



TOWN OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

27 JULY 2010

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INDEX (27 JULY 2010)

ITEM	REPORT DESCRIPTION	PAGE
9.1 DEVELOPMENT SERVICES		
9.1.1	Further Report- No. 459 (Lot 8; D/P: 1647) Fitzgerald Street, Corner Angove Street, North Perth - Proposed Increase in Patronage of Existing Hotel from Eight Hundred and Fifty-Three (853) Persons to Nine Hundred and Seventy-Nine (979) Persons (PRO0315; 5.2010.176.1)	49
9.1.2	No. 175 (Lot 70 D/P: 1210) Loftus Street, corner of Tennyson Street, Leederville - Proposed Demolition of Existing Single House and Construction of Three (3), Three-Storey Grouped Dwellings (PRO4965; 5.2009.574.3)	6
9.1.3	No. 265A (Strata Lot 2 on Strata Plan 24662) Vincent Street, Leederville - Proposed Third-Storey Addition to Existing Two-Storey Grouped Dwelling (PRO 0952; 5.2010.255.1)	45
9.1.4	Nos. 492 and 496 (Lots 143, 144, 145 and 146) Charles Street, North Perth – Non-Conforming Use as a Vehicle Sales Premises and Vehicle Servicing Workshop (PRO1071)	17
9.1.5	Western Australian Local Government Association – Local Government Enterprises – Draft Discussion Paper (ORG0016)	23
9.1.6	Finalisation of Amendment No. 25 to the Town's Town Planning Scheme No. 1 - Clause 20 (4) (a) and (e) Relating to “No Multiple Dwellings” in the Cleaver, Smith’s Lake, Hyde Park, Norfolk and Banks Precincts (PLA0192)	41
9.1.7	Scarborough Beach Road Activity Corridor - Progress Report No. 1 (PLA0205)	60
9.1.8	Nos. 80-84 (Lots 252 and 253; D/P: 3845) Matlock Street, Mount Hawthorn - Proposed Demolition of Existing Hall and Construction of a Two-Storey Mixed Use Development Comprising Four (4) Multiple Dwellings, Two (2) Offices and Associated Car Parking (PRO0887; 5.2010.178.2)	74
9.2 TECHNICAL SERVICES		
9.2.1	Weld Square Redevelopment Project and Proposed Vietnamese Boat People Monument of Gratitude (CMS0021; RES0102) Forrest Precinct	87
9.2.2	Further Report: Menzies Park – Proposed Installation of Long Jump Pit (RES0025) Mt Hawthorn Precinct	93
9.2.3	Tender for the Hire of Trucks & Miscellaneous Plant - Tender No. 412/10 (TEN0420) All Precincts	28
9.3 CORPORATE SERVICES		
9.3.1	Investment Report as at 30 June 2010 (FIN0033)	97
9.3.2	Authorisation of Expenditure for the Period 1 – 30 June 2010 (FIN0032)	31
9.3.3	New Town of Vincent Entry Signage – Progress Report No 3 (TES0558)	99

9.4 CHIEF EXECUTIVE OFFICER

9.4.1	Delegations for the Period 1 April 2010 to 30 June 2010 (ADM0018)	103
9.4.2	Strategic Plan 2009-2014 – Progress Report for the Period 1 April 2010 – 30 June 2010 (ADM0038)	33
9.4.3	nib Stadium Management Committee Meeting - Receiving of Unconfirmed Minutes 19 July 2010 and Progress Report of Stadium Redevelopment Negotiations (RES0082/RES0114)	106
9.4.4	12 th Australian Parking Convention, 7 – 9 November 2010, Sydney (ADM0031)	35
9.4.5	Proposal to Introduce Domestic Cat Control Legislation - Department of Local Government Seeking Stakeholder Comments (ENS0014)	38
9.4.6	Information Bulletin	109

10. COUNCIL MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1	Notice of Motion – Cr Maier – Request to Investigate Alternative Uses for Car Parking Bays in Town Centres	110
------	--	-----

11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN (Without Discussion)

Nil.	111
------	-----

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil.	111
------	-----

13. URGENT BUSINESS

Nil.	111
------	-----

14. CONFIDENTIAL ITEMS / MATTERS FOR WHICH THE MEETING MAY BE CLOSED ("*Behind Closed Doors*")

Nil.	111
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15. CLOSURE

112

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 27 July 2010, commencing at 6.00pm.

1. DECLARATION OF OPENING

The Presiding Member, Mayor Nick Catania, 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 Matt Buckels	North Ward
Cr Anka Burns	South Ward
Cr Steed Farrell	North Ward
Cr Taryn Harvey	North Ward
Cr Sally Lake (<i>Deputy Mayor</i>)	South Ward
Cr Warren McGrath	South Ward
Cr Dudley Maier	North Ward
Joshua Topelberg	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)
Ross McRae	Journalist – “ <i>The Guardian Express</i> ” (until approximately 7.25pm)
David Bell	Journalist – “ <i>The Perth Voice</i> ” (until approximately 6.45pm)

Approximately 10 Members of the Public

(c) Members on Approved Leave of Absence:

Nil.

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

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

1. Vince Dissidomino of 23 Florence Street, West Perth – Item 9.1.6. Referred to a letter he received about this Item and advised that he attended the meeting on 9 March 2010. Asked for update on the matter. Advised that there was an article in “*The Age*” newspaper about multi dwellings and recalled a Councillor mentioning South Bank, Melbourne where developers are pushing multiple dwellings and leave less of a “*carbon footprint*” and make housing more affordable and more environmentally friendly, which makes him support it. Asked where the amendment is at and asked for further clarification?

The Presiding Member, Mayor Nick Catania advised that the matter is being discussed this evening and will more than likely will be brought back to Council at the Ordinary Meeting of Council to be held on 10 August 2010. Stated as far as the Minister is concerned, he is currently reviewing the Town’s submission for Town Planning. Advised Mr Dissidomino to attend the next meeting.

2. Rodda Mason of 265A Vincent Street, Leederville – Item 9.1.3. Advised that they have lived in their home for 11 years and in that time her family has grown and has two children, they love living in Leederville and are very involved in the community. Her boys attend North Perth Primary School, went to the 3+ Program at the Loftus Centre, and they use the Library and Beatty Park. Stated they need the 3rd storey to give her children their own bedroom and so that they also have their own room and a study. Advised that her neighbours are very supportive. Believed that Mr Cavalli wrote to the Council after the report was prepared and his son, Patrick lives at No. 263 which is the neighbour who would, to some extent, be affected by the increase in the parapet wall on the eastern boundary. Understood that Mr Cavalli is in support and has no objections. Asked the Council to reconsider the clause dealing with the windows on the southern side in the study and their bedroom and queried whether there could be any change in the wording to allow them to have views of the City but also to maintain the privacy of their neighbours i.e. by screening.
3. Gordon Crowther of 12 Randall Street, Perth – Item 9.1.6. Believed in the concept that has been put forward. No multiple dwellings are permitted east of Fitzgerald St except for a designated area which is bounded by Randall, Palmerston and Stuart Sts. Stated that it is interesting that the piece of land (park, tennis courts etc.) has been reserved for multiple dwellings in the future under this zoning. Concerned that in Randall St they miss out on any opportunity to look at multiple dwellings as the boundary runs down the Street. Stated there are only 3-4 houses that could take on any form of multiple dwelling under the “old scheme” as with the City of Perth most has been developed into “a support of the issued multiple dwelling information sheet” where perceived benefits are discussed. Stated that he has a vested interest as he is in one of the houses left and would like to see an opportunity of whether the proposed boundary can be moved to the rear of the Randall St properties. Believed there would not be any objections as residents are currently benefiting and he has discussed it with a number of them. Stated that he is unsure of the reasoning for preserving the tennis courts, possibly because it is a good asset and, if that is the case, he would also like the benefit with an asset.

The Presiding Member, Mayor Nick Catania advised Mr Crowther to send a written submission into the Town.

4. Graham Taylor of Taylor Robinson, 234 Railway Parade, West Leederville – Item 9.1.1. Referred to his communication sent on the weekend to Council Members and appreciates the feedback received. Advised that a query was received regarding some wording of an approval from 2006 and he was directly involved both as an owner and designer of a minor change which was previously a raised stage area on the north-eastern side of the venue to make it into a more accessible area used by patrons of the venue. Recalled at the time that the Planner specifically asked if they were seeking an increase in patron numbers as a result of the approval however, they were not as they knew from advice from Officers that the number at the time was limited by other factors including egress widths and toilets. Stated between 2006 and today, a number of communications have been exchanged with Officers to the effect that they have spent time, effort and money on refurbishing and enhancing the WC facilities and changing the arrangement within the venue to allow better access and egressed which solved many other parts of the problem. Advised that the last part of that was that they required some additional egress from the courtyard and within the last couple of months they have meet EHO’s onsite to establish how best they could do that. Stated the currently application has come about as a result of their dealing with what the believed to be the last component of getting that approval to take the numbers to 979. Stated the building has always been able to accommodate 979 patrons in the context of BCA and the Town’s requirement for floor space.

There being no further speakers, public question time closed at approx. 6.17pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

4.1 Cr Warren McGrath requested leave of absence from 5 August 2010 to 26 August 2010 (inclusive) due to personal reasons.

Moved Cr Topelberg, Seconded Cr Farrell

That Cr Warren McGraths's request for leave of absence be approved.

CARRIED (9-0)

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

Nil.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Meeting of Council held on 13 July 2010.

Moved Cr Harvey, Seconded Cr McGrath

That the Minutes of the Ordinary Meeting of Council held 13 July 2010 be confirmed as a true and correct record.

CARRIED (9-0)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Application for Funding – Beatty Park Leisure Centre

Unfortunately, as you know our applications to the Federal Government for funding for the Beatty Park Leisure Centre were unsuccessful.

There are plans for Beatty Park Leisure Centre to be refurbished to approximately \$22 million and we have \$2.5 million that the State Government has given us and some other monies that we have put aside.

There will be other opportunities to seek assistance from both Federal and State Government in future years. We will have to stage the development so we can down grade the size from \$22 million to "*suit our pocket*". Therefore, new plans will be brought back to the Council in September 2010 where we look at it and make those changes to the redevelopment. Urgent items first of course and thereafter the expansion of the Centre.

This is unfortunate however, it means that we are going to have to be wise in our planning to ensure that whatever we have and whatever we can apply for in the future will reach a redevelopment where people can enjoy Beatty Park Leisure Centre in its down graded and down sized redevelopment.

8. DECLARATIONS OF INTERESTS

- 8.1 Mayor Catania declared a Financial interest in Item 9.3.1 – Investment Report. The extent of his interest being that he is the chairperson of the North Perth Community Bank in which the Town has investment shares.
- 8.2 Cr Burns declared a Financial interest in Item 9.3.1 – Investment Report. The extent of her interest being that she is a shareholder and her father is a director in the North Perth Community Bank in which the Town has investment shares.
- 8.3 The Chief Executive Officer, John Giorgi declared an Impartiality interest in Item 9.4.5 – Proposal to Introduce Domestic Cat Control Legislation - Department of Local Government Seeking Stakeholder Comments. The extent of his interest being that he owns a cat.

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

Nil.

10. REPORTS

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

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

Items 9.1.6, 9.1.3 and 9.1.1.

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

Items 9.1.8, 9.4.1 and 9.4.3.

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

Item 9.3.1.

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

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

Cr Farrell	Item 9.2.2.
Cr Topelberg	Nil.
Cr Buckels	Nil.
Cr McGrath	Nil.
Cr Harvey	Item 9.4.6.
Cr Lake	Item 9.2.1.
Cr Burns	Nil.
Cr Maier	Items 9.1.7 and 9.3.3.
Mayor Catania	Nil.

The Presiding Member, Mayor Nick Catania, 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 9.1.8, 9.4.1 and 9.4.3.

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 9.1.2, 9.1.4, 9.1.5, 9.2.3, 9.3.2, 9.4.2, 9.4.4 and 9.4.5.

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

Items 9.1.6, 9.1.3 and 9.1.1.

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

Moved Cr Lake, Seconded Cr Harvey

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

Items 9.1.2, 9.1.4, 9.1.5, 9.2.3, 9.3.2, 9.4.2, 9.4.4 and 9.4.5.

CARRIED (9-0)

9.1.2 No. 175 (Lot 70 D/P: 1210) Loftus Street, corner of Tennyson Street, Leederville - Proposed Demolition of Existing Single House and Construction of Three (3), Three-Storey Grouped Dwellings

Ward:	North	Date:	19 July 2010
Precinct:	Leederville, P3	File Ref:	PRO4965; 5.2009.574.3
Attachments:	001		
Reporting Officer:	A Dyson, Statutory Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by N Kovac on behalf of the owner L & N Kovac for proposed Demolition of Existing Single House and Construction of Three (3) Three-Storey Grouped Dwellings, at No. 175 (Lot 70; D/P 1210) Loftus Street, corner of Tennyson Street, Leederville, and as shown on plans stamp-dated 2 July 2010, subject to the following conditions:

- (i) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Loftus and Tennyson Streets;*
- (iii) *any new street/front wall, fence and gate within the Loftus Street and Tennyson Street setback areas, including along the side boundaries within these street setback areas, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*
- (iv) *first obtaining the consent of the owners of No. 177 Loftus Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 177 Loftus Street in a good and clean condition;*
- (v) **PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the Town:**

(a) **Construction Management Plan**

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

1. *public safety, amenity and site security;*
2. *contact details of essential site personnel;*
3. *construction operating hours;*
4. *noise control and vibration management;*

5. *Dilapidation Reports of nearby properties;*
6. *air and dust management;*
7. *stormwater and sediment control;*
8. *soil excavation method (if applicable);*
9. *waste management and materials re-use;*
10. *traffic and access management;*
11. *parking arrangements for contractors and subcontractors;*
12. *Consultation Plan with nearby properties; and*
13. *any other matters deemed appropriate by the Town;*

(b) *Landscape and Reticulation Plan*

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

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

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

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

All such works shall be undertaken prior to the first occupation of the building; and

(c) *Dormer Windows to Loft to Units A, B & C*

The Dormer Windows facing Tennyson Street on the Lofts to Units A, B and C shall have a maximum length of 4.5 metres;

Department of Planning Conditions:

- (vi) *The subject property abuts Loftus Street, which is reserved as a Category 2 Other Regional Road (ORR) in the Metropolitan Region Scheme (MRS). The subject property is affected by an Other Regional Road (ORR) reservation widening requirement for Loftus Street, as per the Western Australian Planning Commission (WAPC) Land Requirement Plan; The limestone retaining wall proposed within the ORR Reservation is not supported by the WAPC; however, should the owner wish to maintain the proposed limestone retaining wall within the Other Regional Road (ORR) Reservation on the Loftus Street frontage, the owner should approach the WAPC in respect of entering into a legal agreement with the Western Australian Planning Commission (WAPC) or any other suitable arrangement to their satisfaction, at their cost. This is to ensure that if the Western Australian (WAPC) requires the widening of the road, the owner or any future owner, shall remove the wall, at their own cost; and*

- (vii) ~~The plan shows that a limestone retaining wall is proposed within the road widening reservation and hence does not support the construction of this retaining wall within the road widening reserve; and~~
- (viii) ~~The Department has no objection to the proposal provided no structures are within the road widening reserved land All vehicular and the accesses are to be from Tennyson Street, and not via Loftus Street.~~

***Note: The above Officer Recommendation was corrected and distributed prior to the meeting. Changes are indicated by strike through and underline.**

COUNCIL DECISION ITEM 9.1.2

Moved Cr Lake, Seconded Cr Harvey

That the recommendation be adopted.

CARRIED "EN BLOC" (9-0)

Landowner:	L & N Kovac
Applicant:	N Kovac
Zoning:	Metropolitan Region Scheme: (MRS) Urban Town Planning Scheme No. 1 (TPS 1): Residential R60
Existing Land Use:	Residential
Use Class:	Grouped Dwelling
Use Classification:	"P", Permitted
Lot Area:	607 square metres
Access to Right of Way	N/A (Right of Carriageway Easement Burden on the Western Boundary)

BACKGROUND:

9 March 2010 The Town of Vincent recommended approval for a proposed three green title subdivision of the lot to the Western Australian Planning Commission.

DETAILS:

The proposal involves the construction of residential development comprising of Three (3), Three Storey Grouped Dwellings to the site.

The applicant has provided responses to the Neighbours Comments received during the consultation process (shown in italics):

- Scale of the development is inappropriate for the site: Response: *The lofts have been redesigned to address this;*
- Concern on the impact of traffic on surrounding area from intensification of the site: Response: *Site is zoned to allow for three units, this is what we have proposed;*
- Loss of on street car parking: *We need to access the site like anyone else;*
- Privacy concerns, Windows and Balconies overlooking adjoining properties: Response: *All windows are highlights (Facing North) and the balcony has been screened;*
- Three Storey Dwellings should not be allowed: Response: *It is only two storeys and a loft;*
- Impact on the amenity of the area: Response: *We believe there is no negative impact;*

- Request window glass on 1st and 2nd floor of north wall of Units B & C be opaque glass due to overlooking of adjoining property: Response: *The windows to the upper floor are highlights; and*
- Overlooking of adjoining property from front balcony of Unit A: Response: *Balcony has had screening added.*

Furthermore, the applicant has also provided the following justification for variations proposed to Policy No. 3.2.1 relating to Residential Design Elements and the Residential Design Codes:

- Buildings setback from the boundary (In Units b and c): *The two openings, one adjacent to the kitchen and the other adjacent to the powder room, we believe are not major openings as they are not habitable living areas. Also the setback allows for adequate direct sun and ventilation and protects the privacy between adjoining properties;*
- Buildings setback from the boundary (In Unit a): *The two openings, one at the bottom of the stairs and the other adjacent to the powder room, we believe are not major openings as they are not habitable living areas. Also the setback allows for adequate direct sun and ventilation and protects the privacy between adjoining properties;*
- Buildings setback from the boundary (In Unit a – Upper Northern Wall): *Although the length of wall is over 9 metres this is only with the 1650 high screen to the balcony being included in the length. As the screen is only 1650 high and 2 metres in length overall the length of wall setback at 1.2m metres provides adequate direct sunlight and ventilation to the building and adjoining building. Also with portion of the length of wall being only a screen the building bulk does not impact on the adjoining property; and*
- Building Height: *The height of the proposed buildings complies to large portions of the development. To the rear of the building adjacent to the adjoining neighbour all building heights comply. Also as these developments are to the southern side there will be adequate daylight to all major openings and outdoor areas. There are only small portions to the Tennyson Street elevation that are over height. These are largely unavoidable due to the natural slope of the land. Therefore we believe overall the development compliments the streetscape and protects the amenities of the adjoining properties.*

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
<p><u>Building Setbacks</u></p> <p><u>Unit A</u></p> <p>Lower Northern Rear Wall</p>	1.5 metres	Nil – 1.2 metres	Supported: The proposed portion of wall complies with the nil boundary setback requirements of the R Codes.

<p>Upper Northern Rear Wall</p>	<p>1.6 metres</p>	<p>1.2 metres – 1.6 metres</p>	<p>Furthermore, the variation of a maximum of 0.3 metre will not impact the adjoining property to the north, as the orientation of the lot will still allow the retention of light and ventilation. The variation is applicable to the ground floor; hence, privacy will be maintained.</p> <p>Supported: The proposed portion of wall provides for a 0.4 metre variation to the setback requirements of the Codes. This portion of wall does not include any major openings and will not result in any undue privacy concerns to the adjoining owner to the north. In addition, due to the east west orientation of the lot, light and ventilation will be maintained to the adjoining property.</p>
<p><u>Unit B</u> Lower Northern Rear Wall</p>	<p>1.5 metres</p>	<p>Nil – 1.2 metres</p>	<p>Supported: The proposed portion of wall complies with the nil boundary setback requirements of the R Codes. Furthermore, the variation of a maximum of 0.3 metre will not impact the adjoining property to the north as the orientation of the lot will still allow the retention of light and ventilation. The variation is applicable to the ground floor; hence, privacy will be maintained.</p>

<p><u>Unit C</u></p> <p>Lower Northern Rear Wall</p>	<p>1.5 metres</p>	<p>1.2 metres</p>	<p>Supported: The proposed portion of wall complies with the nil boundary setback requirements of the R Codes. Furthermore, the variation of a maximum of 0.3 metre will not impact the adjoining property to the north as the orientation of the lot will still allow the retention of light and ventilation. The variation is applicable to the ground floor; hence, privacy will be maintained.</p>
<p><u>Building Height</u></p> <p>Top of Wall Height</p>	<p>6.0 metres</p>	<p>6.5 metres</p>	<p>Supported: The proposed maximum top of wall height is a variation of 0.5 metre to the R Code requirement. This variation is reduced somewhat given the nature of the subject site, where the dwellings have been designed to take into account the fall of the land both to the east and north. Only certain portions of the three dwellings are above a height of 6.0 metres. Given this, the applicant has attempted to reduce the height of the development and the variation is supported.</p>
<p><u>Lofts</u></p> <p>Loft to Unit A, B, C</p> <p>Dormer Windows</p>	<p>4.5 metres length per dwelling</p>	<p>4.7 metres in width</p>	<p>Not supported. The proposal should comply with the provisions of a Loft. A Condition is recommended in the event of approval.</p>

<u>Roof Forms</u>			
Roof Pitch of Loft	13 degrees	30 degrees	<p>Supported. The loft has been substantially reduced in area from the previous designs that were submitted to the Town. In addition, the roof pitch has been redesigned to far better reduce the scale of the development. The roof pitch is now proposed at 13 degrees.</p> <p>In addition, given the east/west orientation of the lot and the nature of overshadowing falling onto the south, no adjoining properties will be affected by overshadowing caused by the development.</p>
Consultation Submissions			
Support (Nil)			Noted.
Objections (6)	<ul style="list-style-type: none"> • Scale of development is inappropriate for the site. • Concern on impact of traffic on surrounding area from intensification of the site. • Loss of on-street car parking from access taken from Tennyson Street. 		<p>Not supported: The development is in accordance with the density requirements for properties coded Residential R60 (Site Area Adequate for Three (3) Dwellings on-site).</p> <p>Not supported: The site allows for three dwellings to be located on-site; hence, it is likely an increase in traffic will result from the site. Given that access is taken from Tennyson Street and not Loftus Street however, this will reduce any impact on the major road which, if access is taken from it, could lead to traffic backing up from the north of Loftus Street.</p> <p>Noted: Access is required and preferred off Tennyson Street. As a result, there will be a loss of on-street car bays.</p>

	<ul style="list-style-type: none"> • Privacy – Windows and Balconies overlooking the adjoining properties. • Loss of parking areas. • Three Storey Dwellings should not be allowed. • Impact on the amenity of the area. • Request window glass on 1st and 2nd floor of north wall of Units B & C be opaque glass due to overlooking of adjoining property. 	<p>Not supported: The applicant has amended the plans to comply with the privacy provisions of the Residential Design Codes. The dwellings north facing windows are only highlight windows or obscure. The balcony to the front of the dwelling has a screen wall to a height of 1.65 metres from natural ground level. Any potential overlooking from the balcony is over the front of the adjoining property which is visible to the street.</p> <p>Noted: Access is required and preferred off Tennyson Street. As a result, there will be a loss of on-street car bays.</p> <p>Not supported: The proposed dwellings are two storeys with a loft contained within the roof space. The loft has been designed and modified to reduce its visual impact on the street and its overall height. It is now considered to meet the intent of the Residential Design Elements Policy.</p> <p>Not Supported: The proposed dwellings have been reduced in height and their resultant impact on privacy to the adjoining properties.</p> <p>Not Supported: The applicant has provided obscure screening to the bathroom windows along the northern façade. The bedroom windows along this façade are highlight windows, and above 1.6 metres from finished floor level, subsequently they are not required to be obscure.</p>
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	<ul style="list-style-type: none"> Overlooking of adjoining property from front balcony of Unit A 	Not supported: A screen has been provided on the balcony along the northern elevation, reducing potential overlooking of the adjoining property to the open front areas visible to the street.
<u>Department of Planning</u>	<p>Comment was sought from the Department of Planning as the property abuts Loftus Street, which is classified as an Other Regional Road (ORR) in the Metropolitan Region Scheme (MRS):</p> <p><i>“The application was referred to the Department of Planning as the proposed development fronts Loftus Street, which is classified as an ORR (Other Regional Road) under the Metropolitan Region Scheme road hierarchy.</i></p> <p><i>The Department provided the following comments:</i></p> <p><i>The subject property abuts Loftus Street, which is reserved as a Category 2 Other Regional Road (ORR) in the Metropolitan Region Scheme (MRS). The subject property is affected by an ORR reservation widening requirement for Loftus Street, as per the Western Australian Planning Commission (WAPC) Land Requirement Plan.</i></p> <p><i>The plan shows that a limestone retaining wall within the road widening reservation and hence does not support the construction of this retaining wall within the road widening reserve.</i></p> <p><i>The Department has no objection to the proposal provided no structures are within the road widening reserved land and the accesses are from Tennyson Street and not via Loftus Street.”</i></p>	Noted. The conditions have been included in the Officer Recommendation.
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Sustainability 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 single storey brick and iron dwelling is constructed in the Inter-war Bungalow style of architecture circa 1927. The dwelling has a hipped roof with a street fronting gable end, which is featured by fibro sheeting and timber battens. The exterior walls of the dwelling are face brickwork, with original timber framed windows located along the southern elevation. There are a number of shrubs established in front of the protruding room which obscure the view from the street to the dwelling.

