STREET, EAST PERTH AND 47 (LOT 9) WELLINGTON STREET, EAST PERTH – PROPOSED DEVELOPMENT OF A FOUR-STOREY MIXED-USE BUILDING INCLUDING TENANT CAR PARKING UTILIZING TRANSFER OF PLOT RATIO

BACKGROUND:

SUBURB/LOCATION:	Recipient Site:- 8 Parker Street, Northbridge Donor Sites:- 47 Wellington Street, East Perth and 33 Wellington Street, East Perth
FILE REFERENCE:	10/2271
RESPONSIBLE DIRECTOR:	Russell Kingdom, Acting Director Planning and Development
DATE:	27 October 2010
MAP / SCHEDULE:	Map and coloured perspective for 8 Parker Street, Northbridge Schedule 2 - Transfer of Plot Ratio for 47 Wellington Street East Perth and 33 Wellington Street, East Perth
LANDOWNER:	Recipient Site:- RJ Marshall, SJ Clark, OEO Halvorsen and others; Donor Sites:- Trenside Holdings Pty Ltd
APPLICANT:	Mike Marshall
ZONING:	Recipient Site: (MRS Zone) Central City Area (City Planning Scheme Precinct) Northbridge (P1) (City Planning Scheme Use Area) City Centre Donor Site: 47 Wellington Street (MRS Zone) Central City Area (City Planning Scheme Precinct) Goderich (P14) (City Planning Scheme Use Area) Residential R160 Donor Site: 33 Wellington Street (MRS Zone) Central City Area (City Planning Scheme Precinct) Goderich (P14) (City Planning Scheme Use Area) Residential R160
APPROXIMATE COST:	$3 million

The Committee recommendation to the Council for this report was resolved by the Planning Committee at its meeting held on 9 November 2010.

The Committee recommendation to the Council is the same as that recommended by the administration.

SITE HISTORY:

Donor Sites

1. 47 (Lot 9) Wellington Street, East Perth, is located on the southern side of Wellington Street and has a site area of 617m². The site is currently occupied by a single-storey brick and iron residential dwelling and is listed in the City Planning Scheme No. 2 Register of Places of Cultural Heritage Significance.

   At its meeting held on **27 January 2009**, the Council approved the transfer of 90%, or 1,031m², of the unutilised plot ratio floor area from 47 (Lot 9) Wellington Street, East Perth. The approval included 167m² of plot ratio being transferred to the previously proposed development at 8 (Lot 400) Parker Street, Northbridge, with the balance of available plot ratio floor area (864m²) being recorded in the Transfer of Plot Ratio Register to be set aside ('banked') for future development proposals.

2. 33 (Lot 4) Wellington Street, East Perth, is located on the southern side of Wellington Street and has a site area of 266m². The site is currently occupied by a single-storey residential dwelling and is listed in the City Planning Scheme No. 2 Register of Places of Cultural Heritage Significance and on the State Register of Heritage Places.

   At its meeting held on **27 January 2009**, the Council approved the transfer of 400m² of the unutilised plot ratio floor area from 33 (Lot 4) Wellington Street, East Perth. The approval included 222m² of plot ratio being transferred to a development at 24 (Lot 800) Prowse Street, West Perth, with the balance of available plot ratio floor area (178m²) being recorded in the Transfer of Plot Ratio Register to be set aside ('banked') for future development proposals.

Recipient Site

8 (Lot 400) Parker Street is 529m^2 and has frontages to both Parker Street and Mountain Terrace. At its meeting held on **28 January 2003**, the Council granted conditional approval for the site to be developed for a 15 bay 'short-stay' public car park for a maximum period of five years.

At its meeting held on **1 April 2008**, the Council refused an application for the extension of the short-stay parking facility on the subject land. The applicant appealed the Council's decision to the State Administrative Tribunal in which the decision was upheld.

Approval was granted on 6 October 2008 under delegated authority for the site to be used for the temporary storage of building materials associated with the construction of a residential building at 105 Francis Street, Northbridge, adjacent to the site. The approval period expired upon the completion of building works at 105 Francis Street.

At its meeting held on **27 January 2009**, the Council approved an application for the construction of a four level retail and office building and associated tenant car parking on the subject site which included the transfer of 167m^2 of unused plot ratio from 47 (Lot 9) Wellington Street, East Perth.

DETAILS:

Approval is sought for the construction of a four-storey retail and office building comprising of 1,314.5m^2 of floor space and associated tenant car parking at 8 (Lot 400) Parker Street, Northbridge. The proposed development is a modification of the previously approved office development on the site approved by the Council at its meeting held on **27 January 2009**. The approval was not acted upon and the applicant is now seeking development approval for a modified building design by increasing the floor area of the retail / commercial tenancy fronting Mountain Terrace and altering the design on the upper office level.

The proposed modifications to the building are considered relatively minor. However, to allow for these modifications, the applicant is seeking approval to transfer an additional 51.5m^2 of plot ratio, therefore increasing the total plot ratio to be transferred to 218.5m^2 (equating to the maximum 20%) of unused plot ratio. It is proposed to transfer 40.5m^2 of unused plot ratio from 47 Wellington Street, East Perth, and 178m^2 from 33 Wellington Street, East Perth.

The ground level car parking will be accessed from Mountain Terrace and will contain ten car parking bays and one disabled bay, three bicycles bays and access to the ground floor lobby fronting Parker Street. The car parking will be screened from view from the streets by a lobby and two retail / commercial tenancies of 55.5m^2 and 65m^2 fronting Parker Street and a 47m^2 retail / commercial tenancy with frontage to Mountain Terrace.

The first and second floors consist of four commercial tenancies ranging in size from 76m^2 to 121m^2 with staff tea room and bathroom facilities and access to an east and west facing balcony. The third floor comprises of four commercial tenancies ranging in size from 53m^2 to 84m^2 with staff tea room and bathroom facilities and access to an east and west facing balcony.

The proposed building will be constructed of painted concrete panels with aluminium and glass balustrades to the balconies and sun louvres on the first and second floors of the western façade of the building.

COMPLIANCE WITH PLANNING SCHEME:

Land Use

The Statement of Intent for the Northbridge Precinct states that the precinct will continue to evolve as a diverse, interesting and dynamic inner city precinct, and be promoted as an attractive destination for the local population and interstate and overseas visitors. East of Milligan and Shenton Streets, entertainment activities will

remain prevalent, however, an ample mix of other uses such as shops and small offices will be strongly encouraged.

In accordance with the City Planning Scheme No. 2, 'Retail (General)' and 'Retail (Local)' are a preferred ("P") uses and 'Office' a contemplated ("C") use under the Use Group Table of the Northbridge Precinct, east of Russell Square.

Development Requirements

The proposed retail and office building's compliance with the City Planning Scheme No. 2 development requirements is summarised below:-

Development Standard	Proposed	Required / Permitted
Maximum Plot Ratio:-	**2.4:1 (1,314.5m^2)** 40.5m^2 transferred from 47 Wellington Street, East Perth and 178m^2 transferred from 33 Wellington Street, East Perth	2:1 (1,096m^2)
Building Height:-	**10.2 metres to Parker Street and 10.7 metres to Mountain Terrace**	0.5:1 (10 metre maximum to Parker Street, 4.5 metre maximum to Mountain Terrace)
Car Parking:-	10 commercial tenant car bays plus 1 universal access bay	11 commercial tenant car bays (maximum)
Setbacks:-		
Front (Parker Street)		
- Ground	Nil	Nil permitted
- Level 1-2	Nil to balcony and 1m to 3m to windows / walls	Nil permitted
- Level 3	Nil to balcony and 6m to windows / walls	Nil permitted

Development Standard	Proposed	Required / Permitted
- Side	Nil	Nil permitted
Rear (Mountain Terrace)		
- Ground	Nil	Nil permitted
- Level 1-2	Nil to balcony and 1m to 3m to windows / walls	Nil permitted
- Level 3	Nil to balcony and 6m to windows / walls	Nil permitted
Bicycle Parking:-	3 bays	3 bays

In accordance with the provisions of Clause 34(1) of the City Planning Scheme No. 2:-

'The Council may approve, by grant of planning approval, the transfer of unused plot ratio rights from a site –

(a) which is –

(i) a place declared by the Council to be significant and worthy of conservation; or
(ii) within a conservation area; and

(b) which cannot be developed satisfactorily, to another site.'

In addition to Clause 34, variations to the plot ratio and building height provisions applicable to the development can be granted by an absolute majority decision of the Council, in accordance with Clause 47 of the City Planning Scheme and provided the Council is satisfied that:-

'47(3)(d)(i) if approval were to be granted, the development would be consistent with:-
(A) the orderly and proper planning of the locality;
(B) the conservation of the amenities of the locality; and
(C) the statement of intent set out in the relevant precinct plan; and

(ii) the non-compliance would not have any undue adverse effect on:-
(A) the occupiers or users of the development;
(B) the property in, or the inhabitants of, the locality; or
(C) the likely future development of the locality.'

COMMENTS:

Consultation

The application was advertised to the owners of adjacent properties for a period of 14 days due to the non-compliance with the building height and plot ratio requirements of City Planning Scheme No. 2. No objections to the proposed development were received.

Design Advisory Committee

The proposal was presented to the Design Advisory Committee (DAC) at its meeting held on 9 September 2010 for comment in relation to the design aspects of the application. The DAC advised that it:-

"1. supports the design subject to:-

1.1 the colour of the materials and finishes being more appropriate to the heritage setting;

1.2 the provision of weather protection as per the general requirements of the City Planning Scheme No. 2;

1.3 the consideration of providing shading to the west facing glazing so as to improve the energy efficiency of the development;

2. notes that the inner areas of the tenancies on each level are remote from natural light and outlook, and in order to meet high standards of environmental design, the incorporation of a central light court on a side boundary is considered highly desirable".

In response to the DAC's comments, the applicant has provided two revised colour scheme alternatives for the building, a toned down green colour and a two tone orange and green combination colour scheme. The subject site is adjacent to the State Heritage listed Tower House building and given its significance, the toned down green colour scheme for the side wall is considered to be more appropriate.

The applicant has also revised the design of the awning over the ground floor of the building, extending the length of the awning for the entire width of the building in response to the DAC's comments. The applicant has also reversed the floor plan of the building and introduced glass blocks to the northern façade to improve natural light into the larger tenancies of the building. Sun louvres have also been introduced to the western façade of the building on the first and second levels to mitigate the late afternoon sun and improve the overall energy efficiency of the building.

The applicant has adequately addressed the concerns of the DAC by revising the colours and the design of the building, and providing additional measures to improve its overall energy efficiency. It is considered that the concerns raised by the DAC have been satisfied.

Heritage Council of WA

The development was referred to the Heritage Council of WA (HCWA) for comment due to the location of the subject property adjacent to the State Registered Tower House building on the corner of Parker and Francis Streets, Northbridge. It was advised that the proposed works are supported subject to the building being redesigned and set back from the Parker Street boundary to enable open views to Tower House from Parker Street to be retained.

The proposed development is a revised version of the development approved by the Council at its meeting held on **27 January 2009**. The main modification to the approved development is the reduction in the overall building height and the modifications undertaken in response to the comments of the DAC which included changing the colour scheme of the building to provide a more appropriate setting to the adjacent Tower House building. It should be noted that the HCWA was supportive of the previously approved development requiring no setbacks.

Tower House is located on the corner of Parker and Francis Streets directly opposite Russell Square. Its corner location permits good views of the building from various aspects. Furthermore, the levels above ground have open balconies, with the front walls / glazing to the upper levels of the building set back from the street boundary. The setback of the proposed development to Parker Street, which is consistent with the City Planning Scheme No. 2 requirements, is considered to obstruct the view of Tower House from Parker Street when heading in a northerly direction to a limited degree, and is therefore supported.

Given that the planning framework in which the previous development for this site was approved is the same and the circumstances have not changed since this decision was made by the Council, it is considered that in the context of orderly and proper planning and in providing consistency in the decision making process that the application be approved without requiring any setback from Parker Street.

Transfer Plot Ratio

It is proposed to transfer 218.5m² of currently banked plot ratio to 8 Parker Street, Northbridge. The City's Transfer of Plot Ratio Policy states that the Council shall only approve the sale or transfer of plot ratio in amounts of not less than 250m². The Policy further states that a maximum of 20% of the total plot ratio provisions established by the Scheme can be transferred to any recipient site. The subject site only permits a maximum of 219m² of plot ratio floor space to be transferred to this site. The reduced amount of plot ratio floor area being transferred to 8 Parker Street, Northbridge, is supported as the additional floor space will not add inappropriate height, bulk or mass to the proposed development.

47 Wellington Street will retain a balance of 753.5m² of available plot ratio floor area being recorded in the Transfer of Plot Ratio Register for future development proposals. The 178m^2 transferred from 33 Wellington Street will utilise the total banked plot ratio for this site.

Building Height

The proposed development exceeds the maximum building height permitted under the Building Heights Plan of the City Planning Scheme No. 2.

A building height of 10.7 metres is proposed to Mountain Terrace which exceeds the maximum building height of 4.5 metres permitted. At its meeting held on **30 January 2007**, the Council approved the development of a five level mixed use development at 105 Francis Street, Northbridge, which is located on the corner of Francis Street and Mountain Terrace opposite the subject site. The five level mixed-use building was approved with a height of 16 metres to Mountain Terrace.

The proposed building marginally exceeds the building height of ten metres permitted for Parker Street, being 10.2 metres in height. The fourth level of the building has been set back from the front building line, generally following with the required 45 degree angled height plane for Parker Street. The proposed additional 200mm of building height to Parker Street is considered minor and can be supported.

As the proposed variations to the building height would be consistent with the orderly and proper planning of the locality and the non-compliance would not have any undue adverse affect on the inhabitants of the locality or the likely future development of the locality, the proposed building height can be supported in accordance with Clause 47 of the City Planning Scheme No. 2.

Conclusion

The proposed transfer of 40.5m² of plot ratio floor space from 47 (Lot 9) Wellington Street, East Perth (donor site), and 178m^2 of plot ratio floor space from 33 (Lot 4) Wellington Street, East Perth (donor site), to 8 (Lot 400) Parker Street, Northbridge (recipient site), is supported.

The proposed four storey mixed-use building at 8 Parker Street, Northbridge, is supported as it will contribute to the commercial activities in the Northbridge Precinct and the bulk and scale of the development is considered appropriate for the site.

The proposed variations to the Scheme provisions are considered to be warranted as the proposal will have minimal impact on adjoining properties and will positively contribute to the amenity of area. Given the above comments, it is considered that the development can be supported subject to relevant conditions.

Moved by Cr McEvoy, seconded by Cr Butler

That:-

1. in accordance with the provisions of the City Planning Scheme No. 2 and the Metropolitan Region Scheme, the Council APPROVES the application for the transfer of plot ratio from 47 (Lot 9) Wellington Street, East Perth, and 33 (Lot 4) Wellington Street, East Perth, to 8 (Lot 400) Parker Street, Northbridge, as detailed on the Metropolitan Region Scheme Form One dated 18 August 2010, subject to:-

1.1 40.5m² of the available plot ratio floor area that is currently recorded ('banked') in the Transfer of Plot Ratio Register of City Planning Scheme No. 2 being transferred from 47 (Lot 9) Wellington Street, East Perth, to 8 (Lot 400) Parker Street, Northbridge;

1.2 178m² of the available plot ratio floor area that is currently recorded ('banked') in the Transfer of Plot Ratio Register of the City Planning Scheme No. 2 being transferred from 33 (Lot 4) Wellington Street, East Perth, to 8 (Lot 400) Parker Street, Northbridge;

1.3 the owner submitting evidence to the City that the transaction in respect of the transfer of plot ratio has been finalised between the owners of 47 (Lot 9) Wellington Street, East Perth, 33 (Lot 4) Wellington Street, East Perth, and 8 (Lot 400) Parker Street, Northbridge, enabling the City to register the transfer of plot ratio;

2. in accordance with the provisions of the City Planning Scheme No. 2, the Council APPROVES BY AN ABSOLUTE MAJORITY the application for the construction of a four-level mixed-use development including car parking bays at 8 (Lot 400) Parker Street, Northbridge, as detailed on the Metropolitan Region Scheme Form One dated 18 August 2010 and plans received 19 October 2010, subject to:-

(Cont'd)

2.1 the total development on Lot 400 not exceeding a plot ratio of 2.4:1 or 1,314.5m² of plot ratio floor space, of which a maximum of 40.5m² of plot ratio floor area shall be transferred from 47 (Lot 9) Wellington Street, East Perth, and 178m2 of plot ratio floor area shall be transferred from 33 (Lot 4) Wellington Street, East Perth, in accordance with Clause 34 of the City Planning Scheme No. 2;

2.2 a sample board of the materials, colours and finishes for the proposed building being submitted and approved prior to the issue of the relevant building licence;

2.3 the retail / commercial tenancies on the ground floor being used as retail (local or general) and the commercial tenancies on the floors above ground levels being used as offices, with any proposal for alternative uses being subject to separate applications for approval;

2.4 signage for all tenancies being an integral part of the design and scale of the building with details of all signs being subject to a separate application for approval;

2.5 all piped, ducted and wired services, air conditioners, hot water systems, water storage tanks, service meters and bin storage areas being located so as to minimise any visual and noise impact on nearby residents and be screened from view from the street, with details of the location and screening of any proposed external building plant or services being submitted and approved prior to the issue of a building licence;

2.6 the dimensions of all car parking bays, aisle widths and circulation areas complying with the Australian Standard AS/NZS 2890.1/2004;

2.7 a maximum of ten tenant car parking bays and a minimum of one disabled bay being provided on site, with these bays being for the exclusive use of tenants or occupants of the development and not being leased or otherwise reserved for use of the tenants or occupants of other buildings or sites;

(Cont'd)

2.8 the submission of a construction management plan for the proposed development detailing how it is proposed to manage:-

2.8.1 delivery of materials and equipment to the site;

2.8.2 storage of materials and equipment on the site;

2.8.3 parking arrangements for contractors and subcontractors;

2.8.4 the noise impact of all construction work and activities on the adjacent residents;

2.8.5 other matters likely to impact on the surrounding properties and adjacent residents.

