



**TOWN OF VINCENT**

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*"Enhancing and celebrating our diverse community"*

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# MINUTES

**23 SEPTEMBER 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 23 September 2008, commencing at 6.00pm.

**1. DECLARATION OF OPENING**

The Presiding Member, Mayor Nick Catania, declared the meeting open at 6.06pm.

**2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE**

**(a) Apologies:**

Cr Messina – apologies – arriving late due to work commitments.

**(b) Present:**

Mayor Nick Catania, JP	Presiding Member
Cr Burns	South Ward
Cr Doran-Wu	North Ward
Cr Steed Farrell ( <i>Deputy Mayor</i> )	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward (from 6.10pm)
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)
Phynea Papal	Journalist – “ <i>The Guardian Express</i> ”
Andrei Buters	Journalist – “ <i>The Perth Voice</i> ”

Approximately 25 Members of the Public

**(c) Members on Approved Leave of Absence:**

Nil.

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

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

1. Walter Antoniazzi of 58 Fairfield Street, Mt Hawthorn – Item 10.2.2. Commended the Council on redevelopment of Mt Hawthorn commercial area, believes it is a remarkable improvement. Advised he is a part of the Mt Hawthorn Precinct Group and this had been discussed. When the original proposal came out and they were of the opinion that moving the Memorial was not a high priority. Advised that they also discussed that one of the main uses of the park would probably be people from the commercial areas going over to have their lunch, and they believe that the proposed gazebo wouldn't be a bad outcome for the area. Queried whether the proposed structure is appropriate, as this is the gateway to Mt Hawthorn. It is a very important spot and believes whatever structure goes up needs to be right. Advised that the proposed structure may look on the “cheap side” and whatever goes there will be there for a long time and believes it should be more in keeping with the area/it's age, maybe a timber structure with a tiled roof. Believes there should be a few designs made and discussions held.

**Cr Messina entered the Chamber at 6.10pm.**

2. Fiona Preston of 16/45 Stuart Street, Perth. Spoke in support of 5.1 – petition, representing various residents. Stated they are opposed to the proposed rezoning and construction of an 8 storey development. Does not believe the proposal meets any of the R Code standards, nor any standards of the Beaufort St Precinct which have been set. Believes this proposal severely disadvantages all residents in the area, particularly 45 Stuart Street who have only just moved in. Requested that Councillors need to keep in mind that when they purchased their places the Town gave them information that Lot 802 was set as R80 zoning and this has now been changed, which severely disadvantages them as they will have an 8 storey construction looking into their backyard which doesn't meet any standards set by WA Planning Commission or Beaufort St Precinct and would like that considered. Urged all Councillors to read the petition as there are many points that need to be taken into consideration.

**The Presiding Member, Mayor Nick Catania advised that this is not a proposal by the Council – it is an application proposed by the developer and is out for public consultation.**

3. Bruce Tomich of 28/20 Pandal Lane, Perth. Spoke in support of 5.1 – petition. Stated his concerns to be very similar to Fiona Preston. He lives and resides in his apartment and the only access he has is through Pandal Lane. Stated that with the 2 apartment blocks that have been built, access is very difficult and it can be clogged with service vehicles as well as vehicles using it for their own residents and therefore it is only going to be substantially more impacted by such a “substantial monstrosity” particularly from the access point of view. On a daily basis he sometimes needs to wait for 5 to 10 minutes as someone may have illegally parked in that particular area, which is a no standing zone.
4. Rachael Whitworth of 91 Coogee Street, Mt Hawthorn – Item 10.1.1. Believes that the overshadowing on their block is excessive and R Codes clearly state that, with regard to solar access, the site area is measured without regard to any building on it, but taking into account its actual ground level. Stated that the R Codes differentiate between pre-1960 houses built on footings with steps up to the front and back, as opposed to later houses built on prepared sand pads often with major cut and fill and possibly retaining walls at block boundaries. Advised that in the latter case the relevant levels to use are those established at the time of subdivision, as their house was built before 1928, and the natural ground levels (NGL) are essentially unaltered and can still be easily observed. Believes the Planning Services interpretation is clearly contrary to the R Codes page 6.20 and for these purposes the NGL means the level of land before original development occurred or that resulting from the pre-existing development however, there was no pre-existing development and the original levels are still traceable at 87, 89, 91, 93 and 95 Coogee St. Stated that choosing neighbours' house floor levels as NGL is a subterfuge that automatically advantages developers to the detriment of neighbours as shadows are foreshortened significantly. Advised they have shown it is quite easy for a surveyor to determine the NGL on both 91 and 93 Coogee. Believes that if the true NGL is used, overshadowing is at least 15m<sup>2</sup> over what is required being 186m<sup>2</sup> as opposed to 171m<sup>2</sup>. Accepts real situations are more complex than envisaged in the R Codes but the planning report obscures the fact that there will be a 15.5m long 2 storey wall varying from 5.5 to 6.1m very close to both boundaries. Believes articulation does not remove a 10m long gutter 1m from the boundary, blocking the sun from their indoor living spaces even on a mid summers day. Requested the majority of the 2 storey section set back to at least 1.5m as R Codes, not just a small section of the upper level. Sympathises with planning services and many contradictions to be

resolved, nevertheless compromises should not be solely in favour of the development. Stated:

- (a) the proposal fails overshadowing by a significant margin;
- (b) has a major impact on their living space; and
- (c) fails boundary setback regulations.

Stated that regardless of the outcome of this, they have concern at the lack of efficient process used by the Planning Department in calculating overshadowing. Understands planners are relying on honest/best practice of design professionals however, in this case diagrams are not always correct and believes there should be a built-in process to protect existing neighbours. Advised that it took months of submitting detailed measurements and supporting spreadsheets for the Planning Department to finally take the time to diligently work through the calculations only to find that they were correct. Stated that were lucky to have the resources to do this, which the average ratepayer would not have and could be seriously disadvantaged.

5. Anthony Kerr of 32 Ruby Street, North Perth – Item 10.1.2. Stated that he wanted to address a few comments in the report. Firstly, there are non-compliances with the Town's RDE Policy including streetscape, garage setbacks, roof forms, building bulk, building setbacks and the driveway. Advised that the residents of Ruby Street have been requested to comment several times concerning this proposed development and understands that 8 objections were received the first time which was followed up by a 24 signature petition against the proposed development. At the last Council Meeting there were several speakers from the street that spoke against the proposed development and in the second consultation period he understands there were 8 objections received which does demonstrate that the immediate neighbours have some definite concerns. Urges the Council to uphold the Chief Executive Officer's recommendations and refuse the application.
6. Tejinder Singh of 460 Lennard Street, Dianella – Item 10.1.7 (owner of 15 Glendower Street). Believes members of Council and SAT have visited the property. Stated concerns about:
  - (a) the scope;
  - (b) bulk of the development;
  - (c) complete absence of setbacks from east to west boundary walls which is a precedent for that street; and particularly
  - (d) overshadowing that is likely to occur.

These are not only his concerns as it was argued at the SAT meeting and although there have been some minor amendments to the plan it has not changed, particularly setbacks and heights. Stated he is surprised with the comment that building setbacks were supported for the developer as it was not considered to have an undue impact on the amenity of the neighbouring properties, which he finds very hard to believe considering so much evidence has been put forth that is not the case. Stated concerns regarding undue emphasis on the existing vegetation, in fact part of the support of the development is because the proposed setback is not considered to have an undue impact on the amenity of the adjoining property as a large majority of the garage and roof deck is screened by trees and landscaping that currently exists in the neighbouring property, yet at the same time, it is argued later on that potential damage to neighbouring properties is not an issue and it will be considered at the building licence stage, therefore it doesn't matter if they have ruined the development. Advised that in relation to the degree of privacy setbacks, the requirement is 6m and they are asking for 2.4m and 1.9m yet it seems to be supported on the condition that only a little bit of screen is applied. Advised that he is not against the development (actually thinks it looks quite nice) however, believes they should "play accordingly to the rules" and although he believes overshadowing cannot be completely ameliorated but, at least a setback will increase the amount of indirect light that is an important amenity to all, particularly as this is going to be a family home.

7. Andrew Wilkinson of 91 Coogee Street, Mt Hawthorn – Item 10.1.1. Stated they have had a number of frustrations:
- (a) have worked through incorrectly scaled drawings with Planning Department;
  - (b) experienced them taking developer calculations for their word;
  - (c) last minute changes to the definition of natural ground level (NGL); and
  - (d) experienced 3 additional Councils to check on the correct application of NGL which may or may not mean that the Planning Services are confident in their own current measurement.

Queried the definition of “undue impact” on neighbouring properties in relation to overshadowing. Stated that overshadowing occurs on the second bedroom (which is their babies room) and this will be in total darkness as a result of the development as will their kitchen and pergola, and both their summer and winter key living areas. Advised that with such a huge structure dominating their northern sky, it would be impractical to install a solar hot water system on their roof as it would be in shadow for much of the year. Stated the recent Planning Services recommendation indicated that there are no solar collectors at 91 Coogee St so overshadowing will not affect this. Believes this is slightly environmentally short sighted as this only takes into account that they don’t have one there currently but they definitely want to put one there and, therefore if in the future they want to decrease their environmental impact what does that mean. Are they then expected to build a 4m tower to place a solar collector structure in place? Stated in relation to size, this structure is massive in a 4 bedroom, study, home theatre, ensuite, sunken lounge etc. Made references to setbacks and the need for these to be enforced. Believes Mt Hawthorn needs to retain its character. Stated that they have lived in their dream house for quite sometime and it’s not too late for some minor adjustments to be made to the plans.

8. David McCann of 16/45 Stuart Street, Perth. Spoke in support of 5.1 – Petition. Stated that there is a similar story that runs through this and he won’t labour over it as he thinks they have argued fairly eloquently on the behalf of the Stuart St and the Maltings too. Believes it should not go ahead. Stated that when they considered buying, they outlaid a considerable amount of money to purchase their homes. Advised that they looked at the environment and at that stage, there was a development going through and that development was town houses, about the same size as theirs. Stated they have ballastrading (as they face Perth), to a height of 1.6m – which is very high. Believes it basically negates the benefit of having a balcony, but that was in consideration of whatever went in front of them. When a number went to the Council, the Council handed over plans and said that is what was going in there, therefore there was no reason why they’d think that anything else other than the town houses would go in there. Advised that they went ahead and bought and they do not know what happened to the development. They have had a lot of trouble with their builder, in between the time they purchased and moved in, they were suddenly advised that this “*monstrosity*” was going to go in front of them and with all considerations they had to go through to have their premises/dwelling/development built in terms of what the Council describes as high quality dwellings, various environmental considerations, there were none for them. Stated this development shows no consideration for them at all and if they had known that there was another development going in there, they would not, under any circumstance bought their dwelling. Also parking in Pendal Lane has also become a real issue. Advised that they already have damage, as their private parking is being used as an overflow for the area. There are people parking in the street, bins in the street and it is going to be very difficult for service vehicles to go through and when they do, they are going to create a bottleneck. Advised that most of the developments have the slow moving gates and they have to wait and hope that no one is coming up the other way.

9. Tim Youe of 28 Anzac Road, Mt Hawthorn – Item 10.2.5. Feels that the report simplifies some of the issues that are associated with this area which have been reasonably contentious over a period of time. Is concerned that the recommendation does not recommend that members of the community are invited to the LATM Advisory Group Meeting. Stated that they have had issues before and believes it is certainly a place for community consultation at an early stage in this assessment.
10. Tony Reed of 95 Coogee Street, Mt Hawthorn – Item 10.1.1. Advised that he lives on the northern side of the proposed development which has an unarticulated second storey wall which basically runs the full length of his house and he has set this out fairly clearly in correspondence with Councillors. Stated that on the northern side of his house, there is something similar and if the proposal goes ahead he will have two large walls basically running the full length of his house (on the northern side pretty much runs halfway down the backyard). Advised that he fully concurs with Andrew and Rachael's feelings as he knows what it is like to suddenly have such a significant reduction in sunlight. Stated that the Administrators have made a judgement that this wall and the lack of setbacks will not unduly affect his neighbouring property to which he responds "*yes it will*". Asked if setback rules are set, why aren't they complied with? Stated that in his initial response to this proposal he outlined three separate cases of the setbacks not being complied with and in each case Councillors made the decision that these will not unduly affect the neighbouring properties, which is why he is here as he disagrees. Proposed that if the house must have a second storey, that the second storey is at least setback as he believes it will improve the way the house looks and it will give the neighbours some respite from the size of this development. Stated that it surprises him that Council is "finicky" about the kind of fence you put out the front of houses but doesn't seem to be anywhere near as careful about peoples living spaces inside the houses.
11. Dr Bernadette Bradley of 14/45 Stuart Street, Perth (also owns 10 Pandal Lane across the road). Spoke in support of 5.1 – Petition. Appreciated the reminder that an 8 storey development had already been knocked back and urged the same to be done this time. Queried the need the 8 storey slum in the middle of what should be town houses (full of wealthy doctors like her).
12. Brian Bedwell of 12/45 Stuart Street, Perth. Spoke in support of 5.1 – Petition. Concurred with all previous speakers and what they have stated. Stated that it will interfere with their lifestyle and he has written a very strongly worded letter which sets it out. He is delighted to hear that a previous application for 8 storey has been turned down. Advised that he saw on the corner of Fitzgerald and Stuart Street, the horrible derelict building and queried what is happening? Stated that if they want something done in that area they want that sorted out as soon as possible.
13. Murray Kimber of 67 Rokeby Road, Subiaco – Item 10.1.7. Advised that he is the applicant for the proposed construction of three 2 storey single houses at 19 Glendower St. Stated that he appreciates the work done by the Town's Planning staff and he fully endorses and supports the Officer's report as well as the recommendations, conditions and conditions proposed by the Planning Officer.
14. Donnelle Phillips of 16 Barlee Street, Mt Lawley – Item 10.1.11. Advised that she is speaking on behalf of residence of Barlee, Clarence, Gerald and Roy Streets. Advised that Perth Glory and Equity Stadium are not causing the parking problems in Barlee, Clarence, Gerald and Roy Streets – it is the Perth Junior Soccer Club (PJSC) and the café strip that are causing the problems. Believes the survey for the reports should have been conducted in these streets from 4.30-8pm every night not 7-9pm and 9-11pm as they are not the offending times. Stated that Barlee Street has 1 and 2 hour limits to 6.30pm, soccer goes from 4.30pm so they can park without any restriction until 7.30-8pm and people come to the café strip from 6pm also parking



without restriction. Stated that this is the time residents are coming home from work or the day out only to find they have no where to park and the hourly parking restrictions are rarely policed during the day and are really of no consequence. Advised that Clarence St has no time limit parking – which is taken up not only by PJSC cars from 4.30pm and café strip clients from 6pm but all through the day with TAFE students and city workers parking for the whole day and catching a bus into work. Asked what use resident parking permits are if your car is not there? Believes the only purpose they serve is to save getting a parking ticket? Asked if visitors arrived and there is no parking, what good is a parking permit? Stated that she has been asking for the permit zone signs to be erected in their streets but now suggests erecting a resident parking zone sign from 4-11pm weekdays and 2-11pm weekends as this will allow residents to arrive home, park and have friends and family over. Stated that with reference to community consultation in 2004, the situation has changed considerable now in 2008 as there is more usage in Forrest Park and at least 20 more cafes and restaurants opened on Beaufort Street. Advised that at least 15% of the residents surveyed in 2004 have now moved to another area therefore the results are invalid and she suggests the exercise be repeated before making any decision on the report. Stated that she does not think enough effort has been made with negotiations with TAFE about using their parking facilities as leaving messages is not good enough – perhaps a personal response will get a better response. Asked that Council get their priorities right as first consideration should be given to rate payers, they are the ones who pay for the upkeep of streets and parks – not park users, not shoppers, not business people and not winers and diners. Stated this is where they live and they should be looked after first.

15. Denae Watkins of 9 Barlee Street, Mt Lawley – Item 10.1.11. Stated a lot has changed since the 2004 community consultation referenced in the report e.g. more and more businesses have been extended and approved by Council such as the Flying Scotts Man, Must Champagne Bar etc. and they are paying cash in lieu - therefore the Council is acknowledging that there is significant car parking shortfall. Believes it must be considered that it is not only patrons, but staff are also parking on residential streets and now 300 school children who attend soccer training/games 7 days a week at Forrest Park throughout the year. Stated they obviously do not attend training and games during June and July (which is ironically when the survey has been done) which is when school holidays are on and a break is taken from soccer, therefore the survey should be done when it is relevant, when there is significant usage on surrounding streets around Forrest Park. Referred to the 2002 Car Parking Strategy which references Forrest Park and says there was an issue back then with overflow on residential streets with approximately 300 people that attend Forrest Park. It recommended that there should be no parking or residential parking zones to be implemented on the streets surround the park including Clarence, Barlee and Harold Streets. Asked how many reports are needed before some of the recommendations are implemented on the independent reports? Believes residential streets should be protected from non-residential parking and commuters seeking to park for free and ride into the city, perhaps it would be nice for Council and Councillors to consider the basic needs of residents and ratepayers in the areas surrounding Forrest Park and consider that there are 300 parents who do not use public transport when they drop their children off to training and games that are now visiting and frequenting Forrest Park 7 days a week. Believes they desire the right as ratepayers to have friends, family and themselves parking on their streets and not be inconvenienced.
16. Alex McCaughan of 119 Coogee Street, Mt Hawthorn (own No. 93) – Item 10.1.1. Stated that they are trying to build their family home, as they have 5 children. They are not a big company – they are a family trust. Advised when they first designed their home, they took into as much account as they could, window placements to give them and their neighbours on both sides privacy. Stated at the last meeting that

the northerly neighbour complained of this massive “*wall of china*” being built on this boundary, although not an expert, he has looked at the plans and the double storey is 7,090 long in the front of the house on his side and on that side of the house is a study, toilet with a small window and a stairwell and that is the size of the 2 storey on his boundary. Advised that this has been going on for sometime. Stated that they took four courses off the top floor to satisfy requirements, they do not have a lot of technical information available and the last time they were at a meeting his neighbour had so much it blinded him and he has to rely on the staff of the Council to make decisions, unsolicited or pressured in anyway. The top floor is 97m<sup>2</sup>, he doesn’t consider it a huge top floor. Believes some people may say it is a large house, many people say it is medium to small. Advised that they paid \$655,000 for the block. A “*dog box*” cannot be built on blocks of land at that price – it will completely stagnate Mt Hawthorn. Believes the house on it at the moment it complete rubbish. Stated that one thing that stuck in his mind from last time with figures, the southern neighbours said the gutters were going to be 1.3m apart, the gutters are only that now. Advised that when he looks at their house, they have a large wall with 2 small windows and they are small and it is a very large wall and it is unfortunately that this is the design of their house. However other people should not be stopped from designing to a reasonable effect a nice house because theirs is on the boundary and it has been there for so long and they have all the say. Advised that their backyard has trees everywhere and they talk about shading, however there are masses of shading in their own block so he therefore does not understand what the argument is. Stated that they are willing to bend a little more if necessary, however, it has to come an end and Council have to make a decision.

17. Trish D’Arcy of 17 Gerald Street, Mt Lawley – Item 10.1.11. Spoke in support of the previous two ladies who spoke. Stated that they cannot park their car out front and if they have visitors come they cannot find parking. Advised that they have made application on 2 occasions to have a carport built on their property which has not been approved. Advised that they were going to build it in character and it was going to be a sensible, substantial carport and they have not been allowed to build it so they have to continue to park on the street, where they have shade from the trees however, without a carport they have no shade in their driveway.

There being no further speakers, public question time finished at approx. 6.50pm.

**(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

- 4.1 Cr Youngman requested leave of absence for the Ordinary Meeting of Council to be held on 7 October 2008, due to work commitments.
- 4.2 Cr Ker requested leave of absence for the Ordinary Meeting of Council to be held on 7 October 2008, to attend a seminar on behalf of the Council.

**Moved Cr Burns, Seconded Cr Messina**

***That Cr Youngman’s and Cr Ker’s requests for leave of absence for the Ordinary Meeting of Council to be held on 7 October 2008, be approved.***

**CARRIED (9-0)**

**5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS**

- 5.1 A petition was received from Mr D. McCann and Ms F. Preston of Stuart Street, Perth together with 32 signatures opposing the proposed redeveloping of lots bounded by Palmerston, Stuart, Fitzgerald, Newcastle Streets and Pandal Lane from R80 to R160 and proposed construction of an eight storey development on No. 146 (Lot 802, D/P 5597) Fitzgerald Street, Perth.

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

**Moved Cr Ker, Seconded Cr Farrell**

*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 9 September 2008.

**Moved Cr Messina, Seconded Cr Ker**

*That the Minutes of the Ordinary Meeting of Council held 9 September 2008 be confirmed as a true and correct record.*

**CARRIED (9-0)**

**7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)**

- 7.1 “Go for 2 and 5” Gymnastics WA State Championships and “Welcome to the New Gymnastics WA State Gymnastics Centre”

Gymnastics WA held their State Championships at their new home at the refurbished Loftus Recreation Centre on Saturday 13 September 2008. This is one of the first major events held in the new facility and representatives from South East Asia and throughout Australia, including current and former Olympians, attended the event.

Very positive comments were expressed about the new facility.

Unfortunately, I was overseas on WA Local Government Superannuation Plan related business and was unable to attend. Councillor Helen Doran-Wu and the Chief Executive Officer represented the Council and received a framed photograph as a token appreciation from Gymnastics WA and the Gymnastics Community.

- 7.2 Demolition of Len Fletcher Pavilion

Today I attended the demolition of Len Fletcher Pavilion which was quite an event, as it was open for the 1962 Commonwealth Games.

Most of the brickwork, internal wood, floor etc. it is all being recycled and therefore will not be put in the landfill, except for the asbestos roof which has to be carefully disposed of. The area will be turned into parkland.

7.3 Town's Residential Recycling Collections Service

I am pleased to announce that Week One of the Town's new fortnightly residential recycling collection service, using 'yellow top wheelie bins', commenced on Monday 15 September 2008 which now means that every household in the Town will be able to recycle more.

Week Two commenced yesterday (Monday 22 September 2008).

All households received their new recycling wheelie bin during July and August and were advised via letter drop, adverts in local papers and a recycling calendar when the new service would commence in their area.

Unfortunately many residents placed their wheelie bins out for collection straight away and that is why they weren't collected until last week or will be collected during this week.

The Town's Director Technical Services envisages that, from this week on, things should return to normal and hopes that residents recycle as much as possible to reduce the material going to landfill.

7.4 Town's Investment Finances

As you may be aware, a severe global financial crisis is currently being experienced and this is causing considerable anxiety in the community. A number of large financial institutions (e.g. Lehmann Brothers) in the United States of America and Europe have experienced severe problems, with some having gone into receivership. Whilst a number of local governments in Australia and some in Western Australia have invested in these institutions, the Town has not.

The Town of Vincent manages its own Investment Portfolio and seeks professional advice as required. It is controlled by the Director Corporate Services and the Manager Financial Services.

The Town does NOT invest in international shares (or any speculative investing) and therefore, has not been affected by any recent or past stock market activity.

It is important to reassure the Council and the Vincent community, that the Town has NOT lost any monies as a result of the current financial crisis and all of the Town's Investments Funds are fully secured.

This information is contained in Item 10.3.1 in tonight's Agenda.

**8. DECLARATIONS OF INTERESTS**

- 8.1 Cr Lake declared a proximity interest in Item 10.2.3 – Further Report Traffic Management Matter 'Chatsworth Road - Highgate' (TES0234) Hyde Park Precinct. The extent of her interest being that she lives and owns a property in Chatsworth Road.
- 8.2 Cr Maier declared a proximity interest in Item 10.2.3 – Further Report Traffic Management Matter 'Chatsworth Road - Highgate' (TES0234) Hyde Park Precinct. The extent of his interest being that he owns a property in Chatsworth Road.

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

9.1 Cr D. Maier – relating to Town Planning Scheme/Policy.

The Director Corporate Services read out the following on behalf of the Chief Executive Officer:

**Q1.** Which explicit resolution of Council initiated the Town's planning resources prioritising the formulation of the Amendment 53 (the Multiple Dwelling Policy) over the completion of the Local Area Planning Strategy?

**Response:**

*There is no Council resolution which explicitly prioritises the formulation of the Policy Amendment 53 (Multiple Dwellings Policy).*

*The Policy was prepared by the Town's Officers alongside Scheme Amendment No. 25 – Clause 20(4) relating to 'no multiple dwellings'. The Policy was prepared in response to comments made by the Council Members at the Ordinary Meeting of Council held on 26 February 2008, when the Council considered Scheme Amendment No. 25.*

**Q2.** From the Town's records of letters sent out, who did the Town invite to comment on Amendment 53?

**Response:**

*The Policy Amendment was advertised in accordance with Clause 47 of the Town Planning Scheme consistent with the advertising procedure relating to Planning Policies. This procedure involves 4 x weekly newspaper advertisements, notification on the Town's website, and copies of the Policy being made available in the Town's Administration and Civic Centre, Library and Local History Centre. The Western Australian Planning Commission and all Precinct Groups are also consulted. The advertisements invited any member of the public to make a submission.*

**Q3.** Were all persons who might be directly affected by the draft "Policy relating to Multiple Dwellings" notified of that draft policy as required by the Council's decision of 27 May 2008?

**Response:**

*Refer to response to Question 2.*

**10. REPORTS**

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

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

Items 10.2.2, 10.1.1, 10.1.2, 10.1.7, 10.2.5 and 10.1.11.

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

Items 10.2.1, 10.2.2, 10.3.2, 10.4.1, 10.4.2 and 10.4.3.

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

Item 10.2.3.

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	Item 10.4.6.
Cr Messina	Nil.
Cr Youngman	10.1.8.
Cr Ker	Items 10.4.4 and 10.4.8.
Cr Doran-Wu	Nil.
Cr Lake	Item 10.3.3.
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 10.1.3, 10.1.4, 10.1.5, 10.1.6, 10.1.10, 10.2.4, 10.2.6, 10.3.1, 10.4.5 and 10.4.7.

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 10.1.3, 10.1.4, 10.1.5, 10.1.6, 10.1.10, 10.2.4, 10.2.6, 10.3.1, 10.4.5 and 10.4.7.

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

Items 10.2.2, 10.1.1, 10.1.2, 10.1.7, 10.2.5 and 10.1.11.

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

**Moved Cr Farrell, Seconded Cr Youngman**

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

*Items 10.1.3, 10.1.4, 10.1.5, 10.1.6, 10.1.10, 10.2.4, 10.2.6, 10.3.1, 10.4.5 and 10.4.7.*

**CARRIED (9-0)**

**10.1.3 No. 137 (Lot: 7, Strata Lot: 1 Str: 27534) Glendower Street, Perth - Garage and Store Addition to Existing Grouped Dwelling (Application for Retrospective Approval)**

<b>Ward:</b>	South	<b>Date:</b>	15 September 2008
<b>Precinct:</b>	Hyde Park; P12	<b>File Ref:</b>	PRO1980; 5.2008.256.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	C Roszak		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner E & D Niziskiotis for proposed Garage and Store Addition to Existing Grouped Dwelling (Retrospective Application), at No. 137 (Lot 7, Strata Lot: 1 Str: 27534) Glendower Street, Perth, as shown on plans stamp-dated 27 May 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, 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 Glendower 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 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) *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);*

- (iv) *first obtaining the consent of the owners of Nos. 135 and 137 (Lot 1) Glendower 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. 135 and 137 (Lot 1) Glendower Street in a good and clean condition; and*
- (v) *within twenty eight (28) days of the issue date of this 'Approval to Commence Development', a Building Approval Certificate Application, structural details certified by a Practicing Structural Engineer, including plans and specifications of the subject commenced works, shall be submitted to and approved by the Town of Vincent Building Services as required under section 374 AA of the Local Government (Miscellaneous Provisions) Act 1960, and regulation 11 A of the Building Regulations 1989.*

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**COUNCIL DECISION ITEM 10.1.3**

**Moved Cr Farrell, Seconded Cr Youngman**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (9-0)**

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<b>Landowner:</b>	E & D Niziskiotis
<b>Applicant:</b>	E & D Niziskiotis
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R80
<b>Existing Land Use:</b>	Grouped Dwelling
<b>Use Class:</b>	Grouped Dwelling
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	207 square metres
<b>Access to Right of Way</b>	Western side, 3 metres wide, sealed, privately owned.

**BACKGROUND:**

9 April 2002                      The Council at its Ordinary Meeting approved an application for a proposed front fence, garage and store additions to an existing grouped dwelling.

**DETAILS:**

The application seeks retrospective approval for the construction of a garage and store. This application is being referred to the Council for its determination as it involves a significant variation to the open space requirement and such variation is specified in the Town's Non-Variation of Specific Development Standards and Requirements Policy.

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



**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Open Space	50 per cent or 93.4 square metres	21 per cent or 44.35 square metres	Supported – Council at its Ordinary Meeting held on 9 April 2002 supported a similar application. The proposal will still allow a usable courtyard area of at least 21 square metres between the garage and store and the rear of the existing main dwelling. Additionally, the property is in close proximity to Hyde Park.
Plot Ratio	N/A	N/A	Noted.
Building Setbacks: South-West/ Right-of-Way	1 metre	0.85 metre	Supported – many surrounding developments in close proximity have ‘nil’ setbacks to the subject right-of-way, and refer to ‘Comments’.
<b>Consultation Submissions</b>			
Support	Nil		Noted.
Objection	Nil		Noted.
<b>Other Implications</b>			
Legal/Policy			TPS 1 and associated Policies and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil
Sustainability Implications			Nil

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

**COMMENTS:**

The key issues identified with the previous application, conditionally approved by the Council at its Ordinary Meeting held on 9 April 2002, were the variations to open space requirement and the manoeuvring space to the right-of-way.

The previous garage was approved with a ‘nil’ side setback to the right-of-way; however, the applicant has built the structure with a 0.85 metre setback as manoeuvring proved difficult for larger vehicles. The 0.85 metre setback allows for acceptable manoeuvrability and has a lesser impact than the previous approval issued.

The Town's Technical Services have advised the garage, substantially the same as constructed, was approved by the Town's Technical Service's Officers in 2002. Although the setbacks from the right-of-way were less than stipulated by AS2890.1, manoeuvring into and out of the garage was possible due to it being wider than a standard single garage (this allows part of the manoeuvring to be done within the garage itself). Although the approval was for a garage with a nil setback from the right-of-way, the applicants have constructed it with a 0.85 metre setback, which results in an improvement on the former approval. In all other respects, the garage does not deviate significantly from that which was approved by the Council at its Ordinary Meeting held on 9 April 2002.

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

**10.1.4 Nos. 71-79 (Lot: 132 ) Lincoln Street, corner Smith Street, and No. 9 (Lot 7 D/P 3733) Smith Street, Perth - Proposed Demolition of Two (2) Existing Institutional Buildings, Construction of Institutional Building (Womens Refuge) Comprising Six (6) Single Bedroom Units and Six (6) Family Units and Associated Offices and Amenities Facilities, and Alterations to Existing Child Care Building**

<b>Ward:</b>	South	<b>Date:</b>	15 September 2008
<b>Precinct:</b>	Forrest; P14	<b>File Ref:</b>	PRO1694; 5.2008.291.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Narroo		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 Oldfield Knott Architects Pty Ltd on behalf of the owner Salvation Army (WA) Property Trust for proposed Demolition of Two (2) Existing Institutional Buildings, Construction of Institutional Building (Women’s Refuge) Comprising Six (6) Single Bedroom Units and Six (6) Family Units and Associated Offices and Amenities Facilities, and Alterations to Existing Child Care Building, at Nos. 71-79 (Lot 132 D/P: Perth8) Lincoln Street , corner Smith Street, and No. 9 (Lot 7 D/P 3733) Smith Street, Perth and as shown on plans stamp-dated 17 June 2008 and fence elevation dated 11 September 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, 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) a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Lincoln Street and Smith Street verges adjacent to the subject properties, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verges 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);*
- (iii) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (iv) an archival documented record of the place (including photographs, floor plans and elevations) for the Town’s Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (v) all car-parking bays shall be dimensioned on the Building Licence application working drawings and all car parking facilities shall comply with the minimum specifications and dimensions specified in the Town’s Parking and Access Policy and Australian Standards AS2890.1 – “Off Street Parking”;*

- (vi) *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);*
- (vii) *prior to the issue of the Building Licence, revised plan shall be submitted and approved demonstrating a bin compound being provided in accordance with the Town's Health Services specifications, divided into commercial and residential areas and sized to contain:*
- *Residential*  
*1 x mobile garbage bin per unit; and*  
*1 x general recycle bin per 2 Units.*
  - *Commercial*  
*1 x mobile garbage bin per unit; and*  
*1 x recycle bin per unit, or per 200 square metres of floor space.*
- The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies, and*
- (viii) *a detailed management plan that addresses the management of occupiers and visitors and the control of noise, 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 issue of the Building Licence, and thereafter implemented and maintained.*

**COUNCIL DECISION ITEM 10.1.4**

**Moved Cr Farrell, Seconded Cr Youngman**

*That the recommendation be adopted.*

**CARRIED "EN BLOC" (9-0)**

**ADDITIONAL INFORMATION:**

The car parking assessment in the Agenda Report is based on the Car Parking Table contained in the Agenda Report considered by the Council at its Ordinary Meeting held on 6 December 2005. The adjustment factor for train station was inadvertently not included in that Car Parking Table. Given that the site is located within 800 metres from the East Perth Train Station, the Car Parking Table is amended accordingly.

<b>Landowner:</b>	Salvation Army WA Property Trust
<b>Applicant:</b>	Oldfield Knott Architects Pty Ltd
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R80
<b>Existing Land Use:</b>	Institutional Building
<b>Use Class:</b>	Institutional Building
<b>Use Classification:</b>	"SA"
<b>Lot Area:</b>	Lot 132=5463 square metres, Lot 7= 835 square metres
<b>Access to Right of Way</b>	West side, 3 metres wide, sealed, privately owned (Lot 7 only)

**BACKGROUND:**

21 October 1985                      The City of Perth granted approval for the construction of eleven (11) grouped dwellings on Lot 132.

- 20 September 2000            The Town issued a Building Licence for a spa on Lot 132.
- 27 March 2001                The Council at its Ordinary Meeting resolved to conditionally approve a patio addition on Lot 132.
- 6 December 2005            The Council at its Ordinary Meeting conditionally approved demolition of two (2) existing institutional buildings and construction of institutional building (women's refuge) comprising six (6) single bedroom units and seven (7) family units and associated offices and amenities facilities.

**DETAILS:**

The planning approval granted on 6 December 2005 by the Council expired on 6 December 2007. Therefore, the applicant has submitted a new development application to be considered by the Council.

In this instance, the subject application is being referred to the Council for its consideration and determination as the Residential Design Elements (RDE's) Policy adopted by the Council at its Ordinary Meeting held on 18 December 2007 introduced significant changes to the previous policy requirements for residential development. The applicant has demonstrated that the subject proposal has been designed over a lengthy period prior to the adoption of the RDE's Policy and based on the previous policy requirements.

The applicant has provided the following justification:

*"Following our recent conversation we wish to advise that the reason for the previous Development Approval not progressing in a timely manner was due to the Development being a joint project between the Salvation Army and the Department of Housing and Works.*

*Agreement could not be reached on a number of levels and therefore the Salvation Army decided to proceed alone. The reason for the urgency now is that planning commenced for the facility in 2004 and was to be completed in 2006. Accommodation for Women and Children in need is urgently required."*

The main changes between the plans considered at the Council Meeting held on 6 December 2005 and the new current plans are as follows:

- One of the two bedroom family units is deleted.
- Some of the internal one bedroom units have been relocated within the proposed building.
- A new gazebo.
- The proposed laundry building is deleted and incorporated in the existing child care building.
- There are no changes to the building setbacks and parking.

The proposal involves the redevelopment of the Byanda and Nunyara Women's Refugees for the Salvation Army , by demolishing two (2) existing single storey and two-storey buildings and the construction of new single level accommodation, comprising six (6) single mothers units, one (1) mobility family unit, four (4) two bedroom family units, and one (1) three bedroom family unit, all with access to Smith Street.

The proposal also involves the construction of a new solid front wall, replacing the existing wall, for the purpose of providing security for the development.

The applicant has advised that the complex has long supported unfortunate people suffering hardship in the community, and as with the changes in society, the facilities of the refuge need to be upgraded to reflect this. The refuge is open and accessible 24 hours a day with seven full time staff and four part time staff who aid in accommodating approximately 250 women and 200 children in safety, each year.

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

**ASSESSMENT:**

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

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Density	N/A	N/A	Noted.
Plot Ratio	N/A	N/A	Noted.
Building Height	6 metres to top of pitched roof.	Up to 7.7 metres to top of pitched roof.	Supported - proposed roof height is considered to have no undue impact on the adjoining properties with the overall bulk and scale of the redevelopment being less than the existing two-storey building on-site.
<b>Consultation Submissions</b>			
The application was not advertised as the plans submitted do not have significant changes from the plans approved by the Council on 6 December 2005 and do not involve any greater variation to the development requirements. Furthermore, the Town's Ranger and Community Safety Services and Health Services have confirmed that there were no complaints relating to the operation of the Women's Refuge.			
<b>Other Implications</b>			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil
Sustainability Implications			Nil
<b>Car Parking</b>			
Car parking requirement (nearest whole number) for the resultant development: <ul style="list-style-type: none"> <li>Existing 13 family units retained on-site (1 bay per unit) - 13 bays</li> <li>Proposed 12 family units (1 bay per unit) - 12 bays</li> </ul>			25 car bays
Apply the adjustment factors: <ul style="list-style-type: none"> <li>0.85 (within 400 metres of a bus stop)</li> <li><u>0.85 (within 800 metres of a rail station)</u></li> </ul>			( <del>0.85</del> <u>0.7225</u> ) <del>21.25</del> <u>18.06</u> car bays
Minus the car parking provided on-site			9 car bays
Minus the most recently approved on-site car parking shortfall			25 car bays
Resultant Surplus			<del>12.75</del> <u>15.94</u> car bays

\* 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 existing buildings on site comprise thirteen (13) self contained units, communal kitchen and dining facilities and a child care centre which is incidental to the existing uses on site, all of which are to remain and are not part of this redevelopment.

The existing single storey and two-storey multiple unit building, office and administration buildings are to be demolished to provide for the development of the single level single bedroom units, family units, communal dining and lounge facilities and administration.

### **Demolition**

A preliminary investigation indicated that the subject places proposed to be demolished does not require a full Heritage Assessment. The subject places have little cultural heritage significance and do not meet the threshold for entry into the Town of Vincent Municipal Heritage Inventory.

In light of the above, it is recommended that approval be granted for the demolition of the existing buildings, subject to standard conditions.

### **Street Fencing**

For the purpose of security for the site, the provision of 1.8 metre high screen walls are proposed adjacent to the new buildings abutting Smith Street. The proposed walls are to contain staggered design features with recesses for tree planting and are to replace existing solid walls on site. The Town's Officers consider that the design features proposed for the street fencing is compliant with the Town's Policy requirements, and considering that Smith Street is the secondary street for the site, the construction of the 1.8 metre high screen walls are supported in this instance.

### **Car Parking**

The applicant has advised that considering the nature of the site, being for occupiers who enter the refuge on a temporary transitory basis, the use of cars by the residents and the need for car bays has not been required to-date. Car parking for the site has been assessed on 1 bay per family unit (single bedroom and two-three bedroom) for both the existing and proposed buildings.

In this instance, the application of an adjustment factor for the site being within 400 metres of a bus stop was included in calculating the car parking requirement for the existing and proposed redevelopment of the site. As motor vehicles are not the primary source of access to the site for residents, the Town's Officers believe that public transport will be well used.

The proposed development provides a reduced amount of bedrooms to the existing multiple unit building in the need to provide more suitable family units. Considering this, and after applying the most recently approved on-site car parking shortfall adjustment factors, the proposed development has a resultant surplus of 12.75 car bays.

### **Summary**

The proposed redevelopment of the site is considered to significantly improve the facilities provided to women and children in need and reduce the bulk and scale of the buildings on site.

The variations sought by the applicant are supportable, and do not have an undue impact on the adjoining property or surrounding streetscape.