A crippled iron roof extends from the main hipped roof and forms a shelter for the L-shaped verandah, which is located across the south-east corner of the dwelling. A few concrete steps, which are painted in red, direct to the main entrance that is located under the southern portion of the verandah. The verandah is supported by roughcast rendered brick piers to dado height with twin timber posts above. Deteriorated timber floorings at the verandah are in evidence on the site.

Internally, the subject dwelling has minimal decorative architectural detail. The original fireplace, picture railings and timber doors are still extant however, these features have a plain design. The subject dwelling has been left in an uninhabited state and has not been maintained for a period of time, which is evident from the cracks on the walls and the scraps on the ceilings.

The backyard of the subject dwelling is unkempt, with the timber framed garage built in the 1960s, still in place.

There are several examples of the Inter-war Bungalow style in the Town of Vincent which are listed on the Municipal Heritage Inventory including No. 156 Raglan Road, North Perth and No. 25 Throssell Street, Perth. The subject dwelling is comparatively modest in presentation in terms of building materials and architectural details.

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

'a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site'.

Planning

The proposed three grouped dwellings each have two storeys with habitable loft rooms within the roof space. The proposed development is to have a maximum wall height of 6.5 metres with a compliant maximum overall ridge height of 9.0 metres. Although this first mentioned height requirement is a variation to the Town's Policy No. 3.2.1 relating to Residential Design Elements, it is considered that the predominant heights of the dwellings are in compliance with the performance criteria provisions of the Policy. The design of the dwellings has also considered the need to reduce, where possible, the impact of the fall of the site towards Loftus Street to the east, and the north/south of the site.

The proposed dwellings comply with the overshadowing requirement of the Residential Design Codes due to the orientation of the lot, whereby any shadow will fall over part of the lot and Tennyson Street. Given the dwellings face Tennyson Street, this will improve casual surveillance of the street and improve the interface of the dwellings to the street.

It is considered the principle opposition from residents to the design of this development, is primarily related to the bulk and scale of the development. The existing streetscape is primarily single storey, elements of which are reflected in the dwelling currently on-site. It is anticipated over time, that given the density of land within Tennyson Street, the predominant look of the street will change and a more contemporary appearance will result.

Whilst the streetscape along Tennyson Street is littered with examples of two storey development, the eastern edge of Tennyson Street is primarily single storey. The property immediately next to the subject property to the west (2 Byron Street) was recently approved with a new, two storey dwelling to the rear. This development along with others, represents an emerging contemporary streetscape which includes the Glick Building (18 Tennyson Street) constructed some 11 years ago and other two storey examples that have been built and provide interest in the street.

In light of the minimal variations proposed to the building height, loft and setbacks proposed, it is considered that the proposal be supported subject to standard and appropriate conditions.

9.1.4 Nos. 492 and 496 (Lots 143, 144, 145 and 146) Charles Street, North Perth – Non-Conforming Use as a Vehicle Sales Premises and Vehicle Servicing Workshop

Ward:	North	Date:	19 July 2010
Precinct:	North Perth - P08	File Ref:	PRO1071
Attachments:	001		
Reporting Officer:	D Pirone, Statutory Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 ACKNOWLEDGES:*
- (a) *‘vehicle sales premises’ as a non-conforming use on No. 492 (Lots 143 and 144) Charles Street, North Perth;*
 - (b) *‘vehicle servicing workshop’ as a non-conforming use on No. 496 (Lots 145 and 146) Charles Street, North Perth;*
- (ii) *ADVERTISES the inclusion of Nos. 492 and 496 (Lots 143, 144, 145 and 146) Charles Street, North Perth to Appendix No. 11 – Non-Conforming Use Register of the Planning and Building Policy Manual for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
- (a) *advertising the inclusion of Nos. 492 and 496 (Lots 143, 144, 145 and 146) Charles Street, North Perth onto the Non-Conforming Use Register 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 inclusion of Nos. 492 and 496 (Lots 143, 144, 145 and 146) Charles Street, North Perth onto the Non-Conforming Use Register, having regard to any written submissions; and*
 - (b) *DETERMINES the inclusion of Nos. 492 and 496 (Lots 143, 144, 145 and 146) Charles Street, North Perth onto the Non-Conforming Use Register.*

COUNCIL DECISION ITEM 9.1.4

Moved Cr Lake, Seconded Cr Harvey

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to determine the following:

- (a) to acknowledge that No. 492 (Lots 143 and 144) Charles Street, North Perth have non-conforming use rights as 'vehicle sales premises' under the Town of Vincent Town Planning Scheme No. 1 (TPS No. 1) and to then commence advertising and potentially an amendment to the Non-Conforming Use Register; and
- (b) to acknowledge that No. 496 (Lots 145 and 146) Charles Street, North Perth have non-conforming use rights as 'vehicle servicing workshop' under the Town of Vincent Town Planning Scheme No. 1 (TPS No. 1) and to then commence advertising and potentially an amendment to the Non-Conforming Use Register.

BACKGROUND:

Previous Planning and Building Approvals for No. 492 (Lots 143 and 144) Charles Street, North Perth

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|------------------|--|
| June 1971 | The City of Perth City Council refused an application for a drive in fast food outlet at Nos. 492 and 496 (Lots 143 and 144) Charles Street, North Perth. |
| 20 August 1973 | The Council approved an application for the change of use from wood yard to car sales yard at Nos. 492 and 494 (Lots 143 and 144) Charles Street, North Perth. |
| 3 September 1973 | The City of Perth issued a Building Licence for a brick car sales office at Nos. 492 and 496 (Lots 143 and 144) Charles Street, North Perth. |
| 16 June 1975 | The Council approved an application for a warehouse at Nos. 492 and 496 (Lots 143 and 144) Charles Street, North Perth. |

Previous Planning and Building Approvals for No. 496 (Lots 145 and 146) Charles Street, North Perth

- | | |
|---------------|--|
| 24 April 1959 | The City of Perth issued a Building Licence for the extension of a service station at Lot 145 and 146 Charles Street, North Perth. |
|---------------|--|

Non-Conforming Use Register

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|------------------|--|
| 20 November 2001 | The Council considered the Town of Vincent Non-Conforming Use Register – Stage 1 dated November 2001, at its Ordinary Meeting and resolved as follows: |
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"That;

- (i) *the Council adopts the Town of Vincent Non-Conforming Use Register - Stage 1 dated November 2001 as an Appendix to the Planning and Building Policy Manual; and*
- (ii) *a copy of the Town of Vincent Non-Conforming Use Register (as attached at Appendix 10.1.25) and Inventory (as 'Laid on the Table') - Stage 1 dated November 2001 be kept at the Town's Administration and Civic Centre and be available for public inspection during office hours."*

14 February 2006 The Council at its Ordinary Meeting resolved the following:

- “(i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1, DOES NOT ACKNOWLEDGE vehicle sales premises as a non-conforming use on Nos. 492, 494, 496, 498 and 500 (Lots 143, 144, 145, 146 and 147) Charles Street, North Perth;*
- (ii) *advises the owners and occupiers of Nos. 492, 494, 496, 498 and 500 (Lots 143, 144, 145, 146 and 147) Charles Street, North Perth, that it is investigating the land use of these lots;*
- (iii) *DEFERS the commencement of legal proceedings until the Council has further considered the report in April 2006;*
- (iv) *AUTHORISES the Chief Executive Officer to consider the appropriateness or otherwise of allowing vehicle sales premises on Nos. 492, 494, 496, 498 and 500 (Lots 143, 144, 145, 146 and 147) Charles Street, North Perth, as a scheme amendment to list on additional use in Schedule 3 of the Town of Vincent Town Planning Scheme No. 1 and as part of the Town Planning Scheme review process; and*
- (v) *REQUESTS a report be provided on the above review to the Council for its consideration at an Ordinary Meeting of Council in April 2006.*”

DETAILS:

At the Ordinary Meeting of Council held on 14 February 2006, the Council resolved to further investigate the above matter prior to taking any legal action and requested that a report be provided on the above review to the Council for its consideration at an Ordinary Meeting in April 2006. A search of the Town’s records indicates that the matter was not considered at an Ordinary Meeting of Council in April 2006 and this matter has not been reported back to the Council since the initial Ordinary Meeting of Council on 14 February 2006. A report was drafted for the Ordinary Meeting of Council held on 24 June 2008, which was not reported to the Council as the Town’s Officers were to investigate whether the properties have the potential to be rezoned to commercial as part of the review of the Town of Vincent Town Planning Scheme No. 1. Due to the recent adoption of the Local Planning Strategy, which states that commercial zoning be contained with the Town Centres, it is unlikely that these sites will be rezoned to commercial.

The Town’s Planning Officers have further investigated this matter and have established that a Planning Approval was issued for the change of use from woodyard to car sales yard (vehicle sales premises) on 20 August 1973 at No. 492 (Lots 143 and 144) Charles Street, North Perth. A Building Licence was issued on 3 September 1973 for a brick car sales office, which was demolished two years later, when an approval for a warehouse was issued on 16 June 1975.

It is noted that the definition of ‘vehicle sales premises’ in the Town of Vincent Town Planning Scheme No. 1 is as follows:

“vehicle sales premises means any land or building use in for the display, sale, or hire of new or second hand motor vehicles, motor-cycles, boats, caravans, or recreation vehicles, or any one of more of them, but does not include a workshop.”

In regards to No. 496 (Lots 145 and 146) Charles Street, North Perth the only record regarding approvals of the site is the issuance of a Building Licence for the extension of a service station on 24 April 1959. The plans of the approval for the Service Station in 1959 illustrate that it was named "Daley's Service Station", and the extension involved the construction of a workshop to the rear of the petrol station. Mr Daley also owned the property at No. 492 Charles Street, North Perth which was known as "Daley's Woodyard".

The block file for the property contains a letter dated 6 July 1973 from the Health Department to the City of Perth Planning Department, which states that Mr Con George Kapinkoff is the proprietor of "Con's Garage" which is at No. 496 Charles Street. It also states that Mr Kapinkoff had just purchased the property at No. 492 Charles Street, sometime between 24 February 1973 (when the woodyard was closed) and 6 July 1973, when this letter was written. There are no records to indicate when Mr Kapinkoff actually purchased the property at No. 496 Charles Street, but it is most likely to be within a few years prior to 1973. Furthermore, there are also other notes on the block file that indicates that this property has been continuously used as a service centre/workshop/petrol station for a number of years.

It is considered that the purchase of the woodyard and the subsequent approved change of use to 'vehicle sales premises' would become part of the business at No. 496 Charles Street, known as "Con's Garage", where vehicles were purchased at No. 492 Charles Street, and serviced at No. 496 Charles Street.

It is unknown as to when the vehicle sales premises and "Con's Garage" actually vacated the sites, as it was not until 13 July 1998, that the Town of Vincent received a letter from a company called "Boat City" who advised that they have been operating from the site for 18 months (since approximately January 1997). They also advised in that letter, that the company deals with Marine Sales and Services. This description fits into the use of the vehicle sales premises and "Con's Garage" that had been operating since 1973. The Town's Officers contacted the owner of "Boat City", who currently operates from a site in Balcatta, who advised that they vacated the premises in July 2004.

The Town's records indicate that several letters/telephone calls/Council Members Requests were received regarding the use of the site, from approximately August 2004 and August 2005. In response to these queries, the Town's Officers conducted a site inspection on 10 February 2005, which revealed that the site was vacant, of which photographs are held. The Town responded to these zoning/use enquiries by advising that the use as a vehicle sales premises is an 'X' use. A letter was received on 12 September 2005 from 'Marlin Boat Sales' advising that they are *"currently repainting and refurbishing the above premises and for security and aesthetic reasons wish to upgrade the fencing... We proposed replacing the old 1.5 metre Weldmesh fence with the modern metal picket type and request Council approval to proceed"*. The Town responded to this letter with the standard response that was sent as part of the zoning and use enquiries referred to above. The owners then submitted a letter to the Town dated 7 October 2005 advising the Town that the site will be re-opened as a boatyard. The "standard letter" was then sent to the owners on 21 October 2005, and the owner responded by advising that refurbishments have taken place, which is why the building is vacant. A site inspection was conducted on 9 November 2005 and the site was being occupied by 'North City Honda', who then became 'Men on Boats' in November 2008 who in turn vacated the premises in June 2010.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Strategic Plan 2009-2014: 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."

FINANCIAL/BUDGET IMPLICATIONS:

The current 2010/2011 Budget allocates \$58,200 for Town Planning Scheme Amendments and Policies.

COMMENTS:

The purpose of the Zone Table contained within the Town of Vincent Town Planning Scheme No. 1 (TPS No. 1) is to indicate the uses permitted in the TPS No. 1 area in the various zones. An 'X' means that the use is not permitted by TPS No. 1. A 'note' contained in the Scheme also states that *"Council shall refuse to approve any "X" use of land. Approval of an "X" use may only proceed by way of a scheme amendment"*. Therefore, the Council does not have the discretion to approve an 'X' (prohibited) use under TPS No. 1.

An 'X' (prohibited) use in a Residential zone, can only operate where it is recognised a 'non-conforming use'.

A non-conforming use is defined in TPS No. 1 as follows:

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

In order to determine whether an 'X' (prohibited) use is non-conforming, the Town is required to be satisfied that the use was lawful (that is, previously approved by the determining authority at that time) prior to the promulgation of TPS 1 on 4 December 1998.

The subject properties are not included in the adopted Non-Conforming Use Register contained within the Town's Planning and Building Policy Manual. There is, however, a registered non-conforming use adjoining the northern boundary of the subject site at Nos. 502-506 (Lots 148, 149 and 150) Charles Street, North Perth. The registered non-conforming use for this site is for 'vehicle sales premises and showroom'. There are no other properties within the vicinity included in the Town's Non-Conforming Use Register.

Clause 16 of TPS 1 states as follow:

"(1) Except as otherwise provided in this Scheme, no provision of the Scheme shall be deemed to prevent:

- (a) the continued use of any land or building for the purpose for which it was being lawfully used at the Gazettal date of the Scheme; or*
- (b) the carrying out of any development thereon for which, immediately prior to that time, an approval or approvals, lawfully required to authorise the development to be carried out, were duly obtained and are current.*

- (2) *A person shall not alter or extend a non-conforming use or erect, alter or extend a building used in conjunction with a non-conforming use without first having applied for and obtained the planning approval of the Council under the Scheme and unless in conformity with any other provisions and requirements contained in the Scheme. All applications for planning approval under this clause will be subject to notice under Clause 37 and the Council shall have special regard to the impact of the proposed erection, alteration or extension of the building on the preservation of the amenity of the locality.*
- (3) *Notwithstanding anything contained in the Zone Table, the Council may grant its planning approval to the change of use of any land from a non-conforming use to another non-conforming use if the proposed use is, in the opinion of the Council, less detrimental to the amenity of the locality than the original non-conforming use and is, in the opinion of the Council, closer to the intended purpose of the zone or reserve.*
- (4) *When a non-conforming use of any land or buildings has been discontinued for a period of six consecutive months or more such land or building shall not thereafter be used otherwise than in conformity with the provisions of the Scheme.*
- (5) *The Council may effect the discontinuance of a non-conforming use by the purchase of the affected property, or by the payment of compensation to the owner or the occupier or to both the owner and the occupier of that property, and may enter into an agreement with the owner for that purpose.*
- (6) *When a building used for a non-conforming use is destroyed to 75% or more of its value, the land on which the building is built shall not thereafter be used otherwise than in conformity with the Scheme, and the buildings shall not be repaired or rebuilt, altered or added to for the purpose of being used for a non-conforming use or in a manner not permitted by the Scheme, except with the planning approval of the Council.”*

In light of the above, it is considered that there is sufficient documentary evidence that demonstrates that a Planning Approval was issued for a ‘car sales yard’ (vehicle sales premises) at No. 492 (Lots 143 and 144) Charles Street, North Perth. There is also evidence that a Building Licence for a service station with workshop was issued by the City of Perth for No. 496 (Lots 143 and 144) Charles Street, North Perth.

It is noted that the site inspection by the Town's Officers on 10 February 2005 indicated that the above subject properties were vacant and not being used as vehicle sales premises or associated workshop. However, a letter was provided to the Town stating that a refurbishment of the buildings were being undertaken during the time the sites were vacant.

In light of the above, it is recommended that the Council acknowledge the non-conforming use rights of the sites and initiate the advertising procedure as outlined in clause 47 of the Town of Vincent Town Planning Scheme No. 1.

9.1.5 Western Australian Local Government Association – Local Government Enterprises – Draft Discussion Paper

Ward:	-	Date:	15 July 2010
Precinct:	-	File Ref:	ORG0016
Attachments:	001		
Reporting Officer:	E Lebbos, Strategic Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES:**
- (a) *the report relating to the Western Australian Local Government Association (WALGA) – Local Government Enterprises – Draft Discussion Paper; and*
 - (b) *the Local Government Enterprises – Draft Discussion Paper, as shown in Attachment 001; and*
- (ii) *advises the WALGA that it SUPPORTS IN PRINCIPLE the Local Government Enterprises – Draft Discussion Paper as outlined in this report; however, despite the suggestion to create an arms length vehicle to hold and manage commercial interests of Local Governments in order to avoid certain issues, still has some concerns in relation to the following;*
- (a) *conflict between the need for commercial confidentiality to achieve better returns, and the responsibility for transparency and accountability to residents and ratepayers;*
 - (b) *public perception and the relationship with the community;*
 - (c) *possible conflicts of interest between Local Government’s role as planning authority and as a property owner or developer; and*
 - (d) *the management of financial risk when public or community assets are involved.*

COUNCIL DECISION ITEM 9.1.5

Moved Cr Lake, Seconded Cr Harvey

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to inform the Council of the WALGA’s *Local Government Enterprises – Draft Discussion Paper* currently being advertised for public comment, and to provide a summary of the Draft Paper to the Council.

BACKGROUND:

The final *Systemic Sustainability Study Report* recommended that the State Government consider amendments to the *Local Government Act 1995*, in order to enable Local Governments to establish independent commercial enterprises to undertake urban development and regeneration projects.

Since then, the WALGA, in conjunction with Consultants and a small group of CEOs, has finalised the *Local Government Enterprises – Draft Discussion Paper*, outlining a potential framework for the establishment of *Local Government Enterprises* and the legislative amendments required to enable this.

The Draft Paper has been released for public comment, with submissions closing on 30 July 2010, to obtain feedback prior to State Council consideration and endorsement of the document.

The Town has received a letter dated 16 June 2010, inviting the Town to comment on the Draft Paper.

DETAILS:

According to the findings of the *Systemic Sustainability Study Report*, Local Governments in Western Australia need to find new solutions to the challenges they face, in order to ensure sustainability, and meet the expanding needs of its constituents. Therefore, the *Local Government Enterprises – Draft Discussion Paper* proposes a new model that will better enable Council's to undertake urban regeneration projects, address economic decline in regional centres, provide shared services, public-private partnerships to develop Local Government assets and enhance the income-generating asset base of Local Governments, through the use of arms-length corporate subsidiaries operating in a more commercially efficient manner.

This Draft Paper argues that there are certain overarching objectives that are essential to any reform of governance for commercial activities by Local Government. These include:

- *' the need to maximise commercial efficiency;*
- *improve the quality of decision-making in the utilisation of local government assets;*
- *prudently broaden sources of local government income; and*
- *retain local government control of its assets, and enhance community consultation in matters affecting the disposition of local government assets.'*

The Draft Paper considers a range of options for reform, and proposes that the *Local Government Act 1995* be amended to provide a comprehensive suite of measures to permit the establishment of incorporated Local Government entities where supported by ratepayers through community consultation.

The various possible alternative approaches to reform considered in the Draft Paper include:

- *'a "minimalist" approach, whereby the provisions of the LGA remain unchanged but the use of incorporated subsidiaries is permitted and regulated in a limited range of circumstances requiring Ministerial approval on a case-by-case basis;*

- a “broader” approach that retains the existing regime in relation to the “core” functions of local government (and the associated assets) but enables local government to act under normal commercial conditions and structures, subject to appropriate consultation and oversight measures, in relation to other assets and functions;
- a “comprehensive” approach, involving general repeal of the statutory constraints so as to enable local government to conduct itself under normal commercial procedures and structures for any or all of its non-regulatory operations, but with specific legislative provisions to govern the establishment and operation of corporate subsidiaries.’

The Draft Paper proposes that Local Government should be empowered, with the consent of its community through detailed consultation processes, to establish corporate entities known as *Local Government Enterprises*, governed by directors appointed for their relevant expertise, to manage and develop assets using normal commercial arrangements. A detailed process of reporting and accountability is proposed, to ensure that an appropriate balance is maintained between transparency and commercial efficiency.

The Draft Paper argues that the use of such alternative approaches to reform, outlined above, will improve commercial efficiency and reduce risk to ratepayers, while enabling Local Government to achieve strategic outcomes that are extremely difficult to achieve under current statutory restrictions.

The Draft Paper goes on to examine establishing *Local Government Enterprises*, jointly owned by more than one Local Government. Furthermore, cases in which a Local Government may wish to delegate responsibility for decisions affecting Local Government assets (other than property) to persons with appropriate expertise, without incurring the expense of establishing a *Local Government Enterprise*, has also been addressed in the Draft Paper. However, it is noted that this non-corporate alternative will not deal with most of the issues identified.

CONSULTATION/ADVERTISING:

The WALGA is currently advertising the *Local Government Enterprises – Draft Discussion Paper* for public comment, which closes on 30 July 2010.

LEGAL/POLICY:

A number of legislative amendments are required to enable the establishment of *Local Government Enterprises*, as there are three specific provisions in the *Local Government Act 1995* constraining Local Government activities in property dealing and the use of corporate structures. These include:

- Section 3.58;
- Section 3.59; and
- Section 3.60.

In addition, Section 6.21 of the Act has some wide-ranging effects on the establishment of *Local Government Enterprises*.

The creation of *Local Government Enterprises* would be authorised by way of a new Regulation 32A under the Local Government (Functions and General) Regulations 1996 (relating to Section 3.60 of the Act), with the existing Regulation 32A being renumbered accordingly. In the long term, it would be more appropriate to amend the Act in a more comprehensive manner, so as to introduce statutory performance measures and tidy up a number of related issues.

Detailed information relating to the above provisions is provided on page 9 of the Draft Paper. Furthermore, Section 4.0 of the Draft Paper, relating to '*Identifying an Appropriate Governance Model*,' examines the various approaches to overcoming the legislative barriers outlined, including a minimalist approach, a broader approach, and a comprehensive approach, all outlined in the Details Section of this report.

STRATEGIC IMPLICATIONS:

The Town of Vincent Strategic Plan 2009-2014 states;

"Economic Development

2.1 Progress economic development with adequate financial resources

2.1.1 Promote the Town of Vincent as a place for investment appropriate to the vision for the Town.

2.1.2 Develop and promote partnerships and alliances with key stakeholders.

2.1.3 Promote business development.

2.1.5 Develop business strategies that reduce reliance on rates revenues.

2.1.6 Develop business strategies that provide a positive triple bottom line return for the Town"

FINANCIAL/BUDGET IMPLICATIONS:

Nil. However, it is noted in the Draft Paper, that should amendments be made to the *Local Government Act 1995*, to this extent, there will be an initial cost for Local Governments should they elect to establish a *Local Government Enterprise*.

SUSTAINABILITY IMPLICATIONS:

The *Government Enterprises – Draft Discussion Paper* addresses aspects of sustainable urban development.

According to the WALGA, '*the duty of local government is to provide for the social, economic, environmental and cultural well-being of its community, including ensuring that the development of property in their communities contributes to these well-beings.*' Currently, the only way for Local Government to ensure that urban centres develop in accordance with these principles is through '*strategic ownership stake.*' However, as the private sector is driven by financial efficiency, this can result in outcomes that do not address the wider needs of the community, and do not produce integrated urban areas.

In light of this, the Draft Paper argues that '*local government should therefore be encouraged and empowered to selectively acquire or retain such interests in property as may be required to achieve sustainable urban development outcomes.*' This includes property to support the development of the necessary service, social and community infrastructure and property seen as strategically vital to achievement of urban consolidation, good urban design, and/or integration of transport infrastructure and land use.

COMMENTS:

As outlined above, the *Local Government Enterprise – Draft Discussion Paper*, examines the case for the use of subsidiary corporate structures as vehicles for greater efficiency and improved partnering practices for Local Government involvement in a range of commercial activities distinct from the commonly understood core functions of Local Government. The Draft Paper considers the current statutory prohibition on such structures, identifies appropriate issues for consideration, and recommends a framework for statutory amendment to address the issue.

In light of the above, it is noted that although there are certain concerns associated with establishing a *Local Government Enterprise*, as outlined in the Officer Recommendation, there may be some advantageous implications for the Town. It may enable the Town to selectively acquire property, as may be required, to achieve sustainable urban development outcomes in relation to certain urban regeneration projects, including the Leederville Masterplan and the West Perth Regeneration Masterplan. This will ensure that good urban design outcomes are achieved, in turn ensuring the environmental, social and economic sustainability of various projects within the Town.

In light of the above, it is recommended that the Council receive the report, and support the Officer Recommendation to advise the WALGA that the Town of Vincent supports in principle the intent and content of the *Local Government Enterprises – Draft Discussion Paper*; however, has some concerns as outlined in the Officer Recommendation.

9.2.3 Tender for the Hire of Trucks & Miscellaneous Plant - Tender No. 412/10

Ward:	Both	Date:	5 July 2010
Precinct:	All	File Ref:	TEN0420
Attachments:	-		
Reporting Officers:	Various		
Responsible Officers:	R Lotznicker, Director Technical Services M Rootsey, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council ACCEPTS the Tenders submitted for the Hire of Trucks and Miscellaneous Plant in accordance with the terms and conditions of Tender No. 412/10 as follows:

- (a) *Engineering Operations – J Calautti, Mayday and Caversham Truck Hire; and*
- (b) *Parks & Property Operations – Tom Lawton Bobcat Hire and Award Irrigation.*

COUNCIL DECISION ITEM 9.2.3

Moved Cr Lake, Seconded Cr Harvey

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council’s approval to award Tender 412/10 for the Hire of Trucks and Miscellaneous Plant.