The motion was put and carried by an absolute majority

The votes were recorded as follows:-

For: The Lord Mayor, Crs Butler, Davidson, Limnios, McEvoy, Rodgers and Tognolini

Against: Nil

603/10 2010 HERITAGE GRANT APPLICATIONS

BACKGROUND:

FILE REFERENCE:	P1023383
RESPONSIBLE DIRECTOR:	Russell Kingdom, Acting Director Planning and Development
DATE:	27 October 2010
SCHEDULES:	Schedule 3 - Criteria for Assessment

The Committee recommendation to the Council for this report was resolved by the Planning Committee at its meeting held on 9 November 2010.

The Committee recommendation to the Council is the same as that recommended by the administration.

At its meeting held on **9 October 2007**, the Council endorsed a Heritage Grants Program that offers two grant rounds per year and a maximum grant of $40,000 per property, with consideration for a total grants budget of $400,000. It was noted that the Council also retains the option to consider grants greater than $40,000.

At its meeting held on **2 June 2009**, the Council resolved to extend the Heritage Incentives Program to heritage-listed properties within the East Perth Redevelopment Authority area. These properties have previously been deemed ineligible for incentives as they are not listed under the City Planning Scheme No. 2.

At its meeting held on **1 June 2010**, the Council allocated $243,743 to a total of 14 heritage registered properties

In September 2010, applications were invited for the current round of Heritage Grants with information sent to property owners, agents and heritage professionals.

Eighteen applications were received by the close of the advertising period on 1 October 2010. These applications have been assessed against the criteria adopted by the Council at its meeting held on **14 October 2003** (as detailed in Schedule 3).

This report recommends the approval of grants to a total of $232,203, which would support projects with overall spending of $2.57 million.

LEGISLATION / STRATEGIC PLAN / POLICY:

Strategic Plan	Urban and Built Environment Maintain a strong program of heritage incentives and promote heritage values

DETAILS:

The City received 18 applications for heritage grants which would generate an overall spend of approximately $3.65 million if they were all to be supported.

Grant applications were invited through direct mail to owners of heritage properties, media releases and the City's website. Owners were also advised of the grants process at appropriate opportunities during discussions with City officers. Property owners were made aware of the availability of grants during consultation on the heritage listing process.

While there were four applicants that had received previous funding, there were fourteen applications which had not attracted previous funding demonstrating that the program is continuing to gain a profile with property owners / managers. This increase in profile could be the result of the continued marketing of Heritage Perth, which has been highlighting the positives of heritage conservation, and the City's own program of engagement through site meetings with owners / lessees, presentations at seminars, conferences, and mail outs.

As with previous heritage grant rounds the emphasis for deciding the grant recipients focussed on allocating money for the preparation of Conservation and Management Plans, planned revitalisation by the City of Perth, such as laneway and upper level activation, tourist / community benefit, and urgency of works, whilst generally excluding those places that had received previous funding, had bonuses or concessions, and those applications that were deemed not urgent or required maintenance at this stage.

FINANCIAL IMPLICATIONS:

ACCOUNT NO:	CL16204000
BUDGET ITEM:	Recreation and Culture - Heritage - Heritage Inventory
BUDGET PAGE NUMBER:	11
BUDGETED AMOUNT:	$510,000
AMOUNT SPENT TO DATE:	$ 78,485
PROPOSED COST:	$208,983
BALANCE:	$222,532

All figures quoted under Financial Implications are exclusive of GST.

Figures quoted in the balance of the report are inclusive of GST.

The recommended funding of $208,983 exceeds the $200,000 allocated by the Council for this heritage grant round but does not exceed the total budget of $400,000 allocated for heritage grants. This means that for the next heritage grant round, $191,017 will be allocated.

COMMENTS:

The Heritage Grants Program is important in managing the city's heritage places in partnership with property owners. It is encouraging that the program continues to attract new applicants and reflects the City's efforts to increase awareness and participation in the heritage program. Unfortunately, a number of projects could not be supported as they were considered to be either maintenance, not urgent, lacked important details such as quotes for works, or had already attracted bonus development concessions.

As a result, ten projects are recommended for funding in this grant round and are highlighted below for consideration.

Recommendations for Funding

Property	Recommended Grant ($)	Purpose
79 King Street	$14,674	Remove roller door and reinstate shop front.
15 Howard Street	$14,049	Conservation Plan.
119-123 Barrack Street	$94,750	Conservation Plan to remove metal cladding and stabilise façade.
122 Aberdeen Street	$13,200	Conservation Plan.
115 Francis Street	$12,100	Conservation Plan.
47 Milligan Street	$26,500	Conservation Plan and site management.
12 Saunders Street	$19,580	Conservation Plan.
8-10 The Esplanade	$20,000	Stabilise façade.
114-116 Barrack Street	$ 3,655	Façade restoration.
67 Hill Street	$13,695	Conservation Plan.
TOTAL	**$ 232,203**	

For details relating to each application, refer to Schedule 3. Grants will be made subject to works either being signed off by a heritage architect or assessed by the City prior to the release of funding.

Funding of $94,750 has been accommodated for allocation to the property located at 119-123 Barrack Street.

This is in excess of the maximum grant usually allocated ($40,000) but still within the guidelines for the heritage grants program as the Council has the discretion to vary the maximum grant amount.

The rational for increased funding for this property relates to the number of criteria it meets, specifically planned activation of the area through the laneway and upper floor activation by the City of Perth, its location in a recently identified conservation area and the development of a conservation plan for the building. Removing the metal cladding from the building façade and then the upgrading of the façade will significantly contribute to the whole streetscape of Barrack Street. In order to activate the building, it is proposed that an additional $600,000 will be spent on the place.

The Chief Executive Officer advised that the applicant for a heritage grant at 119-123 Barrack Street has withdrawn his application for a grant as listed in this item. Part 1.3 of the recommendation will therefore be deleted and parts 1.4 to 1.10 renumbered accordingly.

Moved by Cr Tognolini, seconded by Cr Butler

That the Council:-

1. approves the distribution of $232,203 for funding of heritage grants to the owners of the following properties:-

1.1	***79 King Street***	***$14,674;***
1.2	***15 Howard Street***	***$14,049;***
1.3	***122 Aberdeen Street***	***$13,200;***
1.4	***Rectory, 115 Francis Street***	***$12,100;***
1.5	***Pearl Villa, 47 Murray Street***	***$26,500;***
1.6	***Boans Warehouse, 12 Saunders Street***	***$19,580;***
1.7	***Atlas Building, 8 - 10 The Esplanade***	***$20,000;***
1.8	***114-116 Barrack Street***	***$3,655;***
1.9	***Rostrevor Building, 67 Hill Street***	***$13,695;***

2. notes the expenditure in part 1 above being charged to Budget Item 'Recreation and Culture - Heritage - Heritage Inventory';

3. advises the relevant applicants that the following heritage grant applications have been unsuccessful:-

3.1 Commonwealth Bank Building, 242 Murray Street;

3.2 Gledden Building, 731 Hay Street;

(Cont'd)

3.3 Cremorne Arcade, 572 Hay Street;

3.4 12 Waterloo Crescent;

3.5 Criterion Hotel, 560 Hay Street;

3.6 Durham House, 838 Hay Street;

3.7 22 Palmerston Street;

3.8 231 Newcastle Street.

The motion was put and carried

The votes were recorded as follows:-

For: **The Lord Mayor, Crs Butler, Davidson, Limnios, McEvoy, Rodgers and Tognolini**

Against: **Nil**

604/10 DIRECTIONS 2031 - CENTRAL METROPOLITAN PERTH - SUB-REGIONAL STRATEGY

BACKGROUND:

FILE REFERENCE:	P1023743
RESPONSIBLE DIRECTOR:	Peter Monks, Director Planning and Development
DATE:	12 October 2010
MAP / SCHEDULE:	Schedule 4 - Western Australian Planning Framework Schedule 5 - Central Metropolitan Sub-Region Quadrants and Local Government Areas Schedule 6 - Proposed Planning Framework

LEGISLATION / STRATEGIC PLAN / POLICY:

Strategic Plan

Leadership
Develop and implement plans to enhance the city in partnership with all stakeholders, including surrounding local governments

Urban
A city achieving high quality design in all projects and improving the urban and built environment to a standard comparable to the best cities in the world but unique to Perth

Business
Continue to focus on the resources sector and the retention of existing city businesses while encouraging diversification of the business economy

The Committee recommendation to the Council for this report was resolved by the Planning Committee at its meeting held on 9 November 2010.

The Committee recommendation to the Council is the same as that recommended by the administration.

DETAILS:

The Western Australian Planning Commission (WAPC) has released the draft Central Metropolitan Perth Sub-regional Strategy for public comment.

The draft strategy is one of two sub-regional strategies that support the implementation of the Government's strategy for Perth's future urban growth - Directions 2031. Schedule 4 illustrates where the draft strategy fits within the Western Australian planning framework.

The draft strategy links State and local government strategic planning to guide the preparation and review of local planning strategies by:-

- providing information about the level of expected growth in each local government area through the housing targets as identified in Directions 2031;
- outlining the wide spread of development opportunities throughout the sub-region;
- investigating the development potential of targeted locations in growth areas, activity centres, urban corridors and transit oriented developments;
- prioritising actions to revitalise or create vibrant activity centres and facilitate the supply, affordability and choice of available housing in areas with easy access to public transport and other essential services;

- supporting the planning and delivery of land for employment growth and economic development;
- identifying key public transport and service infrastructure projects to support growth;
- informing all levels of government decision-making on where and when to fund the most efficient roll out or upgrading of public infrastructure services.

The central sub-region covers an area of 45,290 hectares and includes the inner and middle sectors of the Perth metropolitan region, comprising 19 local government areas. Schedule 5 illustrates the central metropolitan sub-region, quadrants and local government areas.

Strategic Framework

The draft strategy identifies eight strategic priorities to deliver the outcomes sought by Directions 2031 as detailed below:-

Liveable	Living in or visiting our city should be a safe, comfortable and enjoyable experience. 1. Plan for increased housing supply in response to changing population needs. 2. Promote and increase housing diversity, adaptability, affordability and choice.
Prosperous	Our success as a global city will depend on building on our current prosperity. 3. Plan for a diverse mix of services, facilities, activities, amenity and housing types in centres to facilitate economic development and employment. 4. Facilitate and retain employment land to support economic growth and a balanced distribution of employment across the metropolitan Perth and Peel regions.
Accessible	People should be able to easily meet their education, employment, recreation, service and consumer needs within a reasonable distance of their home. 5. Plan and develop transit oriented developments to accommodate mixed use and medium-rise higher density housing development.

Sustainable	We should grow within the constraints placed on us by the environment in which we live. 6. Protect our natural and built environments and scarce resources, respond to social change and optimise the land use and transport conditions that create vibrant, accessible, healthy and adaptable communities.
Responsible	We have a responsibility to manage urban growth and make the most efficient use of available land and infrastructure. 7. Maximise essential service infrastructure efficiency and equity; and identify projects to support future population growth. 8. Engage with the development industry, State Government, public utilities, local government and the community to implement the strategy.

The draft strategy identifies a strategic plan of actions, agency responsibilities and delivery timeframes for each of these priority areas.

Housing and Employment Targets

The draft strategy states that by 2031 the central sub-regional population is projected to grow by approximately 29% from 705,000 to at least 910,000 people, requiring at least 121,000 new dwellings to be constructed in the central sub-region.

Directions 2031 provides the following projected growth characteristics of the central sub-region:-

Characteristic	2008	2031	Change
Population	705,000	910,000	205,000
Dwellings	319,000	440,000	**121,000**
Labour force living the area	342,000	469,000	127,000
Jobs in the area	423,000	570,000	**147,000**
Employment self-sufficiency	124%	121%	

Planning for additional dwelling growth in the central sub-region will be based on identifying redevelopment opportunities to increase densities in appropriate locations. This will encourage a more compact and sustainable urban form while promoting development that provides for housing choice and diversity in response to changing community needs.

The draft strategy specifies additional housing targets that each of the 19 local governments in the central sub-region should aim to accommodate within their respective boundaries by 2031 as follows:-

Local Government	Additional Housing Targets
Stirling	31,000
Perth	12,600
Victoria Park	11,200
Melville	11,000
Canning	9,000
Bayswater	8,500
South Perth	6,000
Belmont	5,500
Vincent	5,000
Fremantle	3,500
Cambridge	3,000
Subiaco	3,000
Bassendean	3,000
Nedlands	3,500
Claremont	2,200
Cottesloe	1,300
Mosman Park	900
East Fremantle	600
Peppermint Grove	200
Total	**121,000**

The development of the housing targets originated from the 'Housing Targets Development Program', which involved consultation with State and local government and service authorities since 2007.

The targets set for each local government specifically relate to:-

- Dwelling development in areas nominated by each local government.
- Small scale incremental development that will occur over time in each local government as R-code density opportunities are realised and new projects are revealed.

The draft strategy states that the additional housing targets should not be interpreted as representing ultimate dwelling capacity but rather as a minimum that each local government should strive to accommodate.

The WAPC will adopt the housing targets as policy following the review of formal submissions. Each local government will be required to incorporate the adopted allocated housing targets and employment land into its local planning strategy and local planning scheme to achieve the Directions 2031 housing and employment targets.

Proposed Spatial Framework

The draft strategy proposes a spatial framework of how the central sub-region will grow to guide detailed strategic planning at local government level and cater for the projected growth in population, dwellings and employment to 2031. This framework includes the following structural elements:-

- major growth areas;
- activity centres;
- urban corridors and transit oriented (rail station) growth areas;
- road and rail infrastructure, including the freight network;
- green network;
- industrial (employment) land;
- major public infrastructure, such as the port and airport.

Schedule 6 illustrates the proposed planning framework.

Infrastructure Planning and Coordination

Future population growth and residential development in the central sub-region will need to be supported by new or upgraded essential service infrastructure. The draft strategy acknowledges that a key challenge for planning and service infrastructure agencies and utilities will be to improve the way infrastructure projects are prioritised and coordinated to ensure their timely provision.

From 1 January 2012, the Commonwealth Government will link future infrastructure funding to states and territories that meet national criteria for transport, housing, urban development and sustainability. The national criteria states that the capital city strategic planning systems should:-

1. be integrated:-

a) across functions, including land-use and transport planning, economic and infrastructure development, environmental assessment and urban development, and
b) across government agencies;

2. provide for a consistent hierarchy of future oriented and publicly available plans;

3. provide for nationally-significant economic infrastructure (both new and upgrade of existing);

4. address nationally-significant policy issues including:-

a) population growth and demographic change;
b) productivity and global competitiveness;
c) climate change mitigation and adaptation;
d) housing affordability and social inclusion;
e) efficient development and use of existing and new infrastructure and other public assets; etc

5. consider and strengthen the networks between capital cities and major regional centres, and other important domestic and international connections;

6. provide for planned, sequenced and evidence based land release and an appropriate balance of infill and greenfields development;

7. clearly identify priorities for investment and policy efforts by governments, and provide an effective framework for private sector investment and innovation;

8. encourage world-class urban design and architecture; and

9. provide effective implementation arrangements and supporting mechanisms.

The WAPC, through its Infrastructure Coordinating Committee (ICC), has specific legislative authority to develop a whole-of-government integrated and coordinated framework for infrastructure and land use planning.

The ICC has a key responsibility for the coordination of Western Australia's implementation of the Council of Australian Governments' (COAG) national objectives and criteria for capital city planning systems. It will communicate the associated actions taken by the State to the Commonwealth through the Department of the Premier and Cabinet.

Implementation

It is intended that the WAPC, the Department of Planning (DoP) and other state agencies will have an ongoing and lead role in facilitating the implementation of a number of actions in this draft strategy in the short to medium term. The State Government will also provide advice and assistance to local government in delivering the housing and employment self sufficiency targets.

The WAPC may consider initiating funding support programs for the development of joint venture projects or demonstration projects using Metropolitan Region Improvement Funds. If such a funding program is introduced, projects that meet specified funding criteria would still need to be considered as part of the State Government annual budget process.

Local government will be responsible for implementing the housing and employment targets and actions through a number of mechanisms including local planning strategies and local planning schemes.

Additionally, beyond its primary role as a planning authority, the draft strategy discusses the role of local government in urban renewal and infill and states *'that there is a legitimate role for local government to participate in the property market in order to facilitate the achievement of outcomes where it is beyond the capacity or interest of the private market to do so'.*

In this regard, the current Local Government Act 1995 and associated regulations contain a number of provisions that constrain local government from operating on normal commercial terms. However, the Western Australian Local Government Association (WALGA) has prepared a report for the Department of Local Government on potential changes to the Local Government Act in support of freeing up the ability of local government to undertake urban renewal projects.