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

**10.1.5 No. 4 (Lot: 500 D/P: 55918) Wasley Street, Mount Lawley - Proposed Front/Street Fence Addition to Existing Single House (Part Application for Retrospective Approval)**

<b>Ward:</b>	South	<b>Date:</b>	15 September 2008
<b>Precinct:</b>	Norfolk; P10	<b>File Ref:</b>	PRO1483; 5.2008.297.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	D Pirone		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 Bilton Group on behalf of the owner Rivermore Holdings Pty Ltd for Front/Street Fence Addition to Existing Single House (Part Application for Retrospective Approval) at No. 4 (Lot: 500 D/P: 55918) Wasley Street, Mount Lawley, and as shown on plans stamp-dated 19 June 2008.*

**COUNCIL DECISION ITEM 10.1.5**

**Moved Cr Farrell, Seconded Cr Youngman**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (9-0)**

<b>Landowner:</b>	Rivermore Holdings Pty Ltd
<b>Applicant:</b>	Bilton Group
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R40
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	330 square metres
<b>Access to Right of Way</b>	Not Applicable

**BACKGROUND:**

- |                 |  |
|-----------------|--|
| 1 June 2007     | The Town under delegated authority from the Council conditionally approved partial demolition of and alterations and additions to existing single house.   |
| 24 August 2007  | Building Licence issued.   |
| 29 January 2008 | The Town’s Development Compliance Officer advised the owner that the recently constructed front/street fence is non-compliant with the Town’s Policy requirements and fencing condition (ii) of the Planning Approval dated 1 June 2007. |



**DETAILS:**

**This application is reported to the Council for consideration and determination, as the Town's Administration does not have delegated authority to approve the matter, even though the non-compliances are considered relatively minor.**

The application involves a front/street fence addition to existing single house (part application for retrospective approval).

The applicant has revised the fence that was constructed and has incorporated suitable visual truncations; however, the non-compliant pillar dimensions remain.

The applicant's submission is "*Laid on the Table*" and summarised as follows:

- In relation to the visual truncation requirement, the Town's Officers indicated that installation of a reversing mirror (proposed as a solution to concerns regarding pedestrian safety) would not be supported and that replacement of the solid portion of the boundary wall (east of the driveway containing the meter box) with 355/400 millimetre pillars and wrought iron infills is an acceptable solution. The narrower pillars and infill, being permeable, would promote pedestrian safety.
- A variation to pillar dimensions for the wall west of the driveway should be supported by staff. Such a variation is minor, with the greatest width being for the pillars abutting the pedestrian gate being 500 millimetres. Other pillar dimensions are generally 370 millimetres wide by 370 millimetres deep. It is noted that other examples of 500 millimetres pillars exist along Wasley Street.

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	Noted
Policy No. 3.2.1 relating to Residential Design Elements	Posts and piers are to have a maximum width 355 millimetres and a maximum diameter of 500 millimetres.	Posts – 370 millimetres by 370 millimetres  Posts at entrance gate – 500 millimetres by 370 millimetres	Not supported – the fence has been finished in a neat manner. That dimensions do not comply with the policy. However, the non-compliances with the post dimensions are relatively minor.
Policy No. 2.2.12 relating to Truncations	The area within a sight line shall be maintained clear of obstructions above the height of 0.65 metre. Slender columns of less than 355mm square or 500mm diameter shall be permitted.	Posts in the sightline area 370 millimetres by 370 millimetres	Supported – the Town's Technical Services Officers have advised that this variation will not unduly affect the safety of pedestrians and cyclists as the opening of the gate is setback one metre from the side boundary and the carport is setback approximately 4 metres from the Wasley Street boundary, which provides adequate room for the vehicle to manoeuvre before leaving the site.

<b>Consultation Submissions</b>	
The application was not advertised as the Officer Recommendation is for refusal.	
<b>Other Implications</b>	
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications	Nil
Financial Implications	Nil
Sustainability Implications	Nil

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

**COMMENTS:**

The Town's Residential Design Elements Policy requires that posts and piers within the primary street setback area, including along the side boundaries, to have a maximum width of 355 millimetres. In this instance, none of the piers comply with the Town's requirements, as they are 370 millimetres wide and the piers at the entrance gate are 500 millimetres wide, however, the non-compliant post dimensions are relatively minor.

**Director Development Services and Planning Officer Comments:**

The Director Development Services and Planning Officers recommend APPROVAL of the application, having consideration of:

- the applicant's submission;
- other similar front/street fences along Wasley Street;
- the fence has been finished in an attractive and professional manner;
- the fence is in keeping with the existing dwelling and the Wasley Street streetscape;
- the non-compliance with clause SADC 13 of the Town's Policy No. 3.2.1 relating to Residential Design Elements, which requires posts and piers to have a maximum width of 355 millimetres and a maximum diameter of 500 millimetres is minor and barely perceptible;
- the Council has discretion to vary the street walls and front fences requirements specified in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements; and
- the variation will not unduly affect the safety of pedestrians and cyclists as the opening of the gate is setback one metre from the side boundary and the carport is setback approximately 4 metres from the Wasley Street boundary, which provides adequate room for the vehicle to manoeuvre before leaving the site.

**Note:**

**This application is reported to the Council for consideration and determination, as the Town's Administration does not have delegated authority to approve the matter, even though the non-compliances are relatively minor.**

**10.1.6 No. 232 (Lot: 303 D/P: 26532) Stirling Street, Perth - Proposed Change of Use to Office and Associated Alterations**

<b>Ward:</b>	South	<b>Date:</b>	12 September 2008
<b>Precinct:</b>	Beaufort; P13	<b>File Ref:</b>	PRO3977; 5.2008.254.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	A Du		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 S Frank on behalf of the owner Renals Pty Ltd for proposed Change of Use to Office and Associated Alterations, at No. 232 (Lot: 303 D/P: 26532) Stirling Street, Perth, and as shown on plans stamp-dated 23 May 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, 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) doors and windows and adjacent floor areas fronting Stirling Street shall maintain an active and interactive relationship with this street;*
- (iii) all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate planning application, and all signage shall be subject to a Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (iv) the hours of operation shall be limited to 9:00am – 5:00pm Monday to Friday inclusive;*
- (v) the gross floor area of the office shall be limited to 100 square metres. Any increase in floor space or change of use for the subject land shall require a separate Planning Approval to be applied to and obtained from the Town; and*
- (vi) prior to the first occupation of the development, a bin compound shall be constructed in accordance with the Town's Health Services Specifications and sized to contain:
  - (a) 1 x mobile garbage bin per unit; and*
  - (b) 1 x ~~paper~~ recycle bin per unit, or per 200 square metres of floor space.**

**\*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 Youngman**

*That the recommendation be adopted.*

**CARRIED "EN BLOC" (9-0)**

**ADDITIONAL INFORMATION:**

Technical Services have confirmed that the recycle bin can be used for paper as well as glass and other recyclable material. Therefore, clause (vi) (b) should be amended accordingly.

<b>Landowner:</b>	Renals Pty Ltd
<b>Applicant:</b>	S Frank
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential/Commercial R80
<b>Existing Land Use:</b>	Unoccupied Building
<b>Use Class:</b>	Office Building
<b>Use Classification:</b>	"AA"
<b>Lot Area:</b>	336 square metres
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

28 August 2007                      The Council at its Ordinary Meeting refused a Planning Application for change of use from hairdressing salon to non-medical consulting rooms and ancillary and associated shop (massage and retail sales of balms and ointments) at the subject lot.

**DETAILS:**

The proposal involves the change of use to an office and associated alterations.

**This application is reported to the Council for its determination, as it mainly involves a variation to the Town's Policy No. 3.1.13 – Beaufort Precinct, as no residential component is provided on-site.**

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	Noted.
Residential/Non-Residential Use	Commercial uses are not permitted to develop independently of residential uses. Developments are to contain a residential component of no less than 66 per cent of the existing or approved floor space.	Nil residential component	Supported – refer to 'Comments' below.
<b>Consultation Submissions</b>			
Support (3)	<ul style="list-style-type: none"> <li>The proposed development will be an improvement for the street.</li> </ul>		Noted.
Objection	Nil.		Noted.

<b>Other Implications</b>	
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications	Nil
Financial/Budget Implications	Nil
Sustainability Implications	Nil
<b>Car Parking</b>	
<b>Requirements</b>	<b>Required</b>
Total car parking required before adjustment factor (nearest whole number)	
<ul style="list-style-type: none"> <li>• 1 car bay per 50 square metres of gross floor area (proposed 100 square metres)</li> </ul>	2 car bays
Apply the parking adjustment factors.	(0.85)
<ul style="list-style-type: none"> <li>• 0.85 (within 400 metres of one or more existing public car parking places with excess of 75 car parking spaces)</li> </ul>	1.7 car bays
Minus car parking provided on-site	3 car bays
Minus the most recently approved on-site car parking shortfall	Nil
<b>Resultant Surplus</b>	<b>1.3 car bays</b>

\* 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 land is zoned Residential/Commercial R80 with the immediate area characterised by a mix of residential and commercial uses along the street. The subject site currently has an existing building approved with no residential component, and appears to be vacant. This application proposes to maintain a wholly commercial use; however, it does not involve any additions or renovations to the front of the existing building, therefore, the building's residential presentation to the street will be retained.

There are commercial uses fully occupying buildings along the same side of Stirling Street as the subject property, such as offices used by engineers, barristers and solicitors, a Chinese acupuncture and herbal clinic approved as consulting rooms, and also a camera sales and repair shop. Further, it is unlikely that this side of the street will convert to a predominantly residential use in the short term, as most of the existing commercial uses are established.

The number of car parking bays is compliant with the requirements for an office; therefore, there is no undue impact on the on-street parking. The proposed change of use to an office use will also be an improvement to a vacant building, and given the existing nature of the streetscape, the proposed development will have no undue impact on the amenity of the streetscape. Furthermore, no objections were received by surrounding owners and occupiers.

In light of the above, it is recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters.

**10.1.10 Fire Hazard Control – Extension of the Fire Break Notice Period under the Bush Fires Act 1954**

<b>Ward:</b>	Both	<b>Date:</b>	11 September 2008
<b>Precinct:</b>	All	<b>File Ref:</b>	LEG0011
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	S Beanland, J MacLean		
<b>Checked/Endorsed by:</b>	R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *APPROVES the extension of the current Fire Control Season under the Bush Fires Act 1954, to commence on 1 November each year and conclude on 31 March the following year; and*
- (ii) *ADVERTISES by way of a Statewide advertisement, the dates of the proposed new Fire Control Season, in accordance with the provisions of Section 3.12 of the Local Government Act 1995.*

**COUNCIL DECISION ITEM 10.1.10**

**Moved Cr Farrell, Seconded Cr Youngman**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (9-0)**

**PURPOSE OF REPORT:**

The purpose of the report is to amend the current Fire Control Season to commence on 1 November and to cease on 31 March, each year and enable the Town’s Officers to enforce the Bush Fires Act 1954, during this time.

**BACKGROUND:**

The Bush Fires Act 1954, Bush Fire Regulations 1954 and the Bush Fire (Infringements) Regulations 1978 outline the requirements for the Town, in relation to the control of fire hazards within the District. Rangers currently undertake the responsibility of enforcing this legislation in their capacity as Rangers and acting under the authority of the Bush Fires Act 1954. "Fire Hazard Clearance", on private land, is a requirement, under the Bush Fires Act 1954, in each local government area. During summer, properties within the Town are required to be clear of all fire hazards in order to minimise the potential for fire to occur and to enable the effective control of any fires, which may break out.

The Town’s Rangers currently issue notices to owners requiring firebreaks to be cleared from 1 December each year to 28 February the following year (inclusive).

The extension of the firebreaks period within the Town will reduce the risk of fire in the community and address the demand to provide a response to community concerns about fire hazards earlier in the year.

Previously, in early December, Bush Fire Control Officers began inspections of all properties within the Town to identify possible fire hazards. The Rangers then issued notices to those property owners, to ensure that they complied with their responsibility to maintain fire safety.

Throughout the remainder of the fire season, secondary inspections were conducted and the owners of any property, found to still contain fire hazards, were issued with an infringement notice. For serious hazards, or where the owner has refused to comply, the Town's contractor was instructed to undertake the work of removing the hazard. The Town's costs, for removing fire hazards from private property, were then passed on to the property owners.

Officers also responded to complaints from concerned members of the public and may also have found properties, with fire hazards, which had not been recognized in the initial inspections. Following a subsequent inspection, if a fire hazard was found, the owners of these properties were sent a formal notice, requiring the fire hazard be removed, typically within 7 days.

**DETAILS:**

The current process outlined above is thorough and time consuming. Often, the property is left for several weeks into the fire season, before compliance is achieved. The dry and overgrown material can therefore present a hazard to nearby homes, during this time.

Concerned residents often call Rangers Services in October and November, complaining about the state of their neighbour's properties in relation to possible fire hazards. However, the current "Fire Hazard Clearance" period does not allow Rangers to act on these concerns and complaints, until December of each year. The number of identified hazards each month, for the past four (4) years is shown in the table below.

<b>Year</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Total</b>
<b>04/05</b>	4	16	12	13	1	4	50
<b>05/06</b>		70	10	11	1	1	93
<b>06/07</b>	91	11	7	7	1	2	119
<b>07/08</b>	13	55	5	4			77

For the past four years, it has become normal for residents to be increasingly concerned with the threat of fire hazards, so Rangers have been trying to identify potential fire hazards, in October each year. This enabled letters to be sent in November, requiring clearance of the hazards, by 1 December.

To improve this process and increase responsible property ownership under the Bush Fires Act 1954, the following changes to the Town's Bush Fire Control Procedure is suggested:

- Increase the "Fire Hazard Clearance" period, as advertised in the statutory notices, to begin on 1 November each year and end on 31 March in the subsequent year.  
Note: the change from the current dates, from 30 November to 1 November and from 28 February to 31 March, requires Council Approval;
- Commence initial inspections from 1 November and continue inspections until 31 March the following year.  
Note: This change will be advertised and will be included in an initial mail out to all properties, which received warning notices last year; and
- Advertise the "Fire Hazard Clearance" period by an awareness campaign by including information on the Town's website.

**CONSULTATION/ADVERTISING:**

The "Fire Hazard Clearance" Notice must be advertised annually and published in the Government Gazette and *The Western Australian* newspaper. As in previous years, to reduce the advertising costs, the Town has agreed to insert a joint advertisement, regarding the fire season, in conjunction with the Town of Victoria Park.

**LEGAL/POLICY:**

The proposed extension to the "Fire Hazard Clearance" period is in accordance with Section 33 of the Bush Fires Act 1954.

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**STRATEGIC IMPLICATIONS:**

This matter is in keeping with the Town's Strategic Plan 2006-2011, Objective "3.1.3 (a) *Determine the requirements of the community and ensure that the services provided meet those needs.*"

**FINANCIAL/BUDGET IMPLICATIONS:**

The proposed change to the "Fire Hazard Clearance" will have no financial implications, since the cost of the advertisement will be the same, irrespective of the commencement and conclusion dates. Since the Town of Victoria Park Council has already approved the amendment and is about to undertake advertising, so as to maintain the shared cost of the advertisement, of approximately \$1,500, the above is recommended for approval.

**COMMENTS:**

The current enforcement procedure, of inspecting all properties within the District, is extremely time consuming and significantly decreases the service provision in the Ranger Services Section during November and December each year. By amending the fire season, the ability of the Rangers to spread the initial inspections over a longer time, prior to the "Fire Hazard Clearance" period, will significantly decrease the workload of these Officers.



**10.2.4 Proposed 2 Hour Parking Restriction – Lacey Street, Perth**

<b>Ward:</b>	South	<b>Date:</b>	16 September 2008
<b>Precinct:</b>	Beaufort (13)	<b>File Ref:</b>	PKG0064
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	T Blankenburg		
<b>Checked/Endorsed by:</b>	C Wilson, R Lotznicker	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report on the introduction of a two (2) hour parking restriction in Lacey Street, Perth;*
- (ii) *APPROVES the introduction of two (2) hour parking and "No Parking" restrictions as illustrated on attached Plan 2608-PP-1; and*
- (iii) *PLACES a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs.*

**COUNCIL DECISION ITEM 10.2.4**

**Moved Cr Farrell, Seconded Cr Youngman**

*That the recommendation be adopted.*

**CARRIED "EN BLOC" (9-0)**

**PURPOSE OF REPORT:**

The purpose of this report is to inform the Council of the outcome of the consultation with residents in Lacey Street to determine the support for the introduction of a two (2) hour parking restriction on the western side of the street and seek the Council's approval of the introduction of this restriction.

**BACKGROUND:**

The Town received correspondence from various residents in Lacey Street about the issues caused by parking congestion in the street. The major issue related to the number of City and local workers parking in the street for long periods of time resulting in a lack of parking for residents and their visitors. The eastern side of Lacey Street is currently restricted to two (2) hour restrictions with some fifteen (15) minute parking bays set aside. The western side is mainly unrestricted with some fifteen (15) minute parking bays set aside.

**DETAILS:**

On 15 August 2008, thirty (30) letters were distributed to the residents of Lacey Street requesting them to provide comments over a 14 day period, regarding the proposed introduction of a two (2) hour parking restriction from Monday to Friday inclusive, between 8.00am and 5.30pm, and Saturday between 8.00am and 12noon. The existing fifteen (15) minute bays on the western side will remain in place.

At the close of the consultation period, five (5) responses were received (17% response) with four (4) in favour and one (1) against the proposal. A summary of comments received is attached at appendix 10.2.4.

**CONSULTATION/ADVERTISING:**

Residents were consulted via a letter drop in relation to the proposed parking restriction in Lacey Street.

**LEGAL/POLICY:**

There is no legal consequence of the recommendation.

**STRATEGIC IMPLICATIONS:**

In accordance with the objective of Strategic Plan 2006-2011 – 1.1.6 Enhance and maintain the Town's infrastructure to provide a safe, healthy and functional environment. *“(9e) Review, implement and promote the Car Parking Strategy”*.

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Implementing parking restrictions in Lacey Street will require the manufacture and installation of seven (7) new signs and will cost approximately \$700.00.

**COMMENTS:**

The majority of respondents (80%) were in favour of the proposed introduction of parking restrictions in Lacey Street. It is therefore recommended that the Council proceed with the introduction of the two (2) hour parking restrictions as shown on attached Plan No 2608-PP-1.

**10.2.6 Tender No 386/08 – Members Equity Stadium – Upgrade of Electrical Services and Power Supply**

<b>Ward:</b>	South	<b>Date:</b>	16 September 2008
<b>Precinct:</b>	Beaufort, P13	<b>File Ref:</b>	RES0104/TEN0395
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	R Lotznicker; M Rootsey, John Giorgi		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report on the upgrade of electrical services and power supply for Members Equity Stadium;*
- (ii) *NOTES that;*
  - (a) *the upgrade of the electrical services and power supply at Members Equity Stadium is required to be carried out, in order to fulfil the requirements of the Financial Assistance Agreement No. 3 between the Town and the State Government;*
  - (b) *the 2008/2009 budget includes an amount of \$410,000 for the project to be funded from the Perth Oval Stage 2 Reserve Fund;*
  - (c) *the total estimated cost of the proposal, including the Western Power Sub-Station Costs, Retaining Walls, Earthworks, Consultant fees, Design and Documentation costs and specified Tender works, is \$612,485 (GST exclusive); and*
  - (d) *the members Equity Stadium Committee unanimously supports the approving of the tender and re-allocation of funds to complete the electrical project; and*
- (iii) *APPROVES;*
  - (a) *the upgrade of the electrical services and power supply at Members Equity Stadium, at an estimated cost of \$615,242;*
  - (b) *the tender submitted by Alan Jones Electrical Services PTY Ltd in accordance with specifications detailed in Tender 386/08 for the contract price of \$384,242 (GST exclusive); and*
  - (c) *the funding of the shortfall (estimated funding of \$199,485) from the Perth Oval Reserve Fund.*

**COUNCIL DECISION ITEM 10.2.6**

**Moved Cr Farrell, Seconded Cr Youngman**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (9-0)**

**PURPOSE OF REPORT:**

The purpose of this report is to obtain the Council's approval to award Tender No 386/08 for the upgrade of electrical services and power supply for Members Equity Stadium.

**BACKGROUND:**

On 19 December 2007, the Council considered a report under Delegated Authority and resolved as follows:

*"That the Council;*

- (i) RECEIVES the report of the Town's successful funding submission to the Minister for Sport and Recreation concerning the upgrade of Members Equity Stadium;*
- (ii) AUTHORISES;*
  - (a) the Chief Executive Officer to negotiate the Terms and Conditions of the Funding Agreement;*
  - (b) the Chief Executive Officer to prepare the necessary tender documents and call tenders and/or quotations for the upgrade works at Members Equity Stadium;*
  - (c) the Chief Executive Officer and Mayor to sign the Funding Agreement between the Town and the Department of Sport and Recreation;*
- (iii) REQUESTS the Chief Executive Officer to submit a further report concerning the Funding Agreement and the Tenders prior to carrying out any works; and*
- (iv) NOTES that a further report will be submitted to the Council in early 2008, concerning the tenders/quotations."*

The Chief Executive Officer satisfactorily negotiated with the Department of Sport and Recreation the Financial Assistance Agreement (FAA) No. 3 and this was signed in March 2008.

Following the signing of the FAA, quotations were obtained and an electrical consultant was engaged to prepare the necessary electrical specification for the tender. Discussions were held with the various stakeholders, including Allia Venue Management (Allia), Stadium Caterer, Perth Glory Football Club (PGFC), Rugby WA and West Australian Rugby League (WARL). As a result of these discussions, which included a number of requests, the tender document was prepared, which included a number of options which would be considered as "extras". These extras would be approved if funding was available.

Tender No 386/08 was advertised in the West Australian newspaper on 2 August 2008.

Tenders closed at 2.00pm on 19 August 2008 and four (4) tenders were received. Present at the tender opening were Mary Hopper (Financial Services/Purchasing Officer), Kon Bilyk (Technical Services/Property Officer-Projects) and the Chief Executive Officer, John Giorgi.

**DETAILS:**

Tenders were received from the following organisations:

1. Alan Jones Electrical Services Pty.
2. Cable Logic Pty Ltd.
3. Stiles Electrical Services.
4. Downer EDI Engineering.

The details of the submissions received are listed below.

Contractor		Price (excluding GST)
1.	Alan Jones Electrical Services Pty	\$384,242
2.	Cable Logic Pty Ltd	\$474,855
3.	Downer EDI Engineering	\$495,854
4.	Stiles Electrical Services	\$563,401

### Tender Evaluation.

#### Selection Criteria

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

Criteria		Weighting
1.	Contract Price (Lump sum)	60%
2.	History and Viability of Company	15%
3.	Relevant experience and project team	20%
4.	References	5%
<b>Total:</b>		<b>100%</b>

The table indicates the relevant factors and weighting that will be applied for each factor.

#### Tender Evaluation Panel

The tender evaluation panel consisted of the Director BEST Consultants, Chief Executive Officer, Director Technical Services and Property Officer – Projects. Each tender was assessed using the above selection criteria in accordance with the tender documentation.

#### Tender Summary

		Alan Jones Electrical Services Pty	Cable Logic Pty Ltd	Downer EDI Engineering	Stiles Electrical Services
1	Contract Price (Lump sum)	60	50.35	48.11	40.92
2	History and Viability of Company	15	15	15	15
3	Relevant experience and project team	20	20	20	20
4	References	5	5	5	5
Total		<b>100</b>	90.35	88.11	80.92

### Tender Evaluation - Comments

The Town commissioned Building Engineering Services and Technology (BEST) Consultants to prepare the design and document the project. BEST Consultants were the electrical consultants for the original upgrade of Members Equity Stadium and are very familiar with the project. As a consequence, their fee was considerably reduced. Their Director, Arnold Hoehn, addressed all enquiries during the tender period and has submitted the following comments:

*"Western Power have yet to complete their final costing. They have estimated their costs will be in the order of \$170,000 to \$190,000 (excluding GST).*

*All tenderers completed part 3 of the Town of Vincent tender forms.*

*No exclusions or other conditions were received with the tender submissions. All tender offers therefore comply with the Town of Vincent's tender procedures.*

*The original estimated electrical construction value was \$320,000. We consider the main factors that have contributed to the increased costs include:*

- (i) Western Power's new substation requiring relocation of the site main switchboard and construction of a new main switchboard.*
- (ii) The requirement for 2 x 1,000 kva transformers - power capacity.*
- (iii) Additional requirements/power outlets requested by Allia Venue Management.*
- (iv) Escalation due to the construction boom in Perth and WA generally.*

*The lowest tender is considered extremely competitive given the current market conditions.*

*We have contacted Alan Jones as his price is considerably less than the other tenderers and he has stated he has no intention of withdrawing their tender offer.*

*As Alan Jones Electrical has the lowest price, has experience in similar large projects and has successfully completed several projects for which we have been the electrical consultant, we recommend acceptance of their tender of \$384,242 (excluding GST) for this project."*

Chief Executive Officer's Comments:

*(i) Western Power New Sub-Station:*

Western Power required the new sub-station to be located adjoining the current sub-station fronting Brewer Street. Due to large significant trees (which are heritage listed) the sub-station had to be redesigned and a number of electrical components relocated. It is estimated that this contributed approximately \$50,000 to the cost.

*(ii) Requirement for 2 x 1,000 kva Transformer Power Capacity:*

The provision of 2 x 1,000 kva power capacity will enable the Stadium power supply to be upgraded from the existing single 630 kva transformer without any further need to increase the sub-station power capacity. This installation will remain a Western Power district sub-station, as this type of electricity supply arrangement offers great security of supply because Western Power will provide a ring main connection using two (2) incoming cables, so if one fails, they can switch over to the other supply.

At present, the Town is awaiting a Business Case Feasibility from the stakeholders to upgrade the Stadium to enable the Western Force to utilise the Stadium on a more frequent basis. Should this occur, an upgrade to the lighting level is essential - hence, the need for additional power. Western Power have advised that it is much more cost effective for the sub-station to be increased at this stage.

*(iii) Additional Power Outlet requested by Allia Venue Management:*

Additional requirements and power outlets include;

- extra power outlets in all the Stadium entrance gatehouses;
- a number of power outlets around the Stadium to allow for catering vans;
- permanent power outlets are also included for the replay video screen;
- an upgrade of the power outlets around the playing pitch, as these have deteriorated due to water damage;
- increased lighting outside the various gates;

- separate power supply for two (2) major ovens in the main kitchen;
- additional power outlets for the function rooms; and
- new distribution power boards.

It should be noted that a number of requests were not supported at this stage (e.g. power for CCTV).

(iv) *Cost Escalation - Building Boom:*

As Council is aware, the building industry is undergoing a massive resources "boom" and tender prices are substantially higher than estimated, due to the shortage of labour and the high availability of work. Accordingly, tender prices are much higher than estimated.

**Members Equity Stadium Committee:**

The tender was considered at a meeting of the Members Equity Stadium Committee held on 16 September 2008.

The Committee unanimously supported the awarding of the tender and the re-allocation of funds to complete the electrical project.

**CONSULTATION/ADVERTISING:**

The tender was 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.

The Financial Assistance Agreement No. 3 requires;

- (i) the Town to notify the State Government of the cost of the works;
- (ii) the Town to be responsible for any cost overruns; and
- (iii) the Town to refund any unspent monies to the State.

**STRATEGIC IMPLICATIONS:**

In keeping with the Town's Strategic Plan 2006-2011:

Objective 1.1.6 - *"Enhance and maintain the Town's infrastructure to provide a safe, healthy sustainable and functional environment (a) implement infrastructure upgrade programs, including streetscape enhancements, footpaths, Right of Ways and roads", and;*

Objective 1.1.6(h) - *"Carry out the redevelopment of Members Equity Stadium (Perth Oval) in partnership with the State Government."*

**SUSTAINABILITY IMPLICATIONS:**

The upgrade works will ensue that the Stadium has sufficient power to enable it to operate, without relying on the temporary generator.

**FINANCIAL/BUDGET IMPLICATIONS:**

<b>Proposed Works</b>	<b>Amount</b>
Allan Jones Contract Price	\$384,242
Western Power new Sub-Station ( <i>estimate only</i> )	\$180,000
Design/Documentation/Consultation Fees	\$23,243
Earth Works/Retaining Walls - by Town ( <i>estimate only</i> )	\$25,000
<b>Total Estimated Cost</b>	<b>\$612,485</b>

<b>Budget</b>	<b>Amount</b>
Estimated Funds available Perth Oval Stage 2 Reserve Fund as at 1 Dec 2008*	<b>\$413,000</b>

<b>Funding Shortfall</b>	<b>Amount</b>
Total estimated Perth Oval Reserve Fund at 1 December 2008*	<b>-\$199,485</b>
	<b>\$355,431</b>

Note:\* Excludes previously budgeted items in 2008/2009 budget

**Optional Tender Price:**

The tender requested tenderers to submit a price for the installation of corporate box sub-main and distribution boards. (Additional corporate boxes will be required if the Western Force utilise the Stadium on a more frequent basis.)

The following prices were received;

	<b>Contractor</b>	<b>Price (excluding GST)</b>
1.	Alan Jones Electrical Services Pty	\$56,000.00
2.	Cable Logic Pty Ltd	\$74,930.88
3.	Downer EDI Engineering	\$69,239.09
4.	Stiles Electrical Services	\$62,195.65

Chief Executive Officer's Comment:

The Town's electrical consultant advises that whilst it is preferable that this work be carried out at this stage, as it will have some cost efficiencies, it can be deferred until a later date and a firm decision has been made as to whether additional corporate boxes will be provided on the eastern side of the stadium.

The Chief Executive Officer is of the view that this option should not be carried out at this stage and it be again reviewed if and when an upgrade to the Stadium is carried out to provide additional corporate boxes.

**COMMENTS:**

It is recommended that the electrical services and power supply be upgraded, as outlined in this report as it is more cost effective to carry out this work at this stage. It will also enable the Stadium to be used without reliance on the power generator - which minimises the Town's liability and risk for a major Stadium, which accommodates a large number of patrons on event days.

Accordingly, approval of the Officer Recommendation is requested.



**10.3.1 Financial Statements As at 31 August 2008 and Investment Funds - Update**

<b>Ward:</b>	Both	<b>Date:</b>	15 September 2008
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0026
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	B Tan		
<b>Checked/Endorsed by:</b>	M Rootsey	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the Financial Statements for the month ended 31 August 2008 as shown in Appendix 10.3.1; and*
- (ii) *NOTES that the Town has not lost any investment funds as a result of the recent financial crisis being experienced in the United States of America and Europe.*

**COUNCIL DECISION ITEM 10.3.1**

**Moved Cr Farrell, Seconded Cr Youngman**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (9-0)**

**PURPOSE OF REPORT:**

The purpose of this report is to present the financial statements for the month ended 31 August 2008.

**BACKGROUND:**

Regulation 34(1) of the Local Government (Financial Management) Regulations 1996 requires a local government to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the budget.

A financial activity statements report is to be in a form that sets out:

- the annual budget estimates
- budget estimates to the end of the month to which the statement relates
- actual amounts of expenditure, revenue and income to the end of the month to which the statement relates
- material variances between the year-to-date income and expenditure and totals and the relevant annual budget provisions for those totals from 1 July to the end of the period
- includes such other supporting notes and other information as the local government considers will assist in the interpretation of the report.

A statement of financial activity and any accompanying documents are to be presented to the council at the next ordinary meeting of the council following the end of the month to which the statement relates, or to the next ordinary meeting of council after that meeting.

In addition to the above, under Regulation 34(5) of the Local Government (Financial Management) Regulations 1996, each financial year a local government is to adopt a percentage of value, calculated in accordance with AAS 5, to be used in statements of financial activity for reporting material variances.

**DETAILS:**

The following documents represent the Statement of Financial Activity for the period ending 31 August 2008.

- Income Statement
- Summary of Programmes/Activities ( pages 1-17)
- Capital Works Schedule (pages 18-24)
- Balance Sheet and Statement of Changes in Equity (pages 25-26)
- Reserve Schedule (page 27)
- Debtor Report (page 28)
- Rate Report (page 29)
- Statement of Financial Activity (page 30)
- Net Current Asset Position (page 31)
- Beatty Park Report – Financial Position (page 32)
- Variance Comment Report (page 33-36)

Comments on the financial performance are set out below.

**Operating Statement and Detailed Summary of Programmes/Activities**

**Operating Result**

The operating result is Operating Revenue – Operating Expenses

YTD Actual	-	-\$16.1 million
YTD Budget	-	-\$15.0 million
Variance	-	\$1.1 million
Full Year Budget	-	-\$4.9 million

**Summary Comments:**

The current favourable variance is due to increase revenue received as outlined below.

**Operating Revenue**

YTD Actual	-	\$21.1 million
YTD Budget	-	\$20.8 million
YTD Variance	-	\$0.3 million
Full Year Budget	-	\$32.8 million

**Summary Comments:**

The total operating revenue is on target with the year to date budget.

Recreation Services – Increased revenue at Beatty Park accounts for variance in revenue for this program. Swim School revenue is 19 % above budget due to early registration and booking for the year. In addition there are significant increases in revenue for Crèche, Health & Fitness and Aerobics.

Economic services – Decreased revenue from Sanitation is 13% below budget estimates as a result of timing delay in raising revenue for the commercial refuse charges

More details variance comments are included on the page 33.-36 of this report.

### **Operating Expenditure**

YTD Actual	-	\$5.0 million
YTD Budget	-	\$5.8 million
YTD Variance	-	-\$0.8 million
Full Year Budget	-	\$33.7 million

### **Summary Comments:**

The operating expenditure is currently 13% under the year to date budget. This being the second month of the financial year the majority of the favourable expenditure variances is due to the timing differences between expenditure and the budget phasing.

Detailed variance comments are included on the page 33.-36 of this report.

### **Capital Expenditure Summary**

The Capital Expenditure summary details projects included in the 2008/09 budget and reports the original budget and compares actual expenditure to date against these.

Capital Works shows total expenditure including commitment for year to date at the 31 August 2008 of \$999,227 which represents 7 % of the budget of \$14,139,996.

	<b>Budget</b>	<b>Actual to Date</b>	<b>%</b>
Furniture & Equipment	163,850	26,614	16%
Plant & Equipment	1,520,700	18,783	1%
Land & Building	3,952,834	333,951	8%
Infrastructure	8,502,612	619,879	7%
<b>Total</b>	<b>14,139,996</b>	<b>999,227</b>	<b>7%</b>

### **Summary Comments:**

There has been minimal activity in the first two month of the financial year. The budget is phased for the Capital Works programme to increase with the receipt of the Rates income which should commence in late August and early September.

### **Balance Sheet and Statement of Changes in Equity**

The statement shows the current assets of \$31,442,144 and non current assets of \$140,950,501 for total assets of \$172,392,644.

The current liabilities amount to \$8,792,899 and non current liabilities of \$13,960,929 for the total liabilities of \$22,753,828. The net asset of the Town or Equity is \$149,638,816.

### **Restricted Cash Reserves**

The Restricted Cash Reserves schedule details movements in the reserves including transfers, interest earned and funds used, comparing actual results with the annual budget.

The balance as at 31 August 2008 is \$7.2m. The balance as at 30 June 2008 was \$6.8m.

### **General Debtors**

Other Sundry Debtors are raised from time to time as services are provided or debts incurred. Late payment interest of 11% per annum may be charged on overdue accounts. Sundry Debtors of \$427,222 is outstanding at the end of August 2008.

Of the total debt \$106,292 (25%) relates to debts outstanding for over 60 days, of which \$90,376 is related to Cash in lieu Parking.

The Debtor Report identifies significant balances that are well overdue.

Finance has been following up outstanding items with debt recovery by issuing reminder when it is overdue and formal debt collection if reminders are ignored.

### **Rate Debtors**

The notices for rates and charges levied for 2008/09 were issued on the 6 August 2008.

The Local Government Act 1995 provides for ratepayers to pay rates by four instalments. The due dates for each instalment are:

First Instalment	25 August 2008
Second Instalment	27 October 2008
Third Instalment	5 January 2009
Fourth Instalment	3 March 2009

To cover the costs involved in providing the instalment programme the following charge and interest rates apply:

Instalment Administration Charge (to apply to second, third, and fourth instalment)	\$5.00
Instalment Interest Rate	5.5% per annum
Late Payment Penalty Interest	11% per annum

Pensioners registered with the Town for rate concessions do not incur the above interest or charge.

Rates outstanding as at 31 August was \$7,889,579 which represents 42.4% of the outstanding collectable income compared to 74% at the same time last year.

### **Summary Comments:**

The reduced percentage amount outstanding in comparison to last year is due to the fact that the Rates Notices were distributed approximately one (1) month earlier than last year.

### **Statement of Financial Activity**

The closing surplus carry forward for the year to date 31 August 2008 was \$16,341,680.

### **Net Current Asset Position**

The net current asset position \$16,341,680.

### **Beatty Park – Financial Position Report**

As at 31 August 2008 the operating deficit for the Centre was \$6,531 in comparison to the annual deficit of \$532,109.

The cash position showed a current cash surplus of \$65,500 in comparison annual budget estimate of a cash deficit of \$73,080. The cash position is calculated by adding back depreciation to the operating position.

#### **Variance comment Report**

The comments will be for the favourable or unfavourable variance of greater than 10% of the year to date budgeted.

#### **Investment Funds**

As Council may be aware, a severe global financial crisis is currently being experienced. A number of large financial institutions (e.g. Lehmann Brothers) in the United States of America and Europe have experienced severe problems, with some having gone into receivership. Whilst a number of local governments in Australia and some in Western Australia have invested in these institutions, the Town has not.

The Town of Vincent manages its own Investment Portfolio and seeks professional advice as required. It is controlled by the Director Corporate Services and the Manager Financial Services.

The Town does NOT invest in international shares (or any speculative investing) and therefore, has not been affected by any recent or past stock market activity.

The Town has NOT lost any monies as a result of the current financial crisis and all of the Town's Investments Funds are fully secured.

**10.4.5 Policy No. 3.8.3 – Relating to Concerts and Events – Consideration of Submission and Adoption of Amended Policy**

<b>Ward:</b>	Both	<b>Date:</b>	17 September 2008
<b>Precinct:</b>	All	<b>File Ref:</b>	ENS0125
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	A Giles; S Teymant; John Giorgi		
<b>Checked/Endorsed by:</b>	R Boardman; John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report relating to the Amended Draft Policy No. 3.8.3 Relating to Concerts and Events and considers the one (1) submission received during the consultation period;*
- (ii) *REVOKES the existing Policy No. 3.8.3 – “Concerts and Events” and ADOPTS the Amended Policy No. 3.8.3 – “Concerts and Events” as shown in Appendix 10.4.5; and*
- (iii) *ADVISES Allia Venue Management of its decision.*

**COUNCIL DECISION ITEM 10.4.5**

**Moved Cr Farrell, Seconded Cr Youngman**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (9-0)**

**PURPOSE OF REPORT:**

The purpose of the report is to report back to the Council, following the advertising period in relation to the *Draft Policy No. 3.8.3 – Concerts and Events*, and to present the Amended Draft Policy for the consideration of the Council.

**BACKGROUND:**

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

*"That the Council;*

- (i) *RECEIVES the report relating to the amended Draft Policy No. 3.8.3 - Concerts and Events;*
- (ii) *APPROVES;*
  - (a) *the adoption of amended Draft Policy No. 3.8.3 - Concerts and Events, as shown in Appendix 10.4.2 subject to the following changes;*

- (1) clause 3.10.1 (page 27) of the draft policy be amended to include the words '[that is, Regulation 18, Environmental Protection (Noise) Regulations 1997]' as follows:

"Where two (2) or more 'non-complying' events [that is, Regulation 18, Environmental Protection (Noise) Regulations 1997] are held at the stadium in a 12 month period, community consultation must be carried out every three (3) years"; and

- (2) clause 3.10.2 (page 27) of the draft policy be amended to include the words 'by the Stadium Manager,' after the words 'shall be carried out' as follows:

"The content of the community survey is to be determined by the Town's Chief Executive Officer in liaison with the Stadium Manager, and shall be carried out by the Stadium Manager, in the Spring quarter."

- (b) the deletion of Policy No. 4.1.25 - Perth Oval (Members Equity Stadium - Concerts Policy); and

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

- (a) advertise the amended Draft Policy for a period of twenty one (21) days, seeking public comment;
- (b) report back to the Council with any submissions received; and
- (c) include the amended Policy in the Town's Policy Manual if no public submissions are received."

#### **DETAILS:**

The Town received one (1) submission from Allia Venue Management (the Town's Manager for Members Equity Stadium), during the required advertising period of the Draft Concert Policy 3.8.3. In view of the submission received, the attached Amended Draft Policy has been developed by Health Services.

In addition, Clause 2.1 has been amended to include the reference to the Town of Vincent Local Government Property Local Law 2008, and it has been noted that Clause 3.8.2 incorrectly refers to the Southern Grandstand. This has been amended to refer to the "*Main*" Grandstand, and the reference to "Southern" has been removed. Clause 3.10 was incorrectly numbered and has been renumbered as Clause 3.9, and Clause 3.6 has been amended to include reference to "Risk Management", as the title did not accurately reflect the content.

