



TOWN OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

8 JULY 2008

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Minutes of the Ordinary Meeting of Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 8 July 2008, commencing at 6.00pm.

1. DECLARATION OF OPENING

The Presiding Member, Acting Mayor Steed Farrell, declared the meeting open at 6.01pm.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Mayor Nick Catania, JP – work commitments.
Cr Izzi Messina – apology for arriving late, due to work commitments.
Rob Boardman, Director Development Services – personal commitments.

(b) Present:

Cr Steed Farrell (Acting Mayor)	Presiding Member, North Ward
Cr Anka Burns	South Ward
Cr Helen Doran-Wu	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Noel Youngman	North Ward
John Giorgi, JP	Chief Executive Officer
Rasihah Rasaratnam	A/Manager Planning, Building & Heritage
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Lindsay McPhee	Journalist – “ <i>The Guardian Express</i> ” (until approximately 7.53pm)
Andrei Buters	Journalist – “ <i>The Perth Voice</i> ” (until approx 7.34pm)

Approximately 20 Members of the Public

(c) Members on 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. Mr Ross Cheyne – 3 Glendower Street – Item 10.1.6. Thanked the Town, Mayor and Councillors for the advice and encouragement with this project. Stated that various items on the assessment are related to set back issues, as the block is only 8 metres wide. They have done the best they can with the house and the liveability of some rooms. Advised that his neighbour (on the western side) who is present is 100% in favour of their design. Stated that they have an angle on the front of the house which perhaps gives false representation of the set back

and it is actually set back further than their neighbour and many other houses on the street and they have a laneway at the southern boundary where they certainly want to put plantings etc. on that balcony to screen them from the neighbours. Stated that the third level is only a 5 metres by 8 metres in the centre of the house, the house slopes down the block so that it is virtually invisible from Hyde Park, lower than the neighbours roof line and the vast majority of other houses on Glendower Street. Hopes that the house is going to be an example of what can be done on narrow blocks, smart and efficient, environmentally sound solar passive design and want to do justice to the location.

2. Ms Lisa Grozdanovska – 30/500 Beaufort Street, Highgate – Item 10.1.3. Advised that she will directly affected by the proposed construction and objected to the proposed constructions as there are numerous problems, most problematic would be the loss of privacy, the bedrooms of the proposed construction will be facing directly into her bedroom and bathroom as well overlooking into her courtyard, loss of her city skyline, loss of sunshine due to overshadowing, over density and the shear inconvenience of the noise and dust/pollutants during constructions. Would like to know what the provisions, considerations or financial compensation would be offered to the surrounding occupants? Stated that their main problem is the privacy and advised that the visitor car bays shortage in the area are prevalent and feels that the over density would be quite a problem for them.
3. Ms Anne Courtley – 6 Albans Avenue, Highgate – Item 10.1.4. Stated that there have been seven objections from the change of use from showroom to restaurant. Her concerns are the ever present traffic and parking in the residential areas of Beaufort Street which does become quite an issue, particularly in the evening. The Town is yet to provide this area with a useful and functioning traffic flow and parking solution amidst the ongoing approval for licensed premises.
4. Mr Ian Youll – 29 Eton Street, North Perth – Item 14.1. Advised that he is an owner builder and applied to the Council to build a garage which is 6 metres by 3 metres – was told that it would take eight to 10 weeks, had various materials lying around and as advised by the Compliance Officer could not use the verge. Stated that he used what he had, as he had approval from the Town Planner at this time that he could fit two vehicles on his block and he therefore put up the pipe work – basically a pergola and brick wall which is up against the parapet wall. Advised that his “sin” is being a bit fast off the mark as it takes too long to get things through Town Planning and would think that as an owner builder living in the Shire, this is a very small project and asked why little projects such as this, cannot be fast tracked and save this situation from occurring. Believes that if he had approval as the building department can do in a week or a couple of weeks for a small extension like this, he would not have this current problem. Advised that he did not want to wait, he is 57 and wanted to get it done and clear everything away and believes it would have been approved anyway and wanted to get it done before he was too old to do it and appeals to the Council. Advised that he does not want to do anymore business in this Council and therefore believes that he does not need to be deterred and it will not happen again. Apologised for building the wall too early.

5. Mr Anthony Rechichi – 280 William Street, Northbridge – Item 10.1.5. Stated that it is a single two-storey house on 160m² vacant lot which is a smaller size lot that can be subdivided in the Town and invariably when you build on 160m² you will end up with such issues like set back variations that will enable nice living spaces or you are faced with a much smaller house and not very nice living spaces which is what they have done. It is also a corner lot, fronts Hilda Street and a right of way and access to the house is off the right of way and the front of the house faces Hilda Street and adopts all the main street front prevention principles, which is a good thing and encourages passive surveillance. Advised that it is a modern design, lots of glass and takes full advantage of the 160m². Advised that regarding variances sought in relation to set backs have been supported by the Officer Recommendation who have been very good in the process but the reason is that they engaged in a very detailed public/neighbourly consultation period with the two neighbours who were emphatic about the design and were supportive of it. It is a tiny street with a bend in it and is one of two properties that can be subdivided and this is the only one to be subdivided and redeveloped, therefore the context here is somewhat unique and there is no real context to draw from in terms of new building. Stated that the chief concern is open space and they have a shortfall in open space, depending on how you interpret open space. Believes it is a good development and conducive to most developments they've done in the Town and would like to see this one built as well.
6. Mr Anthony Rizzicasa – 16 Kevroid (?) Way – Item 10.1.2. Stated that the block is zoned R80 commercial and the original application had a commercial component and received objections by neighbours and was not approved by Council. He would like Council to recognise that he has made a concerted effort to remove that commercial component and it is now solely residential and he has also made an enormous effort for it to be made compliant and friendly to all neighbours and Council policies. Advised that he has allowed sufficient car parking for each dwelling, in relation to car parking, it complies with the Council's car parking requirements. Advised that it is below the height allowable (2-storey requirements) and in regards to density, they are entitled to build eight single bedroom dwellings but they reduced the density to seven as it produced a better development as they did not want to "pack it in" or overfill, they chose a better quality development. He would like Council to recognise that the courtyards are bigger than what is prescribed by Council which provides more open space. Believes it compliments the Town's Vision of the area, it is within 200 metres of Leederville Village and they encourage people to walk and use public transport which would reduce the amount of people driving as they can walk to all the amenities. Stated that they have also made a concerted effort to compliment the street, looking at the elevations they have used the same roof lines and similar roof pitches and profiles of the windows are similar to the neighbours' properties without it looking like a "fake" it is designed to be complimentary to the street.
7. Mr John Kaye – 15 Melrose Street – Item 10.1.2. Advised that the first time it came to Council it was a 3-storey eight houses – it was knocked back, the second time it was four houses plus two offices – knocked back and on this occasion, it is surely 9 metres below the normal 2-storey house. Advised that his main concern is the parking, his gets two parking bays and when his family visit him there is difficulty parking. On Thursday nights the Camera House at the top of the street is open and Saturday and Sunday with football at Leederville Oval make it very difficult to get parking in the street at all. Stated that he does not understand the reason for seven houses on the small block although they look quite nice but it is going from one house to seven houses.

8. Mr David Barber – 394 Walcott Street, Mt Lawley – Item 10.1.4. Believes with the application submitted and locality, there is the inherent issue of parking shortfall. Stated that under the planning departments recommendation to turn the under width driveway at the southern boundary of the property into a pedestrian way for the disabled access, that would give them the current no standing zone on the east side of Beaufort Street which would have the facility turned into an extra parking bay on the street. Advised that, as a precedent, there was previously a shortfall in 2006 for the development at 2 St Albans Street and that shortfall represents 84.15% of the DA that was approved and currently not taking into account that previous bay, the planning departments recommendation is not to allow his at 48.7% shortfall, albeit that the previous approved shortfall in 1998 for the located site at 448 was of 25 bays. Feels that the DA he has put forward is one of the very few in the street that has actually come up in the last 3-5 years with a hospitality based one with a substantial amount of parking on offer which is a minimum of eight bays that is being currently accepted on the DA in the planning department and believes that is a notable amount of parking considering parking issues on the street. Acknowledges that the development will have an impact on the amenity in regards to parking on the street but feels, in the Council's eyes, that must be balanced against the positive side of having another premium trader on the street. The DA goes quite in depth and further documentation regarding the intended business. Stated that in Council's Policy 3.1.7 there is no real consideration given to the use of taxi's by people coming and going through the street and has noticed whilst trading in the last five years on the corner of Mary and Beaufort that there has been an increased number of taxi bays made available which obviously represents what transpires on the street. Stated that his DA meets Item 22 of the Parking Policy and does understand that it is at the Councillors' discretion whether they accept this policy or not and respectively requests it does.
9. Mr Peter Titchener – 5 Glendower Street – Item 10.1.6. Stated that in the Agenda he is still being "accused" of being inconvenienced and his privacy invaded, which is not the case, the Cheyne's have gone out of their way to respect his privacy and cannot understand why the development is being held up as the house is quite attractive and certainly conforms with the neighbourhood. Stated that as far as he is concerned, and he is the only immediate neighbour, there is no inconvenience to him at all and he would welcome it.
10. Ms Danae Watkins – 9 Barlee Street – Item 10.1.8. Stated that Barlee Street, Clarence etc. have not been included in residential zoning and would appreciate Councillor's looking at it. People still park in the streets within walking distance to Members Equity where they can park their cars for long hours and not pay or take responsibility for going to Members Equity to watch a concert, event or soccer. Therefore it is not encouraging patrons to utilise the car park at the end of Barlee Street. Asked Council to appreciate that by not including those streets for residential zoning, is pushing them onto their street. Stated that for recent concerts Forrest Park was opened up for parking, why would people pay \$10 for parking when across the road, on Barlee Street, it is open "slather" for cars to park for nothing and would therefore appreciate those streets being included, right up to Walcott Street and creating a grid so patrons have to take responsibility for taking their car to Members Equity. Stated that Subiaco Oval does it, and you have to pay for parking on the oval as there are no streets available.

There being no further speakers, the Presiding Member closed public speaking time at approximately 6.35pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Refer to IB08.

4. APPLICATIONS FOR LEAVE OF ABSENCE

4.1 Cr Farrell requested leave of absence for the Ordinary Meeting of Council to be held on 12 August 2008 for personal reasons.

Moved Cr Ker, Seconded Cr Doran-Wu

That Cr Farrell's request for leave of absence for the Ordinary Meeting of Council to be held on 12 August 2008 for personal reasons be approved.

CARRIED (8-0)

(Mayor Catania was apology for the meeting.)

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

5.1 Petition received from Mr Anthony Kerr of 32 Ruby Street, North Perth, along with 22 signatures objecting to the development proposal for 28 Ruby Street, North Perth.

The Chief Executive Officer recommended that the petition be received and referred to the Director Development Services for investigation and report.

Moved Cr Burns, Seconded Cr Messina

That the Petition be received, as recommended.

CARRIED (8-0)

(Mayor Catania was apology for the meeting.)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Minutes of the Ordinary Meeting of Council held on 24 June 2008.

Moved Cr Messina, Seconded Cr Burns

That the Minutes of the Ordinary Meeting of Council held 24 June 2008 be confirmed as a true and correct record.

CARRIED (8-0)

(Mayor Catania was apology for the meeting.)

6.2 Minutes of the Special Meeting of Council held on 2 July 2008 regarding the Annual Budget 2008/2009.

Moved Cr Messina, Seconded Cr Ker

That the Minutes of the Special Meeting of Council (Budget) held 2 July 2008 be confirmed as a true and correct record.

CARRIED (8-0)

(Mayor Catania was apology for the meeting.)

- 6.3 Minutes of the Special Meeting of Council held on 2 July 2008 regarding the Leederville Masterplan.

Moved Cr Messina, Seconded Cr Ker

That the Minutes of the Special Meeting of Council (Leederville Masterplan) held 2 July 2008 be confirmed as a true and correct record.

CARRIED (8-0)

(Mayor Catania was apology for the meeting.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Cr Messina departed the Chamber at 6.26pm.

7.1 Employee of the Month Award for the Town of Vincent for July 2008

As members of the public will know, the Council recognises its employees by giving a monthly award for outstanding service to the Ratepayers and Residents of the Town. The recipients receive a \$100 voucher, kindly donated by the North Perth Community Bank, and a Certificate. Also their photograph is displayed in the Town's Administration Centre Foyer, in the Library and at Beatty Park Leisure Centre.

For JULY 2008, the award is presented to Tracy Lumbis, Administration Officer in the Town's Technical Services Section. Tracy was nominated as a result of an email of appreciation received from Mr Ian Pickens, who is a Building Facilities Co-ordinator. Mr Pickens stated as follows;

"I would like to thank you for all the interactions we have had. I think you have done a great job and I always found you easy to contact and very responsive to my messages...."

Thank you very much... the Council has a great asset in you."

Tracy is the Administration Officer in the Technical Services Directorate and is responsible for all Technical Services administrative matters. This position requires a person who is methodical, well organised and with exceptional Customer Service Skills. Tracy possesses all of these attributes and is a very worthy recipient of this Award.

Tracy's nomination is also wholeheartedly endorsed by the Director Technical Services, Rick Lotznicker.

Congratulations Tracy - well done!

Received with Acclamation!

7.2 Town of Vincent Local Government Property Local Law 2008 – Amendment

Pursuant to Section 3.12 of the Local Government Act, the Town of Vincent hereby gives notice of its intention to amend its Local Law Relating to Local Government Property - Item 10.4.2 on tonight's Agenda.

The purpose of this Amendment is to:

- (i) correct the title from "2007" to "2008";
- (ii) amend Clause 5.2, concerning the role of a Manager or Authorised Person who may direct persons who can enter or be refused admission to a pool premises; and
- (iii) amend Clause 13.4 relating to Public Liability Insurance.

The Amendment to Clause 5.2 has been recommended by the Joint Standing Committee on Delegated Legislation, who consider the current Clause to be subject to a higher degree of discretion. They have recommended that the wording be amended to be more prescriptive.

The Amendment to Clause 13.4 has been recommended by the Town's Insurer, who has recommended more suitable provisions relating to Public Liability Insurance policies.

This matter will be advertised for six (6) weeks on a state-wide basis for public comment.

7.3 Town of Vincent Trading in Public Places Local Law 2008 – Amendment

Pursuant to Section 3.12 of the Local Government Act, the Town of Vincent hereby gives notice of its intention to amend its Local Law Relating to Trading in Public Places - Item 10.4.3 on tonight's Agenda.

The purpose of this Amendment is to prescribe requirements concerning Public Liability Insurance.

The Amendment to Clause 5.4 has been recommended by the Town's Insurer, who has recommended more suitable provisions relating to Public Liability Insurance policies.

This matter will be advertised for six (6) weeks on a state-wide basis for public comment.

7.4 Late Report – Town of Vincent Parking and Parking Facilities Local Law 2007 – Amendment to Schedule 6

I have approved of this matter as a Late Report - Item 10.4.7 on tonight's Agenda.

This Amendment has been advertised for public comment for the statutory six week period and no public submissions have been received.

It should be noted that this Amendment also attracted a petition from business proprietors in the area and the Amendment is a result of a response to that petition.

Pursuant to Section 3.12 of the Local Government Act, the Town of Vincent hereby gives notice of its intention to amend Schedule 6 of its Local Law Relating to Parking and Parking Facilities.

The purpose of this Amendment is to delete Schedule 6 relating to Ticket Machine Zones and insert a new Schedule 6 in its place. The new Schedule prescribes revised times for ticket machines in William Street, Brisbane Street, Vincent Street and Forbes Road.

This matter will be advertised for six (6) weeks on a state-wide basis for public comment.

7.5 Late Confidential Report

I have approved of a Late Report - Item 14.2 on tonight's Agenda - relating to the appointment of a consultant for the Chief Executive Officer's Annual Performance Review.

This Item is confidential as it is a matter affecting an employee.

8. DECLARATIONS OF INTERESTS

- 8.1 Cr Maier declared a proximity interest in Item 10.1.8 – Members Equity Stadium – Residential Parking Zone for 2008/2009. The extent of his interest being that he owns a property in one of the streets in the “residential parking” area. Cr Maier requested approval to participate in the debate and vote on any decision not affecting him.
- 8.2 Cr Lake declared a proximity interest in Item 10.1.8 – Members Equity Stadium – Residential Parking Zone for 2008/2009. The extent of her interest being that she owns a property within the area. Cr Lake requested approval to participate in the debate and vote on any matter not affecting Chatsworth Road.
- 8.3 The Chief Executive Officer, John Giorgi declared a financial interest in Item 14.2 – Late Confidential Item: Chief Executive Officer's Performance Review 2008 – Appointment of Consultant. The extent of his interest being that the matter relates to his Contract of Employment.

At 6.42pm Crs Lake and Maier departed the Chamber whilst their declaration of interest was being considered.

Moved Cr Messina, Seconded Cr Ker

That Crs Lake and Maier's request be approved for any additional matter other than the substantive motion.

Debate ensued.

The Chief Executive Officer advised the Council that the Council's decision should be concise and unambiguous.

Motion withdrawn.

Moved Cr Burns, Seconded Cr Dornan-Wu

That;

- (i) *Crs Lake and Maier's request to participate in debate and vote on the matter be approved, except for any matter involving Chatsworth Road; and***

- (ii) *Crs Lake and Maier not be permitted to vote on the substantive motion (as this includes Chatsworth Road).*

CARRIED (4-2)

<u>For</u>	<u>Against</u>
Presiding Member, D/Mayor Cr Farrell	Cr Ker
Cr Burns	Cr Youngman
Cr Doran-Wu	
Cr Messina	

(Mayor Catania was apology for the meeting.)

At 6.52pm Crs Lake and Maier returned to the Chamber.

The Presiding Member advised Crs Lake and Maier that;

- (i) their request to participate in debate and vote on the matter was approved, except for any matter involving Chatsworth Road; and
- (ii) they are not permitted to vote on the substantive motion (as this includes Chatsworth Road).

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

Nil.

10. REPORTS

The Presiding Member, Acting Mayor Steed Farrell, 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 10.1.6, 10.1.3, 10.1.4, 10.1.5 and 10.1.2.

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

Item 10.4.2, 10.4.3 and 10.4.7.

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

Item 10.1.8 and 14.2.

Presiding Member, Acting Mayor Steed Farrell, requested Council Members to indicate:

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

Cr Farrell	Nil.
Cr Messina	Item 10.2.1.
Cr Youngman	Item 10.4.6.
Cr Ker	Item 10.4.5.
Cr Doran-Wu	Nil.
Cr Lake	Nil.
Cr Burns	Nil.
Cr Maier	Nil.

The Presiding Member, Acting Mayor Steed Farrell, requested that the Chief Executive Officer advise the meeting of:

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

Items 10.1.1, 10.1.7, 10.2.2, 10.2.3, 10.2.4, 10.2.5, 10.4.1 and 10.4.4.

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

Item 14.1 and 14.2.

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

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

Items 10.1.1, 10.1.7, 10.2.2, 10.2.3, 10.2.4, 10.2.5, 10.4.1 and 10.4.4.

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

Items 10.1.6, 10.1.3, 10.1.4, 10.1.5 and 10.1.2.

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

Moved Cr Ker, Seconded Cr Messina

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

Items 10.1.1, 10.1.7, 10.2.2, 10.2.3, 10.2.4, 10.2.5, 10.4.1 and 10.4.4.

CARRIED (8-0)

(Mayor Catania was apology for the meeting.)

10.1.1 No. 5 (Lot: 70 and 71 D/P: 1035) Leicester Street, Leederville - Proposed Demolition of Existing Single House and Construction of Five (5) Two-Storey Grouped Dwellings

Ward:	South	Date:	1 July 2008
Precinct:	Leederville; P03	File Ref:	PRO4030; 5.2008.82.1
Attachments:	001		
Reporting Officer(s):	D Pirone, K Jackson		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by J-Corp on behalf of the owner Phocus Point Pty Ltd for proposed Demolition of Existing Single House and Construction of Five (5) Two-Storey Grouped Dwellings, at No. 5 (Lot: 70 and 71 D/P: 1035) Leicester Street, Leederville, and as shown on plans stamp-dated 23 June 2008, 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) an archival documented record of the place(s) including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) 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.*
- (iv) any new street/front wall, fence and gate within the Leicester Street setback area including along the side boundaries within this street setback area, shall comply with the following:*
 - (a) the maximum height being 1.8 metres above the adjacent footpath level;*
 - (b) the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
 - (c) the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
 - (d) the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
 - (e) the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*

- (f) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (v) *prior to the issue of a Building Licence, 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);*
- (vi) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Leicester Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (vii) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s); and*
- (viii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the balcony area on the upper floor northern elevation of unit 1 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. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 9 Leicester Street, stating no objections to the proposed privacy encroachment.*

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

COUNCIL DECISION ITEM 10.1.1

Moved Cr Ker, Seconded Cr Messina

That the recommendation be adopted.

CARRIED "EN BLOC" (8-0)

(Mayor Catania was apology for the meeting.)

Landowner:	Phocus Point Pty Ltd
Applicant:	J-Corp
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R60
Existing Land Use:	Single House
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	1174 square metres
Access to Right of Way	Not Applicable

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the demolition of the existing single house and the construction five two-storey grouped dwellings.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density:	6.52 dwellings at R60	5 dwellings at R42.5	Supported – no variation.
Building Setbacks: Ground Floor -North Units 1 and 2	1.5 metres	1.2 metres	Supported – as not considered to have an undue impact on the neighbouring property.
Units 4 and 5	1.5 metres	1.2 metres – 1.41 metres	“As above”.
-West Unit 5	1.5 metres	1.425 metres – 4.136 metres	“As above”.
Upper Floor -East (Leicester Street) Unit 1 Balcony	1 metre behind the ground floor	0.65 metre in front of the ground floor	Supported – see “Comments”.
Unit 1 Main Building setback to Leicester Street	2 metres behind the ground floor	In line with the ground floor – 2.9 metres behind the ground floor.	Supported – see “Comments”.