The draft strategy acknowledges that private sector developer support for higher density projects is critical to achieve the Directions 2031 additional infill housing targets. Investment must be seen as an attractive proposition which meets the expectations of the market in terms of the buyer's preference. The private sector will need to assist government to better understand what types of infill housing are realistic and in which locations.

Monitor and Review

The DoP will develop a process to review progress towards the housing targets and effectiveness of government policies to deliver desired outcomes. It is proposed that the housing targets will be reviewed every five years or as circumstances require.

COMMENT:

Section 7.1 - Housing and Employment Targets

The housing target set for the city of 12,600 additional dwellings will be the second highest local government target and make a significant contribution to the housing targets for the central sub-region (despite its limited area of only 8.1 km^2). This reflects the City's desire to continue to encourage significant residential development within the city.

Additionally, the draft strategy predicts an additional 147,000 jobs within the central sub-region by 2031. Whilst the draft strategy discusses the potential employment and urban amenity functions of activity centres, as well as the provision of suitably zoned and serviced land for industry, business and other employment, it does not provide any guidance on the appropriate distribution of employment targets across the central sub-region. Accordingly, it is recommended that the employment target of 147,000 for the central sub-region by 2031 should be broken down by local government area, reflecting the activities centres hierarchy.

Section 4 - The Strategy - Identifies eight strategic priorities. There are a number of issues which require further clarification as detailed below:-

- **Liveable - Actions 1.5, 2.1, 2.2 and 2.3 -** Given the city's high density and mixed use nature, there are a number of actions which are not considered appropriate within the city. These include allocating zoned land for aged care accommodation and referring to the Residential Design Codes associated densities. In this regard, there are very few areas within the city which have been assigned a residential density code as the bulk of residential development within the city is controlled through plot ratio provisions.

- **Liveable - Action 2.8 -** This refers to the introduction of planning incentives such as density bonuses for diverse and affordable forms of housing. The City's Affordable Housing - Mapping and Incentives Project (2009), which was considered by the Council at its meeting held on **9 March 2010**, recommended that consideration be given to providing similar incentives for affordable housing. Any consideration of density or plot ratio bonus for affordable housing needs to be carefully considered in the context of a range of plot ratio bonuses for other items and objectives (including heritage, community facilities and so on).

- **Prosperous - Strategy 4 -** This strategy states to *'facilitate and retain employment land to support economic growth and a balanced distribution of employment across the central sub-region'.* Whilst the City supports the principle of highly accessible sustainable activity centres set out in Directions 2031, the City is concerned about the potential decentralisation of services out of the CBD and the subsequent harm to the vitality and pre-eminent status of the Perth Central Area which may result.

  Directions 2031 places the Perth Central Area at the top of the activity centres hierarchy. It is intended to be the pre-eminent focus of business, retail, tourism, cultural, civic, and administrative activity. In recognition of this, the State Government has and continues to make significant investments in transport infrastructure to service the city making it the most highly accessible employment destination in the metropolitan area and the State. Accordingly, it is recommended that the State Government revise the abovementioned wording to read '*facilitate and retain employment land to support economic growth and a balanced distribution of employment across the central sub-region, in accordance with the Activity Centre hierarchy',* to ensure that the Perth CBD remains the primary employment centre within the central sub-region.

  Additionally, it is noted that the City's profile is omitted from a number of key figures and tables.

- **Prosperous - Action 3.3** - This relates to structure planning being undertaken for several specialised centres including UWA/QEII The draft strategy lacks reference to the planning currently underway with respect to the redevelopment of Royal Perth Hospital. A reference should be added in this regard.

- **Prosperous - Action 4.1** - States that key industrial employment lands need to be protected to ensure that they are not rezoned and developed for housing, which would result in a shortage of land zoned for employment. It is recommended, however, that further consideration should be given to ensuring that appropriate land uses are established within MRS zoned industrial land. A 2001/02 land use survey for the industrial lands within the metropolitan region undertaken by DoP shows 20% of floor space in industrial areas being used for offices, recreation and cultural activities.

  It may be reasonable to assume at present that this figure will be much higher. Accordingly, it is considered essential with the current decentralisation approach of the State Government to ensure that the further proliferation of major offices, retail, recreational, and cultural activities be prohibited on industrial zoned land and located as per the activity centres hierarchy policy, in order to promote viable and vibrant central, regional and district activity centres within the central sub-region. Additionally, it is noted that the draft strategy identifies existing MRS zoned industrial land within the Town of Vincent as a major housing growth area (West Perth Regeneration Masterplan), which is contrary to the objectives of the draft strategy.

- **Sustainable - Action 6.2** - "*amend MRS Zones and reservations to include within regional parks and recreation reserves additional Crown and other land with regional significance"* should be considered a short term rather than a long term goal so as not to compromise existing unprotected environmental areas, such as wetlands and foreshores, from competing land uses, particularly residential.

- **Responsible - Action 7.1** - This action relates to the use of housing targets for strategic planning by utility and social infrastructure agencies. Consideration should be given to the preparation of community infrastructure needs study and plan for the central sub region to address regional level community infrastructure. It should be noted that the City is about to commence a Community Infrastructure Plan which will identify local / neighbourhood / district level infrastructure needs.

- **Responsible - Action 7.6** - This refers to the establishment of an Alliance Working Group (AWG) of key organisations and individuals to develop a Vision for Perth project that will be collaboratively implemented across government agencies and private organisations. Whilst private sector involvement is critical and the establishment of an AWG to assist to achieve the vision set out in Directions 2031 and the draft strategy is generally supported, concern is expressed about the AWG preparing a separate vision statement. It is unclear how any vision statement and implementation plan of the AWG will sit within the planning framework. Local government should also be involved as a partner in this action.

- **Responsible - Action 8.7** - This action pertains to the introduction of legislation to support the creation of a metropolitan wide redevelopment authority. Further details are required in terms the scope of such an authority.

Section 11.2 - Governance - Role of Local Government

The draft strategy states that beyond its traditional role as a planning authority, measures that might be taken by local government to achieve urban regeneration objectives at the local level could include:-

- *directly undertaking selected development projects, especially those of a form that is not yet attractive to the private sector, in order to establish or influence the market for the preferred typology;*
- *joint ventures with private owners to mitigate the development risk as a means of allowing projects to proceed that otherwise might not be within the capacity of a private owner;*
- *underwriting of specific aspects of development projects where the private sector is unable or unwilling to carry the risks;*
- *aggregation of sites to enable development to occur on a suitable scale to achieve the desired density or land use outcomes, thus reducing risk and holding costs to potential developers and allowing the local government to control the form of development*.

It is considered inappropriate and unrealistic to expect local government, given its limited financial resources, to underwrite specific aspects of a development project. It is considered that such a financial risk should rest with the State Government which has far greater financial resources at its disposal.

It should be noted that the City is currently undertaking an affordable housing project in East Perth where it may be beyond the capacity or interest of the private market to currently do so.

Section 10 - Road Network and Public Transport Networks

Whilst it is acknowledged that the State Government is currently developing a public transport plan to address the future needs of the Perth metropolitan region, the following matters require attention:-

- There are opportunities within the existing network to provide public transport separated facilities, such as bus lanes that would greatly improve the travel reliability for a greater proportion of the community.

- Public transport reliability (travel time) should be given priority and influence the way roads are designed.

- There is no mention of how the draft strategy will deal with congestion on public transport networks. Further consideration of a range of infrastructure and policy measures is required to improve the public transport capacity in and out of the Perth CBD ,and other key activity areas in the central area.

- Managing private vehicle demand through the management of parking and congestion charging within the central sub-region should also be investigated. Congestion charging is used in other places in the world to manage congestion and this should be carefully considered as another option in the future. The City's Perth Parking Policy currently promotes a balanced transport system for gaining access to the city in order to ensure the preservation and enhancement of the environment of the city. Accordingly, the policy stipulates a maximum number of tenant bays permitted on site per hectare. Overall, a paradigm change is required from other local governments within the central sub-region, from one of parking demand satisfaction to parking demand management.

- It is recommended that local governments in partnership with State Government, be required to produce and implement (with State funding support) transport plans that meet stated criteria which include provision for cycling, walking, parking management, and congestion charging. It should be noted that the City is currently investigating the development of an Integrated Movement Strategy with adjacent local governments.

- The draft strategy identifies a range of "possible key public transport connections". A key strategic network connection should also be identified between the central city area to the airport.

Section 10.1.2 - Freight

It is apparent that the inner central sub-region area will have to be serviced by light and heavy vehicles. Further consideration should be given as to how to encourage light vehicles over heavy vehicles and influence the hours of operations.

Section 10.1.4 - Active Transport Network

The following matters require attention:-

- The importance of the bicycle network to provide alternatives for short to medium distance trips, thereby relieving capacity issues on short to medium range public transport journeys, should be emphasised.

- Important factors associated with bicycle mode choice (that is safety, provision of paths, and legibility) should be included in the draft strategy.

- There is a need to develop policies to address pedestrian / cycling interactions on dual use paths.

- The pedestrian network requires its own section, and should discuss safety, mobility and legibility.

- Residential developments need to have appropriate bicycle parking provisions.

It should be noted that the City is currently preparing a comprehensive integrated cycle plan.

Overall, it is recommended that the above sections on Transport should be more specific.

Section 11.4 - Infrastructure Planning and Coordination

The draft strategy acknowledges that further work is required to undertake demand assessments of identified planned urban growth areas, determine land requirements, assess current infrastructure network capacities, share information, and identify new funding and delivery models. The capacity of the service infrastructure to provide for the proposed additional housing and employment targets, as well as ensuring adequate provision of social infrastructure, will be critical issues for the City which will need to be addressed.

Section 11.6 - Monitor and Review

The monitoring and review program of the targets will involve collaboration and data gathering from local authorities by DoP. Accordingly, the City may need to review the way it processes information to assist to capture the necessary data and ensure that it meets its housing targets.

CONCLUSION

The City supports the preparation of the draft strategy which will assist in achieving the Directions 2031 additional housing targets to accommodate the population of Perth reaching 2.2 million by 2031, and encourage mixed use development and further employment opportunities within central sub-region.

It is recommended that Western Australian Planning Commission be advised that there are a number of issues to be addressed including ensuring that the City retains its pre-eminent status, various service and social infrastructure implications, ensuring appropriate land uses within industrial areas, public transport implications, as well as other matters identified in the report.

Moved by Cr Butler, seconded by Cr McEvoy

That the Council forwards a submission based on the comments detailed in the report dated 12 October 2010 to the Western Australian Planning Commission (WAPC) with respect to the Directions 2031 - Central Metropolitan Perth - Sub-regional Strategy (August 2010) advising that the City of Perth generally supports the draft strategy with the exception of the key issues outlined below:-

1. ***the employment target of 147,000 for the central sub-region by 2031 should be broken down by local government area - reflecting the Activities Centres hierarchy;***

2. ***further consideration should be given to ensuring that the Perth CBD remains the primary employment centre within the central sub-region. Whilst the City of Perth supports the principle of highly accessible sustainable activity centres set out in Directions 2031, it does not support the decentralisation of services out of the Central Business District where harm to the economic and social vitality and pre-eminent status of the Perth Central Area may result;***

3. ***there is a need to ensure that service and social infrastructure is adequately provided within the central sub-region to support the proposed additional housing and employment targets;***

4. ***in addition to ensuring that key industrial land is protected and not rezoned and developed for housing, further consideration should be given to ensuring that appropriate land uses are established within Metropolitan Region Scheme (MRS) zoned industrial land. In this regard, the further proliferation of major offices, retail, recreational, and cultural activities should be prohibited on industrial zoned land and located in accordance with the activity centres hierarchy policy, in order to ensure viable and vibrant activity centres within the central sub-region. Additionally, it is noted that the draft strategy identifies existing MRS zoned industrial land within the Town of Vincent as a major housing growth area (West Perth Regeneration Masterplan), which is contrary to the objectives of the draft strategy;***

5. ***in order to support the proposed growth, additional transport infrastructure and policy measures should be provided to improve the public transport capacity and reduce traffic congestion to and from the Perth Central Business District and other key activity areas in the central sub-region;***

(Cont'd)

6. an additional key strategic public transport network connection should be identified between the central city area to the domestic / international airport;

7. it is considered inappropriate to expect local government, given its limited financial resources, to underwrite specific aspects of development projects where the private sector is unable or unwilling to carry the risks involved. This financial risk should rest with the State Government which has far greater financial resources at its disposal.

The motion was put and carried

The votes were recorded as follows:-

For: **The Lord Mayor, Crs Butler, Davidson, Limnios, McEvoy, Rodgers and Tognolini**

Against: **Nil**

605/10 TENDER 028-10/11 - APPOINTMENT OF CONSULTANT - COMMUNITY INFRASTRUCTURE PLAN AND DEVELOPER CONTRIBUTION PLAN STUDY

BACKGROUND:

FILE REFERENCE:	P1026334
RESPONSIBLE DIRECTOR:	Russell Kingdom, Acting Director Planning and Development
DATE:	28 October 2010
MAP / SCHEDULE:	Schedule 7 - Fee Schedule

The Committee recommendation to the Council for this report was resolved by the Planning Committee at its meeting held on 9 November 2010.

The Committee recommendation to the Council is the same as that recommended by the administration.

STRATEGIC PLAN / POLICY:

Strategic Plan	Community Services Plan and develop appropriate community facilities to meet the needs of the current and future population of the city

In 2005, the City, the East Perth Development Authority (EPRA) and the Department of Planning (DoP) collaborated on a study to identify the existing community facilities and services found within the Perth Central Area (PCA) and provide a planning framework for future provision.

'Planning for Social and Community Infrastructure in a Changing Perth Landscape' was completed in November 2006 and updated with new census data in May 2008. The 2006 study was a significant piece of work that, as well as providing useful baseline data and a log of existing facilities, identified a major gap in the provision of local community infrastructure to meet the needs of the growing population in the PCA. The main recommendation of the 2006 study was the need to identify options for and stage development of flexible, multipurpose spaces that would meet the demands of Perth's growing population.

As a response to this recommendation, the City and EPRA are undertaking a Community Infrastructure Plan and Developer Contribution Plan Study. This study will not repeat the work done in the 2006 report but build on the base-line data presented. The Community Infrastructure Plan focuses on community infrastructure that provides flexible, multipurpose spaces for the City's diversifying population to meet and access community services. These will be identified through the needs analysis. Community Infrastructure that may be incorporated into the Community Infrastructure Plan may include the following:-

- Long life learning hub - Incorporating library services, training spaces, WIFI.
- Sport and recreation facility.
- Multi-purpose community facility - Potentially including meeting spaces, catering facilities, aged care services, and child care facilities.
- Small neighbourhood centres (approx 600m²) - Community managed spaces that are flexible enough for multiple uses such as playgroup, book club and so on.

These types of facilities could incorporate a range of ancillary amenities such as bike racks, end-of-trip facilities and public toilets.

The current study will provide specific details of community facilities required for the next 20 years in terms of location and service catchment and the nature of those required facilities. The mix and location of facilities will hinge on a comprehensive needs assessment, including a detailed gap analysis and a considered identification of strategic sites for community infrastructure. In addition, the study will identify implementation strategies to inform the provision of funds needed for effective infrastructure delivery.

In response to the increasing pressures faced by local government on the services they provide and the increasing expectations of the (growing) community for new and upgraded infrastructure, the Western Australian Planning Commission (WAPC) gazetted State Planning Policy 3.6 (SPP) – Development Contribution for Infrastructure in November 2009.

SPP 3.6 sets out development contribution provisions for standard infrastructure items and provides a consistent, accountable and transparent system for local governments to plan, and charge for community infrastructure items which are not included in the standard provisions through development contribution plans. The policy sets out the principles underlying development contributions for community infrastructure and the form, content and process for the preparation of a development contribution plan.

In response to the gazettal of SPP 3.6, the City extended the current study brief to include Part B, which will assist the City in linking the outcomes of Part A with the possibilities offered under SPP 3.6. Part B rests largely on the outcomes of Part A, as development contribution plans for community infrastructure must be supported by a community infrastructure plan for the area and a capital expenditure plan. Part B of the Study is reliant on the Council's endorsement of Part A.

DETAILS:

The tender for the Community Infrastructure Plan and Developer Contribution Plan Study was advertised in The West Australian newspaper on 11 August 2010.

The tender identified that the appointed consultant would undertake the tasks detailed below.

Part A: Community Infrastructure Plan

Part A will be focussed on a comprehensive needs assessment which will underpin the determination of service catchments, the nature of services and facilities, and their location required over a 20 year period (to 2030). Following this, a detailed Community Infrastructure Plan will be required to document the findings of the needs assessment and make allowance for the strategic provision of community infrastructure within the PCA.

The Community Infrastructure Plan will incorporate a capital expenditure plan and implementation and phasing strategy to identify the ways community infrastructure can be provided for, and staged in accordance with growing demand. This would include delivery mechanisms such as developer incentives, developer contributions and agency partnerships.

Part B: Developer Contribution Plan

Taking into account the recent SPP 3.6, the output of Part B of the study is a Development Contribution Plan, and largely involves developing methodology for determining cost allocations of the community infrastructure requirements defined through Part A of the study within the City of Perth.

