



TOWN OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

25 MARCH 2008

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Nil.	70
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Nil	70
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Nil.	70
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Nil.	70
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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 25 March 2008, commencing at 6.00pm.

1. DECLARATION OF OPENING

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

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) **Apologies:** Nil

(b) **Present:**

Mayor Nick Catania, JP	Presiding Member
Cr Anka Burns	South Ward
Cr Helen Doran-Wu	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Noel Youngman	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Lindsay McPhee	Journalist – “ <i>The Guardian Express</i> ” (until approx 7.17pm)

Approximately 9 Members of the Public

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

Cr Steed Farrell North Ward (Approved Leave of Absence)

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

Cr Messina left the Chamber at 6.09pm.

Cr Messina returned to the Chamber at 6.09pm.

1. Ms Maria Dissidomino, joint owner of 23 and 27 Florence Street, West Perth stated she wrote to Council on 2 October 2007 regarding parking difficulties and the zoning. Received a reply on the 9th October stating the matter would be looked into. This morning there was not one parking bay available in Florence, Carr or Cleaver Street. Wants something urgently done. Also queried what does the future hold for these streets in regard to zoning.
2. Mr Gowinda Govardhan from 560 Beaufort Street, Mount Lawley spoke on Item 10.1.3. Stated he has met all requirements and made changes according to SAT recommendations. Advised the owners intend to lease the property to someone else, but even for a retail shop does not meet the car park needs. Requested Council's favourable consideration.

3. Mr Robert Mazilli of Carr Street, West Perth asked the following questions:

Q: What is the progress of the green and gold recycling bins?

Q: Will they be available for strata lots and apartments?

The Director Technical Services responded:

The Tender for the improved recycling service and roll out of the yellow top recycling bins closed last week with. A report and recommendation is being submitted to the next Meeting of Council. It is the intention for multi residential developments to have this service.

3. Ms Danae Watkins of 9 Barlee Street, Mt Lawley spoke on the issue of parking problems for the Highgate Precinct in general, as well as on Barlee Street. Is concerned at the overflow of parking from Picasso Restaurant and also use of Forrest Park. The zoning has not been addressed and often parking is not available in front of residents home. Queried what is being done.

The Chief Executive Officer responded:

At the last Meeting of Council approval was given for the Town's Car Parking Strategy to be reviewed and revised. It is anticipated this will be completed by June 2008.

There being no further questions from the public, the Presiding Member, Mayor Nick Catania, JP, closed Public Question Time at 6.16pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

Nil.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Meeting of Council held on 11 March 2008.

Moved Cr Youngman, Seconded Cr Burns

That the Minutes of the Ordinary Meeting of Council held on 11 March 2008 be confirmed as a true and correct, subject to the following words being added at the end of Item 10.1.1 on page 70:

“MOTION AS AMENDED PUT AND CARRIED (5-3)

<u>For</u>	<u>Against</u>
<i>Mayor Catania</i>	<i>Cr Ker</i>
<i>Cr Burns</i>	<i>Cr Lake</i>
<i>Cr Doran-Wu</i>	<i>Cr Maier</i>
<i>Cr Farrell</i>	
<i>Cr Youngman</i>	

(Cr Messina was on approved leave of absence for the meeting).”

CARRIED (8-0)

(Cr Farrell was on approved leave of absence for the meeting.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Nil.

8. DECLARATIONS OF INTERESTS

Nil.

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

Nil.

10. REPORTS

The Presiding Member, Mayor Nick Catania JP, 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:

Item 10.1.3

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

Nil.

10.3 **Items which members/officers have declared a financial or proximity interest and the following was advised:**

Nil.

Presiding Member, Mayor Nick Catania JP, 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 and the following was advised:**

Cr Farrell	On Approved Leave of Absence
Cr Messina	10.1.2
Cr Youngman	Nil
Cr Ker	10.2.4
Cr Doran-Wu	10.1.1
Cr Lake	10.1.4
Cr Burns	Nil
Cr Maier	10.2.3, 10.3.1, 10.3.4 and 10.4.2
Mayor Catania	Nil

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

10.5 **Unopposed items which will be moved "en bloc" and the following was advised:**

Items 10.2.1, 10.2.2, 10.3.2, 10.3.3 and 10.4.1

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

Nil.

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

(a) **Unopposed items moved en bloc;**

Items 10.2.1, 10.2.2, 10.3.2, 10.3.3 and 10.4.1

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

Item 10.1.3

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

Moved Cr Messina, Seconded Cr Youngman

That the following unopposed items be approved, as recommended, en bloc;

Items 10.2.1, 10.2.2, 10.3.2, 10.3.3 and 10.4.1

CARRIED (8-0)

(Cr Farrell was on approved leave of absence for the meeting.)

10.2.1 Further Report - Road Closures to Facilitate Main Roads Amalgamation of Portions of Cambridge and Havelock Streets, West Perth, into its Adjoining Land

Ward:	South	Date:	17 March 2008
Precinct:	Acquired City of Perth Area	File Ref:	TES0506
Attachments:	001		
Reporting Officer(s):	A Munyard		
Checked/Endorsed by:	R Lotznicker	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the further report on the outcome of the advertising of the closure of portions of the Cambridge Street road reserve and the Havelock Street road reserve;*
- (ii) *REQUESTS the Minister's approval for the closing of the portions of road in accordance with Section 58 of the Land Administration Act; and*
- (iii) *ADVISES Main Roads WA's consultant of its decision.*

COUNCIL DECISION ITEM 10.2.1

Moved Cr Messina, Seconded Cr Youngman

That the recommendation be adopted.

CARRIED "EN BLOC" (8-0)

(Cr Farrell was on approved leave of absence for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval to proceed with the closure of parts of the Cambridge Street and Havelock Street road reserves, having considered the responses from the advertising and consultation.

BACKGROUND:

At its Ordinary Meeting of Council held on 18 December 2007, the Council decided to support the endeavour of Main Roads WA (MRWA) to close the portions of Cambridge and Havelock Streets remaining after the creation of the Graham Farmer Freeway, which are now redundant.

DETAILS:

MRWA wishes to amalgamate portions of redundant road reserve into its adjacent land. These portions of Cambridge and Havelock Streets are remnants of road reserve which now comprise the freeway reserve, however, the designation "road reserve" has never been lifted.

In order to "close" the road portions, the Council resolved to do so. MRWA's appointed agent, TPG Town Planners and Urban Designers, has undertaken the advertising of the closure, and received advice of "No Objection" from all service providers, namely, Network Integrity, Water Corporation, Western Power and Westnet Energy.

The proposal was also advertised in the *Guardian Express* on 5 February 2008 (refer copy attached), and a request for comments to be received until the end of the 35 day consultation and advertising period. No comments were received regarding the proposed closures.

Having met all statutory requirements, with no impediment coming to attention, the Council's approval to proceed with the closure is now required.

CONSULTATION/ADVERTISING:

The proposal was advertised in the *Guardian Express* on 5 February 2008. Consultation requirements are set out in Section 58 of the Land Administration Act. Council previously approved the closure of the portion of road reserve, the proposal was advertised and submissions invited. No responses were received other than those of the utility providers who were canvassed separately.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2006-2011 – 1.1.6 - *"Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment."*

FINANCIAL/BUDGET IMPLICATIONS:

Nil - MRWA has agreed to pay all costs involved.

COMMENTS:

MRWA's appointed agent, TPG, will be advised of the Council's decision, and will conclude the closure of the portions of road no longer required for that purpose.

10.2.2 Further Report - Central Control Irrigation Systems

Ward:	Both	Date:	12 March 2008
Precinct:	All	File Ref:	ADM0031
Attachments:	-		
Reporting Officer(s):	J. van den Bok		
Checked/Endorsed by:	R. Lotznicker	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the further report in relation to Central Control Irrigations systems; and*
- (ii) *NOTES that;*
 - (a) *the Town is required to submit a Water Conservation/Efficiency Plan and Operating Strategy for the use of groundwater to the Department of Water by 1 July 2008;*
 - (b) *in view of (a) above and following further research into Central Control Irrigation systems it is not recommended that the Council allocate funding for the implementation a system in the 2008/09 budget; and*
 - (c) *a further report will be submitted to Council upon completion of the draft Water Conservation/Efficiency Plan and after further research is undertaken in regards to Central Control Irrigation systems.*

Note: Clause (ii)(a) and page 10 (third paragraph) was corrected after the meeting by deleting “2009” and inserting “2008” in both places.

COUNCIL DECISION ITEM 10.2.2

Moved Cr Messina, Seconded Cr Youngman

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Cr Farrell was on approved leave of absence for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to provide further information to the Council in relation to Central Control Irrigation systems.

BACKGROUND:

A report was presented to the Ordinary Meeting of Council held on 12 June 2007, outlining the training seminar on Central Control Irrigation Systems attended by the Manager Parks Services in Adelaide, where it was resolved:

"That the Council;

- (i) *RECEIVES the report on the attendance of the Manager Parks at a Training Seminar run by Hunter Industries on Irrigation Control Systems Services in Adelaide South Australia on 25 May 2007; and*
- (ii) *NOTES that;*
 - (a) *due to the advances in technology, reduction in initial cost including water and labour savings capabilities, a Central Control Irrigation System will be investigate for consideration for the 2008/2009 draft budget; and*
 - (b) *a further report will be submitted to Council, in early 2008 on the costs and practical applications of the implementation of a Central Irrigation Control System for the Town's Parks and Reserves."*

DETAILS:

Central Control Irrigation system

A Central Control Irrigation System provides a daily report on the status of each park and each respective watering station at a particular site. Therefore, employees can immediately identify pressure changes which indicate broken sprinklers, fractured main lines or blocked solenoid valves. They can attend the site and undertake the necessary repairs without manually running through the system or waiting for dry patches to appear, thus saving valuable labour hours.

Many Local Governments, schools, golf courses and garden nurseries have now invested in the use of Central Controlled Irrigation systems. These types of computerised irrigation systems have been used for over 20 years and have rapidly developed with the advances in electronics.

In addition to the major irrigation companies, Rainbird, Toro, and Hunter Industries, many smaller engineering companies have now also developed computerised systems compatible with the operation of an irrigation system.

An example of the systems used within the metropolitan area is as follows:

Organisation	Manufacturer	System
City of Stirling	Micro Engineering	Rainman
Town of Victoria Park	Rainbird	Maxicom 2
City of Canning	Micro Engineering	Rainman
Shire of Murray	Hunter Industries	IMMS 2.0
City of Mandurah	Industrial Automation	Waterman
Town of Cambridge	Rainbird	Maxicom 2
City of Belmont	Rainbird	Maxicom
Benara Nursery	Rainbird	Maxicom
Guildford Grammar School	Rainbird	Maxicom 2

From general research and discussion with officers from all of the above organisations, it is evident that whilst their respective systems are operational and provide some distinct advantages over stand alone controllers, these systems are not 'foolproof' and many organisations are experiencing problems, particularly with back up service.

Another comment received in relation to these systems is that they are relatively complex and require employees to take “ownership” of the system. With the current high employee turnover and subsequent loss of local knowledge, it would be prudent to hold off on installing a Central Control Irrigation system.

Irrigation consultants have previously advised that there are numerous systems of this type that have been trialled in various situations and have failed and it would be wise to invest in a system that has been trialled and is currently working effectively and efficiently.

Water Conservation/Efficiency Plan and Operating Strategy

The Town is required to submit a Water Conservation/Efficiency Plan and Operating Strategy for the use of groundwater to the Department of Water (DOW) by 1 July 2008, and at this stage the DOW is still working on a project with WALGA to produce a template for the Water Conservation/Efficiency Plans.

The Town's officers are currently liaising with consultants in preparing a draft plan which will contain various actions and a timeframe for completion. Proposed actions would likely include the installation of a Central Control system within five (5) to ten (10) years and the installation of meters on all bores.

There is not likely to be any conditions on whether or not an organisation installs a Central Control Irrigation system, however, there would be some obvious savings in both labour and power costs, particularly in larger organisations.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2006-2011 – 1.1.5 Enhance and maintain parks and community facilities. “(b) *Implement infrastructure improvements for public open space ...*”.

A Central Control Irrigation System is in keeping with Item 2.3 of the Town's Sustainable Environment Plan 2007-2012 “*Investigate ways to improve the Town's water use efficiency...*”

FINANCIAL/BUDGET IMPLICATIONS:

As advised previously, the cost of installing a Central Control Irrigation system has significantly reduced since officers initially investigated the advantages and disadvantages of such systems in 2001.

A basic system with six or more parks connected could be installed for approximately \$60,000, however, it is not recommended that the Council allocate any funding at this point in time.

