



TOWN OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

26 FEBRUARY 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 26 February 2008, commencing at 6.00pm.

1. DECLARATION OF OPENING

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

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) **Apologies:** Nil

(b) **Present:**

Mayor Nick Catania, JP	Presiding Member
Cr Steed Farrell (Deputy Mayor)	North Ward
Cr Anka Burns	South Ward
Cr Helen Doran-Wu	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Noel Youngman	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Gillian van den Bok	A/Executive Assistant/Minutes Secretary
Kylie Bardon	Executive Secretary, Development Services
Peter Hunt	Peter Hunt Architect (until 8.12pm approx)
Elizabeth Scott	*Manager, Library and Local History Services (until 7.15pm)
Claire Stokes	*Library Technician (until 7.15pm)
Cheryl Gregory	*Library Assistant (until 7.15pm) *(Employee of the Month Recipients)
Jacqui Bahr	Journalist - <i>"The Perth Voice"</i> (until approx 9.25pm)
Lindsay McPhee	Journalist - <i>"The Guardian Express"</i> (until approx 7.38pm)

Approximately 44 Members of the Public

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

Nil.

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

1. Mr Mathew Young of 16 Edith Street, Perth spoke on Item 10.1.8 – Mr Young advised that he would like to thank Council Officers particularly Remajee Narroo. He advised that when they submitted to the Town they proposed a four star Green Building Council of Australia rating for this building and have since updated to five star. Mr Young advised that should his application be approved, it would be the first building of this type completed in Western Australia. As a part of that process have done things such as; implementing waste recycling during the building process,

introducing cells which supply one full office with total power and included ability for all offices to upgrade to that option, have captured all the rain, water on site to reuse in the toilets etc. Have reduced electrical loads and ventilation loads to gain a five star greenhouse rating and maximise daylight penetration and cross ventilation so that the building can be naturally cooled for the majority of year by removing a large area of the centre of the building affectively creating a sky garden. Mr Young requested Council's favourable consideration of this matter.

2. Mrs Barbara Wood, Director of Leederville Childcare Centre, 244A Vincent Street, Leederville spoke on Item 10.4.10. Mrs Wood advised that the Leederville Early Childcare Centre is a community service which is run by a parent committee and supported by the Town of Vincent. Mrs Wood advised that recently while considering the plans for the new Childcare Centre, Chief Executive Officer, John Giorgi ensured that they were able to be involved in consultation with the Architect. On behalf of the Committee, Mrs Wood advised they support the service being relocated to the site in Richmond Street which has been chosen and identified by the Council. This support is subject to a few basic conditions which we have been assured verbally by the Town of Vincent can be met and those conditions are:
 - that the new building is at no extra cost to the committee or the community at large;
 - the building will provide for more Childcare places enabling Management to address the waiting list thus assisting to address the Childcare needs of this community;
 - the new premises meets the requirements of the Childcare Regulations and are with the approval of the Committee and the Department of Communities;
 - a minimum expectation is that the building provides "like for like" in size and standard and the children will not be disadvantaged in any way.
3. Mr Steve Hall of 5 Throssell Street, Perth spoke on Item 10.1.3. – Mr Hall advised that he would like to object to some aspects of the proposed development at number 7 Throssell Street. He advised that he is not objecting to the proposal in principal but feels the scale of it is too big. Mr Halls concerns include the fact that it was originally advertised as a two storey dwelling at the back, it then became a three storey development so now he is looking at a nine and a half metre building in quite a confined space. He also expressed concern that the boundary is going to be nearly seven metres high and it is going to overshadow the garden. Mr Hall expressed his objection to this application.
4. Mr Michael Jenkin of 102 Coogee Street, Mount Hawthorn spoke on Items 10.4.10. Mr Jenkin felt it was necessary to declare an interest as he has a 13 month old daughter who will ultimately be using that kindergarten. Mr Jenkin advised that his family often use Braithwaite Park and have a great deal of affection for it. He feels the proposed relocation offers quite a unique opportunity for the community. Relocating the Kindergarten closer to primary school is very logical as it is logical to the Town, it is logical to the school and thinks it is logical for the children. The transition from Kindergarten to Primary school will be

advanced because the children will see the Primary School everyday of their lives and they will visit it more often. This Town has a pretty proud reputation of providing state of the art facilities and the proposal will provide a state of the art building which is purpose built not only for the Kindergarten children but also for the children of the Leederville Childcare Centre and for that reason he feels it has an enormous amount of merit.

Mr Jenkin further added that he felt there does need to be community consultation.

5. Mr Graham Parker of 9 Bold Court, Leederville spoke on Item 10.1.1 – Mr Parker advised that he would like to express his objection to the current proposal. Whilst he doesn't object to the construction of the premises he objects to the location of the underground car park. He doesn't feel that the amendments made have actually addressed the deferral decision, they have merely come up with measures as to why it can be Bold Court. Mr Parker believes the entrance to the underground car park should be from Carr Place, as not only on Carr Place are the houses set back, there are pedestrian pathways on both sides, car parking on both sides and a dual road. Mr Parker advised that these are some of the reasons why he feels that the underground car park should be off Carr Place.
6. Mr Ross Cheyne of 51 Victoria Street, West Perth spoke on Item 10.1.4. Mr Cheyne spoke in favour of his application. He advised that in regards to building height they are going up three storeys in a limited section in the middle of the building to a height of 8.5 metres over a fairly short length. They have done everything they can to reduce the impact of that, they have reduced ceiling heights in that area, they are stepping the house down the block so that it's virtually invisible from Hyde Park and the William Street side and it is significantly screened by the two large trees that are currently existing there. Mr Cheyne expressed that they have been through several design alterations with this house in conjunction with planning and have tried the best they can with the block size, to comply with all the requirements. They desperately love the area and want to build on the site. They love Hyde Park and want to build a house that is sympathetic to the area and fits in. His plans are to use natural materials wherever possible, economical sound materials that work in context with the surrounding buildings. They want to build an intelligent solar passive house on a fairly constrained urban site and have it stand as an example of what you can do on that sort of site while at the same time doing justice to the Hyde Park. Mr Cheyne requested Councils favourable consideration.
7. Ms Mia Hayes of 7 Bold Court, Leederville spoke on Item 10.1.1. Ms Hayes expressed her objection to this application. She believes that any increase in vehicle movement will result in greater increase in risk to pedestrians including children using this lane. Ms Hayes believes the alternative location would be Carr Place as many problems would not arise should the development be turned around and the access be located in Carr Place. This is a much wider street with street verges and dual footpaths and home setbacks much further and as a result accordingly the impact upon the Carr Street residents amenity would be negligible.

8. Ms Fran Tilley of 63 Harold Street, Highgate spoke on Item 10.3.7. Ms Tilley expressed that she thinks there are two fantastic reasons about living in the Town of Vincent. The first one is the wonderful parks that are available for use for all of the residents by sporting clubs across the Town and the Perth area and the second thing is the great process the Town of Vincent uses mostly in terms of community consultation. Ms Tilley expressed her concern at the Officer Recommendation.

Ms Tilley requested that the Council continue their fantastic record of community consultation and take this one back out for community consultation once again. She believes there are a number of alternatives that haven't been considered or thought about in terms of what might be possible in terms in meeting the needs of everybody who uses the park and secondly, requested the Council listen to the feedback of some of the residents because again they haven't had a chance to put forward their views on this particular change

9. Mr Neil Burn of 19 Narum Way, Nollamara spoke on Item 10.3.8. Mr Burn advised that he is currently the President of The Australian Society for the study of Labour history who is the Applicant for item 10.3.8. Mr Burn advised that he like to acknowledge the solid and very good support the Town of Vincent has given to the project and I would also like to thank the Officers for the recommendation that they have put in place.
10. Mr Peter Kitchener of 5 Glendower Street, Perth spoke on Item 10.1.4. Mr Kitchener advised the he would like to correct a few anomalies in the report on pages 33 – 36. It is implied that he objects to construction of this building as it stands, which is totally incorrect. He advised that he wanted to correct the report because a number of things aren't factual and expressed that he is looking forward to working with Mr Cheyne.
11. Ms Renee Huntley of 59 Harold Street, Highgate spoke on Item 10.3.7. Ms Huntley advised that she is concerned only with point number two where it states that the Council approves the proposal of a separate clubroom, change room, sanitary accommodation for use by Perth Junior Soccer Club as shown on the plans attached. Whilst she does not object to the proposed clubrooms she would like it noted that she does object to the proposed location of the clubrooms. She advises that the building will obstruct any visual aspect she currently has and does not believe that the location of the clubrooms has been taken into account and the local residents' visual aspect whatsoever. She advised that she would like to propose that the new facility being built next to the existing pavilion be re-addressed as it was previously in September.
12. Ms Maryanne Styles of 71 Harold Street, Mt Lawley spoke on Item 10.3.7. Ms Styles advised that she would like to address the same issue as the last speaker. Ms Styles advised she would like to pose the following three questions:

1. *How many of the Perth Junior Soccer Club members are actually rate paying residents of the Town of Vincent?*

The Chief Executive Officer advised that he does not have this information and would take this Question “on-Notice”. A reply will be sent, once the information has been received.

2. *How much money is the Perth Junior Soccer Club contributing to the cost of building a separate facility specifically for their use?*

The Chief Executive Officer advised that it is understood that the Club will be contributing “in kind” services and the amount has not been specified as the details have not been finalised by the Council but the Club has indicated that they have a number of tradespeople who are members of the club and that they are willing to contribute as much as possible to reduce the cost.

3. *How accurate are the drawings provided to tonight’s meeting showing where the drains and sewage pipes are laid, since it is evident that there is several omissions because there are existing sewage pipes to the existing building which aren’t indicated on the map? I understand that the Council has issues with the drains and the water board and while I acknowledge that needs to be addressed I am also concerned being a resident about the aspect.*

The Chief Executive Officer advised that the plans are as accurate with the information the Town has obtained from the Water Corporation with respect to their drains and sewers.

13. Mr Roland Barch of 90 Buxton Street, Mount Hawthorn spoke on Item 10.4.10. Mr Barch advised that he would like to express his dismay that anyone should propose to put anything in Braithwaite Park. He advised that it is an extremely well used park, well utilised, very busy and housing space in Mt Hawthorn is getting a lot tighter and is very high density, yards are getting smaller and any loss of any open space he feels is absolutely shocking for the area. He advise that his second issue is that he is very concerned and curious as to why there is a need to move the Margaret Kindergarten from where it is now and curious to why its necessary to move the Childcare Centre so forcing the Kindergarten to move and then as a result losing park space.
14. Mr Colin Scott of 17 Deague Court, North Perth spoke on Item 10.2.4. I He advised that there were some concerns expressed about the Item going ahead to complete the Smith’s Lake pathways and lighting. Mr Scott asked the following question:

1. *How much of Item (v) of the \$294, 500 would be allocated to the landscaping within the area of the Len Fletcher footprint?*

The Director, Technical Services advised that in regard to the Smith's Lake Plan, the intention as shown on the Plan is for a turfed area with scope for plantings. There is a reserve planting budget that Technical Services have every year to carry out extensive planting on all reserves and would be more than happy to discuss that proposal with the Smith's Lake Precinct group prior to implementation.

Mr Scott also advised that he had put to the Chief Executive Officer today a question about safety issues raised in the car parking area of the new car park of the library and community centre.

The following question was submitted to the Chief Executive Officer:

Question:

"In regard to the new Library and Community Centre planning, what action was taken to meet concerns raised by the Smith's Lake Precinct Group in its submission about safety issues for mothers and children when alighting from their vehicles and walking through the car park to their activity?"

The Director Technical Services responded:

As discussed prior to Christmas with the Town's manager Engineering Design Services Craig Wilson, the layout of the carpark was approved by Council at its Ordinary Meeting held on 6 November 2007 which included some minor modifications to facilitate pedestrian movements as requested by the Council. The Council also authorised the Director Technical Services to make minor alterations to the plans due to technical issues that may arise during the implementation of the works.

In addition the carpark design has since been subject to an independent assessment by a Consulting Traffic Engineer as part of the Traffic Impact Statement as required by the Western Australian Planning Commission.

While the suggestions you previously made have some merit, to incorporate a refuge island (as suggested) separating the aisles would have required a complete redesign of the approved carpark resulting in an overall reduction in parking spaces. A 600mm wide island as suggested is not sufficient to provide safe refuge and would have had to have been in the magnitude of 2.0m wide to allow for the overhang of vehicles.

As you can appreciate there is still some work to be done in the carpark once all the building works have been completed with the light towers to be relocated, a large number of trees planted within the carpark and the carpark resurfaced with new line-marking and signage.

The carpark is intended to be a low speed environment and will be monitored. If there is an issue, the Town may consider installing some traffic calming measures.

Also there are 4 x 10min parking bays proposed in front of the Community Centre and a mix of other time restrictions to cater for the different users.

15. Mr Michael Whitely of 28 The Boulevard, Mount Hawthorn spoke on Item 10.4.10. Mr Whiteley expressed his concern at the consultation period of 14 days being far too short and requested Council defer this Item.
16. Ms Ruth Webber of 61 Matlock Street, Mount Hawthorn spoke on Item 10.4.10. Ms Webber advised that Braithwaite Park is a facility that she has enjoyed using over the past twelve years that she has lived in the area and was horrified to see a proposal to chop down some trees.

She advised that purpose built Childcare Centres are something that we all support but feels that a 14 day consultation period about something that as local residents they have just learnt about isn't probably going to help ease the community tension that is now arising.

17. Ms Sally Congdon of 79 Matlock Street, Mount Hawthorn spoke on Item 10.4.10. Ms Congdon advised that she lives in the street directly behind Braithwaite Park and has not heard anything about it. Ms Congdon raised the following questions:

1. *I would like to be reassured that this is a community based Kindergarten and not a private of profit that council and ratepayers money going into guarantee.*

The Presiding Member advised that in regard to the timeline there will be discussion on this later and a timeline will be made fairly clear.

2. *How has the word temporary been used in terms of utilisation of the lower hall (given we know lags and time delays and a lot of construction)? I am concerned that temporary has been used in a fairly cavalier fashion and I would like to know if the Council can give us any realistic timelines about how long this would take and that means how long the lesser hall will be utilised for the kindergarten.*

The Chief Executive Officer reassured the Council and the members of the gallery that the consultation by the Council has not been carried out to date because the Council has not made a decision on the matter. What has happened is, that the Margaret Kindergarten P & C wanted to discuss and give some information to the users of the Kindergarten and sought his permission to do that and that occurred some two to three weeks ago. In giving that permission he did caution the P & C that it's not the official consultation by the Council because Council has not formally considered the matter.

The Presiding Member advised that consultation will take place after a decision has been made.

18. Ms Lynn Hobbs of 57 Matlock Street, Mt Hawthorn spoke on Item 10.4.10. Ms Hobbs enquired as to what was meant by approval in principal and wanted to know what was involved in that procedure and whether that actually meant that it's a fore drawn conclusion.
19. Mr John McRoberts of 97 Kalgoorlie Street, Mt Hawthorn spoke on Item 10.4.10. Disappointed at the idea from start to finish as he has a vested interest in where this building is positioned. He advised that he has two children under four years of age, one of them currently attends the Margaret kindergarten and he is more than happy to drive her from where he currently lives to it's existing position and when his second child gets to that age he will be more than interested in doing the same. Urged Council not to destroy that park just to get that closer to the school.
20. Mr Dale Mackesey, Principal at Mount Hawthorn Primary School spoke on Item 10.4.10. Mr Mackesey advised that the Education Department agrees in principal to relocate the Kindergarten to Braithwaite Park as the Department believes the relocation of the Margaret Kindergarten to Braithwaite Park will be of huge benefit to all of the school community with a close proximity to the school enabling much closer integration and easier transition from Kindergarten to school.
21. Ms Tracey Denham of 97 Dunedin Street, Mt Hawthorn spoke on Item 10.4.10. Ms Denham advised she was speaking on behalf of herself, whose children will be using both the Kindergarten and the School and the Mount Hawthorn Play Group of which she is the President. Advised they support moving the Kindergarten to a closer proximity to the Primary School but would like to see it done sensibly because they are also regular users of that Park and would like to see it done in a way that doesn't interrupt in the use of the park and the playground as it exists. Advised that preference would be on the corner of Kalgoorlie and Scarborough Beach Road (Option E) from the architect's drawings, mainly for traffic management reasons. That far corner of the Park at the foot of the footbridge seems to be a less utilised area of the park and it could be done sensibly with consultation and they would be in full support of that move.
22. Ms Judy Webber of 71 The Boulevard, Mt Hawthorn spoke on Item 10.4.10. Ms Webber expressed concern that once you lose ground space you lose it forever and experience shows that once you get one development it's much more vulnerable to other developments. Ms Webber questioned whether pre-school education these days is part of main stream education, and if so, so why isn't the Education Department building the new Pre-School? Ms Webber felt that consultation is going to be very important.
23. Mr Ray Wishart of 29 Kalgoorlie Street, Mount Hawthorn asked a general question. "Why aren't the ratepayers advised of some of these ideas before some people do a lot of work and put a lot of effort into it?" Mr Wishart advised that it was this morning or last night when they received a flyer in their letterbox. They had a similar incident when they were involved in the Glory or soccer teams that were taking over the old Velodrome. Asked why can't Council put a bit of notice in "The Guardian" (newspaper) to advise the community.

There being no further questions from the public, the Presiding Member, Mayor Nick Catania, JP, closed Public Question Time at 6.57pm.

Cr Doran-Wu departed the Chamber at 6.59pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

Nil.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Meeting of Council held on 12 February 2008.

Debate ensued.

Cr Ker queried the reasons for Item 10.1.3.

Moved Cr Burns, Seconded Cr Youngman

That the Minutes of the Ordinary Meeting of Council held on 12 February 2008 be confirmed as a true and correct.

CARRIED (8-0)

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

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

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

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

For January 2008, the Award is presented to Graeme Springett, Leading Hand - Reticulation in the Town's Outside Workforce. Graeme was nominated by the Manager Parks Services, Jeremy van den Bok.

Following completion of the new Library and Local History Centre and buildings associated with the redevelopment of the Loftus Centre, the Parks Services reticulation staff were required to install reticulation prior to the re-planting of native vegetation.

Under the supervision of Graeme, the works were completed successfully under very hot and stifling conditions.

Graeme was then immediately requested by Perkins Builders to complete the installation of the reticulation ring main and reticulation of the tiered seating area within the Leederville Oval Public Open Space, prior to completion of the dual use path by the builder's contractors.

Graeme quickly and efficiently organised this work and completed the task one week ahead of schedule, again enduring very hot and dusty conditions. In between time, he also ensured that the Town's existing reticulation systems were kept maintained and in full operation.

Since gaining this position, Graeme has proven to be a reliable, well organised and knowledgeable employee who also assists in maintaining the Section's minor plant.

Graeme is a long term employee with both the former City of Perth and Town of Vincent and has represented the Technical Services Section on the Health & Safety Committee and also plays an active part in the Depot Social Club's monthly activities.

Congratulations to Graeme - and well done!!

Cr Doran-Wu returned to the Chamber at 7.00pm.

The Library employees departed the Chamber at 7.05pm.

2. Employee of the Month Award for the Town of Vincent for February 2008

For February 2008, the award is presented jointly to the entire team of employees at the Library and Local History Centre. The team was nominated by the Chief Executive Officer, John Giorgi, for their tremendous efforts in the relocation from the old Library to the new Town of Vincent Library and Local History Centre.

Over the last few weeks, the Town's Library Services staff were required to pack the Library items, together with their personal items, in time for the shift into the new premises. This work was done with much enthusiasm and many staff worked on the weekend prior to the Opening.

The Chief Executive Officer considers that all staff worked above and beyond the "call of duty" and it is appropriate that this be acknowledged.

Congratulations to everyone - and well done!!

3. Proposed new Local Laws - Deferred from Ordinary Meeting of Council held on 12 February 2008

Pursuant to Section 3.12 - 3.16 of the Local Government Act, the Town of Vincent hereby gives notice that it has carried out a review of its Local Laws as follows;

- (a) The Town proposes to adopt a new Local Law Relating to Trading in Public Places, as shown in Item 10.4.2 on tonight's Agenda.

"The purpose of this Local Law is to provide for the regulation, control and management of trading activities, outdoor eating areas, stalls and traders and entertainers in any street or public place.

The effect of this Local Law is to control trading activities and street entertainers in any street or public place."

- (b) The Town proposes to adopt a new Local Law Relating to Local Government Property, as shown in Item 10.4.3 on tonight's Agenda.

"The purpose of this Local Law is to provide for the regulation, control and management of activities and facilities on local government property, thoroughfares and public places within the district.

The effect of this local law is to establish the requirements with which any person using or being on local government property, thoroughfares and public places within the district must comply."

8. DECLARATIONS OF INTERESTS

- 8.1 Mayor Catania declared a financial interest in Item 10.3.1 Investment Report as at 31 January 2008. The extent of his interest being that he is Chairman of the Board of Directors of the North Perth Community Bank.
- 8.2 Cr Messina declared a financial interest in Item 10.3.1 Investment Report as at 31 January 2008. The extent of his interest being that he is a Director and Shareholder of the North Perth Community Bank.
- 8.3 Cr Burns declared a financial interest in Item 10.3.1 Investment Report as at 31 January 2008. The extent of her interest being that she is a shareholder and her father is on the Board of Directors of the North Perth Community Bank.
- 8.4 Cr Burns declared a financial interest in Item 10.3.1 Investment Report as at 31 January 2008. The extent of her interest being that she is a shareholder and her father is on the Board of Directors of the North Perth Community Bank.
- 8.5 Cr Burns declared a financial interest in Item 10.1.3 – Throssel Street, Perth. The extent of her interest being that closely related person/s has a business relationship/association with the Applicant. In addition, the landowner is a related party.
- 8.6 Cr Farrell declared an interest affecting impartiality in Item 10.4.10 – Proposed Relocation of Margaret Kindergarten. He disclosed that he has an association being that his son attends a sporting/leisure group at the Lesser Hall on a weekly basis. As a consequence, there may be a perception that his impartiality on the matter may be affected. He declared that he will consider the matter on its merits and vote accordingly.
- 8.7 Cr Ker declared an interest affecting impartiality in Item 10.4.9 – Mainstreet Conference. The extent of his interest being that he is a member of the Organising Committee for this Conference.

- 8.8 Chief Executive Officer, John Giorgi, declared a financial interest in Item 14.1 – Approval of CEO’s Additional KPI’s. The extent of his interest being this it relates to his Contract of Employment.
- 8.9 Chief Executive Officer, John Giorgi, declared an interest affecting impartiality in Item 10.3.7 – Forrest Park Pavilion. He disclosed that his son plays soccer and is a potential user of this proposed facility. He declared that he has not had any direct involvement in the preparation of this report.
- 8.10 Cr Messina declared a proximity interest in Item 10.2.1 – Streetscape – Scarborough Beach Road. The extent of his interest being that he is a franchiser of a franchise located at the Mezz Shopping Centre in Mount Hawthorn, abutting the proposal.

Cr Messina requested he remain in the Chamber participate in the debate (but not vote).

Cr Messina departed the Chamber at 7.08pm.

Moved Cr Farrell, Seconded Cr Youngman

That Cr Messina be permitted to participate in the debate of Item 10.2.1.

CARRIED (8-0)

Cr Messina returned to the Chamber at 7.09pm.

The Mayor advised Cr Messina that his request to participate in the debate of Item 10.2.1 was approved.

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

Nil.

10. REPORTS

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

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

Items 10.1.8, 10.4.10, 10.1.3, 10.1.4, 10.1.1, 10.3.7, 10.3.8 and 10.2.4.

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, 10.4.2, 10.4.3 and 10.4.9.

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

Items 10.1.3, 10.2.1 and 10.3.1.

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

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

Cr Farrell	10.1.2 and 10.4.11
Cr Messina	10.2.2
Cr Youngman	Nil
Cr Ker	10.1.9, 10.2.5 and 10.4.8.
Cr Doran-Wu	Nil
Cr Lake	10.2.3
Cr Burns	Nil
Cr Maier	10.1.5, 10.1.7, 10.4.4 and 10.4.12
Mayor Catania	Nil

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

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

Items 10.1.6, 10.3.2, 10.3.3, 10.3.4, 10.3.5, 10.3.6, 10.4.1, 10.4.5, 10.4.6 and 10.4.7.

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

Items 14.1 and 14.2.

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

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

Items 10.1.6, 10.3.2, 10.3.3, 10.3.4, 10.3.5, 10.3.6, 10.4.1, 10.4.5, 10.4.6 and 10.4.7.

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

Items 10.1.8, 10.4.10, 10.1.3, 10.1.4, 10.1.1, 10.3.7, 10.3.8 and 10.2.4.

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 10.1.6, 10.3.2, 10.3.3, 10.3.4, 10.3.5, 10.3.6, 10.4.1, 10.4.5, 10.4.6 and 10.4.7.

CARRIED (9-0)

10.1.6 Unit 5/No. 663 (Strata Lot 4, Lot 53 STR: 10630) Newcastle Street, Leederville - Alterations and Additions to Existing Eating House (Application for Retrospective Approval)

Ward:	South	Date:	18 February 2007
Precinct:	Oxford Centre; P04	File Ref:	PRO1618; 5.2007.433.1
Attachments:	001		
Reporting Officer(s):	L Parker		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by JDI Projects Pty Ltd on behalf of the owner Southregal Pty Ltd for proposed Alterations and Additions to Existing Eating House, at Unit 5/No. 663 (Lot 53, Strata Lot 4 STR: 10630) Newcastle Street, Leederville, and as shown on plans stamp-dated 24 October 2007, and the 'Water Corporation Leased Land Alfresco Area' site plan stamp-dated 11 January 2008, subject to the following conditions:

- (i) the doors, windows and adjacent floor areas fronting Oxford Street shall maintain an active and interactive relationship with this street;*
- (ii) 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;*
- (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 separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (iv) the maximum total public floor area of the eating house shall be limited to 71 square metres, inclusive of the alfresco dining area(s). Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;*
- (v) within twenty – eight (28) days of the issue date of this 'Approval to Commence Development,' the owner(s), or the applicant on behalf of the owner(s) shall comply with the following requirements:*
 - (a) pay a cash-in-lieu contribution of \$9,261 for the equivalent value of 3.43 car parking spaces, based on the cost of \$2,700 per bay as set out in the Town's 2007/2008 Budget; OR*
 - (b) lodge an appropriate assurance bond / bank guarantee of a value of \$9,261 to the satisfaction of the Town. This assurance bond / bank guarantee will only be released in the following circumstances:*

- (1) *to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*
- (2) *to the owner(s) / applicant following receipt by the Town with a Statutory Declaration of the prescribed form endorsed by the owner(s)/ applicant and stating that they will not proceed with the subject 'Approval to Commence Development,'; or*
- (3) *to the owner(s) / applicant where the subject 'Approval to Commence Development,' did not commence and subsequently expired.*

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

- (vi) *within twenty eight (28) days of the issue date of this 'Approval to Commence Development' the following works shall be undertaken to the satisfaction of the Town's Technical Services Division to satisfy car parking manoeuvring requirements and ensure the safety of pedestrians:*
 - (a) *the widened paved terrace area located immediately adjacent to the altered car bays, in front of the entrance to the subject tenancy, being truncated to a radius of 2.5 metres;*
 - (b) *the southern portion of the kerbed nib at the exit/entry point of the car park being truncated to a radius of 1.0 metre; and*
 - (c) *100 millimetre high wheel stops being installed in the three (3) altered car bays. The subject wheel stops shall be installed 820 millimetres behind the kerb line adjacent to the Oxford Street footpath.*

The works shall not result in any greater variation to the requirements of the Town's Policies;

- (vii) *within twenty eight (28) days of the issue date of this 'Approval to Commence Development', structural details, including plans and specifications of the subject awning, which are certified by a Practising Structural Engineer shall be submitted to and approved by the Town of Vincent; and*
- (viii) *within twenty eight (28) days of the issue date of this 'Approval to Commence Development', one (1) class one or two bicycle parking facility and three (3) class three bicycle parking facilities shall be provided at a location convenient to the entrance of the proposed development. Details of the design and layout of the bicycle parking facilities shall be submitted to and approved by the Town prior to the installation of such facilities.*

COUNCIL DECISION ITEM 10.1.6

Moved Cr Farrell, Seconded Cr Youngman

That the recommendation be adopted.

CARRIED "EN BLOC" (9-0)

Landowner:	Southregal Pty Ltd
Applicant:	JDI Projects Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): District Centre
Existing Land Use:	Eating House
Use Class:	Eating House
Use Classification:	"P"
Lot Area:	169 square metres
Access to Right of Way	N/A

BACKGROUND:

3 October 2007 The Town, under delegated authority from the Council, approved a planning application for change of use from shop to eating house and associated alterations and additions.

14 February 2008 The Town, under delegated authority from the Council, granted retrospective Planning Approval for signage additions at the subject property.

DETAILS:

The applicant seeks retrospective approval for an already constructed outdoor alfresco dining area at the above property, incorporating 12 square metres of additional public/seating area and overhead canopy on the subject lot. A further 18 square metres of public/seating area is proposed on the adjacent Water Corporation land between the Frame Court Carpark and the subject site. The business owners have entered into a legal agreement with the Water Corporation to use this area of land for these purposes and, as such, the additional public/seating area on this land has been incorporated into the car parking calculation for the application. Alterations have also been made to the existing car parking layout with three car bays being moved forward towards Oxford Street to enable the widening of the existing pavement surrounding the building.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted.
Consultation Submissions			
Support (5)	No details provided.		Noted.
Objection	Nil		Noted.
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil
Car Parking			
Car parking requirement (nearest whole number)			
Additional proposed floor area:			

Café/Restaurant - 1 space per 4.5 square metres of public floor area (additional 30 square metres proposed) = 6.67 car bays	7 car bays
Apply the parking adjustment factors to additional proposed floor area. <ul style="list-style-type: none"> • 0.80 (within 400 metres of a rail station) • 0.85 (within 400 metres of a bus stop/station) • 0.80 (within 50 metres of one or more existing public car parking places with excess of 50 car parking spaces) • 0.90 (within a District Centre zone) 	(0.4896) = 7 x 0.4896 = 3.43 car bays
Add number of car bays approved for existing situation: Floor areas as approved by the Town under delegated authority from Council on 3 October 2007: -Warehouse/Storage (32 square metres) -Café/Restaurant (40.75 square metres) -Approved with a nil car parking shortfall/surplus, and 3 car bays provided.	= 3.43 + 3 car bays = 6.43 car bays
Minus the car parking on-site	3 car bays
Minus existing car parking shortfall after applying adjustment factors	Nil.
Resultant shortfall	3.43 car bays
Bicycle Parking	
<u>Restaurant</u> (70.75 square metres of public area) (nearest whole number) -1 space per 100 square metres of gross floor area for employee/resident (Class 1 or 2) = 0.7075 spare -2 spaces plus 1 space per 100 square metres of public area (Class 3) = 2.7075 spares	1 space (Class 1 or 2) required. 3 spaces (Class 3)

* 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 proposed alfresco dining additions will serve to further enhance the interaction of the eating house with the street and is considered to significantly improve the overall aesthetic of the building complex adjacent to Oxford Street. In light of the above and the site's location adjacent to the Frame Court Carpark, a car parking shortfall of 3.43 car bays is considered acceptable in this instance, subject to the appropriate cash-in-lieu requirements of the Town. The proposal is therefore recommended for approval, subject to standard and appropriate conditions to address the above matters.

10.3.2 Authorisation of Expenditure for the period 1 - 31 January 2008

Ward:	Both	Date:	06 February 2008
Precinct:	All	File Ref:	FIN0005
Attachments:	001		
Reporting Officer(s):	Melike Orchard		
Checked/Endorsed by:	Bee Choo Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council CONFIRMS the;

- (i) *Schedule of Accounts for the period 1 January – 31 January 2008 and the list of payments;*
- (ii) *direct lodgement of payroll payments to the personal bank account of employees;*
- (iii) *direct lodgement of PAYG taxes to the Australian Taxation Office;*
- (iv) *direct lodgement of Child Support to the Australian Taxation Office;*
- (v) *direct lodgement of creditors payments to the individual bank accounts of creditors; and*
- (vi) *direct lodgement of Superannuation to Local Government and City of Perth superannuation plans.*

as shown in Appendix 10.3.2

COUNCIL DECISION ITEM 10.3.2

Moved Cr Farrell, Seconded Cr Youngman

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

DECLARATION OF INTEREST

Members/Officers	Voucher	Extent of Interest
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Nil.

PURPOSE OF REPORT:

To seek authorisation of expenditure for the period 1 - 31 January 2008.

BACKGROUND:

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

DETAILS:

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

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Town of Vincent Advance Account	EFT	\$543,599.14
Total Municipal Account		\$543,599.14
Advance Account		
Automatic Cheques	61632-61902	\$497,107.58
EFT Batch		\$0.00
Municipal Account		
Transfer of Creditors by EFT Batch	745-746, 748-750, 752-753	\$2,261,939.93
Transfer of PAYG Tax by EFT	January 2008	\$185,198.30
Transfer of GST by EFT	January 2008	\$0.00
Transfer of Child Support by EFT	January 2008	\$643.94
Transfer of Superannuation by EFT:		
• City of Perth	January 2008	\$34,661.26
• Local Government	January 2008	\$105,900.62
Total		\$3,085,451.63
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$3,589.50
Lease Fees		\$19,101.89
Corporate Master Cards		\$4,958.88
Folding Machine Lease Equipment		\$0.00
Trace Fees		\$0.00
Loan Repayment		\$58,131.94
Rejection Fees		\$0.00
System Disk Fee		\$0.00
Beatty Park - miscellaneous deposit		\$0.00
Total Bank Charges & Other Direct Debits		\$85,782.21
Less GST effect on Advance Account		-\$129,638.00
Total Payments		\$3,585,194.98

STRATEGIC IMPLICATIONS:

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

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

ADVERTISING/CONSULTATION:

Nil.

COMMENT:

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

10.3.3 Financial Statements as at 31 January 2008

Ward:	Both	Date:	15 February 2008
Precinct:	All	File Ref:	FIN0026
Attachments:	001		
Reporting Officer(s):	Bee Choo Tan		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Financial Reports for the year ended 31 January 2008 as shown in Appendix 10.3.3.

COUNCIL DECISION ITEM 10.3.3

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 January 2008.

BACKGROUND:

The Local Government Act and Local Government (Financial Management) Regulations 1996 require monthly reports to be submitted to Council. The Financial Statements attached are for the month ended 31 January 2008.

DETAILS:

The Financial Statements comprise:

- Operating Statement
- Summary of Programmes/Activities
- Capital Works Schedule
- Balance Sheet and Statement of Changes in Equity
- Reserve Schedule
- Debtor Report
- Rate Report
- Beatty Park Report – Financial Position
- Statement of Financial Activity
- Net Current Asset Position
- Variance Comment Report

Operating Statement and Detailed Summary of Programmes/Activities

The Operating Statement shows revenue and expenditure by Programme whereas the Summary of Programmes/Activities provides detail to Programme/Sub Programme level. Both reports compare actual results for the period with the Budget. The Operating Statement and the Summary of the Programmes Activities reports are in a new format providing a comparison between the year to date actual revenue and expenditure with the year to date budget.

The statements place emphasis on results from operating activity rather than construction of infrastructure or purchase of capital items and principally aim to report the change in net assets resulting from operations.

Operating Revenue

Operating revenue is currently 4% over the year to date budget for the month ending 31 January 2008.

General Purpose Funding (Page 1)

General Purpose Funding is showing 1% over the budget.

Governance (Page 2)

Governance is showing 8 % under budget.

Law Order & Public Safety (Page 3)

Revenue of Law Order & Public Safety is 77 of the budget.

Health (Page 4)

Health is showing 113%, of the budget this is due to 361 Health Licences being issued for Lodging Houses, Eating Houses and Alfresco dining.

Education & Welfare (Page 5)

Education and Welfare is now showing 218% over budget, for the receipt of the Leederville Gardens surplus.

Community Amenities (Page 6)

Community Amenities is 18% above the year to date budget. There were 434 planning applications being processed to date.

Recreation & Culture (Page 9)

The total revenue for Recreation and Culture is currently 3% over the revenue budget. Beatty Park Leisure Centre revenue is 47 % of the total Recreation and Culture revenue budget and is performing on target with the centre year to date revenue at 103%

Transport (Page11)

The total revenue for Transport is 19 % over the budget.

Economic Services (Page 12)

Economic Services is 101% over budget due to the increase number of building licences 390 issued compared to last year 325 licences.

Other Property & Services (Page 13)

The total revenue for Other Property & Services is 52% over the budget due to the advertising rebate received and allocated, leases on Tamala Park and other revenue received for the depot.

Operating Expenditure

Operating expenditure for the month is 99% of the year to date budget for the month ending 31 January 2008.

Capital Expenditure Summary (Pages 18 to 24)

The Capital Expenditure summary details projects included in the 2007/08 budget and reports the original budget and compares actual expenditure to date against these. Capital works show total expenditure including commitment for year amount of \$12,470,485 which is 51 % of the budget of \$24,362,667.

	Budget	Actual to Date	%
Furniture & Equipment	538,150	131,130	24%
Plant & Equipment	1,487,450	314,512	21%
Land & Building	12,303,039	8,276,035	67%
Infrastructure	10,034,028	3,748,808	37%
Total	24,362,667	12,470,485	51%

**Balance Sheet (Statement of Financial Position) and
Statement of Changes in Equity (Pages 25 & 26)**

The statement shows the current assets of \$26,612,699 and non current assets of \$133,094,221 for total assets of \$159,706,920.

The current liabilities amount to \$4,783,673 and non current liabilities of \$15,709,446 for the total liabilities of \$20,493,118. The net asset of the Town or Equity is \$139,213,804.

Restricted Cash Reserves (Page 27)

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

Debtors and Rates Financial Summary**General Debtors (Page 28)**

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 \$713,708 is outstanding at the end of January 2008. Of the total debt \$9,254 (1%) relates to debts outstanding for over 60 days. 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.

Rate Debtors (Page 29)

The notices for rates and charges levied for 2007/08 were issued on the 6 August 2007.

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

First Instalment	10 September 2007
Second Instalment	12 November 2007
Third Instalment	14 January 2008
Fourth Instalment	17 March 2008

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

Instalment Administration Charge	\$4.00
(to apply to second, third, and fourth instalment)	
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 are \$2,761,800 which represents 16% of the outstanding collectable income compared to last year 12%. The difference in the outstanding debt was partly due to the issue of additional boundary rates assessments in August 2007.

Beatty Park – Financial Position Report (Page 30)

As at 31 January 2008 the operating deficit for the Centre was \$165,520 in comparison to the annual deficit of \$478,265.

The cash position showed a current cash surplus of \$103,653 in comparison annual budget estimate of a cash surplus of \$26,320. The cash position is calculated by adding back depreciation to the operating position.

Statement of Financial Activity (Page 31)

The closing surplus carry forward for the year to date 31 January 2008 was \$11,970,207.

Net Current Asset Position (Page 32)

The net current asset position \$11,970,207.

Variance comment Report (Pages 33 to 36)

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

10.3.4 Re-Naming of Dorrien Gardens - BGC Stadium - Dorrien Gardens

Ward:	Both	Date:	14 February 2008
Precinct:	All	File Ref:	RES0032
Attachments:			
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council APPROVES the naming of Dorrien Gardens as “BGC Stadium - Dorrien Gardens” for a three (3) year period, from February 2008 to 2010

COUNCIL DECISION ITEM 10.3.4

Moved Cr Farrell, Seconded Cr Youngman

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

PURPOSE OF REPORT:

To report on the request from the Perth Soccer Club for the re-naming of Dorrien Gardens as “BGC Stadium - Dorrien Gardens”.

BACKGROUND:

The Town has received a request from the secretary of the Perth Soccer Club in early February seeking permission to have the Dorrien Gardens re-named “BGC Stadium - Dorrien Gardens” for the period of the sponsorship agreement (2008 - 2010).

DETAILS:

The Perth Soccer Club has secured BGC as a major sponsor of the Club.

As part of the sponsorship agreement, the company has sought the naming rights for the stadium and will be entitled to signage within the stadium. The new sponsors name will replace some existing signage on the grandstand and dugouts and will be displayed on some existing signs in the ground’s perimeter.

The name, “BGC Stadium - Dorrien Gardens” will be included in all correspondence and advertising from the Perth Soccer Club.

The sponsorship agreement is for the period 2008-2010 for the football seasons and is of significant financial benefit for the Perth Soccer Club.

The Perth Soccer Club currently has a lease for Dorrien Gardens, the current lease is silent on naming rights, however, it does have a clause in relation to signage.

The clause is outlined below:

(hh) Not without prior written consent of the Lessor to affix to or exhibit upon or permit to be affixed to or exhibited upon any part of the exterior of the premises, any of the passages or stairs of the premises or in any place visible beyond the premises placard, sign, notice, poster, hoarding or advertisement.

As the lease is silent on naming rights, Council approval is being sought.

The Perth Soccer Club needs this approval to finalise the commitment of the sponsorship package.

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011 – Strategic Objectives: Community Development

“Objective 3.1 Enhance community development and wellbeing

3.1.1 Determine the requirements of the community

(a) Determine the requirements of the community and ensure that the services provided meet those needs”.

ADVERTISING/CONSULTATION:

Nil.

LEGAL/POLICY

Current lease agreement.

N/A

FINANCIAL IMPLICATIONS

There are no financial implications for the Town.

COMMENT:

The Perth Soccer Club is a prestigious member of the WA State League competition, the sponsorship is essential for the financial viability of the Club for the season.

The name sought is of a well-respected company in the construction industry, there is nothing offensive regarding the name sought to be used.

It is therefore recommended that the requested naming of the grandstand as “*BGC Stadium Dorrien Gardens*” be supported.

10.3.5 Lee Hops Cottage – Expression of Interest for Lease or Licence

Ward:	South Ward	Date:	15 February 2008
Precinct:	Hyde Park Precinct	File Ref:	TEN0268
Attachments:	-		
Reporting Officer(s):	P Betts		
Checked/Endorsed by:	M Rootsey, John Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *ACCEPTS the Expression of Interest submitted by Life Without Barriers for the lease/licence of Lee Hops Cottage, 176 Fitzgerald Street, North Perth;*
- (ii) *INVITES Life Without Barriers to submit a tender to lease Lee Hops Cottage, 176 Fitzgerald Street, North Perth for a period of five (5) years;*
- (iii) *AUTHORISES the Chief Executive Officer to determine the tender and if acceptable, negotiate a Lease to the Town's satisfaction; and*
- (iv) *subject to (iii) above, AUTHORISES the Chief Executive Officer and Mayor to sign the Lease and affix the Council's Common Seal.*

COUNCIL DECISION ITEM 10.3.5

Moved Cr Farrell, Seconded Cr Youngman

That the recommendation be adopted.

CARRIED "EN BLOC" (9-0)

PURPOSE OF REPORT

To report on the details regarding the response to an Expression of Interest for the lease or licence of Lee Hops Cottage, 176 Fitzgerald Street, North Perth.

BACKGROUND:

Lee Hops Cottage, 176 Fitzgerald Street, North Perth, was leased by Great Mates Ltd for the period 1 September 2003 until 7 August 2007.

The Town was advised on 7 August 2007 that Ferrier Hodgson had been appointed as administrators for Great Mates. Subsequently Ferrier Hodgson advised that the furniture was to be removed from the premises and that Great Mates would be vacating the premises on the 10 August 2007.

Remedial maintenance was carried out to ensure the property was available for lease.

An advertisement was placed in the West Australian on Wednesday 9 January 2007 seeking Expressions of Interest for the lease or licence of Lee Hops Cottage.

The Expression of Interest closed on Wednesday 30 January 2007 with the opening of the Expression of Interest being attended by Town representatives Mary Hopper, Purchasing Officer and Paul Betts, Administration Officer Corporate Services.

DETAILS:

One (1) response to the Expression of Interest was received from Life Without Barriers. Life Without Barriers is a national not-for-profit community services organisation that specialises in the provision of services for families in crisis; the disabled and those with mental health problems. Life Without Barriers has been operating in Western Australia for twelve (12) months.

Recently Life Without Barriers won five (5) tenders to provide respite services for elder carers of those with a disability across the metropolitan and South West rural areas. The intention is to use Lee Hops Cottage as a base for staff to coordinate these services.

At present, Life without Barriers has an annual budget of \$1,500,000 in Western Australia and provides services to two hundred (200) families.

Included with the Expression of Interest submission were financial reports from 2003-2007 and Annual Reports for 2005/2006 and 2006/2007. The two (2) Annual Reports contained auditors reports, both of which stated that the financial report of Life Without Barriers are in accordance with the Corporations Act 2001. Contact details for two (2) property referees who lease premises to Life Without Barriers was also included with the submission as well as a written reference. The written reference states that Life Without Barriers have been good tenants and always pay their lease fees on time.

Evaluation

A panel consisting of Mike Rootsey, Director Corporate Services and Paul Betts, Administration Officer Corporate Services evaluated the Expression of Interest submitted by Life Without Barriers using the selection criteria that appeared in the Expression of Interest. The selection criteria used was:

- Benefits to the Town of Vincent and its ratepayers including but not limited to financial benefits – 30%.
- Benefits to the wider community – 30%.
- Financial history and stability of applicants – 10%.
- Operational performance of the service being offered (including copies of annual report and audited financial statements) – 10%.
- Effective and ethical use of the facility – 10%.
- Joint use/sharing of facilities to maximise the use of the facility – 5%.
- At least two references must be provided with one preferably from a previous lessor – 5%.

	Life Without Barriers
Benefits to the Town of Vincent and its ratepayers including but not limited to financial benefits.	26.
Benefits to the wider community.	29.
Financial history and stability of applicants.	9.
Operational performance of the service being offered (including copies of annual report and audited financial statements).	9.

Effective and ethical use of the facility.	10.
Joint use/sharing of facilities to maximise the use of the facility.	0.
At least two references must be provided with one preferably from a previous lessor.	5.
Total	88.

Life Without Barriers state that their preferred lease period is for three (3) years but are willing to discuss a five (5) year lease period with the Town. It is recommended that should negotiations commence regarding the term of lease, a five (5) year period be encouraged.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

Policy No. 1.2.1

- “1. Any new lease granted by the Council shall usually be limited to a five year period, and any option to renew shall usually be limited to no more than a ten year period.
2. Council may consider longer periods where the Council is of the opinion that there is benefit or merit for providing a longer lease term.”

STRATEGIC IMPLICATIONS:

Strategic Plan 2006 – 2011 – Strategic Objectives: Community Development

“Objective 3.1 Enhance community development and wellbeing

3.1.1 Determine the requirements of the community

- (a) *Determine the requirements of the community and ensure that the services provided meet those needs”.*

FINANCIAL/BUDGET IMPLICATIONS:

Life Without Barriers has offered an annual lease fee of \$6,000 for Year 1, \$6,250 for Year 2 and \$6,500 for Year 3.

COMMENTS:

Life Without Barriers are an established organisation that provides a number of valuable services to the community. The supporting documentation forwarded with their Expression of Interest shows them to be a nationally recognised organization that provides a number of services to some of the more disadvantaged members of the community.

It is recommended that the Town invites Life Without Barriers to submit a tender for the lease or licence of Lee Hops Cottage for a term of five (5) years. In view of the indicative monies already indicated in the Expression of Interest, it is recommended that the Council authorises the Chief Executive Officer to determine any tender which may be submitted and, if acceptable, to negotiate the terms and conditions of a Lease.

10.3.6 4 View Street – Assignment of Lease

Ward:	North Ward	Date:	19 February 2008
Precinct:	Smiths Lake Precinct	File Ref:	PRO1877
Attachments:	-		
Reporting Officer(s):	P Betts		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES a lease to the Multicultural Services Centre of W.A. Inc for the period 1 December 2007 until 30 November 2012 for the premises located at 4 View Street, North Perth, subject to final satisfactory negotiations being carried out by the Chief Executive Officer; and*
- (ii) *AUTHORISES the Chief Executive Officer and Mayor to sign the Lease and affix the Council's Common Seal.*

COUNCIL DECISION ITEM 10.3.6

Moved Cr Farrell, Seconded Cr Youngman

That the recommendation be adopted.

CARRIED "EN BLOC" (9-0)

PURPOSE OF REPORT

To report on the details regarding the assignment of a five (5) year lease to the Multicultural Services Centre of W.A. Inc for the premises located at 4 View Street, North Perth.

BACKGROUND:

The Multicultural Services Centre of W.A. Inc is an organisation that aims to meet the settlement, welfare, education and training, cultural, legal and related needs of culturally and linguistically diverse Western Australians.

A number of services are provided including multilingual welfare counselling services; provision of facilities for cultural activities; general information and referral; special orientation English classes, education and referral services for migrants and refugees and free and accessible legal services for migrants and refugees.

The Multicultural Services Centre of W.A. Inc also lease another Council property located at 10 Farmer Street and have a partial interest in a property located at 20 View Street. The property at 4 View Street is used for the provision of legal and welfare services.

The Multicultural Services Centre of W.A. Inc leased 4 View Street rent free for the period 1 December 2002 until 1 January 2003. This was offset by the Multicultural Services Centre of W.A. Inc performing \$9,000 of refurbishments to the property.

DETAILS:

The Multicultural Services Centre of W.A. Inc has leased the 4 View Street property for the period 1 December 2002 until 30 November 2007. They are currently on a monthly lease.

The Multicultural Services Centre of W.A. Inc has proven to be a good tenant over the past five (5) years; paying lease fees on time and maintaining the premises to a satisfactory level. It should also be noted that the Town of Vincent has a very good working relationship with this organisation.

In accordance with a standard provision which appears in all Town of Vincent leases, the Multicultural Services Centre of W.A. Inc recently forwarded a copy of their 2006/2007 Annual Report. The Annual Report contained an independent auditors report which states that the financial report for the Multicultural Services Centre presents fairly in all material respects the financial position of the organisation.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

Policy No. 1.2.1

- “1. Any new lease granted by the Council shall usually be imited to a five year period, and any option to renew shall usually be limited to no more than a ten year period.*
- 2. Council may consider longer periods where the Council is of the opinion that there is benefit or merit for providing a longer lease term.”*

STRATEGIC IMPLICATIONS:

Strategic Plan 2006 – 2011 – Strategic Objectives: Community Development

“Objective 3.1 Enhance community development and wellbeing

3.1.1 Determine the requirements of the community

- (a) Determine the requirements of the community and ensure that the services provided meet those needs”.*

FINANCIAL/BUDGET IMPLICATIONS:

The Multicultural Services Centre of W.A. Inc currently pays an annual lease fee of \$12,547.69 for the lease of 4 View Street.

COMMENTS:

The Multicultural Services Centre of W.A. Inc provides a number of important services to the ethnic community from three (3) properties located within the Town of Vincent, including 4 View Street. This organisation has proven to be a good tenant in terms of promptness of lease fee payments and the standard it maintains the buildings leased from the Town. It is important to note the strong working relationship the Town has with this organisation. It is recommended Council approve a five (5) year lease to ensure the continued provision of the valuable services offered by the Multicultural Services Centre of W.A. Inc from the property at 4 View Street.

10.4.1 Local Government Statutory Compliance Audit 2007

Ward:	-	Date:	18 February 2008
Precinct:	-	File Ref:	ADM0019
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council ADOPTS the Local Government Statutory Compliance Audit for 2007, as "Laid on the Table" and circulated separately to Council Members and this be forwarded to the Department of Local Government and Regional Development.

COUNCIL DECISION ITEM 10.4.1

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 for the Council to consider and approve of the Local Government Statutory Compliance Audit 2007.

BACKGROUND:

The Department of Local Government and Regional Development has issued a "Local Government Statutory Compliance Audit" to all Local Governments throughout Western Australia. This return requires the Chief Executive Officer and Mayor to certify that the statutory obligations of the Local Government have been complied with. The Chief Executive Officer may delegate to a responsible person to complete part of the Return.

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

The completion of the Statutory Compliance Return is compulsory, in accordance with Section 7.13(1) of the Local Government Act 1995 and Local Government (Audit) Regulations (Regulation 13). A copy has been provided to all Council Members and a copy is "Laid on the Table".

The Town has an Audit Committee. The Committee, comprising the Mayor, Cr Burns, Cr Farrell, A. Macri and S Menon (Auditors), with the Chief Executive Officer, Director Corporate Services and Director Development Services (ex officio and non-voting) met on 14 February 2008 to review this Audit.

Two minor non-compliances have been identified in the 2007 return. These are;

Page 12 - Financial Management Regulation 51(2)

This Regulation requires the Annual Financial Report to be submitted to the Department of Local Government within thirty (30) days after receiving the Auditors' report.

Comment:

The Annual Financial Report was sent to the Department of Local Government as part of the Town's Annual Report. (This submission was several weeks outside of the thirty (30) day period). As the matter has been addressed for 2007, no further action is required.

Page 27 - Administration Regulation 11

This Regulation requires the contents of Minutes of all Council or Committee Meetings to include written reasons for varying an Officer Recommendation.

Comment:

An occasion occurred at the Ordinary Meeting of Council held on 4 December 2007. This was not identified during the Meeting, but was brought to the Town's attention by the State Administrative Tribunal (SAT) (as the matter was lodged with SAT).

The matter was addressed at the Ordinary Meeting of Council held on 18 December 2007. The Council has now adopted a Policy to deal with changes to Officer Recommendations.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

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

"4.1.2 *Manage the organisation in a responsible, efficient and accountable manner;*" and

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

COMMENTS:

The Town of Vincent has complied with all statutory compliance provisions (with the exception of two minor matters) and accordingly it is recommended to the Council that the Local Government Statutory Compliance Audit 2007 be adopted and forwarded to the Department of Local Government and Regional Development.

10.4.5 Leederville Oval (Medibank Stadium) Ground Management Committee - Receiving of Unconfirmed Minutes - 12 February 2008

Ward:	South	Date:	19 February 2008
Precinct:	Oxford Centre, P4	File Ref:	RES0078
Attachments:	001		
Reporting Officer(s):	M McKahey, John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council RECEIVES the Unconfirmed Minutes of the Leederville Oval (Medibank Stadium) Ground Management Committee Meeting held on 12 February 2008, as shown in Appendix 10.4.5.

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 for the Council to receive the Unconfirmed Minutes of the Leederville Oval (Medibank Stadium) Ground Management Committee meeting held on 12 February 2008.

BACKGROUND:

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

"That the Council APPROVES BY AN ABSOLUTE MAJORITY;

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

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

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

It is the Town's practice that Committee Meeting Minutes be reported to the Council.

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

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

10.4.6 Audit Committee – Receiving of Unconfirmed Minutes - 14 February 2008

Ward:	-	Date:	18 February 2008
Precinct:	-	File Ref:	FIN0106
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Audit Committee Unconfirmed Minutes dated 14 February 2008, as shown in Appendix 10.4.6.

COUNCIL DECISION ITEM 10.4.6

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 for the Council to receive the unconfirmed minutes of the Audit Committee held on 14 February 2008.

BACKGROUND:

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

"That the Council;

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

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

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

"4.1.2 *Manage the organisation in a responsible, efficient and accountable manner;*" and

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

FINANCIAL IMPLICATIONS:

Nil.

COMMENT:

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

10.4.7 Review of WESTPLAN Road Crash - Call for Comments

Ward:	Both	Date:	6 February 2008
Precinct:	All Precincts	File Ref:	ORG0044
Attachments:	001 ; 002		
Reporting Officer(s):	J MacLean		
Checked/Endorsed by:	R Boardman	Amended by:	

OFFICER RECOMMENDATION:

That the Council:

- (i) **RECEIVES** the proposed reviewed "WESTPLAN Road Crash" document; and
- (ii) **AUTHORISES** the Chief Executive Officer to provide a response to the Western Australian Local Government Association (WALGA) request for comments from local governments, related to the reviewed document, as indicated on attachment 002, as "Laid on the Table".

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 to provide feedback to the WALGA, related to the review of the current WESTPLAN Road Crash. The letter from WALGA is "Laid on the Table".

BACKGROUND:

The WESTPLAN Road Crash is designed to provide strategic diction to ensure a controlled and coordinated response to road crash operations.

WESTPLANS are produced and adopted by the various Hazard Management Agencies (HMA) to provide a framework for how emergencies are to be dealt with. It is a requirement that WESTPLANS are reviewed regularly to ensure they remain current and relevant.

In this case the WESTPLAN Road Crash has been reviewed by the WA Police and comments have been sought from local governments.

DETAILS:

A letter was received from WALGA, seeking comments from local governments, relating to a review of the WESTPLAN Road Crash.

The aim of WESTPLAN Road Crash is to:

Detail the management arrangements for preparation and response to a road crash within Western Australia in accordance with the Emergency management Act 2005 and Emergency management Regulations 2006.

The objectives of the plan are to:

- *Define the responsibilities of the HMA Combat Agencies and support organisations in the event of a road transport emergency*
- *Detail arrangements for the control, coordination and response of state authorities at a road transport emergency; and*
- *Provide guidelines for road transport emergency planning at district and local level.*

For the most part, the reviewed WESTPLAN is very similar to the existing one and WALGA has indicated that there are no significant changes that are likely to impact on local government and have recommended acceptance.

Section 1.9 Organisational Roles and Responsibilities

It is suggested that "Local Government" should be included at this section as having a significant "Role and Responsibility" for community recovery, if the WESTPLAN is activated.

There is no doubt that local government will play a key role in the event that the plan is activated, not only from a "Recovery" perspective, but also from a provision of resources perspective. It is believed that this should be identified as part of the WESTPLAN.

Section 3.4: Resources

It is also suggested, at this section of the plan, that both the Local Emergency Management Arrangements and WESTPLAN Road Crash should contain a "comprehensive list of resources available to the local area". The development and updating of this "Resource List" is a responsibility that is placed on the Local Emergency Management Committee (LEMC), as part of their Local Emergency Management Arrangements.

However, since this committee is chaired by local government and the attending local government officers can devote only part of their time to emergency management, it is considered inappropriate to place the responsibility for ensuring that WESTPLAN Road Crash (as well as the numerous other WESTPLANS) are provided with an up-to-date resource list.

Representatives from the various Government Agencies are members of the LEMC and it should be these representatives that should ensure the update of their respective WESTPLAN Resource Lists.

The above has been identified immediately following section 1.9 and 3.4 in the document 002.

CONSULTATION/ADVERTISING:

There is no need to advertise or consult on this matter

LEGAL/POLICY:

Since WALGA is only seeking Council input, there are no legal implications.

STRATEGIC IMPLICATIONS:

The above is in keeping with part 3.1.2(j) of the Town of Vincent Strategic Plan 2006 - 2011 - *Promote the Emergency Management Plan and educate residents and ratepayers to be able to respond to emergencies"*

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial implications, associated with this report.

COMMENTS:

The above report is in response to a request for feedback, from WALGA, on the reviewed WESTPLAN Road Crash. It is recommended for approval.

10.1.8 No. 440 and No. 444 (Lot 6 D/P: 613, Lot: 5 D/P: 613) William Street, Perth- Proposed Demolition of Two Existing Institutional Buildings and Construction of Four-Storey Development Comprising Six (6) Offices and Two (2) Shops

Ward:	South	Date:	20 February 2008
Precinct:	Beaufort, P13	File Ref:	PRO0893; 5.2007.416.1
Attachments:	001		
Reporting Officer(s):	R Narroo, K Jackson		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Co-Praxis on behalf of the owner VN Golden Harvest Pty Ltd for proposed Demolition of Two Existing Institutional Buildings and Construction of Four-Storey Development Comprising Six (6) Offices and Two (2) Shops, at No. 440 and No. 444 (Lot: 6 D/P: 613, Lot 5 D/P:613) William Street , Perth , and as shown on plans stamp-dated 4 February 2008, subject to the following conditions:

- (i) *prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;*
- (ii) *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;*
- (iii) *within twenty – eight (28) days of the issue date of this ‘Approval to Commence Development,’ the owner(s), or the applicant on behalf of the owner(s), shall comply with the following requirements:*
 - (a) *pay a cash in lieu public art contribution of \$ 27,280 for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$ 2,728, 000); OR*
 - (b) *lodge an appropriate public art assurance bond/ bank guarantee of a value of \$27,280 with the Town. The assurance bond / bank guarantee will only be released to the owner(s)/ applicant in the following circumstances:*
 - (1) *designs for art work(s) valued at one per cent (1%) of the estimated total cost of the development (\$ 2,728,000) have been submitted to and approved by the Town. The art work(s) shall be in accordance*

with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); or

- (2) *a Statutory Declaration of the prescribed form endorsed by the owner(s)/ applicant and stating that they will not proceed with the subject 'Approval to Commence Development,' have been submitted to and approved by the Town; or*
- (3) *the subject 'Approval to Commence Development' did not commence and subsequently expired.*

In the circumstance where the owner(s)/ applicant has elected clause (b)(1) and there has been no submission or approval of the design for art work within six (6) months from the date of issue of the Building Licence, the Town may claim the monies assured to them in the above bond or bank guarantee without further notice to the owner(s)/ applicant for the provisions of art works in the Town.

The Town's Community Development Services have the discretion to extend the six (6) month deadline that applies to clause (b) (1) under this condition of approval if:

- (aa) *a formal request has been submitted to the Town in writing for such an extension before the date of the six (6) month deadline; and*
 - (bb) *the Town's Arts Officer is satisfied that significant negotiations have been entered into by the owner(s) /applicant to provide the art work;*
- (iv) *prior to the issue of the Building Licence, revised plans and details shall be submitted and approved demonstrating the following:*
- (a) *the windows to offices 1 and 2 on the eastern elevation, the balcony to office 5 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 upper 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 2002. 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.20-28 Robinson Street, stating no objection to the respective proposed privacy encroachments;*
 - (b) *a landscaping plan for the terraces on the third floor with a minimum area of 41 square metres;*

- (c) *the awnings being continuous and complementary along William Street, a minimum height of 2.75 metres from the William Street footpath level to the underside of the awning, and a minimum of 600 millimetres from the kerb line of William Street; and*
- (d) *the end of trip facilities being provided with the following;*
 - (1) *a minimum of one male shower and one female shower being located in separate change rooms;*
 - (2) *the change room facilities being secure and capable of being locked; and*
 - (3) *a minimum of one locker being provided for every bicycle parking bay provided.*

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

- (v) *a detailed landscaping plan, including a list of plants shall be submitted and approved prior to the issue of a Building Licence. The landscaping 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);*
- (vi) *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;*
- (vii) *within twenty-eight (28) days of the issue date of this 'Approval to Commence Development', the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:*
 - (a) *pay a cash-in-lieu contribution of \$22,005 for the equivalent value of 8.15 car parking spaces, based on the cost of \$2,700 per bay as set out in the Town's 2007/2008 Budget; OR*
 - (b) *lodge an appropriate assurance bond/ bank guarantee of a value of \$22,005 to the satisfaction of the Town. This assurance bond / bank guarantee will only be released in the following circumstances:*
 - (1) *to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*
 - (2) *to the owner(s) / applicant following receipt by the Town of a Statutory Declaration of the prescribed form endorsed by the owner(s)/ applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or*

- (3) *to the owner(s) / applicant where the subject 'Approval to Commence Development' did not commence and subsequently expire;*
- (viii) *first obtaining the consent of the owners of Nos. 434-438 and 446-448 William Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 434-438 and 446-448 William Street in a good and clean condition;*
- (ix) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (x) *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;*
- (xi) *the doors, windows and adjacent floor areas on the ground floor fronting William Street shall maintain an active and interactive relationship with this street;*
- (xii) *the maximum total gross floor area of the offices and shops shall be limited to 1637.5 square metres and 310.5 square metres, respectively;*
- (xiii) *prior to the first occupation of the development, the car parking spaces provided for the offices and shops component of the development shall be clearly marked and signposted;*
- (xiv) *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;*
- (xv) *the car parking area shown shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xvi) *any proposed vehicular entry gates shall be a minimum 50 per cent visually permeable, and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development;*
- (xvii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (xviii) *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;*
- (xix) *the applicant may wish to consult a qualified archaeologist regarding the potential of the site to yield information regarding the early residential development of this area;*

- (xx) *prior to the issue of a Building Licence, a statement regarding the management of the site in the event that any archaeological information is found shall be submitted to and approved by the Town;*
- (xxi) *details of an interpretation proposal, which incorporates explicit recognition of the heritage values of the places at Nos. 440 and 444 William Street, Perth, shall be submitted to and approved by the Town before the issue of a Demolition Licence and/or Building Licence, whichever comes first. The approved interpretation proposal shall be installed prior to the first occupation of the new development;*
- (xxii) *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*
- (xxiii) *prior to the issue of a Building Licence, a management plan addressing how a vehicle will enter/exit a tandem parking bay when there is a vehicle already parked at the rear or front parking bay, to be submitted and approved by the Town.*

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Ker

That clause (iv)(c) be deleted.

Debate ensued.

AMENDMENT PUT AND CARRIED (5-4)

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

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 10.1.8

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 Co-Praxis on behalf of the owner VN Golden Harvest Pty Ltd for proposed Demolition of Two Existing Institutional Buildings and Construction of Four-Storey Development Comprising Six (6) Offices and Two (2) Shops, at No. 440 and No. 444 (Lot: 6 D/P: 613, Lot 5 D/P:613) William Street , Perth , and as shown on plans stamp-dated 4 February 2008, subject to the following conditions:

- (i) prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;*
- (ii) 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;*
- (iii) within twenty – eight (28) days of the issue date of this ‘Approval to Commence Development,’ the owner(s), or the applicant on behalf of the owner(s), shall comply with the following requirements:*
 - (a) pay a cash in lieu public art contribution of \$ 27,280 for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$ 2,728, 000); OR*
 - (b) lodge an appropriate public art assurance bond/ bank guarantee of a value of \$27,280 with the Town. The assurance bond / bank guarantee will only be released to the owner(s)/ applicant in the following circumstances:*
 - (1) designs for art work(s) valued at one per cent (1%) of the estimated total cost of the development (\$ 2,728,000) have been submitted to and approved by the Town. The art work(s) shall be in accordance with the Town’s Policy relating to Percent for Art Scheme and be developed in full consultation with the Town’s Community Development Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); or*
 - (2) a Statutory Declaration of the prescribed form endorsed by the owner(s)/ applicant and stating that they will not proceed with the subject ‘Approval to Commence Development,’ have been submitted to and approved by the Town; or*

- (3) *the subject 'Approval to Commence Development' did not commence and subsequently expired.*

In the circumstance where the owner(s)/ applicant has elected clause (b)(1) and there has been no submission or approval of the design for art work within six (6) months from the date of issue of the Building Licence, the Town may claim the monies assured to them in the above bond or bank guarantee without further notice to the owner(s)/ applicant for the provisions of art works in the Town.

The Town's Community Development Services have the discretion to extend the six (6) month deadline that applies to clause (b) (1) under this condition of approval if:

- (aa) *a formal request has been submitted to the Town in writing for such an extension before the date of the six (6) month deadline; and*
- (bb) *the Town's Arts Officer is satisfied that significant negotiations have been entered into by the owner(s) /applicant to provide the art work;*
- (iv) *prior to the issue of the Building Licence, revised plans and details shall be submitted and approved demonstrating the following:*
- (a) *the windows to offices 1 and 2 on the eastern elevation, the balcony to office 5 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 upper 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 2002. 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.20-28 Robinson Street, stating no objection to the respective proposed privacy encroachments;*
- (b) *a landscaping plan for the terraces on the third floor with a minimum area of 41 square metres; and*
- (c) *the end of trip facilities being provided with the following;*
- (1) *a minimum of one male shower and one female shower being located in separate change rooms;*
- (2) *the change room facilities being secure and capable of being locked; and*
- (3) *a minimum of one locker being provided for every bicycle parking bay provided.*

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

- (v) *a detailed landscaping plan, including a list of plants shall be submitted and approved prior to the issue of a Building Licence. The landscaping 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);*
- (vi) *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;*
- (vii) *within twenty-eight (28) days of the issue date of this 'Approval to Commence Development', the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:*
 - (a) *pay a cash-in-lieu contribution of \$22,005 for the equivalent value of 8.15 car parking spaces, based on the cost of \$2,700 per bay as set out in the Town's 2007/2008 Budget; OR*
 - (b) *lodge an appropriate assurance bond/ bank guarantee of a value of \$22,005 to the satisfaction of the Town. This assurance bond / bank guarantee will only be released in the following circumstances:*
 - (1) *to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*
 - (2) *to the owner(s) / applicant following receipt by the Town of a Statutory Declaration of the prescribed form endorsed by the owner(s)/ applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or*
 - (3) *to the owner(s) / applicant where the subject 'Approval to Commence Development' did not commence and subsequently expire;*
- (viii) *first obtaining the consent of the owners of Nos. 434-438 and 446-448 William Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 434-438 and 446-448 William Street in a good and clean condition;*
- (ix) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (x) *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;*
- (xi) *the doors, windows and adjacent floor areas on the ground floor fronting William Street shall maintain an active and interactive relationship with this street;*

- (xii) *the maximum total gross floor area of the offices and shops shall be limited to 1637.5 square metres and 310.5 square metres, respectively;*
- (xiii) *prior to the first occupation of the development, the car parking spaces provided for the offices and shops component of the development shall be clearly marked and signposted;*
- (xiv) *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;*
- (xv) *the car parking area shown shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xvi) *any proposed vehicular entry gates shall be a minimum 50 per cent visually permeable, and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development;*
- (xvii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (xviii) *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;*
- (xix) *the applicant may wish to consult a qualified archaeologist regarding the potential of the site to yield information regarding the early residential development of this area;*
- (xx) *prior to the issue of a Building Licence, a statement regarding the management of the site in the event that any archaeological information is found shall be submitted to and approved by the Town;*
- (xxi) *details of an interpretation proposal, which incorporates explicit recognition of the heritage values of the places at Nos. 440 and 444 William Street, Perth, shall be submitted to and approved by the Town before the issue of a Demolition Licence and/or Building Licence, whichever comes first. The approved interpretation proposal shall be installed prior to the first occupation of the new development;*
- (xxii) *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*
- (xxiii) *prior to the issue of a Building Licence, a management plan addressing how a vehicle will enter/exit a tandem parking bay when there is a vehicle already parked at the rear or front parking bay, to be submitted and approved by the Town.*

ADDITIONAL INFORMATION:

The plans which were assessed for this application and addressed in the Agenda report are the plans stamp dated 4 February 2008. The plans that inadvertently formed part of the Agenda report attachment are the initial plans submitted. A copy of the correct plans (Drawing Nos. A3, A4, A5 A6), dated 4 February 2008, are attached. The main changes to the plans are summarised as follows:

- The driveway width has increased from 4.6 metres to 5 metres.
- The bicycle stands and end of trip facilities for bike commuters have been relocated.
- There are minor changes to the floor areas of the shops, offices and terraces.

There are no changes to the Officer Recommendation and Assessment as the report is based on these plans.

Landowner:	VN Golden Harvest Pty Ltd
Applicant:	Co-praxis
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Vacant Buildings
Use Class:	Shop and Office
Use Classification:	"P"
Lot Area:	Lot 5= 486 square metres and Lot 6= 486 square metres, Total= 972 square metres
Access to Right of Way	Not applicable

BACKGROUND:

13 July 1998 The Council at its Ordinary Meeting resolved to conditionally approve an Institutional Building (Needle and Syringe Exchange Programme/Drop-in- Centre) at No.440 (Lot 6) William Street, Perth.

12 April 1999 The Council at its Ordinary Meeting resolved to conditionally approve an Institutional Building (Needle and Syringe Exchange Programme/Drop-in- Centre) at No.444 (Lot 5) William Street, Perth.

DETAILS:

The proposal involves the demolition of two existing institutional buildings and construction of a four (4) storey commercial development comprising two (2) shops and six (6) offices and car park at the subject property.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	Beaufort Precinct Policy does not specify any requirement for plot ratio for commercial uses in the commercial area.	Not applicable	Noted
No. of Storeys	Buildings with two storeys are strongly encouraged. A third storey can be considered.	4 storeys	Supported-refer to "Comments" below.
Building Height	Two storeys- 7 metres Three storeys- 10 metres	4 storeys- 12.5 metres to 13 metres	Supported- refer to 'Comments'.
Building Setbacks: East- Ground Floor-	Non-residential/residential development interface= 6 metres	Nil	Supported-only a relative part of the wall of the store will be abutting the existing wall on the adjoining eastern boundary and, therefore, no undue visual impact, ventilation and overshadowing.
First and Second Floors	Non-residential / residential development interface= 6 metres	4.5 metres	Supported-no undue impact on the adjoining property in terms of visual impact, ventilation and overshadowing.
Loading and Unloading Bay	1 bay	Nil	Supported- there are existing loading bays along William Street which can accommodate the service vehicles for the scale and nature of the proposed development.

<p>Landscaping</p>	<p>Ten per cent of site area =97.2 square metres</p>	<p>5.7 per cent=55.9 square metres-deck on first floor</p>	<p>Supported- the landscaping on the first floor compensates partly the landscaping to be provided at ground level. The applicant has stated there are two more landscape terraces at the third storey. However, no landscaping has been shown on the terraces. Therefore, as a condition of approval, the applicant will need to provide a landscaping plan for the terraces.</p>
<p>Privacy Setbacks</p>	<p>The proposed windows, balconies and terrace to the offices are considered as major openings as per the Residential Design Codes and Town's Policy- Non-Residential-Residential Development Interface.</p> <p>Windows to Office= 6 metres</p> <p>Balcony and Deck=7.5 metres</p>	<p>Windows to offices 1 and 2 to eastern boundary= 4.5 metres</p> <p>Balcony to office 5 to eastern boundary=5 metres</p> <p>Front balconies to offices 3 and 4 to northern and southern</p>	<p>Not supported- undue visual impact on the adjoining residential property. Windows should be screened as per condition of Planning Approval.</p> <p>Not supported- undue visual impact on the adjoining residential property. Balcony should be screened as per condition of Planning Approval.</p> <p>Supported- the cone of vision will impact on the roof of the adjoining</p>

		boundaries=Nil Front terraces to offices 5 and 6 to northern and southern boundaries=Nil	commercial buildings. No objections were received from the adjoining neighbours and, in this instance, the variation is supported. Supported- the cone of vision will impact on the roof of the adjoining commercial buildings. No objections were received from the adjoining neighbours and, in this instance, the variation is supported.
Retaining walls	Maximum Height=0.5 metre Setback= 1.5 metres	1.2 metres to the eastern boundary Nil	Supported- no undue impact as the proposed retaining wall will be used to retain the land of the adjacent property which will be higher than the proposed new ground level of the subject property.
Elevation	Continuous elevation fronting William Street	Non-continuous awning fronting William Street on the upper floors	Supported- refer to 'Comments.'
Awning	Continuous awning to be provided over the adjacent footpath.	Non- continuous awning	Not supported- refer to 'Comments'.
Overshadowing	Non-Residential/Residential Development Interface Policy states where a non-residential development abuts a residential area overshadowing requirements are to be in accordance with the Residential Design Codes.	The southern property is a commercial development and, therefore, the overshadowing is not applicable.	Noted

Consultation Submissions		
Support (1)	Support a vibrant design that will greatly improve the current eyesore, which attracts anti-social behaviour. This quality development will also increase the commercial viability of the surrounding businesses and bring more local employees and clients to the area.	Noted
Objection (1)	Opportunity is being missed to place some residential on this site. Offices and shops inject life into the area only during business hours, and this part of the Northbridge/Perth requires more life during the non-business hours. This could be achieved through adding some residential into office/shop mix.	Not supported in part- the sites are located within a commercial zone. Therefore, offices and shops are permitted uses in this zone. The merit of residential is acknowledged, however, the Town cannot impose residential in this development.
Department for Planning and Infrastructure (DPI)	The application was referred to Department for Planning and Infrastructure as the proposed development fronts William Street which is an Other Regional Road Reservation and is subject to future road widening.	DPI responded by stating that Lots 5 and 6 are not affected by the ORR reservation widening requirements for William Street. Moreover, DPI considers that the additional transport and traffic information submitted by the applicant is satisfactory.
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

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

Car Parking

Requirements as per Parking and Access Policy	Required
Total car parking required before adjustment factor (nearest whole number)	
Shop- 1 car bay per 15 square metres gross floor area (proposed 310.59 square metres)= 20.71 car bays	
Office-1 car bay per 50 square metres gross floor area (proposed 1637.5 square metres) = 32.75 car bays.	
Total= 53.46 car bays	53 car bays
Apply the parking adjustment factors.	(0.5527)
<ul style="list-style-type: none"> ▪ 0.85 (the proposed development is within 800 metres of a rail station) ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.85 (within 400 metres of an existing public car parking place(s) with in excess of a total of 75 car parking spaces) ▪ 0.90 (the proposed development provides 'end-of-trip facilities for bicycle users) 	29.29 car bays
Car parking provided on-site	21 car bays (16 bays for office, 4 bays for shops and 1 bay for people with disabilities)
Minus the most recently approved on-site parking shortfall	Nil
Resultant shortfall	8.29 bays

Bicycle Parking

Requirements	Required	Provided
Office		
1 per 200 (proposed 1637.5 square metres) square metres gross floor area for employees (class 1 or 2).	8.19= 8 spaces	
1 per (proposed 1637.5 square metres)750 (square metres over 1000 square metres gross floor are for visitors(class 3)	2.18= 2 spaces	
Shop		
1 space per 300 (310.59 square metres) square metres over 1000 square metres for employees (class 1 or 2).	1.03= 1 space	
1 per 200 (proposed 310.59 square metres) (square metres for visitors(class 3)	1.55=2 spaces	
	Total class 1 or 2= 9 spaces	10 bicycle spaces for class 2
	Total class 3=4 spaces	4 bicycle spaces for class 3

COMMENTS:

Demolition

The places at Nos. 440 and 444 William Street, Perth, are a Federation Cottage and Federation Bungalow respectively, both built circa 1897. The Gold Rushes of the 1890s created a demand for more residential housing, and the area's proximity to the city made it an ideal choice for developers. Several estates were created in the vicinity of the recently drained Lake Thompson, including those around William, Newcastle, Lindsay and Money Streets. The subject places at Nos. 440 and 444 William Street were the first residences to be built in the block between Brisbane Street and Robinson Avenue, and by the end of the nineteenth century this area was virtually built out.

