



**TOWN OF VINCENT**

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*"Enhancing and celebrating our diverse community"*

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# MINUTES

**10 MAY 2011**

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Nil. 179

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Nil. 179

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Nil. 179

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Nil. 179

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Nil. 179

## **15. CLOSURE**

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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 10 May 2011, commencing at 6.00pm.

**1. (a) DECLARATION OF OPENING**

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

**(b) ACKNOWLEDGEMENT OF COUNTRY STATEMENT**

“We acknowledge that this land that we meet on today is part of the traditional land of the Nyoongar people. We acknowledge them as the traditional custodians of this land and pay our respects to the Elders; past, present and future”.

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

**(a) Apologies:**

CrAnka Burns– apology – arriving late due to work commitments.

Cr Taryn Harvey– apology – arriving late due to work commitments.

**(b) Present:**

Mayor Nick Catania, JP	Presiding Member
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward (from 6.21pm)
Cr Steed Farrell	North Ward
Cr Taryn Harvey	North Ward (from 6.21pm)
Cr Sally Lake ( <i>Deputy Mayor</i> )	South Ward
Cr Warren McGrath	South Ward
Cr Dudley Maier	North Ward
Cr Joshua Topelberg	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Tory Woodhouse	Co-ordinator Strategic Planning (for Item 9.4.8) (until approximately 9.10pm)
Susannah Kendall	Senior Planning & Heritage Officer (for Item 9.4.8) (until approximately 9.10pm)
Ben Doyle	Associate Director, Planning Solutions (for Item 9.1.5) (until approximately 10.30pm)
Anita Radici	Executive Assistant (Minutes Secretary)
<u>Employee of the Month Recipient</u>	
Godini Nicholas	Customer Service Officer – Halls and Reserves Bookings (until approximately 7.15pm)
Lauren Peden	Journalist – “ <i>The Guardian Express</i> ” (until approximately 10.00pm)
David Bell	Journalist – “ <i>The Perth Voice</i> ” (until approximately 9.40pm)

Approximately 45 Members of the Public

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

Nil.

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

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

1. Peter Lee Jones of 66 Smith Street, Highgate – Item 9.4.8. Stated the following:
  - The recommendation approves proposed time restricted areas under Mt Lawley/ Highgate. It includes Broome Street between Beaufort and Smith Street, Highgate and Howard Street between Stirling and Smith Street however, the area between Stirling and Smith Streets has not been mentioned in the hand out received in the mail.
  - Found it strange that in October 2010 tenders were called to purchase machines and was accepted however, community consultation was not undertaken until March 2011, which he finds rather strange.
  - Referred “Proposed Additional Time Restrictions in Various Streets” where the above streets are again mentioned however, he is not aware of residents being advised or asked for comments on restrictions between Stirling and Smith Streets.
  - Referred to “Key Points Objecting to the Proposal – Officer Comment”, it is recommended that “ticket machines not be installed in Lake Street at this point in time given the predominant residential nature of this street” – Broome and Harold Streets fall into the same category having a predominantly residential nature.
  - Referred to “Areas will receive ongoing monitoring in 2012” – asked will this include community consultation?
  - Referred to “Additional Restricted Parking Areas” abutting justified to manage the spill over however, this will force people further back into the residential areas where no restriction applies – for example Smith Street.
  - Local residents and visitors are exempt from paid parking as long as permits are displayed in the paid parking area however, queried what about in the time restricted areas which are slowly enveloping the Forrest Precinct.
  - Quoted “paid parking is a good way to encourage parking close to business”, suggests, from experience, that the opposite is in fact true.
  - Quoted “parking will address the issue of commuter parking congesting residential streets” – commuters are already parking outside his house regularly.
  - Quoted “paid parking should free up congestion in residential streets to make it easier for local residents to park closer to home” – local residents will state that the introduction of paid ticket parking outside nib Stadium has produced the opposite effect with the paid parking area is often nearly empty while Smith Street between Bulwer and Lincoln is full.
  - Over 82% of residents in Mt Lawley have rejected the introduction of paid parking and yet Council has already purchased the machines.
2. Ian Merker of 106 Broome Street, Highgate – Item 9.4.8. Stated the following:
  - Supports the previous speaker.
  - Would like clarification on what is happening in Broome Street.
  - Has no objection to parking meters being put in just adjacent to Beaufort Street as he believes it will help with congestion however, objects to residential parking meters outside houses.
  - Has reviewed what is planned for Broome Street and with the aid of Cr Lake, they are totally confused by what is happening. Asked if parking meters only going to be introduced in the perpendicular parking bays on Broome Street or does it look as if they are going all the way down to Stirling Street
  - He is broadly happy with parking next to Beaufort Street but not in the rest of Broome Street and the residential areas.
  - He hopes this is not the “*thin edge of the wedge*” for the Council starting to look at charging for parking for residents in future.

3. Craig Rowbottom of 33 Chelmsford Road, Mt Lawley – Item 9.4.8. Read out the following:
- “1. Whom requested that parking conditions be changed across residential streets in Vincent? Or, in other words, which grounds within Vincent do you see benefitting from the introduction of paid parking in Vincent’s residential streets?”*
  - 2. With regard to the previous question and the results of feedback from the recent consultation, have that interest group (previously questioned) indicated majority support for the proposed changes?*
  - 3. Has the Town of Vincent conducted a “best practice” evaluation of similar Councils in an effort to understand what parking models currently exist within Perth residential areas, and the merits of existing working systems?*
  - 4. Are you aware that the City of Subiaco has a very similar geography and demographic to Vincent with, he is lead to believe talking to Subiaco staff, very few parking problems and no paid parking in residential streets, with the exception of a small section of Roberts Road near the hospital.*
  - 5. Has the model being proposed, been chosen simply because it is easiest for the Town of Vincent Rangers to administer; and, if so, is the Town of Vincent conscious of choosing a model which is designed to suit 3 or 4 Vincent employees, and to the detriment of 1,000’s of residents and their visitors?*
  - 6. Would the Councils stated goal of “increased parking bay turn-over” be achieved by simply introducing a 3 hour parking restriction consistently for a fixed radius around the commercial precincts without the need for undesirable pain parking and costly ticket machines in residential streets?*
  - 7. In the vicinity of Beaufort Street Mt Lawley, why is paid parking being proposed in a selective manner – i.e. why is paid parking being proposed for Raglan, Grosvenor, Chelmsford, Barlee, Clarence and Broome Streets and not being proposed for Vincent, Harold Mary and Chatsworth Streets?*
  - 8. With regard to the proposal to impose paid parking in residential streets, do you expect the residents of Vincent to be part of an experiment that seems to have no precedent in Perth?*
  - 9. As a consequence of this parking experiment, do you expect the residents and potential residents of Vincent may consider Vincent to be less attractive residential proposition in preference to living in an area managed by a Council that places the wishes of its residents higher in its list of priorities?”*
4. Patricia Sinclair of 23 Grosvenor Road, Mt Lawley – Item 9.4.8. Agrees with previous speakers and stated the following:
- Does not understand why the proposal is at this stage when the 2 hour parking restrictions which currently exists in her street is not monitored as the entire staff IGA park outside her house all day long for every shift. If only shoppers parked outside and it was monitored, there would be no issue.
  - Queried why it would be expected that ticket machines would be monitored any more effectively than the current method which cannot be monitored properly as they Town does not have enough Rangers and, if it was, she does not believe there would be parking restrictions.
  - She has vehicles outside her property all day/every day when the car parks and main streets are empty as they are not being used by shoppers, they are being used by people for long term parking so they can go to work.
  - Believes people who have a rear right of way access are disadvantaged because if she had to take her car in and out of a rear laneway all day, especially one that is being used as access for a short cut by people going from the Chelmsford Street carpark through to Chelmsford and onto William, it would be impossible for her to get in and out. However, people with on street parking in front of their properties already take up a space in order to access that on street parking – asked why can’t people who are residents at this end of Beaufort Street have one space outside their homes allocated to them to make the situation easier.
  - Believes whether meters are put in or not, it will not make any difference as something needs to be done about public transport to stop the use of cars so often.

5. Dr Jenny Fay of 6 Waugh Street, North Perth – Item 9.4.8. Stated the following:
  - Commenced a new practice on Fitzgerald Street next to the Rosemount Hotel and they are very disappointed to find out the proposal for paid parking on Fitzgerald and View Streets.
  - They have been in a 2 year process of building and at no time has there been any discussion to suggest that staff or patients would not have access to free parking. Having known this would have made a significant difference.
  - As a local resident she objects in principle as it is not the way she would like to see the Town progress in the future. She is a frequent customer of the Bendigo Bank and Australia Post.
  - Objects to this proposal.
  
6. Mark De Padova of 60 Richmond Street, Leederville – Item 9.4.8 (specifically to meters on Richmond Street). Stated the following:
  - Lived on Richmond Street for a number of years and directly opposite the Loftus Centre Carpark.
  - The carpark is rarely full with 30 or 40 bays available at all times of the day except for the odd Saturday or Sunday when there is a major WAFL game on.
  - Believes, to suggest that ticket machines are needed to artificially produce additional parking and that is required on Richmond Street is complete nonsense as there is plenty of parking.
  - Believes the introduction of ticket machines is purely a revenue raising measure particularly for residential areas.
  - Believes the Council should be run for the benefit of its community however, it could be argued that this Council is now being run as a business for the benefit of the Council.
  
7. Robyn Daniels of 169 Lake Street, Perth – Item 9.4.8. Stated the following:
  - She was one of the 94% of residents in that section that put in a submission in relation to this therefore she endorses this recommendation.
  - Objected because she lives in a historical precinct.
  - Gives a “gold star” to parking inspectors as she believes they have a big job to do.
  - With the Town being a mixture of residents and businesses, wherever you put parking meters or restricted parking all that is going to happen is that it is going to move to the next street.
  - Asked the Council to employ more parking inspectors to enforce the signs already up and make sure that the day trippers into Town or those in their area going to Yum Cha on Saturdays and Sundays, that they do not move from the ticket parking that is in place on Forbes Road or Stewart Street into Lake Street and then you cannot get in or out of the place.
  - Requested that the Council keep working on people who park for extended periods.
  
8. Mrs Solely of 25 Chelmsford Road, Mt Lawley – Item 9.4.8. Stated the following:
  - Supports the previous speaker – Craig Rowbottom.
  - With the parking on both sides of the Chelmsford Road, this causes problems with the traffic at the top end of the Road. This also happens on Beaufort Street where there is a no entry sign however, no-body takes any notice and it all goes through.
  - Does not want to see machines placed outside every home but does agree to ticket machines being installed.

**Cr Burns and Cr Harvey entered the Chamber at 6.21pm.**

9. James Taylor of 6 Chelmsford Road, Mt Lawley – Item 9.4.8, particularly Chelmsford Road. Stated the following:
- Supports previous speakers with exclusion of the last comment of supporting the meters, which he does not support.
  - Queried if the “driver” for these parking meters, the Deck Parking, which the Town’s Parking Strategy Report says needed controlled parking around it to make it a viable and make it of interest to a private company or Town of Vincent to build it.
  - The Strategy talks about controlling parking not about parking meters per say, as having parking meters in that section of Chelmsford Rd is only going to encourage commercial traffic.
  - Chelmsford is particularly nasty up the top and quite congested down the bottom therefore this will only encourage parking.
  - Believes there are better ways of dealing with this and it is very “*heavy handed*”.
  - Supports the comment regarding public transport – believes this needs to be addressed make better before parking meters are dealt with up Chelmsford Road. Likewise, deal better with the relationship with the carpark on Barlee Street and Chelmsford Road. Believes this can be dealt with quite well with liaison with MainRoads and reduce the problems.
  - Concerned that this has not been thought through very well, it is all about parking which is fine however, it does not look at the bigger picture such as development.
  - Believes there should be a Masterplan done and is disappointment that there has not been, as there has been in Leederville.
  - Stated the comprehensive Strategies (2002 and 2010) talks about cash-in-lieu which he believes needs to be discussed before parking in Chelmsford Road. Also talks about “inner core” and “outer core” and what the hierarchy for parking is, he suggests that they are “outer core” not “inner core” and that would put residents much higher than drop offs, loading zones and other parking that is just as relevant to that area.
10. Tony Maher of 156 Lake Street, Perth – Item 9.4.8. Objects to the installation of parking meters for the following reasons:
- Lake Street, surrounding streets and much of the Town is heritage listed with many heritage listed residential areas and believes the Council should do all that it can to restrict non local traffic through all of these areas.
  - To his knowledge there have been at least 3 investigations into traffic movement around the Lake Street area and all have remained unresolved.
  - There is very limited off street parking in Lake Street therefore residents should always have the first option to park on those streets and, does not believe the installation of parking meters is going afford this arrangement.
  - Understands how parking permits work and it seems to work well, does not understand why the system is changing regarding the time allowed to park in Lake Street and many other streets in the Town.
  - Asked what is wrong with the current system and who has raised it as an issue? Believes that parking is always available to his guests and he does not like the idea of them visiting him and have to put money in a meter.
  - Understands that permits may be available to those with no off street parking but that seems inconvenient.
  - Traffic and parking in particular have been issues as long as he has lived in Lake Street (12 years) and remains unresolved. Believes the installation of parking meters is not going to assist the process.

- He did not receive a letter regarding this Equitable Parking Strategy and, notwithstanding the fact that one was produced, he was only able to respond in a negative way regarding the Strategy on the last day. He was given an assurance that the letter was sent but it did not arrive.
- He copied his most recent correspondence with the Council regarding this Strategy to all but one of the Councillors and did not hear from anyone. For the 12 years he has resided in Lake Street he has never had a Councillor knock on his door to see how things are going. It seems that the residents always have to get onto the Council when things need to be done or when things are proposed where consultation has not been all that obvious.
- Reminded Councillors that they are in their position to look after the ratepayers of the Town and what they should not be doing is proposing or implementing policies that are not in the best interest of ratepayers.

**The Presiding Member, Mayor Nick Catania advised that there are no ticket machines proposed for Lake Street.**

11. Rod Gundry owner of IGA Leederville for 14 years – Item 9.4.8. Stated the following:
  - As a business, parking has always been an issue in Leederville.
  - Concerned that in Leederville they are under so much pressure, recently the Leederville Hotel was made into a paid parking scenario and if you go past there any day, it is not full. He has watched people that used to park there now park in the free parking in the Avenue Carpark or into the streets and he feels sorry for the residents.
  - Believes that if the Town could come up with some way for business people who have to get their cars into Perth for some reason or another, that they create an area where they are able to pay a monthly or yearly permit to take the load off the streets and off the free carparks.
  - He watches the Rangers and the only way they will be successful is policing whether it is free carparks, streets or anything else, the more policing the better it will get under control.
12. Melanie Hardie of 64 Richmond Street, Leederville – Item 9.4.8. Stated the following:
  - She has also lived in Balmain Sydney for 10 years and has seen the difference in different parking regimes etc. Believes the Town should create an underground carpark for people who are parking near the IGA area.
  - She has 2 parking spaces on the side of her street as she is on the corner of Richmond and Fleet and she gets fined \$150 every time she parks there, therefore asked the Council to be smarter about the spaces they do have that are sitting there empty when, on Sunday when there is football on, people are parking everywhere.
  - Believes this is “*overkill*” for what is needed.
13. Noel Croxson of 1 Haley Avenue, Leederville – Item 9.4.8. Stated the following:
  - At this stage the proposal regarding the parking meters do not affect his property however, believes that when they are installed it may affect him as they will push more cars into his area which is quite small.
  - Queried whether the parking meters will run “24/7” or 9am-5pm as that will have a huge impact because if they are going to run “24/7” he may as well not have a car anymore.

14. Norelle O'Neill, Chair of the Mt Hawthorn Precinct Group of 1 Matlock Street, Mt Hawthorn – Item 9.4.8. Stated the following:
  - Particularly regarding the growing dissatisfaction about the proliferation of free Town of Vincent parking that is happening within this block.
  - Asked the CEO to provide exact numbers with maps of free parking bays being made available to the Town's staff in the areas surrounded by Oxford, Vincent, Loftus and Richmond Streets.
  - Presumes the Town will be leading by example regarding this particular issue with these no longer being free and she would expect them to be metered or to be or to be freed up for others to use.
  - If they are not going to be metered, if not and why not?
15. John Boykovich of 176 Carr Place, Leederville – Item 9.4.8. Stated the following:
  - They have also submitted a petition put forward for 7 residents who have no off street parking. Irrespective of what the outcome will be for having parking meters on Vincent Street, they are already in a situation where they are unable to park in front of their homes for a majority of the day although there is a 2 hour parking restriction.
  - Parents in the area who go to pick up their children or take them to school are unable to park within 30-40 metres of their home as it stands at the moments.
  - When he leaves to go to work in the morning between 8-8.30am there are people queuing up to take his bay in front of his house so he will pull out and someone else will pull in and, there are a number of people working from home in the area who are not able to get a parking space again.
  - Moving down the street towards the Leederville Hotel, they have the situation where the verges are completely covered in cars, which is unacceptable.
  - Understands people want to go to the Pub or have a meal down the road which is fine however, it is impacting on their parking amenity.
  - Over the long weekend there would have been 15 cars parked on both sides of the street for about 20-30 metres down the road, being mostly resident parking with a few visitors and this can be compared to what it is like during the day which is, basically, there is no parking which runs from 8am-7.30/8pm.
  - Cannot comment on the rest of the proposal regarding parking meters therefore he is not sure if they are a good thing or not. He simply wants to advise the Council that there is a problem which cannot get any worse as there are no more parking spots.
16. Anthony Ramage of 11 Lindsay Street, Perth – Item 9.4.8. Stated the following:
  - Current parking in front of 7, 9, 11, 13 and 15 Lindsay Street is inappropriate, it is congested and a tragedy waiting to happen.
  - The signage is currently 1 hour only parking next to the verge which allows cars to park in the street reducing the 2 lanes to 1.
  - This particular part of the street is heavily used by shoppers going to Coles and he believes it should be changed to a no standing zone.
  - About 6 months ago he sent a letter of complaint into the Council however has had no response.
17. Peter Thonell of 4/1 Brentham Street, Leederville – Item 9.4.8. Stated the following:
  - Putting in paid parking particularly coin parking is not going to provide any more bays, it is just going to be more of a hassle to park there and people do not normally have lots of coins anymore like 20/30 years, not now.
  - Having paid parking everywhere is not exactly value adding for the business down the road.

18. Lee Semeniuk of 174 Lake Street, Mt Lawley – Item 9.4.7. Stated the following:
  - Endorses the recommendation that ticket machines not be installed in Lake Street together with the comments of her neighbour Robyn Daniels that, installing machines in other parts of the vicinity that they are in will simply push the parking into other areas such as Lake Streets.
  - Not sure if there is still a proposal to charge residents for their residential permits but, if there is, then she strongly objects to it.
  - She does not have a carport or garage and the majority of the residents along her street also do not therefore she does not believe it is a fair position for residents to pay for their own residential parking or guests including their families to visit them.
  - Believes it would be best resolved in a manner of more policing of the current parking situation already there.
  
19. Vern Gardam of 20 Hutt Street, Mt Lawley – Item 9.4.8. Stated the following:
  - To get to his section of Hutt Street, he needs to access it by Grosvenor Road and to get to Grosvenor, he has to be north bound on Beaufort Street, alternatively, he can go to Raglan Road off Walcott Street.
  - He has lived there for 25 years however the recent problem is that it has been demonstrated (with a couple of Friday night events at the Astor) that you cannot have 2-way traffic in that part of Raglan Street if there is parking on both sides of the road.
  - The necessity for effective 2-way traffic is that you have gaps at cross-overs or people not parking there. When you have people parking they park over driveways.
  - The investigation of the idea that you can have parking on both sides of Raglan Road fails because you cannot have 2-way traffic at the same if you take up every available parking space.
  - Part of the parking problem comes back onto the Council because every time the Council approves buildings without adequate parking space the situation is aggravated. Therefore there needs to be some form of consistency in terms of parking spaces for commercial development and not accepting a certain amount of money which is not transformed into parking areas.
  
20. Professor Mike Grant of 21 Chelmsford Road, Mt Lawley – Item 9.4.8. Stated the following:
  - Has lived on Chelmsford Road for 5 years and since he began to live there his mobility has deteriorated therefore he is faced with having Silverchain and others over to help him. If they come in he has a rear garage which will make it impossible for them to park outside the garage as they would block the lane.
  - Queried what he is to do if Silverchain attend and he cannot get a permit, then he or they will have to pay and he does not believe that is fair for a residential area.
  
21. Nick Chen on behalf of his son Chris Chen of 250 Fitzgerald Street, Mt Lawley – Item 9.4.8. Stated the following:
  - His son's shop at 250 Fitzgerald Street does not have parking. Over the last 6 months they have put up a sign and quite a few people make enquiries regarding parking, however lost interest.
  - Their parking application was unfortunately rejected.
  - Believes the Council is for the benefit of residents.
  - Asked the Council to consider their application.

22. Lee O'Donohue, representative of the Local Residents Group of 94 Harold Street, Mt Lawley – Item 9.1.5. Stated the following:
- The Group have been very active in their opposition to the proposal.
  - Reminded the Council of their refusal in December for the application for a 5 storey, two 3 storey and office based on concerns about excessive height, bulk and scale, density, impact on amenity, non-compliance with setbacks, non-compliance with parking requirements and the consideration of residential objections.
  - This matter has also gone to SAT and been mediated through 2 sessions. Since then, amended plans have been lodged with the Town and are now presented for reconsideration. Which have only just been issued to the public therefore only allowing very little time to put forward any argument.
  - Pointed out the proposed amended plans are 6 storey and 5 storey which she is amazed about considering the Council rejected the previous application.
  - Under the precinct plan for Forrest Park, 2 storey's is the height limitation and under the new multiple dwelling codes 4 storey's is what is permitted under R80 which this block is.
  - The Report states that the development is consistent with the height and scale of development existing and approved in the surrounding area however, as a resident of Harold Street she fails to see that this is the case as she cannot see any 5 or 6 storey developments in their low rise residential area and can only refer to some mixed use developments along Beaufort Street, where the Council has a specific policy to allow mixed use high rise development.
  - The amended plans do not reflect the required plot ratio and the combination of being over height and the excess plot ratio means that density has not been dropped, there are only 3 dwellings that have been dropped from the whole proposal and this was initially an issue the Council previously had – over developed for the site.
  - The Group is concerned about the amended plans, they do not feel that they have had enough time to look at them and do not feel that it is an improvement to the previous application, in fact they feel it is worse.
  - Urged the Council to take the comments on board and refuse the application so it may be considered at further SAT hearings.
23. Mr Doherty of 368 Stirling Street, Highgate – Item 9.1.5. Stated the following:
- Supports the previous speaker.
  - Congratulated the Council on refusing the previous application due to:
    - development not consistent with orderly and proper planning;
    - bulk, scale, height, density and plot ratio (which concern him most);
    - non-compliant setbacks; and
    - non-compliance with parking.
  - Received a letter on 2 or 3 February only a couple of days before the SAT meeting on 4 February at 10.30am, therefore not a lot of warning.
  - Last week they receive a letter advising of this meeting and mentioned SAT mediation however, he cannot see any mediation having happened at all. To him mediation is about coming together and compromising and the application has now gotten worse.
  - The previous application asked for 87 multiple dwellings – 46 single bedrooms totally 133 however, the amended application is 130 which is a 2% change and he does not consider this to be any sort of mediation at all.
  - The amended plans scare and depress him. He purchased his house in 1995 and it was built in 1910 by an architect.
  - This proposal does not belong on Stirling Street, there are no other buildings of a similar size except for the huge one down is Smith Street.
  - Urged the Council to reject the new application.

24. Anna Chin of 108 Harold Street, Mt Lawley – Item 9.1.5. Stated the following:
- Endorses the previous 2 speakers.
  - Initially this was a 7.5 storey development which was refused, then it was resubmitted as 5 storey and cannot believe now, after 2 SAT mediations it is back up to 6 storey – how does that happen?
  - Believes it still looks like a 1960's block of flats which she objects to.
  - The development is over plot ratio, scale, height and bulk which have always been the Group's argument.
25. Peter Simpson of TPG, 182 St George's Terrace, Perth – Item 9.1.5. Stated the following:
- Represents Finbar – the owners and supports the recommendation.
  - Thanked the Council, particularly the Mayor, Cr McGrath and the CEO for the positive way they have participated in the mediation process.
  - His client considers the process as being very beneficial in identifying what the key issues have been and trying to address those key issues, which are well articulated in the report.
  - This proposal addresses the concerns about:
    - height and scale of Harold Street with the number of storey's being reduced;
    - setback which has been increased;
    - mature trees retained;
    - bulk and scale to the southern boundary and overshadowing through reduction of the building height;
    - bulk and scale through the changes to materials, finishes and articulation of the buildings.
    - access to the basement as that has been relocated centrally on site; and
    - lack of on street parking as it complies with carparking and also the number of visitor bays has been increased.
  - Accepts that there has been an additional level to the central rear building but that addresses and is directly adjacent to the Queens Hotel carpark.
  - It is important to note that during the mediation process the objectors have come to a mutually acceptable outcome where neither party is disadvantaged by also achieving the desired objectives and resolving those issues.
  - Believes the proposed changes do achieve that outcome and whilst a total number of dwellings has been reduced and the total plot ratio has decreased (which impacts their clients feasibility), his client considers the outcome to be an appropriate solution for the site.
  - Supports the recommendation, believes mediation was successful and looks forward to the Council's support.
26. Susan Unger of 103 Second Avenue, Mt Lawley – Item 9.1.4. Stated the following:
- Purchased 12 Grosvenor Road as an investment property and rent it out to 3 people who live quite a party lifestyle next door to the Scotsman however, they would now like to use it as an office.
  - They have shown ample parking in their backyard on the drawings which is hard to access as it is only a 4 meter right of way. They do not require this much parking, planning is not approved on the basis of carparking.
  - They have lived in their current property for 22 years and have only had 1 car which she shares with her husband and son because they are happy to walk to their property and use bicycles therefore do not require 4 bays however, that is what is required with the square metres of the house and have shown that is possible. Although planning has now come back that they need 1.7 bays therefore no change is required.
  - They are not changing the outside of the house. If are able to start using it for their architecture business, they would improve the look of the place as they would be in their own residence/office.
  - Urged the Council to support the change of use.

27. James Wagcon of 126 Harold Street, Mt Lawley – Item 9.1.5. Stated the following:
- He has not had much time to check the plans however they have gone over them and found it very interesting that many things i.e. bulk and scale are basically the same with very little difference at all.
  - Previous plot ratio was 10,500m<sup>2</sup> and if you divide this by the total site area it gives a ratio of 1:119 however the new plot ratio is now 10,770m<sup>2</sup> therefore a ratio of 1:123 – fairly simple maths. Fails to see how it has been reduced or compliments the main building.
  - Plans referred to “lower ground”, “ground” and the first level does not start until the top of the ceiling of the heritage listed building so anyone looking at it on the small A4 plan are going to see 2 storey and think it is not going to be high however, the 3 storey building which is the classrooms that face Harold Street would be demolished and there would be another storey on top of that. Struggles to see how it is going to make the area look any better.
  - Regarding the trees, they simply make it more appealing to those buying the property and does not see that as a bonus.
  - Sad to no longer see this as the educational institution it was for 100 years, it is even sadder to see what it may well become in the future.
28. George Neri of 136 Harold Street, Mt Lawley – Item 9.1.5. Stated the following:
- Also owns a townhouse adjacent to the development.
  - Has lived in the area for over a decade and is a member of the Group who are passionate about the community and have an interest in a quality development not blocking any development. The Group’s concern and passion united the Resident Group in forming the St Mark’s CBC redevelopment Pro Action Group.
  - At the commencement of the SAT mediation process, the community asked to be involved in the appeal and Presiding Member Parry said that could only occur through the Council and CEO.
  - Anna Chin received correspondence from the CEO on 4 February advising that the Town does not intend to call any third party witnesses, that is members of the community, during this mediation.
  - Anna Chin received a subsequent letter from SAT dated 9 March stating that the Town did not want them as a third party at mediation.
  - Interestingly, on 21 March the CEO indicated that the Town did not object to the community participating at the SAT mediation and, at the last minute, it was suggested that the Group via Anna Chin chose not to proceed with their participation at SAT.
  - The Group withdrew their application to be part of mediation as they were assured by the Mayor that the Town was thinking along the same lines as the Group and, as a result, that disqualified them from being a third party.

**The Presiding Member, Mayor Nick Catania stated that this did not disqualify the Group at all, it gave them the option and the option was, Anna Chin, the spokesperson at the time, stated that the 3 Council Representatives (the Mayor, CEO and Cr McGrath) to take up their cause therefore, the Group was still able to participate however, chose to have the 3 Representatives.**

George Neri stated he begged to differ and continued:

- As they understand it the SAT Regulations state that a third party cannot argue the same point of view as one of the 2 proponents.
- They feel that they have been marginalised and their view on the development was not properly represented to SAT at all, hence their call for a full tribunal hearing.
- They are disturbed about the height and plot ratio. They object to the height, scale and bulk of the buildings and regard it as an overdevelopment of the site.
- The outcome has left their group feeling it was obviously a mistake to surrender this representation at SAT.

- Although resolving one residents shadowing and some Harold Street issues, these amended plans have not resolved the height, scale and bulk issues as these were their main issues.
  - By his own admission, when asked to comment about SAT mediation, Mayor Catania (quotes from the Perth Voice, 16 April) “*expressed that the plot ratio still had not been addressed*”.
  - The Council have been entrusted in deciding on this large scale development and the irreversible consequences need to be carefully considered.
  - The Group ask the Councillors to deliberate that if there are any doubts whatsoever about the current proposal then the responsible result will not be a rash decision and to indeed defer approval so that these matters can be addressed at a full final tribunal hearing. Do not regret making a mistake that could have been avoided.
29. Ian Merker of 106 Broome Street, Highgate – Item 9.1.5. Stated the following:
- 30 years ago he and his wife purchased a very dilapidated duplex on Broome Street instead of getting superannuation and they worked on it for months and months (no tradesmen) purely restoring it to its original condition and, character of the area. Many people have done the same thing in Highgate with properties and business with enthusiasm and together, over the decades Highgate has been turned into one of the best inner city environments to live in, in Australia.
  - Highgate and Mt Lawley share many similarities – cafés, shops, restaurants etc. however there are differences i.e. the majority of Highgate being in the Town of Vincent and the majority of Mt Lawley being in the City of Stirling.
  - Over the last 30 or so years Stirling has recognised the need to keep the quality of developments particularly in Mt Lawley on the highest quality level. They have rejected high density, high rise, poor quality unit developments.
  - This evening Councillors are not only voting on what is happening this one development, believes the vote is on where the wonderful suburb of Highgate will be in decades to come. Letting in one high rise will urge others to do the same and go higher and higher with lower quality housing.
  - Not against Finbar who contribute highly to the art and improvement of lifestyle given to the people of WA, they are a good company capable of producing good developments that enhance the lifestyle of WA however, if this development proceeds, it will be 1960’s flats all over again and it will destroy their lifestyle.
  - Urged the Council to reject this proposal otherwise they will to be remembered as the Councillor who supported the beginning of the end of Highgate.
  - Asked the Council if they would live these or would they like to live next door to them with the noise, unsightliness, scale, traffic, disturbance, rubbish bins and parking problems? Believes the vote tonight will affect the history of Highgate.

There being no further speakers, Public Question Time closed at approx. 7.10pm.

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

Nil.

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

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

- 5.1 Petition received from Ms M. Blakeley of Brisbane Terrace along with 16 signatures, objecting to the decision made at the Ordinary Meeting of Council held on 5 April 2011 relating to parking in Brisbane Terrace, Perth and the planting of trees on the south side of Brisbane Terrace and requesting that the Council introduce Resident Permit Only Parking to the north side of Brisbane Terrace with "No Stopping" to the south side of Brisbane Terrace.

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

- 5.2 Petition received from Harwood Place + Action Group of care of Harwood Place, West Perth along with 12 signatures, requesting changes to the Parking Scheme within Harwood Place, West Perth.

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

**Moved Cr Farrell, Seconded Cr Buckels**

*That the petitions be received as recommended.*

**CARRIED UNANIMOUSLY (9-0)**

**6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

- 6.1 Minutes of the Ordinary Meeting of Council held on 19 April 2011.

**Moved Cr Maier, Seconded Cr Buckels**

*That the Minutes of the Ordinary Meeting of Council held 19 April 2011 be confirmed as a true and correct record.*

**CARRIED UNANIMOUSLY (9-0)**

- 6.2 Minutes of the Special Meeting of Council held on 3 May 2011.

**Moved Cr Maier, Seconded Cr Topelberg**

*That the Minutes of the Special Meeting of Council held 3 May 2011 be confirmed as a true and correct record.*

**CARRIED UNANIMOUSLY (9-0)**

**Cr Buckels departed the Chamber at 7.12pm.**

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

- 7.1 Employee of the Month Award for the Town of Vincent for May 2011

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 \$120 voucher, kindly donated by the North Perth Community Bank, and a Certificate.

For MAY 2011, the award is presented to Godini Nicholas, Customer Services Officer - Halls and Reserves Bookings in the Town's Technical Services Section. Godini was nominated as a result of several letters of appreciation received from members of the Community. In late 2010, Godini also received a Certificate of Merit from the Mount Hawthorn Primary School for her ongoing support in reserving Menzies Reserve for their athletics practices and carnival day.

Most recently, a thank you card was received from Ms Terri MacKenzie, a resident of Geraldton who had attended the Cricket Country week held at Britannia Reserve earlier this year and who was distraught when her son left his very expensive trainers behind at the Reserve. As a result of Godini's efforts (which were above and beyond her required normal duties), the trainers were located.

Ms MacKenzie wrote as follows:

*"Thank you very much for your help and kindness in helping me to locate my son's joggers.*

*I greatly appreciate it and am grateful there are still caring people in the world like you."*

Godini is an extremely conscientious employee who has taken a great deal of pride in her work since she commenced in this position with the Town in 2006.

Congratulations Godini - and well done!

**Received with Acclamation!**

**Cr Buckels departed the Chamber at 7.15pm.**

7.2 Item 9.1.5 – Relating to Development Application at Nos. 369-375 Stirling Street, corner of Harold Street, Highgate

I extend a special welcome to Mr Ben Doyle, Associate Director of Planning Solutions, who has been appointed by the Town to act on its behalf to deal with the State Administrative Tribunal Appeal matter.

Mr Doyle is the author of the report and is here to answer any questions which may arise during consideration of the matter or speak to his report.

7.3 Angove Street Festival

Further to some comments made at the previous meeting with respect to the Angove Street Festival and the representation in that Festival of the multicultural aspect of the Festival, some Councillors thought that it was somewhat lacking in that area. I therefore sought some information from our Staff and I received this response:

*The 2011 Angove Street festival ran on Sunday April 10th between 10am and 4pm.*

*The 2011 Festival was organised by the North Perth Business and Residents Association (The North Perth Group) and with assistance from the Town of Vincent. The major sponsor for 2011 was the North Perth Bendigo Community Bank. Other sponsors were Lotterywest, Town of Vincent, Paragon Property, the Rosemount Hotel, Perth Upmarket, Juicebox, Pal & Panther and Danielle Campbell Jewellers.*

Attendance

*Estimates by the Festival organisers suggest approximately 20,000 people attended the festival during the day.*

Businesses:

*The majority of businesses on the street assisted during the organisation of the Angove Street Festival. This included direct sponsorship and "in kind" support. The businesses also supported and helped generate ideas for the festival through the monthly North Perth Group meetings.*

*Approximately 55 stallholders with quality goods were featured at the festival. A good number of these were WA designers and craftspeople selling their own quality wares.*

*Multicultural Elements in the Festival*

*There were two stages, one at the Fitzgerald Street end and the other at the Daphne Street end. The second stage near the North Perth School was devoted to the multicultural theme. The multicultural performers were:*

- *Indigenous Australian & Welcome to Country Phily-Wack Phenomenon;*
- *World music Musica del mondo;*
- *Latino influence De Ness Sextet; and*
- *Spanish Dance Alegrias.*

*There were also roving street performers with a multicultural theme e.g. Latin dancers & Italian Nonnas.*

*A multicultural emphasis was placed on chosen food stallholders for the 2011 Festival. Vietnamese, Australian, Mexican and Indian cuisine was available on the street. 'Pantry Door' staff were also dressed up in French and European style outfits with European produce on offer.*

*Other activities that were featured in previous Harmony Day events organised by the Town were also organised for the festival e.g. face painting, children's activities and the animal farm.*

*The Angove Street Festival website took about 9,265 "hits".*

Therefore, it was disturbing to hear that some thought there was not enough multicultural elements. The Town did contribute \$20,000 towards inserting the Harmony Day into the Angove Street Festival. The organisers were very concerned that there may be some perception that the money was not well spent. I therefore sought a response from our Staff who were part of the organising committee to see what representation there was. I would not like to see, as I communicated with Councillors, that the sponsors would be offended or that the money as given for that part of the Angove Street Festival was not appropriately spent. It was appropriately spent as relayed by our Staff.

If people attended on the day and stayed long enough, they would have seen all the events that did occur and the fact that one stage and one section of the festival was entirely devoted to what we call Harmony Celebration with multiculturalism.

**8. DECLARATIONS OF INTERESTS**

- 8.1 Cr Burns declared an Impartiality interest in Item 9.1.2 – No. 544 (Lot 1; D/P: 692) Beaufort Street corner of Harold Street, Mount Lawley - Proposed Construction of a Four-Storey Mixed Use Development comprising Six (6) Multiple Dwellings, Offices, Eating House and Associated Basement Car Parking (Amendment to Planning Approval). Cr Burns stated that in the Company that holds the leasehold to 560 Beaufort Street, he is a shareholder as trustee of a Trust and others of her immediate family members are also involved in that same Company as trustees, individuals and as involved in other companies as shareholders and directors.
- 8.2 Cr Harvey declared an Impartiality interest in Item 9.3.1 – Mount Hawthorn Primary School Fair – Family Festival – Contribution. Cr Harvey stated that her daughter is a student at the Mount Hawthorn Primary School and she is involved in the School Community.

- 8.3 Cr Burns declared an Impartiality interest in Item 9.4.8 – Town of Vincent Car Parking Strategy 2010 – Consideration of Submissions, Amendments to Parking and Parking Facilities Local Law 2007 and Introduction of Ticket Machine Zones and Time Restrictions. Cr Burns stated that she lives in Wasley Street however, not near where the parking ticket machines are proposed to be installed in Wasley Street to render her interest a proximity interest.
- 8.4 Cr Topelberg declared an Impartiality interest in Item 9.4.8 – Town of Vincent Car Parking Strategy 2010 – Consideration of Submissions, Amendments to Parking and Parking Facilities Local Law 2007 and Introduction of Ticket Machine Zones and Time Restrictions. Cr Topelberg stated that his family owns a property on William Street in an area recommended for increases in parking fees.
- 8.5 Cr McGrath declared an Impartiality interest in Item 9.4.9 – Information Bulletin specifically IB12 – Minutes of Tamala Park Regional Council Ordinary Meeting of Council held on 14 April 2011. Cr McGrath stated that his company is working on the Federal approvals of the Catalina land development being proposed by the Tamala Park Regional Council.
- 8.6 Cr Lake declared an Impartiality interest in Item 9.4.7 – Amendments to Policy No. 3.9.8 relating to Parking Permits. Cr Lake stated that she owns a residential property in a street with the area impacted by the proposed Commercial Parking Permits.
- 8.7 Cr Maier declared an Impartiality interest in Item 9.4.7 – Amendments to Policy No. 3.9.8 relating to Parking Permits. Cr Maier stated that he lives in an area that is identified to receive access to Commercial Parking Permits. Cr Maier stated that he does not have a business and will not be able to apply for a Permit. Cr Maier also stated that he has an interest in common in respect to other parking issues.
- 8.8 Cr Lake declared a Proximity interest in Item 9.4.8 – Town of Vincent Car Parking Strategy 2010 – Consideration of Submissions, Amendments to Parking and Parking Facilities Local Law 2007 and Introduction of Ticket Machine Zones and Time Restrictions. The extent of her interest being that she owns a property on a street which is proposed for time restrictions. Cr Lake requested approval to participate in the debate on this matter and vote on the Item excluding Clause (vi)(b).
- 8.9 Cr Maier declared a Proximity interest in Item 9.4.8 – Town of Vincent Car Parking Strategy 2010 – Consideration of Submissions, Amendments to Parking and Parking Facilities Local Law 2007 and Introduction of Ticket Machine Zones and Time Restrictions. The extent of his interest being that he owns a property in a street which has been identified for restrictions. Cr Maier requested approval to participate in the debate on this matter and vote on the Item excluding Clause (vi)(b).
- 8.10 Mayor Catania declared an Impartiality interest in Item 9.4.8 – Town of Vincent Car Parking Strategy 2010 – Consideration of Submissions, Amendments to Parking and Parking Facilities Local Law 2007 and Introduction of Ticket Machine Zones and Time Restrictions. The extent of his interest being that he is the Chairman of the North Perth Community Bank who are situated on Fitzgerald Street which is indicated to receive parking meters.

**At 7.25pm Cr Lake and Cr Maier departed the Chamber whilst their declaration of interest was being considered.**

**Moved Cr Farrell, Seconded Cr Buckels**

*That Cr Lake's and Cr Maier's request to participate in debate and vote on Item 9.4.8 – Town of Vincent Car Parking Strategy 2010 – Consideration of Submissions, Amendments to Parking and Parking Facilities Local Law 2007 and Introduction of Ticket Machine Zones and Time Restrictions, excluding Clause (vi)(b), be approved.*

**CARRIED UNANIMOUSLY (7-0)**

**(Cr Lake and Cr Maier were absent from the Chamber and did not vote.)**

**Cr Lake and Cr Maier returned to the Chamber at 7.26pm. The Presiding Member, Mayor Nick Catania advised them that their request was approved (7-0).**

8.11 Mayor Catania declared an Impartiality interest in Item 9.4.8 – Town of Vincent Car Parking Strategy 2010 – Consideration of Submissions, Amendments to Parking and Parking Facilities Local Law 2007 and Introduction of Ticket Machine Zones and Time Restrictions. The extent of his interest being that his Company owns a house in Forrest Street. (Declared at approximately 8.25pm).

8.12 Cr Burns declared an Impartiality interest in Item 9.4.8 – Town of Vincent Car Parking Strategy 2010 – Consideration of Submissions, Amendments to Parking and Parking Facilities Local Law 2007 and Introduction of Ticket Machine Zones and Time Restrictions. The extent of her interest being that, although her interest is in common with others, she and other family members (as more fully disclosed in her previous Notice of Disclosure) have interests in a company which has a leasehold interest in a property on part of Beaufort Street that is shown to have ticket machines installed. (Declared at approximately 8.25pm).

All Councillors that declared an Impartiality interest state that as a consequence, there may be a perception that their impartiality on the matter may be affected and declared that they will consider the matters on their merits and vote accordingly.

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

Nil.

**10. REPORTS**

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

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

Items 9.4.8, 9.1.5 and 9.1.4.

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

Items 9.4.5, 9.4.6, 9.4.7 and 9.4.8.

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

Items 9.1.2 and part Clause (vi)(b) of 9.4.8.

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

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

Cr Farrell	Item 9.3.1.
Cr Topelberg	Nil.
Cr Buckels	Items 9.1.6 and 9.1.8.
Cr McGrath	Nil.
Cr Harvey	Nil.
Cr Lake	Item 9.1.1.
Cr Burns	Nil.
Cr Maier	Item 9.1.3.
Mayor Catania	Nil.

