



**TOWN OF VINCENT**

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*"Enhancing and celebrating our diverse community"*

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# MINUTES

**5 APRIL 2011**

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Minutes of the Ordinary Meeting of Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 5 April 2011, commencing at 6.00pm.

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

The Presiding Member, Mayor Nick Catania, declared the meeting open at 6.05pm.

**(b) ACKNOWLEDGEMENT OF COUNTRY STATEMENT**

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

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

**(a) Apologies:**

Cr Taryn Harvey – apology for personal commitments.

**(b) Present:**

Mayor Nick Catania, JP	Presiding Member
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward
Cr Steed Farrell	North Ward
Cr Sally Lake ( <i>Deputy Mayor</i> )	South Ward
Cr Warren McGrath	South Ward
Cr Dudley Maier	North Ward
Cr Joshua Topelberg	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)
<u>Employee of the Month Recipient</u>	
Kim Huynh	Receptionist, Beatty Park Leisure Centre (until approximately 6.20pm)
Lauren Peden	Journalist – “ <i>The Guardian Express</i> ” (until approximately 9.06pm)
David Bell	Journalist – “ <i>The Perth Voice</i> ” (until approximately 9.06pm)

16 Members of the Public

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

Nil.

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

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

1. Colin Cafarelli of 166 Chelmsford Road, North Perth. Stated the following:  
*“This is regarding 2A Sholl Lane. This was a couple of years ago. When I received the letter I came here and I spoke to the Mayor and another Councillor. I was asked not to speak and I don’t know if you on the day Nick, if you done... at the meeting if you did recognise what I told you or not, but I was sued. So personally I would like to know if the CEO can find out what happened at that meeting because I’m sure you would’ve done it Nick. I apologise for what I said to you over there. So I do believe you would have done it, so I want to know what happened.”*

**The Presiding Member, Mayor Nick Catania advised that the question would be taken “on notice” and a reply sent by the Chief Executive Officer.**

2. Rod Palmer of 9 Brookman Street, Perth – Item 9.2.4. Stated the following:
  - He is representing ratepayers of Northbridge.
  - Thanked the Council for its quick response to the terrible accident to the dog that occurred about 1 month ago at the park as they have been particularly responsive in some immediate steps i.e. installing rumble strips and signs. as it is a shared pedestrian, dog off leash and children’s play area.
  - The second stage that Officers are proposing is to erect fences on both sides of the shared pathway to make it safer.
  - They have observed:
    - significant ongoing risk in the last 3 weeks;
    - no discernable slow down in cyclists speed through the park; and
    - a number of near misses including children almost being hit by bikes in the last 3 weeks.
  - Believes there is a serious ongoing risk for the Council and park users.
  - Believes that it is important to separate the space used by cyclists (and they are happy cyclists use the park) – currently it is not and unfortunately until it is, there is significant ongoing risk for the Council.
3. KT (surname not given) – 24 Myrtle Street, Perth – Item 9.2.4. Stated the following:
  - She is a cyclist, mother and owner of 2 dogs.
  - The incident that occurred was absolutely terrifying for everyone and subsequently they have collectively joined a group called “The Robertson Park Community”.
  - They have raised \$6,500 in 2 weeks and the Council has been cooperative in that they donated a vehicle to help people see that what was trying to be achieved was serious and how the Council was responding was serious.
  - This is a very serious matter as it could have been her daughter injured therefore, anything that can be done to make this beautiful park safe would be greatly appreciated by the ratepayers. Requested the Council take urgent action.
4. Anthony Einfield of 19 Kavanagh Street, Wembley – Item 9.3.2. Stated the following:
  - Supports the Item.
  - Double Lucky does not want the Council to pay for the painting of their building, they want to make it a real artist undertaking, they want it to be an annual event/national competition with the Music Festival accompanying it.
  - The launch will be in conjunction with some artist partners – Last Change Studio in Leederville which are probably the best known collectors of urban arts in Perth as well as the Butcher Shop which is a centre for urban artists.

- Believes there is an opportunity for the Council to “get on board” and it will be good not only for the Council to promote grass-roots urban art but also good for the Town to display a canvass of that size in the Town.
  - This is not a great money making event for them, it is about promoting young artists and creating a focal point for them and they hope that the Council will join them.
5. Colin Scott of 17 Deague Court, North Perth. Stated the following regarding the Beatty Park Redevelopment:
- Detects that there is “*a bit of a lull*” with the development process and believes the timing is right to lock in a construction contract at this moment and take advantage of any discounts that may be achieved.
  - As far as the public is concerned, believes the planning cycle is finished.
  - Believes the public is fed up with the state of affairs with Beatty Park and the development needs to commence.
  - Concerned that on the plans, the diving board is going to be relinquished.
  - He enjoys going and seeing teenagers enjoy themselves coming off the diving board.
  - Believes the depth of the pool is suitable for a diving board however, there is some talk about it being filled in to ultimately get rid of the board.
  - Requested the Council retain the diving board for future generations.
  - Regarding construction costs and the overall costs of the Redevelopment, whilst it is a big fair in terms of dollars, believes the State and Federal Government should be approached again for funding – does not believe this should be given up on as \$2.5 million from the State Government is a low amount from them and, whilst the Federal Government is in a hole with so many natural disasters happening, believes this should be kept on the Agenda.
  - Although, whilst the Town is going into a Strategic Plan on the Tamala Park monies he would not like to see all of that money as a constant revenue stream, be used up entirely on Beatty Park.
6. Brian Hunt of 61 Memorial Avenue, Baskerville – Item 9.1.2. Stated that further to the Council Meeting on 8 March 2011 when the matter was deferred, he has had some discussions with the Planners and that is reflected in the report and the recommendations in this Agenda and are perfectly acceptable to the Applicant.

There being no further speakers, Public Question Time closed at approx. 6.16pm.

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

Nil.

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

- 4.1 Cr Steed Farrell requested leave of absence from the Ordinary Meeting of Council to be held on 19 April 2011 and the Special Meeting of Council to be held on 17 May 2011, due to work commitments.

**Moved Cr Burns, Seconded Cr Lake**

*That Cr Steed Farrell’s request for leave of absence be approved.*

**CARRIED UNANIMOUSLY (8-0)**

**(Cr Harvey was an apology for the meeting.)**

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

Nil.

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

Minutes of the Ordinary Meeting of Council held on 22 March 2011.

**Moved Cr Farrell, Seconded Cr Topelberg**

*That the Minutes of the Ordinary Meeting of Council held 22 March 2011 be confirmed as a true and correct record.*

**CARRIED UNANIMOUSLY (8-0)**

**(Cr Harvey was an apology for the meeting.)**

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

**7.1 Employee of the Month Awards for the Town of Vincent for April 2011**

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

For APRIL 2011, the award is presented to Kim Huynh, Receptionist at the Beatty Park Leisure Centre. Kim was nominated as a result of an email received from Mr Ian MacRae of West Leederville, who is a regular user of Beatty Park Leisure Centre, as follows;

*"I would like to compliment the lady at Reception in Beatty Park who is always so cheerful and helpful. She really makes coming to the pool a pleasure - she is worth her weight in gold!"*

The award is presented to Kim in recognition of her excellent customer service skills and commitment in performing her duties.

Congratulations Kim - and well done!

**Received with Acclamation!**

**7.2 Update on State Administrative Tribunal Mediation for St Mark's Development – 369-375 Stirling Street, Highgate**

This is to advise that a second mediation session was held in the State Administrative Tribunal (SAT) today from 10am-11.30am, before SAT Member Maurice Spillane and Tony Ednie-Browne, Sessional Member - Architect.

Ben Doyle - Town Planning (TP) Consultant, Cr McGrath, the Chief Executive Officer, John Giorgi and myself attended on behalf of the Town.

Peter Simpson, TP Consultant, Scott Cameron of Finbar and Sing Cheng the Architect attended for the Applicant.

Both Parties entered into free and open discussion and reviewed a number of amended plans, which included significant changes.

It would appear that most, if not all of the concerns previously expressed, have been addressed (except for Plot Ratio).

The SAT members expressed the view that in their opinion, very good progress had been made.

The Applicant has been requested by the SAT to submit revised plans to the Town's Consultant, Ben Doyle. Mr Doyle will prepare a report on behalf of the Town, for the Council's consideration, to be considered at the Ordinary Meeting of Council to be held on 10 May 2011.

The SAT Member ruled that the revised plans are not to be advertised for further public consultation, but that they should be available for public viewing. It was agreed between the Parties that this should occur on the day after the Council Members receive the Agenda for the Council meeting. Therefore, the revised plans will be available for public viewing, effective from Wednesday 4 May 2011.

A further mediation session has also been set for 10am on 13 May 2011, whereby the SAT will determine whether further action is required.

Under SAT rules, no further details can be provided at this stage.

### 7.3 Update on Litis Stadium Masterplan

It is advised that on 30 March 2011, Football West wrote to the Town to advise that they are no longer interested in pursuing the concept of co-locating their premises on Litis Stadium, for the following reasons;

1. A lack of funding - primarily due to Australia being unsuccessful for a World Cup bid in 2018 and/or 2022.
2. Opposition from certain members of the Town of Vincent community.
3. The opportunity to co-locate with Perth Glory Football Club on tertiary institution land to establish combined training and administrative facilities (as recently announced on 3 March 2011 by Perth Glory).

In view of the above, Litis Stadium will not be redeveloped and will remain as a local facility for the Floreat Athena Soccer Club, as prescribed under their current lease.

Letters advising of the above have been sent to all stakeholders, including Floreat Athena Soccer Club, Rugby WA, Leederville Cricket Club, Mount Hawthorn Precinct Group and approximately 290 residents who lodged a submission.

The Town's Administration is currently assessing the submissions received during the community consultation period and once completed, these will be reported to the Council.



7. “Cycle Instead” Bike Week Event 2011

As part of Cycle Instead Bike Week 2011, the Town held its inaugural Bike to Work Breakfast at Beatty Park Leisure Centre on Wednesday 23 March 2011.

The breakfast aimed to promote the benefits of cycling, and provided a great opportunity for cyclists to meet fellow cyclists in the area. More than 100 people who work and live within the Town left their cars at home for the day and enjoyed a free breakfast provided by the Beatty Park café.

Representatives from Cycling WA – the State’s peak cycling body – were present at the breakfast, as were many keen cyclists from the Water Corporation and the Department of Sport and Recreation. Several of the Town’s Councillors, along with myself and the Chief Executive Officer, also attended the breakfast.

On behalf of the Council, may I thank the Town's Officers, the Department of Transport and Cycling WA for their support of the event, and I hope to see even more people choosing to cycle throughout the Town!

7.5 WALGA Nominations – Local Government Advisory Board

As the Council is aware, at the Ordinary Meeting of Council held on 22 March 2011, I nominated as WALGA Member for the Local Government Advisory Board.

I would like to announce that subsequent to this, I decided against standing for the Local Government Advisory Board and accordingly, did not submit a nomination.

**8. DECLARATIONS OF INTERESTS**

- 8.1 Cr Buckels declared a Proximity interest in Item 9.1.4 – No. 197 (Lot 1; D/P: 9766) Oxford Street, Leederville - Proposed Demolition of Existing Single House and Construction of Five-Storey Mixed Use Development Comprising Three (3) Multiple Dwellings, Three (3) Offices and Associated Car Parking. The extent of his interest being that his family owns the adjacent property.
- 8.2 Cr Burns declared a Financial interest in Item 9.4.1 – Use of the Council's Common Seal. The extent of her interest being that in her occupation as a Solicitor, she acted for Mr Malvish and Ms English in relation to the preparation of the restrictive covenant between them and the Town.
- 8.3 Cr Lake declared an Impartiality interest in Item 9.4.3 – Policy No. 3.9.8 relating to Parking Permits – Amendments. The extent of her interest being that she owns a residential property in a residential street within the proposed area impacted by the proposed Commercial Parking Permits.
- 8.4 Cr Maier declared an Impartiality interest in Item 9.4.3 – Policy No. 3.9.8 relating to Parking Permits – Amendments. The extent of his interest being that he lives in an area that is identified to receive access to Commercial Parking Permits. Cr Maier stated that he does not have a business and will not be able to apply for a Permit and he has an interest in common in respect to other parking issues.

- 8.5 Cr McGrath declared an Impartiality interest in Item 9.2.4 – Robertson Park – Proposed Fencing. The extent of his interest being that he walks his dog and socialises in this Park and with other dog walkers including those interested people that have requested this proposal of the Council.
- 8.6 Cr Topelberg declared an Impartiality interest in Item 9.3.2 – Sponsorship of Double Lucky Mural Painting Event. The extent of his interest being that the applicant is a personal acquaintance of his.

All Councillors that declared an Impartiality interest state that as a consequence, there may be a perception that their impartiality on the matter may be affected and declare that they will consider this matter on its merits and vote accordingly.

- 8.7 Cr McGrath declared a Proximity interest in Item 9.2.2 – Proposed Extension of Perth Bicycle Network, On Road Cycle Lanes, and other improvements on Palmerston Street between Randall Street and Stuart Street, Perth. The extent of his interest being that he owns and resides in a property at 142 Palmerston Street, adjacent to the proposal.

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

Nil.

**10. REPORTS**

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

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

Items 9.2.4, 9.3.2 and 9.1.2.

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

Items 9.2.3, 9.2.4, 9.4.2, 9.4.3 and 9.4.5.

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

Items 9.1.4, 9.2.2 and 9.4.1.

Presiding Member, Mayor Nick Catania, requested Council Members to indicate:

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

Cr Farrell	Nil.
Cr Topelberg	Item 9.3.3.
Cr Buckels	Item 9.1.5.
Cr McGrath	Item 9.2.2.
Cr Lake	Nil.
Cr Burns	Nil.
Cr Maier	Nil.
Mayor Catania	Nil.

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

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

Items 9.1.1, 9.1.3, 9.2.1, 9.3.1 and 9.4.4.

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

Item 14.1.

**New Order of Business:**

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

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

Items 9.1.1, 9.1.3, 9.2.1, 9.3.1 and 9.4.4.

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

Items 9.2.4, 9.3.2 and 9.1.2.

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

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

**ITEMS APPROVED “EN BLOC”:**

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

**Moved Cr Buckels, Seconded Cr Topelberg**

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

***Items 9.1.1, 9.1.3, 9.2.1, 9.3.1 and 9.4.4.***

**CARRIED UNANIMOUSLY (8-0)**

**(Cr Harvey was an apology for the meeting.)**

**9.1.1 Amendment No. 80 to Planning and Building Policy Manual – Draft Amended Appendix No. 11 Relating to Non-Conforming Use Register**

<b>Ward:</b>	South Ward	<b>Date:</b>	18 March 2011
<b>Precinct:</b>	Norfolk (P10)	<b>File Ref:</b>	PLA0081
<b>Attachments:</b>	<a href="#">001</a> – Draft Amended Policy		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	R Marie, Planning Officer Strategic		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1, ACKNOWLEDGES ‘warehouse’ as a non-conforming use on No. 17 (Lot 14) Burt Street, Mount Lawley;*
- (ii) *RECEIVES the Draft Amended Appendix No. 11 relating to the inclusion of No. 17 (Lot 14) Burt Street, Mount Lawley on the Non-Conforming Use Register as shown in Appendix 9.1.1;*
- (iii) *ADVERTISES Amendment No. 80 to Planning and Building Policy Manual relating to the inclusion of No. 17 (Lot 14) Burt Street, Mount Lawley in Appendix No. 11 Relating to Non-Conforming Use Register for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
  - (a) *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
  - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
  - (c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*
- (iv) *after the expiry of the period for submissions:*
  - (a) *REVIEWS Amendment No. 80 relating to the inclusion of No. 17 (Lot 14) Burt Street, Mount Lawley on the Non-Conforming Use Register, having regard to any written submissions; and*
  - (b) *DETERMINES Amendment No. 80 relating to the inclusion of No. 17 (Lot 14) Burt Street, Mount Lawley on the Non-Conforming Use Register, with or without amendment, to proceed or not to proceed with them.*

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**COUNCIL DECISION ITEM 9.1.1**

**Moved Cr Buckels, Seconded Cr Topelberg**

*That the recommendation be adopted.*

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)**

**(Cr Harvey was an apology for the meeting.)**

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**PURPOSE OF REPORT:**

The purpose of this report is for the Council to consider amending the Non-Conforming Use Register to include No. 17 (Lot 14) Burt Street, Mount Lawley, and to advertise the inclusion in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1.

**BACKGROUND:**

- 21 April 1980 The City of Perth, at its Ordinary Meeting, acknowledged the use of a building on the subject property (No. 17 Burt Street, Mount Lawley) for warehouse activities, as an established non-conforming use recognised by the Council.
- 4 March 2011 A Council Member Request raised a query relating to No. 17 (Lot 14) Burt Street, advising that it is not included on the Non-Conforming Use Register.
- 8 March 2011 The Council at its Ordinary Meeting considered No. 17 (Lot 14; D/P: 25299) Burt Street, Mount Lawley - Proposed Change of Use from Warehouse (Non-Conforming Use) to Warehouse, Art Studio (Unlisted Use) and Office (Retrospective Application) and Alteration of Residential Car Bays for Existing Residential Dwelling. The matter was deferred for further consideration.

**DETAILS:**

The current land use at No. 17 (Lot 14) Burt Street, Mount Lawley comprises a residential dwelling to the front with a non-conforming use of a warehouse (storage and warehouse units) and an artist studio and office to the rear. The site is zoned Residential R40 under the Town of Vincent Town Planning Scheme No. 1 (TPS No. 1). Under the TPS No. 1 a warehouse is an 'X' use in a residential zone, therefore not permitted.

The site at No. 17 (Lot 14) Burt Street, Mount Lawley is acknowledged as having non-conforming use rights for a warehouse at the rear. This is evident from the former City of Perth block file, where it was acknowledged at a City of Perth Council Meeting held on 21 April 1980, that No. 17 (Lot 14) Burt Street, Mount Lawley contained a building for warehouse activities and is an established non-conforming use.

A non conforming use is defined by the Town of Vincent Town Planning Scheme No. 1 as follows:

*"non-conforming use" means any use of land or building which was lawful immediately prior to the coming into operation of the Scheme, but is not now in conformity with the provisions of the Scheme.'*

Clause 16 of TPS No. 1 states that:

- (1) Except as otherwise provided in this Scheme, no provision of the Scheme shall be deemed to prevent:*
- (a) the continued use of any land or building for the purpose for which it was being lawfully used at the Gazettal date of the Scheme; or*
  - (b) the carrying out of any development thereon for which, immediately prior to that time, an approval or approvals, lawfully required to authorise the development to be carried out, were duly obtained and are current.'*

At the time of the gazettal of Town of Vincent Town Planning Scheme No. 1 on 4 December 1998, the warehouse at No. 17 (Lot 14) Burt Street, Mount Lawley had non-conforming use rights, granted by the City of Perth; the warehouse use should have been included in the Town's non-conforming use register. There is no information indicating what the business name of the warehouse is as it is now running as four (4) differing uses, rather than one warehouse. Therefore the name has not been included on the Register.

**CONSULTATION/ADVERTISING:**

Any new or rescinded or amended Planning Policy is required to be advertised for public comment in accordance with Clause 47 of the Town's Town Planning Scheme No. 1.

**LEGAL/POLICY:**

Town of Vincent Town Planning Scheme No. 1 and associated Policies.

**RISK MANAGEMENT IMPLICATIONS:**

Not applicable.

**STRATEGIC IMPLICATIONS:**

Town of Vincent Strategic Plan 2009-2014 states:

*'Natural and Built Environment*

*Objective 1.1: Improve and maintain the environment and infrastructure*

*1.1.2 Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision.'*

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

The 2010/2011 budget allocates \$58,200 to Town Planning Scheme Amendments and Policies.

**COMMENTS:**

The Town maintains a Non-Conforming Use Register which forms part of the Planning and Building Policy Manual – Appendix 11.

There is clear evidence in the former City of Perth block file that suggests the warehouse at No. 17 (Lot 14) Burt Street, Mount Lawley had non-conforming use rights under the City of Perth Scheme. As a result, the Non-Conforming Use Register should be amended to reflect this information.

In light of the above, it is recommended that the Council adopt the Officer Resolution to amend the Non-Conforming Use Register to include the 'warehouse' at No. 17 (Lot 14) Burt Street, Mount Lawley and advertise the amendment in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1.

**9.1.3 No. 449 (Lot 103; D/P: 27994) Charles Street, North Perth – Proposed Change of Use from Eating House and Warehouse to Unlisted Use (Catering Service) and Warehouse**

<b>Ward:</b>	North	<b>Date:</b>	22 March 2011
<b>Precinct:</b>	North Perth, P8	<b>File Ref:</b>	PRO0843; 5.2011.24.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report, Development Application and Plans		
<b>Tabled Items:</b>	N/A		
<b>Reporting Officer:</b>	C Harman, Statutory Planning Officer		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by S Fazackerley on behalf of the owner Kasto-Larossa Nominees Pty Ltd for proposed Change of Use from Eating House and Warehouse to Unlisted Use (Catering Service) and Warehouse, at No. 449 (Lot 103; D/P: 27994) Charles Street, North Perth, and as shown on plans stamp-dated 19 January 2011, subject to the following conditions:*

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Charles Street;*
- (ii) the gross floor area of the catering business shall be limited to 135 square metres;*
- (iii) the windows, doors and adjacent floor area facing Charles Street shall maintain an active and interactive frontage to this street;*
- (iv) all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted to and approved by the Town prior to the erection of the signage; and*
- (v) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town.*

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**COUNCIL DECISION ITEM 9.1.3**

**Moved Cr Buckels, Seconded Cr Topelberg**

*That the recommendation be adopted.*

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)**

**(Cr Harvey was an apology for the meeting.)**

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<b>Landowner:</b>	Kasto-Larossa Nominees Pty Ltd
<b>Applicant:</b>	S Fazackerley
<b>Zoning:</b>	Metropolitan Region Scheme (MRS): Urban Town Planning Scheme No. 1 (TPS 1): Residential R60
<b>Existing Land Use:</b>	Eating House, Warehouse
<b>Use Class:</b>	Unlisted Use
<b>Use Classification:</b>	"SA"
<b>Lot Area:</b>	1022 square metres
<b>Access to Right of Way</b>	N/A

**PURPOSE OF REPORT:**

The proposal requires referral to the Council for determination as the applicant is proposing an unlisted use (Catering Service).

**BACKGROUND:**

- 10 December 1975 The City of Perth granted approval for an Eating House (Pizza Parlour) at the front of the site, with seating for approximately 20 patrons. The building at the rear of the site is an existing warehouse.
- 1975 – 2005 The site has maintained the eating house use, with various businesses operating under the original approval.
- 28 June 2005 The Town issued a Section 40 Certificate for a restaurant liquor licence for the Ouzo Greek Taverna, which has been operating since 2005.

**DETAILS:**

The proposal involves the Change of Use from an existing Eating House and Warehouse to a Catering Service and Warehouse at No. 449 Charles Street, North Perth. The proposal would see the discontinuance of the former Ouzo Greek Tavern which has been the source of numerous noise and health complaints.

The catering business does not have specific trading hours; rather it is open by appointment only. The applicant has stated that whilst the site is open to the public by appointment, the kitchen may be operating for up to 40 hours per week, as per many other businesses throughout the Town. The maximum number of employees would be limited to twelve (12) and the maximum number of customers would be ten (10), at any one time for tastings, however the applicant has stated that this is more likely to be 3-4 customers, given the nature of the business.

The existing site does not have any line-marked on-site car parking; however the current delivery area behind the front building is large enough to accommodate eight car bays, including one disabled bay.

There are to be no changes to the external façade or any structural changes to the internal layout as the applicant will be utilising the existing layout.

**COMPLIANCE:**

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
<b>Non-Compliant Requirement:</b>	"P" Permitted	Catering Service - 'SA'
<i>Officer Comments:</i>		
Supported – despite its residential zoning, the site has a longstanding history of commercial usage, with the majority being associated with food businesses. The existing warehouse structure at the rear of the site has existed since before 1975 and is not proposed to change as part of this application. It is also considered that the catering business will have less of an impact on the amenity of the adjoining residential area than the former Ouzo Greek Taverna.		

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



<b>Consultation</b>	
<b>In Support:</b>	Nil.
<b>Objections:</b>	1
Comments Received	Officer Comments
<ul style="list-style-type: none"> <li>The site has not been residential for years and should not be noted as being a change of use from <i>residential</i> to Unlisted Use (Catering Service) and Warehouse.</li> </ul>	Noted – The site is zoned Residential R60 under the Town’s Town Planning Scheme No. 1 and this is the reason for listing it as such. The Town acknowledges the site’s longstanding history of commercial uses and has amended the title of the application accordingly.
<b>Advertising</b>	Advertising for the proposal for a period of 21 days was carried out as per the Town’s Policy No. 4.1.5 relating to Community Consultation.
<b>Other Implications</b>	
<b>Legal/Policy</b>	TPS 1 and associated Policies.
<b>Strategic</b>	Nil
<b>Sustainability</b>	Nil
<b>Financial/Budget</b>	Nil.
<b>Car Parking</b>	
Car parking requirement (nearest whole number)	= 7 car bays
<ul style="list-style-type: none"> <li>Catering Service – 3 spaces for the first 200 square metres (135 square metres) = 2.025</li> <li>Warehouse – 3 spaces for the first 200 square metres and 1 space per 100 square metres thereafter (375 square metres) = 4.75</li> </ul>	
Apply the adjustment factors.	
<ul style="list-style-type: none"> <li>0.85 (within 400 metres of a bus stop)</li> </ul>	(0.8075) = 5.65 car bays
Minus the car parking provided on-site	8 bays on-site.
Minus the most recently approved on-site car parking shortfall.	Not applicable.
Resultant surplus	2.35 bays.
<b>Bicycle Parking</b>	
<b>Catering Business</b>	There is no bicycle parking requirement for the proposed use.

**COMMENTS:**

The site has a longstanding history of commercial uses associated with food businesses and with the exception of the Ouzo Greek Taverna, have all operated without complaint. The proposed use will see a surplus of car parking on the site and proposal will also see the discontinuance of the former Ouzo Greek Tavern, which has been the source of many complaints to the Town.

