



TOWN OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

13 MAY 2008

This document is available in the following alternative formats upon request for people with specific needs; large print, Braille, audio cassette and computer disk

INDEX
(13 MAY 2008)

ITEM	REPORT DESCRIPTION	PAGE
10.1 DEVELOPMENT SERVICES		
10.1.1	Further Report - Proposed Scheme Amendment No. 25 to the Town of Vincent Town Planning Scheme No.1 – Clause 20(4) Relating to No Multiple Dwellings; and Proposed Policy Amendment No. 53 - Draft Policy Relating to Multiple Dwellings (PLA0192)	123
10.1.2	Nos. 450-450A (Lot: 6 D/P: 1843) Fitzgerald Street, corner Wasley Street, North Perth - Security Bars Addition to Existing Shop (Application for Retrospective Approval (PRO2760)	44
10.1.3	Nos. 53-61 (Lot 48 D/P: 2324) Grosvenor Road, Corner Hutt Street, Mount Lawley - Proposed Partial Demolition of and Alterations and Additions to Three (3) Existing Single Storey Grouped Dwellings. (PRO3940)	47
10.1.4	Nos. 16-18 (Lot: 36 D/P: 3660) Knutsford Street , corner Nova Lane, North Perth - Proposed Conversion of Six (6) Multiple Bedrooms, Multiple Dwellings to Six (6) Single Bedroom Multiple Dwellings and Construction of an Additional Two (2) Two-Storey Grouped Dwellings (PRO3193)	91
10.1.5	No. 87 (Lot: 39, Strata Lot: 1 STR: 11634) Walcott Street, Mount Lawley - Proposed Change of Use from Single House to Consulting Rooms (Medical Practitioners) and Associated Alterations and Additions (PRO4166)	135
10.1.6	Nos. 117A-119 (Lot: 8 and 9, D/P: 854) Richmond Street, Leederville - Proposed Demolition of Single House and Construction of Two (2) Two-Storey with Loft Multiple Dwellings and Two (2) Three-Storey Multiple Dwellings (PRO4279)	115
10.1.7	Nos. 17-23 (Lot: 33 D/P: 54789) Harwood Place, West Perth - Proposed Demolition of Existing Building and Construction of Four-Storey Development Comprising Twelve (12) Two Bedroom and Four (4) Single Bedroom Multiple Dwellings and Associated Car Parking (PRO3547)	23
10.1.8	Final Rescission of Policies Relating to Residential Design Guidelines (PLA0141)	54
10.1.9	Amendment No. 52 to Planning and Building Policies – Parking and Access Policy – Introduction of Car Parking Requirements for Small Bars (PLA0154)	139
10.1.10	Town of Vincent Non-Conforming Use Register – Stage 1 – Deletion of Non-Conforming Use at No.6 (Lot 2) London Street, North Perth (PRO3010)	58
10.1.11	Winter Air Quality Improvement Initiative - Smart Burn Block Subsidy Programme (ENS0027)	142
10.1.12	Western Australian Tobacco Action Plan 2007-2011 (ENS0077)	62
10.1.13	Nos. 179-183 (Lot: 102 D/P: 20762) Charles Street, Dual Frontage to Oak Lane, West Perth - Proposed Eight (8) Three-Storey Grouped Dwellings (Reconsideration of Condition) – State Administrative Tribunal (SAT) Review Matter No. DR 85 of 2008	32

10.2 TECHNICAL SERVICES

10.2.1	Progress Report No. 3 - Drinking Water Initiatives (TES0578) All Precincts	144
10.2.2	Progress Report No. 3 - Possible Strategies to Reduce Speed Limits on Higher Order Roads within the Town – Proposed Fitzgerald Street Speed Cushion Trial (TES0173) All Precincts	65

10.3 CORPORATE SERVICES

10.3.1	Investment Report as at 30 April 2008 (FIN0033)	155
10.3.2	Annual Plan - Capital Works Programme 2007/2008 - Progress Report No 3 as at 31 March 2008 (FIN0025)	69
10.3.3	Authorisation of Expenditure for the period 1 - 30 April 2008 (FIN0009)	71
10.3.4	Fees and Charges for Budget 2008/2009 (FIN0025)	157
10.3.5	Community Welfare Grants and Donations 2007/2008 (FIN0165)	163
10.3.6	Cultural Development Plan Leederville Masterplan Area (PLA0153)	172
10.3.7	Parks and Reserves Strategy/Recreational Needs Analysis	106

10.4 CHIEF EXECUTIVE OFFICER

10.4.1	Use of the Council's Common Seal (ADM0042)	74
10.4.2	Audit Committee held on 17 April 2008 - Receiving of Unconfirmed Minutes (FIN0106)	76
10.4.3	Members Equity Stadium Committee Meeting held on 28 April 2008 - Receiving of Unconfirmed Minutes (RES0082)	78
10.4.4	Communication Strategy Preparation and Implementation (CMS0008)	178
10.4.5	Town of Vincent - Review of Policies (ORG0023)	180
10.4.6	Loftus Centre Redevelopment, 99 Loftus Street, Leederville - Progress Report No. 26 and Approval of Public Artwork (RES0061)	80
10.4.7	Strategic Plan 2006-2011 – Progress Report for the Period 1 January 2008 – 31 March 2008 (ADM0038)	87
10.4.8	Delegations for the Period 1 January 2008 to 31 March 2008 (ADM0018)	188
10.4.9	Information Bulletin	89

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

- 11.1 Notice of Motion - Councillor Steed Farrell - Proposed Community Event - Welcoming Glendalough/Osborne Park Residents into the Town 191
- 11.2 LATE ITEM: Notice of Motion - Councillor Ian Ker – Myanmar (Burma) Cyclone NARGIS Appeal 192

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

- 12.1 WALGA Nominations (ORG0045): 195
- (i) WALGA Metropolitan Commissioner - Western Australian Local Government Grants Commission (Approval by Minister) (Panel of 6 names for Metropolitan Commissioner);
 - (ii) WALGA Metropolitan Deputy Commissioner - Western Australian Local Government Grants Commission (Approval by Minister) (Panel of 6 names for Metropolitan Deputy Commissioner);
 - (iii) WALGA Member (2) - Local Government Advisory Board (Approval by Minister) (Appointments to be made from a Panel of 9 Names); and
 - (iv) WALGA Deputy Member (2) - Local Government Advisory Board (Approval by Minister) (Appointments to be made from a Panel of 9 Names).

13. URGENT BUSINESS

- Nil. 196

14. CONFIDENTIAL REPORTS (*Behind Closed Doors*)

- 14.1 CONFIDENTIAL REPORT - Request for Approval of Naming of Main Gates (Vincent Street) for Leederville Oval (Medibank Stadium), 246 Vincent Street, Leederville (RES0052) 196
- 14.2 CONFIDENTIAL REPORT - Nos. 152-158 (Lot: 1 D/P: 964, Lot: 3 D/P: 11783), Fitzgerald Street, Perth - Proposed Demolition of Existing Warehouse and Construction of an Eight- Storey Mixed Use Development Comprising Thirty Five (35) Multiple Dwellings (Including 15 Single Bedroom Dwellings and 20 Two -Bedroom Dwellings), Office, Shop, Eating House and Associated Basement Car Park- State Administrative Tribunal (SAT) Review Matter No. DR 56 of 2008 (PRO3278) 198
- 14.3 CONFIDENTIAL REPORT - Alleged Subsidence in Residences Built on Unstable Ground Along Charles Street, North Perth (FIN0170) 205
- 14.4 CONFIDENTIAL REPORT – No. 560 (Lot 4 D/P: 692) Beaufort Street, Mount Lawley - Proposed Change of Use from Recreational Facility (Pool Hall) to Small Bar and Associated Alterations - State Administrative Tribunal (SAT) Review Matter No. DR 12 of 2008 (PRO0710) 207

15. CLOSURE

210

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 13 May 2008, commencing at 6.00pm.

1. DECLARATION OF OPENING

The Presiding Member, Mayor Nick Catania, JP, declared the meeting open at 6.03pm.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Cr Helen Doran-Wu	North Ward (unwell)
Cr Izzi Messina	South Ward (work related purposes)

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Anka Burns	South Ward
Cr Steed Farrell (Deputy Mayor)	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Noel Youngman	North Ward

John Giorgi, JP	Chief Executive Officer
Des Abel	A/Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services

Lindsay McPhee	Journalist – “ <i>The Guardian Express</i> ” (until approx 8.06pm)
----------------	--

Approximately 47 Members of the Public

(c) Members on Leave of Absence:

Nil.

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

The following questions were received from Members in the Public Gallery and read out by the Chief Executive Officer:

Q1. Mr James Taylor of 6 Chelmsford Road, Mt Lawley

(a) Mt Lawley Highgate Vision 2024

In what way is Council addressing the vision and associated values, issues and trends in the above document? Most significantly in relation to “No. 10: Parks and Community Facilities” and especially noting points 1-9 of “Guiding Principles” but not excluding all other points. How is Council responding to the concerns and aspirations of the Local Community identified above? Do you agree a master plan for Forrest Park is required?

(b) Proposed Forrest Park Club Rooms

To what extent are rate payers funding construction and ongoing maintenance?

Response:

The Chief Executive Officer advised that the question would be taken on notice.

Q2. Mr Rick Aitkin – 2 Cherstsey Street, Mt Lawley

Has the Council entered into any discussion with the landowners (Government Department) regarding the possibility of locating the proposed change rooms on part of the TAFE site. TAFE is reported to be vacating the site in 2010.

Response:

The Chief Executive Officer advised that the question would be taken on notice.

Q3. Ms Fran Tilley – 63 Harold Street, Highgate

Petition in relation to Forrest Park Pavilion:

- (a) Can the Council defer any deliberations regarding the proposed redevelopment of the Forrest Park Pavilion until after a special meeting of electors?

Response:

The Chief Executive Officer advised that the question would be taken on notice.

- (b) Residents would like an opportunity to minimise potential costs to rate payers by the building of an additional structure while the existing buildings are not being adequately maintained.

Response:

The Chief Executive Officer advised that the questions would be taken on notice.

- (c) Why has the Town not accepted the petition from Residents?

Response:

The Chief Executive Officer advised that this question will be answered during the Order of Business on tonight's Agenda.

- (d) Is the Town proposing to rezone Forrest Park?

Response:

No.

- Q4. Ms Merrian Styles – 71 Harold Street, Mt Lawley -Recreational Needs Analysis Find Report

In Town of Vincent Parks and Reserve Strategy Recreational Needs Analysis Final Report submitted to Council tonight Item 9.2. Reserve classification is rezoning Forrest Park to a Major Active – Seasonal Organised Use? How does this chance/affect dog owners, recreational users – like joggers, walkers and those exercising residents, who use the park on a daily basis and struggle to get time on the park due to excessive use by the Perth Junior Soccer Club?

Response:

The Chief Executive Officer advised that the question would be taken on notice.

- Q5. Ms Merrian Styles – 71 Harold Street, Mt Lawley

Petition in relation to Forrest Park Pavilion Proposal RES0003.

- (a) Will the Council please acknowledge receipt of the Petition related to this issue calling for a special electors meeting?

Response:

The Chief Executive Officer advised that the petition as submitted did not contain a name and address. He advised that yesterday, a person by the name of Danae Watkins of Barlee Street contacted the Town and indicated that she would be a contact for the Petition subsequently an email with an attached letter acknowledging the Petition was set to her yesterday. Furthermore, he advised that approximately 50 minutes ago he sent an email to M Styles in response to her email that she sent and a further email to Danae Watkins.

- (b) Will Council agree to defer any decision on the matter until after a special electors meeting is held and all relevant issues outlined on the petition is discussed with the Community?

Response:

The Chief Executive Officer advised that the question would be taken on notice.

- Q6. Maher Seyedí – 6/5 Broome Street, Highgate

- (a) Does Mayor of Vincent's son play soccer on the park concerned?

Response:

The Chief Executive Officer advised that he understood the answer to be no.

- (b) Can Soccer Club be considerate towards other people wanting to use the park – every bit of the park is exclusively reserved by soccer club and they should be more considerate towards other park users.

Response:

The Chief Executive Officer advised that the question would be taken on notice.

The following matters were raised by Members in the Public Gallery:

1. Ms Nicole Wyburn – 14 Knutsford Street, North Perth – Item 10.1.4. Advised that they have three main issues namely, overlooking, parking and access to their rear garage. Stated that the State Administrative Tribunal Judgement stipulated that in any future plans there was to be no overlooking into her property. Believes that Unit 7 and 8 do not adhere to the Judgement. Stated that internal courtyards are common in a high density area and she and questioned why that cannot happen here to prevent problems with neighbours, not just for them but also for the eastern property. Advised that children in the street use the footpaths to get to each others houses and there will now be cars reversing from the building across from them and this is a safety concern and she stated that it also did not meet building regulations and causes parking concerns. She advised this was the first development in the Street to cause anxiety to neighbours, reducing the available parking and causes people to park in Nova Lane which causes her difficulties exiting her garage and does not meet guidelines or density. She stated that at the time the properties were purchased, owners were advised that they were not able to subdivide. She stated that Planning Minister Alana McTiernan is not in favour of the developments in her street.
2. Ms Fran Tilley – 63 Harold Street, Highgate – Item 10.3.7. Expressed concerns that in the Report, Forrest Park is listed as a major active park with the recommendation that it be available to use to residents and local community outside of sport play times. She advised that the residents around the Park feel that the current usage of the Park by major sporting clubs is preventing reasonable access for residents of the area as the Park is currently used 7-days a week particularly in peak usage times between 4.00pm and 8.00pm when residents use the Park whilst it is being exclusively being used for sporting use. She asked that the Council consider the thoughts of the residents and rate payers expressed as part of a consultation process around the Park to try and ensure that there is adequate access and shared use of the Park and she believes that the proposal to have it unavailable outside of sport training and match play times is inappropriate for the needs of the community.
3. Mr Tony Merenda – 28 Loch Street, North Perth – Item 14.3. Advised that he was representing the Merenda Family, Mrs Paula Merenda of 241 Charles Street, North Perth and the other signatories on the Petition. He advised there he was looking for closure on the issue of subsidence of the unstable ground and they have been waiting over 10-years for compensation. Stated that when the fund was put up by the City of Perth and the Town of Vincent it was therefore known that there would be future cases of this occurring and people would require compensation. Advised that this issue has become a bit of a media event and probably will be until closure is made. Advised that the site was originally a rubbish tip. Stated that the residents purchased and built on the land in good faith and are looking for a sign of good faith in return. Advised that the property was zoned as a rubbish tip and a swamp, then filled over and inappropriately allowed to be built on. Does not understand how a previous Councils' decision to compensate people stopped at a fence line when all the houses where on the same rubbish tip.

4. Keith Greg – 24 Harwood Place, West Perth – Item 10.1.7. Expressed his gratitude to the Council as a 10-year resident of Harwood Place as he has witnessed a lot of development proposals in this very difficult Street and the Council has always regarded his comments with concern and sensitivity. Has great faith in the Council as they have been very considerate about the way they have handled proposals in the past. Stated that this proposal out-strips the regulations/conditions that the Council requires by such a long way that it was alarming to the residents and they appreciate that it has been recommended for refusal.

The Mayor advised that the Application had been withdrawn at the request of the applicant, however the Application may be resubmitted.

5. Jonathon Choy – 17 Hillside Crescent, Maylands – Item 10.1.4. Advised that as the Architect, he took on board what the State Administrative Tribunal would approve and has followed the recommendations. He has worked tirelessly with the Planning Department for over six months continuously amending the proposal to make the design work. Advised that in the application, the area of the service corridor has been designated as open space and they feel that they have been caught out on a technicality rather than the form of the development and asked for the proposal to be given support.
6. Matthew Chambers – 59 Harold Street, Highgate – Item 10.3.7. Stated that his first question was answered by the Chief Executive Officer. He advised that there are approximately 300 members of the Perth Junior Soccer Club with the view to incorporate female teams, at last count there were 40 members in the Perth Croquet Club of which the area of three large croquet lawns and the area of two clubrooms, currently unutilised account for approximately 12% of the current Forrest Park area. Stated that with quality public open space asset being scarce with local community the ratepayers are strongly against building on open space in Forrest Park. Asked that the area of the club lawns and two change rooms be better utilised so that all stakeholders compromise for a suitable outcome as no one key stakeholder is more important than another. Stated that if a suitable compromise can be met there needs to be a master plan for the Forrest Park area. Stated that given the intense sporting use of five to seven days per week on Forrest Park parking is a concern and asked that this be addressed by limiting the sporting usage at any one time.
7. Ms Merrian Styles – 71 Harold Street, Mt Lawley – Item 10.3.7. Regarding life expectancy of existing buildings and redesign/development of concept plan that takes into account all the users of the reserve, she advised that this is sentiment the community would support. Stated that the recommendation mirrors the recommendation they put forward in the Petition requesting a Master Plan to be developed. Questioned if the Council will agree to accept the communities request for the Council to take a long term view and develop a Master Plan for Forrest Park as per the statements in the 2024 Vision Statements which states “*we are a Council who takes a long term perspective*”.
8. Ms Danae Watkins – 9 Barlee Street, Mt Lawley – Item 10.3.7. Questioned what was the maximum number of persons allowed on the park at any one time in an organised activity? Stated that it states quite clearly that dog exercise that people want to exercise their dogs between the times of 5-7pm in Item 10.3.7 and she is wondering why the park is actually being hired out during those times when people want to walk in the Park.

9. Renae Huntley – 59 Harold Street, Highgate – Item 10.3.7. Stated that she is in full support of junior sport but has various concerns. She stated that it is proposed that the Mt Lawley TAFE will be vacated and turned into high density living within the next few years, common sense suggests that this will only increase the use and put more demand on the Park and parking facilities in the future and asked, should a Master Plan be considered? She stated that the only feasible reason thus far presented to building new club rooms has been that the Perth Junior Soccer Club would like to introduce more female players to their club, if this is the only reason has the Town considered extensions for a female toilet rather than club rooms. She also stated that upon invitation a resident was able to look at the inside of the current facilities available to the Perth Junior Soccer Club, this is currently not used and full of unused office goods. She stated that it begs the question has the Soccer Club ever used or even considered using the current facilities available to them and how do they even know that these are inadequate? She asked how much of the project are the rate payers having to support through our yearly rates and the sale of the child health care clinic on Harold Street in a percentage and dollar value? She advised that Mayor Catania was quoted by the media as stating that there would be an allocated area for passive recreational use and dog walking for all hours during the week, when will this be actioned? Also queried if the Soccer Club has considered the reduction of space there will be to play and practice soccer when an allocated recreational area is put in place and surely this begs the question of what is the long term feasibility of them remaining at Forrest Park and is a brand new building of proposed portions really necessary? Stated that the safety of the soccer players should be everyone's concern as she has witnessed on more than 10 occasions to date, soccer balls and children running across the road with total disregard to traffic, has anyone considered the appropriateness of Forrest Park as a soccer practice and playing area regarding safety and what will it take before someone realises that Forrest Park is a Park and what it isn't is playing fields or an oval. She advised of her parking concerns around the Park due to the overflow of vehicles due to soccer and Beaufort Street shoppers, how and when will this been addressed as she believe this is part of the Agenda and Proposal put forward at the previous Town Election and is part of the Vincent Vision 2024. She stated that on several occasion she has heard Mayor Catania say how approachable he and the Councillors are at the Town and if this is the case has anyone considered responding to her email regarding her parking concerns experienced on Harold Street dated 17 March 2008. She stated and referred to the Vincent Vision 2024 page 33 "Community facilities meet the needs of local residents."
10. Donnelle Phillips – 16 Barlee Street – Item 10.3.7. Requested more parking signs in her Street. Stated that permit zones parking are in existence up to Harold Street down to Members Equity Stadium which do not allow parking from 2.00-11.00pm. Believes that Clarence, Barlee, Gerald and Roy Streets need the same signs. Advised that there was a lady with a two year old child that came home from grocery shopping, could not get a parking and had to park on the other side of Walcott Street and lug shopping and child across peak hour traffic.
11. Rick Aitkin – 2 Cherstsey Street, Mt Lawley – Item 10.3.7. Advised that he is a property developer and believes that the proposed plans appear to have been done with absolute and undue haste and it is quite simple to have a much superior building that would probably appease most people and therefore fully supports a Master Plan and further discussion on the entire proposal. Stated that after 10-years of living in the area he sympathises with residents regarding the parking concerns and safety issues in the area.

12. Eddie van Eten – 13 Knutsford Street, North Perth – Item 10.1.4. Stated that the Town's Officer has recommended refusal for a few reasons but the main one being that it does not meet the site requirements even if an R60 code is applied, which he thinks is generous. Expressed concern about having too many units on that area of land given the current parking concerns. Advised that there is already a 25 unit development going up at the top of the Street which further exacerbate the current parking problems. Advised that he is not convinced that all the State Administrative Tribunal Recommendations have been followed, in particular overlooking issues, even if screening up erected it can easily be removed.
13. Anthony Rechichi – 218 William Street, Northbridge – Item 10.1.6. Advised that he had sent the Town an email and letter of argument that addresses many issues in the Officer's Recommendation. Requested the Application be deferred and assess or get advice from the Department regarding the changes with a view to an alternative recommendation, hopefully for approval. Stated his concern regarding the density which is not support by the Department which he seriously disagrees with as 2% bonus density is being sought on an R60 site and in particular one lot has a large sewer and an easement over it which means it has never been able to be developed and will remain so unless the sewer is relocated and at rather large cost or redesigned at least. Advised that his client is prepared to do that in order for development of the site which means that the site is currently un-developed with goes against the Town's mandate to provide quality infill development and urban consolidation which he believes is the more important issue rather than the 2% percentage shortfall. Advised that all other Items in the report can be dealt with simply and the amended plans demonstrate that and he therefore request that be considered and also requests a deferral this evening.
14. Simon Pigliardo – 17B Hillside Crescent, Maylands – Item 10.1.4. Stated that they presented plans to Council with the Planning Department's recommendation for approval and when it came to Council it was rejected and several reasons were given. Advised that they were taken to the State Administrative Tribunal and the plans where also rejected there, however, they suggested three courses of actions to suit the site and one in particular. Stated the Tribunal said "all six flats and their conversion into single bedroom dwellings and the erection of two group dwellings at the rear" and also pointed out that the benefits of this form of development would including the retention of the building, not only in form but also in function and the continuation of historic stairways which was pointed out by Councillor Ker, housing choice and importantly more affordable house which is the basis of the current proposal. Believes that the major point of contention is that Nova Lane is not a gazetted road but he believes it is in the works and therefore he believe the Planning Department would support their proposal and hopes the proposal will not be stopped by this technicality.
15. Elizabeth Strapp – 13 Knutsford Street, North Perth – Item 10.1.4. Voiced her concerns regarding the parking and proposed eight units to be put on the site which exceed the maximum density of the area. Advised that there are already parking issues between Knutsford and Ruby Streets and with proposed buildings there will be less parking as car bays are going to be lost. Expressed her concern that the car bays in front of the building will ruin the property which has been listed by the State Administrative Tribunal as having heritage value and the stairwells and small brick walls make the building what it is and they will have to be removed for the proposed car bays.

16. Anthony Princi – 40 Adair Parade, Coolbinia – Item 10.1.4. Advised that they have completed retention of the walk-up stairs, no part of the stairs are going to be removed they will be maintained, however, they will need work as they are in a state of disrepair but not part of the stairs will be removed and the walls will make way for access to driving bays at the front which do not have carports or any form of garages so the street can be maintain as it currently is, this was felt to be something raised by Council after the first proposal and they felt was also a major point from the State Administrative Tribunal. Advised that land holding adjoining neighbours support the plans particularly the eastern neighbour who thought it would uplift the current disrepair of the apartment block which they have been working on doing for two years. Advised that the State Administrative Guidelines have been followed and because of a technicality with an access laneway, however, looking at the plan a 1.2 metre pathway currently exists and will remain at the side of the building in the current state and the rest will form part of the driveway. Advised that they have worked tirelessly with the Planning Department through continual amendment and he believes they have done their best to make the form and function of the building maintain its character and amenity to the community. Advised that there will be crossovers at Knutsford Street and there will be 11 parking bays.
17. Philip Smith – Unit 7, 169 West Coast Highway, Scarborough – Item 10.1.4. Advised that he is the Property Manager that has managed the property for 20-years and that they have tried tirelessly to bring the property up to speed with the amenity and type of tenants there. Advised they have a lot of tenants which park their cars in the Street which causes great problem, however, they would like to put the bays on the site to take the cars of the Street which will be able to happen if the proposal goes through. Believes that taking away the garages at the back of the property will improve the amenity and social fabric of the community for everyone. Believes that more ratepayers, residents and more people are needed to enhance the area and this proposal will enhance the area, take the parking off the street and a better quality of persons in the street.
18. Alex Molerie – 10 Ruby/Knutsford Street, North Perth – Item 10.1.4. He stated that he supports his neighbours and the problems are real and he is also the neighbour of 12 Knutsford Street which is the subdivision which is considered one of the worst subdivisions in the Town. Believes the Town should support lower density living. Stated that he would like to now leave the Town as a result of his neighbours who are a couple yet have two large vehicles, boat, large dog and he is a building that starts his vehicle at 4.30-5.30am each morning, he finds the noise problematic to the idea that up the road will be higher density living. Requested the Town consider lower density living and reject the Application.
19. Giuseppe Minetti – 29 Barlee Street, Mt Lawley. Parking problems. Two hours parking still not good enough. Wants to be able to park in front of his house. Wants residential parking like in Highgate.

There being no further questions from the public, the Presiding Member, Mayor Nick Catania, JP, closed Public Question Time at 6.50pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

- 4.1 Cr Ker requested leave of absence for the Ordinary Meetings of Council to be held on 27 May 2008, 10 June 2008 and 24 June 2008 and the Council Forum to be held on 17 June 2008 for a combination of business and personal reasons.

Moved Cr Farrell, Seconded Cr Youngman

That Cr Ker's request for leave of absence for the Ordinary Meetings of Council to be held on 27 May 2008, 10 June 2008 and 24 June 2008 and the Council Forum to be held on 17 June 2008 for a combination of business and personal reasons be approved.

CARRIED (7-0)

(Crs Doran-Wu and Messina were apologies for the meeting.)

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

- 5.1 A petition was received from Mr David Hay of 41 Marmion Street, North Perth on behalf of the residents of Marmion Street together with 27 signatories requesting that the Town:

- (a) undertakes the re-laying of the existing pavers along the pedestrian footpath in Marmion Street, replacing the broken pavers where necessary or, alternatively, replacing all pavers with poured concrete footpath;
- (b) investigates traffic calming measures for Marmion Street; and
- (c) addresses the issue of the large volume of motor vehicle traffic failing to adhere to the speed limit along Fitzgerald Street, North Perth.

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

- 5.2 A petition was received from Mr Dean Khanh of 13 Lane Street, Perth together with 17 signatories requesting white line marking of between 5.5-6 metres be allocated for each car bay on Lane Street, Perth.

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

Moved Cr Ker, Seconded Cr Burns

That the Petitions be received, as recommended.

CARRIED (7-0)

(Crs Doran-Wu and Messina were apologies for the meeting.)

- 5.3 A petition was received on 8 May 2008, together with 139 signatories. The petition states;

"To the Mayor and Councillors of the Town of Vincent

We the undersigned, all being electors of the Town of Vincent request a Special Meeting of the Electors in accordance with Local Government Act 1995, Section 5.28 to discuss all matters relating to the Forrest Park Pavilion Proposal (RES0003) and address the following but not limited to:

- *Request for a future local area plan;*
- *Request for a Master Plan of the development of the area surrounding and including Forrest Park;*
- *24 hour permanent street permit parking for all residents of Harold, Barlee, Clarence, Wright, Smith, Roy and Gerald Streets;*
- *Lack of public open space in the locality, preservation of public access to public open space – Forrest Park;*
- *Equity of access to public open space – Forrest Park;*
- *Major conflict of interest – Forrest Park specified reserve for off leash dog recreation area and it being utilised as a major sporting activity venue for sporting clubs;*
- *Allocated park area for dog walkers and general park users at all times of the day and week; and*
- *Sporting clubs use to be restricted to three week nights per week and one weekend day.*

Petition

The Chief Executive Officer advised that the Petition can be received in accordance with Clause 2.25 of the Town of Vincent Local Law Relating to Standing Orders.

On Monday 12 May 2008, the Town received a telephone call from a Ms Danae Watkins of 9 Barlee Street, Mount Lawley, who indicated that she should be used as a contact for the Petition. This Petition is therefore acceptable and can be received.

Request for Special Meeting of Electors

The Chief Executive Officer advised that; with regard to the request for a Special Meeting of Electors, the Petition does not comply with requirements of the Local Government Act and Regulations, as follows;

1. the Petition is not on the correct Form 1 - as prescribed by the Local Government (Administration) Regulations 1996;

2. the Petition does not contain the name, address, contact details, date and signature of the person who served the petition on behalf of the signatories;
3. the petition contains a number of signatories who are not Electors and does NOT contain the prescribed requisite minimum number of Electors (i.e. 100), as required by Section 5.28(1) of the Act. Only 98 Electors' names, out of the submitted 139 signatories are Electors and this information has been checked by the Town's Electoral/Rates Officers and confirmed by the Western Australian Electoral Commission.

In accordance with the Standing Orders, it is recommended that this Petition be received and referred to the Chief Executive Officer for appropriate action.

Advice has been obtained from the Department of Local Government who advise that the petition is unacceptable until it complies with the requirements of the Local Government Act and Regulations.

Mayor Catania has indicated that, subject to the above matters being satisfactorily addressed, to comply with the requirements of the Local Government Act, a meeting will be held on Wednesday 11 June 2008.

The Town's Chief Executive Officer is available, if required, to provide advice and assistance to the organiser(s) of the Petition in order to address and progress the matter.

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

Moved Cr Farrell Seconded Cr Burns

That the petition be received and referred to the Chief Executive Officer for investigation and report.

CARRIED (7-0)

(Crs Doran-Wu and Messina were apologies for the meeting.)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Meeting of Council held on 22 April 2008.

Moved Cr Ker, Seconded Cr Youngman

That the Minutes of the Ordinary Meeting of Council held 22 April 2008 be confirmed as a true and correct record.

CARRIED (7-0)

(Crs Doran-Wu and Messina were apologies for the meeting.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

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

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

For May 2008, the award is presented to Andy Neilson, Co-ordinator Major Projects. Andy was nominated by the Town's Chief Executive Officer, who has received very positive feedback concerning Andy.

Andy commenced with the Town on 4 April 2005, in the role of Development Compliance Officer and accepted the position of Co-ordinator Major Projects on 24 April 2006. Since his appointment, Andy has been responsible for co-ordinating a number of major projects and assisting the Chief Executive Officer and Directors, particularly with the following projects:

- Loftus Centre Redevelopment;
- Forrest Park Pavilion;
- Britannia Reserve Pavilion;
- Les Lilleyman Reserve Pavilion;
- Administration Centre Alterations; and
- To a lesser degree at Members Equity Stadium.

Andy has always carried out his work in a most conscientious and dedicated manner and at the same time, has displayed extremely positive relationships with all stakeholders.

Unfortunately Andy has indicated that he wishes to pursue a less stressful work environment and has accepted a position of Builder Surveyor with another local government.

Received with Acclamation!

7.2 Withdrawal of Item 10.1.7-Development Application – 17-12 Harwood Place, West Perth

It is advised that Item 10.1.7 has been withdrawn at the request of the Applicant, who is unable to attend to address tonight's Council Meeting due to urgent business commitments which have arisen. The applicant has requested that this matter be considered at the next Council Meeting.

7.3 Withdrawal of Item 10.1.13 – Development Application – 179-183 Charles Street, West Perth

It is advised that Item 10.1.13 has been withdrawn at the request of the Applicant, who is unable to attend to address tonight's Council Meeting. The applicant has requested that this matter be considered at the next Council Meeting.

7.4 Urgent Business – Notice of Motion by Councillor Ian Ker

It is advised that I have approved a request from Councillor Ker to submit a Late Notice of Motion concerning the Town of Vincent making a donation to CARE Australia to the victims of Myanmar (Burma) which was recently devastated by Cyclone NARGIS.

This Notice of Motion has arisen due to the extensive devastation and hardship caused and is in accordance with the Town's Policy relating to Donations for Disaster Relief.

8. DECLARATIONS OF INTERESTS

8.1 Mayor Catania declared a Financial interest in Item 10.3.1 – Investment Report as at 30 April 2008. The extent of his interest being that he is the chairperson of the North Perth Community Bank..

8.2 Cr Burns declared a Financial interest in Item 10.3.1 – Investment Report as at 30 April 2008. The extent of her interest being that she is a shareholder in the North Perth Community Bank and her father is a Director of the Bank.

8.3 Chief Executive Officer, John Giorgi, declared an interest affecting impartiality in Item 10.3.7 – Parks and Reserves Strategy/Recreational Needs Analysis. The nature of his interest being that with reference to Forrest Park;

1. in his capacity as a referee for Junior Soccer, there may be a remote chance that he may be required to referee games at Forrest Park;
2. there is no longer a need for a declaration concerning his son, as he is now playing in a division that does not use Forrest Park; and
3. the Chief Executive Officer is not a member of Perth Soccer Club or any other clubs and has never been a member of a club. The Council is advised of this matter, as there has been misleading information circulated in the community to this effect.

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

9.1 Cr Maier – Relating to Members Equity Stadium

The Chief Executive Officer read out the following;

Correction:

At the Ordinary Meeting of Council held on 22 April 2008, the Chief Executive Officer provided answers to a number of Questions on Notice.

I wish to advise the Council of the following:

Q1 & 2: Attendance at various Concerts:

- John Farnham and Tom Jones Concert - 15 February 2005

In addition to the attendees previously advised, a Town Employee (who reports to the CEO) and their partner also attended.

As this was the first ever concert held at the Stadium, the purpose of this employee attending was to provide first hand knowledge of the stadium and its facilities and in particular the operation of the suite, as this employee was at the time of the event, involved in the processing of Deeds of Licences, dealing with stadium approvals, enquiries and use of the suite and had regular contact with the Stadium Management and their staff.

- Eric Clapton Concert - 11 February 2007

Four Town employees and their partners attended (and not 8 employees, as previously stated).

- Police Concert - 1 February 2008

A Perth business proprietor and partner also attended the alternative Suite as invitees of Members Equity Bank.

- Police Concert - 2 February 2008

As previously stated to the Council, the alternative suite was offered by the Stadium Manager, together with the Concert promoter. Reference to "Members Equity Bank" in this instance was a typing error.

- Jack Johnson Concert 29 March 2008

I advised the Council that Stadium Committee Member Cr Farrell had 4 guests. Cr Farrell subsequently informed the Chief Executive Officer after the Council meeting of 22 April 2008 that only two guests attended.

The errors occurred due to the large number of questions and extent of information to be researched in the short time available in order to respond to the Council Meeting.

I apologise for any inconvenience this may have caused and ask that the Council Minutes record the above corrections.

Q1. In response to the answer to Question 1 of 22 April 2008:

- John Farnham and Tom Jones – 15 February 2005 – what are the names of the Mayor/ Stadium Chairman's two guests.

Response:

Information containing personal information, such as names and addresses, is an exempt matter under the Freedom of Information Act 1992 (Section 32) and cannot be disclosed. Furthermore, the Privacy Act 1988 provides the following:

Principle 9 - Personal information to be used only for relevant purposes

A record-keeper who has possession or control of a record that contains personal information shall not use the information except for a purpose to which the information is relevant.

Principle 10 - Limits on use of personal information

1. *A record-keeper who has possession or control of a record that contains personal information that was obtained for a particular purpose shall not use the information for any other purpose unless:*
 - (a) *the individual concerned has consented to use of the information for that other purpose;...*

Principle 11 - Limits on disclosure of personal information

1. *A record-keeper who has possession or control of a record that contains personal information shall not disclose the information to a person, body or agency (other than the individual concerned) unless:*
 - (a) *the individual concerned is reasonably likely to have been aware, or made aware under Principle 2, that information of that kind is usually passed to that person, body or agency; ...*
- Luciano Pavarotti – 29 October 2005 – who was the Council Member who attended; what are the names of the two ‘town ratepayers’ and their partners.

Response:

Cr Messina represented the Town of Vincent Stadium Committee Chairman/Mayor.

Information containing personal information, such as names and addresses of the Town ratepayers and their partners, is an exempt matter under the Freedom of Information Act 1992 Section 32 and cannot be disclosed. Furthermore, the provisions of Privacy Act 1988, as previously stated apply.

- Eric Clapton 11 February 2007 – what are the positions of the eight, randomly selected town employees.

Response:

As stated in the preamble to these questions, four Town Employees (and their partners) attended. The positions selected at random are:

Customer Service Officer - Ranger and Community Safety Services
Senior Planning Officer
Planning Officer
Executive Secretary - Technical Services

- The Police – 1 February 2008 – what are the names of the three Town of Vincent Council Members; who was the Local Government Superannuation Board Member?

Response:

Cr Burns
Cr Youngman
Cr Messina (*arrived approx 30 minutes prior to the close of the event*)

Information containing personal information, such as name and address of the Local Government Superannuation Board Member, is an exempt matter under the Freedom of Information Act 1992 Section 32 and cannot be disclosed. Furthermore, the provisions of Privacy Act 1988, as previously stated apply.

- What are the names of Cr Farrell's guests to The Police concert of 2 February 2008, and who was the other council member who was invited?

Response:

Information containing personal information, such as names and addresses of the guests, is an exempt matter under the Freedom of Information Act 1992 Section 32 and cannot be disclosed.

The other Council Member who was invited but did not attend was Cr Doran-Wu.

- Rod Stewart – 5 March 2008 – what are the names of the mayor's guests; which Director and which Town employee attended; what is the name of the mayor of 'another large Local Government'; what are the names of the two Local Government Superannuation Board Members invited?

Response:

Director Corporate Services, representing the Town's Stadium Committee Member/CEO.
Public Relations Officer

Information containing personal information, such as names and addresses of the Mayor and the names of the Local Government Superannuation Board Members, is an exempt matter under the Freedom of Information Act 1992 Section 32 and cannot be disclosed. Furthermore, the provisions of Privacy Act 1988, as previously stated apply.

- Jack Johnson – 29 March 2008 – what are the names of Cr Farrell's two guests.

Response:

Information containing personal information, such as names and addresses of guests, is an exempt matter under the Freedom of Information Act 1992 Section 32 and cannot be disclosed. Furthermore, the provisions of Privacy Act 1988, as previously stated apply.

- Q2.** Did the CEO or mayor nominate any of the Members Equity Bank guests to The Police concert on 1 February 2008? If so, what are the names of the guests nominated by the CEO or Mayor?

Response:

Yes. This was at the request of Members Equity Bank.

Information containing personal information, such as names and addresses of guests, is an exempt matter under the Freedom of Information Act 1992 Section 32 and cannot be disclosed. Furthermore, the provisions of Privacy Act 1988, as previously stated apply.

- Q3.** Was the use of the corporate box at the Eric Clapton by only employees of the Town (ie no external parties) consistent with the legal opinion presented to council in September 2005.

Response:

In my opinion, yes. This was on the basis of the legal opinion, which states in part: *"It can be seen that the concept of "promotion" is quite broad."*

- Q4.** How did the use of the corporate box at the Eric Clapton concert by eight, randomly selected Town employees assist in "the promotion of the Stadium and its facilities" as stated on 22 April 2008?

Response:

As previously reported to the Council on 22 April 2008;

"The attendance of the Town employees has enabled them to become better acquainted with the stadium and its facilities and also meet the stadium employees (albeit on an informal basis). It is considered that their attendance assisted with their daily duties, when dealing with the stadium and also assisted in the promotion of the stadium and its facilities."

These positions have involvement and interaction with the Stadium as follows:

Customer Service Officer - Ranger and Community Safety Services Section

This person deals with enquiries concerning parking matters pertaining to the Stadium and the surrounding streets.

Senior Planning Officer:

This person has dealings with planning matters pertaining to the Stadium, particularly potential development applications and planning requirements for possible redevelopment opportunities.

Planning Officer:

This person has dealt with planning matters, particularly the strategic importance, of the Stadium.

Executive Secretary - Technical Services:

This person deals with Technical Services enquiries and matters (such as maintenance enquiries) and the use and maintenance of the adjoining Loton Park.

I am of the view that the employees have become better acquainted with the Stadium and its facilities by obtaining first hand knowledge. It is considered that their attendance has assisted in their daily duties when dealing with the Stadium and also assisted in the promotion of the Stadium and its facilities, with resultant benefits to the Town's Administration.

- Q5.** How do the promotional opportunities differ from eight randomly selected Vincent ratepayers?

Response:

The legal opinion states: *"only the Committee (together with its invitees may use tickets"*. Randomly selected ratepayers have not attended the suite. Therefore a response would be speculative and cannot be provided.

- Q6.** With regard to the Police concert of 1 February, the answer to question 1 of 22 April stated that the concert promoter provided the use of an alternate suite; the answer to question 2 of 22 April says that Members Equity Bank offered the Town's mayor an alternate suite and complimentary tickets. Which is correct and how many complimentary tickets were provided?