Today, they are the only remaining single storey residential dwellings in this part of William Street, which is now zoned Commercial. However, they have not been occupied as residences for some time, and have undergone long periods of vacancy due to their inappropriateness for commercial purposes. This has led to a general decline in their condition and contributes to a lack of integrity for their original intended purpose. The site and massing of neighbouring buildings has further compromised their integrity and condition, and detracts from any aesthetic or historic value. It is noted in the applicants' planning application that it is the intention to reuse original material within the work of the proposed new building. The design of the new building has also taken account of the Heritage Listed building at Nos. 452-460 William Street, and other historic buildings located across the road at Nos. 428-438 William Street. These factors are commendable in the circumstances.

A full heritage assessment was undertaken for Nos. 440 and 444 William Street, which indicates that the subject places have little aesthetic, historic, scientific or social heritage significance. In accordance with the Town's Policy relating to Heritage Management – Assessment, the places do not meet the threshold for entry on the Town's Municipal Heritage Inventory.

Although considered small, there is a possibility that evidence of past activity may be found in and around these early dwellings due to their role in the residential development of Perth, and in recognition of this potential the applicant may wish to consult an archaeologist prior to any work commencing.

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

Number of Storeys and Height

The fourth storey is setback at 5.4 metres from William Street and 7.5 metres from the rear boundary and the proposed design makes this floor quite concealed. With regard to the 13 metres height, it is taken at the lowest point; however, the height will generally vary from 13 metres to 12.5 metres from the natural ground level. The building will not overshadow any residential building and due to its design is not considered to have an undue visual impact on the adjoining properties.

The height and overall design of the proposal is considered not to create an unacceptable bulk and scale issue. Furthermore, there is a vacant lot at the corner of William Street and Newcastle Street, which is located within the East Perth Redevelopment Authority (EPRA) jurisdiction. As per the Design Guidelines prepared by EPRA, this lot may be developed to a maximum height of three storeys up to 12 metres, with a four storey component up to 15 metres at the intersection of William and Newcastle Streets. Therefore, the proposed building is not likely to be the only four storey building along William Street.

Given that the fourth storey is concealed from the street level and the building form incorporates a contemporary design element, and cantilevered awnings, which are characteristic of developments along William Street, the variation to the number of storeys and height is supported in this instance.

Cash-in-lieu of Car Parking

The Town's Officers are supportive of cash-in-lieu of car parking provision, as contained in the Officer Recommendation, on the basis of the commercial nature of the proposal and the availability of parking spaces along William Street and the subject site is within 400 metres from a public car park.

Non-Uniform Elevation, Awning and Balconies along William Street

The applicant has provided the following justification.

"The façade has been strengthened by enlarging and redesigning the screen to the sky-garden. This now has a depth so that when viewed from an angle it is opaque and continues the front elevation (see attached images and west elevation), it is only when viewed from directly front on that the screen reveals the sky-garden behind. The reasoning behind this approach is that there is a practical requirement to include a driveway, which will necessarily break up the façade. We have taken this opportunity to introduce an elevated 'sky-garden' which overtly indicates the building's 'green' credentials. Furthermore the streetscape is made up of predominantly small frontage tenancies that even when in the same building are clearly defined- a uniform elevation would be out of keeping with the kind of articulation that dominates the streetscape. The sky-garden also increases the interaction between the street and the internal workings of the commercial space- an experience not common to commercial buildings where office space is normally almost entirely isolated from the street experience. Finally the façade, despite its articulation, is in fact continuous for the entire length of the property. It maintains a two storey presence by means of a perforated screen which will also form part of the public artwork, positively contributing to the streetscape whilst providing glimpses of landscaping beyond."

It is considered that the proposed screen provided between the offices will provide this continuity of walls along William Street. Moreover, the Public Art will be located on this screen which will contribute for a continuous façade along William Street. Therefore, this design is supported.

The awning on the ground floor is non-continuous which will impact on the pedestrians in relation to shade and weather. Therefore, if this application is supported, it is recommended that a continuous awning is provided on the ground floor.

The Beaufort Precinct Policy states that buildings with two storeys may be provided with balconies with minimum dimensions of two metres and located up to and/or over the adjacent footpath. Functional balconies are provided on the second floor which are located up to the footpath and not over the footpath. It is considered that awnings on the ground floor will provide the protection to the pedestrians and, therefore, the balconies are not required to be over the footpath.

Conclusion

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

10.4.10 Proposed Relocation of the Leederville Early Childcare Centre and the Margaret Kindergarten. Proposed WALGA Office Building – Progress Report

Ward:	South and North	Date:	20 February 2008
Precinct:	Oxford Centre, P4 and Mount Hawthorn, P1	File Ref:	TEN0386
Attachments:	001		
Reporting Officer(s):	E Saraceni, D Abel, R Boardman, John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report relating to the proposed relocation of the Leederville Early Childhood Centre, at No. 244a (Lot:0 D/P: 16914) Vincent Street, Leederville and the Margaret Kindergarten, at No. 45 (Lot: 10349 D/P: Swan L) Richmond Street, Leederville;
- (ii) **APPROVES IN PRINCIPLE;**
 - (a) the temporary relocation of the Margaret Kindergarten to the Mount Hawthorn Lesser Hall, at No. 197 (Lot: 273 D/P: 3642) Scarborough Beach Road, Mount Hawthorn;
 - (b) the relocation of the Margaret Kindergarten to the south-east corner of Braithwaite Park as illustrated in Option 3 of Appendix 8 and further detailed in Appendices 9, 10 and 11; and
 - (c) the relocation of the Leederville Early Childhood Centre to the former Margaret Kindergarten site, at No. 45 (Lot 10349 D/P: Swan L) Richmond Street, Leederville as illustrated in Appendix 5 and further detailed in Appendices 6 and 7;
- (iii) **AUTHORISES** the Chief Executive Officer to;
 - (a) undertake consultation for a period of fourteen (14) days in accordance with the Town's Community Consultation Policy; and
 - (b) negotiate with the Education Department and Department for Community Development concerning lease details; and
- (iv) **NOTES** that a further report will be submitted to the Council at the conclusion of the consultation period.

Moved Cr Farrell, **Seconded** Cr Messina

That the recommendation be adopted.

Debate ensued.

Cr Messina departed the Chamber at 7.32pm.

Debate ensued.

Cr Messina returned to the Chamber at 7.34pm.

Debate ensued.

Journalist Lindsay McPhee from the "Guardian Express" departed the Chamber at 7.38pm.

Cr Youngman spoke for 5 minutes.

PROCEDURAL MOTION

At 7.40pm **Moved** Cr Farrell, **Seconded** Cr Maier

That Cr Youngman be permitted to speak for a further 5 minutes.

PROCEDURAL MOTION PUT AND CARRIED (5-4)

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

Debate ensued.

AMENDMENT

Moved Cr Farrell, **Seconded** Cr Messina

That the Officer Recommendation be amended to read as follows;

"That the Council;

- (i) *RECEIVES the report relating to the proposed relocation of the Leederville Early Childhood Centre, at No. 244a (Lot:0 D/P: 16914) Vincent Street, Leederville and the Margaret Kindergarten, at No. 45 (Lot: 10349 D/P: Swan L) Richmond Street, Leederville;*
- (ii) *APPROVES IN PRINCIPLE;*
 - (a) *the temporary relocation of the Margaret Kindergarten to the Mount Hawthorn Lesser Hall, at No. 197 (Lot: 273 D/P: 3642) Scarborough Beach Road, Mount Hawthorn;*
 - ~~(b) *the relocation of the Margaret Kindergarten to the south-east corner of Braithwaite Park as illustrated in Option 3 of Appendix 8 and further detailed in Appendices 9, 10 and 11; and*~~
- (iii) *DEFERS its decision concerning;*
 - (a) *the exact location of the proposed Margaret Kindergarten facility on Braithwaite Park;*
 - (b) *the relocation of the Leederville Early Childhood Centre to the former Margaret Kindergarten site, at No. 45 (Lot 10349 D/P: Swan L) Richmond Street, Leederville as illustrated in Appendix 5 and further detailed in Appendices 6 and 7;*

(iv) REQUESTS the Town's Architect to further investigate options for the proposed Margaret Kindergarten facility on Braithwaite Park and to specifically address options which;

(a) minimises the impact of the proposed facility on the Public Open Space at Braithwaite Park;

(b) maximises the use of the existing Mount Hawthorn Community Centre and its facilities, which could be used on a multi purpose basis with the proposed Kindergarten;

(c) minimises the impact of any proposed facility on the surrounding residents;

(d) maximises the safety and security of children and parents who will utilise the proposed Margaret Kindergarten facility and/or the nearby Mount Hawthorn Primary School.

(iii)(v) AUTHORISES the Chief Executive Officer to;

(a) conduct a Public Meeting as soon as practicable at the Mount Hawthorn Community Centre to fully inform residents, community centre users, playgroup users, school attendees and other stakeholders of the Town's proposal, including options specified in clause (iv) above;

~~(a)~~(b) undertake consultation for a period of fourteen (14) days in accordance with the Town's Community Consultation Policy after the Council has further considered a report concerning the outcome of the Public Meeting specified in clause (v)(a);

~~(b)~~(c) negotiate with the Education Department and Department for Community Development concerning lease details; and

(d) to hold discussions with the local State Member for Perth and the Department for Education and Training with regards to providing funding assistance for the Margaret Kindergarten; and

~~(iv)~~(vi) NOTES that a further report will be submitted to the Council at the conclusion of the consultation period.

AMENDMENT PUT AND CARRIED (8-1)

For
Mayor Catania
Cr Burns
Cr Doran-Wu
Cr Farrell
Cr Ker
Cr Lake
Cr Maier
Cr Messina

Against
Cr Youngman

Debate ensued.

AMENDMENT

Moved Cr Ker, Seconded Cr Lake

That clause (iii)(a) and (iv) of the amendment be amended to delete the words “on Braithwaite Park”.

Debate ensued.

AMENDMENT PUT AND LOST (4-5)

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

AMENDMENT

Moved Cr Ker, Seconded Cr Lake

That clause (v)(b) of the amendment be amended to change the words “fourteen (14)” to “twenty-one (21)”.

Debate ensued.

AMENDMENT PUT AND CARRIED (8-1)

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

MOTION AS AMENDMENT PUT AND CARRIED (6-3)

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

Reasons for Changing Officer Recommendation:

1. There is a need to consider other options available.
2. There is a need for further negotiations with the Department of Education.
3. Consideration of objections received.

COUNCIL DECISION ITEM 10.4.10

That the Council;

- (i) *RECEIVES the report relating to the proposed relocation of the Leederville Early Childhood Centre, at No. 244a (Lot:0 D/P: 16914) Vincent Street, Leederville and the Margaret Kindergarten, at No. 45 (Lot: 10349 D/P: Swan L) Richmond Street, Leederville;*
- (ii) *APPROVES IN PRINCIPLE the temporary relocation of the Margaret Kindergarten to the Mount Hawthorn Lesser Hall, at No. 197 (Lot: 273 D/P: 3642) Scarborough Beach Road, Mount Hawthorn;*
- (iii) *DEFERS its decision concerning;*
 - (a) *the exact location of the proposed Margaret Kindergarten facility on Braithwaite Park;*
 - (b) *the relocation of the Leederville Early Childhood Centre to the former Margaret Kindergarten site, at No. 45 (Lot 10349 D/P: Swan L) Richmond Street, Leederville as illustrated in Appendix 5 and further detailed in Appendices 6 and 7;*
- (iv) *REQUESTS the Town's Architect to further investigate options for the proposed Margaret Kindergarten facility on Braithwaite Park and to specifically address options which;*
 - (a) *minimises the impact of the proposed facility on the Public Open Space at Braithwaite Park;*
 - (b) *maximises the use of the existing Mount Hawthorn Community Centre and its facilities, which could be used on a multi purpose basis with the proposed Kindergarten;*
 - (c) *minimises the impact of any proposed facility on the surrounding residents;*
 - (d) *maximises the safety and security of children and parents who will utilise the proposed Margaret Kindergarten facility and/or the nearby Mount Hawthorn Primary School.*
- (v) *AUTHORISES the Chief Executive Officer to;*
 - (a) *conduct a Public Meeting as soon as practicable at the Mount Hawthorn Community Centre to fully inform residents, community centre users, playgroup users, school attendees and other stakeholders of the Town's proposal, including options specified in clause (iv) above;*
 - (b) *undertake consultation for a period of twenty-one (21) days in accordance with the Town's Community Consultation Policy after the Council has further considered a report concerning the outcome of the Public Meeting specified in clause (v)(a);*

- (c) *negotiate with the Education Department and Department for Community Development concerning lease details;*
- (d) *hold discussions with the local State Member for Perth and the Department for Education and Training with regards to provide funding assistance for the Margaret Kindergarten; and*
- (vi) *NOTES that a further report will be submitted to the Council at the conclusion of the consultation period.*

PURPOSE OF REPORT:

The purpose of the report is to outline to the Council the options for the proposed relocation of the Margaret Kindergarten and the Leederville Early Childhood Centre.

BACKGROUND:

18 December 2007

The Council at its Ordinary Meeting resolved the following in relation to the financial terms of Conditions for the Local Government House Trust (Western Australian Local Government (WALGA)) Office Building, at No. 244A Vincent Street, Leederville:

“That the Council;

- (i) *RECEIVES the information concerning the Local Government House Trust’s (Western Australian Local Government Association) future accommodation needs as at 12 December 2007;*
- (ii) *APPROVES the financial terms and conditions as shown in Appendix 10.4.3, with the following conditions being applied*
 - (a) *Rent*
the rent will be indexed to CPI (provided it is not negative) and cannot be less than that of the previous annual period;
 - (b) *Contribution to Building Reserve Fund*
the annual contribution to the Reserve Fund will be indexed to CPI (provided it is not negative) and cannot be less than that of the previous annual period;
 - (c) *Special Conditions*
this Agreement should also be subject to Western Australian Planning Commission Approval on the basis that it is a Lease of more than 20 years; and
 - (d) *the proposed commercial terms being subject to the other contingent funding being approved; and*
- (iii) *AUTHORISES the Chief Executive Officer to prepare Concept Designs for the proposed WALGA office building.”*

18 December 2007 The Council at its Ordinary Meeting resolved the following in relation to the tender for the architectural services for the Office Building, Child Care Centre and Kindergarten:

“That the Council;

- (i) ACCEPTS the tender from Peter Hunt Architect at an estimated cost of \$1,091,200 (including GST), as being the most acceptable and advantageous to the Town, for the provision of architectural services for an Office Building, Child Care Centre and Kindergarten;*
- (ii) APPROVES BY AN ABSOLUTE MAJORITY an amount of \$73,920 for the Design Brief and Schematic Design and Design Development stages of the proposed Leederville Child Care Centre, Margaret Kindergarten and Office building (Design Brief only) to be carried out in the 2007/08 financial year;*
- (iii) LISTS an amount of \$137,280 in the 2008/09 Budget for the Leederville Child Care Centre and Margaret Kindergarten Contract Documentation and Contract Administration and Contract Documentation for the Office Building;*
- (iv) REQUESTS the Chief Executive Officer to identify a source of funds for the project, for consideration at the mid-year Budget Review; and*
- (v) NOTES that;*
 - (a) the Local Government House Trust (Western Australian Local Government Association) will reimburse the Town for costs associated with the proposed office building, subject to the execution of a valid Agreement to Lease; and*
 - (b) the project will be funded over the 2007-08, 2008-09 and 2009-10 financial years.”*

5 February 2008 The options devised by Peter Hunt Architects in relation to the relocation of the Margaret Kindergarten and the Leederville Early Childhood Centre were presented and discussed at a Council Members Forum.

DETAILS:

The Leederville Early Childhood Centre is currently located at No.244A Vincent Street, Leederville. As part of the proposal to locate the WALGA office building at the abovementioned site, it is necessary to find an alternative location for the Leederville Early Childcare Centre (“the Childhood Centre”). The proposed location for the Childhood Centre is adjacent to Richmond Street, where the Margaret Kindergarten is currently located (“the Kindergarten”), which will result in the need for an alternative site for the Kindergarten to be located. An aerial photograph of the Childcare Centre and the Kindergarten site is illustrated in Appendices 1 and 2, provided as an attachment to this report.

The Town has investigated several options with relation to the relocation of the Margaret Kindergarten as follows;

- Mount Hawthorn School site, at No. 1 (Lot: 5545 D/P: Swan) Killarney Street, Mount Hawthorn;
- Menzies Park, at Nos. 95-117 (Lot: 312 D/P 1939) Egina Street, Mount Hawthorn;
- EarlyBird Childcare Centre, at No. 87 (Lot: 281 D/P: 3642) The Boulevarde, Mount Hawthorn; and
- Braithwaite Park, the north side and the south-east corner.

After detailed investigation of each proposed site, due consideration was given to the issues associated with locating a Kindergarten at each of the sites. The issues considered included; the availability of land on each of the sites, the location of the site in relation to the Mount Hawthorn Primary School, proximity to existing residences, the impact that such a use would have on surrounding residents and access issues, such as the ease of access for children and parents to the site and the safety aspects in relation to the access points of the location, traffic congestion and availability of carparking.

Based on the above, the Town's Officers determined that the most appropriate location for the Kindergarten was the south-east corner of Braithwaite Park. An aerial photograph of Braithwaite Park is included as an attachment to this report. The Kindergarten is proposed to be temporarily relocated to the Mount Hawthorn Lesser Hall located at Braithwaite Park whilst the new facilities for the Childhood Centre and Kindergarten are constructed.

The Town then engaged the services of Peter Hunt Architect to design options for the proposed Childhood Centre, located adjacent to Richmond Street and the Kindergarten located in the south-east corner of Braithwaite Park. The Architects have devised 3 options for the Childcare Centre and 4 options for the Kindergarten, which are outlined below.

Childcare Centre

Option 1:

Option 1 proposes that the Childhood Centre and the Margaret Kindergarten be co-located on the Richmond Street site. This is illustrated in Appendix 3, provided as an attachment to this report.

Option 2:

Option 2 proposes that the Childhood Centre be located on the Richmond Street Margaret Kindergarten site in a similar manner to the location of the Margaret Kindergarten at present, which results in the Childhood Centre occupying the entire site. This is illustrated in Appendix 4, provided as an attachment to this report.

Option 3:

Option 3 proposes that the Childhood Centre occupy the southern most portion of the current Margaret Kindergarten site directly adjacent to Leederville Oval, which will create an additional 40 car bays on the northern portion of the site. This is illustrated in Appendix 5 and also in Appendices 6 and 7, provided as an attachment to this report.

The Kindergarten at Braithwaite Park

Option 1:

Option 1 proposes that the building for the Kindergarten be located immediately adjacent to the south side of the Lesser Hall, and the playground be located on the southern and eastern portion of the proposed site. This is illustrated in Option 1 of Appendix 8, provided as an attachment to this report.

Option 2:

Option 2 proposes that the building for the Kindergarten be located on the southern most portion of the park, and the playground be located on the northern and eastern portion of the proposed site. This is illustrated in Option 2 of Appendix 8, provided as an attachment to this report.

Option 3:

Option 3 proposes that the building for the Kindergarten be located on the south-eastern portion of the park, and that the playground be located on the northern and western portion of the proposed site. This is illustrated in Option 3 of Appendix 8 and also in Appendices 9, 10 and 11, provided as an attachment to this report.

Option 4:

Option 4 proposes that the building for the Kindergarten be located immediately adjacent to the south-eastern side of the Lesser Hall and that the playground be located on the southern and western portion of the proposed site. This is illustrated in Option 4 of Appendix 8, provided as an attachment to this report.

The Town's Officers are of the view that the preferred option for the Childhood Centre is shown in Appendices 5, 6 and 7 for the following reasons:

- The children using the Childhood Centre would have the benefit of a first class facility if the entire site is allocated for the use of the Childcare Centre;
- The co-location of the sites would lead to "cramped" conditions for the children using the Kindergarten and the Childhood Centre and traffic congestion would become a problem, as well as vehicle/pedestrian conflict;
- The location of the building on the site proposes little risk for the children using the facility in terms of traffic as it is located at the southern end of the site, which is at the furthest end to the Richmond Street frontage;
- The location of the building at the southern end of the site results in additional car parking for the patrons of the Childhood Centre and the patrons of the Loftus Centre; and
- The construction of a new Childhood Centre will complement the recently redeveloped Loftus Centre and adjacent Public Open Space.

Likewise, the Town's Officers are of the view that the preferred option for the Kindergarten is Option 3 of Appendix 8, further illustrated in Appendices 9, 10 and 11 for the following reasons:

- The proposed location will only affect a small portion of Braithwaite Park;
- Improvement in the connectivity between the Primary School and Kindergarten for Town of Vincent residents and remove the need to transport children via car to another kindergarten;
- The proximity of the Kindergarten to Mount Hawthorn Primary School is a benefit, as the children will have greater access to the Primary School and its resources, the children will feel like part of the school and consequently the transition to school for the children will be less traumatic;
- The short term disruption caused by the relocation to temporary facilities at Braithwaite Park whilst the new facilities are constructed would be outweighed by the long term benefit to the school community and Town at large of having the Kindergarten located within close proximity to the school.;
- The improved utilisation of the Mount Hawthorn Lesser Hall through the construction of the temporary facilities for the Kindergarten; and

- The relocation of the Kindergarten will make it more accessible for all Town of Vincent residents, at present the Education Department requirements limit access to the Kindergarten for Town of Vincent residents as a result of anomalies in the system.

Planning Considerations

Braithwaite Park is reserved Town of Vincent Scheme Reserves - Park and Recreation under Town Planning Scheme No.1. In accordance with the Town's Policy No. 3.3.1 - Mount Hawthorn Precinct - Scheme Map 1, a Kindergarten child care centre could be considered at Braithwaite Park provided it is small and unobtrusive in bulk and scale and is to be used incidental to and associated with the passive recreation role of the park.

Given the above, Planning Approval is required for a temporary kindergarten (including the pre-primary transportable) at Braithwaite Park, especially as this use has not yet been established at the Park. Planning Approval is also required for the new buildings at Braithwaite Park and at the Richmond Street site.

Planning Approval is also required for the relocation of the Leederville Early Childhood Centre to the Richmond Street site, as it is zoned Reserves under the Town of Vincent Town Planning Scheme No. 1. Clause 5 of the Oxford Centre Precinct states that further development of any of the sites zoned Reserves may be permitted, provided that the development is unobtrusive in bulk and scale and is to be used for a purpose incidental to, and associated with, the primary use of the land as the land is predominately already used for Kindergarten purposes, this proposal can be supported..

Indicative Timeline

The indicative timeline for the abovementioned works is outlined below:

Task Name	Duration	Start	Finish
WALGA Office Building	684 days	4/02/08	16/09/10
Design and Documentation	230 days	4/02/08	19/12/08
Tender	35 days	12/01/09	27/02/09
Demolition of LEC	1.7 months	16/03/09	30/04/09
Construction	18 months	1/05/09	16/09/10
Completion	0 days	16/09/10	16/09/10
Occupancy	0 days	16/09/10	16/09/10
Margaret Kindergarten	255 days	11/02/08	30/01/09
Braithwaite Park Alterations to Lesser Hall	35 days	11/02/08	28/03/08
Relocation of Margaret Kindergarten	20 days	31/03/08	25/04/08
Design & Documentation of New Building	65 days	30/03/08	30/05/08
Tender	20 days	2/06/08	27/06/08
Construction	154 days	1/07/08	30/01/09
Completion	0 days	30/01/09	30/01/09
Occupancy	0 days	30/01/09	30/01/09
Leederville Early Childhood Centre	287 days	4/02/08	10/03/09

Design and Documentation	60 days	4/02/08	25/04/08
Tender	25 days	28/04/08	30/05/08
Demolition of Margaret Kindergarten	4 weeks	5/05/08	30/05/08
Construction	195 days	2/06/08	27/02/09
Occupancy License	35 days	12/01/09	27/02/09
Relocation to New Premises	7 days	2/03/09	10/03/09

CONSULTATION/ADVERTISING:

Community consultation is recommended to be carried out with residents around Braithwaite Park and the current Margaret Kindergarten site for a period of 14 days.

The Leederville Early Childcare Centre, Margaret Kindergarten P & C, Mount Hawthorn School and Education Department have all been consulted and are strongly in favour of the proposal. The options were presented to a briefing session for Council Members on 5 February 2008. The Town is also in discussion with users of the Mount Hawthorn Community Centre Lesser Hall.

LEGAL/POLICY:

Town Planning Scheme No.1 and associated Policies.

As both premises have existing leases, negotiations will need to be carried out with the respective parties. The lease between the Town of Vincent and Education Department of Western Australia on the current site expires on 30 June 2010.

STRATEGIC IMPLICATIONS:

Town of Vincent Strategic Plan 2006-2011:

*“Natural and Built Environment-
1.1.5 Enhance and maintain parks and community facilities.”*

FINANCIAL/BUDGET IMPLICATIONS:

As the proposal is conceptual, no indicative costs have been prepared. The Western Australian Local Government Association has agreed to contribute \$1,000,000 to the cost of the new relocated Child Care Centre. The indicative costs will be prepared and reported to the Council (in the next report).

COMMENTS:

In view of the above, it is recommended that the Council approves in principle the proposed relocation of the Margaret Kindergarten to the south-eastern corner of Braithwaite Park and the Leederville Early Childhood Centre to the former Margaret Kindergarten site, located adjacent to Richmond Street.

It is also recommended that the Council authorises the Chief Executive Officer to proceed with consultation in accordance with the Town’s Community Consultation Policy.

The Chief Executive Officer advised that Cr Burns had declared a financial interest in this Item. Cr Burns departed the Chamber at 8.12pm and did not speak or vote on the matter.

10.1.3 No. 7 (Lot: 15 D/P: 2411) Throssell Street, Perth - Proposed Partial Demolition of and Additions and Alterations to Existing Single House and Additional Three-Storey Grouped Dwelling to Existing Single House

Ward:	South	Date:	19 February 2008
Precinct:	Hyde Park; P12	File Ref:	PRO4170; 5.2007.397.1
Attachments:	001		
Reporting Officer(s):	R Narroo, D Pirone		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by B M Arnold on behalf of the owner P A Sucich for proposed Partial Demolition of and Additions and Alterations to Existing Single House and Additional Three-Storey Grouped Dwelling to Existing Single House, at No.7 (Lot: 15 D/P: 2411) Throssell Street, Perth, and as shown on plans stamp-dated 14 February 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) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Throssell 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);*
- (iii) *prior to the issue of the Building Licence, revised plan shall be submitted to and be approved demonstrating the following:*
 - (a) *the opening of the outdoor covered area of the proposed dwelling on the eastern elevation, the terrace of the proposed dwelling on the eastern elevation, and the window to living room of the proposed dwelling on the northern elevation, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre*

in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002.

Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 5 and No. 9 Throssell Street, stating no objection to the respective proposed privacy encroachments;

- (b) the proposed crossover for the existing building being a minimum distance of 0.5 metre from the existing verge tree;*
- (c) the eastern and southern walls of the outdoor covered area on the first floor being lowered to 1.6 metres above the finished first floor level;*
- (d) the maximum height of the proposed dwelling being 9 metres from the natural ground level;*
- (e) the uncovered area of the terrace being a minimum of 10.66 square metres;*
- (f) the building boundary wall along the southern boundary between the boundary wall of the adjoining garage and the boundary wall of the adjoining main dwelling on No. 5 Throssell Street, being setback to a minimum of 1 metre from the southern boundary; and*
- (g) the building boundary wall along the northern boundary (east of the adjoining shed) beyond the boundary wall of the adjoining shed on No. 9 Throssell Street being setback a minimum of 1 metre from the northern boundary.*

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

- (iv) first obtaining the consent of the owners of Nos. 5 and 9 Throssell Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of boundary (parapet) walls facing No. 5 and 9 Throssell Street in a good and clean condition;*
- (v) no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (vi) 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 existing dwelling property that the plot ratio of the existing building shall be restricted to 0.5. This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development; and*
- (vii) 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 Throssell Street boundary and the main building, including along the side boundaries within this front setback area, complying with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*

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

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

COUNCIL DECISION ITEM 10.1.3

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Farrell, Seconded Cr Messina

That clauses (iii)(f) and (iii)(g) be deleted.

AMENDMENT PUT AND CARRIED
ON THE CASTING VOTE OF THE PRESIDING MEMBER (4-4)

For

Mayor Catania (2 votes (casting & deliberative))
Cr Doran-Wu
Cr Farrell
Cr Messina

Against

Cr Ker
Cr Lake
Cr Maier
Cr Youngman

Debate ensued.

MOTION AS AMENDED PUT AND LOST (3-5)

For

Mayor Catania
Cr Farrell
Cr Messina

Against

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

Reasons:

1. The development is not consistent with the orderly and proper planning and preservation of the amenities of the locality.
2. The non-compliance with the building height requirements of the Town's Policy relating to Robertson Locality Statement.
3. The non-compliance with plot ratio, building height, building set-backs, privacy and outdoor living area requirements of the Residential Design Codes.
4. The plot ratio minimum outdoor living area and building height requirements proposed to be varied as is specified in the Town's Policy Relating to the Non variation of Specific Development Requirements and Standards.

Cr Burns returned to the Chamber at 7.20pm. The Presiding Member advised her that the Item was lost.

Landowner:	P A Sucich
Applicant:	B M Arnold
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
Existing Land Use:	Single House
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	491 square metres
Access to Right of Way	West side, 5 metres wide, sealed, Town owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the partial demolition and alterations and additions to the existing single house and the construction of a three-storey grouped dwelling at the rear of the property.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	R80 which applies only for multiple dwellings Given the proposed development is for grouped dwellings, therefore, R60 applies. R60=2 dwellings	2 dwellings	Noted- no variation
Plot Ratio	Existing dwelling=0.65= 140.14 square metres	Existing dwelling= 0.5= 107.8 square metres	Supported-refer to 'Comments' below.

	Proposed dwelling=0.65= 178.6 square metres Overall plot ratio=0.65= 318.74 square metres	Proposed dwelling=1.2= 329.64 square metres Overall plot ratio for the whole site= 0.89= 437.44 square metres	
Building Setback: Ground Floor-			
North - Setback	1.7 metres	Nil	Not supported in part-refer to 'Comments' below.
Boundary Wall	Average height of boundary wall= 3 metres Maximum height of boundary wall= 3.5 metres	4.1 metres 4.2 metres	Not supported in part- refer to 'Comments' below below.
South - Setback	Only on one side of boundary 1.7 metres	On two side boundaries Nil	Not supported in part- refer to 'Comments' below.
Boundary Wall	Average height of boundary wall= 3 metres Maximum height of boundary wall= 3.5 metres Only on one side of boundary	4.2 metres 6.1 metres On two side boundaries	Not supported in part-refer to 'Comments' below.
First Floor-			
North	2.2 metres	1.5 metres	Supported—the variation will not unduly impact on the adjoining affected property in terms of visual impact, ventilation and sunlight.
South	2.2 metres	1.5 metres	

Second Floor - North South	2.3 metres 2.1 metres	1.5 metres 1.5 metres	Supported—the variation will not unduly impact on the adjoining affected property in terms of visual impact, ventilation and sunlight.
Open Space	Proposed dwelling=45 per cent= 123.6 square metres Existing dwelling=45 per cent= 97 square metres	Proposed dwelling=31.23 per cent=85.7 square metres Existing dwelling=50 per cent= 108.47 square metres Overall Open Space=39.5 per cent= 194.17 square metres	Not supported-undue impact on the existing and proposed development. However, if the walls of the outdoor covered area on the first floor are open on two sides with a 1.6 metre screen, then the open space for the proposed dwelling will be 38.2 per cent and the overall open space will be 43.5 per cent which can be supported. Therefore, if this application is supported, then the walls for the outdoor covered area being lowered to 1.6 metres.
Outdoor Living Area	Proposed Dwelling- 2/3 of the required area without permanent roof cover= 10.66 square metres Existing dwelling-behind the street setback area	Area without permanent roof for the terrace= 8.75 square metres. Within the street setback area	Not supported- undue impact on the occupiers of the proposed building. The terrace will be required to comply with the required uncovered area. Supported- it will contribute to provide an attractive streetscape, will complement the existing building.
Car Parking	Two car parking spaces per dwelling	Existing dwelling= 1 car parking space	Supported- there are existing on-street car parking spaces along Throssell Avenue.
Pedestrian Access	1.5 metres wide	1.3 metres wide	Supported- there is the existing building and therefore the variation is supported.
Building Height	Two storeys Height= 7 metres	Proposed dwelling= 3 storeys Height= 9.5 metres	Supported- refer to ‘Comments’ below.
Privacy Setbacks	Outdoor Area= 7.5 metres Terrace= 7.5 metres	3.3 metres to the southern property (eastern elevation) 7.1 metres to the southern property (eastern elevation)	Not supported-undue impact on neighbouring property and opening required to be screened. Not supported- undue impact on neighbouring properties and openings required to be screened.

	Living room= 6 metres	7.2 metres to the northern property (eastern elevation) 1.5 metres to the northern property (northern elevation)	Not supported- undue impact on neighbouring property and opening required to be screened.
Consultation Submissions			
Support	Nil.	Noted.	
Objection (2)	<ul style="list-style-type: none"> • The plot ratio is too excessive. 	<ul style="list-style-type: none"> • See comments on 'Plot Ratio'. 	
	<ul style="list-style-type: none"> • The proposed boundary walls are too high. • Objection to the third storey. • Loss of light. • R60 standards should apply as the application is for a grouped dwelling. 	<ul style="list-style-type: none"> • See comments on 'Boundary Walls'. • See comments on 'Three-Storey Developments'. • Not supported – the proposal is compliant with the overshadowing requirements of the R Codes. • Supported – the R 60 standards have been applied when assessing the subject application; however, the Town has discretion to vary these requirements. 	
Other Implications			
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications		Nil	
Financial/Budget Implications		Nil	

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

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

COMMENTS:

Plot Ratio

The original application for the subject property indicated a plot ratio of 1.48 for the proposed rear dwelling. The applicant has since revised the plans, which now illustrate a plot ratio of 0.5 for the existing dwelling, 1.2 for the proposed dwelling, with an overall plot ratio of 0.89. Moreover, as explained in the open space section above, if the walls of the outdoor covered area is being lowered to 1.6 metres, then the plot ratio for the proposed dwelling will be 1.14 and the overall plot ratio will be 0.85. This is not considered to have an undue impact on the amenity of the area as the bulk and scale of the proposal is considered to be somewhat consistent with the area and the bulk of the building is located at the rear of the existing property.

However, there should be no further addition to the existing building as it would increase the overall plot ratio, which would unduly impact on the streetscape. Therefore, if this application is supported, it is suggested that Section 70A Notification be applied to the existing dwelling restricting the plot ratio to 0.5.

Ground Floor Setbacks and Boundary Walls along the Southern and Northern Boundaries

The initial proposal was for continuous solid boundary walls along the southern and northern boundaries up to the first floor. The applicant has since submitted revised plans to the Town that indicate small breaks in the boundary walls at the first floor level, as well a portion of the upper floor boundary wall being a height of 1.6 metres only. The applicant has also reduced the height of the boundary walls since the proposal was advertised.

Along the southern boundary, there are two existing boundary walls of single storey height on the adjoining property of a total length of 23.2 metres facing the subject property. However the two boundary walls are separated by a distance of 6.5 metres, which provide ventilation and visual relief to the adjoining southern property. It is considered that the proposed boundary wall will impact on the ventilation and visual relief of the adjoining southern property. Therefore, if this application is approved, it is recommended that the proposed boundary wall between the boundary wall of the adjoining garage and the boundary wall of the main dwelling on No.5 Throssell Street being setback a minimum of 1 metre from this boundary.

Given that the existing adjoining boundary wall along the northern boundary is of a length of only 8.8 metres and height of a single storey, it is considered that the proposed boundary wall of length 18.6 metres with an average height of 4.1 metres on the subject property will unduly impact on the adjoining northern property in terms of ventilation and visual relief. Therefore, if this application is approved, it is suggested that the proposed boundary wall (east of the shed) beyond the adjoining shed on No. 9 Throssell Street being setback a minimum of 1 metre from the boundary.

Three-Storey Developments and Height

The third storey of the proposed dwelling will be at the rear of the property and will not be visible from the street. Therefore, it is considered that the proposed dwelling will not unduly impact on the streetscape. The building height will be to a maximum height of 9.5 metres, and complies with the overshadowing requirements of the R Codes. It is considered that the building wall height can be reduced to a maximum height of 9 metres, which will make it less visually intrusive to the surrounding area. Therefore, if this application is supported, it is recommended that the maximum height of the building is to be reduced to 9 metres.

Summary

In light of the above, the proposed partial demolition of and additions and alterations to existing single house and an additional three-storey grouped dwelling are supported, subject to standard and appropriate conditions to address the above matters.

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

Ward:	South	Date:	19 February 2008
Precinct:	Hyde Park; P12	File Ref:	PRO2527; 5.2007.189.1
Attachments:	001		
Reporting Officer(s):	S O'Loughlin		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Solar Dwellings on behalf of the owner R & F Cheyne for proposed Demolition of Existing Single House, at No. 3 (Lot 202 D/P: 32729) Glendower Street, corner William Street, Perth, and as shown on plans stamp-dated 24 May 2007, subject to the following conditions:*
- (a) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
 - (b) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
 - (c) *a development proposal for the redevelopment of the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*
 - (d) *demolition of the existing building may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing buildings valued by the community;*
 - (e) *support of the demolition application shall not be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property; and*
 - (f) *any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Planning Scheme No.1 and associated Policies; and*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Solar Dwellings on behalf of the owner R & F Cheyne for proposed Construction of Three-Storey Single House, at No.3 (Lot: 202 D/P: 32729) Glendower Street, corner William Street, Perth, and as shown on plans stamp-dated 17 October 2007, for the following reasons:*

- (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (b) *the non-compliance with the upper floor street setback and building height requirements of the Town's Policy relating to Robertson Locality Statement;*
- (c) *the non-compliance with the plot ratio, building height , building setbacks, privacy and outdoor living area requirements of the Residential Design Codes; and*
- (d) *the plot ratio, minimum outdoor living area and building height requirements proposed to be varied is as specified in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements.*

COUNCIL DECISION ITEM 10.1.4

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Cr Ker requested that the Recommendation be considered in two parts.

The Presiding Member ruled that he would consider the matter in two parts.

Debate ensued.

Moved Cr Farrell, Seconded Cr Ker

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Solar Dwellings on behalf of the owner R & F Cheyne for proposed Demolition of Existing Single House, at No. 3 (Lot 202 D/P: 32729) Glendower Street, corner William Street, Perth, and as shown on plans stamp-dated 24 May 2007, subject to the following conditions:*
 - (a) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
 - (b) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
 - (c) *a development proposal for the redevelopment of the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*
 - (d) *demolition of the existing building may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing buildings valued by the community;*

- (e) *support of the demolition application shall not be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property; and*
- (f) *any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Planning Scheme No.1 and associated Policies; and*

CARRIED (9-0)

Moved Cr Farrell, Seconded Cr Ker

- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Solar Dwellings on behalf of the owner R & F Cheyne for proposed Construction of Three-Storey Single House, at No.3 (Lot: 202 D/P: 32729) Glendower Street, corner William Street, Perth, and as shown on plans stamp-dated 17 October 2007, for the following reasons:*
 - (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
 - (b) *the non-compliance with the upper floor street setback and building height requirements of the Town's Policy relating to Robertson Locality Statement;*
 - (c) *the non-compliance with the plot ratio, building height , building setbacks, privacy and outdoor living area requirements of the Residential Design Codes; and*
 - (d) *the plot ratio, minimum outdoor living area and building height requirements proposed to be varied is as specified in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements.*

CARRIED (5-4)

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

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

BACKGROUND:

The subject site is occupied by a single storey single house. A right of way abuts the lot on the southern side. The right of way is sealed and privately owned with a width of 3.02 metres.

27 April 2004 The Council at its Ordinary Meeting resolved to refuse the application for the construction of two (2), two-storey single houses and approve the demolition of the existing dwelling.

23 November 2004 The Council, at its Ordinary Meeting deferred consideration of the proposed two (2) two-storey single houses as requested by the applicant.

21 December 2004 The Council, at its Ordinary Meeting refused the application for the construction of two (2) two-storey single houses.

DETAILS:

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

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

CORRECTED ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed	Community Comments
Plot Ratio:	0.65 (197 square metres)	0.74 (225 square metres)	Not supported – non-compliance with the Town's Policy No.3.5.16 relating to Non-Variation of Specific Development Standards and Requirements.
Building Setbacks: - Ground Floor North (Main Building Line to Glendower Street)	4.0 metres	2.0 3.347 – 4.867 metres	Not supported – considered to have an undue impact on the amenity of the existing streetscape and non-compliance with the Robertson Locality Policy and the street setback requirements of the Residential Design Codes.
North (Nib wall to Glendower Street)	<u>4.0 metres</u>	<u>2.150 metres</u>	<u>Not supported – as above.</u>
West (Bath – Bed2 – Laundry)	1.5 metres	1.0 – 1.569 – 3.845 metres	Not supported – considered to have an undue impact on the directly affected neighbours.
West (Master Suite Ensuite – Store)	1.5 metres	Nil – 1.565 metres	Not supported – as above.

East (William Street)	1.5 metres	1.0 – 1.2 metres	Not supported – considered to have an undue impact on the streetscape and visual amenity of the area.
- First Floor North (Balcony to Glendower Street)	6.0 metres	3.47 metres	Not supported - considered to have an undue impact on the amenity of the existing streetscape and non-compliance with the street setback requirements of the Robertson Locality Policy.
North (Main Building Nib Wall to Glendower Street)	6.0 metres	4.6 3.13 metres to top of nib wall	Not supported – as above.
East (William Street)	1.5 metres	1.2 – 1.68 – 2.305 metres	Not supported – considered to have an undue impact on the streetscape and visual amenity of the area.
West	4.5 metres	1.0 – 1.565 – 2.585 metres	Not supported – considered to have an undue impact on the visual amenity of the area and on directly affected neighbours in terms of bulk and scale.
- Second Floor East (William Street)	1.5 metres	1.2 metres	Not supported – considered to have an undue impact on the streetscape and visual amenity of the area.
West	4.0 metres	1.569 – 2.585 metres	Not supported – considered to have an undue impact on the visual amenity of the area and on directly affected neighbours.
Building Height: - Number of Storeys	2	3	Not supported – undue impact on amenity of area, and non-compliance with the height requirements of the Town’s Robertson Locality Policy.
- Top of external wall (concealed roof)	7.0 metres	8.5 metres	Not supported – undue impact on amenity of area, and non-compliance with Clause 3.7.1 of the Residential Design Codes relating to building height.

Privacy Setbacks: <u>First floor</u> North (Glendower Street) - Balcony	7.5 metres	2.3 metres to western boundary.	Not supported – undue impact on amenity of area, and non-compliance with Clause 3.8.1 of the Residential Design Codes relating to Visual Privacy.
West - Kitchen	6.0 metres	1.565 – 2.585 metres to western boundary.	Not supported – undue impact on directly affected neighbour and non-compliance with Clause 3.8.1 of the Residential Design Codes relating to Visual Privacy.
- Dining	6.0 metres	1.565 – 2.585 metres to western boundary.	Not supported – as above.
South (ROW) - Balcony	7.5 metres	6.0 metres to southern property boundary.	Not supported – as above.
<u>Second Floor</u> <u>North</u> - <u>Studio</u>	<u>6.0 metres</u>	<u>5.6 metres to the western property boundary.</u>	Not supported – as above.
Minimum Outdoor Living Area:	16 square metres with at least 2/3 without permanent roof cover with a minimum length and width dimension of 4 metres.	13.125 square metres outdoor living area with over 2/3 with permanent roof cover and a minimum dimension of 3.845 metres.	Not supported – considered to have an undue impact on amenity of occupants of dwelling and non-compliance with the Town's Policy No. 3.5.16 – Non-Variation of Specific Development Standards and Requirements.

****Note: The above Assessment was corrected and distributed prior to the meeting. Changes are indicated by strikethrough, italic font and underline.***

ADDITIONAL INFORMATION:

A re-assessment of the outdoor living area contained in the proposal indicates there is 16 square metres of outdoor living area located at the rear (southern) balcony to the first floor. This area has 12 square metres uncovered; therefore, 2/3 of the area without permanent roof cover is provided, resulting in the outdoor living area being compliant with the outdoor living area requirements of the Residential Design Codes.

COMMENTS:

Heritage

The subject dwelling was approved for demolition at the Ordinary Meeting of Council held on 27 April 2004. However, the demolition approval has since lapsed and is no longer valid.

The place was constructed circa 1903 and underwent substantial alterations and additions in 1960. The place is characterised by modern hopper windows and horizontal feature stonework. The place has been rendered and painted, tiled and the original fenestration detail has been altered.

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

Setbacks

The proposed setback variations affect almost all boundaries. The variations of most concern are the ones that affect the front boundary (streetscape) and those that affect the west neighbour. The west neighbour is considerably affected by reduced setbacks to the west boundary, which is considered to be visually over imposing. The front setback is considered to depart significantly from the requirement, which is 4.0 metres to the ground floor and 6 metres to the first floor. The proposed setback variations pertaining to the lot are not considered acceptable and therefore not supported.

Plot Ratio

In this instance, the development exceeds the plot ratio requirement. The R Codes require a plot ratio of no more than 0.65. The proposal has a plot ratio of 0.74. The result is a maximum variation of 0.9 (28 square metres) from the requirement. A variation in plot ratio of this degree is not considered to be acceptable and indicates an over development of the site. The variation to plot ratio is therefore not supported.

Building Height

The application proposes the construction of a three-storey single house. This is a variation to the Town's height requirements as per the Town's Policies relating to Robertson Locality and Non-Variation of Specific Development Standards and Requirements. The overall building height is also non-compliant with Clause 3.7.1 of the Residential Design Codes relating to Building Height. The acceptable height for a residential development with a concealed roof is 7.0 metres to the top of external wall. The proposed 8.5 metre wall height to the third storey is considered to be an excessive variation in this instance.

Summary

In light of the above, it is recommended that the Council conditionally approve the proposed demolition; however, refusal of the proposed redevelopment is further recommended.

10.1.1 Further Report- Nos. 173-175 (Lot: 9 D/P: 1401, Lot: 10 D/P: 1401) Carr Place, Dual Frontage to Bold Court, Leederville - Construction of Ten (10) Two Storey Multiple Dwellings with Basement Car Parking

Ward:	South	Date:	19 February 2008
Precinct:	Oxford Centre; P4	File Ref:	PRO2599 and PR02554; 5.2006.519.1
Attachments:	001		
Reporting Officer(s):	R Narroo		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

FURTHER OFFICER RECOMENDATION:

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 Custom Homes (WA) Pty Ltd for proposed Construction of Ten (10) Two-Storey Multiple Dwellings with Basement Car Parking at Nos. 173-175 (Lot 9 D/P: 1401, Lot 10 D/P: 1401) Carr Place, Dual Frontage to Bold Court, Leederville, and as shown on plans stamp-dated 18 February 2008, subject to the following conditions:

- (i) prior to the issue of a Building Licence, revised plans and details shall be submitted and approved demonstrating the following:*
 - (a) all screening to the decks being screened with a permanent 100 per cent obscure material and not perforated, as stated on the plans;*
 - (b) the developers are, at their cost, required to implement measures to ensure that there is minimum headlight intrusion on the properties opposite the driveway. This includes, but is not limited to, the removal and relocation of the streetlight with the new position to be approved by the Town of Vincent, and the planting of a mature tree in its place, as approved by Park Services;*
 - (c) the surface to the ramp being roughened- brush concrete floor;*
 - (d) the floor in the basement carpark being roughened floor;*
 - (e) acoustic absorption being located on the upper walls and to the soffit of the slab within the ramp;*
 - (f) the gates to basement car park being of quiet operation with a soft closing action;*
 - (g) all storerooms having a minimum dimension of 1.5 metres and area of 4.0 square metres; and*
 - (h) the overall height of the concealed roof aspect of the development being a maximum of 7.0 metres as projected from the natural ground level directly below.*

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

- (ii) *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;*
- (iii) *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;*
- (iv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate between the Carr Place and Bold Court boundary and the main building, including along the side boundaries within this front setback area, complying with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

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

- (v) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Carr Place and Bold Court 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);*
- (vi) *first obtaining the consent of the owners of No. 171 Carr Place and No.10 Bold Court for entry onto their land, the owners of the subject land shall finish and maintain the surface of these boundary (parapet) walls facing No. 171 Carr Place and No.10 Bold Court in a good and clean condition;*

- (vii) *any proposed vehicular entry gates adjacent to Carr Place shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development;*
- (viii) *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);*
- (ix) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, parking of trade person vehicles, footpath access, traffic and heavy vehicle access via Carr Place and Bold Court, dust and any other appropriate matters (such as notifying all affected landowners/occupiers of the commencement of construction works), shall be submitted to and approved by the Town;*
- (x) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*
- (a) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities; and*
 - (b) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/~~or shop~~. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*
- This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development; and*
- (xi) *prior to the first occupation of the development, two (2) car parking spaces shall be clearly marked or signposted for the exclusive use of the visitors of the development.*
- *Note: The above Officer Recommendation was corrected and distributed prior to the meeting. Changes are indicated by strikethrough, italic font and underline.**

COUNCIL DECISION ITEM 10.1.1

Moved Cr Farrell, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Youngman

That clause (i) (a) be amended to read as follows:

- (i) *prior to the issue of a Building Licence, revised plans and details shall be submitted and approved demonstrating the following:*
- (a) *all screening to the decks being screened with a permanent 100 per cent obscure material and not perforated, as stated on the plans; decks to Units 2a, 3a and 4a on the eastern and western elevations, and the deck to Unit 1a on the western elevation being screened with a material with a minimum eighty (80) per cent obscure and a maximum twenty (20) per cent perforation in accordance with element 3.8 of the Residential Design Codes;*

AMENDMENT PUT AND LOST (4-5)

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

MOTION PUT AND CARRIED (9-0)

ADDITIONAL INFORMATION:

The plans in the Agenda were date stamped on the back. Please find attached the same plans with the date stamped on the front.

FURTHER REPORT:

The Council considered the application at its Ordinary Meeting held on 24 July 2007 and resolved as follows:

“That the item be deferred for further investigation of all the concerns that were raised during public question time , including the proposed location of the access/egress to the basement carpark, possibly location of access/egress to be from Carr Place, traffic movements, potential for vehicle and pedestrian conflict, setbacks.”

Subsequent to the item being deferred at the above Ordinary Meeting of Council, the applicant has submitted amended plans and additional information.

The main changes between the plans considered at the Council Meeting on 24 July 2007 and the amended plans submitted on 18 January 2008 are as follows:

Basement –

- The gate to the basement car park along Bold Court is relocated down to the basement.
- A new set of stairs has been added to link the basement and ground floor.
- A new machine room for future electrical requirements.

Ground Floor –

- A new set of stairs which link the basement and ground floor.
- Visitor's car park adjusted to comply with the Town's requirements.

First Floor –

- Balconies added on the first floor to dwellings along Bold Court.

Most of the changes to the plans do not have a significant impact on the planning application. With regard to the balconies, they are being proposed within the previous dining and living areas and therefore there are no changes in the setback requirements and also there is no undue overlooking on adjoining properties.

Additional information submitted on 4 December 2007 by the applicant is summarised below.

“An on-site meeting with residents of Bold Court was conducted on Saturday 18th August 2007, at which time, we were able to obtain, first hand, an appreciation of the concerns of the residents. We have also reviewed the public submissions made to Council during the public consultation period and also at the meeting of Council on 24th July 2007.

In addition to the traffic study dated 6 July 2007, as previously submitted to Council, we have commissioned a report from an acoustics specialist. Both of these reports support the proposition that the development will have nominal impact on noise and traffic levels within the Bold Court precinct.

As well as traffic volumes and noise, residents were concerned about potential diminution in safety within the roadway reserve occasioned by the increase in vehicle movements caused by the proposal. The traffic study clearly demonstrates that any increase in traffic volume arising from the development is well within recognised urban standards, and is consistent with inner urban lifestyle expectations. Appendix 3 identifies that the Bold Court road reserve has sufficient width along the southern side for the inclusion of a pathway which may contribute to pedestrian safety within the roadway.

Other issues affecting resident's safety concerns arise from conditions that have occurred as a consequence of actions beyond the effect of the proposed development. In particular we note:

- *1800mm high fence abounding the southern and eastern boundary of Lot 500 that obstructs clear view around the corner for traffic moving to and from Bold Court.*
- *Town of Vincent car parking policy that permits extended car parking within the Bold Court reserve, thereby hindering clear sightlines and impeding two way movement of vehicles.*
- *Increased traffic movement due to commercial leasehold operations on Lot 48 (portion), which has sole access from Bold Court.”*

The applicant has stated that they have commissioned one traffic study and an acoustic report. Both these reports support that the proposed development will have minimal impact on noise and traffic level within the Bold Court precinct. The applicant has proposed further a strategy to address these issues which includes management, design, landscaping and Town of Vincent initiatives. The traffic report, the acoustic report and additional information submitted by the applicant (including the proposed strategy) are “*Laid on the Table.*”

Technical Services Comments

- Headlights intrusion –

The developers are, at their cost, required to take measures to ensure there is minimum headlight intrusion on the properties opposite the driveway. This includes, but should not be limited to, removal and relocation of the streetlight with the new position been approved by the Town of Vincent. Planting of a mature tree in its place, as approved by Park Services is also necessary.

- Provision of paved pathway within the Bold Court Road Reserve to allow pedestrian/vehicular separation –

This is not warranted for the following reasons:

1. Low traffic volumes and speed.
 2. A footpath along the southern boundary of Bold Court in front of the existing dwellings would result in the loss of the verge and would necessitate the removal of a street tree virtually in front of each property.
 3. The existing carriageway is 5.5 metres wide and cannot be reduced to accommodate a footpath.
 4. Because of the narrow road reserve and minimal setbacks any vehicle parked within a property (given there is no on-road parking) would obstruct the footpath and, therefore, there would be a loss of parking for the residents.
- Replacement of 1.8 metres high boundary fence to Lot 500 to 0.75 metre high –

The height and location of the fence are permissible under current Planning Policies and is in accordance with the Technical Services truncation requirements.

- Limiting car parking along eastern edge of Bold Court –

While the total removal of the on-road parking in the north/south leg of Bold Court (off Carr Place) is not supported it can be reduced by a car bay to improve the perceived safety issue created by the 'blind' corner. This would increase the separation distance for two-way traffic approaching the bend from either direction.

The traffic and noise reports are acceptable to the Town. Moreover, with regard to Lot 48, there is no approval for commercial use on this subject site.

Summary

In light of the above, it is considered that the applicant has addressed the traffic and noise issues. The revised plans do not propose any other variation to the Residential Design Codes and Town's Policies. On the above basis, it is recommended that the Council approve the application, subject to standard and appropriate conditions as outlined in the "Further Officer Recommendation."

The following is a verbatim copy of Minutes of the Item placed before the Council at its Ordinary Meeting held on 24 July 2007.

"CORRECTED RECOMENDATION:

That clause (i)(a) be deleted and the remaining clauses be renumbered, as follows:

"(i) prior to the issue of a Building Licence, revised plans and details shall be submitted and approved demonstrating the following:

(a) — ~~the balconies on the first floor being setback a minimum of 5.0 metres from the Carr Place boundary;~~

(b)(a) all screening to the decks shall be screened with a permanent 100 per cent obscure material and not perforated, as stated on the plans;

(e)(b) measures to assist in alleviating the impact of vehicular headlights into Nos. 9 and 11 Bold Court, including the investigation of levelling of the ramp at the top of the gradient, window glazing of the affected properties windows and/or landscaping. These plans and details shall be undertaken in consultation with the Town and the affected property owners and at the applicant's/owner(s)' full expense;

(d)(c) all storerooms having a minimum dimension of 1.5 metres and area of 4.0 square metres; and

(e)(d) the overall height of the concealed roof aspect of the development being a maximum of 7.0 metres as projected from the natural ground level directly below.

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

- (ii) *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;*
- (iii) *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;*
- (iv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate between the Carr Place and Bold Court boundary and the main building, including along the side boundaries within this front setback area, complying with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

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

- (v) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Carr Place and Bold Court verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (vi) *first obtaining the consent of the owners of No. 171 Carr Place and No.10 Bold Court for entry onto their land, the owners of the subject land shall finish and maintain the surface of these boundary (parapet) wall facing No. 171 Carr Place and No.10 Bold Court in a good and clean condition;*
- (vii) *any proposed vehicular entry gates adjacent to Carr Place shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development;*

- (viii) *an acoustic assessment of the proposed development is to be undertaken by a suitably qualified Acoustic Consultant in accordance with the Town's Development and Design Sound Attenuation Policy 3.5.21. In addition to requirements outlined in the Sound Attenuation Policy 3.5.21, the Acoustic Consultant is to assess and comment on the proposed vehicular ramp and vehicular access gates to the property, in relation to suitable design measures to be implemented to ensure compliance internally in dwellings with AS/NZS2107 and externally with the Environmental Protection (Noise) Regulations 1997;*
- (ix) *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);*
- (x) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, parking of trade person vehicles, footpath access, traffic and heavy vehicle access via Carr Place and Bold Court, dust and any other appropriate matters (such as notifying all affected landowners/occupiers of the commencement of construction works), shall be submitted to and approved by the Town; and*
- (xi) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*
- (a) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities; and*
- (b) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/or shop. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*

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

Note: *The above Officer Recommendation was corrected and distributed prior to the meeting.*

COUNCIL DECISION ITEM 10.1.3

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Acting Director Technical Services Craig Wilson entered the meeting at approximately 6.55pm

Debate ensued.

Moved Cr Chester, Seconded Cr Farrell

That this Item be DEFERRED for further investigation of all the concerns that were raised during public question time, including the proposed location of the access/egress To the basement carpark, possibly location of access/egress to be from Carr Place, traffic movements, potential for vehicle and pedestrian conflict, setbacks.

MOTION TO DEFER PUT AND CARRIED (7-1)

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

(Cr Torre on approved leave of absence.)

Moved with Corrected Recommendation.

<i>First Floor - Carr Place</i>	<i>6.0 metres</i>	<i>4.7 (balcony)- 10.3 (main building) metres</i>	<i>Supported in part as balconies can be supported at 5.0 metres and would not result in an undue impact on streetscape. Matter has been conditioned to comply. <u>Supported- minor variation in this instance as balcony wall to Carr Place frontage is not considered to have an undue impact on the street due to the façade articulation.</u></i>
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ADDITIONAL INFORMATION:

Upon further assessment of the proposal, it is recommended that proposed clause/condition (i)(a) in the Agenda Report be deleted for the reasons stated in the 'Corrected Assessment Table'.

The Corrected Recommendation is shown by strikethrough and underlining.

<i>Landowner:</i>	<i>Custom Homes Pty Ltd</i>
<i>Applicant:</i>	<i>Custom Homes Pty Ltd</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R 80</i>
<i>Existing Land Use:</i>	<i>Vacant</i>
<i>Use Class:</i>	<i>Multiple Dwelling</i>
<i>Use Classification:</i>	<i>"P"</i>
<i>Lot Area:</i>	<i>1336 square metres</i>
<i>Access to Right of Way</i>	<i>N/A</i>

BACKGROUND:

30 November 2005 The Town under delegated authority from the Council conditionally approved applications for demolition of existing dwellings at the subject properties.

DETAILS:

The proposal involves proposed construction of ten (10) two-storey multiple dwellings with basement car parking at the subject properties. The applicant's submission and a traffic impact statement is "Laid on the Table".

ASSESSMENT:

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Density</i>	<i>10 dwellings R 80</i>	<i>10 dwellings R 80</i>	<i>Noted- no variation.</i>
<i>Plot Ratio</i>	<i>1.0 or (1336 square metres)</i>	<i>0.98 or (1303 square metres)</i>	<i>Noted- no variation.</i>
<i>Street Walls & Fences</i>	<i>Front walls and fences within the primary street setback area are to be 50 percent visually permeable above 1.2 metres above natural ground level.</i>	<i>Carr Place and Bold Court frontage- fencing is 20 percent visually permeable above 1.2 metres above natural ground level.</i>	<i>Not supported-results in an undue impact on streetscape and has been conditioned to comply.</i>
<i>Privacy Setbacks</i>	<i>Balconies- 7.5 metres</i>	<i>Balcony (Unit 1A) - 5.8 metres to east</i>	<i>Supported- as predominately overlooks front setback area and no undue impact.</i>
	<i>Bedrooms- 4.5 metres</i>	<i>Bed 2 (Unit 1A) - 3.5 metres to east.</i>	
<i>Communal Open Space</i>	<i>16 square metres per dwelling or a total of 160 square metres.</i>	<i>Each unit has own courtyard in excess of 16 square metres, resulting in a total of over 160 square metres.</i>	<i>Supported- as it is considered that adequate amenity has been provided for each dwelling.</i>

<i>Storerooms</i>	<i>Minimum 1.5 metres with area of 4 square metres</i>	<i>2 stores have an area of 3.9 metres.</i>	<i>Not supported- minor variation in this instance and has been conditioned to comply.</i>
<i>Height</i>	<i>7.0 metres</i>	<i>Up to 7.1 metres</i>	<i>Not supported- minor variation in this instance and has been conditioned to comply.</i>
<i>Setbacks</i> <i>Ground Floor - East (living and daybed)</i>	<i>1.5 metres</i>	<i>Nil -1.45 metres</i>	<i>Supported- as staggering of setbacks would not result in undue impact on affected neighbour.</i>
<i>First Floor - Carr Place</i>	<i>6.0 metres</i>	<i>4.7 (balcony)- 10.3 (main building) metres</i>	<i>Supported in part- as balconies can be supported at 5.0 metres and would not result in an undue impact on streetscape. Matter has been conditioned to comply.</i>
<i>First floor - East (1a, 2a, 3a bed 2 and ensuite)</i>	<i>1.3 metres</i>	<i>1.2 metres</i>	<i>Supported- as considered minor variation in this instance and no undue impact on affected neighbour.</i>
<i>- East (4a and 5a)</i>	<i>2.2 metres</i>	<i>1.2 metres</i>	<i>Supported- as above.</i>
<i>Consultation Submissions</i>			
<i>Support (1)</i>	<ul style="list-style-type: none"> • <i>Details not provided.</i> 		<i>Noted.</i>
<i>Objections (5)</i>	<ul style="list-style-type: none"> • <i>General street amenity will be ruined due to proposed access.</i> • <i>Traffic and safety will be compromised.</i> • <i>Noise from ramp.</i> 		<i>Supported in part- refer to 'Comments' section. Supported in part- refer to 'Comments' section. Noted - has been conditioned that an acoustic report be submitted and implemented.</i>
	<ul style="list-style-type: none"> • <i>Setbacks variations.</i> • <i>Size of bedrooms not in keeping with the standard of the existing housing on street.</i> 		<i>Not supported- refer to Assessment Table above. Not supported- not considered to be a valid planning consideration.</i>

	<ul style="list-style-type: none"> • <i>Privacy.</i> • <i>Request treatment of boundary walls.</i> 	<p><i>Supported- as the matter has been conditioned to comply.</i></p> <p><i>Supported- as the matter has been addressed via standard 'boundary wall' condition.</i></p>
	<ul style="list-style-type: none"> • <i>Height.</i> 	<p><i>Supported- and has been conditioned to comply.</i></p>
	<ul style="list-style-type: none"> • <i>Street fence.</i> • <i>Visual impact.</i> 	<p><i>Supported- refer to Assessment Table.</i></p> <p><i>Not supported- as proposal not considered to have an undue visual impact.</i></p>
	<ul style="list-style-type: none"> • <i>Design not in keeping with streetscape.</i> • <i>Dividing fences.</i> • <i>Retention of mature trees.</i> • <i>Impact of headlights.</i> 	<p><i>Not supported- as the design is not considered to have an undue impact on the streetscape.</i></p> <p><i>Noted- as this is a private matter to be resolved between the two affected neighbours under the Dividing Fences Act.</i></p> <p><i>Not supported- as there are no significant trees as per the Town's Significant Tree Register listed on the subject site.</i></p> <p><i>Supported – as the matter has been conditioned accordingly to reduce impact.</i></p>
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

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

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

COMMENTS:

Technical Services Comments

Bold Court is a 6 metres wide dedicated laneway, which in accordance with the Liveable Neighbourhoods Guidelines, should, not carry more than 300 vehicle movements per day (vm/d). In response to the Town's concerns about the possible impact the proposed 10 multiple dwelling development would have upon the traffic volumes in Bold Court, the applicant engaged the services of a Traffic Consultant. The traffic consultant concluded that the development would generate in the order of 50 vm/d, based upon 5 vm/d per dwelling, calculated in accordance with the New South Wales Traffic Generation Guidelines as recommended by the Western Australian Planning Commission (WAPC) Transport Assessment Guidelines for Developments (August 2006). This figure was derived using a formula that takes into consideration proximity to public transport and walking distance to amenities and services.

There are six (6) existing single residential dwellings, a vacant lot (potential single house) and a block of 12 single bedroom units currently accessing Bold Court. It is estimated the six (6) single dwellings and the vacant block, based on 8 vm/d, generate about 56 vm/d while the block of units will, based upon 4 vm/d maximum, generate about 48 vm/d, a total of 104 vm/day.

Further, if the property at No. 167 Carr Place, Leederville, with the above residential existing 12 x one bedroom units were re-developed in the future it could potentially generate an additional 40 vm/d (based on having two street frontages) while the adjacent property at No. 177 Carr Place Leederville, of which the rear is currently undeveloped, could also generate an additional 50 vm/d using the same above rationale.

Therefore, assuming all those properties accessing Bold Court are developed to their full potential, the traffic would be in the order of 244 vm/d, which is well within the Liveable Neighbourhood Guidelines of a maximum 300 vehicle movements per day.

There may, however, be an impact on safe pedestrian movement and parking in Bold Court, Leederville, as there is no scope for footpaths or embayed parking.

Furthermore, the proposed vehicle access ramp is located directly opposite Nos. 9 and 11 Bold Court, Leederville and it would be expected that headlights of exiting vehicles will have a significant detrimental impact upon the residents' amenity. This issue has been conditioned accordingly in the Officer Recommendation.

Summary

The subject planning application is considered to be generally acceptable in terms of design and its compliance with the R-Codes.

Whilst it is noted that the proposed vehicular access arrangement from Bold Court is considered to have an impact in terms of the general amenity of the residents of Bold Court, it is considered that the proposed development is appropriate for the subject inner city location and that the impact as a result of the development is not unreasonable and beyond of what can be expected from such a development.

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

10.3.7 Forrest Park Pavilion – Progress Report

Ward:	South	Date:	19 February 2008
Precinct:	Forrest P14	File Ref:	RES0003
Attachments:	001		
Reporting Officer(s):	M Rootsey, A Neilson, C Wilson, J van den Bok, J Bennett		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the progress report on the Forrest Park Pavilion;*
- (ii) *APPROVES the proposed location of a separate clubroom, changing room, showers and sanitary accommodation for use by Perth Junior Soccer Club as shown on Plan (No 2542-CP-01C);*
- (iii) *AUTHORISES the Chief Executive Officer to;*
 - (a) *prepare a redesign of the existing Forrest Park Pavilion to accommodate Forrest Park Playgroup and Highgate Child Health Clinic; and*
 - (b) *prepare a redesign of the Perth Junior Soccer Club clubroom, changing room, showers and sanitary accommodation facilities in a separate building; and*
- (iv) *NOTES that a further report will be submitted to the Council, no later than April 2008.*

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Ker

That clauses (ii), (iii) and (iv) be deleted and a new clause (ii) and (iii) be added to read as follows;

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

AMENDMENT PUT AND CARRIED (7-2)

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

MOTION AS AMENDED 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	

Reasons:

1. **Consideration of submissions received by the community expressing concern about its location.**
2. **Infringement upon the outlook of residents and their park outlook.**
3. **The proposed location is a cheaper alternative and does not require as much infrastructure being changed.**

COUNCIL DECISION ITEM 10.3.7

That the Council;

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

ADDITIONAL INFORMATION:

The amended location on Plan (No 2542-CP-01D) will not require the cost of relocating the 225mm sewer, estimated to be \$25,000.

The cricket pitch will need to be moved to accommodate the relocation, this is estimated to cost between \$7,500 and \$10,000 depending on whether the current synthetic wicket can be reused.

The location as proposed in the amendment is further away from the Harold Street properties.

PURPOSE OF REPORT:

The purpose of the report is to obtain the Council's approval for a redesign of the concept plans for the upgrade of the Forrest Park Pavilion and associated facilities.

BACKGROUND:

The following resolutions were adopted at the Ordinary Council meeting held on 28 August 2007 and 25 September 2007 respectively.

That the Council;

- (i) *APPROVES IN PRINCIPLE;*
 - (a) *the Pavilion plan (SK02) for the proposed Forrest Park Pavilion;*
 - (b) *the relocation of the Highgate Child Health Clinic from 84 Harold Street, Highgate, to the new facility;*
- (ii) *AUTHORISES the Chief Executive Officer to;*
 - (a) *investigate the future uses of 84 Harold Street Highgate and/or disposal of the property;*
 - (b) *investigate the benefits of providing a lease to Perth Junior Soccer club and other sporting groups for part of the proposed facility; and*
 - (c) *negotiate the terms and conditions for the lease of part of the proposed facility for Forrest Park Playgroup; and*
- (iii) *APPROVES;*
 - (a) *the advertising of the concept plans for a period of twenty one (21) days; and*
 - (b) *considers any submissions received as a result of the community consultation period.*

That;

- (i) *the Council at its Ordinary Meeting held on 28 August 2007 at Item 10.3.1 resolved (interalia) that:*
 - "(i) the Council APPROVES IN PRINCIPLE;*
 - (a) the Pavilion plan (SK02) for the proposed Forrest Park Pavilion;"*
- (ii) *Cr Farrell MOVES a motion to CHANGE the decision by;*
 - deleting;*
 - "(a) the Pavilion plan (SK02) for the proposed Forrest Park Pavilion" and*
 - inserting;*
 - "(a) the Pavilion plan (SK02G), dated 14 September 2007, as attached to this report for the proposed Forrest Park Pavilion";*

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

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

deleting;

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

inserting;

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

DETAILS:

Community Consultation

Following the Council Meeting of 25 September 2007, the Town advertised the concept plans for a period of one (1) month. The community consultation was extended to local residents in Harold Street and Curtis Street and included all Precinct Groups, and all the main stakeholders. Formal responses were received from Highgate Forrest Park Playgroup, Child and Adolescent Health, Highgate Child Health Clinic, Perth Soccer Club and Forrest Park Croquet Club. Whilst some related issues were referred, there were no significant material concerns raised.

Water Corporation Design Concern

During the community consultation period the Town was notified of concerns held by the Water Corporation, whose advice was that the location of the existing and extended Pavilion is situated over three Water Corporation main drains, as shown on drawing No 2542-CP-01C. These drains are of 1600mm and 900mm diameter and are approximately 6m deep. With respect to these new buildings, for maintenance purposes, the Water Corporation requires a 7.3m building restriction on each side of the 1600mm diameter drain, and a 6.9m building restriction on each side of the 900mm diameter drains.

The Water Corporation does not allow building over these in any circumstances.

Proposed Design Solution

As a result of the new information relating to the Water Corporation's building restrictions, it is proposed to convert the existing Pavilion to an enlarged and improved facility for Highgate Forrest Park Playgroup, and also to a new facility for Highgate Child Health Clinic. It is further proposed to build a separate building on Forrest Park Reserve to accommodate Perth Junior Soccer Club. This separate building would provide a clubroom, servery kiosk, changing rooms, showers, toilets and public toilets.

Proposed Location of the New Clubrooms and Changing Rooms

The Town has considered all of the options available to allow the new clubrooms to be built on Forrest Park Reserve on a location that meets the Water Corporation's building restrictions whilst offering a location that does not detract from the visual amenity of the Reserve. It is believed that the proposed location shown on No 2542-CP-01C is the optimum site for the new clubrooms. This proposed location does not encroach on the croquet courts or the car park, and offers minimal disruption.

Cost Implications

The location of the proposed clubrooms would however require formal Water Corporation approval, and is subject to acceptable grade lines being achievable. The Town is currently seeking such approvals and agreement of hydraulic capabilities and could only then progress the proposal upon receipt of these approvals. Early expectations are that these approvals will be forthcoming. The estimated cost of relocating the 225mm diameter sewer is \$25,000.

Cost Estimate

The cost of the refurbished facilities with this proposed redesign is likely to be in the region of \$450,000, subject to the quality and extent of the finishes.

The additional funds required will be met by the monies received from the disposal of the property at 84 Harold Street.

The Town is currently obtaining a formal valuation from a registered valuer for this property.

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

N/A.

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Plan for the Future Strategic Plan 2006 – 2011;

"3.1 – Community Development

3.1.2 Deliver a range of leisure programs to encourage structured and unstructured recreation in the community".

FINANCIAL/BUDGET IMPLICATIONS:

The Annual Budget 2007/08 has an amount of \$255,000 allocated for the completion of this project.

COMMENTS:

The discovery of the position of the drainage network on the original site for the proposed extension, and the discussion with the Water Corporation to seek a solution, has delayed progress on the project. The design solution proposed should be acceptable to the stakeholders, and the location proposed provides access to the facility without major impact on the use of the Reserve.

It is recommended that the proposed location for Perth Junior Soccer clubrooms be supported.

10.3.8 Cultural Development Seeding Grant Application - East Perth Power Station Historical Research Project

Ward:	South	Date:	15 February 2007
Precinct:	Banks	File Ref:	FIN0155
Attachments:	-		
Reporting Officer(s):	J. Bennett		
Checked/Endorsed by:	J Anthony M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council APPROVES the application of the Australian Society for the Study of Labour History for a Cultural Development Seeding Grant of \$1000 for the recording of a song to enhance the interpretation of the East Perth Power Station Project website.

COUNCIL DECISION ITEM 10.3.8

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Cr Messina departed the Chamber at 8.50pm.

CARRIED (8-0)

Cr Messina was absent from the Chamber and did not vote.

PURPOSE OF REPORT:

To seek approval for a Cultural Development Seeding Grant application for the recording of a song for the East Perth Power Station Project website by the Australian Society for the Study of Labour History (Perth Branch) Inc.

BACKGROUND:

At the Ordinary Meeting of Council held on 9 November 2004, the Council resolved to "accept the invitation from the Centre for Social and Community Research at Murdoch University to become an industry partner (in - kind) in an application to the Australian Research Council Linkage Grant for the East Perth Power Station Historical Research Project."

The Town's official partnership in the project titled 'East Perth Power Station and the Electrification of Western Australia: Interpretation of an Historic Site' was formalised through the industry and academic partner agreement between Murdoch University and East Perth Power Station and others, which was executed for and behalf of the Town of Vincent by the Town's Chief Executive Officer on 21 December 2005.

The key objectives of the project are as follows:

- Produce themes and story lines for historic heritage interpretation of the East Perth Power Station;
- Produce a website/digital history;
- Produce a published essay collection of scholarly articles;
- Produce an oral collection as well as some photographic and written archival materials which with the agreement of their owners, will be made available in public library collections;
- Hold six-monthly research forums; and
- Assist an industry partner, the Society for the Study of Labour History, to hold two dedicated seminars.

Since formalising the Town's involvement as an industry partner in the project, the Town's Heritage and Local Studies Officers have continued to offer in-kind support to the project within their area of expertise.

The project is anticipated to be completed by June 2008. The seeding grant request from the Australia Society for Study of Labour History (Perth Branch) Inc submitted to the Town on 23 January 2008 for a song that celebrates the history of the East Perth Power Station is considered to be a valuable resource that can be linked to the dedicated East Perth Power Station project website.

DETAILS:

In particular the funding will go towards assistance with costs related to the creation of a song for the East Perth Power Station project website. The song will be developed in consultation with the local community including: former East Perth Power Station workers, Town of Vincent residents, oral history interviewees and Julie Davison from the Town Library.

After completing the research and writing of the song, it will be recorded to produce a DVD suitable for website use.

The song will be designed to enhance the interpretation of the East Perth Power Station heritage site, including increasing understanding of the working lives of employees and the electrification of the lives of local residents. The song and website will also increase the understanding of the importance of electricity in the lives of Perth people over time.

The song will be heard by all accessing the website including school children and will increase the appeal for those seeking information and entertainment.

The project is supported by the Senior Heritage Officer as the East Perth Power Station is an iconic heritage building listed on the State Register of Heritage Places and plays an important role in the history of Vincent and the wider metropolitan area.

Significant work has gone into researching and documenting information on the East Perth Power Station by the project group and it is considered that the proposed website will provide a suitable medium to convey the wealth of information to the public. A key component of the website will be the proposed song.

It is proposed that the maintenance of the website will initially be funded by the East Perth Power Station historical research project.