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

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

Items 9.1.7, 9.2.1, 9.2.2, 9.3.2, 9.4.1, 9.4.2, 9.4.3, 9.4.4 and 9.4.9.

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

Nil.

**New Order of Business:**

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

**(a) Unopposed items moved *En Bloc*;**

Items 9.1.7, 9.2.1, 9.2.2, 9.3.2, 9.4.1, 9.4.2, 9.4.3, 9.4.4 and 9.4.9.

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

Items 9.4.8, 9.1.5 and 9.1.4.

**(c) Those items identified for discussion by Council Members;**

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

**ITEMS APPROVED “EN BLOC”:**

The following Items were approved unopposed and without discussion “*En Bloc*”, as recommended:

**Moved Cr Farrell, Seconded Cr Burns**

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

*Items 9.1.7, 9.2.1, 9.2.2, 9.3.2, 9.4.1, 9.4.2, 9.4.3, 9.4.4 and 9.4.9.*

**CARRIED UNANIMOUSLY (9-0)**

**9.1.7 No. 299 (Lots 100 & 206) Charles Street, corner Albert Street, North Perth - Proposed Low Impact Telecommunications Facility (Fresh Supermarket Building)**

<b>Ward:</b>	North	<b>Date:</b>	21 April 2011
<b>Precinct:</b>	Charles Centre; P7	<b>File Ref:</b>	PRO1788
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report, Plans and Justification Report		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Dyson, Statutory Planning Officer		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *In accordance with the Telecommunications (Low Impact Facilities) Determination 1997 ADVISES Daly International that it SUPPORTS the Optus Telecommunications proposal for a Low Impact Telecommunication Facility at Nos. 299 (Lots 100 & 206) Charles Street, corner Albert Street and Charles Street, North Perth and as shown on the plans stamp-dated 13 December 2010, subject to the following conditions:*
- (a) *the proposed equipment shall be of a colour compatible with the existing equipment on site;*
  - (b) *all equipment being replaced should the facility be removed from the above site; and*
  - (c) *the Town shall not be liable to any claim for compensation as a result of the above Telecommunications Facility; and*
- (ii) *ADVISES the objectors of the Council’s decision and that the Council has limited powers concerning the control of telecommunications facilities.*

**COUNCIL DECISION ITEM 9.1.7**

**Moved Cr Farrell, Seconded Cr Burns**

*That the recommendation be adopted.*

**CARRIED UNANIMOUSLY “EN BLOC” (9-0)**

<b>Landowner:</b>	Lam Family Investment Pty Ltd
<b>Applicant:</b>	Daly International on Behalf of Optus Communications
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential/Commercial R80
<b>Existing Land Use:</b>	Shop
<b>Use Class:</b>	Shop
<b>Use Classification:</b>	"AA"
<b>Lot Area:</b>	3471.38 square metres
<b>Access to Right of Way</b>	Not Applicable

**PURPOSE OF REPORT:**

This proposal requires referral to the Council for determination given it cannot be considered under Delegated Authority.

**BACKGROUND:**

- 13 December 2010 The Town received written notification from Daly International of a proposed Telecommunications facility at the Fresh Super Market, and gave the Town five (5) working days to comment regarding a Consultation Plan to the adjoining landowners.
- 4 March 2011 The Town commenced Community Consultation to the adjoining property owners for a period of twenty eight (28 days).
- 12 April 2011 The Town received a Final Consultation Report regarding the proposal from Daly International on behalf of Optus Communications.
- 12 April 2011 Proposal considered at a Councillor Member Forum.

**DETAILS:**

The proposal involves the construction of three (3) panel antennas each not more than 2.8 metres long, attached on the rooftop of the south-east corner of the Fresh Supermarket building.

In addition to the antennas, as part of the facility, an equipment shelter, with an area of 7.5 square metres and no more than 3 metres in height, is proposed below the antennas, to house solely the equipment associated with the telecommunication facility. Ancillary equipment such as safety equipment, amplifiers, feeders and other associated infrastructure are also included. The applicant proposes to match the equipment shelter and antenna with the existing background colours.

Optus regards the facility as a *low impact facility* as per the Telecommunications (low impact facilities) Determination 1997. If a proposed facility is determined as a "Low Impact Facility" the telecommunication carrier is required to follow the below processes:

- "11(i) Immediately the Town is notified by Telecommunications companies of the intention to erect low impact facilities adjoining residential properties, those adjoining residents, local community or precinct groups and ward Councillors are also notified; and*
- (ii) the Town of Vincent inspect all existing low impact facilities in the Town of Vincent to update its database and ensure that these facilities strictly meet the definition of low impact."*

Following this notification, the Town as a matter of standard practice, consults with its local residents and business owners, local community precinct groups and Ward Councillors as per Clause 11(i) above. Once the Town has been notified by the Telecommunications companies of a proposed low impact facility being installed in the Town, as per Clause 11(i) above, both the Town, and the consultant on behalf of the carrier, consult with the community, in this case for a period of 28 days.

The applicant has provided further information, justifying the proposal following the neighbourhood consultation period:

1. The reasons for the selection of the location of the Telecommunication Facility on the roof of the Fresh Supermarket:

*Carrier's Response - "A mobile network is typically designed on a "cell grid" basis covering a geographic area. Base stations are located either in the centre of each cell or on the corner of a group of cells. The number of base stations required for a given area will depend on the terrain and the number of people using mobile phones."*

*"Optus Mobile telephone network is experiencing increased demand especially for mobile broadband services. This site is required to improve service to Optus customers by relieving congestion on the network. This demand for mobile telephone coverage and mobile broadband services has caused network congestion in some areas. Optus has identified a deficiency in the service coverage available in the North Perth area, specifically around the proposed location of the facility at Charles Street Fresh Supermarket, 299 Charles Street, North Perth."*

2. The proximity of the site to sensitive uses:

*Carrier's Response - "To provide a good quality mobile service, base stations need to be located where people use their mobile phones, including at home, at school and at work. When base stations are located close to users, the transmitter power required by the mobile phone and the base station to communicate is relatively low. Therefore to provide good reception and minimize EME, base stations need to be located close to users and where we live. The characteristics of this local area have been considered during the site selection and design of this facility. Factors considered (but not restricted to) included terrain, site elevation, sensitive sites and the height of the surrounding obstacles. Optus promotes the location of facilities within commercial (as is the case of this site) or industrial land uses, but sometimes this cannot be achieved whilst maintaining service coverage objectives. In this instance, Optus has approached the local primary school (North Perth Primary) to ensure they were aware of our proposal. No formal submission highlighting concern from the school community was received at the close of our public consultation exercise."*

3. The possibility of co-location with other Telecommunication Facilities:

*Carrier's Response "Whilst we confirm that there are existing telecommunication infrastructure at the corner of Scarborough Beach Road and Charles Street, the location falls outside of the search ring identified to improve coverage in the area and on this basis was discounted during our selection process. Alternative sites were looked at within the catchment area. However the location at Charles Street Fresh Supermarket was considered the best of these options by enabling installation on the existing structure and by being located within a mixed use commercial/residential area, within the core of the catchment where improved coverage is required."*

4. Any other information that you think is relevant to your proposal:

*Carrier's Response "Some members of the public continue to be concerned about possible health effects of radiofrequency (RF) electromagnetic energy (EME) emissions from mobile phone base stations. Although health authorities around the world, including the World Health Organisation, remain of the view that any harmful effects are unproven and unlikely, the public anxiety, itself, is an important issue. As a result, the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) continues to gather information on actual exposure levels and provides this to the public together with facts about the underlying science. The standards relating to the EME exposure levels are set by the ARPANSA and administered by the government agency Australian Communications and Media Authority (ACMA). It should be*

*appreciated that there are many existing natural and man-made sources of EME in everyday life, which include amongst others, the sun, electronic devices such as remote controls, baby monitors, medical equipment, TV, radio and radio communications equipment. In addition, there are numerous sources of EME in the average home from non-radio sources such as electric blankets, microwave ovens, computers and many appliances that run on electricity and emit EME.”*

**ASSESSMENT:**

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
<b>Non-Compliant Requirement</b>		
<u>Town's Telecommunications Facility Policy 3.5.6</u>		
Clause 3 – Distance from Residential Buildings	300 metres	30 metres
Clause 7 – Due Consideration to various matters	Visual and aesthetic matters, and environmental and health matters.	Antennas, poles protrude from the existing roof top and will be partly visible from the east, west, north and possibly south elevations.
Clause 9 – Design	Design to have a minimal impact on the streetscape and the amenity of the surrounding area.	Antennas, poles protrude from the existing roof top and will be partly visible.
<b><i>Officer Comments:</i></b>		
Supported. It is noted the proposed telecommunication facility is located in close proximity to the adjoining residential properties within a distance of 30 metres. The proposed facility is well within the prescribed EME readings; however, as per the ARPANSA criteria for Low Impact Telecommunication Facilities. The design of the antennae poles and shelter facility has been designed to colour match the existing building and be integrated where possible into the structure. Given the 3 antennae poles location in the middle of the roof structure of the southern building on site, the maximum lessening of visual impact to residents and passersby of the site has been created.		
<u>Charles Centre Precinct:</u>		
Built Form	Consistency in style, form, rhythm and articulation of buildings.	Proposal protrudes well above the existing roof line. The proposed equipment shelter is to match the colour of the existing building/roof.
Scale	All new buildings to be consistent with existing scale of buildings.	Antennas protrude not more than 3 metres above the height of the existing structure.
<b><i>Officer Comments:</i></b>		
Supported. The proposed telecommunication facility is located on an existing Commercial property. Given the buildings size and scale, as well as the location of the antennae poles in the middle of the roof, it will only be visible a significant distance away from the property.		

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

<b>Consultation Submissions</b>		
<b>Item</b>	<b>Comments Received</b>	<b>Officer Comments</b>
Support: (2)	<ul style="list-style-type: none"> <li>• Nil</li> </ul>	Noted.
Objections: (5)	<ul style="list-style-type: none"> <li>• Proximity to a densely populated Residential Properties;</li> <li>• Telecommunication Facilities should be centrally located in Commercial areas such as the corner of Charles Street and Scarborough Beach Road;</li> <li>• Proximity also to schools, community facilities, churches, alfresco dining and recreational precinct;</li> <li>• Concerns regarding the long term health impacts which are largely unknown to residents and children;</li> <li>• Installation will be an eyesore for the area and decrease property values;</li> <li>• Impact of EME's given close proximity of some dwellings to proposal;</li> <li>• The relocation of the tower, 100 metres to the corner of Scarborough Beach Road and Charles Street would reduce the EME from 1.56% to 0.18 – 0.71% to this high density residential area.</li> </ul>	<p>Noted. Addressed by the Applicant in their submission.</p> <p>Noted. As above</p> <p>Noted. As above.</p>
<b>Advertising</b>	Advertising for the Telecommunications Facility was carried out for a period of 28 days as per the Town's Policy No. 4.1.5– relating to Community Consultation and Policy 3.5.6 relating to Telecommunications Facilities, from 4 March 2011 to 1 April 2011.	

<b>Other Implications</b>	
<b>Legal/Policy</b>	TPS 1 and Telecommunication Facilities Policy 3.5.6, Telecommunications (low impact facilities) Determination 1997 and Telecommunication Code of Practice 1997 (as per the schedule of the Telecommunication Act 1997).
<b>Strategic</b>	<p>The Town's <i>Strategic Plan 2011-2016</i> states:</p> <p><i>"1.1.2 Enhance and maintain the character and heritage of the Town."</i></p> <p>The proposed low impact Telecommunications Facility is designed in a way to limit impact on the surrounding built environment.</p>
<b>Sustainability</b>	Nil.
<b>Financial/Budget</b>	Nil.

## COMMENTS:

### Strategic Planning

In this instance, the location of the facility on the south east corner of the building on the subject site is considered to be an appropriate choice in minimising the impact on the streetscape and the amenity of the surrounding area. Colour matching of the facility with the existing background will further reduce its visual impact. In relation to public health concerns, the report on the estimated Radiofrequency Electromagnetic Emissions would indicate a level well within the requirements set by the Australian Communications Authority (ARPANSA Standard).

On review of existing telecommunications facilities within the vicinity of the subject site it would appear that there are no Optus facilities within the immediate vicinity of the proposed site. There are two (2) low impact facilities located within close proximity on the opposite side of Charles Street (No. 324 & No. 356 Charles Street, North Perth) with other Carriers. As part of the obligation under the *Telecommunications Code of Practice* to co-locate facilities, the applicant should be required to demonstrate that the potential for co-location, at an existing facility within the area, has been considered in this instance.

### Alternative Locations

The position of the Town as per the Telecommunication Facilities Policy is for new telecommunications facilities to be co-located with existing facilities. Within the vicinity there are telecommunication facilities located to the north of subject property, near the corner of Charles Street and Scarborough Beach Road. The applicant has noted whilst this site was considered, it did not allow for appropriate coverage to be provided given the 250 metre distance between the two sites.

In light of the above, the Town's Officers consider the proposed low impact telecommunications facility on a commercial site and on a significant road is supportable in this instance.

**9.2.1 Tender No. 427-11 – Mount Hawthorn Community Centre – Supply and Installation of a Lift and Refurbishment**

<b>Ward:</b>	North Ward	<b>Date:</b>	3 May 2011
<b>Precinct:</b>	Mount Hawthorn (P1)	<b>File Ref:</b>	TEN0435
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	-		
<b>Reporting Officers:</b>	K Bilyk, Property Officer; J van den Bok, Manager Parks and Property Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

*That the Council ACCEPTS the tender submitted by Devco Builders as being the most acceptable to the Town for the supply and installation of a lift and refurbishment of the Mount Hawthorn Community Centre, at a total cost of \$553,297 (excluding GST) in accordance with the specifications as detailed in Tender 427/11.*

**COUNCIL DECISION ITEM 9.2.1**

**Moved Cr Farrell, Seconded Cr Burns**

*That the recommendation be adopted.*

**CARRIED UNANIMOUSLY “EN BLOC” (9-0)**

**PURPOSE OF REPORT:**

The purpose of this report is to obtain the Council’s approval for the awarding of the tender for the Mount Hawthorn Community Centre – Supply and Installation of a Lift and Refurbishment.

**BACKGROUND:**

Tender No. 427/11 - Mount Hawthorn Community Centre – Supply and Installation of a Lift and Refurbishment was advertised in The West Australian newspaper on 16 March 2011.

At the close of the tender at 2.00pm on 6 April 2011 six (6) tenders were received.

A tender received from Octagon BKG Lifts was considered non-conforming as it did not address the tender criteria and a further submission e-mailed to the Town from City Lifts was also considered non-conforming. These were subsequently excluded from the evaluation, in accordance with the requirements of the Tender requirements and Regulations.

Present at the tender opening were Purchasing/Contracts Officer, Mary Hopper and Property Officer, Kon Bilyk.

**DETAILS:**

The details of all tenders received are listed below:

<b>No.</b>	<b>Tenderers</b>	<b>Price (Excl GST)</b>
1.	Lansdown Construction	\$502,129
2.	Connolly Building Company	\$526,578
3.	Devco Holdings Pty Ltd	\$553,297
4.	CPD Group Pty Ltd	\$579,760
5.	Midtown Building Group	\$1,018,812
6.	Octagon BKG Lifts	Non-conforming tender
7.	City Lifts	Non-conforming tender

## Tender Evaluation

### Selection Criteria

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

Criteria		Weighting
1.	Financial Offer/Fee Proposal	50%
2.	Relevant experience, expertise and project team	30%
3.	History and Viability of Company	10%
4.	Methodology, Key Issues and Risk	10%
Total		<b>100%</b>

### Tender Evaluation Panel

The Tender Evaluation Panel consisted of the Director Technical Services, Rick Lotznicker, Director Corporate Services Mike Rootsey, Manager Park and Property Services, Jeremy van den Bok, Director -Peter Hunt Architects Geoff Clough and Property Officer, Kon Bilyk.

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

### Tender Summary

	Weighting	Devco Builders	CPD Group Pty Ltd	Lansdown Construction	Connolly Building Company	Midtown Building Group	
1.	Financial Offer/Fee Proposal	50	44.4	42.2	45.4	46.2	20.5
2.	Relevant experience, expertise and project team capacity to deliver product	30	26.8	26.1	23.1	18	15.9
3.	History and Viability of Company	10	9.1	8.8	8.2	6.6	6
4.	Methodology, Key Issues and Risk	10	8.9	8.9	5.7	4.3	6.2
<b>Total</b>		100	<b>89.2</b>	86	82.4	75.1	48.6

The Tender Evaluation Panel met on 12 April 2011 to assess the five (5) compliant tender submissions for the project. The Tenders were further independently evaluated by each of the Panel members and the final evaluation scores submitted for collation. Tender Evaluation Panel comments are shown below:

#### 1. Devco Holdings Pty Ltd (Devco Builders)

Total weighted score:	<b>89.2 (1st)</b>
Fee proposal:	<ul style="list-style-type: none"> <li>• Third lowest</li> </ul>
Relevant experience and expertise:	<ul style="list-style-type: none"> <li>• Family owned &amp; operated business established in 1986.</li> <li>• Specialising in small to medium commercial work with local government.</li> <li>• Company is a member of the HIA.</li> </ul>

Project team capacity to deliver Project:	<ul style="list-style-type: none"> <li>12 staff, extensive list of subcontractors provided with submission.</li> </ul>
History and viability of company:	<ul style="list-style-type: none"> <li>Established medium sized company based in Yanchep.</li> </ul>
Credentials:	<ul style="list-style-type: none"> <li>Registered Builders</li> <li>Third Party Liability Insurance of \$20m</li> <li>Workers Compensation Insurance of \$50m</li> <li>Bank reference provided</li> <li>Extensive safety &amp; emergency policy procedures in place.</li> </ul>
Referees comments:	<ul style="list-style-type: none"> <li>Referees and references provided</li> </ul>
Demonstrated capacity to deliver:	<ul style="list-style-type: none"> <li>Comprehensive - meets criteria - low risk to Town</li> </ul>
Capacity to address requirements:	<ul style="list-style-type: none"> <li>Comprehensive - meets criteria - low risk to Town</li> </ul>
Methodology, key issues and risks:	<ul style="list-style-type: none"> <li>Comprehensive and well documented - exceeds criteria - low risk to Town</li> </ul>
Previous projects:	<ul style="list-style-type: none"> <li>An extensive list of 44 projects was provided which includes the following Local Government works:-                      City of Bayswater – Main Hall -May 08 \$250k                      Town of Vincent – Brit Rd Res.- February 09 \$520k                      City of Joondalup – Clubrooms - February 09 \$230k                      City of Bayswater – Library - April 09 \$45k                      City of Bayswater – Scout Hall - April 09 \$100k                      City of Stirling – Aquatic Centre - June 09 \$50k                      City of Stirling – Admin Centre -June 09 \$50k                      Town of Vincent - Beatty Park – September 09 \$75k                      City of Bayswater – Community Centre - January 10 \$94k                      Balga Aquatic Centre – Gymnasium - February 10 \$600k</li> </ul>

Comment:

This Tender provided the third lowest price. The Tender was very well documented and comprehensive. This Builder is well known to the Town and has previously performed well on Town projects. Accordingly, this Tender is recommended.

**2. CPD Group Pty Ltd**

Total weighted score:	<b>86 (2<sup>nd</sup> Highest)</b>
Fee proposal:	<ul style="list-style-type: none"> <li>Fourth lowest.</li> </ul>
Relevant experience and expertise:	<ul style="list-style-type: none"> <li>Established 1994 &amp; operating since 2001.</li> <li>Predominantly a project /maintenance company</li> <li>Holds maintenance contract with TOV.</li> </ul>
Project team capacity to deliver Project:	<ul style="list-style-type: none"> <li>Company organisational structure provided with list of suitable subcontractors.</li> </ul>
History and viability of company:	<ul style="list-style-type: none"> <li>Established medium sized company located in Welshpool.</li> </ul>
Credentials:	<ul style="list-style-type: none"> <li>Registered Builders</li> <li>Public Liability Insurance – not specified</li> <li>Workers Compensation Insurance of \$20m</li> <li>Profit/Loss statements provided.</li> </ul>
Referees comments:	<ul style="list-style-type: none"> <li>Referees and references provided</li> </ul>

Demonstrated capacity to deliver:	<ul style="list-style-type: none"> <li>• Comprehensive – meets criteria - low risk to Town</li> </ul>
Capacity to address requirements:	<ul style="list-style-type: none"> <li>• Comprehensive - meets criteria - low risk to Town</li> </ul>
Methodology, key issues and risks:	<ul style="list-style-type: none"> <li>• Well documented - meets criteria - low risk to Town</li> </ul>
Previous projects:	Town of Victoria Park – Clubrooms - Oct 2008 \$800k City of Fremantle – Hall – Feb. 2009 - \$633k City of Canning – Pavilion- March 09 \$520k City of South Perth – Pavilion - December 09 \$230k City of Gosnells– Toilet Block- June 09 \$150k City of Mandurah – Public Toilet - June 09 \$130k Dept. Of Health – Case Mgmt. Unit – Feb. 2009 - \$140k

Comment:

This Tender provided the fourth lowest price. The Tender was very well documented and comprehensive. This Tender is the second most favourable submission in regards to providing details of their overall ability to deliver all requirements for the project.

**3. Lansdown Construction**

Total weighted score:	<b>82.4 (3<sup>rd</sup> Highest)</b>
Fee proposal:	<ul style="list-style-type: none"> <li>• Lowest Price. Second most favourable when considering “Best value for money”</li> </ul>
Relevant experience and expertise:	<ul style="list-style-type: none"> <li>• Operating in Perth since 2005 as S&amp;J Developments Pty Ltd (Lansdown Construction).</li> <li>• Specialising in small to medium commercial work</li> <li>• Majority of projects centred around residential and townhouse construction and redevelopment.</li> </ul>
Project team capacity to deliver Project:	<ul style="list-style-type: none"> <li>• Company organisational structure provided with list of suitable subcontractors.</li> </ul>
History and viability of company:	<ul style="list-style-type: none"> <li>• Established medium sized company located in Jane Brook.</li> </ul>
Credentials:	<ul style="list-style-type: none"> <li>• Registered company</li> <li>• Third Party Liability Insurance of \$20m</li> <li>• Workers Compensation Insurance policy number provided no value assigned.</li> <li>• Profit/Loss statements provided</li> </ul>
Referees comments:	<ul style="list-style-type: none"> <li>• Referees and references provided</li> </ul>
Demonstrated capacity to deliver:	<ul style="list-style-type: none"> <li>• Comprehensive – meets criteria - medium risk to Town</li> </ul>
Capacity to address requirements:	<ul style="list-style-type: none"> <li>• Meets criteria - low risk to Town</li> </ul>
Methodology, key issues and risks:	<ul style="list-style-type: none"> <li>• Minimal information provided</li> </ul>
Previous projects:	<ul style="list-style-type: none"> <li>• Residential House, Lot 215 Alder Heights, Swanview – Nov 09 - \$620k</li> <li>• Residential House, 6 Fry St, Mount Pleasant –Nov 09 - \$750k</li> <li>• Hillside Christian School, Library and Amenities – Aug10 - \$460k</li> <li>• Hillside Christian School, 4 classroom block – Mar10 - \$920k</li> <li>• Residential extensions, 5 Acanthus Rd, Willetton – Aug10- 47k</li> <li>• Games room addition, 13 High Peak Rd, Lesmurdie – Sep10 - \$105k</li> <li>• Reno and extension, Waldrige Ret Village – Nov10 - \$75k</li> </ul>

Comment:

This Tender provided the lowest price. However, the Tender submission included a number of exclusions which could have the potential of significantly increasing the overall project cost. It should also be noted that none of the other tender submissions contained exclusions. The following is the list of exclusions for the project included as part of the tender submission for Lansdown Construction:

- Asbestos Removal (If required).
- All landscaping works by others.
- Any hard digging.
- Any works for existing sumps and gutters if have inadequate falls or leaks.
- Western Power costs to isolate MSB.
- Repairs to unforeseen underground services.
- No guarantees will be given for water tightness of existing roofs.
- No allowance has been made for Kliplok profile roof sheeting. Have allowed for Kingklip 700 roof sheeting in place of.
- Due to Comfort plus glass having a coating applied to the glass it cannot be tinted or painted. They quoted using 6mm clear toughened glass with light colour applied to make the glass spandrel glass as specified.
- Preliminaries are subject to change if both stages of the contract are not awarded.

Due to the exclusions submitted by Lansdown Construction the fee proposal provided was considered the lowest (highest ranked), however due to the number of exclusions it does not represent the “best value for money”.

In accordance with the ‘Selection Criteria’ the 50% weighting for fee proposal was assessed as 40% for ‘price only’ and 10% for ‘best value’ for money.

Minimal information was provided for the criteria – Methodology, Key Issues and Risks.

Methodology, Key Issues and Risks were broken down into 4 categories with the following overall weightings:

- (i) Demonstrate methodology for this Project (4%)
- (ii) Evidence of successful results (2%)
- (iii) Demonstrate practices of safety, environment, site management etc (2%)
- (iv) Identifying key risks and issues associated with the project (2%)

In regards to categories (i) and (iii), the submission provided by Lansdown Construction was less comprehensive than that provided by the other tenderers and hence this was reflected in their overall score.

Accordingly, a lower score was achieved for this criteria compared with that of the higher ranked companies.

**4. Connolly Building Company**

Total weighted score:	<b>75.2 (4<sup>th</sup> Highest)</b>
Fee proposal:	<ul style="list-style-type: none"> <li>• Second lowest price.</li> </ul>
Relevant experience and expertise:	<ul style="list-style-type: none"> <li>• Established May 2005</li> <li>• Experience in alterations and conservation works.</li> </ul>
Project team capacity to deliver Project:	<ul style="list-style-type: none"> <li>• Small company, with part time supervisor, one labourer as required and an office administrator.</li> </ul>
History and viability of company:	<ul style="list-style-type: none"> <li>• Established small company located in Joondalup.</li> </ul>
Credentials:	<ul style="list-style-type: none"> <li>• Registered Builder.</li> <li>• Public Liability Insurance of \$10m</li> <li>• Workers Compensation Insurance – \$50m.</li> <li>• Profit/Loss statements provided.</li> </ul>
Referees comments:	<ul style="list-style-type: none"> <li>• Referees and references provided</li> </ul>
Demonstrated capacity to deliver:	<ul style="list-style-type: none"> <li>• Minimal information provided</li> </ul>
Capacity to address requirements:	<ul style="list-style-type: none"> <li>• Minimal information provided</li> </ul>
Methodology, key issues and risks:	<ul style="list-style-type: none"> <li>• Minimal information provided</li> </ul>
Previous projects:	<ul style="list-style-type: none"> <li>• No details provided</li> </ul>

Comment:

This Tender provided the most favourable fee proposal but did not provide enough detail in relation to addressing the listed evaluation criteria. As a result Connolly Building Company cannot be recommended for this project.

**5. Midtown Building Group**

Total weighted score:	<b>48.6 (Lowest)</b>
Fee proposal:	<ul style="list-style-type: none"> <li>• Highest price.</li> </ul>
Relevant experience and expertise:	<ul style="list-style-type: none"> <li>• Established approximately 6 months ago.</li> </ul>
Project team capacity to deliver Project:	<ul style="list-style-type: none"> <li>• Minimal information provided</li> </ul>
History and viability of company:	<ul style="list-style-type: none"> <li>• Small company located in Kelmscott.</li> </ul>
Credentials:	<ul style="list-style-type: none"> <li>• Registered Builders</li> <li>• Public Liability Insurance – \$1.5m</li> <li>• Workers Compensation Insurance not provided, to be advised.</li> <li>• Profit/Loss statements not provided.</li> </ul>
Referees comments:	<ul style="list-style-type: none"> <li>• Referee and 1 reference provided</li> </ul>
Demonstrated capacity to deliver:	<ul style="list-style-type: none"> <li>• Minimal information provided</li> </ul>
Capacity to address requirements:	<ul style="list-style-type: none"> <li>• Minimal information provided</li> </ul>
Methodology, key issues and risks:	<ul style="list-style-type: none"> <li>• Minimal information provided</li> </ul>
Previous projects:	Town of Claremont – Office Renovations

Comment:

This Tender provided the highest price. This Tender cannot be recommended as it is over budget and not cost effective.

## **CONSULTATION/ADVERTISING**

Nil.

## **LEGAL/POLICY:**

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

## **RISK MANAGEMENT IMPLICATIONS:**

**Medium/High:** To ensure compliance with:  
Commonwealth Disability Discrimination Act (1992);  
Western Australian Equal Opportunity Act 1984 (amended 1988); and  
Western Australian Disability Services Act 1993 (amended 2004).

## **STRATEGIC IMPLICATIONS:**

The Town's *Strategic Plan 2011-2016* states:

### *"Natural and Built Environment*

*Objective 1.1: Improve and maintain the natural and built environment and infrastructure.*

*1.1.5: Enhance and maintain the Town's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment".*

## **SUSTAINABILITY IMPLICATIONS:**

Due to the considerable window area to the first floor foyer and ground floor playgroup area, consideration has been made to reduce the amount of heating to these areas in summer by means of providing internal and external blinds to the first floor foyer and ground floor exposed window areas.

## **FINANCIAL/BUDGET IMPLICATIONS:**

The amount of \$250,000.00 has been allocated in the 2010/11 budget for stage one of this project with \$400,000 listed for consultation in the draft 2011/12 Capital works budget for stage two to be completed.

## **COMMENTS:**

The Tender Evaluation Panel has unanimously recommended that the tender submitted by Devco Builders, at a total cost of \$553,297 be accepted for the Mount Hawthorn Community Centre – Supply and Installation of a Lift and Refurbishment in accordance with the specification of Tender No. 427/11.

### **9.2.2 Walcott Street Underground Power Project**

<b>Ward:</b>	North	<b>Date:</b>	2 May 2011
<b>Precinct:</b>	Norfolk; P10, Mt Lawley Centre P11 & North Perth, P8	<b>File Ref:</b>	TES0313
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	Western Power Plan UPD 3545		
<b>Reporting Officer:</b>	C Wilson; Manager Asset & Design Services		
<b>Responsible Officer:</b>	R Lotznicker; Director Technical Services		

**OFFICER RECOMMENDATION:**

*That the Council:*

(i) **SUPPORTS** Western Power Corporation's proposal to underground the powerlines in Walcott Street Mt Lawley/Menora/Coolbinia between Raglan Road and Charles Street; North Perth; and

(ii) **NOTES:**

(a) *that the undergrounding of the powerlines will be fully funded by Western Power and therefore there will be no cost to the Town's residents and/or adjoining property owners;*

(b) *the works are scheduled to commence before the end of May 2011 and should be completed by the end of July 2011; and*

(c) *Western Power has/will be contacting all affected property owners and residents and all queries will be handled directly by Western Power.*

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**COUNCIL DECISION ITEM 9.2.2**

**Moved Cr Farrell, Seconded Cr Burns**

*That the recommendation be adopted.*

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

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**PURPOSE OF REPORT:**

The purpose of this report is to advise Council of Western Power's proposal to underground the powerlines in Walcott Street, from Raglan Road, Mt Lawley to Charles Street, North Perth.

**BACKGROUND**

In 2007 the aerial powerlines in Walcott Street, from Lord Street to Roy Street were undergrounded as part of the Highgate East Underground Power Project. The Mt Lawley Centre Precinct, in the vicinity of the Walcott and Beaufort Streets intersection, was undergrounded in the late 1980's by the former City of Perth and the City of Stirling.

In 2008 the Council received a series of reports on Western Power's proposal to underground the remaining aerial powerlines in Walcott Street from Raglan Road to Charles Street.

Western Power were seeking to underground the powerlines, as the existing 93 steel poles along the aforementioned section of Walcott Street had been identified as a potential safety hazard and that they (Western Power) were seeking to mitigate their risks. The two (2) options canvassed at the time was either undergrounding the power by a shared funding arrangement with the Town and the City of Stirling or replacing the steel poles with timber poles and/or install an insulated conductor at Western Power's cost.

Note: Walcott Street is a boundary road with the City of Stirling with aerial powerlines on both sides.

The proposal, as presented to the respective Councils, was for Western Power to contribute 50% of the project cost with the City of Stirling and the Town to contribute 25% each, which in-turn would be passed onto the affected property owners as per the payment schedule used for the Town's Highgate East Project.

The final report on the matter was presented to Council at its Ordinary Meeting of 2 December 2008 where Council decided the following:

*"That the Council;*

- (i) RECEIVES the further report No 5 on Western Power's proposal to underground the powerlines in Walcott Street, between Beaufort and Charles Streets;*
- (ii) NOTES the 'negative outcome' of recently conducted City of Stirling ratepayer survey regarding the proposal to underground the overhead power in Walcott Street, as outlined in the report;*
- (iii) DOES NOT PROCEED with a survey of affected Town of Vincent ratepayers along the subject section of Walcott Street, for the reasons outlined in the report; and*
- (iv) ADVISES Western Power and the City of Stirling that in light of the outcome of the City of Stirling's ratepayer survey, the Town will not be undertaking a ratepayer survey and acknowledges that the undergrounding of the powerlines will not proceed at this point in time".*

As a consequence of the above the underground power project lapsed and Western Power advised at the time that they would be proceeding with the replacing the steel poles with timber poles fitted with insulators. However, until recently the Town had not received any further communication on the matter.

#### **DETAILS:**

In April 2011 the Town was verbally advised that Western Power had decided to proceed with the project and that in the interest of both the public and Western Power, they would be undergrounding the power rather than replacing the poles.

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

To be undertaken by Western Power.

Western Power has/will be contacting all affected property owners and residents and all queries will be handled directly by Western Power's public liaison officers.

While the Town is yet to receive a formal notification of the works, Western Power has provided the following information for release to the public, a copy of which will be provided to the Town's Customer Service Centre.

- The work on Walcott St from Field Street (opposite Raglan Road) to Charles Street will commence in May 2011 with completion expected by July 2011.
- All existing overhead wires and poles on both sides of the street will be replaced with a new underground system.
- There will be no cost to property owners or anyone living in the project area, Western Power is bearing the entire cost of the project.
- Standard street lights will be installed. The steel poles are frangible and collapse easily if hit by a vehicle.
- New underground connections will be installed from the green mini pillar located near the front of each property, to the meter-box. There will be no charge for this either.
- Most of the installation work will be done using horizontal drilling technology to reduce the impact on verges and front yards.
- Generally, roadways, footpaths and driveways are not disturbed by the work.
- There will be significant traffic management in place as the work proceeds so please be patient if you are affected.
- You will receive advices in your letterbox as each stage of the work takes place in or near your property.
- The advices will contain contact numbers for the relevant contractor for repair or reinstatement queries, and Western Power for general queries.
- If the Council receives any queries that are not answered by the above information please refer them to Steve Phelan-Hollatz or Tony Moore at Western Power on 9219 2004.

**LEGAL/POLICY:**

Nil.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** The risks associated with this project are solely Western Power's. The existing infrastructure has been identified by a Western Power's internal safety audit as a potential hazard in the event of a pole being knocked over, be it vehicle accident or storm damage, and therefore they (Western Power) are looking to mitigate the risk.

**STRATEGIC IMPLICATIONS:**

The Town's *Strategic Plan 2011-2016* states:

*"Natural and Built Environment"*

*Objective 1.1: Improve and maintain the natural and built environment and infrastructure.*

*1.1.5 Enhance and maintain the Town's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment".*

**SUSTAINABILITY IMPLICATIONS:**

The undergrounding of the electricity infrastructure is ultimately more sustainable from an amenity and surety of power supply perspective, improves the aesthetics of the streetscape and arguably increases property values. Further, in this instance it mitigates an indentified safety risk and reduces maintenance for Western Power.

**FINANCIAL/BUDGET IMPLICATIONS:**

The project will be fully funded by Western Power and at no cost to the Town or any property owners.

**COMMENTS:**

While the Town has had little notice or information in respect of the Walcott Street Underground Power Project, it is obviously in the interests of the Town and its residents that it proceed.

Upon commencement of the project, the Town's Technical Services will monitor its progress to ensure that all reinstatements are undertaken to the Town's satisfactions and in accordance with the relevant specifications.

**9.3.2 Annual Plan – Capital Works Programme – 2010/2011 – Progress Report No. 3 as at 31 March 2011**

<b>Ward:</b>	Both	<b>Date:</b>	28 April 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0025
<b>Attachments:</b>	<a href="#">001</a> – Annual Plan – Capital Works Programme 2010/11		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	M Rootsey, Director Corporate Services; R Lotznicker, Director Technical Services; R Boardman, Director Development Services		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

*That the Council RECEIVES Progress Report No. 3 for the period 1 January to 31 March 2011 for the Capital Works Programme 2010/2011, as detailed in Appendix 9.3.2.*

**COUNCIL DECISION ITEM 9.3.2**

**Moved Cr Farrell, Seconded Cr Burns**

*That the recommendation be adopted.*

**CARRIED UNANIMOUSLY “EN BLOC” (9-0)**

**PURPOSE OF REPORT:**

The purpose of this report is to provide a quarterly progress report on the Council’s Capital Works Programme 2010/2011 for the period 1 January to 31 March 2011

**BACKGROUND:**

The Council adopted the Capital Works Programme at the Ordinary Meeting of Council held on 10 August 2010 as follows:

*“That the Council APPROVES the 2010/2011 Capital Works Programme as shown in Appendix 9.3.2.”*

Quarterly reports will be presented to Council to advise of the schedule and progress of the Capital Works Programme.

**DETAILS:**

This report focuses on the work that was due to be completed up to the end of the first quarter. Comments on the report relate only to the works scheduled to be carried out in the period up to 31 March 2011.

The Annual Plan 2010/2011 was adopted by Council at its meeting held on the 10 August 2010.

The schedule of projects may be subject to change during the year. Progress for the second quarter is on the schedule in accordance with the planned programme with the following exceptions:

**Projects Unlikely to Proceed in 2010-2011**

The following projects are unlikely to be undertaken in this financial year for the reasons listed below:

<b>Item</b>	<b>Budget Amount</b>	<b>Comment</b>
Britannia Reserve Training Lights	\$25,000	On hold pending outcome of the Britannia Reserve Masterplan
Loton Park installation of pine bollards around Public Open Space	\$8,000	On hold pending the future re-development of nib Stadium
Wetlands Heritage Trail – Beatty Park Reserve	\$63,000	The Bikewest grant funding application for this project was unsuccessful
Street Lighting – Pandal Lane	\$7,500	Not required as new development has addressed the lighting issues at this location
Bus Shelter Scheme	\$60,000	The Bus Shelter Scheme has been cancelled by the Public Transport Authority
Parks Development – Leederville Oval – Returfing of Oval (Central Corridor)	\$98,000	On hold – work may not be required this year due to mild winter 2010

**Projects on Hold**

The projects listed below are currently on hold awaiting the outcome of other actions or decisions which will change the timing of the work from the adopted works programme.

<b>Item</b>	<b>Budget Amount</b>	<b>Comment</b>
Furniture and Equipment – Personal Digital Assistant (PDA) for Mobile Computing	\$2,800	On hold awaiting Authority System upgrade to Version 6
Buildings – Mount Hawthorn Playgroup modification to the outdoor area including pergola	\$16,500	On hold pending upgrade of Mount Hawthorn Hall
Buildings – Loftus Recreation Centre placement of selected air-conditioning units	\$15,000	On hold, alternative solution with the use of ceiling fans implemented
Right of Ways – Nova Lane Configuration/Resurfacing	\$50,000	On hold, pending development
Slab Footpath Programme – Charles St – Angove to Albert	\$63,500	Part completed/remainder pending development
Slab Footpath Programme – Charles St – Scarborough Beach Rd	\$65,000	On hold pending development
Parks Furniture/Lighting – Hyde Park – Replacement of main power supply cubicle	\$23,000	Waiting on Western Power
Parks Furniture/Lighting – Street Litter Bin replacement program Stage 3 of 3	\$40,000	On hold in view of Beaufort Street future artworks and streetscape design
Hyde Park Lakes Restoration	\$4,700,000	Awaiting approval from various government agencies
Brisbane Street – Beaufort Street to William Street	\$130,000	On hold pending outcome of two-way traffic
Melrose Street – Oxford Street to Stamford Street	\$20,000	On hold pending development
Parking Strategy Implementation associated signage	\$50,000	On hold awaiting approval of parking ticket machine installation
Beatty Park repair to roof beam in indoor pool hall	\$16,000	On hold pending redevelopment

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

The Local Government Act 1995 provides a framework for the operations of local governments in Western Australia. Section 1.3(2) states:

*“This Act is intended to result in:*

- (a) Better decision making by local governments;*
- (b) Greater community participation in the decision and affairs of the local governments;*
- (c) Greater accountability of local governments to their communities; and*
- (d) More efficient and effective government.”*

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** The quarterly progress report provides a mechanism for tracking progress against milestones for major projects and programs.

**STRATEGIC IMPLICATIONS:**

Plan for the Future 2011-2016:

Key Result Area Four – Leadership, Governance and Management:

*“4.1 Provide Good Strategic Decision-Making, Governance, Leadership and Professional Management.”; and*

Key Result Area One – Natural and Built Environment:

*“1.1.6 Enhance and maintain the Town’s parks, landscaping and the natural environment.”*

**SUSTAINABILITY IMPLICATIONS:**

All projects and programs in the Annual Plan contribute to community wellbeing, the natural and built environment, economic development and good governance.

**FINANCIAL/BUDGET IMPLICATIONS:**

All projects and programs in the Annual Plan 2010/2011 have been included in the 2010/2011 Annual Budget.

The process is currently proceeding according to funding in the Annual Budget 2010/2011.

**COMMENTS:**

The Capital Works Programme 2010-2011 is progressing in accordance with the timeframes outlined in the programme with the exceptions of the items listed in this report.