COMMENTS:

Therefore, given that there is no urgency or necessity to install a Central Controlled irrigation system, and given the above information, it would be prudent to further research the matter and ensure that when this investment is made, a system is selected that works effectively and efficiently.

10.3.2 Financial Statements as at 29 February 2008

Ward:	Both	Date:	17 March 2008
Precinct:	All	File Ref:	FIN0026
Attachments:	001		
Reporting Officer(s):	B Wong		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Financial Reports for the year ended 29 February 2008 as shown in Appendix 10.3.2.

COUNCIL DECISION ITEM 10.3.2

Moved Cr Messina, Seconded Cr Youngman

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Cr Farrell was on approved leave of absence for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to present the financial statements for the month ended 29 February 2008.

BACKGROUND:

The Local Government Act and Local Government (Financial Management) Regulations 1996 require monthly reports to be submitted to Council. The Financial Statements attached are for the month ended 29 February 2008.

DETAILS:

The Financial Statements comprise:

- Operating Statement
- Summary of Programmes/Activities
- Capital Works Schedule
- Balance Sheet and Statement of Changes in Equity
- Reserve Schedule
- Debtor Report
- Rate Report
- Beatty Park Report – Financial Position
- Statement of Financial Activity
- Net Current Asset Position
- Variance Comment Report

Operating Statement and Detailed Summary of Programmes/Activities

The Operating Statement shows revenue and expenditure by Programme whereas the Summary of Programmes/Activities provides detail to Programme/Sub Programme level. Both reports compare actual results for the period with the Budget. The Operating Statement and the Summary of the Programmes Activities reports are in a new format providing a comparison between the year to date actual revenue and expenditure with the year to date budget.

The statements place emphasis on results from operating activity rather than construction of infrastructure or purchase of capital items and principally aim to report the change in net assets resulting from operations.

Operating Revenue

Operating revenue is currently 5% over the year to date budget for the month ending 29 February 2008.

General Purpose Funding (Page 1)

General Purpose Funding is showing 1 % over the budget.

Governance (Page 2)

Governance is showing 5 % under budget.

Law Order & Public Safety (Page 3)

Revenue of Law Order & Public Safety is 85 % of the budget.

Health (Page 4)

Health is showing 114 %, of the budget this is due to 369 Health Licences being issued for Lodging Houses, Eating Houses and Alfresco dining.

Education & Welfare (Page 5)

Education and Welfare is now showing 196 % over budget, for the receipt of the Leederville Gardens surplus.

Community Amenities (Page 6)

Community Amenities is 27 % above the year to date budget. There were 506 planning applications being processed to date.

Recreation & Culture (Page 9)

The total revenue for Recreation and Culture is currently 3% over the revenue budget. Beatty Park Leisure Centre revenue is 53 % of the total Recreation and Culture revenue budget and is performing on target with the centre year to date revenue at 103%

Transport (Page 11)

The total revenue for Transport is 18 % over the budget.

Economic Services (Page 12)

Economic Services is 108 % over budget due to the increase number of building licences 451 issued compared to last year 380 licences.

Other Property & Services (Page 13)

The total revenue for Other Property & Services is 113% over the budget due to the advertising rebate received and allocated, leases on Tamala Park and other revenue received for the depot.

Operating Expenditure

Operating expenditure for the month is 99% of the year to date budget for the month ending 29 February 2008.

Capital Expenditure Summary (Pages 18 to 24)

The Capital Expenditure summary details projects included in the 2007/08 budget and reports the original budget and compares actual expenditure to date against these. Capital works show total expenditure including commitment for year amount of \$12,869,551 which is 53 % of the budget of \$24,362,667.

	Budget	Actual to Date	%
Furniture & Equipment	538,150	214,058	40%
Plant & Equipment	1,487,450	372,534	25%
Land & Building	12,303,039	8,242,114	67%
Infrastructure	10,034,028	4,040,845	40%
Total	24,362,667	12,869,551	53%

Balance Sheet (Statement of Financial Position) and Statement of Changes in Equity (Pages 25 & 26)

The statement shows the current assets of \$24,608,619 and non current assets of \$133,192,523 for total assets of \$157,801,143.

The current liabilities amount to \$5,414,292 and non current liabilities of \$14,181,567 for the total liabilities of \$19,595,859. The net asset of the Town or Equity is \$138,205,286.

Restricted Cash Reserves (Page 27)

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

Debtors and Rates Financial Summary

General Debtors (Page 28)

Other Sundry Debtors are raised from time to time as services are provided or debts incurred. Late payment interest of 11% per annum may be charged on overdue accounts.

Sundry Debtors of \$943,285 is outstanding at the end of February 2008. Of the total debt \$20,155 (2%) relates to debts outstanding for over 60 days. The Debtor Report identifies significant balances that are well overdue

Finance has been following up outstanding items with debt recovery by issuing reminder when it is overdue.

Rate Debtors (Page 29)

The notices for rates and charges levied for 2007/08 were issued on the 6 August 2007.

The Local Government Act 1995 provides for ratepayers to pay rates by four instalments. The due dates for each instalment are:

First Instalment	10 September 2007
Second Instalment	12 November 2007
Third Instalment	14 January 2008
Fourth Instalment	17 March 2008

To cover the costs involved in providing the instalment programme the following charge and interest rates apply:

Instalment Administration Charge	\$4.00
(to apply to second, third, and fourth instalment)	
Instalment Interest Rate	5.5% per annum
Late Payment Penalty Interest	11% per annum

Pensioners registered with the Town for rate concessions do not incur the above interest or charge.

Rates outstanding are \$1,983,427 which represents 11% of the outstanding collectable income compared to last year 8%. The difference in the outstanding debt was partly due to the issue of additional boundary rates assessments in August 2007.

Beatty Park – Financial Position Report (Page 30)

As at 29 February 2008 the operating deficit for the Centre was \$182,551 in comparison to the annual deficit of \$478,265.

The cash position showed a current cash surplus of \$123,424 in comparison annual budget estimate of a cash surplus of \$26,320. The cash position is calculated by adding back depreciation to the operating position.

Statement of Financial Activity (Page 31)

The closing surplus carry forward for the year to date 29 February 2008 was \$9,915,947.

Net Current Asset Position (Page 32)

The net current asset position \$9,915,947.

Variance comment Report (Pages 33 to 36)

The comments will be for the favourable or unfavourable variance of greater than 10% of the year to date budgeted.

10.3.3 North Perth Tennis Club CSRFF Funding Update

Ward:	North	Date:	12 March 2008
Precinct:	North Perth	File Ref:	FIN0074
Attachments:	-		
Reporting Officer(s):	J. Bennett		
Checked/Endorsed by:	J Anthony M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- i) *NOTES that the North Perth Tennis Club were successful in their application for a CSRFF funding grant for courts and lighting to the value of \$55,434; and*
- ii) *LISTS for consideration the allocation of \$55,434 in the 2008/2009 Draft Budget for the North Perth Tennis Club to install two (2) hard court tennis courts and associated lighting.*

COUNCIL DECISION ITEM 10.3.3

Moved Cr Messina, Seconded Cr Youngman

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Cr Farrell was on approved leave of absence for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council’s approval to endorse funding in the 2008/09 budget for the development of the North Perth Tennis Club within the Town of Vincent.

BACKGROUND:

At the Ordinary Meeting of Council on 9 October 2007 the following resolution was adopted.

That the Council;

- (i) *ENDORSES the following application in support of the Community Sport and Recreation Facility Fund (CSRFF), prior to lodgement with the Department of Sport and Recreation, on the condition that the Department of Sport and Recreation support this application through the CSRFF program;*

(ii) *APPROVES the application listed in the following order of priority:*

<i>Rating</i>	<i>Rationale</i>	<i>Applicant</i>	<i>Recommended Council contribution</i>
<i>B</i>	<i>Well planned and needed by applicant</i>	<i>North Perth Tennis Club</i>	<i>\$55,434</i>

(iii) *APPROVES a lease extension of five (5) years to 31 March 2016 to the North Perth Tennis Club for the lease of the North Perth Tennis Facilities located at Woodville Reserve on Farmer Street and comprised of a Portion of Swan Location 653 and being Lots 10, 11 and 12 on Plan 1306 and Swan Location 2545, Part of A Class Reserve 12965, subject to:*

(a) *the North Perth Tennis Club being successful with a loan application for the construction of two (2) synthetic tennis courts from Tennis West; and*

(iv) *NOTES that the approval of the application is subject to the following:*

a) *the North Perth Tennis Club arranging the loan funding for their share of the project; and*

b) *the North Perth Tennis Club entering a lease agreement with a sinking fund clause for contribution towards future court replacement.*

At the Ordinary Meeting of Council on 11 October 2005 the following resolution was adopted.

That the Council;

(i) *ENDORSES the following application in support of Community Sport and Recreation Facility Funds (CSRFF), prior to their lodgement with the Department of Sport and Recreation, on the condition that the Department of Sport and Recreation support these applications through the CSRFF program; and*

(ii) *APPROVES the applications listed in the following order of priority:*

<i>Ranking</i>	<i>Rating</i>	<i>Applicant</i>	<i>Recommended Council contribution</i>
<i>I</i>	<i>High</i>	<i>North Perth Tennis Club</i>	<i>\$34,427</i>

However the Club was unable to secure the loan for the funds needed and had to withdraw from the project. The CSRFF application was withdrawn as a result.

DETAILS:

Following the Council's in principle support the club submitted an application in accordance with Department of Sport and Recreation guidelines by the end of November 2007.

The Town has received correspondence from the Minister for Sport and Recreation on 6 March 2008 to indicate that the North Perth Tennis Club has been successful in its application for CSRFF funding. The nature of the CSRFF project funding is based on one third contribution by the Department of Sport and Recreation, one third by the club and the final third by the Town of Vincent.

This project would involve the installation of two synthetic hard courts and eight new floodlights, allowing for day and night time tennis.

CONSULTATION/ADVERTISING:

Community consultation with surrounding residents will be required as part of the planning application for this project.

LEGAL/POLICY:

None

STRATEGIC IMPLICATIONS:

The support of CSRFF grants is in keeping with the Town's Strategic Plan 2006-2011: Key Result Area 1.1.6 - *"Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment"*.

FINANCIAL/BUDGET IMPLICATIONS:

The maximum grant funded by the Department of Sport and Recreation under CSRFF funding is no greater than one-third of the total cost of a project. The grant must be at least matched by the applicant's own cash contribution.

The total project is costed at \$166,302, therefore the contribution from the Town of Vincent has been identified as being \$55,434 for consideration in the 2008/09 budget.

A sinking fund is to be set up and amounts deposited annually by the Tennis club to ensure that funds are set aside to replace the courts in the future.

COMMENTS:

The introduction of hard courts at North Perth Tennis Club will support the current level of tennis undertaken and will provide a high quality playing surface to attract new members and ensure that the courts are utilised by a maximum number of players. It is envisaged that this would also provide the opportunity to initiate a junior tennis program and support has been indicated from the North Perth Primary School.

The matched funding from the North Perth Tennis Club and Department of Sport and Recreation provides for a sound investment in the tennis playing surfaces at Woodville Reserve.

10.4.1 Information Bulletin

Ward:	-	Date:	19 March 2008
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	G van den Bok		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 25 March 2008, as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 10.4.1

Moved Cr Messina, Seconded Cr Youngman

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Cr Farrell was on approved leave of absence for the meeting.)

DETAILS:

The items included in the Information Bulletin dated 25 March 2008 are as follows:

ITEM	DESCRIPTION
IB01	Letter from State Administrative Tribunal (SAT) regarding Matter No. DR/368 of 2007 – Cafarelli v Town of Vincent (No. 2A Sholl Lane, North Perth).
IB02	Letter from State Administrative Tribunal (SAT) regarding Matter No. DR/332 of 2007 – Bonomi v Town of Vincent (No. 118 Anzac Road, Mount Hawthorn).
IB03	Letter from State Administrative Tribunal (SAT) regarding Matter No. DR/349 of 2007 – Kimber v Town of Vincent (No. 19 Glendower Street, Highgate).
IB04	Letter from State Administrative Tribunal (SAT) regarding Matter No. DR/95 of 2007 – Mervyn Cole trading as Exomod Coffee v Town of Vincent (No. 611-617 Beaufort Street, Mount Lawley).
IB05	Letter from State Administrative Tribunal (SAT) regarding Matter No. DR/366 of 2007 – Hughes & Anor v Town of Vincent (No. 161 Joel Terrace, Mount Lawley).
IB06	Minutes of Hyde Park Lakes Restoration Working Group held on Wednesday 12 March 2008.

