



TOWN OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

22 JULY 2008

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Minutes of the Ordinary Meeting of Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 22 July 2008, commencing at 6.00pm.

1. DECLARATION OF OPENING

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

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Nil.

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Anka Burns	South Ward
Cr Helen Doran-Wu	North Ward
Cr Steed Farrell (Deputy Mayor)	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Noel Youngman	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)
Lindsay McPhee	Journalist – “ <i>The Guardian Express</i> ” (until approximately 9.15pm)

Approximately 40 Members of the Public

(c) Members on Leave of Absence:

Nil.

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

The Presiding Member, Mayor Nick Catania, advised that he would firstly call all speakers on non Forrest Park matters.

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

1. Josh Cowan of 10 Coolson Place, Noranda – spoke in favour of Item 10.1.4. Stated that he worked in the area and looked forward the premises being approved.
2. Noel Croxon of 1 Haley Avenue, Leederville – spoke against Item 10.1.4. Stated that his reasons for objection were; potential for adverse effect on the amenity of the area, noise from the premises, noise from patrons, inappropriate patron behaviour and lack of parking. Suggested that these premises should not be located in close proximity to residential areas.
3. Ian Cowan – Proprietor of Ox Café, 229 Oxford Street, Leederville – spoke in support of Item 10.1.4. Stated that the premises are well managed and that his application for a small bar license is in response to meet the demands of local residents who are looking for a local licensed premises. Clarified the opening hours and requested Council’s support of the application.

4. Robert Oaks of 109 Richmond Street, Leederville – spoke in favour of Item 10.1.4. Stated that he is very excited if this proposal goes forward and he personally and his girlfriend have been looking for. Stated that they often chose not to go into Leederville as it is too lively for them and they just want to go to a nice little café and have a nice bottle of wine. Stated that something is needed in between Mt Hawthorn and Vincent Street and believes this is perfect for it.
5. Anna Alderson of 272 Oxford Street, Leederville – spoke against Item 10.1.4. Stated that she believed that the location was too close to residences and that the potential for noise and patron behaviour would adversely affect her amenity. Asked Council to not approve the application.
6. Natalie Tran of 6 Bruce Street, Leederville – spoke against Item 10.1.4. Stated that the potential for noise nuisance, patrons urinating in the public and that hygiene and sanitation concerns were her main reason for opposing the development application. Requested Council refuse the application.
7. Nicole Debono of 29 Barnett Street, North Perth – spoke in relation to her petition (which she submitted to the Town) was against the draft Streetscape Guidelines. Stated that the Guidelines seriously affect her redevelopment potential. She referred to her property. Asked Council to reject the proposed policy.
8. Nick Silvestri of 108 Richmond Street, Leederville - spoke against Item 10.1.4. Stated that his main reasons for objection were; a lack of parking in the area, illegal parking which is already occurring in the area, the potential for noise from the premises, the midnight closing was considered too late, patron behaviour including urinating in the street and considered there was a lack of toilets for the proposed 80 patrons. Requested Council refuse the application.
9. Julie Magnus of 109 Richmond Street, Leederville – spoke in favour of Item 10.1.4. Believed that the type of patrons would be mature and this would be suitable for these proposed premises. Believed that there was a local demand for a small bar.

(Cr Messina departed the Chamber at 6.31pm.)

10. Clare Croxon – 1 Hayley Avenue, Leederville – spoke against Item 10.1.4. Believed that the premises was in an inappropriate location – too close to residence and the potential for noise and nuisance would have an adverse impact on her amenity and lifestyle.
11. Khan Phan – 70 Richmond Street, Leederville – spoke against Item 10.1.4. Stated that she objected to the application for the following reasons, lack of parking, potential for noise nuisance, increase in risk to her personal safety when walking in the area were her main reason for opposing the development application. Requested Council refuse the application.

(Cr Messina returned to the Chamber at 6.34pm.)

The Presiding Member, Mayor Nick Catania advised that there were no further speakers on general matters, and invited speakers on Item 10.4.6 – Forrest Park Proposal.

12. Paul Alteri of 163B Flinders Street, Mt Hawthorn – spoke in support of Item 10.4.6. Stated that he had a petition in support of Item 10.4.6. Asked the following questions:
 - (a) What assurances will Council give that this petition will be given due consideration when Council deliberates on 10.4.6 details?
 - (b) If not, will the report be deferred in order to incorporate the feelings of the petitioners in regards to utilisation and development of the facilities?
 - (c) Can Council confirm in relation to a proposal to compose a masterplan the following:
 - (i) estimated cost?

- (ii) funds available in 2008/2009 Annual Budget? and
- (iii) timeline for completion of the masterplan?

Stated he asked the above as Perth Soccer Club has not been able to meet the needs of its 350 or so junior player, many of which reside in the Town. Stated that the Club is unable to fulfil the requirements of the facilities are required by Football West. Draws Council's attention to letter from Peter Melben, a totally independent person supporting the cause. Questioned that the Town's website clearly states that all reserves that have a dog exercise area of which Britannia, Charles Veryard, Les Lillyman, Menzie's Park are included, that dogs maybe walked off a lead providing the reserve is not being used by authorised sporting activity. Stated that Forrest Park is the second largest reserve in the Town with approx. 52,000m² - ideal for organised sports groups. Questioned that if the Club is to have restrictions imposed on the usage of Forrest Park, is this not going to encourage other residents around previously mentioned reserves demanding the same restrictions? And if such restrictions occur, how can club exist, function and develop within the community? Stated that the Department of Health and Ageing – a subdivision of the Commonwealth Government, clearly states in its 2004 report that it is the responsibilities of Local Governments to support, facilitate and encourage organised sporting groups within their locality also that children and young people who engage in organised sport are more active and more likely to continue in regular sport as they progress in their adulthood. Stated that the Club provides children and young people with a safe, respectful and nurturing environment. If Council accepts the proposal of a masterplan and other recommendations of Forrest Park Action Group how is this going to facilitate Council's responsibility to support organised sports. The Club believes they have shown a lot of goodwill and would like to work together with the other parties to get the building resolved as quickly as possible without a masterplan.

13. Marie Slyth of 89 Carr Street, West Perth – spoke about Item 10.4.6 and asked the Council to follow the motion which was passed at the Special Meeting of Electors. Stated that she believed that the Council had a history of consultation with the community and that this should continue. Believed that a masterplan is essential so that all rate payers have access to Forrest Park and there should be a fair go for all.

(Cr Doran-Wu departed the Chamber at 6.41pm.)

(Cr Doran-Wu returned to the Chamber at 6.42pm.)

14. Rick Aitkin of Chertsey Street, Highgate – spoke against Item 10.4.6 and referred to monies in the 2007/2008 Budget to “*complete the project*”. Requested that Council use some of these funds for a masterplan. Stated that he had received advice from Greg Rowe and Associates – Planning Consultants who stated that depending on terms of reference, that a masterplan could be carried out for approximately \$20,000 and completed within approximately 12 months. Stated that he believed construction prices are decreasing and the delay should not substantially impact on the construction costs. Stated that the Croquet Club wanted a longer lease and, if this was granted, believed they would spend \$100,000 to upgrade the premises. Asked Council to support a masterplan and referred to Elizabeth Vlok's email concerning the need for a masterplan which was sent to all Council Members.
15. Brian Hadley, secretary of WA Croquet Association (WACA) – spoke about Item 10.4.6. Stated that they had a joint lease for the premises and were annoyed that they had not been previously contacted or consulted. Stated that he had been aware for sometime about the Special Meeting of Electors and believed that it is mandatory for the Town to consult with them. Stated that WACA is incensed at Option 5C and believes that if this went ahead, that the croquet greens lawns would be out of action for an unspecified amount of time. Stated that if the plans in the Agenda report are to scale, that the proposed greens are undersize. Stated that due to a lack of time, he is unable to address other unfactual errors in the Agenda report.

16. Gary Marocchi of 3 Rowlands Place, Dianella – spoke in favour of Item 10.4.6. Stated that he is a coach and a former player of Perth Soccer Club which is the most successful soccer club in WA. Stated that it was essential that Perth Soccer Club be provided with facilities – and not follow the West Perth Football Club out of the area. Stated that the Club has not been able to meet the needs of its members and in particular the children. He strongly urged the Council to provide separate change rooms and stated that Football West who are the governing body for Football in WA, specified that Class D facilities strongly encouraged separate change rooms. He urged the Council to support junior soccer. He asked the Council to give juniors the opportunity to play sport and only today, the Minister for Education was reported in the media stating that children should have more physical exercise. Stated that the Club had been asking for the second change room for the last six years. Requested that everyone should work together in this matter and strongly believed that there was no need for a masterplan.
17. Merrian Styles of 71 Harold Street, Highgate – spoke against Item 10.4.6. Stated that she was in possession of a letter from Football West Legal Counsel which stated that there were no regulations stating that the Council is to under any obligation to provide any such facilities and that under Class D there are guidelines only and these are currently under review. Stated that she wished to address the Chief Executive Officer's response concerning Hire Policy – No. 2.1.7 and stated that this was only one line. Stated that the residents are extremely grateful that Perth Soccer Club offered to reduce their hours. Believes that the Club already has leasehold over the clubrooms therefore why aren't they using them and why is the Chief Executive Officer not putting forward plans that fall within the budget of \$255,000 so a change room and disabled toilet could be added on at the south end of the existing pavilion and refurbish existing buildings, all within budget.
18. Bradley McGuire of 94 Walcott Street, Mt Lawley – spoke against Item 10.4.6. Stated that he represents the Forrest Park Croquet Club (FPCC) as the President could not attend tonight's meeting. Stated that FPCC have been in the Town for 100 years, they cost ratepayers nothing and it costs them \$25,000 per year to maintain the greens. Membership growing at 2 members a month which means in 4 years time they are going to need a fourth court. Asked Council to not endorse Option 5C, it does not contain an adequate basis to support the recommendations. Believes that the Town's officers had had limited time to prepare proper plans. Whilst they could support a minimalist Option 5C, with all aspects relating to car parking deleted and their concerns about disruption to croquet being addressed, there is still substantial risk that other stakeholders in the park would be inadvertently overlooked without a masterplan. Stated that if a masterplan is not pursued then they have a phased proposal, which is not properly in the report - the wrong proposal is being described. They support PJSC's proposal for clubroom facilities within the area they currently lease provided continuity of use for croquet, all relocated courts meet minimum court dimension of 29 by 35 metres and a fourth court is possible to cater for future demands, are met. FPCC have realistic plans to maintain and invest upwards of \$100,000 in Town's facilities.

The Presiding Member, Mayor Nick Catania stated that the proposal that is in the Agenda is the one received by FPCC and asked which one is being spoken about.

Mr McGuire stated that on page 23 of the report is the first draft of the proposal, their proposal was submitted in an email at 5.31pm to the Town, Wednesday 16 July 2008 and the principle difference relates to the fence and relocation of their car park proposal and turning it into public access car parking 24/7. He tabled a copy of the report.

The Chief Executive Officer stated that the letter received from FPCC as stated, is shown as Appendix 10.4.6(G) of Special Electors Meeting.

19. Fran Tilley of 63 Harold Street, Highgate – spoke against Item 10.4.6. Stated that she was saddened by the division which has been created in the community over this issue. Believed that residents tried to put forward an opportunity for a masterplan and this could be achieved by a simple process called “*Enquiry by Design*”. Stated that she understands the concerns about increasing costs and the timeline. Stated that everyone supports soccer and the change room, however, the Town must be fiscally responsible.
20. Diana Homsany of 7 Brady Street, Mt Hawthorn – spoke in favour of Item 10.4.6. Stated that she is a volunteer for the Perth Junior Soccer Club which was part of the Perth Soccer Club, who have been in the Town for over 50 years. Expressed concern that the children were not being heard. Stated that the Club is a community organisation which existed for the benefit of the community with volunteers and members providing services free of charge. PJSC is a multi cultural club with children from many nationalities, from broken homes and with gifted and ordinary talented players. Stated that due to the lack of facilities the club had to turn away children last year and most of these were young girls. Believed that the “social capital” provided by PJSC was invaluable to the Town and that the Club is passionate about it’s children and retaining Forrest Park as a playing ground. Requested the Council support the proposal.
21. Doug Hall of 8 Shaftesbury Avenue, Bayswater – spoke on Item 10.4.6. Stated that he was President of WACA and expressed disappointment that WACA had not formally been engaged, he is sure this is an honest oversight. Stated Forrest Park represents a pivotal part of croquet in WA. Petitioned the Council to acknowledge that WACA has not been formally engaged and Council initiates a new process which fully engages all stakeholders, including WACA, as they would welcome the opportunity to work with Council Officer’s and all other stakeholders to reach an outcome acceptable to all. Stated that he noticed in the report that it stated that “*it is not the responsibility of Vincent Council to look after national and state events*”. Stated he is sure Council is aware that the jurisdiction or areas of capture of sporting clubs was to a large degree, the jurisdictions of Local Governments, which is no longer the case. Pleaded to the Council to recognise that there is a greater responsibility to support sport and sporting clubs/associates, because if the logic continues as it does, there will be no sporting club/associates as no Local Government will support them.
22. Lawrence Biagioni of Roberts Street, Joondanna – spoke in favour of Item 10.4.6. Stated that he was the Vice President of PJSC and that he had information from Football West specifying the minimum requirements for facilities. Stated that approximately four years ago, the Town allocated \$90,000 for the facility, one year later increased this to \$105,000 and two years ago further increased this to \$255,000. Expressed concern that any further delays may see cost escalation reach \$700,000 to \$800,000. Requested the Council make a decision to support the kids and approve the matter.
23. Danae Watkins of 9 Barlee Street, Mt Lawley – spoke against Item 10.4.6. Stated that she purchased in the area several years ago and chose her house close to Forrest Park so that her children could use it in the future. Believed that the demographics of 34 to 44 year age group was increasing and that there was a need to ensure a range of facilities are provided for all who want to use Forrest Park. She has meet many nice people at the park who use it for a range of activities. Requested that the Council listen to the residents.
24. [Name and address withheld for privacy reasons] – spoke in favour of Item 10.4.6. Stated that he is a rate payer and dog owner and believed that this matter will come down to a compromise on all parties. Supported a dedicated dog area being created. Believed that an opportunity for unstructured sported could be achieved if Option 5B or 5C was approved. Stated that he has been working in the planning field for over

10 years and believed that Council has 80% of the information. Referred to the 80/20% rule and stated that unless decisions were made many projects “go around in circles”. Believed that a masterplan will take time and incur costs. He supports a decision being made, as in his opinion, a masterplan will result in no action occurring.

25. Tony Pestell of 47 Harold Street, Mt Lawley – spoke on Item 10.4.6. Stated that he lived opposite the Croquet Club and requested that the Councillors give consideration to this development. Stated that the report had been “cobbled together” and believed that a masterplan would not significantly delay the project. Stated that very few residents object to the soccer club using Forrest park and that the residents only want to share the facility. Stated that TAFE would redevelop – perhaps in 20 years and that the Council should not rush its decision. Believed that a masterplan would not take a year to complete and referred to the email from Elizabeth Vlok concerning the benefit of a masterplan which was circulated to Council Members

There being no further speakers, public question time finished at 7.21pm.

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

Ms Merrian Styles of 71 Harold Street, Mt Lawley.

- Q1. Why has the Chief Executive Officer recommended Council reject the Masterplan, requested by residents at Special Electors Meeting, on the grounds that there is no budget for a Masterplan and yet the Chief Executive Officer recommends Plan 5C where there is a clear short fall of funds far in excess of the \$50,000 estimated a Masterplan will cost?

Response:

The Chief Executive Officer advised that he believes he has outlined the reasons in the report to Council.

- Q2. Why, given budget constraints did the Chief Executive Officer not put forward a plan within the budget of \$255,000?

Response:

The Chief Executive Officer advised that the original amounts of money that were put forward were inadequate. There has been significant cost escalation to these and those costs have been provided by the project architect and quantity surveyor and he is just putting forward the costs for the Council to consider.

- Q3. Site Plan 4 shows there is room at the south end of the Pavilion for some essential additions, such as a single girls change room and a disabled toilet. Why has the option not been explored, costed and put forward by the Chief Executive Officer?

Response:

The Chief Executive Officer advised that he did not agree with this comment as there have been approximately 23 variations of the plans done concerning that Pavilion and all the options have constraints either through sewer, drains etc. and of the 23 options they have been narrowed down to the ones that have been recommended in the Council Agenda. If someone can come up with a better one, he does not believe this is possible with the constraints of the site, it will be submitted to the Council.

- Q4. While she understands Perth Junior Soccer Club would like more change rooms and referee rooms, there are facilities available in existing clubrooms currently leased by Perth Junior Soccer Club. Given this, why has the Chief Executive Officer continually put forward designs including additional change rooms, offices, kitchen and referee room, all of which could be found in the existing clubrooms?

Response:

The Chief Executive Officer advised that he does not believe that there are facilities suitable for the Perth Junior Soccer Club within the existing clubrooms and that the current Pavilion is totally inadequate.

- Q5. Why has the Chief Executive Officer not put formal designs for refurbishment of the existing buildings, that may involve some internal “rejigging” to accommodate current user needs?

Response:

The Chief Executive Officer advised that the current Pavilion (as it stands now) when the Highgate Playgroup was allocated the area of the existing change rooms some six years ago, does not allow the room for the change room. It is simply not big enough and that is why an additional change room is needed.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Refer to IB09 – IB13.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

- 5.1 Petition received from Mr and Mrs Croxon of 1 Haley Avenue, Leederville, along with 8 signatures opposing application for change of use from Café to Café and Unlisted Use (Small Bar) Lot 8 D/P: 953 (No. 229) Oxford Street Leederville.
- 5.2 Petition received from Mr Ian Cowan of care of 229 Oxford Street, Leederville, along with 104 signatures and 7 letters in support of the application for a change of use from Café to Café and Unlisted Use (Small Bar) for the Ox Café Wine Bar at 229 Oxford Street Leederville.
- 5.3 Petition received from Ms Nicole Debono of 29 Barnet Street, North Perth, along with 11 signatures opposing the Amendment No. 43 to Planning and Building Policies – New Policy Relating to Residential Streetscapes.

The Chief Executive Officer recommended that petitions 5.1 and 5.2 be received and considered during debate on the item and petition 5.3 be received and referred to the Director Development Services for investigation and report.

Moved Cr Farrell, Seconded Cr Ker

That the Petition be received, as recommended.

CARRIED (9-0)

- 5.4 Petition received from Mr Paul Alteri of 163B Flinders Street Mt Hawthorn, along with 604 (254 residents of the Town and 350 non-residents) signatures requesting that the Town progresses the concept as outlined in Option 5B or 5C detailed in its presentation to the Special Meeting of Electors held on 14 July 2008 relating to the Forrest Park Project.

The Chief Executive Officer recommended that the petition be received and considered during debate on the item.

Moved Cr Farrell, Seconded Cr Youngman

That the Petition be received, as recommended.

CARRIED (9-0)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Meeting of Council held on 8 July 2008.

Moved Cr Farrell, Seconded Cr Messina

That the Minutes of the Ordinary Meeting of Council held 8 July 2008 be confirmed as a true and correct record.

CARRIED (9-0)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Nil.

8. DECLARATIONS OF INTERESTS

- 8.1 Mayor Catania declared a Financial interest in Item 10.3.1 – Investment Report. 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. The extent of her interest being that she is a shareholder and her father is a Director in the North Perth Community Bank.
- 8.3 Cr Messina declared a Financial interest in Item 10.3.1 – Investment Report. The extent of his interest being that he is a director and shareholder of the North Perth Community Bendigo Bank in which the Town has shares.
- 8.4 Cr Maier declared a proximity interest in Item 10.3.3 – Annual Plan – Capital Works Programme 2008/09. The extent of his interest being that he owns a property in Chatsworth Road.
- 8.5 Cr Lake declared a proximity interest in Item 10.3.3 – Annual Plan – Capital Works Programme 2008/09. The extent of her interest being that she owns a property in Chatsworth Road.

- 8.6 Chief Executive Officer, John Giorgi, declared an interest affecting impartiality in Item 10.4.6 – Forrest Park - Consideration of Minutes of Special Meeting of Electors, and Community Consultation Progress Report - Approval of Concept Options. The nature of his interest being that I am a referee, accredited by Football West, which is the state body governing football/soccer in W.A. For information I have been allocated to referee games at Forrest Park on three occasions, out of a possible 70-80 weekends, during the soccer seasons over the last three years. As a referee, I am required to have no involvement with any Club to ensure that my refereeing is objective and in accordance with the Referees' Code of Ethics.

As some members of the community have recently questioned my Impartiality and Objectivity in this matter (which resulted in a public apology to me), I wish to state for the record:

1. **I am not a member** of Perth Soccer Club, Perth Junior Soccer club or any other Club and **have never been a member** of such Clubs.
2. **I am not a member** of a Cricket Club or a Croquet Club.
3. I have **never** had any “*involvement*” with Perth Soccer Club or Perth Junior Soccer Club.

As a consequence of my declaration, there may be a public perception that my impartiality on the matter may be affected, however, I declare that I have dealt with this matter on its merit and will continue to provide advice to the Council in an objective, unbiased manner and for the betterment of the whole of the Vincent community and to the best of my ability.”

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

Nil.

(Cr Messina departed the Chamber at 7.30pm.)

(Cr Doran-Wu departed the Chamber at 7.31pm.)

10. REPORTS

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

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

Items 10.1.4 and 10.4.6.

(Cr Messina returned to the Chamber at 7.32pm)

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

Item 10.4.3, 10.4.4 and 10.4.7.

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

Item 10.3.1 and 10.3.3.

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

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

Cr Farrell	Nil.
Cr Messina	Nil.
Cr Youngman	Item 10.1.1 and 10.4.2.
Cr Ker	Item 10.1.7.
Cr Doran-Wu	Nil.
Cr Lake	Nil.
Cr Burns	Nil.
Cr Maier	Item 10.1.9.
Mayor Catania	Nil.

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

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

Items 10.1.2, 10.1.3, 10.1.5, 10.1.6, 10.1.8, 10.2.1, 10.2.2, 10.2.3, 10.2.4, 10.3.2, 10.3.4, 10.4.1 and 10.4.5.

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

Nil.

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

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

Items 10.1.2, 10.1.3, 10.1.5, 10.1.6, 10.1.8, 10.2.1, 10.2.2, 10.2.3, 10.2.4, 10.3.2, 10.3.4, 10.4.1 and 10.4.5.

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

Items 10.1.4 and 10.4.6.

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

Moved Cr Farrell, Seconded Cr Messina

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

Items 10.1.2, 10.1.3, 10.1.5, 10.1.6, 10.1.8, 10.2.1, 10.2.2, 10.2.3, 10.2.4, 10.3.2, 10.3.4, 10.4.1 and 10.4.5.

CARRIED (8-0)

(Cr Doran-Wu was absent from the Chamber.)

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

10.1.2 Nos. 2-10 (Lots: 24 & 25 D/P: 2028 and Lot: 34 D/P: 41316) Woodville Street, North Perth - Proposed Partial Demolition of, and Additions and Alterations to Existing Hostel

Ward:	North	Date:	14 July 2008
Precinct:	North Perth Centre; P09	File Ref:	PRO0642; 5.2007.322.1
Attachments:	001_002		
Reporting Officer(s):	D Pirone		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Gary Batt and Associates Architects on behalf of the owner Casson Homes Inc for proposed Partial Demolition of, and Additions and Alterations to Existing Hostel, at Nos. 2-10 (Lots: 24 & 25 D/P: 2028 and Lot: 34 D/P: 41316) Woodville Street, North Perth, and as shown on site and floor plans and car parking layout plan stamp-dated 26 June 2008 and elevations stamp-dated 21 July 2008, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) any new street/front wall, fence and gate within the Woodville Street setback area including along the side boundaries within the street setback area, shall comply with the following:*
 - (a) the maximum height being 1.8 metres above the adjacent footpath level;*
 - (b) the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
 - (c) the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
 - (d) the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
 - (e) the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
 - (f) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (iii) a maximum of seventy (70) beds and eighteen (18) bedrooms is permitted to occupy the hostel at any one time;*

- (iv) *within twenty-eight (28) days of the issue date of this 'Approval to Commence Development', the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:*
- (a) *pay a cash-in-lieu contribution of \$2,592.00 for the equivalent value of 0.96 car parking space, based on the cost of \$2,700 per bay as set out in the Town's 2007/2008 Budget; OR*
 - (b) *lodge an appropriate assurance bond/ bank guarantee of a value of \$2,592.00 to the satisfaction of the Town. This assurance bond / bank guarantee will only be released in the following circumstances:*
 - (1) *to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*
 - (2) *to the owner(s) / applicant following receipt by the Town of a Statutory Declaration of the prescribed form endorsed by the owner(s)/ applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or*
 - (3) *to the owner(s) / applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired;*
- (v) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (vi) *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);*
- (vii) *a detailed landscaping plan, including a list of plants and the landscaping of the Woodville 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);*
- (viii) *the proposed storage area on the basement floor is not to be used for sleeping/habitable purposes;*
- (ix) *an archival documented record of the place including photographs (internal, external and elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted showing additions during and after the proposed work; and*

- (x) *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.*

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

COUNCIL DECISION ITEM 10.1.2

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED "EN BLOC" (8-0)

(Cr Doran-Wu was absent from the Chamber.)

ADDITIONAL INFORMATION:

The applicant has submitted the attached corrected eastern elevation, which includes a ground floor window to the store area that was erroneously excluded from the original set of plans that appear in the Agenda. The inclusion of this window results in no further variations to the privacy or setback requirements.

Landowner:	Casson Homes Inc
Applicant:	Gary Batt and Associates Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R40
Existing Land Use:	Lodging House
Use Class:	Lodging House
Use Classification:	"SA"
Lot Area:	3367 square metres
Access to Right of Way	North side, 4 metres wide, sealed, Town owned; South side, 3 metres wide, sealed, Privately owned; and East side, 4 metres wide, sealed, Privately owned.

BACKGROUND:

14 June 2005 The Council at its Ordinary Meeting conditionally approved the proposed staff room and deck additions to the existing hostel (Item 10.1.9).

14 June 2005 The Council at its Ordinary Meeting conditionally approved the proposed construction of pump enclosure and water tank to existing hostel (Item 10.1.10).

DETAILS:

The proposal involves a partial demolition of, and alterations and additions to the existing hostel. The proposal includes the addition of six bedrooms, two bathrooms and a living area on the first floor rear of existing house 2. A storage area and bathroom is proposed to be located in the ground floor.

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:	0.6 or 2020.2 square metres	0.61 or 2053.9 square metres	Supported – as this is a minor variation and is not considered to have an undue impact on the amenity of the area and the neighbouring properties as the proposed additions are located at the rear of the property and adjacent to a car park, which acts as visual buffer. The extensions are not visible from Woodville Street.
Consultation Submissions			
Support (1) (subject to condition)	<ul style="list-style-type: none"> Request for sound attenuation materials and devices to negate any noise from the Rosemount Hotel 	<ul style="list-style-type: none"> Supported – a condition has been applied for a sound attenuation report to be provided, prior to the issue of a Building Licence. 	
Objection	Nil	Noted.	
Other Implications			
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).		
Strategic Implications	Nil		
Financial/Budget Implications	Nil		
Car Parking			
Car parking requirement (nearest whole number) - 1 space per 3 beds provided - 70 beds provided - 23.33 car bays required	= 23 car bays		
Apply the adjustment factors. <ul style="list-style-type: none"> 0.85 (within 400 metres of a bus stop) 0.85 (within 400 metres of a public car parking place with in excess of 75 car parking spaces) 0.90 (the proposed development provides ‘end of trip’ facilities) 	(0.65025) = 14.96 car bays		
Minus the car parking provided on-site Note: all car bays provided are existing	14 car bays		
Minus the most recently approved on-site car parking shortfall.	N/A		
Resultant shortfall	0.96 car bay		

* 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:

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

10.1.3 Nos. 194-196 (Lots: 6 and 7) Carr Place, Leederville - Proposed Demolition of Two (2) Existing Single Houses and Construction of Four (4) Three-Storey Multiple Dwellings and Four (4) Two-Storey Multiple Dwellings with Basement Car Parking

Ward:	South	Date:	15 July 2008
Precinct:	Oxford Centre; P04	File Ref:	PRO3659; 5.2007.267.1
Attachments:	001 002		
Reporting Officer(s):	R Narroo, K Jackson		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Peter Robinson Design on behalf of the owners, C& K & A Lazidis and P Lazidis for proposed Demolition of Two (2) Existing Single Houses and Construction of Four (4) Three-Storey Multiple Dwellings and Four (4) Two-Storey Multiple Dwellings with Basement Car Parking, at Nos. 194-196 (Lots: 6 and 7) Carr Place, Leederville, and as shown on plans stamp-dated 17 July 2007(existing site plans) and 30 June 2008 , subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) first obtaining the consent of the owners of Nos. 190 and 198 Carr Place, Leederville, for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 190 and 198 Carr Place, Leederville, in a good and clean condition;*
- (iii) a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Carr Place 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. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iv) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (v) an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*

- (vi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the balconies on the western elevation of Unit 1 and on the eastern elevation of Unit 2 & 8, the retained land adjacent to Units 1 and 8 on the eastern and western elevations being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the respective finished floor level, OR alternatively, the provision of on-site effective permanent horizontal screening or equivalent preventing direct sight within the cone of vision to ground level of adjoining properties as defined in the Residential Design Codes 2008. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 190 and 198 Carr Place and No. 269 Vincent Street stating no objection to the respective proposed privacy encroachment;*
 - (b) *all the obscured windows and screens on the eastern, southern and western elevations being fixed;*
 - (c) *all the highlight windows of bedroom 1 for Units 4 and 5 shall be 1.6 metres above the finished floor level; and*
 - (d) *the fence on top of retaining walls being a minimum height of 1.6 metres when measured from the top of the relevant retaining wall.*

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

- (vii) *the existing verge tree in front of Lot 7 Carr Place shall be retained;*
- (viii) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (ix) *removal of the verge tree as indicated on the site plan dated 30 June 2008 to allow for a crossover. The cost of removal and replanting of \$1,850 is payable to the Town prior to the Building Licence being issued;*
- (x) *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);*
- (xi) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*
- (a) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities; and*

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

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

- (xii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (xiii) *prior to the first occupation of the development, each multiple dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer;*
- (xiv) *any proposed vehicular entry/exit gates to the basement car parking area shall be a minimum 50 per cent visually permeable and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the 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;*
- (xv) *the developer is required to underground the power across the frontage of the development thereby relocating the terminating pole and eliminating one or more bays (a bay refers to the length of cable between two power poles) at the developers/applicant's expense;*
- (xvi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate between the Carr Place boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) *the maximum height being 1.8 metres above the adjacent footpath level;*
 - (b) *maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
 - (c) *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
 - (e) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
 - (f) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

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

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

COUNCIL DECISION ITEM 10.1.3

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED "EN BLOC" (8-0)

(Cr Doran-Wu was absent from the Chamber.)

Landowner:	P Lazidis, C& K & A Lazidis
Applicant:	Peter Robinson Design
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1: Residential R80
Existing Land Use:	Single Houses
Use Class:	Multiple Dwelling
Use Classification:	"P"
Lot Area:	Lot 6= 521 square metres Lot 7= 521 square metres
Access to Right of Way	Not applicable

BACKGROUND:

19 December 2006

Council at its Ordinary Meeting approved the proposed demolition of existing single house and construction of two (2) three-storey multiple dwellings and two (2) two-storey multiple dwellings with basement car parking at No. 194 (Lot 6) Carr Place, Leederville.

DETAILS:

The proposal involves demolition of two existing single houses and construction of four three-storey multiple dwellings and four two-storey multiple dwellings with basement car parking.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	8 multiple dwellings R 80	8 multiple dwellings R 80	No variation.
Plot Ratio	1= 1042 square metres	0.99 – 1039.9 square metres	No variation.
Building Setbacks: <u>Ground Floor</u> West	2.8 metres	2.1 metres to 2.7 metres	Supported – as the variation will not unduly impact on the adjoining property in terms of visual impact, ventilation and sunlight.

Boundary Wall- Gate House-West	Average Height= 3 metres Maximum Height= 3.5 metres	Maximum and Average Heights= 3.56 metres	Supported- as the length of the boundary wall will be only 2.31 metres and, therefore, the variation will not unduly impact on the adjoining property in terms of visual impact, ventilation and sunlight.
East	2.8 metres	1 metre to 1.65 metre and 2.5 metres to 2.71 metres	Supported – as the variation will not unduly impact on the adjoining property in terms of visual impact, ventilation and sunlight.
Boundary Wall-Gate House-East	Average Height= 3 metres Maximum Height= 3.5 metres	Maximum and Average Heights= 3.07 metres	Supported- as the length of the boundary wall will be only 2.31 metres and, therefore, the variation will not unduly impact on the adjoining property in terms of visual impact, ventilation and sunlight.
<u>First Floor</u>			
West	Units 1 and 2= 1.9 metres	1.2 metres to 2.11 metres	Supported – as the variation will not unduly impact on the adjoining property in terms of visual impact, ventilation and sunlight.
	Units 3 and 4= 1.5 metres	1.2 metres to 2.21 metres	Supported – as the variation will not unduly impact on the adjoining property in terms of visual impact, ventilation and sunlight.
East	Units 5 and 6= 1.5 metres	1.2 metres to 2.21 metres	Supported – as the variation will not unduly impact on the adjoining property in terms of visual impact, ventilation and sunlight.
	Units 7 and 8= 1.7 metres	1.2 metres to 2.71 metres	Supported – as the variation will not unduly impact on the adjoining property in terms of visual impact, ventilation and sunlight.
Outdoor Living Area	Outdoor Living Area to be located behind the front setback	Outdoor Living Area to be located within the front setback.	Supported - as the variation will not impact on the streetscape.
Communal Space	16 squares metres per dwelling= 128 square metres	Each unit has provided a minimum outdoor living area of 16 square metres	Supported - as each unit is providing more than 16 square metres of outdoor living area which compensates for the communal open space. Moreover, the proposal complies with the required overall open space. In this instance, it is considered that the outdoor living areas will meet the individual needs of residents.