#### **CONSULTATION/ADVERTISING:**

The Town received one (1) submission during the advertising period in relation to the *Draft Policy No. 3.8.3 – Concerts and Events*. The following twenty-two (22) comments were presented in the one (1) submission received:

<b>Respondent's Comment</b>	<b>Officer Comment</b>	<b>Officer Recommendation</b>
<p><b>Clause 1.2 - Applications</b> <i>Comment</i> These details are normally provided via the Venue Event Plan (VEP), presented for comment at the key stakeholders meeting held prior to any major event, and within the Standard Deed of License (SDOL). <i>Recommendation</i> That Allia Venue Management (AVM) may provide the required information through either the VEP or SDOL for events at MES.</p>	<p>Practices utilised by the current Venue Management Group for concerts and events at Members Equity Stadium (Perth Oval) have proven to be effective, in providing all necessary application details. The Town's Officers support the current process utilised by AVM of providing the required information through either the VEP or SDOL for events at MES.</p>	<p>Clause 1.2 to remain unchanged as application of the clause will be generally relevant to most concerts and events held within the Town.</p>
<p><b>2.3 Bond and Fee Charges</b> <i>Comment</i> Clause 15.2 of the SDOL stipulates the Administration Costs payable to TOV, which increases annually by CPI. Under the Heads of Agreement Item 6.3 a) and 6.3 h) AVM sets and receives all fees for events. <i>Recommendation</i> MES exempt from any fees identified in 2.3.</p>	<p>Event bonds for MES are separately specified in clause 3.4.</p>	<p>Recommend the inclusion of the following text to clause 2.3: <u>"NOTE: In relation to venue hire, this clause is not applicable to Members Equity Stadium (Perth Oval)."</u></p>
<p>2.6.5 <i>Recommendation</i> Include an option at either TOV or AVM discretion to advertise event detail in local newspapers as an alternative to the letter drop.</p>	<p>There are advantages and disadvantages of the proposed means of notification. Advertising in the local newspaper allows the information to be disseminated to a larger audience (other than the intended audience only); however, local newspaper articles are less likely to be read than individually posted mail to the affected property owner. Notification by newspaper article may be appropriate for some lower impact concerts and events.</p>	<p>Recommend the inclusion of the following text: <u>"Where deemed appropriate the Town's Chief Executive Officer may approve alternate means of notifying potentially affected property owners (e.g. local newspaper articles), by the applicant/promoter/venue management."</u></p>



<p>2.7.4 <i>Comment</i> MES does not have any toilets dedicated for staff usage with all toilets made available to the public. There are hand washing facilities in all kitchens and outlets and catering staff are inducted in relevant procedures. <i>Recommendation</i> That this item not apply to MES unless additional facilities, specific for staff, are built.</p>	<p>The <i>Food Act 2005</i> was assented to by Parliament during the advertising and consultation period of this Policy. It is understood that the requirement for separate staff toilets will be removed from the <i>Health (Food Hygiene) Regulations 1993</i>.</p>	<p>Recommend deletion of Clause 2.7.4.</p>
<p>2.10.2 <i>Comment</i> Due to the scale of most events at MES it is not AVM procedure to hold items prohibited from entry under stadium or licensee Conditions of Entry. Prohibited items are assessed on an individual basis and items such as alcohol/cans/glassware are disposed of and not retained for patron collection. If required by the licensee, cloaking facilities are provided for items prohibited by licensee Conditions of Entry such as digital cameras, video cameras, etc. <i>Recommendation</i> That the requirement for any personal items to be confiscated and retained not apply to MES.</p>	<p>The confiscation of alcohol and illegal substances at events is considered to be a reasonable expectation. However, detained items (other than illegal substances) should be returned to their owner.</p>	<p>Recommend deletion from the clause of the terms 'specified contraband'. "Security personnel are to ensure that patrons are screened for <u>the possession of alcohol, banned and/or illegal substances</u> <del>and specified contraband</del> possession prior to <u>gaining entry to the event venue, and in the case of alcohol, to alcohol-free areas.</u> The promoter shall direct security personnel to examine bags, containers and eskies of persons prior to entry into the event venue and alcohol-free zones, as far as practicable (traffic flow into the stadium and specific areas within the venue shall not be unreasonably hindered). Any alcohol, <u>banned and/or illegal substance</u> <del>or specified contraband</del> shall be confiscated and detained prior to entry into the event venue or alcohol-free zone, <u>where applicable. in the case of alcohol.</u> Any personal item confiscated and detained shall be secured for collection by the owner of the goods for a period of 24 hours following the event, <u>except in the case of illegal substances.</u> Illegal substances shall be reported and provided to the WA Police."</p>

<p>2.10.3 <i>Comment</i> Security ratios are determined by the Department of Racing, Gaming and Liquor upon Liquor Licence approval and for previous concerts have generally been around 1:180, although in practice, with the requirement to cover positions, ratio is normally much lower. <i>Recommendation</i> Security ratios be assessed by Department of Racing, Gaming and Liquor on an event by event basis.</p>	<p>Comment noted. The clause flags the need for security provision to be considered by prospective applicants and provides general guiding principles considered in relation to security personnel ratios.</p>	<p>Recommend the clause remain unchanged.</p>
<p>2.11.3 (a) <i>Recommendation</i> Include an option at either TOV or AVM discretion to advertise event detail in local newspapers as an alternative to the letter drop.</p>	<p>Comment noted. Refer to changes proposed to clause 2.6.5.</p>	<p>Recommend the clause remain unchanged.</p>
<p>2.11.8 <i>Comment</i> A Traffic Management Plan is submitted with VEP and tabled at key stakeholder meetings. Forms are completed by the traffic management company (Advanced Traffic Management) as required. <i>Recommendation</i> That AVM provide the required information in the VEP.</p>	<p>While each event, other than A-League games, is unique and requires its own TMP for the purposes of the Venue Event Plan two generic TMP's, one for A-League games and one based upon a recent major concert, would be appropriate. However, it is still incumbent upon AVM to provide an event specific TMP to the Town prior to an event in accordance with the relevant Australian Standards and Main Roads WA Code of Practice.</p>	<p>Recommend including the following to clause 3.5.4: <u>"...or in situations where this is not practicable, the applicant shall confirm that the Traffic Management Plan (TMP) and Flow Plan will be provided during stakeholder meetings and be presented in the Venue Event Plan (VEP) and submitted to the Town, at least fourteen (14) days prior to an event. This will allow sufficient time to remedy matters, if the TMP requires action"</u>.</p>
<p>3.1.1 <i>Recommendation</i> That "Concert Duration" be defined as the commencement of amplified music by the first act to the conclusion of amplified music for the main act.</p>	<p>It is considered reasonable to expect that the concert duration would correlate with the commencement of pre-concert entertainment, and the conclusion of the act/amplified music.</p>	<p>Recommended that the following text be included as clause 3.1.2 <u>"'Concert Duration' is calculated from the time the venue opens to the public/patrons and the conclusion of the final act/amplified music"</u>.</p>

<p>3.2.1 <i>Recommendation</i> Redraft to the below wording “Subject to clause 6.11, the number of concerts in a calendar year is limited to twelve (12) concerts, plus 4 community concerts. Additional concerts may be expressly approved by the Town’s CEO.”</p>	<p>As charitable events are exempt from the noise restrictions of the <i>Environmental Protection (Noise) Regulations 1997</i> under regulation 16 reference to the terms “...not utilise amplified music audible from the perimeter of the venue”, should be deleted. The requirement may also create a significant impost for charitable event organisers.</p>	<p>Recommend rewording to read as follows: “...the number of concerts in a calendar year is limited to twelve (12) concerts, and four (4) community concert (charitable) events... Additional concerts may be expressly approved by the Council.”</p>
<p>3.2.2 <i>Recommendation</i> Redraft to include: “A maximum of three (3) concerts per month, unless expressly approved by the Town’s CEO.”</p>	<p>Due to the tight scheduling of international touring acts, and in some cases, the use of stages by multiple artists, it is considered reasonable to make provision for some flexibility in relation to scheduling.</p>	<p>Recommend inclusion of the terms, "<u>unless expressly approved by the Council</u>"; however, retain reference to "A maximum of two (2) concerts."</p>
<p>3.3.1 <i>Recommendation</i> Remove this item as it is covered in 3.3.2.</p>	<p>Comment noted - replication.</p>	<p>Recommend re-worded to be more specific.</p>
<p>3.4.1 <i>Comment</i> For ease of administration, there should be an option that this bond (and any other bonds) be held against ticketing money. Ticketmaster settle funds to Allia so any payments can be made to TOV prior to final settlement with the promoter. If this option for the bond to be held against ticketing money is requested by the promoter, it would be listed in the Schedule in the SDOL, and as such be signed off by the Town, Allia and the promoter. <i>Recommendation</i> That any bond required by TOV can be held against ticketing money, and that appropriate documentation is included in the Schedule of the SDOL.</p>	<p>Comment noted, recommend the clause remain unchanged. The Heads of Agreement for Members Equity Stadium require this.</p>	<p>Recommend the clause remain unchanged.</p>

<p>3.5.2 <i>Comment</i> Plan is discussed with the Public Transport Authority prior to event going on sale with a provision for the most likely scenario put into place. Plans are revised closer to the event date based on actual sales. As the venue manager AVM is more likely be in a better position to predict attendance than TOV CEO. <i>Recommendation</i> Redraft to read as follows; “For events with attendees estimated by AVM to be above 10 000 attendees.....”</p>	<p>Comment noted.</p>	<p>Recommend the clause remain unchanged.</p>
<p>3.5.4 <i>Comment</i> Plan currently submitted with VEP, tabled at key stakeholders meeting and discussed with TOV Rangers and traffic management contractor with any required changes implemented prior to the event. <i>Recommendation</i> That AVM may provide the required information through the VEP.</p>	<p>Comment noted.</p>	<p>Recommend including the following to clause 3.5.4: <u>“....or in situations where this is not practicable, the applicant shall confirm that the Traffic Management Plan and Flow Plan will be provided during stakeholder meetings and be presented in the Venue Event Plan (VEP) and submitted to the Town at least fourteen (14) days prior to an event”.</u></p>
<p>3.5.5 <i>Comment</i> Given past event usage, we believe that additional reserve parking is only required for events of over 15,000 or more expected attendance, as long as all of Loton Park is available for parking. Also, Birdwood Square be used instead of Forrest Park to reduce patron movement through residential areas. Also, it is closer to the venue, therefore, more convenient to patrons and more likely to be used. <i>Recommendation</i> Open Birdwood Square for public parking for events of expected attendance of over 15,000 or more.</p>	<p>Manager Ranger and Community Safety Services advised of the following estimation to determine the need for overflow parking provision:</p> <ul style="list-style-type: none"> <li>• <i>For an estimated 11,000 attendees, some will use public transport, some will "Car Pool" and some will either park in a friend's driveway, or obtain a visitor's permit from a local resident.</i></li> <li>• <i>Using rough calculations, this number of attendees will result in a demand for around 3,500 parking bays.</i></li> <li>• <i>There are approximately 2,500 vehicle spaces, available within 1km of venue (City of Perth and Town of Vincent Car Parks, Westrail Car Park and available non-restricted kerbside bays).</i></li> </ul>	<p>In relation to the proposed use of Birdwood Square, the Town's Officers do not support use of Birdwood Square and/or Weld Square.</p> <p>Recommend amending clause 3.5.5 as follows: “Advertising of the event is to include public parking facilities at locations such as Loton Park and Forrest Park (subject to approval by the Council), associated shuttle bus services, and public transport options in the vicinity of the venue, <u>when crowds are expected to exceed 12,000 patrons.</u> Advertising is to include local media and the internet. Advertising and provision of shuttle bus services is to be at cost to the applicant/promoter.”</p>

	<ul style="list-style-type: none"> <li>• <i>When the number of drivers who are likely to park in "friends' properties", or that use permits allocated to a local resident, along with those who park in Loton Park, are taken into account, there may still be a slight shortfall, but this is considered manageable.</i></li> </ul> <p><i>Using similar calculations, if the Number of attendees is reduced to 10,000, there is likely to be an <u>apparent</u> surplus, but if the expected number of attendees is 15,000, the shortfall increases to more than 1,500 bays, which would be totally unacceptable."</i></p> <p>Manager Parks Services advised as follows: <i>"It was previously resolved by Council that no parking be permitted on Birdwood Square with one of the main reasons being due to the concerns with the Honey Fungus (Soil borne fungus that destroys tree roots) that was affecting the mature London Plane trees surrounding the park.</i></p> <p><i>It should be noted that there is no funding on budget this year to restore/level the surface at Birdwood Square and this work is programmed to commence in October 2008, which would mean that the Town would not be able to allow parking until after Christmas 2008."</i></p>	
<p>3.6.1 <i>Recommendation</i> Include an option at either TOV or AVM discretion to advertise event detail in local newspapers as an alternative to the letter drop.</p>	<p>Not considered appropriate for advertising in the local newspaper as means of notifying persons residing within the 75dBA noise zone.</p>	<p>Recommend the clause remain unchanged.</p>

<p>3.6.3 <i>Comment</i> Current Command Post is too small to accommodate recommended emergency services staff. Awaiting confirmation from CEO on timeline regarding proposed extension but recommend strongly that extension be complete prior to start of 2008 – 2009 A-League Season.</p>	<p>Comment noted, not part of this Policy review.</p>	<p>Recommend the clause remain unchanged.</p>
<p>3.7.2 <i>Comment</i> Artist vehicles often need to enter or leave the back stage area after gates have opened to the public. The Gate 1 vehicle gates provide the only direct route for a small vehicle into the back stage area. This is preferable for risk management reasons that their vehicles not be required to drive through public areas. <i>Recommendation</i> That artist personal transport vehicles, e.g. Tarago's, be permitted access via the Heritage vehicle gate.</p>	<p>The explanation provided by Allia Venue Management in terms of risk management concerns is considered valid. However, it is considered that the risk of damage to the Heritage Gates by vehicle ingress and egress is an unnecessary risk. There is adequate access and egress via Gate 5 and the internal road.</p>	<p>Recommend the clause remain unchanged.</p>
<p>3.8.1 <i>Recommendation</i> Redraft to include the comma after the word "circumstances", so the Town's Chief Executive Officer's approval is not required in emergency situations. "Stadium light towers to be switched off no later than 11:00pm unless approved by the Town's Chief Executive Officer in exceptional circumstances, or emergency situations."</p>	<p>Comment noted.</p>	<p>Recommend altering the clause as follows "<u>...or without approval in the case of an emergency, where improved light conditions would benefit resolving the emergency, and/or the protection of patron safety</u>".</p>

<p>3.8.4 <i>Comment</i> Signage inside the stadium is not practical at MES as any banned items would be removed at entry points. <i>Recommendation</i> Remove reference to main thoroughfares for events at MES.</p>	<p>Refer to recommendation.</p>	<p>Recommend amending clause 3.8.4 as follows: “<i>Should any item be banned from an event, <u>all banned items are to be listed on tickets and adequate notice is to be provided to ticket holders via the stadium website, advertising or other practical and effective means. In addition, temporary signage is to be provided on site, at strategic locations throughout the Stadium including perimeter entrances and main thoroughfares.</u></i>”</p>
<p>Appendix 1 Risk Classification for Concerts and Events <i>Comment</i> If this assessment was used, it would place majority of events at MES in the extreme risk rating section. It also potentially places the majority of events at Perth Stadiums in the extreme risk rating section. <i>Recommendation</i> Use a MES specific modifier which would decrease the risk rating by 0.5.</p>	<p>The risk classification for concerts and events has been reviewed to be more reflective of the 'real' risk posed by various event types.</p>	<p>Recommend altering the 'Alcohol or Drugs Multiplier in Appendix 1 to provide 2 categories for events where alcohol will be provided. The multiplier for events where in the opinion of the Town's Chief Executive Officer, the expected predominant age group is less than 30 years of age, shall be a factor of two (2). Where in the opinion of the Town's Chief Executive Officer, the expected predominant age group is greater than 30 years of age, the multiplier shall be a factor of one and a half (1.5).</p>

**LEGAL/POLICY:**

- Health Act 1911;
- Liquor Control Act 1988;
- Local Government Act 1995;
- Building Code of Australia;
- Environmental Protection Act 1986; and
- Town of Vincent Local Government Property Local Law 2008.

**STRATEGIC IMPLICATIONS:**

*Strategic Plan 2006-2011 -*

*Natural and Built Environment:*

*1.1.1 Enhance and maintain parks and community facilities.*

*Economic Development:*

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

*'Leadership, Governance and Management':*

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

**FINANCIAL/BUDGET IMPLICATIONS:**

None.

**SUSTAINABILITY IMPLICATIONS**

The Concerts and Events Policy endeavours to provide a clear framework around which concerts and events may be conducted in the Town into the future. The provision of concerts and events are considered to add to the vibrancy of the Town and exposure of the Town's offerings to the wider community. This should translate to keen ongoing investment in the area, in both the residential, commercial and retail sectors.

**COMMENTS:**

The Policy has been advertised, with one (1) submission received. The Policy has subsequently been re-considered, and amended to reflect the concerns raised, where relevant. It is recommended that the Policy be adopted and included in the Town's Policy Manual, as detailed in the report above and the Officer Recommendation.



**10.4.7 Members Equity Stadium Committee Special Meeting held on 16 September 2008 - Receiving of Unconfirmed Minutes**

<b>Ward:</b>	South	<b>Date:</b>	17 September 2008
<b>Precinct:</b>	Beaufort, P13	<b>File Ref:</b>	RES0082
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the Unconfirmed Minutes of the Special Meeting of the Stadium Committee held on 16 September 2008, as shown in Appendix 10.4.7; and*
- (ii) *ENDORSES the action taken by the Stadium Committee Meeting to approve a variation to Clause 7. of the Schedule of the Deed of Licence dated 23 March 2007, between Western Australian Rugby League (WARL), Allia Venue Management Pty Ltd (Allia) and the Town.*

**COUNCIL DECISION ITEM 10.4.7**

**Moved Cr Farrell, Seconded Cr Youngman**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (9-0)**

**PURPOSE OF REPORT:**

The purpose of the report is for the Council to receive the Unconfirmed Minutes of the Special Meeting of the Members Equity Stadium Committee held on 16 September 2008.

**BACKGROUND:**

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

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

- (iii) *to delegate the following functions to the Committee;*
  - (a) *to establish and review the Heads of Agreement (HOA) Key Performance Indicators (KPIs) in conjunction with Allia;*
  - (b) *to assess whether each proposed Licensing Agreement is consistent with the KPIs and the provisions of the HOA and to approve the proposed Licensing Agreement if it is consistent;*

- (c) *to supervise the performance of the Services by Allia and to ensure that Allia performs the Services in accordance with the KPIs and the HOA;*
- (d) *to receive and consider Performance Reports;*
- (e) *to advise the Council on Capital Improvements required for the Stadium and to make recommendations to the Council about the use of the Reserve Fund;*
- (f) *to review Naming Signage; and*
- (g) *to review the Risk Management Plan;*

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

**CONSULTATION/ADVERTISING:**

N/A.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

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

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

Not applicable.

**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.

**10.2.2 Further Report No 3 - Proposed Redevelopment - Axford Park, Mount Hawthorn**

<b>Ward:</b>	North	<b>Date:</b>	15 September 2008
<b>Precinct:</b>	Mt Hawthorn P1	<b>File Ref:</b>	RES0049
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Lotznicker, J van den Bok		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

(1) *at the Ordinary Meeting held on 12 June 2007, the Council resolved (in part) as follows:*

*“(iii) APPROVES the revised proposal as outlined on attached Plan No. 2448-CP-5B”;*

(2) *Cr ..... MOVES a motion to REVOKE or CHANGE the decision as specified in clause (1) above;*

(3) *in accordance with Regulation 10 of the Local Government (Administration) Regulation 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, three Council Members, namely Mayor Catania, Cr Farrell and Cr Messina, being one third of the number of offices of members of the Council, SUPPORT this motion to revoke or change a Council decision; and*

(4) *in accordance with Regulation 10 of the Local Government (Administration) Regulation 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, the Council RESOLVES BY AN ABSOLUTE MAJORITY to REVOKE the decision adopted by the Council at its Ordinary Meeting held on 12 June 2007, and APPROVES of the following;*

*“APPROVES the revised proposal for improvements to Axford Park as shown on attached Plan No. 2448-CP-5C and appendices 10.2.2A and B, which includes the installation of an eight (8) metre Gazebo and associated works, estimated to cost \$74,500 and advises the Mount Hawthorn RSL of its decision”.*

**Moved Cr Farrell, Seconded Cr Messina**

*That the recommendation be adopted subject to the following amendment:*

*“(4) in accordance with Regulation 10 of the Local Government (Administration) Regulation 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, the Council RESOLVES BY AN ABSOLUTE MAJORITY to REVOKE the decision adopted by the Council at its Ordinary Meeting held on 12 June 2007, and APPROVES of the following;*

*“APPROVES the revised proposal for improvements to Axford Park as shown on attached Plan No. 2448-CP-5C and ~~appendices 10.2.2A and appendix 10.2.2B~~, which includes the installation of an eight (8) metre Gazebo and associated works, estimated to cost \$74,500 and advises the Mount Hawthorn RSL of its decision”.*

Debate ensued.

**AMENDMENT**

**Moved Cr Lake, Seconded Cr Ker**

*That clause (4) be amended as follows:*

**“(4) in accordance with Regulation 10 of the Local Government (Administration) Regulation 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, the Council RESOLVES BY AN ABSOLUTE MAJORITY to REVOKE the decision adopted by the Council at its Ordinary Meeting held on 12 June 2007, and APPROVES of the following;**

***“APPROVES the revised proposal for improvements to Axford Park as shown on attached Plan No. 2448-CP-5C and appendix 10.2.2B, which includes the installation of an eight (8) metre Gazebo and associated works, estimated to cost \$74,500 and advises the Mount Hawthorn RSL of its decision. The Gazebo be oriented so that the seating faces into the Park, towards the Memorial Wall”.***

**AMENDMENT PUT AND CARRIED (5-4)**

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

**PROCEDURAL MOTION**

**Moved Cr Maier, Seconded Cr Lake**

*That the item be DEFERRED to obtain a quote for a timber Gazebo.*

**PROCEDURAL MOTION PUT AND LOST (1-8)**

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

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

Cr Youngman departed the Chamber at 7.17pm.

**COUNCIL DECISION ITEM 10.2.2**

*That;*

(1) *at the Ordinary Meeting held on 12 June 2007, the Council resolved (in part) as follows:*

*“(iii) APPROVES the revised proposal as outlined on attached Plan No. 2448-CP-5B”;*

(2) *Cr Farrell MOVES a motion to REVOKE or CHANGE the decision as specified in clause (1) above;*

(3) *in accordance with Regulation 10 of the Local Government (Administration) Regulation 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, three Council Members, namely Mayor Catania, Cr Farrell and Cr Messina, being one third of the number of offices of members of the Council, SUPPORT this motion to revoke or change a Council decision; and*

(4) *in accordance with Regulation 10 of the Local Government (Administration) Regulation 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, the Council RESOLVES BY AN ABSOLUTE MAJORITY to REVOKE the decision adopted by the Council at its Ordinary Meeting held on 12 June 2007, and APPROVES of the following;*

*“APPROVES the revised proposal for improvements to Axford Park as shown on attached Plan No. 2448-CP-5C and appendix 10.2.2B, which includes the installation of an eight (8) metre Gazebo and associated works, estimated to cost \$74,500 and advises the Mount Hawthorn RSL of its decision. The Gazebo be oriented so that the seating faces into the Park, towards the Memorial Wall”.*

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**PURPOSE OF REPORT:**

The purpose of this report is to provide further information to the Council and seek approval for a revised proposal for the redevelopment of Axford Park, Mt Hawthorn, which does not involve the relocation of the current memorial.

**BACKGROUND:**

**Ordinary Meeting held on 12 June 2007**

At its Ordinary Meeting held on 12 June 2007 the Council received a progress report on the redevelopment of Axford Park, where the following decision was made (in part):

*That the Council;*

(iii) *APPROVES the revised proposal as outlined on attached Plan No plan No 2448-CP-5B and;*

(a) *proceeds with the installation of the self cleaning toilet, demolition of the existing building (and associated works) as the first stage of the project; and*

### **Ordinary Meeting held on 26 February 2008**

The Council received a further progress report on the redevelopment of Axford Park where the Council noted (in part) that:

- the Automatic Public Toilet had been installed ...
- with the delays experienced and advice received from Midland Monumental it was not possible to have the War Memorial relocated to the new site by ANZAC Day, 25 April 2008
- additional funds of \$50,000 would be required to complete the project

After considering the report, the Council decided to list an additional \$50,000 in the 2008/2009 draft Capital Works budget to complete the redevelopment of Axford Park during the 2008/2009 financial year.

### **DETAILS**

#### **Approved Works**

The recent works undertaken at Axford Park have included the demolition of the existing building (toilet block) and the installation of a self cleaning toilet at the western end of the park.

These works were in line with the approved Plan No 2446-CP-5B and included the following:

#### Completed

- Demolition of existing building
- Installation of self cleaning toilet

#### Outstanding

- A low limestone retaining wall will be installed on the western/northern extent of the brick paved area. This will be required as the ground will require 'levelling off' to accommodate the memorial and will double up as seating
- Modified path layout to the memorial site including removal of existing paths to increase turfed areas
- Relocation of memorial to the site of the demolished building and increase the height of the memorial
- No additional landscaping is proposed other than a rose garden and some additional ground cover
- Due to the extensive thick concrete base and comments from the RSL, it is proposed that the former memorial site be brick paved, seating provided and that the site be considered for a future gazebo

#### **Revised Proposal:**

Since the completion of the demolition works, the reinstatement of the area which previously comprised the toilet and the installation of the self cleaning toilet and the successful 2008 ANZAC memorial Service, the Town's officers have discussed the possibility of the memorial remaining where it is and the area of the former toilet block being considered for a possible gazebo site. This was one option recommended a number of years ago.

Further, the company, Midland Monumental, who built and installed the existing memorial and who were to 'relocate' the memorial, have advised that given the memorial comprises seven (7) individual components and weighs in excess of 40 tonnes (as it is built from solid granite), lifting and moving the components 'could' result in the granite being damaged beyond repair. There are some hairline cracks that may fracture if some of the components were lifted.

Following this advice, the Town's officers and the Mayor met on site with several representatives from the Mount Hawthorn RSL in early July 2008, to discuss the possibility of the memorial remaining in its current location. Also discussed was the possibility of building a gazebo on the site of the former toilet block, opposite Scarborough Beach Road.

At the meeting, following a lengthy discussion where the facts were presented etc, the option to leave the memorial in its current location was unanimously supported by the RSL representatives. The RSL representatives also indicated they would fully support the construction of an open gazebo on the former toilet block site. They did, however, indicate that they still wished for a wall of some kind to be built, part of which could comprise a remembrance wall to the north of the proposed gazebo.

It was agreed that a revised plan would be prepared and that a further meeting would be convened on site to further progress the matter.

In August 2008 a further meeting was held on site between RSL members and the Town's officers where concept Plan No. 2448-CP-5C was discussed and endorsed by the RSL.

The revised proposal comprises the following:

- Two (2) low limestone retaining walls (with brick capping) to be installed on the northern extent of the existing brick paved area. This will match into the existing ground levels
- Remembrance wall section in-between the two (2) low limestone retaining walls
- Modifications to the existing brick paved area (at the site of the former toilet block)
- Installation of an 8.0m diameter gazebo
- Seating

#### **STRATEGIC IMPLICATIONS:**

In accordance with the objective of Strategic Plan 2006-2011 – 1.1.5 Enhance and maintain parks and community facilities. "*(b) Implement infrastructure improvements for public open space, including the Wetlands Heritage Trail and the Greenway*".

#### **SUSTAINABILITY IMPLICATIONS:**

Nil.

#### **FINANCIAL/BUDGET IMPLICATIONS:**

The Council has allocated \$90,000 in the current budget for Axford Park.

Two (2) Gazebo options have been investigated and the estimated cost of the revised options is outlined below:

#### **Six (6) metre diameter Gazebo and associated works: (refer appendix 10.2.2A):**

- Gazebo - 6 x metre diameter Octagonal Gazebo in steel construction with mainframe comprising heavy steel sections in hot dip galvanized and powder coated finish. Roof in Colorbond material in Custom Orb profile with a ventilated Cupola in centre. Gazebo includes (4) Sides of balustrading at 3 metres long and six (6) sections of fretwork with curved bottom rail constructed from RHS in a hot dip galvanized and powder coated finish - **\$22,000**
- Bench Seats – 3 x Parkway bench seats at 1.8 metres long with Clear Anodised aluminium slat and cast aluminium in ground mount frame (with three legs) in a powder coated finish - \$3,200
- Installation - Gazebo and 3 x bench seats into existing paving - \$5,500
- Limestone wall sections - \$3,000

- Remembrance wall - with granite cladding - \$17,000
- Miscellaneous - Modifications to paving and landscaping/set out and supervision and contingency - **\$15,000**
- **Total Estimated Cost = \$65,700**

**Eight (8) metre diameter Gazebo and associated works: (refer appendix 10.2.2B):**

- Gazebo - 8 x metre diameter Octagonal Gazebo in steel construction with mainframe comprising heavy steel sections in hot dip galvanized and powder coated finish. Roof in Colorbond material in Custom Orb profile with a ventilated Cupola in centre. Gazebo includes (4) Sides of balustrading at 3 metres long and eight (8) sections of fretwork with curved bottom rail constructed from RHS in a hot dip galvanized and powder coated finish - \$28,500
- Bench Seats – 3 x Parkway bench seats at 1.8 metres long with Clear Anodised aluminium slat and cast aluminium in ground mount frame (with three legs) in a powder coated finish - \$4,800
- Installation - Gazebo and 3 x bench seats into existing paving - \$6,200
- Limestone wall sections - \$3,000
- Remembrance wall - with granite cladding - \$17,000
- Miscellaneous - Modifications to paving and landscaping/set out and supervision and contingency - \$15,000
- **Total Estimated Cost = \$74,500**

It is considered that the eight (8) metre gazebo better compliments the large paved area where the former toilet block stood.

**COMMENTS:**

As previously reported to the Council, following community consultation, although the community had mixed views, the majority of respondents supported a redevelopment (of some type) at Axford Park and the majority of respondents were in favour of the demolition of the toilet block, however again there were mixed views on the relocation of the memorial. Notwithstanding this, the Mount Hawthorn RSL at the time indicated they supported relocating the memorial to a more prominent location within the park.

As mentioned in the report, following the toilet demolition works and the 2008 ANZAC Day Ceremony, the Town's officers considered that the memorial structure could possibly remain where it currently is and the area where the former toilet block was located be considered for a possible gazebo site. In addition, Midland Monumental, who built and installed the existing memorial, advised that its relocation 'could' result in the granite being damaged.

Following this advice, the Town's officers and the Mayor met with several representatives from the Mount Hawthorn RSL, who indicated, given the above information, that they would fully support leaving the memorial where it is, including the construction of an open gazebo on the former toilet block site.

It is therefore recommended that part of the previous Council decision be rescinded and that it agrees to leave the memorial in its current location and construct a gazebo and associated works at the former toilet block location as shown on Plan No. 2449-CP-5C.



**10.1.1 Further Report – No. 93 (Lot: 263 D/P: 2503) Coogee Street, Mount Hawthorn - Proposed Demolition of Existing Single House and Construction of Two-Storey Single House**

<b>Ward:</b>	North	<b>Date:</b>	17 September 2008
<b>Precinct:</b>	Mount Hawthorn; P01	<b>File Ref:</b>	PRO4349; 5.2008.91.1
<b>Attachments:</b>	<a href="#">001 002 003</a>		
<b>Reporting Officer(s):</b>	D Pirone, K Jackson		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner Chiraz Holdings Pty Ltd for proposed Demolition of Existing Single House and Construction of Two-Storey Single House, at No. 93 (Lot: 263 D/P: 2503) Coogee Street, Mount Hawthorn, and as shown on plans stamp-dated 14 August 2008 and 12 September 2008 (existing dwelling overshadowing plan), subject to the following conditions:*

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) an archival documented record of the place(s) including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive.*
- (iv) any new street/front wall, fence and gate between the Coogee Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
  - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
  - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
  - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
  - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*

- (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (v) *first obtaining the consent of the owners of No. 91 Coogee Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 91 Coogee Street in a good and clean condition;*
- (vi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the balcony to bedroom 2 and bedroom 3 on the northern and southern elevations, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 91 and 95 Coogee Street stating no objection to the respective proposed privacy encroachments. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (vii) *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); and*
- (viii) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title or Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town.*

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**COUNCIL DECISION ITEM 10.1.1**

**Moved Cr Farrell, Seconded Cr Messina**

*That the recommendation be adopted.*

Debate ensued.

Cr Youngman returned to the Chamber at 7.20pm.

Debate ensued.

Cr Messina departed the Chamber at 7.32pm.

Debate ensued.

Cr Messina returned to the Chamber at 7.35pm.

**Debate ensued.**

**MOTION PUT AND CARRIED (8-1)**

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

**ADDITIONAL INFORMATION:**

**Response to Neighbour's Submission Sent to Council Members on 17 September 2008**

Overshadowing

The Town Officers determination of the natural ground level on the southern neighbouring property has been further raised as an issue in the neighbour's further submission dated 17 September 2008.

Due to different interpretations of the overshadowing requirements of the Residential Design Codes (R Codes), by the applicant and the owners of the neighbouring property, the Town's Officers were of the view that to be fair and impartial to both parties, it would be appropriate to seek the advice of other Local Governments and Planning Consultant, Simon Bain, to determine whether the Town's interpretation of the R Codes is similar to others. In light of this, the Town's Planning Officers have determined that where the neighbouring house is situated on the property, the existing finished floor levels shall be used in determining the overshadowing. However, in all other parts of the property, the ground levels are used.

The R Codes state in the Explanatory Notes that the natural ground level may be taken as the level resulting from development carried out as an approved part of land subdivision or as the result of a pre-existing development. The submission states that rough estimations and averages have been used in terms of calculating the natural ground level on the neighbouring property. These assumptions of the natural ground levels beneath the house are unsubstantiated and do not account for the actual natural ground level beneath the house. The Town's Officers were of the view to use the finished floor levels where the neighbouring dwelling lies, due to the fact the dwelling is significantly higher than natural ground level around the building.

It is considered that the intent of assessing overshadowing under the R Codes is not to unduly affect the amenity of habitable rooms and outdoor living areas of the southern neighbouring property. As mentioned previously, the proposal ~~indicates that the second storey is proposed towards the rear of the property, which~~ is alongside the neighbouring dwellings. Due to this, the majority of the overshadowing falls over the southern existing house and only a small portion of the sides of the neighbour's outdoor living area. Further to this, if the finished floor levels are approximately 1 metre above the ground levels around the perimeter of the house (as mentioned in the neighbour's submission), then it is considered logical to use the finished floor levels of the house as the area in between the floor level and the ground level, under the house, is clearly a non-habitable or even unusable area.

It should also be noted that whilst the ground level of the neighbouring property is lower than that of the subject property, the finished floor level is actually higher than that of the subject proposed dwelling, as the applicant has proposed a significant amount of excavation to further reduce the height of the building and the impact on the streetscape and neighbouring properties.

As outlined in the neighbour's submission, the Explanatory Notes (page 32) of the R Codes, states the following:

*"In terms of residential development, the three main aims of climate-sensitive design are to reduce energy consumption, optimise on-site solar access and protect solar access for neighbouring properties..."*

It is evident in the design of the proposed dwelling, that the applicant has met the terms of the first two aims of climate-sensitive design, being to reduce energy consumption and optimise on-site solar access. However, it is the view of the neighbouring landowner that the third aim has not been met. Whilst the Town's Officers agree with this, the next paragraph of the Explanatory Notes (page 32) of the R Codes, states the following:

*"...However, it is difficult to translate these aims into development provisions. This is not because the issues are subjective, but because conditions vary greatly from one situation to another, making it difficult to establish universally valid rules. To give an obvious example, a narrow east-west facing orientated lot on the south side of the development site, especially where the terrain slopes toward the south, is highly vulnerable to being overshadowed, even by a relatively low building setback from the common boundary."*

The neighbour's submission to the Council has quoted part of this; however, has failed to include all elements of the paragraph. Specifically, where it states that it is difficult to translate these aims into provisions due to the varying situations and that narrow east-west facing lots (like the subject lots), being highly vulnerable to being overshadowed. The Town's Heritage Officers have confirmed that the subject portion of Mount Hawthorn was subdivided in 1887, when climate-sensitive design was highly unlikely to be a consideration in subdivision approval. The Liveable Neighbourhoods Policy, adopted by the Western Australian Planning Commission for all subdivision design, states clearly that for new subdivisions all lots should be north-south orientated to avoid issues of overshadowing onto neighbouring properties. In this instance, the subject east-west lot orientation is out of the Town's control and as stated in the R Codes it *"is highly vulnerable to being overshadowed"*.

It is the professional view of the Town's Officers that the proposal is compliant with the acceptable development requirements of the R Codes, together with the Performance Criteria which states the following:

*"Development designed to protect solar access for neighbouring properties taking account the potential to overshadow:*

- *Outdoor living areas;"*

The proposal indicates that the second storey is ~~proposed towards the rear of the property, which is~~ alongside the neighbouring dwellings. Due to this, the majority of the overshadowing falls over the southern existing house and only a small portion of the sides of the neighbour's outdoor living area.

- “Major openings to habitable rooms;”

The site survey plan indicates that there are only two windows along the northern wall of the neighbouring property. An archive search of the neighbouring property at No. 91 Coogee Street has indicated that one of the windows is to a dining room; however, the window to the other room is unknown. The plans indicate that the subject dining room window is a small window with an area of approximately 1.19 square metres and is also at least 1.6 metres above the finished floor level. Due to this, the window is not considered to be a major opening as per the definition of a major opening in Appendix One of the R Codes.

- “Solar Collectors; or”

A site inspection of the southern neighbouring property at No. 91 Coogee Street has confirmed that there are no solar collectors on the roof of the dwelling. Whilst the submission states that the proposed overshadowing ruins their potential to have solar collectors on their roof, it should be noted that even the existing small scale dwelling overshadows the northern section of the roof of the neighbouring property.

- “Balconies or verandahs”

The proposed overshadowing does not fall onto any verandahs, only the side of the pergola at the rear of the property. The neighbouring property is single storey and therefore does not have any balconies.

Notwithstanding the above, the Town’s Officers attempted to assume what the natural ground level would be where the dwelling at adjoining No. 91 Coogee Street lies. By using the existing site survey plan submitted with the planning application, as well as the Town’s Intramaps program, estimations of the contours can be determined. It can be assumed that due to the slope of the land the ground levels could range between 8.5 to 9.4, with the relative finished floor level of No. 91 Coogee Street being 9.41. The Town’s Officers estimated the ground levels beneath the house to calculate what the overshadowing would be. With these assumed ground levels, the overshadowing would increase by approximately 27 square metres to a total of some 197 square metres (40 per cent of total site area of No. 91 Coogee Street). As mentioned above and in the Agenda Report, the bulk of this overshadowing is located over the roof of the existing neighbouring property. A copy of the Indicative Contour Map is attached.

In light of the objections received and the different interpretations of the R Codes, the Town’s Officers are of the view that the planning process and assessment has been fair to both the applicant and the owners of the neighbouring properties. The Officers were aware that the calculations of the overshadowing in the original plans were incorrect and advised the applicant to amend these to comply. The current plans dated 14 August 2008 and 12 September 2008 are considered compliant with the overshadowing requirements of the R Codes.

### Building Setbacks

The matters raised in the submission in relation to building setbacks are similar to those previously submitted to the Town, and have been addressed thoroughly in the Agenda Report.

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

**FURTHER REPORT:**

The Council considered the matter at its Ordinary Meeting held on 9 September 2008 and resolved as follows:

*“That the matter be DEFERRED for further consideration and clarification of comments made during public speaking/question time”*

The comments and questions raised during public question time and by the Council Members during the above Meeting can be summarised as follows:

- The main objections raised during Public Question Time were in relation to the proposed overshadowing and boundary setbacks.
- The Residential Design Codes 2002 should apply, due to the application being submitted to the Town prior to 29 April 2008, which is the date that the Residential Design Codes 2008 was gazetted by Western Australian Planning Commission. (It should be noted that the R Codes 2002 used a vertical sun angle of 33 degrees for Perth, whilst the R Codes 2008 use a vertical sun angle of 34 degrees for Perth).
- The overshadowing being taken from the neighbour’s finished floor level, is at a great advantage to the developer due to the neighbouring house being approximately 1 metre above the natural ground level around the perimeter of the house.
- The proposed building setbacks will have a detrimental impact on the southern and northern neighbouring properties.