Part B is required for the City only as EPRA already has a framework in place to secure timely and equitable funding and / or provision of social infrastructure (including community facilities).

The ultimate product for Part B will be the provision of a Development Contribution Plan and the supporting documents, that is Developer Contribution Report and Cost Apportionment Schedule for the City as required by the State Government under SPP 3.6. It should be noted that the City Planning Scheme No. 2 currently does not include any provisions relating to developer contributions and as such will need to be amended if the City wishes to pursue this approach.

The submission period closed at 2.00pm on Thursday, 16 September 2010. The City received seven submissions. The submissions were assessed against the following criteria:-

a) Demonstrated understanding of the study brief requirements and objectives of the study.
b) Extensive direct experience of the proposed team in social planning and community infrastructure planning and experience in preparing similar studies, including reference to relevant projects of team members.
c) Composition and experience of the consultant's team, including curriculum vitaes and skills to be utilised and the allocation of each team member's involvement in the project.
d) Proposed methodology including a programme for the work.
e) The fee.

All tenders were conforming and were scored against the criteria, with the exception of price. Refer to Schedule 7. The weighted criteria provided the following ranking of submissions:-

- Coffey Commercial Advisory.
- Coakes Consulting.
- TPG Town Planning and Urban Design.
- CPG.
- SCG Economics.
- Aurecon.
- Urbis.

The submissions were all of good quality. The bottom four scoring submissions showed a fair to good expertise and understanding of the project. They presented appropriate methodological approaches to deliver the study, although not as well considered and all encompassing as the top three scoring submissions.

A combination of weighted scores and price was used to determine the best quality for value and a short list of two firms was reached. The two firms were invited to provide answers to a number of clarification questions at a meeting with the evaluation team. The two firms were:-

- Coffey Commercial Advisory.
- TPG Town Planning and Urban Design.

Coffey Commercial Advisory

Coffey Commercial Advisory demonstrated a very good understanding of the study, providing a clear, strategic and comprehensive methodology for undertaking the study underpinned by a target based project plan. Their methodology included a strong emphasis on community engagement, creating stakeholder buy-in, the use of various population scenarios to build in flexibility, and a robust financial aspect.

Coffey Commercial Advisory will be working together with Paterson Group Architects, and Cardno. The team includes expertise in Town Planning, Finance and Accounting, Marketing, Sports Administration, Architecture, Traffic Engineering, and Transport Planning. The team will be supported by David Langdon in the area of Building Economics and Quantity Surveying.

The team demonstrated good credentials in work examples for community infrastructure, with the lead having extensive experience in the social planning field. The inclusion of an economist provides support for Part B of the study. The team has significant experience in preparing Community Infrastructure Plans plus experience in facility design and financial modelling.

Coffey Commercial Advisory submitted a lump sum fee (excluding GST), including disbursements of:-

Part A	$114,600
Part B	$ 74,900
Total	**$189,500**

They had no variable cost attached to either Part A or Part B based on the final number of facilities to be included in the Community Infrastructure Plan.

TPG Town Planning and Urban Design

TPG demonstrated a clear, logical and detailed approach to undertaking the study with a good understanding and experience of the issues for a DCP in a capital city. However, the methodology lacked reference to user consultations, although during the clarification meeting, TPG demonstrated willingness to amend / extend its consultation approach to include user groups.

TPG Town Planning and Urban Design will be working together with Creating Communities and Planning Context. The team includes expertise in Town Planning, Urban Design, Social Science and Planning, Facility Planning and Management, Urban Studies, Environmental Studies, and Urban Geography. The team will be supported by LPC Property Solve.

The consortium provides a good fit with the study, with significant experience in social and community infrastructure planning. Experience includes broader community planning as well as more detailed facility planning. The TPG consortium has an excellent knowledge of the City and EPRA and experience in many relevant projects in this area.

TPG Town Planning and Urban Design submitted both a lump sum fee and a variable fee. The lump sum fee including disbursements is:-

Part A	$117,390
Part B	$ 65,080
Total	**$182,470**

TPG Town Planning and Urban Design's variable fee component to be charged per facility as included in the Community Infrastructure Plan is:-

Part A - $600 per facility.
Part B - Small facility - $4,000 / Medium facility $4,790 / Large facility $5,680.

Both of these firms submitted high quality submissions and were very close in scores. Whilst TPG Town Planning and Urban Design's submission was strong, Coffey Commercial Advisory are the preferred consultants for the study due to:-

- An excellent methodology.
- Strong attention to analysis and consultation in order to underpin the Community Infrastructure Plan.
- Good understanding of the concepts required to produce a robust Community Infrastructure Plan.
- Good understanding of developer contribution schemes and associated possibilities.
- Inclusion of financial modelling to support the development of a Developer Contribution Plan.

FINANCIAL IMPLICATIONS:

ACCOUNT NO:	CL 16785000
BUDGET ITEM:	Community Amenities - Town Planning and Regional Development - Other Town Planning
BUDGET PAGE NUMBER:	9
BUDGETED AMOUNT:	$ 74,000 (excluding a $20,000 contribution from EPRA)
AMOUNT SPENT TO DATE:	$ 0
PROPOSED COST:	$ 189,500 (Part A 114,600 Part B $74,900)
BALANCE:	$(115,500)

All figures quoted in this report are exclusive of GST.

The allocated amount for this study in the City's budget is $74,000. Additional funding has been committed for 2010/11 by EPRA for the sum of $20,000 which will cover half of the shortfall for Part A of the study.

As was outlined in the tender specification the study will be undertaken in two parts, Part A and Part B. The preferred submission from Coffey Commercial Advisory proposes a timeframe of 11 months for the completion of the study in its entirety, Part A taking seven months to complete, and Part B using the remaining four months. In terms of financing the study, Part A will be funded from both the current and subsequent financial year budgets, while Part B will draw only on the 2011-12 budget.

The preferred tender's total fee for the study is $189,500. The majority of the fee for Part A will be due in the 2010/11 financial year. The remaining fee for Part A as well the total fee of Part B of the study would be due in the 2011/12 financial year.

Part A (2010/11) - $ 94,000 ($74,000 from City of Perth and $20,000 from EPRA)
Part A (2011/12) - $ 20,600
Part B (2011/12) - $ 74,900

As indicated above, the total value of the study for the 2010/11 financial year is $94,000. The remaining $95,500 due in the subsequent financial year will be budgeted for accordingly. It should be noted that SPP 3.6 allows developer contribution to be sought for costs reasonably associated with the preparation, implementation and administration of a development contribution plan. Accordingly, the costs of this study are able to be reimbursed through developer contributions.

COMMENTS:

This study will provide direction to the City and East Perth Redevelopment Authority concerning the delivery of Community Infrastructure. In light of current strategic thinking around the shape of future growth in the city, and particularly the underlying role that liveability plays in the success of a capital city, it is important that an experienced team be engaged to respond to the complex situation that characterises the city of Perth.

The submission by Coffey Commercial Advisory, together with its clarification meeting, was of very high quality, addressing the selection criteria and demonstrating its experience to capably undertake this study. It is therefore recommended that Coffey Commercial Advisory be selected to provide consultancy services for the Community Infrastructure Plan and Developer Contribution Plan Study.

Moved by Cr McEvoy, seconded by Cr Tognolini

That the Council:-

1. ***accepts the most suitable tender, being that submitted by Coffey Commercial Advisory, for the Community Infrastructure Plan and Developer Contribution Plan Study for a lump sum fee of $189,500 (excluding GST);***

2. ***notes that the study was advertised in two parts, and that tenderers are aware that Part B (Developer Contribution Plan) of the Study is contingent on the Council's endorsement of Part A (Community Infrastructure Plan);***

3. ***notes the expenditure in part 1 above being charged to Budget Item 'Community Amenities - Town Planning and Regional Development - Other Town Planning';***

4. ***notes that the shortfall of $95,500 required to complete the project will be included in the Council's 2011/12 budget.***

The motion was put and carried

The votes were recorded as follows:-

For: **The Lord Mayor, Crs Butler, Davidson, Limnios, McEvoy, Rodgers and Tognolini**

Against: **Nil**

606/10 PROPOSED STREET NAMES FOR THE RIGHTS-OF-WAY BOUNDED BY HAY, BENNETT, GODERICH AND HILL STREETS, EAST PERTH

BACKGROUND:

FILE REFERENCE:	P1002137-4
RESPONSIBLE DIRECTOR:	Peter Monks, Director Planning and Development
DATE:	28 October 2010
MAP / SCHEDULE:	Schedule 8 - Proposed Naming of the Rights-of Way

The Committee recommendation to the Council for this report was resolved by the Planning Committee at its meeting held on 9 November 2010.

The Committee recommendation to the Council is the same as that recommended by the administration.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation	Part 2, Clause 26 of the Land Administration Act 1997
Strategic Plan	Urban and Built Environment Improvements to "street level" public spaces will be a priority, including city streets, boulevards and laneways to improve the pedestrian amenity and create diverse, vibrant and safe public spaces

DETAILS:

A request has been received by Ms J Richardson that the laneway bounded by Hay, Bennett, Goderich and Hill Streets, East Perth, be named. The laneway is owned by the Crown and currently unnamed. The applicant has claimed that they have had great difficulty in explaining the location of the laneway to emergency services.

The laneway is in fact three separate laneways, remnant from previous subdivisions. The east and west portions are owned by the Crown whilst a small portion in between is owned by the City.

The land uses abutting the laneways are predominately commercial although there are some residential uses on the Goderich Street frontage. The laneway adjoins the City's existing Goderich Street Car Park which is proposed to be redeveloped as a demonstration project for 48 affordable housing units and a public car park. The proposed new public car park adjoins the laneway and will have a direct access to it.

FINANCIAL IMPLICATIONS:

There are no financial implications related to this report.

COMMENTS:

It is anticipated that a number of allotments fronting Hay Street with the laneways to the rear will be redeveloped in the near future. As such, the developments would benefit by having the laneways named.

It is the Council's and Geographic Names Committee's practice to issue new street names that are consistent with the names in the surrounding area, or that have a historical reason for a particular name.

Given the proximity of the laneways to The Perth Mint, the City contacted the Gold Corporation seeking its involvement and support in naming the laneway. The Perth Mint was built in 1899 to refine gold mined in Western Australia and to produce gold sovereigns. When sovereigns were withdrawn from circulation in 1931, the Mint used its skills in the production of other coins while still continuing to refine gold.

The City sought comment from the Perth Mint which provided a number of names including a brief history of each name.

Although the laneways can be accessed from Goderich, Bennett and Hay Streets, it is proposed that only two names be utilised.

The following names have been forwarded by Perth Mint and deemed suitable by the Geographic Names Committee:-

Street Name	Justification
Penny Lane	The Perth Mint produced 438 million pennies in the pre-decimal coin period.
Coin Lane	The Perth Mint has been striking coin currency for more than a century.
Nugget Lane	Gold nuggets have been sold to The Perth Mint since its inception in 1899.
Proof Lane	The Perth Mint produces the largest range and finest examples of numismatic 'collector' proof coins in the world.
Bullion Lane	The Perth Mint is home to Australia's Precious Metals Coin Program, producing millions of gold and silver bullion and commemorative coins for investors and collectors around the world.
Shilling Lane	The Perth Mint produced 1.3 million shillings in the pre-decimal coin period.

Consultation was undertaken for a two week period seeking comments from all owners abutting the laneways and by close of business on 1 October 2010, no comments had been received.

The naming of the laneways will provide a more efficient and effective method for emergency vehicles to locate properties being accessed from the laneways. It will also facilitate clarity of location to the Goderich Street Car Park and any future development on the abutting properties.

Given the proximity and accomplishments of The Perth Mint, the names submitted are considered to be appropriate. Therefore, it is recommended that the Geographic Names Committee be advised that the Council supports the names Penny Lane and Shilling Lane for the right-of-way bounded by Hay, Bennett, Goderich and Hill Streets, as detailed in Schedule 8.

Moved by Cr McEvoy, seconded by Cr Butler

That the Council advises the Geographic Names Committee that it supports the use of the names "Penny Lane" and "Shilling Lane" for the rights-of-way bounded by Hay, Bennett, Goderich and Hill Streets, East Perth, as detailed in Schedule 8.

The motion was put and carried

The votes were recorded as follows:-

For: **The Lord Mayor, Crs Butler, Davidson, Limnios, McEvoy, Rodgers and Tognolini**

Against: **Nil**

MARKETING, SPONSORSHIP AND INTERNATIONAL RELATIONS COMMITTEE REPORTS

607/10 EVENT SPONSORSHIP - EAST PERTH TWILIGHT CHRISTMAS PICNIC IN THE PARK

BACKGROUND:

FILE REFERENCE:	P1010627-19
RESPONSIBLE DIRECTOR:	Garry Dunne, Director Service Units
DATE:	19 October 2010
MAP / SCHEDULE:	Schedule 9 - Budget

The Committee recommendation to the Council for this report was resolved by the Marketing, Sponsorship and International Relations Committee at its meeting held on 2 November 2010.

The Committee recommendation to the Council is the same as that recommended by the administration.

The East Perth Crime and Safety Committee presented the inaugural East Perth Christmas Picnic in 2004. The City of Perth provided a donation to assist with administrative and program costs associated with community safety and crime prevention.

The Committee was established in 2001 under the Safer WA program, now known as the Community Safety and Crime Prevention program, and is a member of Investing in Communities (Western Australia) Incorporated. The program is based on the

premise that the most effective approach to dealing with crime and community safety is through the development of partnerships involving the police, state government agencies, local government and the community.

The annual picnic in Victoria Gardens helps to develop community awareness of crime and safety in East Perth and also raises money through gold coin donations and raffles to purchase Christmas gifts for those in care at St Bartholomew's House in East Perth. Raffle prizes are donated by local businesses.

LEGISLATION / STRATEGIC PLAN / POLICY:

Strategic Plan City Vibrancy
Support tourism, the retail trade and entertainment through a vibrant program of campaign advertising, sponsorship and promotions and encourage and support initiatives, festivals and events which showcase the diversity of people and lifestyles in Perth

Policy
Policy No and Name: 18.8 – Provision of Sponsorship and Donations

DETAILS:

The East Perth Crime and Safety Committee is presenting the annual East Perth Twilight Christmas Picnic in the Park on 9 December 2010. The event will be held at Victoria Gardens, East Perth, and the event organisers estimate 2,000 people will attend the concert.

The event is to be held from 6.00pm to 9.00pm and will feature the following entertainment:-

- Vocal Evolution – a male choir.
- Sophia Hawes (a 16 year old soprano).
- Spirit of the Street.
- A magician.
- Angel of Light.
- Santa and his helper.
- The City of Perth Band.

The organisers will also distribute glow sticks and bubble blowers to children during the interval.

City of Perth Band

This is the first year that the City of Perth Band will be performing at the East Perth Twilight Christmas Picnic. The arrangement is made under the agreement held between the City and the City of Perth Band in return for its practice rooms. The City of Perth covers the performance cost through this arrangement and it is therefore noted as in-kind sponsorship.

Funding

The event organisers are seeking a cash and in-kind sponsorship of $17,556 (excluding GST) from the City to cover the cost of entertainment, staging, licences, and insurance. Cash and in-kind sponsorship of $15,315 is recommended. This amount represents a CPI increase on the level of funding provided in 2009.

The City of Perth increased funding for the 2007 event in lieu of the previous funding and resources provided by the East Perth Redevelopment Authority (EPRA). The amount previously received from EPRA was $22,316 including $7,000 for an event management company to administer the event and seek sponsorship. The organising committee is now undertaking this role itself.

The event organisers advise that if they are not successful in securing the requested amount, they would need to seek additional funding or use monies allocated to other East Perth Crime and Safety Committee budgets. Alternatively, if other funding cannot be achieved, the organisers may need to reduce the number of performances at the event.

In addition to the cash and in kind sponsorship provided, the City will promote the event as part of the City of Perth Festival of Christmas. This includes event listings in print advertising, Christmas flyers and a webpage dedicated to the Festival of Christmas.

The City has provided the following amounts for similar community and cultural events:-

Event	In Kind	Cash	Total	Duration	Attendance
Buddha Day Celebrations 2009	$0	$20,000	$20,000	2 days	20,000
Carols by Candlelight 2010	$0	$28,560	$28,560	1 day	10,000
East Perth Twilight Christmas Picnic in the Park 2009	$0	$14,000	$14,000	½ day	2,000
East Perth Twilight Christmas Picnic in the Park 2010				½ day	2,000
(requested)	*$1,035*	*$16,521*	*$17,556*		
(recommended)	*$1,035*	*$14,280*	*$15,315*		

Assessment of Application.

To be eligible for event sponsorship:-

The total value of the event must exceed the cost of sponsorship.

The estimated value of the event is $20,056. The event organisers are seeking cash and in-kind sponsorship of $17,556 (88%). Cash and in-kind sponsorship of $15,315 (76%) is recommended.

The event must contribute to the achievement of one or more of the City's marketing objectives:-

- *to position the City of Perth as a city of regional and international significance;*
- *to increase visitation to the city;*
- *to increase economic investment in the city;*
- *to create a vibrant, energetic 24-hour city.*

The event is a local community event that is primarily attended by East Perth residents and business owners. Although the event does not increase visitation to the city, it does add vibrancy and some economic benefit to the trading precinct in Claisebrook Cove.

The event must take place in the public spaces of the city of Perth.

