



TOWN OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

12 OCTOBER 2010

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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 12 October 2010, commencing at 6.00pm.

1. DECLARATION OF OPENING

The Presiding Member, Mayor Nick Catania, declared the meeting open at 6.00pm.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Director Development Services, Rob Boardman due to attendance at a Conference on behalf of the Council.

Director Corporate Services, Mike Rootsey due to long service leave.

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward
Cr Taryn Harvey	North Ward
Cr Sally Lake (<i>Deputy Mayor</i>)	South Ward
Cr Dudley Maier	North Ward
John Giorgi, JP	Chief Executive Officer
Helen Smith	A/Director Development Services
Rick Lotznicker	Director Technical Services
Jacinta Anthony	A/Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)
Lauren Peden	Journalist – “ <i>The Guardian Express</i> ” (until approximately 7.04pm)
David Bell	Journalist – “ <i>The Perth Voice</i> ” (until approximately 7.04pm)

Approximately 8 Members of the Public

(c) Members on Approved Leave of Absence:

Cr Steed Farrell due to work commitments;

Cr Warren McGrath due to work commitments and attendance at Conference on behalf of the Council; and

Cr Joshua Topelberg due to work commitments.

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

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

1. Ranjit Kaur of 27 Edgewater Road, Salter Point – Item 9.1.5. Asked the following questions:
 - Q1. Regarding the car parking issue, does she need to submit some drawings pertaining to the parking bays?
 - Q2. Would it be alright if she puts down “blue chips” and compact them as done by one of the business houses at the end of the Street?
 - Q3. Does she need to make an application for the building licence (refer to Agenda – Page 19, Section 5, Fencing)?

- Q4. Regarding the bicycle parking facilities, is a bicycle rack required to be installed?
- Q5. Stated that they have a fence at the back of the property, if used, could the bicycle rack be kept within the confines of the backyard, that is inside the fence?
- Q6. Requested a copy of the By-laws for the parking bays.

The Presiding Member, Mayor Nick Catania advised that these questions would be taken “on notice” and a written response would be sent to Ms Kaur.

- 2. Anton Haynes of Summers Street – Item 9.3.4. Spoke in support of the matter. Stated that members of the community and community organisations would like to see the park at 34 Cheriton Street, which is approximately 800m², to be used as a neighbourhood centre/meeting place – community garden together with a small “Men’s Shed”. Advised that it is great that the Council is formally consulting with people in the Town about community gardens. Stated that he was not aware of community gardens until someone advised him about 3 months ago and the item regarding rezoning of 34 Cheriton Street came up. Advised that he together with someone else on his Street have been gathering support for the changing the use of the property from a rental to a neighbourhood centre which would save the State Heritage house.
- 3. Katrina Thompson, organiser of Oxford Street Markets of 20 Holyrood Street, West Leederville – Item 9.1.4. Advised that she was concerned about Town and some Council Members views on the Markets as simply being a private business venture, rather than a community event which has brought thousands of visitors and patrons into Leederville over the past 2 years. Stated that she today received a letter comparing the Market to being a business like any other along Oxford Street and therefore should pay a rental fee like the others. Re-enforced that the Markets unlike any business on Oxford Street has assisted in featuring hundreds of new and emerging designers and artists, provided 2 summer seasons of Saturday entertainment and activities for children and families and has been praised by thousands of individuals for bringing a wonderful new atmosphere to Leederville. Stated that unlike private businesses, the Market aims to invest the entire budget and more into developing the Marketing setting and weekly even promotions to assist the exposure of over 35 exhibitors rather than private profit. Urged the Council to grant the site fee of \$270 per day to be directed into promoting the Market rather than being collected by the Town. Stated that she does not expect the Town to incur any cost to assist the Market and is happy to continue paying the waste, power and site planning application fees. Asked Councillors to see how much waiving the fee can assist in supporting their event rather than adding to the dollars the Administration already collects in fees and fines. Requested reconsideration of the refusal of the proposal and hopes the value in the event can be seen, even more so.

There being no further speakers, public question time closed at approx. 6.10pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

Nil.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Meeting of Council held on 28 September 2010.

Moved Cr Maier, Seconded Cr Buckels

That the Minutes of the Ordinary Meeting of Council held 28 September 2010 be confirmed as a true and correct record.

Cr Maier stated he wished to move several motions to amend the Minutes.

MOTION NO 1

Moved Cr Maier, Seconded Cr Lake

That the clause (iv) of the Council Decision on Page 141 be amended to read as follows:

“(iv) DEFERS clauses (ii), (iii), (iv) and (vi)(a) of the original recommendation for further consideration.”

MOTION NO 1 PUT AND CARRIED (6-0)

(Cr Farrell, Cr McGrath and Cr Topelberg were on approved leave of absence.)

MOTION NO 2

Moved Cr Maier, Seconded Cr Lake

That Item 14.1 be amended to delete the amendment (new clause (iv)) to the recommendation and change the vote for clause (i) to 8-1, with Cr Maier against.

MOTION NO 2 PUT AND CARRIED (6-0)

(Cr Farrell, Cr McGrath and Cr Topelberg were on approved leave of absence.)

CORRECTION:

The Chief Executive Officer also advised of a correction required to clause (ii)(a) of Item 14.1 to change “2009/2010” to “2010/2011”.

CARRIED AS AMENDED (6-0)

(Cr Farrell, Cr McGrath and Cr Topelberg were on approved leave of absence.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 NAIDOC Award

The Town was recently presented with a special NAIDOC Award from the team at "Koori Kids" as a token of their appreciation of the continued generous support and commitment that the Town has provided in its partnership of the NAIDOC Week School Initiatives - providing an educational component to cultural awareness and assisting in reconciliation.

The initiatives included colouring-in, short story, creative and essay writing competitions. The Town contributed \$400 towards the Project.

The NAIDOC Week School Initiatives is an initiative that provides an educational component to the nation's week celebrations. It is strategically designed to foster high expectations and to provide public awareness on Indigenous culture and the importance of friendship and cultural diversity.

The Town has been pleased to be a participant in this Project.

8. DECLARATIONS OF INTERESTS

Nil.

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

Nil.

10. REPORTS

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

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

Items 9.1.5, 9.3.4 and 9.1.4.

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

Item 9.4.3.

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

Nil.

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

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

Cr Buckels	Item 9.4.4.
Cr Harvey	Item 9.3.2.
Cr Lake	Item 9.4.5.
Cr Burns	Nil.
Cr Maier	Nil.
Mayor Catania	Nil.

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

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

Items 9.1.1, 9.1.2, 9.1.3, 9.1.6, 9.1.7, 9.2.1, 9.2.2, 9.3.1, 9.3.3, 9.4.1, 9.4.2 and 9.4.6.

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

Item 14.1.

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

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

Items 9.1.1, 9.1.2, 9.1.3, 9.1.6, 9.1.7, 9.2.1, 9.2.2, 9.3.1, 9.3.3, 9.4.1, 9.4.2 and 9.4.6.

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

Items 9.1.5, 9.3.4 and 9.1.4.

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

Moved Cr Burns, Seconded Cr Lake

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

Items 9.1.1, 9.1.2, 9.1.3, 9.1.6, 9.1.7, 9.2.1, 9.2.2, 9.3.1, 9.3.3, 9.4.1, 9.4.2 and 9.4.6.

CARRIED (6-0)

(Cr Farrell, Cr McGrath and Cr Topelberg were on approved leave of absence.)

9.1.1 No. 41 (Lot 103 D/P 7489) Kadina Street, North Perth - Proposed Demolition of Existing Single House

Ward:	North	Date:	4 October 2010
Precinct:	Smith's Lake	File Ref:	PRO4571; 5.2010.401.1
Attachments:	001 , 002		
Reporting Officer:	H Au, Heritage Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Craig Kelvin Hendry for proposed Demolition of Existing Single House, at No. 41 (Lot 103; D/P 7489) Kadina Street, North Perth, and as shown on plans stamp-dated 10 August 2010, subject to the following conditions:

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition work on the site;*
- (ii) 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 to and approved by the Town prior to the issue of a Demolition Licence;*
- (iii) a redevelopment proposal for the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*
- (iv) support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
- (v) demolition of the existing dwelling may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing dwellings valued by the community;*
- (vi) any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies; and*
- (vii) the demolished cleared site levels shall match into existing verge, footpath, road and right of way levels. The site is to be cleared of all building debris and made secure.*

COUNCIL DECISION ITEM 9.1.1

Moved Cr Burns, Seconded Cr Lake

That the recommendation be adopted.

CARRIED "EN BLOC" (6-0)

(Cr Farrell, Cr McGrath and Cr Topelberg were on approved leave of absence.)

Landowner:	Craig Kelvin Hendry
Applicant:	Craig Kelvin Hendry
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	783 square metres

BACKGROUND:

- 7 October 2008 The Town received an application for Approval to Commence Development for Demolition of Existing Single House and Construction of Two-Storey Single House at No. 41 Kadina Street, North Perth.
- 27 February 2009 The above application was withdrawn at the request of the owner.
- 13 August 2010 The Town received an application for Approval to Commence Development for Demolition of Existing Single House at No. 41 Kadina Street, North Perth.

DETAILS:

The proposal involves the demolition of the existing single house at No. 41 Kadina Street, North Perth. The reason it has been included in the Agenda is to obtain the Council approval, as no concurrent redevelopment proposal has been submitted.

The applicant has requested that, in the event that the Council approves the proposed demolition of the subject place, that they omit the standard condition that requires a redevelopment proposal for the subject property to be submitted and approved by the Town, prior to the issue of a Demolition Licence.

In support of this request, the applicant has provided a written submission dated 30 July 2010, which is summarised below, and forms an attachment to this report:

- the applicant is not able to proceed with redevelopment on the site at this time because of financial constraints;
- the property has been uninhabited, and has fallen into serious disrepair;
- significant storm damage was sustained in March 2010;
- the property is now a vermin and fire risk, as well as an eyesore; and
- squatters have been occupying the property from time to time and neighbours are becoming increasingly concerned.

ASSESSMENT:

Consultation		
Item	Comments Received	Officer Comments
Support (1)	• No comment.	Noted.
Objection (2)	• Concern on impact of noise, dust and traffic.	A condition will be applied to ensure compliance with the Health (Noise) Regulations. Conditions will be applied at Building Licence stage to ensure dust and traffic controls comply with WorkSafe WA and the Town's requirements.

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

COMMENTS:

Heritage Comments

The subject place at No. 41 Kadina Street, North Perth is a stone and tile dwelling constructed circa 1953 in the Post-War Conventional style. The dwelling has a triple frontage with the eastern room projecting under a gabled roof form. The windows addressing the street are timber framed in casement arrangements with lead lighting treatment.

A full Heritage Assessment was undertaken for No. 41 Kadina Street, North Perth which indicates that the place has little aesthetic, historic, scientific or social heritage significance. In accordance with the Town's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the Town's Municipal Heritage Inventory.

As such, Heritage Services have no objection to the demolition of No. 41 Kadina Street, North Perth subject to standard conditions.

A full Heritage Assessment is contained within the Attachment to this report.

Comments

It is considered that the applicant's request to approve demolition without the standard condition for the approval of redevelopment plans for the site should not be granted, as there is some reservation regarding the applicant's statement that the place is in 'serious disrepair'. Professional advice on the structural integrity of the dwelling has not been submitted by the applicant to substantiate this claim and a site inspection by the Town's Coordinator Building Services could not identify significant damage.

Furthermore, the place is not listed on the Town's Health Services internal substandard building register or the Town's Ranger Services internal fire risk register.

It is noted that the condition, which requires a redevelopment approval to be submitted and approved prior to the issue of a Demolition Licence, is a standard condition and is applied consistently to demolition approvals within the Town. The application of this standard condition is intended to minimise parcels of land being left vacant over a lengthy period and enables opportunity for buildings to be retained in the event that the ownership changes.

In this instance, it is recommended that the application be approved, subject to standard conditions including a redevelopment proposal to be submitted as per the Officer Recommendation.

9.1.2 No. 17 (Lot: 215 D/P: 33171) Marmion Street, North Perth – Retrospective Approval of Satellite Dish to Existing Single House

Ward:	South	Date:	4 October 2010
Precinct:	Norfolk; P10	File Ref:	PRO 5165; 5.2010.378.1
Attachments:	001		
Reporting Officer:	A Dyson, Statutory Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by V & S Papa for Retrospective Approval of Satellite Dish, at No. 17 (Lot 215; D/P 33171) Marmion Street, North Perth, and as shown on plans stamp-dated 4 August 2010.

COUNCIL DECISION ITEM 9.1.2

Moved Cr Burns, Seconded Cr Lake

That the recommendation be adopted.

CARRIED “EN BLOC” (6-0)

(Cr Farrell, Cr McGrath and Cr Topelberg were on approved leave of absence.)

Landowner:	V & S Papa
Applicant:	V & S Papa
Zoning:	Residential R40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	“P”
Lot Area:	759 square metres
Right of Way:	N/A

PURPOSE OF REPORT:

The proposal requires referral to the Council as the application is for Retrospective Approval of the Satellite Dish and objections have been received.

BACKGROUND:

- 11 January 2010 The Town was advised that there was a satellite dish in the rear of the subject property. A request to clarify its approval was investigated.
- 13 January 2010 The Town’s Officers undertook a site visit.
- 14 January 2010 The Town’s Officers sent a letter to the owner of the property requesting that they obtain Planning Approval for the structure as it was not in compliance with the Town’s Policy relating to Satellite Dishes.

- 3 February 2010 The Town received a letter from the applicant responding to the Town's request that Planning Approval be obtained for the Satellite Dish.
- 16 June 2010 The Town sent a further letter to the owner of the property as no Planning Application for Retrospective Approval had been received.
- 4 August 2010 The Town received the Retrospective application for the Satellite Dish from the applicant following a delay in providing appropriate plans.

DETAILS:

The proposal involves the retrospective approval of the existing Satellite Dish structure, located at the rear of the existing property. The existing satellite dish has a maximum height of 3.7 metres (mast) plus an approximately 1.5 metre high dish with a 3.0 metre diameter. The structure has a grey pole with a black lined dish. The applicant has advised that the structure has been in place for a period of 13 years, without any previous complaint.

The Town was alerted to the presence of a Satellite Dish at the existing property. The Town's Officers subsequently undertook a site visit to ascertain the situation. After an inspection of the property and research into the Satellite Dish, it was found that it had not received Planning Approval and did not comply with the Town's Policy 3.5.5 in relation to Domestic Satellite Dishes, Microwave Antennae and Tower Masts. The Town's Policy was adopted on 9 June 1997; however, no conclusive evidence was provided that the dish was installed prior to this date.

The Policy is noted below:

"1) Satellite Dishes

Planning Approval is required for the erection of a Satellite Dish, except where it complies with the following criteria:

- i) the satellite dish is less than one metre in diameter*
- ii) the satellite dish is not located on a wall or that portion of the roof of a building which faces, or is visible from, the street;*
- iii) the satellite dish is not located within any street setback area;*
- iv) the satellite dish does not project above the ridge line of the building or is not visible from the street;*
- v) the satellite dish is coloured in a similar to the wall or roof of the building it is erected upon if it is visible from any nearby properties; and*
- vi) there are no other satellite dishes or microwave antennae on the lot."*

The applicant's submission and justification, along with information relating to the Satellite Dish, is "Laid on the Table".

COMPLIANCE:

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Density:	N/A	N/A
<i>Officer Comments:</i>		
N/A		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Satellite Dishes:	Minimal Visual Impact	The structure is visible from adjoining properties.
	Maximum Height – 3.0 metres	Maximum height – 3.7 metres (mast) plus approximately 1.5 metres height dish (3.0 metre diameter).
Officer Comments:		
Supported. It is noted that the existing Satellite Dish, located at the rear of the property poses no impact on the Marmion Street streetscape. Given its location at the rear of the property, the dish is visible to the adjoining owners; however, given its existence for 13 years, and at the time the adjoining owners supported its construction, it is considered to be supportable in its present state.		

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

Consultation		
Item	Comments Received	Officer Comments
Support (2)	<ul style="list-style-type: none"> • <i>Have no objection to the satellite dish in question being in place.</i> • <i>Before dish was installed adjoining owner had no objection to it and continue to have no objection to it.</i> • <i>Dish in place for thirteen (13) years and does not cause an inconvenience.</i> 	<ul style="list-style-type: none"> • Noted. • Noted. • Noted.
Objection (2)	<ul style="list-style-type: none"> • <i>Adjoining owner opposes any dish that is elevated.</i> • <i>Our house's rear aspect is dominated by the existing dish and mast. As we sit in our kitchen/dining area and alfresco and look south the current structure dominates the aspect.</i> • <i>Have no objection to a ground mounted dish that is not in our field of vision.</i> • <i>Negative visual aspect.</i> 	<ul style="list-style-type: none"> • Noted. See 'Comments'. • Noted. See 'Comments'. • Noted. See above. It is also anticipated that the use of the dish could be compromised if it was placed on the ground.
Advertising	Advertising for a period of 14 days was carried out as per the Town's Policy No. 4.1.5 – Relating to Community Consultation.	

Other Implications	
Legal/Policy	TPS No. 1 and associated Policies including 3.5.5 in relation to Domestic Satellite Dishes, Microwave Antennae and Tower Masts.
Strategic	Nil.
Sustainability	Nil.
Financial/Budget	Nil.

COMMENTS:

It is considered the subject Satellite Dish does not have an undue impact on the Marmion Street streetscape or the surrounding amenity. Although the dish is visible from the rear, given that the satellite dish has been located in its present location for some 13 years without any previous complaint, and the support from other adjoining owners, who at the time did not have any issues with the structure, the application is supported. Accordingly, it is recommended that the application be approved in its current state.

9.1.3 No. 2/39 (Lot: 2, Strata Lot: 2, STR: 30311) Monger Street, corner Money Street, Perth – Proposed Change of Use from Office Building to Three (3) Non-Medical Consulting Rooms (Beauty & Health Centre)

Ward:	South	Date:	5 October 2010
Precinct:	Beaufort; P13	File Ref:	PRO5182; 5.2010.372.1
Attachments:	001		
Reporting Officer:	T Cappellucci, Statutory Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by K Yeung on behalf of the owner P C Yong for proposed Change of Use from Office Building to Three (3) Non-Medical Consulting Rooms (Beauty & Health Centre), at No. 2/39 (Lot: 2, Strata Lot: 2, STR: 30311) Monger Street, corner of Money Street, Perth, and as shown on plans stamp-dated 30 July 2010 , subject to the following conditions:

- (i) **Non-Medical Consulting Rooms (Beauty & Health Centre)**
 - (a) *shall be valid for a period of 12 months only and should the applicant wish to continue the use after that period, it shall be necessary to re-apply to and obtain approval from the Town prior to continuation of the use;*
 - (b) *any change of use from Non-Medical Consulting Rooms (Beauty & Health Centre) shall require Planning Approval to be applied for and obtained from the Town prior to the commencement of such use;*
 - (c) *shall be limited to a maximum of three (3) non-medical consulting rooms (Beauty & Health Centre) and three (3) practitioners are permitted to operate at the property at any one time. Any increase in the number of consulting rooms/practitioners shall require Planning Approval to be applied to and obtained from the Town;*
 - (d) *the hours of operation shall be limited to the following times: 9.00am to 6:00pm Monday to Sunday; and*
 - (e) *shall not be used for massage activity of a sexual nature, prostitution, as a brothel business, as an agency business associated with prostitution, as an escort agency business, or the like;*
- (ii) **Building**
 - (a) *all new external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Monger and Money Streets; and*
 - (b) *doors, windows and adjacent floor areas fronting Money Street shall maintain an active and interactive frontage to Money Street;*
- (iii) **Signage**

All signage that does not comply with the Town's Policy No. 3.5.2 relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted to and approved by the Town prior to the erection of the signage;

- (iv) **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 ~~\$1,560~~ \$10,200 for the equivalent value of ~~0.52~~ 3.4 car parking spaces, based on the cost of \$3,000 per bay as set out in the Town's 2010/2011 Budget; OR*
 - (b) *lodge an appropriate assurance bond/bank guarantee of a value of ~~\$1,560~~ \$10,200 to the satisfaction of the Town. This assurance bond/bank guarantee will only be released in the following circumstances:*
 - (1) *to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*
 - (2) *to the owner(s)/applicant following receipt by the Town of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or*
 - (3) *to the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired;*
- (v) **WITHIN TWENTY-EIGHT (28) DAYS OF THE ISSUE DATE OF THIS 'APPROVAL TO COMMENCE DEVELOPMENT', the applicant shall submit to the Town:**
- (a) *this application involves a change of use (Classification) and as such the works will need to fully comply with the current Building Code of Australia (BCA). It is the applicant's responsibility to identify the areas where the building does not comply with the deemed to satisfy provisions of the BCA and to provide a proposal in accordance with Part AO of the BCA to address those issues; and*
- (vi) **PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the following shall be completed to the satisfaction of the Town:**
- (a) **Bicycle Parking**
Prior to the first occupation of the development, one (1) class 3 bicycle parking facility 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 to and approved by the Town prior to installation of such facilities.

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

COUNCIL DECISION ITEM 9.1.3

Moved Cr Burns, Seconded Cr Lake

That the recommendation be adopted.

CARRIED "EN BLOC" (6-0)

(Cr Farrell, Cr McGrath and Cr Topelberg were on approved leave of absence.)

Landowner:	P C Yong
Applicant:	K Yeung
Zoning:	Commercial
Existing Land Use:	Office
Use Class:	Consulting Rooms
Use Classification:	"AA"
Lot Area:	324 square metres
Access to Right of Way	N/A

PURPOSE OF REPORT:

The proposal requires referral to the Council for determination.

BACKGROUND:

12 May 1994 The Perth City Council at its Ordinary Meeting, resolved to approve by an absolute majority, the application for a mixed commercial and residential development comprising three (3) retail units and four (4) residential properties.

DETAILS:

The proposal involves the proposed change of use from an existing office to non-medical consulting rooms (Health and Beauty Centre).

The plans indicate that there are three (3) consulting rooms, with three (3) massage tables as well as a mobile table, reception desk and an existing toilet and shower facility.