BACKGROUND:

Tenders for the Hire of Trucks and Miscellaneous Plant for a three (3) year period closed at 2.00pm on 16 June 2010 and eleven (11) tenders were received in total over the two (2) service areas within the Technical Services directorate.

Contractors were requested to submit prices for Plant and Equipment specific to both (Part A) Engineering Operations and (Part B) Parks and Property Operations.

The prices submitted are to be fixed for a twelve (12) month period. Beyond this, price adjustments for CPI and material increases/decreases may be negotiated.

DETAILS:

Details of all submissions received for Tender No. 412/10 are “*Laid on the Table*”.

Tender Evaluation:

The tender evaluation was undertaken by Director Technical Services, Manager Engineering Operations, Manager Parks & Properties Services and Depot Purchasing Officer, in accordance with the selection criteria as outlined in the tender documentation as follows:

A. Plant & Equipment Specific to Engineering Operations

Evaluation Criteria	Weighting	J Calautti	Caversham	Mayday	D'Angelo	All Earth	ANH	KRS
Past experience in provision of required services	30%	30	30	30	24	30	24	24
Contract Price	35%	35	35	32.86	34.17	31.64	35	27.87
Organisational structure/financial capacity/resources	15%	15	13.5	15	13.5	15	13.5	13.5
Compliance with tender specification and Health/Safety requirements	10%	7	8	6	10	6	6	6
References	10%	10	10	10	10	10	10	10
TOTAL	100%	97	96.5	93.86	91.67	92.64	88.5	81.37
		1	2	3	4	5	6	7

Officers' comments:

Following assessment of the tenders, it is recommended that J Calautti and Mayday, who have supplied competitive rates, be engaged as they can supply all the machinery required that is utilised in day to day activities of the Engineering Operations section.

Mayday has held this contract with the Town previously and has provided an excellent service and J. Calautti has considerable experience in civil engineering operations.

Caversham Truck Hire has provided an excellent rate for the use of single axle trucks which are used predominantly within the Town due to manoeuvrability and access issues. They have considerable expertise in the construction area and it is also recommended that they be included on the panel.

B. Plant & Equipment Specific to Parks & Property Operations

Evaluation Criteria	Weighting	Tom Lawton	Award Irrigation	J Calautti	Tonca	Paul Derksen	Mayday	All Earth	D'Angelo	KRS
Past experience in provision of required services	30%	30	30	30	30	30	30	30	24	24
Contract Price	35%	35	32.04	31.6	32.54	35	30.33	27.32	32.54	3.97
Organisational structure/financial capacity/resources	15%	13.5	15	15	15	12	15	15	13.5	13.5
Compliance with tender specification and Health/Safety requirements	10%	10	8	7	5	5	6	10	10	6
References	10%	10	10	10	10	10	10	8	10	10
TOTAL	100%	98.5	95.04	93.6	92.54	92	91.33	90.32	90.04	57.47
		1	2	3	4	5	6	7	8	9

Officers' comments:

Parks and Property Services require the use of Skid Steer Loaders (Bobcats) and Mini Excavators from time to time and the majority of all works are undertaken during normal working hours. Works include tree planting, installation of reticulation, spreading mulch and soil, playground pit maintenance, etc.

These services are quite specific at times, requiring care and skill to undertake the job required, therefore, contractors have been requested to provide evidence of their past experience in undertaking the tasks as outlined within the tender specification.

Whilst costs for the dumping of rubbish and supply of clean fill have been requested, these charges only apply on the odd occasion when our own "in-house" services are unavailable or an urgent situation has developed that requires a contractor to provide this service.

The submissions representing the best value for money have been submitted by Tom Lawton – Bobcat Hire and Award Irrigation for provision of a mini excavator. Both contractors have provided these services to the Town at various times over the past years and have proven to be reliable and careful operators when undertaking these specific and sometimes delicate tasks.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

The Tender was advertised in accordance with the Local Government Act tender regulations.

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The services provided as outlined in this tender will be utilised for the construction and maintenance of the Town's infrastructure and various works required as outlined above by the Parks and Property Services section.

The total value of the above services provided to the Town amounts to approximately \$430,000 per year.

Costs associated with the works will be charged against specific Capital Works projects or maintenance accounts as required.

COMMENTS:

It is therefore recommended that the tender for the Hire of Trucks and Miscellaneous Plant for both Engineering and Parks and Property Operations be approved.

9.3.2 Authorisation of Expenditure for the Period 1 – 30 June 2010

Ward:	Both	Date:	5 July 2010
Precinct:	All	File Ref:	FIN0032
Attachments:	001		
Reporting Officer:	K Ball, Finance Officer – Accounts Payable; B Tan, Manager Financial Services		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council CONFIRMS the;

- (i) *Schedule of Accounts for the period 1 June – 30 June 2010 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 9.3.2.

COUNCIL DECISION ITEM 9.3.2

Moved Cr Lake, Seconded Cr Harvey

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

DECLARATION OF INTEREST

Members/Officers	Voucher	Extent of Interest
Nil.		

PURPOSE OF REPORT:

To seek authorisation of expenditure for the period 1 – 30 June 2010.

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		
Automatic Cheques	068252- 068517	\$391,062.46
Transfer of Creditors by EFT Batch	1075, 1077, 1078, 1085-1088, 1091, 1093	\$3,375,139.49
Transfer of PAYG Tax by EFT	June 2010	\$212,392.75
Transfer of GST by EFT	June 2010	
Transfer of Child Support by EFT	June 2010	\$1,278.10
Transfer of Superannuation by EFT:		
• City of Perth	June 2010	\$34,534.06
• Local Government	June 2010	\$98,743.35
Total		\$4,113,150.21
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$4,330.83
Lease Fees		\$2,024.60
Corporate Master Cards		\$9,607.59
Loan Repayment		\$60,316.91
Rejection Fees		\$15.00
Total Bank Charges & Other Direct Debits		\$76,294.93
Less GST effect on Advance Account		0.00
Total Payments		\$4,189,445.14

STRATEGIC IMPLICATIONS:

Strategic Plan 2009-2014 – Key Result Area 4.2 – Governance and Management
“Adopt best practice to manage the financial resources and assets of the Town.”

ADVERTISING/CONSULTATION:

N/A.

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.

**9.4.2 Strategic Plan 2009-2014 – Progress Report for the Period
1 April 2010 – 30 June 2010**

Ward:	Both	Date:	21 July 2010
Precinct:	All	File Ref:	ADM0038
Attachments:	001		
Reporting Officers:	Managers, Directors		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council RECEIVES the progress report on the Strategic Plan 2009-2014 for the period 1 April 2010 – 30 June 2010 as shown in Appendix 9.4.2.

COUNCIL DECISION ITEM 9.4.2

Moved Cr Lake, Seconded Cr Harvey

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to provide a quarterly update on the Strategic Plan for the period 1 April 2010 – 30 June 2010.

DETAILS:

Progress reports are reported to Council for each quarter as follows:

Period	Report to Council
1 January - 31 March	April
1 April - 30 June	July
1 July - 30 September	October
1 October - 31 December	February

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

The Council adopted its Plan for the Future at the Ordinary Meeting of Council held on 12 May 2009. The Town’s Strategic Plan forms part of the Plan for the Future. It is not a legal requirement to have a Strategic Plan, however, it is considered “Best Practice” management that a Strategic Plan be adopted to complement and be linked and aligned to both the Principal Activities Plan and Annual Budget.

STRATEGIC IMPLICATIONS:

The Strategic Plan provides the elected Council and administration with its aims, goals and objectives (key result areas) for the period 2009-2014. The reporting on a quarterly basis is in accordance with the Strategic Plan 2009-2014 Key Result Area.

This is in keeping with the Town's Strategic Plan 2009-2014 - *"Leadership, Governance and Management"*, in particular, Objective 4.1.2 - *"Manage the Organisation in a responsible, efficient and accountable manner"*.

SUSTAINABILITY IMPLICATIONS:

Nil.

SUSTAINABILITY IMPLICATIONS:

Nil

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The progress report for the Strategic Plan indicates that the Town's administration is progressing the various strategies in accordance with the Council's adopted programs and adopted budget.

9.4.4 12th Australian Parking Convention 7 to 9 November 2010 – Sydney Convention Centre, Sydney

Ward:	-	Date:	22 July 2010
Precinct:	-	File Ref:	ADM0031
Attachments:	001		
Reporting Officer:	A Radici, Executive Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council APPROVES of the Manager Ranger and Community Safety Services and Co-ordinator Strategic Planning to attend the “12th Australian Parking Convention” from 7 to 9 November 2010 to be held at the Sydney Convention Centre, Sydney at an estimated cost of \$2,409 each.

COUNCIL DECISION ITEM 9.4.4

Moved Cr Lake, Seconded Cr Harvey

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council's approval for the Manager Ranger and Community Safety Services and Co-ordinator Strategic Planning to attend the “12th Australian Parking Convention” from 7 to 9 November 2010 to be held at the Sydney Convention Centre, Sydney.

BACKGROUND:

The 12th Australian Parking Convention is Australia’s peak convention concerning parking management, technology and parking facilities.

DETAILS:

A copy of the Convention Program and Trade Exhibition are attached at Appendix 9.4.4, which reveals that the speakers and topics are particularly relevant to the Town of Vincent. Speakers and topics include:

- Parking Association Australia President, Larry Schneider;
- key note speaker – “*the high cost of free parking*”;
- security in car parks;
- automated parking systems;
- parking enforcement;
- use of licence plate recognition technology;
- multi storey car park design; and
- sustainable transport.

Trade Exhibition

An extensive range of exhibitors have registered to display and market their products at this Convention.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

At the Ordinary Meeting of Council held on 9 March 2010 the Council adopted its Draft Car Parking Strategy 2010 and Precinct Parking Management Plans 2010.

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

- “(i) When it is considered desirable that the Town of Vincent be represented at an interstate conference, up to a maximum of one Council Member and one Employee may normally attend, unless otherwise approved by the Council;*
- (ii) In certain circumstances (for example where the Conference is of a technical nature) the Chief Executive Officer may recommend that two (2) Employees attend. In this instance, the Chief Executive Officer will specify reasons in the report to the Council.”*

Reasons for Officer Attendance

The Council has recently adopted its Parking Strategy and significant changes will be implemented over the forthcoming financial year. In excess of 130 new ticket issuing machines are proposed to be either purchased or leased as part of the Strategy at an estimated cost of approximately \$2million. The Manager Ranger and Community Safety Services will significantly benefit by attendance at the Trade Exhibition as most, if not all, of the exhibitors will be submitting their equipment as part of the Town proposed tender. It is understood that the latest technology will be displayed.

The Town's Co-ordinator – Strategic Planning Unit is primarily responsible for the strategic implementation of the Strategy, including the Implementation Plan. Her attendance at the Convention is considered most beneficial as she will gain considerable knowledge and insight into the matter.

As the Council is aware, parking and parking facilities in the Town is now a multi-million dollar business and knowledge gained at the convention will be beneficial to the Town, in this important matter.

Notwithstanding the above, Council Members may still wish to nominate to attend the Convention.

Previous Attendance

The Town has not previously been represented attended this convention.

STRATEGIC IMPLICATIONS:

In keeping with the Town's Strategic Plan 2009-2014 – Objective 4.2 - *“Provide a positive and desirable workplace”*, in particular, 4.2.4 - *“Attract and retain quality employees and encourage career development ”*.

SUSTAINABILITY IMPLICATIONS:

The Town is committed to the principles of environmental, social and economic sustainability and is dedicated to achieving and promoting sustainable outcomes throughout its everyday functions and responsibilities – parking and associated transport/traffic issues is an integral part.

FINANCIAL/BUDGET IMPLICATIONS:

<u>Cost per person</u>	<u>Registration</u>
Conference registration*:	\$1,050
Economy Airfare#:	\$500
Accommodation (2 nights @ \$269):	\$538
Expense Allowance (3 days):	<u>\$321</u>

Total: \$2,409

* Early Bird Registration closes on 2 August 2010 and will save the Town \$300 (standard registration is \$1,200 each).

COMMENTS:

This Convention provides an excellent opportunity to obtain the latest information relating to parking, parking facilities and technology.

It is recommended that approval be granted for the Manager Ranger and Community Safety Services and Co-ordinator Strategic Planning to attend the “12th Australian Parking Convention” from 7 to 9 November 2010 to be held at the Sydney Convention Centre, Sydney.

9.4.5 Proposal to Introduce Domestic Cat Control Legislation - Department of Local Government Seeking Stakeholder Comments

Ward:	Both	Date:	23 July 2010
Precinct:	All	File Ref:	ENS0014
Attachments:	001 ; 002		
Reporting Officer:	J MacLean, Manager Ranger and Community Safety Services		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Department of Local Government's – Proposal for Domestic Cat Control Legislation - Consultation Paper, as "Laid on the Table" and electronically attached;*
- (ii) *SUPPORTS IN PRINCIPLE the proposed introduction of Statewide Cat Control Legislation; and*
- (iii) *AUTHORISES the Chief Executive Officer to provide the Town's comments in relation to the proposal to introduce domestic cat legislation, as "Laid on the Table" and electronically attached.*

COUNCIL DECISION ITEM 9.4.5

Moved Cr Lake, Seconded Cr Harvey

That the recommendation be adopted.

CARRIED "EN BLOC" (9-0)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of a request by the Department of Local Government, to provide comment on their proposal to introduce Statewide cat control legislation.

BACKGROUND:

In 2009, the State Government Joint Standing Committee on Delegated Legislation (JSCDL) disallowed the introduction of a Cat Local Law, by the City of Joondalup, stating that the Local Government Act 1995 did not provide sufficient legislative basis for a local law to contain statutory provisions, including the requirement for sterilisation. The JSCDL further suggested that legislation of this nature should be enacted by the State Government, to cover the whole State, rather than local legislation, which was only effective within the local government boundaries.

As a result, the State Government is again seeking comment from local governments about their intention to introduce legislation to control the current domestic cat population. In fact, the State Government has been looking at the possibility of introducing cat control legislation for a number of years and has always stopped the process because it has become too difficult to enact. Greens Senator Giz Watson introduced a Cat Bill into Parliament, in 2003, but it did not gain sufficient parliamentary support at the time, so it lapsed.

In the Cat Bill 2003, which was introduced into Parliament by Greens Senator Giz Watson, while there were a number of clauses that would have been effective in controlling the cat population, the proposed legislation would have required a Court prosecution for every offence and this would have proved both time consuming and costly to a local government.

DETAILS:

While any cat legislation will need to deal with the control of domestic cats, it will also be required to address control issues, relating to feral cats. As can be appreciated, because of their nature, it is an extremely difficult task to formulate effective legislation to deal with cats. Any cat control legislation would also need to be able to claim a positive impact on the concerns of the general community.

There are a number of issues identified by the State Government as being important, when attempting to minimise problems associated with the introduction of cat control legislation and these include:

- Cat control legislation needs to be consistent throughout the State;
- For legislation to be effective, a comprehensive requirement for cats to be identified and identifiable needs to be introduced;
- As a way to reduce cat numbers, legislation should prescribe that all cats, except those registered for breeding purposes, should be sterilised;
- There are a substantial number of "un-owned" cats being euthanized each year;
- "Un-owned" cats are experiencing poor health and living conditions;
- There appears to be an increasing incidence of cats being a nuisance in the community, and the Town of Vincent is no exception;
- Cats have an adverse impact on the natural environment and on wildlife; and
- Much of the costs associated with cat control, including euthanasia, is currently borne by "Not for Profit" organisations, such as the Cat Haven.

The Department of Local Government has provided a discussion paper to local governments, to assess the support for cat legislation and to obtain practical comments from local government, which is the organisations that will be charged with the enforcement of any future enactment. The Ranger and Community Safety staff members have considered the discussion paper and the attached questionnaire is a compilation of the views of the Section.

From a cost perspective, this legislation is likely to have an impact on the Town's Budget, for a number of reasons, including (but not limited to):

- Cost to modify the Town's Dog Pound, to also accommodate cats;
- Cost to purchase equipment to catch/trap cats;
- Cost associated with the upgrade of the Authority System, to accept cat registrations;
- Cost to provide adequate training for the Town's Rangers; and
- Costs associated with the administration and enforcement of Cat Legislation.

It is not possible to estimate the likely costs for the implementation of cat control legislation, until a Draft Cat Control Act is compiled, so this can be more effectively undertaken when the proposed enactment is available.

At this time, no Draft Bill has been formulated, so it is not possible to discuss the implementation actions, except in a very general sense. However, it is suggested that, if the legislation is written with sufficient enforceable provisions, to make a genuine difference to the current cat situation, it will be seen as a milestone in the process to control cats. However, unless the provisions in the proposed legislation are clear and unequivocal, they are likely to be difficult to administer and will quickly become unworkable.

So as to provide a consolidated response to the proposed cat control legislation, WALGA is also seeking comment from local governments as to whether they would support the Department of Local Government's proposal. A report will be forwarded to the Governance Policy Officer, at WALGA, containing the adoption, or otherwise, of this report.

It is suggested that an effective Cat Control Act could have a highly positive outcome for the Town of Vincent and it is recommended that the Town of Vincent supports, in principle, the introduction of a Cat Control Act.

CONSULTATION/ADVERTISING:

The Department of Local Government is seeking stakeholder comments regarding the proposal to introduce cat legislation, by 30 July 2010. As a result, since the matter is still at a "discussion paper" stage, no further advertising is necessary

LEGAL/POLICY:

If legislation is introduced, the Town of Vincent will be required to enforce the provisions, but since the draft legislation has not yet been provided, it is not possible to assess the likely legal implications.

STRATEGIC IMPLICATIONS:

The above is in keeping with the Strategic Plan 2009 – 2014, at objective 3.1.3, *"Determine the requirements of the Community and focus on needs, value, engagement and involvement"*:

SUSTAINABILITY IMPLICATIONS:

It is a generally acknowledged premise that cats adversely affect the amenity of many residential areas and have an adverse impact on indigenous fauna. This is partly because there is minimal legislation governing the keeping of cats, which results in an increasing cat population and partly because many cat-owners do not accept appropriate responsibility for their pets. As a result, effective cat legislation, which requires registration and sterilisation, will reduce the impact on the environment, as well as the amenity in the Town and consequently, will improve sustainability.

FINANCIAL/BUDGET IMPLICATIONS:

At this time, there are no financial or Budget implications, associated with this report. However, when the Draft Cat Control Act is available, the probable costs can better be assessed.

COMMENTS:

There is little doubt that the community is polarised on the benefits of keeping cats as pets. Some factions of the community believe that cats can not be truly domesticated and should not be kept as pets, while others suggest that the benefits derived from keeping a cat far outweighs the problems generated. Irrespective of whether the Town subscribes to either, the fact remains that cat control legislation is long overdue.

The State Government has acknowledged that legislation to control cats cannot be a local responsibility, so State Government legislation is essential to ensure a consistent approach is maintained. As a result, the State Government has produced a discussion paper to seek comments from the various stakeholders, as to whether there is widespread support for a control mechanism of this type to be introduced. While the actual proposed legislation has not yet been provided, the discussion paper outlines the problems that have been identified and suggests possible way to overcome these problems.

The Town of Vincent receives around 50 complaints each year, relating to cats, although it is suggested that there may be numerous other problems that, while identified, have not been communicated to the Town of Vincent. This may be because the public are aware that no control legislation exists, or perhaps the problem is not sufficiently large to warrant complaints.

It is recommended that the Town forwards the attached comments to the questions posed by the Department of Local Government.

9.1.6 Finalisation of Amendment No. 25 to the Town's Town Planning Scheme No. 1 - Clause 20 (4) (a) and (e) Relating to "No Multiple Dwellings" in the Cleaver, Smith's Lake, Hyde Park, Norfolk and Banks Precincts

Ward:	Both	Date:	19 July 2010
Precinct:	Cleaver P5; Smith's Lake P6; Norfolk P10; Hyde Park P12; Banks P15	File Ref:	PLA0192
Attachments:	001		
Reporting Officer:	R Marie, Planning Officer (Strategic)		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the decision from the Hon. Minister for Planning and the Western Australian Planning Commission as outlined in letter dated 9 July 2010, relating to modifications required to Amendment No. 25 to the Town of Vincent Town Planning Scheme No. 1, as shown in Attachment 001;*
- (ii) *RESOLVES pursuant to Regulations 21 (2) and 25 of the Town Planning Regulations, 1967 (as amended), that Amendment No. 25 to the Town of Vincent Town Planning Scheme No. 1, with modifications as required by the Hon. Minister for Planning and the Western Australian Planning Commission, in accordance with letter dated 9 July 2010, BE ADOPTED FOR FINAL APPROVAL, as follows:*
 - 1. *Deletion of Clauses 20(4)(b), 20(4)(g)(i) and 20(4)(d)(i) from the Scheme;*
 - 2. *Clause 20(4)(a)(i) is to be replaced with the following;*
 - (a) *Cleaver Precinct P5,*
 - (i) *Multiple Dwellings are not permitted in the area east of Cleaver Street coded Residential R80 excluding lots which front Newcastle, Charles, Vincent and Cleaver Streets;*
 - 3. *Clause 20(4)(e)(i) is to be replaced with the following;*
 - (e) *Hyde Park Precinct P12,*
 - (i) *Multiple Dwellings are not permitted in the area east of Fitzgerald Street coded Residential R80 excluding the area bounded by Fitzgerald, Randell, Palmerston and Stuart Streets, Perth;*
- (iii) *NOTES that the purpose of this report is to advise the Council of the Honourable Minister's and the Western Australian Planning Commission's requirement to modify the Scheme Amendment documents as outlined in clause (ii) above, and that at this time, the Council cannot withdraw, or make any further changes to Amendment No. 25;*
- (iv) *FORWARDS the relevant executed modified amendment documents to, and requests the Honourable Minister for Planning and the Western Australian Planning Commission to adopt for final approval and Gazettal, Amendment No. 25 to the Town of Vincent Town Planning Scheme No. 1, by no later than 42 days from the receipt of the letter dated 9 July 2010;*

- (v) *ADVISES the Environmental Protection Authority and those who made submissions of (i), (ii), (iii) and (iv) above; and*
- (vi) *ADVISES all affected land owners in the Cleaver, Smith's Lake, Norfolk, Hyde Park and Banks Precincts of the outcome of Amendment No. 25, following publication in the Government Gazette.*

COUNCIL DECISION ITEM 9.1.6

Moved Cr Maier, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (9-0)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the Minister's decision, dated 9 July 2010, in relation to Scheme Amendment No. 25.

BACKGROUND:

For a detailed background relating to Amendment No. 25, please refer to the Minutes of the 9 March 2010 Ordinary Meeting of Council.

9 March 2010 The Council at its Ordinary Meeting considered Amendment No. 25 and resolved as follows;

'That the Council;

- (i) *receives the report relating to Proposed Amendment No. 25 to the Town's Town Planning Scheme No. 1 - Clause 20 (4) (a) and (e) Relating to No Multiple Dwellings in the Cleaver and Hyde Park Precincts;*
- (ii) *ADVISES the Department of Planning that the Council SUPPORTS the progression of Town Planning Scheme Amendment No. 25 with Clauses 20 (4) (a) relating to No Multiple Dwellings in the Cleaver Precinct being REMOVED and REPLACED with the following Clause:*

“(a) Cleaver Precinct P5,

- (i) *Multiple Dwellings are not permitted in the area east of Cleaver Street coded Residential R80 excluding lots, which front Newcastle, Charles, Vincent and Cleaver Streets.”;*

- (iii) *ADVISES the Department of Planning that the Council SUPPORTS the progression of Town Planning Scheme Amendment No. 25 with Clauses 20 (4) (e) relating to No Multiple Dwellings in the Hyde Park Precinct being REMOVED and REPLACED with the following Clause:*

“(a) Hyde Park Precinct P12,

- (i) *Multiple Dwellings are not permitted in the area east of Fitzgerald, Street coded Residential R80 excluding the area bound, by Fitzgerald, Randell, Palmerston and Stuart Streets, Perth.”;*

- (iv) *ADVISES the Department of Planning that the Council SUPPORTS the progression of Town Planning Scheme Amendment No. 25 and the proposed recommendation by the Department of Planning that Clauses 20(4)(b), 20(4)(g)(i) and 20(4)(d)(i) are removed from the Town's Town Planning Scheme No. 1, altogether;*
- (v) *AUTHORISES the Chief Executive Officer to review and amend for further consideration the Town's Policy No. 3.4.8 relating to Multiple Dwellings to REMOVE Bulwer Street as a major road for the purpose of limiting the height of new development in areas coded Residential R80, along Bulwer Street; and*
- (vi) *REQUESTS that the Chief Executive Officer give consideration to coding those areas in the Hyde Park and Cleaver Precincts which are currently proposed to retain a multiple dwelling prohibition to Residential R60, and investigate mechanisms to allow multiple dwellings in these areas as part of the Review of Town Planning Scheme No. 1.'*

18 March 2010 The Town forwarded the Council resolution of 9 March 2010 to the Western Australian Planning Commission for final approval.

13 July 2010 The Town received a letter dated 9 July 2010 from the Western Australian Planning Commission, advising that the Minister for Planning requested modifications to Town Planning Scheme Amendment No. 25, prior to final approval and gazettal of the proposed amendment to the scheme.