In light of the above, the proposal is considered to have a significantly lesser impact on the adjoining residential areas and it is recommended that the application be approved subject to standard and appropriate conditions.

**9.2.1 Proposed Changes to 'On Road' Parking Restrictions – Brisbane Terrace, Perth**

<b>Ward:</b>	South	<b>Date:</b>	25 March 2011
<b>Precinct:</b>	Hyde Park – P12	<b>File Ref:</b>	PKG0055
<b>Attachments:</b>	<a href="#">001</a> – Plan No. 2775-PP-01C <a href="#">002</a> – Summary of Comments		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	R Lotznicker, Director Technical Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *APPROVES the implementation of a 'No Stopping' parking restriction on the south side of Brisbane Terrace between Lake Street and Brisbane Place as shown on attached Pan No. 2775-PP-01C;*
- (ii) *RETAINS the "1P" (1 hour) restriction 'at all times' on the North side of the street for the reasons outlined in the report;*
- (iii) *NOTES that the existing line marking will be repainted and enforcement will be increased in the area; and*
- (iv) *LISTS \$15,000 for consideration in the 2011/2012 draft Budget for the planting of trees on the south side of Brisbane Terrace.*

**COUNCIL DECISION ITEM 9.2.1**

**Moved Cr Buckels, Seconded Cr Topelberg**

*That the recommendation be adopted.*

**CARRIED UNANIMOUSLY "EN BLOC" (8-0)**

**(Cr Harvey was an apology for the meeting.)**

**PURPOSE OF REPORT:**

The purpose of this report is to inform the Council of a request for the Town to improve safety and amenity for residents parked vehicles in Brisbane Terrace Perth.

**BACKGROUND:**

In early 2011 the Town received a request for the Town to investigate safety and amenity improvements for parked vehicles in Brisbane Terrace.

Traffic improvements in Brisbane Terrace and adjoining Street was previously considered by the Council in the late 1990's when a number of vehicles were side swiped due to the narrow width of the roads in this area and the general lack of off road parking. At the time the Town's officers presented a proposal to convert several of the narrow Streets in this area to one way. However following extensive community consultation, and in particular the resulting strong objection to the proposal by the Hyde Park Precinct Group, the proposal did not proceed resulting on no significant improvements being implemented.

**DETAILS:**

Brisbane Terrace runs between Lake Street and Brisbane Place. The road reserve width is only 10m wide and the road width is 5.0m wide. Given the narrow road width parked vehicles are forced to straddle the footpaths to leave enough room for a vehicle to pass. This practice has not only resulted in parked vehicles being ‘side swiped’ but also inadequate room on the footpath for pedestrians and other users and resultant damage to the footpath surface.



As can be seen from the above photograph, a number of properties on the south side of the street have garages and off road parking obviating the need for these residents to park in the street whilst properties on the north side of the street have very little if any off road parking available.

**Community Consultation:**

On 12 January 2011 forty three (43) letters were distributed to residents in Brisbane Terrace and Robinson Ave.

The consultation letter comprised the following (in part):

*The Town has received several complaints regarding parked vehicles on Brisbane Terrace, being damaged (side swiped) due to the narrow road width and the current scenario in the street permitting parking on both sides of the street.*

*In an effort to address this situation, it is proposed that the existing one (1) hour parking restriction on the north side of the street be retained and a no stopping parking restriction be introduced on the south side of the street. This suggested proposal would ensure that there is an unobstructed vehicle path of adequate width at all times which would minimise damage to vehicles parked in the street.*

*At this stage it is intended that the street remain 'two way' and that courtesy will need to prevail when two vehicles are using the street travelling in opposite directions. It is considered that the 'no stopping' restrictions, on the road, adjacent to existing crossovers would act as a passing lane (as is the case in many other narrow roads in the Town).*

*For your information, and you may be aware, residents are eligible to apply for an exemption from time restrictions for themselves and their guests in accordance with the following:*

- *A maximum of two Residential Parking Permits will be issued to properties which have no off-street parking. If off-street parking can be provided for one vehicle, only one Residential Parking Permit will be issued.*
- *A maximum of two Visitor's Parking Permits can be issued to each property.*
- *Businesses are precluded from obtaining Residential Parking Permits.*



Vehicles Straddling the footpath – Brisbane Terrace (looking from west to east towards Brisbane Place)



Existing 'No Stopping' line marking in front of crossovers south side of Brisbane Terrace (looking from east to west towards Lake St)



Example of existing Resident Only Parking Signage Robinson Avenue

### **Discussion:**

At the close of consultation twenty one (21) responses were received with nine (9) in favour, one (1) partially in favour, eight (8) partially in favour with other suggestions and three (3) against.

**Banning parking on south side of street:**

Eighteen (18) out of the twenty one (21) respondents were in favour of this proposal.

Officers Comments:

*The majority of respondents are in favour of this proposal so it is recommended that this initiative be approved.*

**1P parking on the north side of the street:**

Nine (9) respondents want the 1P (1 hour) on the north side of the street replaced with residential only parking.

Officers Comments:

*Previous Council Decisions regarding Residential Parking in this area:*

Ordinary Meeting held on 29 September 1998:

*The Council considered a report to implement a three (3) month pilot trial study of Residential Parking Zones in Robinson Avenue, between Brisbane Place and Lake Street, Brookman Street and Wellman Street, Northbridge where it was adopted (in part) that a survey of the proposed pilot area be undertaken to establish the level of community support for such a programme and if the survey results suggest that there is a high level of public support for the introduction of Residential Parking Zones, a three (3) month pilot study be undertaken in Robinson Avenue, between Brisbane Place and Lake Street, Brookman Street and Wellman Street, Northbridge.*

Ordinary Meeting held on 16 November 1998:

*Following the survey of residents, the Council considered a further report on the matter where it was decided that; signs be erected in the proposed pilot area in Robinson Avenue between Brisbane Place and Lake Street, and Brookman Street, Northbridge; and*

Ordinary Meeting held on 14 June 1999:

*Following the trial a further report was considered by the Council where it was decided in part that in view of the success of the current temporary Residential Parking Zones in Brookman Street and Robinson Avenue, Perth, these restrictions be made permanent.*

*During the consultation phase (in 1998 some residents in adjoining street) wanted the residential only restrictions to be extended to their street also.*

*Residential only parking in public streets is not generally supported by the Town's Administration as this may have an adverse effect on the availability of on road parking in built up areas adjacent to commercial centres*

*A detailed inspection of all properties adjoining Brisbane Terrace revealed that ALL but one (1) property on the south side of the street have 'off road' parking, either from Brisbane Terrace or from Robinson Avenue while nine (9) out of the fifteen (15) properties which adjoin the north side of the street have 'off road' parking available. (Note: one (1) is a vacant lot which will be required to provide adequate parking at development stage).*

*It is therefore considered that if resident only parking was implemented in this street, there would be very few vehicle parked in the street as only residents without off street parking would qualify for a 'resident only' parking permit.*

*Therefore it is considered that the existing 1P restriction (at all times) be retained and policed more stringently.*

**Other Comments:**

Those who advised they were against the proposal indicated what is proposed would place pressure of adjacent streets, more policing required, resident only parking north and south side, speed humps, widen road etc.

There were also suggestions to plant trees (like Robinson Avenue) remove the footpath on the south side of the street and plant trees.

Officers Comments:

*Speeds and volumes in the street are low and speed humps are not justified as the streets are self regulating (85% speed 38kph, volume under 200vpd). Planting of trees can be looked at. Removal of footpath on the south side is not supported.*

**CONSULTATION/ADVERTISING:**

The respondents will be informed of the Council's decision.

**LEGAL/POLICY:**

There is no legal consequence of the recommendation. Generally the Town's Rangers would place a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** Mainly related to amenity improvements for residents.

**STRATEGIC IMPLICATIONS:**

In accordance with the objective of Strategic Plan 2009-2014 – 1.1.6 Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *“(a) implement adopted annual infrastructure upgrade programs, including streetscape enhancements, footpaths, rights of way, car parking and roads.”*

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The cost to line mark yellow 'No Stopping' on the south side of Brisbane Terrace is in the order of \$300.

**COMMENTS:**

The residents' complaints were based on narrow width of the street due to vehicles being parked on both sides of the street. To address this most residents indicated they were in favour of banning parking on the south side of the street.

Some residents requested that resident only parking be implemented however as mentioned above residential only parking in public streets is not generally supported by the Town's Administration as this may have an adverse effect on the availability of on road parking in built up areas adjacent to commercial centres. "Resident Only" parking is already available to all those complainants who have Robinson Avenue frontage, although all but one of these has access to on-site parking.

A detailed inspection of all properties adjoining Brisbane Terrace revealed that ALL but one of the properties on the south side of the street have 'off road parking', either from Brisbane Terrace or from Robinson Avenue while six (6) out of the fifteen (15) properties bounding the north side of the street have off road parking available. Two (2) of those without off-street parking did not respond to the consultation at all.

Therefore it is considered that the existing 1P (1 hour) restriction (at all times) be retained and policed more stringently and that the officer recommendation be adopted.

**9.3.1 No. 245 (Lot 245) Vincent Street, Leederville – Proposed Lease for Patricia Giles Centre Incorporated**

<b>Ward:</b>	South Ward	<b>Date:</b>	22 March 2011
<b>Precinct:</b>	Oxford Centre (4)	<b>File Ref:</b>	PRO0400
<b>Attachments:</b>	Nil		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	T Lumbis, Administration Officer Technical Services		
<b>Responsible Officer:</b>	M Rootsey, Director Corporate Services		

**OFFICER RECOMMENDATION:**

*That the Council APPROVES of a Lease from 1 December 2011 to 30 November 2016, for the premises at 245 (Lot 245) Vincent Street, Leederville, being granted to the Patricia Giles Centre Inc. as follows:*

- (a) *Term: five (5) years plus five (5) year option;*
- (b) *Rent: \$7,460/annum indexed to CPI;*
- (c) *Outgoings: to be paid by the Lessee;*
- (d) *Rates & Taxes: to be paid by the Lessee; and*
- (e) *Permitted Use: Office; and*

*subject to final satisfactory negotiations being carried out by the Chief Executive Officer.*

**COUNCIL DECISION ITEM 9.3.1**

**Moved Cr Buckels, Seconded Cr Topelberg**

*That the recommendation be adopted.*

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)**

**(Cr Harvey was an apology for the meeting.)**

**PURPOSE OF REPORT:**

The purpose of this report is to provide Council with details regarding the Patricia Giles Centre lease and their request for a new Lease.

**BACKGROUND:**

The Patricia Giles Centre has held a lease over 245 Vincent Street, Leederville for a period of ten (10) years, consisting of two (2) five (5) year terms of which the current period is due to expire on the 30 November 2011.

The centre that provides services to women and children who have experienced domestic violence as well as men who seek to improve the quality of their family relationships. The area is primarily used for counselling services.

**DETAILS:**

The Town received correspondence from the Patricia Giles Centre on the 18 March 2011 which in part stated as follows:

*"The Patricia Giles Centre would like to continue with another 5 year lease (plus 5 year option) of 245 Vincent Street, Leederville.*

*The Children's Counselling service which operates from these premises believes it is in an ideal location and the house provides a child positive environment in which to undertake counselling sessions.*

*The Town of Vincent maintains the house and garden to a high standard and this also makes it a pleasant environment for staff and clients."*

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

Town of Vincent Policy 1.2.1 – Policy Statement:

1. Any new lease granted by the Council shall usually be limited to a five (5) year period, and any option to renew shall usually be limited to no more than a ten (10) year period.
2. Council may consider longer periods where the Council is of the opinion that there is benefit or merit for providing a longer lease term.

**RISK MANAGEMENT IMPLICATIONS:**

The Patricia Giles Centre Inc. have been excellent tenants during their lease periods.

**STRATEGIC IMPLICATIONS:**

In accordance with the objective of Strategic Plan 2009-2014 – Key Result Area One:

*"1.1.6 Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment:*

- (a) implement adopted annual infrastructure upgrade programs, including streetscape enhancements, footpaths, rights of way, car parking and roads."*

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The current annual lease payment is \$7,460 per annum GST inclusive and is linked to the annual Consumer Price Index (CPI) index. It is recommended that given the use this, agreement be continued subject to satisfactory negotiations.

**COMMENTS:**

Patricia Giles Centre Inc. have been good tenants for the ten (10) years and the Administration has no hesitation supporting a further five (5) year period, with a five (5) year option.



**9.4.4 Information Bulletin**

<b>Ward:</b>	-	<b>Date:</b>	25 March 2011
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Attachments:</b>	<a href="#">001</a> – Information Bulletin		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Radici, Executive Assistant		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

*That the Council RECEIVES the Information Bulletin dated 5 April 2011, as distributed with the Agenda.*

**COUNCIL DECISION ITEM 9.4.4**

**Moved Cr Buckels, Seconded Cr Topelberg**

*That the recommendation be adopted.*

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)**

**(Cr Harvey was an apology for the meeting.)**

**DETAILS:**

The items included in the Information Bulletin dated 5 April 2011 are as follows:

<b>ITEM</b>	<b>DESCRIPTION</b>
IB01	Letter from the Department of Planning regarding an Update on the Status and Implementation of Development Assessment Panels (DAPS)
IB02	Letter from WALGA regarding New State Road Funds to Local Government Agreement
IB03	Letter of Appreciation from the Lord Mayor’s Distress Relief Fund regarding donation to the Perth Hills Fire Appeal
IB04	Letter of Appreciation from the Australian Red Cross regarding donation to the Red Cross Victorian Floods Appeal
IB05	Email of Appreciation from Ms E. Jago regarding the William Street Festival
IB06	Progress Report on the Physical Activity Strategic Plan
IB07	Minutes of Mindarie Regional Council Special Meeting of Council held on 17 March 2011
IB08	Register of Petitions - Progress Report - April 2011
IB09	Register of Notices of Motion - Progress Report - April 2011
IB10	Register of Reports to be Actioned - Progress Report – April 2011
IB11	Register of Legal Action (Confidential – Council Members Only) - Progress Report - April 2011
IB12	Register of State Administrative Tribunal Appeals - Progress Report – April 2011
IB13	Forum Notes - 15 March 2011
IB14	Notice of Forum - 12 April 2011

**9.2.4 Robertson Park – Proposed Fencing**

<b>Ward:</b>	South	<b>Date:</b>	22 March 2011
<b>Precinct:</b>	Hyde Park; P12	<b>File Ref:</b>	RES0066
<b>Attachments:</b>	<a href="#">001</a> – Plan of Robertson Park <a href="#">002</a> – Amended Plan of Robertson Park – Fencing		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	J van den Bok, Manager Parks & Property Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

*That the Council APPROVES BY AN ABSOLUTE MAJORITY to reallocate \$15,000 to carry out the urgent installation of a 900mm high chainmesh fencing in the areas indicated on the attached Plan as shown in Appendix 9.2.4 of Robertson Park to reduce the risk of accident/injury to animals and persons crossing the central pathway and potentially conflicting with passing cyclists and for this to be funded from a funding source to be determined by the Chief Executive Officer.*

Moved Cr Lake, Seconded Cr Farrell

*That the recommendation be adopted.*

Debate ensued.

**AMENDMENT NO 1**

Moved Cr Farrell, Seconded Cr Burns

*That the recommendation be amended to read as follows:*

*“That the Council APPROVES BY AN ABSOLUTE MAJORITY to reallocate \$15,000 to carry out the urgent installation of a ~~900mm high chainmesh~~ fencing and landscaping as determined by the Director Technical Services in the areas indicated on the ~~attached~~ Plan as shown in amended Appendix 9.2.4B (as tabled and electronically attached as 002) of Robertson Park to reduce the risk of accident/injury to animals and persons crossing the central pathway and potentially conflicting with passing cyclists and for this to be funded from a funding source to be determined by the Chief Executive Officer.”*

Debate ensued.

The Seconder, Cr Burns advised that she wished to reword the amendment as follows:

*“That the Council APPROVES BY AN ABSOLUTE MAJORITY to reallocate \$15,000 to carry out the urgent installation of a ~~900mm high chainmesh~~ fencing and landscaping as determined by the Director Technical Services in the areas indicated on the ~~attached~~ Plan as shown in amended Appendix 9.2.4B (as tabled and electronically attached as 002) of Robertson Park to reduce the risk of accident/injury to animals and persons crossing the central pathway and potentially conflicting with passing cyclists and for this to be funded from a funding source to be determined by the Chief Executive Officer, subject to:*

- (i) the fence on the playground side to remain at 900mm height and be extended in length (to the second tree on the left);*
- (ii) the lower fence on the dog exercise area side to be 600mm in height; and*
- (iii) a “zebra crossing” to be painted on the path between the two openings.”*

The Mover, Cr Farrell agreed.

Debate ensued.

**AMENDMENT NO 1 PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Harvey was an apology for the meeting.)

Debate ensued.

**AMENDMENT NO 2**

**Moved Cr Lake, Seconded Cr McGrath**

*That a new subclause (iv) be inserted as follows:*

*“(iv) the fence being extended to address the “blind corner” in the north east corner of the dog exercise area.”*

**AMENDMENT NO 2 PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Harvey was an apology for the meeting.)

Debate ensued.

**AMENDMENT NO 3**

**Moved Cr Lake, Seconded Cr Farrell**

*That Amendment No. 1 be changed to relocate the position of the opening from the “blind corner” and delete the “zebra crossing”.*

Debate ensued.

The Director Technical Services recommended that the “zebra crossing” be deleted as he considered this would not add to the safety of the Park users as it would give them a false sense of security when attempting to cross over the path.

Debate ensued.

**AMENDMENT NO 3 PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Harvey was an apology for the meeting.)

Debate ensued.

**PROPOSED AMENDMENT NO 4**

**Moved Cr Maier, Seconded .....**

*That a new clause (ii) be inserted as follows:*

*“(ii) REQUESTS that the Chief Executive Officer investigate the use of clauses 2.71 and 2.72 of the Town’s Local Government Property Local Law 2008 including obtaining external legal advice to define different classes of bicycle use with a view of introducing speed restrictions for bicycle riders within the Town’s parks and reserves.”*

The Presiding Member, Mayor Nick Catania ruled that he could not accept the amendment as this was not relevant to the Motion and suggested that Cr Maier submit a Notice of Motion to a subsequent Meeting.

**Debate ensued.**

**MOTION AS AMENDED PUT AND CARRIED**  
**BY AN ABSOLUTE MAJORITY (7-1)**

**For:** Mayor Catania, Cr Buckels, Cr Burns, Cr Farrell, Cr Lake, Cr McGrath,  
Cr Topelberg

**Against:** Cr Maier

**(Cr Harvey was an apology for the meeting.)**

**COUNCIL DECISION ITEM 9.2.4**

*That the Council APPROVES BY AN ABSOLUTE MAJORITY to reallocate \$15,000 to carry out the urgent installation of a fencing and landscaping as determined by the Director Technical Services in the areas indicated on the Plan as shown in amended Appendix 9.2.4B (as tabled and electronically attached as 002) of Robertson Park to reduce the risk of accident/injury to animals and persons crossing the central pathway and potentially conflicting with passing cyclists and for this to be funded from a funding source to be determined by the Chief Executive Officer, subject to:*

- (i) the fence on the playground side to remain at 900mm height and be extended in length (to the second tree on the left);*
- (ii) the lower fence on the dog exercise area side to be 600mm in height; and*
- (iv) the fence being extended to address the “blind corner” in the north east corner of the dog exercise area.*

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**PURPOSE OF REPORT:**

The purpose of the report is to advise the Council of a recent incident and correspondence received from concerned dog community representatives who use Robertson Park and to seek in principle approval to provide funding to install a barrier fence to reduce the risk of further incidents occurring.

**BACKGROUND:**

Correspondence was recently received from residents living around the Robertson Park area stating that they are very concerned about a potential safety issue at the Park.

On the 8 March 2011 a small dog was run over by a cyclist on the dual use path between the large area of open space (main area used for dog exercise) and the children's playground. Whilst the incident was obviously unintentional, the dog suffered extensive and serious injuries and the owners are now allegedly facing a veterinary bill of over \$10,000.

Apparently this is not the first incident involving dogs, children and pedestrians being hit or nearly hit by cyclists, many of whom ride through the park at great speed.

Currently there is no signage to notify cyclists to ‘slow down’ as there may be dogs and pedestrians in the vicinity or that there are children playing in the playground or that the entire park is in fact a gazetted ‘dog exercise area’.

The local dog park communities have previously requested a perimeter fence around the park and have now requested that the Town install signage, bike calming measures, fencing and/or an alternative path for cyclists in this central area of the park.

**DETAILS:**

**Site meeting**

A meeting was held on site with local residents, the Town's Manager Asset & Design Services, Manager Parks & Property Services and the Senior Ranger on Wednesday 16 March 2011 to discuss the issues, identify options to reduce the speed of cyclists and raise awareness of all patrons in regard to the use of the park.

**Signage**

Residents advised that many cyclists had abused dog owners shouting to them as they passed that all dogs should be on leads. They considered that there was inadequate signage around the park indicating that the whole park was in fact a gazetted Dog Exercise area not just the area of green space adjacent to Stuart Street where they tend to congregate.

Officers Comments:

*It was agreed that signage indicating that the park was a dog exercise "free" area should be installed immediately and funding for signage could be sourced from the parks maintenance budget.*

**Line Marking & "rumble strips"**

Residents advised that there was no line marking on pathways or signage within the park to notify cyclists to slowdown and look out for animals or pedestrian traffic.

Officers Comments:

*It was agreed that line marking and "rumble strips" should be provided on all approaches to the central pathway to warn cyclists of pedestrian traffic and too slow down. This work has now been undertaken with costs sourced from the Perth Bicycle Network Improvement budget.*

**Additional Pathways**

Residents suggested that an additional pathway be constructed along the southern edge of the tennis courts specifically for cyclists to pass through this area of the park.

Officers Comments:

*Officers indicated that this option would not be supported as the cost would be significant and cyclists would not necessarily use the path. An additional path would also detract from the park and 'symmetry' of the overall design (as previously developed/approved).*

**Fencing**

The residents and officers considered that two (2) barrier fences installed between the playground and the central pathway and the large open grassed area and the pathway would be the best solution to the problem. Gates could be provided for easy access into both areas or users of the park could simply walk around.

Officers Comments

*Given that the entire park is a dog exercise area and the large open spaced grassed area is the area where most people congregate and let their dogs run around the barrier fencing is the simplest and most effective solution to this problem. A barrier fence adjacent the playground will also prevent children from running directly across the central paths and out in front of cyclists.*

**CONSULTATION/ADVERTISING:**

Meetings have been held with local dog owners on site to discuss the issues and identify potential solutions. Ongoing liaison with the local dog community is being undertaken through Ranger Services and Technical Services in regards to the progress of works such as signage and line marking which is currently in progress. All respondents will be advised of the Council decision.

**LEGAL/POLICY:**

The Council has a “duty of care” to ensure that it takes all reasonable action to remove or minimise safety concerns and risks in places under the care, control and management of the Council.

**RISK MANAGEMENT IMPLICATIONS:**

**High:** Cyclists using our dual use paths and speeding through parks to commute to and from the city is becoming more and more of an issue. Robertson Park is heavily patronised particularly in the evening and the potential risk of further incidents/accidents occurring is significant in this area of the park. Failure to exercise a “duty of care” and take all reasonable action will expose the Town to potential public liability claims in the future.

**STRATEGIC IMPLICATIONS:**

In accordance with the objective of Strategic Plan 2009-2014 – Key Result Area One: 1.1.6 *Enhance and maintain the Town’s infrastructure to provide a safe, healthy, sustainable and functional environment.*

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

There are no funds on the Budget 2010-2011, as this matter arose after the adoption of the 2010-2011 Budget. An absolute majority decision of the Council is therefore required.

The estimated cost to provide fencing with two (2) gates along both sides of the central walkway between the playground and main dog exercise area (as shown on the attached plan) is as follow:

- 900mm high chainmesh fencing           \$15,000
- 900mm high pool-type fencing           \$21,000

**COMMENTS:**

Local dog owners have been very appreciative of the Town’s efforts in addressing this issue to date and consider the fencing to be a simple but effective resolution to address the risk in this area of the park.

It is therefore recommended that the Council approve the installation of fencing as shown on the attached plan and reallocate funding to undertake the proposed works, as a matter of priority.

### **9.3.2 Sponsorship of Double Lucky Mural Painting Event**

<b>Ward:</b>	South	<b>Date:</b>	24 March 2011
<b>Precinct:</b>	Oxford Centre	<b>File Ref:</b>	FIN0008/PRO4118
<b>Attachments:</b>	<a href="#">001</a> – Correspondence from Double Lucky		
<b>Tabled Items:</b>	-		
<b>Reporting Officers:</b>	R Gunning, Arts Officer; J Anthony, Manager Community Development		
<b>Responsible Officers:</b>	M Rootsey, Director Corporate Services		

**OFFICER RECOMMENDATION:**

*That the Council APPROVES the request by the small bar Double Lucky for sponsorship of \$3,000 to hold a Mural Art Painting Event.*

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Cr Burns departed the Chamber at 7.13pm.

**COUNCIL DECISION ITEM 9.3.2**

**Moved Cr Farrell, Seconded Cr Maier**

*That the recommendation be adopted.*

Debate ensued.

Cr Burns returned to the Chamber at 7.14pm.

Debate ensued.

**MOTION PUT AND CARRIED (7-1)**

**For:** Mayor Catania, Cr Buckels, Cr Burns, Cr Farrell, Cr Lake, Cr McGrath,  
Cr Topelberg

**Against:** Cr Maier

**(Cr Harvey was an apology for the meeting.)**

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**PURPOSE OF REPORT:**

To seek approval of the request by the small bar Double Lucky for sponsorship of \$3,000 to run a mural art painting event on the outside of their establishment.

**BACKGROUND:**

Double Lucky is a small bar situated on Newcastle Street in the Oxford Centre Precinct. In the three years of operation the bar has been proactive in promoting a diverse range of art related activities. The outside walls are painted in an urban art style.