The event takes place in Victoria Gardens, Claisebrook Cove, East Perth.

The event may or may not be cultural or arts based.

The event is a community Christmas picnic and concert.

Preference will be given to events which provide free attendance.

The Christmas Picnic is a free variety concert. Event organisers will be requesting a gold coin donation from patrons to purchase Christmas gifts for those in care at St Bartholomew's House.

Preference will be given to events that will be held exclusively in the city of Perth.

The event is held exclusively in the city.

Dates and amounts of any previous sponsorship to the applicant / event.

The City has provided the following previous support for this event:-

Year	In kind	Cash	Total
2004	$0	$4,000	$4,000
2005	$0	$6,300	$6,300
2006	$0	$10,000	$10,000
2007	$0	$13,354	$13,354
2008	$0	$14,000	$14,000
2009	$0	$14,000	$14,000
2010 (requested)	*$1,035*	*$16,521*	*$17,556*
2010 (recommended)	*$1,035*	*$14,280*	*$15,315*

The applicant must detail how they will promote the support of the City of Perth. This may be (but is not limited to) any of the following:-

a) signage at the event;
b) inclusion of the City of Perth crest in press advertising or any promotional material;
c) acknowledgement of the City of Perth in radio or television advertising;
d) opportunities for the Lord Mayor, or their representative, to open the event or make a presentation.

The organisers will provide promotional support as outlined in the recommendation section of this report.

The event also receives media support from the Voice and Guardian newspapers.

The applicant must provide adequate guarantee that they can deliver the event. This proof of capacity may be (but not limited to) any of the following:-

a) history of previous dealings with the City of Perth;
b) evidence of support from governing body;
c) evidence of funding from other sources;
d) statement of the organisation's income and expenditure, and auditor's certificate;
e) evidence of the capacity of the organising committee to manage, present and market the event.

The East Perth Crime and Safety Committee has been established since 2001 and the organisation has presented the East Perth Twilight Christmas Picnic in the Park since 2004.

The event also receives cash sponsorship totalling $2,500 from LJ Hooker Residential and Royal on the Waterfront.

Event Sponsorship Category:-

- *Major Civic Partnership – Three to five years funding commitment, $50,000, plus CPI;*
- *State and National – Three years funding commitment, less than $50,000, plus CPI;*
- *Annual – Annual or historic funding, less than $20,000;*
- *Start-Up/One-Off – Once only funding, less than $15,000.*

The applicant has been considered eligible for event sponsorship under the Annual category, in accordance with Policy 18.8 – Provision of Sponsorship and Donations.

Classifications are indicative only and subject to annual consideration.

FINANCIAL IMPLICATIONS:

ACCOUNT NO:	CL 1474 4000	
BUDGET ITEM:	Tourism and Area Promotion – Retail Marketing Programs – East Perth Precinct	
BUDGET PAGE NUMBER:	13	
	BUDGET ITEM	**THIS COMPONENT**
BUDGETED AMOUNT:	$1,560,809	$60,000
AMOUNT SPENT TO DATE:	$ TBA	$ TBA
PROPOSED COST:	$ 14,280	$14,280
BALANCE:	$ TBA	$ TBA

ACCOUNT NO:	CL 2972 7000	
BUDGET ITEM:	Recreation and Sport – Other Recreation and Sport – Community Recreation Programs	
BUDGET PAGE NUMBER:	10	
	BUDGET ITEM	**THIS COMPONENT**
BUDGETED AMOUNT:	$ TBA	$ TBA
AMOUNT SPENT TO DATE:	$ TBA	$ TBA
PROPOSED COST:	$ 1,035	$ 1,035
BALANCE:	$ TBA	$ TBA

All figures quoted in this report are exclusive of GST.

COMMENTS:

Although the Christmas Twilight Picnic in the Park is an East Perth Community event that is attended primarily by local residents, the event is an important activity that assists with building relationships between the community, police and local and state government agencies to deal effectively with crime prevention and community safety.

The event also raises money for St Bartholomew's House.

The event is included as part of the City of Perth's Festival of Christmas campaign which is widely promoted across print and web media.

Event organisers advise that no further benefits will be provided for cash and in-kind sponsorship of the requested amount of $17,556.

Moved by Cr Davidson, seconded by Cr Butler

That the Council:-

1. approves cash sponsorship of $14,280 (excluding GST) to the East Perth Crime and Safety Committee for the East Perth Twilight Christmas Picnic in the Park 2010 to be held in Victoria Gardens on 9 December 2010;

2. approves in-kind sponsorship of $1,035 (excluding GST) for the City of Perth Band to perform at the event;

3. notes the expenditure in part 1 above being charged to Budget Item 'Tourism and Area Promotion - Retail Marketing Programs - East Perth Precinct';

4. notes the expenditure in part 2 above being charged to Budget Item 'Other Recreation and Sport - Community Recreation Programs';

5. notes that the event organisers will provide the following sponsorship benefits:-

5.1 the City of Perth crest to appear on all promotional material, including:-

5.1.1 flyers;

5.1.2 posters;

5.1.3 event banner installed at the entrance to Victoria Gardens;

5.2 the Lord Mayor, or representative, invited to officiate at the event;

5.3 nine invitations for Elected Members to attend the event.

The motion was put and carried

The votes were recorded as follows:-

For: **The Lord Mayor, Crs Butler, Davidson, Limnios, McEvoy, Rodgers and Tognolini**

Against: **Nil**

608/10 CULTURAL SPONSORSHIP 2010/11 - ROUND TWO ASSESSMENT

BACKGROUND:

FILE REFERENCE:	P1025430 and P1025432
RESPONSIBLE DIRECTOR:	Garry Dunne, Director Service Units
DATE:	19 October 2010
SCHEDULE:	Schedule 10 - 2010/11 Cultural Sponsorship Round Two Assessment Report

The Committee recommendation to the Council for this report was resolved by the Marketing, Sponsorship and International Relations Committee at its meeting held on 2 November 2010.

The Committee recommendation to the Council is the same as that recommended by the administration.

The City sponsors arts and cultural events and activities to encourage visitation and vibrancy. These activities ensure the city centre is a vital and interesting place to visit with a point of difference to other metropolitan centres.

The Cultural Sponsorship Program is organised into four categories as follows:-

1. Arts Partnerships – for major festivals and activities.
2. Arts Projects (two rounds per annum) – for innovative activities.
3. Creative Communities (two rounds per annum) – encouraging community participation.
4. Fast Response Grants ($2,000 or less).

This report outlines the assessment of applications received in round two and provides recommendations for funding.

LEGISLATION / STRATEGIC PLAN / POLICY:

Strategic Plan City Vibrancy
Support tourism, the retail trade and entertainment through a vibrant program of campaign adverting, sponsorship and promotions and encourage and support initiatives, festivals and events which showcase the diversity of people and lifestyles of Perth

Policy
Policy No and Name: 18.8 - Provision of Sponsorship and Donations
18.1 - Arts and Culture

DETAILS:

Application Assessment

All Round Two applications received were assessed on their individual merit against the Cultural Sponsorship criteria outlined in Policy 18.8 - Provision of Sponsorship and Donations. The proposed activities are presented to the Committee for consideration as per the attached assessment report and summarised in the following table:-

2010/11 - Round Two Recommendations

Arts Projects – Total Budget $83,640				
Applicant	**Event**	**Artform**	**Amount Requested**	**Amount Recommended**
Proposed				
Ausdance WA Inc	Dance Week 2011- Dance Live	Dance	$15,000	***$1,000***
The Prickly Pear Ensemble	The Enchanters	Theatre	$5,250	***$5,250***
Strut Dance Inc	Tongues of Stone	Multi Arts Performance	$15,000	***$15,000***
Thin Ice Productions Ltd	Die Winterreise	Multi Arts Performance	$15,000	***$15,000***
Voces Arts Networking Group Inc.	Wild West Comedy Festival	Comedy	$15,000	***$10,000***
Youth Ballet WA	The Northbridge Festival of Dance	Dance	$15,000	***$10,000***
Total Proposed Arts Projects - Round Two			$80,250	**$56,250**

Creative Community – Total Budget $41,820				
Applicant	**Event**	**Artform**	**Amount Requested**	**Amount Recommended**
Proposed				
Alliance Française de Perth	Alliance Française French Film Festival	Film	$5,500	***$5,500***
Australasian Photographic Association	Perth Cup II	Photography	$4,200	***$2,500***
Total Proposed Creative Community - Round Two			$9,700	**$8,000**

FINANCIAL IMPLICATIONS:

ACCOUNT NO:	CL15724000 - 7901
BUDGET ITEM:	Recreation and Culture – Other Culture – Donations and Sponsorship
BUDGET PAGE NUMBER:	11
BUDGETED AMOUNT:	$1,184,933
AMOUNT SPENT TO DATE:	$ 902,768
PROPOSED COST:	$ 64,250
BALANCE:	$ 217,915

All figures quoted in this report are exclusive of GST.

COMMENTS:

The City of Perth Cultural Sponsorship Program provides an effective means of engaging Western Australia's peak art bodies and artists to present high quality and diverse cultural activities that encourage people to visit and enjoy the city.

Moved by Cr Limnios, seconded by Cr Tognolini

That the Council:-

1. approves Round Two funding (excluding GST) of Cultural Sponsorship for the 2010/11 financial year as follows:-

(Cont'd)

1.1 Arts Projects – Round Two:-

1.1.1 Ausdance WA Inc, $1,000;

1.1.2 The Prickly Pear Ensemble, $5,250;

1.1.3 Strut Dance Inc, $15,000;

1.1.4 Thin Ice Productions Ltd, $15,000;

1.1.5 Voces Arts Networking Group Inc, $10,000;

1.1.6 Youth Ballet WA, $10,000;

1.2 Creative Community – Round Two:-

1.2.1 Alliance Française de Perth, $5,500;

1.2.2 Australasian Photographic Association, $2,500;

2. approves the applicants listed in part 1 above being required to provide the benefits to the City of Perth as outlined in the Cultural Sponsorship Assessment Report as detailed in Schedule 10;

3. notes the expenditure in part 1 above being charged to Budget Item 'Recreation and Culture – Other Culture – Donations and Sponsorships';

4. declines Round Two funding of Cultural Sponsorship for the 2010/11 financial year as follows:-

4.1 Western Australian German Business Association Inc, $3,500.

The motion was put and carried

The votes were recorded as follows:-

For: The Lord Mayor, Crs Butler, Davidson, Limnios, McEvoy, Rodgers and Tognolini

Against: Nil

FINANCE AND BUDGET COMMITTEE REPORTS

609/10 WRITE-OFF OF UNRECOVERABLE PARKING FINES AND COSTS – 1 APRIL TO 30 JUNE 2005

BACKGROUND:

FILE REFERENCE: P1001812-3
RESPONSIBLE DIRECTOR: Garry Dunne, Director Service Units
DATE: 8 October 2010
MAP / SCHEDULE: N/A

The Committee recommendation to the Council for this report was resolved by the Finance and Budget Committee at its meeting held on 9 November 2010.

The Committee recommendation to the Council is the same as that recommended by the administration.

Offences under the City of Perth Parking Local Law result in a parking infringement being issued. Regardless of the collection processes in place a percentage of the infringements issued cannot be recovered.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation Section 6.12(1)(c) of the Local Government Act 1995

Strategic Plan City Management Principles
Strategy: The finances of the City will be managed prudently

Policy
Policy No and Name: 9.1 - Budget Policies

DETAILS:

Where possible, infringements that remain outstanding after two months are lodged with the Fines Enforcement Registry (FER) for that organisation to collect or commence enforcement action. Enforcement action normally relates to the suspension of either the owner's driver's licence or the vehicle registration. Offenders who have a parking infringement lodged with the FER are liable for additional costs associated with seeking payment.

After the matter has been lodged with the FER for a minimum period of five years and all collection action by that organisation has failed to obtain payment, the matter is retired by the FER and no further recovery action is taken. The FER considers that monetary recovery is negligible and recommends that the matter be written off.

Each year the City makes a provision for doubtful debts within its budget to allow for unrecoverable parking infringements. The current amount provided for is $2,699,860.62.

The total value of fines and costs issued between 1 April 2005 and 30 June 2005, that remain outstanding to the City as at 8 October 2010, and has had a minimum of five years recovery action, is $131,837.74. This is 6.80% of the total value of infringements and costs charged for the period.

FINANCIAL IMPLICATIONS:

ACCOUNT NO:	1BS0001591 – Provision for Doubtful Debt
BALANCE TO DATE:	$ 2,699,860.62
PROPOSED COST:	$ 131,837.74
BALANCE:	$ 2,568,022.88

All figures quoted in this report are exclusive of GST.

COMMENTS:

It is recommended that the Council resolves to write off outstanding parking infringements and costs that have been outstanding with the FER for a period of five years, for the quarter April 2005 to June 2005.

Moved by Cr Davidson, seconded by Cr Butler

That the Council approves the amount of $131,837 (excluding GST), representing unrecoverable fines and costs in respect of parking infringements issued between 1 April and 30 June 2005, which have been outstanding for at least five years and have been referred to the Fines Enforcement Registry for collection, being written off.

The motion was put and carried

The votes were recorded as follows:-

For: **The Lord Mayor, Crs Butler, Davidson, Limnios, McEvoy, Rodgers and Tognolini**

Against: **Nil**

610/10 WRITE-OFF OF UNRECOVERABLE PARKING FINES AND COSTS – 1 JULY TO 30 SEPTEMBER 2005

BACKGROUND:

FILE REFERENCE: P1001812-3
RESPONSIBLE DIRECTOR: Garry Dunne, Director Service Units
DATE: 2 November 2010
MAP / SCHEDULE: N/A

The Committee recommendation to the Council for this report was resolved by the Finance and Budget Committee at its meeting held on 9 November 2010.

The Committee recommendation to the Council is the same as that recommended by the administration.

Offences under the City of Perth Parking Local Law result in a parking infringement being issued. Regardless of the collection processes in place, a percentage of the infringements issued cannot be recovered.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation Section 6.12(1)(c) of the Local Government Act 1995

Strategic Plan City Management Principles
Strategy: The finances of the City will be managed prudently

Policy
Policy No and Name: 9.1 - Budget Policies

DETAILS:

Where possible, infringements that remain outstanding after two months are lodged with the Fines Enforcement Registry (FER) for that organisation to collect or commence enforcement action. Enforcement action normally relates to the suspension of either the owner's driver's licence or the vehicle registration. Offenders who have a parking infringement lodged with the FER are liable for additional costs associated with seeking payment.

After the matter has been lodged with the FER for a minimum period of five years and all collection action by that organisation has failed to obtain payment, the matter is retired by the FER and no further recovery action is taken. The FER considers that monetary recovery is negligible and recommends that the matter be written off.

Each year the City makes a provision for doubtful debts within its budget to allow for unrecoverable parking infringements. The current amount provided for is $2,699,860.62.

The total value of fines and costs issued between 1 July and 30 September 2005, that remain outstanding to the City as at 2 November 2010, and has had a minimum of five years recovery action, is $125,175.28. This is 6.76% of the total value of infringements and costs charged for the period.

FINANCIAL IMPLICATIONS:

ACCOUNT NO:	1BS0001591 – Provision for Doubtful Debt
BALANCE TO DATE:	$2,586,022.88
PROPOSED COST:	$ 125,175.28
BALANCE:	$2,460,847.60

All figures quoted in this report are exclusive of GST.

COMMENTS:

It is recommended that the Council resolves to write off outstanding parking infringements and costs that have been outstanding with the FER for a period of five years, for the quarter July 2005 to September 2005.

Moved by Cr Davidson, seconded by Cr Butler

That the Council approves the amount of $125,175.28 (excluding GST), representing unrecoverable fines and costs in respect of parking infringements issued between 1 July and 30 September 2005, which have been outstanding for at least five years and have been referred to the Fines Enforcement Registry for collection, being written off.

The motion was put and carried

The votes were recorded as follows:-

For: **The Lord Mayor, Crs Butler, Davidson, Limnios, McEvoy, Rodgers and Tognolini**

Against: **Nil**

611/10 FINANCIAL STATEMENTS AND FINANCIAL ACTIVITY STATEMENT - SEPTEMBER 2010

BACKGROUND:

FILE REFERENCE:	P1014149-25
RESPONSIBLE DIRECTOR:	Robert Mianich, Director Corporate Services
DATE:	22 October 2010
MAP / SCHEDULE:	Schedule 11 - Financial Statements and Financial Activity Statement for the period ended 30 September 2010

The Committee recommendation to the Council for this report was resolved by the Finance and Budget Committee at its meeting held on 9 November 2010.

The Committee recommendation to the Council is the same as that recommended by the administration.

The Local Government (Financial Management) Regulations 1996 require the City to produce monthly Financial Statements, including a Financial Activity Statement in rate setting format.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation	Section 6.4(2) of the Local Government Act 1995 Regulation 34(3) of the Local Government (Financial Management) Regulations 1996
Strategic Plan	City Management Principles The finances of the City will be managed prudently

DETAILS:

The Financial Activity Statement is presented together with a commentary on variances from the budget.

FINANCIAL IMPLICATIONS:

There are no direct financial implications arising from this report.

COMMENTS:

This Financial Activity Statement commentary compares the financial results with any Council approved changes to the adopted budget passed by the Council at its meeting held on **3 June 2010** for the period to 30 June 2011.

