



CITY *of* PERTH

COUNCIL MINUTES

7 JUNE 2011

**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, 7 June 2011.**

Presiding: **The Rt Hon Lord Mayor, Ms Lisa Scaffidi**

Councillors Present: **Butler, Davidson, Evangel, Limnios, Liu, McEvoy, Rodgers and Tognolini**

In Attendance:

Frank Edwards	-	Chief Executive Officer
Robert Mianich	-	Director Corporate Services
Doug Forster	-	Director Business Units
Peter Monks	-	Director Planning and Development
Garry Dunne	-	Director Service Units
Grant Bradbrook	-	Manager Corporate Support
Paul Anastas	-	Personal Aid to the Lord Mayor

Observers:

Three members of the public.
Two members of the press.

237/11 PRAYER

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

238/11 DECLARATION OF OPENING

The Lord Mayor declared the meeting open at 6.00pm.

239/11 APOLOGIES

Nil

240/11 QUESTION TIME FOR THE PUBLIC

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

The following question was received from Dr Elizabeth Hatton (TRIM reference:- 58260/11)

<p>Question:</p>	<p>As the Lord Mayor and her senior managers are aware, inner city residents, especially those residing in Lawson Apartments, are severely distressed by noise pollution. I have been so distressed for 6 years.</p> <p>Many, although not all, of these sources of noise pollution are a result of neighbour insensitive practices from surrounding restaurants and corporate/commercial buildings. The net effect is that we live in discord and with (dis)ease as the interests of business are constantly privileged over the needs of residents for a minimum of 6 hours sustained sleep.</p> <p>Given this, and given that in all likelihood death will result if nothing productive happens, would you be prepared to endorse a process in which the City of Perth took up a leadership role in setting up a series of consultations with restaurateurs, corporate/commercial managers (in which residents have representation), to attempt some creative problem solving aimed at ensuring the needs of residents and the needs of business are able to be met?</p> <p>If you endorse this strategy, you would be able to shift residents' current perceptions that the City is part of the problem to have it seen as part of the problem solving process.</p>
<p>Answer:</p>	<p>The answer is yes, the City is willing to set up meetings between residents of Lawson Apartments, adjacent property managers and business owners to discuss these needs. However, it cannot be guaranteed that business owners and property managers will participate.</p>

**241/11 MEMBERS ON LEAVE OF ABSENCE AND APPLICATIONS
FOR LEAVE OF ABSENCE**

Nil

242/11 CONFIRMATION OF MINUTES

The minutes of the Ordinary Meeting of the Council held on 17 May 2011 were submitted for consideration.

Moved by Cr Davidson , seconded by Cr Butler

That the minutes of the Ordinary Meeting of the Council held on 17 May 2011, 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, Evangel, Limnios, Liu, McEvoy, Rodgers and Tognolini

Against: Nil

243/11 ANNOUNCEMENTS BY THE LORD MAYOR

Nil

244/11 DISCLOSURE OF MEMBERS' INTERESTS

Nil

**245/11 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS
BEEN GIVEN**

Nil

246/11 CORRESPONDENCE

Nil

247/11 PETITIONS

Nil

248/11 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

DESIGN ADVISORY COMMITTEE REPORTS

At this point in the meeting and in accordance with Section 9.2 of the City of Perth Standing Orders Local Law 2009, Items 249/11 to 250/11 inclusive, were moved en bloc.

**249/11 DESIGN ADVISORY COMMITTEE RECOMMENDATION –
208 – 210 (LOT 53) ADELAIDE TERRACE, PERTH**

BACKGROUND:

FILE REFERENCE: 2011/2085
RESPONSIBLE DIRECTOR: Robert Mianich, Director Corporate Services
DATE: 2 June 2011
MAP / SCHEDULE: N/A

DETAILS:

The Design Advisory Committee at its meeting held on 12 May 2011 considered the design of the proposed ten storey mixed-use development comprising 192 apartments, two commercial tenancies and 206 car parking bays on the ground floor and two basement levels and resolved to recommend the following:-

“That the Design Advisory Committee, having considered the design of the proposed ten storey mixed-use development, including 192 apartments, two commercial tenancies and 206 parking bays:-

- 1. recommends that the applicant, in consultation with the administration, provide sun shading to the glass sections of the northern and western elevations;*
- 2. recommends that the applicant, in consultation with the administration, simplify the colour palate and materials to the Hay Street elevation, giving particular consideration to the ground plane, context and reference to the historical Perth Mint buildings and setting;*
- 3. encourages the applicant to consider grouping and screening of the mechanical plant for air conditioning and other building services;*

4. *encourages reconsideration of the use of synthetic turf in the private open space areas;*
5. *encourages the applicant to consider facilitating natural light into the corridors to decrease the reliance on lighting.”*

The development application for the Council's consideration is listed as Item 3 in the Council Agenda.

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 12 May 2011 as follows:-

“That the Design Advisory Committee, having considered the design of the proposed ten storey mixed-use development, including 192 apartments, two commercial tenancies and 206 parking bays:-

1. ***recommends that the applicant, in consultation with the administration, provide sun shading to the glass sections of the northern and western elevations;***
2. ***recommends that the applicant, in consultation with the administration, simplify the colour palate and materials to the Hay Street elevation, giving particular consideration to the ground plane, context and reference to the historical Perth Mint buildings and setting;***
3. ***encourages the applicant to consider grouping and screening of the mechanical plant for air conditioning and other building services;***
4. ***encourages reconsideration of the use of synthetic turf in the private open space areas;***
5. ***encourages the applicant to consider facilitating natural light into the corridors to decrease the reliance on lighting.”***

The motion was put and carried

The votes were recorded as follows:-

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

Against: Nil

**250/11 DESIGN ADVISORY COMMITTEE RECOMMENDATION –
100 (LOTS 3, 4, 6 AND 102) HAVELOCK STREET, WEST
PERTH**

BACKGROUND:

FILE REFERENCE: 2011/2075
RESPONSIBLE DIRECTOR: Robert Mianich, Director Corporate Services
DATE: 2 June 2011
MAP / SCHEDULE: N/A

DETAILS:

The Design Advisory Committee at its meeting held on 21 April 2011 considered the design of the proposed seven level office building with ground floor café and 68 car parking bays and resolved to recommend the following:-

“That the Design Advisory Committee, having considered the design for the proposed seven level office building with a ground floor café and 68 car parking bays at 100 (Lots 3, 4, 6 and 102) Havelock Street, West Perth, advises that it supports the general strong design and distribution of fenestration expressing the following concerns:-

- 1. the design of the lower levels and presentation of the car park to Wellington Street does not provide an active frontage as sought by the Scheme policies;*
- 2. the proposed landscaping on the corner of Wellington and Havelock Streets does not provide an acceptable outcome in terms of providing shade and shelter, and illustrating longevity or durability.”*

The development application for the Council’s consideration is listed as Item 4 in the Council Agenda.

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 21 April 2011 as follows:-

“That the Design Advisory Committee, having considered the design for the proposed seven level office building with a ground floor café and 68 car parking bays at 100 (Lots 3, 4, 6 and 102) Havelock Street, West Perth, advises that it supports the general strong design and distribution of fenestration expressing the following concerns:-

- 1. the design of the lower levels and presentation of the car park to Wellington Street does not provide an active frontage as sought by the Scheme policies;***
- 2. the proposed landscaping on the corner of Wellington and Havelock Streets does not provide an acceptable outcome in terms of providing shade and shelter, and illustrating longevity or durability.”***

The motion was put and carried

The votes were recorded as follows:-

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

Against: Nil

PLANNING COMMITTEE REPORTS

251/11 208 – 210 (LOT 53) ADELAIDE TERRACE, PERTH – PROPOSED TEN STOREY MIXED-USE DEVELOPMENT COMPRISING 192 APARTMENTS, TWO COMMERCIAL TENANCIES AND 206 CAR PARKING BAYS ON THE GROUND FLOOR AND TWO BASEMENT LEVELS

BACKGROUND:

SUBURB / LOCATION: 208 – 210 Adelaide Terrace, East Perth
FILE REFERENCE: 2011/2085
RESPONSIBLE DIRECTOR: Peter Monks, Director Planning and Development
DATE: 19 May 2011
MAP / SCHEDULE: Map and coloured perspectives for 208 – 210
Adelaide Terrace, East Perth

LANDOWNER: 208 Adelaide Terrace Pty Ltd and Heyspring Pty
Ltd

APPLICANT: SS Chang Architects
ZONING: (MRS Zone) Central City Area
Northern portion fronting Hay Street:
(City Planning Scheme Precinct) Goderich (P14)
(City Planning Scheme Use Area) Town Centre

Southern portion fronting Adelaide Terrace:
(City Planning Scheme Precinct) Adelaide (P13)
(City Planning Scheme Use Area) Office /
Residential

Special Control Area 10: 208-210 Adelaide Terrace
SCA
APPROXIMATE COST: \$40 million

The Committee recommendation to the Council for this report was resolved by the Planning Committee at its meeting held on 31 May 2011.

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

SITE HISTORY:

The site located at 208 – 210 Adelaide Terrace extends to Hay Street and therefore has two street frontages of approximately 30 metres. The site is approximately 122

metres in length and has an area of 3,692m². The site is generally level with the Hay Street end and approximately one metre higher than the Adelaide Terrace end. Currently there is a one level building on the southern end, a car parking area central and the building on the northern end has recently been demolished.

At its meeting held on **6 June 2006**, the Council approved the construction of a ten storey mixed-use development containing 56 multiple dwellings, a ground floor commercial tenancy and 78 car parking bays for the northern portion of the site fronting Hay Street. Two minor amendments have been granted approval on 10 August 2006 and 13 February 2007, under delegated authority, resulting in the proposed development consisting of ten storeys, 57 multiple dwellings, two ground floor commercial tenancies and 74 car parking bays.

At its meeting held on **7 August 2007**, the Council approved the construction of a 26 storey mixed-use development containing 149 multiple dwellings, two commercial tenancies and 231 car parking bays for the southern portion of the site fronting Adelaide Terrace.

As a result of the above separate development approvals on the northern and southern parts of the site, it was envisaged that the land would be subdivided into separate lots. Therefore, on 21 April 2009 the 208 – 210 Adelaide Terrace Special Control Area was gazetted to facilitate any development on the site in a coordinated manner specifically addressing plot ratio and car parking.

Neither of the above developments have proceeded and the relevant planning approvals have lapsed.

On 17 October 2008 planning approval was granted under delegated authority for the change of use of a central portion of the site to a 'Vehicle Hire Facility' to accommodate a maximum of 27 hire vehicles from the adjoining 'Avis Rent a Car' premises at 46 Hill Street, East Perth.

On 27 October 2008 planning approval was granted under delegated authority to change the use of the existing single storey commercial building on the Adelaide Terrace frontage of the subject site to an 'Education Facility'.

On 11 February 2009 planning approval was granted under delegated authority for the construction of a three storey mixed commercial development on the northern part of the site. Demolition of the existing building followed, however, construction of the development did not proceed.

DETAILS:

Approval is sought for the demolition of the existing single storey commercial development on the southern portion of the subject site. The proposed development consists of 192 multiple dwellings, two commercial tenancies (one to each street frontage) and 206 residential car parking bays. The building is proposed to be one development, however, the Adelaide Terrace and Hay Street elevations are designed to be significantly different to retain separate identities with an entrance and lobby to each street and separate addresses. There will also be a vehicle entrance from

Adelaide Terrace and Hay Street, and although the parking levels will be linked on the ground level, it will function separately in the two basement levels which will be separated by Water Corporation easement accommodating services. Shared communal facilities are provided on the first floor level between the two residential sections which will include a swimming pool, external spa and landscaped pool deck area, a gym, games room and two meeting rooms / lounges. In addition to the car parking, the basement levels and central ground floor level will provide for bicycle parking, individual stores, bin stores and compactors.

Nine basic designs are utilized for the 192 multiple dwellings which include 52 three bedroom units of approximately 100m², 68 two bedroom units of approximately 82m² and 72 one bedroom units of approximately 52m².

Key elements of the proposed development include:-

Two Basement Levels:-	These levels contain residential car parking bays, bicycle parking, residential stores, a substation and plant.
Ground Floor Level:-	This level contains one commercial tenancy, a residential entrance and lobby (each with two lifts) to both Adelaide Terrace and Hay Street. The Adelaide Terrace commercial tenancy is not allocated with a specific use whilst the Hay Street commercial tenancy is indicated as a café. Behind these active frontages are bin stores (including compactors), residential car parking bays, bicycle parking, residential stores and plant.
First Floor Level:-	This level contains multiple dwellings with access to substantial balconies / private courtyards which are finished with paving and artificial grass and separated by 1.8 metre partition walls for security and privacy. Central on this level are the communal facilities as described above.
Levels 2 to 9:-	These levels contain multiple dwellings with balconies exceeding 2 metres in depth and ranging between 11m ² and 20m ² .

COMPLIANCE WITH PLANNING SCHEME:

Land Use

The subject property is located within both the Office / Residential use area of the Adelaide Precinct (P13) and the Town Centre use area of the Goderich Precinct (P14) of City Planning Scheme No. 2. Both the Adelaide and Goderich Precincts will be developed as residential quarters accommodating a wide range of residential uses and employment opportunities serviced by activities that support these uses. In addition, the Goderich Precinct will provide for offices, functioning as a secondary

office district for the city and a 'main street' element on Hay Street. The proposed development satisfies the Statement of Intent for the Adelaide and the Goderich Precincts.

Under the Use Group Table for the Adelaide Precinct, a residential use, dining use and an office use are preferred ('P') uses whilst a mixed commercial use is a contemplated ('C') use. Under the Use Group Table for the Goderich Precinct a dining use is a preferred ('P') use whilst a residential use is a contemplated ('C(2)') use. The C(2) requires that a use must be situated other than at the street frontage for properties on Hay Street.

Development Requirements

The Adelaide Terrace environment will be augmented to contribute to the landscaped Swan River foreshore and the Causeway gateway to the city. Along Adelaide Terrace buildings will be set back and development will incorporate landscaped forecourts to create an open, spacious character. Development along Hay Street is to be consistent with the Goderich Design Policy, with buildings located to the front boundary in order to provide a consistent and continuous urban edge. Buildings should be designed to a high standard and evoke a sense of prestige.

The proposal has been assessed against the relevant Scheme and Policy requirements, as summarised below:-

Development Standard	Proposed	Required / Permitted
Maximum Plot Ratio:-	3.37:1 (12,438m ²)	4:1 (14,768m ²)
Building Height:- Hay Street Adelaide Terrace	29.8 metres	12 metres (minimum) 25.5 metres (maximum) 1:1 (25 metres) height ratio at the street frontage with additional height, after a setback of eight metres, to be contained within a 2:1 height ratio.
Car Parking:- Residential Commercial	204 bays 2 bays	192 bays (minimum) 384 bays (maximum) 73 (maximum)
Bicycle Parking:-	65	65 bicycle bays (minimum)

Development Standard	Proposed	Required / Permitted
Setbacks:-		
Ground		
- Front (Hay Street)	Nil (café), 2 metres (lobby)	Nil
- Front (Adelaide Terrace)	2 metres	Nil (landscaped forecourt desirable)
- West Side	Nil (24 of 120 metres)	Nil
- East Side	Nil (24 of 120 metres)	Nil
Level 1		
- Front (Hay Street)	2 metres	Nil
- Front (Adelaide Terrace)	2 metres	Nil
- West Side	Nil (24 of 120 metres)	Nil
- East Side	Nil (24 of 120 metres)	Nil
Levels 2 to 9		
5. Front (Hay Street)	Nil (7 of 30 metres) 1 metre (7 of 30 metres) 2 metres (9 of 30 metres)	Nil
- Front (Adelaide Terrace)	Nil – 2.3 metres (15 of 30 metres) 2.3 metres (7 of 30 metres)	Nil
- West Side	Nil (24 of 120 metres)	Nil
5. East Side	Nil (24 of 120 metres)	Nil

COMMENTS

Consultation

As a minor variation to the Scheme provisions regarding building height on the Hay Street frontage is proposed, the application was referred to adjoining owners for comment for a period of 14 days. No comments were received.