Response:

As previously stated to the Council, the suite was offered by the Stadium Manager, together with the Concert promoter. The number of complimentary tickets is unknown. However, the alternative suite provided had a capacity for up to eighteen (18) persons.

- Q7.** Was the mayor's son a recipient of one of the complimentary tickets to "The Police concert on 1 February 2008?"

Response:

"The Town's CEO does not have this information. However, as stated at the Ordinary Meeting of Council held on 22 April 2008, a number of other Members Equity Bank guests also visited the alternate suite during the evening, but these were for a short occasion and as such were not considered to be users of the alternate suite."

The Mayor's son was not invited by the Stadium Committee. However, he did attend the alternate suite for a relatively short duration.

- Q8.** If so, why wasn't this included in the answers to the questions of 22 April 2008?

Response:

Refer to response for Q7.

- Q9.** How does the attendance of a Council Member in the corporate box 'promote the Town of Vincent' as stated in the answer to question 2 (page10) of the 22 April 2008?

Response:

As stated, two of the Council Members had never attended the Stadium in an official capacity in their role as a Council Member, as they had only recently been elected to the Council in October 2007.

It is envisaged that the Council Member would or could promote the stadium and its facilities by;

- being better informed about the Town's facilities;
- being better acquainted about the stadium and its facilities, which is owned by the Town;
- being able to witness first hand the stadium in full operation, which is overseen by the Town's Stadium Committee;
- being able to ascertain the standard and ability of the Stadium Manager to satisfactorily manage the stadium on behalf of the Town;
- being able to spread by "word of mouth" in their normal dealings and interaction with the business community, general public, ratepayers and residents of the Town about the Stadium, its facilities and the flow on benefits to the Town's Business Proprietors;
- networking with attendees and their guests in the suite. It should be noted that this is an acceptable form of business entertainment and is used by many organisations, including local government, who use their facilities for promotion of their facilities and/or entertainment purposes (such as golf courses for golf days, etc); and
- being better informed about the stadium, particularly when considering matters before the Council - bearing in mind the Council at its meeting held on 8 April 2008, approved of a Feasibility and Business Case to upgrade the Stadium (Carried 8/1). This could potentially be in the range of \$25-35million. If successful, this will improve the Town's asset and have a flow-on effect to bring further economic trade to the Town's Business proprietors.

Q10. How does the attendance of guests of a council member, who are ratepayers of Vincent (eg The Police concert of 2 February), assist in promoting the Town of Vincent?

Response:

It is considered that the guests would become better informed and aware and therefore, be able to promote the Stadium as a suitable venue for a wide range of events. I would assume that they would promote the Town as a progressive and responsible Town for managing this facility in a successful manner.

Q11. Why would this not equally apply to any ratepayer of the Town of Vincent?

Response:

It may apply to a ratepayer of the Town, if invited as a guest of the Stadium Committee.

Q12. Given that the CEO has stated that the attendance of his family member and their guests at The Police concert would "promote the stadium by word of mouth, as an ideal concert venue thereby encouraging other persons to attend the stadium at future concerts or events" and that "being young adults these persons are also potential users of the stadium facilities", would this not equally apply to similarly aged Vincent ratepayers or residents?

Response:

Yes, if they were invited as a guest of the Stadium Committee.

- Q13.** Does the use of the corporate box or its substitute by guests of a councillor, and the CEO's children and his children's guests as 'potential users of the stadium and/or its facilities' establish a precedent that would allow the Town of Vincent to make corporate box tickets available to any Town of Vincent resident or ratepayer?

Response:

No. The guests were not invited in the capacity as a "Councillor" but as a Stadium Committee Member. As previously stated to the Council, the CEO's family members and their guests were invited as guests of Members Equity Bank.)

- Q14.** What are the names of the people who used the corporate box or any substitute box provided for the Elton John concert of 10 May 2008?

Response:

No substitute box was provided.

As previously stated, information containing personal information, such as names and addresses, is an exempt matter under the Freedom of Information Act 1992 Section 32 and cannot be disclosed. Furthermore, the provisions of Privacy Act 1988, as previously stated apply.

As previously reported to the Council, the Heads of Agreement prescribe that the suite shall be used by the Stadium Committee and the Stadium Manager (Allia Venue Management) and each are entitled to eight (8) tickets.

For information of the Council, attendees were persons associated with promotion of the stadium and the current Town of Vincent Feasibility and Business Case for the Upgrade of the stadium and included;

- Town of Vincent CEO/Stadium Committee Member;
- a senior representative of the Department of Sport and Recreation and partner;
- a senior representative of Football West and partner; and

A number of persons visited the Suite to "network" during the evening, but as these were only for a short duration (and not official invitees of the Stadium Committee) they were not considered to be users of the Suite. These persons included; Members of Parliament, a Council Member of an adjoining local government, business proprietors, a Board Member of Allia Venue Management, guests of the concert promoter and other (unknown) persons who were visitors of the Stadium Manager's invitees.

The names of attendees of the Stadium Manager have not been provided to the Stadium Committee, however it is understood that they were media persons and possibly clients of Allia Venue Management.

CEO's Comment

The Chief Executive Officer advised the Council that he has major concerns and strongly objected to the actions of Cr Maier who provided information and a list of these questions to the Guardian Express Journalist in the Chamber before the Council Meeting and that he seriously questioned Cr Maier's motives and intentions in doing so. He believes this is a possible breach of the Council's Code of Conduct and therefore reserves his rights in law to pursue this matter.

10. REPORTS

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

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

Items 10.1.4, 10.3.7, 10.1.7, 10.1.6.

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

Items 10.1.13, 10.3.4, 10.4.8.

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

Item 10.3.1.

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

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

Cr Farrell	Nil
Cr Youngman	Items 10.1.5, 10.1.9, 10.1.11, 10.3.5
Cr Ker	Item 10.2.1
Cr Lake	Nil
Cr Burns	Nil
Cr Maier	Items 10.1.1, 10.3.6, 10.4.4, 10.4.5
Mayor Catania	Nil

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

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

Items 10.1.2, 10.1.3, 10.1.8, 10.1.10, 10.1.12, 10.2.2, 10.3.2, 10.3.3, 10.4.1, 10.4.2, 10.4.3, 10.4.6, 10.4.7, 10.4.9.

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

Items 14.1, 14.2, 14.3, 14.4.

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

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

Items 10.1.2, 10.1.3, 10.1.8, 10.1.10, 10.1.12, 10.2.2, 10.3.2, 10.3.3, 10.4.1, 10.4.2, 10.4.3, 10.4.6, 10.4.7, 10.4.9.

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

Items 10.1.4, 10.3.7, 10.1.7, 10.1.6.

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

Moved Cr Farrell, Seconded Cr Ker

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

Items 10.1.2, 10.1.3, 10.1.8, 10.1.10, 10.1.12, 10.2.2, 10.3.2, 10.3.3, 10.4.1, 10.4.2, 10.4.3, 10.4.6, 10.4.7, 10.4.9.

CARRIED (7-0)

(Crs Doran-Wu and Messina were apologies for the meeting.)

ITEM WITHDRAWN AT THE REQUEST OF THE APPLICANT

10.1.7 Nos. 17-23 (Lot: 33 D/P: 54789) Harwood Place, West Perth - Proposed Demolition of Existing Building and Construction of Four-Storey Development Comprising Twelve (12) Two Bedroom and Four (4) Single Bedroom Multiple Dwellings and Associated Car Parking

Ward:	South	Date:	6 May 2008
Precinct:	Beaufort; P13 -	File Ref:	PRO3547 5.2008.42.1
Attachments:	001		
Reporting Officer(s):	R Rasiah; S Kendall		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by McDonald Jones Architects on behalf of the owner Boldform Pty Ltd for proposed Demolition of Existing Building at Nos 17-23 (Lot: 33 D/P: 54789) Harwood Place, West Perth, and as shown on revised plans stamp-dated 7 March 2008, subject to the following conditions:*
- (a) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
 - (b) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
 - (c) *a development proposal for the redevelopment of the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*
 - (d) *demolition of the existing building 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 buildings valued by the community;*
 - (e) *support of the demolition application shall not be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property; and*
 - (f) *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 Planning Scheme No. 1 and associated Policies; and*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by McDonald Jones Architects on behalf of the owner Boldform Pty Ltd for proposed Construction of Four-Storey Development Comprising Twelve (12) Two Bedroom and Four (4) Single Bedroom Multiple Dwellings and Associated Car Parking, at Nos 17-23 (Lot: 33 D/P: 54789) Harwood Place, West Perth, and as shown on revised plans stamp-dated 7 March 2008, for the following reasons:*
- (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*

- (b) *the non-compliance with the density, plot ratio, building setbacks, stores, single bedroom dwelling plot ratio, communal open space, privacy, car parking, number of storeys and buildings height requirements of the Residential Design Codes and the Town's Policies;*
- (c) *the development creates an undesirable precedent for similar scale and nature developments on other potential developments sites along Harwood Place; and*
- (d) *consideration of the objections received.*

Landowner:	Boldform Pty Ltd
Applicant:	McDonald Jones Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential/Commercial R80
Existing Land Use:	Vacant Motor Vehicles Repair Business
Use Class:	Multiple Dwelling
Use Classification:	"P"
Lot Area:	759 square metres
Access to Right of Way	Not applicable

BACKGROUND:

A development proposal for the above site was presented to the Council Members Forum held on 15 May 2007.

DETAILS:

The proposal involves demolition of the existing building and construction of four storey development comprising twelve (12) two bedroom and four (4) single bedroom multiple dwellings and associated car parking

The applicant has also submitted a response to the matters raised in the public submissions which is summarised as follows:

- The site is not in a location that can support a commercial development.
- Opportunity to provide affordable and rental accommodation close to amenities, with a mix of one and two bedroom dwellings.
- Appropriately scaled inner urban development that would encourage further similar style developments in the near derelict precinct.
- Four (4) of the 16 multiple dwellings are one bedroom dwellings. Many developments in East Perth Redevelopment Authority areas, City of Perth and Subiaco are being used successfully with the provision of 1 car bay per apartment. Additionally more people are now using public transport, scooter and cycling as a mode of travel to work.
- Much needed reversing area within the site at the end of the cul-de-sac has been provided onsite for the benefit of the community.
- No overshadowing or privacy issues.
- A streetscape that will enhance the heritage values of houses in the street, similar to those along Newcastle Street.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	R 80 - 6.072 multiple dwellings	12 two bedroom and 4 single bedroom multiple dwellings- R192 (Bonus of 119.6 per cent)	Not supported - as the increased density has resulted in unacceptable bulk and scale issues and excessive variations.
Plot Ratio	1.0 or 759 square metres	2.1 or 1593.9 square metres	Not supported - as the variation to the plot ratio is excessive which will result in the building being bulky which will unduly impact on the streetscape and on the amenity of the surrounding area.
No of Storeys	2 storeys (plus loft)	4 storeys	Not supported- as the height and overall design of the proposal creates an unacceptable bulk and scale issue, and is considered to unduly affect the streetscape of the area, which is predominantly single storey buildings on the eastern side of Harwood Place.
Single Bedroom Plot Ratio - Units 1,3,8 and 13	60 square metres	79.76 to 83.7 square metres.	Not supported - as there is scope to comply with this requirement to provide limited accommodation, suitable for one and two persons. It is to be noted that in the Town's Single Bedroom Dwellings Policy No. 3.4.7, where it can be demonstrated that a high quality design outcome can be achieved, the Town may consider a density bonus for single bedroom dwellings with a maximum plot ratio floor area of up to 70 square metres.

Car Parking	29.5 car bays of which 3 bays to be visitor bays	18 car bays of which 2 bays to be visitor bays.	Not supported- as it will result in an undue impact on the amenity of the area, as on street parking is mainly utilised by the owners of the single houses on the eastern side of Harwood Place as they do not have any on site car parking. The shortfall in car parking is likely to cause further pressure for the limited on street car parking. The car parking impact is likely to be further exacerbated should the remaining non-residential lots along Harwood Place be also redeveloped for residential or alternative purposes.
Stores-Units 1, 3, 8 and 13-Single Bedroom Dwellings	1.5 metres dimension and 4 square metres in area	Two (2) separate stores less than 4 square metres in area have been provided for units 3, 8 and 13	Not supported - as its results in an undue impact on the amenity of the occupiers of the development and the area. There is scope to comply with 1 metre and an internal area of at least 2.5 square as per the Town's Single Bedroom Dwellings Policy No. 3.4.7.
Communal Open Space	16 square metres each or 256 square metre in one area	32.7 square metres, with areas between 14.9 to 27.1 square metres for each multiple dwelling	Not supported - as it results in an undue impact on the occupiers' amenity, especially given the very high density proposed.
Privacy Setbacks: 1st, 2nd and 3rd floor- Balconies/terraces on west and south side, bedroom windows on north and south sides	7.5 metres setback for balconies/terraces and 6 metres for bedroom windows	Less than 7.5 and 6 metres, respectively	Not supported - as it will result in undue impact on the amenity of the adjoining properties. This privacy impact can be addressed by way of an appropriate screening condition.

Building Setbacks: North Side-First floor-wall (1)	1.6 metres	Nil	Supported - as the adjoining property to the north has been developed with multiple dwellings, and the area closest to the common boundary is used for car parking purposes. Supported - as above
North Side-First floor-entire wall	5.3 metres	3.742 metres	
North Side-Second floor-wall (1)	1.9 metres	Nil	Not supported - as it results in an undue impact on the amenity of the area and in particular the adjoining lot to the north in terms of bulk, scale and visual impact. Supported - as the adjoining property to the north has been developed with multiple dwellings and the area closest to the common boundary is used for car parking purposes. Not supported - as it results in an undue impact on the amenity of the area and in particular the adjoining lot to the north in terms of bulk, scale and visual impact. Supported - as the adjoining property to the north has been developed with multiple dwellings and the area closest to the common boundary is used for car parking purposes. Supported - as the adjoining property to the west also has a high boundary wall.
North Side-Second floor-wall (2)	7.1 metres	3.742 metres	
North Side-Third floor - wall (1)	2.8 metres	Nil	
North Side-Third floor - wall (2)	9.5 metres	3.742metres	
West-Rear Side-First floor-entire wall	5.5 metres	1.9 to 2.5 metres	
West-Rear Side-First floor - wall (1)	1.5 metres	Nil	Supported - as the adjoining property to the west also has a high boundary wall. Supported - as above.
West-Rear Side-First floor - wall (2)	1.5 metres	Nil	

West-Rear Side- Second floor- entire wall	7.3 metres	1.9 to 2.5 metres	Supported - as the adjoining property to the west is zoned Commercial, and likely to be developed in the future, and considered not to have an undue impact on amenity of the area.
West-Rear Side- Second floor - wall (1)	1.6 metres	Nil	Not supported - as it results in an undue impact on the amenity of the area and in particular the adjoining lot to the west in terms of bulk, scale and visual impact.
West-Rear Side- Second floor - wall (2)	1.7 metres	Nil	Not supported - as above.
West-Rear Side- Third floor-entire wall	9.1 metres	1.9 to 2.5 metres	Not supported - as above.
West-Rear Side- Third floor - wall (1)	1.8 metres	Nil	Not supported - as above.
West-Rear Side- Third floor - wall (2)	1.9 metres	Nil	Not supported - as above.
South Side- Ground floor	1.5 metres	Nil	Supported - as the adjoining property to the south is zoned Commercial, and likely to be developed in the future, and considered not to have an undue impact on amenity of the area.
South Side-First floor - wall (1)	1.6 metres	Nil	Supported - as above.
South Side-First floor - wall (2)	3.6 metres	3 to 3.6 metres	Supported - as above.
South Side- Second floor - wall (1)	2.0 metres	Nil	Not supported - as it results in an undue impact on the amenity of the area and in particular the adjoining lot to the south in terms of bulk, scale and visual impact.

South Side-Second floor - wall (2)	5.2 metres	3 to 3.6 metres	Supported - as the adjoining property to the west is zoned Commercial, and likely to be developed in the future, and considered not to have an undue impact on amenity of the area. Not supported - as it results in an undue impact on the amenity of the area and in particular the adjoining lot to the south in terms of bulk, scale and visual impact. Not supported - as above.
South Side-Third floor - wall (1)	2.5 metres	Nil	
South Side-Third floor - wall (2)	7.0 metres	2 to 3.6 metres	
Consultation Submissions			
Support (6)	Content with a higher 7 to 8 storey building with adequate provision of car parking, as the car parking for the current development is " <i>glaringly</i> " inadequate.		<ul style="list-style-type: none"> • Not supported - as the 7 to 8 storey height is inappropriate for Harwood Place. • Supported - there is a need for adequate car parking.
	The Town would be enhanced by a higher density mixed residential and commercial use in this Newcastle Street precinct.		Not supported - as a mixed use development is noted, but not at the above scale as suggested above.
Objection (16)	In terms of density, the development is too dense, excessive and double allowed for the subject site, which is opposite single storey heritage homes.		Supported- refer to comments in the non-compliant requirements table, under the heading "Density".
	The plot ratio is excessive and double allowed for the site, which are opposite single storey heritage homes.		Supported- refer to comments in the non-compliant requirements table, under the heading "Plot Ratio".
	Development height and scale (4 storeys) is excessive and will dwarf all other houses in the street, although additional residential development to replace the current light industrial use is supported. Undesirable precedent for the area and future development, should the remaining commercial properties be also developed for residential use.		Supported- refer to comments in the non-compliant requirements table, under the heading "No of Storeys".

	Suggest traffic report for peak times, as it is 'impossible' to get out from Harwood Place onto Newcastle Street.	Not supported - as the Town's Technical Services have advised that there is no need for a traffic report, based on the scale of the development and the likely number of trip generation.
	Non-compliant with the Town's requirement, due to development too intensive for the site.	Supported - as the comments are considered relevant in this particular instance.
	Development is too high and will overshadow the houses on the opposite side of Harwood Place. It will further remove afternoon sun to Nos 18-26 Harwood Place.	Not supported - as the proposal complies with the overshadowing requirements of the R Codes.
	The development will unduly affect the streetscape in Harwood Place.	Supported - refer to comments in the "Non-Compliant Requirements" table.
	Privacy of properties on the other side of Harwood Place directly in front of subject site will be "severely" compromised by a development greater than 2 storeys high.	Not supported - as the proposal complies with the Privacy requirement of the R Codes.
	The need for a mixed use development consisting of residential and commercial for the site for better use of infrastructure.	Noted.
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

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

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

Demolition

The subject building at Nos. 17 - 23 Harwood Place, West Perth was constructed circa 1978. Harwood Place was developed at the end of the 19th century as part of an inner-city subdivision for worker's housing. The City of Perth Metropolitan Sewerage Map Plans for 1987 indicates that the western side of Harwood Place originally comprised a row of single storey dwellings similar to those existing on the eastern side of Harwood Place. The properties along the eastern side of Harwood Place, at Nos. 10-26 Harwood Place are on the Town's Municipal Heritage Inventory with a Category B - Conservation Recommended listing.

The subject building covers almost the entire site with the exception of a rectangular car parking area along its eastern boundary. The building has a gable roof, concrete block walls and its front façade comprises aluminium windows, two single doors and two large roller doors.

The subject property is not listed on the Town's Municipal Heritage Inventory. The place is not considered to have any specific cultural heritage value that would make it eligible for consideration for inclusion on the Town's Municipal Heritage Inventory. The building is considered to require no further investigation and that a full Heritage Assessment is not warranted. Therefore it is recommended that the application to demolish the place be approved, subject to a quality archival record and other standard conditions.

Summary

The accumulation of variations to the density, plot ratio, number of storeys, building setbacks, building height, boundary walls, privacy, communal open space, car parking and stores requirements are considered excessive and will unduly impact on the amenity of the surrounding area. The proposal will also have a visual intrusion on the residential properties on the eastern side of Harwood Place.

Furthermore the height, bulk and scale of the proposal will result in a dominating structure in this location along Harwood Place and not be compatible with the scale of development in the immediate area, and likely to create an unacceptable precedent along this street. The proposal is not supported for the above mentioned reasons.

ITEM WITHDRAWN AT THE REQUEST OF THE APPLICANT

10.1.13 Nos. 179-183 (Lot: 102 D/P: 20762) Charles Street, Dual Frontage to Oak Lane, West Perth - Proposed Eight (8) Three-Storey Grouped Dwellings (Reconsideration of Condition) – State Administrative Tribunal (SAT) Review Matter No. DR 85 of 2008

Ward:	South	Date:	6 May 2008
Precinct:	Cleaver; P5	File Ref:	PRO1118; 5.2008.21.1
Attachments:	001		
Reporting Officer(s):	D Pirone		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to Nos. 179-183 (Lot: 102 D/P: 20762) Charles Street, Dual Frontage to Oak Lane, West Perth – Proposed Eight (8) Three-Storey Grouped Dwellings (Reconsideration of Condition) – State Administrative Tribunal (SAT) Review Matter No. DR 85 of 2008; and*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY, as part of the State Administrative Tribunal Review Matter No. DR 85 of 2008, the application submitted by the owner Choice Constructions Pty Ltd for Proposed Eight (8) Three-Storey Grouped Dwellings (Reconsideration of Condition), at Nos. 179-183 (Lot: 102 D/P: 20762) Charles Street, Dual Frontage to Oak Lane, West Perth, and as shown on revised plans stamp-dated 10 April 2008 and 6 May 2008, subject to the following conditions:*
 - (a) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
 - (b) *any new street/front wall, fence and gate between the Charles Street and Oak Lane boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (1) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (2) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (3) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (4) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*

- (5) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
- (6) *the solid portion adjacent to the Charles Street boundary from the above truncation(s) can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence;*
- (c) *first obtaining the consent of the owners of No. 2A Janet Street and No. 1 Hammond Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 2A Janet Street and No. 1 Hammond Street in a good and clean condition;*
- (d) *a detailed landscaping plan, including a list of plants and the landscaping of the Charles Street and Oak Lane verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (e) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the balcony of unit 2 on the western elevation being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level within the 7.5 metres cone of vision. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 1 Hammond Street stating no objections to the proposed privacy encroachment. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (f) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
- (1) *a minimum of two (2) significant and appropriate design features being incorporated along the garage wall/door of units 1, 2 and 8 adjacent to Oak Lane to reduce its visual impact; and*
- (2) *all storerooms having a minimum dimension of 1.5 metres and area of 4 square metres.*

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

- (g) *prior to the issue of a Building Licence, the owners shall agree in writing to a notification being lodged under Section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following;*

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

Landowner:	Choice Constructions Pty Ltd
Applicant:	Choice Constructions Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R80
Existing Land Use:	Vacant
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	1000 square metres
Access to Right of Way	Not Applicable

BACKGROUND:

- 9 October 1995 The Council at its Ordinary Meeting approved the development of seven 2-storey grouped dwellings on Lot 102. This Planning Approval incorporated variations to the density, plot ratio, setbacks, total open space, private open space, car parking and storeroom requirements of the Residential Planning Codes (R-Codes) under the R80 standard. The majority of variations were approved under clause 48 of the previous Town of Vincent Town Planning Scheme (1985).
- 12 October 1995 Approval to Commence Development issued by the Town for seven 2-storey grouped dwellings, valid for two years from the date of issue.
- 18 January 2000 The Council at its Ordinary Meeting refused a proposal for eight 2-storey grouped dwellings for the following reasons:
1. *Plot ratio in excess of requirement.*
 2. *Number of dwellings and density in excess of requirement.*
 3. *Lack of visitor car parking bays on site.*
 4. *Lack of street car parking in area.*
 5. *Loft area is considered habitable space.*
 6. *Objections received.*
- 14 March 2000 Appeal to the Minister for Planning against the refusal for eight 2-storey grouped dwellings at the Ordinary Meeting of Council held on 18 January 2000 referred to the Town for response.

- 28 March 2000 The Council at its Ordinary Meeting refused a proposal for eight 2-storey grouped dwellings. This proposal was submitted by the same applicant/owner as the previous refusal and was predominantly the same, other than the following modifications:
1. Addition of two visitor car parking spaces;
 2. Deletion of the loft floor levels; and
 3. Deletion of the southern boundary wall.
- 27 April 2000 The applicant's further submission of revised plans to the Minister, received by the Town. Revisions included:
1. Addition of two visitor car parking spaces;
 2. Deletion of the loft floor levels; and
 3. Deletion of the southern boundary wall.
- 24 May 2000 Letter outlining the Minister's decision to uphold the appeal.
- 25 June 2002 The Council, at its Ordinary Meeting, recommended refusal to the Western Australian Planning Commission for the construction of eight (8), three storey grouped dwellings.
- 4 November 2002 Advice returned from the Western Australian Planning Commission advising that the Commission's determination of the application is not required as the affected property is located outside of, but adjacent to, the Planning Control Area (PCA) No. 54 for Charles Street.
- 17 December 2002 The Council at its Ordinary Meeting refused a proposal for eight 3-storey grouped dwellings.
- 14 February 2003 The Town received a copy of Notice of Appeal to the former Town Planning Appeal Tribunal against the Council's refusal.
- 14 March 2003 The Town received an amended copy of Notice of Appeal.
- 17 March 2003 The First Sitting of Appeal.
- 21 March 2003 The Town lodged its Respondent Statement to the former Town Planning Appeal Tribunal.
- 27 March 2003 Appeal Mediation held between the Town Officer's and the applicant.
- 8 May 2003 The Town received amended plans for proposed eight 3-storey grouped dwellings.
- 27 May 2003 The Council at its Ordinary Meeting refused a proposal for proposed eight (8) three-storey grouped dwellings.

26 June 2007

The Council at its Ordinary Meeting approved a proposal for proposed eight (8) three-storey grouped dwellings as follows:

"That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by J Nardizzi on behalf of the owner Choice Constructions Pty Ltd for proposed Eight (8) Three-Storey Grouped Dwellings, at Nos. 179-183 (Lot 102 D/P: 20762) Charles Street, Dual Frontage to Oak Lane, West Perth, and as shown on plans stamp-dated 18 January 2007 and 19 June 2007 (overshadowing diagram), subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) any new street/front wall, fence and gate between the Charles Street and Oak Lane boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*

- (f) *the solid portion adjacent to the Charles Street boundary from the above truncation(s) can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence;*
- (iii) *first obtaining the consent of the owners of No. 2A Janet Street and No. 1 Hammond Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 2A Janet Street and No. 1 Hammond Street in a good and clean condition;*
- (iv) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Charles Street and Oak Lane verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (v) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the balcony of unit 1 on the western elevation being screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level within the 7.5 metres cone of vision. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 1 Hammond Street stating no objections to the proposed privacy encroachment. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (vi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
- (a) *a minimum of two (2) significant and appropriate design features being incorporated along the garage wall/door of units 1, 2 and 8 adjacent to Oak Lane to reduce its visual impact;*
- (b) *all courtyards being a minimum dimension of 4.0 metres; and*
- (c) *all storerooms having a minimum dimension of 1.5 metres and area of 4 square metres.*

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

(vii) *prior to the issue of a Building Licence, the owners shall agree in writing to a notification being lodged under Section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following;*

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

12 February 2008 The Council at its Ordinary Meeting refused an application for a Reconsideration of Condition (vi)(b) of the Planning Approval dated 26 June 2007, for the following reason:

1. Extensive concessions have already been granted to the applicant.

10 March 2008 The applicant lodged an appeal to SAT to review the decision made by the Council at its Ordinary Meeting held on 12 February 2008.

28 March 2008 Directions Hearing at SAT.

3 April 2008 Mediation at SAT.

10 April 2008 Applicant submitted revised plans as per the request at the mediation held on 3 April 2008.

DETAILS:

This proposal involves the reconsideration and proposed deletion of condition (vi) (b) that was placed on the approval granted on 26 June 2007 for proposed eight (8) three-storey grouped dwellings at the subject property.

As a result from the mediation for No. 179-183 Charles Street, dual frontage to Oak Lane, under Section 31 of the State Administrative Tribunal Act 2004, hence the Agenda Report is not prepared as a "*Confidential Report*".

Further to this, the applicant submitted amended plans dated 10 April 2008 as requested at the mediation at SAT held on 3 April 2008. These amendments are as follows:

- The size of the balcony of unit 2 has increased by extending out towards Oak Lane; therefore proposed setback of the balcony is now 1 metre from Oak Lane. The previously approved setback is 2.78 metres. The balcony of Unit 2 now has 4 metres by 4.245 metres dimension and total area of 21.93 square metres.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Building Setbacks: -West (Oak Lane) Balcony to Unit 2	6 metres	1 metre	Supported – see ‘Comments’ below.
Privacy Setbacks: Balcony to Unit 2	7.5 metres	6.5 metres to the western property boundary.	Not supported - undue impact on western property, and condition applied to require appropriate screening.
Outdoor Living Area (Courtyard)	Each dwelling to be provided with a courtyard with a minimum area of 16 square metres and minimum dimensions of 4 metres.	Unit 1 – Dimensions = 3.76 metres by 4.5 metres. Total Area = 18.12 square metres Unit 2 – Dimensions = 4 metres by 4.245 metres. Total Area = 21.93 square metres Therefore Units 2, 3, 4, 5, 6, 7 and 8 comply with the Outdoor Living Area requirements of the R Codes.	Supported – see ‘Comment’s’ below.
Note: All other variations have been addressed in Item 10.1.10 to the Ordinary Meeting of Council held on 26 June 2007.			
Consultation Submissions			
This application was not advertised as a variation in the Outdoor Living Area requirements was advertised as part of the previous application.			
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			The Town’s Planning Consultant, Simon Bain is representing the Town.

COMMENTS:

State Administrative Tribunal Act 2004

Section 31 states as follows:

“31. Tribunal may invite decision-maker to reconsider

- (1) At any stage of a proceeding for the review of a reviewable decision, the Tribunal may invite the decision-maker to reconsider the decision.*
- (2) Upon being invited by the Tribunal to reconsider the reviewable decision, the decision-maker may –*
 - (a) affirm the decision;*
 - (b) vary the decision; or*
 - (c) set aside the decision and substitute its new decision.*
- (3) If the decision-maker varies the decision or sets it aside and substitutes a new decision, unless the proceeding for a review is withdrawn it is taken to be for the review of the decision as varied or the substituted decision.”*

Under Section 31 of the SAT Act 2004, the Town has been invited to determine the subject application; (that is, to (a) affirm the decision; (b) vary the decision; or (c) set aside the decision and substitute its new decision.). After the Ordinary Meeting of Council to be held on the 13 May 2008, the Town’s Officers and the applicant are to attend a further mediation at SAT on 15 May 2008. If the applicant is satisfied with the determination made by the Council at its Ordinary Meeting on 15 May 2008, the applicant will consider withdrawing their current Review application with the State Administrative Tribunal. As such, the Officer Recommendation has been changed to reflect a determination by the Town.

Planning Consultant’s Comments

Pursuant to Order 2 of the SAT Orders dated 4 April 2008; the Town is invited to consider a report submitted by the external independent planner who represented the respondent at the mediation.

In light of the above, please find Simon Bain’s comments below:

“This application was discussed at mediation at the State Administrative Tribunal (SAT) on 3 April 2008.

The Application for Review was concerning condition (vi) (b) on the approval issued in 26 June 2007. The condition required amended plans that showed:

“all courtyards being a minimum dimension of 4.0 metres.”

This resulted in a new application being lodged on 18 January 2008 specifically seeking approval of the smaller balconies for units 1 and 2. This application was refused on 12 February 2008 on the grounds that:

“Extensive concessions have already been granted to the applicant”

At the mediation alternative plans and further justification were discussed; namely:

Unit 1

- *The outdoor living area is above the minimum area of 16m²;*
- *The outdoor living area is slightly less than the minimum dimension of 4m;*
- *Widening the outdoor living area would reduce the size of the living/dining area, which is already very small and narrow; and*
- *The outdoor living area would satisfy the Performance Criteria under clause 3.4.2 of the R Codes, particularly the new criteria, which includes taking advantage of northern orientation.*

Unit 2

- *The outdoor living area can be widened so it achieves the minimum area of 16m²;*
- *The outdoor living area is a minimum dimension of 4m;*
- *Widening the outdoor living area would reduce the size of the living/dining area, which is already very small and narrow;*
- *The widened outdoor living area would satisfy the Performance Criteria under clause 3.4.2 of the R Codes, particularly the new criteria, which includes taking advantage of northern orientation; and*
- *The widening of the balcony is considered acceptable as Unit 2 is already 0.23m behind the alignment of unit 1. Furthermore it will align with the 1.0m setback of the building on the property to the north and the alignment of the units on the southern side of the property, which are aligned 1.7m further to the west. The balcony will be of glass construction and therefore not be imposing on the Rowley Mews streetscape.*

Accordingly SAT has ordered:

1. *Pursuant to s 31(1) of the State Administrative Tribunal Act 2004 (WA) the respondent is invited to reconsider its decision at its meeting on 13 May 2008 in view of new information and a revised proposal submitted by the applicant.*
2. *The respondent is invited to consider a report submitted by the external independent planner who represented the respondent at the mediation.*
3. *The mediation is adjourned until 10.00am on Thursday 15 May 2008."*

The Applicant has submitted revised plans and further justification addressing the Performance Criteria of the Residential Design Codes, along the lines discussed at mediation (see attached). Accordingly it is recommended that Council re-consider the revised plans and issue a new approval deleting condition (vi) (b).

Clause 3.4.2 P2 of the R Codes states:

"An outdoor area capable of use in conjunction with a habitable room of the dwelling, and if possible, open to winter sun."

Variation 1 to the R Codes also includes:

“An outdoor area that takes advantage of the northern aspect of the site.”

The proposed development as shown on the amended plans satisfies the existing and proposed Performance Criteria under clause 3.4.2. It is also noted that Variation 1 to the R Codes makes it clear that the correct implementation of the provisions of the R Codes is compliance with the objective, then the Performance Criteria and that the Acceptable development standards are just one example of how the Performance Criteria is met. Given this change and the proposed additional criteria under clause 3.4.2 of the Codes, which encourages northern aspect, which is achieved under the revised plan, it is recommended that the modified plan be accepted.

The outdoor living area for unit 2 measures 20.4m². This is 4m² over the minimum required. If considered appropriate the area can be reduced in width so as to achieve the minimum area, resulting in less projection into the setback area. This can be dealt with as a condition of approval.

It is recommended that Council issue a new approval for the revised plans utilising the previous conditions on the approval of 26 June 2007 and deleting condition (vi) (b).”

Officer’s Comments

The proposal involves the proposed reconsideration and deletion of the following condition that was placed on the approval granted on 26 June 2007.

“(vi)(b) all courtyards being a minimum dimension of 4.0 metres;”

This condition states that all courtyards are to have a minimum dimension of 4 metres. Part of the reasons why the Officer’s Recommendation for the previous planning application was for refusal was because proposed courtyards for Units 1, 2, 5, 6, 7, and 8 had a dimension of less than 4 metres, therefore all units were non-compliant with the outdoor living area requirements; hence, non-compliant with the Town’s Policy relating to Non-Variation of Specific Development Standards and Requirements. Units 1 and 2 originally did not propose any outdoor living area, instead a sizeable balcony which overlooks Oak Lane.

It is essentially not possible for Units 1 and 2 to be able to comply with this condition at the Building Licence stage, without a total redesign of the units, hence most likely resulting in a further planning application being submitted to the Town.

Subsequent to the proposal being granted conditional Planning Approval by the Council, the applicant has lodged a Building Licence application and complied with all other conditions placed on the approval. The subject plans differ from the approved plans in that the courtyards for Units 5, 6, 7 and 8 now have a dimension of 4 metres, hence compliant with the outdoor living area requirements of the R Codes. The balcony of Unit 1 is accessible from the dining room and lounge room and although the width of the balcony is 3.76 metres (required 4 metres) the total area of the balcony is 18.12 square metres, which is more than the required 16 square metres. Subsequent to the Mediation held at SAT on 3 April 2008, the applicant has submitted amended plans outlining the balcony of Unit 2 with dimensions of 4.245 metres by 4 metres, and a total area of 21.93 square metres, therefore all units, except unit 1 are now compliant with the outdoor living area requirements of the R Codes. In light of this increase in balcony size, the applicant is requesting a building setback variation from Oak Lane, which should be supported by Council due to the open space and nature of the subject balcony, and the undeveloped nature of the streetscape of Oak Lane. The only dwellings that have primary frontage to Oak Lane is the proposed units at the subject lot. There is a grouped dwelling development north and south of the subject lot each with an upper floor setback of 1.1 metres and 2.1 metres respectively to Oak Lane. The streetscape on the opposite side of Oak Lane is existing dwellings with nil to 1 metre setbacks to Oak Lane.

The applicant is therefore requesting that the Council reconsider and delete condition (vi) (b) for Unit 1 only as the current proposal demonstrates the courtyards for Units 2, 3, 4, 5, 6, 7 and 8 having a minimum length and width dimension of 4.0 metres with a minimum area of 16 square metres and supporting the proposed variation of the balcony setback to Oak Lane. Although Unit 1 is non-compliant with the outdoor living area Acceptable Development requirements of the R Codes, the Town's Officers have determined that the proposed courtyards for these units meets the Performance Criteria of the R Codes.

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

10.1.2 Nos. 450-450A (Lot: 6 D/P: 1843) Fitzgerald Street, corner Wasley Street, North Perth - Security Bars Addition to Existing Shop (Application for Retrospective Approval)

Ward:	South	Date:	5 May 2008
Precinct:	North Perth Centre, P9	File Ref:	PRO2760; 5.2008.90.1
Attachments:	001		
Reporting Officer(s):	D Bothwell		
Checked/Endorsed by:	D Abel	Amended by:	R Boardman

DIRECTOR DEVELOPMENT SERVICES RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by owners D L Campbell and M Williams on behalf of the owner V L & S Fong for Security Bars Addition to Existing Single House (Application for Retrospective Approval) at Nos. 450-450A (Lot: 6 D /P: 2324) Fitzgerald Street, corner Wasley Street, North Perth, and as shown on plans stamp-dated 27 February 2008.

OFFICER RECOMMENDATION:

That;

- ~~(i) — in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by D L Campbell and M Williams on behalf of the owner V L & S Fong for Security Bars Addition to Existing Shop (Application for Retrospective Approval) at Nos. 450-450A (Lot: 6 D/P: 1843) Fitzgerald Street, corner Wasley Street, North Perth, and as shown on plans stamp-dated 27 February 2008, for the following reasons:~~
- ~~(a) — the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;~~
 - ~~(b) — the non-compliance with the Town's Policy No. 3.5.15(A1) relating to Shopfronts and Front Facades to Non-Residential Buildings; and~~
 - ~~(c) — approval of the security bars would create an undesirable precedent for security bars of a similar nature to be approved within the Town; and~~
- ~~(ii) — the Council ADVISES the applicant and owners that the unauthorised security bars shall be removed within twenty-eight (28) days of notification, and the Council AUTHORISES the Chief Executive Officer to proceed with legal proceedings should the security bars remain after this twenty-eight (28) days period.~~

COUNCIL DECISION ITEM 10.1.2

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (7-0)

(Crs Doran-Wu and Messina were apologies for the meeting.)

Landowner:	V L & S Fong
Applicant:	D L Campbell & M Williams
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): District Centre
Existing Land Use:	Shop
Use Class:	Shop
Use Classification:	"P"
Lot Area:	364 square metres
Access to Right of Way	N/A

BACKGROUND:

On 12 December 2007, the Town refused a planning application for security bars addition to existing shop on subject property under delegated authority due to non-compliance with the Town's Policy requirements. As the security bars have already been erected, the owner of the property was required to remove the unauthorised bars within 28 days.

On 20 March 2008, the Town received a new planning application for the subject security bars addition (application for retrospective approval).

DETAILS:

The proposal involves security bars addition to existing shop (application for retrospective approval) on the subject property.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted.
Policy No. 3.5.15-Shopfronts and Front Facades to Non-Residential Buildings	External and internal visually impermeable roller shutters, doors and grilles, and security bars are not permitted.	Internal security bars	Not supported – non-compliant with the Town's Policy No. 3.5.15, clause A1, which states that security bars are not permitted. The security bars are considered to have an undue impact on the streetscape and surrounding amenity. Moreover, the approval of the security bars would create an undesirable precedent for security bars of a similar nature to be approved within the Town.

Consultation Submissions	
The application was not advertised as it is not supportable by the Town's Officers and is being referred to the Council for its consideration and determination.	
Other Implications	
Legal/Policy	TPS 1 and associated Policies.
Strategic Implications	Nil
Financial/Budget Implications	Nil

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

COMMENTS:

The security bars are non-compliant with the Town's Policy No. 3.5.15, clause A1, which states that security bars are not permitted. As the security bars are non-movable and are visible during trading hours of the business, they are not considered to be security grilles/shutters which are considered to be 'acceptable development' (as stated in clause A2 and demonstrated in the development examples photographs of the Policy). The security bars are considered to have undue impact on the streetscape and surrounding amenity and approval of the security bars would create an undesirable precedent for security bars of a similar nature to be approved within the Town. In light of the above, the application has been recommended for refusal.

Director Development Services Comments:

The security bars have been installed on the inside of the windows and the windows have also been treated in places with shaded decorative treatment (refer to attached photographs). The security bars are considered to be similar to the 'acceptable development' examples shown in Policy No. 3.5.15 (refer to copy attached). In the context of Fitzgerald Street in this locality, the minor nature of the development, minor variation to the Town's Policy, consideration of the applicant's submission and the above comments, the Director Development Services has amended this report to recommend "Approval".