-West Unit 5	3.6 metres	1.425 metres – 4.136 metres	Supported – as not considered to have an undue impact on the neighbouring property.
Privacy Setbacks: -North Balcony of Unit 1	7.5 metres	1.2 metres to the northern boundary	Not supported – considered to have an undue impact on the neighbouring property. A condition has been applied for compliant screening to be provided prior to the issue of a Building Licence.
Consultation Submissions			
Support	Nil	Noted.	
Objection	Nil.	Noted.	
Other Implications			
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications		Nil	
Financial/Budget Implications		Nil	

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

COMMENTS:

The street setback variation is not considered to have an undue impact on the amenity of the streetscape; Leicester Street does not have an established streetscape, as it is predominantly a secondary street to dwellings facing Richmond Street, Bruce Street and Bourke Street. The dwellings that do front onto Leicester Street comprise of two-storey grouped dwellings that have reduced setbacks to the street. In this instance, the proposed front setback is supportable as it complements the existing streetscape by creating interaction between the dwelling and the street.

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.

**10.1.7 Flinders Street Car Park and Coogee Street Car Park, Mount Hawthorn
– Introduction of Time Restrictions**

Ward:	North	Date:	30 June 2008
Precinct:	Mount Hawthorn, P1	File Ref:	PKG0164
Attachments:	001		
Reporting Officer(s):	J MacLean, S Beanland		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **APPROVES IN PRINCIPLE** the introduction of a two hour (2P) parking time restriction between the hours of 8am to 8pm Monday to Sunday, to all bays within the;
- (a) *Flinders Street Car Park, Mount Hawthorn; and*
- (b) *Coogee Street Car Park, Mount Hawthorn; and*
- (ii) **AUTHORISES** the Chief Executive Officer to:
- (a) *advertise the proposed restrictions for a period of twenty one (21) days, seeking public comment;*
- (b) *consult with affected business proprietors and residents (by letterbox drop) in the vicinity; and*
- (c) *report back to the Council with any submissions received.*

COUNCIL DECISION ITEM 10.1.7

Moved Cr Ker, Seconded Cr Messina

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Mayor Catania was apology for the meeting.)

PURPOSE OF REPORT:

To obtain Council approval to introduce time restrictions in the Flinders Street and Coogee Street car parks in Mt Hawthorn.

BACKGROUND:

With the recent opening of the refurbished Mezz Shopping Centre, many of the staff, who were previously able to park within the shopping centre, have been told that this can no longer occur, because the parking bays are predominantly set aside for customers.

DETAILS:

Staff at *The Mezz* were told that they would need to find alternative parking, or use public transport to get to and from their work and this has resulted in a marked increase in the usage rates of Flinders Street and Coogee Street Car Parks. Anecdotally, it is suspected that the majority of users of Flinders Street and Coogee Street Car Parks are employed by businesses in *The Mezz*, who have found that these locations are convenient. However, it is also suspected that some staff from other businesses also make use of the convenience that there are currently no restrictions in either of these Car Parks.

Rangers undertook a survey of both Car Parks and established that almost all vehicles in Flinders Street Car Park remained there for the whole day and around 60% of the Coogee Street Car Park users also remained there for the whole day.

Recent complaints have been received by the Town, from local business owners, that their customers were often unable to find parking in Flinders Street Car Park and this is resulting in customers going elsewhere. The initial request was for around six bays in the Car Park to be time restricted, but because of the difficulties that are created by different restrictions in such a small facility, this is considered inappropriate. Because of the efficiencies gained from paid parking, consideration was given to the installation of a ticket issuing machine at this location, but because such a move would disadvantage customers and create a situation where users would park in the residential streets, it is not recommended at this time. It may be found appropriate, at a future time, to introduce ticket issuing machines or to review the restrictions in accordance with the Draft Car Parking Strategy, once adopted by the Council.

It is suggested that if only Flinders Street Car Park is time restricted, this will result in the people who currently use that facility, moving to Coogee Street Car Park, thereby creating more problems. As a result, it is recommended that both Car Parks are similarly restricted.

Alternative all-day parking is available at Oxford Street Car Park, where the Town installed Parking Ticket Machines in 2006. This Car Park is currently under utilised and can accommodate up to 32 vehicles.

For many years, it has been the view of the Town's administration that, while the Town may have some responsibility to provide parking facilities for customers of local businesses, it does not accept any responsibility to provide parking for staff. Since these Car Parks are owned by the Town and appear to be used, to a large degree, by staff of local businesses, precluding customers from using the bays, it is suggested that the above proposal would redress this inequity.

CONSULTATION/ADVERTISING:

While there would not appear to be any legal requirement to advertise the proposal, a letter drop and 21 day consultation period will be provided to afford members of the public and businesses an opportunity to comment on the proposal and to make recommendations or suggestions.

LEGAL/POLICY:

Town of Vincent Parking and Parking Facilities Local Law 2007.

There is no impediment to the introduction of time restrictions in Flinders Street and Coogee Street Car Parks and Rangers would enforce the restrictions as part of their normal duties.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2006-2011 – 1.1.6 Enhance and maintain the Town’s infrastructure to provide a safe, healthy, sustainable and functional environment:
“(p) Develop a strategy for parking management in business, residential and mixed use precincts, that includes parking facilities that are appropriate to public needs;”

FINANCIAL/BUDGET IMPLICATIONS:

The only cost associated with this recommendation will be the cost of purchasing and erecting information signage and restriction signage, along with new line-marking. As a result, the expected total cost will be around \$1,300.00.

COMMENTS:

Because many businesses in Scarborough Beach Road, along with local residents in Flinders and Coogee Streets, Mount Hawthorn, are currently being disadvantaged by vehicles that park all day, it is suggested that the above recommendation be approved. Alternative all-day parking is available at Oxford Street Car Park, which is situated around 350 metres from *The Mezz* Shopping Centre.

10.2.2 Proposed 2008/2009 Slab Footpath Replacement Program

Ward:	Both	Date:	2 July 2008
Precinct:	All	File Ref:	TES0174
Attachments:	001		
Reporting Officer(s):	R Lotznicker, C Economo		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *ADOPTS the first year, 2008/2009, of the four (4) year Footpath Replacement Program as outlined in Attachment 10.2.1; and*
- (ii) *NOTES that the remaining three (3) years (2009/2010 to 2011/2012) of the above program is “preliminary only” and will be subject to change.*

COUNCIL DECISION ITEM 10.2.2

Moved Cr Ker, Seconded Cr Messina

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Mayor Catania was apology for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council’s approval for the allocation of funds allowed for in the 2008/2009 budget to specific projects and adoption of the “first year” of the 2008/2009 Slab Footpath Replacement Program.

BACKGROUND:

The Council, in 1996, resolved to adopt a long term Slab Footpath Replacement Program to ensure the Town’s footpath infrastructure is maintained at an acceptable level of service and safety.

To ensure that the program is dynamic in reflecting changing circumstances, including development activity, other capital improvement projects, residents’ requests and changing conditions, it was considered appropriate to review and update the program annually and request that only the first year of the program be adopted by the Council annually.

DETAILS:

The first year of the program, as outlined in this report, relates to the 2008/2009 financial year.

As outlined in detail in the report presented to Council on 12 August 1996, this program was initially developed by assessing the condition and locality of all existing paths in the Town and by prioritising paths to be upgraded accordingly.

The program is continually revised and updated based on the revised condition of some paths, requests received, footpaths listed in the current program either brought forward or deferred, and footpaths on the current program being already upgraded by either service authorities or developers.

The four (4) Year Footpath Replacement Program is outlined in attachment 10.2.2.

CONSULTATION/ADVERTISING:

Residents are advised by means of an information bulletin prior to works proceeding in their street.

LEGAL/POLICY

The Town is responsible for the care control and management of approximately 300 kilometres of footpaths.

FINANCIAL/BUDGET IMPLICATIONS:

Over the last 10 years since 1996/1997, the Council has expended just under \$4.0 million on the footpath program.

In 1996 the rate per square metre for the laying cast insitu concrete footpaths was around \$20/m². The rate today is about \$40/m². While the annual allocation has increased from \$250,000 per annum in 1996 to \$450,000 in 2007 (average expenditure \$333,000 per annum) with the cost of the works doubling during this period the quantity of works undertaken has remained more or less constant per annum.

The draft 2008/2009 Capital Works Budget includes funds of \$500,000 for year 11 of the program. At the current contract price with an allocation of \$500,000 per annum it is estimated that it may take over 7 years to complete the program.

An audit of all outstanding slab paths and other outstanding works is currently being undertaken by Technical Services

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2006-2011 – *“1.1.6 Enhance and maintain the Town’s infrastructure to provide a safe, healthy, sustainable and functional environment: (a) Implement infrastructure upgrade programs, including streetscape enhancements, footpaths, Right of Ways, and roads.”*

COMMENTS:

The purpose of this report is to obtain Council’s approval for the allocation of funds allowed for in the 2008/2009 budget to specific projects in the 2008/2009 Footpath Replacement Program. It is requested that the officer recommendation be adopted.

10.2.3 Proposed 2008/2009 - Right of Way Upgrade Program

Ward:	Both	Date:	2 July 2008
Precinct:	All	File Ref:	TES0173
Attachments:	001		
Reporting Officer(s):	A Munyard		
Checked/Endorsed by:	R Lotznicker	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Report on the proposed 2008/2009 Right of Way Upgrade Program;*
- (ii) *ADOPTS the 2008/2009 upgrade schedule as detailed in the report at Table 1(in the report) and as outlined in appendix 10.2 3; and*
- (iii) *NOTES that a further report will be submitted to the Council on the proposed schedule for the upgrading of all remaining ROWs once detailed assessments have been completed and scores calculated.*

COUNCIL DECISION ITEM 10.2.3

Moved Cr Ker, Seconded Cr Messina

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Mayor Catania was apology for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to inform the Council of the progress of the amended right of way (ROW) upgrade schedule and to seek the Councils approval of the proposed schedule for 2008/2009.

BACKGROUND:

The Town’s ROW upgrade program, which was adopted in 1998, included the upgrading of all ROWs, both Town and privately owned.

Prior to 2007/2008 the Council was advised that almost all of the Town owned ROWs had been completed and that before proceeding with the acquisition of the remaining ROWs, these ROWs would be reassessed to ensure that current conditions and usage patterns were reflected in any new program.

A report on the revised ROW assessment table was considered by the Council at its Ordinary meeting held on 27 February 2007, where the council authorised the Chief Executive Officer to prepare a revised ROWs acquisition and upgrade program using the adopted “revised” assessment table.

The data collection has almost been completed however other factors have emerged which must also be considered when formulating a program for the upgrade of the remaining ROW's.

As large parcels of ROWs are often in a single ownership, acquisition of an individual owner's entire holding is expedient and cost effective. However, once acquired these ROWs become the responsibility of the Town regardless of their "score", and should be scheduled for sealing at the earliest opportunity.

DETAILS:

Assessment Criteria:

With the completion of the 2007/2008 ROW upgrade program there are now approximately 108 individual ROW legs within the Town remaining to be acquired and upgraded. As mentioned assessment charts for each of these ROWs were previously prepared and the collection of data will be weighted and a score awarded to each ROW in accordance with the following criteria:

Prone to flooding	Usage	Condition/Surface	Geometry	Retaining required
Yes 20	Heavy 12	Impassable 10	Straight 6	No 1
No 0	Medium 8	Fair/Firm 5	Bends with truncations 4	Yes 0
	Low 4	Good/Sealed 0	Bends, >3.0m wide, No truncations 2	
	None 0		Bends, <3.0m wide, No truncations 0	

Note: In accordance with the above criteria the maximum point a ROW would be awarded is as follows:

- Prone to flooding = (max 20)
- Heavily used = (Max 12)
- Impassable = Max 10
- Straight = (Max 6)
- No retaining required = (Max 1)

Therefore a ROW could achieve a maximum score of 49 points

Discussion - Formulation of 2008/2009 Program

The following events have influenced the selection of ROWs for the coming year's program, constituting a variation from the proposed selection process for 2008/2009.

At its Ordinary Meeting held on 8 February 2005, the Council decided to initiate the "taking" of a number of ROWs in the Banks Reserve Precinct. Further investigation brought to light that these ROWs, along with several others in the vicinity, were all held in the same title, owned by a development company, now defunct. The assets of such companies are administered by the Australian Securities and Investments Commission (ASIC).

An essential step in the "taking" process, is that the owner of the land must be contacted if possible, and given the opportunity to object if the so desire. The validity of the objection is considered by the Minister for Lands before the "taking" can proceed.

When ASIC was approached and asked to comment on the proposed “taking they advised that they were prepared to transfer the ownership of the ROWs to the Town, provided they were legally enabled to conduct such dealings with held assets. This was a more cost effective way of obtaining the ROWs, and the Town has been waiting for the outcome of ASIC’s inquiries into the extent of it’s powers in respect of held assets.

ASIC has since advised the Town that it is, in fact, able to proceed with the transfer of the ROWs and the process is now nearly complete.

Additionally, the Town has been offered the remaining ROWs held by Austbrokers Holdings. The company transferred what it had established to be all of it’s ROW holdings to the Town in 2001, however it has now found that there were other ROWs remaining in its possession. The transfer of these ROWs will be concluded in the near future.

2008/2009 Program

The implementation of the annual ROW upgrade program commences in mid July as working in ROWs is very labour intensive and creates dust etc. Therefore for the well being of the Town’s workforce and to ensure that the amenity of adjoining property owners is not adversely impacted upon the works are programmed for the winter months. The ROW work also provides “in house” work for the Town’s Engineering Services work force early in the financial year (prior to substantial rates income being received).

As the Town has is now responsible for these newly acquired ROWs, it is recommended that they be listed in the program for 2008/2009, as detailed in the table below.

Proposed 2008/2009 Right of Way Upgrade Program						
					Max 49	100%
North	West	Length (m)	Width (m)	Estimated Cost	Score	
Woodstock St	Shakespeare St	111	5	\$ 31,500.00	40	82%
Mitchell St	Stanley St	174	4	\$ 49,000.00	38	78%
Green St	Shakespeare St	257	5	\$ 74,000.00	38	78%
Gardiner St	Zebina St	194	4	\$ 55,000.00	20	41%
Ebsworth St	Pakenham St	150	4	\$ 42,000.00	20	41%
Westralia St	East St	120	4	\$ 37,000.00	18	37%
Brammal St	East Parade	40	4	\$ 11,500.00	18	37%
TOTAL				\$ 300,000.00		

Table 1

CONSULTATION/ADVERTISING:

The proposed program for 2008/2009 has been developed following recent acquisition together with review of updated data and consultation with operational staff.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2006-2011 – *1.1.6 (a) Implement Infrastructure upgrade programs, including streetscape enhancements, footpaths, Rights of Way, and Roads.*

FINANCIAL/BUDGET IMPLICATIONS:

Funds totalling \$300,000 have been allocated in the 2008/2009 budget for the ROW Upgrade program.

COMMENTS:

A number of health and safety issues can be resolved simply by upgrading a ROW. Flooding, scour (sand being washed onto footpaths), fire hazard, dumping, squatting, fouling and abandoned drug paraphernalia are all far more prevalent in unmade ROWs.

Unmade ROWs are frequently overgrown with long grass and encroaching vegetation from adjoining properties, hence they provide concealment for anti-social behaviour. There is markedly less dumping in sealed ROWs, which are perceived to be a "public domain" more so than the sandy tracks of unmade ROWs.

A further report including the proposed schedule for the remaining ROWs will be presented to the Council once the assessments have been concluded and the scores calculated. The opportunity of acquisition of bulk holdings will also constitute a factor in the formulation of future programs, and may necessitate deviation from the listing of ROWs, based on the score alone.

10.2.4 Introduction of a Two (2) Hour Parking Restriction During Business Hours Monday to Friday on Loftus St between Vincent and Carr Streets, Leederville

Ward:	South Ward	Date:	24 June 2008
Precinct:	Cleaver Precinct; P 5	File Ref:	TES0471
Attachments:	001		
Reporting Officer(s):	K Bilyk		
Checked/Endorsed by:	R Lotznicker	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report on the introduction of (2) hour parking restrictions in Loftus Street (east side on slip road), between Vincent and Carr Streets, Leederville ;
- (ii) **APPROVES** the introduction of (2) hour parking restrictions in Loftus Street from Monday to Friday, inclusive, between 8.00am and 5.30pm, as illustrated on attached Plan 2586-PP-1;
- (iii) **PLACES** a moratorium on the issue of infringement notices for a period of two (2) weeks following the installation of the signage; and
- (iv) **ADVISES** the residents of Loftus Street of its decision.

COUNCIL DECISION ITEM 10.2.4

Moved Cr Ker, Seconded Cr Messina

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Mayor Catania was apology for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to inform the Council of the outcome of the consultation with residents which was undertaken to determine their support for the introduction of a two (2) hour parking restriction on the east side of Loftus Street, in the slip road between Vincent and Carr Streets, Leederville.

BACKGROUND:

On 7 April 2008 the resident’s who reside in the slip road Loftus Street, between Vincent and Carr Streets, emailed the Town raising concerns over the number of City and local workers parking in the street for long periods of time resulting in a lack of parking for local residents.

DETAILS:

On 29 April 2008 (5) five letters were distributed to residents of Loftus Street, in the slip road between Vincent and Carr Streets, Leederville, requesting them to provide comments, over a 28 day period, regarding the proposed introduction of a (2) hour parking restriction from Monday to Friday inclusive between 8.00am and 5.30pm.

The Town's proposal also included details of the policy on eligibility for exemption from the time restrictions through the Residential and Visitor parking permits.

At the close of the consultation period eleven (3) responses were received (60% response) with three (3) in favour and nil (0) against the proposal. Please note that the other two (2) residents canvassed have their property boundary parallel to this section of Loftus Street, and their actual property frontage is accessible from Carr and Vincent Street.

CONSULTATION/ADVERTISING:

Residents were consulted via letter drop in relation to the proposed parking restriction in Loftus St.

LEGAL/POLICY:

There is no legal consequence of the recommendation.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2006-2011 - 1.1.6 Enhance and maintain the Town's infrastructure to provide a safe, healthy and functional environment. *"9e) Review, implement and promote the car parking strategy"*.

FINANCIAL/BUDGET IMPLICATIONS:

Overall cost to install poles, signs and line marking will be \$300.00.

COMMENTS:

All of respondents were in favour of the proposed introduction of parking restrictions in this section of Loftus Street to prevent non resident who work and commute to the City and surrounding areas from parking in the street for extended periods of time. It is therefore recommended that the Council proceed with the introduction of the two (2) hour parking restrictions as soon as possible on plan No 2586-PP-1.

10.2.5 Introduction of a Two (2) Hour Parking Restriction During Business Hours on Stirling Street, between Bulwer and Lincoln Streets, Highgate

Ward:	South Ward	Date:	27 June 2008
Precinct:	Forrest Precinct (14)	File Ref:	PKG0067
Attachments:	001		
Reporting Officer(s):	K Bilyk		
Checked/Endorsed by:	R Lotznicker	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report on the introduction of (2) hour parking restrictions in Stirling Street Highgate ;
- (ii) **APPROVES** the introduction of (2) hour parking restrictions in Stirling Street from Monday to Friday, inclusive, between 8.00am and 5.30pm , and Saturday between 8.00am until 12noon as illustrated on attached Plan 2587-PP-1;
- (iii) **PLACES** a moratorium on the issue of infringement notices for a period of two (2) weeks following the installation of the signage; and
- (iv) **ADVISES** the residents of Stirling Street of its decision.

COUNCIL DECISION ITEM 10.2.5

Moved Cr Ker, Seconded Cr Messina

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Mayor Catania was apology for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to inform the Council of the outcome of the consultation with residents which was undertaken to determine their support for the introduction of a two (2) hour parking restriction on both sides of Stirling Street, between Bulwer and Lincoln Streets, Highgate.

BACKGROUND:

On 15 April 2008 a resident who resides in Stirling Street, between Bulwer and Lincoln Streets, Highgate wrote to the Town raising concerns over the number of City and local workers parking in the street for long periods of time resulting in a lack of parking for local residents.

DETAILS:

On 29 April 2008 94 letters were distributed to residents of Stirling Street between Bulwer and Lincoln Streets, requesting them to provide comments, over a 28 day period, regarding the proposed introduction of a (2) hour parking restriction from Monday to Friday inclusive between 8.00am and 5.30pm, and Saturday between 8.00am until 12noon.

The Town's proposal also included details of the policy on eligibility for exemption from the time restrictions through the Residential and Visitor parking permits.

At the close of the consultation period eleven (11) responses were received (12% response) with nine (9) in favour and two (2) against the proposal. Please note that a large portion of the letters delivered were to residents living in multi storey apartments. A summary of the comments received is attached at appendix 10.2.5.

Implementing restricted parking in this section of Stirling Street will result in most of the street south of Lincoln Street and East of Beaufort Street having restricted parking in place.

CONSULTATION/ADVERTISING:

Residents were consulted via letter drop in relation to the proposed parking restriction in Stirling St.

LEGAL/POLICY:

There is no legal consequence of the recommendation.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2006-2011 - 1.1.6 Enhance and maintain the Town's infrastructure to provide a safe, healthy and functional environment. *"9e) Review, implement and promote the car parking strategy"*.

FINANCIAL/BUDGET IMPLICATIONS:

Overall cost to install poles, signs and line marking will be in the order of \$900.00.

COMMENTS:

The majority of respondents were in favour of the proposed introduction of parking restrictions in Stirling Street to prevent non resident who work and commute to the City and surrounding areas from parking in the street for extended periods of time. It is therefore recommended that the Council proceed with the introduction of the two (2) hour parking restrictions as soon as possible on plan No 2587-PP-1.

10.4.1 Use of the Council's Common Seal

Ward:	-	Date:	2 July 2008
Precinct:	-	File Ref:	ADM0042
Attachments:	-		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council ENDORSES the use of the Council's Common Seal on the documents listed in the report, for the month of June/July 2008.

COUNCIL DECISION ITEM 10.4.1

Moved Cr Ker, Seconded Cr Messina

That the recommendation be adopted.