CONSULTATION/ADVERTISING:

Nil

LEGAL/POLICY:

Nil

STRATEGIC IMPLICATIONS:

The Cultural Development Seeding Grants and the submitted application address the following strategic objectives of the Town's Strategic Plan 2006–11:

- “3.1.1 Celebrate and acknowledge the Town's cultural and social diversity
(a) Organise and promote community events and initiatives that engage the community and celebrate cultural and social diversity of the Town.”*

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$6,000 is allocated for Cultural Seeding Grants of which \$3,830 is available within the 2007/08 budget.

COMMENTS:

The Australian Society for the Study of Labour History (Perth Branch) Inc. meets the criteria for the Cultural Development Seeding Grants.

The Australian Society for the Study of Labour History (Perth Branch) Inc. will complete an acquittal report after the event, detailing how the Cultural Development Seeding Grant was expended.

10.2.4 Further Report - Smith's Lake Reserve Improvements

Ward:	North	Date:	19 February 2008
Precinct:	Smith's Lake P6	File Ref:	RES0035
Attachments:	001		
Reporting Officer(s):	R Lotznicker; J van den Bok,		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the further report in relation to the proposed improvements to Smith's Lake Reserve;*
- (ii) *NOTES that;*
 - (a) *funds totalling \$165,000 have been allocated in the 2007/2008 budget for improvements to the Smith's Lake Reserve, comprising the Greenway Link;*
 - (b) *additional funds will be required for the demolition of the Len Fletcher Pavilion (estimated at \$102,000) and the completion of the park upgrade /Greenway link and traffic management (estimated at \$190,500); and*
 - (c) *the proposed funding requirements for the works outlined in clause (ii)(b), where highlighted, in a report presented to the Ordinary Meeting of Council held on 23 January 2007;*
- (iii) *APPROVES the implementation of Stage 1 of the Smith's Lake improvement works as outlined on attached Plan No. 2346-CP-2C to commence in April 2008;*
- (iv) *NOTES that subject to the allocation of additional funds in the 2008/2009 budget, Stage 2 of the Smith's Lake improvement works (as outlined on attached Plan No. 2346-CP-2C) will be programmed for August to October 2008; and*
- (v) *LISTS an amount of \$294,500 for consideration in the 2008/2009 draft budget to complete Stage 2 of the Smith's Lake works (as outlined on attached Plan No. 2346-CP-2C) which will include the;*
 - (a) *demolition of the Len Fletcher Pavilion/Removal of the carpark;*
 - (b) *completion of the Wetland/Heritage Trail link; and*
 - (c) *associated traffic management on Emmerson Street.*

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Cr Messina returned to the Chamber at 8.54pm.

Debate ensued.

AMENDMENT

Moved Cr Farrell, Seconded Cr Messina

That the Officer Recommendation be amended as follows;

- (v) *LISTS an amount of \$102,000 for consideration in the 2008/09 Draft Budget to complete demolition of the Len Fletcher Pavilion and removal of the car park; and*
- (vi) *DEFERS allocation of funds totalling \$190,500 for the completion of the wetland and heritage trail link and associated traffic management.*

Cr Messina returned to the Chamber at 8.54pm.

Debate ensued.

Moved Cr Farrell, Seconded Cr Messina

That the Item be DEFERRED to allow for further clarification of the proposed works and funding requirements.

CARRIED (6-3)

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

COUNCIL DECISION ITEM 10.2.4

That the Item be DEFERRED to allow for further clarification of the proposed works and funding requirements.

PURPOSE OF REPORT:

The purpose of this report is to update the Council on the proposal to implement the Smith's Lake Upgrade Project.

BACKGROUND:

At the Ordinary Meeting of Council held on 9 August 2005, a report regarding the revised redevelopment proposal for Smith's Lake Reserve was presented, where the Council *approved in principle the revised proposal as outlined on concept plan No. 2346-CP-2A and to advertise the revised plan for a period of 21 days seeking submissions*

Following community consultation, the Council considered a further report at its Ordinary Meeting held on 8 November 2005 where it was decided (in part):

"That the Council;

- (ii) ADOPTS the Smith's Lake Reserve Redevelopment plan as outlined on attached Plan No. 2346-CP-2B subject to the path along Farr Avenue being moved away from the kerbline;*
- (iv) LISTS an amount of \$165,000 for consideration in the 2006/07 draft budget to complete the Wetland/Heritage Trail link through Smith's Lake Reserve....."*

DETAILS:

As previously reported to Council, the Smith's Lake revised redevelopment plan was widely advertised, with concept plans being sent to all precinct groups, community groups and service authorities for comment. In addition, 479 letters/plans were distributed around the immediate area, giving owner/occupiers the opportunity to comment.

At the close of the consultation period, forty three (43) submissions were received. Nineteen (19) submissions were in favour of the proposal and provided "no comment", twenty three (23) submissions were in favour of the proposal and provided comments, with only one (1) submission totally against the proposal.

Funds for the upgrade of Smith's Lake were allocated in 2005. Officers have now reviewed the proposal and have updated the costings.

The funds that are currently allocated are not sufficient to complete the entire project. It has therefore being decided to recommend a two (2) stage approach to implement the works as follows:

Stage 1: Will comprise the works on the north side of the park (north of the Len Fletcher Pavilion) in 2007/2008.

Stage 2: Will comprise the works on the southern portion of the park including the demolition of the pavilion, removal of the carpark etc. in 2008/2009.

Proposed Stage 1:

This work will include the following:

- Earth works associated with the construction of the dual use path
- Construction of flush concrete kerbing
- Pavement construction
- Red asphalt overlay
- Installation of lighting
- Completion of landscaping

The estimated cost of these works is \$165,000 – refer attached plan No 2346-CP-2C.

Proposed Stage 2:

This work will include the following:

- Demolition of Len Fletcher Pavilion
- Removal of car park
- In-ground reticulation, turfing and landscaping of this area

- Traffic islands/plateau at Emmerson Street
- Earth works associated with the construction of the dual use path
- Construction of flush concrete kerbing
- Pavement construction
- Red asphalt overlay
- Installation of lighting
- Brickpaved pathway at rear of Elven Street

The estimated cost of these works is \$290,500 – refer attached plan No 2346-CP-2C.

Note: Demolition of the pavilion, making good and removal of the carpark is \$102,000.
Park upgrade component of this cost is \$168,000.
Traffic management component is \$22,500.

Len Fletcher Pavilion Demolition

As mentioned above, the estimated cost to demolish the pavilion, remove the carpark and make good is \$102,000 and the estimated cost to complete the park upgrade is \$170,000.

At its ordinary meeting held on 23 January 2007, the Council received a report (Item 10.4.5 Approval of Loftus Centre Redevelopment and Tender No 354/06 - Construction of the Loftus Centre, 99 Loftus Street, Leederville) where on page 107 of the minutes in a table it stated as follows:

<i>To be considered in Budget 2008/2009</i>	
<i>Len Fletcher Pavilion - Demolition (cost projected to July 2008)</i>	<i>100,000</i>
<i>Smith's Lake Reserve Upgrade (estimate only)</i>	<i>185,000</i>

The Loftus Centre Redevelopment is progressing very well. The Gymnastics WA offices are due for completion by the end of March 2008 and Gymnastics WA can relocate shortly thereafter. The main exhibition hall is due for completion in April 2008. The builder is confident that all major works will be completed by May 2008. Once vacated, Len Fletcher Pavilion can be demolished and it is envisaged this will occur in July-August 2008.

CONSULTATION/ADVERTISING:

Community consultation was previously undertaken (as reported to the Ordinary Meeting of Council held on 8 November 2005). As is the Town's practice, adjoining residents will be notified of the impending works by the distribution of information bulletins.

LEGAL/POLICY:

N/A

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.*”

FINANCIAL/BUDGET IMPLICATIONS:

Stage 1 Estimated Costs

Item	Estimated Cost
Cut to spoil	\$18,500.00
Trim prepare subgrade	\$8,800.00
Compact and supply limestone	\$5,500.00
Compact and final grade	\$13,000.00
Edge Kerbing on asphalt paths	\$35,200.00
Red Asphalt	\$14,000.00
Supply/install Thorn 'Urbi' Decorative lights with 70 watt lamps	\$52,000.00
Setout	\$1,500.00
Supervision	\$4,500
Contingency	\$12,000
TOTAL	\$165,000

Stage 2 Estimated Costs:

Item	Estimated Cost
Demolish pavilion	\$55,000.00
Remove carpark	\$42,000.00
Cut to spoil	\$16,500.00
Trim prepare subgrade	\$5,500.00
Compact and supply limestone	\$2,000.00
Compact and final grade	\$5,000.00
Edge Kerbing on asphalt paths	\$14,000.00
Red Asphalt	\$8,000.00
Supply/install Thorn 'Urbi' Decorative lights with 70 watt lamps	\$24,000.00
Brickpaved Path way	\$14,000.00
Supply / Install Valve sections @ \$1500 per section	\$6,000.00
Supply and Install reticulation, pipe fittings and sprinklers	\$7,500.00
Sleeves	\$2,500.00
Trees	\$4,000.00
Supply/planting of various groundcovers/shrubs	\$13,000.00
Supply/lay kikuyu turf	\$24,000.00
Supply and Install trees	\$3,000.00
Supply/install seats	\$7,500.00
Supply/install bins	\$3,500.00
BBQ	\$5,000.00
Plateaux	\$10,000.00
Islands	\$6,000.00
Signage / Lines	\$1,500.00
Setout, supervision, contingency	\$15000.00
	\$294,500.00

COMMENTS:

As indicated in the report presented to the Council on 9 August 2005, it was considered prudent that the Smith's Lake Reserve Improvements be implemented as purchasers of the adjoining lots on Elven Street would need some surety regarding the future of the adjoining Reserve and the Len Fletcher Pavilion.

It is therefore recommended that the officers' Recommendation be adopted.

10.1.2 Further Report - Nos.60-62 (Lots 172 and 173, D/P 25971) Randell Street, corner Randell Place, Perth - Proposed Construction of Two (2) Three-Storey Single Houses with Home Offices and Associated Basement Car Parking

Ward:	South	Date:	18 February 2008
Precinct:	Hyde Park; P12	File Ref:	PRO3490; 5.2007.219.1
Attachments:	001		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

FURTHER OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by the owner S Grewal for proposed Construction of Two (2) Three- Storey Single Houses with Home Offices and Associated Basement Car Parking, at Nos.60-62 (Lots 172 and 173 D/P: 25971) Randell Street, corner Randell Place, Perth and as shown on plans stamp-dated 8 February 2008, for the following reasons:

- (a) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (b) the non-compliance with the plot ratio, building height, building setbacks, building on boundary and privacy requirements of the Residential Design Codes, and the Town's Policy relating to the Hyde Park Precinct and Street Walls and Fences and the Town's Local Law relating to Fences and Floodlights, respectively; and*
- (c) consideration of the objection received.*

COUNCIL DECISION ITEM 10.1.2

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

CARRIED (5-4)

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

Cr Doran-Wu departed the Chamber at 9.10pm.

Cr Doran-Wu returned to the Chamber at 9.11pm.

FURTHER REPORT:

The Council considered the application at its Ordinary Meeting held on 10 July 2007 and resolved as follows:

“That the Item 10.1.4 - Nos. 60-62 (Lots 172 and 173, D/P 25971) Randell Street, corner Randell Place, Perth - Proposed Construction of Two (2) Three-Storey Single Houses with Home Offices and Associated Basement Car Parking be DEFERRED at the request of the applicant to allow for further discussions with the Town’s Officers.”

Subsequent to the item being deferred at the above Ordinary Meeting of Council, the applicant has met with the Director Development Services and the Town's Officers several times regarding the proposed development and has submitted two sets of revised plans. The main difference between the subject proposal and the proposal, which was deferred at the Ordinary Meeting of Council held on 10 July 2007 includes the following:

- The setback of the western dwelling has been increased to closer reflect the setback of the eastern dwelling;
- The floor plan of the western dwelling has been reconfigured to mirror that of the eastern dwelling;
- Groups of glass blocks have been introduced along all levels of the eastern facing wall, which fronts Randell Place; and
- The entry stairs in the front setback area have been reduced in height and bulk.

The owners have also submitted a three dimensional colour perspectives to demonstrate the impact of the proposed development on the existing streetscape. The perspective is included in the attachment to this report.

Further Assessment

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	2 single houses R 60 (as single houses are proposed)	2 single houses	Noted- no variation.
Plot Ratio	0.65 or 121 square metres per dwelling on each lot.	Western side dwelling: 1.28 or 239.1 square metres. Eastern side dwelling: 1.27 or 239.1 square metres.	Not supported- in conjunction with the height and setbacks variations sought, the plot ratio proposed is considered to result in a development with excessive bulk and scale, which will have an undue impact on streetscape.
Building Height	Two storeys encouraged, three storey can be considered at a maximum height of 10.0 metres for concealed roof developments.	Three storeys and a basement. Maximum height of 10.8 metres to Randell Street. Maximum height of 10.3 metres to eastern Randell Place boundary.	Not supported - refer to 'Comments' section.

Garages and Vehicular Access	Vehicular access from secondary street or right of way where legally available.	Vehicular access proposed from primary street.	Supported - refer to 'Comments' section.
Driveway Width	Minimum width 3 metres and not to exceed 40 per cent of lot frontage.	2.750 metres and 39 per cent of lot frontage.	Supported in part - to comply with the 3 metres minimum width, the driveways would occupy 43 per cent of the lot frontage. Such a minor variation would not unduly impact on the amenity of the area or streetscape. It is considered important that the minimum width requirement for the crossover be achieved and this would be conditioned to comply in event of approval.
Building Setbacks: East (all floor levels)	Varies from 1.5 metres to 5.4 metres	Nil	Not supported - in conjunction with the height and plot ratio variations the proposed setback variation is considered to contribute to a development with excessive bulk and scale, which will have an undue impact on amenity of neighbours, streetscape and surrounding area.
Privacy Setbacks	Habitable rooms other than bedrooms - 6.0 metres Outdoor habitable areas- 7.5 metres	Office - 5.0 metres to eastern property. Living room - 5.0 metres to eastern property. Terrace - 6.7 metres to eastern property.	Not supported - an undue impact on affected neighbour, to be conditioned to comply in event of approval. Not supported - as above. Not supported - as above.
Building on Boundary	Walls not higher than 3.5 metres with an average of 3 metres for 2/3 the length of the balance of the boundary	Height - 10.3 metres	Not supported- undue impact on amenity of neighbours, streetscape and surrounding area.

	behind the front setback. (15.38 metres).		
Policy No. 3.2.5 - Street Walls and Fences	In the street setback a wall or fence is not to exceed a maximum of 1.8 metres above the adjacent footpath level. The solid portion of the wall or fence excepting piers is to be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the wall and/or fence being visually permeable, with a minimum of 50 per cent transparency.	Western side dwelling - Maximum height of the solid wall - 1.55 metres in street setback area along western boundary. Balustrade to a maximum of 2.4 metres Eastern side dwelling - Maximum height of the solid wall - 1.55 metres in street setback area along western boundary. Balustrade to a maximum of 2.4 metres.	Not supported - undue impact on amenity of streetscape and surrounding area.
Local Law relating to Fences and Floodlights	No part of a fence, including retaining wall and gate, shall exceed 2.4 metres in height.	Western side dwelling: 2.48 metres to 2.7 metres. Eastern side dwelling to Randell Place: 2.48 metres to 2.7 metres.	Not supported - undue impact on amenity of streetscape and surrounding area, to be conditioned to comply in event of approval.
Consultation Submissions			
The revised plans do not propose any other further variation to the Residential Design Codes and the Town's Policies, and is considered not to have a further undue impact on the adjoining properties and the amenity of the area, and as such there is no need to further re-advertise the proposal.			
Support	Nil		Noted.
Objection (1)	<ul style="list-style-type: none"> • Overshadowing. • Vehicular access from street not in keeping with streetscape. • Eastern setbacks. 		Not supported- as proposal complies with overshadowing requirements of R Codes. Not supported- refer to 'Comments' section. Supported - refer to above. It is noted that objection relating to eastern setback was not from an affected neighbour.

* 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.

Further Comments

In light of the above, the previous Officer Recommendation and assessment has been altered to reflect the amended plans. The following additional information is presented for consideration.

Height

The applicant has superimposed, on the colour perspective, the shell of the proposed building at No. 248 (Lot: 2 D/P: 5962) Fitzgerald Street, Perth, which was approved at the Ordinary Meeting of Council held on 26 June 2007. This development comprises modifications to the internal layout of the existing office, and the addition of two storeys of offices creating a three storey building. This third storey component was supported by the Town's Officers as it is orientated towards Fitzgerald Street and contributes to the strong urban corridor/edge. Whilst it is acknowledged that the proposed development is consistent, in terms of height, with the proposed development fronting Fitzgerald Street, it is considered that further consideration should be given to improve and balance the interface of the subject development with the single and two-storey residential dwellings along Randell Street. It is to be noted that the Town has yet to receive a Building Licence application for the development at No. 248 (Lot: 2 D/P: 5962) Fitzgerald Street, Perth.

Garages and Vehicular Access

In the previous reports to the Council, the Town's Officers have asserted that vehicular access be required from the Randell Place for both properties. The applicant has argued that vehicular access from Randell Place cannot be achieved mainly due to safety reasons and the narrowness of Randell Place and the subject lots. In relation to safety concerns, the Town's Technical Services advised that this can be addressed via adequate setbacks and truncations.

Further consideration of the above requirement has resulted in the Town's Officers acknowledging that vehicular access may be acceptable from Randell Street as the garages are setback 6 metres from street frontage, they are accommodated without obstructing views between the street and dwelling at ground level and as access from the secondary street may still result in the provision of car parking, which is visible from the street. In addition to this, should the garages be located with access to Randell Place a large setback would be required to ensure that the 6 metre manoeuvring space is achieved.

In addition to the above, the Town's Technical Services have advised that a 0.5 metre setback is required along the eastern Randell Place boundary, to accommodate for the future widening of Randell Place, which is under four metres wide. Randell Place is an under width dedicated road. As per the Western Australian Planning Commission's Bulletin No.33, a minimum width of 6 metres is required for vehicle access. However, it is recognised that vehicles can pass safely in a five metre right of way. It is considered important that the 0.5 metre widening requirement be imposed to improve future vehicle access along Randell Place. Further to this, a 1.5 metre by 1.5 metre truncation is required at the south-east corner of the lot, where Randell Street and Randell Place meet.

Conclusion

In light of the above, it is considered that the amended plans do not adequately address the previous reasons for refusal by the Council at its Ordinary Meeting held on 13 February 2007 or the non-supported variations highlighted at the Ordinary Meeting held on 10 July 2007 and it is recommended that the subject planning application be refused.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 10 July 2007.

"OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by the owner S Grewal for proposed Construction of Two (2) Three- Storey Single Houses with Home Offices and Associated Basement Car Parking, at Nos.60-62 (Lots 172 and 173 D/P: 25971) Randell Street, corner Randell Place, Perth and as shown on plans stamp-dated 3 July 2007, for the following reasons:

- (a) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (b) the non-compliance with the setback and vehicular access and height requirements of the Residential Design Codes, and the Town's Policy relating to the Hyde Park Precinct, respectively; and*
- (c) consideration of the objection received.*

COUNCIL DECISION ITEM 10.1.4

(taken from page 7)

Mayor Catania advised that a request for deferral had been received from the applicant of Item 10.1.4 - Nos. 60-62 (Lots 172 and 173, D/P 25971) Randell Street, corner Randell Place, Perth - Proposed Construction of Two (2) Three-Storey Single Houses with Home Offices and Associated Basement Car Parking to allow for further discussions with the Town's Officers.

Moved Cr Ker, Seconded Cr Farrell

That the Item 10.1.4 - Nos. 60-62 (Lots 172 and 173, D/P 25971) Randell Street, corner Randell Place, Perth - Proposed Construction of Two (2) Three-Storey Single Houses with Home Offices and Associated Basement Car Parking be DEFERRED at the request of the applicant to allow for further discussions with the Town's Officers.

CARRIED (7-1)

*For
Mayor Catania
Cr Farrell
Cr Ker
Cr Lake
Cr Maier
Cr Messina
Cr Torre
(Cr Doran-Wu on leave of absence.)*

*Against
Cr Chester*

<i>Landowner:</i>	<i>S Grewal</i>
<i>Applicant:</i>	<i>S Grewal</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial</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>373 square metres</i>
<i>Access to Right of Way</i>	<i>N/A</i>

BACKGROUND:

13 February 2007 The Council at its Ordinary Meeting resolved to conditionally approve an application for demolition of existing two (2) single houses and refuse an application for construction of two (2) three-storey single houses with home offices and associated basement car parking at the subject property.

DETAILS:

The proposal involves construction of two (2) three-storey single houses with home offices and associated basement car parking at the subject property. The main differences between the subject proposal and the proposal refused at the Ordinary Meeting of Council held on 13 February 2007 has been summarised by the applicant in a letter dated 5 May 2007 and attached for the Council's consideration.

ASSESSMENT:

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Density</i>	<i>2 single houses R 60 (as single houses are proposed)</i>	<i>2 single houses R 60</i>	<i>Noted- no variation.</i>
<i>Plot Ratio</i>	<i>0.65 or 121 square metres per dwelling on each lot.</i>	<i>Western side dwelling: 1.41 or (264 square metres) Eastern side dwelling: 1.33 or (247 square metres)</i>	<i>Not supported- in conjunction with the height and setbacks variations sought, plot ratio proposed is considered to result in excessive bulk and scale and to have an undue impact on streetscape.</i>
<i>Height</i>	<i>Two storeys encouraged, three storey can be considered.</i>	<i>Three storeys and a basement.</i>	<i>Not supported - refer to 'Comments' section.</i>
<i>Garages and Vehicular Access</i>	<i>Vehicular access from secondary street where legally available.</i>	<i>Vehicular access proposed from primary street.</i>	<i>Not supported - refer to 'Comments' section.</i>
<i>Driveway Width</i>	<i>40 per cent of lot frontage</i>	<i>51 per cent</i>	<i>Not supported- undue impact on streetscape.</i>

<i>Setbacks:</i> <i>East (all floor levels)</i>	<i>1.0 metre</i>	<i>Nil</i>	<i>Not supported - in conjunction with the height and plot ratio variations proposed, setback variation is considered to contribute to excessive bulk and scale and undue impact on amenity of neighbours, streetscape and surrounding area.</i>
<i>Privacy Setbacks</i>	<i>Habitable rooms other than bedrooms - 6.0 metres</i> <i>Outdoor habitable areas- 7.5 metres</i>	<i>Office and living room is 5.0 metres to eastern property.</i> <i>Terrace is 4.6 metres to eastern property.</i>	<i>Not supported- as undue impact on neighbour, to be conditioned to comply in event of approval.</i>
<i>Consultation Submissions</i>			
<i>The subject proposal has not been advertised as it does not result in any greater variations from the previous plans, with the exception of privacy setbacks requirements which can be conditioned to comply in the event of approval. The one submission received in the previous community consultation period is outlined as below.</i>			
<i>Support</i>	<i>Nil</i>		<i>Noted.</i>
<i>Objection (1)</i>	<ul style="list-style-type: none"> • <i>Overshadowing.</i> • <i>Vehicular access from street not in keeping with streetscape.</i> • <i>Eastern setbacks.</i> 		<i>Not supported- as proposal complies with overshadowing requirements of R Codes. Supported- refer to 'Comments' section. Supported - refer to above. It is noted that objection relating to eastern setback was not from an affected neighbour.</i>
<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>

** 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:

Height

While the Town's Policy relating to the Hyde Park Precinct allows for the consideration of three - storeys building height, it is considered that the height of the proposal is beyond a typical three storey building due to the design and the additional basement garage. Given this and the immediate streetscape predominately consisting of single and two storey buildings, it is considered that the height proposed is out of scale to the streetscape and has an undue impact on the streetscape and general amenity of the area.

Garages and Vehicular Access

In summary, the applicant has asserted that vehicular access from Randell Place cannot be achieved mainly due to safety reasons and the narrowness of Randell Place and subject lots. In relation to safety concerns, the Town's Technical Services has advised that this can be addressed via adequate setbacks and truncations.

While it is noted that the subject application involves two existing narrow lots that would make vehicular access from the Randell Place unachievable, it is considered that an appropriate redesign of the development and a re-subdivision/realignment of the lot boundaries could feasibly facilitate vehicular access from Randell Place. It is noted that the current application is already proposing to realign the current boundary line between the 2 subject lots.

In light of the above, it is considered that the amended plans has not adequately address the previous reasons for refusal by the Council at its Ordinary Meeting held on 13 February 2007 and it is recommended that the subject planning application be refused."

10.1.5 Nos. 100 - 102 (Lot 46, Strata Lots: 1 and 2 STR: 8463) Edward Street, Perth - Proposed Change of Use from Grouped Dwelling and Office Building to Office Building and Associated Alterations and Additions

Ward:	South	Date:	19 February 2008
Precinct:	Beaufort; P13	File Ref:	PRO1908; 5.2007.254.1
Attachments:	001		
Reporting Officer(s):	D Pirone		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Civitella Holdings Pty Ltd on behalf of the owners V D Civitella & Civitella Holdings Pty Ltd for proposed Change of Use from Grouped Dwelling and Office Building to Office Building and Associated Alterations and Additions, at Nos. 100 - 102 (Lot 46, Strata Lots: 1 and 2 STR: 8463) Edward Street, Perth, and as shown on plans stamp-dated 4 July 2007, subject to the following conditions:

- (i) all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (ii) prior to the first occupation of the development, one (1) class one or two bicycle parking facility shall be provided at a location convenient to the entrance of the proposed development. Details of the design and layout of the bicycle parking facility shall be submitted to and approved by the Town prior to the installation of such facility;*
- (iii) the gross floor area of the proposed office building shall be limited to 167 square metres;*
- (iv) the windows, doors and adjacent floor area facing Edward Street shall maintain an active and interactive frontage to Edward Street;*
- (v) a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Edward 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);*
- (vi) the hours of operation of the office building shall be limited to 8:00am to 6:00pm, Monday to Saturday, inclusive;*

(vii) *prior to the issue of a Building Licence or first occupation of the development, whichever occurs first, revised plans shall be submitted and approved demonstrating the following:*

(a) *the car parking bays within the street setback area adjacent to Edward Street not being used for car parking, unless it can be demonstrated through revised plans that all car parking within the street setback area complies with the length and width requirements of the Town's Policy relating to Parking and Access; and*

(b) *compliance with the Building Code of Australia.*

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

(viii) *any new street/front wall, fence and gate between the Edward 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;*

(ix) *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; and*

(x) *prior to the issue of a Building Licence or first occupation of the development, whichever occurs first, 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 and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town.*

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted together with the following new clause (vii):

“(vii) prior to the issue of a Building Licence or first occupation of the development, whichever occurs first, revised plans shall be submitted and approved demonstrating the following:

- (a) the car parking bays within the street setback area adjacent to Edward Street not being used for car parking, ~~unless it can be demonstrated through revised plans that all car parking within the street setback area complies with the length and width requirements of the Town's Policy relating to Parking and Access~~, the existing crossovers to the site being removed, and the street verge adjacent to the subject site being reinstated. All costs associated with the removal of the existing crossovers and reinstatement of the street verge is to be borne by the applicant/owner(s); and*
- (b) compliance with the Building Code of Australia.*

The revised plans shall not result in any greater variation to the requirements of the Town's Policies; ”

CARRIED (9-0)

COUNCIL DECISION ITEM 10.1.5

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 Civitella Holdings Pty Ltd on behalf of the owners V D Civitella & Civitella Holdings Pty Ltd for proposed Change of Use from Grouped Dwelling and Office Building to Office Building and Associated Alterations and Additions, at Nos. 100 - 102 (Lot 46, Strata Lots: 1 and 2 STR: 8463) Edward Street, Perth, and as shown on plans stamp-dated 4 July 2007, subject to the following conditions:

- (i) all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (ii) prior to the first occupation of the development, one (1) class one or two bicycle parking facility shall be provided at a location convenient to the entrance of the proposed development. Details of the design and layout of the bicycle parking facility shall be submitted to and approved by the Town prior to the installation of such facility;*
- (iii) the gross floor area of the proposed office building shall be limited to 167 square metres;*

- (iv) *the windows, doors and adjacent floor area facing Edward Street shall maintain an active and interactive frontage to Edward Street;*
- (v) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Edward 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);*
- (vi) *the hours of operation of the office building shall be limited to 8:00am to 6:00pm, Monday to Saturday, inclusive;*
- (vii) *prior to the issue of a Building Licence or first occupation of the development, whichever occurs first, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *the car parking bays within the street setback area adjacent to Edward Street not being used for car parking, the existing crossovers to the site being removed, and the street verge adjacent to the subject site being reinstated. All costs associated with the removal of the existing crossovers and reinstatement of the street verge is to be borne by the applicant/owner(s); and*
 - (b) *compliance with the Building Code of Australia.*

The revised plans shall not result in any greater variation to the requirements of the Town's Policies;
- (viii) *any new street/front wall, fence and gate between the Edward 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;*

- (ix) *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; and*
- (x) *prior to the issue of a Building Licence or first occupation of the development, whichever occurs first, 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 and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town.*

Landowner:	V D Civitella & Civitella Holdings Pty Ltd
Applicant:	Civitella Holdings Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential/Commercial R80
Existing Land Use:	Grouped Dwelling and Office Building
Use Class:	Office Building
Use Classification:	"AA"
Lot Area:	407 square metres
Access to Right of Way	North side, 3 metres wide, unsealed, privately owned

BACKGROUND:

The subject site has an extensive history relating to its previously approved remedial and stress massage clinic use, alleged unauthorised use, unauthorised patio additions and the most recently approved use as consulting rooms (massage); however, this was valid for a 12 month period only, therefore, the current use of the subject site is grouped dwelling and office.

The Minutes of the City of Perth Council Meeting held on 17 May 1993 indicates that Planning Approval was granted '*for a period of 12 months ... to establish a remedial and stress massage clinic at Strata Lot 2 on Strata Plan 8463 Sub Lot 14 (No. 102) Edward Street, Perth, as shown on plans dated 7 April 1993*'.

The Minutes of the City of Perth Council Meeting held on 26 May 1994 indicates that Planning Approval was granted '*for a period of 12 months ... for a remedial and stress massage clinic at Strata Lot 2 on Strata Plan 8463 Sub Lot 14 (No. 102) Edward Street, Perth, as shown on plans dated 7 April 1993*'.

The Town's records indicate that no further Planning Approval was issued after the expiry date of 26 May 1995, and no Planning Approval was granted for consulting rooms at No. 100 Edward Street.

An application was then received for change of use from grouped dwelling and office building to consulting rooms (massage) on 24 May 2004; however, this application was subsequently withdrawn by the applicant.

The Council resolved the following at its Ordinary Meeting held on 24 August 2004 in relation to the unauthorised use:

- "(i) *ADVISES the owner and occupier of No(s). 100-102 (Lot(s) 46) Edward Street, Perth, that the unauthorised consulting room (massage) use of this property is to cease operation within 14 days of the date of notification by the Town;*
- (ii) *AUTHORISES the Chief Executive Officer to investigate the alleged unauthorised use of this property, including liaising with the Western Australian Police Service, and DEFERS the instigation of any legal action until the Council further considers the matter;*
- (iii) *WRITES to the Western Australian Government Premier and Minister for Police, Emergency Services; Justice; Community Safety seeking urgent introduction of relevant legislation to adequately address and control prostitution, brothels and massage parlours; and*
- (iv) *NOTES that a further report will be submitted to the Council after the investigations have been carried out."*

A retrospective application was received for change of use from grouped dwelling and office building to consulting rooms (massage) and was refused by the Council at its Ordinary Meeting held on 8 February 2005.

DETAILS:

The proposal involves the change of use from grouped dwelling and office building to office building at the subject site. A submission on behalf on the applicant is "*Laid on the Table*".

The submission indicates that the proposal is to refurbish the property for use as office space. As indicated in the Town's Beaufort Precinct Policy, an office use is a desirable commercial component use within the area.

Proposal

- An office use – the actual tenants are not yet sought.
- The proposed hours of operation will be 8am to 6pm, Monday through to Saturday and closed on Sunday.
- The maximum number of employees will be twelve.
- The maximum number of clients/customers/visitors to the site is expected to be four, however, this will depend on the type of office use.

Parking

- 6 car bays have been provided on site.
- The Stadium Car Park is the closest public car park, located on Brewer Street in front of the Members Equity Stadium. This is approximately 200 metres away and has 71 bays.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
Beaufort Precinct Policy	Developments are to contain a residential component of no less than 66 per cent of the existing or approved floor space.	No residential components proposed.	Supported – see ‘Comments’ section.
Consultation Submissions			
Support (4)	No comments given.		Noted.
Objection	Nil.		Noted.
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil
Car Parking			
Car parking requirement (nearest whole number): -Office: 1 car bay per 50 square metres of gross floor area (167 square metres) = 3.34 car bays			3 car bays
Apply the adjustment factors <ul style="list-style-type: none"> ▪ 0.80 (within 400 metres of a rail station) ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.85 (within 400 metres of one or more existing public car parking places with in excess of 75 car parking spaces) 			(0.578) 1.734 car bays
Minus car parking proposed on-site Note: The two car bays within the street setback area adjacent to Edward Street do not comply with the length requirements outlined in the Town’s Policy relating to Parking and Access, therefore, resulting in 4 car bays on-site. A condition has been applied to delete these two car bays or comply with the requirements prior to the issue of a Building Licence.			4 car bays
Minus the most recently approved on-site parking shortfall after adjustment factors			Nil
Resultant surplus			2.266 car bays
Bicycle Parking			
Bicycle parking requirement (nearest whole number): <u>Office</u> (167 square metres of gross floor area) -1 space per 200 square metres of gross floor area for employee/resident (Class 1 or 2) = 0.835 space			1 space (Class 1 or 2) required.

* 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:

Policy No. 3.1.13 - Beaufort Precinct - Scheme Map 13

The land is zoned Residential/Commercial R80 with the immediate area characterised by dwellings being used for commercial purposes. The Town's Policy relating to the Beaufort Precinct specifies that mixed residential/commercial development is to incorporate a residential component of no less than 66 per cent of the existing or approved floor space. It also specifies that the Town may consider variations of these standards to enable development to conform to the historic character of the area, particularly with redevelopment on small lots.

The subject site is situated along the portion of Edward Street between Thorley and Lord Streets, which comprises predominately of single storey semi-detached dwellings, which were built at the turn of the twentieth century. Most of the original dwelling detail is still intact and the majority of residences exhibit characteristics of Federation style architecture. The place at Nos.100-102 Edward Street is considered an integral element within this streetscape.

In accordance with the Beaufort Precinct Policy, the subject development is considered to have merit and warrant such a variation as the residential character of the buildings is being retained and as it will ensure the streetscape is not compromised. Furthermore, the enforcement of a residential component on the subject site is not considered reasonable in this instance by virtue of the established commercial amenity immediately adjoining and surrounding the subject site.

The proposal does not involve additions or renovations to the front of the existing structure, and will ensure the retention of the building's residential presentation to the street. Furthermore, the dwellings have not been used for residential purposes for several years and will require extensive renovations to comply with the Building Codes of Australia as well as ensure a basic standard of living, if these dwellings were to be used for residential purposes.

It is noted that the Council has on numerous occasions, where considered appropriate, supported proposals which effectively do not meet the requirements for 66 per cent of the floor area to be residential in this zone, on the grounds that the mixed-use requirement may be more effective in the short term in streets and neighbourhoods where the predominant use is residential, rather than the higher yielding commercial uses. Further, it is unlikely that the remainder of the street will convert to a predominantly residential use, as most of the existing commercial uses are lawful and established.

Development Proposal

Commercial uses dominate the immediate vicinity of the proposed development and range from two-storey office buildings to the use of single-storey residential buildings for accounting and financial services. The renovation and re-use of these buildings as offices is considered to encourage the retention of the existing building stock and the introduction of uses of a complementary nature and scale to existing and future residential development within the locality. No objections have been received to the proposal and several of the adjoining and adjacent properties consulted have indicated their support of the subject development. In light of the above, it is recommended that the Council approve the proposal, subject to standard and appropriate conditions to address the above matters.

10.1.7 Nos. 92-94 (Lot 44 D/P: 2456) Edward Street, Perth - Proposed Change of Use from Single Houses to Offices and Associated Alterations

Ward:	South	Date:	19 February 2008
Precinct:	Beaufort; P13	File Ref:	PRO0803; 5.2007.515.1
Attachments:	001		
Reporting Officer(s):	L Parker		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Allerding & Associates on behalf of the owner A R & F H Keogh for proposed Change of Use from Single Houses to Offices and Associated Alterations, at Nos. 92-94 (Lot 44 D/P: 2456) Edward Street, Perth, and as shown on plans stamp-dated 14 December 2007, subject to the following conditions:

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

Code of Australia for a Class 5 (Office) building, in particular the requirements for fire safety, energy efficiency, and access and toilet facilities for people with disabilities.

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

- (iv) prior to the issue of a Building Licence or first occupation of the development, whichever occurs first, 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 and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (v) all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (vi) the gross floor area of the offices shall be limited to a combined area of 184 square metres;*
- (vii) the doors, windows and adjacent floor areas fronting Edward Street shall maintain an active and interactive relationship with this street;*
- (viii) a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Edward 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);*
- (ix) prior to the first occupation of the development, one (1) class one or two bicycle parking facility shall be provided at a location convenient to the entrance of the proposed development. Details of the design and layout of the bicycle parking facility shall be submitted to and approved by the Town prior to the installation of such facility; and*
- (x) the hours of operation of the offices shall be limited to the following times: 8:00am to 6:00pm on Monday to Friday, and 8:00am to 1:00pm on Saturdays, inclusive.*

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Farrell, Seconded Cr Messina

That clause (iii) be amended to read as follows;

(iii) *prior to the issue of a Building Licence or first occupation of the development, whichever occurs first, revised plans shall be submitted and approved demonstrating the following:*

(a) *the development complying with the requirements of the Building Code of Australia for a Class 5 (Office) building, in particular the requirements for fire safety, energy efficiency, and access and toilet facilities for people with disabilities; and*

(b) *the car parking bay within the street setback area adjacent to Edward Street not being used for car parking, the existing crossovers to the site being removed, and the street verge adjacent to the subject site being reinstated. All costs associated with the removal of the existing crossovers and reinstatement of the street verge is to be borne by the applicant/owner(s).*

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

AMENDMENT PUT AND CARRIED (9-0)

MOTION AS AMENDED PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 10.1.7

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 Allering & Associates on behalf of the owner A R & F H Keogh for proposed Change of Use from Single Houses to Offices and Associated Alterations, at Nos. 92-94 (Lot 44 D/P: 2456) Edward Street, Perth, and as shown on plans stamp-dated 14 December 2007, subject to the following conditions:

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

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

(a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*

(b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*

- (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (iii) *prior to the issue of a Building Licence or first occupation of the development, whichever occurs first, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the development complying with the requirements of the Building Code of Australia for a Class 5 (Office) building, in particular the requirements for fire safety, energy efficiency, and access and toilet facilities for people with disabilities; and*
 - (b) *the car parking bay within the street setback area adjacent to Edward Street not being used for car parking, the existing crossovers to the site being removed, and the street verge adjacent to the subject site being reinstated. All costs associated with the removal of the existing crossovers and reinstatement of the street verge is to be borne by the applicant/owner(s).*
- The revised plans shall not result in any greater variation to the requirements of the Town's Policies;*
- (iv) *prior to the issue of a Building Licence or first occupation of the development, whichever occurs first, 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 and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
 - (v) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
 - (vi) *the gross floor area of the offices shall be limited to a combined area of 184 square metres;*
 - (vii) *the doors, windows and adjacent floor areas fronting Edward Street shall maintain an active and interactive relationship with this street;*

- The proposed development supports the objectives of the Beaufort Precinct Policy through the re-use and preservation of the existing buildings with the residential character of the buildings remaining unaltered.
- The majority of car parking bays will be accommodated at the rear of the property.
- The scale of the development will be maintained to ensure its compatibility with other developments within the immediate locality.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Beaufort Precinct Policy:	Developments are to contain a residential component of no less than 66 per cent of the existing or approved floor space.	No residential component proposed.	Supported – see ‘Comments’ section.
	Car parks should not	One (1) car bay	Supported - the site’s
	visually detract from the public environment or character of the area and, preferably, should not be visible from streets and public spaces.	located in front setback area.	location in the block bounded by Thorley, Edward, Lord and Brewer Streets, means that access to the site from the rear right of way is not obvious to visitors, as access to the subject right of way is provided from Thorley and Brewer Streets. It is therefore considered unreasonable to expect all visitors to the site to utilise this right of way access, and given that Edward Street is dominated by on-street car parking with often poor availability and properties with car parking within the front setback area, a car bay located within the front setback is considered acceptable in this instance.

Consultation Submissions		
Support (4)	No comments given.	Noted.
Objection	Nil	Noted.
Car Parking		
Requirements	Required	
Car parking requirement (nearest whole number):	4 car bays	
<ul style="list-style-type: none"> Office: 1 space per 50 square metres of gross floor area or part thereof (184 square metres (gross) proposed) = 3.68 car bays 		
Apply the parking adjustment factors.	(0.578)	
<ul style="list-style-type: none"> 0.80 (within 400 metres of a rail station) 0.85 (within 400 metres of a bus stop/station) 0.85 (within 400 metres of one or more existing public car parking places with excess of 75 car parking spaces) 	2.312 car bays	
Minus car parking provided on-site	5 car bays	
Minus the most recently approved on-site car parking shortfall after applying adjustment factors.	Nil	
Resultant surplus	2.688 car bays	
Bicycle Parking		
Bicycle parking requirement (nearest whole number):		
<u>Office</u> (184 square metres of gross floor area) -1 space per 200 square metres of gross floor area for employee/resident (Class 1 or 2) = 0.92 space	1 space (Class 1 or 2) required.	
Other Implications		
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications	Nil	
Financial/Budget Implications	Nil	

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

COMMENTS:

Policy No. 3.1.13 - Beaufort Precinct - Scheme Map 13

The land is zoned Residential/Commercial R80 with the immediate area characterised by dwellings being used for commercial purposes. The Town's Policy relating to the Beaufort Precinct specifies that mixed residential/commercial development is to incorporate a residential component of no less than 66 per cent of the existing or approved floor space. It also specifies that the Town may consider variations of these standards to enable development to conform to the historic character of the area, particularly with redevelopment on small lots.

The subject site is situated along the portion of Edward Street between Thorley and Lord Streets, which comprises predominately single storey semi-detached dwellings, which were built at the turn of the twentieth century. Most of the original dwelling detail is still intact and the majority of residences exhibit characteristics of Federation style architecture. The place at Nos.92-94 Edward Street is considered an integral element within this streetscape.

In accordance with the Beaufort Precinct Policy, the subject development is considered to have merit and warrant such a variation as the residential character of the buildings is being retained and as it will ensure the streetscape is not compromised. Furthermore, the enforcement of a residential component on the subject site is not considered reasonable in this instance by virtue of the established commercial amenity immediately adjoining and surrounding the subject site.

It is noted that the Council has on numerous occasions, where considered appropriate, supported proposals which effectively do not meet the requirements for 66 per cent of the floor area to be residential in this zone, on the grounds that the mixed-use requirement may be more effective in the short term in streets and neighbourhoods where the predominant use is residential, rather than the higher yielding commercial uses. Further, it is unlikely that the remainder of the street will convert to a predominantly residential use, as most of the existing commercial uses are lawful and established.

Building Code of Australia Requirements

The proposal does not comply with the requirements of the Building Code of Australia for a Class 5 (Office) building, particularly in respect of fire safety, energy efficiency, and access and toilet facilities for people with disabilities. As such, a condition has been recommended to be applied to the proposed development, requiring works to be completed to meet the requirements of the Building Code of Australia prior to the first occupation of the development.

Health Services Comments

Health Services are of the opinion that use of the property for commercial purposes is likely to result in a longer term occupancy rate, than would be the case if used for residential purposes over the long term. This would in turn enhance the long term preservation of the building and protect the building against unauthorised use and degradation by squatters, during periods of vacancy. The owners of the building have communicated concerns regarding the difficulty in attracting suitable residential tenants to the property, citing the commercial surroundings, and a feeling of isolation outside of business hours, as being major determinants.

Health Services' intimate knowledge of derelict building issues within the locality, has formed the primary basis for supporting the application, of this otherwise, non-environmental health related matter.

Development Proposal

Commercial uses dominate the immediate vicinity of the proposed development and range from two-storey office buildings to the use of single-storey residential buildings for accounting and financial services. The renovation and re-use of these buildings as offices is considered to encourage the retention of the existing building stock and the introduction of uses of a complementary nature and scale to existing and future residential development within the locality. No objections have been received to the proposal and several of the adjoining and adjacent properties consulted have indicated their support of the subject development. In light of the above, it is recommended that the Council approve the proposal, subject to standard and appropriate conditions to address the above matters.

10.1.9 Proposed Amendment No.25 to the Town of Vincent Town Planning Scheme No.1 – Clause 20(4) Relating to No Multiple Dwellings

Ward:	Both Wards	Date:	18 February 2008
Precinct:	Cleaver P5; Smith's Lake P6; Hyde Park P12; Banks P15	File Ref:	PLA0192
Attachments:	-		
Reporting Officer(s):	H Smith		
Checked/Endorsed by:	D Abel, R Boardman,	Amended by:	-

OFFICER RECOMMENDATION:

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

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

“(a) Cleaver Precinct P5,

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

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

“(a) Cleaver Precinct P5,

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

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

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

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

“(b) Smith's Lake Precinct P6,

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

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

“(b) Smith's Lake Precinct P6,

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

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

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

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

“(e) Hyde Park Precinct P12,

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

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

“(e) Hyde Park Precinct P12,

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

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

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

and

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

“(g) Banks Precinct P15,

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

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

“(g) Banks Precinct P15,

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

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

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

COUNCIL DECISION ITEM 10.1.9

Moved Cr Farrell, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

Moved Cr Doran-Wu, Seconded Cr Ker

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

Journalist, Jacqui Bahr departed the Chamber at 9.25pm.

PURPOSE OF REPORT:

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

BACKGROUND:

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

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

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

DETAILS:

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

CONSULTATION/ADVERTISING:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011 states:

“Strategic Objective 1 : Natural and Built Environment

1.1 Improve and maintain environment and infrastructure...

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

1.1.3 Enhance and maintain the character and heritage of the Town.

1.1.4 Minimise negative impacts on the community and environment.”

FINANCIAL/BUDGET IMPLICATIONS:

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

LEGAL/POLICY:

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

COMMENTS:

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

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

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

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

Cr Messina had declared a Proximity Interest in this Item. He has Council approval to remain in the Chamber to participate in debate, but not vote.

10.2.1 Report No 5 - Streetscape Improvements - Scarborough Beach Road, Between Fairfield St & The Boulevarde, Mount Hawthorn

Ward:	North Perth	Date:	19 February 2008
Precinct:	Mt Hawthorn Centre P.2	File Ref:	TES0077
Attachments:	001		
Reporting Officer(s):	R Lotznicker,		
Checked/Endorsed by:	-	Amended by:	-

That the Council;

- (i) *RECEIVES report No 5 on the Proposed Streetscape Improvements for Scarborough Beach Road, between Fairfield Street and The Boulevarde, Mount Hawthorn;*
- (ii) *NOTES;*
 - (a) *the information contained in the report regarding project progress and additional funds required to complete the project;*
 - (b) *the total funds allocated in the 2007/2008 Budget for the Proposed Streetscape Improvements for Scarborough Beach Road, Mount Hawthorn, as outlined in attached plans Nos. 2152-DP-01 to 04 are \$662,500 and the revised estimated cost to implement the project is \$807,500 resulting in a funding shortfall of \$145,000;*
 - (c) *that the 2007/2008 budget also includes funds of \$212,000 for improvements to the section of Scarborough Beach Road, between Killarney and Green Streets;*
- (iii) *DEFERS the proposed improvement works in the section of Scarborough Beach Road between Killarney and Green Streets - as outlined in clause (ii)(a) - until 2008/2009;*
- (iv) *APPROVES BY AN ABSOLUTE MAJORITY to reallocate \$145,000 from the proposed Scarborough Beach Road project, between Killarney and Green Streets, to the Streetscape Improvements for Scarborough Beach Road, between Fairfield Street and The Boulevarde, Mount Hawthorn project and carries forward the remaining funds of \$67,000 to the 2008/2009 financial year; and*
- (v) *LISTS \$145,000 for consideration in the 2008/2009 draft budget to implement the proposed improvement works along Scarborough Beach Road between Killarney and Green Streets.*

COUNCIL DECISION ITEM 10.2.1

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Ker

That a new clause (vi) be added to read as follows;

- (vi) *REQUESTS that Plan No 2152-DP-03 be amended to show the retention of the mature tree (Corymbia citriodora) on the south east corner of the intersection of Coogee Street and Scarborough Beach Road.*

AMENDMENT PUT AND LOST (4-5)

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

Debate ensued.

AMENDMENT

Moved Cr Ker, Seconded Cr Farrell

That the amount of \$50,000 allocated for the decorative road treatment at Flinders/Scarborough Beach Road (MRRG) be deleted from the program.

AMENDMENT PUT AND LOST (2-7)

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

MOTION PUT AND CARRIED
ABSOLUTE MAJORITY (7-2)

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

Note

Cr Messina advised the Council that he had just realised that he had declared a proximity interest in the item and did not have approval to vote (only to remain in the Chamber and participate in the debate). He apologised for his oversight.

The Presiding Member requested that the Item be re-committed. There was no dissention to this request.

PROCEDURAL MOTION

Moved Cr Ker, Seconded Cr Farrell

That the matter be recommitted (to allow the Item to be voted upon without Cr Messina).

PROCEDURAL MOTION CARRIED(9-0)

Cr Messina departed the Chamber at 9.33pm.

**MOTION PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (6-2)**

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

Cr Messina was out of the Chamber for reconsideration of the recommitted item and returned to the Chamber at 9.34pm.

PURPOSE OF REPORT:

The purpose of this report is to present a progress report to Council on the Mount Hawthorn Centre Precinct Upgrade, between Fairfield Street and The Boulevard.

BACKGROUND:

At its Ordinary meeting held on 24 October 2006, the Council received a further report on the Proposed Streetscape Improvements along Scarborough Beach Road through the Mount Hawthorn Centre Precinct, where the following decision was made:

"That the Council;

- (i) RECEIVES the further report on the Proposed Streetscape Improvements for Scarborough Beach Road, Mount Hawthorn;*
- (ii) APPROVES the implementation of the Scarborough Beach Road Streetscape Improvement Project between Fairfield Street to The Boulevard, as shown on attached Plans No. 2152-LS-01 and 2152-LS-02, estimated to cost \$480,000 subject to the litter bins being installed in close proximity to the bus stops locations;*
- (iii) SUPPORTS the footpath size being increased as a result of consultation between the proprietors of 173 Scarborough Beach Road and the Town; and*
- (iv) ADVISES the respondents of its decision."*

DETAILS:

The Mount Hawthorn Streetscape Upgrade Project has been progressing as follows:

- The trees '*pryus bradford*' (*Bradford Pear*) have been pre-ordered and are currently being on grown in a nursery. They will be at least 3.0m high when planted, giving an almost instantaneous streetscape effect.
- Officers placed an order with Western Power for the new lights in late 2006. Western Power subsequently advised that a new quotation would be required. The quotation was received in April 2007 and Western Power were given the go ahead immediately. \$55,000 had been allowed on budget for the works, however, the quotation was \$164,954 as we were advised new cables and upgraded power supply were required.
- In September 2007 Western Power finally commenced the works which were substantially completed in October 2007.
- Reinstatements carried out by the Town.
- A new bore was installed in the Coogee Street car park.
- Banner Poles have been ordered and are ready to be installed
- Works were placed on hold over the Christmas/New Year period.

In was intended to recommence the works in January 2008, however, the quotation for the installation of the reticulation exceeded the budgeted amount as the majority of the works requires to be micro tunnelled to minimise disruption and expedite the works*.

Note* For Safety and Health reasons the works along this section of Scarborough Beach Road require full lane closures and this can only be carried out outside normal working hours to minimise disruption to businesses along the strip.

In addition, there have been a number of other cost increases since 2006, resulting from material cost increases, changes to the scope of the design including the resurfacing works, central islands, bus embayment, decorative road treatment and traffic management.

CONSULTATION/ADVERTISING:

Residents/Businesses are advised via Information Bulletins of impending works.

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. "*(d) implement infrastructure upgrade programs, including streetscape enhancements, footpaths, rights of way and roads.*"

FINANCIAL/BUDGET IMPLICATIONS:

As previously reported to the Council, funds totalling \$480,000 were initially allocated in the 2006/2007 budget for the Mt Hawthorn Precinct Streetscape Upgrade. These funds were subsequently carried forward to 2007/2008.

In addition, the Town was successful in attracting grant funding of \$182,500 from Main Roads WA in 2007/2008 for the rehabilitation of this section of Scarborough Beach Road. Therefore, the Total Funds available for the project are \$662,500.

The current estimated cost to complete the project is \$807,500, therefore the funding shortfall is \$145,000.

The following table provides a comparison of 'estimated' costs for each of the upgrade options between 2006 and 2008:

Item	Estimated Cost 2006	Estimated Cost 2008	Comments
Replacement of existing streetlights with double outreach decorative lighting	\$55,000	\$165,000	<i>Completed</i>
Kerbing	\$15,000	\$25,000	<i>In progress</i>
Line Marking	\$4,000	\$15,000	<i>Not Commenced</i>
Road works (mill & fill)	\$89,000	\$158,000	<i>Not Commenced</i>
Reinstate / Extend central median islands	nil	\$28,000	<i>In progress</i>
Brick paving reinstatements	\$22,000	\$22,000	<i>In progress</i>
Construction of domestic bore,	\$15,000	\$15,000	<i>Completed</i>
Reticulation mainline and associated works	\$50,000	\$85,000	<i>Not commenced</i>
Removal / replacement of 'all' verge trees with alternative species	\$35,000	\$40,000	<i>In progress</i>
Garden beds	\$40,000	\$40,000	<i>Not commenced</i>
Centrally planted trees (including kerbing/bollards)	\$30,000	\$40,000	<i>Not commenced</i>
Litter Bins	\$8,000	\$12,000	<i>Not commenced</i>
Additional bicycle parking rails	\$1,500	\$1,500	<i>Not commenced</i>
Street Art Work	\$8,500	\$8,500	<i>Not commenced</i>
Bench Seats	\$7,000	\$10,000	<i>Not commenced</i>
Decorative fencing	\$25,000	\$25,000	<i>Not commenced</i>
Banner poles	\$18,000	\$27,500	<i>In Progress</i>
Decorative road treatment at Flinders / Scarborough Bch Rd (MRRG)	\$32,000	\$50,000	<i>Not commenced</i>
Traffic control / contingency	\$20,000	\$35,000	<i>In progress</i>
Design, survey, consultancy	\$5,000	\$5,000	<i>In progress</i>
Estimated Cost and Budget (2006)	\$480,000		
State Road Funding (2007/2008)	<u>\$182,500</u>		
Total Funds Budgeted	\$662,500		
Total Estimated project Cost (2007/2008)		\$807,500	
Estimated Current Budget Shortfall		<u>\$145,000</u>	

Scarborough Beach Road – Killarney Street to Green Street

The 2007/2008 includes funds of \$212,000 for improvements in this section of road. It is recommended that this project be deferred (until 2008/2009) and that;

- \$145,000 be reallocated the Mount Hawthorn Precinct Upgrade Project
- The remaining funds of \$67,000 be carried forward to 2008/2009; and
- Council lists \$145,000 for consideration to implement the improvement works along Scarborough beach road between Killarney and Green Streets in the 2009/2010 draft budget.

COMMENTS:

The success of the streetscape upgrades carried out in the Town to date suggests that most members of the community, be they businesses, visitors or residents, are very much in favour of these types of upgrading works.

Streetscape improvements not only improve the aesthetics of roadways but also reduce the liability on the Town resulting from ageing and unsafe footpaths and pavements.

The Council has given a commitment to complete the upgrade works in the Mount Hawthorn Shopping precinct and additional funds (as outlined in the report) are required to complete this project. It is therefore recommended that the officers recommendation be adopted.

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

Ward:	North	Date:	07 February 2008
Precinct:	Mt Hawthorn P1	File Ref:	RES0049
Attachments:	001		
Reporting Officer(s):	R Lotznicker, J van den Bok		
Checked/Endorsed by:		Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the progress report No 3 on the proposed redevelopment for Axford Park, Mount Hawthorn;*
- (ii) *NOTES that;*
 - (a) *the Automatic Public Toilet has now been installed and is expected to be commissioned by the end of February (early March) 2008;*
 - (b) *a demolition licence and quotations for the demolition of the existing toilet block have been finalised and the demolition will be undertaken in March 2008;*
 - (c) *with the delays experienced to date and advice received from Midland Monumental, who will be modifying and relocating the ANZAC memorial, it is not possible to have the War Memorial relocated to the new site by ANZAC Day, 25 April 2008; and*
 - (d) *additional funds of \$50,000 will be required to complete the project, as outlined on attached Plan No. 2446-CP-5C; and*
- (iii) *LISTS an additional \$50,000 in the 2008/2009 draft Capital Works budget to complete the redevelopment of Axford Park during 2008/2009 financial year.*

COUNCIL DECISION ITEM 10.2.2

Moved Cr Farrell, Seconded Cr Youngman

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Ker

That a new clause (iv) be added to read as follows:

- (iv) *DEFERS demolition of the toilet block until the monument is ready for installation.*

AMENDMENT PUT AND LOST (2-7)

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

MOTION PUT AND CARRIED (6-3)

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

PURPOSE OF REPORT:

The purpose of this report is to provide further information to the Council with regard to the timing and cost implications for the proposed redevelopment of Axford Park in Mt Hawthorn.

BACKGROUND:

At the Ordinary Meeting of Council held on the 12 June 2007, a further report No 2 on the proposed redevelopment of Axford Park was presented to the Council where it was resolved:

"That the Council;

- (i) *RECEIVES the further report No 2 on the proposed redevelopment for Axford Park, Mount Hawthorn;*
- (ii) *NOTES that;*
 - (a) *the Mount Hawthorn RSL have been consulted regarding the proposed relocation of the memorial, fully support the proposal and their comments and input have been incorporated in the attached revised Plan No 2448-CP-5A;*
 - (b) *the revised estimated cost of the proposal as outlined on attached Plan No 2448-CP-5B is \$205,000;*
 - (c) *funds totalling \$175,000 will be available in the 2007/2008 Budget to implement the proposal; and*
 - (d) *the planting of waterwise shade trees under-planted with waterwise landscaping, including bird attracting native plants, is not supported as this proposal is not considered to be appropriate in the context of the Axford Park proposal for the reasons outlined in the report;*

- (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*
- (b) *determines the additional funds required to complete the project once the works as outlined in clause (iii)(a) have been completed; and*
- (iv) *RECEIVES a further report outlining additional funds required to complete the project as per clause (iii)(b)."*

DETAILS

Automatic Public Toilet

The automatic public toilet has now been located on site at Axford Park after extensive delays in both the construction of the unit and shipping from New Zealand.

Power supply to the toilet has been connected through existing lighting conduits; however, the Water and Sewer connections are taking considerably longer than first anticipated, due to the extensive underground services network running through the park and the requirement to manually dig all trenches, particularly around fibre optic cables running to the adjacent telephone exchange.

Following recent discussions with the contractors, it is anticipated that the toilet will be fully operational by the end of February/early March 2008.

The Town's Engineering Operations will also be constructing an accessible path from the existing footpaths along Hobart Street and Scarborough Beach Road to the new toilet.

Demolition of Existing Toilet Block

Quotations for the demolition of the old toilet block have been received and the Town's Building section have provided a demolition licence to the successful contractor.

Demolition of the building is likely to take only two to three days and will be undertaken in March 2008.

Following the demolition and due to the fact that it is not possible to now relocate the memorial prior to ANZAC Day 2008, some remedial landscaping works will be required on the former toilet block site to make the area safe and usable.

Relocation of War Memorial & Associated Landscaping:

The Town's staff have met with the original suppliers of the war memorial, Midland Monumental, who are confident that the memorial can successfully be relocated to the new site and an extension provided as advised in previous reports to the Council.

The site of the new memorial requires a significant footing that will have to be carefully constructed between two (2) fibre optic cables and adjacent to a medium pressure gas main.

This work will require representatives on site from the respective service authorities and from past experience this will take time to coordinate and arrange a convenient date for all parties to be on site.

In addition, earthworks and a retaining structure will need to be carefully undertaken. Officers are liaising with Midland Monumental for the extension and relocation of the memorial to the proposed new site. Once completed, the landscaping will be finalised and various electrical outlets provided within the park for the set up of future ANZAC Day events.

A contingency sum has been allowed for in this project in case of any extra costs that may be required due to the numerous valuable communications cables and other underground services that are within close proximity to the works.

Revised Estimated Costs:

A total amount of \$175,000 has been included in the 2007/08 capital works budget to undertake this project. At the Ordinary Meeting of Council held on 12 June 2007 it was reported that the modified option 2 Plan No 2446-CP-5A would cost in the order of \$205,000.

With the significant increase in building costs over the past few years, the total budget required to complete this project is now \$225,000. Therefore, additional funds of \$50,000 are required to be allocated in the 2008/2009 draft budget to complete this project, as outlined on attached Plan No. 2446-CP-5C.

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*".

FINANCIAL/BUDGET IMPLICATIONS:

As indicated above, the existing budget for the Axford Park redevelopment project is \$175,000 and the total cost of the project has now been estimated at \$225,000. Therefore, an additional \$50,000 is required to complete the project as follows:

With the costs for the supply and installation of the toilet and demolition of the existing toilet now finalised, a more accurate assessment can be made of the costs associated with completing this project as follows:

Stage 1 - Works to be completed prior to ANZAC Day - 25 April 2008

• Supply & Installation of new Automatic Public Toilet	\$124,000
• Installation of accessible paths	\$ 3,000
• Demolition of Existing Toilet Block	\$ 6,600
• Remedial Landscaping works and site clean up	\$ 4,400
Total	\$138,000

Stage 2 - Works estimated to be completed by July 2008

• Concrete base for Memorial	\$ 3,000
• Relocation of War Memorial	\$ 28,000
• Extension to War Memorial	\$ 9,500

• Earthworks	\$ 3,500
• New paving	\$ 20,000
• Retaining walls	\$ 3,000
• Landscaping/turf/reticulation	\$ 6,500
• Associated Electrical Works	\$ 5,500
• Contingency/supervision	<u>\$ 8,000</u>
Total	\$ 87,000

Note: Total Cost of Stages 1 & 2 of Axford Park Redevelopment Project - \$225,000

COMMENTS:

As previously reported to the Council, during the consultation process the majority of the respondents were in favour of some form of redevelopment at Axford Park and the RSL strongly supported the relocation the war memorial.

In view of the above, it is recommended that the additional funding of \$50,000 be supported and the works as outlined be completed as soon as possible, therefore being well established and in readiness for ANZAC Day 2009.

10.2.3 Request for Additional Parks "Outdoor Exercise Equipment"

Ward:	Both	Date:	7 February 2008
Precinct:	All	File Ref:	RES0039;RES0068
Attachments:	-		
Reporting Officer(s):	J van den Bok		
Checked/Endorsed by:	R Lotznicker	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report in relation to the request for the installation of additional park "Outdoor Exercise Equipment" following receipt of a petition from residents in North Perth;*
- (ii) *NOTES that the "Outdoor Exercise Equipment" listed on the 2007/2008 budget and approved by Council at its Ordinary Meeting held on 23 October 2007 is ordered and expected to be installed in March 2008;*
- (iii) *LISTS for consideration, a total of \$80,000 on the 2008/2009 draft Capital Works budget for the supply and installation of the following Outdoor Exercise Equipment;*
 - (a) *One (1) x full set of "Outdoor Gym Equipment" (8 items);*
 - (b) *One (1) x full set of "Life Trail" Equipment (10 items);*
- (iv) *RECEIVES a further report on the proposed locations for the above equipment should these items be approved and included in the 2008/2009 budget; and*
- (v) *ADVISES the petitioners of the Council's resolution.*

Moved Cr Farrell, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Lake, Seconded Cr Messina

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

- (vi) *REQUESTS that the Chief Executive Officer prepares a report by June 2008 on the placement of exercise equipment in parks throughout the Town, stating the following;*
 - *objectives in providing exercise equipment;*
 - *the target users;*

- *the benefits of different types of equipment; and*
- *the suitability of locating equipment in each park to achieve the stated objectives, taking into account available space, demography of the park users, heritage and any other relevant issues.*

AMENDMENT PUT AND CARRIED (7-2)

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

MOTION AS AMENDED PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 10.2.3

That the Council;

- (i) *RECEIVES the report in relation to the request for the installation of additional park "Outdoor Exercise Equipment" following receipt of a petition from residents in North Perth;*
- (ii) *NOTES that the "Outdoor Exercise Equipment" listed on the 2007/2008 budget and approved by Council at its Ordinary Meeting held on 23 October 2007 is ordered and expected to be installed in March 2008;*
- (iii) *LISTS for consideration, a total of \$80,000 on the 2008/2009 draft Capital Works budget for the supply and installation of the following Outdoor Exercise Equipment;*
 - (a) *One (1) x full set of "Outdoor Gym Equipment" (8 items);*
 - (b) *One (1) x full set of "Life Trail" Equipment (10 items);*
- (iv) *RECEIVES a further report on the proposed locations for the above equipment should these items be approved and included in the 2008/2009 budget;*
- (v) *ADVISES the petitioners of the Council's resolution; and*
- (vi) *REQUESTS that the Chief Executive Officer prepares a report by June 2008 on the placement of exercise equipment in parks throughout the Town, stating the following;*
 - *objectives in providing exercise equipment;*
 - *the target users;*
 - *the benefits of different types of equipment; and*
 - *the suitability of locating equipment in each park to achieve the stated objectives, taking into account available space, demography of the park users, heritage and any other relevant issues.*

PURPOSE OF REPORT:

The purpose of this report is to seek approval of funding for additional Parks "Outdoor Exercise Equipment".

BACKGROUND:

At the Ordinary Meeting of Council held on 23 October 2007 a further report was presented in relation to the installation of Outdoor Exercise Equipment where it was resolved:

"That the Council;

- (i) RECEIVES the further report in relation to the installation of "Outdoor Exercise Equipment";*
- (ii) APPROVES the installation of four (4) items of "Outdoor Gym Equipment" in each of the following locations (shown also as laid on the table);*
 - (a) Robertson Park - South Ward (refer attached plan Appendix 10.2.2A); and*
 - (b) Britannia Rd Reserve - North Ward (refer attached plan Appendix 10.2.2B);*
- (iii) APPROVES the installation of three (3) items of "LifeTrail Equipment" in each of the following locations;*
 - (a) Banks Reserve - South Ward (refer attached plan Appendix 10.2.2C); and*
 - (b) Britannia Rd Reserve - North Ward (refer attached plan Appendix 10.2.2B);*
- (iv) ADVISES the Precinct Groups of its decision; and*
- (v) INVESTIGATES holding induction sessions for interested residents at one or more of the outdoor equipment locations and receives a further report on this matter when a proposal/s has been developed."*

As indicated above, the equipment is ordered but unfortunately due to the backlog of orders, Forpark Australia (Outdoor Gym Equipment) and Miracle (LifeTrail Equipment) are unable to supply for some 16 weeks. Therefore, the equipment will be installed some time in March 2008 in the locations identified.

In relation to point (v) above, the Manager Parks Services as spoken with the Manager Beatty Park Leisure Centre and, following the installation of the equipment, an induction session(s) will be organised with a personal trainer from Beatty Park at a location to be advertised in due course.

DETAILS:

A petition was received by the Town on 4 January 2008, signed by 26 residents who live in the park bounded by Ellesmere, Selden and Eton Streets, North Perth (Ellesmere Street Reserve), requesting the installation of an exercise circuit within the park.

Ellesmere Street Reserve is well patronised following the recent upgrade of the playground and playground equipment. The playground is securely fenced and families are regularly seen at the park playing and exercising together.

As with many other playground locations within the Town, with the children now having a secure fun area to utilise, the parents see the opportunity to undertake exercise and an exercise circuit or specialised exercise equipment located adjacent or near the playground provide them with the motivation and convenience.

Following the introduction and installation of the Outdoor Gym Equipment within the Town of Victoria Park several years ago, the Town has received numerous requests for similar items to be installed at local parks.

Other areas where requests have been received for the equipment are as follows:

- Auckland / Hobart Street Reserve
- Keith Frame Reserve
- Hyde Park
- Forrest Park
- Loton Park
- Leederville Oval (public open space)
- Beatty Park Reserve
- Les Lilleyman Reserve

In view of the above demand, the level of use, and the benefits that these items provide to the health and well being of persons, it is recommended that the Council consider providing additional funding in the 2008/2009 capital works budget to install additional exercise equipment.

CONSULTATION/ADVERTISING:

Consultation with representatives of the local precinct groups will be undertaken to determine the location/orientation of the proposed equipment should this be approved.

It should be noted that the Town has written to all precinct groups in regard to the equipment to be installed shortly at Robertson Park, Banks Reserve, and Britannia Road Reserve (south) and requested that they make contact with the Manager Parks Services if they have a preference for the location or orientation of the Outdoor Exercise Equipment.

To date not one response has been received and therefore the equipment will be installed at the locations marked on the plans presented at the Ordinary Meeting of Council held on 23 October 2007.

LEGAL/POLICY:

Nil

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.*”

FINANCIAL/BUDGET IMPLICATIONS:

Following price increases in materials during the past year, the suppliers have advised that the cost for the supply and installation of the Outdoor Exercise Equipment is now as follows:

- Outdoor Exercise Equipment – (8 items installed including rubber soft fall) - \$30,000.00
- Life Trail Equipment – (10 items installed with concrete pads) - \$50,000.00

COMMENTS:

As advised previously, the Outdoor Exercise Equipment has proven extremely popular with local communities within the Town and the demand for additional equipment has not ceased.

It is therefore recommended that the Council lists an amount of \$80,000 on the draft 2008/09 capital works budget to provide further equipment at locations to be determined.

10.2.5 Progress Report No 1 - Drinking Water Initiatives

Ward:	Both	Date:	07 February 2008
Precinct:	All	File Ref:	TES0578
Attachments:			
Reporting Officer(s):	J. van den Bok; J. Lockley; S. Teymant; Bennett		
Checked/Endorsed by:	R Lotznicker;	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report in relation to Drinking Water Initiatives within the Town of Vincent;*
- (ii) *NOTES the comments from the Town's officers in relation to feasibility/impact of implementing the various drinking water initiatives outlined;*
- (iii) *LISTS appropriate funding in the 2008/2009 draft Capital Works budget to install additional drinking fountains in locations to be identified within parks, streetscapes and Town Centres;*
- (iv) *INVESTIGATES further options for the supply of water at Town of Vincent supported outdoor functions however, in the interim, continues to supply bottled water at outdoor functions and Beatty Park Leisure Centre for the reasons outlined within the report;*
- (v) *IMPLEMENTS appropriate measures to facilitate the recycling of plastic (and other containers) at the Town's events and at the Beatty Park Leisure centre; and*
- (vi) *RECEIVES a further report upon receipt of additional information.*

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Ker, Seconded Cr Maier

That the following amendments be made to the Officer Recommendation;

- *clause (iv) be amended to delete the words "for the reasons outlined within the report"; and*
- *clause (vi) be amended to include the words "with comprehensive information on options of practice and experience of other local governments in Australian and overseas and clear recommendations by the end of March 2008".*

AMENDMENT PUT AND CARRIED (5-4)

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

AMENDMENT

Moved Cr Maier, Seconded Cr Ker

That a new clause (vii) be added to read as follows;

- (vii) *investigates the sale of reusable bottles and the provision of free cold water at Beatty Park Leisure Centre in lieu of the sale of bottled water. Such an investigation should include the promotional opportunities for promoting Beatty Park as taking leadership for environmental responsibility.*

AMENDMENT PUT AND LOST (4-5)

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

MOTION AS AMENDED PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 10.2.5

That the Council;

- (i) *RECEIVES the report in relation to Drinking Water Initiatives within the Town of Vincent;*
- (ii) *NOTES the comments from the Town's officers in relation to feasibility/impact of implementing the various drinking water initiatives outlined;*
- (iii) *LISTS appropriate funding in the 2008/2009 draft Capital Works budget to install additional drinking fountains in locations to be identified within parks, streetscapes and Town Centres;*
- (iv) *INVESTIGATES further options for the supply of water at Town of Vincent supported outdoor functions however, in the interim, continues to supply bottled water at outdoor functions and Beatty Park Leisure Centre;*
- (v) *IMPLEMENTS appropriate measures to facilitate the recycling of plastic (and other containers) at the Town's events and at the Beatty Park Leisure centre; and*
- (vi) *RECEIVES a further report with comprehensive information on options of practice and experience of other local governments in Australian and overseas and clear recommendations by the end of March 2008.*

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the recent investigations by staff into the feasibility of identifying and implementing alternative and/or additional drinking water supplies/initiatives within the Town.

BACKGROUND:

At the Ordinary Meeting of Council held on 18 December 2007, a Notice of Motion was presented by Cr Ian Ker, where it was resolved:

That the Town of Vincent:

- (i) in line with the recent decisions by many US cities, the New South Wales Department of Environment and Climate Change, the City of Manly (NSW) and the NSW Local Government Association, ceases to purchase single-serve bottles of water on environmental grounds;*
- (ii) investigates the feasibility of;*
 - (a) installing more public drinking fountains in town centres, parks and recreation reserves and other public places; and*
 - (b) following the example of the City of Cologne (Germany) in providing temporary water stations at Town of Vincent-supported outdoor functions (such as the Hyde Park Fair, Leederville Street Festival and Concerts in the Park);*

with a report to be considered by Council in February 2008; and
- (iii) a Marketing Campaign be developed to promote any identified drinking water initiatives and sustainability benefits.*

DETAILS:

The Town's officers have investigated the feasibility of implementing alternative and/or additional drinking water supplies/initiatives within the Town and the following information is provided.

Drinking Fountains

Comments from the Parks Services Section

Over 50% of the Town's parks and reserves have drinking fountains and all major park/reserve areas have at least one drinking fountain strategically placed near playgrounds or active sports areas.

A total of thirty five (35) drinking fountains are installed within the Town, however, very few have been located within Town Centres or as part of existing streetscape upgrades.

In view of the above, it is recommended that as part of the ongoing Parks/Street Furniture Upgrade Program, appropriate funds be allocated in future budgets to install additional drinking fountains where appropriate water supply points can be accessed.

In addition to the above, the Town's Community Development section have been allocating funding to implement recommendations of the Dog Study which has included the installation of combination drinking/dog fountains within parks.

To date only one (1) has been installed at the southern end of Britannia Road Reserve and two (2) others ordered for installation at Forrest Park and Banks Reserve.

Bottled Water

The purchase of water bottles for Council functions/meetings held at the Administration and Civic Centre has ceased and refrigerated/filtered water from the existing bar area will be provided in carafes as was previously the case.

Comments from the Beatty Park Leisure Centre

Beatty Park sold 15,000 bottles of water in 2006. Whilst the figure for 2007 has not been determined as yet, it would be around the same number of bottles (if not higher).

Revenue of \$27,000 per annum, is obtained from the sale of water (in bottles) at the leisure Centre. Therefore, if the sale of water was removed, this would have an impact on Beatty Park's revenue.

There is an existing drinking fountain located at the leisure centre so users of the centre already have the choice to either purchase water bottles, refill water bottles or drink from the fountain.

Comments from Environmental Officer

If the change is made from supplying a single use plastic bottle to supplying water stations, a single use cup or beverage container will still need to be supplied with a likelihood of generating a larger amount of waste from 'single use' cups. Although the cup is generally smaller in size than a water bottle and not designed for reuse, people would often use more than one cup throughout the day. In addition, if the cup is not collected and recycled, then waste is still being created.

If a water station is provided, it is important to choose the most sustainable material for the cup or beverage container to have the least environmental impact. Comparisons would need to be made between single use paper, plastic and polystyrene foam beverage containers.

If the decision is made to continue to supply water bottles at events, promotion of reuse of the bottles and collection of the bottles for recycling will be required to ensure sustainability.

There are considerable energy savings if the plastic bottles are recycled, which would make the supply of the water bottles more environmentally friendly and sustainable.

The energy saved by recycling one (1) plastic drink bottle (of any beverage) will power a computer for 25 minutes. Recycling 41 plastic drink bottles is equivalent to the energy required to run a refrigerator for one (1) hour.

Producing new plastic from recycled material uses only two thirds of the energy required to manufacture plastic from virgin materials (oil and other fossil fuels).

The reduction of plastic bag use is considered to be a more pressing issue as, for example, the energy consumed by driving a car one kilometre is the equivalent of manufacturing nine (9) plastic bags, or the energy used to make two (2) plastic bags is 1,470kJ of natural gas, petroleum and coal.

Comments from the Community Development Section

In 2006 the Town received sponsorship for Active Vincent Day, with 500 bottles of free water from the Water Corporation. In 2007 the sponsorship program was discontinued as outlined in comments below from the Water Corporation and drinks were supplied by an on site vendor at no cost to the Town.

In 2007, 250 x 750ml bottles of water were distributed at the Mayor's barbecue, at a cost of \$1.50 per bottle, amounting to a \$350 profit for the event.

Comments from the Health Services Section

The issue of trying to eliminate bottled water at events is admirable on environmental grounds, but contentious from a public health point of view. Water, as with alcohol and soft drinks, is considered a product of choice and when compared with alcohol and soft drink, it is by far the healthier option.