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

COMPLIANCE:

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

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Car Parking:	0.52 <u>3.4</u> car bays (after adjustment factors and previously approved shortfalls)	Nil.
Officer Comments:		
Supported in Part – The car parking variation in this instance is minimal and as part of the last planning approval for the site, where no car parking bays were provided on-site for the three (3) approved retail premises on the ground floor. Therefore, it is considered the proposed car parking situation for the three (3) consulting rooms can be supported in this instance provided a cash-in-lieu contribution of \$1,560 <u>\$10,200</u> for the equivalent value of 0.52 <u>3.4</u> car parking spaces, based on the cost of \$3,000 per bay as set out in the Town's 2010/2011 Budget.		
Bicycle Parking:	One (1) Class Three bicycle parking space.	Nil.
Officer Comments:		
Not supported – Condition applied for one (1) Class 3 bicycle space to be provided.		

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

Consultation		
Item	Comments Received	Officer Comments
Support (0)	Nil.	Noted.
Objection (0)	Nil.	Noted.
Advertising	Advertising for a period of 14 days was carried out as per the Town's Policy No. 4.1.5 – relating to Community Consultation.	

Car Parking

Car parking requirements for the existing residential component of the development have to be calculated using the requirement for multiple dwellings from the current Residential Design Codes (R Codes). In accordance with the Residential Design Codes requirements for mixed-use development, on-site car parking for multiple dwellings may be reduced to one car bay per dwelling where on-site parking required for other users is available outside normal business hours. With this existing mixed use development, the residential component requires the provision of 4 car bays, based on the standard of one (1) car bay for each of the four (4) existing multiple dwellings located on the 1st and 2nd floors, with 10 per cent of the required car bays being allocated as visitor car bays. The number of car bays existing for the residential component is 4 car bays.

A total of four (4) car bays are provided for this site, none added as part of this application for the three (3) consulting rooms for Unit 2 on the ground floor. Therefore, there are nil (0) car bays on-site available for the commercial component consisting of the:

- proposed consulting rooms for Unit 2; and
- existing Units 1 and 3, last approved as retail shops, as part of the Mixed Commercial and Residential development comprising three (3) retail units and four (4) residential properties on the subject site by the City of Perth in 1994.

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

Car Parking – Commercial Component (Ground Floor)	
Car parking requirement (nearest whole number)	= 14 car bays (nearest whole number)
<i>Proposed three (3) consulting rooms for Unit 2: (3 spaces per Consulting Room)</i>	
Parking Required = 9 car bays	
<i>Existing Retail Premises for Unit 1 (as last known Approval was for a Retail Shop) - Shop (1 space per 15 square metres of gross floor area)</i>	
Area of Shop – 32 square metres Parking Required = 2.13 car bays	
<i>Existing Retail Premises for Unit 3 (as last known Approval was for a Retail Shop) – Shop (1 space per 15 square metres of gross floor area)</i>	
Area of Shop – 44 square metres Parking Required = 2.93 car bays	
Total Parking Required = 14.06 car bays	

Car Parking – Commercial Component (Ground Floor)	
Apply the adjustment factors. <ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop) • 0.80 (contains a mix of uses, where at least 45 percent of the gross floor area is residential) 	(0.68) = 9.52 car bays
Minus the car parking provided on-site	Nil
Minus the most recently approved on-site car parking shortfall <u>i.e. 9 car bays x 0.68 adjustment factor = 3.12</u>	<u>9 3.12</u>
Resultant shortfall	0.52 <u>3.4</u> car bays

The above most recently approved on-site car parking shortfall was part of the application approved by the City of Perth on 12 May 1994 for a Mixed Commercial and Residential Development Comprising Three (3) Retail Units and Four (4) Residential Apartments. As part of this application, a car parking shortfall of 12 car bays was approved, with the shortfall for the Commercial component on the ground floor being nine (9) car bays, and a shortfall of three (3) car bays for the residential component on the first and second floors. The Town's Car Parking and Access Policy states that the above adjustment factors should be applied to previous applied to previously approved shortfalls. Therefore, the most recently approved shortfall is 6.12 car bays.

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

Bicycle Parking – Commercial Component
Consulting Rooms <ul style="list-style-type: none"> • 1 space per 8 practitioners (class 1 or 2) Proposed = 2 <u>3</u> practitioners • 1 space per 4 practitioners (class 3) Proposed = 2 <u>3</u> practitioners
Total class one or two bicycle spaces required = 0.25 <u>0.375</u> = Nil
Total class three bicycle spaces required = 0.5 <u>0.75</u> = 1 space
No class one, two or three bicycle spaces proposed.

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

COMMENTS:

In the submissions received, the applicant has advised the Town that the property is to be used to run a beauty and health centre to be called “Sunflower Beauty and Health Centre”, providing treatments including facials, waxing and tinting, therapeutic massage, make-up services, manicure and pedicure.

The applicant has confirmed that the name “Sunflower Beauty and Health Centre” is not a registered business name. In addition, the proposed beauty and health centre has no affiliation to the business with the same name that operates on the east coast, which provides natural massage therapies together with the state of the art non-surgical cellulite treatment, laser hair removal, facials, waxing and total body treatments plus in-house day spa and sauna facilities in private rooms.

The applicant has provided certified copies of the qualifications of one of the two intended employees at “Sunflower Beauty and Health Centre” (see ‘*Laid on the Table*’). There are two employees, a mother and her daughter; to whom the daughter has gained beauty qualifications from the Perth College of Beauty Therapy.

The Town’s Officers are of the view that the proposed use is not of a sexual nature based on the following the:

- applicant has provided the qualifications of one (1) of the two (2) employees that relate to the proposed use of the site; and
- plans and description of the nature of the business provided, do not give any indications that the proposed beauty and health centre will be utilised for purposes other than those normally conducted at such beauty and health centre establishments.

In light of the above, it is recommended that the Council approve the application, subject to standard and appropriate conditions, including limiting the use to a period of 12 months.

9.1.6 No. 258 (Lot 5; D/P 101) Stirling Street, Perth – Change of Use from Consulting Rooms (Acupuncture Chinese Medicine and Associated General Practice) and Shop (TV Antenna, Accessories and Supplies) to Residential and Non-Medical Consulting Rooms (Acupuncture and Herbal Medicine)

Ward:	South	Date:	4 October 2010
Precinct:	Beaufort; P13	File Ref:	PRO1519; 5.2010.311.2
Attachments:	001		
Reporting Officer:	C Harman, Statutory Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by K F Cheung on behalf of the owner K F Cheung & W X Zeng for proposed Change of Use from Consulting Rooms (Acupuncture Chinese Medicine and Associated General Practice) and Shop (TV Antenna, Accessories and Supplies) to Residential and Non-Medical Consulting Rooms (Acupuncture and Herbal Medicine), at No. 258 (Lot 5; D/P 101) Stirling Street, Perth, and as shown on plans stamp-dated 21 September 2010, subject to the following conditions:

- (i) the Non-Medical Consulting Rooms (Acupuncture and Herbal Medicine) shall be limited to a maximum of 1 consulting room/consultant operating at any one time, as shown on the approved plans. Any increase in the number of consulting rooms/consultants shall require Planning Approval to be applied to and obtained from the Town;*
- (ii) the windows, doors and adjacent floor area facing Stirling Street shall maintain an active and interactive frontage to this street;*
- (iii) this approval is for Non-Medical Consulting Rooms (Acupuncture and Herbal Medicine) use only. Any change of use from Non-Medical Consulting Rooms (Acupuncture and Herbal Medicine) shall require Planning Approval to be applied for and obtained from the Town prior to the commencement of such use;*
- (iv) the hours of operation of the Non-Medical Consulting Rooms (Acupuncture and Herbal Medicine) shall be limited to 8am to 6pm Monday to Sunday, inclusive;*
- (v) the subject property is not to be used for massage activity of a sexual nature, prostitution, as a brothel business, as an agency business associated with prostitution, as an escort agency business, or the like;*
- (vi) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Stirling Street;*
- (vii) 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;*

(viii) within 28 days of the issue date of the 'Approval to Commence Development', the applicant shall submit to the Town architectural drawings and building compliance report (BCA), which are prepared by a qualified Practising Building Consultant demonstrating the building complying with the Building Code of Australia (BCA) requirements for a Class 5 Building. The cost of this service shall be borne by the applicant/owner(s);

(ix) no street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning;

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

(a) Refuse and Recycling Management

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

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

Residential:

1 x mobile garbage bin per unit; and
1 x paper recycle bin per unit,

Commercial:

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

(b) Landscaping and Reticulation Plan

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

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

- A. the location and type of existing and proposed trees and plants;
- B. all vegetation including lawns;
- C. areas to be irrigated or reticulated and such method;
- D. proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- E. separate soft and hard landscaping plants (indicating details of materials to be used).

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

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

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

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

(a) Car Parking

- 1. The car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;**
- 2. A minimum of 2 car parking spaces, 1 of which is a car bay for disabled persons, provided for the commercial component of the development, shall be clearly marked and signposted for the exclusive use of the staff/customers of the development;**
- 3. A minimum of 2 car parking spaces provided for the residential component of the development, shall be clearly marked and signposted for the exclusive use of the residents of the development; and**
- 4. The on-site car parking area for the non-residential component shall be available for the occupiers and visitors of the residential component outside normal business hours.**

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

COUNCIL DECISION ITEM 9.1.6

Moved Cr Burns, Seconded Cr Lake

That the recommendation be adopted.

CARRIED "EN BLOC" (6-0)

(Cr Farrell, Cr McGrath and Cr Topelberg were on approved leave of absence.)

Landowner:	K F Cheung & W X Zeng
Applicant:	K F Cheung
Zoning:	Metropolitan Region Scheme: (MRS): Urban Town Planning Scheme No. 1 (TPS 1): Residential/Commercial R80
Existing Land Use:	Consulting Rooms and Shop
Use Class:	Single House and Consulting Rooms
Use Classification:	"SA"
Lot Area:	435 square metres
Access to Right of Way	Not Applicable

PURPOSE OF REPORT:

The proposal requires referral to the Council for determination.

BACKGROUND:

5 March 2004 The Town, under delegated authority from the Council, approved an application for a Change of Use from Consulting Rooms (Acupuncture, Chinese Medicine and Associated General Practice) to Consulting Rooms (Acupuncture, Chinese Medicine and Associated General Practice) and Office, and associated signage. This approval was valid for 6 months only.

28 December 2006 The Council at its Ordinary Meeting conditionally approved an application for a Change of Use from Consulting Rooms (Acupuncture Chinese Medicine and Associated General Practice) and Office to Consulting Rooms (Acupuncture Chinese Medicine and Associated General Practice) and Shop (TV Antenna, Accessories and Supplies).

Since this time, the uses on-site have operated, as approved, without any complaints from adjoining landowners.

DETAILS:

The proposal involves a Change of Use from Consulting Rooms and Shop tenancy to Residential and Non-Medical Consulting Rooms (Acupuncture and Herbal Medicine).

COMPLIANCE:

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Beaufort Precinct Policy No. 3.1.13.	Site to contain a residential component of no less than 66 per cent of the existing floor space.	61 per cent of the existing floor space as residential.
<i>Officer Comments:</i>		
Supported – not considered to have an undue impact on adjoining properties or the locality. The subject site is currently being used entirely as consulting rooms and a shop, with no residential component at all and, therefore, it is considered that this application will benefit the site by bringing in a greater residential component as prescribed in the Beaufort Precinct Policy.		

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

Consultation Submissions		
Item	Comments Received	Officer Comments
Support	Nil.	Noted.
Objection (1)	<ul style="list-style-type: none"> • Disabled access has not been considered. • Fire Safety is not addressed. • Dimensions of parking bays are incorrect. • Bicycle parking facilities are not shown on the plans. 	<ul style="list-style-type: none"> • Noted – A condition has been imposed requiring a BCA Compliance Report be submitted with the Building Application, which will address these issues. • Noted – As above. • Not supported – The car parking situation, which was previously approved by the Town, is existing and is not to be altered by this application. • Not supported – Based on calculations in accordance with the Town’s Parking and Access Policy, the applicant is not required to provide any class 2 or 3 bicycle parking facilities.

	<ul style="list-style-type: none"> Bin Stores are not provided. Floor Coverings are not indicated. The driveway to the rear of the site is narrow and insufficient. 	<ul style="list-style-type: none"> Supported – A Technical Services requirement is to be imposed, upon approval, requiring compliant bin stores to be provided. Not supported – This is not a planning concern and there are to be no structural alterations to the dwelling itself. Not supported – The applicant has demonstrated, via a certificate of title and sketch of land, that there is a right of carriageway to the rear of the site and, therefore, any driveway would be bound by this.
Advertising	Advertising for a period of 21 days was carried out as per the Town’s Policy No. 4.1.5 – relating to Community Consultation.	

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

Car Parking	
Car Parking Requirement (nearest whole number)	= 5 car bays <u>= 3 car bays</u>
<ul style="list-style-type: none"> Consulting Room – 3 bays per consulting room (requires 3 car bays) Residence – 2 bays per residence (requires 2 car bays) 	
Apply the adjustment factors.	0.7225
<ul style="list-style-type: none"> 0.85 (within 400 metres of a bus stop) 0.85 (within 400 metres of a public car parking place with in excess of 75 car parking spaces) 	= 3.61 car bays <u>= 2.17 car bays</u>
Minus the car parking provided on-site.	4 car bays <u>2 car bays for the commercial component</u>
Minus the most recently approved on-site car parking shortfall	N/A
Resultant surplus <u>shortfall</u>	0.39 car bays <u>0.17 car bays</u>

Bicycle Parking
Consulting Rooms <ul style="list-style-type: none"> 1 space per 8 practitioners for employees/residents (class 1 or 2) = 0.125 spaces 1 space per 4 practitioners for visitors (class 3) = 0.25 spaces Total class one or two bicycle spaces = 0.125 = 0 spaces Total class three bicycle spaces = 0.25 = 0 spaces

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

COMMENTS:

It is noted that whilst the proposal does not incorporate the required 66 per cent residential use, it currently does not contain any residential use and, therefore, this proposal would be more in keeping with the objectives of the Beaufort Precinct Policy No. 3.1.13.

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

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

Ward:	North	Date:	4 October 2010
Precinct:	North Perth - P08	File Ref:	PRO1071
Attachments:	001		
Reporting Officer:	D Pirone, Statutory Planning Officer S Kendall, Senior Heritage and Strategic Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the amended version of Appendix No. 11 – Non-Conforming Use Register of the Planning and Building Policy Manual, as shown in Attachment 001, which in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 **ACKNOWLEDGES**:
 - (a) ‘vehicle sales premises’ as a non-conforming use on No. 492 (Lots 143 and 144) Charles Street, North Perth; and
 - (b) ‘vehicle servicing workshop’ as a non-conforming use on No. 496 (Lots 145 and 146) Charles Street, North Perth;
- (ii) **ADOPTS** the amended version of Appendix No. 11 – Non-Conforming Use Register of the Planning and Building Policy Manual, as shown in Attachment 001, in accordance with Clause 47 (5)(b) of the Town’s Town Planning Scheme No. 1; and
- (iii) **AUTHORISES** the Chief Executive Officer to advertise the final amended version of Appendix No. 11 – Non-Conforming Use Register of the Planning and Building Policy Manual, as shown in Attachment 001, in accordance with Clause 47 (6) of the Town’s Town Planning Scheme No. 1.

COUNCIL DECISION ITEM 9.1.7

Moved Cr Burns, Seconded Cr Lake

That the recommendation be adopted.

CARRIED “EN BLOC” (6-0)

(Cr Farrell, Cr McGrath and Cr Topelberg were on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with an overview of the outcomes of the formal advertising period of the proposed amendments to Appendix No. 11 – Non-Conforming Use Register of the Planning and Building Policy Manual, which sought acknowledgement of:

- (a) ‘vehicle sales premises’ as a non-conforming use on No. 492 (Lots 143 and 144) Charles Street, North Perth; and
- (b) ‘vehicle servicing workshop’ as a non-conforming use on No. 496 (Lots 145 and 146) Charles Street, North Perth.

This report seeks final adoption of the amended version of Appendix No. 11 – Non-Conforming Use Register of the Planning and Building Policy Manual.

BACKGROUND:

27 July 2010 The Council considered a report relating to the acknowledgment of Nos. 492 and 496 (Lots 143, 144, 145 and 146) Charles Street, North Perth on the Town's Non-Conforming Use Register as a Vehicle Sales Premises and Vehicle Servicing Workshop, respectively. At this meeting it was resolved:

- “(i) in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 ACKNOWLEDGES:*
- (a) ‘vehicle sales premises’ as a non-conforming use on No. 492 (Lots 143 and 144) Charles Street, North Perth;*
 - (b) ‘vehicle servicing workshop’ as a non-conforming use on No. 496 (Lots 145 and 146) Charles Street, North Perth;*
- (ii) ADVERTISES the inclusion of Nos. 492 and 496 (Lots 143, 144, 145 and 146) Charles Street, North Perth to Appendix No. 11 – Non-Conforming Use Register of the Planning and Building Policy Manual for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
- (a) advertising the inclusion of Nos. 492 and 496 (Lots 143, 144, 145 and 146) Charles Street, North Perth onto the Non-Conforming Use Register once a week for four consecutive weeks in a newspaper circulating in the locality;*
 - (b) where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
 - (c) forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*
- (iii) after the expiry of the period for submissions:*
- (a) REVIEWS the inclusion of Nos. 492 and 496 (Lots 143, 144, 145 and 146) Charles Street, North Perth onto the Non-Conforming Use Register, having regard to any written submissions; and*
 - (b) DETERMINES the inclusion of Nos. 492 and 496 (Lots 143, 144, 145 and 146) Charles Street, North Perth onto the Non-Conforming Use Register.”*

DETAILS:

As outlined in the Agenda Report to the Ordinary Meeting of Council held on 27 July 2010, the Town's Planning Officers have investigated the validity of the proposed inclusion of Nos. 492 and 496 (Lots 143, 144, 145 and 146) Charles Street, North Perth onto the Non-Conforming Use Register.

The research suggested that there is sufficient documentary evidence that demonstrates that the use of both Nos. 492 and 496 (Lots 143, 144, 145 and 146) Charles Street, North Perth was lawful immediately prior to the coming into operation of the Town's Town Planning Scheme No. 1. Particularly, it was noted that a Planning Approval was issued for a 'car sales yard' (vehicle sales premises) at No. 492 (Lots 143 and 144) Charles Street, North Perth. There is also evidence that a Building Licence for a service station with workshop was issued by the City of Perth for No. 496 (Lots 145 and 146) Charles Street, North Perth.

CONSULTATION/ADVERTISING:

In accordance with the Council resolution made at its Ordinary Meeting held on 27 July 2010, advertising of the proposed inclusion of Nos. 492 and 496 (Lots 143, 144, 145 and 146) Charles Street, North Perth into Appendix No. 11 – Non-Conforming Use Register of the Planning and Building Policy Manual was undertaken, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1.

Consultation occurred between Tuesday, 24 August 2010 and Tuesday, 21 September 2010 and a total of four (4) submissions of ‘no comment’ were received.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Strategic Plan 2009-2014: Objective 1.1 Improve and Maintain Environment and Infrastructure:

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

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

In light of the results of the community consultation period, it is recommended that the Council acknowledge the non-conforming use rights of the sites and advertise the final amended version of the adopted Appendix No. 11 – Non-Conforming Use Register of the Planning and Building Policy Manual, in accordance with clause 47 of the Town of Vincent Town Planning Scheme No. 1.

Accordingly, it is recommended that the Council receives and adopts the final version of the amended version of Appendix No. 11 – Non-Conforming Use Register of the Planning and Building Policy Manual as per the Officer Recommendation.

9.2.1 One (1) Traffic Related Matter for Referral to the Local Area Traffic Management (LATM) Advisory Group; Intersection Leake Street and Vincent Street, North Perth

Ward:	South	Date:	5 October 2010
Precinct:	Smith's Lake P6	File Ref:	TES0535
Attachments:	-		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *REFERS the Intersection of Leake Street and Vincent Street to the Town's Local Area Traffic Management (LATM) Advisory Group for consideration:*
- (ii) *INVITES representatives from the street to attend the scheduled LATM Advisory Group meeting; and*
- (iii) *NOTES that a further report on the above matter will be submitted to the Council following consideration by the Town's Local Area Traffic Management Advisory Group.*

COUNCIL DECISION ITEM 9.2.1

Moved Cr Burns, Seconded Cr Lake

That the recommendation be adopted.

CARRIED "EN BLOC" (6-0)

(Cr Farrell, Cr McGrath and Cr Topelberg were on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval to refer one (1) traffic related matter to the Town's Local Area Traffic Management (LATM) Advisory Group for consideration.

BACKGROUND:

As the Council is aware the LATM Advisory Group meets, as required, to consider requests received by the Town relating to Traffic and related safety issues. The Group considers these matters and, where warranted, the Group's recommendations are reported to the Council.

DETAILS:

A number of years ago, in the late 1990's, following similar complaints a proposal to restrict access into Leake Street from Vincent Street to 'left in left out' only was canvassed with residents. This proposal was rejected at the time and a pedestrian refuge island installed instead.

Recently a number of complains have again been received regarding traffic safety issues at this intersection where ambulances have been in attendance and significant vehicle damage has occurred.

In accordance with Main Roads WA, Black Spot intersection rankings , this intersection has 19 recorded accidents over the last five (5) years.

Note: As a comparison the highest ranked intersection in the Town has 116 recorded accidents and the lowest has 5 recorded accidents over the last five years. Leake/Vincent is ranked 34th out of 103 intersections.

The predominant accident type is right angle and right through. This confirms the previous treatment that was proposed.

Officer's Comments:

As with traffic management treatment that involves restricting vehicle movements there are compromises required in terms of access. Not all residents are in favour of restricting vehicle access and the result of such measures may increase traffic on other adjoining streets or simply shift the problem elsewhere.

Therefore any proposed change needs to be carefully considered with the above factors in mind.

CONSULTATION/ADVERTISING:

A black spot funding submission for improvements at the Leake Street and Vincent Street intersection is being prepared for 2011/2012. Following consideration by the LATM advisory group residents will be canvassed regarding improvement options.

LEGAL/POLICY:

The Town is responsible for the care, control and management of over 140km of roads.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2009-2014 – Key Result Area One: 1.1.6 Enhance and maintain the Town’s infrastructure to provide a safe, healthy, sustainable and functional environment. *“(d) Implement Local Area Traffic Management matters referred to the Local Area Traffic Management Advisory Group by Council”.*

SUSTAINABILITY IMPLICATIONS:

The Council adopted a long term program to ensure its road infrastructure is maintained to an acceptable level of service. Funds are allocated annually to ensure this program is sustainable.