10.1.3 Nos. 53-61 (Lot 48 D/P: 2324) Grosvenor Road, Corner Hutt Street, Mount Lawley - Proposed Partial Demolition of and Alterations and Additions to Three (3) Existing Single Storey Grouped Dwellings

Ward:	South	Date:	5 May 2008
Precinct:	Norfolk; P10	File Ref:	PRO3940; 5.2007.154.1
Attachments:	001		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by L D'Alessio on behalf of the owners L & M F Costa and L & S D'Alessio for proposed Partial Demolition of and Additions and Alterations to Three (3) Existing Single Storey Grouped Dwellings, at Nos. 53-61 (Lot 48 D/P: 2324) Grosvenor Road, corner Hutt Street, Mount Lawley, and as shown on plans stamp-dated 3 April 2008, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality with respect to the adverse affect on the visual amenity of the locality and the streetscapes of Hutt Street and Grosvenor Road;*
- (ii) the non-compliance with the density, minimum site area, open space, building height and building setback requirements of the Residential Design Codes and the Town's Policy relating to the Alma Locality, respectively;*
- (iii) the open space and building height requirements proposed to be varied is as specified in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements; and*
- (iv) consideration of the objections received.*

COUNCIL DECISION ITEM 10.1.3

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED "EN BLOC" (7-0)

(Crs Doran-Wu and Messina were apologies for the meeting.)

Landowner:	L & M F Costa & L & S D'Alessio
Applicant:	L D'Alessio
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R40
Existing Land Use:	Three Single Storey Grouped Dwellings
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	529 square metres
Access to Right of Way	Western side, 4.5 metres wide, sealed, Town owned

BACKGROUND:

- 3 April 2007 At the Special Meeting of Council, the subject place was considered for entry onto the Town's Municipal Heritage Inventory. The Council resolved not to include the place on the MHI as it was not considered to have sufficient cultural heritage value to warrant inclusion.
- 14 August 2007 An Agenda Report was prepared for consideration by the Council at its Ordinary Meeting for the proposed development. The item was not considered at this meeting as it was withdrawn at the request of the applicant. The Officer Recommendation was for the refusal of the application 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 with respect to the adverse affect on the visual amenity of the locality and the streetscapes of Hutt Street and Grosvenor Road;*
- (ii) *the non-compliance with the density, minimum site area, open space, parking, sightlines and building setbacks of the Residential Design Codes and the Town's Policy relating to the Alma Locality, respectively;*
- (iii) *the open space requirements proposed to be varied is as specified in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements; and*
- (iv) *consideration of the objections received."*

DETAILS:

The proposal involves partial demolition of and alterations and additions to three existing dwellings. The three dwellings on Lot 48, operated as 'corner shops' for the early part of the twentieth century. They comprise of a single shop-house at the western most part of the lot (facing Grosvenor Road); a larger corner shop-house which address the intersection of Grosvenor Road and Hutt Street with a truncated frontage; and another former shop, which fronts Hutt Street.

Approval is sought for alterations to the existing ground floor layouts and construction of second storey additions to all three existing structures. Currently, the site has no formal car parking bays.

Since the Ordinary Meeting of Council held on 14 August 2007, the applicant has met with the Town's Officers, and on separate occasions the Mayor and Director Development Services, in order to amend the proposal to make it more compliant with the Town's requirements. The main difference between the subject proposal and the proposal, which was withdrawn at the Ordinary Meeting of Council held on 14 August 2007, can be summarised as follows:

- The first floor setback to Unit 1 has been amended to comply with the Alma Locality Policy 6 metre front setback requirement and Residential Design Codes side setback requirements.

- The driveways to Units 1 and 2 have been modified to comply with the Town's requirements.
- The proposal has been amended to comply with the Town's Policy No. 2.2.12 relating to Truncations.

ASSESSMENT:

Non – Compliant Requirements			
Requirement	Required	Proposed	Comment
Density	2.4 dwellings	3 dwellings	Not supported - as the proposal is considered to be an overdevelopment of the site and is considered to have an undue impact on the amenity of the area.
Minimum Site Area Per Dwelling	Minimum 200 square metres Average 220 square metres	Unit One – 192.9 square metres Unit Two - 187.3 square metres Unit Three - 148.8 square metres Average – 176.33 square metres	Not supported - as the proposal is considered to be an overdevelopment of the site, will have an undue impact on the amenity of the area and the variation is more than 5 per cent in area than specified in Table 1 of the Residential Design Codes (R Codes).
Plot Ratio	N/A	N/A	Noted.
Open Space	45 per cent	Unit One – 36 per cent Unit Three – 35 per cent	Not supported - undue impact on the occupants of the units, and the open space variation is not supportable under the Town's Non-Variation Policy.
Car Parking	Two car bays per dwelling	Unit One – 1 car bay Unit Two – 1 car bay Unit Three– 1 car bay	Supported in part - as there is currently no on-site car parking. However, in the event of an approval, a condition would be imposed requiring a section 70 notice under the Transfer of Land Act notifying prospective owners that the Town will not issue a residential or visitor car parking permit to any owner/occupier of the development.

Setbacks - Unit 1 Ground Floor to Southern Boundary	1.5 metres	0.83 metre - partial retention of existing wall with new openings.	Not supported - as the proposal is non- complaint with the Building Code of Australia Part 3.7.1.5, which requires the minimum setback of new openings to be 0.9 metre, for fire rating. A proposal, which retains the existing windows along the southern elevation or incorporates appropriate fire rating measures could be considered.
Setbacks - Unit 2 First Floor to Eastern (Hutt Street) Boundary	6 metres to main building line <i>Alma Locality Plan Policy 3.3.20</i>	Balcony - 1.7 metres Main Building - 4.25 metres	Not supported - as it is considered to unduly impact on the streetscape and surrounding amenity.
First Floor to Northern (Grosvenor Street) Boundary	1.5 metres	1.2 -1.64 metres	Supported - as it is considered to be a minor variation and no undue impact on streetscape.
Setbacks Unit 3 Ground Floor to Southern Boundary	1.5 metres	Nil - 4 metres	Supported - as it complies with the R Codes requirements for Building on the Boundary.
Ground Floor to Northern (Grosvenor Street) Boundary	2.5 metres	1 metre	Not supported - the existing dwelling/shop has a nil setback to Grosvenor Road. The proposal for Unit 3 appears to require the almost whole demolition of the existing dwelling and, therefore, the development should comply with the street setback requirements.

Ground Floor to Western (ROW) Boundary	1.5 metres	1 metre	Supported - as clause 6.3.1 A1 (v) of the R Codes enables for half of the right of way (to a maximum of 2 metres) to be utilised in the setback calculations and as the proposal complies with Technical Services right of way widening requirements.
First Floor to Northern (Grosvenor Street) Boundary	6 metres	Main Building - 1 - 2 metres	Not supported - as it is considered to have an undue impact on the streetscape and surrounding amenity.
First Floor to Western (ROW) Boundary	3 metres	1 metre	Supported - as clause 6.3.1 A1 (v) of the R Codes enables for half of the right of way (to a maximum of 2 metres) to be utilised in the setback calculations.
Building Height - Unit 3 - Tower	6 metres to top of external wall (roof above)	6.4 metres	Not supported - undue impact on amenity of area, and building height is one of the standards listed in the Town's Policy No. 3.5.16 relating to Non-variation of Specific Development Standards.

Consultation Submissions

Support	Nil	Noted
Objection (4 - submitted in relation to previous proposal)	<ul style="list-style-type: none"> • Site is far too small for three units. • Proposed open space is too small. • Not enough resident parking provided, which would increase an already congested site. 	<p>Supported - as the proposal has not been supported as it is considered to impact on the streetscape, living amenity of the residents and surrounding amenity.</p> <p>Supported - as above.</p> <p>Supported in part - the property currently has no car parking on-site and the proposal has provisions for three car parking bays on-site.</p>

	<ul style="list-style-type: none"> • No visitor parking provided. • Proposed driveway width will restrict available verge and street parking. • Development is bulky and out of character with the area. • Overshadowing affects courtyard and living room of dwelling neighbouring southern border. • First floor window in the stairwell of proposed Unit 1 looks into living area of neighbouring dwelling, affecting privacy. • Setbacks on southern boundary negatively impact on neighbouring dwelling. <p>Proposed two storeys are out of keeping with existing streetscape.</p>	<p>Not supported - as the Residential Design Codes (R Codes) do not require the provision of visitor car parking for single dwellings.</p> <p>Not supported - as every lot is entitled to have a driveway and as the applicant has amended the width of the driveway to Governor Road to comply with the Town's requirements.</p> <p>Supported - refer to Officer Comment below.</p> <p>Not supported - as the applicant has amended the proposal to comply with the R Codes requirements for overshadowing.</p> <p>Not supported - as the stairwell is not a habitable area and, therefore, it is not in conflict with the privacy requirements of the R Codes.</p> <p>Not supported - as the nil setback of Unit 3 to the southern boundary compiles with the R Codes requirements for Building on the Boundary. The ground floor setback of Unit 1 to the southern boundary is predominantly existing with new openings (however, appropriate fire rating would be imposed in the event of an approval) and the applicant has amended the upper floor setback to Unit 1 to comply with the R Code requirements.</p> <p>Supported - as the proposal does not comply with the 6 metres second storey setback requirements of the Alma Locality Plan Policy 3.3.20 for units 2 and 3.</p>
--	---	---

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

COMMENTS:

The subject site is an anomaly as it is inconsistent with the general pattern of development in the Alma Locality and indeed that of the Town, as it comprises three former shops on the one lot. The Alma Locality Plan Policy No. 3.3.20 states that in areas coded R40, '*single and infill dwellings are the favoured forms of development with a maximum of two dwellings permitted per lot*'. Furthermore, clause (20) (4) (d) (ii) of the Town's Town Planning Scheme No. 1 (TPS No. 1) states '*within the areas coded R40 a maximum of two dwellings will be permitted per lot*' in the Norfolk Precinct, within which the subject property is located. An archival search indicates that in 1963 a Building Licence was issued by the City of Perth for the

conversion of the three shops to dwellings. A condition of approval stated that the '*cottage at the rear of the lot not be used for habitable purposes*'. Therefore, there is some conjecture as to whether the approval of the three residential units as proposed would be contrary to clause (20) (4) (d) (ii) of the Town's TPS No. 1, based on the understanding that there are only two approved dwellings on site. If the Council is inclined to approve the proposal, the applicant would need to demonstrate that the City of Perth has formally approved these dwellings on-site.

In a submission dated 18 July 2007, the applicant states in relation to the proposed variation to the minimum site area that '*this is irrelevant for this application, because this is an addition/extension of an existing property, not a new development. The changes being made are an endeavour to improve the amenity of this development as well as having benefits for the community, such as providing off street parking...*' The three existing structures were built circa 1907 and it should not be construed that any further development on the site, especially one as intense as the subject application, would automatically be granted based on the premise that the structures are existing. It is important to note that all applications for development are required to be assessed in context with the Town's current Policies and provisions. It is to be further noted that the proposal requires almost the total demolition of the original structure of Unit 3.

The Alma Locality Plan Policy No. 3.3.20 further states that any new development is '*encouraged provided that the design responds to the established character*'. The proposal involves significant alteration to the existing facades of the former shops, including blocking up the original openings with a plaster finish, along Hutt Street and Grosvenor Road, the removal of Unit 2's façade and hipped roof detail in order to replicate the original façade of Unit 1 and what appears to be the almost total demolition of Unit 3. This, coupled with the non-compliant, dominant second storey additions to Units 2 and 3, results in a development that erases the established character of the site.

The current proposal addresses some of the concerns raised with the previous proposal, however, it still involves a significant amount and extent of variations to the relevant development requirements.

It is considered that the intensification of the dwellings and the above variations is an over-development of this site, which will have an undue impact on the amenity of the surrounding area. The proposed development presents an unacceptable and undesirable development form within the Alma Locality. On the above basis, the proposal is not supported.

10.1.8 Final Rescission of Policies Relating to Residential Design Guidelines

Ward:	Both Wards	Date:	2 May 2008
Precinct:	All Precincts	File Ref:	PLA0141
Attachments:	-		
Reporting Officer(s):	S O'Loughlin		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

(i) **RECEIVES** the report relating to the rescission of the following Policies relating to Residential Design Guidelines:

(a) **Design Elements -**

- (1) **No. 3.2.1 – Local Character;**
- (2) **No. 3.2.3 – Environmental Design;**
- (3) **No. 3.2.4 – Street Setbacks;**
- (4) **No. 3.2.5 – Street Walls and Fences;**
- (5) **No. 3.2.6 – Vehicular Access;**
- (6) **No. 3.2.7 – Site Levels;**
- (7) **No. 3.2.8 – Building Scale;**
- (8) **No. 3.2.9 – Privacy; and**
- (9) **No. 3.2.10 – Ancillary Development; and**

(b) **Locality Statements - Policies Nos. 3.3.1 to 3.3.31, inclusive;**

resulting from the Policies having been reviewed and with regard to nil submissions received during the formal advertising, in accordance with Clauses 47 (4), and (5) (a) of the Town's Town Planning Scheme No. 1;

(ii) **FINALLY RESCINDS** the following Policies relating to Residential Design Guidelines:

(a) **Design Elements -**

- (1) **No. 3.2.1 – Local Character;**
- (2) **No. 3.2.3 – Environmental Design;**
- (3) **No. 3.2.4 – Street Setbacks;**
- (4) **No. 3.2.5 – Street Walls and Fences;**
- (5) **No. 3.2.6 – Vehicular Access;**
- (6) **No. 3.2.7 – Site Levels;**
- (7) **No. 3.2.8 – Building Scale;**
- (8) **No. 3.2.9 – Privacy; and**
- (9) **No. 3.2.10 – Ancillary Development; and**

(b) **Locality Statements - Policies Nos. 3.3.1 to 3.3.31, inclusive;**

in accordance with Clause 47(5)(1) of the Town's Town Planning Scheme No. 1; and

(iii) ***AUTHORISES the Chief Executive Officer to advertise the final rescission of the following Policies relating to Residential Design Guidelines:***

(a) ***Design Elements -***

- (1) ***No. 3.2.1 – Local Character;***
- (2) ***No. 3.2.3 – Environmental Design;***
- (3) ***No. 3.2.4 – Street Setbacks;***
- (4) ***No. 3.2.5 – Street Walls and Fences;***
- (5) ***No. 3.2.6 – Vehicular Access;***
- (6) ***No. 3.2.7 – Site Levels;***
- (7) ***No. 3.2.8 – Building Scale;***
- (8) ***No. 3.2.9 – Privacy; and***
- (9) ***No. 3.2.10 – Ancillary Development; and***

(b) ***Locality Statements - Policies Nos. 3.3.1 to 3.3.31, inclusive;***

in accordance with Clause 47 (6) of the Town’s Town Planning Scheme No. 1.

COUNCIL DECISION ITEM 10.1.8

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (7-0)

(Crs Doran-Wu and Messina were apologies for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with the outcome of the advertising period for the rescission of the subject Policies relating to the Residential Design Guidelines.

BACKGROUND:

18 December 2007

The Council at its Ordinary Meeting considered Item 10.1.15 relating to the further amended version of the Policy relating to Residential Design Elements. The Council resolved to adopt the following action:

“... (iv) ***RESCINDS the following Policies relating to Residential Design Guidelines:***

(a) ***Design Elements -***

- (1) ***No. 3.2.1 – Local Character;***
- (2) ***No. 3.2.3 – Environmental Design;***
- (3) ***No. 3.2.4 – Street Setbacks;***
- (4) ***No. 3.2.5 – Street Walls and Fences;***
- (5) ***No. 3.2.6 – Vehicular Access;***
- (6) ***No. 3.2.7 – Site Levels;***
- (7) ***No. 3.2.8 – Building Scale;***
- (8) ***No. 3.2.9 – Privacy; and***

- (9) *No. 3.2.10 – Ancillary Development and*
- (b) *Locality Statements – Policies Nos.3.3.1 to 3.3.31, inclusive;*
- (v) *ADVERTISES the rescission of the following Policies relating to Residential Design Guidelines:*
 - (a) *Design Elements -*
 - (1) *No. 3.2.1 – Local Character;*
 - (2) *No. 3.2.3 – Environmental Design;*
 - (3) *No. 3.2.4 – Street Setbacks;*
 - (4) *No. 3.2.5 – Street Walls and Fences;*
 - (5) *No. 3.2.6 – Vehicular Access;*
 - (6) *No. 3.2.7 – Site Levels;*
 - (7) *No. 3.2.8 – Building Scale;*
 - (8) *No. 3.2.9 – Privacy; and*
 - (9) *No. 3.2.10 – Ancillary Development; and*
 - (b) *Locality Statements - Policies Nos. 3.3.1 to 3.3.31, inclusive;*

public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:

 - (a) *advertising a summary of the subject Policies to be rescinded once a week for four consecutive weeks in a newspaper circulating in the locality;*
 - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policies to be rescinded; and*
 - (c) *forwarding a copy of the subject Policies to be rescinded to the Western Australian Planning Commission; and*
- (iv) *after the expiry of the period for submissions:*
 - (a) *REVIEWS the Policies to be rescinded, having regard to any written submissions; and*
 - (b) *DETERMINES the Policies to be rescinded, with or without amendment, to or not to proceed with them.”*

DETAILS:

The rescission of Policies relating to Residential Design Guidelines have been advertised as required by Clause 47 of the Town of Vincent Town Planning Scheme No. 1.

CONSULTATION/ADVERTISING:

Any new or rescinded or amended Planning Policy is required to be advertised for public comment in accordance with Clause 47 of the Town's Town Planning Scheme No. 1. No submissions were received in relation to the proposed rescission of the subject Policies.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011: Natural and Built Environment –

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

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

Given that no submissions were received in relation to the proposed rescission of Policies relating to Residential Design Guidelines, it is recommended that the Council proceed to finally rescind the abovementioned Policies.

10.1.10 Town of Vincent Non-Conforming Use Register – Stage 1 – Deletion of Non-Conforming Use at No. 6 (Lot 2) London Street, North Perth

Ward:	North	Date:	2 May 2008
Precinct:	North Perth, P8	File Ref:	PRO3010
Attachments	-		
Reporting Officer(s):	S O'Loughlin		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES the following DELETION from the Town of Vincent Non-Conforming Use Register – Stage 1:*

NCU	Current NCU Type	NCU Business Name	Street No.	Lot No.	Street	Suburb	Zoning
31	Showroom/Open Air Display	Midland Brick	6	2	London	North Perth	Residential R30/40

- (ii) *RENUMBERS the remaining non-conforming use items accordingly.*

COUNCIL DECISION ITEM 10.1.10

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (7-0)

PURPOSE OF REPORT:

The purpose of the report is to consider the deletion of the non-conforming use at No. 6 (Lot 2) London Street, North Perth from the Town of Vincent Non-Conforming Use Register-Stage 1.

BACKGROUND:

The subject site is occupied by a vacant single-storey showroom and outbuilding (former Midland Brick Display Centre). Current vehicular access to the subject site is via Haynes Street.

20 November 2001

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

"That;

- (i) *the Council adopts the Town of Vincent Non-Conforming Use Register - Stage 1 dated November 2001 as an Appendix to the Planning and Building Policy Manual; and*

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

26 March 2002

The Council considered the Town of Vincent Non-Conforming Use Register and Inventory - Stage 1, dated March 2002, at its Ordinary Meeting and resolved as follows:

"That the Council approve the deletion of "Non-Conforming Use Nos. 27 and 50" from the Town of Vincent Non-Conforming Use Register - Stage 1 dated November 2001 (as shown on Appendix 10.1.22) and Non-Conforming Use Inventory - Stage 1 dated November 2001."

Background specifically relating to No. 6 (Lot 2) London Street, North Perth:

17 October 2003

Property transferred to current owner as stated on certificate of title for the subject property.

23 August 2005

Letter received from Midland Brick states that the company ceased staffing the above site in September 2000, with the signage and displays maintained after September 2000 to gain exposure and sales enquiries. From October 2000 to August 2003, the premises were leased to a "Nuts and Bolts" company.

23 August 2005

The Council at its Ordinary Meeting resolved to conditionally approve the demolition of existing showroom and outbuilding, but to refuse the proposed construction of three-storey mixed use development comprising eight (8) multiple dwellings, eating house, offices, shops and associated basement car parking proposed on the subject property.

24 October 2005

The Town served Written Directions (Notices) to both the owner and operator of the showroom/open air display business at the above site to immediately stop and not recommence the use of the site for the purpose of a showroom and open air display.

8 September 2005
and 26 October 2005

The Town had written to the owner of the subject site and owner's consultant requesting the submission of additional information and evidence to support the current use of the site as a showroom and open air display which is operating as a non-conforming use at the above site, including when the current use commenced operation on-site and copies of electricity invoices.

7 November 2005

The Town requested the owners and occupiers to submit a statutory declaration detailing all supporting information and documentation to substantiate that the non-conforming showroom/open air display area use on the property has not been discontinued for a period of six (6) consecutive months.

- 7 December 2005 Directions Hearing at the State Administrative Tribunal (SAT) as a result of the applicant (operator) of the business at the above site having lodged a review application (Ref: DR626 of 2005) with SAT in regards to the refusal by the Council at its Ordinary Meeting held on 23 August 2005 for the proposed construction of three-storey mixed use development, comprising eight (8) multiple dwellings, eating house, office, shops and associated basement car parking. As part of the SAT proceedings, the applicant has now lodged a new planning application with the Town for the continued use of the subject site as a non-conforming use and to allow further evidence to be submitted by the applicant.
- 14 February 2006 The Town has received a planning application for 12 multiple dwellings on the above site.
- 28 February 2006 The Council at its Ordinary Meeting considered the matter and resolved;
- "That;*
- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1, the Council DOES NOT ACKNOWLEDGE showroom and open air display area as a non-conforming use on No. 6 (Lot 22) London Street, North Perth;*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by ACB Consulting Pty Ltd on behalf of the owner Nicotra Developments Pty Ltd for retention of non-conforming use as showroom/open air display, at No. 6 (Lot 22) London Street, North Perth, and as shown on revised plans stamp-dated 6 January 2006, for the following reasons:*
- (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (b) *the proposed use is classified as showroom and open air display, which is an "X" use under the Residential zone of the property, and therefore the use is not permitted by the Town's Town Planning Scheme No. 1;*
- (c) *the non-compliance with the Town's Policy relating to Non-Residential/Residential Development Interface, and Town Planning Scheme No. 1, namely provisions relating to Non-Conforming Uses and "X" Uses; and*
- (d) *consideration of the objections received;*

- (iii) *the Council DELETES the Non-Conforming Use (NCU) No. 31, stated as a showroom/open air display (Midland Brick) at No. 6 (Lot 22) London Street, North Perth from the Town of Vincent Non-Conforming Use Register, Appendix No. 11 -Stage 1 as the non-conforming use ceased in March 2002; and*
- (iv) *the Council REQUESTS the Chief Executive Officer to further investigate the matter with the view to allowing the existing business to continue including a possible rezoning of the land and that a report be provided to the Council by the end of March 2006."*

8 March 2006

Further Direction Hearing scheduled at SAT.

DETAILS:

In 2005, the applicant advised the Town that the SAT Review Matter relating to the retention of the non-conforming use of showroom/open air display at No. 6 (Lot 2) London Street, corner Haynes Street and Scarborough Beach Road, North Perth had been withdrawn as it had become clear that the showroom and air display uses were no longer a valid non-conforming use. In addition, the following Development Application lodged by the owners at the subject site, correspondence with Midland Brick and the subsequent State Administrative Tribunal Review Matter (DR/209 of 2007) have revealed that the subject non-conforming use at the above address has been discontinued for a period of at least six consecutive months. The Town's Town Planning Scheme No. 1 states;

"When a non-conforming use of any land or buildings has been discontinued for a period of six consecutive months or more such land or building shall not thereafter be used otherwise than in conformity with the provisions of the Scheme."

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Strategic Plan 2006 -2011: Objective 1.1 *"Improve and maintain environment and infrastructure"* - 1.1.3 *"Enhance and maintain the character and heritage of the Town"* and 1.1.4 *"Minimise negative impacts on the community and environment"*.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

In light of the above, the proposed deletion of the subject non-conforming use is considered to be acceptable. It is therefore recommended that the non-conforming use be deleted from the Town of Vincent Non-Conforming Use Register and Inventory - Stage 1.

10.1.12 Western Australian Tobacco Action Plan 2007-2011

Ward:	Both	Date:	6 May 2008
Precinct:	All	File Ref:	ENS0077
Attachments:	-		
Reporting Officer(s):	M Fallows		
Checked/Endorsed by:	A Giles, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report regarding the Western Australian Tobacco Action Plan 2007-2011;*
- (ii) *ACKNOWLEDGES the Officer's comments relating to the implications of the Western Australian Tobacco Action Plan 2007 on the Town; and*
- (iii) *ADVISES the Department of Health of the Town's position as outlined in this report.*

COUNCIL DECISION ITEM 10.1.12

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED "EN BLOC" (7-0)

(Crs Doran-Wu and Messina were apologies for the meeting.)

PURPOSE OF REPORT:

The Department of Health (DoH) has released a document entitled 'Western Australian Tobacco Action Plan 2007-2011' (can be viewed online at <http://www.watap.health.wa.gov.au/home/>). Local Government has been identified as a key stakeholder of the implementation of the Western Australian Tobacco Action Plan 2007-2011 (WA TAP) in the key action areas of regulation and community education. This report details the implications of WA TAP on the Town for consideration by the Council, prior to advising Department of Health.

BACKGROUND:

The Town currently plays a role in tobacco regulation and education including regulation of the 'Smoking in Enclosed Public Places' provisions of the *Tobacco Products Control Act 2006*.

Tobacco continues to be a leading cause of preventable drug-related death and disease in Western Australia, therefore, the WA TAP 2007-2011 is in place to provide a framework for tobacco control activities.

Page 3 of the WA TAP details the following:

“The Western Australian Tobacco Action Plan (WA TAP) 2007-2011 will essentially be a tool to guide tobacco control activities in Western Australia for the next five years. It outlines public health policy on tobacco control for Western Australia and facilitates implementation of key recommendations of the National Tobacco Strategy 2004-2009.

While the National Tobacco Strategy 2004-2009 provides a national framework for tobacco control in Australia, individual jurisdictions are responsible for determining the detail of their involvement in the strategy. The WA TAP 2007-2011 focuses on those recommendations and strategies most relevant to Western Australia.”

DETAILS:

Section 4 - Action areas and activities of the WA TAP 2007-2011 details all recommended activities to be conducted within the next 4 years. The four recommended activities that apply to Local Government (in conjunction with the Department of Health) are as follows:

Action Area 1 - Regulation

- *1.2 – Develop and implement state-wide compliance programs to support regulation of promotion, place of sale, place of use and packaging of tobacco products.*
- *1.3 – Support and advocate for increased public non-smoking outdoor areas and events.*
- *1.4 – Support the development and implementation of Smokefree projects and policies not covered by legislation.*

Action Area 2 - Community Education

- *2.17 – Develop and conduct education programs to promote compliance with tobacco control legislation.*

The foreseeable impacts of the WA TAP 2007-2011 on the Town, including Health Services comments on the logistics of the implementation of the WA TAP 2007-2011 are detailed as follows.

Outdoor Eating (Alfresco) Areas

Health Services support the implementation of a smoking ban in alfresco areas that are used solely for eating purposes. In many circumstances, there may not be a sufficient barrier between outdoor eating areas and the adjacent food premises. This increases the risk of second hand smoke affecting food premises patrons. Health Services endorse Action Area 1.2, in that such a ban should be implemented as a part of a state-wide compliance program. Regulation of outdoor eating areas will be more easily implemented on a state-wide basis rather than individual Local Governments introducing policy or local laws at different times.

The Town (and other Local Governments) will require leadership from the Department of Health to legislate smoking bans in outdoor eating areas or provide a model Local Law. Furthermore, it will be essential that the Department of Health conduct a state-wide publicity campaign to educate the population prior to and during implementation.

Public Areas

Other Local Governments have taken steps to regulate smoking in public areas (for example, City of Joondalup beaches). Health Services agree that smoking in populated public areas must be discouraged; however, emphasises that any regulations that are implemented should be easy to enforce and be reasonable. Regulation of public places is considered to be more difficult than outdoor eating areas because there is often not a person 'responsible' for the area. For example, a proprietor or licensee is responsible for the conduct of patrons in outdoor eating areas of food premises and licensed premises.

Events

Events hosted by the Town are a prime opportunity to promote the 'Smokefree' message. Event organisers could be encouraged to promote 'smoke free' events when granted approval to use the Town's parks and facilities. Such a policy should be educational and promotional based to demonstrate the Town's commitment to reducing tobacco related disease by sending a strong public health message. It is noted that many large public events within the Town are already 'smoke free' (for example; Members Equity Stadium).

Community Education

The Town recognises that ongoing community education is an essential component of tobacco control, and Health Services will continue to provide advice and materials to local business owners and customers.

Resourcing

Currently, there is a severe shortage of Environmental Health Officers in Western Australia. The Town therefore stresses that support and leadership should be provided by the Department of Health in order to be successful in implementing the WA TAP 2007-2011. This includes providing state-wide policy, public educational materials, advertising and funding, if needed for compliance and education programs.

CONSULTATION/ADVERTISING:

Nil.

STRATEGIC IMPLICATIONS:

Town of Vincent Strategic Plan 2006 – 2011:

Natural and Built Environment

1.1.3 Minimise negative impacts on the community and environment.

LEGAL POLICY:

- *Tobacco Products Control Act 2006;*
- *Health Act 1911* (as amended); and
- Proposed Public Health Act 2008.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

It is recommended that DoH be advised of the Town's in principle support for the WA TAP 2007-2011 and of the specific comments relating to the impact of WA TAP 2007-2011 on the Town's provision of Health Services.

10.2.2 Progress Report No. 3 - Possible Strategies to Reduce Speed Limits on Higher Order Roads Within the Town – Proposed Fitzgerald Street Speed Cushion Trial

Ward:	Both	Date:	6 May 2008
Precinct:	All	File Ref:	TES0173
Attachments:	001		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES Progress Report No. 3 on Possible Strategies to Reduce Speed Limits on Higher Order Roads within the Town;*
- (ii) *APPROVES IN PRINCIPLE the Main Roads WA proposal to trial the installation of speed cushions in Fitzgerald Street, North Perth, between Raglan Road and Angove Street, as a means of reducing traffic speed and improving pedestrian safety in the North Perth Centre Precinct;*
- (iii) *APPROVES the Main Roads WA proposed community consultation, acknowledging the Town’s pivotal role precipitating the trial;*
- (iv) *AUTHORISES the Director Technical Services to approve, in conjunction with Main Roads WA, the location of the speed cushions, regulatory signage and changes to on-road parking as part of the implementation of the trial; and*
- (v) *NOTES that further progress report/s will be submitted to the Council as the trial progresses.*

COUNCIL DECISION ITEM 10.2.2

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (7-0)

(Crs Doran-Wu and Messina were apologies for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of Main Roads WA (MRWA) proposal to trial the installation of ‘speed cushions’ in Fitzgerald Street, North Perth, between Raglan Road and Angove Street, as a means of reducing traffic speed and improving pedestrian safety in the North Perth Centre Precinct.

BACKGROUND:

At its Ordinary Meeting of 24 August 2004, the Council adopted a Notice of Motion seeking, in part, a review of: *60kph speed limits in the Town, with particular reference to whether a lower speed limit would be appropriate for roads passing through or in close proximity to concentrations of activity and sensitive uses such as primary schools...*

The Council subsequently received two progress reports, 24 April 2007 and 11 November 2007, advising of the Town's unsuccessful endeavours to have MRWA review the 60 kph speed limit on higher order roads.

However in late December 2007 MRWA contacted the Town's Technical Services and advised that they had re-considered their stance and are now prepared to trial the use of 'speed cushions' in selected locations as a means of reducing traffic speed. Further, they were considering two locations within the Town to conduct the first such trial in the Perth metropolitan area, being Beaufort Street, Mt Lawley/Highgate or Fitzgerald Street, North Perth.

MRWA finally selected Fitzgerald Street, based upon traffic accident statistics, volume and speed data, ease of implementation and as an acknowledgment of the work already undertaken by the Town within the precinct.

DETAILS:

In 2005/06 the Town undertook an extensive streetscape upgrade of Fitzgerald Street within the North Perth Centre Precinct, the purpose of which was two fold; to improve the aesthetics and amenity of the area, while encouraging motorists to slow down.

At the completion of the works, the Town collected traffic data indicating that the speeds through the precinct had successfully been reduced and submitted a request to MRWA to introduce a lower speed limit, which they subsequently declined.

Fitzgerald Street, through the North Perth Centre Precinct, operates as a four lane road with a continuous, planted median (a combination of raised and painted islands). It is characterised by strip development comprising various local businesses, a hotel and shopping centre, with a pedestrian actuated signalised 'pelican' crossing located midway between View and Forrest Streets. There is some on street parking and bus bays either side of Fitzgerald Street adjacent to the shopping centre. The current speed limit is 60 kmh.

Over a five (5) year period there have been 173 traffic accidents between Raglan Road and Burt Street, with five involving pedestrians (not all at the pelican crossing).

In December 2007, MRWA, in conjunction with the Office of Road Safety, advised the Town that they had softened their stance and that they were prepared to consider implementing a 'speed cushion' trial in Fitzgerald Street, between Raglan Road and Angove Street, as a means of reducing traffic speeds through the precinct.

Speed Cushions

Speed cushions are essentially 'scaled down' speed humps made of recycled rubber, as shown on the detail inset of MRWA's drawing, No. 200848-1021.

They are placed in series, at even spacing, to enforce a lower speed limit within a defined section of road.

The profile of the speed cushion to be used in the Fitzgerald Street trial is 1.6m wide x 2.0m long with a 75mm high plateau. The cushion is designed so that buses, which have a wider wheel track than light vehicles, can pass over it without causing discomfort to passengers. However, cars, vans and 4 wheel drive vehicles cannot avoid the cushions and as a consequence are forced to slow down. While other larger cushion sizes are available, MRWA has selected this particular profile after discussions with the Public Transport Authority and Transperth.

Speed cushions have very low installation and maintenance costs, making them both operationally efficient and cost-effective, and have been used extensively over a number of years by various road agencies and local governments throughout Australia.

TYPICAL "SPEED CUSHION"



MRWA Drawing No: 20848-1021

Implementation

At an initial site meeting in December 2007, MRWA advised that speed cushions would be installed on approach to the 'pelican' crossing between View and Forrest Streets.

However after further consideration, MRWA, particularly in light of accident statistics, decided to extend the trial to incorporate a series of eight (8) sets of speed cushions, four (4) either direction, between Angove Street and Raglan Road, as shown on drawing No. 20848-1021.

The project is to be undertaken in two stages, with Stage One involving:

- a 'before' study of the current traffic volumes, vehicle type (classification) and speed; **since completed.**
- installation of the speed cushions with associated signs and pavement markings between Angove Street and Raglan Road, **to be completed by 30 June 2008.**

The trial will continue for twelve (12) months before moving to Stage Two, an 'after' study to assess the impact.

In June 2009, if the trial is successful, and the average and 85% speed has dropped significantly, MRWA will introduce an 'appropriate' speed limit, which at this time is expected to be either 30 or 40 kph.

The lower speed limit should lead to improved pedestrian and cyclist safety and a reduction in the number and severity of crashes.

Note: The minimum gap between the edge of the speed cushion and the kerb is 800mm, ensuring adequate clearance for cyclists.

In respect of the impact upon through traffic, the anticipated extra travel time, in either direction, will be in the order of 20 seconds. There may also be a loss of one or two on-road parking spaces, depending upon the final location of the cushions, primarily because if a vehicle was parked on or over a cushion, it would be difficult, and potentially unsafe, for the driver and/or passengers to alight.

CONSULTATION/ADVERTISING:

MRWA will be responsible for all community consultation and advertising. Brochures and information sheets will be distributed to all residents and businesses in the immediate vicinity, including the North Perth Primary School. The public will be invited to submit comments to MRWA via telephone or email.

LEGAL/POLICY:

While Fitzgerald Street comes under the care and control of the Town, MRWA are responsible for speed zoning, regulatory signing and line marking of all of the State's roads.

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The Town's Local Area Traffic Management Advisory Group, the Officers and individual Council Members, have for some considerable period of time been advocating lowering the posted speed limit on appropriate sections of District Distributor Roads within the Town.

While some progress has been made, e.g. Scarborough Beach Road through the Mt Hawthorn Centre Precinct, Mt Hawthorn, progress on other roads has been slow.

It has always been the Town's contention that a posted speed limit of 60 kph is excessive in high pedestrian traffic areas such as Fitzgerald Street through the North Perth Centre Precinct and Beaufort Street through the Mt Lawley Centre Precinct. Further, the recent streetscape enhancements undertaken in the aforementioned section of Fitzgerald Street, and those planned for Beaufort Street lend themselves to a lower speed limit.

It is therefore recommended that the Council endorses MRWA's 'Speed Cushion' trial in Fitzgerald Street, North Perth, between Raglan Road and Angove Street.

**10.3.2 Annual Plan - Capital Works Programme 2007/2008 - Progress Report
No 3 as at 31 March 2008**

Ward:	Both	Date:	29 April 2008
Precinct:	All	File Ref:	FIN0025
Attachments:	001		
Reporting Officer(s):	M Rootsey, R Lotznicker, R Boardman		
Checked/Endorsed by:	John Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Capital Works Programme 2007/2008 Progress Report No 3 for the period 1 January - 31 March 2008, as detailed in Appendix 10.3.2.

COUNCIL DECISION ITEM 10.3.2

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED "EN BLOC" (7-0)

(Crs Doran-Wu and Messina were apologies for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to provide a quarterly progress report of the Council's Capital Works Programme 2007/2008 for the period 1 July 2007 to 31 March 2008.

BACKGROUND:

The Council adopted the Capital Works Programme at the Ordinary Meeting of Council held on 14 August 2007. Quarterly reports will be presented to Council to advise of the schedule and progress of the Capital Works Programme. This is the third Progress Report for this financial year covering the period ending 31 March 2008.

DETAILS:

The report focuses on the work that was due to be completed up to the end of the third quarter. Comments on the report relate only to works scheduled to be carried out in the period up to 31 March 2008.

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

Plan for the Future

Strategic Plan 2006-2011

Objective 1 - Natural and Built Environment

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

FINANCIAL/BUDGET IMPLICATIONS:

The progress is currently proceeding according to funding in the Annual Budget 2007/2008.

COMMENTS:

The Capital Works Programme is currently progressing according to the Council approved schedule.

10.3.3 Authorisation of Expenditure for the period 1 – 30 April 2008

Ward:	Both	Date:	06 May 2008
Precinct:	All	File Ref:	FIN0009
Attachments:	001		
Reporting Officer(s):	Kara Ball		
Checked/Endorsed by:	Barbara Wong	Amended by:	

OFFICER RECOMMENDATION:

That the Council CONFIRMS the:

- (i) Schedule of Accounts for the period 1 April – 30 April 2008 and the list of payments;*
- (ii) direct lodgement of payroll payments to the personal bank account of employees;*
- (iii) direct lodgement of PAYG taxes to the Australian Taxation Office;*
- (iv) direct lodgement of Child Support to the Australian Taxation Office;*
- (v) direct lodgement of creditors payments to the individual bank accounts of creditors;
and*
- (vi) direct lodgement of Superannuation to Local Government and City of Perth
superannuation plans.*

as shown in Appendix 10.3.3.

COUNCIL DECISION ITEM 10.3.3

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (7-0)

(CrS Doran-Wu and Messina were apologies for the meeting.)

DECLARATION OF INTEREST

Members/Officers	Voucher	Extent of Interest
-------------------------	----------------	---------------------------

Nil.

PURPOSE OF REPORT:

To seek authorisation of expenditure for the period 1 – 30 April 2008.

BACKGROUND:

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

DETAILS:

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

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Town of Vincent Advance Account	EFT	\$431,351.01
Total Municipal Account		\$431,351.01
Advance Account		
Automatic Cheques	62366-62677	1,203,374.56
EFT Batch		\$0.00
Municipal Account		
Transfer of Creditors by EFT Batch	775-777, 779-784, 786	2,183,455.37
Transfer of PAYG Tax by EFT	April 2008	\$270,516.20
Transfer of GST by EFT	April 2008	\$0.00
Transfer of Child Support by EFT	April 2008	\$1,284.42
Transfer of Superannuation by EFT:		
• City of Perth	April 2008	\$56,448.23
• Local Government	April 2008	\$165,355.10
Total		\$3,880,433.88
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$5,497.82
Lease Fees		\$3,312.59
Corporate Master Cards		\$5,727.68
Folding Machine Lease Equipment		\$0.00
Trace Fees		\$0.00
Loan Repayment		\$58,131.94
Rejection Fees		\$12.50
System Disk Fee		\$0.00
Beatty Park - miscellaneous deposit		\$0.00
Total Bank Charges & Other Direct Debits		\$72,682.53
Less GST effect on Advance Account		-\$81,475.00
Total Payments		\$4,302,992.42

STRATEGIC IMPLICATIONS:

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

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

ADVERTISING/CONSULTATION:

Nil.