Number of Storeys	Two Storeys	Three Storeys including roof top garden.	Supported - refer to "Comments" below.
Building Height	Wall Height = 6 metres Roof Height= 9 metres	7 metres- south 7 metres – west 6.5 metres-east 9.3 metres-west	Supported - refer to "Comments" below.
Driveway	Not more than one driveway is permitted to a lot with a frontage of less than 25 metres	Two driveways	Supported - as these two lots could have one driveway as of right. Given that the two lots will be amalgamated to become a single lot, the two driveways are considered to have the same impact if the lots were individual lots.
Site Works	Retaining Walls not more than 0.5 metre above the natural ground level and setback from boundaries. Setback of retaining wall= 1.5 metres from the eastern boundary. Setback of retaining wall= 1.8 metres from the western boundary.	Eastern Boundary = 0.96 metre to 1.21 metres Western Boundary= 0.82 metre to 1.82 metres ' Nil setback Nil setback	Supported - as the retaining walls are stepped, which reduces the visual impact on the adjoining neighbours. There is also less impact in terms of ventilation and sunlight. The same height of retaining walls on the eastern boundary were approved in 2006. Supported - as the retaining walls have been stepped which reduce the impact on the adjoining neighbours in terms of visual impact, ventilation and sunlight.
Fence	1.8 metres along the side boudaries	Fence on eastern boundary= 3 metres maximum Fence on western boundary= 3.4 metres.	Supported - as the fences will provide screening to the adjoining property, with only 1 metre length of the fence will be at the maximum heights of 3 metres and 3.4 metres. Most of the fences along the boundaries will have a maximum height of 1.5 metres to the top of the retaining walls.
Privacy	Balcony- 7.5 metres front boundary.	Front balconies-6.61 metres from the eastern and western boundaries.	Not supported - as it results in an undue visual/privacy impact on adjacent properties.

	Retained land- 7.5 metres	Retained land adjacent to Units 1 and 8 – Nil setback from the eastern and western boundaries.	Not supported- as it results in an undue visual/privacy impact on adjacent properties.
Verge Tree	Verge trees to be retained	One verge tree in front of Lot 6 is to be removed for the provision of the driveway.	Supported – as Technical Services have supported the removal of the verge tree, subject to the cost of removal and replanting to be borne by the applicant/owner.
Consultation Submissions			
Support	Nil		Noted
Objection (2)	Setbacks do not comply with the Town’s requirements. Privacy- cone of vision from balconies will impact on the adjoining neighbours. Heights- adjoining properties will feel confined.		Not supported - refer to comments in the “Assessment Table” above. Supported - refer to comments in the “Assessment Table”. Not Supported- refer to the “Comments Section” below.
Other Implications			
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications		Nil	
Financial/Budget Implications		Nil	

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

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

COMMENTS:

Demolition

No. 194 Carr Place

Carr Place, formerly known as Leeder Street, was one of the early residential areas established in Perth. The majority of residential development along the street took place during the first two decades of the twentieth century. No original building plans for the place were located; however, it is considered that the place was built in the post-war period in the Bungalow style of architecture. The red brick and tile dwelling has a hipped roof form and a simple two room presentation to the street with timber framed case window arrangements.

Unlike the established setback pattern formed by the remaining original houses along the north portion of Carr Place, the subject dwelling is well set back from the road, by approximately 11.5 metres. The street has retained much of its original housing stock along the northern side; however, there are many recent intrusions, including some 1970/80s unit developments and a block of flats. The southern side comprises light industrial and commercial premises.

The subject property is not listed on the Town's Municipal Heritage Inventory or Interim Heritage Data Base. 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 dwelling 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 house be approved, subject to a quality archival record and other standard conditions.

No. 196 Carr Place

The property at No. 196 Carr Place is a red brick and tile dwelling built around 1912 in the Federation Georgian style. Carr Place (originally Leeder Street) formed part of the early subdivision of the Leederville area, and the dwelling represents part of the suburban development of Leederville which occurred with the extension of public transport services to the suburb. A mix of residential and commercial properties developed along the west end of Carr Place, and this mix is still evident today.

A full Heritage Assessment was undertaken for No. 196 Carr Place which indicated 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.

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

Redevelopment

Number of Storeys and Height

The proposed third storey and height are supported for the following reasons:

- The sites are located within the proposed Leederville Masterplan.
- The Draft Built Form Guidelines for this area have been prepared along the lines or principles of the Leederville Masterplan. They have not been adopted or advertised by the Council.
- The Draft Built Form Guidelines for the Carr Place Residential Precinct for Densities and Heights state the following:

Land Area	Density	Building Height
Less than 500 square metres	R80	3 storeys
500-1500 square metres	R120	4 storeys
More than 1500 square metres	R160	4 storeys (Carr Pl. frontage) 8- storeys (Vincent St frontage)

- Given that four storeys may be permitted for this development in the proposed Leederville Masterplan, it is considered that the proposed third storey and heights variations are supported.

Conclusion

The proposal is supported as it is not considered to unduly impact the amenity of the adjacent or surrounding properties.

In light of the above, approval is recommended, subject to standard and appropriate conditions to address the above matters.

10.1.5 East Perth Redevelopment Authority – Draft Planning Policy 1.4 Green Building Design

Ward:	South	Date:	14 July 2008
Precinct:	-	File Ref:	ORG0016
Attachments	001		
Reporting Officer(s):	E Saraceni; R Marie		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the letter dated 1 July 2008 and associated documentation Draft Planning Policy 1.4 Green Building Design from the East Perth Redevelopment Authority (EPRA); and*
- (ii) *ADVISES the East Perth Redevelopment Authority that the Council supports in principle Draft Planning Policy 1.4 Green Building Design.*

COUNCIL DECISION ITEM 10.1.5

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Cr Doran-Wu was absent from the Chamber.)

PURPOSE OF REPORT:

The purpose of the report is to inform the Council of EPRA’s Draft Planning Policy 1.4 – Green Building Design.

BACKGROUND:

The East Perth Redevelopment Authority (EPRA) has developed a Draft Planning Policy to promote environmentally sustainable building design, which has been included as an attachment to this report along with the letter received by the Town.

The EPRA Board at its meeting in June 2008 endorsed the Draft Planning Policy for the purpose of public advertising in accordance with the East Perth Redevelopment Scheme, commencing on 1 July 2008 and concluding on 1 August 2008. As part of the advertising period, the East Perth Redevelopment Authority has written to the Town in relation to Draft Local Planning Scheme No. 3 as part of the advertising process.

DETAILS:

The intent of the Policy is to advance sustainable development practices and initiatives within the Redevelopment Area. The Policy provides an opportunity to not only reduce green house gas emissions and generate less waste but to design and construct more healthy, efficient and productive buildings.

EPRA has adopted a two tier approach in implementing environmentally sustainable design (ESD) across its Redevelopment Area. Tier One sites will be established through master planning. These sites will be designed and constructed to achieve a certified 5 Star Green Star rating from the Green Building Council of Australia. All other development sites will be identified as Tier Two sites. These sites are required to satisfy the minimum requirement standards for design and construction as specified in the Sustainability Matrix.

The main objectives of the policy are as follows:

- *To promote green building programs, technologies, design practices and operations as well as the integration of green building initiatives into the design, construction and operation of buildings.*
- *To encourage development that is environmentally sustainable through the efficient use of resources, and integrated design and ensure that design for good environmental performance and amenity is considered in conjunction with other design and amenity considerations with the Redevelopment Areas.*
- *To guide the Authority in its decision making and guide developers in the sustainable design, construction and operation of all new buildings constructed within the Redevelopment Areas.*
- *Recognise that the future of our cities lies in providing urban and built forms which support the health of our communities.*
- *To provide a consistent approach to ESD throughout the Redevelopment Area.*

The Policy applies to *all new development of all land use types within the Redevelopment Areas. The policy does not apply to extensions, alterations or fit outs of existing buildings.*

COMMENTS:

The content of the Draft Planning Policy 1.4 Green Building Design is generally considered appropriate in terms of the existing and intended planned development within the Town, and the Town's Town Planning Scheme No. 1 and associated Policies. It is not considered that the proposed Draft Planning Policy 1.4 will have a negative impact on the land adjoining the Scheme Area that comes under the Town's jurisdiction.

The proposed Draft Planning Policy 1.4 will not affect the Assessment of Development Applications for properties formerly located within the East Perth Redevelopment Authority Precinct 15 as this land was normalised prior to the land being transferred to the Town's jurisdiction. Therefore, the land within the Town that was formerly Precinct 15 within the East Perth Redevelopment Authority is assessed using the City of Perth Local Planning Scheme No. 26 and not the East Perth Redevelopment Scheme and associated Policies.

In light of the above, it is recommended that the Council advise the East Perth Redevelopment Authority that the Town generally supports Draft Planning Policy 1.4 Green Building Design.

10.1.6 Amendment No. 48 to Planning and Building Policies – Revised Policies Relating to Heritage Management - Development Guidelines; Heritage Management - Assessment; Heritage Management - Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory and; Heritage Management - Interpretive Signage

Ward:	Both Wards	Date:	10 July 2008
Precinct:	All Precincts	File Ref:	PLA 0194
Attachments:	001 , 002 , 003 , 004 ,		
Reporting Officer(s):	T Woodhouse, S Kendall		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the amended versions of the following Planning and Building Policies relating to Heritage Management, which have been modified after taking into consideration the three (3) submissions received during the public consultation period, as outlined in Clauses 47 (4), and (5) (a) of the Town's Town Planning Scheme No. 1:*
 - (a) *Development Guidelines No. 3.6.1, as shown in attachment 001;*
 - (b) *Assessment No. 3.6.2, as shown in attachment 002;*
 - (c) *Interpretive Signage No. 3.6.4, as shown in attachment 003; and*
 - (d) *Adding/Deleting/Amending Places on the Town's Municipal Heritage Inventory (MHI) No. 3.6.5, as shown in attachment 004;*

- (ii) *ADOPTS the amended versions of the following Planning and Building Policies relating to Heritage Management, which have been modified after taking into consideration the three (3) submissions received during the public consultation period, as outlined in Clauses 47 (4), and (5) (a) of the Town's Town Planning Scheme No. 1:*
 - (a) *Development Guidelines No. 3.6.1, as shown in attachment 001, subject to the amended Policy being further amended as follows:*
 - (1) *Acceptable Development Criterion A.1.2 on page 5 be amended to read as follows:*
 - 'A.1.2 *Development within zones, spaces and fabric of the place that are of little or no significance is to be sympathetic to the ~~existing~~ existing material and readily identifiable as new work. ~~allowing the opportunity for changes to the existing building in order to accommodate new requirements.~~*
 - (b) *Assessment No. 3.6.2, as shown in attachment 002;*
 - (c) *Interpretive Signage No. 3.6.4, as shown in attachment 003; and*
 - (d) *Adding/Deleting/Amending Places on the Town's Municipal Heritage Inventory (MHI) No. 3.6.5, as shown in attachment 004; and*

- (iii) *AUTHORISES the Chief Executive Officer to advertise the final amended versions of the Planning and Building Policies relating to Heritage Management - Development Guidelines; Assessment; Interpretive Signage; and Adding/Deleting/Amending Places on the Town's Municipal Heritage Inventory (MHI), as shown in attachment 001, 002, 003 & 004.*

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

COUNCIL DECISION ITEM 10.1.6

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED "EN BLOC" (8-0)

(Cr Doran-Wu was absent from the Chamber.)

PURPOSE OF REPORT:

The purpose of this report is to present to the Council the final amended versions of the Planning and Building Policies relating to Heritage Management - Development Guidelines; Assessment; Interpretive Signage; and Adding/Deleting/Amending Places on the Town's Municipal Heritage Inventory (MHI), and to seek final adoption.

BACKGROUND:

A report proposing amendments to the existing Heritage Management Policies relating to Development Guidelines; Assessment; Interpretive Signage; and Adding/Deleting/Amending Places on the Town's MHI was presented to the Council at its Ordinary Meeting held on 22 April 2008. At this meeting, the Council resolved to advertise the subject policies in accordance with clauses 47 (4), and (5) (a) of the Town's Town Planning Scheme No. 1 and to adopt the subject Draft Policies relating to Heritage Management in the interim until the formal adoption of the revised Draft Policies.

The Policies were advertised from 13 May 2008 to 10 June 2008 .

DETAILS:

Key Result Area No. 2 of the Town's Heritage Strategic Plan 2007 – 2012 relating to Statutory Provisions and Policies requires the Town to '*review the effectiveness of heritage management policies adopted in 2005 and amend as needed*'. In accordance with this Key Result Area and since the adoption of the Polices relating to Heritage Management in 2005 / 2006 and the completion of the review of the Town's Municipal Heritage Inventory, the Town's Officers have been able to measure the effectiveness of the subject Policies in varying situations. Of the six (6) Policies relating to Heritage Management that were adopted by Council in 2005 / 2006, the following four (4) were identified as requiring amendments:

- Policy No. 3.6.1: Heritage Management - Development Guidelines;
- Policy No. 3.6.2: Heritage Management – Assessment;
- Policy No. 3.6.4: Heritage Management - Interpretive Signage; and
- Policy No. 3.6.5: Heritage Management - Adding/Deleting/Amending Places Listed on the Town's Municipal Heritage Inventory (MHI).

A summary of the key amendments made to each Policy and the objectives of each of the Policies are detailed in the comments section below.

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.

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."

Heritage Strategic Plan 2007 - 2012 - Key Result Area No. 2 - Statutory Provisions and Policies

“Performance Measure No. 2.6 - review the effectiveness of heritage management policies adopted in 2005 and amend as needed.”

FINANCIAL/BUDGET IMPLICATIONS:

The current 2008/2009 Budget allocates \$60,000 for Town Planning Scheme Amendments and Policies.

COMMENTS:

Three (3) submissions were received during the period of community consultation in relation to the subject Draft Policies relating to Heritage Management. These submissions are summarised below and where appropriate the Policies have been amended:

1. Policy No. 3.6.1: Heritage Management - Development Guidelines

Comments from Heritage Council of Western Australia:

- *It is confusing to say Municipal Heritage Inventory (The Heritage List). Consider having two separate definitions as there are differences in terms of statutory implications.*

Officer Comment: Not supported. Whilst some local government authorities separate the Municipal Heritage Inventory from the Heritage List, at the Town of Vincent the Municipal Heritage Inventory is the Heritage List as detailed in clause 23 of the Town's Town Planning Scheme No. 1 and reiterated in the definitions section on page 2 of the Policy.

- *Definition of Conservation Plan - consider referring to the Heritage Council of Western Australia Conservation Brief.*

Officer Comment: Supported. A link to the Heritage Council of Western Australia website has been included on page 2 of the Policy.

- *Definition of Heritage Impact Statement - consider referring to the Heritage Council of Western Australia Impact Statement Brief.*

Officer Comment: Supported. A link to the Heritage Council of Western Australia website has been included on page 2 of the Policy.

- *Who decides if the alteration or addition will impact on the heritage value of the place? This may need to be assessed or consider removing the words that impacts its heritage value(s).*

Officer Comment: Supported. Clause 1) ii) of the Policy has been amended accordingly and the words 'that impacts its heritage value(s)' have been deleted.

- *What about developments/alterations/additions/ that are proposed for sites adjoining places of heritage significance or within a heritage area? Is there a way of assessing their impact on cultural heritage significance?*

Officer Comment: Not Supported. The intent of this Policy is to provide guidance for the development of places listed on the Town's Municipal Heritage Inventory (The Heritage List). To include information relating to appropriate development adjoining heritage listed places would complicate and confuse the intent of this Policy. It is considered that the Town has a sound procedure in place to monitor development adjoining heritage listed properties demonstrated through the Development Assessment Team (DAT) and the heritage referral process. All proposed development adjoining properties listed on the Town's Municipal Heritage Inventory will be assessed by the Town's Heritage Officers in accordance with the

principles of the Burra Charter. All proposed developments on or adjacent to places which are on the State Register of Heritage Places will be referred to the HCWA as per the *Heritage Act of Western Australia 1990*.

- *Should a reference be made to replacing like with like as a general rule. Also this need to be clear that roof replacement would need to be assessed.*

Officer Comment: Supported. Clause 2) i) of the Policy has been amended to address recommendation.

- *Development within these zones will still need to consider the cultural heritage significance of the place and adhere to the Burra Charter Principles.*

Officer Comment: Supported. Clause 2) of the Policy has been amended to address recommendation.

- *It is important to consider the following articles from the Burra Charter:*

“Article 22

New Work

22.1 New work such as additions to the place may be acceptable where it does not distort or obscure the cultural heritage significance of the place, or detract from its interpretation and appreciation.

New work may be sympathetic if its siting, bulk, form, scale, character, colour, texture and material are similar to the existing fabric, but imitation should be avoided.

22.2 New work should be readily identifiable as such”.

Officer Comment: Supported. Acceptable Development A.1.2 of the Policy has been amended to address the principles of the Burra Charter.

2. Policy No. 3.6.2: Heritage Management - Assessment

Comments from Heritage Council of Western Australia:

- *Do the Town of Vincent's Heritage Assessments have to include documentary and physical evidence and a comparative analysis?*

Officer Comment: The Town has developed a pro-forma to undertake all Heritage Assessments. This pro - forma has been developed with advice from relevant Heritage Council of Western Australia publications and includes documentary and physical evidence and a comparative analysis. This pro - forma is available on the Town's dedicated heritage website www.vincentheritage.com.au. It is not considered necessary to include such explicit detail within this Policy.

3. Policy No. 3.6.4: Heritage Management - Interpretive Signage

Comments from Heritage Council of Western Australia:

- *Generally it is considered that this Policy document confuses the user in terms of Interpretation and a revised approach to this may be appropriate.*

Officer Comment: Not Supported. This Policy is solely intended for the interpretation of places in the Town of Vincent, which are considered to hold historic and/or social cultural heritage value not reflected in the building's physical appearance that have been approved for demolition. The Policy is not intended as a broad guide for general place based interpretation.

It is considered that the introduction and key objectives of the Policy are consistent in addressing the intent of the Policy.

- *Some places may be of high cultural heritage significance and require more extensive interpretation but be of a minimal financial value. Should the level of interpretation required be determined by the heritage value of the place and not the financial value of the proposed development?*

Officer Comment: Not supported. Interpretive communication does not have to be elaborate to be effective. The Policy sets out a minimum standard which corresponds to the Town's existing Policy relating to Percentage for Art in which a monetary value is prescribed.

- *Is there a requirement for interpreting places that are still extant?*

Officer Comment: Not supported. As per the introduction and objective two of the Policy, the Policy is solely intended for the interpretation of places in the Town of Vincent that have been approved for demolition. The Town has other strategic Policies and Plans to interpret places that are still extant in the Town.

- *The Policy is primarily concerned with demolition not interpretation.*

Officer Comment: Not supported. As per the introduction and objective two of the Policy, the intent of this Policy is to provide a process for the interpretation of places of cultural heritage value, which have been approved to be demolished. For the purpose of this Policy, the two are intrinsically linked.

- *If a consistent approach to the plaques is being sort then a standard plaque developed by the Town would be more effective.*

Officer Comment: Supported in Part. As the plaques are not linked or tied to a greater interpretation strategy, it is not considered integral for the plaques to be consistent. Further, a main objective of the Policy is to encourage innovative and varied forms of heritage interpretation. However, to ensure the plaques contain relevant and an acceptable level of information, a minimum standard for the content of the plaques has been outlined in the Policy and an example of a previously prepared plaque has been included as a guide.

- *The restriction to less than 100 words is very limiting for some forms of interpretation.*

Officer Comment: Supported. Clause 2) ii) has been amended accordingly to indicate that this is to be used as a guide only.

- *Recommend that interpretation requirements are assessed on a case by case basis by the Town. Possible three (3) levels can be assigned.*

Officer Comment: Not Supported. The Town appreciates that the most effective form of interpretation is through retaining the buildings themselves. Realistically this is not always possible and thus this Policy provides a procedure to ensure a tangible reminder and communicative tool for the identification and understanding of places of cultural heritage, which have been demolished and/or removed within the Town. The Policy provides a minimum requirement for interpretation and allows for flexibility to enable varied interpretation responses for different cases.

- *Recommend that Interpretation Guidelines are developed for more extensive interpretation signage.*

Officer Comment: Not supported. The Policy is not intended as a guide for extensive interpretation in the Town of Vincent or to take the place of interpretation plans. As stated above, this Policy provides a minimum requirement for interpretation of places which have been demolished. The Town has other strategic Policies and Plans and measures in place to ensure the appropriate identification of places of cultural heritage value in the Town.

Comments from community members:

- *The Policy encourages standard plaques that will inevitably deteriorate and are not suitable to affix to old buildings.*

Officer Comment: Not supported. Plaques are considered an appropriate medium to identify the location of former buildings. To ensure the plaques are not left in a state of disrepair (in the event that they deteriorate or are vandalised), a condition of planning approval will require the plaque to be installed, and maintained thereafter by the owner(s)/occupier(s). Furthermore, the plaques will not be attached to an old building as this Policy only applies to instances where existing/old buildings are approved for demolition to enable new development to occur.

However, in order to make this valuable information more widely accessible, the interpretation plaques and signs will be reproduced on the Town's dedicated heritage website.

- *Recommend that in the event of the demolition of a place of heritage value the information is recorded on a wall located in a public place in the form of a plaque or alternative form.*

Officer Comment: Not supported. The intent of this Policy is place based interpretation. It is considered that to include the information on a plaque that is removed from the content of the site will not be as effective in communicating the heritage value associated with the site proposed to be demolished.

- *Objection to clause 2) ii) d) which requires the plaque to display the Town's Logo and reference to the presiding Mayor and Chief Executive Officer.*

Officer Comment: This is supported. The Town's Public Relations Officer clarified that the Town's logo and reference to the Mayor and Chief Executive Officer are to go on plaques created for the Town or which are going on to Town owned property or involve some sort of Town involvement. As in most cases the properties proposed to be demolished are privately owned and financed by the private owner and/or applicant, it is considered that the details are not considered necessary. Clause 2) ii) d) of the Policy has been deleted.

4. Policy No. 3.6.5: Heritage Management - Adding/Deleting/Amending Places Listed on the Town's Municipal Heritage Inventory (MHI)

No comments relating to this Policy were submitted.

SUMMARY:

In light of the above, it is recommended that the Council receives, adopts and advertises the final amended versions of the abovementioned Policies with the amendments outlined above, in line with the Officer Recommendation.

10.1.8 Housing Affordability Fund

Ward:	Both Wards	Date:	14 July 2008
Precinct:	All Precincts	File Ref:	PLA0178
Attachments:	-		
Reporting Officer(s):	H Smith, R Marie		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the consultation paper relating to the Housing Affordability Fund released by the Australian Government attached as 'Laid on the Table' and circulated separately to Council Members; and*
- (ii) *AUTHORISES the Chief Executive Officer to consider preparing and lodging funding applications to the Housing Affordability Fund in relation to the Leederville Masterplan and the West Perth Regeneration Area.*

COUNCIL DECISION ITEM 10.1.8

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED "EN BLOC" (8-0)

(Cr Doran-Wu was absent from the Chamber.)

PURPOSE OF REPORT:

The purpose of this report is to inform the Council of the *Australian Government's Affordable Housing Fund Consultation Paper* and examine whether the Fund could be considered in the Town of Vincent Affordable Housing Strategy.

BACKGROUND:

- 27 March 2007 The Council at its Ordinary Meeting resolved to authorise the Chief Executive Officer to proceed with an Affordable Housing Strategy Project, to approve a Project Brief and to re-allocate \$12,000 to finance an Affordable Housing Strategy.
- 4 December 2007 The Council approved a quotation submitted by HURIWA for the preparation of an Affordable Housing Strategy for the Town of Vincent, for the sum of \$54,633.72.
- 2 January 2008 A Contract between the Town of Vincent and HURIWA for the preparation of an Affordable Housing Strategy was accepted and signed by the Consultants.

At the Ordinary Meeting of Council held on 24 June 2008, the Council resolved as follows:

COUNCIL DECISION ITEM 10.1.7

That the Council;

- (i) *RECEIVES the Draft Affordable Housing Strategy prepared by the Housing and Urban Research Institute of Western Australia (HURIWA), Curtin University dated June 2008, as "Laid on the Table" and circulated separately to Council Members;*
- (ii) *ACKNOWLEDGES the dimensions of the affordability crisis being experienced in the housing market both regionally and locally;*
- (iii) *LISTS the matter for further consideration and discussion at a Council Member Forum scheduled for 15 July 2008;*
- (iv) *NOTES that the Town's Administration will be providing additional information and comment in a further report on the timeline, financial/budget implications and implementation of the Recommendations which is to be submitted to a Council Meeting in September 2008; and*
- (vi) *FORWARDS the Draft 'Analysis and Prospects Discussion Paper' prepared by the Housing and Urban Research Institute of Western Australia (HURIWA), Curtin University to the Department for Planning and Infrastructure for use in their Affordable Housing Project.*

CONSULTATION/ADVERTISING:

Nil.

DETAILS:

The Town has received a consultation paper from the Australian Government relating to its Housing Affordability Fund, which is 'Laid on the Table' and circulated separately to Council Members.

"The Australian Government has established the Housing Affordability Fund with an investment of \$512 million to be spent over five years in order to lower the cost of building new homes. The Fund will make housing more affordable by addressing two significant supply-side barriers to housing development:

- *holding costs incurred by developers and home purchasers through lengthy planning and/or development assessment processes*
- *infrastructure costs, such as water, sewerage, roads, open space and community facilities, which are incurred variously by local and state governments, often passed on to developers and in turn to buyers of new homes.*

The fund will be established on 1 July 2008 with funds distributed through funding agreements, primarily to local governments.

The Fund will target greenfield and infill developments where high dwelling demand currently exists or is forecast for the next five years.

It is proposed that applications for funding under the Housing Affordability Fund can only be submitted by:

- *local governments and/or Local Government Associations (LGA)*
- *state and territory governments.*

Private companies, including developers, are encourage to participate in the Fund by entering into partnership or consortium arrangements with state, territory or local government applicants.

Where a partnership has been entered into, approved funding will be paid to the government partner.

A broad range of proposals will be eligible for consideration, to encourage innovation and ensure flexibility in meeting the objective of reducing the cost of new homes assisted by the Fund.

The type of smaller scale infrastructure proposals that may be considered include:

- *connecting infrastructure projects, including water and sewerage and roads*
- *site remediation, including the removal of hazardous waste such as asbestos or petrol contamination*
- *community infrastructure such as libraries and youth centre, where these facilities would otherwise be funded by charges to the cost of new homes in the area.*

There is no specific ceiling on the level of funding that could be given to individual applicants, however, it is envisaged that Australian Government funding would not amount to more that approximately \$10, 000 per dwelling.

The type of reform proposals that will be considered include substantive or process reform that will reduce the time it takes for developers to comply with planning or Development Assessment requirements for new homes.

The focus of reforms must be on reducing costs to homebuyers through a reduction in the time it takes to bring houses to market.

Each application for funding must meet the following minimum mandatory criteria to receive funding from the Housing Affordability Fund:

1. *the proposal must comply with state, territory and local government strategic planning objectives and policies, including affordability targets (if they exist) and sequencing priorities*
2. *local and state governments must be able to fund any future liabilities arising from the funding or reform agreed to without reliance on the Australian Government*
3. *the proposal must include details of consortia or partnerships”.*

There are also a number of weighted criteria. “These ‘point of competition’ criteria will be used to differentiate applications that meet all the mandatory conditions.”

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011– Strategic Objectives: Natural and Built Environment:-

“Objective 1.1 Improve and maintain environment and infrastructure

- 1.1.2 *Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver community vision*
 - (d) *implement and promote a policy to encourage a proportion of affordable housing, in partnership with the State Government.”*

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The Town's Officers have spoken to the Project Leader for the Town of Vincent Affordable Housing Strategy at the Housing and Urban Research Institute WA (HURIWA) to determine whether the Australian Government's Housing Affordability Fund had been considered in the draft Strategy. The Project Leader advised that the role of both Federal and State Government were considered in the draft Strategy, as it was anticipated that the Government would address the issue of affordable housing given that affordable housing is such a pressing issue at this time, and in the near future there will be numerous strategies to address this issue from all levels of governments.

The Consultation Paper notes that the first funding round will commence in August 2008, covering the 2008/09 financial year, with a second round scheduled for March/April 2009, covering the 2009/10 financial year. Further rounds will be announced at later dates. Expressions of interest will be called for in August 2008 for the first funding round, with applications required within four (4) weeks.

It is considered that the Housing Affordability Fund has potential benefits to the Town's two urban renewal projects, namely the Leederville Masterplan and the West Perth Regeneration Project. Given that both projects are nearing the stages where matters of infrastructure provision and upgrade will be assessed, it is considered pertinent that the Town's Officers give consideration to submitting a Funding application in accordance with the Fund. Accordingly, it is recommended that the Council authorises the Chief Executive Officer to consider preparing and lodging funding applications to the Housing Affordability Fund in relation to the Leederville Masterplan and the West Perth Regeneration Project.

10.2.1 Parks and Reserves – Pump/Motor & Bore Maintenance Program

Ward:	Both	Date:	7 July 2008
Precinct:	All	File Ref:	RES0039
Attachments:	001		
Reporting Officer(s):	J. van den Bok		
Checked/Endorsed by:	R. Lotznicker	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report in relation to the pump/motor and bore maintenance program;*
- (ii) *ADOPTS the revised five (5) year pump/motor and bore maintenance program as attached;*
- (iii) *NOTES that funding for the 2008/09 pump/motor and bore maintenance program has been included as part of the annual operating budget for the parks identified within the program; and*
- (iv) *LISTS the appropriate funding in future draft budgets to undertake the program as outlined.*

COUNCIL DECISION ITEM 10.2.1

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Cr Doran-Wu was absent from the Chamber.)

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with an updated pump/motor and bore maintenance program for adoption.

BACKGROUND:

At the Ordinary Meeting of Council held on 11 February 2003, an updated pump/motor and bore maintenance program was presented for adoption where it was resolved:

"That the Council;

- (i) *receives the report on the pump/motor and bore maintenance program;*
- (ii) *ADOPTS the revised and updated eight (8) year pump/motor and bore maintenance program as attached; and*
- (iii) *lists \$40,000 to implement Year 1 of the revised and updated pump/bore maintenance program for consideration in the 2003/2004 draft budget."*

DETAILS:

The program was last updated in 2003 and it has now become evident that the program requires revising due to the following:

- Additional bore/pumps the Town has installed in the past five (5) years
- Additional bore/pumps the Town has acquired since the boundary changes
- Increased costs in bore development and pump maintenance over the past five (5) years.

Bore Development

Development of bores is required on a regular basis, usually every three (3) to four (4) years to remove scale, iron bacteria and build up of fine sands around the stainless steel screen located at the bottom of the bore.

In commencing this operation, the existing bore headworks, pump/motor and associated column (delivery pipe) have to be removed.

The development process involves the addition of an approved chemical which assists in breaking up the above scale etc. and then surging the bore with water or air over a five (5) to ten (10) hour period to clean the screen and surrounding gravel packing. This process ensures that the bore yield is maintained to a level where the associated pump/motor and reticulation system runs efficiently and effectively.

The cost of the development can only be estimated as it depends on the size and depth of the bore and the surrounding strata. An 80mm diameter bore was around \$1,500 to develop. This will now cost up to \$2,500 to develop and a 200mm diameter bore will cost up to \$4,500 to develop.

The Town currently has bores of various depths and diameters ranging from 80mm, 100mm, 150mm, 200mm and 225 mm.

Pump/Motor Servicing

All irrigation pump/motors located within the Town are of the submersible type and all, with the exception of the SQ series, pumps are removed in conjunction with the above bore development process, inspected and maintenance works actioned where required.

The majority of pump/motors are now Grundfos, which is of lighter stainless steel construction than the previous Turbomaster type, which were constructed from bronze or cast iron.

The benefits of the stainless steel type pump/motor is that it does not deteriorate as rapidly, servicing is less labour intensive and the lighter construction has seen a reduction in the motor horsepower required to operate each pump, resulting in a saving of electricity costs.

The size of the pump/motor and the number of bowls that each pump has (determines the pump output) will determine the cost to service, which now varies from \$3,500 to \$6,000.

Due to the relatively low cost of replacement models, it is recommended that the SQ series pump/motors run until their lifecycle expires as the cost of removal, servicing and reinstallation every four (4) years is not cost effective.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment.

FINANCIAL/BUDGET IMPLICATIONS:

The pump/motor and bore maintenance program forms part of the annual operating costs for each respective park/reserve. The amount listed is allocated against each park/reserve for pump/motor and bore maintenance every four (4) years as indicated in the attached program.

COMMENTS:

The Town has a significant capital investment, with the installation of 63 bores and associated pumping units located within its parks/reserves. When the Town commenced operations in 1995, only 36 bores were installed within the Town.

Regular servicing of pumps, motors and bores ensures that they are in good working order, they are working to maximum efficiency and the maximum lifecycle of each bore or pumping unit is more likely to be achieved.

10.2.2 "Taking" of Rights of Way to Facilitate Development of 394-398 Newcastle Street

Ward:	South	Date:	15 July 2008
Precinct:	Beaufort P13	File Ref:	PRO3657
Attachments:	001		
Reporting Officer(s):	A Munnyard, R Lotznicker		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the "Taking" of the Rights of Way which are accessible from 394-398 Newcastle Street;*
- (ii) *APPROVES the initiation of the "Taking" of the Rights of Way as shown in appendix 10.2.2; and*
- (iii) *ADVISES the applicant of the Council's decision*

COUNCIL DECISION ITEM 10.2.2

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED "EN BLOC" (8-0)

(Cr Doran-Wu was absent from the Chamber.)