FINANCIAL/BUDGET IMPLICATIONS:

N/A

COMMENTS:

The Town receives many requests for Traffic Management from time to time. A large number of these requests are addressed at officer level as vehicle classifier results often indicate that there is a perceived speed and traffic volume issue rather than an actual problem. Other matters are referred to the WA Police for enforcement of the legal speed limit.

It is considered however that the matters outlined in this report are worthy of consideration by the Town’s LATM Advisory group.

9.2.2 Investigation of Feasibility of Using Solar Powered Lighting in Rights of Way and Parks and Reserves – Further Report

Ward:	Both	Date:	6 October 2010
Precinct:	ALL	File Ref:	ENS0119
Attachments:	001		
Reporting Officer:	R Lotznicker, Director Technical Services C Chaudhry Project Officer, Environment		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *NOTES the information contained in the report regarding the Solar Lighting trials and the potential use of Solar Tracking Panels on the Town’s buildings and;*
 - (a) *that the change to using alternative lighting technologies for the Town’s infrastructure, as outlined in the report, will result in lower energy use translating to reduced carbon emissions and less hazardous waste being deposited in landfill; and*
 - (b) *with regards Solar Tracking Panels, while they provide a potential increase in power gathering capacity, the capital cost of establishment is high with high recurring maintenance costs with their use more suitable for large scale solar farms;*
- (ii) *ADOPTS the following practices/procedures when considering lighting installations;*
 - (a) *Parks and Reserves are the most appropriate locations for solar lights, fitted with LED, for the reasons outlined in the report (refer Appendix 9.2.2);*
 - (b) *the most suitable lighting to use in Rights of Ways and road reserves are LED lighting operated from mains power for the reasons outlined in the report; and*
 - (c) *solar light/s may still be considered where mains power is a considerable distance from where the lighting is to be installed and/or the capital cost involved to extend the power to connect the light/s is considered excessive and in these instances the matter would be assessed on a case by case basis in liaison with affected residents; and*
- (iii) *NOTES that a further report on the advantages and cost analysis of installing fixed solar panels on the Town’s buildings as opposed to solar tracking panels will be submitted to the Council as required, as the use of alternative lighting technologies is progressively implemented throughout the Town.*

COUNCIL DECISION ITEM 9.2.2

Moved Cr Burns, Seconded Cr Lake

That the recommendation be adopted.

CARRIED “EN BLOC” (6-0)

(Cr Farrell, Cr McGrath and Cr Topelberg were on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to provide further information to the Council on outcomes from the Council decision at its Ordinary Meeting held on 24 July 2007.

BACKGROUND:

At its Ordinary meeting held on 24 July 2007 the Council made the following decision (in part):

“That:

- (i) the Council Requests the Chief Executive Officer to;*
 - (a) Investigate the feasibility of the purchase, installation and maintenance of solar powered light poles in the Town’s Right of Ways, parks and reserves;*
 - (b) Investigates the installation of ‘Solar tracking’ panels on the roof of the Town’s buildings, as outlined in the report, and receives a further detailed report on this initiative.”*

DETAILS:

Existing Lighting:

The majority of lighting in the Town’s dedicated Right of Ways (ROWS) is owned and operated by Western Power, whereas lighting within the Town’s parks and reserves is owned and operated by the Town.

Some streets in the Town have decorative lighting (previously installed by private developers) which is operated by the Town however this lighting is being progressively replaced with standard Western Power lighting in accordance with Council policy 2.2.15.

All of the current street/ROW/parks lighting is currently powered from the electricity grid and the globes comprise either:

- Mercury vapour (MV)
- High pressure sodium (HPS) or
- Metal halide (MH)

All of the above lights have varying lamp life, lux, light spread and colour.

Note: Western Power has advised they will no longer be installing lighting in Rights of Way. Solar Lighting has subsequently been installed in Nova Lane.

Investigation of feasibility of using Solar Powered Lighting in Rights of Way and Parks and Reserves:

As requested by the Council in July 2007, since that period, the Town’s officers have been investigating/trailing the use of alternative lighting as follows:

A Solar Lighting Trial has been conducted by the Town in Charles Veryard Reserve from 2008 to the present. In addition solar lighting has been installed in the Nova Lane ROW with varying success and a recent solar light has been installed in Sekem Street and Little Walcott Street.

The Solar Lighting trial in Charles Veryard Reserve has been very successful while the solar lights in Nova Lane have had operational issues and residents have complained about the size of the solar panel and the light glare from the lights. Makeshift shading has subsequently been attached to several lights.

The recently installed light at Little Walcott Street has resulted in strong negative comments from the adjoining neighbours regarding the size of the solar panel and the intensity of light.

In addition the size of pole at the base to accommodate the battery has used up excessive footpath width. These matters are currently being re-assessed in liaison with the supplier/installer.

Also in examining the whole life cost of the technology one significant factor is that the batteries require to be replaced at least once every 5 years at a current cost of approximately \$2,000 or \$400 per annum.

The cost to supply and install a single Solar light including infrastructure can vary from between \$6,000 to \$12,000 while the cost to install a single conventional light and infrastructure (wiring, meter etc) can also vary between \$5,000 and \$12,500 depending on its proximity to the existing power network and the number of lights being installed at any one time.

The following table provides an indicative cost analysis based on a 'similar' cost to supply both a conventional and solar light and pole.

	LED Solar Light	Conventional Street Light	Conventional Street Light with LED
Supply/Install (indicative average cost – can vary)	(\$6,000 - \$12,000) \$9,000	(\$5,000 - \$12,500) \$8,750	(\$5,000 - \$12,500) \$8,750
Number of Street Lights	1	1	1
Hours Per Day	12hrs	12hrs	12hrs
Power used in 1 year in KWh	nil	395kwh	65kwh
Power cost for 1 year	nil	\$80.00	\$15.00
Replacement Globe per annum	\$50.00	\$150.00	\$50.00
Battery Replacement per annum (\$2,000 per 5 years)	\$400	\$0.00	\$0.00
Carbon Dioxide emissions (compared with a 60watt conventional globe)	0kgs	500kgs	50kgs
Total Cost first year	\$9,450.00	\$8,980.00	\$8,815.00
Total Cost over 5 years	\$11,250.00	\$9,900.00	\$9,325.00

Table A

As part of a grant to the Town through the WA State Government/WA Police - Office of Crime Prevention Graffiti Fund the Town will soon be installing solar lights in the ROW at the rear of 131 Scarborough Beach Road, Mount Hawthorn, and in the dedicated lane way at the rear of 630 Beaufort Street, Mount Lawley and adjacent the Woodville Reserve change-rooms, North Perth.

Light Emitting Diode (LED) Light:

LED is a semi conductor driven by an electric chip. The LED emits very little heat. The best quality chip manufacturers warrant their chips to have a working life of 50,000 hours (50 times greater than incandescent).

Also LED lights:

- Do not Contain mercury
- Do not emit UV or IR radiation
- Do not Flicker
- Are not affected by turning on and off
- Do not take time to warm up
- Use 85% less power than conventional lighting

Almost all Solar Light now use LED fittings

Officers Comment/Conclusions:

The Town's officers have trailed the use of solar lights in ROWs, streets and parks and reserves as requested by the Council.

Suitable Locations for Solar Lights:

It is considered that the most appropriate location for solar lights (fitted with LED) is in a park or reserve where space is not limited given the extra width of footing and base required and where there will be minimal visual impact for residents e.g. size/orientation of the solar panel. This could comprise a single light next to a playground or a series of lights adjacent to a pathway where mains power is not readily available.

ROWs and Road reserves

It is considered that in ROWs and road reserves the most suitable lighting to use is LED lighting operated from mains power for the following reasons:

- Larger light pole base required to accommodate the battery, often located in a narrow space.
- Solar panels are large and have an adverse visual impact (a number of complaints received).
- Using LED lighting running from mains power is cost effective and environmentally efficient (refer table A).

A Solar light may however still be considered where mains power is a considerable distance from where the lighting is to be installed and the capital cost involved to extend the power to connect the light is considered excessive. In these instances the matter would be assessed on a case by case basis in liaison with affected residents.

Solar Tracking Systems

Also as requested by the Council in July 2007, the Town's officers have investigated the use of solar tracking panels.

A solar tracker is a device for orientating a daylight reflector solar photovoltaic panel or concentrating solar reflector or lens toward the sun. The sun's position in the sky varies both with the seasons and time of day as the sun moves across the sky due to the earth's rotation.

There are many types of solar trackers, of varying costs, sophistication, and performance.

One well-known type is the 'heliostat' a movable mirror that reflects the moving sun to a fixed location, but many other approaches are used as well.

If a solar panel is stationary during the day it will become half shaded and the angle of maximised light gathering capacity will not be achieved. The idea behind a solar tracking system is to have the panel constantly moving throughout the day to maximise the amount of energy produced or stored from the photovoltaic's cells.

This technology has been used in solar power farms (Western Power) and residential housing, where large steeped angles from buildings would result in the shading of the solar panels.

Current trials by the Queensland Government have proven this technology to increase power gathering capacity by at least 20%.

Cost Benefit Analysis Solar Tracking

A Cost Benefit Analysis was conducted for establishing Solar Tracking systems for solar lights and/or for Solar Systems on Town's Infrastructure. The cost benefit analysis revealed that while this technology improves the efficiency of the solar panels the cost of implementation far out ways the benefits of the technologies improved efficiency.

Another issue is the ongoing extensive maintenance that would be required to ensure the tracker functions correctly at all times.

The advantages and disadvantages of using Solar Tracking systems is outlined below:

Advantages	Disadvantages
Solar Tracking increase power gathering capacity of solar panels by 20%.	
It is ideal for situations where vast amount of shading would occur to a solar array.	The cost of establishment would be about 75% higher than the cost of installing solar panels.
	Solar Tracking should only be used in situations where light shading occurs from tall buildings. The use should be restricted to large scale solar farms for maximum gains (Western Power, 2010).
	The maintenance of Solar Tracking systems would cost the Town \$500.00 per unit every three months to reprogram the tracker to match the rotation of the sun.
	The technology may be obsolete in 2 years due to improvement in photovoltaic cell efficiency and new energy storing materials (NASA, 2010)

SEDO Grants Program:

Funding for the solar panels/lights can no longer be sought from the Sustainability Energy Development Office (SEDO) under the heading of "Reducing the level of green house gas emissions in Western Australia". The grant officially ended in 2009/2010 due to State Government cut backs.

Officers Comment:

Also as requested by the Council in July 2007, the Town's officers have investigated the use of solar tracking panels. A further report will be presented to Council on the advantages and cost analysis of installing fixed solar panels on the Town's buildings.

LED 'office' Lighting Trial

For information a LED Lighting Trial is currently being conducted in and around the Town of Vincent Administration and Civic Centre from June 2010 to August 2010.

Existing florescent tube lighting was replaced with a host of LED tubes including LED down lights, Strips and spot lights.

There are now many LED light fittings available that can be simply 'dropped in' to an existing conventional; light fitting.

Studies have shown that air-conditioning can operate at 5% more efficiency due to a low voltage draw from the LED lights. Also the LED lights produce low heat compared with traditional lighting such as halogen which reduced the cost of maintaining adequate air temperature in the building.

Officer Comments

As a result of this ongoing trial it is proposed that the lighting will soon also be trailed in other Town owned buildings.

LED lighting has been proved to be at least 80% more efficient than incandescent lamps and 20% more efficient than Compact Fluorescent Lamps (CFL) due to the low heat generated. Also they do not contain mercury or emit any UV or IR radiation, have a higher lumen value i.e. quality of light to human eye, and will significantly reduce CO2 emissions due to their low power use.

CONSULTATION/ADVERTISING:

Residents would be consulted prior to solar lighting being installed for the reasons outlined in the report.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:

The use of alternative lighting technologies as outlined in the report will result in lower energy use translating to reduced carbon emissions and less hazardous waste being deposited in landfill.

FINANCIAL/BUDGET IMPLICATIONS:

The cost to supply and install a single Solar light including infrastructure can vary from between \$6,000 to \$12,000 while the cost to install a single conventional light and infrastructure (wiring, meter etc) can also vary between \$5,000 and \$12,500 depending on its proximity to the existing power network and the number of lights being installed at any one time.

Table A outlines a cost analysis of conventional lighting as compared with LED solar lighting and LED lighting connected to mains power.

COMMENTS:

As mentioned in the report it is considered that the most appropriate location for solar lights (fitted with LED) is in a park or reserve where space is not limited given the extra width of footing and base required and where there will be minimal visual impact for residents e.g. size/orientation of the solar panel.

This could comprise a single light next to a playground or a series of lights adjacent to a pathway where mains power is not readily available. It is further considered that in ROWs and road reserves the most suitable lighting to use is LED lighting operated from mains power for the reasons outlined in the report, however a Solar light may still be considered where mains power is a considerable distance from where the lighting is to be installed.

With regards to Solar Tracking panels, while there is a potential increase in power gathering capacity of the solar panels by 20%, the cost of establishment would be about 75% higher than the cost of installing standard solar panels. In addition the maintenance of Solar Tracking systems could cost in the order of \$500.00 per unit every three months to reprogram the tracker to match the rotation of the sun and therefore their use would be more suitable for large scale solar farms for maximum gains.

9.3.1 Cultural Development Seeding Grant Applications – REmida Event

Ward:	Both	Date:	1 October 2010
Precinct:	All	File Ref:	FIN0155
Attachments:	-		
Reporting Officer:	J Bennett, Acting Manager Community Development		
Responsible Officer:	J Anthony, Acting Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council APPROVES the application of REmida for a Cultural Development Seeding Grant of \$800 for the OPEN SESAME event.

COUNCIL DECISION ITEM 9.3.1

Moved Cr Burns, Seconded Cr Lake

That the recommendation be adopted.

CARRIED “EN BLOC” (6-0)

(Cr Farrell, Cr McGrath and Cr Topelberg were on approved leave of absence.)

PURPOSE OF REPORT:

To seek approval from the Council for a Cultural Development Seeding Grant application for REmida for the OPEN SESAME on 6 November 2010.

BACKGROUND:

REmida will be running an event for the community, involving using recycled products within artwork. This event will be on the 6 November, 2010.

DETAILS:

The OPEN SESAME event is suitable for all ages and will be held in the Town of Vincent. It will provide an opportunity for the community to participate in an open workshop with 8 professional local artists. The event will promote the reuse of recycled products in the form of art. The event is aimed at encouraging the community to be active in the creative re-use of material that is often discarded as waste. It will also provide confidence to produce art ideas with the home environment and around the community.

In particular the funding will assist with costs related to advertising in local newspapers and the Xpress magazine.

This event will be fully accessible to all members of the community including people with a disability. It will be held at 1 Prospect Place, North Perth.

CONSULTATION/ADVERTISING:

This event will use some of the grant to advertise their event in the Xpress magazine and the local newspaper.

LEGAL/POLICY:

Policy 2.1.7 *Parks and Reserves - Conditions of Use and Hire* will apply to this event.

STRATEGIC IMPLICATIONS:

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

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

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

SUSTAINABILITY IMPLICATIONS:

Use of recycled materials in artwork highlights the importance of recycling and therefore can have a positive impact on the environment and its sustainability.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$6,000 is allocated for Cultural Seeding Grants within the 2010/11 budget.

An amount of \$800 is recommended in line with other similar events under the Cultural Development Seeding Grant Policy.

COMMENTS:

The event proposed by REmida meets the criteria for the Cultural Development Seeding Grants. They will acknowledge the Town's support during the OPEN SESAME event and in their promotion.

REmida will complete an acquittal report after the event, detailing how the Cultural Development Seeding Grant was expended.

9.3.3 Investigation of a Farmer's Market within the Town of Vincent

Ward:	Both	Date:	4 October 2010
Precinct:	All	File Ref:	PRO0132
Attachments:	-		
Reporting Officer:	T Farrell; Community Development Officer		
Responsible Officer:	J Anthony; Acting Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council RECEIVES the report and TAKES NO FURTHER ACTION on the investigation of a Farmer's Market within the Town of Vincent.

COUNCIL DECISION ITEM 9.3.3

Moved Cr Burns, Seconded Cr Lake

That the recommendation be adopted.

CARRIED "EN BLOC" (6-0)

(Cr Farrell, Cr McGrath and Cr Topelberg were on approved leave of absence.)

PURPOSE OF REPORT:

Provide information to Council on the possibility of including a Farmer's Market within the Town of Vincent.

BACKGROUND:

At the Ordinary Council meeting on 23 June 2009, in response to a Notion of Motion the following resolution was adopted:

'That;

- (i) the Council REQUESTS the Chief Executive Officer to investigate the possibility of including a "Farmers' Market" within the Town;*
- (ii) a report be prepared and submitted to the Council, and include (but not be limited to) the following information;*
 - (a) identification of a suitable location(s);*
 - (b) planning and location requirements (e.g. parking, toilets, etc);*
 - (c) operational and logistical matters (e.g. hours of operation, types of foods/produce to be sold, etc);*
 - (d) preferred method for operators (e.g. private use public operator);*
 - (e) lease and legal requirements;*
 - (f) community interest and opinion;*
 - (g) any potential impact on existing businesses providing a similar service; and*
 - (h) whether any schools or community groups within the Town wish to host the markets."*

DETAILS:

Farmer's Markets operate with multiple beneficial aims related to contributing to the economic, social and community health. They support community values of sustainable agricultural practices, promoting fresh produce consumption, revitalisation of 'Town and public space and regeneration of community spirit'. These aims and values are congruent with those of community food gardens and in fact many fresh produce markets have grown from the community garden movement.

Since the request to investigate Farmers' Markets there have been several proposals to conduct produce markets within the Town. In August 2009 a privately run market, "Field of Greens Fresh Fare Market" commenced operating in the grounds of Aranmore Catholic College. It ceased operating in December 2009 due to the withdrawal of support from the land owners.

In March 2010 an application was submitted by the owners of No 400 (Strata Plan 8289) Fitzgerald Street, North Perth to operate Sunday Markets. This application was refused in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme 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 Car Parking requirements of the Town's Policies relating to Parking and Access; and*
- (iii) consideration of the objections received."*

Existing Fresh Produce Markets

Currently there are ten (10) other Farmers' Markets that operate within the Perth Metropolitan area, located between five (5) and thirty eight (38) kilometres from the Town of Vincent. These markets operate under a variety of models ranging from private business to community based management:

- City Farm Organic Growers Market - East Perth City Farm;
- Subiaco Farmers Market - Subiaco Primary School;
- Subiaco Station Street Markets;
- Mt Claremont Farmers' Market – Mt Claremont Primary School P&C;
- Mondo's Saturday Spring Market – Inglewood ;
- Western Farmers' Market – Fern Community Garden Fremantle;
- Wanneroo Markets;
- Midland Farmers' Market;
- Kalamunda Farmers' Market; and
- Armadale Producers Market.

The last two years has seen the development of both the Armadale and Kalamunda Markets.

The Armadale Redevelopment Authority, in conjunction with the South Metropolitan Public Health Unit and the City of Armadale, established the Armadale Producers Market Inc in 2008, holding its first market on 9 November 2008, this is a community based project run by a management committee.

The Kalamunda Farmers' Market opened on the Harvest Festival weekend Sunday 3 May 2009, with this market being operated by the Kalamunda Chamber of Commerce and Industry and supported by the local council.

Both of these local councils have a range of local primary producers that farm in the area and are able to provide a variety of fresh produce to market goers. There is a limit to how many markets that the producers can support as they generally operate at similar times on weekends.

In 2008, the Town of Vincent officers were requested to explore the possibility of piloting a fresh produce market as part of the North Perth Cappuccino Festival. The officer concerned made enquiries with a number of fresh producers to establish the level of interest, but they declined as they were already committed to other markets.

The East Perth Community Markets commenced operating Sunday 5 September 2010 in the Royal Street Car Park. This is a market incorporating a swap meet, fashion, home wares and entertainment with the gold coin entry donation going to designated charities. The organisers of this market have only been able to attract two fruit and vegetable growers to establish stalls.

Details relating to the operation of a Farmer's Market are outlined below.

Location:

It may be possible to locate markets in schools and public open space, if they meet the requirements of the Towns planning scheme. There is no suitable land controlled by the Town which is considered suitable for a Farmer's Market.

Planning Requirements:

Any proposal for a farmers market would require planning approval as it is 'Unlisted Use' under the Town's Town Planning Scheme No 1. Therefore it would require a 21 day consultation period (newspaper advertisement and sign on site) and letters to surrounding land owners and also determination by Council. In relation to the Town's Parking and Access Policy No 3.7.1 car parking should be provide at a rate of 3 spaces per stall provided.

Health Requirements:

Under the Food Act 2008 and Food Regulations 2009 conditions must be met for the preparation, storage and labelling and food handling of any foods/produce sold at markets. Operators of market stalls are required to make application for a temporary food stall license.

Operational and Logistical Matters:

Weekends are when the markets operate, with most operating for either half a day or the entire weekend. The times are generally in the morning and with a finite number of vendors there is a limit to how many markets across the metropolitan area that they can provide produce to.

Method of Operation:

The Town of Vincent has already had two applications to operate private markets; one application was refused as it did not meet planning requirements and another ceased operating as the arrangement the operator had with the school proved untenable. In other shires a number of successful markets have been conducted by school Parents and Citizens Associations with profits going back into the school community. Other larger markets like Armadale and Kalamunda have operated with the support of the Chamber of Commerce and market managers.

Lease and Legal Requirements:

In addition to meeting planning and health requirements market operators would require public liability insurance.

Community Interest:

“The Fields of Green Fresh Fare” Market operated for five months with approximately 15 stall holders and according to the operator several hundred local people attending each week. The sustainability of any markets is based on commercial viability for the stall holders.

Impact on Existing Businesses:

There are fruit and vegetables available from supermarkets across the Town. The Council may be introducing an unfair competitive advantage to allow an external business to set up a market that is not based on commercial rates. This may have a detrimental impact on local businesses.

Interest from School or Community Groups:

There has not been any approach made by either a school or community group to run regular markets, which by their nature require significant organisation. Many of the schools however conduct annual community fetes as fund raising events and may choose to incorporate some market stalls as part of these individual events. This is a very different proposition from taking on operating regular and sustainable markets which may require the support of paid staff.

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

N/A.

STRATEGIC IMPLICATIONS:

The information provided relates to the Town of Vincent Strategic Plan 2009-2014:

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

SUSTAINABILITY IMPLICATIONS:

N/A.