The consistent practice of the Town’s Planning Services is that all residential planning applications that had not been determined prior to the Gazettal of the new R Codes on 29 April 2008, be determined in accordance to the 2008 Residential Design Codes, given that it is a Statewide Planning Policy.

The Town’s Planning Officers have calculated the overshadowing a number of times, and initially advised the applicant to amend the plans in order to comply with the overshadowing requirements and to ensure that the overshadowing is taken from the neighbour’s natural ground levels. The applicant then questioned why the overshadowing should be taken from the neighbour’s natural ground level as the finished floor level of the house is significantly above the natural ground level. Effectively, the approved retained levels and finished floor levels are the ‘natural ground levels’. The Town’s Officers then sought interpretation comments from Planning Consultant, Simon Bain, as well as the Planning Managers from the Town of Victoria Park and the Town of Cambridge, who all advised to use the neighbour’s finished floor levels where the shadowing is over the house. The applicant was advised of this and hence further amended the plans by reducing the finished floor levels of the subject development. The Town’s Officers sought the interpretation of other Local Governments and a Planning Consultant because it is not very often when the proposed overshadowing is so close to the requirements. Whilst the note on page 23 of the Residential Design Codes (R Codes) states that the overshadowing is measured to the natural ground level without regard to any building on it (neighbouring property), the approved finished floor of the house ultimately is the new natural ground level as defined by the R Codes on page 22 of the R Codes Explanatory Notes, *“natural ground level may be taken as the levels resulting from development carried out as an approved part of a land subdivision or as the result of a pre-existing development”*. Further to this, a surveyor would not be able to reasonably determine the true natural ground level of an area underneath a house as, at the time the house was built, the land would have been altered to build on top of it.

The question was raised on how much overshadowing a standard 1.8 metre high fence that runs along the entire length of the side boundary would have on the neighbouring property. Due to this, the applicant provided an overshadowing plan of the existing house and boundary fence in comparison to the proposed two-storey dwelling. The existing house and fence creates 111 square metres of overshadowing, whilst the proposed two-storey dwelling creates 170 square metres of overshadowing. It should be noted that a boundary fence is not calculated in the overshadowing of the development; however, a fence still does overshadow the southern neighbouring property. The plan indicates that the majority of the 'extra overshadowing' falls onto the neighbour's house, garage and pergola rather than the neighbour's outdoor living areas. A site visit of the property has confirmed that there are no solar collectors on the roof of No. 91 Coogee Street where the subject overshadowing will occur, and hence, the overshadowing over the neighbouring house will not disturb this.

It is the professional opinion of the Town's Planning Officers that the proposed development complies with the overshadowing requirements of the 2008 Residential Design Codes as the proposed overshadowing is 170 square metres or 34.8 per cent. The applicant has amended the plans numerous times, by significantly reducing the finished floor levels of the house and the building height in order to comply with the overshadowing requirements of the R Codes.

In relation to the proposed building setbacks on the south elevation of the ground floor, the variation exists along the theatre wall only, where the required setback is 1.5 metres and the proposed is 1 metre. This is along side the neighbouring house and not the outdoor living areas. The remaining sections of the building are setback at 1.53 metres, which is compliant, as well as the boundary wall, which is also compliant with the requirements of the R Codes. The upper floor is required to be setback 2 metres, and proposed at 1.5 to 2 metres. This is not considered to have an undue impact on the neighbouring property, as the entire portion of the upper floor is proposed alongside the neighbouring dwelling and will, therefore, not have an impact on the overshadowing of the outdoor living areas, but on the roof of the neighbouring dwelling.

The building on the northern elevation of the ground floor indicates three portions of wall that extend for a large majority of the length of the side boundary. As defined in Figure 2d of the R Codes, each of these portions are measured independently. This results in a required setback of 1 metre for the study/staircase, 1.5 metres for the family/meals/kitchen and 1.5 metres for bedroom 1/ensuite. The proposed setbacks are 1.15 metres for the study/staircase, 5.45 metres for the family/meals/kitchen and the only variation proposed is along bedroom 1/ensuite which is setback at 1.05 to 1.55 metres for a length of 12.19 metres. Like the ground floor on the northern elevation, the upper floor also indicates two separate portions – the balcony/bedroom 2/staircase wall and the bedroom 4 wall. The required setbacks for these portions of wall are 2.3 metres and 2.5 metres respectively. The proposed setback for the balcony/bedroom 2/staircase is 1.15 to 2.3 metres for a length of 8.7 metres. This follows the line of the ground floor building and does not have an undue impact on the neighbouring property, due to this proposed setback being along side the neighbouring house and not the outdoor living areas. The bedroom 4 portion of wall is setback significantly further than the bedroom 2 portion of wall at a significantly compliant setback of 5.45 metres. Significant articulation has been incorporated into these setbacks and hence, does not have an undue impact on the neighbouring property. It should also be noted that the proposed finished floor level of the ground floor is significantly lower than natural ground level on the northern side which results in a building wall height of 4.6 metres to 5.4 metres for a two-storey development. The finished floor level of the northern neighbour is 10.35, which is one metre higher than the proposed finished ground floor level. Whilst the proposal illustrates a two-storey house, the building will in fact not be much higher than the northern neighbouring property at No. 95 Coogee Street, due to the significant difference in finished floor levels.

In light of the above, the previous Officer Recommendation remains unchanged.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 9 September 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 APPROVES the application submitted by the owner Chiraz Holdings Pty Ltd for proposed Demolition of Existing Single House and Construction of Two-Storey Single House, at No. 93 (Lot: 263 D/P: 2503) Coogee Street, Mount Hawthorn, and as shown on plans stamp-dated 14 August 2008, subject to the following conditions:*

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) an archival documented record of the place(s) including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive.*
- (iv) any new street/front wall, fence and gate between the Coogee Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
  - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
  - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
  - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
  - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
  - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (v) first obtaining the consent of the owners of No. 91 Coogee Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 91 Coogee Street in a good and clean condition;*



- (vi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the balcony to bedroom 2 and bedroom 3 on the northern and southern elevations, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 91 and 95 Coogee Street stating no objection to the respective proposed privacy encroachments. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (vii) *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); and*
- (viii) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title or Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town.*

COUNCIL DECISION ITEM 10.1.8

Moved Cr Lake, Seconded Cr Maier

*That the recommendation be adopted.*

*Debate ensued.*

**PROCEDURAL MOTION**

Moved Cr Messina, Seconded Cr Doran-Wu

*That the matter be DEFERRED for further consideration and clarification of comments made during public speaking/question time.*

PROCEDURAL MOTION PUT AND CARRIED (6-0)

*(Mayor Catania was an apology for the meeting. Cr Burns and Cr Youngman on approved leave of absence.)*

<i>Landowner:</i>	<i>Chiraz Holdings Pty Ltd</i>
<i>Applicant:</i>	<i>Chiraz Holdings Pty Ltd</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R30</i>
<i>Existing Land Use:</i>	<i>Single House</i>
<i>Use Class:</i>	<i>Single House</i>
<i>Use Classification:</i>	<i>"P"</i>
<i>Lot Area:</i>	<i>488 square metres</i>
<i>Access to Right of Way</i>	<i>West side, 4.6 metres wide, unsealed, privately owned</i>

**BACKGROUND:**

*No specific background directly relates to the proposal.*

*DETAILS:*

*The proposal involves the demolition of the existing single house and the construction of a two-storey single house.*

*In this instance, the subject application is being referred to the Council for its consideration and determination as the Residential Design Elements (RDE's) Policy adopted by the Council at its Ordinary Meeting held on 18 December 2007 introduced significant changes to the previous policy requirements for residential development. The applicant has demonstrated that the subject proposal has been designed over a lengthy period prior to the adoption of the RDE's Policy and based on the previous Policy requirements.*

*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>Plot Ratio:</i>	<i>N/A</i>	<i>N/A</i>	<i>Noted.</i>
<i>Building Setbacks: Ground Floor -North Bedroom 1, WIR, Ensuite</i>	<i>1.5 metres</i>	<i>1.05 metres</i>	<i>Supported – not considered to have an undue impact as the northern elevation of the proposal illustrates horizontal wall articulation to reduce the impact on the neighbouring property.</i>
<i>-South</i>	<i>1.5 metres</i>	<i>Nil – 2.33 metres</i>	<i>Supported – not considered to have an undue impact as the southern elevation of the proposal illustrates horizontal wall articulation to reduce the impact on the neighbouring property.</i>
<i>Upper Floor -North Balcony, Bed 2, Staircase</i>	<i>2.6 metres</i>	<i>1.15 metres</i>	<i>Supported – not considered to have an undue impact on the neighbouring property. It should be noted that if the balcony was to be enclosed on the northern elevation, the setback requirement will be reduced to 1.9 metres.</i>

-South	2 metres	1.5 metres – 2 metres	Supported – not considered to have an undue impact on the neighbouring property. It should be noted that if the balcony was to be enclosed on the southern elevation, the setback requirement will be reduced to 1.7 metres.
<i>Privacy Setbacks: Balcony to Bedroom 2 and Bedroom 3</i>			
-North	7.5 metres	2.4 metres to the northern boundary.	Not supported – considered to have an undue impact on the neighbouring properties. Condition applied for the balcony to be screened on the northern and southern sides or obtain neighbour's consent.
-South	7.5 metres	2.2 metres to the southern boundary.	
<i>Consultation Submissions</i>			
<i>Support</i>	<i>Nil</i>		<i>Noted.</i>
<i>Objection (3)</i>	<ul style="list-style-type: none"> <li>• <i>Setbacks.</i></li> <li>• <i>Provision for drainage.</i></li> <li>• <i>A two-storey dwelling will give the feeling of a high density development.</i></li> <li>• <i>Environmental and social impacts.</i></li> </ul>		<ul style="list-style-type: none"> <li>• <i>Not supported – the proposed setbacks are not considered to have an undue impact on the neighbouring properties.</i></li> <li>• <i>Noted – this will be addressed at the Building Licence stage.</i></li> <li>• <i>Not supported – the proposal is compliant with the building height requirements of the R Codes. Other two-storey dwellings along this section of Coogee Street include those at Nos. 74, 76, 92 and 115 Coogee Street. The balcony is setback 6.75 metres and the upper floor is setback 9.05 metres from Coogee Street; therefore, reducing the visual impact of the two-storey development.</i></li> <li>• <i>Not supported – the proposal indicates indoor and outdoor living areas to be provided to the north of the lot. There are no windows proposed on the western elevation, which will prevent the afternoon sun entering the house in summer and minimal amounts of windows are on the southern elevation which will prevent heat escaping in winter.</i></li> </ul>

	<ul style="list-style-type: none"> <li>• <i>Overshadowing should be at R20 requirements due to the size of the lot.</i></li> </ul>	<ul style="list-style-type: none"> <li>• <i>Not supported – the zoning of the subject and adjacent property is R30, therefore, the R Codes state that up to 35 per cent of the southern neighbouring property can be overshadowed. Amended plans have been submitted indicating that the proposal is compliant with these requirements of the R Codes. The Town’s Officer’s also confirmed with Planning Consultant, Simon Bain as well as Planning Managers from the Town of Victoria Park and the Town of Cambridge, who all use the neighbouring properties finished floor levels where the shadowing is over the house to calculate the extent of overshadowing.</i></li> </ul>
	<ul style="list-style-type: none"> <li>• <i>Privacy.</i></li> <li>• <i>Building Bulk.</i></li> <li>• <i>Noise during the building process.</i></li> </ul>	<ul style="list-style-type: none"> <li>• <i>Supported – all major openings that are not compliant with the privacy requirements of the R Codes will be required to be screened to a minimum of 1.6 metres above the finished floor level. This includes the balcony on the northern and southern elevations.</i></li> <li>• <i>Not supported – the applicant has provided proof that the design process began prior to 18 December 2007, therefore, the Building Bulk requirements of the Residential Design Elements Policy are not applicable in this instance.</i></li> <li>• <i>Noted – this will be addressed at the Building Licence stage.</i></li> </ul>
<i>Other Implications</i>		
<i>Legal/Policy</i>	<i>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</i>	
<i>Strategic Implications</i>	<i>Nil</i>	
<i>Financial/Budget Implications</i>	<i>Nil</i>	
<i>Sustainability Implications</i>	<i>Nil</i>	

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

*COMMENTS:*

*Demolition*

*The subject place at No. 93 Coogee Street, Mount Hawthorn, is a modest brick and tile Post-war Conventional Suburban Style Bungalow built circa 1955. It has a two-room frontage with a porch located on the south-east corner. The internal layout is simple, with the main entry into the lounge from the porch, and a passage located in the centre of the house with doors diagonally across the corners of the adjacent rooms. The dwellings at Nos. 95 and 97 Coogee Street were also constructed on the same Building Licence: the dwelling at No. 97 Coogee Street was identical to the subject place, while the dwelling at No. 95 Coogee Street was slightly larger dwelling with a similar general layout. Alterations to the three dwellings since their initial construction has reduced their overall level of authenticity.*

*A full heritage assessment was undertaken for No. 93 Coogee Street, Mount Hawthorn, which indicates that the place has little aesthetic, historic, scientific or social heritage significance. This Heritage Assessment is included as an attachment to the report. 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.*

*Summary*

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

**10.1.2 Further Report - No. 28 (Lot: 90 D/P: 3002, Lot: Y91 D/P: 3002) Ruby Street, North Perth - Proposed Demolition of Existing Single House and Construction of Two-Storey Single House**

<b>Ward:</b>	North	<b>Date:</b>	16 September 2008
<b>Precinct:</b>	North Perth, P08	<b>File Ref:</b>	PRO4276; 5.2008.33.1
<b>Attachments:</b>	<a href="#">001_002</a>		
<b>Reporting Officer(s):</b>	S Kendall		
<b>Checked/Endorsed by:</b>	D Abel	<b>Amended by:</b>	John Giorgi

**CHIEF EXECUTIVE 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 Trendsetter Homes on behalf of the owner B H & D J Lamers for proposed Demolition of Existing Single House and Construction of a Two-Storey Single House, at No. 28 (Lot: 90 D/P: 3002) Ruby Street, North Perth, and as shown on plans stamp-dated 29 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 Streetscape Character, New Dwellings, Setbacks of Garages, Streetscape Character Considerations, Roof Forms and Building Bulk requirements of the Town's Residential Design Elements Policy; and*
- (iii) consideration of the objections received.*

**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 Trendsetter Homes on behalf of the owner B H & D J Lamers for proposed Demolition of Existing Single House and Construction of a Two-Storey Single House, at No. 28 (Lot: 90 D/P: 3002) Ruby Street, North Perth, and as shown on plans stamp-dated 29 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, 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 No 30 Ruby Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of boundary (parapet) wall facing No. 30 Ruby Street in a good and clean condition;*~~
- ~~*(iii) 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);*~~

~~(iv) — prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:~~

~~(a) — the crossover for the proposed driveway being a minimum distance of 1.0 metre from the eastern most verge tree; and~~

~~(b) — the western side of the upper floor Balcony being screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the finished upper floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Alternatively, prior to the issue of a Building Licence, the screening will not be required if the Town receives the written consent from the owners of No. 30 Ruby Street, stating no objections to the proposed privacy encroachment.~~

~~The revised plans shall not result in any further variations to the Residential Design Codes of Western Australia and the Town's Policies;~~

~~(v) — a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site; —~~

~~(vi) — 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;~~

~~(vii) — 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); and~~

~~(viii) — any new street/front wall, fence and gate between the Ruby Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:~~

~~(a) — the maximum height 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 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.~~

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**COUNCIL DECISION ITEM 10.1.2**

**Moved Cr Maier, Seconded Cr Youngman**

*That the recommendation be adopted.*

Debate ensued.

**MOTION PUT AND CARRIED (8-1)**

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

**ADDITIONAL INFORMATION:**

The front of the plans contained as an attachment to the subject Agenda Report were inadvertently not stamp dated. The front of the subject plans have now been stamp dated accordingly to reflect the Officer Recommendation, and a copy is attached for the Council's consideration.

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**FURTHER REPORT:**

The Council at its Ordinary Meeting held on 12 August 2008 considered the subject proposal and resolved the following:

*"That the item be DEFERRED for further consideration."*

At the above Ordinary Meeting concerns were raised during public question time and by some Council Members that the subject application was not assessed and advertised in accordance with the Town's Residential Design Elements (RDEs) Policy, which was adopted on 18 December 2007. Rather, it was assessed and advertised against the Residential Design Codes (R Codes) and the previous Policy requirements, which were in force prior to adoption of the RDEs Policy. A brief summary of the concerns raised during Public Question Time at the above Council meeting are listed below:

- The subject proposal is substantially different from the original proposal submitted and, therefore, should be treated as a new Development Application and assessed under the RDEs Policy.



- Members of community advised that they were given information via email and also verbally from the Town that the application would be assessed in accordance with the RDEs Policy and, consequently, effort was put into assessing the application against the RDEs Policy. Based on this, the objectors were concerned that they had not the opportunity to respond to the application under the previous Policies and guidelines.
- The application should be sent back to the Town's Planning Officers for re-consideration against the RDEs Policy.

In view of the above, re-assessment of the application was undertaken against the RDEs Policy and re-advertised for a 14 day period. In addition to this, as the previous Planning Officer responsible for the application has ceased employment with the Town, a new Planning Officer also undertook a complete new assessment of the application against the previous Policy requirements and R Codes. These planning assessments are provided below:

<b>Requirement/Previous</b>	<b>Required</b>	<b>Proposed</b>	<b>Officer Comment</b>
Plot Ratio	N/A	N/A	Noted.
Building Setbacks:			
Ground floor theatre and powder room to west boundary	1.5 metres	1.26 metres	Supported - the subject non-compliant portion of wall is minor, being 6.1 metres in length and the applicant has articulated/staggered the ground floor building line to reduce its overall impact on the adjacent western neighbouring property.
First floor to west boundary	5.7 metres	1.62 - 3.06 metres	Supported - the applicant has staggered the first floor building line, incorporating horizontal and vertical articulation, to reduce the impact on the adjacent western neighbouring property.
Building Height:			
External wall height	6 metres	6.3 metres to east elevation and 6.4 metres to west and north elevations.	Supported – the lots slope gently from front to back and the design cuts the dwelling into the block at the front to minimise its bulk to the street. The rear 5 metres of the dwelling has a height which is 300 millimetres to 400 millimetres above 6 metres. The roof pitch, however, has a maximum height of 7.8 metres whereas 9 metres would be permissible, supporting the variation to the Acceptable Development provisions of the R Codes.

Driveway	Avoid removal of street trees.	Impacts retained on street tree.	<b>Not supported</b> – refer to previous ‘Comments’ and the crossover of the driveway will be conditioned to be setback 1.0 metre from the eastern street tree, which must be retained.
Privacy Setbacks:  Front balcony to west boundary	7.5 metres	3.4 metres	<b>Not supported</b> – the balcony will have an undue impact on the neighbour’s privacy, and will be conditioned to include a privacy screen along its western side.  Supported - as the master bedroom window, unlike the above balcony, is located along the southern face of the façade and its direct view will be to Ruby Street. There is a lesser need to prevent overlooking of front gardens or areas visible from the street or, in this instance, the roof of the adjacent western neighbour's carport.
Master bedroom to west boundary	4.5 metres	2.8 metres	

<b>Table 2: Residential Design Elements (RDEs) Policy Assessment</b>			
<b>Requirement</b>	<b>Required</b>	<b>Proposed</b>	<b>CEO Comment</b>
Building Setbacks:			
Ground floor theatre and powder room to west boundary	1.5 metres	1.26 metres	<u>Supported - as per above Officer Comment contained in Table No. 1.</u>
First floor to west boundary	5.7 metres	1.62 - 3.06 metres	<u>Supported - as above.</u>
Building Height:			
External wall height	6 metres	6.3 metres to east elevation and 6.4 metres to west and north elevations.	<u>Supported - as above.</u>
Driveway	Avoid removal of street trees.	Impacts on retained street tree.	<b>Not Supported</b> - as per <u>above Officer Comment contained in Table No. 1.</u>

<p>Privacy Setbacks:</p> <p>Front balcony to west boundary</p> <p>Master bedroom to west boundary</p>	<p>7.5 metres</p> <p>4.5 metres</p>	<p>3.4 metres</p> <p>2.8 metres</p>	<p><b><u>Not Supported</u></b> - as per above Officer Comment contained in Table No. 1.</p> <p><b><u>Supported</u></b> - as per above Officer Recommendation outlined in Table No. 1.</p>
<p>Residential Design Elements Policy:</p> <p>SADC 1 - Streetscape Character</p>	<p>Any development which is located in an area that is characterised by single storey buildings or recognised streetscape is to maintain a single storey presentation to the street.</p>	<p>The subject northern side of Ruby Street comprises more than 50 per cent single storey dwellings. The subject proposal is a two-storey development with the first floor main building line being setback 12.953 metres from Ruby Street and a balcony 11.16 metres from Ruby Street.</p>	<p><b><u>Supported in part</u></b> - the first floor of the dwelling has been significantly setback from Ruby Street to lessen the impact on the single storey streetscape. However, the location of the garage, with a solid roller door, being the prominent single storey component results in a negative visual relationship between the public realm and the subject property, which has an undue affect on the streetscape.</p>
<p>SADC 3 - New Dwellings</p>	<p>New dwellings are to be compatible with the bulk and scale (including height, setbacks, roof form, colours and materials) of the existing dwellings in the locality and the streetscape.</p>	<p>As above.</p>	<p><b><u>Not supported</u></b> - as it is considered to have an undue impact on the amenity of the area and Ruby Street streetscape.</p>
<p>SADC 8 - Setbacks of Garages</p>	<p>500 millimetres behind main building line.</p>	<p>In front of the main building line.</p>	<p><b><u>Not supported</u></b> - as it is considered to have an undue impact on the amenity of the area and Ruby Street streetscape.</p>
<p>BDADC 2 - Streetscape Character Consideration</p>	<p>This is to be achieved by considering the existing:</p> <ul style="list-style-type: none"> <li>• Housing style;</li> <li>• Building setbacks (front and side);</li> <li>• Roof form;</li> <li>• Building bulk;</li> <li>• Building height; and</li> <li>• Building orientation.</li> </ul>	<p>As above.</p>	<p><b><u>Not supported</u></b> - as it is considered to have an undue impact on the amenity of the area and Ruby Street streetscape.</p>

BDADC 3 - Roof Forms	Use of a roof pitch 30 degrees and 45 degrees	Roof pitch of 25 degrees.	<b><u>Not supported</u></b> - as it is considered to have an undue impact on the amenity of the area and Ruby Street streetscape.
BDADC 4 - Building Bulk	Any development in a predominantly single storey streetscape is required to be single storey at the primary frontage.	As above.	<b><u>Not supported</u></b> - as it is considered to have an undue impact on the amenity of the area and Ruby Street streetscape.
<b>Consultation Submissions</b>			
Support	Nil.		<u>Noted.</u>
Objections (8)	<ul style="list-style-type: none"> <li>• The development is completely out of character with the Ruby Street streetscape, which comprises 90 per cent single storey dwellings all, bar one, are original.</li> <li>• If the Council allows the proposal to go ahead it will make a mockery of its own policies.</li> <li>• Due to its size the visual impact of the house would be very negative.</li> <li>• The development application is subdivision by stealth and the application must be assessed under Subdivision Policy No. 3.4.6.</li> <li>• The proposal is inconsistent with the Knutsford Locality Statement and should be rejected if the old Knutsford Locality Statement is used for an assessment in lieu of the RDE's.</li> </ul>		<p><b><u>Supported</u></b> - the Officer Recommendation has been amended to <u>"Refusal"</u>.</p> <p><u>Not supported</u> - the Council has discretion to approve applications that do not comply with the Town's Policies, where it is of the opinion the amenity of an area will not be compromised by a proposed development.</p> <p><b><u>Supported</u></b> - the Officer Recommendation has been amended to <u>"Refusal"</u>.</p> <p><u>Not supported</u> - the subject development is not for subdivision and therefore the requirements of the Town's Subdivision Policy No. 3.4.6 do not apply. [However, it is acknowledged that an application for subdivision may likely be made in the future.]</p> <p><u>Noted</u> - the Officer Recommendation has been amended to reflect assessment and determination under the requirements of the RDEs Policy.</p>

	<ul style="list-style-type: none"> <li>• Concern over what development will be proposed for balance of the lot.</li>   <li>• Any future subdivision will increase parking problems.</li>   <li>• Battle-axe development would be more amenable to the streetscape and character of an area.</li> </ul>	<p><u>Noted - a planning application will be required to be submitted to and approved by the Town for any new development on the adjacent land if the owner further develops or subdivides in the future.</u></p> <p><u>Not supported – any new dwelling is to comply with the car parking requirements of the R Codes.</u></p> <p><u><b>Supported</b> - the Officer Recommendation has been amended to “Refusal”.</u></p>
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**Response to Concerns Raised During Public Question Time**

In light of the concerns raised during the public question time at the Ordinary Meeting held on 12 August 2008, clarification on the development assessment process is provided below:

**Process of the Application**

The Residential Design Elements Policy introduced significant changes to the development requirements for residential development throughout the Town. Soon after the adoption of the Residential Design Elements Policy on 18 December 2007, the Town received strong complaints from numerous ratepayers that their proposals were based on the previous Policy requirements and not the Residential Design Elements Policy. These proposals were either the subject of a Development/Planning Application to be determined or in the process of being designed. In many cases, the applicant was designing their proposal over a lengthy period in consultation with the Town’s Officers, and was not aware of the Residential Design Elements Policy and its implications.

**Transition Procedures**

Given the above predicament placed on these applicants and to be impartial in dealing with these proposals, in April 2008 the Town implemented an interim procedure whereby planning applications for new dwellings only received between 18 December 2007 and 18 April 2008, inclusive, where the applicant could demonstrate, in writing, that the initial plans for the subject proposal were prepared between 1 July 2007 and 18 December 2007, were assessed, advertised and determined in accordance with the requirements that were in place immediately prior to the adoption of the Residential Design Elements Policy. These applications have been determined under delegated authority or by the Council, as was the previous practice.

All other planning applications have been assessed, advertised and determined in accordance with the Residential Design Elements Policy.

The subject Development/Planning Application satisfied the above procedure as the complete application was received on 24 January 2008, and the accompanying plans stamp-dated received 30 January 2008 stated '*Date Drawn: 10/12/07*'. Given the above, the Town's Planning Officers advised the applicant in May 2008, that the subject application would be assessed in accordance with the previous Policy requirements rather than the Residential Design Elements Policy. In light of this advice, the applicant significantly redesigned the proposal in good faith to be inline with the requirements that were in place immediately prior to the adoption of the Residential Design Elements (RDEs) Policy.

As advised at the Ordinary Meeting held on 12 August 2008, Councillor Lake was provided with conflicting advice, that the application was to be assessed in accordance with the RDEs Policy. Due to the numerous changes in Planning Officers, this advice, which was later relayed to a number of interested community members, was contrary to the previous advice provided to the owner by the Town's Planning Officers.

A formal complaint was lodged with the Town on 22 August 2008 concerning this matter. The complaint queries the handling of this application and why it has not been processed against the RDE's Policy. The Chief Executive Officer has responded to the complaint.

In light of the advice provided by the Town's Officers to the owner of the subject place in May 2008, it is the Planning Officers opinion that the subject application should be determined in accordance with the requirements that were in place immediately prior to the adoption of the RDEs Policy. The Chief Executive Officer has a different view and considers that the application should have been under the new RDE's policy, as the re-designed application is significantly different to the original application.

#### **Development Assessment**

In determining the application under the requirements that were in place immediately prior to the adoption of the RDEs Policy, the provisions of the Knutsford Locality Plan Policy are to be applied. In relation to development, the Knutsford Locality Plan Policy, states:

*"The retention and/or restoration of established houses which are indicative of the era in which the Locality was developed and generally contribute to its existing character will be encouraged... New contemporary developments are encouraged provided that the design responds to the established character. The selected use of elements such as roof pitch, building materials and wall and eaves height can be used to augment the elements of particular importance, building location and orientation."*

Furthermore, the Knutsford Locality Policy, states:

*"Maintaining existing front, side and rear setbacks is strongly encouraged."*

*Intact streetscapes are strongly encouraged to be maintained. As such, applications for demolitions are generally not supported in areas that have intact streetscapes."*

The Town's Officers recognise that the section of Ruby Street, which the subject place is located, is dominated by Federation Bungalows with comparable traditional setbacks, scale and proportion. However, its level of 'intactness' as a streetscape is impacted by the introduction of a number of carports within the street setback area and the sporadic dispersion of Bungalows which have been significantly altered in the Post-war period. To ensure transparency and consistency in assessing development applications, it has been the Town Officers practice to only pursue the above general provision of the Knutsford Locality Plan Policy in streetscapes, which have a strong consistency in physical elements that can be clearly identified and qualified from a physical survey, as demonstrated along Barnet Street in North Perth and Lacey Street, Perth.

In addition to the above, the retention of the dwelling itself was considered by the Officers in context with the Town's Policy No. 3.6.2 relating to Heritage Management - Assessment. As previously advised, the dwelling was found not to meet the threshold for inclusion onto the Town's Municipal Heritage Inventory as it was found not to be rare; it has little scientific, aesthetic or social value and no specific links of historic significance were identified.

As outlined in the previous report, the applicant has demonstrated a genuine attempt to respond to design issues raised by the Town and relevant submissions by objectors, from the first round of advertising and to design a new contemporary development that does not detract from the existing streetscape and responds to the following statement of the Knutsford Locality Plan Policy:

*"Infill development in the form of splitting the wider frontage lots down the middle is encouraged."*

Of particular note is the proposed building location, which generally reflects the predominant Ruby Street setback pattern and the significant setback of the two-storey component, which is setback 12.953 metres from Ruby Street (11.16 metres to the balcony) and is 5 metres in excess of the upper floor setback requirements of the Knutsford Locality Plan Policy. Furthermore, the garage is setback 6.29 metres from Ruby Street and will be partially shielded from view when travelling east along Ruby Street, by the carport of the adjacent western property, which has a nil setback to Ruby Street.

In the light of the above significant variations to the requirements of the RDEs Policy, it is recommended that the Council ~~approve~~ refuse the application as per the ~~Officer~~ Chief Executive Officer Recommendation as presented to the Council at its Ordinary Meeting held on 12 August 2008.

**Chief Executive Officer Comments:**

The original proposed development plans are dated 10 December 2007 (and dated stamped by the Town as received on 24 January 2008) and were for a two storey single house or residence, at the front of the lot. The new/amended plans (stamp-dated 22 May 2008) – the subject of this application – are also for a proposed two storey single house or residence.

The key differences between the new/amended plans stamp-dated 22 May 2008 and previous plans stamp-dated 24 January 2008 is that the new/amended plans show a two storey dwelling on the western side half of the lot with a setback of 6 metres from the garage, 11.16 metres from the ground floor main building line and 12.96 metres from the upper floor main building line to the front boundary; 1.26 metres from the western side boundary; 9.1 metres from the eastern side boundary and 2.247 metres to the rear boundary. Whilst not shown, the original plans would potentially allow for a second residence to be constructed at the rear of the lot.

The new/amended plans do not show a second dwelling to be constructed on the eastern side half of the lot in a so-called '*split down the middle*' arrangement; however, it is acknowledged that a second building could potentially be constructed on this part of the lot in the future.

Whilst there may be a difference of opinion as to whether the development application should have been processed under the Town's previous requirements (as part of the transition procedure), rather than the Residential Design Elements Policy, the Chief Executive Officer is of the opinion that, as the current plans are substantially different to those lodged in December 2007 (and received on 24 January 2008), the plans should be assessed against the Residential Design Elements Policy. Furthermore, notwithstanding the dialogue which has occurred between the Town's Officers and the applicant's architect/builder, the Chief Executive Officer of the view that the Town's Officers have acted in an honest and impartial manner in dealings with the applicant's architect/builder, members of the public and officials, in terms of the Development/Planning Application.

It should be noted that the Director Development Services, Mr Rob Boardman has not had any involvement with this further report to avoid any allegations of bias or impartiality.

Therefore, after due consideration of the application against the RDEs Policy, the resulting significant non-variation components and the objections received as outlined in the Assessment Table, the Chief Executive Officer has amended this report to recommend "Refusal". To issue approval of the development would result in a lost opportunity to retain a streetscape of original bungalow dwellings, some of which have been successfully modified over time to accommodate the changing needs and requirements of its occupants.

The following is a verbatim copy of the Minutes for the item placed before the Council at its Ordinary Meeting held on 12 August 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 APPROVES the application submitted by Trendsetter Homes on behalf of the owner B H & D J Lamers for proposed Demolition of Existing Single House and Construction of a Two-Storey Single House, at No. 28 (Lot: 90 D/P: 3002) Ruby Street, North Perth, and as shown on plans stamp-dated 29 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) first obtaining the consent of the owners of No 30 Ruby Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of boundary (parapet) wall facing No. 30 Ruby Street in a good and clean condition;*
- (iii) 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);*
- (iv) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
  - (a) the crossover for the proposed driveway being a minimum distance of 1.0 metre from the eastern most verge tree; and*
  - (b) the western side of the upper floor Balcony being screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the finished upper floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Alternatively, prior to the issue of a Building Licence, the screening will not be required if the Town receives the written consent from the owners of No. 30 Ruby Street, stating no objections to the proposed privacy encroachment.*

*The revised plans shall not result in any further variations to the Residential Design Codes of Western Australia and the Town's Policies;*



- (v) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (vi) *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;*
- (vii) *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); and*
- (viii) *any new street/front wall, fence and gate between the Ruby Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
- (a) *the maximum height 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 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.*

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COUNCIL DECISION ITEM 10.1.5

Moved Cr Messina, Seconded Cr Burns

*That the recommendation be adopted.*

*Debate ensued.*

PROCEDURAL MOTION

Moved Cr Messina, Seconded Cr Lake

*That the item be DEFERRED for further consideration*

PROCEDURAL MOTION PUT AND CARRIED (5-2)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Burns
Cr Ker	Cr Youngman
Cr Lake	
Cr Maier	
Cr Messina	

(Cr Farrell on approved leave of absence. Cr Doran-Wu was an apology for the meeting.)

Landowner:	B H & D J Lamers
Applicant:	Trendsetter Homes
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R30/40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	735 square metres
Access to Right of Way	Not applicable

**BACKGROUND:**

No specific background directly relates to this proposal.

**DETAILS:**

The proposal involves the demolition of an existing dwelling and the construction of a two-storey single house on the subject property. The initial design has been substantially altered by the applicant in response to comments by the Town's Officers and a summary of the objectors' comments.

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

**ASSESSMENT:**

As this application was submitted on 19 December 2007 and the applicant has demonstrated that the design process had commenced well before this date, the application has not been assessed against the Town's Residential Design Elements Policy (RDE's Policy). It has been assessed against the Residential Design Codes (R Codes) and the objectives of the previous Policy requirements.

Non-Compliant Requirements			
Requirements	Required	Proposed	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
Building Height – External wall height	6 metres to all four facades	6.3 metres to East façade and 6.4 metres to West and North facades.	Supported – the lots slope gently from front to back and the design cuts the dwelling into the block at the front to minimise its bulk to the street. The rear 5 metres of the dwelling has a height which is 300 millimetres to 400 millimetres above 6 metres. The roof pitch, however, has a maximum height of 7.8 metres whereas 9 metres would be permissible, supporting the variation to the Acceptable Development provisions of the R Codes.

<i>Driveway</i>	<i>Avoid removal of street trees</i>	<i>Impacts on retained street tree</i>	<i>Not supported – refer to ‘Comments’ and the crossover of the driveway will be conditioned to be setback 1.0 metre from the eastern street tree, which must be retained.</i>
<i>Privacy Setback - front balcony to West</i>	<i>7.5 metres</i>	<i>3.4 metres</i>	<i>Not supported – the balcony will have an undue impact on the neighbour’s privacy, and will be conditioned to include a privacy screen along its western side.</i>
<i>Consultation Submissions</i>			
<i>Support</i>	<i>Nil</i>	<i>Noted</i>	
<i>Objection (8) and a petition with (24) signatories</i>	<i>Object to demolition of existing dwelling</i>	<i>Not supported - the house has never been listed on any of the Town’s Heritage Lists. The house has been assessed as being of little significance and not meeting the threshold for addition to the Municipal Heritage Inventory. The streetscape is quite eclectic.</i>	
	<i>Object to design of a narrow two storey house with assumption of future subdivision</i>	<i>Not supported - consideration of a future subdivision is not relevant at this time; however, the design and potential lot configuration is consistent with the Knutsford Locality Statement.</i>	
	<i>House does not comply with the Town’s Residential Design Guidelines</i>	<i>Not supported - the application was submitted prior to the adoption of the RDEs Policy, the applicant was advised that in accordance with the Town’s practice at the time, the RDEs Policy would not apply.</i>	
	<i>Assuming a future subdivision, the house will exceed the allowed plot ratio under the R codes</i>	<i>Not supported - plot ratio is not relevant to the assessment of single houses. The amended plans show that the house meets the open space requirement for R30 even if it was proposed to be subdivided into a smaller lot.</i>	
	<i>Subdivision would be inconsistent with the Town’s Residential Subdivisions Policy 3.4.6</i>	<i>Not supported – the Town’s current Residential Subdivisions Policy was adopted after the submission of this application.</i>	
	<i>Scale and bulk of building is not consistent with existing streetscape</i>	<i>Supported – however, the dwelling is setback a considerable distance from the street and uses roof pitch, tiling and rendering in sympathy with the streetscape.</i>	
	<i>Loss of privacy</i>	<i>Supported in part– consequently, a privacy screen to the western side of the balcony will be a condition of consent.</i>	
	<i>Loss of solar access to west</i>	<i>Not supported – overshadowing of up to 35 percent is permissible and has been assessed to be nil overshadowing of the property to the west due to the lots perfect North/South orientation. The applicant’s overshadowing diagram is attached.</i>	

	<p><i>Reduced side setbacks to the west</i></p> <p><i>Object to height of western wall</i></p> <p><i>A battle axe subdivision would be more preferable than two houses sides by side</i></p>	<p><i>Not supported - setbacks have been significantly increased in redesign and are compliant.</i></p> <p><i>Not supported – this is the only R Code variation being sought in this application. The variation of 300 millimetres to this wall for a length of 5 metres is considered supportable considering the increased setbacks incorporated into the redesign and the nature of the slope of the property.</i></p> <p><i>Not supported – the Town’s Residential Subdivisions Policy was adopted after the submission of the application and the proposed layout is consistent with the Knutsford Locality Statement.</i></p>
<i>Other Implications</i>		
<i>Legal/Policy</i>	<i>TPS 1 and associated Policies and residential Design Codes (R Codes).</i>	
<i>Strategic Implications</i>	<i>Nil</i>	
<i>Financial/Budget Implications</i>	<i>Nil</i>	
<i>Sustainability Implications</i>	<i>Nil</i>	

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

**COMMENTS:**

*Demolition*

*The Heritage Assessment prepared by the Town’s Heritage Officer forms an attachment to this report. Its summary conclusion is that:-*

*“The place at No. 28 Ruby Street, North Perth, is a brick and tile Federation Bungalow with red face-brick walls with horizontal stucco banding, and a hipped and gable roof. The place was built circa 1915, and was one of the first residences in Ruby Street. It was initially occupied by several short-term residents, until the mid 1920s when the Wise Post Office Directory indicates that Mr Charles Cutts occupied the place for approximately ten years, followed by Mr Roland Slee until at least 1949.*

*A full heritage assessment was undertaken which indicates that the subject place is not rare; it has little scientific, aesthetic or social value and no specific links of historic significance have been identified. The place is not considered to meet the threshold for consideration of entry onto the Town's Municipal Heritage Inventory in accordance with the Town's Policy No. 3.6.2 relating to Heritage Management - Assessment. In light of this, it is considered reasonable that the proposed demolition be approved.”*

*Parks Services Comments*

*An assessment by the Town’s Parks Services confirmed that there were no trees of significance on the site. There are two small street trees in front of the property. The western tree is a Eucalypt of unknown species and the tree to the east is a Chinese Elm. Parks Services support the removal of the western tree at the applicant’s expense and the retention of the eastern tree. This can be easily achieved by conditioning the proposed crossover to be at least 1.0 metre clear of the street tree.*

*Location of Single House*

*The application proposes the construction of a two storey single house sitting on the western half of the lot. The applicant has indicated no immediate plans to subdivide, but will consider this option at some time in the future. The dwelling is setback at 9.5 metres with the garage setback at 6.3 metres from the Ruby Street boundary. Most dwellings along Ruby Street are setback at approximately 6 metres; however, of the 30 dwellings in the street, 11 have garages or carports within the front setback area.*

*Conclusion*

*The applicant has demonstrated a genuine attempt to respond to design issues raised by the Town and relevant submissions by objectors. The result is a dwelling with setbacks to its western neighbour which are greater than the R Codes requirements, and a house that is setback further than the Town would require to minimise its perceived impact on the streetscape.*

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

**10.1.7 No. 19 (Lot: 3 D/P: 9992) Glendower Street, Perth - Proposed Demolition of Existing Single House and Construction of Three (3) Two-Storey Single Houses**

<b>Ward:</b>	South	<b>Date:</b>	16 September 2008
<b>Precinct:</b>	Hyde Park; P12	<b>File Ref:</b>	PRO4089; 5.2008.223.1
<b>Attachments:</b>	<a href="#">001_002</a>		
<b>Reporting Officer(s):</b>	D Pirone		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 M Kimber on behalf of the owner M S Kimber, D P Coyne and N Grewal for proposed Demolition of Existing Single House and Construction of Three (3) Two-Storey Single Houses, at No. 19 (Lot: 3 D/P: 9992) Glendower Street, Perth, and as shown on plans stamp-dated 12 September 2008, subject to the following conditions:*

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) an archival documented record of the place(s) including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iv) any new street/front wall, fence and gate within the Glendower Street setback area and the right of way setback area including along the side boundaries within these setback areas, shall comply with the following:*
  - (a) the maximum height being 1.8 metres above the adjacent footpath level;*
  - (b) the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
  - (c) the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
  - (d) the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
  - (e) the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*

- (f) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (v) *first obtaining the consent of the owners of Nos. 15 and 21 Glendower 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. 15 and 21 Glendower Street in a good and clean condition;*
- ~~(vi) *a detailed landscaping plan, including a list of plants and the landscaping of the Glendower Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*~~
- ~~(vii) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s); and*~~
- (viii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the roof deck of unit 1 on the south-eastern, south-western and north-eastern elevations;*
  - (b) *the roof deck of the unit 2 on the south-western elevation;*
  - (c) *the roof deck of unit 3 on the north-western, north-eastern and south-western elevations;*
  - (d) *the dining room windows of unit 1 on the south-eastern elevation; and*
  - (e) *the dining room windows of unit 3 on the north-western elevation;*

*being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2008. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 15 and 21 Glendower Street and Nos. 200, 202 and 204 Bulwer Street stating no objection to the respective proposed privacy encroachments.*

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

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

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**COUNCIL DECISION ITEM 10.1.7**

**Moved Cr Farrell, Seconded Cr Messina**

*That the recommendation be adopted.*

**Debate ensued.**

**MOTION PUT AND CARRIED (8-1)**

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

**ADDITIONAL INFORMATION:**

Further investigation by the Town's Officers revealed that a concrete path occupies the full width of the verge adjacent to the subject property and there is no existing street tree on the verge; therefore, clauses (vi) and (vii) are not required.