CARRIED "EN BLOC" (8-0)

(Mayor Catania was apology for the meeting.)

BACKGROUND:

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

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

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

Date	Document	No of copies	Details
6/06/08	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Western Power Meetings - 11/06/08, 04/07/08, 10/07/08, 18/07/08, 08/08/08, 15/08/08, 21/08/08, 22/08/08, 05/09/08, 12/09/08, 19/09/08, 10/10/08, 16/10/08, 24/10/08, 07/11/08, 13/11/08, 21/11/08 and 27/11/08 (Gareth Naven Room)

Date	Document	No of copies	Details
6/06/08	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Australia Railway Group Meetings - 18 and 19 June 2008 (Gareth Naven Room)
6/06/08	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Child and Adolescent Community Health - 27 June 2008 (Gareth Naven Room)
17/06/08	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: LHMU Meeting - 8 July 2008 (Members Equity Bank Lounge)
20/06/08	Agreement	2	Town of Vincent and the Fire and Emergency Services Authority of Western Australia (FESA) of 480 Hay Street, Perth re: Emergency Services Levy Agreement (Option B)
20/06/08	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Western Power Meetings - 24/06/08, 21/08/08 and 27/11/08 (Gareth Naven Room)
26/06/08	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Coca Cola Staff Development Meeting - 26/06/08 (Gareth Naven Room)
26/06/08	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Independent Education Union Meeting - 11/07/08 (Gareth Naven Room)
26/06/08	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Western Power Meeting - 22/07/08 (Gareth Naven Room)
26/06/08	Lease	3	Town of Vincent and Multicultural Services Centre of WA Inc, 20 View Street, North Perth WA 6006 for Five (5) Years, commencing 1 December 2007 and terminating 30 November 2012.
01/07/08	Lease	3	Town of Vincent and Life Without Barriers, PO Box 409, Fremantle WA 6959 re: Lease for Premises at No. 176 Fitzgerald Street, North Perth for Five (5) Years, commencing on 1 June 2008 and terminating 31 May 2013
02/07/08	Road Reserve Deed	2	Town of Vincent and M J Colgan and D A Colgan, both c/o Colgan Industries Pty Ltd, 283 Newcastle Street, Northbridge 6003 14 Money Street, Perth - Lot 1 on Deposited plan 57661, being the whole of the land in Certificate of Title Volume 2682, Folio 970, which is intended to become the subject of Strata Plan 54466 re: <i>Square One, Money Street, Perth - Road Reserve Deed</i> -

10.4.4 Beatty Park Leisure Centre Study Tour

Ward:	-South	Date:	26 June 2008
Precinct:	-	File Ref:	-
Attachments:	-		
Reporting Officer(s):	Dale Morrissy/M Rootsey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council APPROVES of the Manager Beatty Park Leisure Centre, Assistant Manager - Aquatic and Operations Beatty Park Leisure Centre and the Chief Executive Officer to carry out a Leisure Centre Study Tour and site visits, as detailed in this report, at an estimated cost of \$4,110 each, during October 2008.

COUNCIL DECISION ITEM 10.4.4

Moved Cr Ker, Seconded Cr Messina

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Mayor Catania was apology for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council's approval for the Chief Executive Officer, Manager Beatty Park Leisure Centre and Assistant Manager - Aquatic and Operations Beatty Park Leisure Centre to carry out a Study Tour of Leisure Centres and site visits as part of the redevelopment process for Beatty Park Leisure Centre.

BACKGROUND:

At the Ordinary Meeting of Council held on 8 April 2008, the Council adopted in principle the concept plans for the redevelopment of the Beatty Park Leisure Centre.

The redevelopment of Beatty Park Leisure Centre is estimated to cost approximately \$18-20 million. Concept sketches have been prepared and public consultation is due to commence in mid July. The redevelopment is controlled by a Project Control Group comprising;

Chief Executive Officer – Chair
Director Corporate Services
Manager Beatty Park Leisure Centre
Assistant Manager (Aquatics and Operations) Beatty Park Leisure Centre
Project Architect.

The Project Control Group is responsible for the day to day management of the project.

The study tour will inspect a number of sites in Melbourne, Canberra and New South Wales. All of these centres have been identified as being “Best Practice” and successful. The Chief Executive Officer and Manager Beatty Park Leisure Centre will primarily investigate management options, whilst the Assistant Manager will concentrate on building technologies, pool operations and the like.

The tour will also allow for an exchange of information to be obtained from the various attendees. (Note: Mr Rootsey will be on annual leave and is unavailable to attend.)

It is considered that the study tour site visits of Leisure facilities will provide an excellent opportunity to obtain first-hand knowledge about new technologies, fittings and fixtures, policies and practices within the industry that could benefit the redevelopment and operation of Beatty Park Leisure Centre.

It is intended that the officers will visit 1 centre in Canberra, 3 centres in Melbourne, then join an organised tour by the NSW Aquatic industry to visit 10 Centres in New South Wales. The aim of the study tour is;

“To inspect various Leisure facilities to view their management practice and the latest design features, particularly with regard to large multi-purpose facilities.”

There will be facility tours covering aspects such as design and technology. Meetings will cover topics of venue management, pricing, programming and marketing.

Venues

The following venues will be visited in Melbourne and New South Wales:

- Casey Aquatic and Recreation Centre
- Mingara Leisure Centre, Central Coast
- Peninsula Leisure Centre, Woy Woy
- North Sydney Olympic Park
- Ian Thorpe Aquatic Centre, Sydney
- Cook and Phillip Park, Sydney
- Blacktown Leisure Centre
- Cabravale Leisure Centre, Fairfield
- Sydney Olympic Park Aquatic Centre
- Beaton Park, Wollongong
- Jamberoo Recreation Park

The Town proposes to visit the following centres, in addition to the New South Wales Study tour;

- Canberra Sports and Aquatic Centre
- Melbourne Sport and Aquatic Centre – Melbourne
- YMCA Docklands, Melbourne – Melbourne
- Casey Aquatic and Recreation Centre – Melbourne

Previous Tours

The Town has not been represented at previous tours (which are held every 2-3 years). The Chief Executive Officer and Director Corporate Services carried out a study tour of leisure centres in 2006, which also included several aquatic centres. Only two centres visited in 2006 are included in the itinerary (Canberra and YMCA Docklands). Both these centres were new at the time and an inspection is considered worthwhile to obtain information about operations, design issues etc, after several years of operation.

CONSULTATION/ADVERTISING:

N/A.

LEGAL POLICY:

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

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

As this Study Tour will be of a technical nature and involving day-to-day management matters, it is appropriate for the officers to attend. Notwithstanding, a Council Member may also wish to attend.

STRATEGIC IMPLICATIONS:

The redevelopment of the Beatty Park Leisure Centre is in accordance with the Town's Strategic Plan 2006-2011 - Key Result Areas 1.1 - *Improve and maintain environment and infrastructure; 2.1 - Progress economic development with adequate financial resources; 4.2 - Provide a positive and desirable workplace and implement technology for business improvement.*

FINANCIAL/BUDGET IMPLICATIONS:

The estimated cost per person is as follows;

	Economy Class
Airfares (Perth-Canberra, Canberra-Melbourne) (Sydney-Perth) (<i>Economy Class</i>) #	950.00 (approx)
Hotel Accommodation (2 nights in Melbourne)	360.00
Tour cost (includes air fares-Melbourne to Sydney, transport, breakfast and accommodation included)	2,200.00
Daily Allowance/Expenses (8 days @ \$75 per person per day) (* reduced amount)	600.00
	<hr/> <hr/> \$4,110.00 (approx)

(# cost is subject to type of special offers available at the time of booking.)

COMMENTS:

There are many benefits to be gained by visiting facilities on a first hand basis and this will allow for best practice in policies, procedures, programs and technology to be incorporated into the final planning for the redevelopment of the Beatty Park Leisure Centre.

It is requested that approval be granted for the Chief Executive Officer, Manager Beatty Park Leisure Centre and Assistant Manager - Aquatic and Operations Beatty Park Leisure Centre to carry out these inter-state site visits.

10.1.6 No. 3 (Lot: 202 D/P: 32729) Glendower Street, Corner William Street, Perth – Construction of Three-Storey Single House

Ward:	South	Date:	1 July 2008
Precinct:	Hyde Park; P12	File Ref:	PRO2527; 5.2008.194.1
Attachments:	001		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Solar Dwellings on behalf of the owner R & F Cheyne for proposed Construction of Three-Storey Single House, at No. 3 (Lot: 202 D/P: 32729) Glendower Street, corner William Street, Perth, and as shown on plans stamp-dated 22 April 2008, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the upper floor street setback and building height requirements of the Town's Policy relating to Robertson Locality Statement (which has since been rescinded);*
- (iii) the non-compliance with the building height, building setbacks and privacy requirements of the Residential Design Codes;*
- (iv) the building height requirements proposed to be varied is as specified in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements; and*
- (v) consideration of the objection received.*

Moved Cr Messina, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND LOST (8-0)

(Mayor Catania was apology for the meeting.)

Reason:

- 1. Difficulties of the site.**
- 2. Development is consistent with the scale of nearby development.**
- 3. Support on adjacent neighbour.**

ALTERNATIVE RECOMMENDATION – COUNCIL DECISION ITEM 10.1.6

Moved Cr Ker, Seconded Cr Messina

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Solar Dwellings on behalf of the owner R & F Cheyne for Construction of Three-Storey Single House, at No. 3 (Lot 202 D/P: 32729) Glendower Street, corner William Street, Perth, and as shown on plans stamp-dated 22 April 2008, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) any new street/front wall, fence and gate between Glendower Street boundary and William Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
 - (f) the solid portion adjacent to the William Street boundary from the above truncation(s), can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence;*
- (iii) first obtaining the consent of the owners of No.5 Glendower Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of these boundary (parapet) wall facing No.5 Glendower Street in a good and clean condition;*

- (iv) *prior to the issue of the Building Licence, revised plan shall be submitted and approved demonstrating the following:*
- (a) *the windows to the kitchen and dining room on the first floor on the western and northern elevations within the 6.0 metre cone of vision to the western boundary; and*
 - (c) *the balcony on the first floor on the southern elevation within the 7.5 metre cone of vision to the southern boundary*

being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material 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. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No.5 Glendower Street and Nos .495-497 William Street 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;

- (v) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s); and*
- (vi) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title or Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town.*

ALTERNATIVE MOTION PUT AND CARRIED (8-0)

(Mayor Catania was apology for the meeting.)

Landowner:	R & F Cheyne
Applicant:	Solar Dwellings
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R80
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	304 square metres
Access to Right of Way	Southern side, 3.02 metres wide, sealed, privately owned

BACKGROUND:

- 27 April 2004 The Council at its Ordinary Meeting resolved to refuse the application for the construction of two (2), two-storey single houses and approve the demolition of the existing dwelling.
- 23 November 2004 The Council at its Ordinary Meeting deferred consideration of the proposed two (2) two-storey single houses as requested by the applicant.
- 21 December 2004 The Council at its Ordinary Meeting refused the application for the construction of two (2) two-storey single houses.
- 26 February 2008 The Council at its Ordinary Meeting resolved to approve the demolition of the existing dwelling, but refuse the application for the construction of three-storey single house for the following reasons:
- "(a) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
 - (b) the non-compliance with the upper floor street setback and building height requirements of the Town's Policy relating to Robertson Locality Statement;*
 - (c) the non-compliance with the plot ratio, building height, building setbacks, privacy and outdoor living area requirements of the Residential Design Codes; and*
 - (d) the plot ratio, minimum outdoor living area and building height requirements proposed to be varied is as specified in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements."*

DETAILS:

The proposal involves the construction of a three-storey single house. The application is almost identical to the application considered by the Council at its Ordinary Meeting held on 26 February 2008, with the exception of some minor setback changes and the inclusion of a decorative detail on the proposed front eastern wall, which presents to William Street. Portions of the front eastern wall have been cut out in places to form a decorative infill wall panel which resembles a sawtooth. The sawtooth infill will be constructed from metal and attempts to reduce the bulk of the wall, to provide greater articulation of the wall and to increase the interaction between the subject place and William Street.

The application has not been assessed in accordance with the Residential Design Elements Policy, as the applicant has provided written advice demonstrating that the design of the proposal had commenced prior to the adoption of the above Policy on 18 December 2007.

The applicant has provided photographs of the properties adjacent to the subject place to demonstrate to the Council the existing heights along this portion of Glendower Street. These images are 'Laid on the Table'.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	N/A	N/A	Noted.
Plot Ratio	N/A	N/A	Noted.
Building Setbacks: -Ground Floor North (Main Building Line to Glendower Street)	4.0 metres	3.13 - 4.867 metres	Not supported – as considered to have an undue impact on the amenity of the existing streetscape and non-compliance with the Robertson Locality Policy and the street setback requirements of the Residential Design Codes.
North (Nib wall to Glendower Street)	4.0 metres	2.28 metres to base of nib wall	Not supported – as above.
Ground floor to western boundary	1.5 metres	Nil - 1.0 - 1.565 - 1.569 – 3.845 metres	Not supported – as considered to have an undue impact on the directly affected neighbours.
First Floor North (Balcony to Glendower Street)	6.0 metres	3.13 metres	Not supported - as considered to have an undue impact on the amenity of the existing streetscape and non-compliance with the street setback requirements of the Robertson Locality Policy.
North (Nib Wall to Glendower Street)	6.0 metres	3.13 metres to top of nib wall	Not supported – as above.
First floor to western boundary	3 metres	1.569 – 2.585 metres	Not supported – as considered to have an undue impact on the visual amenity of the area and on directly affected neighbours in terms of bulk and scale.

<p>Building Height:</p> <p>Number of Storeys of 2</p> <p>Top of external wall (concealed roof) 7.0 metres</p>	<p>3</p> <p>8.5 metres</p>	<p>Not supported – undue impact on amenity of area, and non-compliance with the height requirements of the Town’s Robertson Locality Policy.</p> <p>Not supported – undue impact on amenity of area, and non-compliance with Clause 3.7.1 of the Residential Design Codes relating to building height.</p>
<p>Privacy Setbacks First Floor:</p> <p>-Front Balcony to western boundary. 7.5 metres</p> <p>Kitchen to western boundary. 6.0 metres</p> <p>Dining to western boundary. 6.0 metres</p> <p>Rear Balcony to southern (ROW) boundary. 7.5 metres</p>	<p>1.7 metres to western boundary.</p> <p>2.585 metres to western boundary.</p> <p>1.565 – 2.585 metres to western boundary.</p> <p>6.0 metres to southern property boundary.</p>	<p>Supported - the applicant has screened the western side of the balcony to prevent direct overlooking onto the adjacent property. The resultant privacy encroachment is supportable as it is considered that there is a lesser need to prevent overlooking of front gardens or areas visible from the street.</p> <p>Not supported – whilst the drawings detail that privacy screens will be provided, further detail is required to ensure the screening satisfies the Town's requirements for privacy. To be conditioned to comply in event of approval.</p> <p>Not supported – as above.</p> <p>Not supported – undue impact on amenity of area, and non-compliance with Clause 6.8.1 of the Residential Design Codes relating to Visual Privacy. To be conditioned to comply in event of approval.</p>

Studio to western boundary.	6.0 metres	5.6 metres to the western property boundary.	Not supported – as above.
Street Walls and Fences.	Maximum height of piers 1.8 metres above adjacent footpath level.	Varying from 1.8 metres to 2 metres.	Not supported - undue impact on amenity of streetscape and surrounding area, to be conditioned to comply in event of approval.
Consultation Submissions			
This application has not been advertised as it results in no further variations than the application which was refused at the Ordinary Meeting of Council held on 26 February 2008, which was advertised in accordance with the Town's policy relating to Community Consultation.			
Support (1)	No comments provided.		Noted.
Objection (1)	<ul style="list-style-type: none"> Concern with the bulk and scale of the development in relation to plot ratio. 		<ul style="list-style-type: none"> Not supported - as plot ratio is no longer a consideration for single dwellings in land zoned Residential R60 as per the 2008 version of the Residential Design Codes.
	<ul style="list-style-type: none"> Building height in terms of the number of storeys and overall height to the top of the external wall. The non-conformance with the Town's Hyde Park Precinct. 		<ul style="list-style-type: none"> Supported – see comments in the above non-compliant assessment table. Supported – the proposal does not comply with the residential requirements of Policy No. 3.1.12 - Hyde Park Precinct, which requires all residential development to comply with the Policies relating to Residential Design Guidelines.
	<ul style="list-style-type: none"> The balcony on the southern elevation which will overlook onto the rear neighbours living area. 		<ul style="list-style-type: none"> Supported- see comments in the above non-compliant assessment table.
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

Department for Planning and Infrastructure (DPI)

In a letter dated 14 June 2007, the DPI advised it has no objections to the proposed development under regional transport planning grounds.

Building Height

The application is for the construction of a three-storey single house. This is a variation to the Town's height requirements as per the Town's Policies relating to the former Robertson Locality and Non-Variation of Specific Development Standards and Requirements. The overall building height is also non-compliant with Clause 6.7.1 of the Residential Design Codes relating to Building Height. The acceptable height for a residential development with a concealed roof is 7.0 metres to the top of external wall. The proposed 8.5 metre wall height to the third storey is considered to be an excessive variation in this instance.

Summary

In light of the above, it is recommended that the Council refuse the proposed development as outlined in the Officer Recommendation, as the applicant/owners do have the opportunity for a redesign of the dwelling, which could comply with the Town's requirements since they are starting with a vacant site.

10.1.3 Nos. 112 – 120 (Lots 4, 5, 53, 54, 55 and 123) Broome Street, Highgate - Proposed Demolition of Existing Single House and Construction of Eight (8) Two-Storey Grouped Dwellings

Ward:	South	Date:	1 July 2008
Precinct:	Forrest; P14	File Ref:	PRO1307; 5.2007.261.1
Attachments:	001		
Reporting Officer(s):	D Pirone, K Jackson		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Perth Residential Developments on behalf of the owner Benjamin & Co Pty Ltd for proposed Demolition of Existing Single House and Construction of Eight (8) Two-Storey Grouped Dwellings, at Nos. 112 – 120 (Lots 4, 5, 53, 54, 55 and Lot 123) Broome Street, Highgate and as shown on plans stamp-dated 1 May 2008, subject to the following conditions:

- (i) interpretation of the history and significance of Crawshaw's House shall be incorporated into any future redevelopment of the site and shall have the approval of the Heritage Council of Western Australia;*
- (ii) an interpretative plaque or another appropriate form of interpretation that recognises the history and significance of Crawshaw's House, and is visible to the public along the Broome Street frontage, shall be installed prior to the first occupation of the redevelopment of the site. The design and wording of the interpretative plaque or other interpretative medium shall be submitted to and approved by the Heritage Council of Western Australia and the Town prior to the issue of a Demolition Licence;*
- (iii) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (iv) an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (v) 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;*
- (vi) any new street/front wall, fence and gate within the Broome Street setback area including along the side boundaries within this street setback area, shall comply with the following:*
 - (a) the maximum height being 1.8 metres above the adjacent footpath level;*

- (b) *the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
 - (d) *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
 - (e) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
 - (f) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
 - (vii) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*
 - (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 an owner or visitor residential car parking permit to any owner or occupier of the units. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*
- This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*
- (viii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town, and thereafter implemented and maintained;*
 - (ix) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
 - (x) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Broome Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

- (xi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the windows to bedroom 3 of Unit 4 on the northern elevation within the 4.5 metre cone of vision;*
 - (b) *the windows to the living/meals of Unit 5 on the eastern and northern elevations;*
 - (c) *the windows to the sitting room of Unit 6~~5~~ on the southern elevation; and*
 - (d) *the windows to the living/meals of Unit 6 on the northern elevation;*

being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2008. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 110 Broome Street, Nos. 369-375 Stirling Street and No. 500 Beaufort Street 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;

- (xii) *prior to the first occupation of the development, the existing crossover at Nos. 112 and 116 Broome Street being removed and the street verge adjacent to the subject site being reinstated. All costs associated with the removal of the existing crossover and reinstatement of the street verge is to be borne by the applicant/owner(s);*
- (xiii) *the proposed 1.5 metre pedestrian access way being a shared driveway for vehicles and pedestrians, with a clear distinguishing detail illustrating the pedestrian area from the driveway;*
- (xiv) *any proposed boundary fencing along Unit 8 shall allow for a 1.5 metre by 1.5 metre truncation to the west of the porch;*
- (xv) *prior to the issue of a Building Licence, 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);*
- (xvi) *prior to the issue of a Building Licence all vehicular access to the subject sites at Nos. 112-120 Broome Street, Highgate and Nos. 476, 484 and 488-492 Beaufort Street, Highgate, shall be legally and continually secured, to the satisfaction of the Town; and*

(xvii) *prior to the issue of a Building License the applicant/owner shall demonstrate that the existing drainage line that traverses the lot and collects stormwater from Nos. 488-492 Beaufort Street is either adequately protected via an easement; or demonstrates what alternative measures would be implemented, to ensure that the discharge of stormwater from Nos. 488-492 Beaufort Street continues to be adequately catered for; to the satisfaction of the Town's Technical Services.*

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

COUNCIL DECISION ITEM 10.1.3

Moved Cr Messina, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND LOST (2-6)

<u>For</u>	<u>Against</u>
Cr Doran-Wu	Presiding Member, D/Mayor Cr Farrell
Cr Maier	Cr Burns
	Cr Ker
	Cr Lake
	Cr Messina
	Cr Youngman

(Mayor Catania was apology for the meeting.)

Reasons:

1. Non compliances as stated in the Assessment Table.
2. No community dividend for the loss of Crawshaw's Cottage.
3. Ability to incorporate the Cottage into the proposed redevelopment.
4. Consideration of the objections received.
5. Questionable aesthetics.

ADDITIONAL INFORMATION:

The above proposed condition is considered appropriate to manage the existing Town of Vincent drainage lines operating on site.