FINANCIAL/BUDGET IMPLICATIONS:

N/A.

COMMENTS:

There are already a substantial number of fresh produce markets that exist within close proximity of the Town of Vincent. In addition to this there have been two unsuccessful attempts to operate markets, one not meeting planning requirements and the other ceased operating due to issues with the land owners.

9.4.1 Use of the Council's Common Seal

Ward:	-	Date:	1 October 2010
Precinct:	-	File Ref:	ADM0042
Attachments:	-		
Reporting Officer:	M McKahey, Personal Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council NOTES the use of the Council's Common Seal on the documents listed in the report, for the month of September 2010.

COUNCIL DECISION ITEM 9.4.1

Moved Cr Burns, Seconded Cr Lake

That the recommendation be adopted.

CARRIED "EN BLOC" (6-0)

(Cr Farrell, Cr McGrath and Cr Topelberg were on approved leave of absence.)

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
06/09/2010	Notification under Section 70A	3	Town of Vincent and C T Truong, M T Truong of 202 Alma Road, North Perth and N T Truong of 38 Eglinton Crescent, Hamersley re: No. 202 Alma Road, North Perth - <i>To satisfy Clause (v) of Delegated Conditional Approval from the Council for Demolition of the Existing Single House and Construction of a Two-Storey Single House</i>
07/09/2010	Deed of Licence	1	Town of Vincent, Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Department of Training and Workplace Development Workshop - 8 September 2010 (Gareth Naven Room)

Date	Document	No of copies	Details
14/09/2010	Restrictive Covenant	2	Town of Vincent and V T Thai and T D T Nguyen of 188A Alma Road, North Perth 6006 re: No. 188 (Lot 4) Alma Road, North Perth - <i>To satisfy Clause (10) of the Western Australian Planning Commission conditional approval of a survey strata subdivision of the subject lot, dated 7 September 2009.</i>
21/09/2010	Withdrawal of Caveat	1	Town of Vincent and Downings Legal of Level 11, 2 Mill Street, Perth WA 6000 re: Nos. 257-261 (Lot: 1 D/P: 1925, Lot: 2 D/P: 1925) Oxford Street, Corner Bourke Street, Leederville - Removal of Caveat regarding Amalgamation of Lots
29/09/2010	Deed of Licence	1	Town of Vincent, Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Fitness First Workshop - 1 October 2010 (Gareth Naven Room)
29/09/2010	Deed of Licence	1	Town of Vincent, Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Department of Training and Workplace Development Workshop - 20 October 2010 (Gareth Naven Room)
29/09/2010	Deed of Licence	1	Town of Vincent, Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Kick Fit Corporate Day - 29 October 2010 (Gareth Naven Room, Pitch, Seating in the Lower Bowl and Grandstand)
30/09/2010	Notification under Section 70A	1	Town of Vincent and S and G Mondello both of 14 Turret Road, Willetton re: Lot: 3 D/P: 24107, No. 2 Bream Cove, Mount Lawley - <i>The notification provides for the owner(s) of the property to maintain in good working order and operate in a safe working manner, the car stacker installed within the building.</i>

9.4.2 Town of Vincent Statutory Review of Wards and Representation

Ward:	Both	Date:	6 October 2010
Precinct:	-	File Ref:	ADM0095
Attachments:	001		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES pursuant to Clause 6.1 of Schedule 2.2 of the Local Government Act 1995 to undertake a review of its Ward boundaries and number of Councillors for each Ward;*
- (ii) *ADVERTISES the Discussion Paper as shown in Appendix 9.4.2 for statewide public comment for a period of six (6) weeks and the Council to consider any submissions received from the public; and*
- (iii) *NOTES that a further report detailing submissions received and presenting a preferred option will be submitted to the Council at the conclusion of the public consultation period.*

COUNCIL DECISION ITEM 9.4.2

Moved Cr Burns, Seconded Cr Lake

That the recommendation be adopted.

CARRIED “EN BLOC” (6-0)

(Cr Farrell, Cr McGrath and Cr Topelberg were on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of the report is to obtain the Council’s approval to carry out the statutory eight (8) year periodic review of the Wards and Elected Member representation.

BACKGROUND:

The Town of Vincent is required to undertake a statutory review of its ward system and its Councillor representation for each Ward in order to comply with Schedule 2.2 of the Local Government Act 1995.

Previous Council Decision

This matter was report to the Ordinary Meeting of Council held on 14 May 2002 and, the Council resolved (in part) as follows:

“That the Council;

APPROVES BY AN ABSOLUTE MAJORITY, pursuant to Clause 9 of Schedule 2.2 of the Local Government Act 1995 to;

- (i) *receive the submissions received from the public concerning the Review of Wards and Representation;*

- (ii) *submit a report to the Local Government Advisory Board, proposing that;*
- (a) *the Town retain two Wards as shown in Map 3, Plan 2023.CP.03;*
- (b) *the Council supports changing the Ward names and that the community will be further consulted about alternative names;*
- (iii) *advise the respondents accordingly; and*
- (iv) *advise the Local Government Advisory Board with regard to representation, that;*
- (a) *the number of Councillors per Ward will remain unchanged (four (4) Councillors per Ward); and”*

The Town of Vincent was created on 1 July 1994 under the City of Perth Restructuring Act 1993. A review was last carried out from February-May 2002. In order to comply with the Local Government Act requirements it will be necessary to carry out a review by 31 December 2010.

Current Situation

Currently the Town of Vincent has eight (8) Councillors elected from two (2) wards as follows:

Ward	Number of Electors	Number of Councillors	Councillor/Elector Ratio
North	9,649	4	1:2,412
South	10,287	4	1:2,572
TOTAL	19,936	8	1:2,492

(LGAB – October 2009)

Review Process

The review process involves a number of steps:

- Council to resolve to undertake the review;
- Public submission period opens;
- Information provided to the community for discussion;
- Public submission period closes;
- Council considers all submissions and relevant factors and makes a decision;
- Council submits a report to the Local Government Advisory Board (the Board) for its consideration; and
- (If a change is proposed) The Board submits a recommendation to the Minister for Local Government.

If the Minister approves any changes then these are required to be in place for the next ordinary election due to be held in October 2011.

DISCUSSION PAPER

A discussion paper has been prepared by the Chief Executive Officer and is attached as Appendix 9.4.2. It considers the following items:

- 1. Introduction**
- 2. Factors to be considered**
 - Community of Interest
 - Physical and Topographic Features

- (c) Demographic Trends
- (d) Economic Factors
- (e) Ratio of Councillors to Electors in the Various Wards

3. Options to Consider

- Ward System – Advantages and Disadvantages
- Option 1 – Maintain Current Ward Boundaries – Refer to Map No. 1
- Option 2 – A slight amendment to the existing boundaries to make the ward elector numbers more equitable – Refer to Map No. 2
- Option 3 – Create three wards each represented by three Councillors
- Option 4 – Create four wards each represented by two Councillors
- Option 5 – No Wards

No Ward System – Advantages and Disadvantages

What happens if the current Wards are abolished?

Ward Names

4. Number of Elected Members

Previous Survey

Elected Members – Advantages and Disadvantages

- (i) The Existing Number of Elected Member Representation
- (ii) The number of electors and community members served by each Elected Member
- (iii) An increase in Elected Member workloads
- (iv) The potential savings from a reduction in the number of Elected Members
- (v) The diversity of the Town of Vincent community
- (vi) It will be easier for decisions to be made outside of formal meeting procedures
- (vii) An increased potential for control of a council by a small interest group

Conclusion – Recommended Number of Elected Members

5. Public Consultation and Submissions

Maps of the Wards are attached.

ADVERTISING/CONSULTATION:

A copy of the discussion paper will be sent to all community and business groups for comment. It will also be displayed on the Town's web page and in the Vincent Library and Local History Centre.

The purpose of the review is to evaluate the current arrangements and consider other options to find the system of representation that best reflects the characteristics of the district and its people. Any of the following may be considered:

- creating new wards in a district already divided into wards;
- changing the boundaries of a ward;
- abolishing any or all of the wards into which a district is divided;
- changing the name of a district or a ward;
- changing the number of offices of Councillor on a Council; and
- specifying or changing the number of offices of Councillor for a ward.

The procedure required to be followed in reviewing the ward boundaries is for the Council to prepare a discussion or information paper outlining various options and explaining the five factors against which the options will be assessed. The availability of this discussion paper is then advertised, seeking public comment on the options and inviting members of the public to suggest any other variations considered appropriate.

Indicative Timeline

Date	Item
12 October 2010	Report to Council to approve of a review
19 October 2010	First Advertisement
19 October – 3 December 2010	Consultation
3 December 2010	Consultation closes
3 – 17 December 2010	Consider submissions and prepare report
21 December 2010	Report to Council to consider submissions and approve of review findings
23 December 2010	Write to Local Government Advisory Board

After a six week submission period, a report is prepared for the Council providing consideration of any submissions received and assessment of all options against the recommended criteria. This report will form the basis of the Council’s deliberations on this matter.

LEGAL IMPLICATIONS:

Schedule 2.2 of the Act requires local government with Wards to carry out review of the ward boundaries and the number of Councillors for each ward from time to time so that not more than eight years elapse between successive reviews. As the Town was created on 1 July 1994, and the last review was carried out from February-May 2002, a review is to be completed by 31 December 2010.

FINANCIAL IMPLICATIONS:

Nil, other than the statutory advertising printing and administrative costs.

STRATEGIC IMPLICATIONS:

Not applicable.

COMMENT:

The Local Government Advisory Board has requested that in order to meet deadlines and to allow for any changes to be implemented prior to the next Ordinary Council Elections which are scheduled to be held in October 2011, the Council will need to submit its review no later than 31 December 2010. However, the Board advises that many other local governments are also required to carry out a review and they have requested the Town’s co-operation in conducting the review and receiving the Town’s decision by 31 December 2010. This will ensure that the Advisory Board can cope with the number of submissions within a reasonable period of time.

9.4.6 Information Bulletin

Ward:	-	Date:	6 October 2010
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer:	A Radici, Executive Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council RECEIVES the Information Bulletin dated 12 October 2010, as distributed with the Agenda.

COUNCIL DECISION ITEM 9.4.6

Moved Cr Burns, Seconded Cr Lake

That the recommendation be adopted.

CARRIED “EN BLOC” (6-0)

(Cr Farrell, Cr McGrath and Cr Topelberg were on approved leave of absence.)

DETAILS:

The items included in the Information Bulletin dated 12 October 2010 are as follows:

ITEM	DESCRIPTION
IB01	Letter from Disability Services regards “You’re Welcome WA Access Initiative Implementation Support Grant DSC0182010”
IB02	Letter of Appreciation from Mount Hawthorn Primary School regarding Building of the Long Jump Pit at Menzies Park
IB03	Letter of Appreciation from Mr A. Wishaw regarding Graffiti Team
IB04	Letter of Appreciation from the Dante Alighieri Society of Western Australia Inc regarding Installation of Extra Lights in their Parking Area
IB05	Note of Appreciation from the Team at Koori Kids for the Town's contribution to their Project for NAIDOC Week 2010
IB06	Earth Carers Newsletter – September 2010
IB07	Register of Petitions - Progress Report - October 2010
IB08	Register of Notices of Motion - Progress Report - October 2010
IB09	Register of Reports to be Actioned - Progress Report – October 2010
IB10	Register of Legal Action (Confidential – Council Members Only) - Progress Report - October 2010
IB11	Register of State Administrative Tribunal Appeals - Progress Report - October 2010
IB12	Forum Notes - 21 September 2010
IB13	Notice of Forum - 19 October 2010

9.1.5 No. 114 (Lot 1; STR: 22092) Parry Street, Perth - Proposed Change of Use from Residential to Commercial Offices

Ward:	South	Date:	4 October 2010
Precinct:	Beaufort; P13	File Ref:	PRO5132; 5.2010.342.1
Attachments:	001		
Reporting Officer:	A Dyson, Statutory Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by R Kaur on behalf of JS Brar & R Kaur for proposed Change of Use from Residential to Commercial Offices, at No. 114 (Lot 1; STR 22092) Parry Street, Perth, and as shown on plans stamp-dated 10 August 2010, subject to the following conditions:

(i) **Building**

- (a) *all new external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Parry Street; and*
- (b) *doors, windows and adjacent floor areas of the office fronting Parry Street shall maintain an active and interactive relationship with this street;*

(ii) **Car Parking and Accessways**

- (a) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (b) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels; and*
- (c) *all car-parking bays shall be dimensioned on the Building Licence application working drawings and all car parking facilities shall comply with the minimum specifications and dimensions specified in the Town's Parking and Access Policy and Australian Standards AS2890.1 – "Off Street Parking;"*

(iii) **Signage**

All signage that does not comply with the Town's Policy No. 3.5.2 relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted to and approved by the Town prior to the erection of the signage;

(iv) **Fencing**

Any new street/front wall, fence and gate within the Parry Street setback area, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences;

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

(a) **Access to Right of Carriageway**

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 certificate(s) of Title and 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 carriageway, to the satisfaction of the Town;

(b) **Refuse and Recycling Management**

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

(c) **Schedule of External Finishes**

A detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted to the Town for approval; and

(vi) ***PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the following shall be submitted to and approved by the Town:***

(a) **Bicycle Parking Facilities**

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 to and approved by the Town prior to installation of such facilities.

COUNCIL DECISION ITEM 9.1.5

Moved Cr Maier, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (6-0)

(Cr Farrell, Cr McGrath and Cr Topelberg were on approved leave of absence.)

Landowner:	R Kaur & JS Brar
Applicant:	As above
Zoning:	Residential/Commercial R80
Existing Land Use:	Residential
Use Class:	Semi - Detached Dwelling
Use Classification:	Semi -Detached Dwelling
Lot Area:	483 square metres
Right of Way:	Right of Carriageway to Rear

PURPOSE OF REPORT:

The proposal requires referral to the Council for determination.

BACKGROUND:

No background directly relates to this proposal.

DETAILS:

The application proposes a Change of Use from Residential to Commercial Offices. The applicant wishes to utilise the premises for Professional Offices to cater for Lawyers/Accountants. The proposed Office hours will be between 8.30am – 5pm Monday to Friday. It is expected three (3) employees will utilise the premises. The equipment used will be that generally associated with an office use, including computers, photocopiers and facsimile machines.

COMPLIANCE:

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Car Parking:	Office – GFA = 89.3 square metres (requires 1.786 car bays) Total Car Bays required = 2 bays Apply the adjustment factors: <ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop) • 0.85 (within 400 metres of a public car parking place with in excess of 75 car parking spaces) • 0.85 (within 800 metres of a rail station) Minus the car parking provided on-site Minus the most recently approved on-site car parking shortfall Resultant Surplus	=2 car bays (0.65025) = 1.3 car bays 3 car bays N/A 1.7 car bays
Bicycle Parking	<ul style="list-style-type: none"> • 1 space per 200 square metres (GFA) = 1 	Nil.
Officer Comments:		
Not Supported: Given that the proposed business will be a Professional Office type use, bicycle parking and the provision of bicycle facilities should be available to workers. A condition has therefore been placed on the Planning Approval.		
Non-Compliant Requirement: Beaufort Precinct 2) Residential Commercial Area.	Residential/Commercial 34% Commercial 66% Residential	100% Commercial within Individual tenancy.
Officer Comments:		
Supported: It is considered that although the proposed change of use does not meet the provisions of the Residential/Commercial zoning within the Beaufort Street Precinct, the building is a semi-detached strata which is adjoining a purely residential dwelling and is located in a primarily mixed use area. The presence of converted residential dwellings into consulting rooms and offices is prevalent. Furthermore, if the building was assessed purely on the basis that the building was two tenancies (one residential and one commercial), it would comply with the 34% Commercial and 66% Residential components given the respective floor areas.		

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

Consultation		
Item	Comments Received	Officer Comments
Non Objection (1)	<ul style="list-style-type: none"> • Nil 	Noted.
Objection (1)	<ul style="list-style-type: none"> • Object to proposal for 100% Commercial Office Use of site when TPS No. 1 requires 66% of area to be Residential Use. • Converting 2 bedroom house into an Office further depletes the local stock of traditional houses. • Should encourage retention of dwellings to enable families back to the area to take advantage of a transport hub. • Object to parking situation where the lot is only 5.24 metres in width, backed by a 3.0 metre wide ROW and located 32 metres off Pier Street. Multiple parking would have to be in a tandem formation, with an insufficient turning space. Exit out to Pier Street would have to be in reverse and not suitable for frequent use. • Object to use of time restricted kerbside parking if not available at the rear of the property. 	<ul style="list-style-type: none"> • Not supported. The proposed use is prevalent within the locality and will add to the mixed use nature of the area, with the presence of a residential dwelling immediately next door. • Noted. See above. • Noted. See above. • Not supported. The Town's Technical Services have supported the parking configuration and the site has adequate parking provided for the use. Furthermore, as part of the conditions, the Town will request that the applicant show proof of access across the adjoining lots to take access from Pier Street. • Not supported. The parking on-site is adequate for the use.
Advertising	Advertising for a period of 14 days was carried out as per the Town's Policy No 4.1.5 – relating to Community Consultation.	

Other Implications	
Legal/Policy	TPS No. 1 and associated Planning and Building Policy Manual.
Strategic	Nil.
Sustainability	Nil.
Financial/Budget	Nil.

COMMENTS:

It is noted the conversion of the existing approved semi- detached residential dwelling to Professional Offices proposes a variation to the mixed use Commercial requirement of the Beaufort Precinct Policy. However, it is considered given the presence of similar uses along Parry Street and generally within the locality between Stirling and Lord Streets, the proposal is supported.

In light of the above, it is recommended that the Council support the application for the above reasons.

9.3.4 Community Gardens – Community Consultation

Ward:	Both	Date:	1 October 2010
Precinct:	All	File Ref:	CMS0123
Attachments:	-		
Reporting Officer:	T Farrell, Community Development Officer		
Responsible Officer:	J Anthony, Acting Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the information concerning Community Gardens; and*
- (ii) *APPROVES of community consultation being undertaken to establish the level of interest in the establishment of a Community Garden within the Town.*

COUNCIL DECISION ITEM 9.3.4

Moved Cr Lake, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (6-0)

(Cr Farrell, Cr McGrath and Cr Topelberg were on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to obtain Council approval to carry out a community consultation to ascertain the level of interest in establishing a Community Garden within the Town.

BACKGROUND:

At the Ordinary Meeting of the Council on 6 December 1999 it was recommended:

- “(i) the Council agrees in principle to the establishment of a community garden on the vacant allotment at Woodville Reserve as shown on the attached Plan No A4-99086;*
- (ii) an amount of \$5,000 be listed for consideration in the mid year budget review to assist the North Perth Migrant Resource Centre in establishing a community garden should their funding application from the Lotteries Commission be successful; and*
- (iii) a further report on the matter be presented to Council.”*

The resolution agreed in principle to the establishment of a community garden on the vacant allotment at Woodville Reserve and a sign was erected on the site stating the proposed intention of a community garden. Although the project was not progressed at this time as there was insufficient community interest, this site still remains vacant.

Over the last ten years in Western Australia (WA) there has been a growing interest in communities developing sustainable and accessible community food gardens. An increasing number of individuals, groups and government bodies in WA have recognised the enormous potential for community gardens to become sustainable venues for local community development. The establishment of community food gardens could enable the Town of Vincent to join many other local governments in metropolitan Western Australia which already actively support this type of community venture as part of their business.

The management and style of community gardens vary across the metropolitan region as well as Australia, with some more formal than others. The success of the gardens rely upon both the enthusiasm and motivation of community members who are driven to build local community connections and improve capacity, and upon Council support in the form of monetary and in-kind assistance including advice and encouragement.

Community gardens are outdoor spaces that are planned and managed by communities, or with significant community involvement. These gardens can include food production, native gardens, bush tucker gardens, as well as decorative and therapeutic elements. They can be located in inner city, suburban and rural fringe areas, within public open space, on the grounds of learning/neighbourhood/community centres and larger environmental education centres. The common appearance is raised garden beds called allotments which are both rented out and communal with fruit trees and ornamental plantings.

The Benefits of a Community Garden:

Community gardens provide high quality, creative, accessible and often productive open spaces in local communities and have a range of benefits that are currently being recognised in research and evaluation across Australia. Community gardens are now considered to be an extension of services provided by local councils as they are a fundamental tool to service the community including elderly, youth, families, schools, migrants and the disadvantaged. The creation of community gardens present a significant number of benefits to the community, these include:

Community Development/Community Building:

Community hubs for local people to meet and develop friendships; sites for community engagement; intergenerational exchange; activities that foster self-help; building on local assets; developing links between individuals and groups.

Environmental Sustainability:

Demonstration sites for living and consuming in a sustainable manner; local solutions to climate change and peak oil; waste management solutions; sustainable technologies; contributing to food security through local, community food systems; greening urban environments.

Access and Inclusion:

Supportive environments that promote social inclusion (frail aged, people with disabilities, people from culturally and linguistically diverse backgrounds, Aboriginal people).

Health and Wellbeing:

Physical fitness; recreational opportunities; nutritional health; psychosocial benefits, community kitchens.

Education and Training:

'Outdoor classrooms' for informal learning and formal accredited training courses; venues for lifelong learning and school-based learning.

Art and Culture:

Community art and events, preserving cultural practices of migrant and refugee communities.

Enterprise:

Local economic development, supporting social enterprise (nursery, markets, café, training programs), mobilizing volunteers, employment preparation.

Community Gardens in Western Australia

Currently in Western Australia there are 21 community gardens in varying form and style, with a number of new gardens in the planning and development stage. There are communal gardens, allotment gardens and spaces that combine the two. Some gardens grow food and some do not. Each garden has its own, unique style, energy and flavour. All have much to offer their local communities and beyond. The common theme of the gardens is community ownership and management. Some of the gardens are co-located with other endeavours such as men's sheds and community centres.