DETAILS:

On 13 July 2010, the Town received a letter from the Western Australian Planning Commission, dated 9 July 2010, advising the following;

'I refer to your letter of 19 November 2008 and advise that the Minister for Planning upheld the submissions of non-objection, dismissed the submissions of objection, and has decided not to approve the above amendment until such time as the following modifications are effected:

1. *Deletion of Clauses 20(4)(b), 20(4)(g)(i) and 20(4)(d)(i) from the scheme.*
2. *Clause 20(4)(a)(i) is to be replaced with the following;*
 - (a) *Cleaver Precinct P5,*
 - (i) *Multiple Dwellings are not permitted in the area east of Cleaver Street coded Residential R80 excluding lots which front Newcastle, Charles, Vincent and Cleaver Streets;*
3. *Clause 20(4)(e)(i) is to be replaced with the following;*
 - (e) *Hyde Park Precinct P12*
 - (i) *Multiple Dwellings are not permitted in the area east of Fitzgerald Street coded Residential R80 excluding the area bounded by Fitzgerald, Randell, Palmerston and Stuart Streets, Perth;...*

In addition, it is noted that at this time, the Council cannot withdraw, nor further modify Amendment No. 25 to the Town's Town Planning Scheme No. 1.

Therefore, the purpose of this report is to inform the Council of the Honourable Minister's and Western Australian Planning Commission's requirement to modify the Scheme Amendment documents as outlined above.

A full copy of the letter is shown in Attachment 001.

CONSULTATION/ADVERTISING:

In accordance with the Town of Vincent's Scheme Amendment Procedure and the Western Australian Planning Commission's *Local Planning Manual*, the Town is to inform any respondents and the Environmental Protection Authority of the promulgation of Scheme Amendment No. 25.

Following the final approval and the publication of the amendment in the Government Gazette, all affected land owners will be advised of the changes to the Scheme.

LEGAL/POLICY:

Town of Vincent Town Planning Scheme No. 1, associated Policies and Town Planning Regulations 1967.

STRATEGIC IMPLICATIONS:

Strategic Plan 2009-2014 states:

"Natural and Built Environment

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

SUSTAINABILITY IMPLICATIONS:

It is considered that the approval of Amendment No. 25 will allow for greater diversity in housing choice, whilst maintaining the character of areas within the Town.

FINANCIAL/BUDGET IMPLICATIONS:

The current 2010/2011 Budget allocates \$58,200 for Town Planning Scheme Amendments and Policies.

COMMENTS:

The Hon. Minister for Planning and the Western Australian Planning Commission has required that the Town's original Scheme Amendment recommendation of 2008, to remove all five clauses, 20(4)(a)(i), 20(4)(b), 20(4)(d)(i), 20(4)(e)(i), 20(4)(g)(i), from the Scheme completely, be modified in accordance with the letter shown in Attachment 001. The Minister's recommendation is in line with the Council's resolution at its Ordinary Meeting held on 9 March 2010.

In light of the above, it is recommended that the Minister's and the Western Australian Planning Commission's requirement to modify the Scheme Amendment documents as stated in the correspondence dated 9 July 2010, be supported and endorsed by the Council in an expedited manner, to ensure compliance with the 42 days regulatory timeframe; hence, ensuring that the Western Australian Planning Commission receive the modified amended documents by no later than 23 August 2010.

9.1.3 No. 265A (Strata Lot 2 on Strata Plan 24662) Vincent Street, Leederville - Proposed Third-Storey Addition to Existing Two-Storey Grouped Dwelling

Ward:	South	Date:	20 July 2010
Precinct:	Oxford Centre; P04	File Ref:	PRO0952; 5.2010.255.1
Attachments:	001		
Reporting Officer:	D Pirone, Statutory Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by the owners R Mason and F Pederson for proposed Third-Storey Addition to Existing Two-Storey Grouped Dwelling, at No. 265A (Strata Lot 2 on Strata Plan 24662) Vincent Street, Leederville, and as shown on plans stamp-dated 1 June 2010, subject to the following conditions:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Vincent Street;*
- (ii) *any new street/front wall, fence and gate within the Vincent Street setback area, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*
- (iii) *first obtaining the consent of the owners of No. ~~283~~ 263 Vincent Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. ~~283~~ 263 Vincent Street in a good and clean condition; and*
- (iv) **PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the Town:**

(a) **Construction Management Plan**

A Construction Management Plan shall be submitted to and approved by the Town, addressing the following issues:

1. *public safety, amenity and site security;*
2. *contact details of essential site personnel;*
3. *construction operating hours;*
4. *noise control and vibration management;*
5. *Dilapidation Reports of nearby properties;*
6. *air and dust management;*
7. *waste management and materials re-use;*
8. *parking arrangements for contractors and subcontractors;*
9. *Consultation Plan with nearby properties; and*
10. *any other matters deemed appropriate by the Town; and*

(b) Privacy Screening

the window to the bedroom on the third storey on the western and southern elevations and the windows to the study on the third storey on the southern 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 2008; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the windows being provided with permanent vertical screening or equivalent, preventing direct line of site within the cone of vision to ground level of the adjoining property if closer than 25 metres to the opening or equivalent. 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 Nos. 263 and 267 Vincent Street and No. 186A Carr Place 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.

***Note: The above Officer Recommendation was corrected and distributed prior to the meeting. Changes are indicated by strike through and underline.**

COUNCIL DECISION ITEM 9.1.3

Moved Cr Maier, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (9-0)

Landowner:	R Mason and F Pederson
Applicant:	R Mason and F Pederson
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R80
Existing Land Use:	Grouped Dwelling
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	270 square metres
Access to Right of Way	Not Applicable

BACKGROUND:

7 May 1998 The Town issued a Building Licence for a two-storey grouped dwelling at the subject property.

21 November 2001 The Town under delegated authority from the Council conditionally approved an application for alterations and additions to existing two-storey grouped dwelling.

DETAILS:

The proposal involves a third-storey addition, as well as some minor internal alterations to the existing two-storey grouped dwelling.

The dwelling is located within Precinct 7 – Carr Place Residential Precinct of the recently adopted Leederville Town Centre Masterplan and Built Form Guidelines. These guidelines allow for a building height of three storeys where the site is less than 500 square metres.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio:	N/A	N/A	Noted.
Building Setbacks: Third Storey -East	1.5 metres	Nil	Supported – Refer to “Comments” section.
Buildings on Boundary:	Walls not higher than 3.5 metres with average of 3 metres for 2/3 (12.67 metres) of the length of the balance of the boundary behind the front setback, to one side boundary.	-East Wall Height = 8.9 metres – 9.8 metres (average height = 9.35 metres); Wall Length = 6.9 metres.	Supported – Refer to “Comments” section.
Consultation Submissions			
Support (1)	The owner of the subject property obtained the signature of the owners of No. 265 Vincent Street prior to the submission of the application.		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		
Sustainability 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:

The proposed additional height of the boundary wall on the eastern elevation is not considered to have an undue impact on the neighbouring property as the boundary wall currently exists at a height of approximately 7.2 metres. The proposed third storey is of a skillion roof design and slopes upwards to the south; therefore, making the additional height between 1.5 metres and 2.6 metres. The proposed exterior of the third storey is colorbond and is set slightly behind the existing parapet wall. The varying materials and setbacks act together to soften the impact of the boundary wall on the neighbouring property. Furthermore, no objections were received during the community consultation process.

In light of the above, it is recommended that the Council approve the application, subject to standard and appropriate conditions to address the above matters.

9.1.1 Further Report- No. 459 (Lot 8; D/P: 1647) Fitzgerald Street, Corner Angove Street, North Perth - Proposed Increase in Patronage of Existing Hotel from Eight Hundred and Fifty-Three (853) Persons to Nine Hundred and Seventy-Nine (979) Persons

Ward:	North	Date:	19 July 2010
Precinct:	North Perth Centre, P9	File Ref:	PRO0315; 5.2010.176.1
Attachments:	001		
Reporting Officers:	R Boardman, Director Development Services; John Giorgi, Chief Executive Officer		
Responsible Officers:	R Boardman, Director Development Services; John Giorgi, Chief Executive Officer		

FURTHER OFFICER RECOMMENDATION:

That the Council;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by B Jones on behalf of the owner Tegra Pty Ltd & Argyle Holdings Pty Ltd & others for proposed Increase in Patronage of Existing Hotel from Eight Hundred and Fifty-Three (853) Persons to Nine Hundred and Seventy-Nine (979) Persons, at No. 459 (Lot: 8; D/P: 1647) Fitzgerald Street corner of Angove Street, North Perth, and as shown on plans stamp-dated 18 June 2010, for to 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 increase in the number of patrons from 853 Persons to 979 Persons will exacerbate the significant parking shortfall on site;*
- (c) *consideration of the Council Decision made at the Ordinary Meeting of Council held on 19 December 2006 whereby it stated:*
- “(i) the current approved maximum accommodation numbers of 853 patrons shall not be increased as a result of this approval;”*; and
- (d) *consideration of the objections received; and*
- (ii) *REQUIRES the Applicant within 28 days from the date of this refusal, to submit a plan depicting 60 compliant car parking bays on the subject site and to re-instate line-marking consistent with the submitted plan.*

Moved Cr Topelberg, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND LOST (2-7)

For: Mayor Catania, Cr Farrell

Against: Cr Buckels, Cr Burns, Cr Harvey, Cr Lake, Cr McGrath, Cr Maier, Cr Topelberg

Reasons:

1. **The hotel is located in a Town Centre.**
2. **Public parking available in the vicinity and which is available at night.**
3. **Parking complies with the Town of Vincent’s Policy.**

ALTERNATIVE RECOMMENDATION

Moved Cr Maier, Seconded Cr Topelberg

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by B Jones on behalf of the owner Tegra Pty Ltd & Argyle Holdings Pty Ltd & others for proposed Increase in Patronage of Existing Hotel from Eight Hundred and Fifty-Three (853) Persons to Nine Hundred and Seventy-Nine (979) Persons, at No. 459 (Lot: 8; D/P: 1647) Fitzgerald Street corner of Angove Street, North Perth, and as shown on plans stamp-dated 18 June 2010, subject to the following conditions:

- (i) the maximum number of patrons shall be 979 persons;*
- (ii) 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 from Fitzgerald and Angove Streets;*
- (iii) 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;*
- (iv) the maximum accommodation number for the premises is subject to the requirements of the Health (Public Building) Regulations 1992 and the applicant must therefore submit an application for a 'Certificate of Approval' to the Town's Health Services and obtain approval prior to increasing numbers;*
- (v) venue management is to ensure regular attendance at Vincent Accord meetings and compliance with the Accord's strategies; and*
- (vi) the Applicant shall, within 28 days from the date of this approval, submit revised plans depicting 60 compliant car parking bays on the subject site to and obtain approval from the Town and re-instate the car parking bays and line-marking consistent with the submitted plan within a further period of 28 days.*

Debate ensued.

AMENDMENT

Moved Cr Burns, Seconded Cr Farrell

That a new clause (vii) be inserted as follows:

- “(vii) this approval for a maximum of 979 patrons is for a period of twelve (12) months only and should the applicant wish to continue with the patronage numbers of 979 persons after that period, it shall be necessary to reapply to and obtain approval from the Town.”*

AMENDMENT PUT AND CARRIED (5-4)

For: Mayor Catania, Cr Burns, Cr Farrell, Cr Harvey, Cr Topelberg

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

ALTERANTIVE MOTION AS AMENDED
PUT AND CARRIED (7-2)

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

COUNCIL DECISION ITEM 9.1.1

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by B Jones on behalf of the owner Tegra Pty Ltd & Argyle Holdings Pty Ltd & others for proposed Increase in Patronage of Existing Hotel from Eight Hundred and Fifty-Three (853) Persons to Nine Hundred and Seventy-Nine (979) Persons, at No. 459 (Lot: 8; D/P: 1647) Fitzgerald Street corner of Angove Street, North Perth, and as shown on plans stamp-dated 18 June 2010, subject to the following conditions:

- (i) the maximum number of patrons shall be 979 persons;*
- (ii) 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 from Fitzgerald and Angove Streets;*
- (iii) 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;*
- (iv) the maximum accommodation number for the premises is subject to the requirements of the Health (Public Building) Regulations 1992 and the applicant must therefore submit an application for a 'Certificate of Approval' to the Town's Health Services and obtain approval prior to increasing numbers;*
- (v) venue management is to ensure regular attendance at Vincent Accord meetings and compliance with the Accord's strategies;*
- (vi) the Applicant shall, within 28 days from the date of this approval, submit revised plans depicting 60 compliant car parking bays on the subject site to and obtain approval from the Town and re-instate the car parking bays and line-marking consistent with the submitted plan within a further period of 28 days; and*
- (vii) this approval for a maximum of 979 patrons is for a period of twelve (12) months only and should the applicant wish to continue with the patronage numbers of 979 persons after that period, it shall be necessary to reapply to and obtain approval from the Town.*

FURTHER REPORT:

The Council considered the application at its Ordinary Meeting held on 13 July 2010, and resolved as follows:

"That the item be DEFERRED to advise the applicant of the new recommendation and report".

The applicant was subsequently advised of the new recommendation and report. The applicant has provided the following additional information;

“We understand that prior to last Tuesday’s Council Meeting the Officer Recommendation for Item 9.1.4 on the Agenda for that meeting was changed from a recommendation for “approval” (as per the Agenda which is still posted on the Town’s web-page) to a recommendation for “refusal” and that, because of the lateness of this change, the Council voted to defer its consideration of this item until the 27th of this month. Having now read the amended Officer Recommendation, we would like to offer the following comments.

The reasons which are now being given for recommending that the application be refused are that:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the increase in the number of patrons from 853 Persons to 979 Persons will exacerbate the significant parking shortfall on site;*
- (iii) consideration of the Council Decision made at the Ordinary Meeting of Council held on 19 December 2006 whereby it stated:
 - “(i) the current approved maximum accommodation numbers of 853 patrons shall not be increased as a result of this approval;”*; and*
- (iv) consideration of the objections received.*

In regard to these reasons, we say as follows:

- (i) We are not aware of any evidence in the possession of the Town which supports this contention. We submit that the Rosemount Hotel, under its current ownership, has not caused disruption either to the good order or to the amenity of the North Perth precinct. We further submit that the increase in permitted patron numbers being sought is relatively modest (i.e. less than 15%) and unlikely to have any measurable effect on either good order or amenity within the affected locality.*
- (ii) There is indeed a substantial historical shortfall between the number of car bays that are provided by the Hotel on its land and the number which the town planning scheme states are required to be provided. However, we submit that this is the case for practically every suburban hotel in Perth as well as for most of the retail shops within the Town’s established precincts such as Oxford Street, Beaufort Street and Fitzgerald Street. Wisely, the Town’s town planning scheme has long made allowance for historical car parking shortfalls in the methodology which the scheme stipulates must be used in order to calculate the number of car parking bays that are required to be provided upon the redevelopment of an existing property. The table that’s appended to the revised Officer Recommendation shows that, when its car parking requirement is calculated in accordance with this methodology, the result is that the Hotel has a surplus of 28.78 car parking bays. The Hotel discourages its patrons from driving themselves to the Hotel and, instead, recommends that they use such alternatives as public transport, taxis or car pooling. We submit that were the Hotel to increase the number of car parking bays that it provides, this would be likely to encourage more of our patrons to drive themselves to the Hotel than is currently the case.*
- (iii) We repeat our comments in relation to the 2006 development approval. Condition (i) of that approval states that “the current approved maximum accommodation numbers of 853 patrons shall not be increased as a result of this approval”. It was also a condition of the 2006 approval that “the current approved public floor area” not be increased “as a result of” that approval. The fact is that the works which were approved in 2006 and effected soon after did not result in an increase in “the current approved public floor area” and nor did they result in an increase in the then “current approved maximum accommodation numbers of 853 patrons. Accordingly, we submit that Condition (i) of the 2006 approval has been complied in and is unrelated to the subject application.*

- (iv) *The last reason given is “consideration of the objections received”. The first objection referred to in the Officer Recommendation is that an “increase in patronage will contribute to more anti-social behaviour in the area”. Again, we submit that we are unaware of any evidence in the possession of the Town which supports this contention. Indeed the Officer Comments alongside do not suggest that there is currently a problem with anti-social behaviour within the locality or that persons who patronise the Hotel are contributing to such a problem. The second, and only other, objection referred to in the Officer Recommendation is that “with the increase in the number of patrons there will be more littering in the area”. As with the first objection, we submit that we are unaware of any evidence in the possession of the Town which supports this contention. As with the first objection, the Officer Comments alongside it don’t suggest that there is currently a problem with Hotel patrons littering in the area surrounding the Hotel.*

Lastly, we would point out that the decision of the Senior Member of the State Administrative Tribunal in Randall and Town of Vincent [2005] WASAT 129) was that the proposed increase in patron numbers the Paddington Ale House constituted “a ‘use’ and thus a ‘development’ which requires prior development approval...” and, in accordance with that decision, the Hotel has submitted an application for development approval.

It appears that the Paddington Ale House was subsequently unable to obtain development approval as it was unable to comply with the car parking requirements of the Town’s town planning scheme. In contradistinction, the Rosemount Hotel has demonstrated that even after the requested increase in its maximum patron number, it will still comfortably meet the car parking requirements of the scheme.”

FURTHER COMMENTS:

A site visit has confirmed that the existing parking area surface is sealed and drained as per the Town's requirement, and in fairly good condition. The car park is illuminated by several floodlights affixed at elevated points. However, the parking layout shown on the plan does not correlate with the existing parking layout on-site. The line-marking for the existing parking deviates from the approved plan in some sections, with 6 car parking bays missing. Accordingly, the car parking area requires remarking to depict the approved number of bays.

The Chief Executive Officer’s comments outlined in the Agenda Report to Council at its Ordinary Meeting held on 13 July 2010 remain the same. Therefore, the proposal is recommended for refusal.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 13 July 2010:

“OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by B Jones on behalf of the owner Tegra Pty Ltd & Argyle Holdings Pty Ltd & others for proposed Increase in Patronage of Existing Hotel from Eight Hundred and Fifty-Three (853) Persons to Nine Hundred and Seventy-Nine (979) Persons, at No. 459 (Lot: 8; D/P: 1647) Fitzgerald Street corner of Angove Street, North Perth, and as shown on plans stamp-dated 18 June 2010, for to 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 increase in the number of patrons from 853 Persons to 979 Persons will exacerbate the significant parking shortfall on site;*
- (iii) *consideration of the Council Decision made at the Ordinary Meeting of Council held on 19 December 2006 whereby it stated:*
- “(i) *the current approved maximum accommodation numbers of 853 patrons shall not be increased as a result of this approval;”*; and
- (iv) *consideration of the objections received.*
-

COUNCIL DECISION ITEM 9.1.4

Moved Cr McGrath, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Cr McGrath stated that he was of the view that the Applicant should be advised of the new Recommendation.

PROCEDURAL MOTION

Moved Cr McGrath, Seconded Cr Lake

That the item be DEFERRED to advise the applicant of the new recommendation and report.

PROCEDURAL MOTION PUT AND CARRIED (7-1)

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

(Cr Topelberg was on approved leave of absence.)

<i>Landowner:</i>	<i>Tegra Pty Ltd & Argyle Holdings Pty Ltd & others</i>
<i>Applicant:</i>	<i>B Jones</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban and Other Regional Roads Town Planning Scheme No. 1: Commercial and District Centre</i>
<i>Existing Land Use:</i>	<i>Hotel</i>
<i>Use Class:</i>	<i>Hotel</i>
<i>Use Classification:</i>	<i>"SA"</i>
<i>Lot Area:</i>	<i>3212 square metres</i>
<i>Access to Right of Way</i>	<i>South side, 5 metres wide, sealed and privately owned</i>

BACKGROUND:

- 4 October 1991 *The Perth City Council at its Ordinary Meeting conditionally approved the establishment of a café/restaurant within an existing building.*
- 22 August 2003 *The Town under Delegated Authority approved alterations and additions to the existing hotel.*

- 19 December 2006 *The Council at its Ordinary Meeting conditionally approved alterations and additions to the existing hotel.*
- 4 February 2008 *The Town under Delegated Authority refused an application for removal of existing signage and signage additions (signs 2 and 7) to the existing hotel (Rosemount Hotel) (application for retrospective approval).*
- 4 February 2008 *The Town under Delegated Authority approved an application for removal of existing signage additions (signs 1,3,4,5,6,8 and 9) to the existing hotel (Rosemount Hotel) (application for retrospective approval).*
- 10 June 2010 *The Town received an application for signage which is being processed.*

DETAILS:

The proposal involves an increase in the patronage of the existing hotel from eight hundred and fifty-three persons to nine hundred and seventy-nine persons.

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

The applicant has provided the following justification:

"The planning application arises from an increase in the approved maximum accommodation number for the Hotel which has been calculated in accordance with an amendment made to Section 7 of the Health (Public Building) Regulations 1992 which changed the methodology that must now be used to calculate the maximum accommodation number for all licensed premises in Western Australia.

In 2005 the Senior Member of the State Administrative Tribunal held (Randall and Town of Vincent [2005] WASAT 129) held, in respect of the Paddington Ale House, that "the proposed increase in patron numbers... constitutes a 'use' and thus a 'development' which requires prior development approval...". With respect, we believe that the Senior Member erred in his decision but, nevertheless (on the basis that his decision may be upheld by a higher authority), we hereby submit the enclosed application for planning approval to increase the "maximum patron number" for the Rosemount Hotel to 979.

Condition (i) of the development approval which was granted to the Hotel by Council at its Ordinary Meeting held on 19 December 2006, states that "the current approved maximum accommodation numbers of 853 patrons shall not be increased as a result of this approval". In fact, it was a condition of the development approval that neither "the current approved public floor area" nor "the current approved maximum accommodation numbers" be increased "as a result of" that approval- and neither was increased as a result of the 2006 approval. Accordingly, this application is unrelated to the 2006 development approval."

ASSESSMENT:

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Density</i>	<i>N/A</i>	<i>N/A</i>	<i>Noted.</i>
<i>Plot Ratio</i>	<i>N/A</i>	<i>N/A</i>	<i>Noted.</i>

<i>Consultation Submissions</i>		
<i>Support (3)</i>	<i>No comments.</i>	<i>Noted.</i>
<i>Objection (2)</i>	<p><i>Anti-social behaviour</i></p> <p><i>Increase in patronage will contribute to more anti-social behaviour in the area.</i></p> <p><i>Rubbish</i></p> <p><i>With the increase in the number of patrons there will be more littering in the area.</i></p>	<p><i>Supported-The Rosemount Hotel is part of the Vincent Accord. Key Strategy Area 5 of the Vincent Accord Strategic Document 2009-2011 lists a number of strategies relating to anti-social behaviour and security. It is therefore expected that the venue management will ensure compliance with this document at all times. Anti-social behaviour incidents are generally monitored by police.</i></p> <p><i>Supported-The Town's Licensed Premises Complaints Register does not contain any complaints regarding litter associated with the Rosemount Hotel. The Town's Officers are therefore unable to validate these concerns. Key Strategy Area 6 of the 'Vincent Accord Strategic Document 2009-2011' states that 'Licensed Premises will be responsible for the control and disposal of litter generated by, or attributable to, patrons of their venue'. It is therefore expected that the venue management will ensure compliance with this document at all times.</i></p>
<i>Department of Planning</i>	<i>The Department has no objection to the proposal on regional transport planning ground.</i>	<i>Noted.</i>
<i>Other Implications</i>		
<i>Legal/Policy</i>		<i>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</i>
<i>Strategic Implications</i>		<i>Nil</i>
<i>Sustainability Implications</i>		<i>Nil</i>
<i>Financial/Budget Implications</i>		<i>Nil</i>

COMMENTS:*Heritage*

The subject place at No. 459 Fitzgerald Street, North Perth (The Rosemount Hotel) is listed on the Town's Municipal Heritage Inventory as Management Category B – Conservation Recommended. The place has some historical value as a hotel, which was constructed in 1902 at the time of the Gold Boom, a significant cultural and development phase in the history of Western Australia. The place has some social value as a continuously licensed and operating hotel, providing a social venue and meeting place for the local community.

The proposal involves the increase in patronage from 853 persons to 979 persons.

Based on the plans previously approved at an Ordinary Meeting of the Council held on 19 December 2006, for Proposed Alterations and Additions to Existing Hotel, and the plans accompanied with the subject application dated 24 May 2010, it is noted that no alterations and additions, which involve structural changes, are proposed in the subject application.

Given that the proposal does not involve any alteration to the significant fabric, there are no known detrimental impacts on the heritage significance of the place. In light of the above, the Heritage Officers have no objection to the subject application.

Health Services

Prior to this development application, the applicant submitted an 'Application to Construct, Extend or Alter a Public Building (Form One)' to the Town's Health Services on 23 March 2010. Following consultation with the Town's Health Services, the applicant decided to apply for an increase in exit width by doubling the size of the western facing exit door and by including a new exit door at the north-west wall of the garden bar area. This alteration was considered essential in order for the applicant to be able to maximise numbers in accordance with the requirements of the Health (Public Building) Regulations 1992. The applicant was advised in correspondence dated 13 April 2010 that the proposed increase in exit width was permitted under the provisions of the Health (Public Building) Regulations 1992 and that a Development Approval would be required in order to increase maximum accommodation numbers above 853 people. The following table details the current break-down of numbers that are approved for the venue and the maximum allowable numbers that can be allowed based on floor area:

	<i>Current Approval</i>	<i>Maximum Allowable Numbers</i>
<i>Corner Bar</i>	307	331 (+24)
<i>Garden Bar</i>	440	542 (+102)
<i>Four 5 Nine Bar</i>	56	56
<i>Function Room</i>	50	50
<i>Entire Venue</i>	853	979

Only two complaints regarding the Rosemount Hotel have been received by Health Services since the 'Licensed Premises Complaint Register' was implemented on 1 December 2007. One complaint was regarding amplified music noise, whilst the other was made in relation to overcrowding of the footpath outside of the premises. The noise complaint was actioned by the Rosemount management swiftly. The complaint regarding overcrowding of the footpath was found to be justified. Overcrowding of the footpath resulted from venue underestimating the popularity of participation in a radio competition. This matter was addressed appropriately at the time, with venue management learning from the experience so as to prevent any future occurrence. Neither of the above complaints relate to the number of people that are permitted in the venue. For larger licensed premises, the Rosemount Hotel has a better than average track record with regard to complaints received from the community.