10.1.3 No. 560 (Lot 4 D/P: 692) Beaufort Street, Mount Lawley - Proposed Change of Use from Recreational Facility (Pool Hall) to Small Bar and Associated Alterations - State Administrative Tribunal (SAT) Review Matter No. DR 12 of 2008

Ward:	South	Date:	19 March 2008
Precinct:	Mount Lawley; P11	File Ref:	PRO0710; 5.2007.308.1
Attachments:	001		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to No. 560 (Lot 4 D/P: 692) Beaufort Street, Mount Lawley - Proposed Change of Use from Recreational Facility (Pool Hall) to Small Bar and Associated Alterations - State Administrative Tribunal (SAT) Review Matter No. DR 12 of 2008; and*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES, as part of the State Administrative Tribunal Review Matter No. DR 12 of 2008, the application submitted by G Govardhan on behalf of the owner E & M D'Aurizio & G A & M Gimondo for proposed Change of Use from Recreational Facility (Pool Hall) to Small Bar and Associated Alterations, at No. 560 (Lot 4 D/P: 692) Beaufort Street, Mount Lawley, and as shown on front elevation stamp-dated 19 September 2007 and floor plan stamp-dated 27 February 2008, for the following reasons:*
 - (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
 - (b) *the non-compliance with the requirements of the Town's Policies relating to Parking and Access (Policy No.3.7.1) and the Mount Lawley Centre Precinct (Policy No. 3.1.11); and*
 - (c) *consideration of the objections received.*

COUNCIL DECISION ITEM 10.1.3

Moved Cr Messina, Seconded Cr Youngman

That the recommendation be adopted.

Debate ensued.

CARRIED (5-3)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Lake
Cr Burns	Cr Messina
Cr Doran-Wu	Cr Youngman
Cr Ker	
Cr Maier	

(Cr Farrell was on approved leave of absence for the meeting.)

Landowner:	E & M D'Aurizio & G A & M Gimondo
Applicant:	G Govardhan
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Recreational Facility
Use Class:	Unlisted Use (Small Bar)
Use Classification:	Unlisted Use
Lot Area:	459 square metres
Access to Right of Way	Eastern side, 3 metres wide, sealed, Town owned.

BACKGROUND:

- 16 November 1992 The City of Perth approved the change of use of the subject site from retail (furniture store) to amusement centre. This approval was granted for a period of twelve months as it was considered *'undesirable for the premise to remain unoccupied.'*
- A total of 34 car bays were required for the proposed amusement centre at this time. However, the applicant complained that this requirement was too excessive and that the Council should reduce the requirement to a level that could be achieved. The Council considered a 20 car parking bay requirement more appropriate, even though there was no car parking provided on-site.
- 14 March 1993 The then Minister for Planning, Richard Lewis JP MLA upheld an appeal in relation to the twelve month restriction on the use.
- 3 December 1993 In response for a request to increase the maximum number of occupants of the place to 150 persons, the applicant was advised that the maximum number of occupants of the place shall be 50 persons due to insufficient parking for the site.
- 28 August 2007 The Town received a planning application for change of use from recreational facility (pool hall) to tavern, at the subject property at No. 560 (Lot 4 D/P: 692) Beaufort Street, Mount Lawley.
- 20 November 2007 The Council at its Ordinary Meeting considered the above application and resolved *"that the item be DEFERRED for further investigation."*
- 18 December 2007 The Council at its Ordinary Meeting resolved to refuse the application for change of use from recreational facility (pool hall) to tavern, at the subject property for the following reasons:
- "(i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
 - (ii) the non-compliance with the requirements of the Town's Policies relating to Parking and Access (Policy No.3.7.1), the Mount Lawley Centre Precinct (Policy No. 3.1.11), and Waste Management (Policy No.2.2.18); and*
 - (iii) consideration of the objections received."*

- 18 January 2008 The applicant lodged a review application with SAT in relation to the refused planning application.
- 30 January 2008 Direction Hearing at SAT and orders were made requiring the parties to *'further discuss with each other on a without prejudice basis the modified proposal (dealing with reduced patronage, a change of description of bar use, and possible dual use of the premises) outlined in discussion in the Tribunal on 30 January 2008'*.
- 7 February 2008 The Town's Planning Officers met with the applicant and architect consultant regarding the above SAT order.
- 13 February 2008 Mediation at SAT.
- 19 February 2008 The Town received Orders inviting the Town under Section 31 of the SAT Act 2004, to determine the subject application; (that is, to (a) affirm the decision; (b) vary the decision; or (c) set aside the decision and substitute its new decision).
- 13 March 2008 The revised application, as a result of the SAT mediation was refused by the Acting Chief Executive Officer under delegated authority from the Council. In the Town's Delegated Authority Register for 2007-2008, which was adopted by the Council at its Ordinary Meeting held on 14 August 2007, the Council has delegated to the Chief Executive Officer (CEO) (and the CEO has delegated to the Director Development Services and Manager Planning, Building and Heritage Services) *'authority to exercise discretion and to respond to appeals lodged with the State Administrative Tribunal for the determination of planning application appeals under Part 14 of the Planning and Development Act 2005 and the Town of Vincent Town Planning Scheme No. 1.'*
- 17 March 2008 A further Directions Hearing was held at the SAT to discuss the Town's decision to progress the matter under delegated authority from the Council. The SAT was of a view that the matter should be referred to the Council, and not be determined under delegated authority from the Council by the Town's Officers as the Council was the previous/original decision maker.

DETAILS:

The subject site comprises an existing recreational facility (pool hall), which is built out to all four site boundaries and has no provision for car parking on-site. Under section 252 (1) of the *Planning and Development Act 2005*, the proprietor of the proposed business submitted an application for review to the SAT regarding the decision of the Council to refuse the application for change of use from recreational facility (pool hall) to tavern at the Ordinary Meeting of Council held on 18 December 2007.

The applicant is being represented by Terry Tyzack Consultancy. The Town is being represented by its Planning Officers and has not yet appointed any external consultants.

As a result of Direction Hearing and Mediation at SAT, a revised proposal from that which was refused at the Ordinary Meeting of Council held on 18 December 2007 has been submitted to the Town for consideration. The main difference between the subject proposal and the proposal, which was refused at the Ordinary Meeting of Council held on 18 December 2007, includes the following:

- The premises are now proposed to be operated under a Small Bar Licence which would limit the number of patrons to a maximum of 120 persons.
- The applicant has reduced the public floor area from 200 square metres to 128 square metres and maximum patronage from 172 people to 120 people, to enable the premises to be classified as a Small Bar.
- The applicant has included a designated bin store area, and has advised that the existing roller door access will be modified to suit the Council's requirement for collection, in the event of an approval.

The applicant's further submission, dated 27 February 2008 is "*Laid on the Table*".

ASSESSMENT:

In light of the receipt of revised plans, a revised Assessment Table has been prepared.

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
Mount Lawley Centre Precinct	Adequate car parking is to be provided on-site to ensure that unreasonable commercial parking does not spill into adjacent residential streets.	Nil on-site car parking.	Not supported - the proposal is considered to have an undue impact on the amenity of the area.
Consultation Submissions			
The submissions were based on the original proposed tavern usage and not the small bar usage.			
Support (1)	- Support in principle provided. However, concerns about noise, traffic, parking, privacy, loitering and waste services were expressed.		Noted.
Objection (6)	- Parking problems in an already congested area.		Supported - considered to have an undue impact on the amenity of the area.
	- Increase in traffic utilising ROW, which will further damage boundary walls.		Not supported - the right of way will not be directly utilised by patrons.
	- Increase in noise, anti-social bad behaviour and loitering.		Supported in part- in the event of an approval, the

	<ul style="list-style-type: none"> - Insufficient Bin Store. - The area has enough pub type venues. 	<p>applicant will need to prepare and implement a Management Plan to address such problems.</p> <p>Not supported - the revised proposal has addressed the Town's bin store requirements.</p> <p>Not supported - the Town's Town Planning Scheme No. 1 does not control the number of a particular use class in an area.</p>
Other Implications		
Legal/Policy		TPS 1 and associated Policies, Planning and Development Act 2005 (WA), State Administrative Appeal Tribunal Act 2004 (WA) and Town's Policy No. 4.1.23 - Policy/Procedure for State Administrative Tribunal.
Strategic Implications		Nil.
Financial/Budget Implications		Nil at this stage as the matter at SAT has been attended by the Town's Officers.
Car Parking		
Car Parking Requirement (nearest whole number) Tavern -1 space per 3.8 square metres of public floor area (128 square metres) - 33.68 car bays; OR - 1 space per 4.5 persons of maximum number of persons approved for the site (120) - 26.66 car bays; whichever is the greater		34 car bays
Apply the adjustment factors • 0.85 (within 400 metres of a bus stop) • 0.85 (within 400 metres of a car park within excess of 75 car parking spaces)		(0.7225) 24.33 car bays
Minus the car parking on-site		0 car bay
Minus the most recently approved on-site parking shortfall (20) - 14.45 car bays after adjustment factors.		14.45 car bays
Resultant Shortfall		10.11 car bays

** The plot ratio calculation is provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.*

COMMENTS:

Small Bar

In May 2007, an amendment was made to section 41 of the Liquor Control Act 1988, to include a Small Bar Licence as a form of Hotel Licence. A Small Bar Licence differs from Hotel and Tavern Licences by the conditions imposed to restrict the scope of the licence. A Small Bar Licence is a form of a Hotel Licence with:

- A condition prohibiting the sale of packaged liquor; and
- A condition limiting the number of persons who may be on the licenced premises to a maximum of 120.

Car Parking

In determining whether a proposed development should be refused on car parking grounds, clause 22 of the Town's Parking and Access Policy states that as a guide, a minimum of 15 per cent of the required car bays should be provided on-site where the total requirement is between 11 and 40 car bays (after adjustment factors), and the balance should be provided as a cash-in-lieu contribution. The subject application for No. 560 Beaufort Street has a total car parking requirement of 24.33 car bays (after adjustment factors). If the above clause of the Parking and Access Policy is applied to the subject application, for the place at No. 560 Beaufort Street, a total of 3.64, say 4 car bays are required to be provided on-site and the balance should be provided as a cash-in-lieu contribution. This requirement has not been satisfied as there are no car bays provided on-site.

The Town's Parking and Access Policy does not have provisions for a Small Bar and as can be seen from the above car parking calculations the Tavern requirements were applied for the subject application. The Tavern provisions require that the greater figure, which is derived from the division of the both the floor area and maximum number of patrons, be utilised for the basis of the car parking calculations. The Town's Officers consider that as the Liquor Control Act 1988 has provisions to limit the number of persons who may be on the licenced premises for small bars and as the limit could be stated as a condition of Planning Approval, the car parking calculations may be derived from the maximum number of persons approved for the site. Should this be applied, the subject proposal would have a resultant shortfall of 5.05 car bays. Should clause 22 of the Town's Parking and Access Policy be applied, a total of 2.92, say 3 car bays are required to be provided on-site and with a balance to be provided as a cash-in-lieu contribution.

Conclusion

The applicant has significantly revised the subject proposal in order to address the Council's reasons for refusal and the discussions at SAT. Most notably the public floor area and maximum number of people for the premises, have been significantly reduced and the premises are now proposed to be operated under a Small Bar Licence, in an attempt to reduce the car parking shortfall and to ameliorate the communities negative perceptions associated with a tavern usage.

Notwithstanding the above, the Town's Officers still consider that the car parking shortfall, in addition to the generous previously approved on-site shortfall (14.45 car bays after adjustment factors), will have a serious undue impact on the amenity of the area and particularly the adjacent residences. Beaufort Street is acknowledged as already having a parking shortfall and it is essential that this problem is not increased (which would inevitably occur if this application was approved).

The Town's Officers acknowledge that the applicant has operated a successful restaurant along Beaufort Street, which has contributed to the area's success and vitality over the years. However, in the pursuit of orderly and proper planning, it is important that the Town manage the future land uses in a manner that ensures the amenity of the nearby residential area are not unduly impacted upon by car parking spillover and also to ensure that visitors to the area are inconvenienced by acceptable levels of available parking.

In light of the above, it is recommended that the application be refused as per the Officer Recommendation.