Existing Community Gardens:

- Apace Community Gardens – North Fremantle
- Armadale Community Family Centre – Armadale
- Busselton Community Garden – Busselton
- Crossroads Community Garden – Gwelup
- Earthwise – Subiaco
- Esperance Community Garden – Esperance
- Fremantle Environmental Resource Network (FERN) – Fremantle
- Florence Community Park- Fremantle Inner City Agriculture (FINCA) – South Fremantle
- Glyde in Community Centre – East Fremantle
- Gowie Community Garden – Cloverdale
- Gumnuts Community Garden – Koongamia
- Lockridge Community Garden – Lockridge
- Naragebup Community Garden – Rockingham
- Karingal Neighbourhood Centre – Paraburdoo
- Perth City Farm – East Perth
- Piney Lakes Community Garden – Winthrop
- Southwell Community Garden (under construction) – Hamilton Hill
- Stirling Community Garden (under construction) - Joondanna
- Victoria Park Community Garden Association (under construction) – Victoria Park
- West Leederville Community Garden – West Leederville
- West Stirling Neighbourhood House Veggie Patch and Herb Garden - Doubleview

Management Arrangements for Community Gardens

Various management arrangements exist for community gardens. The approaches include formal memorandum of understanding between garden groups and Council; leases; informal verbal agreements; and a less formal form of approval granted and recorded via Council meeting minutes. The approach taken varies depending on the site tenure, garden group intention, Council requirements and extent of the proposed plans for the garden.

Process for establishing Community Gardens

The process for establishing community gardens is considered an organic process both in the intent of gardening ideals (no chemicals and permaculture approach) and also in the fluid evolution of the design, layout, participants, operation and final appearance. Whilst it is essential to maintain the flexibility and changing direction that naturally evolves in community garden planning, there are some key steps to the process and these are generally undertaken in three phases, these are outlined below.

Phase One – Garden Start Up:

People and Planning:

Interested community members form a working group or hold public meetings; the community group start planning activities and tasks needed to bring the ideas to fruition; they agree on group processes for decision making and communication; and the Council clarifies the intention for support and assistance.

Inspiration and Learning from Others:

Community member's visit existing gardens for inspiration, learn from people involved in existing gardens.

Securing a Site for the Garden:

The Town is working with the community locates an appropriate piece of land for the garden and secure tenure. It is essential that the community supports the location of the community garden and nominates a site. It is not recommended for the Council to simply designate an area of land considered suitable for a garden if the community in that area is not supportive.

Site Assessment:

Community members identify the physical and cultural features of the piece of land where the garden will be established; collect information about the neighbourhood and community it is a part of, through observation and talking to people.

Creating a Shared Vision and Identifying Users and Uses:

The community group develops a shared community vision for the garden, clarifying aims and objectives; spend time developing a clear picture of the variety of intended users and uses for the community garden space.

Start-Up Budget/Resources:

Community group identify what resources are available; plan a budget based on the vision for the garden; seek in-kind support and donations; reuse 'waste' resources; fundraise; seek financial support through donations, sponsorship and grant funding.

Proposal:

The community group submit a formal proposal to the Council outlining information obtained above for consideration and possible endorsement.

Phase Two - Garden Design and Construction:

Pending approval from Council, it is in this phase that the final design of the garden is decided and on-ground works and construction begin. These works may, depending on site specifics, include retaining walls, raised garden beds, storage sheds, rainwater tanks and irrigation. In this phase the Council acts as a support and provides advice if necessary to the group and the group uses approved funding from Council to purchase items.

Phase Three -Ongoing Garden Management:

This phase is the ongoing step after construction and will be continuing for the community group. The involvement of Council in this is limited and will only be in the form of advice. The Council and community play various roles in this process and it is one which is not considered linear, as one activity will influence the development of another and should maintain flexibility.

Guidelines for Community Garden Selection and Use

It is within phase one above that several key issues would require consideration, these include:

- Site selection – location, ownership, surrounding uses;
- Liability and legal concerns;
- Parking, access and impact on surrounding property;
- Safety and vandalism;
- Access and equity;
- Water access;
- Site management and maintenance;
- Management agreements (leases, MOU);
- Rights of Council to resume the land;
- Community support for the garden; and
- Continued community management and use of the site.

Costs for the Establishment of Community Gardens:

The Council funding contribution to support gardens and the method in which support is provided varies between councils. In some cases a set amount of seed funding is provided directly to the community group and in other cases expenditure may be in the form of recreational centre upgrades to accommodate garden needs or 'as-requested' donations. Funding from Western Australian local councils has varied between \$5000 and \$20,000 with some projects attracting additional grant funding from other organisations and government agencies.

It should be noted that once established; community gardens have very low administration and management needs and require little ongoing funding from the Council, as the community group is the driver of activities and maintenance. It is also important to note that the nature of the project tends to encourage the involvement of local businesses in the community resulting in donations of products and services, thus becoming a Council, community and private sector partnership.

CONSULTATION/ADVERTISING:

Initial consultation has occurred with key business units in the Town with a potential interest in community gardens.

It is essential that there is consultation undertaken to establish the extent of interest from the community in such a project and that there are relevant officers supporting the project in the initial stages.

A community gardens workshop is planned for 18 December 2010 as part of the "Urban Green Thumb Workshops. It is being run by the Environment Project Officer and has the potential, to be an integral part of ascertaining the level of community interest and commitment to the establishment of community gardens in the Town of Vincent.

LEGAL/POLICY:

N/A.

STRATEGIC IMPLICATIONS:

The support of community food gardens is in keeping with the Town of Vincent Strategic Plan 2009 -2014:

"1.1.2 Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision;

1.1.4 Minimise negative impacts on the community and environment;

2.1.2 Develop and promote partnerships and alliances with key stakeholders;

3.1. Enhance and promote community development and wellbeing."

SUSTAINABILITY IMPLICATIONS:

Community Gardens are about engaging the community in projects that have a clear commitment to a set of environmental, social and economic sustainability principles. A better connection between neighbours and building of the community spirit is a sustainable social implication. Growing food locally reduces the food miles or fuel used to transport foods and reduces the costs of foods and encourages consumers to purchase from local producers which is a sustainable economic implication. Many aspects of the community garden enhance the environment.

FINANCIAL/BUDGET IMPLICATIONS:

Currently there is ten thousand dollars (\$10,000) in the 2010/2011 budget allocated to Community Gardens.

COMMENTS:

Community Gardens have the potential to contribute greatly in community engagement. The support for community gardens could assist in the Town demonstrating it is using its best endeavours to meet the needs of future generations and increase sustainability in our community. There is already some community interest being shown in East Perth although the tenure of the identified site would need to be secured. However, it is acknowledged that there may be other suitable locations within the Town. Hence, community consultation is recommended to be carried out.

9.1.4 No. 100 (Lot 200; D/P: 54386) Oxford Street, corner Leederville Parade, Leederville - Proposed Outdoor Market (Unlisted Use)

Ward:	South	Date:	4 October 2010
Precinct:	Oxford Centre; P04	File Ref:	RES0059; 5.2010.408.1
Attachments:	001 ; 002		
Reporting Officer:	D Pirone, Statutory Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by K Thomson on behalf of the owner Town of Vincent for proposed Outdoor Market (Unlisted Use), at No. 100 (Lot 200 D/P: 54386) Oxford Street, corner Leederville Parade, Leederville, and as shown on plans stamp-dated 17 August 2010, subject to the following conditions:

- (i) the outdoor market shall not promote smoking, alcohol, any use of illicit substances and/or adult “R” rated entertainment;*
- (ii) the Town of Vincent shall be acknowledged in any associated publicity and promotional material for the outdoor market;*
- (iii) the Applicant shall indemnify the Town against any claims, damages, writs, summonses or other legal proceedings and any associated costs, expenses, losses or other liabilities as a result of loss of life, personal injury or damage to property arising from an occurrence in or connected with the outdoor market;*
- (iv) the Applicant shall take out and hold current a policy of insurance for Public Liability for an amount of not less than \$10,000,000 (ten million dollars) for the duration of the Markets. A copy of the current certificate is to be provided to the Town at least ten (10) days prior to the commencement of the outdoor market use;*
- (v) a letter drop to all premises within a 100 metre radius of the site, with details of the event including a Contact Name and a mobile telephone number (which shall be operational for the duration of the market) for complaints shall be undertaken at least ten (10) days prior to the commencement of the outdoor market use. A copy of the letter shall be provided to the Town for prior approval;*
- (vi) the hours of operation for the outdoor market shall be limited to 9am to 4pm on Saturdays during the period between 6 November 2010 to 2 April 2011, inclusive and 9am to 4pm on 9 April 2011, 14 May 2011, 11 June 2011, 9 July 2011, 13 August 2011, 10 September 2011 and 8 October 2011 inclusive. This excludes the setting up and packing up time. This approval is for a period of 12 months only and should the applicant wish to continue the use after this period, it shall be necessary to reapply to and obtain approval from the Town prior to continuation of the use;*
- (vii) a maximum of 35 stalls shall be in operation at any one time. Any increase in the number of stalls shall require further consent (further Planning Approval is not required);*

- (viii) *a maximum of 35 parking permits will be made available to the organisers, at a cost of \$11 per permit per day (7:00am to 7:00pm) for the days the outdoor market is in operation, to enable each stallholder to park one (1) vehicle in Frame Court Car Park. The car parking bays shall not be marked as reserved;*
- (ix) *a Stallholders' Permit will be issued to the organisers, with the cost being incorporated into the existing Reserve Hire Fee (currently \$270 per day), which will allow up to 35 stalls to operate in the specified area, on the days that the outdoor market are in operation;*
- (x) *a maximum of three (3) Buskers Permits will be issued to the Applicant, which will allow the buskers to operate within the Reserve, at any given time, for the days that the outdoor market are in operation. The Town reserves the right to cancel and withdraw any permit, if the holder breaches any of the relevant conditions. The cost of the Permits shall be incorporated into the proposed Reserve Hire Fee;*
- (xi) *the Applicant shall ensure that any busker operating in the Reserve complies with the following requirements. The busker must:*
 - (a) *be in possession of a valid permit when busking (can be passed from one busker to the next, when the first busker finishes their act);*
 - (b) *not use inappropriate language, material, etc;*
 - (c) *remain within the "Reserve" while undertaking their act;*
 - (d) *not impede or prevent any persons or pedestrians from going about their normal business; and*
 - (e) *not restrict ready access to the premises;*
- (xii) *any "A" Frame signage placed on the footpath area will require a permit with conditions set under the Town's Local Government Property Local Law 2008;*
- (xiii) **PRIOR TO THE COMMENCEMENT OF THE OUTDOOR MARKET USE, the Applicant shall:**
 - (a) *obtain an Application for Casual Reserve Hire from the Town's Parks and Property Services Section;*
 - (b) *obtain a Special Events Permit from the Town's Health Services Section for all temporary food stalls/food vans. Application forms together with the relevant fees shall be submitted one month prior, or a minimum of 14 days prior to the commencement of trade. Full compliance with the provisions of Health Act 1911 (as amended), Health (Food Hygiene) Regulations 1993, and compliance with the FSANZ Food Safety Standards is required for all temporary food stalls/food vans. No food must be sold to the public unless approved by the Town's Health Services;*
 - (c) *obtain a Buskers Permit from the Town's Rangers and Community Safety Services Section. The permit shall detail the location and size of the "Entertainment Area";*
 - (d) *obtain a Stallholders' Permit from the Town's Rangers and Community Safety Services Section; and*
 - (e) *pay a bond of \$2,500 to the Town, to cover any repairs or damage to the Town's Infrastructure (e.g. reticulation, turf, pavement) or cleaning of the Reserve or disposal of waste that may occur as a result of the outdoor market, for the 2010/2011 period. Any other minor charges (that is, power at a cost of \$25 per week and bin hire at a cost of \$60 per week) will be invoiced separately on a monthly basis;*

- (xiv) *no vehicles shall be permitted to drive on the Oxford Street Reserve. All loading and unloading of goods from vehicles shall take place in the adjacent car parking areas;*
- (xv) *the Oxford Street Reserve shall be left in a clean and tidy state after each weekly market; and*
- (xvi) *compliance with all Technical Services, Building and Environmental Health specific requirements.*

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

COUNCIL DECISION ITEM 9.1.4

Moved Cr Harvey, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

AMENDMENT NO 1

Moved Cr Lake, Seconded Cr Buckels

“That the daily hire fee of \$270 a day be waived.”

Debate ensued.

AMENDMENT NO 1 PUT AND LOST (1-5)

For: Cr Buckels

Against: Mayor Catania, Cr Burns, Cr Harvey, Cr Lake, Cr Maier

(Cr Farrell, Cr McGrath and Cr Topelberg were on approved leave of absence.)

Debate ensued.

PROPOSED AMENDMENT NO

Moved Cr Buckels, Seconded Cr

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

“(xvii) the fee be waived in return for a reduction of the size of the Market to increase grass open space for general public to use.”

The Presiding Member, Mayor Catania advised that this amendment could not be accepted as it significantly alters the application.

Debate ensued.

MOTION PUT AND CARRIED (5-1)

For: Mayor Catania, Cr Burns, Cr Harvey, Cr Lake, Cr Maier

Against: Cr Buckels

(Cr Farrell, Cr McGrath and Cr Topelberg were on approved leave of absence.)

Landowner:	Town of Vincent
Applicant:	K Thomson
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): District Centre
Existing Land Use:	Park
Use Class:	Unlisted Use
Use Classification:	Unlisted Use
Lot Area:	2043 square metres
Access to Right of Way	N/A

PURPOSE OF REPORT:

The subject application requires referral to the Council as the application is proposed for the Town's Reserve.

BACKGROUND:

21 October 2008 The Council at its Ordinary Meeting resolved to conditionally approve an application for proposed Outdoor Market (Unlisted Use) from 6 December 2008 to 28 March 2009.

9 September 2009 The Council at its Ordinary Meeting resolved to conditionally approve an application for proposed Outdoor Market (Unlisted Use) from 14 November 2009 to 27 March 2010.

DETAILS:

The proposal involves utilising the Oxford Street Reserve for a summer outdoor market, held every Saturday, during the period between 6 November 2010 to 2 April 2011, between the hours of 9am and 4pm. The proposal is similar to the Markets, which were held the last two summer seasons on the Oxford Street Reserve.

The proposal differs from the two previous proposals, in that the applicant is proposing that from 9 April 2011 to 8 October 2011, a monthly market be held at the site on the second Saturday of each month. This will also be between the hours of 9am and 4pm.

The market will be for the display and sale of art and will promote independent fashion designers, jewellery designers, photographers, painters and other creative arts. The applicant proposes that there will be up to a maximum of thirty-five (35) stalls operating at any one time.

In addition to the above, the applicant has requested that the Council review the fees to hire the Reserve for the Oxford Street Market.

COMPLIANCE:

NON-COMPLIANT REQUIREMENTS	
Car Parking	
Car parking requirement (nearest whole number)	105 car bays
- Market - 3 spaces per stall provided (35 stalls proposed).	
Apply the adjustment factors:	(0.5527125)
- 0.85 (within 400 metres of a bus stop)	
- 0.85 (the proposed development is within 400 metres of one or more public car parks with in excess of a total of 75 car parking spaces)	
- 0.90 (the proposal is located within a District Centre zone)	
- 0.85 (the proposal is located within 400 metres of a rail station)	58.03 car bays

Minus the car parking provided on-site.	Nil
Minus the most recently approved on-site car parking shortfall. (At the Ordinary Meeting of Council held on 21 October 2008, a shortfall of 58.03 car bays was approved for the pervious season of the markets)	58.03 car bays
Resultant surplus	0 car bays

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

Consultation Submissions
Due to the minimal comments received during both previous community consultation periods and the overwhelming community support for the markets, the Town's Director Development Services applied discretion to vary the provisions of the Town's Community Consultation Policy and advertising was not required for this application.

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

COMMENTS:

The proposal requires input from several of the Town's Service areas. The following advice is provided from the various Service areas:

Community Development Services

- Information has been submitted in accordance with Policy No. 3.8.3 relating to Concerts and Events. This includes event details along with references, risk management and emergency response plans. In accordance with the Policy, the proposal is classified as low risk and has the potential to provide a new creative event within the Leederville area.

Parks and Property Services

- The hire fee for the use of the Oxford Street Reserve is \$270 per day, which is the same as the previous fees.
- Power is available from an electrical cabinet located on the north western side of the park; there are no restrictions regarding its use. However, the use of power would accrue a separate charge of \$25 per week and would not be covered in the Hire Fee for the use of the Oxford Street Reserve.
- Parks Services will supply two 660 litre rubbish bins for the Market's duration at a cost of \$60 per week. These rubbish bins will be provided permanently at two locations within the park and will be emptied weekly as part of the Town's rubbish collection.
- A bond will be set at \$2,500, to cover any repairs to the Town's Infrastructure (e.g. reticulation, turf, etc) or cleaning or disposal of any waste, that may occur as a result of the outdoor market.

Rangers and Community Safety Services

- If the Council is inclined to support the proposal, the Town's Ranger and Community Safety Services would be prepared to supply the organiser, who would arrange payment for the number of weeks required and distribute the parking permits to the relevant stall holders. Since the Town would not necessarily be in a position to confirm that a person is or is not a participant, this will ensure that only stallholders will receive the permits.
- The entertainers wishing to busk within the site should apply for a permit, as per the requirements of the Town's Local Law relating to Trading in Public Places.
- A Busking Permit can be issued to the organisers of the event and, at this time, the cost can be incorporated into the Application Fee, with a review after 2 or 3 market days.
- In accordance with the Town's Local Law relating to Trading in Public Places, each stall trader would generally need to apply for a permit to trade. However, to assist elevating the large level of permits that are required, the Town's Rangers Services have advised that they will issue 35 Traders Permits to the organiser with the Planning Approval should the application be approved. A Stallholders' Permit will be issued to the organisers, with the cost being incorporated into the existing Reserve Hire Fee, which will allow up to 35 stalls to operate in the specified area, on the days that the Market is in operation.

Health Services

- A Special Events Permit to sell food from a temporary food stall (low risk food) or food van (medium to high risk food) will be required by the Town Health Services.
- Full compliance with the provisions of relevant food legislation and compliance with the Food Safety Standards is required for all temporary food stalls. No food must be sold to the public unless approved by the Town's Health Services.
- All application forms must be submitted one month prior, or a minimum of 14 days prior to the commencement of the event. All relevant supporting documents, such as approvals from other authorities, shall be submitted along with the relevant forms.
- The relevant fees adopted by the Council for this financial year (2010/2011) are:
 - (a) Licence of Special Events Permit – Food Stall (low risk food only) \$55; and
 - (b) Licence of Special Events Permit – Food Van (medium to high risk food) \$160.

Planning Services

The proposed use of the Oxford Street Reserve is considered an appropriate temporary land use in context with the District Centre Zoning and associated Oxford Centre Precinct.

In terms of the Leederville Masterplan, the proposed markets fall within an area designated for an icon building on and around the existing parkland largely associated with Stage 2 of the Masterplan. It is not considered that the operation of the proposed market, which was approved for the 2009/2010 summer period, will be in conflict with the Masterplan requirements. Should the applicant wish to run the outdoor market on an annual basis, further approvals will need to be obtained from the Town and further consideration will be given in line with the status of the Leederville Masterplan.

Waiving of Fees

The Markets, whilst providing a different interactive element to Oxford Street, are ultimately a business venture and the Town should not be expected to waiver all costs associated with its production. In response to the applicant's request, the Town's Officers have reviewed the required fees and have made recommendations to which fees can be waived:

Fees to be Paid

Bond - The bond (\$2,500) is considered a crucial component to ensure the Reserve is not damaged by the on-going use of the markets. This fee is refundable at the end of the Market Season if there is no damage to the Reserve. The bond may also be used to pay unpaid debts such as the hire fee, if still unpaid at the end of the hiring period.

- Parking Permits - the Town's Rangers and Community Safety Services have advised that the reduction in last year's car parking fees were initiated to assist the Market in its first year. However, the reduction of the Parking Permits fee for the 2010/2011 Markets is not supported as the car park is a public facility and the Town needs to be remunerated appropriately.
- Furthermore, the Frame Court Car Park is a busy car park and services the businesses along Oxford Street. The business owners and patrons of these businesses are required to pay for parking in this car park at the standard rates. It is considered the Markets should be subject to the same requirements.
- Utilities - the provision of power would accrue a separate charge of \$30 per week and the provision of bins would accrue a fee of \$60 per week. The Town should not be responsible to pay for the Markets operational costs.
- Special Events Permit (Food Stall) - the Town's Health Services will be required to regularly inspect and assess all proposed food stalls/food vans. The fees associated with the permit are imposed to ensure costs for such inspections are recovered.

Fees Recommended to be Waived

- Stallholders' Permits - last year this fee was waived. The Officers consider the waiving of this fee for the 2010/11 markets acceptable; and
- Buskers Permit - last year this fee was waived. The Officers consider the waiving of the fee for the 2010/2011 markets acceptable.

It is considered that the proposed weekly summer outdoor market will add vibrancy and interest to the Leederville area over the summer months. Therefore, it is recommended that the application be approved as per the Officer Recommendation.

9.3.2 Seniors Strategy – Final Progress Report

Ward:	Both	Date:	4 October 2010
Precinct:	All	File Ref:	CVC0038
Attachments:	001		
Reporting Officer:	T Farrell, Community Development Officer		
Responsible Officer:	J Anthony, Acting Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council RECEIVES the final Progress Report on the Town of Vincent Seniors Strategy.

Moved Cr Harvey, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Harvey, Seconded Cr Maier

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

“(ii) REQUESTS that the Seniors Advisory Group meet to consider this matter.”

AMENDMENT PUT AND CARRIED (6-0)

(Cr Farrell, Cr McGrath and Cr Topelberg were on approved leave of absence.)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (6-0)

(Cr Farrell, Cr McGrath and Cr Topelberg were on approved leave of absence.)

COUNCIL DECISION ITEM 9.3.2

That the Council:

- (i) *RECEIVES the final Progress Report on the Town of Vincent Seniors Strategy; and*
 - (ii) *REQUESTS that the Seniors Advisory Group meet to consider this matter.*
-

PURPOSE OF REPORT:

To provide a final report detailing the progress in the Seniors Strategy and the recent initiatives that have been undertaken.

BACKGROUND:

Historically, the Town has not been involved directly in the delivery of services but has taken a community development approach to identify and address the needs of its residents. In 2000 there was a study undertaken to establish the need for a Seniors' Centre and provide preliminary information about the extent of unmet need and demand for services by seniors.

A partnership with the Centre for Research into Aged Care Services at Curtin University of Technology, Perth and the Town of Vincent commenced in 2002 initially involving researchers looking at broad issues affecting seniors within the community and presenting the Town with statistical information. In 2003 a 'Process of Seniors Consultation' commenced. This model of consultation has involved four stages.