**DETAILS:**

The proposed event is based around the activity of repainting the three external walls of the Double Lucky small bar. The surrounding laneway is to be fenced off for the duration of the event. DJ's will provide musical entertainment while the final stages of the murals are completed by a number of Urban Artists. The event is to take place on a Sunday from 2pm to 10pm in late April (dates to be announced). Full details are provided in a letter and programme proposal provided as an attachment.

**CONSULTATION/ADVERTISING:**

The event will be promoted through a variety of media including posters, radio and news paper advertisements and a website. The Town's support will be acknowledged in all advertising of the event.

**LEGAL/POLICY:**

The proprietors of 'Double Lucky' will be responsible for all public liability regarding the event.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** The proprietors of 'Double Lucky' will be responsible for undertaking all risk management implications.

**STRATEGIC IMPLICATIONS:**

The Cultural Development Seeding Grants and the submitted application address the following strategic objectives of the Town's Strategic Plan 2009–14:

*“3.1.1 Celebrate and acknowledge the Town's cultural and social diversity*

- (a) Organise and promote community events and initiatives that engage the community and celebrate cultural and social diversity of the Town.”*

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The total sponsorship requested is \$3,000. This amount will go directly to the artist and the cost of paint. This amount is to be funded from the Community/Public Artwork account.

**COMMENTS:**

The proposed event is an ideal avenue to celebrate and promote the achievements of artists working in the Urban Art genre. Urban Art in the last two decades has become a widely accepted form of artistic expression with particular, although not exclusive, appeal to the young. The 'repaint' event is proposed to become an annual national competition that has the potential to promote the Town on a national platform as being a place where cultural diversity and is celebrated and supported. The existing Urban Art on the 'Double Lucky' walls benefits the local community by adding vibrancy to the Oxford Centre Precinct. The new work no doubt will continue and extend this role. It is within the context of these considerations that it is recommended the sponsorship request is supported.



**9.1.2 No. 17 (Lot 14; D/P: 25299) Burt Street, Mount Lawley – Proposed Change of Use from Warehouse (Non-Conforming Use) to Warehouse, Art Studio (Unlisted Use) and Office (Retrospective Application) and Alteration of Residential Car Bays for Existing Residential Dwelling – Further Report**

<b>Ward:</b>	South	<b>Date:</b>	21 April 2011
<b>Precinct:</b>	Norfolk Precinct; P10	<b>File Ref:</b>	PRO1254; 5.2010.413.3
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report, Development Application and Plans		
<b>Tabled Items</b>	Applicant's submission and associated documentation		
<b>Reporting Officer:</b>	T Cappellucci, Planning Officer (Statutory)		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**FURTHER OFFICER RECOMMENDATION:**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Brian Hunt Pty Ltd on behalf of the owner E E & F T Stoltze for proposed Change of Use from Warehouse (Non-Conforming Use) to Warehouse, Art Studio (Unlisted Use) and Office (Retrospective Application) and Alteration of Residential Car Bays for Existing Residential Dwelling, at No. 17 (Lot 14; D/P: 25299) Burt Street, Mount Lawley, and as shown on plans stamp-dated 22 November 2010, subject to the following conditions:*

(i) **Building**

- (a) *All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Burt Street;*
- (b) *The maximum gross floor area for the office and artist studio shall be limited to 71 square metres and 78 square metres, respectively. The maximum total gross floor area of the warehouse shall be limited to 277 square metres. Any increase in gross floor area or change of use of the office, artist studio and warehouse shall require Planning Approval to be applied to and obtained from the Town. Any change of use shall be assessed in accordance with the relevant Planning Policy including the Town's Parking and Access Policy No. 3.7.1; and*
- (c) *The artist studio shall not be used for training purposes or educational classes at anytime;*

(ii) **Car Parking**

- (a) *The car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (b) *The car bays allocated to the warehouse, artist studio and office shall be used only by employees, tenants, and visitors directly associated with the development; and*
- (c) *The two (2) proposed residential car bays for the existing residential property on-site shall be used only by the occupiers of the residential dwelling;*

(iii) Signage

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

(iv) Operating Times of Artist Studio

(a) *The hours of operation shall be limited to 8.00am to 6.00pm Monday to Friday inclusive;*

(b) *8.00am to 1.00pm on Saturday; and*

(c) *Closed on Sundays and Public Holidays.*

(v) **PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the Town:**

(a) Refuse and Recycling Management Plan

*A comprehensive Refuse and Recycling Management Plan shall be prepared and submitted by a duly qualified consultant, detailing such matters as number of bins (general waste and recycling), bin store size, wash down facility, frequency and manner of collection, size of collection vehicle etc, to ensure that the proposal is compatible with the Town's Waste Management Policy;*

(b) Residential Car Bays

*A detailed landscaping plan showing a landscaping strip between the proposed residential car bays and the footpath towards Burt Street to screen the car bays from the street, is to be provided; and*

(vi) **PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the following shall be completed to the satisfaction of the Town:**

(a) Car Parking

*Prior to the first occupation of the development, the car parking spaces provided for the warehouse, artist studio and office as well as for the residential property, shall be clearly marked and signposted; and*

(b) Management Plan

*A detailed management plan that addresses the control of noise, traffic, car parking, disposal of rubbish and its collection and litter associated with the development and any other appropriate matters shall be submitted to and approved by the Town prior to the first occupation of the development, and thereafter implemented and maintained.*

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**Moved Cr Topelberg, Seconded Cr Maier**

*That the recommendation be adopted.*

**Debate ensued.**

Cr Farrell departed the Chamber at 7.17pm.

Debate ensued.

Cr Farrell returned to the Chamber at 7.18pm.

Debate ensued.

**AMENDMENT NO 1**

**Moved Cr Maier, Seconded Cr McGrath**

*That a new subclause (ii)(d) be inserted to read as follows:*

“(ii) **Car Parking**

*...(d) the on-site car parking area for the non-residential component shall be available for the occupiers of the residential component outside normal business hours;”*

**AMENDMENT NO 1 PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Harvey was an apology for the meeting.)

**AMENDMENT NO 2**

**Moved Cr Maier, Seconded Cr Topelberg**

*That subclause (ii)(c) be amended to read as follows:*

“(ii) **Car Parking**

*...(c) Due to the possible negative impact on the streetscape, the two (2) proposed residential car bays for the existing residential property within the front setback area are not required; on-site shall be used only by the occupiers of the residential dwelling;”*

Debate ensued.

**AMENDMENT NO 2 PUT AND LOST (3-5)**

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

**Against:** Mayor Catania, Cr Burns, Cr Farrell, Cr Lake, Cr Topelberg

(Cr Harvey was an apology for the meeting.)

**MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Harvey was an apology for the meeting.)

**COUNCIL DECISION ITEM 9.1.2**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Brian Hunt Pty Ltd on behalf of the owner E E & F T Stoltze for proposed Change of Use from Warehouse (Non-Conforming Use) to Warehouse, Art Studio (Unlisted Use) and Office (Retrospective Application) and Alteration of Residential Car Bays for Existing Residential Dwelling, at No. 17 (Lot 14; D/P: 25299) Burt Street, Mount Lawley, and as shown on plans stamp-dated 22 November 2010, subject to the following conditions:*

(i) **Building**

- (a) *All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Burt Street;*
- (b) *The maximum gross floor area for the office and artist studio shall be limited to 71 square metres and 78 square metres, respectively. The maximum total gross floor area of the warehouse shall be limited to 277 square metres. Any increase in gross floor area or change of use of the office, artist studio and warehouse shall require Planning Approval to be applied to and obtained from the Town. Any change of use shall be assessed in accordance with the relevant Planning Policy including the Town's Parking and Access Policy No. 3.7.1; and*
- (c) *The artist studio shall not be used for training purposes or educational classes at anytime;*

(ii) **Car Parking**

- (a) *The car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (b) *The car bays allocated to the warehouse, artist studio and office shall be used only by employees, tenants, and visitors directly associated with the development;*
- (c) *The two (2) proposed residential car bays for the existing residential property on-site shall be used only by the occupiers of the residential dwelling; and*
- (d) *the on-site car parking area for the non-residential component shall be available for the occupiers of the residential component outside normal business hours;*

(iii) **Signage**

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

(iv) **Operating Times of Artist Studio**

- (a) *The hours of operation shall be limited to 8.00am to 6.00pm Monday to Friday inclusive;*
- (b) *8.00am to 1.00pm on Saturday; and*
- (c) *Closed on Sundays and Public Holidays.*

(v) **PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the Town:**

(a) **Refuse and Recycling Management Plan**

*A comprehensive Refuse and Recycling Management Plan shall be prepared and submitted by a duly qualified consultant, detailing such matters as number of bins (general waste and recycling), bin store size, wash down facility, frequency and manner of collection, size of collection vehicle etc, to ensure that the proposal is compatible with the Town's Waste Management Policy;*

(b) **Residential Car Bays**

*A detailed landscaping plan showing a landscaping strip between the proposed residential car bays and the footpath towards Burt Street to screen the car bays from the street, is to be provided; and*

(vi) **PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the following shall be completed to the satisfaction of the Town:**

(a) **Car Parking**

*Prior to the first occupation of the development, the car parking spaces provided for the warehouse, artist studio and office as well as for the residential property, shall be clearly marked and signposted; and*

(b) **Management Plan**

*A detailed management plan that addresses the control of noise, traffic, car parking, disposal of rubbish and its collection and litter associated with the development and any other appropriate matters shall be submitted to and approved by the Town prior to the first occupation of the development, and thereafter implemented and maintained.*

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**FURTHER REPORT:**

The Council considered the subject application at its Ordinary Meeting held on 8 March 2011, and resolved as follows:

*“That the item be DEFERRED for further consideration and including the investigation of matters mentioned during Public Speaking Time.”*

It is noted following the Report to the Ordinary Meeting of Council held on 8 March 2011, the Council requested that the item be deferred for further consideration and including the investigation of matters mentioned during Public Question Time.

Further investigation has taken place regarding the comments received during the community consultation period regarding the previous nature of the site in that, it apparently has not been running as a warehouse use for many years, and as a result, has resulted in causing undue impacts on the amenity of the adjoining residences within the street. As such, an additional condition has been placed to address the concerns raised by neighbours during the community consultation period regarding noise, hours of operation, etc, through the applicant submitting, prior to the first occupation of the development, a detailed management plan.

Further investigation into the history of the site has indicated that in regard to the neighbours' concerns regarding shipping containers being parked along Burt Street that yes, this has occurred once, however all other deliveries have been completed during the day and have not caused any inconvenience. It is noted that given the site has a non-confirming use (established by the City of Perth) as a Warehouse, that containers are to be expected; however, it is understandable that given Burt Street is residential, that when containers are in the street, adjoining neighbours may find this to be in conflict with the residential nature of the street.

According to the applicant, the noise concerns raised by the neighbours during the consultation period, along with an excess amount of cars accessing the site, can be linked to the previously existing "inventors club" on-site. To ensure uses on the site are managed, a Management Plan will be required to be submitted prior to the first occupation of the development, and thereafter implemented and maintained.

In addition, the points raised by the objectors regarding the bins being left out on the street for a substantial period of time, will be addressed, via the submission of a comprehensive Refuse and Recycling Management Plan by a duly qualified consultant.

The issues raised by the objections received during the community consultation period have been duly noted. Therefore, in order to ensure the above-mentioned issues do not reoccur on-site, the Town's Officers have proposed specific conditions ensuring that the four (4) uses recommended for approval comply with the Town's requirements, so that the amenity of adjoining residences is not unduly affected. The Officer conditions have been amended to reflect the above, as well as the response to the community consultation submissions as follows:

<b>Consultation Submissions</b>		
<b>Item</b>	<b>Comments Received</b>	<b>Officer Comments</b>
Support (1)	Nil	Noted.
Objections (3)	<p>We object to commercial development in our residential street.</p> <p>Parking problems, noise late at night and weekends, bins never taken in and no one in charge.</p> <p>It has been a commercial building, busy and it is currently used late into the night where the users make noise, park across driveways and non-stop anti social behaviour.</p>	<p>Noted.</p> <p>Supported in Part – The Town's Health Services is able to action complaints under the Environmental Protection (Noise) Regulations 1997, as deliveries should only occur between 7am-7pm Monday to Saturday and 9am-7pm on Sundays/Public Holidays.</p>

<b>Consultation Submissions</b>		
<b>Item</b>	<b>Comments Received</b>	<b>Officer Comments</b>
	<p>Every now and then at least one of the units has multiple people there until very late at night.</p> <p>Even get shipping containers delivered in the middle of the street – for days – with no lights.</p> <p>Submission has put making money with commercial rent over and above the considerations of people who have bought in the area.</p> <p>If it has to be used as a warehouse, fair enough.</p>	<p>The Town’s officers have placed a condition for the applicants to submit prior to the first occupation of the development, a detailed management plan that addresses the control of noise, anti-social behaviour, traffic, car parking, disposal of rubbish and its collection and litter associated with the development. In addition, regarding the issue of bins, a comprehensive Refuse and Recycling Management Plan shall be prepared and submitted by a duly qualified consultant, detailing such matters as number of bins (general waste and recycling), bin store size, wash down facility, frequency and manner of collection, size of collection vehicle etc, to ensure that the proposal is compatible with the Town’s Waste Management Policy.</p> <p>With regard to the issue of shipping containers on-site, the applicant has noted that this did happen once before; however, all other deliveries have been completed within a day and have not caused undue inconvenience. As mentioned above, the required management plan will ensure that this issue does not occur again.</p> <p>Not Supported – Not a relevant planning consideration.</p> <p>Supported – Given the established non-conforming use for warehouse activities, the two (2) of the four (4) units of the rear building still operating as a warehouse use can continue to do so in accordance with their non-conforming use rights. At the Ordinary Meeting of Council held on 8 March 2011, a Council Member Request raised a query relating to No. 17 (Lot 14) Burt Street, advising that it is not included on the Non-Conforming Use Register. This was acknowledged by the Town’s Officers and was recommended that the Register be amended.</p>

Consultation Submissions		
Item	Comments Received	Officer Comments
	Some years ago it was an Art School with the mums parked up and down the street.	As such, an amendment to the Non-Conforming Use Register has been prepared as part of this Agenda, with the recommendation being that the Council adopt the Officer Recommendation to amend the Non-Conforming Use Register to include the 'warehouse' at No. 17 Burt Street, Mount Lawley and advertise the amendment in accordance with Clause 47 of the Town of Vincent TPS No. 1.  Noted – The applicant has made mention that this may have occurred previously. However, given the subject unit in question proposed is an artist studio, no teaching of students is permitted.
Advertising	Advertising for a period of 21 days was carried out as per the Town's Policy No. 4.1.5 – relating to Community Consultation as an Office is an "SA" use in a Residential zone.	

### Non-Conforming Use

In a separate agenda item as part of this Council Meeting, it is recommended that the Council adopt the Officer Recommendation to amend the Non-Conforming Use Register to include the 'warehouse' at No. 17 (Lot 14) Burt Street, Mount Lawley and advertise the amendment in accordance with Clause 47 of the Town of Vincent TPS No. 1.

Under the Town of Vincent's Town Planning Scheme No. 1, Clause 16 "Non-Conforming Uses", subclause (3), states the following:

*"Notwithstanding anything contained in the Zone Table, the Council may grant its planning approval to the change of use of any land from a non-conforming use if the proposed use is, in the opinion of the Council, less detrimental to the amenity of the locality than the original non-conforming use and is, in the opinion of the Council, closer to the intended purpose of the zone or reserve."*

The two (2) units proposed for an artist studio (unlisted use) and office, are deemed to pose a lesser impact on the amenity of the adjoining residential properties than a warehouse use. Given the main issues raised by neighbours during the community consultation period were regarding noise, shipping containers, and bins, an artist studio and office are less likely than a warehouse, to cause a greater impact on the residential amenity.

In light of the above and the minor variation to parking is supported, with the exception of changes to the conditions in order to address the matters raised at the Ordinary Meeting held on 8 March 2011, it is recommended that the application be supported.



The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 8 March 2011.

*“OFFICER RECOMMENDATION:*

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Brian Hunt Pty Ltd on behalf of the owner E E & F T Stoltze for proposed Change of Use from Warehouse (Non-Conforming Use) to Warehouse, Art Studio (Unlisted Use) and Office (Retrospective Application) and Alteration of Residential Car Bays for Existing Residential Dwelling, at No. 17 (Lot 14; D/P: 25299) Burt Street, Mount Lawley, and as shown on plans stamp-dated 22 November 2010, subject to the following conditions:*

*(i) Building*

- (a) All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Burt Street;*
- (b) The maximum gross floor area for the office and artist studio shall be limited to 71 square metres and 78 square metres, respectively. The maximum total gross floor area of the warehouse shall be limited to 277 square metres. Any increase in gross floor area or change of use of the office, artist studio and warehouse shall require Planning Approval to be applied to and obtained from the Town. Any change of use shall be assessed in accordance with the relevant Planning Policy including the Town’s Parking and Access Policy No. 3.7.1;*

*(ii) Car Parking*

- (a) The car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (b) The car bays allocated to the warehouse, artist studio and office shall be used only by employees, tenants, and visitors directly associated with the development; and*
- (c) The two (2) proposed residential car bays for the existing residential property on-site shall be used only by the occupiers of the residential dwelling;*

*(iii) Signage*

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

- (iv) *PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the Town:*
- (a) *Refuse and Recycling Management*
- A comprehensive Refuse and Recycling Management Plan shall be prepared and submitted by a duly qualified consultant, detailing such matters as number of bins (general waste and recycling), bin store size, wash down facility, frequency and manner of collection, size of collection vehicle etc, to ensure that the proposal is compatible with the Town's Waste Management Policy; and*
- (b) *Residential Car Bays*
- A detailed landscaping plan showing a landscaping strip between the proposed residential car bays and the footpath towards Burt Street is to be provided to enable screening of the car bays from the street; and*
- (v) *PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the following shall be completed to the satisfaction of the Town:*
- (a) *Car Parking*
- Prior to the first occupation of the development, the car parking spaces provided for the warehouse, artist studio and office as well as for the residential property shall be clearly marked and signposted.*

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*COUNCIL DECISION ITEM 9.1.3*

*Moved Cr Farrell, Seconded Cr Topelberg*

*That the recommendation be adopted.*

*Debate ensued.*

*PROCEDURAL MOTION*

*Moved Cr Farrell, Seconded Cr Topelberg*

*That the item be DEFERRED for further consideration and including the investigation of matters mentioned during Public Speaking Time.*

*PROCEDURAL MOTION PUT AND CARRIED (6-1)*

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

*Against:* Cr Maier

*(Cr Burns and Cr Harvey were apologies for the meeting.)*

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<i>Landowner:</i>	<i>E E &amp; F T Stoltze</i>
<i>Applicant:</i>	<i>Brian Hunt Pty Ltd</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R40</i>
<i>Existing Land Use:</i>	<i>Warehouse (Non-Conforming Use) and Residential Dwelling</i>
<i>Use Class:</i>	<i>Warehouse, Office, Artist Studio (Unlisted Use) and Residential Dwelling</i>
<i>Use Classification:</i>	<i>"SA"</i>
<i>Lot Area:</i>	<i>1468 square metres</i>
<i>Access to Right of Way</i>	<i>Not applicable</i>

**PURPOSE OF REPORT:**

*The proposal requires referral to the Council for determination as it involves a retrospective application with a “SA” use which received objections during the Community Consultation period.*

**BACKGROUND:**

8 September 1999      *The Council granted conditional approval for a home occupation (greeting card manufacture) at No. 17A Burt Street, the residential dwelling on-site.*

21 April 1980          *The City of Perth, at its Ordinary Meeting, acknowledged the use of a building on the subject property for warehouse activities, as an established non-conforming use recognised by the Council.*

**DETAILS:**

*The site currently is acknowledged as having non-conforming use rights for a warehouse at the rear, with a residential side-by-side dwelling at the front, towards Burt Street.*

*The proposal involves a change of use of the existing non-conforming warehouse into a warehouse, artist studio (unlisted use) and office as well as re-locating the two (2) car bays for the residential component towards the front of the site near Burt Street, in order to ensure that the car parking proposed for the commercial development is able to provide the necessary ACROD bay as well as be compliant with Australian standards. No structural changes to the existing building are being proposed.*

**COMPLIANCE:**

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
Car Parking:	5.1 car bays	5 car bays
<i>Officer Comments:</i>		
<i>Supported - Refer to “Comments” below.</i>		
Bicycle Parking:	One (1) class 1 or 2 bicycle parking spaces.	No bicycle parking spaces identified on the plans.
<i>Officer Comments:</i>		
<i>Not Supported - A condition has been placed to comply with the provision and number of bicycle bays required.</i>		

<b>Consultation Submissions</b>		
<b>Item</b>	<b>Comments Received</b>	<b>Officer Comments</b>
Support (1)	Nil	Noted.
Objections (3)	<p><i>We object to commercial development in our residential street.</i></p> <p><i>Parking problems, noise late at night and weekends, bins never taken in and no one in charge.</i></p> <p><i>It has been a commercial building, busy and it is currently used late into the night where the users make noise, park across driveways and non-stop anti social behaviour.</i></p>	<p><i>Noted.</i></p> <p><i>Noted – The Town’s Health Services is able to action complaints under the Environmental Protection (Noise) Regulations 1997, as deliveries should only occur between 7am-7pm Monday to Saturday and 9am-7pm on Sundays/Public Holidays.</i></p>

<i>Consultation Submissions</i>		
<i>Item</i>	<i>Comments Received</i>	<i>Officer Comments</i>
	<p><i>Every now and then at least one of the units has multiple people there until very late at night.</i></p> <p><i>Even get shipping containers delivered in the middle of the street – for days – with no lights.</i></p> <p><i>Submission has put making money with commercial rent over and above the considerations of people who have bought in the area.</i></p> <p><i>If it has to be used as a warehouse, fair enough.</i></p>	<p><i>It is noted that the use of the building at the rear of the subject property has an established non-conforming use (warehouse).</i></p> <p><i>It is deemed that given adequate car parking is provided on-site, this will ensure that no unreasonable commercial parking spills into the adjacent residential street to reduce the potential for conflict between the proposed commercial uses and the adjoining residential properties.</i></p> <p><i>Not Supported – Not a relevant planning consideration.</i></p> <p><i>Supported – Given the established non-conforming use for warehouse activities, the two (2) of the four (4) units of the rear building still operating as a warehouse use can continue to do so in accordance with their non-conforming use rights.</i></p>
<i>Advertising</i>	<i>Advertising for a period of 21 days was carried out as per the Town’s Policy No. 4.1.5 – relating to Community Consultation as an Office is an “SA” use in a Residential zone.</i>	

<i>Other Implications</i>	
<i>Legal/Policy</i>	<i>TPS 1, R-Codes and associated Policies.</i>
<i>Strategic</i>	<i>Nil.</i>
<i>Sustainability</i>	<i>Nil.</i>
<i>Financial/Budget</i>	<i>Nil.</i>

<i>Car Parking</i>	
<p><i>Car parking requirement (nearest whole number)</i></p> <p><i>Office (Unit 4) = 1 space per 50 square metres of gross floor area</i></p> <ul style="list-style-type: none"> <li><i>Office – Gross Floor Area = 71 square metres (requires 1.42 cars bays)</i></li> </ul> <p><i>Artist Studio (Unit 1), Warehouse (Unit 3) &amp; Storage (Unit 2) = 3 spaces for the first 200 square metres of gross floor area and thereafter 1 space per 100 square metres of gross floor area or part thereof</i></p> <ul style="list-style-type: none"> <li><i>Warehouse – Gross Floor Area = 218 square metres</i></li> <li><i>Storage – Gross Floor Area = 59 square metres</i></li> <li><i>Artist Studio – Gross Floor Area = 78 square metres</i></li> </ul> <p><i>(Total Warehouse car bays required is 4.55)</i></p> <p><i>Total car bays required = 5.97 car bays</i></p>	<p><i>= 6 car bays (nearest whole number)</i></p>

<i>Car Parking</i>	
<i>Apply the adjustment factors.</i> • 0.85 (within 400 metres of a bus stop)	(0.85) = 5.1 car bays
<i>Minus the car parking provided on-site</i>	5 car bays
<i>Minus the most recently approved on-site car parking shortfall.</i>	Nil
<i>Resultant shortfall</i>	0.1 car bays

<i>Bicycle Parking</i>		
<i>Office</i>	<ul style="list-style-type: none"> <li>• 1 space per 200 square metres of gross floor area for employees (class 1 or 2) = 0.355 spaces</li> <li>• 1 space per 750 square metres over 1000 square metres for visitors (class 3) = Nil</li> </ul>	Nil.

**COMMENTS:**

*Car Parking*

*The Town's Policy relating to Parking and Access notes if the resultant shortfall of parking is less than or equal to 0.5 bays, no parking bays or cash-in-lieu of parking is required for the shortfall.*

*In this instance, the proposed shortfall in car parking is 0.1 car bays as the applicant has provided five (5) car bays, therefore no cash-in-lieu for the car parking is required.*

*Units 2 and 3 are being utilised as per the established non-conforming warehouse use for the site and have periodic attendance in terms of staff, in addition to a small van or utility not expecting to exceed one visit per week. Therefore, the use of these two (2) units as a warehouse is considered within their non-conforming use rights.*

*In addition, units 1 and 4, proposed to be an artist studio and an office respectively, are not considered to cause a significantly greater undue amenity impact on the adjoining residential properties than what the non-conforming use of a warehouse would at the subject site. Given the minimal amount of employees at these two units, as well as the applicant's proposed opening hours of 8am – 6pm, the proposed change of use of these subject units is supportable. The building has been existing for a substantial period of time and there is adequate car parking on-site, to accommodate for the minimal amount of car parking bays required for the proposed uses of the four (4) units.*

*In regards to the re-configuration of the existing two (2) car parking bays for the residential dwelling on-site, the car bays have been moved from the rear of the dwelling to the front setback area facing Burt Street. Given the car parking bays are compliant with requirements, the Town supports this modification as it ensures the required disabled car parking bay at the rear of the dwelling, for the commercial development on-site, is compliant.*

*Given the above, the minor variation to parking is supported, and it is recommended that the application be approved as per the Officer Recommendation."*

The Presiding Member, Mayor Nick Catania advised that Cr Buckels had declared a proximity interest in Item 9.1.4. Cr Buckels departed the Chamber at 7.25pm and did not speak or vote on this matter.