Landowner:	Benjamin & Co Pty Ltd
Applicant:	Perth Residential Developments
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R80
Existing Land Use:	Nos. 112 – 114 and Nos. 118 – 120 Broome Street , Highgate – Vacant Land No. 116 Broome Street, Highgate – Vacant House
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	1480 square metres
Access to Right of Way	N/A

BACKGROUND:

- 8 February 2000 The Council refused the proposed demolition of the existing dwelling at No. 116 (Lot 5) Broome Street, Highgate and commissioned the services of an approved Heritage Consultant to complete a full documentary of the place and to refer the place to the Heritage Council of Western Australia (HCWA). This followed various public submissions and some preliminary independent historical research commissioned by the Town, which highlighted that the Officer's original report, that indicated the place had no cultural heritage significance, was incorrect.
- 18 April 2000 New planning application received for the redevelopment of the site and retaining the existing dwelling at No. 116 (Lot 5) Broome Street, Highgate.
- 26 September 2000 Council granted conditional approval for proposed alterations and addition to the existing building and 14 additional dwellings, subject to various heritage requirements outlined by the HCWA and the Town.
- 15 December 2000 The Town received notification from HCWA that the place has been entered in the Register of Heritage Places on an Interim basis.
- 7 February 2005 An application for demolition received by the Town.
- 11 October 2005 After much liaison with the Heritage Council, the Council at its Ordinary Meeting approved the demolition of the subject place, subject to standard and appropriate conditions, including the requirement for an interpretative proposal that recognises the history and significance of Crawshaw's House, being installed in a place that is visible to the public along the Broome Street frontage.

DETAILS:

The proposal involves the demolition of No. 116 Broome Street, Highgate and the construction of eight two-storey grouped dwellings.

The subject application was received prior to the adoption of the Residential Design Elements Policy (RDE) and, therefore, an assessment has been made against the previous Policy requirements.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed	Community Comments
Density:	8.22 dwellings	8 dwellings	No variation.

<p>Building Setbacks: Upper Floor -East Elevation South Block – Units 1, 2, 3 and 4</p>	1.6 metres	1.2 metres – 1.6 metres	Supported – as not considered to have an undue impact on the neighbouring property.
<p>North Block – Units 5, 6, 7 and 8</p>	1.6 metres	1.2 metres – 1.6 metres	Supported – as not considered to have an undue impact on the neighbouring property.
<p>-West Elevation South Block – Units 1, 2, 3 and 4</p>	1.6 metres	1.2 metres – 1.6 metres	Supported – as not considered to have an undue impact on the neighbouring property.
<p>North Block – Units 5, 6, 7 and 8</p>	1.6 metres	1.2 metres – 1.6 metres	Supported – as not considered to have an undue impact on the neighbouring property.
<p>-North (Rear) Elevation North Block – Units 5, 6, 7, and 8</p>	6 metres	4.1 metres – 5.07 metres	Supported – as not considered to have an undue impact on the neighbouring property.
<p>Outdoor Living Area: Units 1-4</p>	An outdoor living area is to be provided behind the street setback area.	Provided within the street setback area.	Supported – as not considered to have an undue impact on the amenity of the area.
<p>Parking:</p>	<p>Visitors spaces at the rate of one space for each four dwellings.</p> <p>= 1 visitor bay</p>	No visitor bays provided.	Supported – see “Comments.”
<p>Privacy Setbacks: -Unit 4 Bedroom 3</p>	4.5 metres	3.5 metres to the eastern boundary.	Not supported – as considered to have an undue impact on the neighbouring properties. A condition has been applied for the windows to be screened or to obtain neighbour’s consent.

-Unit 5 Living/Meals	6 metres	4.1 metres to the northern boundary.	Not supported – as considered to have an undue impact on the neighbouring properties. A condition has been applied for the windows to be screened or to obtain neighbour’s consent.
Sitting Room	6 metres	4.1 metres to the eastern boundary. 3.5 metres to the eastern boundary.	Not supported – “as above”. Not supported – as considered to have an undue impact on the neighbouring properties. A condition has been applied for the windows to be screened or to obtain neighbour’s consent.
-Unit 6 Living/Meals	6 metres	5.07 metres to the northern boundary.	Not supported – as considered to have an undue impact on the neighbouring properties. A condition has been applied for the windows to be screened or to obtain neighbour’s consent.

Consultation Submissions

Support	Nil	Noted.
Objections (10)	<ul style="list-style-type: none"> The development does not compliment the old character/heritage type streetscape or takes into consideration the existing setbacks and building bulk. 	Not supported – as until recently, the Town has not had policies to require new development to respond to such specific issues. The Town adopted a Policy entitled Residential Design Elements to address more specific design elements, such as those raised to ensure existing streetscapes are preserved. This application was received prior to the adoption of the Policy and is therefore considered not to be subject to its requirements.
	<ul style="list-style-type: none"> Parking in the area is already at a premium and all new developments in the area should provide the required car parking. 	Not supported – see “Comments”.
	<ul style="list-style-type: none"> The proposal should incorporate the existing heritage building. 	Not supported in part – as the existing building was approved for demolition by both the Council at its Ordinary Meeting held on 11 October 2005 and by the Heritage Council of Western Australia. A condition has been applied to include an interpretative plaque into the proposed development.

General Comments:	<ul style="list-style-type: none"> • The Council should not let the building become uninhabitable. 	Not supported – the Town’s Building Surveyors have contacted the owner’s of the property and advised that the building is dangerous and either needs to be repaired or demolished. However, at the same time, a planning application for the demolition of the existing single house and the construction of eight grouped dwellings had been submitted to the Town for determination.
	<ul style="list-style-type: none"> • The development should comply with the all the Town’s requirements to allow reasonable scale developments and to prevent a precedence for other ‘over’ developments. • The development will result in a loss of privacy. 	Not supported – as the Town has discretion to support variations to the requirements of the R Codes and the Town’s Policies. The proposed development is considered acceptable in this instance. Supported – and a condition has been applied for the proposal to comply with the privacy requirements of the R Codes.
	<ul style="list-style-type: none"> • The development will result in a loss of sunshine. 	Not supported – as the proposal complies with the overshadowing requirements of the R Codes.
	<ul style="list-style-type: none"> • The proposed design is ‘cheap looking and characterless’ the Council should aim a little higher. 	Not supported – this is an opinion and not planning related.
Other Implications		
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications	Nil	
Financial/Budget Implications	Nil	

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

COMMENTS:

Demolition

The planning approval for the demolition of Crashaw's House expired on 11 October 2007. The demolition application was readvertised and conditions have been imposed in the Officer Recommendation regarding the requirement for an interpretation proposal to be incorporated into the overall development.

Parking and Access

The existing right of carriage way easement which allows for all vehicular access to the proposed development runs along the rear of Nos. 476 and 484 Beaufort Street, Highgate. The owners of this proposal also own Nos. 484 and 488-492 Beaufort Street; however, the corner property at No. 476 Beaufort Street is owned by a different party. To ensure that access to the subject site and the properties facing Beaufort Street (Nos. 476, 484 and 488-492) is maintained, a condition has been applied to the Officer Recommendation stating that all vehicular access to the above subject sites and Nos. 476, 484 and 488-492 Beaufort Street shall be legally secured perpetually, to the satisfaction of the Town. This will then require the

applicant to either appoint their own solicitor or use the Town's solicitors to prepare the necessary legal documents, which will ensure owners having vehicles access rights to the subject sites. This will also allow the vehicles that park in the parking areas of Nos. 476, 484 and 488-492 Beaufort Street to access and manoeuvre into part of the common driveway of the above subject site. These access arrangements are to be to the satisfaction of the Town, prior to the issue of a Building Licence.

Vehicular access via the right of carriage way, minimises the number of crossovers, onto Broome Street and thus keeps the streetscape clear of garages and crossovers as well as allowing for the planting of verge trees and on-site car bays. The development requires 1 visitor car bay to be provided and by reinstating the existing crossover an additional on-street car bay is provided along Broome Street.

Summary

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

10.1.4 No. 448 (Lot 352 D/P: 32224) Beaufort Street, Highgate - Proposed Change of Use from Showroom to Eating House and Replacement of Existing Awning

Ward:	South	Date:	1 July 2008
Precinct:	Mount Lawley Centre - P11	File Ref:	PRO0238; 5.2008.174.1
Attachments:	001		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by D Barber on behalf of the owner Mirauo Nominees P/L for proposed Change of Use from Showroom to Eating House and Replacement of Existing Awning, at No. 448 (Lot 352 D/P: 32224) Beaufort Street, Highgate, and as shown on plans stamp-dated 10 June 2008, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the requirements of the Town's Policies relating to Parking and Access (Policy No. 3.7.1) and the Mount Lawley Centre Precinct (Policy No. 3.1.11); and*
- (iii) consideration of the objections received.*

Moved Cr Doran-Wu, Seconded Cr Youngman

That the recommendation be adopted.

Debate ensued.

**MOTION PUT AND LOST ON THE
CASTING VOTE OF THE PRESIDING MEMBER (4-5)**

<u>For</u>	<u>Against</u>
Cr Ker	Presiding Member, D/Mayor Cr Farrell (two votes – deliberative and casting vote)
Cr Lake	Cr Burns
Cr Maier	Cr Doran-Wu
Cr Messina	Cr Youngman

(Mayor Catania was apology for the meeting.)

Reasons:

- 1. Provision of car parking on site.**
- 2. Considered a quality development.**
- 3. In proximity to complimentary existing uses.**

ALTERNATIVE RECOMMENDATION – COUNCIL DECISION ITEM 10.1.4

Moved Cr Doran-Wu, Seconded Cr Youngman

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by D Barber on behalf of the owner Miraudo Nominees P/L for proposed Change of Use from Showroom to Eating House and Replacement of Existing Awning, at No. 448 (Lot 352 D/P: 32224) Beaufort Street, Highgate, and as shown on plans stamp-dated 10 June 2008, subject to the following conditions:

- (i) *within twenty – eight (28) days of the issue date of this ‘Approval to Commence Development,’ the owner(s), or the applicant on behalf of the owner(s) shall comply with the following requirements:*
 - (a) *pay a cash-in-lieu contribution of \$21,299.60 for the equivalent value of 7.607 car parking spaces, based on the cost of \$2,800 per bay as set out in the Town’s 2008/2009 Budget; OR*
 - (b) *lodge an appropriate assurance bond/ bank guarantee of a value of \$21,299.60 to the satisfaction of the Town. This assurance bond / bank guarantee will only be released in the following circumstances:*
 - (1) *to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*
 - (2) *to the owner(s) / applicant following receipt by the Town with a Statutory Declaration of the prescribed form endorsed by the owner(s)/ applicant and stating that they will not proceed with the subject ‘Approval to Commence Development,’; or*
 - (3) *to the owner(s) / applicant where the subject ‘Approval to Commence Development,’ did not commence and subsequently expired.*
- The car parking shortfall and consequent cash-in-lieu contribution can be reduced as a result of a greater number of car bays being provided on site and to reflect the new changes in the car parking requirements;*
- (ii) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (iii) *the public floor area of the eating house shall be limited to 108 square metres;*
- (iv) *the windows, doors and adjacent floor area facing Beaufort Street shall maintain an active and interactive frontage to Beaufort Street ;*
- (v) *prior to the first occupation of the development, one (1) class 1 or 2 bicycle parking facilities shall be provided at a location convenient to the entrances and within the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities;*

- (vi) *prior to issue of a Building Licence, the applicant shall comply with all requirements recommended by the Department for Planning and Infrastructure and/or Western Australian Planning Commission in relation to the following:*
- (a) *the landowner agrees in writing to remove the proposed awning and bicycle bays at the time when the reserved land is required for the upgrading of Beaufort Street at their cost and expense; and*
 - (b) *the land owner agrees in writing that the presence of the awnings and proposed bicycle bays shall not be taken into consideration in determining any compensation that may be payable by Town or the Western Australian Planning Commission when the reserved land is required for future upgrading of Beaufort Street;*
- (vii) *prior to the issue of a Building Licence or first occupation of the development, the owner(s) shall enter into a legal agreement 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 ensure all vehicular access (entry/exit) to the subject sites at No. 448 Beaufort Street, Highgate through Nos. 442-446 Beaufort Street, Highgate, is legally and continually secured, to the satisfaction of the Town. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (viii) *to ensure that vehicle access to the site via Beaufort Street is for entry purposes for staff only and is to be adequately sign posted to this effect, from the existing under width driveway along the southern boundary of the property;*
- (ix) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, parking of trade person vehicles, footpath access, traffic and heavy vehicle access via Beaufort Street, dust and any other appropriate matters (such as notifying all affected landowners/occupiers of the commencement of construction works), shall be submitted to and approved by the Town; and*
- (x) *all proposed parking on the site shall comply with AS2890.1 and any resultant reduction in onsite parking spaces will require an additional cash in lieu payment to be determined.*

Debate ensued.

**ALTERNATIVE MOTION PUT AND CARRIED ON THE
CASTING VOTE OF THE PRESIDING MEMBER (5-4)**

For:

Presiding Member, D/Mayor Cr Farrell (two votes – deliberative and casting vote)

Against

Cr Burns	Cr Ker
Cr Doran-Wu	Cr Lake
Cr Youngman	Cr Maier
	Cr Messina

(Mayor Catania was apology for the meeting.)

Landowner:	Miraudo Nominees P/L
Applicant:	D Barber
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial
Existing Land Use:	Vacant Building
Use Class:	Eating House
Use Classification:	"P"
Lot Area:	911 square metres
Access to Right of Way	Nil

BACKGROUND:

12 October 1998 The Council at its Ordinary Meeting resolved to refuse an application from vacant building to eating house at the subject place for the following reasons:

"(a) the non-compliance with the car parking requirements of the Town of Vincent Town Planning Scheme;"

16 November 1998 The Council at its Ordinary Meeting resolved by an absolute majority to approve the change of use of the subject site from vacant building to eating house with karaoke facilities. It is understood that this approval was not acted upon as the Town did not issue a Building Licence for the proposal nor was an Eating House Licence issued for the proposal. Therefore, the approved use of the building is as what was approved prior to the above meeting.

It is noted that prior to the above approval at the Ordinary Meeting of Council held on 16 November 1998, the building was vacant and there was no file history on this property and the property appeared to have been used for showroom purposes.

DETAILS:

The proposal involves the change of use from showroom to restaurant and includes the replacement of an existing awning.

The proposed licensed restaurant will cater for 46 patrons, with an associated public area of 108 square metres and serve northern Italian fare. At this stage, the applicant has advised that the restaurant will trade from Tuesday to Saturday from 6pm to 11pm with the potential for a sixth day of trading should there be the demand. The applicants' submission in relation to the proposed operation of the facility is *"Laid on the Table"*.

The applicant's submission which also includes a comprehensive response to the concerns raised during the advertising period is *"Laid on the Table"*, and summarised in part below:

- The previous showroom/sales is unsustainable within the precinct and as such they have relocated to a locality to which more suits their trade.
- The restaurant is aimed for the premium consumer market and will not serve spirit based drinks or have tables for more than 6 patrons, which will result in little likelihood of noisy, antisocial behaviour from patrons leaving the restaurant.

- Should there be any need to utilise the open space at the rear of the restaurant, the applicant is cognizant of the need to apply for another planning approval.
- The car parking shortfall has reduced since the period of community consultation.
- The premises will not operate on the same Licence as the Luxe Bar, which is a Tavern.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Property Local Law 2008 - Awnings	A maximum fascia depth of 300 millimetres.	A proposed fascia depth of 600 millimetres.	Supported - as the proposed awning satisfies the other requirements of the Local Government Property Local Law 2008 and it is considered to contribute to the overall aesthetics of the existing building.
Mount Lawley Centre Precinct	Adequate car parking is to be provided on-site to ensure that unreasonable commercial parking does not spill into adjacent residential streets.	Shortfall of 7.607 car bays.	Not supported - as the proposal is considered to have an undue impact on the amenity of the area.
Consultation Submissions			
Support (3)	<ul style="list-style-type: none"> • No comment provided. 		Noted.
Objections (7)	<ul style="list-style-type: none"> • The short fall in car parking will exacerbate an existing untenable situation. • Concern that it will turn into a place similar to Luxe. • Concern that the patrons will create a level of noise and antisocial behaviour (when leaving the restaurant) that is contrary to the amenity of the nearby residential area. 		<p>Supported - as the shortfall is considered to have an undue impact on the amenity of the area.</p> <p>Not supported - as the licensing, functioning and hours of operation are significantly different between the Luxe bar and proposed restaurant.</p> <p>Not supported - as the proposal is for a restaurant where the consumption of alcohol is ancillary to the consumption of food.</p>

	<ul style="list-style-type: none"> Concern as to what will occur in the large disused space to the rear of the restaurant. Preference that the place maintain its original use as showroom/sales. 	<p>Supported - as any increase in floor area will require a separate planning application and will result in a further car parking shortfall. The applicant is aware of this requirement.</p> <p>Noted.</p>
Other Implications		
Legal/Policy		TPS 1 and associated Policies.
Strategic Implications		Nil
Financial/Budget Implications		Nil
Car Parking		
Car Parking Requirement (nearest whole number)		
Restaurant - 1 space per 4.5 square metres of public area (108 square metres)		24 car bays
Apply the adjustment factors		(0.6503)
<ul style="list-style-type: none"> 0.85 (within 400 metres of a bus stop) 0.85 (within 400 metres of a car park within excess of 75 car parking spaces) 0.90 (the proposed development provides 'end-of-trip' facilities* for bicycle users, in addition to the facilities specified in the Bicycle Parking Requirements Table). 		15.607 car bays
Minus the car parking on-site		8 car bays
Minus the most recently approved on-site parking shortfall		N/A
Resultant Shortfall		7.607 car bays
Bicycle Parking		
Requirements	Required	Provided
Restaurant Class 1 or 2 -1 space per 100 (proposed 108) square metres public area	1 space	Nil provided. Conditioned to comply in the event of an approval.
Class 3 - 2 spaces plus 1 space per 100 (proposed 108) square metres of public area	3 spaces	4 spaces

COMMENTS:

Department of Planning and Infrastructure (DPI)

The subject property abuts Beaufort Street, which is an Other Regional Road under the Metropolitan Region Scheme, and was referred to the DPI for comment. In a letter dated 22 May 2008, the DPI advised that in principle it does not support construction of any permanent structures within the road reserves, such as the proposed bicycle rails and awning. However, DPI further advised that due to the type and nature of the development, the DPI would support the proposed encroachments, subject to the following conditions:

- "The land owner agrees to remove the awning at the time when the reserved land is required for the upgrading of Beaufort Street at their cost and expense.*

- *The land owner agrees that the presence of the awnings and proposed bicycle bays shall not be taken into consideration in determining any compensation that may be payable by Council or the Western Australian Planning Commission when the reserved land is required for future upgrading of Beaufort Street. "*

Furthermore, to ensure the existing underwidth driveway along the southern boundary of the property is not utilised as the main point of access for the rear car parking area, the applicant has proposed to utilise the adjacent property at Nos. 442-446 Beaufort Street for entry into their rear car parking area. In a letter dated 23 June 2008, the DPI advised that it had no objection to the proposed point of access subject to a legal agreement, being registered as a caveat on the Certificate of Title to avoid any future potential conflict should the properties change ownership.

Car Parking

In determining whether a proposed development should be refused on car parking grounds, the Town's Parking and Access Policy states that as a guide, a minimum of 15 per cent of the required car bays should be provided on-site where the total requirement is between 11 and 40 car bays (after adjustment factors), and the balance should be provided as a cash-in-lieu contribution. In this instance, the above requirement has been met (2.34 car bays required as a guide but 8 bays provided).

However, the shortfall in car parking is likely to result in an undue impact on the amenity of the area and cause further pressure for the limited on-street car parking available during the evening when most eating outlets and bars are open for business. Residents of the surrounding area have an expectation that the eating house patron do not park their cars along surrounding residential streets, as this would further reduce their accessibility to available road side car parking.

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

10.1.5 No. 1 (Lot: 11 D/P: 54728) Hilda Street, Coolbinia - Proposed Two Storey Single House

Ward:	North	Date:	30 June 2008
Precinct:	North Perth; P08	File Ref:	PRO4216; 5.2007.459.1
Attachments:	001		
Reporting Officer(s):	D Pirone		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Rechichi Architects on behalf of the owner Finetune Holdings Pty Ltd for proposed Two Storey Single House, at No. 1 (Lot: 11 D/P: 54728) Hilda Street, Coolbinia, and as shown on plans stamp-dated 11 March 2008, for the following reasons:

- (i) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) *the non-compliance with the open space ~~and buildings on boundary~~ requirements of the Residential Design Codes and the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements; and*
- (iii) *consideration of the objections received.*

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

COUNCIL DECISION ITEM 10.1.5

Moved Cr Burns, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Ker, Seconded Cr Burns

That the item be DEFERRED for further consideration.

PROCEDURAL MOTION PUT AND CARRIED (7-1)

For

Presiding Member, D/Mayor Cr Farrell
Cr Burns
Cr Doran-Wu
Cr Ker
Cr Lake
Cr Maier
Cr Youngman

Against

Cr Messina

(Mayor Catania was apology for the meeting.)

Landowner:	Finetune Holdings Pty Ltd
Applicant:	Rechichi Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R60
Existing Land Use:	Vacant Lot
Use Class:	Single House
Use Classification:	"P"
Lot Area:	160 square metres
Access to Right of Way	South-West side, 5 metres wide, sealed, Town owned

BACKGROUND:

10 August 2005 The Western Australian Planning Commission conditionally approved the subdivision at No. 423 Walcott Street corner Hilda Street, Coolbinia, which was the original lot.

20 July 2006 The Town under delegated approval from the Council, conditionally approved an additional two-storey single house to the existing single house at No. 423 Walcott Street corner Hilda Street, Coolbinia.

DETAILS:

The proposal involves the construction of a single two-storey house at the subject site.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density:	One dwelling at R60	One dwelling.	Noted – no variation.
Plot Ratio:	N/A	N/A	Noted – no variation.
Building Setbacks: Ground Floor North-East	1.1 metres	Nil	Supported – as not considered to have an undue impact on the neighbouring property.
South-East	1.5 metres	Nil	Supported – as not considered to have an undue impact on the neighbouring property.
Upper Floor North-West (Hilda Street)	6 metres	2.8 metres	Supported – see “Comments”.