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval for the Town initiating the "Taking" of the two (2) rights of way (ROWs) which are accessible from 394-398 Newcastle Street.

BACKGROUND:

At its Ordinary Meeting held on 27 May 2008, the Council approved a development at 394-398 Newcastle Street, subject to a number of conditions. Two of these conditions related to the applicant securing *legal access* over the adjacent ROW, and *ceding land* to widen the ROW to a satisfactory width.

The following decision was made (in part):

- "(xix) prior to the issue of a Building Licence, a legal right of access through the adjacent private right of way must be established and endorsed on the title of the development lot, to the satisfaction of the Town;*
- (xx)(d) the right-of-way being widened by a minimum of 1.5 metres, a 1.5 metres by 1.5metres truncation being provided at the intersection of the right of way and Newcastle Street, and such land ceded to the Town at the applicant's/owner's expense."*

The Council further decided that:

"(xxiii) "vehicular access from Newcastle Street shall be restricted to left in, left out only, and that the existing medium island on Newcastle Street shall be extended to facilitate this restriction to the satisfaction of the Town's Technical Services, at the developer's/owner's expense."

DETAILS:

Following the Council's decision, the applicant appointed a consultant (Complex Land Solutions) to assist in achieving the required access rights. Following a meeting with the Town's officers, the consultant wrote to the Town, providing the following information on the outcome of preliminary investigations, and a proposal for achieving public access through the ROW, and also a connecting ROW which issues into Fitzgerald Street.

"Prior to the issue of a Building Licence, a legal right of access through the adjacent private right-of-way must be established and endorsed on the title of the development lot, to the satisfaction of the Town"

Following extensive research we believe that any possible inheritance rights under both estates are so diluted as to not to allow any effective or practical transfer of the ownership of the Lane. (no inheritors)

DPI have advised that the most expedient solution to the situation is for the Town of Vincent to resolve to request the Minister for Lands to acquire the Lane as Crown land for the public purpose of a "Reserve for Access".

If no objections are lodged pursuant to the sending of notices and advertising the Town of Vincent would make a resolution to request the Minister to make an order to acquire the Lane as Crown land, subject to a further resolution by the Town of Vincent that it will request the Minister to make a Management Order to enable the Town of Vincent to have control and management of the Reserve for Access.

The right-of-way being widened by a minimum of 1.5 metres, and a 1.5 x 1.5 metre truncation being provided at the intersection of the right-of-way and Newcastle Street, and such land ceded to the Town at the applicant's/owner's expense

Subject to the Town of Vincent resolving to request the Minister to grant a Management Order over the Reserve for Access acquiring suggested above, our client's are prepared to cede the 1.5 x 1.5 truncation as stipulated. This will be achieved by transfer and surrender of the fee simple by our clients to the State of WA thus enabling such land to be incorporated into the Reserve for Access as discussed above. This in turn would be incorporated into the Management Order in favour of the Town of Vincent.

To effect the ceding of the 1.5 x1.5 truncation our client will need to make application to the WAPC for approval of the subdivision of Lot 123 in compliance with the Town of Vincent's Conditions of Development Approval.

Vehicular access from Newcastle Street shall be restricted to left in, left out only, and that the existing medium Island on Newcastle Street shall be extended to facilitate this restriction to the satisfaction of the Town's Technical Services, at the developer's/owner's expense."

In addition to the above submission our client has requested that we raise a further matter in relation to the possible acquisition of a right-of-way located near the rear of Lot 123 which (between Lots 1 and 2 on Plan 1479) which is used in association with the right-of-way adjoining the proposed development.

We understand that currently the owners/occupants of Lots 1 to 4 (inclusive) on Plan 1080 and Lots 3 and 4 on Plan 1479 utilise this right-of-way (without the legal right) to avoid the intersection of Newcastle and Fitzgerald Streets. Our client is also of the opinion that it would be advantageous to all lot owners and occupants.

Our research reveals that the registered owner of the above private right-of-way is James Rogers and the right-of way is the whole of the land comprised in Certificate of Title Volume 91 Folio 167 (copy enclosed) and a residue of the subdivision of the land by Plan 1479. It is to be noted that the last transaction of this certificate of title is dated 16 April, 1908.

We requested the Supreme Court (Probate Office) conduct a search of its records to endeavour to identify a person or corporation that may have been able deal with the ownership of the right-of-way. Therefore this ROW has identical problems as the Lane as discussed above.

Town of Vincent will be required to make a resolution to request the Minister to make an order to acquire the Lane as Crown land;

The WAPC will be required to approve the subdivision of Lot 123 in compliance with the Town of Vincent's Condition of Development Approval enabling our client to cede the 1.5 x 1.5 truncation by transfer and surrender of the fee simple to the State of WA and such land be incorporated within the Reserve for Access;

The above being subject to the Town of Vincent resolving to request the Minister to make a Management Order to enable the Town of Vincent to have control and management of the Reserve for Access.

We will undertake the research and preparation of all draft notices, advertising and administrative documentation involving DPI and the Town of Vincent to give effect to the above proposals, and the costs will be incurred by our client".

The applicant has also advised that the 1.5m widening, as well as the 1.5m x 1.5m truncation, will be ceded once the "taking" of the ROW is completed.

Officers' Comments:

The consultant has advised that they will undertake as much of the work as is possible (for them to do themselves) and all associated costs will be met by the applicant. Before any further progress can be made, however, the Council's approval is required by statute.

Therefore, this report has been prepared to inform the Council of the circumstances and the method recommended for compliance with the conditions that the Council applied at the time the development was approved.

All ROW legs in question will be upgraded to the satisfaction of the Town at the applicants expense and the final outcome will be for the benefit of the Town and all owners adjoining the ROWs.

CONSULTATION/ADVERTISING:

Consultation with adjacent property owners and service providers is required under the Land Administration Act. Advertising in a newspaper circulating the State is also required. All consultation and advertising will be carried out by the consultant, following submission of drafts to the Town for approval. All responses to consultation and advertising will be returned to the Town for assessment.

LEGAL/POLICY:

The "Taking" of the ROWs will be in accordance with the requirements of the Land Administration Act.

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:

All costs associated with the "taking" will be met by the applicant.

COMMENTS:

The Council has approved the development proposed for the site, 394-398 Newcastle Street. The development cannot proceed until legal access has been obtained through the adjacent ROW. The "Taking" of the ROWs will render them public access ways, and will enable a high standard of development of the adjacent properties. It is recommended that the Council approve the "takings".

10.2.3 Further Report - Proposed One-Way Street, Lacey Street, Perth

Ward:	South	Date:	15 July 2008
Precinct:	Beaufort Precinct P13	File Ref:	TES0193
Attachments:	001		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicker	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the further report on the proposal to convert Lacey Street, Perth, into a one-way street;*
- (ii) *DOES NOT PROCEED with the introduction of a one-way travel restriction in Lacey Street, as shown on attached Plan No. 2579-CP-01A;*
- (iii) *CONSULTS with the residents and businesses to determine the level of support for the introduction of a 2P (Monday to Friday and Saturday morning) parking restriction along the western side of Lacey Street;*
- (iv) *ADVISES the residents and business of Lacey Street of its decision in respect of the one-way proposal, and*
- (v) *RECEIVES a further report at the conclusion of the community consultation for the proposed parking restrictions.*

COUNCIL DECISION ITEM 10.2.3

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Cr Doran-Wu was absent from the Chamber.)

PURPOSE OF REPORT:

The purpose of this report is to advise Council of the outcome of the community consultation in respect to a proposal to convert Lacey Street into a one-way street and other issues that arose as a result.

BACKGROUND:

At its Ordinary Meeting of 27 May 2008, the Council considered a report on an outstanding 2005 resident request to consider converting Lacey Street, Perth, into a one-way street. The report outlined the process followed to date, including the matter having been referred to the Local Area Traffic Management (LATM) Advisory Group for consideration.

However, in 2006 a decision on the proposal was deferred by Council pending the outcome of the Town’s State Underground Power Program (SUPP) application for a Localised Enhancement Project funding to underground the power in Lacey Street.

In June 2007 the Office of Energy advised the Town that the application had been unsuccessful.

As a consequence, the matter was brought back to Council on 27 May 2008, where it was decided (in part):

"That the Council;

- (ii) *APPROVES IN PRINCIPLE the introduction of one-way restriction in Lacey Street as shown on attached concept plan, drawing No. 2579-CP-01;*
- (iii) *CONSULTS with the residents and businesses to determine the level of support for the proposal, and*
- (iv) *RECEIVES a further report at the conclusion of the community consultation."*

DETAILS:

Lacey Street comprises a 12m wide road reserve with a 7m wide carriageway and on-road parking on both sides of the street, resulting in a 2.8m wide trafficable lane down the centre of the road.

In September 2005, the LATM Advisory Group considered a request to convert Lacey Street to a one-way street and agreed that the proposal had merit based upon the narrow width of the street and limited passing opportunities, particularly for large vehicles. Further, the business proprietor who raised the matter was of the perception that Lacey Street was being used as a 'rat run' from Brisbane Street to Brewer Street in the morning peak period.

The Advisory Group concluded that if the one-way proposal was to be supported, the preferred direction of travel should be south (Brewer Street) to north (Brisbane Street) to overcome the perceived rat running.

Community Consultation

A consultation letter and diagram outlining the proposal was distributed to all those residences and businesses with access to Lacey Street.

In all, 28 letters were delivered with 15 responses received as follows:.

	Responses	%
In Favour	4	27%
Partially in favour	3	20%
Against	8	53%
Total	15	100%

As can be seen from the above table, 53% of respondents were against the proposal.

In respect of those "partially in favour" and "against", and as is common in most local traffic community consultations, the respondents linked their support and/or opposition to the proposal to other issues, particularly parking restrictions.

Further, of those against some also disagreed with the proposed direction of flow should the street be made one-way. However, it should be noted that none of the respondents listed 'rat running' as an issue.

A summary of the comments received can be found at Attachment 1.

Parking:

Of the 15 responses received, 53% (8) specifically mentioned parking as an issue. While the perception of the cause of the problem varied between the businesses and residents, i.e. resident parking having priority over business parking, all agreed it was an issue that needed to be addressed.

Currently the western side of Lacey Street is largely unrestricted, aside from three (3) x 1/4 P spaces intermittently located along the street, and which pre-date the Town. The eastern side currently has a standard 2P Monday to Friday and Saturday morning restriction, introduced in 2001. Both sides of the street are subject to the Members Equity Stadium events exclusion zone.

The respondents indicated that the parking along the western side of Lacey Street is dominated from early morning by city office workers who take advantage of the free all day parking. Some suggested that this was a direct result of the introduction of paid ticket parking in Pier and Brewer Streets without complementary restrictions in Lacey Street.

Further, at its Ordinary Meeting held on 8 July 2008, the Council approved the introduction of 2P parking restrictions (Monday to Friday and Saturday morning) in nearby Stirling Street, Bulwer Street to Lincoln Street, for similar reasons, and which could be expected to place more pressure on Lacey Street.

Discussion:

In light of the comments received, there is little support for the one-way proposal while there is significant support for additional parking restrictions. Therefore it is recommended that the one-way proposal not proceed but that the Town undertakes further community consultation to gauge the level of support for the introduction of either a 2P (Monday to Friday and Saturday morning) restriction along the western side of Lacey Street.

CONSULTATION/ADVERTISING:

To be undertaken in accordance with the Town's Community Consultation Policy.

LEGAL/POLICY:

There is no legal consequence of the recommendation.

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

The Town currently has \$73,000 on budget, carried forward from the 2008/2009 budget, for road resurfacing and traffic management/streetscape improvements in Lacey Street. It is recommended that no "physical" works be undertaken on Lacey Street until the Council receives a further report following the further community consultation regarding the parking restrictions.

COMMENTS:

As indicated in the main body of the report in view of the comments received it is recommended that the one-way proposal not proceed but the Town undertake further consultation to gauge the level of support for the introduction of parking restrictions along the western side of Lacey Street.

10.2.4 Tamala Park Regional Council Matters – Government Urban Deferred Land Adjacent to the Clarkson Railway Station

Ward:	N/A	Date:	16 July 2008
Precinct:	N/A	File Ref:	ADM0078
Attachments:	-		
Reporting Officer(s):	R Lotznicker, M Rootsey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the Government Urban Deferred Land Adjacent to the Clarkson Railway Station;*
- (ii) *NOTES;*
 - (a) *the information contained in the report regarding the proposed inappropriate use for Urban Deferred land within the rail/bus precinct to be used for a Western Power Substation;*
 - (b) *the TPRC has approached the WAPC and DPI suggesting that the land should be put to a more appropriate use and that TPRC should have first option to acquire the land as previously agreed;*
 - (c) *MRWA, the owners of the land, have subsequently indicated that they are prepared to negotiate with the TPRC for a transfer of the land at market value during 2008/09;*
 - (d) *the Chief Executive Officer of TPRC has requested that at this stage the above matter be advised to each of the member Councils for consideration of approval for the TPRC to continue negotiations along the lines mentioned above.*
 - (e) *the benefit for individual member Councils will comprise a much improved urban development than could otherwise be achieved and a much better financial return to each of the participant local authorities.*
- (iii) *ADVISES the Chief Executive Officer of the TPRC that it ENDORSES the TPRC continuing with its negotiations with regard to the land matter; and*
- (iv) *RECEIVES further progress reports on this matter as new information becomes available.*

COUNCIL DECISION ITEM 10.2.4

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Cr Doran-Wu was absent from the Chamber.)

PURPOSE OF THE REPORT:

The purpose of this report is to advise the Council of a proposal by the Tamala Park Regional Council (TPRC) to purchase Government urban deferred land adjacent to the Clarkson Railway Station.

BACKGROUND:

The Town of Vincent is a joint owner (with six [6] other local governments) of Lot 118 Mindarie, which is situated in the City of Wanneroo.

Lot 118 comprises 432 hectares. 151 hectares is leased to the Mindarie Regional Council which conducts a refuse landfill on the leased site. Approximately 100 hectares is in process of transfer to the State Government as part of a Bush Forever Negotiated Planning Solution and part of the residual land comprising approximately 165 hectares is zoned Urban or Urban Deferred and is ready for urban development.

As reported to the Council at its Ordinary Meeting held on 28 March 2006, the Tamala Park Regional Council was established to manage development of the urban and urban deferred land.

DETAILS:

Government Urban Deferred Land Adjacent to Clarkson Railway Station

The Town has been advised that the TPRC is proceeding with structure planning of part of Lot 9504 Mindarie of which the Town is part owner.

The CEO of the TPRC has advised (in a letter of 10 July 2008) that it is fundamental, in considering the Tamala Park development, that 10.8 hectares of Government land near the corner of Neerabup Road and the Mitchell Freeway be acquired and included in the overall development plan.

An extract of the TPRC letter is summarised below:

"The government land is in a critical location and will provide the best possibility of making a connection from the Tamala Park land to the Clarkson rail and bus precinct.

The Government landholding comprises a parcel of 1.8 hectares owned by Main Roads WA (MRWA) and 8.8 hectares owned by the DPI. When the landowners completed a Negotiated Planning Solution with the WAPC in 2006, it was proposed that the WAPC would create an improvement plan which would facilitate the eventual transfer of the government landholding to the TPRC at market value.

It recently came to notice that MRWA and Western Power were in negotiation to transfer this land to Western Power for use as an electricity supply substation. The TPRC considers this an inappropriate use for land within the rail/bus precinct and has approached the negotiating parties, the WAPC and DPI, suggesting that the land should be put to a more appropriate use and that TPRC should have first option to acquire the land as proposed in the 2006 NPS agreement.

MRWA has now indicated that it is prepared to negotiate with TPRC for a transfer of the land at market value during 2008/09. In order to have MRWA and the other involved parties come to this position, the TPRC, through a deputation to the Director General of DPI and the Chairman of WAPC, put its position in a form subsequently confirmed in writing as follows:

- *The land in this location is critical for the TOD that the TPRC wants to put in place.*

- *Use of 1.8 ha of land in a rail station precinct for a network substation runs contrary to planning principles being promoted by the WAPC and DPI.*
- *TPRC is proposing a development that will provide interconnected solar rooftop systems for 2,500 homes and is also evaluating a solar concentrator and wind turbine array to be located on part of the Mindarie Regional Council Closed landfill adjacent to the Tamala Park development. The MRC site is already feeding 4.5 MW into the grid by using landfill gas.*
- *The TPRC and MRC in combination may build up to 12 MW feed in power which will:*
 - *Require a feed in substation.*
 - *Substantially exceed gross energy demand in the Tamala Park development and contribute to energy requirements over a larger area.*
 - *Reduce infrastructure requirements for an expanded grid network to service the Tamala Park area.*
- *TPRC will facilitate up to 1.8 hectares of land for use as a Western Power substation on the basis that the MRWA land is made available to the TPRC for an urban development in conjunction with the TPRC deferred urban land parcel and the DPI land parcel.*
- *The TPRC and the seven Local Government landowners it represents will consider making available the required land cost Free for the Western Power substation if the saved value of the land from the currently proposed purchase by Western Power is allocated to undergrounding the substation network transmission lines to preserve the visual amenity in road reserves. We understand this will also improve reliability of supply for Western Power.*
- *The TPRC preferred position is that any feed in substation and network distribution substation be co-located to offer the greatest efficiency in use of land and infrastructure.*
- *The TPRC will facilitate some contouring or screen planting for an agreed site to provide visible screening and security of the site.*
- *The TPRC is prepared to act swiftly to bring these matters into a binding agreement or land transfer.*

In order for the above to become possible, it will be necessary for individual owner local authorities to appreciate the importance of the proposal and eventually to sanction arrangements for part of the land now comprising the lease to the MRC to be included in an agreement which will eventually facilitate a transfer to Western Power for use as a distribution substation.

The land currently leased to MRC is zoned Public Open Space and Public Utility and it is part of the 2006 NPS that the land will eventually transfer to the Crown. Having regard for this arrangement it may transpire that there is no net cost or disadvantage to the local authority owners for a transfer to occur. The only critical issue may be the timing for the transfer. On current projections, Western Power may require possession of a site by 2013.

The Western Power grid network requires at least one substation in the Tamala Park/Burns Beach area and, while Western Power has a statutory right to require a developer/landowner to provide land for substations, it will be far better for a proactive approach to seek a solution that will satisfy infrastructure needs and a wider range of stakeholder present and future interests.

Because the most appropriate land for the Western Power substation (and for the general and economic benefit for the local authority landowners) may not be within the TPRC area, as defined in the TPRC Establishment Agreement, there will need to be authority given for TPRC to negotiate in respect of other portions of the Local Authorities jointly owned Lot 9504 Mindarie.

The CEO of TPRC has requested that at this stage the above matter be advised to each of the member Councils *for consideration of approval for the TPRC to continue negotiations along the lines mentioned above.*

The benefit for individual member Councils will be a much improved urban development than could otherwise be achieved and a much better financial return to each of the participant local authorities.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

The TPRC was established under the Local Government Act 1995 and provides the legal vehicle to facilitate urban development of land jointly owned by seven (7) local authorities.

STRATEGIC IMPLICATIONS:

Development of Lot 118 will be consistent with the Town's Strategic Plan 2005-2010 as follows:

Key Result Area 3.2 - *"Develop business strategies that provide a triple bottom line return for the Town."*

FINANCIAL/BUDGET IMPLICATIONS:

The urban development of part Lot 118 Mindarie will produce a substantial cashflow for all of the member Councils.

COMMENTS:

The Tamala Park Regional Council, through urban development in accordance with the objectives set out in the Establishment Agreement, will facilitate approximately 2,600 lots to be provided within the municipal district of the City of Wanneroo in the north-west corridor of the metropolitan region.

The development will provide better utilisation of existing infrastructure and enhance catchment areas for ongoing provision of public facilities and services and for economic development of the corridor. It is considered that the acquisition of Government Urban Deferred Land Adjacent to the Clarkson Railway Station will have positive benefits in terms of the overall development and return to the member Councils.

10.3.2 Authorisation Of Expenditure For The Period 1 – 30 June 2008

Ward:	Both	Date:	3 July 2008
Precinct:	All	File Ref:	TEMP56
Attachments:	002		
Reporting Officer(s):	Gee Wong		
Checked/Endorsed by:	Bee-Choo Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council CONFIRMS the;

- (i) *Schedule of Accounts for the period 1 June – 30 June 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 10.3.2

COUNCIL DECISION ITEM 10.3.2

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Cr Doran-Wu was absent from the Chamber.)

DECLARATION OF INTEREST

Members/Officers	Voucher	Extent of Interest
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Nil.

PURPOSE OF REPORT:

To seek authorisation of expenditure for the period 1 – 30 June 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	\$ 254,337.21
Total Municipal Account		\$ 254,337.21
Advance Account		
Automatic Cheques	62912-63282	\$ 635,261.90
EFT Batch		\$0.00
Municipal Account		
Transfer of Creditors by EFT Batch	799, 800-810	\$2,438,802.36
Transfer of PAYG Tax by EFT	June 2008	\$193,222.15
Transfer of GST by EFT	June 2008	\$0.00
Transfer of Child Support by EFT	June 2008	\$547.58
Transfer of Superannuation by EFT:		
• City of Perth	June 2008	\$33,107.45
• Local Government	June 2008	\$140,009.58
Total		\$3,440,951.02
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$2,466.00
Lease Fees		\$3312.59
Corporate Master Cards		\$8,674.72
Folding Machine Lease Equipment		\$0.00
Trace Fees		\$0.00
Loan Repayment		\$58,131.94
Rejection Fees		\$42.50
System Disk Fee		\$0.00
Beatty Park - miscellaneous deposit		\$0.00
Total Bank Charges & Other Direct Debits		\$72,627.75
Less GST effect on Advance Account		-\$120,083.00
Total Payments		\$3,647,832.98

STRATEGIC IMPLICATIONS:

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

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

ADVERTISING/CONSULTATION:

Nil.

COMMENT:

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

10.3.4 Tender No 383/08 – Britannia Reserve Upgrade – Staged Construction.

Ward:	North	Date:	14 July 2008
Precinct:	Leederville	File Ref:	TEN0390
Attachments:			
Reporting Officer(s):	M Rootsey/R Lotznicker		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council:

- (i) **ACCEPTS;**
 - (a) *the tender submitted by Devco Builders for Stages 2 and 4 in accordance with specifications detailed in Tender 383/08;*
 - (b) *the tender submitted by Devco Builders for Stage 3, but notes that this stage will not commence until additional funds are approved;*
- (ii) **DOES NOT ACCEPT** any of the tenders submitted for Stage 1 of the project; and
- (iii) **NOTES** that Stage 1 works are being completed by the Leederville Cricket Club under the supervision of the Town’s Technical Services Officers.

COUNCIL DECISION ITEM 10.3.4

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Cr Doran-Wu was absent from the Chamber.)

PURPOSE OF REPORT:

To report on the tenders submitted on the Tender No 383/08 for the Britannia Reserve Upgrade - Staged Construction.

BACKGROUND:

The following Council resolutions have been adopted on this matter. The Council resolved the following at the Ordinary Meeting of Council on 10 June 2008.

- (i) **DOES NOT ACCEPT** any of the Tenders submitted for the upgrade of Britannia Reserve Clubrooms due to insufficient funds available for the project;
- (ii) **ADVISES** the tenders of the Council decision; and
- (iii) **REQUESTS** the Chief Executive Officer to further investigate options for this project and submit a further report to the Council by the next meeting.

Further resolved the resolution below at the Ordinary Meeting of Council on 24 June 2008.

That the Council NOTES the following action undertaken to progress the upgrade of Britannia Reserve Clubrooms;

- (a) *a tender for the upgrade of Britannia Reserve Clubrooms was re-advertised on 18 June 2008, for a "staged construction", as outlined in the report; and*
- (b) *minor works as specified in the report are to be undertaken by the Leederville Cricket Club on a cost reimbursement basis, up to the value of \$25,000.*

The tender was re-advertised in the West Australian Newspaper on the 18 June 2008.

Tenders for the staged construction of the Britannia Reserve Upgrade closed at 2.00 pm on 2 July 2008 and three (3) tenders were received. Present at the tender opening were Mary Hopper (Financial Services/Purchasing Officer) and Mike Rootsey (Director Corporate Services).

Tenders were received from the following organisations:

Devco Builders

Dalcon Construction

CPD Group

The tender submitted by the CPD Group did not comply with the tender requirements as a lump sum fee was submitted, instead of a fee for each stage. This tender was not evaluated.

DETAILS:

The details of the submissions are listed below.

Stage 1 - Modification of change rooms to store rooms (including roller doors).

Company	Fee \$	Disbursement \$	Other \$	Sub-Total \$	GST \$	TOTAL \$
Devco Builders	38,710.50	-	-	38,710.50	3,871.05	42,581.55
Dalcon Construction	49,872.00	-	-	49,872.00	4,987.20	54,859.20

Stage 2 – Upgrade of toilet and shower facilities.

Company	Fee \$	Disbursement \$	Other \$	Sub-Total \$	GST \$	TOTAL \$
Devco Builders	191,902.40	-	-	191,902.40	19,190.24	211,092.64
Dalcon Construction	237,063.00	-	-	237,063.00	23,706.30	260,769.30

Stage 3 – Upgrade of clubroom/kitchen and additional toilet.

Company	Fee \$	Disbursement \$	Other \$	Sub-Total \$	GST \$	TOTAL \$
Devco Builders	240,378.40	-	-	240,378.40	24,037.84	264,416.24
Dalcon Construction	201,155.00	-	-	201,155.00	20,115.50	221,270.50

Stage 4 - Pergola and paving around building.

Company	Fee \$	Disbursement \$	Other \$	Sub-Total \$	GST \$	TOTAL \$
Devco Builders	47,759.50	-	-	47,759.50	4,775.95	52,535.45
Dalcon Construction	36,686.00	-	-	36,686.00	3,668.60	40,354.60

Notes:

1. Dalcon Construction also quoted \$62,692 + 10% GST = \$68,961.20 for the Preliminaries.
2. Stage 1 of the project is being completed by the Leederville Cricket Club.
3. Stage 3 will be completed when additional funds are approved.

Tender evaluation.

Selection Criteria

The following weighted criteria was used for the selection of the companies for the tender.

Criteria		Weighting
1.	Financial Offer/Fee Proposal	75%
2.	History and Viability of Company	10%
3.	Relevant Experience and Expertise of Project Team	5%
4.	Methodology, Key Issue and Risk	5%
5.	Financial Capacity and Evidence of Stability and Experience	5%
Total		100%

Tender Evaluation Panel

The tender evaluation panel consisted of the Director Corporate Services, Mike Rootsey, Director Technical Services, Rick Lotznicker and Property Maintenance Officer, Keith Steicke.

Each tender was assessed using the above selection criteria in accordance with the tender documentation.

Tender Summary

Dalcon Constructions		
1.	Financial Offer/Fee Proposal	66
2.	History and Viability of Company	7
3.	Relevant Experience and Expertise of Project Team	4
4.	Methodology, Key Issue and Risk	3
5.	Financial Capacity and Evidence of Stability and Experience	3
		83

Devco Builders		
1.	Financial Offer/Fee Proposal	75
2.	History and Viability of Company	7.5
3.	Relevant Experience and Expertise of Project Team	4
4.	Methodology, Key Issue and Risk	3
5.	Financial Capacity and Evidence of Stability and Experience	3
		92.5

CONSULTATION/ADVERTISING

Advertised in accordance with the Tender regulations.

LEGAL/POLICY

The tender was advertised in accordance with the Local Government Act Tender Regulations and the Town's Code of Tendering Policy 1.2.2 and Purchasing Policy 1.2.3.

STRATEGIC IMPLICATIONS:

Strategic Plan – 2006-2011 – 1.16.

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

FINANCIAL/BUDGET IMPLICATIONS

The amount of \$250,000 is listed on the 2008/09 Budget.

COMMENT:

The tenders submitted by Devco Builders is recommended for Tender 383/08 Stages 2, 3, and 4 for the new Staged Construction of the Britannia Reserve Upgrade.

For information Stage 1 is being completed by the Leederville Cricket Club and Stage 3 of the construction will not commence until further funding is approved.

10.4.1 Leederville Oval (Medibank Stadium) Ground Management Committee - Receiving of Unconfirmed Minutes - 1 July 2008

Ward:	South	Date:	10 July 2008
Precinct:	Oxford Centre, P4	File Ref:	RES0078
Attachments:	001		
Reporting Officer(s):	M McKahey, John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council RECEIVES the Unconfirmed Minutes of the Leederville Oval (Medibank Stadium) Ground Management Committee Meeting held on 1 July 2008, as shown in Appendix 10.4.1.

COUNCIL DECISION ITEM 10.4.1

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED "EN BLOC" (8-0)

(Cr Doran-Wu was absent from the Chamber.)

PURPOSE OF REPORT:

The purpose of the report is for the Council to receive the Unconfirmed Minutes of the Leederville Oval (Medibank Stadium) Ground Management Committee meeting held on 1 July 2008.

BACKGROUND:

At the Ordinary Meeting of Council held on 26 October 2004, the Council considered the establishment of a Committee for the management of Leederville Oval (now known as "Medibank Stadium") and resolved inter alia as follows;

"That the Council APPROVES BY AN ABSOLUTE MAJORITY;

- (i) pursuant to Section 5.9(2)(c) of the Division 2, Part No. 5 of the Local Government Act 1995, to establish a Committee for the management of Leederville Oval ("Ground Management Committee");*
- (ii) in accordance with the lease between the Town and East Perth Football Club (EPFC) and Subiaco Football Club (SFC), to APPOINT the Chief Executive Officer to the Committee and invites EPFC and SFC to also nominate a representative;*
- (iii) to delegate the following functions to the Committee;*
 - (a) to determine the Clubs' rights (day-to-day) to use the facilities;*
 - (b) to consider and make representation to the Town for alternative training grounds;*

- (c) *to determine day-to-day operational issues, (including catering, advertising, sponsorship, turf maintenance, cleaning, security, ticketing, use of car park);*
 - (d) *to establish and review Key Performance Indicators (KPIs);*
 - (e) *to establish and review Risk Management Plans;*
 - (f) *to consider any request for temporary structures;*
 - (g) *to make recommendations for the maintenance of the common area;*
 - (h) *to make recommendations on Capital Improvements;*
 - (i) *to make recommendations on catering and formalise a catering policy; and*
 - (j) *to do other such things with respect to management of Leederville Oval; and*
- (iv) *the KPIs be referred back to Council for adoption."*

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

It is the Town's practice 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.

10.4.5 Information Bulletin

Ward:	-	Date:	16 July 2008
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	A Radici		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 22 July 2008, as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 10.4.5

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Cr Doran-Wu was absent from the Chamber.)

DETAILS:

The items included in the Information Bulletin dated 22 July 2008 are as follows:

ITEM	DESCRIPTION
IB01	Minutes from Vincent Accord “Socialise with Safety” Meeting held 16 April 2008
IB02	Beatty Park Leisure Centre - Conservation Plan (PRO3051)
IB03	Northbridge History Studies Day - Town of Vincent Sponsorship (CVC0037)
IB04	Ranger Services Statistics for April, May and June 2008 (PER0018)
IB05	Physical Activity Plan – Progress Report No. 1
IB06	Letter from Vital Perth Listen Lead Innovate Communicate regarding Release of Final Link Masterplan
IB07	Letter of Appreciation from Office of Crime Prevention regarding Seminar on Successful Crime Prevention Partnerships
IB08	Letter of Appreciation from Alicia Nowak regarding installation of lights at the south end of Britannia Park
IB09	Letter to B Adcroft, YMCA of 201 Star Street, Carlisle - Response to Question taken on Notice at the Special Council Meeting held on 2 July 2008
IB10	Letter to C Earls of 156 Loftus Street, Leederville - Response to Question taken on Notice at Special Council Meeting held on 2 July 2008
IB11	Letter to P Ryan of 38 Commonwealth Avenue, North Perth - Response to Question taken on Notice at Special Council Meeting held on 2 July 2008
IB12	Letter to M Rust of 1/40 Tasman Street, Mount Hawthorn - Response to Question taken on Notice at Special Council Meeting held on 2 July 2008
IB13	Letter to M Galvin of 1/40 Tasman Street, Mount Hawthorn - Response to Question taken on Notice at Special Council Meeting held on 2 July 2008

10.1.4 No. 229 (Lot: 8 D/P: 953) Oxford Street, Leederville - Proposed Change of Use from Eating House to Eating House and Unlisted Use (Small Bar)

Ward:	South	Date:	15 July 2008
Precinct:	Oxford Centre; PO4	File Ref:	PRO2603; 5.2008.257.1
Attachments:	001		
Reporting Officer(s):	M Lane		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by I Cowan on behalf of the owner Tilpa Pty Ltd for proposed Change of Use from Eating House to Eating House and Unlisted Use (Small Bar), at No. 229 (Lot: 8 D/P: 953) Oxford Street, Leederville, and as shown on plans stamp-dated 27 May 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 Non-Residential /Residential Development Interface and Parking and Access; and*
- (iii) consideration of the objections received.*

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND LOST (1-8)

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

- 1. Development of an existing business.**
- 2. Will bring evening activity to the area.**
- 3. Relatively small scale compared to a previous application.**

ALTERNATIVE RECOMMENDATION

Moved Cr Ker, Seconded Cr Youngman

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by I Cowan on behalf of the owner Tilpa Pty Ltd for proposed Change of Use from Eating House to Eating House and Unlisted Use (Small Bar), at No. 229 (Lot: 8 D/P: 953) Oxford Street, Leederville, and as shown on plans stamp-dated 27 May 2008, subject to the following conditions:

- (i) *within twenty – eight (28) days of the issue date of this ‘Approval to Commence Development,’ the owner(s), or the applicant on behalf of the owner(s) shall comply with the following requirements:*
 - (a) *pay a cash-in-lieu contribution of \$14,140 for the equivalent value of 5.05 car parking spaces, based on the cost of \$2,800 per bay as set out in the Town’s 2008/2009 Budget; OR*
 - (b) *lodge an appropriate assurance bond/ bank guarantee of a value of \$14,140 to the satisfaction of the Town. This assurance bond / bank guarantee will only be released in the following circumstances:*
 - (1) *to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*
 - (2) *to the owner(s) / applicant following receipt by the Town with a Statutory Declaration of the prescribed form endorsed by the owner(s)/ applicant and stating that they will not proceed with the subject ‘Approval to Commence Development,’; or*
 - (3) *to the owner(s) / applicant where the subject ‘Approval to Commence Development,’ did not commence and subsequently expired.*

The car parking shortfall and consequent cash-in-lieu contribution can be reduced as a result of a greater number of car bays being provided on site and to reflect the new changes in the car parking requirements;

- (ii) *the maximum number of persons to occupy the premises at any one time shall be 80 persons;*
- (iii) *packaged liquor shall not be sold at the premises;*
- (iv) *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;*
- (v) *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;*

- (vi) *the windows, doors and adjacent floor area facing Oxford Street shall maintain an active and interactive frontage to Oxford Street ;*
- (vii) *within 28 days of the issue date of the 'Approval to Commence Development', one (1) class 1 or 2 bicycle parking facilities plus two (2) class three bicycle parking facilities shall be provided at a location convenient to the entrances of the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities;*
- (viii) *prior to issue of a Building Licence or first occupation of the development, whichever occurs first, revised plans shall be submitted and approved demonstrating compliance with the Town's requirements for bin storage areas. The revised plans shall not result in any greater variation to the requirements of the Town's Policies;*
- (ix) *the hours of operation for the small bar shall be limited to 8.30 am to 10.30 pm on Monday and Tuesday, 8.30 am to 12 midnight on Wednesday to Saturday inclusive, and 8.30 am to 10.00 pm on Sunday; and*
- (x) *prior to the issue of a Building Licence or first occupation of the development, whichever occurs first, 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.*

Debate ensued.