**9.1.4 No. 197 (Lot 1; D/P: 9766) Oxford Street, Leederville - Proposed Demolition of Existing Single House and Construction of Five-Storey Mixed Use Development Comprising Three (3) Multiple Dwellings, Three (3) Offices and Associated Car Parking**

<b>Ward:</b>	South	<b>Date:</b>	22 March 2011
<b>Precinct:</b>	Oxford Centre; P4	<b>File Ref:</b>	PRO3178; 5.2010.291.4
<b>Attachments:</b>	001 – Property Information Report, Development Application and Plans, Heritage Assessment		
<b>Tabled Items</b>	Nil		
<b>Reporting Officers:</b>	R Narroo, Senior Planning Officer (Statutory) Hoping Au, Heritage Officer		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by M Zurzolo on behalf of the owner Stلالpina Investments Pty Ltd ATF The P & S Moltoni Trust for proposed Demolition of Existing Single House and Construction of Five-Storey Mixed Use Development Comprising Three (3) Multiple Dwellings, Three (3) Offices and Associated Car Parking, at No. 197 (Lot 1; D/P: 9766) Oxford Street, Leederville, and as shown on plans stamp-dated 22 February 2011, subject to the following condition(s):*

- (i) **Building**
  - (a) *all new external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Oxford Street;*
  - (b) *if entry to neighbouring land is required, first obtaining the consent of the owners of No. 199 and Nos. 193-195 Oxford Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 199 and Nos. 193-195 Oxford Street in a good and clean condition;*
  - (c) *doors, windows and adjacent floor areas to the office and entrance to the building fronting Oxford Street, shall maintain an active and interactive relationship with this street; and*
  - (d) *the maximum gross floor area of the office component shall be limited to 920 square metres. Any increase in floor space or change of use of the office shall require Planning Approval to be applied to and obtained from the Town. Any change of use shall be assessed in accordance with the relevant Planning Policy including the Town's Parking and Access Policy No. 3.7.1;*

(ii) **Car Parking and Accessways**

- (a) *the on-site car parking area for the non-residential component shall be available for the occupiers of the residential component outside normal business hours;*
- (b) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (c) *the car parking area shown for the non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property; and*
- (d) *the car park shall be used only by employees, tenants, and visitors directly associated with the development;*

(iii) **Public Art**

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

- (a) *within twenty – eight (28) days of the issue date of this 'Approval to Commence Development', elect to either obtain approval from the Town for an Artist to undertake a Public Art Project (Option 1) or pay the Cash-in-Lieu Percent for Public Art Contribution, of \$40,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$ 4,000,000); and*
- (b) *in conjunction with the above chosen option;*
  - (1) *Option 1 –  
prior to the approval and subsequent issue of a Building Licence for the development, obtain approval for the Public Art Project and associated Artist; and  
  
prior to the first occupation of the development, install the approved public art project, and thereafter maintain the art work; OR*
  - (2) *Option 2 –  
prior to the approval and subsequent issue of a Building Licence for the development or prior to the due date specified in the invoice issued by the Town for the payment (whichever occurs first), pay the above cash-in-lieu contribution amount;*

(iv) **Signage**

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

(v) Trees

*No street verge tree(s) or on-site trees of significance shall be removed. The street verge tree(s) and the on-site trees of significance shall be retained and protected from any damage including unauthorised pruning in accordance with the Town of Vincent Town Planning Scheme No. 1;*

(vi) Car Parking-Cash-in-lieu

*Within twenty-eight (28) days of the issue date of this 'Approval to Commence Development', the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:*

- (a) *pay a cash-in-lieu contribution of \$6,150 for the equivalent value of 2.05 car parking spaces, based on the cost of \$3,000 per bay as set out in the Town's 2010/2011 Budget; OR*
- (b) *lodge an appropriate assurance bond/bank guarantee of a value of \$6,150 to the satisfaction of the Town. This assurance bond/bank guarantee will only be released in the following circumstances:*
  - (1) *to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*
  - (2) *to the owner(s)/applicant following receipt by the Town of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or*
  - (3) *to the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired.*

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

(vii) **PRIOR TO THE ISSUE OF A BUILDING LICENCE**, the following shall be submitted to and approved by the Town:

(a) Construction Management Plan

*A Construction Management Plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the Town, addressing the following issues:*

- (1) *public safety, amenity and site security;*
- (2) *contact details of essential site personnel;*
- (3) *construction operating hours;*
- (4) *noise control and vibration management;*
- (5) *Dilapidation Reports of nearby properties;*
- (6) *air and dust management;*
- (7) *stormwater and sediment control;*
- (8) *soil excavation method (if applicable);*



- (9) *waste management and materials re-use;*
- (10) *traffic and access management;*
- (11) *parking arrangements for contractors and subcontractors;*
- (12) *Consultation Plan with nearby properties; and*
- (13) *any other matters deemed appropriate by the Town;*

(b) *Section 70 A Notification under the Transfer of Land Act*

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

- (1) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non- residential activities; and*
- (2) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/or office. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*

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

(c) *Landscape and Reticulation Plan*

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

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

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

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

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

(d) *Schedule of External Finishes*

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

(e) Acoustic Report

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

(f) Refuse and Recycling Management Plan

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

(g) Security Bond

*A Road/Verge security bond or bank guarantee of \$3,500 payable by the Builder shall be lodged with the Town prior to the issue of a Building Licence and be held until all building/development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired/reinstated to the satisfaction of the Town's Technical Services. An application for the refund of the security bond or bank guarantee must be made in writing. This bond is non-transferable;*

(h) Underground Power

*In keeping with the Town's Policy No. 2.2.2 relating to Undergrounding of Power, the power lines along the Oxford Street frontage of the development shall be undergrounded at the Developer's full cost. The Developer is required to liaise with both the Town and Western Power to comply with their respective requirements, prior to the issue of the Building Licence;*

(i) Privacy

*Revised plans shall be submitted to and approved by the Town demonstrating the terrace and the kitchen windows on the fourth floor on the western elevation being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material that is easily removed; OR prior to the issue of a Building Licence revised plans shall be submitted demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject wall, so that they are not considered to be a major opening as defined in the Residential Design Codes 2010; OR prior to the issue of a Building Licence, revised plans shall be submitted demonstrating the above major openings being provided with permanent vertical screening or equivalent, preventing direct line of sight within the cone of vision to ground level of the adjoining properties in accordance with the Residential Design Codes. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 199 and Nos. 193-195 Oxford Street, stating no objection to the respective proposed privacy encroachment;*

(j) Car Stackers

*The proposed 'car stacking' layout and location within the development shall be revised in accordance with the requirements, and to the satisfaction of the Town's Director Technical Services in compliance with, but not limited to, the following;*

- (1) *the stacker model shall be Wohr 551-2, 6 Comfort Type 551 2600 Kg, or equivalent;*
- (2) *the proposed car stackers are to have a minimum overhead clearance of no less than 2.1 at all levels;*
- (3) *the weight limitation for cars within the car stacker shall be no greater than 2,500 kilograms. In addition, appropriate highly visible signage shall be installed at the entrance of all car stackers specifying the maximum weight of vehicle allowed to use the car stacking system;*
- (4) *the car stacker bay platform width shall be an absolute minimum of 2.5 metres per car stacker unit. The design shall be referred to the manufacturer for exact dimensions required to comply with the Town's requirements;*
- (5) *circulation areas width surrounding all stackers shall be an absolute minimum of 7.0 metres in accordance with AS/NZ 2890.1:2004;*
- (6) *rubber inserts shall be installed on all platforms on both the drivers and passengers side;*
- (7) *the walls for mounting shall be as per manufacturer's specification; supporting floors and walls certified by a Structural Engineer to be adequate;*
- (8) *stacker sliding doors shall be automatic with all operation under remote control;*
- (9) *an emergency power generator shall be installed or a power management plan to the satisfaction of the Town's Director Technical Services be agreed;*
- (10) *the car stacker design and associated features, such as a suitable mechanical ventilation system and a suitable sprinkler system, shall be submitted to and approved by Fire and Emergency Services Authority (FESA) prior to the issue of a Building Licence;*
- (11) *if feasible, without reducing the overall number of car bays required, to reduce the incidence of bay loss in the event of a mechanical failure, the car stackers shall have no more than four bays per mechanical unit;*

(12) *the applicant and future owners of the property to enter into a Legal Agreement with the Town, which is secured by a caveat on the certificate of title of the subject land, in regard to the car stacker system and to address the following to the satisfaction of the Town;*

(A) *All maintenance agreements/contracts to be current for the life of the building and renewed annually;*

(B) *A copy of updated and current maintenance agreements/contracts to be submitted to the Town on an annual basis;*

(C) *The Town may act to ensure compliance with the car stacker conditions of approval, in the event that the applicant/owner fails to ensure that the car stacker is in good working order and maintained as such, and the conditions of approval are compliant and any costs incurred will be borne by the owner;*

(D) *The applicant/owner undertakes to provide, maintain and ensure the car stacker system is operable and in good working order at all times, for the life of the building, to the satisfaction of the Town;*

(E) *The Applicant/owner agrees to indemnify the Town for any claims, actions or litigation arising from the car stacker system; and*

(F) *The Legal Agreement shall be prepared by the applicant/owner and approved by the Town, or alternatively, the applicant/owner may request the Town's solicitor to prepare the Legal Agreement and associated caveat. All costs associated with this condition including the Town's cost for checking the legal documents and caveat if prepared by the applicant's solicitor shall be borne by the applicant/owner.*

(k) *Fence Along Right of Way and Boundary With 1 Melrose Place*

*Revised plans shall be submitted to and approved by the Town demonstrating the fence along the right of way to be of a height of 1.8 metres from the natural ground level and 2.4 metres along the boundary with No. 1 Melrose Street rising to 3 metres above the natural ground level for the rest of the boundary that adjoins the courtyard of No. 1 Melrose Street;*

(viii) **PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT**, *the following shall be completed to the satisfaction of the Town:*

(a) *Residential Car Bays*

*The 3 car parking spaces provided for the residential component and visitors of the development shall be clearly marked and signposted for the exclusive use of the residents and visitors of the development;*

(b) **Bicycle Parking**

*Five (5) class one or two bicycle parking facilities shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle facilities shall be submitted to and approved by the Town prior to the installation of such facilities;*

(c) **Management Plan-Vehicular Entry Gate**

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

(d) **Clothes Drying Facility**

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

---

Moved Cr Farrell, Seconded Cr Lake

*That the recommendation be adopted.*

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Topelberg

*That subclause (vii)(j)(12)(B) be amended to read as follows:*

*“(vii)(j)(12)(B) ~~A copy of updated and~~ Provide copies of current maintenance agreements/contracts for the car stacking system, on demand, to the Town; to be submitted to the Town on an annual basis;”*

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

(Cr Buckels was absent from the Chamber and did not vote on this matter. Cr Harvey was an apology for the meeting.)

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

(Cr Buckels was absent from the Chamber and did not vote on this matter. Cr Harvey was an apology for the meeting.)

Cr Buckels returned to the Chamber at 7.34pm. The Presiding Member, Mayor Nick Catania advised that the item was carried.

**COUNCIL DECISION ITEM 9.1.4**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by M Zurzolo on behalf of the owner Stلالpina Investments Pty Ltd ATF The P & S Moltoni Trust for proposed Demolition of Existing Single House and Construction of Five-Storey Mixed Use Development Comprising Three (3) Multiple Dwellings, Three (3) Offices and Associated Car Parking, at No. 197 (Lot 1; D/P: 9766) Oxford Street, Leederville, and as shown on plans stamp-dated 22 February 2011, subject to the following condition(s):*

**(i) Building**

- (a) all new external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Oxford Street;*
- (b) if entry to neighbouring land is required, first obtaining the consent of the owners of No. 199 and Nos. 193-195 Oxford Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 199 and Nos. 193-195 Oxford Street in a good and clean condition;*
- (c) doors, windows and adjacent floor areas to the office and entrance to the building fronting Oxford Street, shall maintain an active and interactive relationship with this street; and*
- (d) the maximum gross floor area of the office component shall be limited to 920 square metres. Any increase in floor space or change of use of the office shall require Planning Approval to be applied to and obtained from the Town. Any change of use shall be assessed in accordance with the relevant Planning Policy including the Town's Parking and Access Policy No. 3.7.1;*

**(ii) Car Parking and Accessways**

- (a) the on-site car parking area for the non-residential component shall be available for the occupiers of the residential component outside normal business hours;*
- (b) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (c) the car parking area shown for the non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property; and*
- (d) the car park shall be used only by employees, tenants, and visitors directly associated with the development;*

(iii) **Public Art**

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

(a) *within twenty – eight (28) days of the issue date of this ‘Approval to Commence Development’, elect to either obtain approval from the Town for an Artist to undertake a Public Art Project (Option 1) or pay the Cash-in-Lieu Percent for Public Art Contribution, of \$40,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$ 4,000,000); and*

(b) *in conjunction with the above chosen option;*

(1) *Option 1 –  
prior to the approval and subsequent issue of a Building Licence for the development, obtain approval for the Public Art Project and associated Artist; and*

*prior to the first occupation of the development, install the approved public art project, and thereafter maintain the art work; OR*

(2) *Option 2 –  
prior to the approval and subsequent issue of a Building Licence for the development or prior to the due date specified in the invoice issued by the Town for the payment (whichever occurs first), pay the above cash-in-lieu contribution amount;*

(iv) **Signage**

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

(v) **Trees**

*No street verge tree(s) or on-site trees of significance shall be removed. The street verge tree(s) and the on-site trees of significance shall be retained and protected from any damage including unauthorised pruning in accordance with the Town of Vincent Town Planning Scheme No. 1;*

(vi) **Car Parking-Cash-in-lieu**

*Within twenty–eight (28) days of the issue date of this ‘Approval to Commence Development’, the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:*

(a) *pay a cash-in-lieu contribution of \$6,150 for the equivalent value of 2.05 car parking spaces, based on the cost of \$3,000 per bay as set out in the Town’s 2010/2011 Budget; OR*

(b) *lodge an appropriate assurance bond/bank guarantee of a value of \$6,150 to the satisfaction of the Town. This assurance bond/bank guarantee will only be released in the following circumstances:*

- (1) *to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*
- (2) *to the owner(s)/applicant following receipt by the Town of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or*
- (3) *to the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired.*

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

(vii) **PRIOR TO THE ISSUE OF A BUILDING LICENCE**, the following shall be submitted to and approved by the Town:

(a) **Construction Management Plan**

*A Construction Management Plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the Town, addressing the following issues:*

- (1) *public safety, amenity and site security;*
- (2) *contact details of essential site personnel;*
- (3) *construction operating hours;*
- (4) *noise control and vibration management;*
- (5) *Dilapidation Reports of nearby properties;*
- (6) *air and dust management;*
- (7) *stormwater and sediment control;*
- (8) *soil excavation method (if applicable);*
- (9) *waste management and materials re-use;*
- (10) *traffic and access management;*
- (11) *parking arrangements for contractors and subcontractors;*
- (12) *Consultation Plan with nearby properties; and*
- (13) *any other matters deemed appropriate by the Town;*

(b) **Section 70 A Notification under the Transfer of Land Act**

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

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



- (2) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/or office. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*

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

(c) *Landscape and Reticulation Plan*

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

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

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

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

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

(d) *Schedule of External Finishes*

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

(e) *Acoustic Report*

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

(f) *Refuse and Recycling Management Plan*

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

(g) Security Bond

*A Road/Verge security bond or bank guarantee of \$3,500 payable by the Builder shall be lodged with the Town prior to the issue of a Building Licence and be held until all building/development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired/reinstated to the satisfaction of the Town's Technical Services. An application for the refund of the security bond or bank guarantee must be made in writing. This bond is non-transferable;*

(h) Underground Power

*In keeping with the Town's Policy No. 2.2.2 relating to Undergrounding of Power, the power lines along the Oxford Street frontage of the development shall be undergrounded at the Developer's full cost. The Developer is required to liaise with both the Town and Western Power to comply with their respective requirements, prior to the issue of the Building Licence;*

(i) Privacy

*Revised plans shall be submitted to and approved by the Town demonstrating the terrace and the kitchen windows on the fourth floor on the western elevation being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material that is easily removed; OR prior to the issue of a Building Licence revised plans shall be submitted demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject wall, so that they are not considered to be a major opening as defined in the Residential Design Codes 2010; OR prior to the issue of a Building Licence, revised plans shall be submitted demonstrating the above major openings being provided with permanent vertical screening or equivalent, preventing direct line of sight within the cone of vision to ground level of the adjoining properties in accordance with the Residential Design Codes. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 199 and Nos. 193-195 Oxford Street, stating no objection to the respective proposed privacy encroachment;*

(j) Car Stackers

*The proposed 'car stacking' layout and location within the development shall be revised in accordance with the requirements, and to the satisfaction of the Town's Director Technical Services in compliance with, but not limited to, the following;*

- (1) the stacker model shall be Wöhr 551-2, 6 Comfort Type 551 2600 Kg, or equivalent;*
- (2) the proposed car stackers are to have a minimum overhead clearance of no less than 2.1 at all levels;*
- (3) the weight limitation for cars within the car stacker shall be no greater than 2,500 kilograms. In addition, appropriate highly visible signage shall be installed at the entrance of all car stackers specifying the maximum weight of vehicle allowed to use the car stacking system;*

- (4) *the car stacker bay platform width shall be an absolute minimum of 2.5 metres per car stacker unit. The design shall be referred to the manufacturer for exact dimensions required to comply with the Town's requirements;*
- (5) *circulation areas width surrounding all stackers shall be an absolute minimum of 7.0 metres in accordance with AS/NZ 2890.1:2004;*
- (6) *rubber inserts shall be installed on all platforms on both the drivers and passengers side;*
- (7) *the walls for mounting shall be as per manufacturer's specification; supporting floors and walls certified by a Structural Engineer to be adequate;*
- (8) *stacker sliding doors shall be automatic with all operation under remote control;*
- (9) *an emergency power generator shall be installed or a power management plan to the satisfaction of the Town's Director Technical Services be agreed;*
- (10) *the car stacker design and associated features, such as a suitable mechanical ventilation system and a suitable sprinkler system, shall be submitted to and approved by Fire and Emergency Services Authority (FESA) prior to the issue of a Building Licence;*
- (11) *if feasible, without reducing the overall number of car bays required, to reduce the incidence of bay loss in the event of a mechanical failure, the car stackers shall have no more than four bays per mechanical unit;*
- (12) *the applicant and future owners of the property to enter into a Legal Agreement with the Town, which is secured by a caveat on the certificate of title of the subject land, in regard to the car stacker system and to address the following to the satisfaction of the Town;*
  - (A) *All maintenance agreements/contracts to be current for the life of the building and renewed annually;*
  - (B) *Provide copies of current maintenance agreements/contracts for the car stacking system, on demand, to the Town;*
  - (C) *The Town may act to ensure compliance with the car stacker conditions of approval, in the event that the applicant/owner fails to ensure that the car stacker is in good working order and maintained as such, and the conditions of approval are compliant and any costs incurred will be borne by the owner;*
  - (D) *The applicant/owner undertakes to provide, maintain and ensure the car stacker system is operable and in good working order at all times, for the life of the building, to the satisfaction of the Town;*

(E) *The Applicant/owner agrees to indemnify the Town for any claims, actions or litigation arising from the car stacker system; and*

(F) *The Legal Agreement shall be prepared by the applicant/owner and approved by the Town, or alternatively, the applicant/owner may request the Town's solicitor to prepare the Legal Agreement and associated caveat. All costs associated with this condition including the Town's cost for checking the legal documents and caveat if prepared by the applicant's solicitor shall be borne by the applicant/owner.*

(k) *Fence Along Right of Way and Boundary With 1 Melrose Place*

*Revised plans shall be submitted to and approved by the Town demonstrating the fence along the right of way to be of a height of 1.8 metres from the natural ground level and 2.4 metres along the boundary with No. 1 Melrose Street rising to 3 metres above the natural ground level for the rest of the boundary that adjoins the courtyard of No. 1 Melrose Street;*

(viii) ***PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the following shall be completed to the satisfaction of the Town:***

(a) *Residential Car Bays*

*The 3 car parking spaces provided for the residential component and visitors of the development shall be clearly marked and signposted for the exclusive use of the residents and visitors of the development;*

(b) *Bicycle Parking*

*Five (5) class one or two bicycle parking facilities shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle facilities shall be submitted to and approved by the Town prior to the installation of such facilities;*

(c) *Management Plan-Vehicular Entry Gate*

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

(d) *Clothes Drying Facility*

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

<b>Landowner:</b>	Stellalpina Investments Pty Ltd ATF The P & S Moltoni Trust
<b>Applicant:</b>	M Zurzolo
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential/Commercial R80
<b>Existing Land Use:</b>	Residential
<b>Use Class:</b>	Multiple Dwelling, Office Building
<b>Use Classification:</b>	“P”, “AA”
<b>Lot Area:</b>	574 square metres
<b>Access to Right of Way</b>	North side, 3 metres wide, sealed, private owned

**PURPOSE OF REPORT:**

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

**BACKGROUND:**

12 July 2005            The Council at its Ordinary Meeting granted conditional approval for the change of use from single house to office building and associated alterations at No. 197 Oxford Street, Leederville.

14 March 2006        The Council at its Ordinary Meeting resolved to refuse the application for demolition of existing garage and shed and part of existing single house, and change of use from single house to office building and associated additions and alterations for the following reason:

*“1. Lack of interaction with the streetscape.”*

11 April 2006        The Council at its Ordinary Meeting granted conditional approval for demolition of existing garage and shed and part of existing single house, and change of use from single house to office building and associated additions and alterations.

15 December 2009    The Council at its Ordinary Meeting granted conditional approval for change of use from single house to office building (retrospective approval).

**DETAILS:**

The proposal involves the demolition of the existing single house and construction of a five storey mixed-use development comprising three multiple dwellings, three offices and associated car parking.

The site is located within the Oxford Street North Precinct of the Leederville Town Centre Masterplan.

This application was assessed and advertised prior to the new R-Codes coming into effect in November 2010. It has not been referred to Council due to on-going issues with the proposed car stackers. Therefore this application is being considered under the old R-Codes.

**COMPLIANCE:**

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
<b>Density:</b>	R80= 4.6 multiple dwellings	R52=3 multiple dwellings
<i>Officer Comments: Nil</i>		
<b>Noted.</b>		
<b>Plot Ratio:</b>	1:1 – 574 square metres	2.6:1 – 1492 square metre
<i>Officer Comments:</i>		
Supported- Refer to “Comments” below.		
<b>Side and Rear Fence</b>	1.8 metres height above natural ground level	2.1 to 3 metres above natural ground level.
<i>Officer Comments:</i>		
Supported- The proposed side and rear fences will provide better privacy and will minimise noise impact on the adjoining residential neighbours.		
<b>Privacy</b>	Office= 6 metres  Terrace= 7.5 metres	Office- First and Second Floors- Rear - 3.9 metres to the northern and southern boundaries.  Third floor-  Rear terrace- 5.6 metres to the northern and southern boundaries.  Fourth floor-  Rear terrace - 2.7 metres to the southern boundary.  Kitchen windows - 2.6 metres to the northern boundary.
<i>Officer Comments:</i>		
Not supported-The applicant has submitted amended plans addressing privacy considerations from the first, second and third floors. However, the privacy impact of the fourth floor was not addressed. In the event the application is supported, the rear terrace and kitchen windows are to be screened.		
<b>Car Parking</b>	14.05 car bays	12 carbays (shortfall of 2.05 car bays)
<i>Officer Comments:</i>		
Supported- Refer to “Comments” below.		
<b>Bicycle Parking</b>	4.6 bicycle bays	8 bicycle bays
<i>Officer Comments:</i>		
Supported- If this application is supported, a condition of planning approval will be imposed to comply with the number of bicycle bays.		

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

<b>Consultation Submissions</b>		
<b>Item</b>	<b>Comments Received</b>	<b>Officer Comments</b>
Support (1)	Nil	Noted.
Objections (4)	Privacy-  The offices and the balconies of the residential units will overlook the outdoor living area of the western adjoining property.	Not supported- The offices and the balconies of the residential units are setback 9 metres to 11.5 metres from the western boundary. Therefore the proposal complies with the privacy requirements with regard to the western adjoining property.

<b>Consultation Submissions</b>		
<b>Item</b>	<b>Comments Received</b>	<b>Officer Comments</b>
	<p>Overlooking the eastern and western adjoining properties.</p> <p>Boundary Wall Height-Western Side-</p> <p>The wall proposed along the western boundary should be increased from 2.1 metres to 2.4 metres which will assist in protecting the privacy of the rear western property.</p> <p>Boundary Wall – Right of Way-</p> <p>Given the volume of traffic which will use the Right of Way it is requested that the wall fence along the right of way be replaced by a 2.1 metre wall so as to reduce the noise impact on the rear property.</p> <p>There are two trees along the right of way. The developer should consider retaining the large tree as it provides shade to the rear house.</p> <p>Car Stacker-</p> <p>The proposed car stacker will be located adjacent to the courtyard of the western rear property which will be impacted by noise. Moreover the proposed car stacker does not comply with the required standards in terms of dimension.</p> <p>Noise from the car stackers will impact on the adjoining properties.</p>	<p>Supported- If this application is supported, there will be a requirement for screening of the terrace and kitchen of Apartment 3 on the fourth floor.</p> <p>Supported- The applicant has submitted amended plans to show a fence wall of 3 metres in height which will give more privacy to the rear western property.</p> <p>Supported- The applicant has submitted amended plans showing a new fence of 1.8 metres in height along the right of way. If this application is supported, a 2.1 metres wall will be requested along the right of way western boundary.</p> <p>Supported- The applicant has submitted amended plans showing the large tree to be retained. The small tree will have to be removed as it is located on the boundary where the fence is proposed.</p> <p>Supported- The applicant has submitted amended plans showing the relocation of the car stacker to the eastern boundary. Moreover the plans showing the car stackers complying with the requirements of the Town's Technical Services.</p> <p>Not supported- The car stackers are required to comply with the Noise Regulations. If this application is supported, the applicant will be required to submit an Acoustic Report. The Acoustic Report will address any noise from the car stackers.</p>

Consultation Submissions		
Item	Comments Received	Officer Comments
	<p>Right of Way –Access to Melrose Street-</p> <p>The 3 metre right of way will not be able to cater for the increased vehicular traffic from the proposed development. It may require widening. There is poor visibility when vehicles exiting from the right of way to Melrose Street which could impact on the safety of pedestrians.</p> <p>Car Parking Provision-</p> <p>The criteria for one bay per multiple dwelling (as per R-Codes) should not be used as a blanket as it is likely these three dwellings with 2/3 bedrooms will require more parking.</p> <p>Sliding Gate-</p> <p>Concerns about noisy gate.</p> <p>TV Reception-</p> <p>The proposed tall development at No. 197 Oxford Street will impact on the TV reception at the rear of the property and the surrounding Melrose Street.</p>	<p>Not supported- The right of way width meets the Australian Standards. With regard to the safety of pedestrians, the applicant has submitted amended plans showing a visual truncation which will minimise any impact on pedestrians.</p> <p>Not supported-The parking requirement is 1 car parking bay per dwelling for all mixed use developments in the Town. Moreover the car parking provided for the commercial component will be available for the residential component after working hours, which will minimise the impact of parking along Melrose Street.</p> <p>Not supported- The gate will have to comply with the noise regulations.</p> <p>Not supported-This is not a planning matter.</p>
<b>Advertising</b>	Advertising for a period of 21 days was carried out as per the Town's Policy No. 4.1.5 – relating to Community Consultation.	