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<b>Landowner:</b>	M S Kimber & D P Coyne & N Grewal
<b>Applicant:</b>	M Kimber
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R80
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	690 square metres
<b>Access to Right of Way</b>	South side, 5 metres wide, sealed, Town owned

**BACKGROUND:**

17 August 2007	The applicant submitted a planning application for the demolition of an existing single house and the construction of three, two-storey single houses.
18 October 2007	The applicant lodged a review application with the State Administrative Tribunal (SAT) in relation to the 'Deemed Refusal' planning application.
2 November 2007	Direction Hearing held at SAT.
8 November 2007	Mediation held at SAT.
19 November 2007	Applicant submitted revised plans as per the request at the Mediation held on 8 November 2007.



- 4 December 2007 Council at its Ordinary Meeting considered the above matter as a "Confidential Report", and resolved to support the application subject to several conditions, including the following condition:
- “(ii)(g) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- ....
- (4) the upper floor eastern boundary wall being setback a minimum of 1 metre from the boundary for a portion of the length not less than 1/3 of the full length;”*
- 12 December 2007 Further Mediation held at SAT.
- 18 December 2007 Under Section 31 of the State Administrative Tribunal Act, the Council resolved to refuse the application submitted for demolition of an existing single house and the construction of three, two-storey single houses, for the following reasons:
1. *Extensive building boundary walls adjacent to the eastern and western boundaries, especially given their height, length, and nil setbacks.*
  2. *Excessive plot ratio variation.*
  3. *Significant building wall height variation.*
  4. *Significant building setbacks variations.*
  5. *Significant undue overlooking from habitable spaces onto adjacent properties.*
  6. *Consideration of the objections received.*
  7. *The development, as a result of the number and extent of variations to the relevant requirements, will have an undue impact on the amenity on the area.*
- 21 December 2007 Directions Hearing held at SAT
- 12 February 2008 The Council at its Ordinary Meeting resolved to file and serve appropriate without prejudice conditions, and revoke the Council resolution of 4 December 2007.
- 4 March 2008 Final Hearing held at SAT.
- 11 March 2008 SAT resolved to dismiss the review application submitted on 18 October 2008.

**DETAILS:**

The proposal involves the demolition of an existing single house and construction of three, two-storey single houses.

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

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Building Setbacks: Main Building- Ground Floor -South-East	1.5 metres	Nil – 1.9 metres	Supported – the proposed setbacks on the ground floor of the main building are not considered to have an undue impact on the amenity of the neighbouring properties.
-North-West	1.5 metres	Nil – 2.9 metres	Supported – the adjoining property consists of a commercial use and, in this instance, is not considered to have an undue impact on the neighbouring property.
Upper Floor -North-East (Glendower Street) Balcony	1 metre behind the ground floor line.	0.49 metre behind the ground floor line.	Supported – this is not considered to have an undue impact on the amenity of the streetscape, as the building is setback in accordance with other two storey buildings along Glendower Street with balconies above the entry.
-North-West	2.4 metres	Nil – 1.5 metres	Supported – the adjoining property consists of a commercial use and, in this instance, is not considered to have an undue impact on the neighbouring property.
Garage/Roof Deck- -South-East	1.9 metres	Nil – 1.9 metres	Supported – the proposed setback is not considered to have an undue impact on the amenity of the adjoining property, as a large majority of the garage and roof deck area is screened by trees and landscaping that currently exists on the neighbouring property.

-North-West	1.8 metres	Nil – 1.9 metres	Supported – the adjoining property consists of a commercial use and, in this instance, is not considered to have an undue impact on the neighbouring property.
Buildings on Boundary:	Walls not higher than 3.5 metres with average of 3 metres for 2/3 (29.88 metres) the length of the balance of the boundary behind the front setback, to one side boundary.	<p>Boundary walls proposed on two boundaries.</p> <p>South-East -Main Building</p> <p>-Garage/Roof Deck Wall Height = 4.5 metres; Wall Length = 5.25 metres.</p> <p>Total wall length on the south-east boundary = 18.475 metres</p> <p>North-West -Main Building Wall Height = 6.2 metres – 6.3 metres (average = 6.25 metres); Wall Length = 17.733 metres</p> <p>-Garage/Roof Deck Wall Height = 4.6 metres; Wall Length = 5.25 metres.</p> <p>Total wall length on north-west boundary = 22.58 metres</p>	<p>Supported – this proposed boundary wall is compliant with the height and length requirements of the R Codes.</p> <p>Supported – the proposed boundary wall is not considered to have an undue impact on the amenity of the adjoining property, as a large majority of the garage boundary wall is screened by trees and landscaping that currently exists on the neighbouring property.</p> <p>Supported - the proposed length of boundary wall is compliant with the requirements of the R Codes.</p> <p>Supported – the adjoining property consists of a commercial use and, in this instance, is not considered to have an undue impact on the neighbouring property.</p> <p>Supported – the adjoining property consists of a commercial use and, in this instance, is not considered to have an undue impact on the neighbouring property.</p> <p>Supported – the proposed length of boundary wall is compliant with the requirements of the R Codes.</p>

Privacy Setbacks: -South-West (rear) Roof Decks (Units 1, 2 and 3)	7.5 metres	6.5 metres to the south-western properties boundary.	Not supported – considered to have an undue impact on the neighbouring property. Condition applied to screen the major openings or obtain neighbour’s consent.
-South-East Dining Room Windows (Unit 1)	6 metres	2.4 metres to the south-eastern property boundary.	Not supported – see above comments.
Roof Deck (Unit 1)	7.5 metres	1.9 metres to the south-eastern property boundary.	Not supported – see above comments.
-North-West Dining Room Windows (Unit 2)	6 metres	1.2 metres to the north-western property boundary.	Not supported – see above comments.
Roof Deck (Unit 3)	7.5 metres	0.6 metre – 1.9 metres to the north-western property boundary.	Not supported – see above comments.
-North-East (Glendower Street) Roof Deck (Unit 1)	7.5 metres	0.4 metre to the south-eastern property boundary.	Not supported – see above comments.
Roof Deck (Unit 3)	7.5 metres	0.4 metre to the north-western property boundary.	Not supported – see above comments.

**Consultation Submissions**

Support	Nil.	Noted.
Objection (6)	<ul style="list-style-type: none"> <li>• Boundary walls.</li> <li>• Articulation.</li> </ul>	<ul style="list-style-type: none"> <li>• Not supported – see above Buildings on Boundary comments.</li> <li>• Not supported – the applicant has amended the plans to comply with the articulation requirements.</li> </ul>

	<ul style="list-style-type: none"> <li>• Building height.</li> </ul>	<ul style="list-style-type: none"> <li>• Not supported – the applicant has amended the plans to comply with the building height requirements.</li> </ul>
	<ul style="list-style-type: none"> <li>• Privacy.</li> <li>• Bulk and scale of the development.</li> <li>• Potential damage to neighbouring properties.</li> <li>• Streetscape and character of locality.</li> <li>• Overshadowing.</li> <li>• Impact on the amenity of the heritage listed properties.</li> </ul>	<ul style="list-style-type: none"> <li>• Supported – considered to have an undue impact on the neighbouring properties. Condition applied to screen the non-compliant upper floor major openings.</li> <li>• Not supported – the proposal is compliant with the open space requirements of the R Codes and, in this instance, plot ratio is not applicable.</li> <li>• Not supported – this will be considered at the Building Licence stage.</li> <li>• Not supported – see “Comments”</li> <li>• Not supported – the proposal is compliant with the overshadowing requirements of the R Codes.</li> <li>• Not supported – the proposed boundary wall and the boundary setbacks of the upper floor main building on the south-east elevation is compliant with the requirements of the R Codes.</li> </ul>

**Other Implications**

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

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

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

**COMMENTS:**

**Demolition of Existing Single House**

The property at No. 19 Glendower Street, Perth, is an example of the Interwar California Bungalow style. It was built circa 1937, at a time when suburban redevelopment was occurring around the Hyde Park area. Glendower Street exhibits a wide range of architectural styles from various periods that reflect the general social and economic development of this inner city area. Interestingly, the house has had very few occupants in its lifetime; originally, the owner/builder and his daughter, and from 1957 a couple who purchased the property upon the builder’s death. The dwelling has undergone very few alterations and additions contributing to its high level of authenticity.

A full Heritage Assessment was undertaken for No. 19 Glendower Street which indicates that the place has little aesthetic, historic, scientific or social heritage significance. In accordance with the Town's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the Town's Municipal Heritage Inventory.

### **Streetscape and Bulk and Scale**

The existing streetscape is made up of a mixture of housing that ranges from single storey 1930's California Bungalow houses to three-storey contemporary developments. The proposed development is not considered to have an undue impact on the amenity of the streetscape, as more than 50 per cent of the existing dwellings along Glendower Street are at least two-storeys, and a pitch roof form has been incorporated into the development. The subject proposal for No. 19 Glendower Street does not involve a third storey, like several other developments along Glendower Street, and the building height is compliant with the R Codes. Therefore, the bulk and scale of the development is not considered to have undue impact on the amenity of the streetscape and the neighbouring properties.

### **Summary**

In light of the amended plans to address the main concerns of the Town's Officers and the submissions received, the application is recommended for approval, subject to standard and appropriate conditions to address the above matters.

**10.2.5 Traffic Management Matters "Anzac Road Leederville/Mount Hawthorn" & Marmion Street, North Perth - Referral to Local Area Traffic Management Advisory Group**

<b>Ward:</b>	North	<b>Date:</b>	17 September 2008
<b>Precinct:</b>	Mt Hawthorn P1 Mt Hawthorn Centre P2	<b>File Ref:</b>	TES0021 & TES0264
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	C Wilson		
<b>Checked/Endorsed by:</b>	R Lotznicker	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report on Traffic Management Matters to be referred to the Town's Local Area Traffic Management Advisory Group;*
- (ii) *REFERS "Anzac Road, Leederville/Mount Hawthorn & Marmion Street, North Perth" to the Town's Local Area Traffic Management Advisory Group for consideration; and*
- (iii) *RECEIVES a further report on the matter following consideration by the Town's Local Area Traffic Management Advisory Group.*

**COUNCIL DECISION ITEM 10.2.5**

**Moved Cr Farrell, Seconded Cr Youngman**

*That the recommendation be adopted.*

**Debate ensued.**

**MOTION PUT AND CARRIED (9-0)**

**PURPOSE OF REPORT:**

The purpose of this report is to seek the Council's approval to refer two (2) matters to the Local Area Traffic Management (LATM) Advisory Group for consideration.

**BACKGROUND:**

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

**DETAILS:**

**Anzac Road, Leederville/Mt Hawthorn**

At its Ordinary Meeting of 24 June 2008, a petition, signed by 28 residents, was presented to Council requesting that Anzac Road be "turned into a cul-de-sac" at the intersection of Loftus Street, east bound (between Harrow and Loftus Streets).

Anzac Road, Oxford Street to Loftus Street, is classified as a Local Distributor in accordance with the Metropolitan Functional Road Hierarchy. Under this classification, its maximum desirable traffic volume is 6,000 vehicles per day with a recommended operating speed of 50 kph.

At its Ordinary Meeting of 10 June 2003 Council approved the installation of traffic calming measures in Anzac Road, between Shakespeare and Loftus Streets, and as shown on attached drawing 2141-DP-1.

The works were completed in the latter part of 2003 and traffic data collected over the past four (4) years has indicated that they were successful in achieving an 85% speed in the order of 50 kph.

In November 2007 the height of the existing speed hump outside No. 13 Anzac Road was lowered at the direction of the Director Technical Services, under delegated authority, as a result of the adjacent resident's complaints of a loss of amenity due to noise and vibration generated by passing traffic.

As a consequence of the changes, some residents felt aggrieved that they were not consulted and that the result was an increase in traffic speed due the lower, less effective, speed hump.

Note: Traffic counts taken after the modifications to the speed hump do not support this contention.

The petition read to Council at its ordinary Meeting of 24 June 2008, included, in part, the following resident initiated solution.

*"That measure is namely that of a cul-de-sac closing the eastern end of Anzac Road as it crosses Loftus Street. We feel this will do two things:*

- 1. It would not require a resident to live with the noise created by speed humps.*
- 2. It would reduce the number and speed of cars passing using our street as a high speed short cut, especially when coming downhill towards Loftus Street."*

The obvious impact of a cul-de-sac would increase traffic using Harrow Street, including that generated by the residents of Anzac Road.

It is recommended that this matter be referred to the Town's LATM Advisory Group for consideration and, if in the opinion of the Advisory Group it is warranted, that a public meeting be arranged including residents of Harrow Street to discuss the matter.

### **Marmion Street, North Perth**

At its Ordinary Meeting of 5 May 2008, a petition, signed by 27 residents, was presented to Council seeking, amongst other things, to have traffic calming measures installed in Marmion Street, between Fitzgerald and Norfolk Streets.

Marmion Street is classified as an Access Road in accordance with the Metropolitan Functional Road Hierarchy. Under this classification, its maximum desirable traffic volume is 3,000 vehicles per day with a recommended operating speed of 50 kph.

Traffic data collected in June 2008 indicated that the average weekday traffic was 407 vehicles per day, most of which would have been generated by the residents, while the 85% speed was 55.4 kph.

It is recommended that this matter be referred to the Town's LATM Advisory Group and that community representative/s be invited to attend the meeting.



**CONSULTATION/ADVERTISING:**

Once the matter has been considered by the LATM Advisory Group and referred to the Council, consultation with the wider community may be recommended.

**LEGAL/POLICY:**

N/A.

**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. “(o) Investigate and implement traffic management improvements in liaison with the Local Area Traffic Management (LATM) Advisory Group.”

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

No funds have been specifically allocated in the 2008/2009 budget for these matters, however, there is a Miscellaneous Traffic Management allocation whereby minor works can be dealt with throughout the year.

**COMMENTS:**

The Town receives many requests for Traffic Management from time to time. Most requests received are addressed by the officers as vehicle classifier results usually indicate that there is a perceived problem rather than an actual problem. Other matters are referred to the Police Services for enforcement of the legal speed limit.

The matters listed in this report require further investigation prior to any remedial action being considered.

**10.1.11 Parking – Streets Surrounding Forrest Park, Mount Lawley**

<b>Ward:</b>	South	<b>Date:</b>	17 September 2008
<b>Precinct:</b>	Forrest, P14	<b>File Ref:</b>	RES0003
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	Various		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report regarding parking in the vicinity of Forrest Park, Mount Lawley as identified by the local community, and considered by the Council at its Ordinary Meeting held on 22 July 2008;*
- (ii) *NOTES the following parking related information concerning the Streets in the vicinity of Forrest Park;*
  - (a) *to determine the parking availability for both residents and others, an assessment was carried out in the following streets (the study area);*
    - *Roy Street*
    - *Gerald Street*
    - *Barlee Street*
    - *Clarence Street*
    - *Harold Street –Beaufort Street to Lord Street*
    - *Smith Street – Harold Street to Broome Street*
    - *Wright Street – Harold Street to Broome Street*
  - (b) *eighty four (84%) percent of properties in the study area have ‘off road’ parking and the total number of ‘on road’ parking bays, restricted and unrestricted comprise 414 and therefore these residents would be ineligible for the issue of Residential Parking Permits;*
  - (c) *the Town’s Rangers carry out regular patrols (both weekday and weekends) and will continue to maintain a presence at Forrest Park on training nights and match days to ensure compliance with the relevant parking restrictions and parking laws.*
  - (d) *line marking of resident driveways was carried out in May 2008 in Roy, Barlee, Gerald, Clarence and Harold Streets and that since regular patrols commenced in May 2008, very little parking contravention has been observed;*
  - (e) *parking restrictions are considered appropriate in certain streets such as in the vicinity of paid public parking facilities, however they would not be appropriate in other streets until the provision of additional paid public parking was further investigated as it is considered that the need of residents and others needed to be balanced with the demands on parking in what are “public streets” that service a residential, commercial and recreational area;*

- (iii\*) *DOES NOT SUPPORT the introduction of a Residential Parking Zone in the area bounded by Beaufort Street, Harold Street, Lord Street and Walcott Street, Mount Lawley for the following reasons;*
- (a) *the streets would remain predominantly empty, as the majority of residents are able to park "off road";*
  - (b) *with the study area's proximity to the Beaufort Street "entertainment strip", residential only parking would result in businesses being unable to sustain their customer base, as customers would be unable to park within relative closeness to Beaufort Street;*
  - (c) *the restriction would reduce the number of "on-street" bays and cause an unreasonable imposition on users of Forrest Park and other surrounding streets;*
  - (d) *there is anecdotal evidence that vehicles parked 'on road' provide traffic calming, whereas empty streets facilitate higher vehicle speeds and possible rat running.*
- (iv\*) *DOES NOT SUPPORT the extension of the current Members Equity Stadium exclusion zone, to include Clarence Street, Barlee Street, Roy Street and Gerald Street, Mount Lawley for the following reasons;*
- (a) *the results of surveys indicate that an overall average of only 38% of 'on road' parking spaces were utilised during the assessment period;*
  - (b) *the results of surveys indicated that an overall average of only 45% of the 'on road' parking spaces were utilised when a Perth Glory game was being played during the assessment period;*
  - (c) *the results of surveys indicate that there is a 4% decrease in the 'on road' parking usage when Perth Glory was playing at Members Equity Stadium still leaving 55% of 'on road' parking available;*
- (v\*) *FURTHER investigates the possible availability of Central TAFE (Mount Lawley campus) land for parking outside of TAFE hours;*
- (vi\*) *CONSIDERS making no changes in the 'study area' until the recommendations of the car parking Strategy have been adopted; and*
- (vii\*) *RECEIVES a further report in relation to the streets in the vicinity of Forrest Park once the Car parking Strategy implementation plan has been adopted and/or when additional information is available.*

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

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**Moved Cr Farrell, Seconded Cr Messina**

*That the recommendation be adopted.*

**Debate ensued.**

**AMENDMENT**

**Moved Cr Ker, Seconded Cr Youngman**

*That clause (viii) be amended to read as follows:*

*“(viii) ~~CONSIDERS~~ ~~making~~ **MAKES** no changes in the ‘study area’ until the recommendations of the car parking Strategy have been adopted; and”*

**AMENDMENT PUT AND CARRIED (8-1)**

**For:** Mayor Catania, Cr Burns, Cr Doran-Wu, Cr Farrell, Cr Ker, Cr Lake, Cr Messina, Cr Youngman

**Against:** Cr Maier

Debate ensued.

Cr Maier stated he wanted to move an amendment to clause (vi).

The Presiding Member, Mayor Nick Catania ruled that the amendment is not valid as Council had moved no changes to the stadium area until the recommendation of the car parking strategy had been adopted and the amendment could be made when it comes forward.

Cr Maier stated he wanted to move an amendment to delete clause (viii).

The Presiding Member, Mayor Nick Catania ruled that he would not accept the amendment, as per the Standing Orders clause 3.7.1 as this clause has already been amended and the amendment would have the effect of negativiting the motion or the intent of the motion.

Debate ensued.

**MOTION AS AMENDED PUT AND CARRIED (9-0)**

**COUNCIL DECISION ITEM 10.1.11**

*That the Council;*

- (i) *RECEIVES the report regarding parking in the vicinity of Forrest Park, Mount Lawley as identified by the local community, and considered by the Council at its Ordinary Meeting held on 22 July 2008;*
- (ii) *NOTES the following parking related information concerning the Streets in the vicinity of Forrest Park;*
  - (a) *to determine the parking availability for both residents and others, an assessment was carried out in the following streets (the study area);*
    - *Roy Street*
    - *Gerald Street*
    - *Barlee Street*
    - *Clarence Street*
    - *Harold Street – Beaufort Street to Lord Street*
    - *Smith Street – Harold Street to Broome Street*
    - *Wright Street – Harold Street to Broome Street*
  - (b) *eighty four (84%) percent of properties in the study area have ‘off road’ parking and the total number of ‘on road’ parking bays, restricted and unrestricted comprise 414 and therefore these residents would be ineligible for the issue of Residential Parking Permits;*

- (c) *the Town's Rangers carry out regular patrols (both weekday and weekends) and will continue to maintain a presence at Forrest Park on training nights and match days to ensure compliance with the relevant parking restrictions and parking laws.*
  - (d) *line marking of resident driveways was carried out in May 2008 in Roy, Barlee, Gerald, Clarence and Harold Streets and that since regular patrols commenced in May 2008, very little parking contravention has been observed;*
  - (e) *parking restrictions are considered appropriate in certain streets such as in the vicinity of paid public parking facilities, however they would not be appropriate in other streets until the provision of additional paid public parking was further investigated as it is considered that the need of residents and others needed to be balanced with the demands on parking in what are "public streets" that service a residential, commercial and recreational area;*
- (iii) **DOES NOT SUPPORT** *the introduction of a Residential Parking Zone in the area bounded by Beaufort Street, Harold Street, Lord Street and Walcott Street, Mount Lawley for the following reasons;*
- (a) *the streets would remain predominantly empty, as the majority of residents are able to park "off road";*
  - (b) *with the study area's proximity to the Beaufort Street "entertainment strip", residential only parking would result in businesses being unable to sustain their customer base, as customers would be unable to park within relative closeness to Beaufort Street;*
  - (c) *the restriction would reduce the number of "on-street" bays and cause an unreasonable imposition on users of Forrest Park and other surrounding streets;*
  - (d) *there is anecdotal evidence that vehicles parked 'on road' provide traffic calming, whereas empty streets facilitate higher vehicle speeds and possible rat running.*
- (iv) **DOES NOT SUPPORT** *the extension of the current Members Equity Stadium exclusion zone, to include Clarence Street, Barlee Street, Roy Street and Gerald Street, Mount Lawley for the following reasons;*
- (a) *the results of surveys indicate that an overall average of only 38% of 'on road' parking spaces were utilised during the assessment period;*
  - (b) *the results of surveys indicated that an overall average of only 45% of the 'on road' parking spaces were utilised when a Perth Glory game was being played during the assessment period;*
  - (c) *the results of surveys indicate that there is a 4% decrease in the 'on road' parking usage when Perth Glory was playing at Members Equity Stadium still leaving 55% of 'on road' parking available;*
- (v) **FURTHER** *investigates the possible availability of Central TAFE (Mount Lawley campus) land for parking outside of TAFE hours;*
- (vi) **MAKES** *no changes in the 'study area' until the recommendations of the car parking Strategy have been adopted; and*
- (vii) **RECEIVES** *a further report in relation to the streets in the vicinity of Forrest Park once the Car parking Strategy implementation plan has been adopted and/or when additional information is available.*

**PURPOSE OF REPORT:**

The purpose of this report is to present information and make recommendations regarding a draft parking strategy for the streets surrounding Forrest Park.

**BACKGROUND:**

**Ordinary Meeting of 22 July 2008**

The Minutes of the Special Meeting of Electors held on Monday 14 July 2008 was considered by the Council including the outcome of the community consultation on the Forrest Park Pavilion and approval of a parking strategy and concept options.

Part of the Council decision relating to the preparation of a parking strategy is outlined below.

*That the Council*

(iv) *APPROVES IN PRINCIPLE;*

(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;*

**Ordinary Meeting held on 26 August 2008**

A report on submissions received concerning the further community consultation on the Forrest Park Pavilion was considered by the Council and the Chief Executive Officer was authorised to prepare construction plans, call a tender and negotiate the necessary variation to the existing joint lease of the Forrest Park Clubrooms and new lease of the proposed building to Perth Junior Soccer Club.

**DETAILS:**

**Parking availability – Streets surrounding Forrest Park:**

To determine the parking availability for both residents and others, an assessment was carried out. The streets (study area) assessed included:

- Roy Street
- Gerald Street
- Barlee Street
- Clarence Street
- Harold Street –Beaufort Street to Lord Street
- Smith Street – Harold Street to Broome Street
- Wright Street – Harold Street to Broome Street

The assessment included the following:

- Number of ‘restricted’ on road parking bays in the study area
- Number of ‘unrestricted’ on road parking bays
- Number of single residential dwellings in the study area
- Number of multi residential properties the study area
- Vacant land in the study area
- Properties with off road parking
- Percentage of properties with off road parking

**Table 1**

Street	Number Restricted Parking Bays (on road)	Number Unrestricted Parking Bays (on road)	Number Single Residential Dwellings	Multi Res Properties	Vacant land	Properties with 'Off Road' Parking	% of properties with 'Off Road' parking
Barlee	49	nil	24	0	1	20	83
Clarence	20	46	41	0	0	34	83
Roy St	31	0	16	1	0	12	75
Gerald	0	25	7	1	2	6	86
Smith	18	16	16	2	2	17	94
Wright	25	22	14	0	2	13	93
Harold	136	26	44	1	0	32	73
<b>Total</b>	<b>279</b>	<b>135</b>	<b>162</b>	<b>5</b>	<b>7</b>	<b>134</b>	<b>84%(Ave)</b>
<b>TOTAL 'On Road' parking bays</b>	<b>414</b>						

Officer Comments:

As shown in table 1, 84% of properties in the study area have access to “off-street” parking facilities and therefore these residents would be ineligible for the issue of Residential Parking Permits. There are 414 on road parking bays available.

It is therefore considered that “residential only” parking cannot be justified for the following reasons:

- The streets would remain predominantly empty as the majority of residents would be able to park off road.

- The areas proximity to the Beaufort Street "entertainment strip". Residential only parking would result in businesses being unable to sustain their customer base as customers were unable to park within relative closeness to the Beaufort entertainment they would most probably take their custom elsewhere.
- 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.
- Vehicles parked 'on road' provide traffic calming and where as empty streets facilitate higher vehicle speeds and possible rat running.

#### **Vehicle Parking and Road Safety Complaints:**

As previously reported to the Council (at its Ordinary Meeting held on 22 July 2008) a total of 15 complaints relating to vehicle parking and road safety issues that 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 including:

- Street parking for residents is perceived to be inadequate.
- Vehicles allegedly belonging to soccer participants are parked in contravention of the Town's parking restrictions and parking signage.
- Vehicles allegedly belonging to soccer participants are double parked on verges and footpaths causing obstruction and potential danger to the public.
- Damage allegedly been caused to residents' vehicles when parked in the location of the angled bay parking
- The 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.

#### Officer Comments:

The Town's 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 Sundays.

#### **Extension to Members Equity Stadium (MES) Exclusion Zone to include Clarence, Barlee, Roy and Gerald Streets, Mount Lawley**

At its Ordinary Meeting 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.

The Town's Rangers undertook a survey of the affected streets, to determine whether there was a correlation between the parking and the events at MES. Rangers counted the number of vehicles parked in each of the streets, on two (2) occasions each night - between 7pm and 9pm and again between 9pm and 11pm. These checks were undertaken on each night of the week and included the two occasions, when Perth Glory were playing at MES.

The following table shows the average results of the Rangers' survey, which was undertaken over a six (6) week period in June/July this year.



**Table 2**

Average No of Parked Vehicles		BARLEE (49)*		CLARENCE (66)*		GERALD (25)*		ROY (31)*	
	7 - 9 pm	9 - 11 pm	7 - 9 pm	9 - 11 pm	7 - 9 pm	9 - 11 pm	7 - 9 pm	9 - 11 pm	
Average Mon	22	26	24	24	6	7	8	9	
Average Tue	23	29	25	27	7	8	8	10	
Average Wed	24	26	24	23	6	7	8	8	
Average Thur	24	24	22	23	6	6	8	8	
Average Fri	30	39	29	39	8	10	10	12	
Average Sat	30	42	29	41	9	9	11	12	
Average Sun	21	23	20	23	6	5	8	7	
<b>Ave % Usage</b>	<b>51%</b>	<b>61%</b>	<b>37%</b>	<b>43%</b>	<b>27%</b>	<b>30%</b>	<b>28%</b>	<b>30%</b>	
<b>Overall % Average use</b>	<b>38%</b>								

**Table 3**

Average No of Parked Vehicles		BARLEE (49)*		CLARENCE (66)*		GERALD (25)*		ROY (31)*	
Average Fri	30	39	29	39	8	10	10	12	
Average Sat	30	42	29	41	9	9	11	12	
<b>% Usage</b>	<b>61%</b>	<b>83%</b>	<b>44%</b>	<b>61%</b>	<b>34%</b>	<b>38%</b>	<b>34%</b>	<b>39%</b>	
<b>Overall % Average use</b>	<b>49%</b>								
Perth Glory Playing at MES									
22 Aug - Fri	26	37	24	36	8	6	10	10	
26 Jul - Sat	30	41	28	40	9	11	11	13	
<b>Ave % Usage</b>	<b>57%</b>	<b>80%</b>	<b>39%</b>	<b>58%</b>	<b>34%</b>	<b>24%</b>	<b>34%</b>	<b>37%</b>	
<b>Overall % Average use</b>	<b>45%</b>								

Note:\* Number of “on-street” parking bays

Officer Comments:

Overall, an average of 38% of the on road parking spaces were utilised during the assessment period (table 2).

When comparing the Friday and Saturday ‘Glory’ and ‘No Glory’ results (Table 3) indicate that there was a 4% decrease in the current on road parking usage when Perth Glory was playing at MES, still leaving 55% of on road parking available.

It is therefore considered that an extension of the current Members Equity Stadium exclusion zone, to include Clarence Street, Barlee Street, Roy Street and Gerald Street, is not warranted based on the above results.

**Traffic and Parking Restrictions:**

As previously reported to the Council (at its Ordinary Meeting held on 22 July 2008) the Town had not undertaken a traffic impact study as the proposed scope of works was restricted to improving an existing facility with no increase in numbers using the facility. Existing parking spaces available in close proximity 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.

**Parking Management plan for the Beaufort Strip and Surrounding street:**

In the development of the original parking management plan for the Beaufort Strip and surrounding street, the following points were considered by the Council at its Ordinary Meeting held on 22 March 2005:

- The nature of the business activity is predominantly hospitality.
- The demand for parking is present during normal business hours as well as evenings and weekends.
- There is limited off street public parking available in the area (*Town owned car parks can only accommodate 139 vehicles- and it is considered these car parks should be tailored to cater for staff of the establishments in the area, thereby keeping them from parking for extended periods in residential streets*).
- It was estimated that at least 170 staff are employed by the twenty five (25) plus hospitality establishments alone in Beaufort Street.
- Approximately 2,130 patrons could be accommodated at food premises, bars and hotels in Beaufort Street, between St Alban's Avenue and Walcott Street.
- The total number of kerb side parking places within 300m of the centre of the strip was approximately 966.
- The early 20th century housing stock in the vicinity of the strip frequently lacks garaging from the front however most have rear access via a right of way (ROW).
- There had been a considerable increase in the number of establishments in the strip however the area had historically been the site of recreation and entertainment premises as well as other commercial concerns.
- Consideration of residents needs be balanced with the other demands on parking in what are "public streets" in a mixed residential and commercial area.

The Council subsequently adopted the following (in part);

*That the Council;*

- (iii) *APPROVES the introduction of time restrictions in the following streets in the close proximity of the Barlee Street Carpark to compliment the recent reintroduction of paid parking in the carpark as shown on attached Plan No. 2121-CP-5 and attached schedule;*

- (a) *Barlee Street, on the South side adjacent to the Barlee Street car park - a one hour time restriction from 8am until 5.30pm Monday to Friday and 8am until 12noon Saturdays. For a further sixty metres - a one hour time restriction from 8am until 6.30pm Monday to Friday and 8am until 12noon Saturdays, and a two hour time restriction from 8am until 6.30pm Monday to Friday and 8am until 12noon Saturdays in the remainder of the South side. On the North side a one hour restriction between Beaufort Street and Roy Street from 8am to 6.30pm Monday to Friday and 8am until 12noon Saturdays. A two hour restriction from 8am until 6.30pm Monday to Friday and 8am until 12noon Saturdays in the remainder of the north side of the street.*
- (b) *Roy Street, a one hour restriction from 8am until 6.30pm Monday to Friday and 8am until 12noon Saturdays on both sides of the street.*
- (c) *Gerald Street, a two hour restriction from 8am until 6.30pm Monday until Friday and 8am until 12 noon Saturdays on both sides of the street.*
- (v) DEFERS the wholesale implementation of parking restrictions in the remainder of the study area to allow officers to further consider objections received as a result of the community consultation process;

Previous Community Consultation:

In November 2004, over 1,400 individual letters with reply paid envelopes, plans for each individual street and the overall proposal were distributed to residents/businesses in the area covered by the proposal. At the close of the consultation period only 282 responses were received representing a (20%) response.

The response to the consultation yielded some surprising results.

- Only **11%** of those canvassed **were supportive** of the introduction of time restrictions.
- About **9.5% opposed** the proposal however the weight of sentiment was not evenly spread across the entire consultation area, with some areas feeling more of the affects of parking in their streets than others.
- Streets that historically had drawn the greatest number of complaints from residents, such as Mary Street and Harold Street drew only 10% and 11.5% "Yes" responses respectively and only about *one in four* residents in these two streets was motivated to return the questionnaires.
- Several of the responses from Harold Street residents expressed concerns about how the needs of TAFE students would be addressed if time restrictions were introduced.

From the comments received, the following issues represented a common thread of concern:

- Where would staff from the various businesses be able to park?
- There would be a negative impact on business in the area.
- There was not enough public parking available (should restrictions be implemented).
- There was not a problem now.
- Against the proliferation of signs.
- Too restrictive.
- Not a problem in the day only at night and weekends.
- Should restrictions be implemented there were not enough residential and visitors permits made available

### Staff Parking/Public Parking

It was acknowledged that staff from the various businesses needed to park somewhere. While public transport would be an option for some it was not for others. Some minimal parking was available on site however the majority of employees parked on streets.

*Wholesale restrictions without the provision of additional all day parking facilities (paid) would be untenable for the majority of business in the area.*

### Night time/Weekend restrictions

The need for night time and weekend restrictions was raised by some respondents. It was considered at the time that this would have an adverse affect on the Beaufort traders and could only seriously be considered, again, should adequate additional public parking be provided in the area.

### Residential and Visitor parking permits

Some respondents indicated that not enough permits would be provided should restrictions be implemented. The following conditions apply to the issue of exemption permits.

#### *In the case of a single dwelling*

- *All residents/visitors/businesses must comply with the restrictions. Where there are no facilities to park a vehicle within the property boundary, residents will be eligible to apply for Residential Parking Permits, which will exempt them from the time restriction*
- *Generally, a maximum of two (2) Residential Permits will be issued to any property with no off-street parking. If off-street parking can be provided for one vehicle, only one Residential Parking Permit will be issued.*
- *A maximum of two (2) Visitors Parking Permits can be issued to each property.*
- *Businesses are precluded from issue of exemptions from restrictions.*
- *Exemptions will not be issued where residents could provide off street parking but choose not to.*

#### *In the case of a unit development*

- *All residents/visitors/businesses must comply with the restrictions. Where there are no facilities to park a vehicle within the property boundary, residents will be eligible to apply for a Residential Parking Permit, which will exempt them from the time restriction*
- *Generally, a maximum of one (1) Residential Permit will be issued to any property with no off-street parking. If off-street parking can be provided for one vehicle, no Residential Parking Permit will be issued.*
- *A maximum of one Visitors Parking Permit can be issued to each property.*

### Enforcement of Area-wide restrictions

Enforcement of area wide restrictions would need to be undertaken by the Town's Rangers as part of their normal duties. However, since enforcement of these restrictions would be in addition to their existing workload, there was likely to be a corresponding slight reduction in the frequency of their attendance at all restricted areas.

#### Officer Comments:

The 'Beaufort Parking Plan' has been under consideration for some time and has been subjected to various reports to Council, public meetings, community consultation and a Council forum.

The community consultation in 2004 revealed that not all residents were in favour of time restrictions with various comments stating that things *should be left as they are*. Other comments related to problems in the evening and weekends only, while businesses raised concerns regarding staff parking and the adverse impact of their businesses. Other residents raised the issue of residential parking permits and a few raised residential only parking.

However the Town did not receive a response from the majority of letters distributed i.e. of over 1,432 letters (with reply paid envelopes attached) 1,150 letters were NOT responded to and of the responses received there was almost a 50/50 split in those “for” and “against”.

After considering the responses and issues raised, the officers recommended that restrictions were appropriate in certain locations i.e. in the vicinity of paid public parking facilities i.e. Barlee Street carpark, however they would not be appropriate in other streets until the provision of additional paid public parking was further investigated as it was considered that the need of residents and others needed to be balanced with the demands on parking in what were “public streets” in a mixed residential and commercial area.

### **Review of the Town’s Car parking Strategy:**

The Town’s Consultants have made the following recommendation relevant to this report:

*‘Re-examine demand, volumes, duration of stay, peak usage and compliance with restrictions in areas that have undergone significant change since 2002 and within 500 m of each of the high activity centres being Mount Hawthorn, Leederville, Mount Lawley and Newcastle/Lord Streets Perth.’*

The *Draft Car Parking Strategy Review* focuses on the idea that the Town of Vincent has adopted traditional ‘supply and demand’ approaches to parking, whereby motorists should nearly always be able to easily find convenient free parking at every destination.

This attitude has also appeared prevalent in the community vision workshops undertaken as part of *Vincent Vision 2024*. The *Draft Car Parking Strategy Review* addresses why this current parking strategy is not sustainable, and offers significant recommendations to ensure that the Town can provide sufficient parking in the long term to support prosperous and vibrant commercial centres and encourage accessibility to these centres by sustainable transport modes including walking, cycling and public transport.

### **Officer Comments:**

It is recommended that no changes be considered for the ‘study area’ until the recommendations of the car parking Strategy be adopted by the Council.