North-East Bedroom 2 and Balcony	3 metres	Nil – 1 metre	Supported – as not considered to have an undue impact on the neighbouring property.
South-East	1.7 metres	1 metre – 1.5 metres	Supported – as not considered to have an undue impact on the neighbouring property.
Buildings on Boundary:	Walls not higher than 3.5 metres with average of 3 metres for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary.	Two boundary walls proposed. North-East Wall Height = 6.12 metres Wall Length: 2/3 = 8.13 metres Proposed = 5.7 metres	Supported – as not considered to have an undue impact on the neighbouring property and no objections were received from the effected land owner.
		South-East Wall Height = 3.115 – 3.467 metres (average = 3.291 metres) Wall Length: 2/3 = 8.75 metres Proposed = 12.5 metres.	
Open Space:	45 per cent or 72 square metres of the total site area.	38 per cent or 60.8 square metres of the total site area.	Not supported – does not comply with the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements.
Consultation Submissions			
Support (1)	No comments provided.		Noted.
Objection (1)	<ul style="list-style-type: none"> • Building setbacks. • Open space. • The two-storey house is not in keeping with the character of the area. 		<ul style="list-style-type: none"> • Not supported – as the proposed building setbacks are not considered to have an undue impact on the amenity of the area and surrounding properties. • Supported – as the proposed open space variation is considered to have an undue impact on the amenity of future residents and for the area and is inconsistent with the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements. • Not supported – as at the time the application was submitted to the Town, the Town's Policy relating to Residential Design Elements had not been adopted by the Council.

Other Implications	
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications	Nil
Financial/Budget Implications	Nil

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

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

COMMENTS:

The R Codes state that where a single house results from subdivision of an original corner lot and has its frontage to the original secondary street (Hilda Street), the building setbacks can be reduced to 2.5 metres to the ground floor and upper floor main building. In this instance, the R60 zoned lot facing Walcott Street was subdivided and resulted in the subject lot at No. 1 Hilda Street. Hilda Street is considered as an access street as it is a very short street with a length of approximately 125 metres. Currently, there are only two lots on the opposite side of the road that face Hilda Street, with the potential of only one other lot (if subdivided) to face Hilda Street. Due to the above, it is considered that Hilda Street has no real established streetscape and hence the proposed setback variation will not result in an undue impact on the amenity of the area and the streetscape.

However, the proposal is considered to be an overdevelopment of a small lot, resulting in the loss of open space, amenity and variations to the abovementioned setback requirements.

On the above basis, the proposal is not supportable, as the applicant has the opportunity to comply with the open space requirements by reducing the floor area of the house.

10.1.2 No. 13 (Lot: 15 D/P: 931) Melrose Street, Leederville - Proposed Demolition of Existing Single House and Construction of Seven (7) Two-Storey Single Bedroom Multiple Dwellings including Lofts

Ward:	South	Date:	30 June 2008
Precinct:	Oxford Centre-P4	File Ref:	PRO3947; 5.2008.132.1
Attachments:	001		
Reporting Officer(s):	R Narroo, S Kendall		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner Metropolitan Project Management Pty Ltd for proposed Demolition of Existing Single House and Construction of Seven (7) Two-Storey Single Bedroom Multiple Dwellings including Lofts, at No. 13 (Lot: 15 D/P: 931) Melrose Street, Leederville, and as shown on plans stamp-dated 26 June 2008, subject to the following conditions:

- (i) 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;*
- (ii) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (iii) first obtaining the consent of the owners of No. 15 Melrose Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary wall facing No. 15 Melrose Street in a good and clean condition;*
- (iv) a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Melrose Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (v) prior to the issue of the Building Licence, revised plan shall be submitted to and be approved demonstrating the balconies to units 2-7 on the eastern, southern and northern elevations, the balcony to unit 1 on the eastern and southern elevations, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished upper floor level, OR alternatively the provision of on-site effective permanent horizontal screening or equivalent preventing direct sight within the cone of vision to ground level of adjoining properties.*

A permanent obscure material does not include a self-adhesive material or other material that is easily removed. 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. 11 Melrose Place and No. 20 Stamford Street, 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;

- (vi) *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;*
 - (vii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
 - (viii) *archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
 - (ix) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
 - (x) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*
 - (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;*
 - (b) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the units. 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;*
 - (c) *a maximum of one (1) bedroom and two (2) occupants are permitted in the single bedroom dwelling at any one time; and*
 - (d) *the floor plan layout of the single bedroom dwelling shall be maintained in accordance with the Planning Approval plans.*
- This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*
- (xi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate between the Melrose Street boundary and the main building, including along the side boundaries within this front setback area, complying with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*

- (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
- (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
- (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
- (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

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

- (xii) *prior to the first occupation of the development, each multiple dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer; and*
- (xiii) *no street verge tree(s) shall be removed/pruned unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s).*

COUNCIL DECISION ITEM 10.1.2

Moved Cr Ker, Seconded Cr Messina

That the recommendation be adopted.

Cr Burns departed the Chamber at 7.30pm.

Debate ensued.

Cr Burns returned to the Chamber at 7.31pm.

Debate ensued.

**MOTION PUT AND LOST (4-5) ON THE
CASTING VOTE OF THE PRESIDING MEMBER (4-5)**

For

Cr Burns

Cr Doran-Wu

Cr Lake

Cr Maier

Against

Presiding Member, D/Mayor Cr Farrell (two votes – deliberative and casting vote)

Cr Messina

Cr Ker

Cr Youngman

(Mayor Catania was apology for the meeting.)

Reasons:

1. **Non compliance with density.**
2. **Bulk and scale incompatible with single bedroom dwelling.**
3. **Void space not consistent with the single bedroom dwelling.**
4. **Lack of diversity in the development.**
5. **Lack of justification for Council to exercise it's discretion.**

Landowner:	Metropolitan Project Management Pty Ltd
Applicant:	Geoff Robinson
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential/Commercial R80
Existing Land Use:	Single House
Use Class:	Single Bedroom Multiple Dwellings
Use Classification:	"P"
Lot Area:	693 square metres
Access to Right of Way	Not applicable

BACKGROUND:

12 February 2008

Council at its Ordinary Meeting refused an application for the demolition of an existing house and construction of a two-storey mixed use development comprising two (2) offices and four (4) multiple dwellings at the above site for the following reasons:

1. *The street is predominantly residential.*
2. *Adverse impact on residential amenity and increased traffic.*
3. *Consideration of objections received.*
4. *Insufficient justification for Council to exercise its discretion."*

DETAILS:

The current proposal involves the demolition of the existing house and construction of seven (7) two-storey single bedroom multiple dwellings including the loft.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	R 80-8 Single Bedroom Multiple Dwellings	R67- 7 Single Bedroom Multiple Dwellings	Noted-No variation.

Plot Ratio	1.0 or 693 square metres for whole site. Single Bedroom Dwellings= 70 square metres	0.68 or 476.7 square metres for whole site. Units 1-7= 68.1 square metres	Noted-No variation. Noted-No variation.
Building Setbacks: First Floor	Western boundary= 2.5 metres Eastern boundary= 5.7 metres Southern boundary= 3.3 metres	2.225 metres 3.499 metres 1.2 metres to 3 metres	Supported – as no undue impact on the adjoining property in terms of ventilation, sunlight and visual impact. Supported – as no undue impact on the adjoining property in terms of ventilation, sunlight and visual impact. Supported – as no undue impact on the adjoining property in terms of ventilation, sunlight and visual impact.
Communal Space	16 square metres per dwelling	Units 1-6= outdoor living area including balcony= 19.45 square metres Unit 7= outdoor living area including balcony= 21.1 square metres	Supported – as each unit is providing more than 16 square metres of outdoor living area which compensates for the communal open space. Moreover, the proposal complies with the required overall open space. In this instance, it is considered that the outdoor living areas will meet the individual needs of residents.
Privacy	Balcony- 7.5 metres from boundary	Balconies of Units 1-7=3.449 metres from the eastern boundary (on all three sides).	Not supported- as it results in an undue visual/privacy impact on adjacent properties. Balconies should be screened 1.6 metres above the finished floor level.

		<p>Balcony of Unit1= 3.449 metres from the eastern boundary (on two sides).</p> <p>Balcony of Unit 7= 3 metres from the southern boundary.</p>	<p>Not supported- as it results in an undue visual/privacy impact on adjacent properties. Balconies should be screened 1.6 metres above the finished floor level.</p> <p>Not supported- as it results in an undue visual/privacy impact on adjacent properties. Balconies should be screened 1.6 metres above the finished floor level.</p>
Driveway	No closer than 0.5 metre to a side lot boundary.	Nil	Supported – as the proposed driveway will not cause any street trees to be removed, and not detract from the streetscape.
Consultation Submissions			
Support	Nil		Noted
Objections (5)	<p>Concerns that the development will impact on the traffic/parking on Melrose and Stamford Streets. There is no adequate visitors' car parking.</p> <p>There will be noise impact on the adjoining neighbours especially from the balconies.</p> <p>The proposal does not blend with the streetscape.</p> <p>Concerns that the dividing fence will be removed which will impact on the security of the adjoining neighbours.</p> <p>The proposal is for a three storey building and not two storey building. The loft as proposed is classified as another storey, therefore, this proposed plan is for a three storey building.</p>		<p>Not supported - as the proposal complies with the parking requirements for Single Bedroom Dwellings.</p> <p>Not supported – as the future occupants of these dwelling will have to comply with the relevant noise regulations.</p> <p>Not supported – as the proposal complies with the required street setbacks.</p> <p>Not supported – as the applicant will have to abide by the dividing fence law.</p> <p>Not supported – as the loft is contained between the roof pitch and top of the ceiling of the storey immediately below it. In this instance, the loft is not another storey.</p>

	<p>The proposed seven multiple dwellings on such a small lot are not acceptable.</p> <p>There will be fourteen occupants of these dwellings which will impact on the adjoining neighbours.</p> <p>The proposal will be towering the adjoining sites.</p>	<p>Not supported - as the proposal complies with the density requirements applicable to the subject site.</p> <p>Not supported – as the proposal complies with the requirements of the Town’s Single Bedroom Dwelling Policy.</p> <p>Not supported – as the proposal complies with the height requirement.</p>
Other Implications		
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications	Nil	
Financial/Budget Implications	Nil	

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

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

COMMENTS:

Demolition

The subject existing place is a brick and tile dwelling that was constructed circa 1972. The low lying dwelling has a hipped roof with a single room street frontage, which features an aluminium bay window. The dwelling is considered to have minimal aesthetic value and/or architectural merit.

The place is not currently listed on the Town of Vincent's Municipal Heritage Inventory (MHI) and is considered to have little cultural heritage significance. It is considered that a full heritage assessment is not warranted in this instance and approval should be granted for its demolition subject to standard conditions.

Redevelopment

The redevelopment was not assessed under the Residential Design Elements Policy as it was considered unfair to the applicant, as the proposal has been an on-going matter for the last one year.

The proposal is considered to meet the objectives of the Single Bedroom Dwellings Policy 3.4.7 as it complements the existing scale and character of the locality. The Policy states that a single bedroom dwelling is not to incorporate any void areas. There are void areas within the loft, which are due to the roof space, whereby it does not meet the ceiling height (2.4 metres) required for a person and, therefore, at no time the floor area can be increased. In this instance, these spaces are not considered as void.

The bulk and scale will not impact on the streetscape and amenity of the area as the proposal complies with the required street setbacks, density, height, car parking, open space and overshadowing requirements.

Conclusion

The application is considered 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.

The Presiding Member advised that Cr Lake and Cr Maier had declared a proximity interest in Item 10.1.8.

10.1.8 Members Equity Stadium – Residential Parking Zone for 2008/2009

Ward:	South	Date:	30 June 2008
Precinct:	Beaufort; P13	File Ref:	RES0040
Attachments:	001		
Reporting Officer(s):	S Beanland, J MacLean		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council APPROVES the implementation of the Residential Parking Zone, operating on various dates throughout the year, as shown on the erected signage, in the area surrounding Members Equity Stadium, to include Gregson and Piconeri Street, Perth, approximately bounded by West Parade, Newcastle, Stirling, Brisbane, William and Harold Streets, but excluding:

- *Stirling Street, between Bulwer Street and Newcastle Streets;*
- *Brisbane Street, between William and Bulwer Streets;*
- *Brewer Street, between Thorley and Stirling Streets;*
- *North side of Brewer, between Thorley and Lord Streets;*
- *North Side of Parry Street, between Beaufort and Pier Streets;*
- *Dalmeny Street;*
- *North side of Newcastle Street, between Beaufort and Lord Streets;*
- *Edward Street, between Stirling and Pier Streets; and*
- *East side Pier Street, between Brewer and Bulwer Streets;*

as shown on attached Plan 2447-PP-2 at Appendix 10.1.8.

Moved Cr Messina, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Cr Doran-Wu departed the Chamber at 7.39pm.

Debate ensued.

Cr Doran-Wu returned to the Chamber at 7.40pm.

Debate ensued.

AMENDMENT

Moved Cr Ker, Seconded Cr Messina

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

- “(ii) *reviews Clarence, Barlee, Roy and Gerald Streets for possible inclusion into the Members Equity Stadium restrictions.*”

AMENDMENT PUT AND CARRIED (8-0)

(Mayor Catania was apology for the meeting.)

Cr Lake and Cr Maier departed the Chamber at 7.45pm, they did not vote on the Motion.

MOTION AS AMENDED PUT AND CARRIED (6-0)

(Mayor Catania was apology for the meeting. Crs Lake and Maier where out of the Chamber.)

Cr Lake and Cr Maier returned to the Chamber at 7.46pm. The Presiding Member advised them that the item was carried 6-0, as amended.

COUNCIL DECISION ITEM 10.1.8

That the Council;

(i) *APPROVES the implementation of the Residential Parking Zone, operating on various dates throughout the year, as shown on the erected signage, in the area surrounding Members Equity Stadium, to include Gregson and Piscoeneri Street, Perth, approximately bounded by West Parade, Newcastle, Stirling, Brisbane, William and Harold Streets, but excluding:*

- *Stirling Street, between Bulwer Street and Newcastle Streets;*
- *Brisbane Street, between William and Bulwer Streets;*
- *Brewer Street, between Thorley and Stirling Streets;*
- *North side of Brewer, between Thorley and Lord Streets;*
- *North Side of Parry Street, between Beaufort and Pier Streets;*
- *Dalmeny Street;*
- *North side of Newcastle Street, between Beaufort and Lord Streets;*
- *Edward Street, between Stirling and Pier Streets; and*
- *East side Pier Street, between Brewer and Bulwer Streets;*

*as shown on attached * Plan 2447-PP-2 at Appendix 10.1.8; and*

(ii) *reviews Clarence, Barlee, Roy and Gerald Streets for possible inclusion into the Members Equity Stadium restrictions.*

(Plan corrected to exclude angle parking in Broome Street, Mary Street and Chatsworth Road and south side of Parry Street – between Beaufort/Stirling Streets. These were included in the original plan, in error).*

PURPOSE OF REPORT:

The purpose of the report is to obtain the Council's approval for an amendment to the residential parking zone around Members Equity Stadium for 2008/2009.

BACKGROUND:

Members Equity Stadium has been used for soccer games since 1996, when residential parking restrictions were introduced and these have been enforced by the Town's Rangers, since then. The parking restrictions are generally supported by many residents; however, it should be noted that a number of residents also object to these restrictions, particularly as they and their visitors also receive parking infringement notices.

The extent of the residential parking restrictions has remained relatively unchanged for the last five or six years, but has been extended for the 2008/9 Season, to incorporate the boundary changes that occurred in July 2007. The restrictions are well accepted by sporting patrons, as a condition of attending Members Equity Stadium.

To accommodate two of the "new" streets that had resulted from the boundary changes, at the Ordinary Meeting of Council held on 25 September 2007, the Council approved the extension of the Residential Parking Zone, in the area surrounding Members Equity Stadium and resolved, inter alia, as follows:

"COUNCIL DECISION ITEM 10.1.4

That the Council;

- (1) *APPROVES the extension of the current Residential Parking Zone, operating throughout the year, in the area surrounding Members Equity Stadium, to include the following:*
 - (i) *Braid Street, between Newcastle and Parry Streets, Perth; and*
 - (ii) *Pier Street, between Newcastle and Parry Streets, Perth;"*

Because additional streets have now been Gazetted, it is considered appropriate for the restrictions to now be extended to the additional gazetted streets, being Gregson and Pisoneri Streets. The new residents will experience the same problems as the residents of all the other streets, in the immediate vicinity.

In 2007, the Town set up an "Alert System", whereby residents can register to receive a reminder e-mail when events are scheduled for Members Equity Stadium and it is proposed to continue with this system for the 2008/9 season. All letters that are delivered with the appropriate permits will include a paragraph asking residents to register with the service to receive regular updates.

LEGAL/POLICY:

There are no legal impediments associated with this proposal and Rangers would enforce the Residential Parking Zones as they have done in previous years, for the A-League soccer games and other major events at Members Equity Stadium.

CONSULTATION/ADVERTISING:

It is suggested that, in response to public demand, the Town has implemented similar Residential Parking Restrictions on a number of previous years and it is unlikely that the residents would reject the re-introduction of restrictions in an extended area. It is therefore considered unnecessary to undertake a consultation/survey to confirm this.

STRATEGIC IMPLICATIONS:

This proposal is in keeping with the Town's Strategic Plan 2006-2011 Key Result Area 1.1.6 "(e) Review, implement and promote the Car Parking Strategy."

FINANCIAL/BUDGET IMPLICATIONS:

Other than the erection of appropriate signage, there will be no additional costs, associated with this proposal. It is anticipated that the total cost will be around \$750.00.

COMMENTS:

The extended Members Equity Stadium Residential Parking Zone, as outlined above, should be implemented and retained. As a result, the above report is recommended for approval.

10.2.1 Further Report No 3 - Western Power's Proposal to Underground Power in Walcott Street between Beaufort and Charles Streets

Ward:	Both	Date:	1 July 2008
Precinct:	Forrest; P14, Mt Lawley Centre; P11	File Ref:	TES0313
Attachments:	-		
Reporting Officer(s):	R Lotznicker		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the further report No 3 on Western Power's proposal to underground the powerlines in Walcott Street, between Beaufort and Charles Streets;*
- (ii) *ADVISES Western Power that any future IN PRINCIPLE approval regarding the proposal to underground the power in Walcott Street between Beaufort Street and Charles Street is subject to:*
 - (a) *Western Power's contribution being 50% of the project costs;*
 - (b) *the remaining 50% cost would be shared between the City of Stirling and the Town of Vincent;*
 - (c) *the majority of Town of Vincent ratepayers affected by the scheme would need to agree to contribute financially to the project in a similar basis as other SUPP schemes; and*
 - (d) *the Town's contribution would need to be fixed such that any ratepayer contribution would be restricted by the upper contribution amount indicated to them in any consultation material;*
- (iii) *APPROVES of a survey to be carried out in conjunction with the City of Stirling, of all the affected ratepayers in Walcott Street seeking their views in relation to the Western Power proposal/s and their willingness to contribute financially to the works (should these works comprise the undergrounding of power in lieu of replacing the existing metal poles with timber poles and retaining the overhead supply) as outlined in the report;*
- (iv) *WRITES to the Minister for Energy requesting that for reasons of public safety, amenity social responsibility and reasons for the requirement of this project to be undertaken, Western Power fully funds the undergrounding of the powerlines in Walcott Street between Beaufort and Charles Streets, as this is an operational matter for Western Power and the project does not strictly meet the requirements of a Major Project under the terms, conditions and guidelines of the State Underground Power Program;*
- (v) *ADVISES the City of Stirling and Western Power of its position; and*
- (vi) *NOTES that a further report on the matter will be submitted to the Council at the conclusion of the ratepayer survey and once a formal response has been received from the Minister, Western Power, the City of Stirling.*

Moved Cr Youngman, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Cr Messina departed the Chamber at 7.48pm.

Debate ensued.

Cr Messina returned to the Chamber at 7.50pm.

AMENDMENT

Moved Cr Ker, Seconded Cr Youngman

That clauses ii(a) and (b) be deleted.

Debate ensued.

AMENDMENT PUT AND CARRIED (8-0)

MOTION AS AMENDED PUT AND CARRIED (8-0)

(Mayor Catania was apology for the meeting.)

COUNCIL DECISION ITEM 10.2.1

That the Council;

- (i) *RECEIVES the further report No 3 on Western Power's proposal to underground the powerlines in Walcott Street, between Beaufort and Charles Streets;*
- (ii) *ADVISES Western Power that any future IN PRINCIPLE approval regarding the proposal to underground the power in Walcott Street between Beaufort Street and Charles Street is subject to:*
 - (a) *the majority of Town of Vincent ratepayers affected by the scheme would need to agree to contribute financially to the project in a similar basis as other SUPP schemes; and*
 - (b) *the Town's contribution would need to be fixed such that any ratepayer contribution would be restricted by the upper contribution amount indicated to them in any consultation material;*
- (iii) *APPROVES of a survey to be carried out in conjunction with the City of Stirling, of all the affected ratepayers in Walcott Street seeking their views in relation to the Western Power proposal/s and their willingness to contribute financially to the works (should these works comprise the undergrounding of power in lieu of replacing the existing metal poles with timber poles and retaining the overhead supply) as outlined in the report;*

- (iv) *WRITES to the Minister for Energy requesting that for reasons of public safety, amenity social responsibility and reasons for the requirement of this project to be undertaken, Western Power fully funds the undergrounding of the powerlines in Walcott Street between Beaufort and Charles Streets, as this is an operational matter for Western Power and the project does not strictly meet the requirements of a Major Project under the terms, conditions and guidelines of the State Underground Power Program;*
- (v) *ADVISES the City of Stirling and Western Power of its position; and*
- (vi) *NOTES that a further report on the matter will be submitted to the Council at the conclusion of the ratepayer survey and once a formal response has been received from the Minister, Western Power, the City of Stirling.*

FURTHER REPORT:

The Council at its Ordinary Meeting held on 22 April 2008 considered the above matter relating to Western Power's proposal to underground the powerlines in Walcott Street, between Beaufort and Charles Streets and resolved the following:

That the Item be DEFERRED to allow for further negotiations and discussions with the City of Stirling and possible consideration of a residents' survey.