Moved by Cr Davidson, seconded by Cr Butler

That the Council approves the Financial Statements and the Financial Activity Statement for the period ended 30 September 2010, as detailed in Schedule 11.

The motion was put and carried

The votes were recorded as follows:-

For: **The Lord Mayor, Crs Butler, Davidson, Limnios, McEvoy, Rodgers and Tognolini**

Against: **Nil**

612/10 PAYMENTS TO CREDITORS – OCTOBER 2010

BACKGROUND:

FILE REFERENCE:	P1025571-10
RESPONSIBLE DIRECTOR:	Robert Mianich, Director Corporate Services
DATE:	2 November 2010
MAP / SCHEDULE:	TRIM ref. 139752/10

The Committee recommendation to the Council for this report was resolved by the Finance and Budget Committee at its meeting held on 9 November 2010.

The Committee recommendation to the Council is the same as that recommended by the administration.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996

COMMENTS:

Payments for the month of October 2010 included the following significant items:-

- $2,093,480.62 to Downer Edi Works for the Forrest Place Redevelopment Project (Stage 2) and other major road and pathway works in the City.

- $1,080,084.64 to Broad Construction Services (WA) Pty Ltd for the St Georges Terrace streetscape enhancement from William Street to Barrack Street and construction of the Elder Street Car Park.

- $563,101.38 to the Western Australian Treasury Corporation for the PCEC car park loan repayment.

Moved by Cr Davidson, seconded by Cr Butler

That in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority for the month ended 31 October 2010, as laid on the table, be received and recorded in the Minutes of the Council, the summary of which is as follows:-

FUND	*PAID*
Municipal Fund	*$ 13,568,363.82*
Trust Fund	*$125,073.27*
TOTAL:	*$ 13,693,437.09*

The motion was put and carried

The votes were recorded as follows:-

For: **The Lord Mayor, Crs Butler, Davidson, Limnios, McEvoy, Rodgers and Tognolini**

Against: **Nil**

AUDIT COMMITTEE REPORTS

613/10 ANNUAL REPORT AND AUDITED FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2010

BACKGROUND:

FILE REFERENCE:	P1003392-5
REPORTING OFFICER:	Ian Berry
RESPONSIBLE DIRECTOR:	Robert Mianich, Director Corporate Services
DATE:	27 October 2010
MAP / SCHEDULE:	Schedule 12 - 2009/10 Annual Report

The Committee recommendation to the Council for this report was resolved by the Audit Committee at its meeting held on 9 November 2010.

The Committee recommendation to the Council is the same as that recommended by the administration.

Section 5.54 (1) of the Local Government Act (the Act) requires that the Annual Report be presented to the Council for acceptance by 31 December each year. The Annual Report for the financial year is required to be included on the agenda for the Annual General Meeting (AGM). The AGM of the City of Perth is scheduled to be held on Monday, 6 December 2010.

Section 5.53 (2) of the Act prescribes that the following information must be included in the Annual Report:-

(a) a report from the mayor or president;
(b) a report from the CEO;
[(c), (d) deleted.]
(e) an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year;
(f) the financial report for the financial year;
(g) such information as may be prescribed in relation to the payments made to employees;
(h) the auditor's report for the financial year;
(ha) a matter on which a report must be made under section 29(2) of the Disability Services Act 1993;
(hb) details of entries made under section 5.121 during the financial year in the register of complaints, including -
(i) the number of complaints recorded in the register of complaints;
(ii) how the recorded complaints were dealt with; and

(iii) any other details that the regulations may require; and
(i) such other information as may be prescribed.

The Annual Report is currently in the publication process and will be available at the Annual General Meeting. The printer's proof of the Annual Report is attached as Schedule 12.

The Financial Statements for the year ended 30 June 2010 have been audited and are presented in full.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation	Sections 5.53 and 5.54 of the Local Government Act 1995
Strategic Plan	City Management Principles The finances of the City will be managed prudently

DETAILS:

The information contained in Schedule 12 addresses all the statutory requirements for a local government's Annual Report.

Auditors Report

The Financial Statements for the year ended 30 June 2010 have been audited and an unqualified audit report has been issued.

Financial Statements

The following explanation and comparisons with the original budget for the year are provided below.

Statement's of Comprehensive Income are provided by program and nature. Commentary is on the statement where income and expenses are displayed by nature. The net operating surplus for the 2009/10 year of $19.6 million exceeded the original budget of $12.6 million, but was marginally below the 2008/09 year result of $20.8 million. After capital grants and significant items, the surplus finally amounted to $51.2 million.

Revenue

Revenue increased by 9% over the previous year to $141.7 million. In comparison with budget, a higher level of interim rates and rates raised after the budget was passed, led to a $1.8 million favourable variance in rates raised. Fees and charges were down on budget due mainly to parking fees which suffered from the impact of the threefold increase in the State Parking Levy. Parking fines were 10% lower than budgeted. Interest and investment earnings were $5.1 million above budget due to the recovery in global stock markets and a higher interest rate environment than that estimated at the time of budget preparation.

Expenditure

Employee costs were lower than budget by $1.2 million due mainly to the adjustment of superannuation contributions following actuarial recommendation relating to the City of Perth Superannuation Plan.

Materials and contracts were $2.8 million below original budget with savings in maintenance, professional fees and consultancy being partly offset by higher tipping fees. Higher utility charges reflect price increases. Depreciation and amortisation were $1.4 million below budget due to delays in the completion of capital projects. Expense provision was higher due to a higher charge relating to parking fines not collected.

The loss on disposal of assets includes $1.7 million for the write-off of overpasses demolished at Forrest Place.

Capital grants received, contained several offsetting items which resulted in a small variance to budget. It should be noted that delays to the Perth Concert Hall seat replacement and savings on the River Wall reduced contributions, whilst an unbudgeted contribution of $1.2 million relating to the development of Burt Way was received.

Significant Items

These comprise:-

- Additional infrastructure assets transferred to the Town of Vincent.
- Contribution of the Wellington Street Car Park (Lot 1192) to the Link Project at book value.
- Revaluation of investment properties required annually to conform with accounting standards.
- Revaluation of non-investment properties being a write back of depreciation on certain buildings.
- Impairment of investments being the substantial reversal of write-downs of investments made in a prior year as the market value and redemption prospects of certain securities improved.

Statement of Financial Position

Net assets have increased by $51.1 million over those reported in the 2008/09 year. This is reflective of the operating surplus and net significant items, especially the write back of depreciation on buildings and resultant increase in the revaluation reserve of $35 million.

- Overall investments fell by $1.5 million reflecting adverse cash flow partly offset by the reversal of a $2 million impairment charge on securities.
- Property plant and equipment increased by $68 million as a result of high levels of capital spending and an increase in the carrying value of certain buildings following depreciation write back.
- Investment property increased by $1.1 million reflecting additions offset by a devaluation of certain property holdings.
- Both trade receivables and payables increased in line with the levels of business activity.
- Financial liabilities increased due to construction funding drawn down for the Elder Street Car Park.

- Employee benefits represent provisions for leave and long service leave and have increased to reflect increases in pay rates and staff numbers.

- The Accumulated Surplus has risen with the addition of this year's operating surplus.

- The Asset Revaluation Reserve has increased, indicative of the depreciation reversal on certain buildings.

- Cash backed reserves have fallen by $8.8 million as reserves were drawn down mainly to fund capital expenditure.

Statement of Cash Flows

- Operating cash flow contributed a $38.2 million surplus, down from the 2008/09 year but still strong.

- The heavy level of capital expenditure at $63.6 million was slightly offset by the sale of non-current investments.

- $14 million was drawn down to fund construction of the Elder Street Car Park with $1.2 million in loan principal being repaid on another loan.

- Government grants and capital contribution of $3.9 million assisted in funding capital expenditure.

- Cash held rose by $737,000 overall when compared with the 2008/09 year.

FINANCIAL IMPLICATIONS

The report above demonstrates the financial implications for the City.

COMMENTS:

The City finished the 2009/10 year in a strong financial position.

Moved by Cr Davidson, seconded by Cr Butler

That the Council, in accordance with Section 5.54 (1) of the Local Government Act 1995, ACCEPTS BY AN ABSOLUTE MAJORITY the 2009/10 Annual Report for the year ended 30 June 2010 as detailed in Schedule 12.

The motion was put and carried by an absolute majority

The votes were recorded as follows:-

For: **The Lord Mayor, Crs Butler, Davidson, Limnios, McEvoy, Rodgers and Tognolini**

Against: **Nil**

GENERAL PURPOSES COMMITTEE REPORTS

614/10 NEW PERTH POLICE COMPLEX NORTHBRIDGE – PUBLIC ART

BACKGROUND:

FILE REFERENCE:	P1024968 and 2009/2223
RESPONSIBLE DIRECTOR:	Garry Dunne, Director Service Units
DATE:	25 October 2010
MAP / SCHEDULE:	Map – Location of the Perth Police Complex

At the General Purposes Committee meeting held on 2 November 2010 the Committee amended the administration's recommendation to read as follows:-

That the Council approves in principle the installation of a public artwork as part of the new Police Complex development on the footpath near the corner of Roe and Fitzgerald Streets, Northbridge that will allow for:-

1. safe public access;

2. universal access (uninterrupted shore lining to assist visually impaired pedestrians);

3. safe intersection design considerations (sightlines for motorists);

4. sufficient width of footpath to support additional objects as required by the City of Perth;

5. clearance of underground services.

The administration's original recommendation is set out below:-

That the Council approves in principle the installation of a public artwork as part of the new Police Complex development on the footpath near the corner of Roe and Fitzgerald Streets, Northbridge.

The new Perth WA Police Complex in Northbridge is planned for development on Fitzgerald Street extending from the corner of James Street to Roe Street. The Police Complex is a State Government development under the project management of the Department of Treasury and Finance, and Building Management and Works (BMW).

A number of public artworks, internally and externally are planned for this project site under the State Government's Percent for Art Scheme.

Ongoing discussions between the City of Perth, the project working group, the architect, the project Public Art Coordinator and the BMW Project Manager have resulted in a request for the City of Perth to consider approving in principle the external component of the work being situated on the City's land near the corner of Roe and Fitzgerald Streets, Northbridge.

LEGISLATION / STRATEGIC PLAN / POLICY:

Strategic Plan Built Environment
Provide more public artworks

DETAILS:

A public artwork for the WA Police (WAPOL) Complex has yet to be formally commissioned by the BMW through the State Government Percent for Art Scheme procurement process. During the Expression of Interest stage of the commissioning process, all interested artists are provided with a list of potential sites and locations for the artwork.

BMW and WAPOL would like to give potential artists the option to consider utilising the footpath / road reserve area near the corner of Roe Street and Fitzgerald Street.

The completion date for the building construction is early 2013.

It is proposed that the City would approve in principle the location ensuring that the work would allow for:-

- Safe public access.
- Universal access (uninterrupted shore lining to assist visually impaired pedestrians).
- Safe intersection design considerations (sightlines for motorists).
- Sufficient width of footpath to support additional objects as required by the City of Perth.
- Clearance of underground services.

If the selected artist proposes a design for a site specific work in the footpath location, they will be required to submit final technical specifications and engineering drawings to the City for final approval on technical compliance before proceeding to fabrication and installation of any artwork.

Artists responding to the expression of interest may choose to *not* consider work in the external area and keep the artworks within the WAPOL development boundaries.

This proposal is consistent with the principles in Policy 1.6 – Memorials, Monuments and Plaques which outlines the process for approving memorials within the public domain and states that:-

"The City will endeavour to work positively with the State Government to provide the community with appropriate memorial features that are properly designed, planned and maintained".

The State Government will fully fund the design, construction and installation of the artwork.

WA Police will retain ownership of the artwork and will be responsible for its ongoing maintenance.

FINANCIAL IMPLICATIONS:

There are no financial implications for the City of Perth. The City would not take on the ownership or ongoing maintenance of the artwork. Following previous discussions with the BMW, WAPOL will be responsible for the ongoing maintenance of any artwork approved for the site.

COMMENTS:

This Public Art project is managed along similar guidelines to the private public art developments which result in the installation of numerous successful public art statements across the city.

This proposal requires the City to approve in principle the installation of a major artwork on City of Perth land.

The BMW process for the selection and commissioning of public artworks across the State is very comprehensive and follows strict State procurement guidelines.

The artwork would be a strong addition to the area given the availability of space on the nominated street corner and build on the growing incidence of public art projects in Northbridge managed by the City, the BMW and the East Perth Redevelopment Authority.

It is important to note that this request is for in principle support only. The documentation which will be released by the BMW to the interested artists would list the site as one of a number of sites available for consideration. It may be that the work recommended for selection is not proposed for the location under discussion in which case the City's involvement would not be required.

Moved by Cr Rodgers, seconded by Cr Tognolini

That the Council approves in principle the installation of a public artwork as part of the new Police Complex development on the footpath near the corner of Roe and Fitzgerald Streets, Northbridge, that will allow for:-

1. ***safe public access;***

2. ***universal access (uninterrupted shore lining to assist visually impaired pedestrians);***

3. ***safe intersection design considerations (sightlines for motorists);***

4. ***sufficient width of footpath to support additional objects as required by the City of Perth;***

5. ***clearance of underground services.***

The motion was put and carried

The votes were recorded as follows:-

For: **The Lord Mayor, Crs Butler, Davidson, Limnios, McEvoy, Rodgers and Tognolini**

Against: **Nil**

615/10 2011 CITY OF PERTH ELECTIONS

BACKGROUND:

FILE REFERENCE:	P1026441
RESPONSIBLE DIRECTOR:	Robert Mianich, Director Corporate Services
DATE:	16 September 2010
MAP / SCHEDULE:	N/A

The Committee recommendation to the Council for this report was resolved by the General Purposes Committee at its meeting held on 2 November 2010.

The Committee recommendation to the Council is the same as that recommended by the administration.

Correspondence has been received from the WA Electoral Commission (Commission) advising that in accordance with Section 4.20(4) of the Local Government Act 1995 (Act), the WA Electoral Commissioner agrees to conduct the City of Perth 2011 ordinary election subject to that election being undertaken as a postal election.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation	Sections 4.20(4) and 4.61(2) of the Local Government Act 1995
Strategic Plan	Governance Strengthen processes for open and accountable government in partnership with city stakeholders which are underpinned by a strong focus on the City's ethical behaviour

DETAILS:

The 2011 local government elections will be held on Saturday, 15 October 2011.

Section 4.20(4) of the Local Government Act 1995 enables a local government, having first obtained the written agreement of the Electoral Commissioner, to declare the Electoral Commissioner to be responsible for the conduct of an election.

Further, Section 4.61(2) of the Act allows a local government to decide to conduct an election as a postal election.

The Electoral Commissioner has written to the Chief Executive Officer giving his written agreement to be responsible for the conduct of the City's ordinary election in 2011, as well as for any other elections or polls that may be required prior to that election. The Commissioner's agreement to be responsible for the City's 2011 election is contingent upon that election being conducted as a postal election.

FINANCIAL IMPLICATIONS:

The WA Electoral Commission has estimated the cost of conducting the City's 2011 election at $43,000 (including GST). The cost of the 2011 election will be included in the Council's 2011/12 budget.

COMMENTS:

The City of Perth has conducted its elections as postal elections since 1995 and evidence suggests that postal elections consistently achieve a higher voter participation rate than in person elections.

It is recommended that the Council declares the WA Electoral Commissioner to be responsible for the City's 2011 election and any other polls that may be required prior to that election.

Moved by Cr Davidson, seconded by Cr Butler

That the Council, BY AN ABSOLUTE MAJORITY DECISION:-

1. in accordance with section 4.20(4) of the Local Government Act 1995, declares the Electoral Commissioner responsible for the conduct of the 2011 City of Perth ordinary election together with any other elections or polls which may be required prior to that election;

2. in accordance with section 4.61(2) of the Local Government Act 1995, decides to conduct the City of Perth's 2011 ordinary election as a postal election.

The motion was put and carried by an absolute majority

The votes were recorded as follows:-

For: The Lord Mayor, Crs Butler, Davidson, Limnios, McEvoy, Rodgers and Tognolini

Against: Nil

WORKS AND URBAN DEVELOPMENT COMMITTEE REPORTS

616/10 TENDER 037-10/11 – SUB-SURFACE UTILITY LOCATION SERVICES

BACKGROUND:

FILE REFERENCE:	P1026448
RESPONSIBLE DIRECTOR:	Peter Monks, Director Planning and Development
DATE:	20 October 2010
MAP / SCHEDULE:	Schedule 13 – Schedule of Rates – WH Location Services Pty Ltd (Abaxa) Schedule 14 – Schedule of Rates – Find Wise Location Services

The Committee recommendation to the Council for this report was resolved by the Works and Urban Development Committee at its meeting held on 1 November 2010.

The Committee recommendation to the Council is the same as that recommended by the administration.

The City of Perth employs specialised underground services contractors for civil engineering projects particularly tree planting, drainage works and other excavation works related to capital works and maintenance works on a 'project-by-project' basis.