Another key consideration associated with bottled water is that the product is usually refrigerated, with refrigerated water being preferred by many. If people are unable to purchase bottled water, it is likely that they will opt for a fruit juice, cool drink or alcohol, which will not quench their thirst as effectively. This in turn will likely result in the purchase of a further packaged drink (now 2 packages), in an endeavour to quench the thirst that would have been extinguished with just one bottle of water.

Should alternative water sources be provided at events, there is no guarantee they will be utilised by bottled water users, as intended. This combined with the potential for the production of even more waste (due to the example provided above), has lead Health Services to recommend exercising caution in relation to such commitments.

In order to determine the impact on the amount of waste created at community events where non-packaged water is provided, versus those events where packaged water is provided, it is further recommended that the quantity of packaged drinks produced at each event type be analysed at future events to quantify the reality of the initiative. Issues such as the event target group, number of attendees, weather conditions and duration would need to be considered to ensure that such an undertaking is accurately indicative.

In terms of allaying the environmental impact in relation to the amount of package waste produced by bottled water, this could be overcome by having event organisers commit to ensuring that all bottles, cans and other recyclable products, were in fact recycled.

From a public health perspective, sterile, packaged water is preferable to manually dispensed options, due to the reduced potential for the contamination of the water source. Although such risks are likely to be minimal - as potable water source is chlorinated - the risk of packaged water is even lower, and therefore the option endorsed from a Public Health viewpoint.

Comments from Water Corporation

Over the past seven (7) years, most of the Water Corporation's support was provided "in-kind" through the provision of "Refreshing WA Water" - their own brand of bottled tap water. This promotional item was particularly popular and assisted in supporting thousands of community events, causes and volunteers. The Water Corporation has decided that the Refreshing WA Water program will no longer operate in the Perth metropolitan area.

They have stopped supplying bottled water because they did not feel it was sustainable or environmentally friendly. Producing disposable plastic water bottles uses extensive resources and creates pollution and also the bottles are often not recycled and add to land fill.

They still have an extensive corporate, stakeholder and community sponsorship program and sponsor many events and organisations. The funds from the bottled water program are being channelled into an ongoing sponsorship program.

Comments from the Local Government Association (LGA)

The LGA 2007 Annual Conference resolved as follows:

71 – City of Manly-Impact of Plastic Bottles

1. That the Association, working through the Boomerang Alliance, mounts a campaign addressing the increasing consumption of bottled water, the proliferation of plastic water bottles, and the serious toll on the environment. Such a campaign should include the issues of resource conservation, waste management, container deposit legislation, extended producer responsibility and greenhouse emissions.
2. That the Association lobbies State and Federal Governments to have the life cycle ecological impact of products assessed and identified to consumers through a clear, consistent, agreed set of indicators and symbols. This system needs to be based on quantifiable criteria developed in consultation with major stakeholders including consumer groups, Local Government and industry.

Temporary Water Stations

Comments from the Community Development Section

Over ten (10) water event supply businesses have been contacted and they advised they had no knowledge of any firm that supplied portable 'tap water', however, there was a large number of companies that supplied bottled water.

It was suggested that a solution may be engineered with a truck, trailer combination or tap fittings to fit onto the water mains.

Note: The City of Manly was contacted, but having only also recently resolved that bottled water would not be purchased they too have not found an alternative as yet.

Comments from Environmental Officer

Information has been received on Atmospheric Water Generators (AWGs) as an alternative water supply at Council outdoor functions. This idea will be further investigated and, if deemed a practicable option, these can be hired or purchased.

The capacity of the AWGs is determined by what they can produce in a 24 hour period and dependent on the level of atmospheric humidity.

All of the machines can be powered from a generator if mains power is not available and for additional production the machines can be banked to whatever capacity is required.

The cost per litre compared with bottled water, including the maintenance for the machine plus the power, works out to be approximately 0.08c per litre of water.

At this stage the company contacted has not yet provided AWGs for any event, however, they are very interested in taking it to the next step of designing a trailer with one or more AWGs to produce pure drinking water. They are looking at providing a trailer or trailers depending on volumes required, however at this stage looking at providing between 500 and 1,000lt of water per trailer.

The cost of purchasing AWG's with a generator is as follows:

- 20 litre AWG \$2,500.00
- 40 litre AWG \$3,660.00
- 60 litre AWG \$4,360.00
- 90 litre AWG \$5,550.00
- 400litre AWG \$11,990.00

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.1.4 Minimise negative impacts on the community and environment “g) *Minimise the impact of environmental pollution.*”

FINANCIAL/BUDGET IMPLICATIONS:

As indicated above, funding will be allocated in the 2008/09 draft Capital Works budget to supply and install additional drinking fountains within parks, streetscapes and Town Centres.

COMMENTS:

In view of the difficulty officers have had in identifying an alternative water source for the Town's outdoor functions, and the financial impact of not supplying bottled water may have on Beatty Park Leisure Centre, it is recommended that bottled water be continued to be supplied in the short to medium term until a practicable and sustainable option can be identified.

It is considered that public place recycling be implemented at events where a recycling bin for plastic bottles is supervised and the public attending are aware of the recycling bin.

The Presiding Member advised the Meeting that the time was almost 10.00pm and in accordance with Council Policy an extension of time was necessary to consider the remaining items.

PROCEDURAL MOTION

At 9.59pm Moved Cr Burns, Seconded Cr Farrell

That the meeting be extended for a further 15 minutes.

CARRIED (9-0)

The Chief Executive Officer advised that Mayor Catania, Cr Burns and Cr Messina had declared a financial interest in Item 10.3.1. They departed the Chamber at 10.00pm and did not speak or vote on this matter.

Deputy Mayor, Cr Steed Farrell assumed the chair.

10.3.1 Investment Report as at 31 January 2008

Ward:	Both	Date:	5 February 2008
Precinct:	All	File Ref:	FIN0033
Attachments:	001		
Reporting Officer(s):	N Makwana		
Checked/Endorsed by:	Bee Choo Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Investment Report for the month ended 31 January 2008 as detailed in Appendix 10.3.1.

COUNCIL DECISION ITEM 10.3.1

Moved Cr Maier, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (6-0)

Mayor Catania, Cr Burns and Cr Messina were absent from the Chamber and did not speak or vote on this matter.

Mayor Catania, Cr Burns and Cr Messina returned to the Chamber at 10.01pm.

Mayor Catania assumed the Chair.

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the level of funds available, the distribution of surplus funds in the short term money market and the interest earned to date.

BACKGROUND:

Interest from investments is a significant source of funds for the Town, where surplus funds are deposited in the short term money market for various terms. Details are attached in Appendix 10.3.1.

Council's Investment Portfolio is spread across several Financial Institutions in accordance with Policy Number 1.3.8.

DETAILS:

Total Investments for the period ended 31 January 2008 were \$18,799,958 compared with \$19,235,726 at 31 December 2007. At 31 January 2007, 18,745,252 were invested.

Total accrued interest earned on Investments as at 31 January 2008:

	BUDGET	ACTUAL	%
	\$	\$	
MUNICIPAL	535,000	415,529	77.67
RESERVE	547,600	363,564	66.39

COMMENT:

As the Town performs only a custodial role in respect of monies held in Trust Fund Investments these monies cannot be used for Council purposes, and are excluded from the Financial Statements.

The decrease in investments for the month of January is as a result of payments for capital projects.

10.4.2 Statutory Review of Local Laws - Proposed New Trading in Public Places Local Law 2008

Ward:	-	Date:	22 Feb 2008
Precinct:	-	File Ref:	LEG0026
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *NOTES that pursuant to Section 3.16 of the Local Government Act 1995 the Town has advertised its local law and that no submissions were received at the close of the statutory (6) week public consultation period; and*
- (ii) *pursuant to Section 3.12 of the Local Government Act 1995 APPROVES BY AN ABSOLUTE MAJORITY to ADOPT a new Local Government Trading in Public Places Local Law 2008 as shown in Appendix 10.4.2 to provide for the regulation, control and management of outdoor eating facilities, stalls, traders and entertainers in any street or public place within the district by establishing the requirements with which persons must comply in order to undertake those activities.*

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Lake

That the following amendments be made;

- (c) *page 16 – 2.26(d) and new (e)*
 - “(d) not display any advertising sign on a footpath within ~~30ems~~ 500 millimetres of the kerb ~~or more than 120ems~~ from the kerb, so as to;*
 - (e) ensure the free passage of persons using a footpath.”*
- (d) *page 31 – Schedule 1 – 2.26(d) and new (e)*
 - “(d) Failing to display the advertising sign more than 500 millimetres between 30em and 120em from the kerb ... \$100”*
 - (e) Failing to ensure free passage of persons using a footpath ... \$100”*

Debate ensued.

AMENDMENT PUT AND LOST (4-5)

For

**Cr Farrell
Cr Lake
Cr Maier
Cr Messina**

Against

**Mayor Catania
Cr Burns
Cr Doran-Wu
Cr Ker
Cr Youngman**

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

FURTHER REPORT:

At the Council Meeting held on 12 February 2008, the Council considered this matter and resolved as follows;

That the Item be DEFERRED until the next meeting and that the Chief Executive Officer consider the amendments suggested by Cr Maier.

The suggested amendments have been considered as follows;

(a) page 11 – 2.10(3)

“(3) A person under the age of 14 years is not *to* perform unless authorised by the local government.”

CEO’s Comment:

This is supported. The Local Law has been amended to include the new wording.

(b) page 12 – 2.14(2)(i) and (h)

“(i) allow any person under the age of 14 years to perform during school hours on school days or between 7pm one day and 6am the following day unless authorised by the local government.”

“(h) solicit money from members of the public unless authorised by the local government.”

CEO’s Comment:

This is supported. The Local Law has been amended to include the new wording.

(c) page 16 – 2.26(d) and new (e)

“(d) not display any advertising sign on a footpath within ~~30cms~~ 500 millimetres of the kerb or more than 120cms from the kerb, so as to;

(e) ensure the free passage of persons using a footpath.”

CEO's Comment:

The new sub-clause (e) is supported and the Local Law has been amended accordingly.

The new sub-clause (d) is not supported.

The reference to the two distances is to ensure that any sign is located in the area between 500mm and 1200mm from the kerb. If the 1200mm is removed, this will then allow any signs to be located on the footpath (providing they "ensure the passage of persons using the footpath". For example, it will allow signs to be placed against a building.

Following the introduction of the original "Display of Signs" Local Law, the Town was approached by the Disability Services Commission indicating that signs against the building line posed a danger to people with a severe visual impairment, who make use of a white stick, because they are taught to use the outer building wall and the footpath to maintain their bearings.

Accordingly, the Town's Administration consider the existing sub-clause (d) should remain unchanged.

(d) page 31 – Schedule 1 – 2.26(d) and new (e)

“(d) Failing to display the advertising sign more than 500 millimetres between 30cm and 120cm from the kerb ... \$100”

(e) Failing to ensure free passage of persons using a footpath ... \$100”

CEO's Comment:

Sub-clause (e) is supported and the Local Law has been changed accordingly. Sub-clause (d) is not supported for the reasons mentioned above.

PURPOSE OF REPORT:

The purpose of the report is to advise Council that no submissions were received at the conclusion of the six (6) week statutory public consultation period of the proposed review of the Town's Local Law and for the Council to adopt the revised Local Government Property Local Law.

BACKGROUND:

At the Ordinary Meeting of Council held on 8 May 2007, the Council considered the matter and resolved to approve of a new Local Law and advertise this for public consultation.

The revised Local Laws was re-advertised in November 2007 and submissions closed in January 2008.

As part of the consultation process comments were received from the Department of Local Government as follows:

1 Cover Page and Preamble

The Town should amend the year at the end of the title and preamble of the local law so that it reflects the year in which the local law is made e.g. in this case so that it reads '*Trading in Public Places Local Law 2008*'.

The date clause needs to be changed to reflect the year in which the resolution to make the local law is made. i.e. "Town of Vincent resolved on..... 2008".

CEO's Comment:

This amendment is accepted. This amendment is to reflect the year of adoption. It does not affect the local law in any way.

2 Interpretation (Clause 1.6)

In the definition of "vehicle", you refer to 'a vehicle described in the First Schedule to the *Road Traffic Act 1974*'. This Schedule does not appear to exist (anymore) in the Road Traffic Act.

CEO's Comment:

This amendment is accepted and the reference to the First Schedule has been deleted.

3 Clause 2.8(1)(d)

It would appear that while the repeal of the *Weights and Measures Act 1915* is via the *Trade Measurement Administration Act 2006*, the provisions in relation to certification of measuring instruments are in the *Trade Measurement Act 2006*. Kindly check this reference.

CEO's Comment:

This amendment is accepted. The correct title of the specified Legislation has been used.

4 General

Proposed clause 6.1(2) repeats a Local Government Act provision (section 9.12) but makes it into an offence for which a ranger could give out an infringement notice penalty of \$250. This is not appropriate as the offence is already in the Act and, under the Act, the offender needs to be taken to court for prosecution. This proposed penalty and clause should be removed from your local law as it is inconsistent with the current Act provision.

CEO's Comment:

This amendment is accepted. The offending clause has been deleted. Any actions will be taken under Section 9.12 of the Act.

Comment 15 related to ouster clauses. The Parliament's JSCDL notes that section 9.56 of the Act does provide protection from personal liability in tort to councillors, council employees and agents who perform acts or omissions in good faith. However, this protection cannot be extended to **'the local government'** i.e. you cannot include provisions preventing a local government itself from being sued by someone for a cause of action recognised by common law or statute. Please review, for example, the wording of clause 6.3 and 5.2(4) to ensure they are not beyond the power of the Act.

CEO's Comment:

This amendment is accepted. All reference to "the local government" in these clauses has been deleted.

Comments 13(dot point 2) and 16 related to reversal of the onus of proof. For example, the JSCDL previously asked a local government to delete wording similar to your proposed clause 6.4(2). A copy of the JSCDL's 9th Report is attached for your reference. Please see item 5 page 9-10 for an explanation of the JSCDL's concerns. It is recommended that you review clauses 2.30(3) and 6.4(2) and consider their deletion.

CEO's Comment:

This amendment is accepted. The offending clauses have been deleted.

Minor formatting and several typographical errors have also been corrected throughout the draft local law. These do not affect the legality of the local law.

DETAILS:

A review of all the local laws has been carried out by the Town's officers. The Town has used the Western Australian Local Government Association's (WALGA's) Model Local Laws and modified them to suit the Town's requirements. The Model Local Laws have been approved by the Parliamentary Joint Standing Committee on Delegated Legislation and therefore have been previously checked for legal compliance. The Town has also reviewed a number of other local government's local laws.

The process has taken longer than anticipated due to the review being carried out "*in-house*" by the Town's officers.

Trading in Public Places Local Law

This Local Law replaces the following existing local laws and amalgamates them into one new local law:

- *Alfresco Dining*, published in the Government Gazette of 30 April 1998;
- *Display of Items on a Footpath*, published in the Government Gazette of 14 June 2000 and amendments; and
- *Street Trading*, published in the Government Gazette of 22 December 1998.

Part 1 - Preliminary

This part includes all the statutory requirements of citation, objective, commencement, repeal and application of the local law. The Interpretation clause is expanded to include a more comprehensive list of definitions.

The fees and charges prescribes the current process.

Part 2 - Trading in Thoroughfares and Public Places

2.1 Definitions

2.2 *Stallholder's permit* - this is similar to the Town's current local law.

2.3 *Trader's permit* - this is new and allows for traders to apply for a licence.

2.4 *No permit required to sell newspapers* - this is the same as the Town's current local law.

2.5 *Matters to be considered in determining application* - this is similar to the Town's current local law.

2.6 *Conditions of permit* - this is similar to the current local law.

2.7 *Exemptions from requirement to pay fee* - this is a new clause and gives discretion to the Town to exempt charitable organisations from fees.

2.8 *Conduct of stallholders and traders* - this is similar to the Town's current local law.

2.9 Definitions

2.10 *Entertainer's permit required to perform* - this is a new provision (based on the City of Perth local law) and allows for an Entertainers Permit to allow people to perform in a public place.

2.11 *Variation of permitted area and permitted time* - this is a new clause, (based on the City of Perth local law) and allows a local government to vary a permit.

2.12 *Duration of permit* - this is a new clause (based on the City of Perth local law) – specifies times.

2.13 *Cancellation of permit* - this is a new clause (based on the City of Perth local law) allows for the cancellation of a permit.

2.14 *Obligations of permit holder* - this is a new clause, (based on the City of Perth local law) and prescribes conditions of obligation.

2.15 Definitions

2.16 *Permit required to conduct an outdoor eating area* - this is a new clause (based on the City of Perth local law) and prescribes the need for a permit.

2.17 *Matters to be considered in determining application* - this is a new clause (based on the City of Perth local law) – prescribes matters for a local government to consider.

- 2.18 *Obligations of permit holder* - this is a new clause (based on the City of Perth local law) – prescribes conditions for permit holders.
- 2.19 *Removal of an outdoor eating area unlawfully conducted* - this is a new clause (based on the City of Perth local law) – allows for removal of an outdoor eating area.
- 2.20 *Use of an outdoor eating area by public* - this is a new clause (based on the City of Perth local law) – prohibits persons using an outdoor eating area unless they are bonafide customers.
- 2.21 *Temporary removal of an outdoor eating area may be requested* - this is a new clause (based on the City of Perth local law) – allows for removal of an outdoor eating area in the event of public works.
- 2.22 Definitions
- 2.23 –
- 2.34 *Display of Advertising Signs on a Footpath* - these clauses are for the control of signs.

Part 3 - Permits

- 3.1 -
- 3.15 These are all new clauses relating to the handling of permits. (Permits are now used instead of licences.)

Part 4 - Bond or Security

- 4.1 *Security for restoration and reinstatement* - this is a new clause which may require payment of a bond or security if required.
- 4.2 *Use by the local government of bond or security* - this is a new clause to allow the town to carry out the works using a bond in the event of a default of a notice.

Part 5 - Miscellaneous

This Part deals with serving of notices, insurance and action to be taken in cases of non-compliance.

PART 6 - GENERAL

This Part deals with authorised persons, impounding of goods and disposal of impounded goods.

PART 7 - OFFENCES AND PENALTIES

This part introduces the power to issue modified penalties for non-compliance. This is new and the Local Government Act 1995 allows it for all local laws.

PART 8 - OBJECTIONS AND APPEALS

This Part prescribes the procedure for persons lodging an appeal.

CONSULTATION/ADVERTISING:

The Town's intention to review its local laws was advertised in The West Australian Newspaper and on the Town's website. Notification was also sent to Precinct Groups and a local public notice was displayed on the official Notice Board.

The revised local law was re-advertised in November 2007.

At the close of the six (6) week re-advertised public consultation period, no submissions were received.

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, 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 was completed.

Procedure for Reviewing and Adopting a Local Law

- (1) The local government is to –
 - (a) give Statewide public notice that –
 - (i) the local government proposes to make a local law the purpose and effect.
 - (ii) a copy of the proposed local law may be inspected or obtained;
 - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice (not less than 6 weeks).
 - (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister; and
 - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
- (2) A notice is also to be published and exhibited as if it were a local public notice.
- (3) After the last day for submissions, the local government is to consider any submissions made and may make the local law * as proposed or make a local law * that is not significantly different from what was proposed.

** Absolute majority required.*
- (4) After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister.
- (5) After the local law has been published in the Gazette the local government is to give local public notice –

- (a) stating the title of the local law;
- (b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and
- (c) advising that copies of the local law may be inspected or obtained from the local government's office.

National Competition Policy (NCP) Public Benefit Test

The provisions relating to the administration of this local law are contained in the model local law produced by WALGA and endorsed by the Department of Local Government. Also, the City of Perth Local Laws relating to Trading in Public Places and Outdoor Eating Areas (gazetted in 2005) have been reviewed. In some instances, the Town's local law clauses have been based on similar clauses in those local laws. This has been assessed for any public benefit test ramifications.

STRATEGIC IMPLICATIONS:

The matter is in keeping with the Town's Strategic Plan 2006-2011 - Objective 4.12 "*Manage the organisation in a responsible, efficient and accountable manner*".

FINANCIAL/BUDGET IMPLICATIONS:

The purchase of the WALGA Model Local Laws cost \$1,500.

The cost of advertisements to date was approximately \$1,000. Final advertising will be approximately \$500. The Solicitors costs for reviewing the Local Law is approximately \$2,000. An amount of \$5,000 has been included in the Budget for this project. The new local laws are required to be printed in the Government Gazette by the State Law Publisher which will cost approximately \$1,500. All other copying will be carried out in-house and will cost approximately \$500. (Employee costs have not been included.)

COMMENTS:

The statutory review has been completed, and no submissions have been received. It is recommended that the reviewed and revised Trading in Public Places Local Law be adopted.

10.4.3 Statutory Review of Local Laws – Adoption of New Local Government Property Local Law 2008

Ward:	-	Date:	20 February 2008
Precinct:	-	File Ref:	LEG0036
Attachments:	001		
Reporting Officer(s):	J MacLean, J van den Bok, D Morrissey, John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *NOTES that pursuant to Section 3.16 of the Local Government Act 1995 the Town has advertised its local law and that no submissions were received at the close of the statutory six (6) week public consultation period; and*
- (ii) *pursuant to Section 3.12 of the Local Government Act 1995 APPROVES BY AN ABSOLUTE MAJORITY to ADOPT a new Local Government Property Local Law 2008 as shown in Appendix 10.4.3 to provide for the regulation, control and management of activities on local government property and public property within the district.*

COUNCIL DECISION ITEM 10.4.3

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

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

FURTHER REPORT:

At the Council Meeting held on 12 February 2008, the Council considered this matter and resolved as follows:

That the Item be DEFERRED until the next meeting and that the Chief Executive Officer consider the amendments suggested by Cr Maier.

The suggested amendments have been considered as follows;

- (a) *page 18 – 3.14(2)(b)*
- (b) *the liquor is in small quantities, as determined by the CEO and is being brought to or consumed in the course of a bon fide family picnic or gathering.*

CEO's Comment:

This is supported. The Local Law has been amended accordingly.

(b) page 19 – 4.2 (1)(a) and (b)

- (a) females, then a person of the male gender over the age of 6 years shall not use that toilet block of change room; or
- (b) males, then a person of the female gender over the age of 6 years shall not use that toilet block of change room.

CEO's Comment:

This is supported. The Local Law has been amended accordingly.

(c) page 29 – 6.4 (1)(a)(iv)

- (1)(a)(iv) *not be placed in any position other than immediately in front of the building or the business to which the sign relates and be located not closer than 500 millimetres to the kerb ~~or further than 1200 millimetres from the kerb~~ so as to ensure the free passage of persons using the footpath;*

CEO's Comment:

The reference to the two distances is to ensure that any sign is located in the area between 500mm and 1200mm from the kerb. If the 1200mm is removed, this will then allow any signs to be located on the footpath (providing they “ensure the passage of persons using the footpath”. For example, it will allow signs to be placed against a building.

Following the introduction of the original “Display of Signs” Local Law, the Town was approached by the Disability Services Commission indicating that signs against the building line posed a danger to people with a severe visual impairment, who make use of a white stick, because they are taught to use the outer building wall and the footpath to maintain their bearings.

Accordingly, the Town's Administration consider the existing sub-clause (1)(a)(iv) should remain unchanged.

(d) page 43 – 11.4

That the following sub-clause be deleted;

- “(2) Sub-clause (1) does not apply where the plant or tree was planted by the local government.”*

CEO's Comment:

This amendment is supported. The Council has control over what species of trees or plants are planted.

The Local Law has been amended accordingly.

PURPOSE OF REPORT:

The purpose of the report is to advise Council that no submissions were received at the conclusion of the six (6) week statutory public consultation period of the proposed review of the Town's Local Law and for the Council to adopt the revised Local Government Property Local Law.

BACKGROUND:

At the Ordinary Meeting of Council held on 22 May 2007, the Council considered the matter and resolved to approve of a new Local Law and advertise this for public consultation.

The revised Local Law was re-advertised in November 2007 and submissions closed in January 2008.

As part of the consultation process comments were received from the Department of Local Government as follows:

1 Year Change

The year at the end of the title of the local law should be changed from 2007 to 2008. i.e. 'Local Government Property Local Law 2008'. Two examples are the heading of the local law and the sealing clause at the end of the local law.

CEO's Comment:

This amendment is self explanatory and is agreed.

2 Definitions (clause 1.6)

- In the definition of "vehicle", reference to 'a vehicle described in the First Schedule to the Road Traffic Act 1974'. This Schedule does not appear to exist (anymore) in the Road Traffic Act. Please check this reference.

CEO's Comment:

This amendment is agreed.

3 Clause 3.12

Clause 3.12(1)(t) appears to be very broad in its intent. For example, it would appear to cover the situation of clubs using recreational facilities to take photos of sporting or club events and selling them to members. The Parliament's Joint Standing Committee on Delegated Legislation (JSCDL) may have concerns about the reasonableness of this provision. Please review the wording of this clause.

CEO's Comment:

This amendment is agreed. The Clause has been reworded by the Town's solicitors to reflect the intent to apply for activities of a commercial nature.

4 Clause 5.4

As there are no definitions for this clause 5.4, do you wish to delete it? (If so, please ensure that any necessary renumbering of other clauses is made and cross referencing is checked).

CEO's Comment:

The definition of "river" has been inserted. Therefore, this clause should remain.

5 Clause 9.3(2)

This clause 9.3(2) relates to the reversal of the onus of proof. The JSCDL has previously indicated concerns with this issue. Please see item 5 page 9-10 for an explanation of the JSCDL's concerns. It is recommended that you therefore delete this clause or the JSCDL is likely to request that you remove it.

CEO's Comment:

This amendment is accepted. Clause 9.3(2) has therefore been deleted.

6 Clause 10.1(a)

Should the reference to 'verge' read as 'thoroughfare'? The Town may wish to refer to clause 2.1(a) of the Model Local Law at Section 2, page 314 of the Local Laws Manual for this purpose.

CEO's Comment:

This amendment is accepted. The word "verge" has been deleted and the word "thoroughfare" has been inserted. This will not specifically affect the local law. (A thoroughfare includes a verge).

7 Schedule 1

Please check this Schedule as there appear to be some inconsistencies, including the following:

- For clauses 4.1(a) and (b), it is recommended that these not be included as prescribed offences as they do not appear to fall under the requirements for prescribed offences in s.9.16(2) of the Act (i.e. stating that prescribed offences are to be relatively minor matters and only straightforward issues of law and fact are involved in determining if the offence was readily committed, and the facts are readily ascertainable). Please review the Schedule for other similar examples e.g. clause 5.3(2), 'Failure to leave a community facility quietly and peaceably when requested to do so' and clauses 13.1 and 13.2(2).

CEO's Comment:

The prescribed offences have been deleted. Any alleged offences for these matters will be pursued in the Magistrates Court.

- For the prescribed offence under clause 5.5(1), it is suggested that you modify the description so that it is more consistent with the wording for the clause.
- For prescribed offences under clauses 5.9(1) and 5.11 respectively, should ‘without a permit’ read as ‘without approval’?
- For the prescribed offence under clause 7.2(2)(a), it is suggested that you modify the description so that it is more consistent with the wording for the clause.
- For the prescribed offence in relation to clause 9.1, it would appear that there are 2 such prescribed offences – please check these references.
- For the prescribed offence under clause 9.9(d), it may be more appropriate to reword ‘Failing to water...’ to read as ‘Not to water...’.
- For the prescribed offence for clause 10.2(1)(k), it would appear that ‘on a thoroughfare’ should read as ‘on a public place’.

CEO’s Comment:

The above recommended amendments have been included. These do not materially affect the local law or its validity.

Minor formatting and some typographical errors have been corrected. These do not affect the legality of the local law.

DETAILS:

A review of all the local laws has been carried out by the Town’s Officers. The Town has used the Western Australian Local Government Association’s (WALGA’s) Model Local Laws and modified them to suit the Town’s requirements. The Model Local Laws have been approved by the Parliamentary Joint Standing Committee on Delegated Legislation and therefore have been previously checked for legal compliance. The Town has also reviewed a number of other local government’s local laws.

The process has taken longer than anticipated due to the review being carried out “*in-house*” by the Town’s Officers.

Local Government Property

This local law replaces the following existing local laws and amalgamates them into one new local law:

- Air-conditioning Units, published in the Government Gazette on 4 November 1997;
- Beatty Park Leisure Centre, published in the Government Gazette on 30 November 1998;
- Halls and Centres, published in the Government Gazette on 30 April 1998;
- Parks and Public Reserves, published in the Government Gazette on 22 December 1998 and amended on 23 March 2004;
- Property Numbers, published in the Government Gazette on 25 September 1998;
- Removal and Disposal of Obstructing Animals or Shopping Trolleys, published in the Government Gazette on 22 December 1998;
- Removal of Refuse, Rubbish and Disused Materials, published in the Government Gazette on 1 May 1998;
- Local Law Relating to Street Laws and Gardens, published in the Government Gazette on 22 December 1998;
- Streets and Footpaths, published in the Government Gazette on 14 June 2000; and

- Verandahs and Awnings over Streets, published in the Government Gazette on 22 December 1998

New Local Government Act Powers

The Local Government Act was amended in 2004 and now contains a number of powers (and procedures) which were previously contained in several local laws.

Section 3.25 gives power to local governments to deal with matters listed in Schedule 3.1.

These include:

Things a notice may require to be done:

1. Prevent water from dripping or running from a building on the land onto any other land.
2. Place in a prominent position on the land a number to indicate the address.
3. Modify or repair, in the interests of the convenience or safety of the public, anything constructed as mentioned in Schedule 9.1, clause 8, or repair any damage caused to the public thoroughfare or other public place mentioned in that clause.
4. Ensure that land is suitably enclosed.
5. Ensure that unsightly land is enclosed.
6. Ensure that overgrown vegetation, rubbish, or disused material is removed from land that the local government considers to be untidy.
7. Minimising sand drifts.
8. Ensure that land is not overgrown.
9. Remove all or part of a tree that is obstructing prejudicially affecting a thoroughfare.
10. Ensure that a tree on the land that endangers any person or thing on adjoining land is made safe.
11. Remove bees that are likely to endanger the safety of any person or create a serious public nuisance.
12. Ensure that any unsightly, dilapidated or dangerous fence or gate is modified or repaired.
13. Take specific measures to prevent:
 - (a) artificial light being omitted from the land; and
 - (b) natural or artificial light being reflected from something on the land, creating a nuisance.
14. Remove or make safe anything that is obstructing or otherwise prejudicially affecting a private thoroughfare.

New Local Government Property Local Law

Part 1 – Preliminary

This part includes all statutory requirements of citation, objective, commencement, repeal and application of the local law. The interpretation clause is expanded to include a more comprehensive list of definitions. The fees and charges clause prescribes the current process.

Part 2 – Determinations in respect of local government property and buildings

- 2.1 *Determinations as to use of local government property and buildings* – Determinations are a new concept for this local law and in essence allows the Council to make decisions/rules which are now known as “*determinations*”. Determinations whilst not having the same rigorous process as a new local law, nevertheless have legal status if adopted as part of the local law. At this stage, no determinations are recommended for approval.
- 2.2 *Procedure for making a determination* – This prescribes the procedure for making a determination.
- 2.3 *Activities which may be pursued on specified local government property and buildings* – This clause is self explanatory and prescribes an extensive list of what Council can make a determination.
- 2.4 *Activities which may be prohibited on specified local government property and buildings* – This clause is self explanatory and prescribes an extensive list of what Council can prohibit in a determination.
- 2.5 *Register of Determinations* – A register is to be kept.

Part 3 - Permits

This Part prescribes the requirements for making application for a permit and decisions and conditions that may be imposed. It also prescribes the duration, renewal, transfer and cancellation of a permit and any activities which are subject to a permit.

Part 4 - Behaviour on local government property and in buildings

This Part includes:

- Community facilities - this a new clause which controls behaviour at a community facility and primarily replaces the same provisions in the former Beatty Park Leisure Centre and Halls and Reserves local laws.
- Fishing and boat launching - this a new clause.
- Fenced or closed property - this is a new clause.
- Air conditioning units - this is almost identical to our previous local law, other than new clause numbers.
- Awnings, balconies and verandahs - this is almost identical to our previous local law, other than new clause numbers.

Part 5 – Matters Relating to Particular Local Government Property

This part covers many clauses in previous local laws.

Part 6 - Advertising signs on thoroughfares

This Part includes new clauses to control portable (movable or free standing) signs and also conditions relating to the placement of election signs.

Part 7 - Obstructing animals or shopping trolleys

This Part includes:

- Animals;
- Shopping trolleys;

and is similar to our existing locals laws.

Part 8 - Bond or security

This part allows for the payment of a bond or security if required and also use by the local government of the bond or security in case of a default of a notice.

Part 9 - Works on or affecting a thoroughfare

- 9.1 No damage to thoroughfare.
- 9.2 *Footpath, verge and street tree protection* – this prescribes conditions for protection of footpaths, trees etc.
- 9.3 *Liability for damage.*
- 9.4 *Transitional Provision.*
- 9.5 *Interpretation.*
- 9.6 *Verge treatment* - this prescribes conditions to protect verges.
- 9.7 *Permissible verge treatments* - this in essence replaces the current Street Lawns and Gardens local law.
- 9.8 *Only permissible verge treatments to be installed.*
- 9.9 *Owner's or occupier's responsibility for verge treatments* - this prescribes the responsibilities of a person who installs a street verge.
- 9.10 *Enforcement.*

Part 10 - Activities on thoroughfares and on local government property

This Part prescribes a number of conditions for the control of activities on local government property and in public places.

Part 11 - Notices of breach

This Part allows for the serving of notices in the event of a breach.

Part 12 - Objections and appeals

This Part prescribes the procedure for persons lodging an appeal.

Part 13 - Miscellaneous

This Part relates to authorised persons, disposal of lost property, impounding of goods, liability for damage to local government property, insurances and the payment of entry fees.

Part 14 - Offences

This Part introduces the power to issue modified penalties for non-compliance. This is new and the Local Government Act allows it for all new local laws.

CONSULTATION/ADVERTISING:

The Town's intention to review its local laws was advertised in The West Australian Newspaper and on the Town's website. Copies were also sent to Precinct Groups and a local public notice was displayed on the official Notice Board.

At the close of the six (6) week re-advertised public consultation period, no submissions were received.

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, 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 was completed.

Procedure for Reviewing and Adopting a Local Law

- (1) The local government is to –
 - (a) give Statewide public notice that –
 - (i) the local government proposes to make a local law the purpose and effect.
 - (ii) a copy of the proposed local law may be inspected or obtained;
 - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice (not less than 6 weeks).
 - (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister; and
 - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
- (2) A notice is also to be published and exhibited as if it were a local public notice.

- (3) After the last day for submissions, the local government is to consider any submissions made and may make the local law * as proposed or make a local law * that is not significantly different from what was proposed.

** Absolute majority required.*

- (4) After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister.
- (5) After the local law has been published in the Gazette the local government is to give local public notice –
- (a) stating the title of the local law;
 - (b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - (c) advising that copies of the local law may be inspected or obtained from the local government's office.

NCP Public Benefit Test

The provisions relating to the administration of local government property are contained in the model local law produced by WALGA. This has been assessed for any public benefit test ramifications.

STRATEGIC IMPLICATIONS:

The matter is in keeping with the Town's Strategic Plan 2006-2011 - Objective 4.12 "*Manage the organisation in a responsible, efficient and accountable manner*".

FINANCIAL/BUDGET IMPLICATIONS:

The purchase of the WALGA Model Local Laws cost \$1,500.

The cost of advertisements to date was approximately \$1,000. Final advertising will be approximately \$500. The Solicitors costs for reviewing this local law is approximately \$1,800. An amount of \$5,000 has been included in the Budget for this project. The new local laws are required to be printed in the Government Gazette by the State Law Publisher which will cost approximately \$1,500. All other copying will be carried out in-house and will cost approximately \$500. (Employee costs have not been included.)

COMMENTS:

The statutory review has been completed and no submissions were received. It is recommended that the reviewed and revised Local Government Property Local Law be adopted.

10.4.4 Matters Approved under Delegated Authority 2007-2008 - Receiving of Reports

Ward:	-	Date:	15 February 2008
Precinct:	-	File Ref:	ADM0018
Attachments:	-		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council NOTES the items approved under Delegated Authority over the period 19 December 2007 to 11 February 2008.

COUNCIL DECISION ITEM 10.4.4

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

CARRIED (8-1)

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

ADDITIONAL INFORMATION:

The following items were dealt with under Delegated Authority, with Voting also now added:

Item	Report Description	<u>Voting</u>	Status
10.3.1	Investment Report as at 30 November 2007 (FIN0006)	<u>9-0</u>	Approved 27/12/07
10.3.2	Les Lilleyman Reserve Clubroom Upgrade - Community Consultation (RES0001)	<u>8-1</u> <i>(Against: Cr Maier)</i>	Approved 27/12/07
10.4.1	Development Approval Conditions and Adopted Procedures - Cash in Lieu Contribution for Shortfall of Car Parking Spaces; Percentage for Public Art Contribution; and Works Bonds (FIN0167, FIN0168)	<u>8-1</u> <i>(Against: Cr Maier)</i>	Approved 27/12/07
10.4.2	Members Equity Stadium Committee Meeting held on 20 November 2007 - Receiving of Unconfirmed	<u>9-0</u>	Approved 27/12/07

Item	Report Description	<u>Voting</u>	Status
	Minutes (RES0082)		
10.1.1	No. 61 (Lot: 234 D/P: 2334) Auckland Street, North Perth – Demolition of Existing Single Storey House and Construction of Two (2) Storey Single House	<u>9-0</u>	Approved 31/12/07
10.4.3	Adoption of Policy Relating to – “Procedure for Dealing with Requests for Information and/or an Amendment which may Result in a Significantly Different Decision from the Relevant Written Recommendation of a Committee or an Employee”	<u>6-3</u> <i>(Against: Cr Ker Cr Lake Cr Maier)</i>	Approved 31/12/07
10.4.4	Further Report – Amended Draft Policy Relating to Outdoor Eating Areas	<u>8-1</u> <i>(Against: Cr Maier)</i>	Approved 31/12/07
10.4.5	Members Equity Stadium - Funding of Essential Upgrade Items	<u>9-0</u>	Approved 31/12/07
14.1	CONFIDENTIAL REPORT - No. 2A (Lot: 156 D/P: 41983) Sholl Lane, North Perth – Alterations and Additions to Approved Two-Storey Single House (Application for Retrospective Approval) – State Administrative Tribunal (SAT) Review Matter No. DR 368 of 2007 (PRO3853)	<u>8-1</u> <i>(Against: Cr Ker)</i>	Approved 7/01/08
10.1.2	No. 287 (Lot: 140 D/P: 3784 C) Walcott Street, North Perth - Proposed Demolition of Existing Single House and Construction of Three (3) Two (2) Storey Grouped Dwellings (PRO3788; 5.2006.524.1)	<u>9-0</u>	Approved 14/01/08
10.1.3	No. 136B (Lot: 9, Survey Strata Lot 3) Glendower Street, Perth - Proposed Two (2) Storey with Loft Grouped Dwelling (PRO3804; 5.2007.370.1)	<u>7-2</u> <i>(Against: Cr Ker Cr Messina)</i>	Approved 14/01/08
10.1.4	No. 48A (Lot 195, Survey Strata Lot: 2 STR: 49362) Auckland Street, North Perth - Proposed Two (2) Storey Grouped Dwelling (PRO4155; 5.2007.377.1)	<u>8-1</u> <i>(Against: Cr Ker)</i>	Approved 14/01/08
10.1.5	Nos. 412 – 414 (Lot: Y2) Fitzgerald Street, corner Forrest Street, North Perth – Proposed Sign Strategy and Signage Additions to Existing Shop (Chemist Warehouse) (PRO3405; 5.2007.498.1)	<u>9-0</u>	Approved 14/01/08
14.2	CONFIDENTIAL REPORT- Nos. 150-154 (Lot Y350 D/P: 2001, Lot 801 D/P: 43512, Lot 348 D/P: 2001) Joel Terrace, Mount Lawley - Proposed Retaining Walls and Fill Addition to Three (3) Existing Single Houses- State Administrative Tribunal Review Matter No. DR 256 of 2007	<u>9-0</u>	Approved 21/01/08

Item	Report Description	<u>Voting</u>	Status
	(PRO3938, PRO3939, PRO307; 5.2007.128.1)		
10.1.6	Draft Building Amendment Regulations (No. 5) 2007 and Draft Local Government (Building Surveyors) Regulations 2008 – Comments for the Department of Housing and Works (ADM0006)	<u>9-0</u>	Approved 29/01/08
10.4.6	Loftus Centre Redevelopment, 99 Loftus Street, Leederville - Progress Report No. 23 (RES0061)	<u>8-1</u> <i>(Against: Cr Maier)</i>	Approved 29/01/08
10.4.7	Approval of Lease with Loftus Community Centre Inc. for part of the Loftus Centre, 99 Loftus Street, Leederville (PRO3449)	<u>7-2</u> <i>(Against: Cr Lake Cr Maier)</i>	Approved 29/01/08
10.4.8	Report on the National General Assembly of Local Government 2007 held in Darwin - November 2007 (ADM0031)	<u>9-0</u>	Approved 29/01/08
10.1.7	No. 28 (Lot 380 D/P: 2001) Joel Terrace, East Perth - Proposed Car Park, Retaining Walls, Fill and Landscaped Gardens for Western Power Corporation (PRO3105; 5.2007.126.1)	<u>8-1</u> <i>(Against: Cr Maier)</i>	Approved 5/02/08 <u>(subject to Clause (v)(c) being amended.)</u>
10.1.8	Nos. 126-128 (Lot: 101 D/P: 26139) Fitzgerald Street, Perth – Proposed Demolition of Existing Warehouse and Construction of a Two-Storey Mixed-Use Development Comprising Two (2) Single Bedroom Multiple Dwellings, One (1) Office, One (1) Office with Ancillary Warehouse, and Associated Car Parking (PRO1054; 5.2006.628.1)	<u>7-2</u> <i>(Against: Cr Lake Cr Maier)</i>	Approved 5/02/08
10.1.9	Nos. 247-249 (Lot 19) Fitzgerald Street, Corner Lawley Street, West Perth Proposed Change of Use from Educational Establishment, Office and Showroom to Educational Establishment, Office, Showroom and Warehouse (PRO0850; 5.2007.475.1)	<u>9-0</u>	Approved 5/02/08
10.1.10	City of Stirling Draft Local Planning Scheme No.3 (ORG0016)	<u>9-0</u>	Approved 5/02/08
10.1.11	Amendment No. 47 to Planning and Building Policies – Policy Relating to Residential Subdivisions (PLA0184)	<u>8-1</u> <i>(Against: Cr Lake)</i>	Approved 5/02/08
10.4.9	Proposed Visit from the City of Prilep in the Republic of Macedonia and Proposed Friendship Charter with the Town of Vincent (CVC0009)	<u>9-0</u>	Approved 5/02/08

Item	Report Description	<u>Voting</u>	Status
10.4.10	Strategic Plan 2006-2011 – Progress Report for the Period 1 October 2007 – 31 December 2007 (ADM0038)	<u>9-0</u>	Approved 5/02/08
10.1.12	Further Report - Town of Vincent Non-Conforming Use Register – Stage 1 - Addition of a Non-Conforming Use at No. 197 (Lot 6) Lake Street, Perth (PRO2044)	<u>8-1</u> <i>(Against: Cr Maier)</i>	Approved 11/02/08
10.1.13	Amendment No. 41 to Planning and Building Policies – Draft Policy Relating to Known, Suspected and Potentially Contaminated Sites (ENS0119)	<u>8-1</u> <i>(Against: Cr Ker)</i>	Approved 11/02/08
10.1.14	Swan River Trust – Review of Swan River Trust Development Control Area Boundary (ORG0016)	<u>9-0</u>	Approved 11/02/08
10.1.15	Western Australian Local Government Association – Granny Flats Pilot Project (ORG0016)	<u>9-0</u>	Approved 11/02/08
10.1.16	Draft Revised Swan River Trust Policies – SRT/D3 Development Setback Requirements; SRT/D10 Restaurants, Cafes, Kiosks and Tearooms; and SRT/D21 Jetty Structures in the Swan River Trust Development Control Area (ORG0016)	<u>9-0</u>	Approved 11/02/08
10.1.17	Donation of Parking Permits to Highgate Primary School (CMS0015)	<u>9-0</u>	Approved 11/02/08
14.3	CONFIDENTIAL REPORT - No. 2 (Lot 3 D/P: 24107) Bream Cove, Corner Joel Terrace, Mount Lawley - Proposed Three-Storey Single House - State Administrative Tribunal (SAT) Review Matter No. DR 8 of 2008 (PRO2095; 5.2007.291.1)	<u>8-1</u> <i>(Against: Cr Ker)</i>	Approved 11/02/08

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the items approved under Delegated Authority for the period 19 December 2007 to 11 February 2008.

BACKGROUND:

At the Ordinary Meeting of Council held on 20 November 2007, this matter was considered and Council resolved as follows;

"That pursuant to Section 5.42 of the Local Government Act 1995, the Council APPROVES BY AN ABSOLUTE MAJORITY, delegated authority to the Chief Executive Officer to deal with any items of business (other than those requiring an Absolute Majority) that may arise from 19 December 2007 to 11 February 2008, subject to:

- (i) *the action taken only being in accordance with the Officer's recommendation;*

- (ii) reports being issued to all Council Members for a period of three (3) days prior to approval and a simple majority be accepted;
- (iii) a report summarising the items of business dealt with under delegated authority being submitted for information to the Council at its meeting to be held in February 2008;
- (iv) a delegation register of items being kept and made available for public inspection during the period that the delegation applies; and
- (v) items being displayed in the Town of Vincent Administration Centre, the Library and on the Town's website for a period of three (3) days prior to approval."

The following items were dealt with under Delegated Authority:

Item	Report Description	Status
10.3.1	Investment Report as at 30 November 2007 (FIN0006)	APPROVED 27/12/07
10.3.2	Les Lilleyman Reserve Clubroom Upgrade - Community Consultation (RES0001)	APPROVED 27/12/07
10.4.1	Development Approval Conditions and Adopted Procedures - Cash in Lieu Contribution for Shortfall of Car Parking Spaces; Percentage for Public Art Contribution; and Works Bonds (FIN0167, FIN0168)	APPROVED 27/12/07
10.4.2	Members Equity Stadium Committee Meeting held on 20 November 2007 - Receiving of Unconfirmed Minutes (RES0082)	APPROVED 27/12/07
10.1.1	No. 61 (Lot: 234 D/P: 2334) Auckland Street, North Perth – Demolition of Existing Single Storey House and Construction of Two (2) Storey Single House	APPROVED 31/12/07
10.4.3	Adoption of Policy Relating to – “Procedure for Dealing with Requests for Information and/or an Amendment which may Result in a Significantly Different Decision from the Relevant Written Recommendation of a Committee or an Employee”	APPROVED 31/12/07
10.4.4	Further Report – Amended Draft Policy Relating to Outdoor Eating Areas	APPROVED 31/12/07
10.4.5	Members Equity Stadium - Funding of Essential Upgrade Items	APPROVED 31/12/07
14.1	CONFIDENTIAL REPORT - No. 2A (Lot: 156 D/P: 41983) Sholl Lane, North Perth – Alterations and Additions to Approved Two-Storey Single House (Application for Retrospective Approval) – State Administrative Tribunal (SAT) Review Matter No. DR 368 of 2007 (PRO3853)	APPROVED 7/01/08
10.1.2	No. 287 (Lot: 140 D/P: 3784 C) Walcott Street, North Perth - Proposed Demolition of Existing Single House and Construction of Three (3) Two (2) Storey Grouped Dwellings (PRO3788; 5.2006.524.1)	APPROVED 14/01/08

Item	Report Description	Status
10.1.3	No. 136B (Lot: 9, Survey Strata Lot 3) Glendower Street, Perth - Proposed Two (2) Storey with Loft Grouped Dwelling (PRO3804; 5.2007.370.1)	APPROVED 14/01/08
10.1.4	No. 48A (Lot 195, Survey Strata Lot: 2 STR: 49362) Auckland Street, North Perth - Proposed Two (2) Storey Grouped Dwelling (PRO4155; 5.2007.377.1)	APPROVED 14/01/08
10.1.5	Nos. 412 – 414 (Lot: Y2) Fitzgerald Street, corner Forrest Street, North Perth – Proposed Sign Strategy and Signage Additions to Existing Shop (Chemist Warehouse) (PRO3405; 5.2007.498.1)	APPROVED 14/01/08
14.2	CONFIDENTIAL REPORT- Nos. 150-154 (Lot Y350 D/P: 2001, Lot 801 D/P: 43512, Lot 348 D/P: 2001) Joel Terrace, Mount Lawley - Proposed Retaining Walls and Fill Addition to Three (3) Existing Single Houses- State Administrative Tribunal Review Matter No. DR 256 of 2007 (PRO3938, PRO3939, PRO307; 5.2007.128.1)	APPROVED 21/01/08
10.1.6	Draft Building Amendment Regulations (No. 5) 2007 and Draft Local Government (Building Surveyors) Regulations 2008 – Comments for the Department of Housing and Works (ADM0006)	APPROVED 29/01/08
10.4.6	Loftus Centre Redevelopment, 99 Loftus Street, Leederville - Progress Report No. 23 (RES0061)	APPROVED 29/01/08
10.4.7	Approval of Lease with Loftus Community Centre Inc. for part of the Loftus Centre, 99 Loftus Street, Leederville (PRO3449)	APPROVED 29/01/08
10.4.8	Report on the National General Assembly of Local Government 2007 held in Darwin - November 2007 (ADM0031)	APPROVED 29/01/08
10.1.7	No. 28 (Lot 380 D/P: 2001) Joel Terrace, East Perth - Proposed Car Park, Retaining Walls, Fill and Landscaped Gardens for Western Power Corporation (PRO3105; 5.2007.126.1)	APPROVED 5/02/08
10.1.8	Nos. 126-128 (Lot: 101 D/P: 26139) Fitzgerald Street, Perth – Proposed Demolition of Existing Warehouse and Construction of a Two-Storey Mixed-Use Development Comprising Two (2) Single Bedroom Multiple Dwellings, One (1) Office, One (1) Office with Ancillary Warehouse, and Associated Car Parking (PRO1054; 5.2006.628.1)	APPROVED 5/02/08
10.1.9	Nos. 247-249 (Lot 19) Fitzgerald Street, Corner Lawley Street, West Perth Proposed Change of Use from Educational Establishment, Office and Showroom to Educational Establishment, Office, Showroom and Warehouse (PRO0850; 5.2007.475.1)	APPROVED 5/02/08
10.1.10	City of Stirling Draft Local Planning Scheme No.3 (ORG0016)	APPROVED 5/02/08
10.1.11	Amendment No. 47 to Planning and Building Policies – Policy Relating to Residential Subdivisions (PLA0184)	APPROVED 5/02/08

Item	Report Description	Status
10.4.9	Proposed Visit from the City of Prilep in the Republic of Macedonia and Proposed Friendship Charter with the Town of Vincent (CVC0009)	APPROVED 5/02/08
10.4.10	Strategic Plan 2006-2011 – Progress Report for the Period 1 October 2007 – 31 December 2007 (ADM0038)	APPROVED 5/02/08
10.1.12	Further Report - Town of Vincent Non-Conforming Use Register – Stage 1 - Addition of a Non-Conforming Use at No. 197 (Lot 6) Lake Street, Perth (PRO2044)	APPROVED 11/02/08
10.1.13	Amendment No. 41 to Planning and Building Policies – Draft Policy Relating to Known, Suspected and Potentially Contaminated Sites (ENS0119)	APPROVED 11/02/08
10.1.14	Swan River Trust – Review of Swan River Trust Development Control Area Boundary (ORG0016)	APPROVED 11/02/08
10.1.15	Western Australian Local Government Association – Granny Flats Pilot Project (ORG0016)	APPROVED 11/02/08
10.1.16	Draft Revised Swan River Trust Policies – SRT/D3 Development Setback Requirements; SRT/D10 Restaurants, Cafes, Kiosks and Tearooms; and SRT/D21 Jetty Structures in the Swan River Trust Development Control Area (ORG0016)	APPROVED 11/02/08
10.1.17	Donation of Parking Permits to Highgate Primary School (CMS0015)	APPROVED 11/02/08
14.3	CONFIDENTIAL REPORT - No. 2 (Lot 3 D/P: 24107) Bream Cove, Corner Joel Terrace, Mount Lawley - Proposed Three-Storey Single House - State Administrative Tribunal (SAT) Review Matter No. DR 8 of 2008 (PRO2095; 5.2007.291.1)	APPROVED 11/02/08

The reports are "Laid on the Table", but will be included in the Council Minutes.

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

The Local Government Act 1995 states:

*“Delegation of some powers and duties to CEO
5.42(1) A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act (other than those referred to in section 5.43 and this power of delegation).”*

Matters requiring an Absolute or Special Majority decision of the Council cannot be approved under Delegated Authority.

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Strategic Plan 2006-2011 - Objective 4 – "*Leadership, Governance & Management*" – 4.1.1 – Provide good strategic decision-making, governance, leadership and professional management.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The use of Delegated Authority was in keeping with the Council's practice of providing a high standard of customer service to continue processing ratepayer requests and development applications.

A complete list and copy of the reports considered under Delegated Authority will be included in the Council Minutes.

10.4.8 Town of Vincent Heritage Advisory Group Revised Terms of Reference

Ward:	Both Ward	Date:	15 February 2008
Precinct:	All Precincts	File Ref:	PRO 0689
Attachments:	001		
Reporting Officer(s):	T Woodhouse		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report relating to the Town of Vincent Heritage Advisory Group;
- (ii) **ADOPTS** the amended Town of Vincent Heritage Advisory Group Terms of Reference as shown in Attachment 001; and
- (iii) **AUTHORISES** the Chief Executive Officer to arrange a meeting for the Town's Heritage Advisory Group three times per calendar year to provide support in the implementation of the key objectives detailed in the Town of Vincent Heritage Strategic Plan 2007 - 2012.

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted together with the following new clause (ii);

"(ii) **ADOPTS** the amended Town of Vincent Heritage Advisory Group Terms of Reference as shown in Attachment 001; subject to the Terms of Reference being amended as follows;

(a) **Clause 4. Meeting Procedures, subclause 4.2 to read as follows:**

'4.2 A quorum will be by simple majority including at least one Council Member.'; and"

CARRIED (9-0)

COUNCIL DECISION ITEM 10.4.8

That the Council;

- (i) **RECEIVES** the report relating to the Town of Vincent Heritage Advisory Group;
- (ii) **ADOPTS** the amended Town of Vincent Heritage Advisory Group Terms of Reference as shown in Attachment 001; subject to the Terms of Reference being amended as follows;
 - (a) **Clause 4. Meeting Procedures, subclause 4.2 to read as follows:**

'4.2 A quorum will be by simple majority including at least one Council Member.'; and"

- (iii) *AUTHORISES the Chief Executive Officer to arrange a meeting for the Town's Heritage Advisory Group three times per calendar year to provide support in the implementation of the key objectives detailed in the Town of Vincent Heritage Strategic Plan 2007 - 2012.*
-

PURPOSE OF REPORT:

The purpose of this report is to present to the Council a comprehensive overview of the current status of the Town's Heritage Advisory Group, present an amended version of the Heritage Advisory Group Terms of Reference for approval and to authorise that the Heritage Advisory Group meets on a regular basis.

BACKGROUND:

The Heritage Advisory Group was established on 13 May 1996. Since this time, the role and scope of the Group has changed considerably in part as a result of the formalisation and evolution of the Town's Heritage Services key objectives and core business and also in response to amendments made to the Group's Terms of Reference, of particular relevance being that relating to the procedural nature of the Group adopted at the Ordinary Meeting of Council held on 26 June 2001.

In 2007, the Town completed an extensive review of its Municipal Heritage Inventory, providing the Town with an invaluable on - line resource that details all places on the Town's Municipal Heritage Inventory that are easily accessible to the public and administrated by the Town's Heritage Services. Further to this, at the Ordinary Meeting of Council held on 11 September 2007, the Council resolved to adopt the Heritage Strategic Plan 2007 - 2012, a key document for guiding heritage management at the Town which was first mooted by the Heritage Advisory Group in 1999.

The recent completion of these projects has provided new direction for the scope and objectives of the Heritage Advisory Group.

DETAILS:

As detailed above, with the completion of the review of the Town's Municipal Heritage Inventory in April 2007, the adoption of the Town's Heritage Strategic Plan 2007 - 2012 in September 2007 together with the recent appointment of new Council Members and community representatives at the Ordinary Meeting of Council held on 6 November 2007 and 18 December 2007 to the Town's Heritage Advisory Group respectively, this has provided the opportunity to reconvene the Heritage Advisory Group in a new capacity to provide support for the Heritage Strategic Plan 2007 - 2012 and associated initiatives and strategies.

Of particular relevance for the 2007/2008 financial year is the series of Heritage Information Talks scheduled for late April - May 2008. The talks were last held in 2005 - 2006 providing useful information on researching the history of one's home, historical garden design and general maintenance and renovation of older style buildings. It is considered that a meeting of the Heritage Advisory Group could assist in developing ideas and contacts for the Heritage Talks to be scheduled in late April - May 2008 to ensure that their success and interest in the community is continued.

The Heritage Strategic Plan 2007 - 2012 provides a comprehensive overview of the strategic direction for Heritage Services at the Town of Vincent and offers clear parameters on what is achievable. It is considered that reactivating the effective utilisation of the Heritage Advisory Group will assist in achieving successful outcomes in the implementation of current and future projects and initiatives detailed in the Town's Heritage Strategic Plan 2007 - 2012 within set parameters.

Heritage Advisory Group Membership

At the Ordinary Meeting of Council held 6 November 2007, the Council appointed Cr Doran-Wu, Cr Burns and Cr Ker to the Heritage Advisory Group.

At the Ordinary Meeting of Council held 18 December 2007, the Council appointed the following community representatives to the Heritage Advisory Group:

1. *Ms Helen Griffiths**;
2. *Mr Vincent Sammut**;
3. *Ms Rebecca Shepherd#; and*
4. *Ms Marie Slyth#;*

(# new member, * previous member).

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

There are no legal or policy implications directly applicable to this matter.

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011: Objective 1. Natural and Built Environment:

"... 1.1.3 Enhance and maintain the character and heritage of the Town:

- (a) Adopt the Conservation Plan for Beatty Park Leisure Centre and Beatty Park, Plan and complete so that redevelopment plans can be guided by the Conservation Plan.*
- (b) Implement and promote the Municipal Heritage Inventory and Heritage Management Policies.*
- (c) Implement and promote a Heritage Strategic Plan."*

Heritage Strategic Plan 2007 – 2012:

" Key Result Area 5: Heritage Expertise in Council - Improving Knowledge and Services:

... Reactivate effective use of Heritage Advisory Group."

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

It is recommended that in light of the above, the Council supports the Officer Recommendation to receive the report relating to the Heritage Advisory Group, support the amendments to the Group's Terms of Reference and to reactivate the effective utilisation of the Heritage Advisory Group on a regular basis.

10.4.9 Request for Financial Contribution towards National Mainstreet Conference 2009

Ward:	Both Wards	Date:	15 February 2008
Precinct:	All Precincts	File Ref:	PLA0022
Attachments:	001		
Reporting Officer(s):	H Smith		
Checked/Endorsed by:	D Abel, R Boardman, John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report relating to the National Mainstreet Conference 2009;
- (ii) **APPROVES BY AN ABSOLUTE MAJORITY** an amount of \$5,000 for sponsorship to facilitate the organisation and management of the National Mainstreet Conference 2009, to be reallocated in the 2007/2008 Budget from a source of funds to be identified;
- (iii) **LISTS \$5,000** for consideration in the Draft 2008/2009 Budget for the purposes of sponsorship to facilitate the organisation and management of the National Mainstreet Conference 2009;
- (iv) **ENDORSES;**
 - (a) the Memorandum of Understanding (MOU) for parties involved in organising and managing the National Mainstreet Conference 2009; and
 - (b) Councillor Ian Ker as appointed Vice Chair of the National Mainstreet Conference 2009 Committee; and
- (v) **AUTHORISES** the Chief Executive Officer to negotiate the Terms and Conditions of the MOU and for the Chief Executive Officer and Mayor to sign and affix the Council's Common Seal on the MOU.

COUNCIL DECISION ITEM 10.4.9

Moved Cr Farrell, **Seconded** Cr Ker

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED
BY AN ABSOLUE MAJORITY (8-1)

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

Against
Cr Maier

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's endorsement of a Memorandum of Understanding and an associated financial commitment for the Town to act as a party to and be represented on a Committee responsible for organising and managing the National Mainstreet Conference 2009.

BACKGROUND:

March – June 2007 Councillor Ian Ker and David Duncanson, Economic Development and Marketing Coordinator, City Management, City of Fremantle formed a Steering Group to discuss the organisation and management of the upcoming National Mainstreet Conference in 2009.

DETAILS:

National Mainstreet Conferences have been held every two years from 1995 through until 1999. After a gap of five years, the first conference of the new Millennium was successfully held in Melbourne in 2004, Auckland 2005 and back in Melbourne and Geelong in 2007, a conference attended by Mayor Nick Catania, Councillor Ian Ker and the Director Development Services, Mr Rob Boardman.

Topics at these conferences covered diverse areas such as town centre revitalisation, retail evolution, night time economy, global marketing trends, social perspectives and community partnerships. On average, these conferences have attracted over 400 delegates with a large proportion being local government representatives, including Chief Executive Officers, Council Members, and Officers from Economic, Strategic and Planning services. Other areas represented included Chambers of Commerce, town centre managers, trader committee and consultants.

The 2004 and 2007 Mainstreet Conferences held in Melbourne were organised by a committee consisting of seven local government authorities, (Banyule, Glen Eira, Melbourne, Stonnington, Geelong, Dandenong and Port Phillip) and the StreetLife program of the Victorian Department of Industry, Innovation and Regional Development.

For each conference, a Memorandum of Understanding (MoU) was signed by this group to facilitate the organisation and management of the conference. Each of the parties to the MoU contributed \$10,000 in sponsorship, and each party was represented on the Mainstreet Committee with full voting privileges. The Mainstreet Committee employed an external consultant to assist with the organisation of the conference. A copy of a draft Memorandum of Understanding to be used for the 2009 Mainstreet Conference is attached to this report.

With a total operating budget of \$400,000, the joint approach to the financial and business management of the conference worked extremely well, delivering highly successful conferences with no deficit or liabilities to any of the parties. Given this success, plans are now in place for the 2009 Mainstreet Conference to be held in Fremantle and it is proposed that a similar structure be used again.

The 2009 Mainstreet Conference will be held from 15 to 18 March 2009 at the Esplanade Hotel in Fremantle.

The theme for the 2009 conference will be '*Rediscovering the Heart*', reflecting the important role that mainstreet centres play in the community.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

In keeping with the Town's Strategic Plan 2006-2011 – Objectives 2.1 – 2.1.2:

“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.”

FINANCIAL/BUDGET IMPLICATIONS:

There is no current budget allocation for this matter. Accordingly, an Absolute Majority decision is required to re-allocate any funds towards the project.

COMMENTS:

The Memorandum of Understanding (as “Laid on the Table”) has been drafted to secure parties to form the Mainstreet Committee which will manage the organisation and delivery of the Conference. Funds of \$10,000 contributed by each party secures voting rights and the right to showcase achievements in a site visit/workshop for delegates on one day of the conference.

A conservative preliminary budget for the conference indicates that it will run at a small surplus. This surplus will increase with higher levels of attendance. Any surplus will be redistributed back to the supporting local governments.

To-date, the City of Fremantle and the City of Subiaco have committed funds, split over the 2007/8 and 2008/9 financial years. The Town of Claremont, Town of Kwinana, Town of Victoria Park and City of Gosnells have also indicated a strong likelihood of support. In addition, the Eastern Metropolitan Regional Council has expressed an interest either as an entity or through the individual Councils of Bayswater, Bassendean, Swan and, possibly, Belmont.

The Organising Committee currently has representatives from the City of Fremantle, Town of Vincent, Town of Claremont, City of Subiaco, Town of Kwinana and City of Gosnells, but will ultimately include all supporting local governments. David Duncanson (City of Fremantle) is the Chair and Councillor Ker is Deputy Chair.

The Town’s involvement in the 2009 Conference would see Councillor Ker as the Town’s voting representative on the Committee and at the time of the conference in 2009, the Town would be provided with 2 delegate tickets for the duration of the Conference along with a delegates field trip.

To date, Mainstreet Conferences have provided exemplary overseas and Australian speakers with expertise in solutions, best practice and innovation for urban, suburban and regional Mainstreets, and associated topics. Accordingly, an opportunity for the Town to be involved in the organisation and management of such a distinguished event, given its own undertaking with the Leederville Masterplan, is opportune. It is therefore recommended that the Council receives the report and endorses the draft Memorandum of Understanding, allocates \$10,000 for consideration in the Draft 2008/2009 Budget for the purposes of sponsorship to facilitate the organisation and management of the National Mainstreet Conference 2009, and endorses Councilor Ian Ker as appointed Vice Chair of the National Mainstreet Conference 2009 Committee as the Town's representative.

10.4.11 Information Bulletin

Ward:	-	Date:	20 February 2008
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	G van den Bok		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 26 February 2008, as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 10.4.11

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

DETAILS:

The items included in the Information Bulletin dated 26 February 2008 are as follows:

ITEM	DESCRIPTION
IB01	Letter from St Vincent de Paul Society thanking Ranger Services for their generous support of their 2007 Christmas Appeal.
IB02	Letter from State Administrative Tribunal (SAT) regarding Matter No. DR/449 of 2007 – Bottecchia v Town of Vincent (No. 5 Leake Street, North Perth).
IB03	Letter from State Administrative Tribunal (SAT) regarding Matter No. DR/13 of 2008 – Rinker Australian Pty Ltd T/as Readymix v Town of Vincent (No. 120 Claisebrook Road, East Perth)
IB04	Minutes of Meeting – Art Advisory Group – held Wednesday 13 June 2007

10.4.12 Attendance at the Building and Financing Local Government and Community Infrastructure Conference – 12-13 March, 2008 – Sydney

Ward:	-	Date:	20 February 2008
Precinct:	-	File Ref:	ADM0031
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council APPROVES the Chief Executive Officer and Director, Technical Services, and up to one (1) Council Member -----, to attend the Building and Financing Local Government and Community Infrastructure Conference, to be held in Sydney from 12 to 13 March 2008, at an approximate cost of \$2,460 for the first delegate and \$2,340 for the second and subsequent delegate.

The Presiding Member called for Council Member nominations.

No Council Member nominations were received.

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted, without any Council Member attending the Conference.

CARRIED (9-0)

COUNCIL DECISION ITEM 10.4.12

That the Council APPROVES the Chief Executive Officer and Director, Technical Services, to attend the Building and Financing Local Government and Community Infrastructure Conference, to be held in Sydney from 12 to 13 March 2008, at an approximate cost of \$2,460 for the first delegate and \$2,340 for the second delegate.

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council's approval for the Chief Executive Officer, Director, Technical Services and one (1) Council Member to attend *The Building and Financing Local Government and Community Infrastructure Conference* to be held in Sydney, 12-13 March 2008.

BACKGROUND:

The Building and Financing Local Government and Community Infrastructure Conference will be held in Sydney from 12-13 March 2008.

DETAILS:

This is a two-day national event which looks at the latest innovations and best practice in financing Local Government Infrastructure, with a focus on practical case studies. Topics include:

- Building Bateman's Bay future CBD
- The Gold Coast Water Alliance: Managing the multi-phase rollout of a number of large-scale programs
- Legal Structures for Local Government PPPs
- Green Square Town Centre, Sydney – the challenge of Urban Renewal
- Insights into PPP decision-making processes
- Bundling a series of Road, Water and Community infrastructure projects
- Comprehensive Infrastructure Maintenance programs: Reducing the Carbon Footprint
- Making Alliances work for Local Government
- Using Innovative Alliance contracts to deliver infrastructure projects
- Options for Financing Infrastructure
- Innovative Debt Financing arrangements

Presenters at the Conference include;

Day One – 12 March, 2008

Opening Address: Reforming Local Government Funding to meet Community Needs – Cr Paul Bell, *President, Australian and Local Government Association (ALGA)*

Creating a Large Tourism/Residential Development: A Partnership with Profit Share – Phil Woodcock, *Director of the Shell Cove Business Division, Shellharbour City Council*

Building Batemans Bay Future CBD – Case Study Update – Peter Tegart, *Assistant General Manager, Eurobodalla Shire Council*

Legal Structures for Local Government PPPs: Pros and Cons – Greg Campbell, *Partner, Construction and Major Projects, Maddocks (Legal Practice)*

Green Square Town Centre, Sydney – The Challenge of Urban Renewal – Paul Andersen, *Project Director, Landcom*

Innovate Debt Financing Solutions for Local Government – Including Case Studies – Rob Duke, *Managing Director, Longreach Capital Markets*

St Kilda Triangle Development Plan: Dealing with Tomorrow's Community Infrastructure Needs Today – David Spokes, *CEO, City of Port Phillip*

Joint Venturing with Councils to Build Lifestyle Centres Across Australia – Dean Solly, *Managing Director, SOL Health*

Local Government Buildings – What Environmental Initiatives have you Implemented? – Sam Furphy, *CEO, Urban Maintenance Systems and ECS (Energy Conservation System)*

Day Two – 13 March, 2008

Keynote Address: Financial Sustainability of Local Government in Dealing with Ageing Infrastructure – Professor Percy Allan AM, *Principal, Percy Allan and Associates, Chairman Review Today, and Chair of Inquiry into the Financial Sustainability of Local Government, NSW*

Using Innovative Alliance Contracts to Deliver Infrastructure Projects – David Brooker, *Capital Works Manager, Mackay Water*

Building a Series of Road, Water and Community Infrastructure Projects as an \$85 Million Alliance Contract - Simon Thorn, *Operations Manager, Coffs Harbour City Council*

Making Alliances Work for Local Government – John Davis, *Director, Southern Pacific Alliance Network (SPAN)*

Financial Considerations Relating to PPPs – Richard Featherby, *Executive Director, Ernst & Young*

Master Class: Structuring and Negotiating Major Property Based Infrastructure Projects for Local Government – Facilitators from Maddocks (Legal Practice)

The Conference will attract delegates from Australia and is aimed at Chief Executive Officer's, Council Members and Senior Local Government Officers. It will give an opportunity to hear debate on Infrastructure Projects and seek innovative and realistic solutions through a better understanding of major case study projects. A copy of the Conference Program is "Laid on the Table".

As the Town is embarking on the Leederville Masterplan Project (with an estimated infrastructure value of \$600million), it is considered beneficial for the Town to be represented.

The Chief Executive Officer recommends that he and the Director, Technical Services (together with a Council Member) both attend this Conference for the following reasons:

- The Chief Executive Officer and Director, Technical Services are Chairperson and Members of the Town's Project Team respectively and have significant "hands-on" involvement in the Project.
- Information obtained from the Conference and networking will be most beneficial, prior to the Council calling Expressions of Interest etc.
- Another major project, in the next 2-3 years is the redevelopment of Beatty Park Leisure Centre.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

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

- “(i) *When it is considered desirable that the Council be represented at an interstate conference, up to a maximum of one Elected Member and one Officer may attend.*”
- (ii) *In certain circumstances (for example where the Conference is of a technical nature) and where an Elected Member is not attending the CEO may recommend that two (2) Officers attend, in lieu of the Elected Member. In this instance, the CEO will specify reasons in the report to Council.*

The Chief Executive Officer's and Director's Contract of Employment entitles them to attend one interstate conference per annum.

The Town has not previously been represented at this Conference.

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

<u>Cost per person</u>	<u>1st Delegate</u>	<u>Subsequent Delegates</u>
Full Conference registration	\$ 970.00	\$ 850.00
Economy Airfare (approx)	\$ 650.00	\$ 650.00
Accommodation	\$ 540.00	\$ 540.00
Daily Expense Allowance	\$ 300.00	\$ 300.00
Total:	\$2,460.00	\$2,340.00

The Chief Executive Officer is entitled to fly Business Class. As is his practice, he is willing to travel Economy Class – which has considerable cost savings.

COMMENTS:

It is recommended that approval be granted for the Chief Executive Officer and Director, Technical Services and up to one (1) Elected Member to attend *The Building and Financing Local Government and Community Infrastructure Conference* to be held in Sydney from 12 to 13 March 2008.

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

12.1 WALGA Nominations – Metropolitan Emergency Management Executive Group; FESA Bush Fire Brigade Capital Grants Committee; FESA State Emergency Service Capital Grants Committee

Ward:	-	Date:	18 February 2008
Precinct:	-	File Ref:	ORG0045
Attachments:	001		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) _____ *be nominated as WALGA Member - Metropolitan Emergency Management Executive Group (Metropolitan Serving Officer) - (Re-advertised);*
- (ii) _____ *be nominated as WALGA Member - FESA Bush Fire Brigade Capital Grants Committee (Member (x2) - at least one Member must be non-metropolitan) (Ministerial Appointment - Panel of 4 required) - (Re-advertised); and*
- (iii) _____ *be nominated as WALGA Member - FESA State Emergency Service Capital Grants Committee (Member (x2) - at least one Member must be non-metropolitan) (Ministerial Appointment - Panel of 4 required) - (Re-advertised).*

Nil nominations were received.

COUNCIL DECISION ITEM 12.1

Moved Cr Farrell, Seconded Cr Messina

That no nominations be submitted.

CARRIED (9-0)

DETAILS:

Please see Appendix 12.1 for details.

N.B.:

NOMINATIONS CLOSE 5PM THURSDAY 13 MARCH 2008

13. URGENT BUSINESS

Nil.

PROCEDURAL MOTION

At 10.12pm **Moved Cr Farrell, Seconded Cr Youngman**

That the Council proceed "behind closed doors" to consider confidential items 14.1 and 14.2.

PROCEDURAL MOTION PUT AND CARRIED (9-0)

14. CONFIDENTIAL REPORTS (Behind Closed Doors)

At approximately 10.13pm, the Presiding Member advised the Meeting that they will consider the Item 14.1 – Chief Executive Officer's Annual Performance Review 2007.

The Director Corporate Services, Mike Rootsey, Director Development Services, Rob Boardman, Director Technical Services, Rick Lotznicker and Minutes Secretary, Gillian van den Bok departed the Meeting.

(There were no members of the public or media representatives present).

The Director Corporate Services, Director Development Services, Director Technical Services and Minutes Secretary did not return to the Meeting.

The Presiding Member requested the Chief Executive Officer to remain in the Chamber to answer any queries raised by Council Members.

The Chief Executive Officer, John Giorgi, advised the meeting that he had declared a financial interest in Item 14.1. As requested, he remained in the Chamber to answer questions.

14.1 Approval of Additional Key Performance Indicators for Chief Executive Officer's Deed of Contract of Employment

Ward:	-	Date:	20 February 2008
Precinct:	-	File Ref:	Personal
Attachments:			
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council;

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

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

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

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

*Operational Management
Statutory Compliance
Human Resources Management
Relationships – Elected Members
Relationships – Others
Occupational Safety and Health; and*

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

COUNCIL DECISION ITEM 14.1

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

CARRIED (8-1)

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

DETAILS:

The above report is of a confidential nature as it relate to information about an employee.

LEGAL/POLICY:

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

“2.15 *Confidential business*

- (1) *All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is –*
- (i) *to be treated as strictly confidential; and*
 - (ii) *not, without the authority of Council, to be disclosed to any person other than–*
 - (a) *the Members; and*

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

COMMENTS:

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

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

DUE TO THE LATENESS OF THE HOUR, THIS ITEM WAS NOT CONSIDERED AND DETERMINED.

14.2 CONFIDENTIAL REPORT - Third Party Appeal Rights- Draft Planning and Development Amendment (Third Party Appeals) Bill 2007 – Private Member’s Bill – Request for Comments

Ward:	Both Wards	Date:	18 February 2008
Precinct:	All Precincts	File Ref:	PLA0190
Attachments:			
Reporting Officer(s):	E Saraceni		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *pursuant to section 5.23 (2) of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law relating to Standing Orders, PROCEEDS “behind closed doors” at the conclusion of the items, to consider the confidential report, circulated separately to Council Members, Third Party Appeal Rights- Draft Planning and Development Amendment (Third Party Appeals) Bill 2007 – Private Member’s Bill- Request for Comments, as the matter contains legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
- (ii) **AUTHORISES** *the Chief Executive Officer to make public the Confidential Report, or any part of it, at the appropriate time.*

DETAILS:

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

LEGAL:

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

“2.15 Confidential business

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

prior to the discussion of that matter at a meeting of the council held with open doors.

(2) *Any report, document or correspondence which is to be placed before the Council or any committee and which is in the opinion of the Chief Executive Officer of a confidential nature, may at his or her discretion be marked as such and –*

(i) then to be treated as strictly confidential; and

(ii) is not without the authority of the Council to be disclosed to any person other than the Mayor, Councillors or the Officers of the Council referred to in sub-clause (1).”

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

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

PROCEDURAL MOTION

At 10.25pm **Moved Cr Ker, Seconded Cr Youngman**

That the Council resume an "open" meeting.

PROCEDURAL MOTION PUT AND CARRIED (9-0)

15. CLOSURE

The Presiding Member, Mayor Catania, declared the meeting closed at 10.25pm with the following persons present:

Mayor Catania, JP	
Cr Steed Farrell (Deputy Mayor)	North Ward
Cr Anka Burns	South Ward
Cr Helen Doran-Wu	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Noel Youngman	North Ward
John Giorgi, JP	Chief Executive Officer

No media representatives or members of the public were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 26 February 2008.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2008

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15.	CLOSURE	214

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 26 February 2008, commencing at 6.00pm.