10.1.1 No. 144 (Lot: 51 D/P: 1177) Bulwer Street, Perth - Proposed Partial Demolition of, and Additional Two-Storey Grouped Dwelling and Alterations and Additions to Existing Single House

Ward:	South	Date:	17 March 2008
Precinct:	Hyde Park; P12	File Ref:	PRO3906; 5.2007.95.1
Attachments:	001		
Reporting Officer(s):	D Pirone		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by G Rollerson for proposed Partial Demolition of, and Additional Two-Storey Grouped Dwelling and Alterations and Additions to Existing Single House, at No. 144 (Lot: 51 D/P: 1177) Bulwer Street, Perth, and as shown on plans stamp-dated 28 February 2008 , subject to the following conditions:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, 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;*
- (ii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate between the Bulwer Street boundary and the main building, including along the side boundaries within this front setback area, complying with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

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

- (iii) *first obtaining the consent of the owners of No. 142 Bulwer Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 142 Bulwer Street in a good and clean condition;*
- (iv) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title or Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (v) *prior to the issue of a Building Licence, a Section 70A Transfer of Land Act 1893 Notification shall be registered against the Certificate of Title for the land advising proprietors or prospective proprietors of the existence of the following conditions which affect the use or enjoyment of the existing and proposed dwelling on the land:*
 - (a) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the existing dwelling located on the site adjacent to Bulwer Street;*
 - (b) *the existing dwelling located on the site adjacent to Bulwer Street shall be conserved;*
 - (c) *the plot ratio floor area of the entire site shall be restricted to 0.65 or 301 square metres; and*
 - (d) *the open space provided shall be a minimum of 45 per cent of the entire site.*

This notification shall be prepared and registered by the Town's solicitors or other solicitors agreed upon by the Town at the cost of the applicant/owner;

- (vi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *the proposed pergola over the terrace having a maximum of 6.59 square metres with a water impermeable roof cover;*
 - (b) *the proposed 1.5 metre wide pedestrian accessway on the eastern side of the existing dwelling being for the sole exclusive use of the rear dwelling on proposed lot 2;*
 - (c) *a 1.0 metre by 1.0 metre visual truncation being provided at the intersection of the crossover and the right of way; and*
 - (d) *the windows to the kitchen on the northern elevation, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of*

a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002. 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. 1 Bulwer Avenue stating no objection to the respective proposed privacy encroachments.

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

- (vii) *a detailed landscaping plan, including a list of plants and the landscaping of the Bulwer Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s).*

Moved Cr Doran-Wu, Seconded Cr Burns

That the recommendation be adopted with clause (v)(b) being read as follows:

"(v)(b) the existing dwelling located on the site adjacent to Bulwer Street shall be conserved, and the front facade of the existing dwelling including the verandah (roof and posts) shall not be modified or adversely impacted upon in order to accommodate a car parking bay;"

Debate ensued.

AMENDMENT

Moved Cr Ker, Seconded Cr Maier

Clause (v)(a) be amended to delete the words "or visitor".

AMENDMENT PUT AND CARRIED (8-0)

MOTION AS AMENDED PUT AND CARRIED (8-0)

COUNCIL DECISION ITEM 10.1.1

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by G Rollerson for proposed Partial Demolition of, and Additional Two-Storey Grouped Dwelling and Alterations and Additions to Existing Single House, at No. 144 (Lot: 51 D/P: 1177) Bulwer Street, Perth, and as shown on plans stamp-dated 28 February 2008, subject to the following conditions:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, 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;*
- (ii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate between the Bulwer Street boundary and the main building, including along the side boundaries within this front setback area, complying with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;
- (iii) *first obtaining the consent of the owners of No. 142 Bulwer Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 142 Bulwer Street in a good and clean condition;*
- (iv) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title or Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (v) *prior to the issue of a Building Licence, a Section 70A Transfer of Land Act 1893 Notification shall be registered against the Certificate of Title for the land advising proprietors or prospective proprietors of the existence of the following conditions which affect the use or enjoyment of the existing and proposed dwelling on the land:*
 - (a) *the Town of Vincent will not issue a residential car parking permit to any owner or occupier of the existing dwelling located on the site adjacent to Bulwer Street;*

- (b) the existing dwelling located on the site adjacent to Bulwer Street shall be conserved, and the front facade of the existing dwelling including the verandah (roof and posts) shall not be modified or adversely impacted upon in order to accommodate a car parking bay;*
- (c) the plot ratio floor area of the entire site shall be restricted to 0.65 or 301 square metres; and*
- (d) the open space provided shall be a minimum of 45 per cent of the entire site.*

This notification shall be prepared and registered by the Town's solicitors or other solicitors agreed upon by the Town at the cost of the applicant/owner;

- (vi) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) the proposed pergola over the terrace having a maximum of 6.59 square metres with a water impermeable roof cover;*
 - (b) the proposed 1.5 metre wide pedestrian accessway on the eastern side of the existing dwelling being for the sole exclusive use of the rear dwelling on proposed lot 2;*
 - (c) a 1.0 metre by 1.0 metre visual truncation being provided at the intersection of the crossover and the right of way; and*
 - (d) the windows to the kitchen on the northern elevation, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002. 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. 1 Bulwer Avenue stating no objection to the respective proposed privacy encroachments.*

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

- (vii) a detailed landscaping plan, including a list of plants and the landscaping of the Bulwer Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s).*

Landowner:	G Rollerson
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Applicant:	G Rollerson
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
Existing Land Use:	Single House
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	463 square metres
Access to Right of Way	North side, 3 metres wide, unsealed, Town owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves partial demolition of, and additional two-storey grouped dwelling and alterations and additions to existing single house on the subject property.

Area of proposed Lot 1 (adjacent to Bulwer Street) = 283 square metres

Area of proposed Lot 2 (adjacent to the Right of Way) = 180 square metres

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density:	2.57 grouped dwellings – At R80 (R60 requirements applies as proposal involves grouped dwellings)	2 grouped dwellings	Noted – no variation.
Plot Ratio: Existing Dwelling	0.65 or 183.95 square metres	0.58 or 165.47 square metres	Supported – no variation
Proposed Dwelling	0.65 or 117 square metres	0.728 or 131.04 square metres	Supported – not considered to have an undue impact on the amenity of the area as the total plot ratio calculates to be compliant with the R Codes. A Section 70A Notification condition has been applied to ensure that the plot ratio of the total site being restricted to 0.65 or 301 square metres.
Total Plot Ratio Area:	0.65 or 300.95 square metres	0.64 or 296.71 square metres	
Building Setbacks: Ground Floor			
-North (Right of	2.5 metres	1 metre –	Supported – not considered to

Way)		2.3 metres	have an undue impact on the amenity of the area. A streetscape has not been established along this section of the right of way as very few of the lots have been subdivided or have rear dwellings. The proposed garage is setback 2.3 metres to provide for the 6 metres manoeuvring space. If the ground floor is to be setback to comply with the requirements, it will be setback behind the garage, which is not a preferred design outcome.
-East	1.5 metres	Nil – 3.5 metres	Supported – not considered to have an undue impact on the neighbouring property.
First Floor- -North (Right of Way) Balcony/Terrace	1.5 metres	1 metre	Supported – not considered to have an undue impact on the amenity of the area.
-East	1.6 metres	1.5 metres	Supported – not considered to have an undue impact on the neighbouring property.
Boundary Walls: -East (ensuite)	Walls not higher than 3.5 metres with average of 3 metres for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary.	Average height of 3.4 metres.	Supported – the proposed boundary wall is compliant with the maximum height and length requirements of the R Codes and not considered to have an undue impact on the neighbouring property.
Car Parking:	2 car bays per dwelling	1 car bay proposed for existing dwelling	Supported – see comments on ‘Car Parking’
Open Space:	45 per cent of the total site area	Existing Dwelling = 41.5 per cent Proposed Dwelling = 50.66 per cent Total Percentage of Open Space	Supported – not considered to have an undue impact on the amenity of the area as the total open space is compliant with the requirements of the R Codes. A Section 70A Notification condition has been applied to ensure that the open space

		= 45 per cent	provided is a minimum of 45 per cent of the total site.
Privacy Setbacks: First Floor-			
-North (Kitchen Windows)	Setback 6.0 metres within the cone of vision.	Setback 5.7 to northern property boundary (including width of right of way).	Not supported – considered to have an undue impact on the neighbouring property. Condition applied to screen the windows or obtain neighbour’s consent.
Essential Facilities: Storerooms	Stores to have minimum dimensions of 1.5 metres with an internal area of at least 4 square metres.	Store for proposed new dwelling – dimension of 1.495 metres and internal area of 3.6 square metres. Store for existing dwelling is compliant.	Supported – extra storage space have been provided under the stairs with an internal area of 1 square metre.
Consultation Submissions			
Support	Nil.		Noted.
Objection	Nil.		Noted.
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

* The representative R Coding and density bonus calculations are provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

* The plot ratio calculation is provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

COMMENTS:

Heritage

The Wise Post Office Directories indicates that the subject limestone, brick and iron dwelling was constructed prior to 1905 in the Federation Bungalow style of architecture. The dwelling is located in the St Albans Locality, which states:

"this area contains much of its original housing stock and thus the retention/restoration of existing dwellings is favoured and encouraged. Single houses and terrace housing will continue to be the predominant forms of housing, although grouped dwellings and infill housing may be permitted where historic character housing is to be retained or in instances where the development will be complementary to the existing neighbourhood."

The dwelling is considered to contribute to the historic character of the area in terms of its bulk, form, setback and style and, therefore, the Town's Heritage Services encourage its retention.

Department for Planning and Infrastructure Comments

The Department for Planning and Infrastructure (DPI) provided its comments to the Town in a letter dated 12 July 2007. The DPI advised the Town that a one metre right of way widening is required in this instance due to its current narrow width. No development is to occur in this widening area and garages are to be setback to provide for a 6 metre manoeuvring area. This widening requirement has been addressed in the current proposal.

In regards to the existing dwelling fronting Bulwer Street, the Western Australian Planning Commission's Liveable Neighbourhoods Policy states that vehicle reversing onto major arterial roads/Neighbourhood Connector Roads, should be avoided at all costs. Due to this requirement, the applicant was required to submit revised plans that allow for vehicles to enter and exit the property in forward gear.

Car Parking

Heritage Services and Strategic Planning Services consider that there is insufficient room to accommodate two car parking bays, as well as being able to enter and exit the property in forward gear, in the front of the existing dwelling without impacting on the aesthetics of the dwelling and streetscape as extra room would be required for a turning bay.

The Town's Officers consider it acceptable that dispensation be given for the provision of 1 car parking bay for the existing dwelling. However, this recommendation is based on an understanding that the front façade of the dwelling including verandah (roof and posts) would not be modified or adversely impacted in order to accommodate such a car bay. Any alterations to the front façade may compromise the design intent of the Federation Bungalow dwelling and detract from the streetscape.

Further to this the St Albans Locality Policy states:

"Front setback areas are to be landscaped and, preferably, devoid of parking spaces. Where available, on-site parking is to be accessed from a right-of-way."

To complement these requirements, the applicant's current proposal illustrates all car parking from the right of way, with the existing dwelling having one car bay only.

Summary

In light of the above, it is recommended that the Council approve the application with only one proposed car bay for the existing dwelling, subject to standard and appropriate conditions to address the above matters.

10.1.2 No. 174 (Lot: 251 D/P: 2503) Scarborough Beach Road, Corner Coogee Street, Mount Hawthorn - Proposed Change of Use from Single House and Shop to Unlisted Use (Small Bar) and Shop and Associated Alterations and Additions

Ward:	North	Date:	14 March 2008
Precinct:	Mount Hawthorn Centre; P02	File Ref:	PRO4203; 5.2007.444.1
Attachments:	001		
Reporting Officer(s):	D Pirone		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Evoke Developments Pty Ltd on behalf of the owner A Kannis-Pitsikas for proposed Change of Use from Single House and Shop to Unlisted Use (Small Bar) and Shop and Associated Additions and Alterations, at No. 174 (Lot: 251 D/P: 2503) Scarborough Beach Road, Corner Coogee Street, Mount Hawthorn, and as shown on plans stamp-dated 2 November 2007 (site plan, demolition plan and existing building plan), 20 November 2007 (proposed floor plan and elevations) and 14 December 2007 (carpark layout), subject to the following conditions:

- (i) *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 \$19,548 for the equivalent value of 7.24 car parking spaces, based on the cost of \$2,700 per bay as set out in the Town’s 2007/2008 Budget; OR*
 - (b) *lodge an appropriate assurance bond/ bank guarantee of a value of \$19,548 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 with 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;

- (ii) *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 and approved prior to the erection of the signage;*
- (iii) *the public floor area of the small bar shall be limited to 120 square metres and the gross floor area of the shop shall be limited to 183 square metres;*
- (iv) *the maximum number of persons to occupy the ~~premises~~ small bar at any one time shall be 120 persons;*
- (v) *packaged liquor shall not be sold at the premises;*
- (vi) *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 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;*
- (vii) *a bin compound shall be constructed in accordance with the Town's Health Services Specifications, divided into commercial and residential areas and sized to contain:-*
- *Residential*
 - 1 x mobile garbage bin per unit; and*
 - 1 x general recycle bin per 2 units; and*
 - *Commercial*
 - 1 x mobile garbage bin per unit; and*
 - 1 x paper recycle bin per unit, or per 200 square metres of floor space;*
- (viii) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (ix) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *a minimum of one male shower and one female shower being located in separate change rooms;*
 - (b) *the change rooms being secure and capable of being locked; and*
 - (c) *a minimum of one locker being provided for every bicycle parking bay provided.*
- The revised plans shall not result in any greater variation to the Town's Policies.*
- (x) *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, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;*
- (xi) *the windows, doors and adjacent floor area facing Scarborough Beach Road shall maintain an active and interactive frontage to Scarborough Beach Road; and*

- (xii) *prior to the first occupation of the development, one (1) class 1 or 2 plus one (1) class 3 bicycle parking facilities shall be provided at a location convenient to the entrances and within the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities.*

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

Moved Cr Messina, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

At 6.45pm **Moved Cr Ker, Seconded Cr Doran-Wu**

That Standing Orders be suspended to allow the applicant to address the Council and explain access to bays 12, 13 and 14.