### Car Parking

In accordance with the Residential Design Codes (2008), requirements for mixed-use development, on-site car parking requirements for multiple dwellings may be reduced to one bay per dwelling, where on-site parking required for other users is available outside normal business hours. A total of 12 car bays have been provided for the proposed development. For the residential component, 3 car bays are to be provided. The balance of car bays available for the commercial component in this instance, is 9 car bays.

Car Parking	
<p>Car parking requirement (nearest whole number).</p> <ul style="list-style-type: none"> <li>Office (1 car bay per 50 square metres gross office floor area)</li> </ul> <p>Proposed 920 square metres = 18.4 car bays</p>	18 car bays



<b>Car Parking</b>	
Total car bays required = 18 car bays	
Apply the parking adjustment factors. <ul style="list-style-type: none"> <li>• 0.85 (within 800 metres of a rail station)</li> <li>• 0.85 (within 400 metres of a bus stop)</li> <li>• 0.85 (within 400 metres of public car park in excess of a total of 75 car parking spaces)</li> </ul>	(0.6141)  11.05 car bays
Minus the car parking provided on-site	9 car bays
Minus the most recently approved on-site car parking shortfall	Nil
<b>Shortfall</b>	<b>2.05 car bays</b>

<b>Bicycle Parking</b>		
<b>Bicycle Parking</b>	Offices- 1space per 200 (proposed 920 square metres (class 1 or 2)= 4.6 bicycle bays	8 bicycle spaces are shown on the plans

<b>Other Implications</b>	
<b>Legal/Policy</b>	TPS 1 and associated Policies, Leederville Masterplan and Residential Design Codes (R Codes).
<b>Strategic</b>	Draft Local Planning Strategy
<b>Sustainability</b>	Nil.
<b>Financial/Budget</b>	Nil.
<b>Risk Management Implications</b>	Not applicable.

**COMMENTS:**

**Heritage**

The subject brick and tile place at No. 197 Oxford Street, Leederville, is an example of the Interwar Bungalow style of architecture constructed circa 1928, which has been converted into an office circa 2005.

The WA Post Office Directories first listed the subject place in 1929 as a “new house”. In 1930, Idar Singe is listed as the first resident at the subject dwelling. Since then, the subject dwelling has been transferred several times to new owners and occupiers.

A full heritage assessment was undertaken for No. 197 Oxford Street, Leederville, based on the plan dated 21 June 2010, which indicates that the place has little aesthetic, historic, scientific or social heritage significance. In accordance with the Town's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the Town's Municipal Heritage Inventory.

In light of the above, it is considered that approval should be granted for demolition subject to standard condition.

**Car Parking**

The Town's Policy No. 3.7.1 relating to Parking and Access suggests that the Council may determine to accept a cash-in-lieu payment where the shortfall is greater than 0.5 car bay to provide and/or upgrade parking in other car parking areas.

Clause 22 (ii) of the Town's Parking and Access Policy states that in determining whether this development should be refused on car parking grounds, the following percentage should be used as a guide:

*"If the total requirement (after adjustment factors have been taken into account) is 11-40 bays or less, a minimum of 15 per cent of the required bays is to be provided."*

The subject application for No. 197 Oxford Street has a total car parking requirement of 11.05 car bays (after adjustment factors). If the above clause of the Parking and Access Policy is applied to the subject application, a total of 1.7 car bays are required to be provided on-site. Nine car bays are provided on-site for this development.

Given that the site is located within 800 metres of the Leederville train station and public car parking, the shortfall will not have an undue impact on the amenity of the area. Therefore, the shortfall is supported subject to the payment of a cash-in-lieu contribution.

### **Planning**

The property at No. 197 Oxford Street, Leederville, is proposed to form part of the Regional Town Centre in Draft Town Planning Scheme No. 2.

Leederville has been recognised in *Directions 2031 Spatial Framework for Perth and Peel* as a Secondary Town Centre. State Planning Policy No. 4.2 - *Activity Centres for Perth and Peel* states that Activity Centre structure plans need to be prepared for secondary centres and approval is required by the Western Australian Planning Commission.

Consultants Mackay Urbandesign was selected by the Town to undertake an Independent Design Review of the Leederville Town Centre Masterplan and Built Form Guidelines. It was noted by the consultants that there is a need for the Built Form Guidelines to better align with the key state planning policies, such as the Activity Centres Policy and Multi Unit Housing Code. The Consultant's comments and recommendations will be considered by the Council with the view to amend the document in line with the comments made.

Further to this, the Town is in the process of reviewing Town Planning Scheme No. 1. As part of this review, greater consideration will be given to the secondary centre status of Leederville and the potential to implement activity centre zonings into the area.

The proposed development complies with the design guidelines in respect of the Oxford Street North Precinct of the Leederville Town Centre Masterplan, except the plot ratio. As stated above, in the future, this area may be considered as an activity centre zone and as per the new R-Codes (2010), for activity centre zones, greater plot ratio will be applicable. The R- Codes (2010) stipulates plot ratios 3, 2.5, 2 for activity centres R-AC1, R-AC2 and R- AC3 respectively. The proposal complies with the required number of storeys (five), in this context, the plot ratio variation is supported and also it is considered that the proposed building is articulated and meets the desired character of urban transformation as set out in the Leederville Masterplan. In this instance, the proposed development is recommended for approval subject to standard conditions addressing the above.

### 9.1.5 Prostitution Legislation Reform

<b>Ward:</b>	Both Wards	<b>Date:</b>	22 March 2011
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	ENS0060
<b>Attachments:</b>	<a href="#">001</a> – Extract from Hansard		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	N Wellington, Development Compliance Officer		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

#### **OFFICER RECOMMENDATION:**

*That the Council in respect of the proposed Prostitution Legislation Reform in Western Australia; ADVISES the Office of the Attorney General and the Western Australian Local Government Association (WALGA) that the Town SUPPORTS IN PRINCIPLE the proposal for reform of the prostitution legislation, as outlined in the Extract from Hansard dated 25 November 2010.*

**Moved Cr Buckels, Seconded Cr Maier**

*That the recommendation be adopted.*

Debate ensued.

#### **AMENDMENT NO 1**

**Moved Cr Buckels, Seconded Cr McGrath**

*That the recommendation be amended as follows:*

*“That the Council in respect of the proposed Prostitution Legislation Reform in Western Australia:*

- (i) ADVISES the Office of the Attorney General and the Western Australian Local Government Association (WALGA) that the Town SUPPORTS IN PRINCIPLE the proposal for reform of the prostitution legislation, as outlined in the Extract from Hansard dated 25 November 2010; and*
- (ii) ENCOURAGES the State Government to reconsider portions of this legislation in consultation with the Sex Workers Association and with regard to existing brothels to reach a more practicable outcome.”*

Debate ensued.

Cr Topelberg suggested changing clause (ii) of the amendment to read as follows:

- “(ii) ENCOURAGES the State Government to consult with the ~~reconsider portions of this legislation in consultation with the Sex Workers Association in consideration of the legislation.~~ and with regard to existing brothels to reach a more practicable outcome.”*

The Mover, Cr Buckels and the Seconder, Cr McGrath agreed.

**AMENDMENT NO 1 PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Harvey was an apology for the meeting.)

**PROPOSED AMENDMENT NO 2**

**Moved Cr McGrath, Seconded .....**

*That a new clause (iii) be inserted as follows:*

*“(iii) ADVISES the Office of the Attorney General and the Western Australian Local Government Association (WALGA) to highlight a general concern that the Legislation is too restrictive and will drive the industry underground to the detriment of health and safety.”*

The Presiding Member, Mayor Nick Catania ruled that he could not accept the amendment as it was negating the substantive motion.

Debate ensued.

**MOTION PUT AND CARRIED (7-1)**

**For:** Mayor Catania, Cr Buckels, Cr Burns, Cr Farrell, Cr Lake, Cr Maier,  
Cr Topelberg

**Against:** Cr McGrath

(Cr Harvey was an apology for the meeting.)

**COUNCIL DECISION ITEM 9.1.5**

*That the Council in respect of the proposed Prostitution Legislation Reform in Western Australia:*

- (i) ADVISES the Office of the Attorney General and the Western Australian Local Government Association (WALGA) that the Town SUPPORTS IN PRINCIPLE the proposal for reform of the prostitution legislation, as outlined in the Extract from Hansard dated 25 November 2010; and*
- (ii) ENCOURAGES the State Government to consult with the Sex Workers Association in consideration of the legislation.*

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**PURPOSE OF REPORT:**

The Attorney General’s Office is seeking comment on the Extract from Hansard on the proposed Prostitution Legislation Reform.

**BACKGROUND:**

The Labor Government’s Prostitution Amendment Act 2008 was assented to by Parliament on 15 April 2008; however it never came into effect.

The Attorney General’s office recently reconvened the Senior Officers Group to assist in the preparation of drafting instructions for the new legislation. Whilst previously the Town’s Officers were involved in a similar working group, the Town has not been invited in respect to the current proposed legislation.

**Previous Council Decisions**

The Council has previously considered the subject of prostitution on 22 July 2008.

**DETAILS:**

The central elements of the scheme that is being drafted by the Liberal-National Government were outlined in a statement to Parliament prior to its recess. The central elements of the scheme outlined were:

*“The first element is the introduction of a strict licensing system —*

*A licensing scheme will be administered by the Department of Racing, Gaming and Liquor for prostitutes and operators and managers of prostitution businesses. Brothel-based prostitution will only be lawful where it occurs in accordance with the licensing scheme.*

*For such a business to be lawful, it will be necessary for the operator, manager and prostitutes to have current licences issued by the DRGL, and for the business to be conducted on premises that have been approved for that use by local government through the general planning approval process.*

*Self-employed prostitutes and collectives of two or more prostitutes will be permitted, but they will also need a licence, and they will need to operate from a permitted zone after planning approval.*

*There will be restrictions on who can hold any type of licence, which will include that the person must have reached the age of 18 years, and must be a permanent resident of Australia or an Australian citizen. Holders of student or other visas will not be able to lawfully act as prostitutes. This will enhance the state’s ability to police human trafficking.*

*Operators and managers must ordinarily be resident in Western Australia; and should not have been guilty of, or have charges pending in connection with, a range of specified offences.*

*Applicants for all licences will require a probity check by WA Police, which will include taking fingerprints and palm prints for criminal record checks, and checks for criminal associations.*

*The second element is the prohibition of prostitution in residential areas —*

*No form of prostitution will be lawful in areas zoned for residential or mixed residential use; or where residential dwellings are a permitted use under local government planning schemes.*

*The role that local government authorities will play in the scheme will be in respect of zoning matters and the standard approvals process that apply to them.*

*An application to a local government for planning approval to operate a brothel in a permitted discretionary use area will allow the local community a say through their council what they will and will not tolerate and where they may tolerate it. The state government will take the outcome of the local government applications process into strong account, but, in accordance with our election promise, the state government, via the Minister for Planning, will hold the final decision to approve a specific planning application.*

*In all cases, the establishment of a prostitution business in areas categorised as discretionary use for zoning purposes will be contingent upon the issue of a valid licence by DRGL.*

*The state government will not require local government to assume responsibility for investigating or closing inappropriately located unlawful premises. This will be a matter exclusively for police.*

*Prostitution businesses will not be permitted within 100 metres of a residential dwelling other than a caretaker's house; or within 200 metres of a protected place, which will be defined in the regulations to include places of worship, hospitals, and schools and other educational establishments.*

*With the increased trend towards mixed residential areas in a number of local government areas, there may be some local government authorities that will lack areas where a prostitution business could be prima facie permitted.*

*It is proposed that in the City of Perth, an exception will apply so that mixed-use areas might be permitted places for prostitution businesses if, at the time the business commences, the land is not within 50 metres of a residential dwelling or within 100 metres of a protected place. This is similar to the Victorian legislation.*

*To allow for transmission to the new scheme, existing businesses established prior to 6 September 2008 and still operating from the same address will be able to continue to operate with the approval of the chief executive officer of DRGL for an appropriate grace period. This will provide long-established, well-run businesses with an opportunity to relocate if they are situated outside a designated permissible area.*

*Operators, managers and prostitutes working in these existing businesses will be required to lodge applications for relevant licences within three months of the day on which the legislation comes into operation.*

*The third element is the targeting of unlawful prostitution. There will be three general approaches penalizing unlawful prostitution. These are as follows —*

*For operators and managers, anyone who runs a prostitution business without a current licence will be liable for a penalty of three years' imprisonment. For prostitutes, a person who engages in prostitution without a current licence will be liable for a maximum fine of \$6 000. First offences for prostitutes will ordinarily be punishable by the issuing of an infringement notice, and consideration will be given to referring such persons to appropriate diversionary services. For the clients of unlawful prostitution businesses, police will be provided with the power to issue on-the-spot infringement notices for a person found in, or entering, or leaving, premises that are being used in the conduct of prostitution, except where that business has possessed and displayed what appears to be a valid licence, or where that person can show a lawful excuse for being on the premises. A client who commits repeat offences of using an unlawful prostitution service will not be eligible for an infringement notice but will be subject to a court penalty of a fine of up to \$6 000, or imprisonment for one year. This aims to deter operations that do not seek appropriate licences, and deter the clients who used them from seeking the services of such operators.*

*Under the proposed scheme, WA Police will be responsible for dealing with public complaints about unlawful prostitution and, where their involvement becomes necessary, enforcing the law with respect to offences under the Act.*

*In accordance with the high priority accorded to ensuring that police are able to respond to individual public complaints and close down unlawful brothels in residential areas, WA Police will develop performance indicators relating to successful prosecutions and closures of such businesses in response to public complaints.*

*To enhance the police capacity to perform their role, it is proposed to amend the Prostitution Act 2000 to provide for some additional powers specific to prostitution. These are as follows—*

*An officer, with the authorisation of a police officer of assistant commissioner level or above, will be able to issue premises with a closure notice. Such a notice may be issued where there are reasonable grounds for believing that the premises were used for activities related to specified offences under the Prostitution Act 2000, there are reasonable grounds for believing that the making of an order is necessary for preventing this from occurring, and reasonable steps have been taken to establish the identity of the person who resides in the premises.*

*Upon the issuing of such a closure notice, persons other than those who reside in, or own, the premises will be prevented from entering the premises. As soon as a closure notice is issued, a police officer must make an application to court for a closure order, which order can be made if the court is satisfied the premises were used for activities related to offences under the Prostitution Act 2000, and that it is necessary to prevent the premises continuing to be used for such activities. A closure order granted by a court will allow access to premises to be restricted for up to three months. In practical terms, these notices will provide police with a means of responding to public complaints about inappropriately located, unlawful businesses. They are based upon successful powers operating in the United Kingdom.*

*Police will also be provided with a broad power of entry onto premises that they reasonably suspect are being used for prostitution, and will ensure that full information sharing occurs between the relevant government agencies.*

*The fourth element is with respect to how lawful businesses may be conducted. It is proposed to amend the Prostitution Act 2000 to outline certain matters regarding how a lawful prostitution business must be conducted. These amendments aim to ensure that the lawful industry is tightly regulated, prevents the least desirable elements of prostitution from occurring within the regulated system and assist in policing the industry. The proposed legislation will —*

*Require that current licences of an operator, manager or prostitute be visibly displayed at the premises at all times.*

*Strengthen existing provisions in relation to the required use of prophylactics for persons engaged in prostitution.*

*Prohibit certain commercial sex acts if a person is infected with a sexually transmitted infection.*

*Protect a prostitute's right to, at any time, refuse to take part in or to continue to take part in a commercial sex act.*

*Expand the existing protections against the coercion of people into prostitution. Specifically, the existing provisions will be amended to specify that a person is not to induce another person to act as a prostitute by using any power or authority that person may have because of their position or occupation; or because of any relationship they may have or have had in the past; or by making an accusation or a detrimental disclosure, whether true or false, about a person regarding an offence that has been committed; or about misconduct likely to damage a person's reputation; or regarding that person being unlawfully in Australia. It will be a strict liability offence for a person to pay for sex with someone who is coerced by another person for that person's financial gain. It will be a very serious offence for a person to pay for sex with a person who they know is being coerced by another person. Restrict advertising for a prostitution business to the internet and to the classified section of a newspaper or periodical, and require all advertisements to display a valid licensing number in the advertisement.*

*Additional provisions are proposed to protect children, including provisions compelling a person who operates a prostitution business to ensure that a child is not employed as a prostitute in the business. The penalty for this will be imprisonment for up to 5 years.*

*When a person is apprehended for an initial offence of acting as a prostitute, the government will make provision for funding of interventions designed to assist persons who wish to leave the business in lieu of the imposition of a conviction.*

*Outcomes sought: The government is not expecting that all these reforms will necessarily be popular with existing sex industry advocates or other interest groups; however, this is not the outcome that the Liberal– National government is seeking. Our first priority with these laws is to prevent the negative impact of prostitution businesses on ordinary Western Australians in residential areas. Having regard to other law enforcement priorities, human history and international policing experience show that prostitution will likely never be capable of being eradicated in this state, and the public does not realistically expect that to occur.*

*The fundamental outcome that the Liberal–National government wants to produce is that when it is clear that a brothel is operating unlawfully and is negatively impacting on the quiet enjoyment of residences or other businesses, public complaints will be responded to, and businesses and people who are the subject of such complaints will be investigated and shut down. Rather than continue with a system whereby the laws of this state say one thing and something quite different occurs on the ground, the government's focus has been on developing a detailed, clear-cut and robust system of laws that will create a clear distinction between what is lawful and unlawful, restrict the overall size of the industry, and ensure that premises that are inappropriately situated and negatively impact on ordinary Western Australians will be closed. This will be a tight legislative and regulatory model, similar to that which applies to other activities that are lawful in certain circumstances.*

*Obviously, this proposed model has some resourcing implications compared with the more laissez-faire freemarket model, but we consider that strict regulation is the only responsible approach that a conscientious government can take to this issue. We do not want a system that encourages or permits the involvement of organised crime, makes Western Australia a sex-trafficking destination, or burdens local governments with the task of preventing brothels being established close to schools, playgrounds or residences. If there is one thing that the experience of the previous government's legislative failures clearly indicates, it is that it is critical that legislation reflect the legitimate concerns of local government and ordinary Western Australians, instead of being imposed on them in pursuit of an ideological goal of decriminalisation.*

*I have taken the step of delivering this speech to allow the opposition to respond as it sees fit to the detailed mechanics and principles of the government's plan, and to ensure that people who wish to do so are given an opportunity to respond to the proposal as early as possible in the drafting process. We are particularly concerned to ensure that local governments, residents and people who will be directly affected by what is proposed are able to freely express their views in the lead-up to the release of a draft bill. The government will consider all comment provided, and, following the consultation process, our intention is to finalise and introduce in the first half of 2011 legislation reflecting the approach that I have described.*

**CONSULTATION/ADVERTISING:**

Nil.

**LEGAL/POLICY:**

Planning and Development Act 2005 and Town Planning Scheme No. 1 and associated Policies.



**RISK MANAGEMENT IMPLICATIONS:**

Not applicable.

**STRATEGIC IMPLICATIONS:**

The Town's Strategic Plan 2009-2014 states:

*"Natural and Built Environment*

- Objective 1.1 Improve and maintain environment and infrastructure,*  
*1.1.2 Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision,*  
*1.1.3 Enhance, maintain the character and heritage of the Town.*  
*1.1.4 Minimise negative impacts on the community and environment."*

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

None foreseen.

**COMMENTS:**

The key components of the proposed Prostitution Legislation Reform, are as follows:

Town Planning Scheme and Planning Policies

Planning Approval will be required for prostitution businesses, including self-employed prostitutes and collectives of two or more. The State Government will take the outcome of the Local Government applications process into strong account; however the State Government, via the Minister for Planning, will hold the final decision to approve a specific planning application.

No form of prostitution will be lawful in areas zoned for residential or mixed residential use; or where residential dwellings are a permitted use under Local Government planning schemes. It is to be noted that all of the Town's zones listed in Town Planning Scheme No. 1 permit, or allow with the Council's discretion, residential uses. It is therefore considered that prostitution businesses will be prohibited in the Town.

Existing Sexual Services Businesses

Existing sexual services businesses established prior to 6 September 2008 and still operating from the same address will be able to continue to operate with the approval of the Chief Executive Officer of Department of Racing, Gaming and Liquor for an appropriate grace period. This will provide long-established, well-run businesses with an opportunity to relocate if they are situated outside a designated permissible area. It is considered that there are four (4) known sexual services businesses in the Town of Vincent that would fall within this category.

Operators, managers and prostitutes working in these existing businesses will be required to lodge applications for relevant licences within three months of the day on which the legislation comes into operation.

### Unlawful Prostitution

The State Government will not require Local Government to assume responsibility for investigating or closing inappropriately located unlawful premises. This will be a matter exclusively for the Police. It is proposed that WA Police will be responsible for dealing with public complaints about unlawful prostitution and, where their involvement becomes necessary, enforcing the law with respect to offences under the Act.

Anyone who runs a prostitution business without a current licence will be liable for a penalty of three years' imprisonment. A person who engages in prostitution without a current licence will be liable for a maximum fine of \$6,000.

### Prostitution Act 2000

It is proposed to amend the Prostitution Act 2000 to outline certain matters regarding how a lawful prostitution business must be conducted. These amendments aim to ensure that the lawful industry is tightly regulated, prevent the least desirable elements of prostitution from occurring within the regulated system, and assist in policing the industry. The proposed legislation will allow a Police Officer to issue premises with a closure notice where there are reasonable grounds for believing that the premises were used for activities related to specified offences under the Prostitution Act 2000. Police will also be provided with a broad power of entry onto premises that they reasonably suspect are being used for prostitution, and will ensure that full information sharing occurs between the relevant government agencies.

It is recommended that the Council receives the report relating to the proposed Prostitution Legislation Reform in Western Australia and advises the Office of the Attorney General and the Western Australian Local Government Association (WALGA) that it supports in principle, the proposal for reform of the prostitution legislation, as outlined in the Extract from Hansard dated 25 November 2010.

**9.2.2 Proposed Extension of Perth Bicycle Network, On Road Cycle Lanes, and other improvements on Palmerston Street between Randall Street and Stuart Street, Perth**

<b>Ward:</b>	South	<b>Date:</b>	25 March 2011
<b>Precinct:</b>	Hyde Park – P12	<b>File Ref:</b>	TES0172
<b>Attachments:</b>	<a href="#">001</a> – Plan No. 2778-CP-01		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	R Lotznicker; Director Technical Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

*That the Council*

- (i) *APPROVES IN PRINCIPLE the proposal for Proposed Extension of Perth Bicycle Network, On Road Cycle Lanes, and other improvements on Palmerston Street between Randall Street and Stuart Street, Perth estimated to cost \$150,000 as shown on Plan No. 2778-CP-01.*
- (ii) *LISTS an amount of \$150,000 for consideration in the draft Budget 2011-2012 for the proposed works;*
- (iii) *NOTES that the Town will be applying for contributory Bikewest Funding for the cycling component of the project;*
- (iv) *CONSULTS with affected residents in Palmerston Street regarding the proposal; and*
- (v) *NOTES that a further report will be submitted to the Council at the conclusion of the consultation period.*

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**COUNCIL DECISION ITEM 9.2.2**

**Moved Cr McGrath, Seconded Cr Topelberg**

*That the recommendation be adopted.*

Debate ensued.

Cr McGrath stated that the Chief Executive Officer has indicated that the works may extend up to the corner of Randall and Palmerston Streets and he resides on that corner.

He queried the extent of the proposed works and whether it extended to Randall Street. The Director Technical Services confirmed this to be the case.

Cr McGrath then disclosed a proximity interest in the item. The extent of his interest being that he resides at 142 Palmerston Street, which will be adjacent to the proposed works. He requested approval to participate in debate, but not vote.

The Presiding Member, Mayor Nick Catania suggested that Cr McGrath be approved to participate on debate of this Item.

Cr McGrath departed the Chamber at 8.10pm whilst his declaration of interest was being considered.

**PROCEDURAL MOTION**

**Moved Cr Lake, Seconded Cr Topelberg**

*That Cr McGrath participate in debate in Item 9.2.2, be approved.*

**CARRIED UNANIMOUSLY (7-0)**

(Cr McGrath was absent from the Chamber and did not vote. Cr Harvey was an apology for the meeting.)

Cr McGrath returned to the Chamber at 8.12pm. The Presiding Member, Mayor Nick Catania advised him the Procedural Motion for him to participate in debate was approved (7-0).

Debate ensued.

Cr McGrath departed the Chamber at 8.14pm.

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

(Cr McGrath was absent from the Chamber and did not vote. Cr Harvey was an apology for the meeting.)