COMMENT:

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

10.4.1 Use of the Council's Common Seal

Ward:	-	Date:	1 May 2008
Precinct:	-	File Ref:	ADM0042
Attachments:	-		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

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

COUNCIL DECISION ITEM 10.4.1

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED "EN BLOC" (7-0)

(Crs Doran-Wu and Messina were apologies for the meeting.)

BACKGROUND:

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

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

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

Date	Document	No of copies	Details
2/04/08	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Coca Cola Staff Development Meetings - 14 and 15 April 2008 (Gareth Naven Room)
3/04/08	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Matthew Butcher Benefit Night - 9 April 2008 (Gareth Naven Room and Members Equity Bank Lounge)

Date	Document	No of copies	Details
8/04/08	Deed of Settlement	3	Town of Vincent (Town) and Shiok Moon Law (Law), c/o Deacons, Level 39, BankWest Tower, 108 St Georges Terrace, Perth 6000 re: Nos. 412-414 Fitzgerald Street, North Perth - Council Resolution dated 14/08/07 - " <i>Law has now ceased the alleged breach the subject of the Prosecution and the Town and Law have agreed to resolve the Proceedings and Prosecution by agreement upon the terms set out in the Deed.</i> "
8/04/08	Deed of Agreement	1	Town of Vincent and North Perth Community Bank of 431 Fitzgerald Street, North Perth WA 6006 re: North Perth Community Bank's sponsorship of the Town's Employee of the Month Award, effective for five (5) years from 1 January 2007
15/04/08	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Michael Coppel Ventures of Level 716-718 High Street, Armadale, Victoria 3143 re: Pearl Jam and Ben Harper Concert - 20 December 2008 and (<i>if required</i>) 21 December 2008 (Stadium)
15/04/08	Deed of Easement	3	Town of Vincent and P D Bousfield and S L Bousfield both of 12A Brentham Street, Leederville re: Easement over Reserve and Right of Way - Flinders Street, Mount Hawthorn
01/05/08	Town of Vincent Local Law	1	Town of Vincent Local Government Property Local Law 2008 (<i>Under the powers of the Local Government Act 1995 and under all powers enabling it, the Council of the Town of Vincent resolved on 26 February 2008 to make this Local Law.</i>)
01/05/08	Town of Vincent Local Law	1	Town of Vincent Trading in Public Places Local Law 2008 (<i>Under the powers of the Local Government Act 1995 and under all powers enabling it, the Council of the Town of Vincent resolved on 26 February 2008 to make this Local Law.</i>)
01/05/08	Town of Vincent Local Law	1	Town of Vincent Fencing Local Law 2008 (<i>Under the powers of the Local Government Act 1995 and under all powers enabling it, the Council of the Town of Vincent resolved on 26 February 2008 to make this Local Law.</i>)
01/05/08	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: DATTA Meeting - 2 May 2008 (Gareth Naven Room)
01/05/08	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Sanofi Aventis Conference - 5 May 2008 (Gareth Naven Room and Executive Suites 9, 10 and 11)

10.4.2 Audit Committee held on 17 April 2008 – Receiving of Unconfirmed Minutes

Ward:	-	Date:	29 April 2008
Precinct:	-	File Ref:	FIN0106
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Audit Committee Unconfirmed Minutes dated 17 April 2008, as shown in Appendix 10.4.2.

COUNCIL DECISION ITEM 10.4.2

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (7-0)

(Crs Doran-Wu and Messina were apologies for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is for the Council to receive the unconfirmed minutes of the Audit Committee held on 17 April 2008.

BACKGROUND:

At the Ordinary Meeting of Council held on 26 August 2003, the Council considered the matter of its Audit Committee and resolved inter alia as follows;

"That the Council;

- (i) *APPROVES of amending the Audit Committee Terms of Reference to be as follows;*
- (a) *the process of selecting the Auditor;*
 - (b) *recommending to Council on the Auditor;*
 - (c) *managing the Audit Process;*
 - (d) *monitoring Administrations actions on, and responses to, any significant matters raised by the Auditor;*
 - (e) *submitting an Annual Report on the audit function to the Council and the Department of Local Government; and*
 - (f) *consideration of the completed Statutory Compliance Return and monitoring administrations corrective action on matters on non-compliance;*
 - (g) *to oversee Risk Management and Accountability considerations; and*
 - (h) *to oversee Internal Audit/Accountability functions;"*

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

The Local Government Act (Financial Management) Regulations 1996, Regulations 5 and 6 prescribe the duties of the CEO in respect to financial management and independent performance reviews (including internal and external Audits).

STRATEGIC IMPLICATIONS:

The Town's Strategic Plan 2006-2011 lists the following objectives;

“4.1.2 Manage the organisation in a responsible, efficient and accountable manner”; and

“4.1.4 Deliver services in ways that accord with the expectations of the community, whilst maintaining statutory compliance”.

FINANCIAL IMPLICATIONS:

Nil.

COMMENT:

The reporting of the Town's internal Audit Committee minutes to the Council Meeting is considered “best practice” and in keeping with the Audit Charter.

**10.4.3 Members Equity Stadium Committee Meeting held on 28 April 2008 -
Receiving of Unconfirmed Minutes**

Ward:	South	Date:	30 April 2008
Precinct:	Beaufort, P13	File Ref:	RES0082
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council RECEIVES the Unconfirmed Minutes of the Stadium Committee meeting held on 28 April 2008, as shown in Appendix 10.4.3.

COUNCIL DECISION ITEM 10.4.3

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED "EN BLOC" (7-0)

(Crs Doran-Wu and Messina were apologies for the meeting.)

PURPOSE OF REPORT:

The purpose of the report is for the Council to receive the Unconfirmed Minutes of the Members Equity Stadium Committee meeting held on 28 April 2008.

BACKGROUND:

At the Ordinary Meeting of Council held on 14 September 2004, the Council considered the establishment of a Committee for the management of the Stadium (known as "Members Equity Stadium") and resolved inter alia as follows;

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

(iii) to delegate the following functions to the Committee;

- (a) to establish and review the Heads of Agreement (HOA) Key Performance Indicators (KPIs) in conjunction with Allia;*
- (b) to assess whether each proposed Licensing Agreement is consistent with the KPIs and the provisions of the HOA and to approve the proposed Licensing Agreement if it is consistent;*
- (c) to supervise the performance of the Services by Allia and to ensure that Allia performs the Services in accordance with the KPIs and the HOA;*
- (d) to receive and consider Performance Reports;*

- (e) *to advise the Council on Capital Improvements required for the Stadium and to make recommendations to the Council about the use of the Reserve Fund;*
- (f) *to review Naming Signage; and*
- (g) *to review the Risk Management Plan;*

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

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Strategic Plan 2006-2011 – “*Leadership, Governance and Management*”, in particular, Objective 4.1.2 – “*Manage the Organisation in a responsible, efficient and accountable manner*”.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

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

10.4.6 Loftus Centre Redevelopment, 99 Loftus Street, Leederville - Progress Report No. 26 and Approval of Public Artwork

Ward:	South	Date:	7 May 2008
Precinct:	Oxford Centre; P4	File Ref:	RES0061
Attachments:	001 ; 002		
Reporting Officer(s):	Richard Gunning, John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Progress Report No. 26 as at 7 May 2008, relating to the Loftus Centre Redevelopment, 99 Loftus Street, Leederville;*
- (ii) *APPROVES the art work submitted by Judith Forrest for the Loftus Centre Redevelopment, as shown in Appendix 10.4.6(D); and*
- (iii) *AUTHORISES the Chief Executive Office in liaison with the Project Architect to determine the exact location for the proposed artwork.*

COUNCIL DECISION ITEM 10.4.6

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (7-0)

(Crs Doran-Wu and Messina were apologies for the meeting.)

PURPOSE OF THE REPORT:

The purpose of the report is to update the Council on the progress of the Loftus Centre Redevelopment, 99 Loftus Street, Leederville, as at 7 May 2008 and to approve the public artwork.

BACKGROUND:

At the Ordinary Meeting of Council held on 23 January 2007, the Council considered this matter and resolved to award the building tender to Perkins Builders and for the project to proceed.

PROGRESS OF WORKS

Documentation

1. Belgravia Leisure Group Pty Ltd (Belgravia) - Lease and Contract

The Contract and Lease were signed on 23 February 2007 and is still with the Minister for Lands, awaiting consent (as the Loftus land is a Reserve - vested in the control of the Town).

2. Gymnastics WA- Lease

This lease was signed on 16 March 2007 and is still with the Minister for Lands awaiting consent.

Landgate has requested the Town to review the Leederville Oval Reserve cadastral layout and provide comment. This is being carried out and meetings are still being held. A surveyor has now been engaged to prepare the necessary plans and these are being refined for the approval of Landgate.

3. Loftus Community Centre Lease

A draft lease has been prepared, based on previous discussions held with the Loftus Community Centre and as reported to the Ordinary Meeting of Council held on 12 September 2006. A report has been issued under Delegated Authority to approve of the draft lease and authorise the Chief Executive Officer to finalise the documentation. A lease has been provided to the Loftus Centre Community Centre for signing.

The Chief Executive Officer and Director Development Services met with State Land Services on 31 March 2008 to progress the matter. State Land Services have advised that they do not have any objection to the revised Lot shapes. It is anticipated that this will be finalised in mid 2008.

Program and Progress

Regular site meetings between the Builder, Consultants, Architect and Town are still being held. In addition, site inspections are carried out on a weekly basis and as required. Contact with the Site Supervisor, Architect and Consultants is occurring on a daily basis. The Builder has verbally advised that they anticipate all works to be completed by late May/early June 2008. (This is well ahead of the Project completion date.)

Construction - (See Photographs attached)

Earthworks

The earthworks are completed. The walkway between the Centre and the Leederville Early Childhood Centre has been completed. Retaining walls have been completed. Landscaping is to be carried out by the Town.

Underground Car Park

The underground car park has been completed. Installation of sensor cards is yet to be carried out.

The underground car park will not be handed over to the Town until late May 2008, due to this area being part of the builder's compound.

Medibank Stadium (Leederville Oval) Public Open Space

The public open space works immediately adjoining Leederville Oval was approved at the Ordinary Meeting of Council held on 28 August 2007. Works commenced in early October 2007 and are now completed. (See photographs.) The main path is completed.

External Soccer Pitch

The outdoor pitch has been completed and is being used.

Netting above the perimeter fencing is yet to be installed. (Further quotes are currently being obtained.)

Library and Local History Centre

All works were completed and the Town took possession at 3pm on Friday 15 February 2008. The "snag list" of minor items requiring attention is being progressively completed. External signage has been erected.

LOFTUS COMMUNITY CENTRE

All works completed.

Public address system - quote approved. Yet to be installed.

"Snag" list of items requiring attention have mainly been completed. Several minor items being progressively attended to.

RECREATION CENTRE

New Gymnasium (Located in former Library)

This is Stage 2 work and was completed on 15 April 2008. It is now fully operational.

Café and Reception Upgrade

Work has commenced. Reception area has been upgraded and made larger. Foyer light fittings have been replaced where necessary.

Toilet Upgrade/Universal Access Toilet

The Architect has prepared a revised layout plan to ensure compliance with the various Codes. Revised quote has been accepted. Work has commenced and will be completed by mid-May 2008.

Main Sports Hall - Due for handover to Town on 16 May 2008

All works completed.

Additional Works

1. Carpets - quotes obtained - due for installation in mid-late May 2008.
2. Internal Painting - colour scheme being prepared - due late May 2008.
3. Spinning (cycling) Room - new vinyl - works in progress.
4. Outdoor Soccer Court netting - design and costings being obtained.
5. Indoor Soccer Court - repairs to wall cladding - quotation currently being obtained.
6. Public Address System – Upgrade - works in progress.

STATE GYMNASTICS CENTRE (STAGE 2 WORKS)

Offices

Office works are completed. Furniture has arrived. Gymnastics WA relocated on 14 April 2008.

Rhythmic Gymnastics Hall

All works have been completed, other than;

- Retractable seats - works in progress.

It is currently being used by Gymnastics WA. Temporary access has been provided.

Exhibition / Performance Hall

Work to commence on 12 May 2008.

LOFTUS CENTRE

1. Refuse Receptacle enclosure - location determined - work to be carried out in May/June 2008.
2. Street Signage - design currently being prepared.
3. External Painting of existing Centre - colour schedule prepared and quote obtained.
4. The car park asphaltting will occur in late May/June 2008, after the Builder has vacated the site.

Opening Ceremonies/"Open Days"

Dates are yet to be determined. Liaison with Minister for Sport and Recreation is occurring for a suitable date.

Matters still to be addressed

Options to minimise the Operating Deficit

The Council requested a report on the findings to minimise the operating deficit to be submitted, however due a lack of resources, investigation of this matter is still in a preliminary stage. Cost options currently being explored include;

- Investigation of energy efficient fixtures and fittings, e.g. lights, hot water, air conditioning. The investigation of the light fittings has been completed.
- Investigation of sponsorship, including naming rights, external signage on the Recreation Centre facing Leederville Oval.
- Investigation of Government grants and funds, e.g. Healthways, Lotteries, Heart Foundation, State Library Services.

Comment:

This matter is still slowly being progressed, however due to a lack of resources and a heavy workload, slow progress is being made.

PUBLIC ARTWORK

At the Ordinary Meeting of Council on 10 April 2007, it was reported in the Loftus Centre Progress Report No. 13 that an in-house working Group had been formed to progress public art for this project stating that a further report will be submitted to Council.

An Artist's brief outlining the artwork programme for the Loftus Upgrade was sent out to artists in October 2007. The artist's brief stated the artwork "*will reflect the use and identity of the building as well as function as a unique artwork celebrating the importance of recreation in its various manifestations within the community*".

Details:

Interested artists were invited to submit applications for the project by 30 November 2007.

Five individual artists and one team of two artists submitted applications. The Selection Panel, consisting of the Manager Engineering Design Services, Manager Community Development, the Project Architect, Graham Hunt, and the Art Officer, short listed the artist team of Jenny Dawson and Tony Pankiw and three independent artists; Alan Clark, Judith Forrest and Daniel Eaton. The artists presented their concepts to the Panel on 4 February 2008.

The Artist team of Jenny Dawson and Tony Pankiw presented a proposal for a metal sculpture made up of two large book shapes positioned so that they relate to each other, see attachment. On two of the metal faces the design displays two figures engaged in sports activities. They are set into a background of hand painted ceramic tiles. The sculptures would stand 3.8 metres high. The Artists propose a site near the entrance of the library for the location of the work. *(See Appendix 10.4.6(A) attached.)*

The Artist Alan Clark proposed a sculpture of fibre reinforced coloured cement to be placed in front of the large expanse of Donnybrook stone walls of the new Library and Local History Centre. *(See Appendix 10.4.6(B) attached.)* The work would depict three people pursuing sports activities on top of a study table, representing an amalgamation of the active and contemplative uses of the Centre. It would stand 3.6 metres high by 3.2 metres wide by 1 metre deep.

Daniel Eaton's proposal was for a steel sculpture that would be located on the corner of the entrance to the Loftus Centre and Loftus Street. The work would be five metres in height, and represent an abstracted figure in a dynamic pose, reaching for the sky. *(See Appendix 10.4.6(C) attached.)*

The Panel was impressed by the high quality of all the presentations, however it was decided that Judith Forrest's proposal was the most outstanding and would make an enduring contribution, not only to the Loftus Redevelopment but also to the Town's cultural assets.

Judith Forrest's proposal consists of two artworks, a large bronze figure and cast bronze lettering containing sculpted figures. The first artwork called "Borrowing Ideas" would be located on the north wall of the new library entrance or on the eastern wall - near the main entrance - and consists of three bronze components secured to the wall forming a figure 1.7 metre high, emerging from the wall holding a book (the book is titled "The Theory of Relativity") - *see Appendix 10.4.6(D) attached.*

The second piece is titled 'Our Stories' and would consist of bronze lettering forming the word 'stories'. The letters would be approximately 300mm high and are proposed to be located on the Eastern end of the veranda at the front of the building. Within the boundaries of the letters there are numerous cast figures representing a broad range of people and human activities relating to the buildings use - *see Appendix 10.4.6(D) attached.*

Maintenance and safety has been carefully considered by the artist. The material used throughout this project is bronze which is historically noted for its durability and resistant to rust. It will also not stain the wall surface. The bronze can be waxed and further protected with an anti graffiti coat. Although the standing figure projects from the wall to a maximum of 14 centimetres, all surfaces are rounded, there are no sharp edges or tripping hazards.

Payment to Artist:

Payment to the successful artist or artist team will be to a total of \$55,000; full payment will not be made until the completion of the project as per the contract with the Town. The funding for the project has been allocated from the Loftus Upgrade Budget.

Conclusion:

Judith Forrest's proposal admirably fulfils the artist's brief in reflecting the use and identity of the building as well as functioning as unique artworks that celebrate a variety of recreational activity.

The artwork proposed for the entrance to the Library, "The Theory of Relativity", will create a striking visual presence without overwhelming this important entry point. The work, with its figure in motion cleverly emphasises the dynamic role books can play in our lives and as the artist's states; *"This sculpture illustrates the fantastic breadth of knowledge available within the library and the way books can change our world"*.

The second work, "Our Stories" with its detailed figures will no doubt entice passers-by for closer examination. The intricacy of the sculpture will encourage and reward repeated inspections. Both works while being visually distinctive, complement the aesthetics of the building and are destined to become iconic images forever associated with the Loftus Centre.

ADVERTISING/COMMUNITY CONSULTATION:

Not applicable. The Town's Public Relations Officer has created a "Corporate Projects" site on the Town's web page and background information, together with weekly photographs are included on this site. The web-site is being updated on a regular basis.

LEGAL/POLICY IMPLICATIONS:

N/A.

STRATEGIC IMPLICATIONS:

This project is in keeping with the Town's Strategic Plan 2006-2011, Objective 1 - *"Natural and Built Environment"*, in particular, 1.1.6(j) - *"Carry out redevelopment of the Loftus Centre...."*

FINANCIAL/BUDGET IMPLICATIONS:

At the Ordinary Meeting of Council held on 23 January 2007, the Council approved this project at a cost of \$13,444,664. The building tender is \$11,901,664 (excluding GST). This does not include the approved variations.

Builder Progress Claim Payments

Progress Payment Number	Date Received	Amount Requested (excl GST)	Amount Paid (excl GST)	Date Paid
No. 1	17/04/07	\$247,568.00	\$247,568.00	26/04/07
No. 2	16/05/07	\$979,312.00	\$979,312.00	22/05/07
No. 3	18/06/07	\$1,158,441.86	\$1,158,441.86	25/06/07
No. 4	12/07/07	\$1,072,606.68	\$1,072,606.68	18/07/07
No. 5	10/08/07	\$1,145,259.15	\$1,145,259.15	20/08/07
No. 6	17/09/07	\$1,080,029.70	\$1,080,029.70	25/09/07
No. 7	30/09/07	\$1,345,370.12	\$1,345,370.12	10/10/07

Progress Payment Number	Date Received	Amount Requested (excl GST)	Amount Paid (excl GST)	Date Paid
No. 8	14/11/07	\$1,042,313.27	\$1,042,313.27	28/11/07
No. 9	20/12/07	\$1,173,472.88	\$1,173,472.88	30/12/07
No. 10	17/01/08	\$848,772.81	\$848,772.81	22/01/08
No. 11	15/02/08	\$607,033.21	\$607,033.21	20/02/08
No. 12	19/03/08	\$532,401.63	\$532,401.63	25/03/08
No. 13	15/04/08	\$533,949.78	\$533,949.78	30/04/08
Total Paid			<u>\$11,766,531.09</u>	

Cost Variations/Additional Scope of Works

As expected, a number of cost variations have been received from the Builder for works outside the Project Brief. These mainly relate to unforeseen items relating to Stage 2 works.

COMMENTS:

It is pleasing to report that good progress is still being made with the Loftus Centre Redevelopment Project and no major problems have occurred or been identified at this stage. The builder has been most accommodating and has worked with the Town's Officers and the Recreation Centre and Community Centre staff to minimise inconvenience. The builder has verbally advised that they anticipate all works to be completed by the end of May/early June 2008.

Monthly progress reports will be provided to the Council as the project progresses.

10.4.7 Strategic Plan 2006-2011 – Progress Report for the Period 1 January 2008 – 31 March 2008

Ward:	Both	Date:	6 May 2008
Precinct:	All	File Ref:	ADM0038
Attachments:	001		
Reporting Officer(s):	Managers, Directors		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council RECEIVES the progress report on the Strategic Plan 2006-2011 for the period 1 January 2008 – 31 March 2008 as shown in Appendix 10.4.7.

COUNCIL DECISION ITEM 10.4.7

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (7-0)

(Crs Doran-Wu and Messina were apologies for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to provide a quarterly update on the Strategic Plan for the period 1 January 2008 – 31 March 2008.

DETAILS:

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

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

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

The Council adopted a Plan for the Future at the Ordinary Meeting of Council held on 21 November 2006. The Town’s Strategic Plan forms part of the Plan for the Future. It is not a legal requirement to have a Strategic Plan, however, it is considered “Best Practice” management that a Strategic Plan be adopted to complement and be linked and aligned to both the Principal Activities Plan and Annual Budget.

STRATEGIC IMPLICATIONS:

The Strategic Plan provides the elected Council and administration with its aims, goals and objectives (key result areas) for the period 2006 – 2011. The reporting on a quarterly basis is in accordance with the Strategic Plan 2006-2011 Key Result Area.

This is in keeping with the Town's Strategic Plan 2006-2011 - *"Leadership, Governance and Management"*, in particular, Objective 4.1.2 - *"Manage the Organisation in a responsible, efficient and accountable manner"*.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

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

10.4.9 Information Bulletin

Ward:	-	Date:	6 May 2008
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	A Radici		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 13 May 2008, as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 10.4.9

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (7-0)

(Crs Doran-Wu and Messina were apologies for the meeting.)

DETAILS:

The items included in the Information Bulletin dated 13 May 2008 are as follows:

ITEM	DESCRIPTION
IB01	Report from State Administrative Tribunal (SAT) regarding Matter No. DR/8 of 2008 – Salvatore Mondello v Town of Vincent No. 2 (Lot 3) Bream Cove, Mount Lawley
IB02	Letter from the Western Australian Planning Commission on the Town Planning Scheme No 1, Amendment No 24
IB03	Letter from the Disability Services Commission for Improved parking for people with disabilities
IB04	Letter from the Heritage Council regarding P8727 MacKay’s Aerated Water Factory (fmr), 10-22 Money Street, Perth
IB05	Rangers’ Statistics for January, February and March 2008
IB06	Ranger Services and Community Safety Section Delegations Register – 1 January 2008 – 31 March 2008
IB07	Letter from Western Australian Electoral Commission regarding Town of Vincent Local Government Election – South Ward
IB08	Letter from the Department of Local Government and Regional Development regarding Disqualification for Failure to Attend Meetings
IB09	Letter to Ms Jennifer Harrison of Wasley Street, North Perth – Response to Questions taken on Notice at the Council Meeting held on 22 April 2008

ITEM	DESCRIPTION
IB10	Report on the Green Star Building Study Tour and the 6th Annual Green Building & Design 2008 Conference – 15-18 March, 2008 – Melbourne
IB11	Register of Petitions – Progress Report – May 2008
IB12	Register of Notices of Motion – Progress Report - May 2008
IB13	Register of Reports to be Actioned – Progress Report – May 2008
IB14	Register of Legal Action – Progress Report – May 2008
IB15	Register of State Administrative Tribunal Appeals – Progress Report – May 2008
IB16	Forum Notes – 15 April 2008
IB17	Forum Advice – 20 May 2008

10.1.4 Nos. 16-18 (Lot: 36 D/P: 3660) Knutsford Street , corner Nova Lane, North Perth - Proposed Conversion of Six (6) Multiple Bedrooms, Multiple Dwellings to Six (6) Single Bedroom Multiple Dwellings and Construction of an Additional Two (2) Two-Storey Grouped Dwellings

Ward:	North	Date:	5 May 2008
Precinct:	North Perth; P8	File Ref:	PRO3193; 5.2007.462.1
Attachments:	001		
Reporting Officer(s):	R Narro, S Kendall		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by J Choy on behalf of the owner A F Princi, P V Smith and S J Pigliardo for proposed Conversion of Six (6) Multiple Bedrooms, Multiple Dwellings to Six (6) Single Bedroom Multiple Dwellings and Construction of an Additional Two (2) Two-Storey Grouped Dwellings, at Nos. 16-18 (Lot: 36 D/P: 3660) Knutsford Street, corner Nova Lane, North Perth, and as shown on plans stamp-dated 13 November 2007 (Survey Plan), 1 February 2008 (elevations, overshadowing, outbuilding elevation) and 27 March 2008 (site plan, ground floor and first floor plans for multiple dwellings, ground and first floor plans for grouped dwellings) 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 minimum site area requirements for multiple dwellings under the Residential Design Codes, and the Town's Policy No. 3.1.8- North Perth Precinct; and*
- (iii) consideration of the objections received.*

COUNCIL DECISION ITEM 10.1.4

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND LOST (0-7)

(Crs Doran-Wu and Messina were apologies for the meeting.)

Reasons:

- 1. The application addresses the issues raised in the State Administrative Tribunal.**
- 2. The application meets the criteria set by the State Administrative Tribunal.**

ALTERNATIVE RECOMMENDATION – COUNCIL DECISION ITEM 10.1.4

Moved Cr Maier, Seconded Cr Farrell

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by J Choy on behalf of the owner A F Princi, P V Smith and S J Pigliardo for proposed Conversion of Six (6) Multiple Bedrooms, Multiple Dwellings to Six (6) Single Bedroom Multiple Dwellings and Construction of an Additional Two (2) Two-Storey Grouped Dwellings, at Nos. 16-18 (Lot: 36 D/P: 3660) Knutsford Street, corner Nova Lane, North Perth, and as shown on plans stamp-dated 13 November 2007 (Survey Plan), 1 February 2008 (elevations, overshadowing , outbuilding elevation) and 27 March 2008 (site plan, ground floor and first floor plans for multiple dwellings, ground and first floor plans for grouped dwellings) subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) any new street/front wall, fence and gate between the Knutsford Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (iii) first obtaining the consent of the owners of No. 11 Mabel Street and No. 20 Knutsford Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 11 Mabel Street and No. 20 Knutsford Street in a good and clean condition;*

- (iv) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Knutsford Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (v) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
- (a) *the study room and bedroom 3 windows of unit 7 on the northern elevation , the study room and bedroom 3 windows of unit 8 on the northern elevation, bedroom 2 window of unit 8 on the eastern elevation, the front balcony of unit 8 on the eastern elevation, and the balcony of unit 4 on the eastern elevation within the 7.5 metres cone of vision to the northern property, being screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level within the 7.5 metres cone of vision. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2008. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 11 Mabel Street and No. 20 Knutsford Street stating no objections to the proposed privacy encroachment. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (b) *the outdoor living area of Unit 7 having minimum dimensions of 4.0 metres; and*
- (c) *a bin compound being provided in accordance with the Town's Health Services Specifications for residential areas and sized to contain 1 mobile garbage bin per unit and 1 general recycle bin per 2 units.*

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

- (vi) *prior to the issue of a Building Licence for the single bedroom dwellings, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the single bedroom dwellings that:*
- (a) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the single bedroom dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development;*

- (b) *a maximum of one (1) bedroom and two (2) occupants are permitted in each single bedroom dwelling at any one time; and*
- (c) *the floor plan layout of the single bedroom dwellings shall be maintained in accordance with the Planning Approval plans.*

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

- (vii) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s).*

ALTERNATIVE MOTION PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (7-0)

(Crs Doran-Wu and Messina were apologies for the meeting.)

Landowner:	A F Princi, P V Smith and S J Pigliardo
Applicant:	J Choy
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R30/40
Existing Land Use:	Multiple Dwellings
Use Class:	Multiple Dwellings and Grouped Dwellings
Use Classification:	"P"
Lot Area:	1012 square metres
Access to Right of Way	South side, 7.0 metres wide, sealed, privately owned

BACKGROUND:

5 December 2006 The Council at its Ordinary Meeting on 5 December 2006 refused the application for proposed conversion of six (6) multiple dwellings to three (3) two-storey grouped dwellings and construction of an additional three (3) two-storey grouped dwellings and associated undercroft car-parking.

9 May 2007 The application for review of the Council's refusal for the proposed development was dismissed by the State Administrative Tribunal (SAT).

DETAILS:

The proposal involves the conversion of six (6) multiple bedrooms multiple dwellings to six (6) single bedroom multiple dwellings and construction of an additional two (2) two-storey grouped dwellings.

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

ASSESSMENT:

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

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	R 30-3 dwellings Or R 40-4 dwellings Existing density- R 59.3 -6 multiple dwellings	6 single multiple dwellings and 2 grouped dwellings R 59.3 78 per cent density bonus in comparison to R30 standards; or 42.2 per cent density bonus in comparison to R40 standards.	Supported- does not seek greater variation from current situation (i.e existing 6 dwellings) and can be considered under Clause 20(2)(b) of TPS 1, which allows for a density bonus of up to 50 per cent where the proposed development conserves or enhances an existing dwelling or existing dwellings worthy of retention (refer to heritage comments).
Minimum Site Area	Multiple Dwellings- Single Bedroom R 40= 166.67 square metres Total site area for 6 single multiple dwellings= 1000. square metres R60=110.66 square metre Total site area for 6 single multiple dwellings= 663.96 square metres	Site area proposed for the six single multiple dwellings= 601.2 square metres Site area proposed for the six single multiple dwellings= 601.2 square metres	Not supported- refer to 'Comments' below. Not supported- refer to 'Comments' below. It is to be noted that the R Coding being applied to the lot is R60 which is nearest whole number to R59.3. As explained in the Density section above, the R 59.3 is supported.

	<p>Grouped Dwellings</p> <p>R40=220 square metres (average site area)</p> <p>R60= 180 square metres (average site area)</p> <p>(Clause 20(3) of the TPS1 states where the Council allows an increase in the permitted dwelling density, the standards and provisions of the Residential Design Codes which relate to that higher density are to apply)</p>	<p>Unit 7=177 square metres</p> <p>Unit 8=188 square metres</p> <p>Average site area for Units 7 and 8= 182.5 square metres.</p>	<p>Supported- the two proposed lots comply with the minimum average site areas for R60. It is to be noted that the R Coding being applied to the lot is R60 which is nearest whole number to R59.3. As explained in the Density section above, the R 59.3 is supported.</p>
<p>Plot Ratio (applies to multiple dwellings only)</p>	<p>Multiple Dwellings (R 60)= 0.7= 420.84 square metres</p> <p>Minimum<u>Maximum</u> plot ratio area for single bedroom dwelling= 60 square metres</p>	<p>0.8= 480.96 square metres</p> <p>Units 1,2,3= 80.05 square metres (existing)</p> <p>Units 4,5= 78.97 square metres (existing)</p> <p>Unit 6= 86.04 square metres (existing)</p>	<p>Supported- the building is existing and therefore no further impact on the amenity of the area.</p>
<p>Open Space</p>	<p>Multiple Dwellings= 50 per cent</p> <p>Grouped Dwellings=45 per cent</p>	<p>51.3 per cent</p> <p>Unit 7= 36.5 per cent</p> <p>Unit 8= 40 per cent</p>	<p>Noted-no variation.</p> <p>Supported- as there are site constraints relating to the retention of the existing dwellings, and it is considered that the open space provided will complement the proposed dwellings. Moreover the sites will be facing the Right of Way (Nova Lane) which will create a greater sense of open space around the buildings.</p>

<p>Communal Space (applies to multiple dwellings only)</p>	<p>16 square metres per dwelling</p>	<p>23.5 square metres</p>	<p>Supported- given the site constraints, it is an inner urban development and the multiple dwellings are provided with balconies on the first floor and outdoor living areas on the ground floor which can be considered to form part of the communal open space for the dwellings. Therefore it is considered that the communal space will meet the future needs of residents of the multiple dwellings.</p>
<p>Building Setbacks: Unit 8 Boundary Walls</p>	<p>Boundary wall to one side of boundary Walls not higher than 3.5 metres with an average of 3 metres, 2/3 the length of the balance of the boundary behind the front setback (14.1 metres), to one side</p>	<p>Boundary walls to two sides of boundaries (north and east) Average Height= 3.3 metres (east) Maximum Height= 4.128 metres (east) Length= 14.745 metres (east)</p>	<p>Supported- one boundary wall will be along the northern boundary (the outbuilding) and the other one along the eastern boundary. The northern boundary wall will be 2.4 metres in height and 1.5 metres in length only which will not have a undue impact on the neighboring property. On the eastern boundary the boundary wall will be facing another wall on the adjoining property and will not cause any undue overshadowing. Therefore it is considered that there will be no undue impact in terms of visual impact, ventilation and overshadowing. A no objection letter was received from the adjoining eastern neighbour.</p>

First Floor- Eastern Boundary	2.2 metres	1.6 metres	Supported- it is considered that there will be no undue impact in terms of visual impact, ventilation and overshadowing. No objection letter was received from the adjoining eastern neighbour.
Pedestrian Access	1.5 metres wide	1.2 metres wide (existing)	Supported- as there are existing Building site constraints.
Store	Minimum Dimension of 1.5 metres and area of 4 square metres	Units 4 and 5 Minimum dimension= 0.9 metre Area= 2.97 square metres Unit 6 Minimum dimension= 1.2 metres Area= 2.64 square metres	Supported- stores are being provided below the existing staircases. The new Policy for Single Bedroom Dwellings requires a store to be minimum dimension of 1 metre and an internal area of at least 2.5 square metres. Therefore the stores would comply with the requirements of the Policy except for the dimension of 0.9 metre in lieu of 1 metre. Given it is a minor variation and the constraints of the site the dimension of 0.9 metre is supported.
Outdoor Living area	Minimum dimension of 4 metres	Unit 7= 3.641 metres	Not supported- undue impact on the future occupants of the dwellings. Therefore if this application is supported , as a condition of approval, Unit 7 should comply with the minimum dimension of 4 metres.
Privacy Setbacks	Balcony- 7.5 metres	3.97 metres from the front balcony to eastern boundary	Not supported- undue impact on neighbouring property, and balcony should be screened if proposal is supported.
Driveway	0.5 metre to a side boundary	Nil setback to western boundary	Supported- the variation will not detract from the existing streetscape.

Consultation Submissions		
Support (2)	The retention of the old character multiple dwellings is great. The demolition of the old brick iron garage and the building of new homes will improve the area.	Noted
Objection (8)	<p>Traffic and Parking-</p> <p>Inability for driver to see the street and footpath when reversing onto Knutsford Street.</p> <p>Vehicles in the car bays belonging to upstairs units- occupants will impact on the ground floor occupants in terms of engine noise.</p> <p>Access difficulties for the ground floor occupant into own unit</p> <p>Reduction in street parking due to multiple driveways to property.</p> <p>General ugliness of cars facing the street</p> <p>Not enough off street parking. This development may attract 18 occupants with a vehicle each and additional vehicles for visitors. which will impact on the traffic in the area.</p> <p>Manoeuvrability will be difficult for cars to enter the rear garages and these cars will park on the street.</p> <p>Developer should provide 6 garages at the rear</p>	<p>Not supported- the Town's Technical are satisfied with the access arrangements.</p> <p>Not supported- residents will have to comply with the Noise Regulations.</p> <p>Not supported- the ground floor units have proper access to their units.</p> <p>Not supported- agreed that there would be a reduction in the street parking, however, the vehicles can park at other places along Knutsford Street.</p> <p>Not supported- in this instance vehicles are allowed to park in open car parking within the front setback.</p> <p>Not supported- the proposal complies with the parking requirements of the Residential Design Codes.</p> <p>Not supported- there is space for manoeuvrability to the satisfaction of the Town.</p> <p>Not supported- three car bays in the front and three garages at the rear of the multiple dwellings are supported.</p>

	<p>The occupant of unit 1 should be able to reverse from the garage and the exit the laneway in forward gear.</p> <p>Driveway to visitor bay in front of Unit 3 is too close to corner the site.</p> <p>Car bays and car ports will be located on the service corridor.</p> <p>Parking bays at the rear of the multiple dwellings will have a dual purpose of outdoor living space and car bay. There can be temptation to use the garage space as the outdoor living area.</p> <p>Bins-</p> <p>Concerns about the placement of bins and their screening.</p> <p>Privacy-</p> <p>Balconies of Units 7 and 8 will overlook the adjoining southern property. The screens provided do not comply with the standard requirements.</p>	<p>Supported- amended plans received demonstrating a vehicle capable of exiting in forward gear.</p> <p>Supported- amended plans received shows no car bays in front of unit 3.</p> <p>Supported- amended plans received demonstrating no car bays /carports on the service corridor.</p> <p>Not supported- the future occupants of the dwellings will have to use the space allocated for outdoor living area as outdoor living area and the car parking.</p> <p>Not supported- amended plans received demonstrating bins along the northern boundary. However the proposed location does not meet the requirements of the Town. The bins can be located on other places of the site without unduly impacting on the area. If this application is supported, a condition will be imposed to provide details of the bins location and screening.</p> <p>Supported- if this application is supported, one of the condition will be the screens will have to comply with the standard requirements of the Town.</p>
--	---	---

	<p>Object to rear ‘sleep outs’ being converted to balconies in the existing multiple dwellings</p> <p>Overlooking of the northern property.</p> <p>Overshadowing-</p> <p>Overshadow the northern property</p> <p>Has overshadowing calculated from the natural ground levels?</p> <p>Height-</p> <p>Confinement due to height and loss of existing views.</p> <p>Heritage-</p> <p>Object to the removal of the original low brick fences as the multiple dwellings have heritage value.</p>	<p>Not supported- the rear sleep outs are screened balconies. Therefore the cone of vision is not an issue.</p> <p>Not supported- the windows to the grouped dwellings on the first floor are screened.</p> <p>Not supported- the proposal complies with the overshadowing requirements of the R-Codes.</p> <p>Not supported- overshadowing has been calculated from the natural ground levels.</p> <p>Not supported- the proposed grouped dwellings comply with the height requirements. Therefore the loss of existing views is not a planning issue.</p> <p>Not supported- the retention of the low wall is not essential to the setting or understanding of the place as an Inter-war Contemporary building and therefore the removal of the low wall is considered acceptable.</p>
--	---	---

	<p>The two proposed grouped dwellings do not fit in with the original 30's flats. They will blight the heritage of this area. The two dwellings have flat roofs- not pitched roof- completely out of keeping with the developments of the locality.</p> <p>The current multiple dwellings being modernized, repaired and/or renovated to create a visually appealing building to conform to the modern buildings in the street.</p> <p>Reduction of property values-</p> <p>Site Area-</p> <p>Proposal does not comply with the site areas</p>	<p>Not supported- both contemporary and conservative design approaches for new buildings may be appropriate in heritage areas and in accordance with good conservation practice design which mimics, and replicates historic styles is discouraged. It is to be noted that the subject place is not in a heritage area. The value of the subject place is on its presentation to Knutsford Street. The proposed development is not able to be viewed from Knutsford Street and does not dominant or diminish the value of the subject Inter-war Contemporary building.</p> <p>Not supported- it is considered that the painting of the façade would remove its ability to demonstrate the stylistic qualities of the Inter-war Contemporary style and reduce its ability to contribute to the evolution of the locality. Therefore the painting of the building is not supported.</p> <p>Not supported- not a major planning consideration.</p> <p>Supported- refer to "Comments" below. However, it is to be noted that Lots 7 and 8 comply with the minimum and average site areas as shown above.</p>
--	--	--

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

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

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

COMMENTS

Heritage

The Wise Post Office Directories indicates that the subject place at Nos. 16 and 18 Knutsford Street, North Perth was constructed circa 1941. Built in the Inter-war Contemporary style of architecture, the place appears to maintain its original presentation to the street. However, the place is not currently listed on the Town of Vincent's Municipal Heritage Inventory (MHI).

The provision of density bonuses is not restricted to places that are on or meet the threshold for inclusion into the MHI. As stipulated in the Knutsford Locality Plan No. 18 *"the retention and/or restoration of existing housing contributing to the historic character of the area will be encouraged"*. The Town's Heritage Officers consider that the subject place is worthy of retention, as it has value in the evolution of the locality and is indicative of the type of flats that were constructed in the Town of Vincent during the inter-war period.

Whilst the place is of interest, it was not proposed for listing on the Town's Municipal Heritage Inventory as other flats from the inter-war period, within the locality were identified, which exhibited greater stylistic detail.

Redevelopment

The applicant previously submitted a planning application for proposed conversion of three (6) multiple dwellings to three (3) two-storey grouped dwellings and construction of an additional three (3) two-storey grouped dwellings and associated undercroft car-parking for the subject site. The Council considered this application at its Ordinary Meeting held on 5 December 2006 and resolved to refuse the application for the following reasons:

1. The extent of density bonuses sought is unreasonable
2. Not meeting minimum site area requirements.
3. Non-compliance with building height requirements.
4. Carports facing Knutsford Street are too narrow for double carports resulting in insufficient on-site parking.
5. Non-compliance with the Town's Parking and Access Policy.
6. Impact of carports on streetscape and loss of on-street parking.
7. Consideration of objections received.