**9.4.1 Use of the Council's Common Seal**

<b>Ward:</b>	-	<b>Date:</b>	29 April 2011
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0042
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	M McKahey, Personal Assistant		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

*That the Council NOTES the use of the Council's Common Seal on the documents listed in the report, for the month of April 2011.*

**COUNCIL DECISION ITEM 9.4.1**

**Moved Cr Farrell, Seconded Cr Burns**

*That the recommendation be adopted.*

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

**BACKGROUND:**

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

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

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

<b>Date</b>	<b>Document</b>	<b>No of copies</b>	<b>Details</b>
30/03/2011	Deed of Licence	1	Town of Vincent, Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Department of Sport and Recreation Function on 1 April 2011 (South West Super Suite)
30/03/2011	Deed of Licence	1	Town of Vincent, Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Retravision Function on 18 May 2011 (Gareth Naven Room and Suites 1-12)

<b>Date</b>	<b>Document</b>	<b>No of copies</b>	<b>Details</b>
04/04/2011	Section 70A Notification	2	Town of Vincent and Supernew Pty Ltd of 24/38 Field Street, East Perth re: No. 226 (Lot 781) Beaufort Street, Perth - <i>To satisfy Clause (x) of conditional approval of the Ordinary Meeting of Council held on 11 August 2009</i>
05/04/2011	Section 70A Notification	2	Town of Vincent and R A Labuschagne and F Labuschagne of 370 Lord Street, Highgate re: No. 370 (Lot: 1) Lord Street, Highgate - <i>To satisfy Condition (iv) of Approval to Commence Development dated 23 March 2011</i>
18/04/2011	Deed of Licence	1	Town of Vincent, Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Prime Health Function on 20 April 2011 (nib Lounge)
19/04/2011	Grant	1	Town of Vincent and Disability Services Commission re: Accessible Communities Grant for \$6,715 for an adult change table at Beatty Park Leisure Centre
20/04/2011	Section 70A Notification	3	Town of Vincent and R and M L Boyd of 48 Ruby Street, North Perth 6006 re: NO. 48 (Lot 101; D/P 3002) Ruby Street, North Perth - <i>To satisfy Condition (v) of Delegated Authority for Amended Planning Approval for an application for Partial Demolition of and Alterations and Additions to Existing Single House including Second Storey, Ancillary Accommodation, Carport and Front Fence</i>
29/04/2011	Memorandum of Understanding	2	Town of Vincent and Western Australian Police – Memorandum of Understanding for the Implementation and Support of a Graffiti Clean-up Referral Program – <i>Effective for one year from 28 April 2011</i>
29/04/2011	Deed of Covenant	2	Town of Vincent and O B J Carter and L J Patterson of 114 Edinboro Street, Mount Hawthorn re: No. 114 (Lots 125 & 126; D/P: 2790) Edinboro Street, Mount Hawthorn – Demolition of Existing Garage and Shed and Two Storey Alterations and Additions to Existing Single House – <i>To satisfy the requirement for the land to be amalgamated in order for a Building Licence to be issued</i>
29/04/2011	Notification under Section 70A	1	Town of Vincent and G Forgione of 49 Wasley Street, Mount Lawley re: No. 56 (Lot 110) Venn Street, Corner of Fitzgerald Street, North Perth – <i>To satisfy Clause (v)(f) of Conditional Planning Approval dated 16 March 2011 for construction of a two-storey Grouped Dwelling to Existing Single House</i>

**9.4.2 Strategic Plan 2009-2014 – Progress Report for the Period  
1 January 2011 – 31 March 2011**

<b>Ward:</b>	-	<b>Date:</b>	29 April 2011
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Attachments:</b>	<a href="#">001</a> – Strategic Plan Quarterly Progress Report		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Radici, Executive Assistant		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

*That the Council RECEIVES the progress report on the Strategic Plan 2009-2014 for the period 1 January 2011 – 31 March 2011 as shown in Appendix 9.4.2.*

**COUNCIL DECISION ITEM 9.4.2**

**Moved Cr Farrell, Seconded Cr Burns**

*That the recommendation be adopted.*

**CARRIED UNANIMOUSLY “EN BLOC” (9-0)**

**PURPOSE OF REPORT:**

The purpose of this report is to provide a quarterly update on the Strategic Plan for the period 1 January 2011 – 31 March 2011.

**DETAILS:**

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

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

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

The Council adopted its Plan for the Future at the Ordinary Meeting of Council held on 12 May 2009. The Town’s Strategic Plan forms part of the Plan for the Future. It is not a legal requirement to have a Strategic Plan, however, it is considered “*Best Practice*” management that a Strategic Plan be adopted to complement and be linked and aligned to both the Principal Activities Plan and Annual Budget.

**RISK MANAGEMENT IMPLICATIONS:**

Not applicable.

**STRATEGIC IMPLICATIONS:**

The Strategic Plan provides the elected Council and administration with its aims, goals and objectives (key result areas) for the period 2009-2014. The reporting on a quarterly basis is in accordance with the Strategic Plan 2009-2014 Key Result Area.

This is in keeping with the Town's Strategic Plan 2009-2014 - "*Leadership, Governance and Management*", in particular, Objective 4.1.2 - "*Manage the Organisation in a responsible, efficient and accountable manner*".

**SUSTAINABILITY IMPLICATIONS:**

Nil

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

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

**9.4.3 Review of Council Meetings and Forums Format – Further Report**

<b>Ward:</b>	Both	<b>Date:</b>	29 April 2011
<b>Precinct:</b>	-	<b>File Ref:</b>	CVC0024
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	John Giorgi, Chief Executive Officer		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

*That the Council:*

- (i) *NOTES the information relating to the three (3) month trial concerning changes to the Council Meetings and Forums format and procedures; and*
- (ii) *CONTINUES with the newly adopted meeting format and procedures.*

**COUNCIL DECISION ITEM 9.4.3**

**Moved Cr Farrell, Seconded Cr Burns**

*That the recommendation be adopted.*

**CARRIED UNANIMOUSLY “EN BLOC” (9-0)**

**PURPOSE OF REPORT:**

To provide information to the Council concerning the three (3) month trial concerning changes to the Council Meetings and Forum format and procedures.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 23 November 2010 the Council considered this matter and resolved in part as follows:

*“That the Council;*

*...(iii) APPROVES:*

- (a) *of its Council Meetings and Forums to be held at the Town's Administration and Civic Centre at 6.00pm on the dates, as detailed in Appendix 9.4.4A;*
- (b) *of a trial of up to three (3) months for the following changes to the current meeting process and procedures effective from December 2010, to provide the Council Agenda earlier to Council Members;*
  - *Agenda closes Friday, 9 days prior to the meeting;*
  - *Agenda finalisation – Monday and Tuesday following the Friday close-off;*
  - *Agenda issued to Council Members on Tuesday; and*
  - *Agenda to be placed on the Town's website as from midday Wednesday; and*
- (c) *of a further report to be submitted to the Council no later than May 2011; and...*

**DETAILS:**

The following information is provided:

Item	7/12/10	21/12/10	8/2/11	22/2/11	8/3/11	22/3/11	5/4/11	19/4/11	Total	Average	%
<b>Items Considered</b>	26	33	24	23	14	25	18	22	<b>185</b>	23.12	100
<b>Recommendations Adopted</b>	25	30	23	20	13	23	16	22	<b>172</b>	21.5	92.97
<b>Recommendations Amended</b>	4	4	4	6	2	4	5	7	<b>36</b>	6.75	19.45
<b>Recommendations Lost, Alternative Recommendation Carried</b>	0	1	0	0	0	2	0	0	<b>3</b>		
<b>Recommendations Lost, No Alternative Recommendation Carried</b>	0	2	0	0	0	0	0	0	<b>2</b>		
<b>Items Carried En Bloc</b>	10	14	11	8	7	12	5	11	<b>78</b>	9.75	42.16
<b>Items Corrected</b>	0	0	0	0	1	0	0	0	<b>1</b>		
<b>Items Deferred</b>	1	1	0	3	1	0	2	0	<b>8</b>	1	4.32
<b>Items 'Laid on Table'</b>	0	0	0	0	0	0	0	0	<b>0</b>	0	
<b>Items Withdrawn</b>	1	0	1	0	0	0	0	0	<b>2</b>		
<b>Notices of Motion</b>	1	1	0	1	0	2	1	1	<b>7</b>	0.87	
<b>Average Public Attendance</b>	14	55	14	24	2	15	16	11	<b>151</b>	18.87	
<b>Average Public Questions/Speakers</b>	5	14	5	9	2	6	6	3	<b>50</b>	6.25	
<b>Average Meeting Time (hours &amp; minutes)</b>	2.55	4.7	2.46	3.15	0.25	2.21	3.21	3.15		2.48	

**Advantages and Disadvantages of the New Meeting Procedures and Format**Advantages

1. Agenda is provided to Council Members seven (7) days prior to the meeting (previously five (5) days), which allows for the Agenda to be read over a longer period;
2. Agenda is provided to the Public via the website six (6) days prior to the meeting (previously four (4) days);
3. Council Members have a longer period to read the Agenda; and
4. Council Members have a longer period to submit requests for information/questions.

Disadvantages

1. The preparation of the Agenda and Minutes of the previous meeting occur within the same week thereby causing increased pressure on the Town's Administration to finalise both documents.

Whilst the Agenda is issued seven (7) days prior to the meeting, it should be noted that in the main the majority of Council Member requests and questions are still received on the Monday or in some cases Tuesday prior to the meeting.

## **CONSULTATION/ADVERTISING:**

An email was sent to Council Members seeking feedback/comments on the amended procedures. No comments were received and it is therefore assumed that there are no objections to the revised procedures.

## **LEGAL/POLICY:**

### **Council Meetings**

Legislation - Statutory Provisions: Section 5.3 of the Local Government Act 1995 states:

*“Ordinary and Special Council meetings:*

- (1) A Council is to hold ordinary meetings and may hold special meetings;*
- (2) Ordinary meetings are to be held not more than three months apart;*
- (3) If a Council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure.”*

Regulation 12 of the Local Government (Administration) Regulations 1996 states:

- “12 (1) At least once a year a local government is to give local public notice of the dates on which and the time and place at which –*
- (a) the ordinary Council meetings; and*
  - (b) the Committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public;*
- Are to be held in the next 12 months;*
- (2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in sub regulation (1);”*

## **Forums**

At the Ordinary Meeting of Council held on 21 November 2006, the Council resolved inter-alia as follows;

### *"4.6 Meeting Notification*

- 4.6.2 (a) Forums will be held on a regular basis such as an alternative third week to the ordinary Council meeting. The dates will be advertised in accordance with the Council Policy Relating to Community Consultation.*
- (b) The Mayor, in liaison with the Chief Executive Officer, may schedule additional Forum dates, as the need arises.*
- (c) Any additional Forum dates will be advertised on a local basis by placing a Notice on the Public Notice Boards in the Administration and Civic Centre and in the Town's Library, on the Town's webpage and by advertising in a local newspaper (if time permits)."*

**RISK MANAGEMENT IMPLICATIONS:**

Not applicable.

**STRATEGIC IMPLICATIONS:**

This is in keeping with the Town's Strategic Plan - Plan for the Future 2011-2016, Objective 4.1 – *“Provide Good Strategic Decision Making, Governance, Leadership and Professional Management”* and, in particular, Objective 4.1.2 – *“Manage the organisation in a responsible, efficient and accountable manner”*.

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The revised procedure appears to be working reasonably well and should therefore continue.

**9.4.4 nib Stadium Management Committee Meeting - Receiving of Unconfirmed Minutes 21 April 2011**

<b>Ward:</b>	South	<b>Date:</b>	27 April 2011
<b>Precinct:</b>	Beaufort, P13	<b>File Ref:</b>	RES0082
<b>Attachments:</b>	<a href="#">001</a> - Unconfirmed Minutes of Stadium Committee Meeting		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	M McKahey, Personal Assistant		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

*That the Council RECEIVES the Unconfirmed Minutes of the nib Stadium Management Committee Meeting held on 21 April 2011, as shown in Appendix 9.4.4.*

**COUNCIL DECISION ITEM 9.4.4**

**Moved Cr Farrell, Seconded Cr Burns**

*That the recommendation be adopted.*

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

**PURPOSE OF REPORT:**

The purpose of the report is for the Council to receive the Unconfirmed Minutes of the nib Stadium Management Committee meeting held on 21 April 2011.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 14 September 2004, the Council considered the establishment of a Committee for the management of the Stadium and resolved inter alia as follows:

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

- (iii) *to delegate the following functions to the Committee;*
- (a) *to establish and review the Heads of Agreement (HOA) Key Performance Indicators (KPIs) in conjunction with Allia;*
  - (b) *to assess whether each proposed Licensing Agreement is consistent with the KPIs and the provisions of the HOA and to approve the proposed Licensing Agreement if it is consistent;*
  - (c) *to supervise the performance of the Services by Allia and to ensure that Allia performs the Services in accordance with the KPIs and the HOA;*
  - (d) *to receive and consider Performance Reports;*
  - (e) *to advise the Council on Capital Improvements required for the Stadium and to make recommendations to the Council about the use of the Reserve Fund;*
  - (f) *to review Naming Signage; and*
  - (g) *to review the Risk Management Plan;*

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

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

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

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** It is a statutory requirement to report on the minutes of the Council's Committee meetings.

**STRATEGIC IMPLICATIONS:**

This is in keeping with the Town's Strategic Plan - Plan for the Future 2009-2014, Objective 4.1 - *"Provide Good Strategic Decision Making, Governance, Leadership and Professional Management"* and, in particular, Objective 4.1.2 - *"Manage the organisation in a responsible, efficient and accountable manner"*.

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**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.

**9.4.9 Information Bulletin**

<b>Ward:</b>	-	<b>Date:</b>	29 April 2011
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Attachments:</b>	<a href="#">001</a> – Information Bulletin		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Radici, Executive Assistant		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

*That the Council RECEIVES the Information Bulletin dated 10 May 2011, as distributed with the Agenda.*

**COUNCIL DECISION ITEM 9.4.9**

**Moved Cr Farrell, Seconded Cr Burns**

*That the recommendation be adopted.*

**CARRIED UNANIMOUSLY “EN BLOC” (9-0)**

**DETAILS:**

The items included in the Information Bulletin dated 10 May 2011 are as follows:

<b>ITEM</b>	<b>DESCRIPTION</b>
IB01	Email of Appreciation from City of Stirling Councillor Sharon Cooke regarding the Town’s Wetland Heritage Trail
IB02	Email of Appreciation from Ms T. Simpson regarding the ANZAC Day Ceremony
IB03	Letter of Appreciation from Mr N. Giles regarding the New Pathway Through the Park on Albert Street
IB04	Certificate of Appreciation from Ovarian Cancer Australia to the Town of Vincent for supporting 2011 Ovarian Cancer Awareness Month
IB05	Note of Appreciation from Ms F Caldwell regarding the Town’s Anzac Day Ceremony
IB06	Seamless Council Connect Conference – Melbourne Victoria
IB07	Green Cities 2011 Conference Report – 27 February to 2 March 2011 – Melbourne Convention & Exhibition Centre
IB08	Ranger Services Statistics for January, February and March 2011
IB09	Minutes of Meeting held 2 March 2011 – Safer Vincent Crime Prevention Partnership (SVCPP)
IB10	Unconfirmed Minutes of Meeting held on 23 March 2011 – Art Advisory Group

- IB11 Minutes of Meeting held 18 April 2011 – Sustainability Advisory Group (SAG)
- IB12 Minutes of Tamala Park Regional Council Ordinary Meeting of Council held on 14 April 2011
- IB13 Register of Petitions - Progress Report - May 2011
- IB14 Register of Notices of Motion - Progress Report - May 2011
- IB15 Register of Reports to be Actioned - Progress Report – May 2011
- IB16 Register of Legal Action (Confidential – Council Members Only) - Progress Report - May 2011
- IB17 Register of State Administrative Tribunal Appeals - Progress Report - May 2011
- IB18 Forum Notes - 12 April 2011
- IB19 Forum Advice - 17 May 2011
- IB20 Letter from the Building Commission regarding Transition Arrangements for the New Building Act and 6 Star Provisions together with Information from the Building Industry Development explaining the 6 Star provision

**9.4.8 Town of Vincent Car Parking Strategy 2010 – Consideration of Submissions, Amendments to Parking and Parking Facilities Local Law 2007 and Introduction of Ticket Machine Zones and Time Restrictions**

<b>Ward:</b>	Both Wards	<b>Date:</b>	6 May 2011
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	LEG0047; PLA0084
<b>Attachments:</b>	<a href="#">001</a> : Parking and Parking Facilities Local Law 2007 Schedule 2; <a href="#">002</a> : Parking and Parking Facilities Local Law 2007 Schedule 6; <a href="#">003</a> : Parking and Parking Facilities Local Law 2007 Schedule 7; <a href="#">004</a> : Parking Stations Under Care, Control & Management of the Town; <a href="#">005</a> : Ticket Machine Zones within the Town; <a href="#">006</a> : Parking Fees and Charges 2011/2012; <a href="#">007</a> : Map 1 – Leederville; <a href="#">008</a> : Map 2 – Mount Lawley/Highgate; <a href="#">009</a> : Map 3 – North Perth; <a href="#">010</a> : Map 4 – Perth		
<b>Tabled Items:</b>	Town of Vincent Car Parking Strategy 2010		
<b>Reporting Officers:</b>	Various		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

*That the Council;*

**SUBMISSIONS:**

- (i) *CONSIDERS the submissions received concerning the proposal to introduce ticket machines and time restrictions within the Town of Vincent as detailed in this report;*

**PARKING AND PARKING FACILITIES LOCAL LAW 2007**

- (ii) *APPROVES BY AN ABSOLUTE MAJORITY an amendment to the Parking and Parking Facilities Local Law (2007);*
- (iii) *Under the powers conferred by the Local Government Act 1995 and all other powers enabling it, the Council of the Town of Vincent resolve on .....2011 to make the Parking and Parking Facilities Amendment Local Law No. 1, (2011);*

**“LOCAL GOVERNMENT ACT 1995 (as amended)  
TOWN OF VINCENT PARKING AND PARKING FACILITIES LOCAL LAW  
AMENDMENT LOCAL LAW NO. 1, 2011”**

*AMENDS the Town of Vincent Parking and Parking Facilities Local Law (2007) as follows:*

- (a) *the “TABLE OF CONTENTS”, page (iii) be amended as follows:*
  - 1. *the heading “PART 7 – RESIDENTIAL PARKING PERMITS” be deleted and substituted with the following “PART 7 –PARKING PERMITS”;*

2. *the title “7.9 Display of Residential Parking Permit and Visitor’s Parking Permits” be deleted and substituted with the following “7.9 Display of Parking Permit”;*
  3. *the titles “Schedule 6 – Ticket Machine Zones” and “Schedule 7 – Parking Stations under Care, Control and Management of the Town of Vincent” be deleted;*
  4. *the title “Schedule 8 – Residential Parking Permit” be deleted and substituted with the following:  
  
“Schedule 6 – Parking Permits”; and*
  5. *the title “Schedule 9 – Notice of Intent to Revoke Permit” be deleted and substituted with the following:  
  
“Schedule 7 – Notice of Intent to Revoke a Permit”;*
- (b) *Clause 1.5(4) be deleted and substituted with the following new Clause 1.5(4):*
- “1.5(4) Where a parking facility or a parking station is determined to be under the care, control and management of the Town, then the facility or station shall be deemed to be a facility or station to which this local law applies and it shall not be necessary to prove that it is the subject of an agreement referred to in subclause (2).”*
- (c) *Clause 4.9(1)(e) be deleted and substituted with the following new Clause 4.9(1)(e):*
- “4.9(1)(e) which is determined by a Council resolution to be a parking station under the care, control and management of the Town.”*
- (d) *a new Clause 6.1 be inserted as follows:*
- “6.1 Establishment of Metered Zones, Metered Stalls and Ticket Zones*
- (1) *The local government may, by resolution:*
    - (a) *establish;*
    - (b) *indicate by signs; and*
    - (c) *vary from time to time;*

*metered zones, metered spaces and ticket zones.*
  - (2) *In relation to metered zones, metered spaces and ticket zones, the local government may prescribe:*
    - (a) *conditions and permitted times of parking;*
    - (b) *the manner of parking; and*
    - (c) *the classes of vehicles permitted to park;*

*but this authority shall not be exercised in a manner which is inconsistent with the provisions of this local law or any other written law.”*

- (e) *the existing Clause “6.1” be renumbered as Clause “6.2”;*
- (f) *the existing Clause “6.2” be renumbered as Clause “6.3”;*
- (g) *the existing Clause “6.3” be renumbered as Clause “6.4”;*
- (h) *the existing Clause “6.4” be renumbered as Clause “6.5”;*
- (i) *the existing Clause “6.5” be renumbered as Clause “6.6”;*
- (j) *the existing heading “PART 7 – RESIDENTIAL PARKING PERMITS” be deleted and substituted with the following:*
- “PART 7 – PARKING PERMITS”;*
- (k) *the existing Clause “7.1” be amended to add the following definitions in alphabetical sequence:*
1. *““commercial parking permit” means a permit issued to a business by the local government pursuant to clause 7.3(3)”;*
  2. *““grouped dwelling” means a dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partially vertically above another, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata with common property.”*
  3. *““multiple dwelling” means a dwelling in a group of more than one dwelling on a lot where 50 percent or greater of floor area of a dwelling is vertically above part of any other but:*
    - *does not include a grouped dwelling; and*
    - *includes any dwellings above the ground floor in a mixed use development.”*
- (l) *the existing Clause “7.1” be amended to delete the existing definition of “eligible person” and substitute with the following definition:*
- ““eligible person” where used in relation to an application for a–*
- (a) *“residential parking permit” means an owner or occupier of a single house, grouped dwelling or multiple dwelling;*
  - (b) *“visitor’s parking permit” means –*
    - (i) *a single house owner or occupier;*
    - (ii) *a strata company;*
    - (iii) *a unit owner or occupier of a residential unit which is not a strata lot;*
    - (iv) *a grouped dwelling owner or occupier; or*
    - (v) *a multiple dwelling owner or occupier;*
  - (c) *“commercial parking permit” means the proprietor of a commercial business;”*

- (m) *the existing Clause 7.3(1) be deleted and substituted with the following:*
- “7.3(1) The local government may upon a written application of an eligible person issue a residential parking permit in the form of Item 1 of Schedule 6”;*
- (n) *the existing Clause 7.3(2) be deleted and substituted with the following:*
- “7.3(2) The local government may upon a written application of an eligible person issue for the occasional use of visitors, a visitor’s parking permit in the form of Item 2 of Schedule 6”;*
- (o) *new Clause 7.3(3) be inserted as follows:*
- “7.3(3) The local government may upon a written application of an eligible person issue a commercial parking permit in the form of Item 3 of Schedule 6”;*
- (p) *the existing Clause “7.3(3)” be renumbered as Clause “7.3(4)”;*
- (q) *the existing Clause “7.3(4)” be deleted and substituted with the following:*
- “7.3(5) Notwithstanding any other provision in this local law, the local government may approve the issue of a number of residential, visitor’s or commercial parking permits (as applicable) to any eligible person on such terms and conditions as the local government sees fit.”*
- (r) *the existing Clause 7.5 be deleted and substituted with the following:*
- “7.5 Validity of permit*
- Every residential, visitor’s or commercial parking permit as the case may be, shall cease to be valid upon –*
- (a) *the expiry of a period of either 1 or 3 years (depending upon the permit issued) from and including the date on which it is issued;*
- (b) *the holder of the permit ceasing to be an eligible person;*
- (c) *the revocation of the permit by the local government pursuant to clause 7.6;*
- (d) *the replacement of any permit by a new permit issued by the local government pursuant to clause 7.3.”*
- (s) *the existing Clause 7.7 be deleted and substituted with the following:*
- “7.7 Removal of permit from vehicle*
- The holder of a residential, visitor’s or commercial parking permit shall forthwith upon that permit being revoked or ceasing to be valid remove the permit from the vehicle in which it is displayed or to which it is affixed.”*

- (t) *the existing Clause 7.8(1) be deleted and substituted with the following:*
- “7.8(1) The local government may upon a written application of an eligible person and upon payment of the fee referred to in subclause (2), if any, issue a permit to replace a residential, visitor’s or commercial parking permit which is lost, misplaced, destroyed or stolen.”*
- (u) *the title of Clause 7.9 be deleted and substituted with the following:*
- “7.9 Display of parking permit”;*
- (v) *the existing Schedule 2 be deleted and substituted with the attached new Schedule 2 as shown in Appendix 9.4.8(A):*
- (w) *the existing Schedule 6 be deleted;*
- (x) *the existing Schedule 7 be deleted;*
- (y) *the existing Schedule 8 be deleted and substituted with the attached new Schedule 6 as shown in Appendix 9.4.8(B); and*
- (z) *the existing Schedule 9 be deleted and substituted with the attached new Schedule 7 as shown in Appendix 9.4.8(C);*
- (iv) *in accordance with the provisions of Section 3.12 of the Local Government Act 1995 as amended, the Council gives a Statewide advertisement, indicating where and when the proposed amendment may be viewed and seeking public comment on the proposed amendments to the Town of Vincent Parking and Parking Facilities Local Law (2007);*

**PARKING STATIONS – DAYS AND TIMES OF OPERATION**

- (v) **APPROVES** *of the following:*
- (a) *Parking Stations Under Care, Control & Management of the Town, as shown in Appendix 9.4.8(D); and*
- (b) *of the first one (1) hour free to apply to all off-street public carparks under the care, control and management of the Town;*
- (vi) **APPROVES IN PRINCIPLE** *of the following:*

**TICKET MACHINE ZONES – DAYS AND TIMES OF OPERATION**

- (a) *Ticket Machine Zones within the Town, as shown in Appendix 9.4.8(E); and*

**PROPOSED TIME RESTRICTED AREAS**

- (b) *the advertising of time restricted parking areas to be introduced into the following:*

*Time Restricted Parking areas within the Town:*

*North Perth*

<i>No.</i>	<i>Street</i>	<i>Location</i>
<i>1.</i>	<i>Alma Road</i>	<i>Between Fitzgerald and Norfolk Streets</i>
<i>2.</i>	<i>Glebe Street</i>	<i>Between Alma Road and View Streets</i>
<i>3.</i>	<i>Raglan Road</i>	<i>Between Fitzgerald and Ethel Streets*</i>
<i>4.</i>	<i>View Street</i>	<i>Between Glebe and Leake Streets</i>
<i>5.</i>	<i>Woodville Street</i>	<i>Between View and Angove Streets</i>

*Mt Lawley/Highgate*

No.	Street	Location
1.	Broome Street	Between Beaufort and Smith Streets
2.	Cavendish Street	Between Lincoln Street and Chatsworth Road
3.	Chatsworth Road	Between Beaufort and William Streets
4.	Chelmsford Road	Between Hutt and William Streets
5.	Clarence Street	Beaufort Street to Curtis Street
6.	Raglan Road	Between Hutt and William Streets
7.	Grosvenor Road	Between Hutt and William Streets
8.	Harley Street	Between Lincoln Street and Chatsworth Road
9.	Harold Street	Between Beaufort and Vincent Streets*
10.	Harold Street	Between Stirling and Smith/Curtis Streets
11.	Hutt Street	Between Chelmsford and Raglan Roads
12.	Lincoln Street	Between Beaufort and William Streets*
13.	St Albans Avenue	Between Beaufort and Cavendish Streets
14.	Stirling Street	Between Lincoln and Harold Streets*

*Perth*

No.	Street	Location
1.	William Street	Between Bulwer and Lincoln Streets
2.	Palmerston Street	Between Bulwer and Glendower Streets*
3.	Dalmeny Street	Between Lord Street and Matson Lane*

(\* denotes partial existing restrictions in these street blocks)

**PARKING FEES**

(vii) **APPROVES BY ABSOLUTE MAJORITY** the Draft Fees and Charges for 2011/2012, as shown in Appendix 9.4.8(F);

(viii) **NOTES that:**

- (a) a further report will be submitted to the Council after the expiry of the statutory consultation period;
- (b) the Chief Executive Officer has engaged Luxmoore Parking Consultants to undertake a series of Community Information Sessions, during the statutory advertising of the amendment to the Local Law relating to Parking and Parking Facilities and the consultation period for the proposed restricted parking areas;
- (c) the Chief Executive Officer will engage consultants to undertake a detailed survey of the areas where paid parking and new restricted parking is being introduced to assess the effects of the implementation and report to the Council any changes, where required;
- (d) the Chief Executive Officer will investigate and prepare a report for the Special Meeting of Council to be held on 17 May 2011 on a Reserve Fund (or Funds) that will provide funds for:
  - future car parks and carparking requirements;
  - upgrade of existing car parks;
  - purchase, maintenance and operation of ticket machines and associated equipment;
  - Town Centre Upgrades; and
  - Alternative Transport Initiatives and Modes;

- (e) *the Town's Administration do not support Lake Street as a ticket machine zone, at this point in time, for reasons outlined in the 'Details' section of this report; and*
- (f) *with regard to the current time restriction trial in Grosvenor Road and Chelmsford Road, in accordance with the Council decision at its Ordinary Meeting held on 9 November 2010, further consultation with residents and businesses will be undertaken at the conclusion of the 6 month parking trial (in June 2011) to determine whether the introduction of a two (2) hour parking restriction on the north sides of Chelmsford Road and Grosvenor Road and the retention of unrestricted parking on the south side of both Streets has resulted in parking improvements in these two Streets.*

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**Moved Cr Lake, Seconded Cr Buckels**

*That the recommendation be adopted.*

Debate ensued. Cr Buckels spoke on the Item.

Cr Farrell departed the Chamber at 7.32pm.

Debate ensued.

Cr Farrell returned to the Chamber at 7.33pm.

Debate ensued.

The Presiding Member, Mayor Catania advised that Cr Buckels had spoken for five minutes and suggested a Procedural Motion be moved to allow Cr Buckels a further five minutes to speak.

**PROCEDURAL MOTION**

**Moved Cr Lake, Seconded Cr McGrath**

*That the Cr Buckels be permitted to speak for a further five minutes.*

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

Debate ensued.

**AMENDMENT NO 1**

**Moved Cr Buckels, Seconded Cr Topelberg**

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

*“(vi)(a) Ticket Machine Zones within the Town, as shown in Appendix 9.4.8(E), subject to the following:*

- 1. Amend the extent of ticket machines on Beaufort Street to between Walcott and Broome Streets (with no ticket machines from Broome to Newcastle Streets).”*

Debate ensued.

**AMENDMENT NO 1 PUT AND CARRIED (6-3)**

**For:** Cr Buckels, Cr Harvey, Cr Lake, Cr McGrath, Cr Maier, Cr Topelberg

**Against:** Mayor Catania, Cr Burns, Cr Farrell

**AMENDMENT NO 2**

**Moved Cr Buckels, Seconded Cr McGrath**

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

*“(vi)(a) Ticket Machine Zones within the Town, as shown in Appendix 9.4.8(E), subject to the following:*

- 2. Amend the line items for Raglan, Grosvenor and Chelmsford so that the ticket machines only extend as recommended in the Luxmoore report which is “just past the public carparks”.*

**Debate ensued.**

**Cr Farrell stated that the amendment should be very clear and he felt that “just past the public carparks” is arbitrary.**

**The Presiding Member, Mayor Nick Catania asked the Director Development Services for advice.**

**The Director Development Services referred to the Luxmoore Report, Table 7 on page 56 where it states where it is intended that the machines be installed. Regarding Raglan Road and it is talking about streets adjacent to Beaufort Street it specifies a distance of 80 metres, Grosvenor Road 80 metres and Chelmsford Road 40 metres from Beaufort Street.**

**The Presiding Member, Mayor Nick Catania suggested that this be included in the amendment to make it precise.**

**Cr Farrell stated he wanted to be clear that this does not incorporate or cover the frontage of any of the complainant’s properties.**

**The Director Development Services advised that in Appendix C of the Luxmoore Report it mentions further information where it stipulates proposed locations for new ticket machines in Raglan, Grosvenor and Chelmsford Roads from Beaufort to Hutt Streets, specifying 12 machines with a high priority.**

**The Presiding Member, Mayor Nick Catania asked the Mover with the approval of the Seconder if they would consider including the three measurements from Beaufort Street to be including in the amendment to make it precisely as suggested by the Consultant. The Mover, Cr Buckels and the Seconder, Cr McGrath agreed.**

**Debate ensued.**

**Cr Burns stated the distance for Raglan Road runs from Walcott Street not Beaufort Street so it may be required to be amended further.**

**The Director Development Services stated the measures as follows Raglan Road 80 metres from Walcott Street, Grosvenor Road 80 metres from Beaufort Street and Chelmsford Road 40 metres from Beaufort Street.**

The Mover, Cr Buckels and the Seconder, Cr McGrath agreed with the amendment reading as follows:

- “2. Amend the line items for Raglan, Grosvenor and Chelmsford so that the ticket machines only extend approximately 80 metres along Raglan Road from Walcott Street, approximately 80 metres along Grosvenor Road from Beaufort Street and approximately 40 metres along Chelmsford Road from Beaufort Street.”

**AMENDMENT NO 2 PUT AND CARRIED UNANIMOUSLY (9-0)**

**AMENDMENT NO 3**

**Moved Cr Lake, Seconded Cr Maier**

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

*“(vi)(b) the advertising of time restricted parking areas to be introduced into the following:*

*Time Restricted Parking areas within the Town:*

...

*Mt Lawley/Highgate*

<i>No.</i>	<i>Street</i>	<i>Location</i>
<i>4.</i>	<i>Chelmsford Road</i>	<i>Between 40 metres from Beaufort Hutt and William Streets (1P – 40 metres from Beaufort Street to Hutt Street)</i>

”

Debate ensued.

**AMENDMENT NO 3 PUT AND CARRIED (8-1)**

**For:** Mayor Catania, Cr Buckels, Cr Farrell, Cr Harvey, Cr Lake, Cr McGrath, Cr Maier, Cr Topelberg

**Against:** Cr Burns

**AMENDMENT NO 4**

**Moved Cr Buckels, Seconded Cr McGrath**

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

*“(vi)(a) Ticket Machine Zones within the Town, as shown in Appendix 9.4.8(E), subject to the following:*

3. *To amend the ticket machine locations on the north side of Newcastle Street so that they are between Forbes Lane and William Street.”*

Debate ensued.

The Mover, Cr Buckels advised that he made an error in his amendment and wished to change it as follows:

- “3. To amend the ticket machine locations on the north side of Newcastle Street so that they are between Beaufort Street and Forbes Lane.”

The Seconder, Cr McGrath agreed.

Cr Harvey departed the Chamber at 8.06pm.

Debate ensued.

Cr Harvey returned to the Chamber at 8.08pm.

Debate ensued.

**AMENDMENT NO 4 PUT AND LOST UNANIMOUSLY (0-9)**

**PROPOSED AMENDMENT NO 5**

**Moved Cr Buckels, Seconded Cr .....**

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

*“(vi)(a) Ticket Machine Zones within the Town, as shown in Appendix 9.4.8(E), subject to the following:*

3. *Amend time restrictions on Oxford Street Leederville (south of Vincent Street) to 1/4P, 1P and 2P.”*

**PROPOSED AMENDMENT NO 5 LAPSED FOR WANT OF A SECONDER**

**AMENDMENT NO 6**

**Moved Cr Buckels, Seconded Cr Maier**

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

*“(vi)(a) Ticket Machine Zones within the Town, as shown in Appendix 9.4.8(E), subject to the following:*

3. *Amend the location of ticket machines on Richmond Street to between Oxford and Scott Streets (bays adjacent to the TAFE) and to introduce time restrictions of 3P to bays between Scott and Loftus Streets consistent with the Loftus Centre Carpark.”*

Debate ensued.

Cr Topelberg departed the Chamber at 8.14pm.

Debate ensued.

Cr Topelberg returned to the Chamber at 8.16pm.

Debate ensued.

**AMENDMENT NO 6 PUT AND LOST (4-5)**

**For:** Cr Buckels, Cr Lake, Cr McGrath, Cr Maier

**Against:** Mayor Catania, Cr Burns, Cr Farrell, Cr Harvey, Cr Topelberg

**AMENDMENT NO 7**

**Moved Cr Buckels, Seconded Cr McGrath**

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

**“(vii) APPROVES BY ABSOLUTE MAJORITY the Draft Fees and Charges for 2011/2012, as shown in Appendix 9.4.8(F), subject to the following:**

- 1. Amend the “New Kerbside Parking Fee” for Richmond Street to \$1.00 per hour.”**

Debate ensued.

**AMENDMENT NO 7 PUT AND CARRIED (5-4)**

**For:** Cr Buckels, Cr Harvey, Cr Lake, Cr McGrath, Cr Maier

**Against:** Mayor Catania, Cr Burns, Cr Farrell, Cr Topelberg

**AMENDMENT NO 8**

**Moved Cr Buckels, Seconded Cr Maier**

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

**“(vi)(a) Ticket Machine Zones within the Town, as shown in Appendix 9.4.8(E), subject to the following:**

- 3. Not install ticket machines in View Street, Forrest Street and Wasley Street, North Perth.”**

Debate ensued.

**At 8.25pm Mayor Catania declared an Impartiality interest in Item 9.4.8 – Town of Vincent Car Parking Strategy 2010 – Consideration of Submissions, Amendments to Parking and Parking Facilities Local Law 2007 and Introduction of Ticket Machine Zones and Time Restrictions. The extent of his interest being that his Company owns a house in Forrest Street.**

**At 8.25pm Cr Burns declared an Impartiality interest in Item 9.4.8 – Town of Vincent Car Parking Strategy 2010 – Consideration of Submissions, Amendments to Parking and Parking Facilities Local Law 2007 and Introduction of Ticket Machine Zones and Time Restrictions. The extent of her interest being that, although her interest is in common with others, she and other family members (as more fully disclosed in her previous Notice of Disclosure) have interests in a company which has a leasehold interest in a property on part of Beaufort Street that is shown to have ticket machines installed.**

Debate ensued.

**AMENDMENT NO 8 PUT AND CARRIED (7-2)**

**For:** Mayor Catania, Cr Buckels, Cr Farrell, Cr Harvey, Cr Lake, Cr Maier, Cr Topelberg  
**Against:** Cr Burns, Cr McGrath

**AMENDMENT NO 9**

**Moved Cr Buckels, Seconded Cr McGrath**

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

***“(vii) APPROVES BY ABSOLUTE MAJORITY the Draft Fees and Charges for 2011/2012, as shown in Appendix 9.4.8(F), subject to the following:***

2. *Maintain general rate for existing bays at \$2.00 per hour instead of increasing to \$2.20 per hour.”*

Debate ensued.

**AMENDMENT NO 9 PUT AND LOST (1-8)**

**For:** Cr Buckels  
**Against:** Mayor Catania, Cr Burns, Cr Farrell, Cr Harvey, Cr Lake, Cr McGrath, Cr Maier, Cr Topelberg

**AMENDMENT NO 10**

**Moved Cr Buckels, Seconded Cr Topelberg**

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

***“(vii) APPROVES BY ABSOLUTE MAJORITY the Draft Fees and Charges for 2011/2012, as shown in Appendix 9.4.8(F), subject to the following:***

2. *Amend the “New Kerbside Parking Fees” for Oxford Street, Leederville to \$2.20 per hour.”*

Debate ensued.

**AMENDMENT NO 10 PUT AND CARRIED UNANIMOUSLY (9-0)**

**PROPOSED AMENDMENT NO 11**

**Moved Cr Buckels, Seconded Cr .....**

***“(vii) APPROVES BY ABSOLUTE MAJORITY the Draft Fees and Charges for 2011/2012, as shown in Appendix 9.4.8(F), subject to the following:***

3. *The “Existing Car Parks – Day Fees, All Day Fee” remain at \$12.00 and not increase to \$14.00.”*

**PROPOSED AMENDMENT NO 11 LAPSED FOR WANT OF A SECONDER**

**AMENDMENT NO 12**

**Moved Cr Buckels, Seconded Cr McGrath**

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

*“(vii) APPROVES BY ABSOLUTE MAJORITY the Draft Fees and Charges for 2011/2012, as shown in Appendix 9.4.8(F), subject to the following:*

3. *The “Existing Car Parking Fees – Night Fees” remain at \$2.00 per hour and not increase to \$2.20 per hour, the All Night Fee remain at \$9.00 and not increase to \$11.00.”*

Debate ensued.

**AMENDMENT NO 12 PUT AND LOST (2-7)**

**For:** Cr Buckels, Cr McGrath

**Against:** Mayor Catania, Cr Burns, Cr Farrell, Cr Harvey, Cr Lake, Cr Maier, Cr Topelberg

**AMENDMENT NO 13**

**Moved Cr Buckels, Seconded Cr McGrath**

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

*“(vii) APPROVES BY ABSOLUTE MAJORITY the Draft Fees and Charges for 2011/2012, as shown in Appendix 9.4.8(F), subject to the following:*

3. *The “Parking Permits – All Car Parks” be increased to \$180.00 per month rather than the recommend \$145.00 per month.”*

Debate ensued.

**AMENDMENT NO 13 PUT AND LOST (1-8)**

**For:** Cr Buckels

**Against:** Mayor Catania, Cr Burns, Cr Farrell, Cr Harvey, Cr Lake, Cr McGrath, Cr Maier, Cr Topelberg

**AMENDMENT NO 14**

**Moved Cr Lake, Seconded Cr Topelberg**

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

*“(vi)(a) Ticket Machine Zones within the Town, as shown in Appendix 9.4.8(E), subject to the following:*

4. *Amend the line item for Broome Street, so that the ticket machines only extend approximately 40 metres along Broome Street to coincide with the perpendicular parking bays extending east from Beaufort Street.”*

**AMENDMENT NO 14 PUT AND CARRIED UNANIMOUSLY (9-0)**

**AMENDMENT NO 15**

**Moved Cr Maier, Seconded Cr Buckels**

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

*“(v)(b) of the first one (1) hour free to apply to all off-street public carparks under the care, control and management of the Town except for the Brisbane Street Carpark;”*

Debate ensued.

**AMENDMENT NO 15 PUT AND LOST (3-6)**

**For:** Cr Lake, Cr McGrath, Cr Maier

**Against:** Mayor Catania, Cr Buckels, Cr Burns, Cr Farrell, Cr Harvey, Cr Topelberg

**AMENDMENT NO 16**

**Moved Cr Maier, Seconded Cr Buckels**

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

*“(vii) **APPROVES BY ABSOLUTE MAJORITY** the Draft Fees and Charges for 2011/2012, as shown in Appendix 9.4.8(F), subject to the following:”*

- 3. Amend the “Existing Car Parks – Day Fees/Night Fees” to \$2.10 per hour in all carparks except for the Stadium Carpark for the day and night.*
- 4. Amend the “Existing Car Parks – Day Fees” to \$13.00 in all carparks except for the Stadium Carpark and amend the “Existing Car Parks – Night Fees” to \$10.00 in all carparks except for the Stadium Carpark.”*

Debate ensued.

Cr Burns requested the amendment be considered and voted on in two parts.

The Presiding Member, Mayor Nick Catania agreed with the request to consider and vote on the amendment in two parts.

Debate ensued.

**AMENDMENT NO 16 CLAUSE (vii)(3) PUT AND CARRIED (6-3)**

**For:** Cr Buckels, Cr Burns, Cr Harvey, Cr Lake, Cr Maier, Cr Topelberg

**Against:** Mayor Catania, Cr Farrell, Cr McGrath

**AMENDMENT NO 16 CLAUSE (vii)(4) PUT AND LOST (2-7)**

**For:** Cr Buckels, Cr Maier

**Against:** Mayor Catania, Cr Burns, Cr Farrell, Cr Harvey, Cr Lake, Cr McGrath, Cr Topelberg

Debate ensued.