Design Advisory Committee

The proposal was referred to the Design Advisory Committee at its meeting held on 12 May 2011 for comment and advice in regard to the design of the proposed development. The Committee advised that it:-

- “1. recommends the applicant, in consultation with the Administration, provides sun shading to the glass sections of the north and western elevations;*
- 2. encourages the applicant to consider grouping and screening of the mechanical plant for air conditioning and other building services;*
- 3. encourages the applicant to reconsider the use of synthetic turf in the private open space areas;*
- 4. encourages the applicant to consider accessing natural light into the corridors to decrease the reliance on lighting; and*
- 5. recommends the applicant, in consultation with the Administration, simplify the colour palate and materials to the Hay Street elevation, giving particular consideration to the ground plane, context and reference to the historical Perth Mint buildings and setting.”*

In response to the Design Advisory Committee's advice the applicant submitted modified drawings and the following written responses:-

1. A combination of vertical and horizontal sun screens in concrete and aluminium have been added to the northern and western elevations to reduce the extent of solar insulation on the windows whilst balancing view lines and aesthetics.
2. Where possible modifications have been made to the design introducing external wall grilles ensuring the air conditioning units do not blow hot air onto the balconies and also reducing visibility of the units and improving the amenity of the apartments. Translucent screening has been provided to balustrades to minimise the visual impact.
3. The applicant considers the use of artificial turf as a valuable tool providing a suitable and sustainable textural change from alternative hard landscaping options, with a low degree of maintenance issues and very suitable and relevant in the affordable housing market. The applicant, however, will further investigate alternatives prior to producing a landscaping plan and requested that the approval be made subject to the standard conditions in this regard.
4. The applicant has advised that minor modifications have been made within the current design to provide for natural light into the internal corridors accessing the apartments.

5. The applicant has made revisions to the ground floor materials and finishes as well as the general colour scheme of the Hay Street elevation to provide a more appropriate context for the locality in close proximity the heritage Mint buildings.

It is considered that the modifications made have adequately addressed the concerns raised by the Design Advisory Committee.

Building Height

The Goderich Design Policy aims to establish a town centre characterised by a strong and consistent streetscape whilst ensuring that the height of the development does not compromise the urban quality of, and solar access to, the street or overpower adjacent buildings.

The proposed development is located on the southern side of Hay Street. As such, the additional height proposed will not add shadow to the street. In addition, the proposed development comprises architectural features to break up the bulk of the building. It is considered that the additional height will not cause significant overshadowing to adversely affect neighbouring commercial properties.

The Design Advisory Committee has noted the height of the proposed development and the additional height can be generally supported if the overall design outcome is positive in the context of the streetscape and surrounding development, and provided the development offers a reasonable level of amenity to its occupants. In addition, the Council has previously approved comparable height variations along Hay Street within the precinct. In particular, developments at 175 Hay Street (28.4 metres), 273 Hay Street (28 metres), 259 – 269 Hay Street (29.5 metres), 251 – 257 Hay Street (35.8 metres) and 375 Hay Street (29.8 metres) have been approved and developed all exhibiting similar heights at around ten levels. More recently the Council also approved the proposed development at 248 – 260 Hay Street (Carlton Hotel) which significantly exceeded the height provisions of the Scheme. It is considered that the proposed development will therefore contribute to the developing streetscape and scale of Hay Street.

Streetscape

The proposed development will provide a strong edge to both Adelaide Terrace and Hay Street and will address and reinforce the traditional relationship of buildings to the street. The proposed development exhibits clear entry points to the residential lobbies as well as ground level commercial uses that promote activity and informal surveillance of the street.

An awning with an elevated entry canopy is provided over the footpath on Hay Street, extending a minimum of 2.4 metres over the pedestrian footpath, which provides weather shelter for pedestrians in accordance with the Hay Street Pedestrian Walkway and Road Reserve Widening Policy. Although a nil setback to Hay Street is preferred, the minor setback to the lobby is acceptable in providing a slightly larger sheltered area to the lobby entrance.

A canopy is provided over the lobby entrance to the building on Adelaide Terrace slightly extending over the footpath. As the ground level of the building is set back 2.4 metres from the front boundary, in accordance with the statement of intent for the Adelaide Precinct which states that buildings along Adelaide Terrace should be set back to create an open and spacious character, the building overhang provides a comparatively larger sheltered forecourt area.

Use

In the Goderich Precinct, residential use is to be situated other than at the street frontage for properties on Hay Street. The intent is that the development must provide an active interface on the pedestrian and street level which is accomplished with this development. Residential use on the levels above ground with balconies and living rooms overlooking the public realm provide activity and security and is consistent with the development on Hay Street in the Goderich Precinct.

The applicant proposes that the commercial tenancy on Hay Street be used as a café whilst the commercial tenancy on Adelaide Terrace not be allocated with a use and any approval being issued subject to a condition that the use is to be determined in a later separate application. It is considered that both tenancies be approved for café / restaurant ('Dining') use, requiring that commercial exhaust ducting facilities be provided which allows for flexibility in any use. Any alternative commercial use would still require a separate application for approval under the City Planning Scheme No. 2. However, this would provide a use to the tenancy whilst still retaining flexibility for uses in the future with minimal negative impact on the residential uses due to commercial exhaust requirements.

Parking

No commercial parking is proposed for the development with all 206 parking bays being proposed as residential. It is considered that any approval should require that disabled parking be provided in accordance with the requirements under the Premises Standards and that a minimum of two parking bays be allocated for communal use as service and visitor parking bays.

Stores

As a number of the residential stores are designed to the minimum size of 4m² and there are a number of stores which are not rectangular, it is considered that any approval should be conditional to each store room having a minimum internal dimension of 1.5 metres with the store room door not restricting the internal space.

Conclusion

The proposed development generally complies with the provisions of the City Planning Scheme No. 2 and the Goderich Design Policy. The additional height proposed as part of the development will not impinge significantly on the amenity of the precinct and will provide a strong edge to the street, as intended by the Goderich Design Policy. The proposed forecourt area on the ground floor level on Adelaide

Terrace contributes to an open and spacious presentation to Adelaide Terrace and the proposed café and commercial tenancies at the ground floor level provides an interactive street edge promoting activity and informal surveillance of the streets.

The development will contribute to the inner city living environment in the Adelaide and Goderich precincts and it is recommended that the application be approved subject to appropriate conditions.

Moved by Cr McEvoy, seconded by Cr Evangel

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 the proposed ten storey mixed-use development containing 192 multiple dwellings, two commercial tenancies and 206 car parking bays at 208 – 210 (Lot 53) Adelaide Terrace, East Perth, as detailed on the Metropolitan Region Scheme Form One dated 22 March 2011 and as shown on the plans received 19 May 2011 subject to:-

- 1. final details 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;***
- 2. the proposed commercial tenancies being used for cafés or restaurants and these tenancies being provided with commercial exhaust ducting facilities. Any other use is subject to a separate application for approval;***
- 3. pedestrian and vehicle accesses meeting the existing heights of the footpath to the City's satisfaction with details of the existing spot heights and the proposed accesses being submitted for approval prior to a building licence being issued;***
- 4. a minimum of one car bay being allocated to each multiple dwelling within the development with all on-site car bays being for the exclusive use of the residents of the development;***
- 5. a minimum of two car bays being allocated for communal use as servicing or visitor bays within the development with a minimum of one of these bays being a disabled car parking bay;***
- 6. the dimensions of all car parking bays, aisle widths and circulation areas complying with the Australian Standard AS/NZS 2890.1/2004;***

(Cont'd)

- 7. an automated traffic management system being installed to assist in the prevention of vehicle / pedestrian conflict at the car park entry / exit;**
- 8. 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;**
- 9. adequate bin storage areas to service the uses within the development being provided on site, with the design and location of these facilities being submitted and approved prior to the issue of the relevant building licence;**
- 10. the proposed communal recreational facilities being for the exclusive use of residents of the development;**
- 11. each dwelling being provided with a store room with a minimum area of 4m². Each store room shall have a minimum internal dimension of 1.5m² with the store room door not restricting the internal space;**
- 12. a minimum of 65 bicycle parking facilities being provided within the development 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;**
- 13. any proposed external building plant, including air conditioner 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;**
- 14. a detailed landscaping plan being submitted and approved prior to the issue of a building licence, with the approved landscaping being installed prior to the occupation of the building and thereafter maintained to a high standard. In addition to addressing the communal areas, the private terraces on the first floor level need to be addressed in regard to hard and soft landscaping, and provision of reticulation and drainage;**

(Cont'd)

- 15. the proposed development being designed and constructed in such a manner that existing and future noise levels occurring between dwellings, and from external noise sources and mechanical plant and equipment that could potentially affect future occupiers, can be successfully attenuated in accordance with the City Planning Scheme No. 2 - Residential Design Policy. Details of such noise attenuation measures shall be prepared by a qualified acoustic consultant and submitted for approval prior to the issue of a building licence;**
- 16. any signage being subject to a separate application for approval;**
- 17. all stormwater being contained on-site;**
- 18. in the event of the development not proceeding within six months of this approval on the Hay Street portion of the site, or of the demolition of the existing buildings on the Adelaide Terrace portion of the site, the site is to be grassed and landscaped in order to preserve the amenity of the area and to prevent dust and sand being blown from the site and maintained in a clean and tidy state;**
- 19. any undeveloped portions of the site being landscaped or otherwise treated to the City's satisfaction to prevent unsightly vacant areas being visible from the street, should the construction be undertaken as two separate buildings and if the second building is not commenced within six months of the completion of the first building;**
- 20. the submission of a construction management plan for the proposal detailing how it is proposed to manage:-**
 - 20.1 delivery of materials and equipment to the site;**
 - 20.2 storage of materials and equipment on the site;**
 - 20.3 parking arrangements for contractors and subcontractors;**
 - 20.4 impact on traffic movement;**
 - 20.5 other matters likely to impact on 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, Evangel, Limnios, Liu, McEvoy, Rodgers and Tognolini

Against: Nil

252/11 100 (LOTS 3, 4, 6 AND 102) HAVELOCK STREET, WEST PERTH – PROPOSED SEVEN LEVEL OFFICE BUILDING WITH GROUND FLOOR CAFÉ AND 68 BASEMENT CAR PARKING BAYS

BACKGROUND:

SUBURB/LOCATION: 100 Havelock Street, West Perth
FILE REFERENCE: 2011/2075
RESPONSIBLE DIRECTOR: Peter Monks, Director Planning and Development
DATE: 19 May 2011
MAP / SCHEDULE: Map and colour perspective for 100 Havelock Street, West Perth

LANDOWNER: Live Developments Pty Ltd
APPLICANT: QUBE Havelock St Development Pty Ltd
ZONING: (MRS Zone) Urban
(City Planning Scheme Precinct) West Perth (P10)
(City Planning Scheme Use Area) Office / Residential
APPROXIMATE COST: \$14 million

The Committee recommendation to the Council for this report was resolved by the Planning Committee at its meeting held on 31 May 2011.

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

SITE HISTORY:

The subject site is located at the intersection of Havelock and Wellington Streets in West Perth. The site comprises of a total land area of 2,268m², including the existing right-of-way which runs adjacent to the subject site off Wellington Street. A significant six metre gradient affects the site with the land sloping down towards the north east corner.

At its meeting held on **22 April 2008**, the Council granted conditional approval for the demolition of the existing buildings on the subject site and the construction of an eight level office building with basement car parking. The existing buildings were demolished and a forward works building licence was issued by the City on 2

December 2008. Construction commenced on site, however, the developer went into receivership, the properties have changed ownership, and the planning approval has since lapsed. A new modified office development is proposed and is the subject of this application for approval.

DETAILS:

Approval is sought to construct a seven level office building with a ground floor café and associated car parking.

Two car parking levels are proposed to be accessed off the right-of-way from Wellington Street to a total of 68 bays. The upper basement level will also accommodate bicycle parking and end of trip facilities.

Pedestrian access to the ground floor level is via Havelock Street into the main lobby. The ground floor will accommodate a 603m² office tenancy and a 88m² café tenancy.

The first floor level accommodates 937m² of office floor space and levels two to four accommodate 1,032m² of office floor space. The proposed building features a central core, enabling the division of the office floors if required.

External finishes of the proposed building include white alucobond panels and tinted glazing. The lower levels feature masonry retaining walls with a rendered and painted finish forming planter boxes.

COMPLIANCE WITH PLANNING SCHEME:

Land Use

The subject sites are located within the Commercial use area of the West Perth Precinct (P10). It is envisaged that the Commercial use area of this Precinct will provide for a limited range of business related commercial activities within high quality medium scale buildings that reflect a strong commercial presence and incorporate residential uses. 'Office' is a Preferred ('P') use within the Commercial Use area of the West Perth Precinct.

It is considered that the proposed office development is appropriate for the subject sites having regard to the surrounding locality and the intent for the Precinct.

Development Requirements

All buildings are to be set back from the street and this setback area is to be appropriately planted and maintained. Car parking should be located beneath developments or to the rear of buildings, so that it is screened from the street.

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

Development Standard	Proposed	Required / Permitted
Maximum Plot Ratio:-	2.0:1 (4,536m ²)	2.0:1 (4,536m ²)
Car Parking:-	67 tenant bays 1 disabled bay 4 motorcycle bays	68 tenant bays (maximum)
Bicycle Parking:-	20 bays and end of trip facilities	9 bays (minimum)
Building Height:-		
Havelock Street	25 metres	1:1 (20 metres) at building frontage plus additional height contained within a 45° angle height plane
Wellington Street	27 metres	1:1 (30 metres) at building frontage plus additional height contained within a 45° angle height plane
Setbacks:-		
Havelock Street		
- Lower to Upper Basement	1 metre	Consistent with adjoining building setback approximately 5 metres
- Ground Floor	5 metres	Consistent with adjoining building setback approximately 5 metres
- Levels 1 to 4	1 metre	Consistent with adjoining building setback approximately 5 metres
Wellington Street		
- Lower to Upper Basement	1 metre	Consistent with adjoining building setback approximately Nil – 1.5 metres
- Ground Floor	5 metres	Consistent with adjoining building setback approximately Nil – 1.5 metres

Development Standard	Proposed	Required / Permitted
- Levels 1 to 4	3.1 metres	Consistent with adjoining building setback approximately Nil – 1.5 metres
Side (South)		
- Lower Basement	2.8 metres	Nil Permitted
- Upper Basement	200mm	Nil Permitted
- Ground Floor	600mm	Nil Permitted
- Levels 1 to 4	1 metre	Nil Permitted
Side (East)		
- Lower to Upper Basement	5 metres	Nil Permitted
- Ground Floor to Level 4	6 metres	Nil Permitted
Landscaping:-	Proposed setbacks are landscaped with planters	Setbacks to be landscaped

Variations to the building height and setback 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 proposal was advertised to the owners of the adjacent properties for a period of 14 days due to the non-compliance of the building height and setback requirements of City Planning Scheme No. 2. No submissions were received during this period.

Design Advisory Committee

The proposal was referred to the Design Advisory Committee at its meeting held on 21 April 2011 for comment in relation to the design of the proposed seven level office development on the subject site. The Committee advised the following:-

“that it considers the general strong design and distribution of fenestration to be well done however expresses the following concerns, suggesting that it be further discussed with the administration:-

- 1. the design of the lower levels and the presentation of the car park to Wellington Street not providing an active frontage as sought by the Scheme policies;*
- 2. the proposed landscaping on the corner of Wellington and Havelock Streets not providing an acceptable outcome in terms of providing shade and shelter, and illustrating longevity or durability.”*

The applicant submitted revised plans in response to the concerns raised by the Design Advisory Committee. The height of the upper basement level (closest to Wellington Street) has been reduced by approximately 1.5 metres and replaced with a clear frameless glass balustrade. Colour backed glass panels are also proposed to replace some of the louvered panels of the Wellington Street elevation of the parking levels. The panels will break up the amount of louvers on this frontage and improve the level of perceived surveillance directly over the footpath. It is considered that the amendment improves the visual appearance of the development at pedestrian level and the angle of observation from inside the ground floor level out over Wellington Street.