Subsequent to the refusal, the applicant lodged an appeal to the State Administrative Tribunal (SAT) for a review of the Council's decision.

On 10 May 2007, SAT issued an order whereby the decision by Council to refuse the application was upheld. SAT provided the following comments:

- “52 *It follows that the application for review should be dismissed and the decision of the Town to refuse development approval should be affirmed.*
- 53 *However, the Tribunal notes that the site is suitable for redevelopment in accordance with the R60 standards if the residential flat building, including the stairway elements, is retained, car parking structures are located at the rear of the building, outdoor living areas are not oriented at an elevated level towards No. 14 Knutsford Street and the development were otherwise in conformity with the Codes and generally consistent with the applicable zoning and planning provisions. Redevelopment in accordance with the R60 standards would allow a maximum of five grouped dwellings on the site.*
- 54 *An alternative form of development which could be achieved in density terms, if the Council exercises discretion under cl 3.1.3 A3 of the Codes to permit the minimum site area for a Single Bedroom Dwelling to be reduced by up to one-third, is for the northernmost four units to be restored and to remain (or be converted if they contain more than one bedroom into) Single Bedroom Dwellings, for the southernmost two units to be converted into a grouped dwelling and for a building to be erected at the rear of the site comprising two grouped dwellings. This would enable a total of seven dwellings (four Single Bedroom Dwellings and three grouped dwellings). A further alternative which could be achieved in density terms, if the Council exercises discretion in relation to Single Bedroom Dwellings and also discretion under cl 3.1.3 of the Codes to allow up to a 5% variation in average site area for grouped dwellings, is for each of the six units to be restored and to remain (or be converted into) Single Bedroom Dwellings and for two grouped dwellings with an average site area of 173.5 square metres to be erected at the rear. This would enable a total of eight dwellings (six Single Bedroom Dwellings and two grouped dwellings).*
- 55 *The benefits of either and more so of the second alternative form of development would include that:*
- *the residential flat building would be retained not only in form but also substantially or wholly in function;*
 - *the northern stairway structure or both stairway structures would continue to serve their historic function of providing walk-up access to flats;*
 - *the development would “cater for the diversity of demands , interests and lifestyles by[providing] a wide range of choices in housing “ (TPS 1 cl 6(3)(a)); and*
 - *the development would incorporate four or six more affordable housing units than would be the case with five grouped dwellings.*
- 56 *However, any of the three forms of development would require the accommodation of six car parking bays on site to serve the front dwellings (one space for each Single Bedroom Dwelling and two spaces for any grouped dwelling). If carports or garages were proposed, these must be located behind the existing building. Vehicles accommodated behind the building would need to be able to turn around on site. However, it would be acceptable to remove the three sections of low street front walls to be able to accommodate one vehicle for each of the upper units in front of the building, provided that there is no carport structure. This would still enable two on-street car bays to be retained for visitors to the development, and residents and visitors to the street generally, directly in front of the two stairway structure.”*

Given the above, a new application was submitted in line with the SAT comments. The new proposal is for conversion of six (6) multiple Bedroom multiple dwellings to six single bedroom multiple dwellings and construction of an additional two (2) two-storey grouped dwellings.

For six single bedroom multiple dwellings the applicant is required to provide a minimum site area of 663.99 square metres. The area provided is 601.2 square metres, excluding the area of the service corridor/pedestrian access (46 square metres) and the two new sites for Units 7 and 8 (365 square metres). Therefore the proposal does not meet the requirements for the minimum site area for the six multiple single bedroom dwellings.

The State Administrative Tribunal's, comments for that six single bedroom dwellings and two grouped dwellings could be supported, did not take into consideration that a service corridor should be provided. For the previous application which was refused by Council, the Town's Technical Services did not request a service corridor/pedestrian access to be shown on the plans because the layout proposed did not prohibit a service corridor/pedestrian access to be provided. However for this new proposal the Town's Technical Services have requested that the service corridor/pedestrian access be shown on the plans at this stage.

The Town is of the view that the proposal would have been in line with SAT comments if there would be no service corridor/pedestrian access and a small change to the areas of Lots 7 and 8. However, given that Nova Lane is not a dedicated road, the applicant is required to provide a service corridor/pedestrian access and therefore it is not practical for the proposal to satisfy the minimum site area for the single bedroom multiple dwellings.

It is to be noted also that the scale and density of development would be the same with or without the service corridor/pedestrian access.

Given that the proposal does not meet the minimum site area for the multiple dwellings, this application is recommended for refusal.

10.3.7 Parks and Reserves Strategy/Recreational Needs Analysis

Ward:	Both	Date:	7 May 2008
Precinct:	All	File Ref:	
Attachments:	001		
Reporting Officer(s):	M Rootsey, J Anthony, J van den Bok		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Parks and Reserves Strategy/Recreational Needs Analysis Report (as “Laid on the Table”);*
- (ii) *NOTES the recommendation of the Parks and Reserves Strategy/Recreational Needs Analysis; and*
- (iii) *NOTES that a further report on the recommendations and a timeline for implementation will be submitted to the first Council meeting in June 2008.*

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

AMENDMENT 1

Moved Cr Ker, Seconded Cr Lake

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

“(iv) REQUESTS that the further report specifically address the issues associated with Forrest Park.”

Debate ensued.

AMENDMENT 1 PUT AND CARRIED (7-0)

(Crs Doran-Wu and Messina were apologies for the meeting.)

Debate ensued.

AMENDMENT 2

Moved Cr Lake, Seconded Cr Ker

That new clauses (v) and (vi) be inserted as follows:

“(v) NOTES that the most popular physical activity ‘walking’ is facilitated by the provision of good infrastructure including footpaths, shade and good lighting, both within and outside parks; and

- (vi) *REQUESTS that the proposed Recreation Policy include a provision to balance structured and unstructured use of reserves as outlined in Section 9.3.”*

AMENDMENT 2 PUT AND CARRIED (7-0)

(Crs Doran-Wu and Messina were apologies for the meeting.)

MOTION AS AMENDED PUT AND CARRIED (7-0)

(Crs Doran-Wu and Messina were apologies for the meeting.)

COUNCIL DECISION ITEM 10.3.7

That the Council:

- (i) *RECEIVES the Parks and Reserves Strategy/Recreational Needs Analysis Report (as “Laid on the Table”);*
- (ii) *NOTES the recommendation of the Parks and Reserves Strategy/Recreational Needs Analysis;*
- (iii) *NOTES that a further report on the recommendations and a timeline for implementation will be submitted to the first Council meeting in June 2008;*
- (iv) *REQUESTS that the further report specifically address the issues associated with Forrest Park;*
- (v) *NOTES that the most popular physical activity ‘walking’ is facilitated by the provision of good infrastructure including footpaths, shade and good lighting, both within and outside parks; and*
- (vi) *REQUESTS that the proposed Recreation Policy include a provision to balance structured and unstructured use of reserves as outlined in Section 9.3.*

PURPOSE OF REPORT:

To present the Parks and Reserves Strategy/Recreational Needs Analysis Report to the Council.

BACKGROUND:

The Parks and Reserves Strategy/Recreational Needs Analysis has been prepared by Jill Powell and Associates.

The aim of the strategy was as follows:

“To develop a management and utilisation strategy for the current and future use of the Town of Vincent Parks and Reserves for both structured and unstructured activities”.

The background to the methodology used is listed below:

The Town of Vincent is keen to ensure that its facilities are optimally used and, whilst balancing the fiscal constraints with residents/users expectations, provide facilities to meet current and future community expectations.

In order to achieve these outcomes it is first necessary to have an understanding and knowledge of what exists, what work has been undertaken and what decisions have already been made.

To complete the report, the following data has been collated and reviewed:

Demographics

- Current
- Future; and
- Social characteristics

Review of Reports

- Local
- State; and
- National

Facility Inventory/Audit

- Location
- Facilities
- General Condition
- Use; and
- General Comments and Options for development

Trend Identification

- Participation

Community Consultation

- School Survey
- Staff interviews
- Club Survey; and
- Advertisement

DETAILS:

Review of Reports

The review considered the following documentation.

- SD3 Strategic Directions for Western Australian Sport and Recreation 2003-2005
- Shaping Up. A review of Commonwealth Involvement in Sport and Recreation in Australia
- Beyond 2000. Discussion Paper. Australian Sports Commission
- Town of Vincent Policy Manual
- Town of Vincent Vision 2024
- Town of Vincent Council Reports

This review has provided a solid base on which to assess all elements raised historically and their currency in today's economic and social climate.

Demographics

The market analysis of the population have identified a number of key points which will be considered in the report, they are:

- The study area consists of a population of 25, 618 with 49.68% males and 50.32% females;
- The study area has a significantly lower population in the 0-14 and 45-64 age groups with much higher numbers in the 25-44 and 65+ age groups;
- 65.35 % of the local community are under 45 years of age which when compared with participation trends would indicate an active population;
- A total of 22.04% of the population are contained within the 40-54 age group (“baby boomers”) this will have a major impact on services and facilities of the next 10 years;
- Australian born persons were more likely to participate (57.6%) than persons born overseas; and
- Population projections indicate that there will be a gradual overall growth to 29,000 by the year 2021.

Participation in organised sport and physical activities

Summary:

- Australian born persons were more likely to participate (57.6%) than persons born overseas;
- The highest participation rate is contained within the 15-24 age group, which corresponds to 13.6% (3,514 persons) of the study area;
- Walking is the most popular physical activity accounting for 51.3% of females and 26.6% of males, and does not necessarily require any built or developed facilities; and
- The top five activities are all activities that can be undertaken in an unstructured environment, informally and to some extent require limited facility development and occurs despite lack of development, these being:
 - Walking (other);
 - Aerobics/fitness;
 - Swimming;
 - Cycling; and
 - Running.
- The level of Physical Activity in the North Metropolitan Health region indicates that the proportion of adults from the region were:
 - Sufficiently active (54.5%)
 - Insufficiently active (34.1%)
 - Inactive (11.4%)

Reserves/Inventory/ Audit

There are thirty-six (36) parks and reserves in the Town. It is clear that in terms of facilities the Town is well serviced, in that all sports and community groups wishing to participate have a facility.

Consultation

The consultation undertaken with community groups within the Town revealed the following key issues:

- Static or declining memberships;
- Low membership fees that may need to be increased;
- Lack of formal development plans leading to ad hoc development;
- The need to improve communication between the Town and its users;
- The lack of understanding in terms of maintenance roles and responsibilities; and
- The need for refurbishment of ageing facilities.

Feedback from local residents centred on the need for additional space for dog exercise areas and the need to ensure playgrounds are shaded and perimeter fencing is in place.

Issue Identification

The key considerations for the Town over the next ten years, based on demographic data and trends in participation are significant and will have an impact on how Parks and Reserves are provided within the Town, these are:

- The change in participation trends
Participation trends are changing and as such support for increasing facility development along these lines that increase safety, security, access, travel links by means of lighting, dual use pathways, fitness tracks, playgrounds and BBQ's.
- Community expectations in terms of standard of facility
The Town has a number of buildings over 30 years old. The design of buildings in the 1970's is significantly different to today's standards and renovation and redevelopment is now required.
- The need to have a Council position on provision of facilities and services
The lack of a Council philosophical position as to why it is involved in the provision of parks and reserves for sport and recreation, results in some inconsistencies and lack of currency in existing policies.

The development of clear philosophical statements will not remove all areas of contention but will aid decision making by the provision of a guideline or standard for consideration.

- The need for clear delineation of roles and responsibilities
Of some concern to the community is a lack of clearly understood delineation of responsibility for undertaking maintenance. During the consultation phase it was not uncommon to hear the community question who was responsible for mowing the grassed areas, cleaning the gutters etc. Where maintenance of public facilities rests with a club they need to be made aware of their obligations to the Town.

It is acknowledged that detailed maintenance schedules are provided as part of the licence but these are not well known by the tenants and ongoing education is required to ensure that items are not left thus resulting in a maintenance item build up which does not lead to sound planned expenses.

- The emphasis on increasing physical activity
In order to increase the physical activity rates of the Town of Vincent community, it is important to address the existing level of service and facility provision and measure it against the core characteristics of an active community as defined by the WA Physical Activity Task Force.

Policy/Procedure Development

The report proposes the introduction of the following new policy.

Seasonal Changeover Policy

The demands placed on the Town's officers by organised sports are becoming more difficult to control due to sporting associations extending their requirements outside of their traditional seasons. In an attempt to ensure equity and fairness in the allocation of reserves, it would be advantageous to specify an even split of priority allocations based on a six month booking season. Additionally it needs to be acknowledged that in order to ensure the quality of the surfaces, the Parks Services Section require some time during the year to affect any necessary maintenance and remedial works, thus an allowance for reserves to have a two week break at the end of each season will provide for this to occur.

Reserve Classification/Booking Requirements

A proposed classification of the thirty-six (36) Parks and Reserves has been proposed as follows:

- Major active - Exclusive Use - 4
- Major active - Seasonal Organised Use - 8
- Major passive - 4
- District Passive/Junior Active - 3
- Local Passive - 12
- Garden Local - 6

The report also proposes the introduction of two other forms of documentation to improve the management of the reserves and their buildings. These are:

- Draft Maintenance Responsibility Listing, to supplement lease conditions;
- Draft Reserve Checklist

The Proposed changes to procedures and policy are aimed at:

- Improving control and management of the Parks and reserves by the Town's administration
- Give clear guidelines to sporting clubs
- Acknowledge the need for clubs and groups to improve their level of responsibility in the use of reserves
- Provide for an opportunity to limit any excessive use and assist staff in continuing to provide quality surfaces.

Facility Modifications

The report identifies the following areas as requiring attention:

- Additional equipment for unstructured activities
- Increase in the provision of lighting for evening use
- Review of number and location of dog exercise restrictions
- Facility issues on specified reserves.

The proposed facility modifications under these classifications allow for the Town to:

- Address the changes in participation trends;
- Provide for the whole community in their physical activity pursuits;
- Extend the hours of use of parks and reserves to allow for an increase in unstructured hours; and
- Improve existing ageing infrastructure for the whole community.

Recommendations

POLICY

- That based on the identified trends and current issues consideration be given to the development of a Recreational Policy which clearly states the Council's position in its provision of sport and recreation facilities and services.
- That the proposed Seasonal Changeover Policy be adopted.
- That the Reserves Classification listing be adopted and delegated authority be given to Council employees for the allocation of sporting uses on Major Active Reserves for weekdays between 4pm and 8.30pm and daylight hours during the weekends.
- That all sporting clubs be requested to provide updated participation numbers within three weeks of the commencement of their respective season.
- That all reserves be assessed in conjunction with the sporting group to determine the maximum playing surfaces/playing numbers to allow for improved surface quality and reserve management.
- That an annual onsite meeting be incorporated into the booking process and the Draft Reserve Utilisation Checklist be used as the template for all meetings.
- That officers update information contained within the Draft Reserve Utilisation Checklist on an annual basis to ensure its currency with requirements and standards.
- That an end of season exit interview be conducted with seasonal users to address any issues that either the user or the council has experienced during the season and determine actions to alleviate a reoccurrence of the issue.
- That the Draft Maintenance Responsibilities Standards Paper be endorsed and included with any management agreement to ensure all parties are aware of their responsibilities.
- That consideration be given to the development of a Fees and Charges Policy which clearly states the Council's position in its provisions of Sport and Recreation facilities and services and specifically addresses the following:
 - Depreciation requirements
 - Maintenance costs and responsibilities
 - Desired cost recovers
 - Utilisation
 - Capacity to pay
- That the Town retains all booking rights to any floodlights located on Major Active Reserves and an appropriate fee be determined to allow for more of the community to access lights for activities.

FACILITIES

- That in recognition of the changing nature of participation, the Town as a priority supports the placement of additional facilities for unstructured sport and recreation such as outdoor gym equipment.
- That the placement of this equipment be focussed on four key areas throughout the Town to allow for ease of access for the Town's population.
- That the Town consider lighting four key reserves on a permanent basis to 9pm to allow for after work activity on an unstructured basis. The advent of daylight saving during the summer months for the next three years will alleviate the need to turn the lights on from October to March but lighting should be considered from April to October.
- That the four reserves recommended as trial reserves (subject to changes in floodlight policy) are:
 - Forrest Park;
 - Les Lilleyman Reserve;
 - Britannia Reserve;
 - Charles Veryard Reserve; and
- That in support of the Council decision of 6 December (Item 10.3.6) 2005 the Town investigate and trial a total off-leash reserve for dog exercise.
- That a feasibility study be conducted to address all options and costings to either renovate or redevelop the Forrest Park Clubrooms and Change Rooms.
- That an assessment of the necessary remedial works be undertaken to the Birdwood Square to improve the quality of the playing surface to allow for sporting use.
- That Birdwood Square be reconsidered as a dog exercise area.
- That a feasibility study be conducted to address all options and costings prior to either renovate or redevelop the Britannia Reserve Clubrooms and Change Rooms.

CONSULTATION/ADVERTISING

Nil.

LEGAL/POLICY

The following policies are impacted by this report:

- 1.1.5 Donations, Sponsorship and Waiving of Fees and Charges
- 1.2.1 Terms of Lease
- 2.1.7 Use and Hire of Recreational Reserves and Parks
- 2.1.8 Floodlight Installation by Sporting Organisations on Council Reserves
- 4.1.18 Naming of Reserves and Buildings

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011 – Key Result Area

1.1.5 Enhance and maintain parks and community facilities

(a) Complete a Recreational Needs Analysis and implement recommendations.

FINANCIAL/BUDGET IMPLICATIONS

An amount of \$20,000 is included in the 2007/2008 budget for the implementation of recommendations of this study.

COMMENT:

This report provides a comprehensive insight into the current and future demands on our reserves and parks and the recreational requirements of the Town.

The recommendations in the report should be adopted and implemented.

10.1.6 Nos. 117A-119 (Lot: 8 and 9, D/P: 854) Richmond Street, Leederville - Proposed Demolition of Single House and Construction of Two (2) Two-Storey with Loft Multiple Dwellings and Two (2) Three-Storey Multiple Dwellings

Ward:	South	Date:	6 May 2008
Precinct:	Leederville; P3	File Ref:	PRO4279; 5.2007.533.1
Attachments:	001 002		
Reporting Officer(s):	D Pirone, K Jackson		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Rechichi Architects on behalf of the owner D De Fiddes Pty Ltd for proposed Demolition of Single House at No. 119 (Lot: 9, D/P: 854) Richmond Street, Leederville, and as shown on plans stamp-dated 11 March 2008, subject to the following conditions:*
- (a) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
 - (b) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
 - (c) *a development proposal for the redevelopment of the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*
 - (d) *demolition of the existing building 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 buildings valued by the community;*
 - (e) *support of the demolition application shall not be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property; and;*
 - (f) *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 Planning Scheme No. 1 and associated Policies; and*

- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Rechichi Architects on behalf of the owner D De Fiddes Pty Ltd for proposed Construction of Two (2) Two-Storey with Loft Multiple Dwellings and Two (2) Three-Storey Multiple Dwellings, at Nos. 117A-119 (Lot: 8 and 9, D/P: 854) Richmond Street, Leederville, and as shown on plans stamp-dated 11 March and 9 April 2008, for the following reasons:*
- (a) *the development is non consistent with the orderly and proper planning and the preservation of the amenities in the locality;*
 - (b) *the non-compliance with the density, plot ratio, building setbacks and building height requirements of the Residential Design Codes, and the Town's Policies relating to the Residential Design Elements; and*
 - (c) *consideration of the objections received.*

COUNCIL DECISION ITEM 10.1.6

Moved Cr Farrell, Seconded Cr Youngman

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Farrell, Seconded Cr Youngman

That the item be DEFERRED for further consideration and discussions with the Applicant.

PROCEDURAL MOTION PUT AND CARRIED (7-0)

(Crs Doran-Wu and Messina were apologies for the meeting.)

Landowner:	D De Fiddes Pty Ltd
Applicant:	Rechichi Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R60
Existing Land Use:	No. 119 - Single House and No. 117A - Vacant Land
Use Class:	Multiple Dwellings
Use Classification:	"P"
Lot Area:	649 square metres
Access to Right of Way	Not Applicable

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the demolition of the existing single house at No. 119 Richmond Street and the construction of two (2) two-storey with loft multiple dwellings and two (2) three-storey multiple dwellings at the subject properties. The lot at No. 117A Richmond Street is currently vacant and was previously owned by the Water Corporation for a many years. A sewer easement is running through the centre of the lot and the relocation of the sewer is subject to the approval of the Water Corporation.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density:	3.91 dwellings at R60 multiple dwelling requirements	4 multiple dwellings 2.31 per cent density bonus	Not supported – the proposed density bonus does not comply with any of the reasons for support outlined in Clause 20 (2) of the Town of Vincent Town Planning Scheme No. 1.
Plot Ratio:	0.7 or 454.3 square metres	0.72 or 468.35 square metres	Not supported – considered to have an undue impact on the amenity of the area.
Building Setbacks: Ground Floor -West Unit 1	1.5 metres	Nil – 1.2 metres	Supported – not considered to have an undue impact on the neighbouring properties. Supported – not considered to have an undue impact on the neighbouring properties. Supported – not considered to have an undue impact on the neighbouring properties. Supported – not considered to have an undue impact on the neighbouring properties.
Unit 3	1.5 metres	Nil – 1.061 metres	
-East Unit 2	1.5 metres	Nil – 1.2 metres	
Unit 4	1.5 metres	Nil – 1.88 metres	

-South Units 3 and 4	1.5 metres	Nil – 1.2 metres	Supported – not considered to have an undue impact on the neighbouring properties.
First Floor -North (Richmond Street) Balconies	1 metre behind the ground floor	In line with the ground floor line.	Supported in part – the proposed setback of the balcony is not considered to have an undue impact on the streetscape as there are examples of new developments with ground floor and upper floor flush walls along Richmond Street. However the timber louvers should be deleted from the balcony to make the balcony open and not dominate the streetscape.
-West Unit 1	1.6 metres	0.5 metres – 1.2 metres	Not supported – considered to have an undue impact on the neighbouring properties. Condition applied for the upper floor to be setback a minimum of 1.2 metres from the eastern, western and southern boundaries.
Courtyards	2 metres	1.2 metres	Supported – not considered to have an undue impact on the neighbouring properties.
-East Unit 2	1.6 metres	0.5 metres – 1.2 metres	Not supported – considered to have an undue impact on the neighbouring properties.
Unit 2	1.6 metres	0.5 metres – 1.2 metres	Not supported – considered to have an undue impact on the neighbouring properties.

Unit 4	3 metres	1.2 metres – 2.5 metres	Supported – not considered to have an undue impact on the neighbouring properties.
-South Units 3 and 4	2 metres	1.2 metres – 1.97 metres	Supported – not considered to have an undue impact on the neighbouring properties.
Loft/Second Floor -West Unit 1	1.4 metres	1.2 metres	Supported – not considered to have an undue impact on the neighbouring properties.
-East Unit 2	1.4 metres	1.2 metres	Supported – not considered to have an undue impact on the neighbouring properties.
-South Unit 3 and 4	5.8 metres	3.5 metres	Supported – not considered to have an undue impact on the neighbouring properties.
Buildings Boundary:	on Walls not higher than 3.5 metres with average of 3 metres for 2/3 the length of the boundary behind the front setback, to one side boundary.	Three boundary walls proposed. West Wall Height – Unit 1 boundary wall height = 6 metres Unit 3 wall height = 3 metres. Wall Length – 2/3 = 22.46 metres Proposed total wall length = 8 metres East Wall Height – Unit 2 boundary wall height = 6 metres Unit 4 wall height = 3 metres. Wall Length – 2/3 = 22.46 metres Proposed total wall length = 9 metres	Supported in part – the height of the boundary wall is considered to have an undue impact on the neighbouring property. Supported in part – the height of the boundary wall is considered to have an undue impact on the neighbouring property.

		South Wall Height – Unit 3 wall height = 3 metres Wall Length – 2/3 = 12.8 metres Proposed total wall length = 5.1 metres	Supported in part – the height of the boundary wall is considered to have an undue impact on the neighbouring property.
Building Height:	Maximum height of two storeys.	Three storeys proposed for units 3 and 4.	Not supported – considered to have an undue impact on the neighbouring properties and the amenity of the area.
	Pitch Roof – 6 metres to the top of the eaves and 9 metres to the top of the pitch.	7 metres to the top of the eaves for units 1 and 2.	Not supported – considered to have an undue impact on the neighbouring properties and the amenity of the area.
	Concealed Roof – Maximum height of 7 metres to the top of the building.	8.4 metres to the top of the concealed roof for units 3 and 4.	Not supported – considered to have an undue impact on the neighbouring properties and the amenity of the area.
Privacy Setbacks: Unit 1			
-Balcony to the Kitchen (West)	7.5 metres	1.2 metres to the western boundary	Not supported – considered to have an undue impact on the neighbouring property.
-Private Courtyards (West)	7.5 metres	1.2 metres to western boundary	Not supported – “as above”
-Windows to the Loft (South)	7.5 metres	3.9 metres to western boundary	Not supported – “as above”
Unit 2			
-Balcony to the Kitchen (East)	7.5 metres	1.2 metres to the eastern boundary	Not supported – “as above”
-Private Courtyards (East)	7.5 metres	1.2 metres to the eastern boundary	Not supported – “as above”
-Windows to the Loft (North)	6 metres	3.9 metres to the eastern boundary	Not supported – “as above”
-Windows to the Loft (South)	6 metres	4.1 metres to the eastern boundary	Not supported – “as above”

Unit 3 -Private Courtyards (West)	7.5 metres	1.2 metres to the western boundary	Not supported – “as above”
-Windows to the Loft (North)	6 metres	4.3 metres to the western boundary	Not supported – “as above”
-Windows to the Loft (South)	6 metres	3.2 metres to the western boundary 5 metres to the southern boundary	Not supported – “as above”
Unit 4 -Private Courtyards (East)	7.5 metres	1.2 metres to the eastern boundary	Not supported – “as above”
-Windows to the Loft (South)	6 metres	4.2 metres to the eastern boundary 5 metres to the southern boundary	Not supported – “as above”

Consultation Submissions

Support	Nil	Noted.
Objection (6)	<ul style="list-style-type: none"> • Building setbacks. • Overshadowing. • Building height and proposed third storey. • Boundary walls. • Privacy. • Bulk and scale and overdevelopment of the site. 	<ul style="list-style-type: none"> • Not supported – the proposed building setbacks are not considered to have an undue impact on the neighbouring properties. • Not supported – the proposal is compliant with the overshadowing requirements of the R Codes. • Supported – considered to have an undue impact on the neighbouring properties and the amenity of the area. • Supported in part – the proposed boundary walls on the ground floor are not considered to have an undue impact on the neighbouring properties. However the two-storey boundary walls will have an undue impact on the neighbouring properties. • Supported – considered to have an undue impact on the neighbouring properties. • Supported – the proposed plot ratio has an undue impact on the amenity of the area.

	<ul style="list-style-type: none"> • Car parking. 	<ul style="list-style-type: none"> • Not supported – the proposal is compliant with car parking requirements of the R Codes.
--	--	---

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

COMMENTS:

Demolition

The property at No. 119 Richmond Street, Leederville, is an example of a Post-war Conventional Suburban Style Bungalow. Although a precise date of construction could not be determined, it was most likely built during the 1950s. It is a brick and tile bungalow with a hipped roof, with an ‘L’ shaped two room frontage. The housing stock in Richmond Street represents a range of styles from various periods, with differing setbacks, bulk and scale. As such there is little streetscape value.

A full heritage assessment was undertaken for No. 119 Richmond Street 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.

Redevelopment

The proposed density, plot ratio, building height, and boundary wall variations will have an undue impact on the amenity of the surrounding area and the neighbouring properties and in this instance the proposal is recommended for refusal.

10.1.1 Further Report - Proposed Scheme Amendment No. 25 to the Town of Vincent Town Planning Scheme No. 1 – Clause 20(4) Relating to No Multiple Dwellings; and Proposed Policy Amendment No. 53 - Draft Policy Relating to Multiple Dwellings

Ward:	Both Wards	Date:	6 May 2008
Precinct:	Cleaver P5; Smith's Lake P6; Hyde Park P12; Banks P15	File Ref:	PLA0192
Attachments:	001		
Reporting Officer(s):	H Smith		
Checked/Endorsed by:	D Abel, R Boardman,	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

(i) *pursuant to Section 75 of the Planning and Development Act 2005, RESOLVES TO INITIATE AN AMENDMENT to the Town of Vincent Town Planning Scheme No. 1 by modifying the Scheme Text as follows:*

(a) *Replace clause 20 (4) (a) (i) -*

“(a) Cleaver Precinct P5,

(i) Multiple dwellings are not permitted in this Precinct;”

with new clause 20 (4) (a) (i) -

“(a) Cleaver Precinct P5,

(i) Multiple dwellings are not permitted in this precinct; however, the Council may consider multiple dwellings where the Council is satisfied that the development is consistent with the Town of Vincent Policy relating to Multiple Dwellings.”;

(b) *Replace clause 20 (4) (b) (i) -*

“(b) Smith's Lake Precinct P6,

In the area along Charles Street, between Emmerson and Albert Streets, coded R60, multiple dwellings are not permitted;”

with new clause 20 (4) (b)-(i) -

“(b) Smith's Lake Precinct P6,

In the area along Charles Street, between Emmerson and Albert Streets, coded R60, multiple dwellings are not permitted; however the Council may consider multiple dwellings where the Council is satisfied that the development is consistent with the Town of Vincent Policy relating to Multiple Dwellings.”;

(c) *Replace clause 20 (4) (e) (i) -*

“(e) Hyde Park Precinct P12,

(i) Multiple dwellings are not permitted in this precinct;”

with new clause 20 (4) (e) (i) -

“(e) Hyde Park Precinct P12,

(i) Multiple dwellings are not permitted in this precinct; however, the Council may consider multiple dwellings where the Council is satisfied that the development is consistent with the Town of Vincent Policy relating to Multiple Dwellings.”; and

(d) *Replace clause 20 (4) (g) (i) -*

“(g) Banks Precinct P15,

(i) Multiple dwellings are not permitted in this precinct ;”

with new clause 20 (4) (g) (i) -

“(g) Banks Precinct P15,

(i) Multiple dwellings are not permitted in this precinct; however, the Council may consider multiple dwellings where the Council is satisfied that the development is consistent with the Town of Vincent Policy relating to Multiple Dwellings.”;

(e) *Replace clause 20 (4) (d) (i) -*

“(d) Norfolk Precinct P10,

(i) Multiple dwellings are not permitted in areas coded R40;”

with new clause 20 (4) (d) (i) -

“(d) Norfolk Precinct P10,

(i) Multiple dwellings are not permitted in areas coded R40, however, the Council may consider multiple dwellings where the Council is satisfied that the development is consistent with the Town of Vincent Policy relating to Multiple Dwellings.”

(ii) *ADOPTS the Draft Policy relating to Multiple Dwellings in the interim until the formal adoption of the Policy;*

(iii) *ADVERTISES the Draft Policy relating to Multiple Dwellings for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*

(a) *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*

(b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*

- (c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*
- (iv) *after the expiry of the period for submissions:*
 - (a) *REVIEWS the Draft Policy relating to Multiple Dwellings, having regard to any written submissions; and*
 - (b) *DETERMINES the Draft Policy relating to Multiple Dwellings, with or without amendment, to or not to proceed with it.*

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

COUNCIL DECISION ITEM 10.1.1

Cr Youngman departed the Chamber at 7.46pm.

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Cr Youngman returned to the Chamber at 7.47pm.

AMENDMENT 1

Moved Cr Ker, Seconded Cr Farrell

That clauses (i)(a) - (e) be amended to read as follows:

- (i) *pursuant to Section 75 of the Planning and Development Act 2005, RESOLVES TO INITIATE AN AMENDMENT to the Town of Vincent Town Planning Scheme No. 1 by modifying the Scheme Text as follows:*
 - (a) *Replace clause 20 (4) (a) (i) -*
 - “(a) *Cleaver Precinct P5,*
 - (i) *Multiple dwellings are not permitted in this Precinct;”*
 - with new clause 20 (4) (a) (i) -*
 - “(a) *Cleaver Precinct P5,*
 - (i) *Multiple dwellings are not permitted in this precinct; however, the Council may consider multiple dwellings where the Council is satisfied that the development is consistent with the Town of Vincent ~~Policy~~Policies relating to Multiple Dwellings and residential design elements.”;*

(b) *Replace clause 20 (4) (b) -*

“(b) Smith’s Lake Precinct P6,

In the area along Charles Street, between Emmerson and Albert Streets, coded R60, multiple dwellings are not permitted;”

with new clause 20 (4) (b) -

“(b) Smith’s Lake Precinct P6,

In the area along Charles Street, between Emmerson and Albert Streets, coded R60, multiple dwellings are not permitted; however the Council may consider multiple dwellings where the Council is satisfied that the development is consistent with the Town of Vincent ~~Policy~~Policies relating to Multiple Dwellings and residential design elements.”;

(c) *Replace clause 20 (4) (e) (i) -*

“(e) Hyde Park Precinct P12,

(i) Multiple dwellings are not permitted in this precinct;”

with new clause 20 (4) (e) (i) -

“(e) Hyde Park Precinct P12,

(i) Multiple dwellings are not permitted in this precinct; however, the Council may consider multiple dwellings where the Council is satisfied that the development is consistent with the Town of Vincent ~~Policy~~Policies relating to Multiple Dwellings and residential design elements.”; and

(d) *Replace clause 20 (4) (g) (i) -*

“(g) Banks Precinct P15,

(i) Multiple dwellings are not permitted in this precinct ;”

with new clause 20 (4) (g) (i) -

“(g) Banks Precinct P15,

(i) Multiple dwellings are not permitted in this precinct; however, the Council may consider multiple dwellings where the Council is satisfied that the development is consistent with the Town of Vincent ~~Policy~~Policies relating to Multiple Dwellings and residential design elements.”;

(e) *Replace clause 20 (4) (d) (i) –*

“(d) Norfolk Precinct P10,

(i) Multiple dwellings are not permitted in areas coded R40;”

with new clause 20 (4) (d) (i) -

“(d) Norfolk Precinct P10,

(i) Multiple dwellings are not permitted in areas coded R40, however, the Council may consider multiple dwellings where the Council is satisfied that the development is consistent with the Town of Vincent ~~Policy~~Policies relating to Multiple Dwellings and residential design elements.”

AMENDMENT 1 PUT AND CARRIED (7-0)

(Crs Doran-Wu and Messina were apologies for the meeting.)

Debate ensued.

Cr Farrell departed the Chamber at 7.52pm.

AMENDMENT 2

Moved Cr Lake, Seconded Cr Ker

That clause (ii) be deleted.

Cr Farrell returned to the Chamber at 7.53pm.

AMENDMENT 2 PUT AND CARRIED (7-0)

(Crs Doran-Wu and Messina were apologies for the meeting.)

AMENDMENT 3

Moved Cr Maier, Seconded Cr Ker

That clauses (i)(a), (b), (c), (d) and (e) be amended to read as follows;

“(i) pursuant to Section 75 of the Planning and Development Act 2005, RESOLVES TO INITIATE AN AMENDMENT to the Town of Vincent Town Planning Scheme No. 1 by modifying the Scheme Text as follows:

(a) Replace clause 20 (4) (a) (i) -

“(a) Cleaver Precinct P5,

(i) Multiple dwellings are not permitted in this Precinct;”

with new clause 20 (4) (a) (i) -

“(a) Cleaver Precinct P5,

(i) Multiple dwellings ~~are not~~ will only be permitted in this precinct; ~~however the Council may consider multiple dwellings~~ where the Council is satisfied that the development is consistent with the Town of Vincent Policies relating to Multiple Dwellings and residential design elements.”;

(b) Replace clause 20 (4) (b) -

“(b) Smith’s Lake Precinct P6,

In the area along Charles Street, between Emmerson and Albert Streets, coded R60, multiple dwellings are not permitted;”

with new clause 20 (4) (b) -

“(b) Smith’s Lake Precinct P6,

In the area along Charles Street, between Emmerson and Albert Streets, coded R60, multiple dwellings ~~are not~~ will only be permitted; however the Council may consider multiple dwellings where the Council is satisfied that the development is consistent with the Town of Vincent Policies relating to Multiple Dwellings and residential design elements.”;

(c) Replace clause 20 (4) (e) (i) -

“(e) Hyde Park Precinct P12,

(i) Multiple dwellings are not permitted in this precinct;”

with new clause 20 (4) (e) (i) -

“(e) Hyde Park Precinct P12,

(i) Multiple dwellings ~~are not~~ will only be permitted in this precinct; however the Council may consider multiple dwellings where the Council is satisfied that the development is consistent with the Town of Vincent Policies relating to Multiple Dwellings and residential design elements.”;

(d) Replace clause 20 (4) (g) (i) -

“(g) Banks Precinct P15,

(i) Multiple dwellings are not permitted in this precinct;”

with new clause 20 (4) (g) (i) -

“(g) Banks Precinct P15,

(i) Multiple dwellings ~~are not~~ will only be permitted in this precinct; however the Council may consider multiple dwellings where the Council is satisfied that the development is consistent with the Town of Vincent Policies relating to Multiple Dwellings and residential design elements.”;

(e) Replace clause 20 (4) (d) (i) -

“(d) Norfolk Precinct P10,

(i) Multiple dwellings are not permitted in areas coded R40;”

with new clause 20 (4) (d) (i) -

“(d) *Norfolk Precinct P10,*

- (i) *Multiple dwellings ~~are not~~ will only be permitted in areas coded R40, however, the Council may consider multiple dwellings where the Council is satisfied that the development is consistent with the Town of Vincent Policies relating to Multiple Dwellings and residential design elements.”*

Debate ensued.

AMENDMENT 3 PUT AND CARRIED (7-0)

(Crs Doran-Wu and Messina were apologies for the meeting.)

AMENDMENT 4

Moved Cr Lake, Seconded Cr

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

“(ii) *AMENDS the proposed Draft Policy relating to Multiple Dwellings subject to the Draft Policy being amended as follows:*

- (a) *Renumber the Policy clauses from OBJECTIVES 1), 2), 3), 4), 5); POLICY STATEMENT 1), 2), ... 13), to OBJECTIVES 1.1, 1.2, 1.3, 1.4, 1.5; POLICY STATEMENT 2.1, 2.2 ... 2.13;*

- (b) *Policy Statement clause 5) be amended to read as follows:*

‘5) ~~Multiple dwelling developments are to be robust, with well-designed buildings facilitating a range of housing types.~~ Buildings should have a rich visual character with reference made to the local character and heritage.’

- (c) *Policy Statement clause 8) be amended to read as follows:*

‘8) Multiple dwelling developments are to be robust, with well-designed buildings facilitating a range of housing types. Multiple dwelling developments are to provide for a mix of dwelling types to accommodate a diverse range of household types and sizes.’

- (d) *Policy Statement clause 9) be amended to read as follows:*

‘9) *For developments comprising of three or more multiple dwellings, applicants are required to submit an urban context report that documents the character elements of the streetblock (including both sides of the street) and identifies opportunities and constraints of the subject site. The purpose of the report is to justify location, height and setbacks of proposed multiple dwelling developments. The report will generally include an assessment of streetscape character and detailed information on the site and adjacent developments. ~~The purpose of the report is to justify location, height and setbacks of proposed multiple dwelling developments.~~*

(e) *Policy Statement clause 11) be amended to read as follows:*

'11) Major Roads -

Where a development abuts single storey residential development to the side or rear, the respective building height of the new buildings are required to respond sensitively to the adjoining lower scale buildings that will remain in an area and up to 5 storeys within sites excluding major roads which are within 'recognised streetscapes' or opposite Hyde Park.

The Presiding Member ruled that he would not accept the amendment as clause (ii) had been previously deleted.

PROCEDURAL MOTION

Moved Cr Maier, Seconded Cr Farrell

That the item be DEFERRED to allow for further consideration.

PROCEDURAL MOTION PUT AND CARRIED (6-1)

For

Cr Burns
Cr Farrell
Cr Ker
Cr Lake
Cr Maier
Cr Youngman

Against

Mayor Catania

(Crs Doran-Wu and Messina were apologies for the meeting.)

ADDITIONAL INFORMATION:

It is noted that in preparing the Scheme Amendment and the repositioning of the matter to include all areas restricting 'multiple dwellings', the subject Norfolk Precinct clause was inadvertently omitted. Given the intention of the Scheme Amendment to facilitate multiple dwellings, particularly along major roads, within Precincts where they are currently not permitted, the Norfolk Precinct should also be included.

FURTHER REPORT:

The Council considered the matter at its Ordinary Meeting held on 26 February 2008 and resolved as follows:

"That the Item be DEFERRED to allow for further discussion within Council on this topic."