PROCEDURAL MOTION PUT AND CARRIED (8-0)

(Cr Farrell was on approved leave of absence for the meeting.)

Mr Steve Kinjin of Suite 1 Newcastle Street, Leederville addressed Item 10.1.2. Mr Kinjin advised the Council that bays 17, 16, 15, 14, 13 and 12 are a raised platform to meet the same right of way access level. There will be a retaining wall to the back part of the car parking space of all of these bays.

PROCEDURAL MOTION

At 6.47pm **Moved Cr Ker, Seconded Cr Youngman**

That Standing Orders be resumed.

PROCEDURAL MOTION PUT AND CARRIED (8-0)

(Cr Farrell was on approved leave of absence for the meeting.)

Debate ensued.

COUNCIL DECISION ITEM 10.1.2

Moved Cr Maier, Seconded Cr Messina

That the item be DEFERRED for further investigation, and in particular of the impact of the car parking on neighbours'.

CARRIED (5-3)

(Cr Farrell was on approved leave of absence for the meeting.)

<u>For</u>	<u>Against</u>
Cr Burns	Mayor Catania
Cr Doran-Wu	Cr Ker
Cr Lake	Cr Youngman
Cr Maier	
Cr Messina	

Cr Messina departed the Chamber at 7.01pm.

Landowner:	A Kannis-Pitsikas
Applicant:	Evoke Developments Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): District Centre
Existing Land Use:	Single House and Shop
Use Class:	Unlisted Use (Small Bar) and Shop
Use Classification:	Unlisted Use and "P"
Lot Area:	774 square metres
Access to Right of Way	North side, 5.03 metres wide, sealed, Town owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves a change of use from single house and shop to unlisted use (small bar) on the upper floor and shop on the ground floor.

The proposal for the small bar involves alterations and additions to the upper floor and paving and landscaping of the rear area of the lot. The *Lavender Blues* shop on the ground floor is existing and remaining unchanged.

The applicant's detailed submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted.
Car Parking			
Car parking requirement (nearest whole number) Small Bar (Tavern) – 1 space per 3.8 square metres of public floor area. - Public floor area = 120.2 square metres - Requires 31.63 car bays; OR Small Bar (Tavern) – 1 space per 4.5 approved persons - Approved persons = 120 - Requires 26.67 car bays; Whichever is the greater. Shop – 1 space per 15 square metres of gross floor area. - Gross floor area = 183 square metres			44 car bays

- Requires 12.2 car bays Total bays required = 43.83 car bays		
Apply the adjustment factors. - 0.85 (within 400 metres of a bus stop) - 0.80 (within 50 metres of a public car parking place with in excess of 50 car parking spaces) - 0.90 (the proposed development provides 'end of trip' facilities) - 0.90 (the proposed development is within a District Centre Zone)		(0.5508) 24.2352 car bays
Minus the car parking provided on-site.		17 car bays
Minus the most recently approved on-site car parking shortfall.		Nil
Resultant shortfall		7.24 car bays
Bicycle Parking		
Small Bar (Tavern) – does not require bicycle parking		
Shop – GFA = 183 square metres Class 1 or 2 – 1 space per 300 square metres of GFA = 0.61 space Class 3 – 1 space per 200 square metres of GFA = 0.915 space		
Class 1 or 2 = 1 space required Class 3 = 1 space required		
Consultation Submissions		
Support (31)	• The proposed small bar will be suited for an age demographic of 30 years and older.	• Noted.
	• The location is easily accessible by public transport and within easy walking distance of local residents.	• Noted.
	• A small bar that serves quality food and beverages would add to the amenity of the area.	• Noted.
	• It is an alternative to some of the large hotels/taverns within the Town.	• Noted.
	• This proposal will be beneficial for surrounding business owners.	• Noted.
	• The design of the interior will allow for a more private and intimate meeting place.	• Noted.
	• Smaller bars promote infinitely better compliancy, management and regulation.	• Noted.
Objection (11)	• Lack of parking and increase in traffic volume.	• Supported in part – see comments on 'Car Parking'.
	• Noise.	• Supported – all noise pollution will need to comply with the Environmental Protection (Noise) Regulations. A condition has been applied for noise to be addressed in a management plan and sound attenuation report.
	• Drunken and disorderly patrons leaving the site.	• Supported – a condition has been applied for anti-social behavior

		to be addressed in a management plan.
	<ul style="list-style-type: none"> • There is no need for another bar in the area. 	<ul style="list-style-type: none"> • Noted.
Other Implications		
Legal/Policy		TPS 1 and associated Policies.
Strategic Implications		Nil
Financial/Budget Implications		Nil

* The plot ratio calculation is provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

COMMENTS:

Small Bar Licence

In May 2007, an amendment was made to section 41 of the Liquor Control Act 1988, to include a small bar licence as a form of hotel licence. A small bar licence differs from hotel and tavern licences by the conditions imposed to restrict the scope of the licence. A small bar licence is a form of a hotel licence with:

- A condition prohibiting the sale of packaged liquor; and
- A condition limiting the number of persons who may be on the licenced premises to a maximum of 120.

Car Parking

The Town's Policy 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. In this instance, the resultant car parking shortfall of 7.24 car bays would equate to a payment of \$19,548. The parking shortfall is not considered excessive given its locational context, as well as the primary opening hours being at night, and is, therefore, supported subject to a cash-in-lieu payment.

Summary

In light of the above, it is recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters.

10.1.4 Amendment No. 49 to Planning and Building Policies – Draft Amended Policy No. 3.2.1 Relating to Residential Design Elements

Ward:	Both Wards	Date:	17 March 2008
Precinct:	All Precincts	File Ref:	PLA0141
Attachments:	001		
Reporting Officer(s):	E Saraceni		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Draft Amended Policy No. 3.2.1 relating to Residential Design Elements, as shown in Attachment 10.1.4;*
- (ii) *ADVERTISES the Draft Amended Policy No. 3.2.1 relating to Residential Design Elements 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*
- (iii) *after the expiry of the period for submissions:*
 - (a) *REVIEWS the Draft Amended Policy No. 3.2.1 relating to Residential Design Elements, having regard to any written submissions; and*
 - (b) *DETERMINES the Draft Amended Policy No. 3.2.1 relating to Residential Design Elements, with or without amendment, to or not to proceed with it.*

Correction

Page 44 of 49 of Residential Design Elements – Policy No 3.2.1

Delete “BDADC7” and insert “BDADC8” where it appears in the 4th dot point.

***Note: The above correction was distributed prior to the meeting. Changes are indicated by strikethrough, italic font and underline.**

Moved Cr Burns, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Ker, Seconded Cr Youngman

That the part item SADC9 of the Residential Design Elements document be DEFERRED for further investigation (pages 21 & 22).

Debate ensued.

AMENDMENT PUT AND CARRIED (6-1)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Maier
Cr Burns	
Cr Doran-Wu	
Cr Ker	
Cr Lake	
Cr Youngman	

Cr Messina was absent from the Chamber and did not vote.

(Cr Farrell was on approved leave of absence for the meeting.)

Cr Messina returned to the Chamber at 7.08pm.

Debate ensued.

COUNCIL DECISION ITEM 10.1.4

Moved Cr Maier, Seconded Cr Ker

That the item be DEFERRED to allow for all the items to be dealt with together, at one time.

CARRIED (8-0)

(Cr Farrell was on approved leave of absence for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with the outcomes of the further Officer investigations of the items that were deferred for further consideration at the Ordinary Meeting of Council held on 18 December 2007. The report also proposes further amendments to the Policy that have been recognised as being required by the Town's Officers as a result of the initial implementation of the Policy.

BACKGROUND:

The Council at its Ordinary Meeting held on 18 December 2007 resolved the following:
"That the Council;

- (i) *RECEIVES the further amended version of the Policy relating to Residential Design Elements, as shown in Attachment 10.1.15, resulting from the advertised version having been reviewed and with regard to the five (5) written submissions received during the formal advertising, in accordance with Clauses 47 (4), and (5) (a) of the Town's Town Planning Scheme No. 1;*

- (ii) *ADOPTS the further amended version of the Policy relating to Residential Design Elements, as shown in Attachment 10.1.15, in accordance with Clause 47 (5) (b) of the Town's Town Planning Scheme No. 1; subject to the Policy being further amended as follows:*
- (a) *the Policy being numbered No. 3.2.1; and*
(b) *the following items being DEFERRED for further consideration:*
1. *The first four "Features facing Right of Way" contained in the Table in clause SADC 9(b) – Page 24;*
 2. *Clause 5.1 - page 7;*
 3. *Clause 7.4.1 – Amenity/Impact Statement to be clearly defined - page 31;*
 4. *BDADC 12 – page 46.*
- (iii) *AUTHORISES the Chief Executive Officer to advertise the adopted Policy relating to Residential Design Elements, as shown in Attachment 10.1.15 , in accordance with Clause 47 (6) of the Town's Town Planning Scheme No. 1.*
- (iv) *RESCINDS the following Policies relating to Residential Design Guidelines:*
- (a) *Design Elements -*
- (1) *No.3.2.1 – Local Character;*
 - (2) *No.3.2.3 – Environmental Design;*
 - (3) *No.3.2.4 – Street Setbacks;*
 - (4) *No.3.2.5 – Street Walls and Fences;*
 - (5) *No.3.2.6 – Vehicular Access;*
 - (6) *No.3.2.7 – Site Levels;*
 - (7) *No.3.2.8 – Building Scale;*
 - (8) *No.3.2.9 – Privacy; and*
 - (9) *No.3.2.10 – Ancillary Development; and*
- (b) *Locality Statements - Policies Nos. 3.3.1 to 3.3.31, inclusive;*
- (v) *ADVERTISES the rescission of the following Policies relating to Residential Design Guidelines:*
- (a) *Design Elements -*
- (1) *No.3.2.1 – Local Character;*
 - (2) *No.3.2.3 – Environmental Design;*
 - (3) *No.3.2.4 – Street Setbacks;*
 - (4) *No.3.2.5 – Street Walls and Fences;*
 - (5) *No.3.2.6 – Vehicular Access;*
 - (6) *No.3.2.7 – Site Levels;*
 - (7) *No.3.2.8 – Building Scale;*
 - (8) *No.3.2.9 – Privacy; and*
 - (9) *No.3.2.10 – Ancillary Development; and*
- (b) *Locality Statements - Policies Nos. 3.3.1 to 3.3.31, inclusive;*
- 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 Policies to be rescinded 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 Policies to be rescinded; and*
- (c) *forwarding a copy of the subject Policies to be rescinded to the Western Australian Planning Commission; and*
- (iv) *after the expiry of the period for submissions:*
 - (a) *REVIEWS the Policies to be rescinded, having regard to any written submissions; and*
 - (b) *DETERMINES the Policies to be rescinded, with or without amendment, to or not to proceed with them.”*

DETAILS:

Following the adoption of the Residential Design Elements Policy on 18 December 2007, the Town’s Officers began work on investigating and addressing the four elements listed in clause (ii) (b) of the Council Resolution. The proposed amendments to the Policy are outlined below and in the attached Draft Amended Policy, and illustrated using strikethrough and underline.

Functions of Components

A new clause 5.1 Functions of Components is proposed to be added as follows:

“ The Residential Design Elements Policy has been developed specifically to function as a reference tool providing guidance for both the Town and developers to use when considering an application for a residential development.....Refer to the Attachment to this Agenda Report for entire new clause 5.1.”