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

**COUNCIL DECISION ITEM 9.4.8**

*That the Council;*

**SUBMISSIONS:**

- (i) *CONSIDERS the submissions received concerning the proposal to introduce ticket machines and time restrictions within the Town of Vincent as detailed in this report;*

**PARKING AND PARKING FACILITIES LOCAL LAW 2007**

- (ii) *APPROVES BY AN ABSOLUTE MAJORITY an amendment to the Parking and Parking Facilities Local Law (2007);*
- (iii) *Under the powers conferred by the Local Government Act 1995 and all other powers enabling it, the Council of the Town of Vincent resolve on .....2011 to make the Parking and Parking Facilities Amendment Local Law No. 1, (2011);*

**“LOCAL GOVERNMENT ACT 1995 (as amended)  
TOWN OF VINCENT PARKING AND PARKING FACILITIES LOCAL LAW  
AMENDMENT LOCAL LAW NO. 1, 2011”**

*AMENDS the Town of Vincent Parking and Parking Facilities Local Law (2007) as follows:*

- (a) *the “TABLE OF CONTENTS”, page (iii) be amended as follows:*
1. *the heading “PART 7 – RESIDENTIAL PARKING PERMITS” be deleted and substituted with the following “PART 7 –PARKING PERMITS”;*
  2. *the title “7.9 Display of Residential Parking Permit and Visitor’s Parking Permits” be deleted and substituted with the following “7.9 Display of Parking Permit”;*
  3. *the titles “Schedule 6 – Ticket Machine Zones” and “Schedule 7 – Parking Stations under Care, Control and Management of the Town of Vincent” be deleted;*
  4. *the title “Schedule 8 – Residential Parking Permit” be deleted and substituted with the following:  
“Schedule 6 – Parking Permits”; and*
  5. *the title “Schedule 9 – Notice of Intent to Revoke Permit” be deleted and substituted with the following:  
“Schedule 7 – Notice of Intent to Revoke a Permit”;*
- (b) *Clause 1.5(4) be deleted and substituted with the following new Clause 1.5(4):*
- “1.5(4) Where a parking facility or a parking station is determined to be under the care, control and management of the Town, then the facility or station shall be deemed to be a facility or station to which this local law applies and it shall not be necessary to prove that it is the subject of an agreement referred to in subclause (2).”*

- (c) *Clause 4.9(1)(e) be deleted and substituted with the following new Clause 4.9(1)(e):*

*“4.9(1)(e) which is determined by a Council resolution to be a parking station under the care, control and management of the Town.”*

- (d) *a new Clause 6.1 be inserted as follows:*

*“6.1 Establishment of Metered Zones, Metered Stalls and Ticket Zones*

- (1) The local government may, by resolution:*

- (a) establish;*
- (b) indicate by signs; and*
- (c) vary from time to time;*

*metered zones, metered spaces and ticket zones.*

- (2) In relation to metered zones, metered spaces and ticket zones, the local government may prescribe:*

- (a) conditions and permitted times of parking;*
- (b) the manner of parking; and*
- (c) the classes of vehicles permitted to park;*

*but this authority shall not be exercised in a manner which is inconsistent with the provisions of this local law or any other written law.”*

- (e) *the existing Clause “6.1” be renumbered as Clause “6.2”;*
- (f) *the existing Clause “6.2” be renumbered as Clause “6.3”;*
- (g) *the existing Clause “6.3” be renumbered as Clause “6.4”;*
- (h) *the existing Clause “6.4” be renumbered as Clause “6.5”;*
- (i) *the existing Clause “6.5” be renumbered as Clause “6.6”;*
- (j) *the existing heading “PART 7 – RESIDENTIAL PARKING PERMITS” be deleted and substituted with the following:*
- “PART 7 – PARKING PERMITS”;*
- (k) *the existing Clause “7.1” be amended to add the following definitions in alphabetical sequence:*
- 1. ““commercial parking permit” means a permit issued to a business by the local government pursuant to clause 7.3(3)”;*
  - 2. ““grouped dwelling” means a dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partially vertically above another, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata with common property.”*

3. *“multiple dwelling” means a dwelling in a group of more than one dwelling on a lot where 50 percent or greater of floor area of a dwelling is vertically above part of any other but:*
- *does not include a grouped dwelling; and*
  - *includes any dwellings above the ground floor in a mixed use development.”*
- (l) *the existing Clause “7.1” be amended to delete the existing definition of “eligible person” and substitute with the following definition:*
- ““eligible person” where used in relation to an application for a–*
- (a) *“residential parking permit” means an owner or occupier of a single house, grouped dwelling or multiple dwelling;*
- (b) *“visitor’s parking permit” means –*
- (i) *a single house owner or occupier;*
  - (ii) *a strata company;*
  - (iii) *a unit owner or occupier of a residential unit which is not a strata lot;*
  - (iv) *a grouped dwelling owner or occupier; or*
  - (v) *a multiple dwelling owner or occupier;*
- (c) *“commercial parking permit” means the proprietor of a commercial business;”*
- (m) *the existing Clause 7.3(1) be deleted and substituted with the following:*
- “7.3(1) The local government may upon a written application of an eligible person issue a residential parking permit in the form of Item 1 of Schedule 6”;*
- (n) *the existing Clause 7.3(2) be deleted and substituted with the following:*
- “7.3(2) The local government may upon a written application of an eligible person issue for the occasional use of visitors, a visitor’s parking permit in the form of Item 2 of Schedule 6”;*
- (o) *new Clause 7.3(3) be inserted as follows:*
- “7.3(3) The local government may upon a written application of an eligible person issue a commercial parking permit in the form of Item 3 of Schedule 6”;*
- (p) *the existing Clause “7.3(3)” be renumbered as Clause “7.3(4)”;*
- (q) *the existing Clause “7.3(4)” be deleted and substituted with the following:*
- “7.3(5) Notwithstanding any other provision in this local law, the local government may approve the issue of a number of residential, visitor’s or commercial parking permits (as applicable) to any eligible person on such terms and conditions as the local government sees fit.”*

- (r) *the existing Clause 7.5 be deleted and substituted with the following:*
- “7.5 Validity of permit*
- Every residential, visitor’s or commercial parking permit as the case may be, shall cease to be valid upon –*
- (a) *the expiry of a period of either 1 or 3 years (depending upon the permit issued) from and including the date on which it is issued;*
- (b) *the holder of the permit ceasing to be an eligible person;*
- (c) *the revocation of the permit by the local government pursuant to clause 7.6;*
- (d) *the replacement of any permit by a new permit issued by the local government pursuant to clause 7.3.”*
- (s) *the existing Clause 7.7 be deleted and substituted with the following:*
- “7.7 Removal of permit from vehicle*
- The holder of a residential, visitor’s or commercial parking permit shall forthwith upon that permit being revoked or ceasing to be valid remove the permit from the vehicle in which it is displayed or to which it is affixed.”*
- (t) *the existing Clause 7.8(1) be deleted and substituted with the following:*
- “7.8(1) The local government may upon a written application of an eligible person and upon payment of the fee referred to in subclause (2), if any, issue a permit to replace a residential, visitor’s or commercial parking permit which is lost, misplaced, destroyed or stolen.”*
- (u) *the title of Clause 7.9 be deleted and substituted with the following:*
- “7.9 Display of parking permit”;*
- (v) *the existing Schedule 2 be deleted and substituted with the attached new Schedule 2 as shown in Appendix 9.4.8(A);*
- (w) *the existing Schedule 6 be deleted;*
- (x) *the existing Schedule 7 be deleted;*
- (y) *the existing Schedule 8 be deleted and substituted with the attached new Schedule 6 as shown in Appendix 9.4.8(B); and*
- (z) *the existing Schedule 9 be deleted and substituted with the attached new Schedule 7 as shown in Appendix 9.4.8(C);*
- (iv) *in accordance with the provisions of Section 3.12 of the Local Government Act 1995 as amended, the Council gives a Statewide advertisement, indicating where and when the proposed amendment may be viewed and seeking public comment on the proposed amendments to the Town of Vincent Parking and Parking Facilities Local Law (2007);*

**PARKING STATIONS – DAYS AND TIMES OF OPERATION**

(v) **APPROVES** of the following:

- (a) *Parking Stations Under Care, Control & Management of the Town, as shown in Appendix 9.4.8(D); and*
- (b) *of the first one (1) hour free to apply to all off-street public car parks under the care, control and management of the Town;*

(vi) **APPROVES IN PRINCIPLE** of the following:

**TICKET MACHINE ZONES – DAYS AND TIMES OF OPERATION**

- (a) *Ticket Machine Zones within the Town, as shown in Appendix 9.4.8(E), subject to the following:*
  - 1. *Amend the extent of ticket machines on Beaufort Street to between Walcott and Broome Streets (with no ticket machines from Broome to Newcastle Streets);*
  - 2. *Amend the line items for Raglan, Grosvenor and Chelmsford so that the ticket machines only extend approximately 80 metres along Raglan Road from Walcott Street, approximately 80 metres along Grosvenor Road from Beaufort Street and approximately 40 metres along Chelmsford Road from Beaufort Street;*
  - 3. *Not install ticket machines in View Street, Forrest Street and Wasley Street, North Perth; and*
  - 4. *Amend the line item for Broome Street, so that the ticket machines only extend approximately 40 metres along Broome Street to coincide with the perpendicular parking bays extending east from Beaufort Street; and*

**PROPOSED TIME RESTRICTED AREAS**

(b) *the advertising of time restricted parking areas to be introduced into the following:*

*Time Restricted Parking areas within the Town:*

*North Perth*

<i>No.</i>	<i>Street</i>	<i>Location</i>
<i>1.</i>	<i>Alma Road</i>	<i>Between Fitzgerald and Norfolk Streets</i>
<i>2.</i>	<i>Glebe Street</i>	<i>Between Alma Road and View Streets</i>
<i>3.</i>	<i>Raglan Road</i>	<i>Between Fitzgerald and Ethel Streets*</i>
<i>4.</i>	<i>View Street</i>	<i>Between Glebe and Leake Streets</i>
<i>5.</i>	<i>Woodville Street</i>	<i>Between View and Angove Streets</i>

*Mt Lawley/Highgate*

<i>No.</i>	<i>Street</i>	<i>Location</i>
<i>1.</i>	<i>Broome Street</i>	<i>Between Beaufort and Smith Streets</i>
<i>2.</i>	<i>Cavendish Street</i>	<i>Between Lincoln Street and Chatsworth Road</i>
<i>3.</i>	<i>Chatsworth Road</i>	<i>Between Beaufort and William Streets</i>
<i>4.</i>	<i>Chelmsford Road</i>	<i>Between 40 metres from Beaufort and William Streets (1P – 40 metres from Beaufort Street to Hutt Street)</i>
<i>5.</i>	<i>Clarence Street</i>	<i>Beaufort Street to Curtis Street</i>
<i>6.</i>	<i>Raglan Road</i>	<i>Between Hutt and William Streets</i>
<i>7.</i>	<i>Grosvenor Road</i>	<i>Between Hutt and William Streets</i>
<i>8.</i>	<i>Harley Street</i>	<i>Between Lincoln Street and Chatsworth Road</i>
<i>9.</i>	<i>Harold Street</i>	<i>Between Beaufort and Vincent Streets*</i>
<i>10.</i>	<i>Harold Street</i>	<i>Between Stirling and Smith/Curtis Streets</i>
<i>11.</i>	<i>Hutt Street</i>	<i>Between Chelmsford and Raglan Roads</i>
<i>12.</i>	<i>Lincoln Street</i>	<i>Between Beaufort and William Streets*</i>
<i>13.</i>	<i>St Albans Avenue</i>	<i>Between Beaufort and Cavendish Streets</i>
<i>14.</i>	<i>Stirling Street</i>	<i>Between Lincoln and Harold Streets*</i>

*Perth*

<i>No.</i>	<i>Street</i>	<i>Location</i>
<i>1.</i>	<i>William Street</i>	<i>Between Bulwer and Lincoln Streets</i>
<i>2.</i>	<i>Palmerston Street</i>	<i>Between Bulwer and Glendower Streets*</i>
<i>3.</i>	<i>Dalmeny Street</i>	<i>Between Lord Street and Matson Lane*</i>

(\* denotes partial existing restrictions in these street blocks)

**PARKING FEES**

(vii) **APPROVES BY ABSOLUTE MAJORITY** the Draft Fees and Charges for 2011/2012, as shown in Appendix 9.4.8(F), subject to the following:

- 1. Amend the “New Kerbside Parking Fee” for Richmond Street to \$1.00 per hour;*
- 2. Amend the “New Kerbside Parking Fee” for Oxford Street, Leederville to \$2.20 per hour; and*
- 3. Amend the “Existing Car Parks – Day Fees/Night Fees” to \$2.10 per hour in all carparks except for the Stadium Carpark for the day and night;*

(viii) **NOTES that:**

- (a) a further report will be submitted to the Council after the expiry of the statutory consultation period;*
- (b) the Chief Executive Officer has engaged Luxmoore Parking Consultants to undertake a series of Community Information Sessions, during the statutory advertising of the amendment to the Local Law relating to Parking and Parking Facilities and the consultation period for the proposed restricted parking areas;*

- (c) *the Chief Executive Officer will engage consultants to undertake a detailed survey of the areas where paid parking and new restricted parking is being introduced to assess the effects of the implementation and report to the Council any changes, where required;*
- (d) *the Chief Executive Officer will investigate and prepare a report for the Special Meeting of Council to be held on 17 May 2011 on a Reserve Fund (or Funds) that will provide funds for:*
- *future car parks and carparking requirements;*
  - *upgrade of existing car parks;*
  - *purchase, maintenance and operation of ticket machines and associated equipment;*
  - *Town Centre Upgrades; and*
  - *Alternative Transport Initiatives and Modes;*
- (e) *the Town's Administration do not support Lake Street as a ticket machine zone, at this point in time, for reasons outlined in the 'Details' section of this report; and*
- (f) *with regard to the current time restriction trial in Grosvenor Road and Chelmsford Road, in accordance with the Council decision at its Ordinary Meeting held on 9 November 2010, further consultation with residents and businesses will be undertaken at the conclusion of the 6 month parking trial (in June 2011) to determine whether the introduction of a two (2) hour parking restriction on the north sides of Chelmsford Road and Grosvenor Road and the retention of unrestricted parking on the south side of both Streets has resulted in parking improvements in these two Streets.*

**\*Note:** Due to a Disclosure of Proximity Interest from Cr Lake and Cr Maier, this Item was recommitted later in the meeting and voted in accordance with the Council Decision relating to their request to remain in the Chamber and participate in debate but not vote on clause (vi)(b). Refer to page 119 for the final vote on this item.

**9.1.5 Nos. 369-375 (Lot 33 ; D/P: 15303, Lot 123 ; D/P: 2642, Lot 35; D/P: 65374/1) Stirling Street, corner of Harold Street, Highgate - Proposed Partial Demolition of Existing Buildings, Additions and Alterations to Existing Building and the Construction of a Six Storey Mixed Use Development comprising Eighty-Three (83) Multiple Dwellings, Forty-Seven (47) Single Bedroom Multiple Dwellings, One (1) Office and Associated Basement Car Parking- State Administrative Tribunal (SAT) Review Matter No. 26 of 2011**

<b>Ward:</b>	South	<b>Date:</b>	2 May 2011
<b>Precinct:</b>	Forrest – P14	<b>File Ref:</b>	PRO0688; 5.2010.326.2
<b>Attachments:</b>	<a href="#">001</a> – Revised Plans		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	B Doyle, Associate Director Planning Solutions (appointed consultant)		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**This report has been prepared by Planning Solutions – Urban and Regional Planning – Consultants for the Council, in respect to reconsideration of this matter currently at the State Administrative Tribunal.**

**CONSULTANT RECOMMENDATION:**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by SS Chang Architects on behalf of the owner Finbar Funds Management Ltd for proposed Partial Demolition of Existing Buildings, Additions and Alterations to Existing Building and the Construction of a Five- Storey Mixed Use Development comprising Eighty-Seven (87) Multiple Dwellings, Forty-Six (46) Single Bedroom Dwellings, One (1) Office and Associated Basement Car Parking, at Nos. 369-375 (Lot 33 ; D/P: 15303, Lot 123; D/P: 2642, Lot 35; D/P: 65374/1) Stirling Street, corner of Harold Street, Highgate and as shown on amended plans stamp-dated 28 April 2011, subject to the following conditions:*

**(i) Building**

- (a) all new external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Stirling and Harold Streets;*
- (b) if entry to neighbouring land is required, first obtaining the consent of the owners of Nos. 512-522, No. 500 Beaufort Street, and No. 153 Harold Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 512-522, No. 500 Beaufort Street and No. 153 Harold Street in a good and clean condition;*
- (c) doors, windows and adjacent floor areas of the office fronting Stirling and Harold Streets shall maintain an active and interactive relationship with these streets;*

- (d) *the maximum gross floor area of the office component shall be limited to 1200 square metres. Any increase in floor space or change of use of the offices shall require Planning Approval to be applied to and obtained from the Town. Any change of use shall be assessed in accordance with the relevant Planning Policy including the Town's Parking and Access Policy No. 3.7.1; and*
- (e) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) **Car Parking and Accessways**
- (a) *the on-site car parking area for the non-residential component shall be available for the occupiers of the residential component outside normal business hours;*
- (b) *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;*
- (c) *the car parking area shown for the non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property; and*
- (d) *the car park shall be used only by employees, tenants, and visitors directly associated with the development;*
- (iii) **Public Art**
- The owner(s), or the applicant on behalf of the owner(s), shall comply with the Town's Policy No. 3.5.13 relating to Percent for Public Art and the Percent for Public Art Guidelines for Developers, including:*
- (a) *within twenty – eight (28) days of the issue date of this 'Approval to Commence Development', elect to either obtain approval from the Town for an Artist to undertake a Public Art Project (Option 1) or pay the Cash in Lieu Percent for Public Art Contribution, of \$280,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$28,000,000); and*
- (b) *in conjunction with the above chosen option;*
- (1) *Option 1 –  
prior to the approval and subsequent issue of a Building Licence for the development, obtain approval for the Public Art Project and associated Artist; and  
  
prior to the first occupation of the development, install the approved public art project, and thereafter maintain the art work; OR*
- (2) *Option 2 –  
prior to the approval and subsequent issue of a Building Licence for the development or prior to the due date specified in the invoice issued by the Town for the payment (whichever occurs first), pay the above cash-in-lieu contribution amount;*

(iv) **Signage**

*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 to and approved by the Town prior to the erection of the signage;*

(v) **Fencing**

*Any new street/front wall, fence and gate within the Stirling Street and Harold Street setback areas, including along the side boundaries within these street setback areas, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*

(vi) **Verge Tree**

*No street verge tree(s) shall be removed. The street verge tree(s) shall be retained and protected from any damage, including unauthorised pruning;*

(vii) **Retention of Trees**

*The retention of and the protection at all times during construction and other works the existing trees identified on plan SK-02, with the exception of the Cape Lilac (*Melia azederach*) located alongside the northern elevation of the Inter-war Georgian building.*

*The applicant is to engage a qualified arboricultural consultant to assess the trees required to be retained, and provide a report to address their future care control and management;*

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

(a) **Construction Management Plan**

*A Construction Management Plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the Town, addressing the following issues:*

- 1. public safety, amenity and site security;*
- 2. contact details of essential site personnel;*
- 3. construction operating hours;*
- 4. noise control and vibration management;*
- 5. Dilapidation Reports of nearby properties;*
- 6. air and dust management;*
- 7. stormwater and sediment control;*
- 8. soil excavation method (if applicable);*
- 9. waste management and materials re-use;*
- 10. traffic and access management;*
- 11. parking arrangements for contractors and subcontractors;*
- 12. Consultation Plan with nearby properties; and*
- 13. any other matters deemed appropriate by the Town;*

(b) **Landscape and Reticulation Plan**

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

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

- 1. the location and type of existing and proposed trees and plants;*
- 2. all vegetation including lawns;*
- 3. areas to be irrigated or reticulated;*
- 4. proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and*
- 5. separate soft and hard landscaping plans (indicating details of plant species and materials to be used).*

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

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

(d) **Schedule of External Finishes**

*A detailed schedule of external finishes (including materials and colour schemes and details);*

(e) **Acoustic Report**

*An Acoustic Report in accordance with the Town's Policy No. 3.5.21 relating to Sound Attenuation shall be prepared and submitted to the Town for approval. 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 six (6) months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject Acoustic Report;*

(f) **Refuse and Recycling Management**

*Separate Bin Compounds for the residential and commercial components of the development are required, and must include wash down facilities and floor waste.*

*The Bin store as proposed is to accommodate the full number of bins for the minimum Town of Vincent service.*

*As per the Waste Management Consultant's report, a caretaker is to be responsible for the management, storage and verge placement and collection of bins.*

*A detailed Waste Management Plan is to be submitted prior to the issue of a Building Licence;*

(g) Privacy

*Revised plans shall be submitted to and approved by the Town demonstrating the following the balconies to Units 22, 27, 32, 37 and 42 on the north-eastern elevation, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material that is easily removed; OR prior to the issue of a Building Licence revised plans shall be submitted demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject wall, so that they are not considered to be a major opening as defined in the Residential Design Codes 2010; OR prior to the issue of a Building Licence, revised plans shall be submitted demonstrating the above major openings being provided with permanent vertical screening or equivalent, preventing direct line of sight within the cone of vision to ground level of the adjoining properties in accordance with the Residential Design Codes. 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. 153 Harold Street, stating no objection to the respective proposed privacy encroachment;*

(h) Amalgamation

*Prior to the issue of a Building Licence, the subject Lots 136, 137 and 138 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 and subdivide 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);*

(i) Footpath Upgrading

*In keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments, the footpaths adjacent to the subject land shall be upgraded, by the applicant, to a brick paved standard, and drainage modified at crossover point, to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$40,000 shall be lodged and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services. An application to the Town for the refund of the upgrading bond must be made in writing;*

(j) Vehicular Gate

*Any proposed vehicular gate for the car park visible from Stirling Street and Harold Street shall be a minimum 50 percent visually permeable when viewed from Stirling Street and Harold Street;*

(k) Heritage

- (a) *an interpretative plaque or another appropriate form of interpretation that provides an understanding of heritage development of the site and its cultural heritage value shall be installed prior to the first occupation of the approved addition on site. The design and wording of the interpretative plaque or other interpretative medium shall be undertaken in accordance with the Town's Heritage Management Policy No. 3.6.4 relating to Interpretive Signage and be submitted to and approved by the Town prior to the issue of a Building Licence;*
- (b) *the red brick and iron fence, which features a geometric pattern and surrounds the Interwar Georgian Revival building, shall be retained in situ and conserved to aid in the conservation of the setting of the place; and*
- (c) *details of proposed works at the heritage listed Interwar Georgian Revival building including internal structural changes, interior fixtures and signage, etc. should be submitted prior to the issue of a Building Licence; and*

(l) Underground Power

*In keeping with the Town's Policy 2.2.2, the power lines along both the Harold Street and Stirling Street frontages of the development shall be undergrounded at the Developer's full cost. The Developer is required to liaise with both the Town and Western Power to comply with their respective requirements, prior to the issue of the Building Licence; and*

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

(a) Residential Car Bays

*The 163 car parking spaces provided for the residential component and visitors of the development shall be clearly marked and signposted for the exclusive use of the residents and visitors of the development;*

(b) Clothes Drying Facility

*Each multiple dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer;*

(c) Bicycle Parking

*Six (6) class one or two bicycle and one (1) class three parking facilities, shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle facilities shall be submitted to and approved by the Town prior to the installation of such facilities; and*

(d) Management Plan-Vehicular Entry Gate

*In the event a vehicular entry gate is provided, a plan detailing management measures for the operation of the vehicular entry gate to Harold Street and Stirling Street, to ensure access is readily available for visitors to the residential and commercial units at all times, shall be submitted to and approved by the Town.*

Cr Buckels and Cr Burns departed the Chamber at 9.09pm.

Moved Cr McGrath, Seconded Cr Topelberg

*That the recommendation be adopted.*

Debate ensued.

Cr Buckels returned to the Chamber at 9.10pm.

Debate ensued.

Cr Burns returned to the Chamber at 9.11pm.

Debate ensued.

Cr Farrell departed the Chamber at 9.21pm.

Debate ensued.

Cr Farrell returned to the Chamber at 9.23pm.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr McGrath

*That new clause (viii)(m) be added as follows:*

*“(m) Section 70 A Notification under the Transfer of Land Act*

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

- (1) the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities; and*
- (2) the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/or office. 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”*

**AMENDMENT PUT AND CARRIED UNANIMOUSLY (9-0)**

Debate ensued.

Cr Burns asked if the Council's Planning Consultant, Mr Ben Doyle would answer questions about the State Administrative Tribunal (SAT) process, which involved legal advice. She requested that the Council proceed "behind closed doors", so that the advice could be confidential and not prejudice the Council's position.

**PROCEDURAL MOTION**

At 9.38pm **Moved Cr Burns, Seconded Cr McGrath**

*That Council proceed "behind closed doors" to enter into confidential discussions with the Consultant, Mr Ben Doyle on item 9.1.5.*

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

There were 18 members of the public present. There were also two (2) journalists present, who departed the Chamber at 9.38pm.

Cr Lake departed the Chamber at 9.38pm.

**PRESENT:**

Mayor Nick Catania, JP	Presiding Member
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward
Cr Steed Farrell	North Ward
Cr Taryn Harvey	North Ward
Cr Sally Lake ( <i>Deputy Mayor</i> )	South Ward
Cr Warren McGrath	South Ward
Cr Dudley Maier	North Ward
Cr Joshua Topelberg	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)
Ben Doyle	Associate Director, Planning Solutions (for Item 9.1.5) (until approximately 10.30pm)

**PROCEDURAL MOTION**

**Moved Cr Burns, Seconded Cr Farrell**

*That Standing Orders be suspended to enable the Town's Consultant to address the meeting and answer questions.*

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Lake was absent from the Chamber and did not vote.)

Debate ensued behind closed doors. Mr Ben Doyle responded to questions about the SAT process.

Cr Lake returned to the Chamber at 9.40pm.

Debate ensued.

**PROCEDURAL MOTION**

**At 9.55pm**     **Moved Cr Burns, Seconded Cr Buckels**

*That Standing Orders be resumed and that Council resume an “open meeting”.*

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

**PRESENT:**

Mayor Nick Catania, JP	Presiding Member
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward
Cr Steed Farrell	North Ward
Cr Taryn Harvey	North Ward
Cr Sally Lake ( <i>Deputy Mayor</i> )	South Ward
Cr Warren McGrath	South Ward
Cr Dudley Maier	North Ward
Cr Joshua Topelberg	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)
Ben Doyle	Associate Director, Planning Solutions (for Item 9.1.5) (until approximately 10.30pm)

**There were 18 members of the public present. There was one (1) journalist present, who returned to the Chamber at 9.55pm.**

**Debate ensued.**

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

**For:** Mayor Catania, Cr Buckels, Cr Burns, Cr Farrell, Cr Lake, Cr McGrath,  
Cr Maier, Cr Topelberg

**Against:** Cr Harvey

**COUNCIL DECISION ITEM 9.1.5**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by SS Chang Architects on behalf of the owner Finbar Funds Management Ltd for proposed Partial Demolition of Existing Buildings, Additions and Alterations to Existing Building and the Construction of a Five- Storey Mixed Use Development comprising Eighty-Seven (87) Multiple Dwellings, Forty-Six (46) Single Bedroom Dwellings, One (1) Office and Associated Basement Car Parking, at Nos. 369-375 (Lot 33 ; D/P: 15303, Lot 123; D/P: 2642, Lot 35; D/P: 65374/1) Stirling Street, corner of Harold Street, Highgate and as shown on amended plans stamp-dated 28 April 2011, subject to the following conditions:*

**(i) Building**

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

- (b) *if entry to neighbouring land is required, first obtaining the consent of the owners of Nos. 512-522, No. 500 Beaufort Street, and No. 153 Harold Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 512-522, No. 500 Beaufort Street and No. 153 Harold Street in a good and clean condition;*
  - (c) *doors, windows and adjacent floor areas of the office fronting Stirling and Harold Streets shall maintain an active and interactive relationship with these streets;*
  - (d) *the maximum gross floor area of the office component shall be limited to 1200 square metres. Any increase in floor space or change of use of the offices shall require Planning Approval to be applied to and obtained from the Town. Any change of use shall be assessed in accordance with the relevant Planning Policy including the Town's Parking and Access Policy No. 3.7.1; and*
  - (e) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) **Car Parking and Accessways**
- (a) *the on-site car parking area for the non-residential component shall be available for the occupiers of the residential component outside normal business hours;*
  - (b) *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;*
  - (c) *the car parking area shown for the non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property; and*
  - (d) *the car park shall be used only by employees, tenants, and visitors directly associated with the development;*
- (iii) **Public Art**
- The owner(s), or the applicant on behalf of the owner(s), shall comply with the Town's Policy No. 3.5.13 relating to Percent for Public Art and the Percent for Public Art Guidelines for Developers, including:*
- (a) *within twenty – eight (28) days of the issue date of this 'Approval to Commence Development', elect to either obtain approval from the Town for an Artist to undertake a Public Art Project (Option 1) or pay the Cash in Lieu Percent for Public Art Contribution, of \$280,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$28,000,000); and*
  - (b) *in conjunction with the above chosen option;*
    - (1) *Option 1 –*  
*prior to the approval and subsequent issue of a Building Licence for the development, obtain approval for the Public Art Project and associated Artist; and*  
*prior to the first occupation of the development, install the approved public art project, and thereafter maintain the art work; OR*

- (2) ***Option 2 –  
prior to the approval and subsequent issue of a Building Licence for the development or prior to the due date specified in the invoice issued by the Town for the payment (whichever occurs first), pay the above cash-in-lieu contribution amount;***

(iv) **Signage**

*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 to and approved by the Town prior to the erection of the signage;*

(v) **Fencing**

*Any new street/front wall, fence and gate within the Stirling Street and Harold Street setback areas, including along the side boundaries within these street setback areas, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*

(vi) **Verge Tree**

*No street verge tree(s) shall be removed. The street verge tree(s) shall be retained and protected from any damage, including unauthorised pruning;*

(vii) **Retention of Trees**

*The retention of and the protection at all times during construction and other works the existing trees identified on plan SK-02, with the exception of the Cape Lilac (Melia azederach) located alongside the northern elevation of the Inter-war Georgian building.*

*The applicant is to engage a qualified arboricultural consultant to assess the trees required to be retained, and provide a report to address their future care control and management;*

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

(a) **Construction Management Plan**

*A Construction Management Plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the Town, addressing the following issues:*

- 1. public safety, amenity and site security;*
- 2. contact details of essential site personnel;*
- 3. construction operating hours;*
- 4. noise control and vibration management;*
- 5. Dilapidation Reports of nearby properties;*
- 6. air and dust management;*
- 7. stormwater and sediment control;*
- 8. soil excavation method (if applicable);*
- 9. waste management and materials re-use;*
- 10. traffic and access management;*
- 11. parking arrangements for contractors and subcontractors;*
- 12. Consultation Plan with nearby properties; and*
- 13. any other matters deemed appropriate by the Town;*

(b) Landscape and Reticulation Plan

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

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

- 1. the location and type of existing and proposed trees and plants;*
- 2. all vegetation including lawns;*
- 3. areas to be irrigated or reticulated;*
- 4. proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and*
- 5. separate soft and hard landscaping plans (indicating details of plant species and materials to be used).*

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

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

(d) Schedule of External Finishes

*A detailed schedule of external finishes (including materials and colour schemes and details);*

(e) Acoustic Report

*An Acoustic Report in accordance with the Town's Policy No. 3.5.21 relating to Sound Attenuation shall be prepared and submitted to the Town for approval. 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 six (6) months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject Acoustic Report;*

(f) Refuse and Recycling Management

*Separate Bin Compounds for the residential and commercial components of the development are required, and must include wash down facilities and floor waste.*

*The Bin store as proposed is to accommodate the full number of bins for the minimum Town of Vincent service.*

*As per the Waste Management Consultant's report, a caretaker is to be responsible for the management, storage and verge placement and collection of bins.*

*A detailed Waste Management Plan is to be submitted prior to the issue of a Building Licence;*

(g) Privacy

*Revised plans shall be submitted to and approved by the Town demonstrating the following the balconies to Units 22, 27, 32, 37 and 42 on the north-eastern elevation, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material that is easily removed; OR prior to the issue of a Building Licence revised plans shall be submitted demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject wall, so that they are not considered to be a major opening as defined in the Residential Design Codes 2010; OR prior to the issue of a Building Licence, revised plans shall be submitted demonstrating the above major openings being provided with permanent vertical screening or equivalent, preventing direct line of sight within the cone of vision to ground level of the adjoining properties in accordance with the Residential Design Codes. 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. 153 Harold Street, stating no objection to the respective proposed privacy encroachment;*

(h) Amalgamation

*Prior to the issue of a Building Licence, the subject Lots 136, 137 and 138 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 and subdivide 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);*

(i) Footpath Upgrading

*In keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments, the footpaths adjacent to the subject land shall be upgraded, by the applicant, to a brick paved standard, and drainage modified at crossover point, to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$40,000 shall be lodged and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services. An application to the Town for the refund of the upgrading bond must be made in writing;*

(j) Vehicular Gate

*Any proposed vehicular gate for the car park visible from Stirling Street and Harold Street shall be a minimum 50 percent visually permeable when viewed from Stirling Street and Harold Street;*

(k) Heritage

- (a) *an interpretative plaque or another appropriate form of interpretation that provides an understanding of heritage development of the site and its cultural heritage value shall be installed prior to the first occupation of the approved addition on site. The design and wording of the interpretative plaque or other interpretative medium shall be undertaken in accordance with the Town's Heritage Management Policy No. 3.6.4 relating to Interpretive Signage and be submitted to and approved by the Town prior to the issue of a Building Licence;*
- (b) *the red brick and iron fence, which features a geometric pattern and surrounds the Interwar Georgian Revival building, shall be retained in situ and conserved to aid in the conservation of the setting of the place; and*
- (c) *details of proposed works at the heritage listed Interwar Georgian Revival building including internal structural changes, interior fixtures and signage, etc. should be submitted prior to the issue of a Building Licence;*

(l) Underground Power

*In keeping with the Town's Policy 2.2.2, the power lines along both the Harold Street and Stirling Street frontages of the development shall be undergrounded at the Developer's full cost. The Developer is required to liaise with both the Town and Western Power to comply with their respective requirements, prior to the issue of the Building Licence; and*

(m) Section 70 A Notification under the Transfer of Land Act

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

- (1) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non- residential activities; and*
- (2) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/or office. 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*

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

(a) Residential Car Bays

*The 163 car parking spaces provided for the residential component and visitors of the development shall be clearly marked and signposted for the exclusive use of the residents and visitors of the development;*

(b) *Clothes Drying Facility*

*Each multiple dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer;*

(c) *Bicycle Parking*

*Six (6) class one or two bicycle and one (1) class three parking facilities, shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle facilities shall be submitted to and approved by the Town prior to the installation of such facilities; and*

(d) *Management Plan-Vehicular Entry Gate*

*In the event a vehicular entry gate is provided, a plan detailing management measures for the operation of the vehicular entry gate to Harold Street and Stirling Street, to ensure access is readily available for visitors to the residential and commercial units at all times, shall be submitted to and approved by the Town.*

<b>Landowner:</b>	Finbar Funds Management Ltd
<b>Applicant:</b>	SS Chang Architects
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1: Residential R80
<b>Existing Land Use:</b>	Educational Establishment
<b>Use Class:</b>	Multiple Dwelling and Office
<b>Use Classification:</b>	“P” and “SA”
<b>Lot Area:</b>	8794 square metres
<b>Access to Right of Way</b>	Not applicable

**PURPOSE OF REPORT:**

To update the Council on the above review application and to comply with the requirements of the Town’s Policy/Procedure for the State Administrative Tribunal (SAT).

To allow the Council to reconsider an application for a revised development under Section 26 of the State Administrative Tribunal Act.

In re-considering the proposal the Council may:

- (a) affirm its decision;
- (b) vary its decision; or
- (c) Set aside the decision and substitute a new decision.

Note – in accordance with Section 26 of the State Administrative Tribunal Act, the amended plans are presented to Council for reconsideration by consent. Should Council resolve to affirm its decision to refuse the application, or vary its decision to approve the application subject to conditions not acceptable to the applicant, the applicant may opt proceed to proceed to a Final Hearing based on either the original plans previously refused by Council, or the amended plans the subject of this report.

**BACKGROUND:**

- 10 December 2010 The Council at its Ordinary Meeting refused the application for proposed Partial Demolition of Existing Buildings, Additions and Alterations to Existing Building and the Construction of a Five- Storey Mixed Use Development comprising Eighty-Seven (87) Multiple Dwellings, Forty-Six (46) Single Bedroom Dwellings, One (1) Office and Associated Basement Car Parking for the following reasons:
1. *The development is not consistent with the orderly and proper planning and preservation of amenities of the locality;*
  2. *The bulk, scale, height, density and plot ratio is considered too excessive;*
  3. *Non-compliance with setbacks;*
  4. *Non-compliance with the Town's car parking requirements; and*
  5. *Consideration of objections received."*
- 4 February 2011 Directions hearing held at SAT.
- 15 February 2011 Proposed development discussed at Council Forum, attended by Ben Doyle of Planning Solutions (Council's nominated consultant).
- 17 February 2011 On-site inspection and discussion attended by Ben Doyle, Scott Cameron (landowner), Peter Simpson (applicant) and representatives of St Mark's College/CBC Redevelopment Pro-Action Group.
- 11 March 2011 Mediation Session No. 1 held at SAT.
- 5 April 2011 Mediation Session No. 2 held at SAT.
- 13 May 2011 Further mediation/directions scheduled to be held at SAT.

**Appointed Consultant for the SAT Mediation Process**

As prescribed by the Town's SAT Policy, the Town appointed a consultant to mediate the matter on its behalf. Accordingly, Planning Solutions – Urban and Regional Planners were appointed. Mr Ben Doyle, an Associate Director of the practice (located within the Town of Vincent) is a highly qualified Town Planner, with extensive experience with the Town's planning requirements, complex developments and SAT matters, has been responsible for the matter on behalf of the Town.

No Town of Vincent Planning Officers have been involved in the SAT Mediation or in the preparation of the consultant's report.

The Town was represented at the two SAT Mediation Sessions by:

- Mr Ben Doyle – Associate Director – Appointed Consultant;
- Mayor Nick Catania and Cr Warren McGrath; and
- Chief Executive Officer, John Giorgi.

After each SAT Mediation session, the Town's Chief Executive Officer sent an email to Ms A. Chin, convenor of the local Action Group to inform them of the outcome.

### **Confidential Report or Not?**

The Town's consultant has advised that it is his preference for the report to be submitted to the Council on a confidential basis. He advises that his capacity to act as an expert witness to the SAT may be compromised, if the matter proceeds to a Final Hearing. In addition, the discussions from the SAT Mediation Sessions are "without prejudice" and are not admissible in a Final Hearing.

Notwithstanding the above, given the considerable community interest in the development, the Chief Executive Officer has determined that the report not be confidential. Furthermore, the revised plans will be made available for reviewing to the public from 4 May 2011. This decision is in accordance of an undertaking given by the Chief Executive Officer to the SAT on 5 April 2011.

### **DETAILS:**

#### **Comparison of Plans**

The changes to the new plans submitted (Attachment 001) as compared to the plans refused by the Council at its Ordinary Meeting held on 10 December 2010 are as follows:

- Reduction in building height of the south-western portion of the southern rear building from 8.73 - 14.29 metres to 6.33 – 10.83 metres, to reduce the overshadowing to the adjoining neighbour's outdoor living area;
- Increasing the setback of the building fronting Harold Street from 2.449 metres to 7.0 metres, the retention of the mature trees and the reduction in the building height by a storey;
- Closure of the southern Stirling Street basement ramp (to be provided as an "at-grade" visitor car park) and the inclusion of an additional ramp along Stirling Street to access the basement;
- An increase in the number of visitor car parking bays from 14 to 33, which are located outside of the secure basement car parking areas;
- Amendment to the design of the buildings to add colour and texture;
- Additional (sixth) storey on the rear central building;
- The maximum overall height of the development has been increased from 17.2 metres to 20.06 metres;
- The plot ratio has been reduced from 1.19 to 1.10 (excluding Office); and

The applicant's letter is shown as an Attachment.

### **COMPLIANCE:**

The proposed development has been re-assessed under the provisions of the Residential Design Codes as amended 22 November 2010, which introduced new assessment criteria for multiple dwellings in areas with a coding of R30 or greater and within mixed use development and activity centres.

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
<b>Plot Ratio</b>	1.0	1.10
<i>Officer Comments:</i>		
<p><b>Supported</b> - The plot ratio has been <b>reduced</b> from <b>1.19</b> to <b>1.10</b> which further reduces any undue impact on the amenity of the area. In the context of surrounding development close to and along Beaufort Street, and the anticipated redevelopment of the Pacific Motel site, the proposed plot ratio is recommended for approval. Moreover, it is considered that the amended design mitigates the bulk and scale as viewed from the street and surrounding properties, and provides for vertical and horizontal articulation elements.</p>		
<p><b>Front Setbacks:</b> Front-South-East-Stirling Street</p> <p>Lower Ground Floor and Ground Floor</p> <p>First Floor</p>	<p>4.3 metres</p> <p>6.3 metres</p>	<p>3.565 metres to 4 metres</p> <p>3.5625 metres</p>
<p><b>Front Setbacks:</b> Front-North-East-Harold Street</p> <p>Lower Ground Floor</p> <p>Ground Floor</p> <p>First and Second Floors</p>	<p>6.65 metres</p> <p>6.65 metres</p> <p>8.65 metres</p>	<p>6.0 metres (entry portico) to 9.6 metres (building)</p> <p>7.0 metres (balcony) to 9.6 metres (building)</p> <p>7.0 metres (balcony) to 9.6 metres (building)</p>
<i>Officer Comments:</i>		
<p><b>Supported</b> - The existing adjoining houses (south-east) have setback to Stirling Street of 3 metres and the existing St Marks building is setback 5.2 metres from Stirling Street. Therefore, the proposed street setback of 3.565 metres to 4 metres, providing a staggered setback between the existing houses and the St Marks Building, is not considered to have a detrimental impact on the streetscape.</p> <p>The existing adjoining multiple dwelling development on Harold Street has a front setback of approximately 6.0 metres, and the St Marks building is setback approximately 7.4 metres. The main building is setback a greater distance than the prevailing average setback, with only the balconies and entry portico being setback a lesser distance. It is considered the proposed setback maintains sightlines to the heritage building and facilitates the retention of mature trees within the setback area, and will make a positive contribution to the streetscape.</p>		
<p><b>Building Setbacks:</b> North-West Elevation</p> <p><u>First Building to Harold Street</u></p> <p>Lower Ground Floor</p> <p>Ground Floor</p> <p>First Floor</p> <p>Second Floor</p>	<p>4 metres</p> <p>4 metres</p> <p>4 metres</p> <p>4 metres</p>	<p>Nil* (staircase) to 2.2 metres</p> <p>Nil* (staircase) to 2.2 metres</p> <p>2.2 metres</p> <p>2.2 metres</p>

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
<u>Second Building-Middle</u> Ground Floor-Deck First Floor  Second Floor  Third Floor  Fourth Floor  Fifth Floor	4 metres 4 metres  4 metres  4 metres  4 metres  4 metres	Nil 3.5 metres (northern balcony corner), 5.7 metres (building) to 6.5 metres (balcony) 3.5 metres (northern balcony corner), 5.7 metres (building) to 6.5 metres (balcony) 3.5 metres (northern balcony corner), 5.7 metres (building) to 6.5 metres (balcony) 3.5 metres (northern balcony corner), 5.7 metres (building) to 6.5 metres (balcony) 3.5 metres (northern balcony corner), 5.7 metres (building) to 6.5 metres (balcony)
<u>Third Building</u> Ground Floor First Floor  Second Floor Third Floor Fourth Floor	4 metres 4 metres  4 metres 4 metres 4 metres	6.9 metres 4.7 metres (balcony) to 6.9 metres (building) 4.7 metres to 6.9 metres 4.7 metres to 6.9 metres 4.7 metres to 6.9 metres
<b>Building Setbacks:</b> South-West Elevation  Ground Floor	4 metres	3.2 metres (carpark exhaust) to 4.0 metres (building)
First Floor	4 metres	4.0 metres (building)
Second Floor	4 metres	11.0 metres (building)
Third Floor	4 metres	11.0 metres (roof terrace)
<i><b>Officer Comments:</b></i>		
<p><b>Supported</b> - The adjoining existing residential buildings along the north-west boundary have setbacks of 0.5 metre to 3.2 metres to the subject property. The proposed setbacks will <u>not</u> have an undue impact on ventilation to the proposed buildings and the adjoining existing buildings along the north west boundary. Moreover, there will be <u>no overshadowing</u> of the adjoining buildings to the north-west.</p> <p>The setback variation to the south-west boundary relates only to the carpark exhaust structure, which has a length of 1.8 metres and a height of approximately 2.5 metres above natural ground level. The building will overshadow approximately 25% of the outdoor living area of the lot abutting to the south-west, representing approximately 7% of the total lot area.</p>		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
<b>Number of Storeys and Building Height</b>	Height= 7 metres 2 storeys	Height= 20.06 metres 6 storeys
<b>Officer Comments:</b>		
<p><b>Supported</b> - As per the Town's Multiple Dwellings Policy, the adjoining commercial sites along Beaufort Street are permitted five storeys within the site. The Council at its Ordinary Meeting held on 8 September 2009 conditionally approved a four storey development at No. 103 Harold Street (Pacific Motel) which is located opposite the subject site.</p> <p>Although the proposed 'middle building' height represents an increase on the building height previously refused by Council, it is considered the amended proposal, by incorporating a variety of building heights and a range of materials and colours, reduces the 'monolithic' bulk of the original proposal. In addition, the increased height of the middle building has provided for increased building setbacks to Harold Street, reduction of the total plot ratio, and a reduction in the height of the 'third building' adjacent to the south-western boundary, without significantly reducing the total number of dwellings proposed. The six storey building is located at the rear of the site, predominantly adjacent to the existing Queens Hotel carpark, and therefore is not considered to impact on the amenity of the area.</p> <p>Accordingly, it is considered the development is consistent with the height and scale of development existing and approved in the surrounding area.</p>		
<b>Privacy Setbacks</b>	Balcony/deck= 7.5 metres to boundary Bedroom= 4.5 metres to boundary	Balcony- Units 22, 27, 32, 37 and 42 setback 3.5 metres to the north-western boundary.
<b>Officer Comments:</b>		
<p><b>Not supported</b> - In the event the application is supported, the balconies and bedrooms will be required to be screened. A condition (viii)(g) has been applied.</p>		

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

Consultation Submissions
Not applicable.