In accordance with the Council's decision a meeting between the Town's Technical Services officers, City of Stirling and Western Power was convened on 16 June 2008.

Following the meeting the Town's officers were advised that a report on the matter was in fact considered by the Stirling Council (*unbeknown to the officers present at the meeting due to staff changes etc*) on 6 March 2007 and the City did not formally advise the Town of Vincent of its decision due to staff changes etc*. The City of Stirling Council decision is as follows:

- "1. *That Western Power be advised that the City agrees in principle with the proposal to underground the power in Walcott Street between Beaufort Street and Wanneroo Road subject to:*
 - 1. *Western Power's contribution of 50% of the project costs.*
 - 2. *That the remaining 50% cost be shared between the City of Stirling and Town of Vincent.*
 - 3. *That the majority of Stirling Residents affected by the scheme agree to contribute financially to the project in a similar basis as other SUPP schemes.*
 - 4. *That the City's contribution be fixed such that the resident's contribution would be restricted by the upper contribution amount indicated to them in the consultation material.*
- 2. *That the City conduct an owner survey of the affected owners in Walcott Street to seek their views in relation to the Western Power underground Power proposal and their willingness to contribute financially to the works.*
- 3. *That the Director of Finance be requested to prepare a cost recovery model based on GRV and pensioner discount for the Stirling properties in Walcott Street between Beaufort Street and Wanneroo Road.*

4. *That the City adviser the Town of Vincent of its decision in relation to Western power's Underground power proposal for Walcott Street."*

Note*: In the previous report presented to the Council (Ordinary Meeting held on 22 April 2008) it was mentioned that *at this time, the Stirling Council is yet to consider the City's participation in the project.....* as the Town was not formally notified of the Stirling Council's decision and no further contact had been made with officers since that time.

The officers at the June 2008 meeting suggested that a representative sample of residents be asked whether they would wish to contribute financially to the proposed improvements along Walcott Street. Following the meeting it was agreed that this should be extended to all affected ratepayers as the City of Stirling officers already had approval to do so and the letter should be brief, to the point and not require any glossy promotion or use of a third party.

The costs previously reported to the Stirling Council estimated \$4,550 average per lot. The fact that WP costs have now increased bring this closer to \$7,000 and, if the total number is as reported at the meeting is 278 lots (not 155 each), could well be \$7,000 and unless WP could guarantee no further increases, this cost could escalate further.

Officer Comments:

Western Power previously advised the Town that it had a road safety issue in Walcott Street in respect to the proximity of the existing steel power poles to the edge of the carriageway. They suggested the problem could be addressed by replacing the steel poles with timber poles set further back in the verge, strung with a bundled cable (individual 11 kV insulated powerlines twisted together to form a single 'thick' cable).

While the obvious solution is to underground the powerlines, Western Power have repeatedly indicated that they are not in a position to fully fund the undergrounding of Power and, if it were to proceed, they would be seeking contributions from the Town and the City of Stirling.

Western Power advised there is a possible third option (insulating the cables) however this is their least preferred option and are not supporting this.

Western Power have advised that they would be prepared to prefund the works so there would be no impact on the 2008/2009 budget if the Undergrounding were to proceed.

PREVIOUS REPORT:

The following is a verbatim copy of the report presented to Council at its ordinary meeting held on 22 April 2007

OFFICER RECOMMENDATION:

That the Council;

- (i) RECEIVES the further report on Western Power's proposal to underground the powerlines in Walcott Street, between Beaufort and Charles Streets;*
- (ii) ADVISES Western Power that it;*
 - (a) fully supports the undergrounding of the powerlines in Walcott Street, however, it does not consider that in this instance (given this is an operational matter for Western Power), that Local Government should be contributing financially to such a project;*

- (b) *DOES NOT support the existing metal poles being replaced with wooden poles and that in the unlikely event that the power is not undergrounded, alternative solutions be implemented to address the current operational issues;*
- (iii) *WRITES to the Minister for Energy requesting that for reasons of public safety, amenity and social responsibility, Western Power proceeds with and fully funds the undergrounding of the powerlines in Walcott Street between Beaufort and Charles Streets, as this is an operational matter for Western Power and the project does not strictly meet the requirements of a Major Project under the terms, conditions and guidelines of the State Underground Power Program;*
- (iv) *ADVISES the City of Stirling and Western Power of its position; and*
- (v) *RECEIVES a further report on the matter once a formal response has been received from the Minister, Western Power and the City of Stirling.*

COUNCIL DECISION ITEM 10.2.2

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Cr Youngman departed the Chamber at 8.35pm.

Debate ensued.

Cr Youngman returned to the Chamber at 8.38pm.

PROCEDURAL MOTION

Moved Cr Messina, Seconded Cr Lake

That the Item be DEFERRED to allow for further negotiations and discussions with the City of Stirling and possible consideration of a residents' survey.

PROCEDURAL MOTION PUT AND CARRIED (9-0)

PURPOSE OF REPORT

The purpose of this report is to advise the Council of Western Power's revised proposal to underground the overhead power lines on Walcott Street, Mt Lawley between Beaufort and Charles Streets.

BACKGROUND:

At its Ordinary Meeting of 13 March 2007, the Council received a report on Western Power's proposal to underground the overhead powerlines in Walcott Street, Mt Lawley/ Coolbinia/ Menora between Beaufort and Charles Streets.

At a meeting in February 2007, Western Power advised Officers from the Town and the City of Stirling that it had a road safety issue in Walcott Street in respect to the proximity of the existing steel power poles to the edge of the carriageway.

Walcott Street comprises a boundary road between the Town and the City of Stirling and there are overhead powerlines on both sides of the street. The existing steel poles were originally installed to support the overhead electrical gantry for the former tramline.

While the obvious solution is to underground the powerlines, Western Power indicated that they were not in a position to fully fund the project and, if it were to proceed, they would be seeking contributions from the Town and the City of Stirling.

Western Power suggested that the problem could be addressed by simply replacing the steel poles with timber poles set further back in the verge, strung with a bundled cable (individual 11 kV insulated powerlines twisted together to form a single 'thick' cable).

Western Power argued that it was in the best interest of all concerned to under-ground the power which would not only solve their problem but it would result in other benefits.

At the time, the project was estimated to cost \$2,810,000 of which the Town and the City were expected to contribute 25% each, or approximately \$700,000 (including establishment and other costs).

Having considered the report, the Council made the following decision (in part):

"That the Council;

- (ii) APPROVES IN PRINCIPLE the request to participate in Western Power's proposal to underground the power in Walcott Street, subject to;*
 - (a) Western Power agreeing to contribute 50% of the total project cost which is estimated to be in the order of \$2,510,000;*
 - (b) the remaining 50% of the cost be shared equally on a 25% split between the Town of Vincent (\$700,000) and City of Stirling (\$700,000) subject to the final designs, ensuring the proposed works on either side of Walcott Street are of fairly equal scope;*
 - (c) the majority of the Town of Vincent residents affected by the scheme, agreeing to contribute financially to the project on a similar basis as the current Highgate East SUPP;*
 - (d) the Town's contribution being fixed such that the resident's contribution be restricted by the upper contribution amount indicated to them in the consultation material; and*
 - (e) the Town approving of the final designs and pole style/light fixtures;*
- (iii) ADVISES Western Power that the Town's approval of the project is conditional upon the Town deferring any payments towards the project until 2008/2009 financial year, as this project will not be funded in the 2007/2008 financial year due to other funding commitments and priorities;*

- (iv) *AUTHORISES the Chief Executive Officer to enter into discussions with Western Power concerning the terms and conditions and design considerations of the project;*
- (v) *ADVISES the City of Stirling and Western Power of its decision;*
- (vi) *RECEIVES a further report on the matter once a formal response has been received from Western Power;"*

DETAILS:

Since the aforementioned report, the Town's Officers have again met with Western Power and the City of Stirling in order to progress the proposal.

While it could be expected that the Town would recover a majority of its contribution from residents, over time it would require a loan facility to be established upon commencement as Western Power would require progress payments during the project with full payment by completion.

Funding Model

In the past twelve (12) months, while the technical details have changed little, the project cost has risen by \$654,000 to \$3,165,382, increasing the Town's direct contribution from \$700,000 to \$791,346. In addition, there would be other costs incurred, including holding costs for deferred pensioner payments, the net result being an estimated total cost to the Town of approximately \$912,281.

Therefore the following table provides an indicative cost to the Town:

<i>25% Contribution</i>	<i>\$791,346</i>
<i>Powder coated light poles</i>	<i>Included</i>
<i>Replacement of signage</i>	<i>\$3,000</i>
<i>Allowance for staff on costs - 6 months</i>	<i>\$35,000</i>
<i>10% allowance on total cost for deferred pensioner payments</i>	<i>\$82,935</i>
<i>Total Estimate Contribution</i>	<i>\$912,281(excl GST)</i>
<i>Estimated number of lots</i>	<i>134</i>
<i>Average cost per lot</i>	<i>\$6,808</i>
<i>Estimated number of property owners</i>	<i>270</i>
<i>Estimated number of Pensioners</i>	<i>28 (10.4%)</i>

The cost per lot is higher than that of the recent Highgate East SUPP Project, which is not unexpected in the current economic climate.

The Highgate East SUPP scheme was based on the "user pays" principle, with those property owners gaining a direct benefit being required to contribute funding based on the approved contributions model.

Also, as with the Highgate East Project, the Town would need to undertake extensive community consultation to determine the residents' support for the project and their willingness to pay the \$6,800 for each property.

City of Stirling

At this time, the Stirling Council is yet to consider the City's participation in the project. However, it can be assumed that if either Local Government declines the project, it will not proceed.

In respect to funding their contribution, the City uses a different model to that of the Town, based upon Gross Rental Value, which in itself will be a problem, as the City has already indicated that they would want to retain the same system, for reasons of parity and consistency, used for previous projects.

Potentially the two Local Governments will be using different funding models, resulting in vastly different contributions for opposing properties. Like the City, the Town, for reasons of parity and consistency, would also need to retain the same system as used in the Highgate East project.

Therefore, while it would make sense to conduct a combined community consultation program, with the City taking in both sides of Walcott Street, it will be difficult to justify the differing funding models to the residents, irrespective of which is considered the best.

Discussion

The Town is faced with a difficult decision, one that on the surface appears simple. It is an opportunity to get rid of the unsightly steel poles along Walcott Street, and if a majority of the affected residents agree, it would be at minimal cost to Town.

However, the question is often proffered - why is Local Government funding a State responsibility? If Western Power has a safety issue, then surely the onus is on Western Power to resolve it in a socially, environmentally and economically responsible way. Further, one of the arguments Western Power uses to justify underground power is improved reliability and continuity of service and yet this cost benefit is never factored into their project.

If the project proceeds, essentially the Town would have to borrow approximately \$1 million in the financial year 2008/09 to fund its contribution. Without pre-empting the Council's budget deliberations, the costs incurred in establishing and meeting loan payments in the first year have the potential to significantly impact upon the 2008/09 budget.

CONSULTATION/ADVERTISING:

Not Applicable.

LEGAL/POLICY:

If the Council resolves to proceed with this project, the funding and owner contribution cost recovery model used for Highgate East SUPP, which is compliant with current legislation, would be adopted for the Walcott Street project.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2006 - 2011 - 1.1.16 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. "j) Develop a strategy for the staged implementation of underground power throughout the Town."

FINANCIAL/BUDGET IMPLICATIONS:

If the project were to proceed, subject to the standard conditions and approvals, a contractual agreement would be entered into between Western Power, the City of Stirling and the Town of Vincent.

Under the terms of the contractual agreement, the Town would be required to provide 25 percent of the total project funding, with Western Power providing 50 percent and the City of Stirling 25 percent.

The Town, over time, will recover the 25 percent project cost contribution from the affected property owners. Where the Town owns properties within the scheme, the Town would be required to contribute towards this as in the Highgate East SUPP.

The Town would need to establish a loan facility and allocate \$912,281 in the 2008/2009 budget, should the project proceed.

COMMENTS:

The Town has always adopted a proactive role in the undergrounding of power in conjunction with the State Underground Power Program (SUPP).

While the Town may not agree that it is the responsibility for Local Government to directly contribute to the improvements to Western Power's infrastructure, based on "user pays" principle, the Walcott Street project does provide an avenue for residents and the Town to enhance the general amenity and streetscape of the areas involved. In the Highgate East SUPP resident survey, an overwhelming majority of 83% were in favour of underground power with 78% willing to contribute towards the scheme.

The proposal from Western Power for an undergrounding scheme in Walcott Street, between Beaufort and Charles Streets, relates directly to a compliance and safety issue they have with their infrastructure. The Town could rightly adopt the point of view that this is solely their problem and that the Town should not be involved.

Without both Vincent's and Stirling's co-operation, Western Power may resort to simply replacing the existing steel poles with timber ones. This is considered undesirable.

It is considered that while the undergrounding of the powerlines in Walcott Street is fully supported, it is not considered that, in this instance given this is an operational matter for Western Power, that Local Government should be contributing financially to such a project;

Also the existing metal poles being replaced with wooden poles is not supported and alternative solutions should be implemented to address the current operational issues if the undergrounding of power does not proceed.

10.4.2 Town of Vincent Local Government Property Local Law 2008 Amendment No. 1 (2008)

Ward:	Both Wards	Date:	1 July 2008
Precinct:	All Precincts	File Ref:	LEG0063
Attachments:			
Reporting Officer(s):	A Giles, A Radici		
Checked/Endorsed by:	R Boardman, John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *pursuant to section 3.12 of the Local Government Act 1995, APPROVES BY AN ABSOLUTE MAJORITY an amendment to the Town of Vincent Local Government Property Local Law 2008;*
- (ii) *Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the Town of Vincent resolved on 2008 to make the “Town of Vincent Local Government Property Amendment Local Law 2008”;*

In this local law, the Town of Vincent Local Government Property Local Law 2008 as published in the Government Gazette on 15 April 2008 is amended as follows:

- 1. *Delete “2007” from the Title and where it appears in Schedule 2 Clause 1.1 and insert “2008” in its place;*
- 2. *The existing clause 5.2 be deleted and the following new clause be inserted in its place;*

“5.2 Direction of manager or authorised person to be observed

(1) The manager or an authorised person may refuse admission to, may direct to leave or may remove or cause to be removed from the pool premises, a person who –

- (a) *in her or his opinion is –*
 - (i) *under the age of 12 years and who is unaccompanied by a responsible person 16 years or older; or*
 - (ii) *suffering from any contagious, infectious or cutaneous disease or complaint; or*
 - (iii) *in an unclean condition; or*
 - (iv) *under the influence of liquor or a prohibited mind altering drug or substance;*

(b) is to be refused admission under and in accordance with a decision of the local government for breaching any clause of this local law.

(2) A person shall, on being requested by the manager or an authorised person to leave the pool premises, subject to subclause (1), do so immediately, quietly and peaceably.

(3) *A person who fails to comply with a request under subclause (2) may be removed from the pool premises, by the manager, an authorised person or a Police Officer.”*

3. *The existing clause 13.4(1) be deleted and the following new clause be inserted in its place:*

"13.4 Public liability insurance and indemnity

(1) *Where, as a condition of a permit, the permit holder is required to obtain and maintain a public liability insurance policy, the permit holder shall –*

(a) *enter into an agreement with the local government to provide and maintain the required public liability insurance cover during the entire time that the license is in place;*

(b) *take out a public liability insurance policy in the name of the permit holder, covering the Permit holder’s legal liabilities in respect of the permit holder’s usual business activities;*

(c) *advise the local government should the permit holder cancel or modify or fail to renew the public liability insurance cover during the period of the license;*

(d) *provide the local government with a Certificate of Currency confirming that public liability insurance cover is in place as per Clause 13.4(1) prior to issuing of the license;*

(e) *ensure that, as a minimum, the permit holder's public liability insurance policy has a limit of liability of \$10 million (ten million dollars), or such other amount as the local government considers appropriate to the risk and liability involved. At the discretion of Council, the limit of liability required may be increased at the policy renewal date;*

(f) *ensure that the public liability insurer of the permit holder is a reputable insurer licensed to conduct insurance business in Australia in accordance with the guidelines issued by the Australian Prudential Regulatory Authority (APRA).”*

~~(2) *The Town of Vincent, in certain situations may, at its own discretion, require the permit holder to note the Interest of the Town of Vincent under the permit holder’s public liability insurance policy.*~~

~~*The existing subclause “(2)” be renumbered to “(3).”*~~

(iii) *In accordance with the provisions of section 3.12 of the Local Government Act 1995 the Council gives a Statewide public notice (advertisement);*

(a) *advising that a copy of the proposed local law may be inspected or obtained from the Town’s Administration & Civic Centre, 244 Vincent Street, Leederville and Town Library, 99 Loftus Street, Leederville; and*

- (b) *seeking submissions on the proposed local law for a period of not less than six (6) weeks; and*
- (iv) *NOTES that a further report will be submitted to the Council at the conclusion of the statutory consultation period.*

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

Moved Cr Ker, Seconded Cr Messina

That the recommendation be adopted.

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

(Mayor Catania was apology for the meeting.)

COUNCIL DECISION ITEM 10.4.2

That the Council;

- (i) *pursuant to section 3.12 of the Local Government Act 1995, APPROVES BY AN ABSOLUTE MAJORITY an amendment to the Town of Vincent Local Government Property Local Law 2008;*
- (ii) *Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the Town of Vincent resolved on 2008 to make the “Town of Vincent Local Government Property Amendment Local Law 2008”;*

In this local law, the Town of Vincent Local Government Property Local Law 2008 as published in the Government Gazette on 15 April 2008 is amended as follows:

1. *Delete “2007” from the Title and where it appears in Schedule 2 Clause 1.1 and insert “2008” in its place;*
2. *The existing clause 5.2 be deleted and the following new clause be inserted in its place;*

“5.2 Direction of manager or authorised person to be observed

- (1) *The manager or an authorised person may refuse admission to, may direct to leave or may remove or cause to be removed from the pool premises, a person who –*
 - (a) *in her or his opinion is –*
 - (i) *under the age of 12 years and who is unaccompanied by a responsible person 16 years or older; or*
 - (ii) *suffering from any contagious, infectious or cutaneous disease or complaint; or*
 - (iii) *in an unclean condition; or*
 - (iv) *under the influence of liquor or a prohibited mind altering drug or substance;*
 - (b) *is to be refused admission under and in accordance with a decision of the local government for breaching any clause of this local law.*

- (2) *A person shall, on being requested by the manager or an authorised person to leave the pool premises, subject to subclause (1), do so immediately, quietly and peaceably.*
- (3) *A person who fails to comply with a request under subclause (2) may be removed from the pool premises, by the manager, an authorised person or a Police Officer.”*
3. *The existing clause 13.4(1) be deleted and the following new clause be inserted in its place:*
- "13.4 Public liability insurance and indemnity*
- (1) *Where, as a condition of a permit, the permit holder is required to obtain and maintain a public liability insurance policy, the permit holder shall –*
- (a) *enter into an agreement with the local government to provide and maintain the required public liability insurance cover during the entire time that the license is in place;*
- (b) *take out a public liability insurance policy in the name of the permit holder, covering the Permit holder’s legal liabilities in respect of the permit holder’s usual business activities;*
- (c) *advise the local government should the permit holder cancel or modify or fail to renew the public liability insurance cover during the period of the license;*
- (d) *provide the local government with a Certificate of Currency confirming that public liability insurance cover is in place as per Clause 13.4(1) prior to issuing of the license;*
- (e) *ensure that, as a minimum, the permit holder's public liability insurance policy has a limit of liability of \$10 million (ten million dollars), or such other amount as the local government considers appropriate to the risk and liability involved. At the discretion of Council, the limit of liability required may be increased at the policy renewal date;*
- (f) *ensure that the public liability insurer of the permit holder is a reputable insurer licensed to conduct insurance business in Australia in accordance with the guidelines issued by the Australian Prudential Regulatory Authority (APRA).”*
- (iii) *In accordance with the provisions of section 3.12 of the Local Government Act 1995 the Council gives a Statewide public notice (advertisement);*
- (a) *advising that a copy of the proposed local law may be inspected or obtained from the Town’s Administration & Civic Centre, 244 Vincent Street, Leederville and Town Library, 99 Loftus Street, Leederville; and*
- (b) *seeking submissions on the proposed local law for a period of not less than six (6) weeks; and*
- (iv) *NOTES that a further report will be submitted to the Council at the conclusion of the statutory consultation period.*

ADDITIONAL COMMENTS:

Clause (ii) – Local Law Clause 13.4(3) has been deleted. The Town’s insurers advise that many insurance companies will refuse to note the Town on a Policy and in any case “noting” does not materially affect an insurance policy.

PURPOSE OF REPORT:

To seek Council approval for amendments to Clause 5.2 and 13.4 of the *Town of Vincent Local Government Property Local Law 2008*.

BACKGROUND:

The Town of Vincent Local Government Property Local Law 2008 was gazetted on 15 April 2008. Three amendments are required to be made to the Local Law.

The amendment to the year in the title and Schedule 2, clause 1.1 is to correct a typographical error by deleting “2007” and inserting “2008” in its place. This does not affect the local law.

The current Local Law is shown below. The recommended changes are shown by strikethrough.