### **Using TAFE land for parking:**

TAFE have been contacted on numerous occasions to gain a response of the use of their land for additional parking. However to date there has been no response to our request for their view on the matter.

### **CONSULTATION/ADVERTISING:**

Adjacent residents and business owners have already been extensively consulted and it is considered unnecessary to further consult with them, at present, with regards this matter

### **LEGAL/POLICY:**

Nil.

**STRATEGIC IMPLICATIONS:**

This matter is contained in the Town's Strategic Plan 2006-2011:*1.1.6(e) Review, Implement and Promote the Car Parking Strategy*".

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

It is considered that the ambience of areas, such as Mount Lawley and Highgate is one of the major attractions of inner-city living, but its continuation relies on the ability of patrons to park in relatively close proximity to these areas. If parking were removed, customers could move to other areas where parking is not as strictly controlled.

The majority of residents, who now live in Clarence, Barlee, Roy and Gerald Streets, have moved to the area, in the knowledge that on-street parking would be at a premium and the proximity to the entertainment and hospitality area may have been one of the attractions in buying a home in the vicinity.

It is recommended that the Council not support the introduction of a Residential Parking Zone in the area bounded by Beaufort Street, Harold Street, Lord Street and Walcott Street, or extension of the current Members Equity Stadium exclusion zone, to include Clarence Street, Barlee Street, Roy Street and Gerald Street for the reasons as outlined in the report.

It is also recommended that no changes in the 'study area' be considered until the recommendations of the car parking Strategy have been adopted.

**10.1.8 No. 71 (Lot: 199 D/P: 93039) Edward Street, East Perth - Proposed Storage Silo Addition to Existing General Industry (Hanson Concrete Batching Plant)**

<b>Ward:</b>	South	<b>Date:</b>	15 September 2008
<b>Precinct:</b>	Claisebrook North	<b>File Ref:</b>	PRO4024; 5.2008.377.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Rasiah		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

- (i) *in accordance with the provisions and powers under both the Local Government (Change of Districts Boundaries) Order 2007 and the Local Government (Constitution) Regulations 1998, allowing the Town of Vincent to, in effect, administer the City of Perth Town Planning Scheme as if it were its own Scheme, and in accordance with the provisions of the Metropolitan Region Scheme, the Council REFUSES the application submitted by P Honczarenko on behalf of the owner Hanson Construction Materials Pty Ltd for proposed Storage Silo Addition to Existing General Industry (Hanson Concrete Batching Plant) at No. 71 (Lot: 199 D/P: 93039) Edward Street, East Perth, and as shown on plans stamp-dated 14 August 2008, for the following reasons:*
- (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
  - (b) *the significant increase in the adverse impact on the community;*
  - (c) *the excessive noise, dust and traffic impacts caused by the increased capacity at the concrete batching facility, as a consequence of an increase in numerous concrete batching trucks and heavy haulage trucks bringing raw materials to the site and resulting from the increased storage capacity operating within the extended hours of operation recently approved by the State Administrative Tribunal;*
  - (d) *the proposal is not an appropriate compatible activity with the surrounding residential land use in the current location;*
  - (e) *the proposal results in an impediment to appropriate regeneration of the area with further additional residential developments and will further entrench the subject use, thus prejudicing any such regeneration;*
  - (f) *the proposal results in greater disbenefit than benefit to the residents in the immediate and surrounding vicinity of the subject development site;*
  - (g) *the concerns raised by the Department of Environment and Conservation (DEC) in its letter dated 7 November 2007, that the 24 hours operation of the concrete batching plant has the potential to adversely impact the health, welfare, convenience, comfort or amenity of the nearby residents;*
  - (h) *consideration of the numerous objections received previously when the extended operating hours were advertised; and*

- (ii) *the Council ADVISES the owners of the Hanson Concrete Batching Plant that with the preparation of the Town's new Town Planning Scheme, and its intended vision for the area, and the incompatibility of the use, the Council is unlikely to favourably consider a further planning application at the expiry of the current Planning Approval in 2012 for the batching plant to operate beyond 2012.*

Cr Burns departed the Chamber at 8.09pm.

**COUNCIL DECISION ITEM 10.1.8**

**Moved Cr Farrell Seconded Cr Maier**

*That the recommendation be adopted.*

Debate ensued.

Cr Messina departed the Chamber at 8.10pm.

Debate ensued.

Cr Burns returned to the Chamber at 8.11pm.

Debate ensued

Cr Messina returned to the Chamber at 8.12pm.

Debate ensued.

**MOTION PUT AND CARRIED (7-2)**

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

<b>Landowner:</b>	Hanson Construction Materials Pty Ltd
<b>Applicant:</b>	P Honczarenko
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town of Vincent Town Planning Scheme No. 1 - City of Perth Scheme No. 2 - East Perth Precinct (P15)
<b>Existing Land Use:</b>	Concrete Batching Plant
<b>Use Class:</b>	General Industry
<b>Use Classification:</b>	"Unlisted" under City of Perth Scheme. No. 2
<b>Lot Area:</b>	3841 square metres
<b>Access to Right of Way</b>	Not applicable



**BACKGROUND:**

June 1996 The Hanson Concrete Batching Plant (previously Pioneer Constructions Materials) has operated in the area for around 40 years. The East Perth Redevelopment Authority (EPRA) approved the above plant to its current location to make way for the Graham Farmer Freeway for a period 16 years, subject to the hours of operation being limited from 6 am to 7pm, Monday to Saturday.

May 2001 EPRA approved the removal of the restrictions on the hours of operation for a period of 12 months only, to allow a review of the impact of the plant and associated vehicles.

Ongoing approval under delegated authority was issued by the City of Perth on 19 April 2002, 19 March 2003, 30 March 2004 and 6 April 2005, for the on-going removal of the restrictions on the hours of operation, each for a further 12 months, allowing a continued review of the impact of the unrestricted hours given that the area is in a gradual transition towards increased residential development.

19 January 2005 Conditional Planning Approval was granted for the proposed further extension to operating time.

29 August 2006 The City of Perth Council granted approval for the removal of time restrictions for a further period of 12 months.

19 April 2007 A notice was served on Hanson Concrete Batching Plant with a \$250 fine for dust tracking caused by trucks leaving residue on the road.

8 May 2007 The Council considered the extension of time for the operating time of the Hanson Concrete Batching Plant at the above site as part of the advertising process, which at that point in time was under the jurisdiction of the City of Perth, and resolved as follows:  
*“That the Council;*

(i) *ADVISES the City of Perth that the Council STRONGLY OBJECTS to the proposed removal of the restrictions on the hours of operation of 6.00 am to 7.00 pm Monday to Saturday (to 24 hour operation) at No. 71 (Lot 199) Edward Street, Perth, in relation to the Hanson Concrete Batching Plant, due to the detrimental impact on nearby residential areas within the Town of Vincent;*

(ii) *REQUESTS the City of Perth to advertise for community consultation in a 250 metre radius the Development Application proposing the removal of restrictions on the hours of operation of 6.00am to 7.00pm Monday to Saturday (to 24-hour operation) at No. 71 (Lot 199) Edward Street, Perth, regarding the Hanson Concrete Batching Plant, for the following reasons:*

(a) *it is acknowledged that the East Perth Redevelopment Authority (EPRA) in June 1996 approved the current use for a period of sixteen (16) years and that the hours restrictions have been removed on an annual application basis since 2002 however, also acknowledge that the permanent and original approval was subject to the hours of operation being restricted from 6.00am to 7.00pm Monday to Saturday; and*

- (b) *complaints have been lodged with the City of Perth, EPRA, Town of Vincent and Department of Environment and Conservation (DEC) in relation to insufficient community consultation, unreasonable noise, dust emissions, and increased heavy haulage traffic flow; and*
- (iii) *in the event of City of Perth deciding to approve the application without Community Consultation on the proposed altered hours of operation, the City of Perth is REQUESTED to INCLUDE the following Conditions of Approval and confirm the conditions in writing to the Town;*
  - (a) *prior to changes in operating hours Community Consultation be conducted with residents and business owners in a 250 metre radius around the batching plant to identify and address concerns regarding health, safety, noise, dust, heavy haulage traffic, and relevant amenity issues;*
  - (b) *a Complaint Handling System be implemented that includes a procedure to log and deal with complaints from residents and owners allegedly affected within the Town of Vincent;*
  - (c) *a Management Plan be required that includes the control and monitoring of dust, unreasonable noise after 7.00pm to 7.00am, and heavy haulage traffic, to the reasonable satisfaction of the City of Perth, residents/businesses in a 250 metre radius, the Department of Environment and Conservation and the Town of Vincent;*
  - (d) *a review of conditions by June 2008 including community consultation within a 250 metre radius; and*
  - (e) *the removal of restrictions of the hours of operation of 6.00am to 7.00pm Monday to Saturday being limited to a maximum period of twelve (12) months of notification to the applicant by the City of Perth."*

5 June 2007

The City of Perth Council at its meeting resolved as follows, as per the City of Perth's letter (attached) dated 28 June 2007:

*"That in accordance with the provisions of the City Planning Scheme No 2 and the Metropolitan Region Scheme, the Council APPROVES the application for the removal of restrictions on the hours of operation of 6.00 am to 7.00 pm Monday to Saturday for the Hanson Concrete Batching Plant at 71 (Lot 199) Edward Street, East Perth as detailed on the Metropolitan Region Scheme Form One dated 22 March 2007 subject to:*

*"1.the removal of the operating time restrictions being valid until 4 November 2007, to allow a review of the impact of the plant and associated vehicle movements on the surrounding area, by the relevant authority, at the conclusion of this period;*

2. a management plan that addresses community concerns regarding traffic impacts, environmental and health concerns, being submitted to the City and the Town of Vincent prior to 29 June 2007. The management plan should include, but not limited to the following:-

2.1 noise management for on-site activities;

2.2 dust and cement waste management including regular washing down of trucks before exiting the site, dust control onsite and regular sweeping and cleaning of materials spilled on surrounding roads;

2.3 a traffic management plan with particular reference to delivery operations occurring before 6.00am and after 7.00pm Monday to Saturday, and incorporating driver education in regard to truck routes, vehicle speeds, and operations to minimise disturbance and public safety concerns;

2.4 methods for notifying affected properties along Claisebrook Road and Edward Street on occasions when unusually high truck movements are likely to occur outside of the previously restricted hours of 6.00am to 7.00pm Monday to Saturday;

2.5 the implementation of a complaint handling system that includes a procedure to log and deal with complaints from residents and owners allegedly affected by the concrete batching plant's operations."

- 1 July 2007 The subject site is transferred to the Town of Vincent jurisdiction.
- 12 October to  
9 November 2007 Advertising of application undertaken by the Town (Serial 5.2007.312.1).
- 5 and  
6 November 2007 The Town's administration did not object to the temporary removal of the restriction on the hours of operation on 5 and 6 November 2007.
- 6 November 2007 The Council at its Ordinary Meeting considered the temporary removal of the restriction on the hours of operation from 7 November 2007 to 20 November 2007 (Serial No. 5.2007.438.1) for the Hanson Concrete Batching Plant at the above site and resolved to refuse the proposal for the following reasons:  
"1. Negative impact on residents.  
2. Noise.  
3. Pollution."
- 7 November 2007 Letter received from the Department of Environment and Conservation (DEC) (attached) stating that the 24 hours operation of the subject concrete batching plant has the potential to adversely impact the health, welfare, convenience, comfort or amenity of the nearby residents.
- 20 November 2007 The Council at its Ordinary Meeting considered the subject application and resolved the following:  
  
"That this Item be DEFERRED for further investigation."

- 18 December 2007      The Council at its Ordinary Meeting considered the proposed removal of restrictions on the hours of operation of 7:00pm to 6:00am Monday to Saturday for existing general industry premises (Hanson Concrete Batching Plant), at the above site and resolved to refuse the proposal for the following reasons:
- "(a)    *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
  - (b)    *the significant increase in the adverse impact on the community;*
  - (c)    *the excessive noise, dust and traffic impacts caused by the concrete batching facility and the numerous concrete batching trucks and heavy haulage trucks bringing raw materials to the site as a result of operating during the previous extended hours of operation;*
  - (d)    *the proposal is not an appropriate compatible activity with the surrounding residential land use in the current location;*
  - (e)    *the proposal results in an impediment to appropriate regeneration of the area with further additional residential developments and will further entrench the subject use, thus prejudicing any such regeneration;*
  - (f)    *the proposal results in greater disbenefit than benefit to the residents and owners of other businesses in the immediate and surrounding vicinity of the subject development site;*
  - (g)    *the concerns raised by the Department of Environment and Conservation (DEC) in its letter dated 7 November 2007, that the 24 hours operation of the concrete batching plant has the potential to adversely impact the health, welfare, convenience, comfort or amenity of the nearby residents;*
  - (h)    *consideration of the numerous objections received; and*
  - (i)    *it is considered that there are alternative concrete batching plants within close proximity of the Perth metropolitan area and CBD to cope with outside business hours demands for concrete;*
- (ii)    *the Council ADVISES the owners of the Hanson Concrete Batching Plant that with the preparation of the Town's new Town Planning Scheme, and its intended vision for the area, and the incompatibility of the use, the Council is unlikely to favourably consider a further planning approval at the expiry of the current planning approval in 2012 for the batching plant to operate beyond 2012; and*
  - (iii)    *the Council ADVISES the owners of the Hanson Concrete Batching Plant that the Town would be prepared to consider after hours operations for concrete deliveries for projects of a Regional and State significance such as bridges, stadiums, railways, and the like, subject to the lodgement of a new planning application and associated procedures for each such project."*
- 2 April 2008      The State Administrative approved the extension of operating hours which was refused at the Ordinary Meeting of Council held on 18 December 2007.

**DETAILS:**

The proposal involves an additional cement storage silo. There are currently 4 other storage silos operating on-site. The proposed silo will be identical and located adjoining an existing silo and be painted in an industrial matching colour to the existing structures. Provision has been previously made to accommodate the new silo and there will be no need to undertake any civil work for the structure.

The new silo will be fitted with appropriate dust filtration and high level alarm systems. The new silo will increase storage capacity and is not designed to increase the production output of the plant. The proposal was originally included in a development application submitted to the then local authority, the City of Perth, in 2005 to obtain planning approval to construct the second load out bay.

Further advice in part from the applicant is in verbatim below:

*"The silo would assist Hanson in being able to store a product called Fly Ash which is a by product of coal fired power generating plants. To further elaborate on the primary environmental benefit of incorporating Fly Ash into our operations is that it is essentially a product that would ordinarily be discarded as waste at the generating plant but with modifications to our processes we can incorporate this product into our concrete. Furthermore utilising Fly Ash in our concrete mixes reduces the amount of cement required which being an energy intensive manufacturing process directly reduces the amount of carbon dioxide emissions released into the atmosphere. "*

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

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	Noted
<b>Consultation Submissions</b>			
No advertising was carried out as there are no variations proposed. Moreover, extensive advertising was carried out as part of the most recent application for extended operating hours at the above facility, where numerous objections were received. Furthermore, the Town's position on the concrete batching plant has not changed since, and as the matter is being referred to Council for determination.			
<b>Other Implications</b>			
Legal/Policy	TPS1 - City of Perth Planning Scheme No. 2; and Environmental Protection (Cement Manufacturing and Concrete Batching) Regulations 1998. The Regulations address issues such as minimisation of dust, control of dust from trafficable areas and storage of materials.		
Strategic Implications	Strategic Plan 2006-2011: "1.1.4-Minimise negative impacts on the community and environment."		

Financial/Budget Implications	Nil
Sustainability Implications	The applicants in their submission claim that the process reduces the amount of carbon dioxide emissions released into the atmosphere.

\* 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:**

Under the City of Perth Scheme No. 2, general industrial uses are an ‘unlisted’ use within the Claisebrook Road North Precinct. The Statement of Intent for this Precinct indicates “the Precinct should continue to provide a location for commercial and light industrial activities providing services to the businesses and residents of the inner city, as well as ongoing and potentially increased residential use”.

The Town Strategic Planning Services have advised the following, which is part verbatim of comments provided in the Minutes of the Ordinary Meeting of Council held on 18 December 2007.

*"Strategic Planning Services Comments*

*The land recently transferred to the Town of Vincent is located on its eastern boundary and acts as a gateway into the Town of Vincent. Accordingly, the visual and general amenity of the area should be of a high standard and improved where possible. The land also adjoins the Beaufort Precinct which is undergoing transformation alongside New Northbridge. Evidence of this transformation is occurring within the immediate area with significant recent mixed-use and residential developments.*

*The industrial use on the subject site detrimentally impacts on the amenity of the immediate and surrounding area and there is concern that further extensions of operating hours of the use will further entrench the use, thus prejudicing any improvements which have been taking place in the general locale."*

Dust and other environmental issues are regulated by the Department of Environment and Conservation (DEC) under the provisions of the Environmental Protection (Concrete Batching and Cement Products) Regulations 1998. The DEC was not consulted on this application, as its comments are unlikely to change from its previous comments stated in the Minutes of the Ordinary Meeting of Council held on 18 December 2007, when the Council refused the extension to the operating hours of the above facility.

**Conclusion**

The Town's Officers are of the view that the increased storage capacity will result in increased capacity to cater for further demand for cement products from this particular facility, even though the applicant has stated that this is not their intention, this should be considered a commercial reality. The above concerns are further compounded by the recent decision of the State Administrative Tribunal to approve 24 hours operations from Monday through to Saturday, excluding Sundays and public holidays until 2012. The above additional investment in infrastructure to the above facility results in the use being further entrenched, as recent discussion with representatives of the Hanson Concrete Batching Plant is that they are likely to lodge an application to continue to operate at the above site when their current use approval expires in 2012.

The above proposal would result in a further undue loss in amenity to residents in the immediate area and is, therefore, not supported.

**10.1.9 No. 13 (Lot: 15 D/P: 931) Melrose Street, Leederville – Proposed Demolition of Existing Single House and Construction of Seven (7) Two-Storey Single Bedroom Multiple Dwellings including Lofts- State Administrative Tribunal (SAT) Review Matter No. DR 281 of 2008**

<b>Ward:</b>	South	<b>Date:</b>	16 September 2008
<b>Precinct:</b>	Oxford Centre,P4	<b>File Ref:</b>	PRO3947; 5.2008.132.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Narroo		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That, given the decision by the Council at its Ordinary Meeting held on 8 July 2008 to refuse the application, the Council;*

- (i) *RECEIVES the report relating to No. 13 (Lot 15 D/P: 931) Melrose Street, Leederville- Proposed Demolition of Existing Single House and Construction of Seven (7) Two Storey Single Bedroom Multiple Dwellings including Lofts- State Administrative Tribunal (SAT) Review Matter No. DR 281 of 2008;*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES, as part of the State Administrative Tribunal Review Matter No. DR 281 of 2008, the application submitted by the owner Metropolitan Project Management Pty Ltd for proposed Demolition of Existing Single House and Construction of Seven (7) Two-Storey Single Bedroom Multiple Dwellings including Lofts, at No. 13 (Lot: 15 D/P: 931) Melrose Street, Leederville, and as shown on plans stamp-dated 26 June 2008, for the following reasons:*
  - (a) *Non compliance with density;*
  - (b) *Bulk and scale incompatible with single bedroom dwelling;*
  - (c) *Void space not consistent with the single bedroom dwelling;*
  - (d) *Lack of diversity in the development;*
  - (e) *Lack of justification for the Council to exercise its discretion; and*
  - (f) *Consideration of the objections received;*
- (iii) *FILES and SERVES the following draft “without prejudice” conditions if SAT is inclined to uphold SAT Review Matter DR 281 of 2008 and approve the proposed development:*
  - (a) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*

- (b) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (c) first obtaining the consent of the owners of No. 15 Melrose Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary wall facing No. 15 Melrose Street in a good and clean condition;*
- (d) a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Melrose Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (e) prior to the issue of the Building Licence, revised plans shall be submitted to and be approved demonstrating the balconies to units 2-7 on the eastern, southern and northern elevations, the balcony to unit 1 on the eastern and southern elevations, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished upper floor level; OR alternatively the provision of on-site effective permanent horizontal screening or equivalent preventing direct sight within the cone of vision to ground level of adjoining properties. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 11 Melrose Place and No. 20 Stamford Street, stating no objection to the respective proposed privacy encroachments.*

*The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes;*

- (f) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (g) 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;*
- (h) 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;*
- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*



(j) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*

- (1) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities;*
- (2) *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;*
- (3) *a maximum of one (1) bedroom and two (2) occupants are permitted in the single bedroom dwelling at any one time; and*
- (4) *the floor plan layout of the single bedroom dwelling shall be maintained in accordance with the Planning Approval plans.*

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

(k) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate between the Melrose Street boundary and the main building, including along the side boundaries within this front setback area, complying with the following:*

- (1) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
- (2) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
- (3) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
- (4) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
- (5) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

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

- (l) *prior to the first occupation of the development, each multiple dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer; and*
- (m) *no street verge tree(s) shall be removed/pruned 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);*
- (iv) *INVITES COUNCILLOR..... to submit a written submission (witness statement) on behalf of the Council on the Review (appeal), which is to be determined by way of a "Final Hearing";*
- (v) *INVITES the residents who objected to the proposal to submit a written submission (witness statement) on behalf of the Council on the Review (appeal), which is to be determined by way of a "Final Hearing"; and*
- (vi) *AUTHORISES the Chief Executive Officer to request the State Administrative Tribunal to clarify the following matters:*
  - (a) *the process of the appointment of an independent expert planner;*
  - (b) *who is responsible to pay the independent expert planner; and*
  - (c) *how could Mr Simon Bain be an independent expert planner if he is representing the Town.*

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**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted.*

Debate ensued.

Cr Doran-Wu departed the Chamber at 8.34pm.

Debate ensued.

The Presiding Member, Mayor Nick Catania called for a Councillor to submit a written submission as per for clause (iv) and Cr Ker nominated.

**MOTION PUT AND CARRIED (7-1)**

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

(Cr Doran-Wu was out of the Chamber and did not vote).

**COUNCIL DECISION ITEM 10.1.9**

*That, given the decision by the Council at its Ordinary Meeting held on 8 July 2008 to refuse the application, the Council;*

- (i) *RECEIVES the report relating to No. 13 (Lot 15 D/P: 931) Melrose Street, Leederville- Proposed Demolition of Existing Single House and Construction of Seven (7) Two Storey Single Bedroom Multiple Dwellings including Lofts- State Administrative Tribunal (SAT) Review Matter No. DR 281 of 2008;*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES, as part of the State Administrative Tribunal Review Matter No. DR 281 of 2008, the application submitted by the owner Metropolitan Project Management Pty Ltd for proposed Demolition of Existing Single House and Construction of Seven (7) Two-Storey Single Bedroom Multiple Dwellings including Lofts, at No. 13 (Lot: 15 D/P: 931) Melrose Street, Leederville, and as shown on plans stamp-dated 26 June 2008, for the following reasons:*
  - (a) *Non compliance with density;*
  - (b) *Bulk and scale incompatible with single bedroom dwelling;*
  - (c) *Void space not consistent with the single bedroom dwelling;*
  - (d) *Lack of diversity in the development;*
  - (e) *Lack of justification for the Council to exercise its discretion; and*
  - (f) *Consideration of the objections received;*
- (iii) *FILES and SERVES the following draft “without prejudice” conditions if SAT is inclined to uphold SAT Review Matter DR 281 of 2008 and approve the proposed development:*
  - (a) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
  - (b) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
  - (c) *first obtaining the consent of the owners of No. 15 Melrose Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary wall facing No. 15 Melrose Street in a good and clean condition;*
  - (d) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Melrose Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

- (e) *prior to the issue of the Building Licence, revised plans shall be submitted to and be approved demonstrating the balconies to units 2-7 on the eastern, southern and northern elevations, the balcony to unit 1 on the eastern and southern elevations, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished upper floor level; OR alternatively the provision of on-site effective permanent horizontal screening or equivalent preventing direct sight within the cone of vision to ground level of adjoining properties. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 11 Melrose Place and No. 20 Stamford Street, stating no objection to the respective proposed privacy encroachments.*

*The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes;*

- (f) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (g) *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;*
- (h) *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;*
- (i) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (j) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*
- (1) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities;*
  - (2) *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;*
  - (3) *a maximum of one (1) bedroom and two (2) occupants are permitted in the single bedroom dwelling at any one time; and*
  - (4) *the floor plan layout of the single bedroom dwelling shall be maintained in accordance with the Planning Approval plans.*

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

(k) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate between the Melrose Street boundary and the main building, including along the side boundaries within this front setback area, complying with the following:*

- (1) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
- (2) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
- (3) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
- (4) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
- (5) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

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

- (l) *prior to the first occupation of the development, each multiple dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer; and*
- (m) *no street verge tree(s) shall be removed/pruned 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);*
- (iv) *INVITES COUNCILLOR Ker to submit a written submission (witness statement) on behalf of the Council on the Review (appeal), which is to be determined by way of a "Final Hearing";*
- (v) *INVITES the residents who objected to the proposal to submit a written submission (witness statement) on behalf of the Council on the Review (appeal), which is to be determined by way of a "Final Hearing"; and*
- (vi) *AUTHORISES the Chief Executive Officer to request the State Administrative Tribunal to clarify the following matters:*
  - (a) *the process of the appointment of an independent expert planner;*
  - (b) *who is responsible to pay the independent expert planner; and*
  - (c) *how could Mr Simon Bain be an independent expert planner if he is representing the Town.*

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

**BACKGROUND:**

- 12 February 2008                      The Council at its Ordinary Meeting refused an application for the demolition of an existing house and construction of a two-storey mixed use development comprising two (2) offices and four (4) multiple dwellings at the above site for the following reasons:
1. *The street is predominantly residential.*
  2. *Adverse impact on residential amenity and increased traffic.*
  3. *Consideration of objections received.*
  4. *Insufficient justification for Council to exercise its discretion."*
- 8 July 2008                              The Council at its Ordinary Meeting refused an application for the demolition of an existing single house and construction of seven (7) two-storey single bedroom multiple dwellings including lofts at the above site for the following reasons:
1. *Non compliance with density.*
  2. *Bulk and scale incompatible with single bedroom dwelling.*
  3. *Void space not consistent with the single bedroom dwelling.*
  4. *Lack of diversity in the development.*
  5. *Lack of justification for Council to exercise it's discretion."*
- 28 July 2008                              The applicant lodged an application to the State Administrative Tribunal (SAT) to review the Council decision of 8 July 2008.
- 15 August 2008                              SAT Direction Hearing held.
- 28 August 2008                              SAT Mediation held between the representative of the Town, Mr Simon Bain, and the applicant. SAT issued Orders to the Town, including the following order:
1. *In view of new information to be provided by an independent expert planner, pursuant to s 31 (1) of the State Administrative Tribunal Act 2004 (WA) the respondent is invited to reconsider its decision at its meeting on or before 23 September 2008."*

**DETAILS:**

The proposal involves the demolition of the existing house and construction of seven (7) two-storey single bedroom multiple dwellings, including lofts at the subject property.

As a result of the SAT Mediation and Section 31 of the State Administrative Tribunal Act 2004, this Agenda Report has not been prepared as a "Confidential Report".

Given that the Town's Officer recommended approval for the proposal and the Council refused the application, the Town requested Mr Simon Bain, consultant planner, to represent the Town on the review matter.

Section 31 does not specify the appointment of an independent planner and who has to pay the fees of the independent planner, whether it is the Town, Tribunal or the applicant. The Tribunal has requested Mr Simon Bain to be the independent expert planner and to submit new information to the Town. Mr Simon Bain's submission is "*Laid on the Table*".

In light of the above, the Town will write to the Tribunal to seek clarification regarding the appointment of an independent expert planner, who has to pay the independent expert planner, and how could Mr Bain be an independent expert planner if he is also representing the Town.

**LEGAL/POLICY:**

Planning and Development Act 2005 (WA), State Administrative Tribunal Act 2004 (WA) and Town's Policy No. 4.1.25 - Procedure for State Administrative Tribunal.

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

The cost of services of planning consultant Simon Bain, of SJB Town Planning and Urban Design.

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**COMMENTS:**

**State Administrative Tribunal Act 2004**

Section 31 states as follows:

*"31. Tribunal may invite decision-maker to reconsider*

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

Under Section 31 of the SAT Act 2004, the Town has been invited to determine the subject application; that is, to (a) affirm the decision; (b) vary the decision; or (c) set aside the decision and substitute its new decision. After the Ordinary Meeting of Council to be held on 23 September 2008, the Town's Officers will convey the decision to SAT. SAT will then decide how to proceed with the review matter.

### **Independent Expert Planner Comments**

Mr Simon Bain and the Town's Officer response comments are summarised below.

#### Density

Mr Bain's Comments:

The proposal cannot be classified as multiple dwellings and should be considered as grouped dwellings. The slight over-hang of the adjoining dwelling of the loft on the adjoining dwelling should not classify the dwellings as multiple dwellings. Therefore, only five grouped dwellings can be supported by the site. SAT decision clarifying the issue of classification of dwellings (Filton vs Town of Vincent) is given as an example.

#### Officer's Comments:

The Residential Design Codes define a multiple dwelling as follows:

*"A dwelling in a group of more than one dwelling on a lot where any part of a dwelling is vertically above part of any other but:*

- *does not include a grouped dwelling;*  
*an*
- *includes any dwellings above the ground floor in a mixed use development."*

It is therefore considered that the development is multiple dwellings as the loft straddles the adjoining dwellings. With regard to Filton vs Town of Vincent, the projection of the dwelling was over the garage and driveway. SAT stated that garage and driveway do not constitute a dwelling and, therefore, the projection is not above another dwelling; hence, not a multiple dwelling. However, this proposal at No. 13 Melrose Street clearly shows that the loft projections are over dwellings and accordingly it should be considered as multiple dwellings. As multiple dwellings, the proposal complies with the required density.

#### Bulk and Scale

Mr Bain's Comments:

The deletion of the void area in the loft and two dwellings (the proposal is to be considered as grouped dwellings) will reduce the bulk.

#### Officer's Comments:

The above comment is noted.

#### Lack of Diversity

Mr Bain's Comments:

Diversity is not an issue, deletion of the loft area and two dwellings will make the proposal less obtrusive.



Officer's Comments:

The above comment is noted.

Lack of Justification

Mr Bain's Comments:

*"Clause 3.6 (a) of the Residential Design Codes requires "written justification, where acceptable development provision of the codes has not been satisfied, or cannot be satisfied, and the proposal relies on satisfying performance criterion."*

Officer's Comments:

The applicant submitted a letter of justification; however, the Council considered the justification to be lacking and inadequate.

Additional Issues

Parking:-

Mr Bain's Comments:

As grouped dwellings, the development requires two visitors bay to be provided on-site. Lack of visitor car parking should be added as a reason for refusal of the development.

Officer's Comments:

The applicant has provided one visitor car parking, which complies with the parking requirements for multiple dwellings under the Residential Design Codes.

Objections received:-

Mr Bain's Comments:

*"These objections are valid and should also be added as a reason for refusal of the development"*

Officer's Comments:

The above comment is noted.

Conclusion

Mr Bain's Comments:

*"Based on the above, it is recommended that Council re-iterate its decision to refuse the proposed development for seven two storey single bedroom dwellings including loft at 13 Melrose Street, Leederville.*

*In addition, it is recommended that Council add the following two reasons for refusing the development:*

- vi) inadequate visitor car parking; and*
- vii) consideration of the objections received."*

Officer's Comments:

Reason (vi) above should not be added for refusal as the proposed multiple dwellings comply with the parking requirements; reason (vii) is noted.

Should the above development be allowed by the SAT, it is recommended that the conditions as stated in the Officer Recommendation are imposed.

One of the SAT orders requires the Town to file with the Tribunal and give the applicant its submission and/or witness statement(s) it would want the Tribunal to consider by 30 September 2008. In that context clauses (iv) and (v) in the Officer Recommendation are imposed.

**Conclusion**

Given that the Council at its Ordinary Meeting held on 8 July 2008 refused the application and the above comments from independent expert planner, Mr Simon Bain, the Council may wish to again refuse the application.

**10.2.1 Further Report No. 3 - Beaufort Streetscape Improvements – Review of Proposed Tree Species**

<b>Ward:</b>	South	<b>Date:</b>	29 August 2008
<b>Precinct:</b>	Forrest P14 & Mount Lawley Centre P11	<b>File Ref:</b>	TES0234
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	J van den Bok, R. Lotznicker		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That;*

(1) *at the Ordinary Meeting held on 13 February 2007, the Council resolved (in part) as follows (Item (XX) – Clause (ii)(c)):*

*“(ii) NOTES that it is, again, recommended that the original proposal to plant native trees in Beaufort Street be maintained given that the;*

*(c) original native tree species proposed (Spotted Gums and Coral Gums) have been pre-ordered and are currently being on grown for the Town.”*

(2) *Cr ..... MOVES a motion to REVOKE or CHANGE the decision as specified in clause (1) above;*

(3) *in accordance with Regulation 10 of the Local Government (Administration) Regulation 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, three Council Members, namely Mayor Catania, Cr Farrell and Cr Messina, being one third of the number of offices of members of the Council, SUPPORT the motion to revoke or change a Council decision; and*

(4) *in accordance with Regulation 10 of the Local Government (Administration) Regulation 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, the Council RESOLVES BY AN ABSOLUTE MAJORITY to REVOKE the decision adopted by the Council at its Ordinary Meeting held on 13 February 2007 (Item (XX) – Clause (ii)(c)), and APPROVES of the following;*

*“(i) REAFFIRMS its support for the planting of Spotted Gums in the Beaufort median strip, however, APPROVES the planting of Broad Leaf Paperbarks (as the most suitable alternative option) along the verges only, in lieu of Coral Gums, due to the small size of Coral Gums currently being on grown, their slow growth rate and the vandalism being experienced to the existing recently planted Coral Gums in existing high pedestrian areas in the Town, due to their small size.”*

---

Cr Doran-Wu returned to the Chamber at 8.36pm.

Moved Cr Farrell, Seconded Cr Youngman

*That the recommendation be adopted.*

**AMENDMENT**

**Moved Cr Maier, Seconded Cr Farrell**

*That clause (4) be amended to read as follows:*

*“(4) in accordance with Regulation 10 of the Local Government (Administration) Regulation 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, the Council RESOLVES BY AN ABSOLUTE MAJORITY to REVOKE the decision adopted by the Council at its Ordinary Meeting held on 13 February 2007 (Item (XX) – Clause (ii)(c)), and APPROVES of the following;*

*“(i) REAFFIRMS its support for the planting of Spotted Gums in the Beaufort median strip, however, APPROVES the planting of Broad Leaf Paperbarks (as the most suitable alternative option) along the verges only, in lieu of Coral Gums, due to the small size of Coral Gums currently being on grown, their slow growth rate and the vandalism being experienced to the existing recently planted Coral Gums in existing high pedestrian areas in the Town, due to their small size and sets up a working party which includes members of the Beaufort Street traders/ratepayers to assist in the selection and siting of street furniture and street art.””*

Debate ensued.

**AMENDMENT PUT AND CARRIED (8-1)**

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

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

**COUNCIL DECISION ITEM 10.2.1**

*That;*

*(1) at the Ordinary Meeting held on 13 February 2007, the Council resolved (in part) as follows (Item (XX) – Clause (ii)(c)):*

*“(ii) NOTES that it is, again, recommended that the original proposal to plant native trees in Beaufort Street be maintained given that the;*

*(c) original native tree species proposed (Spotted Gums and Coral Gums) have been pre-ordered and are currently being on grown for the Town.”*

*(2) Cr Messina MOVES a motion to REVOKE or CHANGE the decision as specified in clause (1) above;*

- (3) *in accordance with Regulation 10 of the Local Government (Administration) Regulation 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, three Council Members, namely Mayor Catania, Cr Farrell and Cr Messina, being one third of the number of offices of members of the Council, SUPPORT the motion to revoke or change a Council decision; and*
- (4) *in accordance with Regulation 10 of the Local Government (Administration) Regulation 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, the Council RESOLVES BY AN ABSOLUTE MAJORITY to REVOKE the decision adopted by the Council at its Ordinary Meeting held on 13 February 2007 (Item (XX) – Clause (ii)(c)), and APPROVES of the following;*
- “(i) *REAFFIRMS its support for the planting of Spotted Gums in the Beaufort median strip, however, APPROVES the planting of Broad Leaf Paperbarks (as the most suitable alternative option) along the verges only, in lieu of Coral Gums, due to the small size of Coral Gums currently being on grown, their slow growth rate and the vandalism being experienced to the existing recently planted Coral Gums in existing high pedestrian areas in the Town, due to their small size and sets up a working party which includes members of the Beaufort Street traders/ratepayers to assist in the selection and siting of street furniture and street art.*”

---

**PURPOSE OF REPORT:**

The purpose of this report is to advise the Council of the recommendation to change the tree species originally proposed for planting in the road reserve and along verges in Beaufort Street, Mount Lawley as part of the Streetscape upgrade between Chelmsford Road, Mt Lawley and St Albans Avenue, Highgate.

**BACKGROUND:**

**Ordinary Meeting of Council - 11 April 2006**

The Council received a report on the proposal to carry out additional Streetscape Improvements along Beaufort Street between Chelmsford Road, Mt Lawley and St Albans Avenue, Highgate, and approved "in principle" the proposal to plant additional trees and replace existing trees. The proposal was advertised for public comment for twenty one (21) days.

**Ordinary Meeting of Council - 27 June 2006**

That the Council considered a further report following the community consultation and approved the implementation of the works, as outlined on attached Plans No. 2418-CP-1A and 2418-CP-2A, estimated to cost \$150,000 and implement the works in the 2006/07 financial year.

**Ordinary Meeting of Council – 13 February 2007**

The Council was advised that a petition with 60 signatures had been received requesting that the Council overturn its previous decision to plant native trees in Beaufort Street, Mount Lawley in favour of planting with London Plane Trees.

Following consideration of the matter the Council made the following decision (in part).  
*"That the Council;*

- (ii) *NOTES that it is, again, recommended that the original proposal to plant native trees in Beaufort Street be maintained given that the;*
- (a) *median and verge area available for planting are restrictive due to public utility services and minimum road width requirements;*
  - (b) *potential safety and liability issues that may arise from the installation of a 'large tree' such as a London Plane tree in a very narrow median on a high trafficked District Distributor A Road with absolute minimum lane widths;*
  - (c) *original native tree species proposed (Spotted Gums and Coral Gums) have been pre-ordered and are currently being on grown for the Town; and*
  - (d) *results of the previous community consultation undertaken with regard to the streetscape upgrade proposal for Beaufort Street;"*

The Beaufort Street upgrade project between Chelmsford Road and St Albans Avenue did not proceed at the time, primarily due to the delay in Western Power completing the underground power project within the area.

However, this project was also being undertaken "in-house" and the outside workforce has only recently completed the Scarborough Beach Road Streetscape works, therefore the delay has been timely in terms of assessing the tree species selected and being on grown for this project.

The section of Beaufort Street, between Brisbane Street and Newcastle Street, was upgraded and completed in 2007 and the trees (Coral gums) were planted in early April 2008.

#### **DETAILS:**

##### **Approved tree species:**

As previously reported to Council on 27 June 2006, the street tree selection for Beaufort Street was a difficult one given the narrow median strip being an extremely "hostile" environment for trees to grow and the verge space available also being restrictive with adjacent building and awnings.

Native species were eventually selected due to:

- Native trees being more resilient than exotic species in these situations and
- Reticulation was not being installed to the new tree locations because of the cost and logistics of getting pipework around existing services and infrastructure.
- Potential safety and liability issues that may arise from the installation of a 'large tree' such as a London Plane tree in a very narrow median on a high trafficked District Distributor A Road with absolute minimum lane widths.

The other consideration in selection of a tree species was the availability in what tree farms actually grow and had available in larger containers not only at the time of planting but in the longer term for replacement plantings if this was required.

Therefore, after much deliberation, the selected species for Beaufort Street were:

- Spotted gum for the central median planting and
- Coral gum for the verge plantings

Spotted gums are proven performers with regard to median plantings and whilst the Coral gum was not a commonly grown tree, its size at maturity was considered appropriate for the Beaufort Street project and, following discussions with a tree farm contractor, staff were confident that this species could be on grown to a reasonable size prior to planting.

**Reconsideration of verge tree species:**

Vandalism of street trees in particular has always been a significant problem along the entire length of Beaufort Street. In addition, recently planted Red Flowering gums planted in Brisbane Street have been continually vandalised to the point where officers have been unable to source any additional specimens of this species.

Due to the continued unavailability of this species in a reasonable size, officers have recently 'interplanted' the existing trees with the proven Paperbark species which again are being targeted from patrons leaving the nearby Brisbane Hotel.