The applicant has also revised the proposed landscaping and advised that the proposed conifers will be replaced with shade trees including ‘Chinese Pistachio’ and ‘Manchurian Pear’. In combination with a selection of ground cover species and hedges, the revised landscaping will provide necessary shade at pedestrian level and improve the screening to the car parking levels. It is also noted that a portion of the basement slab of the lower car parking level has been intentionally removed to enable in-ground landscaping either side of the stair entrance on the corner of the development.

It is considered that the amendments to the design of the proposed office development improve the presentation to Wellington Street, the landscaped setting of the development and the outlook from the ground floor level office. Acknowledging

the constraints of the site in regards to the changes in levels, it is considered that the proposed design is appropriate for the site and enhances the site's corner presence.

Setbacks

The Commercial use area of the West Perth Precinct requires new buildings to be set back from the street and the setback areas to be appropriately landscaped and maintained. There is no existing consistent building setback along Wellington Street and Havelock Street in the immediate locality of the subject site. The proposed development is generally setback from the Wellington Street and Havelock Street boundaries. The ground and first floor levels are further setback, with the upper levels overhanging at the intersection of the streets to reduce the bulk of the building on the corner especially from street view. The setback areas feature in-ground landscaping, planters and paving.

The development generally complies with the requirements of the Scheme and presents an appropriate design solution for this corner location. Given the above, it is considered that the proposed development will not have an adverse impact on the amenity of the locality and will enhance the existing streetscape in the immediate vicinity. It is recommended that the proposed setbacks be supported.

Building Height

The Statement of Intent for the Commercial use area of the West Perth Precinct encourages high quality medium scale buildings that reflect a strong commercial presence. The development proposes a minor projection into the Havelock Street angled height plane.

The City's Building Heights and Setbacks Policy states that where a building faces more than one street (with varying widths), the height of the building frontage will be determined as having regard to its impact on the character of each of those streets. The immediately adjacent properties are under-developed and no consistent streetscape is evident surrounding this site. It is considered that the proposed development complies with the objectives of the Commercial use area creating a strong commercial presence on the subject corner site and does not detract from the character of the locality.

Given the above it is considered that the proposed building height variation will not have an adverse impact on the amenity of the locality and can be supported in accordance with Clause 47 of the City Planning Scheme No. 2.

Streetscape Presentation and Built Form

The proposed development is considered appropriate in scale for the West Perth Precinct and the overall design is considered appropriate for this corner site.

Pedestrian access is proposed via Havelock Street where at-grade access is also achieved providing disabled access to the building. Given the gradient of the site, the car parking levels are exposed on the Wellington Street elevation. A series of

intermediate retaining walls providing landscaped garden beds assist in minimising the impact the height of the walls may have at pedestrian level.

A café tenancy is proposed in the south west corner of the ground floor level. The City raised a concern with the proposed cafe, recommending that the preferred location for the café be situated fronting onto Wellington Street utilising the balcony provided on this level promoting interest and activity at street level. Noting that the City Planning Scheme No. 2 does not require a café tenancy, the applicant has advised the City that until an operator is secured for the café, the location is only preliminary at this stage. The final inclusion and location of any café tenancy will depend on the occupier of the building and the future café operator. In light of the above concern it is considered that the design amendments to the Wellington Street elevation, particularly the reduced height of the upper basement level, improve the building's presentation to Wellington Street and the potential interaction of the ground floor level with the street regardless of the commercial use.

Conclusion

The proposed development will contribute to the commercial activities along Wellington Street and Havelock Street in the West Perth Precinct. The proposal generally complies with the requirements of City Planning Scheme No. 2 and provides an appropriate design solution for the site. It is considered that the form and scale of the development will contribute positively to the amenity of the locality and can be supported 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 proposed seven level office building with ground floor café and 68 car parking bays at 100 (Lots 3, 4, 6 and 102) Havelock Street, West Perth, as detailed on the Metropolitan Region Scheme Form One dated 17 March 2011 and as shown on the revised plans received on 6 May 2011 subject to:-

- 1. final details and a sample board of the design, materials and finishes of the buildings, with particular attention to the louvered and glazed elevation of the car parking levels, being submitted and approved prior to the issue of the relevant building licence;***
- 2. a detailed landscaping and reticulation plan, including mature shade trees, 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)

3. *any proposed external building plant, including air conditioning units, lift overruns, piping, ducting, water tanks, transformers, and fire 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 of such plant and services being submitted for approval prior to the issue of the relevant building licence;*
4. *any signage for the development being designed as an integral part of the development with details of any signage being subject to a separate application for approval;*
5. *the dimensions of the car parking bays, aisle widths and circulation areas complying with the Australian Standard AS/NZS2890.1/2004;*
6. *a maximum of 68 tenant car parking bays, including one disabled access bay being provided on site, with these bays being for the exclusive use of tenants and their customers and not being leased or otherwise reserved for use by tenants or occupants of other buildings or sites;*
7. *a minimum of 20 secure bicycle parking bays being provided, 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;*
8. *all existing vehicle crossovers that are not required to access this development being removed or modified and the grass verge being reinstated by the owner at the owner's expense and to the City's satisfaction prior to occupation of the building and thereafter maintained by the owner to a high standard;*

(Cont'd)

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

- 9.1 *delivery of materials and equipment to the site;***
- 9.2 *storage of materials and equipment on the site;***
- 9.3 *parking arrangements for contractors and subcontractors;***
- 9.4 *the impact on traffic movement including measures to maintain vehicle access over the right-of-way during construction;***
- 9.5 *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, Evangel, Limnios, Liu, McEvoy, Rodgers and Tognolini

Against: Nil

253/11 STAGE 1A NORMALISATION OF NEW NORTHBRIDGE REDEVELOPMENT AREA (EAST PERTH REDEVELOPMENT AUTHORITY) – REVISED ZONINGS

BACKGROUND:

FILE REFERENCE: P1020511 and P1025384
RESPONSIBLE DIRECTOR: Peter Monks, Director Planning and Development
DATE: 18 May 2011
MAP / SCHEDULE: Schedule 1 – Previously supported zonings for New Northbridge Redevelopment Area
 Schedule 2 – Revised recommended zonings for New Northbridge Redevelopment Area

The Committee recommendation to the Council for this report was resolved by the Planning Committee at its meeting held on 31 May 2011.

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

Pursuant to the East Perth Redevelopment Act 1991, the East Perth Redevelopment Area which is under the planning control of the East Perth Redevelopment Authority (EPRA), may be enlarged or reduced by regulation. EPRA's planning scheme results in all planning provisions, land use zones and reserves within the Metropolitan Region Scheme (MRS) and City Planning Scheme No. 2 (CPS2) applicable to land in the new Redevelopment Area being repealed.

When the redevelopment of land is completed, that land is subtracted from the Redevelopment Area through the normalisation process and planning control is transferred back to the appropriate local government. At this point, appropriate State and local planning provisions must be agreed and applied to any normalised land. Subsequently, EPRA's Redevelopment Scheme then ceases to apply to those areas.

At its meeting held on **5 April 2011**, the Council resolved to support the zones and reserves under the Metropolitan Region Scheme, City Planning Scheme No. 2 and Local Planning Scheme No. 26 (LPS26) which will apply following Stage 1A normalisation of the New Northbridge Redevelopment Area.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation	East Perth Redevelopment Act 1991
Strategic Plan	Leadership Develop and implement plans to enhance the city in partnership with all stakeholders, including surrounding local governments

DETAILS:

Following the Council's decision of 5 April 2011 to support the post-normalisation zonings for the MRS, CPS2 and LPS26 recommended by the administration, new information has necessitated a minor revision to the recommended zonings, as detailed in Schedule 1.

The Department of Planning has advised that amendments to the MRS in the area of the western entrance to the Graham Farmer Freeway tunnel will be different to those anticipated by the City as follows:-

- Lots 1001 - 1003 Newcastle Street are now proposed to be zoned Central City Area under the MRS rather than reserved for Primary Regional Roads;
- A small part of Fitzgerald Street is now proposed to be zoned Central City Area under the MRS rather than reserved for Other Regional Roads.

With respect to these changes, the Council is requested to support the revised recommended zonings for CPS2 and LPS26 as detailed in Schedule 2.

FINANCIAL IMPLICATIONS:

There are no financial implications related to this report.

COMMENTS:

The areas described above are now recommended for inclusion within the Scheme Area of LPS26 and zoned 'Normalised Redevelopment Area' under CPS2, as shown in Schedule 2.

Moved by Cr McEvoy, seconded by Cr Evangel

That the Council supports the revised recommended post-normalisation zones under City Planning Scheme No. 2 and Local Planning Scheme No. 26 for the land subject to Stage 1A normalisation of New Northbridge Redevelopment Area, as detailed in Schedule 2.

The motion was put and carried

The votes were recorded as follows:-

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

Against: Nil

254/11 REVIEW OF USE OF WELLINGTON SQUARE FOR MUSIC EVENTS

BACKGROUND:

FILE REFERENCE: P1006677-3
RESPONSIBLE DIRECTOR: Peter Monks, Director Planning and Development
DATE: 23 May 2011
MAP / SCHEDULE: N/A

The Committee recommendation to the Council for this report was resolved by the Planning Committee at its meeting held on 31 May 2011.

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

At its meeting held on **14 July 2009**, the Council resolved to support within a 12 month period:-

- Two music festivals of maximum duration of eight hours on Wellington Square;
- Five music festivals of maximum duration of ten hours duration on the Esplanade Reserve and the Supreme Court Gardens, with one being The Perth International Arts Festival – Beck’s Music Box.

It was further resolved not to permit the hire and use of Heirisson Island for any music festivals.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation City of Perth Local Government Property Local Law 2005 Part 2(18) of the Environmental Protection (Noise) Regulations 1997

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

DETAILS:

The Council has previously resolved that music festivals should only occur on either Wellington Square or the Esplanade Reserve / Supreme Court Gardens. The Council resolution did not impose any restriction on the number of music concerts held on any of these venues, simply the larger music festivals which have a greater impact.

Music festivals are characterised as large multi-stage music events where various artists perform simultaneously and the event has a duration of between eight to ten hours. The events usually commence around 12 noon and finish by 10.00pm, attract an audience of between 12,000 and 25,000 people between the ages of 18 and 30, and are fully licensed for liquor consumption. Concerts are characterised as a headline single artist or group, preceded by a support act, with a duration of less than five hours.

Music festivals held regularly in the city include Parklife (Wellington Square), On The Bright Side (The Esplanade Reserve), and Summadayze and One Movement, both of which were conducted across The Esplanade Reserve and the Supreme Court Gardens.

With the Perth Waterfront project expected to commence early 2012, The Esplanade Reserve will no longer be available for any events. Supreme Court Gardens is too small (maximum capacity at 10,000 people) for music festivals, although it will remain popular for concerts.

The loss of the Esplanade Reserve has resulted in additional demand for the use of Wellington Square for more music festivals and concerts to be held there and Supreme Court Gardens for concerts.

The City has received four requests for the use of Wellington Square for music festivals during the 2011/12 season (spring and summer), one of which has been approved. On 25 March 2011, the promoters of Parklife were advised that an approval would be granted subject to some minor details being provided. There are also three requests for concerts which would have a maximum duration of five hours.

To date, for the 2011/12 spring and summer period, the City has received the following requests for festivals and concerts on Wellington Square:-

Event	Date of Event	Type of Event	Status	Date of Request
Parklife Festival	27 September 2011	Festival	Approved	11 March 2011
300USB Festival	5 November 2011	Festival	Application received	8 March 2011
Mellen Events Concert	19 or 26 November 2011	Concert	Tentative booking	8 March 2011
Mellen Events Concert	10 December 2011	Concert	Tentative booking	3 May 2011
Summadayze Festival	3 or 8 January 2012	Festival	Tentative booking	3 May 2011
Mellen Events Concert	29 January 2012	Concert	Tentative booking	19 May 2011
Future Music Festival	4 March 2012	Festival	Application received	3 March 2010

COMMENTS:

In considering the suitability of reserves to conduct large music festivals, the following factors are taken into account:-

- Suitability for events with high noise levels.
- Time between events.
- Durability of surface and the length of turf reinstatement / recovery periods between events.
- Public transport and vehicular access.
- Parking.
- Traffic and pedestrian management.
- Public amenities and utility services.

Most of these items can be controlled through management plans, however, high noise levels necessary for a music festival or a concert can only be moderated to a certain extent and require exemptions, subject to conditions, under the noise regulations.

Although the Council resolution allows two music festivals on Wellington Square per year, only one festival occurred in 2010. Parklife was held in September 2010 and it would appear that the event was generally accepted by the neighbouring residents with only six noise complaints being received. In September 2009, Parklife resulted in only two noise complaints.

The Future Music festival held in February 2009 drew 15 noise and four general complaints. This could have been partly as a result of the combined impact of the Good Vibrations music festival held on the previous weekend on Heirisson Island, which drew ten noise complaints. This would indicate that two festivals held within a short period can significantly reduce the tolerance of nearby residents.

Environmental Protection (Noise) Regulations 1997

Under the provisions of Regulation 18 of the Environmental Protection (Noise) Regulations 1997, the Chief Executive Officer can approve two non-complying events at a venue in any 12 consecutive months if it is considered that the event would lose its character or usefulness if it had to meet the assigned levels. Additional events may be approved where the majority of occupiers on whom the noise will impact have no objection to the additional events.

The last noise survey within this area was conducted in 2005. Since then, a number of additional residential developments have been constructed in the area and the City has developed a new survey, to be conducted in June 2011, with the results available in early July 2011.

The loss of the Esplanade Reserve means that potentially five music festivals will no longer be able to be held in the city. The greatest pressure is on Wellington Square and the results of the above survey should help to indicate if the number of music festival events could be increased from two per year to four per year and possibly two music concerts, providing there was at least a five week gap between the events. It is considered that a maximum of six music events on Wellington Square may be possible, however, the results of the above survey will provide Council with a view of community acceptance of the number and type of music events held on Wellington Square, thus satisfying the requirements of Regulation 18 of the noise regulations.

Events held on Wellington Square to date have had strictly conditioned approvals as non-complying events. Promoters have complied with all conditions which include time frames for shows and rehearsals, monitoring and limiting of sound both at the event and in highly affected locations, a complaints process (for all complaints) and the offer of mitigation packages to those residents most affected. City Officers are on site prior to, during and post event to ensure compliance.

The other difficulty with restricting the number of festivals / concerts is deciding which promoter should get priority booking. The current system is a first in first booked policy, however, this at times has simply led to speculative bookings being made and then dates and events being moved around once the booking has been captured to other promoters' expense. This is more of an issue for the major festivals than concerts at this stage.

In accordance with Council's previous resolution, the 300USB music festival is the third application received for Wellington Square, and cannot be supported. The City has received some advice, however, that one of the preceding events may be relocated to another venue. Should this occur, it is considered that the Chief Executive Officer be authorised to approve the 300USB music festival on Wellington Square, subject to standard conditions of approval including the provision of adequate noise, security, and transport management plans.

To resolve the inadequacies of the first in first served booking system, the City could advertise at the beginning of each year for promoters to tender their submissions for one of the possible events during the year and then the most professional proposals could be put to Council for approval. It may be appropriate for the City to request a cash deposit of \$20,000 to secure the bookings from successful applicants to further prevent speculative proposals.

Langley Park

There are a significant number of noise sensitive premises (residential developments) abutting Langley Park and it is considered that the reserve is not suitable for music festivals. However, this reserve may support a limited number of music concerts of short duration (less than five hours). Langley Park has held various events, such as the Red Bull Air Race and Cirque du Soleil, which generated significant noise levels. Although noise complaints were received, the events were generally accepted by the community. The planned noise survey will be a useful tool to gauge the level of tolerance for these events.