Setbacks to Rights of Way

Clause SADC 9 (b) is proposed to be amended to read as follows:

“ (b) Dwellings fronting a right of way are required to be setback as follows:

<u>Feature facing Right of Way</u>	<u>Minimum Setback (metres)</u>
<u>Porches, Verandahs, Porticos, and the Like</u>	<u>1.5</u>
<u>Building Walls on Ground Floor</u>	<u>2.0</u>
<u>Balconies on Upper Floor</u>	<u>2.5</u>
<u>Building Walls on Upper Floors</u>	<u>3.0</u>
<u>Carports and Garages</u>	<u>6 metres manoeuvring distance located directly in front of carport and garage.</u>

Note:

(Setback to right of way is measured from the original property boundary provided that the area required to widen the right of way is free of any kind of development (refer to Guidance Notes)."

Amenity Impact Statements

Clause 7.4.1 Preservation of Amenity on Adjoining Land and Surrounding Area is proposed to be amended to read as follows:

“Any new development, including alterations and additions, is to consider preserving the amenity of adjoining neighbours and the surrounding area. Such impacts include, but are not limited to, overlooking, overshadowing, loss of views and building design in relation to the existing streetscape and rhythm.

Where considered appropriate, the Town may require a development application to be submitted with an accompanying Amenity Impact Statement which:

- demonstrates consideration has been given to the impact on the amenity of adjacent properties; and
- outlines any measures that have been taken to mitigate any likely undue impacts on the amenity of adjacent properties.

An Amenity Impact Statement will be required in all instances where a variation to the Performance Criteria of the Policy is proposed. An Amenity Impact Statement will explain how a proposed development will respond to the Objectives and Performance Criteria of the Policy, and put forward planning justification as to why a variation should be considered.

An Amenity Impact Statement is to demonstrate that the proposed variation will not have an undue impact on the amenity of the adjoining properties and the surrounding area. An Amenity Impact Statement is to be supported by materials such as photographs, photograph montages, sketches and architectural models.

Advice and assistance in developing an Amenity Impact Statement can be sought from the Town’s Planning, Building and Heritage Services.”

Solar Access

Clause BDADC 12 Solar Access is proposed to be amended to read as follows:

“(a)Overshadowing/solar access for adjoining properties is to comply with the Acceptable Development Solar Access requirements of the Residential Design Codes.

The following measures are encouraged to maximise solar access while reducing the extent of overshadowing:

Internal and external living areas should be orientated in order to maximise solar access:

- Non-habitable rooms, such as laundries, bathrooms and storerooms should be located away from the northern aspect; and
- Skylights, translucent roofs and glass bricks should be used to improve solar access.”

Further Amendments

The Town’s Officers have also been monitoring the performance of the initial implementation of the Policy and how the Policy is operating in relation to other Policies. The Town’s Officers have determined that it is necessary to make a further two minor amendments to the Policy as a result of the above investigations, which are outlined below:

Lot Widths

A new clause SADC 1 (c) is proposed to be added as follows:

- “(c) Lot widths are to be consistent with the predominant lot width in the immediate street block on both sides of the street”

Building Setbacks

Clause SADC 5 (a) is proposed to be amended to read as follows:

- “(a) ~~When the street is a recognised streetscape (refer to any Residential Streetscape Policy),~~ The primary street setback is to reflect the predominant streetscape pattern for the immediate locality which is defined as being within 5 adjoining properties on each side of the development.”

Upper Floor Street Setbacks

Clause SADC 5 (c) is proposed to be amended to read as follows:

- “(c) Unless otherwise stated, ground floor setbacks are to be in accordance with Table 1 of the Residential Design Codes; and the upper floor setbacks are as follows:

Upper Floor Feature Facing Primary Street	Setback (metres)
Walls on Upper Floor	A minimum of two metres behind <u>each portion</u> of the ground floor setback.
Balconies on Upper Floor	A minimum of 1 metre behind the ground floor setback”

Formatting

Given the above amendments, the Draft Amended Policy incorporates appropriate minor changes to clause and page numbering and formatting.

CONSULTATION/ADVERTISING:

28 days in accordance with clause 47 of the Town of Vincent Town Planning Scheme No. 1.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011 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 and maintain the character and heritage of the Town.

1.1.4 Minimise negative impacts on the community and environment.”

FINANCIAL/BUDGET IMPLICATIONS:

The current 2007/2008 Budget allocates \$60,000 for Town Planning Scheme Amendments and Policies.

COMMENTS:

The Town's Officers are of the opinion that to date the Policy has been operating well; however, there are certain operational aspects of the Policy that can be improved through the implementation of the above amendments. The justification for each of the above amendments is outlined below:

Functions of Components

This amendment is imperative to the operation of the Policy as it outlines to the community and the Town's Officers how the different components of the Policy are to be read and subsequently applied in the assessment process. The proposed amendment will make the function and operational aspects of the Policy clear to the community and Town's Officers and subsequently result in the effective and efficient assessment of development applications.

It will also minimise any different interpretations of the components that the Town's Officers or applicants may currently have.

Setbacks from Rights of Way

At present, the Town's Officers are assessing applications involving properties abutting rights of way using the requirements of the Residential Design Codes. The Residential Design Elements Policy has been designed to go a step further than the Residential Design Codes (R Codes) in order to protect the unique amenity and character of the Town.

The proposed table stipulating the minimum requirements for setbacks from rights of way is more prescriptive than the R Codes and reflects the intention of the street setbacks requirements with regard to the upper floor being setback greater than the ground floor in order to create an articulated, staggered setback and avoid blank, 'flush' walls fronting the right of way.

Whilst a right of way is not technically a street, the increase in the demand for inner city land and the resultant development pressure on localities such as the Town of Vincent has resulted in an increase in the number of subdivisions, particularly at the rear of properties where there is a right of way present. Consequently, there are a number of properties where the right of way serves as the "primary street" in terms of vehicular access and the orientation of the frontage of the dwelling being towards the right of way.

The development pressure and current trend towards subdivision at the rear of properties is not likely to subside. Therefore, it is important for the Town to protect the amenity of those existing and future residents whose properties front a right of way by controlling the bulk and scale of development through the minimum setback requirements stipulated in the proposed amendment.

It is important to note that numerous rights of way may in the future become dedicated roads. In order to avoid future roads within the Town exhibiting qualities of former rights of way it is imperative that the Town control development from rights of way using similar requirements to the requirements used to control developments on dedicated roads, such as setback requirements.

With regard to the above, it is also important to note that the proposed setback requirements for properties fronting rights of way are less than the setback requirements from the primary street; however, they are still sufficient to control the bulk and scale of future developments fronting rights of way.

Amenity Impact Statements

The Council at its Ordinary Meeting held on 18 December 2007, resolved that the Amenity Impact Statement needed to be clearly defined. The Town's Officers have thoroughly researched the definition of an Amenity Impact Statement and believe that the proposed text clearly defines the application and intent of the Amenity Impact Statement and what is required of applicants when there is a need to submit an Amenity Impact Statement.

The Town's Officers are of the view that the proposed amendment will assist the Town's Officers in assessing applications that do not fully comply with the Residential Design Elements Policy and in making an informed decision. In summary, the proposed text will aid in processing applications effectively and efficiently.

Solar Access

Similar to the setbacks from rights of way, the Town's Officers are assessing solar access using the requirements of the Residential Design Codes (R Codes).

The proposed amendment is more prescriptive than the R Codes as it states ways in which the requirements stipulated in the R Codes may be achieved. This will assist applicants in achieving the requirements and also the Town's Officers in assessing this element effectively and efficiently, and further aid in protecting the amenity of the area for adjacent residents.

Lot Widths

The Residential Design Elements Policy was the first formally adopted Policy of a new set of Policies being developed by the Town in order to protect the amenity and character of the residential areas within the Town. The aim of these new Policies is that they will complement each other and work in conjunction with one another to protect the amenity and character of the residential areas.

The Town formally adopted Policy No. 3.2.4 relating to Residential Subdivisions on 5 February 2008, which is one of the abovementioned Policies. The Town's Officers have determined that whilst lot widths are controlled under the provisions of the Residential Subdivisions Policy, they are not controlled under the provisions of the Residential Design Elements Policy. This creates an issue for the Town, where applicants have the opportunity to apply for approval for a grouped dwelling development without or prior to applying for subdivision approval.

Consequently, if the applicant chooses to apply for approval for a grouped dwelling development without applying for or prior to applying for subdivision approval, the Town's Officers must assess the application using the requirements of the Residential Design Elements Policy. As there are no specific provisions in the aforementioned Policy, the Town has no means to control the lot/site widths for grouped dwelling development applications, which may result in an undue impact on the amenity of the existing streetscape if the proposed site widths for a property are not consistent with what is existing within the subject street.

The Town's Officers are of the belief that the proposed new clause SADC 1(c) will appropriately address the current inconsistency between the two Policies and further aid in protecting the amenity of the existing streetscape.

Street Setbacks

The clause has been amended to reflect the intent of the clause in terms of maintaining a consistent street setback for all streets located within the Town. At present, it could be interpreted that clause SADC 5 (a) only requires those streetscapes that are recognised streetscapes to have consistent street setbacks. The amendment will clearly define the intention of the requirement and assist in protecting the amenity of the streetscape.

Upper Floor Street Setbacks

The initial feedback from the Town's Officers is that the upper floor street setback requirement needs to be refined to clearly define the intention of the requirement, as there has been some different interpretation of this intention between the Town's Officers and applicants.

The intention for the street setbacks to the upper floor of dwellings, is to ensure that the upper floor will be setback from the ground floor to create an articulated, staggered setback and avoid blank, 'flush' walls fronting the street. In order to achieve this, it is imperative that the upper floor is setback behind each portion of the ground floor street setback.

If the upper floor is setback only from the ground floor setback at the closest point to the street boundary, the intention of the upper floor street setback requirement will not be achieved and the development may potentially have an undue impact on the amenity and streetscape of the surrounding area in terms of bulk and scale.

The Town's Officers are of the belief that the amendment to the upper floor street setbacks criteria will ameliorate any confusion with regard to the intention of this requirement.

Summary

The proposed amendments will aid in achieving the aims of the Policy and also assist in assessing applications in an effective and efficient manner.

In light of the above, it is recommended that the Council receives and advertises the Draft Amended Policy No. 3.2.1 in accordance with the Officer Recommendation.

10.2.3 Hyde Park Lakes – Progress Report No 5 – Approval for Detailed Site Investigation

Ward:	South	Date:	13 March 2008
Precinct:	Hyde Park Precinct (P12)	File Ref:	RES0042
Attachments:			
Reporting Officer(s):	J van den Bok;		
Checked/Endorsed by:	R Lotznicker	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the progress report No. 5 in relation to the Hyde Park Lakes;*
- (ii) *NOTES that;*
 - (a) *the Detailed Site Investigation of Hyde Park Lakes must be undertaken as a prerequisite to the final design options and costings being accurately presented in the Masterplan and prior to any on-ground works being undertaken;*
 - (b) *the Town has engaged Syrinx Environmental to complete the Masterplan for the Restoration of Hyde Park Lakes and they have completed a Preliminary Site Investigation at Hyde Park Lakes as requested;*
 - (c) *the Preliminary Site Investigation has provided strong evidence that Actual Acid Sulphate Soils (AASS) are present in the sediments of Hyde Park Lakes;*
- (iii) *APPROVES the Detailed Site Investigation of Hyde Park Lakes at a total cost of \$62,963.00 (GST exclusive) to be undertaken by Syrinx Environmental due to the unique nature of the services provided in the context of the entire project; and*
- (iv) *NOTES that;*
 - (a) *should (iii) above be approved, the Masterplan for the Restoration of Hyde Park Lakes will take an additional four (4) to six (6) weeks to complete; and*
 - (b) *a further report will be submitted to the Council upon completion of the project.*

Moved Cr Messina, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Ker

That a new clause (v) be added as follows;

- (v) *REQUESTS a report on the status of the Hyde Park Lakes Restoration Public Fund be submitted to Council in April 2008.*

AMENDMENT PUT AND CARRIED (8-0)

(Cr Farrell was on approved leave of absence for the meeting.)

MOTION AS AMENDED PUT AND CARRIED (8-0)

(Cr Farrell was on approved leave of absence for the meeting.)

Cr Youngman departed the Chamber at 7.16pm.