Car Parking - Residential	
Small dwelling (<75sqm or 1 bedroom) 0.75 car bays per dwelling (proposed 47 dwellings) = 35 car bays	35 car bays
Medium dwelling (75-110sqm) 1 car bay per dwelling (proposed 83 dwellings) = 83 car bays	83 car bays
Visitors 0.25 car bays per dwelling (130 dwellings proposed) = 33 car bays	33 car bays
Minus the car parking provided on-site	163 car bays (including 33 visitor bays)
Surplus	12 car bays

<b>Bicycle Parking – Residential</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
	1 space per 3 dwellings for residents (proposed 130 dwellings) = 43 bicycle spaces	43 bicycle spaces
	1 space per 10 dwellings for visitors (proposed 130 dwellings) = 13 bicycle spaces	15 bicycle spaces  15 scooter/motorcycle parking bays are also proposed.

<b>Car Parking – Non-residential</b>	
Car parking requirement (nearest whole number) Office: 1 car bay per 50 square metres gross office floor area (proposed 1200 square metres)= 24 car bays	24 car bays
Apply the parking adjustment factors. <ul style="list-style-type: none"> <li>▪ 0.80 (mix of uses with greater than 45 percent of the gross floor area residential)</li> <li>▪ 0.85 (within 400 metres of a bus stop)</li> <li>▪ 0.85 (within 800 metres of a rail station)</li> <li>▪ 0.85 (within 400 metres of public car parks in excess of 75 car parking spaces)</li> </ul>	(0.4913)  11.79 car bays
Minus the car parking provided on-site	24 car bays
Minus the most recently approved on-site car parking shortfall	Nil
Surplus	12 car bays

<b>Bicycle Parking – Non-residential</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
<b>Bicycle Parking</b>	Offices-  1 space per 200 (proposed 1200) square metres (class 1 or 2)= 6 spaces  1 space per 750 square metres over 1000 square metres (class 3)= 1 space	Non-residential bicycle spaces have not been designated. In the event the application is supported, additional non-residential bicycle facilities will be required to be provided.

Subject to the incorporation of additional bicycle parking facilities to service the non-residential component, the vehicle parking arrangements comply with the requirements of the Residential Design Codes and Council policy. It is considered additional bicycle parking spaces may readily be provided without substantially modifying the proposed development.

<b>Other Implications</b>	
<b>Legal/Policy</b>	<p>Planning and Development Act 2005 (WA), State Administrative Tribunal Act 2004 (WA) and Town's Policy No. 4.1.23-State Administrative Tribunal Policies and Procedures.</p> <p>Section 26 of the State Administrative Tribunal 2004 states as follows:</p> <p><i>"26. Restriction on powers of decision-maker after review commenced</i></p> <p><i>After the commencement of a proceeding for the review of a decision the decision-maker cannot –</i></p> <p><i>(a) vary the decision; or</i></p> <p><i>(b) set aside the decision and substitute its new decision,</i></p> <p><i>Unless –</i></p> <p><i>(c) that is permitted by the enabling Act;</i></p> <p><i>(d) the parties to the proceeding consent; or</i></p> <p><i>(e) the decision-maker is invited under section 31 to reconsider the decision.</i></p> <p>Under Section 26 of the SAT Act 2004, the Town has consented to consider the amended plans; that is, to (a) affirm the decision; (b) vary the decision; or (c) set aside the decision and substitute its new decision.</p> <p><b>Absolute Majority Decision</b></p> <p>Given the variation is no longer to density but to 'plot ratio', clause 40(3)(b) is no longer applicable, an absolute majority decision therefore is not required.</p>
<b>Strategic</b>	Draft Local Planning Strategy.
<b>Sustainability</b>	Nil.
<b>Financial/Budget</b>	Potential cost of employing a private consultant to represent the Town in a Final Hearing.

### **Waste Management**

With regard to waste collection, the applicant has indicated a waste management plan will be prepared which will provide for multiple pickups per week. This will be agreed with the Town and addressed at the Building Licence stage. A condition (viii)(f) has been included. The waste management plan will provide for bins to be stored within the complex until collection, at which time the caretaker will transfer any bins containing rubbish to the verge, and then return the bins to the internal bin storage areas once they are emptied. This is considered to be an appropriate arrangement, which satisfactorily addresses the concerns raised with regard to the kerbside waste collection arrangements. In the event the proposed development is approved, it is recommended appropriate conditions be imposed to address this issue.

**COMMENTS:**

The new plans are considered to be a significant improvement on the proposal refused by Council at its meeting held on 10 December 2010.

Although the maximum building height has been increased, the redesign of the development is considered to have reduced the perceived 'monolithic bulk' of the previous proposal, by introducing variation in building heights, and reducing the bulk to the north-east (Harold Street) and south-west elevations, as well as a reduction in the plot ratio over the site. The six storey building is located to the rear of the site, predominantly adjacent to The Queens hotel carpark, and is substantially screened by the existing and proposed buildings along the Stirling and Harold Street frontages. Further, the increased setback to Harold Street facilitates the retention of mature trees in that area, improving the streetscape impacts of the development.

In addition, the 'monotonous' appearance of the original proposal is considered to have been improved by the incorporation of a wider range of materials, finishes and colours in the amended proposal.

The setback variations proposed are minor, and are not considered likely to detrimentally impact on the amenity of surrounding residents or the locality.

Accordingly, the proposed development, as amended, is supported. Approval of the Consultant's Recommendation is requested.

**9.1.4 No. 12 (Lot 26; D/P: 32570) Grosvenor Road, Mount Lawley - Proposed Change of Use from Single House to Office Building and Associated Alterations**

<b>Ward:</b>	South	<b>Date:</b>	27 April 2011
<b>Precinct:</b>	Norfolk Precinct; P10	<b>File Ref:</b>	PRO2899; 5.2011.46.2
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report, Development Application and Plans		
<b>Tabled Items</b>	Applicant's submission and associated documentation		
<b>Reporting Officer:</b>	T Cappellucci, Planning Officer (Statutory)		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by S L Unger for proposed Change of Use from Single House to Office Building and Associated Alterations, at No. 12 (Lot 26; D/P: 32570) Grosvenor Road, Mount Lawley, and as shown on plans stamp-dated 27 January 2011, due to the following reasons:*

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the close proximity of Residential Uses;*
- (iii) consideration of the objections received;*
- (iv) the non-compliance with the Town's Policy No. 3.4.3 relating to Non-Residential Development Interface;*
- (v) the non-compliance with the Town of Vincent's Economic Development Strategy;*
- (vi) the proposed change of use and associated alterations will have a negative impact to the interpretation and understanding of the heritage significance of the subject place;*
- (vii) the non-compliance with the minimum requirements of the Australian Standard (AS2890.6) relating to providing an ACROD (disabled bay) with the dimensions to be 4.8 metres (wide) by 5.4 metres (length); and*
- (viii) the non-compliance with minimum requirements of the Australian Standard (AS2890.1 & 6) relating to a minimum 6 metre manoeuvring distance from a right of way for vehicular access.*

**COUNCIL DECISION ITEM 9.1.4**

**Moved Cr Burns, Seconded Cr Maier**

*That the recommendation be adopted.*

Debate ensued.

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

<b>Landowner:</b>	S L Unger
<b>Applicant:</b>	S L Unger
<b>Zoning:</b>	Metropolitan Region Scheme: (MRS) Town Planning Scheme No. 1 (TPS 1): Residential R40
<b>Existing Land Use:</b>	Residential
<b>Use Class:</b>	Office Building
<b>Use Classification:</b>	"SA"
<b>Lot Area:</b>	384 square metres
<b>Access to Right of Way</b>	North side, 4 metres wide, unsealed

**PURPOSE OF REPORT:**

The application is presented to a meeting of Council due to the proposed office building being an "SA" use in a Residential zone and three (3) objections being received during the Community Consultation period.

**BACKGROUND:**

4 May 2005 Application deemed cancelled for alterations and additions to fencing to existing single house.

**DETAILS:**

The proposal involves the change of use from an existing residential single house to an office building with associated alterations and additions at No. 12 Grosvenor Road, Mount Lawley.

The proposed hours of operation for the office are Monday to Friday 8.30am – 5pm. There is to be a maximum expected number of four (4) employees with a maximum number of four (4) clients at the premises at any time.

Vehicular access to the site will be from the northern right of way via Raglan Road. Two (2) extra car bays are proposed next to the existing car bay on-site, as well as a tandem parking bay at the rear of the dwelling to make four (4) car bays in total, with one (1) suitable for people with disabilities.

There are no proposed changes to the external façade of the residential dwelling.

**COMPLIANCE:**

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
<b>Bicycle Parking:</b>	One (1) class 1 or 2 bicycle facility.	Nil.
<i>Officer Comments:</i>		
Not Supported.		
<b>Town of Vincent Economic Development Strategy:</b>	No requirements to add new commercial precincts or nodes as all of the Town of Vincent's residents live within 1 kilometre of a commercial centre.	Commercial use in a residential zone.
<i>Officer Comments:</i>		
Not Supported - Refer to "Comments" below.		
<b>Non-Residential/ Residential Development Interface Policy:</b>	Non-residential developments shall be restricted to District and Local Centre zones.	Commercial use in a residential zone.
<i>Officer Comments:</i>		
Not Supported- Refer to "Comments" below.		

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

Consultation Submissions		
Item	Comments Received	Officer Comments
Support (0)	Nil.	Noted.
Objection (3)	<p>Object only if this proposal involved the removal now or in the future of the tree in the rear of the property.</p> <p>Do not support any more commercial buildings creeping into what is a residential area.</p> <p>Approval will represent the erosion of the residential character of the street.</p> <p>Extending non-residential down the street reduces the presence of neighbours and domestic styled gardens, and hence residential amenity.</p> <p>Laneway is very narrow and there is insufficient room for vehicles to access the site as proposed.</p>	<p>Noted - Tree at rear is not being removed as part of this application.</p> <p>Supported – The proposed change of use is not in keeping with the character appropriate to the immediate streetscape along Grosvenor Road which is primarily residential with the exception of a small portion east of the subject property at No. 12 Grosvenor Road, towards Beaufort Street, which is zoned District Centre.</p> <p>Supported – The proposed Office building has the potential to create a significantly undue amenity impact on the primarily residential streetscape due to increased volumes in vehicular traffic as a result of the increased number of people accessing the subject site. This in turn can lead to potential parking conflicts, increased noise as well as forms of pollution.</p> <p>Supported – The proposed office building is not deemed to be in character with the predominant land use of residential development within the immediate area of Grosvenor Road. In addition, introducing a non-residential use in a primarily residential zone, such as an office, has the potential to create undue amenity impacts in a manner which is in excess of normal residential living. There are other suitably zoned lands in the Town for office uses.</p> <p>Supported – Proposed car bays for the office do not comply with the required 6 metre manoeuvring distance, as the proposed manoeuvring distance is only 4 metres, which is the width of the right of way.</p>

Consultation Submissions		
Item	Comments Received	Officer Comments
	<p>If the Town is serious about supporting the Town Centre then it will encourage Town Centre development within the zone, not allow it to dissipate into the surrounding residential streets.</p> <p>Town should be looking at how the interface between residential and Town Centre zones can be better managed to protect the amenity of residents and residences.</p>	<p>Noted.</p> <p>Supported – The Town has a Non-Residential/Residential Development Interface Policy, Policy No. 3.4.3. The objective of this policy is to protect and enhance the amenity and general environment standards of existing and future development within and adjoining both residential and non-residential areas by providing clear guidance with respect to what is considered desirable and acceptable development.</p>
<b>Advertising</b>	Advertising for a period of 21 days was carried out as per the Town’s Policy No. 4.1.5 – relating to Community Consultation.	

Car Parking	
Car parking requirement (nearest whole number)	= 2 car bays (nearest whole number)
Office = 1 space per 50 square metres of gross floor area	
<ul style="list-style-type: none"> <li>Office – Gross Floor Area = 115.5 square metres (requires 2.31 cars bays)</li> </ul>	
Total car bays required = 2.31 car bays	
Apply the adjustment factors.	(0.85)
<ul style="list-style-type: none"> <li>0.85 (within 400 metres of a bus stop)</li> <li>0.80 (within 50 metres of one or more existing public car parking place(s) within in excess of 50 car parking spaces)</li> </ul>	= 1.36 car bays
Minus the car parking provided on-site	4 car bays
Minus the most recently approved on-site car parking shortfall.	Nil
Resultant surplus	2.64 car bays

Bicycle Parking		
<b>Office</b>	<ul style="list-style-type: none"> <li>1 space per 200 square metres (Gross Floor Area of 115.5 square metres): Class 1 or 2 (0.57 =1 Required)</li> <li>Nil: Class 3</li> </ul>	<p>Nil Provided.</p> <p>Nil Provided.</p>

Other Implications	
<b>Legal/Policy</b>	TPS 1, R-Codes and associated Policies.
<b>Strategic</b>	<p>The Town’s <i>Strategic Plan 2011-2021</i> - Objective 1 states:</p> <p>“1. Natural and Built Environment</p> <p>1.1 Improve and maintain the natural and built environment and infrastructure</p> <p>1.1.2 Enhance and maintain the character and heritage of the Town.”</p>
<b>Sustainability</b>	Nil.
<b>Financial/Budget</b>	Nil.

## **COMMENTS:**

### **Heritage**

The subject place at No. 12 Grosvenor Road, Mount Lawley, in conjunction with No. 10 Grosvenor Road, Mount Lawley, is listed on the Town's Municipal Heritage Inventory (MHI) as Management Category of B - Conservation Recommended. The houses first entered the MHI in 1995 and were re-entered on the list on 12 September 2006. The places at Nos. 10 and 12 Grosvenor Road are the surviving pair of a group of three identical houses constructed c1900.

The subject proposal involves change of use from single house to office building and associated alterations including proposed four car bays to the rear of the subject dwelling at No. 12 Grosvenor Road, Mount Lawley.

According to a good heritage conservation practice, it is preferable that a heritage place continue to be used for the purpose for which it was built, or for a use with which it has a long association. The Place Record Form indicates that the subject place at No. 12 Grosvenor Road, Mount Lawley has been used as a residence since its construction c1900. The subject place demonstrates the aesthetic value of a typical residential Federation Bungalow in the vicinity of Mount Lawley.

As such, it is considered that the proposed change of use and associated alterations will have negative impact to the interpretation and understanding of the significance of the subject place.

In light of the above, the subject application is not supported by the Town's Heritage Services and it is considered that the subject place should continue to be used for residential purpose.

### **Technical Services**

The car bays proposed for the office which are located at the rear of the property, are accessed from a 4 metre wide right of way. Three (3) roller doors are proposed for three (3) of the four (4) parking bays. This arrangement does not meet the minimum requirements of the Australian Standard (AS2890.1 & 6). Access to these bays is hindered by the narrow width of the right of way, and the piers required for the roller door assembly.

The roller doors need to be set into the lot a further 2 metres to comply with the requirements. Furthermore, no disabled parking appears to be proposed. Should one of the rear bays be nominated disabled parking, the adjoining bay would be required to be dedicated to access for the disabled bay, and thereby reduce the proposed parking by one.

### **Planning**

The purpose of the Town's Non-Residential/Residential Development Interface Policy No. 3.4.3 is to protect and enhance the amenity and general environment standards of existing and future development within and adjoining both residential and non-residential areas by providing clear guidance with respect to what is considered desirable and acceptable development.

The proposed office development, in comparison to the existing residential dwelling which has heritage significance, as outlined above, is deemed to not protect the character of the existing residential buildings within the adjoining Grosvenor Road streetscape.

To the east of the subject property is No. 10 Grosvenor Road, Mount Lawley. This site was approved by Council at its Ordinary Meeting held on the 20 April 2010 for a change of use from Office to Medical Consulting Rooms (Psychology and Counselling) and associated signage. This site was identified as being a buffer site as it's a commercial development in a residential area, which forms the barrier to adjoining non-residential uses in the District Centre area to the east of the site towards Beaufort Street.

In addition, to the south, on the opposite side of the street, is No. 13 Grosvenor Road, Mount Lawley. At the Ordinary Meeting of Council held on 9 November 2010 a change of use application for a Single House to Medical Consulting Rooms was approved by Council.

The proposed office at No. 12 Grosvenor Road is considered to not be a part of the general fabric of the residential area in which it is located. Approval of the proposed development would create an undesirable precedent for further encroachment of commercial uses into residential areas. The proposed office use is not considered to serve the day-to-day needs of local residents and is considered more appropriate in areas which have been appropriately zoned and developed for such uses, namely the Town's commercial centres.

Furthermore, the proposal is inconsistent with the objectives of the Town's Economic Development Strategy, which aims to condense commercial type activities within Local Centres, District Centres or Commercial zoned areas in order to capitalise upon co-locational benefits and increase the viability of the Town's commercial centres.

The proposed change of use from a residential dwelling to an office does cause a potentially greater undue amenity impact on the nearby residential dwellings due to increased noise, illumination and traffic as a result of the increased number of patrons accessing the property on a regular basis. Therefore, this potentially undue amenity impact will be in excess of that of a normal residential dwelling.

It is also noted that the proposed three car parking bays with roller doors is likely to be solely used by the tenants of the premises, and not available for use by visitors, who will more than likely need to park elsewhere rather than on-site.

While the Town encourages small to medium scale mixed use development of a type and character appropriate to the location and existing character of the area, the proposed office building in Grosvenor Road, which is primarily residential except for a small portion to the east of the site towards Beaufort Street, is not seen as enhancing and encouraging a pedestrian friendly environment that preserves the residential character and amenity of the Grosvenor Road streetscape in comparison to that of the existing heritage listed property.

### **Economic Development Strategy**

The Town of Vincent Economic Development Strategy stipulates that commercial establishments should be located in established Commercial centres. The existing residential dwellings at Nos. 10 & 12 Grosvenor Road are the surviving pair of a group of three identical houses constructed c1900, and contribute to the character and amenity of the area. In this respect, it is considered that given the location and nature of the existing residential dwelling, the upgrading of the dwelling to an office building will pose a greater undue amenity impact on the surrounding area.

Accordingly, it is recommended that the application be refused as per the Officer Recommendation.

The Chief Executive Officer advised that it was 10.05pm and in accordance with the Council Meeting Policy, the Council should resolve to extend the meeting, if it wished to continue.

The Presiding Member, Mayor Nick Catania stated a motion needed to be moved to extend the closure of meeting time, as the Council's Policy relating to Council meetings requires meetings to cease by 10.00pm.

**PROCEDURAL MOTION**

**Moved Cr Buckels, Seconded Cr Lake**

*That the meeting be extended to consider the remaining Items.*

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

**9.1.1 Sustainability Program – Living Smart**

<b>Ward:</b>	Both	<b>Date:</b>	27 April 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	PLA0096
<b>Attachments:</b>	<a href="#">001</a> – Living Smart Program Outline		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Gordon, Project Officer – Sustainability		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

***OFFICER RECOMMENDATION:***

*That the Council;*

- (i) ACCEPTS the recommendation of the Sustainability Advisory Group that the Town offer the Living Smart Program to Town of Vincent residents; and*
- (ii) LISTS funding of \$5,000 in the Town's 2011/2012 draft Budget for the Living Smart Program at least once in the 2011/2012 financial year.*

**Moved Cr Lake, Seconded Cr Farrell**

*That the recommendation, together with the following change, be adopted:*

*That a new clause (iii) be inserted as follows:*

- “(iii) RESOLVES that the fee for Town of Vincent residents to take part in the Living Smart Program shall be no more than \$30 per person for 2011/2012, and that the Program content will include existing Town of Vincent programs such as Worm Farm workshops and local plant sales.”*

Debate ensued.

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

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**COUNCIL DECISION ITEM 9.1.1**

*That the Council;*

- (i) *ACCEPTS the recommendation of the Sustainability Advisory Group that the Town offer the Living Smart Program to Town of Vincent residents;*
- (ii) *LISTS funding of \$5,000 in the Town's 2011/2012 draft Budget for the Living Smart Program at least once in the 2011/2012 financial year; and*
- (iii) *RESOLVES that the fee for Town of Vincent residents to take part in the Living Smart Program shall be no more than \$30 per person for 2011/2012, and that the Program content will include existing Town of Vincent programs such as Worm Farm workshops and local plant sales.*

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**PURPOSE OF REPORT:**

The purpose of this report is to advise the Council that the Sustainability Advisory Group recommends that the Town should offer the *Living Smart* program to Town of Vincent residents, and to advise the Council of the benefits of the *Living Smart* program.

**BACKGROUND:**

At its Ordinary Meeting held on 22 March 2011, the Council considered a Notice of Motion regarding the *Living Smart* program, and resolved as follows:

*“That the Council:*

- (i) *REQUESTS the Chief Executive Officer to investigate:*
  - (a) *the benefits of offering the “Living Smart Program” to the Vincent community; and*
  - (b) *the possibility of a partnership with the Loftus Community Centre for delivery of the program; and*
- (ii) *REFERS the matter to the Sustainability Advisory Group for advice on whether to participate in the program and invites Helene Fisher of the Loftus Community Centre to make a presentation on the program to the Group.”*

Pursuant to the Council's resolution, the Town's Officers arranged for Helene Fisher to provide a presentation to the Sustainability Advisory Group (SAG) at the meeting held on 18 April 2011.

**DETAILS:**

Helene Fisher is an environmental educator with 32 years of teaching experience. She has facilitated the *Living Smart* program previously for the Town of Victoria Park and the Shire of Serpentine-Jarrahdale.

**The Living Smart Program**

*Living Smart* is a community environmental education program that empowers participants with the knowledge and skills to take action to improve the sustainability of their homes and their community in ways which will save money and will improve personal wellbeing.

The *Living Smart* program was developed locally, as a joint initiative between The Meeting Place Community Centre, the City of Fremantle, Murdoch University and the Southern Metropolitan Regional Council. A key aspect in developing the program was that actual changes in behaviour was imperative – so goal-setting techniques were incorporated as a key element, to be taught as a life skill. This is what makes *Living Smart* unique as an environmental education program.

A combination of presentations, workshops, goal setting and field trips are used in the program. A course facilitator presents locally relevant information on each topic with assistance from past participants and local “experts”. Each topic presentation is followed up with group discussion and sharing of participant knowledge. This is a great way for participants to learn about the practical changes that everyone can make in the home.

The program (as run by Helene Fisher) consists of 7 sessions of 2 ½ hours in duration, run over a 7-week period. Each session addresses a different sustainability topic (as detailed in the Course Outline at Appendix 9.1.1) as follows:

- Introduction to the course;
- Energy;
- Water;
- Biodiversity and food gardening;
- Waste;
- The healthy home and you; and
- Transport.

In addition, there is a daytime visit to an agreed demonstration site (such as a community garden, waste facility, or a sustainably-designed home).

The [Living Smart Action Guide](http://www.livingsmart.org.au/pdfs/LSAction%20Guide.pdf) (<http://www.livingsmart.org.au/pdfs/LSAction%20Guide.pdf>) that is provided to course participants, and many other useful resources, can be accessed from the [Living Smart website](http://www.livingsmart.org.au/) (<http://www.livingsmart.org.au/>).

According to Helene Fisher, the optimal size for a course group is between 16 and 25 participants.

### **Program Benefits**

The major benefit of the program is raising awareness and empowering members of the Town’s community to set goals and make changes to their behaviour to live in a more sustainable way – to reduce their impact on the environment, while also saving money.

It is hoped that program graduates would also become “Sustainability Ambassadors” by spreading the sustainability message and passing on their knowledge and skills to family, friends and others within the Town of Vincent community.

### **SAG Discussion**

The SAG considered how the *Living Smart* program might interconnect with the Town’s existing suite of sustainability programs and initiatives. The SAG was of the view that while there may be some overlap in the course content and in other programs run by the Town (for example, worm farm workshops, Urban Green Thumb workshops), members were of the view that *Living Smart* would have a different target audience, and that some streamlining could be achieved. The SAG noted that the *Living Smart* program would complement the *Switch Your Thinking* program, which has more of a “hardware” focus, and is generally aimed at a more “tech-savvy” audience.

In respect of program participants becoming “Sustainability Ambassadors”, the SAG suggested that the Town could host a *Living Smart* web forum on its website, to build on the sense of community generated through the *Living Smart* program and to allow for the further exchange and development of ideas.

The SAG agreed to recommend that the Town offer the *Living Smart* program to residents of the Town of Vincent, and suggested that an appropriate fee structure should be considered and included in the report to the Council. The SAG also noted that consideration should be given to the way in which the course is advertised, as this will play an important role in determining who the program participants will be.

### **Fee Structure**

The SAG were of the view, which was confirmed by Helene Fisher, that participants are likely to be more invested in, and committed to, the course if they are required to pay a fee for the program. The Town’s Officers have consulted with staff at the Loftus Community Centre regarding appropriate fees, and are of the view that around \$70 per person for the full course for residents and \$100 per person for non-residents would be appropriate. The Town would have the flexibility to reduce or waive the fee in appropriate circumstances.

### **Partnership with the Loftus Community Centre**

The Town’s officers have discussed the *Living Smart* program with staff at the Loftus Community Centre and have confirmed that the Centre is eager to partner with the Town to offer the program to Town of Vincent residents. The Centre has generously offered to provide its facilities to host *Living Smart* sessions at a cost which covers only utility expenses. The Centre also provides an excellent platform for promotion of the program to the local community, and is happy to provide in-Centre advertising as well as advertising in its newsletter, which reaches approximately 850 Town of Vincent residents.

### **CONSULTATION/ADVERTISING:**

No consultation or advertising is required at this stage.

### **LEGAL/POLICY:**

Not applicable.

### **RISK MANAGEMENT IMPLICATIONS:**

Not applicable.

### **STRATEGIC IMPLICATIONS:**

The Town’s *Strategic Plan 2011-2016* states:

#### *“Natural and Built Environment*

- Objective 1.1: Improve and maintain the natural and built environment and infrastructure*  
*1.1.3: Take action to reduce the Town’s environmental impacts and provide leadership on environmental matters.”*

### **SUSTAINABILITY IMPLICATIONS:**

One of the two overarching objectives of the Town's *Sustainable Environment Strategy 2011-2016* (adopted in principle) is to:

*“Encourage, empower and support the Town’s community to live in an environmentally sustainable manner.”*

The *Living Smart* program will provide participants with knowledge and skills across each of the four focus areas listed in the *Sustainable Environment Strategy*, being Air & Emissions, Water Quality & Consumption, Greening Vincent, and Reduce, Re-use, Recycle. In addition, it is hoped that graduates of the *Living Smart* program will become “Sustainability Ambassadors” and will promote sustainability knowledge and practices amongst their friends, family and colleagues.

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

A new item for the *Living Smart* program would need to be listed in the Town's 2011/2012 Budget. The cost of the Town running one complete round of the *Living Smart* program is likely to cost around \$3,000 - \$3,500, less the enrolment fees paid by participants (on a \$70 per person basis, fees contributed by 15 participants would be \$1,050). This would include the following expenses:

- Hourly rate for the program facilitator;
- Advertising and promotional costs; and
- Venue costs and catering.

The Loftus Community Centre has offered to provide facilities at the Centre to host the *Living Smart* course at a minimal cost.

A budget allocation of \$5,000 should be sufficient to allow the Town to offer the program twice in the 2011/2012 financial year, which would be the intention if the first round of the program is well-received and attended.

### **COMMENTS:**

The *Living Smart* program would be a good addition to the Town's existing suite of sustainability and environmental programs and initiatives, and would be an effective way for the Town to actively promote sustainable living within the community.

The Presiding Member, Mayor Nick Catania advised that Cr Burns had declared a proximity interest in Item 9.1.2. Cr Burns departed the Chamber at 10.01pm and did not speak or vote on this matter.

**9.1.2 No. 544 (Lot 1; D/P: 692) Beaufort Street corner of Harold Street, Mount Lawley - Proposed Construction of a Four-Storey Mixed Use Development comprising Six (6) Multiple Dwellings, Offices, Eating House and Associated Basement Car Parking (Amendment to Planning Approval)**

<b>Ward:</b>	South	<b>Date:</b>	28 April 2011
<b>Precinct:</b>	Mount Lawley Centre;P11	<b>File Ref:</b>	PRO2524; 5.2011.85.1
<b>Attachments:</b>	<a href="#">001</a> - Property Information Report and Development Application Plans		
<b>Tabled Items</b>	Nil		
<b>Reporting Officer:</b>	R Narroo, Senior Planning Officer (Statutory)		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by J Kestrel on behalf of the owner Elmridge Pty Ltd for Construction of a Four-Storey Mixed Use Development comprising Six (6) Multiple Dwellings, Offices, Eating House and Associated Basement Car Parking, at No. 544 (Lot 1; D/P 692) Beaufort Street corner of Harold Street, Mount Lawley, and as shown on plans stamp-dated 15 February 2011 and amended plans stamp dated 14 April 2011 and 21 April 2011 subject to the following conditions:*

**(i) Building**

- (a) all new external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Beaufort and Harold Streets;*
- (b) first obtaining the consent of the owners of Nos. 550-552 Beaufort Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 550-552 Beaufort Street in a good and clean condition;*
- (c) doors, windows and adjacent floor areas facing Beaufort Street and Harold Street and the entrance to the building fronting Beaufort Street, shall maintain active and interactive relationships with these streets; and*
- (d) the maximum gross floor area and public floor area of the office and eating house shall be limited to 651 square metres and 156 square metres respectively. Any increase in floor space or change of use of the office or eating house shall require Planning Approval to be applied to and obtained from the Town. Any change of use shall be assessed in accordance with the relevant Planning Policy including the Town's Parking and Access Policy No. 3.7.1;*

(ii) **Car Parking and Accessways**

- (a) *the on-site car parking area for the non-residential component shall be available for the occupiers of the residential component outside normal business hours;*
- (b) *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;*
- (c) *the car parking area shown for the non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property; and*
- (d) *the car park shall be used only by employees, tenants, and visitors directly associated with the development;*

(iii) **Public Art**

*The owner(s), or the applicant on behalf of the owner(s), shall comply with the Town's Policy No. 3.5.13 relating to Percent for Public Art and the Percent for Public Art Guidelines for Developers, including:*

- (a) *within twenty – eight (28) days of the issue date of this 'Approval to Commence Development', elect to either obtain approval from the Town for an Artist to undertake a Public Art Project (Option 1) or pay the Cash-in-Lieu Percent for Public Art Contribution, of \$32,310 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$3,231,000); and*
- (b) *in conjunction with the above chosen option;*
  - (1) *Option 1 –  
prior to the approval and subsequent issue of a Building Licence for the development, obtain approval for the Public Art Project and associated Artist; and  
  
prior to the first occupation of the development, install the approved public art project, and thereafter maintain the art work; OR*
  - (2) *Option 2 –  
prior to the approval and subsequent issue of a Building Licence for the development or prior to the due date specified in the invoice issued by the Town for the payment (whichever occurs first), pay the above cash-in-lieu contribution amount;*

(iv) **Signage**

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

(v) **Trees**

*No street verge tree(s) or on-site trees of significance shall be removed. The street verge tree(s) and the on-site trees of significance shall be retained and protected from any damage including unauthorised pruning in accordance with the Town of Vincent Town Planning Scheme No. 1;*

(vi) **Car Parking Cash-in-Lieu**

*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 \$25,590 for the equivalent value of 8.53 car parking spaces, based on the cost of \$3,000 per bay as set out in the Town's 2010/2011 Budget; OR*
- (b) *lodge an appropriate assurance bond/bank guarantee of a value of \$25,590 to the satisfaction of the Town. This assurance bond/bank guarantee will only be released in the following circumstances:*
  - (1) *to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*
  - (2) *to the owner(s)/applicant following receipt by the Town of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or*
  - (3) *to the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired.*

*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;*

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

(a) **Construction Management Plan**

*A Construction Management Plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the Town, in accordance with the requirements of the Town's Policy No. 3.5.23 relating to Construction Management Plans, and Construction Management Plan Guidelines and Construction Management Plan Application for Approval Proforma.*

(b) **Section 70 A Notification under the Transfer of Land Act**

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

- (1) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities; and*

- (2) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/or office. 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;*

(c) *Landscape and Reticulation Plan*

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

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

- (1) *the location and type of existing and proposed trees and plants;*
- (2) *all vegetation including lawns;*
- (3) *areas to be irrigated or reticulated;*
- (4) *proposed watering system to ensure the establishment of species and their survival during the hot and dry months;*
- (5) *separate soft and hard landscaping plans (indicating details of plant species and materials to be used); and*
- (6) *a 500 litre Chinese tallow tree is to be planted within the Harold Street verge at the full cost of the developer in a location to be identified by the Town's Manager, Parks and Property Services.*

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

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

(d) *Schedule of External Finishes*

*A detailed schedule of external finishes (including materials and colour schemes and details);*

(e) *Acoustic Report*

*An Acoustic Report in accordance with the Town's Policy No. 3.5.21 relating to Sound Attenuation shall be prepared and submitted to the Town for approval. This report shall include the car stackers and 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. The applicant/owners shall submit a further report from an Acoustic Consultant six (6) months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject Acoustic Report;*

(f) Refuse and Recycling Management Plan

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

(g) Right of Way

*A bond for the sum of \$3,200 is to be paid for the resurfacing of the right of way including the 1 metre widening area and drained to the existing soak wells. The bond will be held until the works are completed. A written application is required for the refund of the bond;*

(h) Footpath

*A bond for the sum of \$4,500 is to be paid for the upgrading of the verge along the Harold Street frontage, the brick paving is to match that in Beaufort Street. The footpath adjacent to the development on Beaufort Street and Harold Street shall be reinstated under the direction of the Town's Manager of Engineering Operations at the completion of the development at the full expense of the applicant/owner/builder;*

(i) Privacy

*Revised plans shall be submitted to and approved by the Town demonstrating the windows to offices on levels 2 and 3 on the south east elevation being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material that is easily removed; OR prior to the issue of a Building Licence revised plans shall be submitted demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject wall, so that they are not considered to be a major opening as defined in the Residential Design Codes 2010; OR prior to the issue of a Building Licence, revised plans shall be submitted demonstrating the above major openings being provided with permanent vertical screening or equivalent, preventing direct line of sight within the cone of vision to ground level of the adjoining properties in accordance with the Residential Design Codes. 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. 152 Harold Street, stating no objection to the respective proposed privacy encroachment;*

(j) Awning

*The awning along the Harold Street frontage may need to be modified to accommodate the planting of the verge tree. The developer is to liaise with the Town's Technical Services prior to the submission of the Building License drawings;*

(k) Fencing

*Any new street/front wall, fence and gate within the Beaufort Street and Harold Street setback areas, including along the side boundaries within these street setback areas, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*

(I) **Car Stackers**

*The proposed 'car stacking' layout and location within the development shall be revised in accordance with the requirements, and to the satisfaction of the Town's Director Technical Services in compliance with, but not limited to, the following;*

- (1) *the vertical clearance of the car stackers shall be an absolute minimum of 2.10 metres and is to comply with AS/NZ 2890.1:2004;*
- (2) *the weight limitation for cars within the car stacker shall be no less than 2,500 kilograms subject to the car stacker being fitted with an appropriate mechanism to restrict its use should a vehicle heavier than 2,500 kilograms enter the stacker. In addition, appropriate highly visible signage shall be installed at the entrance of all car stackers specifying the maximum weight of vehicle allowed to use the car stacking system;*
- (3) *the car stacker bay platform width to be no less than 2.7 metres with end bay platform width no less than 2.9 metres. Bay entry opening width to be no less than 2.5 metres per stacker unit. The design shall be referred to the manufacturer for exact dimensions required to comply with the Town's requirements;*
- (4) *reversing car isle widths shall be an absolute minimum of 7.0 metres in accordance with AS/NZ 2890.1:2004;*
- (5) *rubber inserts shall be installed on all platforms on both the drivers' side;*
- (6) *the walls for mounting shall be as per manufacturer's specification-floors and walls shall be made of concrete designed and certified by a Structural Engineer to be adequate;*
- (7) *sliding doors shall be automatic;*
- (8) *car stacker operation shall be by remote control;*
- (9) *an appropriately designed emergency power generator shall be installed or a power management plan to the satisfaction of the Town's Director Technical Services be agreed;*
- (10) *the car stacker design and associated features, such as a suitable mechanical ventilation system and a suitable sprinkler system, shall be submitted to and approved by Fire and Emergency Services Authority (FESA) prior to the issue of a Building Licence;*
- (11) *if feasible, without reducing the overall number of car bays required, to reduce the incidence of bay loss in the event of a mechanical failure, the car stackers shall be redesigned to form a maximum of four(4) banks of parallel bays;*

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

- (12) *the applicant and future owners of the property to enter into a Legal Agreement with the Town, which is secured by a caveat on the certificate of title of the subject land, in regard to the car stacker system and to address the following to the satisfaction of the Town;*
- (A) *All maintenance agreements/contracts to be current for the life of the building and renewed annually;*
  - (B) *A copy of updated and current maintenance agreements/contracts to be submitted to the Town on an annual basis;*
  - (C) *The Town may act to ensure compliance with the car stacker conditions of approval, in the event that the applicant/owner fails to ensure that the car stacker is in good working order and maintained as such, and the conditions of approval are compliant and any costs incurred will be borne by the owner;*
  - (D) *The applicant/owner undertakes to provide, maintain and ensure the car stacker system is operable and in good working order at all times, for the life of the building, to the satisfaction of the Town;*
  - (E) *The Applicant/owner agrees to indemnify the Town for any claims, actions or litigation arising from the car stacker system; and*
  - (F) *The Legal Agreement shall be prepared by the applicant/owner and approved by the Town, or alternatively, the applicant/owner may request the Town's solicitor to prepare the Legal Agreement and associated caveat. All costs associated with this condition including the Town's cost for checking the legal documents and caveat if prepared by the applicant's solicitor shall be borne by the applicant/owner; and*
- (viii) **PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT**, the following shall be completed to the satisfaction of the Town:
- (a) **Residential Car Bays**  
*The 6 car parking spaces provided for the residential component and visitors of the development shall be clearly marked and signposted for the exclusive use of the residents and visitors of the development;*
  - (b) **Bicycle Parking**  
*Eight (8) class one or two bicycle parking facilities and three (3) class three shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle facilities shall be submitted to and approved by the Town prior to the installation of such facilities;*

(c) **Management Plan-Vehicular Entry Gate**

*The proposed vehicular entry gate to the car parking area shall have a minimum 50 per cent visual permeability and shall be either open at all times or a plan detailing management measures for the operation of the vehicular entry gate, to ensure access is readily available for residents/visitors to the residential and commercial units at all times, shall be submitted to and approved by the Town; and*

(d) **Clothes Drying Facility**

*Each multiple dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer.*

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**COUNCIL DECISION ITEM 9.1.2**

**Moved Cr Farrell, Seconded Cr Buckels**

*That the recommendation be adopted.*

Debate ensued.

**MOTION PUT AND CARRIED ON THE  
CASTING VOTE OF THE PRESIDING MEMBER (5-4)**

**For:** Presiding Member, Mayor Nick Catania (two votes – deliberative and casting vote), Cr Farrell, Cr Harvey, Cr McGrath

**Against:** Cr Buckels, Cr Lake, Cr Maier, Cr Topelberg

**(Cr Burns was absent from the Chamber and did not vote on this matter.)**

**Cr Burns returned to the Chamber at 10.10pm. The Presiding Member, Mayor Nick Catania advised that the item was carried.**

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<b>Landowner:</b>	Elmridge Pty Ltd
<b>Applicant:</b>	J Kestel
<b>Zoning:</b>	Metropolitan Region Scheme: (MRS) Town Planning Scheme No. 1 (TPS 1):
<b>Existing Land Use:</b>	Building under construction
<b>Use Class:</b>	Eating House, Office and Multiple Dwelling
<b>Use Classification:</b>	“P”, “P” , “AA”
<b>Lot Area:</b>	594 square metres
<b>Access to Right of Way</b>	South-East side, 3.1 metres wide, sealed, Town owned

**PURPOSE OF REPORT:**

This proposal requires referral to the Council for determination given it cannot be considered under Delegated Authority.

**BACKGROUND:**

24 March 2009 The Council at its Ordinary Meeting held on 24 March 2009 conditionally approved demolition of existing commercial building and construction of four-storey plus basement mixed use development comprising three multiple dwellings, offices, eating house and associated basement car parking.

16 December 2009-  
8 February 2010 Under Delegated Authority from Council, the Town conditionally approved four-storey plus basement mixed use development comprising three multiple dwellings, offices and eating house-amended planning approval.

**DETAILS:**

The proposal involves construction of a four-storey mixed use development comprising six multiple dwellings, offices, eating house and associated car parking (amendment to planning approval).

The building is under construction. The main differences between the plans approved under Delegated Authority between 16 December 2009 and 8 February 2010 and the plans submitted are as follows:

- The new plans propose six multiple dwellings as compared to three multiple dwellings approved previously;
- The areas of the eating house and office have increased; and
- The fourth floor has moved closer to the right of way.

**COMPLIANCE:**

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
<b>Plot Ratio:</b>	1.0= 594 square metres	2.0= 1,188 square metres
<i>Officer Comments:</i>		
Supported- Refer to "Comments" below.		
<b>Building Setbacks:</b> South East (Right of Way)		
Basement	6 metres	2.6 metres
Ground and First Floors	6 metres	1 metre
Second and Third Floors	4 metres	1 metre
<i>Officer Comments:</i>		
Supported- There is an existing right of way between the subject site and the south-eastern properties. Given the right of way width (3.1 metres), setback of the proposed building and the proposed development complies with the overshadowing requirement there will be no impact in terms of ventilation and solar access.		