“5.2 Direction of manager or authorised person to be observed

- (1) *The manager or an authorised person may refuse admission to, may direct to leave or may remove or cause to be removed from the pool premises ~~or a community facility~~, any person who –*
- (a) *in her or his opinion is –*
- (i) *under the age of 12 years and who is unaccompanied by a responsible person 16 years or older;*
- (ii) *suffering from any contagious, infectious or cutaneous disease or complaint;*
- (iii) *in an unclean condition; or*
- (iv) *under the influence of liquor or a prohibited mind altering drug or substance.*
- (b) *is to be refused admission under and in accordance with a decision of the local government for breaching any clause of this local law;*
- (c) ~~*the manager or an authorised person reasonably suspects has –*~~
- (i) ~~*contravened a provision of this local law;*~~
- (ii) ~~*behaved in a disorderly manner;*~~
- (iii) ~~*used indecent, offensive, profane or insulting language;*~~
- (iv) ~~*created or taken part in any disturbance whereby a crowd has gathered; or*~~
- (v) ~~*committed an act of indecency; or*~~
- (d) ~~*been deemed undesirable by the local government, the manager or an authorised person, by reason of his or her past conduct.*~~
- (2) *A person shall, on being requested by the manager or an authorised person to leave the pool premises or a community facility, do so immediately, quietly and peaceably.*

- (3) *A person who fails to comply with a request under subclause (2) may be removed from the pool premises ~~or community facility~~ by the manager, an authorised person or a Police Officer.*
- (4) ~~*The manager or an authorised person may temporarily suspend admission to, or remove from the pool premises or a community facility, or any part of them, all or any person or persons, if in her or his opinion such action is necessary or desirable.*~~
- (5) ~~*The pool premises or a community facility, or any part of them, may at any time be set aside by the manager or an authorised person for the use of certain persons to the exclusion of others.*~~

Amendment No. 2

This amendment is to correct the year where it appears on the title and clause 1.1 of Schedule 2.

Amendment No. 2

1. Clause **“5.2 Direction of manager or authorised person to be observed**

The Joint Standing Committee on Delegated Legislation recently wrote to the Town and advised that Clause 5.2 in the Town’s Local Law is considered to be subject to a high degree of discretion by an authorised person. It considers that this clause should be either deleted or amended. It recommended that the Town amend this Clause to avoid a “Disallowance Notice” to be issued.

It suggested that;

- (i) the words “or a community facility” be deleted from sub clause (1) as the application of this sub clause to a community facility is considered unreasonable;

CEO’s Comment:

This amendment is supported. Community facilities include “halls, buildings etc.” and previous problems have been minimal.

- (ii) sub clause (1)(c) and (d) be deleted as these are deemed unreasonable and highly discretionary;

CEO’s Comment:

The deletion of sub clause (1)(c) and (d) is supported as sufficient control measures can be obtained utilising a Police Officer if required.

- (iii) sub clause (4) should be amended to insert a specified period for which a person can be suspended from a pool or alternatively the sub clause to be deleted;

CEO’s Comment:

The deletion of sub clause (4) is supported as sufficient control measures can be carried out if and when the occasion requires. This will necessitate a report to the Council for a decision to be made.

- (iv) sub clause (5) should be amended to insert a provision making this clause subject to the Equal Opportunity Act 1994 or alternatively the sub clause to be deleted.

CEO's Comment:

The deletion of sub clause (5) is supported. The day to day management of a pool can be achieved without necessitating a Local Law.

Amendment No. 3

It has been brought to the Town's attention that the existing *Clause 13.4* in the *Town of Vincent Local Government Property Local Law 2008*, should be amended to align the wording with the current standard wording for public liability insurance policies.

The Town's insurer, Local Government Insurance Services was consulted regarding Clause 13.4, following a query raised with the Town's Health Services when a recent mail out to existing Alfresco Dining Licence Holders prompted an insurer and a number of Licence Holders to query the requirements of Council Policy 3.8.1, Clause 7.0 – Public Liability Insurance. The policy requires Alfresco Dining Licence Holders to upgrade certain aspects such as Public Liability Insurance cover, to enable the Town to issue them an Outdoor Eating Area Permit from 1 July 2008.

Recommended amendments were suggested by the Town's insurer, and these recommendations have been reflected in the Officer Recommendation. (An amendment will also be required to the Trading in Public Places Local Law and Policy No. 3.8.1.)

CONSULTATION/ADVERTISING:

Section 3.16 of the Local Government Act 1995 states:

“3.16 (2) The local government is to give Statewide public notice stating that:

- (a) the local government proposes to review the local law;*
- (b) a copy of the local law may be inspected or obtained at any place specified in the notice; and*
- (c) submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.”*

FINANCIAL/BUDGET IMPLICATIONS

The cost of an advertisement will be approximately \$250.

LEGAL/POLICY

Section 3.12 of the Local Government Act 1995 prescribes the method for amending a Local Law.

STRATEGIC IMPLICATIONS

The matter is in keeping with the Council's Strategic Plan 2006-2011 – *Key Result Area 4.2 – “Manage the organisation in a responsible, efficient and accountable manner”*.

COMMENTS

In view of the recent letter from the Delegated Legislation (Joint Standing Committee) and advice from the Town's Insurer it is recommended that the Local Law be amended.

10.4.3 Town of Vincent Trading in Public Places Local Law 2008 Amendment No. 1 (2008), and Amendment to Council Policy 3.8.1 – Outdoor Eating Areas (Alfresco Dining)

Ward:	Both Wards	Date:	1 July 2008
Precinct:	All Precincts	File Ref:	LEG0026
Attachments:			
Reporting Officer(s):	J MacLean, A Giles, A Radici		
Checked/Endorsed by:	R Boardman, John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *pursuant to Section 3.12 of the Local Government Act 1995 APPROVES BY AN ABSOLUTE MAJORITY an amendment to the Town of Vincent Trading in Public Places Local Law 2008;*
- (ii) *Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the Town of Vincent resolved on 2008 to make the “Town of Vincent Trading in Public Places Amendment Local Law 2008”;*
 - (a) *In this local law, the Town of Vincent Trading in Public Places Local Law 2008 as published in the Government Gazette on 15 April 2008 is amended as follows;*

The existing Clause 5.4(1) be deleted and the following new clause be inserted in its place;

"5.4 Public liability insurance and indemnity

- (1) *Where, as a condition of a permit, a permit holder is required to obtain and maintain a public liability insurance policy, the permit holder shall –*
 - (a) *enter into an agreement with the local government to provide and maintain the required public liability insurance cover during the entire time that the permit is in place;*
 - (b) *take out a public liability insurance policy in the name of the permit holder, covering the permit holders legal liabilities in respect of ‘the permit holder’s usual business activities including the provision of an outdoor eating area (alfresco dining) on footpaths or other trading places which may or may not be under the ownership, care, custody and control of the Town of Vincent;*
 - (c) *advise the local government should the permit holder cancel or modify or fail to renew the public liability insurance cover during the period of the licence;*

- (d) *provide the local government with a Certificate of Currency confirming that the public liability insurance cover is in place as per the requirements of Clause 5.4(1) prior to issuing of the permit;*
- (e) *ensure that, as a minimum, the permit holder's public liability insurance policy has a limit of liability of \$5 million (five million dollars), or such other amount as the local government considers appropriate to the risk and liability involved. At the discretion of Council, the limit of liability required may be increased at the policy renewal date;*
- (f) *ensure that the public liability insurer of the permit holder is a reputable insurer licensed to conduct insurance business in Australia in accordance with the guidelines issued by the Australian Prudential Regulatory Authority (APRA)."*

~~(2) Subject to subclause (1), the Town of Vincent, in certain situations may, at its own discretion, require the permit holder to note the interest of the Town of Vincent under the permit holder's public liability insurance policy.~~

~~The existing Subclause "(2)" be renumbered to "(3)".~~

- (iii) *In accordance with the provisions of section 3.12 of the Local Government Act 1995 the Council gives a Statewide public notice (advertisement);*
 - (a) *advising that a copy of the proposed local law may be inspected or obtained from the Town's Administration & Civic Centre, 244 Vincent Street, Leederville and Town Library, 99 Loftus Street, Leederville; and*
 - (b) *seeking submissions on the proposed amended local law for a period of not less than six (6) weeks;*
- (iv) *NOTES that a further report will be submitted to the Council at the conclusion of the statutory consultation period for making the proposed local law; and*
- (v) *APPROVES of an amendment to Clause 7.0 of Policy No. 3.8.1 – relating to Outdoor Eating Areas (alfresco dining) to reflect the insurance requirement changes specified in the Trading in Public Places Local Law 2008 and AUTHORISES the Chief Executive Officer to amend the policy accordingly.*

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

Moved Cr Ker, Seconded Cr Youngman

That the recommendation be adopted.

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

(Mayor Catania was apology for the meeting.)

COUNCIL DECISION ITEM 10.4.3

That the Council;

- (i) *pursuant to Section 3.12 of the Local Government Act 1995 APPROVES BY AN ABSOLUTE MAJORITY an amendment to the Town of Vincent Trading in Public Places Local Law 2008;*
- (ii) *Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the Town of Vincent resolved on 2008 to make the “Town of Vincent Trading in Public Places Amendment Local Law 2008”;*
 - (a) *In this local law, the Town of Vincent Trading in Public Places Local Law 2008 as published in the Government Gazette on 15 April 2008 is amended as follows;*

The existing Clause 5.4(1) be deleted and the following new clause be inserted in its place;

"5.4 Public liability insurance and indemnity

- (1) *Where, as a condition of a permit, a permit holder is required to obtain and maintain a public liability insurance policy, the permit holder shall –*
 - (a) *enter into an agreement with the local government to provide and maintain the required public liability insurance cover during the entire time that the permit is in place;*
 - (b) *take out a public liability insurance policy in the name of the permit holder, covering the permit holders legal liabilities in respect of ‘the permit holder’s usual business activities including the provision of an outdoor eating area (alfresco dining) on footpaths or other trading places which may or may not be under the ownership, care, custody and control of the Town of Vincent;*
 - (c) *advise the local government should the permit holder cancel or modify or fail to renew the public liability insurance cover during the period of the licence;*
 - (d) *provide the local government with a Certificate of Currency confirming that the public liability insurance cover is in place as per the requirements of Clause 5.4(1) prior to issuing of the permit;*
 - (e) *ensure that, as a minimum, the permit holder's public liability insurance policy has a limit of liability of \$5 million (five million dollars), or such other amount as the local government considers appropriate to the risk and liability involved. At the discretion of Council, the limit of liability required may be increased at the policy renewal date;*

- (f) *ensure that the public liability insurer of the permit holder is a reputable insurer licensed to conduct insurance business in Australia in accordance with the guidelines issued by the Australian Prudential Regulatory Authority (APRA)."*
- (iii) *In accordance with the provisions of section 3.12 of the Local Government Act 1995 the Council gives a Statewide public notice (advertisement);*
- (a) *advising that a copy of the proposed local law may be inspected or obtained from the Town's Administration & Civic Centre, 244 Vincent Street, Leederville and Town Library, 99 Loftus Street, Leederville; and*
- (b) *seeking submissions on the proposed amended local law for a period of not less than six (6) weeks;*
- (iv) *NOTES that a further report will be submitted to the Council at the conclusion of the statutory consultation period for making the proposed local law; and*
- (v) *APPROVES of an amendment to Clause 7.0 of Policy No. 3.8.1 – relating to Outdoor Eating Areas (alfresco dining) to reflect the insurance requirement changes specified in the Trading in Public Places Local Law 2008 and AUTHORIZES the Chief Executive Officer to amend the policy accordingly.*

ADDITIONAL COMMENTS:

Clause (ii) – Local Law Clause 13.4(3) has been deleted. The Town's insurers advise that many insurance companies will refuse to note the Town on a Policy and in any case "noting" does not materially affect an insurance policy.

PURPOSE OF REPORT:

To obtain the Council's approval for an amendment to the Trading in Public Places Local Law 2008, and Council Policy 3.8.1 – Outdoor Eating Areas (Alfresco Dining)

BACKGROUND:

It has been brought to the Town's attention by the Town's Insurer that the existing *Clause 5.4* in the *Trading in Public Places Local Law 2008*, should be amended to align the wording with the current standard wording for public liability insurance policies. This wording is mirrored in *Clause 7.0 – Public Liability Insurance* in *Policy 3.8.1 – Outdoor Eating Areas (Alfresco Dining)*, and subsequently this clause will also require amendment as detailed in the Officer Recommendation.

DETAILS:

The Town's insurer, Local Government Insurance Services was consulted regarding Clause 5.4 in the Trading in Public Places Local Law 2008, following a query raised with the Town's Health Services when a recent mail out to existing Alfresco Dining Licence Holders prompted an insurer and a number of Licence Holders to query the requirements of Council Policy 3.8.1, Clause 7.0 – Public Liability Insurance. The policy requires Alfresco Dining Licence Holders to upgrade certain aspects such as Public Liability Insurance cover, to enable the Town to issue them an Outdoor Eating Area Permit from 1 July 2008.

Recommended amendments were suggested by the Town's Insurer, and these recommendations have been reflected in the Officer Recommendation.

CONSULTATION/ADVERTISING:

Section 3.16 of the Local Government Act 1995 states:

“3.16 (2) The local government is to give Statewide public notice stating that:

- (a) the local government proposes to review the local law;*
- (b) a copy of the local law may be inspected or obtained at any place specified in the notice; and*
- (c) submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.”*

FINANCIAL/BUDGET IMPLICATIONS

The cost of an advertisement will be approximately \$250.

LEGAL/POLICY

Section 3.12 of the Local Government Act 1995 prescribes the method for amending a Local Law.

STRATEGIC IMPLICATIONS

The matter is in keeping with the Council’s Strategic Plan 2006-2011 – *Key Result Area 4.2 – “Manage the organisation in a responsible, efficient and accountable manner”*.

COMMENTS

In view of the advice from the Town’s Insurer it is recommended that the Local Law and Policy be amended.

10.4.5 9th International Cities, Town Centres & Communities (ICTC) Society Conference – “Creating A Gold Medal Community”

Ward:	-	Date:	1 July 2008
Precinct:	-	File Ref:	ADM0031
Attachments:	001		
Reporting Officer(s):	K Bardon, R Boardman		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council APPROVES of the Director Development Services, and up to one (1) Council Member, to attend the 9th International Cities, Town Centres & Communities Society Conference, to be held at Sydney Olympic Park, Sydney, Australia, from 7-10 October 2008, at an approximate cost of \$2,600 for the Director Development Services and \$2,900 for the Council Member.

The Presiding Member called for nominations. Cr Ker nominated.

Moved Cr Ker, Seconded Cr Messina

That the recommendation be adopted, together with Cr Ker’s nomination.

MOTION PUT AND CARRIED (8-0)

(Mayor Catania was apology for the meeting.)

COUNCIL DECISION ITEM 10.4.5

That the Council APPROVES of the Director Development Services, and Council Member Ian Ker, to attend the 9th International Cities, Town Centres & Communities Society Conference, to be held at Sydney Olympic Park, Sydney, Australia, from 7-10 October 2008, at an approximate cost of \$2,600 for the Director Development Services and \$2,900 for the Council Member.

PURPOSE OF REPORT:

The purpose of this report is to request the Council's approval for the Director Development Services and one (1) Council Member to attend the 9th International Cities, Town Centres & Communities Society Conference, to be held at Sydney Olympic Park, Sydney, Australia in October 2008.

BACKGROUND:

The 9th International Cities, Town Centres & Communities Society Conference will be held at the Novotel located in the heart of Sydney Olympic Park, Sydney, from 7 to 10 May 2008. Sydney Olympic Park is a dynamic and vibrant township in the heart of metropolitan Sydney. Sydney Olympic Park Authority is responsible for managing and developing Sydney Olympic Park, and maintaining it as a lasting legacy for the people of New South Wales.

Sydney Olympic Park occupies a site of approximately 640-hectares between the Parramatta River and the M4 Motorway in Sydney, representing one of the world’s most significant urban renewal projects. Nearly two thirds of the site is parkland. The vision for Sydney Olympic Park is to become an internationally recognised example of intelligent place-making and sustainable urban development – a dynamic and diverse township for living, working, learning and recreation – a place for all people set within a world class built and natural environment.

The unique township will include commercial, residential, retail and educational developments, and accommodate a significant local population, while maintaining their Olympic legacy of world-class sports and entertainment venues.

DETAILS:

The aims of the Conference are as follows:

- To discuss the latest developments in urban design, planning, development, project management and sustainability on an international and domestic basis.
- Mix with professionals from varying backgrounds in a true cross disciplinary event.
- Provide access to and hands on experience with domestic and international specialists.
- Provide domestic and international case studies for discussion and analysis.

The Director Development Services has been successful in being chosen to give an oral presentation under the suggested stream topic of Master Planned Communities by submitting an abstract of 150 – 250 words titled “The Leederville Masterplan” as per Attachment 10.4.5.

The oral presentation will be for 30 minutes which includes 5 minutes question time and has reduced the registration fee from \$995 to \$695 for a Speaker registration discount.

The Conference Program has been “*Laid on the Table*” and includes:

- Renowned invited domestic and international keynote speakers as well as plenary and concurrent sessions, panel sessions, snapshot and poster sessions, and special interest group (SIG) meetings.
- A trade exhibition highlighting the latest products from leading suppliers.
- Field Trips to projects in and around the Sydney Olympic Park precinct and surrounding Sydney suburbs.

Sydney Olympic Park Field Trip – Friday 10 October 2008

The Sydney 2000 Olympic Games were applauded as the ‘*best Games ever*’ and tagged the first ‘*green Games*’. The vision for Sydney Olympic Park is to become an internationally admired example of sustainable urban renewal and development, as it moves from the gold medal sporting and events precinct to a vibrant township.

Development of the town centre is proceeding rapidly with \$1 Billion committed for commercial and residential development. Over the next 10 to 15 years, a further \$7 Billion in spending is anticipated on new developments for commercial, residential, educational, retail and venue purposes.

On this field trip, delegates will get the chance to examine Sydney Olympic Park from three different perspectives:

1. the planning process involved in creating the Masterplan for the site’s development;
2. the business development of the site as a Sports Town and Education Campus; and
3. the initiatives of environmental sustainability built into the site which enabled delivery of the Green Games.

The Park’s environmentally sustainable initiatives will be covered by a coach tour around the 620 hectare site with expert commentary provided. The other two information sessions (the Masterplan and Sports Town/Education campus) will be a mix of seminar and short walking tour.

A maximum of 75 participants in total will be divided into three groups which will each rotate through the different (1.5 hour) information sessions (two before lunch and one after).

Participants will be confirmed on a first in first selected basis and then from a waiting list.

The Conference's target audience includes: Academia, Architects, Developers, Energy Managers, Engineers, Environmentalists, Financiers, Home Builders, Landscape Architects, Legal Professional, Main Street Managers, Planners, Projects Managers, Property Consultants, Resource Managers, Retail Managers, Surveyors, Shopping Centre Managers, Transport Managers, Town Centre Managers, Urban designers, Resource Managers, Local Government, State Government, Federal Government and Economic Development Managers.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

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

“(i) When it is considered desirable that the 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;”.

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

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

<u>Cost per person</u>	<u>Director</u>	<u>Council Member</u>
Speaker Registration	\$ 695.00	\$ 995.00 ** (<i>see below</i>)
Economy Airfare (approx)	\$ 675.00	\$ 675.00
Accommodation and meals	\$1,230.00	\$1,230.00
Total:	\$2,600.00	\$2,900.00

(** early bird discount if paid by 1 August 2008 for Full-Registration (Non-Member) fee).

COMMENTS:

It is recommended that approval be granted for the Director Development Services and up to one (1) Council Member to attend the 9th *International Cities, Town Centres & Communities Society Conference* to be held in Sydney from 7 to 10 October 2008.

10.4.6 Information Bulletin

Ward:	-	Date:	1 July 2008
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	A Radici		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 8 July 2008, as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 10.4.6

Moved Cr Youngman, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (8-0)

(Mayor Catania was apology for the meeting.)