Copyright Act 1968

Pursuant to the Copyright Act 1968, any public event involving the use of music or film may require licenses from the Australian Performing Rights Association (APRA) and / or the Phonographic Performance Company of Australia (PPCA).

The APRA licence applies to performers of live music to protect the rights of the world's composers, songwriters, and publishers in Australia and New Zealand. The PPCA licence is usually required if the event is playing recorded music or screening music videos in public.

Under the Act, the owner of the land is deemed responsible for obtaining these licences. As all of the reserves in the city are vested in the City, it is a standard condition of approval of any event incorporating performances of either music or film, that the applicant seeks the appropriate licence or a waiver from APRA or PPCA.

The City has generally had a good working relationship with both APRA and PCCA as it has always been careful to ensure that the condition relating to these licences has been complied with. However, the PCCA is currently in dispute with a music promoter that has contested the amount of the licence fee claimed by the PCCA. This legal issue should be resolved in the coming months which would set the benchmark for future licence fees.

As the City is the organisation ultimately responsible for these licences, it is recommended that all future applications be required to provide a bank guarantee three months prior to the event to ensure that the appropriate licences are obtained and reduce the City's exposure to any litigation.

Administration Recommendation

That the Council:-

1. supports "in principle" an increase in the number of music festivals to be held on Wellington Square from two festivals to six music events within a 12 month period, subject to:-
 - 1.1 the City undertaking a community survey of affected residents around Wellington Square;
 - 1.2 there being a minimum period of five weeks between each music event held on the Reserve;
2. does not support any additional events beyond the Parklife and Future Music Festival on the reserve until the noise survey of affected residents that may be impacted by the noise activities on the reserve referred to in part 1 above has been conducted and considered by Council;
3. authorises the Chief Executive Officer to approve an alternative event should either of the two events stated in part 2 not proceed;
4. supports the calling for submissions from music promoters in January of each year that would like to book one of the designated music events to be held each year, once the above survey and policy position confirming the number of events has been resolved;
5. does not approve any application for music events unless the applicant provides an appropriate bank guarantee three months prior to the event to ensure that a licence from the Australian Performing Rights Association and/or the Phonographic Performance Company of Australia is obtained. The City may waive this requirement on written confirmation from the above organisations that a licence is not required;
6. supports the administration undertaking a review of the City of Perth Local Government Property Local Law 2005 to ensure the Local Law enables the City to adequately regulate the use of the City's reserves for music festivals.

Motion to defer

Moved by Cr McEvoy, seconded by Cr Evangel

That the item relating to the Review of Use of Wellington Square for Music Events be deferred.

The motion to defer was put and carried

The votes were recorded as follows:-

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

Against: Nil

255/11 REVIEW OF ECONOMIC DEVELOPMENT POLICIES

BACKGROUND:

FILE REFERENCE: P1014858-2
RESPONSIBLE DIRECTOR: Peter Monks, Director Planning and Development
DATE: 13 May 2011
MAP / SCHEDULE: Schedule 3 – Policies proposed for revocation
Schedule 4 – Policies proposed for adoption

The Committee recommendation to the Council for this report was resolved by the Planning Committee at its meeting held on 31 May 2011.

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

In accordance with the Council's Strategic Goal to systematically review regulations which apply to people and organisations in the city to ensure they are required and that they operate efficiently, all Council policies are currently being reviewed. All policies for which the Economic Development Unit is the nominated owner have been reviewed. It is proposed that policies 6.18 – Small Business Grants and 6.19 Business Grants – Matched-Funding be revoked and replaced with new policies.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation	Section 2.7(2)(b) of the Local Government Act 1995
Strategic Plan	Reduce Regulations Systematically review regulations which apply to people and organisations in the city to ensure they are required and that they operate efficiently 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
Policy	
Policy No and Name:	6.18 – Small Business Grants 6.19 – Business Grants - Matched-Funding

DETAILS:

Council policies are generally intended to provide guidance in relation to issues that arise regularly in order to provide an appropriate level of consistency, accountability and transparency in decision making. Where policies are not considered to contribute towards the achievement of these objectives, they have been proposed for either revocation or amendment.

All policies for which the Economic Development Unit is the nominated owner have been reviewed with two policies proposed for revocation and replacement with new policies. The policies proposed for revocation are detailed in Schedule 3.

Whilst the policies proposed for revocation detail "policy" information, they also include the rationale for the policy and provide information for potential applicants. The proposed policies remove the justification for the policies which can be found in the Council report prepared when the policies were adopted, and the information for potential applicants which is detailed in an information brochure produced by the City. Removal of this information from policies eliminates the need for reports to Council to amend relatively inconsequential provisions which have no real "policy" implications.

The proposed policies also more effectively distinguish between eligibility and assessment criteria. In the existing policies, a lack of clarity exists in relation to what is an eligibility criterion and what is an assessment criterion.

It should be noted that the proposed new policies do not amend the purpose or intent of the existing policies previously adopted by the Council.

Copies of proposed policies 6.18 – Small Business Grants and 6.19 – Business Grants – Matched-Funding are attached as Schedule 4.

FINANCIAL IMPLICATIONS:

There are no financial implications related to this report.

COMMENTS:

Regular review of Council policies is consistent with the Council's strategic goal to systematically review regulations which apply to people and organisations in the city to ensure they are required and that they operate efficiently and effectively.

Moved by Cr McEvoy, seconded by Cr Butler

That the Council, pursuant to Section 2.7(2)(b) of the Local Government Act 1995:-

- 1. revokes policies 6.18 - Small Business Grants and 6.19 – Business Grants – Matched-Funding, as detailed in Schedule 3;***
- 2. adopts new policies 6.18 – Small Business Grants and 6.19 – Business Grants – Matched-Funding, as detailed in Schedule 4.***

The motion was put and carried

The votes were recorded as follows:-

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

Against: Nil

**MARKETING, SPONSORSHIP AND INTERNATIONAL
RELATIONS COMMITTEE REPORTS**

**256/11 CULTURAL SPONSORSHIP 2011/12 – ARTS
PARTNERSHIPS – NAIDOC PERTH INC.**

BACKGROUND:

FILE REFERENCE: P1025428
RESPONSIBLE DIRECTOR: Garry Dunne, Director Service Units
DATE: 9 May 2011
MAP / SCHEDULE: N/A

The Committee recommendation to the Council for this report was resolved by the Marketing, Sponsorship and International Relations Committee at its meeting held on 24 May 2011.

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

The National Aboriginal and Islander Day Observance Committee (NAIDOC) formed in 1957 and was established to gain recognition for indigenous people Australia wide. NAIDOC is the only yearly national indigenous event, an event that acknowledges the diversity of Aboriginal culture, while having a strong focus on promoting and celebrating reconciliation.

NAIDOC Perth is responsible for the 2011 NAIDOC Week activities in the city. The event is highly significant in the promotion of Aboriginal achievement and will offer an opportunity for the public, including tourists and visitors to the city, to participate in, and enjoy, Aboriginal cultural life.

LEGISLATION / STRATEGIC PLAN / POLICY:

Strategic Plan

City Vibrancy

Support tourism, the retail trade and entertainment through a vibrant program of campaign advertising, sponsorships and promotions and encourage and support initiatives, festivals and events which showcase the diversity of people and lifestyles of Perth

In consultation with relevant indigenous groups, implement and support the planning and provision of facilities and activities that show the city's unique indigenous history

Policy

Policy No and Name: 18.8 – Provision of Sponsorship and Donations
18.1 – Arts and Culture

DETAILS:

Summary

NAIDOC Perth is seeking sponsorship to undertake the organisation of the Opening Ceremony and the NAIDOC Perth Awards. The national NAIDOC week theme is *Change - The Next Step is Ours*. NAIDOC Perth has organised a week of events and activities to showcase the vibrancy and diversity of Aboriginal and Torres Strait Islander culture through music and dance. The NAIDOC Awards recognise outstanding contributions and achievements of Aboriginal and Torres Strait Islander people in the fields of education, sport, business, arts and community service.

NAIDOC Perth also manages the NAIDOC Perth website and assists in the promotion, coordination and organisation of NAIDOC week activities in the Perth metropolitan area (32 events in 2010).

Events taking place across the metropolitan area during NAIDOC Week include flag raising ceremonies, art exhibitions, sporting competitions, story-telling sessions, dances, art and dance workshops for children and youth, and community concerts.

NAIDOC Perth has provided a budget for the Opening Ceremony and Awards Presentation. The total project cost is estimated at \$150,925. The budget details marketing, documentation and promotional costs of \$33,100, production costs of \$80,500, administrative costs of \$20,325, and performance fees of \$17,000. NAIDOC Perth has confirmed and unconfirmed funding from a range of government and corporate sources.

The project must provide evidence of funding from other sources

Source	Amount
Chevron (50% allocation to opening ceremony)	\$35,000 (Confirmed)
Dept of Families, Housing, Community Services and Indigenous Affairs	\$20,000 (Unconfirmed)
Department of Culture and the Arts	\$5,000 (Unconfirmed)
Lotterywest	\$10,000 (Unconfirmed)
Department of Indigenous Affairs	\$20,000 (Unconfirmed)
Award Sponsors - various	\$20,000 (Partially confirmed)

The project dates and locations

NAIDOC Week takes place in the first week of July each year. NAIDOC Perth Opening Ceremony and Awards Presentation will take place on Sunday, 3 July 2011 at Wellington Square from 11.30pm until 4.30pm.

The project must raise a high level of public attendance, interest and / or participation

NAIDOC Week is a national celebration of Aboriginal and Torres Strait Islander achievements and contribution to Australian society. Events take place around the country offering participants and spectators the opportunity to recognise and acknowledge indigenous people and their important contributions in the development of the nation.

The 2011 NAIDOC Perth Opening Ceremony and Awards Presentation will attract approximately 5,000 people. This year, NAIDOC Perth has received support from Tourism WA to promote the festival to international tourists.

NAIDOC works closely with community radio stations Noongar Radio and RTRFM to promote NAIDOC week activities. NAIDOC will also undergo promotional activities including news editorial and paid advertising in Community Newspapers and in The West Australian.

NAIDOC Perth will be flying Aboriginal and Torres Strait Islander flags at sites along Heirisson Island, Kings Park and Mounts Bay Road. NAIDOC banners will be installed on St Georges and Adelaide Terraces, Wellington Square, Barrack Street and Forrest Place, promoting the festival to a wide range of city visitors during NAIDOC week.

The project must contribute to the development of inner city culture

Australian Aboriginal culture is the oldest living culture in the world. NAIDOC Week celebrations are created to acknowledge the ongoing vitality of Australian Aboriginal culture and ensure the sustainability of cultural identity.

To strengthen this cultural identity, the NAIDOC Week events and awards ceremony recognises a multitude of disciplines such as sport, visual arts, performing arts, academic achievement, community service, leadership, business and the appreciation of Elders.

The event invites residents, visitors and tourists to participate in the activities for the purpose of providing positive interaction between the indigenous and non-indigenous community, promoting harmony, friendship and reconciliation.

Major components of the NAIDOC Perth Opening Ceremony and Awards Presentation include:-

- a Welcome to Country by respected Elders;
- a flag raising ceremony with elders and children;
- performances by dance, music and theatre groups;
- guest speakers;
- community stalls featuring indigenous businesses, community organisation; traditional foods, schools and government departments;
- music and dance cultural performances;
- presentation of award winners in the categories of community service and development, sport, visual arts, performing arts, education, caring and leadership (age specific).

Family entertainment throughout the day will include performances by local indigenous musicians Johnny Ford and the Guitar Boys, Donna and Sandy Atkins, Pipeline, Knowledge Bones and Angela Rule. A cooking demonstration by Mark Oliver and dance performances by Wadumbah, the Little Doorum Dance Group, Kwarbah Djookan, SNSEP and Middar.

The project must provide evidence of being able to manage the activity

NAIDOC Perth is governed by a committee of respected Aboriginal people of diverse professions and with extensive experience and dedication to the Aboriginal community.

NAIDOC Perth has managed the NAIDOC Week activities in the city for the past four years in Forrest Place and Wellington Square. NAIDOC Perth is also responsible for

supporting and assisting in the promotion of NAIDOC Week activities throughout the Perth metropolitan area.

Acknowledgement of City of Perth support

The City of Perth support will be acknowledged as specified previously.

Past support

Year	Cash Sponsorship	In-kind Sponsorship
2007/8	\$5,000	\$20,000
2008/9	\$15,000	\$896
2009/10	\$30,000	Nil
2010/11	\$35,000	Nil
<i>Proposed</i>		
<i>2011/12</i>	<i>\$35,000</i>	<i>Nil</i>

Assessment of return on investment

This application has been assessed against the eligibility criteria outlined in Policy 18.8 - Provision of Sponsorship and Donations.

The objectives of Arts Partnership sponsorship, as outlined in Policy 18.8 are to support arts and cultural activities that:-

- contribute to the economy of the central city;
- facilitate the dynamic celebration of the city through a range of major festivals and activities;
- provide sustainability for art and cultural enterprises and organisations; and
- demonstrate leadership by developing partnership initiatives.

This project will meet the above arts partnerships sponsorship objectives and deliver the following cultural development benefits:-

- Increases the profile of the City locally and nationally as a centre for celebrating Aboriginal cultural events.
- Activates city spaces by ensuring they are alive with events and experiences free for residents, workers and visitors to encounter and enjoy.
- Promotes local creativity, Aboriginal achievement, harmony and reconciliation.
- Places the nation's premier Aboriginal cultural event at the heart of the city.
- Provides a dynamic and uplifting Aboriginal experience for tourists and visitors to the city.
- Provides a vibrant cultural experience for ratepayers.
- Transforms the urban landscape.

- Enhances the City's reputation as providing an active, safe and exciting place.
- The general public benefits from the social bonds created when the community shares experiences such as major cultural events. These events create an opportunity to express common values and community identity.

FINANCIAL IMPLICATIONS:

ACCOUNT NO:	121-254-7901	
BUDGET ITEM:	Recreation and Culture – Other Culture – Donations and Sponsorship	
BUDGET PAGE NUMBER:	TBA	
	BUDGET ITEM	THIS COMPONENT
BUDGETED AMOUNT:	\$1,355,434	\$1,219,974
AMOUNT SPENT TO DATE:	\$ 60,500	\$ 0
PROPOSED COST:	\$ 35,000	\$ 35,000
BALANCE:	\$1,259,934	\$1,184,974

All figures quoted in this report are exclusive of GST.

COMMENTS:

The City's ongoing support of NAIDOC Perth Inc. demonstrates its commitment to delivering lasting, relevant, and positive indigenous experiences in the city for residents, visitors and tourists. Stakeholder and community consultation for the City's Strategic Plan outlined the need for the City to participate in and provide support for Aboriginal cultural events. The City acknowledged in its *We Hear You* publication, that incorporating indigenous activities will contribute to the city's vibrancy and its commitment has been highlighted in a number of areas of the City's Strategic Plan 2029.

NAIDOC Perth Inc. strives to meet the needs of the indigenous and non-indigenous community in Aboriginal cultural ceremonies, protocol advice, activities, events and enterprises, increasing arts and cultural opportunities.

Sponsorship of \$35,000 from the City of Perth will contribute to site costs for the NAIDOC events at Wellington Square including a marquee, portable amenities hire, audio and staging fees.