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
<b>Building Height</b>	Multiple Dwellings Policy:  2 storeys (3 storeys can be considered adjacent to Beaufort Street)  Within site- 5 storeys  Adjacent to Residential properties- 2 storeys (3 storeys can be considered)	Four Storeys
<i><b>Officer Comments:</b></i>		
Supported- Refer to "Comments" below.		
<b>Car Parking</b>	Commercial component= 26.53 car bays	18 car bays (shortfall of 8.53 car bays)
<i><b>Officer Comments:</b></i>		
Supported-Refer to "Comments" below.		
<b>Bicycle Parking</b>	Class 1= 5 bicycle bays  Class 3= 3 bicycle bays	Bike racks room shown on the plan but no specification of the number of bicycle bays.
<i><b>Officer Comments:</b></i>		
Supported-In the event the application is supported; the applicant will be required to provide the required bicycle bays.		
<b>Privacy</b>	Office= 6 metres	Office-Level 2 and 3=4.1 metres to the south-eastern boundaries
<i><b>Officer Comments:</b></i>		
Not supported-In the event the application is supported; the windows to the office will be required to be screened.		

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

<b>Consultation Submissions</b>		
<b>Item</b>	<b>Comments Received</b>	<b>Officer Comments</b>
Support(1)	No comments.	Noted.
Objections(4)	Building Setbacks:  Variations to the setbacks should not be considered.  Building Height:  A four storey development will be out of character with the existing surrounding area. The development will block the views of the adjacent rear residential dwellings.	Not supported- The variations to the setbacks will not impact on the adjoining south-eastern properties in terms of ventilation and overshadowing.  Not supported- The Council at its Ordinary Meeting held on 24 March 2009 approved a four-storey development on the subject site.

Consultation Submissions		
Item	Comments Received	Officer Comments
	<p>Car Parking:</p> <p>There is already a lack of parking bays in this area. The shortfall will contribute to worsen the exiting situation.</p> <p>Variations to the Applications:</p> <p>No variations to the development should be supported.</p>	<p>Not supported- The Town is implementing a car parking strategy to manage parking availability in the area and the Town more generally.</p> <p>Not supported- The R-Codes allow for variations to development as long as the Council is satisfied that these variations will not impact on the surrounding area.</p>
<b>Advertising</b>	Advertising for a period of 21 days was carried out as per the Town's Policy No. 4.1.5 – relating to Community Consultation.	

### Car Parking

Given the development is under construction, the parking was assessed as per the previous R- Codes (2008), rather than the 2010 R-Codes, so as to be consistent with the two last assessments carried out.

In accordance with the Residential Design Codes (2008), requirements for mixed-use development, on-site car parking requirements for multiple dwellings may be reduced to one bay per dwelling, where on-site parking required for other users is available outside normal business hours. A total of 24 car bays have been provided for the proposed development. For the residential component, 6 car bays are to be provided. The balance of car bays available for the commercial component in this instance, is 18 car bays.

Car Parking	
Car parking requirement (nearest whole number).	48 car bays
<ul style="list-style-type: none"> <li>Office (1 car bay per 50 square metres gross office floor area) Proposed area=651 square metres = 13.02 car bays</li> <li>Eating House (1 space per 4.5 square metres of public area) Proposed area=156 square metres= 34.67 car bays</li> </ul>	
Total car bays required = 47.69 car bays= 48 car bays	
Apply the parking adjustment factors.	(0.5527)
<ul style="list-style-type: none"> <li>0.85 (within 800 metres of a rail station)</li> <li>0.85 (within 400 metres of a bus stop)</li> <li>0.85 (within 400 metres of public car park in excess of a total of 75 car parking spaces)</li> <li>0.90 (the proposed provided end-of-trip facilities)</li> </ul>	26.53 car bays
Minus the car parking provided on site	18 car bays
Minus the most recently approved on site car parking shortfall	Nil
Resultant Shortfall	8.53 car bays

<b>Bicycle Parking</b>		
Bicycle Parking	Office-proposed area=651 square metres (class 1 or 2)= 3.25 spaces  Eating House- proposed area=156 square metres  Class 1 or 2= 1.56 spaces  Class 3= 3.56 spaces  Total Class 1= 4.8 spaces= 5 spaces  Total Class 3= 4 spaces	Bike racks provided- If this application is supported there will be a condition for providing the number of bicycle bays.

<b>Other Implications</b>	
<b>Legal/Policy</b>	TPS 1 and associated Policies, Residential Design Codes (R Codes).
<b>Strategic</b>	The Town's <i>Strategic Plan 2011-2021</i> - Objective 1 states:  <i>"Natural and Built Environment</i>  <i>1.1 Improve and maintain the natural and built environment and infrastructure</i> <i>1.1.2 Enhance and maintain the character and heritage of the Town."</i>
<b>Sustainability</b>	Nil.
<b>Financial/Budget</b>	Nil.

**COMMENTS:**

**Car Parking**

The Town's Policy No. 3.7.1 relating to Parking and Access states that the Council may determine to accept a cash-in-lieu payment where the shortfall is greater than 0.5 car bay to provide and/or upgrade parking in other car parking areas.

Clause 22 (ii) of the Town's Parking and Access Policy states that in determining whether this development should be refused on car parking grounds, the following percentage should be used as a guide:

*"If the total requirement (after adjustment factors have been taken into account) is 11-40 bays or less-a minimum of 15 per cent of the required bays is to be provided."*

The subject application for No. 544 Beaufort Street has a total car parking requirement of 26.53 car bays (after adjustment factors). If the above clause of the Parking and Access Policy is applied to the subject application, a total of 3.98 car bays are required to be provided on-site. Eighteen car bays are provided on-site for the commercial component of this development.

Given that the site is located within 800 metres of the East Perth train station and public car parking, the shortfall will not have an undue impact on the amenity of the area. Moreover, Council at its Ordinary Meeting held on 24 March 2009 conditionally approved a shortfall of 6.06 car bays which the applicant paid as cash-in-lieu. However this cash-in-lieu was refunded as the Town under Delegated Authority subsequently issued a planning approval for amended application which included car stackers. Therefore, the shortfall is supported subject to the payment of a cash-in-lieu contribution.

### **Height and Plot Ratio**

The Council at its Ordinary Meeting held on 24 March 2009 approved a four storey development on the subject site. This amended proposed development is also four storey and therefore the proposal can be supported. With regard to the third and fourth storey setbacks to the right-of-way, the terrace will be setback 1 metre and the main building is setback 4.6 metres. Given the terraces will be facing the adjoining residential properties; this will result in reducing the impact of bulk and scale on the rear neighbouring properties. Moreover, the amended development complies with overshadowing.

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

At approximately 10.10pm the Presiding Member, Mayor Nick Catania advised that the Chief Executive Officer had brought to his attention that Cr Lake and Cr Maier had declared a Proximity Interest in Clause (vi)(b) of Item 9.4.8. Therefore, in order to comply with the Council’s previous decision concerning their disclosure, the Item would need to be recommitted and voted upon. Thereafter, Cr Lake and Cr Maier can depart the Chamber and Clause (vi)(b) can be voted upon.

**9.4.8 Town of Vincent Car Parking Strategy 2010 – Consideration of Submissions, Amendments to Parking and Parking Facilities Local Law 2007 and Introduction of Ticket Machine Zones and Time Restrictions**

<b>Ward:</b>	Both Wards	<b>Date:</b>	6 May 2011
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	LEG0047; PLA0084
<b>Attachments:</b>	<a href="#">001</a> : Parking and Parking Facilities Local Law 2007 Schedule 2; <a href="#">002</a> : Parking and Parking Facilities Local Law 2007 Schedule 6; <a href="#">003</a> : Parking and Parking Facilities Local Law 2007 Schedule 7; <a href="#">004</a> : Parking Stations Under Care, Control & Management of the Town; <a href="#">005</a> : Ticket Machine Zones within the Town; <a href="#">006</a> : Parking Fees and Charges 2011/2012; <a href="#">007</a> : Map 1 – Leederville; <a href="#">008</a> : Map 2 – Mount Lawley/Highgate; <a href="#">009</a> : Map 3 – North Perth; <a href="#">010</a> : Map 4 – Perth		
<b>Tabled Items:</b>	Town of Vincent Car Parking Strategy 2010		
<b>Reporting Officers:</b>	Various		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

*That the Council;*

**SUBMISSIONS:**

- (i) *CONSIDERS the submissions received concerning the proposal to introduce ticket machines and time restrictions within the Town of Vincent as detailed in this report;*

**PARKING AND PARKING FACILITIES LOCAL LAW 2007**

- (ii) *APPROVES BY AN ABSOLUTE MAJORITY an amendment to the Parking and Parking Facilities Local Law (2007);*
- (iii) *Under the powers conferred by the Local Government Act 1995 and all other powers enabling it, the Council of the Town of Vincent resolve on .....2011 to make the Parking and Parking Facilities Amendment Local Law No. 1, (2011);*

*“LOCAL GOVERNMENT ACT 1995 (as amended)  
TOWN OF VINCENT PARKING AND PARKING FACILITIES LOCAL LAW  
AMENDMENT LOCAL LAW NO. 1, 2011”*

*AMENDS the Town of Vincent Parking and Parking Facilities Local Law (2007) as follows:*

- (a) *the “TABLE OF CONTENTS”, page (iii) be amended as follows:*
  - 1. *the heading “PART 7 – RESIDENTIAL PARKING PERMITS” be deleted and substituted with the following “PART 7 –PARKING PERMITS”;*

2. *the title “7.9 Display of Residential Parking Permit and Visitor’s Parking Permits” be deleted and substituted with the following “7.9 Display of Parking Permit”;*
  3. *the titles “Schedule 6 – Ticket Machine Zones” and “Schedule 7 – Parking Stations under Care, Control and Management of the Town of Vincent” be deleted;*
  4. *the title “Schedule 8 – Residential Parking Permit” be deleted and substituted with the following:*  
*“Schedule 6 – Parking Permits”;* and
  5. *the title “Schedule 9 – Notice of Intent to Revoke Permit” be deleted and substituted with the following:*  
*“Schedule 7 – Notice of Intent to Revoke a Permit”;*
- (b) *Clause 1.5(4) be deleted and substituted with the following new Clause 1.5(4):*  
*“1.5(4) Where a parking facility or a parking station is determined to be under the care, control and management of the Town, then the facility or station shall be deemed to be a facility or station to which this local law applies and it shall not be necessary to prove that it is the subject of an agreement referred to in subclause (2).”*
- (c) *Clause 4.9(1)(e) be deleted and substituted with the following new Clause 4.9(1)(e):*  
*“4.9(1)(e) which is determined by a Council resolution to be a parking station under the care, control and management of the Town.”*
- (d) *a new Clause 6.1 be inserted as follows:*  
*“6.1 Establishment of Metered Zones, Metered Stalls and Ticket Zones*
- (1) *The local government may, by resolution:*
    - (a) *establish;*
    - (b) *indicate by signs; and*
    - (c) *vary from time to time;**metered zones, metered spaces and ticket zones.*
  - (2) *In relation to metered zones, metered spaces and ticket zones, the local government may prescribe:*
    - (a) *conditions and permitted times of parking;*
    - (b) *the manner of parking; and*
    - (c) *the classes of vehicles permitted to park;**but this authority shall not be exercised in a manner which is inconsistent with the provisions of this local law or any other written law.”*

- (e) *the existing Clause “6.1” be renumbered as Clause “6.2”;*
- (f) *the existing Clause “6.2” be renumbered as Clause “6.3”;*
- (g) *the existing Clause “6.3” be renumbered as Clause “6.4”;*
- (h) *the existing Clause “6.4” be renumbered as Clause “6.5”;*
- (i) *the existing Clause “6.5” be renumbered as Clause “6.6”;*
- (j) *the existing heading “PART 7 – RESIDENTIAL PARKING PERMITS” be deleted and substituted with the following:*
- “PART 7 – PARKING PERMITS”;*
- (k) *the existing Clause “7.1” be amended to add the following definitions in alphabetical sequence:*
1. *““commercial parking permit” means a permit issued to a business by the local government pursuant to clause 7.3(3)”;*
  2. *““grouped dwelling” means a dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partially vertically above another, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata with common property.”*
  3. *““multiple dwelling” means a dwelling in a group of more than one dwelling on a lot where 50 percent or greater of floor area of a dwelling is vertically above part of any other but:*
    - *does not include a grouped dwelling; and*
    - *includes any dwellings above the ground floor in a mixed use development.”*
- (l) *the existing Clause “7.1” be amended to delete the existing definition of “eligible person” and substitute with the following definition:*
- ““eligible person” where used in relation to an application for a–*
- (a) *“residential parking permit” means an owner or occupier of a single house, grouped dwelling or multiple dwelling;*
  - (b) *“visitor’s parking permit” means –*
    - (i) *a single house owner or occupier;*
    - (ii) *a strata company;*
    - (iii) *a unit owner or occupier of a residential unit which is not a strata lot;*
    - (iv) *a grouped dwelling owner or occupier; or*
    - (v) *a multiple dwelling owner or occupier;*
  - (c) *“commercial parking permit” means the proprietor of a commercial business;”*

- (m) *the existing Clause 7.3(1) be deleted and substituted with the following:*
- “7.3(1) The local government may upon a written application of an eligible person issue a residential parking permit in the form of Item 1 of Schedule 6”;*
- (n) *the existing Clause 7.3(2) be deleted and substituted with the following:*
- “7.3(2) The local government may upon a written application of an eligible person issue for the occasional use of visitors, a visitor’s parking permit in the form of Item 2 of Schedule 6”;*
- (o) *new Clause 7.3(3) be inserted as follows:*
- “7.3(3) The local government may upon a written application of an eligible person issue a commercial parking permit in the form of Item 3 of Schedule 6”;*
- (p) *the existing Clause “7.3(3)” be renumbered as Clause “7.3(4)”;*
- (q) *the existing Clause “7.3(4)” be deleted and substituted with the following:*
- “7.3(5) Notwithstanding any other provision in this local law, the local government may approve the issue of a number of residential, visitor’s or commercial parking permits (as applicable) to any eligible person on such terms and conditions as the local government sees fit.”*
- (r) *the existing Clause 7.5 be deleted and substituted with the following:*
- “7.5 Validity of permit*
- Every residential, visitor’s or commercial parking permit as the case may be, shall cease to be valid upon –*
- (a) *the expiry of a period of either 1 or 3 years (depending upon the permit issued) from and including the date on which it is issued;*
- (b) *the holder of the permit ceasing to be an eligible person;*
- (c) *the revocation of the permit by the local government pursuant to clause 7.6;*
- (d) *the replacement of any permit by a new permit issued by the local government pursuant to clause 7.3.”*
- (s) *the existing Clause 7.7 be deleted and substituted with the following:*
- “7.7 Removal of permit from vehicle*
- The holder of a residential, visitor’s or commercial parking permit shall forthwith upon that permit being revoked or ceasing to be valid remove the permit from the vehicle in which it is displayed or to which it is affixed.”*

- (t) *the existing Clause 7.8(1) be deleted and substituted with the following:*  
*“7.8(1) The local government may upon a written application of an eligible person and upon payment of the fee referred to in subclause (2), if any, issue a permit to replace a residential, visitor’s or commercial parking permit which is lost, misplaced, destroyed or stolen.”*
  - (u) *the title of Clause 7.9 be deleted and substituted with the following:*  
*“7.9 Display of parking permit”;*
  - (v) *the existing Schedule 2 be deleted and substituted with the attached new Schedule 2 as shown in Appendix 9.4.8(A):*
  - (w) *the existing Schedule 6 be deleted;*
  - (x) *the existing Schedule 7 be deleted;*
  - (y) *the existing Schedule 8 be deleted and substituted with the attached new Schedule 6 as shown in Appendix 9.4.8(B); and*
  - (z) *the existing Schedule 9 be deleted and substituted with the attached new Schedule 7 as shown in Appendix 9.4.8(C);*
- (iv) *in accordance with the provisions of Section 3.12 of the Local Government Act 1995 as amended, the Council gives a Statewide advertisement, indicating where and when the proposed amendment may be viewed and seeking public comment on the proposed amendments to the Town of Vincent Parking and Parking Facilities Local Law (2007);*

**PARKING STATIONS – DAYS AND TIMES OF OPERATION**

- (v) **APPROVES of the following:**
  - (a) *Parking Stations Under Care, Control & Management of the Town, as shown in Appendix 9.4.8(D); and*
  - (b) *of the first one (1) hour free to apply to all off-street public car parks under the care, control and management of the Town;*
- (vi) **APPROVES IN PRINCIPLE of the following:**

**TICKET MACHINE ZONES – DAYS AND TIMES OF OPERATION**

- (a) *Ticket Machine Zones within the Town, as shown in Appendix 9.4.8(E), subject to the following:*
  - 1. *Amend the extent of ticket machines on Beaufort Street to between Walcott and Broome Streets (with no ticket machines from Broome to Newcastle Streets);*
  - 2. *Amend the line items for Raglan, Grosvenor and Chelmsford so that the ticket machines only extend approximately 80 metres along Raglan Road from Walcott Street, approximately 80 metres along Grosvenor Road from Beaufort Street and approximately 40 metres along Chelmsford Road from Beaufort Street;*

3. *Not install ticket machines in View Street, Forrest Street and Wasley Street, North Perth; and*
4. *Amend the line item for Broome Street, so that the ticket machines only extend approximately 40 metres along Broome Street to coincide with the perpendicular parking bays extending east from Beaufort Street; and*

**PROPOSED TIME RESTRICTED AREAS**

- (b) *the advertising of time restricted parking areas to be introduced into the following:*

*Time Restricted Parking areas within the Town:*

*North Perth*

<i>No.</i>	<i>Street</i>	<i>Location</i>
<i>1.</i>	<i>Alma Road</i>	<i>Between Fitzgerald and Norfolk Streets</i>
<i>2.</i>	<i>Glebe Street</i>	<i>Between Alma Road and View Streets</i>
<i>3.</i>	<i>Raglan Road</i>	<i>Between Fitzgerald and Ethel Streets*</i>
<i>4.</i>	<i>View Street</i>	<i>Between Glebe and Leake Streets</i>
<i>5.</i>	<i>Woodville Street</i>	<i>Between View and Angove Streets</i>

*Mt Lawley/Highgate*

<i>No.</i>	<i>Street</i>	<i>Location</i>
<i>1.</i>	<i>Broome Street</i>	<i>Between Beaufort and Smith Streets</i>
<i>2.</i>	<i>Cavendish Street</i>	<i>Between Lincoln Street and Chatsworth Road</i>
<i>3.</i>	<i>Chatsworth Road</i>	<i>Between Beaufort and William Streets</i>
<i>4.</i>	<i>Chelmsford Road</i>	<i>Between 40 metres from Beaufort and William Streets (1P – 40 metres from Beaufort to Hutt Streets)</i>
<i>5.</i>	<i>Clarence Street</i>	<i>Beaufort Street to Curtis Street</i>
<i>6.</i>	<i>Raglan Road</i>	<i>Between Hutt and William Streets</i>
<i>7.</i>	<i>Grosvenor Road</i>	<i>Between Hutt and William Streets</i>
<i>8.</i>	<i>Harley Street</i>	<i>Between Lincoln Street and Chatsworth Road</i>
<i>9.</i>	<i>Harold Street</i>	<i>Between Beaufort and Vincent Streets*</i>
<i>10.</i>	<i>Harold Street</i>	<i>Between Stirling and Smith/Curtis Streets</i>
<i>11.</i>	<i>Hutt Street</i>	<i>Between Chelmsford and Raglan Roads</i>
<i>12.</i>	<i>Lincoln Street</i>	<i>Between Beaufort and William Streets*</i>
<i>13.</i>	<i>St Albans Avenue</i>	<i>Between Beaufort and Cavendish Streets</i>
<i>14.</i>	<i>Stirling Street</i>	<i>Between Lincoln and Harold Streets*</i>

*Perth*

<i>No.</i>	<i>Street</i>	<i>Location</i>
<i>1.</i>	<i>William Street</i>	<i>Between Bulwer and Lincoln Streets</i>
<i>2.</i>	<i>Palmerston Street</i>	<i>Between Bulwer and Glendower Streets*</i>
<i>3.</i>	<i>Dalmeny Street</i>	<i>Between Lord Street and Matson Lane*</i>

*(\* denotes partial existing restrictions in these street blocks)*

**PARKING FEES**

- (vii) *APPROVES BY ABSOLUTE MAJORITY the Draft Fees and Charges for 2011/2012, as shown in Appendix 9.4.8(F), subject to the following:*

1. *Amend the “New Kerbside Parking Fee” for Richmond Street to \$1.00 per hour;*

2. *Amend the “New Kerbside Parking Fee” for Oxford Street, Leederville to \$2.20 per hour; and*
3. *Amend the “Existing Car Parks – Day Fees/Night Fees” to \$2.10 per hour in all carparks except for the Stadium Carpark for the day and night;*

*(viii) NOTES that:*

- (a) a further report will be submitted to the Council after the expiry of the statutory consultation period;*
- (b) the Chief Executive Officer has engaged Luxmoore Parking Consultants to undertake a series of Community Information Sessions, during the statutory advertising of the amendment to the Local Law relating to Parking and Parking Facilities and the consultation period for the proposed restricted parking areas;*
- (c) the Chief Executive Officer will engage consultants to undertake a detailed survey of the areas where paid parking and new restricted parking is being introduced to assess the effects of the implementation and report to the Council any changes, where required;*
- (d) the Chief Executive Officer will investigate and prepare a report for the Special Meeting of Council to be held on 17 May 2011 on a Reserve Fund (or Funds) that will provide funds for:*
  - future car parks and carparking requirements;*
  - upgrade of existing car parks;*
  - purchase, maintenance and operation of ticket machines and associated equipment;*
  - Town Centre Upgrades; and*
  - Alternative Transport Initiatives and Modes;*
- (e) the Town’s Administration do not support Lake Street as a ticket machine zone, at this point in time, for reasons outlined in the ‘Details’ section of this report; and*
- (f) with regard to the current time restriction trial in Grosvenor Road and Chelmsford Road, in accordance with the Council decision at its Ordinary Meeting held on 9 November 2010, further consultation with residents and businesses will be undertaken at the conclusion of the 6 month parking trial (in June 2011) to determine whether the introduction of a two (2) hour parking restriction on the north sides of Chelmsford Road and Grosvenor Road and the retention of unrestricted parking on the south side of both Streets has resulted in parking improvements in these two Streets.*

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**COUNCIL DECISION ITEM 9.4.8**

**PROCEDURAL MOTION**

**Moved Cr Burns, Seconded Cr Buckels**

*That Item 9.4.8 be recommitted.*

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

## **PROCEDURAL MOTION**

*Councillors Burns, Farrell and Harvey supported a motion for the previous decision Item 9.4.8 to be rescinded.*

### **PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)**

**Moved Cr Burns, Seconded Cr Topelberg**

*That the recommendation for Item 9.4.8 excluding clause (vi)(b) be adopted.*

### **MOTION PUT AND CARRIED UNANIMOUSLY BY AN ABSOLUTE MAJORITY (9-0)**

The Presiding Member, Mayor Nick advised that Cr Lake and Cr Maier had declared a proximity interest in Item 9.4.8 clause (vi)(b). They departed the Chamber at 10.12pm and did not speak or vote on this matter.

**Moved Cr Burns, Seconded Cr Farrell**

*That Item 9.4.8, clause (vi)(b) be adopted.*

### **CLAUSE (vi)(b) PUT AND CARRIED UNANIMOUSLY BY AN ABSOLUTE MAJORITY (7-0)**

(Cr Lake and Cr Maier were absent from the Chamber and did not vote on this matter.)

Cr Lake and Cr Maier returned to the Chamber at 10.13pm. The Presiding Member, Mayor Nick Catania advised that clause (vi)(b) was carried unanimously.

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## **PURPOSE OF REPORT:**

The purpose of this report is to:

- consider the submissions received during the consultation of the proposed paid parking areas that was undertaken from 16 March to 8 April 2011;
- obtain the Council's approval on the proposed amendments to the *Parking and Parking Facilities Local Law (2007)*;
- obtain approval to designate ticket machine zones and parking stations in the Town (which replace the deleted Schedules 6 and 7 from the *Parking and Parking Facilities Local Law (2007)*);
- obtain approval to advertise time restrictions in various streets, to compliment the new ticket machine zones;
- obtain approval for the proposed car parking fees for the 2011/2012 Budget; and
- obtain approval to carry out consultation to effect the above changes.

## **BACKGROUND:**

9 March 2010                      At its Ordinary Meeting the Council resolved to adopt the Draft Car Parking Strategy 2010 and associated Precinct Parking Management Plans 2010 and their respective recommendations as key guiding documents in the approach to parking management in the Town.

- 12 October 2010 At its Ordinary Meeting the Council considered a report relating to the Town's Car Parking Strategy Implementation Plan 2010 and resolved as follows:
- “That the Council;*
- (i) *ADOPTS the:*
- (a) *Car Parking Strategy Implementation Plan as shown in Confidential Appendix 9.4.5A;*
- (b) *Car Parking Communication and Publicity Strategy and associated documentation as shown in Confidential Appendix 9.4.5B; and*
- (c) *Car Parking Strategy Indicative Timeline as detailed in this report;*
- (ii) *AUTHORISES the Chief Executive Officer to call a Tender for the supply, delivery, installation and commissioning of Ticket Machines;*
- (iii) *NOTES that regular reports will be submitted to the Council as the project is implemented; and*
- (iv) *REQUESTS that the “Frequently Asked Questions” document that is attached to the “Communication and Publicity Strategy” be made freely available, be included with the initial consultation letters that are sent out and be placed on the Town’s website, and that the document be updated to reflect any new questions which may be asked on a frequent basis.”*
- 21 December 2010 At its Ordinary Meeting the Council accepted the Tender submitted by Australian Parking and Revenue Control (APARC) for the supply, installation, commissioning and associated maintenance of 128 Parkeon Pay and Display Ticket Machines, in accordance with the terms and conditions of Tender No. 424/10, at an estimated cost of \$1,494,332.
- 16 March 2011 Consultation was undertaken relating to the proposed introduction of paid parking in accordance with the recommendations of Appendix C to the Precinct Parking Management Plans. Consultation concluded on 8 April 2011.
- 12 April 2011 Presentation made at the Council Member Forum, providing a summary of the submissions received during the advertising of the proposed introduction of additional paid parking areas within the Town.

## **DETAILS:**

### **Local Law**

As a result of the adoption of the Car Parking Strategy 2010, the associated Precinct Parking Management Plans and the Car Parking Strategy Implementation Plan 2010, it is necessary to amend the Town's *Parking and Parking Facilities Local Law 2007*, to reflect the new locations for the introduction of parking ticket issuing machines. It is noted that until such time as this Amendment has been gazetted, the ticket machines will not be able to be used and the Town will not be able to enforce the use of the machines. Accordingly, the approval of this amendment is considered a high priority.

The objective of the *Parking and Parking Facilities Local Law* is to regulate the parking or standing of vehicles in all or specified thoroughfares and reserves under the care, control and management of the local government and to provide for the management and operation of parking facilities. Currently Schedule 6 and 7 of the Town's *Parking and Parking Facilities Local Law* details the locations and times for ticket machine zones and ticket machine parking stations respectively. Research into other local government authorities has indicated that this level of detail is not contained within Local Laws, but rather a clause is inserted into the Local Law to enable the Council the power by resolution to amended the location and times for ticket machine zones and parking stations, as opposed to having to go through a formal Local Law amendment process. As such, the changes to the local law are recommended, as detailed in this report.

### Parking Permits

An item relating to amending the Town's Policy No. 3.9.8 relating to Parking Permits is also being considered at the Ordinary Meeting of Council on 10 May 2011. The amendments to the Policy include the introduction of commercial parking permits which requires some amendments to the *Parking and Parking Facilities Local Law*. To keep all the amendments to the Local Law in one report, these proposed amendments have been included in the Officer Recommendation.

### Ticket Machine Zones

Schedule 6 of the Town's *Parking and Parking Facilities Local Law* is recommended to be deleted as it is no longer required to be inserted in the Local Law. The Council will approve the location of ticket machine zones by a Council resolution from time-to-time. Future inclusions of ticket machine zones will therefore not require an amendment to the Local Law. This will significantly simplify the process in the future.

The table below illustrates the proposed new ticket machines zones and the approximate ticket machines that will be installed in these locations. The Town's Administration has checked the streets and taken into account the physical layout. This has revealed that the number of ticket machines varies in some locations, primarily due to existing cross-over locations "No Standing" zones, bus stop zones etc. More work is required to determine actual locations of each ticket machine to take into consideration:

- statutory distances;
- physical layout (e.g. cross-overs, street trees, poles, bus stops etc);
- aesthetics in front of properties; and
- other utilities and services.

Street	Location	Ticket Machines Consultant Recommendation	Ticket Machines Town Recommendation
Barlee Street, Mt Lawley	For a distance of 80 metres east of Beaufort Street	2	1
Beaufort Street, Mt Lawley/Highgate	Between Walcott and Lincoln Streets	20 (Walcott to Broome Streets)	16
Beaufort Street, Perth	Between Lincoln and Newcastle Streets	-	17
Broome Street, Highgate	Between Beaufort and Stirling Streets	2	1
Chelmsford Road, Mt Lawley	Between Beaufort and Hutt Streets	4	4
Clarence Street, Mt Lawley	For a distance of 80 metres east of Beaufort Street	2	2
Fitzgerald Street, North Perth	Between Menzies Street and Alma Road	8	2

Street	Location	Ticket Machines Consultant Recommendation	Ticket Machines Town Recommendation
Forbes Road, Perth	Between Lake and Wellman Streets	5 (Between Lake and William Streets)	4
Forrest Street, North Perth	For a distance of 80 metres east of Fitzgerald Street	-	1
Grosvenor Road, Mt Lawley	Between Beaufort and Hutt Streets	4	4
Harold Street, Mt Lawley/Highgate	Between Beaufort and Stirling Streets	2	5
Lake Street, Perth	Between Newcastle to Bulwer Streets	12	Recommended <b>not</b> to be installed
Leederville Parade	East side Between Vincent and Oxford Streets	-	1
Lindsay Street, Perth	Between Newcastle Street Monger Streets	6	6
Mary Street, Highgate	For a distance of 40 metres east from Beaufort Street	-	2
Money Street, Perth	Between Newcastle and Monger Streets	5	6
Monger Street, Perth	Between William and Beaufort Streets	5	7
Newcastle Street, Leederville	Between Oxford Street and Carr Place	2	2
Newcastle Street, Perth	North side between Lord Street and Fitzgerald Street	6 (Lake to William Streets) 8 (Beaufort Street to Forbes Lane)	11
Oxford Street, Leederville	Between Leederville Parade and Richmond Street	15	11
Raglan Road, Mt Lawley	Between Beaufort and Hutt Streets	4	4
Raglan Road, Mount Lawley	Car Park	1	1
Chelmsford Road, Mount Lawley	Car Park	1	1
Richmond Street, Leederville	South side between Oxford and Loftus Streets	14	14
View Street, North Perth	Between Fitzgerald and Glebe Streets	-	4
Wasley Street, North Perth	For a distance of 80 metres east of Fitzgerald Street	-	1
<b>TOTAL</b>		128	128*

(\* Precise number to be determined onsite and may vary slightly. Any surplus ticket machines are proposed to be used to upgrade some of the Town's existing ticket machines as recommended in the Town's Car Parking Strategy.)

### Parking Stations

Schedule 7 of the Town's *Parking and Parking Facilities Local Law* is recommended to be deleted as it is no longer required to be inserted in the Local Law. The Council will be able to approve the location of ticket machine stations by Council resolution from time-to-time. Future inclusions of ticket machine zones will not require an amendment to the Local Law. This will significantly simplify the process in the future.

Appendix C of the Precinct Parking Management Plans recommend additional ticket machines in the Chelmsford Road Car Park and the Raglan Road Car Park, to consolidate the existing restrictions in these two (2) car parks to paid parking throughout both car parks. The additional machines are shown as shaded in the table above.

It is proposed that all existing ticket machine car parks will be consolidated. It is recommended that the first hour will be free for all car parks.

### **Proposed Additional Time Restrictions in Various Streets**

It is recommended that time restrictions be introduced into a number of streets. This will compliment the proposed ticket machine zones and will provide a degree of protection to residences which are located in close proximity to business centres or businesses (this has been requested by a number of Council Members).

#### North Perth

No.	Street	Location
1.	Alma Road	Between Fitzgerald and Norfolk Streets
2.	Glebe Street	Between Alma Road and View Streets
3.	Raglan Road	Between Fitzgerald and Ethel Streets*
4.	View Street	Between Glebe and Leake Streets
5.	Woodville Street	Between View and Angove Streets

#### Mt Lawley/Highgate

No.	Street	Location
1.	Broome Street	Between Beaufort and Smith Streets
2.	Cavendish Street	Between Lincoln Street and Chatsworth Road
3.	Chatsworth Road	Between Beaufort and William Streets
4.	Chelmsford Road	Between Hutt and William Streets
5.	Clarence Street	Beaufort Street to Curtis Street
6.	Raglan Road	Between Hutt and William Streets
7.	Grosvenor Road	Between Hutt and William Streets
8.	Harley Street	Between Lincoln Street and Chatsworth Road
9.	Harold Street	Between Beaufort and Vincent Streets*
10.	Harold Street	Between Stirling and Smith/Curtis Streets
11.	Hutt Street	Between Chelmsford and Raglan Roads
12.	Lincoln Street	Between Beaufort and William Streets*
13.	St Albans Avenue	Between Beaufort and Cavendish Streets
14.	Stirling Street	Between Lincoln and Harold Streets*

#### Perth

No.	Street	Location
1.	William Street	Between Bulwer and Lincoln Streets
2.	Palmerston Street	Between Bulwer and Glendower Streets*

(\* denotes partial existing restrictions in these street blocks)

### **Chelmsford Road and Grosvenor Road**

At its Ordinary Meeting held on 9 November 2010, the Council made the following decision:

*“That the Council;*

- (i) *APPROVES undertaking of a trial of up to six (6) months for the introduction of a two (2) hour parking restriction on the north sides of Chelmsford Road and Grosvenor Road, (from Leake to Ethel) between 8am and 6pm, Monday to Friday, and 8am until 12 noon Saturday and the retention of unrestricted parking on the south side of both streets (as shown on Plan No. 2730-CP-01C);*

- (ii) *CONSULTS with residents and businesses at the conclusion of the trial to determine whether the proposal has resulted in parking improvements in these streets;*
- (iii) *NOTES that:*
- (a) *both Chelmsford Road and Grosvenor Road will be regularly monitored during the trial period; and*
- (b) *a further report will be submitted to the Council at the conclusion of the trial once further consultation has been undertaken; and*
- (iv) *ADVISES the affected residents, business proprietors and all respondents to the recent consultation of its decision."*

In accordance with clause (iii)(a) of the Council's decision, Chelmsford Road and Grosvenor Road have been regularly monitored to gauge the effectiveness of the restrictions. The Town's Ranger Services have advised that the restrictions are generally working well.

Parking in Grosvenor Road is relatively light. Seven (7) infringement notices have been issued since mid December 2010, six (6) of these for failing to adhere to the time restrictions.

Chelmsford Road, between Fitzgerald Street and Ethel Street, continues to be fairly heavily 'parked out' during business hours; however, spaces have been available in this part of the street, on all of the occasions when an inspection has been conducted. Inspections have been taken place at varying times during the day. The Town's Rangers have advised that the two (2) hour time restriction on the north side of the road has been effective in generating turn-over in parking, with spaces becoming available regularly.

Heavy parking is still apparent in Chelmsford Road, between Fitzgerald Street and Leake Street, during the evenings, and can reasonably be attributed to the popularity of the Yoga centre on Vincent Street. Seventeen (17) infringements for offences other than failure to adhere to time restrictions have been issued in Chelmsford Road, both sides of Fitzgerald Street since mid December. Rangers have advised that the majority of these (parking contrary to direction of traffic, obstruction of crossovers, and unauthorized verge parking) have been issued during the evenings, upon complaints from residents.

Officers Comments:

*In accordance with clause (ii) of the Council decision (OMC 9 November 2010) further consultation will be undertaken with residents and businesses at the conclusion of the trial (end on May 2011) to determine whether the proposal has resulted in parking improvements in these streets. A further breakdown of the data collected will be carried out with dates, times and locations of parking offences further examined to determine whether parking behaviour has been modified by the restrictions, particularly after business hours, in Chelmsford Road, between Fitzgerald Street and Leake Street.*

**Additional Ticket Machine Zones**

In addition to the zones recently advertised, it is recommended that the following areas be included as Ticket Machine Zones. Subject to Council approval, these will be advertised for community consultation for a statutory period of six weeks:

1. Leederville – Refer to Map No. 1

Street	Location	No of Car Bays
Leederville Parade	Vincent to Oxford Streets – alongside The Avenue Carpark	11 (approx)
<i>Comment:</i> These car bays would be the only ones without ticket machines in the immediate area and enforcement would be very time consuming and difficult. The bays do not directly impact on any businesses and no residents are affected.		

2. North Perth – Refer to Map No. 2

Street	Location	No of Car Bays
Forrest Street	Both sides for a distance of approximately 80 metres of Fitzgerald Street	4 on each side
<i>Comment:</i> There are four (4) embayed car bays on each side of the street and turnover of these bays would assist the overall parking in the area.		

Street	Location	No of Car Bays
Wasley Street	Both sides for a distance of approximately 80 metres of Fitzgerald Street	4 on each side
<i>Comment:</i> There are four (4) embayed car bays on each side of the street and turnover of these bays would assist the overall parking in the area.		

Street	Location	No of Car Bays
View Street	Both sides from Fitzgerald to Woodville Street	18 south side (approx) 8 north side (approx)
<i>Comment:</i> There are approximately (18) embayed car bays on the southern side of the street and approximately (8) on-street car bays on the northern side, and the turnover of these bays would assist the overall parking in the area. As there are only 11 bays to park along Fitzgerald Street to accommodate paid parking, it is recommended that paid parking could be introduced to this portion of View Street. The area is heavily patronised, has existing well marked parking bays, and has limited frontage to residential dwellings.		

3. Mount Lawley/Highgate – Refer to Map No. 3

Street	Location	No of Car Bays
Beaufort Street	Broome to Lincoln Streets	22 bays west side 13 bays east side
<i>Comment:</i> Survey of this part of Beaufort Street has revealed that the bays are heavily utilised, particularly near Broome Street. Ticket machines would ensure that car bays are turned over more frequently. It will also minimise the cars to over stay in this part of Beaufort Street. The ticket machines in this part will compliment the recommended proposed time restrictions in the nearby streets and will ensure that all streets in the area will have ticket machines or time restrictions.		

Street	Location	No of Car Bays
Mary Street	Both sides for a distance of approximately 40 metres	9 south side 4 north side
<i>Comment:</i> These bays are heavily utilised by commercial patronage. Paid parking would improve the turnover of these bays to support the businesses along Beaufort Street.		

4. Perth – Refer to Map No. 4

Street	Location	No of Car Bays
Beaufort Street	Lincoln to Newcastle Street	30 (approx) on west side 35 (approx) on east side

Comment:

*Survey of this part of Beaufort Street has revealed that the bays are heavily utilised. Ticket machines would ensure that car bays are turned over more frequently. It will also minimise the cars to over stay in this part of Beaufort Street. The ticket machines in this part will compliment the recommended proposed time restrictions in the nearby streets and will ensure that all streets in the area will have ticket machines or time restrictions.*

Street	Location	No of Car Bays
Newcastle Street	Fitzgerald to Lord Street	58 (approx) on north side

Comment:

*Newcastle Street is a boundary road between the Town of Vincent and the City of Perth. Survey of this part of Newcastle has revealed that the bays are heavily utilised and are forecast to continue this way, as a result of the mixed use infill development occurring in this area. There are existing Ticket Machines along the southern side of Newcastle Street which are maintained by the City of Perth. Ticket machines on the Town's northern side would ensure that car bays are turned over more frequently and minimise the cars to over stay on the Town's side of Newcastle Street. The ticket machines in this part will compliment the City of Perth's existing paid parking along Newcastle Street and also the proposed time restrictions in the nearby streets.*

**CONSULTATION/ADVERTISING:**

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

The Council at its Ordinary Meeting held on 12 October 2010 endorsed the Car Parking Strategy Community Consultation Strategy, which is guiding the consultation of the key recommendations within the Car Parking Strategy.

Prior to the amendment to the Local Law, information relating to the proposed introduction of paid parking in the Town has been communicated through the following mediums:

1. Distribution of approximately 9,000 letters to owners and occupiers within a 400 metre radius of the proposed paid parking areas, accompanied by a Submission Form, Frequently Asked Question Sheet and Site Map illustrating the streets where paid parking is proposed and existing restrictions currently in place;
2. Maps and Frequently Asked Questions available on the Town's website;
3. Advertisement in the local newspaper;
4. General information on the Car Parking Strategy in the Town's newsletter; and
5. General information on the Car Parking Strategy on the Town's website.

The targeted advertising of the proposed location of additional machines in the Town was undertaken from 16 March to 8 April 2011. Late submissions that were received up until 21 April 2011 were included in the collation.

### **Summary of Submissions Received**

During the targeted advertising period, a total of 508 written submissions were received. Of these submissions, a total of 78 submissions (16 %) supported the initiative and a total of 410 submissions (84%) objected to the initiative. The remainder of the 20 submissions did not state a firm opinion on the proposal and have not been included in the percentages. The advertising was targeted across four (4) commercial areas and their residential surrounds proposed for ticket machines in Perth, Mount Lawley/Highgate, Leederville and North Perth. Whilst there were individual differences based on circumstance, most issues were common across all areas surveyed. A summary of the key issues across all areas are detailed below.

A petition was also received dated 6 April 2011 with signatures from 14 residents from Carr Place, Leederville. The issues and recommendations raised in the petition were also reflective of those received in the general submissions and therefore, have been incorporated into the below.

### Key Points Objecting to the Proposal

- The existing restricted parking requirements are suffice, as long as they are properly enforced;
- Introducing paid parking will only result in further congestion in surrounding residential streets where parking remains 'free';
- Ticket machines are inconvenient for shoppers and will have a detrimental effect on businesses, resulting in customers choosing shopping destinations where parking is free;
- Local residents and visitors to residential properties should not have to pay for parking;
- The Town of Vincent should look to build additional car parks or look to make better use of existing car parks in the first instance;
- The proposal has not been considered in a broader context of addressing parking and the viability of the Town's Centres more generally;
- This is simply a "revenue raiser" by the Town;
- The proposal favours business operators over local residents;
- Ticket machine are unsightly and aesthetically displeasing and will place a detrimental impact on the 'vibe' of the commercial shopping strips and the character of the residential streets; and
- Car Parking should be free and covered in rate payments.