COUNCIL DECISION ITEM 10.2.3

That the Council;

- (i) *RECEIVES the progress report No. 5 in relation to the Hyde Park Lakes;*
- (ii) *NOTES that;*
- (a) *the Detailed Site Investigation of Hyde Park Lakes must be undertaken as a prerequisite to the final design options and costings being accurately presented in the Masterplan and prior to any on-ground works being undertaken;*
- (b) *the Town has engaged Syrinx Environmental to complete the Masterplan for the Restoration of Hyde Park Lakes and they have completed a Preliminary Site Investigation at Hyde Park Lakes as requested;*
- (c) *the Preliminary Site Investigation has provided strong evidence that Actual Acid Sulphate Soils (AASS) are present in the sediments of Hyde Park Lakes;*
- (iii) *APPROVES the Detailed Site Investigation of Hyde Park Lakes at a total cost of \$62,963.00 (GST exclusive) to be undertaken by Syrinx Environmental due to the unique nature of the services provided in the context of the entire project;*
- (iv) *NOTES that;*
- (a) *should (iii) above be approved, the Masterplan for the Restoration of Hyde Park Lakes will take an additional four (4) to six (6) weeks to complete; and*
- (b) *a further report will be submitted to the Council upon completion of the project; and*
- (v) *REQUESTS a report on the status of the Hyde Park Lakes Restoration Public Fund be submitted to Council in April 2008.*
-

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the results of the recently completed Preliminary Site Investigation at Hyde Park Lakes and seek approval for the completion of a Detailed Site Investigation of Hyde Park Lakes as part of the Masterplan for their Restoration.

BACKGROUND:

At its Ordinary Meeting held on the 28 August 2007, progress Report No. 4 in relation to the Hyde Park Lakes was presented where it was resolved:

"That the Council;

- (i) RECEIVES progress report No 4 in relation to the Hyde Park Lakes;*
- (ii) ACCEPTS the quotation submitted by Syrinx Environmental for the preparation of the Masterplan for Hyde Park Lakes at a total cost of \$96,272 (exclusive GST) in accordance with the brief for Contract No. CO2/07;*
- (iii) NOTES that a further report on the project will be submitted upon completion of the Masterplan; and*
- (iv) APPROVES the establishment of a Hyde Park Lakes Restoration Public Fund, subject to the following:*
 - (a) Term: For the duration of the project;*
 - (b) Terms of Reference:*

“For works associated with the investigation, maintenance, remedial works and the restoration/rehabilitation of the Hyde Park Lakes and surrounds”;
 - (c) Tax File Number and tax deductibility application (to be obtained);*
 - (d) Fund Signatories: Chief Executive Officer and Director Corporate Services; and*
- (v) requests a report on promotional opportunities for funds to be submitted to the Council."*

The Hyde Park Lakes Restoration Working Group (HPLRWG) has now met with the consultants, Syrinx Environmental, on three (3) occasions in accordance with the consultants' brief for the Hyde Park Lakes Preparation of a Masterplan for their Restoration.

DETAILS:

At the initial meeting of the HPLRWG and the consultants, Syrinx Environmental, on 17 December 2007, concern was expressed at the unusual red colouring of the remaining water and sediments within the eastern lake at Hyde Park. Field testing undertaken by the Town's Environmental Officer had recently revealed that pH levels, particularly within the eastern lake, had dropped significantly.

The consultants advised that they would investigate and undertake some additional field testing as the presence of Potential Acid Sulphate Soil (PASS) material was a critical component in the preparation of the Masterplan for the lakes' restoration.

Following further field testing at various depths in both lakes, it was evident that the lakes had now possibly become an acid sulphate soil generating site and some immediate remediation may be necessary following laboratory analysis of the samples collected and completion of a Preliminary Site Investigation (PSI).

The conclusions and recommendations of the PSI are as follows:

"The results of this preliminary investigation provide strong evidence to indicate ASS is present in the sediments of Hyde Park Lakes. There is strong evidence of actual acidity/potential acidity in the eastern lake and some evidence of potential acidity in the western lake.

Syrinx recommends an immediate management response be undertaken to prevent environmental harm within the eastern lake and associated waterways/infrastructure. At the time of sampling, the eastern and western lakes were predominantly free of standing water with the water being 0.10m BGL at all sample locations. This exposes PASS material in the lakes to oxidation and subsequent acidification which appears to have already commenced in the eastern lake.

Accordingly, Syrinx recommends an emergency allocation and supply of water (existing bore water supply) to the eastern lake to prevent the risk of further oxidation of PASS material.

Based on the results of this investigation, acidification of PASS had not commenced at the western lake at the time of sampling. Therefore, there is no immediate risk from the drying of the western lake. Nevertheless, further investigation is recommended."

Comments:

The presence of Actual and Potential Acid Sulphate Soils in the Hyde Park Lakes is definite and it is the spatial extent of these materials which is critical. A thorough quantification of this material will enable a more accurate costing of the proposed restoration schemes and allow an accurate comparison of the proposed options.

Costs associated with the removal, remediation and disposal of AASS and PASS are very high and have the potential to contribute significantly to project implementation costs.

Additionally, a thorough understanding of the distribution of this material will allow the concept designs to be adapted, such that AASS and PASS materials are avoided or their disturbance at least minimised.

Once a detailed investigation has been completed, it will be possible to accurately cost the necessary treatment and to plan the works to protect the environment and the health and safety of the community.

In addition to the investigation, an Acid Sulphate Soil Materials Management Plan will be required by the Department of Environment prior to the approval of any development application for the area.

In view of the above, it is recommended that the Council approve the undertaking of the detailed site investigation for Hyde Park Lakes by Syrinx Environmental as part of the overall project.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

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

However, there is currently no need to complete a Form 1 to the Department of Environment and Conservation (DEC) under the Contaminated Sites Act 2003, as the level of acids present are not above the significant level of risk. The DEC is aware of the situation at Hyde Park Lakes and has not requested any further reporting at this stage.

An Acid Sulphate Soils Self-Assessment Form will need to be completed and submitted to the Western Australian Planning Commission (WAPC) as there is significant risk of disturbing the acid sulphate soils within Hyde Park Lakes, prior to any development approval.

When the restoration of Hyde Park Lakes commences, there will be requirement from WAPC for the Town to develop an Acid Sulphate Soils Management Plan.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2006-2011 – 1.1.4 Minimise negative impacts on the community and environment. *“(b) Restore Hyde Park Lakes and Banks Reserve Foreshore.”*

FINANCIAL/BUDGET IMPLICATIONS:

A capital budget of \$105,000 has been allocated in the 2007/08 budget for the Restoration of Hyde Park Lakes and these funds are being utilised for the Preparation of the Masterplan for the Restoration of Hyde Park Lakes which totals \$96,272.00.

The Hyde Park Reserve Fund has a current balance of \$192,150, with an additional \$125,000 to be allocated to the fund by the end of the financial year.

The above Hyde Park Reserve Fund will therefore be utilised to complete the Detailed Site Investigation of Hyde Park Lakes at a total cost of \$62,963.00 (GST exclusive)

COMMENTS:

It is therefore recommended that the Council approves undertaking the Detailed Site Investigation of Hyde Park Lakes by Syrinx Environmental and the costs associated with the works be sought from the Hyde Park Reserve Fund.

10.2.4 Interim Progress Report No 2 - Drinking Water Initiatives

Ward:	Both	Date:	19 March 2008
Precinct:	All	File Ref:	TES0578
Attachments:	001		
Reporting Officer(s):	R Lotznicker;		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the interim report in relation to Drinking Water Initiatives within the Town of Vincent; and*
- (ii) *NOTES;*
 - (a) *the interim information contained in the report (refer Appendix 10.2.4); and*
 - (b) *a further detailed report will be submitted to the Council in April 2008, when costings/further information have been determined.*

COUNCIL DECISION ITEM 10.2.4

Moved Cr Ker, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

Journalist, Lindsay McPhee departed at 7.17pm.

Cr Youngman returned to the Chamber at 7.18pm.

CARRIED (8-0)

(Cr Farrell was on approved leave of absence for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the recent investigations by staff into the feasibility of identifying and implementing alternative and/or additional drinking water supplies/initiatives within the Town.

BACKGROUND:

At the Ordinary Meeting of Council held on 26 February 2008, the Council considered a report on drinking water initiatives, where the following decision was made (in part):

"That the Council; ...

- (vi) *RECEIVES a further report with comprehensive information on options of practice and experience of other local governments in Australian and overseas and clear recommendations by the end of March 2008."*

DETAILS:

Since reporting to the Council in February 2008, the Town's Administration have been investigating opportunities to progress the Council decision.

The following initiatives are currently being investigated:

- Purchase of a custom water tank mounted on a trailer with pump, filters, chiller and taps.
- Tanks to be towed to events where attendees would be able to either buy a pre-filled reusable bottle with ToV logo near the tank or fill their own container.
- Discussions/costing with Manager Beatty Park regarding installing a replacement air water purifier unit which would chill the water. Reusable drink bottles with the Town's and Beatty Park logo would be on sale at the kiosk.
- Appropriate measures to facilitate the recycling of plastic (and other containers) at the Town's events and at the Beatty Park Leisure centre being investigated
- Other research continuing

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.1.4 Minimise negative impacts on the community and environment “g) *Minimise the impact of environmental pollution.*”

FINANCIAL/BUDGET IMPLICATIONS:

As previously indicated, funding will be allocated in the 2008/09 draft Capital Works budget to supply and install additional drinking fountains within parks, streetscapes and Town Centres. Funds will also be allocated for the purchase of the tank/trailer. Funds currently exist for the replacement of a chilled water unit at the Beatty Park Leisure Centre.

COMMENTS:

This is an interim report as further information is yet to be received. It is however considered that the proposal will be relatively easy and inexpensive to implement.

10.3.1 Authorisation of Expenditure for the period 1 – 29 February 2008

Ward:	Both	Date:	17 March 2008
Precinct:	All	File Ref:	FIN0005
Attachments:	001		
Reporting Officer(s):	Gee Wong		
Checked/Endorsed by:	M. Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council CONFIRMS the;

- (i) *Schedule of Accounts for the period 1 February – 29 February 2008 and the list of payments;*
- (ii) *direct lodgement of payroll payments to the personal bank account of employees;*
- (iii) *direct lodgement of PAYG taxes to the Australian Taxation Office;*
- (iv) *direct lodgement of Child Support to the Australian Taxation Office;*
- (v) *direct lodgement of creditors payments to the individual bank accounts of creditors; and*
- (vi) *direct lodgement of Superannuation to Local Government and City of Perth superannuation plans;*

as shown in Appendix 10.3.1

COUNCIL DECISION ITEM 10.3.1

Moved Cr Ker, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell was on approved leave of absence for the meeting.)

DECLARATION OF INTEREST

Members/Officers	Voucher	Extent of Interest
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Nil.

PURPOSE OF REPORT:

To seek authorisation of expenditure for the period 1 – 29 February 2008.

BACKGROUND:

The Local Government Act provides for all payments to be approved by the Council. In addition the attached Schedules are submitted in accordance with Item 13 of the Local Government (Finance Management) Regulations 1996.

DETAILS:

The Schedule of Accounts to be passed for payment, cover the following:

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Town of Vincent Advance Account	EFT	\$369,539.07
Total Municipal Account		\$369,539.07
Advance Account		
Automatic Cheques	61903-62154	\$530,139.87
EFT Batch		\$0.00
Municipal Account		
Transfer of Creditors by EFT Batch	756-760, 762-764	\$2,201,057.04
Transfer of PAYG Tax by EFT	February 2008	\$188,465.25
Transfer of GST by EFT	February 2008	\$0.00
Transfer of Child Support by EFT	February 2008	\$856.28
Transfer of Superannuation by EFT:		
• City of Perth	February 2008	\$34,244.99
• Local Government	February 2008	\$110,768.29
Total		\$3,065,531.72
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$5,631.19
Lease Fees		\$3,312.59
Corporate Master Cards		\$6,612.63
Folding Machine Lease Equipment		\$0.00
Trace Fees		\$0.00
Loan Repayment		\$58,131.94
Rejection Fees		\$12.50
System Disk Fee		\$0.00
Beatty Park - miscellaneous deposit		\$0.00
Total Bank Charges & Other Direct Debits		\$73,700.85
Less GST effect on Advance Account		-\$70,428.00
Total Payments		\$3,438,343.64

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011 – Key Result Area 4.2 – Governance and Management

“Deliver services, effective communication and public relations in ways that accord with the expectations of the community, whilst maintaining statutory compliance and introduce processes to ensure continuous improvement in the service delivery and management of the Town.”

ADVERTISING/CONSULTATION:

Nil.

COMMENT:

Vouchers, supporting invoices and other relevant documentation are available for inspection by Councillors at any time following the date of payment and are laid on the table.

10.3.4 Physical Activity Plan

Ward:	Both	Date:	19 March 2007
Precinct:	All	File Ref:	CMS0084
Attachments:	-		
Reporting Officer(s):	J. Anthony		
Checked/Endorsed by:	M. Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That Council ENDORSES the initiative to develop a Physical Activity Plan.