DETAILS:

The items included in the Information Bulletin dated 8 July 2008 are as follows:

ITEM	DESCRIPTION
IB01	Letter from Heritage Council of Western Australia in regards to Heritage Nomination on the State Register of Heritage Places – Assessment of Catholic Women’s League Building at 49a-49b Vincent Street, Mount Lawley
IB02	Letter from Dr Alexander (Sandy) Tait, Senior Consultant in Rehabilitative Psychiatry on behalf of Hawthorn House, North Metropolitan Health Service, Department of Health in regards to the Progress at Hawthorn House
IB03	BUILDING NOTE No. 62 June 2008 – Amendments to building licence fees charged by local governments
IB04	BUILDING NOTE No. 63 June 2008 – Changes to the way the value of building work for building licence fees is calculated does not affect the Building and Construction Industry Training Fund levy
IB05	BUILDING NOTE No. 64 June 2008 – Approval of unauthorised buildings by local governments
IB06	Letter from Minister for Disability Services; Tourism; Culture and the Arts; Consumer Protection regarding Ministerial Statement – Disability Access and Inclusion Plans – Public Authorities
IB07	Letter of Appreciation from Kyilla P&C Association Inc regarding parking and street upgrade on Lawler Street, North Perth
IB08	Letter to Mr Ryan Cribb of 54 Venn Street, North Perth - Response to Question taken on Notice at the Council Meeting held on 24 June 2008

- IB09 Receipt from Australian Red Cross regarding donation to China Sichuan Earthquake Appeal 2008
- IB10 Policies and Practices to Promote Appropriate Investment in the Town of Vincent – Progress Report No. 1
- IB11 Register of Petitions – Progress Report – July 2008
- IB12 Register of Notices of Motion – Progress Report - July 2008
- IB13 Register of Reports to be Actioned – Progress Report – July 2008
- IB14 Register of Legal Action – Progress Report - July 2008
- IB15 Register of State Administrative Tribunal Appeals – Progress Report - July 2008
- IB16 Forum Notes – 17 June 2008
- IB17 Notice of Forum – 15 July 2008

10.4.7 Late Item: Amendment to Schedule 6 – Parking and Parking Facilities Local Law 2007

Ward:	South	Date:	4 July 2008
Precinct:	Hyde Park; P13 Leederville, P3	File Ref:	LEG0047
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report concerning the proposed amendment to the Parking and Parking Facilities Local Law and NOTES that no submissions have been received;*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY the following amendment to Schedule 6 of the Town of Vincent Local Law Relating to Parking and Parking Facilities to amend the operating time for Paid Parking in William Street and Forbes Road, Perth and to amend the operation for each side of Vincent Street, Leederville;*

The Town of Vincent Parking and Parking Facilities Local Law 2007, as published in the Government Gazette on 21 November 2007, is referred to as the principal local law. The principal local law is amended as follows:

- 1. *The existing Schedule 6 is deleted and replaced by the following Schedule 6:*

SCHEDULE 6

TICKET MACHINES ZONES

PERIOD AND FEES

	LOCATION	BETWEEN	PERIOD OF OPERATION
1	William Street	Brisbane Street and Newcastle Street	8.00 a.m. to 6.00 p.m. Mon to Fri and 8.00 a.m. to 12 noon Sat
2	Oxford Street	Between Frame Court Car Park entry and Leederville Parade	8.00 a.m. to 8.00 p.m. Mon to Fri and 8.00 a.m. to 12 noon Sat and 8.00 p.m. to 8.00 a.m. Mon to Sun
3	Frame Court	Between Frame Court Car Park entry and Leederville Parade	8.00 a.m. to 8.00 p.m. Mon to Fri and 8.00 a.m. to 12 noon Sat and 8.00 p.m. to 8.00 a.m. Mon to Sun
4	East and west sides of Pier Street, Perth	Between Parry Street and Brisbane Street	8.00 a.m. to 10.00 p.m. Mon to Sun
5	North side of Brewer Street, Perth	Between Lord Street and Stirling Street	8.00 a.m. to 10.00 p.m. Mon to Sun
6	Median Parking in Stirling Street, Perth	Between Parry Street and Brisbane Street	8.00 a.m. to 10.00 p.m. Mon to Sun
7	North side of Stuart Street, Perth	Between Palmerston Street and Fitzgerald Street	8.00 a.m. to 8.00 p.m. Mon to Fri and 8.00 a.m. to 12 noon Sat
8	North and south sides	Between Carr Place and Loftus	8.00 a.m. to 8.00 p.m. Mon to Sun

	LOCATION	BETWEEN	PERIOD OF OPERATION
	of Newcastle Street, Leederville	Street	
9	North side of Forbes Road, Perth	Between William Street and Wellman Street	8.00 a.m. to 6.00 p.m. Mon to Fri and 8.00 a.m. to 12 noon Sat
10	South side of Vincent Street, Leederville	Between Loftus Street and Oxford Street	9.00 a.m. to 4.15 p.m. and 6.00 p.m. to 10.00 p.m. Mon to Fri and 8.00 a.m. to 10.00 p.m. Sat and Sun
11	North side of Vincent Street, Leederville	Between Loftus Street and the entry to Leederville Oval	8.00 a.m. to 10.00 p.m. Mon to Sun
12	South side of Brisbane Street, Perth	Between Beaufort Street and William Street	9.00 a.m. to 8.00 p.m. Mon to Fri and 8.00 a.m. to 8.00 p.m. Sat and Sun
13	North side of Brisbane Street, Perth	Between Beaufort Street and William Street	8.00 a.m. to 8.00 p.m. Mon to Sun
14	North and south sides of Brisbane Street, Perth	Between William Street and Lake Street	8.00 a.m. to 8.00 p.m. Mon to Sun

COUNCIL DECISION ITEM 10.4.7

Moved Cr Lake, Seconded Cr Burns

That the recommendation be adopted.

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

For
Presiding Member, D/Mayor Cr Farrell
Cr Burns
Cr Doran-Wu
Cr Ker
Cr Lake
Cr Maier
Cr Messina

Against
Cr Youngman

(Mayor Catania was apology for the meeting.)

PURPOSE OF REPORT:

To advise the Council of the outcome of the public consultation concerning the amendment to the Town's Local Law Relating to Parking and Parking Facilities 2007, Schedule 6.

BACKGROUND:

At the Council Meeting held on 22 April 2008 the Council resolved to amend its Parking and Parking Facilities Local Law 2007, as detailed in the Officer Recommendation.

The Schedule has been amended to delete the previous No. 10 – North and south sides of Forbes Road, Perth between Wellman Street and Forbes Lane, as there are not ticket machines in this area and none can be provided due to the configuration of the land.

CONSULTATION/ADVERTISING:

The amendment was advertised on a statewide basis for six weeks. It was also advertised in the local newspaper and on the official notice boards. At the close of the consultation period on 20 June 2008, no submissions were received.

LEGAL/POLICY:

The amendment was advertised in accordance with the Local Government Act 1995.

The previous Council Report dated 22 April 2008 and Local Law advertisement referred to replacing the "First" Schedule however, this should have referred to "Schedule 6". Whilst the reference to the Schedule was incorrect, the details of the amendment are correct and do not materially affect the operation of the Local Law. This has been checked with the Department of Local Government and they advised that the proposed amendment to "Schedule 6" is acceptable and does not need to be readvertised.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2006-2011 – 1.1.6 Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment:
"(p) Develop a strategy for parking management in business, residential and mixed use precincts, that includes parking facilities that are appropriate to public needs;"

FINANCIAL/BUDGET IMPLICATIONS:

There will be some cost associated with the above recommendation, relating to gazetting and advertising of the amendment and this will cost approximately \$500.

There will also be a cost associated with the alteration to the current signage and to the programmes for the ticket issuing machines. It is estimated that this will cost around \$1,500.

COMMENTS:

As there were no submissions concerning the amendment it is therefore recommended that the Council approve of the Officer Recommendation.

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

12.1 WALGA Nominations – Local Government and Community Road Safety Committee

Ward:	-	Date:	1 July 2008
Precinct:	-	File Ref:	ORG0045
Attachments:	001		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) _____ *and* _____ *be nominated as WALGA Member (2) - Local Government and Community Road Safety Committee - (Re-advertised); and*
- (ii) _____ *and* _____ *be nominated as WALGA Deputy Member (2) - Local Government and Community Road Safety Committee - (Re-advertised).*

The Presiding Member called for nominations, however none were received.

COUNCIL DECISION ITEM 12.1

Moved Cr Ker, Seconded Cr Messina

That nil nominations be made.

MOTION PUT AND CARRIED (8-0)

(Mayor Catania was apology for the meeting.)

BACKGROUND:

Nominations for WALGA Member (x2) and Deputy Member (x2) for the Local Government and Community Road Safety Committee were deferred from the Ordinary Meeting of Council held on 24 June 2008.

DETAILS:

Please see Appendix 12.1 for further details of this Committee.

N.B.:

NOMINATIONS CLOSE 4PM THURSDAY 17 JULY 2008

13. URGENT BUSINESS

Nil.

PROCEDURAL MOTION

At 7.59pm Moved Cr Ker, Seconded Cr Youngman

That Council proceed "behind closed doors" to consider confidential item 14.1 as this matter relates to the personal affairs of a person, contain legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting and potential financial and legal implications to the Town.

PROCEDURAL MOTION PUT AND CARRIED (8-0)

(Mayor Catania was apology for the meeting.)

There were no media or public present.

14. CONFIDENTIAL REPORTS (Behind Closed Doors)

14.1 CONFIDENTIAL REPORT - No. 20B (Lot 2 on Strata Plan 29299) Windsor Street, Perth - Non-compliance with the Town of Vincent Town Planning Scheme No. 1 - Unauthorised Garage and Loft Additions to Existing Dwelling (PRO2400)
--

OFFICER RECOMMENDATION:

That the Council;

- (i) *pursuant to section 5.23(2) of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law relating to Standing Orders, PROCEEDS "behind closed doors" at the conclusion of the items, to consider the confidential report, circulated separately to Council Members, as the matter contains legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
- (ii) *AUTHORISES the Chief Executive Officer to make public the Confidential Report, or any part of it, at the appropriate time.*

COUNCIL DECISION ITEM 14.1

Moved Cr Messina, Seconded Cr Burns

That the Council AUTHORISES the Chief Executive Officer to proceed with prosecution and legal proceedings against the owner of No. 20B (Lot 2 on Strata Plan 29299) Windsor Street, Perth for contravention of the Town's Town Planning Scheme No. 1 and committing an offence pursuant to the provisions of the Planning and Development Act 2005 in relation to unauthorised works at the subject property.

Debate ensued.

MOTION PUT AND CARRIED (8-0)

(Mayor Catania was apology for the meeting.)

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it relates to the Town's consideration of proposed legal action and contains legal advice obtained, or which may be obtained by the local government and which relates to a matter to be discussed at this Meeting. In accordance with the relevant legislation, the report is to be kept confidential until determined by the Council to be released for public information.

LEGAL:

The Town of Vincent Local Law Relating to Standing Orders states the following:

“2.15 Confidential business

- (1) *All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is –*
- (i) *to be treated as strictly confidential; and*
 - (ii) *not, without the authority of Council, to be disclosed to any person other than–*
 - (a) *the Members; and*
 - (b) *Officers of the Council but only to the extent necessary for the purpose of carrying out their duties;*

prior to the discussion of that matter at a meeting of the council held with open doors.
- (2) *Any report, document or correspondence which is to be placed before the Council or any committee and which is in the opinion of the Chief Executive Officer of a confidential nature, may at his or her discretion be marked as such and –*
- (i) *then to be treated as strictly confidential; and*
 - (ii) *is not without the authority of the Council to be disclosed to any person other than the Mayor, Councillors or the Officers of the Council referred to in sub-clause (1).”*

The confidential report and relevant attachments are provided separately to Council Members, the Chief Executive Officer and Directors.

At the conclusion of this matter, the Council may wish to make some details available to the public.

14.2 LATE CONFIDENTIAL ITEM: Chief Executive Officer's Performance Review 2008 - Appointment of Consultant

OFFICER RECOMMENDATION:

That the Council APPROVES of engaging Human Resource Consultant, Mr John Phillips of WALGA's Employment Solutions to assist in conducting the Chief Executive Officer's (CEO's) Performance Review 2008, as detailed in this report, at a maximum cost of \$3,300 plus GST of \$330.00.

COUNCIL DECISION ITEM 14.2

Moved Cr Youngman, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (7-1)

For

Presiding Member, D/Mayor Cr Farrell
Cr Burns
Cr Doran-Wu
Cr Ker
Cr Lake
Cr Messina
Cr Youngman

Against

Cr Maier

(Mayor Catania was apology for the meeting.)

Note: The Chief Executive Officer advised that this report is now released to the public as the Council has determined the matter.

PURPOSE OF REPORT:

The purpose of the report is to obtain Council approval to engage a consult to assist in conducting the CEO's Performance Review 2008.

BACKGROUND:

At the Ordinary Meeting of Council held on 18 December 2007, the Council resolved as follows;

"That the Council;

(i) *RECEIVES the Chief Executive Officer's Performance Review Report 2007 and endorses the overall rating of "Satisfactory - Meeting the Performance Requirements" of the following Key Result Areas (KRAs) for the position of Chief Executive Officer of the Town of Vincent;*

- *Operational Management;*
- *Statutory Compliance;*

- *Human Resources Management;*
 - *Relationships - Elected Members;*
 - *Relationships – Others; and*
 - *Occupational Safety and Health;*
- (ii) *NOTES that the next review of the CEO’s performance is to be conducted in August 2008, and the period of review is to be based on a financial year;*
- (iii) *VARIABLES the Key Result Areas to include a new category of “Strategic Plan and Major Projects”; and*
- (iv) *NOTES that;*
- (a) *the Chief Executive Officer has agreed to vary the Key Result Areas as detailed in (iii) above; and*
- (b) *a further report will be submitted to the Council in February 2008 concerning the Key Performance Indicators for the consideration of the Performance Bonus and the new category of “Strategic Plan and Major Projects”.*

At the Ordinary Meeting of Council held on 26 February 2008, the Council resolved as follows;

"That the Council;

- (i) *APPROVES the additional Key Performance Indicators for the consideration of the Performance Bonus and the new category of “Strategic Plan and Major Projects”, as follows;*

	<i>Item from Strategic Plan</i>	<i>Objective (Description)</i>	<i>Performance Timeframe</i>
6 (a)		<i>Loftus Centre Redevelopment</i> <ul style="list-style-type: none"> ▪ <i>Completion of Stage 1</i> ▪ <i>Completion of Stage 2.</i> 	<i>25 February 2008</i> <i>30 June 2008</i>
6 (b)		<i>Leederville Early Child Care Centre</i> <ul style="list-style-type: none"> ▪ <i>Prepare Concept Design</i> ▪ <i>Council approval of design</i> ▪ <i>Advertise construction tender</i> ▪ <i>Council approval of construction tender</i> ▪ <i>Construction of Leederville Early Childcare Centre building</i> 	<i>30 March 2008</i> <i>30 April 2008</i> <i>May 2008</i> <i>30 June 2008</i> <i>July 2008 - February 2009</i>
6 (c)		<i>Leederville Masterplan</i> <ul style="list-style-type: none"> ▪ <i>Complete Traffic and Access Study.</i> ▪ <i>Complete Civil/Engineering Study.</i> ▪ <i>Complete Built Form Guideline Study.</i> ▪ <i>Include Concept Water Corp Study into Leederville Masterplan.</i> ▪ <i>Secure \$100,000 DPI Funding/Finalise MOU.</i> ▪ <i>Conduct Leederville Train Station Study.</i> ▪ <i>Conduct Carr Street Residential Design Guidelines Study.</i> ▪ <i>Prepare Draft Expression of Interest document for Council approval.</i> ▪ <i>Advertise Expression of Interest.</i> ▪ <i>Evaluation of Expressions of Interest.</i> 	<i>25 February 2008</i> <i>25 February 2008</i> <i>30 March 2008</i> <i>30 April 2008</i> <i>30 March 2008</i> <i>30 June 2008</i> <i>30 June 2008</i> <i>30 March 2008</i> <i>30 April 2008</i> <i>May - 30 June 2008</i>
6 (d)		<i>Beatty Park Leisure Centre Redevelopment</i> <ul style="list-style-type: none"> ▪ <i>Presentation of Concept Plans.</i> ▪ <i>Carry out community consultation.</i> ▪ <i>Refinement of Concept Plans.</i> 	<i>25 February 2008</i> <i>1 May 2008</i> <i>30 June 2008</i>

6 (e)		<p><i>Margaret Kindergarten</i></p> <ul style="list-style-type: none"> ▪ Investigate options. ▪ Discussions with various stakeholders. ▪ Carry out consultation. ▪ Council decision of site and design. ▪ Advertise construction tender. ▪ Council approval of construction tender. ▪ Construction of Margaret Kindergarten. 	<p>Jan – Feb 2008 Feb – Mar 2008 Mar – April 2008 30 April 2008 May 2008 30 June 2008 Jul 2008 – Apr 2009</p>
6 (f)		<p><i>Medibank Stadium (Leederville Oval) Public Open Space</i></p> <ul style="list-style-type: none"> ▪ Finalise earthworks, seating. ▪ Carry out landscaping, install scoreboard. 	<p>25 February 2008 Mar/April 2008</p>
6 (g)		<p><i>Members Equity Stadium</i></p> <ul style="list-style-type: none"> ▪ Negotiate Financial Assistance Agreement with Department of Sport and Recreation for funding. ▪ Prepare scope of works/tender documents. ▪ Advertise tender. ▪ Council decision to approve tender. ▪ Carry out works. 	<p>30 March 2008 30 April 2008 30 May 2008 30 June 2008 Jul – Sept 2008</p>
6 (h)		<p><i>WALGA Office Building</i></p> <ul style="list-style-type: none"> ▪ Prepare Draft Agreement to Lease Document. ▪ Prepare Draft Lease Agreement. ▪ Prepare Major Land Transaction Business Plan for Council approval. ▪ Advertise Major Land Transaction Business Plan. ▪ Evaluate Major Land Transaction Business Plan submissions and report to Council. ▪ Recommendation to Council proceed/*not proceed. ▪ Sign Agreement to Lease Document. 	<p>30 March 2008 30 March 2008 30 March 2008 30 April 2008 30 June 2008 July 2008 30 June 2008</p>
6 (i)	1.1.2 (d)	<p><i>Prepare a policy to encourage a proportion of affordable housing, in partnership with the State Government, including a timeframe to implement recommendations.</i></p>	<p>June 2008</p>
6 (j)	1.1.4 (a)	<p><i>Implement the next phase of the Cities for Climate Protection Action Plans and promote it to the community.</i></p>	<p>June 2008</p>
6 (k)	1.1.5 (a)	<p><i>Ensure all Town services, playgrounds and facilities are universally accessible where practicable.</i></p>	<p>June 2008</p>
6 (l)	1.1.6 (f)	<p><i>Determine a long-term implementation strategy for undergrounding of power throughout the Town.</i></p>	<p>June 2008</p>
6 (m)	2.1.1 (c)	<p><i>Implement policies and practices to promote appropriate investment.</i></p>	<p>June 2008</p>
6 (n)	2.1.4 (b)	<p><i>Review and update the Town's Car Parking Strategy, (January 2002) including a timeframe to implement recommendations.</i></p>	<p>June 2008</p>
6 (o)	3.1.3 (c)	<p><i>Complete a Recreational Needs Analysis, including a timeframe to implement recommendations.</i></p>	<p>June 2008</p>
6 (p)	3.1.5 (a)	<p><i>Prepare and implement a Communications and Marketing Plan.</i></p>	<p>June 2008</p>

- (ii) *NOTES that the “additional KPI’s” as specified in clause (i) are in addition to the KPI’s already included in the Chief Executive Officer’s Deed of Contract of Employment, for the following Key Result Areas;*

Operational Management

Statutory Compliance

Human Resources Management

Relationships – Elected Members

Relationships – Others

Occupational Safety and Health; and

- (iii) *AUTHORISES the Chief Executive Officer to review the Council’s Strategic Plan 2006-2011 – (particularly the timeframe and resources) and these be reported to the Council for consideration and approval.”*

The Contract of Employment incorporates clauses which require the Council to determine the most suitable method for conducting the annual review and includes the use of an external person to assist in conducting the CEO’s Annual Performance Review. The performance review process is similar to previous years and consists of the following:

1. Council to determine the most appropriate method of conducting the CEO’s annual review and this process will now include the use of an external consultant in conjunction with the Mayor and Councillors;
2. CEO to prepare annual performance review within twenty (20) working days of the anniversary of the CEO’s commencement with the Town (i.e. 8 August 2004) or date to be agreed;
3. CEO and external consultant to meet to discuss the process and timing;
4. CEO to present report to external consultant and Mayor;
5. External consultant to review and assess CEO’s review report assessing the performance measured against the position description, performance criteria, key result areas;
6. External consultant to send each Council Member a questionnaire to individually record their assessment and impressions of the CEO’s performance and will compile a summary of responses and comments;
7. A summary of the Council Members’ responses will be prepared and discussed jointly between the external consultant, Mayor and CEO;
8. CEO provided with an opportunity to comment on the report;
9. The external consultant and Mayor to jointly prepare a report within fourteen (14) working days of the interview and the report to be signed by all parties to be presented to Council within twenty (20) working days of the interview date.

An indicative timeframe was been prepared and is as follows:

Item	Indicative Timeline	Indicative hours
1. Report to Council seeking approval to use External Consultant	8 July 2008	-
2. Initial meeting with CEO to discuss timeline and format	14-18 July 2008	1hr approx

Item	Indicative Timeline	Indicative hours
3. Consultant to review of CEO's Review Report	14-18 July 2008	2hrs approx
4. Consultant to issue the CEO's questionnaire to Council Members	4-8 August 2008	1hr approx
5. Collation of Council Members' responses and follow-up, if required	11-13 August 2008	3hrs approx
6. Preparation of Council Members' responses Summary Report for discussion with CEO	13-15 August 2008	2hrs approx
7. Meeting with CEO to discuss Council Members' Summary Report	18-22 August 2008	1hr approx
8. Meeting with Mayor and Councillors to discuss Council Members' Summary Report	25-29 August 2008	2hrs approx
9. Preparation of CEO report to Council and liaison with Mayor	1-3 September 2008	3hrs approx
10. Final meeting with CEO to discuss final Report, any recommendations and areas of interest, etc	3-5 September 2008	1hr approx
11. Report to Council	9 September 2008	-
	Total	16hrs approx

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

The Local Government Act 1995, Section 5.39 requires that Senior Employees are to be governed by a written contract. (The Town's CEO and Executive Managers are designated Senior Employees.)

It is a legal requirement that each Contract of Employment contains sufficient information to enable the Officer to effectively carry out his responsibilities. Under Section 5.38, each employee is to be reviewed at least once in every of their employment.

This matter is to be treated as a Confidential Item as it relates to an employee. Section 5.23 of the Local Government Act 1995 allows for matters relating to employees to be considered on a confidential basis.

STRATEGIC IMPLICATIONS:

This proposal is in keeping with the Town's Strategic Plan 2006-2011, Objective 4 "*Leadership, Governance and Management*", in particular, 4.2.4(b) "*Enhance employee empowerment, professional development and job satisfaction and create a workplace that encourages and rewards innovation, implements best practice, and positions the Town as an Employer of Choice.*"

FINANCIAL/BUDGET IMPLICATIONS:

A written quotation was obtained from WALGA to conduct the CEO's performance review as detailed in this report. The amount of up to \$3,300 (plus GST) is dependent upon the actual hours the consultant is involved. Mr Phillips of WALGA has assisted Council in conducting the CEO's Performance Review since 2004.

COMMENTS:

The proposed CEO Review Process is in keeping with the Council decision of 18 December 2007 and the CEO's Contract of Employment.

PROCEDURAL MOTION

At 8.09pm Moved Cr Farrell, Seconded Cr Burns

That an "open meeting" be resumed.

PROCEDURAL MOTION PUT AND CARRIED (8-0)

(Mayor Catania was apology for the meeting.)

15. CLOSURE

The Presiding Member, Acting Mayor Steed Farrell, declared the meeting closed at 8.10pm with the following persons present:

Cr Steed Farrell (Acting Mayor)	Presiding Member, North Ward
Cr Anka Burns	South Ward
Cr Helen Doran-Wu	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Noel Youngman	North Ward
John Giorgi, JP	Chief Executive Officer
Rasih Rasaratnam	A/Manager Planning, Building & Heritage
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant/Minutes Secretary

No Members of the Public.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 8 July 2008.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2008