Moved by Cr Evangel, seconded by Cr Limnios

That the Council:-

- 1. approves in principle Arts Partnership cash sponsorship of \$35,000 (excluding GST), to NAIDOC Perth Inc. for the NAIDOC week Opening Ceremony and Awards Presentation to be held on 3 July 2011 at Wellington Square;***

(Cont'd)

- 2. notes the expenditure in part 1 above being charged to Budget Item 'Recreation and Culture – Other Culture – Donations and Sponsorships' on adoption of the 2011/12 Budget;**
- 3. notes that the organisers are required to provide the following benefits to the City of Perth:-**
 - 3.1. City of Perth crest to appear on all promotional material including, but not limited to:-**
 - 3.1.1 Promotional flyers;**
 - 3.1.2 Annual Report;**
 - 3.1.3 NAIDOC Perth Press Releases;**
 - 3.1.4 NAIDOC Perth Program of Events;**
 - 3.2. acknowledgment of the City of Perth on the NAIDOC Perth website;**
 - 3.3. weblink to City of Perth website from NAIDOC Perth website;**
 - 3.4. City of Perth signage at the NAIDOC Perth Opening Ceremony;**
 - 3.5. verbal acknowledgement of the City of Perth support at the sponsored event;**
 - 3.6. invitation for the Lord Mayor, or representative, to make a speech at the Opening Ceremony;**
 - 3.7. invitation for the Lord Mayor, Elected Members and representative staff to be invited to attend the NAIDOC Perth Opening Ceremony and Awards Presentation.**

The motion was put and carried

The votes were recorded as follows:-

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

Against: Nil

**257/11 CULTURAL SPONSORSHIP – PERTH THEATRE TRUST –
VIENNA PHILHARMONIC ORCHESTRA**

BACKGROUND:

FILE REFERENCE: P1010627-20
RESPONSIBLE DIRECTOR: Garry Dunne, Director Service Units
DATE: 12 May 2011
MAP / SCHEDULE: N/A

The Committee recommendation to the Council for this report was resolved by the Marketing, Sponsorship and International Relations Committee at its meeting held on 24 May 2011 and endorsed by the Finance and Budget Committee at its meeting held on 31 May 2011.

At the Marketing, Sponsorship and International Relations Committee meeting held on 24 May 2011 the following alternate recommendation to that of the administration was adopted:-

That the Council:-

1. approves the request from the Perth Theatre Trust (PTT) for the City of Perth to contribute funding of \$20,000 (excluding GST) toward the cost of the Vienna Philharmonic Orchestra (VPO) performing at the Perth Concert Hall on 29 and 30 September 2011, noting that the proposed cultural sponsorship budget for 2011/12 does not include any funding for this event;
2. notes that the funding required in part 1 above will need to be identified in the November 2011 Budget Review;
3. notes that the organisers will provide the following benefits:-
 - 3.1 invitation for the Lord Mayor, or representative, to speak in an official capacity at the welcome function;
 - 3.2 invitation for the Lord Mayor and Elected Members to attend the welcome function on Wednesday, 28 September 2011;
 - 3.3 invitation for the Lord Mayor to attend the performance;
 - 3.4 inclusion of the City of Perth crest in the event brochure and printed program and marketing materials relating to the Perth concerts;
 - 3.5 inclusion of the City of Perth signage presented in the Perth Concert Hall foyer during the week of the performance.

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 Marketing, Sponsorship and International

Relations Committee supported the event as it is being held at the Perth Concert Hall which is the City's primary entertainment venue.

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

"That the Council declines the request from the Perth Theatre Trust (PTT) for the City of Perth to contribute funding of \$50,000 (excluding GST) toward the cost of the Vienna Philharmonic Orchestra (VPO) to perform at the Perth Concert Hall on 29 and 30 September 2011, noting that the proposed cultural sponsorship budget for 2011/12 does not include any provision for funding to the amount requested without compromising approved funding allocations."

The City has received a request from the Perth Theatre Trust (PTT) for the City to consider providing \$100,000 (excluding GST) in funding to support the September 2011 tour of the Vienna Philharmonic Orchestra (VPO). In a later application received 10 May 2011 the amount requested in Cultural Sponsorship was reduced to \$50,000 for the Orchestra's two performances in Perth on 29 and 30 September 2011.

On 12 April 2011, a public announcement was issued by the Minister for Culture and the Arts that the PTT would be contributing up to \$150,000 towards the Perth concerts by the VPO.

The PTT has been in operation for 32 years as a statutory body of the Government of Western Australia and is responsible for managing performing arts venues. It holds the lease for the Perth Concert Hall from the City of Perth. The management of the venue is carried out on the PTT's behalf by AEG Ogden Perth Pty Ltd.

The PTT Strategic Plan of 2009-2014 *Showtime* outlines a two stage plan for repositioning the PTT as a key arts agency that adds significant value to the arts and entertainment sectors in Western Australia.

STRATEGIC PLAN / POLICY:

Strategic Plan

City Vibrancy

Support tourism, the retail trade and entertainment through a vibrant program of campaign advertising, sponsorships 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:

The VHO will commence its first national tour of Australia when it performs two concerts at the Perth Concert Hall on 29 and 30 September 2011. The presentation is part of the annual *World Orchestra Series*. The sponsorship has been requested to cover the costs of presenting the Orchestra which has a party of 120 people.

The VPO is recognised as one of the world's great orchestras. Traditionally many of the great orchestras tour only to the USA, Europe and to some major Asian cities. This Australian tour of the VHO will link Perth to the international touring circuit and provide a further opportunity for residents and visitors to Perth to access a world class cultural event.

The VPO, with conductor Christoph Eschenbach will perform the works of Schubert, Mahler, Beethoven, Mozart and Bruckner. Also performing will be leading baritone Mattias Goerne.

Provision of Sponsorship and Donations Policy

Policy 18.8 - Provision of Sponsorship and Donations states that to be eligible for Cultural Sponsorship the project must:-

- be located within the City of Perth;
- be of high artistic quality;
- contribute to the development of inner city culture;
- raise a high level of public attendance, interest and/or participation;
- meet any strategic cultural sponsorship objectives that the Council may set.

This event meets the broad objectives in respect of Policy 18.8 - Provision of Sponsorship and Donations in respect of cultural sponsorship, however, it does not meet the eligibility criteria as State or Federal agencies or departments are deemed ineligible (Perth Theatre Trust is an agency of Department of Cultural and the Arts).

The project must be free or low cost and be based within the city boundaries

A consideration in assessing requests for events and activities requesting a high level of financial support from the City is that the event is free or of low cost to the public. Ticket costs for the VPO performances are \$230 for Concessional C Reserve to \$300 for Standard A Reserve.

Comparative Ticket Costs:-

London Philharmonic Orchestra performances in 2009 were \$105 for Concessional C Reserve to \$155 for Standard A Reserve.

Berliner Philharmonic Orchestra performances in 2010 were \$230 for Concessional C Reserve to \$300 for Standard A Reserve.

West Australian Symphony Orchestra 2011 Masters Series performances in 2011 are \$35 for Concessional C Reserve and \$79 for Standard A Reserve.

The project must raise a high level of public attendance, interest and / or participation

This event is expected to achieve full capacity for each performance at the Perth Concert Hall for an estimated 3,458 people.

The applicant must provide evidence of funding from other sources

The total project cost to present the two concerts is an estimated \$987,835. The City of Perth is requested to provide \$50,000 in funding towards presentation costs. The applicant is anticipating income from ticket sales of \$745,172 and confirmed corporate sponsorship of \$50,000. The budget provided indicates a PTT allocation to the project of \$100,000.

Costs / Budget

The total artists and accommodation costs for the orchestra is \$777,143. Marketing costs have been estimated at \$124,300. Administration, venue and technical costs are estimated at \$66,370 with a contingency of \$36,000. The budget presented is in deficit of \$42,663.

Recognition of the City of Perth Support

Should the Council wish to support the funding request of \$50,000, the City of Perth will be recognised as supporting sponsor of VPO and be entitled to the following benefits:-

- invitation for the Lord Mayor, or representative, to speak in an official capacity at the event;
- invitation to the Lord Mayor and Elected Members to attend the event noting that the advertised ticket price for this event meets the definition of a prohibited gift, as stated in Section 12 of the Local Government (Rules of Conduct) Regulations 2007;
- inclusion of the City of Perth crest in the event brochure and printed program and marketing materials relating to the Perth concerts;
- inclusion of the City of Perth signage presented in the Perth Concert Hall foyer during the week of the performance;
- invitation for the Lord Mayor to speak at the post concert functions on the evenings of the 29 and 30 September 2011.

The PTT has indicated that due to the number of sponsors to be acknowledged, the City of Perth crest cannot be included in National Promotions of the tour, however,

recognition of the City of Perth's support will be included as promotional materials for the Perth concerts.

A welcome reception is planned for the Orchestra on Wednesday, 28 September 2011. Should the City choose to support this function only, the Lord Mayor will be provided an opportunity to speak on this occasion.

FINANCIAL IMPLICATIONS:

ACCOUNT NO:	121-254-7901
BUDGET ITEM:	Recreation and Culture - Other Culture - Donations and Sponsorship
BUDGET PAGE NUMBER:	TBA
	BUDGET ITEM
BUDGETED AMOUNT:	\$1,355,434
AMOUNT ALLOCATED IN PRINCIPLE TO DATE:	\$ 95,500
PROPOSED COST:	\$ NIL
BALANCE:	\$1,259,934

COMMENTS:

The VPO performances, with a standard ticket price of \$300 per head and limited audience of less than 3,500 people, has limited accessibility to the broader community.

Sponsorship of \$50,000 represents a subsidy of \$14.46 per head and while being less than 5% of the ticket price, it is 4.5 times the City's average Cultural Sponsorship investment of \$3.25 per head.

Should the Council determine to support an in-principle request for \$50,000 in cultural sponsorship for the VPO, it will be necessary to add that amount to the category of Arts Partnership in the cultural sponsorship allocation for 2011/12. Without the provision of additional Cultural Sponsorship for this event in the 2011/12 budget, allocated funding to the State's flagship performing arts companies will be compromised and this will affect the viability of their respective events. The existing partnerships support major events including the *City of Perth Symphony in the City (WASO)*, *City of Perth Opera in the Park (WA Opera)* and *The Perth International Arts Festival*.

Each of these key events has been reported as providing an opportunity to meet the City's and the companies' key strategies in the areas of community and audience development and continue to provide sustainability for year round and ongoing programs, employment for artists and art workers based locally.

Given the ongoing popularity of each of these free public events, each attracting up to 20,000 people, it is recommended that the existing arts partnerships continue to be

supported as a priority and that the request for \$50,000 sponsorship from the VPO be declined.

As the Marketing, Sponsorship and International Relations Committee has supported the sponsorship request for the amount of \$20,000, this report is being presented to the Finance and Budget Committee prior to consideration by the Council. The listed sponsorship benefits in this report are provided to the City in consideration of the receipt of the full requested amount from the City of Perth for the event. Due to the revised level of support by the Marketing, Sponsorship and International Relations Committee, the event organisers have accordingly amended the level of benefits to be provided.

Moved by Cr Butler, seconded by Cr McEvoy

That the Council:-

- 1. approves the request from the Perth Theatre Trust (PTT) for the City of Perth to contribute funding of \$20,000 (excluding GST) towards the cost of the Vienna Philharmonic Orchestra (VPO) performing at the Perth Concert Hall on 29 and 30 September 2011, noting that the proposed cultural sponsorship budget for 2011/12 does not include any funding for this event;***
- 2. notes that the funding required in part 1 above will need to be identified in the November 2011 Budget Review;***
- 3. notes that the organisers will provide the following benefits:-***
 - 3.1 invitation for the Lord Mayor, or representative, to speak in an official capacity at the welcome function;***
 - 3.2 invitation for the Lord Mayor and Elected Members to attend the welcome function on Wednesday, 28 September 2011;***
 - 3.3 invitation for the Lord Mayor to attend the performance;***
 - 3.4 inclusion of the City of Perth crest in the event brochure and printed program and marketing materials relating to the Perth concerts;***
 - 3.5 inclusion of the City of Perth signage presented in the Perth Concert Hall foyer during the week of the performance.***

The motion was put and carried

The votes were recorded as follows:-

For: Crs Butler, Davidson, Evangel, Limnios, Liu and Tognolini

Against: The Lord Mayor, Cr Rodgers and McEvoy

FINANCE AND BUDGET COMMITTEE REPORTS

258/11 PAYMENTS TO CREDITORS – APRIL 2011

BACKGROUND:

FILE REFERENCE: P1026775-4
RESPONSIBLE DIRECTOR: Robert Mianich, Director Corporate Services
DATE: 3 May 2011
MAP / SCHEDULE: TRIM ref. 4389711

The Committee recommendation to the Council for this report was resolved by the Finance and Budget Committee at its meeting held on 31 May 2011.

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

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation Regulation 13(1) of Local Government (Financial Management) Regulations 1996

COMMENTS:

Payments for the month of April 2011 included the following significant items:-

- \$28,142,321.00 to the Public Transport Authority of WA for the City's contribution towards the Perth City Link undergrounding of the railway project.
- \$3,200,518.32 to Broad Construction Services (WA) Pty Ltd for the St Georges Terrace Streetscape Enhancement from William Street to Barrack Street.
- \$2,933,120.99 to Downer Edi Works for the Forrest Place Redevelopment Project and other major road and footpath works in the city.
- \$563,101.38 to the Western Australian Treasury Corporation for a Perth Convention and Exhibition Centre car park loan repayment.

Moved by Cr Rodgers, seconded by Cr Tognolini

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 30 April 2011, be received and recorded in the Minutes of the Council, the summary of which is as follows:-

FUND	PAID
Municipal Fund	\$ 44,288,522.02
Trust Fund	\$ 117,402.44
TOTAL:	\$ 44,405,924.46

The motion was put and carried

The votes were recorded as follows:-

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

Against: Nil

259/11 WRITE-OFF OF UNRECOVERABLE PARKING FINES AND COSTS

BACKGROUND:

FILE REFERENCE: P1001812-3
RESPONSIBLE DIRECTOR: Garry Dunne, Director Service Units
DATE: 9 May 2011
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 31 May 2011.

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 an infringement notice 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 Strategy: City Management Principles
The finances of the City will be managed prudently

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 \$2,770,727.00.

The total value of fines and costs issued between 1 January and 31 March 2006 that remain outstanding as at 9 May 2011, and has had a minimum of five years recovery action, is \$115,291. This is 6.47% of the total value of infringements and costs charged for the period.

FINANCIAL IMPLICATIONS:

ACCOUNT NO:	1BS0001591 – Provision for Doubtful Debt
BALANCE TO DATE:	\$2,770,727.00
PROPOSED COST:	\$ 115,291.00
BALANCE:	\$ 2,655,436.00

All figures quoted in this report are exclusive of GST.

COMMENTS:

It is recommended that the Council resolves to write off these outstanding parking infringements and costs that have been outstanding with the FER for a period of 5 years, for the quarter January through March 2006.

Moved by Cr Rodgers, seconded by Cr Liu

That the Council approves the amount of \$115,291.00 (excluding GST), representing unrecoverable fines and costs in respect of parking infringements issued between 1 January and 31 March 2006, 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, Evangel, Limnios, Liu, McEvoy, Rodgers and Tognolini

Against: Nil

**260/11 VARIATION TO LEASE – SHOP 1 CITY STATION
CONCOURSE – CITY OF PERTH TO DC HOLDINGS PTY
LTD**

BACKGROUND:

FILE REFERENCE: P1011831-3
RESPONSIBLE DIRECTOR: Garry Dunne, Director Service Units
DATE: 13 May 2011
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 31 May 2011.