Tree guards were previously budgeted for the section of Beaufort Street between Chelmsford Road and St Albans Avenue; however, in hindsight their high cost in comparison with the protection they are likely to provide is questionable.

**Discussion: Median/Central Road Plantings**

Spotted Gums (Eucalyptus maculata): **Rating: 1** (most suitable)

As indicated above, the Spotted Gums are proven performers, currently growing and establishing well within median islands and road verges throughout the Town and metropolitan area. They are available up to 6 metres in height with a girth of up to 100mm and therefore could be considered almost "vandal proof."

Officers' Comments:

The Spotted gum is available in larger sizes, is a proven performer, could be considered 'vandal proof' and has low water use requirements in comparison to exotic species. It is therefore recommended that this species be retained as the tree species most suitable for planting down the central median.

**Discussion: Verge Plantings**

Broad-Leafed Paperbark **Rating: 1** (Most suitable)

The Broad-Leafed Paperbark like the Spotted Gum is readily available from tree farms and is of a suitable height and girth that will reduce the likelihood of detrimental damage occurring to a tree that will then require replacement, thus providing a much greater chance of establishing and creating the streetscape that was intended.

The Broad-Leafed paperbark will definitely adapt to this location and environment having established itself already along various main arterial roads (Fitzgerald, Oxford and Vincent Streets), it also requires minimal watering and responds well to pruning if and when this is ever required because of pedestrian, vehicular access or obstruction.

Various exotic species which are now readily available in larger specimens (Evergreen ash, Chinese tallow, and Bradford pear) have also been considered as an alternative to the Coral Gum, however, it would be prudent to keep with the chosen native theme and with no in ground reticulation, exotic species are likely to struggle.

Officers' Comments:

It is considered that the Broad-leafed Paperbark species is most suitable for the verge planting in Beaufort Street for the reasons outlined above.

Officers' Recommendation:

It is recommended that the proposed verge tree species for Beaufort Street between Chelmsford Road and St Albans Avenue be reviewed and that the Broad Leafed Paperbark tree species be planted in lieu of the Coral Gum for the reasons outlined above.

Crepe Myrtle (*Lagerstromia indica*) **Rating: 2** (Suitable, however will require regular watering and new tree locations will not be reticulated, therefore long-term sustainability is questionable)

The Crepe Myrtle is an exotic species and whilst deciduous its bare wooden structure is renowned for its interesting form and colour when the leaves drop.. It's a striking tree when in flower and again is becoming popular as a street tree within the Perth metropolitan area. This tree is also available in larger sizes and although an exotic would fit in with the native Spotted Gums approved for planting down the central median island. Currently planted in Hobart Street North Perth adjacent to the playground.

Officers' Comments:

This is an ideal tree which would radically brighten up the shopping strip with its attractive colours. Most importantly it is now readily available in semi - mature specimens up to 2.5 metres in height and of a reasonable girth. The only disadvantages of this species are the expense (around \$400 each) and they will require regular watering until established.

Evergreen Ash (*Fraxinus griffithii*) **Rating: 3** (Suitable, however long-term sustainability is still questionable)

The Evergreen Ash is an exotic species that has only been used as a street tree within Perth for around 5-10 years. The Town planted this species along verges in Angove Street and there are several larger specimens planted adjacent to the Administration Centre. They are readily available in larger specimens and again would be a suitable alternative to the Coral Gums and whilst an exotic species would blend in well with the Spotted Gums down the central median.

Officers' Comments:

Staff are reasonably happy with their progress in Angove Street North Perth, however they do need regular watering and appear to grow with more vigour when offered a little protection from the elements. Therefore, whilst they are a suitable alternative option we do not consider this species to be the best alternative particularly in the harsh environment of Beaufort Street.

Illawarra Flame tree (*Brachychiton acerifolia*) **Rating: 3** (Suitable, however shape and form of canopy is not considered ideally compatible with Eucalypts proposed for median/central planting.

The Illawarra Flame tree is an Australian native tree that has been successfully used as a street tree within the Perth metropolitan area. It is deciduous, waterwise and readily available in larger size specimens and has a spectacular flower. These trees were interplanted with Jacarandas along the Vincent Street frontage of Hyde Park around 1998 and the most significant specimen within Perth is located outside St Georges College opposite the University of WA. The City of Perth has used them extensively throughout the City as a street tree as their upright habit suits the area with limited space available.



Officers' Comments:

Staff have considered this tree as an alternative option to the Coral Gums, however specimens can have varying shapes/forms with generally a sparse canopy that would provide little shade. In addition, large bunches of fruit and large leaves could become an issue with adjacent businesses when they drop at various times throughout the year littering the street.

Coral Gums (Eucalyptus torquata): **Rating: 4** (Poor, not sustainable in this environment due to slow rate of growth)

The Coral gums have been on grown for two (2) years now and the first ones were planted in Beaufort Street, between Brisbane Street and Newcastle Street, earlier in 2008. Once planted, the largest of these specimens was a little over 1.2 metres in height, however, more importantly their girth was only around 20mm.

To date over twelve (12) trees have been snapped off and officers are constantly attending to tree stakes which are being pushed over at precarious angles. While there is still a plentiful stock of trees on grown and available for future planting, the current size of these trees and the time it will take for them to mature (taking into account likely acts of vandalism) this species is no longer viewed as being long term sustainable option.

Officers' Comments

Whilst a streetscape of mature Coral Gums would look sensational, given their size at maturity, spectacular flower and low water use it is now obvious they are not going to work out over the long-term. The streetscape undoubtedly will look ad-hoc with some trees getting to maturity and new trees of a smaller size being constantly planted due to vandalism.

It is therefore recommended that an alternative more sustainable tree species be selected as the tree most suitable for planting along the street verges.

Photographs of the various tree species are shown at Appendix 10.2.1B.

**CONSULTATION/ADVERTISING:**

Should the Council approve the revised tree species for planting along the verges of Beaufort Street, all business owners and affected residents will be advised of the Council decision.

**LEGAL/POLICY:**

Nil.

**STRATEGIC IMPLICATIONS:**

In accordance with Objective One of the Strategic Plan 2006-2011 – 1.1.4 Minimise negative impacts on the community and environment. *“f) Enhance and protect our natural environment and where practicable promote the use of native local vegetation.”*

### **SUSTAINABILITY IMPLICATIONS:**

As previously reported to the Council, Main Roads WA have guidelines in accordance with Austroads and the Australian Standards for the "Assessment of Roadside Hazards" and "Guidelines for Assessing Trees within Recovery Zones on Established Roads".

While their guidelines are tailored more for Primary Distributors, which predominantly have higher vehicle speeds, the guidelines outline in detail the importance of maintaining clear zones and the risk management measures to be implemented where vegetation may encroach into a clear zone. Austroads suggests that the first 4m to 5m from the edge of the travel lane provides most of the potential benefit. Frangible shrubs and bushes are permitted in the clear zone where they do not pose a risk to drivers etc.

It is therefore considered that, even though the speeds in Beaufort Street are considerably lower than most Primary Distributors (excluding Charles Street and East Parade which are both Primary Distributors) with a posted speed of 60kph, the traffic volumes are high and while, given the site constraints, it is not possible or practical to maintain a "clear zone", the type of tree selected should not further compromise safety in an already high risk area.

Also Element 2 of the Liveable Neighbourhoods document addresses trees in streetscapes with setback distances for trees from a moving travel lane specified. The distances have been specified taking into account a range of factors. The design environment for an urban street is to create an environment of care and the traffic calming benefit of street trees relatively close to the pavement is an integral part of this.

In essence, the Liveable Neighbourhoods document indicates that for a District Distributor Road with a posted speed of 60 kph, the clearance from the travel lane to a frangible tree (i.e. a tree less than 100mm in diameter) should be 2.0m and for 50 kph the clearance from the travel lane to a frangible tree should be 0.75m.

For a non frangible tree (i.e. a tree greater than 100mm in diameter) the clearance should be 2.5m for 60 kph and for 50 kph the clearance from the travel lane to a frangible tree should be 1.15m.

Beaufort Street, no matter what tree species is planted in the central median, it will not comply with either MRWA or the Liveable Neighbourhood requirements.

Therefore, whatever tree species is chosen for Beaufort Street it will not be sustainable in the longer term unless the road was (in future) reduced to two lanes with a wide median or the posted speed was dramatically reduced.

### **FINANCIAL/BUDGET IMPLICATIONS:**

A total budget of \$130,000 is allocated under "Commercial Precinct Upgrades" and a further \$145,000 is listed in the street tree enhancement program budget towards this project if required.

As previously reported, it was anticipated that this project would cost in the vicinity of \$150,000, however, from recent experience in Scarborough Beach Road, traffic management costs and safety requirements have significantly increased and it is likely that this project will now cost in the vicinity of \$200,000.

Coral Gums were previously sourced for this project and were being grown by a local tree farm contractor. The contractor has advised that the Town will not be charged for trees previously ordered as the trees are now in demand by other organisations.

**COMMENTS:**

As advised in the report presented to the Council on 27 June 2006, vandalism has been a significant issue along the entire length of Beaufort Street to date and the installation of tree guards would be a deterrent, however, was never guaranteed to resolve this issue.

Whilst it was anticipated that the Coral Gums would be at least 1.5 metres at the time of planting, this has not resulted and, given the ongoing vandalism issues and likely slow growth of the Coral gums over the next few years until maturity, it would be prudent to revise this decision and replace the verge trees with a more sustainable option.

The Presiding Member, Mayor Nick Catania advised that Cr Lake and Cr Maier had declared a proximity interest in Item 10.2.3. They departed the Chamber at 8.40pm and did not speak or vote on this matter.

**10.2.3 Further Report - Traffic Management Matter "Chatsworth Road – Highgate"**

<b>Ward:</b>	Both	<b>Date:</b>	16 September 2008
<b>Precinct:</b>	Hyde Park P12	<b>File Ref:</b>	TES0213
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Lotznicker		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **RECEIVES** the further report on Traffic Management Matter ‘Chatsworth Road – Highgate’;
- (ii) **NOTES** the comments from the respondents contained in the report;
- (iii) **APPROVES** the proposed improvements to Chatsworth Road as outlined on attached Plan No. 2600-CP-01 at an estimated cost of \$59,613; and
- (iv) **ADVISES** the respondents of its decision.

**COUNCIL DECISION ITEM 10.2.3**

**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 Maier returned to the Chamber at 8.41pm. The Presiding Member, Mayor Nick Catania advised him that the item was carried.**

**PURPOSE OF REPORT:**

The purpose of this report is to advise the Council of the results of the community consultation for Chatsworth Road improvements.

**BACKGROUND:**

The LATM Advisory Group meets on a regular basis to consider requests received by the Town relating to Traffic and related safety issues. The Group considered Chatsworth Road following a request by a resident.

Following consideration by the LATM Group, a report was presented to the Ordinary Meeting of Council held on 12 August 2008, where the following decision was made:

*That the Council;*

- (i) *RECEIVES the report on Traffic Management Matter 'Chatsworth Road – Highgate' considered by the Local Area Traffic Management Advisory Group;*
- (ii) *APPROVES IN PRINCIPLE the concept plan for the proposed improvements to Chatsworth Road as outlined on attached Plan No. 2600-CP-01 at an estimated cost of \$59,613;*
- (iii) *CONSULTS with residents/businesses in Chatsworth Road affected by the proposal for a period of 21 days; and*
- (iv) *NOTES that a further report on the matter will be submitted to the Council at the conclusion of the 21day period.*

#### **DETAILS:**

##### **Community Consultation:**

On 15 August 2008, 61 letters with comment sheets were distributed to residents in Chatsworth Road. In addition, residents were advised they could provide comments via email at [mail@vincent.wa.gov.au](mailto:mail@vincent.wa.gov.au), or via facsimile on 9273 6099.

At the close of consultation (which was extended due to a request being received), ten (10) responses were received (representing a 16% response) with six (6) *in favour* of the proposal, four (4) *partially in favour* and nil *against* the proposal (refer attached).

##### In favour

These comments included:

- More traffic calming devices were needed
- More speed humps
- Painting a centre line
- Need for parking restrictions

##### Officer's Comments

Chatsworth Road is a local access road which runs east west between William Street and Beaufort Street. It services mainly residential properties, with a small commercial property at the Beaufort Street end. In terms of both speed and volume, Chatsworth Road and surrounding local access roads fully comply with their classification in accordance with the metropolitan functional road hierarchy.

Chatsworth Street has a volume of 1,093 vehicles per day at its western end and 927 vehicles per day at its eastern end. The 85% speed was less than 40 kph. This can be attributed to vehicles parked on the street assisting in keeping traffic speeds down.

Therefore, additional speed humps cannot be justified. Also, given its classification (and width), a centre line would not be approved by Main Roads WA.

A separate consultation may be carried out with regard to parking restrictions, however, this would need to be looked at in a wider context.

### Partially In favour

These comments included:

- Do not support higher kerbing
- Not support white painted lines
- Speed and volume is a problem
- Parking eastern end of street needs to be looked at
- Residents should be encouraged to park on the street not on verge
- Problem is volume not speed
- Install a Roundabout at Cavendish to divert traffic down this street
- Support resurfacing

### Officer's Comments

Kerbing will be installed at a similar height as the existing, however, a semi mountable kerb profile will be used. Demarcation lines at crossovers will be painted to facilitate two way traffic flow and control parking. Given the small number of crossovers, it is considered that this will not adversely impact on the appearance of the street.

As mentioned above, in terms of both speed and volume, Chatsworth Road and surrounding local access roads fully comply with their classification in accordance with the metropolitan functional road hierarchy and no additional traffic calming measures are recommended.

The installation of a roundabout or any traffic management device to divert traffic onto adjoining streets is not justified in traffic terms, i.e. incidence of accidents, speed, volume.

### **Proposal recommended for approval:**

The Chatsworth Road carriageway is 8.0m wide. To better reinforce the residential nature of the street it is proposed to construct landscaped nibs with a red road treatment as detailed on attached Plan No. 2600-CP-01 as follows:

- Entry Statements: Commercial end and William Street end
- Better formalise parking at the Beaufort Street end of the street
- Road improvements (resurfacing/rekerbing)

It is considered that the proposal as recommended will:

- Better delineate the residential/commercial area
- Better align the intersection at Beaufort Street (safety improvements)
- Reduce the incidence of illegal parking
- Provide an entry statements (red road feature/landscaped nibs)

### **CONSULTATION/ADVERTISING:**

Respondents will be advised of the Council's decision.

### **LEGAL/POLICY:**

N/A

**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. *“(o) Investigate and implement traffic management improvements in liaison with the Local Area Traffic Management (LATM) Advisory Group.”*

**SUSTAINABILITY IMPLICATIONS:**

The Council adopted a long term program to ensure its road infrastructure is maintained to an acceptable level of service. Funds are allocated annually to ensure this program is sustainable. The majority of the proposed works in Chatsworth Road will form part of this program

**FINANCIAL/BUDGET IMPLICATIONS:**

Funds for road resurfacing/kerb improvements have been allocated in the 2008/2009 Roads to Recovery Program and additional funds have been included in the Traffic Management budget. The 2008/09 Budget contains an amount of \$59,613 to undertake the required works.

In addition gully soakwells will be installed as part of the on going program associated with road resurfacing.

**COMMENTS:**

The Town receives many requests for Traffic Management from time to time. Most requests received are addressed by the officers as vehicle classifier results usually indicate that there is a perceived problem rather than an actual problem. Other matters are referred to the Police Services for enforcement of the legal speed limit.

Funds have been listed in the 2008/2009 budget for infrastructure improvements in Chatsworth Road and for minor traffic improvements.

The results of the community consultation, while a low response, indicate that all respondents are generally in favour of the proposal. While a small number of respondents raised other issues, the traffic data for Chatsworth Road and surrounding local access roads fully complies with their classification in accordance with the metropolitan functional road hierarchy.

Therefore, no additional works are considered justified at this stage and it is requested that the Officer's recommendation be adopted.

**10.3.2 Beatty Park Leisure Centre - Les Mills RPM™ Classes**

<b>Ward:</b>	South	<b>Date:</b>	10 Sep 2008
<b>Precinct:</b>	Smith's Lake (P6)	<b>File Ref:</b>	ADM0014
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	D. Morrissy		
<b>Checked/Endorsed by:</b>	M. Rootsey	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *APPROVES the introduction of the Les Mills RPM™ (spinning) Class at the Beatty Park Leisure Centre;*
- (ii) *APPROVES by ABSOLUTE MAJORITY expenditure of \$26,513 for the establishment and operation of the Les Mills RPM™ Class for the 2008/09 financial year; and*
- (iii) *NOTES that the Les Mills RPM™ (Spinning) Class is estimated to operate at a surplus of \$11,404 for the financial year 2008/09.*

**COUNCIL DECISION ITEM 10.3.2**

**Moved Cr Farrell, Seconded Cr Doran-Wu**

*That the recommendation be adopted.*

**Cr Lake returned to the Chamber at 8.42pm.**

**Debate ensued.**

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

**PURPOSE OF REPORT:**

The purpose of this report is to seek the Council's approval for the introduction of the Les Mills RPM™ class at Beatty Park Leisure Centre and the annual expenditure for establishing and operating the classes

**BACKGROUND:**

Over the past 2 years the Beatty Park Leisure Centre's membership has been steadily increasing and the provision of new and innovative programs and/or equipment has helped to drive this.

The Centre has successfully introduced the popular Les Mills group fitness classes Body Combat®, Body Attack®, Body Pump® and Body Balance® to its members.

Recent industry networking, site visits to other Centre's and planning for the proposed redevelopment has highlighted the current popularity and income generating potential of the RPM™ group fitness classes.



**DETAILS:**

In the group fitness industry one of the latest, and most popular, programs is the Les Mills RPM™ program.( popularly known as a "spinning class").

The RPM™ class is the indoor cycling workout where you ride to music. An instructor leads the class through hills, flats, mountain peaks, time trials, and interval training. It can provide a fast improvement in general endurance and an increase in lower body strength.

As with all Les Mills programs, a new RPM™ class is released every three months with new choreography and music.

The Meeting Room West where the classes are proposed to be held is currently used on a regular basis by a belly dancing troupe, church group and on a less frequent basis by casual users such as Austswim, real estate companies (strata meetings) and clubs.

These groups will be offered other rooms within the Centre.

Minimal modification would be required to make this room suitable for use as an RPM™.

A business case for the introduction of this program is included below.

Assumptions used:

- Room to be used is Meeting Room West - current users relocated to Crèche or Heritage room
- One off setup cost of approximately. \$1540.00
- Entry fees are based on other fitness centre's charges (all fees to be reviewed annually in line with annual budget)
- Separate cost centre be established to monitor financial performance

<b>EXPENSES</b>	<b>Per Month</b>	<b>Per Year</b>
<u>Equipment to be leased for a period of 48 months:</u>		
OX M3 Wheel Drive Bikes		
Tec Sound Speaker System	\$1,297.60	\$15,571.20
5 X Industrial Fans		
<u>Instructor Wages:</u>		
10 classes week = 43.3 classes per month @ \$45/class	\$1,950.00	\$23,400.00
<u>Cleaning:</u>		
3 hours/week @ \$20/hr	\$240.00	\$2,880.00
Electricity @ \$20 week	\$80.00	\$960.00
<b><u>Total Expenses</u></b>	<b>\$3,567.60</b>	<b>\$42,811.20</b>

<b>INCOME</b>	<b>Per Month</b>	<b>Per Year</b>
10 classes per week or 43.3 classes per month		
Average 15 people per class		
(10 Members, 5 Casuals)		
Members - \$5.00 per class		
Casual - \$12.00 per class		
\$125 per class X 10 classes per week	\$5,416.67	\$65,000.04
<b><u>Total Income</u></b>	<b>\$5416.67</b>	<b>\$65,000.04</b>
<b>Surplus</b>	<b>\$1,849.07</b>	<b>\$22,188.84</b>

**One-off room set up**

Resurface floor - pull up carpet, seal, 2x coats paint	\$750.00
Paint Walls	\$350.00
Curtains/RPM banners	\$440.00
<b><u>Total Set Up Costs</u></b>	<b>\$1,540.00</b>

If approval was given it is anticipated that the classes could commence at the beginning of December, 2008, which would give seven months of operation of the class in this financial year. The annual business model would therefore have to be adjusted accordingly.

The Financial implications for this financial year for the introduction of Spinning classes are as follows:

Once off set up costs	\$1,540.00
7/12 Operating costs	\$24,973.00
<b>Total Expenditure for 2008/09</b>	<b>\$26,513.00</b>
7/12 Revenue	\$37,917.00
<b>Surplus for 2008/09</b>	<b>\$11,404.00</b>

**CONSULTATION/ADVERTISING:**

N/A.

**LEGAL POLICY:**

N/A

**STRATEGIC IMPLICATIONS:**

*"3.1.2 Provide and develop a range of community programmes and community safety initiatives"*

The introduction of RPM™ classes will enhance the appeal of Beatty Park Leisure Centre to current and future Centre users as it is one of the most popular and new programs in the fitness industry

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

RPM™ will benefit Beatty Park Leisure Centre's financial position as can be seen by the financial implications below

**SUSTAINABILITY IMPLICATION:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

This program has not been included in the 2008/09 annual budget.

However the program will provide a significant increase to the centres revenue by \$65,000 and is estimated to produce an annual operating surplus of \$22,200.

It is anticipated that the introduction of this program will have a positive impact on the 2008/09 annual budget, with an estimated surplus in this financial year of \$11,404.00.

**COMMENTS:**

Beatty Park Leisure Centre continues to attract members due to the diverse nature of facilities and programs offered. The introduction of current popular programs within the fitness industry will further enhance this and allow the Centre to maintain competitiveness with other similar facilities.

Increased revenue will also help to offset the rise in utility costs that are currently being incurred at the Centre.

The recommendation for the implementation of this program is supported.

**10.3.3 Cappuccino Festival 2008 – Approval**

<b>Ward:</b>	Both	<b>Date:</b>	5 September 2008
<b>Precinct:</b>	All	<b>File Ref:</b>	CMS0110
<b>Attachments:</b>			
<b>Reporting Officer(s):</b>	J. Anthony		
<b>Checked/Endorsed by:</b>	M. Rootsey	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council APPROVES the Town of Vincent “Cappuccino Festival 2008”, which will comprise of two community events as follows:*

- (i) *18 October – Food Festival “the Mezz” – Mt Hawthorn; and*
- (ii) *30 November – North Perth Community Festival – Angove Street, North Perth.*

**Moved Cr Farrell, Seconded Cr Youngman**

*That the recommendation be adopted.*

Debate ensued.

**AMENDMENT NO 1**

**Moved Cr Maier, Seconded Cr Ker**

*That a new clause (ii) be inserted and subsequent clauses be renumbered:*

*“(ii) The event at “the Mezz” should have a significant number of activities on the Scarborough Beach Road frontage of the shopping centre;”*

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

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

Debate ensued.

**AMENDMENT NO 2**

**Moved Cr Farrell, Seconded Cr Messina**

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

*“(iii) The “North Perth Community Festival” event should have a significant number of activities on Fitzgerald Street; and”*

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

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

**MOTION AS AMENDED PUT AND CARRIED (8-1)**

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

**COUNCIL DECISION ITEM 10.3.3**

*That the Council APPROVES the Town of Vincent “Cappuccino Festival 2008”, which will comprise of two community events as follows:*

- (i) 18 October – Food Festival “the Mezz” – Mt Hawthorn;*
- (ii) The event at “the Mezz” should have a significant number of activities on the Scarborough Beach Road frontage of the shopping centre;*
- (ii) 30 November – North Perth Community Festival – Angove Street, North Perth; and*
- (iii) The “North Perth Community Festival” event should have a significant number of activities on Fitzgerald Street; and*

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**PURPOSE OF REPORT:**

To seek Council’s approval of the proposed events for “Cappuccino Festival 2008”.

**BACKGROUND:**

The Town organised the inaugural "Indulgence Festival" in May/June 2006 and the Cappuccino Festival in September 2007. Both festivals featured the various aspects of the popular coffee culture in the Town along with other consumable genres that businesses in Leederville, Mt Hawthorn, and Beaufort St are well known for. Workshops on the various aspects of coffee gastronomy, latte art, beer and wine appreciation as well as hand making chocolates were on offer. These events have been a great opportunity to involve local businesses, and give residents and visitors the perfect opportunity to have a taste of what businesses in the Town have to offer, plus an opportunity for promoting the businesses.

The Leederville Street Festival which has historically been organised in Oxford Street by the Leederville Action Group was not organised in 2007. The Chairman of the group wrote to the Town stating that they were unable to be involved in the organisation of the festival for that year.

**DETAILS:**

Community Development Officers have been in liaison with businesses in key areas of the Town for some months now to gauge interest in holding festival-type events. The two areas that have been particularly responsive to being involved in the Cappuccino festival have been the Mezz shopping centre in Mt Hawthorn and the businesses at Angove/Fitzgerald Street.

**Saturday 18 October – Food Festival at the Mezz**

A Food Festival will be held at the Mezz Shopping Complex, Scarborough Beach Rd, Mount Hawthorn on Saturday 18 October.

The festival will offer a number of activities as follows;

- Over 30 supplier tasting stalls ;
- Cooking demonstrations from 11am – 2pm by Chef Sunny de O’Campo;
- Cooking demonstration by Peter Manifis;
- A Band to entertain customers (11am – 3pm);
- Entertainment on stage;
- Face painters – All day;
- Balloon Twisters – All day;
- Jerry Hall – Oyster Shucker;
- Over \$3,000 in giveaways for the day;
- Product for 500 goody bags; and
- Special one off discounts from all stores for the day.

This festival will also include a welcome for the residents/ratepayers of Glendalough and Osborne Park (east of the Mitchell Freeway and south of Scarborough Beach Road) into the Town of Vincent.

**Sunday 30 November - North Perth Community Festival**

A street festival is planned along Angove Street, North Perth between 10am and 4pm from Fitzgerald Street to Woodville Street. This section of Angove Street will be closed to traffic from 7am until 5pm on the day. This event is sponsored by Lotterywest and the Rosemount Hotel.

There are many activities planned for the day that will cater for everyone such as;

- Roaming street theatre and entertainment;
- Around 30 craft, jewellery, fashion and textile stalls promoting local designers and emerging artists;
- A giant native plant sale along with words of gardening wisdom from Sabrina Hann, ABCs loudest soil sister;
- Wholefood cooking demonstrations by Jude Blereau;
- Learn how to grow your own veggie patch, compost and worm farm;
- An assortment of children’s activities and entertainment
- Home espresso, latte art, chocolate, wine and beer appreciation workshops to be held at the Rosemount Hotel; and
- A stage will be set up outside the Rosemount Hotel where entertainment from local schools, community groups and professional entertainers will perform throughout the day.

There will also be free workshops on home espresso making, latte art, chocolate making and wine/beer appreciation.

**CONSULTATION/ADVERTISING:**

A comprehensive promotional strategy is being planned for both festivals which includes advertising in both community newspapers, street banners, letter drop to residents and flyers/posters. The promotional strategy was important to attract sponsorship from businesses as well as grant funding from Lotterywest.

**LEGAL/POLICY:**

Policy 3.8.3 Concerts and Events

**STRATEGIC IMPLICATIONS:**

Town of Vincent Strategic Plan 2006 - 2011.

Strategic Objective 2 - Economic Development

*2.1.2 Develop and promote partnerships and alliances with key stakeholders.*

Strategic Objective 3 - Community Development

*3.1 Enhance Community and Wellbeing*

*3.1.1 Celebrate and acknowledge the Town's cultural and social diversity.*

*3.1.5 Focus on community and customer needs, values, engagement and involvement.*

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

An application to Lotterywest for \$20,000 has been successful to go towards the organisation of the community celebration at Angove Street as well as media promotion.

Funding from projects totalling \$14,000 have been reallocated to the Cappuccino Festival. The unspent funds for the Leederville Street Festival in the 2007/08 Budget totalling \$16,000 was carried forward and reallocated to the Cappuccino Festival in the 2008/09 Budget.

The Mezz and Rosemount Hotel are also contributing to the events through significant in-kind sponsorship.

**COMMENTS:**

Both community events of the Cappuccino Festival plan to create a wonderful family friendly atmosphere, promote local businesses and celebrate our community.

**10.4.1 Town of Vincent Standing Orders Local Law 2008 – Adoption**

Ward:	Nil	Date:	17 September 2008
Precinct:	Nil	File Ref:	LEG0019
Attachments:	<a href="#">001</a>		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	John Giorgi	Amended by:	-

*That the Council;*

- (i) *RECEIVES the report relating the statutory review of the Town of Vincent Standing Orders Local Law and NOTES that no submissions were received during the statutory consultation period; and*
- (ii) *pursuant to Section 3.12 of Division 2 of Part 3 of the Local Government Act 1995, APPROVES BY AN ABSOLUTE MAJORITY to repeal the Town of Vincent Standing Orders Local Law gazetted on 11 September 2001 and as amended and published on 25 June 2004 and 14 January 2005 and ADOPTS the Town of Vincent Standing Orders Local Law 2008 as shown in Appendix 10.4.1.*

**COUNCIL DECISION ITEM 10.4.1**

**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted.*

Debate ensued.

**AMENDMENT NO 1**

**Moved Cr Maier, Seconded Cr Ker**

*That clause 7.1 of the Standing Orders be amended to insert a new subclause (4) as follows:*

*“(4) A member who has spoken on the motion then under debate shall not move the deferral of the motion, or any part of it until all members have been given the opportunity to speak;*

*And subclauses (4) and (5) be renumbered (5) and (6).”*

Debate ensued.

**AMENDMENT NO 1 PUT AND LOST (4-5)**

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

Debate ensued.



**PROPOSED AMENDMENT NO 2**

**Moved Cr Maier, Seconded Cr .....**

*That clause 2.24(1)(d) of the Standing Orders be amended to delete the words “and the date each person signed”.*

**PROPOSED AMENDMENT NO 2 LAPSED FOR WANT OF A SECONDER**

**Debate ensued.**

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

**PURPOSE**

The purpose of this report is to advise the Council that no submissions were received from the public during the six week statutory consultation period and for the Council to approve its new Town of Vincent Local Law Relating to Standing Orders 2008.

**BACKGROUND**

The Town of Vincent administers a number of Acts, regulations and local laws. The Acts and regulations are prepared by the State Government and proclaimed by Parliament. Local governments prepare their own local laws under the head of power contained in the Local Government Act 1995, Health Act 1911 and Dog Act 1976. To ensure that the local laws do not become antiquated and remain relevant they are legally required to be reviewed every eight (8) years. A number of legislative changes and Council meeting procedures/practices have occurred since the current local law has been introduced. These will be reflected in the revised new local law.

The following table outlines the Town’s current local law, indicating when the Standing Orders local law was gazetted and amended.

<b>Title</b>	<b>Date Gazetted</b>	<b>Date of Amendment</b>
Standing Orders	11 September 2001	25 June 2004 14 January 2005

The review of the existing Local Law Relating to Standing Orders is based on the Town’s current local law and has been amended where considered necessary. Where possible, the Western Australian Local Government Association’s (WALGA’s) Model Standing Local Law has been used where an amendment has been proposed.

At the Council Meeting held on 8 April 2008, the Council considered the matter and adopted a new Standing Orders. This was advertised and two submissions were received. These were reported to the Ordinary Council Meeting on 24 June 2008 whereby the Council considered the matter and resolved to advertise the matter for a further six weeks. The new draft Local Law was advised on 28 June 2008 and closed on 13 August 2008. No submissions were received during this further six weeks statutory consultation period.

Reference to the Local Government Act has been deleted throughout, as this is a formal requirement.

The new draft Local Law was referred to the Department of Local Government for their consideration and comment and the following comments were received.

The relevant changes are shown by strike-thru, where an item has been deleted and under-line, when a new item has been included.

A number of formatting and drafting matters is in accordance with the Department of Local Government Guidelines (e.g. using italic font, semi-columns etc). These do not affect the local law and have not been shown. The Department of Local Government has made the following comments:

**1. Clause 1.6 – Interpretation**

- *In the definition of ‘document’, please italicise the reference to the full title of the legislation i.e. Freedom of Information Act 1992.*
- *In the definition for ‘substantive motion’ the Town may wish to delete ‘together with any amendments’, if appropriate.*
- *For the definition of ‘urgent business’, it is strongly recommended that the Town refer to the particular clause in the local law which deals with urgent matters. The definition as it currently stands appears to imply that all matters dealt with in the local law are urgent matters.*

Comment: All changes agreed and implemented.

**2. Clause 2.2.4 – Failure to receive notice not to invalidate proceedings**

*For clause 2.2.4, please be informed that the JSCDL has indicated its concerns in relation to such a clause in that it does not appear to sit well with the Local Government Act 1995 which appears to provide that a meeting is triggered by the giving and not the receiving of notice. The Town may wish to refer to pages 57 - 56 of the 24<sup>th</sup> Report of the JSCDL which can be downloaded from the Parliament’s website at [www.parliament.wa.gov.au](http://www.parliament.wa.gov.au).*

*Thus it is recommended that you consider deleting this clause.*

Comment: Agreed – clause deleted.

**3. Clause 2.3 – Availability of notice paper**

*It is suggested that the Town also refer to the Local Government (Administration) Regulations 1996 (Regulations) in clause 2.3 as Regulation 14 of the Regulations regulate the subject matter referred to in this clause.*

Comment: Agreed – reference has been inserted.

**4. Clause 2.6 – Calling of meetings**

- *For clause 2.6.1 (& heading), is the Town referring to calling a meeting or convening a meeting? It appears that the word ‘call’ may be more appropriate in this context (please see s5.4 and s5.5 of the Act for reference).*
- *For clause 2.6.3, is the Town referring to a special meeting ‘of the Council’?*

Comment: Agreed – changes implemented.

**5. Clause 2.12 – Order of business at Special Meetings**

*2.12 appears to be repetitious of clause 2.8(2). Please delete this clause.*

Comment: Agreed – clause deleted.

**6. Clause 2.15 – Confidential business**

*For clause 2.15, the JSCDL has indicated its concerns that such a clause appears to impose confidentiality obligations in excess of those in the new Local Government (Rules of Conduct) Regulations 2007. The Town may wish to refer to pages 60 – 65 of the 24<sup>th</sup> Report of the JSCDL.*

*Thus it is recommended that the Town redraft the clause to reflect the above and delete the remainder of this clause.*

Comment: Agreed – changes made.

**7. Clause 2.19 – Minutes**

*For clause 2.19.1(1), it is recommended that the Town delete the words ‘where practicable’. The Town may wish to refer to section 5.22 of the Act where it would appear to imply that for certain meetings, confirmation of minutes at the next meeting is a matter of course.*

Comment: Agreed. Words deleted.

*Please also check 2.19.3 – is this clause necessary? If you intend to keep it, it is suggested that you define what ‘reading of the minutes’ entails.*

Comment: Agreed – sub-clause deleted.

**8. Clause 2.24 – Access to Information**

*For clause 2.24(1), it is recommended that the Town refer to pages 66 – 67 of the 24<sup>th</sup> Report of the JSCDL where the JSCDL has indicated its concern in relation to a similar issue. It is suggested that you review the wording of clause 2.24, particularly the reference to ‘..readily available and it is practicable for that document to be produced’. You may also wish to refer to section 5.92 of the Act which sets out that a council/committee member is entitled to have access to information.*

Comment: Agreed – changes made. This clause has been re-written to be in accordance with the Act.

**9. Clause 2.25 – Petitions**

*The Town may wish to make a provision to the effect that certain types of petitions are to be in the forms as prescribed. The Town may wish to refer to clause 3.4 of the Model Local Law for this purpose.*

Comment:

The Model Local Law clause has been used, except for the following:

**1. Elector**

The Model local law specifies that a petition should be made by “Electors” – this is more restrictive than the current requirement whereby “a person” can make a petition. This is recommended to remain as “a person” who can make a petition. Other changes have been inserted – as per the Model Local Law.

**10. Clause 4.1 – Presiding Member may take part in debate**

*This clause has been amended to reflect the same clause as per the Model Local Law.*

*Clause 4.1(2) has been deleted, as this is considered superfluous, as the person presiding is bound by the provisions of the Act and Regulations.*

**11. Clause 7.5 – Motion to meet behind closed doors**

*For clause 7.5(5) please be informed that the JSCDL has indicated concerns that such a clause appear to impose confidentiality obligations in excess of those imposed by the new Local Government (Rules of Conduct) Regulations 2007. The Town may wish to refer to pages 60 – 65 of the 24<sup>th</sup> Report of the JSCDL. Thus it is recommended that this clause be deleted.*

Comment: Agreed – subclause deleted.

**12. Clause 8 – Conduct and behaviour**

- *For clause 8.2(2), please refer to the existing provisions set out in regulation 10(3) of the new Local Government (Rules of Conduct) Regulations 2007 and ensure that your clause is reworded in your local law so that it does not duplicate or be in conflict with these new provisions (e.g. in relation to council members making such statements about **employees**.) The regulations prohibit a Council Member from making statements about employees. Therefore the words “or employees” has been deleted from clause 8.2(2).*
- *For clause 8.4, it would appear that the wording of this clause is ambiguous. For an example of alternative wording for consideration, the Town may wish to refer to clause 8.4(3) of the Model Local Law.*
- *For clause 8.7(3), it is recommended that you make it clear that the member can still vote.*

Comment: Agreed – changes made.

**13. Clause 9 – Preserving Order**

- *For clause 9.8(1), the JSCDL has indicated its concerns in relation to similar clauses appearing to be inconsistent with the scheme of the Act and the right of an elected member to participate in debate. However, the JSCDL acknowledges that it is reasonable to ensure that continually disruptive members do not hinder the Council’s operations i.e. that order is maintained.  
*It is recommended that you remove (1)(b), namely the references to ‘refuses to make any explanation, retraction or apology..’ as the JSCDL has indicated that such refusals in themselves would not necessarily disrupt a meeting.**
- *For clause 9.8(2), the reference to removing a member needs to be deleted as this is considered to be excessive in view of the right of a councillor to participate as an elected representative.*
- *For clause 9.11(3), it is recommended that you make it clear that this does not apply to a member.*

Comment: Agreed – changes implemented.

**14. Clause 12.1 – Council may establish committees**

*For this clause, as section 5.8 of the Act regulates the subject matter under this clause (establishment of committees), it is recommended that the Town make a provision to the effect that such committees are established in accordance with the Act.*

Comment: Agreed – changes made.

**15. Clause 12.4 – Duties of Committees**

*For this clause, as sections 5.16 and 5.17 of the Act regulate the subject matter under this clause, it is recommended that the Town make a provision to the effect that such delegation of duties are made in accordance with the Act.*

Comment: Agreed – changes made.

**16. Former Clause 5.3 – Restriction of voting at electors meetings (Now shown in PART 14)**

*A ratepayer who is not an elector can participate in electors' meetings. This matter is covered by section 5.26 of the Act. Therefore it is recommended that this clause be deleted.*

Comment: Agreed – clause deleted.

**Other Changes which have been recommended by the Chief Executive Officer.**

***Former Clause 3.11 – Resumption after “counting out”***

*This clause has been deleted, as it is covered by clause 2.4(8).*

***Former Clause 3.13 – Motion “that the question lie on the table” – Effect of Motion***

*This clause has been deleted as this motion is considered antiquated and cumbersome. The same effect can be achieved by using the procedural motion to “defer” a matter.*

***Clause 7.10 – Motion “that the Standing Orders be suspended”***

*This has been re-worded to reflect the Model Local Law. It has also been amended to delete reference to an absolute majority decision being required, if a member objects to the suspension of Standing Orders – the change reflects the Model Local Law.*

***Former Clause 5.1 – Election of Deputy Mayor (now shown under PART 13)***

*This matter is covered by the Act and is therefore not required. It is therefore deleted.*

***Clause 13.1 – Representation on Committees and Public Bodies***

*A new subclause (2) has been added which requires the Council to approve of a member or employee to represent the Town on a committee or public body.*

***Clause 14.1(1) – Cases not provided for in Standing Orders***

*Subclause (i) has been amended to delete “Council” and insert “presiding member”, to be consistent with the Model Local Law. This will make it easier to administer.*

***Former Clause 5.6 – Complaints and 5.7 – Right of Reply (now shown in PART 14)***

*These clauses have been deleted, for the following reasons:*

Complaints against Council Members is covered by the Local Government (Rules of Conduct) Regulations 2007 and also the Council's Code of Conduct. Complaints against Employees are covered by the Council's Code of Conduct. The procedure is in accordance with Policy No. 4.1.3.

Therefore, it is recommended this clause be deleted as it is superfluous and subsequent clauses renumbered. Note: The Model Local Law does not contain this clause.