1. DECLARATION OF OPENING

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

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) **Apologies:** Nil

(b) **Present:**

Mayor Nick Catania, JP	Presiding Member
Cr Steed Farrell (Deputy Mayor)	North Ward
Cr Anka Burns	South Ward
Cr Helen Doran-Wu	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Noel Youngman	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Gillian van den Bok	A/Executive Assistant/Minutes Secretary
Kylie Bardon	Executive Secretary, Development Services
Peter Hunt	Peter Hunt Architect (until 8.12pm approx)
Elizabeth Scott	*Manager, Library and Local History Services (until 7.15pm)
Claire Stokes	*Library Technician (until 7.15pm)
Cheryl Gregory	*Library Assistant (until 7.15pm) *(Employee of the Month Recipients)
Jacqui Bahr	Journalist - <i>"The Perth Voice"</i> (until approx 9.25pm)
Lindsay McPhee	Journalist - <i>"The Guardian Express"</i> (until approx 7.38pm)

Approximately 44 Members of the Public

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

Nil.

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

1. Mr Mathew Young of 16 Edith Street, Perth spoke on Item 10.1.8 – Mr Young advised that he would like to thank Council Officers particularly Remajee Narroo. He advised that when they submitted to the Town they proposed a four star Green Building Council of Australia rating for this building and have since updated to five star. Mr Young advised that should his application be approved, it would be the first building of this type completed in Western Australia. As a part of that process have done things such as; implementing waste recycling during the building process,

introducing cells which supply one full office with total power and included ability for all offices to upgrade to that option, have captured all the rain, water on site to reuse in the toilets etc. Have reduced electrical loads and ventilation loads to gain a five star greenhouse rating and maximise daylight penetration and cross ventilation so that the building can be naturally cooled for the majority of year by removing a large area of the centre of the building affectively creating a sky garden. Mr Young requested Council's favourable consideration of this matter.

2. Mrs Barbara Wood, Director of Leederville Childcare Centre, 244A Vincent Street, Leederville spoke on Item 10.4.10. Mrs Wood advised that the Leederville Early Childcare Centre is a community service which is run by a parent committee and supported by the Town of Vincent. Mrs Wood advised that recently while considering the plans for the new Childcare Centre, Chief Executive Officer, John Giorgi ensured that they were able to be involved in consultation with the Architect. On behalf of the Committee, Mrs Wood advised they support the service being relocated to the site in Richmond Street which has been chosen and identified by the Council. This support is subject to a few basic conditions which we have been assured verbally by the Town of Vincent can be met and those conditions are:
 - that the new building is at no extra cost to the committee or the community at large;
 - the building will provide for more Childcare places enabling Management to address the waiting list thus assisting to address the Childcare needs of this community;
 - the new premises meets the requirements of the Childcare Regulations and are with the approval of the Committee and the Department of Communities;
 - a minimum expectation is that the building provides "like for like" in size and standard and the children will not be disadvantaged in any way.
3. Mr Steve Hall of 5 Throssell Street, Perth spoke on Item 10.1.3. – Mr Hall advised that he would like to object to some aspects of the proposed development at number 7 Throssell Street. He advised that he is not objecting to the proposal in principal but feels the scale of it is too big. Mr Halls concerns include the fact that it was originally advertised as a two storey dwelling at the back, it then became a three storey development so now he is looking at a nine and a half metre building in quite a confined space. He also expressed concern that the boundary is going to be nearly seven metres high and it is going to overshadow the garden. Mr Hall expressed his objection to this application.
4. Mr Michael Jenkin of 102 Coogee Street, Mount Hawthorn spoke on Items 10.4.10. Mr Jenkin felt it was necessary to declare an interest as he has a 13 month old daughter who will ultimately be using that kindergarten. Mr Jenkin advised that his family often use Braithwaite Park and have a great deal of affection for it. He feels the proposed relocation offers quite a unique opportunity for the community. Relocating the Kindergarten closer to primary school is very logical as it is logical to the Town, it is logical to the school and thinks it is logical for the children. The transition from Kindergarten to Primary school will be

advanced because the children will see the Primary School everyday of their lives and they will visit it more often. This Town has a pretty proud reputation of providing state of the art facilities and the proposal will provide a state of the art building which is purpose built not only for the Kindergarten children but also for the children of the Leederville Childcare Centre and for that reason he feels it has an enormous amount of merit.

Mr Jenkin further added that he felt there does need to be community consultation.

5. Mr Graham Parker of 9 Bold Court, Leederville spoke on Item 10.1.1 – Mr Parker advised that he would like to express his objection to the current proposal. Whilst he doesn't object to the construction of the premises he objects to the location of the underground car park. He doesn't feel that the amendments made have actually addressed the deferral decision, they have merely come up with measures as to why it can be Bold Court. Mr Parker believes the entrance to the underground car park should be from Carr Place, as not only on Carr Place are the houses set back, there are pedestrian pathways on both sides, car parking on both sides and a dual road. Mr Parker advised that these are some of the reasons why he feels that the underground car park should be off Carr Place.
6. Mr Ross Cheyne of 51 Victoria Street, West Perth spoke on Item 10.1.4. Mr Cheyne spoke in favour of his application. He advised that in regards to building height they are going up three storeys in a limited section in the middle of the building to a height of 8.5 metres over a fairly short length. They have done everything they can to reduce the impact of that, they have reduced ceiling heights in that area, they are stepping the house down the block so that it's virtually invisible from Hyde Park and the William Street side and it is significantly screened by the two large trees that are currently existing there. Mr Cheyne expressed that they have been through several design alterations with this house in conjunction with planning and have tried the best they can with the block size, to comply with all the requirements. They desperately love the area and want to build on the site. They love Hyde Park and want to build a house that is sympathetic to the area and fits in. His plans are to use natural materials wherever possible, economical sound materials that work in context with the surrounding buildings. They want to build an intelligent solar passive house on a fairly constrained urban site and have it stand as an example of what you can do on that sort of site while at the same time doing justice to the Hyde Park. Mr Cheyne requested Councils favourable consideration.
7. Ms Mia Hayes of 7 Bold Court, Leederville spoke on Item 10.1.1. Ms Hayes expressed her objection to this application. She believes that any increase in vehicle movement will result in greater increase in risk to pedestrians including children using this lane. Ms Hayes believes the alternative location would be Carr Place as many problems would not arise should the development be turned around and the access be located in Carr Place. This is a much wider street with street verges and dual footpaths and home setbacks much further and as a result accordingly the impact upon the Carr Street residents amenity would be negligible.

8. Ms Fran Tilley of 63 Harold Street, Highgate spoke on Item 10.3.7. Ms Tilley expressed that she thinks there are two fantastic reasons about living in the Town of Vincent. The first one is the wonderful parks that are available for use for all of the residents by sporting clubs across the Town and the Perth area and the second thing is the great process the Town of Vincent uses mostly in terms of community consultation. Ms Tilley expressed her concern at the Officer Recommendation.

Ms Tilley requested that the Council continue their fantastic record of community consultation and take this one back out for community consultation once again. She believes there are a number of alternatives that haven't been considered or thought about in terms of what might be possible in terms in meeting the needs of everybody who uses the park and secondly, requested the Council listen to the feedback of some of the residents because again they haven't had a chance to put forward their views on this particular change

9. Mr Neil Burn of 19 Narum Way, Nollamara spoke on Item 10.3.8. Mr Burn advised that he is currently the President of The Australian Society for the study of Labour history who is the Applicant for item 10.3.8. Mr Burn advised that he like to acknowledge the solid and very good support the Town of Vincent has given to the project and I would also like to thank the Officers for the recommendation that they have put in place.
10. Mr Peter Kitchener of 5 Glendower Street, Perth spoke on Item 10.1.4. Mr Kitchener advised the he would like to correct a few anomalies in the report on pages 33 – 36. It is implied that he objects to construction of this building as it stands, which is totally incorrect. He advised that he wanted to correct the report because a number of things aren't factual and expressed that he is looking forward to working with Mr Cheyne.
11. Ms Renee Huntley of 59 Harold Street, Highgate spoke on Item 10.3.7. Ms Huntley advised that she is concerned only with point number two where it states that the Council approves the proposal of a separate clubroom, change room, sanitary accommodation for use by Perth Junior Soccer Club as shown on the plans attached. Whilst she does not object to the proposed clubrooms she would like it noted that she does object to the proposed location of the clubrooms. She advises that the building will obstruct any visual aspect she currently has and does not believe that the location of the clubrooms has been taken into account and the local residents' visual aspect whatsoever. She advised that she would like to propose that the new facility being built next to the existing pavilion be re-addressed as it was previously in September.
12. Ms Maryanne Styles of 71 Harold Street, Mt Lawley spoke on Item 10.3.7. Ms Styles advised that she would like to address the same issue as the last speaker. Ms Styles advised she would like to pose the following three questions:

1. *How many of the Perth Junior Soccer Club members are actually rate paying residents of the Town of Vincent?*

The Chief Executive Officer advised that he does not have this information and would take this Question “on-Notice”. A reply will be sent, once the information has been received.

2. *How much money is the Perth Junior Soccer Club contributing to the cost of building a separate facility specifically for their use?*

The Chief Executive Officer advised that it is understood that the Club will be contributing “in kind” services and the amount has not been specified as the details have not been finalised by the Council but the Club has indicated that they have a number of tradespeople who are members of the club and that they are willing to contribute as much as possible to reduce the cost.

3. *How accurate are the drawings provided to tonight’s meeting showing where the drains and sewage pipes are laid, since it is evident that there is several omissions because there are existing sewage pipes to the existing building which aren’t indicated on the map? I understand that the Council has issues with the drains and the water board and while I acknowledge that needs to be addressed I am also concerned being a resident about the aspect.*

The Chief Executive Officer advised that the plans are as accurate with the information the Town has obtained from the Water Corporation with respect to their drains and sewers.

13. Mr Roland Barch of 90 Buxton Street, Mount Hawthorn spoke on Item 10.4.10. Mr Barch advised that he would like to express his dismay that anyone should propose to put anything in Braithwaite Park. He advised that it is an extremely well used park, well utilised, very busy and housing space in Mt Hawthorn is getting a lot tighter and is very high density, yards are getting smaller and any loss of any open space he feels is absolutely shocking for the area. He advise that his second issue is that he is very concerned and curious as to why there is a need to move the Margaret Kindergarten from where it is now and curious to why its necessary to move the Childcare Centre so forcing the Kindergarten to move and then as a result losing park space.
14. Mr Colin Scott of 17 Deague Court, North Perth spoke on Item 10.2.4. I He advised that there were some concerns expressed about the Item going ahead to complete the Smith’s Lake pathways and lighting. Mr Scott asked the following question:

1. *How much of Item (v) of the \$294, 500 would be allocated to the landscaping within the area of the Len Fletcher footprint?*

The Director, Technical Services advised that in regard to the Smith's Lake Plan, the intention as shown on the Plan is for a turfed area with scope for plantings. There is a reserve planting budget that Technical Services have every year to carry out extensive planting on all reserves and would be more than happy to discuss that proposal with the Smith's Lake Precinct group prior to implementation.

Mr Scott also advised that he had put to the Chief Executive Officer today a question about safety issues raised in the car parking area of the new car park of the library and community centre.

The following question was submitted to the Chief Executive Officer:

Question:

"In regard to the new Library and Community Centre planning, what action was taken to meet concerns raised by the Smith's Lake Precinct Group in its submission about safety issues for mothers and children when alighting from their vehicles and walking through the car park to their activity?"

The Director Technical Services responded:

As discussed prior to Christmas with the Town's manager Engineering Design Services Craig Wilson, the layout of the carpark was approved by Council at its Ordinary Meeting held on 6 November 2007 which included some minor modifications to facilitate pedestrian movements as requested by the Council. The Council also authorised the Director Technical Services to make minor alterations to the plans due to technical issues that may arise during the implementation of the works.

In addition the carpark design has since been subject to an independent assessment by a Consulting Traffic Engineer as part of the Traffic Impact Statement as required by the Western Australian Planning Commission.

While the suggestions you previously made have some merit, to incorporate a refuge island (as suggested) separating the aisles would have required a complete redesign of the approved carpark resulting in an overall reduction in parking spaces. A 600mm wide island as suggested is not sufficient to provide safe refuge and would have had to have been in the magnitude of 2.0m wide to allow for the overhang of vehicles.

As you can appreciate there is still some work to be done in the carpark once all the building works have been completed with the light towers to be relocated, a large number of trees planted within the carpark and the carpark resurfaced with new line-marking and signage.

The carpark is intended to be a low speed environment and will be monitored. If there is an issue, the Town may consider installing some traffic calming measures.

Also there are 4 x 10min parking bays proposed in front of the Community Centre and a mix of other time restrictions to cater for the different users.

15. Mr Michael Whitely of 28 The Boulevard, Mount Hawthorn spoke on Item 10.4.10. Mr Whiteley expressed his concern at the consultation period of 14 days being far too short and requested Council defer this Item.
16. Ms Ruth Webber of 61 Matlock Street, Mount Hawthorn spoke on Item 10.4.10. Ms Webber advised that Braithwaite Park is a facility that she has enjoyed using over the past twelve years that she has lived in the area and was horrified to see a proposal to chop down some trees.

She advised that purpose built Childcare Centres are something that we all support but feels that a 14 day consultation period about something that as local residents they have just learnt about isn't probably going to help ease the community tension that is now arising.

17. Ms Sally Congdon of 79 Matlock Street, Mount Hawthorn spoke on Item 10.4.10. Ms Congdon advised that she lives in the street directly behind Braithwaite Park and has not heard anything about it. Ms Congdon raised the following questions:

1. *I would like to be reassured that this is a community based Kindergarten and not a private of profit that council and ratepayers money going into guarantee.*

The Presiding Member advised that in regard to the timeline there will be discussion on this later and a timeline will be made fairly clear.

2. *How has the word temporary been used in terms of utilisation of the lower hall (given we know lags and time delays and a lot of construction)? I am concerned that temporary has been used in a fairly cavalier fashion and I would like to know if the Council can give us any realistic timelines about how long this would take and that means how long the lesser hall will be utilised for the kindergarten.*

The Chief Executive Officer reassured the Council and the members of the gallery that the consultation by the Council has not been carried out to date because the Council has not made a decision on the matter. What has happened is, that the Margaret Kindergarten P & C wanted to discuss and give some information to the users of the Kindergarten and sought his permission to do that and that occurred some two to three weeks ago. In giving that permission he did caution the P & C that it's not the official consultation by the Council because Council has not formally considered the matter.

The Presiding Member advised that consultation will take place after a decision has been made.

18. Ms Lynn Hobbs of 57 Matlock Street, Mt Hawthorn spoke on Item 10.4.10. Ms Hobbs enquired as to what was meant by approval in principal and wanted to know what was involved in that procedure and whether that actually meant that it's a fore drawn conclusion.
19. Mr John McRoberts of 97 Kalgoorlie Street, Mt Hawthorn spoke on Item 10.4.10. Disappointed at the idea from start to finish as he has a vested interest in where this building is positioned. He advised that he has two children under four years of age, one of them currently attends the Margaret kindergarten and he is more than happy to drive her from where he currently lives to it's existing position and when his second child gets to that age he will be more than interested in doing the same. Urged Council not to destroy that park just to get that closer to the school.
20. Mr Dale Mackesey, Principal at Mount Hawthorn Primary School spoke on Item 10.4.10. Mr Mackesey advised that the Education Department agrees in principal to relocate the Kindergarten to Braithwaite Park as the Department believes the relocation of the Margaret Kindergarten to Braithwaite Park will be of huge benefit to all of the school community with a close proximity to the school enabling much closer integration and easier transition from Kindergarten to school.
21. Ms Tracey Denham of 97 Dunedin Street, Mt Hawthorn spoke on Item 10.4.10. Ms Denham advised she was speaking on behalf of herself, whose children will be using both the Kindergarten and the School and the Mount Hawthorn Play Group of which she is the President. Advised they support moving the Kindergarten to a closer proximity to the Primary School but would like to see it done sensibly because they are also regular users of that Park and would like to see it done in a way that doesn't interrupt in the use of the park and the playground as it exists. Advised that preference would be on the corner of Kalgoorlie and Scarborough Beach Road (Option E) from the architect's drawings, mainly for traffic management reasons. That far corner of the Park at the foot of the footbridge seems to be a less utilised area of the park and it could be done sensibly with consultation and they would be in full support of that move.
22. Ms Judy Webber of 71 The Boulevard, Mt Hawthorn spoke on Item 10.4.10. Ms Webber expressed concern that once you lose ground space you lose it forever and experience shows that once you get one development it's much more vulnerable to other developments. Ms Webber questioned whether pre-school education these days is part of main stream education, and if so, so why isn't the Education Department building the new Pre-School? Ms Webber felt that consultation is going to be very important.
23. Mr Ray Wishart of 29 Kalgoorlie Street, Mount Hawthorn asked a general question. "Why aren't the ratepayers advised of some of these ideas before some people do a lot of work and put a lot of effort into it?" Mr Wishart advised that it was this morning or last night when they received a flyer in their letterbox. They had a similar incident when they were involved in the Glory or soccer teams that were taking over the old Velodrome. Asked why can't Council put a bit of notice in "The Guardian" (newspaper) to advise the community.

There being no further questions from the public, the Presiding Member, Mayor Nick Catania, JP, closed Public Question Time at 6.57pm.

Cr Doran-Wu departed the Chamber at 6.59pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

Nil.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Meeting of Council held on 12 February 2008.

Debate ensued.

Cr Ker queried the reasons for Item 10.1.3.

Moved Cr Burns, Seconded Cr Youngman

That the Minutes of the Ordinary Meeting of Council held on 12 February 2008 be confirmed as a true and correct.

CARRIED (8-0)

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

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

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

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

For January 2008, the Award is presented to Graeme Springett, Leading Hand - Reticulation in the Town's Outside Workforce. Graeme was nominated by the Manager Parks Services, Jeremy van den Bok.

Following completion of the new Library and Local History Centre and buildings associated with the redevelopment of the Loftus Centre, the Parks Services reticulation staff were required to install reticulation prior to the re-planting of native vegetation.

Under the supervision of Graeme, the works were completed successfully under very hot and stifling conditions.

Graeme was then immediately requested by Perkins Builders to complete the installation of the reticulation ring main and reticulation of the tiered seating area within the Leederville Oval Public Open Space, prior to completion of the dual use path by the builder's contractors.

Graeme quickly and efficiently organised this work and completed the task one week ahead of schedule, again enduring very hot and dusty conditions. In between time, he also ensured that the Town's existing reticulation systems were kept maintained and in full operation.

Since gaining this position, Graeme has proven to be a reliable, well organised and knowledgeable employee who also assists in maintaining the Section's minor plant.

Graeme is a long term employee with both the former City of Perth and Town of Vincent and has represented the Technical Services Section on the Health & Safety Committee and also plays an active part in the Depot Social Club's monthly activities.

Congratulations to Graeme - and well done!!

Cr Doran-Wu returned to the Chamber at 7.00pm.

The Library employees departed the Chamber at 7.05pm.

2. Employee of the Month Award for the Town of Vincent for February 2008

For February 2008, the award is presented jointly to the entire team of employees at the Library and Local History Centre. The team was nominated by the Chief Executive Officer, John Giorgi, for their tremendous efforts in the relocation from the old Library to the new Town of Vincent Library and Local History Centre.

Over the last few weeks, the Town's Library Services staff were required to pack the Library items, together with their personal items, in time for the shift into the new premises. This work was done with much enthusiasm and many staff worked on the weekend prior to the Opening.

The Chief Executive Officer considers that all staff worked above and beyond the "call of duty" and it is appropriate that this be acknowledged.

Congratulations to everyone - and well done!!

3. Proposed new Local Laws - Deferred from Ordinary Meeting of Council held on 12 February 2008

Pursuant to Section 3.12 - 3.16 of the Local Government Act, the Town of Vincent hereby gives notice that it has carried out a review of its Local Laws as follows;

- (a) The Town proposes to adopt a new Local Law Relating to Trading in Public Places, as shown in Item 10.4.2 on tonight's Agenda.

"The purpose of this Local Law is to provide for the regulation, control and management of trading activities, outdoor eating areas, stalls and traders and entertainers in any street or public place.

The effect of this Local Law is to control trading activities and street entertainers in any street or public place."

- (b) The Town proposes to adopt a new Local Law Relating to Local Government Property, as shown in Item 10.4.3 on tonight's Agenda.

"The purpose of this Local Law is to provide for the regulation, control and management of activities and facilities on local government property, thoroughfares and public places within the district.

The effect of this local law is to establish the requirements with which any person using or being on local government property, thoroughfares and public places within the district must comply."

8. DECLARATIONS OF INTERESTS

- 8.1 Mayor Catania declared a financial interest in Item 10.3.1 Investment Report as at 31 January 2008. The extent of his interest being that he is Chairman of the Board of Directors of the North Perth Community Bank.
- 8.2 Cr Messina declared a financial interest in Item 10.3.1 Investment Report as at 31 January 2008. The extent of his interest being that he is a Director and Shareholder of the North Perth Community Bank.
- 8.3 Cr Burns declared a financial interest in Item 10.3.1 Investment Report as at 31 January 2008. The extent of her interest being that she is a shareholder and her father is on the Board of Directors of the North Perth Community Bank.
- 8.4 Cr Burns declared a financial interest in Item 10.3.1 Investment Report as at 31 January 2008. The extent of her interest being that she is a shareholder and her father is on the Board of Directors of the North Perth Community Bank.
- 8.5 Cr Burns declared a financial interest in Item 10.1.3 – Throssel Street, Perth. The extent of her interest being that closely related person/s has a business relationship/association with the Applicant. In addition, the landowner is a related party.
- 8.6 Cr Farrell declared an interest affecting impartiality in Item 10.4.10 – Proposed Relocation of Margaret Kindergarten. He disclosed that he has an association being that his son attends a sporting/leisure group at the Lesser Hall on a weekly basis. As a consequence, there may be a perception that his impartiality on the matter may be affected. He declared that he will consider the matter on its merits and vote accordingly.
- 8.7 Cr Ker declared an interest affecting impartiality in Item 10.4.9 – Mainstreet Conference. The extent of his interest being that he is a member of the Organising Committee for this Conference.

- 8.8 Chief Executive Officer, John Giorgi, declared a financial interest in Item 14.1 – Approval of CEO’s Additional KPI’s. The extent of his interest being this it relates to his Contract of Employment.
- 8.9 Chief Executive Officer, John Giorgi, declared an interest affecting impartiality in Item 10.3.7 – Forrest Park Pavilion. He disclosed that his son plays soccer and is a potential user of this proposed facility. He declared that he has not had any direct involvement in the preparation of this report.
- 8.10 Cr Messina declared a proximity interest in Item 10.2.1 – Streetscape – Scarborough Beach Road. The extent of his interest being that he is a franchiser of a franchise located at the Mezz Shopping Centre in Mount Hawthorn, abutting the proposal.

Cr Messina requested he remain in the Chamber participate in the debate (but not vote).

Cr Messina departed the Chamber at 7.08pm.

Moved Cr Farrell, Seconded Cr Youngman

That Cr Messina be permitted to participate in the debate of Item 10.2.1.

CARRIED (8-0)

Cr Messina returned to the Chamber at 7.09pm.

The Mayor advised Cr Messina that his request to participate in the debate of Item 10.2.1 was approved.

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

Nil.

10. REPORTS

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

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

Items 10.1.8, 10.4.10, 10.1.3, 10.1.4, 10.1.1, 10.3.7, 10.3.8 and 10.2.4.

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, 10.4.2, 10.4.3 and 10.4.9.

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

Items 10.1.3, 10.2.1 and 10.3.1.

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

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

Cr Farrell	10.1.2 and 10.4.11
Cr Messina	10.2.2
Cr Youngman	Nil
Cr Ker	10.1.9, 10.2.5 and 10.4.8.
Cr Doran-Wu	Nil
Cr Lake	10.2.3
Cr Burns	Nil
Cr Maier	10.1.5, 10.1.7, 10.4.4 and 10.4.12
Mayor Catania	Nil

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

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

Items 10.1.6, 10.3.2, 10.3.3, 10.3.4, 10.3.5, 10.3.6, 10.4.1, 10.4.5, 10.4.6 and 10.4.7.

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

Items 14.1 and 14.2.

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

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

Items 10.1.6, 10.3.2, 10.3.3, 10.3.4, 10.3.5, 10.3.6, 10.4.1, 10.4.5, 10.4.6 and 10.4.7.

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

Items 10.1.8, 10.4.10, 10.1.3, 10.1.4, 10.1.1, 10.3.7, 10.3.8 and 10.2.4.

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 10.1.6, 10.3.2, 10.3.3, 10.3.4, 10.3.5, 10.3.6, 10.4.1, 10.4.5, 10.4.6 and 10.4.7.

CARRIED (9-0)

10.1.6 Unit 5/No. 663 (Strata Lot 4, Lot 53 STR: 10630) Newcastle Street, Leederville - Alterations and Additions to Existing Eating House (Application for Retrospective Approval)

Ward:	South	Date:	18 February 2007
Precinct:	Oxford Centre; P04	File Ref:	PRO1618; 5.2007.433.1
Attachments:	001		
Reporting Officer(s):	L Parker		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by JDI Projects Pty Ltd on behalf of the owner Southregal Pty Ltd for proposed Alterations and Additions to Existing Eating House, at Unit 5/No. 663 (Lot 53, Strata Lot 4 STR: 10630) Newcastle Street, Leederville, and as shown on plans stamp-dated 24 October 2007, and the 'Water Corporation Leased Land Alfresco Area' site plan stamp-dated 11 January 2008, subject to the following conditions:

- (i) the doors, windows and adjacent floor areas fronting Oxford Street shall maintain an active and interactive relationship with this street;*
- (ii) 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;*
- (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 separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (iv) the maximum total public floor area of the eating house shall be limited to 71 square metres, inclusive of the alfresco dining area(s). Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;*
- (v) within twenty – eight (28) days of the issue date of this 'Approval to Commence Development,' the owner(s), or the applicant on behalf of the owner(s) shall comply with the following requirements:*
 - (a) pay a cash-in-lieu contribution of \$9,261 for the equivalent value of 3.43 car parking spaces, based on the cost of \$2,700 per bay as set out in the Town's 2007/2008 Budget; OR*
 - (b) lodge an appropriate assurance bond / bank guarantee of a value of \$9,261 to the satisfaction of the Town. This assurance bond / bank guarantee will only be released in the following circumstances:*

- (1) *to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*
- (2) *to the owner(s) / applicant following receipt by the Town with a Statutory Declaration of the prescribed form endorsed by the owner(s)/ applicant and stating that they will not proceed with the subject 'Approval to Commence Development,'; or*
- (3) *to the owner(s) / applicant where the subject 'Approval to Commence Development,' did not commence and subsequently expired.*

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

- (vi) *within twenty eight (28) days of the issue date of this 'Approval to Commence Development' the following works shall be undertaken to the satisfaction of the Town's Technical Services Division to satisfy car parking manoeuvring requirements and ensure the safety of pedestrians:*
 - (a) *the widened paved terrace area located immediately adjacent to the altered car bays, in front of the entrance to the subject tenancy, being truncated to a radius of 2.5 metres;*
 - (b) *the southern portion of the kerbed nib at the exit/entry point of the car park being truncated to a radius of 1.0 metre; and*
 - (c) *100 millimetre high wheel stops being installed in the three (3) altered car bays. The subject wheel stops shall be installed 820 millimetres behind the kerb line adjacent to the Oxford Street footpath.*

The works shall not result in any greater variation to the requirements of the Town's Policies;

- (vii) *within twenty eight (28) days of the issue date of this 'Approval to Commence Development', structural details, including plans and specifications of the subject awning, which are certified by a Practising Structural Engineer shall be submitted to and approved by the Town of Vincent; and*
- (viii) *within twenty eight (28) days of the issue date of this 'Approval to Commence Development', one (1) class one or two bicycle parking facility and three (3) class three bicycle parking facilities shall be provided at a location convenient to the entrance of the proposed development. Details of the design and layout of the bicycle parking facilities shall be submitted to and approved by the Town prior to the installation of such facilities.*

COUNCIL DECISION ITEM 10.1.6

Moved Cr Farrell, Seconded Cr Youngman

That the recommendation be adopted.

CARRIED "EN BLOC" (9-0)

Landowner:	Southregal Pty Ltd
Applicant:	JDI Projects Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): District Centre
Existing Land Use:	Eating House
Use Class:	Eating House
Use Classification:	"P"
Lot Area:	169 square metres
Access to Right of Way	N/A

BACKGROUND:

3 October 2007 The Town, under delegated authority from the Council, approved a planning application for change of use from shop to eating house and associated alterations and additions.

14 February 2008 The Town, under delegated authority from the Council, granted retrospective Planning Approval for signage additions at the subject property.

DETAILS:

The applicant seeks retrospective approval for an already constructed outdoor alfresco dining area at the above property, incorporating 12 square metres of additional public/seating area and overhead canopy on the subject lot. A further 18 square metres of public/seating area is proposed on the adjacent Water Corporation land between the Frame Court Carpark and the subject site. The business owners have entered into a legal agreement with the Water Corporation to use this area of land for these purposes and, as such, the additional public/seating area on this land has been incorporated into the car parking calculation for the application. Alterations have also been made to the existing car parking layout with three car bays being moved forward towards Oxford Street to enable the widening of the existing pavement surrounding the building.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted.
Consultation Submissions			
Support (5)	No details provided.		Noted.
Objection	Nil		Noted.
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil
Car Parking			
Car parking requirement (nearest whole number)			
Additional proposed floor area:			

Café/Restaurant - 1 space per 4.5 square metres of public floor area (additional 30 square metres proposed) = 6.67 car bays	7 car bays
Apply the parking adjustment factors to additional proposed floor area. <ul style="list-style-type: none"> • 0.80 (within 400 metres of a rail station) • 0.85 (within 400 metres of a bus stop/station) • 0.80 (within 50 metres of one or more existing public car parking places with excess of 50 car parking spaces) • 0.90 (within a District Centre zone) 	(0.4896) = 7 x 0.4896 = 3.43 car bays
Add number of car bays approved for existing situation: Floor areas as approved by the Town under delegated authority from Council on 3 October 2007: -Warehouse/Storage (32 square metres) -Café/Restaurant (40.75 square metres) -Approved with a nil car parking shortfall/surplus, and 3 car bays provided.	= 3.43 + 3 car bays = 6.43 car bays
Minus the car parking on-site	3 car bays
Minus existing car parking shortfall after applying adjustment factors	Nil.
Resultant shortfall	3.43 car bays
Bicycle Parking	
<u>Restaurant</u> (70.75 square metres of public area) (nearest whole number) -1 space per 100 square metres of gross floor area for employee/resident (Class 1 or 2) = 0.7075 spare -2 spaces plus 1 space per 100 square metres of public area (Class 3) = 2.7075 spares	1 space (Class 1 or 2) required. 3 spaces (Class 3)

* 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 proposed alfresco dining additions will serve to further enhance the interaction of the eating house with the street and is considered to significantly improve the overall aesthetic of the building complex adjacent to Oxford Street. In light of the above and the site's location adjacent to the Frame Court Carpark, a car parking shortfall of 3.43 car bays is considered acceptable in this instance, subject to the appropriate cash-in-lieu requirements of the Town. The proposal is therefore recommended for approval, subject to standard and appropriate conditions to address the above matters.

10.3.2 Authorisation of Expenditure for the period 1 - 31 January 2008

Ward:	Both	Date:	06 February 2008
Precinct:	All	File Ref:	FIN0005
Attachments:	001		
Reporting Officer(s):	Melike Orchard		
Checked/Endorsed by:	Bee Choo Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council CONFIRMS the;

- (i) *Schedule of Accounts for the period 1 January – 31 January 2008 and the list of payments;*
- (ii) *direct lodgement of payroll payments to the personal bank account of employees;*
- (iii) *direct lodgement of PAYG taxes to the Australian Taxation Office;*
- (iv) *direct lodgement of Child Support to the Australian Taxation Office;*
- (v) *direct lodgement of creditors payments to the individual bank accounts of creditors; and*
- (vi) *direct lodgement of Superannuation to Local Government and City of Perth superannuation plans.*

as shown in Appendix 10.3.2

COUNCIL DECISION ITEM 10.3.2

Moved Cr Farrell, Seconded Cr Youngman

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

DECLARATION OF INTEREST

Members/Officers	Voucher	Extent of Interest
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Nil.

PURPOSE OF REPORT:

To seek authorisation of expenditure for the period 1 - 31 January 2008.

BACKGROUND:

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

DETAILS:

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

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Town of Vincent Advance Account	EFT	\$543,599.14
Total Municipal Account		\$543,599.14
Advance Account		
Automatic Cheques	61632-61902	\$497,107.58
EFT Batch		\$0.00
Municipal Account		
Transfer of Creditors by EFT Batch	745-746, 748-750, 752-753	\$2,261,939.93
Transfer of PAYG Tax by EFT	January 2008	\$185,198.30
Transfer of GST by EFT	January 2008	\$0.00
Transfer of Child Support by EFT	January 2008	\$643.94
Transfer of Superannuation by EFT:		
• City of Perth	January 2008	\$34,661.26
• Local Government	January 2008	\$105,900.62
Total		\$3,085,451.63
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$3,589.50
Lease Fees		\$19,101.89
Corporate Master Cards		\$4,958.88
Folding Machine Lease Equipment		\$0.00
Trace Fees		\$0.00
Loan Repayment		\$58,131.94
Rejection Fees		\$0.00
System Disk Fee		\$0.00
Beatty Park - miscellaneous deposit		\$0.00
Total Bank Charges & Other Direct Debits		\$85,782.21
Less GST effect on Advance Account		-\$129,638.00
Total Payments		\$3,585,194.98

STRATEGIC IMPLICATIONS:

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

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

ADVERTISING/CONSULTATION:

Nil.

COMMENT:

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

10.3.3 Financial Statements as at 31 January 2008

Ward:	Both	Date:	15 February 2008
Precinct:	All	File Ref:	FIN0026
Attachments:	001		
Reporting Officer(s):	Bee Choo Tan		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Financial Reports for the year ended 31 January 2008 as shown in Appendix 10.3.3.

COUNCIL DECISION ITEM 10.3.3

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 January 2008.

BACKGROUND:

The Local Government Act and Local Government (Financial Management) Regulations 1996 require monthly reports to be submitted to Council. The Financial Statements attached are for the month ended 31 January 2008.

DETAILS:

The Financial Statements comprise:

- Operating Statement
- Summary of Programmes/Activities
- Capital Works Schedule
- Balance Sheet and Statement of Changes in Equity
- Reserve Schedule
- Debtor Report
- Rate Report
- Beatty Park Report – Financial Position
- Statement of Financial Activity
- Net Current Asset Position
- Variance Comment Report

Operating Statement and Detailed Summary of Programmes/Activities

The Operating Statement shows revenue and expenditure by Programme whereas the Summary of Programmes/Activities provides detail to Programme/Sub Programme level. Both reports compare actual results for the period with the Budget. The Operating Statement and the Summary of the Programmes Activities reports are in a new format providing a comparison between the year to date actual revenue and expenditure with the year to date budget.

The statements place emphasis on results from operating activity rather than construction of infrastructure or purchase of capital items and principally aim to report the change in net assets resulting from operations.

Operating Revenue

Operating revenue is currently 4% over the year to date budget for the month ending 31 January 2008.

General Purpose Funding (Page 1)

General Purpose Funding is showing 1% over the budget.

Governance (Page 2)

Governance is showing 8 % under budget.

Law Order & Public Safety (Page 3)

Revenue of Law Order & Public Safety is 77 of the budget.

Health (Page 4)

Health is showing 113%, of the budget this is due to 361 Health Licences being issued for Lodging Houses, Eating Houses and Alfresco dining.

Education & Welfare (Page 5)

Education and Welfare is now showing 218% over budget, for the receipt of the Leederville Gardens surplus.

Community Amenities (Page 6)

Community Amenities is 18% above the year to date budget. There were 434 planning applications being processed to date.

Recreation & Culture (Page 9)

The total revenue for Recreation and Culture is currently 3% over the revenue budget. Beatty Park Leisure Centre revenue is 47 % of the total Recreation and Culture revenue budget and is performing on target with the centre year to date revenue at 103%

Transport (Page11)

The total revenue for Transport is 19 % over the budget.

Economic Services (Page 12)

Economic Services is 101% over budget due to the increase number of building licences 390 issued compared to last year 325 licences.

Other Property & Services (Page 13)

The total revenue for Other Property & Services is 52% over the budget due to the advertising rebate received and allocated, leases on Tamala Park and other revenue received for the depot.

Operating Expenditure

Operating expenditure for the month is 99% of the year to date budget for the month ending 31 January 2008.

Capital Expenditure Summary (Pages 18 to 24)

The Capital Expenditure summary details projects included in the 2007/08 budget and reports the original budget and compares actual expenditure to date against these. Capital works show total expenditure including commitment for year amount of \$12,470,485 which is 51 % of the budget of \$24,362,667.

	Budget	Actual to Date	%
Furniture & Equipment	538,150	131,130	24%
Plant & Equipment	1,487,450	314,512	21%
Land & Building	12,303,039	8,276,035	67%
Infrastructure	10,034,028	3,748,808	37%
Total	24,362,667	12,470,485	51%

**Balance Sheet (Statement of Financial Position) and
Statement of Changes in Equity (Pages 25 & 26)**

The statement shows the current assets of \$26,612,699 and non current assets of \$133,094,221 for total assets of \$159,706,920.

The current liabilities amount to \$4,783,673 and non current liabilities of \$15,709,446 for the total liabilities of \$20,493,118. The net asset of the Town or Equity is \$139,213,804.

Restricted Cash Reserves (Page 27)

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

Debtors and Rates Financial Summary**General Debtors (Page 28)**

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 \$713,708 is outstanding at the end of January 2008. Of the total debt \$9,254 (1%) relates to debts outstanding for over 60 days. 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.

Rate Debtors (Page 29)

The notices for rates and charges levied for 2007/08 were issued on the 6 August 2007.

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

First Instalment	10 September 2007
Second Instalment	12 November 2007
Third Instalment	14 January 2008
Fourth Instalment	17 March 2008

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

Instalment Administration Charge	\$4.00
(to apply to second, third, and fourth instalment)	
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 are \$2,761,800 which represents 16% of the outstanding collectable income compared to last year 12%. The difference in the outstanding debt was partly due to the issue of additional boundary rates assessments in August 2007.

Beatty Park – Financial Position Report (Page 30)

As at 31 January 2008 the operating deficit for the Centre was \$165,520 in comparison to the annual deficit of \$478,265.

The cash position showed a current cash surplus of \$103,653 in comparison annual budget estimate of a cash surplus of \$26,320. The cash position is calculated by adding back depreciation to the operating position.

Statement of Financial Activity (Page 31)

The closing surplus carry forward for the year to date 31 January 2008 was \$11,970,207.

Net Current Asset Position (Page 32)

The net current asset position \$11,970,207.

Variance comment Report (Pages 33 to 36)

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

10.3.4 Re-Naming of Dorrien Gardens - BGC Stadium - Dorrien Gardens

Ward:	Both	Date:	14 February 2008
Precinct:	All	File Ref:	RES0032
Attachments:			
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council APPROVES the naming of Dorrien Gardens as “BGC Stadium - Dorrien Gardens” for a three (3) year period, from February 2008 to 2010

COUNCIL DECISION ITEM 10.3.4

Moved Cr Farrell, Seconded Cr Youngman

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

PURPOSE OF REPORT:

To report on the request from the Perth Soccer Club for the re-naming of Dorrien Gardens as “BGC Stadium - Dorrien Gardens”.

BACKGROUND:

The Town has received a request from the secretary of the Perth Soccer Club in early February seeking permission to have the Dorrien Gardens re-named “BGC Stadium - Dorrien Gardens” for the period of the sponsorship agreement (2008 - 2010).

DETAILS:

The Perth Soccer Club has secured BGC as a major sponsor of the Club.

As part of the sponsorship agreement, the company has sought the naming rights for the stadium and will be entitled to signage within the stadium. The new sponsors name will replace some existing signage on the grandstand and dugouts and will be displayed on some existing signs in the ground’s perimeter.

The name, “BGC Stadium - Dorrien Gardens” will be included in all correspondence and advertising from the Perth Soccer Club.

The sponsorship agreement is for the period 2008-2010 for the football seasons and is of significant financial benefit for the Perth Soccer Club.

The Perth Soccer Club currently has a lease for Dorrien Gardens, the current lease is silent on naming rights, however, it does have a clause in relation to signage.

The clause is outlined below:

(hh) Not without prior written consent of the Lessor to affix to or exhibit upon or permit to be affixed to or exhibited upon any part of the exterior of the premises, any of the passages or stairs of the premises or in any place visible beyond the premises placard, sign, notice, poster, hoarding or advertisement.

As the lease is silent on naming rights, Council approval is being sought.

The Perth Soccer Club needs this approval to finalise the commitment of the sponsorship package.

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011 – Strategic Objectives: Community Development

“Objective 3.1 Enhance community development and wellbeing

3.1.1 Determine the requirements of the community

(a) Determine the requirements of the community and ensure that the services provided meet those needs”.

ADVERTISING/CONSULTATION:

Nil.

LEGAL/POLICY

Current lease agreement.

N/A

FINANCIAL IMPLICATIONS

There are no financial implications for the Town.

COMMENT:

The Perth Soccer Club is a prestigious member of the WA State League competition, the sponsorship is essential for the financial viability of the Club for the season.

The name sought is of a well-respected company in the construction industry, there is nothing offensive regarding the name sought to be used.

It is therefore recommended that the requested naming of the grandstand as “*BGC Stadium Dorrien Gardens*” be supported.

10.3.5 Lee Hops Cottage – Expression of Interest for Lease or Licence

Ward:	South Ward	Date:	15 February 2008
Precinct:	Hyde Park Precinct	File Ref:	TEN0268
Attachments:	-		
Reporting Officer(s):	P Betts		
Checked/Endorsed by:	M Rootsey, John Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *ACCEPTS the Expression of Interest submitted by Life Without Barriers for the lease/licence of Lee Hops Cottage, 176 Fitzgerald Street, North Perth;*
- (ii) *INVITES Life Without Barriers to submit a tender to lease Lee Hops Cottage, 176 Fitzgerald Street, North Perth for a period of five (5) years;*
- (iii) *AUTHORISES the Chief Executive Officer to determine the tender and if acceptable, negotiate a Lease to the Town’s satisfaction; and*
- (iv) *subject to (iii) above, AUTHORISES the Chief Executive Officer and Mayor to sign the Lease and affix the Council’s Common Seal.*

COUNCIL DECISION ITEM 10.3.5

Moved Cr Farrell, Seconded Cr Youngman

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

PURPOSE OF REPORT

To report on the details regarding the response to an Expression of Interest for the lease or licence of Lee Hops Cottage, 176 Fitzgerald Street, North Perth.

BACKGROUND:

Lee Hops Cottage, 176 Fitzgerald Street, North Perth, was leased by Great Mates Ltd for the period 1 September 2003 until 7 August 2007.

The Town was advised on 7 August 2007 that Ferrier Hodgson had been appointed as administrators for Great Mates. Subsequently Ferrier Hodgson advised that the furniture was to be removed from the premises and that Great Mates would be vacating the premises on the 10 August 2007.

Remedial maintenance was carried out to ensure the property was available for lease.

An advertisement was placed in the West Australian on Wednesday 9 January 2007 seeking Expressions of Interest for the lease or licence of Lee Hops Cottage.

The Expression of Interest closed on Wednesday 30 January 2007 with the opening of the Expression of Interest being attended by Town representatives Mary Hopper, Purchasing Officer and Paul Betts, Administration Officer Corporate Services.

DETAILS:

One (1) response to the Expression of Interest was received from Life Without Barriers. Life Without Barriers is a national not-for-profit community services organisation that specialises in the provision of services for families in crisis; the disabled and those with mental health problems. Life Without Barriers has been operating in Western Australia for twelve (12) months.

Recently Life Without Barriers won five (5) tenders to provide respite services for elder carers of those with a disability across the metropolitan and South West rural areas. The intention is to use Lee Hops Cottage as a base for staff to coordinate these services.

At present, Life without Barriers has an annual budget of \$1,500,000 in Western Australia and provides services to two hundred (200) families.

Included with the Expression of Interest submission were financial reports from 2003-2007 and Annual Reports for 2005/2006 and 2006/2007. The two (2) Annual Reports contained auditors reports, both of which stated that the financial report of Life Without Barriers are in accordance with the Corporations Act 2001. Contact details for two (2) property referees who lease premises to Life Without Barriers was also included with the submission as well as a written reference. The written reference states that Life Without Barriers have been good tenants and always pay their lease fees on time.

Evaluation

A panel consisting of Mike Rootsey, Director Corporate Services and Paul Betts, Administration Officer Corporate Services evaluated the Expression of Interest submitted by Life Without Barriers using the selection criteria that appeared in the Expression of Interest. The selection criteria used was:

- Benefits to the Town of Vincent and its ratepayers including but not limited to financial benefits – 30%.
- Benefits to the wider community – 30%.
- Financial history and stability of applicants – 10%.
- Operational performance of the service being offered (including copies of annual report and audited financial statements) – 10%.
- Effective and ethical use of the facility – 10%.
- Joint use/sharing of facilities to maximise the use of the facility – 5%.
- At least two references must be provided with one preferably from a previous lessor – 5%.

	Life Without Barriers
Benefits to the Town of Vincent and its ratepayers including but not limited to financial benefits.	26.
Benefits to the wider community.	29.
Financial history and stability of applicants.	9.
Operational performance of the service being offered (including copies of annual report and audited financial statements).	9.

Effective and ethical use of the facility.	10.
Joint use/sharing of facilities to maximise the use of the facility.	0.
At least two references must be provided with one preferably from a previous lessor.	5.
Total	88.

Life Without Barriers state that their preferred lease period is for three (3) years but are willing to discuss a five (5) year lease period with the Town. It is recommended that should negotiations commence regarding the term of lease, a five (5) year period be encouraged.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

Policy No. 1.2.1

- “1. Any new lease granted by the Council shall usually be limited to a five year period, and any option to renew shall usually be limited to no more than a ten year period.
2. Council may consider longer periods where the Council is of the opinion that there is benefit or merit for providing a longer lease term.”

STRATEGIC IMPLICATIONS:

Strategic Plan 2006 – 2011 – Strategic Objectives: Community Development

“Objective 3.1 Enhance community development and wellbeing

3.1.1 Determine the requirements of the community

- (a) *Determine the requirements of the community and ensure that the services provided meet those needs”.*

FINANCIAL/BUDGET IMPLICATIONS:

Life Without Barriers has offered an annual lease fee of \$6,000 for Year 1, \$6,250 for Year 2 and \$6,500 for Year 3.

COMMENTS:

Life Without Barriers are an established organisation that provides a number of valuable services to the community. The supporting documentation forwarded with their Expression of Interest shows them to be a nationally recognised organization that provides a number of services to some of the more disadvantaged members of the community.

It is recommended that the Town invites Life Without Barriers to submit a tender for the lease or licence of Lee Hops Cottage for a term of five (5) years. In view of the indicative monies already indicated in the Expression of Interest, it is recommended that the Council authorises the Chief Executive Officer to determine any tender which may be submitted and, if acceptable, to negotiate the terms and conditions of a Lease.

10.3.6 4 View Street – Assignment of Lease

Ward:	North Ward	Date:	19 February 2008
Precinct:	Smiths Lake Precinct	File Ref:	PRO1877
Attachments:	-		
Reporting Officer(s):	P Betts		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES a lease to the Multicultural Services Centre of W.A. Inc for the period 1 December 2007 until 30 November 2012 for the premises located at 4 View Street, North Perth, subject to final satisfactory negotiations being carried out by the Chief Executive Officer; and*
- (ii) *AUTHORISES the Chief Executive Officer and Mayor to sign the Lease and affix the Council's Common Seal.*

COUNCIL DECISION ITEM 10.3.6

Moved Cr Farrell, Seconded Cr Youngman

That the recommendation be adopted.

CARRIED "EN BLOC" (9-0)

PURPOSE OF REPORT

To report on the details regarding the assignment of a five (5) year lease to the Multicultural Services Centre of W.A. Inc for the premises located at 4 View Street, North Perth.

BACKGROUND:

The Multicultural Services Centre of W.A. Inc is an organisation that aims to meet the settlement, welfare, education and training, cultural, legal and related needs of culturally and linguistically diverse Western Australians.

A number of services are provided including multilingual welfare counselling services; provision of facilities for cultural activities; general information and referral; special orientation English classes, education and referral services for migrants and refugees and free and accessible legal services for migrants and refugees.

The Multicultural Services Centre of W.A. Inc also lease another Council property located at 10 Farmer Street and have a partial interest in a property located at 20 View Street. The property at 4 View Street is used for the provision of legal and welfare services.

The Multicultural Services Centre of W.A. Inc leased 4 View Street rent free for the period 1 December 2002 until 1 January 2003. This was offset by the Multicultural Services Centre of W.A. Inc performing \$9,000 of refurbishments to the property.

DETAILS:

The Multicultural Services Centre of W.A. Inc has leased the 4 View Street property for the period 1 December 2002 until 30 November 2007. They are currently on a monthly lease.

The Multicultural Services Centre of W.A. Inc has proven to be a good tenant over the past five (5) years; paying lease fees on time and maintaining the premises to a satisfactory level. It should also be noted that the Town of Vincent has a very good working relationship with this organisation.

In accordance with a standard provision which appears in all Town of Vincent leases, the Multicultural Services Centre of W.A. Inc recently forwarded a copy of their 2006/2007 Annual Report. The Annual Report contained an independent auditors report which states that the financial report for the Multicultural Services Centre presents fairly in all material respects the financial position of the organisation.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

Policy No. 1.2.1

- “1. Any new lease granted by the Council shall usually be imited to a five year period, and any option to renew shall usually be limited to no more than a ten year period.*
- 2. Council may consider longer periods where the Council is of the opinion that there is benefit or merit for providing a longer lease term.”*

STRATEGIC IMPLICATIONS:

Strategic Plan 2006 – 2011 – Strategic Objectives: Community Development

“Objective 3.1 Enhance community development and wellbeing

3.1.1 Determine the requirements of the community

- (a) Determine the requirements of the community and ensure that the services provided meet those needs”.*

FINANCIAL/BUDGET IMPLICATIONS:

The Multicultural Services Centre of W.A. Inc currently pays an annual lease fee of \$12,547.69 for the lease of 4 View Street.

COMMENTS:

The Multicultural Services Centre of W.A. Inc provides a number of important services to the ethnic community from three (3) properties located within the Town of Vincent, including 4 View Street. This organisation has proven to be a good tenant in terms of promptness of lease fee payments and the standard it maintains the buildings leased from the Town. It is important to note the strong working relationship the Town has with this organisation. It is recommended Council approve a five (5) year lease to ensure the continued provision of the valuable services offered by the Multicultural Services Centre of W.A. Inc from the property at 4 View Street.

10.4.1 Local Government Statutory Compliance Audit 2007

Ward:	-	Date:	18 February 2008
Precinct:	-	File Ref:	ADM0019
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council ADOPTS the Local Government Statutory Compliance Audit for 2007, as "Laid on the Table" and circulated separately to Council Members and this be forwarded to the Department of Local Government and Regional Development.

COUNCIL DECISION ITEM 10.4.1

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 for the Council to consider and approve of the Local Government Statutory Compliance Audit 2007.

BACKGROUND:

The Department of Local Government and Regional Development has issued a "Local Government Statutory Compliance Audit" to all Local Governments throughout Western Australia. This return requires the Chief Executive Officer and Mayor to certify that the statutory obligations of the Local Government have been complied with. The Chief Executive Officer may delegate to a responsible person to complete part of the Return.

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

The completion of the Statutory Compliance Return is compulsory, in accordance with Section 7.13(1) of the Local Government Act 1995 and Local Government (Audit) Regulations (Regulation 13). A copy has been provided to all Council Members and a copy is "Laid on the Table".

The Town has an Audit Committee. The Committee, comprising the Mayor, Cr Burns, Cr Farrell, A. Macri and S Menon (Auditors), with the Chief Executive Officer, Director Corporate Services and Director Development Services (ex officio and non-voting) met on 14 February 2008 to review this Audit.

Two minor non-compliances have been identified in the 2007 return. These are;

Page 12 - Financial Management Regulation 51(2)

This Regulation requires the Annual Financial Report to be submitted to the Department of Local Government within thirty (30) days after receiving the Auditors' report.

Comment:

The Annual Financial Report was sent to the Department of Local Government as part of the Town's Annual Report. (This submission was several weeks outside of the thirty (30) day period). As the matter has been addressed for 2007, no further action is required.

Page 27 - Administration Regulation 11

This Regulation requires the contents of Minutes of all Council or Committee Meetings to include written reasons for varying an Officer Recommendation.

Comment:

An occasion occurred at the Ordinary Meeting of Council held on 4 December 2007. This was not identified during the Meeting, but was brought to the Town's attention by the State Administrative Tribunal (SAT) (as the matter was lodged with SAT).

The matter was addressed at the Ordinary Meeting of Council held on 18 December 2007. The Council has now adopted a Policy to deal with changes to Officer Recommendations.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

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

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

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

COMMENTS:

The Town of Vincent has complied with all statutory compliance provisions (with the exception of two minor matters) and accordingly it is recommended to the Council that the Local Government Statutory Compliance Audit 2007 be adopted and forwarded to the Department of Local Government and Regional Development.

10.4.5 Leederville Oval (Medibank Stadium) Ground Management Committee - Receiving of Unconfirmed Minutes - 12 February 2008

Ward:	South	Date:	19 February 2008
Precinct:	Oxford Centre, P4	File Ref:	RES0078
Attachments:	001		
Reporting Officer(s):	M McKahey, John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council RECEIVES the Unconfirmed Minutes of the Leederville Oval (Medibank Stadium) Ground Management Committee Meeting held on 12 February 2008, as shown in Appendix 10.4.5.

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 for the Council to receive the Unconfirmed Minutes of the Leederville Oval (Medibank Stadium) Ground Management Committee meeting held on 12 February 2008.

BACKGROUND:

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

"That the Council APPROVES BY AN ABSOLUTE MAJORITY;

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

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

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

It is the Town's practice that Committee Meeting Minutes be reported to the Council.

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

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

10.4.6 Audit Committee – Receiving of Unconfirmed Minutes - 14 February 2008

Ward:	-	Date:	18 February 2008
Precinct:	-	File Ref:	FIN0106
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Audit Committee Unconfirmed Minutes dated 14 February 2008, as shown in Appendix 10.4.6.

COUNCIL DECISION ITEM 10.4.6

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 for the Council to receive the unconfirmed minutes of the Audit Committee held on 14 February 2008.

BACKGROUND:

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

"That the Council;

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

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

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

"4.1.2 *Manage the organisation in a responsible, efficient and accountable manner;*" and

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

FINANCIAL IMPLICATIONS:

Nil.

COMMENT:

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

10.4.7 Review of WESTPLAN Road Crash - Call for Comments

Ward:	Both	Date:	6 February 2008
Precinct:	All Precincts	File Ref:	ORG0044
Attachments:	001 ; 002		
Reporting Officer(s):	J MacLean		
Checked/Endorsed by:	R Boardman	Amended by:	

OFFICER RECOMMENDATION:

That the Council:

- (i) *RECEIVES the proposed reviewed "WESTPLAN Road Crash" document; and*
- (ii) *AUTHORISES the Chief Executive Officer to provide a response to the Western Australian Local Government Association (WALGA) request for comments from local governments, related to the reviewed document, as indicated on attachment 002, as "Laid on the Table".*

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 to provide feedback to the WALGA, related to the review of the current WESTPLAN Road Crash. The letter from WALGA is "Laid on the Table".

BACKGROUND:

The WESTPLAN Road Crash is designed to provide strategic diction to ensure a controlled and coordinated response to road crash operations.

WESTPLANS are produced and adopted by the various Hazard Management Agencies (HMA) to provide a framework for how emergencies are to be dealt with. It is a requirement that WESTPLANS are reviewed regularly to ensure they remain current and relevant.

In this case the WESTPLAN Road Crash has been reviewed by the WA Police and comments have been sought from local governments.

DETAILS:

A letter was received from WALGA, seeking comments from local governments, relating to a review of the WESTPLAN Road Crash.

The aim of WESTPLAN Road Crash is to:

Detail the management arrangements for preparation and response to a road crash within Western Australia in accordance with the Emergency management Act 2005 and Emergency management Regulations 2006.

The objectives of the plan are to:

- *Define the responsibilities of the HMA Combat Agencies and support organisations in the event of a road transport emergency*
- *Detail arrangements for the control, coordination and response of state authorities at a road transport emergency; and*
- *Provide guidelines for road transport emergency planning at district and local level.*

For the most part, the reviewed WESTPLAN is very similar to the existing one and WALGA has indicated that there are no significant changes that are likely to impact on local government and have recommended acceptance.

Section 1.9 Organisational Roles and Responsibilities

It is suggested that "Local Government" should be included at this section as having a significant "Role and Responsibility" for community recovery, if the WESTPLAN is activated.

There is no doubt that local government will play a key role in the event that the plan is activated, not only from a "Recovery" perspective, but also from a provision of resources perspective. It is believed that this should be identified as part of the WESTPLAN.

Section 3.4: Resources

It is also suggested, at this section of the plan, that both the Local Emergency Management Arrangements and WESTPLAN Road Crash should contain a "comprehensive list of resources available to the local area". The development and updating of this "Resource List" is a responsibility that is placed on the Local Emergency Management Committee (LEMC), as part of their Local Emergency Management Arrangements.

However, since this committee is chaired by local government and the attending local government officers can devote only part of their time to emergency management, it is considered inappropriate to place the responsibility for ensuring that WESTPLAN Road Crash (as well as the numerous other WESTPLANS) are provided with an up-to-date resource list.

Representatives from the various Government Agencies are members of the LEMC and it should be these representatives that should ensure the update of their respective WESTPLAN Resource Lists.

The above has been identified immediately following section 1.9 and 3.4 in the document 002.

CONSULTATION/ADVERTISING:

There is no need to advertise or consult on this matter

LEGAL/POLICY:

Since WALGA is only seeking Council input, there are no legal implications.

STRATEGIC IMPLICATIONS:

The above is in keeping with part 3.1.2(j) of the Town of Vincent Strategic Plan 2006 - 2011 - *Promote the Emergency Management Plan and educate residents and ratepayers to be able to respond to emergencies"*

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial implications, associated with this report.

COMMENTS:

The above report is in response to a request for feedback, from WALGA, on the reviewed WESTPLAN Road Crash. It is recommended for approval.

10.1.8 No. 440 and No. 444 (Lot 6 D/P: 613, Lot: 5 D/P: 613) William Street, Perth- Proposed Demolition of Two Existing Institutional Buildings and Construction of Four-Storey Development Comprising Six (6) Offices and Two (2) Shops

Ward:	South	Date:	20 February 2008
Precinct:	Beaufort, P13	File Ref:	PRO0893; 5.2007.416.1
Attachments:	001		
Reporting Officer(s):	R Narroo, K Jackson		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Co-Praxis on behalf of the owner VN Golden Harvest Pty Ltd for proposed Demolition of Two Existing Institutional Buildings and Construction of Four-Storey Development Comprising Six (6) Offices and Two (2) Shops, at No. 440 and No. 444 (Lot: 6 D/P: 613, Lot 5 D/P:613) William Street , Perth , and as shown on plans stamp-dated 4 February 2008, subject to the following conditions:

- (i) prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;*
- (ii) 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;*
- (iii) within twenty – eight (28) days of the issue date of this ‘Approval to Commence Development,’ the owner(s), or the applicant on behalf of the owner(s), shall comply with the following requirements:*
 - (a) pay a cash in lieu public art contribution of \$ 27,280 for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$ 2,728, 000); OR*
 - (b) lodge an appropriate public art assurance bond/ bank guarantee of a value of \$27,280 with the Town. The assurance bond / bank guarantee will only be released to the owner(s)/ applicant in the following circumstances:*
 - (1) designs for art work(s) valued at one per cent (1%) of the estimated total cost of the development (\$ 2,728,000) have been submitted to and approved by the Town. The art work(s) shall be in accordance*

with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); or

- (2) *a Statutory Declaration of the prescribed form endorsed by the owner(s)/ applicant and stating that they will not proceed with the subject 'Approval to Commence Development,' have been submitted to and approved by the Town; or*
- (3) *the subject 'Approval to Commence Development' did not commence and subsequently expired.*

In the circumstance where the owner(s)/ applicant has elected clause (b)(1) and there has been no submission or approval of the design for art work within six (6) months from the date of issue of the Building Licence, the Town may claim the monies assured to them in the above bond or bank guarantee without further notice to the owner(s)/ applicant for the provisions of art works in the Town.

The Town's Community Development Services have the discretion to extend the six (6) month deadline that applies to clause (b) (1) under this condition of approval if:

- (aa) *a formal request has been submitted to the Town in writing for such an extension before the date of the six (6) month deadline; and*
 - (bb) *the Town's Arts Officer is satisfied that significant negotiations have been entered into by the owner(s) /applicant to provide the art work;*
- (iv) *prior to the issue of the Building Licence, revised plans and details shall be submitted and approved demonstrating the following:*
- (a) *the windows to offices 1 and 2 on the eastern elevation, the balcony to office 5 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 upper 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 2002. 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.20-28 Robinson Street, stating no objection to the respective proposed privacy encroachments;*
 - (b) *a landscaping plan for the terraces on the third floor with a minimum area of 41 square metres;*

- (c) *the awnings being continuous and complementary along William Street, a minimum height of 2.75 metres from the William Street footpath level to the underside of the awning, and a minimum of 600 millimetres from the kerb line of William Street; and*
- (d) *the end of trip facilities being provided with the following;*
 - (1) *a minimum of one male shower and one female shower being located in separate change rooms;*
 - (2) *the change room facilities being secure and capable of being locked; and*
 - (3) *a minimum of one locker being provided for every bicycle parking bay provided.*

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

- (v) *a detailed landscaping plan, including a list of plants shall be submitted and approved prior to the issue of a Building Licence. The landscaping 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);*
- (vi) *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;*
- (vii) *within twenty-eight (28) days of the issue date of this 'Approval to Commence Development', the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:*
 - (a) *pay a cash-in-lieu contribution of \$22,005 for the equivalent value of 8.15 car parking spaces, based on the cost of \$2,700 per bay as set out in the Town's 2007/2008 Budget; OR*
 - (b) *lodge an appropriate assurance bond/ bank guarantee of a value of \$22,005 to the satisfaction of the Town. This assurance bond / bank guarantee will only be released in the following circumstances:*
 - (1) *to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*
 - (2) *to the owner(s) / applicant following receipt by the Town of a Statutory Declaration of the prescribed form endorsed by the owner(s)/ applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or*

- (3) *to the owner(s) / applicant where the subject 'Approval to Commence Development' did not commence and subsequently expire;*
- (viii) *first obtaining the consent of the owners of Nos. 434-438 and 446-448 William Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 434-438 and 446-448 William Street in a good and clean condition;*
- (ix) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (x) *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;*
- (xi) *the doors, windows and adjacent floor areas on the ground floor fronting William Street shall maintain an active and interactive relationship with this street;*
- (xii) *the maximum total gross floor area of the offices and shops shall be limited to 1637.5 square metres and 310.5 square metres, respectively;*
- (xiii) *prior to the first occupation of the development, the car parking spaces provided for the offices and shops component of the development shall be clearly marked and signposted;*
- (xiv) *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;*
- (xv) *the car parking area shown shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xvi) *any proposed vehicular entry gates shall be a minimum 50 per cent visually permeable, and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development;*
- (xvii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (xviii) *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;*
- (xix) *the applicant may wish to consult a qualified archaeologist regarding the potential of the site to yield information regarding the early residential development of this area;*

- (xx) *prior to the issue of a Building Licence, a statement regarding the management of the site in the event that any archaeological information is found shall be submitted to and approved by the Town;*
- (xxi) *details of an interpretation proposal, which incorporates explicit recognition of the heritage values of the places at Nos. 440 and 444 William Street, Perth, shall be submitted to and approved by the Town before the issue of a Demolition Licence and/or Building Licence, whichever comes first. The approved interpretation proposal shall be installed prior to the first occupation of the new development;*
- (xxii) *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*
- (xxiii) *prior to the issue of a Building Licence, a management plan addressing how a vehicle will enter/exit a tandem parking bay when there is a vehicle already parked at the rear or front parking bay, to be submitted and approved by the Town.*

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Ker

That clause (iv)(c) be deleted.

Debate ensued.

AMENDMENT PUT AND CARRIED (5-4)

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

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 10.1.8

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 Co-Praxis on behalf of the owner VN Golden Harvest Pty Ltd for proposed Demolition of Two Existing Institutional Buildings and Construction of Four-Storey Development Comprising Six (6) Offices and Two (2) Shops, at No. 440 and No. 444 (Lot: 6 D/P: 613, Lot 5 D/P:613) William Street , Perth , and as shown on plans stamp-dated 4 February 2008, subject to the following conditions:

- (i) prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;*
- (ii) 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;*
- (iii) within twenty – eight (28) days of the issue date of this ‘Approval to Commence Development,’ the owner(s), or the applicant on behalf of the owner(s), shall comply with the following requirements:*
 - (a) pay a cash in lieu public art contribution of \$ 27,280 for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$ 2,728, 000); OR*
 - (b) lodge an appropriate public art assurance bond/ bank guarantee of a value of \$27,280 with the Town. The assurance bond / bank guarantee will only be released to the owner(s)/ applicant in the following circumstances:*
 - (1) designs for art work(s) valued at one per cent (1%) of the estimated total cost of the development (\$ 2,728,000) have been submitted to and approved by the Town. The art work(s) shall be in accordance with the Town’s Policy relating to Percent for Art Scheme and be developed in full consultation with the Town’s Community Development Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); or*
 - (2) a Statutory Declaration of the prescribed form endorsed by the owner(s)/ applicant and stating that they will not proceed with the subject ‘Approval to Commence Development,’ have been submitted to and approved by the Town; or*

- (3) *the subject 'Approval to Commence Development' did not commence and subsequently expired.*

In the circumstance where the owner(s)/ applicant has elected clause (b)(1) and there has been no submission or approval of the design for art work within six (6) months from the date of issue of the Building Licence, the Town may claim the monies assured to them in the above bond or bank guarantee without further notice to the owner(s)/ applicant for the provisions of art works in the Town.

The Town's Community Development Services have the discretion to extend the six (6) month deadline that applies to clause (b) (1) under this condition of approval if:

- (aa) *a formal request has been submitted to the Town in writing for such an extension before the date of the six (6) month deadline; and*
- (bb) *the Town's Arts Officer is satisfied that significant negotiations have been entered into by the owner(s) /applicant to provide the art work;*
- (iv) *prior to the issue of the Building Licence, revised plans and details shall be submitted and approved demonstrating the following:*
- (a) *the windows to offices 1 and 2 on the eastern elevation, the balcony to office 5 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 upper 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 2002. 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.20-28 Robinson Street, stating no objection to the respective proposed privacy encroachments;*
- (b) *a landscaping plan for the terraces on the third floor with a minimum area of 41 square metres; and*
- (c) *the end of trip facilities being provided with the following;*
- (1) *a minimum of one male shower and one female shower being located in separate change rooms;*
- (2) *the change room facilities being secure and capable of being locked; and*
- (3) *a minimum of one locker being provided for every bicycle parking bay provided.*

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

- (v) *a detailed landscaping plan, including a list of plants shall be submitted and approved prior to the issue of a Building Licence. The landscaping 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);*
- (vi) *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;*
- (vii) *within twenty-eight (28) days of the issue date of this 'Approval to Commence Development', the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:*
 - (a) *pay a cash-in-lieu contribution of \$22,005 for the equivalent value of 8.15 car parking spaces, based on the cost of \$2,700 per bay as set out in the Town's 2007/2008 Budget; OR*
 - (b) *lodge an appropriate assurance bond/ bank guarantee of a value of \$22,005 to the satisfaction of the Town. This assurance bond / bank guarantee will only be released in the following circumstances:*
 - (1) *to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*
 - (2) *to the owner(s) / applicant following receipt by the Town of a Statutory Declaration of the prescribed form endorsed by the owner(s)/ applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or*
 - (3) *to the owner(s) / applicant where the subject 'Approval to Commence Development' did not commence and subsequently expire;*
- (viii) *first obtaining the consent of the owners of Nos. 434-438 and 446-448 William Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 434-438 and 446-448 William Street in a good and clean condition;*
- (ix) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (x) *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;*
- (xi) *the doors, windows and adjacent floor areas on the ground floor fronting William Street shall maintain an active and interactive relationship with this street;*

- (xii) *the maximum total gross floor area of the offices and shops shall be limited to 1637.5 square metres and 310.5 square metres, respectively;*
- (xiii) *prior to the first occupation of the development, the car parking spaces provided for the offices and shops component of the development shall be clearly marked and signposted;*
- (xiv) *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;*
- (xv) *the car parking area shown shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xvi) *any proposed vehicular entry gates shall be a minimum 50 per cent visually permeable, and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development;*
- (xvii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (xviii) *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;*
- (xix) *the applicant may wish to consult a qualified archaeologist regarding the potential of the site to yield information regarding the early residential development of this area;*
- (xx) *prior to the issue of a Building Licence, a statement regarding the management of the site in the event that any archaeological information is found shall be submitted to and approved by the Town;*
- (xxi) *details of an interpretation proposal, which incorporates explicit recognition of the heritage values of the places at Nos. 440 and 444 William Street, Perth, shall be submitted to and approved by the Town before the issue of a Demolition Licence and/or Building Licence, whichever comes first. The approved interpretation proposal shall be installed prior to the first occupation of the new development;*
- (xxii) *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*
- (xxiii) *prior to the issue of a Building Licence, a management plan addressing how a vehicle will enter/exit a tandem parking bay when there is a vehicle already parked at the rear or front parking bay, to be submitted and approved by the Town.*

ADDITIONAL INFORMATION:

The plans which were assessed for this application and addressed in the Agenda report are the plans stamp dated 4 February 2008. The plans that inadvertently formed part of the Agenda report attachment are the initial plans submitted. A copy of the correct plans (Drawing Nos. A3, A4, A5 A6), dated 4 February 2008, are attached. The main changes to the plans are summarised as follows:

- The driveway width has increased from 4.6 metres to 5 metres.
- The bicycle stands and end of trip facilities for bike commuters have been relocated.
- There are minor changes to the floor areas of the shops, offices and terraces.

There are no changes to the Officer Recommendation and Assessment as the report is based on these plans.

Landowner:	VN Golden Harvest Pty Ltd
Applicant:	Co-praxis
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Vacant Buildings
Use Class:	Shop and Office
Use Classification:	"P"
Lot Area:	Lot 5= 486 square metres and Lot 6= 486 square metres, Total= 972 square metres
Access to Right of Way	Not applicable

BACKGROUND:

13 July 1998 The Council at its Ordinary Meeting resolved to conditionally approve an Institutional Building (Needle and Syringe Exchange Programme/Drop-in- Centre) at No.440 (Lot 6) William Street, Perth.

12 April 1999 The Council at its Ordinary Meeting resolved to conditionally approve an Institutional Building (Needle and Syringe Exchange Programme/Drop-in- Centre) at No.444 (Lot 5) William Street, Perth.

DETAILS:

The proposal involves the demolition of two existing institutional buildings and construction of a four (4) storey commercial development comprising two (2) shops and six (6) offices and car park at the subject property.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	Beaufort Precinct Policy does not specify any requirement for plot ratio for commercial uses in the commercial area.	Not applicable	Noted
No. of Storeys	Buildings with two storeys are strongly encouraged. A third storey can be considered.	4 storeys	Supported-refer to "Comments" below.
Building Height	Two storeys- 7 metres Three storeys- 10 metres	4 storeys- 12.5 metres to 13 metres	Supported- refer to 'Comments'.
Building Setbacks: East- Ground Floor-	Non-residential/residential development interface= 6 metres	Nil	Supported-only a relative part of the wall of the store will be abutting the existing wall on the adjoining eastern boundary and, therefore, no undue visual impact, ventilation and overshadowing.
First and Second Floors	Non-residential / residential development interface= 6 metres	4.5 metres	Supported-no undue impact on the adjoining property in terms of visual impact, ventilation and overshadowing.
Loading and Unloading Bay	1 bay	Nil	Supported- there are existing loading bays along William Street which can accommodate the service vehicles for the scale and nature of the proposed development.

<p>Landscaping</p>	<p>Ten per cent of site area =97.2 square metres</p>	<p>5.7 per cent=55.9 square metres-deck on first floor</p>	<p>Supported- the landscaping on the first floor compensates partly the landscaping to be provided at ground level. The applicant has stated there are two more landscape terraces at the third storey. However, no landscaping has been shown on the terraces. Therefore, as a condition of approval, the applicant will need to provide a landscaping plan for the terraces.</p>
<p>Privacy Setbacks</p>	<p>The proposed windows, balconies and terrace to the offices are considered as major openings as per the Residential Design Codes and Town's Policy- Non-Residential-Residential Development Interface.</p> <p>Windows to Office= 6 metres</p> <p>Balcony and Deck=7.5 metres</p>	<p>Windows to offices 1 and 2 to eastern boundary= 4.5 metres</p> <p>Balcony to office 5 to eastern boundary=5 metres</p> <p>Front balconies to offices 3 and 4 to northern and southern</p>	<p>Not supported- undue visual impact on the adjoining residential property. Windows should be screened as per condition of Planning Approval.</p> <p>Not supported- undue visual impact on the adjoining residential property. Balcony should be screened as per condition of Planning Approval.</p> <p>Supported- the cone of vision will impact on the roof of the adjoining</p>

		boundaries=Nil Front terraces to offices 5 and 6 to northern and southern boundaries=Nil	commercial buildings. No objections were received from the adjoining neighbours and, in this instance, the variation is supported. Supported- the cone of vision will impact on the roof of the adjoining commercial buildings. No objections were received from the adjoining neighbours and, in this instance, the variation is supported.
Retaining walls	Maximum Height=0.5 metre Setback= 1.5 metres	1.2 metres to the eastern boundary Nil	Supported- no undue impact as the proposed retaining wall will be used to retain the land of the adjacent property which will be higher than the proposed new ground level of the subject property.
Elevation	Continuous elevation fronting William Street	Non-continuous awning fronting William Street on the upper floors	Supported- refer to 'Comments.'
Awning	Continuous awning to be provided over the adjacent footpath.	Non- continuous awning	Not supported- refer to 'Comments'.
Overshadowing	Non-Residential/Residential Development Interface Policy states where a non-residential development abuts a residential area overshadowing requirements are to be in accordance with the Residential Design Codes.	The southern property is a commercial development and, therefore, the overshadowing is not applicable.	Noted

Consultation Submissions		
Support (1)	Support a vibrant design that will greatly improve the current eyesore, which attracts anti-social behaviour. This quality development will also increase the commercial viability of the surrounding businesses and bring more local employees and clients to the area.	Noted
Objection (1)	Opportunity is being missed to place some residential on this site. Offices and shops inject life into the area only during business hours, and this part of the Northbridge/Perth requires more life during the non-business hours. This could be achieved through adding some residential into office/shop mix.	Not supported in part- the sites are located within a commercial zone. Therefore, offices and shops are permitted uses in this zone. The merit of residential is acknowledged, however, the Town cannot impose residential in this development.
Department for Planning and Infrastructure (DPI)	The application was referred to Department for Planning and Infrastructure as the proposed development fronts William Street which is an Other Regional Road Reservation and is subject to future road widening.	DPI responded by stating that Lots 5 and 6 are not affected by the ORR reservation widening requirements for William Street. Moreover, DPI considers that the additional transport and traffic information submitted by the applicant is satisfactory.
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

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

Car Parking

Requirements as per Parking and Access Policy	Required
Total car parking required before adjustment factor (nearest whole number)	
Shop- 1 car bay per 15 square metres gross floor area (proposed 310.59 square metres)= 20.71 car bays	
Office-1 car bay per 50 square metres gross floor area (proposed 1637.5 square metres) = 32.75 car bays.	
Total= 53.46 car bays	53 car bays
Apply the parking adjustment factors.	(0.5527)
<ul style="list-style-type: none"> ▪ 0.85 (the proposed development is within 800 metres of a rail station) ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.85 (within 400 metres of an existing public car parking place(s) with in excess of a total of 75 car parking spaces) ▪ 0.90 (the proposed development provides 'end-of-trip facilities for bicycle users) 	29.29 car bays
Car parking provided on-site	21 car bays (16 bays for office, 4 bays for shops and 1 bay for people with disabilities)
Minus the most recently approved on-site parking shortfall	Nil
Resultant shortfall	8.29 bays

Bicycle Parking

Requirements	Required	Provided
Office		
1 per 200 (proposed 1637.5 square metres) square metres gross floor area for employees (class 1 or 2).	8.19= 8 spaces	
1 per (proposed 1637.5 square metres)750 (square metres over 1000 square metres gross floor are for visitors(class 3)	2.18= 2 spaces	
Shop		
1 space per 300 (310.59 square metres) square metres over 1000 square metres for employees (class 1 or 2).	1.03= 1 space	
1 per 200 (proposed 310.59 square metres) (square metres for visitors(class 3)	1.55=2 spaces	
	Total class 1 or 2= 9 spaces	10 bicycle spaces for class 2
	Total class 3=4 spaces	4 bicycle spaces for class 3

COMMENTS:

Demolition

The places at Nos. 440 and 444 William Street, Perth, are a Federation Cottage and Federation Bungalow respectively, both built circa 1897. The Gold Rushes of the 1890s created a demand for more residential housing, and the area's proximity to the city made it an ideal choice for developers. Several estates were created in the vicinity of the recently drained Lake Thompson, including those around William, Newcastle, Lindsay and Money Streets. The subject places at Nos. 440 and 444 William Street were the first residences to be built in the block between Brisbane Street and Robinson Avenue, and by the end of the nineteenth century this area was virtually built out.