AMENDMENT NO. 1

Moved Cr Ker, Seconded Cr Maier

That clause (ix) be amended as follows:

“(ix) the hours of operation for the small bar shall be limited to 8.30 am to 10.30 pm on Monday and Tuesday, 8.30 am to ~~12 midnight~~ 10.30 pm on Wednesday to Saturday inclusive, and 8.30 am to 10.00 pm on Sunday; and”

Debate ensued.

AMENDMENT NO. 1 PUT AND LOST (3-6)

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

Debate ensued.

AMENDMENT NO. 2

Moved Cr Lake, Seconded Cr Ker

That clause (ix) be amended as follows:

“(ix) *the hours of operation for the small bar shall be limited to 8.30 am to 10.30 pm on Monday ~~and Tuesday~~ to Thursday inclusive, 8.30 am to 12 midnight on ~~Wednesday~~ Friday and Saturday inclusive, and 8.30 am to 10.00 pm on Sunday; and”*

AMENDMENT NO.2 PUT AND CARRIED (8-1)

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

AMENDMENT NO. 3

Moved Cr Lake, Seconded Cr Maier

That clause (ii) be amended as follows:

“(ii) *the maximum number of persons to occupy the premises at any one time shall be ~~80~~ 60 persons;”*

Debate ensued.

AMENDMENT NO. 3 PUT AND LOST (2-7)

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

MOTION AS AMENDED PUT AND CARRIED (7-2)

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

COUNCIL DECISION ITEM 10.1.4

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 I Cowan on behalf of the owner Tilpa Pty Ltd for proposed Change of Use from Eating House to Eating House and Unlisted Use (Small Bar), at No. 229 (Lot: 8 D/P: 953) Oxford Street, Leederville, and as shown on plans stamp-dated 27 May 2008, subject to the following conditions:

- (i) *within twenty – eight (28) days of the issue date of this ‘Approval to Commence Development,’ the owner(s), or the applicant on behalf of the owner(s) shall comply with the following requirements:*
- (a) *pay a cash-in-lieu contribution of \$14,140 for the equivalent value of 5.05 car parking spaces, based on the cost of \$2,800 per bay as set out in the Town’s 2008/2009 Budget; OR*
- (b) *lodge an appropriate assurance bond/ bank guarantee of a value of \$14,140 to the satisfaction of the Town. This assurance bond / bank guarantee will only be released in the following circumstances:*
- (1) *to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*
- (2) *to the owner(s) / applicant following receipt by the Town with a Statutory Declaration of the prescribed form endorsed by the owner(s)/ applicant and stating that they will not proceed with the subject ‘Approval to Commence Development,’;* or
- (3) *to the owner(s) / applicant where the subject ‘Approval to Commence Development,’ did not commence and subsequently expired.*

The car parking shortfall and consequent cash-in-lieu contribution can be reduced as a result of a greater number of car bays being provided on site and to reflect the new changes in the car parking requirements;

- (ii) *the maximum number of persons to occupy the premises at any one time shall be 80 persons;*
- (iii) *packaged liquor shall not be sold at the premises;*
- (iv) *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;*
- (v) *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;*
- (vi) *the windows, doors and adjacent floor area facing Oxford Street shall maintain an active and interactive frontage to Oxford Street ;*
- (vii) *within 28 days of the issue date of the 'Approval to Commence Development', one (1) class 1 or 2 bicycle parking facilities plus two (2) class three bicycle parking facilities shall be provided at a location convenient to the entrances of the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities;*
- (viii) *prior to issue of a Building Licence or first occupation of the development, whichever occurs first, revised plans shall be submitted and approved demonstrating compliance with the Town's requirements for bin storage areas. The revised plans shall not result in any greater variation to the requirements of the Town's Policies;*

- (ix) *the hours of operation for the small bar shall be limited to 8.30 am to 10.30 pm on Monday to Thursday inclusive, 8.30 am to 12 midnight on Friday and Saturday inclusive, and 8.30 am to 10.00 pm on Sunday; and*
- (x) *prior to the issue of a Building Licence or first occupation of the development, whichever occurs first, 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.*

ADDITIONAL INFORMATION:

This report is provided as an addition to an existing item on this Agenda. The report is considered necessary in that the applicant has provided additional supporting documentation which along with the initial submissions and petition is "*Laid on the Table*". There are four different types of documentation provided, which can be summarised as follows:

- (i) four additional letters of support for the proposal;
- (ii) a supporting petition containing 104 signatories;
- (iii) two letters from adjacent landowners giving preliminary approval for the use of their car parking spaces after hours; and
- (iv) the applicant's response to the key points contained in negative submissions.

Additional Submissions

The four submissions are from a mix of local residents and people who work locally. They state that the 'small bar' would provide an alternative to the larger hotels in the Town of Vincent and that it would be attractive to be able to walk to a small local venue.

Petition

A petition in support of the proposal has been submitted by the applicant. Whilst home addresses for signatories are provided, the petition does not clarify if someone who lives outside the Town of Vincent also owns or works at a premises within the Town. The 104 signatories are summarised as follows:-

Residents of the Town of Vincent	40%
Residents of 42 other suburbs	60%.

In *support* of the proposal the Town has now received 8 letters of support and one supporting petition with 104 signatories. *Objecting* to the proposal the Town has received 8 letters of objection (one received since the preparation of the original report) and a petition with 8 signatories.

Car Parking

As outlined in the initial report it is the applicant's intention to supplement six on site car parking spaces with spaces on adjacent commercial sites. The 'ReStore' at No. 231 Oxford Street, has indicated it will allow spaces at the front of its shop to be used by patrons of the small bar after the closing times of the shop. However the 'ReStore' reserves the right to install after hours parking poles to restrict access to the spaces if the necessity arises in the future. 'The Property People' at No. 247 Oxford Street, has indicated that it would allow parking on its 8 car spaces outside of normal office hours. Neither letter at this stage would satisfy the Town's requirements for a legal agreement and caveat. Such documentation would need to be a condition of any approval.

Applicant's Response

Bar will be dominated by poorly behaved crowds: Response - the premises will comfortably accommodate 80 patrons. No tap beer will be sold. Patrons sought will be 30 year plus, who wish to have a quiet drink.

Venue should be adjacent to the corner of Vincent and Oxford Streets: Response - at this intersection there is the licenced Dome Café, two liquor stores and the cinema. A further concentration of licensed venues in that area is 'ridiculous'.

Disruption of sleeping hours of neighbours by music and cars: Response - "why would you live parallel to such a commercial street as Oxford Street, if you want quiet evenings?"

Lack of toilets and space: Response - the café has 3 toilets - male, female and disabled.

Inadequate Parking: Response - between the 'ReStore' and 'The Property People' the bar's patrons will have access to up to 60 car bays by way of written agreements.

Landowner:	Tilpa Pty Ltd
Applicant:	I Cowan
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial
Existing Land Use:	Eating House (Café)
Use Class:	Eating House (Café) and Unlisted Use (Small Bar)
Use Classification:	Eating House and Unlisted Use
Lot Area:	364 square metres
Secondary Access	Car parking is accessed from Haley Avenue at the rear

BACKGROUND:

21 January 2004

The Town under delegated authority from the Council conditionally approved an application at the above site for a change of use from offices to eating house with associated alterations and additions.

DETAILS:

The proposal involves the change of use from eating house to eating house and unlisted use (small bar). There are no structural works proposed.

Small Bar Licence

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

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

The current business is the "Ox Café" located beside and to the south of the "ReStore". A multi-tenanted office complex is located to the south of the café and the Leederville TAFE campus is diagonally across Oxford Street.

The applicant purchased the business in July 2007 and has indicated that numerous patrons have requested the provision of alcohol. The applicant's proposal is for "a quaint up market Café Wine Bar, small but unique". The licenced area will include the 80 square metres of floor area internal to the Café as well as the front courtyard. It is anticipated to service 80 patrons.

The proposed hours of operation are to be:-

Monday/Tuesday 8.30 am to 10.30 pm;
Wednesday to Saturday 8.30 am to 12.00 (midnight); and
Sunday 8.30 am to 10.00 pm.

Security is to be provided each evening and doubled on Friday and Saturday evenings.

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
Plot Ratio	N/A	N/A	N/A
Policy No. 3.4.3 – Non-Residential Development Interface	1(c) “The new development or redevelopment will not create undue conflict through the generation of traffic and parking or the emission of noise or any other form of pollution.”	The proposed use is anticipated to attract 80 patrons who will be able to access or park on Oxford Street as well as from Haley Avenue.	Not supported - The site will provide 3 staff and 3 public car spaces from the rear of the property where there is a significant potential for disturbance to the amenity of residents in Haley Avenue, Ragen Alley and Richmond Street. This will be exacerbated if patrons choose to utilize the ReStore's undercroft parking off Haley Avenue.
Leederville Masterplan public consultation report	One of the Masterplan's concepts is the establishment of an Entertainment Precinct centred on Newcastle/Oxford Streets away from major residential areas.	The subject site is 600 metres from the intersection of Oxford and Newcastle Streets.	Not supported – as the proposed location is close to residential homes and is considered to affect the amenity of residents.
Consultation Submissions			
Support (4)	<ul style="list-style-type: none"> • A small intimate bar would provide a much needed alternative to the Oxford, Paddington and Leederville Hotels. • A small bar would be attractive to the 24-40 year olds buying into the area and will increase property values. 	<ul style="list-style-type: none"> • Noted • Noted – as this is the applicant's opinion. 	

<p>Objections (7) plus a petition with 8 signatories. The majority of objectors live in Richmond and Bruce Streets</p>	<ul style="list-style-type: none"> • The bar would be dominated by noisy, poorly behaved crowds. • A venue near the corner of Vincent and Oxford Street would be more suitable. • The extended hours of operation would disrupt the sleeping hours of adjacent neighbours both from music, patrons exiting the venue and cars. • Lack of toilets and space resulting in patrons spilling out of the premises. • Inadequate parking 	<ul style="list-style-type: none"> • Supported in part – as the applicant has indicated he would provide security and seek a mature clientele. This could not however be guaranteed if the business was sold. Furthermore, the character and pattern of patrons is not always predictable. • Supported – as the Leederville Masterplan intends to create an entertainment precinct away from major residential areas. • Supported - as the design of the building and the availability of rear parking would result in the residential amenity being negatively impacted. • Noted – the applicant will be required to provide the required ablution facilities as per the relevant legislation. • Not supported- refer car parking section below.
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Other Implications

Legal/Policy	TPS 1 and associated Policies.
Strategic Implications	Nil
Financial/Budget Implications	Nil

Car Parking

<p>Car parking requirement (nearest whole number) -Small Bar (Tavern) 1 space per 3.8 square metres of public floor area. -Public floor Area=69.72m² -Requires 18.35 spaces OR -1 space per 4.5 persons of maximum number of persons approved on-site, whichever is the greater -Maximum number of persons proposed -80 -Requires 17.78 spaces</p>	18
<p>Apply the adjustment factors: -0.85 (within 800 metres of a railway station) -0.85 (within 400 metres of a bus stop) -0.85 (within 400 metres of a public car parking place with in excess of 75 car parking spaces)</p>	(0.6141) 11.05 spaces
<p>Minus the car parking provided on-site</p>	6 bays
<p>Resultant shortfall</p>	5.05car bays

Bicycle Parking	
<p>The bicycle rate for Hotels has not been applied but instead the requirements as imposed on the Café's original approval as an eating house are reiterated:- One (1) class one or two (2) bicycle rails, and two (2) class three bicycle rails</p>	<p>To date these rails have not been provided by the Café.</p>

COMMENTS:

Car Parking

The Café under their current approval provides six car spaces. Three of these are slightly under size tandem spaces which are considered acceptable for staff, with the remaining car bays abutting the laneway. As this was accepted in the previous approval, the car bays have been accepted as contributing towards the required car parking provision.

The applicant has advised that they have had negotiations with the "ReStore" and the office complex on the corner of Oxford and Richmond Streets. Their intention is to formalise licence arrangements to allow patrons to park in their vacant car bays at night. Any car parking provision which is provided on another site will require a legal agreement and caveat over the subject lot ensuring the car parking is provided in perpetuity or until such time as the use ceases and there is then no need for the additional car bays.

Bin Store

The Café currently has a 1.6 metre tall "Wheelie Bin" store at the rear of the premises. In the current proposal this is to be relocated to the northern side boundary. If approved, the development would need to achieve all bin storage requirements of Town.

Amenity

The key to the assessment of the proposal is that the supporters are either local business owners or residents who live some distance from the site. However, the objectors are residents who generally live within 100 metres of the site. It is the Planning Officers view that the proposal would have a negative impact on the amenity of nearby residences.

The subject site is immediately north of the "Oxford Street North" precinct of the draft Leederville Masterplan study area. This precinct is proposed as primarily a transition area from the Town Centre to a residential suburb. The Leederville Masterplan also proposes an Entertainment Precinct within the general area of the Leederville Hotel, with entertainment uses encouraged and to an extent quarantined from residential uses. The Town is mindful of the impact of licenced premises on adjoining residential areas and the potential for conflict after hours. In this respect, it is considered that whilst the subject property is adjacent to a precinct of the proposed urban regeneration area of Leederville, a licenced premises within close proximity of residential uses is not considered an appropriate use of the property.

Additional Information

At the time of writing this report, the applicant has advised that he is preparing additional information concerning his application and in particular, a response to the objections received by the Town.

Conclusion

It is considered that due to the potential for the proposal to have a negative impact on adjacent residential amenity, including the shortfall in car parking, it is recommended that the application be refused.

10.4.6 Forrest Park - Consideration of Minutes of Special Meeting of Electors and Community Consultation Progress Report - Approval of Concept Options

Ward:	South	Date:	18 July 2008
Precinct:	Forrest P14	File Ref:	RES0003
Attachments:	001 ; 002 ; 003		
Reporting Officer(s):	Various		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

(i) **RECEIVES** the Minutes of the Special Meeting of Electors held at 7.00pm on Monday 14 July 2008 relating to Forrest Park, as shown in Appendix 10.4.6(F) and NOTES that two Motions were passed at the Meeting;

(ii) **RECEIVES** the Progress Report on the Forrest Park Pavilion Community Consultation, carried out in March-April 2008;

(iii) **DOES NOT SUPPORT;**

(a) *the proposed location of the Pavilion (Plan No. 2542-CP-01D) on Forrest Park (which was approved for community consultation at the Ordinary Meeting of Council held on 26 February 2008, as shown in Appendix 10.4.6(A)) for the following reasons;*

1. *a loss of public open space will occur by encroaching into the Park;*
2. *an alternative more suitable location has been found;*
3. *the visual loss of amenity onto the park for adjacent residents will occur;*
4. *little interaction with existing building;*
5. *no cost advantage is gained by using this location; and*
6. *consideration of objections received;*

(b) **Special Elector Meeting Decision:**

"that the Town of Vincent Town Council support the electors, residents and ratepayers by preparing a Master Plan for Forrest Park to be completed and presented to council within the next twelve months, in consultation with the residents and Stakeholders including Perth Junior Soccer Club, the Croquet Club and Playgroup and in consultation with all residents living within a 2 kilometre radius of Forrest Park's perimeter, before any current allocated funds or any additional council funds are spent on any building works, other than on necessary maintenance";

for the following reasons;

1. *there are no funds allocated in the 2008/2009 Budget for a Master Plan;*

2. *a 12-18 month delay whilst a Master Plan is being carried out will result in increased costs and an estimated cost escalation of \$250,000 - \$270,000 (calculated for Option 5C);*
3. *it is considered that whilst a specific Master Plan for Forrest Park has not been undertaken to date, many of the "guiding principles" of such a plan have been utilised in the preparation of this report's recommendations; and*
4. *many of the items which will be reviewed as part of the Master Plan (e.g. parking, park usage, dog areas) will be, or have been, already considered;*

(c) *Special Elector Meeting Decision:*

"that the Council endorse and implement a Forrest Park Reserve Hire Policy in consultation with stakeholders, residents residing in surrounding streets, and all other park users, which guarantees fair access for all taking into consideration both structured and unstructured users needs, particularly during peak hours (being after 5pm week days and weekend day tie hours)";

for the following reasons;

1. *the Town already has a Policy No. 2.1.7 - "Parks and Reserves - Conditions of Use and Hire" - which is currently used by the Town's Administration for determination of Parks and Reserves' use and hire;*
2. *the use and hire of Parks and Reserves is an administrative matter and in accordance with Section 5.41(d) of the Local Government Act 1995, the Chief Executive Officer is responsible for this function "to manage the day-to-day operations of the local government";*
3. *the Council has delegated to the Chief Executive Officer the responsibility for use and hire of Parks and Reserves, as per Council Delegation No. 26 - approved at the Ordinary meeting of Council held on 14 July 2007; and*
4. *discussions with Perth Junior Soccer Club concerning the usage of Forrest Park has resulted in a reduction of future use by the Club, as outlined in the report;*

(d) *Special Elector Meeting Decision:*

"that our proposal (put forward by the Forrest Park Croquet Club), be accepted as a plan by Council, as part of the options for Forrest Park";

for the following reasons;

1. *the proposal is not contained within the existing greens, therefore incurring additional costs;*
2. *only seven (7) additional on-site car bays will be created;*
3. *the existing landscaped buffer will need to be removed;*

4. *the existing croquet green lighting would need to be relocated;*
 5. *a new access way would need to be constructed and existing accessway removed, therefore incurring additional costs;*
 6. *the new accessway will be located directly adjacent to residences, with the potential for adverse impact on adjoining residents (e.g. car lights, vehicle noise, vehicle movements);*
 7. *no scope for additional landscaping on the site;*
 8. *additional turf areas/reticulated areas would be required;*
 9. *additional unnecessary costs incurred for apparent little gain;*
 10. *the Town's Administration considers that the creation of a fourth green cannot be justified given the following:*
 - *relatively low membership numbers of the Croquet Club (about 50);*
 - *25% comprising Town residents (about 12 out of 50); and*
 - *the cost to construct a new access way, relocation of lighting, and services, reticulation, earthworks, turfing, etc; and*
 11. *the estimated cost of a fourth court as advised by the Croquet Club to be in the region of \$120,000 - \$150,000, is not supported by the Town's Administration, as no funds have been allocated in the 2008/2009 Budget and cannot be justified;*
- (iv) **APPROVES IN PRINCIPLE;**
- (a) *the refurbishment and building extension of the Forrest Park Pavilion, as shown in Plan No. SK21, Option 5C, Appendix 10.4.6(B), at an estimated cost of \$507,000;*
 - (b) *the extension of the existing on-site car park to allow for a 60 bay (approximate) on-site car park within the leased area of the existing Clubroom, together with associated lighting and landscaping, as shown in Appendix 10.4.6(C), Plan No. 2542-CP-01I, at an estimated cost of \$125,000;*
 - (c) *the "in-kind" contribution from Perth Junior Soccer Club for the provision of labour, materials, fittings and fixtures for the construction of the clubroom/administration and new kiosk component (of approximately 60m²) of the proposed new building, for Option 5C, as shown in Appendix 10.4.6(B), estimated at approximately \$203,000;*
 - (d) *subject to Option 5C and the "in-kind" contribution from Perth Junior Soccer Club being approved, for a lease over the proposed new clubroom to be provided and the Chief Executive Officer be authorised to negotiate this to the satisfaction of the Town;*
 - (e) **Special Elector Meeting Decision:**
 - "That
 - (a) *any building or proposed construction recommended under the Forrest Park Master Plan addresses the changing and future needs of the community and is contained within that part of the south-east corner of Forrest Park where the pavilion and clubrooms currently exist and crosshatched on the plan below; and*

(b) the Council agree to preserve all currently existing grassed open space for future generations to enjoy in perpetuity;"

for the following reasons;

- 1. Option 5C can be constructed on land within that part of the south eastern corner of Forrest Park (as requested by the Special Electors Meeting motion);*
- 2. Option 5C will not encroach onto any public open space;*
- 3. the proposed location is currently unused land and is not accessible to the general public;*
- 4. as the suggested Master Plan is not supported, no new buildings other than Option 5C are proposed; and*
- 5. the Titles for the land comprising Forrest Park contain a Crown Grant - which requires the land to be used in perpetuity for recreation purposes;*

(f) Special Elector Meeting Decision:

"That the Council prepare and implement a Forrest Park Parking Strategy, in consultation with residents of streets surrounding Forrest Park (i.e. Barlee, Clarence, Roy, Gerald, Smith, Curtis, Wright and Harold Streets), to ensure adequate parking for both residents and park users particularly during peak hours (being after 5pm weekdays and weekend day time hours);"

for the following reasons;

- 1. as parking has been identified as a major issue, the preparation of a Parking Strategy is considered beneficial to residents, Perth Junior Soccer Club, park users, TAFE students, business proprietors and other stakeholders;*
- 2. a Parking Strategy would determine the current usage and overall parking demand in and around the above streets, as there is a mix of different users, including but not limited to, residents, TAFE students, visitors, businesses, shoppers and users of Forrest Park;*
- 3. the Parking Strategy would need to take into account that the majority of residents would not be entitled to a Residential Parking Permit to allow them to park in their street, if restrictions were to be introduced;*
- 4. the Parking Strategy can be carried out using "in-house" resources and Town employees; and*
- 5. this Parking Strategy can be considered in conjunction with the investigation to be carried out for Barlee, Clarence, Roy and Gerald Streets for possible inclusion into the Members Equity Stadium Residential Restrictions;*

- (g) *the creation of a dog exercise area on the western portion of Forrest Park for provision of a dog off-leash area at all times, except from 8.00am to 12 noon on Saturday for the months of October to March, comprising approximately 6,000m² together with two lights, dog tap, special purpose dog bins (3) and signage, as shown in Appendix 10.4.6(C) on Plan No. 2542-CP-011, at an estimated cost of \$19,000; and*
- (h) *the installation of an additional light on Jack Marks Reserve (dog exercise area), at an estimated cost of \$7,500;*
- (v) **SUPPORTS IN PART;**
- (a) **Special Elector Meeting Decision:**

"that Town of Vincent Town Council support the electors, residents and ratepayers call for the preservation of public open space and ensure fair access for all by rejecting all proposals for any new buildings to be constructed on Forrest Park;"

for the following reasons;

- 1. it is acknowledged by the majority of persons that the current building is old (constructed in 1953) and in need of upgrade and refurbishment;*
- 2. it is acknowledged that, as a minimum, two change rooms, a universal access toilet and upgrade of male and female toilets and the Highgate Playgroup area is necessary; and*
- 3. it is considered unreasonable to reject or delay all proposals for any new buildings on Forrest Park as the matter has been under consideration for several years and unavoidable cost escalation will occur; and*

- (b) **Special Elector Meeting Decision:**

"That

- (a) the Council allocate a dedicated off-leash dog exercise area within Forrest Park to be available at all hours even when the reserve is hired by organised sporting groups; and*
- (b) that the whole of Forrest Park remains an off-leash dog exercise area and available for both passive and active use to ensure fair access for all;"*

for the following reasons;

- 1. a reconfiguration and relocation of the soccer pitches on Forrest Park can be carried out to accommodate all users and attempt to provide a designated dog off-leash area (at all times), however, due to the location and size of the cricket pitches, it is not possible to find an area that would not conflict with cricket being played. Cricket is played every Saturday from 8.00am to 12 noon during the months of October to March;*

2. *Forrest Park is currently designated as an "off-leash" dog area (except when it is used for an approved function event, sports training or activities; and*
 3. *the current dog "off-leash" status, except for when approved training or an event is being held, is to remain unchanged. Outside of approved activities being held, Forrest Park (except the leased area) will revert to a dog "off-leash" area;*
- (vi) *TAKES NO FURTHER ACTION concerning the future uses and/or disposal of the Highgate Child Health Clinic at 84 Harold Street, Highgate, due to the high costs associated with the relocation of this facility;*
- (vii) *subject to (iii)(a), (b) and (c) being approved in principle, APPROVES of a variation to the lease jointly held by the WA Croquet Association, Forrest Park Croquet Club Inc and Perth Junior Soccer Club Inc for the Forrest Park Recreational Facility, Harold Street, Mount Lawley, to reflect the new lease area, as shown in Appendix 10.4.6(D1), Plan No. 2542-CP-01J and Appendix 10.4.6(D2) and AUTHORISES the Chief Executive Officer to negotiate the lease variation, to the satisfaction of the Town;*
- (viii) *subject to Clause (v)(b) above being approved in principle, AUTHORISES the Town of Vincent Dogs Local Law 2007 to be amended, to incorporate the dedicated dog exercise area;*
- (ix) *NOTES that;*
- (a) *the Town already has a Policy No. 2.1.7 - "Parks and Reserves - Conditions of Use and Hire" - which is currently used by the Town's Administration for determination of Parks and Reserves' use and hire;*
 - (b) *the use and hire of Parks and Reserves is considered an administrative matter and in accordance with Section 5.41(d) of the Local Government Act 1995, the Chief Executive Officer is responsible for this function "to manage the day-to-day operations of the local government";*
 - (c) *the Council has delegated to the Chief Executive Officer the responsibility for use and hire of Parks and Reserves, as per Council Delegation No. 26 - approved at the Ordinary meeting of Council held on 14 July 2007; and*
 - (d) *discussions with Perth Junior Soccer Club concerning the usage and booking of Forrest Park has resulted in a reduction of future use by the Club, as outlined in the report; and*
- (x) (a) *APPROVES the advertising of Concept Plans No. SK21 and No. 2542-CP-01I for a period of twenty-one (21) days; and*
- (b) *CONSIDERS any submissions received as a result of the community consultation period.*

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

AMENDMENT NO. 1

Moved Cr Farrell, Seconded Cr Burns

That subclause (iv)(g) be deleted and a new subclause (iv)(g) be inserted as follows:

“(g) the creation of a dedicated dog exercise area on the western portion of Forrest Park for provision of a dog ~~off~~ on-leash area at all times (except when it is used for an approved function, event, sports, training or other activities); ~~except from 8.00am to 12 noon on Saturday for the months of October to March,~~ comprising approximately 6,000m² together with two lights, dog tap, special purpose dog bins (3) and signage, as shown in Appendix 10.4.6(C) on Plan No. 2542-CP-011, at an estimated cost of \$19,000; and”

Subject to subclause (iv)(g) being approved, that subclauses (v)(b)(1) and (2) be deleted and new subclauses (v)(b)(1) and (2) be inserted as follows:

“(b) Special Elector Meeting Decision:

”That

- (a) the Council allocate a dedicated off-leash dog exercise area within Forrest Park to be available at all hours even when the reserve is hired by organised sporting groups; and*
- (b) that the whole of Forrest Park remains an off-leash dog exercise area and available for both passive and active use to ensure fair access for all;”*

for the following reasons;

- 1. a reconfiguration and relocation of the soccer pitches on Forrest Park can be carried out to accommodate all users ~~and attempt~~ to provide a designated dedicated dog ~~off~~ on-leash and exercise area at all times (except when it is used for an approved function, event, sports, training or other activities) when an approved event is being held; ~~(at all times); however, due to the location and size of the cricket pitches, it is not possible to find an area that would not conflict with cricket being played. Cricket is played every Saturday from 8.00am to 12 noon during the months of October to March;~~*
- 2. Forrest Park is currently designated as an "off-leash" dog area (except when it is used for an approved function, event, sports, training or other activities; and*
- 3. the current dog "off-leash" status for the remainder of the park, (except for when it is used for an approved function, event, sports, training or other activities) or an event is being held, is to remain unchanged. Outside of an approved function, event, sports, training or other activities being held, Forrest Park (except the leased area) will ~~revert to~~ remain a dog "off-leash" area;*

4. a dedicated dog off-leash area on Forrest Park at all times cannot be supported for the following reasons;

A. there is the potential for conflict between dogs and children and other park users;

B. there is no feasible method of providing a physical barrier on the park to separate dogs and other park users;

C. the Council has a “duty of care” to minimise risk and hazards between dogs and children, otherwise it will be exposed to potential liability in the event of a dog caused injury.”

Subject to clause (iv)(g) being approved, Clause (viii) be deleted and a new clause (viii) be inserted as follows:

“(viii) subject to Clause (iv)(g) and (v)(b) above being approved in principle, AUTHORISES the Town of Vincent Dogs Local Law 2007 to be amended, to incorporate the dedicated on-leash dog exercise area;”

Debate ensued.

The Presiding Member, Mayor Nick Catania stated that there has been one speaker for and one speaker against the amendment and he wished to put the amendment.

Cr Lake stated that she wished to speak against the amendment.

The Presiding Member stated that there were two speakers against the amendment and one speaker for it and as he had stated on previous occasions he intended to follow the process of speakers for and against. He stated she could ask a question if she wanted.

Cr Lake dissented with the ruling and stated she wished to speak.

The Presiding Member ruled that he would allow speakers for and against and reiterated that unless she wanted to ask a question, he intended to put the amendment.

PROCEDURAL MOTION

Moved Cr Lake, Seconded Cr Maier

That the ruling of the Presiding Member be disagreed with.

PROCEDURAL MOTION PUT AND LOST (4-5)

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

The Presiding Member, Mayor Nick Catania then put the amendment.

AMENDMENT NO. 1 PUT AND CARRIED (5-4)

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

AMENDMENT NO. 2

Moved Cr Doran-Wu, Seconded Cr Farrell

That clause (iii)(b) be amended by inserting the following additional reason:

“(b) Special Elector Meeting Decision:

“that the Town of Vincent Town Council support the electors, residents and ratepayers by preparing a Master Plan for Forrest Park to be completed and presented to council within the next twelve months, in consultation with the residents and Stakeholders including Perth Junior Soccer Club, the Croquet Club and Playgroup and in consultation with all residents living within a 2 kilometre radius of Forrest Park's perimeter, before any current allocated funds or any additional council funds are spent on any building works, other than on necessary maintenance”;

for the following reasons;

- 1. there are no funds allocated in the 2008/2009 Budget for a Master Plan;*
- 2. a 12-18 month delay whilst a Master Plan is being carried out will result in increased costs and an estimated cost escalation of \$250,000 - \$270,000 (calculated for Option 5C);*
- 3. it is considered that whilst a specific Master Plan for Forrest Park has not been undertaken to date, many of the "guiding principles" of such a plan have been utilised in the preparation of this report's recommendations;*
- 4. many of the items which will be reviewed as part of the Master Plan (e.g. parking, park usage, dog areas) will be, or have been, already considered; and*
- 5. The Town has a legal obligation to meet legislative requirements;”*

Debate ensued.

AMENDMENT NO. 2 PUT AND CARRIED (9-0)

AMENDMENT NO. 3

Moved Cr Burns, Seconded Cr Maier

That clauses (iv)(a) and (b) and (vii) be amended to read as follows:

*“(iv) **APPROVES IN PRINCIPLE;***

- (a) the refurbishment and building extension of the Forrest Park Pavilion, as shown in Plan No. SK21, Option 5C, Appendix 10.4.6(B), at an estimated cost of \$507,000 subject to:*

1. the proposed new on-site car park being located, along the Harold Street frontage, as shown in Plan No. 2542-CP-01K;”

- (b) ~~the extension of the existing~~ an on-site car park to allow for a 6030 bays (approximate) ~~on-site car park~~ within the leased area of the existing Clubroom, together with associated lighting and landscaping, as shown in Appendix 10.4.6(C1), Plan No. 2542-CP-01H K, at an estimated cost of \$125,000;”

“(vii) subject to (iii)(a), (b) and (c) being approved in principle, APPROVES of a variation to the lease jointly held by the WA Croquet Association, Forrest Park Croquet Club Inc and Perth Junior Soccer Club Inc for the Forrest Park Recreational Facility, Harold Street, Mount Lawley, to reflect the new lease area, as shown in Appendix 10.4.6-(D1)(D3), Plan No. 2542-CP-01J K and Appendix 10.4.6(D2) and AUTHORISES the Chief Executive Officer to negotiate the lease variation, to the satisfaction of the Town;”

Debate ensued.

(Cr Messina departed the Chamber at 8.26pm.)

Debate ensued.

(Cr Messina returned to the Chamber at 8.27pm.)

Debate ensued.

AMENDMENT NO. 3 PUT AND CARRIED (5-4)

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

Debate ensued.