Cr McGrath returned to the Chamber at 8.15pm. The Presiding Member, Mayor Nick Catania advised that the Item was carried 7-0.

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**PURPOSE OF REPORT:**

The purpose of this report is to advise the Council of a proposal to extend the existing on road bicycle lanes, improve the parking and streetscape amenity and implement minor traffic improvements along Palmerston Street between Randall Street and Stuart Street.

**BACKGROUND:**

**Previous Works:**

Palmerston Street has a legal posted speed limit of 50 kph and is classified as an Access Road in accordance with the Metropolitan Functional Road Hierarchy. An access road should carry no more than 3,000 vehicles per day (vpd), have a posted speed limit of 50 kph, and provide access predominantly to residential properties. Palmerston Street complies with its classification.

In 2000 the Town implemented an upgrade in Palmerston Street between Stuart Street and Newcastle Street. This work, part funded by two major developments comprised the introduction of on road cycle lanes, embayed parking, underground power, upgraded footpaths and landscaping.

This general theme was subsequently implemented in Palmerston Street between Randall Street and Glendower Street.

The only section of the street not to have this theme is the section between Randall and Stuart Street.

## **DETAILS:**

### **Local Area Traffic Management Advisory Group Meeting – 17 February 2011**

The Group was provided with an overview, of a concept plan prepared for Palmerston Street which took into consideration traffic calming, bicycles facilities and Water Sensitive Urban Design (WSUD) principles. The plan presented to the group comprised the following:

- 5.9m wide carriageway.
- 2 x 1.5m wide cycle lanes (red asphalt)
- 2.1m on-road embayed parking
- Water harvesting
- Cycle bypass around the back of the Palmerston/Brisbane roundabout north bound.

However, as a trade off the group was advised that there would be a reduction in the on-road parking.

The group was also advised that the Town would be applying for Bikewest funding, as per the previous section (Bulwer Street to Randall Street) as Palmerston Street formed part of Perth Bicycle Network Route NE4.

It was indicated that the potential decrease in on road parking to accommodate the other aspects of the proposal would be subject to public consultation however there were some locations where parking was not warranted and where there was anecdotal evidence that a significant percentage of the cars parked in Palmerston Street on a daily basis were not those of the residents.

### **Contributory funding from the Department for Planning and Infrastructure**

Submissions for contributory funding from the Department for Planning and Infrastructure 2011/2012 Perth Bicycle Network local government grants program have been called and the Town will be applying for funding for the Palmerston Street project.

## **CONSULTATION/ADVERTISING:**

Residents in Palmerston Street will be consulted regarding the proposal.

## **LEGAL/POLICY:**

Nil.

## **RISK MANAGEMENT IMPLICATIONS:**

**Medium:** Given that Palmerston Street is on the Perth Bicycle network and is heavily used by cyclists on a daily basis the works are considered important to improve safety and amenity.

## **STRATEGIC IMPLICATIONS:**

In accordance with the objective of Strategic Plan 2009-2014 – Key Result Area One: 1.1.6 Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *“(a) implement adopted annual infrastructure upgrade programs, including streetscape enhancements, footpaths, rights of way, car parking and roads.”*

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

The estimated cost of the works is \$150,000 with a potential contribution from Bikewest of up to \$50,000.

**COMMENTS:**

As mentioned above Palmerston Street forms part of Perth Bicycle Network (PBN) route NE4. The proposal includes the creation of 'on road' cycle lanes similar to what currently exists on Palmerston Street south of Stuart Street.

The proposal as presented will improve on the road bicycle facility as well as improve the parking and streetscape amenity including traffic improvements along Palmerston Street between Randall Street and Stuart Street.

**9.2.3 Dorrien Gardens – Reallocation of Funds for Urgent Replacement of Reticulation Mainline**

<b>Ward:</b>	South	<b>Date:</b>	24 March 2011
<b>Precinct:</b>	Hyde Park; P12	<b>File Ref:</b>	RES0032
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	J van den Bok; Manager Parks & Property Services		
<b>Responsible Officer:</b>	R Lotznicker; Director Technical Services		

**OFFICER RECOMMENDATION:**

*That the Council APPROVES BY AN ABSOLUTE MAJORITY the funding contribution of \$5,000 for the replacement of the reticulation mainline, including the reinstatement of surrounds at Dorrien Gardens, estimated to cost a total of \$10,000, to be funded from a source to be determined by the Chief Executive Officer.*

**COUNCIL DECISION ITEM 9.2.3**

**Moved Cr Farrell, Seconded Cr Burns**

*That the recommendation be adopted.*

Debate ensued.

**MOTION PUT AND CARRIED UNANIMOUSLY**  
**BY AN ABSOLUTE MAJORITY (8-0)**

**(Cr Harvey was an apology for the meeting.)**

**PURPOSE OF REPORT:**

The purpose of the report is to advise the Council of the recent advice received from the Perth Soccer Club Inc. in regard to the condition of the reticulation mainline at Dorrien Gardens and to seek approval for a contribution to the urgent replacement of the reticulation mainline.

**BACKGROUND:**

The Perth Soccer Club Inc. recently advised the Town that the reticulation mainline running from the bore headworks to the infield reticulation network had fractured and feared that the many recent fractures over the summer period indicated that the pipework was in poor condition and required urgent replacement.

The club requested that the Town's officers assist to investigate this matter and consider budgeting for a replacement reticulation mainline or alternatively contributing towards the cost of repairs so the watering system could remain operational until regular winter rains commence.

**DETAILS:**

**Reticulation System**

The Perth Soccer Club installed an automatic in ground reticulation system in 1997 and it is unclear whether permission was sought from the Town prior to the installation as there was no specification for the works provided by Parks Services at the time.

Some years later, an “as constructed” reticulation plan was provided to the Town, however it was noted that the installation was completed without replacement of the mainline which runs from the bore headworks to the solenoid valves and sprinklers.

In the majority of cases when a reticulation system is being installed a new mainline is included to accommodate the new design and pressures required, however in this case the club has utilised the old concrete/asbestos mainline.

#### **Existing Reticulation Mainline**

The existing reticulation mainline has now been inspected by Town officers and specialised contractors whilst recent repair works were being undertaken and it is recommended that given its age and condition that it be replaced or is likely to fracture more frequently during next year’s summer season.

Whilst the maintenance of the reticulation system is normally the Lessees responsibility, the replacement of major plant & equipment items such as the bore/pump and the reticulation mainline is usually the Lessor’s (Town’s) responsibility under the conditions of the lease.

In this case, given that the club installed the reticulation without replacing the mainline, it is recommended a 50% contribution subject to Council’s approval towards the total cost of the replacement and reinstatement works.

The Perth Soccer Club has recently advised the Town’s officers that they accept the conditional offer and are awaiting the Council’s decision.

#### **CONSULTATION/ADVERTISING:**

Nil.

#### **LEGAL/POLICY:**

The current lease states that “the Lessee must maintain all plant and equipment on the premises in accordance with the manufacturer’s specifications and to the reasonable satisfaction of the Lessor”. It is considered that the mainline is usually the responsibility of the Lessor (Town) and therefore a 50% contribution is reasonable.

#### **RISK MANAGEMENT IMPLICATIONS:**

**High:** The existing reticulation mainline is constructed from concrete/asbestos and is estimated to be around 40 years of age. The structural integrity of the pipework is questionable and the recent problems with the pipework fracturing on many occasions indicate that replacement is well overdue. Severe damage to the playing pitch will occur (which would be very expensive to remove and replace), if major fractures occur.

#### **STRATEGIC IMPLICATIONS:**

In accordance with the objective of Strategic Plan 2009-2014 – Key Result Area One: 1.1.6 *Enhance and maintain the Town’s infrastructure to prove a safe, healthy, sustainable and functional environment.*

#### **SUSTAINABILITY IMPLICATIONS:**

Nil.



**FINANCIAL/BUDGET IMPLICATIONS:**

An estimate to undertake the works in accordance with the Town's specification has been provided by KS Black Pumps (WA) based on the Town's tendered rates for the supply of UPVC pressure pipe/fittings and installation costs.

The total cost of the replacement including reinstatement of surrounds is estimated at \$10,000. As this matter was unforeseen, there are no funds on the 2010-2011 Budget. A reallocation of funds will require an absolute majority.

**COMMENTS:**

It is therefore recommended that the Council contribute \$5,000 towards the replacement of the reticulation mainline at Dorrien Gardens as outlined within the report.

**9.3.3 Men's Shed – Community Consultation**

<b>Ward:</b>	Both	<b>Date:</b>	24 March 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	PRO0524
<b>Attachments:</b>	Nil		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	J Symons, Community Development Officer; J Anthony, Manager Community Development		
<b>Responsible Officer:</b>	M Rootsey, Director Corporate Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report concerning the outcome of the Community Consultation on the interest in the establishment of a Men's Shed in the Town of Vincent;*
- (ii) *APPROVES IN PRINCIPLE of the establishment of a Men's Shed in the Town of Vincent;*
- (iii) *LISTS an amount of \$40,000 for consideration in the 2011/2012 Draft Budget for the establishment of a Men's Shed; and*
- (iv) *NOTES that subject to final approval in the 2011/2012 Budget, a further report will be submitted to Council on:*
  - (a) *Management Options;*
  - (b) *Funding models (establishment and on-going);*
  - (d) *preferred location; and*
  - (d) *an Implementation Plan for the establishment of the Men's Shed in the Town.*

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**Moved Cr Topelberg, Seconded Cr Farrell**

*That the recommendation be adopted.*

Debate ensued.

AMENDMENT

**Moved Cr Lake, Seconded Cr Topelberg**

*That a new clause (v) be inserted as follows:*

*“(v) REQUESTS the Town's Administration to work with the Committee to facilitate an interim solution as soon as possible.”*

Debate ensued.

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

(Cr Harvey was an apology for the meeting.)

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

(Cr Harvey was an apology for the meeting.)

**COUNCIL DECISION ITEM 9.3.3**

*That the Council;*

- (i) *RECEIVES the report concerning the outcome of the Community Consultation on the interest in the establishment of a Men's Shed in the Town of Vincent;*
  - (ii) *APPROVES IN PRINCIPLE of the establishment of a Men's Shed in the Town of Vincent;*
  - (iii) *LISTS an amount of \$40,000 for consideration in the 2011/2012 Draft Budget for the establishment of a Men's Shed;*
  - (iv) *NOTES that subject to final approval in the 2011/2012 Budget, a further report will be submitted to Council on:*
    - (a) *Management Options;*
    - (b) *Funding models (establishment and on-going);*
    - (d) *preferred location; and*
    - (d) *an Implementation Plan for the establishment of the Men's Shed in the Town; and*
  - (v) *REQUESTS the Town's Administration to work with the Committee to facilitate an interim solution as soon as possible.*
- 

**PURPOSE OF REPORT:**

To provide the Council with feedback from the Men's Shed consultation forum conducted to determine community interest in a men's shed.

**BACKGROUND:**

At the Ordinary Meeting of Council, held on 26 October 2010, a Notice of Motion was adopted regarding the undertaking of community consultation to establish the level of interest in the establishment of a Men's Shed within the Town, as follows:

*"That the Council;*

- (i) *RECEIVES the information concerning Men's Shed;*
- (ii) *APPROVES of Community Consultation being undertaken to establish the level of interest in the establishment of a or a number of Men's Sheds within the Town; and*
- (iii) *NOTES that a further report will be submitted to the Council, after the consultation has been carried out."*

**DETAILS:**

A Men's Shed forum that included an information session as well as a community consultation component was conducted in the Function room at the Administration and Civic Centre on 20 January 2011 between 11am and 12.30pm.

Forty people registered for the forum although forty eight (48) people attended the session.

After welcoming the attendees and establishing the purpose of the forum a presentation was delivered by Bill Johnson and Allan Gowland, the coordinators of the Fremantle men's shed established in February 2005. Bill and Allan talked about what the shed offers to men; the purpose of the shed from a health and social perspective; the various community projects run in partnership with local agencies and organisations; what makes a good shed and finally the process of establishing their shed and maintaining a profile.

The second presentation was delivered by Mike Murphy; a Committee member of the Western Australian Men's Shed Association, a Board Member of the Australian Men's Shed Association as well as the Coordinator of the Stirling Community Men's shed. Mike talked about the evolution of the Stirling community shed and the different projects they have planned as well as the member groups who will be using the shed some that include HACC (home and community care) clients, Veterans, dads who want to bond with their kids and men who love a project.

Each of the presenters then formed a panel and for the next hour answering questions from the group about more practical aspects of setting up a shed including insurance, funding, infrastructure and various other processes.

Participants were then encouraged to complete a survey form and indicate their level of interest and potential involvement. The survey form was also made available on the Towns website. A total of forty surveys were completed.

The response to the survey questions were as follows:

**1. Do you think that the Town of Vincent needs a Men's Shed?**

Yes 40 (100%) No 0 (0%)

**2. Are you currently:**

Working full time	11 (27.5%)	Working part time	5 (12.5%)
Retired	19 (47.5%)	Other	3 (7.5%)

**3. What is your interest in a Men's Shed?**

To attend regularly	10 (25%)	To attend occasionally	16 (40%)
Education and learning	17 (42.5%)	Friendship and sociability	18 (45%)
Other	9 (22.5%)		

**4. If a Men's Shed was initiated how would you like to contribute?**

Member of the steering committee	8 (20%)
Involvement with the day to day management of the shed	7 (17.5%)
Help with the physical labour required to establish the shed	24 (60%)
Visit or attend events at the shed	19 (47.5%)
Conduct information sessions at the shed	8 (20%)
Other	9 (22.5%)

**5. Do you have knowledge and skills that you would be prepared to make available to assist in the development and maintenance of the shed?**

- Engineering Degree, Occupational Health and Safety Knowledge;
- Our lecturers at Central have skills in General Education, Access and Foundation courses etc that can link into Men's Shed programs e.g. for disengaged youth, homeless men, women needing self-esteem boosts, as well as mainstream TAFE courses and skills;

- Want to know more;
- Have men's group meetings;
- Cleaning, painting, etc;
- Offer of venue/shed
- Offer support for men/young people in relationship support and men and transitional change;
- No;
- Woodwork, metal work, computing, media;
- Mechanical Engineering, woodworking;
- Chairman of HAND TOOL PRESV.SOCIETY of WA. Ability with hand and power tools over a lifetime;
- Was OSH rep at Dept of Environment;
- Pres. WA Craft Bookbinders, could run Book Binding Course;
- Could run amateur radio course;
- Cleaning, painting, etc;
- Mechatronics Engineer;
- Carpentry Skills, Keen organic Gardener;
- Member of Vincent Men's group for about 5-6 years, Professional Sculptor/Art educator, handyman N Perth inventors club is looking for a venue too;
- Initial set up advice;
- Electrical technician and repair and maintenance of electrical equipment;
- Tradesperson – mechanical;
- Hydraulic Engineering background;
- Education and training;
- Handyman skills;
- Design and Tech teacher for 35 years ( manual art);
- Project management skills, IT skills, men's work experience;
- Have renovated homes in the past;

**6. Can you identify any sites you think would be suitable for a Men's Shed within the Town of Vincent?**

- Co-locate with an existing sports club, community facility or similar;
- Possibly as part of a proposed community garden site at Central TAFE ( Leederville) via Lottery West Funding? As part of the "C Block" re-development. Just an idea, not sure about approval from senior management etc but worth exploring anyway;
- Not really but the use of open space ( parkland) could be a possibility;
- Cnr Fitzgerald St & Raylan St, Cnr Scarborough Beach Rd & Loftus St, William St North Bridge (condemned buildings);
- North Perth behind old police station;
- Old velodrome - Britannia St Leederville, under old grandstand;
- North Perth Police Station.

**7. Would you like to be contacted further about men's sheds?**

Yes 29 (72.5%)

No 0 (0%)

When asked if the Town needs a Men's Shed 100% of participants replied yes.

Of these, the majority are retired (47.5%) with one third (27.5%) working full time and a quarter (12.5%) working part time.

Participants were asked to nominate from a list their interest in the men's shed. The majority (45%) chose friendship and sociability closely followed by education and learning (42.5%). More participants (40%) said they would attend occasionally however, compared to the (25%) who opted to attend regularly.

When asked about their level of contribution should a men's shed be established, twenty four (24) or (60%) stated that they would help with the physical labour required to establish the shed and nineteen (19) or (47.5%) would visit and attend events at the shed. A fairly equal amount of people seven to eight said that they would be willing to be involved in the day to day management of the shed, conduct information sessions at the shed or become a member of the steering committee.

When visiting other sheds it became obvious that the skills and experience of the shed members, particularly the coordinators directly related to the success and functionality of the shed and relevance of their programs and activities. In order to gauge a picture of the skill set of the interested participants at the forum each were asked to list their experience and qualifications they felt would be relevant for the development and maintenance of the shed. The group included a diverse range of backgrounds including tradesmen, relationship counsellors, engineers, educators as well as those with occupational health and safety, IT and project management experience.

Finally participants were asked for suggestions for the site of the shed. A few suggested the back of the North Perth Police Station, another, the old Velodrome in Britannia Street with others suggesting buildings that were privately owned. There was a request that the site be coupled with the proposed community garden which was a comment that has been regularly made in other general discussions about the shed.

Maureen Schoch attended the forum and offered the double garage at her residence in Charles Street as an initial venue until a permanent position could be found. The steering committee members have actually met at this venue since the consultation forum. Four of the steering committee members have visited the shed at the back of the North Perth Police Station and are enthusiastic for this shed to be considered as a venue.

#### **CONSULTATION/ADVERTISING:**

A flyer was produced in house and distributed through the following channels during the first two weeks of December 2010:

- Mailed to the seniors mailing list (398);
- Emailed to all the agencies that were contacted for consultation to be distributed along their networks and mailing lists;
- Made available at;
  - the front counter of administration building;
  - library;
  - Loftus Community Centre; and
  - fishing and camping shops along oxford street.

The survey form was distributed at the Men's Shed Forum and also placed on the Town's website for one month following the forum.

An article promoting the forum appeared in both The Voice on the 8 January 2011 as well as in the Briefly section of the Guardian Express on 4 January 2011. A community consultation advertisement was also included in the "What's On" in Vincent advertisement in the Guardian express on 11 January 2011.

**LEGAL/POLICY:**

Nil at this stage.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** Should any future elevated risks be identified as projects develop, strategies will be put in place to minimise the risk.

**STRATEGIC IMPLICATIONS:**

The support of a men's shed is in keeping with the Town of Vincent Strategic Plan 2009-2014:

*"3.1. Enhance and promote community development and wellbeing."*

**SUSTAINABILITY IMPLICATIONS:**

The initiatives highlighted are in line with the Sustainable Environment Plan 2007 – 2012.

**FINANCIAL/BUDGET IMPLICATIONS:**

An amount of \$40,000 is to be listed for consideration in the 2011/2012 Budget for the establishment of the Men's Shed.

At this stage the Town's Administration has not fully investigated Management and Funding implications. It is important that the Council determine these important matters, as it may have on-going financial implications for the Town.

**COMMENTS:**

The Men's Shed project can provide a positive element to the state of men's health; it can be a vital link between men and mental health services as well as become a neutral space where intergenerational communication can take place.

Initial consultation exposed interest from various agencies within the Town to use the shed although there was no offer to coordinate the shed.

Further community consultation was conducted with nearly fifty men including a few women attending the information/consultation forum. Feedback from this session indicated a desire from all those (48) who attended for the Town to have a Men's Shed.

There were also participants (8) who committed themselves to forming a steering committee and have since informally met at a temporary venue donated by a local resident.

A quarter of those who attended the forum stated that they would attend the shed regularly with nearly half saying they would attend occasionally. These numbers along with the diverse skill set of the proposed members would certainly provide enough foundation for the development of a shed in the Town.

The Presiding Member, Mayor Catania advised that Cr Burns had declared a financial interest in Item 9.4.1. Cr Burns departed the Chamber at 8.21pm and she did not speak or vote on this matter.

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

<b>Ward:</b>	-	<b>Date:</b>	25 March 2011
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0042
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	M McKahey, Personal Assistant		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

*That the Council NOTES the use of the Council's Common Seal on the documents listed in the report, for the month of March 2011.*

**COUNCIL DECISION ITEM 9.3.1**

**Moved Cr Lake, Seconded Cr McGrath**

*That the recommendation be adopted.*

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

(Cr Burns was absent from the Chamber and did not vote on this matter. Cr Harvey was an apology for the meeting.)

Cr Burns returned to the Chamber at 8.22pm. The Presiding Member, Mayor Nick Catania advised that the item was carried.

**BACKGROUND:**

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

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

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

<b>Date</b>	<b>Document</b>	<b>No of copies</b>	<b>Details</b>
1/03/2011	Notification under Section 70A	1	Town of Vincent and C A Packard and M R Hair of PO Box 27, West Busselton re: No. 5 Waugh Street, North Perth - <i>In compliance with the Town of Vincent Development Application Conditions relating to Right of Way located at the rear of Lot 25 (part of Lot 50 owned by the Town)</i>
1/03/2011	Deed of Easement	3	Town of Vincent and C A Packard and M R Hair of PO Box 27, West Busselton re: No. 5 Waugh Street, North Perth - <i>In compliance with the Town of Vincent Development Application Conditions relating to Right of Way located at the rear of Lot 25 (part of Lot 50 owned by the Town)</i>



Date	Document	No of copies	Details
08/03/2011	Deed of Licence	1	Town of Vincent, Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Bankwest Function on 9 March 2011 (Gareth Naven Room and Pitch)
14/03/2011	Restrictive Covenant	2	Town of Vincent and SJG Voros and AC Beyers of PO Box 467, Leederville re: No. 136 (Lot 4027) London Street, North Perth - Survey Strata Subdivision - Vehicular Access Restriction - Restrictive Covenant under Section 129BA of the Transfer of Land Act to satisfy Condition (7) of the Western Australian Planning Commission Approval dated 4 August 2009
15/03/2011	Deed of Licence	1	Town of Vincent, Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Bankwest Function on 16 March 2011 (Super Suite)
15/03/2011	Deed of Licence	1	Town of Vincent, Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Trinity College Function on 16 March 2011 (Gareth Naven Room)
17/03/2011	Restrictive Covenant	4	Town of Vincent and B D Maluish and E A English of 46 Burt Street, Fremantle re: No. 15 (Lot 19) Baker Avenue, Perth - To satisfy Condition (12) of Survey Strata Subdivision Ref: 99-10, Serial No. 7.2010.11.1, which was conditionally approved by the Western Australian Planning Commission (WAPC) on 20/04/10
21/03/2011	Transfer of Land	1	Town of Vincent and Perpetual Trustees Victoria Ltd as executor of the Will of Bernard Francis Cragen (deceased) re: Lot 50 (Private Road providing access to Sydney Street, North Perth) on Diagram 1409, Volume 1989, Folio 546; Lot 66 (ROW providing access to Charles Street, North Perth) on Diagram 1410, Volume 1989, Folio 548; Lot 150 (Private Road providing access to Fleet Street, North Perth) on Diagram 1968, Volume 1989, Folio 550
21/03/2011	Transfer of Land	1	Town of Vincent and Perpetual Trustee WA Ltd of Angel Place, 123 Pitt Street, Sydney, NSW as executor of the Will of Henry Briggs (deceased) re: Lot 67 (ROW) on Plan 1874, Volume 161, Folio 144
22/03/2011	Extension of Lease	3	Town of Vincent and T A Palassis, G A Palassis and Palassis Holdings Pty Ltd, c/o Realmark Commercial, Level 1, 658 Newcastle Street, Leederville re: 594-596 Beaufort Street, Mount Lawley (Barlee Street Car Park) - Term: Two (2) periods of five (5) years each commencing 14 February 2011 and 14 February 2016 respectively
23/03/2011	Deed of Extension of Licence	2	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and South Sydney District Rugby League Football Club of Level 4, 265 Chalmers Street, Redfern, NSW re: Extended Lease of Licensed Area at nib Stadium from 1 September 2011 to 31 August 2014
24/03/2011	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and The Frontier Touring Co. Pty Ltd of 135 Forbes Street, Woolloomooloo, NSW re: Concert* on 29 November 2011 (and, if required, 28 November 2011) (*Commercial-in-Confidence until released to the Public)
29/03/2011	Notification under Section 70A	2	Town of Vincent and Luna Pty Ltd of 18 Jardine Street, Stirling WA 6021 re: No. 182 (Lot: 131, D/P: 7489) Loftus Street, North Perth - To satisfy Condition (i) of Approval to Commence Development dated 23/03/11.

### 9.4.2 Community Perceptions Survey – Strategies and Actions

<b>Ward:</b>	Both	<b>Date:</b>	25 March 2011
<b>Precinct:</b>	-	<b>File Ref:</b>	CVC0024
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	John Giorgi, Chief Executive Officer		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

*That the Council:*

- (i) **APPROVES BY AN ABSOLUTE MAJORITY** to reallocate \$20,000 plus GST for a Consultant to carry out Community Perception Focus Groups, as detailed in this report and for this to be funded a funding source to be determined by the Chief Executive Officer; and
- (ii) **NOTES** that various strategies and initiatives as outlined in the report are progressively being implemented.

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**COUNCIL DECISION ITEM 9.4.2**

**Moved Cr Lake, Seconded Cr Farrell**

*That the recommendation be adopted.*

Debate ensued.