Today, they are the only remaining single storey residential dwellings in this part of William Street, which is now zoned Commercial. However, they have not been occupied as residences for some time, and have undergone long periods of vacancy due to their inappropriateness for commercial purposes. This has led to a general decline in their condition and contributes to a lack of integrity for their original intended purpose. The site and massing of neighbouring buildings has further compromised their integrity and condition, and detracts from any aesthetic or historic value. It is noted in the applicants' planning application that it is the intention to reuse original material within the work of the proposed new building. The design of the new building has also taken account of the Heritage Listed building at Nos. 452-460 William Street, and other historic buildings located across the road at Nos. 428-438 William Street. These factors are commendable in the circumstances.

A full heritage assessment was undertaken for Nos. 440 and 444 William Street, which indicates that the subject places have little aesthetic, historic, scientific or social heritage significance. In accordance with the Town's Policy relating to Heritage Management – Assessment, the places do not meet the threshold for entry on the Town's Municipal Heritage Inventory.

Although considered small, there is a possibility that evidence of past activity may be found in and around these early dwellings due to their role in the residential development of Perth, and in recognition of this potential the applicant may wish to consult an archaeologist prior to any work commencing.

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

Number of Storeys and Height

The fourth storey is setback at 5.4 metres from William Street and 7.5 metres from the rear boundary and the proposed design makes this floor quite concealed. With regard to the 13 metres height, it is taken at the lowest point; however, the height will generally vary from 13 metres to 12.5 metres from the natural ground level. The building will not overshadow any residential building and due to its design is not considered to have an undue visual impact on the adjoining properties.

The height and overall design of the proposal is considered not to create an unacceptable bulk and scale issue. Furthermore, there is a vacant lot at the corner of William Street and Newcastle Street, which is located within the East Perth Redevelopment Authority (EPRA) jurisdiction. As per the Design Guidelines prepared by EPRA, this lot may be developed to a maximum height of three storeys up to 12 metres, with a four storey component up to 15 metres at the intersection of William and Newcastle Streets. Therefore, the proposed building is not likely to be the only four storey building along William Street.

Given that the fourth storey is concealed from the street level and the building form incorporates a contemporary design element, and cantilevered awnings, which are characteristic of developments along William Street, the variation to the number of storeys and height is supported in this instance.

Cash-in-lieu of Car Parking

The Town's Officers are supportive of cash-in-lieu of car parking provision, as contained in the Officer Recommendation, on the basis of the commercial nature of the proposal and the availability of parking spaces along William Street and the subject site is within 400 metres from a public car park.

Non-Uniform Elevation, Awning and Balconies along William Street

The applicant has provided the following justification.

"The façade has been strengthened by enlarging and redesigning the screen to the sky-garden. This now has a depth so that when viewed from an angle it is opaque and continues the front elevation (see attached images and west elevation), it is only when viewed from directly front on that the screen reveals the sky-garden behind. The reasoning behind this approach is that there is a practical requirement to include a driveway, which will necessarily break up the façade. We have taken this opportunity to introduce an elevated 'sky-garden' which overtly indicates the building's 'green' credentials. Furthermore the streetscape is made up of predominantly small frontage tenancies that even when in the same building are clearly defined- a uniform elevation would be out of keeping with the kind of articulation that dominates the streetscape. The sky-garden also increases the interaction between the street and the internal workings of the commercial space- an experience not common to commercial buildings where office space is normally almost entirely isolated from the street experience. Finally the façade, despite its articulation, is in fact continuous for the entire length of the property. It maintains a two storey presence by means of a perforated screen which will also form part of the public artwork, positively contributing to the streetscape whilst providing glimpses of landscaping beyond."

It is considered that the proposed screen provided between the offices will provide this continuity of walls along William Street. Moreover, the Public Art will be located on this screen which will contribute for a continuous façade along William Street. Therefore, this design is supported.

The awning on the ground floor is non-continuous which will impact on the pedestrians in relation to shade and weather. Therefore, if this application is supported, it is recommended that a continuous awning is provided on the ground floor.

The Beaufort Precinct Policy states that buildings with two storeys may be provided with balconies with minimum dimensions of two metres and located up to and/or over the adjacent footpath. Functional balconies are provided on the second floor which are located up to the footpath and not over the footpath. It is considered that awnings on the ground floor will provide the protection to the pedestrians and, therefore, the balconies are not required to be over the footpath.

Conclusion

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

10.4.10 Proposed Relocation of the Leederville Early Childcare Centre and the Margaret Kindergarten. Proposed WALGA Office Building – Progress Report

Ward:	South and North	Date:	20 February 2008
Precinct:	Oxford Centre, P4 and Mount Hawthorn, P1	File Ref:	TEN0386
Attachments:	001		
Reporting Officer(s):	E Saraceni, D Abel, R Boardman, John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to the proposed relocation of the Leederville Early Childhood Centre, at No. 244a (Lot:0 D/P: 16914) Vincent Street, Leederville and the Margaret Kindergarten, at No. 45 (Lot: 10349 D/P: Swan L) Richmond Street, Leederville;*
- (ii) *APPROVES IN PRINCIPLE;*
 - (a) *the temporary relocation of the Margaret Kindergarten to the Mount Hawthorn Lesser Hall, at No. 197 (Lot: 273 D/P: 3642) Scarborough Beach Road, Mount Hawthorn;*
 - (b) *the relocation of the Margaret Kindergarten to the south-east corner of Braithwaite Park as illustrated in Option 3 of Appendix 8 and further detailed in Appendices 9, 10 and 11; and*
 - (c) *the relocation of the Leederville Early Childhood Centre to the former Margaret Kindergarten site, at No. 45 (Lot 10349 D/P: Swan L) Richmond Street, Leederville as illustrated in Appendix 5 and further detailed in Appendices 6 and 7;*
- (iii) *AUTHORISES the Chief Executive Officer to;*
 - (a) *undertake consultation for a period of fourteen (14) days in accordance with the Town’s Community Consultation Policy; and*
 - (b) *negotiate with the Education Department and Department for Community Development concerning lease details; and*
- (iv) *NOTES that a further report will be submitted to the Council at the conclusion of the consultation period.*

Moved Cr Farrell, **Seconded** Cr Messina

That the recommendation be adopted.

Debate ensued.

Cr Messina departed the Chamber at 7.32pm.

Debate ensued.

Cr Messina returned to the Chamber at 7.34pm.

Debate ensued.

Journalist Lindsay McPhee from the “Guardian Express” departed the Chamber at 7.38pm.

Cr Youngman spoke for 5 minutes.

PROCEDURAL MOTION

At 7.40pm **Moved** Cr Farrell, **Seconded** Cr Maier

That Cr Youngman be permitted to speak for a further 5 minutes.

PROCEDURAL MOTION PUT AND CARRIED (5-4)

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

Debate ensued.

AMENDMENT

Moved Cr Farrell, **Seconded** Cr Messina

That the Officer Recommendation be amended to read as follows;

“That the Council;

- (i) *RECEIVES the report relating to the proposed relocation of the Leederville Early Childhood Centre, at No. 244a (Lot:0 D/P: 16914) Vincent Street, Leederville and the Margaret Kindergarten, at No. 45 (Lot: 10349 D/P: Swan L) Richmond Street, Leederville;*
- (ii) *APPROVES IN PRINCIPLE;*
 - (a) *the temporary relocation of the Margaret Kindergarten to the Mount Hawthorn Lesser Hall, at No. 197 (Lot: 273 D/P: 3642) Scarborough Beach Road, Mount Hawthorn;*
 - ~~(b) *the relocation of the Margaret Kindergarten to the south-east corner of Braithwaite Park as illustrated in Option 3 of Appendix 8 and further detailed in Appendices 9, 10 and 11; and*~~
- (iii) *DEFERS its decision concerning;*
 - (a) *the exact location of the proposed Margaret Kindergarten facility on Braithwaite Park;*
 - (b) *the relocation of the Leederville Early Childhood Centre to the former Margaret Kindergarten site, at No. 45 (Lot 10349 D/P: Swan L) Richmond Street, Leederville as illustrated in Appendix 5 and further detailed in Appendices 6 and 7;*

(iv) REQUESTS the Town's Architect to further investigate options for the proposed Margaret Kindergarten facility on Braithwaite Park and to specifically address options which;

(a) minimises the impact of the proposed facility on the Public Open Space at Braithwaite Park;

(b) maximises the use of the existing Mount Hawthorn Community Centre and its facilities, which could be used on a multi purpose basis with the proposed Kindergarten;

(c) minimises the impact of any proposed facility on the surrounding residents;

(d) maximises the safety and security of children and parents who will utilise the proposed Margaret Kindergarten facility and/or the nearby Mount Hawthorn Primary School.

(iii)(v) AUTHORISES the Chief Executive Officer to;

(a) conduct a Public Meeting as soon as practicable at the Mount Hawthorn Community Centre to fully inform residents, community centre users, playgroup users, school attendees and other stakeholders of the Town's proposal, including options specified in clause (iv) above;

~~(a)~~(b) undertake consultation for a period of fourteen (14) days in accordance with the Town's Community Consultation Policy after the Council has further considered a report concerning the outcome of the Public Meeting specified in clause (v)(a);

~~(b)~~(c) negotiate with the Education Department and Department for Community Development concerning lease details; and

(d) to hold discussions with the local State Member for Perth and the Department for Education and Training with regards to providing funding assistance for the Margaret Kindergarten; and

~~(iv)~~(vi) NOTES that a further report will be submitted to the Council at the conclusion of the consultation period.

AMENDMENT PUT AND CARRIED (8-1)

For

Mayor Catania

Cr Burns

Cr Doran-Wu

Cr Farrell

Cr Ker

Cr Lake

Cr Maier

Cr Messina

Against

Cr Youngman

Debate ensued.

AMENDMENT

Moved Cr Ker, Seconded Cr Lake

That clause (iii)(a) and (iv) of the amendment be amended to delete the words “on Braithwaite Park”.

Debate ensued.

AMENDMENT PUT AND LOST (4-5)

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

AMENDMENT

Moved Cr Ker, Seconded Cr Lake

That clause (v)(b) of the amendment be amended to change the words “fourteen (14)” to “twenty-one (21)”.

Debate ensued.

AMENDMENT PUT AND CARRIED (8-1)

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

MOTION AS AMENDMENT PUT AND CARRIED (6-3)

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

Reasons for Changing Officer Recommendation:

1. There is a need to consider other options available.
2. There is a need for further negotiations with the Department of Education.
3. Consideration of objections received.

COUNCIL DECISION ITEM 10.4.10

That the Council;

- (i) *RECEIVES the report relating to the proposed relocation of the Leederville Early Childhood Centre, at No. 244a (Lot:0 D/P: 16914) Vincent Street, Leederville and the Margaret Kindergarten, at No. 45 (Lot: 10349 D/P: Swan L) Richmond Street, Leederville;*
- (ii) *APPROVES IN PRINCIPLE the temporary relocation of the Margaret Kindergarten to the Mount Hawthorn Lesser Hall, at No. 197 (Lot: 273 D/P: 3642) Scarborough Beach Road, Mount Hawthorn;*
- (iii) *DEFERS its decision concerning;*
 - (a) *the exact location of the proposed Margaret Kindergarten facility on Braithwaite Park;*
 - (b) *the relocation of the Leederville Early Childhood Centre to the former Margaret Kindergarten site, at No. 45 (Lot 10349 D/P: Swan L) Richmond Street, Leederville as illustrated in Appendix 5 and further detailed in Appendices 6 and 7;*
- (iv) *REQUESTS the Town's Architect to further investigate options for the proposed Margaret Kindergarten facility on Braithwaite Park and to specifically address options which;*
 - (a) *minimises the impact of the proposed facility on the Public Open Space at Braithwaite Park;*
 - (b) *maximises the use of the existing Mount Hawthorn Community Centre and its facilities, which could be used on a multi purpose basis with the proposed Kindergarten;*
 - (c) *minimises the impact of any proposed facility on the surrounding residents;*
 - (d) *maximises the safety and security of children and parents who will utilise the proposed Margaret Kindergarten facility and/or the nearby Mount Hawthorn Primary School.*
- (v) *AUTHORISES the Chief Executive Officer to;*
 - (a) *conduct a Public Meeting as soon as practicable at the Mount Hawthorn Community Centre to fully inform residents, community centre users, playgroup users, school attendees and other stakeholders of the Town's proposal, including options specified in clause (iv) above;*
 - (b) *undertake consultation for a period of twenty-one (21) days in accordance with the Town's Community Consultation Policy after the Council has further considered a report concerning the outcome of the Public Meeting specified in clause (v)(a);*

- (c) *negotiate with the Education Department and Department for Community Development concerning lease details;*
- (d) *hold discussions with the local State Member for Perth and the Department for Education and Training with regards to provide funding assistance for the Margaret Kindergarten; and*
- (vi) *NOTES that a further report will be submitted to the Council at the conclusion of the consultation period.*

PURPOSE OF REPORT:

The purpose of the report is to outline to the Council the options for the proposed relocation of the Margaret Kindergarten and the Leederville Early Childhood Centre.

BACKGROUND:

18 December 2007

The Council at its Ordinary Meeting resolved the following in relation to the financial terms of Conditions for the Local Government House Trust (Western Australian Local Government (WALGA)) Office Building, at No. 244A Vincent Street, Leederville:

“That the Council;

- (i) *RECEIVES the information concerning the Local Government House Trust’s (Western Australian Local Government Association) future accommodation needs as at 12 December 2007;*
- (ii) *APPROVES the financial terms and conditions as shown in Appendix 10.4.3, with the following conditions being applied*
 - (a) *Rent
the rent will be indexed to CPI (provided it is not negative) and cannot be less than that of the previous annual period;*
 - (b) *Contribution to Building Reserve Fund
the annual contribution to the Reserve Fund will be indexed to CPI (provided it is not negative) and cannot be less than that of the previous annual period;*
 - (c) *Special Conditions
this Agreement should also be subject to Western Australian Planning Commission Approval on the basis that it is a Lease of more than 20 years; and*
 - (d) *the proposed commercial terms being subject to the other contingent funding being approved; and*
- (iii) *AUTHORISES the Chief Executive Officer to prepare Concept Designs for the proposed WALGA office building.”*

18 December 2007 The Council at its Ordinary Meeting resolved the following in relation to the tender for the architectural services for the Office Building, Child Care Centre and Kindergarten:

“That the Council;

- (i) ACCEPTS the tender from Peter Hunt Architect at an estimated cost of \$1,091,200 (including GST), as being the most acceptable and advantageous to the Town, for the provision of architectural services for an Office Building, Child Care Centre and Kindergarten;*
- (ii) APPROVES BY AN ABSOLUTE MAJORITY an amount of \$73,920 for the Design Brief and Schematic Design and Design Development stages of the proposed Leederville Child Care Centre, Margaret Kindergarten and Office building (Design Brief only) to be carried out in the 2007/08 financial year;*
- (iii) LISTS an amount of \$137,280 in the 2008/09 Budget for the Leederville Child Care Centre and Margaret Kindergarten Contract Documentation and Contract Administration and Contract Documentation for the Office Building;*
- (iv) REQUESTS the Chief Executive Officer to identify a source of funds for the project, for consideration at the mid-year Budget Review; and*
- (v) NOTES that;*
 - (a) the Local Government House Trust (Western Australian Local Government Association) will reimburse the Town for costs associated with the proposed office building, subject to the execution of a valid Agreement to Lease; and*
 - (b) the project will be funded over the 2007-08, 2008-09 and 2009-10 financial years.”*

5 February 2008 The options devised by Peter Hunt Architects in relation to the relocation of the Margaret Kindergarten and the Leederville Early Childhood Centre were presented and discussed at a Council Members Forum.

DETAILS:

The Leederville Early Childhood Centre is currently located at No.244A Vincent Street, Leederville. As part of the proposal to locate the WALGA office building at the abovementioned site, it is necessary to find an alternative location for the Leederville Early Childcare Centre (“the Childhood Centre”). The proposed location for the Childhood Centre is adjacent to Richmond Street, where the Margaret Kindergarten is currently located (“the Kindergarten”), which will result in the need for an alternative site for the Kindergarten to be located. An aerial photograph of the Childcare Centre and the Kindergarten site is illustrated in Appendices 1 and 2, provided as an attachment to this report.

The Town has investigated several options with relation to the relocation of the Margaret Kindergarten as follows;

- Mount Hawthorn School site, at No. 1 (Lot: 5545 D/P: Swan) Killarney Street, Mount Hawthorn;
- Menzies Park, at Nos. 95-117 (Lot: 312 D/P 1939) Egina Street, Mount Hawthorn;
- EarlyBird Childcare Centre, at No. 87 (Lot: 281 D/P: 3642) The Boulevarde, Mount Hawthorn; and
- Braithwaite Park, the north side and the south-east corner.

After detailed investigation of each proposed site, due consideration was given to the issues associated with locating a Kindergarten at each of the sites. The issues considered included; the availability of land on each of the sites, the location of the site in relation to the Mount Hawthorn Primary School, proximity to existing residences, the impact that such a use would have on surrounding residents and access issues, such as the ease of access for children and parents to the site and the safety aspects in relation to the access points of the location, traffic congestion and availability of carparking.

Based on the above, the Town's Officers determined that the most appropriate location for the Kindergarten was the south-east corner of Braithwaite Park. An aerial photograph of Braithwaite Park is included as an attachment to this report. The Kindergarten is proposed to be temporarily relocated to the Mount Hawthorn Lesser Hall located at Braithwaite Park whilst the new facilities for the Childhood Centre and Kindergarten are constructed.

The Town then engaged the services of Peter Hunt Architect to design options for the proposed Childhood Centre, located adjacent to Richmond Street and the Kindergarten located in the south-east corner of Braithwaite Park. The Architects have devised 3 options for the Childcare Centre and 4 options for the Kindergarten, which are outlined below.

Childcare Centre

Option 1:

Option 1 proposes that the Childhood Centre and the Margaret Kindergarten be co-located on the Richmond Street site. This is illustrated in Appendix 3, provided as an attachment to this report.

Option 2:

Option 2 proposes that the Childhood Centre be located on the Richmond Street Margaret Kindergarten site in a similar manner to the location of the Margaret Kindergarten at present, which results in the Childhood Centre occupying the entire site. This is illustrated in Appendix 4, provided as an attachment to this report.

Option 3:

Option 3 proposes that the Childhood Centre occupy the southern most portion of the current Margaret Kindergarten site directly adjacent to Leederville Oval, which will create an additional 40 car bays on the northern portion of the site. This is illustrated in Appendix 5 and also in Appendices 6 and 7, provided as an attachment to this report.

The Kindergarten at Braithwaite Park

Option 1:

Option 1 proposes that the building for the Kindergarten be located immediately adjacent to the south side of the Lesser Hall, and the playground be located on the southern and eastern portion of the proposed site. This is illustrated in Option 1 of Appendix 8, provided as an attachment to this report.

Option 2:

Option 2 proposes that the building for the Kindergarten be located on the southern most portion of the park, and the playground be located on the northern and eastern portion of the proposed site. This is illustrated in Option 2 of Appendix 8, provided as an attachment to this report.

Option 3:

Option 3 proposes that the building for the Kindergarten be located on the south-eastern portion of the park, and that the playground be located on the northern and western portion of the proposed site. This is illustrated in Option 3 of Appendix 8 and also in Appendices 9, 10 and 11, provided as an attachment to this report.

Option 4:

Option 4 proposes that the building for the Kindergarten be located immediately adjacent to the south-eastern side of the Lesser Hall and that the playground be located on the southern and western portion of the proposed site. This is illustrated in Option 4 of Appendix 8, provided as an attachment to this report.

The Town's Officers are of the view that the preferred option for the Childhood Centre is shown in Appendices 5, 6 and 7 for the following reasons:

- The children using the Childhood Centre would have the benefit of a first class facility if the entire site is allocated for the use of the Childcare Centre;
- The co-location of the sites would lead to "cramped" conditions for the children using the Kindergarten and the Childhood Centre and traffic congestion would become a problem, as well as vehicle/pedestrian conflict;
- The location of the building on the site proposes little risk for the children using the facility in terms of traffic as it is located at the southern end of the site, which is at the furthest end to the Richmond Street frontage;
- The location of the building at the southern end of the site results in additional car parking for the patrons of the Childhood Centre and the patrons of the Loftus Centre; and
- The construction of a new Childhood Centre will complement the recently redeveloped Loftus Centre and adjacent Public Open Space.

Likewise, the Town's Officers are of the view that the preferred option for the Kindergarten is Option 3 of Appendix 8, further illustrated in Appendices 9, 10 and 11 for the following reasons:

- The proposed location will only affect a small portion of Braithwaite Park;
- Improvement in the connectivity between the Primary School and Kindergarten for Town of Vincent residents and remove the need to transport children via car to another kindergarten;
- The proximity of the Kindergarten to Mount Hawthorn Primary School is a benefit, as the children will have greater access to the Primary School and its resources, the children will feel like part of the school and consequently the transition to school for the children will be less traumatic;
- The short term disruption caused by the relocation to temporary facilities at Braithwaite Park whilst the new facilities are constructed would be outweighed by the long term benefit to the school community and Town at large of having the Kindergarten located within close proximity to the school.;
- The improved utilisation of the Mount Hawthorn Lesser Hall through the construction of the temporary facilities for the Kindergarten; and

- The relocation of the Kindergarten will make it more accessible for all Town of Vincent residents, at present the Education Department requirements limit access to the Kindergarten for Town of Vincent residents as a result of anomalies in the system.

Planning Considerations

Braithwaite Park is reserved Town of Vincent Scheme Reserves - Park and Recreation under Town Planning Scheme No.1. In accordance with the Town's Policy No. 3.3.1 - Mount Hawthorn Precinct - Scheme Map 1, a Kindergarten child care centre could be considered at Braithwaite Park provided it is small and unobtrusive in bulk and scale and is to be used incidental to and associated with the passive recreation role of the park.

Given the above, Planning Approval is required for a temporary kindergarten (including the pre-primary transportable) at Braithwaite Park, especially as this use has not yet been established at the Park. Planning Approval is also required for the new buildings at Braithwaite Park and at the Richmond Street site.

Planning Approval is also required for the relocation of the Leederville Early Childhood Centre to the Richmond Street site, as it is zoned Reserves under the Town of Vincent Town Planning Scheme No. 1. Clause 5 of the Oxford Centre Precinct states that further development of any of the sites zoned Reserves may be permitted, provided that the development is unobtrusive in bulk and scale and is to be used for a purpose incidental to, and associated with, the primary use of the land as the land is predominately already used for Kindergarten purposes, this proposal can be supported..

Indicative Timeline

The indicative timeline for the abovementioned works is outlined below:

Task Name	Duration	Start	Finish
WALGA Office Building	684 days	4/02/08	16/09/10
Design and Documentation	230 days	4/02/08	19/12/08
Tender	35 days	12/01/09	27/02/09
Demolition of LEC	1.7 months	16/03/09	30/04/09
Construction	18 months	1/05/09	16/09/10
Completion	0 days	16/09/10	16/09/10
Occupancy	0 days	16/09/10	16/09/10
Margaret Kindergarten	255 days	11/02/08	30/01/09
Braithwaite Park Alterations to Lesser Hall	35 days	11/02/08	28/03/08
Relocation of Margaret Kindergarten	20 days	31/03/08	25/04/08
Design & Documentation of New Building	65 days	30/03/08	30/05/08
Tender	20 days	2/06/08	27/06/08
Construction	154 days	1/07/08	30/01/09
Completion	0 days	30/01/09	30/01/09
Occupancy	0 days	30/01/09	30/01/09
Leederville Early Childhood Centre	287 days	4/02/08	10/03/09

Design and Documentation	60 days	4/02/08	25/04/08
Tender	25 days	28/04/08	30/05/08
Demolition of Margaret Kindergarten	4 weeks	5/05/08	30/05/08
Construction	195 days	2/06/08	27/02/09
Occupancy License	35 days	12/01/09	27/02/09
Relocation to New Premises	7 days	2/03/09	10/03/09

CONSULTATION/ADVERTISING:

Community consultation is recommended to be carried out with residents around Braithwaite Park and the current Margaret Kindergarten site for a period of 14 days.

The Leederville Early Childcare Centre, Margaret Kindergarten P & C, Mount Hawthorn School and Education Department have all been consulted and are strongly in favour of the proposal. The options were presented to a briefing session for Council Members on 5 February 2008. The Town is also in discussion with users of the Mount Hawthorn Community Centre Lesser Hall.

LEGAL/POLICY:

Town Planning Scheme No.1 and associated Policies.

As both premises have existing leases, negotiations will need to be carried out with the respective parties. The lease between the Town of Vincent and Education Department of Western Australia on the current site expires on 30 June 2010.

STRATEGIC IMPLICATIONS:

Town of Vincent Strategic Plan 2006-2011:

*“Natural and Built Environment-
1.1.5 Enhance and maintain parks and community facilities.”*

FINANCIAL/BUDGET IMPLICATIONS:

As the proposal is conceptual, no indicative costs have been prepared. The Western Australian Local Government Association has agreed to contribute \$1,000,000 to the cost of the new relocated Child Care Centre. The indicative costs will be prepared and reported to the Council (in the next report).

COMMENTS:

In view of the above, it is recommended that the Council approves in principle the proposed relocation of the Margaret Kindergarten to the south-eastern corner of Braithwaite Park and the Leederville Early Childhood Centre to the former Margaret Kindergarten site, located adjacent to Richmond Street.

It is also recommended that the Council authorises the Chief Executive Officer to proceed with consultation in accordance with the Town's Community Consultation Policy.

The Chief Executive Officer advised that Cr Burns had declared a financial interest in this Item. Cr Burns departed the Chamber at 8.12pm and did not speak or vote on the matter.

10.1.3 No. 7 (Lot: 15 D/P: 2411) Throssell Street, Perth - Proposed Partial Demolition of and Additions and Alterations to Existing Single House and Additional Three-Storey Grouped Dwelling to Existing Single House

Ward:	South	Date:	19 February 2008
Precinct:	Hyde Park; P12	File Ref:	PRO4170; 5.2007.397.1
Attachments:	001		
Reporting Officer(s):	R Narroo, D Pirone		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by B M Arnold on behalf of the owner P A Sucich for proposed Partial Demolition of and Additions and Alterations to Existing Single House and Additional Three-Storey Grouped Dwelling to Existing Single House, at No.7 (Lot: 15 D/P: 2411) Throssell Street, Perth, and as shown on plans stamp-dated 14 February 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) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Throssell 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);*
- (iii) *prior to the issue of the Building Licence, revised plan shall be submitted to and be approved demonstrating the following:*
 - (a) *the opening of the outdoor covered area of the proposed dwelling on the eastern elevation, the terrace of the proposed dwelling on the eastern elevation, and the window to living room of the proposed dwelling on the northern elevation, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre*

in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002.

Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 5 and No. 9 Throssell Street, stating no objection to the respective proposed privacy encroachments;

- (b) the proposed crossover for the existing building being a minimum distance of 0.5 metre from the existing verge tree;*
- (c) the eastern and southern walls of the outdoor covered area on the first floor being lowered to 1.6 metres above the finished first floor level;*
- (d) the maximum height of the proposed dwelling being 9 metres from the natural ground level;*
- (e) the uncovered area of the terrace being a minimum of 10.66 square metres;*
- (f) the building boundary wall along the southern boundary between the boundary wall of the adjoining garage and the boundary wall of the adjoining main dwelling on No. 5 Throssell Street, being setback to a minimum of 1 metre from the southern boundary; and*
- (g) the building boundary wall along the northern boundary (east of the adjoining shed) beyond the boundary wall of the adjoining shed on No. 9 Throssell Street being setback a minimum of 1 metre from the northern boundary.*

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

- (iv) first obtaining the consent of the owners of Nos. 5 and 9 Throssell Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of boundary (parapet) walls facing No. 5 and 9 Throssell Street in a good and clean condition;*
- (v) no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (vi) 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 existing dwelling property that the plot ratio of the existing building shall be restricted to 0.5. This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development; and*
- (vii) 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 Throssell Street boundary and the main building, including along the side boundaries within this front setback area, complying with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*

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

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

COUNCIL DECISION ITEM 10.1.3

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Farrell, Seconded Cr Messina

That clauses (iii)(f) and (iii)(g) be deleted.

AMENDMENT PUT AND CARRIED
ON THE CASTING VOTE OF THE PRESIDING MEMBER (4-4)

For

Mayor Catania (2 votes (casting & deliberative))
Cr Doran-Wu
Cr Farrell
Cr Messina

Against

Cr Ker
Cr Lake
Cr Maier
Cr Youngman

Debate ensued.

MOTION AS AMENDED PUT AND LOST (3-5)

For

Mayor Catania
Cr Farrell
Cr Messina

Against

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

Reasons:

1. The development is not consistent with the orderly and proper planning and preservation of the amenities of the locality.
2. The non-compliance with the building height requirements of the Town's Policy relating to Robertson Locality Statement.
3. The non-compliance with plot ratio, building height, building set-backs, privacy and outdoor living area requirements of the Residential Design Codes.
4. The plot ratio minimum outdoor living area and building height requirements proposed to be varied as is specified in the Town's Policy Relating to the Non variation of Specific Development Requirements and Standards.

Cr Burns returned to the Chamber at 7.20pm. The Presiding Member advised her that the Item was lost.

Landowner:	P A Sucich
Applicant:	B M Arnold
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
Existing Land Use:	Single House
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	491 square metres
Access to Right of Way	West side, 5 metres wide, sealed, Town owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the partial demolition and alterations and additions to the existing single house and the construction of a three-storey grouped dwelling at the rear of the property.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	R80 which applies only for multiple dwellings Given the proposed development is for grouped dwellings, therefore, R60 applies. R60=2 dwellings	2 dwellings	Noted- no variation
Plot Ratio	Existing dwelling=0.65= 140.14 square metres	Existing dwelling= 0.5= 107.8 square metres	Supported-refer to 'Comments' below.

	Proposed dwelling=0.65= 178.6 square metres Overall plot ratio=0.65= 318.74 square metres	Proposed dwelling=1.2= 329.64 square metres Overall plot ratio for the whole site= 0.89= 437.44 square metres	
Building Setback: Ground Floor-			
North - Setback	1.7 metres	Nil	Not supported in part-refer to 'Comments' below.
Boundary Wall	Average height of boundary wall= 3 metres Maximum height of boundary wall= 3.5 metres	4.1 metres 4.2 metres	Not supported in part- refer to 'Comments' below below.
South - Setback	Only on one side of boundary 1.7 metres	On two side boundaries Nil	Not supported in part- refer to 'Comments' below.
Boundary Wall	Average height of boundary wall= 3 metres Maximum height of boundary wall= 3.5 metres Only on one side of boundary	4.2 metres 6.1 metres On two side boundaries	Not supported in part-refer to 'Comments' below.
First Floor-			
North	2.2 metres	1.5 metres	Supported—the variation will not unduly impact on the adjoining affected property in terms of visual impact, ventilation and sunlight.
South	2.2 metres	1.5 metres	

Second Floor - North South	2.3 metres 2.1 metres	1.5 metres 1.5 metres	Supported—the variation will not unduly impact on the adjoining affected property in terms of visual impact, ventilation and sunlight.
Open Space	Proposed dwelling=45 per cent= 123.6 square metres Existing dwelling=45 per cent= 97 square metres	Proposed dwelling=31.23 per cent=85.7 square metres Existing dwelling=50 per cent= 108.47 square metres Overall Open Space=39.5 per cent= 194.17 square metres	Not supported-undue impact on the existing and proposed development. However, if the walls of the outdoor covered area on the first floor are open on two sides with a 1.6 metre screen, then the open space for the proposed dwelling will be 38.2 per cent and the overall open space will be 43.5 per cent which can be supported. Therefore, if this application is supported, then the walls for the outdoor covered area being lowered to 1.6 metres.
Outdoor Living Area	Proposed Dwelling- 2/3 of the required area without permanent roof cover= 10.66 square metres Existing dwelling-behind the street setback area	Area without permanent roof for the terrace= 8.75 square metres. Within the street setback area	Not supported- undue impact on the occupiers of the proposed building. The terrace will be required to comply with the required uncovered area. Supported- it will contribute to provide an attractive streetscape, will complement the existing building.
Car Parking	Two car parking spaces per dwelling	Existing dwelling= 1 car parking space	Supported- there are existing on-street car parking spaces along Throssell Avenue.
Pedestrian Access	1.5 metres wide	1.3 metres wide	Supported- there is the existing building and therefore the variation is supported.
Building Height	Two storeys Height= 7 metres	Proposed dwelling= 3 storeys Height= 9.5 metres	Supported- refer to ‘Comments’ below.
Privacy Setbacks	Outdoor Area= 7.5 metres Terrace= 7.5 metres	3.3 metres to the southern property (eastern elevation) 7.1 metres to the southern property (eastern elevation)	Not supported-undue impact on neighbouring property and opening required to be screened. Not supported- undue impact on neighbouring properties and openings required to be screened.

	Living room= 6 metres	7.2 metres to the northern property (eastern elevation) 1.5 metres to the northern property (northern elevation)	Not supported- undue impact on neighbouring property and opening required to be screened.
Consultation Submissions			
Support	Nil.	Noted.	
Objection (2)	<ul style="list-style-type: none"> The plot ratio is too excessive. 	<ul style="list-style-type: none"> See comments on 'Plot Ratio'. 	
	<ul style="list-style-type: none"> The proposed boundary walls are too high. Objection to the third storey. Loss of light. R60 standards should apply as the application is for a grouped dwelling. 	<ul style="list-style-type: none"> See comments on 'Boundary Walls'. See comments on 'Three-Storey Developments'. Not supported – the proposal is compliant with the overshadowing requirements of the R Codes. Supported – the R 60 standards have been applied when assessing the subject application; however, the Town has discretion to vary these requirements. 	
Other Implications			
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications		Nil	
Financial/Budget Implications		Nil	

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

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

COMMENTS:

Plot Ratio

The original application for the subject property indicated a plot ratio of 1.48 for the proposed rear dwelling. The applicant has since revised the plans, which now illustrate a plot ratio of 0.5 for the existing dwelling, 1.2 for the proposed dwelling, with an overall plot ratio of 0.89. Moreover, as explained in the open space section above, if the walls of the outdoor covered area is being lowered to 1.6 metres, then the plot ratio for the proposed dwelling will be 1.14 and the overall plot ratio will be 0.85. This is not considered to have an undue impact on the amenity of the area as the bulk and scale of the proposal is considered to be somewhat consistent with the area and the bulk of the building is located at the rear of the existing property.

However, there should be no further addition to the existing building as it would increase the overall plot ratio, which would unduly impact on the streetscape. Therefore, if this application is supported, it is suggested that Section 70A Notification be applied to the existing dwelling restricting the plot ratio to 0.5.

Ground Floor Setbacks and Boundary Walls along the Southern and Northern Boundaries

The initial proposal was for continuous solid boundary walls along the southern and northern boundaries up to the first floor. The applicant has since submitted revised plans to the Town that indicate small breaks in the boundary walls at the first floor level, as well a portion of the upper floor boundary wall being a height of 1.6 metres only. The applicant has also reduced the height of the boundary walls since the proposal was advertised.

Along the southern boundary, there are two existing boundary walls of single storey height on the adjoining property of a total length of 23.2 metres facing the subject property. However the two boundary walls are separated by a distance of 6.5 metres, which provide ventilation and visual relief to the adjoining southern property. It is considered that the proposed boundary wall will impact on the ventilation and visual relief of the adjoining southern property. Therefore, if this application is approved, it is recommended that the proposed boundary wall between the boundary wall of the adjoining garage and the boundary wall of the main dwelling on No.5 Throssell Street being setback a minimum of 1 metre from this boundary.

Given that the existing adjoining boundary wall along the northern boundary is of a length of only 8.8 metres and height of a single storey, it is considered that the proposed boundary wall of length 18.6 metres with an average height of 4.1 metres on the subject property will unduly impact on the adjoining northern property in terms of ventilation and visual relief. Therefore, if this application is approved, it is suggested that the proposed boundary wall (east of the shed) beyond the adjoining shed on No. 9 Throssell Street being setback a minimum of 1 metre from the boundary.

Three-Storey Developments and Height

The third storey of the proposed dwelling will be at the rear of the property and will not be visible from the street. Therefore, it is considered that the proposed dwelling will not unduly impact on the streetscape. The building height will be to a maximum height of 9.5 metres, and complies with the overshadowing requirements of the R Codes. It is considered that the building wall height can be reduced to a maximum height of 9 metres, which will make it less visually intrusive to the surrounding area. Therefore, if this application is supported, it is recommended that the maximum height of the building is to be reduced to 9 metres.

Summary

In light of the above, the proposed partial demolition of and additions and alterations to existing single house and an additional three-storey grouped dwelling are supported, subject to standard and appropriate conditions to address the above matters.

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

Ward:	South	Date:	19 February 2008
Precinct:	Hyde Park; P12	File Ref:	PRO2527; 5.2007.189.1
Attachments:	001		
Reporting Officer(s):	S O'Loughlin		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Solar Dwellings on behalf of the owner R & F Cheyne for proposed Demolition of Existing Single House, at No. 3 (Lot 202 D/P: 32729) Glendower Street, corner William Street, Perth, and as shown on plans stamp-dated 24 May 2007, subject to the following conditions:*
- (a) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
 - (b) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
 - (c) *a development proposal for the redevelopment of the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*
 - (d) *demolition of the existing building may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing buildings valued by the community;*
 - (e) *support of the demolition application shall not be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property; and*
 - (f) *any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Planning Scheme No.1 and associated Policies; and*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Solar Dwellings on behalf of the owner R & F Cheyne for proposed Construction of Three-Storey Single House, at No.3 (Lot: 202 D/P: 32729) Glendower Street, corner William Street, Perth, and as shown on plans stamp-dated 17 October 2007, for the following reasons:*

- (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (b) *the non-compliance with the upper floor street setback and building height requirements of the Town's Policy relating to Robertson Locality Statement;*
- (c) *the non-compliance with the plot ratio, building height , building setbacks, privacy and outdoor living area requirements of the Residential Design Codes; and*
- (d) *the plot ratio, minimum outdoor living area and building height requirements proposed to be varied is as specified in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements.*

COUNCIL DECISION ITEM 10.1.4

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Cr Ker requested that the Recommendation be considered in two parts.

The Presiding Member ruled that he would consider the matter in two parts.

Debate ensued.

Moved Cr Farrell, Seconded Cr Ker

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Solar Dwellings on behalf of the owner R & F Cheyne for proposed Demolition of Existing Single House, at No. 3 (Lot 202 D/P: 32729) Glendower Street, corner William Street, Perth, and as shown on plans stamp-dated 24 May 2007, subject to the following conditions:*
 - (a) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
 - (b) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
 - (c) *a development proposal for the redevelopment of the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*
 - (d) *demolition of the existing building may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing buildings valued by the community;*

- (e) *support of the demolition application shall not be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property; and*
- (f) *any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Planning Scheme No.1 and associated Policies; and*

CARRIED (9-0)

Moved Cr Farrell, Seconded Cr Ker

- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Solar Dwellings on behalf of the owner R & F Cheyne for proposed Construction of Three-Storey Single House, at No.3 (Lot: 202 D/P: 32729) Glendower Street, corner William Street, Perth, and as shown on plans stamp-dated 17 October 2007, for the following reasons:*
 - (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
 - (b) *the non-compliance with the upper floor street setback and building height requirements of the Town's Policy relating to Robertson Locality Statement;*
 - (c) *the non-compliance with the plot ratio, building height , building setbacks, privacy and outdoor living area requirements of the Residential Design Codes; and*
 - (d) *the plot ratio, minimum outdoor living area and building height requirements proposed to be varied is as specified in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements.*

CARRIED (5-4)

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

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

BACKGROUND:

The subject site is occupied by a single storey single house. A right of way abuts the lot on the southern side. The right of way is sealed and privately owned with a width of 3.02 metres.

27 April 2004 The Council at its Ordinary Meeting resolved to refuse the application for the construction of two (2), two-storey single houses and approve the demolition of the existing dwelling.

23 November 2004 The Council, at its Ordinary Meeting deferred consideration of the proposed two (2) two-storey single houses as requested by the applicant.

21 December 2004 The Council, at its Ordinary Meeting refused the application for the construction of two (2) two-storey single houses.

DETAILS:

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

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

CORRECTED ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed	Community Comments
Plot Ratio:	0.65 (197 square metres)	0.74 (225 square metres)	Not supported – non-compliance with the Town's Policy No.3.5.16 relating to Non-Variation of Specific Development Standards and Requirements.
Building Setbacks: - Ground Floor North (Main Building Line to Glendower Street)	4.0 metres	2.0 3.347 – 4.867 metres	Not supported – considered to have an undue impact on the amenity of the existing streetscape and non-compliance with the Robertson Locality Policy and the street setback requirements of the Residential Design Codes.
North (Nib wall to Glendower Street)	<u>4.0 metres</u>	<u>2.150 metres</u>	<u>Not supported – as above.</u>
West (Bath – Bed2 – Laundry)	1.5 metres	1.0 – 1.569 – 3.845 metres	Not supported – considered to have an undue impact on the directly affected neighbours.
West (Master Suite Ensuite – Store)	1.5 metres	Nil – 1.565 metres	Not supported – as above.

East (William Street)	1.5 metres	1.0 – 1.2 metres	Not supported – considered to have an undue impact on the streetscape and visual amenity of the area.
- First Floor North (Balcony to Glendower Street)	6.0 metres	3.47 metres	Not supported - considered to have an undue impact on the amenity of the existing streetscape and non-compliance with the street setback requirements of the Robertson Locality Policy.
North (Main Building Nib Wall to Glendower Street)	6.0 metres	4.6 3.13 metres to top of nib wall	Not supported – as above.
East (William Street)	1.5 metres	1.2 – 1.68 – 2.305 metres	Not supported – considered to have an undue impact on the streetscape and visual amenity of the area.
West	4.5 metres	1.0 – 1.565 – 2.585 metres	Not supported – considered to have an undue impact on the visual amenity of the area and on directly affected neighbours in terms of bulk and scale.
- Second Floor East (William Street)	1.5 metres	1.2 metres	Not supported – considered to have an undue impact on the streetscape and visual amenity of the area.
West	4.0 metres	1.569 – 2.585 metres	Not supported – considered to have an undue impact on the visual amenity of the area and on directly affected neighbours.
Building Height: - Number of Storeys	2	3	Not supported – undue impact on amenity of area, and non-compliance with the height requirements of the Town's Robertson Locality Policy.
- Top of external wall (concealed roof)	7.0 metres	8.5 metres	Not supported – undue impact on amenity of area, and non-compliance with Clause 3.7.1 of the Residential Design Codes relating to building height.

Privacy Setbacks: <u>First floor</u> North (Glendower Street) - Balcony	7.5 metres	2.3 metres to western boundary.	Not supported – undue impact on amenity of area, and non-compliance with Clause 3.8.1 of the Residential Design Codes relating to Visual Privacy.
West - Kitchen	6.0 metres	1.565 – 2.585 metres to western boundary.	Not supported –undue impact on directly affected neighbour and non-compliance with Clause 3.8.1 of the Residential Design Codes relating to Visual Privacy.
- Dining	6.0 metres	1.565 – 2.585 metres to western boundary.	Not supported – as above.
South (ROW) - Balcony	7.5 metres	6.0 metres to southern property boundary.	Not supported – as above.
<u>Second Floor</u> <u>North</u> - <u>Studio</u>	<u>6.0 metres</u>	<u>5.6 metres to the western property boundary.</u>	Not supported – as above.
Minimum Outdoor Living Area:	16 square metres with at least 2/3 without permanent roof cover with a minimum length and width dimension of 4 metres.	13.125 square metres outdoor living area with over 2/3 with permanent roof cover and a minimum dimension of 3.845 metres.	Not supported – considered to have an undue impact on amenity of occupants of dwelling and non-compliance with the Town's Policy No. 3.5.16 – Non-Variation of Specific Development Standards and Requirements.

****Note: The above Assessment was corrected and distributed prior to the meeting. Changes are indicated by strikethrough, italic font and underline.***

ADDITIONAL INFORMATION:

A re-assessment of the outdoor living area contained in the proposal indicates there is 16 square metres of outdoor living area located at the rear (southern) balcony to the first floor. This area has 12 square metres uncovered; therefore, 2/3 of the area without permanent roof cover is provided, resulting in the outdoor living area being compliant with the outdoor living area requirements of the Residential Design Codes.

COMMENTS:

Heritage

The subject dwelling was approved for demolition at the Ordinary Meeting of Council held on 27 April 2004. However, the demolition approval has since lapsed and is no longer valid.

The place was constructed circa 1903 and underwent substantial alterations and additions in 1960. The place is characterised by modern hopper windows and horizontal feature stonework. The place has been rendered and painted, tiled and the original fenestration detail has been altered.

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

Setbacks

The proposed setback variations affect almost all boundaries. The variations of most concern are the ones that affect the front boundary (streetscape) and those that affect the west neighbour. The west neighbour is considerably affected by reduced setbacks to the west boundary, which is considered to be visually over imposing. The front setback is considered to depart significantly from the requirement, which is 4.0 metres to the ground floor and 6 metres to the first floor. The proposed setback variations pertaining to the lot are not considered acceptable and therefore not supported.

Plot Ratio

In this instance, the development exceeds the plot ratio requirement. The R Codes require a plot ratio of no more than 0.65. The proposal has a plot ratio of 0.74. The result is a maximum variation of 0.9 (28 square metres) from the requirement. A variation in plot ratio of this degree is not considered to be acceptable and indicates an over development of the site. The variation to plot ratio is therefore not supported.

Building Height

The application proposes the construction of a three-storey single house. This is a variation to the Town's height requirements as per the Town's Policies relating to Robertson Locality and Non-Variation of Specific Development Standards and Requirements. The overall building height is also non-compliant with Clause 3.7.1 of the Residential Design Codes relating to Building Height. The acceptable height for a residential development with a concealed roof is 7.0 metres to the top of external wall. The proposed 8.5 metre wall height to the third storey is considered to be an excessive variation in this instance.

Summary

In light of the above, it is recommended that the Council conditionally approve the proposed demolition; however, refusal of the proposed redevelopment is further recommended.

10.1.1 Further Report- Nos. 173-175 (Lot: 9 D/P: 1401, Lot: 10 D/P: 1401) Carr Place, Dual Frontage to Bold Court, Leederville - Construction of Ten (10) Two Storey Multiple Dwellings with Basement Car Parking

Ward:	South	Date:	19 February 2008
Precinct:	Oxford Centre; P4	File Ref:	PRO2599 and PR02554; 5.2006.519.1
Attachments:	001		
Reporting Officer(s):	R Narroo		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

FURTHER OFFICER RECOMENDATION:

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 Custom Homes (WA) Pty Ltd for proposed Construction of Ten (10) Two-Storey Multiple Dwellings with Basement Car Parking at Nos. 173-175 (Lot 9 D/P: 1401, Lot 10 D/P: 1401) Carr Place, Dual Frontage to Bold Court, Leederville, and as shown on plans stamp-dated 18 February 2008, subject to the following conditions:

- (i) prior to the issue of a Building Licence, revised plans and details shall be submitted and approved demonstrating the following:*
 - (a) all screening to the decks being screened with a permanent 100 per cent obscure material and not perforated, as stated on the plans;*
 - (b) the developers are, at their cost, required to implement measures to ensure that there is minimum headlight intrusion on the properties opposite the driveway. This includes, but is not limited to, the removal and relocation of the streetlight with the new position to be approved by the Town of Vincent, and the planting of a mature tree in its place, as approved by Park Services;*
 - (c) the surface to the ramp being roughened- brush concrete floor;*
 - (d) the floor in the basement carpark being roughened floor;*
 - (e) acoustic absorption being located on the upper walls and to the soffit of the slab within the ramp;*
 - (f) the gates to basement car park being of quiet operation with a soft closing action;*
 - (g) all storerooms having a minimum dimension of 1.5 metres and area of 4.0 square metres; and*
 - (h) the overall height of the concealed roof aspect of the development being a maximum of 7.0 metres as projected from the natural ground level directly below.*

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

- (ii) *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;*
- (iii) *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;*
- (iv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate between the Carr Place and Bold Court boundary and the main building, including along the side boundaries within this front setback area, complying with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

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

- (v) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Carr Place and Bold Court 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);*
- (vi) *first obtaining the consent of the owners of No. 171 Carr Place and No.10 Bold Court for entry onto their land, the owners of the subject land shall finish and maintain the surface of these boundary (parapet) walls facing No. 171 Carr Place and No.10 Bold Court in a good and clean condition;*

- (vii) *any proposed vehicular entry gates adjacent to Carr Place shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development;*
- (viii) *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);*
- (ix) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, parking of trade person vehicles, footpath access, traffic and heavy vehicle access via Carr Place and Bold Court, dust and any other appropriate matters (such as notifying all affected landowners/occupiers of the commencement of construction works), shall be submitted to and approved by the Town;*
- (x) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*
- (a) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities; and*
 - (b) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/~~or shop~~. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*
- This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development; and*
- (xi) *prior to the first occupation of the development, two (2) car parking spaces shall be clearly marked or signposted for the exclusive use of the visitors of the development.*
- *Note: The above Officer Recommendation was corrected and distributed prior to the meeting. Changes are indicated by strikethrough, italic font and underline.**

COUNCIL DECISION ITEM 10.1.1

Moved Cr Farrell, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Youngman

That clause (i) (a) be amended to read as follows:

(i) *prior to the issue of a Building Licence, revised plans and details shall be submitted and approved demonstrating the following:*

(a) *all screening to the decks being screened with a permanent 100 per cent obscure material and not perforated, as stated on the plans; decks to Units 2a, 3a and 4a on the eastern and western elevations, and the deck to Unit 1a on the western elevation being screened with a material with a minimum eighty (80) per cent obscure and a maximum twenty (20) per cent perforation in accordance with element 3.8 of the Residential Design Codes;*

AMENDMENT PUT AND LOST (4-5)

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

MOTION PUT AND CARRIED (9-0)

ADDITIONAL INFORMATION:

The plans in the Agenda were date stamped on the back. Please find attached the same plans with the date stamped on the front.

FURTHER REPORT:

The Council considered the application at its Ordinary Meeting held on 24 July 2007 and resolved as follows:

“That the item be deferred for further investigation of all the concerns that were raised during public question time , including the proposed location of the access/egress to the basement carpark, possibly location of access/egress to be from Carr Place, traffic movements, potential for vehicle and pedestrian conflict, setbacks.”

Subsequent to the item being deferred at the above Ordinary Meeting of Council, the applicant has submitted amended plans and additional information.

The main changes between the plans considered at the Council Meeting on 24 July 2007 and the amended plans submitted on 18 January 2008 are as follows:

Basement –

- The gate to the basement car park along Bold Court is relocated down to the basement.
- A new set of stairs has been added to link the basement and ground floor.
- A new machine room for future electrical requirements.

Ground Floor –

- A new set of stairs which link the basement and ground floor.
- Visitor's car park adjusted to comply with the Town's requirements.

First Floor –

- Balconies added on the first floor to dwellings along Bold Court.

Most of the changes to the plans do not have a significant impact on the planning application. With regard to the balconies, they are being proposed within the previous dining and living areas and therefore there are no changes in the setback requirements and also there is no undue overlooking on adjoining properties.

Additional information submitted on 4 December 2007 by the applicant is summarised below.

“An on-site meeting with residents of Bold Court was conducted on Saturday 18th August 2007, at which time, we were able to obtain, first hand, an appreciation of the concerns of the residents. We have also reviewed the public submissions made to Council during the public consultation period and also at the meeting of Council on 24th July 2007.

In addition to the traffic study dated 6 July 2007, as previously submitted to Council, we have commissioned a report from an acoustics specialist. Both of these reports support the proposition that the development will have nominal impact on noise and traffic levels within the Bold Court precinct.

As well as traffic volumes and noise, residents were concerned about potential diminution in safety within the roadway reserve occasioned by the increase in vehicle movements caused by the proposal. The traffic study clearly demonstrates that any increase in traffic volume arising from the development is well within recognised urban standards, and is consistent with inner urban lifestyle expectations. Appendix 3 identifies that the Bold Court road reserve has sufficient width along the southern side for the inclusion of a pathway which may contribute to pedestrian safety within the roadway.

Other issues affecting resident's safety concerns arise from conditions that have occurred as a consequence of actions beyond the effect of the proposed development. In particular we note:

- *1800mm high fence abounding the southern and eastern boundary of Lot 500 that obstructs clear view around the corner for traffic moving to and from Bold Court.*
- *Town of Vincent car parking policy that permits extended car parking within the Bold Court reserve, thereby hindering clear sightlines and impeding two way movement of vehicles.*
- *Increased traffic movement due to commercial leasehold operations on Lot 48 (portion), which has sole access from Bold Court.”*

The applicant has stated that they have commissioned one traffic study and an acoustic report. Both these reports support that the proposed development will have minimal impact on noise and traffic level within the Bold Court precinct. The applicant has proposed further a strategy to address these issues which includes management, design, landscaping and Town of Vincent initiatives. The traffic report, the acoustic report and additional information submitted by the applicant (including the proposed strategy) are “*Laid on the Table.*”

Technical Services Comments

- Headlights intrusion –

The developers are, at their cost, required to take measures to ensure there is minimum headlight intrusion on the properties opposite the driveway. This includes, but should not be limited to, removal and relocation of the streetlight with the new position been approved by the Town of Vincent. Planting of a mature tree in its place, as approved by Park Services is also necessary.

- Provision of paved pathway within the Bold Court Road Reserve to allow pedestrian/vehicular separation –

This is not warranted for the following reasons:

1. Low traffic volumes and speed.
 2. A footpath along the southern boundary of Bold Court in front of the existing dwellings would result in the loss of the verge and would necessitate the removal of a street tree virtually in front of each property.
 3. The existing carriageway is 5.5 metres wide and cannot be reduced to accommodate a footpath.
 4. Because of the narrow road reserve and minimal setbacks any vehicle parked within a property (given there is no on-road parking) would obstruct the footpath and, therefore, there would be a loss of parking for the residents.
- Replacement of 1.8 metres high boundary fence to Lot 500 to 0.75 metre high –

The height and location of the fence are permissible under current Planning Policies and is in accordance with the Technical Services truncation requirements.

- Limiting car parking along eastern edge of Bold Court –

While the total removal of the on-road parking in the north/south leg of Bold Court (off Carr Place) is not supported it can be reduced by a car bay to improve the perceived safety issue created by the 'blind' corner. This would increase the separation distance for two-way traffic approaching the bend from either direction.

The traffic and noise reports are acceptable to the Town. Moreover, with regard to Lot 48, there is no approval for commercial use on this subject site.

Summary

In light of the above, it is considered that the applicant has addressed the traffic and noise issues. The revised plans do not propose any other variation to the Residential Design Codes and Town's Policies. On the above basis, it is recommended that the Council approve the application, subject to standard and appropriate conditions as outlined in the "Further Officer Recommendation."

The following is a verbatim copy of Minutes of the Item placed before the Council at its Ordinary Meeting held on 24 July 2007.

"CORRECTED RECOMENDATION:

That clause (i)(a) be deleted and the remaining clauses be renumbered, as follows:

"(i) prior to the issue of a Building Licence, revised plans and details shall be submitted and approved demonstrating the following:

(a) — ~~the balconies on the first floor being setback a minimum of 5.0 metres from the Carr Place boundary;~~

(b)(a) all screening to the decks shall be screened with a permanent 100 per cent obscure material and not perforated, as stated on the plans;

(e)(b) measures to assist in alleviating the impact of vehicular headlights into Nos. 9 and 11 Bold Court, including the investigation of levelling of the ramp at the top of the gradient, window glazing of the affected properties windows and/or landscaping. These plans and details shall be undertaken in consultation with the Town and the affected property owners and at the applicant's/owner(s)' full expense;

(d)(c) all storerooms having a minimum dimension of 1.5 metres and area of 4.0 square metres; and

(e)(d) the overall height of the concealed roof aspect of the development being a maximum of 7.0 metres as projected from the natural ground level directly below.

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

- (ii) *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;*
- (iii) *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;*
- (iv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate between the Carr Place and Bold Court boundary and the main building, including along the side boundaries within this front setback area, complying with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

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

- (v) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Carr Place and Bold Court verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (vi) *first obtaining the consent of the owners of No. 171 Carr Place and No.10 Bold Court for entry onto their land, the owners of the subject land shall finish and maintain the surface of these boundary (parapet) wall facing No. 171 Carr Place and No.10 Bold Court in a good and clean condition;*
- (vii) *any proposed vehicular entry gates adjacent to Carr Place shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development;*

- (viii) *an acoustic assessment of the proposed development is to be undertaken by a suitably qualified Acoustic Consultant in accordance with the Town's Development and Design Sound Attenuation Policy 3.5.21. In addition to requirements outlined in the Sound Attenuation Policy 3.5.21, the Acoustic Consultant is to assess and comment on the proposed vehicular ramp and vehicular access gates to the property, in relation to suitable design measures to be implemented to ensure compliance internally in dwellings with AS/NZS2107 and externally with the Environmental Protection (Noise) Regulations 1997;*
- (ix) *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);*
- (x) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, parking of trade person vehicles, footpath access, traffic and heavy vehicle access via Carr Place and Bold Court, dust and any other appropriate matters (such as notifying all affected landowners/occupiers of the commencement of construction works), shall be submitted to and approved by the Town; and*
- (xi) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*
- (a) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities; and*
 - (b) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/or shop. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*

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

Note: *The above Officer Recommendation was corrected and distributed prior to the meeting.*

COUNCIL DECISION ITEM 10.1.3

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Acting Director Technical Services Craig Wilson entered the meeting at approximately 6.55pm

Debate ensued.

Moved Cr Chester, Seconded Cr Farrell

That this Item be DEFERRED for further investigation of all the concerns that were raised during public question time, including the proposed location of the access/egress To the basement carpark, possibly location of access/egress to be from Carr Place, traffic movements, potential for vehicle and pedestrian conflict, setbacks.

MOTION TO DEFER PUT AND CARRIED (7-1)

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

(Cr Torre on approved leave of absence.)

Moved with Corrected Recommendation.

<i>First Floor - Carr Place</i>	<i>6.0 metres</i>	<i>4.7 (balcony)- 10.3 (main building) metres</i>	<i>Supported in part as balconies can be supported at 5.0 metres and would not result in an undue impact on streetscape. Matter has been conditioned to comply.</i> <u><i>Supported- minor variation in this instance as balcony wall to Carr Place frontage is not considered to have an undue impact on the street due to the façade articulation.</i></u>
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ADDITIONAL INFORMATION:

Upon further assessment of the proposal, it is recommended that proposed clause/condition (i)(a) in the Agenda Report be deleted for the reasons stated in the 'Corrected Assessment Table'.

The Corrected Recommendation is shown by strikethrough and underlining.

<i>Landowner:</i>	<i>Custom Homes Pty Ltd</i>
<i>Applicant:</i>	<i>Custom Homes Pty Ltd</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R 80</i>
<i>Existing Land Use:</i>	<i>Vacant</i>
<i>Use Class:</i>	<i>Multiple Dwelling</i>
<i>Use Classification:</i>	<i>"P"</i>
<i>Lot Area:</i>	<i>1336 square metres</i>
<i>Access to Right of Way</i>	<i>N/A</i>

BACKGROUND:

30 November 2005 The Town under delegated authority from the Council conditionally approved applications for demolition of existing dwellings at the subject properties.

DETAILS:

The proposal involves proposed construction of ten (10) two-storey multiple dwellings with basement car parking at the subject properties. The applicant's submission and a traffic impact statement is "Laid on the Table".

ASSESSMENT:

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Density</i>	<i>10 dwellings R 80</i>	<i>10 dwellings R 80</i>	<i>Noted- no variation.</i>
<i>Plot Ratio</i>	<i>1.0 or (1336 square metres)</i>	<i>0.98 or (1303 square metres)</i>	<i>Noted- no variation.</i>
<i>Street Walls & Fences</i>	<i>Front walls and fences within the primary street setback area are to be 50 percent visually permeable above 1.2 metres above natural ground level.</i>	<i>Carr Place and Bold Court frontage- fencing is 20 percent visually permeable above 1.2 metres above natural ground level.</i>	<i>Not supported-results in an undue impact on streetscape and has been conditioned to comply.</i>
<i>Privacy Setbacks</i>	<i>Balconies- 7.5 metres</i>	<i>Balcony (Unit 1A) - 5.8 metres to east</i>	<i>Supported- as predominately overlooks front setback area and no undue impact.</i>
	<i>Bedrooms- 4.5 metres</i>	<i>Bed 2 (Unit 1A) - 3.5 metres to east.</i>	
<i>Communal Open Space</i>	<i>16 square metres per dwelling or a total of 160 square metres.</i>	<i>Each unit has own courtyard in excess of 16 square metres, resulting in a total of over 160 square metres.</i>	<i>Supported- as it is considered that adequate amenity has been provided for each dwelling.</i>

<i>Storerooms</i>	<i>Minimum 1.5 metres with area of 4 square metres</i>	<i>2 stores have an area of 3.9 metres.</i>	<i>Not supported- minor variation in this instance and has been conditioned to comply.</i>
<i>Height</i>	<i>7.0 metres</i>	<i>Up to 7.1 metres</i>	<i>Not supported- minor variation in this instance and has been conditioned to comply.</i>
<i>Setbacks</i>			
<i>Ground Floor - East (living and daybed)</i>	<i>1.5 metres</i>	<i>Nil -1.45 metres</i>	<i>Supported- as staggering of setbacks would not result in undue impact on affected neighbour.</i>
<i>First Floor - Carr Place</i>	<i>6.0 metres</i>	<i>4.7 (balcony)- 10.3 (main building) metres</i>	<i>Supported in part- as balconies can be supported at 5.0 metres and would not result in an undue impact on streetscape. Matter has been conditioned to comply.</i>
<i>First floor - East (1a, 2a, 3a bed 2 and ensuite)</i>	<i>1.3 metres</i>	<i>1.2 metres</i>	<i>Supported- as considered minor variation in this instance and no undue impact on affected neighbour.</i>
<i>- East (4a and 5a)</i>	<i>2.2 metres</i>	<i>1.2 metres</i>	<i>Supported- as above.</i>
<i>Consultation Submissions</i>			
<i>Support (1)</i>	<ul style="list-style-type: none"> • <i>Details not provided.</i> 		<i>Noted.</i>
<i>Objections (5)</i>	<ul style="list-style-type: none"> • <i>General street amenity will be ruined due to proposed access.</i> • <i>Traffic and safety will be compromised.</i> • <i>Noise from ramp.</i> 		<i>Supported in part- refer to 'Comments' section. Supported in part- refer to 'Comments' section. Noted - has been conditioned that an acoustic report be submitted and implemented.</i>
	<ul style="list-style-type: none"> • <i>Setbacks variations.</i> • <i>Size of bedrooms not in keeping with the standard of the existing housing on street.</i> 		<i>Not supported- refer to Assessment Table above. Not supported- not considered to be a valid planning consideration.</i>

	<ul style="list-style-type: none"> • <i>Privacy.</i> • <i>Request treatment of boundary walls.</i> 	<p><i>Supported- as the matter has been conditioned to comply.</i></p> <p><i>Supported- as the matter has been addressed via standard 'boundary wall' condition.</i></p>
	<ul style="list-style-type: none"> • <i>Height.</i> 	<p><i>Supported- and has been conditioned to comply.</i></p>
	<ul style="list-style-type: none"> • <i>Street fence.</i> • <i>Visual impact.</i> 	<p><i>Supported- refer to Assessment Table.</i></p> <p><i>Not supported- as proposal not considered to have an undue visual impact.</i></p>
	<ul style="list-style-type: none"> • <i>Design not in keeping with streetscape.</i> • <i>Dividing fences.</i> • <i>Retention of mature trees.</i> • <i>Impact of headlights.</i> 	<p><i>Not supported- as the design is not considered to have an undue impact on the streetscape.</i></p> <p><i>Noted- as this is a private matter to be resolved between the two affected neighbours under the Dividing Fences Act.</i></p> <p><i>Not supported- as there are no significant trees as per the Town's Significant Tree Register listed on the subject site.</i></p> <p><i>Supported – as the matter has been conditioned accordingly to reduce impact.</i></p>
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

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

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

COMMENTS:

Technical Services Comments

Bold Court is a 6 metres wide dedicated laneway, which in accordance with the Liveable Neighbourhoods Guidelines, should, not carry more than 300 vehicle movements per day (vm/d). In response to the Town's concerns about the possible impact the proposed 10 multiple dwelling development would have upon the traffic volumes in Bold Court, the applicant engaged the services of a Traffic Consultant. The traffic consultant concluded that the development would generate in the order of 50 vm/d, based upon 5 vm/d per dwelling, calculated in accordance with the New South Wales Traffic Generation Guidelines as recommended by the Western Australian Planning Commission (WAPC) Transport Assessment Guidelines for Developments (August 2006). This figure was derived using a formula that takes into consideration proximity to public transport and walking distance to amenities and services.

There are six (6) existing single residential dwellings, a vacant lot (potential single house) and a block of 12 single bedroom units currently accessing Bold Court. It is estimated the six (6) single dwellings and the vacant block, based on 8 vm/d, generate about 56 vm/d while the block of units will, based upon 4 vm/d maximum, generate about 48 vm/d, a total of 104 vm/day.

Further, if the property at No. 167 Carr Place, Leederville, with the above residential existing 12 x one bedroom units were re-developed in the future it could potentially generate an additional 40 vm/d (based on having two street frontages) while the adjacent property at No. 177 Carr Place Leederville, of which the rear is currently undeveloped, could also generate an additional 50 vm/d using the same above rationale.

Therefore, assuming all those properties accessing Bold Court are developed to their full potential, the traffic would be in the order of 244 vm/d, which is well within the Liveable Neighbourhood Guidelines of a maximum 300 vehicle movements per day.

There may, however, be an impact on safe pedestrian movement and parking in Bold Court, Leederville, as there is no scope for footpaths or embayed parking.

Furthermore, the proposed vehicle access ramp is located directly opposite Nos. 9 and 11 Bold Court, Leederville and it would be expected that headlights of exiting vehicles will have a significant detrimental impact upon the residents' amenity. This issue has been conditioned accordingly in the Officer Recommendation.

Summary

The subject planning application is considered to be generally acceptable in terms of design and its compliance with the R-Codes.

Whilst it is noted that the proposed vehicular access arrangement from Bold Court is considered to have an impact in terms of the general amenity of the residents of Bold Court, it is considered that the proposed development is appropriate for the subject inner city location and that the impact as a result of the development is not unreasonable and beyond of what can be expected from such a development.

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

10.3.7 Forrest Park Pavilion – Progress Report

Ward:	South	Date:	19 February 2008
Precinct:	Forrest P14	File Ref:	RES0003
Attachments:	001		
Reporting Officer(s):	M Rootsey, A Neilson, C Wilson, J van den Bok, J Bennett		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the progress report on the Forrest Park Pavilion;*
- (ii) *APPROVES the proposed location of a separate clubroom, changing room, showers and sanitary accommodation for use by Perth Junior Soccer Club as shown on Plan (No 2542-CP-01C);*
- (iii) *AUTHORISES the Chief Executive Officer to;*
 - (a) *prepare a redesign of the existing Forrest Park Pavilion to accommodate Forrest Park Playgroup and Highgate Child Health Clinic; and*
 - (b) *prepare a redesign of the Perth Junior Soccer Club clubroom, changing room, showers and sanitary accommodation facilities in a separate building; and*
- (iv) *NOTES that a further report will be submitted to the Council, no later than April 2008.*

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Ker

That clauses (ii), (iii) and (iv) be deleted and a new clause (ii) and (iii) be added to read as follows;

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

AMENDMENT PUT AND CARRIED (7-2)

For

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

Against

Mayor Catania
Cr Doran-Wu

MOTION AS AMENDED PUT AND CARRIED (8-1)

For

Mayor Catania
Cr Burns
Cr Doran-Wu
Cr Farrell
Cr Ker
Cr Lake
Cr Maier
Cr Youngman

Against

Cr Messina

Reasons:

1. **Consideration of submissions received by the community expressing concern about its location.**
2. **Infringement upon the outlook of residents and their park outlook.**
3. **The proposed location is a cheaper alternative and does not require as much infrastructure being changed.**

COUNCIL DECISION ITEM 10.3.7

That the Council;

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

ADDITIONAL INFORMATION:

The amended location on Plan (No 2542-CP-01D) will not require the cost of relocating the 225mm sewer, estimated to be \$25,000.

The cricket pitch will need to be moved to accommodate the relocation, this is estimated to cost between \$7,500 and \$10,000 depending on whether the current synthetic wicket can be reused.

The location as proposed in the amendment is further away from the Harold Street properties.

PURPOSE OF REPORT:

The purpose of the report is to obtain the Council's approval for a redesign of the concept plans for the upgrade of the Forrest Park Pavilion and associated facilities.

BACKGROUND:

The following resolutions were adopted at the Ordinary Council meeting held on 28 August 2007 and 25 September 2007 respectively.

That the Council;

- (i) *APPROVES IN PRINCIPLE;*
 - (a) *the Pavilion plan (SK02) for the proposed Forrest Park Pavilion;*
 - (b) *the relocation of the Highgate Child Health Clinic from 84 Harold Street, Highgate, to the new facility;*
- (ii) *AUTHORISES the Chief Executive Officer to;*
 - (a) *investigate the future uses of 84 Harold Street Highgate and/or disposal of the property;*
 - (b) *investigate the benefits of providing a lease to Perth Junior Soccer club and other sporting groups for part of the proposed facility; and*
 - (c) *negotiate the terms and conditions for the lease of part of the proposed facility for Forrest Park Playgroup; and*
- (iii) *APPROVES;*
 - (a) *the advertising of the concept plans for a period of twenty one (21) days; and*
 - (b) *considers any submissions received as a result of the community consultation period.*

That;

- (i) *the Council at its Ordinary Meeting held on 28 August 2007 at Item 10.3.1 resolved (interalia) that:*
 - "(i) the Council APPROVES IN PRINCIPLE;*
 - (a) the Pavilion plan (SK02) for the proposed Forrest Park Pavilion;"*
- (ii) *Cr Farrell MOVES a motion to CHANGE the decision by;*
 - deleting;*
 - "(a) the Pavilion plan (SK02) for the proposed Forrest Park Pavilion" and*
 - inserting;*
 - "(a) the Pavilion plan (SK02G), dated 14 September 2007, as attached to this report for the proposed Forrest Park Pavilion";*

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

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

deleting;

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

inserting;

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

DETAILS:

Community Consultation

Following the Council Meeting of 25 September 2007, the Town advertised the concept plans for a period of one (1) month. The community consultation was extended to local residents in Harold Street and Curtis Street and included all Precinct Groups, and all the main stakeholders. Formal responses were received from Highgate Forrest Park Playgroup, Child and Adolescent Health, Highgate Child Health Clinic, Perth Soccer Club and Forrest Park Croquet Club. Whilst some related issues were referred, there were no significant material concerns raised.

Water Corporation Design Concern

During the community consultation period the Town was notified of concerns held by the Water Corporation, whose advice was that the location of the existing and extended Pavilion is situated over three Water Corporation main drains, as shown on drawing No 2542-CP-01C. These drains are of 1600mm and 900mm diameter and are approximately 6m deep. With respect to these new buildings, for maintenance purposes, the Water Corporation requires a 7.3m building restriction on each side of the 1600mm diameter drain, and a 6.9m building restriction on each side of the 900mm diameter drains.

The Water Corporation does not allow building over these in any circumstances.

Proposed Design Solution

As a result of the new information relating to the Water Corporation's building restrictions, it is proposed to convert the existing Pavilion to an enlarged and improved facility for Highgate Forrest Park Playgroup, and also to a new facility for Highgate Child Health Clinic. It is further proposed to build a separate building on Forrest Park Reserve to accommodate Perth Junior Soccer Club. This separate building would provide a clubroom, servery kiosk, changing rooms, showers, toilets and public toilets.

Proposed Location of the New Clubrooms and Changing Rooms

The Town has considered all of the options available to allow the new clubrooms to be built on Forrest Park Reserve on a location that meets the Water Corporation's building restrictions whilst offering a location that does not detract from the visual amenity of the Reserve. It is believed that the proposed location shown on No 2542-CP-01C is the optimum site for the new clubrooms. This proposed location does not encroach on the croquet courts or the car park, and offers minimal disruption.

Cost Implications

The location of the proposed clubrooms would however require formal Water Corporation approval, and is subject to acceptable grade lines being achievable. The Town is currently seeking such approvals and agreement of hydraulic capabilities and could only then progress the proposal upon receipt of these approvals. Early expectations are that these approvals will be forthcoming. The estimated cost of relocating the 225mm diameter sewer is \$25,000.

Cost Estimate

The cost of the refurbished facilities with this proposed redesign is likely to be in the region of \$450,000, subject to the quality and extent of the finishes.

The additional funds required will be met by the monies received from the disposal of the property at 84 Harold Street.

The Town is currently obtaining a formal valuation from a registered valuer for this property.

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

N/A.

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Plan for the Future Strategic Plan 2006 – 2011;

"3.1 – Community Development

3.1.2 Deliver a range of leisure programs to encourage structured and unstructured recreation in the community".

FINANCIAL/BUDGET IMPLICATIONS:

The Annual Budget 2007/08 has an amount of \$255,000 allocated for the completion of this project.

COMMENTS:

The discovery of the position of the drainage network on the original site for the proposed extension, and the discussion with the Water Corporation to seek a solution, has delayed progress on the project. The design solution proposed should be acceptable to the stakeholders, and the location proposed provides access to the facility without major impact on the use of the Reserve.

It is recommended that the proposed location for Perth Junior Soccer clubrooms be supported.

10.3.8 Cultural Development Seeding Grant Application - East Perth Power Station Historical Research Project

Ward:	South	Date:	15 February 2007
Precinct:	Banks	File Ref:	FIN0155
Attachments:	-		
Reporting Officer(s):	J. Bennett		
Checked/Endorsed by:	J Anthony M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council APPROVES the application of the Australian Society for the Study of Labour History for a Cultural Development Seeding Grant of \$1000 for the recording of a song to enhance the interpretation of the East Perth Power Station Project website.

COUNCIL DECISION ITEM 10.3.8

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Cr Messina departed the Chamber at 8.50pm.

CARRIED (8-0)

Cr Messina was absent from the Chamber and did not vote.

PURPOSE OF REPORT:

To seek approval for a Cultural Development Seeding Grant application for the recording of a song for the East Perth Power Station Project website by the Australian Society for the Study of Labour History (Perth Branch) Inc.

BACKGROUND:

At the Ordinary Meeting of Council held on 9 November 2004, the Council resolved to "accept the invitation from the Centre for Social and Community Research at Murdoch University to become an industry partner (in - kind) in an application to the Australian Research Council Linkage Grant for the East Perth Power Station Historical Research Project."

The Town's official partnership in the project titled 'East Perth Power Station and the Electrification of Western Australia: Interpretation of an Historic Site' was formalised through the industry and academic partner agreement between Murdoch University and East Perth Power Station and others, which was executed for and behalf of the Town of Vincent by the Town's Chief Executive Officer on 21 December 2005.

The key objectives of the project are as follows:

- Produce themes and story lines for historic heritage interpretation of the East Perth Power Station;
- Produce a website/digital history;
- Produce a published essay collection of scholarly articles;
- Produce an oral collection as well as some photographic and written archival materials which with the agreement of their owners, will be made available in public library collections;
- Hold six-monthly research forums; and
- Assist an industry partner, the Society for the Study of Labour History, to hold two dedicated seminars.

Since formalising the Town's involvement as an industry partner in the project, the Town's Heritage and Local Studies Officers have continued to offer in-kind support to the project within their area of expertise.

The project is anticipated to be completed by June 2008. The seeding grant request from the Australia Society for Study of Labour History (Perth Branch) Inc submitted to the Town on 23 January 2008 for a song that celebrates the history of the East Perth Power Station is considered to be a valuable resource that can be linked to the dedicated East Perth Power Station project website.

DETAILS:

In particular the funding will go towards assistance with costs related to the creation of a song for the East Perth Power Station project website. The song will be developed in consultation with the local community including: former East Perth Power Station workers, Town of Vincent residents, oral history interviewees and Julie Davison from the Town Library.

After completing the research and writing of the song, it will be recorded to produce a DVD suitable for website use.

The song will be designed to enhance the interpretation of the East Perth Power Station heritage site, including increasing understanding of the working lives of employees and the electrification of the lives of local residents. The song and website will also increase the understanding of the importance of electricity in the lives of Perth people over time.

The song will be heard by all accessing the website including school children and will increase the appeal for those seeking information and entertainment.

The project is supported by the Senior Heritage Officer as the East Perth Power Station is an iconic heritage building listed on the State Register of Heritage Places and plays an important role in the history of Vincent and the wider metropolitan area.

Significant work has gone into researching and documenting information on the East Perth Power Station by the project group and it is considered that the proposed website will provide a suitable medium to convey the wealth of information to the public. A key component of the website will be the proposed song.