Stage 1:

Senior Friendly Community Survey (2003)

To identify and prioritise barriers to maintaining independence.

Stage 2:

Group Workshops (2004 -2008)

- To breakdown the priority barriers into specific issues
- Choose a specific issue to work on
- Restate the issue as a goal
- Identify strategies to meet the goal
- Select favoured strategies
- Develop an action plan

Stage 3:

Implementation of the Action Plan (2005 – ongoing)

Stage 4:

Evaluation of the Action Plan

The strategies are continually assessed and modified to suit the community needs.

Senior Friendly Community Survey:

A questionnaire was developed in consultation with the Seniors Advisory Group within the Town and piloted with a group of seniors before posting to 4522 residents over the age of 55 years. There were 682 completed (or part completed) responses, representing an overall response rate of 15%. The sample was broadly representative of the Town according to suburb, age group and sex, but was under representative of non – English speaking seniors.

Residents were required to rate the level of importance of a range of aspects relevant to creating a Senior Friendly Community within the Town, in addition to rating the level of satisfaction or dissatisfaction with these identified areas.

The following issues were identified from the survey as high priority:

- Personal/Home Safety;
- Transport;
- Attitudes towards Seniors;
- Physical Access;
- Home Support;

Group Workshops (Stage 2):

The first organised workshop was a *Seniors Forum on Personal and Home Safety* as it had been rated in the survey as the most important and also the one the seniors were the least satisfied with.

This forum was conducted in two stages in November 2004 and April 2005.

The first workshop introduced the issue of personal and home safety with various presentations and a compact facilitation session held with the seniors to assess the broad range of issues that were important to them.

Workshop two was based on the feed back received from the first session. The second forum was important to determine specific issues and establish actions that were constructive enough to delegate to either individuals, agencies or the Town.

Goals - (what we should aim for/where we want to be):

- To feel safe in my Neighbourhood;
- To feel safe in my Home;
- To have a sense of community in the neighbourhood;
- To feel safe walking through the streets.

Strategies - (How do we get there/how do we achieve our goal):

- Have well lit streets, i.e. back lanes, car parks and parks
- Safer crossings and footpaths
- Ensuring the home is appropriately secured.
- Having a program to encourage good neighbours and maintaining good relationships
- Provide information on safe ways to get around significant areas such as shopping centres.
- To have an increased presence of security (police, rangers or security patrols) in public places.

Actions:

- Safety working group.
- Meetings with Managers in Technical Services and Engineering Rangers and Safer Vincent Coordinator to address relevant issues related to improvements in roads, footpaths, street lighting and safety.
- Personal hand held alarms issued to seniors.
- Project with TAFE students "Know your Neighbour Day".
- Street Safety Audits conducted quarterly.
- Fridge Magnet with Important Numbers Guide for Seniors.
- Installation of security lighting for vulnerable seniors.

The **Seniors Transport Forums** were held in August and October 2006 with the format the same as the first forum.

The first workshop introduced the issue of transport with presenters speaking about the range of transport options available to older residents in the Town of Vincent. The presentations were followed by group discussion in which questions relating to transport were raised.

The second workshop was based on the information provided in the first workshop. It involved the development of an action plan that will determine priority focus areas and provide a guide for the division of tasks between the Town, delegates, other levels of Government and other agencies.

Goals:

- To feel safe and confident when using public transport.
- To be well informed about transport options available for residents in the Town of Vincent.
- To have transport to major shopping centres, hospitals and specialist medical appointments.

Strategies:

- Ensure that the public transport meets the needs of older residents living in the Town of Vincent.
- Ensure that Town of Vincent residents are able to get to train stations and bus stops safely.
- Ensure that older residents know where to get information about public transport.
- Provide opportunities and support older people to learn how to use public transport and the new technologies introduced by Transperth.
- Ensure that older residents have information about the range of transport options available for residents in the Town of Vincent.
- Work with existing service providers to develop transport options to meet gaps in services for older people.

Actions:

- Discussions with Transperth regarding changes in bus routes affecting seniors, concluded with no change being possible.
- TAFE students researched viability of CAT bus service to operate across the Town of Vincent (East-West) –remains cost prohibitive.
- Taxi Voucher Scheme for seniors introduced.
- Up to date information available about transport options for seniors.
- Investigation of Community Bus Options with the bus being donated by the Bendigo Community Bank North Perth in 2009.
- Recurring funding by way of Memorandum of Understanding (MoU) (2009) with Volunteer Task Force and People Who Care, which are Home and Community Care (HACC) services that provide services to seniors. These services include transport, social support and gardening assistance.

The **Seniors Forums on Home Help** were conducted in May and July 2007.

For the first workshop there were presentations providing information about home help services following this there was facilitated group discussion seeking information about what services seniors were requiring, utilizing and difficulties encountered in accessing these.

In July 2007 based on information provided in the first workshop there were some further presentations by service providers before the facilitated group discussions to determine the development of the action plan.

Goals:

- To ensure seniors are able to live comfortably in their homes.
- For seniors to know how to access services and their entitlements to maintain independent living.
- To be well informed about the range of home support and care options available for residents in the Town of Vincent.

Strategies:

- For seniors to access appropriate assistance to ensure quality of life in their homes.
- To encourage seniors to plan for the future to reduce home maintenance/repair costs.
- To educate seniors on using Aged Care information and service providers such as Commonwealth Carelink, Home and Community Care (HACC) services and Aged Care Assessment Teams. (ACAT) to enable them to access appropriate support and service.
- To access advocacy and support on how and where to access services when needed.
- Ensure that older residents have information about home support and care options that is up to date and easy to understand.
- To be informed on alternative home care options for the future e.g. private providers.

Actions:

- Community Services Directory initially produced in 2004 and updated 2009.
- Town of Vincent to produce a newsletter or directory of services specifically for seniors.
- Community Development Officers continue to liaise with service providers and make referrals to services.

The Seniors Forum on Access and Attitudes were held in July and August 2008.

There were speakers and information provided from Council of the Ageing, Independent Living Centre, Injury Control Council and Advocare, before the facilitated groups discussions.

The identified areas of concern for seniors in terms of access were:

- Footpaths;
- Crossings;
- Home i.e. bathroom, access to garden;
- Shopping centre; and
- Public Transport facilities including bus stops and train stations.

Goals:

- Seniors to have fair and equitable access to services, activities and places that are essential for quality of life.
- Services, activities, information and facilities are accessible, responsive and culturally appropriate to the diverse backgrounds, experiences and needs of seniors.
- Seniors are provided with opportunities and information to participate in activities that assists them to age successfully and comfortably in the community.
- All seniors are treated with courtesy, respected as a diverse group and recognised for their integral role in the community, across all cultural backgrounds.
- The community will have an increased sense of awareness to the needs of seniors in their neighbourhood, offering assistance and support where possible.

Strategies:

- Transport to be more affordable and easily accessible.
- Footpaths to be safe and accessible.
- To be able to cross streets safely.
- Seniors activities to be more affordable.
- Home to be more accessible and safe for everyday living.
- Shopping needs to be a pleasant and comfortable experience.
- Seniors should feel comfortable to go out in the evening/at night.
- To have information on how to access more services and activities.
- Getting to the doctors and essential services more easily.
- Written information to be in appropriate languages and font/format so that they are clear and easy to understand.
- Information, promotion and education on courtesy initiatives.
- Recognise and promote the contributions of seniors in the community.
- Information, promotion and education on how to assist and support seniors in the community.
- Foster a strong and positive mindset for seniors, to encourage community participation and feel inclusive.
- Developing social support and social networks to reduce social isolation.

Actions:

- Continuation of taxi transport scheme and referral to other transport options.
- In 2009 a shopping bus service was trialled for three months in partnership with People Who Care but was discontinued due to lack of interest.
- Security light installation in homes of seniors who have been or are at risk of being victims of crime.
- “Stay on Your Feet” falls prevention activities conducted in both 2009 and 2010.
- A series of six (6) Free Financial Information Sessions were conducted 2009-One topic specifically focusing on how to reduce the cost of utilities.
- The Library operates a housebound book delivery service and also transports some seniors to the library.
- The carer’s recognition lunch has been held annually since 2004 in recognition of people caring for a family member or friend with a disability.
- The “Spring into Life” program conducted at Loftus Community Centre and supported by Town of Vincent is designed to promote active participation in leisure/fitness activities for people over the aged of 50.
- Heartmoves – supported by the Town of Vincent, is a new initiative designed by the Heart Foundation to encourage and support physical activity for older adults.
- Outdoor Gym Equipment - sets of Life Trail equipment has been installed at a number of parks around the Town of Vincent.
- A sustainability workshop was held at Leederville Gardens Retirement Village in August 2010.
- The Town of Vincent is hosting on behalf of the Office of the Public Advocate a community forum on “Enduring Powers of Guardianship and Advance Health Directives”. This event will take place on Monday 7 February 2011.

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

N/A.

STRATEGIC IMPLICATIONS:

The Seniors Strategy is in keeping with the Town of Vincent Strategic Plan 2009 -2014:

“3.1 Enhance and promote community development and wellbeing

3.1.3 Determine the requirements of the community and focus on needs, value, engagement and involvement.

3.1.4 Continued implementation of the principles of universal access.”

SUSTAINABILITY IMPLICATIONS:

The Town ensures that its support of seniors activities continue to meet the needs of the community.

FINANCIAL/BUDGET IMPLICATIONS:

Budget allocation for seniors programs 2010/2011

Seniors Transport Assistance Donations	\$20,000
Seniors Programme	\$30,000
Seniors Week	\$6,000
Meals on Wheels	\$25,000
Grant Allocation under MoU	\$11,500
Seniors Study	\$8,000

COMMENTS:

The various forums have identified common issues related to access to information and services and enhanced sense of neighbourhood and community.

Actions undertaken as a result of the consultation has enabled activities to be developed or extended to meet the needs of the seniors in the community.

9.4.3 Town of Vincent Elections – 2011

Ward:	Both Wards	Date:	6 October 2010
Precinct:	All Precincts	File Ref:	-
Attachments:	-		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council RESOLVES BY AN ABSOLUTE MAJORITY to:

- (i) *DECLARE in accordance with Section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner be responsible for the conduct of the October 2011 Ordinary Elections, together with any other elections or polls which may also be required;*
- (ii) *DECIDE, in accordance with Section 4.61(2) of the Local Government Act 1995, the method of conducting the 2011 Elections be as a postal election; and*
- (iii) *LIST for consideration an amount of \$80,000 in the Draft Budget 2011/2012 for the 2011 Election.*

COUNCIL DECISION ITEM 9.4.3

Moved Cr Burns, Seconded Cr Lake

That the recommendation be adopted.

MOTION PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (6-0)

(Cr Farrell, Cr McGrath and Cr Topelberg were on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council's approval to appoint the Electoral Commissioner to be responsible for the 2011 Ordinary Election and for this to be as a postal election.

BACKGROUND:

The Western Australian Electoral Commission recently wrote to all local governments seeking the Council's intention regarding the conduct of the election. Members will be aware that the next Ordinary Local Government Elections will be held in October 2011.

The Council has a choice of election methods which is either by "postal election" or a "voting in-person election". The "postal election" method of casting votes is by posting or delivering them to an electoral officer on or before Election Day, and must be carried out by the Western Australian Electoral Commissioner. A "voting in-person" election is one where the principal method of casting votes is by voting in-person on Election Day but also allows for votes to be cast in-person before Election Day or posted or delivered in accordance with regulations. A "voting in-person" election can be carried out by the Chief Executive Officer of the local government as Returning Officer and their staff or another person appointed as Returning Officer or the Electoral Commissioner who appoints the Returning Officer and staff.

Local governments that use the voting in-person method of voting may not be representative of the whole community. Whilst voting in local government elections is not compulsory, the community may have an interest but not feel compelled to attend a polling place for the purpose of casting their vote.

Local governments should then look at ways in which to encourage the community to participate and one way is to use the postal method.

The elector participation rate at the 2009 biennial election for the Town was **29.04%** for the North Ward and **30.15%** for the South Ward which is slightly lower than the **32.26%** State average for local governments using the postal voting method. This result is very favourable when compared to the low participation rate achieved by an in-person election, which is usually around the **10%** rate.

Since the inception of the Town in 1994, the Western Australian Electoral Commissioner has conducted all elections as postal elections except the extraordinary election of the Mount Hawthorn Ward in December 1997.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

The Council needs to approve by an absolute majority to;

1. declare in accordance with section 4.20(4) of the Local Government Act, 1995 the Electoral Commissioner to be responsible for the conduct of the October 2007 elections; and
2. decide, in accordance with section 4.61(2) of the Local Government Act, 1995 the method of conducting the election will be as a postal election.

STRATEGIC IMPLICATIONS:

The Town has a philosophy of community consultation and encouraging its residents to participate in elections. Postal voting has a much higher participation rate than "in person" voting.

FINANCIAL/BUDGET IMPLICATIONS:

The estimated cost to conduct the postal election has not been provided by the WA Electoral Commission at this stage.

An amount of \$64,000 will need to be provided in the 2011/2012 Draft Budget.

The Electoral Commissioner has provided accost estimate of \$64,000 (including GST) based on the following assumptions:

- 19,900 electors;
- Response rate of approximately 35%;
- Four (4) vacancies for councillors (2 in each ward); and
- The count being conducted at the Town's Administration Centre.

Items not included in the estimate comprise:

- Non-statutory advertising (i.e. advertisements in community newspapers and promotional advertising);
- Any legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission in a Court of Disputed Returns; and
- One local government staff member to work in the polling place on election day.

An amount of \$16,000 should be included to cover the above excluded matters. The Council should list for consideration an amount of \$80,000 in the 2011/2012 Budget for the 2011 Election.

COMMENTS:

Local Government is required to encourage community participation and be more open and accountable for their actions. The Town of Vincent has actively supported these requirements. From an election view point, the conduct of the previous ordinary elections by the postal vote method, has ensured that the highest consultation and participation rates possible would be achieved.

Having the local government election process managed by the Western Australian Electoral Commission, whose principle activity is to conduct elections, is most appropriate for the following reasons;

1. The election is conducted by professionally trained staff appointed for that sole purpose;
2. The election is overseen by an independent person with the experience and resources to perform the task;
3. The appointment of the Electoral Commission to manage Local Government Election removes any conflict of interest that may exist between Elected Members and the Chief Executive Officer as the Returning Officer and other local government officers appointed for the election.

Appointing the Western Australian Electoral Commission to manage the Town's 2011 Election, would continue the strong commitment to consult with the community and achieve high voter participation rates, as established with previous elections. It is therefore recommended that the 2011 Ordinary Election for the Town be conducted using the postal vote method.

9.4.4 Leederville Masterplan – Approval to Conduct a Peer Review, Workshop and Review of Objectives

Ward:	South	Date:	6 October 2010
Precinct:	Oxford Centre; P4	File Ref:	PLA0147
Attachments:	-		
Reporting Officers:	R Boardman, Director Development Services John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

(i) **AUTHORISES** the Chief Executive Officer to:

- (a) *call quotations from suitably qualified consultants to carry out an Independent Design Review of the Leederville Masterplan;*
- (b) *submit a report with a recommended Consultant to the Council no later than 23 November 2010;*
- (c) *engage suitably qualified consultants, who demonstrate experience with a variety of large and small scale urban design and master planning projects, to prepare a report, and to present their findings to a Council Forum, to address the following:*
 - 1. *to assess how the Objectives of the Leederville Masterplan have been met by the Leederville Town Centre Masterplan and Built Form Design Guidelines;*
 - 2. *to assess how the Objectives of the Leederville Masterplan have been met by the Water Corporation’s proposed mixed use development;*
 - 3. *to assess whether the Town of Cambridge’s West Leederville Masterplan is congruous to the Leederville Masterplan;*
 - 4. *to assess whether the Leederville Station Link identified in the West Leederville Masterplan (as released for public comment on 3 September 2010), will facilitate the better integration of the Leederville Masterplan and West Leederville Masterplan areas;*
 - 5. *to assess whether the Town of Vincent’s West Perth Regeneration Masterplan is congruous to the Leederville Masterplan;*
 - 6. *to assess how the provisions of the Leederville Masterplan will ensure outstanding contemporary urban design and sustainable built form;*
 - 7. *to assess how the Leederville Masterplan compares against a review of available literature; planning consultant feedback from Council Members; the Executive Management staff and Peter Hobbs; and*
 - 8. *to propose recommendations to progress the project to ensure a greater synergy between the Leederville Masterplan and points (c)(1) – (7) above and any other relevant matters;*

- (ii) *APPROVES of the Town of Vincent to host a Peer Review Workshop on the Leederville Masterplan and to engage a suitably qualified facilitator, who demonstrates experience in a variety of urban design and master planning matters;*
- (iii) *subject to (ii) above being approved, EXTENDS an invitation to interested persons/organisations, as detailed in this report;*
- (iv) *CONSIDERS the recommendations from the independent consultant and comments from the Peer Review Workshop, prior to amending the Built Form Guidelines and advertising these for public comment;*
- (v) *ADOPTS the Revised Indicative Timeline; and*
- (vi) *APPROVES of the formation of a Leederville and West Perth Regeneration Masterplan Working Group and in accordance with the provisions of the Local Government Act 1995, Section 2.28, APPOINTS the following Council Members and/or persons to the Council’s Working Group, as detailed in this report, for the term commencing November 2010 to October 2011;*

Members

- 1. *Mayor (Chair);*
- 2. *Councillor (up to 8)*
Councillor.....;
Councillor.....;
Councillor.....;
- 3. *Town’s Chief Executive Officer and Directors;*
- 4. *Manager Planning, Building and Heritage Services;*
- 5. *Coordinator Strategic Planning;*
- 6. *Consultants (upon invitation); and*
- 7. *Representatives from the Department of Planning and East Perth Redevelopment Authority (upon invitation).*

Moved Cr Lake, Seconded Cr Buckels

That the recommendation be adopted.

All Councillors, including those on approved leave of absence, nominated for clause (vi).

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Harvey

That subclause (i)(c)(1) be amended to read as follows:

“(i)(c)(1) to assess how the Objectives of the Leederville Masterplan have been met by the Leederville Town Centre Masterplan and Built Form Design Guidelines, in particular, how they address the provision of affordable housing;”

Cr Burns suggested changing the words “in particular” to “including but not limited to”. The Mover, Cr Maier and the Seconder, Cr Harvey agreed.

AMENDMENT PUT AND CARRIED (6-0)

(Cr Farrell, Cr McGrath and Cr Topelberg were on approved leave of absence.)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (6-0)

(Cr Farrell, Cr McGrath and Cr Topelberg were on approved leave of absence.)

COUNCIL DECISION ITEM 9.4.4

That the Council;

- (i) *AUTHORISES the Chief Executive Officer to:*
- (a) *call quotations from suitably qualified consultants to carry out an Independent Design Review of the Leederville Masterplan;*
 - (b) *submit a report with a recommended Consultant to the Council no later than 23 November 2010;*
 - (c) *engage suitably qualified consultants, who demonstrate experience with a variety of large and small scale urban design and master planning projects, to prepare a report, and to present their findings to a Council Forum, to address the following:*
 - 1. *to assess how the Objectives of the Leederville Masterplan have been met by the Leederville Town Centre Masterplan and Built Form Design Guidelines, including but not limited to how they address the provision of affordable housing;*
 - 2. *to assess how the Objectives of the Leederville Masterplan have been met by the Water Corporation's proposed mixed use development;*
 - 3. *to assess whether the Town of Cambridge's West Leederville Masterplan is congruous to the Leederville Masterplan;*
 - 4. *to assess whether the Leederville Station Link identified in the West Leederville Masterplan (as released for public comment on 3 September 2010), will facilitate the better integration of the Leederville Masterplan and West Leederville Masterplan areas;*
 - 5. *to assess whether the Town of Vincent's West Perth Regeneration Masterplan is congruous to the Leederville Masterplan;*
 - 6. *to assess how the provisions of the Leederville Masterplan will ensure outstanding contemporary urban design and sustainable built form;*
 - 7. *to assess how the Leederville Masterplan compares against a review of available literature; planning consultant feedback from Council Members; the Executive Management staff and Peter Hobbs; and*
 - 8. *to propose recommendations to progress the project to ensure a greater synergy between the Leederville Masterplan and points (c)(1) – (7) above and any other relevant matters;*

- (ii) *APPROVES of the Town of Vincent to host a Peer Review Workshop on the Leederville Masterplan and to engage a suitably qualified facilitator, who demonstrates experience in a variety of urban design and master planning matters;*
- (iii) *subject to (ii) above being approved, EXTENDS an invitation to interested persons/organisations, as detailed in this report;*
- (iv) *CONSIDERS the recommendations from the independent consultant and comments from the Peer Review Workshop, prior to amending the Built Form Guidelines and advertising these for public comment;*
- (v) *ADOPTS the Revised Indicative Timeline; and*
- (vi) *APPROVES of the formation of a Leederville and West Perth Regeneration Masterplan Working Group and in accordance with the provisions of the Local Government Act 1995, Section 2.28, APPOINTS the following Council Members and/or persons to the Council's Working Group, as detailed in this report, for the term commencing November 2010 to October 2011;*

Members

1. *Mayor Nick Catania (Chair);*
2. *Cr Matt Buckels;
Cr Anka Burns;
Cr Steed Farrell;
Cr Taryn Harvey;
Cr Sally Lake;
Cr Warren McGrath;
Cr Dudley Maier; and
Cr Joshua Topelberg;*
3. *Town's Chief Executive Officer and Directors;*
4. *Manager Planning, Building and Heritage Services;*
5. *Coordinator Strategic Planning;*
6. *Consultants (upon invitation); and*
7. *Representatives from the Department of Planning and East Perth Redevelopment Authority (upon invitation).*

PURPOSE OF REPORT:

The purpose of this report is to provide a progress update on the Leederville Masterplan to the Council as at October 2010, to seek approval to conduct a Workshop, Peer Review and form a Masterplan Working Group.