Parking

Historically, the car parking requirement for the subject site is based on the total gross public assembly area and floor area of the bottle shop. There are no changes to the parking requirements in this instance as the proposal does not involve an increase in the existing public assembly floor area or floor area of the bottle shop.

The parking calculation for development approved by Perth City Council at its Ordinary Meeting on 4 October 1991 was as follows:

	<i>Area (square metres)</i>	<i>No. of Bays</i>
<i>Public Bar</i>	<i>106</i>	<i>53</i>
<i>Public Lounge</i>	<i>153</i>	<i>51</i>
<i>Beer Garden</i>	<i>345</i>	<i>77</i>
<i>Existing Dining Room</i>	<i>42</i>	<i>11</i>
<i>Bottleshop-retail</i>	<i>45</i>	<i>3</i>
<i>-storage</i>	<i>57</i>	<i>1</i>
<i>Proposed Restaurant</i>	<i>55</i>	<i>14</i>
<i>Total Car Parking Required</i>		<i>210</i>

A total of 60 bays are provided on site, therefore resulting in a total shortfall of 150 bays which was approved by Perth City Council.

The parking calculation for the new application under the Town's Parking and Access Policy No. 3.7.1 is as follows:

<i>Car parking requirement (nearest whole number)</i> <ul style="list-style-type: none"> • <i>Tavern (858 square metres gross public assembly area)- 1 space per 4.5 square metres of gross public assembly area)= 190.67</i> • <i>Bottleshop (102 square metres gross floor area)- 1 space per 15 square metres of floor area= 6.8</i> <i>Total car bays required= 197.47=198</i>	<i>= 198 car bays</i>
<i>Apply the adjustment factors.</i> <ul style="list-style-type: none"> • <i>0.85 (within 400 metres of a bus stop)</i> • <i>0.85 (within 400 metres of a public car park in excess of 75 car bays)</i> • <i>0.90 (within a District Centre)</i> <i>= 0.6502 (Adjustment Factor)</i>	<i>0.65025 x 198 = 128.75 car bays</i>
<i>Minus the car parking provided on-site</i> <i>= 60 car bays</i>	<i>68.75 car bays</i>
<i>Minus the most recently approved on-site car parking shortfall (after taking into account relevant adjustment factors)= 150 x 0.6502 = 97.53 car bays</i>	<i>97.53 car bays</i>
<u><i>The shortfall of 150 car bays was derived from information contained in the Minutes from the City of Perth Council Meeting held on 4 October 1991.</i></u>	
<i>Resultant Surplus</i>	<i>28.78 car bays</i>

It is noted that Council at its Ordinary Meeting on 19 December 2006 conditionally approved alterations and additions to existing hotel at No. 459 Fitzgerald Street, North Perth. One of the conditions of the approval reads as follows:

- “(i) the current approved maximum accommodation numbers of 853 patrons shall not be increased as a result of this approval;”*

Considering the car parking requirement for the site is 198 car bays (128.75 car bays after adjustment factors) and that only 60 car bays are provided on-site, the resultant shortfall of 68.75 car bays is significant. Though the proposal technically complies with the Town's Policy relating to Parking and Access, it is considered that the increase in the number of patrons will significantly contribute to an increase in vehicles coming to the hotel which will exacerbate the car parking shortfall for this site.

In WASAT 129 [2005] between David Neil Randall (Applicant for Paddington Alehouse) and Town of Vincent (Respondent), whereby an application for a 50% increase in the maximum number of patrons from 400 to 600 patrons for the Paddington Alehouse, the Senior Member concluded that "the fundamental issue in relation to the merits of the proposed development is the lack of any on-site parking to cater for the traffic likely to be generated by the approval of the proposed development. Given, in particular, that the current use of the site generates a need for up to 60 car parking spaces which are not able to be accommodated on-site and that there is evidence that patrons attending the site do park in the residential area which is a short distance to the south, it is likely that the development will give rise to adverse amenity impacts in consequence of the taking up of on-street parking spaces which are not presently subject to resident-only restrictions, noise and disturbance."

The Senior Member further noted that the "Approval of the application would, therefore, be contrary to the orderly and proper planning of the locality and the conservation of the amenities of the locality (TPS 1 cl 38(5)(g) and cl 38(5)(h))..."

It is noted that the Tribunal in its determination of the above matter concluded that "on the evidence, development approval should be refused, because of the likely impacts of additional car parking on the surrounding residential area and the application's inadequate response to this critical issue".

Clearly, the increase in patron numbers from 853 to 979 will result in a greater intensity of use and place additional pressure on the on-site car parking. In addition, given the on-site parking is not provided in strict accordance with the Town's requirements, the increase in patrons will result in a greater reliance on on-street parking within adjoining residential areas and the Town Centre generally.

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 area are not unduly impacted upon by car parking spill over and also to ensure that visitors to the area are not inconvenienced by reduced levels of available parking.

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

9.1.7 Scarborough Beach Road Activity Corridor - Progress Report No. 1

Ward:	-	Date:	19 July 2010
Precinct:	COS16	File Ref:	PLA0205
Attachments:	001 ; 002		
Reporting Officer:	T Woodhouse, Co-ordinator Strategic Planning		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

(i) **RECEIVES:**

- (a) *the report relating to the Scarborough Beach Road Activity Corridor;*
- (b) *a copy of Amendment 423 (Schedule 14) of the City of Stirling District Planning Scheme No. 2, as shown in Attachment 001; and*
- (c) *a copy of the proposed cross - section options for Scarborough Beach Road for the portion between Odin Road and Main Street extracted from the Scarborough Beach Road Transport Report, prepared by Sinclair Knight Merz (SKM) dated 10 March 2010, as shown in Attachment 002;*

(ii) **REQUESTS that:**

- (a) *the City of Stirling provide the Town with the following documents by no later than August 2010 for Council endorsement a road design for the Scarborough Beach Road/Main Street/Brady Street/Green Street intersection;*
- (b) *the City of Stirling provide the Town with the following documents by no later than August 2010 for Council endorsement two (2) road design options for Scarborough Beach Road between Glendalough Station and Main Street for a 42 metre reserve in which the Town's southern portion of the road absorbs 5 metres and 7 metres respectively, and depicting with/without on-street car parking provision options;*
- (c) *the City of Stirling provide the Town with concept design guidelines/built form options for the northern portion of Scarborough Beach Road between Glendalough Station and Main Street, to assist the Town in planning for compatible development requirements for the lots on the southern portion of this section of Scarborough Beach Road as part of the review of the Town Planning Scheme No. 1; and*
- (d) *following Council endorsement and agreement to the road design and intersection design detailed in clauses ~~(i)~~ (ii)(a) and (b) above, the Department of Planning determine the road closure of Brady Street as a matter of priority so that the Town can meet the requirements of clause 2.3.1 of Amendment 423 of the City of Stirling District Planning Scheme No. 2;*

(iii) **ADVISES** the Department of Planning and the City of Stirling that it has concerns regarding a 42 metre road reserve for the portion of Scarborough Beach Road from Glendalough Station to Main Street for the following reasons:

- (a) *Adverse implications for achieving a good design outcome in accordance with best practice Transit Orientated Development principles, particularly for the lots within the Mixed Residential Cell of Amendment 423 (Schedule 14) of the City of Stirling District Planning Scheme No. 2 comprising No. 279 (Lot 4), No. 281 (Lot 5), No. 283 (Lot 6), No. 285 (Lot 7), No. 289 (Lot 9) Scarborough Beach Road, No. 1 (Lot 3) and No. 3 (Lot 32) Brady Street and No. 2 (Lot 33) and No. 4 (Lot 34) Jugan Street, Mount Hawthorn, which are under a single ownership and are anticipating development as soon as possible;*

- (b) *Existing lot configurations and lot depth of the properties addressing the southern portion of Scarborough Beach Road within the Town of Vincent, when compared with the irregularity and lot depth of the properties within the City of Stirling northern portion, which could better accommodate a greater road reservation and development options;*
- (c) *An existing 5 metre road reserve already exists on the southern portion of lots fronting Scarborough Beach Road between Glendalough Station and Main Street, which is not the case for the northern portion of the road;*
- (d) *A Reservation of 30 metres for this portion of Scarborough Beach Road between Glendalough Station and Main Street, where the lots within the Town would cede the existing 5 metre reservation, is sufficient to accommodate road treatments that promote a shared mode of transport and adequate verge width for pedestrians in line with the shared transport principles of the Scarborough Beach Road Activity Corridor Project; and*
- (e) *The uncertainty of the timing of the land being ceded and developed to the northern portion of Scarborough Beach Road, between Glendalough Station and Main Street, and the impact this may have on the amenity of the southern portion of the road in the short to medium term, of which the owners of a large landholding are anticipating to develop in the short term.*

***Note: The above Officer Recommendation was corrected and distributed prior to the meeting. Changes are indicated by strike through and underline.**

Cr Burns departed the Chamber at 7.09pm.

Moved Cr Maier, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

AMENDMENT NO 1

Moved Cr Maier, Seconded Cr Harvey

That a new clause (iv) be inserted as follows:

*“(iv) **AUTHORISES** the Chief Executive Officer to prepare the necessary Scheme Amendment documentation to include the areas ceded from the City of Stirling and the City of Perth to the Town of Vincent, as part of the boundary changes in July 2007, into the Town's Town Planning Scheme No. 1, and to incorporate Metropolitan Region Scheme Amendment 1181/57 into the Town's Town Planning Scheme No. 1, by no later than September 2010. The proposed new provisions would be guided by the outcomes of the Scarborough Beach Road Activity Corridor, relevant State Planning Policies and Strategies, the draft Local Planning Strategy, and other relevant information.”*

Debate ensued.

AMENDMENT NO 1 PUT AND CARRIED (8-0)

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

AMENDMENT NO 2

Moved Cr Buckels, Seconded Cr McGrath

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

“(ii)(b) the City of Stirling provide the Town with the following documents by no later than August 2010 for Council endorsement two (2) road design options for Scarborough Beach Road between Glendalough Station and Main Street for a 42 metre reserve in which the Town's southern portion of the road absorbs 5 metres and 7 metres respectively, and depicting with/without on-street car parking provision options and one (1) design option for a cross section for a 30 metre road reservation for the portion of Scarborough Beach Road between Glendalough Station and Main Street that supports the guiding principles of the Scarborough Beach Road Activity Corridor;”

Debate ensued.

AMENDMENT NO 2 PUT AND CARRIED (8-0)

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

MOTION AS AMENDED PUT AND CARRIED (8-0)

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

ADDITIONAL INFORMATION:

With regards to the proposed amendment in clause (iv) above, information relating to the proposed zonings and scheme provisions in the areas of the City of Stirling and the City of Perth respectively, that were ceded to the Town in July 2007, can be presented to a Council Member Forum, prior to the matter being considered by the Council at an Ordinary Meeting in September 2010. It is anticipated that where appropriate, an increase in the existing zonings within the inherited Schemes will be considered and reviewed in some areas.

MRS Amendment 1181/57 relates to a minor nature MRS amendment along East Parade. The intention of this MRS Amendment was to rationalise the ‘Primary Regional Roads Reservation’ boundaries to reflect the proposed changes to the design concept and land requirement plans for Guildford Road/East Parade intersection and for a section on the south side of East Parade from Mount Lawley subway to Westralia Street. The matter (Item 9.1.10), was reported to the Council at its Ordinary Meeting held on 17 November 2009, where the implications for the Town's Town Planning Scheme No. 1 maps were shown as an Appendix to the report. The Town was advised in a letter dated 24 May 2010, that the Minister for Planning approved the MRS amendment, and were subsequently advised that the changes to the MRS could be incorporated into the Town's proposed Town Planning Scheme No. 2.

COUNCIL DECISION ITEM 9.1.7

That the Council;

(i) **RECEIVES:**

- (a) *the report relating to the Scarborough Beach Road Activity Corridor;*
- (b) *a copy of Amendment 423 (Schedule 14) of the City of Stirling District Planning Scheme No. 2, as shown in Attachment 001; and*
- (c) *a copy of the proposed cross - section options for Scarborough Beach Road for the portion between Odin Road and Main Street extracted from the Scarborough Beach Road Transport Report, prepared by Sinclair Knight Merz (SKM) dated 10 March 2010, as shown in Attachment 002;*

- (ii) **REQUESTS that:**
- (a) *the City of Stirling provide the Town with the following documents by no later than August 2010 for Council endorsement a road design for the Scarborough Beach Road/Main Street/Brady Street/Green Street intersection;*
 - (b) *the City of Stirling provide the Town with the following documents by no later than August 2010 for Council endorsement two (2) road design options for Scarborough Beach Road between Glendalough Station and Main Street for a 42 metre reserve in which the Town's southern portion of the road absorbs 5 metres and 7 metres respectively, and depicting with/without on-street car parking provision options and one (1) design option for a cross section for a 30 metre road reservation for the portion of Scarborough Beach Road between Glendalough Station and Main Street that supports the guiding principles of the Scarborough Beach Road Activity Corridor;*
 - (c) *the City of Stirling provide the Town with concept design guidelines/built form options for the northern portion of Scarborough Beach Road between Glendalough Station and Main Street, to assist the Town in planning for compatible development requirements for the lots on the southern portion of this section of Scarborough Beach Road as part of the review of the Town Planning Scheme No. 1; and*
 - (d) *following Council endorsement and agreement to the road design and intersection design detailed in clauses (ii)(a) and (b) above, the Department of Planning determine the road closure of Brady Street as a matter of priority so that the Town can meet the requirements of clause 2.3.1 of Amendment 423 of the City of Stirling District Planning Scheme No. 2;*
- (iii) **ADVISES the Department of Planning and the City of Stirling that it has concerns regarding a 42 metre road reserve for the portion of Scarborough Beach Road from Glendalough Station to Main Street for the following reasons:**
- (a) *Adverse implications for achieving a good design outcome in accordance with best practice Transit Orientated Development principles, particularly for the lots within the Mixed Residential Cell of Amendment 423 (Schedule 14) of the City of Stirling District Planning Scheme No. 2 comprising No. 279 (Lot 4), No. 281 (Lot 5), No. 283 (Lot 6), No. 285 (Lot 7), No. 289 (Lot 9) Scarborough Beach Road, No. 1 (Lot 3) and No. 3 (Lot 32) Brady Street and No. 2 (Lot 33) and No. 4 (Lot 34) Jugan Street, Mount Hawthorn, which are under a single ownership and are anticipating development as soon as possible;*
 - (b) *Existing lot configurations and lot depth of the properties addressing the southern portion of Scarborough Beach Road within the Town of Vincent, when compared with the irregularity and lot depth of the properties within the City of Stirling northern portion, which could better accommodate a greater road reservation and development options;*
 - (c) *An existing 5 metre road reserve already exists on the southern portion of lots fronting Scarborough Beach Road between Glendalough Station and Main Street, which is not the case for the northern portion of the road;*

- (d) *A Reservation of 30 metres for this portion of Scarborough Beach Road between Glendalough Station and Main Street, where the lots within the Town would cede the existing 5 metre reservation, is sufficient to accommodate road treatments that promote a shared mode of transport and adequate verge width for pedestrians in line with the shared transport principles of the Scarborough Beach Road Activity Corridor Project; and*
- (e) *The uncertainty of the timing of the land being ceded and developed to the northern portion of Scarborough Beach Road, between Glendalough Station and Main Street, and the impact this may have on the amenity of the southern portion of the road in the short to medium term, of which the owners of a large landholding are anticipating to develop in the short term; and*
- (iv) *AUTHORISES the Chief Executive Officer to prepare the necessary Scheme Amendment documentation to include the areas ceded from the City of Stirling and the City of Perth to the Town of Vincent, as part of the boundary changes in July 2007, into the Town's Town Planning Scheme No. 1, and to incorporate Metropolitan Region Scheme Amendment 1181/57 into the Town's Town Planning Scheme No. 1, by no later than September 2010. The proposed new provisions would be guided by the outcomes of the Scarborough Beach Road Activity Corridor, relevant State Planning Policies and Strategies, the draft Local Planning Strategy, and other relevant information.*

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with an overview of the Town's involvement in the Scarborough Beach Road Activity Corridor Project, and more specifically the portion of Scarborough Beach Road ceded from the City of Stirling to the Town of Vincent in July 2007, of which the City of Stirling District Planning Scheme No. 2 and Amendment 423 (Schedule 14) of the City of Stirling District Planning Scheme No. 2 currently applies.

BACKGROUND:

- | | |
|-------------------|---|
| 13 June 2008 | The Town participated in the Scarborough Beach Road Activity Corridor scoping project facilitated by the then Department for Planning and Infrastructure. |
| July 2008 | Hassell Planning Consultants completed a Scoping Report and Action Plan for Scarborough Beach Road, which recommended that 3 studies be undertaken, including; a population and land-use target study, transport study and place making study. |
| 10 September 2008 | The Town accepted an invitation from the then Department for Planning and Infrastructure to participate in the working group for the Scarborough Beach Road Activity Corridor Demonstration Project. |
| 6 February 2009 | The Town provided the then Department of Planning and Infrastructure in-principle support to the project management structure as outlined within the Statement of Intent for the Project. |
| February 2009 | Fortnightly working group meetings commenced facilitated by the Department of Planning and attended by representatives from the Town of Vincent, the City of Stirling, the Public Transport Authority, Main Roads WA, and as required the Consultants engaged to undertake the population and land-use target study and the transport study, namely Syme Marmion and Sinclair Knight Merz (SKM) respectively. |

- 21 February 2009 A meeting was held with Masterplan Town Planning Consultants and representatives from the Town's Strategic Planning and Technical Services Departments to discuss the implications of Amendment 423 (Schedule 14) of the City of Stirling District Planning Scheme No. 2.
- 24 February 2009 A report was considered by the Council relating to current and future possible access improvements between the new area of Mount Hawthorn (east of Brady Street) and the Mount Hawthorn Town Centre.
- 29 February 2009 A letter directed to the Town's Technical Services from Masterplan Town Planning Consultants advised the Town of the implications of Amendment 423; in particular, clause 2.3.1, of the City of Stirling District Planning Scheme No. 2 regarding the requirement of the Brady Street road closure being finalised prior to the development of Lots 3, 32, 16 and 17, and requesting that the Town confirm the area and dimensions of the road to be closed.
- 29 February 2009 A letter directed to the Town's Strategic Planning Services from Masterplan Town Planning Consultants advised the Town of the implications of Amendment 423 (clause 2.3.2) of the City of Stirling Scheme No. 2 regarding the requirement for a Design Layout Plan to be prepared, prior to any development commencing within the Mixed Residential Cell.
- 8 June 2009 A workshop was held at the City of Stirling with the Scarborough Beach Road Working Group and presentations were made by the consultants preparing the Transport Study (Sinclair Knight Merz) and the consultants preparing the population and land-use target study (Syme Marmion). At this meeting, guiding principles for the Activity Corridor were prepared by the Group.
- 8 July 2009 Agreed Strategic Transport Planning Principles finalised in a report prepared by Sinclair Knight Merz.
- 26 August 2009 Workshop held at the City of Stirling with the Scarborough Beach Road Working Group and further discussion was held with regards to the prepared Transport Study (Sinclair Knight Merz). The Workshop Summary highlights the road reserve between Odin Road to Main Street proposed at 42 metres. However, the Report notes that in terms of the public transport options connecting back to Perth, three alternatives are raised: Terminate at Glendalough; Extend the public transport or light rail down Harborne Street to Subiaco; or through Mount Hawthorn to Charles Street, North Perth.
- 9 October 2009 Final Draft Population and Land-Use Target Study prepared by Syme Marmion submitted to the Working Group.
- 1 December 2009 Council resolved to initiate the road closure of Brady Street in accordance with the provisions of Amendment 423 of the City of Stirling District Planning Scheme No. 2.
- 23 December 2009 Final Draft Transport Report prepared by Sinclair Knight Merz provided to Working Group for comment. The Town's Officers forward comments in relation to the implications of the proposed 42 metres reserve on the imminent development of the large landholdings between Jugan and Brady Streets, Mount Hawthorn. No changes were made to the draft document in this regard.

- 16 March 2010 The Department of Planning provided a presentation to the Council Member Forum outlining a broad overview of the Scarborough Beach Road Activity Corridor Project to date.
- March 2010 Work commences on the place analysis undertaken internally by the Town of Vincent and City of Stirling Strategic Planning Officers.
- March 2010 The Town and the Department of Planning jointly host two community workshops on 3 and 5 May 2010 respectively, directed at community members who reside and/or occupy businesses along or within close proximity to Scarborough Beach Road. Overview of project provided at the workshop and community input recorded, collated and forwarded to the Department of Planning.
- 30 March 2010 The Town's Planning and Technical Officers met with Officers from the City of Stirling and the Department of Planning and the owners of the large landholding within the City of Stirling District Planning Scheme No. 2, Amendment 423 Mixed Residential Cell comprising No. 279 (Lot 4), No. 281 (Lot 5), No. 283 (Lot 6), No. 285 (Lot 7), No. 289 (Lot 9) Scarborough Beach Road, No. 1 (Lot 3) and No. 3 (Lot 32) Brady Street and No. 2 (Lot 33) and No. 4 (Lot 34) Jugan Street, Mount Hawthorn. The City of Stirling representative tabled the draft Scarborough Beach Road Activity Corridor Project Transport Study to guide development requirements on the subject land.
- 27 May 2010 The Town received a letter from the Department of Planning regarding the request for the road closure of a portion of Brady Street to meet the requirements of Amendment 423 to the City of Stirling District Planning Scheme No. 2. The letter advised the Town that the Department considered the closure of this portion of the road was premature, in light of the recommendation of the proposed 42 metre reserve within the draft Scarborough Beach Road Activity Corridor Transport Report.
- 1 June 2010 A meeting was held at the Town's Offices with representatives from the Department of Planning, the City of Stirling and the owners and the owner's Architect and Planning Consultant to discuss a way forward to develop the land comprising No. 279 (Lot 4), No. 281 (Lot 5), No. 283 (Lot 6), No. 285 (Lot 7), No. 289 (Lot 9) Scarborough Beach Road, No. 1 (Lot 3) and No. 3 (Lot 32) Brady Street and No. 2 (Lot 33) and No. 4 (Lot 34) Jugan Street, Mount Hawthorn in accordance with the provisions of the City of Stirling Scheme No. 2 (Amendment 423).
- 15 June 2010 Department of Planning and the Town's Strategic Planning Department present to the Council Member Forum on 15 June 2010, providing an update on the Scarborough Beach Road Activity Corridor Project and a more detailed overview on the provisions within City of Stirling District Planning Scheme No. 2 with particular reference to Amendment 423 (Schedule 14).
- 7 July 2010 The matter was presented to the Executive Management Team for consideration, where it was considered that it was not in the best interest for the Town, or the development of the southern portion of Scarborough Beach Road between Main Street and Glendalough Station, that the road reserve be further widened to 42 metres, and for the lots within the Town's jurisdiction, to accommodate an additional 6 metres to the existing 5 metre reserve.

14 July 2010

A further meeting was held at the Town's Offices with Officers from the Department of Planning, City of Stirling and the Town. At this meeting, an Officer from the City of Stirling provided an update on the various strategies, road designs and structure plans currently being prepared for Scarborough Beach Road. In-principle agreement was made that the City of Stirling would provide the Town for comment both a modified road design for the portion of Scarborough Beach Road between Glendalough Station and Main Street, whereby the City of Stirling lots would absorb a greater portion of the road reserve, and a design option for the Main Street intersection.

DETAILS:

Statutory Requirements

All development in the area that was ceded to the Town from the City of Stirling in July 2007 will continue to be undertaken in accordance with the City of Stirling District Planning Scheme No. 2, until such time as the Town either undertakes a Scheme Amendment to incorporate the area into the Town of Vincent Scheme No. 1 or alternatively, it is incorporated into the proposed Town Planning Scheme No. 2 as part of the Scheme Review that is currently being undertaken. The latter approach is currently being adopted.

In April 2006, Amendment 423 to the City of Stirling District Planning Scheme No. 2 was gazetted, known as Schedule 14 of the City of Stirling District Planning Scheme No. 2. This Amendment 423 has specific ramifications for a considerable portion of the area that the Town acquired from the City of Stirling in July 2007. Of particular note are the specific requirements that apply to the Mixed Residential Cell. The affected lots within the Mixed Residential Cell are shown in the map below.

Mixed Residential Cell



Single ownership comprises Nos. 279 (Lot 4), No. 281 (Lot 5), No. 283 (Lot 6), No. 285 (Lot 7), No. 289 (Lot 9), Scarborough Beach Road, No. 1 (Lot 3) and No. 3 (Lot 32) Brady Street and No. 2 (Lot 33) and No. 4 (Lot 34) Jugan Street, Mount Hawthorn (approximate site area – 6,598 square metres). Properties under different individual ownership are denoted with a star.

The four lots 3, 32, 16 and 17 to the eastern portion of the Mixed Residential Cell are those that cannot be developed in accordance with clause 2.3.1 of Schedule 14 of the City of Stirling District Planning Scheme until such time as the Brady Street road closure is finalised.