It is proposed that the maintenance of the website will initially be funded by the East Perth Power Station historical research project.

CONSULTATION/ADVERTISING:

Nil

LEGAL/POLICY:

Nil

STRATEGIC IMPLICATIONS:

The Cultural Development Seeding Grants and the submitted application address the following strategic objectives of the Town's Strategic Plan 2006–11:

- “3.1.1 Celebrate and acknowledge the Town's cultural and social diversity
(a) Organise and promote community events and initiatives that engage the community and celebrate cultural and social diversity of the Town.”*

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$6,000 is allocated for Cultural Seeding Grants of which \$3,830 is available within the 2007/08 budget.

COMMENTS:

The Australian Society for the Study of Labour History (Perth Branch) Inc. meets the criteria for the Cultural Development Seeding Grants.

The Australian Society for the Study of Labour History (Perth Branch) Inc. will complete an acquittal report after the event, detailing how the Cultural Development Seeding Grant was expended.

10.2.4 Further Report - Smith's Lake Reserve Improvements

Ward:	North	Date:	19 February 2008
Precinct:	Smith's Lake P6	File Ref:	RES0035
Attachments:	001		
Reporting Officer(s):	R Lotznicker; J van den Bok,		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the further report in relation to the proposed improvements to Smith's Lake Reserve;*
- (ii) *NOTES that;*
 - (a) *funds totalling \$165,000 have been allocated in the 2007/2008 budget for improvements to the Smith's Lake Reserve, comprising the Greenway Link;*
 - (b) *additional funds will be required for the demolition of the Len Fletcher Pavilion (estimated at \$102,000) and the completion of the park upgrade /Greenway link and traffic management (estimated at \$190,500); and*
 - (c) *the proposed funding requirements for the works outlined in clause (ii)(b), where highlighted, in a report presented to the Ordinary Meeting of Council held on 23 January 2007;*
- (iii) *APPROVES the implementation of Stage 1 of the Smith's Lake improvement works as outlined on attached Plan No. 2346-CP-2C to commence in April 2008;*
- (iv) *NOTES that subject to the allocation of additional funds in the 2008/2009 budget, Stage 2 of the Smith's Lake improvement works (as outlined on attached Plan No. 2346-CP-2C) will be programmed for August to October 2008; and*
- (v) *LISTS an amount of \$294,500 for consideration in the 2008/2009 draft budget to complete Stage 2 of the Smith's Lake works (as outlined on attached Plan No. 2346-CP-2C) which will include the;*
 - (a) *demolition of the Len Fletcher Pavilion/Removal of the carpark;*
 - (b) *completion of the Wetland/Heritage Trail link; and*
 - (c) *associated traffic management on Emmerson Street.*

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Cr Messina returned to the Chamber at 8.54pm.

Debate ensued.

AMENDMENT

Moved Cr Farrell, Seconded Cr Messina

That the Officer Recommendation be amended as follows;

- (v) *LISTS an amount of \$102,000 for consideration in the 2008/09 Draft Budget to complete demolition of the Len Fletcher Pavilion and removal of the car park; and*
- (vi) *DEFERS allocation of funds totalling \$190,500 for the completion of the wetland and heritage trail link and associated traffic management.*

Cr Messina returned to the Chamber at 8.54pm.

Debate ensued.

Moved Cr Farrell, Seconded Cr Messina

That the Item be DEFERRED to allow for further clarification of the proposed works and funding requirements.

CARRIED (6-3)

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

COUNCIL DECISION ITEM 10.2.4

That the Item be DEFERRED to allow for further clarification of the proposed works and funding requirements.

PURPOSE OF REPORT:

The purpose of this report is to update the Council on the proposal to implement the Smith's Lake Upgrade Project.

BACKGROUND:

At the Ordinary Meeting of Council held on 9 August 2005, a report regarding the revised redevelopment proposal for Smith's Lake Reserve was presented, where the Council *approved in principle the revised proposal as outlined on concept plan No. 2346-CP-2A and to advertise the revised plan for a period of 21 days seeking submissions*

Following community consultation, the Council considered a further report at its Ordinary Meeting held on 8 November 2005 where it was decided (in part):

"That the Council;

- (ii) ADOPTS the Smith's Lake Reserve Redevelopment plan as outlined on attached Plan No. 2346-CP-2B subject to the path along Farr Avenue being moved away from the kerbline;*
- (iv) LISTS an amount of \$165,000 for consideration in the 2006/07 draft budget to complete the Wetland/Heritage Trail link through Smith's Lake Reserve....."*

DETAILS:

As previously reported to Council, the Smith's Lake revised redevelopment plan was widely advertised, with concept plans being sent to all precinct groups, community groups and service authorities for comment. In addition, 479 letters/plans were distributed around the immediate area, giving owner/occupiers the opportunity to comment.

At the close of the consultation period, forty three (43) submissions were received. Nineteen (19) submissions were in favour of the proposal and provided "no comment", twenty three (23) submissions were in favour of the proposal and provided comments, with only one (1) submission totally against the proposal.

Funds for the upgrade of Smith's Lake were allocated in 2005. Officers have now reviewed the proposal and have updated the costings.

The funds that are currently allocated are not sufficient to complete the entire project. It has therefore being decided to recommend a two (2) stage approach to implement the works as follows:

- Stage 1: Will comprise the works on the north side of the park (north of the Len Fletcher Pavilion) in 2007/2008.
- Stage 2: Will comprise the works on the southern portion of the park including the demolition of the pavilion, removal of the carpark etc. in 2008/2009.

Proposed Stage 1:

This work will include the following:

- Earth works associated with the construction of the dual use path
- Construction of flush concrete kerbing
- Pavement construction
- Red asphalt overlay
- Installation of lighting
- Completion of landscaping

The estimated cost of these works is \$165,000 – refer attached plan No 2346-CP-2C.

Proposed Stage 2:

This work will include the following:

- Demolition of Len Fletcher Pavilion
- Removal of car park
- In-ground reticulation, turfing and landscaping of this area

- Traffic islands/plateau at Emmerson Street
- Earth works associated with the construction of the dual use path
- Construction of flush concrete kerbing
- Pavement construction
- Red asphalt overlay
- Installation of lighting
- Brickpaved pathway at rear of Elven Street

The estimated cost of these works is \$290,500 – refer attached plan No 2346-CP-2C.

Note: Demolition of the pavilion, making good and removal of the carpark is \$102,000.
Park upgrade component of this cost is \$168,000.
Traffic management component is \$22,500.

Len Fletcher Pavilion Demolition

As mentioned above, the estimated cost to demolish the pavilion, remove the carpark and make good is \$102,000 and the estimated cost to complete the park upgrade is \$170,000.

At its ordinary meeting held on 23 January 2007, the Council received a report (Item 10.4.5 Approval of Loftus Centre Redevelopment and Tender No 354/06 - Construction of the Loftus Centre, 99 Loftus Street, Leederville) where on page 107 of the minutes in a table it stated as follows:

<i>To be considered in Budget 2008/2009</i>	
<i>Len Fletcher Pavilion - Demolition (cost projected to July 2008)</i>	<i>100,000</i>
<i>Smith's Lake Reserve Upgrade (estimate only)</i>	<i>185,000</i>

The Loftus Centre Redevelopment is progressing very well. The Gymnastics WA offices are due for completion by the end of March 2008 and Gymnastics WA can relocate shortly thereafter. The main exhibition hall is due for completion in April 2008. The builder is confident that all major works will be completed by May 2008. Once vacated, Len Fletcher Pavilion can be demolished and it is envisaged this will occur in July-August 2008.

CONSULTATION/ADVERTISING:

Community consultation was previously undertaken (as reported to the Ordinary Meeting of Council held on 8 November 2005). As is the Town's practice, adjoining residents will be notified of the impending works by the distribution of information bulletins.

LEGAL/POLICY:

N/A

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.*”

FINANCIAL/BUDGET IMPLICATIONS:

Stage 1 Estimated Costs

Item	Estimated Cost
Cut to spoil	\$18,500.00
Trim prepare subgrade	\$8,800.00
Compact and supply limestone	\$5,500.00
Compact and final grade	\$13,000.00
Edge Kerbing on asphalt paths	\$35,200.00
Red Asphalt	\$14,000.00
Supply/install Thorn 'Urbi' Decorative lights with 70 watt lamps	\$52,000.00
Setout	\$1,500.00
Supervision	\$4,500
Contingency	\$12,000
TOTAL	\$165,000

Stage 2 Estimated Costs:

Item	Estimated Cost
Demolish pavilion	\$55,000.00
Remove carpark	\$42,000.00
Cut to spoil	\$16,500.00
Trim prepare subgrade	\$5,500.00
Compact and supply limestone	\$2,000.00
Compact and final grade	\$5,000.00
Edge Kerbing on asphalt paths	\$14,000.00
Red Asphalt	\$8,000.00
Supply/install Thorn 'Urbi' Decorative lights with 70 watt lamps	\$24,000.00
Brickpaved Path way	\$14,000.00
Supply / Install Valve sections @ \$1500 per section	\$6,000.00
Supply and Install reticulation, pipe fittings and sprinklers	\$7,500.00
Sleeves	\$2,500.00
Trees	\$4,000.00
Supply/planting of various groundcovers/shrubs	\$13,000.00
Supply/lay kikuyu turf	\$24,000.00
Supply and Install trees	\$3,000.00
Supply/install seats	\$7,500.00
Supply/install bins	\$3,500.00
BBQ	\$5,000.00
Plateaux	\$10,000.00
Islands	\$6,000.00
Signage / Lines	\$1,500.00
Setout, supervision, contingency	\$15000.00
	\$294,500.00

COMMENTS:

As indicated in the report presented to the Council on 9 August 2005, it was considered prudent that the Smith's Lake Reserve Improvements be implemented as purchasers of the adjoining lots on Elven Street would need some surety regarding the future of the adjoining Reserve and the Len Fletcher Pavilion.

It is therefore recommended that the officers' Recommendation be adopted.

10.1.2 Further Report - Nos.60-62 (Lots 172 and 173, D/P 25971) Randell Street, corner Randell Place, Perth - Proposed Construction of Two (2) Three-Storey Single Houses with Home Offices and Associated Basement Car Parking

Ward:	South	Date:	18 February 2008
Precinct:	Hyde Park; P12	File Ref:	PRO3490; 5.2007.219.1
Attachments:	001		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

FURTHER OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by the owner S Grewal for proposed Construction of Two (2) Three- Storey Single Houses with Home Offices and Associated Basement Car Parking, at Nos.60-62 (Lots 172 and 173 D/P: 25971) Randell Street, corner Randell Place, Perth and as shown on plans stamp-dated 8 February 2008, for the following reasons:

- (a) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (b) the non-compliance with the plot ratio, building height, building setbacks, building on boundary and privacy requirements of the Residential Design Codes, and the Town's Policy relating to the Hyde Park Precinct and Street Walls and Fences and the Town's Local Law relating to Fences and Floodlights, respectively; and*
- (c) consideration of the objection received.*

COUNCIL DECISION ITEM 10.1.2

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

CARRIED (5-4)

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

Cr Doran-Wu departed the Chamber at 9.10pm.

Cr Doran-Wu returned to the Chamber at 9.11pm.

FURTHER REPORT:

The Council considered the application at its Ordinary Meeting held on 10 July 2007 and resolved as follows:

“That the Item 10.1.4 - Nos. 60-62 (Lots 172 and 173, D/P 25971) Randell Street, corner Randell Place, Perth - Proposed Construction of Two (2) Three-Storey Single Houses with Home Offices and Associated Basement Car Parking be DEFERRED at the request of the applicant to allow for further discussions with the Town’s Officers.”

Subsequent to the item being deferred at the above Ordinary Meeting of Council, the applicant has met with the Director Development Services and the Town's Officers several times regarding the proposed development and has submitted two sets of revised plans. The main difference between the subject proposal and the proposal, which was deferred at the Ordinary Meeting of Council held on 10 July 2007 includes the following:

- The setback of the western dwelling has been increased to closer reflect the setback of the eastern dwelling;
- The floor plan of the western dwelling has been reconfigured to mirror that of the eastern dwelling;
- Groups of glass blocks have been introduced along all levels of the eastern facing wall, which fronts Randell Place; and
- The entry stairs in the front setback area have been reduced in height and bulk.

The owners have also submitted a three dimensional colour perspectives to demonstrate the impact of the proposed development on the existing streetscape. The perspective is included in the attachment to this report.

Further Assessment

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	2 single houses R 60 (as single houses are proposed)	2 single houses	Noted- no variation.
Plot Ratio	0.65 or 121 square metres per dwelling on each lot.	Western side dwelling: 1.28 or 239.1 square metres. Eastern side dwelling: 1.27 or 239.1 square metres.	Not supported- in conjunction with the height and setbacks variations sought, the plot ratio proposed is considered to result in a development with excessive bulk and scale, which will have an undue impact on streetscape.
Building Height	Two storeys encouraged, three storey can be considered at a maximum height of 10.0 metres for concealed roof developments.	Three storeys and a basement. Maximum height of 10.8 metres to Randell Street. Maximum height of 10.3 metres to eastern Randell Place boundary.	Not supported - refer to 'Comments' section.

Garages and Vehicular Access	Vehicular access from secondary street or right of way where legally available.	Vehicular access proposed from primary street.	Supported - refer to 'Comments' section.
Driveway Width	Minimum width 3 metres and not to exceed 40 per cent of lot frontage.	2.750 metres and 39 per cent of lot frontage.	Supported in part - to comply with the 3 metres minimum width, the driveways would occupy 43 per cent of the lot frontage. Such a minor variation would not unduly impact on the amenity of the area or streetscape. It is considered important that the minimum width requirement for the crossover be achieved and this would be conditioned to comply in event of approval.
Building Setbacks: East (all floor levels)	Varies from 1.5 metres to 5.4 metres	Nil	Not supported - in conjunction with the height and plot ratio variations the proposed setback variation is considered to contribute to a development with excessive bulk and scale, which will have an undue impact on amenity of neighbours, streetscape and surrounding area.
Privacy Setbacks	Habitable rooms other than bedrooms - 6.0 metres Outdoor habitable areas- 7.5 metres	Office - 5.0 metres to eastern property. Living room - 5.0 metres to eastern property. Terrace - 6.7 metres to eastern property.	Not supported - an undue impact on affected neighbour, to be conditioned to comply in event of approval. Not supported - as above. Not supported - as above.
Building on Boundary	Walls not higher than 3.5 metres with an average of 3 metres for 2/3 the length of the balance of the boundary	Height - 10.3 metres	Not supported- undue impact on amenity of neighbours, streetscape and surrounding area.

	behind the front setback. (15.38 metres).		
Policy No. 3.2.5 - Street Walls and Fences	In the street setback a wall or fence is not to exceed a maximum of 1.8 metres above the adjacent footpath level. The solid portion of the wall or fence excepting piers is to be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the wall and/or fence being visually permeable, with a minimum of 50 per cent transparency.	Western side dwelling - Maximum height of the solid wall - 1.55 metres in street setback area along western boundary. Balustrade to a maximum of 2.4 metres Eastern side dwelling - Maximum height of the solid wall - 1.55 metres in street setback area along western boundary. Balustrade to a maximum of 2.4 metres.	Not supported - undue impact on amenity of streetscape and surrounding area.
Local Law relating to Fences and Floodlights	No part of a fence, including retaining wall and gate, shall exceed 2.4 metres in height.	Western side dwelling: 2.48 metres to 2.7 metres. Eastern side dwelling to Randell Place: 2.48 metres to 2.7 metres.	Not supported - undue impact on amenity of streetscape and surrounding area, to be conditioned to comply in event of approval.

Consultation Submissions

The revised plans do not propose any other further variation to the Residential Design Codes and the Town's Policies, and is considered not to have a further undue impact on the adjoining properties and the amenity of the area, and as such there is no need to further re-advertise the proposal.

Support	Nil	Noted.
Objection (1)	<ul style="list-style-type: none"> • Overshadowing. • Vehicular access from street not in keeping with streetscape. • Eastern setbacks. 	<p>Not supported- as proposal complies with overshadowing requirements of R Codes.</p> <p>Not supported- refer to 'Comments' section.</p> <p>Supported - refer to above. It is noted that objection relating to eastern setback was not from an affected neighbour.</p>

* 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.

Further Comments

In light of the above, the previous Officer Recommendation and assessment has been altered to reflect the amended plans. The following additional information is presented for consideration.

Height

The applicant has superimposed, on the colour perspective, the shell of the proposed building at No. 248 (Lot: 2 D/P: 5962) Fitzgerald Street, Perth, which was approved at the Ordinary Meeting of Council held on 26 June 2007. This development comprises modifications to the internal layout of the existing office, and the addition of two storeys of offices creating a three storey building. This third storey component was supported by the Town's Officers as it is orientated towards Fitzgerald Street and contributes to the strong urban corridor/edge. Whilst it is acknowledged that the proposed development is consistent, in terms of height, with the proposed development fronting Fitzgerald Street, it is considered that further consideration should be given to improve and balance the interface of the subject development with the single and two-storey residential dwellings along Randell Street. It is to be noted that the Town has yet to receive a Building Licence application for the development at No. 248 (Lot: 2 D/P: 5962) Fitzgerald Street, Perth.

Garages and Vehicular Access

In the previous reports to the Council, the Town's Officers have asserted that vehicular access be required from the Randell Place for both properties. The applicant has argued that vehicular access from Randell Place cannot be achieved mainly due to safety reasons and the narrowness of Randell Place and the subject lots. In relation to safety concerns, the Town's Technical Services advised that this can be addressed via adequate setbacks and truncations.

Further consideration of the above requirement has resulted in the Town's Officers acknowledging that vehicular access may be acceptable from Randell Street as the garages are setback 6 metres from street frontage, they are accommodated without obstructing views between the street and dwelling at ground level and as access from the secondary street may still result in the provision of car parking, which is visible from the street. In addition to this, should the garages be located with access to Randell Place a large setback would be required to ensure that the 6 metre manoeuvring space is achieved.

In addition to the above, the Town's Technical Services have advised that a 0.5 metre setback is required along the eastern Randell Place boundary, to accommodate for the future widening of Randell Place, which is under four metres wide. Randell Place is an under width dedicated road. As per the Western Australian Planning Commission's Bulletin No.33, a minimum width of 6 metres is required for vehicle access. However, it is recognised that vehicles can pass safely in a five metre right of way. It is considered important that the 0.5 metre widening requirement be imposed to improve future vehicle access along Randell Place. Further to this, a 1.5 metre by 1.5 metre truncation is required at the south-east corner of the lot, where Randell Street and Randell Place meet.

Conclusion

In light of the above, it is considered that the amended plans do not adequately address the previous reasons for refusal by the Council at its Ordinary Meeting held on 13 February 2007 or the non-supported variations highlighted at the Ordinary Meeting held on 10 July 2007 and it is recommended that the subject planning application be refused.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 10 July 2007.

"OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by the owner S Grewal for proposed Construction of Two (2) Three- Storey Single Houses with Home Offices and Associated Basement Car Parking, at Nos.60-62 (Lots 172 and 173 D/P: 25971) Randell Street, corner Randell Place, Perth and as shown on plans stamp-dated 3 July 2007, for the following reasons:

- (a) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (b) the non-compliance with the setback and vehicular access and height requirements of the Residential Design Codes, and the Town's Policy relating to the Hyde Park Precinct, respectively; and*
- (c) consideration of the objection received.*

COUNCIL DECISION ITEM 10.1.4

(taken from page 7)

Mayor Catania advised that a request for deferral had been received from the applicant of Item 10.1.4 - Nos. 60-62 (Lots 172 and 173, D/P 25971) Randell Street, corner Randell Place, Perth - Proposed Construction of Two (2) Three-Storey Single Houses with Home Offices and Associated Basement Car Parking to allow for further discussions with the Town's Officers.

Moved Cr Ker, Seconded Cr Farrell

That the Item 10.1.4 - Nos. 60-62 (Lots 172 and 173, D/P 25971) Randell Street, corner Randell Place, Perth - Proposed Construction of Two (2) Three-Storey Single Houses with Home Offices and Associated Basement Car Parking be DEFERRED at the request of the applicant to allow for further discussions with the Town's Officers.

CARRIED (7-1)

*For
Mayor Catania
Cr Farrell
Cr Ker
Cr Lake
Cr Maier
Cr Messina
Cr Torre
(Cr Doran-Wu on leave of absence.)*

*Against
Cr Chester*

<i>Landowner:</i>	<i>S Grewal</i>
<i>Applicant:</i>	<i>S Grewal</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial</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>373 square metres</i>
<i>Access to Right of Way</i>	<i>N/A</i>

BACKGROUND:

13 February 2007 The Council at its Ordinary Meeting resolved to conditionally approve an application for demolition of existing two (2) single houses and refuse an application for construction of two (2) three-storey single houses with home offices and associated basement car parking at the subject property.

DETAILS:

The proposal involves construction of two (2) three-storey single houses with home offices and associated basement car parking at the subject property. The main differences between the subject proposal and the proposal refused at the Ordinary Meeting of Council held on 13 February 2007 has been summarised by the applicant in a letter dated 5 May 2007 and attached for the Council's consideration.

ASSESSMENT:

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Density</i>	<i>2 single houses R 60 (as single houses are proposed)</i>	<i>2 single houses R 60</i>	<i>Noted- no variation.</i>
<i>Plot Ratio</i>	<i>0.65 or 121 square metres per dwelling on each lot.</i>	<i>Western side dwelling: 1.41 or (264 square metres) Eastern side dwelling: 1.33 or (247 square metres)</i>	<i>Not supported- in conjunction with the height and setbacks variations sought, plot ratio proposed is considered to result in excessive bulk and scale and to have an undue impact on streetscape.</i>
<i>Height</i>	<i>Two storeys encouraged, three storey can be considered.</i>	<i>Three storeys and a basement.</i>	<i>Not supported - refer to 'Comments' section.</i>
<i>Garages and Vehicular Access</i>	<i>Vehicular access from secondary street where legally available.</i>	<i>Vehicular access proposed from primary street.</i>	<i>Not supported - refer to 'Comments' section.</i>
<i>Driveway Width</i>	<i>40 per cent of lot frontage</i>	<i>51 per cent</i>	<i>Not supported- undue impact on streetscape.</i>

<i>Setbacks:</i> <i>East (all floor levels)</i>	<i>1.0 metre</i>	<i>Nil</i>	<i>Not supported - in conjunction with the height and plot ratio variations proposed, setback variation is considered to contribute to excessive bulk and scale and undue impact on amenity of neighbours, streetscape and surrounding area.</i>
<i>Privacy Setbacks</i>	<i>Habitable rooms other than bedrooms - 6.0 metres</i> <i>Outdoor habitable areas- 7.5 metres</i>	<i>Office and living room is 5.0 metres to eastern property.</i> <i>Terrace is 4.6 metres to eastern property.</i>	<i>Not supported- as undue impact on neighbour, to be conditioned to comply in event of approval.</i>
<i>Consultation Submissions</i>			
<i>The subject proposal has not been advertised as it does not result in any greater variations from the previous plans, with the exception of privacy setbacks requirements which can be conditioned to comply in the event of approval. The one submission received in the previous community consultation period is outlined as below.</i>			
<i>Support</i>	<i>Nil</i>		<i>Noted.</i>
<i>Objection (1)</i>	<ul style="list-style-type: none"> • <i>Overshadowing.</i> • <i>Vehicular access from street not in keeping with streetscape.</i> • <i>Eastern setbacks.</i> 		<i>Not supported- as proposal complies with overshadowing requirements of R Codes. Supported- refer to 'Comments' section. Supported - refer to above. It is noted that objection relating to eastern setback was not from an affected neighbour.</i>
<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>

** 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:

Height

While the Town's Policy relating to the Hyde Park Precinct allows for the consideration of three - storeys building height, it is considered that the height of the proposal is beyond a typical three storey building due to the design and the additional basement garage. Given this and the immediate streetscape predominately consisting of single and two storey buildings, it is considered that the height proposed is out of scale to the streetscape and has an undue impact on the streetscape and general amenity of the area.

Garages and Vehicular Access

In summary, the applicant has asserted that vehicular access from Randell Place cannot be achieved mainly due to safety reasons and the narrowness of Randell Place and subject lots. In relation to safety concerns, the Town's Technical Services has advised that this can be addressed via adequate setbacks and truncations.

While it is noted that the subject application involves two existing narrow lots that would make vehicular access from the Randell Place unachievable, it is considered that an appropriate redesign of the development and a re-subdivision/realignment of the lot boundaries could feasibly facilitate vehicular access from Randell Place. It is noted that the current application is already proposing to realign the current boundary line between the 2 subject lots.

In light of the above, it is considered that the amended plans has not adequately address the previous reasons for refusal by the Council at its Ordinary Meeting held on 13 February 2007 and it is recommended that the subject planning application be refused."

10.1.5 Nos. 100 - 102 (Lot 46, Strata Lots: 1 and 2 STR: 8463) Edward Street, Perth - Proposed Change of Use from Grouped Dwelling and Office Building to Office Building and Associated Alterations and Additions

Ward:	South	Date:	19 February 2008
Precinct:	Beaufort; P13	File Ref:	PRO1908; 5.2007.254.1
Attachments:	001		
Reporting Officer(s):	D Pirone		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Civitella Holdings Pty Ltd on behalf of the owners V D Civitella & Civitella Holdings Pty Ltd for proposed Change of Use from Grouped Dwelling and Office Building to Office Building and Associated Alterations and Additions, at Nos. 100 - 102 (Lot 46, Strata Lots: 1 and 2 STR: 8463) Edward Street, Perth, and as shown on plans stamp-dated 4 July 2007, subject to the following conditions:

- (i) all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (ii) prior to the first occupation of the development, one (1) class one or two bicycle parking facility shall be provided at a location convenient to the entrance of the proposed development. Details of the design and layout of the bicycle parking facility shall be submitted to and approved by the Town prior to the installation of such facility;*
- (iii) the gross floor area of the proposed office building shall be limited to 167 square metres;*
- (iv) the windows, doors and adjacent floor area facing Edward Street shall maintain an active and interactive frontage to Edward Street;*
- (v) a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Edward 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);*
- (vi) the hours of operation of the office building shall be limited to 8:00am to 6:00pm, Monday to Saturday, inclusive;*

(vii) *prior to the issue of a Building Licence or first occupation of the development, whichever occurs first, revised plans shall be submitted and approved demonstrating the following:*

(a) *the car parking bays within the street setback area adjacent to Edward Street not being used for car parking, unless it can be demonstrated through revised plans that all car parking within the street setback area complies with the length and width requirements of the Town's Policy relating to Parking and Access; and*

(b) *compliance with the Building Code of Australia.*

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

(viii) *any new street/front wall, fence and gate between the Edward 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;*

(ix) *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; and*

(x) *prior to the issue of a Building Licence or first occupation of the development, whichever occurs first, 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 and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town.*

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted together with the following new clause (vii):

“(vii) prior to the issue of a Building Licence or first occupation of the development, whichever occurs first, revised plans shall be submitted and approved demonstrating the following:

- (a) the car parking bays within the street setback area adjacent to Edward Street not being used for car parking, ~~unless it can be demonstrated through revised plans that all car parking within the street setback area complies with the length and width requirements of the Town's Policy relating to Parking and Access~~, the existing crossovers to the site being removed, and the street verge adjacent to the subject site being reinstated. All costs associated with the removal of the existing crossovers and reinstatement of the street verge is to be borne by the applicant/owner(s); and*
- (b) compliance with the Building Code of Australia.*

The revised plans shall not result in any greater variation to the requirements of the Town's Policies; ”

CARRIED (9-0)

COUNCIL DECISION ITEM 10.1.5

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 Civitella Holdings Pty Ltd on behalf of the owners V D Civitella & Civitella Holdings Pty Ltd for proposed Change of Use from Grouped Dwelling and Office Building to Office Building and Associated Alterations and Additions, at Nos. 100 - 102 (Lot 46, Strata Lots: 1 and 2 STR: 8463) Edward Street, Perth, and as shown on plans stamp-dated 4 July 2007, subject to the following conditions:

- (i) all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (ii) prior to the first occupation of the development, one (1) class one or two bicycle parking facility shall be provided at a location convenient to the entrance of the proposed development. Details of the design and layout of the bicycle parking facility shall be submitted to and approved by the Town prior to the installation of such facility;*
- (iii) the gross floor area of the proposed office building shall be limited to 167 square metres;*

- (iv) *the windows, doors and adjacent floor area facing Edward Street shall maintain an active and interactive frontage to Edward Street;*
- (v) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Edward 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);*
- (vi) *the hours of operation of the office building shall be limited to 8:00am to 6:00pm, Monday to Saturday, inclusive;*
- (vii) *prior to the issue of a Building Licence or first occupation of the development, whichever occurs first, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *the car parking bays within the street setback area adjacent to Edward Street not being used for car parking, the existing crossovers to the site being removed, and the street verge adjacent to the subject site being reinstated. All costs associated with the removal of the existing crossovers and reinstatement of the street verge is to be borne by the applicant/owner(s); and*
 - (b) *compliance with the Building Code of Australia.*

The revised plans shall not result in any greater variation to the requirements of the Town's Policies;
- (viii) *any new street/front wall, fence and gate between the Edward 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;*

- (ix) *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; and*
- (x) *prior to the issue of a Building Licence or first occupation of the development, whichever occurs first, 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 and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town.*

Landowner:	V D Civitella & Civitella Holdings Pty Ltd
Applicant:	Civitella Holdings Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential/Commercial R80
Existing Land Use:	Grouped Dwelling and Office Building
Use Class:	Office Building
Use Classification:	"AA"
Lot Area:	407 square metres
Access to Right of Way	North side, 3 metres wide, unsealed, privately owned

BACKGROUND:

The subject site has an extensive history relating to its previously approved remedial and stress massage clinic use, alleged unauthorised use, unauthorised patio additions and the most recently approved use as consulting rooms (massage); however, this was valid for a 12 month period only, therefore, the current use of the subject site is grouped dwelling and office.

The Minutes of the City of Perth Council Meeting held on 17 May 1993 indicates that Planning Approval was granted '*for a period of 12 months ... to establish a remedial and stress massage clinic at Strata Lot 2 on Strata Plan 8463 Sub Lot 14 (No. 102) Edward Street, Perth, as shown on plans dated 7 April 1993*'.

The Minutes of the City of Perth Council Meeting held on 26 May 1994 indicates that Planning Approval was granted '*for a period of 12 months ... for a remedial and stress massage clinic at Strata Lot 2 on Strata Plan 8463 Sub Lot 14 (No. 102) Edward Street, Perth, as shown on plans dated 7 April 1993*'.

The Town's records indicate that no further Planning Approval was issued after the expiry date of 26 May 1995, and no Planning Approval was granted for consulting rooms at No. 100 Edward Street.

An application was then received for change of use from grouped dwelling and office building to consulting rooms (massage) on 24 May 2004; however, this application was subsequently withdrawn by the applicant.

The Council resolved the following at its Ordinary Meeting held on 24 August 2004 in relation to the unauthorised use:

- "(i) *ADVISES the owner and occupier of No(s). 100-102 (Lot(s) 46) Edward Street, Perth, that the unauthorised consulting room (massage) use of this property is to cease operation within 14 days of the date of notification by the Town;*
- (ii) *AUTHORISES the Chief Executive Officer to investigate the alleged unauthorised use of this property, including liaising with the Western Australian Police Service, and DEFERS the instigation of any legal action until the Council further considers the matter;*
- (iii) *WRITES to the Western Australian Government Premier and Minister for Police, Emergency Services; Justice; Community Safety seeking urgent introduction of relevant legislation to adequately address and control prostitution, brothels and massage parlours; and*
- (iv) *NOTES that a further report will be submitted to the Council after the investigations have been carried out."*

A retrospective application was received for change of use from grouped dwelling and office building to consulting rooms (massage) and was refused by the Council at its Ordinary Meeting held on 8 February 2005.

DETAILS:

The proposal involves the change of use from grouped dwelling and office building to office building at the subject site. A submission on behalf on the applicant is "*Laid on the Table*".

The submission indicates that the proposal is to refurbish the property for use as office space. As indicated in the Town's Beaufort Precinct Policy, an office use is a desirable commercial component use within the area.

Proposal

- An office use – the actual tenants are not yet sought.
- The proposed hours of operation will be 8am to 6pm, Monday through to Saturday and closed on Sunday.
- The maximum number of employees will be twelve.
- The maximum number of clients/customers/visitors to the site is expected to be four, however, this will depend on the type of office use.

Parking

- 6 car bays have been provided on site.
- The Stadium Car Park is the closest public car park, located on Brewer Street in front of the Members Equity Stadium. This is approximately 200 metres away and has 71 bays.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
Beaufort Precinct Policy	Developments are to contain a residential component of no less than 66 per cent of the existing or approved floor space.	No residential components proposed.	Supported – see ‘Comments’ section.
Consultation Submissions			
Support (4)	No comments given.		Noted.
Objection	Nil.		Noted.
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil
Car Parking			
Car parking requirement (nearest whole number): -Office: 1 car bay per 50 square metres of gross floor area (167 square metres) = 3.34 car bays			3 car bays
Apply the adjustment factors <ul style="list-style-type: none"> ▪ 0.80 (within 400 metres of a rail station) ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.85 (within 400 metres of one or more existing public car parking places with in excess of 75 car parking spaces) 			(0.578) 1.734 car bays
Minus car parking proposed on-site Note: The two car bays within the street setback area adjacent to Edward Street do not comply with the length requirements outlined in the Town’s Policy relating to Parking and Access, therefore, resulting in 4 car bays on-site. A condition has been applied to delete these two car bays or comply with the requirements prior to the issue of a Building Licence.			4 car bays
Minus the most recently approved on-site parking shortfall after adjustment factors			Nil
Resultant surplus			2.266 car bays
Bicycle Parking			
Bicycle parking requirement (nearest whole number): <u>Office</u> (167 square metres of gross floor area) -1 space per 200 square metres of gross floor area for employee/resident (Class 1 or 2) = 0.835 space			1 space (Class 1 or 2) required.

* 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:

Policy No. 3.1.13 - Beaufort Precinct - Scheme Map 13

The land is zoned Residential/Commercial R80 with the immediate area characterised by dwellings being used for commercial purposes. The Town's Policy relating to the Beaufort Precinct specifies that mixed residential/commercial development is to incorporate a residential component of no less than 66 per cent of the existing or approved floor space. It also specifies that the Town may consider variations of these standards to enable development to conform to the historic character of the area, particularly with redevelopment on small lots.

The subject site is situated along the portion of Edward Street between Thorley and Lord Streets, which comprises predominately of single storey semi-detached dwellings, which were built at the turn of the twentieth century. Most of the original dwelling detail is still intact and the majority of residences exhibit characteristics of Federation style architecture. The place at Nos.100-102 Edward Street is considered an integral element within this streetscape.

In accordance with the Beaufort Precinct Policy, the subject development is considered to have merit and warrant such a variation as the residential character of the buildings is being retained and as it will ensure the streetscape is not compromised. Furthermore, the enforcement of a residential component on the subject site is not considered reasonable in this instance by virtue of the established commercial amenity immediately adjoining and surrounding the subject site.

The proposal does not involve additions or renovations to the front of the existing structure, and will ensure the retention of the building's residential presentation to the street. Furthermore, the dwellings have not been used for residential purposes for several years and will require extensive renovations to comply with the Building Codes of Australia as well as ensure a basic standard of living, if these dwellings were to be used for residential purposes.

It is noted that the Council has on numerous occasions, where considered appropriate, supported proposals which effectively do not meet the requirements for 66 per cent of the floor area to be residential in this zone, on the grounds that the mixed-use requirement may be more effective in the short term in streets and neighbourhoods where the predominant use is residential, rather than the higher yielding commercial uses. Further, it is unlikely that the remainder of the street will convert to a predominantly residential use, as most of the existing commercial uses are lawful and established.

Development Proposal

Commercial uses dominate the immediate vicinity of the proposed development and range from two-storey office buildings to the use of single-storey residential buildings for accounting and financial services. The renovation and re-use of these buildings as offices is considered to encourage the retention of the existing building stock and the introduction of uses of a complementary nature and scale to existing and future residential development within the locality. No objections have been received to the proposal and several of the adjoining and adjacent properties consulted have indicated their support of the subject development. In light of the above, it is recommended that the Council approve the proposal, subject to standard and appropriate conditions to address the above matters.

10.1.7 Nos. 92-94 (Lot 44 D/P: 2456) Edward Street, Perth - Proposed Change of Use from Single Houses to Offices and Associated Alterations

Ward:	South	Date:	19 February 2008
Precinct:	Beaufort; P13	File Ref:	PRO0803; 5.2007.515.1
Attachments:	001		
Reporting Officer(s):	L Parker		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Allerding & Associates on behalf of the owner A R & F H Keogh for proposed Change of Use from Single Houses to Offices and Associated Alterations, at Nos. 92-94 (Lot 44 D/P: 2456) Edward Street, Perth, and as shown on plans stamp-dated 14 December 2007, subject to the following conditions:

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

Code of Australia for a Class 5 (Office) building, in particular the requirements for fire safety, energy efficiency, and access and toilet facilities for people with disabilities.

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

- (iv) prior to the issue of a Building Licence or first occupation of the development, whichever occurs first, 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 and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (v) all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (vi) the gross floor area of the offices shall be limited to a combined area of 184 square metres;*
- (vii) the doors, windows and adjacent floor areas fronting Edward Street shall maintain an active and interactive relationship with this street;*
- (viii) a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Edward 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);*
- (ix) prior to the first occupation of the development, one (1) class one or two bicycle parking facility shall be provided at a location convenient to the entrance of the proposed development. Details of the design and layout of the bicycle parking facility shall be submitted to and approved by the Town prior to the installation of such facility; and*
- (x) the hours of operation of the offices shall be limited to the following times: 8:00am to 6:00pm on Monday to Friday, and 8:00am to 1:00pm on Saturdays, inclusive.*

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Farrell, Seconded Cr Messina

That clause (iii) be amended to read as follows;

(iii) *prior to the issue of a Building Licence or first occupation of the development, whichever occurs first, revised plans shall be submitted and approved demonstrating the following:*

(a) *the development complying with the requirements of the Building Code of Australia for a Class 5 (Office) building, in particular the requirements for fire safety, energy efficiency, and access and toilet facilities for people with disabilities; and*

(b) *the car parking bay within the street setback area adjacent to Edward Street not being used for car parking, the existing crossovers to the site being removed, and the street verge adjacent to the subject site being reinstated. All costs associated with the removal of the existing crossovers and reinstatement of the street verge is to be borne by the applicant/owner(s).*

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

AMENDMENT PUT AND CARRIED (9-0)

MOTION AS AMENDED PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 10.1.7

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 Allering & Associates on behalf of the owner A R & F H Keogh for proposed Change of Use from Single Houses to Offices and Associated Alterations, at Nos. 92-94 (Lot 44 D/P: 2456) Edward Street, Perth, and as shown on plans stamp-dated 14 December 2007, subject to the following conditions:

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

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

(a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*

(b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*

- (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (iii) *prior to the issue of a Building Licence or first occupation of the development, whichever occurs first, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the development complying with the requirements of the Building Code of Australia for a Class 5 (Office) building, in particular the requirements for fire safety, energy efficiency, and access and toilet facilities for people with disabilities; and*
 - (b) *the car parking bay within the street setback area adjacent to Edward Street not being used for car parking, the existing crossovers to the site being removed, and the street verge adjacent to the subject site being reinstated. All costs associated with the removal of the existing crossovers and reinstatement of the street verge is to be borne by the applicant/owner(s).*
- The revised plans shall not result in any greater variation to the requirements of the Town's Policies;*
- (iv) *prior to the issue of a Building Licence or first occupation of the development, whichever occurs first, 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 and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
 - (v) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
 - (vi) *the gross floor area of the offices shall be limited to a combined area of 184 square metres;*
 - (vii) *the doors, windows and adjacent floor areas fronting Edward Street shall maintain an active and interactive relationship with this street;*

- The proposed development supports the objectives of the Beaufort Precinct Policy through the re-use and preservation of the existing buildings with the residential character of the buildings remaining unaltered.
- The majority of car parking bays will be accommodated at the rear of the property.
- The scale of the development will be maintained to ensure its compatibility with other developments within the immediate locality.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Beaufort Precinct Policy:	Developments are to contain a residential component of no less than 66 per cent of the existing or approved floor space.	No residential component proposed.	Supported – see ‘Comments’ section.
	Car parks should not	One (1) car bay	Supported - the site’s
	visually detract from the public environment or character of the area and, preferably, should not be visible from streets and public spaces.	located in front setback area.	location in the block bounded by Thorley, Edward, Lord and Brewer Streets, means that access to the site from the rear right of way is not obvious to visitors, as access to the subject right of way is provided from Thorley and Brewer Streets. It is therefore considered unreasonable to expect all visitors to the site to utilise this right of way access, and given that Edward Street is dominated by on-street car parking with often poor availability and properties with car parking within the front setback area, a car bay located within the front setback is considered acceptable in this instance.

Consultation Submissions		
Support (4)	No comments given.	Noted.
Objection	Nil	Noted.
Car Parking		
Requirements	Required	
Car parking requirement (nearest whole number):	4 car bays	
<ul style="list-style-type: none"> Office: 1 space per 50 square metres of gross floor area or part thereof (184 square metres (gross) proposed) = 3.68 car bays 		
Apply the parking adjustment factors.	(0.578)	
<ul style="list-style-type: none"> 0.80 (within 400 metres of a rail station) 0.85 (within 400 metres of a bus stop/station) 0.85 (within 400 metres of one or more existing public car parking places with excess of 75 car parking spaces) 	2.312 car bays	
Minus car parking provided on-site	5 car bays	
Minus the most recently approved on-site car parking shortfall after applying adjustment factors.	Nil	
Resultant surplus	2.688 car bays	
Bicycle Parking		
Bicycle parking requirement (nearest whole number):		
<u>Office</u> (184 square metres of gross floor area) -1 space per 200 square metres of gross floor area for employee/resident (Class 1 or 2) = 0.92 space	1 space (Class 1 or 2) required.	
Other Implications		
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications	Nil	
Financial/Budget Implications	Nil	

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

COMMENTS:

Policy No. 3.1.13 - Beaufort Precinct - Scheme Map 13

The land is zoned Residential/Commercial R80 with the immediate area characterised by dwellings being used for commercial purposes. The Town's Policy relating to the Beaufort Precinct specifies that mixed residential/commercial development is to incorporate a residential component of no less than 66 per cent of the existing or approved floor space. It also specifies that the Town may consider variations of these standards to enable development to conform to the historic character of the area, particularly with redevelopment on small lots.

The subject site is situated along the portion of Edward Street between Thorley and Lord Streets, which comprises predominately single storey semi-detached dwellings, which were built at the turn of the twentieth century. Most of the original dwelling detail is still intact and the majority of residences exhibit characteristics of Federation style architecture. The place at Nos.92-94 Edward Street is considered an integral element within this streetscape.

In accordance with the Beaufort Precinct Policy, the subject development is considered to have merit and warrant such a variation as the residential character of the buildings is being retained and as it will ensure the streetscape is not compromised. Furthermore, the enforcement of a residential component on the subject site is not considered reasonable in this instance by virtue of the established commercial amenity immediately adjoining and surrounding the subject site.

It is noted that the Council has on numerous occasions, where considered appropriate, supported proposals which effectively do not meet the requirements for 66 per cent of the floor area to be residential in this zone, on the grounds that the mixed-use requirement may be more effective in the short term in streets and neighbourhoods where the predominant use is residential, rather than the higher yielding commercial uses. Further, it is unlikely that the remainder of the street will convert to a predominantly residential use, as most of the existing commercial uses are lawful and established.

Building Code of Australia Requirements

The proposal does not comply with the requirements of the Building Code of Australia for a Class 5 (Office) building, particularly in respect of fire safety, energy efficiency, and access and toilet facilities for people with disabilities. As such, a condition has been recommended to be applied to the proposed development, requiring works to be completed to meet the requirements of the Building Code of Australia prior to the first occupation of the development.

Health Services Comments

Health Services are of the opinion that use of the property for commercial purposes is likely to result in a longer term occupancy rate, than would be the case if used for residential purposes over the long term. This would in turn enhance the long term preservation of the building and protect the building against unauthorised use and degradation by squatters, during periods of vacancy. The owners of the building have communicated concerns regarding the difficulty in attracting suitable residential tenants to the property, citing the commercial surroundings, and a feeling of isolation outside of business hours, as being major determinants.

Health Services' intimate knowledge of derelict building issues within the locality, has formed the primary basis for supporting the application, of this otherwise, non-environmental health related matter.

Development Proposal

Commercial uses dominate the immediate vicinity of the proposed development and range from two-storey office buildings to the use of single-storey residential buildings for accounting and financial services. The renovation and re-use of these buildings as offices is considered to encourage the retention of the existing building stock and the introduction of uses of a complementary nature and scale to existing and future residential development within the locality. No objections have been received to the proposal and several of the adjoining and adjacent properties consulted have indicated their support of the subject development. In light of the above, it is recommended that the Council approve the proposal, subject to standard and appropriate conditions to address the above matters.

10.1.9 Proposed Amendment No.25 to the Town of Vincent Town Planning Scheme No.1 – Clause 20(4) Relating to No Multiple Dwellings

Ward:	Both Wards	Date:	18 February 2008
Precinct:	Cleaver P5; Smith's Lake P6; Hyde Park P12; Banks P15	File Ref:	PLA0192
Attachments:	-		
Reporting Officer(s):	H Smith		
Checked/Endorsed by:	D Abel, R Boardman,	Amended by:	-

OFFICER RECOMMENDATION:

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

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

“(a) Cleaver Precinct P5,

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

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

“(a) Cleaver Precinct P5,

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

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

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

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

“(b) Smith’s Lake Precinct P6,

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

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

“(b) Smith’s Lake Precinct P6,

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

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

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

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

“(e) Hyde Park Precinct P12,

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

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

“(e) Hyde Park Precinct P12,

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

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

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

and

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

“(g) Banks Precinct P15,

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

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

“(g) Banks Precinct P15,

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

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

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

COUNCIL DECISION ITEM 10.1.9

Moved Cr Farrell, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

Moved Cr Doran-Wu, Seconded Cr Ker

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

Journalist, Jacqui Bahr departed the Chamber at 9.25pm.

PURPOSE OF REPORT:

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

BACKGROUND:

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

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

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

DETAILS:

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

CONSULTATION/ADVERTISING:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011 states:

“Strategic Objective 1 : Natural and Built Environment

1.1 Improve and maintain environment and infrastructure...

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

1.1.3 Enhance and maintain the character and heritage of the Town.

1.1.4 Minimise negative impacts on the community and environment.”

FINANCIAL/BUDGET IMPLICATIONS:

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

LEGAL/POLICY:

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

COMMENTS:

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

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

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

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

Cr Messina had declared a Proximity Interest in this Item. He has Council approval to remain in the Chamber to participate in debate, but not vote.

10.2.1 Report No 5 - Streetscape Improvements - Scarborough Beach Road, Between Fairfield St & The Boulevarde, Mount Hawthorn

Ward:	North Perth	Date:	19 February 2008
Precinct:	Mt Hawthorn Centre P.2	File Ref:	TES0077
Attachments:	001		
Reporting Officer(s):	R Lotznicker,		
Checked/Endorsed by:	-	Amended by:	-

That the Council;

- (i) *RECEIVES report No 5 on the Proposed Streetscape Improvements for Scarborough Beach Road, between Fairfield Street and The Boulevarde, Mount Hawthorn;*
- (ii) *NOTES;*
 - (a) *the information contained in the report regarding project progress and additional funds required to complete the project;*
 - (b) *the total funds allocated in the 2007/2008 Budget for the Proposed Streetscape Improvements for Scarborough Beach Road, Mount Hawthorn, as outlined in attached plans Nos. 2152-DP-01 to 04 are \$662,500 and the revised estimated cost to implement the project is \$807,500 resulting in a funding shortfall of \$145,000;*
 - (c) *that the 2007/2008 budget also includes funds of \$212,000 for improvements to the section of Scarborough Beach Road, between Killarney and Green Streets;*
- (iii) *DEFERS the proposed improvement works in the section of Scarborough Beach Road between Killarney and Green Streets - as outlined in clause (ii)(a) - until 2008/2009;*
- (iv) *APPROVES BY AN ABSOLUTE MAJORITY to reallocate \$145,000 from the proposed Scarborough Beach Road project, between Killarney and Green Streets, to the Streetscape Improvements for Scarborough Beach Road, between Fairfield Street and The Boulevarde, Mount Hawthorn project and carries forward the remaining funds of \$67,000 to the 2008/2009 financial year; and*
- (v) *LISTS \$145,000 for consideration in the 2008/2009 draft budget to implement the proposed improvement works along Scarborough Beach Road between Killarney and Green Streets.*

COUNCIL DECISION ITEM 10.2.1

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Ker

That a new clause (vi) be added to read as follows;

- (vi) *REQUESTS that Plan No 2152-DP-03 be amended to show the retention of the mature tree (Corymbia citriodora) on the south east corner of the intersection of Coogee Street and Scarborough Beach Road.*

AMENDMENT PUT AND LOST (4-5)

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

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Lake

That the amount of \$50,000 allocated for the decorative road treatment at Flinders/Scarborough Beach Road (MRRG) be deleted from the program.

AMENDMENT PUT AND LOST (2-7)

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

MOTION PUT AND CARRIED
ABSOLUTE MAJORITY (7-2)

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

Note

Cr Messina advised the Council that he had just realised that he had declared a proximity interest in the item and did not have approval to vote (only to remain in the Chamber and participate in the debate). He apologised for his oversight.

The Presiding Member requested that the Item be re-committed. There was no dissention to this request.

PROCEDURAL MOTION

Moved Cr Ker, Seconded Cr Farrell

That the matter be recommitted (to allow the Item to be voted upon without Cr Messina).

PROCEDURAL MOTION CARRIED(9-0)

Cr Messina departed the Chamber at 9.33pm.

**MOTION PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (6-2)**

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

Cr Messina was out of the Chamber for reconsideration of the recommitted item and returned to the Chamber at 9.34pm.

PURPOSE OF REPORT:

The purpose of this report is to present a progress report to Council on the Mount Hawthorn Centre Precinct Upgrade, between Fairfield Street and The Boulevard.

BACKGROUND:

At its Ordinary meeting held on 24 October 2006, the Council received a further report on the Proposed Streetscape Improvements along Scarborough Beach Road through the Mount Hawthorn Centre Precinct, where the following decision was made:

"That the Council;

- (i) RECEIVES the further report on the Proposed Streetscape Improvements for Scarborough Beach Road, Mount Hawthorn;*
- (ii) APPROVES the implementation of the Scarborough Beach Road Streetscape Improvement Project between Fairfield Street to The Boulevard, as shown on attached Plans No. 2152-LS-01 and 2152-LS-02, estimated to cost \$480,000 subject to the litter bins being installed in close proximity to the bus stops locations;*
- (iii) SUPPORTS the footpath size being increased as a result of consultation between the proprietors of 173 Scarborough Beach Road and the Town; and*
- (iv) ADVISES the respondents of its decision."*

DETAILS:

The Mount Hawthorn Streetscape Upgrade Project has been progressing as follows:

- The trees '*pryus bradford*' (*Bradford Pear*) have been pre-ordered and are currently being on grown in a nursery. They will be at least 3.0m high when planted, giving an almost instantaneous streetscape effect.
- Officers placed an order with Western Power for the new lights in late 2006. Western Power subsequently advised that a new quotation would be required. The quotation was received in April 2007 and Western Power were given the go ahead immediately. \$55,000 had been allowed on budget for the works, however, the quotation was \$164,954 as we were advised new cables and upgraded power supply were required.
- In September 2007 Western Power finally commenced the works which were substantially completed in October 2007.
- Reinstatements carried out by the Town.
- A new bore was installed in the Coogee Street car park.
- Banner Poles have been ordered and are ready to be installed
- Works were placed on hold over the Christmas/New Year period.

In was intended to recommence the works in January 2008, however, the quotation for the installation of the reticulation exceeded the budgeted amount as the majority of the works requires to be micro tunnelled to minimise disruption and expedite the works*.

Note* For Safety and Health reasons the works along this section of Scarborough Beach Road require full lane closures and this can only be carried out outside normal working hours to minimise disruption to businesses along the strip.

In addition, there have been a number of other cost increases since 2006, resulting from material cost increases, changes to the scope of the design including the resurfacing works, central islands, bus embayment, decorative road treatment and traffic management.

CONSULTATION/ADVERTISING:

Residents/Businesses are advised via Information Bulletins of impending works.

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. "*(d) implement infrastructure upgrade programs, including streetscape enhancements, footpaths, rights of way and roads.*"

FINANCIAL/BUDGET IMPLICATIONS:

As previously reported to the Council, funds totalling \$480,000 were initially allocated in the 2006/2007 budget for the Mt Hawthorn Precinct Streetscape Upgrade. These funds were subsequently carried forward to 2007/2008.

In addition, the Town was successful in attracting grant funding of \$182,500 from Main Roads WA in 2007/2008 for the rehabilitation of this section of Scarborough Beach Road. Therefore, the Total Funds available for the project are \$662,500.

The current estimated cost to complete the project is \$807,500, therefore the funding shortfall is \$145,000.

The following table provides a comparison of 'estimated' costs for each of the upgrade options between 2006 and 2008:

Item	Estimated Cost 2006	Estimated Cost 2008	Comments
Replacement of existing streetlights with double outreach decorative lighting	\$55,000	\$165,000	<i>Completed</i>
Kerbing	\$15,000	\$25,000	<i>In progress</i>
Line Marking	\$4,000	\$15,000	<i>Not Commenced</i>
Road works (mill & fill)	\$89,000	\$158,000	<i>Not Commenced</i>
Reinstate / Extend central median islands	nil	\$28,000	<i>In progress</i>
Brick paving reinstatements	\$22,000	\$22,000	<i>In progress</i>
Construction of domestic bore,	\$15,000	\$15,000	<i>Completed</i>
Reticulation mainline and associated works	\$50,000	\$85,000	<i>Not commenced</i>
Removal / replacement of 'all' verge trees with alternative species	\$35,000	\$40,000	<i>In progress</i>
Garden beds	\$40,000	\$40,000	<i>Not commenced</i>
Centrally planted trees (including kerbing/bollards)	\$30,000	\$40,000	<i>Not commenced</i>
Litter Bins	\$8,000	\$12,000	<i>Not commenced</i>
Additional bicycle parking rails	\$1,500	\$1,500	<i>Not commenced</i>
Street Art Work	\$8,500	\$8,500	<i>Not commenced</i>
Bench Seats	\$7,000	\$10,000	<i>Not commenced</i>
Decorative fencing	\$25,000	\$25,000	<i>Not commenced</i>
Banner poles	\$18,000	\$27,500	<i>In Progress</i>
Decorative road treatment at Flinders / Scarborough Bch Rd (MRRG)	\$32,000	\$50,000	<i>Not commenced</i>
Traffic control / contingency	\$20,000	\$35,000	<i>In progress</i>
Design, survey, consultancy	\$5,000	\$5,000	<i>In progress</i>
Estimated Cost and Budget (2006)	\$480,000		
State Road Funding (2007/2008)	<u>\$182,500</u>		
Total Funds Budgeted	\$662,500		
Total Estimated project Cost (2007/2008)		\$807,500	
Estimated Current Budget Shortfall		<u>\$145,000</u>	

Scarborough Beach Road – Killarney Street to Green Street

The 2007/2008 includes funds of \$212,000 for improvements in this section of road. It is recommended that this project be deferred (until 2008/2009) and that;

- \$145,000 be reallocated the Mount Hawthorn Precinct Upgrade Project
- The remaining funds of \$67,000 be carried forward to 2008/2009; and
- Council lists \$145,000 for consideration to implement the improvement works along Scarborough beach road between Killarney and Green Streets in the 2009/2010 draft budget.

COMMENTS:

The success of the streetscape upgrades carried out in the Town to date suggests that most members of the community, be they businesses, visitors or residents, are very much in favour of these types of upgrading works.

Streetscape improvements not only improve the aesthetics of roadways but also reduce the liability on the Town resulting from ageing and unsafe footpaths and pavements.

The Council has given a commitment to complete the upgrade works in the Mount Hawthorn Shopping precinct and additional funds (as outlined in the report) are required to complete this project. It is therefore recommended that the officers recommendation be adopted.

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

Ward:	North	Date:	07 February 2008
Precinct:	Mt Hawthorn P1	File Ref:	RES0049
Attachments:	001		
Reporting Officer(s):	R Lotznicker, J van den Bok		
Checked/Endorsed by:		Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the progress report No 3 on the proposed redevelopment for Axford Park, Mount Hawthorn;*
- (ii) *NOTES that;*
 - (a) *the Automatic Public Toilet has now been installed and is expected to be commissioned by the end of February (early March) 2008;*
 - (b) *a demolition licence and quotations for the demolition of the existing toilet block have been finalised and the demolition will be undertaken in March 2008;*
 - (c) *with the delays experienced to date and advice received from Midland Monumental, who will be modifying and relocating the ANZAC memorial, it is not possible to have the War Memorial relocated to the new site by ANZAC Day, 25 April 2008; and*
 - (d) *additional funds of \$50,000 will be required to complete the project, as outlined on attached Plan No. 2446-CP-5C; and*
- (iii) *LISTS an additional \$50,000 in the 2008/2009 draft Capital Works budget to complete the redevelopment of Axford Park during 2008/2009 financial year.*

COUNCIL DECISION ITEM 10.2.2

Moved Cr Farrell, Seconded Cr Youngman

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Ker

That a new clause (iv) be added to read as follows:

- (iv) *DEFERS demolition of the toilet block until the monument is ready for installation.*

AMENDMENT PUT AND LOST (2-7)

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

MOTION PUT AND CARRIED (6-3)

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

PURPOSE OF REPORT:

The purpose of this report is to provide further information to the Council with regard to the timing and cost implications for the proposed redevelopment of Axford Park in Mt Hawthorn.

BACKGROUND:

At the Ordinary Meeting of Council held on the 12 June 2007, a further report No 2 on the proposed redevelopment of Axford Park was presented to the Council where it was resolved:

"That the Council;

- (i) *RECEIVES the further report No 2 on the proposed redevelopment for Axford Park, Mount Hawthorn;*
- (ii) *NOTES that;*
 - (a) *the Mount Hawthorn RSL have been consulted regarding the proposed relocation of the memorial, fully support the proposal and their comments and input have been incorporated in the attached revised Plan No 2448-CP-5A;*
 - (b) *the revised estimated cost of the proposal as outlined on attached Plan No 2448-CP-5B is \$205,000;*
 - (c) *funds totalling \$175,000 will be available in the 2007/2008 Budget to implement the proposal; and*
 - (d) *the planting of waterwise shade trees under-planted with waterwise landscaping, including bird attracting native plants, is not supported as this proposal is not considered to be appropriate in the context of the Axford Park proposal for the reasons outlined in the report;*

- (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*
- (b) *determines the additional funds required to complete the project once the works as outlined in clause (iii)(a) have been completed; and*
- (iv) *RECEIVES a further report outlining additional funds required to complete the project as per clause (iii)(b)."*

DETAILS

Automatic Public Toilet

The automatic public toilet has now been located on site at Axford Park after extensive delays in both the construction of the unit and shipping from New Zealand.

Power supply to the toilet has been connected through existing lighting conduits; however, the Water and Sewer connections are taking considerably longer than first anticipated, due to the extensive underground services network running through the park and the requirement to manually dig all trenches, particularly around fibre optic cables running to the adjacent telephone exchange.

Following recent discussions with the contractors, it is anticipated that the toilet will be fully operational by the end of February/early March 2008.

The Town's Engineering Operations will also be constructing an accessible path from the existing footpaths along Hobart Street and Scarborough Beach Road to the new toilet.

Demolition of Existing Toilet Block

Quotations for the demolition of the old toilet block have been received and the Town's Building section have provided a demolition licence to the successful contractor.

Demolition of the building is likely to take only two to three days and will be undertaken in March 2008.

Following the demolition and due to the fact that it is not possible to now relocate the memorial prior to ANZAC Day 2008, some remedial landscaping works will be required on the former toilet block site to make the area safe and usable.

Relocation of War Memorial & Associated Landscaping:

The Town's staff have met with the original suppliers of the war memorial, Midland Monumental, who are confident that the memorial can successfully be relocated to the new site and an extension provided as advised in previous reports to the Council.

The site of the new memorial requires a significant footing that will have to be carefully constructed between two (2) fibre optic cables and adjacent to a medium pressure gas main.

This work will require representatives on site from the respective service authorities and from past experience this will take time to coordinate and arrange a convenient date for all parties to be on site.

In addition, earthworks and a retaining structure will need to be carefully undertaken. Officers are liaising with Midland Monumental for the extension and relocation of the memorial to the proposed new site. Once completed, the landscaping will be finalised and various electrical outlets provided within the park for the set up of future ANZAC Day events.

A contingency sum has been allowed for in this project in case of any extra costs that may be required due to the numerous valuable communications cables and other underground services that are within close proximity to the works.

Revised Estimated Costs:

A total amount of \$175,000 has been included in the 2007/08 capital works budget to undertake this project. At the Ordinary Meeting of Council held on 12 June 2007 it was reported that the modified option 2 Plan No 2446-CP-5A would cost in the order of \$205,000.

With the significant increase in building costs over the past few years, the total budget required to complete this project is now \$225,000. Therefore, additional funds of \$50,000 are required to be allocated in the 2008/2009 draft budget to complete this project, as outlined on attached Plan No. 2446-CP-5C.

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*".

FINANCIAL/BUDGET IMPLICATIONS:

As indicated above, the existing budget for the Axford Park redevelopment project is \$175,000 and the total cost of the project has now been estimated at \$225,000. Therefore, an additional \$50,000 is required to complete the project as follows:

With the costs for the supply and installation of the toilet and demolition of the existing toilet now finalised, a more accurate assessment can be made of the costs associated with completing this project as follows:

Stage 1 - Works to be completed prior to ANZAC Day - 25 April 2008

• Supply & Installation of new Automatic Public Toilet	\$124,000
• Installation of accessible paths	\$ 3,000
• Demolition of Existing Toilet Block	\$ 6,600
• Remedial Landscaping works and site clean up	\$ 4,400
Total	\$138,000

Stage 2 - Works estimated to be completed by July 2008

• Concrete base for Memorial	\$ 3,000
• Relocation of War Memorial	\$ 28,000
• Extension to War Memorial	\$ 9,500

• Earthworks	\$ 3,500
• New paving	\$ 20,000
• Retaining walls	\$ 3,000
• Landscaping/turf/reticulation	\$ 6,500
• Associated Electrical Works	\$ 5,500
• Contingency/supervision	<u>\$ 8,000</u>
Total	\$ 87,000

Note: Total Cost of Stages 1 & 2 of Axford Park Redevelopment Project - \$225,000

COMMENTS:

As previously reported to the Council, during the consultation process the majority of the respondents were in favour of some form of redevelopment at Axford Park and the RSL strongly supported the relocation the war memorial.

In view of the above, it is recommended that the additional funding of \$50,000 be supported and the works as outlined be completed as soon as possible, therefore being well established and in readiness for ANZAC Day 2009.

10.2.3 Request for Additional Parks "Outdoor Exercise Equipment"

Ward:	Both	Date:	7 February 2008
Precinct:	All	File Ref:	RES0039;RES0068
Attachments:	-		
Reporting Officer(s):	J van den Bok		
Checked/Endorsed by:	R Lotznicker	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report in relation to the request for the installation of additional park "Outdoor Exercise Equipment" following receipt of a petition from residents in North Perth;*
- (ii) *NOTES that the "Outdoor Exercise Equipment" listed on the 2007/2008 budget and approved by Council at its Ordinary Meeting held on 23 October 2007 is ordered and expected to be installed in March 2008;*
- (iii) *LISTS for consideration, a total of \$80,000 on the 2008/2009 draft Capital Works budget for the supply and installation of the following Outdoor Exercise Equipment;*
 - (a) *One (1) x full set of "Outdoor Gym Equipment" (8 items);*
 - (b) *One (1) x full set of "Life Trail" Equipment (10 items);*
- (iv) *RECEIVES a further report on the proposed locations for the above equipment should these items be approved and included in the 2008/2009 budget; and*
- (v) *ADVISES the petitioners of the Council's resolution.*

Moved Cr Farrell, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Lake, Seconded Cr Messina

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

- (vi) *REQUESTS that the Chief Executive Officer prepares a report by June 2008 on the placement of exercise equipment in parks throughout the Town, stating the following;*
 - *objectives in providing exercise equipment;*
 - *the target users;*

- *the benefits of different types of equipment; and*
- *the suitability of locating equipment in each park to achieve the stated objectives, taking into account available space, demography of the park users, heritage and any other relevant issues.*

AMENDMENT PUT AND CARRIED (7-2)

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

MOTION AS AMENDED PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 10.2.3

That the Council;

- (i) *RECEIVES the report in relation to the request for the installation of additional park "Outdoor Exercise Equipment" following receipt of a petition from residents in North Perth;*
- (ii) *NOTES that the "Outdoor Exercise Equipment" listed on the 2007/2008 budget and approved by Council at its Ordinary Meeting held on 23 October 2007 is ordered and expected to be installed in March 2008;*
- (iii) *LISTS for consideration, a total of \$80,000 on the 2008/2009 draft Capital Works budget for the supply and installation of the following Outdoor Exercise Equipment;*
 - (a) *One (1) x full set of "Outdoor Gym Equipment" (8 items);*
 - (b) *One (1) x full set of "Life Trail" Equipment (10 items);*
- (iv) *RECEIVES a further report on the proposed locations for the above equipment should these items be approved and included in the 2008/2009 budget;*
- (v) *ADVISES the petitioners of the Council's resolution; and*
- (vi) *REQUESTS that the Chief Executive Officer prepares a report by June 2008 on the placement of exercise equipment in parks throughout the Town, stating the following;*
 - *objectives in providing exercise equipment;*
 - *the target users;*
 - *the benefits of different types of equipment; and*
 - *the suitability of locating equipment in each park to achieve the stated objectives, taking into account available space, demography of the park users, heritage and any other relevant issues.*

PURPOSE OF REPORT:

The purpose of this report is to seek approval of funding for additional Parks "Outdoor Exercise Equipment".

BACKGROUND:

At the Ordinary Meeting of Council held on 23 October 2007 a further report was presented in relation to the installation of Outdoor Exercise Equipment where it was resolved:

"That the Council;

- (i) RECEIVES the further report in relation to the installation of "Outdoor Exercise Equipment";*
- (ii) APPROVES the installation of four (4) items of "Outdoor Gym Equipment" in each of the following locations (shown also as laid on the table);*
 - (a) Robertson Park - South Ward (refer attached plan Appendix 10.2.2A); and*
 - (b) Britannia Rd Reserve - North Ward (refer attached plan Appendix 10.2.2B);*
- (iii) APPROVES the installation of three (3) items of "LifeTrail Equipment" in each of the following locations;*
 - (a) Banks Reserve - South Ward (refer attached plan Appendix 10.2.2C); and*
 - (b) Britannia Rd Reserve - North Ward (refer attached plan Appendix 10.2.2B);*
- (iv) ADVISES the Precinct Groups of its decision; and*
- (v) INVESTIGATES holding induction sessions for interested residents at one or more of the outdoor equipment locations and receives a further report on this matter when a proposal/s has been developed."*

As indicated above, the equipment is ordered but unfortunately due to the backlog of orders, Forpark Australia (Outdoor Gym Equipment) and Miracle (LifeTrail Equipment) are unable to supply for some 16 weeks. Therefore, the equipment will be installed some time in March 2008 in the locations identified.

In relation to point (v) above, the Manager Parks Services as spoken with the Manager Beatty Park Leisure Centre and, following the installation of the equipment, an induction session(s) will be organised with a personal trainer from Beatty Park at a location to be advertised in due course.

DETAILS:

A petition was received by the Town on 4 January 2008, signed by 26 residents who live in the park bounded by Ellesmere, Selden and Eton Streets, North Perth (Ellesmere Street Reserve), requesting the installation of an exercise circuit within the park.

Ellesmere Street Reserve is well patronised following the recent upgrade of the playground and playground equipment. The playground is securely fenced and families are regularly seen at the park playing and exercising together.

As with many other playground locations within the Town, with the children now having a secure fun area to utilise, the parents see the opportunity to undertake exercise and an exercise circuit or specialised exercise equipment located adjacent or near the playground provide them with the motivation and convenience.

Following the introduction and installation of the Outdoor Gym Equipment within the Town of Victoria Park several years ago, the Town has received numerous requests for similar items to be installed at local parks.

Other areas where requests have been received for the equipment are as follows:

- Auckland / Hobart Street Reserve
- Keith Frame Reserve
- Hyde Park
- Forrest Park
- Loton Park
- Leederville Oval (public open space)
- Beatty Park Reserve
- Les Lilleyman Reserve

In view of the above demand, the level of use, and the benefits that these items provide to the health and well being of persons, it is recommended that the Council consider providing additional funding in the 2008/2009 capital works budget to install additional exercise equipment.

CONSULTATION/ADVERTISING:

Consultation with representatives of the local precinct groups will be undertaken to determine the location/orientation of the proposed equipment should this be approved.

It should be noted that the Town has written to all precinct groups in regard to the equipment to be installed shortly at Robertson Park, Banks Reserve, and Britannia Road Reserve (south) and requested that they make contact with the Manager Parks Services if they have a preference for the location or orientation of the Outdoor Exercise Equipment.

To date not one response has been received and therefore the equipment will be installed at the locations marked on the plans presented at the Ordinary Meeting of Council held on 23 October 2007.

LEGAL/POLICY:

Nil

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.”*

FINANCIAL/BUDGET IMPLICATIONS:

Following price increases in materials during the past year, the suppliers have advised that the cost for the supply and installation of the Outdoor Exercise Equipment is now as follows:

- Outdoor Exercise Equipment – (8 items installed including rubber soft fall) - \$30,000.00
- Life Trail Equipment – (10 items installed with concrete pads) - \$50,000.00

COMMENTS:

As advised previously, the Outdoor Exercise Equipment has proven extremely popular with local communities within the Town and the demand for additional equipment has not ceased.

It is therefore recommended that the Council lists an amount of \$80,000 on the draft 2008/09 capital works budget to provide further equipment at locations to be determined.

10.2.5 Progress Report No 1 - Drinking Water Initiatives

Ward:	Both	Date:	07 February 2008
Precinct:	All	File Ref:	TES0578
Attachments:			
Reporting Officer(s):	J. van den Bok; J. Lockley; S. Teymant; Bennett		
Checked/Endorsed by:	R Lotznicker;	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report in relation to Drinking Water Initiatives within the Town of Vincent;*
- (ii) *NOTES the comments from the Town's officers in relation to feasibility/impact of implementing the various drinking water initiatives outlined;*
- (iii) *LISTS appropriate funding in the 2008/2009 draft Capital Works budget to install additional drinking fountains in locations to be identified within parks, streetscapes and Town Centres;*
- (iv) *INVESTIGATES further options for the supply of water at Town of Vincent supported outdoor functions however, in the interim, continues to supply bottled water at outdoor functions and Beatty Park Leisure Centre for the reasons outlined within the report;*
- (v) *IMPLEMENTS appropriate measures to facilitate the recycling of plastic (and other containers) at the Town's events and at the Beatty Park Leisure centre; and*
- (vi) *RECEIVES a further report upon receipt of additional information.*

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Ker, Seconded Cr Maier

That the following amendments be made to the Officer Recommendation;

- *clause (iv) be amended to delete the words "for the reasons outlined within the report"; and*
- *clause (vi) be amended to include the words "with comprehensive information on options of practice and experience of other local governments in Australian and overseas and clear recommendations by the end of March 2008".*

AMENDMENT PUT AND CARRIED (5-4)

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

AMENDMENT

Moved Cr Maier, Seconded Cr Ker

That a new clause (vii) be added to read as follows;

- (vii) *investigates the sale of reusable bottles and the provision of free cold water at Beatty Park Leisure Centre in lieu of the sale of bottled water. Such an investigation should include the promotional opportunities for promoting Beatty Park as taking leadership for environmental responsibility.*

AMENDMENT PUT AND LOST (4-5)

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

MOTION AS AMENDED PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 10.2.5

That the Council;

- (i) *RECEIVES the report in relation to Drinking Water Initiatives within the Town of Vincent;*
- (ii) *NOTES the comments from the Town's officers in relation to feasibility/impact of implementing the various drinking water initiatives outlined;*
- (iii) *LISTS appropriate funding in the 2008/2009 draft Capital Works budget to install additional drinking fountains in locations to be identified within parks, streetscapes and Town Centres;*
- (iv) *INVESTIGATES further options for the supply of water at Town of Vincent supported outdoor functions however, in the interim, continues to supply bottled water at outdoor functions and Beatty Park Leisure Centre;*
- (v) *IMPLEMENTS appropriate measures to facilitate the recycling of plastic (and other containers) at the Town's events and at the Beatty Park Leisure centre; and*
- (vi) *RECEIVES a further report with comprehensive information on options of practice and experience of other local governments in Australian and overseas and clear recommendations by the end of March 2008.*

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the recent investigations by staff into the feasibility of identifying and implementing alternative and/or additional drinking water supplies/initiatives within the Town.

BACKGROUND:

At the Ordinary Meeting of Council held on 18 December 2007, a Notice of Motion was presented by Cr Ian Ker, where it was resolved:

That the Town of Vincent:

- (i) in line with the recent decisions by many US cities, the New South Wales Department of Environment and Climate Change, the City of Manly (NSW) and the NSW Local Government Association, ceases to purchase single-serve bottles of water on environmental grounds;*
- (ii) investigates the feasibility of;*
 - (a) installing more public drinking fountains in town centres, parks and recreation reserves and other public places; and*
 - (b) following the example of the City of Cologne (Germany) in providing temporary water stations at Town of Vincent-supported outdoor functions (such as the Hyde Park Fair, Leederville Street Festival and Concerts in the Park);*

with a report to be considered by Council in February 2008; and
- (iii) a Marketing Campaign be developed to promote any identified drinking water initiatives and sustainability benefits.*

DETAILS:

The Town's officers have investigated the feasibility of implementing alternative and/or additional drinking water supplies/initiatives within the Town and the following information is provided.

Drinking Fountains

Comments from the Parks Services Section

Over 50% of the Town's parks and reserves have drinking fountains and all major park/reserve areas have at least one drinking fountain strategically placed near playgrounds or active sports areas.

A total of thirty five (35) drinking fountains are installed within the Town, however, very few have been located within Town Centres or as part of existing streetscape upgrades.

In view of the above, it is recommended that as part of the ongoing Parks/Street Furniture Upgrade Program, appropriate funds be allocated in future budgets to install additional drinking fountains where appropriate water supply points can be accessed.

In addition to the above, the Town's Community Development section have been allocating funding to implement recommendations of the Dog Study which has included the installation of combination drinking/dog fountains within parks.

To date only one (1) has been installed at the southern end of Britannia Road Reserve and two (2) others ordered for installation at Forrest Park and Banks Reserve.

Bottled Water

The purchase of water bottles for Council functions/meetings held at the Administration and Civic Centre has ceased and refrigerated/filtered water from the existing bar area will be provided in carafes as was previously the case.

Comments from the Beatty Park Leisure Centre

Beatty Park sold 15,000 bottles of water in 2006. Whilst the figure for 2007 has not been determined as yet, it would be around the same number of bottles (if not higher).

Revenue of \$27,000 per annum, is obtained from the sale of water (in bottles) at the leisure Centre. Therefore, if the sale of water was removed, this would have an impact on Beatty Park's revenue.

There is an existing drinking fountain located at the leisure centre so users of the centre already have the choice to either purchase water bottles, refill water bottles or drink from the fountain.

Comments from Environmental Officer

If the change is made from supplying a single use plastic bottle to supplying water stations, a single use cup or beverage container will still need to be supplied with a likelihood of generating a larger amount of waste from 'single use' cups. Although the cup is generally smaller in size than a water bottle and not designed for reuse, people would often use more than one cup throughout the day. In addition, if the cup is not collected and recycled, then waste is still being created.

If a water station is provided, it is important to choose the most sustainable material for the cup or beverage container to have the least environmental impact. Comparisons would need to be made between single use paper, plastic and polystyrene foam beverage containers.

If the decision is made to continue to supply water bottles at events, promotion of reuse of the bottles and collection of the bottles for recycling will be required to ensure sustainability.

There are considerable energy savings if the plastic bottles are recycled, which would make the supply of the water bottles more environmentally friendly and sustainable.

The energy saved by recycling one (1) plastic drink bottle (of any beverage) will power a computer for 25 minutes. Recycling 41 plastic drink bottles is equivalent to the energy required to run a refrigerator for one (1) hour.

Producing new plastic from recycled material uses only two thirds of the energy required to manufacture plastic from virgin materials (oil and other fossil fuels).

The reduction of plastic bag use is considered to be a more pressing issue as, for example, the energy consumed by driving a car one kilometre is the equivalent of manufacturing nine (9) plastic bags, or the energy used to make two (2) plastic bags is 1,470kJ of natural gas, petroleum and coal.

Comments from the Community Development Section

In 2006 the Town received sponsorship for Active Vincent Day, with 500 bottles of free water from the Water Corporation. In 2007 the sponsorship program was discontinued as outlined in comments below from the Water Corporation and drinks were supplied by an on site vendor at no cost to the Town.

In 2007, 250 x 750ml bottles of water were distributed at the Mayor's barbecue, at a cost of \$1.50 per bottle, amounting to a \$350 profit for the event.