BACKGROUND:

This matter was considered at the Ordinary Meeting of Council held on 28 September 2010 where the following was resolved:

“That the Council;

- (i) *RECEIVES the Leederville Masterplan Progress Report No. 10, as at 22 September 2010;*

- (ii) *APPROVES of the:*
- (a) *Town of Vincent and Town of Cambridge to jointly engage consultants to investigate the better integration of the West Leederville Masterplan (as released for public comment on 3 September 2010) and the Leederville Masterplan, at an estimated total cost of \$40,000 (to be shared equally), to be funded from the Leederville Masterplan Consultancy Budget; and*
 - (b) *revised Indicative Timeline as shown in this report;*
- (iii) *AUTHORISES the Chief Executive Officer to submit an Expression of Interest (EOI) document to the State Government Department of Treasury and Finance, for the provision of office accommodation on the Town's land holdings within the Leederville Masterplan area; and*
- (iv) *DEFERS clauses (ii), (iii), (iv) and (vi)(a) for further consideration."*

During consideration of the Item, the following amendment was Moved and Seconded but not voted upon, as the item was predominantly deferred:

"AMENDMENT

Moved Cr Buckels, Seconded Cr Topelberg

That new subclauses (iii)(d) and (e) be inserted as follows:

"(vii) REQUESTS the Chief Executive Officer to:

- (a) *arrange, as a matter of priority, for an independent design review of the Leederville Masterplan; and*
- (b) *before advertising the Amended Built Form Guidelines for public comment, arrange for the Town Of Vincent to host a Peer Review Workshop on the Leederville Masterplan that includes Council Members, the Town's Administration and other invited persons from planning consultancies and development organisations (such as, City Vision, Future Perth, Urban Design Centre of WA, etc.) to undertake a review of the Leederville Masterplan."*

Debate ensued.

PROCEDURAL MOTION

Moved Cr Topelberg, Seconded Cr Lake

That the clauses (ii), (iii), (iv) and (vi)(a) be DEFERRED for further consideration.

PROCEDURAL MOTION PUT AND CARRIED (9-0)"

For detailed background prior to 2008, refer to previous Council Progress Reports relating to the Leederville Masterplan.

19 February 2008 A Progress Report and Presentation on the Leederville Masterplan by the Chief Executive Officer and Directors was presented at a Council Forum.

18 March 2008 The Consultants JCY presented their progress and draft Built Form Guidelines to a Council Forum along with the first presentation relating to the West Perth Regeneration Project.

- 9 & 14 April 2008 The Town's Officers met with consultants JCY and representatives of the DPI to discuss the inception of Studies relating to the Leederville Station Study, the Transport Study and the Carr Place Precinct.
- 2 July 2008 The Council considered the Leederville Masterplan at a Special Meeting.
- 14 October 2008 The Council considered the Leederville Masterplan at a Special Meeting.
- 19 November 2008 A community workshop regarding the Leederville Masterplan and Draft Built Form Guidelines was held at the Town's Administration Centre.
- 22 December 2008 The Town's Officers held a Council Member Forum to present a summary of the outcomes of the community consultation period and the community workshop to the Council Members.
- 16 March 2010 The Council considered Progress Report No. 9 relating to the Leederville Masterplan at a Special Meeting. Leederville Masterplan Built Form Guidelines were adopted with amendments.
- 23 February 2010 The Council considered Progress Report No. 10 relating to the Leederville Masterplan. At this meeting, the final amended version of the Leederville Masterplan Built Form Guidelines were adopted by the Council and have become known as Appendix 19 to the Town's Planning and Building Policy Manual.
- 25 May 2010 The Council at its Ordinary Meeting adopted the final amended version of the Town's Policy No. 3.4.1 relating to the Oxford Centre Precinct, which has been amended to remove development standards that apply to the area that falls within the Leederville Masterplan Built Form Guidelines.
- 28 September 2010 The Council considered the matter. It resolved to defer the matter to conduct a Peer Review and a Stakeholder Workshop. It also resolved to enter into a joint study with the Town of Cambridge.

Peer Review Workshop

During consideration of the Item at the Ordinary Meeting of Council held on 28 September 2010, Cr Buckels spoke on the matter and outlined the benefits of having a Peer Review and Workshop. The other Councillors appeared to agree/consent to Cr Buckels proposal; however, as the item was predominantly deferred, a vote was not made on the proposed workshop. He also was of the opinion that a Peer Review would be beneficial.

A Peer Review was previously conducted on 22 November 2007. This was paid for by the former Department of Planning and Infrastructure. The estimated cost was \$12,000. It is considered that another Peer Review would be of similar costing in the range of \$12,000 - \$20,000.

A Workshop would involve interested persons/organisations providing comment on the existing Leederville Masterplan and associated Built Form Design Guidelines, to provide comments on the practicality of the documents (i.e. utility providers, Main Roads etc); and a variety of views on the other various provisions. The workshops should not influence the outcomes of the Independent Design Review. However, both matters could be run concurrently so as not to further delay the progression of the Masterplan.

Subject to the Council approval of the proposed Workshop, it is suggested it extends an invitation to interested persons/organisations, including (but not limited to):

- Council Members;
- Town of Vincent Officers;
- planning consultancies;
- development organisations (such as, City Vision, Future Perth, Urban Design Centre of WA);
- Professional Associations;
- Government Architect;
- Peter Hobbs, Architect;
- Department of Planning and other relevant Government Departments (e.g. Public Transport Authority, Main Roads WA; Department of Housing);
- Utility Service Providers, such as Western Power and Water Corporation; and
- Town of Cambridge.

It is estimated that a Workshop will cost approximately \$6,500 (however, no firm quotes have been obtained to date). The costs would be as follows:

Item	Indicative Cost
Workshop Facilitator	\$2,500
Advertising	\$1,000
Catering	\$1,000
Workshop Stationery and Administration	\$1,000
Printing and Publication	\$1,000
TOTAL:	\$6,500

Independent Design Review

The Independent Design Review would review the existing Leederville Masterplan and associated Built Form Design Guidelines against the objectives, which were set for the project and other current Planning Principles.

The successful consultant selected to run the Independent Design Review would be expected to liaise with Peter Hobbs, formally of JCY to gain an understanding of the history of the project. Mr Hobbs has now formed his own Architect and building business.

Formation of a Working Group

The Leederville Masterplan/West Perth Regeneration Masterplan Working Group would meet as required.

Meeting Occurrence:	Meet as required
Date of Meeting:	When suitable
Time of Meeting:	6.00pm
Location of Meeting:	Town of Vincent – Committee Room
Purpose of Working Group:	<ul style="list-style-type: none"> • To act in an advisory capacity concerning the Leederville Masterplan and West Perth Regeneration Masterplan and make recommendations to the Council.
Non-Members of Council:	<ul style="list-style-type: none"> • Chief Executive Officer • Director Development Services • Director Technical Services • Director Corporate Services • Consultants by invitation

Review of Leederville Masterplan Objectives

The key objectives of the Leederville Masterplan, as outlined in the Leederville Town Centre Masterplan and Built Form Guidelines, are to:

- ‘Encourage sustainable density of development into the town centre, while retaining Leederville’s unique character;
- Capitalise on the location of the Leederville train station and to ensure development is consistent with the principles of Transit Oriented Development (T.O.D);
- Provide additional residential and commercial opportunities;
- Increase activation of street frontages;
- Encourage new opportunities for local employment;
- Enhance and maintain the opportunities for education and youth within the town centre; and
- Improve the quality, safety and security of the public realm.’

It is considered beneficial for the Town to undertake an Independent Design Review of the Leederville Masterplan and the associated key objectives as outlined above, in order to determine whether they are in keeping with, and continue to facilitate, the Town’s vision for the area.

In addition, it is envisaged that the Independent Design Review will include, but not be limited to:

- Determination of the appropriateness of the two podium tower structures on the Town’s on-grade car park “The Avenue”, in the Oxford Markets Precinct. The structures are indicative only, and hence it is important to examine whether they will provide the desired outcomes as per the key objectives, particularly in relation to increasing the activation of the street frontage and built form;
- Review the proportions of residential versus commercial/office space for the two podium tower structures, particularly in light of the recent Expression of Interest the Town has submitted, relating to the provision of leased office accommodation in metropolitan activity centres;
- Review whether it is necessary to include minimum building heights in certain Precincts, namely, Precinct 1 – Oxford Street North, Precinct 4 – Oxford Markets Precinct Vincent Street, Precinct 5 – Entertainment Precincts 1 and 2, and Precinct 8 – Network City. If so, determine what minimum heights are considered appropriate, in order to avoid the underdevelopment of the subject sites;
- In light of the close proximity of the Leederville Masterplan to the Town of Cambridge’s West Leederville Masterplan area, examine whether the planning and urban design outcomes identified for West Leederville are congruous to those identified in the Leederville Masterplan, in order to facilitate best practice planning and urban design outcomes for both areas;
- Examine whether the Leederville Station Link identified in the West Leederville Masterplan (as released for public comment on 3 September 2010), will facilitate the better integration of the Leederville Masterplan and West Leederville Masterplan areas;

- Examined whether the Water Corporation’s proposed mixed use development is in line with the Town’s vision for the Leederville Masterplan area, particularly in relation to providing additional residential and commercial opportunities, as well as encouraging new opportunities for local employment; and
- In light of the close proximity of the Leederville Masterplan to the Town’s West Perth Regeneration Masterplan, examine whether the planning and urban design outcomes identified for West Perth are concurrent to those identified in the Leederville Masterplan, in order to facilitate best practice planning and urban design outcomes for both areas.

CONSULTATION/ADVERTISING:

The amended Built Form Guidelines will be advertised once a week for four (4) weeks, following the amendment of the Guidelines once an Independent Design Review and Peer Review Workshop are undertaken.

LEEDERVILLE MASTERPLAN UPDATED INDICATIVE TIMELINE:

Indicative Timeline as at September 2010

STAGES	INDICATIVE DATES
Stage 5 – Disposal of Land (Expression of Interest (EOI) and Tender Process)	
<ul style="list-style-type: none"> ▪ Receiving of three DPI Studies; <ul style="list-style-type: none"> ▪ Carr Place Precinct Study ▪ Leederville Station Precinct Study ▪ Integrated Public Transport and Access Study 	<p>Completed October 2008</p>
<ul style="list-style-type: none"> ▪ Advertise 3 DPI Studies, Draft Built-Form Guidelines, and the Traffic and Service Report. ▪ Community Workshop 	<p>Completed November 2008 Completed (November 2008)</p>
<ul style="list-style-type: none"> ▪ Report to a Council Forum on the findings of the Community Consultation submission concerning the Leederville Masterplan Integrated Transport Study, Leederville Station Precinct Study, Carr Place Precinct Study and design options for YMCA Headquarters 	<p>Completed February 2009</p>
<ul style="list-style-type: none"> ▪ Report to Council on the findings of the Community Consultation submission concerning the Leederville Masterplan Integrated Transport Study, Leederville Station Precinct Study, Carr Place Precinct Study and design options for YMCA Headquarters 	<p>Completed February 2009</p>
<ul style="list-style-type: none"> ▪ Special Meeting of Council to defer project for 12 months due to Global Financial Crisis 	<p>Completed <i>16 March 2009</i></p>
<ul style="list-style-type: none"> ▪ Approval of Built-Form Guidelines 	<p>Completed <i>16 March 2010</i></p>
<ul style="list-style-type: none"> ▪ Presentation to Confidential Forum 	<p>Completed <i>6 September 2010</i></p>

STAGES	INDICATIVE DATES
<ul style="list-style-type: none"> ▪ Council Decision to proceed with Stage 1 or amend Built Form Guidelines ▪ To allow for Hotel/Serviced Apartment/Office Building ▪ To determine land details and Public Access Way 	<p>28 September 2010 Deferred</p>
<ul style="list-style-type: none"> ▪ Call quotations for suitably qualified consultants who demonstrate experience with a variety of large and small scale urban design and master planning projects, to carry out an Independent Design Review of the Leederville Masterplan. 	<p>October – November 2010</p>
<ul style="list-style-type: none"> ▪ Call quotations for suitably qualified facilitator who demonstrates experience with urban design and master planning matters, to carry out Workshop for the Leederville Masterplan 	<p>October – November 2010</p>
<ul style="list-style-type: none"> ▪ Formation of a Working Group 	<p>November 2010</p>
<ul style="list-style-type: none"> ▪ Report to Council with a recommended consultant to carry out the Independent Design Review of the Leederville Masterplan and the recommended facilitator to undertake the separate Workshop. 	<p>23 November 2010</p>
<ul style="list-style-type: none"> ▪ Workshop for the Leederville Masterplan to be undertaken. 	<p>February 2011</p>
<ul style="list-style-type: none"> ▪ Independent Design Review Consultants, to prepare a report which assesses how the Objectives of the Leederville Masterplan have been met by the Leederville Masterplan and related Design Guidelines, the Water Corporation's proposed mixed use development, the Town of Cambridge's West Leederville Masterplan, and the Town of Vincent's West Perth Regeneration Masterplan. 	<p>February 2011</p>
<ul style="list-style-type: none"> ▪ Workshop Facilitator to prepare a report outlining points raised during workshop. 	<p>February 2011</p>
<ul style="list-style-type: none"> ▪ Report to Council regarding the findings of: <ul style="list-style-type: none"> ▪ the Independent Design Review; and ▪ Workshop findings. 	<p>February March 2011</p>
<ul style="list-style-type: none"> ▪ Undertake a Workshop for the Leederville Masterplan. 	<p>March 2011</p>
<ul style="list-style-type: none"> ▪ Report Workshop findings to Council 	<p>April 2011</p>
<ul style="list-style-type: none"> ▪ Preparation of EOI Documentation for 1st Stage (West of Oxford Street) ▪ Report to Council to approve EOI document and changes to Built Form Guidelines 	<p>June – December 2010 <u>April – July 2011</u> December 2010 <u>July 2011</u></p>
<ul style="list-style-type: none"> ▪ Advertise EOI (6 week process) 	<p>March 2011 <u>August 2011</u></p>
<ul style="list-style-type: none"> ▪ Evaluation of EOIs (Design, Financial, Objectives) 	<p>April 2011 <u>September 2011</u></p>
<ul style="list-style-type: none"> ▪ Preparation of Request for Tender Documents 	<p>April 2011 <u>November 2011</u></p>

STAGES	INDICATIVE DATES
<ul style="list-style-type: none"> ▪ Council Approval of Request for Tender Documents 	<p>May 2011 <u>December 2011</u></p>
<ul style="list-style-type: none"> ▪ Advertise Request for Tender (12 weeks) 	<p>June – August 2011 <u>February – April 2012</u></p>
<ul style="list-style-type: none"> ▪ Evaluation of Tenders 	<p>August – September 2011 <u>May – June 2012</u></p>
<ul style="list-style-type: none"> ▪ Council Approval of Tenderer(s) (or JV Partners) 	<p>October 2011 <u>July 2012</u></p>
<ul style="list-style-type: none"> ▪ Preparation of Documentation 	<p>October – December 2011 <u>August – December 2012</u></p>
<ul style="list-style-type: none"> ▪ Preparation of Business Plan for Major Land Transaction 	<p>January – February 2012 <u>January – February 2013</u></p>
<ul style="list-style-type: none"> ▪ Council Approval of Business Plan Documents 	<p>March 2012 <u>March 2013</u></p>
<ul style="list-style-type: none"> ▪ Advertise Business Plan/Major Land Transaction (6 weeks) 	<p>March – April 2012 <u>March – April 2013</u></p>
<ul style="list-style-type: none"> ▪ Consideration of Business Plan Submissions 	<p>April 2012 <u>April 2013</u></p>
<ul style="list-style-type: none"> ▪ Council Decision of Major Land Transaction Business Plan to proceed (or discontinue with Major Land Transaction) (Council decision to proceed to Design/Implementation Stage) 	<p>May 2012 <u>May 2013</u></p>
<p>Stage 6 – Preparation of Design Plans and Subdivision</p> <ul style="list-style-type: none"> ▪ Detailed Public Realm Design ▪ Preparation of Design Guidelines ▪ Preparation of Detailed Civil Design ▪ Preparation of Landscape Plan – Themes ▪ Preparation of Subdivision Documentation ▪ Presentation to Council for Approval of above 	<p>June – December 2012 <u>June – December 2013</u></p>
<p>Stage 7 – Development/Implementation - Stage 1 Land</p> <ul style="list-style-type: none"> ▪ Implementation/Construction 	<p>January 2013 – June 2017 <u>January 2014 – June 2018</u></p>
<p>Stage 8 – Development of Stage 2 Land (land east of Oxford Street)</p>	<p>To be advised</p>

Note: The above dates are contingent on the Council decisions being made as specified.

LEGAL/POLICY:

Town Planning Scheme No.1 and Associated Policies.

STRATEGIC IMPLICATIONS:

The matter is in keeping with the Town's Strategic Plan 2009-2014 - Plan for the Future, Objective 2.1 - *"Progress economic development with adequate financial resources"*, in particular Actions:

- “2.1.1 *Promote the Town as a place for investment, appropriate to the vision for the Town.*”
 - (d) *Promote tourist activity with the Town and review the Town’s facilities in terms of attracting regional events and programs.*
- 2.1.2(a) *Establish public/private alliances and partnerships to attract external funding and investment to enhance the strategic direction of the Town.*
- 2.1.2(b) *Develop partnerships with government agencies.*
- 2.1.2(c) *Work with State Government to encourage and promote more Government Office accommodation in the Town.*
- 2.1.3 *Promote business development.*
 - (b) *Develop and implement marketing strategy/opportunities to promote the Town (including Commercial centres) as a “Location of Choice”.*
- 2.1.7 *Implement the Leederville Masterplan.”*

SUSTAINABILITY IMPLICATIONS:

It is considered that the Leederville Masterplan will direct future development to occur in a manner that meets the community’s changing needs through the provision of a range of housing types and employment choices consistent with transit-oriented design principles and green building design. This is considered to be a sustainable future development.

FINANCIAL/BUDGET IMPLICATIONS:

The 2010/2011 Budget contains an amount of \$100,000 for the Leederville Masterplan – Consultants Fees.

Expenditure to Date - As at September 2010

Year	Budget	Expenditure
2005-2006	\$225,000	\$58,279
2006-2007	\$191,000	\$41,600
2007-2008	\$200,000	\$85,412
2008-2009	\$186,000	\$41,128
2009-2010	\$146,000	\$14,609
2010-2011	\$100,000	*\$7,500

(* approximately.)

It is considered that a Peer Review of the Leederville Masterplan will cost at least \$12,000 - \$20,000.

A workshop is estimated to cost at least \$6,000, plus an additional sum of \$6,000 to meet the participants costs.

Actual costs have not been obtained, to date.

COMMENTS:

There is strong evidence to support a change to the Built Form Guidelines to allow a mixed use development on "The Avenue" Carpark site – as outlined in the report.

In light of the above, it is recommended that the Council approve the Officer Recommendation.

9.4.5 Car Parking Strategy Implementation Plan 2010 - 2018 and Car Parking Communication and Publicity Strategy - Adoption

Ward:	Both Wards	Date:	6 October 2010
Precinct:	All Precincts	File Ref:	PLA0084
Attachments:			
Reporting Officer:	T Woodhouse, Co-ordinator Strategic Planning J Maclean, Manager Ranger and Community Safety Services		
Responsible Officer:	R Boardman, Director Development Services John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

- (i) **ADOPTS the:**
 - (a) *Car Parking Strategy Implementation Plan as shown in Confidential Appendix 9.4.5A;*
 - (b) *Car Parking Communication and Publicity Strategy and associated documentation as shown in Confidential Appendix 9.4.5B; and*
 - (c) *Car Parking Strategy Indicative Timeline as detailed in this report;*
- (ii) **AUTHORISES the Chief Executive Officer to call a Tender for the supply, delivery, installation and commissioning of Ticket Machines; and**
- (iii) **NOTES that regular reports will be submitted to the Council as the project is implemented.**

Moved Cr Lake, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Buckels

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

“(iv) REQUESTS that the “Frequently Asked Questions” document that is attached to the “Communication and Publicity Strategy” be made freely available, be included with the initial consultation letters that are sent out and be placed on the Town’s website, and that the document be updated to reflect any new questions which may be asked on a frequent basis.”

Debate ensued.

AMENDMENT PUT AND CARRIED (6-0)

(Cr Farrell, Cr McGrath and Cr Topelberg were on approved leave of absence.)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (6-0)

(Cr Farrell, Cr McGrath and Cr Topelberg were on approved leave of absence.)

COUNCIL DECISION ITEM 9.4.5

That the Council;

- (i) **ADOPTS the:**
 - (a) *Car Parking Strategy Implementation Plan as shown in Confidential Appendix 9.4.5A;*
 - (b) *Car Parking Communication and Publicity Strategy and associated documentation as shown in Confidential Appendix 9.4.5B; and*
 - (c) *Car Parking Strategy Indicative Timeline as detailed in this report;*
 - (ii) **AUTHORISES the Chief Executive Officer to call a Tender for the supply, delivery, installation and commissioning of Ticket Machines;**
 - (iii) **NOTES that regular reports will be submitted to the Council as the project is implemented; and**
 - (iv) **REQUESTS that the “Frequently Asked Questions” document that is attached to the “Communication and Publicity Strategy” be made freely available, be included with the initial consultation letters that are sent out and be placed on the Town’s website, and that the document be updated to reflect any new questions which may be asked on a frequent basis.**
-

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council's approval for the Car Parking Strategy Implementation Plan, Indicative Timeline and the Car Parking Communication and Publicity Strategy.

BACKGROUND:

At the Ordinary Meeting of the Council held on 9 March 2010, the Council considered a report relating to the Town's Car Parking Strategy 2010 and associated Precinct Parking Management Plans. At this meeting, the Council resolved in part as follows:

"That the Council;

- ...(vi) *AUTHORISES the Chief Executive Officer to prepare an Implementation Plan comprising; Short term recommendations (2010 to 2012), Medium term recommendations (2013 - 2017) and long term recommendations (2018+), outlined within the Draft Car Parking Strategy 2010 and associated Precinct Parking Management Plans 2010, to be reported to the Council by no later than 27 April 2010;*
- (vii) *REQUESTS that the Implementation Plan referred to in clause (vi) above, include alternative models for financing the new ticket machines referred to in clause (v) (a), including finance arrangements whereby the cost of the machine can be amortised over several years and paid for from future income earned by the machines; and*
- (viii) *REQUESTS that the Implementation Plan referred to in clause (vi) include any required staff increases, and reports on the feasibility of introducing dedicated parking inspectors to enforce parking rules."*

Council Member Forums

To provide input from Council Members with respect to the content of the Implementation Plan and associated documentation, Council Member Forums have been held on 15 June 2010, 20 July 2010, 17 August 2010 and 21 September 2010 respectively. At these forums the following key matters were addressed and discussed:

- The proposed location and rationale of additional ticket machines;
- The proposed changes and rationale to parking restrictions and fee structures;
- The proposed changes to the Town's permit system; and
- The management of the publicity and consultation of the key recommendations within the Car Parking Strategy Implementation Plan.