Summary of the Key Specific Provisions for Development within ‘The Mixed Residential Cell’ under the City of Stirling District Planning Scheme No. 2 - Amendment 423

Clause 2.3.1 – no development of Lots 3, 32, 16 & 17 shall occur until such times as the land subject to the Brady Street road closure has been finalised.

Clause 2.3.2 – no development of the land (except for change of use), shall occur in the Mixed Residential Cell until a Design Layout Plan for the cell has been adopted by the Council and endorsed by the WAPC and an Implementation Strategy for the Cell has been adopted by the Council.

Clause 2.4 – the key elements of the Design Layout Plan are to address: integrated development, horizontal & vertical mixing of land uses, streetscape improvements, road widening and traffic management, parking, amenity of abutting sites, building envelopes and built form.

Clause 2.4 – the key elements of the Implementation Strategy are to include equitable funding arrangements for works required to implement the Design Layout Plan to all owners in the cell, staging of development and calculation of costs.

Clause 2.6 – Procedure:

- Design Layout Plan to be advertised for 21 days in local newspaper and sign on site;
- All owners in Mixed Residential Cell to be invited to comment;
- Council to endorse Design Layout Plan;
- Design Layout Plan to be forwarded to WAPC for endorsement; and
- Implementation Plan to be advertised and endorsed by Council.

Clause 2.7 – Land Use and Development Standards

- Development to have urban residential character;
- Boundary setbacks to take into account amenity of abutting residential;
- Building Height shall not exceed 2 storeys - 3 storeys considered on corner sites;
- Plot ratio to not exceed 1.2;
- 5 metre road reserve shall be ceded to the Crown free of cost;
- Uses permitted - caretakers dwelling, consulting rooms, multiple and grouped dwellings, single house, corner store/service shop and office; and
- Various uses not permitted, unless approval granted by Council (including show rooms).

Clause 2.7 – Land Use and Development Standards

- Residential Development to not exceed a maximum density of R60;
- Car Parking to be provided behind the building setback;
- Development is to promote mix of uses; and
- Vehicle Access to SBR to be minimised.

In addition to the above, it is noted that Clause 1.4.3 of City of Stirling Scheme No. 2, provides for the Council to use its discretion to modify the requirements or standards of the Scheme. The clause also notes that, except otherwise provided for in the Scheme, this does not apply to variation to Residential Code Density.

Pending Road Closure

At the Ordinary Meeting of Council held on 1 December 2009, the Council considered an item relating to the partial road closure of Brady Street and resolved as follows:

"That the Council;

- (i) *RECEIVES the report on a request received for a possible partial closure and amalgamation of Gibney Avenue, possible partial road closure and amalgamation with adjoining land at No. 3 Brady Street, of a portion of Gibney Avenue, Mount Hawthorn;*
- (ii) *SUPPORTS IN PRINCIPLE the concept of a partial closure and amalgamation of Gibney Avenue subject to;*
 - (a) *in principle agreement being reached with the City of Stirling and Main Roads WA for the proposed future improvements to the Scarborough Beach Road/Main Street/Brady Street/Green Street intersection;*
 - (b) *the outcome of clause (ii)(a), ensures that adequate area of road reserve remains at the intersection of Brady Street and Scarborough Beach Road to allow for the proposed future intersection improvements including, but not limited to, allowance for possible service relocations, paths and road realignments; and*
 - (c) *all costs associated with the proposal being paid by the Applicant;*
- (iii) *ADVISES the Department for Planning and the applicant of the Council's decision; and*
- (iv) *NOTES that a further report on this matter will be submitted to the Council when clause (ii) has been actioned."*

To date, as detailed in the 'Background' section of this report, the Town received a letter from the Department of Planning dated 27 May 2010, which advised in part that *'Until the land requirements for the future widening of Scarborough Beach Road has been finalised and endorsed by the Western Australian Planning Commission (WAPC), the proposed closure of this portion of the road reserve is considered to be premature given that it could, potentially prejudice the WAPC's future requirements for the widening/upgrading of this section of Scarborough Beach Road.'*

Proposed Road Closure denoted in white hashing.



Design Concepts Prepared

Two (2) concept plans have been prepared for the owners of the large land holding comprising Nos. 279 (Lot 4), No. 281 (Lot 5), No. 283 (Lot 6), No. 285 (Lot 7), No. 289 (Lot 9), Scarborough Beach Road, No. 1 (Lot 3) and No. 3 (Lot 32) Brady Street and No. 2 (Lot 33) and No. 4 (Lot 34) Jugan Street, Mount Hawthorn. An approximate site area of the combined lots is 6,598 square metres. The two options are as follows:

Option 1 (based on 5 metre road reserve)

- Basement car parking on eastern portion
- Ground floor commercial
- First floor commercial
- Second floor residential
- Parking and access from Jugan Street and Gibney Avenue
- 39 multiple dwellings

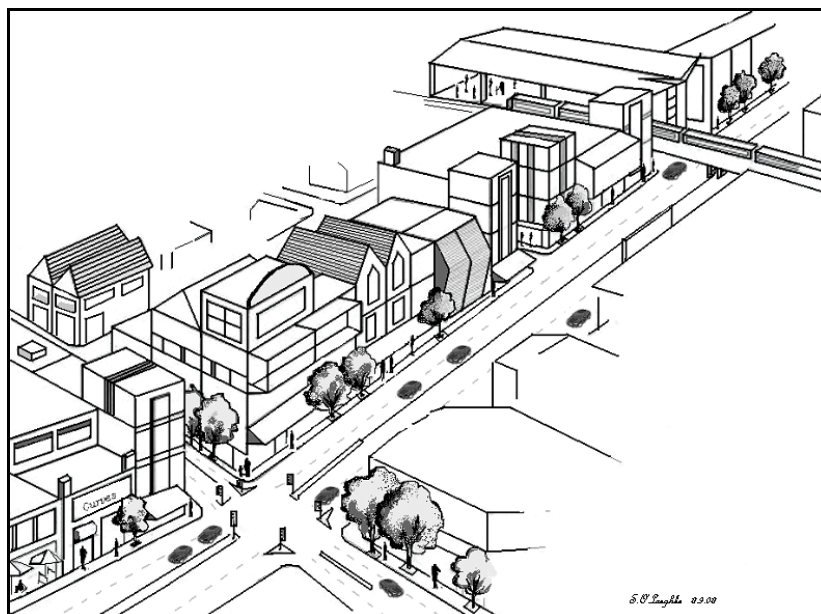
Option 2 (based on 11 metre road reserve)

- Basement car parking
- Ground floor commercial
- First floor commercial
- Second and third floor residential
- Fourth and fifth floor residential
- Parking and access from Jugan Street and Gibney Avenue
- 72 multiple dwellings

Option one is compliant with the requirements listed in Amendment 423 to the City of Stirling District Planning Scheme No. 2. Option 2 has greater height and density of development than the requirements of the Amendment 423 to the City of Stirling Scheme No. 2 to accommodate for the reduction in site area as a result of an 11 metre road reserve.

Local Planning Strategy

In the Town's Local Planning Strategy, particular attention was given to the development of these lots, based on the principles of Transit Orientated Development. It is proposed that the area currently within the City of Stirling Scheme No. 2 'Mixed Residential Cell' be zoned Residential/Commercial R/C100. A graphical illustration of the indicative development is shown below.



The recommendation within the Local Planning Strategy to guide development within close proximity to the Glendalough Station is summarised as follows:

- New development along Scarborough Beach Road to be designed to facilitate an attractive and interactive built form on minimal street setbacks to enhance the quality of the pedestrian environment.
- New development within the area zoned R100/Commercial to be a maximum height of three (3) storeys or 9 metres except on street corners where four (4) storeys of 12 metres may be permitted to accommodate landmark buildings.
- New development along Brady Street to be a maximum height of two (2) storeys and shall integrate with surrounding medium density housing stock.
- Any new high density development to provide visual interest through modelling and articulating of walls and surfaces.
- Promote the incorporation of awnings and other forms of protection for pedestrians where footpaths serve areas of intensive development, particularly along Scarborough Beach Road and to a lesser extent Brady Street.
- Car parking in the area zoned R100/Commercial to be located behind the building setback line and provided in an integrated manner with car parking on adjoining sites.
- Design techniques in the built form to be employed that increase the safety, convenience, attractiveness and walkability within 800 metres of the Glendalough Station.

City of Stirling Documents

In an email dated 7 July 2010, the City of Stirling advised that they are anticipating the following documents be presented as a package to the City of Stirling Council shortly. The documents include:

- Sinclair Knight Merz Transport Study;
- Syme Marmion Population and Employment Study;
- Glendalough/Herdsman Structure Plan;
- Glendalough/Herdsman Parking and Transport Strategy; and
- Scarborough Beach Road Vertical and Horizontal Road and Light Rail Design.

The City of Stirling are anticipating, following endorsement of the above Strategies by the City of Stirling Council in September 2010, a formal application will be submitted to the Department of Planning to commence an Metropolitan Region Scheme (MRS) amendment to the road reserves along Scarborough Beach Road from Stirling City Centre to Main Street based on the recommendations in the above documents.

Strategic Direction of the Scarborough Beach Road Activity Corridor Project

- Promotion of public transport and cycling along the corridor;
- Provision for a more accessible/equitable corridor;
- Fostering a mix of employment along the corridor;
- Taming poorly designed showroom development;
- Making use of great opportunities to develop Glendalough and Doubleview; and
- Simplifying the experience for all transport modes, including the road user.

The Way Forward

- Finalisation and agreement reached with the Town of Vincent, City of Stirling, Main Roads WA and the Department of Planning on design of the Scarborough Beach Road/Main Street/Brady Street and Green Street intersection.

- Finalisation and agreement reached with the City of Stirling, the Town of Vincent and the Department of Planning on the proposed road reservation and the extent of the encroachment of the reserve into the northern and southern lots along the portion of Scarborough Beach Road between Glendalough Station and Main Street/Brady Street intersection.
- Preparation of a Design Layout Plan for all lots within the Mixed Residential Cell to be undertaken in accordance with Amendment 423 of the City of Stirling District Planning Scheme No. 2 and is to be prepared by representatives of the owners of the large landholding within the cell.
- Preparation of an Implementation Strategy for the Mixed Residential Cell to be undertaken in accordance with the Amendment 423 of the City of Stirling District Planning Scheme No. 2 and is to be prepared by representatives of the owners of the large landholding within the cell.
- Design Layout Plan being adopted by the Council and endorsed by the Western Australian Planning Commission and the Implementation Strategy being adopted by the Council.
- All proposed development within the Mixed Residential Cell to conform to the Design Layout Plan and the Implementation Strategy adopted by the Council for the Cell.

CONSULTATION/ADVERTISING:

The Department of Planning have advised the Town, that it is their intention that the formal advertising of the draft Transport Study, prepared by Sinclair Knight Merz, the draft Population and Target Land-Use study prepared by Syme Marmion, and the Place Base Analysis and Design Options, currently being prepared internally by the City of Stirling and the Town of Vincent will be advertised as a collective package of the finalisation of the latter document, likely towards the latter part of 2010.

As outlined in the “Background” section of this Agenda Report, the Town has undertaken community workshops on 3 and 5 May 2010 respectively, and the City of Stirling has also undertaken similar workshops. It is intended that on the finalisation of the three (3) draft documents above, the Town, in conjunction with the Department of Planning will run further community workshop sessions relating to the Scarborough Beach Road Activity Corridor.

STRATEGIC IMPLICATIONS:

Strategic Plan 2009-2014 – Strategic Objectives: Natural and Built Environment:

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

FINANCIAL/BUDGET IMPLICATIONS:

To-date, the Scarborough Beach Road Activity Corridor Project has been jointly funded by the City of Stirling and the Department of Planning, with the Town providing in-kind support only. Further detailed design studies are being funded solely by the City of Stirling.

The current 2010/2011 Budget allocates \$58,200 for Town Planning Scheme Amendments and Policies. Funds may need to be required to assist in funding the preparation of the road designs with the City of Stirling.

LEGAL/POLICY:

City of Stirling Scheme No. 2; and
City of Stirling Amendment 423 (Schedule 14).

COMMENTS:

As outlined in this report, the Town of Vincent are in regular dialogue with the City of Stirling and the Department of Planning to achieve a best practice Activity Corridor Pilot Project that is based on sustainable planning and transport principles, and sets a benchmark for other Activity Corridors identified in metropolitan Perth.

Given the situation with the large single landholding however, in the Town's southern portion of Scarborough Beach Road, and the developers anticipation to develop the land in the short term, the Town's Officers are of the view that a mutually agreed position needs to be reached for this shared portion of the road, that both supports the broad objectives of the Scarborough Beach Road Activity Corridor Project, and that also meets the current development potential of this land, to create a landmark development based on best practice transit orientated development.

In light of progressing forward in reaching an agreement with the Department of Planning and the City of Stirling, it is recommended that the Council support the Officer Recommendations as outlined in this report.

9.1.8 Nos. 80-84 (Lots 252 and 253; D/P: 3845) Matlock Street, Mount Hawthorn - Proposed Demolition of Existing Hall and Construction of a Two-Storey Mixed Use Development Comprising Four (4) Multiple Dwellings, Two (2) Offices and Associated Car Parking

Ward:	North	Date:	19 July 2010
Precinct:	Mount Hawthorn Precinct; P1	File Ref:	PRO0887; 5.2010.187.2
Attachments:	001		
Reporting Officer:	T Cappellucci, Statutory Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES BY AN ABSOLUTE MAJORITY, the application submitted by F Lam on behalf of the owner C C & C T & F H Lam for proposed Demolition of Existing Hall and Construction of a Two-Storey Mixed Use Development Comprising Four (4) Multiple Dwellings, Two (2) Offices and Associated Car Parking, at Nos. 80-84 (Lots 252 and 253; D/P: 3845) Matlock Street, Mount Hawthorn and as shown on plans stamp-dated 18 May 2010, subject to the following conditions:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Matlock Street;*
- (ii) *the maximum gross floor area of the non-residential component shall be limited to 471 square metres of offices, and further increase or decrease in the number of offices tenancies is allowed. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;*
- (iii) *first obtaining the consent of the owners of No. 186 and No. 184A Scarborough Beach Road, Mount Hawthorn, for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 186 and No. 184A Scarborough Beach Road, Mount Hawthorn, in a good and clean condition;*
- (iv) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (v) *doors, windows and adjacent floor areas of the offices component on the ground floor fronting Matlock Street shall maintain an active and interactive relationship with this street;*
- (vi) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (vii) *the undergrounding of powerlines for the subject development site along Matlock Street at the applicant's/owner's cost;*

- (viii) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (ix) *any new street wall, fence and gate within the Matlock Street setback area, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*
- (x) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*
- (xi) **PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the Town:**

(a) **Construction Management Plan**

A Construction Management Plan shall be submitted to and approved by the Town, addressing the following issues:

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

(b) **Landscape and Reticulation Plan**

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

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

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

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

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

(c) **Acoustic Report**

An Acoustic Report in accordance with the Town's Policy No. 3.5.21 relating to Sound Attenuation shall be prepared and submitted. 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;

(d) **Refuse Management**

A Refuse Management Plan shall be submitted and approved by the Town prior to commencement of works. The Plan should include details of refuse bin location, vehicle access and manoeuvring.

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

*1 x mobile garbage bin per unit; and
1 x paper recycle bin per unit, or per 200 square metres of floor space.*

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

(e) **Schedule of External Finishes**

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

(f) **Section 70A Notification**

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

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

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

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

(g) Bond

In keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land are to be upgraded by the applicant to a brick paved standard to Town specifications. A refundable footpath upgrading bond of \$15,300 shall be lodged and be held until all works have been completed and damage to the existing facilities have been reinstated to the satisfaction of the Town's Director Technical Services. An application to the Town for the refund of the bond must be made in writing;

(h) Amalgamation of Lots

The subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s); and

(i) Building Articulation

Revised plans demonstrating the upper floor walls on the northern and southern sides of the proposed multiple dwellings incorporating appropriate articulation; and

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

(a) Bicycle Parking Facilities

A minimum of 2 class one or two bicycle parking facilities, shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;

(b) Car Parking

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

4. *A minimum of 8 car parking spaces for the commercial component of the development, shall be clearly marked and signposted for the exclusive use of the staff/customers of the development; and*
5. *A minimum of 7 car parking spaces provided for the residential component of the development, shall be clearly marked and signposted for the exclusive use of the residents of the development;*

(c) **Vehicular Entry Gates**

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

(d) **Essential Facilities**

The multiple dwellings development shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer.

COUNCIL DECISION ITEM 9.1.8

Moved Cr Farrell, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Lake, Seconded Cr Topelberg

That the item be DEFERRED for further consideration to address the Council's concerns about the appearance of the development in a residential area, particularly side articulation and also in light of the bonus' that may applied.

PROCEDURAL MOTION PUT AND CARRIED (8-0)

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

Landowner:	C C & C T & F H Lam
Applicant:	F Lam
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R30
Existing Land Use:	Hall
Use Class:	Offices and Multiple Dwellings
Use Classification:	"AA" and "P"
Lot Area:	1112 square metres
Access to Right of Way	Eastern side, 5 metres wide, sealed

BACKGROUND:

27 October 1997 The Council at its Ordinary Meeting conditionally approved, by an absolute majority, additions to the existing building.

DETAILS:

The proposal involves the demolition of the existing hall and the construction of a two-storey mixed use development comprising four (4) multiple dwellings, two (2) offices and associated car parking.

The applicant has submitted a comprehensive justification (attached) in support of the development, along with a Neighbourhood Context Report, which is also "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements		
Requirements	Required	Proposed *
Density:	Maximum 3 multiple dwellings.	4 multiple dwellings.
Officer Comments Pursuant to Clause 38(5) of TPS 1		
Supported - The proposal is considered to enhance the amenity of the area. The height and scale is considered compatible with the surrounding built form; in particular, the commercial development immediately adjoining on the south side of the subject property, on Scarborough Beach Road, which is zoned District Centre.		
Plot Ratio:	N/A	N/A
Officer Comments Pursuant to Clause 38(5) of TPS 1		
Noted.		
Front Setbacks: <i>Ground Floor</i>	To be sympathetic to the predominant streetscape pattern on adjoining land and in the immediate locality. Average front setback of 5.5 metres.	5 metres.
Officer Comments Pursuant to Clause 38(5) of TPS 1		
Supported – Consistent with the existing streetscape of the residential properties on the same side of Matlock Street. In addition, to aid in the site’s transition as a buffer site, the introduction of mature landscaping within the street setback area to Matlock Street, is provided.		
<i>Upper Floor</i>	To be sympathetic to the predominant streetscape pattern on adjoining land and in the immediate locality.	As above.
Officer Comments Pursuant to Clause 38(5) of TPS 1		
As above.		
Building Setbacks: <i>Ground Floor</i> Side (South) – Commercial Unit 2	1.5 metres	Nil
Officer Comments Pursuant to Clause 38(5) of TPS 1		
Supported - Setback variation is not considered to create an undue, adverse effect on the adjoining property. In addition, Nos. 184A and 186 Scarborough Beach Road are commercial properties. Therefore, even though there is 10 percent of No. 184A and 17 percent of No. 186 Scarborough Beach Road overshadowed, no undue amenity impacts result as the overshadowing area is at the rear of both properties where currently car parking is provided.		

<p>Privacy Setbacks: <i>First Floor Residential Multiple Dwellings</i> Unit 3 (Side East) – Bed 1</p>	<p>4.5 metres</p>	<p>2 metres to southern property boundary of No. 184A Scarborough Beach Road, commercial property.</p>
<p>Officer Comments Pursuant to Clause 38(5) of TPS 1</p>		
<p>Supported – Adjoining property is commercial; therefore, no undue amenity impacts as no direct overlooking of active habitable spaces and outdoor living areas of residential dwellings.</p>		
<p>Unit 3 – (Side East) – Balcony</p>	<p>7.5 metres</p>	<p>5.65 metres to southern property boundary of No. 184A Scarborough Beach Road, commercial property.</p>
<p>Officer Comments Pursuant to Clause 38(5) of TPS 1</p>		
<p>Supported – Adjoining property is commercial; therefore, no undue amenity impacts as no direct overlooking of active habitable spaces and outdoor living areas of residential dwellings.</p>		
<p>Essential Facilities – Multiple Dwellings:</p>	<p>Provided with an adequate common area set aside for clothes-drying, screened from view from the primary or secondary street.</p>	<p>No common area set aside for clothes drying provided.</p>
<p>Officer Comments Pursuant to Clause 38(5) of TPS 1</p>		
<p>Not Supported – A condition has been recommended to provide a common area for clothes-drying.</p>		
<p>Building Articulation:</p>	<p>Street and side facades are to be highly articulated and of a contemporary character and exposed side walls and the rear walls of buildings are to be well articulated.</p>	<p>South and north side walls are blank, featureless walls, with only high level windows provided on the upper floor for the multiple dwellings.</p>
<p>Officer Comments Pursuant to Clause 38(5) of TPS 1</p>		
<p>Not Supported – While the proposed high level windows on both the southern and northern upper floors are similar in appearance to the adjoining commercial building at No. 186 Scarborough Beach Road, they do not provide enough visual interest and richness to the proposed mixed use site, as per the requirements for a new non-residential property in a residential area. Therefore, a condition has been recommended to provide articulation in both upper floor walls through the use of varying colours, textures as well as materials and surface modelling.</p>		
<p>Town’s Non-Residential/Residential Development Interface Policy:</p>	<p>The proposed land uses in mixed use developments, being compatible with on-site and nearby uses, and take into consideration any impact on residential amenity that the proposed land uses may have.</p>	<p>Propose two (2) commercial office units on Matlock Street, a residential area. However, directly to the south of the subject site, are commercial properties on Scarborough Beach Road, which are zoned commercial.</p>

Officer Comments Pursuant to Clause 38(5) of TPS 1

Supported – The existing use on-site is that of a Hall, for the Scripture Union which has existed for many years. It is currently a single storey development with seven (7) car parking bays accessed from Matlock Street.

The proposed two (2) commercial offices on the ground floor are considered compatible with the existing use on-site.

The impact of the proposed two (2) offices on the adjoining residential area of Matlock Street is minimised by having vehicular access to the associated car parking area via the right of way (see the attached image). The result of which is a reduction in noise and traffic emissions from cars entering and exiting the site from Matlock Street.

In addition, adjoining the subject site directly to the south are commercial properties on Scarborough Beach Road, zoned commercial. No. 186 Scarborough Beach Road is being used as an office and retail complex while No. 184 is a three-storey mixed use development comprising shops, an eating house and offices.

The subject site is directly in line with the existing commercial development on the opposite side of Matlock Street at No. 85 Matlock Street, which is a two-storey single house with office building. This results in creating a buffer from the residential properties to the north of the subject site on both sides of Matlock Street.

Bicycle Parking:	Two (2) class 1 or 2 bicycle parking spaces.	No bicycle parking spaces identified on the plans.
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Officer Comments Pursuant to Clause 38(5) of TPS 1

Not Supported – Condition has been placed to provide two (2) bicycle parking spaces.

Consultation Submissions

Item	Ratepayer Comments	Officer Comments
Support (1)	No Comments.	Noted.
Objection (3)	Increase in density from 3 to 4 dwellings is based purely on commercial gain.	Not Supported - The proposal is considered to enhance the amenity of the area given the current state of the site as a brick and tile hall constructed circa 1969; and the fact that the proposal will promote housing diversity, and caters for the changing demographics and housing needs/wants of the community.
	Added density results in additional car bays, which results in reducing the landscaping on the site.	Not Supported – Adequate car parking is provided on-site in accordance with the Town’s requirements. In respect of landscaping, as multiple dwellings in this instance are provided above non-residential uses, as per the Residential Design Codes, no exact amount of landscaping is required.
	No visual separation between fence and car bays.	Not Supported – The visitors parking bay is separated from the right of way sliding gate by 500millimetres of landscaping.
	Lot 252 and Lot 253 currently have no access or use of the ROW.	Not Supported – Technical Services have determined that both lots have legal access to use the Right of Way.