Accordingly, the Town's Officers have reviewed comments made by Council Members at the Ordinary Meeting of the Council and have prepared a draft Policy outlining design guidelines for the development of multiple dwellings for the entirety of the Town inclusive of the Precincts the subject of Scheme Amendment No. 25. The draft Policy aims to provide direction with respect to the design and development of multiple dwellings to ensure that they are of a high calibre and befitting of the land's urban context and character. The Policy also endeavour to consider 'recognised streetscapes' within the Town given that, on balance, the affected Precincts accommodate a greater number of 'recognised streetscapes'.

The effect of the proposed Scheme Amendment will be a significant increase in the number of dwellings permitted to be developed in the Precincts which currently prohibit multiple dwellings. The increase in the number of dwellings permitted however, will only affect those development sites which achieve a minimum land area of 1000 square metres.

Accordingly, the previous Officer Recommendation has changed to reflect the attached draft Policy relating to Multiple Dwellings.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 26 February 2008.

“OFFICER RECOMMENDATION:

That the Council pursuant to Section 75 of the Planning and Development Act 2005, RESOLVES TO INITIATE AN AMENDMENT to the Town of Vincent Town Planning Scheme No. 1 by modifying the Scheme Text as follows:

(i) Replace clause 20 (4) (a) (i) -

“(a) Cleaver Precinct P5,

(i) Multiple dwellings are not permitted in this Precinct;”

with new clause 20 (4) (a) (i)

“(a) Cleaver Precinct P5,

(i) Multiple dwellings are not permitted in this precinct; however, the Council may consider multiple dwellings along Loftus Street, Newcastle Street, Charles Street and Vincent Street where the Council is satisfied that the following criteria is met:

(a) a minimum total lot area of 1000 square metres; and

(b) new development is of a high quality, have a rich visual character and architecturally well-designed.”

(ii) Replace clause 20 (4) (b) (i) -

“(b) Smith’s Lake Precinct P6,

In the area along Charles Street, between Emmerson and Albert Streets, coded R60, multiple dwellings are not permitted;”

with new clause 20 (4) (b) (i) -

“(b) Smith’s Lake Precinct P6,

In the area along Charles Street, between Emmerson and Albert Streets, coded R60, multiple dwellings are not permitted unless approved by the Council where the Council is satisfied that the following criteria is met:

(a) a minimum total lot area of 1000 square metres; and

(b) new development is of a high quality, have a rich visual character and architecturally well-designed.”

(iii) *Replace clause 20 (4) (e) (i) -*

“(e) Hyde Park Precinct P12,

(i) Multiple dwellings are not permitted in this precinct;”

with new clause 20 (4) (e) (i) -

“(e) Hyde Park Precinct P12,

(i) Multiple dwellings are not permitted in this precinct; however, the Council may consider multiple dwellings along Fitzgerald Street, William Street, Bulwer Street, Charles Street and Vincent Street where the Council is satisfied that the following criteria is met:

(a) a minimum total lot area of 1000 square metres; and

(b) new development is of a high quality, have a rich visual character and architecturally well-designed.”

and

(iv) *Replace clause 20 (4) (g) (i) -*

“(g) Banks Precinct P15,

(i) Multiple dwellings are not permitted in this precinct ;”

with new clause 20 (4) (g) (i) -

“(g) Banks Precinct P15,

(i) Multiple dwellings are not permitted in this precinct; however, the Council may consider multiple dwellings along East Parade, Guildford Road and Lord Street where the Council is satisfied that the following criteria is met:

(a) a minimum total lot area of 1000 square metres; and

(b) new development is of a high quality, have a rich visual character and architecturally well-designed.”

COUNCIL DECISION ITEM 10.1.9

Moved Cr Farrell, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

Moved Cr Doran-Wu, Seconded Cr Ker

That the Item be DEFERRED to allow for further discussion within Council on this topic.

Journalist, Jacqui Bahr departed the Chamber at 9.25pm.

PURPOSE OF REPORT:

The purpose of this report is to initiate an amendment to the Town's Town Planning Scheme No. 1 (TPS No. 1), to modify provisions within Clause 20(4) relating to 'no multiple dwellings'.

BACKGROUND:

Since the gazettal of Town Planning Scheme No. 1 on 4 December 1998, the Town's Officers have periodically been questioned over the Town Planning Scheme No. 1 provision relating to 'no multiple dwellings' in the Precincts of Cleaver, Smith's Lake, Norfolk, Hyde Park, Forrest and Banks. In particular, questions have been raised as to the appropriateness of this provision in relation to higher density codings along major roads such as Loftus, Newcastle, Charles, and Vincent Streets in the Cleaver Precinct; Charles Street, between Emmerson and Albert Streets, in the Smith's Lake Precinct; Fitzgerald, William, Bulwer, Charles and Vincent Streets in the Hyde Park Precinct; and East Parade, Guildford Road and Lord Street in the Banks Precinct.

In this respect, recent examples of significant redevelopment proposals of merit that the Town has been unable to progress are as follows:

- *The Council approved at the Ordinary Meeting of Council held on 12 February 2008 the demolition of the Norwood Hotel, which now facilitates significant redevelopment of the site. Council Members were briefed at a Forum on 13 November 2007 of a proposal to redevelop 3 separate sites adjacent to one another along Lord Street for multiple dwellings.*
- *The East Parade Regeneration Project which proposes, among other aspects, a range of building forms up to 4 storeys in height accommodating multiple dwellings.*
- *The Council received a petition lodged on 12 February 2007 by 15 landowners requesting it consider reviewing the zoning on the north side of Newcastle Street, between Loftus and Charles Street, West Perth from R80 to R160, to allow multiple dwellings and to allow a building height in the order of nine (9) storeys.*

DETAILS:

The Council is requested to consider modifying Clause 20 (4) of the Town Planning Scheme No. 1 with respect to 'no multiple dwellings' along major roads. This will require an amendment to the Town Planning Scheme No. 1 Scheme Text which would allow the Council to consider multiple dwellings along major roads in the Precincts of Cleaver, Smith's Lake, Hyde Park and Banks which currently prohibits multiple dwellings.

CONSULTATION/ADVERTISING:

Any amendment to a local planning scheme prepared or adopted, by a local government, is to be advertised for public inspection for 42 days in accordance with the Town Planning Regulations 1967.

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011 states:

"Strategic Objective 1 : Natural and Built Environment

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

FINANCIAL/BUDGET IMPLICATIONS:

The current 2006/2007 Budget allocates \$60,000 for Town Planning Scheme Amendments and Policies.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies, Planning and Development Act 2005 and Town Planning Regulations 1967.

COMMENTS:

The 'no multiple dwellings' provision originated from the former City of Perth City Planning Scheme which the Town inherited on its formation in July 1994. At that time, the provision related only to the area known as the 'Brisbane-Lake Street Precinct' with the express purpose of maintaining the low scale and residential character of that area and to preclude the development of 'flats'. The Town's Town Planning Scheme No. 1 however, also adopted this provision to protect a wider range of residential areas in the Precincts outlined above and inclusive of the major roads which traverse them. The restriction of multiple dwellings in predominately low scale residential areas is justified; however, along major roads, the rationalisation is somewhat questionable and unnecessarily restrictive given contemporary building forms. That is, the form of contemporary multiple dwelling developments can have a similar building bulk and form as that of grouped dwelling developments.

Removing the restriction on multiple dwellings along major roads will however, result in a minor development potential increase for affected lots. That is, to allow multiple dwellings on lots previously developable for single and grouped dwellings results in a slightly higher lot yield given the reduced minimum lot area for each multiple dwelling. Accordingly, it is considered appropriate to impose two criteria to encourage appropriate development of a high standard and design. The criteria relates to a minimum total land area of 1000 square metres being achieved and that new development should be of a high quality, have a rich visual character and architecturally well-designed, primarily to avoid piecemeal, speculative development.

It is worthy to note that multiple dwellings are a popular housing choice within inner-urban areas, they are commonly located along major roads where greater housing densities are generally accepted and are the preferred dwelling type for Network City's promoted 'transit-oriented developments'. Accordingly, given the Town's proximity to the Central Business District and its excellent access to public and private transport networks, retention of the prohibition of 'multiple dwellings' along major roads is considered to be contrary to contemporary planning direction in Western Australia.

Accordingly, it is considered appropriate that an amendment to Town Planning Scheme No. 1 Scheme Text be initiated which allows the Council to consider multiple dwellings along major roads in the Precincts of Cleaver, Smith's Lake, Hyde Park and Banks which currently prohibits multiple dwellings."

**10.1.5 No. 87 (Lot: 39, Strata Lot: 1 STR: 11634) Walcott Street, Mount Lawley
- Proposed Change of Use from Single House to Consulting Rooms
(Medical Practitioners) and Associated Alterations and Additions**

Ward:	South	Date:	6 May 2008
Precinct:	Norfolk; P10	File Ref:	PRO4166; 5.2007.386.1
Attachments:	001		
Reporting Officer(s):	D Pirone		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by the owners B Zuppar & P Zuppar for proposed Change of Use from Single House to Consulting Rooms (Medical Practitioners) and Associated Alterations and Additions, at No. 87 (Lot: 39, Strata Lot: 1 STR: 11634) Walcott Street, Mount Lawley, and as shown on plans stamp-dated 11 January 2008, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the Town's Policies relating to Consulting Rooms and Non-Residential/Residential Interface, and the objectives of the Town's Town Planning Scheme No. 1; and*
- (iii) approval of the proposed development would create an undesirable precedent for other similar commercial use developments encroaching into established residential areas.*

COUNCIL DECISION ITEM 10.1.5

Cr Burns departed the chamber at 8.01pm.

Moved Cr Farrell, **Seconded** Cr Youngman

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Youngman, **Seconded** Cr Farrell

That the item be DEFERRED for further consideration and discussions with the Applicant.

PROCEDURAL MOTION PUT AND CARRIED (5-1)

For

Mayor Catania
Cr Farrell
Cr Ker
Cr Lake
Cr Youngman

Against

Cr Maier

(Crs Doran-Wu and Messina were apologies for the meeting. Cr Burns was absent from the Chamber and did not vote.)

Cr Burns returned to the Chamber at 8.04pm.

Landowner:	P Zuppar
Applicant:	B Zuppar & P Zuppar
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R60
Existing Land Use:	Single House
Use Class:	Consulting Rooms
Use Classification:	"SA"
Lot Area:	435 square metres
Access to Right of Way	West side, 4 metres wide, sealed, Town owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the change of use from single house to consulting rooms (medical practioner) and associated alterations and additions.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted – no variation.
Consulting Rooms Policy	Applications for Consulting Rooms in a Residential zone where the lot is within 200 metres of a Local Centre or District Centre zone is not favourable. A minimum of 80 per cent of the total building area is to be dedicated for a residential use.	The subject lot is abutting a District Centre zone. The use of the building is for the sole purpose of consulting rooms.	Not supported – see ‘Comments’ below.

Objective of Town Planning Scheme No. 1	<i>'To promote and safeguard the economic well-being and functions of the Town'</i>	Non-residential use encroaching into a residential area.	Not supported – see 'Comments' below.
Town of Vincent Economic Development Strategy	No requirement to add new commercial precincts or nodes as all Vincent's residents live within 1 kilometre of a commercial centre.	Commercial use in a residential zone.	Not supported – see 'Comments' below.
Non-Residential / Residential Development Interface Policy	Non-residential developments shall be restricted to District and Local Centre zones.	Commercial use in a residential zone.	Not supported – see 'Comments' below.
Car Parking			
Car parking requirement (nearest whole number) - Consulting Rooms – 3 bays per Consulting Rooms – requires 6 bays		= 6 car bays	
Apply the adjustment factors. <ul style="list-style-type: none"> ▪ 0.85 (within 800 metres of a train station) ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.80 (within 50 metres of a public car parking place with in excess of 50 car parking spaces) 		(0.578) = 3.468 car bays	
Minus the car parking provided on-site		5 car bays	
Minus the most recently approved on-site car parking shortfall.		Nil	
Resultant surplus		1.532 car bays	
Bicycle Parking			
Consulting Room – 2 practitioners Class 2 – 1 space per 8 practitioners = 0.25 space Class 3 – 1 space per 4 practitioners = 0.5 space = 1 x Class 3 space required			
Consultation Submissions			
Support	Nil.	Noted.	
Objection (2)	No specific comments provided.	Noted.	
Other Implications			
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).		
Strategic Implications	Nil		
Financial/Budget Implications	Nil		

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

COMMENTS:

The current use of the building is a residential use and is therefore a permitted use. Due to the nature of the proposed activities, the proposed consulting rooms use (“SA” use) is not considered to be a part of the general fabric of the residential area, regardless of the scale and intensity of its operations and that it abuts a District Centre zone. Approval of the proposed development would create an undesirable precedent for the encroachment of commercial uses into residential areas. The proposed consulting rooms use is not considered to serve the day-to-day needs of local residents and is considered more appropriate in areas which have been appropriately zoned and developed for such uses, namely the Town’s commercial centres. Furthermore, the proposal is inconsistent with the objectives of the Town’s Economic Development Strategy, which aims to condense commercial type activities within Local Centres, District Centres or Commercial zoned areas in order to capitalise upon co-locational benefits and increase the viability of the Town’s commercial centres.

The proposal is therefore considered unacceptable and is not supported by the Town’s Officers.

10.1.9 Amendment No. 52 to Planning and Building Policies – Parking and Access Policy – Introduction of Car Parking Requirements for Small Bars

Ward:	Both Wards	Date:	5 May 2008
Precinct:	All Precincts	File Ref:	PLA0154
Attachments:	001		
Reporting Officer(s):	S O'Loughlin		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES this report and the Draft Amended Policy No. 3.7.1 relating to Parking and Access as shown in Attachment 10.1.9 (“Laid on the Table”);*
- (ii) *ADOPTS the Draft Amended Policy No. 3.7.1 relating to Parking and Access in the interim until the formal adoption of the amended Policy;*
- (iii) *ADVERTISES the Draft Amended Policy No. 3.7.1 relating to Parking and Access for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
 - (a) *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
 - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
 - (c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*
- (iv) *after the expiry of the period for submissions:*
 - (a) *REVIEWS the Draft Amended Policy No. 3.7.1 relating to Parking and Access, having regard to any written submissions; and*
 - (b) *DETERMINES the Draft Amended Policy No. 3.7.1 relating to Parking and Access, with or without amendment, to or not to proceed with it.*

COUNCIL DECISION ITEM 10.1.9

Moved Cr Farrell, Seconded Cr Youngman

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (7-0)

(Crs Doran-Wu and Messina were apologies for the meeting.)

PURPOSE OF REPORT:

To amend the Town's Policy No. 3.7.1 relating to Parking and Access to incorporate car parking requirements within the Land Use Parking Requirement Table for small bar use.

BACKGROUND:

22 April 2008

The Council at its Ordinary Meeting, after considering Item 10.1.1 relating to No. 174 Scarborough Beach Road, corner Coogee Street, Mount Hawthorn – proposed change of use from single house and shop to unlisted use (small bar) and shop and associated alterations and additions, resolved to adopt the following subsequent motion:

“That a policy relating to parking requirements for small bar licences be prepared.”

DETAILS:

Small Bar Licence

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

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

Car Parking

The Town currently has a Policy relating to Parking and Access which does not include specific provisions for car parking for small bars. The number of applications relating to small bars is expected to increase in the future, therefore it is considered necessary to prescribe an appropriate car parking requirement for small bars.

As mentioned above, the Liquor Control Act 1988 limits the number of persons in a small bar to a maximum of 120. Therefore, to ensure consistency and reasonableness with car parking requirements, the requirement for small bars should be assessed against the number of patrons/persons rather than the amount of public floor area proposed.

Therefore, the amended Parking and Access Policy Table as shown in the attachment to this report, includes a parking requirement for small bars based on the maximum number of people rather than public floor area (i.e. 1 space per 4.5 persons of maximum number of persons approved for the site).

CONSULTATION/ADVERTISING:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011 states:

“1 : Natural and Built Environment

1.1 Improve and maintain environment and infrastructure...

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

1.1.3 Enhance and maintain the character and heritage of the Town.

1.1.4 Minimise negative impacts on the community and environment.”

FINANCIAL/BUDGET IMPLICATIONS:

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

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

COMMENTS:

In light of the above, it is recommended that Council receives, adopts in the interim and advertises the draft amended Parking and Access Policy, in line with the Officer Recommendation.

10.1.11 Winter Air Quality Improvement Initiative - Smart Burn Block Subsidy Programme

Ward:	Both	Date:	30 April 2008
Precinct:	All	File Ref:	ENS0027
Attachments:	-		
Reporting Officer:	A Giles, C Ng, S Teymant		
Checked/Endorsed by:	R Boardman	Amended by:	-

That the Council;

- (i) *RECEIVES the report relating to the Winter Air Quality Improvement Initiative by the Town's Health Services; and*
- (ii) *APPROVES the Town's Health Services Winter Air Quality initiative to provide subsidised Smart Burn Blocks to the first 200 residential ratepayers who qualify for the subsidy.*

COUNCIL DECISION ITEM 10.1.11

Moved Cr Farrell, Seconded Cr Youngman

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (7-0)

(Crs Doran-Wu and Messina were apologies for the meeting.)

PURPOSE OF REPORT:

To report on the Winter Air Quality Improvement initiative.

BACKGROUND:

Studies have shown that wood heaters create less of an impact on the environment when operated correctly, than alternatives such as gas, electrical heaters and reverse cycle air conditioners. However, during the winter months, smoke from incorrectly operated wood fired heaters are significant contributors to smoke haze pollution across the Perth metropolitan area.

Smoke emitted from chimneys can cause a nuisance to neighbours and interfere with amenity, whilst having potentially adverse affects on persons with respiratory conditions, and the environment.

DETAILS:

Smartburn blocks are a relatively new invention, first shown on ABC's New Inventors Programme on 6 July 2005. The blocks were invented by an industrial chemist and passionate environmentalist, and have been proven to greatly assist with the efficient burning of fire wood when placed inside a wood heater. They also reduce the particle emissions from the fire by up to 50% when placed in a wood burning fire, while simultaneously cleaning the chimney of black soot and sap deposits.

The inside of the box contains naturally occurring non-toxic ingredients that when heated catalyse the smoke, sap and soot in the fire which prevents smoke and contaminants from being released into the environment. The Smartburn block reduces the risk of fire in the chimney by reducing residue within the chimney to a minimal level. The blocks have been estimated to help fires burn 17% hotter, thus reducing the amount of wood needed and ensuring more complete combustion. It is estimated that Smartburn blocks will save approximately 262 kg of wood over a three month period.

The cost of Smartburn blocks is approximately \$46 per block, this being the estimated cost saving, as a result of less fire wood being required. The blocks can be purchased from selected hardware stores. Further details on this local, environmentally and budget friendly solutions are available at: www.smartburn.com.au.

The Town's Health Services are proposing to provide Smartburn blocks to the Town's residents at a significantly subsidised price of \$16 for the first 200 residents (the Town can purchase in bulk for approximately \$32). If the proposal is approved by the Council, Health Services will develop procedures to monitor/limit access to residents with wood combustion heaters on their property. Residents with wood fires will also be provided information via the Town's newsletter and website, in an effort to significantly reduce the adverse impact of smoke emitted from their wood heater:

- Brave the cold, and check that your chimney is emitting minimal smoke – this indicates you have a bright, hot fire! Where there's smoke, there's a poorly operated fire.
- Use only dry seasoned wood from sustainable sources - never use green wood!
- Store fire wood loosely in a criss cross manner in a well ventilated, covered area.
- Ensure air control vents are fully open and that a suitable amount of dry kindling and newspaper is used when lighting the fire.
- Ensure the starter fire burns brightly before introducing larger logs slowly.
- Keep the air control vents open at night to prevent excessive smoke.
- Remember - an efficient fire should have bright swirling flames and red glowing embers.

CONSULTATION/ADVERTISING:

The program will be widely advertised to local residents via the local media. Additional information will be provided in the next edition of the Town's newsletter, also available on the Town's website.

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011 – *“Natural and Built Environment”*:

1.1.4 *“Minimise negative impacts on the community and environment.”*

FINANCIAL/BUDGET IMPLICATIONS:

Health Services propose to implement the programme in the months of May and June 2008, with \$5000 available in the operating budget for the 2007/2008 Financial Year. Purchase of 200 blocks would cost \$6400, with \$16 per block being recouped, equalling a total of \$3200. Any outgoing costs associated with the promotion and advertising of the programme will be fairly minimal. Additional budgetary provision has been included in the draft Health Services Budget for 2008/2009, to enable further air quality/health promotion initiatives to be investigated and promoted.

COMMENTS:

It is anticipated that the wider community will benefit from improved air quality during winter should the use of Smartburn blocks be well received by residents/owners of wood combustion heaters and/or pot belly stoves.

10.2.1 Progress Report No 3 - Drinking Water Initiatives

Ward:	Both	Date:	1 May 2008
Precinct:	All	File Ref:	TES0578
Attachments:	001		
Reporting Officer(s):	J Lockley, R Lotznicker; J van den Bok		
Checked/Endorsed by:	John Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the further progress report No. 3 in relation to Drinking Water Initiatives within the Town of Vincent;*
- (ii) *NOTES the information contained in the report regarding the need to examine alternatives to bottled water, initiatives that are in place to reduce bottled water usage and a way forward for the Town of Vincent;*
- (iii) *APPROVES the following initiatives;*
 - (a) *a trailer mounted water tank be hired (where practicable) for all future Town run events and provides a number of printed reusable water bottles to be distributed free of charge at each event and promotes the use of this practice at all other events;*
 - (b) *provides/promotes the use of printed reusable water bottles for sale at the Town's Beatty Park Leisure Centre cafe, retail shop and possibly from the reception desk after hours, provides a printed reusable water bottle free to new members and promotes their use/purchase to existing users of the facility; and*
 - (c) *promotes the use/purchase of reusable bottles and the drinking fountain locations to Beatty Park Leisure Centre users through mail outs and posters;*
- (iv) *DEVELOPS and IMPLEMENTS a Marketing/Promotion Strategy which will;*
 - (a) *promote the use of refillable bottles at the Town's events, Beatty Park Leisure Centre and to the Town's employees and residents;*
 - (b) *provide refillable bottles to new Beatty Park Leisure Centre members and promote their use to existing members and to the public;*
 - (c) *make available for sale at Beatty Park and the Town's Administration and Civic Centre refillable water bottles with the Town's logo;*
 - (d) *provide alternatives to bottled water at Town-run and other sponsored events; and*
 - (e) *include information on the Town's initiative in the Town's newsletters and through other mediums to increase community awareness of the project;*
- (v) *ADVERTISES to the community the Town's Initiative and desire to reduce the use of Bottled Water; and*
- (vi) *IMPLEMENTS appropriate measures to facilitate the recycling of plastic (and other drink containers) at the Town's events and at the Beatty Park Leisure Centre as part of the Town's improved Recycling Collection Service to be implemented in the new financial year.*

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Ker, Seconded Cr Lake

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

“(vii) DEVELOPS a programme to provide drinking water at all children’s playgrounds in the Town’s parks and reserves”.

AMENDMENT PUT AND CARRIED (7-0)

(Crs Doran-Wu and Messina were apologies for the meeting.)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (7-0)

(Crs Doran-Wu and Messina were apologies for the meeting.)

COUNCIL DECISION ITEM 10.2.1

That the Council;

- (i) *RECEIVES the further progress report No. 3 in relation to Drinking Water Initiatives within the Town of Vincent;*
- (ii) *NOTES the information contained in the report regarding the need to examine alternatives to bottled water, initiatives that are in place to reduce bottled water usage and a way forward for the Town of Vincent;*
- (iii) *APPROVES the following initiatives;*
 - (a) *a trailer mounted water tank be hired (where practicable) for all future Town run events and provides a number of printed reusable water bottles to be distributed free of charge at each event and promotes the use of this practice at all other events;*
 - (b) *provides/promotes the use of printed reusable water bottles for sale at the Town’s Beatty Park Leisure Centre cafe, retail shop and possibly from the reception desk after hours, provides a printed reusable water bottle free to new members and promotes their use/purchase to existing users of the facility; and*
 - (c) *promotes the use/purchase of reusable bottles and the drinking fountain locations to Beatty Park Leisure Centre users through mail outs and posters;*
- (iv) *DEVELOPS and IMPLEMENTS a Marketing/Promotion Strategy which will;*
 - (a) *promote the use of refillable bottles at the Town’s events, Beatty Park Leisure Centre and to the Town’s employees and residents;*

- (b) *provide refillable bottles to new Beatty Park Leisure Centre members and promote their use to existing members and to the public;*
 - (c) *make available for sale at Beatty Park and the Town's Administration and Civic Centre refillable water bottles with the Town's logo;*
 - (d) *provide alternatives to bottled water at Town-run and other sponsored events; and*
 - (e) *include information on the Town's initiative in the Town's newsletters and through other mediums to increase community awareness of the project;*
 - (v) *ADVERTISES to the community the Town's Initiative and desire to reduce the use of Bottled Water;*
 - (vi) *IMPLEMENTS appropriate measures to facilitate the recycling of plastic (and other drink containers) at the Town's events and at the Beatty Park Leisure Centre as part of the Town's improved Recycling Collection Service to be implemented in the new financial year; and*
 - (vii) *DEVELOPS a programme to provide drinking water at all children's playgrounds in the Town's parks and reserves.*
-

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the recent investigations by the Town's Administration into the feasibility of securing alternative and/or additional drinking water supplies/initiatives within the Town.

BACKGROUND:

Ordinary Meeting of Council 26 February 2008:

The Council considered the interim report on drinking water initiatives, where the following was decided (in part):

"That the Council;

- (ii) *NOTES the comments from the Town's officers in relation to feasibility/impact of implementing the various drinking water initiatives outlined;*
- (iii) *LISTS appropriate funding in the 2008/2009 draft Capital Works budget to install additional drinking fountains in locations to be identified within parks, streetscapes and Town Centres;*
- (iv) *INVESTIGATES further options for the supply of water at Town of Vincent supported outdoor functions however, in the interim, continues to supply bottled water at outdoor functions and Beatty Park Leisure Centre;*

- (v) *IMPLEMENTS appropriate measures to facilitate the recycling of plastic (and other containers) at the Town's events and at the Beatty Park Leisure centre; and*
- (vi) *RECEIVES a further report with comprehensive information on options of practice and experience of other local governments in Australian and overseas and clear recommendations by the end of March 2008."*

Ordinary Meeting of Council 25 March 2008:

The Council considered a further interim report on drinking water initiatives (as information was still being obtained), where the following was decided (in part):

"(ii) NOTES;

- (a) the interim information contained in the report (refer Appendix 10.2.4); and*
- (b) a further detailed report will be submitted to the Council in April 2008, when costings/further information have been determined."*

DETAILS:

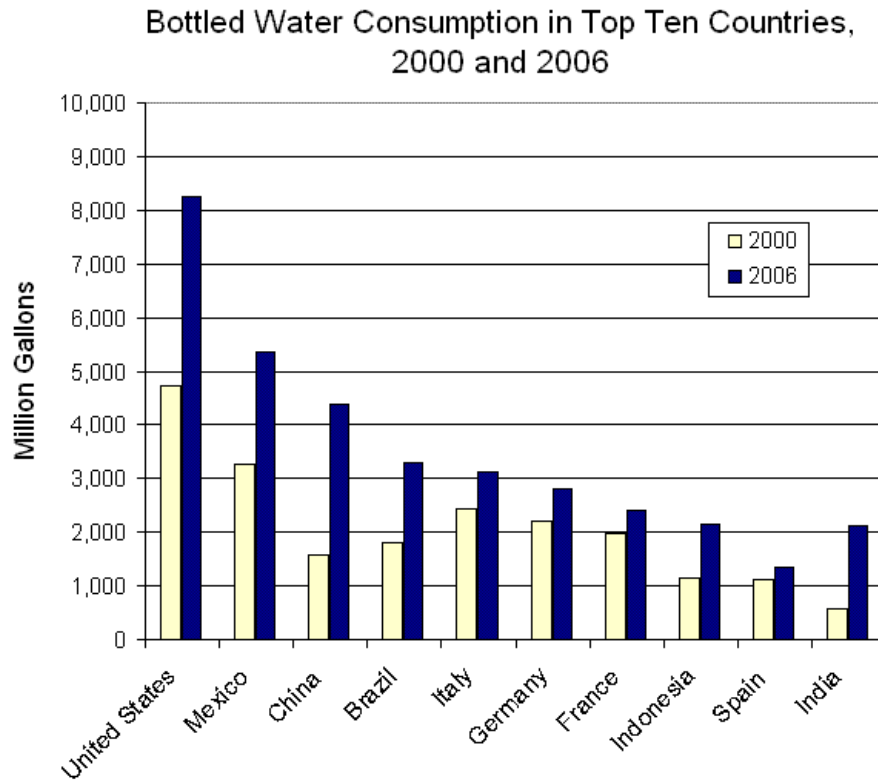
Why the need to examine alternatives to bottled water?

Research has shown that there is a push to move away from the use of bottled water in many countries by some local governments, national governments, schools and other organisations. Many consider that bottled water is unnecessary as high quality, safe drinking water is already available at most public locations.

In the USA consumers spend more than \$11 billion a year on bottled water (\$100 billion world expenditure). Bottled water can cost up to 10,000 times more than tap water. At \$2.50 (US) per litre, that is more than premium gasoline.

More than a 40% of bottled water is sourced from scheme tap water with often the only difference being added minerals that have no marked health benefits.

Tap water travels through an energy efficient infrastructure; in contrast, bottled water must travel many miles from the source. Transporting the water results in the burning of massive amounts of fossil fuels, releasing CO₂ (the main contributor to global warming) and other pollution into the atmosphere.



Source: BMC

In the USA plastic bottles produced for water require 1.5 million barrels of oil per year - that's enough to generate electricity for 250,000 homes or fuel some 100,000 motor vehicles for a year.

The manufacture of bottles also can cause the release of chemical toxins and other by-products of plastic-making into water, air, or other parts of the environment. Smaller water bottles are made from polyethylene terephthalate (PET) which can generate 100 times more toxic emissions than the equivalent amount of glass.

After the water has been consumed, the plastic bottle must be disposed of. According to the Container Recycling Institute, 86 percent of plastic water bottles used in the United States become garbage or litter. Buried water bottles can take up to 1,000 years to biodegrade.

Almost 40 percent of the PET bottles that were deposited for recycling in the United States in 2004 were actually exported, sometimes to as far away as China—adding to the resources used by this product.

What initiatives are in place to reduce bottled water usage?

Detailed information from other Local Governments and event organisers, such as City of Manly, City of Cologne, has been investigated. The Cities of Manly and Cologne have been contacted by email. Comments from the City of Manly are outlined below, however, there has been no response as yet from the City of Cologne. There was limited information on their web sites.

City of Manly:

The following correspondence was received from the personal assistant to the Mayor of the City of Manly on the ban of single use plastic water bottles in the City of Manly

Essentially the policy is one based on education – both of the public and within Council, to discourage the purchase of bottled water. I think we all agree there would be legal problems with trying to ban bottled water as such but we can certainly do what we can to discourage its purchase and consumption.

The initiative began at the Local Government conference in October 2007 - Moved by Cr Barbara Aird - as a different approach to Container Deposit Legislation that councils would support tap water campaigns and refrain from purchasing or promoting bottled water in house and at council supported/funded events.

We no longer supply any bottled water at any events

Subject to a budget bid application, we will give away refillable bottles to residents at our customer service desk

PROVISION OF WATER AT COUNCIL EVENTS:

To date this has only affected one major event – Australia Day 2008. At this event, we placed glasses and large glass water bottles on stage for VIPs and requested the band to bring their own water bottles.

For Anzac Day 2008, we did the same for VIPs and will have flasks and cups for the band.

It will be a challenge for our staff going forward for Jazz Festival as the artists expect to be provided bottled water to take on stage.

We are still discussing possible solutions to this supply of water for our events and staff. At last year's Christmas Carols event, a company called "Culligans' Water" supplied a water kiosk – providing free water refills to participants and audience members"

Local Government Association of New South Wales:

This organisation represents 73 local governments from across New South Wales and passed a motion in October 2007 supporting the launch of an awareness campaign about the environmental impact of water bottles. This covers issues of "resource conservation, waste management, container deposit legislation, extended producer responsibility and greenhouse [gas] emissions."

City of Cologne (Germany):

The City of Cologne was contacted via email, however, no correspondence was received at the time of writing this report.

City and County of San Francisco (USA):

In 2007 San Francisco Mayor issued an executive directive prohibiting any City department or agency from purchasing bottled water using City funds. The City controls water supply and the municipal water supply is derived from snow melt water which is pristine. Many City departments will replace bottled water dispensers with chilled and filtered water dispensers.

Others:

A search on the world wide web at Earth Policy Institute (<http://www.earth-policy.org>), indicated that a number of Local Governments (outside of Australia) have some initiatives in place for phasing out bottled water purchases, as outlined below:

Local Governments in Canada

- Burnaby The Mayor's office stopped buying bottled water and uses pitchers of tap water at council and committee meetings.
- Vancouver A Vancouver Councillor is considering a motion to ban sales of bottled water "on city property" and noted that bottled water is rarely served at city meetings. He chairs Metro Vancouver's Water Committee, which is soon to be gearing up a massive educational campaign on why the region's tap water is safe and desirable and why bottled water is unnecessary.
- Charlottetown The Mayor and the Charlottetown City Council decided to stop buying bottled water in 2007.
- Town of The Blue Mountains Motion to ban bottled water at town events and meetings "in the name of what is right and good for the environment" passed in October 2007.
- Ottawa A councillor wants to ban plastic water bottles at city headquarters, saying the city should do more to promote its great tap water. The Chairman of Planning and Environment Committee, Peter Hume, agrees and will pursue a ban.
- Toronto The Mayor serves jugs of tap water at council meetings and press conferences. The City gave away 20,000 sports bottles bearing the slogan, "Fill with Toronto's High Quality Tap Water" to residents in summer 2006.

Other Local Governments

- Paris, France Eau de Paris has promoted city water by handing out glass carafes for several years. They are now thought to be used in some 500 restaurants and 30,000 households in the city. The Mayor now serves only tap water at official city events.
- Florence, Italy City Council and other public offices offer only tap water.
- Rome, Italy The City is promoting its tap water on grounds of quality and price.
- Liverpool, England After spending over \$100,000 on bottled water in 2006, the City Council no longer offers it.

National Campaigns:

A search on the world wide web indicated that there are a number of campaigns to challenge, inform and encourage people to look at alternatives to using bottled water.

<u>USA and Canada</u>	
Think Outside the Bottle (Corporate Accountability International)	National campaign launched in October 2007 to "challenge [the] corporate control of water" is supporting cities and restaurants in their efforts to back away from bottled water. Promotes improvement of municipal water infrastructure.
Inside the Bottle (Polaris Institute)	Campaign to inform people of the negative impacts of the bottled water industry. Maps major bottling projects in Canada and the United States.
Tap Project - UNICEF	On World Water Day in March 2007, diners at participating New York restaurants had the option of paying \$1 for their otherwise free tap water, with donations going to UNICEF to help provide safe water to children in developing countries. \$100,000 was raised, leading to a new goal of \$1 million for 2008 as the project extends to 13 additional US cities.
<u>Australia</u>	
The Bottled Water Alliance	Campaign to encourage Australian local governments to promote tap water over bottled water and to stop serving bottled water at city functions.
<u>Italy</u>	
Mettiamola Fuori Legge (Let's Outlaw It)	News magazine Altreconomia is promoting a campaign to ban bottled water advertising.
<u>Sweden</u>	
National discussion	Beverage research company Canadean predicts a slowdown in the Swedish bottled water market because "the debate on the relationship between the environment and packaged water has been a feature of 2007."

Town of Vincent – Way forward:

The following initiatives have been investigated by the Town's officers

Drinking Fountains

As previously reported to the Council, over 50% of the Town's parks and reserves have drinking fountains and all major park/reserve areas have at least one drinking fountain strategically placed near playgrounds or active sports areas.

A total of thirty five (35) drinking fountains are installed within the Town, however, very few have been located within Town Centres or as part of existing streetscape upgrades.

In view of the above, it is recommended that as part of the ongoing Parks/Street Furniture Upgrade Program, appropriate funds be allocated in future budgets to install additional drinking fountains where appropriate water supply points can be accessed.

In addition to the above, the Town's Community Development section have been allocating funding to implement recommendations of the Dog Study which has included the installation of combination drinking/dog fountains within parks.

To date three (3) drinking/dog fountains have been installed at the southern end of Britannia Road Reserve, Forrest Park and Banks Reserve.

Trailer Mounted Water Tanks – for events

The research has revealed two (2) options for water supply tanks, from Paul Drudi Plumbing and Water Gurus. The Water Gurus supply many different water saving applications, including an air to water machine which generates water from the air. This is more for remote areas and requires power but no water supply.

Paul Drudi Plumbing – (Filtered water)

Paul Drudi Plumbing currently have a water tank with water fountain taps, that is currently supplied to summer concerts and events around Perth and the South West. The Tank is a one of a kind invention. The Tank is mounted on a trailer and has storage, filter and drink fountain taps that stop automatically when the button is not pushed. There is no power required (as the water is not chilled) and runs off the mains pressure. At the end of the event water that is not used is drained (preferably over a garden bed) so no water is left in the tank. The tank is for hire for \$400.00 per day. This includes the tank being delivered to the site and connected to the mains then drained and removed after the event.

Water Gurus (Filtered and chilled Water)

Water Gurus are currently investigating supplying a tank mounted on a trailer which will comprise storage, filter and chilling applications with multiple taps. Power would be required to chill the water and the supply would be from mains water.

Water Gurus are keen to progress this matter with the Town and are yet to supply a quote, however, it is expected to be in the order of \$5,000.

Officer Comments:

A custom made tank/trailer owned by the Town for Town run events is not considered feasible or economically efficient (due to the limited number of events, need to maintain it for health reasons etc). The Town's Community Development Officers would prefer that the water supply tank be delivered to the site and connected to the mains then drained and removed after the event by a contractor rather than officers having to tow a trailer, connect, and ensuring that the tank is operating correctly during the event.

A number of reusable plastic bottles (say 100 per event) with the Town's logo could be made available. Attendees would also be able to fill their own bottles and /or purchase other drinks that would be available. These events also have other beverages supplied by a vendor/s.

Usually only one employee attends an event and their time is taken up with the logistics of ensuring that the event is run smoothly, and as such they consider that this option would require extra staffing resources.

The Town of Vincent outdoor conducts the following events:

- Six (6) summer concerts – with approximately 500 people attending at each
- Mayor's BBQ – with approximately 1000 people attending
- Harmony Week event – with approximately 2000 people attending
- Active Vincent Day – with approximately 1000 people attending

A number of reusable plastic bottles (say 100 per event) with the Town's logo would be made available. Attendees would also be able to fill their own bottles and /or purchase other drinks that would be available. These events also have other beverages supplied by a vendor/s.

Beatty Park Leisure Centre:

There are currently two (2) chilled water fountains at Beatty Park. One is currently located just off the main corridor to the change rooms and the other at the opposite side of the facility close to the Sauna/Spa/Steam room area.

Beatty Park has funds on the current budget to replace one of the current water fountains. It was considered these funds could be used to purchase a water fountain with filter and chiller components.

Discussions with the Manager Beatty Park leisure Centre regarding installing a replacement water purifier unit, which would chill the water, recently took place. In addition, the use of reusable drink bottles with the Town's and Beatty Park logo to be on sale at the kiosk was also discussed.

Printed reusable water bottles could be on sale at the kiosk and provided free to new members and promoted to existing users of the facility. The reusable bottles could also be sold at the retail shop and possibly from the gym desk after hours.

The reusable bottles and the drinking fountains could be promoted in Beatty Park literature and posters.

Town of Vincent Administration and Civic Centre

Currently there is a chilled water dispenser at the Administration Centre (foyer) for visitors to use. Bottled water has been phased out and is no longer used at Town events, meetings, etc. Employees will be encouraged to purchase one of the many refillable bottles available on the market or a Town (logo) refillable bottle. These will be made available for sale and promoted at the front counter.

Potential costs/types of reusable drink bottles:

There are many different types of bottles available on the market. The cost of purchasing bottles will be determined by the colour print on the bottle and the quantity of the bottles purchased at one time. There are various choices that can be made with the colour, size and style of the bottles. Some quotes for water bottles have been received and are outlined in appendix 10.2.1.

Prices range from \$3.40/bottle if 100 are ordered to \$1.64/bottle for over 2500 bottles with a one colour screen print. Prices then vary with two colours and quantities etc.

BITA Fill & Go, the Sport bottle with the filter inside, provides a source of clear, natural tasting water anywhere. It delivers 57 litres from just one replacement filter which filters the water instantly. The Activated carbon filter reduces chlorine, bad tastes and odours.

Recycling at Events & Beatty Park Leisure Centre

At each event the Town runs, it is important to have recycling bins and the attendees need to be informed on how to use the bins. The bins for recycling need to be made available at events as it is most common for attendees to purchase the single use containers. Beatty Park, where single use drink containers are sold with water and other beverages, is the prime location for recycling.

With the introduction of a new recycling service (due to commence in September 2008) recycling receptacles will be made available at events and promoted at the Beatty Park Leisure Centre.