### *Officer Comment:*

The Town's Officers have considered the above concerns and provide the following comments:

- The ticket machines will improve the efficiency of enforcement, when compared to restricted parking;
- It is recommended that Ticket machines *not be* installed in Lake Street at this point in time, given the predominant residential nature of this street, the current restrictions in place and the overwhelming response in objection (94%) from residents along Lake Street. Following further site analysis and review, it was considered that ticket machines would serve a better role along the commercial streets of Beaufort and Newcastle Streets;

- Once the ticket machines have been installed, the areas will receive on-going monitoring and a full survey will be undertaken in early 2012 to assess usage, impact on surrounding streets and compliance and will inform any amendments required to the parking requirements;
- Additional restricted parking areas abutting the proposed paid parking areas have been proposed, to manage the 'spill over' into the areas where ticket parking does not apply;
- The proposal is designed to benefit customers by ensuring that bays will remain available at all times close to the chosen destination, and not taken up by those abusing the current restrictions;
- Local residents and visitors are exempt from paid parking, so long as their permits are properly displayed;
- The Car Parking Strategy identified that the Town should better utilise its existing parking resources and did not recommend a need for additional public car parks. The Town is however, proposing to expand the public car parks within the Leederville Masterplan area and may consider the expansion of additional public car parks elsewhere in the Town in the future;
- The proposal to introduce paid parking has been considered through a broader strategic framework through the Town's Car Parking Strategy and associated Precinct Parking Management Plans;
- The proposal is intended to benefit businesses and residents alike. Residential and Visitor Parking Permits exempt paid parking requirements;
- The exact location of the ticket machines will be considered in terms of functionality, together with other factors, including the impact on the amenity of the area;
- The Car Parking Strategy strongly adheres to the principle of 'user – pays' to ensure a sustainable approach to managing car parking in the future; and
- Some respondents may have misunderstood the Town's position, with regard to the provision of Residential and particularly Visitor Parking Permits. 32 respondents made reference to their visitors not being required to pay for parking, which they will not be required to do, if they display a permit.

#### Key Points Supporting the Proposal

- The Town should be congratulated for tackling the issue of car parking and promoting sustainable transport;
- The proposal will reduce the current abuse of restricted parking in residential streets by business employees who continue to move their cars all day;
- Paid Parking is a good way to encourage parking close to businesses;
- Paid Parking will address the issue of commuter parking congesting the Town's residential streets;
- Ticket Machines should improve enforcement; and

- Paid Parking should free up congestion in residential streets to make it easier for residents and visitors to find a park closer to their residence.

*Officer Comment:*

The Town's Officers have considered the above points and support the comments made.

Key Suggestions Outlined in Submissions

- The concept of '1 hour free' is strongly supported, together with short stay bays;
- Should consider better utilisation of existing public car parks and agency car parks such as the Water Corporation, the Department of Sport and Recreation, Leederville Oval, and the Department of Education;
- Time limits, the cost of ticket parking and other relevant information should be made better available to the community and included on the Town's website;
- A good parking permit system needs to be in place so as not to penalise local residents and their visitors;
- Consideration of 'Residential Only' parking zones in certain residential streets;
- Enforcement needs to be improved, particularly in the restricted areas along residential streets;
- The times prescribed for paid parking should also consider evening users, particularly in the Mount Lawley area;
- Consideration to extend some of the pay parking areas and/or parking restrictions, along streets such as Burt, Barlee, Clarence, Harold, Beaufort and Fitzgerald Streets;
- The portion of Richmond Street, east of Scott Street should have the same restrictions as the Loftus Centre Car Park, instead of ticket parking; and
- Consideration for the following streets to have 'restricted' parking:
  1. Harold Street – between Stirling and Smith / Curtis Streets;
  2. Stirling Street – in the streets blocks either side of Broome Street;
  3. Broome Street – between Stirling and Smith Streets;
  4. Harold Street – between Beaufort and Vincent Streets;
  5. Chatsworth Road;
  6. Hutt Street;
  7. St Albans Avenue;
  8. Raglan Road – between Hutt and William Streets;
  9. Grosvenor Road – between Hutt and William Streets; and
  10. Chelmsford Road – between Hutt and William Streets.

*Officer Comment:*

The Town's Officers have considered the above points and provide the following comments:

- The concept of '1 hour free' will apply to all off-street public car parks;

- By having a ‘1 hour free’ period and a maximum daily fee in off-street parking facilities, but not in kerb-side facilities, will have the effect of encouraging drivers to utilise the Town’s parking stations. This in turn will have the effect of generating more available kerb-side bays;
- One of the overarching recommendations within the Car Parking Strategy is to better utilize the existing parking resources in the Town, in which the agency car parks can be examined further in this respect;
- More detail on the ticket machine locations, fee structure and time periods is covered in this report and the various attachments, and outlined in the ‘Financial Implications’ detailed below. This information will also be made available at the community information sessions scheduled to be held on 30 and 31 May 2011, and in the local newspaper and on the Town’s website;
- The Town already has a well established permit system, which is also currently being reviewed through amendments to the Town’s Policy No. 3.9.8 relating to Parking Permits;
- One of the overarching recommendations within the Car Parking Strategy is to better utilise the existing parking resources in the Town. The introduction of ‘residential only’ car parking areas does not adhere to this recommendation;
- The 2011/2012 Draft Budget is proposing additional Ranger Personnel, vehicles and associated equipment to improve enforcement in the Town; and
- With respect to additional paid parking areas and parking restricted areas, this has been included in the Officer Recommendation for consideration. In addition, after installation of the ticket machines and introduction of new restricted parking areas, monitoring and detailed surveys will be undertaken.

Statistical analysis for each of four (4) Commercial Areas

**Overall Results**

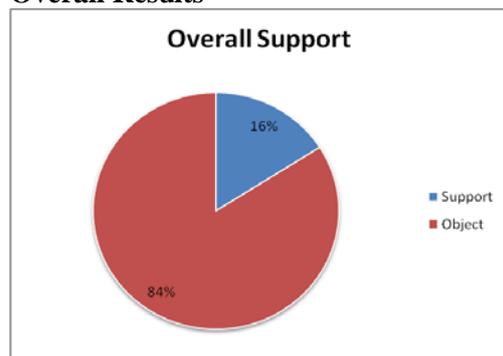


Figure 1

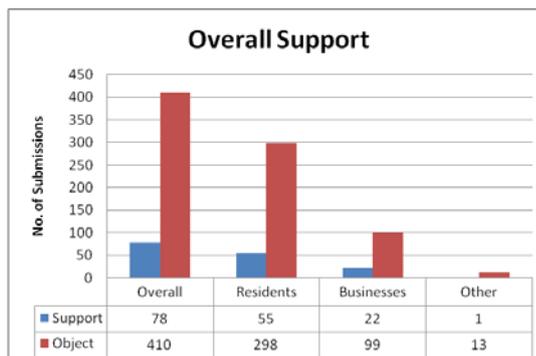


Figure 2

As shown in Figure 1 and 2 above, there was overwhelming objection to introduce paid parking in the areas proposed. The majority of respondents were from residents.

**Leederville Area**

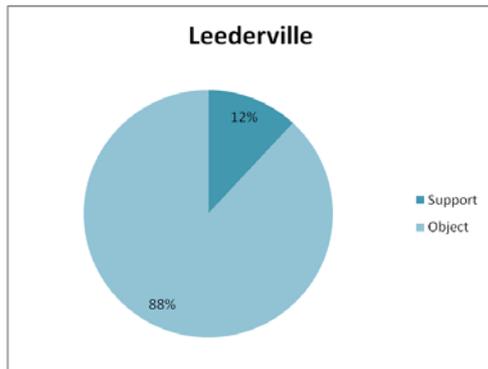


Figure 3

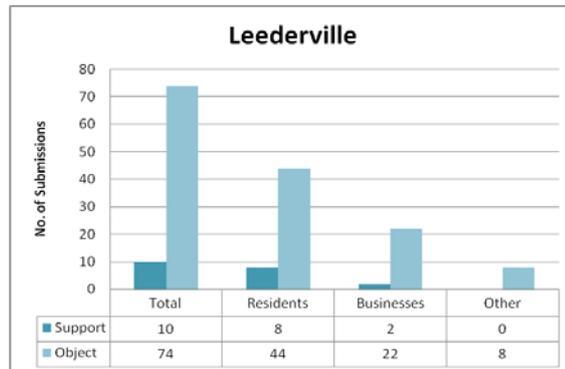


Figure 4

Figures 3 and 4 above illustrate a strong resistance to paid parking in Leederville. The responses from business owners largely opposed paid parking, citing that it would serve to place further hardship on business viability. With respect to responding residents, the current management of the TAFE parking was cited as concern, indicating that students would be forced to park in surrounding ‘free’ residential streets, instead of along Richmond Street.

**Mount Lawley Area**

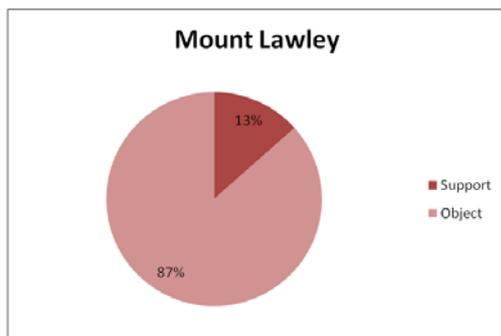


Figure 5

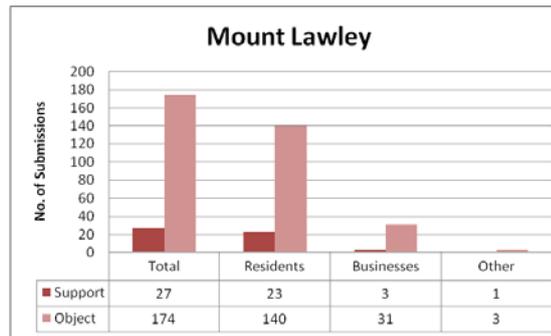


Figure 6

The proposed paid parking areas for Mount Lawley include several residential streets extending from Beaufort Street, which resulted in a proportionally high response rate from residents in these affected streets. The highest response rate was from Chelmsford Road with 32 respondents. Of these respondents, 27 objected (84%) and 5 (16%) supported the proposal, which is in line with the overall trend for the responses in Mount Lawley. There was also a high response rate from Beaufort Street, from both residents and businesses operators. A total of 51 responses were received for Beaufort Street and of these only 2 respondents (4%) were in support of the proposal and 49 (96%) objected to the introduction of paid parking.

**North Perth Area**

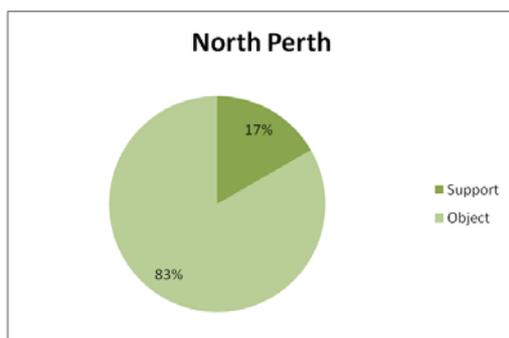


Figure 7



Figure 8

The proposed paid parking area within North Perth that was advertised was along Fitzgerald Street only and did not include any adjacent residential streets, which is reflected in the relatively similar response rate from businesses and residents alike, shown in Figure 8 above. Many of the comments received from residents were more concentrated on the functionality of Fitzgerald Street more generally and whether on-street parking was in fact appropriate at all.

### Perth Area

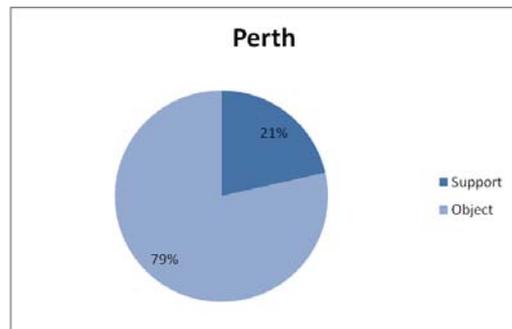


Figure 9

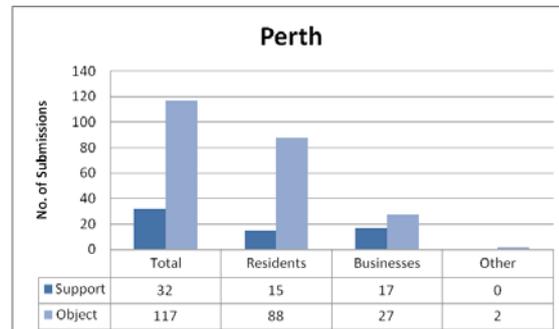


Figure 10

With respect to the Perth area, whilst there was still an overwhelming objection to the introduction of paid parking, this area received the highest level of support from both businesses and residents alike. Of particular note however, there was a high response rate from residents from Lake Street, with 49 submissions received, with 46 (94%) objecting and only 3 (6%) in support. The remainder of submissions received in the Perth area were more evenly distributed throughout the various streets where paid parking is proposed, and less significant in objections received. With respect to Lake Street, the Officer Recommendation has been to not install ticket machines along Lake Street, at this point in time.

### Advertising Requirements for Amending the Local Law

To amend the current Local Law, there is a statutory requirement to follow a specific procedure, including Statewide Advertising. To comply with the Local Government Act 1995, an advertisement must be placed in a newspaper with a Statewide publication, seeking public comment and explaining where and when the proposed amendments may be inspected.

At the completion of a statutory 6-week period, a further report must be provided to the Council, outlining any public objections, comments and suggestions and seeking final approval for the proposed amendment.

When the Council gives this approval, the amendment will be advertised in the Government Gazette and it then takes 14 days before becoming enforceable.

Given the highly sensitive nature of the proposal to increase the locations subject to car parking restrictions and the installation of ticket machines, it is considered prudent to undertake more than the minimum requirement under the Local Government Act 1995. In addition to the notice in the West Australian, at the Town's Civic and Administration and Civic Centre and Library and Local History Centre, and on the Town's website, the following additional communication will be provided:

1. A series of Community Information Sessions at the Town's Administration and Civic Centre, facilitated by Luxmoore Parking Consultants;

2. Advertisement placed in Local Newspaper;
3. Individual letters (approximately 500) distributed to all those that provided a response to the consultation that was undertaken from 16 March to 8 April 2011, together with Precinct Groups and relevant agencies;
4. Media releases where appropriate;
5. Signs on site where appropriate; and
6. Additional information on the Town's website including Information Sheets and Maps and also made available at the Town's Administration and Civic Centre and Library and Local History Centre.

The proposed new restricted parking areas will be advertised in conjunction with the additional communication mediums listed above.

#### **LEGAL/POLICY:**

Parking and Facilities Local Law 2007; and

The process for the amendment of a Local Law has been set out by section 3.12 of the Local Government Act 1995.

The Town's Parking and Facilities Local Law 2007 is recommended to be amended to delete Schedules 6 and 7, which specify ticket machine zones and car parking stations. Subject to this being approved, it will no longer be a requirement to specify these within the Local Law as they can be determined by the Council pursuant to Clauses 3.1 – Determination of Parking Stalls and Parking Stations and new Clause 6.1 – Establishment of Metered Zones, Metered Stalls and Ticket Zones. The same applies to Fees and Charges.

#### **RISK MANAGEMENT IMPLICATIONS:**

**Medium:** In March 2010 the Council adopted a Car Parking Strategy for the Town. In late 2010 it approved the purchase of 128 ticket machines. It is a well known fact that the introduction of parking fees is generally unpopular wherever it occurs – which often results in negative publicity. The Draft Budget 2011/2012 has been prepared on the basis of ticket machines being operational in mid July 2011. Delays in implementing and commissioning the ticket machines will result in reduced revenue.

#### **STRATEGIC IMPLICATIONS:**

In keeping with the Town's *Strategic Plan 2011-2016* – Objective 1.1:

*“Improve and Maintain the Environment and Infrastructure:*

*1.1.4 Take action to improve transport and parking in the Town and mitigate the effects of traffic”*

#### **SUSTAINABILITY IMPLICATIONS:**

It is considered that the introduction of paid parking through amending the Local Law will assist in making better use of the existing supply of parking resources in the Town for all uses, and encourage other more sustainable forms of transport than the private motor vehicle.

## **FINANCIAL/BUDGET IMPLICATIONS:**

### Ticket Machine Installation

The costs associated with the purchase, installation and commissioning of the ticket issuing machines has already been approved in the 2010/2011 Budget.

### Advertising of Local Law

There will be advertising costs related to the Local Law amendment.

### Community Information Sessions and Associated Publicity

The engagement of Luxmoore Parking Consultants will cost \$7,000, which will comprise facilitating and preparing for the community workshops and assistance in consolidating and amending publicity documentation to be made available during the advertising period. The cost will be extracted from the 2010/2011 Car Parking Strategy account.

### Fees and Charges

The budgeted revenue from the new ticket machines included in the Draft 2011/12 Budget has been estimated using a parking fee of \$2.20 per hour. It is estimated that this will generate revenue of \$1.36m.

If the fee were to remain at the current \$2.00 per hour, it is estimated that revenue would be reduced by \$136,000.

## **Reserve Funds**

The Council has the following Reserve Funds relating to Parking and Carparks:

### Carparking Development Reserve

This reserve was established from payment of cash-in-lieu of carparking from developers and is to be used to upgrade existing car parks or the establishment of new car parks.

As at 1 May 2011, this Reserve Fund contained \$11,025.

### Parking Facility Reserve

At the Special Council Meeting held on 2 July 2008, it was agreed to establish a Reserve for works associated with the purchase maintenance and operations of parking ticket machines.

As at 1 May 2011, this Reserve Fund contained \$132,548.

### Creation of New Reserve Funds

At the Special Council Meeting held on 3 May 2011, the Council resolved in part as follows:

*“...(iii) REQUESTS the Chief Executive Officer to include an item on the Agenda for the Special Meeting of Council of 17 May 2011 which addresses the creation of two new Reserve Funds to hold Funds for:*

- (a) “Parking Funded Town Centre Upgrades”; and*
- (b) “Parking Funded Alternative Transport Initiatives”; and...”*

At the time of writing this report, the matter of Reserves is being researched and will be reported to the Special Council Meeting to be held on 17 May 2011.

**COMMENTS:**

The decision to introduce paid parking and time restrictions is always a difficult decision for a Council. The Town of Vincent is an inner City local government that experiences all of the usual problems associated with being only 3 kilometres from the Perth Central Business District.

In 2010 the Council adopted its Car Parking Strategy after extensive research by Luxmoore Consultants, who are recognised Australia wide as having extensive expertise in Parking.

It is unsustainable to continue with the status-quo and the Council has rightfully and carefully adopted a Car Parking Strategy to address the problems currently being experienced and to ensure that a proper and orderly implementation program is achieved.

Approval of the Officer Recommendation is therefore requested.

**9.1.3 No. 336 (Lots 6, 7 & 8; D/P 2287) Oxford Street, corner of Franklin Street, Leederville – Demolition of Foley House and Gymnasium Addition to Existing Educational Establishment**

<b>Ward:</b>	North Ward	<b>Date:</b>	20 April 2011
<b>Precinct:</b>	Leederville Precinct; P3	<b>File Ref:</b>	PRO0262; 5.2011.110.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report, Development Application and Plans <a href="#">002</a> – Heritage Impact Statement for No. 336 Oxford Street, Leederville		
<b>Tabled Items:</b>	Applicants submission and associated documentation		
<b>Reporting Officer:</b>	T Cappellucci, Planning Officer (Statutory)		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Franco Carozzi Architects Pty Ltd on behalf of the owner Roman Catholic Archbishop of Perth for Demolition of Foley House and Gymnasium Addition to Existing Educational Establishment, at No. 336 (Lots: 6, 7 & 8; D/P: 2287) Oxford Street, corner of Franklin Street, Leederville, and as shown on amended plans stamp-dated 4 April 2011, subject to the following conditions:*

(i) **Building**

- (a) *all new external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Oxford and Franklin Streets;*
- (b) *doors, windows and adjacent floor areas to the gymnasium and entrance to the building fronting Oxford and Franklin Streets, shall maintain an active and interactive relationship with these streets; and*
- (c) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*

(ii) **Public Art**

*The owner(s), or the applicant on behalf of the owner(s), shall comply with the Town's Policy No. 3.5.13 relating to Percent for Public Art and the Percent for Public Art Guidelines for Developers, including:*

- (a) *within twenty – eight (28) days of the issue date of this ‘Approval to Commence Development’, elect to either obtain approval from the Town for an Artist to undertake a Public Art Project (Option 1) or pay the Cash-in-Lieu Percent for Public Art Contribution, of \$50,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$ 5,000,000); and*

(b) *in conjunction with the above chosen option;*

(1) *Option 1 –  
prior to the approval and subsequent issue of a Building Licence for  
the development, obtain approval for the Public Art Project and  
associated Artist; and*

*prior to the first occupation of the development, install the approved  
public art project, and thereafter maintain the art work; OR*

(2) *Option 2 –  
prior to the approval and subsequent issue of a Building Licence for  
the development or prior to the due date specified in the invoice  
issued by the Town for the payment (whichever occurs first), pay the  
above cash-in-lieu contribution amount;*

(iii) **Trees**

*No street verge tree(s) shall be removed. The street verge tree(s) shall be retained  
and protected from any damage including unauthorised pruning in accordance  
with the Town of Vincent Town Planning Scheme No. 1; and*

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

(a) **Construction Management Plan**

*A Construction Management Plan, detailing how the construction of the  
development will be managed to minimise the impact on the surrounding  
area, shall be submitted to and approved by the Town, addressing the  
following issues:*

- (1) *public safety, amenity and site security;*
- (2) *contact details of essential site personnel;*
- (3) *construction operating hours;*
- (4) *noise control and vibration management;*
- (5) *Dilapidation Reports of nearby properties;*
- (6) *air and dust management;*
- (7) *stormwater and sediment control;*
- (8) *soil excavation method (if applicable);*
- (9) *waste management and materials re-use;*
- (10) *traffic and access management;*
- (11) *parking arrangements for contractors and subcontractors;*
- (12) *Consultation Plan with nearby properties; and*
- (13) *any other matters deemed appropriate by the Town;*

(b) **Acoustic Report**

*An Acoustic Report in accordance with the Town's Policy No. 3.5.21  
relating to Sound Attenuation shall be prepared and submitted to the Town  
for approval. 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. The applicant/owners shall submit a further report from an  
Acoustic Consultant six (6) months from first occupation of the  
development certifying that the development is continuing to comply with  
the measures of the subject Acoustic Report;*

(c) **Refuse and Recycling Management Plan**

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

(d) **Security Bond**

*A Road/Verge security bond or bank guarantee of \$5,000 payable by the Builder shall be lodged with the Town prior to the issue of a Building Licence and be held until all building/development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired/reinstated to the satisfaction of the Town's Technical Services. An application for the refund of the security bond or bank guarantee must be made in writing. This bond is non-transferable;*

(e) **Underground Power**

*In keeping with the Town's Policy No. 2.2.2 relating to Undergrounding of Power, the power lines along the Oxford Street frontage of the development shall be undergrounded at the Developer's full cost. The Developer is required to liaise with both the Town and Western Power to comply with their respective requirements, prior to the issue of the Building Licence; and*

(f) **Amalgamation**

*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).*

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**Moved Cr Maier, Seconded Cr Farrell**

*That the recommendation be adopted.*

Debate ensued.

Cr McGrath departed the Chamber at 10.13pm.

Debate ensued.

Cr McGrath returned to the Chamber at 10.15pm.

Debate ensued.

**AMENDMENT**

**Moved Cr Maier, Seconded Cr Lake**

*That a new clause (i)(d) be inserted as follows:*

*“(i)(d) removal of the provision for bus parking from the lower ground floor;”*

Debate ensued.

Cr Harvey departed the Chamber at 10.16pm.

Debate ensued.

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

**For:** Cr Buckels, Cr Burns, Cr Farrell, Cr Lake, Cr McGrath, Cr Maier, Cr Topelberg  
**Against:** Mayor Catania

(Cr Harvey was absent from the Chamber and did not vote.)

**MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Harvey was absent from the Chamber and did not vote.)

**COUNCIL DECISION ITEM 9.1.3**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Franco Carozzi Architects Pty Ltd on behalf of the owner Roman Catholic Archbishop of Perth for Demolition of Foley House and Gymnasium Addition to Existing Educational Establishment, at No. 336 (Lots: 6, 7 & 8; D/P: 2287) Oxford Street, corner of Franklin Street, Leederville, and as shown on amended plans stamp-dated 4 April 2011, subject to the following conditions:*

(i) **Building**

- (a) *all new external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Oxford and Franklin Streets;*
- (b) *doors, windows and adjacent floor areas to the gymnasium and entrance to the building fronting Oxford and Franklin Streets, shall maintain an active and interactive relationship with these streets;*
- (c) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site; and*
- (d) *removal of the provision for bus parking from the lower ground floor;*

(ii) **Public Art**

*The owner(s), or the applicant on behalf of the owner(s), shall comply with the Town's Policy No. 3.5.13 relating to Percent for Public Art and the Percent for Public Art Guidelines for Developers, including:*

- (a) *within twenty – eight (28) days of the issue date of this 'Approval to Commence Development', elect to either obtain approval from the Town for an Artist to undertake a Public Art Project (Option 1) or pay the Cash-in-Lieu Percent for Public Art Contribution, of \$50,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$ 5,000,000); and*

(b) *in conjunction with the above chosen option;*

(1) *Option 1 –  
prior to the approval and subsequent issue of a Building Licence for  
the development, obtain approval for the Public Art Project and  
associated Artist; and*

*prior to the first occupation of the development, install the approved  
public art project, and thereafter maintain the art work; OR*

(2) *Option 2 –  
prior to the approval and subsequent issue of a Building Licence for  
the development or prior to the due date specified in the invoice  
issued by the Town for the payment (whichever occurs first), pay the  
above cash-in-lieu contribution amount;*

(iii) **Trees**

*No street verge tree(s) shall be removed. The street verge tree(s) shall be retained  
and protected from any damage including unauthorised pruning in accordance  
with the Town of Vincent Town Planning Scheme No. 1; and*

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

(a) **Construction Management Plan**

*A Construction Management Plan, detailing how the construction of the  
development will be managed to minimise the impact on the surrounding  
area, shall be submitted to and approved by the Town, addressing the  
following issues:*

- (1) *public safety, amenity and site security;*
- (2) *contact details of essential site personnel;*
- (3) *construction operating hours;*
- (4) *noise control and vibration management;*
- (5) *Dilapidation Reports of nearby properties;*
- (6) *air and dust management;*
- (7) *stormwater and sediment control;*
- (8) *soil excavation method (if applicable);*
- (9) *waste management and materials re-use;*
- (10) *traffic and access management;*
- (11) *parking arrangements for contractors and subcontractors;*
- (12) *Consultation Plan with nearby properties; and*
- (13) *any other matters deemed appropriate by the Town;*

(b) **Acoustic Report**

*An Acoustic Report in accordance with the Town's Policy No. 3.5.21  
relating to Sound Attenuation shall be prepared and submitted to the Town  
for approval. 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. The applicant/owners shall submit a further report from an  
Acoustic Consultant six (6) months from first occupation of the  
development certifying that the development is continuing to comply with  
the measures of the subject Acoustic Report;*

(c) **Refuse and Recycling Management Plan**

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

(d) **Security Bond**

*A Road/Verge security bond or bank guarantee of \$5,000 payable by the Builder shall be lodged with the Town prior to the issue of a Building Licence and be held until all building/development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired/reinstated to the satisfaction of the Town's Technical Services. An application for the refund of the security bond or bank guarantee must be made in writing. This bond is non-transferable;*

(e) **Underground Power**

*In keeping with the Town's Policy No. 2.2.2 relating to Undergrounding of Power, the power lines along the Oxford Street frontage of the development shall be undergrounded at the Developer's full cost. The Developer is required to liaise with both the Town and Western Power to comply with their respective requirements, prior to the issue of the Building Licence; and*

(f) **Amalgamation**

*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).*

<b>Landowner:</b>	Roman Catholic Archbishop of Perth
<b>Applicant:</b>	Franco Carozzi Architects Pty Ltd
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R60
<b>Existing Land Use:</b>	Educational Establishment
<b>Use Class:</b>	Educational Establishment
<b>Use Classification:</b>	"AA"
<b>Lot Area:</b>	1701 square metres
<b>Access to Right of Way</b>	Eastern side, 5 metres wide, sealed

**PURPOSE OF REPORT:**

The proposal requires referral to the Council for determination as the applicant is proposing a discretionary use (Educational Establishment) and also involves the demolition of Foley House.

**BACKGROUND:**

- 13 November 1995      The Council at its Ordinary Meeting granted conditional approval for the proposed garage for school buses.
- 26 February 1996      The Council at its Ordinary Meeting deferred the proposed application for a change of use to educational classes (drama).
- 25 March 1996          The Council at its Ordinary Meeting approved by an absolute majority the proposed change of use to educational classes (drama) as the proposed use will be consistent with surrounding buildings occupied by the Aranmore College.
- 24 June 1996            The Town of Vincent at its Ordinary Meeting granted conditional approval for changes to the design of a garage for three school buses.
- 18 March 2011          Western Australian Planning Commission has forwarded to the Town a copy of an Amalgamation application proposed for No. 336 Oxford Street, Leederville.
- 19 April 2011           An Agenda Report was withdrawn at the Council's Ordinary Meeting, at the request of the Chief Executive Officer, for proposed demolition of Foley House and Gymnasium Addition to Existing Education Establishment.

**DETAILS:**

The proposal involves the demolition of an existing building, Foley House, and the construction of a purpose built gymnasium including new teaching spaces. The gymnasium will not be hired out to the public.

The applicant has provided the following justification:

*"I confirm that there will be no increase in the number of students and staff as a result of the provision of services in the new gymnasium building. No additional parking would therefore be required. The demolished toilet facilities will be replaced and supplemented in the proposed new building.*

*The building has been setback from the south boundary by 5 metres and the height has been restricted to provide not more than 50% overshadowing of the neighbouring property at noon in midwinter. We have shown the overshadowing effect on the site plan.*

*All natural ground levels have been shown on the plans and elevations and as have building heights above natural ground level.*

*The only encroachment beyond any boundary is the main roof which overhangs the Oxford Street boundary by 500mm at a height of 12.2 metres above footpath level.*

*As a result of the steep gradient of Franklin Street, a lower ground floor is provided under the gymnasium floor fronting onto Oxford Street. This provides a human scale to the building from Oxford Street and allows public interaction at street level. We have provided a decorative screen to this façade, which will screen the western sun and add visual interest to the building. This screen will form part of the 1% artwork requirement. We have also reduced the visual impact of the north and east elevations by the incorporation of a fragmented façade treatment.*

*The main wall of the building is setback from the Oxford Street boundary by 1.3 metres and the decorative screen is setback 400mm. A precedent has been set in Oxford Street as there are many buildings with nil or reduced setbacks. For example, there is a substantial 3 storey building on the corner of Oxford and Salisbury Street which has nil setbacks and a street awning. The existing hall on the north east corner of Franklin and Oxford Street has a nil setback and a street awning, as had the Oxford Hotel on the corner of Anzac Road. Photographs of these and other buildings with nil setbacks, in the vicinity are attached.*

*We confirm that there will be disabled access to each level of the new building. A lift is provided between the ground and first floors. Information regarding the number of students, classrooms, teachers and toilets is attached.*

*The process of amalgamating the sites has begun and surveyors Berryman and Ptolomey have been engaged to carry out this work.”*

In regards to the encroachment beyond the Oxford Street boundary, amended plans received on 4 April 2011 result in no encroachments now being proposed, as required.

**COMPLIANCE:**

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
<b>Non-Compliant Requirement:</b>	“P” Permitted	Educational Establishment - ‘AA’
<i><b>Officer Comments:</b></i>		
Supported – Despite its residential zoning, the site has a longstanding history of being used as an educational establishment for Aranmore College.		
<b>Leederville Precinct – Aranmore College:</b>	Any new buildings on the site should be of a height and scale compatible with the majority of adjacent development and the surrounding residential area.  Well setback from street boundaries and surrounded by landscaped gardens.  Provision of adequate set down areas and car parking on-site will be required to minimise and adverse impact on adjacent residential development.	New gymnasium with a maximum height of 13.8 metres above natural ground level.  The amended plans detail the main wall of the building has been amended to be setback from the Oxford Street boundary by 1.745 metres, with the decorative screen, setback 1.145 metres.  No additional car parking or set down areas have been provided.
<i><b>Officer Comments:</b></i>		
Supported – The height and scale of the proposed gymnasium, as well as the proposed setbacks to Oxford and Franklin Streets, is consistent with the development that is existing along Oxford Street. With height and scale of the gymnasium, the proposed maximum height of the gymnasium of 13.8 metres, is equivalent to a three storey high development.		

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
<p>Within close proximity to the subject site at No. 356 Oxford Street, on the corner of Salisbury Street, is a three-storey mixed use development, which was approved by the Council on 4 December 2007. This development has nil setbacks to Oxford and Salisbury Streets, therefore, the proposed nil setback to Franklin Street and 1.745 metre setback to Oxford Street of the proposed gymnasium, are compatible with existing similar types of development.</p> <p>While in terms of car parking, given the proposed gymnasium is ancillary to Aranmore College, no additional car parking is required to be provided.</p>		

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

<b>Consultation Submissions</b>		
<b>Item</b>	<b>Comments Received</b>	<b>Officer Comments</b>
Support (3)	Still waiting for a courtesy reply in regards to my suggestion of implementing 2 or 3 hour parking for Mount Hawthorn area.	Noted. While this is not an issue relevant to the subject application, these comments have been passed on to the relevant Officers within the Town of Vincent.
Objection (1)	<p>The proposed building is utterly incompatible, in height, scale and design with the streetscape and surrounding residential area. There has been no attempt by the developer and/or architect to blend the large construction into the existing area.</p> <p>Its cladding includes light reflecting aluminium which will be hazardous to drivers and will reflect heat and sun light into surrounding residences.</p> <p>The size of the building will result in prolonged shading to houses on its southern side.</p>	<p>Not Supported – The height and scale of the proposed gymnasium, is consistent with the existing developments along Oxford Street. Within close proximity to the subject site at No. 356 Oxford Street, on the corner of Salisbury Street, is a three-storey mixed use development, which was approved by the Council on 4 December 2007.</p> <p>Not Supported – The cladding does not appear to cause excessive reflection. The application was not required to be referred to Main Roads as Oxford Street is not under Main Roads control.</p> <p>Not Supported – The overshadowing to the southern residential property of No. 332 Oxford Street, Leederville, complies with the R-Codes requirements of not exceeding 50 per cent of the site area of the subject property. The site area of No. 332 Oxford Street is 566 square metres, and the proposed amount of overshadowing area is 283 square metres which is 50 per cent of the site area, as required for adjoining properties coded higher than R40, as No. 332 Oxford Street is coded R60.</p>

<b>Consultation Submissions</b>		
<b>Item</b>	<b>Comments Received</b>	<b>Officer Comments</b>
	<p>There is no setback from the street and there are no landscaped gardens. The roofline intrudes out to the very border on Oxford Street and the building proper extends to the footpath.</p> <p>There is no additional parking provided, and this is a venue which will inevitably be used after school hours. Refer to the current parking problems at the Loftus Centre gymnasium, and that has a purpose built car park.</p>	<p>Not Supported – The development at No. 356 Oxford Street, of a similar bulk and scale to the subject property, has nil setbacks to Oxford and Salisbury Streets. The proposed nil setback to Franklin Street and 1.745 metre setback to Oxford Street of the proposed gymnasium, are compatible with adjacent similar types of development along Oxford Street.</p> <p>While in terms of the roofline, the roof is entirely within the lot boundary of the subject property, therefore compliant with the Council’s requirements.</p> <p>Not Supported – The proposed gymnasium provides a use ancillary to the School. Therefore, there are no perceived undue impacts in terms of increased traffic, demand for car parking, around the proposed gymnasium, as a result of this development as the current car parking provided at Aranmore College is deemed sufficient.</p>
<b>Advertising</b>	Advertising for a period of 14 days was carried out as per the Town’s Policy No. 4.1.5 – relating to Community Consultation.	
<b>Other Implications</b>		
<b>Legal/Policy</b>	TPS 1 and associated Policies.	
<b>Strategic</b>	Nil.	
<b>Sustainability</b>	Nil.	
<b>Financial/Budget</b>	Nil.	

**COMMENTS:**

**Demolition – Heritage Assessment**

The existing dwelling at No. 336 Oxford Street (also known as ‘Foley House’) was constructed in the Inter-war Bungalow style of architecture. It was occupied by various medical practitioners. In recent times, it has been owned by Aranmore Catholic College although continuing to serve as a surgery and health facility.

A full Heritage Assessment was undertaken for No. 336 Oxford Street, Leederville on 13 June 2006 by the Town’s Heritage Services. The Heritage Assessment was undertaken as part of the Municipal Heritage Inventory (MHI) Review conducted in 2006. The Council at its Special Meeting held on 3 April 2007 resolved to not include the subject property on the Town’s Municipal Heritage Inventory.

The full Heritage Assessment indicates that the place has little aesthetic, historic, scientific or social heritage significance. In accordance with the Town's Policy No. 3.6.2 relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the Town’s Municipal Heritage Inventory. As such, the Town’s Heritage Officers have no objection to the demolition of the subject place.

### **Redevelopment – Heritage Council of Western Australia Comments**

The subject property at No. 336 Oxford Street abuts the Aranmore Catholic College Group at Nos. 30-42 Franklin Street and Nos. 338-342 Oxford Street, Leederville, which are both listed on the Town's Municipal Heritage Inventory with a Management Category A – Conservation Essential and the Heritage Council's State Register of Heritage Places. As such, the subject application was referred to the Heritage Council of Western Australia for comment, under Section 11 of The Heritage of Western Australia Act 1990 on 8 March 2011.

In a letter dated 6 April 2011, the Heritage Council advised that it has no objection to the proposed school gymnasium.

### **Car Parking**

Given the proposed gymnasium is a use ancillary to the existing educational establishment of Aranmore College, no further car parking is required.

### **Planning Services**

Given the fact that the gymnasium will not be available for hire to the public (only available to Aranmore College), it is deemed that the proposed gymnasium is an acceptable form of development as it is consistent with the form and scale of development currently existing along Oxford Street, as well as providing a use ancillary to the School. In addition, there are no perceived undue impacts in terms of increased traffic, demand for car parking, around the proposed gymnasium, as a result of this development.

Therefore, it is recommended that the application be approved as per the Officer Recommendation.

**9.1.6 No. 66 (Lot 15; D/P: 2039) Richmond Street, Leederville – Retrospective Front and Side Fence Addition to Existing Single House - State Administrative Tribunal (SAT) Review Matter No. DR 102/2011**

<b>Ward:</b>	South	<b>Date:</b>	28 April 2011
<b>Precinct:</b>	Leederville; P3	<b>File Ref:</b>	PRO4308; 5.2010.610.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report, Development Application and Plans		
<b>Tabled Items:</b>	SAT Orders dated 18 April 2011		
<b>Reporting Officer:</b>	C Harman, Statutory Planning Officer		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report relating to No. 66 (Lot 15; D/P: 2039) Richmond Street, Leederville - Retrospective Front and Side Fence Addition to Existing Single House - State Administrative Tribunal (SAT) Review Matter No. DR 102/2011; and*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES, as part of the State Administrative Tribunal Review Matter No. DR 102/2011, the application submitted by L Jones for Retrospective Front and Side Fence Addition to Existing Single House at No. 66 (Lot 15, D/P: 2039) Richmond Street, Leederville, and as shown on plans stamp-dated 26 November 2010, subject to the following condition:*
  - (a) *the remaining uncompleted portions of the front fence facing Richmond Street is to be constructed in accordance with the Town's Policy provisions relating to Street Walls and Fences.*

**COUNCIL DECISION ITEM 9.1.6**

**Moved Cr Farrell, Seconded Cr Buckels**

*That the recommendation be adopted.*

Debate ensued.

**MOTION PUT AND CARRIED (5-3)**

**For:** Mayor Catania, Cr Buckels, Cr Burns, Cr Farrell, Cr Topelberg

**Against:** Cr Lake, Cr McGrath, Cr Maier

**(Cr Harvey was absent from the Chamber and did not vote.)**

<b>Landowner:</b>	L Jones
<b>Applicant:</b>	L Jones
<b>Zoning:</b>	Metropolitan Region Scheme: (MRS): Urban Town Planning Scheme No. 1 (TPS 1): Residential R40
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	493 square metres
<b>Access to Right of Way</b>	Not Applicable

**PURPOSE OF REPORT:**

To comply with the requirements of the Town's Policy/Procedure for the State Administrative Tribunal (SAT).

Section 31 of the State Administrative Tribunal Act 2004 states as follows:

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

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

Under Section 31 of the SAT Act 2004, the Town has been invited to determine the revised application; that is, to (a) affirm the decision; (b) vary the decision; or (c) set aside the decision and substitute its new decision. At the time of preparing this agenda report, the official Orders had not yet been received by the Town.

**BACKGROUND:**

**23 May 2008**

The Town, under delegated authority, approved an application for Partial Demolition of, and Alterations and Additions to Existing Single House with the following condition:

- "(ii) any new street/front wall, fence and gate within the Richmond Street setback area, including along the side boundaries within this street setback area, shall comply with the following:*
- (a) the maximum height being 1.8 metres above the adjacent footpath level;*
  - (b) the maximum height of piers with decorative capping being 2 metres above the adjacent footpath level;*
  - (c) the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
  - (d) piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
  - (e) the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
  - (f) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level..."*

- 27 November 2009 An inspection by the Town's Officers revealed that a new front fence had been constructed at the subject site which was partially solid along the front boundary and completely solid to 1.8 metres along the eastern side boundary. The applicant was required to either modify the fence to comply or submit a retrospective planning application.
- 2 March 2010 The applicant had a meeting on-site with the Coordinator Statutory Planning and Manager Planning, Building and Heritage Services to discuss the matter. The applicant was further advised that unless the fence was fully compliant, she would need to submit a retrospective planning application would be required.
- March 2010 – The applicant had the fence surveyed to determine whether the fence was completely within their boundary or if it was centred on the boundary between Nos. 66 and 64 Richmond Street. It was determined that the fence was in fact centred on the boundary, and the applicant submitted to the Town written consent from the owner of No. 64 Richmond Street to have the fence centred on the boundary.
- November 2010
- 26 November 2010 The applicant submitted an application for retrospective planning approval, which was refused under delegated Authority on 2 February 2011.
- 13 March 2011 The applicant appealed the Town's decision to the State Administrative Tribunal, and a Directions Hearing was held on 24 March 2011.
- 18 April 2011 Mediation was held on-site by the SAT, where the SAT has ordered the Town to reconsider its decision on or before 10 May 2011 pursuant to s31 (1) of the *State Administrative Tribunal Act 2004* (WA). However, the SAT also ordered that if a positive recommendation would not be made to Council, the matter was not to proceed to the Council meeting, and that the s31 Order is then rescinded. The Town is also to advise the applicant and the Tribunal of the above, and the parties are to seek an earlier mediation date.

#### **DETAILS:**

The proposal involves an unauthorised front and side fence within the front setback area which was constructed contrary to the planning approval dated 23 May 2008. The fence is partially solid along the front boundary and completely solid along the eastern boundary, within the front setback area.

In justifying the constructed fence, the applicant has stated that the subject site is directly adjacent the Loftus Centre and as such, is subject to light and noise pollution from car headlights and people congregating in the adjacent car park after sporting events. The applicant has also submitted to the Town written consent from the adjoining landowner stating no objection to the fence.

The majority of the fence along the front boundary is open and the applicant intends to install wrought iron in-fill panels, which are to be in keeping with the character of the house and the adjacent house which is on the Town's Municipal Heritage Inventory.

Furthermore, at the mediation, the SAT Member referred to a recent SAT decision involving an over-height, solid front fence, which was partially covered by vegetation and refused by the Town of East Fremantle (Christie and Town of East Fremantle [2010] WASAT 160). In making a final ruling on the matter, the SAT President determined that landscaping adjacent to the common boundary between the properties could have the same impact as the fence in question, and therefore the fence was allowed to remain.