AMENDMENT

Moved Cr Ker, Seconded Cr Youngman

That a new clause (xi) be inserted as follows;

“(xi) DEFERS clause (iv)(b) pending the development of the Car Parking Strategy, as specified in clause (iv)(f).”

The Presiding Member ruled that he believed this amendment to be contrary to Amendment No. 3 which was CARRIED and suggested if the words “the implementation of” were inserted after the word “DEFERS”, that he would accept the amendment.

The Mover, Cr Ker and Seconder, Cr Youngman agreed to the Presiding Member’s ruling.

The revised amendment now reads as follows:

AMENDMENT NO. 4

Moved Cr Ker, Seconded Cr Youngman

That a new clause (xi) be inserted as follows;

“(xi) DEFERS the implementation of clause (iv)(b) pending the development of the Car Parking Strategy, as specified in clause (iv)(f).”

Debate ensued.

AMENDMENT NO. 4 PUT AND CARRIED (9-0)

AMENDMENT NO. 5

Moved Cr Ker, Seconded Cr Maier

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

“(xi) APPROVES development of a Parks Management Strategy for Forrest Park, Jack Marks Reserve and Brigatti Gardens to be developed with involvement of local residents and other stakeholders.”

Debate ensued.

AMENDMENT NO. 5 PUT AND LOST (4-5)

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

AMENDMENT NO. 6

Moved Cr Ker, Seconded Cr Maier

That the implementation of clause (iv)(g) and (h) be DEFERRED pending the results of the consultation.

Debate ensued.

AMENDMENT NO. 6 PUT AND LOST (2-7)

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

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (7-2)

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

COUNCIL DECISION ITEM 10.4.6

That the Council;

- (i) *RECEIVES the Minutes of the Special Meeting of Electors held at 7.00pm on Monday 14 July 2008 relating to Forrest Park, as shown in Appendix 10.4.6(F) and NOTES that two Motions were passed at the Meeting;*
- (ii) *RECEIVES the Progress Report on the Forrest Park Pavilion Community Consultation, carried out in March-April 2008;*
- (iii) *DOES NOT SUPPORT;*
 - (a) *the proposed location of the Pavilion (Plan No. 2542-CP-01D) on Forrest Park (which was approved for community consultation at the Ordinary Meeting of Council held on 26 February 2008, as shown in Appendix 10.4.6(A)) for the following reasons;*
 - 1. *a loss of public open space will occur by encroaching into the Park;*
 - 2. *an alternative more suitable location has been found;*
 - 3. *the visual loss of amenity onto the park for adjacent residents will occur;*
 - 4. *little interaction with existing building;*
 - 5. *no cost advantage is gained by using this location; and*
 - 6. *consideration of objections received;*
 - (b) *Special Elector Meeting Decision:*
"that the Town of Vincent Town Council support the electors, residents and ratepayers by preparing a Master Plan for Forrest Park to be completed and presented to council within the next twelve months, in consultation with the residents and Stakeholders including Perth Junior Soccer Club, the Croquet Club and Playgroup and in consultation with all residents living within a 2 kilometre radius of Forrest Park's perimeter, before any current allocated funds or any additional council funds are spent on any building works, other than on necessary maintenance";

for the following reasons;

1. *there are no funds allocated in the 2008/2009 Budget for a Master Plan;*
2. *a 12-18 month delay whilst a Master Plan is being carried out will result in increased costs and an estimated cost escalation of \$250,000 - \$270,000 (calculated for Option 5C);*
3. *it is considered that whilst a specific Master Plan for Forrest Park has not been undertaken to date, many of the "guiding principles" of such a plan have been utilised in the preparation of this report's recommendations;*
4. *many of the items which will be reviewed as part of the Master Plan (e.g. parking, park usage, dog areas) will be, or have been, already considered; and*
5. *the Town has a legal obligation to meet legislative requirements.*

(c) *Special Elector Meeting Decision:*

"that the Council endorse and implement a Forrest Park Reserve Hire Policy in consultation with stakeholders, residents residing in surrounding streets, and all other park users, which guarantees fair access for all taking into consideration both structured and unstructured users needs, particularly during peak hours (being after 5pm week days and weekend day tie hours)";

for the following reasons;

1. *the Town already has a Policy No. 2.1.7 - "Parks and Reserves - Conditions of Use and Hire" - which is currently used by the Town's Administration for determination of Parks and Reserves' use and hire;*
2. *the use and hire of Parks and Reserves is an administrative matter and in accordance with Section 5.41(d) of the Local Government Act 1995, the Chief Executive Officer is responsible for this function "to manage the day-to-day operations of the local government";*
3. *the Council has delegated to the Chief Executive Officer the responsibility for use and hire of Parks and Reserves, as per Council Delegation No. 26 - approved at the Ordinary meeting of Council held on 14 July 2007; and*
4. *discussions with Perth Junior Soccer Club concerning the usage of Forrest Park has resulted in a reduction of future use by the Club, as outlined in the report;*

(d) *Special Elector Meeting Decision:*

"that our proposal (put forward by the Forrest Park Croquet Club), be accepted as a plan by Council, as part of the options for Forrest Park";

for the following reasons;

1. *the proposal is not contained within the existing greens, therefore incurring additional costs;*
2. *only seven (7) additional on-site car bays will be created;*
3. *the existing landscaped buffer will need to be removed;*
4. *the existing croquet green lighting would need to be relocated;*
5. *a new access way would need to be constructed and existing accessway removed, therefore incurring additional costs;*
6. *the new accessway will be located directly adjacent to residences, with the potential for adverse impact on adjoining residents (e.g. car lights, vehicle noise, vehicle movements);*
7. *no scope for additional landscaping on the site;*
8. *additional turf areas/reticulated areas would be required;*
9. *additional unnecessary costs incurred for apparent little gain;*
10. *the Town's Administration considers that the creation of a fourth green cannot be justified given the following:*
 - *relatively low membership numbers of the Croquet Club (about 50);*
 - *25% comprising Town residents (about 12 out of 50); and*
 - *the cost to construct a new access way, relocation of lighting, and services, reticulation, earthworks, turfing, etc; and*
11. *the estimated cost of a fourth court as advised by the Croquet Club to be in the region of \$120,000 - \$150,000, is not supported by the Town's Administration, as no funds have been allocated in the 2008/2009 Budget and cannot be justified;*

(iv) **APPROVES IN PRINCIPLE;**

- (a) *the refurbishment and building extension of the Forrest Park Pavilion, as shown in Plan No. SK21, Option 5C, Appendix 10.4.6(B), at an estimated cost of \$507,000 subject to;*
 1. *the proposed new on-site car park being located, along the Harold Street frontage, as shown in Plan No. 2542-CP-01K;*
- (b) *an on-site car park to allow for a 30 bays (approximate) within the leased area of the existing Clubroom, together with associated lighting and landscaping, as shown in Appendix 10.4.6(C), Plan No. 2542-CP-01K, at an estimated cost of \$125,000; [Note: this subclause is DEFERRED, pending development of the Car Parking Strategy, as specified in clause (iv)(f).]*
- (c) *the "in-kind" contribution from Perth Junior Soccer Club for the provision of labour, materials, fittings and fixtures for the construction of the clubroom/administration and new kiosk component (of approximately 60m²) of the proposed new building, for Option 5C, as shown in Appendix 10.4.6(B), estimated at approximately \$203,000;*

- (d) *subject to Option 5C and the "in-kind" contribution from Perth Junior Soccer Club being approved, for a lease over the proposed new clubroom to be provided and the Chief Executive Officer be authorised to negotiate this to the satisfaction of the Town;*

(e) *Special Elector Meeting Decision:*

"That

- (a) *any building or proposed construction recommended under the Forrest Park Master Plan addresses the changing and future needs of the community and is contained within that part of the south-east corner of Forrest Park where the pavilion and clubrooms currently exist and crosshatched on the plan below; and*
- (b) *the Council agree to preserve all currently existing grassed open space for future generations to enjoy in perpetuity;"*

for the following reasons;

- 1. Option 5C can be constructed on land within that part of the south eastern corner of Forrest Park (as requested by the Special Electors Meeting motion);*
- 2. Option 5C will not encroach onto any public open space;*
- 3. the proposed location is currently unused land and is not accessible to the general public;*
- 4. as the suggested Master Plan is not supported, no new buildings other than Option 5C are proposed; and*
- 5. the Titles for the land comprising Forrest Park contain a Crown Grant - which requires the land to be used in perpetuity for recreation purposes;*

(f) *Special Elector Meeting Decision:*

"That the Council prepare and implement a Forrest Park Parking Strategy, in consultation with residents of streets surrounding Forrest Park (i.e. Barlee, Clarence, Roy, Gerald, Smith, Curtis, Wright and Harold Streets), to ensure adequate parking for both residents and park users particularly during peak hours (being after 5pm weekdays and weekend day time hours);"

for the following reasons;

- 1. as parking has been identified as a major issue, the preparation of a Parking Strategy is considered beneficial to residents, Perth Junior Soccer Club, park users, TAFE students, business proprietors and other stakeholders;*
- 2. a Parking Strategy would determine the current usage and overall parking demand in and around the above streets, as there is a mix of different users, including but not limited to, residents, TAFE students, visitors, businesses, shoppers and users of Forrest Park;*

3. *the Parking Strategy would need to take into account that the majority of residents would not be entitled to a Residential Parking Permit to allow them to park in their street, if restrictions were to be introduced;*
 4. *the Parking Strategy can be carried out using "in-house" resources and Town employees; and*
 5. *this Parking Strategy can be considered in conjunction with the investigation to be carried out for Barlee, Clarence, Roy and Gerald Streets for possible inclusion into the Members Equity Stadium Residential Restrictions;*
- (g) *the creation of a dedicated dog exercise area on the western portion of Forrest Park for provision of a dog on-leash area at all times, (except when it is used for an approved function, event, sports training or other activities) comprising approximately 6,000m² together with two lights, dog tap, special purpose dog bins (3) and signage, as shown in Appendix 10.4.6(C) on Plan No. 2542-CP-011, at an estimated cost of \$19,000; and*
- (h) *the installation of an additional light on Jack Marks Reserve (dog exercise area), at an estimated cost of \$7,500;*
- (v) **SUPPORTS IN PART;**

(a) **Special Elector Meeting Decision:**

"that Town of Vincent Town Council support the electors, residents and ratepayers call for the preservation of public open space and ensure fair access for all by rejecting all proposals for any new buildings to be constructed on Forrest Park;"

for the following reasons;

1. *it is acknowledged by the majority of persons that the current building is old (constructed in 1953) and in need of upgrade and refurbishment;*
 2. *it is acknowledged that, as a minimum, two change rooms, a universal access toilet and upgrade of male and female toilets and the Highgate Playgroup area is necessary; and*
 3. *it is considered unreasonable to reject or delay all proposals for any new buildings on Forrest Park as the matter has been under consideration for several years and unavoidable cost escalation will occur; and*
- (b) **Special Elector Meeting Decision:**

"That

- (a) *the Council allocate a dedicated off-leash dog exercise area within Forrest Park to be available at all hours even when the reserve is hired by organised sporting groups; and*

- (b) *that the whole of Forrest Park remains an off-leash dog exercise area and available for both passive and active use to ensure fair access for all;*"

for the following reasons;

1. *a reconfiguration and relocation of the soccer pitches on Forrest Park can be carried out to accommodate all users to provide a designated dedicated dog on-leash and exercise area at all times (except when it is used for an approved function, event, sports, training or other activities) when an approved event is being held;*
 2. *Forrest Park is currently designated as an "off-leash" dog area (except when it is used for an approved function event, sports training or other activities);*
 3. *the current dog "off-leash" status for the remainder of the park, (except when it is used for an approved function, event, sports, training or other activities) is to remain unchanged. Outside of an approved function, event, sports, training or other activities being held, Forrest Park (except the leased area) will remain a dog "off-leash" area; and*
 4. *a dedicated dog off-leash area on Forrest Park at all times cannot be supported for the following reasons:*
 - A. *there is a potential for conflict between dogs and children and other park users;*
 - B. *there is no feasible method of providing a physical barrier on the park; and*
 - C. *the Council has a "duty of care" to minimise risk and hazards between dogs and children, otherwise it will be exposed to potential liability in the event of a dog caused injury.*
- (vi) *TAKES NO FURTHER ACTION concerning the future uses and/or disposal of the Highgate Child Health Clinic at 84 Harold Street, Highgate, due to the high costs associated with the relocation of this facility;*
- (vii) *subject to (iii)(a), (b) and (c) being approved in principle, APPROVES of a variation to the lease jointly held by the WA Croquet Association, Forrest Park Croquet Club Inc and Perth Junior Soccer Club Inc for the Forrest Park Recreational Facility, Harold Street, Mount Lawley, to reflect the new lease area, as shown in Appendix 10.4.6(D3), Plan No. 2542-CP-01K and AUTHORISES the Chief Executive Officer to negotiate the lease variation, to the satisfaction of the Town;*
- (viii) *subject to Clause (iv)(g) and (v)(b) above being approved in principle, AUTHORISES the Town of Vincent Dogs Local Law 2007 to be amended, to incorporate the dedicated dog exercise area;*
- (ix) *NOTES that;*
- (a) *the Town already has a Policy No. 2.1.7 - "Parks and Reserves - Conditions of Use and Hire" - which is currently used by the Town's Administration for determination of Parks and Reserves' use and hire;*

- (b) *the use and hire of Parks and Reserves is considered an administrative matter and in accordance with Section 5.41(d) of the Local Government Act 1995, the Chief Executive Officer is responsible for this function "to manage the day-to-day operations of the local government";*
- (c) *the Council has delegated to the Chief Executive Officer the responsibility for use and hire of Parks and Reserves, as per Council Delegation No. 26 - approved at the Ordinary meeting of Council held on 14 July 2007; and*
- (d) *discussions with Perth Junior Soccer Club concerning the usage and booking of Forrest Park has resulted in a reduction of future use by the Club, as outlined in the report; and*
- (x) (a) *APPROVES the advertising of Concept Plans No. SK21 and No. 2542-CP-01K for a period of twenty-one (21) days;*
 - (b) *CONSIDERS any submissions received as a result of the community consultation period; and*
- (xi) *DEFERS the implementation of clause (iv)(b) pending the development of the Car Parking Strategy, as specified in clause (iv)(f).*

ADDITIONAL INFORMATION – DOG EXERCISE AREA

At the Ordinary Council Meeting held on 23 November 2004 the Council considered a report in response to a petition “to allot an area of Forrest Park specifically for passive and dog exercise” and resolved as follows:

COUNCIL DECISION ITEM 10.1.17

That the Council;

- (i) *DOES NOT set aside a portion of Forrest Park to enable dogs to be exercised off-leash at all times, as requested by Petition; and*
- (ii) *erects a notice board in a prominent position on the wall of the Forrest Park changeroom block, so that the public can be notified of the dates and times of "Approved" events held on the reserve.*

At the time it was reported that;

1. *“a substantial number of dog owners, who previously met on Forrest Park each night, now use Jack Marks Reserve, a short distance away”.*
2. *The creation of a dedicated dog off-leash at all times is considered impracticable. There is also concern for potential liability to the Town, in the event that a dog injures a child.*

LEGAL:

In the event that the Council wishes to approve a dedicated dog off-leash area on Forrest Park, a rescission motion to rescind the decision of 23 November 2004 will be necessary (absolute majority decision required).

The omission of the above information was an administrative oversight. The Chief Executive Officer apologises to the Council for any inconvenience which may have been caused.

ADDITIONAL INFORMATION:

The Manager Parks Services has investigated the feasibility of relocating one or more of the existing croquet greens at Forrest Park and advises this can be accommodated without any long term interruption to play.

Earthworks would be required to cut the surrounding ground levels down to the existing level of the croquet club greens, then a suitable well drained soil mix would have to be compacted and laser levelled.

Some adjustments would also be required to the existing automatic reticulation system to accommodate any changes to the existing greens.

The croquet greens consist of varying turf varieties, however, they are predominantly couch, therefore a specific couch grass which is readily available would be laid (instant turf) across the levelled area.

Should any proposed works be undertaken through the active growing seasons (spring/summer) **the redeveloped area would be suitable for play within three to four months**, however, full establishment is likely to take up to 12 months.

PURPOSE OF REPORT:

To report to the Council the Minutes of the Special Meeting of Electors held on Monday 14 July 2008, report on the outcome of the community consultation on the Forrest Park Pavilion and approve of a parking strategy and concept options.

BACKGROUND:

The Council adopted the following previous decisions on this matter.

The Council at its Ordinary Meeting of 26 February 2008 Item 10.3.7 adopted the following decision;

That the Council;

- (i) *RECEIVES the progress report on the Forrest Park Pavilion;*
- (ii) *APPROVES in principle the proposed location of separate clubroom, changing room, showers and sanitary accommodation as shown on Plan (No 2542-CP-01D); and*
- (iii) (a) *APPROVES the advertising of Concept Plans for a period of 21 days; and*
(b) *considers any submissions received as a result of community consultation period.*

The Council at its Ordinary Meeting held on 25 September 2007, at Item 10.3.1, resolved (inter alia) that:

- (i) *the Council APPROVES IN PRINCIPLE;*
 - (a) *the Pavilion plan (SK02) for the proposed Forrest Park Pavilion;"*
- (ii) *Cr Farrell MOVES a motion to CHANGE the decision by;*

deleting;

"(a) the Pavilion plan (SK02) for the proposed Forrest Park Pavilion" and

inserting;

"(a) the Pavilion plan (SK02G), dated 14 September 2007, as attached to this report for the proposed Forrest Park Pavilion";

(iii) in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, three Elected Members, namely Mayor Catania, Cr Izzi Messina and Cr Steed Farrell, being one third of the number of Offices of Members of the Council, support this Motion; and

(iv) the Council resolves BY AN ABSOLUTE MAJORITY to change part of the decision as shown below;

deleting;

"(a) the Pavilion plan (SK02) for the proposed Forrest Park Pavilion"; and

inserting;

"(a) the Pavilion plan (SK02G), dated 14 September 2007, as attached to this report for the proposed Forrest Park Pavilion";

The Ordinary Meeting of Council 28 August 2007 Item 10.3.1 resolved that:

That the Council;

(i) APPROVES IN PRINCIPLE;

(a) the Pavilion plan (SK02) for the proposed Forrest Park Pavilion;

(b) the relocation of the Highgate Child Health Clinic from 84 Harold Street, Highgate, to the new facility;

(ii) AUTHORISES the Chief Executive Officer to;

(a) investigate the future uses of 84 Harold Street Highgate and/or disposal of the property;

(b) investigate the benefits of providing a lease to Perth Junior Soccer club and other sporting groups for part of the proposed facility; and

(c) negotiate the terms and conditions for the lease of part of the proposed facility for Forrest Park Playgroup; and

(iii) APPROVES;

(a) the advertising of the concept plans for a period of twenty one (21) days; and

(b) considers any submissions received as a result of the community consultation period.

Background information concerning Forrest Park Reserve is provided below.

Forrest Park layout and dimensions:

The overall size of Forrest Park is 51,859m². The amount of land currently utilised by the Croquet Club lease (the enclosed area including lawns, clubrooms and parking space) is 7,395m².

The amount of land currently available as public open space is 44,097m².

The current Forrest Park Pavilion is approximately 367m².

The size of the block on which the Child Health Centre is now located is 187m².

Ground Usage - Prior History

The Perth Junior Soccer Club has been using the Forrest Park since 1993, when they moved from Beatty Park Reserve.

In 1994, the Club purchased and installed floodlights on the Reserve, in consultation with the Town.

The Juniors initially operated a canteen from a caravan which was transported weekly to the venue on competition days as the facility at Forrest Park was totally inadequate from a security and health point of view. This arrangement continued for approximately two years whilst the kiosk was upgraded.

Change Room

Two areas in the existing facility were utilised specifically as change rooms for home and visiting teams. They were carefully managed and policed by the various committees that operated under the auspices of the Perth Junior Soccer Club for a number of years. In 2000, the Council allocated the change room at the southern end of the complex to a playgroup, thus restricting the Juniors to only one change room. The change rooms were used by all the junior players and an unsatisfactory situation was created.

There is no change room for girls to change in and only one team can use the change room at any one time.

The single change room does not comply with the minimum basic standards for a sports building. Since early 2002, the Club has requested another change room.

Club Membership

The Town has been advised that the Club comprises of approximately three hundred (300) junior members and the number of Perth Junior Soccer Club members who are residents of the Town of Vincent is approximately ninety-two (92).

Dates for the commencement and completion of the soccer season and details of the days and hours that the park is hired by Perth Junior Soccer Club for the previous financial year (i.e. 2007/08) are:

Summer Season - October to March inclusive:

Perth Junior Soccer Club has the reserve booked for training as follows;

Day	Current Times 2007-2008	Percentage of Park Used
Monday	-	-
Tuesday	5.00pm - 8.00pm	50%
Wednesday	5.00pm - 8.00pm	50%
Thursday	5.00pm - 8.00pm	50%
Friday	-	-
Saturday	-	-
Sunday	-	-

Winter Season - April to September inclusive:

For 2007-2008, the Perth Junior Soccer Club has the Reserve booked Monday to Friday from 5.00pm to 8.00pm, Saturday from 9.00am to 12.00pm, (but not used) and Sunday from 8.00am to 1.00pm, as follows;

Day	Number of Players	Age Group	Percentage of Park Used (2007-2008)
Monday 5-8pm	14 Players	1/Under 13	25%
	14 Players	1/Under 11	
	14 Players	1/Under 14	
Tuesday 5-8pm	28 Players	2/Under 11	75%
	42 Players	3/Under 12	
	26 Players	2/Under 13	
	28 Players	2/Under 14	
	30 Players	2/Under 15	
Wednesday 5-8pm	30 Players	3/Under 6	100%
	30 Players	3/Under 7	
	30 Players	3/Under 8	
	36 Players	3/Under 9	
	36 Players	3/Under 10	
Thursday 5-8pm	28 Players	2/Under 11	75%
	42 Players	3/Under 12	
	26 Players	2/Under 13	
	28 Players	2/Under 14	
	30 Players	2/Under 15	

Friday 5-8pm	36 Players	3/Under 10	50%
	28 Players	2/Under 11	
	12 Players	1/U9	
Saturday 9am-12 noon	15 to 25 Players	Different Ages	10%
Sunday 8am-1pm	Match		80%

Dates for the commencement and completion of the cricket season and details of the days and hours the park is hired by Tuart Hill Cricket Club are from October to March, with the Tuart Hill Cricket Club using cricket pitch No. 2, located on the Walcott Street side of the park, on Saturdays from 8.00am to 6.30pm. Perth College use cricket pitch No. 1, located on the Harold Street side of the park, on Saturdays from 8.00am to 12 noon.

Facility Usage

The Pavilion is used by the Highgate Playgroup all weekdays 9.30am - 11.30am and 2.30pm - 4.30pm and occasionally hired out for children's birthday parties at the weekend.

The Town has been advised that the Forrest Park Croquet Club has approximately fifty (50) members (of which approximately twelve (12) are Town residents) and that the Forrest Park clubrooms are regularly used.

The Croquet Lawns are used on Wednesday and the weekends and are available for use by members on weekdays after work.

The sporting clubs and ad hoc users currently hire the reserve and the change rooms as required.

The Perth Junior Soccer Club and Tuart Hill Cricket Club hire the reserve on a seasonal basis.

Lease/Hire Arrangements

Forrest Park Clubrooms (*Lease expires 19 December 2010*)

This is the building in front of the croquet greens - currently jointly leased by Forrest Park Croquet Club, the Western Australian Croquet Club and Perth Junior Soccer Club. (Refer Appendix 10.4.6(D1) - current lease area.)

The lease cost for the Forrest Park clubrooms is divided equally between the three lessees.

The annual lease payment is currently \$2,281 for each lessee.

The 28 bay car park adjoining the current pavilion and clubrooms forms part of the leased area for the Forrest Park Clubrooms, however the Playgroup also have a key. The car park is used every day by the playgroup and at the weekend and on Wednesdays by the Croquet Club. The Perth Junior Soccer Club has access in the evenings and weekends to access their training shed.

Proposed Revised Lease Area (*Refer Appendix 10.4.6(D2)*)

On Friday 11 July 2008, the Chief Executive Officer and Director Corporate Services met with the President and Treasurer of Forrest Park Croquet Club. They were briefed on the matter.

Forrest Park Croquet Club advised that they currently pay approximately \$25,000 per annum for ground maintenance.

If the Council approves of a variation of the current lease area, the new lease area should apply as follows;

- Joint lease of Forrest Park Club Room by Forrest Park Croquet Club and WA Croquet Association; and
- Lease over Croquet Greens 1, 2 and 3 only.

The new lease area will ensure that the internal car park, access driveway, gardeners' shed and lease area landscaping would then revert to the control and maintenance of the Town. The Town assuming responsibility of these areas better reflects the current circumstances and would reduce the Forrest Park Croquet Club's maintenance costs.

Proposed Lease to Perth Junior Soccer Club

If the Council approves of Option 5C and allows Perth Junior Soccer Club to contribute \$203,000 towards the construction of their club room and new kiosk/store room, it would be appropriate to provide them with a lease over this part of the proposed new building.

Perth Junior Soccer Club would then surrender their lease over the existing clubroom.

Forrest Park Pavilion - Highgate Playgroup (Monthly Tenancy. Lease expired 4 September 2006)

The Forrest Park/ Highgate Playgroup currently pay \$150 annually for their facility at the Forrest Park Pavilion.

The lease expired on 4 September 2006 and they are on a monthly tenancy basis.

Charges

The cost of hiring the Reserve and the use of the change rooms are in accordance with the Town's Fees and Charges. These are:

Base Fee per Season:

No Change rooms	-	\$55.00
With Change rooms	-	\$65.00
With Social Rooms	-	\$85.00

Juniors:

Training only	-	Nil
Match Play only	-	Nil
Lights	-	Nil
Maximum Junior	-	Nil

All junior activity is free in accordance with Council Policy 2.1.7 - Use and Hire of Recreational Reserves and Parks.

Seniors:

Training Only	-	Base x 50%
Match Play Only	-	Base x 50%
Lights	-	\$10 per player per season.

Requests for a Special Meeting of Electors

On 9 June 2008, a petition with 170 signatures (of which 138 are Electors) was received calling for a Special Meeting of Electors to discuss the following matters;

1. All matters relating to the Forrest Park Pavilion Proposal.
2. Request for a future local plan of the area.
3. Request for a Master Plan of the development of the area and surrounding areas and including Forrest Park.
4. 24 hour resident and visitor permanent street parking for all residents of Harold, Barlee, Clarence, Wright, Smith, Roy and Gerald Streets.
5. Lack of Public Open Space in locality, preservation of public access to public open space - Forrest Park. In accordance with the Vision 2024 for Mount Lawley/Highgate guiding principles.
6. Equity of Access to public open space - Forrest Park. In accordance with the Vision 2024 for Mount Lawley/Highgate park guiding principles.
7. Major conflict of interest - Forrest Park specified as an off-leash dog exercise area and it is being utilised as a major sporting activity park/venue for sporting clubs.
8. Allocated park area for dog walkers and general park users at all times of the day and week.
9. Sporting clubs use is to be restricted to three week nights per week and on one weekend day.

A Special Meeting of Electors was held on 14 July 2008 at 7.00pm at the Town's Administration and Civic Centre.

The meeting was attended by approximately 198 persons and 50 children. Approximately 117 were Electors.

The Minutes of the Special Meeting of Electors is attached at Appendix 10.4.6(F).

MOTION: Merrian Styles, 71 Harold Street Mount Lawley

That Town of Vincent Town Council SUPPORT the electors, residents and ratepayers call for the preservation of PUBLIC OPEN SPACE and ensure FAIR ACCESS FOR ALL by rejecting ALL proposals for any new buildings to be constructed on Forrest Park; AND

Comment:

This motion is supported in part. The Town supports the electors, residents and ratepayers for the preservation of public open space. It does not support them concerning rejecting all buildings, as this is considered unreasonable.

Reasons:

The reasons for the decision of the Council, in response to the decision made at the Electors' Meeting, are recorded in the Minutes in terms of Section 5.33(2) of the Local Government Act 1995, as follows;

- 1. it is acknowledged by the majority of persons that the current building is old (constructed in 1953) and in need of upgrade and refurbishment;**
- 2. it is acknowledged that, as a minimum, two change rooms, a universal access toilet and upgrade of male and female toilets to the Highgate Playgroup area are required to be built; and**
- 3. it is considered unreasonable to reject or delay all proposals for any new buildings on Forrest Park as the matter has been under consideration for several years.**

- (i) *THAT the Town of Vincent Town Council Support the electors, residents and ratepayers by preparing a MASTER PLAN for Forrest Park to be completed and presented to council within the next twelve months, in consultation with the residents and Stakeholders including Perth Junior Soccer Club, the Croquet Club and Playgroup AND in consultation with ALL residents living within a 2 kilometre radius of Forrest Park's perimeter, BEFORE any current allocated funds or any additional council funds are spent on any building works, other than on necessary maintenance; AND*

Comment:

Not supported.

As stated in the residents' literature, a Master Plan is aimed to address the following:

- Parking.
- Use flexibility for future User Groups.
- Preservation of Green Open Space
- Consideration of User Groups during peak times
- Clubrooms ("we have 2, we don't need 3").
- Suitable use of ratepayer monies will be considered.
- Input considered by all User Groups, not just one - twenty-one (21) days consultation.

The Town's Administration advises as follows;

Master planning principles include community access and participation, community engagement, multipurpose and shared usage, sustainability and quality facility provision.

The master planning process incorporates a systematic plan which includes needs analysis, concept design and feasibility analysis which includes assessing financial feasibility of the project. Community consultation and feedback is also a critical element of such a process prior to construction.

Based on the processes required to achieve a Master Plan, the following Town actions and milestones have been achieved, with respect to master planning principles, in developing the concept plan for Forrest Park:

Community Engagement/Needs Analysis

A process of consultation was engaged with the various known user groups of the facility in Forrest Park and the adjacent leased clubrooms.

Sustainability

The concept designs address key environmental and sustainability issues through site planning, traffic/parking impact, landscape planning, impact of noise/light pollution, urban design, energy efficiency and the effective use of resources (i.e. water, ratepayer's funds).

Community Access and Participation

The concept designs enhance the community's access to facilities and opportunity for increased participation in health and well-being activities including structured and unstructured leisure and recreation.

Multi-purpose/Shared Use

The designs present options for shared use of built facilities and public open space. The designs are tailored to be flexible spaces that are multi-purpose and cost effective to maintain. This includes various sporting and community groups sharing facilities, sportsgrounds, dog exercise area, walking/running track, playground, seating, community buildings, car parking and other spaces.

Quality Facility Provision

The concept options that have been presented have focussed on improving the quality of facilities and infrastructure provided to the community. The functionality of the facilities has been considered with the various design options offering flexibility to meet the needs of structured and unstructured activities for the reserve. The ongoing management and maintenance requirement for the facility has also been taken into account in the concept design.

Parking

A Master Plan is not required to address the issue of parking, as this will be done as part of the proposed Forrest Park Parking Strategy. (A Master Plan would only duplicate the work of the Parking Strategy.)

Flexibility for Future User Groups

This is controlled by the Council and monitored by the Town.

Preservation of Green Open Space

The Town supports the matter. No major changes are proposed. Option 5C is in keeping with the suggested location of the elector's motion. Therefore, little could be gained by carrying out a Master Plan.

Buildings

The matter of the building has been extensively investigated and a Master Plan would only duplicate the work already carried out.

Ratepayer Monies

A Master Plan would not primarily look at funding/monies. Notwithstanding, the Town's Administration are very cognisant of preserving funds and obtaining "best value for money" principles. This project will be no different.

Consultation

It is considered that a Master Plan could raise false expectations that major change will be carried out at Forest Park (e.g. major new building, facilities, programs, etc).

The Town does not have any long term plans for such a new facility or programs and it is considered unreasonable to raise community expectations.

The Town has previously followed its Community Consultation Policy with this matter and will continue to do so.

The Town's Administration is of the view that, whilst a specific Master Plan for Forrest Park has not been undertaken to date, many of the "guiding principles" of such a plan have been utilised in the preparation of the report's recommendations.

Master Plan Consultancy

It is estimated that to conduct a formal Master Plan study would cost in the region of \$45,000 - \$65,000 to engage the necessary qualified consultants. (The Town does not have the "in house" resources, capacity or staff to carry out a Master Plan.) Additional costs of advertising (say, \$3,000) and community workshops (say, \$3,000) would be required. It is anticipated that the preparation of a Master Plan would take up to twelve (12) months to complete and may duplicate much of the work and consultation that has already been undertaken. Another six months will be required for the Council decision process to consider the findings and recommendations of the Master Plan. Therefore, a delay of 18 months could be expected.

Indicative Costs:

Consulting Cost	\$45,000-65,000
Advertising	\$3,000
Community Engagement/Workshop Costs	\$3,000
Total	\$51,000-\$71,000
	=====

Cost Escalation for the Building: (Due to delay)

Option 5C: 1% per month = \$8,605 x 18 months = \$154,890

Master Plan Option - Temporary Facilities

Should the Council wish to agree to a Master Plan process, as an absolute minimum, it should purchase a demountable change room and locate it at Forrest Park, at an estimated cost of approximately \$45,000. This will ensure that the basic facilities will be available in the interim period of 12-18 months, whilst the Master plan is being carried out.

Total:
Master Plan + Option 5C Costs + Hire Costs **\$250,000 - \$270,000**

In view of the above, the Town does not support the preparation of a Master Plan for Forrest Park.