**PROCEDURAL MOTION**

**Moved Cr Lake, Seconded Cr Maier**

*That the item be DEFERRED to the Council Forum on 12 April 2011 and the Consultant be requested to present to the Forum.*

**PROCEDURAL MOTION PUT AND CARRIED (5-3)**

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

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

**(Cr Harvey was an apology for the meeting.)**

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**PURPOSE OF REPORT:**

The purpose of the report is to obtain the Council's approval to reallocate funds for the purpose of appointing a Consultant to carry out Community Perception Focus Groups.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 22 March 2011 the Council considered this matter and resolved as follows:

*“That the Council;*

- (i) **RECEIVES** the report relating to strategies concerning the Community Perceptions Survey 2010;

- (ii) *REQUESTS the Town's:*
- (a) *Local Area Traffic Management Advisory Group to review "the management and control of traffic on roads" and provide recommendations to the Council; and*
  - (b) *Safer Vincent Crime Prevention Partnership to review "the control of graffiti, vandalism and anti-social behaviour" and provide recommendations to the Council;*
- (iii) *NOTES that the various strategies and initiatives will be progressively implemented during 2011; and*
- (iv) *REQUESTS the Chief Executive Officer to prepare a report for the Ordinary Meeting of Council on 5 April 2011 which identifies the costs, benefits and timeframe for holding scoping meetings and workshops with Directors and Managers; and conducting focus group based research and any other methods to identify the reasons for dissatisfaction within the community and identify possible actions and strategies to address the areas of concern."*

At the Ordinary Meeting of Council held on 22 February 2011 the Council received information concerning the Community Perceptions Survey 2010 and resolved in part as follows:

*"That the Council;*

*...(iii) considers listing an amount of \$25,000 on the 2011/2012 Draft Budget to conduct another Community Perception Survey in 2011/2012."*

Following the Council's Decision, the Chief Executive Officer has had several discussions with its Survey Consultants (Catalyse) and they have provided the following information about Community Focus Groups:

***"Exploring reasons for dissatisfaction in the Town of Vincent Introduction***

*In the most recent Community Perceptions Survey conducted for the Town of Vincent, the community expressed concerns with some service areas. The main concerns were related to planning and building approvals, accessibility and safety and security, however, there seemed to be a general level of discontent across the community. Council would like to explore reasons for these concerns further.*

***1. Strategic Intent***

*The strategic purpose of this study is to understand the **underlying drivers of dissatisfaction** in the Town of Vincent, and to obtain suggestions for improving performance.*

***2. Information Objectives***

*The groups would seek to explore:*

- *Overall perceptions of quality of life in the Town of Vincent*
- *What contributes positively to quality of life*
- *What negatively affects quality of life*
- *Overall perceptions of the Town of Vincent*
- *The Town's perceived strengths and weaknesses*

- *Reasons for dissatisfaction with high priority areas identified in the recent survey (such as safety, accessibility and planning)*
- *Suggestions for improvement*
- *Level of support for various ideas and concepts proposed by the Town of Vincent to address concerns*

Chief Executive Officer's Comments:

The Information Objectives appear comprehensive and acceptable.

**3. Research Approach**

*As the study is exploratory in nature, seeking to understand values, attitudes and behaviour, we suggest the use of focus group research.*

**3.1 Scoping Meeting**

*We suggest the study commences with a scoping meeting to review and agree on the research approach, timing, budget and deliverables.*

Chief Executive Officer's Comments:

The Chief Executive Officer, Directors and relevant Officers will meet with the Consultant concerning this matter.

**3.2 Focus Group Size & Composition**

*Budget permitting, we recommend running four focus groups with residents from the following areas:*

*Group 1 – North Perth*

*Group 2 – Highgate and Mt Lawley*

*Group 3 – Leederville and Mt Hawthorn*

*Group 4 – East Perth, Perth City and West Perth*

*We feel it is very important to get a sense of how people are feeling at the neighbourhood level. The broader we make the geographic reach in each group, the more difficult it is to get a sense of how people are feeling at a local level, and how views vary by location.*

*Understanding that budget constraints do exist, the fall back option is to conduct two focus groups (with the composition of each group to be discussed).*

*For each group, we will recruit a representative mix of residents by age, gender, lifestage and location.*

*In line with best practice, our aim is to have eight people participate in each group. To account for people who, for whatever life event or reason, are unable to attend on the night of the focus group, we recruit ten people for each group.*

Chief Executive Officer's Comments:

The number of Focus Groups was discussed in detail with the Consultant and it is accepted that four (4) will provide the Town with a comprehensive feedback as per the objectives. The Chief Executive Officer does not concur that the Focus Groups should be based on Suburbs and believes it is more appropriate to carry out four (4) as per Precinct breakdowns as outlined in the Economic Development Strategy – as shown below with the groupings of:

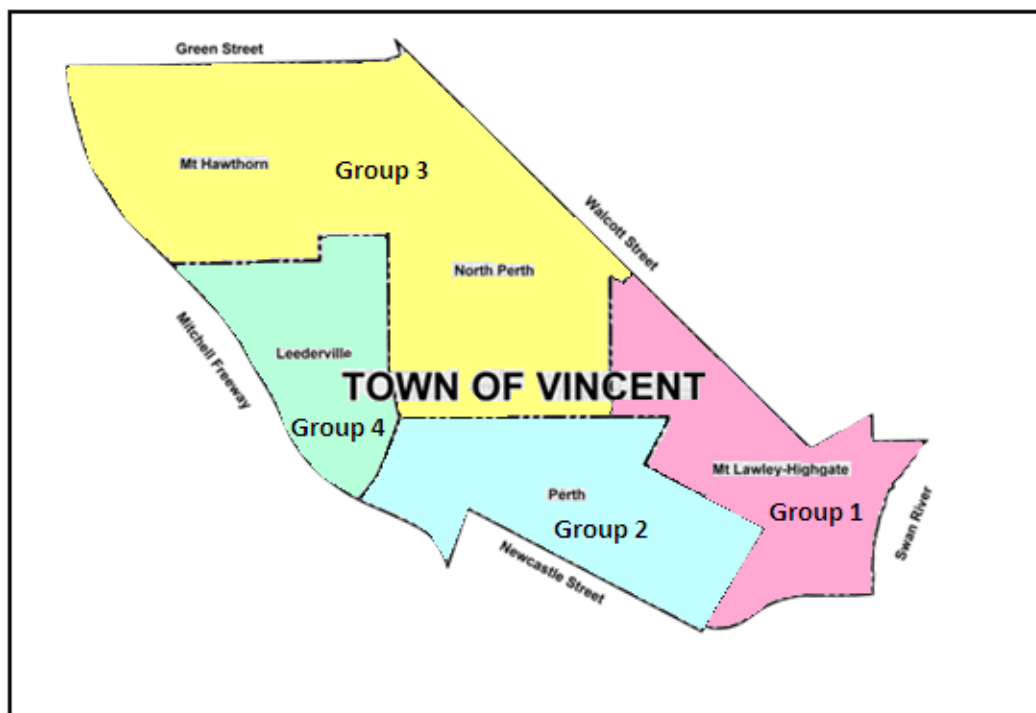
Group 1 – Highgate and Mt Lawley

Group 2 – Perth City and West Perth

Group 3 – North Perth and Mt Hawthorn

Group 4 – Leederville

The Consultant concurs with the Chief Executive Officer's rational concerning the revised grouping.



### 3.3 Recruitment

*We recognise the influence we have on building and shaping perceptions of our client's brand when conducting research. Each time we talk to customers and mention that we are working on behalf of the Town of Vincent we shape and influence how they regard your organisation. For this reason, we take great care to employ recruitment specialists who act in a friendly, courteous and professional manner to best represent Council.*

*We demonstrate respect and consideration for focus group participants by:*

- *giving them sufficient notice of focus groups typically aiming to recruit them at least one to two weeks in advance of the group;*
- *following-up on the initial recruitment phone call with a letter outlining the purpose of the research, reassuring them of the ease of participation, giving them detailed instructions of where the meeting will take place (including a map), and providing them with contact details for the research consultant so that they may phone them personally if they have any questions before the group; and,*
- *phoning each participant within 48 hours of the focus group to confirm their attendance and see if they have any questions.*

*Working in partnership with the ECU Survey Research Centre, we will randomly select households and invite occupants to take part in a focus group.*

#### Chief Executive Officer's Comments:

The Chief Executive Officer does not have any objection to the Recruitment.

### 3.4 Venue & Refreshments

*Another way in which we demonstrate care and understanding of our participants' needs is through the choice of venue. We aim to find suitable and familiar venues that are centrally located and easily accessible. In addition to reducing the barriers for participation (such as time, distance and having to go to an unfamiliar places) this helps participants to feel more comfortable and relaxed as they enter the focus group meeting, helping them to open up and engage in discussions more readily once the group commences.*

*For this study we suggest using Council facilities. The Town will be responsible for arranging a venue and providing light refreshments (such as tea, coffee, juice, water and finger food).*

Chief Executive Officer's Comments:

The Town will be responsible for all hire of venues and refreshments as this will be a cost saving to the Town.

### 3.5 Incentives

*In recognition of the valuable contribution participants make, by providing their time and ideas, we recommend that all participants receive a gift valued at \$50 (this may be cash or a gift voucher). Incentives will be arranged by CATALYSE®.*

Chief Executive Officer's Comments:

The Chief Executive Officer concurs that incentive should be provided to each of the participants and instead of a cash gift a membership voucher to Beatty Park Leisure Centre is deemed more appropriate.

### 3.6 Discussion Guide

*During the group discussion we follow a discussion guide that has been developed and agreed with the Project Team. The discussion guide will address each of the information objectives agreed in the scoping meeting.*

*This guide may employ a range of projective and enabling research techniques that involve and engage participants in discussion to address the information objectives. Some of these techniques include:*

- *Word association*
- *Visual and verbal prompts (such as words, pictures and video-clips)*
- *Sentence completion*
- *Brand mapping*
- *Projective questions*
- *Thought and speech bubbles*

Chief Executive Officer's Comments:

The Chief Executive Officer does not have any objection to the Discussion Guide.

### 3.7 Recording

*All group discussions are digitally recorded using advanced audio technology (with permission from participants). Recordings are used for use by the researcher only, in order to capture and record verbatim comments.*

*To protect respondent privacy and confidentiality, recordings will not be released to the Town of Vincent or any other third parties.*

Chief Executive Officer's Comments:

The Chief Executive Officer does not have any objection to the recording, as this is the responsibility of the Consultant.

**3.8 Focus Group Duration**

*Each focus group will last for around 90 minutes.*

Chief Executive Officer's Comments:

The Chief Executive Officer does not have any objection to the duration, as this is the responsibility of the Consultant.

**3.9 Analysis and Reporting**

*Following the groups, we strategically review and analyse the content of discussions. We search for common themes, note dialogue and language, and consider tone and range of expressions.*

*Reports are concise and insightful, drawing the readers' attention to areas of importance and significance. They are provided electronically in Microsoft PowerPoint.*

Chief Executive Officer's Comments:

The Chief Executive Officer does not have any objection to the analysis and reporting, as this is the responsibility of the Consultant.

**3.10 Presentation Workshop**

*We will facilitate two x one-hour presentation workshops to discuss the key findings. We have allowed one presentation to the project team and a second to Council.*

Chief Executive Officer's Comments:

The Chief Executive Officer does not have any objection to the presentation of the Workshop, as this is the responsibility of the Consultant however, it is requested that the report be provided in a Word format suitable to the Town.

**4. Timing**

*A proposed timing plan is provided below.*

		6-Apr-11	6-Apr-11	11-Apr-11	18-Apr-11	25-Apr-11	2-May-11	9-May-11	16-May-11	23-May-11	30-May-11	6-June-11
Commission project	Town of Vincent	■										
Scoping Meeting	Town of Vincent / CATALYSE®		■									
Agree and book venue for focus groups	Town of Vincent			■								
Agree recruitment questionnaire and sample quotas	Town of Vincent / CATALYSE®			■								

		6-Apr-11	6-Apr-11	11-Apr-11	18-Apr-11	25-Apr-11	2-May-11	9-May-11	16-May-11	23-May-11	30-May-11	6-June-11
<i>Easter school holidays</i>					■	■	■					
Recruit participants	CATALYSE®						■	■				
Develop and agree discussion guide	CATALYSE®			■	■	■						
Provide refreshments	Town of Vincent								■			
Facilitate focus groups and provide incentives	CATALYSE®								■			
Analysis and reporting	CATALYSE®									■	■	
Presentation workshop	CATALYSE®											■

**Chief Executive Officer's Comments:**

The Chief Executive Officer notes that the timing of the Focus Groups is longer than originally stated however, this is the responsibility of the Consultant.

**5. Fees**

*Fees would be \$5,000 plus GST per focus group.*

*This includes project management, participant recruitment, participant incentives, discussion guide design, facilitation, detailed analysis and reporting.*

*Fees do not include venue hire or refreshments. If arranged by CATALYSE®, fees for these items would be invoiced at cost plus 20 percent handling fee.*

**6. Personnel**

*For this project, a team of specialists have been selected to meet the Town of Vincent's requirements."*

**Action/Strategies**

The matter was further discussed with the Town's Executive Management Team on several occasions and also with the Town's Consultant – Catalyse who provided the following information:

*"In relation to the general drop in overall satisfaction, we'd suggest consideration of the following approach:*

1. *Scoping meetings and workshops – we suggest a meeting with Directors/Managers to review the research findings, and develop hypotheses (based on their current understanding) as to why satisfaction has dropped in some areas. We would also work with staff to develop concepts/solutions that can be tested in a series of focus groups.*



2. *Benchmarking – We’d suggest a review of Councils that have been achieving higher levels of performance to find out what is working in these Councils. These concepts/solutions may also be presented to focus group participants for consideration.*
3. *Focus Group Research – we suggest running a series of focus groups (around 4) to explore the reasons for dissatisfaction and discuss possible actions/strategies to address areas of concern. The groups would begin with a general discussion about how they regard the area (what they like/dislike), then focus on key areas of concern (such as safety, accessibility, etc) to better understand their concerns and develop/test some solutions. We’d suggest structuring the groups by location, and inviting a representative cross-section of residents to each group. We’d work with you to develop a more detailed discussion guide. We’d be responsible for recruitment, facilitation and reporting. The Town would provide a venue and refreshments.”*

Chief Executive Officer’s Comments:

Scoping Meetings and Workshops

This strategy has been commenced and will continue during 2011. A further meeting with Catalyse will also be arranged.

Benchmarking

This strategy has already been commenced. Copies of Surveys have been obtained from several other local governments. It is interesting to note that none have conducted a “hard copy” survey.

Follow-up meetings will be carried out to discuss what actions they currently perform.

Focus Group Research

This action is subject to the Council decision.

In addition to the above, it is suggested that the following actions have commenced:

**1. Follow-up Survey Form – Planning and Building Applications**

A Survey Form will be sent to all applicants following the completion of their planning approval process, from 1 January 2011 onwards. This Survey Form will be prepared with professional assistance and will be conducted in house by the Town’s Public Relations Officer. Feedback provided will then be reviewed by the Chief Executive Officer and Director and will then be provided to the planning and building Officers. The Survey Form will be posted in early April 2011.

**2. Mystery Shopper Survey**

This form of survey is relatively inexpensive and can be carried out for various service areas. This will be further explored and will be mainly used to test customer service throughout the organisation. Costs are currently being investigated.

**3. Review of Complaint/Requests Databases**

All Section Managers have been requested to review the Complaints/Requests Databases, for their area of responsibility to identify any “trends” and common themes. This information will be analysed.

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** Monitoring levels of customer satisfaction with services provided by the Town is considered most beneficial as it provides feedback to the Town's Administration and the Council.

**STRATEGIC IMPLICATIONS:**

This is in keeping with the Town's Strategic Plan 2009-2014, Key Result Area 4.1.2 – *“Manage the organisation in a responsible, efficient and accountable manner”*.

**SUSTAINABILITY IMPLICATIONS:**

Customer satisfaction or perception is a measure of an organisations performance at a given point in time. Responses received assist an organisation in the provision of efficient and effective services. The Community Focus Groups will provide information and will assist the Town of Vincent.

**FINANCIAL/BUDGET IMPLICATIONS:**

There are no further funds on the 2010/2011 Budget to carry out any further surveys or focus groups. As such, an absolute majority decision of the Council will be required to reallocate funds.

**COMMENT:**

Feedback from the proposed Focus Groups will provide information which is beneficial to the Town. Accordingly, the recommendation of the Consultant is considered acceptable and is recommended for the Council's approval.

**9.4.3 Policy No. 3.9.8 relating to Parking Permits – Amendments**

<b>Ward:</b>	All	<b>Date:</b>	25 March 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	PLA0224
<b>Attachments:</b>	<a href="#">001</a> – Policy No. 3.9.8 – Parking Permits		
<b>Reporting Officers:</b>	S Kendall, Senior Planning Officer (Strategic) J Maclean, Manager Ranger and Community Safety Services		
<b>Responsible Officer:</b>	R Boardman, Director Development Services – Enforcement John Giorgi, Chief Executive Officer – Policy		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **APPROVES BY AN ABSOLUTE MAJORITY to adopt amended Policy No. 3.9.8 – Parking Permits as shown in Appendix 9.4.2;**
- (ii) *subject to clause (i) above being approved, APPROVES BY AN ABSOLUTE MAJORITY to adopt the following fees:*

<i>Item</i>	<i>Prescribed Fee</i>
<i>Residential and Visitor Parking Permit for a three (3) year period</i>	<i>\$50</i>
<i>Residential and Visitor Parking Permit for a one (1) year or lesser period</i>	<i>\$30</i>
<i>Commercial Parking Permit for a one (1) year period</i>	<i>\$2000</i>
<i>Replacement of Residential or Visitor Parking Permit</i>	<i>50% of the original fee</i>
<i>Replacement of a Commercial Parking Permit</i>	<i>\$50</i>

- (iii) *subject to clauses (i) and (ii) above being approved, ADVERTISES the amended policy for a period of twenty-one (21) days, seeking public comment;*
- (iv) *after the expiry of the period of submissions:*
  - (a) **REVIEWS the amended Policy No. 3.9.8 – “Parking Permits” having regard to any written submissions; and**
  - (b) **DETERMINES to proceed with, or not to proceed with, the amended version of Policy No. 3.9.8 – “Parking Permits”;**
- (v) **AUTHORISES the Chief Executive Officer to include the above policy in the Town’s Policy Manual if no submissions are received from the public; and**
- (vi) **REQUESTS the Chief Executive Officer to review Policy No. 3.9.8 – “Parking Permits” prior to 30 June 2012 (or sooner if required) and report to the Council.**

A revised Policy dated 5 April 2011 was distributed prior to the meeting along with Proposed amendments requested by Cr Maier.

**Moved Cr Topelberg, Seconded Cr McGrath**

*That the recommendation be adopted.*

**Debate ensued.**

**AMENDMENT NO 1**

**Moved Cr Topelberg, Seconded Cr McGrath**

*That clause (ii) be amended to read as follows:*

*“(ii) subject to clause (i) above being approved, APPROVES BY AN ABSOLUTE MAJORITY to adopt the following fees:*

<i>Item</i>	<i>Prescribed Fee</i>
<i>Residential and Visitor Parking Permit for a three (3) year period</i>	<i>\$50</i>
<i>Residential and Visitor Parking Permit for a one (1) year or lesser period</i>	<i>\$30</i>
<i>Commercial Parking Permit for a one (1) year period</i>	<i>\$2000</i>
<i>Replacement of Residential or Visitor Parking Permit</i>	<i>50% of the original fee</i>
<i>Replacement of a Commercial Parking Permit</i>	<i>\$50</i>

”

Debate ensued.

Cr Farrell departed the Chamber at 8.45pm.

Debate ensued.

Cr Farrell returned to the Chamber at 8.46pm.

Debate ensued.

Cr Burns requested the amendment be considered and voted on in three parts.

The Presiding Member, Mayor Nick Catania agreed with the request to consider and vote on the amendment in three parts and ruled accordingly.

Debate ensued.

**Part 1:**

*That the following be deleted:*

<i>Item</i>	<i>Prescribed Fee</i>
<i>Residential and Visitor Parking Permit for a three (3) year period</i>	<i>\$50</i>

**AMENDMENT NO 1 PART 1 PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Harvey was an apology for the meeting.)

**Part 2:**

*That the following be deleted:*

<i>Item</i>	<i>Prescribed Fee</i>
<i>Residential and Visitor Parking Permit for a one (1) year or lesser period</i>	<i>\$30</i>

**AMENDMENT NO 1 PART 2 PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Harvey was an apology for the meeting.)

**Part 3:**

*That the following be deleted:*

<i>Item</i>	<i>Prescribed Fee</i>
<del><i>Replacement of Residential or Visitor Parking Permit</i></del>	<del><i>50% of the original fee</i></del>

**AMENDMENT NO 1 PART 3 PUT AND LOST (2-6)**

**For:** Cr Lake, Cr Maier

**Against:** Mayor Catania, Cr Burns, Cr Buckels, Cr Farrell, Cr McGrath, Cr Topelberg

(Cr Harvey was an apology for the meeting.)

Debate ensued.

**PROCEDURAL MOTION**

**Moved Cr Topelberg, Seconded Cr Farrell**

*That the remainder of the item, together with the consideration of the revised Policy and any fees, be DEFERRED for further consideration.*

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Harvey was an apology for the meeting.)

**COUNCIL DECISION ITEM 9.4.3**

*That the Council;*

(i) *DELETES the following clauses:*

<i>Item</i>	<i>Prescribed Fee</i>
<del><i>Residential and Visitor Parking Permit for a three (3) year period</i></del>	<del><i>\$50</i></del>
<del><i>Residential and Visitor Parking Permit for a one (1) year or lesser period</i></del>	<del><i>\$30</i></del>

(ii) *DEFERS the following for further consideration:*

(a) *APPROVES BY AN ABSOLUTE MAJORITY to adopt amended Policy No. 3.9.8 – Parking Permits as shown in Appendix 9.4.2;*

(b) *subject to clause (ii)(a) above being approved, APPROVES BY AN ABSOLUTE MAJORITY to adopt the following fees:*

<i>Item</i>	<i>Prescribed Fee</i>
<i>Replacement of Residential or Visitor Parking Permit</i>	<i>50% of the original fee</i>
<i>Replacement of a Commercial Parking Permit</i>	<i>\$50</i>

(c) *subject to clause (ii)(a) and (b) above being approved, ADVERTISES the amended policy for a period of twenty-one (21) days, seeking public comment;*

- (d) *after the expiry of the period of submissions:*
1. *REVIEWS the amended Policy No. 3.9.8 – “Parking Permits” having regard to any written submissions; and*
  2. *DETERMINES to proceed with, or not to proceed with, the amended version of Policy No. 3.9.8 – “Parking Permits”;*
- (e) *AUTHORISES the Chief Executive Officer to include the above policy in the Town’s Policy Manual if no submissions are received from the public; and*
- (f) *REQUESTS the Chief Executive Officer to review Policy No. 3.9.8 – “Parking Permits” prior to 30 June 2012 (or sooner if required) and report to the Council.*

---

**PURPOSE OF REPORT:**

The purpose of this report is to respond to the following two Notices of Motion raised by Council Members in relation to Parking Permits:

1. Notice of Motion from Councillor Topelberg relating to Investigation of Commercial Parking Permits endorsed at the Ordinary Meeting of Council held on 23 November 2010; and
2. Notice of Motion from Councillor Maier relating to the review of the Town's Policy No: 3.9.8 - Residential and Visitors Parking Permits endorsed at the Ordinary Meeting of Council held on 7 December 2010.

**BACKGROUND:**

23 November 2010 The Council at its Ordinary Meeting endorsed the Notice of Motion from Councillor Topelberg relating to Investigation of Commercial Parking Permits, as follows:

- ‘(i) *the Chief Executive Officer to investigate the introduction of paid Commercial Parking Permits in the Town. The scope of the investigation shall include, but not be limited to:*
- (a) *identifying and establishing commercial parking zones within the 5 Town Centres;*
  - (b) *potential introduction of paid Commercial Parking Permits within the Town Centres;*
  - (c) *potential criteria for permit entitlement;*
  - (d) *potential fee structures;*
  - (e) *financial implications; and*
  - (f) *impact on the Town’s Car Parking Strategy; and*
- (ii) *a report be submitted to the Council no later than March 2011, to ensure it can be considered during the 2011/2012 Budget process.’*

- 7 December 2010 The Council at its Ordinary Meeting endorsed the Notice of Motion from Councillor Maier requesting the Town's Policy No: 3.9.8 - Residential and Visitors Parking Permits be reviewed to:
- “(i) *investigate the feasibility and impact of:*
- (a) *extending the period of issue of residential parking permits and visitor's parking permits beyond 12 months;*
  - (b) *increasing the number of parking permits allowed for Grouped Dwellings so that they are treated the same as single houses;*
  - (c) *extending the exempted area beyond the immediate street in which a person resides;*
  - (d) *extending the limit imposed on discretionary authority to issue residential or visitor's parking permits to enable the Chief Executive Officer to issue more than one additional residential or visitor's parking permit in situations like, but not limited to, a family whose children reach the age where they own a car; and*
  - (e) *adopting a mechanism that recognises that some residents take home vehicles from a car pool so that the vehicle may change on a frequent basis; and*
- (ii) *provide a report which identifies changes required to Policy 3.9.8 - Residential and Visitors' Parking Permits and the Town of Vincent Parking and Parking Facilities Local Law 2007 by March 2011.”*
- 14 January 2011 The Town's Officers met with Councillor Maier and Councillor Topelberg to discuss the intent of the Notices of Motion.
- 24 March 2011 The Town's Officers further met with Councillor Topelberg to discuss the Town's approach to Commercial Parking Permits and a way forward was agreed.

#### **DETAILS:**

1. **The Notice of Motion from Councillor Topelberg relating to Investigation of Commercial Parking Permits**

(It is explored below. It is noted that the sequence of questions to be explored as outlined in the Notice of Motion are not in alphabetical order).

**“(f) impact on the Town's Car Parking Strategy..” – Commercial Permits**

Officer Comment:

The introduction of 'commercial permits' is not a direct recommendation of the Town's Car Parking Strategy. The Strategy provides a number of alternative management recommendations to improve car parking supply, access and congestion. To improve car parking supply and congestion in the Town, the Strategy recommends:

- Where parking exceeds 85% occupancy at peak times, parking changes (i.e. installation of ticket machines) should be introduced. These should be set to encourage a high turnover of short stay spaces to make efficient use of the available supply;

- The Town should develop a way finding and parking signage package which brands the Town of Vincent and assists drivers to know where to look for parking and way finding signage when they need it; and
- After the implementation of the various initiatives, the Town should establish a monitoring program to identify the success of the initiatives or to enable action to be taken to address any additional problems that may arise.