**COMPLIANCE:**

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
<b>Street Walls and Fences.</b>	Solid to 1.2 metres high and 50% visually permeable above to 1.8 metres within the front setback including along the side boundaries.	Fence is partially solid to 1.8 metres along the front boundary and completely solid along the eastern side boundary, within the front setback.
<i>Officer Comments:</i>		
Supported – The Town’s Officers, in this instance, are supportive of the fence constructed at No. 66 Richmond Street as there is vegetation growing on both sides of the solid portion of fence, and there are also other examples of solid side and front fencing in the immediate area.		

<b>Consultation Submissions</b>	
<b>Advertising</b>	Advertising was not carried out as part of the retrospective application as the recommendation was for refusal. The applicant did, however, submit letters of consent from adjoining landowners with the retrospective application.

<b>Other Implications</b>	
<b>Legal/Policy</b>	TPS 1 and associated Policies, Residential Design Codes (R Codes), Planning and Development Act 2005, State Administrative Tribunal Act 2004 and the Town’s Policy No. 4.1.23 – State Administrative Tribunal.
<b>Strategic</b>	The Town’s <i>Strategic Plan 2011-2016</i> states:  “1. <i>Natural and Built Environment</i> 1.1 <i>Improve and maintain the natural and built environment and infrastructure</i> 1.1.2 <i>Enhance and maintain the character and heritage of the Town.</i> ”
<b>Sustainability</b>	Nil.
<b>Financial/Budget</b>	Nil.

**COMMENTS:**

**Heritage:**

The heritage listed place at No. 64 Richmond Street is housed at a corner site between Richmond and Fleet Streets, which provides a relatively high visibility for public to view the heritage place from both of the streets. It is therefore considered that whilst the western perspective to the heritage listed place is interrupted by the impermeable dividing fence, the existing vistas to the principal façade of No. 64 Richmond Street in terms of southern and eastern perspectives from Richmond and Fleet Streets respectively, are maintained and unchanged.

In addition to this, it is considered that the existing extensive vegetation growing over the dividing fence at No. 64 Richmond Street has softened the impact of the solid fence.

In light of the above, the Heritage Officers have no objection to the subject application and no additional conditions relating to heritage management is required.

It is considered that the front and side fence will not have an undue impact on the amenity of the area or the streetscape and in light of the above, it is recommended that the Council approve the application.

**9.1.8 City of Perth – Hamilton Precinct Draft Urban Design Study**

<b>Ward:</b>	N/A	<b>Date:</b>	28 April 2011
<b>Precinct:</b>	Hamilton (P11) City of Perth	<b>File Ref:</b>	ORG0016
<b>Attachments:</b>	<a href="#">001</a> – Submission Comments		
<b>Tabled Items:</b>	Hamilton Precinct Draft Urban Design Study		
<b>Reporting Officer:</b>	R Marie, Planning Officer (Strategic)		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **SUPPORTS IN PRINCIPLE** the Draft Urban Design Study for the Hamilton Precinct, subject to the comments detailed in the Town’s submission as shown in Appendix 9.1.8; and
- (ii) **AUTHORISES** the Chief Executive Officer to advise the City of Perth of the Council’s decision and recommend that an inter-governmental working group be established comprising the City of Perth, the Town of Vincent, the Town of Cambridge and the Department of Planning to assist in the management and implementation of the various planning related studies being undertaken in the vicinity of the Hamilton Precinct, in particular; the Town of Vincent’s Leederville Masterplan and West Perth Regeneration Plan, the Town of Cambridge’s West Leederville Planning and Urban Design Study and the joint Town of Vincent and Town of Cambridge Leederville Station Link Feasibility and Design Study.

**Moved Cr McGrath, Seconded Cr Buckels**

*That the recommendation, together with the following change, be adopted:*

*That a new clause (iii) be inserted as follows:*

- “(iii) **SUPPORTS** the improvement of water quality and habitat value of the lakes within the Hamilton Freeway interchange as detailed in the Hamilton Precinct Draft Urban Design Study and **RECOMMENDS** that the City of Perth investigate rehabilitation works and landscaping around the lake in the Hamilton Precinct to increase the value of this open space and its environmental benefits.”

Cr Harvey returned to the Chamber at 10.19pm.

Debate ensued.

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

**COUNCIL DECISION ITEM 9.1.8**

*That the Council;*

- (i) **SUPPORTS IN PRINCIPLE** the Draft Urban Design Study for the Hamilton Precinct, subject to the comments detailed in the Town’s submission as shown in Appendix 9.1.8;

- (ii) *AUTHORISES the Chief Executive Officer to advise the City of Perth of the Council's decision and recommend that an inter-governmental working group be established comprising the City of Perth, the Town of Vincent, the Town of Cambridge and the Department of Planning to assist in the management and implementation of the various planning related studies being undertaken in the vicinity of the Hamilton Precinct, in particular; the Town of Vincent's Leederville Masterplan and West Perth Regeneration Plan, the Town of Cambridge's West Leederville Planning and Urban Design Study and the joint Town of Vincent and Town of Cambridge Leederville Station Link Feasibility and Design Study; and*
- (iii) *SUPPORTS the improvement of water quality and habitat value of the lakes within the Hamilton Freeway interchange as detailed in the Hamilton Precinct Draft Urban Design Study and RECOMMENDS that the City of Perth investigate rehabilitation works and landscaping around the lake in the Hamilton Precinct to increase the value of this open space and its environmental benefits.*

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#### **PURPOSE OF REPORT:**

The purpose of this report is to provide the Council with an overview of the City of Perth's Hamilton Precinct Draft Urban Design Study and to endorse the Town's comments to be forwarded to the City of Perth.

#### **BACKGROUND:**

31 March 2011 The Town received a letter dated 31 March 2011 from the City of Perth, requesting comments on the Hamilton Precinct Draft Urban Design Study.

#### **DETAILS:**

The City of Perth has engaged Mackay Urban Design to prepare a detailed Urban Design Study for the Hamilton Precinct, bounded by Loftus Street, Railway Street, Sutherland Street and the Mitchell Freeway, West Perth. The study provides the following;

- A contextual analysis;
- Site analysis;
- A vision for the area and key objectives;
- Urban design principles;
- The opportunities and constraints; and
- Three (3) design options for the precinct, which include a built form analysis for each.

The Study states the following in relation to the existing character and the vision for the area:

*'Currently, the area is a utilitarian and uninspiring fringe area of the city centre - a motley collection of former industrial buildings, vacant sites and a suburban shopping complex with a sea of car parking, all crammed in between a tangle of road and rail infrastructure.*

*The vision is for this area to be reinvented as a piece of real city; an oasis of urbanity, that provides a stepping stone between the city and the increasingly important hot-spots of Leederville, West Leederville, West Perth and Subiaco.*

*The vision is of a place where people live, play, and work; composed of recognisably urban buildings of a comfortable urban scale that define streets and other public spaces. The edges of the streets provide commercial opportunities to engage people as they walk through the precinct.'*

The document currently provides a more conceptual proposal for the area and outlines the vision and development framework principles. At this point in time, specific development requirements have not been provided, however three (3) design options, of varying scales, have been proposed.

The Town's Officers have reviewed the Urban Design Study and have provided some comments as outlined in Appendix 9.1.8.

**CONSULTATION/ADVERTISING:**

The City of Perth is advertising the Hamilton Precinct Draft Urban Design Study for public comment, closing on 2 May 2011. It is noted that the City of Perth has granted an extension to the comment period to the Town, due to the timing of the Town's Council Meeting cycle.

**LEGAL/POLICY:**

Leederville Town Centre Masterplan and Built Form Guidelines and Draft West Perth Regeneration Masterplan.

**RISK MANAGEMENT IMPLICATIONS:**

Not Applicable.

**STRATEGIC IMPLICATIONS:**

The Town's *Strategic Plan 2011-2016* states:

*"2.1 Progress economic development with adequate financial resources  
2.1.2 Develop and promote partnerships and alliances with key stakeholders."*

**SUSTAINABILITY IMPLICATIONS:**

The City of Perth's Draft Urban Design Study aims to promote Transit Oriented Development which is considered to be a sustainable form of development, particularly in the inner city.

**FINANCIAL/BUDGET IMPLICATIONS:**

Not Applicable.

**COMMENTS:**

In July 2007, due to the boundary changes, the Town acquired land bounded by Loftus Street, Newcastle Street, Charles Street and the Graham Farmer Freeway, West Perth, from the City of Perth, which formed part of the Hamilton Precinct. Similar to the City of Perth's portion of the Hamilton Precinct, the area is relatively isolated due to the barriers created by the freeway, local roads and the railway lines. The area has the potential; however, for redevelopment, albeit a number of existing uses provide key services and facilities to the inner city including the licensing centre, SciTech and other light industrial and showroom uses. The regional impact of the removal of these uses needs to be considered in planning the re-development of this area, and the necessary mechanisms should be provided to address this.

Whilst the contextual analysis provides a good overview of the existing land uses and movement in the area, the design study provides little rationale or context for the proposed design for the area. A number of questions still need to be addressed such as:

- is there a need for higher density and office space?;
- where is the rationale for the heights proposed?; and
- how have the regional implications been taken into consideration?

It is also noted that development of the City of Perth's Hamilton Precinct proposes improved linkages to the Leederville Town Centre, by improving the urban structure in terms of pedestrian, cycle and vehicle connectivity. This may also include improved access to the Town's portion of the Hamilton Precinct. The improved access and proposed development of City West may provide further impetus in the future to develop the Town's portion of the Hamilton Precinct, as the area becomes more of a mixed use centre.

In light of the information provided above and the comments outlined in the Town's submissions as shown in Appendix 9.1.8 it is recommended that the Council adopt the Officer Recommendation to support in principle the City of Perth's Hamilton Precinct Draft Urban Design Study, subject to the comments provided. It is also recommended that the Council consider the establishment of an inter-governmental working group comprising the City of Perth, Town of Vincent, Town of Cambridge and Department of Planning to assist in the management and implementation of the related planning studies being undertaken within the vicinity of the Hamilton Precinct.

**9.3.1 Mount Hawthorn Primary School Fair – Family Festival – Contribution**

<b>Ward:</b>	North	<b>Date:</b>	27 April 2011
<b>Precinct:</b>	Mt Hawthorn	<b>File Ref:</b>	FIN0008
<b>Attachments:</b>	Nil		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	M Rootsey, Director Corporate Services		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

*That the Council APPROVES of a \$1,095 contribution to Mount Hawthorn Primary School for the 2011 Mount Hawthorn Primary School Fair Family Festival.*

**COUNCIL DECISION ITEM 9.3.1**

**Moved Cr Farrell, Seconded Cr Buckels**

*That the recommendation be adopted.*

**Debate ensued.**

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

**PURPOSE OF REPORT:**

To seek approval for the request from the Mount Hawthorn School for a contribution to the Mount Hawthorn Primary School Fair – Family Festival.

**BACKGROUND:**

The Mount Hawthorn Primary School Fair – Family Festival will take place on the grounds of Mount Hawthorn Primary School Campus on Saturday 12 November 2011 and will run from 1.00pm to 7.00pm, allowing for broad community participation.

The Mount Hawthorn Primary School Parents and Citizens (P & C) Association Inc. is hosting this Family Festival, the event is held on a biennial basis. This major event provides a unique opportunity for many of the parents to unite, for the local businesses to be involved and for the broader community to come together and celebrate life in our community.

The Family Festival is an opportunity to bring the school and wider community together to celebrate our diversity and the wonderful resources available.

The boarder community is very supportive of this event, and the ones held in 2005, 2007 and 2009 have proven to be very successful.

**DETAILS:**

In a letter addressed to the Town's Mayor Catania, the Fair Co-ordinator dated 1 April 2011 advised the following:

*"The last fair, in 2009, successfully raised over \$36,000. These funds contributed towards the school to support curriculum programs, putting up the shade sails over the junior primary playground, upgrading the fort playground, installing notice boards and purchasing benches for around the grounds.*

*As a valued sponsor of our Fair in previous years, you will know the Fair is a significant and important event attended by thousands of people across the Town of Vincent and the wider Perth community. It is a great opportunity to showcase the Town and what it has to offer. The 2009 Fair was a great success due to support in many different ways by the generosity of businesses in our local community.*

*The 2011 Fair will have an exciting Family Festival theme due to its new time frame. We will be providing day time entertainment, rides, a live art auction, face painting, a variety of stalls, games, balloons, food, dinner time entertainment and a lot more to make our Fair a successful family festival.*

*We shall be delighted if the Town of Vincent would consider providing sponsorship to help support this event. We look to the Town of Vincent for financial support in the amount of \$6,000, primarily to be used towards logistic costs (budget attached). Your sponsorship is valued and would be well advertised within the community. For example, on the school fair website, in school newsletter, banners, signage and local paper advertising.*

*We are very proud to live in a caring and diverse community and welcome the opportunity to instil these values in our children through such a festival.”*

**Mount Hawthorn Primary School Fair  
Family Festival – Saturday 12 November 2011**

<b>BUDGET:</b>	
<u>Income:</u>	
Town of Vincent	\$6,000
Mt Hawthorn P&C	\$5,000
<b>TOTAL:</b>	<b><u>\$11,000</u></b>
<u>Expenses:</u>	
Festival Co-ordinator	\$5,000
Marquee and stage, tables & chairs	\$1,796
PA, mixer and lighting	\$2,000
MC	\$191
First Aid	\$400
Security (2 guards)	\$562
Lighting (2 areas)	\$300
Town of Vincent Event Bins	\$350
Mobile coolroom	\$291
Coolroom for ice	\$110
<b>TOTAL:</b>	<b><u>\$11,000</u></b>

The Town has been requested to contribute to the following:

Marquee and Stage, Tables & Chairs	\$1,796
PA, mixer, lighting	\$2,000
MC	\$191
First Aid	\$400
Security (2 guards)	\$562
Lighting (2 areas)	\$300
Event Bins	\$350
Mobile coolroom	\$291
Coolroom for ice	\$110
	<b><u>\$6,000</u></b>

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

At the Ordinary Meeting of Council held on 26 October 2010 the Council amended Policy No. 1.1.5 (Donations, Sponsorship and Waiving of Fees and Charges) to insert:

*“School events will be funded to a maximum of \$1,095\* in aggregate in sponsorship funding within a financial year and will be assessed under the Cultural Development Seeding Grants Programme”.*

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** This event has a successful track record and is well organised with strong support from both the school and the broader community. The only risk is the elements but the time of year this event is being held should ensure minimal impact.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2011 – 2016, Key Result Area Three; Community Development and Wellbeing:

*“3.1 Enhance and promote Community Development and Wellbeing:*

*3.1.1 Celebrate knowledge and promote the Town’s cultural and social diversity.”*

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

An allocation has been listed for consideration in the Governance Programme of the 2011/2012 Draft Budget for Donations. In addition \$5,000 for Seeding Grants is included in the Donation allocation of the Education of Welfare Programme.

**COMMENTS:**

The Mount Hawthorn Primary School Fair – Family Festival is a significant event for the broader school community which attracts a large response from the Community as seen from the success of the previous ones held in 2005, 2007 and 2009.

Whilst the amount of \$6,000 from the Town could be supported with the equal contribution from the Schools contribution, the Town’s Policy No. 1.1.5 – Donations, Sponsorships and Waiving of Fees and Charges restricts the amount to \$1,095 in aggregate in any one financial year. It is therefore recommended that given the significance of this event in the Community, and that it is a biennial event, an amount of \$1,095 be approved.

**9.4.5 Delegations for the Period 1 January 2011 to 31 March 2011**

<b>Ward:</b>	Both	<b>Date:</b>	12 April 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	ADM0018
<b>Attachments:</b>	<a href="#">001</a> – Delegation Reports		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	J MacLean, Manager Ranger and Community Safety Services P Morrice, Acting Co-ordinator Statutory Processes		
<b>Checked/Endorsed by:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *ENDORSES the delegations for the period 1 January 2011 to 31 March 2011 as shown at Appendix 9.4.5; and*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to write-off infringement notices/costs to the value of \$26,380 for the reasons as detailed below:*

<u>Description</u>	<u>Amount</u>
<i>Breakdown/Stolen (Proof Produced)</i>	<i>\$535</i>
<i>Details Unknown/Vehicle Mismatched</i>	<i>\$170</i>
<i>Equipment Faulty (Confirmed by Technicians)</i>	<i>\$1,185</i>
<i>Failure to Display Resident or Visitor Permit</i>	<i>\$12,130</i>
<i>Interstate or Overseas Driver</i>	<i>\$85</i>
<i>Ranger/Clerical Error</i>	<i>\$5,075</i>
<i>Signage Incorrect or Insufficient</i>	<i>\$1,915</i>
<i>Ticket Purchased but not Displayed (Valid Ticket Produced)</i>	<i>\$1,140</i>
<i>Other (Financial Hardship, Disability, Police On-duty, Etc)</i>	<i>\$3,975</i>
<i>Penalties Modified</i>	<i>\$0</i>
<i>Litter Act</i>	<i>\$0</i>
<i>Dog Act</i>	<i>\$100</i>
<i>Health Act</i>	<i>\$0</i>
<i>Pound Fees Modified</i>	<i>\$240</i>
<b>TOTAL</b>	<b>\$26,380</b>

**COUNCIL DECISION ITEM 9.4.5**

**Moved Cr Farrell, Seconded Cr McGrath**

*That the recommendation be adopted.*

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

**PURPOSE OF REPORT:**

The purpose of this report is to provide a quarterly progress report of the delegations exercised by the Town's Administration for the period 1 January 2011 to 31 March 2011 and to obtain the Council's approval to write-off infringement notices.

**BACKGROUND:**

The Local Government Act 1995, at Section 5.42, allows for a Council to delegate to the Chief Executive Officer its powers and functions.

The purpose of delegating authority to the Chief Executive Officer is to provide for the efficient and orderly administration of the day to day functions of the Local Government. The Chief Executive Officer, Directors and specific Managers exercise the delegated authority in accordance with the Council's policies.

**DETAILS:**

The area which results in most Infringement Notices being withdrawn for this quarter is that of where a resident or visitor was not displaying the necessary permits. While the offence is 'Failure to Display a Valid Permit', it is not considered appropriate to penalise residents and their visitors, since the primary purpose of introducing Residential Parking Zones is to provide respite to them.

The next most prevalent withdrawal class is that of 'Ranger/Clerical Error'; however, it should be noted that in most cases the infringement notices were reissued to the offending vehicle, on the spot, when the error was identified. It should also be noted that the Town has engaged a number of new Temporary Rangers, in the past few months.

**ADVERTISING/CONSULTATION:**

Not applicable.

**LEGAL/POLICY:**

Section 5.42 of the Local Government Act 1995 gives power to a Council to delegate to the Chief Executive Officer the exercise of its powers and functions; prescribes those functions and powers which cannot be delegated; allows for a Chief Executive Officer to further delegate to an employee of the Town; and states that the Chief Executive Officer is to keep a register of delegations. The delegations are to be reviewed at least once each financial year by the Council and the person exercising a delegated power is to keep appropriate records.

It is considered appropriate to report to the Council on a quarterly basis on the delegations utilised by the Town's Administration. A copy of these for the quarter is shown at Appendix 9.4.5.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** It is a statutory requirement to report matters approved under Delegated Authority to the Council.

**STRATEGIC IMPLICATIONS:**

The above is in accordance with Strategic Objective 4.1.2(a) of the Town of Vincent Strategic Community Plan 2011-2021: "Continue to adopt best practise to ensure the financial resources and assets of the Town are responsibly managed and the quality of services, performance procedures and processes is improved and enhanced"

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

The Council's Auditors recommend that infringement notices be reported to the Council for a decision to write-off the value of the infringement notice. In these cases, it is the opinion of the Co-ordinator Ranger Services and/or the Parking Appeals Review Panel that infringement notices cannot be legally pursued to recover the money or it is uneconomical to take action as this will exceed the value of the infringement notice.

The details of the Infringement Notices are as follows:

<u>Description</u>	<u>Amount</u>
Breakdown/Stolen (Proof Produced)	\$535.00
Details Unknown/Vehicle Mismatched	\$170
Equipment Faulty (Confirmed by Technicians)	\$1,185
Failure to Display Resident or Visitor Permit	\$12,130
Interstate or Overseas Driver	\$85
Ranger/Clerical Error	\$5,075
Signage Incorrect or Insufficient	\$1,915
Ticket Purchased but not Displayed (Valid Ticket Produced)	\$1,140
Other (Financial Hardship, Disability, Police On-duty, Etc)	\$3,975
Penalties Modified	\$0
Litter Act	\$0
Dog Act	\$100
Health Act	\$0
Pound Fees Modified	\$240
<b>TOTAL</b>	<b>\$26,380</b>

**COMMENTS:**

It is recommended that the delegations be endorsed by the Council and the write-off of Infringement Notices be approved.

**9.4.6 Draft Policy No. 4.1.33 relating to Third Party Mediation - Citizens Advice Bureau**

<b>Ward:</b>	Both	<b>Date:</b>	29 April 2011
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	LEG0066
<b>Attachments:</b>	<a href="#">001</a> – Draft Policy		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	R Marie, Planning Officer (Strategic)		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **APPROVES BY AN ABSOLUTE MAJORITY** the Draft Policy No. 4.1.33 –“Third Party Mediation - Citizens Advice Bureau” as shown in Appendix 9.4.6;
- (ii) **ADVERTISES** the Draft Policy No. 4.1.33 –“Third Party Mediation - Citizens Advice Bureau” for a period of twenty-one days, seeking public comment;
- (iii) *after the expiry of the period of submissions:*
  - (a) **REVIEWS** the Draft Policy No. 4.1.33 –“Third Party Mediation - Citizens Advice Bureau” having regard to any written submissions;
  - (b) **DETERMINES** to proceed with, or not to proceed with, Policy No. 4.1.33 – “Third Party Mediation - Citizens Advice Bureau”, with or without amendment; and
- (iv) **AUTHORISES** the Chief Executive Officer to include the above Draft Policy No. 4.1.33 –“ Third Party Mediation - Citizens Advice Bureau” in the Town’s Policy Manual if no submissions are received from the public;
- (v) **REFERS** a copy of the Draft Policy No. 4.1.33 –“Third Party Mediation - Citizens Advice Bureau” to the Citizens Advice Bureau for their comment;
- (vi) **LISTS** an amount of \$1,000 in the draft 2011/2012 Budget to cover the fees involved with the Citizens Advice Bureau; and
- (vii) **NOTES** that a report concerning the Citizens Advice Bureau will be submitted to the Council prior to consideration of the 2012/2013 Budget.

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**COUNCIL DECISION ITEM 9.4.6**

**Moved Cr Farrell, Seconded Cr Maier**

*That the recommendation be adopted.*

Debate ensued.

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

**PURPOSE OF REPORT:**

The purpose of this report is to inform the Council of services provided by the Citizens Advice Bureau (CAB) and to consider the Draft Policy No. 4.1.33 –“Third Party Mediation - Citizens Advice Bureau”.

**BACKGROUND:**

2 February 2011 The Town’s Executive Management Team considered the services of the Citizens Advice Bureau and endorsed the Town’s Officers to pursue third party mediation.

**DETAILS:**

The Town’s Planning, Building and Heritage Services receives a high volume of requests for intervention of a civil nature largely relating to dividing fences, retaining walls (less than 500mm) and alleged damage to property.

In many cases, the relations between the affected property owners are strained. Instead of the Town being seen as “wiping their hands” of civil matters, it may be considered appropriate, in some instances, to refer the cases for third party mediation, free of charge (to the parties) to the Citizens Advice Bureau.

The CAB provides a Community Mediation service, usually at a cost of \$25 per person for separate interview prior to mediation and \$50 per person for actual mediation, however the local government can subsidise the mediation process.

The Town will not be a party to the mediation process. Mediation is:

1. Informal: There is no legal representation and the mediator will work together with both parties to find an amicable solution;
2. Confidential: The mediation process is confidential from beginning to end, and information divulged cannot be used in any legal proceedings; and
3. Neutral: Mediators do not take sides in any dispute. Their role is to assist people to find solutions to their dispute so that both parties are happy with the final outcome.

The CAB has provided two (2) options for the Town in relation to subsidising fees.

**Option 1**

The CAB have quoted the Town’s Planning, Building and Heritage Services an annual cost of \$1,000 to provide the service, subject to review of actual use. This is a non-refundable fee that the Town would pay to cover the costs of the mediation sessions. It is noted however, that if the Town was to exceed the \$1000 payment, the Town is not required to pay any additional monies.

The cost of a mediation session is a total of \$150 for two (2) parties to attend an initial meeting and two mediation sessions.

The \$1000 paid to the CAB may be utilised by all service areas of the Town as a means of addressing a range issues raised by Town residents.

Should this option be preferred by the Council, it is recommended that the funds be reassessed prior to consideration in the 2012/2013 Budget to determine the uptake of the service.

## **Option 2**

The second option is a 'pay as you go' method, where the Town would be invoiced for any mediation sessions. For the 'pay as you go' option, the mediation will be charged at \$200 per case. This cost includes 2 interviews, 2 mediations and an administration fee. It is noted, there is no cap for a 'pay as you go' method. Should this option be taken up and the Town does receive a number of mediation requests, the services may be more than \$1000 for the year.

Should this option be preferred by the Council, it is recommended that the funds be reassessed prior to consideration in the 2012/2013 Budget to determine the uptake of the service and whether it is more appropriate to pay as you go, or allocate a set amount of funds towards the service.

### **CONSULTATION/ADVERTISING:**

The Town's Community Consultation Policy No. 4.1.5 prescribes that the Policy is to be advertised for 21 days and letters to be provided to local Businesses and Community Groups to advise them.

### **LEGAL/POLICY:**

Town of Vincent Policy Manual.

### **RISK MANAGEMENT IMPLICATIONS:**

Not Applicable.

### **STRATEGIC IMPLICATIONS:**

In keeping with the Town's *Strategic Plan 2011-2016* – Objective 3.1 - "*Enhance and promote community development and wellbeing*" and Objective 4.1 - "*Provide good strategic decision-making, governance, leadership and professional management*".

### **SUSTAINABILITY IMPLICATIONS:**

The CAB provides a service that aims to assist parties who have conflicting views to come to an agreeable outcome/resolution. This is considered to assist in creating better relationships within the community, particularly between neighbours.

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

The 2010/2011 Budget does not allocate any funds towards the CAB; however, as outlined in the Officer Recommendation, it is requested that the matter be listed for the 2011/2012 Budget.

### **COMMENTS:**

Civil matters such as dividing fences are not determined by the Town, however in reviewing the type of complaints the Town currently receives of this nature, it is estimated that approximately 1 matter each month could be referred to the CAB. These matters generally are of a planning and building nature. One (1) referral each month would have cost \$1,800 per year. If the Town were to go with Option 1 and pay the \$1,000 annual fee, additional costs above this amount are not payable.

As a result it is considered that option 1 is more appropriate. The fund could be reviewed after one (1) year to determine whether contributing to the fund is more beneficial than paying as you go.

In light of the above information, it is recommended that the Council adopt the Officer Recommendation to endorse the Draft Policy relating to the CAB, and have consideration for including the matter in the 2011/2012 Budget.

**9.4.7 Amendments to Policy No. 3.9.8 relating to Parking Permits**

<b>Ward:</b>	All	<b>Date:</b>	28 April 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	PLA0084
<b>Attachments:</b>	<a href="#">001</a> – Policy No. 3.9.8 - Parking Permits		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	T Woodhouse, Coordinator Strategic Planning; J MacLean, Manager Ranger and Community Safety Services		
<b>Responsible Officers:</b>	R Boardman, Director Development Services – Enforcement; John Giorgi, Chief Executive Officer – Policy		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **APPROVES BY AN ABSOLUTE MAJORITY to adopt draft amended Policy No. 3.9.8 relating to Parking Permits as shown in Appendix 9.4.7;**
- (ii) **subject to clause (i) above being approved, APPROVES BY AN ABSOLUTE MAJORITY to adopt the following fees:**

<i>Item</i>	<i>Prescribed Fee</i>
<i>Commercial Business Parking Permit for a one (1) year period</i>	<i>\$1,500</i>
<i>Replacement of Residential or Visitor Parking Permit</i>	<i>\$25</i>
<i>Replacement of Commercial Business Parking Permit</i>	<i>\$50</i>

- (iii) **subject to clause (i) above being approved, ADVERTISES the draft amended policy for a period of twenty-one (21) days, seeking public comment;**
- (iv) **after the expiry of the period of submissions:**
  - (a) **REVIEWS the draft amended Policy No. 3.9.8 relating to Parking Permits having regard to any written submissions; and**
  - (b) **DETERMINES to proceed with, or not to proceed with, the draft amended version of Policy No. 3.9.8 relating to Parking Permits;**
- (v) **AUTHORISES the Chief Executive Officer to include the above policy in the Town’s Policy Manual if no submissions are received from the public; and**
- (vi) **REQUESTS the Chief Executive Officer to review Policy No. 3.9.8 relating to Parking Permits prior to 30 June 2012 (or sooner if required).**

**Moved Cr Maier, Seconded Cr Burns**

*That the recommendation, together with the following change, be adopted:*

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

- “(i) **APPROVES BY AN ABSOLUTE MAJORITY to adopt draft amended Policy No. 3.9.8 relating to Parking Permits as shown in Appendix 9.4.7, subject to the Policy being further amended as follows:**

- (a) **New clause 3 Prescribed Fee (c) being added as follows:**

**“3(c) Applicants will be issued with a new permit for free when their current permit expires. A replacement permit applies if a permit is lost or stolen or if vehicle details change prior to the expiry date.”**

- (b) *Clause 4 Residential and Visitor Parking Permits - General (b) (i) be amended to read as follows:*

*“(i) where sufficient parking can be provided on the land;”*

- (c) *Clause 8 Commercial Parking Permits (b) (iv) be amended to read as follows:*

*“(8)(b)(iv) to any commercial business which comes into operation following the adoption of this Policy; to any commercial business which commences operation at the location after parking restrictions were introduced immediately adjacent to that property.”*

Debate ensued.

**AMENDMENT NO 1**

**Moved Cr Burns, Seconded Cr McGrath**

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

- “(ii) subject to clause (i) above being approved, APPROVES BY AN ABSOLUTE MAJORITY to adopt the following fees:*

<i>Item</i>	<i>Prescribed Fee</i>
<i>Commercial Business Parking Permit for a one (1) year period</i>	<i>\$1,500</i>
<i>Replacement of Residential or Visitor Parking Permit</i>	<i><del>\$25</del> \$50</i>
<i>Replacement of Commercial Business Parking Permit</i>	<i>\$50</i>

”

Debate ensued.

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

**For:** Mayor Catania, Cr Burns, Cr McGrath

**Against:** Cr Buckels, Cr Farrell, Cr Harvey, Cr Lake, Cr Maier, Cr Topelberg

Debate ensued.

**AMENDMENT NO 2**

**Moved Cr Topelberg, Seconded Cr Maier**

*That a new clause (i)(d) be inserted as follows:*

- “(i)(d) Clause 9(c) be amended to read as follows:*

*“The Chief Executive Officer may approve the issue of up to two (2) ~~one (1)~~ additional Parking Permit, under such conditions as the Chief Executive Officer considers necessary, including:”*

Debate ensued.

**AMENDMENT NO 2 PUT AND CARRIED UNANIMOUSLY (9-0)**

Debate ensued.

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

**COUNCIL DECISION ITEM 9.4.7**

*That the Council;*

(i) **APPROVES BY AN ABSOLUTE MAJORITY** to adopt draft amended Policy No. 3.9.8 relating to Parking Permits as shown in Appendix 9.4.7, subject to the Policy being further amended as follows:

(a) **New clause 3 Prescribed Fee (c) being added as follows:**

**“3(c) Applicants will be issued with a new permit for free when their current permit expires. A replacement permit applies if a permit is lost or stolen or if vehicle details change prior to the expiry date.”**

(b) **Clause 4 Residential and Visitor Parking Permits - General (b) (i) be amended to read as follows:**

**“(i) where sufficient parking can be provided on the land;”**

(c) **Clause 8 Commercial Parking Permits (b) (iv) be amended to read as follows:**

**“(8)(b)(iv) ~~to any commercial business which comes into operation following the adoption of this Policy; to any commercial business which commences operation at the location after parking restrictions were introduced immediately adjacent to that property.~~”**

(d) **Clause 9(c) be amended to read as follows:**

**“The Chief Executive Officer may approve the issue of up to two (2) ~~one (1)~~ additional Parking Permit, under such conditions as the Chief Executive Officer considers necessary, including:”**

(ii) **subject to clause (i) above being approved, APPROVES BY AN ABSOLUTE MAJORITY** to adopt the following fees:

<b>Item</b>	<b>Prescribed Fee</b>
<b>Commercial Business Parking Permit for a one (1) year period</b>	<b>\$1,500</b>
<b>Replacement of Residential or Visitor Parking Permit</b>	<b>\$25</b>
<b>Replacement of Commercial Business Parking Permit</b>	<b>\$50</b>

(iii) **subject to clause (i) above being approved, ADVERTISES** the draft amended policy for a period of twenty-one (21) days, seeking public comment;

(iv) **after the expiry of the period of submissions:**

(a) **REVIEWS** the draft amended Policy No. 3.9.8 relating to Parking Permits having regard to any written submissions; and

(b) **DETERMINES** to proceed with, or not to proceed with, the draft amended version of Policy No. 3.9.8 relating to Parking Permits;

(v) **AUTHORISES** the Chief Executive Officer to include the above policy in the Town’s Policy Manual if no submissions are received from the public; and

(vi) **REQUESTS** the Chief Executive Officer to review Policy No. 3.9.8 relating to Parking Permits prior to 30 June 2012 (or sooner if required).

**PURPOSE OF REPORT:**

The purpose of this report is to provide additional comment on the Notices of Motion raised by Council Members in relation to Parking Permits listed below, and to seek Council approval to commence the advertising of the draft amended version of the Town's Policy No. 3.9.8 relating to Parking Permits.

1. Notice of Motion from Councillor Topelberg relating to Investigation of Commercial Parking Permits endorsed at the Ordinary Meeting of Council held on 23 November 2010; and
2. Notice of Motion from Councillor Maier relating to the review of the Town's Policy No. 3.9.8 relating to Residential and Visitors Parking Permits endorsed at the Ordinary Meeting of Council held on 7 December 2010.

**BACKGROUND:**

23 November 2010 The Council at its Ordinary Meeting endorsed the Notice of Motion from Councillor Topelberg relating to Investigation of Commercial Parking Permits, as follows:

*'(i) the Chief Executive Officer to investigate the introduction of paid Commercial Parking Permits in the Town. The scope of the investigation shall include, but not be limited to:*

- (a) identifying and establishing commercial parking zones within the 5 Town Centres;*
- (b) potential introduction of paid Commercial Parking Permits within the Town Centres;*
- (c) potential criteria for permit entitlement;*
- (d) potential fee structures;*
- (e) financial implications; and*
- (f) impact on the Town's Car Parking Strategy; and*

*(ii) a report be submitted to the Council no later than March 2011, to ensure it can be considered during the 2011/2012 Budget process.'*

7 December 2010 The Council at its Ordinary Meeting endorsed the Notice of Motion from Councillor Maier requesting the Town's Policy No. 3.9.8 relating to Residential and Visitors Parking Permits, be reviewed to:

*“(i) investigate the feasibility and impact of:*

- (a) extending the period of issue of residential parking permits and visitor's parking permits beyond 12 months;*
- (b) increasing the number of parking permits allowed for Grouped Dwellings so that they are treated the same as single houses;*

- (c) *extending the exempted area beyond the immediate street in which a person resides;*
  - (d) *extending the limit imposed on discretionary authority to issue residential or visitor's parking permits to enable the Chief Executive Officer to issue more than one additional residential or visitor's parking permit in situations like, but not limited to, a family whose children reach the age where they own a car; and*
  - (e) *adopting a mechanism that recognises that some residents take home vehicles from a car pool so that the vehicle may change on a frequent basis; and*
- (ii) *provide a report which identifies changes required to Policy 3.9.8 - Residential and Visitors' Parking Permits and the Town of Vincent Parking and Parking Facilities Local Law 2007 by March 2011."*

14 January 2011      The Town's Officers met with Councillor Maier and Councillor Topelberg to discuss the intent of the above Notices of Motion.

24 March 2011      The Town's Officers further met with Councillor Topelberg to discuss the Town's approach to Commercial Parking Permits and a way forward was agreed.

5 April 2011      The Council at its Ordinary Meeting held on 5 April 2011, considered an item to amend the Town's Policy No. 3.9.8 relating to Parking Permits, in which the matter was deferred for further consideration. At this meeting, the Council also approved that a replacement fee only, would be charged for Residential and Visitor Parking Permits, at a cost of 50% of the original fee, and that a replacement fee for the proposed Commercial Parking Permits, would be at a cost of \$50. By default, there is now no 'original fee' and therefore \$25 has been proposed for a replacement fee.

12 April 2011      Update on the implementation of the Town's Car Parking Strategy was provided at the Council Member Forum by the Town's Strategic Planning Officers. In addition, Larry Schneider from Luxmoore Parking Consultants provided information with respect to the proposal for the Town to introduce Commercial Parking Permits, through amending the Town's existing Policy No. 3.9.8 relating to Residential and Visitor Parking Permits. Further explanation on Parking Benefit Districts was also provided.

**DETAILS:**

**Notice of Motion No. 1 relating to Investigation of Commercial Parking Permits**

The investigation undertaken by the Town's Officers relating to the proposed introduction of commercial parking permits is outlined within the 'Details' section of the report considered at the Ordinary Meeting of Council held on 5 April 2011 regarding this matter. However, following the deferral of this item, further investigation has been undertaken and discussion held at the Council Member Forum on 12 April 2011, which is explored under the headings listed below.

1. Criteria for Commercial Car Parking Permits:

The criteria used in issuing of a Commercial Parking Permit is detailed in clauses (2) (c), (8) and (9) of the draft amended Policy. Further amendments to the draft Policy have been made taking into consideration additional comments received from Council Members, and are detailed in the draft amended Policy attached. It is considered that the criteria proposed, will provide the Town with the necessary administrative guidance to manage the issuing of commercial parking permits in an efficient manner.

2. Prescribed Fees

The prescribed fee for a commercial parking permit has been largely informed by the advice received from Luxmoore Parking Consultant, Larry Schneider. This advice prescribed that, based on the current market rate for leasing an uncovered bay, is approximately \$120 - \$140 per month and \$170 - \$190 per month for leasing a covered bay, a yearly rate of \$1,500 for Commercial Parking Permits was recommended. It was considered that this rate would enable businesses to consider this a viable option.

In addition to this, the consultant advised that replacement fees for residential and commercial permits should be purely to cover administration costs. This is reflected in the Officer Recommendation.

3. Relationship to the Car Parking Strategy and Parking Benefit Districts

On considering the amended version of the Town's Policy No. 3.9.8 relating to Parking Permits, it was the view of Luxmoore Parking Consultant, Larry Schneider, that the concept was in line with the overarching objective of the adopted Car Parking Strategy, in that the proposal aims to make more efficient use of the available car parking within the Town. The following additional points were also made by the consultant, which are worthy of consideration in the implementation of the amended version of the Town's Policy No. 3.9.8 relating to Parking Permits, and the Car Parking Strategy more generally:

- Most Local Governments have reservations with respect to introducing Commercial Permits and therefore, strict criteria must be set and surveys undertaken to inform how many permits should be issued to enable a certain percentage of on-street bays (say, 20-25% per street) to remain available for the general public, in the areas where businesses are applying for permits;
- The revenue raised from ticket machines is recommended to be partially used for infrastructure upgrades to benefit the whole Town. However, if the Town were to introduce Parking Benefit Districts, all revenue raised should be reinvested back into the dedicated 'Benefit District' or specific street;
- Introducing first hour free and 15 minute free car parking bays to appease the business community, is not appropriate, by virtue that people would pay for the convenience of having readily available bays. The City of Leichardt, in NSW, first introduced free bays and is now removing them; and
- Commercial Parking Permits can commence without introducing dedicated Parking Benefit Districts. It is recommended however, that the concept of Parking Benefit Districts is explored further over time, through undertaking surveys, contacting the business proprietors and residents in proposed 'districts' or 'streets' to seek feedback on the initiative. The principle of 'Parking Benefit Districts' are successfully implemented in the US. The 'districts' provide the opportunity to share parking resources between businesses and residents and the revenue raised reinvested back into infrastructure within the designated districts.

## **Notice of Motion No. 2 – Relating to Requirements for Residential and Visitor Parking Permits**

The investigation undertaken by the Town's Officers relating to the proposed amendments to Residential and Visitor Parking Permits is outlined within the 'Details' section of the report considered at the Ordinary Meeting of Council held on 5 April 2011 regarding this matter. However, comments received from Council Members to amend the Policy further, than that tabled as an attachment to the Ordinary Meeting of Council held on 5 April 2011, have been considered and incorporated into the Policy accordingly.

### **CONSULTATION/ADVERTISING:**

The proposed Amendments to the Town's Policy No. 3.9.8 relating to Parking Permits will be advertised for a period of 21 days.

### **LEGAL/POLICY:**

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

### **RISK MANAGEMENT IMPLICATIONS:**

**Medium – High:** The introduction of a fee for parking permits may result in dissatisfaction from Residents, Visitors and Business Proprietors.

### **STRATEGIC IMPLICATIONS:**

In keeping with the Town's *Strategic Plan 2011-2016* – Objective 1.1: *“Improve and Maintain the Environment and Infrastructure:*

- 1.1.2 Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision;*
- 1.1.4 Take action to improve transport and parking in the Town and mitigate the effects of traffic;*
- 1.1.5 Enhance and maintain the Town's infrastructure assets to provide a safe, sustainable and functional environment”.*

Car Parking Strategy 2010 and the Precinct Parking Management Plans 2009:

- *“Implementing an ongoing education campaign on the unsustainability of current parking practices.*
- *Reviewing, and extending ticket parking and making it more convenient to pay.*
- *Encouraging shared parking rather than separately providing parking for each activity or land use.*
- *Improving the security, accessibility and amenity of the existing parking and upgrading the major off-street car parks as examples of best practice.”*

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

Advertising costs associated with the amended Town's Policy No. 3.9.8 relating to Parking Permits.

There are potential costs of implementing the Commercial Parking Permit system, such as costs associated with administration and enforcement, all of which would need to be reflected in the Fees and Charges Schedule in due course.

**COMMENTS:**

The possibility of issuing Commercial Parking Permits to assist local businesses has been investigated as per the Notice of Motion and further considered through engagement of Luxmoore Parking Consultant, Larry Schneider, following the matter being deferred at the Ordinary Meeting of Council held on 5 April 2011.

Additional investigation has also been made to further amend Policy No. 3.9.8 relating to Parking Permits, incorporating changes to the Town's approach to issuing residential and visitor parking permits.

It is therefore recommended that the Council endorse the Officer Recommendation to advertise the draft amended Policy No. 3.9.8 relating to Parking Permits and to re-consider the matter, following the advertising period.

**10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

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

Nil.

**12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES**

Nil.

**13. URGENT BUSINESS**

Nil.

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

Nil.

**15. CLOSURE**

**There being no further business, the Presiding Member, Mayor Nick Catania, declared the meeting closed at 10.40pm with the following persons present:**

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

No members of the Public were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 10 May 2011.

Signed: .....Presiding Member  
Mayor Nick Catania

Dated this ..... day of ..... 2011