Reasons:

The reasons for the decision of the Council, in response to the decision made at the Electors' Meeting, are recorded in the Minutes in terms of Section 5.33(2) of the Local Government Act 1995, as follows;

1. there are no funds allocated in the 2008/2009 Budget for a Master Plan;
2. a 12-18 month delay whilst a Master Plan is being carried out will result in increased costs and an estimated cost escalation of \$250,000 - \$270,000 (Option 5C);
3. it is considered that, whilst a specific Master Plan for Forrest Park has not been undertaken to date, many of the "guiding principles" of such a plan have been utilised in the preparation of this report's recommendations; and
4. many of the items which will be reviewed as part of the Master Plan (e.g. parking, park usage, dog areas) will be, or have been, already considered.

(ii) *THAT;*

- (a) *any building or proposed construction recommended under the FORREST PARK MASTER PLAN addresses the changing and future needs of the community and is CONTAINED within that part of the south-east corner of Forrest Park where the pavilion and clubrooms currently exist and crosshatched on the plan below; and*
- (b) *the Council agree to preserve all currently existing grassed open space for future generations to enjoy in perpetuity; and*



Comment:

Supported.

- (a) There are no plans to encroach into the area of open space on Forrest Park. The Town's administration has prepared possible redevelopment options (Option 4, 4A, 4B, 4C, 5, 5B, 5C) that are confined within the hatched area as shown on the above plan. No loss of public open space would occur with this Option.
- (b) The Land Titles comprising Forrest Park, are endorsed as a Crown Grant - to be used in perpetuity for recreation purposes.

Reasons:

The reasons for the decision of the Council, in response to the decision made at the Electors' Meeting, are recorded in the Minutes in terms of Section 5.33(2) of the Local Government Act 1995, as follows;

- 1. Option 5C can be constructed on land within that part of the south eastern corner of Forrest Park (as requested by the Special Electors Meeting motion);**
- 2. Option 5C will not encroach onto any public open space;**
- 3. the proposed location is currently unused land and is not accessible to the general public;**
- 4. as the suggested Master Plan is not supported, no new buildings other than Option 5C are proposed; and**
- 5. the Titles for the land comprising Forrest Park contain a Crown Grant - which requires the land to be used in perpetuity for recreation purposes**

(iii) THAT the Council endorse and implement a FORREST PARK RESERVE HIRE POLICY in consultation with stakeholders, residents residing in surrounding streets, and ALL other park users, which guarantees FAIR ACCESS FOR ALL taking into consideration both structured and unstructured users needs, particularly during peak hours (being after 5pm week days and weekend day tie hours); AND

Comment:

Not supported. Principle of "fair access" is supported.

The Town has an existing Policy No. 2.1.7 - "Parks & Reserves – Conditions of Use and Hire" which covers all recreational areas within the Town and provides guidelines and procedures for the use of such areas.

The use and hire of Parks and Reserves is considered an administrative matter and in accordance with Section 5.41(d) of the Local Government Act 1995, the Chief Executive Officer is responsible for this function "to manage the day-to-day operations of the local government".

The Council has delegated to the Chief Executive Officer the responsibility for use and hire of Parks and Reserves, as per Council Delegation No. 26 - approved at the Ordinary meeting of Council held on 14 July 2007.

The over-use of Forrest Park by the Perth Junior Soccer Club has been previously identified by staff and several meetings with the club over the last few months have resulted in the club reviewing its current use of the reserve. This will provide more access for recreational walkers and other unstructured activities.

Recreational lighting has also been provided at the Reserve to extend the hours of use for unstructured activities and recreational walkers. This was requested by residents as part of the "Dogs Needs Study" undertaken by the Town in 2005. Additional lighting was also recommended by the "Parks and Reserves Study" undertaken in 2007.

As part of the "Parks and Reserves Study", the following additional initiatives have been incorporated in the bookings process;

- Seasonal changeover procedures to ensure that the condition of the reserve is protected.
- The adoption of the Reserves Classification listing as recommended by the report and allowing for the allocation of sporting uses on Major Active Reserves for weekdays between 4.00pm and 8.30pm and daylight hours during the weekends.
- All sporting clubs are requested to provide updated participation numbers within three weeks of the commencement of their respective season.
- All Reserves are assessed in conjunction with the sporting group to determine the maximum playing surfaces/playing numbers to allow for improved surface quality and reserve management.
- An annual on-site meeting is incorporated into the booking process and the "Draft Reserve Utilisation Checklist" is used as the template for all meetings.
- Officers update information contained within the "Draft Reserve Utilisation Checklist" on an annual basis to ensure its currency with requirements and standards.
- An end of season, an exit interview is conducted with seasonal users to address any issues that either the user or the Town has experienced during the season and determine actions to alleviate a reoccurrence of the issue.
- The Town to consider lighting for key Reserves on a permanent basis to 9.00pm to allow for after work activity on an unstructured basis. The advent of daylight saving during the summer months for the next two years will alleviate the need to turn the lights on from October to March, but lighting should be considered from April to October.

The Town is also currently developing a "Physical Activity Plan" which will be a strategic planning document to ensure that physical activity is a priority for the Town. It will link to the Town's Strategic Plan, listing actions targeting awareness raising and increasing participation in physical activity. The "Physical Activity Plan" will have objectives and actions over a five-year period and will prioritise current and new initiatives through a multi-faceted consultation process with measurable goals, appropriate resource allocation and timeframe for action.

The process of developing the "Physical Activity Plan" will provide opportunities for the Town to fully consult with a representative sample of the community and appropriately develop strategies to increase physical activity and improve community wellbeing.

Reasons:

The reasons for the decision of the Council, in response to the decision made at the Electors' Meeting, are recorded in the Minutes in terms of Section 5.33(2) of the Local Government Act 1995, as follows;

1. the Town already has a Policy No. 2.1.7 - "Parks and Reserves - Conditions of Use and Hire" - which is currently used by the Town's Administration for determination of Parks and Reserves' use and hire;
2. the use and hire of Parks and Reserves is an administrative matter and in accordance with Section 5.41(d) of the Local Government Act 1995, the Chief Executive Officer is responsible for this function "to manage the day-to-day operations of the local government";
3. the Council has delegated to the Chief Executive Officer the responsibility for use and hire of Parks and Reserves, as per Council Delegation No. 26 - approved at the Ordinary meeting of Council held on 14 July 2007; and
4. discussions with Perth Junior Soccer Club concerning the usage and booking of Forrest Park has resulted in a reduction of future use by the Club, as outlined in the report.

(iv) *THAT the Council prepare and implement a FORREST PARK PARKING STRATEGY, in consultation with residents of streets surrounding Forrest Park (i.e. Barlee, Clarence, Roy, Gerald, Smith, Curtis, Wright and Harold Streets), to ensure adequate parking for both residents and park users particularly during peak hours (being after 5pm weekdays and weekend day time hours); AND*

Comment:

Supported.

A Parking Strategy would be required to determine the current usage and overall parking demand in and around the above streets, as there is a mix of different users, including but not limited to, residents, TAFE students, visitors, businesses, shoppers and users of Forrest Park.

The Parking Strategy would also need to take into account that the majority of residents would not be entitled to a Residential Parking Permit to allow them to park in their street, if restrictions were to be introduced.

This Parking Strategy can be considered an extension of the investigation to be carried out for Barlee, Clarence, Roy and Gerald Streets for possible inclusion into the Members Equity Stadium Residential Restrictions.

Reasons:

The reasons for the decision of the Council, in response to the decision made at the Electors' Meeting, are recorded in the Minutes in terms of Section 5.33(2) of the Local Government Act 1995, as follows;

1. as parking has been identified as a major issue, the preparation of a Parking Strategy is considered beneficial to residents, Perth Junior Soccer Club, park users, TAFE students, business proprietors and other stakeholders;

2. a Parking Strategy would determine the current usage and overall parking demand in and around the above streets, as there is a mix of different users, including but not limited to, residents, TAFE students, visitors, businesses, shoppers and users of Forrest Park;
3. the Parking Strategy would need to take into account that the majority of residents would not be entitled to a Residential Parking Permit to allow them to park in their street, if restrictions were to be introduced;
4. the Parking Strategy can be carried out using "in-house" resources and Town employees; and
5. this Parking Strategy can be considered in conjunction with the investigation to be carried out for Barlee, Clarence, Roy and Gerald Streets for possible inclusion into the Members Equity Stadium Residential Restrictions.

(v) **THAT;**

- (a) *the Council allocate a dedicated off-leash dog exercise area within Forrest Park to be available at ALL hours even when the reserve is hired by organised sporting groups; and*
- (b) *that the WHOLE of Forrest Park REMAINS an off-leash dog exercise area and available for both passive and active use to ensure FAIR ACCESS FOR ALL.*

Comment:

- (a) Supported in part.

Forrest Park is currently designated as an "off-leash" dog area (except when it is used for a function, sports training or activities approved by the Council.).

The Town's Technical Services Section have drafted plans to reconfigure the use of Forrest Park to accommodate all users and attempt to provide a designated dog off-leash area (at all times). However, due to the location and size of the cricket pitches, it is not possible to find an area that would not conflict with cricket being played. Cricket is played every Saturday from 8am to 12 noon during the summer months of October to March.

Accordingly the Town is unable to support an off-leash area at all times, however it will support an increase in accessibility to a dog off-leash area of approximately 6,000m² on the southern portion of the reserve. This portion of the reserve will be restricted only during the hours when Cricket is being played on the reserve.

Any changes to existing Dog Exercise Areas are required to be amended in the Town of Vincent Local Law relating to Dogs and be gazetted accordingly.

- (b) Supported. The current dog "off-leash" status, except for when approved training or an event is being held, is to remain unchanged.

Outside of approved activities being held, Forrest Park (except the Leased area) will revert to a dog "off leash" area.

Reasons:

The reasons for the decision of the Council, in response to the decision made at the Electors' Meeting, are recorded in the Minutes in terms of Section 5.33(2) of the Local Government Act 1995, as follows;

1. a reconfiguration and relocation of the soccer pitches on Forrest Park can be carried out to accommodate all users and attempt to provide a designated dog off-leash area (at all times), however, due to the location and size of the cricket pitches, it is not possible to find an area that would not conflict with cricket being played. Cricket is played every Saturday from 8.00am to 12 noon during the months of October to March;
2. Forrest Park is currently designated as an "off-leash" dog area (except when it is used for a an approved function event, sports training or activities; and
3. the current dog "off-leash" status, except for when approved training or an event is being held, is to remain unchanged. Outside of approved activities being held, Forrest Park (except the leased area) will revert to a dog "off-leash" area.

MOTION: Damien Giudici, 3 Selden Street, North Perth

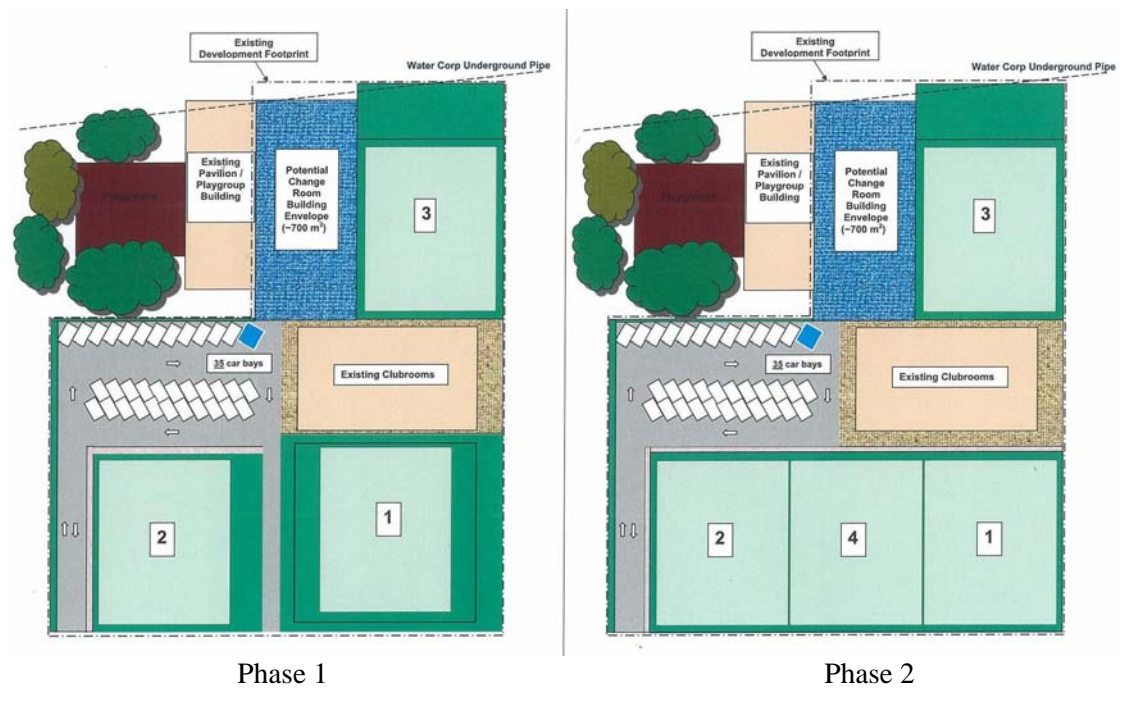
That our proposal (put forward by the Forrest Park Croquet Club), be accepted as a plan by Council, as part of the options for Forrest Park.

Comment:

The Forrest Park Croquet Club has put forward a 2 x phase proposal (refer Appendix 10.4.6(G) for full submission), as follows:

Phase 1:

Relocation of courts 2 and 3, expansion of the car park and erection of new change rooms (for soccer) and *Phase 2*, removal of the existing access to the car park, construction of new access in a new location and the construction of a new court (court 4). The above is proposed within the existing lease area.



The Forrest Park Croquet Club's *Phase 1* proposal is similar to the Town's Option 5C proposal, however the differences are discussed as follows:

Option 5C provides for the expansion of the existing car park by rationalising the two existing greens at the Harold Street end (within their existing footprints) and by modifying the existing green north of the Forrest Park Croquet Club rooms to accommodate the building extension.

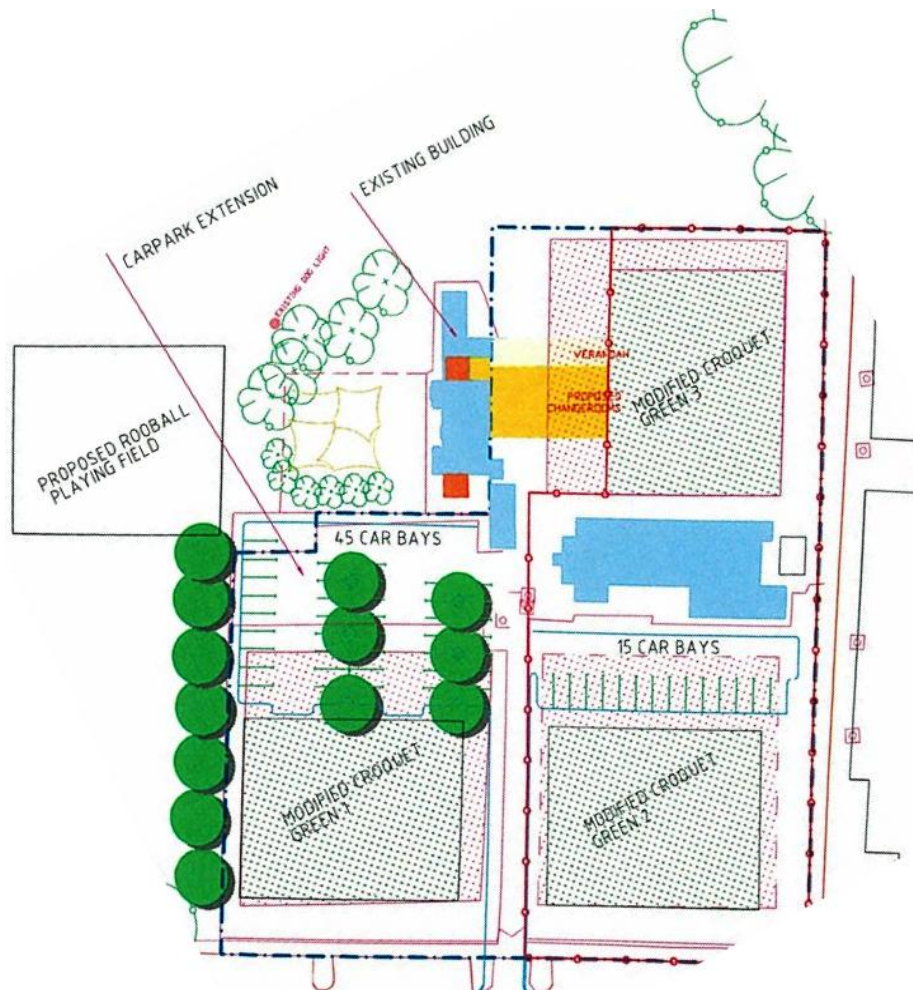
Phase 1 provides for the expansion of the existing car park by modifying the existing western green at the Harold Street end (outside of its existing footprint) by modifying the existing green north of the Forrest Park Croquet Club rooms to accommodate the building extension. It is also proposed that a new driveway be constructed on the western boundary of the leased area.

Phases 1 and 2 propose that a 35 bay car park be formed to the north of modified green No. 2 (an increase of only 7 bays).

Option 5C provides an expansion of the existing car park by modifying the existing greens at the Harold Street end (within their existing footprints) to create a 60 bay car park (an increase of 32 bays).

Phases 1 and 2 will result in the proposed green been constructed hard up against the Harold Street boundary resulting in the loss of the existing landscaped buffer (about 5.0m wide).

Option 5C retains the Greens within their existing foot print, resulting in the retention of the existing landscaped buffer.



HAROLD STREET

Town's Proposed Option 5C

Conclusion:

It is considered that the Town's proposed Option 5C is preferred over the Forrest Park Croquet Club proposal for the following reasons:

Option 5C:

1. Towns 'modified greens' proposal is contained within the existing greens (more cost efficient).
2. Creation of 32 additional off-street car bays.
3. Retention of landscaped buffer along Harold Street.
4. Scope to retain the lighting in its current location, thereby saving costs.
5. Retains the existing access way, thereby saving costs.
6. More scope for additional landscaping on the site, to improve the visual amenity.
7. No additional turf areas/reticulated areas are created, therefore conserving water.

Phases 1 and 2:

1. Proposal not contained within the existing greens (additional costs).
2. Creation of only 7 additional car bays.
3. Loss of landscaped buffer.
4. Lighting would need to be relocated.
5. New existing access way would need to be constructed (*possible adverse impact on adjoining residents by car lights and vehicle movement*).
6. No scope for additional landscaping on the site.
7. Additional turf areas/reticulated areas would be required.
8. Additional unnecessary costs incurred, for little gain.

The Town's Administration considers that the creation of a fourth green cannot be justified given the following:

- Relatively low membership numbers of the club (about 50).
- 25% comprising Town residents (about 12 out of 50).
- The cost to construct a new access way, relocation of lighting, reticulation, earthworks, etc.

Financial Implications

The Croquet Club have advised that they currently have approximately 50 members of which 25% are residents of the Town. The club is estimating that their membership will increase to approximately 150 within a three year period. (However, this is unsupported and is purely the view of the Club.)

The Club have put forward a proposal for a fourth court to enable it to accommodate Competition matches, such as intra-state and inter-state competition. It is considered that these events are not the responsibility of the Town - as they are state or national events.

The Club has proposed that Phase 2 be part funded by the Town, with a contribution per rate playing member the same as has been provided to the Perth Junior Soccer Club, which they have calculated to be \$2,747 per member. Phase 2 is expected to commence in 2011.

The estimated to cost of a fourth court has been advised as being in the region of \$120,000 - \$150,000. The Town's Administration does not support a fourth court, as there are no funds available and funds of such magnitude could be utilised for other projects, which have a higher priority and with a better return to the residents of the Town. In addition, the Town is unable to commit funds for future Councils.

Reasons:

The reasons for the decision of the Council, in response to the decision made at the Electors' Meeting, are recorded in the Minutes in terms of Section 5.33(2) of the Local Government Act 1995, as follows;

- 1. the proposal is not contained within the existing greens, therefore incurring additional costs;**
- 2. only seven (7) additional on-site car bays will be created;**
- 3. the existing landscaped buffer will need to be removed;**
- 4. the existing croquet green lighting would need to be relocated;**
- 5. a new access way would need to be constructed and existing accessway removed, therefore incurring increased additional costs;**
- 6. the new accessway will be located directly adjacent to residences, with the potential for adverse impact on adjoining residents (e.g. car lights, vehicle noise, vehicle movements);**
- 7. no scope for additional landscaping on the site;**
- 8. additional turf areas/reticulated areas would be required;**
- 9. additional unnecessary costs incurred for apparent little gain;**
- 10. the Town's Administration considers that the creation of a fourth green cannot be justified given the following:**
 - relatively low membership numbers of the Croquet Club (about 50);**
 - 25% comprising Town residents (about 12 out of 50); and**
 - the cost to construct a new access way, relocation of lighting and services, reticulation, earthworks, turfing, etc; and**
- 11. the estimated cost of a fourth court as advised by the Croquet Club to be in the region of \$120,000 - \$150,000, is not supported by the Town's Administration, as no funds have been allocated in the 2008/2009 Budget and cannot be justified.**

Information relating to the recent installation of the Fencing along Curtis Street

At the Ordinary Meeting of Council held on 10 June 2008, the Council approved of the fence to eliminate a serious safety concern about the potential of a child running onto the road and being killed or injured. The fence recently installed along the Curtis Street frontage of Forrest Park was as a result of numerous complaints of soccer balls rolling onto the adjacent street and children chasing the soccer balls having near missies with passing vehicles. The Council has a "Duty of Care" to act in cases of possible danger and hazards.

The decision to locate the fence on the current alignment was made by the Town's Officers based on the following criteria:

Safety and Liability

If the fence was installed along the eastern side of the dual use path and therefore, close to an area used for active sport (i.e. cricket, soccer), this could have serious potential liability implications should a person/s playing on the field come into contact with the fence. In addition, the existing dual use path does not have security lighting like a number of other paths within the Town and bicycles could easily collide with the fencing during the hours of darkness, should it have been installed in the limited space between the path and soccer pitch. Its current location is far enough away from the path to reduce this risk.

Operational/Maintenance

There are also operational matters to consider such as broad acre mowing and reticulation operation within the Reserve. If the fence was located on the eastern side of the path, additional mowing and whipper snipping would have been required along the fence line. This would have impacted on the Reserve's ground maintenance budget, with higher costs.

Aesthetics

The existing location of the fence is effective in that it provides the barrier for what it was intended, yet it is unobtrusive and blends into the existing tree line. A fence located on the eastern side of the Reserve would have been out in the open, a visual eyesore and would have spoiled the vistas across the Reserve.

Based on the above reasons, the Town's Officers are of the opinion that the safety fence is located in the most suitable position.

DETAILS:

Community Consultation

Following the Ordinary Council Meeting of 26 February 2008, the Town advertised the revised concept plan SK02G, showing the proposed siting of the new building, for a period of five (5) weeks.

The community consultation process followed exactly the same consultation delivery procedure as that of the previous consultation process.

The community consultation was extended to local residents in Harold Street and Curtis Street, with community consultation forms hand delivered to all properties on the south western (LH) side of Harold Street, from Lord Street to Curtis Street, and all properties in the north western (LH) side of Curtis Street, from Harold Street to Walcott Street.

The community consultation was also once again extended to the Precinct Group and all of the main stakeholders. The proposal was advertised in accordance with the Town's community consultation policy.

Formal positive responses were received from main stakeholders namely, Highgate Forrest Park Playgroup, Perth Soccer Club and Forrest Park Croquet Club.

As a result of the community consultation process the Town received responses from both residents and non-residents. Replies were received both written on the official community consultation form issued by the Town and responses written on an unofficial consultation form, which was issued by a local community group known as Friends of Forrest Park who altered the Town's original consultation form before re-distributing it to local residents and other interested parties.

Friends of Forrest Park made copies of the Town's community consultation form, altering the return address to that of two (2) residents' houses located in Harold Street. It is not known how many of the altered community consultation forms were distributed, however the circular included incorrect and misleading information, as follows;

- that the Chief Executive Officer was a member at the Perth Soccer Club and therefore had a conflict of interest in this matter. An apology was subsequently issued for this incorrect information;
- Forrest Park was to be re-zoned exclusively as a Soccer reserve; and
- New proposal (not circulated for public comment) to build a new clubhouse for the exclusive use of Perth Soccer Club.

Friends of Forrest Park subsequently held a community meeting and then submitted to the Town a bound submission containing 181 individual responses.

For the purpose of comparison, the following results of the community consultation have been kept separate.

The Community Consultation closed on the 14 April 2008, the outcomes are listed below.

Official community consultation forms returned directly to the Town with the following results:

Residents	
For	10
Against	10

Non-Residents	
For	61
Against	1

Unknown Respondent	
For	1
Against	-

Community consultation responses returned by Friends of Forrest Park produced the following results:

Residents	
For	3
Against	103

Non-Residents	
For	4
Against	70

Unknown Respondent	
For	-
Against	1

Summary of Community Consultation:

Residents	
For	13
Against	113

Non-Residents	
For	65
Against	71

Unknown Respondent	
For	1
Against	1

Officers' Comment:

Overall the results of the community consultation indicate that the majority of those that responded are not in favour of the proposed location.

The majority of the responses returned by the Friends of Forrest Park were against the proposed location.

However, there is concern that due to flyers that were initially circulated with incorrect information, the result of the consultation may have been compromised and flawed.

There were a number of key issues raised as a result of the Community Consultation. These were as follows:

- Location of the proposed building
- Inadequate/poor condition of existing building
- Vehicle parking and traffic
- Access and usage of the park - request for dogs and other users
- Masterplan for Forrest Park
- Traffic in streets around Forrest Park Reserve

Proposed Location of the New Clubrooms and Changing Rooms

Special Meeting of Electors Request No. 1 – “All matters relating to the Forrest Park Pavilion Proposal”.

At the Ordinary Meeting of Council held on 26 February 2008, the Council Approved in Principle of this concept plan, for public consultation.

A number of the concerns were raised over the proposed location of the new building, as shown on Site Plan No. 2542-CP-01D, with concerns raised that this would adversely affect the visual amenity of the Reserve at the expense of other locations at the reserve, which were perceived by some to be more suited to a new building.

As a consequence the Town has further considered the submissions received from the community consultation process and has discussed with the Project Architect other possible suitable locations.

The Town’s Architects have prepared provisional site plans and preliminary drawings showing the location of five (5) sites at the reserve. Three are considered as potentially

suitable alternatives on which the new building could be constructed, are listed below. The Town's Officers have listed the advantages and disadvantages of each option listed.

(i) Option 1 - Indicative Cost - \$1,227,000

Option 1 is shown on Drawing Nos. SK10 and 11 (*refer Special Meeting of Electors' Minutes - PowerPoint Presentation - Slide Nos. 26 and 27*) and is shown constructed predominantly within the existing internal car park and playground.

Advantages:

- Little loss of amenity for adjoining residents
- Close to illuminated active sports area
- Architecturally desirable visual amenity and layout (Architects comment)

Disadvantages:

- Minor encroachment onto water corporation main drain however (subject to Water Corporation approval)
- Additional cost in footings (piling may be required in vicinity of main drain)
- Loss of existing parking bays
- Additional cost to construct new parking and access with fewer car bays
- Minor encroachment onto reserve area
- Substantial encroachment into playground area
- Removal of a number of large shade trees
- Little interaction with existing buildings
- Additional cost to provide services

(ii) Option 2 - Indicative Cost - \$1,225,000

Option 2 is shown on Drawing Nos. SK12 and 13 (*refer Special Meeting of Electors' Minutes - PowerPoint Presentation - Slide Nos. 28 and 29*) and is shown constructed within the existing land currently occupied by the Perth Junior Soccer Club, Forrest Park Croquet Club/WA Croquet Club. In order to adopt this option, it would be necessary for the Town to slightly relocate croquet lawn no. 3.

Advantages:

- No encroachment onto Forrest Park, by the building area
- No trees to be removed
- No loss of amenity for adjoining residents
- No loss of parking
- Interaction and good tie in with existing buildings and services
- Linked paving making access functional

Disadvantages:

- Additional cost to relocate croquet green
- Minor inconvenience to Club room lessees whilst the new Green is being constructed
- Not supported by Forrest Park Croquet Club.

(iii) Option 3 - Indicative Cost - \$1,227,600

Option 3 is shown on Plan No. 2542-CP-0E (SK15) (*refer Special Meeting of Electors' Minutes - PowerPoint Presentation - Slide Nos. 30 and 31*) and is shown constructed to land in the eastern area of the park in front of the TAFE site.

Advantages:

- No encroachment onto water corporation services
- No loss of amenity for adjoining residents
- No loss of parking
- Interaction with active sports area

Disadvantages:

- Encroachment onto reserve area
- Little interaction with existing buildings
- Most expensive option
- Additional cost to link building to car park, etc
- Additional cost in provision of services

(iv) Option 4A - Indicative Cost \$507,000

Option 4A is shown on Drawing No. SK18 (*refer Special Meeting of Electors' Minutes - PowerPoint Presentation - Slide Nos. 32 and 33*). This is considered a minimalist approach. A modest extension to the existing building would be carried out to include two new change rooms, a universal access toilet and referee room. The female toilet would be upgraded. The Playgroup area would be upgraded, together with new toilets. The extension is approximately 100-120m².

Advantages:

- No encroachment onto Forrest Park, by the building area
- No trees to be removed
- No loss of amenity for adjoining residents
- No loss of parking
- Interaction and good tie in with existing buildings and services
- Linked paving making access functional
- Most cost efficient Option
- Does not encroach into Public Open Space (POS)
- Located on a site indicated by the Electors meeting
- Meets basic needs of user groups.

Disadvantages:

- Does not provide any additional off-street car bays
- Does not have any club room facilities
- Does not improve the aesthetics or functionality of the existing Pavilion
- Does not improve the kiosk.

(v) Option 4B - Indicative Cost \$709,000

Option 4B is shown on Plan No. 2542-CP-0F (*refer Special Meeting of Electors' Minutes - PowerPoint Presentation - Slide No. 34*). This Option is the same as Option No. 4A, however allows for approximately 80 car parking bays on existing Croquet Green No. 1.

Advantages:

- No encroachment onto Forrest Park, by the building area
- No trees to be removed
- No loss of amenity for adjoining residents

- No loss of parking
- Interaction and good tie in with existing buildings and services
- Linked paving making access functional
- Provides an additional 55 off-street car bays.

Disadvantages:

- Will require relocation of Croquet Green No. 1
- Will encroach into the Forrest Park Public Open Space
- Will cause disruption to the Croquet Club and players.

(vi) Option 4C - Indicative Cost \$614,000

Option 4C is shown on Plan No. 2542-CP-0IG (*refer Special Meeting of Electors' Minutes - PowerPoint Presentation - Slide No. 35*). This Option is the same as Option No. 4A, however, allows for up to 60 off-street car bays.

Advantages:

- No encroachment onto Forrest Park, by the building area
- No trees to be removed
- No loss of amenity for adjacent residents
- No loss of parking
- Interaction and good tie in with existing buildings and services
- Linked paving making access functional
- Does not take up any Croquet Greens
- Does not encroach into Forrest Park POS.

Disadvantages:

- Will limit the number of Croquet Greens to three (3).
- Not supported by the Forrest Park Croquet Club.

This is the third (3rd) Preferred Option.

(vii) Option 5A - Indicative Cost \$710,000 - (Building \$507,000 plus \$203,000 for internal contribution) - (refer Special Meeting of Electors' Minutes - PowerPoint Presentation - Slide Nos. 36 and 37)

Option 5B - Indicative Cost \$857,000 - (refer Special Meeting of Electors' Minutes - PowerPoint Presentation - Slide Nos. 38)

Option 5C - Indicative Cost \$807,000 - (\$507,000 + \$203,000 ("in-kind" contribution) plus \$97,500 for lighting and landscaping - Refer Appendix 10.4.6(B)

Options 5A, B and C are shown on Drawing Nos. SK21. These Options are the same as Options 4A, 4B and 4C, except that they include a clubroom, new kiosk and store component of approximately 60m². A new verandah would be built to improve aesthetics, security and functionality and provide protection from the sun and rain.

Option 5B:

Advantages:

- Is located in the area, as per motion passed at the Special Meeting of Electors held on 14 July 2008
- No trees to be removed
- No loss of amenity for adjoining residents
- No loss of off-street parking and increases the number of bays to 80 approximately
- Interaction and good tie in with existing buildings and services

- Linked paving making access functional
- Provides all the facilities requested by Perth Junior Soccer Club
- Allows for PJSC to build or pay for the club room, new kiosk and store component (approximately \$203,000).

Disadvantages:

- Will require a new green to be constructed on the Forrest Park public open space.
- Will limit the number of Croquet Greens to three (3).
- Not supported by the Forrest Park Croquet Club.

Option 5C:

This Option is the same as Option 5B, except for the internal car park arrangements.

Advantages:

- No encroachment onto Forrest Park, by the building area
- Is located in the area, as per motion passed at the Special Meeting of Electors held on 14 July 2008
- No trees to be removed
- No loss of amenity for adjoining residents
- No loss of off-street parking and increases the number of bays to 60 approximately
- Interaction and good tie in with existing buildings and services
- Linked paving making access functional
- Provides all the facilities requested by Perth Junior Soccer Club
- Allows for PJSC to build or pay for the club room, new kiosk and store component (approximately \$203,000)
- Slightly less cost than Option 5B.

Disadvantages:

- Will limit the number of Croquet Greens to three (3).
- Not supported by the Forrest Park Croquet Club.

Option 5C is the Town's preferred Option, subject to Perth Junior Soccer Club confirming its contribution of "in-kind" or construction of the club room component, new kiosk and store.

Option 5B is the Town's second (2nd) preference.

(viii) Option 6 - Indicative Cost \$3 million

Option 6 envisages the demolition of both current buildings and construction of a multi-purpose facility on the current Club room site. This Option has not been investigated further and is not supported, due to the indicative cost of \$3 million.