To assist with the timely procurement of specialised services, companies were invited to submit tenders for admission onto the City's suppliers list. The tender is based on a schedule of rates.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation	Section 3.57 of the Local Government Act 1995 Part 4 of the Local Government (Functions and General) Regulations 1996
Strategic Plan	Capable and Responsive Organisation Systematically review regulations which apply to people and organisations in the city to ensure they are required and that they operate efficiently and effectively

DETAILS:

At the close of tender advertising period on 14 October 2010, two tenders were received from:-

1. Find Wise Location Services.
2. WH Location Services Pty Ltd (Abaxa).

The qualitative selection criteria for the tender were as follows:-

- Relevant company experience and history of practice, accredited plant locator by utilities providers.
- Appreciation and methodology.
- Personnel.
- Equipment and resources.
- Experience of working in the Central Business District.
- Ability to meet the City's timetable for delivery.

Following assessment of the two tenders against the qualitative criteria, the tenders were ranked as follows:-

Ranking	Tenderer
1	WH Location Services Pty Ltd (Abaxa)
2	Find Wise Location Services

FINANCIAL IMPLICATIONS:

These services will be requested on a project-by-project basis and funded by each specific capital works project.

There will be annual reviews for price variation for future services based on the Western Australia consumer price index (CPI) and formula outlined in the tender brief.

COMMENTS:

WH Location Services Pty Ltd (Abaxa) is considered to have submitted the most suitable tender in terms of the value of money even though its rates are slightly higher than the Find Wise Location Services. WH Location Services Pty Ltd has a proven track record of providing high quality services for the City as well as being adequately resourced to meet the City's tight time lines.

The Find Wise Location Services tender was generally compliant with the tender specifications. The company failed to provide details of the its proposed personnel. Currently, Find Wise Location Services is looking to employ new staff to meet demand.

Moved by Cr McEvoy, seconded by Cr Tognolini

That the Council:-

1. ***accepts the most suitable tender, being that submitted by WH Location Services Pty Ltd for the provision of sub-surface utility location services for a period of five years commencing on 17 November 2010 for the schedule of rates attached as Schedule 13;***

2. ***notes the expenditure in part 1 above being charged to various budget items as part of specific projects and program on a 'project-by-project' basis.***

The motion was put and carried

The votes were recorded as follows:-

For: **The Lord Mayor, Crs Butler, Davidson, Limnios, McEvoy, Rodgers and Tognolini**

Against: **Nil**

OTHER REPORTS

617/10 PERTH CONCERT HALL - WESTERN AUSTRALIAN SYMPHONY ORCHESTRA FACILITY

BACKGROUND:

FILE REFERENCE:	P1021693-2
RESPONSIBLE DIRECTOR:	Russell Kingdom, Acting Director Planning and Development
DATE:	11 November 2010
MAP / SCHEDULE:	Map – Location Plan Schedule 15 – Perth Performing Arts Precinct Masterplan 2007 Schedule 16 – Redevelopment of Perth Concert Hall plans

This report was distributed as a late item by the Chief Executive Officer on 16 November 2010.

At the Special General Purposes Committee meeting held on 15 November 2010, the Committee amended the administration's recommendation to read as follows:-

That the Council:-

1. *supports in principle the proposed Western Australian Symphony Orchestra development within the northern forecourt of the Perth Concert Hall site subject to:-*

    1.1 a formal development application being submitted and approved;

    1.2 further analysis of the success of the plaza in terms of safety and environmental comfort being undertaken;

    1.3 the City's contribution to the proposed development being capped at $4 million;

1.4 the agreement of the Minister for Transport to preserve the existing long-stay parking facilities at the Perth Concert Hall;

2. advises the Western Australian Symphony Orchestra and the Western Australian State Government of the details in part 1 above;

3. will assist the Western Australian Symphony Orchestra in seeking funding from the Federal Government.

The administration's original recommendation is set out below:-

That the Council:-

1. supports in principle the proposed Western Australian Symphony Orchestra development within the northern forecourt of the Perth Concert Hall site subject to:-

1.1 a formal development application being submitted and approved;

1.2 further analysis of the success of the plaza in terms of safety and environmental comfort being undertaken;

1.3 the City's contribution to the proposed development being capped at $4 million;

2. advises the Western Australian Symphony Orchestra and the Western Australian State Government of the details in part 1 above;

3. will assist the Western Australian Symphony Orchestra in seeking funding from the Federal Government.

The Western Australian Symphony Orchestra (WASO) has been without a permanent home for its administrative and rehearsal operations since the closure of the Australian Broadcasting Commission (ABC) studios in Adelaide Terrace, and this remains unresolved today. WASO currently has its principal performance and rehearsal base at the Perth Concert Hall and administrative offices in Hay Street, Perth.

A number of site accommodation options for WASO have been considered over the years by the WASO Board, the City of Perth and the State Government. In 1998, a State Government commissioned masterplan prepared by Cox Howlett + Bailey Woodland for the Perth Concert Hall precinct proposed a number of options for significant upgrading and provision of facilities for WASO.

Option 1 involved the potential to intensively develop the northern forecourt, with a drop-off zone from St Georges Terrace, a 1,000m^2 WASO administration and recording hall facility and a glass feature 'entry portico' to the concourse. The initial approach by the City to the Minister for Arts did not result in any action or response, other than to seek an indication of the level of contribution expected from the City of Perth to the Cox Howlett + Bailey Woodland masterplan.

One of the initial options adopted by the WASO Board was to pursue the potential to relocate to Crawley, in association with the University of Western Australia (UWA) and support from both the State and Federal Governments. At its meeting held on **12 December 2000**, the Council requested that the Minister for the Arts, WASO and the Perth Theatre Trust re-examine the Perth Concert Hall masterplan with specific reference to the WASO component, as an alternative to WASO relocating to UWA. The cost for the development of the proposed WASO facility at the Perth Concert Hall at the time was estimated at $12 million.

At its meeting held on **11 September 2001**, the Council resolved to enter into a Heads of Agreement with the State Government to redevelop the Perth Concert Hall site based on, inter alia, establishment of a Concert Hall precinct as the performing arts precinct of the city, the development of a new recital hall, theatre and other associated facilities required for WASO and other groups likely to use the complex, and capital contributions from the City of $4 million and $8 million from the State and Federal Governments.

At its meeting held on **12 March 2002**, the Council resolved to advertise a Business Plan for the Performing Arts Precinct Plan and WASO facility. The Business Plan was subsequently advertised for six weeks in accordance with Section 3.59 of the Local Government Act 1995.

At its meeting held on **18 November 2003**, the Council adopted a Performing Arts Precinct Structure Plan dated 28 April 2003 as a guide to further development of the Perth Concert Hall Precinct. Stage One of the Performing Arts Precinct Structure Plan proposed a new WASO facility on the southern portion of the Perth Concert Hall site. The project stalled due to a lack of Federal Government funding.

In 2004, a feasibility study commissioned by the State Government proposed a stand-alone facility accommodating WASO's rehearsal / public recital space, musicians' facilities and administration in the south-eastern corner of the Perth Concert Hall site (known as Option 7). The proposal was estimated to cost $14 million. Option 7 complied with the Performing Arts Precinct Structure Plan dated 28 April 2003, except that it was higher than the recommended height of RL11.3m. At its meeting held on **31 January 2006**, the Council broadly supported Option 7 and confirmed a contribution of $4 million, subject to the design complying with the Performing Arts Precinct Structure Plan dated 28 April 2003, relevant approvals being obtained, any loss of car parking being minimised, the WASO facility being no higher than RL11.3m and the preparation of a Heads of Agreement between the City of Perth and State Government.

At its meeting held on **29 August 2006**, the Council revoked its support for Option 7 and supported the development of the WASO facility within the Concert Hall Performing Arts Precinct provided it was located on the south side of Terrace Road as indicated on a revised plan prepared by the City dated 11 August 2006. The Council requested further development of the plan including provision of the WASO facility as part of Stage One of the redevelopment.

At its meeting held on **18 September 2007**, the Council adopted the City commissioned Perth Performing Arts Precinct Masterplan (the Masterplan) prepared by Hassell Ltd, which proposed as part of Stage Two of the redevelopment of the precinct, the construction of a four storey WASO facility on the Terrace Road car park with a bridge link to the Perth Concert Hall. The Council further resolved to proceed with Stage One of the Masterplan to appoint consultants to design the central lake and reconfigured car park and obtain necessary approvals. The order of costs for the entire Masterplan was approximately $500 million.

At its meeting held on 15 January 2008, the General Purposes Committee supported further investigation being undertaken into the design and feasibility associated with implementing the urban garden and pavilion buildings in the Perth Concert Hall's northern forecourt fronting St Georges Terrace.

The Council, at its meeting held on **3 June 2008**, resolved to retain its commitment to the Perth Performing Arts Precinct vision and, in particular, for providing facilities for WASO, the West Australian Ballet, the WA Opera and a Lyric Theatre. The Council further resolved that it would not commit to finalising the design of the lake for the Perth Performing Arts Precinct until completion of an irrigation needs review, the feasibility of construction of a multi-storey underground car park under the St Georges Terrace forecourt and review of the staging of works and content of the Masterplan.

At its meeting held on 18 May 2009, the Parking Committee received the Perth Concert Hall Car Park Feasibility report and requested that a number of items be further investigated.

At its meeting held on 19 May 2009, the General Purposes Committee received a report on the Perth Performing Arts Precinct Masterplan which detailed actions that could occur over the next two years to progress planning and implementation in the precinct. At its meeting held on 30 June 2009, the General Purposes Committee agreed that the Perth Concert Hall Car Park Feasibility Study remain as an outstanding item on its agenda and that the study should continue to be progressed with regular updates provided to the General Purposes Committee.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Metropolitan Region Scheme
Town Planning and Development Act 2005
Heritage of Western Australia Act 1990
Land Administration Act 1997

Strategic Plan

Urban and Built Environment
Plan for high-quality social and cultural infrastructure as an integral part of the planning and development process at both the regional and local level

Foreshore
Continue to develop key foreshore projects (including the commercial node at Point Fraser, the Concert Hall precinct and Heirisson Island) and ensure that the City of Perth has meaningful input into major State Government projects (including the Waterfront and Riverside developments) to ensure proper integration with the broader city activities, form and movement systems

DETAILS:

The Perth Concert Hall is located on Lot 853 (Numbers 5 – 7), being Reserve 30347 St Georges Terrace, Perth (refer to attached map). Reserve 30347 is a Class 'A' reserve under the Land Administration Act 1997, with the specified purposes of 'Concert Hall, Restaurant, Tavern, Vehicle Parking and Uses Ancillary thereto'. The site also accommodates an underground public fee paying car park which is managed by the City of Perth. The City leases the Perth Concert Hall to the Perth Theatre Trust (PTT). WASO has its principal performance and rehearsal base at the Perth Concert Hall.

The Perth Concert Hall site is zoned 'Central City Area' under the Metropolitan Region Scheme, and reserved under the City Planning Scheme No.2 (CPS No.2) as 'Public Purposes – Civic Use'.

The land between the Perth Concert Hall and St Georges Terrace is approximately 72 metres deep and 67 metres wide. The area is divided into a red brick forecourt and a grassed area containing a large port-cochere adjacent to St Georges Terrace. The grassed area containing the port-cochere forms part of the road reserve (22 metres deep), which was originally taken as part of a proposal to create a wide boulevard under the Chevron Hilton Hotel Agreement Act (1960). Although, the boulevard did not eventuate, the road widening was never returned, with the Act still in existence.

In addition to the City's public car park, a further 40 car parking bays exist below the northern forecourt and are used as part of the operation of the Perth Concert Hall. Below the northern forecourt and the existing car park exists approximately 4,000m^3 of concrete foundations for the Chevron Hilton Hotel that was proposed to be constructed on the site prior to the Perth Concert Hall being built.

WASO has submitted a proposal for the construction of a new facility within the St Georges Terrace forecourt (northern forecourt) of the Perth Concert Hall site. The proposal is summarised as follows:-

- the northern forecourt of the Perth Concert Hall fronting St Georges Terrace to be stepped down to lower ground level to accommodate a central plaza and allow for direct pedestrian entrance to the Perth Concert Hall from St Georges Terrace at this level;
- construction of a WASO administration and 500 seat recital hall facility in the north-eastern portion of the forecourt with entrance from the plaza;
- construction of a café in the north-western portion of the northern forecourt with entrance from the plaza;
- an optional three levels of car parking accommodating 253 car bays under the northern forecourt to replace the 40 existing car bays, accessible from the existing public car park under the southern forecourt of the Perth Concert Hall.

A detailed breakdown of the proposal by Real Level (RL) plan is as follows:-

Plan RL 11.275 (St Georges Terrace level)

- Construction of broad steps (suitable for seating) leading down to the plaza at lower ground level.
- Construction of steps leading up to the roof level of the WASO facility, which will accommodate a water feature and light well.

Plan RL 7.3.15 (Plaza Level)

- Principal entrance, ticketing office and management/administration offices for WASO.
- Café tenancy fronting the plaza.
- 51 car parking bays.
- Boardroom and musicians room between the proposed WASO facility and the Perth Concert Hall.
- The relocation of offices currently under the northern forecourt into the front of the Perth Concert Hall.

Plan RL 3.815

- WASO administration offices and open courtyard.
- 96 car parking bays.

Plan RL 0.315

- WASO 500 seat (half of which would be fixed and the balance retractable) recital hall, storage, practice rooms and associated facilities.
- 106 car bays.

WASO has estimated the cost for the development to be between $37 million and $40 million exclusive of the proposed car parking. WASO has estimated the cost for the proposed 253 car parking bays to be approximately $16 million and indicated that the car parking is "*a discreet and optional part of the development and is subject to the City of Perth's own deliberations*". WASO has further advised that the State Government has agreed to contribute $8 million towards the project and that it is currently working on a business case for additional funds from the State Government. WASO also anticipates that the Federal Government will be asked to contribute towards the costs of the development.

WASO is seeking Council's support and endorsement for its proposed forecourt development as its preferred plan. WASO is also seeking to formalise the commitment from the City to contribute $4 million towards the proposed development, and its assistance to access funding from the Federal Government.

FINANCIAL IMPLICATIONS:

The City's Concert Hall Refurbishment and Maintenance Reserve, originally established in 1972, provides for the future maintenance of the Perth Concert Hall and the replacement of the existing plant, furniture and carpets. The reserve also accommodates provision for the design and construction of a new WASO facility. As at 30 June 2010, the Concert Hall Refurbishment and Maintenance Reserve held $4,644,876.

From a financial perspective, the City receives an income of $1.00 per annum from the lease of the Perth Concert Hall to the PTT, provides an annual operating subsidy of $200,000 and funds ongoing capital improvements (along with the PTT) to maintain the venue. The current lease with the PTT, which includes the northern forecourt, expires on 28 February 2014.

COMMENTS:

Perth Performing Arts Precinct Masterplan 2007

The Hassell Ltd Perth Performing Arts Precinct Masterplan 2007 (the Masterplan) is the Council's most recent adopted approach for redevelopment of the Perth Concert Hall precinct and accommodation for WASO (refer to Schedule 1). The Masterplan provided a broad vision of how the Perth Concert Hall Precinct could be developed to provide Western Australia's major performing arts bodies with new homes and to create a performing arts precinct located between the Perth Concert Hall and the Swan River. It was acknowledged however, that the concepts, land uses and siting would require further investigation and detailed design work.

The Masterplan identified the following key elements:-

- a 5,000m^2 central irrigation lake;
- amphitheatre and pavilion style function spaces on the southern forecourt of the Perth Concert Hall;

- spoken word theatre and hospitality facilities on and adjacent to the Swan River;
- an administrative and rehearsal / recording studio for WASO on the Terrace Road Car Park, incorporating a raised walkway between the WASO building and the Perth Concert Hall to facilitate movement of instruments;
- new homes for the WA Ballet and the WA Opera;
- potential for a Museum of Performing Arts and Indigenous Performing Arts facility;
- a 2,500 seat lyric theatre;
- potential accommodation;
- a major expansion of the Supreme Court Gardens;
- additional car parking in the form of one level of car parking under each of the proposed buildings, 413 car bays under the southern forecourt and 330 car bays underneath the northern forecourt of the Perth Concert Hall to replace the loss of the Terrace Road car park.

The Masterplan identified the most important views to the Perth Concert Hall to be those from St Georges Terrace and Riverside Drive "*as the building remains a dominant feature within the landscape from these positions*". The Masterplan sought to retain these views and reinforce them with appropriately scaled and positioned buildings. Small scale development and landscaping was seen to be appropriate within the forecourts, to enable the appropriate activation and use of these spaces whilst respecting the scale and views to the Perth Concert Hall. Accordingly, within the northern forecourt fronting St Georges Terrace, the Masterplan proposed an urban garden and two pavilion buildings, each 60m^2 in size on the eastern and western edges. Potential uses of a juice bar, café, jazz club, bar and alternative ticketing offices were identified. One of the buildings was also proposed to operate as an entrance to a new 500m^2 function space located below the forecourt. The Masterplan also proposed demolition of the existing single level below ground car park in the northern forecourt and replacing it with a four level underground car park accommodating 333 car bays. Estimates provided as part of the Masterplan process identified that the construction of the urban garden and pavilion buildings would cost approximately $1.6 million (inclusive of professional fees and a 10% contingency; excluding GST, escalation and service diversion).

The siting of the proposed WASO facility is contrary to its proposed location on the southern side of the Perth Concert Hall under the Masterplan. However, the location of the WASO facility and cafe within the northern forecourt would achieve the broad principles of the Masterplan being activation of the northern forecourt and retention of the important views to the Perth Concert Hall from St Georges Terrace. The proposed plaza would provide a functional outdoor performance area and could also be used as an extension of the café area. The stepped plaza would reinstate the natural fall of the land and would establish the front of the Perth Concert Hall as the entrance to the building, as intended, and improve the sense of arrival for patrons, which has not occurred because of patrons accessing the building via the car parks and entrance at the Terrace Road side (although this would still occur).