A Marketing /Promotion Campaign

The Environmental Officer will work with the Public Relations Officer to develop a campaign to promote the alternatives to single use water bottles throughout the Town. This will also be highlighted at the Sustainability Officer Networking Group (SONG) which the Environmental Officer attends, to request any local information that may assist the Town in achieving this aim. This may also be a reason for the Sustainability Advisory Group to come together to explore further options and gain the perspective of the community.

The marketing/promotion campaign will comprise, but not be restricted to:

- Promote the use of refillable bottles at the Town's events, at Beatty Park Leisure Centre, amongst the Town's employees and residents
- Provide refillable bottles to new Beatty Park Leisure Centre members and promote their use to existing members and the public
- Make available for sale at Beatty Park and the Town's Administration and Civic Centre refillable water bottles with the Town's logo
- Provide alternatives to bottled water at Town-run (and other) events.
- Include information on the use of alternatives to bottled water in the Town's newsletters and other avenues to inform the community of the disadvantages of using bottled water.

CONSULTATION/ADVERTISING:

Residents in the Town will be advised of this initiative through normal promotion/advertising.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

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

If Council decides to introduce the multi use drink bottles, funds will be needed for the purchase and delivery.

COMMENTS:

As mentioned in the report, research has shown that there is a push to move away from the use of bottled water in many countries by some local governments, national governments, schools and other organisations. Many consider that bottled water is unnecessary as high quality, safe drinking water is already available at most public locations.

The report outlines and makes recommendations on initiatives the Town can implement and promote, to reduce and ultimately do away with the use of bottled water. It is therefore requested that the officer recommendation be adopted.

The Chief Executive Officer advised that Mayor Catania and Cr Burns had declared a financial interest in Item 10.3.1. They departed the Chamber at 8.23pm and did not speak or vote on this matter.

Deputy Mayor, Cr Steed Farrell assumed the chair.

10.3.1 Investment Report as at 30 April 2008

Ward:	Both	Date:	1 May 2008
Precinct:	All	File Ref:	FIN0033
Attachments:	001		
Reporting Officer(s):	B Wong		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Investment Report for the month ended 30 April 2008 as detailed in Appendix 10.3.1.

COUNCIL DECISION ITEM 10.3.1

Moved Cr Lake, Seconded Cr Ker

That the recommendation be adopted.

MOTION PUT AND CARRIED (5-0)

(Crs Doran-Wu and Messina were apologies for the meeting. Mayor Catania and Cr Burns were absent from the Chamber and did vote on this matter.)

Mayor Catania and Cr Burns returned to the Chamber at 8.24pm. The Chief Executive Officer advised that the item was carried.

Mayor Catania assumed the Chair.

PURPOSE OF REPORT:

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

BACKGROUND:

Interest from investments is a significant source of funds for the Town, where surplus funds are deposited in the short term money market for various terms. Details are attached in Appendix 10.3.1.

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

DETAILS:

Total Investments for the period ended 30 April 2008 were \$14,790,333 compared with \$16,689,958 at 31 March 2008. At 30 April 2007, \$17,495,568 was invested.

Total accrued interest earned on Investments as at 30 April 2008:

	Budget	Actual	%
	\$	\$	
Municipal	535,000	562,886	105.21
Reserve	547,600	523,168	95.54

COMMENT:

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

The decrease in investments for the month of April is as a result of payments for capital projects.

10.3.4 Fees and Charges for Budget 2008/2009

Ward:	-	Date:	28 April 2008
Precinct:	-	File Ref:	FIN0025
Attachments:	001		
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:	John Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council APPROVES BY ABSOLUTE MAJORITY the Schedule of Fees and Charges, as shown in Appendix 10.3.4, for adoption for the 2008/2009 financial year.

Moved Cr Farrell, Seconded Cr Youngman

That the recommendation be adopted.

Debate ensued.

AMENDMENT 1

Moved Cr Maier, Seconded Cr Ker

That the recommendation be amended to read as follows:

“That the Council APPROVES BY ABSOLUTE MAJORITY the Schedule of Fees and Charges, as shown in Appendix 10.3.4, for adoption for the 2008/2009 financial year subject to the following amendments:

(a) *page 8.11 – Building Fees – be amended to read as follows:*

- *“For the issue of a retrospective Building Approval Certificate in relation to a building of Class 1 or 10*
- *“For the issue of a retrospective Building Approval Certificate in relation to a building other than building of Class 1 or 10”.*

AMENDMENT 1 PUT AND CARRIED (7-0)

(Crs Doran-Wu and Messina were apologies for the meeting.)

Debate ensued.

AMENDMENT 2

Moved Cr Ker, Seconded Cr Farrell

That the existing recommendation be numbered as clause (i) and that a new clause (ii) be inserted as follows

*“(ii) **REQUESTS** a report on reviewing penalties for various offences”.*

AMENDMENT 2 PUT AND CARRIED (7-0)

(Crs Doran-Wu and Messina were apologies for the meeting.)

AMENDMENT 3

Moved Cr Lake, Seconded Cr Youngman

That a new clause (i)(b) be inserted as follows:

- “(i) (b) *the proposed fees and charges relating to black and white photocopying for the library, administration centre and printing pages from internet as indicated on page 8.7 of Appendix 10.3.4 remain at 20 cents per copy.*”

Debate ensued.

AMENDMENT 3 PUT AND CARRIED (7-0)

(Crs Doran-Wu and Messina were apologies for the meeting.)

MOTION AS AMENDED PUT AND CARRIED BY AN ABSOLUTE MAJORITY (7-0)

(Crs Doran-Wu and Messina were apologies for the meeting.)

COUNCIL DECISION ITEM 10.3.4

That the Council;

- (i) **APPROVES BY ABSOLUTE MAJORITY the Schedule of Fees and Charges, as shown in Appendix 10.3.4, for adoption for the 2008/2009 financial year subject to the following amendments:**
- (a) **page 8.11 – Building Fees – be amended to read as follows:**
- **“For the issue of a retrospective Building Approval Certificate in relation to a building of Class 1 or 10**
 - **“For the issue of a retrospective Building Approval Certificate in relation to a building other than building of Class 1 or 10”;**
- (b) **the proposed fees and charges relating to black and white photocopying for the library, administration centre and printing pages from internet as indicated on page 8.7 of Appendix 10.3.4 remain at 20 cents per copy; and**
- (ii) **REQUESTS a report on reviewing penalties for various offences.**
-

PURPOSE OF REPORT:

To obtain the Council’s approval of the Fees and Charges for the financial year 2008/2009.

BACKGROUND:

The Town of Vincent, as all other local governments, applies charges for services provided and for the use of facilities available for hire. All such fees are required to be reviewed annually.

The Local Government Act 1995 allows fees and charges to be adopted and included in the Annual Budget without having to be gazetted separately.

DETAILS:

The attached schedule outlines details of Fees and Charges proposed for the 2008/2009 year with a comparison to last year's fees, where there has been a change from last year the particular item has been highlighted in bold italics.

A number of fees are determined by legislation, these include Dogs and Building/Planning Fees and a number of fees are raised under the Health Act.

Fees and Charges that are raised where the Town is engaged in what is deemed to be commercial activity, GST must be applied. Fees where GST is applicable are marked with a tick in the last column of the schedule.

Local Government Fees and Charges that are raised under legislation or local laws are in general GST free by way of exemption through Division 81 of the GST Legislation.

New fees recommended for 2008/2009 include:

Footpaths

Licence for Screens for Outdoor Eating– Page 8.2

New fee for alfresco dining area screening.

Health Services

Annual Assessment Fees for Food Stalls & Vans at Members Equity Stadium- Page 8.3

The fees above have been established for longer-term temporary food premises at the Town's major stadiums. These outlets do not fall into the 'Food Premises Annual Assessment Fee' category, and it is considered unreasonable both financially and administratively, to repeatedly charge the fee associated with 'Licence of a special events food van/stall holder' (maximum 3 day period). A risk based fee structure has been considered (i.e. Burger van charged at \$200 per annum, which will require more assessment than a mobile coffee cart charged at \$75 per annum).

Food Safety Training Online – Page 8.4

As detailed in the Information Bulletin No. 2 at the Ordinary Meeting of Council held on 8 April 2008, this is a new online Food Safety Training package, which will be offered to food handlers within the Town from 1 July 2008. Registration and fees collected by the Town are forwarded to Challenger TAFE. Due to the physical distance to Challenger TAFE it is essential that the Town offers this service, to enable local food handlers for example, to pay cash conveniently at the Town's Administration Centre.

Regulation 13 Application – Noise – Out of hours construction work (assessment and approval) – Page 8.4

This new fee has been introduced to cover the administrative time taken to assess and approve Regulation 13 applications for Out of Hours Construction Work.

Alfresco Dining – Brass Delineation Plates – Page 8.4

Brass plates are required to delineate an outdoor eating area, and prevent the obstruction of the pedestrian access on footpaths within the Town. The cost of the installation of the plates is to be recovered from outdoor eating area proprietors at a cost of \$15 per plate, to cover materials and labour.

Issue of permit for use of apparatus – Page 8.5

This statutory fee is annually reviewed and gazetted by the Executive Director Public Health. Whilst this is not a new fee, it has previously not been included in the Town's formal fees and charges.

Library

Media Room Hire – Page 8.7

A new fee for the hire of the Media Room in the new Library has been introduced with a concessional fee for use by community groups.

Coffee Machine Charge – Page 8.7

A new charge has been introduced for the coffee machine in the Library.

Sundry Information

Provision of Rating information per financial year – Page 8.7

This fee has been introduced for the provision of rating information per financial year.

Re print of annual rate notice – Page 8.8

This is a new fee introduced for the re print of annual rate notices for ratepayers who have lost or mislaid their original notice.

Town Planning and Building Policy Manual & Scheme Text and Maps

Administration fee associated with the preparation of a subdivision/amalgamation legal agreement – Page 8.10

This fee now states the bonds that are applied to ensure the subdivisions and amalgamations are completed. The bonds reflect the bond arrangements that have been applied for the past several years.

Administration Fee associated with the arrangement of other planning, building or heritage related legal documentation by the Town – Page 8.10

This fee has been introduced to cover the cost of the Town to arrange various planning, building or heritage related legal documentation, such as easements and legal agreements for applicants/owners to undertake specific works.

Building Fees

Demolition License Fee – Page 8.10

This fee is in accordance with the Building Regulations.

For the issue of a Building Approval Certificate in relation to a building of Class 1 or 10 - Page 8.11

This fee is proposed to be introduced as part of new Building Regulations, which is expected to be promulgated in 2008/2009.

(Note: This fee is only applicable upon gazettal of new Building Regulations).

Building Approval Certificate in relation to other than building of class 1 or 10 – Page 8.11.

This fee is proposed to be introduced as part of new Building Regulations, which is expected to be promulgated in 2008/2009.

(Note: This fee is only applicable upon gazettal of new Building Regulations).

Increased charges have been recommended in most cases, particularly in the following areas:

Car parking and kerbside fees

Increases are proposed for all the categories of car parking and kerbside fees for this financial year.

Health Services

The Executive Director of Public Health now reviews prescribed fees on an annual basis to prevent periodic substantial increases.

The Health Service fees that are in the control of the Town have been recommended for increase this financial year.

General Planning and Fees

The cash in lieu for parking is recommended to be increased to \$2,800 per car parking bay.

Works Bonds

These have been increased to be more in line with the actual cost of repairs, where damage or non-compliance occurs.

Hire of Halls and Community Centres

There is an across the board increase for the Hire of Halls and Community Centres.

Beatty Park

An annual review of the Beatty Park Leisure Centre fees is undertaken to benchmark against other local government centres. Beatty Park fees and charges are adjusted each year to minimise significant increase and to ensure that the Centre remains financial sustainable as well as maintaining its community obligations. This year there has been an increase in the majority of the fees charged. Even with these increases, Beatty Park fees remain at the lower end of the scale in comparison with other centres.

CONSULTATION/ADVERTISING:

Advertised as part of the Annual Budget document.

LEGAL/POLICY:

In accordance with Local Government Act (1995) S6.16, 6.17 and 6.18.

STRATEGIC IMPLICATIONS:

The new and amended charges have been included in the preparation of the Draft 2008/2009 Budget.

FINANCIAL/BUDGET IMPLICATIONS:

N/A

COMMENTS:

It is recommended that the Fees and Charges contained in the attached schedule be adopted for the 2008/2009 Budget so that Council can apply these from 1 July 2008 (or subsequent date where nominated).

10.3.5 Community and Welfare Grants and Donations 2007/2008

Ward:	Both	Date:	30 April 2008
Precinct:	All	File Ref:	FIN0165 V1
Attachments:	-		
Reporting Officer(s):	T Blythe		
Checked/Endorsed by:	J Anthony/M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That Council APPROVES payment of the following grants and donations to the organisations listed as part of the second round of funding for donations as approved in the 2007/08 Annual Budget;

<i>The Salvation Army</i>	<i>\$5,000</i>
<i>People Who Care</i>	<i>\$5,000</i>
<i>Ruah Community Services</i>	<i>\$1,500</i>
<i>Greek Welfare Centre</i>	<i>\$5,000</i>
<i>Volunteer Task Force</i>	<i>\$5,000</i>
TOTAL	\$21,500

COUNCIL DECISION ITEM 10.3.5

Moved Cr Farrell, Seconded Cr Youngman

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (7-0)

(Crs Doran-Wu and Messina were apologies for the meeting.)

PURPOSE OF REPORT

To obtain the Council approval for the second round of Community and Welfare Grants and donations for the 2007/2008 financial year.

BACKGROUND:

The Town of Vincent established the Community and Welfare Grants and Donations Scheme to provide financial assistance to individuals who are disadvantaged and/or in crisis and non-profit community groups and organisations providing community and welfare services to Town of Vincent residents.

Since the 2006/2007 financial year, the grants have been advertised biannually. Not for profit organisations are entitled to apply for grants of up to \$5000 to assist with providing community services and programmes to Town of Vincent residents.

Funds are also set aside under "Sundry Donations" to enable the Town to provide small donations, on an ad hoc basis, to not-for-profit community service providers, not in receipt of an annual grant. Provision has also been made, with funds set aside under "Sundry Donations", to assist individual residents who are disadvantaged and in financial crisis. In all cases, applications are thoroughly assessed in accordance with determined criteria and guidelines.

In accordance with the Community and Welfare Grants and Donations Guidelines, the scheme was advertised in two local papers during the month of February inviting applications for funding which resulted in four applications.

Each application has been rated on a standard scale against a standard set of criteria. The ratings scale is shown below:

Criteria	Weighting
Adherence to policy guidelines	30%
Benefit to Town of Vincent residents	20%
Financial viability of the project or programme	10%
Previous grants acquitted satisfactorily	10%
Targets vulnerable and disadvantaged groups in the community	10%
A unique service that meets the needs of the community	10%
Demonstrated experience in delivering the service or programme	10%
	100%

DETAILS

A summary of the applications and their ratings is shown on the following pages:

Applications recommended for funding:

Organisation	Salvation Army 333 William Street, Perth.
Purpose of Funding	The primary objective is to provide emergency relief to needy individuals through the Perth Family Support Services. Services include: <ul style="list-style-type: none"> • Clothing Vouchers • Food Parcels • Food Vouchers • Furniture Vouchers • Household Goods • Life Skills Group • Telstra Vouchers • Bill Payment • Budget Club A secondary objective is to assist clients to learn skills to better manage their household situation.
Target Group	All members of the community
Services Provided by the Organisation	The Salvation Army provides comprehensive social and religious facilities/service to the community. Family support provides relief through food parcels, clothing and expenses. They also undertake counselling to clients.
Number of Vincent Residents Served	Of the 21,000 people assisted last year, 6000 or over one quarter lived in the Town. This figure is calculated from the postcodes obtained during interviews conducted by family support staff.
Incorporated	Yes

Comments	This is a very important service in the community. Community Development Officers at the Town of Vincent receive, on average, 20 calls each year from residents wanting to access the type of services offered by the Salvation Army. The amount requested represents less than \$1 per resident utilising the service.
Amount Requested	\$5,000
Amount Recommended	\$5,000

The Salvation Army	Raw Score	Weighted Score %
Adherence to policy guidelines	90	27
Benefit to Town of Vincent residents	100	20
Financial viability of the project or programme	100	10
Previous grants acquitted satisfactorily	100	10
Targets vulnerable and disadvantaged groups in the community	100	10
A unique service that meets the needs of the community	90	9
Demonstrated experience in delivering the service or programme	100	10
TOTAL	680	96

Organisation	People Who Care
Purpose of Funding	The grant will be used to provide transport that will include: <ul style="list-style-type: none"> • Transport to and from medical appointments • Transport to and from centre based day care • Transport to and from shopping centres • Transport to and from social events The aim of this program is to assist with the targeted group to remain living independently at home.
Target Group	Frail aged, younger disabled and others with a disability
Services Provided by the Organisation	People Who Care provides services to frail aged, carers, young people with disabilities and others in need. Services include transport, gardening, social support, leisure and house moves.
Incorporated	Yes
Number of Vincent Residents Serviced	In the 2006/2007 financial year, there were 129 clients in the Town of Vincent
Comments	It is continually identified, as a part of the ongoing Seniors Study, that transport is an increasing problem for the frail aged and disabled in the Town of Vincent. The transport service offered by People Who Care is both unique and valuable to assist those in need to remain living independently. The Town of Vincent regularly refer residents to this program but a lack of funding means that most clients new to People Who Care are placed on a waiting list for up to 12 months. The funding applied for with this grant will allow for an expansion of this important and valuable program, which in turn will reduce or eliminate the current waiting list.
Amount Requested	\$5000
Amount Recommended	\$5000

People Who Care	Raw Score	Weighted Score %
Adherence to policy guidelines	100	30
Benefit to Town of Vincent residents	90	18
Financial viability of the project or program	90	9
Previous grants acquitted satisfactorily	100	10
Targets vulnerable and disadvantaged groups in the community	100	10
A unique service that meets the needs of the community	100	10
Demonstrated experience in delivering the service or program	100	10
TOTAL	680	97

Organisation	Ruah Community Services
Purpose of Funding	The grant will be used to provide emergency relief to aboriginal women who are homeless. Specifically, funds will be used to <ul style="list-style-type: none"> • Provide cost of travel to place of abode • Provide emergency clothing • Assistance with paying outstanding debts • Provision of food • Purchase of towels, toiletries and medication • Restocking first aid kit.
Target Group	Aboriginal women suffering from intoxication who frequently use public places in the Town of Vincent and residents who live in close proximity to public places
Services Provided by the Organisation	Ruah Community Services provides the following – <ul style="list-style-type: none"> • Anawim Refuge provides supported accommodation to aboriginal women escaping domestic, family or social violence. • Kalamia Night Shelter provides sobering up facilities for aboriginal women who are intoxicated. • Kalamia Day Centre provides advocacy, referral and support services to aboriginal women.
Incorporated	Yes
Number of Vincent Residents Served	Ruah provided services for approximately 2750 people, however the number of Town of Vincent residents is not known as the clients are homeless, seeking refuge or transient. Considering the limited mobility of the clients it can be concluded that majority are residing within the Town's boundaries.
Comments	This service was established in 2004 with a grant from the Lotteries Commission. Since then the Town of Vincent has provided funding to maintain the program.
Amount Requested	\$1,500
Amount Recommended	\$1,500

Ruah Community Services	Raw Score	Weighted Score %
Adherence to policy guidelines	90	27
Benefit to Town of Vincent residents	90	18
Financial viability of the project or program	100	10
Previous grants acquitted satisfactorily	100	10
Targets vulnerable and disadvantaged groups in the community	100	10
A unique service that meets the needs of the community	100	10
Demonstrated experience in delivering the service or program	100	10
TOTAL	680	96

Organisation	Fifth Greek Orthodox Archdiocesan District of WA Welfare Association (GOWA)
Purpose of Funding	<p>Funds would be used to provide the following services:</p> <ul style="list-style-type: none"> • Support including casework, information, referrals and advocacy to disadvantaged families and individuals; • Emergency relief to disadvantaged families, individuals and seniors from all backgrounds; • A volunteer program that provides social support to the frail aged and disabled who are isolated. • A Senior Citizens Group involving transport for social outings and to cultural information and training sessions. <p>Funds would be used to cover the wages of a Community Services Officer, transport, food parcels and translation.</p>
Target Group	The primary target group is disadvantaged Greek and Macedonian speaking families and individuals. The organisation also provides services to the wider community.
Services Provided by the Organisation	<ul style="list-style-type: none"> • Support including casework, information, referrals and advocacy to disadvantaged families and individuals; • Emergency relief to disadvantaged families, individuals and seniors from all backgrounds; • A volunteer program that provides social support to the frail aged and disabled who are isolated. <p>A Senior Citizens Group involving transport for social outings and to cultural information and training sessions.</p>
Incorporated	Yes
Proportion of Vincent Residents Served	Approximately 80% of this organisation's clients live within the Town of Vincent. Services were provided to 450 people last year.
Comments	Greek speaking people represent a significant proportion of the Town's residents, in particular those aged over 55 years. This organisation services a large number of Town of Vincent residents in this age group.
Amount Requested	\$5,000
Amount Recommended	\$5,000

Fifth Greek Orthodox Archdiocesan District of WA Welfare Association (GOWA)	Raw Score	Weighted Score %
Adherence to policy guidelines	100	30
Benefit to Town of Vincent residents	100	20
Financial viability of the project or program	90	9
Previous grants acquitted satisfactorily	100	10
Targets vulnerable and disadvantaged groups in the community	90	9
A unique service that meets the needs of the community	90	9
Demonstrated experience in delivering the service or program	100	10
TOTAL	670	97

Organisation	Volunteer Taskforce
Purpose of Funding	To increase volunteer base, due to growing demand, by providing funds for marketing and advertising
Target Group	Seniors, frail aged, people with disabilities
Services Provided by the Organisation	<ul style="list-style-type: none"> • Transport is provided to take clients shopping, to medical appointments, social outings, etc • Gardening, both one off clean ups and regular services • Domestic assistance • Home Maintenance • Social support, which involves matching up a volunteer with a client to take them shopping, on social outings and to medical appointments etc.
Incorporated	Yes
Proportion of Vincent Residents Served	There are 199 Town of Vincent residents currently receiving services from Volunteer Taskforce, with another 74 on the waiting lists
Comments	<p>Volunteer Taskforce is an organisation who has been based in the Town of Vincent for many years.</p> <p>These valuable services are preventing clients from moving into assisted care by enabling them to maintain their homes, gardens and social structures.</p> <p>These services have been identified in our ongoing seniors report as services which are essential, but greatly lacking in the Town of Vincent.</p> <p>Organisations like Volunteer Taskforce are inundated with requests for assistance, but are finding it a continual struggle to find enough volunteers, and even paid workers to meet the constant demand.</p> <p>Currently there is up to a 12 month waiting list for those in need to access gardening and domestic assistance.</p> <p>Volunteer Taskforce currently have the resources to reduce these waiting list are unable to source enough volunteers and paid workers.</p> <p>They have indicated that this is largely due to a lack time and funds spent on marketing and advertising.</p> <p>The funds provided for in this grant would be used to improve and increase marketing and advertising and therefore assist in the long term future and success of the services offered by Volunteer Taskforce.</p>
Amount Requested	\$5000
Amount Recommended	\$5000

Volunteer Taskforce	Raw Score	Weighted Score %
Adherence to policy guidelines	100	30
Benefit to Town of Vincent residents	100	20
Financial viability of the project or program	100	10
Previous grants acquitted satisfactorily	90	9
Targets vulnerable and disadvantaged groups in the community	100	10
A unique service that meets the needs of the community	90	9
Demonstrated experience in delivering the service or program	100	10
TOTAL	680	98

SUMMARY OF RATINGS:

Summary of ratings for applications recommended for funding:

Organisation	Raw Score	Weighted Score %
The Salvation Army	680	96
People Who Care	680	97
Ruah Community Services	680	96
Greek Welfare Centre	670	97
Volunteer Taskforce	680	98

CONSULTATION/ADVERTISING:

The scheme was advertised twice in two (2) local papers during the month of February 2008.

LEGAL/POLICY:

Policy Number:

1.1.5 "Donations, sponsorships and waiving of fees and charges".

STRATEGIC IMPLICATIONS:

Strategic Plan - Amended 2006 – 2011 Key Result Area

3.1:1 "Celebrate and acknowledge the Town's cultural and social diversity."

3.1.3 "Determine the requirements of the community."

FINANCIAL/BUDGET IMPLICATIONS:

Community & Welfare Grants and Donations

The table below details the financial implications of the welfare donations scheme in the financial year 2006/2007. It also lists the amount requested and approved this financial year (2007/2008) in the first round of Grants. It also shows the funding requested in the second round of grants for 2007/2008.

Organisation	Funding Request (06/07-June)	Funding Given (06/07-June)	Funding Request (06/07-Nov)	Funding given (06/07-Nov)	Funding Requested 07/08 Oct	Funding Given 07/08 Oct
Carers WA	4,800	2,500			3,300	3,300
Ethnic Communities Council	5,000	2,000			4,950	2,000
Greek Welfare Centre	5,000	3,000				
Multicultural Services Centre	5,000	3,000			5,000	2,500
Passages Resource Centre	2,500	2,500			3,000	3,000

Organisation	Funding Request (06/07-June)	Funding Given (06/07-June)	Funding Request (06/07-Nov)	Funding given (06/07-Nov)	Funding Requested 07/08 Oct	Funding Given 07/08 Oct
St Vincent de Paul Society	5,000	4,000				
Continece Advisory Service	1,400	1,400				
St Hilda's Anglican Church	5,000	2,000				
Women's Health Care House	5,000	3,000				
W.A AIDS Council	2,000	2,000			2,000	2,000
Outcare Inc			2,800	2,500		
ENASCO			5,000	3,500		
The Salvation Army			5,000	3,500		
Volunteer Taskforce			4,750	3,100		
Manna Industries Inc			5,000	3,500		
Sundry Donations	6,300	6,300			6,000	6,000
TOTAL	\$47,200	\$31,700	\$22,550	\$16,100	\$24,250	\$18,800

The table outlines a comparison of the applications and funds received last year for the organisations that have applied for the donations this financial year.

Organisation	Funding Requested (06/07)	Funding Recommended (06/07)	Funding Requested (07/08)	Funding Recommended (07/08)
Salvation Army	5,000	3,500	5,000	5,000
People Who Care	0	0	5,000	5,000
Ruah Community Services	0	0	1,500	1,500
Greek Welfare Centre	5,000	3,000	5,000	5,000
Volunteer Taskforce	4,750	3,100	5,000	5,000
TOTAL	\$14,750	\$9,600	\$21,000	\$21,000

Ad Hoc/Sundry Donations

In the 2007/2008 Budget, \$6,000 is allocated to cover sundry donations. This cost has been considered in the first round of community and welfare grants.

2007/2008 Budget

An amount of \$52,000 has been allocated for Community and Welfare Grants and Donations in the Budget for 2007/2008. \$4,200 was also allocated for Volunteer Taskforce in the 2007/2008 Budget.

Since the introduction of the Community and Welfare Grants and Donations the total amount of funding requested has increased as shown in the table below:

FINANCIAL YEAR	AMOUNT REQUESTED	AMOUNT GRANTED
1996/1997	\$43,000	\$40,110
1997/1998	\$72,500	\$45,300
1998/1999	\$129,000	\$51,740
1999/2000	\$95,940	\$55,500
2000/2001	\$139,507	\$55,000
2001/2002	\$128,133	\$59,368
2002/2003	\$167,172	\$63,700
2003/2004	\$120,786	\$63,300
2004/2005	\$137,065	\$67,585
2005/2006	\$90,555*	\$49,000*
2006/2007	\$69,750*	\$54,450*
2007/2008	Round 1 - \$34,750*	Round 1 \$25,800*
2007/2008	Round 2 - \$21,000*	Round 2 \$21,000*

* These figures do not include funding for the Loftus Community Centre and Rosewood Care Group.

Regular Annual Grants to Playgroups and Toy Libraries Located in the Town

An amount of \$20,000 has been allocated in the 2006/2007 and 2007/2008 budget to Playgroups. Each of the five Playgroups that operate within the Town of Vincent is eligible for funds totalling \$4,000 to use for capital works.

This 2007/2008 financial year, grants of \$1,000 were offered in round 1 to each Toy Library located in the Town of Vincent to assist with the costs of advertising, promotion and purchase of toys.

COMMENTS:

This is the second round of applications for the 2007/2008 financial year, to provide community groups and agencies an opportunity to apply for funding for programmes and services targeting the residents in the Town of Vincent.

All applicants in this round of funding form part a core group of service providers to whom the Town regularly makes referrals. All of the services offered either indirectly and/or directly will benefit a large number of the Town's residents.

10.3.6 Cultural Development Plan – Leederville Masterplan Area

Ward:	Both	Date:	1 May 2008
Precinct:	All	File Ref:	PLA0153
Attachments:			
Reporting Officer(s):	J. Anthony		
Checked/Endorsed by:	M. Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council APPROVES the process/framework for a Cultural Development Plan to be undertaken in relation to the area that is covered in the Leederville Masterplan.

COUNCIL DECISION ITEM 10.3.6

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (7-0)

(Crs Doran-Wu and Messina were apologies for the meeting.)

PURPOSE OF REPORT:

To advise the Council of the process/framework to undertake a Cultural Development Plan, for the area that is covered by the Leederville Masterplan area.

BACKGROUND:

At the Ordinary Meeting of Council on 22 April 2008, the Council approved a notice of motion, which was adopted as follows;

"That;

- (i) the Town develops a Cultural Development Plan, as part of the Leederville Masterplan area - the aim of which will be to maintain and develop Leederville's reputation as a unique and vibrant entertainment area;*
- (ii) the Cultural Development Plan will consider, but not be limited to, the following;*
 - (a) the identity of Leederville;*
 - (b) the Masterplan area and key cultural institutions, including TAFE and HQ;*
 - (c) the creation of a "Creative Industries" Precinct; and*
 - (d) catering for the entertainment needs of a broad range of people; and*
- (ii) a report be presented to the Council by the first meeting in May 2008, outlining a process for achieving the above."*

DETAILS:

Cultural Planning is a strategic process for deciding how best to use our community's cultural resources to promote social and economic wellbeing, and consequently enhance the quality of life.

This process will allow Council to:

- Have an increased understanding of community values
- Create a shared vision with our stakeholders
- Increase and improve communication between Council and communities
- Enable the creation of common goals and purposes
- Enhance integrated planning processes
- Enhance the awareness of our community resources
- Be able to identify potential future partnerships

A Cultural Development Plan typically takes stock of the cultural resources of an area with the view to enhancing these cultural resources to be strong and dynamic contributors to communities and quality of life.

Whilst plans tend to be quite diverse and varied in their execution, common traits include defining the meaning of culture to a specific community, looking at measuring indicators in order to set broad outcomes and defining cultural resources of the community.

Cultural development plans can assist by proposing governance structures to manage funded cultural entities, explore revenue sources and funding mechanisms for future cultural development projects, provide measuring tools for cultural development in a community, as well as explore collaborative partnerships to address cultural development initiatives in a cohesive, coordinated way.

The cultural planning process will assist with the Town's strategic direction in the following ways:

- (a) identify a breadth of cultural resources which are vital to community cultural development;
- (b) recognise the importance of cultural resources, amenities, services and policy for the purposes of planning and development; and
- (c) make partnerships with urban designers, town planners, transport operators, environmental managers, economic and industry strategists.

The following types of strategies could be considered as part of a broad cultural planning process for the Town of Vincent:

- the identification of community centres and halls across the LGA as designated community cultural development centres with diverse roles in encouraging skills development, performance and exhibition programs; their collective role would be to facilitate and develop creative expression and provide the grassroots basis for a rich cultural life in Vincent;
- the integration of locally developed themes into a cultural development program for Vincent – the program would include local publicity strategies aimed at both encouraging local participation and informing all residents about the local cultural themes being pursued - this is being done with the photographic competition;
- the planning of festivals/celebratory events across Vincent, encouraging a unique image and focus for each festival based on local cultures and unique aspects of local history and ways of life;

- the establishment of suitable council facilities as venues for community gatherings for outdoor performance;
- the review and upgrade of key cultural events in the Town contributing to these general themes and cultural development programs;
- the delivery of a locally provided, diverse, well resourced, imaginative and lively community cultural development program utilising in the first instance the community buildings which already exist in local neighbourhoods (these buildings might be community centres, community halls, sports venues, library buildings and so on);
- providing more than one location focusing on Indigenous community cultural activities in recognition of the presence of significant Aboriginal history in Vincent;
- a review of community centres/ halls in consultation with the arts community to identify from the pattern of current usage: opportunities for the provision of cultural and arts programs in community centres, and opportunities to convert one (but preferably more than one) existing community facility into a specialist community cultural workshop.
- active promotion of pavement cafés - Cappuccino Festival;
- the establishment of a Youth Festival in diverse indoor and outdoor venues across the Town and adjoining Councils to encourage the showcasing of emerging local talent in the western suburbs;
- the establishment of strong partnerships between Council and local educational institutions including TAFE and the Department of Education and Training; and
- the fostering of links between Council and organisations which promote employment opportunities in the cultural industries in Vincent.

Given that the notice of motion is specific in its targeted area being Leederville, the cultural development plan would link in with the Leederville Masterplan and work towards the following broad research parameters;

- Identify and provide measurement indicators for the cultural identity of Leederville;
- Audit and identify cultural resources of the area including key cultural institutions of surrounding areas that are critical influences to the cultural identity of Leederville;
- Explore the concept and existence of creative industries with a particular view to creating a 'creative industries' precinct with sustainability indicators;
- Maximising opportunities and resources for the community to cater for their cultural participation requirements in the vicinity;
- Undertake community consultation and benchmarking initiatives to ensure that appropriate strategies are explored to develop Leederville's unique and vibrant culture.

In distinguishing cultural indicators from the general set of broad outcomes that society cares about and which contribute to the building of liveable communities, a limited number of relevant cultural activities can be identified for attention. These include indicators relating to the production of music, dance, plays, operas, films, paintings, crafts and so on. They would also include indicators relating to the consumption of, or participation in, music, dance, art, theatre, film etc. Attendance data related to local venues such as museums, festivals, markets, libraries, galleries, cinemas would also be relevant. These activities complement broader social measures such as crime, health, discrimination, labour market, transport etc.

Four inter-related areas of inquiry are being proposed as part of the development of the plan:

1. Presence of Arts and cultural opportunities

Collecting information about various kinds of cultural organisations in the Local Government Area on a regular basis and based on an agreed template.

2. Cultural participation

Working with arts and cultural organisations to identify and measure the different types of cultural participation they support.

3. Impact of Arts and cultural participation

Developing methods to collect and assess data that identifies the economic, social and cultural value of different types of cultural participation.

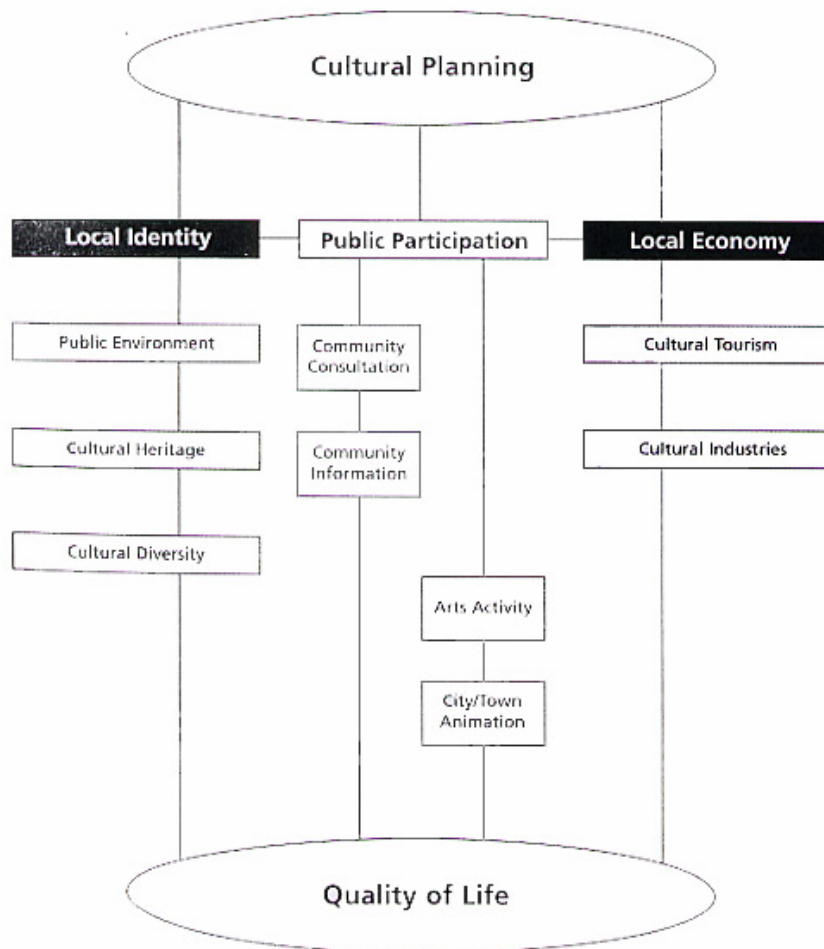
4. Community capacity to produce cultural opportunities

Collecting information from individuals and organisations that provides data on the climate which encourages opportunities for cultural participation and production. The development of systems and resources for the ongoing collection of cultural indicators will be important elements in managing the revitalisation of Council's support for local cultural life.

The cultural planning framework that is suggested provides a structure to:

- Describe and analyse the culture of a community;
- Identify links between parts and see opportunities for strategic relationships;
- Develop cultural policy;
- Develop a cultural plan with recommendations for action; and
- Make budget allocations.

The Framework is a useful tool for locating an issue, activity or resource under one heading and visualising the framework making links both horizontally and vertically. This makes it possible to identify all the possible relationships and how one area impacts on another.



Methodology

1. Establish purpose of the cultural plan and link with Town's strategic and principal activities plan.
2. Establish guiding principles and definition of key terms/concepts.
3. Conduct cultural audit of the Town.
4. Preliminary research on the Town's demographic, social and cultural profile.
5. Prepare background paper and survey on based on the above points for community and stakeholder input.
6. Conduct community forums I - preparation of facilitation and format of the forums.
7. Prepare draft plan.
8. Review draft plan through community forums II.
9. Submit to Executive Management Team for comment.
10. Submit to Council for approval.
11. Community Consultation.
12. Final Document to be approved by Council.
13. Final Cultural Plan to be promoted and actioned.
14. Cultural Plan to be reviewed annually.

CONSULTATION/ADVERTISING:

The development of the plan will be contingent on full community consultation being undertaken to ensure that the outcomes are sustainable and supported by the community.

LEGAL/POLICY:

Nil

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011 Community Development.

Objective 3.1 Enhance community development and wellbeing.

FINANCIAL/BUDGET IMPLICATIONS:

It is estimated that the development of Cultural Plan for the Leederville Precinct would be approximately \$5,000 – \$10,000. No specific funds are available for this project.

COMMENTS:

It is suggested that with the suggested framework, the Council will be able to provide a cutting edge cultural development program in partnership with the community which promotes participation and access, engages with Vincent's diverse community, advocates history and heritage, celebrates local identity, champions creativity and contributes to economic development.

10.4.4 Communication and Marketing Strategy Preparation and Implementation

Ward:	-	Date:	1 May 2008
Precinct:	-	File Ref:	CMS0008
Attachments:	001		
Reporting Officer(s):	N Greaves		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Town of Vincent's Communication Strategy (attached at Appendix 10.4.4); and*
- (ii) *NOTES that the Communications Strategy has been prepared and is being implemented.*

COUNCIL DECISION ITEM 10.4.4

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

AMENDMENT

Moved Cr Maier, Seconded Cr Ker

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

**“(iii)NOTES that a Marketing Strategy is yet to be developed.”*

(Note:* The amendment was not voted upon.)

Debate ensued.

The Presiding Member suggested that the words “and Marketing” be deleted from the heading and this was agreed.

VOTED (7-0)

MOTION PUT AND CARRIED (7-0)

(Crs Doran-Wu and Messina were apologies for the meeting.)

PURPOSE OF REPORT:

The purpose of the report is for the Council to be advised of the Town's preparation and implementation of a Communications Strategy.

DETAILS:

A comprehensive Communications Strategy for the Town of Vincent has been prepared and implemented. The term “communications strategy” refers to the ways in which the Town of Vincent communicates with its stakeholders (target audiences/publics). “Communications” encompasses all the channels that are used by the Town including Marketing, Advertising, Public Relations, Corporate Identity and Image, Branding, Publicity, Electronic Communications, New Media, Events, Community Engagement, Media Relations and Public Affairs.

The Town communicates with its various publics in numerous ways and this strategy is a ‘blanket’ approach to how the communications should generally be undertaken – providing a general framework for effective communication to ensure that the Strategic Direction, Values and Image of the Town are maintained and enhanced through day-to-day and targeted communication with audiences.

The Communications Strategy is focused on communication, which is about the management of perceptions around the policies of the Town and the services that it offers. It covers all mediums/channels by which the Town communicates with its publics (including correspondence, electronic mediums, website, social media, public affairs, events, advertising, marketing, media relations and corporate image/branding) and is designed to ensure that the as much of the Town's communications as possible are targeted and therefore purposeful. The overriding objective of the Communications Strategy is to maintain and enhance the Town's ‘brand’ through consistency of messages, styles and delivery.