During this period, the Town's Officers have also been provided additional information and feedback by Council Members and other key stakeholders in the community.

The consolidated actions that are detailed within the Car Parking Strategy Implementation Plan 2010 - 2018, seek to support both the overarching findings and recommendations within the Car Parking Strategy and the key recommendations detailed within the Precinct Parking Management Plans. The consolidated actions have also taken into consideration the matters raised by Council Members during the Council Member Forums and other information that has been made available to the Town's Officers, through various mediums. The implementation of the actions is to be read in conjunction with the Car Parking Strategy Communication and Publicity Strategy, which forms a confidential attachment to this report, and the Indicative Timeline outlined in the 'Details' section below.

DETAILS:

Car Parking Strategy Implementation Plan

To address clauses (vi), (vii) and (viii) of the above Council resolution from its Ordinary Meeting held on 9 March 2010, a Car Parking Strategy Implementation Plan has been prepared and is shown as a Confidential Appendix 9.4.5A.

The Implementation Plan comprehensively details the various actions required, the responsible officer, budget and indicative timeframe. This document is primarily a tool for the Town's Administration and for information of the Council Members.

Additional Employees and Resources

It is acknowledged that additional employees and resources will be required to ensure that the Town can satisfactorily administer and enforce the Car Parking Strategy. The installation of ticket machines, changes to restrictions and other requirements of the Strategy will cause increased workload, whilst at the same time increasing revenue.

A detailed report will be prepared for consideration during the preparation of the 2011-2012 Draft Budget, for the consideration of the Council. A preliminary indication is as follows:

Item	Amount
1. Additional Ranger(s)/Enforcement Officer(s) (salary and on-costs)	\$75,000 each
2. Additional Customer Service Officer (salary and on-costs)	\$55,000 each
3. Additional workstation(\$1,800), computers (\$2,500), phones (\$400), mobile phone (\$400)	\$10,000
5. Additional funds for advertising, stationery, legal expenses	\$50,000

Rangers Services or a Separate Parking Inspector Unit?

The matter of whether to use Rangers or separate Parking Inspectors to enforce parking rules was previously considered as part of the Organisation Review carried out in 2003. It is covered on pages 91 and 92 of the report. The report recommended as follows:

“Recommendation 51:

Ranger Services is not separated to distinguish between Parking and general Ranger functions.”

The report recommendations were considered at a Special Meeting of Council held on 19 August 2003 and 14 October 2003, whereby Recommendation 51 was endorsed by the Council.

The Chief Executive Officer considers that the Recommendation is still valid. However, it is acknowledged that operationally, the Manager Ranger Community and Safety Services will prepare rosters which will entail a significant component of parking enforcement for the Rangers (e.g. Day Shift Rangers).

The Town’s Ranger and Community Safety Services Section currently comprises:

- Manager;
- Co-ordinator/Prosecution Officer (part time);
- Co-ordinator Ranger Services;
- Senior Ranger;
- Rangers (x 9);
- Rangers – day shift only (x 2)
- Co-ordinator Statutory Processes;
- Customer Service Officer – full time (x 3);
- Customer Service Officer – part time (x 1);
- Clerical Assistant – part time; and
- Co-ordinator Safer Vincent.

As can be seen from the above establishment, the Town employs two day shift Rangers whose duties are almost exclusively related to parking matters. These Rangers inspect on a daily basis the Town’s commercial centres, car parks and areas with restrictions. Whilst at the same time of performing parking enforcement, they also perform other duties if they identify non-compliance (e.g. obstructions to footpaths by alfresco dining furniture, littering, vandalism and graffiti).

As the Council is aware, due to the Town’s close proximity to the City’s Central Business District and also due to its commercial centres which attract night life activities, Rangers are rostered on shifts to ensure as wide a coverage as possible. The employment of Rangers to enforce parking duties will allow the Town the continued flexibility of obtaining the maximum benefit from a multi-skilled employee. A Ranger is multi-skilled and can perform a variety of tasks, as required, whereas a Parking Inspector is restricted to enforcement of parking only. The current arrangement works well, however, it will be reviewed over the forthcoming months, during which time a comprehensive report and financial implications will be detailed.

It is considered that the deployment of Rangers/Enforcement Officers is a day-to-day administrative matter, which is the responsibility of the Chief Executive Officer. The Local Government Act 1995, Section 5.41 prescribes the role of the Chief Executive Officer, which includes; *“manage the day to day operations of the local government”*.

INDICATIVE TIMELINE

As this project is significant and will span a number of years, an Indicative Timeline has been prepared. The Timeline is contingent upon critical decisions being made by the Council, as indicated.

An accompanying Indicative Timeline has also been prepared, as outlined below.

High Priority 2010 – 2012

Action	Indicative Dates
1. General Publicity and Promotion	
• General Information in Local Newspaper	November 2010
• Information on Town's Website	November 2010
• Telephone information 'on-hold'	November 2010
• Information at Town's Library, Administration and Civic Centre and Beatty Park	November 2010
• Information in December Newsletter	December 2010
2. Installation of Ticket Machines	
• Finalisation of Tender Documents	October 2010
• Commence Tender	October 2010
• Assess Tenders received	November 2010
• Report to Council on preferred tender	December 2010
• Consultation on proposed location of ticket machines	February/March 2011
• Installation of Ticket Machines	April/May 2011
3. Amendments to Parking Restrictions	
• Report to Council to amend Local Law	December 2010
• Advertise proposed changes to Local Law (including targeted consultation)	February/March 2011
• Report to Council to ratify changes to Local Law	April 2011
• Amendment to Local Law in Government Gazette	April 2011
• Amendment to local law finalised	April 2011
• New signage installed	April/May 2011
4. Preparation of Way Finding Strategy	
• Quotations called for consultant to prepare Strategy	November 2010
• Assess Quotations received	December 2010
• Report to Council on preferred consultant	February 2011
• Way Finding Strategy prepared	March/April 2011
• Way Finding Strategy advertised	May 2011
• Way Finding Strategy adopted by Council	June 2011
5. Installation of Way Finding Signage	
• Stage 1 (Leederville, Mount Lawley/Highgate, Perth)	July/August 2011
• Stage 2 (Mount Hawthorn, North Perth)	September/October 2011
6. Investigate and Recruit Additional Enforcement Staff, Resources & Purchase Improved Enforcement Technology	
• Include request in 2011/2012 Draft Budget	March 2011
• Council endorse 2011/2012 Budget	May 2011
• Recruitment of enforcement staff advertised	July 2011
• Appointment of new enforcement staff	August/September 2011
• Purchase and implementation of new technology	October 2011
7. Replacement of Existing Ticket Machines with New Technology	
• On-going replacement program	On-Going

Action	Indicative Dates
8. Review of Town's Policy No. 3.7.1 relating to Parking and Access	
• Commence internal review of Policy	July 2011
• Report review to Council Member Forum	November 2011
• Report to Council to advertise amended draft Policy	February 2012
• Advertise amended draft Policy	February/March 2012
• Report to Council to endorse amended draft Policy	April 2012
• Final advertising of amended draft Policy	May 2012
9. Review of Parking Benefit District Concept	
• Commence internal review of concept	January 2012
• Report review to Council Member Forum	May 2012
• Report to Council to advertise concept	June 2012
• Advertise concept	July/August 2012
• Adopt concept	August 2012

Medium Priority 2013 – 2017

Action	Indicative Dates
1. Undertake Parking Surveys	
• Quotations called for consultants to undertake surveys	February 2013
• Report to Council with preferred consultant	April 2013
• Consultants undertake surveys	May/June 2013
• Consultants submit survey report	July 2013
• Survey report endorsed by Council	August 2013
• Survey results used to inform budget requirements for 2014/2015, including the allocation of resources for additional ticket machines if required.	March 2014
2. Research Parking Arrangements for High Density Developments	
• Internal review of parking arrangements for high density developments, in particular on-street parking	March 2013
• Report to Council Member Forum on review	May 2013
• Report to Council on review	July 2013
3. Management of Private Car Parking in Town Centres	
• Internal review of private car parking arrangements in Town Centres, including investigating shared parking arrangements	March 2013
• Report to Council Member Forum on review	May 2013
• Report to Council for consideration	June 2013
• Advertise amendment to Local Law on Government Gazette	March 2011
• Amendment to local law finalised	March 2011
4. Maintenance and re-design of off-street Car Parks	
• Report to Council on options to re-design existing off-street car parks, including: Barlee Street Car Park and Rosemount Hotel and View Street Car Park	March 2014
• Resolution of above report to inform 2014 - 2015 Budget	May 2014

Low Priority 2018+

Action	Indicative Dates
1. Introducing Maximum Parking Ratios	
<ul style="list-style-type: none"> Internal review of the Town's Parking and Access Policy with respect of introducing maximum parking ratios in activity centres and growth corridors 	February 2018
<ul style="list-style-type: none"> Report to Council Member Forum 	April 2018
<ul style="list-style-type: none"> Report to Council to advertise amendments 	May 2018
<ul style="list-style-type: none"> Advertise amendments 	May/June 2018
<ul style="list-style-type: none"> Report to Council to endorse amendments 	July 2018
<ul style="list-style-type: none"> Final advertising 	August 2018
2. Consideration of 2P Parking on Residential Streets	
<ul style="list-style-type: none"> Internal surveys undertaken on areas subject to all day commuters and locations of high-density residential developments 	March 2018
<ul style="list-style-type: none"> Report to Council Member Forum on review 	May 2018
<ul style="list-style-type: none"> Report to Council on review 	July 2018

Ticket Machines

Tender

The Car Parking Strategy recommends that at least 132 ticket issuing machines be procured by the Town. As the cost involved exceeds \$100,000, it will be necessary to call a tender in accordance with the Local Government Act Requirements. The Tender documentation will allow for a variety of funding arrangements for the ticket issuing machines. This may include, but is not limited to:

- outright purchase;
- lease;
- deferred payment method; and
- percentage payment to offset cost, against revenue.

The Tender will also specify that sustainable technology and suitable equipment will be required and on-going support and training is to be provided.

The Council has approved of the Town's Manager Ranger Community and Safety Services and Co-ordinator Strategic Planning Unit to attend the National Parking Convention to be held in Sydney, in November 2010. This Convention will have an extensive trade display whereby, all the major companies operating in Australia will display and demonstrate their products.

The calling of a Tender during October 2010 is considered most beneficial and the timing will ensure a competitive range of Tenderers will be received. Accordingly, it is considered most beneficial for the Town to advertise during mid to late October 2010 and Council approval for this is requested.

Finance Option

In terms of clause (vii) of the Council resolution from its Ordinary Meeting held on 9 March 2010, the following information has been provided by Luxmoore Parking Consultants on the various options available to the Town terms of models to finance the new additional ticket machines:

Option 1 - An Interest Only Loan to be paid off within say 2 years.

The revenue generated from the new ticketing machines to be collected in a reserve fund, specifically to repay the loan for the new ticketing machines. The estimated loan is \$1.8 million.

Option 2 - A Capital and Interest Loan to be paid off over a 5 year period.

The loan would be repaid through standard budget surplus. No specific reserve fund would be created. As above, the estimated loan would be an estimated \$1.8 million.

Option 3 - Ticketing Machines acquired through a lease arrangement to be leased under a three year lease agreement.

Option 4 - Ticket machines to be purchased and paid by instalments payments through the implementation period:

- Percentage payment on award of the tender;
- Percentage payment of the installation of the machines; and
- Percentage payment after 12 months of use.

At a meeting held on 29 April 2010, Luxmoore Parking Consultants advised the Town, that a loan of \$1.8 million could be readily paid off through revenue generated from the proposed installation of 132 new ticketing machines in a 1 - 2 year period. Luxmoore Parking Consultants have also advised the Town that the exact model adopted by the Town to fund the ticketing machines should be finalised at the time of selecting the preferred tender.

Preferred Financing Model

As such, it is envisaged that on finalisation of the preferred tender, the preferred and most beneficial financing model will be reported to Council and the above Car Parking Strategy Implementation Plan will be amended accordingly.

CONSULTATION/ADVERTISING:

Given the overarching recommendations in the Car Parking Strategy and Precinct Parking Management Plans promote a significant shift in the Town's traditional 'supply and demand' approach to parking, it is recognised that appropriate consultation and publicity will be required to effectively implement the key actions of the Car Parking Strategy Implementation Plan 2010 – 2018.

Car Parking Communications and Publicity Strategy

To address this, a Car Parking Strategy Communication and Publicity Strategy and associated Car Parking Strategy "Frequently Asked Question" Sheet have been prepared for internal administrative purposes and for the information of the Council Members, and are attached as a confidential Appendix 9.4.5B.

The document has been drafted for the purpose of publicity and consultation in relation to the Town's Car Parking Strategy, Precinct Parking Management Plans and Car Parking Strategy Implementation Plan and should not be released to the public.

The recommendations within the Car Parking Strategy, Precinct Parking Management Plans and Car Parking Strategy Implementation Plan, present a paradigm shift in the Town's approach to managing parking. Effective consultation is required, to ensure that the key stakeholders are informed of the proposed changes; that they are informed of the rationale for the recommendations and to minimise any negative publicity which may arise.

The recommendations within the Car Parking Strategy, Precinct Parking Management Plans and Car Parking Strategy Implementation Plan, are diverse in terms of their scope and relative impact on the community in the short, medium and long term. For this reason, it is proposed that targeted consultation and education more generally, is undertaken by various methods, and at different stages.

The document aims to provide a framework that enables the Town to ensure that the recommendations within the Car Parking Strategy, Precinct Parking Management Plans and Car Parking Strategy Implementation Plan are delivered in a transparent, consistent and effective manner.

The document seeks to ensure positive co-operation within the Council and the broader community by providing a sound framework and methodology to deliver the key initiatives of the Car Parking Strategy Implementation Plan 2010 – 2018.

Communication Objectives

The Communication Objectives are as follows, to:

- inform the community about what is being proposed and why;
- ensure that any publicity relating to the Car Parking Strategy Implementation Plan 2010 – 2018 reflects positively on the Town;
- minimise any negative publicity which may arise;
- ensure that any negative publicity or complaints are handled in a professional and positive manner; and
- ensure that the Town's publicity encourages a greater understanding and support for the travel demand approach to car parking in the Town.

LEGAL/POLICY:

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

Town of Vincent Local Law relating to Parking and Parking Facilities 2007.

Local Government Act 1995 and Regulations relating to Tenders.

STRATEGIC IMPLICATIONS:

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

"Objective 1.1: Improve and Maintain the Environment and Infrastructure:

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

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

SUSTAINABILITY IMPLICATIONS:

The long-term sustainability of the Town's current parking operations are questioned in the Car Parking Strategy Review Report that was adopted by the Council at its Ordinary Meeting held on 9 March 2010. The Strategy Review Report details methods in which the Town can affect a paradigm shift in its methods of providing and managing parking throughout the Town, with a view to achieving greater sustainability. These principles are supported further in the recommendations detailed in the Precinct Parking Management Plans and have been consolidated in the Car Parking Strategy Implementation Plan 2010 – 2018.

FINANCIAL/BUDGET IMPLICATIONS:

The 2010/2011 Budget has funds available for the following key actions in the Implementation Plan:

- Installation and consultation of additional ticket machines;
- Installation of consultation of changes to parking restrictions; and
- Preparation of a Way Finding Strategy.

COMMENTS:

It is considered that the content, structure and anticipated functionality of the Car Parking Strategy Implementation Plan 2010 - 2018 will provide a practical basis to ensure that the actions, as they relate to improving the management of car parking at the Town, are implemented in an efficient and timely manner and guided by the Communication and Publicity Strategy.

The Town's Administration has spent considerable time, effort and resources to research and prepare the necessary documentation for this important and sensitive matter, to ensure that smooth implementation can be achieved.

The Chief Executive Officer is of the opinion that all necessary preparation has been carried out. Once the Council has approved the matter, it can be progressed in a timely manner, in accordance with the Indicative Timeline and associated strategies and documentation.

It is considered that the Town's Administration will and should respond to ratepayer, resident and media enquiries, in the first instance. This procedure was adopted during the consideration and review of the Town's Municipal Heritage Inventory – and proved to be most successful.

It is acknowledged that some resistance and objections will be received, however, if the above is followed, it should be satisfactorily managed in an open, and transparent manner.

In view of the above, it is recommended that the Council adopts the Car Parking Strategy Implementation Plan 2010 – 2018, Indicative Timeline and the Communication and Publicity Strategy and approves of the Officer Recommendation.

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

Nil.

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

PROCEDURAL MOTION

At 7.04pm Moved Cr Lake, Seconded Cr Burns

That Council proceed “behind closed doors” to consider confidential item 14.1, as this matter relates 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.

PROCEDURAL MOTION PUT AND CARRIED (6-0)

(Cr Farrell, Cr McGrath and Cr Topelberg were on approved leave of absence.)

There was one (1) member of the public and two (2) journalists present, who departed the Chamber at 7.04pm.

PRESENT:

Mayor Nick Catania, JP	Presiding Member
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward
Cr Taryn Harvey	North Ward
Cr Sally Lake (<i>Deputy Mayor</i>)	South Ward
Cr Dudley Maier	North Ward
John Giorgi, JP	Chief Executive Officer
Helen Smith	A/Director Development Services
Rick Lotznicker	Director Technical Services
Jacinta Anthony	A/Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)

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

14.1 CONFIDENTIAL REPORT - Nos. 317-321 (Lots 13, 14 and Y12 D/P: 880) Vincent Street, Dual Frontage to The Avenue, Leederville - Proposed Demolition of Existing Service Station and Construction of Service Station with Associated Signage - State Administrative Tribunal (SAT) Review Matter No. DR 361 of 2009-Conditions Without Prejudice

Ward:	South	Date:	5 October 2010
Precinct:	Oxford Centre; P04	File Ref:	PRO0464; 5.2008.389.1
Attachments:	-		
Reporting Officer(s):	R Rasiah, Coordinator Statutory Planning		
Responsible Officer:	R Boardman, Director Development Services		

That the Council;

(i) *RECEIVES the report relating to Nos. 317-321 (Lots 13, 14 and Y12 D/P: 880) Vincent Street, Dual Frontage to The Avenue, Leederville - Proposed Demolition of Existing Service Station and Construction of Service Station with Associated Signage - State Administrative Tribunal (SAT) Review Matter No. DR 361 of 2009 - Draft Conditions Without Prejudice; and*

(ii) *FILES and SERVES the following draft "without prejudice" conditions if the SAT is inclined to approve the above proposal and in response to the SAT Orders dated 24 September 2010;*

(a) **Building**

(1) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Vincent Street and The Avenue; and*

(2) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted to and approved by the Town;*

(b) **Signage**

The proposed signage shall:

(1) *be subject to a separate Sign Licence application being submitted to and approved by the Town prior to the erection of the signage;*

(2) *not have flashing or intermittent lighting;*

(3) *be kept in good state of repair, safe, non-climbable, and free from graffiti for the duration of its display on-site; and*

(4) *all proposed signage to be contained within the subject site;*

(c) **Car Parking and Accessways**

(1) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*

- (d) *the maximum total gross floor area of the shop component shall be limited to 198 square metres;*
- (e) *no street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorized pruning;*
- (f) *archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*
- (g) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*

(h) **Fencing**

Any new street/front wall, fence and gate within the Vincent Street, Leederville Parade and The Avenue setback area, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences;

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

(1) **Construction Management Plan**

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

- (a) *public safety, amenity and site security;*
- (b) *contact details of essential site personnel;*
- (c) *construction operating hours;*
- (d) *noise control and vibration management;*
- (e) *Dilapidation Reports of nearby properties;*
- (f) *air and dust management;*
- (g) *stormwater and sediment control;*
- (h) *soil excavation method (if applicable);*
- (i) *waste management and materials re-use;*
- (j) *traffic and access management;*
- (k) *parking arrangements for contractors and subcontractors;*
- (l) *Consultation Plan with nearby properties; and*
- (m) *any other matters deemed appropriate by the Town;*

(2) **Landscape and Reticulation Plan**

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

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

- (a) *the location and type of existing and proposed trees and plants;*
- (b) *all vegetation including lawns;*
- (c) *areas to be irrigated or reticulated;*
- (d) *proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and*

- (e) *separate soft and hard landscaping plans (indicating details of plant species and materials to be used).*

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

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

(3) **Acoustic Report**

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

(4) **Amalgamation of Lots**

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

(5) **Refuse Management**

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

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

Commercial:

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

- (6) *A revised tanker access proposal including sweep paths and depicting tanker access to and from the site from Vincent Street only. The revised proposal shall be submitted to and approved by the Town;*

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

Car Parking

- (1) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town; and*
- (2) *prior to the first occupation of the development, the car parking spaces, provided for the development shall be clearly marked and signposted; and*

- (k) **Department of Planning (DoP/Western Australian Planning Commission (WAPC) Requirements**

- (1) *the applicant/owner shall comply with the comments and conditions of the DoP/WAPC at the applicant(s)/owner(s)' full expense.*

COUNCIL DECISION ITEM 14.1

Moved Cr Lake, Seconded Cr Maier

That the recommendation be adopted.

MOTION PUT AND CARRIED (6-0)

(Cr Farrell, Cr McGrath and Cr Topelberg were on approved leave of absence.)

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it relates to the Town's position regarding a review application to the State Administrative Tribunal, 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 Section 5.23 of the Local Government Act, the report is to be kept confidential until determined by the Council to be released for public information.

LEGAL:

The Local Government Act 1995, Section 5.23(2) prescribes that a meeting or any part of a meeting may be closed to the public when it deals with a range of matters.

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

"2.15 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 to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007."*

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

At the conclusion of these matters, the Council may wish to make some details available to the public.

PROCEDURAL MOTION

At 7.07pm Moved Cr Burns, Seconded Cr Harvey

That the Council resume an "open meeting".

PROCEDURAL MOTION PUT AND CARRIED (6-0)

(Cr Farrell, Cr McGrath and Cr Topelberg were on approved leave of absence.)

15. CLOSURE

There being no further business, the Presiding Member, Mayor Nick Catania, declared the meeting closed at 7.07pm with the following persons present:

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

No members of the Public were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 12 October 2010.

Signed:Presiding Member
Deputy Mayor, Cr Sally Lake

Dated this day of 2010