Indicative Costs

The following indicative costs have been used in this report:

1. Construction costs of approximately \$2,200/m².
2. Cost escalation is approximately 1% per month.
3. No public art work funds have been included.
4. No loose furniture/equipment has been included.
5. 80 car bays have been costed at \$100,000.
6. 60 car bays have been costed at \$85,000.
7. Lighting for the 80 car bays costed at \$37,000.
8. Lighting for the 60 car bays costed at \$12,000.

Officers' Comment:

The Town's Officers recommend Option 5C as being the most appropriate location for the reasons given above.

Inadequate/Poor Condition of Existing Building and Facilities

Special Meeting of Electors Request No. 1 – “All matters relating to the Forrest Park Pavilion Proposal”.

There were varying comments about the existing building. Some comments suggested that a new building was not necessary. Some queried the size of the proposed new pavilion. Many comments stated that the existing building facilities are in very poor condition and are inadequate. There is only one change room - this does not even meet the needs of male juniors. There are no change rooms for female juniors.

The existing building is old and in need of improvement. On Friday 25 April 2008, the plasterboard ceiling of the Playgroup storeroom collapsed without warning. Fortunately, no one was there on the day and no injury was caused. The ceiling was replaced in late May 2003. The toilets are old and in poor condition.

Officers' Comment:

The current building was constructed in 1953 and is approximately 55 years old.

It is acknowledged and accepted that the building needs to be improved and upgraded. The proposed pavilion is designed to meet the minimum standards for a sports facility on a reserve.

Master Plan and Preservation of Existing Open Space at the Reserve

Special Meeting of Electors Request No. 2 – “Request for a future plan of the area”.

Special Meeting of Electors Request No. 3 – “Request for a Master Plan of the development of the area and surrounding areas and including Forrest Park”.

Concerns were raised by individual respondents and by Friends of Forrest Park that no new building should be permitted to be constructed on the remaining open land currently existing at the reserve.

Respondents expressed concern that the existing open space would be further reduced by the new building, adversely affecting the community availability of open land in an area of high population density.

It has also been suggested by respondents that any new buildings at the Reserve should be located on the existing lease land currently occupied by the Croquet Club and the Forrest Park Pavilion and associated facilities. It has further been proposed that no new facilities should be considered until an in depth feasibility study has been undertaken in the form of a Masterplan that would consider the needs all stakeholders and take into account future plans for the redevelopment of the surrounding area.

Officers' Comment:

It is considered that a Masterplan is not required, as it is only the refurbishment and extension of the current building. The Town is not aware of any proposal for the Mount Lawley TAFE at the corner of Lord and Harold Streets to be "*vacated and turned into high density living*".

The subject TAFE site is reserved "Metropolitan Region Scheme Reserve - Public Purpose - Technical School" under both the Metropolitan Region Scheme Reserve (MRS) and the Town's Town Planning Scheme No. 1 (TPS 1). If the site is to be developed for residential purposes, it is the Town's understanding that both the MRS and TPS 1 would need to be rezoned and the MRS zoning is likely to take at least 2-3 years.

This project should not be delayed any further to await the outcome of any TAFE proposal, which may take years to finalise.

Traffic and Car Parking

Special Meeting of Electors Request No. 4 – "24 hour resident and visitor permanent street parking for all residents of Harold, Barlee, Clarence, Wright, Smith, Roy and Gerald Streets".

Traffic

The Council has not undertaken a traffic impact study, because the Town is only improving an existing facility and therefore there is not expected to be an increase in numbers due to the upgraded change rooms.

The last vehicle counts undertaken (in 2007) in these streets showed the following results:

Curtis Street: 3,155 vehicles per day (Barlee - Clarence)

Harold Street: 1,804 vehicles per day (Smith - Wright).

Parking

The number of parking spaces available to users of Forrest Park include:

Clarence Street - 3 bays (opposite health clinic)

Harold Street (between Curtis and Lord Streets) - 91 bays

Current parking restrictions in the streets around the Forrest Park Reserve are as follows:

Barlee Street:

Beaufort to Roy: 1P 8.00am to 6.30pm Mon to Fri & 8am to 12 noon Saturday

Roy to Curtis St: 1P 8.00am to 6.30pm Mon to Fri & 8am to 12 noon Saturday

Roy Street:

Barlee to Walcott: 1P 8.00am to 6.30pm Mon to Fri & 8am to 12 noon Saturday

Gerald Street:

Barlee to Walcott: 2P 8.00am to 6.30pm Mon to Fri & 8am to 12 noon Saturday

Curtis Street:

No Stopping at all times.

Street	Total No of Properties	Properties Not Eligible for Permits	Properties Eligible for 1 Permit	Properties with no On-site Parking
Roy Street	15	7	5	3
Gerald Street	8	7	-	1
Barlee Street	24	15	5	4
Clarence Street	41	20	14	6
Harold Street (Beaufort to Curtis)	24	13	6	5
Harold Street (Curtis to Lord)	22	11	6	5
Smith Street (Harold to Broome)	21	17	3	0
Wright Street (Harold to Broome)	17	16	1	0

A number of comments suggested the implementation of "Resident Only" restrictions. This is not supported for the following reasons:

1. A large number of residents have off-street parking and therefore would not be eligible for a resident permit, as shown in Appendix 10.4.6(E), Plan No. 2580-PP.
2. The restriction would reduce the number of on-street bays and cause major and unreasonable imposition on users of Forrest Park and other surrounding streets.

Vehicle Parking and Road Safety Complaints

The community consultation returns included a total of 15 complaints relating to vehicle parking and road safety issues that have allegedly occurred in Harold Street during the past twelve (12) months, nine (9) of which were reported by residents living at three (3) of the properties located along Harold Street. The remaining six (6) related complaints did not identify the names or addresses of the complainants.

The major issues raised relating to vehicle parking and road safety concerns included the following:

- (i) Concerns raised by residents that street parking for residents is perceived to be inadequate.
- (ii) Vehicles allegedly belonging to soccer participants are parked in contravention of the Town's parking restrictions and parking signage.
- (iii) Vehicles allegedly belonging to soccer participants are double parked on verges and footpaths causing obstruction and potential danger to the public.
- (iv) Damage has allegedly been caused to residents' vehicles when parked in the location of the angled bay parking provided by the Town, with a total of four (4) road traffic incidents reported by one (1) local resident (unverified).
- (v) Concerns raised that the additional enhanced facilities proposed within the new building would generate greater usage and increase the number of vehicles attending Forrest Park Reserve, thus causing further traffic congestion in the area.

Officers' Comment:

The Town and Rangers carry out regular patrols (both weekday and weekends) and will continue to maintain a presence at the Reserve on training nights and match days to ensure compliance with the relevant parking restrictions and parking laws.

Line marking of resident driveways was carried out in May 2008 in Roy, Barlee, Gerald, Clarence and Harold Streets. Since the patrols commenced in May, very little parking contravention has been observed. The same has occurred on the Sunday.

The Council has also recently adopted a resolution to commission an overall parking strategy for the Town, which was reported in June 2008. Beaufort Street and the surrounding roads are key areas in this regard.

At the Ordinary Meeting of Council held on 8 July 2008, the Council resolved to investigate including the Barlee, Clarence, Roy and Gerald Streets into the Members Equity Stadium Residential Parking Permit area. This is currently being progressed.

Lack of Public Open Space in Locality

Special Meeting of Electors Request No. 5 – “Lack of Public Open Space in locality, preservation of public access to public open space – Forrest Park. In accordance with the Vision 2024 for Mount Lawley/Highgate guiding principles”.

Officers' Comment:

This matter was not raised at the Special Meeting of Electors held on 14 July 2008.

Equity of Access to Public Open Space

Special Meeting of Electors Request No. 6 – “Equity of Access to public open space – Forrest Park. In accordance with Vision 2024 for Mount Lawley/Highgate guiding principles”.

Officers' Comment:

Winter usage – April to September (total hours is 168 per week)

Perth Junior Soccer Club currently uses Forrest Park for 20 hours per week, which is **12%** of the total time. It is acknowledged that the current use on Wednesday evening is 100% and this restricts access by other users. Usage by the Club on Wednesday evenings has been reduced to 50%. This will ensure that non Perth Junior Soccer Club users will have access to Forrest Park. The number of hours has been reduced from 20 hours (12%) per week to 17 hours per week.

Summer usage – October to March (total hours is 168 per week)

Perth Junior Soccer Club currently uses Forrest Park for 9 hours per week (Tuesday, Wednesday and Thursday), which is **5.35%** of the total time. Future usage has been reduced from three nights per week to two, for a maximum of four hours.

Cricket Club

Cricket is played on Forrest Park on Saturday and Sunday afternoons from 8.30am to 5.00pm (a total of 17 hours per week), which is **10.11%**. There is no proposal to alter this arrangement, as any change would severely impact on cricket fixtures, which would render Forrest Park not being suitable for cricket fixtures.

Request for a Dedicated Dog Exercise Area

Special Meeting of Electors Request No. 7 – “Major conflict of interest – Forrest Park specified as an off-leash dog exercise area and it is being utilised as a major sporting activity park/venue for sporting clubs”.

Special Meeting of Electors Request No. 8 – “Allocated park area for dog walkers and general park users at all times of the day and week”.

A number of requests referred to conflict between sports and dog owners and the need for a dedicated dog exercise area.

Officers' Comment:

Forrest Park is a gazetted dog exercise area, "At all times except, where the public place is used for a function, sports training or activities approved by the local government."

It appears that the main conflict occurs in the winter months where the number of daylight hours is reduced and the park usage is at its greatest.

The creation of a permanent dog exercise area can be achieved by relocating one of the small pitches used for "Roo Ball". This is only used on Sundays. Minimal cost for linemarking only is required.

An area of approximately 6,000m² (same size as the dog exercise area at Les Lilleyman Reserve) can be provided at the western end of the park.

The area would be available at all times, except on Saturday from 8.00am to 12 noon for the months of October - March inclusive.

Two lights, "dog" tap, dog bins and signage could be provided, at an estimated cost of \$19,000.

The Perth Junior Soccer Club is support of this new proposal. The proposed area does not apply during a cricket game and therefore, has minimal effect on the cricket users. Furthermore, an area of approximately 3,500m² would be available as a dedicated dog exercise area during the October-March period, Saturday and Sunday afternoon cricket games.

Jack Marks Reserve

Jack Marks Reserve located on the corner of Broome and Wright Streets is approximately 5,800m². It is a dog exercise area at all times. It is located approximately 150 metres from Forrest Park and is an ideal "dog park". It currently has one (1) x 70 watt light. It is recommended that one (1) extra light be installed, at an estimated cost of \$7,500, to further improve the suitability of this park for dog owners.

Ground Usage

Special Meeting of Electors Request No. 9 – “Sporting clubs use is to be restricted to three nights per week and on one weekend day”.

The ground is used by the Perth Junior Soccer Club every day of the week during the winter, Monday to Friday from 5.00pm to 8.00pm for training, Saturday 9.00am to 12.00pm (booked but not used until 2008) for a and Sunday 8.00am to 1.00pm for matches.

Respondents to the consultation complained that this was an over use of the reserve and severely restricted residents use of the reserve for passive recreation.

Officers' Comment:

The restriction of Sporting Club use to three nights per week and on one weekend day is not supported for the reasons detailed below;

Use of the Reserve is at the maximum level of use deemed appropriate for a park, but this is to accommodate the significant number of juniors playing for this club.

The Town has tried to use a Formula- Sports Field Loading calculator - as previously used by the City of Cockburn.

A calculator is set up for any sport (in terms of total person hours per week) for example - Aussie Rules / Soccer at 200 person hours per week.

The City of Cockburn discontinued the Formula Calculations about 5 years ago and this is no longer used as a guide, as there are too many variables. They now follow the general local government industry "norm" of winter use being restricted to simply a maximum of 22 hours per week for winter sport.

The surface at Forrest Park is very heavy, unlike the sandy bases that the majority of sports fields have within the Town. Therefore the turf ("kikuyu"), or any turf for that matter, does not recover in this heavy clay/loam soil when under constant pressure from training/playing using spikes. Because the grass does not recover, the parramatta weed has also become more evident, but it is acknowledged this assists in holding the surface together.

Taking all the above into account, that is the soil type and the intensity/ use in terms of numbers (i.e. 20 hours per week) , it is recommended that approx 18 hours per week in the winter is considered more sustainable. The surface of Forrest Park when compared to other local governments, is considered to be in the "satisfactory - good" range.

The Town has negotiated with the Perth Junior Soccer Club to reduce hours as follows;

Winter usage – from 20 hours to 17 hours per week spread over five days;

Summer usage – from 9 hours to 4 hours per week spread over two days,

Refer to table below.

Day	Number of Players	Age Group	Percentage of Park Used (2007-2008)	Percentage of Park Used (Proposed)	Current Hours 5pm-8pm	Proposed Hours
Monday	14 Players	1/U13	25%	50	3 hours 5-8pm	2 hours 6pm-8pm
	14 Players	1/U11				
	14 Players	1/U14				
Tuesday	28 Players	2/U11	75%	75	3 hours 5-8pm	2.5 hours 5.30pm-8pm
	42 Players	3/U12				
	26 Players	2/U13				
	28 Players	2/U14				
	30 Players	2/U15				

Wednesday	30 Players	3/U6	100%	50*	3 hours 5-8pm	2.5 hours 5.30pm-8pm
	30 Players	3/U7				
	30 Players	3/U8				
	36 Players	3/U9				
	36 Players	3/U10				
Thursday	28 Players	2/U11	75%	75	3 hours 5-8pm	2.5 hours 5.30pm-8pm
	42 Players	3/U12				
	26 Players	2/U13				
	28 Players	2/U14				
	30 Players	2/U15				
Friday	36 Players	3/U10	50%	75	3 hours 5-8pm	2.5 hours 5.30pm-8pm
	28 Players	2/U11				
	12 Players	1/U9				
Saturday	15 to 25 Players	Different Ages	10%	10	Nil	Upon request 9am-12 noon
Sunday	Match		80%	80	8am-1pm	8am-1pm
TOTAL					20 hours	17 hours

(* Transfer Wednesday 25% each to Monday and Friday)

Summer Season:

Day	Current Times 2007-2008	Proposed Times	Percentage of Park Used	No. of Children
Monday	-	-	-	-
Tuesday	5.00pm - 8.00pm	6.00pm - 8.00pm	50%	50-60
Wednesday	5.00pm - 8.00pm	-	50%	50-60
Thursday	5.00pm - 8.00pm	6.00pm - 8.00pm	50%	50-60
Friday	-	-	-	-
Saturday	-	-	-	-
Sunday	-	-	-	-
TOTAL	9 hours	4 hours		

Use of Alternative Venues

A number of residents wanted to know if the soccer club could be relocated to another venue, rather than upgrade the current facilities.

The venues below were suggested as alternative venues.

Members Equity Stadium

Junior Soccer requires a number of pitches to accommodate junior games and therefore Members Equity stadium is not appropriate as it has one pitch which has been constructed to accommodate professional soccer games in the A league. In addition the cost of the use of the stadium for junior events is beyond the means of most clubs.

Britannia Reserve

Britannia Reserve is fully committed with other users, namely rugby union, soccer and rugby league, cricket and a dog exercise area.

Dorrien Gardens

The Perth Soccer Club ground has one pitch for playing and space at the back of the grandstand used for training, this facility is utilised by the adult /senior teams of the Perth Soccer Club. There is insufficient room to accommodate juniors.

Birdwood Square

Birdwood Square is hired out to two soccer clubs, which use it on Saturday and Sunday. Unfortunately, the grounds are not in peak condition, and funds are required to make them attractive to most sporting clubs. Funds have been allocated to the 2008/2009 Budget to improve the condition of this reserve. They are the only clubs that use Birdwood Square on a regular basis.

Charles Veryard Reserve

This Reserve is used by hockey in the winter and cricket in the summer. It is utilised and could not accommodate Perth Junior Soccer Club.

Officers' Comment:

The Town does not have any other suitable venues to accommodate training for the Perth Junior Soccer Club.

INDICATIVE TIMELINE

The following Indicative Timeline reveals that the project can be completed in time for the 2009 Junior Soccer Season, which commences in April 2009.

ITEM	DATE
Report Special Meeting of Electors Minutes to Council	22 July 2008
Further Community consultation (21 days)	26 July - 15 August 2008
Consideration of Submissions	15 August - 20 August 2008
Council to consider Submissions*	26 August 2008
Preparation of Architect Plans/Drawings	26 August - 22 September 2008
Advertising of Tender (14 days)	24 September - 8 October 2008
Tender Closes	8 October 2008
Assessment of Tender	8 October - 10 October 2008
Council Decision to approve Tender	14 October 2008
Builder Mobilisation	20-27 October 2008
Building Construction (5 months)	1 November 2008 - 31 March 2009

* *Decision to proceed / not proceed*

CONSULTATION/ADVERTISING:

Community Consultation on the proposed Pavilion location was carried out in March-April 2008.

The Special Meeting of Electors was advertised in The Perth Voice on 28 June 2008. Notices were placed on the public notice boards and on the Town's website, in accordance with the Town of Vincent Community Consultation Policy.

LEGAL/POLICY:

Local Government Act 1995

The Local Government Act Section 5.33 requires; *"all decisions made at an Electors Meeting to be considered at the next Ordinary Council Meeting. Also, if at a meeting of the Council, a Local Government makes a decision in response to a decision made at an Electors Meeting, the reasons are to be recorded in the Minutes."*

Policy 4.1.5 - *"Community Consultation"* and Policy 2.1.7 - *"Parks and Reserve - Conditions of Use and Hire"*.

Section 5.41 of the Local Government Act 1995 prescribes the duties of a Chief Executive Officer.

The Council's Delegated Authority No. 26, states as follows:

No.	Directorate/ Section	Description of Council Function Delegated to the CEO from Council	CEO Delegates to:	Conditions
26.	Parks Services	Authority to; <ol style="list-style-type: none"> 1. waive or vary hall and/or reserve hire fees for charitable organisations or others persons; 2. approve or refuse applications for hire of recreation centres , facilities, halls and buildings to the public and determine appropriate conditions; 3. determine the rights of lessees to sell goods to patrons attending sporting functions at venues owned or leased by the Town to various clubs and organisations 	Director Technical Services (DTS) / Manager Parks Services (MPS) / Manager Ranger & Community Safety Services (MR&CSS)	<ul style="list-style-type: none"> • Authority to be in accordance with Council Policy 1.1.2.

Discrimination Legislation

Both Federal and State agencies dealing with discrimination have been consulted with regard to the issue of only having one change room for male Club members and players at Forrest Park. The advice received confirms that a complaint can be made against the Town and the Club, as joint respondents on the grounds that facilities are not equally made available for female members and players of the Club.

The State Equal Opportunities Commission (WA) has been consulted on this matter. They have informed the Town that the Equal Opportunity Act 1984 - Section 20 (Goods, Services and Facilities) and Section 22 (Clubs) may apply to this matter.

The Human Rights and Equal Opportunity Commission (HREOC) has been consulted. They have informed the Town that the female members may have grounds to complain, based on Sections 22 and 25 of the Federal Legislation (Sex Discrimination Act 1984).

A complaint could be lodged with either the State or Commonwealth agencies and if this was to occur, it would need to be investigated. The matter of a complaint should therefore be avoided, as it could prove costly both in terms of employee resources and/or legal costs.

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Plan for the Future Strategic Plan 2006 – 2011;

"3.1 – Community Development

3.1.2 Deliver a range of leisure programs to encourage structured and unstructured recreation in the community".

FINANCIAL/BUDGET IMPLICATIONS:

The Annual Budget 2007/08 has an amount of \$255,000 allocated for the completion of this project.

Item	Cost
Building Option 5C	710,000
Less Perth Junior Soccer Club Contribution	-(203,000)
Nett Cost	<u>507,000</u>
Additional Car Park (60 bays)	85,000
Lighting	12,000
Landscaping	28,000
<u>Dog Exercise Area</u>	
Lights	15,000
Dog Bins	500
Signage	1,500
Dog Tap	1,000
Park Furniture (Seats)	1,000
Extra Light on Jack Marks Reserve	<u>7,500</u>
Contingency	<u>10,000</u>
Total	<u>\$668,500</u>

In the event that the Council approves of the Officer Recommendation, there will be a shortfall of \$413,500.

The Town's Administration will investigate a source of funds for the Council's consideration.

There are no funds contained in the 2008/09 Budget to;

- (a) carry out a Master Plan of Forrest Park or a Local Plan of the area (estimated cost \$45,000 - \$65,000); and
- (b) hire temporary change rooms (estimated cost \$45,000).

Any approval of additional funds or a re-allocation of funds within the Budget will require an absolute majority of the Council.

Perth Junior Soccer Club have advised the Town that they are prepared to provide "in-kind" contribution (\$203,000) for the provision of labour, materials, fittings and fixtures for the construction of the clubroom/administration and new kiosk component (of approximately 60m²) of the proposed new building. This will substantially reduce the Town's cost.

COMMENTS:

The Forrest Park matter has resulted in considerable interest from the local community, who have outlined their concerns, resulting in a Special Meeting of Electors. Similarly, considerable concern has been expressed by the Perth Junior Soccer Club (and a number of residents) who feel that the local residents are adopting an "unreasonable" approach to turn Forrest Park into a passive park, to the exclusion of junior soccer players.

The Town's Administration have spent a considerable amount of time investigating the various issues raised and meeting with the various stakeholders. The recommendations contained in this report are made in an attempt to best meet the needs of all stakeholders. As the matter has been under consideration for several years, a decision of the Council is important in order to progress the matter, for the betterment of the whole Vincent community. Accordingly, Council approval of the Officer Recommendation is requested.

At 9.15pm, the Presiding Member, Mayor Nick Catania called a five minute adjournment.

At 9.24 pm, the Presiding Member, Mayor Nick Catania resumed the meeting with the following persons present,

Mayor Nick Catania, JP	Presiding Member
Cr Anka Burns	South Ward
Cr Helen Doran-Wu	North Ward
Cr Steed Farrell (Deputy Mayor)	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Noel Youngman	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)

1 Member of the Public.

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

Ward:	North	Date:	14 July 2008
Precinct:	North Perth; P08	File Ref:	PRO4216; 5.2007.459.1
Attachments:	001 002		
Reporting Officer(s):	D Pirone		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

FURTHER OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Rechichi Architects on behalf of the owner Finetune Holdings Pty Ltd for proposed Two Storey Single House, at No. 1 (Lot: 11 D/P: 54728) Hilda Street, Coolbinia, and as shown on plans stamp-dated 9 July 2008, for the following reasons:

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

Moved Cr Youngman, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND LOST (0-9)

Reasons:

- 1. The development is sympathetic to the lot.**
- 2. Design criteria is acceptable.**
- 3. Adequate set back from the main street.**
- 4. Provides passive surveillance.**

COUNCIL DECISION ITEM 10.1.1

ALTERNATIVE RECOMMENDATION

Moved Cr Youngman, Seconded Cr Maier

That the Alternative Recommendation be adopted.

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and Metropolitan Region Scheme, the Council APPROVES the application submitted by Rechichi Architects on behalf of the owner Finetune Holdings Pty Ltd for proposed Two Storey Single House, at No. 1 (Lot: 11 D/P: 54728) Hilda Street, Coolbinia, and as shown on plans stamp-dated 9 July 2008, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) any new street/front wall, fence and gate within the Hilda Street setback area, including along the side boundaries within this street setback area, shall comply with the following:*
 - (a) the maximum height being 1.8 metres above the adjacent footpath level;*
 - (b) the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
 - (c) the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
 - (d) the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
 - (e) the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
 - (f) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (iii) first obtaining the consent of the owners of Nos. 421 and 423 Walcott 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. 421 and 423 Walcott Street in a good and clean condition;*
- (iv) no street verge tree(s) shall be removed unless written approval has been received from Town's Parks Services. Should such an approval be granted, all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*

- (v) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the building being setback a minimum of 3 metres from the Hilda Street boundary in order for the front car bay directly adjacent to the Hilda Street frontage to comply with AS-2890.1. The revised plans shall not result in any greater variation to the requirements of the Town's Policies and the Residential Design Codes; and*
- (vi) *the proposed swimming pool is subject to a separate Swimming Pool Licence being applied to and obtained from the Town.*

MOTION PUT AND CARRIED (9-0)

FURTHER REPORT:

The Council considered the matter at its Ordinary Meeting held on 8 July 2008 and resolved as follows:

"That the item be DEFERRED for further consideration."

In light of the decision made by the Council at its Ordinary Meeting held on 8 July 2008, the applicant has submitted a further submission as outlined below:

"The main concern in the report was open space which was addressed by these amendments. Essentially we have deleted the roof from the garage and made into a carport.

With regards to the open space please find attached our calculation sheet which differs from yours.

We have added the roof space behind Bed 2 to the open space calculation as it adds to the open space from a performance criteria point of view but not necessarily from compliance criteria due to the fact that it is inaccessible from the bedroom. If it were accessible it would be deemed detrimental to the neighbour's amenity. In that regard we believe the open space is compliant overall.

Further there was an alternative recommendation proposed by council despite the amended plans being considered which indicated their willingness to reconsider the officer's recommendation. In that regards we believe the officers ought to take that into account and review their recommendation for this new report."

FURTHER COMMENT:

The applicant has submitted revised plans dated 9 July 2008 in an attempt to reflect the deletion of the rear garage. This involves reducing the wall of the garage on the South-East elevation to a standard dividing fence height of 1.8 metres as well as completely removing the proposed roller door from the original plans dated 11 March 2008 as attached at Appendix 10.1.1, which was stated in the Agenda Report to the Ordinary Meeting of Council held on 8 July 2008. This has now resulted in an open style car bay that is mostly covered with the upper floor and because it is covered, the open car bay is still considered as a garage which is not included in the open space calculation. Whilst the proposed open space of the development has technically remained unchanged, the deletion of the garage as outlined above, has contributed to reducing the bulk and scale of the development.

The proposal is still not supportable, as the applicant has and had the opportunity to comply with the open space requirements by reducing the floor area of the house.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 8 July 2008.

“OFFICER RECOMMENDATION:

That;

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

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

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

COUNCIL DECISION ITEM 10.1.5

Moved Cr Burns, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Ker, Seconded Cr Burns

That the item be DEFERRED for further consideration.

PROCEDURAL MOTION PUT AND CARRIED (7-1)

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

(Mayor Catania was apology for the meeting.)

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

BACKGROUND:

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

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

DETAILS:

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

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

ASSESSMENT:

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Density:</i>	<i>One dwelling at R60</i>	<i>One dwelling.</i>	<i>Noted – no variation.</i>
<i>Plot Ratio:</i>	<i>N/A</i>	<i>N/A</i>	<i>Noted – no variation.</i>
<i>Building Setbacks:</i>			
<i>Ground Floor</i>			
<i>North-East</i>	<i>1.1 metres</i>	<i>Nil</i>	<i>Supported – as not considered to have an undue impact on the neighbouring property.</i>
<i>South-East</i>	<i>1.5 metres</i>	<i>Nil</i>	<i>Supported – as not considered to have an undue impact on the neighbouring property.</i>
<i>Upper Floor</i>			
<i>North-West (Hilda Street)</i>	<i>6 metres</i>	<i>2.8 metres</i>	<i>Supported – see "Comments".</i>
<i>North-East Bedroom 2 and Balcony</i>	<i>3 metres</i>	<i>Nil – 1 metre</i>	<i>Supported – as not considered to have an undue impact on the neighbouring property.</i>
<i>South-East</i>	<i>1.7 metres</i>	<i>1 metre – 1.5 metres</i>	<i>Supported – as not considered to have an undue impact on the neighbouring property.</i>

<i>Buildings Boundary:</i>	<i>on Walls not higher than 3.5 metres with average of 3 metres for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary.</i>	<i>Two boundary walls proposed. North-East Wall Height = 6.12 metres Wall Length: 2/3 = 8.13 metres Proposed = 5.7 metres South-East Wall Height = 3.115 – 3.467 metres (average = 3.291 metres) Wall Length: 2/3 = 8.75 metres Proposed = 12.5 metres.</i>	<i>Supported – as not considered to have an undue impact on the neighbouring property and no objections were received from the effected land owner.</i>
<i>Open Space:</i>	<i>45 per cent or 72 square metres of the total site area.</i>	<i>38 per cent or 60.8 square metres of the total site area.</i>	<i>Not supported – does not comply with the Town’s Policy relating to Non-Variation of Specific Development Standards and Requirements.</i>

Consultation Submissions

<i>Support (1)</i>	<i>No comments provided.</i>	<i>Noted.</i>
<i>Objection (1)</i>	<ul style="list-style-type: none"> • <i>Building setbacks.</i> • <i>Open space.</i> • <i>The two-storey house is not in keeping with the character of the area.</i> 	<ul style="list-style-type: none"> • <i>Not supported – as the proposed building setbacks are not considered to have an undue impact on the amenity of the area and surrounding properties.</i> • <i>Supported – as the proposed open space variation is considered to have an undue impact on the amenity of future residents and for the area and is inconsistent with the Town’s Policy relating to Non-Variation of Specific Development Standards and Requirements.</i> • <i>Not supported – as at the time the application was submitted to the Town, the Town’s Policy relating to Residential Design Elements had not been adopted by the Council.</i>

Other Implications

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

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

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

COMMENTS:

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

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

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

10.4.2 Strategic Plan 2006-2011 – Progress Report for the Period 1 April 2008 – 30 June 2008

Ward:	Both	Date:	14 July 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 April 2008 – 30 June 2008 as shown in Appendix 10.4.2.

COUNCIL DECISION ITEM 10.4.2

Moved Cr Farrell, Seconded Cr Youngman

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (9-0)

Council requested that the following comments be corrected to read as follows:

1. Page 8, item 1.1.6(j) “Investigations currently being carried out on the Leederville Early Childcare Centre.”; and
2. Page 17, item 3.1.5(a), delete “Completed” and insert “Part Completed – Marketing Plan yet to be carried out.”

PURPOSE OF REPORT:

The purpose of this report is to provide a quarterly update on the Strategic Plan for the period 1 April 2008 – 30 June 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.

10.1.7 Planning Bulletin 90 Relating to Planning Requirements for the Prostitution Amendment Act 2008

Ward:	Both Wards	Date:	14 July 2008
Precinct:	All Precincts	File Ref:	ENS0060
Attachments:	001		
Reporting Officer(s):	H Smith, S Teymant		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Planning Bulletin 90 relating to Planning Requirements for the Prostitution Amendment Act 2008 as attached at Appendix No. 10.1.7;*
- (ii) *NOTES that the Town's Mayor, Director Development Services and Manager Planning Building and Heritage Services participated in the State Government appointed Working Group, in relation to the proposed prostitution reform for Western Australia; and*
- (iii) *ADVISES the Western Australian Planning Commission (WAPC), the Western Australian Local Government Association (WALGA) and the Department of Health of the Town's comments and concerns as outlined in this report and in particular requests that:*
 - (a) *the Department of Health, in conjunction with Worksafe and Sex Worker Industry Leaders develop a training and accreditation programme for all sex workers, so as to provide suitable knowledge about sexually transmissible disease contraction, ongoing health care and treatment, hygiene, etcetera;*
 - (b) *the smaller owner-operated premises be included under the 'Certification Requirement'; ~~and~~*
 - (c) *the Department for Planning and Infrastructure publish further clarification with respect to how 'sexual service businesses' can or cannot be incorporated into town planning schemes which by virtue promote mixed use development in all zones; and*
- (iv) *REQUESTS the Chief Executive Officer to develop a Planning Policy to address small owner-operated sexual services businesses.*

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

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Cr Farrell departed the Chamber at 9.28pm.

Debate ensued.

Cr Farrell returned to the Chamber at 9.30pm.

Debate ensued.

AMENDMENT

Moved Cr Ker, Seconded Cr Messina

That clause (iii)(b) be deleted.

Debate ensued.

AMENDMENT PUT AND CARRIED (6-3)

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

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 10.1.7

That the Council;

- (i) ***RECEIVES the Planning Bulletin 90 relating to Planning Requirements for the Prostitution Amendment Act 2008 as attached at Appendix No. 10.1.7;***
- (ii) ***NOTES that the Town's Mayor, Director Development Services and Manager Planning Building and Heritage Services participated in the State Government appointed Working Group, in relation to the proposed prostitution reform for Western Australia;***
- (iii) ***ADVISES the Western Australian Planning Commission (WAPC), the Western Australian Local Government Association (WALGA) and the Department of Health of the Town's comments and concerns as outlined in this report and in particular requests that:***
 - (a) ***the Department of Health, in conjunction with Worksafe and Sex Worker Industry Leaders develop a training and accreditation programme for all sex workers, so as to provide suitable knowledge about sexually transmissible disease contraction, ongoing health care and treatment, hygiene, etcetera; and***
 - (b) ***the Department for Planning and Infrastructure publish further clarification with respect to how 'sexual service businesses' can or cannot be incorporated into town planning schemes which by virtue promote mixed use development in all zones; and***
- (iv) ***REQUESTS the Chief Executive Officer to develop a Planning Policy to address small owner-operated sexual services businesses.***

PURPOSE OF REPORT:

The purpose of this report is to update the Council with respect to the recently published *Planning Bulletin 90 relating to Planning Requirements for the Prostitution Amendment Act 2008*.