Comments from the Health Services Section

The issue of trying to eliminate bottled water at events is admirable on environmental grounds, but contentious from a public health point of view. Water, as with alcohol and soft drinks, is considered a product of choice and when compared with alcohol and soft drink, it is by far the healthier option.

Another key consideration associated with bottled water is that the product is usually refrigerated, with refrigerated water being preferred by many. If people are unable to purchase bottled water, it is likely that they will opt for a fruit juice, cool drink or alcohol, which will not quench their thirst as effectively. This in turn will likely result in the purchase of a further packaged drink (now 2 packages), in an endeavour to quench the thirst that would have been extinguished with just one bottle of water.

Should alternative water sources be provided at events, there is no guarantee they will be utilised by bottled water users, as intended. This combined with the potential for the production of even more waste (due to the example provided above), has lead Health Services to recommend exercising caution in relation to such commitments.

In order to determine the impact on the amount of waste created at community events where non-packaged water is provided, versus those events where packaged water is provided, it is further recommended that the quantity of packaged drinks produced at each event type be analysed at future events to quantify the reality of the initiative. Issues such as the event target group, number of attendees, weather conditions and duration would need to be considered to ensure that such an undertaking is accurately indicative.

In terms of allaying the environmental impact in relation to the amount of package waste produced by bottled water, this could be overcome by having event organisers commit to ensuring that all bottles, cans and other recyclable products, were in fact recycled.

From a public health perspective, sterile, packaged water is preferable to manually dispensed options, due to the reduced potential for the contamination of the water source. Although such risks are likely to be minimal - as potable water source is chlorinated - the risk of packaged water is even lower, and therefore the option endorsed from a Public Health viewpoint.

Comments from Water Corporation

Over the past seven (7) years, most of the Water Corporation's support was provided "in-kind" through the provision of "Refreshing WA Water" - their own brand of bottled tap water. This promotional item was particularly popular and assisted in supporting thousands of community events, causes and volunteers. The Water Corporation has decided that the Refreshing WA Water program will no longer operate in the Perth metropolitan area.

They have stopped supplying bottled water because they did not feel it was sustainable or environmentally friendly. Producing disposable plastic water bottles uses extensive resources and creates pollution and also the bottles are often not recycled and add to land fill.

They still have an extensive corporate, stakeholder and community sponsorship program and sponsor many events and organisations. The funds from the bottled water program are being channelled into an ongoing sponsorship program.

Comments from the Local Government Association (LGA)

The LGA 2007 Annual Conference resolved as follows:

71 – City of Manly-Impact of Plastic Bottles

1. That the Association, working through the Boomerang Alliance, mounts a campaign addressing the increasing consumption of bottled water, the proliferation of plastic water bottles, and the serious toll on the environment. Such a campaign should include the issues of resource conservation, waste management, container deposit legislation, extended producer responsibility and greenhouse emissions.
2. That the Association lobbies State and Federal Governments to have the life cycle ecological impact of products assessed and identified to consumers through a clear, consistent, agreed set of indicators and symbols. This system needs to be based on quantifiable criteria developed in consultation with major stakeholders including consumer groups, Local Government and industry.

Temporary Water Stations

Comments from the Community Development Section

Over ten (10) water event supply businesses have been contacted and they advised they had no knowledge of any firm that supplied portable 'tap water', however, there was a large number of companies that supplied bottled water.

It was suggested that a solution may be engineered with a truck, trailer combination or tap fittings to fit onto the water mains.

Note: The City of Manly was contacted, but having only also recently resolved that bottled water would not be purchased they too have not found an alternative as yet.

Comments from Environmental Officer

Information has been received on Atmospheric Water Generators (AWGs) as an alternative water supply at Council outdoor functions. This idea will be further investigated and, if deemed a practicable option, these can be hired or purchased.

The capacity of the AWGs is determined by what they can produce in a 24 hour period and dependent on the level of atmospheric humidity.

All of the machines can be powered from a generator if mains power is not available and for additional production the machines can be banked to whatever capacity is required.

The cost per litre compared with bottled water, including the maintenance for the machine plus the power, works out to be approximately 0.08c per litre of water.

At this stage the company contacted has not yet provided AWGs for any event, however, they are very interested in taking it to the next step of designing a trailer with one or more AWGs to produce pure drinking water. They are looking at providing a trailer or trailers depending on volumes required, however at this stage looking at providing between 500 and 1,000lt of water per trailer.

The cost of purchasing AWG's with a generator is as follows:

- 20 litre AWG \$2,500.00
- 40 litre AWG \$3,660.00
- 60 litre AWG \$4,360.00
- 90 litre AWG \$5,550.00
- 400litre AWG \$11,990.00

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.1.4 Minimise negative impacts on the community and environment “g) *Minimise the impact of environmental pollution.*”

FINANCIAL/BUDGET IMPLICATIONS:

As indicated above, funding will be allocated in the 2008/09 draft Capital Works budget to supply and install additional drinking fountains within parks, streetscapes and Town Centres.

COMMENTS:

In view of the difficulty officers have had in identifying an alternative water source for the Town's outdoor functions, and the financial impact of not supplying bottled water may have on Beatty Park Leisure Centre, it is recommended that bottled water be continued to be supplied in the short to medium term until a practicable and sustainable option can be identified.

It is considered that public place recycling be implemented at events where a recycling bin for plastic bottles is supervised and the public attending are aware of the recycling bin.

The Presiding Member advised the Meeting that the time was almost 10.00pm and in accordance with Council Policy an extension of time was necessary to consider the remaining items.

PROCEDURAL MOTION

At 9.59pm Moved Cr Burns, Seconded Cr Farrell

That the meeting be extended for a further 15 minutes.

CARRIED (9-0)

The Chief Executive Officer advised that Mayor Catania, Cr Burns and Cr Messina had declared a financial interest in Item 10.3.1. They departed the Chamber at 10.00pm and did not speak or vote on this matter.

Deputy Mayor, Cr Steed Farrell assumed the chair.

10.3.1 Investment Report as at 31 January 2008

Ward:	Both	Date:	5 February 2008
Precinct:	All	File Ref:	FIN0033
Attachments:	001		
Reporting Officer(s):	N Makwana		
Checked/Endorsed by:	Bee Choo Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Investment Report for the month ended 31 January 2008 as detailed in Appendix 10.3.1.

COUNCIL DECISION ITEM 10.3.1

Moved Cr Maier, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (6-0)

Mayor Catania, Cr Burns and Cr Messina were absent from the Chamber and did not speak or vote on this matter.

Mayor Catania, Cr Burns and Cr Messina returned to the Chamber at 10.01pm.

Mayor Catania assumed the Chair.

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the level of funds available, the distribution of surplus funds in the short term money market and the interest earned to date.

BACKGROUND:

Interest from investments is a significant source of funds for the Town, where surplus funds are deposited in the short term money market for various terms. Details are attached in Appendix 10.3.1.

Council's Investment Portfolio is spread across several Financial Institutions in accordance with Policy Number 1.3.8.

DETAILS:

Total Investments for the period ended 31 January 2008 were \$18,799,958 compared with \$19,235,726 at 31 December 2007. At 31 January 2007, 18,745,252 were invested.

Total accrued interest earned on Investments as at 31 January 2008:

	BUDGET	ACTUAL	%
	\$	\$	
MUNICIPAL	535,000	415,529	77.67
RESERVE	547,600	363,564	66.39

COMMENT:

As the Town performs only a custodial role in respect of monies held in Trust Fund Investments these monies cannot be used for Council purposes, and are excluded from the Financial Statements.

The decrease in investments for the month of January is as a result of payments for capital projects.

10.4.2 Statutory Review of Local Laws - Proposed New Trading in Public Places Local Law 2008

Ward:	-	Date:	22 Feb 2008
Precinct:	-	File Ref:	LEG0026
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *NOTES that pursuant to Section 3.16 of the Local Government Act 1995 the Town has advertised its local law and that no submissions were received at the close of the statutory (6) week public consultation period; and*
- (ii) *pursuant to Section 3.12 of the Local Government Act 1995 APPROVES BY AN ABSOLUTE MAJORITY to ADOPT a new Local Government Trading in Public Places Local Law 2008 as shown in Appendix 10.4.2 to provide for the regulation, control and management of outdoor eating facilities, stalls, traders and entertainers in any street or public place within the district by establishing the requirements with which persons must comply in order to undertake those activities.*

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Lake

That the following amendments be made;

- (c) *page 16 – 2.26(d) and new (e)*
 - “(d) not display any advertising sign on a footpath within ~~30ems~~ 500 millimetres of the kerb ~~or more than 120ems from the kerb, so as to;~~*
 - (e) ensure the free passage of persons using a footpath.”*
- (d) *page 31 – Schedule 1 – 2.26(d) and new (e)*
 - “(d) Failing to display the advertising sign more than 500 millimetres between 30em and 120em from the kerb ... \$100”*
 - (e) Failing to ensure free passage of persons using a footpath ... \$100”*

Debate ensued.

AMENDMENT PUT AND LOST (4-5)

For

Cr Farrell
Cr Lake
Cr Maier
Cr Messina

Against

Mayor Catania
Cr Burns
Cr Doran-Wu
Cr Ker
Cr Youngman

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

FURTHER REPORT:

At the Council Meeting held on 12 February 2008, the Council considered this matter and resolved as follows;

That the Item be DEFERRED until the next meeting and that the Chief Executive Officer consider the amendments suggested by Cr Maier.

The suggested amendments have been considered as follows;

(a) page 11 – 2.10(3)

“(3) A person under the age of 14 years is not *to* perform unless authorised by the local government.”

CEO’s Comment:

This is supported. The Local Law has been amended to include the new wording.

(b) page 12 – 2.14(2)(i) and (h)

“(i) allow any person under the age of 14 years to perform during school hours on school days or between 7pm one day and 6am the following day unless authorised by the local government.”

“(h) solicit money from members of the public unless authorised by the local government.”

CEO’s Comment:

This is supported. The Local Law has been amended to include the new wording.

(c) page 16 – 2.26(d) and new (e)

“(d) not display any advertising sign on a footpath within ~~30cms~~ 500 millimetres of the kerb ~~or more than 120cms from the kerb, so as to;~~

(e) ensure the free passage of persons using a footpath.”

CEO's Comment:

The new sub-clause (e) is supported and the Local Law has been amended accordingly.

The new sub-clause (d) is not supported.

The reference to the two distances is to ensure that any sign is located in the area between 500mm and 1200mm from the kerb. If the 1200mm is removed, this will then allow any signs to be located on the footpath (providing they "ensure the passage of persons using the footpath". For example, it will allow signs to be placed against a building.

Following the introduction of the original "Display of Signs" Local Law, the Town was approached by the Disability Services Commission indicating that signs against the building line posed a danger to people with a severe visual impairment, who make use of a white stick, because they are taught to use the outer building wall and the footpath to maintain their bearings.

Accordingly, the Town's Administration consider the existing sub-clause (d) should remain unchanged.

(d) page 31 – Schedule 1 – 2.26(d) and new (e)

“(d) Failing to display the advertising sign more than 500 millimetres between 30cm and 120cm from the kerb ... \$100”

(e) Failing to ensure free passage of persons using a footpath ... \$100”

CEO's Comment:

Sub-clause (e) is supported and the Local Law has been changed accordingly. Sub-clause (d) is not supported for the reasons mentioned above.

PURPOSE OF REPORT:

The purpose of the report is to advise Council that no submissions were received at the conclusion of the six (6) week statutory public consultation period of the proposed review of the Town's Local Law and for the Council to adopt the revised Local Government Property Local Law.

BACKGROUND:

At the Ordinary Meeting of Council held on 8 May 2007, the Council considered the matter and resolved to approve of a new Local Law and advertise this for public consultation.

The revised Local Laws was re-advertised in November 2007 and submissions closed in January 2008.

As part of the consultation process comments were received from the Department of Local Government as follows:

1 Cover Page and Preamble

The Town should amend the year at the end of the title and preamble of the local law so that it reflects the year in which the local law is made e.g. in this case so that it reads '*Trading in Public Places Local Law 2008*'.

The date clause needs to be changed to reflect the year in which the resolution to make the local law is made. i.e. "Town of Vincent resolved on..... 2008".

CEO's Comment:

This amendment is accepted. This amendment is to reflect the year of adoption. It does not affect the local law in any way.

2 Interpretation (Clause 1.6)

In the definition of "vehicle", you refer to 'a vehicle described in the First Schedule to the *Road Traffic Act 1974*'. This Schedule does not appear to exist (anymore) in the Road Traffic Act.

CEO's Comment:

This amendment is accepted and the reference to the First Schedule has been deleted.

3 Clause 2.8(1)(d)

It would appear that while the repeal of the *Weights and Measures Act 1915* is via the *Trade Measurement Administration Act 2006*, the provisions in relation to certification of measuring instruments are in the *Trade Measurement Act 2006*. Kindly check this reference.

CEO's Comment:

This amendment is accepted. The correct title of the specified Legislation has been used.

4 General

Proposed clause 6.1(2) repeats a Local Government Act provision (section 9.12) but makes it into an offence for which a ranger could give out an infringement notice penalty of \$250. This is not appropriate as the offence is already in the Act and, under the Act, the offender needs to be taken to court for prosecution. This proposed penalty and clause should be removed from your local law as it is inconsistent with the current Act provision.

CEO's Comment:

This amendment is accepted. The offending clause has been deleted. Any actions will be taken under Section 9.12 of the Act.

Comment 15 related to ouster clauses. The Parliament's JSCDL notes that section 9.56 of the Act does provide protection from personal liability in tort to councillors, council employees and agents who perform acts or omissions in good faith. However, this protection cannot be extended to **'the local government'** i.e. you cannot include provisions preventing a local government itself from being sued by someone for a cause of action recognised by common law or statute. Please review, for example, the wording of clause 6.3 and 5.2(4) to ensure they are not beyond the power of the Act.

CEO's Comment:

This amendment is accepted. All reference to "the local government" in these clauses has been deleted.

Comments 13(dot point 2) and 16 related to reversal of the onus of proof. For example, the JSCDL previously asked a local government to delete wording similar to your proposed clause 6.4(2). A copy of the JSCDL's 9th Report is attached for your reference. Please see item 5 page 9-10 for an explanation of the JSCDL's concerns. It is recommended that you review clauses 2.30(3) and 6.4(2) and consider their deletion.

CEO's Comment:

This amendment is accepted. The offending clauses have been deleted.

Minor formatting and several typographical errors have also been corrected throughout the draft local law. These do not affect the legality of the local law.

DETAILS:

A review of all the local laws has been carried out by the Town's officers. The Town has used the Western Australian Local Government Association's (WALGA's) Model Local Laws and modified them to suit the Town's requirements. The Model Local Laws have been approved by the Parliamentary Joint Standing Committee on Delegated Legislation and therefore have been previously checked for legal compliance. The Town has also reviewed a number of other local government's local laws.

The process has taken longer than anticipated due to the review being carried out "*in-house*" by the Town's officers.

Trading in Public Places Local Law

This Local Law replaces the following existing local laws and amalgamates them into one new local law:

- *Alfresco Dining*, published in the Government Gazette of 30 April 1998;
- *Display of Items on a Footpath*, published in the Government Gazette of 14 June 2000 and amendments; and
- *Street Trading*, published in the Government Gazette of 22 December 1998.

Part 1 - Preliminary

This part includes all the statutory requirements of citation, objective, commencement, repeal and application of the local law. The Interpretation clause is expanded to include a more comprehensive list of definitions.

The fees and charges prescribes the current process.

Part 2 - Trading in Thoroughfares and Public Places

2.1 Definitions

2.2 *Stallholder's permit* - this is similar to the Town's current local law.

2.3 *Trader's permit* - this is new and allows for traders to apply for a licence.

2.4 *No permit required to sell newspapers* - this is the same as the Town's current local law.

2.5 *Matters to be considered in determining application* - this is similar to the Town's current local law.

2.6 *Conditions of permit* - this is similar to the current local law.

2.7 *Exemptions from requirement to pay fee* - this is a new clause and gives discretion to the Town to exempt charitable organisations from fees.

2.8 *Conduct of stallholders and traders* - this is similar to the Town's current local law.

2.9 Definitions

2.10 *Entertainer's permit required to perform* - this is a new provision (based on the City of Perth local law) and allows for an Entertainers Permit to allow people to perform in a public place.

2.11 *Variation of permitted area and permitted time* - this is a new clause, (based on the City of Perth local law) and allows a local government to vary a permit.

2.12 *Duration of permit* - this is a new clause (based on the City of Perth local law) – specifies times.

2.13 *Cancellation of permit* - this is a new clause (based on the City of Perth local law) allows for the cancellation of a permit.

2.14 *Obligations of permit holder* - this is a new clause, (based on the City of Perth local law) and prescribes conditions of obligation.

2.15 Definitions

2.16 *Permit required to conduct an outdoor eating area* - this is a new clause (based on the City of Perth local law) and prescribes the need for a permit.

2.17 *Matters to be considered in determining application* - this is a new clause (based on the City of Perth local law) – prescribes matters for a local government to consider.

- 2.18 *Obligations of permit holder* - this is a new clause (based on the City of Perth local law) – prescribes conditions for permit holders.
- 2.19 *Removal of an outdoor eating area unlawfully conducted* - this is a new clause (based on the City of Perth local law) – allows for removal of an outdoor eating area.
- 2.20 *Use of an outdoor eating area by public* - this is a new clause (based on the City of Perth local law) – prohibits persons using an outdoor eating area unless they are bonafide customers.
- 2.21 *Temporary removal of an outdoor eating area may be requested* - this is a new clause (based on the City of Perth local law) – allows for removal of an outdoor eating area in the event of public works.
- 2.22 Definitions
- 2.23 –
- 2.34 *Display of Advertising Signs on a Footpath* - these clauses are for the control of signs.

Part 3 - Permits

3.1 -

- 3.15 These are all new clauses relating to the handling of permits. (Permits are now used instead of licences.)

Part 4 - Bond or Security

- 4.1 *Security for restoration and reinstatement* - this is a new clause which may require payment of a bond or security if required.
- 4.2 *Use by the local government of bond or security* - this is a new clause to allow the town to carry out the works using a bond in the event of a default of a notice.

Part 5 - Miscellaneous

This Part deals with serving of notices, insurance and action to be taken in cases of non-compliance.

PART 6 - GENERAL

This Part deals with authorised persons, impounding of goods and disposal of impounded goods.

PART 7 - OFFENCES AND PENALTIES

This part introduces the power to issue modified penalties for non-compliance. This is new and the Local Government Act 1995 allows it for all local laws.

PART 8 - OBJECTIONS AND APPEALS

This Part prescribes the procedure for persons lodging an appeal.

CONSULTATION/ADVERTISING:

The Town's intention to review its local laws was advertised in The West Australian Newspaper and on the Town's website. Notification was also sent to Precinct Groups and a local public notice was displayed on the official Notice Board.

The revised local law was re-advertised in November 2007.

At the close of the six (6) week re-advertised public consultation period, no submissions were received.

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, 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 was completed.

Procedure for Reviewing and Adopting a Local Law

- (1) The local government is to –
 - (a) give Statewide public notice that –
 - (i) the local government proposes to make a local law the purpose and effect.
 - (ii) a copy of the proposed local law may be inspected or obtained;
 - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice (not less than 6 weeks).
 - (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister; and
 - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
- (2) A notice is also to be published and exhibited as if it were a local public notice.
- (3) After the last day for submissions, the local government is to consider any submissions made and may make the local law * as proposed or make a local law * that is not significantly different from what was proposed.

** Absolute majority required.*
- (4) After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister.
- (5) After the local law has been published in the Gazette the local government is to give local public notice –

- (a) stating the title of the local law;
- (b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and
- (c) advising that copies of the local law may be inspected or obtained from the local government's office.

National Competition Policy (NCP) Public Benefit Test

The provisions relating to the administration of this local law are contained in the model local law produced by WALGA and endorsed by the Department of Local Government. Also, the City of Perth Local Laws relating to Trading in Public Places and Outdoor Eating Areas (gazetted in 2005) have been reviewed. In some instances, the Town's local law clauses have been based on similar clauses in those local laws. This has been assessed for any public benefit test ramifications.

STRATEGIC IMPLICATIONS:

The matter is in keeping with the Town's Strategic Plan 2006-2011 - Objective 4.12 "*Manage the organisation in a responsible, efficient and accountable manner*".

FINANCIAL/BUDGET IMPLICATIONS:

The purchase of the WALGA Model Local Laws cost \$1,500.

The cost of advertisements to date was approximately \$1,000. Final advertising will be approximately \$500. The Solicitors costs for reviewing the Local Law is approximately \$2,000. An amount of \$5,000 has been included in the Budget for this project. The new local laws are required to be printed in the Government Gazette by the State Law Publisher which will cost approximately \$1,500. All other copying will be carried out in-house and will cost approximately \$500. (Employee costs have not been included.)

COMMENTS:

The statutory review has been completed, and no submissions have been received. It is recommended that the reviewed and revised Trading in Public Places Local Law be adopted.

10.4.3 Statutory Review of Local Laws – Adoption of New Local Government Property Local Law 2008

Ward:	-	Date:	20 February 2008
Precinct:	-	File Ref:	LEG0036
Attachments:	001		
Reporting Officer(s):	J MacLean, J van den Bok, D Morrissey, John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *NOTES that pursuant to Section 3.16 of the Local Government Act 1995 the Town has advertised its local law and that no submissions were received at the close of the statutory six (6) week public consultation period; and*
- (ii) *pursuant to Section 3.12 of the Local Government Act 1995 APPROVES BY AN ABSOLUTE MAJORITY to ADOPT a new Local Government Property Local Law 2008 as shown in Appendix 10.4.3 to provide for the regulation, control and management of activities on local government property and public property within the district.*

COUNCIL DECISION ITEM 10.4.3

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

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

FURTHER REPORT:

At the Council Meeting held on 12 February 2008, the Council considered this matter and resolved as follows:

That the Item be DEFERRED until the next meeting and that the Chief Executive Officer consider the amendments suggested by Cr Maier.

The suggested amendments have been considered as follows;

- (a) *page 18 – 3.14(2)(b)*
- (b) *the liquor is in small quantities, as determined by the CEO and is being brought to or consumed in the course of a bon fide family picnic or gathering.*

CEO's Comment:

This is supported. The Local Law has been amended accordingly.

(b) *page 19 – 4.2 (1)(a) and (b)*

- (a) *females, then a person of the male gender over the age of 6 years shall not use that toilet block of change room; or*
- (b) *males, then a person of the female gender over the age of 6 years shall not use that toilet block of change room.*

CEO's Comment:

This is supported. The Local Law has been amended accordingly.

(c) *page 29 – 6.4 (1)(a)(iv)*

- (1)(a)(iv) *not be placed in any position other than immediately in front of the building or the business to which the sign relates and be located not closer than 500 millimetres to the kerb ~~or further than 1200 millimetres from the kerb~~ so as to ensure the free passage of persons using the footpath;*

CEO's Comment:

The reference to the two distances is to ensure that any sign is located in the area between 500mm and 1200mm from the kerb. If the 1200mm is removed, this will then allow any signs to be located on the footpath (providing they “ensure the passage of persons using the footpath”. For example, it will allow signs to be placed against a building.

Following the introduction of the original “Display of Signs” Local Law, the Town was approached by the Disability Services Commission indicating that signs against the building line posed a danger to people with a severe visual impairment, who make use of a white stick, because they are taught to use the outer building wall and the footpath to maintain their bearings.

Accordingly, the Town's Administration consider the existing sub-clause (1)(a)(iv) should remain unchanged.

(d) *page 43 – 11.4*

That the following sub-clause be deleted;

- “(2) Sub-clause (1) does not apply where the plant or tree was planted by the local government.”*

CEO's Comment:

This amendment is supported. The Council has control over what species of trees or plants are planted.

The Local Law has been amended accordingly.

PURPOSE OF REPORT:

The purpose of the report is to advise Council that no submissions were received at the conclusion of the six (6) week statutory public consultation period of the proposed review of the Town's Local Law and for the Council to adopt the revised Local Government Property Local Law.

BACKGROUND:

At the Ordinary Meeting of Council held on 22 May 2007, the Council considered the matter and resolved to approve of a new Local Law and advertise this for public consultation.

The revised Local Law was re-advertised in November 2007 and submissions closed in January 2008.

As part of the consultation process comments were received from the Department of Local Government as follows:

1 Year Change

The year at the end of the title of the local law should be changed from 2007 to 2008. i.e. 'Local Government Property Local Law 2008'. Two examples are the heading of the local law and the sealing clause at the end of the local law.

CEO's Comment:

This amendment is self explanatory and is agreed.

2 Definitions (clause 1.6)

- In the definition of "vehicle", reference to 'a vehicle described in the First Schedule to the Road Traffic Act 1974'. This Schedule does not appear to exist (anymore) in the Road Traffic Act. Please check this reference.

CEO's Comment:

This amendment is agreed.

3 Clause 3.12

Clause 3.12(1)(t) appears to be very broad in its intent. For example, it would appear to cover the situation of clubs using recreational facilities to take photos of sporting or club events and selling them to members. The Parliament's Joint Standing Committee on Delegated Legislation (JSCDL) may have concerns about the reasonableness of this provision. Please review the wording of this clause.

CEO's Comment:

This amendment is agreed. The Clause has been reworded by the Town's solicitors to reflect the intent to apply for activities of a commercial nature.

4 Clause 5.4

As there are no definitions for this clause 5.4, do you wish to delete it? (If so, please ensure that any necessary renumbering of other clauses is made and cross referencing is checked).

CEO's Comment:

The definition of "river" has been inserted. Therefore, this clause should remain.

5 Clause 9.3(2)

This clause 9.3(2) relates to the reversal of the onus of proof. The JSCDL has previously indicated concerns with this issue. Please see item 5 page 9-10 for an explanation of the JSCDL's concerns. It is recommended that you therefore delete this clause or the JSCDL is likely to request that you remove it.

CEO's Comment:

This amendment is accepted. Clause 9.3(2) has therefore been deleted.

6 Clause 10.1(a)

Should the reference to 'verge' read as 'thoroughfare'? The Town may wish to refer to clause 2.1(a) of the Model Local Law at Section 2, page 314 of the Local Laws Manual for this purpose.

CEO's Comment:

This amendment is accepted. The word "verge" has been deleted and the word "thoroughfare" has been inserted. This will not specifically affect the local law. (A thoroughfare includes a verge).

7 Schedule 1

Please check this Schedule as there appear to be some inconsistencies, including the following:

- For clauses 4.1(a) and (b), it is recommended that these not be included as prescribed offences as they do not appear to fall under the requirements for prescribed offences in s.9.16(2) of the Act (i.e. stating that prescribed offences are to be relatively minor matters and only straightforward issues of law and fact are involved in determining if the offence was readily committed, and the facts are readily ascertainable). Please review the Schedule for other similar examples e.g. clause 5.3(2), 'Failure to leave a community facility quietly and peaceably when requested to do so' and clauses 13.1 and 13.2(2).

CEO's Comment:

The prescribed offences have been deleted. Any alleged offences for these matters will be pursued in the Magistrates Court.

- For the prescribed offence under clause 5.5(1), it is suggested that you modify the description so that it is more consistent with the wording for the clause.
- For prescribed offences under clauses 5.9(1) and 5.11 respectively, should 'without a permit' read as 'without approval'?
- For the prescribed offence under clause 7.2(2)(a), it is suggested that you modify the description so that it is more consistent with the wording for the clause.
- For the prescribed offence in relation to clause 9.1, it would appear that there are 2 such prescribed offences – please check these references.
- For the prescribed offence under clause 9.9(d), it may be more appropriate to reword 'Failing to water...' to read as 'Not to water...'.
- For the prescribed offence for clause 10.2(1)(k), it would appear that 'on a thoroughfare' should read as 'on a public place'.

CEO's Comment:

The above recommended amendments have been included. These do not materially affect the local law or its validity.

Minor formatting and some typographical errors have been corrected. These do not affect the legality of the local law.

DETAILS:

A review of all the local laws has been carried out by the Town's Officers. The Town has used the Western Australian Local Government Association's (WALGA's) Model Local Laws and modified them to suit the Town's requirements. The Model Local Laws have been approved by the Parliamentary Joint Standing Committee on Delegated Legislation and therefore have been previously checked for legal compliance. The Town has also reviewed a number of other local government's local laws.

The process has taken longer than anticipated due to the review being carried out "*in-house*" by the Town's Officers.

Local Government Property

This local law replaces the following existing local laws and amalgamates them into one new local law:

- Air-conditioning Units, published in the Government Gazette on 4 November 1997;
- Beatty Park Leisure Centre, published in the Government Gazette on 30 November 1998;
- Halls and Centres, published in the Government Gazette on 30 April 1998;
- Parks and Public Reserves, published in the Government Gazette on 22 December 1998 and amended on 23 March 2004;
- Property Numbers, published in the Government Gazette on 25 September 1998;
- Removal and Disposal of Obstructing Animals or Shopping Trolleys, published in the Government Gazette on 22 December 1998;
- Removal of Refuse, Rubbish and Disused Materials, published in the Government Gazette on 1 May 1998;
- Local Law Relating to Street Laws and Gardens, published in the Government Gazette on 22 December 1998;
- Streets and Footpaths, published in the Government Gazette on 14 June 2000; and

- Verandahs and Awnings over Streets, published in the Government Gazette on 22 December 1998

New Local Government Act Powers

The Local Government Act was amended in 2004 and now contains a number of powers (and procedures) which were previously contained in several local laws.

Section 3.25 gives power to local governments to deal with matters listed in Schedule 3.1.

These include:

Things a notice may require to be done:

1. Prevent water from dripping or running from a building on the land onto any other land.
2. Place in a prominent position on the land a number to indicate the address.
3. Modify or repair, in the interests of the convenience or safety of the public, anything constructed as mentioned in Schedule 9.1, clause 8, or repair any damage caused to the public thoroughfare or other public place mentioned in that clause.
4. Ensure that land is suitably enclosed.
5. Ensure that unsightly land is enclosed.
6. Ensure that overgrown vegetation, rubbish, or disused material is removed from land that the local government considers to be untidy.
7. Minimising sand drifts.
8. Ensure that land is not overgrown.
9. Remove all or part of a tree that is obstructing prejudicially affecting a thoroughfare.
10. Ensure that a tree on the land that endangers any person or thing on adjoining land is made safe.
11. Remove bees that are likely to endanger the safety of any person or create a serious public nuisance.
12. Ensure that any unsightly, dilapidated or dangerous fence or gate is modified or repaired.
13. Take specific measures to prevent:
 - (a) artificial light being omitted from the land; and
 - (b) natural or artificial light being reflected from something on the land, creating a nuisance.
14. Remove or make safe anything that is obstructing or otherwise prejudicially affecting a private thoroughfare.

New Local Government Property Local Law

Part 1 – Preliminary

This part includes all statutory requirements of citation, objective, commencement, repeal and application of the local law. The interpretation clause is expanded to include a more comprehensive list of definitions. The fees and charges clause prescribes the current process.

Part 2 – Determinations in respect of local government property and buildings

- 2.1 *Determinations as to use of local government property and buildings* – Determinations are a new concept for this local law and in essence allows the Council to make decisions/rules which are now known as “*determinations*”. Determinations whilst not having the same rigorous process as a new local law, nevertheless have legal status if adopted as part of the local law. At this stage, no determinations are recommended for approval.
- 2.2 *Procedure for making a determination* – This prescribes the procedure for making a determination.
- 2.3 *Activities which may be pursued on specified local government property and buildings* – This clause is self explanatory and prescribes an extensive list of what Council can make a determination.
- 2.4 *Activities which may be prohibited on specified local government property and buildings* – This clause is self explanatory and prescribes an extensive list of what Council can prohibit in a determination.
- 2.5 *Register of Determinations* – A register is to be kept.

Part 3 - Permits

This Part prescribes the requirements for making application for a permit and decisions and conditions that may be imposed. It also prescribes the duration, renewal, transfer and cancellation of a permit and any activities which are subject to a permit.

Part 4 - Behaviour on local government property and in buildings

This Part includes:

- Community facilities - this a new clause which controls behaviour at a community facility and primarily replaces the same provisions in the former Beatty Park Leisure Centre and Halls and Reserves local laws.
- Fishing and boat launching - this a new clause.
- Fenced or closed property - this is a new clause.
- Air conditioning units - this is almost identical to our previous local law, other than new clause numbers.
- Awnings, balconies and verandahs - this is almost identical to our previous local law, other than new clause numbers.

Part 5 – Matters Relating to Particular Local Government Property

This part covers many clauses in previous local laws.

Part 6 - Advertising signs on thoroughfares

This Part includes new clauses to control portable (movable or free standing) signs and also conditions relating to the placement of election signs.

Part 7 - Obstructing animals or shopping trolleys

This Part includes:

- Animals;
- Shopping trolleys;

and is similar to our existing locals laws.

Part 8 - Bond or security

This part allows for the payment of a bond or security if required and also use by the local government of the bond or security in case of a default of a notice.

Part 9 - Works on or affecting a thoroughfare

- 9.1 No damage to thoroughfare.
- 9.2 *Footpath, verge and street tree protection* – this prescribes conditions for protection of footpaths, trees etc.
- 9.3 *Liability for damage.*
- 9.4 *Transitional Provision.*
- 9.5 *Interpretation.*
- 9.6 *Verge treatment* - this prescribes conditions to protect verges.
- 9.7 *Permissible verge treatments* - this in essence replaces the current Street Lawns and Gardens local law.
- 9.8 *Only permissible verge treatments to be installed.*
- 9.9 *Owner's or occupier's responsibility for verge treatments* - this prescribes the responsibilities of a person who installs a street verge.
- 9.10 *Enforcement.*

Part 10 - Activities on thoroughfares and on local government property

This Part prescribes a number of conditions for the control of activities on local government property and in public places.

Part 11 - Notices of breach

This Part allows for the serving of notices in the event of a breach.

Part 12 - Objections and appeals

This Part prescribes the procedure for persons lodging an appeal.

Part 13 - Miscellaneous

This Part relates to authorised persons, disposal of lost property, impounding of goods, liability for damage to local government property, insurances and the payment of entry fees.

Part 14 - Offences

This Part introduces the power to issue modified penalties for non-compliance. This is new and the Local Government Act allows it for all new local laws.

CONSULTATION/ADVERTISING:

The Town's intention to review its local laws was advertised in The West Australian Newspaper and on the Town's website. Copies were also sent to Precinct Groups and a local public notice was displayed on the official Notice Board.

At the close of the six (6) week re-advertised public consultation period, no submissions were received.

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, 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 was completed.

Procedure for Reviewing and Adopting a Local Law

- (1) The local government is to –
 - (a) give Statewide public notice that –
 - (i) the local government proposes to make a local law the purpose and effect.
 - (ii) a copy of the proposed local law may be inspected or obtained;
 - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice (not less than 6 weeks).
 - (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister; and
 - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
- (2) A notice is also to be published and exhibited as if it were a local public notice.

- (3) After the last day for submissions, the local government is to consider any submissions made and may make the local law * as proposed or make a local law * that is not significantly different from what was proposed.

** Absolute majority required.*

- (4) After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister.
- (5) After the local law has been published in the Gazette the local government is to give local public notice –
- (a) stating the title of the local law;
 - (b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - (c) advising that copies of the local law may be inspected or obtained from the local government's office.

NCP Public Benefit Test

The provisions relating to the administration of local government property are contained in the model local law produced by WALGA. This has been assessed for any public benefit test ramifications.

STRATEGIC IMPLICATIONS:

The matter is in keeping with the Town's Strategic Plan 2006-2011 - Objective 4.12 "*Manage the organisation in a responsible, efficient and accountable manner*".

FINANCIAL/BUDGET IMPLICATIONS:

The purchase of the WALGA Model Local Laws cost \$1,500.

The cost of advertisements to date was approximately \$1,000. Final advertising will be approximately \$500. The Solicitors costs for reviewing this local law is approximately \$1,800. An amount of \$5,000 has been included in the Budget for this project. The new local laws are required to be printed in the Government Gazette by the State Law Publisher which will cost approximately \$1,500. All other copying will be carried out in-house and will cost approximately \$500. (Employee costs have not been included.)

COMMENTS:

The statutory review has been completed and no submissions were received. It is recommended that the reviewed and revised Local Government Property Local Law be adopted.

10.4.4 Matters Approved under Delegated Authority 2007-2008 - Receiving of Reports

Ward:	-	Date:	15 February 2008
Precinct:	-	File Ref:	ADM0018
Attachments:	-		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council NOTES the items approved under Delegated Authority over the period 19 December 2007 to 11 February 2008.

COUNCIL DECISION ITEM 10.4.4

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

CARRIED (8-1)

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

ADDITIONAL INFORMATION:

The following items were dealt with under Delegated Authority, with Voting also now added:

Item	Report Description	<u>Voting</u>	Status
10.3.1	Investment Report as at 30 November 2007 (FIN0006)	<u>9-0</u>	Approved 27/12/07
10.3.2	Les Lilleyman Reserve Clubroom Upgrade - Community Consultation (RES0001)	<u>8-1</u> <i>(Against: Cr Maier)</i>	Approved 27/12/07
10.4.1	Development Approval Conditions and Adopted Procedures - Cash in Lieu Contribution for Shortfall of Car Parking Spaces; Percentage for Public Art Contribution; and Works Bonds (FIN0167, FIN0168)	<u>8-1</u> <i>(Against: Cr Maier)</i>	Approved 27/12/07
10.4.2	Members Equity Stadium Committee Meeting held on 20 November 2007 - Receiving of Unconfirmed	<u>9-0</u>	Approved 27/12/07

Item	Report Description	<u>Voting</u>	Status
	Minutes (RES0082)		
10.1.1	No. 61 (Lot: 234 D/P: 2334) Auckland Street, North Perth – Demolition of Existing Single Storey House and Construction of Two (2) Storey Single House	<u>9-0</u>	Approved 31/12/07
10.4.3	Adoption of Policy Relating to – “Procedure for Dealing with Requests for Information and/or an Amendment which may Result in a Significantly Different Decision from the Relevant Written Recommendation of a Committee or an Employee”	<u>6-3</u> <i>(Against: Cr Ker Cr Lake Cr Maier)</i>	Approved 31/12/07
10.4.4	Further Report – Amended Draft Policy Relating to Outdoor Eating Areas	<u>8-1</u> <i>(Against: Cr Maier)</i>	Approved 31/12/07
10.4.5	Members Equity Stadium - Funding of Essential Upgrade Items	<u>9-0</u>	Approved 31/12/07
14.1	CONFIDENTIAL REPORT - No. 2A (Lot: 156 D/P: 41983) Sholl Lane, North Perth – Alterations and Additions to Approved Two-Storey Single House (Application for Retrospective Approval) – State Administrative Tribunal (SAT) Review Matter No. DR 368 of 2007 (PRO3853)	<u>8-1</u> <i>(Against: Cr Ker)</i>	Approved 7/01/08
10.1.2	No. 287 (Lot: 140 D/P: 3784 C) Walcott Street, North Perth - Proposed Demolition of Existing Single House and Construction of Three (3) Two (2) Storey Grouped Dwellings (PRO3788; 5.2006.524.1)	<u>9-0</u>	Approved 14/01/08
10.1.3	No. 136B (Lot: 9, Survey Strata Lot 3) Glendower Street, Perth - Proposed Two (2) Storey with Loft Grouped Dwelling (PRO3804; 5.2007.370.1)	<u>7-2</u> <i>(Against: Cr Ker Cr Messina)</i>	Approved 14/01/08
10.1.4	No. 48A (Lot 195, Survey Strata Lot: 2 STR: 49362) Auckland Street, North Perth - Proposed Two (2) Storey Grouped Dwelling (PRO4155; 5.2007.377.1)	<u>8-1</u> <i>(Against: Cr Ker)</i>	Approved 14/01/08
10.1.5	Nos. 412 – 414 (Lot: Y2) Fitzgerald Street, corner Forrest Street, North Perth – Proposed Sign Strategy and Signage Additions to Existing Shop (Chemist Warehouse) (PRO3405; 5.2007.498.1)	<u>9-0</u>	Approved 14/01/08
14.2	CONFIDENTIAL REPORT- Nos. 150-154 (Lot Y350 D/P: 2001, Lot 801 D/P: 43512, Lot 348 D/P: 2001) Joel Terrace, Mount Lawley - Proposed Retaining Walls and Fill Addition to Three (3) Existing Single Houses- State Administrative Tribunal Review Matter No. DR 256 of 2007	<u>9-0</u>	Approved 21/01/08

Item	Report Description	<u>Voting</u>	Status
	(PRO3938, PRO3939, PRO307; 5.2007.128.1)		
10.1.6	Draft Building Amendment Regulations (No. 5) 2007 and Draft Local Government (Building Surveyors) Regulations 2008 – Comments for the Department of Housing and Works (ADM0006)	<u>9-0</u>	Approved 29/01/08
10.4.6	Loftus Centre Redevelopment, 99 Loftus Street, Leederville - Progress Report No. 23 (RES0061)	<u>8-1</u> <i>(Against: Cr Maier)</i>	Approved 29/01/08
10.4.7	Approval of Lease with Loftus Community Centre Inc. for part of the Loftus Centre, 99 Loftus Street, Leederville (PRO3449)	<u>7-2</u> <i>(Against: Cr Lake Cr Maier)</i>	Approved 29/01/08
10.4.8	Report on the National General Assembly of Local Government 2007 held in Darwin - November 2007 (ADM0031)	<u>9-0</u>	Approved 29/01/08
10.1.7	No. 28 (Lot 380 D/P: 2001) Joel Terrace, East Perth - Proposed Car Park, Retaining Walls, Fill and Landscaped Gardens for Western Power Corporation (PRO3105; 5.2007.126.1)	<u>8-1</u> <i>(Against: Cr Maier)</i>	Approved 5/02/08 <u>(subject to Clause (v)(c) being amended.)</u>
10.1.8	Nos. 126-128 (Lot: 101 D/P: 26139) Fitzgerald Street, Perth – Proposed Demolition of Existing Warehouse and Construction of a Two-Storey Mixed-Use Development Comprising Two (2) Single Bedroom Multiple Dwellings, One (1) Office, One (1) Office with Ancillary Warehouse, and Associated Car Parking (PRO1054; 5.2006.628.1)	<u>7-2</u> <i>(Against: Cr Lake Cr Maier)</i>	Approved 5/02/08
10.1.9	Nos. 247-249 (Lot 19) Fitzgerald Street, Corner Lawley Street, West Perth Proposed Change of Use from Educational Establishment, Office and Showroom to Educational Establishment, Office, Showroom and Warehouse (PRO0850; 5.2007.475.1)	<u>9-0</u>	Approved 5/02/08
10.1.10	City of Stirling Draft Local Planning Scheme No.3 (ORG0016)	<u>9-0</u>	Approved 5/02/08
10.1.11	Amendment No. 47 to Planning and Building Policies – Policy Relating to Residential Subdivisions (PLA0184)	<u>8-1</u> <i>(Against: Cr Lake)</i>	Approved 5/02/08
10.4.9	Proposed Visit from the City of Prilep in the Republic of Macedonia and Proposed Friendship Charter with the Town of Vincent (CVC0009)	<u>9-0</u>	Approved 5/02/08

Item	Report Description	<u>Voting</u>	Status
10.4.10	Strategic Plan 2006-2011 – Progress Report for the Period 1 October 2007 – 31 December 2007 (ADM0038)	<u>9-0</u>	Approved 5/02/08
10.1.12	Further Report - Town of Vincent Non-Conforming Use Register – Stage 1 - Addition of a Non-Conforming Use at No. 197 (Lot 6) Lake Street, Perth (PRO2044)	<u>8-1</u> <i>(Against: Cr Maier)</i>	Approved 11/02/08
10.1.13	Amendment No. 41 to Planning and Building Policies – Draft Policy Relating to Known, Suspected and Potentially Contaminated Sites (ENS0119)	<u>8-1</u> <i>(Against: Cr Ker)</i>	Approved 11/02/08
10.1.14	Swan River Trust – Review of Swan River Trust Development Control Area Boundary (ORG0016)	<u>9-0</u>	Approved 11/02/08
10.1.15	Western Australian Local Government Association – Granny Flats Pilot Project (ORG0016)	<u>9-0</u>	Approved 11/02/08
10.1.16	Draft Revised Swan River Trust Policies – SRT/D3 Development Setback Requirements; SRT/D10 Restaurants, Cafes, Kiosks and Tearooms; and SRT/D21 Jetty Structures in the Swan River Trust Development Control Area (ORG0016)	<u>9-0</u>	Approved 11/02/08
10.1.17	Donation of Parking Permits to Highgate Primary School (CMS0015)	<u>9-0</u>	Approved 11/02/08
14.3	CONFIDENTIAL REPORT - No. 2 (Lot 3 D/P: 24107) Bream Cove, Corner Joel Terrace, Mount Lawley - Proposed Three-Storey Single House - State Administrative Tribunal (SAT) Review Matter No. DR 8 of 2008 (PRO2095; 5.2007.291.1)	<u>8-1</u> <i>(Against: Cr Ker)</i>	Approved 11/02/08

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the items approved under Delegated Authority for the period 19 December 2007 to 11 February 2008.

BACKGROUND:

At the Ordinary Meeting of Council held on 20 November 2007, this matter was considered and Council resolved as follows;

"That pursuant to Section 5.42 of the Local Government Act 1995, the Council APPROVES BY AN ABSOLUTE MAJORITY, delegated authority to the Chief Executive Officer to deal with any items of business (other than those requiring an Absolute Majority) that may arise from 19 December 2007 to 11 February 2008, subject to:

- (i) *the action taken only being in accordance with the Officer's recommendation;*

- (ii) reports being issued to all Council Members for a period of three (3) days prior to approval and a simple majority be accepted;
- (iii) a report summarising the items of business dealt with under delegated authority being submitted for information to the Council at its meeting to be held in February 2008;
- (iv) a delegation register of items being kept and made available for public inspection during the period that the delegation applies; and
- (v) items being displayed in the Town of Vincent Administration Centre, the Library and on the Town's website for a period of three (3) days prior to approval."

The following items were dealt with under Delegated Authority:

Item	Report Description	Status
10.3.1	Investment Report as at 30 November 2007 (FIN0006)	APPROVED 27/12/07
10.3.2	Les Lilleyman Reserve Clubroom Upgrade - Community Consultation (RES0001)	APPROVED 27/12/07
10.4.1	Development Approval Conditions and Adopted Procedures - Cash in Lieu Contribution for Shortfall of Car Parking Spaces; Percentage for Public Art Contribution; and Works Bonds (FIN0167, FIN0168)	APPROVED 27/12/07
10.4.2	Members Equity Stadium Committee Meeting held on 20 November 2007 - Receiving of Unconfirmed Minutes (RES0082)	APPROVED 27/12/07
10.1.1	No. 61 (Lot: 234 D/P: 2334) Auckland Street, North Perth – Demolition of Existing Single Storey House and Construction of Two (2) Storey Single House	APPROVED 31/12/07
10.4.3	Adoption of Policy Relating to – “Procedure for Dealing with Requests for Information and/or an Amendment which may Result in a Significantly Different Decision from the Relevant Written Recommendation of a Committee or an Employee”	APPROVED 31/12/07
10.4.4	Further Report – Amended Draft Policy Relating to Outdoor Eating Areas	APPROVED 31/12/07
10.4.5	Members Equity Stadium - Funding of Essential Upgrade Items	APPROVED 31/12/07
14.1	CONFIDENTIAL REPORT - No. 2A (Lot: 156 D/P: 41983) Sholl Lane, North Perth – Alterations and Additions to Approved Two-Storey Single House (Application for Retrospective Approval) – State Administrative Tribunal (SAT) Review Matter No. DR 368 of 2007 (PRO3853)	APPROVED 7/01/08
10.1.2	No. 287 (Lot: 140 D/P: 3784 C) Walcott Street, North Perth - Proposed Demolition of Existing Single House and Construction of Three (3) Two (2) Storey Grouped Dwellings (PRO3788; 5.2006.524.1)	APPROVED 14/01/08

Item	Report Description	Status
10.1.3	No. 136B (Lot: 9, Survey Strata Lot 3) Glendower Street, Perth - Proposed Two (2) Storey with Loft Grouped Dwelling (PRO3804; 5.2007.370.1)	APPROVED 14/01/08
10.1.4	No. 48A (Lot 195, Survey Strata Lot: 2 STR: 49362) Auckland Street, North Perth - Proposed Two (2) Storey Grouped Dwelling (PRO4155; 5.2007.377.1)	APPROVED 14/01/08
10.1.5	Nos. 412 – 414 (Lot: Y2) Fitzgerald Street, corner Forrest Street, North Perth – Proposed Sign Strategy and Signage Additions to Existing Shop (Chemist Warehouse) (PRO3405; 5.2007.498.1)	APPROVED 14/01/08
14.2	CONFIDENTIAL REPORT- Nos. 150-154 (Lot Y350 D/P: 2001, Lot 801 D/P: 43512, Lot 348 D/P: 2001) Joel Terrace, Mount Lawley - Proposed Retaining Walls and Fill Addition to Three (3) Existing Single Houses- State Administrative Tribunal Review Matter No. DR 256 of 2007 (PRO3938, PRO3939, PRO307; 5.2007.128.1)	APPROVED 21/01/08
10.1.6	Draft Building Amendment Regulations (No. 5) 2007 and Draft Local Government (Building Surveyors) Regulations 2008 – Comments for the Department of Housing and Works (ADM0006)	APPROVED 29/01/08
10.4.6	Loftus Centre Redevelopment, 99 Loftus Street, Leederville - Progress Report No. 23 (RES0061)	APPROVED 29/01/08
10.4.7	Approval of Lease with Loftus Community Centre Inc. for part of the Loftus Centre, 99 Loftus Street, Leederville (PRO3449)	APPROVED 29/01/08
10.4.8	Report on the National General Assembly of Local Government 2007 held in Darwin - November 2007 (ADM0031)	APPROVED 29/01/08
10.1.7	No. 28 (Lot 380 D/P: 2001) Joel Terrace, East Perth - Proposed Car Park, Retaining Walls, Fill and Landscaped Gardens for Western Power Corporation (PRO3105; 5.2007.126.1)	APPROVED 5/02/08
10.1.8	Nos. 126-128 (Lot: 101 D/P: 26139) Fitzgerald Street, Perth – Proposed Demolition of Existing Warehouse and Construction of a Two-Storey Mixed-Use Development Comprising Two (2) Single Bedroom Multiple Dwellings, One (1) Office, One (1) Office with Ancillary Warehouse, and Associated Car Parking (PRO1054; 5.2006.628.1)	APPROVED 5/02/08
10.1.9	Nos. 247-249 (Lot 19) Fitzgerald Street, Corner Lawley Street, West Perth Proposed Change of Use from Educational Establishment, Office and Showroom to Educational Establishment, Office, Showroom and Warehouse (PRO0850; 5.2007.475.1)	APPROVED 5/02/08
10.1.10	City of Stirling Draft Local Planning Scheme No.3 (ORG0016)	APPROVED 5/02/08
10.1.11	Amendment No. 47 to Planning and Building Policies – Policy Relating to Residential Subdivisions (PLA0184)	APPROVED 5/02/08

Item	Report Description	Status
10.4.9	Proposed Visit from the City of Prilep in the Republic of Macedonia and Proposed Friendship Charter with the Town of Vincent (CVC0009)	APPROVED 5/02/08
10.4.10	Strategic Plan 2006-2011 – Progress Report for the Period 1 October 2007 – 31 December 2007 (ADM0038)	APPROVED 5/02/08
10.1.12	Further Report - Town of Vincent Non-Conforming Use Register – Stage 1 - Addition of a Non-Conforming Use at No. 197 (Lot 6) Lake Street, Perth (PRO2044)	APPROVED 11/02/08
10.1.13	Amendment No. 41 to Planning and Building Policies – Draft Policy Relating to Known, Suspected and Potentially Contaminated Sites (ENS0119)	APPROVED 11/02/08
10.1.14	Swan River Trust – Review of Swan River Trust Development Control Area Boundary (ORG0016)	APPROVED 11/02/08
10.1.15	Western Australian Local Government Association – Granny Flats Pilot Project (ORG0016)	APPROVED 11/02/08
10.1.16	Draft Revised Swan River Trust Policies – SRT/D3 Development Setback Requirements; SRT/D10 Restaurants, Cafes, Kiosks and Tearooms; and SRT/D21 Jetty Structures in the Swan River Trust Development Control Area (ORG0016)	APPROVED 11/02/08
10.1.17	Donation of Parking Permits to Highgate Primary School (CMS0015)	APPROVED 11/02/08
14.3	CONFIDENTIAL REPORT - No. 2 (Lot 3 D/P: 24107) Bream Cove, Corner Joel Terrace, Mount Lawley - Proposed Three-Storey Single House - State Administrative Tribunal (SAT) Review Matter No. DR 8 of 2008 (PRO2095; 5.2007.291.1)	APPROVED 11/02/08

The reports are "Laid on the Table", but will be included in the Council Minutes.

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

The Local Government Act 1995 states:

*“Delegation of some powers and duties to CEO
5.42(1) A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act (other than those referred to in section 5.43 and this power of delegation).”*

Matters requiring an Absolute or Special Majority decision of the Council cannot be approved under Delegated Authority.

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Strategic Plan 2006-2011 - Objective 4 – "*Leadership, Governance & Management*" – 4.1.1 – Provide good strategic decision-making, governance, leadership and professional management.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The use of Delegated Authority was in keeping with the Council's practice of providing a high standard of customer service to continue processing ratepayer requests and development applications.

A complete list and copy of the reports considered under Delegated Authority will be included in the Council Minutes.

10.4.8 Town of Vincent Heritage Advisory Group Revised Terms of Reference

Ward:	Both Ward	Date:	15 February 2008
Precinct:	All Precincts	File Ref:	PRO 0689
Attachments:	001		
Reporting Officer(s):	T Woodhouse		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report relating to the Town of Vincent Heritage Advisory Group;
- (ii) **ADOPTS** the amended Town of Vincent Heritage Advisory Group Terms of Reference as shown in Attachment 001; and
- (iii) **AUTHORISES** the Chief Executive Officer to arrange a meeting for the Town's Heritage Advisory Group three times per calendar year to provide support in the implementation of the key objectives detailed in the Town of Vincent Heritage Strategic Plan 2007 - 2012.

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted together with the following new clause (ii);

"(ii) **ADOPTS** the amended Town of Vincent Heritage Advisory Group Terms of Reference as shown in Attachment 001; subject to the Terms of Reference being amended as follows;

(a) **Clause 4. Meeting Procedures, subclause 4.2 to read as follows:**

'4.2 A quorum will be by simple majority including at least one Council Member.'; and"

CARRIED (9-0)

COUNCIL DECISION ITEM 10.4.8

That the Council;

- (i) **RECEIVES** the report relating to the Town of Vincent Heritage Advisory Group;
- (ii) **ADOPTS** the amended Town of Vincent Heritage Advisory Group Terms of Reference as shown in Attachment 001; subject to the Terms of Reference being amended as follows;
 - (a) **Clause 4. Meeting Procedures, subclause 4.2 to read as follows:**

'4.2 A quorum will be by simple majority including at least one Council Member.'; and"

- (iii) *AUTHORISES the Chief Executive Officer to arrange a meeting for the Town's Heritage Advisory Group three times per calendar year to provide support in the implementation of the key objectives detailed in the Town of Vincent Heritage Strategic Plan 2007 - 2012.*
-

PURPOSE OF REPORT:

The purpose of this report is to present to the Council a comprehensive overview of the current status of the Town's Heritage Advisory Group, present an amended version of the Heritage Advisory Group Terms of Reference for approval and to authorise that the Heritage Advisory Group meets on a regular basis.

BACKGROUND:

The Heritage Advisory Group was established on 13 May 1996. Since this time, the role and scope of the Group has changed considerably in part as a result of the formalisation and evolution of the Town's Heritage Services key objectives and core business and also in response to amendments made to the Group's Terms of Reference, of particular relevance being that relating to the procedural nature of the Group adopted at the Ordinary Meeting of Council held on 26 June 2001.

In 2007, the Town completed an extensive review of its Municipal Heritage Inventory, providing the Town with an invaluable on - line resource that details all places on the Town's Municipal Heritage Inventory that are easily accessible to the public and administrated by the Town's Heritage Services. Further to this, at the Ordinary Meeting of Council held on 11 September 2007, the Council resolved to adopt the Heritage Strategic Plan 2007 - 2012, a key document for guiding heritage management at the Town which was first mooted by the Heritage Advisory Group in 1999.

The recent completion of these projects has provided new direction for the scope and objectives of the Heritage Advisory Group.

DETAILS:

As detailed above, with the completion of the review of the Town's Municipal Heritage Inventory in April 2007, the adoption of the Town's Heritage Strategic Plan 2007 - 2012 in September 2007 together with the recent appointment of new Council Members and community representatives at the Ordinary Meeting of Council held on 6 November 2007 and 18 December 2007 to the Town's Heritage Advisory Group respectively, this has provided the opportunity to reconvene the Heritage Advisory Group in a new capacity to provide support for the Heritage Strategic Plan 2007 - 2012 and associated initiatives and strategies.

Of particular relevance for the 2007/2008 financial year is the series of Heritage Information Talks scheduled for late April - May 2008. The talks were last held in 2005 - 2006 providing useful information on researching the history of one's home, historical garden design and general maintenance and renovation of older style buildings. It is considered that a meeting of the Heritage Advisory Group could assist in developing ideas and contacts for the Heritage Talks to be scheduled in late April - May 2008 to ensure that their success and interest in the community is continued.

The Heritage Strategic Plan 2007 - 2012 provides a comprehensive overview of the strategic direction for Heritage Services at the Town of Vincent and offers clear parameters on what is achievable. It is considered that reactivating the effective utilisation of the Heritage Advisory Group will assist in achieving successful outcomes in the implementation of current and future projects and initiatives detailed in the Town's Heritage Strategic Plan 2007 - 2012 within set parameters.

Heritage Advisory Group Membership

At the Ordinary Meeting of Council held 6 November 2007, the Council appointed Cr Doran-Wu, Cr Burns and Cr Ker to the Heritage Advisory Group.

At the Ordinary Meeting of Council held 18 December 2007, the Council appointed the following community representatives to the Heritage Advisory Group:

1. *Ms Helen Griffiths**;
2. *Mr Vincent Sammut**;
3. *Ms Rebecca Shepherd#; and*
4. *Ms Marie Slyth#;*

(# new member, * previous member).

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

There are no legal or policy implications directly applicable to this matter.

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011: Objective 1. Natural and Built Environment:

"... 1.1.3 Enhance and maintain the character and heritage of the Town:

- (a) Adopt the Conservation Plan for Beatty Park Leisure Centre and Beatty Park, Plan and complete so that redevelopment plans can be guided by the Conservation Plan.*
- (b) Implement and promote the Municipal Heritage Inventory and Heritage Management Policies.*
- (c) Implement and promote a Heritage Strategic Plan."*

Heritage Strategic Plan 2007 – 2012:

" Key Result Area 5: Heritage Expertise in Council - Improving Knowledge and Services:

... Reactivate effective use of Heritage Advisory Group."

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

It is recommended that in light of the above, the Council supports the Officer Recommendation to receive the report relating to the Heritage Advisory Group, support the amendments to the Group's Terms of Reference and to reactivate the effective utilisation of the Heritage Advisory Group on a regular basis.

10.4.9 Request for Financial Contribution towards National Mainstreet Conference 2009

Ward:	Both Wards	Date:	15 February 2008
Precinct:	All Precincts	File Ref:	PLA0022
Attachments:	001		
Reporting Officer(s):	H Smith		
Checked/Endorsed by:	D Abel, R Boardman, John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report relating to the National Mainstreet Conference 2009;
- (ii) **APPROVES BY AN ABSOLUTE MAJORITY** an amount of \$5,000 for sponsorship to facilitate the organisation and management of the National Mainstreet Conference 2009, to be reallocated in the 2007/2008 Budget from a source of funds to be identified;
- (iii) **LISTS \$5,000** for consideration in the Draft 2008/2009 Budget for the purposes of sponsorship to facilitate the organisation and management of the National Mainstreet Conference 2009;
- (iv) **ENDORSES;**
 - (a) the Memorandum of Understanding (MOU) for parties involved in organising and managing the National Mainstreet Conference 2009; and
 - (b) Councillor Ian Ker as appointed Vice Chair of the National Mainstreet Conference 2009 Committee; and
- (v) **AUTHORISES** the Chief Executive Officer to negotiate the Terms and Conditions of the MOU and for the Chief Executive Officer and Mayor to sign and affix the Council's Common Seal on the MOU.

COUNCIL DECISION ITEM 10.4.9

Moved Cr Farrell, **Seconded** Cr Ker

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED
BY AN ABSOLUE MAJORITY (8-1)

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

Against
Cr Maier

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's endorsement of a Memorandum of Understanding and an associated financial commitment for the Town to act as a party to and be represented on a Committee responsible for organising and managing the National Mainstreet Conference 2009.

BACKGROUND:

March – June 2007 Councillor Ian Ker and David Duncanson, Economic Development and Marketing Coordinator, City Management, City of Fremantle formed a Steering Group to discuss the organisation and management of the upcoming National Mainstreet Conference in 2009.

DETAILS:

National Mainstreet Conferences have been held every two years from 1995 through until 1999. After a gap of five years, the first conference of the new Millennium was successfully held in Melbourne in 2004, Auckland 2005 and back in Melbourne and Geelong in 2007, a conference attended by Mayor Nick Catania, Councillor Ian Ker and the Director Development Services, Mr Rob Boardman.

Topics at these conferences covered diverse areas such as town centre revitalisation, retail evolution, night time economy, global marketing trends, social perspectives and community partnerships. On average, these conferences have attracted over 400 delegates with a large proportion being local government representatives, including Chief Executive Officers, Council Members, and Officers from Economic, Strategic and Planning services. Other areas represented included Chambers of Commerce, town centre managers, trader committee and consultants.

The 2004 and 2007 Mainstreet Conferences held in Melbourne were organised by a committee consisting of seven local government authorities, (Banyule, Glen Eira, Melbourne, Stonnington, Geelong, Dandenong and Port Phillip) and the StreetLife program of the Victorian Department of Industry, Innovation and Regional Development.

For each conference, a Memorandum of Understanding (MoU) was signed by this group to facilitate the organisation and management of the conference. Each of the parties to the MoU contributed \$10,000 in sponsorship, and each party was represented on the Mainstreet Committee with full voting privileges. The Mainstreet Committee employed an external consultant to assist with the organisation of the conference. A copy of a draft Memorandum of Understanding to be used for the 2009 Mainstreet Conference is attached to this report.

With a total operating budget of \$400,000, the joint approach to the financial and business management of the conference worked extremely well, delivering highly successful conferences with no deficit or liabilities to any of the parties. Given this success, plans are now in place for the 2009 Mainstreet Conference to be held in Fremantle and it is proposed that a similar structure be used again.

The 2009 Mainstreet Conference will be held from 15 to 18 March 2009 at the Esplanade Hotel in Fremantle.

The theme for the 2009 conference will be '*Rediscovering the Heart*', reflecting the important role that mainstreet centres play in the community.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

In keeping with the Town's Strategic Plan 2006-2011 – Objectives 2.1 – 2.1.2:

“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.”

FINANCIAL/BUDGET IMPLICATIONS:

There is no current budget allocation for this matter. Accordingly, an Absolute Majority decision is required to re-allocate any funds towards the project.

COMMENTS:

The Memorandum of Understanding (as “Laid on the Table”) has been drafted to secure parties to form the Mainstreet Committee which will manage the organisation and delivery of the Conference. Funds of \$10,000 contributed by each party secures voting rights and the right to showcase achievements in a site visit/workshop for delegates on one day of the conference.

A conservative preliminary budget for the conference indicates that it will run at a small surplus. This surplus will increase with higher levels of attendance. Any surplus will be redistributed back to the supporting local governments.

To-date, the City of Fremantle and the City of Subiaco have committed funds, split over the 2007/8 and 2008/9 financial years. The Town of Claremont, Town of Kwinana, Town of Victoria Park and City of Gosnells have also indicated a strong likelihood of support. In addition, the Eastern Metropolitan Regional Council has expressed an interest either as an entity or through the individual Councils of Bayswater, Bassendean, Swan and, possibly, Belmont.

The Organising Committee currently has representatives from the City of Fremantle, Town of Vincent, Town of Claremont, City of Subiaco, Town of Kwinana and City of Gosnells, but will ultimately include all supporting local governments. David Duncanson (City of Fremantle) is the Chair and Councillor Ker is Deputy Chair.

The Town’s involvement in the 2009 Conference would see Councillor Ker as the Town’s voting representative on the Committee and at the time of the conference in 2009, the Town would be provided with 2 delegate tickets for the duration of the Conference along with a delegates field trip.

To date, Mainstreet Conferences have provided exemplary overseas and Australian speakers with expertise in solutions, best practice and innovation for urban, suburban and regional Mainstreets, and associated topics. Accordingly, an opportunity for the Town to be involved in the organisation and management of such a distinguished event, given its own undertaking with the Leederville Masterplan, is opportune. It is therefore recommended that the Council receives the report and endorses the draft Memorandum of Understanding, allocates \$10,000 for consideration in the Draft 2008/2009 Budget for the purposes of sponsorship to facilitate the organisation and management of the National Mainstreet Conference 2009, and endorses Councilor Ian Ker as appointed Vice Chair of the National Mainstreet Conference 2009 Committee as the Town's representative.

10.4.11 Information Bulletin

Ward:	-	Date:	20 February 2008
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	G van den Bok		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 26 February 2008, as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 10.4.11

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

DETAILS:

The items included in the Information Bulletin dated 26 February 2008 are as follows:

ITEM	DESCRIPTION
IB01	Letter from St Vincent de Paul Society thanking Ranger Services for their generous support of their 2007 Christmas Appeal.
IB02	Letter from State Administrative Tribunal (SAT) regarding Matter No. DR/449 of 2007 – Bottecchia v Town of Vincent (No. 5 Leake Street, North Perth).
IB03	Letter from State Administrative Tribunal (SAT) regarding Matter No. DR/13 of 2008 – Rinker Australian Pty Ltd T/as Readymix v Town of Vincent (No. 120 Claisebrook Road, East Perth)
IB04	Minutes of Meeting – Art Advisory Group – held Wednesday 13 June 2007

10.4.12 Attendance at the Building and Financing Local Government and Community Infrastructure Conference – 12-13 March, 2008 – Sydney

Ward:	-	Date:	20 February 2008
Precinct:	-	File Ref:	ADM0031
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council APPROVES the Chief Executive Officer and Director, Technical Services, and up to one (1) Council Member -----, to attend the Building and Financing Local Government and Community Infrastructure Conference, to be held in Sydney from 12 to 13 March 2008, at an approximate cost of \$2,460 for the first delegate and \$2,340 for the second and subsequent delegate.

The Presiding Member called for Council Member nominations.

No Council Member nominations were received.

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted, without any Council Member attending the Conference.

CARRIED (9-0)

COUNCIL DECISION ITEM 10.4.12

That the Council APPROVES the Chief Executive Officer and Director, Technical Services, to attend the Building and Financing Local Government and Community Infrastructure Conference, to be held in Sydney from 12 to 13 March 2008, at an approximate cost of \$2,460 for the first delegate and \$2,340 for the second delegate.

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council's approval for the Chief Executive Officer, Director, Technical Services and one (1) Council Member to attend *The Building and Financing Local Government and Community Infrastructure Conference* to be held in Sydney, 12-13 March 2008.

BACKGROUND:

The Building and Financing Local Government and Community Infrastructure Conference will be held in Sydney from 12-13 March 2008.

DETAILS:

This is a two-day national event which looks at the latest innovations and best practice in financing Local Government Infrastructure, with a focus on practical case studies. Topics include:

- Building Bateman's Bay future CBD
- The Gold Coast Water Alliance: Managing the multi-phase rollout of a number of large-scale programs
- Legal Structures for Local Government PPPs
- Green Square Town Centre, Sydney – the challenge of Urban Renewal
- Insights into PPP decision-making processes
- Bundling a series of Road, Water and Community infrastructure projects
- Comprehensive Infrastructure Maintenance programs: Reducing the Carbon Footprint
- Making Alliances work for Local Government
- Using Innovative Alliance contracts to deliver infrastructure projects
- Options for Financing Infrastructure
- Innovative Debt Financing arrangements

Presenters at the Conference include;

Day One – 12 March, 2008

Opening Address: Reforming Local Government Funding to meet Community Needs – Cr Paul Bell, *President, Australian and Local Government Association (ALGA)*

Creating a Large Tourism/Residential Development: A Partnership with Profit Share – Phil Woodcock, *Director of the Shell Cove Business Division, Shellharbour City Council*

Building Batemans Bay Future CBD – Case Study Update – Peter Tegart, *Assistant General Manager, Eurobodalla Shire Council*

Legal Structures for Local Government PPPs: Pros and Cons – Greg Campbell, *Partner, Construction and Major Projects, Maddocks (Legal Practice)*

Green Square Town Centre, Sydney – The Challenge of Urban Renewal – Paul Andersen, *Project Director, Landcom*

Innovate Debt Financing Solutions for Local Government – Including Case Studies – Rob Duke, *Managing Director, Longreach Capital Markets*

St Kilda Triangle Development Plan: Dealing with Tomorrow's Community Infrastructure Needs Today – David Spokes, *CEO, City of Port Phillip*

Joint Venturing with Councils to Build Lifestyle Centres Across Australia – Dean Solly, *Managing Director, SOL Health*

Local Government Buildings – What Environmental Initiatives have you Implemented? – Sam Furphy, *CEO, Urban Maintenance Systems and ECS (Energy Conservation System)*

Day Two – 13 March, 2008

Keynote Address: Financial Sustainability of Local Government in Dealing with Ageing Infrastructure – Professor Percy Allan AM, *Principal, Percy Allan and Associates, Chairman Review Today, and Chair of Inquiry into the Financial Sustainability of Local Government, NSW*

Using Innovative Alliance Contracts to Deliver Infrastructure Projects – David Brooker, *Capital Works Manager, Mackay Water*

Building a Series of Road, Water and Community Infrastructure Projects as an \$85 Million Alliance Contract - Simon Thorn, *Operations Manager, Coffs Harbour City Council*

Making Alliances Work for Local Government – John Davis, *Director, Southern Pacific Alliance Network (SPAN)*

Financial Considerations Relating to PPPs – Richard Featherby, *Executive Director, Ernst & Young*

Master Class: Structuring and Negotiating Major Property Based Infrastructure Projects for Local Government – Facilitators from Maddocks (Legal Practice)

The Conference will attract delegates from Australia and is aimed at Chief Executive Officer's, Council Members and Senior Local Government Officers. It will give an opportunity to hear debate on Infrastructure Projects and seek innovative and realistic solutions through a better understanding of major case study projects. A copy of the Conference Program is "Laid on the Table".

As the Town is embarking on the Leederville Masterplan Project (with an estimated infrastructure value of \$600million), it is considered beneficial for the Town to be represented.

The Chief Executive Officer recommends that he and the Director, Technical Services (together with a Council Member) both attend this Conference for the following reasons:

- The Chief Executive Officer and Director, Technical Services are Chairperson and Members of the Town's Project Team respectively and have significant "hands-on" involvement in the Project.
- Information obtained from the Conference and networking will be most beneficial, prior to the Council calling Expressions of Interest etc.
- Another major project, in the next 2-3 years is the redevelopment of Beatty Park Leisure Centre.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

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

- “(i) *When it is considered desirable that the Council be represented at an interstate conference, up to a maximum of one Elected Member and one Officer may attend.*”
- (ii) *In certain circumstances (for example where the Conference is of a technical nature) and where an Elected Member is not attending the CEO may recommend that two (2) Officers attend, in lieu of the Elected Member. In this instance, the CEO will specify reasons in the report to Council.*

The Chief Executive Officer's and Director's Contract of Employment entitles them to attend one interstate conference per annum.

The Town has not previously been represented at this Conference.

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

<u>Cost per person</u>	<u>1st Delegate</u>	<u>Subsequent Delegates</u>
Full Conference registration	\$ 970.00	\$ 850.00
Economy Airfare (approx)	\$ 650.00	\$ 650.00
Accommodation	\$ 540.00	\$ 540.00
Daily Expense Allowance	\$ 300.00	\$ 300.00
Total:	\$2,460.00	\$2,340.00

The Chief Executive Officer is entitled to fly Business Class. As is his practice, he is willing to travel Economy Class – which has considerable cost savings.

COMMENTS:

It is recommended that approval be granted for the Chief Executive Officer and Director, Technical Services and up to one (1) Elected Member to attend *The Building and Financing Local Government and Community Infrastructure Conference* to be held in Sydney from 12 to 13 March 2008.

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

12.1 WALGA Nominations – Metropolitan Emergency Management Executive Group; FESA Bush Fire Brigade Capital Grants Committee; FESA State Emergency Service Capital Grants Committee

Ward:	-	Date:	18 February 2008
Precinct:	-	File Ref:	ORG0045
Attachments:	001		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) _____ *be nominated as WALGA Member - Metropolitan Emergency Management Executive Group (Metropolitan Serving Officer) - (Re-advertised);*
- (ii) _____ *be nominated as WALGA Member - FESA Bush Fire Brigade Capital Grants Committee (Member (x2) - at least one Member must be non-metropolitan) (Ministerial Appointment - Panel of 4 required) - (Re-advertised); and*
- (iii) _____ *be nominated as WALGA Member - FESA State Emergency Service Capital Grants Committee (Member (x2) - at least one Member must be non-metropolitan) (Ministerial Appointment - Panel of 4 required) - (Re-advertised).*

Nil nominations were received.

COUNCIL DECISION ITEM 12.1

Moved Cr Farrell, Seconded Cr Messina

That no nominations be submitted.

CARRIED (9-0)

DETAILS:

Please see Appendix 12.1 for details.

N.B.:

NOMINATIONS CLOSE 5PM THURSDAY 13 MARCH 2008

13. URGENT BUSINESS

Nil.

PROCEDURAL MOTION

At 10.12pm **Moved Cr Farrell, Seconded Cr Youngman**

That the Council proceed "behind closed doors" to consider confidential items 14.1 and 14.2.

PROCEDURAL MOTION PUT AND CARRIED (9-0)

14. CONFIDENTIAL REPORTS (Behind Closed Doors)

At approximately 10.13pm, the Presiding Member advised the Meeting that they will consider the Item 14.1 – Chief Executive Officer's Annual Performance Review 2007.

The Director Corporate Services, Mike Rootsey, Director Development Services, Rob Boardman, Director Technical Services, Rick Lotznicker and Minutes Secretary, Gillian van den Bok departed the Meeting.

(There were no members of the public or media representatives present).

The Director Corporate Services, Director Development Services, Director Technical Services and Minutes Secretary did not return to the Meeting.

The Presiding Member requested the Chief Executive Officer to remain in the Chamber to answer any queries raised by Council Members.

The Chief Executive Officer, John Giorgi, advised the meeting that he had declared a financial interest in Item 14.1. As requested, he remained in the Chamber to answer questions.

14.1 Approval of Additional Key Performance Indicators for Chief Executive Officer's Deed of Contract of Employment

Ward:	-	Date:	20 February 2008
Precinct:	-	File Ref:	Personal
Attachments:			
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council;

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

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

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

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

*Operational Management
Statutory Compliance
Human Resources Management
Relationships – Elected Members
Relationships – Others
Occupational Safety and Health; and*

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

COUNCIL DECISION ITEM 14.1

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

CARRIED (8-1)

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

DETAILS:

The above report is of a confidential nature as it relate to information about an employee.

LEGAL/POLICY:

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

“2.15 *Confidential business*

- (1) *All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is –*
- (i) *to be treated as strictly confidential; and*
 - (ii) *not, without the authority of Council, to be disclosed to any person other than–*
 - (a) *the Members; and*

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

COMMENTS:

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

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

DUE TO THE LATENESS OF THE HOUR, THIS ITEM WAS NOT CONSIDERED AND DETERMINED.

14.2 CONFIDENTIAL REPORT - Third Party Appeal Rights- Draft Planning and Development Amendment (Third Party Appeals) Bill 2007 – Private Member’s Bill – Request for Comments

Ward:	Both Wards	Date:	18 February 2008
Precinct:	All Precincts	File Ref:	PLA0190
Attachments:			
Reporting Officer(s):	E Saraceni		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *pursuant to section 5.23 (2) of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law relating to Standing Orders, PROCEEDS “behind closed doors” at the conclusion of the items, to consider the confidential report, circulated separately to Council Members, Third Party Appeal Rights- Draft Planning and Development Amendment (Third Party Appeals) Bill 2007 – Private Member’s Bill- Request for Comments, as the matter contains legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
- (ii) **AUTHORISES** *the Chief Executive Officer to make public the Confidential Report, or any part of it, at the appropriate time.*

DETAILS:

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

LEGAL:

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

“2.15 Confidential business

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

prior to the discussion of that matter at a meeting of the council held with open doors.

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

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

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

PROCEDURAL MOTION

At 10.25pm **Moved Cr Ker, Seconded Cr Youngman**

That the Council resume an "open" meeting.

PROCEDURAL MOTION PUT AND CARRIED (9-0)

15. CLOSURE

The Presiding Member, Mayor Catania, declared the meeting closed at 10.25pm with the following persons present:

Mayor Catania, JP	
Cr Steed Farrell (Deputy Mayor)	North Ward
Cr Anka Burns	South Ward
Cr Helen Doran-Wu	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Noel Youngman	North Ward
John Giorgi, JP	Chief Executive Officer

No media representatives or members of the public were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 26 February 2008.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2008