A number of minor drafting formats have been included into the new draft Local Law. These are of a minor nature and do not materially effect the Local Law, as such they have not been individually specified. The Standing Orders have been significantly reformatted, renumbered and subheadings deleted and new "PARTS" inserted. This change has the effect of making the Standing Orders more streamlined, easier to read and more concise. The recommended changes are relatively minor and do not materially affect the Local Law.

#### **ADVERTISING/CONSULTATION**

The new draft Local Law was advertised in accordance with Section 3.16 of the Local Government Act 1995 for a period of six weeks.

Once the new Local Law has been gazetted, a notice will need to be published, advising that the new Local Law has been adopted.

#### **FINANCIAL/BUDGET IMPLICATIONS**

The cost of an advertisement will be approximately \$250. The new local laws are required to be printed in the Government Gazette by the State Law Publisher which will cost approximately \$500. All other copying will be carried out in-house and will cost approximately \$500. (Employee costs have not been included.)

#### **LEGAL/POLICY**

Section 3.16 of the Local Government Act 1995 requires that all of the local laws of local governments must be reviewed within an eight (8) year period after their commencement to determine if they should remain unchanged or be repealed or amended.

The eight year period is taken to be from either when the local law commenced or when the last review of the local law (using section 3.16) was completed.

The local laws are required to be advertised in their current status for a period of six (6) weeks. At the close of the submission period the Town may make any proposed changes and consider any submissions received and then readvertise for a further six week period.

#### **SUSTAINABILITY IMPLICATIONS**

Not applicable.

#### **STRATEGIC IMPLICATIONS**

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

#### **COMMENTS**

In view of the recent legislative change (and the need for a statutory review), it is recommended that the review process be commenced. Upon gazettal of this local law, the statutory review of all of the Council's local laws will have been completed.

**10.4.2 Town of Vincent Local Government Property Local Law 2008 Amendment (2008) – Adoption**

<b>Ward:</b>	Both Wards	<b>Date:</b>	17 September 2008
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	LEG0063
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report relating the statutory review of the Town of Vincent Local Government Property Local Law Amendment and NOTES that no submissions were received during the statutory consultation period; and*
- (ii) *pursuant to Section 3.12 of Division 2 of Part 3 of the Local Government Act 1995, APPROVES BY AN ABSOLUTE MAJORITY to ADOPT the Town of Vincent Local Government Property Local Law Amendment 2008 as follows:*

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

1. *Delete “2007” from the Title and where it appears in Schedule 2 Clause 1.1 and insert “2008” in its place;*
2. *The existing clause 5.2 be deleted and substituted with the following;*
  - “5.2 *Direction of manager or authorised person to be observed*
  - (1) *The manager or an authorised person may refuse admission to, may direct to leave or may remove or cause to be removed from the pool premises, a person who –*
    - (a) *in her or his opinion is –*
      - (i) *under the age of 12 years and who is unaccompanied by a responsible person 16 years or older; or*
      - (ii) *suffering from any contagious, infectious or cutaneous disease or complaint; or*
      - (iii) *in an unclean condition; or*
      - (iv) *under the influence of liquor or a prohibited mind altering drug or substance;*
    - (b) *is to be refused admission under and in accordance with a decision of the local government for breaching any clause of this local law.*
  - (2) *A person shall, on being requested by the manager or an authorised person to leave the pool premises, subject to subclause (1), do so immediately, quietly and peaceably.*
  - (3) *A person who fails to comply with a request under subclause (2) may be removed from the pool premises, by the manager, an authorised person or a Police Officer.”*

3. *The existing clause 13.4(1) be deleted and substituted with the following;*

*"13.4 Public liability insurance and indemnity*

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

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

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

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

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

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

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

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**COUNCIL DECISION ITEM 10.4.2**

**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted.*

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

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**PURPOSE OF REPORT:**

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

**BACKGROUND:**

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



At the Council Meeting held on 8 July 2008, the Council considered this matter and resolved to amend the Local Law as shown in the Officer Recommendation.

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

#### **CONSULTATION/ADVERTISING:**

The proposed amendments were advised on a Statewide basis on 12 July 2008 and on a local basis on 15 July 2008. At the close of the six week statutory consultation period, no submissions were received.

Section 3.16 of the Local Government Act 1995 states:

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

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

#### **FINANCIAL/BUDGET IMPLICATIONS**

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

#### **LEGAL/POLICY**

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

#### **SUSTAINABILITY IMPLICATIONS**

Nil.

#### **STRATEGIC IMPLICATIONS**

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

#### **COMMENTS**

As no submissions have been received, it is recommended that the Council approve of the Officer Recommendation.

**10.4.3 Town of Vincent Trading in Public Places Local Law 2008 Amendment (2008) – Adoption**

<b>Ward:</b>	Both Wards	<b>Date:</b>	17 September 2008
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	LEG0026
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report relating the statutory review of the Town of Vincent Trading in Public Places Local Law Amendment and NOTES that no submissions were received during the statutory consultation period; and*
- (ii) *pursuant to Section 3.12 of Division 2 of Part 3 of the Local Government Act 1995, APPROVES BY AN ABSOLUTE MAJORITY to ADOPT the Town of Vincent Trading in Public Places Local Law Amendment 2008 as follows:*
  - (a) *In this local law, the Town of Vincent Trading in Public Places Local Law 2008 as published in the Government Gazette on 15 April 2008 is amended as follows;*

*The existing Clause 5.4(1) be deleted and substituted with the following;*

**"5.4 Public liability insurance and indemnity**

- (1) *Where, as a condition of a permit, a permit holder is required to obtain and maintain a public liability insurance policy, the permit holder shall –*
  - (a) *enter into an agreement with the local government to provide and maintain the required public liability insurance cover during the entire time that the permit is in place;*
  - (b) *take out a public liability insurance policy in the name of the permit holder, covering the permit holders legal liabilities in respect of ‘the permit holder’s usual business activities including the provision of an outdoor eating area (alfresco dining) on footpaths or other trading places which may or may not be under the ownership, care, custody and control of the local government;*
  - (c) *advise the local government should the permit holder cancel or modify or fail to renew the public liability insurance cover during the period of the licence;*
  - (d) *provide the local government with a Certificate of Currency confirming that the public liability insurance cover is in place as per the requirements of clause 5.4(1) prior to issuing of the permit;*

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

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**COUNCIL DECISION ITEM 10.4.3**

**Moved Cr Ker, Seconded Cr Burns**

*That the recommendation be adopted.*

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

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**PURPOSE OF REPORT:**

To obtain the Council's approval for an amendment to the Trading in Public Places Local Law 2008.

**BACKGROUND:**

At the Council Meeting held on 8 July 2008, the Council considered this matter and resolved to amend the Local Law as shown in the Officer Recommendation.

**CONSULTATION/ADVERTISING:**

The proposed amendments were advised on a Statewide basis on 12 July 2008 and on a local basis on 15 July 2008. At the close of the six week statutory consultation period, no submissions were received.

At the recommendation of the Department of Local Government minor word changes from "Town of Vincent" and "Council" to "the local government", have been made in subclause (b) and (e).

Section 3.16 of the Local Government Act 1995 states:

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

- (a) *the local government proposes to review the local law;*
- (b) *a copy of the local law may be inspected or obtained at any place specified in the notice; and*

- (c) *submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.*"

#### **FINANCIAL/BUDGET IMPLICATIONS**

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

#### **LEGAL/POLICY**

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

#### **SUSTAINABILITY IMPLICATIONS**

Nil.

#### **STRATEGIC IMPLICATIONS**

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

#### **COMMENTS**

As no submissions have been received, it is recommended that the Council approve of the Officer Recommendation.

**10.4.4 Economic Development Plan – Implementation and Governance – Recommendations**

<b>Ward:</b>	Both Wards	<b>Date:</b>	17 September 2008
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	ADM0067
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	M Rootsey, R Boardman, John Giorgi		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **RECEIVES** the final report of the Economic Development Plan – Implementation and Governance dated March 2008 and prepared by Pracsys Consultants;
- (ii) **NOTES** the recommendations, as outlined in the Consultants report;
- (iii) **NOTES** that;
  - (a) *the Town's Administration does not have the current employee resources to carry out "Place Management Strategies" and therefore DOES NOT SUPPORT the diversion of existing resources to investigate and perform the Interim Place Management Strategies (as outlined in Part 6 of the Consultants' report) at this stage, as this will result in a delay of the new Town Planning Scheme, Local Planning Strategy and associated documents (which are considered a high priority);*
  - (b) *an initial sum of \$201,050 will be required to set up the role of Place Management and Project Management Team and thereafter approximately \$100,000 per annum, to fund the function; and*
  - (c) *the Consultants recommend that the role and function of Place Management and Project Management Team are to be funded from the introduction of a "Developers' Contribution" - which would be a percentage of the total development costs;*
- (iv) **DOES NOT APPROVE** the introduction of "Place Management Strategies" and "Project Management Team" at this stage, for the following reasons;
  - (a) *the reallocation of existing resources will cause a delay in the finalisation of other Council projects, which are deemed a "higher" priority (for example, the Town Planning Scheme Review, Local Planning Strategy, and associated policies);*
  - (b) *it is not deemed a high priority at this stage;*
  - (c) *the financial and cost implications require further investigation and consideration; and*
  - (d) *consultation has not been carried out concerning the possible introduction of a "Developers' Contribution"; and*

- (v) *in the event that the Council wishes to consider the introduction of the "Place Management Strategies" and "Project Management Team", ADVERTISES the Economic Development Plan - Implementation and Governance for a period of twenty-one (21) days, including the seeking of comments from business proprietors, developers, architects and other stakeholders concerning the possible introduction of a developers' contribution and considers the submissions received at the end of the Community Consultation period.*
- 

**Moved Cr Ker, Seconded Cr Farrell**

*That the recommendation be adopted together with a new clause (vi) as follows:*

- “(vi) *AUTHORISES the Chief Executive Officer to review the introduction of the "Place Management Strategies" and "Project Management Team", including the possibility of developer contributions and associated resourcing, when the Leederville Masterplan is further developed.*”

**MOTION AS AMENDED PUT AND CARRIED (9-0)**

**COUNCIL DECISION ITEM 10.4.4**

*That the Council;*

- (i) *RECEIVES the final report of the Economic Development Plan – Implementation and Governance dated March 2008 and prepared by Pracsys Consultants;*
- (ii) *NOTES the recommendations, as outlined in the Consultants report;*
- (iii) *NOTES that;*
- (a) *the Town's Administration does not have the current employee resources to carry out "Place Management Strategies" and therefore DOES NOT SUPPORT the diversion of existing resources to investigate and perform the Interim Place Management Strategies (as outlined in Part 6 of the Consultants' report) at this stage, as this will result in a delay of the new Town Planning Scheme, Local Planning Strategy and associated documents (which are considered a high priority);*
- (b) *an initial sum of \$201,050 will be required to set up the role of Place Management and Project Management Team and thereafter approximately \$100,000 per annum, to fund the function; and*
- (c) *the Consultants recommend that the role and function of Place Management and Project Management Team are to be funded from the introduction of a "Developers' Contribution" - which would be a percentage of the total development costs;*
- (iv) *DOES NOT APPROVE the introduction of "Place Management Strategies" and "Project Management Team" at this stage, for the following reasons;*
- (a) *the reallocation of existing resources will cause a delay in the finalisation of other Council projects, which are deemed a "higher" priority (for example, the Town Planning Scheme Review, Local Planning Strategy, and associated policies);*

- (b) *it is not deemed a high priority at this stage;*
  - (c) *the financial and cost implications require further investigation and consideration; and*
  - (d) *consultation has not been carried out concerning the possible introduction of a "Developers' Contribution";*
  - (v) *in the event that the Council wishes to consider the introduction of the "Place Management Strategies" and "Project Management Team", ADVERTISES the Economic Development Plan - Implementation and Governance for a period of twenty-one (21) days, including the seeking of comments from business proprietors, developers, architects and other stakeholders concerning the possible introduction of a developers' contribution and considers the submissions received at the end of the Community Consultation period; and*
  - (vi) *AUTHORISES the Chief Executive Officer to review the introduction of the "Place Management Strategies" and "Project Management Team", including the possibility of developer contributions and associated resourcing, when the Leederville Masterplan is further developed.*
- 

#### **PURPOSE OF REPORT:**

The purpose is to receive the report and to provide the Council with a framework for implementation of the recommendations and strategies contained within the *Economic Development Plan – Implementation and Governance* prepared by Pracsys Consultants.

#### **BACKGROUND:**

At the Ordinary Meeting of Council held on 22 April 2008, the Council received the Draft Economic Development Plan - Implementation and Governance and resolved as follows;

*"That the Council;*

- (i) *RECEIVES the draft final report of the Economic Development Plan – Implementation and Governance dated March 2008 and prepared by Pracsys; and*
- (ii) *REQUESTS that a further report be presented to Council by September 2008 with recommendations in response to the final report of the Economic Development Plan – Implementation and Governance."*

The Council at its Ordinary Meeting held on 27 June 2006, considered a Notice of Motion by former Councillor Simon Chester and resolved to authorise the Chief Executive Officer to prepare a Project Brief and Terms of Reference for the Council's approval for a consultant to be engaged to provide a further report on Part 4 – Governance of the Town's 2005 Economic Development Strategy.

The Council at its Ordinary Meeting held on 12 September 2006 approved the Terms of Reference relating to the Economic Development Strategy - Governance and Implementation Report.

In accordance with the Council's decision (of 12 September 2006), on 9 November 2006, invitations to provide a quotation to prepare a report in relation to the Economic Development Strategy - Governance and Implementation, which forms a part of the Economic Development Strategy 2005 – 2010, were distributed to four consultants.

At the close of quotation, at 2.00 pm on 24 November 2006, two (2) quotations had been received being from Syme Marmion & Co and Pracsys.

On 9 January 2007, the Executive Management Team authorised the appointment of Pracsys to undertake the project work relating to the Economic Development Strategy – Governance and Implementation Report.

On 4 May 2007, the Chief Executive Officer met with Pracsys to receive the Interim Report dated May 2007. Following this meeting, the Town received a letter from Pracsys on 11 May 2007 requesting feedback on the Interim Report.

On 14 May 2007, the Town provided Pracsys with detailed comments and feedback in relation to the Interim Report for consideration and implementation. Following the initial draft Interim Report, the Town has engaged in further discussions and correspondence with Pracsys in order to progress the Economic Development Plan – Implementation and Governance to finalisation.

#### **DETAILS:**

The *Final Report of the Economic Development Plan – Implementation and Governance* is 'Laid on the Table' and attached electronically to this report.

In the Town's Economic Development Strategy 2005-2010, a need was recognised for the development and adoption of a place management processes and governance structure that will oversee all stages of the place development and management cycle of the core Town Centres within the Town of Vincent. In undertaking the project of developing a Governance and Implementation Plan, Pracsys has endeavoured to find the right mix of authority, accountability, leadership and resourcing to guide the implementation of a place management process within the Town.

A review of the *Final Report of the Economic Development Plan – Implementation and Governance* has been undertaken. The following is a summary of the details included in the report:

- Background, Scope, Roles (Pages 5-6)

Details including the definition, scope and role of the Town, business, residents and stakeholders in the Place Management process including further investigation of other local authorities including, the Cities of Melbourne, Perth, Geelong, Parramatta and Randwick.

Chief Executive Officer's Comment:

It should be noted that all of the mentioned local governments are very large and there are none which are of similar size to Vincent. The information, whilst interesting, has little relevance to Vincent.

- Benchmarking Analysis and Policy Review (Pages 7-20)

Outcomes of a review of the Town's existing key strategic documents including *Vincent Vision 2024*, Plan for the Future Strategic Plan 2006-2011 and the Economic Development Strategy 2005-2010. Additionally, the report includes a review of State and Federal Government Policies and initiatives including the State Government's *Network City* strategy.



- Stakeholder Consultation (Pages 21-22)

A summary of consultation with stakeholders including representatives in all five Town Centre Precincts within the Town in relation to:

- Communication with Council - current issues and needs;
- Business Associations - issues and opportunities; and
- Reaction to the integration of a Place Management strategy into Council governance and administration.

Chief Executive Officer's Comment:

The stakeholder consultation did not canvas the aspect of funding for place management. Accordingly, the report did not include any details about this. Concern is expressed that the funding aspect (Developers' Contribution) should be the subject of community consultation, if the Council is to proceed with the project.

- Governance and Implementation Plan (Pages 21-26)

The context of the Governance and Implementation Plan in terms of economic development and place management, the role of place management generally and within the Town's governance model, and internal versus external governance.

- Interim Place Management Strategy (Pages 27-29)

Details of an Interim Place Management Strategy as an interim measure to implement the strategies identified within the Town's Economic Development Strategy 2005 – 2010, particularly in relation to the establishment of a Manager of Places to implement the whole of Town strategy encompassing all five Town Centres and the Leederville place development. The Interim Strategy also addresses the role, responsibilities and accountabilities of the Manager of Places, and the place management role of the Project Management Team, and associated resources/funding.

- Long Term Place Management/Strategy (Pages 30-32)

Details of a Long Term Place Management Strategy, including the function, roles and responsibilities of a new section to be established to focus on place management, and associated selection criteria and resources/funding. In relation to information pertaining to resources/funding, Pracsys has provided the Town with a pro-forma cash flow, to be used as a guide by the Town of Vincent, this pro-forma is attached to this report.

- Background Information and Supporting Documentation (Pages 33-35)

**Chief Executive Officer's Comments:**

The Town's Executive Management Team has considered the report and advises as follows:

**Consultants' Recommendation No. 1 - Governance Model - Part 5.3 (Page 25)**

*"It is recommended therefore that Council **does not proceed** with the proposed introduction of a Place Management Committee, but adopts a holistic approach to the Council administrative strategy through integration of place management in the Council organisational structure."*

Chief Executive Officer's Comments:

This recommendation is supported as it is considered that the objectives of a Place Management Committee could be achieved through the Town's current organisational structure. To introduce such a Committee would place another layer of bureaucracy into the decision-making process, which would necessitate considerable funding to sustain and would cause further delays in decision making.

**Consultants' Recommendation No. 2 - Internal versus External Governance - Part 5.4**  
(Page 26)

*"It is recommended that the Town of Vincent retain the place management function within the internal organisational governance structure of the Town."*

Chief Executive Officer's Comments:

This recommendation is supported for the reasons outlined in the Consultants' report.

**Interim Place Management Strategy - Part 6.1 - Whole of Town Interim Strategy**  
(Page 27)

The report outlines the following;

- *Council Executive Management Team to conduct an audit of all Council strategies, action plans, frameworks and guidelines in relation to the five place precincts of Leederville, Mount Hawthorn, North Perth, William Street and Mount Lawley, with particular relevance to the opportunities, strategies and actions identified in the Economic Development Plan 2005.*
- *Council Executive Management Team to identify those strategies without firm implementation plans and those actions that have not yet been implemented and develop list of five priority actions for each place.*
- *Introduce place management concept to Executive Management Team and identify a member of staff to assume acting role of Manager of Places.*
- *Interim Manager of Places to establish liaison with business communities in each of the five places to receive input on identified priority actions.*
- *Manager of Places, in liaison with Senior Executive to develop a Neighbourhood Action Plan for each place based on the adjusted prioritised five most important actions. The Neighbourhood Action Plan for each place is derived directly from the Town of Vincent Economic Development Plan (2005-2010) and other relevant community development planning documentation. Preparing this plan is the first priority action for the Manager of Places to complete.*

Chief Executive Officer's Comments:

A number of strategies have been recommended which would require considerable Officer resources to investigate and action. At the time of writing this report, the Town's Administration have not fully investigated the necessary resources required to achieve this and the impact that this would have on other projects, including the Town Planning Scheme (TPS) Review. Further, it is questionable whether the benefits which would be achieved are of more importance than the TPS Review and other Council approved projects.

Responsibility for Economic Development is currently with the Chief Executive Officer; however, in the absence of a specific Officer, this is currently carried out by a Strategic Planning Services.

*Prime Objective:*

As the Council is aware, the prime objective is to complete the review of the Town Planning Scheme (TPS), Local Planning Strategy and associated documents.

The Chief Executive Officer and Directors do not support the diversion of existing resources into researching "Place Management", at this stage, as this will result in a delay of finalisation of the new TPS. It is considered that "Place Management", whilst important, is not a high priority at this stage.

**Leederville Place Development - Part 6.2 (Page 27)**

*"The report recommends that the Town appoint an Officer (initially part-time under the supervision of the Chief Executive Officer) to work alongside the Project Management Team to jointly manage the place planning, place development and place management function."*

Chief Executive Officer's Comments:

The Town's Chief Executive Officer and Directors believe that it is premature at this stage to appoint an Officer, as the Leederville Masterplan has not progressed to a stage where this Officer is required. This matter should be further reviewed when the Leederville Masterplan has been further progressed.

**Resources and Funding - Part 6.5 (Page 29 and Page 32)**

*The report recommends the interim Manager of Places be achieved using an internal appointment involving a redirection of the staff member's activities.*

Chief Executive Officer's Comments:

The Chief Executive Officer and Directors do not support this recommendation, at this stage.

The Town's Administration does not have an employee who is capable of performing this role, without having a major impact on the delivery of other services. Furthermore, the full impact of the resources has not been investigated. Refer to information above for Part 6.1.

**Place Management Role and Project Management Team (Page 29)**

*The report recommends that contribution from developers in the form of an annual contribution calculated as a percentage of the total development cost (e.g. 1%) be introduced to fund a Place Management Officer and Project Team.*

Chief Executive Officer's Comments:

The introduction of a "Developers' Contribution" will have considerable cost implications for developers and other applicants. It is envisaged that such a cost imposition would not be supported by these persons, as it will increase their overall costs. Accordingly, if the Council wishes to progress this matter, it is recommended that full consultation be carried out to ascertain views and seek submissions prior to this matter being approved and implemented.

In essence, the report is supporting the introduction of Place Management (and Team) which would primarily perform the role of an "Economic Development Officer". It is considered that the Town of Vincent (being 11km<sup>2</sup>) does not require the specific engagement of such a role at this stage and without consulting with the various stakeholders. To support such a role will cost approximately \$201,500 to set up and thereafter \$100,000 per annum.

The Chief Executive Officer and Directors do not support the Place Management Strategies or Project Management Committee being given a higher priority than projects already approved by the Council.

Further consultation and investigation is required.

**CONSULTATION/ADVERTISING:**

To be advertised for a period of twenty-one (21) days (if applicable).

**LEGAL/POLICY:**

Town Planning Scheme No. 1 and associated Policies.

**Introduction of a Developers' Contribution**

The Consultants have recommended that a Developers' Contribution be introduced to fund the proposal.

The contributions could be introduced through different mechanisms, including the following options:

- (i) Special Rates Levy;
- (ii) Planning Policy prepared, advertised and adopted pursuant to clause 47 of the Town's Town Planning Scheme No. 1. This Policy could be similar to the existing Planning Policy No. 3.5.13 - Percent for Public Art; and/or
- (iii) Scheme Amendment to the Town's Town Planning Scheme No. 1 or the new Town Planning Scheme No. 2 to facilitate such contributions. This may require the introduction of provisions relating to Special Control Areas, and the subsequent preparation of Development Contribution Areas and Development Contribution Plans. It should be noted that a Scheme Amendment could take at least 9 to 12 months from initiation to promulgation; in addition, the Contribution Areas and Plans would need to be prepared, advertised and adopted.

In terms of the above Planning Policy and the Scheme Amendment options, the contributions will in most cases be applied as condition of Development Approvals. However, if the Development Approvals do not proceed, the contribution will not be made. Furthermore, being Development Approval conditions, such contribution conditions could be subject to review/appeal to the State Administrative Tribunal (SAT); the strength of the condition will be greater if it was based on the Town Planning Scheme provisions as compared to the Planning Policy.

**STRATEGIC IMPLICATIONS:**

In keeping with the Town's Strategic Plan 2006-2011:

*"Economic Development -*

*Objective 2.1 Progress economic development with adequate financial resources*

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

*2.1.2 Develop and promote partnerships and alliances with key stakeholders.*

- 2.1.3 *Promote business development.*
- 2.1.4 *Identify the needs and expectations of the business community and facilitate outcomes in the Town.*
- 2.1.5 *Develop business strategies that reduce reliance on rates revenue.*
- 2.1.6 *Develop business strategies that provide a positive triple bottom line return for the Town."*

**SUSTAINABILITY IMPLICATIONS:**

The recommendations will have sustainability dividends in the longer term, particularly in terms of economic and social elements. However, there will be financial and resourcing costs in implementing and managing the recommendations in the interim period.

**FINANCIAL/BUDGET IMPLICATIONS:**

The 2008/09 Budget does not contain specific funds for implementation of recommendations and strategies contained within this report, as it was still being considered by the Town's Administration when the 2008/09 Budget was being formulated.

An amount of \$40,000 for the Economic Development Strategy was included in the 2007/08 Budget. These funds were not carried forward, as the recommendations of the report were not available when the Budget was being formulated (as stated above).

The Town does not have the funds available in this Financial Year to fund the establishment of a position for "Place Management", as proposed in the report.

It would require the receipt of the funds from the proposed Developers' Contribution, which would have to be adopted by the Council prior to implementation. If the Developers' Contribution was adopted, then the process required would not see it implemented in this Financial Year. The Developers' Contribution could be considered as part of the Draft Budget deliberations for 2009/2010.

The Town currently applies cash-in-lieu and Percent for Art contributions on development applications. The impact of another levy on businesses would require further assessment of the benefits of implementation of Place Management practices.

**COMMENTS:**

It is considered that the *Final Report of the Economic Development Plan – Implementation and Governance* prepared by Pracsys satisfies the subject project brief. However, whilst much of the information in the report is interesting, it is not particularly relevant to the Town in the current situation. The information about employing additional staff/would need to be further considered and comments from developers and other stakeholders is most important, prior to the Council progressing the implementation of this matter.

It is therefore recommended that the Council receives the final report and approves the Officer Recommendation.

**10.4.6 Proposed New Town of Vincent Entry Signage and Entry Signage Slogan**

<b>Ward:</b>	Both	<b>Date:</b>	17 September 2008
<b>Precinct:</b>	All	<b>File Ref:</b>	TES0558
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Lotznicker, N Greaves, John Giorgi		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

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

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**Moved Cr Farrell, Seconded Cr Messina**

*That the recommendation be adopted.*

Debate ensued.

**COUNCIL DECISION ITEM 10.4.6**

**PROCEDURAL MOTION**

**Moved Cr Farrell, Seconded Cr Ker**

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

**PROCEDURAL MOTION PUT AND CARRIED (9-0)**

## **PURPOSE OF REPORT:**

The purpose of this report is to update the Council on proposed entry signage and new slogan for the Town and obtain approval in principle for the design and slogan, prior to advertising for public comment.

## **BACKGROUND:**

On 25 March 1996, the Council approved the manufacture and erection of locality *Welcome* signs at 15 locations on roads entering the Town (refer attached Appendix 10.4.6A). On 12 June 2007, the following motion was passed by the Council, resulting from a Notice of Motion from Cr Izzi Messina;

*"That;*

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

## **DETAILS:**

The Town's officers have been researching this matter for some time to determine the best and most innovative solution for new Town entry signage.

### **Signage**

Following this research and investigation, in late 2007 the Town's Director Technical Services met with an Australian company who specialises in the design, manufacture and supply of unique handcrafted dimensional signage.

The company, Danthonia Designs, has implemented its unique range of signage in many local governments, particularly on the eastern seaboard of Australia.

Following the meeting, the company was commissioned to prepare a 'preliminary' design for an entry statement sign for the Town.

The designers were provided with information on the Town to enable them to incorporate this in the design. The following methodology was used to develop a design based on 'a unified look'.

*As an affluent, young, and vibrant community, the Town requires gateways that reflect the forward-thinking attitude of its residents. The area's diverse demographics present an opportunity for distinctive signs that convey the 'Vincent Vision' – a green, nuclear-free, and tolerant municipality.*

This recognition led representatives of the Town to request Danthonia Designs assistance in creating a new look for the Town's entrance signs, where the following suggestions were subsequently made:

*The Town of Vincent's four-cornered logo is a well-conceived expression of the Town's lifestyle, goals, and aspirations:*

- the sun – reflecting the warmth and energy of the pleasant lifestyle; the tree branch – symbolizing the Town's green, eco-friendly attributes;*

- *the bird – representative of the peace, and friendliness that make the community a place of welcome;*
- *the cornice – highlighting the Town’s connection to its history and heritage.*

#### Concept

*In designing the sign concept, we sought to accentuate the logo for three primary reasons:*

- *to promote the symbolic significance of the logo*
- *to make a strong pride-of-place statement; and*
- *to assist Council’s efforts to brand the Town.*

*It was agreed at the outset that the existing ‘hoop-style’ signs were outdated, and that the Town of Vincent needed contemporary signage solutions. The use of the diamond shape accentuates the Town’s logo and, in conjunction with the text layout, suggests strength and progressive thinking. Single-post construction seems best suited to the signs’ locations – alongside busy streets and walkways – and complements the sign shape.*

#### Choice of Colours

*Given the design strength of the logo, it seems intuitive to continue its colour theme across the sign design. The use of the same colour palette brings into focus the values conveyed by the logo: deep red, traditionally associated with heritage, works in conjunction with the green and blue tones to suggest vitality, strength, and reliability. The use of a ‘watermark’ as a background element reinforces the Town’s ‘green’ aspirations by subtly reiterating the tree branch motif from the logo.*

#### Typeface

*The main text – ‘Town of Vincent’ – is set in Aldine. We chose this typeface for its classic appeal, and its readability. Century Gothic, a sophisticated and uncomplicated typeface, accents the awareness expressed by the ‘Nuclear Free Zone’ tagline.*

#### Rendering

*Our designer recommends incise-carved lettering, to give the sign dimension and prestige.*

*The logo would also be rendered dimensionally, using sandblasting to create depth of field against the white background.*

The proposed sign design is attached at appendix 10.4.6B (slogans are indicative only).

### **Proposed Materials**

#### High Density Urethane (HDU)

The signs are made from high-density, closed-cell urethane. HDU carves, sculpts, paints and gilds very much like traditional carving timbers. HDU has a ten year manufacturer’s guarantee and will not be eaten by white ants.

#### PVC

Tough PVC is used as backing to stiffen and strengthen its signs to provide a solid base to attach hanging hardware.

#### Paints

Dulux Weathershield paints, chosen to withstand the Australian climate, are used. These paints have a 10 year manufacturer’s guarantee against cracking and blistering.



### Gold Leaf – 23 kt

Signs are gilded with 23kt gold. Gilded elements will not fade in UV light or tarnish in the elements. Its weather resistance surpasses that of even the finest paints.

### Posts and Hanging Systems

Post and hanging systems are fabricated using steel, covered with a two pack acrylic industrial paint.

### Installation

Signs are supplied with a cage of bolts appropriate to the structure. Templates made in the factory guarantee the accurate placement of the cage of bolts in wet concrete. Once footings are cured, signs are simply bolted in place.

### **Officer's Comments:**

Three (3) sizes have been proposed. The appropriate size for each location, e.g. verge width, etc. will be determined in a further report to Council.

### **Proposed Slogan**

In keeping with the Town's Strategic Plan the wording could originate from this document.

The Town's Public Relations Officer has suggested the following as a replacement slogan for "*The Town of Vincent is a Nuclear Free Zone*";

- (i) *Enhancing and celebrating our diverse community*
- (ii) *A sustainable community built with vibrancy and diversity*
- (iii) *A community of communities (Vincent Vision 2024)*
- (iv) *Tapestry of life with flair (Vincent Vision 2024)*
- (v) *Indifference to the ordinary (Vincent Vision 2024)*
- (vi) *Rich heritage and cultural contrasts (Vincent Vision 2024)*
- (vii) *A fabulous diversity of lifestyles and cultures (Vincent Vision 2024)*
- (viii) *Unique, friendly and inviting.*

### Chief Executive Officer's Comment:

The Town's slogan "*Enhancing and celebrating our diverse community*" has been used on the Town's letterhead and internal documentation for many years and is generally well accepted by the community. Notwithstanding this suggestion, a slogan is like art and obviously there are diverse view and opinions. Accordingly, whatever slogan is adopted, consultation with the community should be carried out.

Excerpts from the Town's published documents such as advertisements, etc, could also be considered and modified to suit. For example:

- (i) *An incredible fusion*
- (ii) *Embracing diversity*
- (iii) *Cosmopolitan yet close-knit*
- (iv) *Truly Cosmopolitan*
- (v) *Something for everyone*
- (vi) *An Abundance*

- (vii) *Iconic*
- (viii) *experience the incredible fusion*
- (ix) *an enviable cosmopolitan lifestyle*
- (x) *valuing diversity*
- (xi) *a rich mix*
- (xii) *where people are the focus*
- (xiii) *warmly welcoming.*

Alternatively other 'slogans' could be investigated either through brainstorming, engaging a marketing firm or holding a community naming competition.

Or it could simply be "Welcome to our Town".

Preferences are:

- (i) *"An incredible fusion or fabulous fusion"*
- (ii) *"Where life and style meet"*
- (iii) *"Experience the incredible fusion"*
- (iv) *"Truly Cosmopolitan"*
- (v) *"A community of communities"*
- (vi) *"Vibrancy and diversity or vibrant and diverse"*
- (vii) *"Indifference to the ordinary"*
- (viii) *"Tapestry of life with flair"*
- (ix) *"A fabulous diversity of lifestyles and cultures"*
- (x) *"Life with flair", or variant : "live with flair" or "living with flair" or "lifestyle with flair".*

#### **The suitability of the Town's current entry signage slogan**

It is considered that the Town's current entry signage slogan "*The Town of Vincent is a Nuclear Free Zone*" is outdated and no longer deemed appropriate or suitable.

*The slogan is no longer relevant as there is State and Commonwealth legislation covering nuclear material. The Town's policy is superfluous.*

*The Nuclear Waste Storage and Transportation (Prohibition) Act 1991 (WA) prohibits the storage or transportation of nuclear waste in Western Australia.*

*"Nuclear Waste" as defined under the Act is radioactive waste from a nuclear plant, or from the creation, testing and decommissioning of nuclear weapons. Constructing or operating a nuclear storage facility results in a maximum fine of \$500,000. Transporting nuclear waste incurs a fine of up to \$500,000.*

*The Commonwealth Radioactive Waste Management Act 2005 (Cth) regulates the acquisition and nomination of sites for nuclear waste facilities, as well as the conduct of activities for nuclear waste facilities, including transport.*

#### **CONSULTATION/ADVERTISING:**

Public consultation will be carried out for twenty-one (21) days.

#### **LEGAL/POLICY:**

N/A.

#### **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.*

### **SUSTAINABILITY IMPLICATIONS:**

The existing 'hoop-style' signs are outdated and in need of replacement due to their condition. There is a need for contemporary signage solutions, and the proposed use of the diamond shape accentuates the Town's logo and, in conjunction with the text layout, suggests strength and progressive thinking.

High quality materials are proposed with a 10 year guarantee.

### **FINANCIAL/BUDGET IMPLICATIONS:**

The Director Technical Services was initially presented with *Option 1 – Alternative* (refer 10.4.6B). This proposal comprised three signs which ranged in size and price. The appropriate size for each location, e.g. verge width, etc. would be determined on a case by case basis depending on what sign type was adopted.

The estimated cost of the signs in option 1 (alternative) where as follows

- Large Sign - \$8,400.
- Medium Sign - \$4,500.
- Small Sign - \$2,000.

Note: Design fees, shipping and erection costs would be additional as follows:

- Design/Shipping costs and design fees- (\$5,000)
- Erection costs would be approximately \$500 per sign- (\$7,500)

Following this further designs were explored and costed as shown in appendix 10.4.6C, D and E. These costs ranged from \$5,600 to \$8,900 (for the large signs indicated)

A total amount of \$95,000 has been allocated in the 2008/2009 budget for entry signage.

Financial implications will be further discussed in a further report to the Council at the conclusion of the Community consultation.

If approved, a shortfall of \$73,500 would occur.

### **COMMENTS:**

The Town's officers have been researching this matter for some time to determine the best and most innovative solution for new Town entry signage.

It is considered that the proposed sign provides a distinctive sign design that will convey the 'Vincent Vision' of a "green", diverse and tolerant local government, which is nuclear-free.

It is considered that the existing 'hoop-style' signs are outdated, and that there is a need for contemporary signage solutions, and the proposed use of the diamond shape accentuates the Town's logo and, in conjunction with the text layout, suggests strength and progressive thinking.

Whilst the Council decision required a report to be submitted no later than September 2007. Considerable delay has been experienced in investigating a suitable sign which is also cost efficient. Furthermore, insufficient funds on the Town's budget prevented the matter being progressed, as requested.

Approval of the Officer Recommendation is requested.

**10.4.8 Information Bulletin**

<b>Ward:</b>	-	<b>Date:</b>	16 September 2008
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	A Radici		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Information Bulletin dated 23 September 2008, as distributed with the Agenda, be received.*

**Moved Cr Ker, Seconded Cr Burns**

*That the recommendation be adopted.*

Debate ensued.

**AMENDMENT**

**Moved Cr Ker, Seconded Cr Youngman**

*IB08 – Notice of Special Meeting of Council:*

*That two Special Council Meetings be held, with Items 7-10 to be considered at a Special Council Meeting on Tuesday 14 October 2008 and Items 1 to 6 be considered at a Special Council Meeting to be held on Tuesday 28 October 2008.*

**AMENDMENT PUT AND CARRIED (9-0)**

Debate ensued.

Cr Doran-Wu departed the Chamber at 9.44pm.

Debate ensued.

**MOTION AS AMENDED PUT AND CARRIED (8-0)**

(Cr Doran-Wu was absent from the Chamber and did not vote).

**COUNCIL DECISION ITEM 10.4.8**

*That;*

(i) *the Information Bulletin dated 23 September 2008, as distributed with the Agenda be received; and*

(ii) *IB08 – Notice of Special Council Meeting:*

*That two Special Council Meetings be held as follows:*

**Tuesday 14 October 2008**

- 1. Review and Update of the Town of Vincent Car Parking Strategy – Further Report*
- 2. Affordable Housing Strategy for the Town of Vincent – Further Report*
- 3. West Perth Regeneration Masterplan Study – Progress Report*
- 4. Leederville Masterplan – Progress Report*

***Tuesday 28 October 2008***

- 1. Town Planning Scheme No.1 Review – Progress Report No.8***
- 2. Draft Local Planning Strategy***
- 3. Proposed Policy Amendment No. 43 – Draft Policy Relating to Residential Streetscapes***
- 4. Proposed Policy Amendment No. 53 – Draft Policy Relating to Multiple Dwellings***
- 5. Proposed Amendment No. 25 to the Town of Vincent Town Planning Scheme No.1 – Clause 20 (4) Relating to No Multiple Dwellings***
- 6. Proposed Amendment No. 27 to the Town of Vincent Town Planning Scheme No.1 – Relating to Land Coded R20 in the Mount Hawthorn and North Perth Precincts***

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**DETAILS:**

The items included in the Information Bulletin dated 23 September 2008 are as follows:

<b>ITEM</b>	<b>DESCRIPTION</b>
IB01	Letter of acknowledgement from the Department of the Premier and Cabinet regarding State Underground Power Program
IB02	Letter of approval from Lotterywest regarding the Town's Lotterywest Grant
IB03	Hyde Park Lakes Restoration Public Fund
IB04	Underground Power Alternative Funding Models – Progress Report (RES0042)
IB05	Safer Vincent Crime Prevention Partnership (SVCPP) Minutes of Meeting held on 13 August 2008.
IB06	Vincent Accord 'Socialise with Safety' Minutes of Meeting held on 9 July 2008.
IB07	Loftus Centre Redevelopment, 99 Loftus Street, Leederville - Final Report (No. 29)
IB08	Notice of Special Meeting of Council to be held on Tuesday 14 October 2008
IB09	Notice of Special Meeting of Council to be held on Tuesday 28 October 2008

**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.

**Cr Doran-Wu returned to the Chamber at 9.45pm.**

**15. CLOSURE**

**The Presiding Member, Mayor Nick Catania, declared the meeting closed at 9.45pm with the following persons present:**

Mayor Nick Catania, JP	Presiding Member
Cr Burns	South Ward
Cr Doran-Wu	North Ward
Cr Steed Farrell ( <i>Deputy Mayor</i> )	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward (from 6.10pm)
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)
Phynea Papal	Journalist – “ <i>The Guardian Express</i> ”
Andrei Buters	Journalist – “ <i>The Perth Voice</i> ”

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 23 September 2008.

Signed: .....Presiding Member  
Deputy Mayor Steed Farrell

Dated this ..... day of ..... 2008