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

At its meeting held on **8 August 2006**, the Council resolved the following:-

“That subject to approval by the Minister for Planning and Infrastructure, the Council:-

- 1. enters into agreements to lease with the existing Pharmacy, the existing Bakery and the existing Dental Clinic over the new tenancies to be created for these businesses on the City Station Concourse, as detailed in the City of Perth Business Plan dated 14 July 2005, pursuant to Section 3.59 of the Local Government Act 1995;*

2. *approves each of the leases detailed in part 1 above being subject to the following terms and conditions:-*
- 2.1 *the leases deriving from these agreements are to be for terms of 10 years from the completion of the lessee's fit-out period, which shall be one month from the date of practical completion, certified by the City's architect;*
- 2.2 *rents shall be adjusted annually to the Consumer Price Index (all groups Perth), with a market rent review to occur at the commencement of the sixth year of the lease, subject to determination by an independent valuer appointed by the President of the Australian Property Institute, in the event of dispute;*
- 2.3 *the leases shall be on a semi-gross basis, with the City paying all outgoings, except rates and taxes and service charges (telephone, gas and power), which shall be paid by the lessees directly;*
- 2.4 *the legal fees for preparation of these documents shall be paid by the lessees;*
3. *approves the individual leases incorporating the following tailored provisions:-*

3.1 *Dental Clinic:-*

<i>Lessee:</i>	<i>Negus Dental Services Pty Ltd ACN 009 133 519;</i>
<i>Guarantor:</i>	<i>Alexander Negoescu and Kathryn Negoescu, both of Mosman Park;</i>
<i>Lease Area:</i>	<i>shop 7 on the City Station Concourse, being the area shaded grey on Woodhead International Plan DD.20, dated 17 May 2006, with a lettable area of approximately 145m², plus an 18.5m² laboratory on the Barrack Street pedestrian spine of the City Station Concourse, shaded grey on Woodhead International drawing DD.22REV, dated 25 July 2006, as well as an automatic teller machine site of approximately 2m², marked "ATM" on Woodhead International Plan DD.21, dated 17 May 2006;</i>
<i>Permitted Use:</i>	<i>the shop shall be used for a Dental Surgery and ancillary uses. The laboratory shall be used as a Dental Laboratory and ancillary uses and the automatic teller machine site shall be used for sub-leasing to a financial institution for the installation of an automatic teller machine;</i>

<i>Initial Rental:</i>	<i>an aggregate of \$108,250 per annum (excluding GST), comprising \$94,250 for shop 7, \$9,000 for the laboratory, and \$5,000 for the automatic teller machine site.</i>
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LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation	Section 3.58 of the Local Government Act 1995
Strategic Plan	Business Encourage and support new businesses, including small business and creative industries, to establish a presence in the city in order to bring growth in employment numbers

DETAILS:

The lessee of shop 1 City Station Concourse, Negus Dental Services Pty Ltd, has a lease with the City for a term of ten years commencing 3 October 2008 with no further options for renewal.

On 22 February 2011, the proprietors of Negus Dental Services Pty Ltd wrote to the City advising of its intention to assign their lease to DC Holdings WA Pty Ltd, which has indicated that it intends to acquire the dental practice from Negus Dental Services Pty Ltd.

Under the terms of the lease, the City's consent for the lessee to assign the lease cannot be unreasonably withheld. As is usual practice, the City has sought financial and trading information of the proposed assignee to establish its suitability as a tenant. The lessee's current lease status has also been assessed and it is noted that all rental payments are currently up to date and the lease terms have generally been complied with.

Under the existing lease terms, while the City can provide consent to assign the lease, Council approval is required for the proposed lease variations as part of the assignment under Section 3.58 of the Local Government Act 1995.

The proposed Assignee has stated that it is not its company policy to provide "personal guarantors" and initially offered a three month bank guarantee.

The City, with the assistance of its solicitors, has been involved in negotiations with the solicitors of Negus Dental Services Pty Ltd (Assignor) and DC Holdings Pty Ltd (Assignee). It has been agreed that this proposal be progressed for the proposed lease assignment and variations subject to the approval of Council.

The amendments to the original lease requested include:-

1. Replacing the existing guarantors with a Bank Guarantee equivalent to six months rent and outgoings plus GST.
2. The inclusion of an option to renew for an additional five year option period at the end of term.

FINANCIAL IMPLICATIONS:

While there are no direct financial implications related to this report, there is a financial risk involved with the removal of personal guarantors in favour of a bank guarantee equivalent to six months rent and outgoings plus GST.

COMMENTS:

The City is not generally supportive of removing a personal guarantor from lease conditions. However, taking into account the current retail economic climate, the Council has recently approved another request to exchange a personal guarantor for a six month bank guarantee on an existing lease agreement.

It is recommended that Council approves advertising of the proposed alterations to the lease for Shop 1 City Station Concourse under Section 3.58 of the Local Government Act 1995.

Moved by Cr Rodgers, seconded by Cr Tognolini

That the Council:

1. ***notes that the City's tenant on the City Station Concourse, Negus Dental Services Pty Ltd proposes to assign its lease;***
2. ***approves the advertising of a proposal under Section 3.58 of the Local Government Act 1995 to vary the existing lease as follows:-***
 - 2.1 ***including the option of renewal for a five year option period at the end of the term;***
 - 2.2 ***the removal of the "Guarantor" under the lease in exchange for the provision of a Bank Guarantee equivalent to six months rent and outgoings plus GST.***

The motion was put and carried

The votes were recorded as follows:-

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

Against: Nil

261/11 FUNDING FOR AN ADDITIONAL PURPOSE – FIRE SAFETY COMPLIANCE, PADLOCK BUILDING

BACKGROUND:

FILE REFERENCE: P1023856
RESPONSIBLE DIRECTOR: Garry Dunne, Director Service Units
DATE: 10 May 2011
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 31 May 2011.

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

The Padlock Building is a three storey (plus basement) section of the building complex known as the Gasworks Building at 337-345 Wellington Street.

At its meeting held on **1 February 2011**, Council approved a 12 month lease over the front portion of the complex to West TV. West TV's previous lease included the ground floor of the Padlock Building which was then sub-leased to Mr Chris Huzzard, a photographer who has since unofficially expanded his operations to all floors including the basement.

Various areas of non-compliance with the Building Code of Australia (BCA) in terms of fire safety have been identified in the Gasworks Building, and specifically in the Padlock Building, which must be addressed to allow the formulation of a lease and continued occupation by Mr Huzzard.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation Section 6.8 of Local Government Act 1995

Strategic Plan City of Perth Council and Administration
Through good asset management the infrastructure of the City is maintained

DETAILS:

MPS Architects was engaged to produce feasibility reports and estimates for an upgrade of the Gasworks Building for use as office accommodation. As the proposed upgrade involved changes to the original use of the buildings, it would be necessary to achieve full compliance with the BCA in the areas of fire safety, disabled access, sanitary facilities, energy efficiency and ventilation. The upgrade costs for the landlord were estimated at \$2,525,300 and the costs to tenants were estimated at \$2,994,700.

A further report by MPS Architects dated 26 March 2009 detailed a reduced scope of works dealing only with the change of use to the retail units, warehouse and mezzanine floors. The total project (landlord's) cost was estimated at \$1,375,000. It was noted that fire safety compliance could be achieved by using an "engineered solution" such as smoke detection, works to the existing sprinklers and voice messaging, rather than complying with the full requirements of the BCA, at an estimated cost of \$240,000.

Complete Fire Design, a company that specialises in fire safety engineering, has contributed to the MPS reports and was appointed to provide the following consultancy services at a total cost of \$29,500 in relation to the Padlock Building only:-

1. Negotiate a Fire Safety Strategy (FSS) that is acceptable to the Approval Authorities (City of Perth and FESA).
2. Produce a Fire Safety Engineering Report demonstrating how the FSS will meet the performance requirements of the BCA.
3. Provide a Fire Services Design with specifications and drawings detailing any alterations to the building or services for tendering purposes.

Complete Fire Design has concluded Stage 1 listed above and provided a cost estimate of the necessary works to fire safety systems in order to comply with the BCA as follows:-

Detection & Alarm Systems	\$ 42,000
Fire Separation	\$ 46,000
Fire Rating of Steel Columns	\$ 45,000
Hydrant System	\$ 61,000
Total	\$194,000

The upgrade of the fire safety systems at the Padlock Building is a safety issue that needs to be urgently addressed. There is no provision for this proposed upgrade in the 2010/11 budget therefore, funding is being sought for the estimated project costs as follows:-

Estimated Project Costs	Amount
Supervision of contract	\$ 15,000
Fire System Upgrade Works	\$194,000

Estimated Project Costs	Amount
Project Contingency	\$ 20,000
Total	\$228,500

FINANCIAL IMPLICATIONS:

Budget Item where additional funds to come from

ACCOUNT NO: CW 0320
BUDGET ITEM: Other Property & Services – Unclassified – Replace Carpet (Level 9, 10 and 11) Council House
BUDGET PAGE NUMBER: 22
BUDGETED AMOUNT: \$350,000
SPENT/COMMITTED TO DATE: \$250,000
PROPOSED COST: \$100,000
BALANCE: NIL

ACCOUNT NO: CW 0005
BUDGET ITEM: Other Property & Services – Unclassified - New Office Layout – Council House
BUDGET PAGE NUMBER: 22
BUDGETED AMOUNT: \$1,476,667
AMOUNT SPENT TO DATE: \$1,300,000
PROPOSED BALANCE REQUIRED: \$ 128,500
BALANCE: \$ 48,167

All figures quoted in this report are exclusive of GST.

COMMENTS:

The proposed upgrade works to achieve fire safety compliance in the Padlock Building will enable the continued occupation of the current tenant, Mr Huzzard. Failure to carry out the required works will result in the city having to issue a notice to vacate the Padlock Building. The building would then have to remain unoccupied until such time as any future development plans for the Gasworks complex are progressed.

The City is currently considering the most appropriate long term redevelopment of the Gasworks building complex. This report details the proposed works for fire safety compliance and subsequent re-occupation of the Padlock Building in the short term.

The current tenant of the Padlock Building, Mr Chris Huzzard, provides studio space and the use of a wide range of sophisticated photographic equipment to arts students and young aspiring photographers at affordable prices. The building is ideally suited to this sort of enterprise and it would be very difficult to find alternative accommodation in the heart of the city where this enterprise could continue to provide a vital facility to the photographers of the future.

Moved by Cr Butler, seconded by Cr Rodgers

That the Council:-

- 1. in accordance with Section 6.8 (1) (b) of the Local Government Act 1995 APPROVES BY AN ABSOLUTE MAJORITY expenditure of \$228,500 (excluding GST) being funding for the additional purpose of achieving Fire Safety Compliance in the Padlock Building, Wellington Street;*
- 2. notes the expenditure in part 1 above can be accommodated from excess funds from the following Capital Works accounts:*
 - 2.1 \$100,000 from "Replace Carpet, Council House" – CW0320;*
 - 2.2 \$128,500 from "New Office Layout, Council House" – CW0005.*

The motion was put and carried by an absolute majority

The votes were recorded as follows:-

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

Against: Nil

262/11 CITY OF PERTH SALARIED OFFICERS AGREEMENT 2011

BACKGROUND:

FILE REFERENCE:	P1025712
RESPONSIBLE DIRECTOR:	Robert Mianich, Director Corporate Services
DATE:	20 May 2011
SCHEDULE:	Schedule 5 – City of Perth Salaried Officers Agreement 2011

The Committee recommendation to the Council for this report was resolved by the Finance and Budget Committee at its meeting held on 31 May 2011.

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

LEGISLATION/STRATEGIC PLAN/POLICY:

Legislation Fair Work Act 2009

Strategic Plan Capable and Responsive Organisation
Implement strategies to ensure the City has the workforce it requires. These strategies will include promoting the City's work/life balance benefits, development and training opportunities, and establishing a strong and consistent organisational culture

The Salaried Officers Agreement is a legal document which will be lodged with Fair Work Australia in accordance with the Fair Work Act 2009.

DETAILS:

The City's first Enterprise Bargaining Agreement (EBA) with Salaried Officers was approved on 10 December 1996. The EBAs have had a major impact on developing a more flexible workforce that understands the changing environment. The Salaried Officers Agreement 2011 builds on the significant achievements already made and delivers continuing benefits for the City and its employees.

New Agreement

The City of Perth Salaried Officers Agreement covers the salaries and conditions of approximately 480 City of Perth employees who are employed in administrative, professional and technical functions.

A negotiating group of Employee Representatives and Management Representatives has been meeting regularly since late 2010 to develop a new Agreement which would deliver appropriate benefits to both the City and its employees.

The 2011 Agreement provides for terms and conditions of employment which ensure that the City of Perth remains an attractive employer and also provides for employment arrangements which reflect the operational needs of the City and the needs of the City's stakeholders. In addition, the Agreement incorporates the changes that have been required to comply with the new Fair Work Act and National Employment Standards.

The Agreement demonstrates a continued advancement in the City of Perth developing terms and conditions of employment to secure a highly skilled and flexible workforce that delivers the best value for money services.

A copy of the City of Perth Salaried Officers Agreement 2011 is attached as Schedule 5.

Wage Increases

The major consideration in negotiating the 2011 Agreement was to maintain the City's position as an employer of choice within the West Australian government sector, and to enable the City to determine work arrangements which will deliver efficient and effective services to the community.

The proposed pay increases of 5% in 2011, 4% in 2012 and 4% in 2013 should enable the City to remain competitive in what is forecast to be a tight labour market and allow for the changes introduced in the 2011 Agreement.

DETERMINATION OF PAY INCREASES

The following factors were taken into consideration in offering the pay increases to be provided through the Agreement.

Significant Change and Potential Savings

- The 2011 Agreement has introduced some significant changes. The changes provide for particular workgroups to work seven days a week as required by the City's operations, for example, staffing the City's car parks. The Agreement also changes the way penalties are paid so that all employees are paid penalties on the same basis that is equitable and fair. These changes have been made possible because of the City's new underlying award, the Local Government Industry Award. The provisions in the 2011 Agreement provide the basis for work arrangements which will reflect the City's operations into the future.
- It is appropriate to reflect the City's required changes in an attractive pay increase.
- The Agreement contains "grandfather" clauses which ensure that current City of Perth employees will not be worse off as a result of these changes.
- The changes will enable more efficient and effective work arrangements, for example, staffing the City's car parks which is anticipated to result in cost savings once fully implemented.

The Economic Environment

Economic forecasts for Western Australia indicate that the economy will continue to grow and put pressure on the labour market over the next two to three years.

The following table sets out the economic factors impacting on the labour market:-

Indicator	Australia	Perth / Western Australia
ABS Annual CPI	3.3% (March 2010 to March 2011)	2.6% (March 2010 to March 2011)
Reserve Bank (underlying inflation)	2.5%	

Indicator	Australia	Perth / Western Australia
Weighted mean Trimmed mean	2.2% 2.3%	
Unemployment rate	4.8% (March 2011)	4.1% (March 2011)
ABS Wage Price Index	3.9% (year to March quarter 2011)	4.1% (year to March quarter 2011)
ABS Ordinary Time Earning increase	3.9% (November 2009 to November 2010)	

*It should be noted that the ABS and the Reserve Bank have different methodology for weighting and calculating CPI.

Other Local Government Information

The City of Perth, as the premier local government in Western Australia, needs to be able to attract a high calibre of staff to provide an expected level of services and to retain the highly experienced and committed staff currently employed at the City.

The following table below provides the increases that have been awarded through recent Enterprise Agreements for a sample of other local governments in the state.

Name of Agreement	2010	2011	2012	2013
City of Armadale Enterprise Agreement 2010	6.70%	4.50%	4.50%	
City of Canning and the Outside Workforce Enterprise Agreement 2010	4.50%	4.50%	4.50%	
City of Cockburn Enterprise Agreement 2010	5.00%	4.50%	4.50%	
City of Gosnells Building Maintenance Employees Enterprise Agreement 2011		4.25%	4.25%	4.25%
City of Gosnells Mechanics Agreement 2011		4.25%	4.25%	4.25%
City of South Perth Inside Workforce Agreement 2010	4.00%	4.00%	4.00%	

Name of Agreement	2010	2011	2012	2013
City of Stirling Inside Workforce Agreement 2010	4.80%	2.90%	3.00%	
City of Subiaco Enterprise (Field Staff) Agreement 2010	2.00%	2.50%	3.00%	3.00%
City of Swan Parks, Building and Engineering Collective Agreement 2010	5.40%	3.50%	3.50%	
City of Wanneroo Infrastructure Projects and Maintenance Services Agreement 2009	4.50%			
Shire of Busselton Enterprise Agreement 2010	3.46%	4.50%	4.50%	
Shire of Kalamunda Agreement 2010 (Municipal Employees)	6.00%	4.00%	4.00%	
City of Perth	#4.5%	*5.00%	*4.00%	*4.00%

administrative increase

* proposed

Whilst it is recognised that the City cannot compete with the mining and resources sectors, a 5% salary increase in the first year of the Agreement would help to place the City in a competitive position with other local governments, and state and federal agencies and to allow for the changes to be introduced in the 2011 Agreement.