Should spill-over problems persist or develop over time, the second stage is to implement resident priority schemes in appropriate locations. Such a scheme is referred to as a '*Parking Benefit District*' and involves making permits available for parking on identified residential streets to non-residents, between certain times, at a fair market price. It is considered that the concept of Parking Benefit Districts has many similarities to Commercial Parking Permits. The adopted Implementation Plan sets out that the review of Parking Benefit Districts should commence in the Third / Fourth Quarter of 2012 - 2013 Financial Year.

The Town is currently in the process of implementing one of the first key actions of the Strategy; that being the introduction of additional Ticket Machines in the Town Centre areas (community consultation closes on 8 April 2011). The implementation of time restrictions and ticket machines aims to increase the turnover of car parking, to ensure that customers will generally be able to find a convenient space at their destination, in turn supporting all users including customers and business operators and employees. The development of a commercial parking permit scheme may alleviate some business owners concerns regarding where they and their employees may park. It is noted that this recommendation may be an interim measure and would be reviewed after 12 months.

**“(b) potential introduction of paid Commercial Parking Permits within the Town Centres;”**

Officer Comment:

Since the Town of Vincent commenced operations on 1 July 1994, it has been standard practice not to supply parking permits for businesses, as parking is a public resource provided for a community, inclusive of residents, customers, visitors and businesses, and it should be available to all these user groups. It is noted however, that businesses are able to obtain all day parking permits for a fee, to utilise the Town owned public car parks.

The Town's Officers consider that the potential introduction of Commercial Parking Permits should be treated with some caution and advocate that the following points should be considered by businesses as a priority over paid Commercial Parking Permits:

- actively manage their staff car parking needs to ensure that car parking close-by is available for their customers (that is, promoting car pooling, public transport and using remote car parking locations);
- manage their on-site car parking spaces to ensure that they are readily available to those employees required to enter and return throughout the day as part of their regular activity, as opposed to being occupied by staff who are not required to be as mobile;
- assess whether the available on-site parking is sufficient to meet their business needs when purchasing a business premises; and
- purchasing monthly parking permits to utilise the Town's public car parks.



### Research

A review of other Local Governments in Australia has been undertaken and is summarised in the following table to gauge where Parking Permits have been successfully implemented.

Local Government Area	Details
City of Fremantle <i>Western Australia</i>	<ul style="list-style-type: none"> <li>Permits are <b>not available</b> for commercial business properties.</li> </ul>
City of Subiaco <i>Western Australia</i>	<ul style="list-style-type: none"> <li>Permits are <b>not available</b> for commercial properties, except on-street parking bay access is available to commercial vehicles temporarily working with developments within the city.</li> </ul>
City of Perth <i>Western Australia</i>	<ul style="list-style-type: none"> <li>Permits <b>are available</b> to enable businesses to reserve on-street parking bays per half or full day to facilitate the carrying-out of works or services within the City Precinct; and</li> <li>Permits are also available for Businesses to ‘reserve’ car parking bays in existing car parks for a fee. The fees range from \$184 – \$641 and are charged on a monthly basis.</li> </ul>
Burwood Council <i>New South Wales</i>	<ul style="list-style-type: none"> <li>Business that have no off-street car parking spaces <b>are</b> able to obtain a permit to park on-street without restriction or charge.</li> <li>Businesses with one (1) or more off-street car parking spaces is not entitled to a Business Parking Permit, and Business Parking Permits are not issued if the business or organisation premises could be reasonably modified to provide off-street car parking.</li> <li>A permit is valid for 1 year at a cost of \$170.</li> </ul>
City of Yarra <i>Victoria</i>	<ul style="list-style-type: none"> <li>Business permits are only issued to properties with no off-street parking. The number of permits issued to a business is determined by the length of their street frontage.</li> <li>A permit is valid for 1 year at a cost of \$97 for the first permit with an increase to \$145 for additional permits.</li> </ul>
City of Great Geelong <i>Victoria</i>	<ul style="list-style-type: none"> <li>Business permits are available for service businesses that have no or limited parking within their premises and who are required to enter and return throughout the day as part of their regular activity associated with their business needs. It is not intended to provide commuter parking and available spaces are limited.</li> <li>A permit is valid for 1 year at a varying cost ranging from \$97 - \$1164 depending on the location of the business.</li> </ul>

The table indicates that such commercial parking permits are not readily available and where they are, they are only available to businesses with no on-site car parking. It is recognised that due to the age and nature of many commercial buildings, this is a frequent occurrence in the Town of Vincent. It is considered that the potential introduction of paid Commercial Parking Permits within the Town Centres could be modelled with regard to aspects from the above examples.

**“(a) identifying and establishing commercial parking zones within the 5 Town Centres.”**

Officer Comment:

As briefly stated above, the Car Parking Strategy and the Precinct Parking Management Plans recommends the development of ‘*Parking Benefit Districts*’, which involves making permits available for parking on identified residential streets to non-residents between certain times at a fair market price.

Such Districts are recommended, as the Strategy acknowledges that local businesses require an adequate supply of short stay parking and that the provision of some long stay/unrestricted parking for employees working in the general area is both reasonable and necessary. It is envisaged that the Commercial Permit Scheme recommended in this report would be an interim solution and would be superseded by a Parking Benefit District Scheme. Particularly, section 4.4 of the Precinct Parking Management Plan recommends that; ‘*current restrictions in streets more remote from the business areas are reviewed to assess whether they can be modified*’ and that; ‘*this parking could be 5 minutes (400m) walk or more from the place of employment, but it needs to be available.*’

In line with the concept of the ‘*Parking Benefit District*’, it is considered appropriate that commercial parking zones are located a 5 minute walk from core business areas. This will then enable the regular turn-over of available parking spaces for all uses within a 400 metre radius of businesses, without these spaces being monopolised by commercial parking permit holders. Therefore, if such a scheme is introduced, commercial permit holders should not be permitted to park in areas where there are ticket machines. Rather, permit holders should be able to park beyond these areas between 7.30am and 5.30pm Monday to Friday, to avoid conflict with residential occupants, whilst at the same time allowing for a regular turn-over of parking spaces within a 400 metre radius of key business areas.

It is recommended that the Town Centre (Activity Centre) areas are in line with the Study Areas within the Precinct Parking Management Plans. Maps of the Study Area are included within the Appendix to the amended Policy No. 3.9.8 relating to Parking Permits.

The number of indicative properties in each Activity Centre are as follows:

<b>Area</b>	<b>Indicative No. of Properties</b>
Mount Lawley/Highate	305
Leederville	198
Perth	120
Mount Hawthorn	107
North Perth	45
<b>TOTAL</b>	<b>775</b>

**“(c) Potential criteria for permit entitlement;”**

Officer Comment:

Potential Criteria for permit entitlement are shown in the amended Policy No. 3.9.8 relating to Parking Permits (in underline).

**“(d) potential fee structures;”**

Officer Comment:

A potential fee structure could be similar to the fee structure recommended in section 4.4 of the Precinct Parking Management Plan for Parking Benefit Districts, which states: *‘the fair market price is the price which ensures sufficient vacancies (minimum 15%) for residents who park for free, and non residents who pay to park. It could initially be set at \$5 per day, equivalent to a two-zone public transport fare.’*

However, such a structure would result in a fee of \$1300 per year, which is \$380 less than the cost to obtain ‘all day’ permits in the Town’s Public Car Parks (\$1680 in total annually). It is considered important that Commercial Parking Permits be equal to or more expensive than the ‘all day’ permits to park in the Town’s Public Car Parks. This would ensure that besides convenience, there is no greater incentive for the use of the ‘Commercial Permit’, to encourage businesses to park remotely. Accordingly, it is recommended that an annual fee of \$2000 be set for a Commercial Parking Permit.

**“(e) financial implications; and”**

Officer Comment:

It is not considered that there will be any significant financial implications as the Town’s Rangers already monitor and enforce parking restrictions in the Town Centre areas. Indicative financial details are shown under the heading Financial/Budget Implications.

2. **The Notice of Motion from Councillor Maier requesting the Town's Policy No: 3.9.8 - Residential and Visitors Parking Permits**

The current system of issuing Residential and Visitors Parking Permits has been developed progressively for the past 12 or so years and was compiled and amended to provide an equitable approach to issuing parking permits.

For the most part, the properties in the Town of Vincent were built before there was the proliferation of vehicles that are apparent today. So many of the parking requirements that are now considered to be "normal", were not thought about. This becomes a significant challenge, as families grow up and the children become vehicle owners, with an expectation that the Local Government will provide parking space for them, which places increased pressure on the existing facilities. As a result, the existing parking facilities need to be managed carefully to ensure that both businesses and residents have an equitable access.

The current system allows for up to a maximum of two (2) Residential and two (2) Visitor Parking Permits to be provided to any "single house". Where the property can accommodate one parked car, only one (1) Residential Permit will be issued and where two or more cars can be accommodated, no permits will be issued; however, Visitor Permits will be issued, if requested. This was developed to encourage owners to use available on-site parking, so that the kerb-side parking bays can be used by their neighbours, who did not have on-site facilities. In general terms, there is insufficient available parking to accommodate all of the vehicles that are currently owned by Vincent Residents, to park in kerb-side locations.

**“(a) extending the period of issue of residential parking permits and visitor's parking permits beyond 12 months;”**

Officer Comment:

While this is a practical solution for long-term residents, it is more difficult to manage, for short-term rental properties, because the permits are generally, not returned, when the occupant moves out. An approach similar to Dog Registration may be appropriate, where an option for 1 or 3 years is given for Residential Parking Permits.

**“(b) increasing the number of parking permits allowed for Grouped Dwellings so that they are treated the same as single houses;”**

Officer Comment:

Under the Town's Policy No. 3.9.8 relating to Residential and Visitors Parking Permits, Unit developments, Town Houses, Strata Titled Developments, etc are entitled to a maximum of one (1) Residential and one (1) Visitor Parking Permit, although where any on-site parking is provided, no Residential Parking Permits will be issued, but a Visitor Permit will be issued.

This problem becomes worse when a block, which contains a "single house", is subdivided to create three or four town houses, or units and only one parking spot is provided for each. This results in many new occupants having an expectation that they are entitled to a permit for on street parking.

As a result, it is suggested that people who are considering the purchase of a grouped dwelling property, should undertake research, to establish whether the property meets all of their requirements, including the number of parking bays that will be needed, both now and in the future.

**“(c) extending the exempted area beyond the immediate street in which a person resides;”**

Officer Comment:

The Policy has been amended to enable an extension of the exempted area beyond the immediate street in which a person resides. However, the applicant would be expected to demonstrate a clear need for the Permit to include more than one street, rather than simply convenience. Ultimately, this would be approved in only a few circumstances and a resident would first be required to contact the Town's Rangers to discuss a proposed extension and to present a valid argument for consideration. It should be noted that, to include more than one exempted street on the permit has the potential to relocate the congestion to the second street, thereby inconveniencing the existing residents.

**“(d) extending the limit imposed on discretionary authority to issue residential or visitor's parking permits to enable the Chief Executive Officer to issue more than one additional residential or visitor's parking permit in situations like, but not limited to, a family whose children reach the age where they own a car; and”**

Officer Comment:

Under the current system, while the Town's Policy 3.9.8 relating to Residential and Visitors Parking Permits specifies that only one additional Residential or one additional Visitor Parking Permit can be issued, it may be practical for the wording in the Policy to change, to allow the Chief Executive Officer to issue more than one permit, provided there is a clear justification to do so.

The restriction on the number of permits issued was introduced as a way to avoid occupiers from abusing the system. It has been the Town's practice to expect residents, who have on-site parking available to them, not to park in kerb-side locations, thereby leaving the parking bays available for those who do not have on-site parking.

If the above recommended amendment to Policy 3.9.8 relating to Residential and Visitors Parking Permits was adopted, it would allow the Chief Executive Officer to vary the conditions of approval to accommodate the more varied approach. Additional permits, issued under a "Discretionary Authority" are subject to annual review, to ensure that the road conditions and the existing parking congestion, continues to support their issue. If the continuation of the extra permits, or amended conditions become inappropriate, the matter can be addressed at that time, in consultation with the applicant.

It should be noted that the Town already issues "Temporary Parking Permits" where an additional vehicle needs to park on the street, for a short period of time. This is often because renovations are taking place, so parking is not available, or a family member has returned to live for a short time. In these cases, permits are issued for up to six (6) months, although this is often extended with justification.

**“(e) adopting a mechanism that recognises that some residents take home vehicles from a car pool so that the vehicle may change on a frequent basis.”**

Officer Comment:

This system already exists and there are a number of properties where this has occurred. As an example, a car salesman would normally commute to and from work in whatever vehicle is available to him. Obviously, a Residential Permit that is issued to the occupant would not include any registration number, because it changes each night. However, the Rangers monitor this, to ensure that it is not abused. Notwithstanding, a new clause has been included in the amended Policy (refer Clause 4(c)).

**CONSULTATION/ADVERTISING:**

The proposed amended Policy No. 3.9.8 relating to Parking Permits will be advertised for a period of 21 days.

A copy of the Draft Agenda report and Policy was issued to Council Members for comment. Responses were received from Councillors Lake, Maier and Topelberg and have been accommodated where deemed appropriate.

**LEGAL/POLICY:**

Town of Vincent Local Law Relating to Parking and Parking Facilities 2007.

**RISK MANAGEMENT IMPLICATIONS:**

**Medium – High:** The introduction of a fee for parking permits may result in dissatisfaction from Residents, Visitors and Commercial Business Proprietors.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2009-2014– Strategic Objectives: Natural and Built Environment:

*"Objective 1.1: Improve and Maintain the Environment and Infrastructure:*

*1.1.2 Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision*

*1.1.6 Enhance and maintain the Town’s infrastructure to provide a safe, healthy, sustainable and functional environment".*

Car Parking Strategy 2010 and the Precinct Parking Management Plans 2009:

- *“Implementing an ongoing education campaign on the unsustainability of current parking practices.*
- *Reviewing, and extending ticket parking and making it more convenient to pay.*
- *Encouraging shared parking rather than separately providing parking for each activity or land use.*
- *Improving the security, accessibility and amenity of the existing parking and upgrading the major off-street car parks as examples of best practice.”*

**FINANCIAL/BUDGET IMPLICATIONS:**

Other than the cost of advertising the amended Town’s Policy No. 3.9.8 relating to Parking Permits, there are no significant financial implications associated with this report.

There are potential costs of implementing the Commercial Parking Permit system, such as costs associated with administration and enforcement, all of which would need to be reflected in the Fees and Charges Schedule in due course.

**Proposed Fees**

The Car Parking Strategy Precinct Parking Management Plans recommend ‘*that an annual charge of \$50 per permit is introduced to cover administration and enforcement costs*’. The proposed fees set at \$30 for an annual permit and \$50 for three year permit are below this recommended cost. The intent for introducing a fee is to reduce the number of people simply applying for permits ‘because they can’ as opposed to them having a particular need.

The Car Parking Strategy recommends that an annual fee of \$50 be introduced for a Residential Parking Permit. The Town’s Administration recommends \$50 for a three (3) year period and \$30 for a one (1) year period.

The proposed fee for a Commercial Parking Permit is \$2,000 per year. [Refer to details under Item (d) on page 75].

**Administrative Costs for Processing a Permit**

The proposed fee of \$50 for a Residential Parking Permit has been based upon actual administration costs as follows:

<b>Item</b>	<b>Time</b>	<b>Cost</b>
<b>Accept request for Application Forms</b>		
Initial admin time (receive call, explain Policy and record address)	3mins	\$1.15
<b>Send Application Forms to Address</b>		
Admin time (covering letter and envelope)	2mins	\$0.77
Postage		\$0.60

Item	Time	Cost
<b>Check Application</b>		
Admin time to confirm that information is complete	2mins	\$0.77
If insufficient information is provided, compile letter seeking clarification	3mins	\$1.15
<b>Assess Application</b>		
Co-ordinator Ranger Services Time (assess and allocate to Ranger)	4mins	\$1.53
Average Ranger's mileage to make assessment (3km)		\$0.35
Ranger's mileage from assessment back to work (3km)		\$0.35
Ranger's time spent on assessment and documentation (average)	10mins	\$4.17
Admin Time implementing Ranger's assessment	5mins	\$1.95
Check and sign-off by Co-ordinator Statutory Processes	2mins	\$1.05
<b>Cost to purchase self-adhesive Residential Permits (2 off)</b>		\$1.05
<b>Cost to purchase Laminated Visitor's Permits (2 off)</b>		\$1.00
<b>Recording in register and issue of Permit(s)</b>		
Admin time – update register and approval letter	5mins	\$1.92
Postage		\$0.60
<b>Further discussion with applicant (if applicable)</b>	5mins	\$1.92
<b>Policing by Rangers (3 years)</b>	74mins	\$28.37
<b>TOTAL COST PER PROPERTY TO ISSUE A PERMIT</b>		<b>\$49.42</b>

## Potential Income

### Residential and Visitor Permits

Based on the current number of Residential Visitor Parking Permit issued (approximately 1000 permits) it is estimated that the Town's revenue would be in the vicinity of \$40,000.

### Commercial Parking Permits

There are no means to accurately predict an estimate as to the likely income the Town would derive from Commercial Parking Permits, (as the Commercial Parking Permit is a new concept). However, should 20 permits be issued this would result in a revenue of \$40,000.

### Replacement Permits

Approximately 8 replacement permits are reissued a year. Based on this and the proposed fee the estimated revenue for reissuing Residential and Visitors Permits would be \$200 per year.

### Fee Exemption – Perth Oval (nib Stadium) Event Day Parking Permits

The proposed fees would not be applicable to the residential and visitor permits issued by the Town for use in the parking exclusion zones for event day parking around nib Stadium.

## COMMENTS:

The possibility of issuing Commercial Parking Permits, to assist local businesses has been investigated as per the Notice of Motion. Accordingly, amendments have been made to the Town's existing Policy No. 3.9.8 relating to Residential and Visitors Parking Permits incorporating provisions relating to the issue of Commercial Parking Permits.

Further amendments have been made Policy No. 3.9.8 relating to the issue of Residential and Visitor Parking Permits as per the Notice of Motion considered by Council on 7 December 2010.

It is therefore recommended that the Council approve the Officer Recommendation.

**9.4.5 Purchase of TTY System – Reallocation of Funds**

<b>Ward:</b>	-	<b>Date:</b>	29 March 2011
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0014
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	N Greaves, Communications Officer		
<b>Responsible Officer:</b>	M Rootsey, Director Corporate Services		

**OFFICER RECOMMENDATION:**

*That the Council APPROVES BY AN ABSOLUTE MAJORITY to purchase a TTY (telephone typewriter) at a cost of approximately \$1,400 and reallocates the funds from the Electronic Reserve Fund.*

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**COUNCIL DECISION ITEM 9.4.5**

**Moved Cr Farrell, Seconded Cr Burns**

*That the recommendation be adopted.*

**Debate ensued.**

**MOTION PUT AND CARRIED UNANIMOUSLY  
BY AN ABSOLUTE MAJORITY (8-0)**

**(Cr Harvey was an apology for the meeting.)**

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**PURPOSE OF REPORT:**

To obtain the Council's approval to reallocate funds to purchase a TTY system, which is no longer functioning.

**DETAILS:**

As part of the Town's commitment to providing equitable access to the Town's services for all Vincent residents and ratepayers, the Town has provided a TTY (telephone typewriter) service for use by hearing impaired members of the community. The current TTY software installed on the Switchboard system is no longer supported by the upgraded computers. Under the Town's Lease Agreement with its hardware supplier, the previous computing equipment must be returned and the TTY program cannot run on the new equipment. The Town therefore needs to find an alternative method for the hearing impaired members of the community to contact the Town.

Whilst many businesses have ceased to offer a TTY service in favour of the National Relay Service (which members of the Vincent community have utilised when contacting the Town), the Town has broadly advertised the availability of a TTY service. Any cessation of the TTY service (which is rarely being utilised by the hearing impaired community) would need to be phased in and prior to the ending of this service, in favour of the National Relay System, the most cost-effective solution is the purchase of a stand-alone TTY system which does not need to be integrated with the new computer system.



The Town has now introduced the National Relay System as this is widely known to the hearing impaired users. In the interim period of changing stationary, documents etc. which display the TTY number, the Town will concurrently operate a stand alone TTY System, for a period of up to 12 months (or lesser period if practicable).

A TTY system is available for purchase for approximately \$1,400 and would enable the Town to continue to offer the TTY service to the hearing impaired community members.

**CONSULTATION/ADVERTISING:**

Nil.

**LEGAL/POLICY:**

Town of Vincent Policy No: 1.1.2 – Access and Equity.

**RISK MANAGEMENT IMPLICATIONS:**

Not applicable.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2009-2014 – Strategic Objectives: Community Development and Wellbeing:

*“Objective 3.1: Enhance and Promote Community Development and Wellbeing*

*3.1.4 Continue to implement the principles of universal access”.*

**SUSTAINABILITY IMPLICATIONS:**

The provision of universally accessible programmes and services is a key social sustainability goal for the Town. Ensuring that accessible services are available to the community underscores the Town’s commitment to inclusion and equality for all of the Vincent community.

**FINANCIAL/BUDGET IMPLICATIONS:**

No funds are contained in the 2010-2011 Budget as the matter has only just arisen; therefore, an absolute majority decision is required to reallocate funds from the Electronic Reserve Fund. The Electronic Reserve Fund contains \$59,757.

**COMMENT:**

The purchase of the TTY System will ensure the Town can continue to provide an important communication tool to the Vincent community.

## 10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

### 10.1 Notice of Motion – Cr Anka Burns – Request for a Review of the Town of Vincent Signs and Advertising Policy No. 3.5.2

*That the Council REQUESTS:*

- (i) *the Chief Executive Officer to review and prepare a report on the Town of Vincent Signs and Advertising Policy No. 3.5.2. The scope of the review should include (but not be limited to):*
- (a) *a more equitable way to manage signage and advertising in the Town (the focus being on signage);*
  - (b) *the efficacy of the current approach;*
  - (c) *research into the approaches taken by other similar Local Governments in managing signage and advertising, particularly in relation to billboard and window signs;*
  - (d) *the review to consider:*
    - *how much of the entire wall and/or windows are used for signage rather than each as a discrete consideration but still without allowing too much coverage;*
    - *the option to allow greater signage if the signs used are “see through” (i.e. like the signage used on car windows) so that there is still passive surveillance;*
    - *the Town’s Policy stance in relation to the suitability of billboards within the Town’s jurisdiction, the possibility of incorporating site selection criteria for where billboards are considered appropriate, the possible incorporation of new Policy provisions relating to introducing a fee for billboards, Policy provisions relating to fence signs, window signs, panel signs and movable signs;*
  - (e) *whether the current level of Delegated Authority is appropriate; and*
  - (f) *any other relevant matters; and*
- (ii) *a report be submitted to the Council no later than June 2011.*

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#### **COUNCIL DECISION ITEM 10.1**

**Moved Cr Burns, Seconded Cr Buckels**

*That the motion be adopted.*

Debate ensued.

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

**(Cr Harvey was an apology for the meeting.)**

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

Nil.

**12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES**

Nil.

**13. URGENT BUSINESS**

Nil.

**PROCEDURAL MOTION**

At 9.06pm **Moved Cr Buckels, Seconded Cr Burns**

*That Council proceed “behind closed doors” to consider confidential item 14.1, as this matter relates to a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting and a matter that, if disclosed, would reveal information that has a commercial value to a person;*

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Harvey was an apology for the meeting.)

**There were no members of the public present. There were two (2) journalists present, who departed the Chamber at 9.06pm.**

**PRESENT:**

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

**14. CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED (“BEHIND CLOSED DOORS”)**

**14.1 Confidential Report: Opportunity to Purchase Land**

<b>Ward:</b>	South	<b>Date:</b>	29 March 2011
<b>Precinct:</b>	Oxford Centre (4)	<b>File Ref:</b>	PRO3537
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	John Giorgi, Chief Executive Officer		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *NOTES that an opportunity has arisen to purchase No. 297 (Lot 5) Vincent Street, Leederville, comprising of 524m<sup>2</sup> of land, at an asking price of \$1,750,000, as detailed in this report;*
- (ii) *DOES NOT proceed with the purchase of the property at this point in time;*
- (iii) *REQUESTS the Chief Executive Officer to:*
  - (a) *keep the matter under review; and*
  - (b) *investigate and report to the Council on the development potential on one or all three lots and the viability of a private enterprise/local government partnership; and*
- (iv) *AUTHORISES the Chief Executive Officer to make public all or part of this recommendation once the appropriate negotiations have been finalised (if applicable).*

**COUNCIL DECISION ITEM 14.1**

**Moved Cr Topelberg, Seconded Cr Farrell**

*That the recommendation be adopted.*

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

**(Cr Harvey was an apology for the meeting.)**

**DETAILS:**

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information concerning:

- a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and
- a matter that, if disclosed, would reveal information that has a commercial value to a person;

**LEGAL:**

The Local Government Act 1995, Section 5.23(2) prescribes that a meeting or any part of a meeting may be closed to the public when it deals with a range of matters.

The Town of Vincent Local Law Relating to Standing Orders states the following:

*“2.14 Confidential business*

*(1) All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007.*

The confidential report is provided separately to Council Members, the Chief Executive Officer and Directors.

In accordance with the legislation, the report is to be kept confidential until determined by the Council to be released for public information.

At the conclusion of these matters, the Council may wish to make some details available to the public.

**PROCEDURAL MOTION**

**At 9.26pm** Moved Cr Buckels, Seconded Cr Topelberg

*That Council resume an “open meeting”.*

**PROCEDURAL MOTION PUT AND CARRIED (8-0)**

**(Cr Harvey was an apology for the meeting.)**

**15. CLOSURE**

**There being no further business, the Presiding Member, Mayor Nick Catania, declared the meeting closed at 9.26pm with the following persons present:**

Mayor Nick Catania, JP	Presiding Member
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward
Cr Steed Farrell	North Ward
Cr Sally Lake ( <i>Deputy Mayor</i> )	South Ward
Cr Warren McGrath	South Ward
Cr Dudley Maier	North Ward
Cr Joshua Topelberg	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)

No members of the Public were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 5 April 2011.

Signed: .....Presiding Member  
Mayor Nick Catania

Dated this ..... day of ..... 2011