BACKGROUND:

At the Ordinary Meeting of the Council held on 24 October 2006, the Council considered a report on Proposed Prostitution Law Reform, and resolved as follows:

“That the Council;

- (i) RECEIVES the report relating to the Proposed Prostitution Law Reform in Western Australia;*
- (ii) ADVISES the:*
 - (a) Parliamentary Secretary to Attorney General and Minister for Health and the Western Australian Local Government Association (WALGA) that the Town SUPPORTS IN PRINCIPLE the proposal for reform of the prostitution legislation, as outlined in the Attorney General’s media release dated 12 September 2006; and*
 - (b) The Minister for Health and WALGA that young girls, indigenous girls in particular, are being driven to dark and unsafe places in the Town by the “Youth in Northbridge” Policy and it is recommended that the Working Group review the Policy and its processes so that young people are not being put in danger;*
- (iii) SEEKS assurance that legislation will not be introduced into the Parliament until there has been effective consultation with local government and the community, having regard to:*
 - (a) the adequacy of information on which comment is sought;*
 - (b) the length of time allowed for comments to be made; and*
 - (c) the time of year at which consultation is undertaken;*
- (iv) RECOMMENDS to:*
 - (a) the Parliamentary Secretary to Attorney General and Minister for Health and the Western Australian Local Government Association (WALGA) that the Town believes that the issue of Street Prostitution needs to be reviewed and addressed, as a matter of urgency; and*
 - (b) the Attorney General, the Minister for Health and WALGA that the Town believes that the “Move on Notices” should be revised to ensure that street workers can access health and related support services;*
- (v) AUTHORISES the Town's Mayor, Chief Executive Officer and Senior Officers to participate in consultation sessions and working group meetings through the State Government appointed Working Group, the Parliamentary Secretary to Attorney General and Minister for Health, WALGA, the Department of Health, and the Department for Planning and Infrastructure/Western Australian Planning Commission where appropriate to assist in bringing this matter to fruition;*

- (vi) *REQUESTS the Western Australian Local Government Association (WALGA) to include representation from the Town on any WALGA local government working/reference group addressing this matter; and*
- (vii) *REQUESTS the Attorney General and Parliamentary Working Group to provide Progress Reports on this matter to the Town."*

15 April 2008 The Prostitution Amendment Act 2008 was assented to by Parliament.

DETAILS:

The Western Australian Planning Commission (WAPC) Planning Bulletin 90 Relating to Planning Requirements for the Prostitution Amendment Act 2008 was received by the Town on 19 June 2008 as attached at Appendix No. 10.1.7 to this report.

The purpose of the Bulletin advises on the planning implications arising from enactment of the Prostitution Amendment Act 2008. The Act was assented to by Parliament on 15 April 2008 and is expected to come into effect by proclamation later in 2008.

The Bulletin outlines the following:

"Under the Act, operators and managers of sexual service businesses will be required to obtain certificates from the Chief Executive Officer (CEO) of the Department of Racing, Gaming and Liquor. An individual sex worker or a small owner-operator business consisting of not more than two sex workers where each has control of his/her earnings are not required to obtain certification. Special arrangements will apply to enable well-managed sexual service businesses, which existed on 12 September 2006, to continue to operate from their existing premises. This will be considered to be a permitted use subject to approval of the CEO, Department of Racing, Gaming and Liquor following consultation with the relevant local government and police. Planning approval will otherwise be required for the use of premises for sexual service businesses. This bulletin sets out a draft policy for consideration and comment by local government and other stakeholders. Following consideration and comments, it is intended that the WAPC will finalise its policy position coinciding with proclamation of the legislation so that there is a smooth transition to the new model.

It should be noted that even without the 2008 change to this legislation, conducting of a sexual service business from residential premises by those providing the services is not unlawful but does require planning approval as an additional use or a home occupation.

Planning implications

Local government schemes will regulate the use and development of land for sexual service businesses and planning approval will be required for sexual service businesses. It is recognised that it will take time for local planning schemes to be amended to introduce controls over this type of business. As an interim measure, local governments are required to consider proposals for sexual service businesses having regard to whether the business is likely to cause a nuisance or is incompatible with the local character (section 21Y) as well as other relevant planning considerations.

Specifically, section 21Y provides that:

- (1) *If a development application within the meaning given in the Planning and Development Act 2005 section 4(1) is made to a responsible authority for the development of land for the purpose of a sexual service business, the authority must –*
 - (a) *consider the application as if that purpose is a use that is not permitted unless the responsible authority has exercised its discretion by granting planning approval; and*

- (b) *in exercising its discretion, also have regard to whether the business –*
- (i) *is likely to cause a nuisance to ordinary members of the public using the area in which the land is situated; and*
 - (ii) *is incompatible with the existing character or use of the area in which the land is situated.*
- (2) *Subsection (1) does not limit or affect the operation of the Planning and Development Act 2005 in any way, and the subsection may be overridden by a provision of a planning scheme or interim development order.*

Section 21X provides for the continuation of existing and well managed places already being used for the purpose of a sexual service business as a permitted use subject to the approval of the CEO, Department of Racing, Gaming and Liquor following consultation with the relevant local government and police.

Draft planning policy for sexual service businesses A ***'sexual service business'*** is defined as: ***'Sexual service business'*** means premises used for the business of providing, or arranging, the provision of a commercial sexual act. ***Sexual service businesses, other than those existing businesses covered under section 21X of the Act:***

- *in respect of those businesses required to be certified under the Act, will be a prohibited use in residential or similar zones including mixed use zones with residential uses. Where such businesses are not required to be certified, the responsible authority will determine the application;*
- *will be a permitted use in light, service or general industrial zones;*
- *will be a discretionary use in other zones and should be advertised for public comment prior to the determination of the application. Local government should have regard to the following considerations in assessing planning applications for sexual service businesses:*
- *proximity to sensitive uses such as residential buildings, places of worship, educational establishments, community purpose buildings, child care or family day care facility, streets with high levels of pedestrian traffic - particularly major community thoroughfares;*
- *adequacy of parking for staff and clients;*
- *adequacy of access and egress to and from the premises;*
- *appropriate hours of operation compatible with the locality;*
- *the provision of a waiting room or reception facilities to remove the need for clients to wait outside the premises;*
- *the nature of signage proposed;*
- *the degree to which the premises are well lit or lighting is provided to give security to staff and clients;*
- *proximity to compatible uses, for example, with similar hours of operation, or noise or traffic impacts; and*
- *privacy in relation to other uses overlooking the premises.*

4 Advertising

The advertising of a commercial sex act is prohibited under section 10A of the Act, except for advertising in newspapers, periodicals and on the internet. Signage and advertising should therefore be limited to the advertising of the name of the business and cannot itself be advertising of a commercial sex act.

5 Review

This planning bulletin will be reviewed in 18 months from the date of its commencement in consultation with local government."

CONSULTATION/ADVERTISING:

Nil.

STRATEGIC IMPLICATIONS:

Town of Vincent Strategic Plan 2006 – 2011 'Natural and Built Environment':
1.1.3 Enhance and maintain the character and heritage of the Town.

LEGAL POLICY:

Prostitution Amendment Act 2008 and Planning and Development Act 2005.

FINANCIAL/BUDGET IMPLICATIONS:

No major financial implications are foreseen; however, the Western Australian Local Government Association (WALGA) will address the subject of cost-shifting if necessary.

COMMENTS

Health Services Comments

The Town's Health Services have made comment as follows:

- Upon proclamation, a procedure should be developed by the Town outlining roles and responsibilities of Planning and Health Services, in relation to approvals and compliance, with specific reference to the relevant external authorities, so that customer complaints and queries are referred directly to the appropriate authority. In addition, the use of Environmental Health Officer's '*powers of entry*' provisions under section 349 of the *Health Act 1911* should be verified in any subsequent policy, as the use of such powers in the past may have been questionable (the powers should only be used to enter a premises if there is reason to believe an offence has/is being created under the *Health Act 1911* or subsidiary legislation – for example, for odours, insanitary condition, etc; (not for gaining entry to determine whether a premises is being used as a brothel);
- With regard to the 'Health, Safety and Working Conditions' of sex workers, it is Health Services view that it would be beneficial for the Department of Health, in conjunction with Worksafe and Sex Worker Industry Leaders, to develop a basic training programme for sex workers, so as to provide suitable knowledge about disease transmission, ongoing health care and treatment, etc. To promote training attendance throughout the industry, the DoH and Worksafe could establish an accreditation programme for brothels/sex-workers, similar to the FoodSafe programme promoted at many food outlets (accreditation results in a certificate and FoodSafe branded sticker being placed in a conspicuous place at the premises, to illustrate the achievement of a particular health and safety standard);
- Health Services have concerns about the smaller owner-operated premises being excluded from the 'Certification Requirement' for brothels. Such exclusion is considered preferential and may result in larger brothels disbanding into numerous smaller brothels (making the industry even more difficult to monitor / regulate, than has historically been the case). This will also inevitably increase the number of complaints received due to the establishment of a greater number of brothels throughout residential areas, as well as making any attempt to improve sex work standards, ineffectual; and

- Health Services are concerned that the State Government has provided Local Government with the freedom to develop policy with respect to the approval and location of brothels (and in turn the regulation of brothels by the Department Racing, Gaming and Liquor), whilst not providing any practical ability to do so, by allowing non-certified, non-regulated single operators to provide services from any residential premises in a non-accountable manner. As such, it is considered futile for Local Governments to develop planning policies in relation to prostitution, until the industry is required to operate under a uniform arrangement.

Planning, Building and Heritage Services Comments

The key components of the Planning Bulletin 90 relating to Planning, Building and Heritage Services, are as follows:

Transitional Arrangements - Existing Sexual Services Businesses

To date, the Department of Gaming and Liquor have not contacted the Town with respect to the transitional arrangements proposed for well-managed sexual services businesses which existed when the law reform review was announced on 12 September 2006. It is understood the Department of Racing, Gaming and Liquor will liaise with the relevant Local Government and Police prior to determining these applications. It is also understood that further approval of the Local Government is not required for such premises; however, if the Department refuses an application, the applicant can subsequently lodge a formal planning application to the Town.

Town Planning Scheme and Planning Policies

The Town will be required to address *sexual services businesses* as a “use” by amending Town Planning Scheme No. 1 and addressing it in the new Town Planning Scheme No. 2, given that the new legislation is likely to be promulgated later this year. Planning Bulletin 90 notes that Town Planning Schemes can prohibit sexual services businesses in Residential and Residential/Commercial zones as follows:

'Sexual service business' means premises used for the business of providing, or arranging, the provision of a commercial sexual act. Sexual service businesses, other than those existing businesses covered under section 21X of the Act:

- *in respect of those businesses required to be certified under the Act, will be a prohibited use in residential or similar zones including mixed use zones with residential uses. Where such businesses are not required to be certified, the responsible authority will determine the application;*

In this respect, it is noted that all of the Town's zones listed in Town Planning Scheme No. 1 permit, or allow with the Council's discretion, residential uses. That is, in the event that the Town prepares a Scheme Amendment to list '*sexual services businesses*' in zones other than Residential and Residential/Commercial, the implied effect of the above clause is that the use would be prohibited in all zones, including Local, District and Commercial zones as all of these zones are potentially mixed use zones. The Town's Officers have clarified and confirmed this aspect of Planning Bulletin 90's application to the Town's Town Planning Scheme No. 1 with an Officer at the Department for Planning and Infrastructure.

Given the vagaries of the Draft Policy with respect to the appropriate zones where *sexual services businesses* uses could be located, and that '*an individual sex worker or a small owner-operator business consisting of not more than two sex workers where each has control of his/her earnings are not required to obtain certification*', the Town will need to develop and implement a Planning Policy pursuant to the provisions of the Town Planning Scheme, to address such *small owner-operator businesses* in more detail. The Policies would need to deal with matters such as location, design, siting, community consultation, signage, hours of operation, car parking requirements and the like. In particular, there is concern with respect to how up to two individual sex workers could reasonably comply with the current definition and provisions of a home occupation as stated in Town Planning Scheme No. 1.

It is recommended that the Town communicates the above comments and concerns to the Western Australian Planning Commission (WAPC), the Department of Health and the Western Australian Local Government Association (WALGA) in addition to the following:

- (a) the Department of Health, in conjunction with Worksafe and Sex Worker Industry Leaders develop a training and accreditation programme for all sex workers, so as to provide suitable knowledge about sexually transmissible disease contraction, ongoing health care and treatment, hygiene, etcetera.;
- (b) The smaller owner-operated premises be included under the 'Certification Requirement'; and
- (c) That the Department for Planning and Infrastructure publish further clarification with respect to how '*sexual service businesses*' can or cannot be incorporated into town planning schemes which by virtue promote mixed use development in all zones.

In view of the above, it is recommended that the Council considers Planning Bulletin 90 and adopts the Officers Recommendation as outlined in this report.

10.1.9 Australian Research Council (ARC) Linkage Grant for the Historical GIS of Northbridge

Ward:	Both Wards	Date:	9 July 2008
Precinct:	All Precincts	File Ref:	CVC 0037
Attachments:	001		
Reporting Officer(s):	T Woodhouse		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to the proposed involvement of the Town of Vincent in the Australian Research Council (ARC) Linkage Grant to develop a GIS system to map the historical cultural information of Northbridge;*
- (ii) *ACCEPTS the invitation from the Northbridge History Project to become an Industry Partner in the Australian Research Council (ARC) Linkage Grant Project to develop a GIS system to map the historical cultural information of Northbridge;*
- (iii) *SUPPORTS in principle the allocation of a \$40,000 cash contribution towards the project, per annum over a three year period commencing in the 2009 - 2010 financial year; and*
- (iv) *SUPPORTS in principle on going in-kind support from the Town's Heritage Services and Local History Centre for the length of the project.*

COUNCIL DECISION ITEM 10.1.9

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Maier, Seconded Cr Messina

That the item be DEFERRED for further consideration and the Director of the Northbridge History Project, Dr Felicity Moral – Ednie Brown be requested to provide further information to a Forum.

PROCEDURAL MOTION PUT AND CARRIED (7-2)

For: Mayor Catania, Cr Burns, Cr Ker, Cr Lake, Cr Maier, Cr Messina, Cr Youngman
Against: Cr Doran-Wu, Cr Farrell

PURPOSE OF REPORT:

The purpose of this report is to present to the Council an overview of the proposed Australian Research Council (ARC) Linkage Grant Application to develop a GIS system to map the historical cultural information of Northbridge and to seek Council support for direct financial and in-kind contribution to the project.

BACKGROUND:

Northbridge History Project

The Australian Research Council (ARC) Linkage Grant proposal has developed from the Northbridge History Project, interested universities and relevant industry bodies. The Northbridge History Project was created in 2005 through the Department of Premier and Cabinet, with a vision to create an inspiring historical context for the future development of Northbridge as a uniquely attractive place to visit, work and live.

The key objectives of the Northbridge History Project are as follows:

- To identify the different histories of Northbridge;
- As a resource for the authentic interpretation of Northbridge;
- To create community awareness, engagement and ownership of Northbridge through understanding its history;
- To develop an accessible history for the public so they appreciate the uniqueness of Northbridge; and
- To deliver useable history for educational and tourism purposes.

The Town has been formally involved in the Northbridge History Project since 2006, in which time a Steering Committee was created comprising; 2 x Council Members, 3 x Town of Vincent Officers and 1 x Community Member under the inaugural Chairmanship of the Mayor. To-date, the collaboration has resulted in numerous outcomes which have directly benefited the Town including; oral histories, photographic collections, map collections, community networking, Northbridge History Studies Day, library displays, bookmarks, posters, an educational CD and the promotion of history in Northbridge and the Town of Vincent more generally.

For the purposes of the project, the area of Northbridge is bounded by Wellington Street to the south, Bulwer Street to the north, Pier Street to the east and Charles Street to the west.

Australian Research Grant (ARC) Linkage Grant

Building on the success of the Northbridge History Project, a meeting was held on 14 December 2007 with interested universities and relevant industry bodies to discuss the potential of developing a historical GIS for Northbridge that would allow historical analysis of the Northbridge area including change over time. With keen interest demonstrated from both academics and industry, it was considered that applying for an Australian Research Council (ARC) Linkage Grant would be suitable to assist in delivering the project. At this meeting, it was established that whilst GIS systems already existed for the City of Perth and the Town of Vincent, the information was limited in its capacity to display historical layers of information.

Since this time, the Town of Vincent has attended two (2) meetings involving both academics and interested industry bodies and three (3) meetings dedicated to relevant industry bodies. These meetings have generated discussion on identifying the roles and expectations of the academic organisations and the relevant industry partners in the preparation of the Australian Research Council (ARC) Linkage Grant Application.

During a meeting held on 3 July 2008, the Director of the Northbridge History Project, Dr Felicity Moral-EdnieBrown provided a provided a comprehensive overview of the Australian Research Council (ARC) proposal and its direct benefits to the Town of Vincent to the Director Development Services and the Town's Senior Heritage Officer. A diagram detailing the role of the industry partners and a framework of how the GIS system is proposed to operate was provided during this meeting and as shown as attached at Appendix 10.1.9 to this report.

DETAILS:

Overview of the ARC Linkage Grant Program

The Australian Research Council (ARC) is a statutory authority with the Australian Government's Innovation, Industry, Science and Research portfolio. The ARC manages the National Competitive Grants Program, one of which being the Linkage Project Scheme. The Linkage Project Scheme supports collaborative research and development projects between higher education organisations and other organisations to enable the application of advanced knowledge to problems. Proposals for funding under Linkage Projects must involve a collaborating organisation from outside the higher education sector. The collaborating organisation must make a significant contribution (equal to or greater than the ARC funding), in cash and/or in-kind to the project. Applications for the funding under the Linkage Grant Projects Scheme are produced twice yearly; the next round is scheduled to close in November 2008. The maximum amount available is currently \$2,000,000 over the life of the project with a maximum of \$500,000 in each year. Generally, Linkage Grant Projects extend over three (3) years.

Key Industry and Academic Partners

Since the ARC Linkage Grant Application for a Historical GIS of Northbridge was first mooted in 2007, a group of interested parties both industry and academics has developed comprising, the Northbridge History Project, the Department for Planning and Infrastructure, Landgate, the Heritage Council of Western Australia, Heritage Perth, Committee for Perth, the City of Perth, the Town of Vincent, Curtin University of Technology, the University of Western Australia, Berkeley University of California and Tourism WA.

At the meeting held with the Director Development Services held on 3 July 2008, the Director of the Northbridge History Project advised that to assist in the successful application of the ARC Linkage Grant, it was anticipated that a total of \$250,000 in cash be committed per annum collectively from industry partners. Measured on the basis of expected outcomes to the Town, it was considered that \$40,000 be a reasonable contribution.

Key Benefits to the Town of Vincent

- Masters Students to assist in geo - coding the Town's data sets including; photographs, maps and plans, transcripts, aerial photographs, reports, research papers, and brochures, pamphlets and flyers.
- Promotional materials developed to assist in interpretation; images and text; pod cast scripts; produced materials.
- Historical interpretation of the Town's data sets in the form of short papers (2,500 words).
- User friendly and innovative public interface to search historical information within a GIS mapping framework.
- Collaboration of historical information throughout the Northbridge area to be readily accessed by general public and researchers.
- Landgate's SLIP (Shared Land Information Platform) to provide the on-going architecture to maintain the data through a community portal.
- Long term potential for the designated GIS area to extend to the remainder of the Town of Vincent.

Key Role Town of Vincent will perform:

It is anticipated that the Town will act as a custodian of information to assist in the collection, dissemination and facilitation of relevant resources to be uploaded into the research portal. This will essentially be undertaken through in-kind support from the Town's Heritage Services and Local History Centre.

CONSULTATION/ADVERTISING:

Nil required.

LEGAL/POLICY:

Nil applicable.

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011: Enhance Community Development and Wellbeing
"3.1.1 Celebrate and acknowledge the Town's cultural and social diversity."

Heritage Strategic Plan 2007 - 2012 - Key Result Area No. 1 - Community and Heritage:
Education, Promotion and Celebration
*"Scope: Create collaborative projects, broad participation and celebration events;
Objective: "Maximise community interest and awareness through events and programs that promote the positive value of heritage."*

Local History Centre Mission

'To ensure that the history, development, culture society of the Town be preserved and recorded for the community'.

FINANCIAL/BUDGET IMPLICATIONS:

A total of \$40,000 per annum over a three year period, commencing in the 2009 - 2010 financial year and concluding in the 2011 - 2012 financial year

COMMENTS:

In light of the above, it is recommended that the Council receives this report, accepts the invitation to become an industry partner in the project and supports a cash contribution and in-kind support to the project over a three year period, in line with the Officer Recommendation.

The Chief Executive Officer advised that Mayor Catania, Cr Burns and Cr Messina had declared a financial interest in Item 10.3.1. They departed the Chamber at 9.46pm 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 June 2008

Ward:	Both	Date:	2 July 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 June 2008 as detailed in Appendix 10.3.1.

COUNCIL DECISION ITEM 10.3.1

Moved Cr Ker, Seconded Cr Youngman

That the recommendation be adopted.

MOTION PUT AND CARRIED (6-0)

(Mayor Catania, Cr Burns and Cr Messina were absent from the Chamber and did vote on this matter.)

Mayor Catania, Cr Burns and Cr Messina returned to the Chamber at 9.47pm. The Chief Executive Officer advised them 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 1.3.8.

DETAILS:

Total Investments for the period ended 30 June 2008 were \$10,282,320 compared with \$12,782,320 at 31 May 2008. At 30 June 2007, \$12,338,790 was invested.

Total accrued interest earned on Investments as at 30 June 2008:

	Budget	Actual	%
	\$	\$	
Municipal	535,000	623,971	116.63
Reserve	547,600	628,847	114.84

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 June is as a result of payments for capital projects.

The Presiding Member, Mayor Nick Catania advised that Cr Lake and Cr Maier had declared a proximity interest in Item 10.3.3. They departed the Chamber at 9.47pm and did not speak or vote on this matter.

10.3.3 Annual Plan – Capital Works Programme 2008/09

Ward:	Both	Date:	11 July 2008
Precinct:	All	File Ref:	FIN0025
Attachments:	003		
Reporting Officer(s):	M Rootsey, R Lotznicker, R Boardman		
Checked/Endorsed by:	J Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council APPROVES the 2008/09 Capital Works Programme as shown in Appendix 10.3.3.

COUNCIL DECISION ITEM 10.3.3

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

MOTION PUT AND CARRIED (7-0)

(Cr Lake and Cr Maier were absent from the Chamber and did vote on this matter.)

Cr Lake and Cr Maier returned to the Chamber at 9.48pm. The Presiding Member, Mayor Nick Catania advised them that the item was carried.

PURPOSE OF REPORT:

To present the Annual Plan and Schedule for the Capital Works Programme 2008/09 for Council approval.

BACKGROUND:

At the Special Meeting of Council held on 2 July 2008, Council adopted the Annual Budget 2008/09.

DETAILS:

The Capital Works Programme now forms part of the Annual Plan for the Town of Vincent. The Directors and Managers from the three Directorates have formulated the attached Capital Works Programme. The Program comprises of \$14.1 million of Capital Works.

The programme takes into consideration the following factors;

- budget/funding;
- existing workload commitments of the workforce;
- consultation requirements;
- liaison with other agencies/service areas;
- employee leave periods; and
- festive season leave period.
- cash flow requirements.

COMMENT:

N/A

LEGAL/POLICY:

The Capital Works Programme has been prepared on the adopted 2008/09 Annual Budget.

STRATEGIC IMPLICATIONS:

The Capital Works Programme is in line with the objectives, strategies and actions as outlined in the Town's Plan for the Future and Strategic Plan 2006-2011.

FINANCIAL/BUDGET IMPLICATIONS:

The Capital Works programme is funded in the Annual Budget 2008-09.

COMMENTS:

The scheduling of projects may be subject to change during the year due to a variety of factors. However, the Capital Works Program will be initially implemented on the basis of the timing as outlined in the attached program.

Quarterly progress reports on the Capital Works Program will be prepared for Council throughout the year.

The projects listed will ensure the Town's infrastructure and assets are upgraded and maintained to a high level for the overall benefit of the community.

10.4.3 Delegations for the Period 1 April 2008 to 30 June 2008

Ward:	Both	Date:	9 July 2008
Precinct:	All	File Ref:	ADM0018
Attachments:	001		
Reporting Officer(s):	S Beanland, P Morrice		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *ENDORSES the Ranger Services delegations for the period 1 April 2008 to 30 June 2008 as shown at Appendix 10.4.3; and*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to write-off infringement notices/costs to the value of \$33,020 for the reasons as detailed below:*

<u>Description</u>	<u>Amount</u>
<i>Breakdown/Stolen (Proof Produced)</i>	<i>\$1,540</i>
<i>Details Unknown/Vehicle Mismatched</i>	<i>\$1,645</i>
<i>Equipment Faulty (Confirmed by Technicians)</i>	<i>\$1,385</i>
<i>Failure to Display Resident or Visitor Permit</i>	<i>\$7,235</i>
<i>Interstate or Overseas Driver</i>	<i>\$4,515</i>
<i>Litter Act</i>	<i>\$200</i>
<i>Environmental Protection Regulations</i>	<i>\$250</i>
<i>Other (Financial Hardship, Disability, Police On-duty, Etc)</i>	<i>\$3,230</i>
<i>Penalties Modified</i>	<i>\$430</i>
<i>Ranger/Clerical Error</i>	<i>\$8,935</i>
<i>Signage Incorrect or Insufficient</i>	<i>\$2,115</i>
<i>Ticket Purchased but not Displayed (Valid Ticket Produced)</i>	<i>\$1,500</i>
TOTAL	\$33,020

COUNCIL DECISION ITEM 10.4.3

Moved Cr Farrell, Seconded Cr Youngman

That the recommendation be adopted.

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

PURPOSE OF REPORT:

The purpose of this report is to provide a quarterly progress report of the delegations exercised by the Ranger and Community Safety Services for the period 1 April 2008 to 30 June 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 for this quarter 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.

Other than the above category, the next most prevalent withdrawal class is that of where a resident/ visitor was not displaying the necessary permits. While the offence is "*Failure to Display a Valid Permit*", it is not considered appropriate to penalise residents and their visitors, since the primary purpose of introducing Residential Parking Zones is to provide respite to them. The 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.

ADVERTISING/CONSULTATION:

Not applicable.

LEGAL/POLICY:

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

It is considered appropriate to report to the Council on a quarterly basis on the delegations utilised by the Town's Administration. A copy of these for the quarter is shown at Appendix 10.4.3.

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)	\$1,540
Details Unknown/Vehicle Mismatched	\$1,645
Equipment Faulty (Confirmed by Technicians)	\$1,385
Failure to Display Resident or Visitor Permit	\$7,235
Interstate or Overseas Driver	\$4,515
Litter Act	\$200
Environmental Protection Regulations	\$250
Other (Financial Hardship, Disability, Police On-duty, Etc)	\$3,230
Penalties Modified	\$430
Ranger/Clerical Error	\$8,935
Signage Incorrect or Insufficient	\$2,115
Ticket Purchased but not Displayed (Valid Ticket Produced)	\$1,500
TOTAL	\$33,020

COMMENTS:

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

10.4.4 Approval to Purchase a New Communications System for the Town's Administration and Civic Centre

Ward:	-	Date:	16 July 2008
Precinct:	-	File Ref:	ADM0014
Attachments:	-		
Reporting Officer(s):	P Betts		
Checked/Endorsed by:	John Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council APPROVES BY AN ABSOLUTE MAJORITY the allocation of \$32,457.00 (excl. GST) for the purchase of a NEC Corus Unified Communications Business Solution (communication system) to be funded from the Town's Administration and Civic Centre Reserve Fund.

COUNCIL DECISION ITEM 10.4.4

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

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

PURPOSE OF REPORT

To obtain approval for the purchase of a NEC Corus Unified Communications Business Solution, a communications system that will replace the existing Town Administration & Civic Centre outdated "Switchboard" unit.

BACKGROUND:

The Town has been continually reviewing, monitoring and improving the Town's Customer Service Centre on an on-going basis, in order to provide a high level of service to the ratepayers and public. The quality of the handling of phone calls to the Town has been identified as an item needing improvement, in particular, the current switchboard (phone) system.

The Town of Vincent utilises a central switchboard to disseminate and manage incoming and in certain circumstances (STD phone calls) outgoing phone calls. Duties of the switchboard operator include transferring calls that have come through to the direct in-dial phone number to the appropriate employee, taking messages for employees that are absent or on another call and emailing messages to employees.

At present the Town utilises a switchboard unit, which is approximately fourteen (14) years old and has very limited functionality. The technology is outdated and particular issues of concern are:

- Inability of the switchboard operator to know if a line is busy before transferring a call, thereby frustrating the caller and wasting the operator's time.
- Inability to retrieve a call if it is sent to an incorrect number.

- No voicemail message bank facility (which is useful for callers who directly ring an extension number (by-passing the switchboard) – to leave a message.
- Inability to see the status of an active call, (i.e. "held, parked, transfer or forward").
- Inability to see "call forward" facility.
- No indication if calls are "on hold".
- Can only be operated from one (1) desk.
- Technology is not particularly "user friendly".

DETAILS:

In July, the Town's employees visited NEC Australia's Western Australian office to view the NEC Corus Unified Communications System Solution and received a comprehensive overview of the new system. Key points include:

- Integration with the Town's Corporate Software - Microsoft Outlook – All phone calls, voice messages and faxes can be managed from this one application. This allows users to view information about current calls, missed calls, voice messages and faxes as well as view call history by call, date/time state or origin.
- Allows users to configure voice message greetings to reflect calendar appointments. (Therefore if the user has a meeting in his/her calendar, Voice Messaging will inform callers of this and advised them of the expected time of return.)
- The system visually shows the status and availability of all employees, with the use of software icons.
- Offers "click-and-dial" functionality to frequent contacts and provides a visual indication of internal users' phone status (e.g. "off-hook or idle").
- Allows "switchboard" operation to occur from a PC. Therefore, any employee at the Customer Service Centre can handle switch-board duties from their desk while the dedicated switch-board operator is absent.
- Allows the Switchboard Operator to "drag and drop" known callers directly to extensions, without having to answer them.
- Allows users to redirect selected callers to their mobile phones.
- If a user does not use their telephone, keyboard or mouse in a specified time eg. ten (10) minutes, the user is considered to be away from their desk. The "Away From Desk" icon will then be displayed to all other staff.
- Allows switchboard operator to search on users' names, job titles or any other information which will assist in determining who to transfer the call through to.
- A reporting facility that shows the number of calls going to each extension, how long the calls last and how many rings until the call is answered.

The above features are a vast improvement on the current technology and will allow the switchboard operator and all other Town employees to manage phone calls more efficiently and effectively thus providing greater customer satisfaction. It will also reduce time spent by the switchboard operator emailing contact details to employees for calls that were missed; transferring calls to employees who are busy on another call; or transferring calls through to employees who may not be at their desks etc.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

NEC is a WALGA preferred supplier and it is therefore not necessary to obtain further quotations.

Policy No. 1.2.3:

"5.1 Tender Exemption

In the following instances public tenders or quotation procedures are not required (regardless of the value of expenditure):

- The purchase is under a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), Regional Council, or another local government."*

STRATEGIC IMPLICATIONS:

Strategic Plan 2006 – 2011 – Strategic Objectives: Leadership, Governance and Management

"Objective 4.2 Provide a positive and desirable workplace

4.2.6 Promote technology opportunities to improve the Town's business, data, communication and security systems.

(d) Review and upgrade telecommunication systems."

FINANCIAL/BUDGET IMPLICATIONS:

No funds have been scheduled for this item in the 2008/08 budget; however as at 1 July 2008, \$79,240 funds are available from the Administration and Civic Centre Reserve Fund to purchase this equipment. An Absolute Majority decision of the Council is therefore required.

Purchase and installation

The cost of the NEC Corus Unified Communications Business Solution is:

Supply of IPS Processor Upgrade	\$5,927.29	<i>(ex GST)</i>
Supply of Corus Unified Communications Business Solution	\$19,037.92	<i>(ex GST)</i>
Installation	\$7,943.00	<i>(ex GST)</i>
Total	\$32,908.21	

Annual maintenance

First year	\$8,765.52, <i>plus GST</i>
2 nd and 3 rd years	\$9,725.40, <i>plus GST</i>

Delivery is approximately 5-6 weeks, from the date of order.

COMMENTS:

The NEC Corus Unified Communications Business Solution is a system that will significantly improve the management of internal and external telephone communication within the Town, thereby ensuring an efficient, effective and professional handling of ratepayer/resident/public phone calls. Additional benefits include a useful reporting function and visual displays that will allow all Town of Vincent staff to be better informed of their colleagues presence/absence. Because of the importance of effective communication to an organisation, it is recommended that this new system be purchased.

10.4.7 Late Item: Review and Adoption of Delegated Authority Register 2008/09

Ward:	Both	Date:	18 July 2008
Precinct:	All	File Ref:	ADM0038
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:		Amended by:	-

OFFICER RECOMMENDATION:

That pursuant to Section 5.42 of Division 4 of Part 5 of the Local Government Act 1995, the Council APPROVES BY AN ABSOLUTE MAJORITY the delegation of the exercise of its powers and duties to the Chief Executive Officer, as detailed in the Delegated Authority Register, as shown in Appendix 10.4.7.

COUNCIL DECISION ITEM 10.4.7

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

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

PURPOSE OF REPORT:

The purpose of this report is to seek Council's approval of the Delegated Authority Register for the 2008-2009 year, as detailed in this report.

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 CEO exercises the delegated authority in accordance with Council's policies.

The CEO has reviewed the current delegation register and no changes to the 2007-2008 Delegation Register is requested.

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 it to keep appropriate records.

Quarterly reports detailing the administration's use of delegations are reported to the Council 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

STRATEGIC IMPLICATIONS:

The use of delegations is in keeping with the Council's Strategic Plan 2006-2011 – Leadership, Governance and Management, Objective 4.1.2 – “*Manage the Organisation in a responsible, efficient and accountable manner.*”

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The review of the Delegations Register has resulted in a more concise and less complex document. As previously stated, the delegations are identical to the 2007/08 delegations. No new planning and development delegations have been requested or included.

Accordingly, it is recommended that the Council approve of the Delegated Authority Register 2008/09.

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

14. CONFIDENTIAL REPORTS (Behind Closed Doors)

Nil.

15. CLOSURE

The Presiding Member, Mayor Nick Catania, declared the meeting closed at 9.53pm with the following persons present:

Mayor Nick Catania, JP	Presiding Member
Cr Anka Burns	South Ward
Cr Helen Doran-Wu	North Ward
Cr Steed Farrell (Deputy Mayor)	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Noel Youngman	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)

No Members of the Public.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 22 July 2008.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2008