WA Public Sector

The new approved agreement for positions covered by the Public Service General Agreement and Government Officers Salaries, Allowances and Conditions General Agreement is as follows:-

April 2011	3.75%
April 2012	4.00%
April 2013	4.25%

FINANCIAL IMPLICATIONS:

There are provisions in the 2010/11 budget and the proposed 2011/12 budget to cover the proposed increases. A 4% increase will be included in the 2012/13 budget subject to the Council's approval of the Agreement.

Based on the increased cost of normal salaries, the following table shows the total additional cost of the Agreement:-

2010/11	\$ 430,500
2011/12	\$1,193,800
2012/13	\$1,442,600
2013/14	\$1,125,200
Total	\$4,192,100

COMMENTS:

This is an important Agreement for the City of Perth, as it is necessary for the City to maintain its position as an employer of choice. This will ensure that the City retains a high quality workforce that delivers the required level of services now and into the future.

The City has a loyal workforce, with a turnover rate that is considerably less than other local governments in WA. A reasonable salary increase, which reflects the changes that are needed to ensure efficient and effective services, will maintain the good faith with the City's salaried officer employees. It is important that the City has terms and conditions of employment that enable the City to reflect its operations whilst providing competitive benefits to employees.

In order to be lodged, the Agreement has to be approved by a valid majority of the employees covered by the Agreement.

Moved by Cr Davidson, seconded by Cr Butler

That the Council approves the City of Perth Salaried Officers Agreement 2011, attached as Schedule 5, which will commence seven days after approval by Fair Work Australia, for a period of three years, subject to agreement by a valid majority of the staff covered by the Agreement.

The motion was put and carried

The votes were recorded as follows:-

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

Against: Nil

GENERAL PURPOSES COMMITTEE REPORTS

263/11 RECEPTION REQUEST – AUSTRALIAN PERFORMING ARTS CENTRES ASSOCIATION ON MONDAY, 29 AUGUST 2011

BACKGROUND:

FILE REFERENCE: P1009160-17
RESPONSIBLE DIRECTOR: Peter Monks, Acting Chief Executive Officer
DATE: 15 April 2011
MAP / SCHEDULE: N/A

At the General Purposes Committee meeting held on 24 May 2011 the Committee amended the administration's recommendation:-

That the Council declines the request from Australian Performing Arts Centres Association (APACA) for the City of Perth to host a reception for the APACA annual conference on Monday, 29 August 2011.

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

That the General Purposes Committee gives consideration to the City of Perth hosting a reception for the Australian Performing Arts Centres Association annual conference on Monday, 29 August 2011.

Correspondence has been received by the Lord Mayor from Mr Rick Heath, Executive Director, Australian Performing Arts Centres Association (APACA) requesting the City gives consideration to hosting a reception for the APACA Performing Arts Conference being held in Perth between Monday, 29 August 2011 and Friday, 2 September 2011.

The Lord Mayor has referred this request to the General Purposes Committee for consideration, as it does not fall into the "Civic, Major or Urgent" categories as provided in Policy 10.12 – Provision of Hospitality.

LEGISLATION / STRATEGIC PLAN / POLICY:

Policy

Policy Name and Number: Policy 10.12 – Provision of Hospitality

Policy 10.12 – Provision of Hospitality provides that:-

1. Those requests for receptions not approved by the Lord Mayor to be referred to the General Purposes Committee, which will in turn recommend to the full Council, where the estimated cost of the reception exceeds \$5,000.
2. The Lord Mayor be requested not to approve functions other than civic, major and urgent functions, and this is to be decided at their discretion without being first referred to the Council.

DETAILS:

Correspondence dated 22 April 2011 has been received by the Lord Mayor requesting the following:-

"I am very pleased to be able to announce that the 25th Anniversary Australian Performing Arts Centres Association performing arts conference will be in Perth during the week 29 August to 2 September 2011. The event is titled Disrupt! Creating New Momentum and aims to encourage forward thinking and opportunities to discuss issues regarding current arts industry paradigms.

Having received expressions of interest from all over Australia to host the event, AEG Odgen won the bid and hold the event at the State Theatre Centre WA. The event has not been held in Perth for 18 years and as a fellow West Australian I am excited about the opportunities this will bring to the arts industry in Perth as well as the ability to showcase the new State Theatre Centre.

Earlier in the year I attended the launch of Perth Theatre Company's season where I heard you speak. I was inspired by your support for the arts as part of the fabric of a strong, vital and liveable city.

This year, for the first time ever, the conference will be held in collaboration with the Australia Council for the Arts' Marketing Summit and Regional Arts Australia's long Paddock National Touring Forum.

The combination of these events in a single place and time represents the culmination of three years planning. The event will bring together approximately 300 producing arts organisations and presenters (venues) from all over Australia during the week.

In previous years the city in which the conference is held has hosted a reception to warmly welcome guests to the host city. I would be delighted if the City of Perth would support a reception such as this for our event this year. Being consistent with our theme of Disrupt! and breaking with tradition somewhat, we envisage this reception being a breakfast event that will bring together delegates new to the event with long-time APACA supporters.

Similarly, we predict that as it has been some time since the event has been held in Perth there will be a large uptake from the local arts industry and as such this breakfast will serve to connect Perth practitioners with those from all over Australia.

I have attached an outline of the conference content but particularly worth noting is that as part of the conference program, local companies and artists including Strut Dance Inc., Barking Gecko Theatre Company, Perth Theatre Company Tawdry Heartburn and Ensnared Percussion will present performances to delegates. This represents an exciting opportunity to build the profile and reputation of Perth based artists and indeed Perth itself.

The closing session will be professionally facilitated and the panel will consist of Sam Walsh (CEO Rio Tinto and Chair of the Chamber of Arts and Culture, Committee for Perth and Black Swan State Theatre Company), Ann Tonks (General Manager, Melbourne Theatre Company), Jonathan Holloway (Artistic Director, PIAF), Dr Peter Steidl and Catherine Deveny.

I sincerely hope that you might consider joining these people on the panel, as I am sure your experience and points of view would be both of great interest and well received.

Finally, as 2011 is our 25th anniversary year I would be delighted if you would join us as our guest at our Gala Dinner on Wednesday, 31 August.

I look forward to your response and would be delighted to discuss the event with you further at any opportunity."

The estimated cost for a reception for 300 guests is approximately \$10,000.

FINANCIAL IMPLICATIONS:

ACCOUNT NO:	GL 188 110
BUDGET ITEM:	Governance – Governance – General – Civic Receptions
BUDGET PAGE NUMBER:	TBA
BUDGETED AMOUNT:	TBA (2011/2012 Budget)
AMOUNT SPENT TO DATE:	N/A
PROPOSED COST:	\$10,000
BALANCE:	N/A

All figures quoted in this report are exclusive of GST.

COMMENTS:

The APACA originally requested the City of Perth to host a breakfast, however, following discussions with the Executive Director, Mr Rick Heath, this request has been amended to a reception in the Perth Town Hall for an estimated 300 guests. This year's annual conference coincides with the APACA's 25th anniversary and it has been 18 years since Perth last hosted this event.

The APACA is the national peak body representing and supporting performing arts centres from the iconic Sydney Opera House to the remote Matt Dann Cultural Centre in Australia's vast northwest region.

The Association also supports the development of performing arts throughout Australia with a rapidly growing associate membership including production companies, touring organisations and funding bodies. Annually, APACA members present in excess of 53,000 events, with over 11 million attendances, in an industry valued in excess of \$1.1 billion.

In accordance with Policy 10.12 – Provision of Hospitality, it is requested that the General Purposes Committee give consideration to the request.

Moved by Cr Rodgers, seconded by Cr McEvoy

That the Council declines the request from Australian Performing Arts Centres Association (APACA) for the City of Perth to host a reception for the APACA annual conference on Monday, 29 August 2011.

The motion was put and carried

The votes were recorded as follows:-

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

Against: Nil

264/11 TENDER 087-10/11 – SUPPLY AND INSTALLATION, SUPPORT AND MAINTENANCE OF INFORMATION TECHNOLOGY STORAGE ENVIRONMENT

BACKGROUND:

FILE REFERENCE: P1027095-1
RESPONSIBLE DIRECTOR: Robert Mianich, Director Corporate Services
DATE: 16 May 2011
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 24 May 2011.

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

The City of Perth's current Information Technology Storage hardware and software is due for replacement. The annual maintenance cost of the current environment is \$105,173.50 (excluding GST).

In addition there is a requirement for additional storage to cater for organic growth in storage and capacity for new initiatives. A number of components, such as the email archive environment have reached end-of-life and need to be replaced.

The City currently uses the following equipment:-

- EMC disk arrays and SAN management software.
- Cisco SAN switches.
- Overland Neo 2000 tape library.
- Symantec NetBackup.
- EMC Email eXtender for email archiving.

The tender is for storage infrastructure to maintain storage for systems currently connected to an existing Storage Area Network (SAN) and to provide a stable storage platform for future system requirements. A SAN is a dedicated storage network that provides access to storage and are primarily used to make storage devices (such as disk arrays, tape libraries, and optical libraries) accessible to servers.

The primary objectives of the tender are as follows:-

- The design and implementation of the storage environment, including storage fabric and switches. Storage fabric refers to the hardware that connects workstations and servers to storage devices in a SAN.
- A data migration strategy for systems currently connected to the existing SAN.
- A solution that ensures availability, performance, disaster recovery, scalability and reduction in the current backup window.
- Data archiving, including the archiving of Lotus Notes emails.
- Storage Management to increase efficiencies and reduce management tasks.
- Increased capacity in the storage environment to cater for future organic growth.
- Flexibility to allow for new requirements, such as the requirement to store CCTV data.

To achieve these objectives, tenderers were invited to establish a business partner to work with the City to implement a new IT storage environment.

POLICY/LEGISLATION/STRATEGIC PLAN:

Legislation

Section 3.57 of the Local Government Act 1995
Part 4 of the Local Government (Function and General)
Regulations 1996

Strategic Plan

Capable and Responsive Organisation
Technological innovation and systems support the
efficient delivery of service

DETAILS:

Tender 097-10/11 was advertised on 9 April 2011 and closed on 5 May 2011. Ten tender submissions were received and have been evaluated against the following evaluation criteria:-

- The suitability of the proposed products.
- The suitability of the proposed Services.
- The demonstrated skills and experience of the organisation to undertake projects of a similar nature.
- The demonstrated experience of the organisation with contracts for similar products and / or services provided to other clients.

Each of the selection criteria was given an equal weighting and the responses given a score out of 25 in each category, for a total qualitative score out of 100.

The following table lists each tender submission and the assessment against the evaluation criteria:-

Reseller	Primary Storage Vendor(s)	Qualitative Score	Lump Sum Price \$
Alphawest	NetApp Cisco Symantec	75	716,378.70
Anittel	EMC Cisco Symantec	67.5	539,720.00
Datacom	IBM Commvault	77.5	685,613.00
Dell	Dell Commvault	80	729,616.00
Empired	Netapp Cisco Commvault	77.5	638,616.27
L7	EMC Symantec	75	1,035,276.35
Perfekt	Hitachi Data Systems Commvault	78.75	499,142.00
Red11	HP Commvault	72.5	1,152,103.98

Reseller	Primary Storage Vendor(s)	Qualitative Score	Lump Sum Price \$
Silverfern	IBM Symantec Barracuda	67.5	898,989.54
Wood Group	EMC Brocade Symantec	80	544,798.96

The overall quality of the tender submissions was considered to be high. The request for tender focused on the outcomes that a refreshed storage environment would provide the City, rather than specific products. This focus was very successful with a range of proposals received offering differing solutions.

Many of the tender submissions did not provide a strong treatment of the City's Lotus Notes environment and this is reflected in the qualitative assessment of the proposals.

Wood Group Information Solutions

The tender submission from Wood Group Information Solutions (WGIS) provided for EMC storage arrays and Brocade fibre channel switches. The backup solution leverages the current Symantec backup solution, adding additional modules, including Enterprise Vault, for archiving. The solution utilises a Data Domain 630 device to provide backups to disk and allow for the fast retrieval of data from backups. An IBM TS3200 tape library provides tape backups and archival.

The company's submission of \$544,798.96 was ranked third on price, and equal first on the qualitative score.

The assessment panel is confident that WGIS would effectively manage the migration of the Lotus Notes archive environment from the current eMail eXtender system to the Symantec Enterprise Vault environment.

WGIS was subsequently shortlisted to provide a walkthrough of its proposal to the City on 13 May 2011. WGIS demonstrated all aspects of its proposed solution and the assessment panel was satisfied that the company's services will deliver the storage solution that the City is seeking.

The value proposition from WGIS is for a partnership model that mitigates much of the risk associated with the proposed replacement of the City's information technology storage environment. The proposal includes a three-month managed service after the implementation of the new storage environment to ensure service continuity and that any potential problems are quickly addressed.

It is considered that the WGIS proposal represents the best value for money and it is recommended that Council accepts its tender submission.

Shortlisted Companies

Datacom

Datacom's proposal is based on IBM storage arrays and IBM SAN switches. The backup environment utilises Commvault Simpana, which would also provide email archiving. A new IBM TS3200 tape library would be installed for backups to tape.

The company's submission was ranked fifth on price and fourth on the qualitative score. It was shortlisted to provide a walkthrough of its proposal on 12 May 2011.

The solution offered by Datacom met the City's requirements and was considered to be acceptable. However, the recommended proposal from WGIS offered additional functionality, such as a Network Attached Storage environment (NAS) – a file-level computer data storage connected to a computer network, similar to a file server (network drive), at no extra cost to the City.

Empired

Empired's storage proposal is based on NetApp storage arrays and Cisco SAN switches. The backup environment would utilise Commvault Simpana, which would also provide email archiving. A new IBM TS3200 tape library would be installed for backups to tape.

The company's submission was ranked fourth on price, and fourth on the qualitative score. It was shortlisted to provide a walkthrough of its proposal on 13 May 2011.

The solution offered by Empired met the City's requirements and was considered to be adequate. The solution contained a single controller in the Disaster Recovery SAN, which would be a single point of failure. A Disaster Recovery site is a standby information technology facility housing equipment that can quickly be brought online if the primary facility becomes unavailable.

Perfekt

The storage proposal from Perfekt is based on Hitachi Data Systems storage arrays and Brocade SAN switches. The backup environment would utilise Commvault Simpana, which will also provide email archiving. A new Quantum Scalar i500 library would be installed for backups to tape.

The submission was ranked first on price, and third on the qualitative score. Perfekt was shortlisted to provide a walkthrough of its proposal on 12 May 2011.

The solution offered by Perfekt met the City's requirements, however, it was not considered to represent value for money when compared to the proposal from Wood Group Information Solutions.

Companies that were not shortlisted

Alphawest

Alphawest's proposal was based on a NetApp storage array that would reuse the existing SAN fabric at Council House. The disaster recovery site would use a NetApp array and a single Cisco SAN switch. The backup environment would utilise the existing Symantec system, with additional modules, including Enterprise Vault for archiving. A new Quantum Scalar i80 would be installed at the disaster recovery site for tape backups.

The submission was ranked sixth on price, and sixth on the qualitative score. The company's proposal was not considered to be suitable by the assessment panel as it contained a number of single points of failure at the disaster recovery site, which were not compatible with the outcomes required by the City.

Anittel

The proposal from Anittel was based on a EMC storage and Cisco SAN fabric at both Council House and the East Perth disaster recovery site. The backup environment would utilise the existing Symantec system. EMC SourceOne would be utilised for archiving. The existing tape library would be reused, in conjunction with an EMC Data Domain backup to disk solution.