The multi-functional recital space, which WASO has advised has been identified by the Department of Culture and the Arts as a "*vital piece of cultural infrastructure needed in Perth*" would serve to accommodate other cultural / arts bodies. WASO has indicated that by day, the recital hall would operate as a rehearsal hall for WASO and its musicians, and at night could become a venue for a range of local, national and international artists and arts organisations from various musical genres. The utilisation of the proposed facility by WASO for selected rehearsals, auditions, education and outreach programs would also free up the Perth Concert Hall. This would allow the Perth Concert Hall to attract other performances, thereby increasing activity within the precinct.

City Planning Scheme No.2

The Perth Concert Hall is reserved under the City Planning Scheme No.2 (the CPS No.2) as 'Public Purposes – Civic Use'. Clause 14 of the CPS No.2 states that a City of Perth Scheme reserve may be used for:-

"(a) any use which gives effect to the purpose for which the land is reserved under this Scheme; or

(b) where the land is vested in or is under the care, control or management of a public authority, a Commonwealth agency or the City, any use which gives effect to any purpose for which the land may lawfully be used."

The Perth Concert Hall is vested in the City of Perth and is a Class 'A' reserve under the Land Administration Act 1997, with the specified purposes of 'Concert Hall, Restaurant, Tavern, Vehicle Parking and Uses Ancillary thereto'. The proposed WASO facility, café and car parking would accord with these specified purposes for which the land may be lawfully used. As the proposal does not constitute a formal development application, no detailed planning assessment has been undertaken. Notwithstanding this, the proposed development is likely to comply with the plot ratio (5:1) and height (1:1) requirements under CPS No.2.

The Perth Concert Hall falls within Precinct 7 - Civic, which is intended to remain "*a focal point of the city's open space and parkland system, an area of heritage interest and the principal centre for civic and judicial activities*". The Civic Precinct Plan requires development in close proximity to the Perth Concert Hall to take into consideration the need to maintain views over the Perth Water and of the surrounding heritage buildings. Regard is also to be given to the feasibility of linking the Perth Concert Hall to the Swan River. The proposed WASO development accords with the statement of intent for the Civic Precinct and the need to respect views to the surrounding heritage buildings and provide greater pedestrian connections to the river.

Heritage

The Perth Concert Hall was listed on the State Register of Heritage Buildings in 2002. The Council at its meeting held on **22 February 2005**, adopted a Conservation Plan for the Perth Concert Hall prepared by Kelsall Binet Architects which identified the views to, and from, the building to be important.

Discussions with the Heritage Council of Western Australia in regard to the Masterplan indicated that:-

- development should respect the sight lines and architectural expression of the Perth Concert Hall;
- small pavilion buildings in the forecourts may be appropriate;
- it is important to encourage the use of the forecourts and minimise any 'civic wasteland';
- the concept of an urban garden within the northern forecourt is supported;
- the existing red brick paving is not pivotal to the heritage interpretation of the place and can be replaced with an alternative treatment appropriate to the setting of the Perth Concert Hall.

The proposed development is to occur below 11.3m AHD (the floor level of the upper podium of the Perth Concert Hall). The design of the proposed WASO facility and café within the lower levels and along the eastern and western edges of the northern forecourt would maintain the open vista to, and respect the heritage value of, the Perth Concert Hall. As the proposed WASO development would occur within the boundary of the Perth Concert Hall site, advice would need to be sought from the Heritage Council of Western Australia's in accordance with the Heritage of Western Australia Act 1990.

WASO Operations

The most desirable location for the WASO's administrative and operational base is that closest to its principal performing platform, the Perth Concert Hall. Accommodation within the Perth Concert Hall site would have numerous fundamental advantages to the management and operation of the WASO. The Perth Concert Hall is where WASO gives the majority of its performances and WASO is the most frequent user of the venue. The incorporation of the WASO at the Perth Concert Hall would allow for efficient personnel and material transfer between rehearsal studio and concert platform and operation of WASO's administration.

Activation and Public Space

The northern forecourt, whilst allowing for unobstructed views of the Perth Concert Hall, currently appears as a large underutilised space disassociated from day to day activities within the city. The forecourt is a hard, hot and uninviting area which is seldom used except by pedestrians accessing the adjoining Family Law Courts or the occasional event. The stepping of the plaza to the main public entrance to the Perth Concert Hall and the proposed WASO building and cafe would provide for increased

activation of this largely unused public space. The proposed development would serve to increase activity within the surrounding area, which is characterised by low activity generators such as the Commonwealth and State Law Courts, Supreme Court, Council House, Government House and the Stirling Gardens. The proposed WASO development would also assist in bringing to fruition the 'Stirling to the River' pedestrian connection, including improved access to the Fire Station Car Park as identified in the "What If" program.

Further analysis of the plaza will be required to ensure safety and environmental comfort by users of the public space. Consideration will also need to be given to the interface of the proposed café with the existing walkway along the western boundary of the Perth Concert Hall and Government House to ensure surveillance and activity of this area.

Car Parking

The Masterplan necessitated the loss of the Terrace Road Car Park, a 784 car bay facility servicing short and long stay weekday needs, as well as evening and weekend events at the Perth Concert Hall and nearby reserves. Opportunities were identified to address the loss of this car park by providing:-

1. one level of car parking under each of the proposed buildings;
2. the two levels of car parking (413 car bays) under the Perth Concert Hall's southern forecourt to be replaced with three levels of car parking;
3. the 40 car bays under the Perth Concert Hall's northern forecourt to be replaced by a four level underground car park accommodating 330 car bays.

The WASO option of three levels of car parking accommodating 253 car bays under the Perth Concert Hall's northern forecourt generally accords with the Masterplan. The proposed car parking has been costed by WASO at $16 million or $63,241 per car bay. The existing Terrace Road and Perth Concert Hall car parks are near capacity on weekdays and Langley Park is opened when matinee concerts are held. The proposed car parking would partially meet the additional demand generated by the WASO development, address any future loss of the Terrace Road car park and cater for patrons of the Perth Concert Hall. However, in the absence of any commitment to date by the State Government to the Masterplan, the continued operation of the Terrace Road car park is likely to remain in the foreseeable future.

A report on the feasibility of constructing a multi-storey underground car park under the northern forecourt was considered by the Parking Committee at its meeting held on 18 May 2009. Two design options were considered as follows:-

Option 1 593 car bays under the red brick forecourt area of the Perth Concert Hall (Lot 853) and 22 metre wide portion of road reserve abutting Lot 853. The total indicative cost (excluding GST) was $43,971,000 ($74,150/bay). The standard business case for car parking is in the vicinity of $35,000 per bay;

Option 2 344 car bays contained wholly within the Perth Concert Hall landholding (Lot 853). The total indicative cost (excluding GST) was $29,915,000 ($86,962/bay).

The concept designs demonstrated that a large multi-level car park could be constructed under the northern forecourt. The site was identified as challenging however, because of the need to maintain operation of the Perth Concert Hall during demolition and construction, sensitive adjoining land uses, the current plant, equipment and cost associated with relocation, the demolition process and existing hotel foundations. The above feasibility study indicated that operation of a short stay car park would operate at a loss, whilst a majority long stay car park would commence operating at a loss, but in the longer term would return a small profit.

The Perth Concert Hall is designated as a Short Stay Zone in the State Government and the City of Perth's Perth Parking Policy, with long stay parking not permitted, except as an "historical exemption". The Terrace Road Car Park and car park under the Perth Concert Hall's southern forecourt both operate as long stay parking under the "historical exemption". No indication has been given as to whether the proposed car parking would be short or long stay parking. However, any new public car parking that does not accord with the Perth Parking Policy requires an exemption from the Minister for Transport as part of a development application. Preliminary discussions with the Department of Transport has indicated that long stay parking would not be permitted on the site and that any proposed development may affect the long stay 'historical exemption' status of the existing car park under the Perth Concert Hall's southern forecourt.

Further detailed investigation and analysis would need to be undertaken by the City into the viability of the proposed car parking option. This would need to include discussions with the Department of Transport regarding the proposed car parking and the Perth Parking Policy.

Road Reserve

The property boundary of the Perth Concert Hall is defined by the extent of the red brick paving. The area between the forecourt and the footpath (22 metres deep) was created as a road reserve as part of the Chevron Hilton Hotel Agreement Act (1960).

The north-eastern roof deck of the WASO facility is set back 16 metres from St Georges Terrace and the proposed underground car parking is located within the road reserve. Previous investigations into the location of structures within the road reserve revealed:-

- there is not necessarily any planning impediment to this occurring;
- the State Government, from a land administration point of view, does not normally permit the construction of a permanent structure / developable floor area partly within a road reserve and would require partial closure and the parcels of land being amalgamated;

- the State Government would have no objection to the road closure and costs for the City would be associated with the surveying and processing of the road closure and amalgamation of the portion of closed road into the Perth Concert Hall (Lot 853).

Funding

In principle support for the proposed WASO development would need to be subject to the City's contribution being capped to the $4 million available in the Concert Hall Refurbishment and Maintenance Reserve.

Lease

As the current lease between the City of Perth and the PTT for the Perth Concert Hall site expires on 28 February 2014, negotiations would need to occur with the PTT regarding any variations to the lease should construction proceed prior to this date. Future lease discussions with the PTT would also need to ensure that the northern forecourt is excluded from its lease area. A separate lease would need to be negotiated with WASO and the tenant of the cafe. Leasing forecourt buildings independent of the Perth Concert Hall lease could potentially create a positive revenue stream for the City.

The following lease agreements are also in place until 31 January 2035 between the City of Perth and:-

- the Commonwealth of Australia and Amuret Pty Ltd (landowner of the Duxton Hotel, 1 St Georges Terrace, Perth) for the northern link bridge used for access to and egress from the Family Law Courts, the Perth Concert Hall and as an emergency egress route from 1 St Georges Terrace, Perth;
- the Commonwealth of Australia for the southern link bridge used for access to and egress from Family Law Courts and the Perth Concert Hall;
- the Commonwealth of Australia for planters on the Perth Concert Hall site which overhang the Commonwealth land (Family Law Courts).

The proposed development has been designed to ensure that these existing pedestrian linkages are maintained.

Conclusion

The northern forecourt of the Perth Concert Hall, whilst providing uninterrupted views of the building is inhospitable, provides no protection from the elements and adds little or no value in terms of urban design objectives to St Georges Terrace and the locality. The proposed development would achieve a more coherent entry to the Perth Concert Hall from St Georges Terrace, the creation of a café and the primary objective of re-housing WASO in a practical location. The proposed development complements the formality of the Perth Concert Hall in design and would occur within a building envelope that retains the views to the Perth Concert Hall.

The proposed WASO development generally accords with the Perth Performing Arts Precinct Masterplan 2007 in regard to retention of views to the Perth Concert Hall, activation of the northern forecourt and the optional car parking underneath this area of the Perth Concert Hall. Whilst the siting of the proposed WASO facility within the northern forecourt is contrary to the Masterplan, a number of aspects of the Masterplan are unlikely to proceed. The WA Ballet, which was to be accommodated within the Perth Performing Arts Precinct, has received State Government funding to relocate to the City of Bayswater. The proposed Indigenous Cultural Centre is now a key element of the Waterfront project with a nationally significant centre of indigenous culture, art and learning.

The City of Perth's 2029 Vision refers to the State's premier performing arts organisations having their headquarters and the housing of major cultural facilities in the city. The Council has expressed a long standing objective to accommodate a new home for WASO in the city. The proposed WASO development would achieve the above vision and provide for the accommodation of the largest performing arts company in the city.

A formal development application would need to be submitted for Council's consideration and a number of the issues highlighted above would necessitate detailed investigation. In light of the Council's previous support to participate in the provision of a new WASO facility, it would be appropriate to support the proposed WASO development in principle subject to a formal development application being submitted and the City's contribution being capped at $4 million. Furthermore, the Council could assist WASO in seeking Federal Government funding for the proposed development.

Moved by Cr Rodgers, seconded by the Lord Mayor

That the Council:-

1. supports in principle the proposed Western Australian Symphony Orchestra development within the northern forecourt of the Perth Concert Hall site subject to:-

1.1 a formal development application being submitted and approved;

1.2 further analysis of the success of the plaza in terms of safety and environmental comfort being undertaken;

1.3 the City's contribution to the proposed development being capped at $4 million;

(Cont'd)

1.4 the agreement of the Minister for Transport to preserve the existing long-stay parking facilities at the Perth Concert Hall;

2. advises the Western Australian Symphony Orchestra and the Western Australian State Government of the details in part 1 above;

3. will assist the Western Australian Symphony Orchestra in seeking funding from the Federal Government.

Motion to amend

Moved by Cr Butler, seconded by Cr McEvoy

That part 1.2 be amended to read as follows:-

"1.2 further analysis of the success of the plaza in terms of safety, environmental comfort and the day to day running of the Perth Concert Hall in respect to:-

1.2.1 delivery drop-off points for other events backstage;
1.2.2 the VIP and staff car parking facilities;
1.2.3 the expectation of an acceptable foyer entrance to accommodate this substantial development being undertaken;".

The motion to amend was put and carried

The votes were recorded as follows:-

For: The Lord Mayor, Crs Butler, Davidson, Limnios, McEvoy, Rodgers and Tognolini

Against: Nil

The primary motion as amended was put and carried

The votes were recorded as follows:-

For: The Lord Mayor, Crs Butler, Davidson, Limnios, McEvoy, Rodgers and Tognolini

Against: Nil

Motion to close the meeting to the public

Moved by Cr Davidson, seconded by Cr McEvoy

That the Council closes the meeting to the public to consider Item 618/10 – 'Renewal of Employment Contract – Director Business Units', in accordance with Section 5.23 (2)(d) of the Local Government Act 1995, as this item relates to a matter affecting an employee.

The motion to close the meeting to the public was put and carried

The votes were recorded as follows:-

For: **The Lord Mayor, Crs Butler, Davidson, Limnios, McEvoy, Rodgers and Tognolini**

Against: **Nil**

The meeting was closed to the public at 6.54pm.

618/10 RENEWAL OF EMPLOYMENT CONTRACT – DIRECTOR BUSINESS UNITS

BACKGROUND:

FILE REFERENCE:	P1013558-9
REPSONSIBLE DIRECTOR:	Frank Edwards, Chief Executive Officer
DATE:	13 October 2010
MAP/SCHEDULE:	N/A

This report was distributed as a late item by the Chief Executive Officer on 16 November 2010.

In accordance with Section 5.23 (2)(a) of the Local Government Act 1995, this item was dealt with behind closed doors at the Council Meeting to held on 16 November 2010 as it relates to a matter affecting an employee.

The confidential report in relation to this item was distributed to Elected Members under separate cover.

The contract of employment for the Director Business Units, Mr Douglas Forster, expires on 7 October 2011. Under the terms of the contract, a new agreement is to be considered not less than one year prior to the conclusion of the contract. If a new contract is to be entered into, then it must be finalised not later than six months prior to expiry of the contract. Mr Forster has held the position since 8 October 1997.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation Section 5.39 of the Local Government Act 1995

Policy
Policy No and Name: 12.6 Staff – Senior Officers – Selection, Appointment and Dismissal

DETAILS:

Mr Forster is a highly-competent and effective Director of Business Units. While his role in relation to Parks and Landscape Services, Contract Management and Works and Services is significant, his most valuable knowledge and skills relate to the management of the Off-Street Parking business.

The City of Perth parking business is its most significant business operation and operates in an environment where there are few senior managers with strategic management skills in a highly-competitive marketplace. Mr Forster has significant expertise in this area. Ongoing attempts to groom management expertise below Director and Manager level have been a high priority for some years now, however they have not produced results to date mainly due to the significantly higher salaries paid by other car parking operators at this level of business revenue across Australia.

FINANCIAL IMPLICATIONS:

There are no financial implications related to this report.

COMMENTS:

The City is well served by Mr Forster's expertise in a range of areas, particularly Off-Street Parking business management.

He has performed to a high standard and the City should act to ensure he is retained for a further three year period beyond the end of his current contract of employment.

Moved by Cr Davidson, seconded by Cr Butler

That the Council renews the current Director Business Units' contract for a further period of three years from 8 October 2011 under the standard contract of employment for Directors.

The motion was put and carried

The votes were recorded as follows:-

For: **The Lord Mayor, Crs Butler, Davidson, Limnios, McEvoy, Rodgers and Tognolini**

Against: **Nil**

Motion to re-open the meeting to the public

Moved by Cr Davidson, seconded by Cr Butler

That the Council re-opens the meeting to members of the public.

The motion to re-open the meeting was put and carried

The votes were recorded as follows:-

For: **The Lord Mayor, Crs Tognolini, Butler, Davidson, Limnios, McEvoy and Rodgers**

Against: **Nil**

The meeting was re-opened to the public at 6.55pm and upon their return, the Chief Executive Officer read aloud the decision made on Item 618/10.

619/10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

620/10 URGENT BUSINESS

Nil

621/10 CLOSE OF MEETING

The Lord Mayor declared the meeting closed at 6.56pm with Councillors Butler, Davidson, Limnios, McEvoy, Rodgers and Tognolini in attendance.