The document is intended for internal use only. The Communications Strategy is a working document and is not a Public Document (NOTE: The appendices to the working document – Corporate Style Guide and Crisis Communications Plan – are not included in the attached document as they contain information relevant only to the Town and are not appropriate for public display.)

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

This matter is in keeping with the Strategic Plan 2006-2011 – Key Result Area – “*3.1.5 Focus on community and customer needs, values, engagement and involvement*” -

(a) *Implement a Communications and Marketing Plan”.*

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The Communications Strategy provides the framework for the Town to communicate with its publics consistently and effectively with the intention to maintain and enhance the Town's image/brand, ensure statutory compliance and engage with stakeholders in an open and honest manner. The Town's Strategic Vision, Purpose and Guiding Values underpin the messages that the Town disseminates to its publics through all available mediums.

10.4.5 Town of Vincent Policies - Review of

Ward:	-	Date:	7 May 2008
Precinct:	-	File Ref:	ORG0023
Attachments:	001		
Reporting Officer(s):	Various, John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council APPROVES of the following;

(i) Policies to be AMENDED as shown in Appendix 10.4.5;

- (a) 2.2.1 - Directional Signs**
- (b) 2.2.4 - Road Reserve Works, Treatments, Plantings and Beautification**
- (c) 2.2.15 - Street Lighting**
- (d) 2.2.17 - Electricity Supply – Undergrounding of Supply Cables**
- (e) 2.2.18 - Waste Management**
- (f) 3.8.4 - Safe Needle & Syringe Collection and Disposal Strategy**
- (g) 3.8.5 - Substandard/Buildings and Vacant Land: Securing, Cleaning and Improvement Works**
- (h) 3.8.7 - Prohibition of Smoking in Designated Town Owned Playgrounds**
- (i) 3.9.1 - Community Policing**
- (j) 3.9.3 - Public Car Marts in the Town’s Car Park**
- (k) 3.9.5 - Vehicles Parking on Commercial Property – Policing of**
- (l) 3.9.7 - Parking Restrictions - Kerbside**
- (m) 3.9.8 - Residential and Visitors Parking Permits**

(ii) Policies to be RESCINDED;

- (a) 2.2.2 - Erection of Signs – Service Clubs (to be inserted into 2.2.1)**
- (b) 2.2.5 - Plant Containers on Commercial Paved Areas (to be inserted into 2.2.4)**
- (c) 2.2.6 - Memorial Footpath Plaques (to be inserted into 2.2.4)**
- (d) 2.2.7 - Footpaths – Upgrading of (to be inserted into 2.2.4)**
- (e) 2.2.8 - Footpath Protection Adjacent to Open Car Sales Yards (to be inserted into 2.2.4)**
- (f) 2.2.9 - Reinstatements of Roads and Footpaths (to be inserted into 2.2.4)**
- (g) 2.2.10 - Crossovers (to be inserted into 2.2.4)**
- (h) 3.8.6 - Dangerous Buildings**
- (i) 3.9.11 - Display of Items on Footpath**

(iii) Policies to be RE-ADOPTED WITHOUT ANY CHANGES;

- (a) 2.1.1 - Naturally Vegetated Areas of Public Open Space - Maintenance**
- (b) 2.2.14 - Rights of Way**
- (c) 2.2.16 - Stormwater Drainage Connections**
- (d) 3.9.4 - Reserved Parking for Individuals or Charitable/Handicapped Groups**
- (e) 3.9.6 - Parking Facilities – Pick Up and Set Down Stands**
- (f) 3.9.10 - Removal and Disposal of Apparently Abandoned Vehicles**
- (g) 3.9.12 - Dog Control**

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Lake

“(iv) AUTHORISES the Chief Executive Officer to;

- (a) advertise the amended Policies (a) – (m) inclusive; for a period of twenty-one (21) days, seeking public comment;*
- (b) report back to Council with any submissions received; and*
- (c) include the amended Policy in the Town’s Policy Manual if no public submissions are received”.*

Debate ensued (as to whether there was a need to advertise all amended policies).

The Chief of Executive Officer advised the Council that;

1. a number of amended policies only had a minor change to words; and
2. a number of policies were of a technical nature and did not impact on the community.

Cr Maier (with the approval of the Seconder) changed his amendment to read as follows;

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

“(iv) AUTHORISES the Chief Executive Officer to;

- (a) advertise the amended Policies (a) – (e) inclusive for a period of twenty-one (21) days, seeking public comment;*
 - *2.2.18 – Waste Management;*
 - *3.8.5 – Substandard/Buildings and Vacant Land: Securing, Cleaning and Improvement Works;*
 - *3.9.7 – Parking Restrictions – Kerbside; and*
 - *3.9.8 – Residential and Visitors Park Permits.*
- (b) report back to Council with any submissions received; and*
- (c) include the amended Policy in the Town’s Policy Manual if no public submissions are received”.*

AMENDMENT PUT AND CARRIED (7-0)

(Crs Doran-Wu and Messina were apologies for the meeting.)

MOTION AS AMENDED PUT AND CARRIED (7-0)

(Crs Doran-Wu and Messina were apologies for the meeting.)

COUNCIL DECISION ITEM 10.4.5

That the Council APPROVES of the following;

- (i) *Policies to be AMENDED as shown in Appendix 10.4.5;*
- (a) 2.2.1 - *Directional Signs*
 - (b) 2.2.4 - *Road Reserve Works, Treatments, Plantings and Beautification*
 - (c) 2.2.15 - *Street Lighting*
 - (d) 2.2.17 - *Electricity Supply – Undergrounding of Supply Cables*
 - (e) 2.2.18 - *Waste Management*
 - (f) 3.8.4 - *Safe Needle & Syringe Collection and Disposal Strategy*
 - (g) 3.8.5 - *Substandard/Buildings and Vacant Land: Securing, Cleaning and Improvement Works*
 - (h) 3.8.7 - *Prohibition of Smoking in Designated Town Owned Playgrounds*
 - (i) 3.9.1 - *Community Policing*
 - (j) 3.9.3 - *Public Car Marts in the Town’s Car Park*
 - (k) 3.9.5 - *Vehicles Parking on Commercial Property – Policing of*
 - (l) 3.9.7 - *Parking Restrictions - Kerbside*
 - (m) 3.9.8 - *Residential and Visitors Parking Permits*
- (ii) *Policies to be RESCINDED;*
- (a) 2.2.2 - *Erection of Signs – Service Clubs (to be inserted into 2.2.1)*
 - (b) 2.2.5 - *Plant Containers on Commercial Paved Areas (to be inserted into 2.2.4)*
 - (c) 2.2.6 - *Memorial Footpath Plaques (to be inserted into 2.2.4)*
 - (d) 2.2.7 - *Footpaths – Upgrading of (to be inserted into 2.2.4)*
 - (e) 2.2.8 - *Footpath Protection Adjacent to Open Car Sales Yards (to be inserted into 2.2.4)*
 - (f) 2.2.9 - *Reinstatements of Roads and Footpaths (to be inserted into 2.2.4)*
 - (g) 2.2.10 - *Crossovers (to be inserted into 2.2.4)*
 - (h) 3.8.6 - *Dangerous Buildings*
 - (i) 3.9.11 - *Display of Items on Footpath*
- (iii) *Policies to be RE-ADOPTED WITHOUT ANY CHANGES;*
- (a) 2.1.1 - *Naturally Vegetated Areas of Public Open Space - Maintenance*
 - (b) 2.2.14 - *Rights of Way*
 - (c) 2.2.16 - *Stormwater Drainage Connections*
 - (d) 3.9.4 - *Reserved Parking for Individuals or Charitable/Handicapped Groups*
 - (e) 3.9.6 - *Parking Facilities – Pick Up and Set Down Stands*
 - (f) 3.9.10 - *Removal and Disposal of Apparently Abandoned Vehicles*
 - (g) 3.9.12 - *Dog Control*
- (iv) *AUTHORISES the Chief Executive Officer to;*
- (a) *advertise the following amended Policies for a period of twenty-one (21) days, seeking public comment;*
 - 2.2.18 – *Waste Management;*
 - 3.8.5 – *Substandard/Buildings and Vacant Land: Securing, Cleaning and Improvement Works;*
 - 3.9.7 – *Parking Restrictions – Kerbside; and*
 - 3.9.8 – *Residential and Visitors Park Permits.*

-
- (b) *report back to Council with any submissions received; and*
 - (c) *include the amended Policies in the Town's Policy Manual if no public submissions are received.*
-

PURPOSE OF REPORT:

To obtain the Council's approval to amend, delete and/or re-adopt Council policies which are reviewed every 5 years.

BACKGROUND:

The Council's Policy Manual contains various policies which provide guidance to the Town's Administration for day to day management issues and also to Council Members to assist in decision making.

The policies are amended from time to time as the need arises. It is "best practice" to review policies at a regular interval and the Town undertakes this every five years. The Town's Administration has commenced the process and has provided the comments as outlined in this report.

The words "*Elected Member*" and "*Executive Manager*" have been changed to "*Council Member*" and "*Director*", to reflect the correct titles. The words "*staff*" or "*officer*" have been replaced with "*employee*".

The word "*Council*" has been replaced with "*Town*" where necessary, to reflect the correct entity. These do not affect the intent of the Policies.

The following policies are recommended to be **amended**:

- (i) 2.2.1 - Directional Signs

CEO's Comment

This Policy will incorporate the details of Policy 2.2.2 – "Erection of Signs – Service Clubs".

- (ii) 2.2.4 - Verge Treatments, Plantings and Beautification

CEO's Comment

This Policy was previously titled – "Verge Treatments, Plantings and Beautification". It will now incorporate the details of Policies; 2.2.5. 2.2.6. 2.2.7. 2.2.8. 2.2.9 and 2.2.10. The Policy Guidelines and Procedures have been amended to incorporate the other policy details. As these Guidelines are of a technical nature, they are "Laid on the Table".

- (iii) 2.2.15 - Street Lighting

CEO's Comment

There is a minor change of words. Deleting "three" and inserting "four"- to reflect current practice.

Another minor change is to reflect the tariff charge method.

- (iv) 2.2.17 - Electricity Supply – Undergrounding of Supply Cables

CEO's Comment

There is a minor change of words – delete “for network reinforcement” and insert “services”.

This does not affect the intent of the policy.

- (v) 2.2.18 - Waste Management

CEO's Comment

There are various changes, which reflect the current situation.

- (vi) 3.8.4 - Safe Needle & Syringe Collection and Disposal Strategy

CEO's Comment

There are various changes, which reflect the current practice.

- (vii) 3.8.5 - Substandard/Buildings and Vacant Land: Securing, Cleaning and Improvement Works

CEO's Comment

There are various changes, which reflect the current practice.

- (viii) 3.8.7 - Prohibition of Smoking in Designated Council Owned Playgrounds

CEO's Comment

There are various changes, which reflect the current practice.

- (ix) 3.9.1 - Community Policing

CEO's Comment

Minor word changes have been made to paragraphs – this makes easier reading.

- (x) 3.9.3 - Public Car Marts in the Council's Car Park

CEO's Comment

The Objective has been re-worded to make it clearer.

A new Item 4 has been added, advising of the prime purpose of a public car park.

- (xi) 3.9.5 - Vehicles Parking on Commercial Property – Policing of

CEO's Comment

A New Item 2 has been added, which specifies when the Town will police a car park on private property.

(xii) 3.9.7 - Parking Restrictions - Kerbside

CEO's Comment

The Graham Farmer Freeway has been included into the Policy.

(xiii) 3.9.8 - Residential and Visitors Parking Permits

CEO's Comment

The Town's Ranger Services Section has the responsibility to process applications for Residential and Visitors Parking Permits from residents. The issuing of permits is undertaken in accordance with Policy 3.9.8 Residential and Visitors Parking Permits.

The Policy in its current form was adopted on 26 June 2007, but does not make any reference to sub-divided blocks and does not allow for the issuing of a Visitor Parking Permit to residents unless no parking can be provided on the land. Previous local laws permitted a maximum of two (2) Visitors Parking Permits to be issued to a residential property, except residential units or townhouses, where a maximum of one (1) Visitors Parking Permit could be issued, irrespective of the number of parking bays available on that land.

The basis for restricting the number of permits that can be issued, is to ensure equity in the use of kerbside parking facilities. Where a number of blocks are amalgamated and high density housing is constructed on the larger site, it is inappropriate to issue more residential and visitor's parking permits than would have been issued prior to the construction. Similarly where a block, which would have been eligible for 2 residential and 2 visitor's permits, is sub-divided, it is appropriate to only issue 1 residential and 1 visitor's permit to each part of the subdivision. If such restrictions are not in place, it would be possible for substantially more permits to be issued, than there are available spaces.

In the case of the wording in clause 4, the previous local law allowed the issue of visitor's parking permits, irrespective of whether parking could be provided, on-site. This was done because the on-site parking would be expected to be used by the residents and so was unlikely to be available to visitors. The recommended amendment removes the wording that would disallow the issuing of permits if on-site parking was provided, even if that on-site parking was used by the residents.

The following policies are recommended to be **rescinded**:

(i) 2.2.2 - Erection of Signs – Service Clubs

CEO's Comment

This Policy will be incorporated into Policy 2.2.1, which will be re-titled as "Directional and Service Club Signs".

(ii) 2.2.5 - Plant Containers on Commercial Paved Areas

CEO's Comment

This Policy will be incorporated into Policy 2.2.4.

- (iii) 2.2.6 - Memorial Footpath Plaques

CEO's Comment

This Policy will be incorporated into Policy 2.2.4.

- (iv) 2.2.7 - Footpaths – Upgrading of

CEO's Comment

This Policy will be incorporated into Policy 2.2.4.

- (v) 2.2.8 - Footpath Protection Adjacent to Open Car Sales Yards

CEO's Comment

This Policy will be incorporated into Policy 2.2.4.

- (vi) 2.2.9 - Reinstatements of Roads and Footpaths

CEO's Comment

This Policy will be incorporated into Policy 2.2.4.

- (vii) 2.2.10 - Crossovers

CEO's Comment

This Policy will be incorporated into Policy 2.2.4.

- (viii) 3.8.6 - Dangerous Buildings

CEO's Comment

This Policy reflects existing legislation and is considered superfluous.

- (ix) 3.9.11 - Display of Items on Footpath

CEO's Comment

This Policy has now been replaced by the Town's newly gazetted Local Law relating to Trading in Public Places and is therefore superfluous.

A large number of policies are recommended for re-adoption without any changes. These are listed in the recommendation and no further explanation is required.

CONSULTATION/ADVERTISING:

The Council has a policy of advertising for a period of 21 days seeking comments from the public. However, as the proposed policy changes are relatively minor or of an administrative nature, it is recommended that this not be carried out, in this instance. This will provide costs savings to the Council.

LEGAL/POLICY:

Policies are not legally enforceable, however they provide guidance to the Town's Administration and Council Members when considering various matters.

STRATEGIC IMPLICATIONS:

This matter is in keeping with the Strategic Plan 2006-2011 – Key Result Area –

Leadership, Governance and Management

4.1.2 – Manage the Organisation in a responsible, efficient and accountable manner.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The Town's Policies are reviewed every five years. These will reflect the Council's position and also any legislative changes and community attitude changes which have occurred over the previous five years.

10.4.8 Delegations for the Period 1 January 2008 to 31 March 2008

Ward:	Both	Date:	6 May 2008
Precinct:	All	File Ref:	ADM0018
Attachments:	001		
Reporting Officer(s):	J MacLean, P Morrice		
Checked/Endorsed by:	R Boardman, John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *ENDORSES the delegations for the period 1 January 2008 to 31 March 2008 as shown in Appendix 10.4.8; and*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to write-off infringement notices/costs to the value of \$44,565.00 for the reasons as detailed below:*

<u>Description</u>	<u>Amount</u>
<i>Breakdown/Stolen (Proof Produced)</i>	<i>\$795.00</i>
<i>Details Unknown/Vehicle Mismatched</i>	<i>\$3,615.00</i>
<i>Equipment Faulty (Confirmed by Technicians)</i>	<i>\$1,245.00</i>
<i>Failure to Display Resident or Visitor Permit</i>	<i>\$12,365.00</i>
<i>Interstate or Overseas Driver</i>	<i>\$11,230.00</i>
<i>Litter Act</i>	<i>\$350.00</i>
<i>Other (Financial Hardship, Disability, Police On-duty, Etc)</i>	<i>\$4,755.00</i>
<i>Penalties Modified</i>	<i>\$320.00</i>
<i>Ranger/Clerical Error</i>	<i>\$5,500.00</i>
<i>Signage Incorrect or Insufficient</i>	<i>\$1,980.00</i>
<i>Ticket Purchased but not Displayed (Valid Ticket Produced)</i>	<i>\$2,410.00</i>
TOTAL	\$44,565.00

COUNCIL DECISION ITEM 10.4.8

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

MOTION PUT AND CARRIED BY AN ABSOLUTE MAJORITY (7-0)

(Crs Doran-Wu and Messina were apologies for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to provide a quarterly progress report of the delegations exercised by the Town's Administration for the period 1 January 2008 to 31 March 2008 and to obtain the Council's approval to write-off infringement notices.

BACKGROUND:

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

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

DETAILS:

The area which results in most infringement notices being withdrawn, is that of a resident/visitor who was not displaying the necessary permits. While the offence is "Failure to Display a Valid Permit", it is not considered appropriate to penalise residents and their visitors, since the primary purpose of introducing Residential Parking Zones is to provide respite to them. The other area of withdrawal which shows a high balance of written-off penalties is that of "Interstate or Overseas Driver". This is where the Town is unable to proceed with an infringement notice through the enforcement procedures, due to the driver not holding, nor possibly intending to hold a Western Australian Drivers Licence. The Town is also limited on the information available of vehicles being driven with interstate registration plates.

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

ADVERTISING/CONSULTATION:

Not applicable.

LEGAL/POLICY:

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

It is considered appropriate to report to the Council on a quarterly basis on the delegations utilised by the Town's Administration. A copy of these for the quarter is shown in the attached Appendix 10.4.8.

STRATEGIC IMPLICATIONS:

The above is in accordance with Strategic Objective 4.1.4(a) *"Achieve best Practice corporate governance standards and statutory compliance including effective delegations and independent review of processes."*

FINANCIAL/BUDGET IMPLICATIONS:

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

The details of the infringement notices are as follows:

<u>Description</u>	<u>Amount</u>
Breakdown/Stolen (Proof Produced)	\$795.00
Details Unknown/Vehicle Mismatched	\$3,615.00
Equipment Faulty (Confirmed by Technicians)	\$1,245.00
Failure to Display Resident or Visitor Permit	\$12,365.00
Interstate or Overseas Driver	\$11,230.00
Litter Act	\$350.00
Other (Financial Hardship, Disability, Police On-duty, Etc)	\$4,755.00
Penalties Modified	\$320.00
Ranger/Clerical Error	\$5,500.00
Signage Incorrect or Insufficient	\$1,980.00
Ticket Purchased but not Displayed (Valid Ticket Produced)	\$2,410.00
TOTAL	\$44,565.00

COMMENTS:

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

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Notice of Motion - Councillor Steed Farrell - Proposed Community Event - Welcoming Glendalough/Osborne Park Residents into the Town

That the Council;

- (i) *APPROVES of an appropriate community function/event (e.g. Fun Day/Sausage Sizzle, Morning Tea, etc); to be held to welcome the residents/ratepayers of Glendalough and Osborne Park (east of the Mitchell Freeway and south of Scarborough Beach Road) into the Town of Vincent; and;*
- (ii) *AUTHORISES the Mayor and Chief Executive Officer to arrange the time, date and details of the function/event.*

COUNCIL DECISION ITEM 11.1

Moved Cr Farrell, Seconded Cr Youngman

That the motion be adopted.

Cr Farrell spoke to his Motion.

Debate ensued.

MOTION PUT AND CARRIED (7-0)

(Crs Doran-Wu and Messina were apologies for the meeting.)

11.2 LATE ITEM: Notice of Motion - Councillor Ian Ker – Myanmar (Burma) Cyclone NARGIS Appeal

That:

- (i) *the Mayor, Councillors and Staff of the Town of Vincent express their deepest sympathy to those people who have been affected by the recent cyclone disaster in Myanmar (Burma); and*
- (ii) *the Council APPROVES BY AN ABSOLUTE MAJORITY to make a donation of *\$3,500 to the cyclone relief effort in Myanmar (Burma) through CARE Australia, in accordance with the Town's Policy No. 4.1.27 – "Disaster Appeals – Donations and Assistance.*

(* Increased at the Council Meeting)

COUNCIL DECISION ITEM 11.1

Moved Cr Ker, Seconded Cr Youngman

That the motion be adopted.

Cr Ker spoke to his Motion.

Debate ensued.

MOTION PUT AND CARRIED (7-0)

(Crs Doran-Wu and Messina were apologies for the meeting.)

BACKGROUND – Provided by Cr Ker:

Tens of thousands of people have died and up to one million people are without homes in the recent cyclone disaster which has also wiped out a large amount of Myanmar's (Burma's) rice crop. CARE Australia stresses that: "It is essential that the UN and Government authorities agree on an appropriate mechanism for the entry of staff and the receipt and distribution of goods", to ensure that the relief gets to the people for whom it is intended.

CHIEF EXECUTIVE OFFICER'S INFORMATION

DETAILS:

CARE Australia have reported that:

1. *one week after Cyclone Nargis tore across Myanmar, the acute desperation of survivors for lifesaving supplies such as clean water, food and shelter is overwhelming;*
2. *"whole towns and villages have been complete wiped out leaving the survivors with only what they have on their back" said CARE's Country Director, Brian Agland;*
3. *"The loss of life and the level of suffering and destruction is far worse than what we are seeing in Yangon" he continued;*
4. *Due to magnitude of disaster more funds are desperately required to meet immediate and longer-term needs; and*

5. *CARE has been working in Myanmar/Burma for 14 years-mostly on food security, health programs, HIV/AIDS prevention and on water and sanitation. 500 staff members in Burma working on projects in 120 villages and towns across the country.*

Previous Donations

The Town of Vincent has previously provided donations for disaster relief as follows;

Date	Details	Amount
January 1998	Lord Mayor's Distress Relief Fund for the Brookton/Pingelly Bush Fire	\$ 500
April 1999	<ul style="list-style-type: none"> • Lord Mayor's Moora Flood Appeal • Lord Mayor's Exmouth Cyclone Appeal 	\$1,000 \$1,000
November 2002	Lord Mayor's Distress Relief Fund for the Victims of the Bali Bombing	\$5,000
January 2005	Tsunami Appeal to CARE Australia	\$5,000
November 2005	Earthquake Relief Appeal - Afghanistan, India, Pakistan and Kashmir	\$2,500
March 2006	Lord Mayor's Distress Disaster Relief Fund (<i>General request for Donations</i>)	\$ 500
April 2006	Premier's Disaster Relief Appeal Fund for the communities affected by Cyclone Larry in North Queensland	\$2,500
June 2006	Australian Red Cross - Indonesian Earthquake Appeal Fund	\$2,000
February 2007	Lord Mayor's Disaster Relief Fund – Dwellingup Fires Appeal	\$2,500

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

The Town's Policy No. 4.1.27 - "Disaster Appeals - Donations and Assistance" states;

"OBJECTIVES

To provide guidance to the Council when considering requests for the provision of financial assistance and other support to alleviate the impact of disasters and other significant emergencies.

POLICY STATEMENT

1. *Council to Approve Requests*

All requests to provide financial assistance and other support to alleviate the impact of disasters and other significant emergencies shall be in response to an appeal launched by the Federal, State, Local Government or other bona fide agency (Lord Mayor's Disaster Appeal) and shall be reported to the Council for consideration and determination.

2. *Financial Support*

- (a) *Financial support shall be limited to a maximum of \$5,600* to any one disaster or other significant emergency appeal. (* increased by CPI since 2005).*
- (b) *In the event of more than one relief organisation/agency being involved in the Disaster Appeal, the Council shall determine the most appropriate relief organisation to receive the support.*
- (c) *Financial support will only be made to approved agencies/organisations and cash donations will not be made directly to individuals."*

STRATEGIC IMPLICATIONS:

This matter is in keeping with the Town's Strategic Plan 2006-2011, Objective 4.1 *"Provide good strategic decision making governance, Leadership and professional management"*.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$3,500 (three thousand five hundred dollars) would be expended from the Donation account.

COMMENTS:

The recommended donation is in accordance with the Town's Policy.

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

12.1 WALGA Nominations – Western Australian Local Government Grants Commission; Local Government Advisory Board

Ward:	-	Date:	28 April 2008
Precinct:	-	File Ref:	ORG0045
Attachments:	001		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) _____ *be nominated as WALGA Metropolitan Commissioner - Western Australian Local Government Grants Commission (Approval by Minister) (Panel of 6 names for Metropolitan Commissioner);*
- (ii) _____ *be nominated as WALGA Metropolitan Deputy Commissioner - Western Australian Local Government Grants Commission (Approval by Minister) (Panel of 6 names for Metropolitan Deputy Commissioner);*
- (iii) _____ *and* _____ *be nominated as WALGA Member (2) - Local Government Advisory Board (Approval by Minister) (Appointments to be made from a Panel of 9 names); and*
- (iv) _____ *and* _____ *be nominated as WALGA Deputy Member (2) - Local Government Advisory Board (Approval by Minister) (Appointments to be made from a Panel of 9 names).*

COUNCIL DECISION ITEM 12.1

Moved Cr Farrell, Seconded Cr Ker

That nil nominations be made.

MOTION PUT AND CARRIED (7-0)

(Crs Doran-Wu and Messina were apologies for the meeting.)

DETAILS:

Please see Appendix 12.1 for details.

N.B.:

NOMINATIONS CLOSE 4PM THURSDAY 15 MAY 2008

13. URGENT BUSINESS

Nil.

PROCEDURAL MOTION

At 8.54pm Moved Cr Farrell, Seconded Cr Burns

That Council proceed "behind closed doors" to consider confidential items 14.1, 14.2, 14.3 and 14.4 as these matters relate to the personal affairs of a person, contain legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting and potential financial and legal implications to the Town.

PROCEDURAL MOTION PUT AND CARRIED (7-0)

(Crs Doran-Wu and Messina were apologies for the Meeting)

14. CONFIDENTIAL REPORTS (Behind Closed Doors)

14.1 CONFIDENTIAL REPORT - Request for Approval of Naming of Main Gates (Vincent Street) for Leederville Oval (Medibank Stadium), 246 Vincent Street, Leederville

COUNCIL DECISION ITEM 14.1.

Moved Cr Farrell, Seconded Cr Ker

*That the Council APPROVES the joint request from East Perth and Subiaco Football Clubs to name the Main Gates (Vincent Street) of Leederville Oval (Medibank Stadium) as "The ***** Gates" and also include information about the number of grand final wins.*

MOTION PUT AND CARRIED (7-0)

(Crs Doran-Wu and Messina were apologies for the Meeting.)

DETAILS:

The Chief Executive Officer is of the opinion that these reports are of a confidential nature as they relate to the personal affairs of a person, the Town's position regarding a review application to the State Administrative Tribunal, containing legal advice obtained, or which may be obtained by the local government and which relate to matters to be discussed at this Meeting and contain potential financial and legal implications to the Town. In accordance with the relevant legislation, the reports are to be kept confidential until determined by the Council to be released for public information.

LEGAL:

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

“2.15 Confidential business

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

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

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

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

14.2 CONFIDENTIAL REPORT - Nos. 152-158 (Lot: 1 D/P: 964, Lot: 3 D/P: 11783), Fitzgerald Street, Perth - Proposed Demolition of Existing Warehouse and Construction of an Eight- Storey Mixed Use Development Comprising Thirty Five (35) Multiple Dwellings (Including 15 Single Bedroom Dwellings and 20 Two -Bedroom Dwellings), Office, Shop, Eating House and Associated Basement Car Park- State Administrative Tribunal (SAT) Review Matter No. DR 56 of 2008

COUNCIL DECISION ITEM 14.2

Moved Cr Farrell, Seconded Cr Burns

That the Council;

- (i) *RECEIVES the report relating to Nos. 152-158 (Lot: 1 D/P: 964, Lot: 3 D/P: 11783), Fitzgerald Street, Perth - Proposed Demolition of Existing Warehouse and Construction of an Eight- Storey Mixed Use Development Comprising Thirty Five (35) Multiple Dwellings (Including 15 Single Bedroom Dwellings and 20 Two - Bedroom Dwellings), Office, Shop, Eating House and Associated Basement Car Park - State Administrative Tribunal (SAT) Review Matter No. DR 56 of 2008;*
- (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 18 April 2008:*
 - (a) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
 - (b) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
 - (c) *prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$110,000) shall be submitted to and approved by the Town, OR alternatively, the applicant/owner shall pay a cash-in-lieu contribution of \$110,000., subject to the Town agreeing to this arrangement . The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development Section with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

- (d) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (e) *first obtaining the consent of the owners of Nos. 146-150 Fitzgerald Street and No. 49 Stuart Street/corner Fitzgerald Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 146-150 Fitzgerald Street and No. 49 Stuart Street/corner Fitzgerald Street in a good and clean condition;*
- (f) *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;*
- (g) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, parking of trade person vehicles, footpath access, traffic and heavy vehicle access via Fitzgerald Street and the rear right-of-way (ROW), dust and any other appropriate matters (such as notifying all affected landowners/occupiers of the commencement of construction works), shall be submitted to and approved by the Town;*
- (h) *prior to the first occupation of the development, ten (10) class one or two and four (4) class three bicycle parking facilities, shall be provided at a location convenient to the entrance and within the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (i) *the on-site car parking area for the/non-residential component shall be available for the occupiers of the residential component outside normal business hours;*
- (j) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*
 - (1) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities;*
 - (2) *a maximum of one (1) bedroom and two (2) occupants are permitted in each single bedroom dwelling at any one time;*
 - (3) *the floor plan layout for the single bedroom dwellings are to be maintained in accordance with the Planning Approval plans; and*
 - (4) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/or shop. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*

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

- (k) *prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. 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;*
- (l) *doors, windows and adjacent floor areas of the shop, eating house and office fronting Fitzgerald Street shall maintain an active and interactive relationship with this street;*
- (m) *prior to the first occupation of the development, the car parking spaces provided for the residential component and visitors of the development shall be clearly marked and signposted for the exclusive use of the residents of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*
- (n) *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;*
- (o) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*
- (p) *the maximum gross floor area for the non-residential component shall be limited to as follows:*
- (1) *shop-73 square metres;*
 - (2) *office-1878 square metres; and*
 - (3) *eating house-60.5 square metres open to the public;*
- (q) *the car parking area shown for the non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (r) *any new street/front wall, fence and gate between the Fitzgerald Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
- (1) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (2) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (3) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*

- (4) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
- (5) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (s) *the support/approval of the Department for Planning and Infrastructure and/or Western Australian Planning Commission, and compliance with its comments and conditions at the applicant(s)/owner(s)' full expense;*
- (t) *prior to issue of a Building Licence, the applicant shall comply with all requirements recommended by the Department for Planning and Infrastructure and /or Western Australian Planning Commission and Town of Vincent Technical Services with regards to traffic management, at the applicant(s)/owner(s)' full expense, as required in the Department for Planning and Infrastructure letters dated 9 August 2007 and 24 October 2007;*
- (u) *any proposed vehicular entry gates adjacent to the car parking area shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the non-residential and residential tenancies at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development;*
- (v) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (w) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (x) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments, the footpaths adjacent to the subject land shall be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$13,680 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*
- (y) *the undergrounding of power line(s) adjacent to the subject site and the installation of lighting on the eastern elevation of the building facing the rear right of way (ROW), and all costs associated with the provision of this underground power and lighting on the eastern elevation of the building facing the ROW shall be met by the owner(s);*

- (z) *a pre-and post-dilapidation reports shall be carried out on the adjacent building (Art Gallery) to the north of the subject site at No. 49 Stuart Street/corner Fitzgerald Street sharing structural elements;*
- (aa) *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";*
- (ab) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title or Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (ac) *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:*
- (1) *pay a cash-in-lieu contribution of \$9,612 for the equivalent value of 3.56 car parking spaces, based on the cost of \$2,700 per bay as set out in the Town's 2007/2008 Budget; OR*
- (2) *lodge an appropriate assurance bond/ bank guarantee of a value of \$9,612 to the satisfaction of the Town. This assurance bond / bank guarantee will only be released in the following circumstances:*
- (aa) *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*
- (bb) *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*
- (cc) *to the owner(s) / applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired.*
- The car parking shortfall and consequent cash-in-lieu contribution can be reduced as a result of a greater number of car bays being provided on site and to reflect the new changes in the car parking requirements;*
- (ad) *the incorporation of high quality environment sustainability measures that addresses issues such as building orientation, passive solar design, natural ventilation, shading, insulation, grey-water recycling sensitive to the high water table and energy efficient appliances; and*

(ae) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*

- (1) *continuous and complementary awnings being provided over part of the Fitzgerald Street frontage adjacent to the retail area and adjacent to the commercial bin area in accordance with the Town's Local Laws relating to Verandahs and Awnings over Streets, with the awnings being a minimum height of 2.75 metres from the footpath level to the underside of the awning and a minimum of 600 millimetres from the kerb line of Fitzgerald Street ;*
- (2) *the provision of end of trip facilities for bicycle users in accordance with the Town's Policy relating to Parking and Access;*
- (3) *each multiple dwelling being provided with open space/courtyard with a minimum area of 16 square metres and minimum dimensions of 4 metres in one specific area;*
- (4) *the openings to all balconies, living rooms and bedrooms, including the non-residential tenancies, complying with the privacy requirements of the Residential Design Codes. These openings shall be screened with permanent obscure materials and be non-openable to a minimum of 1.6 metres above the respective finished floor levels, OR alternatively the provision of on-site effective permanent horizontal screening or equivalent preventing direct sight within the cone of vision to ground level of adjoining properties. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the affected owners of properties to the north, east and south of the subject site respectively, stating no objections to the proposed privacy encroachment; and*
- (5) *the smaller size stores being allocated to the single bedroom dwellings.*

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

- (iii) *INVITES COUNCILLORS Ker and Lake to submit a written submission (witness statement) on behalf of the Council on the Review (appeal), which is to be determined by way of a "Final Hearing"; and*
- (iv) *INVITES the residents who objected to the proposal to submit a written submission (witness statement) on behalf of the Council on the Review (appeal), which is to be determined by way of a "Final Hearing".*

MOTION PUT AND CARRIED (7-0)

(Crs Doran-Wu and Messina were apologies for the Meeting.)

DETAILS:

The Chief Executive Officer is of the opinion that these reports are of a confidential nature as they relate to the personal affairs of a person, the Town's position regarding a review application to the State Administrative Tribunal, containing legal advice obtained, or which may be obtained by the local government and which relate to matters to be discussed at this Meeting and contain potential financial and legal implications to the Town. In accordance with the relevant legislation, the reports are to be kept confidential until determined by the Council to be released for public information.

LEGAL:

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

"2.15 Confidential business

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

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

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

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

14.3 CONFIDENTIAL REPORT - Alleged Subsidence in Residences Built on Unstable Ground Along Charles Street, North Perth

COUNCIL DECISION ITEM 14.3

Moved Cr Farrell, Seconded Cr Burns

That the Council;

- (i) *RECEIVES the report relating to alleged subsidence in residences built on unstable ground along Charles Street, North Perth ;*
- (ii) *DOES NOT PROCEED with the quotations received in January 2008 by Advanced Building Engineers Pty Ltd and in April 2008 by Airey Taylor Consulting, for the sum (inclusive of GST) of \$44,000 and \$28,776 respectively, as there is insufficient funds allocated for the building inspections, recommendations and written report of the subject properties by a structural engineer in the current 2007/2008 Budget;*
- (iii) *REQUESTS the Mayor and Chief Executive Officer to meet with the Lord Mayor and Chief Executive Officer of the City of Perth to discuss how this matter can be progressed and expeditiously resolved; and*
- (iv) *AUTHORISES the Chief Executive Officer to advise the owners of the subject properties of the following:*
 - (a) *the circumstances of the matter in (ii) and (iii) above;*
 - (b) *further building inspections are considered not necessary, as a number of building inspections have previously been conducted, and the results of additional building inspections would not alone achieve any further outcomes for the owners; and*
 - (c) *the Town will continue to provide guidance/administrative assistance (using the Town's in-house resources) to land owners who wish to pursue a claim with the City of Perth.*

MOTION PUT AND CARRIED (7-0)

(Crs Doran-Wu and Messina were apologies for the Meeting.)

DETAILS:

The Chief Executive Officer is of the opinion that these reports are of a confidential nature as they relate to the personal affairs of a person, the Town's position regarding a review application to the State Administrative Tribunal, containing legal advice obtained, or which may be obtained by the local government and which relate to matters to be discussed at this Meeting and contain potential financial and legal implications to the Town. In accordance with the relevant legislation, the reports are to be kept confidential until determined by the Council to be released for public information.

LEGAL:

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

“2.15 Confidential business

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

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

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

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

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

COUNCIL DECISION ITEM 14.4

Moved Cr Farrell, Seconded Cr Burns

That the Council;

- (i) *RECEIVES the report relating to No. 560 (Lot 4 D/P: 692) Beaufort Street, Mount Lawley - Proposed Change of Use from Recreational Facility (Pool Hall) to Small Bar and Associated Alterations - State Administrative Tribunal (SAT) Review Matter No. DR 12 of 2008; and*
- (ii) *FILES and SERVES the following draft “without prejudice” conditions to SAT when required in relation to State Administrative Tribunal (SAT) Review Matter No. DR 12 of 2008:*
- (a) *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:*
- (1) *pay a cash-in-lieu contribution of \$27,297 for the equivalent value of 10.11 car parking spaces, based on the cost of \$2,700 per bay as set out in the Town’s 2007/2008 Budget; OR*
- (2) *lodge an appropriate assurance bond/ bank guarantee of a value of \$27,297 to the satisfaction of the Town. This assurance bond / bank guarantee will only be released in the following circumstances:*
- (aa) *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*
- (bb) *to the owner(s) / applicant following receipt by the Town with a Statutory Declaration of the prescribed form endorsed by the owner(s)/ applicant and stating that they will not proceed with the subject ‘Approval to Commence Development,’; or*
- (cc) *to the owner(s) / applicant where the subject ‘Approval to Commence Development,’ did not commence and subsequently expired.*
- The car parking shortfall and consequent cash-in-lieu contribution can be reduced as a result of a greater number of car bays being provided on site and to reflect the new changes in the car parking requirements;*
- (b) *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;*

- (c) *the public floor area of the small bar shall be limited to 128 square metres;*
- (d) *the maximum number of persons to occupy the premises at any one time shall be 120 persons;*
- (e) *packaged liquor shall not be sold at the premises;*
- (f) *a detailed management plan that addresses the control of noise, anti-social behaviour, traffic, car parking, disposal of rubbish and its collection and litter associated with the development and any other appropriate matters shall be submitted to and approved by the Town prior to the first occupation of the development, and thereafter implemented and maintained;*
- (g) *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;*
- (h) *the windows, doors and adjacent floor area facing Beaufort Street shall maintain an active and interactive frontage to Beaufort Street;*
- (i) *prior to the first occupation of the development the opening along the eastern boundary wall shall be modified/enlarged, to enable the collection of all the recycle and garbage bins, on site, to the satisfaction of the Town's Technical Services. Due to the structural nature of the works a Building Licence application will be required to be submitted and approved by the Town; and*
- (j) *the bin compound shall be constructed in accordance with the Town's Health Services Specifications.*

MOTION PUT AND CARRIED (7-0)

(Crs Doran-Wu and Messina were apologies for the Meeting.)

DETAILS:

The Chief Executive Officer is of the opinion that these reports are of a confidential nature as they relate to the personal affairs of a person, the Town's position regarding a review application to the State Administrative Tribunal, containing legal advice obtained, or which may be obtained by the local government and which relate to matters to be discussed at this Meeting and contain potential financial and legal implications to the Town. In accordance with the relevant legislation, the reports are to be kept confidential until determined by the Council to be released for public information.

LEGAL:

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

"2.15 Confidential business

- (1) *All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is –*
 - (i) *to be treated as strictly confidential; and*

- (ii) *not, without the authority of Council, to be disclosed to any person other than—*
 - (a) *the Members; and*
 - (b) *Officers of the Council but only to the extent necessary for the purpose of carrying out their duties;*

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

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

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

PROCEDURAL MOTION

At 9.10pm **Moved Cr Ker, Seconded Cr Youngman**

That an "open" meeting be resumed.

PROCEDURAL MOTION PUT AND CARRIED (7-0)

(Crs Doran-Wu and Messina were apologies for the Meeting)

15. CLOSURE

The Presiding Member, Mayor Catania, declared the meeting closed at 9.12pm with the following persons present:

Mayor Nick Catania, JP	
Cr Anka Burns	South Ward
Cr Steed Farrell	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Noel Youngman	North Ward
John Giorgi, JP	Chief Executive Officer
Des Abel	A/Director Development Services
Rick Lotznicker	Director, Technical Services
Mike Rootsey	Director, Corporate Services

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 13 May 2008.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2008