The submission was ranked second on price, and eighth on the qualitative score. The company's proposal was not considered suitable by the assessment panel as it offered separate products from separate vendors, instead of the preferred integrated backup and archiving environment. Currently, the City's storage environment uses EMC and Symantec for email archiving and backup respectively and this has proven to be unsatisfactory.

Dell

The proposal from Dell was based on Dell Compellent storage, and Brocade SAN switches. The backup environment would utilise Commvault Simpana 9 which would also provide email archiving.

The submission was ranked seventh on price, and equal first on the qualitative score.

The Dell proposal although excellent, was not considered to be value for money.

L7

The L7 proposal was based on EMC storage and EMC SAN switches. The proposed backup environment would leverage the current NetBackup environment with additional modules to provide archiving.

The submission was ranked ninth on price, and eighth on the qualitative score.

The L7 proposal was not considered to be value for money.

Red11

The Red11 proposal was based on HP 3Par storage and HP SAN switches. The backup environment would utilise Commvault Simpana 9 which would also provide email archiving.

The submission was ranked tenth on price, and equal sixth on the qualitative score.

The Red11 proposal was not considered to be value for money.

Silverfern

The Silverfern proposal was based on IBM SAN storage and IBM SAN switches. The backup environment would utilise the existing Symantec backup. Email archiving would be provided via Barracuda Message Archiver.

The submission was ranked eighth on price, and tenth on the qualitative score.

The Barracuda Message Archiver proposed by Silverfern was not considered a suitable platform for the City's email archiving as the solution does not integrate with the City's current environment. The archiving solutions proposed by other vendors have the capability to deliver additional archiving functionality, such as the archiving of files from network drives. This capability was requested in the tender document.

FINANCIAL IMPLICATIONS:

ACCOUNT NO:	AS. 0342
BUDGET ITEM:	Other Property and Services, Unclassified, Storage Infrastructure – Council House and Regal Place Data Centres
BUDGET PAGE NUMBER:	21
BUDGETED AMOUNT:	\$ 625,000.00 (including \$75,000 carried forward)
AMOUNT SPENT TO DATE:	\$ 24,430.00
PROPOSED COST:	\$ 544,798.96
BALANCE:	\$ 55,551.04
ANNUAL MAINTENANCE (YEAR 1):	\$111,014.84
ANNUAL MAINTENANCE (YEARS 2 TO 5):	\$ 47,776.93 per annum

All figures quoted in this report are exclusive of GST.

COMMENTS:

The submission from Wood Group Information Solutions is recommended for approval as it is considered to represent the best value for money.

Upon approval by the Council an implementation project will be initiated with the Chief Information Officer as the project sponsor. The project team will be comprised of officers from the City and Wood Group Information Solutions as identified in the tender response. The project team will be responsible for implementing the chosen storage environment for the City.

Moved by Cr Rodgers, seconded by Cr McEvoy

That the Council:-

- 1. accepts the most suitable tender, being that submitted by Wood Group Information Solutions, at a cost of \$544,798.96, including maintenance in year one plus \$47,776.93 per annum for maintenance in years two to five of the contract (excluding GST) for:-***
 - 1.1 the supply and installation of Information Technology Storage equipment;***
 - 1.2 the configuration and commissioning of the Information Technology Storage environment;***
 - 1.3 the maintenance of Information Technology Storage hardware and software;***
- 2. notes the expenditure in part 1 above being charged to Budget Item 'Other Property and Services, Unclassified, Storage'.***

The motion was put and carried

The votes were recorded as follows:-

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

Against: Nil

**265/11 REVIEW OF DELEGATIONS OF AUTHORITY REGISTER
2010/11**

BACKGROUND:

FILE REFERENCE: P1023849
RESPONSIBLE DIRECTOR: Robert Mianich, Director Corporate Services
DATE: 27 April 2011
MAP / SCHEDULE: TRIM ref. 46154/11

The Committee recommendation to the Council for this report was resolved by the General Purposes Committee at its meeting held on 24 May 2011.

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

Section 5.46 of the Local Government Act 1995 (the Act) requires the Council to review delegations of authority to the Chief Executive Officer (CEO) at least once in each financial year.

In accordance with this requirement, the City's Register of Delegated Authority has been reviewed for the 2010/11 financial year.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation Sections 5.42, 5.43, 5.45, and 5.46 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:

Sections 5.16 and 5.42 of the Local Government Act 1995 (the Act) enable a local government to delegate to a Committee or the Chief Executive Officer, any of its powers or duties under the Act, subject to limitations as prescribed in Sections 5.17 and 5.43. Other statutes administered by the City such as the Strata Titles Act 1985 and the Bush Fires Act 1954 also enable a local government to delegate specific powers and functions to Officers.

A comprehensive review of the City's Register of Delegated Authority was undertaken by the Council at its meeting held on **16 February 2010**. This review resulted in the Council resolving to revoke all delegations that existed prior to 16

February 2010 and adopt a new Register. Since the February 2010 review, the Council has resolved to make three amendments to the Register.

In accordance with the Act, the administration has conducted a review of the current Delegations of Authority Register in conjunction with legislation relevant to the operations of the City as follows:-

- Local Government Act 1995.
- Bush Fires Act 1954.
- Interpretations Act 1984.
- Strata Titles Act 1985.
- Town Planning Scheme.
- Food Act 2008.

The review identified that the current Register does not require any amendments.

FINANCIAL IMPLICATIONS:

There are no financial implications related to this report.

COMMENTS:

The comprehensive review undertaken by the Council in February 2010 has resulted in a Delegations of Authority Register that is considered to reflect good governance practice and meets the current statutory requirements for effective management of the City operations. No changes to the City's current register are proposed. It is recommended that the Council note that the review of the Delegations of Authority Register for the 2010/11 financial year has been completed.

Moved by Cr Rodgers, seconded by Cr Butler

That, in accordance with Section 5.46 of the Local Government Act 1995, the Council notes that the 2010/11 review of the Delegations of Authority Register has been undertaken and that no amendments are proposed.

The motion was put and carried

The votes were recorded as follows:-

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

Against: Nil

**266/11 CITY OF PERTH OMBUDSMAN SERVICE QUARTERLY
REPORT – FEBRUARY TO APRIL 2011**

BACKGROUND:

FILE REFERENCE: P1024315
RESPONSIBLE DIRECTOR: Frank Edwards, Chief Executive Officer
DATE: 10 May 2011
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 24 May 2011.

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

At its meeting held on **29 August 2006**, the Council appointed San Eden Pty Ltd (Key Person - Mr Ian Taylor) for the provision of an Ombudsman Service to the City for a period of two years. The contract commenced on 16 October 2006 and expired on 15 October 2008.

At its meeting held on **5 August 2008**, the Council agreed to a new contract with the current provider, commencing on 16 October 2008, for a period of two years.

At its meeting held on **3 August 2010**, the Council agreed to another new contract with the current provider, commencing on 16 October 2010, for a period of one year.

LEGISLATION / STRATEGIC PLAN / POLICY:

Strategic Plan City Management Principles
There will be a strong focus on customer service

Policy
Policy No and Name: 5.1 – Service Complaint Policy

DETAILS:

The City has an internal procedure to review service complaints, including parking infringements. This includes an escalation of the complaint by the customer up to the Chief Executive Officer if necessary.

The City's Ombudsman provides a further independent opportunity for customers to have service complaints reviewed. The Ombudsman's role is also supported by Guidelines adopted by the Council.

Under the Ombudsman's contract, work associated with parking related complaints is restricted to a maximum of two hours and four hours, for other complaints subject to additional hours being approved by the Chief Executive Officer.

For the period February through April 2011, the Ombudsman has processed 54 complaints, investigated 34 complaints and worked 51.5 hours. This level of activity is similar to recent reporting periods.

FINANCIAL IMPLICATIONS:

ACCOUNT NO:	GL 101 319
BUDGET ITEM:	Other Property Services - Administration - General Administration (CEO)
BUDGET PAGE NUMBER:	13
BUDGETED AMOUNT:	\$1,627,259
AMOUNT SPENT TO DATE:	\$1,189,591
PROPOSED COST:	\$5,823
BALANCE:	\$431,845

All figures quoted in this report are exclusive of GST.

The cost of the Ombudsman Service for the year to date is \$28,257, which is within budget.

COMMENTS:

All of the complaints to the City's Ombudsman for the period February to April 2011 relate to parking infringements, which are now reviewed only once by the Administration before being able to be investigated by the Ombudsman at the request of the customer. A review of the service will be undertaken by June 2011 prior to the next procurement process.

Customer complaints continue to be managed in accordance with the City's internal procedures.

Moved by Cr Rodgers, seconded by Cr Davidson

That the Council receives the report dated 10 May 2011, detailing the City of Perth Ombudsman Service activity for the period February through April 2011.

The motion was put and carried

The votes were recorded as follows:-

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

Against: Nil

PARKING COMMITTEE REPORTS

267/11 INTRODUCTION OF FEES IN EXISTING CAR PARKS

BACKGROUND:

FILE REFERENCE: P1003659-6
RESPONSIBLE DIRECTOR: Doug Forster, Director Business Units
DATE: 11 May 2011
MAP / SCHEDULE: Schedule 6 – Victoria Gardens locality plan
Schedule 7 – Mardalup Park locality plan
Schedule 8 – Heirisson Island locality plan
Schedule 9 – John Oldham Park locality plan
Schedule 10 – Proposed Fee Schedule

The Committee recommendation to the Council for this report was resolved by the Parking Committee at its meeting held on 23 May 2011.

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

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation Section 6.16 of the Local Government Act 1995

Strategic Plan Movement Transport and Parking
Continue to seek opportunities for the planning and provision of parking stations commensurate with good land use planning and demand management

Policy
Policy No and Name: 22.9 – On Street Parking Policy
9.1 – Budget Policy

DETAILS:

In the last 15 months, the On Street Parking Policy has been introduced in the CBD and Northbridge, and is currently nearing completion in East Perth. West Perth is to follow.

Within the City there are four car parks at parks and reserves where there are no fees applicable. These facilities are located at Victoria Gardens, Mardalup Park, Heirisson Island and John Oldham Park.

As all on-street bays will shortly become paid parking, the public are tending to utilise the above facilities to park Monday to Friday all day to avoid the payment of parking fees and to catch the CAT bus to the city.

It is proposed that fees will be introduced to these four car parks Monday to Friday, from 8:00am until 6:00pm. The times are in line with current on street provisions. The car parks will remain free of charge on weekends and evenings.

FINANCIAL IMPLICATIONS:

It is expected that additional revenue will be earned, however, the primary purpose is to discourage all day parking to allow recreational use of the adjacent parks.

The fee structure for each facility has been set on the basis of other nearby car parks plus public transport options to offer an alternative mode of travel.

COMMENTS:

Introducing paid parking into the existing facilities will ensure that the car parks remain available for the primary purpose of serving the nearby recreational areas by discouraging all day week day parking, while maintaining the free status quo for all other times.

Moved by Cr Liu, seconded by Cr Tognolini

That the Council:-

- 1. receives the report dated 11 May 2011 on the introduction of fees for car parks located at Victoria Gardens, Mardalup Park, Heirisson Island and John Oldham Park as detailed in Schedules 6 through 9;***
- 2. seeks approval from Main Roads WA to allow the application of parking fees in the following:-***

(Cont'd)

- 2.1 the car park in John Oldham Park as detailed in Schedule 9;*
- 2.2 the part of the Heirisson Island car park that is under Main Roads WA care and control;*
- 3. seeks approval from East Perth Redevelopment Authority to allow the application of parking fees in the car park at the eastern end of Brown Street, East Perth (Mardalup Park);**
- 4. approves the inclusion of the new fees, as detailed in Schedule 10, in the Council's 2011/12 Fees and Charges Schedule.**

The motion was put and carried

The votes were recorded as follows:-

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

Against: Nil

268/11 CITY OF PERTH PARKING LOCAL LAW 2010

BACKGROUND:

FILE REFERENCE: P1010030-6
RESPONSIBLE DIRECTOR: Dennis Stevens, Acting Director Service Units
DATE: 23 May 2011
MAP / SCHEDULE: N/A

The Committee recommendation to the Council for this report was resolved by the Parking Committee at its meeting held on 23 May 2011.

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

At its meeting held on **14 December 2010**, the Council resolved to make the City of Perth Parking Local Law 2010 (local law).

The local law was subsequently advertised in the Government Gazette on 15 February 2011 and came into effect on 2 March 2011.

In accordance with the requirements of the Local Government Act 1995, following gazettal, the local law was submitted to the Joint Standing Committee on Delegated Legislation (JSCDL) for review.

At its meeting held on **27 April 2011**, the Council considered a report detailing various undertakings required by the JSCDL in relation to the local law. The Council resolved to provide each of the undertakings requested by the JSCDL.

In addition to the undertakings required by the JSCDL, the JSCDL sought clarification in relation to use of the term "City" rather than the term "Council" in clauses 2.1, 2.2 and 2.21(3) of the local law. This clarification was provided to the JSCDL through correspondence dated 6 May 2011.

Further correspondence has been received for the JSCDL seeking an undertaking that the City will amend clauses 2.1, 2.2 and 2.21(3) of the local law to replace the word "City" with the word "Council". This undertaking is sought on the basis of the JSCDL's view that the current wording attempts to sub-delegate the power to regulate parking within the City from the Council to the administration.

It should be noted that while the JSCDL has referred to clause 2.21(3) of the local law, no such clause exists and it is assumed that the JSCDL is referring to clause 2.21 more broadly.

LEGISLATION / STRATEGIC PLAN / POLICY:**Legislation**

Section 3.12 of the Local Government Act 1995
City of Perth Parking Local Law 2010

Strategic Plan

Governance
Strengthen processes for accountable government in partnership with city stakeholders which are underpinned by a strong focus on the City's ethical behaviour

DETAILS:

Clauses 2.1 and 2.2 of the local law are intended to allow the City to regulate or vary the stopping or parking of vehicles and the conditions under which parking or stopping is permitted. The clauses are intended to facilitate short term amendments to parking to allow parking for (inter alia) building sites, removal trucks and small events occurring at late notice.

While the intent of the clauses is not to sub-delegate the power to regulate parking from the Council to the Administration, the concerns of the JSCDL are appreciated on the basis that if interpreted literally, the clauses could be used to regulate parking in a manner that was not intended when the local law was drafted.

Other clauses within the local law will allow the Administration to make minor and temporary amendments to parking arrangements within the City in order to facilitate access to building sites and for removal trucks and small events as required.

Clause 2.21 of the local law is intended to allow the City to establish additional parking facilities on reserves such as Langley Park to cater for major events.

However, when read literally, this clause conveys greater authority than was intended when the local law was drafted. The Administration shares the JSCDL's view that the word "City" in this clause should be amended to the word "Council".

When the amendments to the local law required by the JSCDL are drafted, an additional clause will be included to more clearly articulate the authority originally intended to be conveyed by clause 2.21.

FINANCIAL IMPLICATIONS:

There are no financial implications related to this report.

COMMENTS:

The undertakings required by the JSCDL are considered to be relatively inconsequential and will not adversely impact on the regulation of parking within the City. As such, it is recommended that the Council provides the JSCDL with the requested undertakings.

The amendments required by the JSCDL will be given effect through the creation of a new local law which will amend the City of Perth Parking Local Law 2010. The new local law will be presented to the Council for consideration in due course.

Moved by Cr Liu, seconded by Cr Limnios

That the Council provides an undertaking to Parliament's Joint Standing Committee on Delegated Legislation that it will amend clauses 2.1, 2.2 and 2.21 of the City of Perth Parking Local Law 2010 to replace the word "City" with the word "Council".

The motion was put and carried

The votes were recorded as follows:-

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

Against: Nil

269/11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

270/11 URGENT BUSINESS

Nil

271/11 CLOSE OF MEETING

The Lord Mayor declared the meeting closed at 6.41pm with Councillors Butler, Davidson, Evangel, Limnios, Liu, McEvoy, Rodgers and Tognolini in attendance.