Consultation Submissions		
Item	Ratepayer Comments	Officer Comments
	<p>Reduction in side setbacks results in additional commercial floor area and additional area for the apartments, as well as additional overshadowing, loss of access to views and natural light to the north.</p> <p>Height of parapet wall reduces access to daylight and open space.</p> <p>No indication as to location of numerous services such as solar panels, satellite dishes, antennas, etc.</p> <p>Lack of Articulation on facades of the side boundaries results in an unsatisfactory flat façade which may impinge on the future development potential of these adjoining properties.</p> <p>Increased activity in the laneway, therefore a loss of privacy and safety.</p>	<p>Not Supported - Refer to comments in the Assessment Table.</p> <p>Noted - The area to the south is affected by overshadowing, which is due to the lot orientation and the size of the lots. The properties to the south are currently used as commercial properties. It is envisaged that if the properties to the south were developed, it is likely that it would be developed similarly with respect to use, height and form as per the development standards for Commercial areas within the Mount Hawthorn Precinct.</p> <p>Noted – A condition has been recommended for all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street, are designed integrally with the building, and be located so as not to be visually obtrusive from Matlock Street.</p> <p>Supported - A condition has been recommended to provide articulation in both the northern and southern side upper floor walls through the use of varying colours, textures as well as materials and surface modelling.</p> <p>Not Supported - Adequate car parking is provided on-site in accordance with the Town's requirements to meet the requirements of the proposal. In terms of privacy, there are no non-compliant visual privacy issues, while in terms of safety, the statement is considered speculative in nature as there is an existing designated right of way off Coogee Street which provides access to the rear of the subject property.</p>

Consultation Submissions		
Item	Ratepayer Comments	Officer Comments
	<p>Loss of privacy due to balconies facing east looking directly into property.</p> <p>Loss of value of property.</p> <p>Allowing a two storey building blocks out any view which may be there.</p> <p>Nil setbacks should not be allowed in a residential area.</p> <p>5 metre front setback is not as per required.</p> <p>Residential zone and should be kept that way.</p>	<p>Not Supported – The balconies facing east from the proposed Units 3 & 4 (multiple dwellings) are setback 12 metres from the right of way; therefore, there is not a visual privacy issue to properties east of the rear right of way, as per the requirements of the R-Codes.</p> <p>Not Supported - There is no evidence submitted to substantiate the claim of the proposal devaluing property values. In addition, it is noted this is not a considered planning matter.</p> <p>Not Supported - The height and overall design of the proposal is not considered to create an unacceptable bulk and scale issue.</p> <p>Not Supported – As per the Residential Design Codes requirements for dwellings in mixed use developments, walls on the boundary for two-thirds of the boundary behind the street setback up to 6 metres in height are allowed.</p> <p>Not Supported – The front setback is consistent with the existing streetscape of the residential properties on the same side of Matlock Street.</p> <p>The height and scale is considered compatible with the surrounding built form; in particular, the commercial properties fronting Scarborough Beach Road. While in terms of the adjoining residential properties, the two-storey height of the proposed mixed use development complies with the Town’s requirements for two-storey dwellings.</p> <p>Not Supported - The proposed two-storey mixed use development comprising two (2) offices, four (4), multiple dwellings and associated car parking is considered to be consistent with the adjacent Commercial Zone to the south of the subject property along Scarborough Beach Road, as well as with the Residential properties on Matlock Street. This is through the integration of work place, through ground floor offices, and residential, through multiple dwellings, while at the same time providing sufficient levels of residential amenity with no undue impacts on neighbouring properties.</p>

Consultation Submissions		
Item	Ratepayer Comments	Officer Comments
	<p>Privacy setbacks are not setback enough.</p> <p>Matlock Street is not Scarborough Beach Road and should not compare it to Scarborough Beach Road.</p>	<p>The building design in regards to height and scale, is considered compatible with the surrounding built form; in particular, for the properties north of the subject site at Nos. 80-84 Matlock Street which are residential properties.</p> <p>Not Supported - Refer to comments in the Assessment Table.</p> <p>Noted – The proposal has been assessed as being on Matlock Street, not Scarborough Beach Road. If the proposal was compared to Scarborough Beach Road, the residential component (multiple dwellings) would have been assessed in accordance with R60 standards, not R30, therefore resulting in potentially more multiple dwellings being allowed on-site.</p>

Car Parking	
Apply the adjustment factors.	(0.765)
<ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop) • 0.90 (within 400 metres of a public car park with in excess of a total of 50 car parking spaces) 	= 6.885 car bays
Minus the car parking provided on-site	8 car bays
Minus the most recently approved on-site car parking shortfall.	Nil
Resultant surplus	1.115 car bays

Bicycle Parking
<p>Office</p> <ul style="list-style-type: none"> • 1 space per 200 square metres of gross floor area for employees (class 1 or 2) = 2.35 spaces • 1 space per 750 square metres over 1000 square metres for visitors (class 3) = Nil <p>Total class one or two bicycle spaces required = 2 spaces Total class three bicycle spaces required = Nil</p> <p>No class one, two or three bicycle spaces proposed.</p>

Residential Car Parking

Car parking requirements for the residential component of the development have been calculated using the requirement for multiple dwellings from the Residential Design Codes (R Codes). In accordance with the Residential Design Codes requirements for mixed-use development, on-site car parking for multiple dwellings may be reduced to one car bay per dwelling where on-site parking required for other users is available outside normal business hours. With this mixed use development, the residential component requires the provision of 4 car bays, based on the standard of one (1) car bay for each of the 4 proposed multiple dwellings, with 10 per cent of the required car bays being allocated as visitor car bays. The number of car bays provided for the residential component is 7 car bays with one visitor bay and one disabled bay.

A total of 17 car bays have been provided for the entire development, therefore, resulting in 8 car bays available for the commercial component.

Demolition

The subject place is a brick and tile hall constructed circa 1969 in the Late Twentieth Century Functionalist style of architecture. The subject hall has a simple plan form and features a modest presentation addressing Matlock Street.

Originally, the subject place accommodated two residential dwellings which were constructed in the 1910s. These two Federation dwellings have been demolished to make way for the construction of the existing hall in the late 1960s.

A full heritage assessment was undertaken for Nos. 80-84 Matlock Street, Mount Hawthorn, which indicates that the place has little aesthetic, historic, scientific or social heritage significance. In accordance with the Town's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the Town's Municipal Heritage Inventory.

The detailed Heritage Assessment for this property is contained in the attachment to this report.

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

Planning

The proposed two-storey mixed use development comprising two (2) offices, four (4), multiple dwellings and associated car parking is considered to be consistent with the adjacent Commercial Zone to the south of the subject property along Scarborough Beach Road, as well as with the Residential properties on Matlock Street, as the development proposes the integration of work place, through ground floor offices, and residential, through multiple dwellings, while at the same time providing sufficient levels of residential amenity.

The building design, in regards to height and scale, is considered compatible with the surrounding built form. The proposed two-storey mixed use development at Nos. 80-84 Matlock Street, Mount Hawthorn is surrounded by buildings of differing uses. Adjacent to the south at No. 186 Scarborough Beach Road, is a three-storey commercial/office building while to the west at No. 190 Scarborough Beach Road, corner of Scarborough Beach Road and Matlock Street, is a three-storey mixed use development comprising shops, offices and multiple dwellings.

While in terms of the surrounding residential development to the north of the subject site, either side of Matlock Street, the proposed height and roof form can be considered residential in character. The two-storey height of the mixed use development complies with the Town's Residential Design Elements Policy which ensures the development is compatible with the predominantly residential development that exists on Matlock Street. This, along with varying finishes and smaller vertical portions (that is, glazing bars, balustrading) and horizontal awnings give it a finer-grained scale and character which reduces the impact of the building on the existing streetscape.

The proposed mixed use development at Nos. 80-84 Matlock Street is classified as being a buffer site. In this instance, the proposed mixed use development comprising two (2) offices, four (4) multiple dwellings and associated car parking in a Residential (R30) area is the buffer to the adjoining mixed use developments in Commercial areas along Scarborough Beach Road on the same side of Matlock Street. In addition, the introduction of mature landscaping within the Matlock Street setback area aids in this transition in regards to siting and design.

Absolute Majority

Given the proposed density bonus, as per Clause (40)(3)(b) of the Town's Town Planning Scheme No. 1, the Council, in the event of approving the application, would be required to do so by an absolute majority decision.

The application is considered generally acceptable and would not result in any undue impact on the amenity of the surrounding area. The application is therefore supported, subject to standard and appropriate conditions to address the above matters, and the scale and nature of the development.

9.2.1 Weld Square Redevelopment Project and Proposed Vietnamese Boat People Monument of Gratitude

Ward:	South	Date:	14 July 2010
Precinct:	Forrest; P14	File Ref:	CMS0021;RES0102
Attachments:	001		
Reporting Officers:	J van den Bok, Manager Parks & Property Services T Woodhouse, Coordinator Strategic Planning		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES IN PRINCIPLE the attached amended Plan No. 2647-LS-01E, which is to be further developed following consultation with EPRA and other stakeholders;*
- (ii) *CONSULTS with the local community and businesses surrounding Weld Square in relation to the proposed redevelopment as shown on amended Plan No. 2647-LS-01E;*
- (iii) *FURTHER INVESTIGATES an alternative location for the Vietnamese Boat People Monument of Gratitude at either the Wade Street Reserve or within Robertson Park;*
- (iv) *RECEIVES:*
 - (a) *a further report at the conclusion of the community consultation as per clause (ii) above; and*
 - (b) *a further separate report on the alternative location for the Vietnamese Boat People Monument of Gratitude as per clause (iv) above; and*
- (v) *ADVISES the President of the Vietnamese Community of its decision.*

Moved Cr Lake, Seconded Cr Topelberg

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

“That new clauses (iv) and (vii) be inserted and clauses (iv) and (v) be amended as follows:

(iv) INVESTIGATES the feasibility of providing outdoor training/traineeships for indigenous persons via Peedac Pty Ltd in undertaking this project;

(~~iv~~)(v) RECEIVES:

- (a) *a further report at the conclusion of the community consultation as per clause (ii) above; and*
- (b) *a further separate report on the alternative location for the Vietnamese Boat People Monument of Gratitude as per clause (~~iv~~) (iii) above;*

(~~v~~)(vi) ADVISES the President of the Vietnamese Community of its decision; and

(vii) AUTHORISES THE CHIEF EXECUTIVE OFFICER to determine an Aboriginal name, acceptable to the Aboriginal Community, with a view to the co-naming of the park.”

Debate ensued.

Cr Burns returned to the Chamber at 8.18pm.

Debate ensued.

MOTION PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 9.2.1

That the Council;

- (i) *APPROVES IN PRINCIPLE the attached amended Plan No. 2647-LS-01E, which is to be further developed following consultation with EPRA and other stakeholders;*
 - (ii) *CONSULTS with the local community and businesses surrounding Weld Square in relation to the proposed redevelopment as shown on amended Plan No. 2647-LS-01E;*
 - (iii) *FURTHER INVESTIGATES an alternative location for the Vietnamese Boat People Monument of Gratitude at either the Wade Street Reserve or within Robertson Park;*
 - (iv) *INVESTIGATES the feasibility of providing outdoor training/traineeships for indigenous persons via Peedac Pty Ltd in undertaking this project;*
 - (v) *RECEIVES:*
 - (a) *a further report at the conclusion of the community consultation as per clause (ii) above; and*
 - (b) *a further separate report on the alternative location for the Vietnamese Boat People Monument of Gratitude as per clause (iii) above;*
 - (vi) *ADVISES the President of the Vietnamese Community of its decision; and*
 - (vii) *AUTHORISES THE CHIEF EXECUTIVE OFFICER to determine an Aboriginal name, acceptable to the Aboriginal Community, with a view to the co-naming of the park.*
-

PURPOSE OF REPORT:

The purpose of this report is to advise the Council on the progress of the project to Redevelop Weld Square and construct a Vietnamese Boat People Monument of Gratitude within the Town of Vincent.

BACKGROUND:

At the Ordinary Meeting of Council held on 14 July 2009, Progress Report No 2 was presented to the Council in relation to the Proposed Vietnamese Boat People Monument of Gratitude at Weld Square. At the meeting the Council resolved as follows:

"That the Council;

- (i) *RECEIVES progress report No 2 on a suitable location within the Town for the Proposed Vietnamese Boat People Monument of Gratitude;*

- (ii) *NOTES that;*
- (a) *as requested, the Town's Officers have held a number of further meetings with the President of the Vietnamese Community and representatives to explore other suitable locations within the Town for the memorial;*
 - (b) *locating the Vietnamese Boat People Monument of Gratitude in Hyde Park is NOT supported by the Heritage Council of WA and is no longer considered to be the preferred location by both the Vietnamese Community representatives and the Town's officers;*
 - (c) *the President of the Vietnamese Community, representatives and the Town's officers consider that Weld Square is the most suitable location for the Vietnamese Boat People Monument of Gratitude;*
 - (d) *a letter of support from the President of the Vietnamese Community has been received (refer attached) indicating support for locating the Vietnamese Boat People Monument of Gratitude in Weld Square;*
 - (e) *the Town's officers have had informal discussions with the East Perth Redevelopment Authority (EPRA) regarding an improvement plan for Weld Square whereby the East Perth Redevelopment Authority have indicated that they may be in a position to make a financial contribution towards the future improvement of the park; and*
 - (f) *the Town's officers are liaising with Main Roads and the Department of Indigenous Affairs to establish an agreed approach to meet the requirements of the Aboriginal Heritage Act 1972;*
- (iii) *APPROVES IN PRINCIPLE locating the "Vietnamese Boat People Monument of Gratitude" in Weld Square, Perth as shown on attached concept plan No. 2647-LS-01A, for the reasons outlined in the report, subject to;*
- (a) *the proposal meeting the requirements of Section 18 of the Aboriginal Heritage Act 1972 depending on authorisation received from Main Roads and/or the Department for Indigenous Affairs;*
 - (b) *the proposal being assessed by the Town's Heritage Officers in accordance with the principles of The Burra Charter and relevant policies and provisions; and*
 - (c) *all costs associated with design and construction of the Monument and any other costs associated with locating the monument on the site, being borne by the Vietnamese Community of Western Australia;*
- (iv) *CONTINUES its discussions regarding improvements to Weld Square with all stakeholders and RECEIVES a further report once more information is available; and*
- (v) *ADVISES the President of the Vietnamese Community in Western Australia, Main Roads (WA) and the East Perth Redevelopment Authority of its decision."*

DETAILS:

Consultation with Indigenous Groups:

As part of the preparation of the Notice to meet the requirements of Section 18 of the Aboriginal Heritage Act 1972 to obtain consent to use Weld Square, the Town engaged Australian Interaction Consultants to facilitate consultation with the relevant Indigenous groups associated with the site, and to prepare a Site Identification Report of the Proposed Landscaping and Interpretation of Weld Square. Consultation occurred on 3 November 2009 and further consultation was undertaken on 10 March 2010, at the request of one of the Indigenous Groups.

At the consultation sessions, an overview of the project was provided by the Town's Officers and the Town's Mayor Catania. All groups consulted with, overwhelmingly objected to the location of the proposed Vietnamese Boat People Monument of Gratitude, largely based on the lack of historical connection between the Vietnamese community and Weld Square. The Indigenous groups did, however, support the proposed associated landscaping of the park and interpretation as it related to the Indigenous heritage of the site.

A summary of all comments received during the consultation held on 3 November 2009 and 10 March 2010 respectively, is documented in the Site Identification Report of the Proposed Landscaping and Interpretation of Weld Square prepared by the Consultants.

Weld Square Redevelopment Plan

Consultation with Indigenous groups associated with Weld Square has been completed and a Section 18 notice for consent to use the land was submitted to the Department of Indigenous Affairs by the Town on 15 April 2010.

The Town subsequently received a letter dated 22 June 2010 (attached) from the Minister for Health; Indigenous Affairs granting consent under Section 18(3) of the Aboriginal Heritage Act 1972 to use the land subject to various conditions, requests and advice.

Locating the Vietnamese Boat People Monument of Gratitude in Weld Square was not supported by the Indigenous groups consulted.

As a result the concept plan previously adopted 'in principle' by the Council *concept plan No. 2647-LS-01A* has been revised (*refer attached Plan No. 2647-LS-01E*).

Previously it had been identified that pedestrian movement through the park was predominantly from corner to corner, therefore the proposed pathways were shown running diagonally across the path.

Aboriginal Elders considered the original path layout to represent the "Wagyl" therefore the meandering path has now been continued across the path rather than incorporate the memorial structure as was previously the case. Path lighting will be provided through installation of the Town's standard "Urbi" lights and the existing flood lights would be relocated to highlight specific trees within the park.

Soil mounding around the Newcastle, Stirling and Beaufort Street frontages as shown on the plan was suggested at an earlier meeting with EPRA and provides the area with a sense of enclosure and some vertical scale, particularly now that the memorial is not being constructed in the southern portion of the reserve.

The mounded areas will be to a maximum height of 1.2 metres and are proposed to be planted with native species. Park benches are to be provided around the perimeter of the mounded garden areas and along the pathway where appropriate.

The main focus is now centred around the central gazebo, which has again been included within the revised plan following advice from Aboriginal Elders that a gazebo was once located in the centre of what was previously known as "Beaufort Park".

Other suggestions to date include the addition of BBQ facilities and picnic tables which have been included in the revised design. A recent suggestion for a full size basketball court was discounted following consultation with indigenous groups.

Whilst the area is certainly large enough to construct a basketball court, Weld Square is classed as a passive park and such activities would be more suited at nearby Birdwood Square, if ever seriously considered.

Vietnamese Boat People Monument of Gratitude

The Town's Officers have been in regular contact with the Vietnamese Community in trying to accommodate their request for a location for the Vietnamese Boat People Monument of Gratitude.

The East Perth Redevelopment Authority (EPRA) have indicated that William Street would be considered to be a more suitable location for the Vietnamese Boat People Monument of Gratitude.

It is considered that the proposed location for the Vietnamese Boat People Monument of Gratitude would be better suited at either Wade Street Reserve or Robertson Park.

In view of the comments made by the indigenous groups and EPRA, it would be prudent of the Council and officers to now consider other alternative locations that would be more suitable.

Wade Street Reserve

Previously Wade Street Reserve was identified as a possible location for the Vietnamese Boat People Monument of Gratitude due to its location at the northern end of the William Street shopping precinct. However, the Vietnamese Community discounted this option due to the lack of area, not so much for the actual memorial installation but for their annual ceremony.

The officers, however, now intend to revisit this site and discuss some alternative options which may make this site more attractive to the Vietnamese Community, such as possible road closures and relocation of existing vegetation/structures to provide additional open space.

Robertson Park Reserve (Palmerston/Randell Street frontages)

This area has also been identified as a possible alternative site for the Vietnamese Boat People Monument of Gratitude and has briefly been discussed with the Vietnamese community, who are considering this option.

There is ample room within this portion of the reserve which consists of areas of grassland surrounded by native garden beds. The Ormiston House foundations 'footprint' is also located in the vicinity; however, officers consider the area is large enough to accommodate the memorial, still leaving sufficient area for a large gathering and other recreational pursuits.

If deemed an appropriate location for the memorial by the Vietnamese Community, a further report will be provided to the Council prior to consulting with the community.

CONSULTATION/ADVERTISING:

Further consultation will be undertaken with staff of EPRA and local residents and businesses prior to the plan being finalised, and submitted to the Council for approval to commence Stage 1 of the redevelopment.

LEGAL/POLICY:

In accordance with Section 18 of the Aboriginal Heritage Act 1972, consent to use an Aboriginal Registered Site is required from the Minister for Health; Indigenous Affairs. Failure to receive consent is likely to result in a breach of Section 17 of the Aboriginal Heritage Act 1972.

In accordance with Section 18 of the Aboriginal Heritage Act 1972, the Town, as the owner of the land, submitted a Section 18 Notice dated 15 April 2010. In accordance with section 18 (3) of the Aboriginal Heritage Act 1972 and following consideration and recommendations of the Aboriginal Cultural Material Committee (ACMC), the Minister for Health; Indigenous Affairs granted approval for the Town to use the land for the purpose outlined in the Notice, subject to a series of conditions detailed in the copy of letter dated 22 June 2010 attached.

Weld Square is not listed on the State Register of Heritage Places, and therefore the Heritage Act of Western Australia 1990 does not apply.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2009-2014 – Key Result Area One: 1.1.5 Enhance and Maintain Parks, Landscaping and Community Facilities. i) *“Prepare a landscape/upgrade plan for Weld Square”*.

SUSTAINABILITY IMPLICATIONS:

As requested during the consultation with the Indigenous groups, it was indicated that all proposed plantings within the redeveloped parkland will consist of native species and specifically local native species where these can be sourced.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$125,000 has been included in the Town’s draft 2010/11 budget for the Redevelopment of Weld Square. The project is likely to be staged over a three (3) year period; however, this will not be confirmed until the plan has been finalised and specific works accurately costed and presented to Council for approval.

COMMENTS:

Whilst the southern end of Weld Square was initially thought to be an ideal site for the Vietnamese Boat People Monument of Gratitude, the revised landscape plan provides a simple yet functional layout that will create a sense of enclosure without compromising the safety and security of patrons using the park.

The Town's Officers are still keen to be able to accommodate the Vietnamese Boat People Monument of Gratitude somewhere within the Town and whilst the Wade Street Reserve location is not the Vietnamese community's preferred location due to the lack of space, this location will again be revisited together with Robertson Park.

9.2.2 Further Report: Menzies Park – Proposed Installation of Long Jump Pit

Ward:	North	Date:	13 July 2010
Precinct:	Mount Hawthorn; P1	File Ref:	RES0025
Attachments:	001		
Reporting Officer:	J van den Bok, Manager Parks & Property Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *CONSIDERS the submissions received concerning the proposed Long Jump Pit, as outlined the report;*
- (ii) *APPROVES the proposed recommended Location No. 1 of the long jump pit as shown on the attached plan; and*
- (iii) *ADVISES the Mount Hawthorn Primary School and adjacent owner/occupiers of the Council's decision.*

Moved Cr Farrell, Seconded Cr Harvey

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Farrell

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

- “(ii) APPROVES the Long Jump Pit to be located approximately 25 metres to the west of the “Location No. 1” as shown on the attached plan; and”*

The Director Technical Services suggested that “25 metres” be changed to “18 metres”, as this distance is more suitable to address the concerns of the submissions. The Mover, Cr Maier and the Seconder, Cr Farrell agreed.

Debate ensued.

AMENDMENT PUT AND CARRIED (9-0)

MOTION AS AMENDED PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 9.2.2

That the Council;

- (i) *CONSIDERS the submissions received concerning the proposed Long Jump Pit, as outlined the report;*
- (ii) *APPROVES the Long Jump Pit to be located approximately 18 metres to the west of the “Location No. 1” as shown on the attached plan; and*
- (iii) *ADVISES the Mount Hawthorn Primary School and adjacent owner/occupiers of the Council's decision.*

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the results of the recent public consultation and to seek approval to install the Long Jump Pit at Menzies Park in the location indicated on the attached plan.

BACKGROUND:

At the Ordinary Meeting of Council held on 8 June 2010, a report was presented in relation to the proposed installation of a Long Jump Pit in Menzies Park, Mount Hawthorn, where it was resolved:

"That the Council;

- (i) APPROVES IN PRINCIPLE the request received from the Principal of the Mount Hawthorn Primary School to install a long jump pit at Menzies Park as shown in Appendix 9.2.4A and 9.2.4B;*
- (ii) AUTHORIZES the Chief Executive Officer to consult with adjacent owner/occupiers in relation to the proposed location of the long jump pit and carry out the requested works if no significant objections are received; and*
- (iii) APPROVES BY AN ABSOLUTE MAJORITY to reallocate \$950 from a funding source to be identified by the Chief Executive Officer to enable the works to be completed."*

DETAILS:

Consultation

In accordance with Clause (ii) of the above Council decision, forty seven (47) letters with attached plans outlining the proposal were distributed to owner/occupiers surrounding Menzies Park.

At the close of the consultation period, only one (1) response had been received from a resident in Egina Street (not directly affected by the proposal) and the comments provided were as follows:

"I support the use of Menzies Park by the school. It is in keeping with the multi-use nature of Menzies Park, and I am happy for a long jump pit to be installed if the school has a demonstrated need for it.

I DO NOT support the proposed LOCATION of the long jump pit.

I feel strongly that the installation of a sand pit at this location would detract from the amenity of other users.

The proposed location is directly in front of one of only two mature trees on the north side of the park which provide fantastic shade in summer. Because of this the proposed location is well and regularly used by park goers, from individuals to large groups. Mothers groups, families and children use this spot as a place to meet play and picnic, while still being close to the playground.

Due to the proximity of the playground, I would prefer to see facilities on the north side of the park kept for broad general use. A long jump pit would be used only intermittently by a small number of students and has no broader benefit to other park users.

I would have no objection to the pit being placed in the south-west corner of the park, near the existing exercise equipment. The south-west corner of the park is not used directly for cricket or football, and would seem a more appropriate location for an apparatus that will be used only intermittently, and for a specific purpose."

Following receipt of this response, officers distributed a further letter to owner/occupiers (who might be directly affected along the southern and western sides of the park) with a plan showing the proposed long jump pit located in the south west corner of the reserve.

It should be noted that this is the only alternative location available in the park for such a purpose given the available space.

Two (2) responses were subsequently received from residents directly opposite the proposed alternative location (as shown on the attached plan). Comments provided were as follows:

- *I would like to formally object to this proposal. The pit would be directly in front of my house. I do not want to appear as a 'kill joy' but this sand pit will only be used a couple of times/year and i wonder why the school cannot build one on their own land.*

The sand pit will

- *be a trap for dog faeces therefore attracting flies etc*
- *be a source of wind borne sand*
- *potentially be a place where dangerous articles (e.g. Syringes) can lie beneath the surface.*

- *I am an owner/occupier at 23 Berryman Street Mt Hawthorn and I wish to lodge my "objection" to the above.*

There is currently exercise equipment in that location and a dog waste disposal bin.

A long jump pit would encourage dogs and unsupervised children near a reasonably busy corner.

It should be at best located where you originally suggested where there is a barrier between children and the road or preferably not at all.

Officer's Comments

Whilst the comments provided by the first respondent objecting to the original site are worthy of consideration, Menzies Park is surrounded by deciduous trees, many of which have matured and will provide ever increasing shade around the entire perimeter of the park for families.

Given that the two objectors to the alternative location on the south-west corner of the park are directly affected and this was not the preferred location of the school, it is now recommended that the long jump pit be constructed in the original proposed location along the Purslowe Street frontage of the park adjacent to the items of outdoor gym equipment.

If possible, the pit may be able to be located a little further to the west, closer to East Street away from the existing mature shade tree and this will be dependant on the level of the area and vicinity of the existing goalposts and how they may affect the run up.

As previously reported to the Council, the long jump pit will be constructed as follows:

Construction:

The proposed long jump pit will be approximately 5.0 metres by 2.5 metres wide and will be constructed with treated pine edging and jumping boards.

The pit will be orientated North/South so that school students will run across the reserve from the south and into the pit from a jumping board take-off installed at ground level and within 1 metre of the edge of the pit.