Moved Cr Messina, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Ker

That the recommendation be amended to include a clause (ii) as follows:

- (ii) *REQUESTS a report on the status of the Physical Activity Plan Project be provided to Council on a quarterly basis.*

AMENDMENT PUT AND CARRIED (6-2)

<u>For</u>	<u>Against</u>
Cr Burns	Mayor Catania
Cr Doran-Wu	Cr Messina
Cr Ker	
Cr Lake	
Cr Maier	
Cr Youngman	

(Cr Farrell was on approved leave of absence for the meeting.)

MOTION AS AMENDED PUT AND CARRIED (8-0)

(Cr Farrell was on approved leave of absence for the meeting.)

COUNCIL DECISION ITEM 10.3.4

That Council;

- (i) *ENDORSES the initiative to develop a Physical Activity Plan; and*
- (ii) *REQUESTS a report on the status of the Physical Activity Plan Project be provided to Council on a quarterly basis.*

PURPOSE OF REPORT:

To provide information and gain endorsement for the development of a Physical Activity Plan for the Town.

BACKGROUND:

The Town has organised a significant number of infrastructure and community development projects with the strategic objective of improving community wellbeing. It believes that with the guidance of a Physical Activity Plan, a well coordinated approach will therefore be undertaken with projects and resource allocations determined by the recommendations listed in the plan. The process of developing the plan will also encourage sections of the Town to work together on physical activity initiatives, and will assist to raise awareness of physical activity among staff and elected members.

Recent instances of residents voicing concerns over the use of reserves by sporting groups has brought attention to unstructured physical activities that require further planning and development, ensuring that the opportunities and motivation for physical activity is increased and prioritised

The importance of a strategic document that will provide guidance and direction for future infrastructure and community development projects to drive physical activity initiatives is critical for the future well being of the community. It is also believed that such a process will assist with identifying and establishing links with external agencies with the added bonus of improving resource management through the identification of gaps and duplications.

DETAILS:

The Town of Vincent Physical Activity Plan will be a strategic planning document to ensure that physical activity is a priority for the Town. It will link to the Town's Strategic Plan, listing actions targeting awareness raising and increasing participation in physical activity. The overall objective would be to achieve a 5% increase in participation levels over a span of five (5) years. The Physical Activity Plan will have objectives and actions over a five-year period and will prioritise current and new initiatives through a multi-faceted consultation process with measurable goals, appropriate resource allocation and timeframe for action.

A Physical Activity Plan identifies:

- existing resources that support people to be active;
- community needs and barriers to participation;
- strategies and actions that will increase participation in physical activity;
- measurable goals and a time frame for action; and
- priorities for action and lead agencies/groups.

Supporting the community to be physically active requires a whole of community response. The process of developing the Physical Activity Plan will provide opportunities for the Town to fully consult with a representative sample of the community and appropriately develop strategies to increase physical activity and improve community wellbeing.

CONSULTATION/ADVERTISING:

The project methodology involves consultation with stakeholders and businesses to ensure that issues of access and inclusion are embraced as per the objectives of the project.

The Town has undertaken social research and community profiling to understand and service the needs of diverse members of the community. Funded community development officers who work with various sectors of the target population, will be involved in the physical activity plan. Critical networks have been established with community groups, significant leaders and agencies that service/represent the various sectors of the community. Tailored communication tools will therefore be used to reach out to communities that traditionally may not be involved in physical activity

Evaluation forms will be used to gain feedback from businesses and agencies involved in the programme. Community feedback will be analysed using comparative data to evaluate the effectiveness of the strategies in increasing the physical activity levels of the community.

LEGAL/POLICY:

Nil

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011 Community Development
Objective 3.1 Enhance community development and wellbeing

FINANCIAL/BUDGET IMPLICATIONS:

The State Government, through the Premier's Physical Activity Taskforce, has committed \$230,337 in non-recurrent funds (GST inclusive) for the Local Activity Grants (Round 7) to assist sixteen (16) Local Governments to implement projects and programmes to increase physical activity amongst West Australians.

The grant program is administered by Western Australian Local Government Association (WALGA).

The Town was successful in receiving \$13,000 of grant funding towards the project. The total project is estimated at \$28,000 which has been listed for consideration in the 2008/2009 budget. The funds will predominantly be used for consultant's fees to develop the plan as approved in the grant guidelines.

COMMENTS:

The overall benefits of developing a Physical Activity Plan are as follows;

- helps ensure departments work together across local government on physical activity initiatives;
- helps identify and build links with external agencies;
- helps to raise awareness of physical activity among staff and Council members;
- improves resource management through the identification of gaps and duplication;
- creates direction and priorities for physical activity in the future;
- supports the local government strategic plan with links to other plans such as disability access and inclusion, transport, leisure and recreation, TravelSmart, town and regional;
- targets local government spending on activities with the greatest chance of success due to extensive community consultation;
- provides a strong foundation and support for funding applications to State and Federal government agencies and other funding opportunities;
- supports the monitoring of progress in physical activity awareness, participation, environmental change and resource allocation; and

- helps create links between local governments on a regional basis.

The Town has involved a number of agencies as part of the development of the project and has received support from Edith Cowan University and the Department of Sport and Recreation.

10.4.2 Green Star Building Study Tour and Conference

Ward:	-	Date:	25 March 2008
Precinct:	-	File Ref:	ADM0031
Attachments:	-		
Reporting Officer(s):	K Bardon, R Boardman		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *AUTHORISES the Director Development Services, and up to one (1) Council Member, _____, to attend the Green Star Building Study Tour including the 6th Annual Green Building & Design 2008 Conference to be held in Melbourne, Victoria and Sydney, New South Wales from 15 to 18 April 2008, at an approximate cost of \$3,283 each; and*
- (ii) *AUTHORISES the Chief Executive Officer to attend various Green Star building sites in Sydney on 15 April 2008, at an estimated cost of \$1,053.*

Moved Cr Ker, Seconded Cr Doran-Wu

That the recommendation be adopted.

The Presiding Member called for nominations.

Cr Messina nominated.

Debate ensued.

COUNCIL DECISION ITEM 10.4.2

That the Council;

- (i) *AUTHORISES the Director Development Services, and up to one (1) Council Member, Cr Messina, to attend the Green Star Building Study Tour including the 6th Annual Green Building & Design 2008 Conference to be held in Melbourne, Victoria and Sydney, New South Wales from 15 to 18 April 2008, at an approximate cost of \$3,283 each; and*
- (ii) *AUTHORISES the Chief Executive Officer to attend various Green Star building sites in Sydney on 15 April 2008, at an estimated cost of \$1,053.*

CARRIED (7-1)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Maier
Cr Burns	
Cr Doran-Wu	
Cr Ker	
Cr Lake	
Cr Messina	
Cr Youngman	

(Cr Farrell was on approved leave of absence for the meeting.)

(Note: This report was tabled prior to the Meeting).

PURPOSE OF REPORT:

The purpose of this report is to request the Council's approval for the Director Development Services, Chief Executive Officer (Sydney tours only) and one (1) Council Member to attend the *Green Building Study Tour* including the *6th Annual Green Building & Design 2008 Conference*, to be held in Melbourne, Victoria from Wednesday, 16 April to Thursday, 17 April 2008 and site tours to be held in Sydney, New South Wales on 15 April and in Melbourne, Victoria on 18 April 2008.

BACKGROUND:

The Green Star Building Study Tour itinerary has been prepared by the Western Australian Local Government Association. WALGA's Ricky Burgess, Chief Executive Officer, Nick Woods, Executive Manager Corporate Services and Melanie Bainbridge, Policy Officer (Environment) will all be attending the tour and conference.

This year's Green Building & Design two-day course/conference is to be held at The RMIT University's Centre for Design in Melbourne. The RMIT Centre for Design is a not for profit institute which promotes sustainability through research, consulting and transfer of knowledge. The Centre has collaborated with the Centre for Subtropical Design, the University of South Australia and Curtin University of Technology, to produce a comprehensive and informative program on topical issues. It should be noted that this Conference is of a technical nature and is primarily aimed at Architects and contractors.

This year's conference theme '*Solutions through Integrated Design*' stresses the importance of all parties working together to achieve the best possible result in sustainability for all stakeholders. The correlations between the requirements of energy efficient technology and affordability, building regulations and economic use of materials and floor space, aesthetic design and construction practice all need to be explored with the aim of protecting the environment.

DETAILS:

The *6th Annual Green Building & Design 2008 Conference* is an ideal event for architects and engineers, policy makers, environmental officers, energy consultants, facilities and asset managers, building owners, developers, various professionals of the building industry and strategic and statutory planners.

The tour/conference itinerary is as follows:

Monday, 14 April 2008 – Fly Perth to Sydney

Tuesday, 15 April 2008 – Sydney

Site Visits: Four sites including:

Workplace 6, 30 The Bond, 88 George Street (The Rocks) and Lend Lease Building.

(Depart for Melbourne)

Wednesday, 16 April – Thursday 17 April 2008 – Melbourne

The 6th Annual Green Building & Design 2008 Conference

The conference incorporates presentations, workshops and case-studies of best-practice design, construction and policy with site visit tours of green buildings.

Day 1: Challenges and Opportunities

Day 2: Getting Outcomes. Participants will gain a clear understanding of:

- latest policy updates and its effects on the building industry;
- the business case for sustainability;
- sustainable urban planning;
- national water policy, strategies and its implementation;
- peak energy load reduction;
- case studies of current buildings projects showing innovative sustainable approaches;
- post occupancy evaluation;
- sustainable materials – review of labels;
- site visits to high-performance green buildings;
- heritage issues and sustainable refurbishments;
- local governments and developers – lessons learned for green buildings; and
- constructors' experiences with green building.

Friday, 18 April 2008 – Melbourne

Morning meeting with GBCA

Site Visits: Three sites including:

City of Melbourne Office Building - CH2, Melbourne Convention Centre and Digital Harbour.

City of Melbourne (CH2)

This building is the administration for the City of Melbourne. It has been designed as a 6 star Green Building and has been promoted as the most sustainable building in Australia.

Digital Harbour Port 1010

This visually mesmerizing office building has achieved a 5 Star Green Star – Office Design v2 certified rating in November 2006 and an Award of Merit under the Dockland ESD Scheme. Key environmental and energy efficient design initiatives include an on-site blackwater treatment system, low-VOC materials and solar water heating.

Melbourne Convention Centre

This is an unique hard hat tour of the construction site of this building, which was awarded 6 Star Green Star rating in January for its innovative environment design under the Green Star Convention Centre PILOT rating tool. It showcases the pioneering use of chilled floor slabs in conjunction with displacement ventilation, a blackwater treatment plant and the use of new sustainably harvested timber veneered board.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Council's Policy 4.1.15 – *“Conferences & Training – Attendance, Representation, Travel & Accommodation Expenses and Related Matters”* – Clause 1.1 (i) states;

- “(i) *When it is considered desirable that the Council be represented at an interstate conference, up to a maximum of one Council Member and one Officer may attend;*”

The Director, Development Services Contract of Employment entitles him to attend one interstate conference per annum.

STRATEGIC IMPLICATIONS:

In keeping with the Town's Strategic Plan 2006-2011 – Objective 4.2 - *“Provide a positive and desirable workplace in particular 4.2.4 (b) “Enhance employee empowerment, professional development and job satisfaction and create a workplace that encourages and rewards innovation, implements best practice, and positions the Town as an Employer of Choice”.*

FINANCIAL/BUDGET IMPLICATIONS:

<u>Cost per person</u>	<u>Study Tour & Conference</u>	<u>Sydney Tour only</u>
Full Conference registration	\$1,400.00	-
Economy Airfare (approx)	\$ 753.00	\$ 753.00
Accommodation and meals	\$1,130.00	\$ 300.00
Total:	\$3,283.00	\$1,053.00

COMMENTS:

It is recommended that approval be granted for the Director Development Services and up to one (1) Council Member to attend the *Green Building Study Tour* including the *6th Annual Green Building & Design 2008 Conference* to be held in Melbourne, Victoria and Sydney, New South Wales from 15 to 18 April 2008. The Chief Executive Officer has expressed an interest to attend the site visits in Sydney only (due to the technical nature of the Conference and other work priorities).

As the Town is progressing the WALGA project, it would be beneficial to attend the Tour and Conference.

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

14. CONFIDENTIAL REPORTS (Behind Closed Doors)

Nil.

15. CLOSURE

The Presiding Member, Mayor Catania, declared the meeting closed at 7.25pm with the following persons present:

Mayor Catania, JP	
Cr Anka Burns	South Ward
Cr Helen Doran-Wu	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Noel Youngman	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director, Technical Services
Mike Rootsey	Director, Corporate Services

3 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 25 March 2008.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2008