CONSULTATION/ADVERTISING:

The Mount Hawthorn Primary School and owner/occupiers around Menzies Park will be advised of the Council's decision.

LEGAL/POLICY:

N/A.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2009-2014 – Key Result Area One: *1.1.5 Enhance and maintain parks, landscaping and community facilities.*

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

As previously advised, the costs associated with the installation of the proposed long jump pit have been estimated to cost \$950.00. The pit will require maintenance from time to time and this is expected to amount to around \$500.00 per annum. These charges would be charged against the Menzies Park Grounds Maintenance account should this proposal be approved.

COMMENTS:

As has been the case with the majority of installations within Menzies Park that adjacent owner/occupiers have been very vocal with regard to particular features or structures being erected directly adjacent to their properties.

Following careful consideration of the responses received for this proposal, it is recommended that the Council approves the installation of the long jump pit in the original location as shown on the attached plan.

The Chief Executive Officer advised that Mayor Catania and Cr Burns declared a financial interest in Item 9.3.1. They departed the Chamber at 7.31pm. They did not speak or vote on this matter.

Deputy Mayor, Cr Sally Lake assumed the Chair at 7.31pm.

9.3.1 Investment Report as at 30 June 2010

Ward:	Both	Date:	7 July 2010
Precinct:	All	File Ref:	FIN0033
Attachments:	001		
Reporting Officers:	B Tan, Manager Financial Services; B Wong, Accountant		
Responsible Officer:	M Rootsey, Director Corporate Services		

Disclosure of Financial Interest:

Mayor Nick Catania and Cr Anka Burns have disclosed a financial interest in this item.

OFFICER RECOMMENDATION:

That the Council RECEIVES the Investment Report for the month ended 30 June 2010 as detailed in Appendix 9.3.1.

COUNCIL DECISION ITEM 9.3.1

Moved Cr Maier, Seconded Cr Topelberg

That the recommendation be adopted.

MOTION PUT AND CARRIED (7-0)

(Mayor Catania and Cr Burns were absent from the Chamber and did not vote on this matter.)

Mayor Catania and Cr Burns returned to the Chamber at 7.32pm. The Chief Executive Officer advised that the item was carried.

Mayor Catania, assumed the Chair.

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the level of investment funds available, the distribution of surplus funds in the short term money market and the interest earned to date.

BACKGROUND:

Interest from investments is a significant source of funds for the Town, where surplus funds are deposited in the short term money market for various terms. Details are attached in Appendix 9.3.1.

Council's Investment Portfolio is spread across several Financial Institutions in accordance with Policy Number 1.2.4.

DETAILS:

Total Investments for the period ended 30 June 2010 were \$10,609,646 compared with \$12,609,646 at 31 May 2010. At 30 June 2009, \$8,782,999 was invested.

Total accrued interest earned on Investments as at 30 June 2010:

	Budget	Actual	%
	\$	\$	
Municipal	350,000	350,435	100.12
Reserve	300,000	461,087	153.70

COMMENT:

As the Town performs only a custodial role in respect of monies held in Trust Fund Investments these monies cannot be used for Council purposes, and are excluded from the Financial Statements.

Investment funds have been required to be drawn down during this month for the payment of suppliers and payroll. The investment interest income received is over budget due to the increasing interest rates during the financial year as the market condition improves.

The Australian Government Guarantee Scheme for Large Deposits and Wholesale Funding (the Guarantee Scheme) was announced in October 2008 amid extraordinary developments in the global financial system. Given that funding conditions have subsequently improved significantly, and that a number of similar schemes in other countries have closed, the Australian Government on the 7 February 2010 has announced that the Guarantee Scheme will also close to new borrowing from 31 March 2010.

The Town current deposits of \$1 million or below with Australian-owned banks are automatically guaranteed by the Government, with no fee payable will remain in place until October 2011.

The report comprises of:

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

9.3.3 New Town of Vincent Entry Signage – Progress Report No 3

Ward:	Both	Date:	5 July 2010
Precinct:	All	File Ref:	TES0558
Attachments:	001		
Reporting Officers:	R Gunning, Arts Officer; J Anthony, Manager Community Development		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the progress report No. 3 on the possible new Town of Vincent Entry Signage; and*
- (ii) *APPROVES the Design Brief for the New Town of Vincent Entry Signage for distribution to designers and artists.*

Cr Harvey departed the Chamber at 7.32pm.

Moved Cr Maier, Seconded Cr Farrell

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

“(ii) *APPROVES the:*

- (a) *Design Brief for the New Town of Vincent Entry Signage for distribution to designers and artists; and*
- (b) *final design from the proposals selected by the working group.”*

Debate ensued.

Cr Harvey returned to the Chamber at 7.35pm.

Debate ensued.

MOTION PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 9.3.3

That the Council;

- (i) *RECEIVES the progress report No. 3 on the possible new Town of Vincent Entry Signage; and*
- (ii) *APPROVES the:*
 - (a) *Design Brief for the New Town of Vincent Entry Signage for distribution to designers and artists; and*
 - (b) *final design from the proposals selected by the working group.”*

PURPOSE OF REPORT:

The purpose of the report is to update the Council on progress regarding proposed entry signage for the Town and for Council to approve the draft brief for distribution to designers and artists.

BACKGROUND:

On 25 March 1996, the Council approved the manufacture and erection of locality *Welcome* signs at 15 locations on roads entering the Town. On 12 June 2007, the following motion was passed by the Council, resulting from a Notice of Motion from Cr Izzi Messina:

"That;

- (i) the Chief Executive Officer be requested to investigate and report on options for possible new Entry Signage for the Town;*
- (ii) the report include types of signage available, purchase costs, maintenance, possible suggestions for a new slogan, the appropriateness of the current slogan - "The Town of Vincent is a Nuclear Free Zone"; and*
- (iii) the report be submitted to the Council no later than September 2007."*

On 23 September 2008, the Council considered a report on the proposed new Town of Vincent Entry Signage and Entry Signage Slogan. The report contained the following officer recommendation:

"That the Council;

- (i) Receives the report on the proposed Town of Vincent Entry Signage and NOTES the design philosophy used to develop the proposed entry signage design as detailed in the report;*
- (ii) APPROVES IN PRINCIPLE;*
 - (a) the entry signage types and design as shown in Appendix 10.4.6B, 10.4.6C and 10.4.6D;*
 - (b) the deletion of the current entry signage slogan "The Town of Vincent is a Nuclear Free Zone"; and*
 - (c) a new entry signage slogan, as follows;*
"Enhancing and celebrating our diverse community";
- (iii) AUTHORISES the Chief Executive Officer to;*
 - (a) advertise the proposed new entry signage and proposed new entry signage slogan for a period of twenty-one (21) days, seeking public comment; and*
 - (b) report back to Council with any submissions received."*

The Council, following consideration of the report and officer recommendation, decided as follows:

"That the item be DEFERRED for further consideration, including the investigation of more design options, investigating the costing and consideration of a community competition for the new signage and slogan."

At the Ordinary Meeting of Council 6 October 2009 the following recommendations were adopted:

"That the Council;

- (i) RECEIVES the progress report No 2 on the possible new Town of Vincent Entry Signage;*
- (ii) NOTES the information contained in the report regarding the research undertaken to date with regard to this matter and examples of signage contained in Appendix 9.2.1;*
- (iii) REFERS the matter to the Town's Art Advisory Group to consider the Town's Entry Signage and possible incorporation of art; and*
- (iv) RECEIVES a further report once the Town's Art Advisory Group have considered the matter."*

DETAILS:

The Art Advisory Group has received information regarding entry statements for consideration. At the Art Advisory Group meeting held on 31 March 2010 the following suggestions were made:

"The sign could be a set of silhouette images, possibly constructed in metal with the images laser cut, this may allow for back lighting in particular instances."

The imagery is to suggest the following:

- Closeness to the city;
- Parks;
- Dinning/restaurants (possibly suggested through an image such as a coffee cup);
- Architecture: old and new;
- Family;
- Flora and fauna;
- Diverse population; and
- The Town's logo is to be to the side of the dominate imagery of the signage.

It was agreed that no slogans would be necessary as the images would tell the story of the Town.

The Arts Officer was requested to create a brief for designers based on the above suggestions and present it to the group.

The Arts Officer created a brief based on the advice of the Art Advisory Group and circulated the draft brief to the Group for comment. The amended brief is presented as an attachment for Council approval.

CONSULTATION/ADVERTISING:

Once the brief has been approved it will be advertised to designers and artists. The brief will be advertised in newspapers, as well as sent to Artsource (the Artists Foundation of W.A) for distribution. It will also be sent directly to graphic designers and sign makers that have already contributed to earlier requests for designs.

Once the submissions are received they will be reviewed by an internal working group (Director Technical Services, Director Corporate Services, Manager Asset & Design Services, Manager Community Development and Arts Officer). A short list of at least three designers will be asked to present designs for the entry statements. The working group will then select a preferred designer and a recommendation will be made to Council.

The following schedule is proposed:

20 July 2010	Draft presented to Council Meeting
26 July 2010	Brief advertised to designers
27 August 2010	Submissions received
1 September 2010	Submissions reviewed and shortlisted by internal working group (Director Technical Services, Director Corporate Services, Manager Asset & Design Services, Manager Community Development, Arts Officer)
6 September 2010	Short listed designers contacted
13 September 2010	Short listed designers attend briefing
13 October 2010	Submissions received
18 October 2010	Internal working group in liaison with the Art Advisory Group selects designer
9 November 2010	Recommendation presented to the Art Advisory Group and then the Council
15 November 2010	Designer contracted

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:

The existing ‘hoop-style’ signs are outdated. High quality materials are proposed to be used, with a ten year guarantee.

FINANCIAL/BUDGET IMPLICATIONS:

The budget for the project is \$95,000. This includes design fee, cost of signs and installation.

A total of 15 signs are required.

COMMENTS:

The existing ‘hoop-style’ signs are considered outdated, with the proposed brief and the selection procedure seen as the most appropriate way of obtaining signage that will reflect the contemporary values and aspirations of the Town.

9.4.1 Delegations for the Period 1 April 2010 to 30 June 2010

Ward:	Both	Date:	21 July 2010
Precinct:	All	File Ref:	ADM0018
Attachments:	001		
Reporting Officers:	J MacLean, Manager Ranger & Community Safety Services; S Raines, Coordinator Statutory Processes		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *ENDORSES the delegations for the period 1 April 2010 to 30 June 2010 as shown at Appendix 9.4.1; and*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to write-off infringement notices/costs to the value of \$39,270 for the reasons as detailed below:*

<u>Description</u>	<u>Amount</u>
<i>Breakdown/Stolen (Proof Produced)</i>	<i>\$1,780</i>
<i>Details Unknown/Vehicle Mismatched</i>	<i>\$3,820</i>
<i>Equipment Faulty (Confirmed by Technicians)</i>	<i>\$1,310</i>
<i>Failure to Display Resident or Visitor Permit</i>	<i>\$13,005</i>
<i>Interstate or Overseas Driver</i>	<i>\$2,225</i>
<i>Ranger/Clerical Error</i>	<i>\$7,860</i>
<i>Signage Incorrect or Insufficient</i>	<i>\$2,395</i>
<i>Ticket Purchased but not Displayed (Valid Ticket Produced)</i>	<i>\$1,140</i>
<i>Other (Financial Hardship, Disability, Police On-duty, Etc)</i>	<i>\$4,005</i>
<i>Penalties Modified</i>	<i>\$165</i>
<i>Litter Act</i>	<i>\$400</i>
<i>Dog Act</i>	<i>\$850</i>
<i>Local Government Property Local Law</i>	<i>\$250</i>
<i>Pound Fees Modified</i>	<i>\$65</i>
TOTAL	\$39,270

COUNCIL DECISION ITEM 9.4.1

Moved Cr Farrell, Seconded Cr Lake

That the recommendation be adopted.

MOTION PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (9-0)

PURPOSE OF REPORT:

The purpose of this report is to provide a quarterly progress report of the delegations exercised by the Town's Administration for the period 1 April 2010 to 30 June 2010 and to obtain the Council's approval to write-off infringement notices.

BACKGROUND:

The Local Government Act 1995, at Section 5.42, allows for a Council to delegate to the Chief Executive Officer its powers and functions.

The purpose of delegating authority to the Chief Executive Officer is to provide for the efficient and orderly administration of the day to day functions of the Local Government. The Chief Executive Officer, Directors and specific Managers exercise the delegated authority in accordance with the Council's policies.

DETAILS:

The area which results in most Infringement Notices being withdrawn for this quarter is that of where a resident or visitor was not displaying the necessary permits. While the offence is "*Failure to Display a Valid Permit*", it is not considered appropriate to penalise residents and their visitors, since the primary purpose of introducing Residential Parking Zones is to provide respite to them.

The next most prevalent withdrawal class is that of "*Ranger/Clerical Error*" however it should be noted that in most cases the infringement notices were reissued to the offending vehicle, on the spot, when the error was identified. It should also be noted that the Town has engaged a number of new Temporary Rangers, in the past few months.

ADVERTISING/CONSULTATION:

Not applicable.

LEGAL/POLICY:

Section 5.42 of the Local Government Act 1995 gives power to a Council to delegate to the CEO the exercise of its powers and functions; prescribes those functions and powers which cannot be delegated; allows for a CEO to further delegate to an employee of the Town; and states that the CEO is to keep a register of delegations. The delegations are to be reviewed at least once each financial year by the Council and the person exercising a delegated power is to keep appropriate records.

It is considered appropriate to report to the Council on a quarterly basis on the delegations utilised by the Town's Administration. A copy of these for the quarter is shown at Appendix 9.4.4.

STRATEGIC IMPLICATIONS:

The above is in accordance with Strategic Objective 4.1.2 of the Town of Vincent Strategic Plan 2009-2014: "*Manage the organisation in a responsible, efficient and accountable manner.*"

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The Council's Auditors recommend that infringement notices be reported to the Council for a decision to write-off the value of the infringement notice. In these cases, it is the opinion of the Co-ordinator Ranger Services and/or the Parking Appeals Review Panel that infringement notices cannot be legally pursued to recover the money or it is uneconomical to take action as this will exceed the value of the infringement notice.

The details of the Infringement Notices are as follows:

<u>Description</u>	<u>Amount</u>
Breakdown/Stolen (Proof Produced)	\$1,780
Details Unknown/Vehicle Mismatched	\$3,820
Equipment Faulty (Confirmed by Technicians)	\$1,310
Failure to Display Resident or Visitor Permit	\$13,005
Interstate or Overseas Driver	\$2,225
Ranger/Clerical Error	\$7,860
Signage Incorrect or Insufficient	\$2,395
Ticket Purchased but not Displayed (Valid Ticket Produced)	\$1,140
Other (Financial Hardship, Disability, Police On-duty, Etc)	\$4,005
Penalties Modified	\$165
Litter Act	\$400
Dog Act	\$850
Local Government Property Local Law	\$250
Pound Fees Modified	\$65
TOTAL	\$39,270

COMMENTS:

It is recommended that the delegations be endorsed by the Council.

9.4.3 nib Stadium Management Committee Meeting - Receiving of Unconfirmed Minutes 19 July 2010 and Progress Report of Stadium Redevelopment Negotiations

Ward:	South	Date:	21 July 2010
Precinct:	Beaufort, P13	File Ref:	RES0082/RES0114
Attachments:	001		
Reporting Officer:	M McKahey, Personal Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Unconfirmed Minutes of the nib Stadium Management Committee Meeting held on 19 July 2010, as shown in Appendix 9.4.3;*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to minor upgrade the Stadium Corporate Suites 1 and 13/14 at a cost of \$2,720 and this be funded from the Perth Oval Reserve Fund; and*
- (iii) *NOTES the progress of the negotiations between the Town and the Department of Sports and Recreation, concerning a possible long term lease of the Stadium to the State Government.*

COUNCIL DECISION ITEM 9.4.3

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

Cr McGrath departed the Chamber at 7.40pm.

Debate ensued.

Cr McGrath returned to the Chamber at 7.42pm.

Debate ensued.

The Chief Executive Officer provided a verbal update on the discussions with the State Government. The proposed meeting for 28 July 2010 with the Department of Sport and Recreation, was cancelled by the Director General of the Department of Sport and Recreation on 27 July 2010.

MOTION PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (9-0)

PURPOSE OF REPORT:

The purpose of the report is for the Council to receive the Unconfirmed Minutes of the nib Stadium Management Committee meeting held on 19 July 2010 and a progress report on the Stadium Redevelopment negotiations.

BACKGROUND:

At the Ordinary Meeting of Council held on 14 September 2004, the Council considered the establishment of a Committee for the management of the Stadium (now known as "nib Stadium" - formerly "ME Bank Stadium") and resolved inter alia as follows;

"That the Council APPROVES BY AN ABSOLUTE MAJORITY; ...

- (iii) *to delegate the following functions to the Committee;*
- (a) *to establish and review the Heads of Agreement (HOA) Key Performance Indicators (KPIs) in conjunction with Allia;*
 - (b) *to assess whether each proposed Licensing Agreement is consistent with the KPIs and the provisions of the HOA and to approve the proposed Licensing Agreement if it is consistent;*
 - (c) *to supervise the performance of the Services by Allia and to ensure that Allia performs the Services in accordance with the KPIs and the HOA;*
 - (d) *to receive and consider Performance Reports;*
 - (e) *to advise the Council on Capital Improvements required for the Stadium and to make recommendations to the Council about the use of the Reserve Fund;*
 - (f) *to review Naming Signage; and*
 - (g) *to review the Risk Management Plan;*

(For the purpose of avoidance of doubt, it is acknowledged that the Committee's functions do not include carrying out any of the Operational Management Services which are to be provided by Allia)."

Progress Report of Negotiations with State Government concerning Proposed Lease/Stadium Redevelopment

The following is an outline of event concerning negotiations:

11 August 2009	Town CEO and Director General of DSR - informal meeting to discuss progress of lease.
24 September 2009	Town, DSR and State Solicitors - meeting to discuss Lease.
17 November 2009	Town, DSR and State Solicitors - second meeting to discuss Lease.
18 December 2009	Town, DSR and State Solicitors - third meeting to discuss Lease.
December 2009 - April 2010	Numerous emails between Town and DSR to progress draft leases (17 drafts prepared).
23 March 2010	Mayor sent letter to Minister for Sport and Recreation advising of Redevelopment Options.
15 April 2010	Town sent Offer/Letter to DSR and Minister for Sport and Recreation.
7 May 2010	Letter from Premier concerning Financial Assistance Agreement and project delivery.
12 May 2010	Mayor and CEO confidential briefing to Special Council Meeting. Council determined its preferred Delivery Model and Rent Option.
13 May 2010	Letter from Premier advising <i>"Government shares your commitment to see MES become the premier venue for sports played on a rectangular field"</i> .

14 May 2010	Letter sent to DSR (with copy to Minister for Sport and Recreation) advising of the Council's preferred Option.
21 May 2010	Premier and Minister announce \$83 million redevelopment of Stadium.
31 May 2010	Letter from DSR seeking a meeting together with respective Valuers.
2 June 2010	Town's response to DSR regarding the meeting with the Valuers and requesting draft Terms of Reference for consideration by the Valuers.
14 June 2010	Mayor and Chief Executive Officer met with DSR and respective Valuers. DSR Director General stated he would submit an offer to the Town.
22 June 2010	Email from DSR advising their appointment of Consultants - KPMG, Populous Architects and Jones Coulter Young, Architects & Urban Designers - to prepare a Stadium Business Case and Redevelopment Masterplan.
8 July 2010	Chief Executive Officer, John Giorgi, met Stadium Consultants - advised DSR that the Town is still awaiting an offer from the DSR.
9 July 2010	Email from Mayor to Director General of DSR enquiring on the progress of their offer.
16 July 2010	Further email from Mayor to Director General of DSR, again enquiring on the progress of their offer.
19 July 2010	Email from DSR Director General seeking a meeting and advising of a number of further matters requiring further investigation.
20 July 2010	Mayor and DSR Director General to meet on 28 July 2010 to discuss "further matters" concerning the lease/stadium.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

The Local Government Act Regulations 1996 requires that Committee Meeting Minutes be reported to the Council.

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Strategic Plan - Plan for the Future 2009-2014, Objective 4.1 - *"Provide Good Strategic Decision Making, Governance, Leadership and Professional Management"* and, in particular, Objective 4.1.2 - *"Manage the organisation in a responsible, efficient and accountable manner"*.

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The reporting of the Town's Committee Minutes to the Council Meeting is in keeping with the Local Government Act 1995 and its regulations.

9.4.6 Information Bulletin

Ward:	-	Date:	21 July 2010
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer:	A Radici, Executive Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council RECEIVES the Information Bulletin dated 27 July 2010, as distributed with the Agenda.

COUNCIL DECISION ITEM 9.4.6

Moved Cr Harvey, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (9-0)

DETAILS:

The items included in the Information Bulletin dated 27 July 2010 are as follows:

ITEM	DESCRIPTION
IB01	Letter from the Hon. Peter Collier MLC, Minister for Energy; Training and Workforce Development regarding the Closure of the Sustainable Energy Development Office Grants Program
IB02	Letter from the State Library of Western Australia regarding Proposed Funding Allocation Model
IB03	Letter of Appreciation from Ms G. Box regarding Recognition of Ranger's Role – Andrew Wincott
IB04	Ranger Services Statistics for April, May and June 2010
IB05	Safer Vincent Crime Prevention (SVCPP) Minutes of Meeting held on 2 June 2010
IB06	Local Area Traffic Management (LATM) Working Group Unconfirmed Minutes of Meeting held on 17 June 2010
IB07	Mindarie Regional Council Minutes of the Ordinary Meeting held on 1 July 2010

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 Notice of Motion – Cr Maier – Request to Investigate Alternative Uses for Car Parking Bays in Town Centres
--

That the Council REQUESTS the Chief Executive Officer to:

- (i) *investigate and report on the feasibility of using a small number of car parking bays in Town Centres for alternative uses, including but not limited to:*
 - (a) *uses such as alfresco dining, provision tables and chairs for socialising and reading, and/or bicycle parking; and*
 - (b) *identification of potential and suitable locations in each Town Centre, indicative costs, budget implications, benefits, operational/logistical matters and legal, insurance and liability issues; and*
- (iii) *submit a report to the Council by October 2010.*

COUNCIL DECISION ITEM 10.1

Moved Cr Maier, Seconded Cr Topelberg

That the Motion be adopted.

Debate ensued.

MOTION PUT AND CARRIED (9-0)

11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Beatty Park Leisure Centre – Funding Application to the Federal Government

The Presiding Member, Mayor Nick Catania stated as follows:

I did mention during my Mayoral Announcement that we did not get any Federal funding for the Beatty Park Leisure Centre. The Chief Executive Officer has indicated he wishes to make a comment on it and it is better that you be advised of the matter.

The Chief Executive Officer, John Giorgi stated as follows:

Very late this afternoon I received a call from Julie Bishop's Office (Federal Member for Curtin), who had asked whether we had submitted projects to the Federal Government under the Infrastructure Improvement Strategic Projects round, to which I said yes. I thought this was unusual because we had already been advised in late June 2010 that we had not been successful. Very shortly thereafter, I had a call from "*The Australian*" newspaper which said that the National Auditor General had audited the grants going back in 2009 and was I aware that a major project in the Curtin Electorate had been recommended by the Bureaucrats in Canberra, but subsequently changed by the Minister, at his discretion and the money allocated to other seats held by the Labor Party members. There were two projects that were changed, one was in the Curtin Electorate – which we suspect was Beatty Park Leisure Centre, and the other one in the South Australian Liberal seat of Grey. The Minister reallocated \$13.1 million to the ALP Electorate of Eden Monaro and ALP Electorate of Hotham.

"*The Australian*" stated it wanted to run a story (which I believe will be fairly prominent) on the basis that it is "pork barrelling" and that it was obviously aimed at Julie Bishop's Electorate. I was asked to make a comment and as the Mayor has said, I indicated that; "*I was extremely disappointed that we didn't receive funding*". I did not get into the politics of the matter. I said that we would co-operate to provide them with a photo shoot and then I thought I do not want to politicise the matter, so I declined – but there will be an article about Beatty Park Leisure Centre. We did make three funding applications and the information that I have read seems to coincide with the first round application which we submitted in March 2009 and it was recommended by the Bureaucrats in Canberra. I think some of you may be aware that the Mayor and I did also lobby Stephen Smith, Gary Grey, Minister Albanese and the Bureaucrats and the feedback Mr Rootsey and I received very, very positive. When we missed out I thought they were over subscribed by multi millions of dollars and I accepted that explanation.

The Town then put in for a second round on a Jobs Project – it was a long shot, but it was at their encouragement and we missed out on that one.

At the last round there was only \$250 million and we missed out on that as well.

When I do get the newspaper article, I will circulate it. I think it will cause some political angst but I do not want the Council to be embroiled in a Federal Election matter, as much as possible, however the matter must be pursued.

It was pleasing to note that at least we got the approval of the Federal Government Administration. I will therefore be pursuing the matter.

14. CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED ("BEHIND CLOSED DOORS")

Nil.

15. CLOSURE

The Presiding Member, Mayor Nick Catania, declared the meeting closed at 7.53pm with the following persons present:

Mayor Nick Catania, JP	Presiding Member
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward
Cr Steed Farrell	North Ward
Cr Taryn Harvey	North Ward
Cr Sally Lake (<i>Deputy Mayor</i>)	South Ward
Cr Warren McGrath	South Ward
Cr Dudley Maier	North Ward
Joshua Topelberg	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)

No members of the Public were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 27 July 2010.

Signed:Presiding Member
Mayor Nick Catania

Dated this day of 2010